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PROCEEDINGS AND DEBATES OF THE 102^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, February 28, 1991*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, O gracious God, for this new day that brings with it the news of the suspension of battle and the further talks toward peace. With earnest hearts we are grateful for the possibility that the nations can move from confrontation to building a society that allows people to live without terror and to fashion their lives in peace.

We remember with appreciation those to whom great responsibility has been given and from whom such dedication has been received. We recall with respect the members of our armed services for their devotion to duty and their steadfastness in battle.

Our hearts and prayers are with the families who have lost those they love and we mourn with them in their loss. May Your blessing, O loving God, that eases the rough places and causes hope even in sadness and light to triumph over darkness, be with them and give them Your peace.

We pray, O God, that each one that heralds this new day, will live in harmony with You and their neighbor, that justice will roll down as waters and righteousness like an everflowing stream. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from New Mexico [Mr. RICHARDSON] will please come forward and lead the House in the Pledge of Allegiance.

Mr. RICHARDSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A LESSON FROM THE WAR

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, amidst all of the thanksgiving over the outcome of the gulf war, a point needs to be emphasized.

In his briefing yesterday, Gen. Norman Schwarzkopf was asked what he thought of the Iraqi Armed Forces.

He replied that one of the most important qualities an armed force can have is to believe in the cause it is fighting for.

The Iraqi Army clearly lacked that belief. But the general's point applies to our Army as well: Morale is all important.

It is, therefore, my hope that we will see an end to the ritualistic denigration of the American military that unfortunately has been prevalent in certain ideological quarters for the last 20 years.

Those who hold this view criticize every use of American force, condemn most force modernizations, and call immoral every American attempt to use American military strength.

Just what do these critics—in and out of Congress—believe that does to the morale of members of our Armed Forces?

Let us put an end to this domestic warfare against the American military.

Let us start remembering Americans in uniform are not aliens in a strange land, but our sons and daughters and loved ones, and let us remember it before combat starts, when they need us, not just afterward.

Let those who proudly boast of how many weapons systems they have voted against remember that if they had had their way, Saddam Hussein would be astride the Middle East like a conqueror today.

DESERT STORM VICTORY BRINGS FEELINGS OF PRIDE, DEDICATION TO DUTY, AND PATRIOTISM

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, the war is over. The American forces and their allies have won a stunning victory. This is undoubtedly the best planned and most professional military campaign in modern history.

The successful strategy is a tribute to our war colleges. The funding for readiness and weapons systems reflects well on the decisions made in recent years by this Congress. Extensive training and professionalism of our Americans in uniform have paid dividends far beyond our expectations. For each American fatality, the enemy lost 1,000.

Our pride in our young Americans will continue long past their victorious return. We will not only embrace them when they come home, we should honor them for their dedication to duty, their stoutheartedness in adversity, and patriotism toward their country. Because of these Americans, we are on the brink of establishing decades of the rule of law over the rule of tyranny on this Earth.

We owe them our gratitude, and the civilized world owes them its appreciation: Our soldiers, sailors, airmen, marines, and coast guardsmen have been true to our values, and they make America the bastion of freedom.

Our hearts go out to those families who suffered loss, and we look forward to the triumphal return of our young Americans.

LET'S BUILD ON OUR VICTORY IN THE GULF

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute.)

Mr. BROOMFIELD. Mr. Speaker, the Vietnam war is history; no more malaise. America is back.

America's fighting men and women—from the decisive Commander in Chief

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to the toughest grunt—showed what they could do when given a lot of support from Congress and the people back home.

Our generals have fought the most brilliant campaign in modern times. It was a stunning victory.

But the real victory was putting together this diverse coalition of allied nations. Most nations share a common interest in peace. This time they were willing to make some sacrifices for it.

Let's build on that community of interest. It's time to address the difficult issues that stand in the way of true and lasting peace in the Middle East. We should not let this great opportunity slip through our fingers.

THE WINNERS AND LOSERS IN THE PERSIAN GULF

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, now that the war is over, the time has come to put our own house in order and concentrate on domestic issues. We have several wars to fight here at home: The war to revitalize our economic strength and become energy self-sufficient, the war against drugs and crime, and the war against high health-care costs.

But clearly in the Persian Gulf there are winners and losers. The winners are: President Bush, the American troops and coalition forces, a united American public, a Congress that closed ranks behind the President after the constitutional debate on whether we should go to war, smart, efficient, technologically superior weapons like the Patriot, the United Nations, and the media, especially CNN.

□ 1110

Here are the losers: Saddam Hussein and any dictator who is thinking of committing acts of aggression; Yasser Arafat; the Soviet Union by tilting toward Iraq at the end; and Germany and Japan, for not helping the way they should have.

There will be a lot of scorekeeping in the days ahead. We have a brief but enormous opportunity to move boldly over several diplomatic fronts to create a more stable Middle East. Let us move as boldly in peace as we have in war.

RESIGNATION AS CHAIRMAN AND APPOINTMENT AS CHAIRMAN OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The Speaker laid before the House the following resignation as chairman of the Select Committee on Children, Youth, and Families:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, The Capitol.

DEAR MR. SPEAKER: Over the past eight years, I have had the high honor and privilege of serving as the first chairman of the House Select Committee on Children, Youth, and Families. I am grateful to you, and your two predecessors as Speaker, for appointing me to this position which has been among my most gratifying responsibilities during my service in the Congress of the United States.

The goal of the Select Committee has been to identify the most critical issues confronting America's children and families, to examine the impact and potential of public policies, and to make recommendations to standing committees of the Congress for legislation to promote the healthy development of young Americans and their families.

Because of the dedicated work of the members of the House Select Committee over the years, the innumerable contributions of the outstanding staff, and the participation of experts, researchers and advocates from throughout the United States, we have fulfilled that important mission at a time when much of the government was abandoning or ignoring its reponsibilities to children. And the Congress has responded, by enacting important legislation on child care, child health, foster care, preventive services, mental health, education and nutrition—all developed in large part by the work of the House Select Committee on Children, Youth, and Families.

Despite these many achievements, a great deal still needs to be done for America's children. Far too many remain in poverty, at risk of birth defects, subject to horrendous living conditions and victimized by child abuse, enduring inadequate educational programs that leave them uneducated and unemployable, suffering malnutrition and preventable diseases. I also know how much time must be devoted to addressing these issues and to producing the highest quality work product which can serve as the basis for action by the Congress in addressing these remaining critical problems.

The action of the House of Representatives in conveying to me, as Vice Chairman of the Committee on Interior and Insular Affairs, the responsibilities of the chairman, places many new and pressing duties upon me. Urgent national issues including the Western drought and national energy policy demand my fullest attention and energies, as does the management of this Committee. I do not believe it would be fair either to the Committee on Interior and Insular Affairs or the Select Committee on Children, Youth, and Families to attempt to perform both responsibilities concurrently.

Accordingly, I must very regrettably submit my resignation to you as the chairman of the Select Committee on Children, Youth, and Families, to be effective upon your appointment of a new chairman. This is certainly the most difficult personal decision of my sixteen years in Congress, but it is the right decision for the Select Committee and its important constituency, our nation's children. I certainly intend to work closely with whomever you select as the new chair to facilitate a smooth transition and to assure that the crucial work of the Committee continues uninterrupted.

The Select Committee must continue to "hold up a mirror for America to see its children," as we originally promised, and to serve as the unique group within the Congress that can frame these complex issues, conduct the essential investigative and analytical work, and then convert our findings into sound public policy.

I look forward to continuing to provide that leadership as a member of the Select Committee under the new chairman in the years to come. I wish again to extend to you, and to Speakers Wright and O'Neill, my deep personal gratitude for having placed your confidence in me as chairman of the Select Committee on Children, Youth, and Families during these past eight years.

Sincerely,

GEORGE MILLER,
Chairman, Select Committee on Children, Youth, and Families.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of section 203 of House Resolution 51, 102d Congress, the Chair designates the gentlewoman from Colorado [Mrs. SCHROEDER], as chairman of the Select Committee on Children, Youth and Families.

The gentleman from California [Mr. MILLER] remains a member of the select committee as the ranking majority member.

HEROES ABOUND IN OPERATION DESERT STORM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, "This war is now behind us." These six words which President Bush spoke last night on television brought around the world and certainly around the United States a relaxing of the tensions and heightened hopes for, not just the return of our men and women from Desert Storm, but for a lasting peace in the Middle East.

Heroes abound in this remarkable drama: Secretary Cheney, General Powell, General Schwarzkopf, and all of the various members of our coalition forces. But, Mr. Speaker, two heroes, of course, stand out. One, our President, who was determined and resolute in the prosecution of this war, but last night I thought was appropriately magnanimous and charitable to the Iraqi people, who have suffered so much under the brutal and delusional leadership of Saddam Hussein.

The other heroes, plural, that come out of this, of course, are the men and women of Desert Storm, whose valor and courage will be noted in the history books for all the years this planet survives.

So when the men and women of Desert Storm return, and we hope it will be within days or weeks, the country will open its arms and welcome its husbands and wives, sons and daughters back as the true heroes they are.

PROTECTING THE FREE PRESS

(Mr. PURSELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PURSELL. Mr. Speaker, the war is over. I congratulate President Bush, Colin Powell, Secretary Cheney, Secretary Baker, and those in Congress who stood with the administration. I also congratulate our military leadership in bringing our troops home after such a complete victory. I hope that peace has finally come to this troubled region.

Mr. Speaker, this morning I am reintroducing legislation calling for an end to newspaper joint operating agreements.

My bill will repeal the Newspaper Preservation Act of 1970, which permits the formation of JOA's with the approval of the Attorney General.

I am convinced that the JOA practice violates our first amendment guarantee of a free press. Intended to save failing newspapers, JOA applications are put in the compromising position of being dependent on the Federal Government for their financial survival.

Nothing, and I repeat, nothing could be further from the intent of the first amendment in establishing a free press—a free press which is to serve as the watchdog over the Government.

How can a newspaper, which submits its very existence to the review of the Justice Department, freely fulfill its watchdog role?

It's time we stop the Federal Government's practice of granting sweetheart monopolies to our Nation's newspapers. In 1945, the U.S. Supreme Court said:

> Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the Constitution, but freedom to combine to keep others from publishing is not.

Mr. Speaker, at a time when other nations are turning to democracy and the free market system, it only makes sense that we return to a free market system for the operation of one of our leading institutions—that of a free press.

AMERICA MUST TURN EFFORTS TOWARD WINNING ECONOMIC WAR

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, where Vietnam had divided, Desert Storm has united. Our troops were superb, General Powell was brilliant, Secretary Cheney outstanding, and, without question, "Stormin' Norman" Schwarzkopf is a consummate bulldog. I say here today that when Schwarzkopf was born, he must have been born weighing about 250 pounds, with an M-1 rifle under his shoulder, and I am recommending to the President that he appoint "Stormin' Norman" as Trade Representative, and help us straighten out this economy.

As a Democrat today I rise to take my hat off, and all Americans should, to one of the finer jobs ever done at the White House. President Bush did a fantastic job and, without question, he deserves that pat on the back.

Let me say two things today while we focus on America's problems: Let us not lose sight of the goals and the business at hand. Japan, Germany, and all these allies have contributions to make. Let us get that money.

Second of all, we had great success, but let us not let excessive military spending further erode America's greatest war, our economy. Let us get at that war now.

NATIONAL WELCOME HOME DAY FOR AMERICAN TROOPS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the Persian Gulf war is over. The coalition forces, led by American service men and women, were victorious in a manner beyond anyone's expectations. Saddam Hussein and his Iraqi Army have been soundly defeated and driven from Kuwait.

Our men and women in the armed services should feel proud of their achievements in routing Iraqi forces and restoring peace and freedom to the people of Kuwait. The American people share their sense of pride, as well as their sense of loss for those brave allied comrades-in-arms who have sacrificed their lives in liberating Kuwait.

Now that hostilities have ended, it is time for us to plan for our brave troops to return home.

Therefore, Mr. Speaker, I am submitting today a House resolution calling upon the President to proclaim a National Welcome Home Day for our brave troops.

In accordance with my resolution, National Welcome Home Day shall be marked by a celebration in all our States, towns and cities and by the organization of a National Welcome Home Parade to be held here in Washington, DC, where our President and leaders of this victorious effort, as well as the American public, may review contingents of American forces and acknowledge their return home to the United States of America.

I urge all of my colleagues to cosponsor my resolution.

May God bless our troops who participated in Operation Desert Storm, and may God bless America.

LEGISLATION REQUIRING ALLIES TO PAY PLEDGES BY APRIL 15, 1991

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the United States delivered on its promises 100 percent. We stopped Iraq's aggression before it extended into Saudi Arabia and other nations in the gulf. We freed Kuwait. It is time to welcome home the troops, push for the release of our POW's, account for our MIA's, mourn those who died, and care for their families.

But there is one thing I do not want to present to the homecoming troops and their families, and that is a bill for the war that they just fought. We delivered 100 percent on our promises. Our allies are at 25 percent of their pledges. It is time they pay their bills.

Mr. Speaker, I am introducing legislation today to set April 15 as the deadline. On April 15 Americans pay their bills to Uncle Sam. It is time that the allies paid their pledges to Uncle Sam. If they do not, my legislation would require the President to levy a tariff of 2 percent on their imports until we collect the balance past due.

Mr. Speaker, I urge Members to support this legislation.

□ 1120

PRESS COVERAGE OF OPERATION DESERT STORM

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, on Saturday, February 16, an amazing event occurred in the Washington Post. Writer Tom Shales critiqued press coverage of Operation Desert Storm. In fact, Shales called the early reporting of imminent peace, and I quote, "Naught but a Crock."

The electronic media criticism by Shales is to be commended. Two important features of this coverage are rapidly emerging. First, the success of our Armed Forces have been documented and cannot be disputed. Despite efforts by the press to uncover failure or report United States attacks on the Iraqi people, Americans could see the truth first hand.

Second, opinion polls now show wide support and respect for our Armed Forces and much lower ratings for the press.

Mr. Speaker, the American people have learned to question the accuracy of the media, and they have found a new respect for our Armed Forces.

WE SHOULD EXAMINE FEDERAL SPENDING

(Mr. RAY asked and was given permission to address the House for 1 minute.)

Mr. RAY. Mr. Speaker, I rise today in support of a measure which focuses our attention on our fiscal responsibilities.

The gentleman from Ohio [Mr. KASICH] and the gentleman from Kansas [Mr. SLATTERY] have introduced H.R. 772, a bill to rescind the $500,000 which was appropriated to develop the birthplace of Lawrence Welk. No issue has so incensed the American public more than this flagrant disregard for fiscal responsibility.

Many American farmers are facing one of the worst droughts in their history. Yet the Appropriations Committee elected to spend $500,000 to refurbish the home of Lawrence Welk, while ignoring requests for disaster assistance. I would suggest, Mr. Speaker, that our limited funds should be spent on the truly needy. I would like to see this money go toward helping farmers who are destitute.

I appreciate the fine work Lawrence Welk has done in his years of broadcasting. But I also voted for a budget package which promises to reduce the deficit by $492 billion over the next 5 years. We passed that budget package, and in doing so we asked the American people to make some sacrifices.

We also asked the American people to trust us with their tax money, and I believe that indiscriminate and inappropriate spending violates the public trust.

As Member of the House of Representatives, we must maintain the highest degree of fiscal integrity. We can avoid making mistakes such as this by carefully reviewing every spending measure, and I am pleased that the House adopted budget process reforms which will move our Government toward a pay-as-you-go system.

I urge every member of this House to weigh the consequences of our current spending habits, and take this small but significant step in the direction of fiscal responsibility.

WAR IN THE PERSIAN GULF

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the President tells us the war may well be over. "Hurrah, hurrah. When Johnny comes marching home again, hurrah, hurrah."

Every American gives thanks to devine providence and we also thank our President, General Schwarzkopf, and our magnificent men and women under arms, and others for this marvelous victory. We have studied in history the 100 Years War, the 30 Years War, and now we have the 100 hours war thanks to the foresight of Ronald Reagan and George Bush and those Members in this House who had the courage and the stamina to vote for high-tech weaponry when it was unpopular to vote for high-tech weaponry. Because of our high-tech weaponry we have saved countless American lives and shortened an otherwise long and protracted war to a mere 100 hours.

Now comes the time for peacekeeping. The forces should be comprised of Arab countries and other U.N. countries. Let us hope that Saddam Hussein, for the sake of peace and for the Iraqi people, is replaced.

The American troops, the American soldiers, the American taxpayers have done their share. We have in force the 12 U.N. resolutions. It is now time to start bringing our troops home.

APPRECIATION TO THE TROOPS

(Mr. DOOLEY asked and was given permission to address the House for 1 minute)

Mr. DOOLEY. Mr. Speaker, I rise today in recognition of the American military men and women who have so ably performed their duty all these months a long way from home in the Saudi desert.

Braving lonely separations from their families and untold risks, they displayed boundless courage and skill and have made all Americans proud. We owe them an incredible debt of appreciation for their sacrifices, and we marvel at their unmatched achievements on land, sea, and air.

Mr. Speaker, I also salute their families, who for months have stood tall at home, bravely and unselfishly facing the uncertainty of their loved ones' safety. They are deeply appreciated, and are as much a part of American accomplishment in Kuwait as the men and women on the front lines.

To be willing to lay down one's life in the noble defense of freedom and democracy is an act of supreme selflessness and in the finest tradition of America's history.

Today, as the shooting ceases in the Persian Gulf and the struggle for a lasting, just peace begins, all Americans should be grateful that among us exist men and women willing to make that ultimate sacrifice when called upon.

Let us pray that new generations of Americans aren't asked to test that willingness at war.

PRAISE FOR PRESIDENT BUSH

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, last night following the President's address, I had the opportunity to talk to Mr. and Mrs. Sal Campisi, the parents of the first victim in Operation Desert Shield, as it was called at that time last August. Sal Campisi said to me, "Thank God for President Bush."

Needless to say, he was very concerned early on as many Americans were, at the actions that were taken, our movement into the Persian Gulf, but he said to me last night that he is extraordinarily thankful for the actions of our President and this Congress in providing support to the President.

When we look at where we stand today, Mr. Speaker, it seems to me that really the effort boils down to the four T's: Training, troops, tactics, and technology. The combination of those four things has brought about this spectacular victory, and it is one which I think is going to play a role in ensuring peace throughout that region.

Much work lies ahead. As my friends on the other side of the aisle have said, we have many domestic problems which need to be addressed. I totally agree.

We also will be playing a key role in ensuring the stability of the Persian Gulf. As Winston Churchill said, in victory goes magnanimity, and I think we are all recognizing that, Mr. Speaker.

And on top of that, it is raining in California.

PRAISE AND APPRECIATION TO PRESIDENT BUSH AND OUR TROOPS

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, we all join together across the aisles and across both Houses of Congress to accept our deep appreciation to the President, to the Chairman of the Joint Chiefs of Staff, Colin Powell, to General Schwarzkopf and to those magnificent troops. They did America proud. All of them, from the President on down, did America proud.

Saddam Hussein, of course, bears the ultimate and sole responsibility for the vast and wanton destruction, for the murder, the rape, the torture of innocent civilians and the brutal violation of the Geneva Convention rules regarding the treatment of prisoners of war, as well as the treatment of civilian populations. He must be brought to justice for his war crimes, for the death and suffering of thousands of Iraqis, of Kuwaitis, and of Israelis. He must be brought to justice for the wanton destruction of Kuwait and for the violation that he did to the environment of the entire Middle East region. He torched Kuwait with fire and trashed the Persian Gulf with hundreds of millions of gallons of oil.

The butcher of Baghdad has once again proven that he is a paranoid criminal delighting in the suffering and death of others, including those closest to him.

He must never again be allowed to threaten, to terrorize, and to intimidate his neighbors, the Iraqi people, the environment, or global security. And those who would seek to emulate him must know that they will be held accountable.

Frankly, a war crimes trial for Saddam Hussein is several years overdue. The world may have saved itself pain and anguish had we reacted appropriately to Saddam's gassing of thousands of his own Kurdish minority in March of 1988. For the Kurds, this will be justice, long delayed.

RECOGNIZING DAPHNE MILLER MARSELAS

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, I would like to take this opportunity to recognize Daphne Miller Marselas—the most senior member of the House Republican Study Committee staff who will be leaving this week to take a position with the Small Business Administration.

Daphne has been with the Republican Study Committee since we founded it back in 1973. She shared our vision of the RSC—to have an office in the U.S. Congress dedicated to forging conservative values and principles into legislative initiatives. Now, the RSC is one of the leading conservative voices in the House of Representatives. In 1973, Secretary Ed Derwinski was our first chairman and Ed Feulner, now president of the Heritage Foundation, was our first executive director. Daphne was Ed's vital right hand woman and provided extraordinary talent and continuity through the intervening years.

Daphne, who holds a juris doctorate from the Washington College of Law at the American University, served as staff counsel to the RSC in addition to being responsible for judiciary, law enforcement, and labor issues.

Thank you Daphne for 17 plus years of service to members of the Republican Study Committee. You'll be sorely missed and we wish you the very best in your new position.

□ 1130

A DEEP SENSE OF PRIDE IN OUR COUNTRY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last night all of America slept easier after the President's announcement that hostilities in the Persian Gulf would end. I personally felt a tremendous wave of relief that I know was shared by many Connecticut families who have relatives serving in the gulf.

But soon after that initial feeling of relief I was swept by a deep sense of pride.

Pride in the performance of our troops who served in the gulf—men and women who deserve our deep gratitude. Nobody could have anticipated the magnitude and the speed of the victory they delivered.

Pride in the families of our troops who have given so much—living daily with the knowledge that their loved ones could be among those who would give their lives for this cause.

Pride in the expertise of our military commanders who delivered a decisive victory with an astonishing small loss of life—their adept and careful planning which brought this victory will go into the history books.

Pride in the quality of American technology and equipment—much of it made in Connecticut—which gave our troops and soldiers the edge they needed and saved countless lives.

And finally, pride in our Nation, which has rallied around those serving their country in the gulf and offered them the support they needed to carry out their mission—regardless of personal feelings of the war.

Mr. Speaker, I am eagerly anticipating the return of our troops and of joining the thousands of other Americans who will give them the grand welcome and the sincere thanks they so richly deserve. Today, Mr. Speaker, I am as proud as ever of my country.

EXPRESSION OF PRIDE IN THE PEOPLE AT HOME

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, I rise today to express the pride I feel for the courage shown by our service men and women in the gulf and my gratitude for the strength demonstrated by the American people in this time of crisis. Flags line the streets of our congressional districts and neighbors reach out to help the friends and families of those serving in the gulf. Their support is much appreciated, writes Bob Burress, an Ohioan and petty officer in the Navy. Bob wrote to me from the U.S.S. *Roosevelt* saying:

> I'm proud of the people of Ohio who are caring enough to write and make this a little more easy on us knowing that they support our efforts. I wish I could tell them.

Many of those people who attempt to "make this a little more easy" are in my congressional district. Their contributions are significant. For example: Much of the technology used for the initial air offensive was developed at Wright-Patterson Air Force Base; the tactical trucks used by the Army were built in Marysville; and several Reserve units from the area were activated including the 656th Transportation Company and the 178th Tactical Hospital from Springfield, and the 79th Quartermaster Company from Marion.

PO Bob Burress is justified in the pride he feels, and for now I will pass his message along to the Seventh District of Ohio and to the Nation. But soon—and this is my hope for all the men and women serving in the Persian Gulf—he will be able to express his pride in person as he is welcomed back home.

PEACE IS THE MOST NOBLE GOAL OF POLITICS

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, when the war started, I stated my prayers for a quick resolution of the conflict with the fewest number of casualties.

To those American families who suffered losses, this war was not quick enough. My heart goes out to them and to all the innocent victims of war in Kuwait and in Israel and in Iraq.

I welcome the peace with open arms, and I will work toward a foreign policy that builds on the peace model of Camp David and one that never again arms those who would harm their neighbors. Arming tyrants like Saddam Hussein only to send our sons and daughters to slay them is not something we ever want to repeat again.

In particular, today, I want to express the joy I feel for those families who have been so torn apart like the Richeys and the Seiths, especially to those little children who have faced the loneliness of having both parents in a combat zone or only one parent in a combat zone, their only parent, I feel joy for you. I want to tell you that you have had a voice here in the Congress and we will continue to pursue policies that will not put you through this nightmare again.

Peace is the most noble goal of politics, and attaining peace brings me a sense of relief and hope and optimism. Let us build to make it a lasting peace, and let us work to bring prosperity here at home.

THE RECENT COVERT ACTIONS OF THE SANDINISTAS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, they are at it again. "They" are the Marxist Sandinista army officials who are continuing to aid terrorist groups in Central America.

They have been caught red handed, and I emphasize "red." On February 22, the Honduran military intercepted a shipment of Soviet-made weapons destined for the Cinchoneros, a terrorist group with a long history of targeting American citizens for assassination and kidnaping.

Not only did Sandinista army officials supply the weapons, but they provided safe passage for the smugglers through Nicaragua, and they even assisted with the loading of the weapons onto a truck at the Nicaraguan border.

Clearly the leopard has not changed its spots. The extensive nature of this operation indicates that this is not the act of a renegade army officer. It is a calculated move of the Sandinista leadership, the very same leadership the Nicaraguans threw out of office in the first democratic elections ever in Nicaragua earlier this year.

The Sandinista army has been given every opportunity to participate in the democratic process, but it has chosen, instead, to blatantly disregard the will of the people.

Let the record show democracy is not on their agenda.

INTRODUCTION OF THE ENHANCED OIL RECOVERY ACT OF 1991

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, the centerpiece of the administration's national energy strategy is the development of the Arctic National Wildlife Refuge—development which has a 20-percent chance of discovering 3 billion barrels of oil. Does it make sense to exploit this fragile terrain when oil is already available in developed areas?

Enhanced oil recovery [EOR] involves innovative techniques which increase oil and gas recovery from existing petroleum reserves. Known EOR technologies can produce another 80 billion barrels of domestic oil—almost 50 percent of all the oil ever produced within the United States.

Why should we scar ANWR with rigs, pipelines, and drilling mud, when enhanced oil recovery uses our existing infrastructure and delivery systems?

During the last decade Congress has enacted a variety of enhanced oil recovery incentives. Today I introduce the Enhanced Oil Recovery Act of 1991 [EORA]. It is a comprehensive and innovative effort to improve oil recovery and fine tune old laws:

Reduce EOR risks—Many EOR projects are hindered by financial risks, not by a lack of incentives. EORA reduces the prohibitive losses caused by sharp downturns in the worldwide price of oil.

Qualify new EOR techniques—EOR techniques developed in the last few years such as cyclic microbial injection, microbial enhanced water flooding, gel polymer and other types of permeability modification treatments are not listed as EOR methods and therefore do not qualify for EOR incentives. EORA updates the list of EOR methods to include these new methods.

Expensing of injection wells—injection wells are primarily used for EOR. Presently, they may only be expensed if they are associated with primary recovery. EORA allows independents and integrated firms to expense injection wells associated with EOR.

Percentage depletion for EOR—Presently, independents are allowed to apply percentage depletion to only the first 1,000 barrels of oil recovered. For the rest of the oil recovered during any year, cost depletion must be used. This is a disincentive to use EOR to recover more oil. EORA stipulates that the 1,000 barrel percentage depletion limit applies only to primary production and independents may use percentage depletion for any oil recovered through EOR.

Slow well abandonment—A DOE study has concluded that by 1995, access to 65 percent of the 341 billion barrels of unrecovered oil will be lost due to well abandonment. EORA instructs the EPA to use new well monitoring techniques which provide longer access to old wells and greater protection against aquifer pollution.

New technology can give America great short term results.

Mr. Speaker, our addiction to foreign oil is not an excuse to invade this fragile terrain. Our challenge is to find a better energy policy. Enhanced oil recovery is a rare opportunity to increase energy production and preserve an ecological treasure. To those who want to drill in wild places like the Arctic National Wildlife Refuge, I say, "ANWR?—no—that's no answer."

IRAQ MUST RETURN PRISONERS IMMEDIATELY

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I have not been able to feel good about the cessation of hostilities, because I listened carefully to what the President said about keeping open the option of combat if coalition prisoners of war are not returned in a brief period of time.

Life magazine has gone back to a weekly format, and here is a picture of our one known female prisoner of war. I ask you to pay close attention to the Republican who will shortly speak about war crimes trials. He will show pictures of the American pilots who were captured and, against Geneva Convention rules, brutally beaten.

Not until those POW's are turned over to U.S. Forces in the next few days should we forgo the option of sending the VII Corps up that highway about 120 kliks to Baghdad to begin to make arrests.

□ 1140

I think we may have to do that anyway, if some of these aviators were tortured to death.

I would like to submit for the RECORD, Mr. Speaker, an article entitled "Pentagon Rules and Instant Communication Have Changed the Way a War Is Reported," but reporters come off as clumsy villains in the gulf drama. Just look at this disgusting cover of Newsweek, showing a 101st Airborne MP pushing down Iraqis.

Is that the image we have of the gentlemen of the international coalition, including the French, American, and the British soldiers who have taken good care of those poor men sent to be slaughtered by Saddam Hussein? No, sir, a lot of us in this House have a lot of apologizing to do. I beg my colleagues, Mr. Speaker, to be real men and women and come to the lectern and say that they were wrong about sanctions. I will respect them forever, honestly.

A SALUTE TO OUR TROOPS

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, as the Persian Gulf war draws to an end, we are deeply grateful for the dedication and competence of our fighting men and women. Because of them, Operation Desert Storm has been carried out swiftly and successfully. In community after community across the country, our people have enthusiastically expressed their pride and support.

I am especially proud of North Carolina's role in the gulf conflict. No State has made a greater contribution to this effort; about one out of every six serving in the gulf has come from a North Carolina base.

And it has been heartening to see the support for our troops among the citizens of my district, most recently at a "Salute to the Troops" rally in Wendell, NC. Hundreds of proud citizens turned out to show their support for our active duty troops, our reservists, and our National Guardsmen who are serving. A special place of honor was reserved for their families, who also have sacrificed so much. And we also recognized the veterans of past wars who were present—an important debt to remember, even as we honor those on the front lines today.

So I join in these expressions of joy today now that this conflict is at an end, and I look forward to the early return of these men and women, to whom we owe so much, to their loved ones and a grateful Nation.

FAITH IN DEMOCRATIC PROCESS

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, as prior speakers have indicated, America should be proud today with the victory in the Middle East, and we should congratulate the President of the United States, Secretary Cheney, General Powell, General Schwarzkopf, and most of all the great troops out there that served and did a great deal.

The real victor, the real victor in this war is our reassertion that the representative democracy that we have in this country really works. Back in January we had the faith to openly discuss war, come to a consensus in this Congress, and then this Congress, the President, and the American people, unified behind our troops to get this job done. That is the democratic process.

Today, I call the attention to my colleagues that the democratic process again is working in the Committee on Banking, Finance and Urban Affairs. We have a burden sharing amendment to the RTC bailout that passed with approval of the majority of the Republicans and a majority of the Democrats. That is the democratic process.

Now, Mr. Speaker, we have to see that this amendment comes to this House so that the body that represents the American people will have an opportunity to debate and to decide these systems openly, and decide this amendment openly. I urge my colleagues to be certain that we have faith again in the representative Government process, use that process to solve some of the other issues facing the American system today.

PRAYER OF THANKSGIVING

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, what a day. What a day, February 28, 1991. A day of prayer, a day of pride; and a day of principle.

Prayer of thanksgiving, that all went so well, that our troops were coming home so soon, that victory was achieved. A day of pride, deep pride in the President for his leadership and his skill, and his commitment, deep pride in the Secretary of Defense, Chairman Powell, General Schwarzkopf, deep pride in the finest military to ever wear our flag, deep pride in the allied forces in unbelievable high technology and verbal cooperation, and a day of principle.

Today the world knows that no nation, despite its military strength, shall ever again unilaterally and belligerently invade a neighbor just because it is weak. The world has established a new principle today. We can be proud of it, and we can all say a great prayer of thanksgiving for February 28, 1991. It will go down in the history of the world.

LET'S ALLOW AMERICAN OWNERSHIP OF BANKS

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. HOAGLAND. Mr. Speaker, the Washington Post in an editorial titled "Citicorp and the Saudis" argues that the $590 million investment Prince Alwaleed Bin Palal made in Citicorp, our largest banking institution in America, was in the public interest.

After years of unfortunate economic policies, the editorial argues, it should not be surprising that we have to go overseas for capital to shore up our largest bank. Better than we secure the money somewhere so that Citicorp may increase its capital in accordance with new requirements adopted internationally.

But borrowing from wealthy foreign nationals is not our only alternative. As was made clear in a report entitled "Banking Industry in Turmoil: A Report on the Condition of the U.S. Banking Industry and the Bank Insurance Fund" submitted to the Finanical Institutions Subcommittee last December by James Barth, Dan Brumbaugh, and Robert Litan, many American commercial firms already heavily engaged in financial activities have the wherewithal to make substantial investments in major banks. I am attaching two tables from the report. Table 36 lists the book value capital held by some of the largest of these enterprises, as well as their liquid assets. Compare these figures to the book value capital in the top 10 banks, table 37 from the report. For instance, AT&T has $1.18 billion in liquid assets; Ford Motor Co. $5.73 billion; and IBM $3.70 billion. Current Federal banking laws prohibit most of America's corporations from making similar investments in our own banks.

Granted, there is some risk involved in allowing AT&T or Ford to own a large chunk of Citicorp or any bank. But let us see if we can't insulate insured bank deposits from improper use by a commercial owner. Let us reconsider ruling out altogether commercial ownership, as current law does.

Surely it does not make sense to turn our largest banks over to the Saudis when we have plenty of capital here at home. Let us consider giving our banks access to that capital. So we can keep control here at home.

TABLE 36.—CAPITAL AND LIQUIDITY OF MAJOR NONBANKING COMPANIES ALREADY ENGAGED IN FINANCIAL SERVICES

[In billions of dollars]

Nonbanks	Book value equity capital, Dec. 31, 1989	Cash and investment securities, Dec. 31, 1989
American Telephone and Telegraph Co	12.74	1.18
Ford Motor Co	22.73	5.73
General Electric Co	20.89	1.75
General Motors Corp	34.98	5.17
International Business Machines Corp	38.51	3.70
Sears, Roebuck and Co	13.62	2.31

Source: Moody's.

TABLE 37.—CAPITAL OF 10 LARGEST U.S. BANKS

[In billions of dollars]

Nonbanks	Assets, June 30, 1990	Book value equity capital, June 30, 1990
Citibank	164.20	7.91
Bank of America	90.68	4.66
The Chase Manhattan Bank	81.14	3.73
Morgan Guaranty Trust Co	71.96	3.24
Security Pacific NB	64.13	2.73
Bankers Trust Co	60.96	1.94
Manufacturers Hanover Trust Co	56.49	2.63
Wells Fargo Bank	48.65	3.11
Chemical Bank	48.39	2.22
The Bank of New York	45.73	2.12

Source: BankSource, W.C. Ferguson & Co.

TRY SADDAM FOR WAR CRIMES

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, this is truly a great victory for the people of Kuwait, our troops, and all freedom-loving people.

President Bush has shown that he is one of our Nation's greatest Presidents. He said this would not be another Vietnam, and it wasn't. He said Kuwait would be free, and now it is.

This victory is a credit to President Bush, our allies, our troops, and the American people who gave them such complete support.

Now justice must be done. Saddam must be held accountable for the brutal atrocities he has committed against our POW's, the Kuwaiti people, Israel, and the world.

Today, I am introducing a House resolution calling for the United Nations to try Saddam for his war crimes. Under the Geneva Convention, Iraq is responsible for turning over Saddam to the other convention signatories.

We must insist that Saddam be turned over to allied forces before Iraq is allowed to rejoin the peace-loving nations of the world community.

I ask all of my colleagues to join me in supporting this resolution.

□ 1150

THOSE WHO SERVED

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I rise to say thank you, thank you to our troops in the Persian Gulf. One cannot say enough about the performance of our troops in Iraq and Kuwait and their leadership. They executed their mission flawlessly and with skill and confidence.

While this Nation debated in the regular democratic process its policy, our men and women quietly readied themselves. When that decision was made in the best democratic tradition, they answered the call. They did not question. They responded. As in all other States, 2,000 West Virginia men and women in the National Guard and Reserves were called up. They went. Thousands more already served in the active military and are on the front lines in the Persian Gulf. Their families patiently prayed, waited, worried, and above all, supported.

Let us vow now that these troops will face the proudest homecoming ever and after the ticker tape and parties are done, let us resolve that these new veterans, these veterans who turned Operation Desert Storm into Desert Calm, that these veterans who sacrified for their country will have no sacrifices of their own to make when they come home.

PRIDE IN LEADERSHIP OF PRESIDENT BUSH AND OUR MILITARY

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, what a splendid job by our military men and women and by their commander in chief and what a glorious victory.

Mr. Speaker, we can all take pride in the leadership of President Bush and the performance of our military men and women. I am particularly proud of one Pfc. Jeffery Blackburn, an Army parachutist in the 82d Airborne for his role in the liberation of Kuwait. Jeffery's sister, Barbara Sanchez, is a member of my congressional staff.

But let us not forget that if the majority of the Democrat Party of this House had their way, Saddam Hussein would still be importing Jordanian weapons and building his defenses. He would still be raping and killing the people of Kuwait. Our soldiers, like Jeffery, would be sitting in the desert through the coming sandstorms and hot summer not knowing when or if America was going to act.

Mr. Speaker, the President was right. The majority of Congress was right. It is time for all Members of this House to admit that and congratulate the President, as well as the troops on this tremendous military victory.

WE HAVE WON THE WAR, NOW LET US WIN THE PEACE

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, we are all awed and impressed by the quick victory that was achieved by the allied forces and our hearts go out to the families of the servicemen who lost their lives in the battle to end Saddam Hussein's atrocities in the gulf region.

And to Rhoan Boucher, my nominee to the Naval Academy and to the service academy and the Air Force, I am so proud of you. We interviewed you on your ship and I cannot wait until you come home and I congratulate you and your mom in person.

At this time of triumph for the allies, we must follow through by vigorously addressing the challenges that still are ahead in crafting a new regional security structure in the Middle East. We must insure that Saddam Hussein never threatens his neighbors ever again, and we must ensure that Iraq's neighbors, especially Syria and Iran, are not permitted to step into Saddam Hussein's shoes and threaten peace in the region, and following Israel's remarkable restraint in the face of repeated attack we must now take steps to build even closer United States-Israeli ties.

Now is the time for the United States to use its influence with its Arab allies to begin the quest for democracy in the Middle East and to call upon these nations to rethink their approach to the Arab-Israeli disputes.

We have won the war. Now let us take firm steps to win the peace.

PRIDE IN THE 82D AIRBORNE

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, we stand in awe today of one of the most successful military operations the world has ever seen. As a former paratrooper, I am particularly proud of my former unit, the 82d Airborne.

Our strength and success in the Persian Gulf is tribute to the skill and professionalism of our military leaders, General Schwarzkopf and General Powell.

But at its heart, the success of this military operation rests on the enduring bravery and courage of every man and woman fighting as part of the coalition forces.

These brave young men and women made great sacrifices. And they made these sacrifices for not only for themselves and for the freedoms that they enjoy but also for their friends and family, sons and daughters, sisters and brothers.

If those soldiers were here today they would ask as their legacy that we pass on to all Americans these freedoms for which they fought.

We in Congress have the opportunity to commemorate this sacrifice and recommit ourselves to building a just, decent and peaceful world. We owe that much to these brave soldiers.

And let us finally remember, when the parade stops, we have a new generation of veterans joining those who fought before them and we must support them fully. Let our support for these veterans be as fervent as it was for the soldiers of Desert Storm.

TRIBUTE TO 101ST AIRBORNE DIVISION

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, congratulations to our President, our Secretary of Defense, the Chairman of our Joint Chiefs of Staff, Gen. Norman Schwartzkopf and our more than 525,000 men and women in Operation Desert Storm.

Kentuckians are very proud of Fort Campbell's 101st Airborne Division—the Screaming Eagles—led by Maj. Gen. J.H. Binford Peay III.

The 101st Airborne Division reached the banks of the Euphrates River less than 100 miles south of Baghdad yesterday after a 3-day thrust spearheaded by masses of ground-attack and troop-carrying helicopters.

The operation was the largest airborne assault in military history. The effort began Monday when more than 3,000 troops were airlifted to a site 50 miles inside Iraq, where they created Forward Base Cobra against little Iraqi resistance.

More than 5,000 more troops followed in stages over the next 48 hours, and early yesterday they seized control of highway 8—a two-lane road paralleling the Euphrates River that could have been used as an escape route for Iraqi forces trying to retreat northward.

The swift success of the operation stunned even our military's leaders.

Division commanders reported no combat casualties among our soldiers in the operation.

As Congressman for Fort Campbell, KY, I'm proud to congratulate the Screaming Eagles of the 101st Airborne Division.

GRIEF FOR THE FALLEN

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, we are grateful and joyful and proud for the merciful brevity and the extraordinarily successful conclusion of the war. We all pay tribute to the courage, skill, and sacrifice of our men and women in uniform and to the brilliance of their leaders.

The evening news speaks of divisions, battalions, squadrons, and air groups, but those grand units of maneuver in battle are made up of individual men and women, people who had constantly to swallow their fear and go forward.

We are profoundly thankful that few lives have been lost by our forces. Our hearts, while thankful for that, while filled with pride today, are also broken over the loss of those young men and women who have sacrificed their lives for their country.

Their sacrifice was brought home this morning with the news that the only brother of an intern in my office had been killed. Out of respect for the family's privacy and grief, I do not mention this brave man's name, yet in his name let us be ever mindful of his devotion to duty, his willingness in service of our country, his courage in the face of ultimate danger.

The prayers and respect and sorrow of this Congress and this great Nation are with his family, as they are with the other families who now proudly endure the shattering loss of his fellow patriots. May God rest their souls and may we all take inspiration from their lives and their deaths to pursue with full dedication a world at peace with freedom.

□ 1200

A TRIBUTE TO OUR MEN, WOMEN, AND LEADERS IN OPERATION DESERT STORM

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to the leaders, our leaders in the effort which is seemingly now concluded; President Bush, of course; Secretary of State Jim Baker; certainly Secretary of Defense Dick Cheney; Gen. Colin Powell, chairman of the Joint Chiefs of Staff; General Schwarzkopf; but most of all, the young men and women not only ours but those of our allies who fought so bravely and so professionally that they were able to accomplish something that hardly anybody would have predicted a few weeks ago.

So, Mr. Speaker, while the losses have been incredibly light, there have been losses. There is sorrow in the homes of many Americans today. But I think they, like all of us, can share in the pride that we all feel here today.

I SPEAK FROM MY HEART

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, often when I come to this floor I come with a prepared statement, but today I speak from my heart.

In the last 6 weeks my heart has been touched and my decisions have been from the heart.

My heart spoke as I voted to give the President the option to use military force. My heart listened as a mother in my district told me of her only son serving in the Persian Gulf. And my heart cried for the family in my district who lost a loved one.

Today my heart sings as we hear the news of a cease-fire and it sings because there are so few reported losses.

My heart goes out full of thanks to the men and women who have served us so well.

THE MOTHER OF ALL BURDEN SHARING RETREATS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, in recent weeks, we have heard over and over that the American people do not have to worry about burden sharing, that the enormous pledges of our allies are rolling in, that Japan and Germany are paying their fair share of the costs of the war in the Persian Gulf.

Well, I have news for you. On Tuesday, Prime Minister Kaifu of Japan announced that the United States has misunderstood his nation's pledge. Despite what everyone has said, the United States is not going to receive $9 billion.

Instead, that money will be divided among the coalition members by the Gulf Cooperation Council, a fund administered by Japan and the Gulf States to which the United States does not belong.

How much will the United States receive? Not $9 billion, says Kaifu. Inclusion of this figure in the President's budget was based more on, as Kaifu put it, "American hopes and expectation," than on fact.

Mr. Speaker, the United States has just won a stunning victory in the deserts of Iraq. But now that we have won the "mother of all battles", Japan has announced what could become the "mother of all burden sharing retreats".

It would be a disaster if we won the shooting war in the gulf but lost the financial war here at home. The American people demand real participation, not promises. They want to hear the truth, not that "the check is in the mail."

Prime Minister Kaifu's announcement could be the first of many such retreats by our allies now that the war has ended. This is unacceptable; Japan must live up to its commitment, or abandon its right to participate in the new world order.

A SALUTE TO THE MEN AND WOMEN OF STATEN ISLAND AND BROOKLYN IN THE PERSIAN GULF

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, clearly and gratefully this is a day for great pride in our Nation. But I want to use this 1 minute to salute the men and women of Staten Island and Brooklyn, the sailors on the *Normandy*, the soldiers who made up the 24th Military Reserve, and the rest of the determined, courageous, troops who call Staten Island and Brooklyn their homes.

The last few months were difficult months filled with tearful farewells throughout New York City, the days witnessed flags and ribbons displayed in every street and every neighborhood. The nights heard prayers in every home.

But because of these troops, because of their families' courage and commitment, we have proven once again that America is still the last best hope for world freedom, that we remain an America willing to pay the ultimate sacrifice for the integrity and restoration of individuality for people throughout this globe, an America that is so grateful and proud today to call George Bush our Commander in Chief.

WE TAKE PRIDE IN THE OPERATION PERFORMED WITH EXCELLENCE, WITH HONOR AND WITH VALOR

(Mr. GLICKMAN asked and was given permission to addresss the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I like so many others who have preceded me come down here to talk about pride, about sorrow and about hope; proud of our country that we have been united in a common mission and we have been successful in that mission, giving us the dignity, giving us the strength and giving us the moral certitude that we have needed so much in the last 20 years.

We are proud of our troops, the men and women who performed with excellence, with honor, with valor, and proud of our leaders, President Bush, General Powell, General Schwarzkopf, and this Congress for supporting in a united fashion the implementation of this war.

There is sorrow in all the Americans who have lost their lives and who have been injured, including four Kansans, two that we just heard today, from

Fort Riley, KS, my colleague JIM SLATTERY's district. Of course, one of my own constituents, Jeff Middleton, who, unfortunately, will be buried next week in my congressional district.

We are hopeful, hopeful that when the troops come home, that we in this country can unite with the same common mission to solve so many problems that we have remaining in this country and do it in the same way that we resolved one of the great foreign policy challenges in the history of this great country of ours.

ALL BUSINESSES SHOULD SUPPORT OUR TROOPS WITH PAY AND BENEFITS

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, at least five southwestern Indiana firms are demonstrating exemplary leadership and compassion in making significant expenditures for pay and benefits to their employees engaged in Desert Storm.

Mr. Speaker, would it not be great if all firms and businesses would support the troops like these companies? They are: Whirlpool Corp., Bristol-Myers Squibb, and Berry Plastics, Inc., in Evansville; ALCOA Warrick Operations, in Newburgh; and North American Products, in Jasper.

These actions greatly assist reservists and their families and should be encouraged. Congress, the President, and the Secretary of Defense should officially recognize and commend these actions.

OUR DEEP GRATITUDE FOR AN INCREDIBLE PERFORMANCE IN THE PERSIAN GULF

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I rise today to join my colleagues here in Congress and my constituents in Kansas in expressing my deep gratitude to the troops for their incredible performance in the Persian Gulf.

I would also like to express my sympathy and sorrow to those families in this country who have given a member of their family to this great national cause.

Mr. Speaker, there are approximately 14,500 Active Reserve and National Guard personnel from Kansas who have been deployed in support of Operation Desert Shield and Desert Storm. Leading the way is a famed 1st Infantry Division from Fort Riley, KS, the Big Red One, which has fought in both World Wars and in Vietnam. The Kansas Air National Guard's 190th Air Refueling Group from Topeka was deployed to Saudi Arabia just days after Iraq invaded Kuwait.

Also deployed are Army units, the 456th Movement Control Unit, from Manhattan, the 410th Field Hospital Detachment from Topeka, and in addition to that, the 129th Heavy Truck Company from Osage City and the 531st Transportation Company and other Reserve Guard units from Kansas.

It is a tribute to these brave men and women and our leadership, President Bush, Secretary Cheney, General Powell, General Schwarzkopf and all the others that this military operation has been carried off in such a brilliant fashion.

The members of our Armed Forces performed brilliantly and have won the admiration and respect of a deeply grateful Nation.

Now we must pray for a just and lasting peace and hope that we find the wisdom to craft that in the days ahead.

A SALUTE TO OUR BRAVE YOUNG MEN AND WOMEN IN THE DESERT FIGHTING THIS TREMENDOUS BATTLE

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I just want to join with all of those who came to the well today to salute the President, Secretary Cheney, General Powell, General Schwarzkopf and all of those associated with Operation Desert Storm, especially the brave young men and women who are out there in the desert fighting this tremendous battle.

The war is over, Kuwait has been liberated, a brutal dictator has been disarmed. Now we await the return of our brave soldiers.

Like all Americans, I look forward to welcoming home every single soldier who served in Operation Desert Storm. They are true heroes, and I look forward to participating in the tremendous welcome that they so richly deserve.

□ 1210

CONDEMNING CUBA'S HUMAN RIGHTS VIOLATIONS AND COMMENDING UNITED NATIONS HUMAN RIGHTS COMMISSION

The SPEAKER pro tempore (Mr. MAZZOLI). The unfinished business is the question of agreeing to the resolution, House Resolution 88.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 1, not voting 28, as follows:

[Roll No. 26]

YEAS—404

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
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Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
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Henry
Herger
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Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
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Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
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Lewis (CA)
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Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Madigan
Manton
Markey
Marlenee
Martin
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Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
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Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny

Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
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Tauzin
Taylor (MS)
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Thomas (CA)
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Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Savage

NOT VOTING—28

Andrews (ME)
Annunzio
Anthony
Atkins
Bartlett
Bunning
Campbell (CA)
Cunningham
de la Garza
Donnelly
Dymally
Eckart
Flake
Gilman
Hatcher
Houghton
Jefferson
Levine (CA)
Luken
Matsui
Miller (OH)
Porter
Pursell
Thornton
Udall
Washington
Weber
Wilson

□ 1232

Ms. WATERS and Mr. SANTORUM changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following resignation as a member of the Committee on Public Works and Transportation and the Committee on Interior and Insular Affairs:

Hon. THOMAS FOLEY,
Speaker of the House, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation from the House Committee on Public Works and Transportation and the House Committee on Interior and Insular Affairs.

With best regards, I am
Sincerely yours,
JIM LIGHTFOOT,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 94) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 94

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives: Committee on Appropriations, Mr. Lightfoot of Iowa; Committee on Merchant Marine and Fisheries, to rank behind Mr. Saxton, Mrs. Bentley of Maryland.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed so that I might inquire of the distinguished majority leader the program for the balance of this week and next week. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

There will be no more votes today. On Friday, tomorrow, there will be no session of the House.

On Monday, March 4, the House will meet at noon in pro forma session. There will not be legislative business and there will not be votes.

On Tuesday, March 5, the House will meet at noon to consider three bills under suspension of the rules. Recorded votes on the suspensions will be postponed until after the debate on all suspensions, but those votes will be on Tuesday.

First there will be H.R. 707, the Commodity Futures Improvements Act of 1991; second, H.R. 1176, providing supplemental authorization for fiscal year 1991 for the Department of State for certain emergency costs associated with the Persian Gulf conflict; and third, a House Concurrent Resolution having to do with commending United States and allied military forces on the success of Operation Desert Storm.

There will also be possibly consideration of a House resolution on the Resolution Trust Corporation funding, subject to a rule.

On Wednesday, March 6, the House will meet at 2 p.m. On suspension we will consider H.R. 991, the Defense Production Act Extension and Amendments of 1991.

On Thursday, March 7, we will meet at 11 a.m. to take up a House resolution making a dire emergency supplemental appropriation for fiscal year 1991 and for other purposes, subject to a rule, and an additional House resolution providing supplemental appropriations to the Department of Defense for Operation Desert Shield-Desert Storm for fiscal year 1991, again, subject to a rule.

There will also be consideration of a House resolution concerning a Desert Storm emergency authorization.

On Friday, March 8, the House will not be in session.

Mr. MICHEL. I thank the distinguished gentleman. If he has concluded, I will yield to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding, Mr. Speaker.

Mr. Speaker, I want to ask about two topics. First of all, I note I believe on Tuesday we intend to bring up a resolution concerning the war, and I want to ask about two parts of that. First of all, the gentleman from Michigan [Mr. BROOMFIELD] has introduced a resolution which we on our side feel very strongly should be the vehicle to come to the floor. We realize the gentleman cannot make that commitment right now, but we would be very, very opposed to a watered down milquetoast resolution. We feel quite strongly about that.

In addition, if it is brought up under suspension, since we spent 16 hours debating the issue of whether or not the President should be allowed to use force, we would like to work out some kind of arrangement where we could have essentially some kind of an agreement to have more than the usual 20 minutes on each side because there may be a signficiant number of Members who on a topic of this important would feel it important to express themselves.

I wonder if the gentleman could comment both on whether or not we could get a bipartisan agreement on the content of the resolution and whether or not we could find some agreement to have more than just 20 minutes on each side.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, it would be our effort and attempt to try to work out both a vehicle and langauge that all sides could agree to within the committee, and we certainly would entertain ideas for expanding the time for debate.

Mr. GINGRICH. If the gentleman will yield further, I note that the Resolution Trust Corporation is now technically out of money, and that insuring the depositors and making sure that the depositors are protected, that it costs, as I understand if from the Treasury Department, $8 million a day for every day that the Congress fails to do its job, and this is unnecessary waste. This is not money we have to spend for anything. I wonder, we were all hoping, frankly, that we could pass a clean Resolution Trust bill today so that we would be in a position to go back to the American people having saved the money. When we come back in on Tuesday in effect we will have lost about the first 4 days or $32 million in unnecessary expenditure, and I wonder if the distinguished majority leader can tell us when we might expect to be able to bring up a bill so that we would not be costing these taxpayers $8 million a day in congressionally mandated waste.

□ 1240

Mr. GEPHARDT. If the gentleman will yield further, as the gentleman may know, there were attempts in the committee to bring a bill out for a variety of reasons that failed. There will be every attempt made in conjunction with the majority side to try to bring out a bill on Tuesday, and I would further submit that, unfortunately, the Senate did not finish working on this bill and apparently has gone out of session, the other body, that is, left this week without finishing, so we hope that on Tuesday we can bring this to completion.

Mr. MICHEL. Let me also underscore, as the gentleman has very well pointed out, 8 million bucks a day simply by not doing what we are eventually going to be obligated to do.

I would hope that Members, certainly 50 percent of our side with a few more, and 50 percent on that side with a few more, to get this thing over and done with. We are going to have ourselves nickeled and dimed back and forth, back and forth. But each time we delay, it is going to cost us more.

What we are doing in the main is reimbursing the insured depositors for their accounts, so there is no way we are going to get out of this thing. We might as well face up to it. It is not a good choice, but the sooner we do it, the better.

Mr. GINGRICH. If the gentleman will yield further, respecting deeply our rule against commenting on the other body, which I will do, I think we do have a chance to show leadership here in the House. I think on the Republican side we are prepared to go to work and certainly try to have a bipartisan bill on the floor on Tuesday, that we would do everything we could to get votes for and to support, because by the end of next week, again, we will have literally been up in the $50 million or $60 million in absolutely, totally unnecessary waste of money that does not have to be thrown away. We need to save that money for a lot of more important things.

I think the majority leader's expression of an attempt to bring it up on Tuesday. We will do all we can to help get that up on Tuesday, and maybe that would inspire the other body to move expeditiously.

ADJOURNMENT TO MONDAY, MARCH 4, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MAKING IN ORDER ON WEDNESDAY, MARCH 6, 1991, CONSIDERATION OF MOTION ON H.R. 991, DEFENSE PRODUCTION ACT EXTENSION AND AMENDMENTS OF 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, March 6, to consider a motion pursuant to clause 1 of rule XXVII on the bill, H.R. 991, the Defense Production Act Extension and Amendments of 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MAKING TECHNICAL CORRECTIONS AND CORRECTING ENROLLMENT ERRORS IN CERTAIN APPROPRIATIONS ACTS

Mr. WHITTEN. Mr. Speaker, I offer a joint resolution (H.J. Res. 157) making technical corrections and correcting enrollment errors in certain acts making appropriations for the fiscal year ending September 30, 1991, and for other purposes, and I ask unanimous consent for its immediate consideration, that any rule of the House to the contrary notwithstanding, debate be limited to 1 hour, the time to be equally divided between myself and the gentleman from Pennsylvania [Mr. MCDADE], and that the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of House Joint Resolution 157 is as follows:

H.J. RES. 157

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INTERNATIONAL AFFAIRS

SEC. 101. The appropriation "Foreign Military Financing Program" as contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) is amended by striking out "$4,663,420,800" and inserting in lieu thereof "$4,259,920,800".

SEC. 102. Upon the enactment of this Act, the order issued by the President on November 9, 1990, pursuant to section 251 and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is hereby rescinded. Any action taken to implement this order shall be reversed, and any sequestrable resource that has been reduced or sequestered by such order is hereby restored, revived, or released and shall be available to the same extent and for the same purpose as if the order had not been issued.

TITLE II—MILITARY CONSTRUCTION

In Public Law 101-519, the Military Construction Appropriations Act, 1991, section 131 and 132 are hereby repealed.

TITLE III—GENERAL SERVICES ADMINISTRATION

In Public Law 101-509, the Treasury, Postal Service, and General Government Appropriations Act, 1991, under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction" at the end of the listing for the District of Columbia add the following project:

"General Services Administration, Southeast Federal Center, Headquarters, $148,500,000: *Provided*, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works", and under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction, Virginia, Northern Virginia Naval Systems Commands" strike "$273,000,000" and insert in lieu thereof "$240,000,000: *Provided*, That 10,000,000 in additional funds may be obligated upon the advance approval of the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further*, That no more than $250,000,000 shall be available for acquisition, through direct purchase and construction of 1,000,000 square feet of occupiable space: *Provided further*, That acquisition of an additional 1,000,000 square feet either through direct purchase, construction, or lease, shall only be permitted upon the advance approval of a prospectus by the House Committee on Public Works and Transportation and Senate Committee on Environment and Public Works".

TITLE IV—DEPARTMENT OF TRANSPORTATION

In Public Law 101-516, the Department of Transportation and Related Agencies Appropriations Act, 1991, section 329 is hereby repealed. The Secretary of Transportation shall restore any funds subject to apportionment and obligational authority reduced under section 329.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minites.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the closing days of the 101st Congress were very active days for the committee and the Congress. From October 18 to October 27, we handled 15 conference reports on appropriations bills and 3 continuing resolutions. Members worked long hours to reach agreements. On more than one occasion staff worked more than 36 hours straight to prepare the conference reports and statements of managers.

It was a situation where the opportunity for error was very high. People were under pressure to get these bills done quickly and well. Because of the opportunity for error and out of an abundance of caution, we performed an even more careful review than we usually do of the enrolled bills that were sent to the President to see if any errors had been made.

We found, during that review, four significant errors had been made and enacted into law.

This resolution corrects those errors.

Foreign Operations.—Due to a drafting error, the Foreign Military Financing Program in the foreign operations bill is $403.5 million too high. This appropriation error resulted in a sequestration in the international affairs function accounts to reduce the allocation for the international affairs accounts to the agreed upon level. The reduction on other international affairs accounts is having a negative impact and needs to be reversed. The resolution also reverses that sequestration.

Military Construction.—The enrolled military construction bill included two Senate-passed sections which had not been agreed to in conference. The enrolling process failed to reflect final congressional action. These sections now need to be deleted from the law to accurately reflect the congressional actions shown on pages H10665–10666 of the CONGRESSIONAL RECORD of October 19, 1990, and page S17705 of the CONGRESSIONAL RECORD of October 27, 1990.

General Services Administration.—The enrolled Treasury Postal Service bill did not include two modifications made by the Senate and subsequently agreed to by the House. The modifications to the Federal buildings fund construction program were not picked up during enrollment and the public law needs to be revised to reflect the congressional action shown on pages S16853 and H11694–11695 of the CONGRESSIONAL RECORD of October 23 and 24, 1990, respectively.

Transportation.—The House passed bill contained a provision regarding the sources of State revenues for urban mass transit. The Senate passed bill struck the provision. The House position prevailed in conference. The Senate amended the conference agreement further which was intended to, in effect, set aside the earlier section. The administration's interpretation is that it does not. A revision to the bill is necessary to reflect the final congressional agreement.

Mr. Speaker, I urge support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCDADE asked and was given permission to revise and extend his remarks.)

Mr. Speaker, I am pleased to rise in support of this bill, which is aptly described as noncontroversial. I expect and hope this will only take a minute.

Technical corrections, in my experience, are unusual for appropriations bills. In my 27 years as a member of the Committee on Appropriations and my 29 years as a Member of the House, it is rare to even have to bring a technical corrections bill up because the staff does such a magnificent job of taking care of these bills. We can all recall the tumult of the closing days of the last session, and I am surprised there are only a few.

In the foreign operations bill, some $400 million in a foreign military sales program were added on top of the overall account, rather than earmarked from within the account. That resulted in the bill exceeding its spending limits by that amount, which in turn triggered a 1.9 percent categorical sequester 15 days after Congress adjourned. Today, we correct that error and undo the sequester.

In the military construction bill, two general provisions were ultimately dropped from the bill as it moved back and forth between the House and the Senate, but the version that went down to the White House and was signed into law mistakenly contained those two provisions. Today we correct that error.

In the Treasury bill, a similar thing occurred with respect to the amount of money provided to the General Services Administration for the construction of Navy buildings. The conference report also failed to include a provision for the GSA headquarters building that had been agreed to by the conferees. Today, we correct those provisions.

And finally, in the transportation bill, a provision intended to reflect a compromise reached in the final hours of the session, assuring the continued flow of Pennsylvania highway funds in fiscal year 1991, did not quite have its desired effect. Today, we correct that.

And, Mr. Speaker, that's it. Relatively simple corrections in four bills.

Mr. Speaker, this is the first time I have had the privilege of managing a general appropriations bill for the Republican side of the aisle. I am honored to be given this privilege. I would like you and all of my colleagues to know that I obviously take this responsibility very seriously. I would like to say to the chairman, the dean of the House, JAMIE WHITTEN, that I look forward to working with him in the months and years ahead. I hope all our bills will be as easy and noncontroversial as this. And I would like to say to the Members on my side of the aisle that I will do my best to reflect their views and to assure them that the vigilence which is our prerogative and our right will be constantly and consistently exercised.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments of my colleague, the gentleman from Pennsylvania [Mr. MCDADE].

We have worked together for many, many years in many, many areas. He has done a fine job as ranking member on the Interior's Subcommittee and then on the Defense Subcommittee. I know he will do a great job as ranking member of the full committee.

As I told him earlier, there comes a time when we will have to pull together to get the work of the committee done, and we will have no difficulty along that line. We are mighty glad to be working with the gentleman from Pennsylvania [Mr. MCDADE]. He will do a great job.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Under the unanimous-consent agreement, the previous question is ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I be permitted to include tabular and extraneous material, on House Joint Resolution 157, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AMTRAK

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, earlier today I spoke about the end of the Persian Gulf war and the need to proceed now to domestic agenda, that now that the war is over we have wars at home that we have to deal with. There is a war to regain our economic self-sufficiency, a war to develop viable energy policy, a war to develop a viable health care policy, a war against drugs and crime, a huge domestic agenda awaits Members.

However, I think it is important to look at the Persian Gulf war and acknowledge whose winners and losers. Obviously, the President of the United States is a big winner in leading the allied effort. American troops and coalition forces, the military, the Congress of the United States for uniting behind the President after a constitutional debate authorizing the use of force. The United Nations is a big winner, too. The fact that we can use effectively their peacekeeping functions. The days when the United Nations is only bureaucratic and involved in nonimportant international issues perhaps may be over, as they provided a forum for peacekeeping, and hopefully in the days ahead for a viable role in securing a new peace.

The role of new efficient weapons like the Patriot, well-built, effective, high technology, the Tomahawk, developed under several administrations, including I must say, President Jimmy Carter. Especially under Jimmy Carter, the father of the Stealth bomber. The media, I think, played a very positive role, with CNN in particular, bringing the reports from the field almost instantaneously, the global village reinforced.

The losers are obvious. Saddam Hussein, any dictator that wishes to risk aggression. Yasser Arafat. The Soviet Union, toward the very end trying to tilt toward Iraq, regrettably did not play a constructive role. The whole United States-Soviet warming, perhaps, may be in jeopardy. I certainly hope not. Germany and Japan, also, for not doing as much as they should have.

Mr. Speaker, I wish to change the subject to a recent positive experience that I just took, returning from New Mexico to Washington on a train, on Amtrak.

All those nasty things said about Amtrak are not true. In fact, Amtrak is back. I recently took the Southwest Chief from Lamy, NM, to Chicago in an effort to get a firsthand view of Amtrak. As a member of the Subcommittee on Transportation of the Committee on Energy and Commerce, we have oversight responsibility over Amtrak.

At a time when we are trying to conserve energy, train travel should be encouraged. Every industrial country has a viable passenger rail service. An Italian couple on board the Chief touring our country said the service on Amtrak is better than any rail system in Europe.

Even though the train was filled to capacity, the service was excellent—as good as any five star hotel. The accommodations are clean and comfortable. Employees were courteous, efficient, and proud of their jobs.

Train travel is a great family outing, discovering America together. During our trip, we traversed the desert landscape of New Mexico, the mountains of Colorado, the plains of Kansas and Missouri, and the rolling farmlands of Illinois.

After boarding in Lamy late afternoon on Saturday, we arrived in Chicago 24 hours later—rested, relaxed, and ready to take on new challenges.

Mr. Speaker, I especially wish to commend the following Amtrak employees on the Southwest Chief. They all provide excellent service to Amtrak passengers. The employees are: Bill Hodge, Marty Ray, Mike Hennesey, Paul LoMonaco, Roger Young, Leon Lletcher, and Craig Craig.

BLACK HISTORY SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, a special order was conducted on the evening of February 26, recognizing Black History Month and I was unable to be present. At this time I want to enter some remarks in the RECORD recognizing Black History Month.

Mr. Speaker, earlier this month I cohosted the Fourth Annual Third District Georgia Black History Month observance. My good friend and distinguished colleague, the gentleman from Ohio [Mr. STOKES], was the featured speaker in Columbus, GA, and at the historically black institution Fort Valley State College. The Congressman from Ohio [Mr. STOKES] delivered a stirring and impressive message, and emphasized that black history is often left out of the history books. He particularly made a favorable impression on the students at Fort Valley State College by describing his rise, along with his brother Carl, from a ghetto in Cleveland, OH. Carl Stokes, his brother, went on to become the first black to be elected mayor of a major city, and LEWIS STOKES has been a Member of Congress for 23 years.

The gentleman from Ohio [Mr. STOKES] emphasized that a person can be what they want to be if they strive to do so. He pointed out that several black Americans have done great things and have been overlooked by the authors of history books. He stated:

> Until we commit ourselves to acknowledge the historical fact that black men and women have made great contributions to our Nation's progress, just as white men and women have, our Nation will never be able to realize the basic benefit of our democracy that all men and women are created equal.

Black History Month has been set aside throughout America to recognize those individuals, organizations, and communities who have played key roles in our history. The annual event held in the Third District of Georgia pays tribute to those individuals and institutions who have contributed their efforts and dedicated their existence to the improvement of America.

□ 1300

While we pay tribute to Black History during this month, we should also recognize people and projects that are helping present and future generations. The proceeds of the events in the Third District went this year to the House of Mercy in Columbus, GA, and the Cleveland W. Pettigrew Endowment Fund at Fort Valley State College. Several thousands of dollars went into these funds.

The House of Mercy was founded in Columbus by Mrs. Ocie Harris in 1976, and offers a loving home to less fortunate people by providing them with meals, clothing, shelter, medical services, aid in finding employment, and drug and alcohol recovery programs. The Cleveland W. Pettigrew Endowment Fund at Fort Valley State College, a historically black college, exists to raise funds needed for scholarships, faculty development, research, and academic activities at the college.

Recognition of those who have assisted in better race relations, or who have dedicated their lives to the betterment of America, or who have worked to help the less fortunate, really knows no racial boundaries.

Some of those are Congressman JOHN LEWIS, a distinguished Member of this body right here from Georgia; John F. Kennedy, Martin Luther King, Jr., Benjamin Mays, Eleanor Roosevelt, Douglas Wilder, Chairman of the Joint Chiefs of Staff Gen. Colin Powell. Each of these people and many others—some black, some white—some rich, some poor—some living and some who have gone on—each tried or are currently trying in their own special way to work for a better America. This spirit continues to flow through many of us and our young people, and will continue to bolster our free and democratic society.

It was a pleasure to have Congressman STOKES with us at the observances in the Third Congressional District of Georgia.

He has played an integral role in this development, and he continues to be a moving force in assisting others. Congressman STOKES served honorably in the U.S. Army, and then began a successful career as an attorney. In his first attempt at public office, Mr. STOKES was elected to the congressional seat in 1968 he still represents. This made him the first black member of Congress from the State of Ohio, and he currently serves as the dean of that distinguished body.

Congressman STOKES currently serves on the House Committee on Appropriations, and ranks seventh on that prestigious committee of 57 members, simply meaning that one day in the not too distant future, in a few years, he could be the chairman of this distinguished committee.

He served as chairman of the select committee which conducted the investigation and study of the circumstances surrounding the death of President John F. Kennedy and the death of Dr. Martin Luther King, Jr.; and he has been the chairman of the House Permanent Select Committee on Intelligence.

Congressman STOKES is a former chairman of the Congressional Black Caucus; he currently chairs the Congressional Black Caucus health brain trust; he has been named as one of the 100 most influential black Americans by Ebony magazine in every year since 1971; he has been presented the Martin Luther King, Jr., award by Ebony magazine; and was awarded the William L. Dawson Award by his colleagues in the Congressional Black Caucus.

He has received 18 honorary doctorate degrees from distinguished institutions.

I would like to publicly applaud the Speaker of the House, TOM FOLEY, for recently appointing Congressman STOKES as chairman of the House Ethics Committee. It is a chairmanship he previously held from 1981 to 1985, and one in which he will do an excellent job.

Mr. Speaker, it is my pleasure to participate today in the celebration and recognition of Black History Month. I am also delighted to pay tribute to a living, breathing example of black history and black history in the making: My colleague, my friend, a distinguished Member of the House of Representatives, Congressman LOUIS STOKES.

INTRODUCTION OF H.R. 1202, MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a most important piece of legislation, the Mickey Leland Childhood Hunger Relief Act. This bill responds to an ongoing national tragedy, the tragedy of hunger in our land of plenty.

There is no question that resources in the Federal budget are extemely tight this year. It would be irresponsible, however, for us to sit by and ignore the mounting evidence of the prevalence of hunger and its consequences. For example, we have been closely following the results of a ground-breaking study of childhood hunger known as the Community Childhood Hunger Identification Project [CCHIP]. Although the final results are expected to be released at the end of March, preliminary results suggest that at least 3.5 to 5 million American children are hungry and a total of 8 to 9 million children are hungry or at risk of hunger. Hunger children are two to three times more likely to have suffered recent health problems than low-income children from nonhungry households, and these health problems are associated with higher school absenteeism.

The consequences of hunger among children should give all of us pause. The U.S. Public Health Service has reported that the Surgeon General's goal of eliminating growth retardation of infants and children caused by inadequate diet cannot be met under present circumstances. Recent research shows hungry children have significantly impaired abilities to learn. It is unconscionable that the children of America, who represent the future of our Nation, should have to endure these conditions.

Nobody felt this more strongly than Mickey Leland. Mickey's courage, strength of vision and persistence throughout his service in Congress helped move hunger, in America and overseas, to the forefront of this Nation's consciousness. Mickey was a powerful speaker, but he preferred to encourage his colleagues to join him on trips to see the effects of hunger first hand. He knew that the human tragedy of hunger could reach across partisan and ideological lines. Those of us who accompanied Mickey to the Hunger Committee's field hearing saw that he had remarkable empathy for people who suffered from hunger which allowed him to make contact with them immediately. That same gift for building bridges to people of all backgrounds made him a remarkable effective legislator working with Members on both sides of the aisle.

The tremendous outpouring of grief at Mickey's untimely death 2 years ago knew no distinctions of party or political point of view. It was testimonial to his ability to bring people together. Yet, Mickey would want more than that. He would insist that we continue the vitally important work that was so much a part of his life.

It was with this in mind that BILL EMERSON and I, along with other friends of Mickey, sought to create a living memorial of him, a memorial of the kind he would most want. Building on what we learned in our years of serving with Mickey on the Select Committee on Hunger and in working together on the Agriculture Committee's Nutrition Subcommittee, we sought to identify the best ways in which we could make a difference in reducing hunger in America. We were joined in this effort by my very able successor as chairman of the Nutrition Subcommittee, CHARLES HATCHER, who led the subcommittee in conducting an extensive round of hearings relating to last year's reauthorization of the Food Stamp and Temporary Emergency Food Assistance Programs.

In developing this legislation, it was a great pleasure to work again with my good friend and colleague, BILL EMERSON, who was Mickey's frequent companion on field trips to investigate hunger in this country and overseas. His patience, insight, and commitment to improving our nutrition programs have enlightened our efforts over the years. It was also very good to have the opportunity to work closely with the chairman of the Committee on Agriculture, KIKA DE LA GARZA, who has been a forceful advocate for nutrition programs for many years. His insights and judgment made a major contribution to crafting a sensible and well-targeted bill.

The House budget resolution for fiscal year 1991 provided room for the Leland bill, and it was included in the farm bill reported out of the Agriculture Committee. Last August, in a striking 336 to 83 vote, this body endorsed the Mickey Leland Memorial Domestic Hunger Relief Act.

Unfortunately, this initiative did not survive the budget summit negotiations at the end of last year's session. As disappointed as BILL EMERSON and I were, we both vowed that we would redouble our efforts this year to pass legislation to respond to respond to the tragedy and disgrace of hunger.

I am proud to say that the legislation that we are introducing today, which is very similar to the version that passed the House last year, is an entirely fitting memorial to Mickey Leland. The bill makes a serious effort to attack the causes of hunger rather than just its symptoms.

The centerpiece of the bill is a pair of provisions designed to alleviate hunger among the homeless and near-homeless. HUD and the Census Bureau data show that 45 percent of all poor renters spend at least 70 percent of their incomes on shelter costs. Households that are forced to devote this much of their income to shelter costs will almost by definition be at severe risk of hunger. Moreover, the high cost of shelter for low-income Americans is forcing more and more of them to double-up in housing. Unfortunately, current food stamp rules do not properly recognize the needs of these households.

Our bill would allow households with children to deduct high shelter costs in the same way that elderly and disabled households do at present. Under current law, households may deduct shelter expenses that exceed 50 percent of their incomes, but only up to an amount indexed annually, which for 1991 is $186 a month. The cap does not apply to elderly and disabled households.

The excess shelter deduction was enacted to avoid forcing households with high housing and utility costs to choose between eating and paying their shelter costs. But for households that are not elderly or disabled, this deduction is limited to $186 a month—even if the household's excess shelter costs are greater. This means that the very families that face the most severe housing cost burdens—families that do not receive HUD housing aid and that pay extremely high proportions of their incomes for housing—are the families that are not permitted to deduct their full excess shelter costs. Under the current food stamp benefit structure, families with very high shelter costs are thus assumed to have money available for food that actually must go to pay the rent and utility bills—and as a direct result their food stamp benefits are set at unrealistically low levels. The cap most severely burdens families with children since it is a fixed limit with no allowance for household size.

Since the cap was enacted in 1977, the low-income housing market has changed radically. In 1978, the number of low-rent housing units—defined as units renting for no more than $250 a month, as measured in 1985 dollars—exceeded the number of households with incomes below $10,000 a year. In 1985, there were 3.7 million fewer low-rent units than there were households below $10,000, a sharp reversal of the conditions that prevailed only 7 years earlier. The result has been a stunning increase in the housing cost burdens on poor households.

Moreover, the rationale for the cap has disappeared since 1977. Congress imposed the cap to keep middle-income households from getting food stamps by claiming large shelter deductions. Gross income limits have since been added to the program to exclude higher income households without regard to their deductible expenses. Lifting the cap therefore will not allow middle-income households to receive food stamps; it will only provide more realistic benefits to families with high shelter costs who are now eligible.

Our bill also would simplify the current food stamp household definition. Adults who buy and cook food on their own could apply as separate households from their relatives. For example, when two brothers who had previously lived on their own move into the same apartment because they cannot afford separate housing, either or both could apply for food stamps independently if they bought and cooked food separately. The bill would still require parents, spouses, and their minor children to be in the same household.

Current law requires, subject to several exceptions, that parents and their adult children, and adult siblings, be in the same household even if they buy and cook food separately. State food stamp administrators have complained that the current definition is far too complex and excessively error-prone.

The current household definition discourages low-income people from doubling-up in the homes of relatives. This is extremely counterproductive at a time of rising homelessness. These rules particularly hurt migrant farm workers, who may live separately in their base States but double-up with relatives in labor camps during their travels to save money.

The AFDC, Medicaid, and SSI Programs have no comparable rule requiring adult siblings, spouses or parents and their adult children, to apply for and receive benefits together.

The bill seeks to promote self-sufficiency and personal responsibility in several ways. It would exclude the first $50 a month paid as child support from being counted as income in determining food stamp allotments. AFDC already allows households to keep the first $50 of child support paid each month.

The $50 exclusion in AFDC recognizes the importance of having parents assume responsibility for their children; it gives custodial parents an incentive to seek out absent parents, and absent parents an incentive to pay child support. The Food Stamp Program currently undercuts these incentives by counting the $50 payments as income, which reduces food stamps.

Excluding the first $50 of child support payments for food stamps as well as AFDC will simplify the administration of the two programs and ease burdens on case workers. This reform passed the House in 1987 as part of the welfare reform bill.

The bill also would seek to encourage low-income absent parents to make support payments and ensure that the ability of these parents to feed their current families is not unduly burdened by their performance of their child support obligations. The bill would exclude from the income of a low-income household any legally binding child support payments a household member makes to support a child outside of the household.

Under the present law, no exclusion from income is provided for child support payments an absent parent makes. This means that if an absent parent remarries and has children in his second family—but still has low income—the payments he makes to support the children in his first family are counted as though they represented income still available to buy food for his current family.

In addition to being an unrealistic reflection of the resources available to the father's current family, the current law also raises serious equity issues. If two absent fathers have the same level of income before the child support payments—but one responsibly pays child support while the other fails to—both receive the same amount of food stamps. Yet the father who has made the support payments has less money left for food purchases than the father who makes no payments.

Just as a key principle of welfare reform was that poor parents who work should be better off than those who do not, so, too, should the families of absent parents who pay child support be better off than parents who neglect their obligation to support their absent children.

The proposal would strengthen food stamp employment and training [E&T] programs by increasing the limit for reimbursements to recipients for the costs incurred in E&T activities. The bill also would raise dependent care reimbursements to the level set in the Family Support Act. The limit on reimbursements for transportation, uniforms, and other expenses would rise to $75 per month. Current law limits dependent care reimbursements to $160 per dependent per month and other reimbursements to $25 per month and requires States to exempt from the work requirement those households whose costs would be higher.

Raising the reimbursement limits will allow States to bring more households into E&T programs. In many areas, child care cannot be obtained for $160 per month. In some rural areas, the cost of transportation to training sites or job contacts may well exceed $25 for many recipients. Without this increase, States may be forced to leave whole communities out of their E&T programs. Also, many training programs require tools, uniforms, or protective clothing that cost significantly more than these programs can now reimburse. Similar provisions already have passed the House, as part of the 1987 welfare reform bill and again last year, and the Senate, in its version of the 1988 Hunger Prevention Act.

The bill would raise the current $4,500 limit on the fair market value of vehicles that food stamp recipients may own.

The current $4,500 vehicle limit was written into the act in 1977 and has not changed since, despite rapid inflation. As inflation passes $4,500 vehicle resource limit by, more and more working families are made ineligible for food stamps because of cars they depend upon to get to work. The consumer price index for cars has risen 120 percent since 1977. Working households may be forced to choose between going hungry for lack of food stamps and selling their cars, which can force them to leave their jobs.

The President's Task Force on Food Assistance in January 1984 recommended that this limit be increased to $5,500 immediately. Increases in the limit passed the House, with the 1985 and 1990 farm bills, and the Senate, with the 1988 Hunger Prevention Act. We should do nothing that will compromise households' opportunities to retain and enhance their abilities to be self-sustaining.

The bill would make one addition in the vehicle rules to assist a small group of households that need vehicles that may be especially durable and expensive. The bill would exempt vehicles that are used to transport water or fuel where the household lacks piped-in water or fuel.

In places that still are not served by water mains, households may have to haul drums of water for long distances, and often over difficult terrain. Other rural households may have to haul firewood or coal to their homes for heat. Even the poorest of these households cannot afford to be without a dependable vehicle that can hold up under this kind of use. Yet the trucks that many of these households have for this purpose, though far from luxurious, tend to have fair market values well in excess of the current $4,500 limit or the new limits proposed by this legislation.

The bill seeks to avoid hunger and hardship caused by inadequate benefits in the Food Stamp Program. Almost two-thirds of those getting food stamps are elderly, disabled, or children. Almost 83 percent of all food stamp benefits go to families with children.

The bill would raise basic food stamp benefit levels in stages to 105 percent of the Thrifty Food Plan. This needs to be done to allow households to purchase the thrifty food plan for most or all of the year. Under the Hunger Prevention Act of 1988, basic food stamp benefits will reach 103 percent of the previous June's thrifty food plan in fiscal year 1991. Food stamp benefit levels increase every October to reflect food costs the previous June.

Over the 13-year history of the thrifty food plan, the average cost of the plan in the last half of the fiscal year has exceeded the cost in the previous June by an average of 5.4 percent. The adjustment to 105 percent of the previous June's cost is needed to make it much more likely that food stamp allotments will be sufficient to allow food stamp households to purchase the thrifty food plan for most or all of the year.

The experience of fiscal year 1989 is illustrative: In the latter half of fiscal year 1989, the average monthly cost of the thrifty food plan exceeded the cost in the previous June by 8.9 percent.

It should be noted that even this increase is relatively modest. Food stamps provide an average of less than $0.70 per person per meal. The maximum food stamp benefit for a family of four provides only $0.96 per person per meal. The Food and Nutrition Service [FNS] has reported that "fewer than one in ten families spending an amount of money equivalent to the cost of the Thrifty Food Plan received 100 percent of the Recommended Daily Allowances. Less than half received even two-thirds of the Recommended Daily Allowances."

The bill would increase funding for the Nutrition Assistance Program [NAP] in Puerto Rico over baseline in each of the 4 remaining years of the farm bill. The increments would rise from $11 million in the first year to $25 million in the fourth year.

In 1981, the Food Stamp Program in Puerto Rico was replaced by the NAP, which is funded on a block grant basis. Funding was cut well below the level required to provide nutritional assistance comparable with that of the Food Stamp Program. In subsequent years, funding was frozen or increased by less than baseline. As a result, poor children in Puerto Rico have far less of a nutritional safety net to rely upon than do comparable poor children in the 50 States, Guam, or the U.S. Virgin Islands. These modest increments would make a small step toward redressing this imbalance.

The bill would return to the rule contained in the 1981 Omnibus Budget Reconciliation Act [OBRA] and eliminate the reduction of food stamps for households reapplying within 30 days of going off the program. OBRA 1981 required that new applicants for food stamps have their initial month's benefits prorated based upon the day of the month that they applied. OBRA 1982 extended prorating to recipients whose participation in the program is briefly interrupted because the household, for whatever reason, does not reapply by the first day of the month. A recent GAO report recommended this change back to the OBRA 1981 rule.

GAO found that the vast majority of the households suffering short gaps in benefits remain eligible throughout the period. Gaps frequently result from State errors, forms lost or delayed in the mail, or honest misunderstandings by household members. These gaps in benefits can force households to divert some of their rent, mortgage, or utility money to pay for food, leaving them in danger of an eviction or a utility shutoff. The situation of recipients who suffer a brief gap in benefits is different from that of new applicants, who may have been living off of income for a job in the early part of the month before they applied for food stamps.

The Drought Relief Act of 1988 enacted this provision for migrant farm workers, and the Senate's version of the Hunger Prevention Act of 1988 would have applied this rule to all households.

The bill would exclude all vendor payments for housing that meet the definition of transitional housing for the homeless. None of these vendor payments should be counted against homeless households since they are not, in fact, available to households and cannot be used for food. Current rules count part of vendor payments of transitional housing for the homeless in States that use certain methods to calculate AFDC benefits. Homeless households' ability to receive food stamps should not depend on how a State happens to label its AFDC benefits.

The bill would exclude general assistance [GA] vendor payments provided for expenses other than housing from consideration as income in the Food Stamp Program.

In all but a handful of states, general assistance programs are primarily local, often quite informal efforts. A township supervisor or a county justice may receive a request from a family for help with a particular need—a utility shutoff notice, a medical procedure that is needed, a car that needs to be repaired so that a household member can get to work, and so forth—and to authorize payment from local governmental funds to meet that need. Because these payments are sought and approved for specific purposes, the supervisors, or court clerks will often make their checks out to the vendor or creditor involved. Although these payments are never in the household's hands, and are not available to meet the household's food needs, they are nontheless counted as available income to reduce the household's food stamps.

The Food Stamp Program's current rules on vendor payments were written primarily to prevent the wholesale diversion of regular AFDC benefits into vendor payments to keep them from being counted as income to food stamp households. Unfortunately, it was written to cover GA vendor payments as well, even though the same problem does not apply with regard to GA. Few GA programs operate on anything like a statewide entitlement basis, and GA vendor payments are made on behalf of the household it will generally be because of the custom of the official making the payment.

Last year's farm bill excluded from consideration as income those GA vendor payments made under State laws that prohibit making direct payments to households. In some jurisdictions that routinely provide any GA relief in the form of vendor payments, however, the program is so informal that there may be no explicit State law requiring them to be issued in that form. This provision will allow these jurisdictions to respond to households' legitimate emergencies—other than those requiring housing assistance—without causing the household to suffer a new emergency with the reduction of their food stamps.

Finally, the bill would eliminate the remaining funding cap provisions of the Food Stamp Act. It would eliminate current procedures requiring USDA to submit monthly reports to Congress concerning the Food Stamp Program's rate of spending and the sections that authorize the reduction or cessation of benefits to households if funding is insufficient.

This approach was proposed last year by the administration as part of its recommendations for the farm bill. As the administration pointed out, the cap was imposed more than a decade ago, at a time when the program's growth and utilization were much harder to predict. Allotment reductions have never taken place, but the continued presence of these provisions in the act has caused unnecessary uncertainties on the part of both State administrators and recipient households.

Last year's legislation removed the formal authorization caps that had been in the law but retained the reporting requirements and, due to a technical drafting error, could be read to require cessation of benefits to households if a supplemental appropriations bill is delayed. The administration's provision would put the Food Stamp Program in the same position that AFDC, Medicaid, and other Federal programs intended to function as entitlements have long enjoyed.

In conclusion, I would like to urge my colleagues to join with me in supporting this critical and long-overdue legislation. It not only honors Mickey Leland, but will ensure that all of the children of America have the opportunity to develop and reach their full potential. I can think of no more important, no more worthy effort for this body to dedicate itself to than protecting the children of this country, our future, against the ravages of hunger.

H.R. 1202

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Mickey Leland Childhood Hunger Relief Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short Title and Table of Contents.
Sec. 2. References to acts.

TITLE I—ENSURING ADEQUATE FOOD ASSISTANCE

Sec. 101. Families with higher shelter expenses.
Sec. 102. Basic benefit level.
Sec. 103. Continuing benefits to eligible households.
Sec. 104. Homeless families in transitional housing.
Sec. 105. Improving the nutritional status of children in Puerto Rico.
Sec. 106. Households benefiting from general assistance vendor payments.

TITLE II—PROMOTING SELF-SUFFICIENCY

Sec. 201. Child support disregard.
Sec. 202. Child support payments to nonhousehold members.
Sec. 203. Vehicles needed to seek and continue employment and for household transportation.
Sec. 204. Vehicles necessary to carry fuel or water.
Sec. 205. Improving access to employment and training activities.

TITLE III—SIMPLIFYING THE PROVISION OF FOOD ASSISTANCE

Sec. 301. Simplifying the household definition for households with children and others.
Sec. 302. Resources of households with disabled members.
Sec. 303. Assuring adequate funding for the food stamp program.

TITLE IV—IMPLEMENTATION AND EFFECTIVE DATES

Sec. 401. Effective dates.

SEC. 2. REFERENCES TO ACTS.

Except as otherwise specifically provided herein, references to "the Act" and sections thereof shall be deemed to be references to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and the sections thereof.

TITLE I—ENSURING ADEQUATE FOOD ASSISTANCE

SEC. 101. FAMILIES WITH HIGH SHELTER EXPENSES.

(a) REMOVAL OF CAP.—The fourth sentence of section 5(e) of the Food Stamp Act of 1977 (hereinafter referred to as "the Act") (7 U.S.C. 2014(e)) is amended by striking ": *Provided*, That the amount" and all that follows through "June 30".

(b) TRANSITIONAL CAP.—Effective for the period beginning on the date of enactment of this Act through September 30, 1995, section 5(e), as amended by subsection (a), is amended by inserting after the fourth sentence "Such excess shelter expense deduction, in the fifteen months ending December 31, 1991, shall not exceed $186 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $323, $265, $225, and $137 a month, respectively; in the nine months ending September 30, 1992, shall not exceed $220 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $382, $314, $267, and $162 a month, respectively; in the twelve months ending September 30, 1993, shall not exceed $245 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $426, $350, $297, and $181 a month, respectively; in the twelve months ending September 30, 1994, shall not exceed $280 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $487, $400, $340, and $207 a month, respectively; and in the twelve months ending September 30, 1995, shall not exceed $335 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $582, $478, $406, and $247 a month, respectively.".

SEC. 102. BASIC BENEFIT LEVEL.

Section 3(o) of the Act (7 U.S.C. 2012(o)) is amended by striking "(4) through" and all that follows through the end of the subsection and inserting the following:

"(4) on October 1, 1990, adjust the cost of such diet to reflect 103 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (5) on October 1, 1991, adjust the cost of such diet to reflect 103 and one-third percent of the cost of the thrifty food plan in the preceding June (without regard to the adjustment made under clause (4)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (6) on October 1, 1992, adjust the cost of such diet to reflect 103 and two-thirds percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4) and (5)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (7) on October 1, 1993, adjust the cost of such diet to reflect 104 percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4), (5) and (6)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (8) on October 1, 1994, adjust the cost of such diet to reflect 104 and one-third percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4), (5), (6) and (7)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (9) on October 1, 1995, adjust the cost of such diet to reflect 104 and two-thirds percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4), (5), (6), (7) and (8)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, and (10) on October 1, 1996, and on every October 1 thereafter, adjust the cost of such diet to reflect 105 percent of the cost of the thrifty food plan in the preceding June, (without regard to any previous adjustments made under clauses (4), (5), (6), (7), (8), (9) or this clause) as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size.".

SEC. 103. CONTINUING BENEFITS TO ELIGIBLE HOUSEHOLDS.

Section 8(c)(2) of the Act (7 U.S.C. 2017(c)(2)) is amended in subparagraph (B) by inserting after "following any period" the phrase "of more than one month in".

SEC. 104. HOMELESS FAMILIES IN TRANSITIONAL HOUSING.

Section 5(k)(2)(F) of the Act (7 U.S.C. 2014(k)(2)(F)) is amended to read as follows:

"(F) housing assistance payments made to a third party on behalf of a household residing in transitional housing for the homeless;".

SEC. 105. IMPROVING THE NUTRITIONAL STATUS OF CHILDREN IN PUERTO RICO.

Section 19(a)(1)(A) of the Act (7 U.S.C. 2028(a)(1)(A)) is amended:

(1) by striking "$1,013,000,000" and inserting "$1,024,000,000";

(2) by striking "$1,051,000,000" and inserting "$1,066,000,000";

(3) by striking "$1,091,000,000" and inserting "$1,111,000,000"; and

(4) by striking "$1,133,000,000" and inserting "$1,158,000,000".

SEC. 106. HOUSEHOLDS BENEFITING FROM GENERAL ASSISTANCE VENDOR PAYMENTS.

Section 5(k)(1)(B) of the Act (7 U.S.C. 2014(k)(1)(B)) is amended to read as follows:

"(B) a benefit payable to the household for housing expenses, not including energy or utility-cost assistance, under—

"(i) a State or local general assistance program; or

"(ii) another basic assistance program comparable to general assistance (as determined by the Secretary).".

TITLE II—PROMOTING SELF-SUFFICIENCY

SEC. 201. CHILD SUPPORT DISREGARD.

Section 5 of the Act (7 U.S.C. 2014), as amended by sections 101 and 104 of this Act, is further amended—

(1) in clause (13) of subsection (d)—

(A) by striking "at the option" and all that follows through "subsection (m)," and inserting "(A)"; and

(B) by adding at the end the following: "and (B) the first $50 of any child support payments for such month received in that month, and the first $50 of child support for each month received in that month if such payments were made by the absent parent in the month when due,"; and

(2) by striking subsection (m).

SEC. 202. CHILD SUPPORT PAYMENTS TO NON-HOUSEHOLD MEMBERS.

Section 5(d)(6) of the Act (7 U.S.C. 2014(d)(6)) is amended by inserting at the end the following: ", *Provided*, That child support payments made by a household member to or for a person who is not a member of the household shall be excluded from the income of the household of the person making such payments if such household member was legally obligated to make such payments,".

SEC. 203. VEHICLES NEEDED TO SEEK AND CONTINUE EMPLOYMENT AND FOR HOUSEHOLD TRANSPORTATION.

Section 5(g) of the Act (7 U.S.C. 2014(g)) is amended by striking "$4,500" and inserting the following: "a level set by the Secretary, which shall be $4,500 through September 30, 1991, and which shall be adjusted from $4,500 on October 1, 1991, and on each October 1 thereafter, to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for new cars, for the twelve months ending the preceding June 30, and rounded to the nearest $50".

SEC. 204. VEHICLES NECESSARY TO CARRY FUEL OR WATER.

Section 5(g) of the Act (7 U.S.C. 2014(g)), as amended by section 203, is amended by adding at the end. "The Secretary shall exclude from financial resources the value of a vehicle that a household depends upon to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household.".

SEC. 205. IMPROVING ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES.

(a) DEPENDENT CARE DEDUCTION.—Section 5(e) of the Act (7 U.S.C. 2014(e)) is amended in clause (1) of the fourth sentence—

(1) by striking "$160 a month for each dependent" and inserting "$200 a month for a dependent child under age 2 and $175 a month for any other dependent"; and

(2) by striking ", regardless of the dependent's age,".

(b) REIMBURSEMENTS TO PARTICIPANTS.—(1) Section 6(d)(4)(I)(i)(I) of the Act (7 U.S.C. 2015(d)(4)(I)(i)(I)) is amended by striking "$25" and inserting "$75".

(2) Section 6(d)(4)(I)(i)(II) of the Act (7 2015(d)(4)(I)(i)(II)) is amended by striking "reimbursements exceed $160" and all that follows through the end and inserting "reimbursements exceed the applicable local market rate as determined by procedures consistent with any such determination under the Social Security Act. Individuals subject to the program under this paragraph may not be required to participate if dependent care costs exceed the limit established by the State agency under this paragraph (which limit shall not be less than the limit for the dependent care deduction under section 5(e)).".

(c) REIMBURSEMENTS TO STATE AGENCIES.—Section 16(h)(3) of the Act (7 U.S.C. 2025(h)(3)) is amended—

(1) by striking "$25" and all that follows through "dependent care costs)" and inserting "the payment made under section 6(d)(4)(I)(i)(I) but not more than $75 per participant per month"; and

(2) by striking "representing $160 per month per dependent" and inserting "equal to the payment made under section 6(d)(4)(I)(i)(II) but not more than the applicable local market rate".

TITLE III—SIMPLIFYING THE PROVISION OF FOOD ASSISTANCE

SEC. 301. SIMPLIFYING THE HOUSEHOLD DEFINITION FOR HOUSEHOLDS WITH CHILDREN AND OTHERS.

The first sentence of section 3(i) of the Act (7 U.S.C. 2012(i)) is amended—

(1) by striking "(2)" and inserting "or (2)";

(2) by striking ", or (3) a parent of minor children and that parent's children" and all that follows through "parents and children, or siblings," and inserting". Parents and their minor children who live together and spouses"; and

(3) by striking ", unless one of" and all that follows through "disabled member".

SEC. 302. RESOURCES OF HOUSEHOLDS WITH DISABLED MEMBERS.

Section 5(g) of the Act (7 U.S.C. 2014(g)) is amended by striking in the first sentence "a member who is 60 years of age or older," and inserting "an elderly or disabled member,".

SEC. 303. ASSURING ADEQUATE FUNDING FOR THE FOOD STAMP PROGRAM.

Section 18 of the Act (7 U.S.C. 2027) is amended

(a) in subsection (a)(1)—

(1) by striking the first sentence and inserting the following "There is hereby authorized to be appropriated, on a calendar year basis, such sums as may be necessary to carry out the program authorized by this Act, which shall remain available until expended: *Provided*, That if funds are appropriated on a calendar year basis, the appropriations for the first such year shall include a transition quarter."; and

(2) by striking the last two sentences; and

(b) by striking subsections (b), (c) and (d) and redesignating subsections (e) and (f) as subsections (b) and (c), respectively.

TITLE IV—IMPLEMENTATION AND EFFECTIVE DATES

SEC. 401. EFFECTIVE DATES.

(a) Except as otherwise provided in this Act, the provisions of this Act shall become effective and be implemented on October 1, 1991.

(b) Sections, 103, 106, 201, 202, 204, 205, 301, and 302 shall become effective and be implemented on July 1, 1992.

NATIONAL DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today I wish to report to my colleagues on the coming debate on our national defense. That debate will be shaped by two historic events. The first is the collapse of the old threats posed by Moscow—militarily through the Warsaw Pact and otherwise through the worldwide export of an ideology inimical to our way of life. The second is the war with Iraq.

The Committee on Armed Services has been conducting sustained and systematic examinations of these unfolding events. Our goal in these examinations has been twofold. First, of course, the committee has a responsibility to inform itself in order to propose to the House a bill authorizing the right defense for our Nation. But votes on defense are among the gravest and most important that any Member will cast. So we set ourselves the task of going beyond the detailed, technical matters that so often characterize defense debates to ask the basic policy questions that would enable us to work through these great issues together.

We began more than 2 years ago to approach in this way the momentous changes going on in the Soviet Union. We first asked what this new business of perestroika meant for the Soviet military. At the time, the answer was not much and we said so in a report by the committee's Defense Policy Panel. But it didn't take long for things to change. The committee followed events closely. Members made a precedent-breaking trip to the Soviet Union, seeing military installations no westerners, much less an American, had seen before.

During this period, we saw attitudes in this country change along with events. At first, there was a reluctance to abandon the policies that had guided us for 40 years. Our old policies had kept the old threat at bay for 40 years. Perhaps we could reconsider them in another 40, said some.

To others, the old threat had changed enormously, certainly enough to permit us to deal with it in new ways, smarter and cheaper ways. But it was, nevertheless, the old threat we were dealing with. The fiscal year 1990 and 1991 defense budgets fell largely into this category.

A year ago, we invited CIA Director William H. Webster to testify on the changing threat. The question we asked Judge Webster to address was reversibility. Leaders could change in Moscow and with them the policies they pursued, we reasoned. Could another Stalin quickly reconstitute the threat to Europe that had collapsed with the collapse of the Warsaw Pact? Judge Webster's answer was no. The decline in the threat to Europe posed by the former Eastern bloc was irreversible. It was watershed testimony and not welcomed by all.

Defense Secretary Cheney greeted it with open and public skepticism. And, in fact, the circumstance that worried us all—the retreat of the reformers in Moscow—may be happening. I am happy to note, however, that Dick Cheney has changed his mind about the reversibility of the threat from the Soviet bloc. In testimony before our committee this year, the Secretary pronounced the Warsaw Pact dead.

We didn't have much time to celebrate our victory in the cold war. Saddam Hussein reminded us that—sadly—history was not over. His brutal invasion of Kuwait triggered revulsion and, to the surprise of many, action. President Bush put together an international coalition to oppose the invasion.

The committee responded to the invasion with a series of hearings built around the three main avenues for resolving the crisis in the Persian Gulf: Economic sanctions, diplomacy, and war. Throughout December, as Saddam's grip on Kuwait tightened, we listened to regional experts, military experts, former diplomats, and government leaders.

I believe, Mr. Speaker, that these hearings gave the House an examination of these issues unmatched in any other forum. At the end of these hearings, I published three white papers individually dealing with the three means of resolving the crisis. They had two purposes. First, my intention was to help inform the debate on these questions then going on in the House. Second, since I had reached firm conclusions myself, I wanted to express them. Therefore, I made plain that these papers represented my views and not the committee's. I reluctantly concluded that the economic embargo contained in the U.N. sanctions against Iraq would not force Saddam from Kuwait. I concluded that in diplomacy was our best chance to resolve the crisis without war. And finally, I concluded that if Saddam left us no other choice, we should go to war.

I reached this final, grave conclusion for three reasons. First, there was the magnitude of problems posed by Saddam Hussein. He threatened to place himself in a position to control the economic welfare of the industrialized world through virtual control of all the Persian Gulf's oil. Second, he threatened to attain nuclear weapons and other means of mass destruction. Third, he threatened to teach the new, post-cold-war world that aggression pays. By itself, none of these three elements would have been worth going to war. Together, it was a different story.

My judgment was that our forces, allied with the other members of the anti-Iraq coalition, could liberate Kuwait with a minimum loss of allied lives. This put me decidedly at the optimistic end of the spectrum of opinion. Allied casualty figures in the tens of thousands were predicted by many experts.

In fact, the performance of our forces and their allies has far exceeded anyone's predictions, mine included. I want to pause here a moment, Mr. Speaker, to pay tribute to the men and women who have won this great victory. Their bravery, their intelligence, their competence, and their dedication have carried the day.

Too often we focus on the things that go wrong in our enormous undertaking to provide for the national defense. Today we can proudly acknowledge that our men and women in uniform have performed brilliantly.

And it does not detract from that performance to note that this House and the Congress played a part in providing them the tools to win this war. I'm not thinking here so much of tanks and planes purchased for the Armed Forces. I'm thinking of the Goldwater-Nichols Act. That legislation provided the direction and the means for the services to work together in a way that seemed to have escaped them in all the years since World War II.

In Desert Storm, an Army operational commander presided over a massive—and massively effective—air campaign that thankfully allowed our ground forces to roll up a demoralized enemy with minimum casualties.

Which brings us to where we are today. How are we to understand these momentous events and what they mean for our national security? Many of the old threats are gone and our defense establishment is going to shrink. But Saddam Hussein has demonstrated that it is still a dangerous world. The question before us is how to match our real strengths to the real threats we face in this new era to get a defense that fits our nature.

The Committee on Armed Services has begun a series of hearings designed to begin answering this central question.

Judge Webster has agreed to return to the topic of the Soviet threat, particularly in light of the fact that Mikhail Gorbachev's most forward-looking reform policies do seem to be in retreat. Additionally, we will hear testimony from the CIA on potential threats elsewhere.

You will recall, Mr. Speaker, that during the long budget agreement negotiations, Secretary Cheney suggested what we've come to call the 25-percent builddown. That has become shorthand for the shrinking of our forces in the face of a declining Soviet bloc threat. We have identified five vital categories of spending that should tell the story of the build down. They are force structure, readiness, overhead, equipment modernization, and research and development. We have asked the Congressional Budget Office to examine the Defense Department's 5-year spending plan and tell us what they have learned about the build down implicitly and otherwise.

We will also be asking the Department for a better understanding of the base force of the future that Secretary Cheney and Joint Chiefs of Staff Chairman Gen. Colin Powell sketched in briefly for us. We'd also like to know what lessons of the Iraq war are now being factored in.

As I mentioned earlier, Goldwater-Nichols seems to have paid handsome dividends. We plan two hearings to explore the implications of the fact that for perhaps the first time since World War II, all of our services are fighting the same war at the same time. One of those hearings will tackle the basic question of whether the present allocation of roles and missions among the services will continue to provide the right defense for the future.

One of the raging debates in the defense community for the last decade could be capsulized as military reformers versus the Pentagon. Military reformers have generally favored more innovation in tactics and less sophistication but greater numbers in weapons. The Iraq war is being touted by some as the vindication of high technology. We'll ask in a hearing what the lessons really are for this continuing debate.

In that same vein, some people have been surprised that these high-technology wonders worked at all, so used are they to stories about weapons failures. We'll probe to discover what worked and why, and try to get at why some are shocked that anything did.

One of the high-technology wonders that worked was the Patriot missile. It knocked Scud after Scud out of the sky. We'll want to know what this ballistic missile success story means for SDI. We'll also want to acknowledge that while that was the good news about the Scuds, there was bad news, as well. We had a devil of a time finding them on the ground in a relatively small corner of Iraq. What does this mean for our ability to use the B-2 to find mobile missiles in the Soviet Union? We'll have a hearing to explore that question.

Another great success story of the war was the people who fought it, our men and—to a greater extent than ever before in our history—our women in uniform. Our senior military leaders have repeatedly said the All Volunteer Force was producing the best quality force in their memory and Desert Storm proved it. But questions have arisen about the future. Some are asking how the Iraq war will play at the recruiting station. Will our bright young high school graduates hesitate when it seems that the job skills they want from the military will be tested on a real battlefield? We intend to examine recruiting in light of the Operation Desert Storm experience.

The war has raised anew another nagging question about the All Volunteer Force: Does such a force necessarily mean that the poor and minorities bear too much of the burden defending our country? We've again asked the Congressional Budget Office to examine the racial and economic makeup of the force to see what that might suggest for the future.

We will examine the operation of the total force policy for employing combat forces from the Reserve components. We will ask if it is really possible to expect early deployment of combat Reserves and what this means for the future mix of Reserve and Active Forces.

As you can see, Mr. Speaker, we have a full agenda. We invite the help and attention of our colleagues as we work together to find a defense that fits our future.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I had intended to use most of my time and my colleague, the gentleman from New York [Mr. SOLOMON] is going to have a much shorter special order. I did not even ask the gentleman, but out of courtesy, I ask unanimous consent to let the gentleman change the order of business with me.

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Is there objection to the request of the gentleman from California?

There was no objection.

ALL VOLUNTARY MILITARY SERVICE

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from California, one of the outstanding Members of this House. I have had the privilege of serving with the gentleman on the Foreign Affairs Committee for many, many years. He is truly one of the great Americans in this body.

Mr. Speaker, speaking of great Americans, we have all been thinking and speaking a lot recently about those great Americans, our volunteer enlisted personnel, now serving in the Persian Gulf and around the World. Our armed services have relied on an all-volunteer enlistment for almost two decades now. Yes, it has been almost that long since we relied on the draft.

At the time when we shifted from the draft to an all-volunteer service, there was understandable concern that, frankly, it was not going to work.

Well, it is now clear that the all-volunteer Army, Navy, Air Force, and Marines, have not only not failed, but are working out far better than anyone could have ever believed back then. Just look at Operation Desert Storm and what is happening today. Those young men and women from all of the branches of our armed services are the best trained, best equipped, most motivated, and patriotic young men and women that I have seen in a long, long time.

Mr. Speaker, we have to be honest. It was not always this way in the short history of the all-volunteer military. Just 13 years ago pay and benefits in our military were so bad that many of our servicemen's dependents had to subsist on food stamps. How degrading that was for those young people who wanted to serve in the defense of our great Nation. We lost many of our brightest young men and women to the higher paying private sector and, frankly, we just did not have a real cross-section of America serving in our Nation's defense.

Can anyone imagine that force, that All-Volunteer Force of just 13 years ago, doing in the Persian Gulf what our troops today are just finishing?

One of the most important factors in military success on the battlefield is good morale among the troops, the kind of great morale we saw in the Persian Gulf today, but surely did not see 13 short years ago.

So, what has happened? What brought about this tremendously impressive change in our military?

We all know the answer to that question. This Congress and President Reagan joined together to raise pay scales and benefits for our troops to the point that they did not have to choose between serving their country and providing their families with a decent standard of living. We gave them a peacetime GI bill, and with it the promise of a better career after they and their families had left the military. In short, we met our commitments to our troops, and today, God bless them, they are meeting their commitments to our Nation.

Mr. Speaker, while it is easy to see the direct connection between good troop morale and adequate pay and benefits, it is not so easy to see their connection to the ability of our armed services to recruit fine, young men and women for our all-volunteer military today. We are able to enlist such promising volunteers mainly because our military recruiters have traditionally been able to go on to high school campuses and inform these young men and women of the opportunities, the great opportunities, that the all-volunteer miltiary offers today.

Mr. Speaker, I am here today not only to point out this important fact, but to alert my fellow Members of Congress that this access to high school campuses, so vital to the success of our all-volunteer military, is now under attack by some school boards in this country of ours. I say with the greatest regret that some school boards have in fact gone out of their way to obstruct our military recruiters' access to their campuses.

I have seen the resolutions adopted by such school boards in California. They not only attack recruitment for voluntary service in the military, they seem to attack the very idea of the Armed Forces, whether manned voluntarily or through a draft. These school boards obviously see spending on defense as the root of all evil, and more or less say that in the resolutions they have adopted. That is what they seem to infer. To my mind, the language employed in these resolutions is absolutely outrageous. Rather than viewing the pay and benefits provided to our troops as something that allows them to serve their country and still have an adequate standard of living and a subsequent career in the civilian sector, one of these resolutions instead states that such benefits are only a lure, for young people to join the Armed Forces.

□ 1310

Another of the resolutions claims that, despite the recent congressional debate and authorization of the President's use of military force to liberate Kuwait, the President failed to let the Congress do just that.

Mr. Speaker, that is simply false, and we all know it. As far as I am concerned, the members of school boards such as these who support such resolutions are simply opposed to the existence of our Armed Forces. I believe the efforts to stop military recruiters in arranging talks and meetings on campuses are just another part of their long-term, antidefense campaign.

Mr. Speaker, it was not so long ago that the U.S. Congress passed and the Supreme Court upheld as constitutional, the legislation that I introduced on the floor of the House to deny Federal educational benefits to those young men who failed to register for service if needed in a national emergency. In the test of that program, which is now working so well, the courts held that such benefits are not a constitutional right, but a benefit provided by the taxpayers of this Nation.

Mr. Speaker, I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I would like if I could just to share this special order with the gentleman from New York [Mr. SOLOMON] because it is my State that he is talking about. I am ashamed, disgusted with this type of thing. It started with the city of Arletta up north declaring themselves a safehouse or a safe zone for deserters.

Mr. SOLOMON. That is right.

Mr. DORNAN of California. They said draft dodger, but of course there is no draft; there never will be in the foreseeable future. The gentleman and I both know that. We have too successful a volunteer army.

Well, that entire city council is now under a recall. The townspeople went absolutely ballistic at the thought of their town being so disgraced. Arletta has a great Navy history. It used to be a Navy station there during World War II, and that is where they worked out ILS, instrument landing system, because they have such—I think it is the second foggiest county in the United States.

Well, the fog in their brains is not like the clear fog that rolls in there in the nighttime because the people rose up and had the whole city council, within 48 hours, reverse its asinine safe-city-for-deserters thing. Most of them went on camera and apologized profusely.

Now we have San Francisco declaring itself a safe city for deserters. I think they are in the process of rescinding that. If they do not, our colleague, the gentleman from California [Mr. GALLEGLY], has a bill in to deny them all Federal funds until they reverse this insult to our men and women serving throughout the world.

But now comes the school board—I did not know it until the gentleman told me this, and I am an immediate instant cosponsor of the gentleman's legislation, I am with him on this resolution—Oakland, and what is the other school board, San Francisco itself?

Mr. SOLOMON. Yes.

Mr. DORNAN of California. San Francisco, adding insult to injury, they want to make their city safe for deserters, of which we have hardly zero. I think we could count them on one hand for this Desert Shield and Desert Storm operation or Proven Force in the northern border of Iraq.

It is just so depressing. Here is what I want to do, I want to add to the gentleman's remarks.

This morning, I kept the TV's on, CNN on one set and one of the networks on the other. I happened to have CBS on. I am awakened early this morning by Dan Rather's voice about 6. He is in Kuwait City. Given the time difference, it is late morning there, but it looked like early morning because of the oil smoke combined with the early morning mist. This is what he said, and as groggy as I was, I think I pretty well memorized it. He said, "I can't say enough about the professionalism of these young men and women. You know, I had two younger journalists," now brace yourself, I say to the gentleman from New York [Mr. SOLOMON], "come up to me and say, 'You know, I thought our military services were for people who couldn't do anything else, but I really had to relook at this. It has turned me around.' "

Then he says, "Another young journalist came up to me and said, 'I thought people in the military were usually losers. But I guess I was wrong.' "

Well, I will tell you, there is not a single journalist job in this country that is as good as being a commander of an Abrams tank or being a gunship pilot on an Apache or a Marine Corps gunship. It sure as heck is not equal to being an F-18 or a Harrier pilot or an A-6 pilot or a Tomcat pilot or an F-111-E or F pilot, or an F-117 Stealth pilot or a B-52-G bomber pilot, certainly not equal to being an F-15 Eagle pilot or an F-16 Falcon pilot. I hope I have not left anybody out, because I watched them all refueling from the sky just a few days ago. This is the finest force of male and female enlisted, NCO, and officer personnel that we have ever fielded.

When the film starts to come in, not only of our marines rapelling on the roof of the American embassy and like the great coalition forces like the Brits rapelling from their helicopters down to retake a British embassy, but the professional and courteous way they handled the press, referring to everybody as "Sir," the way they handled these prisoners, stroking their faces, trying to clean their facial wounds, telling them to calm down, that they would not be hurt, and then feeding them.

And of course, they are no different than the people in Vietnam. They were not all druggies.

Do you know what Regis Philbin said this morning? He is a conservative, he has to keep it in the closet most of the time because of the weirdness of television. He comes on and he turns to his lovely cohost, Kathy Lee, and he says, "You know, Hollywood is going to have to eat a lot here." This is Notre Dame-Regis Philbin, my pal; he says, "What has Hollywood been telling us for 20 years? In every movie they have put out? Except for something like 'Red Dawn,' 'Hunt for Red October,' things like that, things like John Milius produces like 'Flight of the Intruder,' " he said, "In most films the officers are portrayed as blustering fools, the NCO's are psychos, and the enlisted people are drug addicts."

You had better believe Hollywood is going to have to write some new scenarios and scripts. Wait until we learn about the Special Operations people bailing out at night all over the place to secure roads and bridgeheads and to observe the traffic up and down the Baghdad road.

We, through the gentleman's resolution, are going to wake up Oakland and San Francisco school boards because some of the finest young men in this country, not as careers either, but to spend a productive 4 or 5 years, like the young lady I talked to in one of the intelligence units last week over in Turkey. She said, "I only planned to spend 4 years in. I thought it was the best way I could serve my country before college. Now I am staying on as a civilian technical adviser for some of these complicated computer operations that intelligence people use."

Now, I commend my marine colleague, the gentleman from New York State [Mr. SOLOMON], for again taking the lead as he has on all of these issues where students try to avoid—on Federal loans, that was the best that the gentleman mentioned—Federal loans, some of them ducking these loans and refusing to register for maybe a major conflict to serve the country, where the country might need them.

I do not know when we are coming back again; I believe it is next Tuesday; but let us circulate this and get about 218 signatures very quickly to send a message to that beautiful city named after St. Francis of Assisi and its sister city across the bay, and get their heads straight.

They ought to be hanging their heads in shame, the way even the Dan Rather's are coming around to realize they were wrong about the quality of young people serving, and as far as the officer corps, every one of them from Colin Powell to Norman Schwarzkopf, they all received their training in Vietnam. These are the same officers who took it on the chin who are now the commanders in Desert Storm and Proven Force.

This country is behind them, and we are going to see parades when they come back. And missing man formations overhead.

We had better get those prisoners back, too. They are going to tell stories that will curl the hair of the Oakland and San Francisco school board members.

God bless the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Let me thank the gentleman for his extremely cogent remarks. I know the gentleman was over in Saudi Arabia just after I was there. I had the opportunity to talk with some of our troops, with a real cross-section of America, and let me tell you, we can all be proud of these young men and women.

You know what? It did not matter whether they came from the Bronx in New York, or from Ohio or California. Almost every one of them had signed up for the peacetime GI bill and where looking forward to completing their higher education after serving their Nation in the Armed Forces. That is why I became so upset when I read these resolutions by the Oakland and San Francisco school boards that say that no directory information may be given to the military forces of the United States or any State, National Guard, or Reserve unit. The recruiters cannot even come on the campus and sit down alongside recruiters from IBM, GE, and other corporations and offer career guidance to these young people. They are simply banned. That is why I am introducing this legislation now that says that any school district that denies our armed services access to the campuses for voluntary recruitment purposes will be denied the benefits of Federal loans, Federal grants, or Federal funds.

□ 1320

In fact, I will be introducing that legislation in a few, short minutes, and let me say, Mr. Speaker, that I believe that this bill is critical to the maintenance of the tremendously successful, all-voluntary military force we see so victorious in the Persian Gulf today.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, do I understand the gentleman to say that there are school districts in the country that do not permit our military to come on their campuses for recruitment purposes?

Mr. SOLOMON. I do indeed say just that. These two school districts have passed resolutions to effectively ban our recruiters from coming on their campuses. Worse than that, the resolution by the Oakland School Board urges other school districts across the country, let's say districts in your State and in my State of New York, to do the same thing. They go to say, "Further be it resolved that the board of education encourages parents, students and school employees to attend the national mobilization against this war in the Middle East on January 26, 1991."

I have to say that's a disgrace.

Mr. WALKER. Mr. Speaker, if the gentleman would yield further?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. In other words, their response to the brave young men and women who did such a magnificent job in the Middle East is to say, "We don't want to be able to recruit other young men and young women to do similar kinds of jobs in the future."

The gentleman knows the thing that has impressed me, I think as much as anything else, is watching this war on television and seeing these people who are privates and corporals; as my colleagues know, well down the military ladder, who come on and talk on television, and they are as articulate as we would ever want to hear young people be. I mean we have absolutely tremendous young people who have sacrificed a portion of their lives in order to serve their country, and I agree with the gentleman from New York [Mr. SOLOMON].

Mr. Speaker, it is appalling if we have school districts in this country who are suggesting that that is a less than honorable thing to do and do not want the schools to be used as a place where military recruiters can come and at least tell young people about the opportunities that are available to them in the military.

I certainly hope that the gentleman's legislation will be taken up immediately. It seems to me it is a pretty good vehicle for a couple of amendments along the way here on the House floor, and we will find out how some of our colleagues feel about this issue, but it is absolutely incredible to me that we should even have an issue like this arise, and I thank the gentleman from New York [Mr. SOLOMON] for his efforts.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Pennsylvania [Mr. WALKER] for his remarks, and let me yield to my distinguished colleague who serves with me on the Committee on Rules, a very distinguished Member of this House, the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], and I thank him for taking the lead on this issue.

Scriptures tell us that greater love hath no man than to lay down his life for a friend. There is no one in America today, indeed there is no one on the planet today, that we should honor more than those men and women who wore the uniform of the allied forces to end the raping, and the pillaging and the murder that was going on in the Middle East.

Last evening the television broadcasts in Israel began with these words: "God bless America." Indeed we would not be celebrating the peace that we have unless men and women were willing to wear the uniform, and for school teachers anyplace, for any school board member anyplace, to even think about living in this free land and turning their back on those who are willing to defend us and keep us free is the utmost expression of contempt, and, indeed if they had any self-respect, they ought to resign. They should not be in a position of authority, in a position of leadership, before our children. If their value system is such that they respect rape, murder, pillage and killing, more to peace and freedom.

Mr. Speaker, I remember the conversation here on the floor where some people were talking about where we had moved in to end that sort of carnage that was going on, when some people said that it brought tears to their eyes that America would move in such a manner. I do not know how anyone could watch the faces on television last night of those people that were freed, as they stood there trying to explain it and the tears rolling down their cheeks. "Thank you, thank you for America," and even Dan Rather was choked up understanding the fact that what freedom really means to people that had it denied them.

If there are going to be tears shed, it should not be tears shed because America came to their defense. The tears should now be shed for the rejoicing that the raping is ending, and that the killing is ending and that indeed a nation is once again freed.

A recent leading ambassador in the Middle East said to me within the last 24 hours: "Never before has the United States been in such a position of leadership in the Middle East. It has the utmost respect and admiration of the Arab world, as well as of the Jewish world. It has the trust of the leadership of the Arab world, it has the confidence of the Jewish world, because of what America did in this crisis."

President Bush's words are inadequate to communicate the tremendous capacity that he expressed in this manner, and indeed we should honor him for it, and I thank the gentleman for this resolution, and I just point out again how frightening it is of those on the left that do not appreciate freedom, who do not respect democracy, who do not teach our values and even have contempt for what we are doing. I thank the gentleman from New York [Mr. SOLOMON] for his leadership on this, and I shall have much more to say before the day is out.

Mr. SOLOMON. Mr. Speaker, I deeply respect the opinions of the gentleman from Ohio [Mr. MCEWEN], and I thank him so much for his remarks. I would just like to say that one reason I am here today on the floor speaking about how I am going to introduce this legislation, making it clear that Federal aid would be cut off, is that I came from a small town. I know that often at school board meetings only 10 to 15 people show up. I know that school board members can often be elected by maybe 15 or 20 people out of a voting population of several thousands, and I want to send the message to the people back home, to let them know that such resolutions are being pushed by some school board members, and that if they have school boards that are passing this kind of legislation, they ought to stand up and throw them out or they are going to have their Federal aid funds cut off.

Mr. Speaker, I am glad to announce that I have the bipartisan sponsorship of my colleagues, the gentleman from Louisiana [Mr. TAUZIN] and, of course, of the gentleman from California [Mr. DORNAN] who just spoke a few minutes ago.

Mr. Speaker, let me just sum up by saying that this bill is critical to the maintenance of the kind of tremendously successful, all-volunteer military force we see so victorious today in the Persian Gulf. It's critical to keeping that force ready, keeping it prepared for victory again, if necessary, at some time in the future. I would invite all of my colleagues on both sides of the aisle to join the gentleman from Louisiana [Mr. TAUZIN] and myself in a bipartisan effort to enact this legislation, which will do so much to maintain the morale and preparedness of the victorious Armed Forces we see today.

Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for stepping aside to allow me these few minutes to introduce this legislation.

JUDGE CLYDE BROWN WELLS

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Speaker, tomorrow in my congressional district the new Choctawhatchee high-rise bridge will be opened and dedicated to the memory of Judge Clye Brown Wells of De Funiak Springs, FL. The Florida Legislature rightly has named the bridge in his honor. He was a good friend of mine and thousands of others.

Judge Clyde Brown Wells was born and raised on a farm in northwest Florida. He graduated from Chipola Junior College with an A.A. degree, Florida State University with a B.S. degree in government, and the University of Florida College of Law with a juris doctorate degree. Clyde B. Wells was a United States Army veteran who served in the Korean campaign and was decorated. He had the Presidential Unit Citation, Good Conduct Medal, and the Commendation Medal.

Judge Wells was admitted to practice in all Florida courts and the U.S. Supreme Court. He served as assistant State attorney and represented various county and city governing bodies.

He was serving his 17th year as circuit court judge for the first judicial circuit, comprised of Escambia, Okaloosa, Santa Rosa and Walton Counties, when he was accidentally killed. For this position, he ran and won a contested race and was never again challenged for the judgeship.

Judge Wells was an avid outdoorsman and strongly believed in conservation of our natural resources. He pursued the hunting of birds and quail in the fall and winter months. He was a rosarian from February through November, holding membership in the Mobile Rose Society. He took an active part in city and county civic projects. He held active membership in the chamber of commerce and Lions International. He took a special interest in the athletic program at Walton Senior High School, hosting social events for the football team. His support and encouragement led numerous youths, who might never have done so, to go on to institutions of higher learning. As an avid Gator fan, he spotted potential talent for University of Florida recruits.

Clyde Wells was a strong advocate of child welfare, always placing children who came before him in the best possible situation, unswayed by emotional appeals. A favorite volunteer service was reading to children's groups at the public library and always in his home.

Judge Wells had a deep devotion to family, even his extensive, extended family, friends and acquaintances, giving unreservedly of his time, energy and legal expertise to all who sought it. At the same time, he expected that his help would be returned, not in gratitude to himself, but in responsible citizenship.

Clyde Wells enjoyed people, often hosting a party for the bar, the local football team or the Florida Gator Boosters at his home.

Judge Wells' strong belief of law and order has brought him respect throughout the State, and his keen sense of humor made him a popular after-dinner speaker.

Clyde B. Wells is survived by his wife, Esteena Kry Wells, one son, Kelvin Clyde Wells, who is presently employed with the State's attorney in Shalimar, FL, and a daughter, Kelly Elizabeth Wells, who is a senior at the University of Alabama in Tuscaloosa, AL. The Wells family resides in DeFuniak Springs, FL.

LeDon Anchors summed it up best when he said,

> Judge Wells' infectious sense of humor made the legal system run better for he always reminded us that none of us were quite as important as we thought.

It is fitting that the Clyde B. Wells Bridge across Choctawhatchee Bay stands as a tribute to one who did so much for his family, his community, and his Nation.

UPDATING A LATE TOUR OF NATO BASES

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I was out of the country for 11 days and just got back last Monday. I was doing a tour of NATO bases as a member of the Armed Forces and the Intelligence Committees, moving closer and closer to the gulf operation. Unfortunately, I was not able to get to Saudi Arabia because there is an embargo upon Members of the House and the Senate going there except in very small, select groups. This is a policy that our Secretary of Defense, Dick Cheney, implemented, and which I completely support. When the news media whines and complains about some of the restrictions on them, they ought to be advised that we elected Members of Congress also have restrictions imposed on us. It is proper when there is a war going on. I expect the embargo on Members will be lifted within hours, if it hasn't been already.

However, I was able on my NATO trip to get to a forward operating base, a combat base involved in supporting our efforts in Desert Storm. This was a totally separate operation supported by U.S. Air Forces in Europe, USAFE. It even had a different operational name. It was called Operation Proven Force, and the story will be released on this soon.

What an incredible adjunct this was to central command, whose principal air assets are drawn from our Navy carriers and from the Tactical Air Command, in which I served three decades ago here in the United States. And glorious has been the performance of all these commands. But USAFE contributed in the north and I believe was responsible for flushing out all of the remaining Iraqi fighters into Iran, where they are probably confiscated forever.

I will mention some of the excellent things that I learned on this trip. I had an opportunity to fly the F–16. Being a Congressman and a one-time Air Force fighter pilot is not all painful. You are still a brother of the flying fraternity. I flew at Spangdahlem, which is the only Tactical Air Command wing in the world that has a hunter-killer operation using aging F–4–G Wild Weasels, which hunt enemy SAM radar sites.

Anybody who is interested can see in our popular culture a movie called "Flight of the Intruder," directed by John Milius, one of our rare conservative directors. The Navy used to call this SAM missile site and missile radar hunting operation Iron Hand. We called it Wild Weasel for almost the entire course of the Vietnam war. The Air Force still uses that term, but in this case there is the older F–4–G Wild Weasel, and there are only two wings. One is at George Air Force Base in California where I flew most of my Air Tactical Command years. The second is at Spangdahlem, Spangdahlem sent down units both to the Saudi area of operation and to the northern Proven Force area of operation. These units fly the F–16. Their squadrons are mixed with F–4–G's and F–16–C's and D's. They fly as a hunter-killer team with the F–16, which has augmented firepower with HARM missiles, another one of the technological wonders. In Vietnam we used Shrikes. These have evolved into the HARM which is built by Texas Instruments. This weapon really gives total security to our aircraft in the skies, particularly our bigger aircraft, the B–52's, the G's, A's, and EC–130's, and our bigger helicopters. All of them are secure once we shut down these enemy SAM sites by ramming one of these HARM missiles right into the radar.

Although we did not blow up too many radars it accomplished the objective, because once a few had been destroyed, the Iraqi radars would only come up for a few seconds. The Iraqis would launch a blind missile and then switch on their radar in the last few seconds in an attempt to control the missile. It never worked. Whether shut down or blown up, the result is the same. And that is why, after the sixth or seventh day, when we stopped the low-level operations, both with the Italians and the British and our own Navy A–6 Intruder and other aircraft, we went up to higher bombing altitudes. We had the security then of no SAM missile threat.

So when the Spangdahlem wing and the George Air Force wing sent F–4–G's or Phantom II's to the southern operation, they really did themselves very proud by accomplishing their given mission to control all of the Soviet-supplied SAMs. They had older SAM's. The Iraqis had 2's and 3's, Vietnam era 4's, 6's, 7's, 9's, 10's, 12's—missiles that the average American has never heard of. All of the refined Soviet equipment was in there, and none of it worked. Out of the handful of airplanes lost, there is one suspected SAM hit, and we are not even too sure of that.

Before I move on, let me mention some other things I did on my trip, including flying an aging F–104 Starfighter, the airplane that my squadron at George received in the spring of 1958—that is obviously 33 years ago. That plane is still being flown by the Italian Air Force, and I was lucky enough to fly with one of their top test pilots at Prictica del Mar. That is their version of the Edwards Air Force test base. It is down on the Tyrrhenian Sea, just south of Rome. It was there that I had a chance to learn something about an Italian pilot, the best Tornado pilot in the Italian Air Force, who disappeared on the first night. His weapons system officer in the back seat turned up beaten on television during those first few horrible days when the Iraqis were parading POW's.

Before I go further and discuss our POW's, let me clean up a few things, Mr. Speaker, about this war. This is my first chance in almost 2 weeks to get some things off my chest. Here is a cute little cartoon. It says, "Entering Iraq, home of The World's Fourth Largest Army." The four has been scratched out. Then there is a five and it has been scratched out. A six is x'd out. Then a seventh. I think we can now scratch out the seven and put "no army worth mentioning." It is a cute cartoon, and it makes a good point.

This was a formidable threat when we first went into that area. Some of the Turkish officers told me that they were quite sure—and this was about 5 days ago—that the Iraqi Army, Saddam's army, was no better than his air force, that they were a hollow army and we would cut through them like a hot knife through butter. That certainly turned out to be the case.

□ 1340

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I will be glad to yield to the gentleman from Ohio, who I last did a special order with about 2 weeks ago, before I left on this trip. I have gotten a lot of mail on that special order.

So if you are ready to go at it again, BOB McEWEN, so am I.

Mr. McEWEN. Well, we said then that being a liberal means never having to say you are sorry.

Mr. DORNAN of California. Or that you are wrong.

Mr. McEWEN. That is right. So we have gone through a whole series of explanations. The latest might be of interest to you, and that is that recognizing that in this, the greatest battle in which America has been engaged since World War II, one of the greatest battles in the history of warfare, the United States of America did not lose a single plane to an enemy plane, did not lose a single tank to an enemy tank, and we cannot calculate, somewhere between 3,700 and 4,600 tanks have been destroyed. I repeat, the United States did not lose a single tank to an enemy tank.

Now, that says a whole series of things which were right. No. 1 is that when we began to build up our military in the 1960's, that Cap Weinberger and Ronald Reagan and those in the Congress that supported it were correct.

That means that Phil Donohue and the Gary Harts and the others on the left that said that we should not make this kind of investment because it is too complicated and would not work, were dead wrong.

At some time I would just like to see people grow in stature, just as we have seen George Bush become larger than life as he has been able to perform, we would like to see those who opposed the M–1 tank, who opposed the investment in the night-seeing goggles, so that when Saddam Hussein created the fog of war before the war began, that we could see through the fog and kill the finest tanks that the Soviet Union had to offer.

God love him. One person you have to feel sorry for today is the salesman for the Soviet T–72. There is not a spot on the globe where anyone is foolish enough to purchase Soviet weaponry, because compared with American technology, the investment of the Reagan administration under the leadership of George Bush has proven that when tyranny is on the run, that when democracy and freedom are challenged, that America will stand by its commitment and use what has been the best.

Mr. DORNAN of California. Amen.

Mr. McEWEN. What you have said is the reason I interjected here, is because the left, God love them, they never can confess when they have made an error and they cannot grow in the stature of saying I was wrong.

Mr. DORNAN of California. Admitting a mistake is a true sign of bravery.

Mr. MCEWEN. Now they are walking around here today and saying, one dear Senator from the Northeast said that it shows that the CIA was wrong. Their army was not nearly as strong as we thought.

The truth of the matter is that General Schwarzkopf's plan, using the A-10 tank killers, using the B-52's which because we do not have a B-2, we had to use the remnants from the Eisenhower administration in order to pound the Republican Guard into oblivion, so that when we went across the border, we then did the mop-up and cleanup.

George Bush was absolutely right. When everyone was standing around here saying no, no, no, no, no, leave the troops in the desert, let them die in the sand, let them sit there for 6, 8, 10 months. We have valentines we want to send to Saddam Hussein. I am sure that sometime in September or October he will come out and say, "Oh, I surrender. I withdraw because of the sanctions."

Mr. DORNAN of California. The policy amounted to letting more Kuwaitis be killed.

Mr. MCEWEN. George Bush was absolutely right to draw a curtain on the death and the killing and the murder that was going on. Even as late as last week, when the Soviet Union was doing all within its power to save their cash cow in the Middle East, doing everything possible to save Saddam Hussein's hide, so that he could begin pumping those petrodollars back through the Soviet machine, so he could rearm with nuclear-tipped Scuds this time to send toward Israel and drive it into the sea, as they pledged, and attack America, as Saddam Hussein said 2 years ago, "If I had one missile, I would hit America."

That is what Mikhail Gorbachev worked 24 hours a day last Tuesday, Wednesday, Thursday, and Friday at, trying to save Saddam Hussein's hide.

And God bless George Bush, who walked up there and said, enough of this. We don't negotiate with the Soviet Union. They haven't contributed one ruble, they haven't shed one drop of blood. They are not involved in this negotiation. The United Nations set down the terms. Saddam Hussein can read. He can listen to CNN. He knows what they are. And when he talks to me, by noon Saturday, he can then get off. But if he doesn't, he is going to meet the consequences.

Those same people that were dead wrong about the air war, then went on nationwide television to lecture their advice, having been wrong in the beginning, having been wrong in August, having been wrong in January, they then come up on last Friday to come lecture George Bush on what he should do.

George Bush said, it is time to draw the curtain. It is time to end this. Before Congress goes home next Thursday, let us get this thing finished. Let us stop the raping and the killing and the roundup and the murder. Let's give peace a chance, let's give freedom a chance. Let's let the boys come home. Don't yell at me about the mail. We are not interested in sending them mail, we are interested in having them come home, sit on the couch with their wives and with their parents and tell how it was, enjoy the victory parades and celebrate peace.

The most important thing about all of this is that every time someone went to negotiate with Saddam Hussein, I don't care if it was a "step and fetch it" for the Soviet Union, I don't care if it was some Middle East ambassador, I don't care if it was some Muslim mullah. I don't care if it was a representative of the foreign ministers of the European Council, or even the General Secretary of the United Nations himself. Every single one of them got the same answer from Saddam Hussein. "I saw America. I saw Vietnam. I know they can't stick it. I have listened to the reports. If you throw a little trouble their way, they will collapse."

They did not bank on George Bush. They did not bank on a President that said when we make a commitment, we are going to go all the way, give it all that we have, and we are going to wipe that off of your face.

Ladies and gentlemen of the Congress, this world is significantly safer today than it has ever been in the last 25 years.

Mr. DORNAN of California. Amen.

Mr. MCEWEN. No longer will any dirty little mad tyrant think about overrunning a neighbor and then boast because America will not act as it did in Vietnam. Any little dirty tyrant that wants to go in and rape and pillage a neighbor that is a friend and ally of the United States will remember that 4,600 tanks wiped out in less than 45 days is a significant action. And it did not happen by accident, for those who took the well today and said obviously they weren't very strong.

Mr. DORNAN of California. I hate that line.

Mr. MCEWEN. It happened because we had the technology and we had the people. There are four categories of mental capacity that we judge people in the Armed Forces. Less than 2 percent are in category 4. These are bright, capable, dedicated, patriotic men and women, that are keeping the peace today.

Mr. DORNAN of California. Mr. MCEWEN, I hope you can stay for most of this special order. I will break it up into segments. You have already touched on George Bush.

Let me read from a commentary yesterday and get your observations on this.

This is Ken Adelman:

> Before Washington returns to normalcy—with postwar Gulf planning, resumed budget tiffs, and opening salvos of the '92 election—let's pause to wonder at President Bush. "Mr. Lincoln astonished us all," said his personal secretary, John Hay, after the Civil War ended.

And Mr. Lincoln had been tragically assassinated—

> So, now, has Mr. Bush astonished us all. For his performance has been masterful. He's done so many different and difficult things well.

Mr. MCEWEN. If the gentleman will yield further, I had the distinct privilege just a few hours ago to visit with the Commander in Chief of America's forces, the leader of the free world, the President of the United States.

Mr. DORNAN of California. Was he visiting you in your office?

Mr. MCEWEN. I said to him, in his office, I said, Mr. President, there isn't another person on this planet that could have pulled together the coalition of forces, have held them as tightly as they have, as you did. And to bring about the victory, to take the complete spectrum of the world, take them united through the United Nations, hold them together, and achieve victory, is unprecedented.

Mr. DORNAN of California. Being a humble man, I bet he said, "BOB, it wasn't that difficult,"

Mr. MCEWEN. A leading ambassador from the Middle East said the other day that America stands astride the world. Because of what George Bush has done, he has the respect of the Arab world, the respect of the Israeli world, and he can move to peace.

This man, and it would certainly do good for those who have just abused him in the past, to pay this man his due, that this man is due every bit of respect that this Congress has to offer a Commander in Chief and a leader.

Mr. DORNAN of California. As an involved Congressman, with a great interest in defense and foreign affairs, broadly traveled on serious fact-finding trips, I assume you were also addicted to all the television coverage on this war and that you watched the media approach.

Did you note the media's fascination with body bags, body counts, This leftover Vietnam syndrome? And when it came to the tortured prisoners, I was shocked that Newsweek put on its cover a big, tight, choker photograph of Jeffrey Zaun, with cuts all over his face from punches from someone probably wearing a ring. Both eyes were swollen. And they put him on the cover of Newsweek.

Now I want you to tell a couple of stories that I missed of some of these prisoners surrendering to press people that were in the front area——

Mr. McEWEN. Italian press people.

Mr. DORNAN of California. Here is the Newsweek cover. It says, "Target: Total Victory. Bush's Battle Plan."

Here is an MP, military policeman, from the 101st Airborne, he has a screaming eagle on his shoulder there. and there is this Iraqi prisoner wincing. But he is being well taken care of. The soldier is not straining to restrain this prisoner. He is not using any persuasion holds on him.

But they go with this picture instead of the already available pictures of the gentle way all of our services, Marine, Army, the British and French forces, have treated these God-forsaken, pathetic people. Saddam was squandering their lives in the desert under B-52 strikes and Apache Army helicoper gunships, Marine Cobra, Whiskey, helicoper gunships, and then all of the A-6's and F-16's, and F-18's, all the close air support airplanes.

Tell me the story you told me which should have been reflected on this cover of how these POW's approached our soldiers and our newspeople.

☐ 1350

Mr. McEWEN. They are coming from everywhere.

I saw last night on the news from CBS people that they walked up, they surrounded the CBS people, and they tried to say we gave very unprofessional pat-downs as they took their arms, and then they gave them the water, and they came on. Of course, we saw on the headline cycle on CNN where they came up out of their bunkers, they were yelling, "George Bush, George Bush, George Bush."

Mr. DORNAN of California. "Bush good; Saddam Hussein evil."

Mr. McEWEN. Indeed, and some of those soldiers, some suggested, must be Republican Guards.

And so as a result of that, not only did they come up to the Italian cameraman, God love him, he looks like a foreigner, and that was good enough, full surrender to him, and another one was a fellow who was on patrol in his Hummer, and he got stuck in the sand. And here comes an Iraqi tank and an armored personnel carrier, and he thought, "I've had it now." With that, the tank turns around, backs up to the U.S. Army Hummer, pulls it back up on the road, out of the ditch, and then surrenders.

Mr. DORNAN of California. I had not heard that story.

Mr. McEWEN. This is, of course, just in the last few days, because George Bush sought the resolve, painted the picture, and said right from that microphone that the invasion into Kuwait would not last, that Saddam Hussein's aggression would not stand. And he said, "I am not boasting. That simply is the way it is."

Most Americans, most people, and I include 268 million of them, can understand that. Only a handful of politicians are unable to understand what the mission was, and they kept saying, you know, "I will be willing to support the President if he would just explain what it was."

The President explained it in three sentences. He made it abundantly clear. Everyone on Main Street in America was able to understand it, and we took the appropriate action.

As a result of that, having been consistent, the world is seeing it because of the pounding that they took, because of the quality of our weapons, because of the dedication of our soldiers, and they were then in the last 25 hours continuing to surrender because they had been beaten as a force.

Mr. DORNAN of California. Now listen to this from the Los Angeles Times, one of America's most respected liberal newspapers, one of what I call the big 11. There are very few media sources in this country that make the cut on the big 11. The Chicago Tribune, our fourth largest paper, does not make it. It includes the three networks, CNN, PBS, Time, Newsweek, U.S. News & World Report, and three newspapers, the L.A. Times, the Washington Post, and the New York Times. I think we could expand it to 12 and put in the powerful Wall Street Journal with movers and shakers but unlike the other 11 the Journal is conservative. Those are the 12 outlets.

Here is one of them, the L.A. Times, the only one west of the Mississippi, the only one of the three not inside New York on the little island of Manhattan where I was born. Here is the L.A. Times on February 20, 3 days before the land war began.

It says, "The Media Take a Pounding." This is by Thomas B. Rosenstiel. "Pentagon rules and instant communication have changed the way war is reported. Reporters come off as clumsy villains in the gulf drama."

I am sure this is a liberal writing for this liberal newspaper. Here is the opening paragraph, datelined Washington.

"It may have been the strongest signal yet of who is losing the political battle of the Persian Gulf war," or what I like to call the battle for Kuwait, as in the Battle of Britain, particularly since it was airpower for all but 4 out of 41 or 42 days.

NBC's "Saturday Night Live" recently opened with a skit pointedly satirizing not Iraqi President Saddam Hussein, or President Bush, or United States Commander Gen. H. Norman Schwarzkopf, or even Vice President DAN QUAYLE. They took shots at him every night.

Instead, the skit shredded the American press corps. Every question that the red-eyed media horde asked at a mock Pentagon briefing seemed designed to help the enemy.

Being the butt of jokes on late-night television is not the only sign that the press has come to be seen as a clumsy villain in the gulf war drama.

Notice: They can make up for it if they do what I have not seen a man or woman on the other side of the aisle or the two or three that voted against the President on our side, and that is come to the well and say something that is so utterly intellectual honest and forthright decent and say, "I was wrong, I didn't realize the depths of this guy." I admitted that I was wrong on thinking the war would be over in a few days, and that airpower alone would do it. I had been told by intelligence people that this man was a survivor and a key brinksmanship player who would never see his country devastated. I am not the only who believed that. However, at least I recovered when I said the land war would not take more than 2 or 3 days. There was simply no reason to believe that soldiers and enlisted men, grunts, mud soldiers, desert soldiers would perform better than the knights of a military force, the fighter pilots, who bugged out to Iran. The fighter pilots are the knights on horseback, they are the chivalrous men. And they all ran cowardly to Iran. The Iraqi equivalent of the A-10 tank killer is known as the Soviet frogfoot, which is the name for the Sukhoi 25. They have straight wings, and were built using information stolen from this country. When I saw them lined up on the runways in Iran, knowing they would not be there overhead to support their Republican Guards and their hapless troops they put in Kuwait, I knew that the army was hollow and would come apart because of the way, to use a military term, we had prepared the battlefield.

Now, do you think that anybody in this House will have the decency to do what Dan Rather did this morning on early morning national television, which was to point out that some of his young journalists had come to him, CBS journalists, and said, "I thought only losers joined the military," or another one who came up and said, "I thought the military was for people who couldn't do anything else."

Mr. McEWEN. And Phil Donohue has said that, I would say to my colleague, on virtually a daily basis, constantly ridiculing the people who are willing to lay down their lives for our freedom, willing to dedicate a portion of their life to our independence and protection.

Mr. DORNAN of California. He came out of your State, so I will leave him to you.

Mr. McEWEN. Formerly from Centerville, OH, shared values with many of us at one time, but who now prides himself on ridiculing not only as he constantly does the family, 2.4 children, a dog, a woody station wagon, which is the backbone of America, families, paying taxes, mowing the lawn, washing cars, and making America work, he not only ridicules them on a daily basis, but enough of that, what he does is take the people who protect our freedom and constantly hammers the fact that somehow or another these people cannot get a job at a local filling station, and so as a last resort they stand for America.

What we have discovered, and what everyone has known, and I used this example of the distinguished majority leader of the other body ridiculing them as well, because he mentioned it would not be the sons of the wealthy, but what I pointed out in a 1-minute response was that my personal physician in Hillsboro, OH, when you call his number you get the answering machine that says that the office is closed for 1 year because he is on duty. Not only is he on duty, but his wife is also a nurse, and she is on duty in the Persian Gulf defending our freedom, protecting our country, because the people that do this are the finest, the absolute best regardless of how much the left wing, or the television, or some in Congress wish to ridicule them, they are the best, the cream of the crop, the absolute best that America has to offer.

No greater love hath any man than to lay down his life, and that is what they are.

Mr. DORNAN of California. Remember Ronald Reagan, our great President, who for many years set the stage, and actually handpicked George Bush. He woke him up in the middle of the night in Detroit at the Republican Convention in 1980 when Bush had finished a respectable second, and after decently campaigning, never taking a shot at Ronald Reagan except for one little voodoo economic line for which we forgive him, but Ronald Reagan woke him up in the middle of the night and said, "George, I want you to be my Vice President."

They worked closely together for 8 years, and they rebuilt this country's defenses, and Bush now reaps the harvest of Reagan's hard work as a leader. But remember Reagan used to quote James Michener's great stories, and of course, the Bridges at Toko-ri. He remembered the admiral on the bridge, who was fond of this young pilot he was teaching because he looked so much like his own son that was lost in World War II. And the great actor, Fredric March, was superb in this portrayal. And he told him that Brubaker had gone down, and they had tried to rescue him. They had lost other planes trying to rescue him. Mickey Rooney had died as a rescue helicopter pilot, and pilots had died in rescue helicopters.

□ 1400

And he looks out into the mists off the coast of Korea, and he said, "Where do we get such men?"

Mr. McEWEN. Exactly; exactly.

Mr. DORNAN of California. Then they must find this little tiny carrier deck pitching on these heavy seas and bring their jet aircraft home, and he repeats, "Where do we get such men?"

Well, since I was born on the east coast, in Manhattan, raised there for 10 years, another 9 years in Beverly Hills, CA, before I quit college to go in the Air Force as a fighter pilot, let me tell you where we get these men: from Middle America. But the term "Middle America" does not mean from the Nevada border to the Pennsylvania border or New York State just outside the city.

Inside New York City, inside L.A. and San Francisco and Chicago and this D.C. area, there are young men and now thousands of women with Middle-American-values. They comprise 11 percent of our forces. They are the best people that we have in this country.

And there are people everyday asking BOB MCEWEN of Ohio to send them to the Coast Guard Academy, the Air Force Academy, Annapolis, and West Point. All of us have more young people asking to be educated at their Nation's expense and serve than we can fill these slots. All of these people respect all the men and women serving in the gulf. And by that, I mean that Middle Americans make up most of the country.

Mr. McEWEN. I would say to my colleague from California, while he was speaking about those people that have given, those people that wear the uniform, it is also appropriate to recognize those who are sacrificing at home who are the wives, the children, the mothers, the fathers, sisters, and brothers that have supported them through this ordeal.

Mr. DORNAN of California. And have been demonstrating in the streets proudly waving flags, tears running down their faces, and wearing yellow ribbons as our Speaker was wearing.

Mr. McEWEN. And they have been carrying the burden as well. We, indeed, honor them. There are so many people that should be included in the process of remembering Ronald Reagan and fighting that battle and the ridicule that came from the Phil Donahues and those other Members on the left.

Cap Weinberger understood what needed to be done. When Ronald Reagan took the oath of office on the steps of this building, only one plane in three in the U.S. Navy was airworthy. I mentioned about the category 4, that more than half of all of the military at that point were in category 4, because even the Commander in Chief ridiculed them. There was precious little respect for those who represented our values. Now, I want to jump ahead, in case I am going to lose the gentleman, and ask him if he will join me on this letter that the gentleman from New York [Mr. SOLOMON] just signed. I will hand it to the gentleman for signature. I am going to polish it and make it a little more flowered to our great President.

> FEBRUARY 28, 1991.
>
> DEAR MR. PRESIDENT: When United States and allied forces began the liberation of Kuwait, you said that we would not repeat the mistakes of Vietnam. For that we salute you.
>
> One of the greatest mistakes of our Vietnam experience was the failure of our Nation to express its support and appreciation for our returning veterans—

And I think I am going to add the word "love" in here—"for our returning veterans" and a lot of Army nurses, so it was still men and women.

> While this was not a military mistake made on the battlefield, it was, nevertheless, one that had tragic, deep, longstanding consequences.
>
> We therefore request that at the appropriate time your administration begin planning ceremonies and activities that will allow the grateful citizens of our nation to express their appreciation to the men and women of our armed services whose courageous and heroic efforts made the liberation of Kuwait possible.

And bringing freedom to Iraq, possibly, and I think I will add that little possibility.

> We would like to suggest a major parade of returning units in our Nation's Capital—

And I am going to add New York City, our commercial capital.

> similar to those parades which followed World War II.
>
> Thank you for your consideration.

Would the gentleman be inclined to join me in that effort so that we might see the Big Red One, the First Division, march down Constitution going from east to west? There is a big photograph in the Rayburn Building in room 2212 of these handsome young First Division soldiers with their officers out front. It is right behind where the chairman sits.

The 82d Airborne marched down the street in New York City, and both of those units are over there in the gulf. How about a parade where, at the end, in loose formation, we allow any Vietnam or Korean veteran, who wants to march, follow the spit-and-polish marchers of our first units and how about, Mr. MCEWEN, a flight from every squadron that served in the gulf, Operation Desert Shield/Storm and Operation Proven Force in the north? How about every unit that lost an airplane flying a three-ship missing-man formation with the No. 3 slot empty? And how about at the beginning of the parade, and all of that is my idea, but not this one, because I got it off Cliff Kincaid's show an hour ago from a man whose last name escapes me, a Daniel from North Carolina, POW's, the handful of them, at the front of the parade, and if they are so severely tortured that they are not able to march, then let them ride in cars, hummers, or any other type of vehicle? What do you think about parades in New York and

Washington, DC, with air units overhead?

Mr. McEWEN. I say to my colleague he is exactly right, because history has told us repeatedly that weakness invites aggression.

We can look at the 1930's, and we can see it in the Saddam Husseins. He felt that America would not stand by her values and honor her warriors. He had seen the liberal press and ridicule that came from certain reporters.

Mr. DORNAN of California. Tell us what he said to April Glaspie about casualties.

Mr. McEWEN. What this effort should be here is to communicate that America hates war. No one knows that better than anyone who has ever watched the Congress. We hate war. The only thing we have that we have a greater feeling for than our hatred of war is our love of freedom, and when freedom is challenged, our hatred for war is overwhelmed by our affection for freedom.

We value those men and women who wore that uniform. We are honoring them not because they had to go to battle but because they protected liberty, and I think that in every crossroads, to anyone, and I know that many people follow in the towns and in the newspapers across America, the editorial boards, it is appropriate for anyone, it is easy, and I have never been, and I have never worn, a uniform, but I honor those who do, and for those who are willing to wear a uniform and protect our freedom, I take a back seat. We all should take a back seat. And when each one of those men and women return to Hometown, U.S.A., I think there is no greater responsibility than for us to take a few moments out of our day, to take a day off from work, a day off from school, to express our gratitude to those who are willing to constantly bear the protection of our freedom and our independence. That is the greatest calling a person can have.

Mr. DORNAN of California. Help me with this idea of a big parade in this town. Because the gentleman knows that the liberal press may go back to its old ways. Maybe we can get Dan Rather to get on the idea early, because the theme of the parade could be, "No More Wars."

Let me do a footnote right now, and I should have done this at the beginning of the special order.

Mr. Speaker, I resent the cameras roaming an empty Chamber. I was watching it on the prior special orders. Do not anybody write me and say that they liked what the gentleman from Ohio [Mr. McEWEN] and I were saying here today but they felt bad because the House Chamber was empty. There are several dozen people in the gallery, and a lot of Members are watching on the television sets. But more importantly, I read the other day that there are 1,200,000 people out there watching on television, so I do not want anybody writing either of us and saying, "Gosh, you guys were doing a great job there, but nobody was listening.

The gavel has not come down. The House of Representatives is in session. They do not pan the Chamber during our 1-minutes at the beginning of the day or when we are doing routine legislation that is not particularly exciting. Indeed, sometimes there are not as many people on the floor as there are right now. They only do it on the special orders as an attack upon the minority trying to get its voice heard.

Tip O'Neill was a nice man, but in the middle of the 1980's he implemented this idiotic camera policy. That was two Speakers ago. I hope we will give the order downstairs to stop panning this Chamber or else to make the exact same coverage from gavel to gavel, from when the prayer starts and our Pledge of Allegiance at the beginning of the day to today when one of us will say, "I do now move that the House adjourn," and stop this stupid panning of the House. It is petty. I bet Tip O'Neill is sorry he ever implemented it.

Anyway, here is what I want to talk about now. The officer corps who were in Vietnam, like Ollie North, as first lieutenants, second lieutenants, young sergeants. They were in charge of Desert Storm. General Schwarzkopf was a battalion commander in Vietnam. Colin Powell was a battalion commander. Our colleague, BEN BLAZ, was a regimental commander of the 9th Marines.

When Charlayne Gault, one of the few good reporters on PBS, was interviewing Schwarzkopf, she showed his bed where he sleeps down in the CENTCOM offices. He sleeps in his office.

Mr. McEWEN. About 5 feet from his desk, just across a little divider.

Mr. DORNAN of California. Right. Where he sleeps is a cross, and a statue of the Infant of Prague, a statue of the infant child Jesus. I have seen the original in Prague, Czechoslovakia. In all the 45 years of Communist conquest, they never destroyed the original child Jesus, the Infant of Prague, Czechoslovakia.

When I saw this little Infant of Prague, I said, "Schwarzkopf has got to be a German Catholic." And he is. As a good Catholic you could see that he doesn't enjoy the death and destruction that he is involved in. But he knows it is his duty and that our course was just. And he tried to minimize U.S. and allied casualties.

He said to one of the reporters, "I am not stupid, ma'am. I am not going to shove my face into barbed wire." He talked about going through the berms. But in the end he had the Marine Corps do that. That is why he said, "If I describe them as brilliant, it would be understating what they did," and he said, "We made this big end run around with a lot of special operations, night drops," that we will be able to talk about in a few days here. "And then we did a Hail Mary throwing that pass into the end zone; everybody out." Did you see him this morning or last night? They have re-run his press briefing all night long. Did you see him choke up when he said that the low casualties were miraculous? And he said, "Not miraculous for anyone who lost someone they love." Did you see him choke up on that?

Mr. McEWEN. Yes.

Mr. DORNAN of California. What a commander. He learned in Vietnam. That is why we want Vietnam veterans at the back of the parade.

□ 1410

Then did the gentleman see the British commander, with his French name, Sir Hilary de Billiers, and the reporter will have to check that spelling for me. He starts to choke when he said:

> The best would have been to take every one of my men home with me, but it is good that we are taking most home.

This operation, in all the history of the world since the 300 Spartans were massacred at the Battle of Thermopylae trying to hold the pass, since Sam Houston only lost nine men wounded and wiped out several thousand of Santa Anna's troops after they slaughtered the Texans at Golieta and the Alamo, there has never been a battle like this.

Mr. McEWEN. The reason we are doing this now is because people's attention is focused on it, and it is important that at this moment we emphasize facts. The facts are that the investment that was made into the kind of equipment and training that was given to our Armed Forces have saved untold thousands of lives. Anyone who stands in the well and opposed the M-1 tank, or opposed the aircraft carriers, or opposed the A-10 tank killers, opposed the F-14 for supply, and we can take members of the Committee on Armed Services. They are there often for the single purpose of subverting America's defenses, who opposed every one of those defense programs. They were there for the single purpose of protecting freedom and preserving lives.

Now, when they were used, they did both of those. They protected freedom and they saved lives. It is highly unfair for Members to not take this moment to acknowledge, and Cap Weinberger, and George Bush, and Dick Cheney were right in getting this kind of equipment and having it available so that America would not be threatened, and so that our freedom could be secured, and we could bring those people home. Now, those who opposed it, those who did not want the United States to have that protection, those who opposed those weapons programs that would save lives, they are the ones that constantly took the well to brag about how many body bags America was able to produce.

Indeed, I think it is only fair, it is right, it is unfair, it is unjust, if we do not raise the question, because freedom is not free. We have to maintain our defenses, this year and next year, and the year beyond, because weakness invites aggression. I sincerely hope that those who have been dead wrong on every one of these issues, those who waffled in the well today because they could not confess that they were in error, and tried to deflect the issue by talking about how much money Japan had contributed as though that was the issue of the day.

Mr. DORNAN of California. One used "a big lie" technique, indicating we supplied military arms to Saddam Hussein. Bad enough we gave him agricultural subsidies and intelligence information when Iran was holding our hostages, but sometimes in a storm, any port will do. I guess that is why we brought Syria's Hafiz Assad onboard, which I will not criticize, though I do not support it.

Mr. McEWEN. That is exactly right.

On the left is only reasons that anything can go wrong. If a plane crashes, or weather goes bad, it is either because of America or it is Ronald Reagan. One of those two has to be at fault. If Saddam Hussein attacked his neighbor in Kuwait and went in to rape, and pillage, and murder, it had to be one of the two people's fault. The effort today was to imply that somehow or another we were responsible for Saddam Hussein taking Soviet tanks and attacking its neighbor. That is ridiculous.

When posed to me by a leftist some weeks ago, I explained, "Get ready. Here it is." In this coalition, against Saddam Hussein, our people from around the globe, including as the gentleman in the well mentioned, Hafiz Assad, President of Syria, a very, very despicable character. I said,

> Now, if Syria, 5 years from now, chooses to attack Israel, rest assured, the left will come bouncing forth, saying do you remember back in 1991, do you remember when we were opposing Iraq? Do you remember why we were all friendly with Syria?

I said, "Wrong, wrong."

Mr. DORNAN of California. They will go further and say that George Bush created Assad.

Mr. McEWEN. Or they will have some other excuse. The truth of the matter is, when there is evil in the world, it is not necessarily the United States' fault.

Mr. DORNAN of California. I ask people to look at a map and try and figure out how we ran some of those rescue operations. Stay tuned, more later. We will cheer some close calls. We almost got one of our colonels, an F-16 pilot out.

Mr. McEWEN. Let me remind the gentleman of a statement by John Stuart Mill:

> War is an ugly thing, but not the ugliest thing: The decayed and degraded state of moral and patriotic feeling which thinks nothing is worth a war is worse * * * A man who has nothing which he cares about more than his personal safety is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself.

Mr. DORNAN of California. That was one of Theodore Roosevelt's favorite quotes. I had to memorize that as a cadet in pilot training in 1953, I thank the gentleman for putting it in my special order. All I have to do is turn to February 28 to dig that out.

Now, we will close on our POW's. Today's headline is, "We Win, Bush Declares Victory After Six Weeks." I now want people to focus on what President Bush said last night when he said he reserves the right to reinitiate hostilities if the POW's are not returned. I did not hear whether he said "quickly" or when because my eyes started to mist over at the thought of the young heroes who have been there the entire 6 weeks in vicious captivity.

I wore 3 days in a row my Harrier tie. As a matter of fact, I wore it all through Europe and into Turkey last week because one of the Harrier pilots that went down over the hot combat did survive. This is a remarkable story. A Harrier pilot down 3 nights ago. When they found him, he was sitting there with a sidearm, maybe a 0.9 millimeter Baretta, and he had 100 prisoners. At least we know that Harrier pilot made it, but others are unaccounted for, including one on February 9, out of Bahrain, a Capt. Russell Sanborn, On January 28, Capt. Michael C. Berryman, also out of Bahrain eight marine carrier squadrons of Bahrain, and 11 FA-18 Hornet squadrons are in Bahrain, operating near Dahrhan, We lost another Harrier pilot on January 22 in Oman. He was one of the top senior Harrier pilots, Capt. Manuel Rivera. He was lost in a training accident before Desert Storm started.

Look again at this article I held up during a 1 minute. By the way, Life magazine is going back to a weekly, and they have made it the size of Time and Newsweek, so maybe they will make it this time. But look at this, those dreaded words, missing in action. I still wear the MIA bracelet of my best friend, the godfather of my oldest son, Dave Hrdlicka. He went down in Laos on May 18, 1965. He was a POW for 5 years and then disappeared. This photo is of the young military specialist, a woman, who was captured with David Lockett, her partner. They had trouble with their Hummer and an enemy scout unit crossed into Saudi Arabia and snatched Melissa. She was kidnaped from inside Saudi Arabia. She may be held in Basra but we don't know for sure. Where is this young lady? Where is Spe. David Lockett, who was taken with her? What about these people? Here are pictures that are not very good quality, but we have blown them up. I flew with the Italian Air Force, as I said earlier, at Practica Del Mar, and they told me Captain Bellini, shot down in Iraq, was the best Tornado pilot in the Italian Air Force. Five of their airplanes could not get on the tanker that night, and one went back because of mechanical problems. Bellini pressed on and alone hit this target on an Iraqi air base. But he went down. His back seater, Maurizio Cocciobone, turns up but Bellini does not. It does not bode well that Captain Bellini was not with him. One of the pilots that I flew with, also named Maurizio, said;

> I know Bellini. I was in pilot training with him. He was first in the class. They probably tortured him to death or he refused to be on television.

The British also have many missing and captured. British Flight Lieutenant John Peters, I am told, will be a national hero if he comes back. Not only was he the most severely beaten from the pictures, but he is the one who kept his chin down and said "Flight Lieutenant John Peters," and then mumbled something. He refused to look up into the camera. Here is the OV-10 pilot. We lost one the other night. I hope that crew survives, but the first one went down on day 3 of the war, Clifford Acree was the squadron commander, and he wanted to get out there over the enemy area so he would know what his Harrier and Hornet pilots were up against. His front seater is a senior warrant officer in this midforties, Guy Hunter from near my district, Camp Pendleton, CA.

□ 1420

Are these some of the ones they claim were killed as human shields? God, we hope not. This is the Kuwaiti pilot who went down the first week, Lt. Col. Mohammed Mubarak. The Kuwaitis bought our A-4 Skyhawks, that is the plane that our colleague, Senator McCAIN went down in. These were M-models, and they renamed them the Mongoose.

We lost another A-4 Mongoose within the last week of the war.

Here is Harry Roberts, one of the men we almost rescued; and another F-16 pilot, Colonel Eberley. They are both out of Torrejon.

I visited Kratoni, the base that all the NATO countries want to build for this 401st wing out of Torrejon, Spain. They sent one squadron north to Proven Force, another squadron to a Saudi base. They have performed magnificently. They have lost four of their F-16's, one of them being recovered. The other three went down in enemy territory. We know two of these pilots were shown as POW's.

We had better get these POW's back within hours. I hope they are being brought forward as we speak. And I say to Congressman MCEWEN, because I think the gentleman will agree with me that we should send an armored column up to Baghdad if within—what does the gentleman think, 48 hours, 72 hours?—these POW's have not had contact with the Red Cross or have not been returned. Does the gentleman agree with me that Bush will act if our POW's aren't soon released? Bush is a man of action, an attack pilot, a naval aviator, the first one to ever sit in the Oval Office, other than Eisenhower. He is not going to let these men who went down in combat rot in some Hanoi, or Pyongyang, situation. What does the gentleman think?

Mr. MCEWEN. Is it not wonderful that our soldiers are not locked in the desert waiting for 8, 10, 12, 15 months of sanctions supposedly to work?

Mr. DORNAN of California. Exactly.

Mr. MCEWEN. These are just great men and women.

I would say to Jesse Jackson, who ridiculed those fine young men who volunteered supposedly because they did not volunteer in this proper ethnic mix they should have volunteered, that he owes an apology to all those fine men and women of every category, of every heritage, of every background, who have done that, and then to think we have been able to accomplish this massive campaign, I just observe that on the streets of the Capital City since January 16, when Desert Storm began, that 62 people have been gunned down just on the streets of this city, and what do we have for that? I should think their attention should be directed in that direction.

Mr. DORNAN of California. Sixty-two?

Mr. MCEWEN. Sixty-two have been gunned down since August 2.

Mr. DORNAN of California. If you take out the 28 killed in the Scud attack, take out the terrible agony of the friendly fire accidents, which happen in the fog of war, more people were killed by gun battles in Washington, DC, than in the 6 weeks of the war.

Mr. MCEWEN. That is just one city, so if you want to direct your attention, if you want to cry, do not cry because America is trying to defend freedom and trying to stop the raping and pillaging, direct your energies and attention here if you are so offended by these things, 327 since the day that Saddam Hussein rolled out his tanks on Kuwait, 327 people have been gunned down on the streets of just this city; but there are also those of the same political persuasion that dominate Washington, DC, also dominate Philadelphia, also dominate New York, also dominate Los Angeles, and so they can contribute to this as well, to put it into perspective as to what we value for those who value freedom and democracy. Do not give me your crying tears over the ethnic mix or some other excuse, because the fact is that when you knew that if America stood tall, if George Bush proved that he would be right, then indeed all across the globe today everyone recognizes that freedom works, that democracy is right. A strong America protects lives.

Mr. DORNAN of California. You bet.

Mr. MCEWEN. And so people wish to identify with that. That is the course of history. In 1975, when Leonid Brezhnev said that because of what we are doing, because of the investment that we are making in our military, by the end of the 1980's, that is 1990, he said because of that by the end of the 1980's we will be able to work our will anyplace on the planet. The correlation of forces, economic, military, and political, are on the side of socialism and communism.

Here we are at the end of the 1980's. The correlation of forces economically, 2 out of every 3 jobs created on this planet since 1982 have been created in the United States of America economically.

Militarily, the gentleman and I have been discussing that. T–72 tanks, when compared with the U.S. tanks, we did not lose a single one. We wiped out 4,600 of the enemy tanks. Economic, military, political, around the globe.

Mr. DORNAN of California. The big tank battle that never happened.

Mr. MCEWEN. I was privileged, perhaps one of the greatest days of my life, similar to this, meeting with the Commander in Chief at this great moment in history, was sitting in the balcony of the Sejm, just as our balcony here is now empty, when the Polish Sejm voted for the first time that a Communist country was able to extract itself voluntarily from the throes of communism. I was able to sit there and watch two-thirds of that parliament as they had ridden their bicycles, wearing their peasant clothes, and had come there to Warsaw to vote for the first time in Warsaw.

Mr. DORNAN of California. What month, what year?

Mr. MCEWEN. It was August 23, 1989, and as they took the vote and a hush fell across the chamber, I turned to my wife and I said, "Do you understand what this is like?"

Mr. DORNAN of California. That is the anniversary of the Stalin-Hitler Pact.

Mr. MCEWEN. I said, "This has never happened before. No nation has been able to do this voluntarily." And I began to clap and they began to clap. They stood and cheered and Skubiszewski came out and tears began to flow down his cheeks.

Six weeks later the Velvet Revolution in Czechoslovakia and Hungary, and then East Germany was wiped off the map. East Germany no longer exists. The correlation of forces, economically, militarily, politically is on the side of democracy and on the side of freedom.

You take some poor gal standing in line for bread in Moscow and ask her, she will say free elections and free economies are best. You ask a cab driver in Prague, you ask anybody on the streets of Warsaw, they will tell you that democracy and free elections and free economies are best.

You go to Latin America and they will tell you that free elections and a free ecomony are best.

Around the globe, it is on the side of freedom and democracy and they knew that if George Bush stood toe to toe with the dictator, what this fourth largest army in the world, what this surrogate of the Soviet Union, what this man who had committed himself to dominating half of the world's energy resources, if George Bush went toe to toe with American prestige at stake and American won, it would totally change the geopolitical situation around the globe for the next decade. That is why they opposed him. That is why they wanted to delay. That is why they would not stand by him and that is why they have been proven dead wrong, and the gentlemen and I are right to join with our colleagues in congratulating the Commander in Chief who saw the geopolitical situation, who saw what was at stake, and while everyone else around him was nervous, while everyone else did not know what was going to happen, George Bush proved to the world that he knew exactly where he was.

They said "I have never seen him so much at peace with himself."

When Mikhail Gorbachev, that master politician, that master controller of the media, that man who has come and has rolled tanks into the Baltics, who has murdered people on the streets of Tbilisi, Georgia, sent his troops down with their sharpened axes to hack people's skulls open, who took 2,300 women and gassed them. We have films of them grabbing them by the hair and putting gas under their noses, a man who did that, but because of his ability to persuade the international media was able to secure a Nobel Peace Prize. When Mikhail Gorbachev with all his political skills——

Mr. DORNAN of California. He got Reagan's Nobel Peace Prize, that is what I said.

Mr. MCEWEN. A man with all those political skills, a man who Time magazine considers the man of the decade because he has those skills, last week on Tuesday and Wednesday and Thursday and Friday did all within his power to save Saddam Hussein, to save the dictator of the Middle East, to say we will not have the sanctions.

Do you remember what the Soviets said? They want to do away with the sanctions. That was agreement No. 1. We will abide by only the first U.N. resolution, that is, that he leaves Kuwait. There will be no reparations. There will be no sanctions. We want him to survive.

Mikhail Gorbachev doing his best and George Bush walked out into the garden, the Rose Garden of the White House and said, I don't care what ideas come forth. I don't negotiate with the Soviet Union. The Soviet Union isn't involved. Move aside. Here is what you have to do.

That was after an hour's conversation, until noon Saturday to deliver. Because George Bush did that, the world is different today. America is stronger today. Freedom has more opportunity today. The future is brighter today and we have every right to acknowledge it.

We would be doing history a disservice if we failed to enter into the RECORD at this moment the fact that this was on the line. George Bush had the geopolitical skills to understand it, just as Neville Chamberlain missed his opportunity in history in the 1930's when Winston Churchill sitting on the back bench of parliament did right, George Bush saw the same position and Saddam Hussein bet everything he had George Bush was a Neville Chamberlain. But what we discovered, he knew what was at risk and took it.

Mr. DORNAN of California. I just wanted to create this word picture because I have not had a chance to tell about it.

First of all, I took one of our great young lieutenant colonels from Air Force liaison, David Hayes, a navigator in Vietnam, on my trip.

□ 1430

We went over to Ramstein, Germany, after I did a TV show in England on their Meet the Press, called The World Today.

I think you have done it before.

I went against one of Gorbachev's top spokesmen, Vassily—something or other. The Soviets, as usual, were looking to get in on our moment of clear, decisive victory in the Middle East. I went over to Ramstein and saw a friend of yours and mine—the last time I saw him, he was the legislative liaison, with one star on his shoulder. He is now a three-star general, and he is lieutenant general vice commander of USAF, our good friend Rees, Ted Rees.

Rees said, "Congressman, do you mind if I send one of my F-15 pilots here on the staff, a young fellow named Mike Fennessey, with you on this trip?" I said, "Sure, if he can stand watching me fly the F-104 in Italy, send him."

Well, the three of us began our trek. We looked at the shutdown of the missile site at Comisso.

We went up to Italy, flew there, and then finally ended up at a base that I will be able to talk about in a few weeks—I choose not to now—near the northern Iraqi border where I watched proven force augmenting Desert Storm.

Barely had we landed when the staff car picked us up, Lieutenant Colonel Hayes, Major Fennessey, and myself, and we went out to the end of the runway as a night launch was pulling out. They had their buddy ships, a tanker with four ships, followed by another tanker with four ships. And there right as the pilots taxied up to take the No. 1 position for takeoff, was a young captain and I am angry that I cannot remember his last name but his first name was Brian. He had a big American flag. It was raining. He was half asleep. He should have been asleep. He had flown a night mission the night before.

Brian was swinging this big American flag, I mean the American flag the size you'd see at a football game. I immediately choked. Here go the pilots. We are holding up OK signs, victory signs, little Arsenio Hall, two fisted, guns from the hip, go-gettem, and these pilots in the cockpits are saluting. It choked me up. I will never forget it for the rest of my life. I asked: Where were they going? They used the Vietnam expression, "Downtown."

I looked at these pilots taking off, and the first thing I thought of was what I mentioned earlier, James Michener's great book "Bridges at Toko-ri." Where do we get such men and now women?

The SPEAKER pro tempore. The time of the gentleman from California [Mr. DORNAN] has expired.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

UPDATE ON OPERATION DESERT STORM

The SPEAKER pro tempore. (Mr. EDWARDS of Texas). Under a previous order of the House the gentleman from Ohio [Mr. McEWEN] is recognized for 60 minutes.

Mr. McEWEN. Mr. Speaker, I yield to the gentleman from California so that he may finish his thought.

Mr. DORNAN of California. Well, the next day, we got up early. We had breakfast at the Patriot missile site. There were women there because the Patriot batteries are a defensive operation, not a frontline combat operation. These fine women—African-Americans, Asian-Americans, Irish-Americans, Jewish-Americans, everybody in this beautiful Army unit, up to their ankles in mud, were proud of their Patriots defending this base on the northern front.

Then we went out to the flight line again to watch the sorties leaving for the morning strike. Then one of the commanders said "Congressman, how would you like to go on one of these tankers?" I said, "Is the Pope Catholic? How fast can I answer you?" I had a briefing in a room with 70 other people. A young F-16 pilot, Capt. Steve Corley was doing his first briefing. I forget whether he was from Torrejon or Spangdahlem. He was, standing in the front of the briefing room, and one of the guys yelled out, "Hey, Steve, why don't you admit to the Congressman that you are a Democrat?" And I said, "Well, that's all right as long as he is a SONNY MONTGOMERY, or a JACK MURTHA Democrat."

Mr. McEWEN. Or IKE SKELTON Democrat.

Mr. DORNAN of California. Or an IKE SKELTON Democrat. There are 50 or 60 fine conservative Democrats we could name. They are those who believe in a strong defense. He said, "Oh, they are kidding you. I am a Republican." I stood up and I said, "Now, wait a minute, I want to get something straight before I go up with you guys. How many of you are Democrats?" I was kidding, and they took me seriously. There is something very sad about that. And I am sorry to report this.

Not a hand went up, not the intelligence officers and sergeants, not male or female, not one of the tanker air crewmen, not one of the 16 pilots of the F-16's and F-4's that had just arrived from Clark Air Force Base in the Philippines. Not a single person put up their hand.

Do you know why? When I was in the Air Force at George Air Force Base in 1956, half of my squadron was for Adlai Stevenson. I know, I was a precinct captain for General Eisenhower who was already President. The military, like most of this country was divided into both parties.

The reason we have a much more partisan military now is that there has been so much derision coming from that lectern on the other side of the aisle, that it sometimes approaches contempt from a too large segment of this body's Democrat majority party members and the other body's as well. The people in the military feel shortchanged.

Mr. McEWEN. Abandoned.

Mr. DORNAN of California. Abandoned. And they are sick and tired, particularly the four or five senior officers of our military who had Vietnam experience, of hearing that somehow they were part of something other than what President Reagan called a noble cause.

I hope that after this war we can remain committed to our military by passing a meaningful defense budget, and not just lip service to them by saying, "I support our men in the gulf, but we shouldn't be there and we ought to get out."

Mr. McEWEN. That is an oxymoron. You cannot do such a thing. You cannot have a policeman defending you and say, "I don't like being out there, but I support you." You either support them or you do not support them, in or out, up or down. The common sense of the average American understands that. It is oxymoronic to say that you support someone who is doing a job that you do not approve of. It just simply does not follow.

"I support my son slicing the couch, but I don't approve of his activities." Either you support him slicing the couch or you do not support him slicing the couch. Either you support the soldiers serving in Desert Storm or you do not. You cannot say I support them but I do not think they ought to be there. It is a nonsequitur, it is an oxymoron, and it should be faced as squarely as the gentleman from California has done it.

Mr. DORNAN of California. The people in the military from the newest private all the way up to the three and four-star generals know that it is inconsistent and demeaning to the people who are proud of fighting in the battle for Kuwait, in Operations Desert Storm, Desert Shield, and Proven Force.

A final thought and then I am going to run out to a meeting I must attend and turn it back to the gentleman from Ohio, but I will come back.

The final thought here is that these young men and women want the media to understand that they are a part of normal, middle America. They understand that there is a huge difference between them and most people in the media. The media has come to realize in the last year that middle America is not with them on abortion, that middle America does not believe first amendment rights should be extended to child pornography or any type of pornography. It is demeaning to every one of our grandmothers, mothers, wives, sisters, cousins, or any woman we know. Every time we see pornography pushed on the American public and dominant media culture defending it, it is degrading to America. The media is wrong on most social issues. They are certainly wrong, according to Dan Rather, on what makes a young woman or a young man join the military. And not just to be a "Sierra Hotel" hot fighter pilot but to be one of those kids in the mud that I met in Turkey setting up that Patriot missile site.

You know, a lot of those kids over there, the younger ones, were saying, "We didn't pick the terminology in this war, but we are the Patriots, all of us."

Mr. McEWEN. That is right.

Mr. DORNAN of California. "And those that demean us are the Scuds," referring to the Scud B's, the "Scudbags of America." The media had better look in the mirror and analyze the way it has been reporting on the aerospace industry and all the men and women who build the equipment that is performing so brilliantly over in the Arabian Gulf. Did you hear what Regis Philbin said on his show this morning? Where is Ron Kovic today? Where is Michael Farrell of "MASH?" Where are these people who made a career out of demeaning the military forces of this country? Ron Kovic was promoted over 23 other scouts at 21 years of age in Vietnam in the DMZ. He was a hero. And he has betrayed his younger self by spending his adult life as a malcontent drawing $4,000 a month tax free. He's earning this money from what is the measure of his devotion to stopping Vietnam in South Vietnam so his country could do for South Vietnam what we half did for Korea and what we did for every Nation in Europe except for those we betrayed behind the Iron Curtain.

Mr. McEWEN. And for what President Nixon did in 1973 with the peace accords when they protected South Vietnam and when they were allowed to survive.

I am going to ask my colleagues to join me on the anniversary of that peace agreement in which it was won and the peace was secure in 1973, 1974, and into 1975 when the new Watergate babies came in and they voted to throw it all away and deliver the killing fields back to North Vietnam, to allow them to come in and rape and pillage and to murder and to close their eyes and to close their ears and not see what was going on over there. That is what is now excised. As has been said by one of the great commanders of this Nation, we are about to excise, to wipe the specter of Vietnam off of our face.

□ 1440

It was not because of the soldiers. It was not because of the cause. It was because of the celebration of the victory of the 1974 election when people came in, and history should not allow that vote to die in which they said we will not stand by those accords. Even though President Nixon gave our word and committed our Nation, we will turn our back on him, and on them, and on our Nation, and thereby we will forget it and allow their sacrifice to not be successful by giving back South Vietnam, and that is exactly what they did.

And your reference to South Korea is correct because South Vietnam would have been free, and independent and prosperious, and that is what has been corrected here, that never again will we allow the Congress to do that to us, and I am extremely grateful for the Commander in Chief that has said that we are committed to this under all circumstances, and force the issue on the floor in January, and we are able to celebrate the victory today. President Nixon did all within his power to keep that from happening in South Vietnam. Those who gave their lives did it for a noble cause, and the gentleman's reference to it is absolutely correct, and God bless Ronald Reagan for resurrecting or to leapfrogging the statements made by Jimmy Carter to say that it was a noble cause, and I have a letter that I wish to read later on, or to insert in the RECORD again from yesterday's RECORD, that the gentleman from Illinois [Mr. HYDE] inserted because of that noble cause.

Mr. DORNAN of California. The gentleman from Illinois [Mr. HYDE] did that in his 1-minute special order. The gentleman is going to insert it again in our two follow-on special orders here? Excellent.

Mr. McEWEN. I think it should be.

Mr. DORNAN of California. Because I remember the letter concerned a young Navy reconnaissance pilot who probably flew 85 Vigilantes for President Johnson. That was Johnson's favorite airplane, because he would take the reconnaissance photographs brought back from those dangerous missions; and pick his own target. Dozens of the Vigilantes were shot down going into take these pictures for Robert Strange McNamara and President Johnson so that could play war in the war situation room in the White House. This is something George Bush has never done.

Mr. McEWEN. Never done, and I would point out that in the desert classic, the Carter desert classic, a rescue mission in Iran, the gentleman will recall that he was running that from the telephone at the site of the Oval Office, talking to the ground commanders in Iran, and so you had Lyndon Johnson picking bombing targets in the Oval Office, you had Jimmy Carter running it from his executive wing there, from his little private study there, running an operation, where you have Ronald Reagan in Granáda and in Libya where he gave the command and let the experts do it, when George Bush in Panama, and now in Desert Storm, gave the commitment of the Nation, the moral and international support, and allowed our soldiers to do it. We can see what can happen, but it is when the Jimmy Carters and the Lyndon Johnsons put their fingers in the pie, and foul it up, that then they come back and point their finger at the military, which is very, very unfair, which is the same thing that of course goes on——

Mr. DORNAN of California. Let me say something for the men and women who in a sense had to sit on the bench during the toughest moments on this conflict. We have a little over 2 million men and women in our military services if you throw in the members of the Coast Guard. These men and women also serve valiantly, risking their own lives when ours are at stake in times of disaster. John 15:13 says "greater love than this no man has that he gives his life for another". That is what all of our people over there were doing for the people that were tortured in Kuwait. How many more would have been tortured if we had listened to the counsel of liberals in this Chamber and wait for sanctions to stop Saddam. One of the Senators from Iowa said, "Well, maybe 6 months to a year; maybe a year and a half." Unbelievable.

Mr. MCEWEN. Having opposed every weapons system that would protect American lives.

Mr. DORNAN of California. Exactly.

Being in Europe this last week, I learned something new. We did something unusual in this conflict. The 1st Air Force Tactical Fighter Wing that went over there was from Langley. This is the famous Eddie Rickenbacker, Hat-in-The-Ring Squadron, the 94th Squadron. Those pilots have had to sit in Turkey for 7 months and watch their friends in the 27th and 71st Squadron going into combat. All the wings in Europe contributed to this effort—one or two squadrons out of their three, so that one or two squadrons would stay behind.

Last month, on January 18, I flew with an FA-18 Hornet instructor down in El Toro. Ten of us went out to the Yuma bombing range. When we came back, some of them were graduating. They were brandnew graduates ready to go over and join the 11th Squadron of Hornets in Bahrain. But the instructors, the better pilots, some of them with combat experience, had to stay behind. They wanted desperately to go. At all the bases I visited, Zweibrucken, Haun, Spangdahlem; Ramstein has the 86th Tactical Fighter Wing there; they all wanted to be there. Look at the carriers. Look at the marines who for 6 months on the *Nassau*, and the *Iwo Jima* and all the other ships, who have been floating around out there for 6 months except for one operational practice landing on the beaches of Oman. They were feinting operation, like you keep a quarterback warming up on the sidelines, but you never put him in, just to psych out the opposite side. Many of the Patriot batteries did not go. The overwhelming majority did not go. Most were behind the lines, and were not going into combat: the intelligence units, the quartermaster corps, the hospitals that I saw set up in the big hangers in Rhine Main, the doctors and nurses, the USO people there, all waiting for the casualities that we thought might come. All of these people were there in heart, and spirit and prayers with the handful, that chosen handful, who just happened to be in the right place at the right time.

My nephew, Don Dornan, Jr., flies AWAC's from the *Ranger* out in the gulf. How did he know the *Ranger* was going to go over there? The carrier that stood duty the first few months, the *Independence* is back in home port. We did not know which of our 15 carriers would end up there. There are now four carriers in the Persian Gulf. We have never had more than two carriers in that gulf before Desert Storm. The *Midway*; first the *Ranger* there, and then the *Teddy Roosevelt* joined them, the *J.F.K.*, and the *Saratoga*. How is it that the *Saratoga* lost four airplanes? The *Teddy Roosevelt*, one? The *Ranger* lost one? And the rest of the carriers; I think the America only lost one in the landing on the deck. Both pilots ejected. The pilot broke his ankle and is at home now, after five combat missions. His bombadier navigator is back in combat, and is going to get 31 combat missions.

God decides these things, and a few superiors. But every man and woman on active duty now get the National Defense Service Ribbon. Everybody who is over there. The 28 people killed in the Scud attack in Sauda Arabia, many of them from Pennsylvania were killed behind the lines. Their parents, their wives, their kids thought they were home free. Well, they were not. Twenty-eight of them died, and how many are in wheelchairs for the rest of their lives? How many were terribly burned in an explosion like that? There are burn victims all over, and there is not to say that our hearts do not go out to the tens of thousands of Iraqis who wounded, died, or will be in wheelchairs the rest of their lives because of a mad dictator who told our Ambassador April Glaspie in July, "Your country can't take 10,000 casualties a day. Mine can." Well, he sure delivered on that evil threat because they have taken more than 10,000 casualties the last 4 days.

Mr. MCEWEN. We just invited his aggression.

Mr. DORNAN of California. Exactly.

Mr. MCEWEN. That weakness invited his aggression. He thought that America could not and would not respond. Indeed one of the most important steps was taken right there at that podium on the day that Fishbait Miller took the vote on whether—on when the Speaker took the vote as to whether or not to institute the Selective Service draft in 1941, in January, and it passed by only one vote because Fishbait Miller saw five Members enter through that door, and he immediately did a calculation in his head; it was three and two. He turned to the Speaker and said, "Pull the gavel," and the Speaker banged the gavel denying them the right to vote, and it passed by one vote, and, when they interviewed——

Mr. DORNAN of California. We hardly have any people like that anymore who can do a head count on five people at the door to shift the vote the other way, and we would all be speaking Japanese now if Fishbait——

Mr. MCEWEN. Adm. Thomas Moore, the Chief of Naval Operations was on the interrogation team that went to Japan to interview the leadership of the Japanese forces, he asked them how they felt they could attack the United States of America with impunity. What would induce them to do that? Why would they think of such a thing? Now they were interrogated separately in separate locations. They all gave the same answer, which means that obviously they had come to this conclusion and thought it out well.

Three things: the Congress had voted not to fortify our islands of Wake and Guam. We had chosen to leave them bare to not provoke Japan, No. 1. Second, we had just completed Army maneuvers in Louisiana with wooden guns and cardboard tanks. Third, and here is the most important, the United States—here is what they said—"The U.S. Congress had voted by only one vote to institute the draft."

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And they said they came to the conclusion that when presented with the fait accompli, Pearl Harbor, the United States would have neither the capacity nor the will—in other words, the Congress would not be there—the United States would not have the will to respond. Therefore, they made the decision to attack. That was the weakness of America. The passage was by only one vote here, with the support of Sam Rayburn and of President Franklin Roosevelt, but because the Congress was so weak on the issue, it invited the aggression.

Because of what Saddam Hussein thought America was, because seeing the interviews and the constant tommyrot of the body bags that we heard about day after day after day in August and September—we can go back and check the record, and we were seeing it on television every day—that type of thing encouraged Saddam Hussein to tell our Ambassador that the United States cannot take 10,000 casualties; therefore, it will not stand for its values. He said, "I can go in and rape and pillage and murder and invite that kind of action." But George Bush has wiped that off the face of the entire world.

Mr. DORNAN of California. It is a new world.

Mr. MCEWEN. Yes, it is a new world order, not of socialism or communism but of freedom and democracy that stands by its word and has the capacity, has the will, and has the vehicle to defend itself. We are safer for it. America is safer for it. People will not die because of it. People will be free because of it, and it is exactly the right thing to do.

The gentleman mentioned the reference to the carriers. We have had continual battles all through the 1980's as to the importance of the carriers. Gary Hart built a political career on the idea that we did not need carriers. Let us stop and think at this moment—and we should do this right now—that 6 months to 8 months from now there will be some who will be disappointed over the fact and will try to infer that this is gloating or something, but it is factual. The facts are that we could not have performed this campaign without the carriers.

We cannot go in and build an air base overnight. We had to have those vehicles there. We had to have the rescue units there, we had to have the hospital there in the carriers, and that was the mission of the task force. We had to have all of that there rapidly, and the only way to get it there is on a carrier. When Ronald Reagan asked for those carriers, which take over 4 years to design and 5 years to build—that is a decade of tooling up—when he asked for those carriers and America delivered on those carriers, we witnessed the constant battle we had year after year after year, saying they were outmoded and they are sitting ducks and all the other excuses they could come up with when they do not want to defend America or stand by its values. They were dead wrong, because the carriers were essential. In 1991 they were essential. In 1995 they will be essential. And just somewhere along the line, I think we would all have more confidence in their judgment if they would say, "I see now what you were saying. You said if you had to do this, you could use it and it would be protected and it would not be vulnerable and no one could come within 600 miles of it and it is not a sitting duck."

It is a force projection, it is vital, and it can go in harm's way and in areas where we could never go. It could go into Bangladesh or in other tight spaces in the world where we could never put an air base, but we could move an air base through a Navy aircraft carrier, moving them into position, project force, and secure the areas so we can preserve peace and freedom.

We were right to do that. Ronald Reagan was right to do it, John Lehman was right to do it, Cap Weinberger was right to do it, and the Congress was right to do it.

I think that somewhere along the line those members of the Armed Forces Committee, whether they be from California or from Colorado, should point out the fact that we were right to do that, and that America is safer for it.

General Farrell at Cincpac in Hawaii the other day was trying to lecture me on the fact that America was in decline. He had been schooled in that thought.

Mr. DORNAN of California. And he was a Vietnam veteran.

Mr. MCEWEN. We were told that America had better learn to live with less, that we had entered an era of limits, and we were in all this decline. This three- or four-star general of the Army tried to go to great lengths to try to tell me how America was finished, through, and over the hill, and that America could not compete and all that sort of thing. And in the same briefing in which he was saying all of this nonsense, one of the briefers there said that in recent weeks they had 38 requests from 38 different nations that wanted to engage in maneuvers with the United States. They had never done that before.

Mr. DORNAN of California. In case they had to call 911, as one of our Congresswomen said.

Mr. MCEWEN. They had never done it before. They knew where power was. They knew that power had shifted.

I told you about being there at the Seine when the first nation was able to extract itself from underneath the burden and yoke of communism. We met with the Soviets, and the first Communist leader of a Communist Warsaw Pact nation was there, the first time in the history of the world, as we came out of the meeting, and there was a bank of microphones there, and we were facing the microphones and answering the international media, and about 35 feet away, leaning up against his black Zil limousine, with his hammer and sickle flag on its hood, was the Soviet Ambassador, and he was waiting for the Americans to leave. This was that Warsaw Pact Prime Minister, this Polish Prime Minister, this Warsaw Pact ally, watching the Americans leave so he could come in second in succession to convey his best wishes to the new Prime Minister.

The power had shifted, and it is important for people to recognize that because of what we stand for, because of the power of our ideas and because we are willing to stand by them, the world is a different place today. There are no superpower competitions. There are no ideological competitions. There is one superpower, there is one superior political idea, and that is freedom and democracy, and the United States is the leader, General Farrell of Cincpac notwithstanding, as well as all those folks who have told us we are in decline. And we will hear that again, rest assured.

Mr. DORNAN of California. He has probably revised his script after learning what happened during the last 4 days.

Mr. MCEWEN. Well, I have learned that a man convinced against his will is of the same opinion still. And today I have had that opinion reinforced in spades by watching the 1-minutes.

Mr. DORNAN of California. This is, of all days, the last day of February. All the headlines are saying, "Victory, Hail Mary, We Have Done It." There is no chemical warfare, and only 79 heroes are gone.

Let me give you a few more images from my trip. The first F-16 strike was coming back from downtown Baghdad. Guess what they were hitting. A park, NBC building, nuclear or biological chemical facilities. This F-16 pulls in, and I talked to its pilot. They put two into a bunker. Then I spoke to another young pilot, named Mark Fisher.

He was a typical fighter pilot, with a moustache. They put the ladder on the side of his beautiful F-16C from Torrejon. His crew chief comes up the ladder and takes his combat helmet and puts it in the bag. Then I see him tap the crew chief's leg, and the pilot goes to get up. Then I said, "You stay right there. You wait a minute."

He drops back into his seat, and I climb up the ladder and I said, "You saw me there?" I had my black ballcap on with my Air Force wings and a blue flight suit. He did not know what I was, with a red beard. I said, "What is your name?" Then I saw his name tag, Fisher, and he said, "Mark Fisher."

I said, "Mark, believe it or not, I am a California Congressman sent here to greet you home from your combat mission by your Secretary of Defense, Dick Cheney, and your President."

He says, "Yes? Hot." He did not say, "Sierra."

That is a Sierra Hotel, a phonetic code.

I said, "Mark, what mission was this?"

He said, "My 25th mission, sir."

I said, "Did you hit your targets?"

He said, "It was a beautiful sight. So did everybody in my flight." There were no more nuclear operations or biochemicals coming out of the facility they hit.

Mr. MCEWEN. Not only American lives but thousands of other lives were being saved.

Mr. DORNAN of California. Thousands of lives.

Mr. MCEWEN. And Israeli lives are being saved. There is no way to calculate the pain and suffering that was prevented because of the investment in that equipment so that these talented people could use it.

Mr. DORNAN of California. Now, let me give you a bad scene. Late that night, after watching the launch again with the American group of Aardvarks, the Spark Varks—that is the F-111's—go off to jam all the Iraqi radars, the same as the Navy Prowlers do, which fly off my nephew's ship. They use all these various kinds of electronic birds that we really should not talk about.

Then came the F-111E's. I will not give the air base, though we will be able to do it in a couple of days. As these F-111E's take off, and I go up to the intelligence war room to watch some of this wizardry and electronic images that I will not describe too carefully, we could see the bomber streams flying off downtown to Baghdad. And over the top of them you could see the shepherds guarding the sheep in the bombing mission, the F-15 caps with the HARM missiles, the Wild Weasels, the F-4G's and F-16 hunter-killer teams. They are weaving around, taking these guys downtown, and then they started back. I am fascinated with this.

I could press a button and find out the call sign of each airplane, where it is, how it is doing, as it is coming home. A woman was teaching me. There were two sergeants and a civilian there, a tech rep woman just out of the Army. This was a fascinating operation.

Ted Turner will love this. Off in the corner there was the ubiquitous television set with CNN on. Then in comes one of our colleagues from the opposite side of the aisle, and everyone stops and turns their eyes to the television set. And I will tell you and I will tell her some day that I was severely embarrassed. She is the one who said, "We can't be the 911 nation of the world."

I thought to myself, "Maybe we can't help Tibet, which has been suffering genocide, maybe we can't help Lithuania except diplomatically, but there is a lot we can do elsewhere."

In this case we could help. With a courageous Commander in Chief, we did help, and now we see the fruits of victory. People with signs of "Bush" and American flags, people dancing in the streets in Israel, which courageously stayed out of this conflict when they had the military might to punish Saddam Hussein for killing innocent women and children. Their gas masks are gone now, and they are dancing in the streets.

But now get this next line: This lady Congressman from our Chamber comes in. This comes in in three pieces, and I want you to analyze each piece. She said, "I think we could have let the sanctions work, but now that we are in, let's get it over quickly," as though we would want to prolong it with improper political leadership. Then she says, "And let's try to do it with the least blood possible, because I keep track of things like that, and my husband says that I must be the only Member of Congress who watches Desert Storm and asks, how much did that cost, and how much did this cost?"

Mr. McEWEN. And how much money is being spent and being lost. It is not the lives, not the pillage, not the rape, but, "Oh, my goodness, a transmitter in Baghdad, a transmitter or an electrical facility that is being lost, that is what I am concerned about."

□ 1500

What kind of value system do we have when freedom and democracy and human lives and prejudice and destruction are secondary to financials? What kind of generation have we raised? What kind of mercenary feelings do people have when dollars and cents and brick and mortar are superior to human lives and human freedom?

Mr. DORNAN of California. Do you know what this big Navy Seal captain, part of the team there, and the Marine Corps brigadier, and the Air Force guys that were generally running this operation, and the enlisted people said about this display? They said, well, you have got to serve with her, Congressman. It must be embarrassing.

I have an appointment with an ambassador in the Rayburn room.

Mr. McEWEN. Let me just say this concerning the same dear Member, who just the other day explained, they said to this Member, certainly you must now have to concede that the equipment that Ronald Reagan asked for and which you opposed is working very, very well.

You know what her response was? I love it. I do not know how people can come up with these. I do recognize talent. That is, well, it wouldn't have worked as well if I hadn't opposed it.

Now, I thought to myself, Mikhail Gorbachev gets credit for the F-16 working. He opposed it too. The Warsaw Pact should be credited with thanks. We should write them and tell them our appreciation for the M-1 tank working well, because they opposed it too, as well as every other Marxist and liberal leftist around the world. They were all involved in opposition.

If the reason that it works is because you opposed it, what kind of—well, enough of that.

The fact is, this is a moment in which America stands taller than it ever has. Freedom and democracy stand taller than they ever have. The reason is because this Congress stood in the proper position, with the support of the American people.

Mr. McEWEN. BOB, have you got that Henry Hyde letter?

I do. Do you want me to read it while you are gone?

Mr. DORNAN of California. Would you do me a favor? Would you close with that? But before you do, I want to end on a sad note. Some people in Kuwait are still broken because their relatives are missing, taken up the road to Basra, if not already killed. Some of them are tortured to death.

But there is a picture in last week's Newsweek, maybe 2 weeks old, in the February 25 issue, 1991. It is on page 19. If anybody has this copy around the house, Mr. Speaker, do not throw it away. It says, "Saddam on the Ropes: Gulf War, Month Two."

There is a picture on page 19, that if you have any sensitivity you are going to cry.

Here is a beautiful woman, the wife of Marine Capt. Jonathan Edwards, who gave his life early in Desert Storm.

She has the flag on her lap, one of the reasons that you and I supported trying to go for a bill or a constitutional amendment——

Mr. McEWEN. To protect the symbol of those people who shed their blood for our country.

Mr. DORNAN of California. Next to her are her two sons. They both look like a cross between their mom and I guess what their dad looked like. They look like brothers, with blond hair darker than their moms.

One boy, the older boy, looks like he is 10 to 12, maybe 13. His eyes are swollen. He looks like he is in a state of shock. His hero dad is gone.

I had a hero dad, BOB. I bet you did, too. I can tell from the way you operate. My dad had three Purple Hearts from World War I. They called them wound chevrons then. Two of them were for poison gas. But I had him until he was 83.

He had a chest full of medals from World War I, and he as a humble man would say, "Yeah, all of those medals and my French Croix de Guerre will get you a cup of coffee, if you have a dime." Now you need a dollar.

But this young boy has lost his hero dad. The younger brother is wearing his dad's flight jacket. I can barely make out the insignia on it. It looks like his dad was either a Harrier or Hornet helicopter pilot.

His eyes are swollen, his head is hunched over, and he is still in the midst of crying.

The mother is reaching out, holding both of their hands. I wish I had a big blowup of this picture.

She is proud of her husband's contribution. Her loss, her sense of grief, will never disappear. Nor will the grief disappear for the quartermasters, including those two beautiful young women from Pennsylvania and the other 26, who were hit by one of those Scud B missiles in the last death throes of Saddam's vicious spasm of evil. We have lost 11,000 in combat training since World War II. All of these people have a small part of this victory.

As our great General Schwarzkopf said, a religious man with that statue of Jesus next to his bed, next to the shotgun in case somebody penetrated the headquarters; it is miraculous how low the casualties were, but not miraculous enough.

These people are all in God's arms now. They died, as I said earlier, fulfilling the most beautiful line of the evangelist St. John, "Greater love than this has no man, that they give their life for others."

Mr. McEWEN. Thanks to those wives and to those children and to those relatives. Our hearts are with them. We are grateful for them. We thank them for their lives. We are free, and the world rejoices. The tears flowing down the cheeks of people across the Middle East, as the beginning opening words of the evening news broadcast in Israel, God bless America. The people are free and rejoicing because they gave the greatest sacrifice.

Words are inadequate to communicate the gratitude that they are entitled to and which we feel for them.

In these celebrations, there will not be a single celebration any place in the world celebrating this great victory and the triumph over victory that their lives will not be remembered and appreciated, and every year from now on.

That cannot replace the emptiness and the hurt that is in their lives. I repeat, all of us must go, and only a very handful have gone and contributed so very, very much.

Mr. DORNAN of California. BOB, do you know what they have been doing in that small country of Israel the last 24 hours? This is something I just heard this morning. Every half-hour they play World War II's biggest hit, the late Kate Smith singing "God Bless America."

Do you know the two songs that kept going through my head on this trip through NATO, ending up in Turkey, as I stood there on the end of the runway? Two very popular songs now with the military. One is played at a lot of funerals now. The first one is the one Bette Midler put over the top, "Did You Ever Know That You Were My Hero?"

I could hear that in my head, as I was dealing with these pilots and these air crews and these kids in Patriot batteries.

The other one is Lee Greenwood's "God Bless the USA."

Mr. McEWEN. The country has come a long way from when we entered this decade, at which time we were told that America is in a decline, in which the Chief Council of Economic Advisers said to us that the question was not whether or not America would have a declining standard of living; the only question was whether or not Americans could learn to adapt to their declining standard of living.

Their future for us was downhill. Here we are at the end of this decade, America proud of itself, the world proud of what we stand for. And when the words went through Vilnius, where they had strapped the speakers all over the downtown of Lithuania, when they anticipated the Soviet tanks rolling in, and the words came over the international USIA network, and George Bush said that Desert Storm had begun and the liberation of Kuwait had begun, the cheer went up from behind the Iron Curtain and the Soviet Union, the cheer all over the capital of that Republic of Lithuania, cheering the fact that we were standing for these principles.

Mr. DORNAN of California. Well, BOB McEWEN, of the great State of Presidents, Ohio, the great State of Civil War generals, I am proud to work with you on this House floor, because you are one of those optimists who knows that our Nation is not in decline, it is still in its ascendancy, and the wind beneath the wings of this American eagle is blown from all over the world, from Thule, Greenland, to down in the Antarctica.

From those in harm's way, to those in the academies now, to the ones applying to the academies, to the enlisted kids who are trying to approach an ROTC recruiting officer on campus, or hear from their local military sergeant or petty officer about the advantages of the military, for all of them, they are the wind beneath the wings of this great Nation, and we are proud of all of them, and the parents who trained them.

Mr. McEWEN. There has never been a greater day to be alive; there has never been a greater day to be free; there has never been a greater day to be an American.

Mr. DORNAN of California. Well, today is the last day of February. Supposedly by September 30, I hope we are not going to go through continuing resolutions and more of this budget nightmare in September, but we have 7 months, a little more than half a year; we will have to figure out what we are going to do with the defense budget and how we are going to pay these young men and women. And just as importantly, as we honor them, what kind of equipment we are going to give them. Are we going to build four B-2 Shadow Bombers this year?

Mr. McEWEN. What about the Stealth technology? Do we need that Stealth technology? Does it work?

Mr. DORNAN of California. You bet it does.

Mr. McEWEN. Thirty percent of all the missions accomplished by three percent of the Air Force.

Mr. DORNAN of California. Ronald Reagan was called a cornball by the dominant media culture because he ended every speech from the bottom of his heart with those Kate Smith words, "God Bless America."

George Bush's biggest music supporter was Lee Greenwood, and that is why the President ended his speech last night with, "God bless the United States of America," as he always does.

So with that tune playing in our heads, I am ready to say, end your special order, and read that great letter from that Navy reconnaissance pilot.

Mr. McEWEN. I will submit it for the RECORD. Thank you for your contribution.

(The letter follows:)

AL HOUGHTON MINISTRIES,
Placentia, CA, February 15, 1991.

Hon. GEORGE HERBERT WALKER BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to thank you primarily, and secondarily the Congress, for taking a stand that is bringing healing to the hearts of this and many other wounded Viet Nam Veterans.

The greatest wounds of Viet Nam were not inflicted in the rice patties of Southeast Asia, but were scars seared in our hearts from our government who sent us off to war but refused to let us win. Every soldier knew the military could have won the Viet Nam war in six months if our elected leaders would have only turned us loose. Going to war and coming home with a victory is something to be proud of, but facing death and coming home with nothing is a shame.

For nearly two decades, I have felt the Viet Nam years of my life were a worthless waste until you stood before this nation and declared, "We will not fight this war, with one arm tied behind us." The three times I have seen you make that statement on television has healed my heart by redeeming my Viet Nam experience.

For the first time, value and worth have risen from the ashes of what twenty years ago seemed like a fiery furnace. The value of Viet Nam I saw demonstrated through your lips, and approved by the Congress was: a generation of political leaders *learned how not* to conduct a war. My experience now has great value because the President of the United States and a majority of Congress learned something through it and are conducting Foreign Policy accordingly.

Those of us who experienced Viet Nam have lived with the truth of Proverbs 18:14, "The spirit of a man will sustain him in sickness, but who can bear a broken spirit." All one hundred and sixty-one combat missions I flew as a Navy Reconnaissance pilot are now much more than entires in a log book. Thank you Mr. President for helping heal this wounded warrior.

You will soon have a great opportunity to publicly heal the wounds of hundreds of thousands of Viet Nam Veterans and their families by extending to them two major missing ingredients unavailable when their war ended.

A simple acknowledgment of the value of Viet Nam in shaping your determination to let the military do whatever necessary to win will bless families and heal hurts, because the soldiers twenty years ago did not have that backing and commitment.

Secondly, helping those who experienced Viet Nam see that they had a major role in winning this war, by shaping American leadership thinking about what to, and not to do, will give them the victory they never had.

May God bless you and God bless America.

Respectfully yours,

AL HOUGHTON.

□ 1510

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. EDWARDS of Texas) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs.

(For message, see proceedings of the Senate of today, Thursday, February 28, 1991.)

THE 1991 TRADE POLICY AGENDA AND 1990 ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means.

(For message, see proceedings of the Senate of today, Thursday, February 28, 1991.)

SUNDRY RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-50)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Thursday, February 28, 1991.)

SELF-DETERMINATION FOR PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SERRANO] is recognized for 60 minutes.

Mr. SERRANO. Mr. Speaker, I will be much briefer than 60 minutes, but I think it is appropriate to take this time.

In this week's Roll Call newspaper, in answer to a question by a reader as to Roll Call's knowledge of how many Members of Congress were born outside the United States, a list of seven Members was included. Among the Members was yours truly, and it says José Serrano, New York, born in Puerto Rico, therefore born outside the United States.

This may come as a shock to this newspaper, as I am sure it may come as a shock to a lot of other newspapers, but Puerto Rico has been a part of the United States since 1898 and, in fact, Puerto Ricans became citizens in 1917. I was born on the island of Puerto Rico. But had I not qualified in one way or another, probably then there would be some question as to what I am doing speaking from this microphone today.

But this really does not shock me, because what we read in the newspaper, and the mistake made by many people is in fact part of an attitude that is running around this country, lately more so than ever before, and that is as we get closer and closer to questioning what kind of a relationship the Island of Puerto Rico, Commonwealth of Puerto Rico will have with our country, the United States, questions are being asked that should never have been asked before, have never been asked before, and questions that are in some ways insulting. For instance, at recent hearings of another body some Members were asking whether indeed the people in Puerto Rico's culture fit within the American culture. This was a question being asked after 92 years of a relationship.

Some people asked whether we, by accepting Puerto Rico as the 51st State, were creating another Quebec with a people who have another language. Yesterday a vote was taken on that bill allowing the people of Puerto Rico to exercise self-determination and was rejected by a tie vote.

What is ironic about this, Mr. Speaker, is that this vote was taken at the same time that CNN was telling us that we were liberating Kuwait, and so there we saw pictures of men and women liberating Kuwait and scoring a major diplomatic and political and military victory, and at the same time this body was debating a resolution condemning Fidel Castro and the treatment of Cubans in our desire to free the Cuban people from the oppression that they live under, and at that same time one of these bodies was rejecting the opportunity of the people of Puerto Rico, after 92 years, to determine their political status.

The bill in question simply speaks about the right of 3.6 million Puerto Ricans on the island to decide whether they want to remain a commonwealth of the United States, become an independent nation, or petition the Congress for the 51st State. Whether or not a person feels that this is correct, this is a matter totally different from questioning the ability of the island to be a part of this Nation. And so we read many columns that question the ability of the island to be a part of this Nation.

What is sad about what is going on is that in 1917 when the Jones Act gave Puerto Rico citizenship—incidentally, Members might be interested in knowing that citizenship was voted here, the offer was sent to Puerto Rico and Puerto Rico's governing body at that time rejected it unanimously and said, "We appreciate it. We think you're being nice about it, but we would rather not become citizens at this point." And they were forced to take citizenship anyway. That was because we needed to send them into World War I, and it was kind of embarrassing sending noncitizens into the First World War.

Since then, Puerto Ricans from the island, not to mention the ones like myself from over here, but from the island who live there, have been to World War I, World War II, Korea, Vietnam, Lebanon, Panama, Grenada, and more recently 15,000 troops were taken out of the Island of Puerto Rico, in some cases whole companies and were sent directly to the Persian Gulf. And on the day that those troops were completing their most important part during this operation, they were getting the word from back home that people were questioning their ability to become part of this Nation.

I think that is the reason I decided to take some time today, Mr. Speaker, because the error committed in this newspaper is very much a part of an error that runs through this society, this belief that some of our possessions, some of our territories, some of our colonies, if you will, are not part of this Nation is something that we should deal with and deal with at the same time that we are dealing with our victories in the Persian Gulf. I think we cannot go around feeling good about liberating Kuwait and then saying SERRANO is a Congressman who is not born in this country. That does not make any sense, and it certainly is very confusing to many people.

Another thing that was questioned was whether people spoke English on the island, and whether that was good for statehood or not to have a people that spoke another language. As a matter of fact, people do speak English, but if they do not, and in the process of learning to speak English no one asked them before they went to the Persian Gulf, these 15,000 people, whether they spoke English, and throughout the history of this country there have been many Puerto Ricans who have died on our battlefields on behalf of liberty and democracy and the interests of this country, not speaking a word of English and died speaking Spanish. And they should be treated as equal citizens. We cannot at this time, in my opinion, lose ourselves in petty nonsense.

Perhaps the issue of Puerto Rico is one that more than ever brings home my belief and the belief of many Members of this body that it is time that we begin to deal with issues at home, not only the issues of poverty in this country and the issues of homelessness and despair and disease, lack of health services, but the issue of how we deal with our colonies, if you will, how we deal with our territories.

It is interesting to know that we were very instrumental in getting the Soviet Union to change. No one denies that. We were instrumental in bringing the Berlin Wall down. There will be votes taken in the coming weeks in the Baltic States trying to decide what they want to do with their political future. But there may not be a vote taken in Puerto Rico for many years to come in terms of their political future. But right next door, in Cuba, we are using pressure, as we should, asking Fidel to allow his people to vote.

The question of Puerto Rico is a simple one. Let the islanders vote. Let them decide what kind of a relationship they want to have with us. I am sure that it will be, whatever the final outcome, a relationship which will never be detrimental to the United States. But let us remember that we as leaders in this world cannot continue to ask of others what we do not ask of ourselves. Self-determination for all people means exactly that.

□ 1520

Self-determination for the people of Puerto Rico means exactly that.

I find myself at times in a very difficult situation, being the only Member of Congress who was born on the Island of Puerto Rico, who was born an American citizen, served during the Vietnam era in the U.S. Army, and as the only Puerto Rican-born Member of Congress, I find that at times I have to switch hats so I can see things as they are.

As a member of the island, as a person born there, I would like the United States to give the people of Puerto Rico a chance to determine, but as to a Member of Congress, it is where I have the strongest feelings.

I find it kind of sad that in March, if you will, almost, of 1991, we still cannot determine what is it that we want to do with the 3.6 million people of Puerto Rico. From 1493 to 1898, Puerto Rico belonged to Spain. The Spanish-American War made Puerto Rico the prize along with other islands which was given to the United States.

Little by little we let go of all of them, Cuba, the Philippines, and all the rest, but we kept Puerto Rico, and we kept Puerto Rico for special reasons.

We owe the people of Puerto Rico the right to determine their future.

I want to conclude, Mr. Speaker, by simply saying once again to those people who do not understand the relationship between Puerto Rico and the United States that, indeed, we are part of this country. We are proud of it. We want to do our best to be part of this country.

It reminds me of my late father, at his funeral in 1982, the American flag was over his casket, and one of my colleagues in government in the New York State Assembly at that time came to me and said, "How come the American flag is on your father's casket?" I said, "Well, because he was in the Army, and he wanted it that way." He looked at me, and he said, "I did not know the Puerto Rican Army used the American flag."

But then that is their problem, the lack of information which turns out to be a lack of respect.

So to other people who may doubt those of us who were born in this country or not, let me say that according to the legal agreements with the Congress of the United States, a person born in Puerto Rico, in Mayaguez, as I was in 1943, was, indeed, born an American citizen, and maybe I will be removed from the list of people who were not born here.

RULES OF PROCEDURE FOR THE COMMITTEE ON ENERGY AND COMMERCE FOR THE 102D CONGRESS

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, I hereby submit the rules of the Committee on Energy and Commerce for the 102d Congress for printing in the RECORD.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, 102D CONGRESS

Rule 1. Rules of the House. The Rules of the House are the rules of its committees and its subcommittees so far as is applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Written rules adopted by the committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the committee. Each subcommittee of the committee is part of the committee and is subject to the authority and direction of the committee. Rule XI of the Rules of the House, which pertains entirely to committee procedure, is incorporated and made a part of the rules of this committee, which are supplementary to the Rules of the House.

Rule 2. Time, Place of Meetings. (a) The committee shall meet on the fourth Tuesday of each month and at such other times as determined by the chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m. for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the committee has not met during such month, the committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the chairman.

(c) If at least three members of the committee or subcommittee (whichever is applicable) desire that a special meeting of the committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee or subcommittee (whichever is applicable) may file in the offices of the committee their written notice that a special meeting of the committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) Each meeting of the committee or any of its subcommittees for the transaction of business, including hearings and the markup of legislation, shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(f) At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the committee and the procedures for committee consideration of such matters. The discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction and the conduct of joint subcommittee hearings.

Rule 3. Agenda. The agenda for each committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the committee by delivery to his office at least 36 hours in advance of such meeting.

Rule 4, Procedure. (a)(1) The date, time, place, and subject matter of any hearing of the committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours in advance of the commencement of such meeting.

(B) The time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the committee or subcommittee shall file with the clerk of the committee, at least two working days in advance of his appearance, fifty (50) copies of a written statement on his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement, or any part thereof, is waived by the committee or subcommittee chairman presiding.

(c) The right to interrogate the witnesses before the committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the committee present has been recognized once for that purpose. While the committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full committee unless the text of the matter reported, together with an explanation, has been available to members of the committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the committee to all members of the committee.

Rule 5. Waiver of Notice, Agenda, and Layover Requirements. Requirements of Rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the committee or subcommittee, as the case may be.

Rule 6. Quorum. Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the committee or subcommittee, except that a matter may not be reported by the committee or subcommittee unless a majority of the members thereof is actually present.

Rule 7. Proxies. No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. Journal, Rollcalls. The proceedings of the committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the committee shall be made available in the committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

Rule 9. Filing of Committee Reports. If, at the time of approval of any measure or matter by this committee, any member or members of the committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three (3) calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the committee. All such views so filed shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter.

Rule 10. Subcommittees. There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the committee and, in addition, a Subcommittee on Oversight and Investigations. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the bidding process for subcommittee chairmanships and assignments. Such subcommittees shall, to the maximum extent practicable, be of equal size. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of other standing subcommittees and shall maintain regular communication with the standing subcommittees and the chairman of the full committee in order to obtain advice on subjects for investigation. The standing subcommittees shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigation.

Rule 11. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the full committee with a view toward assuring availability of meeting rooms and avoding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 12. Reference of Legislation and Other Matters. All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of full committee within five (5) legislative days, consideration is to be by the full committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the committee shall have the same authority to refer such legislation or other matter to one or more subcommittees as the Speaker has under clause 5(c) of Rule X of the House of Representatives to refer a matter to one or more committees of the House. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 13. Ratio of Subcommittees. The majority caucus of the committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. Subcommittee Membership. (a) Subject to the requirements of the Manual of the Democratic Caucus of the House of Representatives, each majority member other than the chairman of the full committee or the chairman of the subcommittee shall in order of committee seniority be entitled to membership on two subcommittees of that member's choice. A member (other than an ex officio member) may serve on more than two subcommittees only if such service is necessary in order to comply with Rule 13. Proceeding in order of seniority on the committee, each majority member, other than the chairman of the full committee and the chairmen of the several subcommittees, shall be entitled to select one subcommittee position each. The subcommittee selection process shall then continue in sequence of committee seniority, including the chairmen of the several subcommittees, for succeeding rounds of selection until all subcommittee positions are filed. The subcommittee selection process shall be conducted at a meeting of the majority party caucus of the committee held prior to any organizational meeting of the full committee. Subcommittee selections of each member shall be recorded by the clerk as made and shall be available for examination by the members.

(b) Minority subcommittee membership shall be selected as determined by the minority.

(c) The chairman and ranking minority member of the committee shall be ex officio members with voting privileges of each legislative subcommittee of the committee of which they are not assigned members. The ex officio members shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

Rule 15. Subcommittee Chairmen. (a)(1) Majority members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any request for a subcommittee chairmanship shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance. The subcommittee chairmen shall be elected by the full committee from nominations submitted by the majority party caucus of the committee.

(2) If the majority members of the committee shall determine to change the size of any subcommittee after the start of the bidding process, they may do so, but in the event, all previous action on the bidding process shall be expunged and the bidding process shall start anew.

(b) Subcommittee chairmen shall manage legislation reported from their subcommittees on the House floor.

(c) The chairman of the committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

Rule 16. Committee Professional and Clerical Staff Appointments. (a) Whenever the chairman of the committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the committee and not to the chairman of the committee, shall be assigned to such committee business as the minority party members of the committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the committee shall be entitled, subject to the approval of the majority party members of the committee, to make such appointments to the professional and clerical staff of the committee as may be provided within the budget approved for such purposes by the committee. Such appointees shall be assigned to such business of the full committee as the chairman of the committee considers advisable.

(d) Subcommittee chairmen, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the committee as may be provided in the committee budget as provided for in rule 18 of these rules. Such professional and clerical appointees shall be delegated to the appropriate subcommittee for the purposes of assisting such subcommittee in the discharge of its assigned responsibilities and may be removed and their compensation fixed by the subcommittee chairman subject to the approval of the majority members of the committee.

(e) In addition to appointments made pursuant to other subsections of this rule, (1) the subcommittee chairman of each of the committee's subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such subcommittee chairman, and (2) the ranking minority member of each such subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of clause 5 of Rule XI of the House of Representatives.

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the committee if approved by the chairman and ranking minority member of the committee and, if funded by a subcommittee, by the chairman and ranking minority member of that subcommittee. Such approval shall not be deemed to have been given if at least one-third of the members of the committee request in writing that the committee formally act on such a contract, if the request is made within 10 days after the last date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 17. Supervision, Duties of Staff. (a) The professional and clerical staff of the committee delegated to subcommittees of the committee pursuant to rule 16 shall be subject to the supervision and direction of the chairman of the subcommittee to which they are assigned with respect to matters before the subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the committee, who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the committee not delegated to a subcommittee pursuant to rule 16(d) or to the minority shall be under the supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a subcommittee chairman with respect to a matter before such subcommittee chairman's subcommittee shall continue to assume principal staff responsibility during any consideration before the full committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such subcommittee.

Rule 18. Committee and Subcommittee Budgets. (a) The chairman of the full committee and the chairmen of each standing subcommittee, after consultation with their respective ranking minority members, shall for each session of the Congress prepare a preliminary budget for the committee and each standing subcommittee respectively, with such budgets including necessary amounts for professional and clerical staff, travel, investigations, and miscellaneous expenses, and which shall be adequate to fully discharge their responsibilities for legislation and oversight. Thereafter, the chairman of the full committee, meeting with the chairmen of the subcommittees, shall combine such proposals into a committee budget, which shall state separately the budgeted amounts for the committee and for each of the subcommittees. Such budget shall be presented by the chairman to the majority party caucus of the committee and thereafter to the full committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. No proposed committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full committee. The chairman of the full committee or the chairmen of the standing subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House, but the chairman of the full committee shall permit no subcommittee to make an expenditure beyond its portion of the budget (as established in paragraph (a)) unless the chairman determines that such expenditure can be made without exceeding the amount authorized to the full committee by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by committee and subcommittees, anticipated expenditures for the projected committee program, and detailed information on travel.

Rule 19. Broadcasting of Committee Hearings. Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

Rule 20. Comptroller General Audits. The chairman of the committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the committee.

Rule 21. Subpoenas. The full committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the committee or subcommittee (as the case may be), a quorum being present. In addition, the chairman of the full committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of three days. Subpoenas may be issued over the signature of the chairman of the full committee, or any member of the committee authorized by such chairman, and may be served by any person designated by such chairman or member.

Rule 22. Travel of Members and Staff. (a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MOLINARI) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. COX of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SERRANO, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. MOLINARI) and to include extraneous matter:)

Mr. HOBSON.

Mr. LENT.

Mr. RHODES.

Mr. DAVIS.

Mrs. MORELLA.

Mr. LAGOMARSINO.

Ms. SNOWE.

Mr. SUNDQUIST.

Mr. SCHAEFER.

Mr. SHUSTER.

Mrs. ROUKEMA in three instances.

(The following Members (at the request of Mr. COX of Illinois) and to include extraneous matter:)

Mr. STARK.

Mr. CONDIT.

Mrs. LLOYD.

Mr. BONIOR.

Mr. PANETTA.

Mr. MILLER of California, in three instances.

Mr. JACOBS.

Mr. MARKEY.

Mr. KANJORSKI, in two instances.

Mr. HAYES of Illinois.

Mr. ROWLAND.

Mr. CAMPBELL of Colorado, in two instances.

Mr. MATSUI.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week."

S.J. Res. 55. Joint resolution commemorating the 200th anniversary of United States-Portuguese diplomatic relations; and

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day."

ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, March 4, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

740. A letter from the Department of the Air Force, transmitting notification of the decision to convert to contractor performance the weather support service function at Dobbins Air Force Base, GA, which was found to be the most efficient and cost-effective, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

741. A letter from the Department of the Air Force, transmitting notification of the decision to convert to contractor performance the weather support service function at Buckley Air National Guard Base, CO, which was found to be the most efficient and cost-effective, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

742. A letter from the Department of the Air Force, transmitting notification of the decision to convert to contractor performance the weather support service function at Selfridge Air National Guard Base, MI, which was found to be the most efficient and cost-effective, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

743. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-345, "District of Columbia Interstate Banking Act of 1985 Amendment Temporary Act of 1990," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

744. A letter from the Secretary, Department of Labor, transmitting the 16th annual report of the Pension Benefit Guaranty Corporation covering fiscal year 1990, which includes the Corporation's financial statements as of September 30, 1990, pursuant to 29 U.S.C. 1308; jointly, to the Committees on Education and Labor and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PURSELL (for himself and Mr. FORD of Michigan):

H.R. 1174. A bill to repeal the Newspaper Preservation Act; to the Committee on the Judiciary.

By Mr. ASPIN (for himself and Mr. DICKINSON) (both by request):

H.R. 1175. A bill to authorize supplemental appropriations for fiscal year 1991 in connection with operations in and around the Persian Gulf presently known as Operation Desert Shield/Storm, and for other purposes; to the Committee on Armed Services.

By Mr. BERMAN (for himself, Ms. SNOWE, Mr. FASCELL, Mr. BROOMFIELD, Mr. GILMAN, and Mr. MILLER of Washington):

H.R. 1176. A bill to provide supplemental authorization of appropriations for fiscal year 1991 for the Department of State for certain emergency costs associated with the Persian Gulf conflict; to the Committee on Foreign Affairs.

By Mr. SYNAR (for himself, Mr. GLICKMAN, Mr. LEACH, Mr. MCHUGH, Mr. GRAY, Mr. WISE, Mr. PRICE, Mr. ECKART, Mr. HAMILTON, and Mr. MAZZOLI):

H.R. 1177. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for House of Representatives election campaigns, and for other purposes; jointly, to the Committees on House Administration, Energy and Commerce, Post Office and Civil Service, and Ways and Means.

By Mr. KOLTER (for himself, Mr. MOAKLEY, and Mr. TRAFICANT):

H.R. 1178. A bill amending the Railway Labor Act to provide that a majority of valid votes cast by members of a craft or class of employees shall determine the representative of such craft or class for purposes of such act; to the Committee on Energy and Commerce.

By Mr. ATKINS (for himself, Ms. SNOWE, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. AUCOIN, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN, Mr. BRYANT, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DURBIN, Mr. EDWARDS of California, Mr. FASCELL, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GREEN of New York, Mr. HOAGLAND, Mr. HOYER, Mrs. JOHNSON of Connecticut, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Mr. KLUG, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LEACH, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mrs. LOWEY of New York, Mr. MCHUGH, Mr. MACHTLEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MINETA, Mrs. MINK, Mr.

Moody, Ms. Molinari, Mrs. Morella, Mr. Morrison, Mr. Mrazek, Ms. Pelosi, Mr. Porter, Mrs. Roukema, Mr. Roybal, Mr. Sabo, Mr. Sanders, Mr. Scheuer, Mrs. Schroeder, Mr. Schumer, Mr. Shays, Mr. Skaggs, Mr. Smith of Florida, Mr. Stark, Mr. Studds, Mr. Swift, Mr. Torres, Mr. Torricelli, Mr. Towns, Mr. Udall, Mrs. Unsoeld, Mr. Waxman, Mr. Weiss, Mr. Wolpe, and Mr. Yates):

H.R. 1179. A bill to prohibit the denial of international population assistance funds to nongovernmental organizations or multilateral organizations on the basis of any criterion that is not applicable to foreign governments that receive such funds; to the Committee on Foreign Affairs.

By Mr. BATEMAN:

H.R. 1180. A bill to amend the Internal Revenue Code of 1986 to provide that certain real property listed on the National Register of Historic Places shall be exempt from the estate tax; to the Committee on Ways and Means.

By Mr. BROWN (for himself, Mr. Bonior, Mr. Evans, Mr. Ravenel, Mr. Abercrombie, Mr. Rangel, Mr. Serrano, Ms. Slaughter of New York, Mr. Ackerman, and Mr. Kopetski):

H.R. 1181. A bill to improve the availability of veterans' benefits and services to veterans incarcerated in Federal penal or correctional institutions, and for other purposes; jointly, to the Committees on Veterans' Affairs and the Judiciary.

By Mr. CAMPBELL of Colorado (for himself and Mrs. Schroeder):

H.R. 1182. A bill to authorize and direct the exchange of lands in Colorado; to the Committee on Agriculture.

By Mr. CAMPBELL of Colorado (for himself, Mrs. Schroeder, Mr. Schaefer, and Mr. Hefley):

H.R. 1183. A bill to provide for the transfer of the Platoro Reservoir to the Conejos Water Conservancy District of the State of Colorado and for the protection of fish and wildlife habitat on the Conejos River; to the Committee on Interior and Insular Affairs.

By Mr. CLEMENT (for himself, Mr. Barton of Texas, Mrs. Lloyd, Mr. Tanner, Mr. Gordon, Mr. Rhodes, Mr. Fields, Mr. Dannemeyer, Mr. Ritter, and Mr. Cooper):

H.R. 1184. A bill to amend the Atomic Energy Act of 1954 to encourage the development and use of standardized plant designs and improve the nuclear licensing and regulatory process; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. CLINGER (for himself and Mr. Synar):

H.R. 1185. A bill to deny entry to Federal lands to persons found guilty of spiking trees on Federal lands, to increase the penalty for tree spiking, to make it illegal to spike trees on non-Federal lands, and for other purposes; to the Committee on the Judiciary.

By Mr. COYNE (for himself, Mr. Schulze, Mr. Guarini, Mr. Sundquist, Mrs. Kennelly, Mr. Matsui, Mr. Jenkins, Mr. Rangel, Mr. Thomas of California, Mr. Dickinson, Mr. Weber, Mr. Towns, Mr. Whitten, Mr. Nowak, Mr. Hertel, Mr. Ritter, Mr. Kolter, Mr. Walsh, Mr. Yatron, Mr. Erdreich, Mr. Williams, Mr. Bilbray, Mr. Stokes, Mr. Lewis of Florida, Mr. Bevill, Mr. Lancaster, Mr. Parker, Mr. Kostmayer, Mr. McCrery, Mr. Brewster, Mr. Horton, Mr. Tallon, Mr. Ackerman, Mr. Fascell, Mr. Lehman of Florida, Mr. Sisisky, Mr. Frost, Mr. Taylor of Mississippi, Mr. Schumer, Mr. Kanjorski, Mr. Serrano, Mr. Foglietta, Mr. Vento, Mr. de la Garza, Mr. Olin, Mr. Jefferson, Mr. Dwyer of New Jersey, Mr. Hughes, Mr. Eckart, Mr. Gaydos, Mr. Evans, Mr. Boehlert, Mr. Hoyer, Mrs. Vucanovich, Mr. Price, Mr. Murphy, Mr. Zeliff, Mr. Mavroules, Mr. Bruce, Mr. McMillen of Maryland, Mr. Combest, Mr. Roe, Mr. Payne of Virginia, Mr. Payne of New Jersey, Mr. Montgomery, Mr. Hammerschmidt, and Mr. Cramer):

H.R. 1186. A bill to amend the Internal Revenue Code of 1986 to extend the treatment of qualified small issue bonds through 1996; to the Committee on Ways and Means.

By Mr. DeFAZIO (for himself, Mrs. Schroeder, Mr. Evans, Mrs. Boxer, and Mr. Traficant):

H.R. 1187. A bill to impose additional duties on the products of foreign countries if, and during such time as, such countries do not fulfill their pledges to the United States to make financial contributions to Operation Desert Storm or Operation Desert Shield; to the Committee on Ways and Means.

By Mr. DERRICK:

H.R. 1188. A bill to amend title 32, United States Code, with respect to retention rights for certain civilian National Guard technicians who are involuntarily separated from membership in the National Guard; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. DURBIN (for himself, Mr. Miller of California, Mrs. Morella, Mrs. Collins of Illinois, Mr. Hyde, Mr. Dellums, Mr. Henry, Mr. Frost, Mr. McDermott, Mr. Horton, Mr. Mrazek, Mr. Kildee, Mr. Edwards of California, Mr. Matsui, Mr. Stark, Mr. Yates, Mr. Lehman of Florida, Ms. Pelosi, Mr. Ackerman, Mrs. Unsoeld, Mr. Frank of Massachusetts, Mr. Johnston of Florida, and Mr. Conyers):

H.R. 1189. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. GAYDOS (for himself, Mr. Ackerman, Mr. Berman, Mr. Bilbray, Mr. Bonior, Mr. Clay, Mr. Cooper, Mr. Coyne, Mr. Dicks, Mr. Dwyer of New Jersey, Mr. Engel, Mr. Espy, Mr. Evans, Mr. Fascell, Mr. Fazio, Mr. Feighan, Mr. Frank of Massachusetts, Mr. Fuster, Mr. Guarini, Mr. Jefferson, Mr. Jontz, Mr. Kolter, Mr. Lantos, Mr. Levin of Michigan, Mr. McDermott, Mr. Manton, Mr. Martinez, Mr. Mfume, Mr. Miller of California, Mr. Mineta, Mr. Moakley, Mr. Mrazek, Mr. Murphy, Mr. Obey, Ms. Pelosi, Mr. Penny, Mr. Poshard, Mr. Roybal, Mr. Torres, Mrs. Unsoeld, and Mr. Williams):

H.R. 1190. A bill to establish a system for identifying, notifying, and preventing illness and death among workers who are at increased or high risk of occupational disease, and for other purposes; to the Committee on Education and Labor.

By Mr. JONES of North Carolina (for himself, Mr. Davis, Mr. Abercrombie, Mr. Bateman, Mr. Bennett, Mrs. Bentley, Mr. Borski, Mr. Callahan, Mr. Cunningham, Mr. Fields, Mr. Foglietta, Mr. Goss, Mr. Hochbrueckner, Mr. Hubbard, Mr. Hughes, Mr. Jefferson, Mr. Laughlin, Mr. Lent, Mr. Ortiz, Mr. Studds, Mr. Tallon, Mr. Tauzin, Mr. Taylor of Mississippi, Mrs. Unsoeld, and Mr. Young of Alaska):

H.R. 1191. A bill to require reporting of foreign passenger vessel casualties, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LANTOS (for himself, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. Towns, Mr. McDermott, Mr. Frost, Mr. Owens of Utah, and Mr. Wise):

H.R. 1192. A bill to amend the provisions of the Occupational Safety and Health Act of 1970 relating to criminal penalties, and for other purposes; to the Committee on Education and Labor.

By Mr. LEVIN of Michigan (for himself and Mr. Pease):

H.R. 1193. A bill to amend the Social Security Act to provide entitlement grants to States to assist in the administration of the unemployment insurance program; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 1194. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential for individuals and corporations on small business stock held more than 4 years; to the Committee on Ways and Means.

By Mr. MARTINEZ:

H.R. 1195. A bill to remove certain limitations on the payment of unemployment benefits to members of the Reserves who performed services in connection with the Persian Gulf crisis; to the Committee on Ways and Means.

By Mrs. MEYERS of Kansas:

H.R. 1196. A bill to establish a comprehensive energy conservation program; jointly, to the Committees on Energy and Commerce, Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. MILLER of California (for himself, Mr. Goodling, Mr. Hoyer, Mr. Bonior, Mr. Borski, Mrs. Boxer, Mr. Dellums, Mr. Durbin, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frank of Massachusetts, Mr. Gray, Mr. Hayes of Illinois, Mrs. Johnson of Connecticut, Mr. Johnson of South Dakota, Mrs. Kennelly, Mr. McDermott, Mr. Machtley, Mrs. Morella, Mr. Oberstar, Ms. Pelosi, Mr. Rahall, Mr. Sikorski, Mr. Synar, Mr. Towns, Mr. Traficant, Mrs. Unsoeld, Mr. Weldon, Mr. Wise, Mr. Wyden, and Mr. Yates):

H.R. 1197. A bill to amend the Public Health Service Act to establish a program of categorical grants to the States for comprehensive mental health services for children with serious emotional disturbance; to the Committee on Energy and Commerce.

By Mrs. MINK:

H.R. 1198. A bill to amend the Internal Revenue Code of 1986 to restore the application of the credit for producing fuels from a nonconventional source to steam produced from agricultural byproducts; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 1199. A bill to amend the Internal Revenue Code of 1986 to deny the option to expense intangible drilling and development costs for wells drilled within the Alaska National Wildlife Refuge, to provide incentives for the removal of crude oil and natural gas through enhanced oil recovery techniques, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. MOODY, Mr. CARDIN, and Mr. COYNE):

H.R. 1200. A bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the Medicare Program, and to expand home health services under such program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PORTER (for himself, Mr. BEILENSON, Mr. COOPER, Mr. JONTZ, Mr. KLECZKA, Mr. KLUG, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. MOODY, Mr. WALSH, and Mr. WOLPE):

H.R. 1201. A bill to amend the Solid Waste Disposal Act to strengthen the standards for Federal procurement of recycled paper and to clarify that Federal procurement standards for recycled paper are applicable to the Congress; to the Committee on Energy and Commerce.

By Mr. PANETTA (for himself, Mr. EMERSON, Mr. DE LA GARZA, Mr. HALL of Texas, Mr. STAGGERS, Mr. ESPY, Mr. HATCHER, Mr. TALLON, Mr. FRANK of Massachusetts, and Mr. DOOLEY):

H.R. 1202. A bill to amend the Food Stamp Act of 1977 to respond to the hunger emergency afflicting American families and children, to attack the causes of hunger among all Americans, to ensure an adequate diet for low-income people who are homeless or at risk of homelessness because of the shortage of affordable housing, to promote self-sufficiency among food stamp recipients, to assist families affected by adverse economic conditions, to simplify food assistance programs' administration, and for other purposes; to the Committee on Agriculture.

By Mr. REGULA:

H.R. 1203. A bill to amend the District of Columbia Self-Government and Governmental Relations Act to permit the District of Columbia to impose a tax on income earned by individuals who reside outside of the District; to the Committee on the District of Columbia.

H.R. 1204. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; jointly, to the Committee on the Judiciary and the District of Columbia.

By Mr. ROWLAND:

H.R. 1205. A bill to require the Secretary of Health and Human Services to submit to the Congress a proposal for the regulation of long-term care insurance policies, including an analysis and evaluation of such policies as are available to individuals, and to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individuals' retirement accounts for the purchase of long-term care insurance coverage by individuals who have attained age 59½; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. SCHIFF:

H.R. 1206. A bill to confer jurisdiction on the United States Claims Court with respect to land claims of Pueblo of Isleta Indian Tribe; to the Committee on the Judiciary.

H.R. 1207. A bill to establish the National Atomic Museum; jointly, to the Committees on Armed Services and Energy and Commerce.

By Mrs. SCHROEDER (for herself and Mr. MARTIN) (both by request):

H.R. 1208. A bill to authorize certain construction at military installations for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

By Mr. SERRANO:

H.R. 1209. A bill to provide and restore certain education benefits to certain individuals serving in the Persian Gulf war; jointly, to the Committees on Veterans' Affairs, Armed Services, and Education and Labor.

By Mr. SIKORSKI:

H.R. 1210. A bill to provide a member of a Reserve component of the Armed Forces who is on active duty during the Persian Gulf conflict with special pay in an amount necessary to eliminate the gap between the military compensation and civilian compensation of the member; to amend title 5, United States Code, to extend recertification-related deadlines for senior executives called or ordered to active duty during the Persian Gulf conflict; and for other purposes; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Ms. SLAUGHTER of New York:

H.R. 1211. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee of Ways and Means.

By Ms. SNOWE (for herself, Mr. RICHARDSON, Mr. DOWNEY, Mrs. SCHROEDER, Mr. SIKORSKI, Mr. DONNELLY, Mrs. UNSOELD, Ms. OAKAR, Mr. KOLTER, Mr. STAGGERS, Mr. RINALDO, Mr. RAVENEL, Mr. MARKEY, Mr. SMITH of New Jersey, Mr. SAVAGE, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. PAYNE of New Jersey, Mrs. LLOYD, Mr. ROYBAL, Mr. FRANK of Massachusetts, Mr. LEWIS of Florida, Mr. FORD of Tennessee, Ms. SLAUGHTER of New York, Mr. PENNY, Mr. ROE, Mr. RAHALL, Mr. MOAKLEY, Mr. HORTON, Mr. FASCELL, Mrs. BYRON, Mr. GREEN of New York, Mr. RANGEL, Mr. BEREUTER, Mr. SMITH of Florida, and Ms. PELOSI):

H.R. 1212. A bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SNOWE (for herself, Mr. DONNELLY, Mr. DOWNEY, Mrs. SCHROEDER, Mr. RICHARDSON, Mr. SIKORSKI, Mrs. UNSOELD, Ms. OAKAR, Mr. KOLTER, Mr. STAGGERS, Mr. RINALDO, Mr. RAVENEL, Mrs. BENTLEY, Mr. HOCHBRUECKNER, Mr. MARKEY, Mr. SMITH of New Jersey, Mr. SAVAGE, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. PAYNE of New Jersey, Mrs. LLOYD, Mr. ROYBAL, Mr. FRANK of Massachusetts, Mr. LEWIS of Florida, Mr. FORD of Tennessee, Ms. SLAUGHTER of New York, Mr. PENNY, Mr. Roe, Mr. RAHALL, Mr. HORTON, Mr. FASCELL, Mr. GREEN of New York, Mr. RANGEL, Mr. BEREUTER, Mr. SMITH of Florida, and Ms. PELOSI):

H.R. 1213. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SOLOMON (for himself, Mr. TAUZIN, Mr. WALKER, and Mr. MCEWEN):

H.R. 1214. A bill to deny funds to programs that do not allow the Secretary of Defense access to students on campuses or to certain student information for recruiting purposes; jointly, to the Committees on Education and Labor and Armed Services.

By Mr. TORRICELLI:

H.R. 1215. A bill to amend title 10, United States Code, to require that the President award the Legion of Merit to any member of the Armed Forces who has received the Purple Heart three or more times; to the Committee on Armed Services.

By Mr. VISCLOSKY:

H.R. 1216. A bill to modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WELDON:

H.R. 1217. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to provide specific definition of the requirement that a purchaser of real property make all appropriate inquiry into the previous ownership and uses of the real property in order to qualify for the "innocent landowner" defense; to the Committee on Energy and Commerce.

By Mr. WILLIAMS (for himself, Mr. CLAY, Mr. EDWARDS of California, Mr. GUNDERSON, Mr. SOLOMON, Mr. MILLER of California, Mr. KILDEE, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. PERKINS, Mr. WASHINGTON, Mr. DERRICK, Mr. BOEHLERT, Mr. BEREUTER, Mr. SHAYS, Mr. UDALL, Mr. BERMAN, Mr. LEVINE of California, Mr. MATSUI, Ms. PELOSI, Mr. ROYBAL, Mr. CAMPBELL of Colorado, Ms. LONG, Mr. MCCLOSKEY, Mr. SLATTERY, Mr. MCMILLEN of Maryland, Mr. BONIOR, Mr. TRAXLER, Mr. PENNY, Mr. PRICE, Mr. FEIGHAN, Mr. STOKES, Mr. DEFAZIO, and Mr. BUSTAMANTE):

H.R. 1218. A bill to prevent potential abuses of electronic monitoring in the workplace; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska (for himself, Mr. JONES of North Carolina, Mr. STUDDS, and Mr. THOMAS of Georgia):

H.R. 1219. A bill to designate wilderness, acquire certain valuable inholdings within National Wildlife Refuges and National Park System Units, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHITTEN:

H.J. Res. 157. Joint resolution making technical corrections and correcting enrollment errors in certain acts making appropriations for the fiscal year ending September 30, 1991, and for other purposes; considered and agreed to.

By Mr. COMBEST:

H.J. Res. 158. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990; to the Committee on the District of Columbia.

By Mr. DIXON (for himself, Mr. FUSTER, Mr. PAYNE of New Jersey, Mr. CONYERS, Mr. OWENS of New York, Mr. REGULA, Mrs. SCHROEDER, Mr. SLATTERY, Mr. ACKERMAN, Mr. LEHMAN of California, Mr. FEIGHAN, Mr. TRAFICANT, Mr. ROE, Mr. WOLPE, Mr. FROST, Mr. COYNE, Mr. DE LUGO, Mr. DYMALLY, Mr. HORTON, Mr. TOWNS, Mr. BILBRAY, Mr. FRANK of Massachusetts, Mr. STARK, Mr. MOODY, Mr. SERRANO, Mr. FRANKS of Connecticut, Mr. WEISS, Mrs. UNSOELD, Mrs. MINK, Mr. HYDE, Mr. COSTELLO, Mr. LEHMAN of Florida, Mr. MATSUI, Mrs. MORELLA, Mr. DELLUMS, Mr. MILLER of California, Mr. ESPY, Mr. HOYER, Mr. FLAKE, Mr. FASCELL, Mr. MUR-

PHY, Mr. SABO, Mr. SANDERS, Ms. WATERS, Mr. WYDEN, Mr. RANGEL, Mr. BERMAN, Mr. BACCHUS, Mr. GILLMOR, Mr. LANCASTER, Ms. PELOSI, Mr. LEWIS of Georgia, Mr. GUARINI, Mr. JACOBS, Mr. MAZZOLI, Mr. GRAY, Mr. PALLONE, Mr. AUCOIN, Mr. STOKES, Mr. GREEN, Mr. JEFFERSON, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mrs. COLLINS of Illinois, Mr. JONES of Georiga, Mr. BROWN, Mr. WALSH, Mr. WASHINGTON, Mr. BRYANT, Mr. MANTON, and Mr. GINGRICH):

H.J. Res. 159. Joint resolution authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. ERDREICH:

H.J. Res. 160. Joint resolution designating the week beginning April 15, 1991, as "Civitan International Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. MFUME:

H.J. Res. 161. Joint resolution to provide for the designation of the week commencing on March 3, 1991, as "National Minority Financial Institutions Week"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mrs. BOXER, Mr. ACKERMAN, Mrs. SCHROEDER, Mr. STARK, Ms. PELOSI, Mr. SERRANO, Mr. SAVAGE, Mr. CONYERS, Mr. DIXON, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. FEIGHAN, Mr. RANGEL, Mr. EVANS, Mr. BRYANT, Mr. MRAZEK, Mr. GRAY, Mr. SPRATT, Mr. KOSTMAYER, Mr. FROST, Mr. ESPY, Mr. TOWNS, Mr. PAYNE of New Jersey, Mr. LIPINSKI, Mr. LEVINE of California, Mr. VENTO, Mr. MFUME, Mr. ROE, Mr. OWENS of Utah, Mr. BERMAN, Mr. DELLUMS, Mr. STOKES, Mr. FORD of Tennessee, Mr. FAZIO, Mr. EDWARDS of California, Mr. MINETA, Mr. LEHMAN of California, Mr. WAXMAN, Mr. BROWN, Mr. JEFFERSON, Mr. WHEAT, Mr. DE LUGO, and Mr. ANDREWS of Maine):

H.J. Res. 162. Joint resolution relating to the naval facility explosion at Port Chicago, CA, on July 17, 1944; to the Committee on Armed Services.

By Mrs. MINK:

H.J. Res. 163. Joint resolution apologizing to native Hawaiians for the overthrow of the Kingdom of Hawaii by the United States in 1893 and declaring the trust relationship between the United States and native Hawaiians; to the Committee on Interior and Insular Affairs.

By Mrs. VUCANOVICH (for herself and Mr. BILBRAY):

H.J. Res. 164. Joint resolution to require display of the POW/MIA flag at Federal buildings; to the Committee on Government Operations.

By Mrs. JOHNSON of Connecticut (for herself and Mr. BROOMFIELD):

H. Con. Res. 80. Concurrent resolution expressing the sense of the Congress that the February 10, 1991, vote in favor of independence represents the legitimate will of the Lithuanian people; to the Committee on Foreign Affairs.

By Mr. RAMSTAD (for himself Mr. MONTGOMERY, Mr. WEBER, Mr. GINGRICH, Mr. ARMEY, AND MR. RITTER):

H. Con. Res. 81. Concurrent resolution calling upon the United Nations to take all appropriate steps to try Saddam Hussein and his subordinates for all war crimes; to the Committee on Foreign Affairs.

By Mr. YOUNG of Florida:

H. Con. Res. 82. Concurrent resolution to express the sense of Congress concerning the role of United States forces in the liberation of Kuwait; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. MICHEL:

H. Res. 94. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. BROOMFIELD (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. LEWIS of California, Mr. VANDER JAGT, Mr. HUNTER, Mr. DICKINSON, Mr. SOLOMON, Mr. GILMAN, Mr. LAGOMARSINO, Mr. HYDE, Mr. BEREUTER, Mr. DORNAN of California, Mr. GOSS, Mr. GOODLING, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. HOBSON, Mr. CRANE, Mr. DREIER of California, Mr. ROTH, Mr. SCHULZE, Mrs. BENTLEY, Mr. PURSELL, Ms. MOLINARI, Mr. ROHRABACHER, Mr. RIDGE, Mr. DANNEMEYER, Ms. ROS-LEHTINEN, Mr. RITTER, Mr. HANSEN, Mr. KASICH, Mr. LIGHTFOOT, Mr. RAMSTAD, Mr. LEACH, Mr. CUNNINGHAM, Mr. COMBEST, Mr. BLILEY, Mr. HORTON, Mr. SLAUGHTER of Virginia, Mr. SENSENBRENNER, Mr. SMITH of Oregon, Mr. SHUSTER, Mr. PACKARD, Mr. EMERSON, Mr. YOUNG of Florida, Mr. BLAZ, Mr. HANCOCK, Mr. DAVIS, Mr. RINALDO, Mr. IRELAND, Mr. GILLMOR, Mr. CLINGER, Mr. SAXTON, Mr. THOMAS of Wyoming, Mr. THOMAS of California, Mrs. VUCANOVICH, Mr. GALLO, Mr. WALKER, Mr. SUNDQUIST, Mr. FAWELL, Mr. DOOLITTLE, Mr. MADIGAN, Mr. UPTON, Mr. TAYLOR of North Carolina, Mr. WALSH, Mr. RHODES, Mr. MORRISON of Washington, Mr. GUNDERSON, Mr. PAXON, Mr. ROGERS, Mr. BATEMAN, Mr. BARTON of Texas, Mr. HOLLOWAY, Mr. SMITH of New Jersey, Mr. SCHAEFER, Mr. MOORHEAD, Mr. HENRY, Mr. COLEMAN of Missouri, Mr. WOLF, Mr. MILLER of Ohio, Mrs. JOHNSON of Connecticut, Mr. BARRETT, Mr. PETRI, Mr. WYLIE, Mr. BAKER, Mr. WEBER, Mr. KOLBE, Mr. ZIMMER, Mr. DUNCAN, Mr. LENT, Mr. MCMILLAN of North Carolina, Mr. SHAYS, Mr. ARCHER, Mr. CHANDLER, Mr. LOWERY of California, Mr. SCHIFF, Mr. INHOFE, Mr. SKEEN, Mr. WELDON, Mr. LIVINGSTON, Mr. FIELDS, Mr. MCCANDLESS, Mr. LEWIS of Florida, Mr. MCDADE, Mr. GILCHREST, Mr. ARMEY, Mr. SPENCE, Mr. MCCRERY, Mr. STUMP, Mr. BALLENGER, Mr. ROBERTS, Mr. SMITH of Texas, Mr. HASTERT, Mr. MARLENEE, Mr. CALLAHAN, Mr. FRANKS of Connecticut, Mr. FISH, Mrs. ROUKEMA, Mr. GREEN of New York, Mr. DELAY, Mr. STEARNS, Mr. NICHOLS, Mr. HOUGHTON, and Mr. BOEHNER):

H. Res. 95. Resolution commending the President and United States and allied military forces on the success of Operation Desert Storm; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. ANDERSON (for himself, Mr. ABERCROMBIE, Mr. ANNUNZIO, Mr. AUCOIN, Mr. BARNARD, Mr. BRYANT, Mr. DE LUGO, Mr. EMERSON, Mr. FISH, Mr. FORD of Michigan, Mr. GEJDENSON, Mr. GREEN, Mr. GUARINI, Mr. HARRIS, Mr. HENRY, Mr. HORTON, Ms. LONG, Mr. LOWERY of California, Mr. MATSUI, Mrs. MORELLA, Ms. PELOSI, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROEMER, Mr. ROYBAL, and Mr. WALSH):

H. Res. 96. Resolution to provide a comprehensive recycling program for the House of Representatives; to the Committee on House Administration.

By Mrs. BENTLEY (for herself, Mr. PURSELL, Mr. SCHULZE, Mr. DREIER of California, Mr. DORNAN of California, Mr. ROTH, Mr. BROOMFIELD, Mr. CRANE, Mr. RICHARDSON, Mr. SKELTON, Mr. TRAFICANT, Mr. DOOLEY, Mr. MAZZOLI, Mr. DEFAZIO and Mr. RAY):

H. Res. 97. Resolution relating to the return of U.S. forces from the Persian Gulf; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. GUARINI, Mr. YATES, Mr. STARK, Mr. DURBIN, Mrs. BOXER, Mr. BILBRAY, Mr. ABERCROMBIE, Mr. KOLTER, Mr. ECKART, Mr. HERTEL, Mr. ARMEY and Mr. MCNULTY):

H. Res. 98. Resolution expressing the sense of the House of Representatives that a portion of Iraq's oil wealth should be used to pay the costs of the allied military operations against Iraq, to indemnify noncombatant nations and individuals that suffered losses as a result of the conflict, and to pay the environmental cleanup costs associated with the conflict; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PALLONE introduced a bill (H.R. 1220) for the relief of Bintu Sankoh Williams; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. HOAGLAND, Mr. LAROCCO, Mr. MCCOLLUM, Mr. MFUME, Mr. MORAN, Mr. NEAL of North Carolina, Mr. VENTO, and Mr. WYLIE.

H.R. 77: Mr. GALLEGLY, Mr. FROST, Mr. THOMAS of Wyoming, Mr. SKEEN, and Mr. MCCANDLESS.

H.R. 78: Mr. CUNNINGHAM, Mr. BLAZ, and Mr. STEARNS.

H.R. 100: Mr. FORD of Tennessee, Mrs. BOXER, Mr. MFUME, Mr. JEFFERSON, Mr. ECKART, and Mr. ARMEY.

H.R. 127: Mr. KOPETSKI and Mr. WOLPE.

H.R. 257: Mr. JOHNSON of South Dakota.

H.R. 325: Mr. FAWELL, Mr. MARKEY, Mr. GONZALEZ, Mr. HOYER, Mr. KOSTMAYER, Mr. BLAZ, and Mr. BROWN.

H.R. 328: Mr. COOPER.

H.R. 394: Ms. KAPTUR, Mr. ENGEL, Mr. COSTELLO, Mr. DE LUGO, Mr. ECKART, Mr. FEIGHAN, Mr. FUSTER, Mr. HORTON, Mr. DORNAN of California, Mr. GILCHREST, Mr. KOLTER, Mr. LIVINGSTON, Mr. MILLER of California, Ms. PELOSI, Mr. RAHALL, Mr. TOWNS, Mr. WEISS, Mr. FISH, Mr. ACKERMAN, and Mr. CHAPMAN.

H.R. 483: Mr. FAZIO and Mr. HAMILTON.

H.R. 519: Mr. THOMAS of Wyoming and Mr. FROST.

H.R. 572: Mr. ENGEL.

H.R. 583: Mr. KOPETSKI.

H.R. 608: Mr. ECKART, Mr. VENTO, Mr. STARK, Mr. LUKEN, Mr. COX of California, Mr. OBERSTAR, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. FROST, Mr. TANNER, and Mr. MCEWEN.

H.R. 609: Mr. HAYES of Illinois, Mr. BONIOR, Mr. UPTON, Mr. HERTEL, Mr. ROE, and Mr. ANDREWS of Maine.

H.R. 690: Ms. NORTON, Mr. ABERCROMBIE, Mr. FISH, Mr. LEVINE of California, Mr. PAYNE of New Jersey, and Mr. SANDERS.

H.R. 695: Mr. JEFFERSON, Mrs. UNSOELD, Mr. MURPHY, Mr. RUSSO, and Mr. YOUNG of Alaska.

H.R. 701: Mr. MOORHEAD.

H.R. 736: Mr. DOWNEY.

H.R. 765: Mr. HYDE, Mr. RAVENEL, Mr. DELLUMS, Mr. BILBRAY, Mr. FROST, and Mr. MARTIN.

H.R. 769: Mr. CAMPBELL of Colorado, Mr. LAGOMARSINO, Mr. MARTINEZ, and Mr. SPENCE.

H.R. 770: Mr. CAMPBELL of Colorado.

H.R. 781: Mr. THOMAS of California.

H.R. 791: Mr. OWENS of New York.

H.R. 810: Mr. DWYER of New Jersey, Mr. FUSTER, Mr. MURPHY, Mr. ERDREICH, Mr. PERKINS, Mr. WYDEN, Mr. HERTEL, Mr. DEFAZIO, Mr. JOHNSON of South Dakota, Mr. DIXON, Mr. INHOFE, Mr. DURBIN, Mr. MURTHA, and Mr. KLUG.

H.R. 816: Mr. RUSSO, Mr. BOEHNER, Mr. RAVENEL, Mr. ENGLISH, Mr. SPRATT, and Mr. LIPINSKI.

H.R. 830: Mr. FROST, Mr. RAHALL, and Mr. BERMAN.

H.R. 843: Mr. OWENS of Utah, Mr. ABERCROMBIE, Mr. MARKEY, Mr. DWYER of New Jersey, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. HENRY, Mr. ENGEL, and Mr. SANDERS.

H.R. 844: Mr. ABERCROMBIE, Mr. MARKEY, Mr. DWYER of New Jersey, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. ENGEL, and Mr. SANDERS.

H.R. 846: Mr. MCDERMOTT, Mr. OBERSTAR, Mr. HERTEL, Mr. LANCASTER, Mr. FRANK of Massachusetts, and Ms. PELOSI.

H.R. 904: Mr. FUSTER, Mr. ABERCROMBIE, Mr. ESPY, Mr. BERMAN, Mr. DELLUMS, Mr. FORD of Tennessee, Mr. RANGEL, Mrs. BOXER, Mr. MARTINEZ, Mr. WHEAT, Mr. SERRANO, Mr. BONIOR, Mr. BROWN, Mr. MCNULTY, Mr. JONTZ, Mr. BILBRAY, Mr. WOLPE, Mr. JENKINS, Mr. GORDON, Ms. KAPTUR, Mr. TOWNS, and Ms. ROS-LEHTINEN.

H.R. 908: Mrs. SCHROEDER, Mr. ABERCROMBIE, Mr. HENRY, Mr. HUTTO, Mr. PICKETT, Mr. EDWARDS of Texas, Mr. SLATTERY, Mr. BILBRAY, Mr. WILSON, Ms. MOLINARI, Mr. PETERSON of Minnesota, Mr. MACHTLEY, Mr. OWENS of Utah, Mr. EVANS, Mr. BREWSTER, Mr. ANNUNZIO, Mr. RICHARDSON, Mr. LENT, Mr. FRANK of Massachusetts, Mr. FOGLIETTA, Mr. PERKINS, Mr. FASCELL, Mr. PETRI, Mr. RAVENEL, Mr. JONES of North Carolina, Mrs. LLOYD, Mr. HORTON, Mr. SYNAR, Mr. ROE, Mr. PARKER, Mr. RANGEL, Mr. THOMAS of Georgia, Mr. SERRANO, Mr. VANDER JAGT, Mr. ACKERMAN, Mr. THOMAS of Wyoming, Mr. GEREN of Texas, Mr. ROWLAND, Mr. ERDREICH, Mr. DWYER of New Jersey, and Mr. BILIRAKIS.

H.R. 920: Mr. LEWIS of California, Mr. DREIER of California, and Mr. YOUNG of Alaska.

H.R. 993: Mr. HARRIS, Mr. GORDON, Mr. FRANK of Massachusetts, Mr. LEHMAN of Florida, Mr. BREWSTER, Mr. FUSTER, and Ms. MOLINARI.

H.R. 997: Mr. OWENS of Utah.

H.R. 1001: Mr. FIELDS, Mr. DANNEMEYER, Mr. GOSS, Mr. SCHIFF, and Mr. ZIMMER.

H.R. 1016: Mr. BOUCHER, Mr. JEFFERSON, Mr. BROOMFIELD, Mr. ARMEY, Mr. CAMPBELL of California, Mr. SKEEN, Mrs. BOXER, Mr. SMITH of Texas, Mr. MARTINEZ, Mr. SPENCE, Ms. MOLINARI, Mr. UPTON, Mr. SCHIFF, Mr. ZIMMER, Mr. PACKARD, Mr. GOSS, Mr. LOWERY of California, Mr. INHOFE, Mr. HASTERT, Ms. SLAUGHTER of New York, and Mrs. MINK.

H.R. 1072: Mr. MATSUI, Ms. SLAUGHTER of New York, Mr. OWENS of Utah, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. BONIOR, Mr. FUSTER, Mr. ENGEL, Mr. SERRANO, Mr. MORAN, Mrs. UNSOELD, Mr. RAVENEL, Mr. HORTON, Mr. KILDEE, Ms. MOLINARI, Mr. BEILENSON, Mr. DELLUMS, Ms. PELOSI, Mr. FRANK of Massachusetts, and Mr. PAYNE of New Jersey.

H.R. 1073: Mr. MATSUI, Mr. GREEN of New York, Ms. SLAUGHTER of New York, Mr. OWENS of Utah, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. BONIOR, Mr. FUSTER, Mrs. UNSOELD, Mr. ENGEL, Mr. SERRANO, Mr. MORAN, Mr. RAVENEL, Mr. HORTON, Mr. KILDEE, Ms. MOLINARI, Mr. BEILENSON, Mr. DELLUMS, Ms. PELOSI, Mr. FRANK of Massachusetts, and Mr. PAYNE of New Jersey.

H.R. 1081: Mr. ROE, Mr. KLUG, Mr. MOODY, and Mr. COSTELLO.

H.R. 1110: Mr. TORRICELLI, Mr. TRAFICANT, Mr. RIGGS, Mr. LEHMAN of California, Mr. SOLARZ, Mr. OWENS of Utah, Mr. TOWNS, Mr. KLUG, Mr. FORD of Tennessee, Mr. SANDERS, Ms. SLAUGHTER of New York, Mr. ACKERMAN, Ms. SNOWE, and Mr. ANDREWS of Maine.

H.R. 1135: Mr. CHANDLER and Mr. MCNULTY.

H.J. Res. 95: Mr. WEISS, Mr. ANDREWS of Maine, and Mrs. ROUKEMA.

H.J. Res. 97: Mr. LANTOS and Mr. JEFFERSON.

H.J. Res. 128: Ms. SLAUGHTER of New York and Mr. RAVENEL.

H. Con. Res. 56: Mr. BACCHUS.

H. Con. Res. 58: Mr. RAMSTAD, Mr. GILCHREST, Mr. LAGOMARSINO, Mr. LANTOS, Mr. ZELIFF, Mr. SPRATT, Mr. LIGHTFOOT, Mr. BATEMAN, Mr. SCHEUER, and Mr. LIPINSKI.

H. Con. Res. 67: Ms. SLAUGHTER of New York and Mr. LIPINSKI.

H. Con. Res. 69: Mr. HANSEN and Mr. DANNEMEYER.

H. Res. 41: Mr. MCCRERY, Mr. RITTER, Mr. ROHRABACHER, Mr. SANTORUM, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. KOLBE, Mr. FAWELL, Mr. FRANK of Massachusetts, Mr. KYL, Mr. RAVENEL, Mr. ARMEY, Mr. LENT, Mr. DREIER of California, Mr. KOLTER, Mr. MCGRATH, Mr. LIPINSKI, Mr. LAGOMARSINO, Mr. HEFLEY, and Mr. RINALDO.

H. Res. 42: Mr. BLAZ, Mr. WALSH, Mr. MCNULTY, Mr. LIPINSKI, Mr. ERDREICH, and Mr. JONES of Georgia.

H. Res. 64: Mr. CRANE.

SENATE—*Thursday, February 28, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence I want to praise God that Senator LEAHY's son is coming home.

Now I Nebuchadnezzar praise and extol and honour the King of heaven, all whose works are truth, and his ways judgment: and those that walk in pride he is able to abase.—Daniel 4:37.

Almighty God, in the words of Nebuchadnezzar, king of ancient Babylon, we praise Thee, extol Thee, honor Thee. With unspeakable and profound gratitude we thank Thee for the outcome in the Persian Gulf crisis. We thank Thee for the leadership of President Bush during these difficult days, for the strong support he was given by the Congress, for the effective management of the war through Secretary Cheney, those in command in the Pentagon and in the gulf. We thank Thee for the extraordinary care given the Iraqi prisoners of war through the coalition members. We pray now, dear God, that the complicated issues in the Middle East may be resolved justly, righteously, and honorably. Thank Thee, Father, for Your love and care and overrule in history.

In His name who is the Lord of history. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized, the distinguished Senator from Maine.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 11 a.m. this morning, the Senate will proceed to the consideration of calendar No. 25, Senate Resolution 62, a resolution which provides the funding for Senate committees.

Mr. President, in view of what occurred with respect to the previous bill, where a number of Senators expressed an intention to offer amendments but then were not prepared to do so, even though the bill was on the floor for 2 days, and so as to avoid a repetition of that and the delay which ensued as a result thereof, I urge Senators who may have amendments to the funding resolution to advise the managers of their amendments, and I urge those Senators to bring their amendments to the floor and offer them for debate and disposition.

It is my hope that we can complete action on the funding resolution promptly today. Any delay will simply inconvenience the other Members of the Senate.

THE CEASE-FIRE ANNOUNCEMENT

Mr. MITCHELL. Mr. President, I join with all Americans in welcoming President Bush's announcement of a conditional cease-fire in the Persian Gulf war.

I urge Saddam Hussein to unconditionally accept all relevant U.N. resolutions and take all other steps necessary to make the cease-fire permanent and bring an end to the conflict.

There is no alternative for the Iraqi leadership but to acknowledge military reality and accept the international coalition's terms for peace.

For too long, Saddam Hussein has put his interests above the interests of the people of Iraq. He has made mistake after mistake, misjudgment after misjudgment. I hope he finally will act to bring the war to an end.

The coalition's military success has been remarkable. The impressive performance of U.S. Armed Forces is a credit to President Bush, Secretary Cheney, General Powell, and General Schwarzkopf.

It reflects the courage and professionalism of the men and women participating in Operation Desert Storm. They all have done a truly outstanding job.

The most difficult thing we can ask of fellow Americans is for them to risk their lives on behalf of our Nation. The men and women participating in Operation Desert Storm inspired us with their dedication and their competence. We are extremely proud of each and every one of them and extend to them our deepest gratitude.

While we are thankful for the astonishingly low level of American casualties incurred in the conflict, we recognize that is of no comfort to the families and friends of those Americans who did die in the war. To those families and friends I extend my condolences. They have suffered a difficult and tragic loss. I hope they realize that all Americans share their sadness and their sense of loss.

I hope that American troops will soon be returning home. We look forward to welcoming them and expressing our gratitude to them directly.

As the war appears close to an end, it is time for the United States to devote its energies toward building a better and more stable future for the region.

It is time to secure the peace. This will be a complex and challenging task, as important as the military victory.

But today we celebrate the American and allied men and women participating in Desert Storm, congratulate them on a job well done, and wish them a speedy return home.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leadership time, and I reserve all of the leader time of the distinguished Republican leader.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. KOHL). Under the previous order there shall now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Connecticut.

VICTORY IN THE GULF

Mr. LIEBERMAN. Mr. President, "In war, there is no substitute for victory." Those were the words of Douglas MacArthur in his famous address to a joint session of Congress in 1951. Today victory is ours. This is VG day—victory in the gulf day. It is a day to celebrate and a day to be grateful.

Mr. President, in my opinion this is one of the finest hours in American history. We have stood up to principle and won through sacrifice, and as a result the world is a safer place today.

The defeat of Saddam Hussein is more than that. It is the upholding of great principles of international law, order, and morality and for that we have many people to thank, most of all our brave men and women in the gulf. They are heroes who fought and died to protect freedom from the malignancy of brutal aggression.

We thank the families of our troops, who did their best to keep American morale high, and who suffered each day their loved ones were in harm's way.

We thank our allies, most notably the British, the French, the Saudis, the Egyptians, and the Kuwaitis, who fought alongside our troops to liberate Kuwait and to destroy Saddam's military might.

We thank our military and diplomatic leadership, including General Schwarzkopf, General Powell, Secretary Cheney, and Secretary Baker for their vision, genius, and their perseverance.

And we particularly thank President Bush for a magnificent demonstration of wisdom, courage, determination, and leadership. That leadership and the heroism of our fighting forces has returned as much as ever in my lifetime, Mr. President, to America a sense of purpose, a sense of confidence.

Many, many centuries ago, Jeremiah, describing the battle against Nebuchadnezzar, the king of Babylon—and incidentally a hero to Saddam Hussein—was told this by the Lord. "I will raise and cause to come up against Babylon an assembly of great nations. And they shall set themselves in array against her. None shall return in vain."

Mr. President, in our time none will return from the gulf in vain. All will return in honor. And leading them will be General Schwarzkopf, whose name I believe will rank among the greatest military men of American history. I hope he will soon honor Congress with an address before a joint session.

Of course, Radio Baghdad still proclaims that a victory has been won by Iraq, and the battle has stopped because of the massive losses it says were inflicted on allied forces. But there will soon come that moment when the Iraqi troops return, and the people lining Baghdad streets will have to ask themselves: "Where are the tanks?"

In the celebrations of victory that lie ahead, we must not forget that there is much to be done to secure this just peace we have won. There is much to be done before the world is safe from terrorist raids, Scud attacks, and other abominations of which Saddam Hussein and those like him are so capable.

I hold in my hand, Mr. President, a very small piece of a Scud missile, given to me by a friend who recently returned from the Middle East. I am going to keep it at my desk as a reminder of the evil that can be loosed on the world when a despot is allowed to accumulate such dangerous tools of aggression.

In building the peace, prisoners of war must be repatriated, and the missing must be accounted for. War criminals must be identified and tried. Kuwait must be rebuilt. As part of this peacemaking process, I certainly support all the terms that President Bush stated last night. I also support the continuing application of sanctions as a tool to force Iraq to comply with all that the world demands of it. Chief among these demands, I believe, must be the removal of Saddam Hussein as head of the Iraqi state. We simply cannot normalize relations with a country headed by such a cruel murderer.

As we go about the difficult business of building the peace, now that we have won the war, we must not forget the price that has been paid by the wounded and the dead on fields of battle so far away. When I cast my vote in favor of the resolution granting the President the power to take our country into war, I did so in the knowledge that war, indeed, might be the result, and that good people might die. Thank God our casualties were low—astonishingly low. But that fact does not negate the tragedy visited on those who suffered so much from this war, including the Iraqis themselves, forced into war by a dictator who had no regard for the lives of his own people.

In this hour of triumph, my thoughts and prayers go out to two who lived in Connecticut, and who died in the gulf: Marine Corps Cpl. James H. Sylvia, Jr., of Putnam and Army Chief CWO Richard R. Lee, who lived much of his life in Wallingford. James Sylvia, Sr., had this to say about his son: "He felt he'd rather go than see somebody else with a wife and children have to go. That's the kind of kid he was."

Richard Lee's father Earl said this: "Richard believed in what he was doing. He was proud to be a part of it."

We are proud of Richard Lee, James Sylvia, and all the others who made the ultimate sacrifice in Operation Desert Storm. They are heroes who have built for us a safer world.

There is little we can do to repay our debt to them. There is little we can say to supplant the grief of their families and their friends. But we can, as Lincoln said, "be dedicated here to the unfinished work which they * * * have thus far so nobly advanced" the work of international order, peace, and freedom.

I thank the Chair and I yield the floor.

NATIONAL DAY OF PRAYER AND THANKS

Mr. COATS. Mr. President, for months we have prayed for a just peace in the gulf. Today we have found that peace—in overwhelming victory.

We have seen a stunning triumph of American arms—swift, irresistible, overpowering.

It took just 100 hours to humble a massed, modern army—the fourth largest in the world. Saddam Hussein's defeat is total.

No nation in the world can question the supremacy of America's purpose and power.

No soldiers in the world can equal our soldiers' skill and bravery.

Our victory will be a lasting warning against aggression and a testament to American principle and strength. This mission of rescue and retribution was moral in its aim, bold in its planning, and brilliant in its conduct.

America has earned its day of elation. But I am convinced this day of elation must be also be followed by a day of thanks and prayer.

Thanks to a President who pursued his strategy against Iraq with foresight and purpose from the moment Kuwait was invaded.

Thanks to our military leaders who planned their campaign—on air, land, and sea—with innovation and precision.

Secretary Cheney, General Powell, General Schwarzkopf, and others deserve our highest praise.

And thanks to American industry and the American worker who have once again made the phrase "Made in America" the envy of the world.

And thanks to our soldiers who won a victory above all expectation and beyond all precedent.

But beyond these debts, I am convinced that we owe our thanks to a just God. Americans have always affirmed that military strength alone is not sufficient. The battle is not to the strong alone. We have trusted in a providence which vindicates the oppressed and defends the right. As a nation we remember, according to the Scriptures, that "unless the Lord keeps the city, the watchman waketh but in vain."

Later today I will be introducing a resolution requesting the President to set aside a day for prayer and thanks, to remember the sacrifice of patriots, to honor our returning soldiers, to recall our dependence on Providence, and to remember the true source of our strength.

I hope Americans will pray for those who suffered loss. Each casualty is the grief of a family and a community.

I hope they will pray for the future of a troubled region, as we attempt to win the peace as we have won the war.

And I hope they will offer their thanks to God, the Ruler of men and nations, the source of justice, and the Author of true peace.

Having won a historic victory, we must adopt, not the arrogance of conquerors, but the humility of those who served justice with the help of God. We cannot reward blessing with ingratitude. A national day of thanks and prayer would be in the best of American traditions. And I hope my colleagues will give it their unqualified support.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

AMERICA'S LEADERSHIP

Mr. COATS. Mr. President, moments ago I addressed the Senate and indicated I would be offering later today a sense-of-the-Senate resolution that the President designate a day of thanks and prayer and gratitude for all that has happened in the Persian Gulf.

In reflecting on what has happened, particularly in this last 100 hours but really over the last several months, we cannot help but be immensely impressed with the extraordinary leadership that has been provided this Nation. It seems at virtually every critical point the President's judgment, his understanding of the situation, his discernment, and his ultimate conclusions were exactly the right course to take.

The authority he vested as Commander in Chief in Secretary Cheney and General Powell, and the authority they vested then in General Schwarzkopf and his military colleagues, was exercised with an almost unbelievable degree of competence. As those of us, on an almost daily basis, met with either Secretary Cheney or General Powell or representatives of the Department of Defense and with the Intelligence Agency for our daily briefings, we sat in hushed expectation and wonderment as details were provided us of, first, the immense task of organizing this effort, bringing 530-some thousand American troops halfway across the world, supplying them with the needed equipment, training and acclimatization they would require, and then coordinating that with 28 other nations, more than 200,000 troops from those nations, preparing and executing a battle plan that in retrospect now was brilliant in its conception and brilliant in its execution.

People are saying, did we overestimate the Iraqi Army, or was this not easier than we thought? My answer to that is when we watch an athlete perform, when we watch a team work together to accomplish an objective, those who are best prepared, those who have worked the hardest, those who have paid the most attention to detail, make the job look easy. And the countless hours of work of countless people that went into preparing our military for the actions it took should not go unrecognized.

Yes, the final result did look easy, but it looked easy because the difficult task necessary to accomplish our purpose was accomplished with extraordinary dedication and commitment and an extraordinary skill.

Much will be said about the last 8 months. Much will be said about the performance of men and women, from the President on down to the newest recruit. Much will be said about the diplomatic efforts, the extraordinary coalition that was put together and the extraordinary execution of this entire effort. We will have much to reflect on, but surely this is one of America's proudest hours. Surely we share a great sense of pride and thanks and gratitude to all those who played such a vital role in bringing about such a successful conclusion to this effort.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. Yes, it was.

OPERATION DESERT CALM

Mr. DOLE. Mr. President, 6 weeks ago, we stood on this floor in an historic debate about war. Today, we stand here on the brink of peace.

The world has watched as Operation Desert Shield turned into Operation Desert Storm. Today we rejoice the first day of Operation Desert Calm.

We pray it stays that way.

Today, we are truly humbled by the sacrifice and patriotism of the heroes of this stunning allied victory.

The coalition prevailed because it had the will, the determination, the unity and the spectacular means to get the job done—swiftly and decisively.

Peace is at hand because of brilliant leadership—from President Bush, from the Pentagon, from the leaders on the battlefield and especially from the brilliant performance of the coalition forces.

No doubt about it, our Commander in Chief has earned a place in history with his bold leadership. President Bush had to make the tough calls—the toughest decisions of his life, and of our time. In every instance, he made the right call—for the Nation, for our soldiers, for the coalition, and for peace. He stuck to his guns and his principles. Thank God he did.

Once the President made the call, the military chain of command carried out their awesome responsibilities with unparalleled distinction.

No doubt about it, America has been blessed with some of history's greatest military leaders, but no team has ever been any better than Defense Secretary Dick Cheney, Gen. Colin Powell and Gen. Norman Schwarzkopf.

But most of all, we owe our gratitude to the backbone of Operation Desert Storm—the half million brave American soldiers who put their lives on the line so others would be free. These courageous men and women in the Armed Forces, Reserves, and National Guard units from across the Nation did the hard work of freedom, and they did it right.

Meanwhile, we will never forget those who made the ultimate sacrifice, on the battlefield, in training, and in accidents during the massive troop development. One death was one death too many. One missing in action is one too many. And one POW is one too many.

These heroes, and their families, will remain in our thoughts and prayers for the rest of our lives.

We also pray that today is the dawning of a new era in Iraq. Our war was never with the Iraqi people it was with their misguided leader who bears all the responsibility for the pain and destruction he has brought to his own people, to Kuwait, and to every country that gave so much to defeat him.

Now we watch the fruits of this allied victory: the parades of joy in the streets of a liberated Kuwait City but the parades I am now looking forward to are the ones through the streets of Junction City, Garden City, Wichita, Leavenworth, Topeka, and everywhere in Kansas, and across the country, where proud Americans will welcome home the heroes of Operation Desert

Storm our men and women who have risked so much to give us this, first day of Operation Desert Calm.

Mr. President, I reserve the remainder of my time.

THE DETERIORATING HUMAN RIGHTS SITUATION IN PERU

Mr. KENNEDY. Mr. President, I would like to call to the attention of my colleagues the thoughtful and moving testimony of Francisco Soberón, the executive director of the Peruvian human rights organization, Aprodeh, before the Inter-American Commission for Human Rights of the Organization of American States.

The testimony, prepared by the National Coordinating Committee for Human Rights, a coalition of over 30 human rights organizations, details the horrific and deterioration human rights situation in Peru. For the 4th year in a row, there have been more reported disappearances in Peru than any other country in the world.

Human rights groups charge Peruvian security forces with responsibility for the disappearances and murder of hundreds of peasants. Over the last several months, mass graves have been discovered in Chilcahuayco, Iquicha, and Vilcashuaman. Identifications of the mutilated bodies indicate that the dead may have been victims of military atrocities.

Peruvian guerrilla groups—the Shining Path and the Tupac Amaru Revolutionary Movement [MRTA]—are also agents of extreme violence. Guerrilla assassinations of prominent citizens continue to shake the country. Recently, the MRTA assassinated César Alberto Ruiz Truigoso, the first judge killed in Peru as a result of political violence, and the Shining Path murdered a highly respected agronomist, Javier Puiggrós Planas. Of the more than 3,400 victims of political violence in 1990, more than 1,200 are believed to have been killed by the Shining Path.

Given the dramatic and engrossing nature of the gulf war, I urge my colleagues not to forget the fragile democracy in Peru and the importance of supporting human rights progress within our own hemisphere. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[National Coordinating Committee for Human Rights]

REPORT ON THE STATE OF HUMAN RIGHTS IN PERU IN 1990

INTRODUCTION

The National Human Rights Coordinating Committee submits this report on human rights in Peru with grave concern. In 1990 the situation has deteriorated even in comparison with the previous years.

The mass poverty and growing political violence seen in 1990 is the worst suffered in Peru for a hundred years.

The chaos left as a result of the last government's irresponsibility led President Alberto Fujimori's new government—which came to power on the 28th of July 1990—to apply an economic shock in compliance with IMF conditions. It has been the poor majority who have borne the brunt of the economic adjustment. According to the new government's declarations, the amount of people in need of food aid totals twelve million: 60 percent of the national population. The year ended with an accumulated inflation of 7,650 percent and with wages on average having fallen by 35 percent. The minimum wage only covers 40 percent of the food basket.

Political violence has killed more than 3,400 people (in 1989 the number of victims was 3,000). In 1990 the Shining Path was responsible for about 1,500 deaths, 80 percent of these killings being carried out in cold blood.

The forces of order have reported more than 1,300 alleged subversive dead and one hundred wounded. It is claimed that they have detained and disappeared 246 people. As a result of this practice Peru will once again be the country with the worst record of detentions and forced disappearances worldwide according to United Nations figures, now for the fourth consecutive year.

THE NEW GOVERNMENT AND HUMAN RIGHTS, AND A NEW PROPOSAL FOR PEACE IN PERU

The experience of the last decade has demonstrated the failure of the anti-subversive strategy adopted. The new government was expected to issue a new proposal on the matter, but it has continued the same strategy which, with its concomitant grave human rights violations, cannot be a foundation for peace. There is increasing concern because the government is moving away from a proposal for peace. The present government party in an alliance with the former one exonerated ex-President Alan Garcia from all responsibility for the massacre in the prisons. In the Congress they also approved the promotion of two Army generals involved in grave human rights violations, this with the express support of the President of the Republic, Alberto Fujimori. What is more, the government passed a rule defining human rights violation as a military offense, an issue to be judged in the military court. The same rule entitles those alleged to have violated human rights to remain anonymous, thus clearly favouring impunity and worse violations. It also ties the hands of the human rights organizations and the national press. This has been denounced by the International Committee for the Protection of Journalists. Finally, the President of the Republic declared that military courts could judge civilians accused of the crime of terrorism. This is an initiative which was presented by the last government, and was rejected because it increases the power of the military in society.

The civilian and Church human rights groups which belong to the National Coordinating Committee for Human Rights and other Peruvian organisations submitted their proposals for establishing peace in Peru to the new president. The proposal is based on one fundamental principle: the building of peace requires a national plan which will be to the good of the whole Peruvian people and will respect the fundamental rights of each and every one.

In view of the gravity of the situation in Peru, we once more urge the government to call a broad-based meeting in order to set up an official commission. This commission should consider all proposals for peace. It should be recalled here that the President of the Republic promised the country to nominate a High Commission for Human Rights. To date, this promise has not been carried out.

THE GROUPS RISEN UP IN ARMS AND HUMANITARIAN LAW

During these ten long years of armed political violence, unleashed first of all by the Shining Path and then by the MRTA (the Tuac Amaru Revolutionary Movement), the population, as has been repeatedly verified, has been in the cross fire. In 1990, the Shining Path has committed more than 1,200 murders in cold blood. 80 percent of the victims were subsistence farmers and people living in shanty towns. In combat the group has caused about 250 deaths.

The Tupac Amaru Revolutionary Movement (MRTA) has committed 24 murders in cold blood and caused 36 deaths in armed combat.

Political assassination in cold blood is a repeated and systematic practice of the groups which have taken up arms, although there are clear differences between the Shining Path and the MRTA. The Peruvian human rights groups have reacted with a public and firm condemnation, as was seen during the People's Permanent Tribunal regarding impunity. (July 1990).

The National Coordinating Committee for Human Rights has denounced the Peruvian state for human rights violations, and has denounced the groups risen up in arms for violating international humanitarian law.

The National Coordinating Committee for Human Rights affirms that only the legal state is responsible for upholding human rights observance and, as a consequence, it alone can be denounced. This does not however exempt the armed groups from the minimum humanitarian condition such as those laid down in Article 3 of the Geneva Convention and Additional Protocol. These minimum rules categorically forbid the murder in cold blood of the civilian population in particular and of an enemy who has surrendered, as also any form of torture or cruel treatment. It is these minimum humanitarian rules—which some call the rules of war—which are violated wholesale in Peru, as we stated above. Nor is it acceptable to give as an excuse for the violation of such rules the fact that the enemy does not observe them, or that the enemy is not recognised as the "belligerent party", while they demand that their captured members be conceded the status of "prisoners of war". It is universally accepted that the minimum humanitarian rules are the foundation of obligations which are binding for all, the state and the groups risen up in arms, irrespective of the status these are granted.

VIOLENCE IN THE PERUVIAN AMAZON JUNGLE AND DRUG TRAFFICK POLICY

The demand for drugs in certain developed countries and the greed of drug traffickers and others found favourable conditions in Peru's Amazon jungle. The subsistence farmers' need to survive—none become rich by their work—and the lack of support for alternative crops which would simply allow them a life with dignity explain the course of events. Peru today is the world's principle coca leaf producers, with more than 120,000 hectares under cultivation.

Then came the Shining Path, seeking to mediate between the farmers and drug trafficers, while pursuing economic and political benefits and imposing an inflexible authoritarianism. The MRTA tried to do the same in the area but less extensively. Meanwhile the Peruvian police forces and the American DEA favour repression measures and do not develop consistent alternative farming projects. American "aid" is for repression, and today includes military personnel via its "military aid" for intensifying repression.

The Declaration of Cartagena (February 1990), signed by Peru, Bolivia and Colombia, successfully established the principles for an alternative development plan which has still not been put into effect in the area. The Peruvian government recently proposed a plan, but it is still not clear what its scope is, nor whether it concurs with the principles of the Cartagena Declaration.

THE JUNGLE AS THE SCENE OF CONFRONTATION

In the area known as the Central Jungle there has been serious bloodshed. The Shining Path imposes its rule at the cost of the lives of Amazon jungle tribes—murdering nearly fifty native people in Satipo (Cultivireni, May 1990)—and killing indigenous leaders like Pablo Satoma, Oscar Chimanza and Dante Martinez (Rio Tambo, July 1990).

While in another jungle area (the Ucayali region) the Roman Catholic Church's bishop in the area denounced that bodies were being hurled down into swamps from helicopter. These acts can be attributed to the forces of order.

EVENTS IN THE ANDES

In Ayacucho and other areas in the country the forces of order have obliged local people to form Defence (or Self-Defence) Committees. Other such committees are formed on the initiative of the local people who are tired of the Shining Path's violence. When these civil defence committees are no longer the local people's security organisations and become instruments of the anti-subversive war, they commit grave crimes and accelerate violence.

One example of the above are the events of San Pedro de Cachi (Ayacucho October 1990). Following a Shining Path attack, Army units and the local Civil Defence committee combed several villages. The outcome was the murder in cold blood of eighteen people (including two children of eleven and thirteen) who were buried in ditches in Chilcahuayco. This killing is being investigated by the Public Prosecutor of Ayacucho and by a Senate committee.

SUPPOSED ANONYMOUS CRIMES: AN ALTERNATIVE TO FORCED DISAPPEARANCES?

The numerous murders in cold blood which have taken place in Huancayo merit special attention. On the 8th of June the Deputy-Rector of the University of the Centre, Jaime Cerron and his driver Armando Tapia Gutierrez were murdered by hooded individuals who apparently belonged to the security forces. At a later date, under the present government, unidentified criminals murdered nearly thirty people in the city of Huancayo (August to October 1990). These actions are carried out against the background of international protest against the forced disappearance of Guadalupe Ccallocunto in Ayacucho (June 1990). A month later in Ayacucho there were no forced disappearances: on the 20th of July the law graduate Maximo Rico was murdered; on the 23rd of July the lawyer Fernando Colonio, legal advisor in the Huamanga (Ayacucho) University was killed, and on the 27th of July the biologist Ciro Aramburu, the Director of Social Welfare at the same university met the same fate. We wonder if we are witnessing a change for the worse: murder instead of forced disappearances. Impunity is behind both tactics. All the crimes listed have gone unpunished.

IN THE SOUTHERN ANDES

In Puno the Shining Path wants not only to be present in the area but to control it, and has committed murder, such as in the case of the engineers (June 1990) who were working in farm development projects: Alberto Pumalaya, Oscar Elias, Orlando Barreda and Glicerio Gonzales. The farming munity organization, weakened and harrassed by violence, must still lead the struggle to develop alternative crops, at a time when the government economic adjustment will not authorize credit for agriculture.

In Chumbivilcas in Cusco the other side of the coin can be seen. A military patrol massacred twelve peasant farmers (April 1990). To date the culprits have not been sanctioned.

THREATS AGAINST HUMAN RIGHTS DEFENDERS

The chairman of the senate Justice and Human Rights Committee informed the public (January 1991) that, according to the public prosecutor in Huancavelica, two hundred cases of detention and forced disappearance by the forces of order had been registered there in 1990. The people of Peru were unaware of these facts. At the beginning of the year in February 1990 the secretary of the Huancavelica Human Rights Committee, Angel Escobar, was kidnapped by members of the Peruvian Army. To date his whereabouts are unknown and the culprits have not been sanctioned. After his disappearance there was no further information regarding events in Huancavelica.

Between February and March 1990 the members of the National Coordinating Committee for Human Rights' executive committee received threats. A hand grenade was thrown at the Andean Jurists' Commission offices, and dynamite was thrown at the Amnesty International Lima office.

INTERNATIONAL CONCERN FOR HUMAN RIGHTS IN PERU: THE UNITED NATIONS AND THE ORGANIZATION OF AMERICAN STATES

The Special Spokesmen for Torture and Summary Execution have discussed Peru in detail in their reports. With regard to the detentions and forced disappearances on the part of the forces of order, over the last four years (from 1987 to 1990, inclusive) the UN registered information signalling Peru as the country with the worst international record. Of all the cases registered world-wide during 1990, about 50 percent occurred in Peru.

This has obliged the National Coordinating Committee for Human Rights to call for a special Spokesman for Peru to be appointed in order to improve the human rights position in the country.

This petition is supported by the World Council of Churches which at the invitation of the National Coordinating Committee for Human Rights sent a special commission to Peru (October 1990). The distinguished members of the commission visited various parts of the country and then had an interview with the President of the Republic, Mr. Alberto Fujimori. The president made a commitment to take measures to avoid further human rights violations, which the commission pointed out, were occurring under his government. Amnesty International's secretary general Ian Martin also had an interview with the president. Americas Watch published a full report.

At the proposal of WOLA (the Washington Office on Latin America), the National Coordinating Committee for Human Rights was awarded the 1990 Letellier-Moffitt prize in Washington. They also received a prize from the Human Rights Association of Spain in Madrid in 1990.

Finally the OAS Human Rights Commission has issued numerous resolutions on the violation of human rights in Peru. The best-known case is that of the journalist Hugo Bustios from the magazine Caretas, who was murdered in Huanta, Ayacucho in 1988 by members of the Peruvian Army. The Inter-American Court, at the commission's request, ordered that the government take urgent measures to safeguard the life of the murdered journalist's wife. Two years after the murder, the culprit has not been sanctioned and the military protect his identity.

THE PERUVIAN PEOPLE WANT A NATIONAL PROPOSAL FOR BUILDING PEACE

The Peruvian people want a national proposal for building peace: a peace built on the common good and respect for life.

Hundreds of thousands of women and men are struggling daily to build a better future for themselves and their families, like the thousands of women who grouped together to set up soup kitchens and Glass of Milk committees for their children. But these women, and other Peruvians are seeking not only to survive but to live fully, without murderous violence from any side. This collective struggle and will of the Peruvian people and their many democratic organizations is what, in spite of everything, sustains and gives shape to hope in Peru today.

As many others in Peru, we know that the situation is very grave. We must be alert. Authoritarianism and anti-democratic forces must give way to pluralistic discussion and genuine concerted action to guarantee the common good and human rights in Peru. This is what we must bring about today if we really want peace to flourish at last in our country.

National Coordinating Committee for Human Rights, Lima, December 1990.

DEATH OF JOHN SHERMAN COOPER

Mr. DOLE. Mr. President, along with many of my colleagues, I was saddened last Friday to learn of the death of former Senator John Sherman Cooper.

I was privileged to serve with John for 4 of his 20 years in the U.S. Senate. Throughout his Senate career, John's intelligence and principles were widely respected by Members on both sides of the aisle.

John's two decades of service to Kentucky and America in the Senate, were only one aspect of one of this century's truly remarkable public service careers.

Delegate to the United Nations, Ambassador to India, Ambassador to East Germany, confidante and counselor to United States Presidents, John Sherman Cooper served in all these roles with distinction and dignity.

Oliver Wendell Holmes once said that "to live fully is to be engaged in the passions of ones time."

As we remember John Sherman Cooper, let us rejoice in the fact that here was a man who truly lived fully, for here was a man whose life was devoted to the passions of his time.

LEADERSHIP CHEMISTRY

Mr. BURNS. Mr. President, I congratulate President Bush and the Chairman of the Joint Chiefs, General Powell, Secretary Cheney, the whole team. It has been 30 years since this country has had a chemistry of leadership such as that which has carried out the policy in the Middle East and carried on this military operation with great professionalism and dedication. Strong, yes, silent and calm leadership.

Our congratulations to those troops that stood in harm's way, and our hearts go out to those families who lost loved ones there, because the loss of one life is one too many.

These very professional warriors of this great country called the United States of America stood in harm's way and paid the price. Like generations before us that have answered the call, this generation answered the call, and generations after will also answer the call for the great values for which this country stands.

PROMOTING MUSIC EDUCATION

Mr. JEFFORDS. Mr. President, I am honored to be a member of the National Commission on Music Education which was formed last year to achieve national recognition for the value of music and the other arts as a basic component of the school curriculum.

Although wise people since Plato have stated the importance of education in music and the other arts, educational reform has given the arts short shrift. We believe this approach to education denies our children the opportunity to develop their human potential.

Every child should have a quality education in all areas including music and the other arts because it is vital to the aesthetic appreciation, historical knowledge, and cultural understanding that children need to become productive American citizens in our competitive, global society. We also recognize that music education fosters creativity, teaches effective communications, provides basic tools for a critical assessment of the world around us, and instills the abiding values of self discipline and commitment.

I am encouraged by the efforts of music and art advocates in their national campaign to achieve national recognition for the value of music and the other arts in education. I hope that local communities will participate in their 1991–92 grassroots campaign for music recognition.

It is important that parents, educators, school board members, and administrators in communities nationwide work together at the state and local levels to support an effort to make music and the other arts available in all schools.

RETIREMENT OF ADM. HUNTINGTON HARDISTY

Mr. INOUYE. Mr. President, on February 28, Adm. Huntington Hardisty, our commander in chief for the U.S. Pacific Command will retire after 38 years of active military service. During his nearly 2½ years a CINCPAC and during other military duty tours in the Pacific, Admiral Hardisty has developed a valuable perspective and expertise on a rapidly changing part of the world that now plays a larger role in the United States economy than Europe or the United States' North or South American neighbors. His special accomplishments, not just as a senior military officer, but as a representative of America to the peoples and nations of Asia and the Pacific, merit our congratulations and appreciation.

As commander in chief, U.S. Pacific Command [CINCPAC], Admiral Hardisty is the senior United States military officer in the Asia-Pacific and Indian Ocean areas—an area of more than 100 million square miles or one half of the Earth's surface. More than 370,000 personnel, 2,500 aircraft and 250 ships are under his command.

When asked by the U.S. Congress to assess his area of responsibility, Admiral Hardisty observed:

> The region is marked by change. With the exception of Europe, all regional powers emerging in the multipolar world will be in, or border on, the U.S. Pacific Command.
>
> We have two broad regional objectives. First, we wish to maintain an overall environment of stability and regional balance in which democracies can flourish and economies can grow. Second, we should maintain a deterrent posture where circumstances warrant.

In his 2 years as CINCPAC, Admiral Hardisty has responded to that changing world. Under his direction, a new Pacific Command strategy was developed to adjust to significant changes in military postures in the theater. For example, the military forces assigned to defend Alaska and the northern approaches to the United States were brought under the U.S. Pacific Command to complete the defense shield of the Pacific.

As our military became directly involved in our Nation's war on drugs, Admiral Hardisty activated a new joint headquarters—Joint Task Force Five—to coordinate identification, tracking and interdiction of drug traffickers in close coordination with U.S. law enforcement agencies. One of the greatest counternarcotics successes of recent years—the 1990 marijuana crop eradication program in Hawaii—was due in large part to his strong support.

Admiral Hardisty serves as the senior Defense Department representative to more than 40 Asia-Pacific nations and territories. During the course of a year, he travels thousands of miles to meet with senior military and political leaders of U.S. friends and allies. Such meetings have strengthened the ties between the United States and nations throughout the region and enabled United States military forces to be forward deployed around the Pacific rim, where they contribute to regional stability and our own national security.

A graduate of the U.S. Naval Academy, Annapolis, MD, Admiral Hardisty first attended the University of North Carolina at Chapel Hill in 1947. He left UNC in the summer of 1948 when he received his appointment to the Naval Academy. He began his career as a naval aviator in 1953. Today, he carries the honored title of the Navy's "Gray Eagle," the most senior naval aviator on active duty.

His name is in the aviation record books, as well. In August 1961, over the White Sands Missile Range in New Mexico, the admiral flew an F-4B Phantom II at an average speed of 902 miles per hour—Mach 1.2—about 125 feet above the ground, briefly dipping to as low as 50 feet off the deck. That low-level speed record was unbroken for 16 years.

Admiral Hardisty has served as commander the U.S.S. *Savannah* and the U.S.S. *Oriskany*, as well as Attack Carrier Air Wing II, Carrier Group 7, Carrier Group 5/Carrier Strike Force 7th Fleet, and the United States facility at Subic Bay, Republic of the Philippines.

While serving in a number of key staff positions, Admiral Hardisty helped shape today's well trained, high quality military force. As dean of academics and acting president of the Naval War College in the late 1970's, he influenced many of the Navy's current senior leaders. Later, he was assigned as the Director of Operations for the Office of the Joint Chiefs of Staff during a very active period which saw a U.S. response to the *Achille Lauruo* highjacking, the retaliatory bombing of Libya, and the peak of Soviet power under Leonid Brezhnev. In 1987, he was appointed Vice Chief of Naval Operations, where he took a special interest in the welfare of naval personnel and their families, heading a blue ribbon commission on Navy medicine.

Key to our defensive strategy in the Pacific is maintaining access and influence throughout the theater, and ensuring United States forces are forward deployed. Admiral Hardisty's leadership was instrumental in discussions with the Governments of Singapore, the Republic of the Philippines, the Republic of Korea and Japan to continue, as they decided to establish or renew agreements to maintain a United States presence. This diplomatic effort has also resulted in improved interoperability of military forces in training and contingency operations.

Support of Operation Desert Shield and Operation Desert Storm has been Admiral Hardisty's highest priority during the latter portion of his tour at the U.S. Pacific Command. Under his guidance, Pacific Command deployed major air, sea, and ground forces to the Middle East, and played a key role in the rapid movement of supplies and ammunition to the area.

PHILIPPINE LEGION OF HONOR, AND VARIOUS CAMPAIGN MEDALS

Throughout his long, distinguished career, Admiral Hardisty has devoted himself to maintaining the security of his country. I would like to, on behalf of a grateful nation, acknowldge this great American.

HONORING THE SERVICE MEN AND WOMEN IN THE PERSIAN GULF

Mr. GORTON. Mr. President, the lives of all Americans have been changed by the events of the last 3 weeks. Our attention has been riveted to news of the war on the gulf. Our thoughts turn constantly to the brave and dedicated men and women in uniform who are serving the cause of justice, freedom, and peace in that conflict. All deserve our praise, our support and our prayers.

A few of these men and women, however, have already given their lives for us and for our cause. Two of them are from the State of Washington. Their loss is a cause of deep sorrow to all of us, mitigated only by the thought that they gave their lives to a great and noble cause.

Marine Lance Cpl. Michael E. Linderman, Jr., and Air Force 1st Lt. Eric Hedeen were killed serving in the Persian Gulf.

These young heroes deserve to be recognized because they have paid the ultimate price to uphold the ideals upon which this country is based.

In an article in the February 6 edition of the Seattle Post-Intelligencer, Eric Hedeen's father expressed a sentiment all Americans should take to heart, a sentiment that is foremost on the Hedeen's minds since their lives have been so deeply touched by the price of freedom, "Freedom doesn't come cheap; you have to pay for it. He paid for it, his parents paid for it, his wife paid for it."

The precious lives of the service men and women serving in the gulf must be remembered as the cost of a better world. As Hedeen's father continued, "Because there's this naked aggression in the gulf area, with Saddam attempting to destroy civilization as we know it, you can't just sit there and do nothing. You do something, Eric believed in duty, honor, and country."

Corporal Linderman and Lieutenant Hedeen were willing to contest Saddam Hussein's threat to the world. Their commitment to our Nation was distinguished by their willingness to sacrifice their own lives for us.

Their families and friends have sacrificed as well. As Hedeen's father continued, "There are a lot of people in America like us, with children over there, who are scared for their safety. We want people to understand they need your help. You've got to let the troops know you're with them. If you're sitting at home protesting, you're not doing them a hell of a lot of good."

Hedeen's wife, Susan, could have been speaking for all servicemen when she said, "Eric is one of the most patriotic people I know. He is wearing red, white and blue angels in heaven right now. He always said if the had to go he wanted to be fighting for his country. I would have had it no other way, except maybe 50 or 60 years from now."

We honor and deeply appreciate those who have given their lives and those who continue to put their lives on the line so that we may enjoy a nation dedicated to justice, freedom, and peace.

REFOCUSING SDI: IMPLICATIONS FOR THE ABM TREATY

Mr. COATS. Mr. President, I rise today to address the subject of the strategic defense initiative and the ABM Treaty.

On January 29, 1991, in his State of the Union Address, President Bush outlined for the Nation his plans for refocusing the strategic defense initiative. The President informed the American people that he had "directed that the SDI Program be refocused on providing protection from limited ballistic missile strikes, whatever their source." The President's decision to refocus the SDI coincided with the tremendous success of the Patriot tactical missile defense system in defending against Iraqi Scud missiles used to attack United States forces and innocent civilians in Israel and Saudi Arabia. The American people have seen the evidence—ballistic missile defense works. With this experience in mind, President Bush has requested that Congress support an SDI Program that will permit the United States to build on this success and provide more effective defenses for American citizens and U.S. forces and friends overseas. The revised SDI Program, known as Global Protection Against Limited Strikes, or GPALS, is designed to be affordable and to provide protection against limited, accidental, or unauthorized ballistic missile attacks, whatever their source.

Despite this clear evidence that ballistic missile defenses are becoming more necessary and technically feasible, there have been numerous complaints that GPALS will violate the ABM Treaty—that it is more important to preserve the ABM Treaty as ratified in 1972 than to defend American citizens and friends.

It is certainly true that deployment of a territorial defense for the United States to protect against strategic ballistic missiles is prohibited by the ABM Treaty. The point should be added, however, that the ABM Treaty was intended to be a living document that can be amended to meet changing conditions. Article XIV of the treaty explicitly provides for proposed amendments, and article XV includes provisions for withdrawal from the treaty. Clearly, if the United States and the Soviet Union decide that nationwide strategic defenses are in their national interests they could use the appropriate legal avenues for amendment or withdrawal—not violation.

The argument that we should not tamper with the ABM Treaty is based primarily on two assumptions: First, that deploying strategic defenses will only fuel an arms race, leading the Soviets and presumably other countries to simply add many more offensive missiles. Second, that ballistic missile defenses would be destablizing, that they would erode deterrence and create incentives to strike first in a crisis. Let me briefly address these two assumptions in a historical context and in light of the President's proposed GPALS Program.

During the early 1970's, the arms control case against ballistic missile defenses was logical, if untested against reality. There was reason to believe reductions in defensive forces could lead to reductions in strategic offensive forces. Developments since then, however, suggest that this arms control case against missile defense has been mistaken.

For example, by the early 1980's it was clear that while the ABM Treaty precluded any serious strategic missile defenses, it could not lead to a reduction in the Soviet buildup of offensive ballistic missiles, as had been predicted by those who pressed for the ABM Treaty during its negotiation and ratification. Former Secretary of Defense Harold Brown summed up our experience with regard to Soviet offensive arms racing following the ABM Treaty by stating, "When we build, they build; when we stop building, they nevertheless continue to build."

We now know that the Soviet buildup of the 1970's and 1980's had nothing to do with a defense driven arms race dynamic. Indeed, there is reason to believe that the Soviets undertook an offensive buildup in large part because we had no defense. Soviet military doctrine has long been driven by a theory of damage limitation. Once they were denied the ability to limit damage through defenses, the Soviet military attempted to achieve essentially the same capability by building a preemptive offensive missile force, driven by United States vulnerability. Soviet military doctrine held that if the U.S.S.R. could not be defended against missile attack, it needed to have the ability to preemptively destroy enemy missile forces before they could be launched. Moreover, in the late 1960's and early 1970's, when the ABM Treaty was being negotiated, the technology for building a preemptive counterforce capability was more readily at hand than that needed to build an effective ABM system.

However, one interprets Soviet military doctrine and their sustained offensive buildup over two decades, one thing is sure: The traditional notion that missile defense means an arms race, and that the absence of missile defense precludes such an arms race is mistaken.

Also in the 1980's, prominent American critics of missile defense questioned the upgrading of the Patriot to provide it with an antimissile capability—the capability now applauded by all. This reluctance stemmed from the same arms control case against missile defense: Wouldn't the provision of an antitactical missile defense capability disrupt the prospective elimination of intermediate-range nuclear forces [INF]? The Soviets, according to the traditional argument, would be compelled to maintain or increase their offensive capabilities in order to overcome United States defenses.

In addition, strong claims were made at the time by many of the same critics that upgrading the Patriot would destroy the ABM Treaty—presumably because it would blur the distinction between permitted antitactical missile defenses and prohibited strategic missile defenses.

What transpired, however, has served to demonstrate that reality is not sympathetic to the traditional arms control case against missile defense. The INF Treaty, signed in 1987, went forward without a hitch and the Soviets have continued to show interest in eliminating other classes of offensive weapons. Not only did Patriot's upgrade to an antitactical missile defense system not destroy the ABM Treaty and undermine offensive arms control, as some wrongly argued, but Soviet officials have recently endorsed the use of Patriot against Saddam Hussein's Scud missiles in the gulf war.

Some Soviet military and political officials have explicitly stated that both the United States and the Soviet Union should move jointly toward expanding missile defenses beyond that allowed by the ABM Treaty, as a complement to offensive reductions. The Soviets have recently begun to express great concern about missile proliferation near their borders. Clearly such proliferation threatens the Soviet homeland more than the United States, at least for the immediate future.

President Bush's direction that the SDI be oriented toward defending against limited strikes obviously results in large part from the same concern about ballistic missile proliferation that confronts the Soviet leadership. Clearly, there is a significant level of common United States and Soviet Union interest in protection against multiplying missile threats. Such a cooperative move would facilitate the mutual deployment of strategic missile defenses without violation of the ABM Treaty and without offensive arms racing. This, of course, has been the explicit goal of the U.S. negotiating position at the Defense and space talks in Geneva since 1985.

The second principal argument why we should not disturb the ABM Treaty is that deploying strategic defenses would erode deterrence and cause strategic instability. The underlying premise here is that a United States nationwide missile defense will lead the Soviets to question the effectiveness of their retaliatory capability. In other words, the Soviets would fear that a United States missile defense system would be used to shield an American first strike, hence they would be under greater pressure to strike first in a crisis.

This view was debatable when SDI was focused on deploying a highly effective defense against a massive Soviet attack. Today, with the GPALS configuration oriented toward defense against limited strikes, this argument is no longer relevant. To the extent that GPALS is designed to defend against a Soviet threat, it would not significantly erode Soviet retaliatory capabilities—hence it would not increase Soviet incentives to preempt in a crisis. In fact, given the instability of the Soviet domestic scene, the Soviet leadership should welcome the knowledge that an accidental or unauthorized launch from their territory would not cause the United States to retaliate. As such, GPALS will be highly stabilizing.

This is not to say that GPALS will not be a factor in the deterrence equation. Since even limited BMD protection of U.S. retaliatory forces can enhance their survivability, GPALS will strengthen deterrence without adding first strike incentives for either side. Even the most ardent believers in "mutual assured destruction" should support a limited defense of U.S. strategic forces. GPALS would not undermine Soviet retaliatory capabilities, yet limited defenses would create a high degree of uncertainty in the mind of any prospective attacker who must assume that some U.S. retaliatory forces will survive his first strike. Hence, GPALS would dampen first strike incentives without eroding United States and Soviet confidence in deterrence.

By strengthening crisis stability, GPALS would establish the basis upon which United States and Soviet negotiators at the defense and space talks would build a more balanced offense-defense deterrence relationship. While American opponents of SDI have long ridiculed the notion of a cooperative transition away from offense-only deterrence based upon the threat of nuclear retaliation, some Soviet officials have begun to embrace the concept.

For example, in December 1989, Mikhail Aleksandrov, a member of the U.S.S.R. Ministry of Foreign Affairs, wrote that, "It appears that if the development of defense technologies is correctly oriented, it may result in a better model of strategic stability." According to Aleksandrov, the "model of defense domination will make it possible to switch over to a defensive military doctrine at all levels of confrontation." Surely the American people would not want the U.S. Congress to use the ABM Treaty as an excuse for not moving to a more secure, defense dominant deterrent relationship.

GPALS will also be stabilizing on the broader, global level. As I mentioned previously, the Soviets have more to fear from the proliferation of missiles and weapons of mass destruction than does the United States. Missiles of intermediate ranges can strike vast segments of Soviet territory if deployed in the Middle East. This emerging threat has indeed been recognized by Soviet officials. Even some conservative government leaders who oppose political and military reforms in the Soviet Union agree. For example, People's Deputy, Col. Viktor Alksnis, in a speech before the U.S.S.R. Supreme Soviet on October 15, 1990, made the following statement:

> I would like to touch on the issue of the U.S. Strategic Defense Initiative. I am increasingly leaning toward the point of view of the Americans who, according to the information available to me, are primarily designing this system as a defense against accidental nuclear attack. I believe that a nuclear war between the U.S.S.R. and the United States is indeed impossible. However, who can rule out such a possibility, given the proliferation of nuclear weapons and means of mass destruction throughout the world.

It is thus clear that the two standard arguments for not modifying the ABM Treaty—that doing so would cause an arms race and/or create strategic instability—have not measured up to the test of time and have been rendered largely irrelevant in the context of GPALS. It is becoming increasingly clear that the ABM Treaty will need to be modified to accommodate missile defense deployments. We are currently permitted to deploy unlimited theater missile defenses and up to 100 ground-based strategic defense interceptors at one site in the United States. Unfortunately, 100 interceptors will not provide effective coverage of the United States. It would be an irony indeed if we were permitted to deploy a robust defense overseas but were denied a similar degree of protection for American citizens at home.

This is not to argue that missile defenses can serve as a panacea for the problem of weapons proliferation. The United States and our allies will have to vigorously pursue arms control initiatives and technology control measures in an attempt to curb the flow of advanced weapons, especially weapons of mass destruction and their means of delivery, to unstable regions. We must recognize, however, that the genie is out of the bottle.

Trade in weapons, even when illegal, is lucrative business and we can never count on an airtight control regime. Moreover, many Third World countries now have indigenous capabilities to develop and deploy high technology, including the skills needed to build and deploy ballistic missiles and weapons of mass destruction. As the gulf war has demonstrated, deterrence as we have come to know it is highly unstable in the Third World. Emerging regional powers regard ballistic missiles and weapons of mass destruction as symbols of power and prestige. Unfortunately, they also regard them as weapons of choice.

Mr. President, the ABM Treaty was negotiated and ratified in a very different strategic and international political environment. Some of the Treaty's underlying premises have turned out to be flawed while others are no longer relevant. It is in the mutual interest of the United States and the Soviet Union to proceed with a cooperative transition away from the existing ABM Treaty. This does not mean violating the treaty, we simply need to modify it. Rather than holding on to outdated notions of deterrence and stability, the Congress should encourage this cooperative move toward greater emphasis on defense.

BLACK HISTORY MONTH

Mr. BINGAMAN. Mr. President, my home State of New Mexico is a special place, blessed with a rich and venerable cultural diversity. As our celebration of Black History Month draws to a close, I want to share part of New Mexico's cultural tapestry with my colleagues and pay tribute to several New Mexicans whose talent, compassion, and goodness have strengthened and enriched our lives and our State.

Over the centuries, Black Americans have played a critical role in shaping New Mexico. One of the first explorers of the southwestern United States was a black slave from Morocco, Estevanico, or Esteban. It was Estevanico's tales of the fabled Seven Cities of Cibola that led to Coronado's expedition in 1540. A year before Coronado's expedition, Estevanico guided a group of explorers into what is now New Mexico in search of the golden cities. He reached Cibola, but met with adversity instead of gold and was killed. Estevanico's legacy remains, however.

Today, as many Black Americans continue struggling to make the promise and dream of America a reality for their families, we are reminded that black history is American history. And in communities throughout the United States there are those who rise above adversity and become role models for all to admire and respect. New Mexico is home to six such individuals, who have dedicated their lives to enriching others, ensuring equal opportunities for all, and speaking out for those unable to speak for themselves.

Mr. President, I am very proud to honor Mrs. Charlesetta "Charlie" Morrisey who has devoted 20 years of her life in service to the community. Her many hours of tireless volunteer work are second to none. Charlie wholly represents the essence of what we celebrate this month. In her own words she says, "Doing volunteer work in the community is the only arms, feet, and eyes that God has. We are it. If not for us, things would not get done." With Charlie at the forefront, things are getting done.

For Mr. Jessie Waddles, being a role model is something to enjoy. A self-made businessman, Mr. Waddles' tenacity and involvement is an inspiration to all. Although he left school in eighth grade, Mr. Waddles continues to work for others and for his community.

Mrs. Gerry Harge, who has attained the level of Assistant Superintendent in the Albuquerque Public School System, has been a teacher, counselor, assistant principal, and principal. Guided by Mrs. Harge's efforts, APS developed a funding program that allows individual schools more flexibility in their budgeting strategies and initiated a pilot year-round school program. Mrs. Harge knows the importance of equality in education and has effectively faced that challenge.

Sister Dolly Wrenn, known affectionately in Albuquerque as Sister Dolly, has been a missionary for more than 30 years. Most of those years have been devoted to feeding and sheltering the homeless. In 1975, Sister Dolly opened the Haven of Love Shelter for Women and Children. In 1987, she opened God's Kitchen. Even though a heart ailment has sidelined Sister Doly over the past several months, she remains undaunted. Her endeavors serve to remind us of another remarkable black American, Frederick Douglass, who said, "If there is no struggle, there is no progress."

Ms. Linda Piper, an artist-in-residence with the New Mexico Arts Division, has devoted much of her spare time to the youth of New Mexico. Through a program called "Working Classroom," Ms. Piper works to help build self-esteem in low-income youth. She is also the founder of a multiethnic theater company, Tapestry Players. Her efforts on behalf of today's youth are helping to ensure excellence in the arts for our future generations.

Last, but certainly not least, Mr. Basil Steele, an electrical engineer, spends most of his spare time tutoring students through programs like "Hands of Minds on Technology." Mr. Steele recognizes the hidden talent in our children and knows that for our State and Nation to compete in the world marketplace, we must have a generation of thinkers who can excel in math and science. He strives daily to guarantee that minority youth are not left behind.

Mr. President, Black History Month is indeed a time for celebration in New Mexico. The distinguished individuals I have mentioned today continue to make our State a better place in which to live and grow. These six outstanding individuals go about their work without receiving much public praise, but their tremendous contributions make us all proud and serve as shining examples of what we all can achieve if we focus our concern on our fellow Americans.

Every year, Black History Month provides us with the opportunity to focus attention on the role of black Americans in shaping American history, a role that has been too often overlooked. This attention is fitting. I sincerely hope, however, that this month also serves to remind us that there is much more to be done. The struggle to achieve true equality for all Americans is not over. Our fight continues today. Black History Month, I believe, is a step in the right direction, and I am proud of Mrs. Morrisey, Mr. Waddles, Mrs. Harge, Sister Dolly, Ms. Piper, and Mr. Steele for pointing us in the right direction and leading our State and Nation down the path toward equality and opportunity for all.

CED STUDY—"THE UNFINISHED AGENDA: A NEW VISION FOR CHILD DEVELOPMENT AND EDUCATION"

Mr. KENNEDY. Mr. President, the needs of children are the subject of a major study, released today, by the respected Committee for Economic Development, in a report entitled "The Unfinished Agenda: A New Vision for Child Development and Education."

In vivid and irrefutable detail, the report documents many years of neglect of America's children, and calls for a specific action plan by Congress and the Nation to deal with this critical challenge in a comprehensive and effective way.

The CED report is a wake-up call about the distressing state of America's children and the even more distressing implications for the future, and I hope that all Members of Congress will take the time to read it.

The high infant mortality rate in the United States is an appalling national disgrace. The poverty rate for American children is three times higher than in most industrial countries. We have a smaller high school graduation rate, and a larger teenage pregnancy rate.

In an international survey of 13-year-olds, we rank last in math. Our adult illiteracy may soon be the worst among developed nations. Yet we spend the least on job training and skill development.

For a decade, we have increasingly neglected our children, and now we are paying the price. The country that is first in smart bombs cannot afford to be last in smart students.

We cannot meet the challenge of the 21st century, without more investment now in children. Every business leader understands the problem—tomorrow's work force is in trouble today.

Unlike other problems that plague our society, we know how to deal with this crisis—what we lack is the will.

Cost-effective programs are no secret. We know they can work. As preventive measures, they are the stitches in time that saves lives and build successful futures. As CED's landmark report reaffirms, investment in children is sound public policy and good business sense. As it states bluntly, there is no better return on investment.

One dollar spent on prenatal health care saves in short-term hospital costs. Yet 1 in 4 children fail to receive it.

One dollar spent on childhood immunization saves $10 in later medical costs. Yet, 1 in 3 children fail to receive it.

One dollar spent on Head Start saves $7 in future costs for special education, public assistance, and crime. Yet a third of all eligible children fail to receive it.

The question is not whether we will pay, but when and how much. Will we invest wisely today, or foolishly tomorrow, in a futile follow-on struggle to repair the day-to-day damage caused by our failures to act in time.

For example, President Bush and the Governors have declared "school readiness" to be our country's No. 1 education goal. Nice words—but words without deeds won't work. If all children are to enter school ready to learn, every child must receive a healthy start and a head start.

CED's blueprint calls for a total of $10 billion in new public spending at all levels of government—Federal, State, and local, over the next several years. Based on the current division of spending, the Federal Government will bear the bulk of that tab.

The price of success is high. But the cost of failure is even higher. The challenge for all of us is to work together to identify resources and make them available.

When the time came to protect our vital interests in the Persian Gulf, we found the resources to act quickly and effectively. As CED states in its report, programs for young children also involve our national security. Sadly, however, those programs, which should have the highest national priority, still rank among the lowest political priorities. As we all know, if children could vote for their interests, they would have far better protection.

Half a century ago, to fulfill our national commitment to senior citizens, we enacted social insurance programs that are stronger than ever today, that are widely supported, and that are still remarkably well funded, considering our budget distress. Now, in the 1990's, it is time to do something similar—it is time for a new deal for children.

Business and labor, Governors and mayors, Congress and the administration, we are all in this together, and we must challenge one another to find the resources to give children the priority they deserve.

I intend to do my best to see that Congress does its share, starting this year. It is unrealistic to expect that we can reopen the budget deal, at least for now. But that does not mean we are without realistic options.

As a start, we should review all domestic discretionary spending—across the board. Given our limited resources, we must maximize the return on all our investments. The Senate Committee on Labor and Human Resources is prepared to establish more rigorous priorities for programs in our jurisdiction, and we challenge other committees to do the same.

Some issues will inevitably cut across committee lines. Investments in school-age children must be weighed against expansions of space-age technology. And 2 years from now, if the 5-year budget deal continues in force, we will also be balancing spending for star wars against investments in star schools.

I suggest a new kind of thinking about social programs in this country—what I call public enterprise.

We cannot afford to keep throwing money at problems, as we often admittedly do. We need to apply the same rigorous standards used by business in private enterprise.

Programs that do not meet their goals at reasonable cost must be redesigned or replaced. Those that are cost effective—and save money in the long run—must be expanded.

With this approach in mind, I intend to ask the Congressional Budget Office to score programs not only by what they spend, but by what they save. Any good business looks at that bottom line, and so must the Government.

Under the budget deal, we must also try to take domestic discretionary programs of the highest importance, and turn them into entitlements. Programs involving farm price supports, drought relief, and many other subjects are entitlements, and programs for children deserve the same priority. Just as senior citizens are entitled to Medicare, so children should be entitled to immunization against disease, to other basic health care, and to a head start in life.

In a similar way, businesses should be entitled to a literate and healthy work force, well-trained and ready to work. All of you know how much business already pays to remedy past failures, or to cover up for the growing deficiencies in new hires. We need to ask our schools to smarten up, instead of forcing business to dumb down.

In addition, we should explore the use of dedicated taxes to fund the most urgently needed priorities. In recent years, there have been numerous proposals to create special trust funds for education, the environment, and children—and those ideas are gaining new support today. But as we all know, creating the trust fund is the easy part; dedicating the tax takes a little longer.

A final approach to new funds is to obtain the agreement of the President to designate certain spending as an emergency. Once the designation is made, the spending goes off-budget, beyond the restrictions of last fall's agreement. The question is whether Congress has the will to treat our children as well as we treat our S&L's.

Perhaps we can convince President Bush, as CED states in its report, that what is "at stake is the survival of our free enterprise economy, our democratic system, and the American Dream itself." That sounds like an emergency to me.

However difficult it is to find these resources, we are gaining a greater sense of urgency that new funds somehow be found. We are not just debating problems of a disadvantaged few, but fundamental challenges that will determine the rise or fall of America.

Our brilliant Middle East military success cannot long obscure the plain fact that we have allowed the Nation to decline for a decade, and the slide is turning steeper.

The choice is not between national security or domestic strength. We cannot be truly strong abroad, unless we are also strong at home.

This Nation can still be as productive in peace as in war. America must not rest on its laurels and return to the status quo before the Persian Gulf war.

Just once, on children and education and health care and other essential domestic challenges, I would like to hear President Bush sound the call for action as clearly as he has done in recent weeks on the Persian Gulf. We need action on our challenges here at home that is swift, overwhelming, and decisive.

What we need is not just a new world order, but a new American order. In working together to achieve it, we will be true to our history, true to our heritage, and true to the high American ideals that our courageous men and women are fighting for in the Middle East.

Mr. President, I ask unanimous consent that a brief excerpt from the CED report entitled "Key Imperatives for

Change," and a table from the report summarizing the estimated additional cost of the needed services for children may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Excerpts from "The Unfinished Agenda: A New Vision for Child Development and Education"]

KEY IMPERATIVES FOR CHANGE

1. The nation needs a comprehensive and coordinated human-investment strategy for child development and education that helps all children become productive citizens and self-sustaining adults. The profound changes in family structure and stability coupled with the necessity for educating all children are forcing society to assume greater responsibility for the successful development and education of children. As a first step, every community should conduct a formal assessment of how it is addressing the needs of children, paying particular attention to the barriers that prevent change.

2. Programs for assisting children should also help strengthen the entire family. Family is central to every child's life, but when parents cannot give adequate care, especially young parents who may not have even basic parenting skills, society should provide the kind of support and assistance that will teach them to nurture their children and help strengthen their family.

3. Every teen mother and father who has not finished high school should have access to a specialized school equipped to deal with the problems of teen parents and their children. Teenage parenthood is a major cause of dropping out and family poverty. Programs designed along the lines of Albuquerque's New Futures School help teen parents develop the parenting, learning, and job skills they need while providing their children with developmentally appropriate early childhood education.

4. Quality early childhood education should be available to all children who may not otherwise get adequate preparation for formal education from their families. All children need to experience successful physical, social, emotional, and cognitive development to be able to embrace educational and social opportunities successfully. Whether called *child care*, *early childhood education*, or *preschool*, all programs for young children should be developmentally appropriate and focus on their educational needs. Public school systems should recognize the importance of early childhood education to their educational mission and help to ensure that quality programs are both available and accessible to all children who need them.

5. Programs that address the needs of children and families must be flexible in design, administration, and funding. Service providers often operate under crippling constraints and rigid funding dictated by federal and state governments that often prevent them from meeting the complex needs of the children and families they serve.

6. Successful programs must be broadly replicated so that they are both more available and more accessible to all children in need and their families. We know what works in education and child development, but few successful programs ever get past the pilot stage and seldom reach more than a small percentage of the children who need them.

7. The mission of the public schools must be redefined to account for the changing requirements of society and the needs of children. Clearer goals and more effective methods of measurement are needed if the schools are to become more accountable for results. Communities must reach a consensus on the appropriate social and educational roles of the public schools before school restructuring can take place. Business should work with educators, public officials, and other community leaders to develop goals for education and measures of performance that reflect the real skills and knowledge that students will need when they embark on their adult responsibilities.

8. Students must be encouraged to take greater personal responsibility for the success of their own education. Only someone who is actively engaged in the learning process will become an educated person. Business should work with educators, parents, and students themselves to provide greater incentives for students to work harder and learn better.

9. Businesses should encourage their employees and other adults to volunteer in education and child development programs. Volunteers are critical to the success of many programs that call for increased interaction between adults and children, such as mentoring and preschool. Business should also provide the training and support necessary to ensure a successful volunteer experience.

10. Business should play a leadership role in identifying strategies for improving children's educational development and in determining what resources are needed to achieve results. Although many of the changes in public policy and practice that are needed to improve child development and education will result in cost savings down the road, other essential improvements will initially require new investments. Business should lend its expertise to improving the management of existing resources and to achieving savings in other government programs that can be reallocated to the needs of children and schools. Where necessary, business should provide support for increasing the level of resources. State government should be the prime target of business involvement in policy, since most decisions on policy, practice, and funding in education and child development are made in state legislatures.

Funds needed for early childhood development of poor children

Programs:	Cost (billions)
Prenatal care[1]	$0.56
WIC[2]	3.60
Childhood immunization[3]	.08
Infant/toddler care:[4]	
1-and 2-year-olds:	
880,000 full-day × $5,000	4.25
880,000 half-day × $4,000	3.55
Preschool:[5]	
3-and 4-year-olds:	
888,000 full-day × $4,800	4.26
888,000 half-day × $3,640	3.23
Total funds required to ensure adequate development and early education of poor children	19.53
Federal funds currently allocated:[6]	
WIC	2.35
Child care	5.00
Head Start	1.95
Total	9.30
Total new funds needed	10.23

[1] Estimate based on 3.9 million live births in 1988, of whom 24% were born to mothers who received no first trimester care, and average cost per client of $600 per client.

[2] Congressional Budget Office, September 1990. About half of those eligible are currently being served.

[3] Source: Children's Defense Fund, *S.O.S. America: A Children's Defense Budget*, page 74.

[4] Estimate based on number of births in 1988 surviving to age one multiplied by a 23% poverty rate for all children under age six. Assumption is that about half of these children would be enrolled in full-day and half in part-day programs.

[5] Program cost estimates from GAO report, *Early Childhood Education: What are the Costs of High-Quality Programs?*, January 1990, and Human Services Reauthorization Act of 1990, Senate Report 101421, August 1990. Total costs based on estimate of number of children in those age groups living in poverty using the 23% poverty rate for all children under age six.

[6] Includes 1991 appropriations for WIC, Head Start, and child care under a variety of federal child care programs, including the child care tax credit and pretax dependent care deduction.

TRIBUTE TO ANN LYON CRAMMOND, FORMER EXECUTIVE DIRECTOR OF THE ATLANTA BOTANICAL GARDEN

Mr. FOWLER. Mr. President, the conservation community suffered a tragic loss last week when Ann Lyon Crammond, former executive director of the Atlanta Botanical Garden, was killed in a plane crash off Chile. Two other prominent Georgians, Mrs. Dorothy Day and Ms. Elizabeth Stone, were also among the victims.

The group was bound for an exploratory cruise of Antarctica, an expedition that typified Ann Crammond's approach to living. Her sense of adventure, energy, and commitment to lifelong learning were an inspiration to all of us who knew her.

Among her many contributions, Ann Crammond is best known for her instrumental role in developing a world-class botanical garden in Atlanta. The garden was little more than a plot beside two trailers serving as makeshift headquarters when she accepted the challenge of directing the project in 1979. Her gift for fostering community involvement and for motivating colleagues and volunteers helped realize a dream that many thought impossible.

During her 11 years as executive director of the Atlanta Botanical Garden, Ann raised over $20 million to support several ambitious building projects, shows, and seminars, and the creation of acres of gloriously landscaped grounds. Her final project was the construction of the Dorothy C. Fuqua Conservatory, a repository and showcase for rare and endangered plants from every part of the globe.

Today, the Atlanta Botanical Garden is a source of civic pride, a center for learning and quiet reflection, and an international attraction. Although Ann refused to take credit for the garden's unprecedented success, she was the galvanizing force behind its creation. It was a remarkable achievement, and Atlanta is a much richer community for the gifts of this remarkable woman.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBB). The period for morning business is now over.

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1991 AND 1992

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Senate Resolution 62, which the clerk will report.

The legislative clerk reads follows:

A resolution (S. Res. 62) authorizing biennial expenditures by committees of the Senate.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, Senate Resolution 62, the Omnibus Committee Funding Resolution for 1991 and 1992, authorizes expenditures for committees of the Senate. The accompanying report, 102-15, explains it in detail. The ranking member of the Committee on Rules and Administration, the senior Senator from Alaska, and I have worked closely on this authorization.

On November 15, 1990, the Rules Committee sent to all Senate committees budget packages for 1991 and 1992. Our guidelines to committees at that time were that the total increase for committees must be consistent with the fiscal year 1991 legislative branch appropriations bill which mandated that any pay raises for fiscal year 1991 shall be absorbed within the levels appropriated in that act.

The Rules Committee notified all committees that for the 1991 funding period ending February 29, 1992, each committee's salary baseline may be increased by 4.1 percent over the 1990 salary baseline reported in Senate Report 101-3. Likewise, the 1992 salary baseline could only be increased by 4 percent, the amount assumed by OMB for the January 1992 COLA. In addition, committees were instructed that they could budget the January and February 1992 COLA at 4 percent and the January and February 1993 COLA at 3.7 percent. Finally, administrative expenses for 1991 only were granted a 5-percent increase over the 1990 levels.

Senate Resolution 62 essentially follows the guidelines except for the following Committees: Armed Services; Banking; Finance; Foreign Relations; Indian Affairs; and the Labor Committee. For the Armed Services Committee, four nonrecurring positions are requested. For the Banking Committee, 9 nonrecurring positions which were authorized in the 1989-90 budget were converted to permanent positions, and 10 new permanent positions are recommended. For the Finance Committee, six new permanent positions and one temporary position for 1991 only are recommended. For the Foreign Relations Committee, eight nonrecurring positions are recommended. For the Select Committee on Indian Affairs, four new permanent positions are recommended. For the Labor Committee, three nonrecurring positions are recommended. Finally, it should be noted that the Rules Committee did not include merit pay increases for any committee in the biennial funding resolution.

The policy on surplus funds adopted in 1989 and repeated in the budget guidelines states that surplus funds existing at the end of this funding period would not carry over into the next funding period. Surplus funds could be carried forward from the first year of the funding period to the second year but not from Congress to Congress.

Unrestricted use of surplus funds existing at the end of the 1988 funding period was permitted in fiscal year 1989 on a one-time basis to permit a transition into the biennial funding policy. This budget, as recommended, incorporates the use of surplus funds but requires that they be used to cover recommended increases.

The recommendation proposes to use the surplus as follows:

First, use up to one-half of the estimated surplus as of February 28, 1991, to cover recurring increases and nonrecurring authorizations recommended in 1991. If less than one-half is required to cover these increases, only the amount of the increase is recommended. No budget base is reduced below the 1990 level.

Second, carry forward a minimum from 1991 to 1992 in an amount equal to one-half of the estimated surplus as of February 28, 1991, to cover recurring increases and nonrecurring and authorizations recommended in 1992. If less than one-half is required to cover these increases, only the amount of the increase is recommended.

The effect of this recommendation is a 4.57 percent overall increase in new funding from 1990 to 1991 and a 3.93 percent increase in new funding from 1991 to 1992.

Nonrecurring positions are essentially funded with surplus funds. In addition, by using surplus funds, several committees will not require an increase in funding authorization above the 1990 level for their 1990 budgets.

The policy change just explained does incorporate a change for the next funding period. The recommendation is that committees be permitted to retain 50 percent of their surplus as of February 28, 1993, to cover nonrecurring needs that enhance efficiency in the commmittee. This policy also will create an incentive for those committees with nonrecurring positions to save sufficient funds to cover these positions in the 1993 funding period. The remaining 50 percent will be used to reduce the 1994 committee funding needs.

The policy of permitting a carryover of surplus funds has reduced the incentive to spend it all as reflected in the past 2 years. During the first year of the 1989-90 funding period, committees carried forward a surplus in excess of $6 million and estimate to end the current fiscal year with a surplus of over $4.3 million. The expectation is that the new policy will encourage an even lower level of spending.

In summary, I would again like to point out as I did 2 years ago, that the budget base for committee funding for the 103d Congress will be the recurring amounts only. In the future, special needs of committees will continue to be considered and funded only on a temporary nonrecurring basis.

Mr. President, the committee budgets for 1991 and 1992 recommended by the Rules Committee are not extravagant. Great care has been taken in examining the requirements of committees during these difficult times the country faces both at home and abroad. I recommend that the Senate adopt Senate Resolution 62.

Mr. President, today we are considering Senate Resolution 62, the Omnibus Committee Funding Resolution for 1991 and 1992. It includes funding authorization for Senate committees for the 102d Congress.

Mr. President, I will not repeat the detailed explanation contained in the report that accompanied the resolution. But there are several points I would like to emphasize.

First, most committees explicitly followed the guidelines set by the Rules Committee.

Second, new permanent positions for Banking, Finance, and Indian Affairs are recommended. Nonrecurring positions for Armed Services, Finance, Foreign Relations, and Labor are also recommended.

Third, Mr. President, surplus funds are used to reduce, and I underscore reduce, the new authorizations necessary to fund committee requests. By using these surpluses that are saved by the committees that will exist as of the 28th day of February, the increases in new authorizations will be held down to 4.75 percent from 1990 to 1991, and ony 3.93 percent from 1991 to 1992.

Fourth, Mr. President, 2 days of hearings were devoted to committee budgets. Authorizing all funding requests is not recommended in this resolution.

Let me underscore that. Authorizing all funding requested by our committee chairmen is not recommended in this resolution. However, every request made was carefully considered. The staff devoted many hours to the preparation of this budget, both the majority and the minority.

Let me say at this point, Mr. President, we have had good cooperation. We have worked very closely together. We have had some innovative ideas that have been developed by working closely with my good friend, the ranking member, Senator STEVENS, and his staff. Close liaison was maintained with the committee staffs to clarify guidelines in the budget policy.

Because of these efforts, the budget process has been smooth and harmonious. The adherence to the guidelines established was exemplary. I express my appreciation for the spirit of cooperation we have had. I express my appreciation to those staff members from every committee, who worked so diligently to bring to our committee a budget that was thoroughly thought out and was recommended by their committees. I hope that each committee chairman and ranking Member realize the dedication and the devotion of their staffs in the preparation of the biennial budget. I certainly do.

Fifth, Mr. President, the committee policy on use of surplus funds existing at the end of 1991-92 funding period is changed. Currrent policy is that committees will not have access to funds remaining at the end of the biennium but are permitted to carry over funds from the first year to the second year of the funding period.

The proposal adopted by the committee and stated in the report permits committees to retain 50 percent of their surplus existing at the end of the funding period to meet nonrecurring needs of the committee. Hopefully, it will do two things. One, it would encourage savings, frugality; and, second, the money they save and the money they are allowed will improve the committee system and improve its efficiency. The balance will be used to meet increases, if any, in committee budgets for the next biennial budget. Committees have been very frugal, Mr. President, and they are to be complimented in their spending. I believe this change will create a further incentive to limit spending and reduce the rate of growth.

My final point, Mr. President, is that for fiscal year 1991 the appreciation account is sufficient to cover the authorization requested in Senate Resolution 62. In addition, the appropriations remain available until expended. Thus, the recommendation to use surplus funds to reduce the new funding authorization is consistent with Section 317 of the fiscal year 1991 legislative branch appropriations bill.

Finally, Mr. President, the report on minority views places great emphasis on the carry-forward authority in Senate Resolution 62. I believe the provisions in Senate Resolution 62 on carry forward is sound fiscal policy. In 1989, the Senate authorized $3.2 million to be carried forward on an unrestricted basis. Senate Resolution 62 carries forward about $4 million but uses that money to reduce the amount of new funds necessary. So the total budget authorization last biennium was $106,682,187 and for this biennium it is only $113,942,379 that is recommended, an increase of $7 million or 6.8 percent. From a total budget authority standpoint, for the last biennium the Senate authorized $109 million plus, for this biennium, $117 million plus, an increase of $7 million plus or 6.76 percent.

I believe Senate Resolution 62 is fair and reasonable. I urge that the resolution be adopted. I yield to my good friend, the Senator from Alaska, who has been a delight to work with, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I thank the chairman for his comments.

The important point for the Senate to realize is that this is a different funding concept for Senate committees. This resolution does differ from all previous resolutions in that it authorizes the use of surplus funds, or leftover funds from the prior fiscal year. But it requires the use of those funds to cover committees' recommended increases under specified conditions. We have set forth these conditions in our report.

The carryover of the new funding resolution applies to all unobligated funds, or unexpended funds as of February 28.

It authorizes a committee to use 50 percent of those carryover or surplus funds to cover committee funding needs in 1991 and the remaining 50 percent for the fiscal year 1992 to cover increases in the second year of the 2-year budget cycle. By using these surplus funds we will not need to have an increased authorization for 1991. These are actually savings from the accounts for fiscal year 1990. They go over into 1991 and 1992 for this 2-year budget cycle. We do not require, as I said, an increase in authorization to fund these approved requests. The total remains at the 1990 level plus a rate of inflation.

I anticipate that what this will do, as the chairman has said, will be to give an incentive to committees not to spend toward the end of a fiscal year realizing that the moneys will be available in the next 2-year cycle, and it should reduce the ever-increasing trend line as far as the committee expenditures of the Senate are concerned. We hope that we will be able to maintain the 1990 level. I know we will under this 2-year proposal under this resolution.

We had requests for nonrecurring authorizations to hire temporary staff. We have granted those in some instances, and mandated temporary positions in a few cases where permanent positions were requested, thus not increasing the baseline affecting increased needs of the Armed Services, Finance, Foreign Relations, and Labor Committees. They all have special circumstances. We did not grant entirely all of their requests, but we have recognized the need for new temporary employment for specific purposes for those four committees.

We have also not included the merit increases that were requested by certain committees. It has been determined by the Rules Committee that it is not our function to specify merit increases for particular staff members of individual committees. Committee chairmen will have to determine whether or not the merit increases they sought are deserved by their staffs, and if they are deserved, they will have to find a way to accommodate them under the level of funding they have had in the past.

I want to emphasize that we have not agreed to every request that came before our committee. With one exception, the requests presented to our committee were agreed to by the chairmen and the ranking member of the separate committees. There was one exception to that, and we will hear about that here on the floor of the Senate.

We have held the increases to approximately 50 percent of the total that were requested, and when we consider these are requests that have come from other members of the body who have the right to vote on the floor, I expect that we will have some disagreement with the final judgments of our committees. But since we have used surplus funds from the last fiscal year, we have been able to carry forward, as I said, with a 4.5-percent increase, which is basically the rate of increase for salaries in the Senate.

Mr. President, I commend the report and the resolution that is before us. There are a couple of amendments which I might state I have not really made up my mind on. I would like Members to explain their amendments before I make any recommendation to those who might accept my recommendation. But there are some late amendments that have been presented and will be offered here on the floor.

I urge Senators to listen to the presentation of these because they are in some instances very novel ideas concerning the handling of funding resolutions that come before the Senate.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, Senator STEVENS and I are ready to move forward. I see the distinguished Senator here, Senator SMITH. If he is willing to bring his amendment, or if he is prepared to move forward, we are prepared to enter into a time agreement.

If the Senator wants to move forward with his amendment, we have three amendments all from that side. I am more than pleased to attempt to move this along expeditiously.

Mr. SMITH. Mr. President, I do not have any objection to the time limitation other than the fact that other Senators indicated they might be willing to speak on this. I need no more than 10 minutes. How much time does the Chairman ask for?

Mr. STEVENS. Mr. President, my understanding is we have not agreed to a time limitation as yet.

Mr. FORD. No, we have not. I talked with the Senator about a time agreement. If he is willing to accept 30 minutes equally divided—does the distinguished Senator want more than 15 minutes?

Mr. SMITH. I personally do not need more than 15 minutes. But I do not know if there are any other speakers. Some have indicated they wanted to speak.

Mr. FORD. Will the Senator take 20 and have 10 for us, and get a time agreement on that basis?

Mr. SMITH. I see Senator COCHRAN is here. That is acceptable to me, unless someone else objects. Senator COCHRAN, I know, has indicated he wished to speak on this as well.

Mr. COCHRAN. Mr. President, if the Senator will yield to me, I want to express my support for his amendment. I intend to vote for and encourage the Senate to approve it. I will not need a lot of time to do that; 2 or 3 minutes would be quite sufficient for me.

Mr. FORD. Mr. President, I ask unanimous consent that there be a time agreement on the Smith amendment of 30 minutes; that Senator SMITH have 20 minutes and the floor managers have 10 minutes; I further ask unanimous consent that there be no amendments in the second degree.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Chair recognizes the Senator from New Hampshire [Mr. SMITH].

Mr. SMITH. I thank the Chair.

AMENDMENT NO. 15

(Purpose: To express the sense of the Senate that Senate committees should provide information to facilitate the equitable distribution of Federal funds between the States)

Mr. SMITH. Mr. President, on behalf of myself and Senator COATS of Indiana; the Senator from Iowa [Mr. GRASSLEY]; the Senator from North Carolina [Mr. HELMS]; the Senator from Mississippi [Mr. COCHRAN]; the Senator from Delaware [Mr. ROTH], I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for himself and Mr. COATS, Mr. GRASSLEY, Mr. HELMS, Mr. COCHRAN, and Mr. ROTH, proposes an amendment numbered 15.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. . STATE EQUITY.

(a) Congress finds:

(1) that the equitable distribution of federal funds among states is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various states; and

(3) that a state-by-state breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in the performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each committee reporting legislation making an authorization or reauthorization of a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each state under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each state under such program. It is further the sense of the Senate that the Congressional Budget Office shall request and evaluate an enumeration from each department or agency administering or proposed to administer any such program and that, whenever practicable, such evaluation of an enumeration shall be included in the report accompanying such legislation.

Mr. SMITH. Mr. President, the purpose of my amendment is really quite simple. It would express the sense of the Senate that the authorizing committees should, when practical, provide a State-by-State breakdown of the disposition of the funds proposed to be authorized.

This breakdown would allow each Senator to more adequately assess whether each new or continuing program provides his State with a level of Federal funding commensurate with its population. That information currently exists in bits and pieces.

The Bureau of the Census has figures for large categories of programs such as school improvement programs, but this data is frequently not specific enough to tell us whether a particular authorization distributes funds equitably or not.

Similarly, the Congressional Budget Office has fairly extensive figures on some programs, though it has virtually none on others. We have been told that the Senate computer center, for example, has the capacity to provide us this information but this does not seem to be utilized very often.

To this point no systemized effort has been made to assure that this data is available on a regular basis. This is all that this amendment would do. It is nonbinding. It would ask the committees to systemize the provision of the State-by-State information to the Senator so that we can make informed judgments on the programs that we are called upon to fund.

Currently, although a lot of information exists, Senators are normally unaware of it. The net result of this fact is, for example, in New Hampshire. New Hampshire receives only 0.33 percent of all Federal prime contracts despite the fact it has 0.45 percent of the U.S. population.

In other words, my State receives 75 percent of the contracts which its population would suggest it is supposed to receive. Neighboring Massachusetts, with 2.37 percent of the population, receives 2.62 percent of the prime contracts.

My staff has prepared an analysis on the basis of 1988 Federal spending and 1990 census figures. New Hampshire ranks 42d out of 50 States in terms of per capita spending. Other analysis places New Hampshire as 49th. Either way my State ranks toward the bottom in terms of Federal per capita spending. On a per capita basis this also means New Hampshire receives less than half of the money received by first ranking States.

Let us look at it in a broader context. In fiscal 1988, the first and second ranking States it terms of per capita Federal expenditures, received $5,700, roughly, and about $5,700 per person respectively. The two lowest ranking States, Indiana and Michigan, received only $2,661 and $2,500 per person respectively.

This means that Indiana and Michigan received less than half the per person Federal expenditures received by their more favored neighbors. Kentucky, the home State of the distinguished chairman, was 40th in the Nation, receiving only $2,800 per person, or almost exactly half what was received by the most favored State.

Let me look at it another way. The 10 least favored States—Oregon, New Hampshire, Nevada, Georgia, Illinois, Vermont, Wisconsin, North Carolina, Indiana, and Michigan—comprised 20 percent of the population in 1989, but these 10 States received only 7.95 percent of all Federal prime contracts.

In the case of many agencies these States did even worse with respect to prime contracts let in 1989 by the Department of Housing and Urban Development. The 10 least favored States received 1.13 percent of all prime contracts, less than 10 percent of the amount, of which their 25 percent of the population would suggest.

Again, Kentucky, Mr. President, with 1.51 percent of the population, received only 0.74 percent of all Federal contracts.

Mr. President, it seems to me that in the interest of fairness every effort should be made to ensure that small States receive the consideration from the Federal Government that their populations would suggest they receive.

It is not an issue of seeking more Federal dollars, it is an issue of distributing these dollars equitably. Small States have a right to be legitimately concerned about a process which regularly takes tax dollars from our State and returns only a fraction of those dollars.

My amendment simply makes raw data available. It would be up to each Senator to decide how that data is to be used. For example, it may be that Senators will look at the funding disparities within a particular program and decide that those disparities are justified. If a program proposes to address a problem which is greater in one State than another, if a program centers around contracts with particular universities or manufacturers, if a program channels different amounts into different States, all of these factors could very well justify State-by-State disparity.

This is no reason why the Senate should be ignorant of the information with respect to the existence of these disparities. I hope nobody will argue that the Senate should not have access to this information.

Let me briefly address—and I would be happy to yield to Mr. COCHRAN in just a couple of minutes—some of the questions my office has fielded in response to this.

The first question: Is this information already available? In some cases, it is, in many cases it is not. My amendment would remedy this problem by regularizing the process by providing State-by-State information when it is fairly easy to do it. I do not see how anybody can object to that.

The second question is whether the information would be difficult or impossible to obtain. It is not impossible to obtain. Even under current circumstances there are vast amounts of information available. I have requested it, nobody has objected to my request, and it is beginning to come in.

In addition, 10 Senators have joined me in asking 18 agencies with programs slated to be reauthorized in the 102d Congress to provide a State-by-State breakdown. Thus far, nobody has come back and said they could not do that. We have not heard from all 18 agencies. In fact, one of the purposes of this amendment is to provide additional impetus for agencies to voluntarily provide the State-by-State information.

But the fact is that the amendment provides an escape valve. If it is not practical to provide the information, it does not have to be provided. I believe the amendment will move us in the direction of having more information when we make our funding decisions, but it will not put committees in a hammer lock when such information cannot practically be provided.

Finally, the third question we have received is: Is there going to be a lot more useless paperwork, and will it cost more money? That is penny-wise and pound-foolish, Mr. President. The fact is that by providing the information about programs with direct Federal funds into a few large States at the expense of many other States, it may be possible to substantially reduce Federal expenditures and Government paperwork.

Mr. President, it is time that we have this information available. It is a very simple request. I think it is a reasonable one, and I will, therefore, at the appropriate time, urge the adoption of this amendment.

At this time I yield——

Mr. STEVENS. Mr. President, before the Senator yields on our time, may I ask the Senator a question?

Mr. President, coming from Alaska, as I do, I am interested in this proposal, but I am also quite interested in trying to keep down the demands on the Senate to increase the Congressional Budget Office staff, and also not to get us in a position where we cannot file our reports because the executive agencies have not provided the information that would be necessary to comply with the Senator's request. This proposal has great merit as far as I am concerned, but as I understand the sense-of-the-Senate amendment, it would not be binding at this time, would it?

Mr. SMITH. It would not be.

Mr. STEVENS. What it would do really is call on the Congressional Budget Office to attempt to make the request and evaluate the enumeration that comes in from the departments and agencies that administer the programs to authorize or reauthorize; is that correct?

Mr. SMITH. Yes.

Mr. STEVENS. Would the Senator consider having some approach that would give us some determination on what that would cost and whether or not it would be possible to have an action by the Senate requiring that these agencies submit these statistics before we start consideration? In other words, suggest that any request for authorization or reauthorization from the executive branch must include this information, rather than putting the burden on the Senate to have an increase in the Congressional Budget Office, an increase in the staff of the Senate, in order to obtain that information from the executive agencies?

Mr. SMITH. Well, I understand what the Senator is saying. I believe, if the Senator will yield, that if we can get the information from the agency, certainly, I would see no reason for, nor do I want to have increased staffing at the Senate to provide this information.

I think the infomation is available. It may be more readily available than we think; it is just not being requested. Again, I am not making it binding; it is not a binding amendment, and if for some reason it becomes not cost efficient or unreasonable to get information, I realize that could be the case from time to time. I understand that.

Mr. STEVENS. Mr. President, I will not prolong this now, but——

Mr. SMITH. I might also indicate to the Senator from Alaska that in trying to work out the language with the Senator's staff, the CBO language was at the suggestion of Senator STEVENS' people.

Mr. STEVENS. I understand that. That is why I am asking the question. The problem is increased funding for CBO right now. I do not think we are prepared to do that. I want to work with the Senator to see if we can get something that we can approve.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. How much time do I have, Mr. President?

The PRESIDING OFFICER. Twelve minutes, thirty seconds.

Mr. SMITH. I yield to Senator COCHRAN whatever time he may consume.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from New Hampshire. I rise to compliment him on bringing this issue to the attention of the Senate at this time. We are here as Senators representing the interests of the States. That is why the Senate was created as an institution; to ensure that the States be represented here. So it seems to me very appropriate that we call attention to the fact that it is important for us to know the impact of legislation on the States before we vote on it.

That is what this amendment seeks to accomplish. It would make available, whenever practicable, information about the amount of money that would be distributed among the States, and how it would be distributed, under programs that were about to be authorized or reauthorized by the standing committees.

I can tell you from my experience serving on the Labor and Human Resources Committee, when you are dealing with education programs under which funds are allocated to the States, it is very important for you to know how those funds are going to be distributed.

We have been trying to write into recent bills, for example, an emphasis on assisting those States where the needs are the greatest. And we need the statistics on unemployment and on per capita income, to try to help ensure that the targeting of scarce Federal dollars is done in a thoughtful and careful way, with full information available to us, as we legislate.

So I think this amendment addresses that issue, and brings to the attention of the Senate the importance of having this information available to Senators during the legislative process. I compliment the distinguished Senator, and I am glad to be a cosponsor of the amendment. I urge the Senate to approve it.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, I understand what the distinguished Senator is attempting to do. We have a real fear that we will never be able to require this information if this were statutory. We will be looking at all the agencies and right now if one of the members of the executive branch comes before a committee to testify and they are supposed to have their statement in 24 hours in advance sometimes we never get the statement from these executive agencies until after they testify.

And so to require all of this, it would be my judgment that the committee would not be able to comply with the standing rule XXVI, paragraph 10(b). Information on this amendment could not be obtained promptly from executive agencies and adoption of this amendment will result and confusion and misunderstanding.

I think we need to sit down and maybe work on this language some. The sense of the Senate does not have any power behind it. So, therefore, all the chairmen are going to be required on this and because it is going to be so cumbersome they are not going to do it, so we ought to find some way where we can have GAO or CBO or somebody begin to see what can be translated into what the Senator is interested in.

I do not think we have any problem with his intent. But the increase in cost is something and the confusion and maybe the rules will have to be changed because rule XXVI, paragraph 10(b) under our rules in all probability we could never comply with. So the rules would have to be changed.

Mr. STEVENS. Mr. President, will the Senator yield for a comment?

Mr. FORD. Yes.

Mr. STEVENS. Mr. President, I urge the Senator to recognize we are trying to find a way to accomplish the objective he seeks in his resolution. I think every Member of the Senate would like to see that kind of information, but without a process that would either increase the cost to the Senate to obtain that information or delay the presentation of reports once they are completed by Senate committtees.

So when the time is over I am going to ask that the amendment be set aside, and we can get our staffs together and see if we cannot get an agreement on how we can set up a procedure as soon as possible to devise a means to get the information the Senator wants, but without the impact that we fear.

I thank the Senator.

Mr. FORD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Mr. President, it is my understanding that another Senator is en route to speak to this amendment, so I will try to hold the time until he gets here. I understand what the chairman has said and what Senator STEVENS has said. I do not object to us trying to do that. I think that would certainly be preferable to me if we could do it and reach some accommodation without having to hire more staff and spend more money. That is not what I want. So I am more than happy to try to work with the Senator to do that, and I am willing to do that.

At this point, Mr. President, I do not have any more other than to say that there is one Senator who is en route, so I guess at this point I would have to suggest the absence of a quorum and hold my time until Senator COATS of Indiana arrives.

Mr. FORD. The Senator understands that that will be charged against his time.

Mr. STEVENS. He is asking that it not be charged.

Mr. FORD. Not be charged, OK, that is fine.

The PRESIDING OFFICER. Without objection, the time will not be charged against either side if that is the request of the Senator.

Mr. STEVENS. There is no objection if it is a reasonable period of time.

Mr. SMITH. My understanding is the Senator is en route.

The PRESIDING OFFICER. Is the Senator in the process of suggesting the absence of a quorum?

Mr. SMITH. Yes.

The PRESIDING OFFICER. The absence of a quorum has been suggested and the time will not be charged to either side. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I, at this time, yield whatever time he may consume out of my remaining time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana [Mr. COATS] is recognized for up to 9 minutes and 17 seconds.

Mr. COATS. Mr. President, I thank the Senator from New Hampshire for yielding. I also thank him for his efforts here in bringing before the Senate this sense-of-the-Senate resolution which I think will allow us information necessary to make good judgments as to how we spend the taxpayers' dollars.

Often we are asked to vote for huge authorizations without realizing exactly what the formula distribution would do for distribution of those funds to our States. It is important for us in examining legislation before us that impacts our particular States to know, to the extent that we can, just what the impact will be and the amount of funds that will be distributed.

While this sense-of-the-Senate resolution is not obviously the ultimate solution, it is a very important first step in encouraging equity in terms of distribution of the taxpayers' dollars back to the States.

Let me just give you an example of a situation we face in Indiana. Indiana is the 14th largest State in the Nation. We have 2.2 percent of the U.S. population—more than 5.5 million people reside there. Yet, year after year we find ourselves at the bottom on the list in terms of distribution of Federal funds, and in fiscal year 1989, as an example, in per capita terms, Indiana ranked 49th, 14th largest State ranking 49th in overall receipt of Federal expenditures.

Our total receipts totaled $15.9 billion. Had we received our proportionate share, that would have been nearly $4.6 billion more, or a total of $20.5 billion; money very much needed and which could be used very efficiently and effectively in our State.

We were 36th in direct payments to individuals. We were 43d in grants in aid, 41st in Federal procurement, and 45th in salaries to Federal employees.

On a specific program, the highway trust fund, we ranked 44th in per capita receipt of funds.

We received only 1.8 percent of total funds distributed to the highway trust fund, yet we contribute on the basis of 2.2 percent of the population.

In the urban mass transit distribution of funds, we ranked 30th, receiving only 0.7 percent of the total funds distributed.

The Federal Highway Program, which was created in 1921, was based largely on the amount of rural delivery in inner city mail routes for each State. Obviously that is no longer the measure that ought to be used, and I am hopeful and anticipate we will correct that in the reauthorization of the Federal Highway Program in this Congress.

Many of these antiquated formulas have gone unchanged. They are not the best distribution systems. They are not equitable. But they have survived over the years for various reasons, partly because those States that obviously get more than their fair share speak up in the spirit of defense of maintaining the formula as is.

So I think the sense-of-the-Senate resolution of our colleague from New Hampshire is very appropriate. I hope my colleagues will support it.

Certainly, as one Senator from one State that is not getting its fair share, or anywhere close to its fair share, we intend to fight very, very hard to see a more equitable distribution of those funds. We are not asking for more than our share. We are simply asking for equity.

I thank the Senator from New Hampshire for his sense-of-the-Senate resolution and hope my colleagues will support it and yield back what remaining time I have.

Mr. GRASSLEY. Mr. President, Arthur Hays Sulzberger, legendary publisher of the New York Times stated once:

> A man's judgment cannot be better than the information on which he has based it.

This is what the Smith amendment to Senate Resolution 62, the committee funding resolution would do. It would provide information to the Senate so that individual Members can make a judgment based on the best facts available.

We need to know what impact legislation will have on our States. Too often the Senate has been called upon to make a decision on important policy matters without sufficient information about the fiscal impact on our respective States. The information provided is essential in order for us to make sound determinations.

This is a basic piece of data. How can we vote for or against legislation without consideration to the fiscal impact? It seems like such a simple, obvious item, but it is an item that is not fully considered in today's present environment.

The equitable distribution of Federal funds among States is an important public policy consideration. As an example, one aspect of Federal funds which are distributed unfairly is Federal procurement contracts.

According to a report from the Northeast-Midwest Institute, Federal tax and spending policies in recent years have caused a massive flow of tax dollars from this region to faster growing southern and western regions of the country. The institute has compiled data showing that States in those regions of the United States have not garnered a representative share of Federal prime contract dollars.

Unfortunately, the State of Iowa reflects the same shortfall as the region as a whole. A comparison of the State per capita value with the national value shows that Iowa receives a per capita amount of $209. Compared with a national average of $626. Therefore, instead of receiving 0.96 percent of the Federal contract budget which would be comparable to our tax burden, Iowa receives 0.37 percent of the $155 billion of Federal contract dollars.

Is this fair? Is this equitable? Is this just?

Obviously it is not, Mr. President, and this amendment would help to address this disparity by giving us the tools to deal effectively and knowledgeably with this question.

I appreciate the leadership of the Senator from New Hampshire in presenting this amendment today and I am proud to be an original cosponsor.

Mr. FORD. Mr. President, the distinguished Senator from New Hampshire and I have talked. I think he is in agreement, as the ranking member and I are in agreement, that we will yield back our time and then ask unanimous consent to set this amendment aside while our staffs begin to work out something that would be acceptable to all of us.

We both agree, I believe, that we want to accomplish the end result. But the cost of getting there and the responsibility of those reporting in a timely manner began to bother some of us a little bit in this colloquy we have been having here on the floor.

So, on that basis, I would be willing to yield to the distinguished Senator and he can yield back his time and we would yield back ours and I will make that unanimous-consent request.

Mr. SMITH. I thank the chairman. That is acceptable to me. I at this point yield back my time.

The PRESIDING OFFICER. The time of the proponents is yielded back.

Mr. FORD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. FORD. Mr. President, I ask unanimous consent that the amendment by the distinguished Senator from New Hampshire [Mr. SMITH] be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment No. 15 proposed by the Senator from New Hampshire is set aside temporarily.

Does any Senator seek recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, so I can get things in order, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 16

(Purpose: To strike the proposed increase in staff funding requested by the Foreign Relations Committee)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 16.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

> (a) On page 16, line 15 strike "$2,774,561" and insert in lieu thereof, "$2,429,561."
>
> (b) On page 16, line 25, strike "2,891,437" and insert in lieu thereof, "$2,533,437."

Mr. HELMS. Mr. President, I do not wish to offend any Senator, but I am going to state what I believe to be a fact as a premise for this amendment.

There is not a Senator in this body, nor has there ever been a Senator running for office or a candidate running for office, who did not go around his or her State saying, "Federal spending has to be cut. This deficit is outrageous. This $3.4 trillion Federal debt is a disgrace. And if I am reelected, I am going to see to it that this spending is cut."

Then what do they do? They come back up here and vote for more spending. I exclude myself and some other Senators from that.

The record is clear about every Senator in this Chamber about his or her position on Federal spending, his or her willingness to tighten the belt.

That is the premise. Now let us get down to the brass tacks.

Mr. President, the committee funding resolution, Senate Resolution 62, now before the Senate, provides for increased real spending by the Foreign Relations Committee, of which I am the ranking member, increased real spending by that committee for additional staff by 36 percent for 1991 and 41 percent for 1992 over the committee's actual spending history in the 1988–90 period.

Square that, Mr. President, with all this campaign rhetoric that we hear every time a Senator or candidate for the Senate makes a speech. The interest on the national debt run up by this Congress will cost the taxpayers $250 billion, approximately, this year, if not more.

It was 20 or 25 years ago, when a distinguished President of the United States named Lyndon Baines Johnson was climbing that wall when he suddenly realized one day that he was going to be the presiding President when the total budget of the Federal Government exceeded $100 billion.

The amendment which the distinguished clerk has just read, offered by the Senator from North Carolina, strikes this proposed increase in spending for the Foreign Relations Committee for 1991 and 1992, to the extent that such spending exceeds the original Rules Committee guidelines. That is it.

Good Lord, Mr. President, America is just finishing a war. This Nation is deeply in debt, as I said earlier. We are in the midst of a recession. Congress has just raised taxes. Why? Was it so that the Foreign Relations Committee could increase its spending for staff by 36 to 41 percent? I do not think the American people would countenance that, even if it is "only" an amount of about $800,000; $800,000, down my way, is a nice piece of change.

If we are not good stewards at little things, we are not going to be good stewards in anything else, and that is what I want to impress upon this Senate.

Our colleague, the distinguished majority leader, GEORGE MITCHELL, had it exactly right in his televised response to the President's recent State of the Union Address. Let me tell my colleagues what GEORGE MITCHELL said, and he was everlastingly correct:

"We all—" he did not say "We all, except the Foreign Relations Committee—"

"We all have to do more with less."

He went on to say:

"Your families have to. Government must do the same, to be more careful with your tax dollars."

Hurrah for GEORGE MITCHELL. I am tempted to say he pinned the tail on the donkey, but that would be a little harsh. He pinned it on the Republicans, too. So this is put-up or shut-up time. A little thing, maybe: "Oh, it's just $800,000, Senator HELMS." From where I come, that is a pile of money. We ought to heed the majority leader; he was right.

Yet, despite the wise admonition of the majority leader, the Rules Committee resolution has approved an increase in spending by the Foreign Relations Committee by about $703,000 over 2 years; $468,000 for the majority staff, meaning the Democrats, and exactly half of that, $234,000 for the minority staff, that is to say, the Republicans.

I do not think it ought to be increased for either side. This spending is to be financed how? By sleight of hand; sort of double bookkeeping. I will probably lose this little contest, but what they are going to do is carry over the surplus in funds from previous budget authority.

One of the Senators came up and said, "We are just going to let them use surplus funds." But I said, "Senator, will you be spending more money?" He said, "Yes." Diogenes can put out his lantern; at least he was honest about that.

I am a member of the Rules Committee, and I voted against this proposition by myself. That does not make me a hero. It just makes me consistent. The Rules Committee has called this nonrecurring funding for so-called temporary positions.

Let me tell you something, Mr. President: When it comes to the Federal Government, there is nothing so near eternal life as a temporary tax or a temporary position. We all know what the word "temporary" means around this place, do we not? It means let us spend more and more and more, just like Tennyson's brook.

This amendment would do just one thing. It would simply delete the so-called temporary funding for 1990, a "modest little sum" of $345,000; as well as the so-called temporary funding for 1991, another "modest little sum" of $358,000. It is to be noted that the committee recommended a higher temporary funding for 1991 because it added in the 4-percent COLA.

Senators may be interested in a chart that I have right beside me. This cannot be printed in the RECORD, but it is in the committee report. My colleagues may want to take a look at it.

This chart illustrates just how dramatically spending on the Foreign Relations Committee has increased over the past few years, and how much more it will increase if my amendment is defeated. Look at it Mr. President: Up she goes, from here to here, since 1981. If Senators wish to see that, as I say, the chart is in the committee report.

I am using the word "spending" instead of "funding." Let it be clear: Spending is what we are talking about; Federal spending is what we are talking about; spending the taxpayers' money is what we are talking about. We are not talking about some elusive, illusory little word like "funding."

I will tell Senators what they are going to hear from the other side. They are going to say "this is only a 1.97-percent increase, and the 1.97-percent increase is the only increase requiring "new money." The 36-percent increase in spending is funded from a carryover of old money."

Mr. President, new or old, it is not our money to spend, if we meant what we said when we campaigned. It is not new money; it is not old money: It is the taxpayers' money. So I very much doubt that the taxpayers are going to make any big distinction between new money and old money. A dollar is a dollar, whether it just came off the press, or whether it has been carried around for a while. The American taxpayers are exactly right. It is their money.

So I used a round figure of $800,000 a while ago. The precise figure is $703,000 that we have an opportunity to save. It is not much in terms of the enormous Federal budget with zeros running from here to here. Maybe that is an insignificant amount, as I said a while ago, to those who travel in the big spending circles in Washington, DC, and go to all of the parties and ride around with chauffeurs and that sort of thing. But it is a lot of money to that struggling taxpayer, that struggling small businessman in Beulaville, NC, or Tryon, NC, or Apex, NC, and all across this country.

That is why, when this committee funding resolution was voted out, I said that I intended to offer an amendment to save this money for the taxpayers, and here I am. There is nothing noble about it. I think it is what we all ought to do, and this amendment ought to pass unanimously if we meant what we said in our campaign rhetoric.

I say again that the $703,800 in and of itself is not going to make a big difference in the dificit, but suppose we had 1,000 instances where you saved that amount of money? It would be a small dent; we would be on our way. At least we would be intellectually honest.

The real question, Mr. President, and I mean this with my heart and soul, is what kind of message are we sending to the taxpayers back home? Should the Senate make increasing its own staff one of its first acts following passage last year of that major tax increase which purportedly was intended to reduce the deficit? Which, by the way, I said it would not do. Others seated here today said it would not reduce the deficit, and it sure as heck has not done it.

We ought not to increase spending on staff. If we do, if Senators vote against this amendment, and I guess they will, it will be all the more difficult for us to say no to all the lobbyists and the agencies and the Government departments who approach us seeking increases in funds for their little red wagons. If we are not faithful in little things, we are not going to be faithful in big things.

More importantly than that, we will further diminish any remaining faith the American people have in the ability of this institution, the U.S. Senate, the Congress of the United States, to undertake the kind of spending cuts necessary to put America's financial house in order.

Mr. President, what is so appalling about the proposed increase in funding for the Foreign Relations Committee is that the committee does not need to increase its spending. The Foreign Relations Committee has a reputation for high productivity on its present reasonable funding. As a matter of fact, we could get along with less than we have been spending, not more.

I have another chart here. I put it up here to illustrate the facts. What we see here is the workload productivity for Senate committees, published by our own Rules Committee. I am a member of the Rules Committee as well as the Foreign Relations Committee. Parenthetically, elatedly I say I shortly will no longer be a member of the Ethics Committee.

The report of the Rules Committee accompanying the committee funding resolution for the 101st Congress showed that the Foreign Relations Committee had ranked 10th in the size of the budget. We see that, but it ranks near the top in terms of all measures of productivity. It is pretty interesting in the light of all of this outcry about we have to have more money.

Senators wanting this increase cited this same evidence of committee productivity but argued, in effect, that we should be rewarded with more money for turning out so much work on a lean budget. That does not even make good nonsense, let alone good sense.

It is the other way around, Mr. President. We had demonstrated that we do not need more money to do a good, productive job. Up to now, we have kept faith with the taxpayers, and I have stood with CLAIBORNE PELL in resisting increases in the committee's spending year after year. But the chairman had some pressure put on him by Members on his side of the aisle, so here we are. We are on opposite sides, but I say to my distinguished chairman, Senator PELL, who is the ultimate gentleman, that we should not betray the taxpayers now.

In further defense of this proposed spending increase, the majority on the Senate Foreign Relations Committee has declared that there will be an increased workload this year. Perhaps, but on the basis of the evidence put forward to support this assertion, the workload will, in fact, decrease when compared with previous years. I know a little bit about what to anticipate in workloads. I have been on the committee quite a while. That is the reason I am the ranking member; I have been around a little bit longer than anybody else on my side.

Mr. President, I ask unanimous consent that the list of legislative activity put forward by the majority to justify the spending increase with status comments by the minority be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE ACTIVITY IN 1991

(As Projected by the SFRC Majority on January 19 with Status Comments by the Minority)

Summary: One re-enactment already scheduled for Floor action; one omnibus bill combining normal committee mandate on foreign relations and foreign aid; one IMF quota increase; one possible South African sanctions bill; SEED II, as reported in 1990; possible UN peacekeeping for Gulf. Comment: Five bills projected, of which only two will require major work.

LEGISLATION

Chemical and Biological Weapons Control Act

Status: Re-enactment identical to last year's bill; may be on Senate Floor today.

Foreign Relations Authorization Act (State/USIA/BIB/Foreign Aid)

Status: Normal Committee Mandate every two years.

IMF Quota increase

Status: Regular quota increase once or twice every 10 years.

Possible legislation on South Africa sanctions

Status: Indefinite; Reduction or repeal of 1985 Act; dependent upon agenda of South African government.

Seed II

Status: Multiple hearings held in 1990; new mark-up required once a consensus is established.

Legislation relating to post-war situation in Persian Gulf (e.g. authorize emergency funding for U.N. peacekeeping)

Status: Indefinite; minor issue.

TREATIES

Summary: Four major treaties on indefinite hold; one already reported; one incomplete; four minor U.N. human rights treaties. Comment: Ten treaties, of which only four minor treaties available for work in the foreseeable future.

Start Treaty

Status: On indefinite hold.

Conventional Forces in Europe Treaty

Status: On indefinite hold.

U.N. Chemical Weapons Treaty

Status: On indefinite hold.

U.S.-Soviet Maritime Boundary Treaty

Status: On indefinite hold until status of Baltics clarified.

Montreal Protocols on airline disaster compensation

Status: Reported January 29, 1991.

U.S.-Philippine Base Agreement

Status: Not completed.

Four U.N. human rights treaties

Status: Will require hearings on each.

Mr. HELMS. Mr. President, Senators should compare the list of projected workload provided in justification of the proposed spending increase with the record of workload handled by the committee under current spending levels during the previous two Congresses.

Mr. President, I ask unanimous consent that these lists be printed in the Record at this point to be followed by the Rules Committee chart rating committee performance, which I mentioned earlier.

There being no objection, the material was ordered to be printed in the Record, as follows:

TREATIES AND BILLS REPORTED, SENATE FOREIGN RELATIONS COMMITTEE

100TH CONGRESS, 1987 AND 1988

Total No. of Treaties Reported: 29.

Ex. N, 94-2, w/USSR on Nuclear Weapons Testing 2/27/87.

Treaty Doc. 99-7, Amend. Int'l Atomic Energy Agency 7/28/88.

Treaty Doc. 99-15, w/Senegal on investments 10/4/88.

Treaty Doc. 99-17, w/Zaire on investments 10/4/88.

Treaty Doc. 99-18, w/Morocco on investments 10/4/88.

Treaty Doc. 99-19, w/Turkey on investments 10/4/88.

Treaty Doc. 99-20, Conv. on Int'l Labor Standards 12/17/87.

Treaty Doc. 99-21, Conv. on Standards on Merchant Ships 12/17/87.

Treaty Doc. 99-22, w/Cameroon on investments 10/4/88.

Treaty Doc. 99-23, w/Bangladesh on investments 10/4/88.

Treaty Doc. 99-24, w/Egypt on investments 10/4/88.

Treaty Doc. 99-24, w/Grenada on investments 10/4/88.

Treaty Doc. 99-27, Berne Conv. Preserving Art & Lit. 7/14/88.

Treaty Doc. 99-30, Conv. w/U.K. on taxes (Bermuda) 9/22/88.

Treaty Doc. 100-1, Int'l Wheat Agreement 10/30/87.

Treaty Doc. 100-3, To prevent pollution from ships 10/14/87.

Treaty Doc. 100-4, (2) Conv. Nuclear Accidents & Asst. 7/28/88.

Treaty Doc. 100-5, Fisheries with Pacific Islands 10/22/87.

Treaty Doc. 100-8, MLAT w/U.K. Cayman 9/30/88.

Treaty Doc. 100-9, Int'l Rubber Agreement 8/3/88.

Treaty Doc. 100-10, Montreal Proto. on ozone 2/19/88.

Treaty Doc. 100-11, INF Treaty w/USSR 4/14/88.

Treaty Doc. 100-13, MLAT w/Mexico 9/30/88.

Treaty Doc. 100-14, MLAT w/Canada 9/30/88.

Treaty Doc. 100-15, Sup. Proto. w/Belgium on taxes 9/22/88.

Treaty Doc. 100-16, MLAT w/Belgium 9/30/88.

Treaty Doc. 100-17, MLAT w/Bahamas 9/30/88.

Treaty Doc. 100-18, MLAT w/Thailand 9/30/88.

Treaty Doc. 100-21, Proto. to Conv. w/France on taxes 9/22/88.

Total No. Bills Reported: 14.

S. 184, Economic Asst. To Central America 3/6/87.

S. 1268, Amend Foreign Agents Registration Act 7/13/88.

S. 1274, Amend For. Asst. Act & Arms Export Act 5/22/87.

S. 1327, Prevent U.S. involvement in Persian Gulf 7/7/87.

S. 1343, to comply with War Powers Resolution 7/10/87.

S. 1394, Auth. Approp. for State Dept., USIA 6/18/87.

S. 1406, Amend Foreign Asst. Act to create MDB & MIGA 6/23/87.

S. 1498, Amend Arms Control Disarmament Act 7/15/87.

S. 1614, Restrict U.S. assistance to Panama 12/15/87.

S. 2204, Implement Inter-America Conv. on Arbitration 9/27/88.

S. 2304, Extend Commission on the Ukrainian Famine 5/18/88.

S. 2365, Release USIA film related to Marshall Plan 6/21/88.

S. 2756, Antiapartheid Act of 1988 9/23/88.

S. 2757, Amend Foreign Asst. Act & OPIC 9/7/88.

Nominations: 188 reported in 1987 & 1988.

101ST CONGRESS, 1989 AND 1990

Total No. of Treaties Reported: 24.

Ex B 95-1, Montreal Protocols int'l carriage by air, 6/28/90.

Treaty Doc. 99-13, W/Tunisia on taxes, 6/28/90.

Treaty Doc. 99-14, W/Panama on investments, 10/9/90.

Treaty Doc. 100-8, MLAT w/U.K. Cayman 7/31/89.

Treaty Doc. 100-13, MLAT w/Mexico 7/31/89.

Treaty Doc. 100-14, MLAT w/Canada 7/31/89.

Treaty Doc. 100-16, MLAT w/Belgium 7/31/89.

Treaty Doc. 100-17, MLAT w/Bahamas 7/31/89.

Treaty Doc. 100-18, MLAT w/Thailand 7/31/89.

Treaty Doc. 100-19, Montreal Proto.-airport violence, 11/19/89.

Treaty Doc. 100-20, Torture Conv. 8/30/90.

Treaty Doc. 100-22, W/Indonesia on taxes, 7/27/90.

Treaty Doc. 101-1, Maritime Navigation Conv. 11/19/89.

Treaty Doc. 101-2, Conv. on Labor Statistics 11/14/89.

Treaty Doc. 101-4, U.N. Conv. on Narcotic Drugs 11/14/89.

Treaty Doc. 101-5, W/India on taxes 7/27/90.

Treaty Doc. 101-6, Conv. w/OECD on tax matters 7/27/90.

Treaty Doc. 101-9, Supplementary to Tunisian tax matters 7/27/90.

Treaty Doc. 101-10, W/Germany on taxes 7/27/90.

Treaty Doc. 101-11, W/Finland on taxes 7/27/90.

Treaty Doc. 101-16, W/Spain on taxes 7/27/90.

Treaty Doc. 101-18, W/Poland on business 10/9/90.

Treaty Doc. 101-19, Nuclear Test Ban w/USSR 9/14/90.

Treaty Doc. 101-20, Final Settlement on Germany 10/5/90.

Total No. of Bills Reported: 16.

S. 195, Chemical/Biological Weapons Act 10/17/89.

S. 347, Int'l Terrorism 10/26/89.

S. 760, Bipartisan Accord of Central America 4/12/89.

S. 1160, Auth. Approp. for Dept. State & USIA 6/12/89.

S. 1324, Auth. Approp. for Intelligence Activities 10/26/89.

S. 1347, Amend. Foreign Assistance Act 7/18/89.

S. 1582, For. Asst. to Poland and Hungary (H.R. 3402) 9/20/89.

S. 1868, Amend. Arms Control & Disarmament Act 11/9/89.

S. 1941, Implement Conv. on Int'l Commercial Arbitration 6/6/90.

S. 2017, Eisenhower Exchange Fellowship 6/28/90.

S. 2073, Auth. Assistance to Panama and East Europe 2/6/90.

S. 2364, Auth. Supplemental Asst. to Panama & Africa 4/29/90.

S. 2575, Ban on Mineral Activities in Antarctica 9/25/90.

S. 2749, Supplemental Auth. for State Dept. 6/28/90.

S. 2944, SEED Bill 7/19/90.

S. 3041, Policy toward Central Amer. 9/14/90.

Nominations: 240 reported in 1989 and 1990. (Dates listed are the dates reported out of committee).

WORKLOAD/PRODUCTIVITY RANKINGS FOR SENATE COMMITTEES

[100th Cong. 2d sess.]

	Budget rank	Number of employees rank	Square feet per employee		Reported bills and resolutions, rank	Reported nominations, rank	Number of meetings, rank	Number of meeting hours, rank
			Rank	Policy [1]				
Agriculture	14	12	19	120	9	11	13	9
Appropriations	4	6	1	204	9		1	1
Armed Services	8	11	7	153	13	1	3	2
Banking	15	14	4	171	14	9	11	8
Budget	6	5	14	142	16		15	15
Commerce	5	4	16	137	3	2	7	6
Energy	9	9	13	145	2	8	4	3
Environment	11	10	12	149	8	11	9	13
Finance	7	7	10	150	5	7	10	7
Foreign Relations	10	8	9	151	3	4	2	4
Government Affairs	2	3	3	180	12	6	8	5
Judiciary	3	1	5	162	1	5	5	11
Labor	1	2	6	154	6	3	12	12
Rules	16	16	2	185	11		17	19
Small Business	19	17	7	153	17		16	18
Veterans Affairs	18	18	10	150	15	13	19	16
Aging	17	15	18	125	19		18	17
Intelligence	12	13	17	129	18		6	10
Indian Affairs	13	19	15	138	7	10	14	14

[1] In 1983 the Rules Committee set the policy of providing 140 SF per employee as a goal.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HELMS. Mr. President, let me explain how the Foreign Relations Committee surplus came about in the first place. The Rules Committee, of which I am a member—and I was the only Senator on this committee to object—the Rules Committee recomended the Foreign Relations Committee should be allowed to carry over the unexpended funds from Senate Resolution 381, Senate Resolution 66(B) and Senate Resolution 66(C). Mr. President, you try to explain that to somebody in Paducah, Kentucky, or Smithfield, NC. They do not care about Senate Resolution 66(B); all they care about is that we are spending money that we do not have to spend.

Under the combined resolution carryovers, a total of $4.3 million will be allowed, and now we are getting into a little bit higher cotton in terms of the amount we talk about. This amounts to $4.3 million that could otherwise be saved for the taxpayers of America.

With regard specifically to the Foreign Relations Committee, the amount in question is $817,853 estimated to be the surplus on February 28. The distinguished chairman of the Foreign Relations Committee, with my full and total and enthusiastic support, has been most frugal in the past. But, then again, he is provided with twice as much budget for staff as is the Senator from North Carolina.

In 1988, under Senate Resolution 381, the committee was authorized to spend $2,438,915, to be precise. But the committee spent $2,224,935, and that unspent $213,980 was carried over to 1989.

OK. Then comes 1989. Under S. 66(B), the committee had budget authority of $2,880,636, including the $213,980 carryover to which I just alluded. The committee spent $2,383,640, the result being that $496,996 remained unspent from the total budget authority.

Then we came to 1990. Under Senate Resolution 66(c), the committee had budget authority of $3,218,000, including the $496,996 carryover. But what did the committee spend? The committee spent $2,400,147, the result being a carryover of $817,863.

Now, the Rules Committee proposes to allow, with this $817,863, which was saved heretofore by the committee, or at least not spent by the committee, the committee to march forth and hire for the next 2 years, people who are not needed for additional staff.

Now, come on, Mr. President, how about that campaign rhetoric? Oh, Joe Smith, the candidate for the Senate said, "If I am reelected, we are going to bring spending down. We are going to control spending. We've got to do it for the younger generation." Good stuff. People clap, and say, "That's great."

In any case, Mr. President, I ask unanimous consent that a table summarizing that data be printed in the RECORD at this point.

There being no objection, the data was ordered to be printed in the RECORD, as follows:

SFRC carryovers 1988-91—How the $817,583 surplus occurred

1988 funds authorized by S. Res. 381	$2,438,915
S. Res. 381 funds expended	2,224,935
Carryover of unexpended S. Res. 381 funds	213,980
1989 funds authorized by S. Res. 66(B)	2,666,656
Total 1989 budget authority—carryover plus S. Res. 66(B)	2,880,636
1989 budget authority expended	2,383,640
Carryover of unexpended 1989 budget authority	496,996
1990 funds authorized by S. Res. 66(C)	2,721,004
Total 1990 budget authority—carryover plus S. Res. 66(C)	3,218,000
Estimated expended 1990 budget authority on February 28, 1991	2,400,147

Mr. HELMS. As one member of the Rules Committee, and as ranking member of the Foreign Relations Committee, I find it difficult to look at the Rules Committee spread sheets and understand the dimensions of this problem. The original request by the Foreign Relations Committee was in the amount of $3,183,489, a 17-percent increase over the 1990 authority in Senate Resolution 66 as I mentioned awhile ago.

The Rules Committee has instead recommended the amount of $2,774,561. This apparently is an increase of only $53,557 over the Senate Resolution 66 level. The Rules Committee says that this is an increase of only 1.97 percent. If you believe that, Mr. President, I have a little bit of swampland down in North Carolina I want to show you.

The fact is—and I say this with all due respect—this is sleight of hand. Now you see it, now you do not. The Rules Committee reshuffled the deck, but they still have the same number of cards. The committee will allow carryovers of unspent funds from last year. The actual budget authority recommended by the committee for 1991 is $2,838,488. But in addition, the Rules Committee will allow $345,000 in "nonrecurring funds" to be paid for from this carryover.

Thus, the total 1991 funding recommended by the Rules Committee is $3,183,488. What do you reckon that turns out to be, I ask the Senator from Mississippi? I am glad to see him here. That turns out to be precisely $1 less than the Foreign Relations Committee requested. See, all sleight of hand.

Now, compared with the 1991 budget authority recommended by the Rules Committee, this increase amounts to, of course—anybody with a pocket calculator can figure it out—a 17-percent increase as originally requested, not 1.97 percent.

But, if you examine these figures from the standpoint of actual spending—and that is what costs the money, the money we spend. If you want to fund something for $10 trillion and do not spend it, that does not have any effect. But I am talking about what we spend throughout this Federal Government. I am also talking about, start with me. Start with my committees. Start with the Senate. Start with the Congress. Let us be role models for a change. But the botton line is, Mr. President, if you examine these figures from the standpoint of actual spending, not abstract budget authority, but actual spending—I repeat those words just to emphasize them: spending, spending, spending—the increase is even more dramatic.

During 1988 through 1990, the Foreign Relations Committee spent a total of $7,008,722. Thus, the average actual spending for the 3 years was $2,336,488. I wanted Senators to know where I got that figure. But when the actual average spending is compared with the $3,183,488 budget authority recommended—and we have to assume that the Foreign Relations Committee intends to spend it all—the increase in actual spending will be 36 percent.

Now, how do you think that is going to play in Peoria? George Mitchell correctly said we have to tighten our belts. All of us have to do it. The Foreign Relations Committee says, well, not us. We want to shoot it up to 36 percent.

Mr. President, I ask unanimous consent that a table summarizing this data be printed in the RECORD.

There being no objection, the data was ordered to be printed in the RECORD, as follows:

SFRC funding: Reshuffling the deck, same number of cards

Original 1991 request	$3,183,489
1990 S. Res. 66 authority	2,721,004
Request increase over S. Res. 66	462,485
Percent increase	17
1991 new funds recommended by rules	2,774,561
1990 S. Res. 66 authority	2,721,004
Recommended increase over S. Res. 66	53,557
Percent alleged increase	1.97
1991 recommended budget authority	2,838,488
Additional "non-recurring" funding	345,000
Total recommended 1991 funding[1]	3,183,488
Compare with S. Res. 66 authority	2,721,004
Percent increase in real spending[2]	17
Minimum allowable carryover	408,927
Total 1991 funding less carryover[3]	2,774,561
Total actual spending 1988–90	7,008,722
Average actual annual spending	2,336,241
Total recommended spending 1991	3,183,488
Increase in actual spending 1991	847,247
Percent increase in actual spending	36
1992 recommended budget authority	2,941,563
Additional "non-recurring" funding	358,000
Total recommended 1992 funding	3,299,563
Compare with S. Res. 66 authority	2,721,004
Minimum allowable carryover	408,926
Total 1992 funding less carryover[3]	2,890,637
Total actual spending 1988–90	7,008,722
Average annual spending	2,336,241
Total recommended spending 1992	3,299,563
Increase in actual spending 1992	963,322
Percent increase in actual spending	41

[1] Equals $1 less than request.

[2] Equals same as original committee request.

[3] Equals new funds.

Mr. HELMS. That is about it, Mr. President. By the way, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? At the moment there is not a sufficient second.

Mr. HELMS. I want to give Senators time to get here and provide a sufficient second. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FORD. Mr. President, will the Senator yield and withhold that suggestion of the absence of a quorum?

Mr. HELMS. Sure. I will be glad to do that.

Mr. FORD. I am not going to do anything to the Senator and I am sure he is not going to do anything to me.

Mr. HELMS. I know that. Mr. President, I withdraw any suggestion.

The PRESIDING OFFICER. The suggestion for the absence of a quorum is withdrawn.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in support of the amendment, and I also would like to be heard with regard to the overall funding resolution for committees. First, I would like to say that I served 4 years as a staff member for my predecessor in the House of Representatives back in the late 1960's and early 1970's, so I certainly have no animosity toward our staff members. I think that they do a magnificent job, in many cases working long hours in extra effort, with not a lot of pay. Many could be out in the private sector making more money and doing a lot more for themselves and their families. So I want to emphasize again, the staff we have in the Senate and most of them on our committees and on our personal staffs really do a great job, quite often under very difficult circumstances.

I also want to recognize up front that the Rules Committee, its chairman and ranking member and its total membership have a tough job. It is kind of like being on the Ethics Committee; you have to judge your colleagues. You have the college of cardinals coming in, the chairmen of the committees and ranking members, saying we need more money, we need this amount or that amount. And now we have the Senator from Kentucky and the Senator from Alaska and others who have to say no, that is too much; we cannot go along with that.

That is a tough, thankless job, so I want the chairman and the ranking member and the members of the Rules Committee to know I understand it is a tough job. I think for the most part they have done a good job this year. They have really worked to hold down the funding for committees.

Having gotten that on the boards, let me move along. That was the soft part. Here comes the other part.

I think we have too much staff; too many around here. If there is anything we do not need, it is more staff. I have always felt that Senators rely too much on staff. In fact, sometimes staff members think they are the Senators.

They start speaking for us and instead of us. I think it is a bad practice.

I think the Senators ought to do the jobs. There has been a lot of fuss lately about Senators attending a meeting or meetings without staff members, as if Senators cannot go to a meeting without staff members. Gee, whiz. We can speak for ourselves and think for ourselves. I think we would do a lot better job and would be a lot better off if we did not rely on staff so much.

Yes, we are all busy. We represent big States, small States. We serve on three, four committees, nine subcommittees.

There is too much of that. I think Senators should not be able to serve on more than two principal committees and one minor committee—a limited number of subcommittees. We would do a better job, all of us. We all do it. I am on, I do not know how many, a couple I wish I were not on right now.

In order to cover all those committees you have to have more staff. We need to limit ourselves and certainly limit the number of staff people we have around here.

If we would cut staff, we would get more work done. A few years ago when I was the Republican whip in the House about 12 staff members worked for the Republican whip. They kept throwing my dog in the fights I did not want him in. Sometime I would wake up and my staff would have me in a battle I did not even know about. The presiding Member knows what I am talking about.

I also kept having all these papers on my desk—great staff people, very prolific, and they would send me all these memos, "do this, that, you need to be here." All of a sudden I had this desk stacked up like that. I was getting more and more work and doing less and less.

Guess what I did. I said we have to get rid of staff people. I cut back to eight or nine. I then had better quality staff work, and less volume. I was able to keep a better eye on them. My dog did not get bitten as much in fights I did not even know he was in. I did a better job because I had the staff I really needed. I did not have staff trying to prove their worth as much by giving me reams of paper.

So I have seen it happen. We could cut staff and do more. I urge that we all think about that a little bit.

I am now ranking on two subcommittees—one the Merchant Marine Subcommittee of Commerce, Science, and Transportation, chaired by the distinguished Senator from Louisiana [Mr. BREAUX]. And, I have just moved up to be ranking on the subcommittee with the Senator from Illinois [Mr. DIXON] on the Readiness Subcommittee of the Armed Services Committee with a lot of jurisdiction.

With these assignments, I looked around and said, great. I am going to have more staff now. Surprise. It does not work that way. The chairman and the ranking members control these staffs very closely. I do not get any additional staff assistance other than what was already there. They report to other more senior members of the committee: the ranking member or the chairman.

So not only are we adding more staff, quite often the Senator who is doing the real grunt work is not getting it. I have sympathy for these subcommittee chairmen of the Foreign Relations Committee, saying if we are going to do the work, more work, we need to have our staff doing it. What happens is I have to have a member of my regular Senate staff be a go-between between me and the committee or the subcommittee staff.

I feel uncomfortable about that, quite frankly. He should be doing work for me as a Senator from the State of Mississippi, but I have to have this go-between between my committee and my work, and my own office—my own staff.

Once again we keep adding staffers, but it does not seem like the staffing is getting to the people who are having to do this work. They are still answering to someone up above that.

We talk about controlling spending. We were told that in last year's budget resolution, which I am very proud I voted against, we were going to have less spending, control spending. I did not believe it. I do not think anybody believed it.

The fact is we are not. It has gone up. I still feel like the administration made a mistake there. We raised taxes in that budget. We have more taxes coming in, and more deficit.

The people out in the real world do not understand how that happens. At the same time we tell them we are going to control spending, we are going to raise our own committee staffs. Come on. It is indefensible.

We ought to freeze Federal spending across the board. Freeze it. Maybe in some areas where we have extraordinary problems we should allow a little ratchet up and find places other than defense to cut some spending.

We are in a free fall in defense cuts—12-percent reduction this year over last year. Surely we could set a little bit of an example by saying, let us at least freeze our own staff and committee funding level or even cut it back. If we could at least freeze it, we should not allow it to go up.

This idea of carryover, boy, is that a bad prize. I guess a committee could save up hundreds of thousands, millions of dollars. How long can you carry it over?

I think the committee is trying to control that, and maybe this time you can only carry over 50 percent. I tell you how much I think you should be able to carry over from one session of Congress, one 2-year period to the next—zero, zip, none. You should not spend it unless you need it. If you do not spend it, you lose it. It could go back to the Treasury and reduce the deficit.

So I hope we will stop that practice altogether. Again I do not believe the general public would understand the carry-over arrangement. I do not think they understand it in a lot of areas where the Federal Government allows that to happen.

Are we talking about a paltry number of people here? No. We are talking about over 1,200 committee staff positions, as I understand it. I would be glad to get the exact number. I saw a number 1,203. They may not all be filled.

Mr. FORD. It is 1,239.

Mr. LOTT. It is 1,239. Maybe that is not too much. But that seems like enough. Let us stop it there, roll it back just a little bit, a little attrition, or something of that nature.

With regard to the Foreign Relations Committee, it is a very, very important committee. It has important responsibilities. The distinguished chairman and the ranking member work together to try to do a good job on treaties and confirmations. That is all fine. I do not know how to judge whether they are going to have more or less work. I hope they have less work.

If they want to find some ways they can cut back some spending in Foreign Relations—I have a couple of examples. I suggest we can save money on Jordan. I do not want to be too critical of the committee, but I think to have any increase in committee funding this year over last year for Foreign Relations is too much. One dollar is too much. But to allow it to go up 1.97 percent, that is too much. To allow it to go up 36 percent, that is astronomical. It is outrageous.

You might say, well, most of what we are talking about is carry over. All I know is they are going to spend, according to what I have, $690,000 more this year than last year for the Senate Foreign Relations Committee—$690,000.

You know that just will not do. I do not care if the subcommittees are going to do more work. I think they may. I think that is a good idea. I think some committees do too much work at the full committee level. They need to do more work at the subcommittee level.

I commend the chairman and his subcommittees for working in that direction. But maybe we should phase it in a little slower. Maybe you should redirect some of the existing staff to the subcommittees. That is what I think is done on most committees. I do not think the chairman and the ranking members ought to control these staffs quite so closely. If you are going to be ranking on some subcommittee or chairman of that subcommittee, you should be able to get those people to work with you and for you and at your direction.

Mr. FORD. Will the Senator yield for a question?

Mr. LOTT. Yes.

Mr. FORD. Mr. President, my dog is not hardly in this fight. But I am chairman of the Rules Committee, and the Senator from Alaska is the ranking member. The Senator referred to the Foreign Relations Committee as if they have subcommittees. They are reorganizing. They are now giving subcommittees the authority to spread the load out just a little bit.

So you are preparing apples and oranges here, and the Senate has to understand that all committees have not been organized right, and yet, remember that some of the Republicans on the Foreign Relations Committee voted for this budget. And so I just want to say that we have had a mix here, and I wanted to be sure to say, when the Senator was criticizing the Foreign Relations Committee about giving more staff to subcommittees, they do not have subcommittees.

Mr. LOTT. I thank the chairman, and I would like to respond. No. 1, I think they are moving in the right direction. I commend them for going to subcommittees and doing more subcommittee work. I think, though, what they ought to do, instead of adding more staff on what they already had, they ought to look at maybe dividing up some of the slots, not necessarily the people that they had for the full committee, down to the subcommittee level. Maybe they should not have had as much increase below in the subcommittees in the first instance.

I have gone through this before when I was in the other body. It is not a partisan thing. Republicans are as guilty as Democrats quite often. One of the things that I was not proud of was when the Republicans were in control, I thought they could have reduced staff more than they did. If we get back control, I am going to be advocating an across-the-board cut in committee staff slots. I know Republicans voted for it. It is not Democrat or Republican. This is institutional, and we ought to all say, Republican and Democrat, staffs are too big; they are costing too much money. Let us change. Why do we always have to look at how it was done in the past? We always build on whatever we had before, and we want more.

In the House of Representatives, I can remember going to ranking members on the subcommittees, and ranking members of the full committee and saying, "Why in the world are you supporting the chairman's request? You are an accomplice." The Republicans always lose on that anyway. If the majority gets a $400,000 increase, the Republicans get $160,000. You never get ahead on it. But is is not Republican and Democrat, and it is not the size of the money. It is the principle.

How can we ever really convince anybody we are serious about controlling spending if we do not begin here? Let us at least freeze every committee. I will take my share of the lumps. Of course, that will go from zero to zero to zero, nothing. When I get my opportunity, some day hopefully, to be in a senior enough position where I can control the numbers, or chairman hopefully some day, if I do not vote to control, freeze or cut the staff numbers, I urge my colleagues to remind me and call my hand, because I will be ashamed of it, if I am aware and sane enough to realize what I am doing.

Mr. HELMS. Will the Senator yield?

Mr. LOTT. I am delighted to yield.

Mr. HELMS. I think the distinguished chairman of the Rules Committee inadvertently misspoke. In the first place, the Senate Foreign Relations Committee does have subcommittees. There were 59 meetings of the subcommittees last year, for example. It is true that we do not in subcommittee mark up bills, and I——

Mr. FORD. We do not separately fund the subcommittees.

Mr. HELMS. That is correct. I thank the Senator.

Mr. LOTT. I thank the gentleman for that clarification. I did not know precisely how the committee or subcommittees worked on Foreign Relations. I have been on a couple of committees for 2 years, and I have not figured out how they work either. I am still trying to figure out what a lot of the staff people do.

I have read in publications where staff members are attending conferences in New Orleans, LA, on a subject matter on which I am supposed to be the ranking member. I did not know they were going and what they were doing down there. We need to tighten up this ship a little, across the board.

Mr. HELMS. If the Senator will yield, I agree absolutely. The Senator did not have the pleasure of serving with Herman Talmadge, but I cannot count the times he got up and said we have too many staff members around this place, that we ought to get rid of half of them and put the Senators to work.

But with reference to the vote in the committee, one Republican Senator voted against me. Another Senator voted with me, and after that, it did not carry, and he voted the other way. That is the sum total of the Republican participation in the vote on this matter. One Senator who was a staff member himself—and I respect him, and he is a good friend of mine—wanted another staff member for himself so that he could be, as he put it, "more active as a ranking member."

Mr. LOTT. I thank the Senator.

And one other point I want to emphasize. While we are not happy with the funding for some committees, particularly Foreign Relations, it is important to note that some of the committees restrained themselves and did not ask for any increase or not very much of an increase—at least from what I have read—under pressure from the chairman of the committee; they restrained themselves and showed that they can get by with existing staff or very minimal increases. So this is not an indictment across the board. We need to recognize that.

I just believe that as we start this new session, and in this time of great exuberance about how our men and women have performed in the Persian Gulf, and the other things that are happening of a very positive nature, we ought to lead off this year by saying that we are going to tighten our own belts first. We should begin with the Foreign Relations Committee.

I support the amendment, and I urge my colleagues in a bipartisan way to support this effort.

I yield the floor.

Mr. PELL. Mr. President, the funding that is being discussed is a very modest increase for majority and minority salaries. This is the first time in over a decade that the committee has requested funds exceeding the Rules Committee guidelines. Such an increase is justified, however, in view of the anticipated sharp increase in the committee's workload during the 102d Congress.

For example, we expect three major arms control treaties, a maritime boundary treaty with the Soviet Union, five major human rights treaties, and much more. These are all new items over and above our regular, recurring work, and there may be even more new items depending on whatever there is post-gulf war legislation that the administration might submit to the Congress.

Existing staff resources would not enable the committee to act on this expanded agenda in a timely and effective manner. And bear in mind that the committee staff is exactly the same size as it was 10 years ago. Moreover, the budget of the Foreign Relations Committee ranks near the bottom in the Senate in budget growth over the past 10 years.

I add here that we are reorganizing the committee, and more of the work is being delegated to the subcommittees. In the past, we did not do that, and I think our workload now requires a change. I wish to increase the responsibility and activity of the subcommittees themselves under their chairmen.

Finally, this increase was approved in the Rules Committee on a 9-to-1 vote, not counting two proxies in addition to the nine.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. Mr. President, if I may, let me say to the distinguished Senator from North Carolina [Mr. HELMS] that we discussed a time agreement earlier, and he thought we might get by better with not having a time agreement. So we have gone almost an hour on this amendment, and we were almost agreeable. It looks like it might go beyond that. So trying to be a good soldier here, I would like to see if we could find a time agreement that would be amenable to the distinguished Senator.

Mr. HELMS. Mr. President, I inquire if staff or any Senator knows whether any other Senator on this side needs time?

Mr. FORD. I would not ask the staff. They probably should not be given that much responsibility.

Mr. HELMS. On the other hand, the only other way we have to take telephone calls is from the staff that we have and people answering the telephone.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I would just like to take a minute to respond to the amendment being offered by the distinguished Senator from North Carolina and make several observations.

First of all, the distinguished senior Senator from Rhode Island, the chairman of the full committee, deserves a special note of recognition. This is one of the few committees in the last decade which has never asked for a single nickel of any increase in spending.

To say the Senator from Rhode Island is parsimonious with the taxpayers' money when it comes to the Foreign Relations Committee is an understatement. In fact, this year alone, but for the reorganization of the committe, the committee would be returning in excess of $800,000 in taxpayer money to the budget. But because we are in a transition phase here in reorganizing the committee, the decision was made to use some of those dollars that would otherwise be coming back as part of the reorganization effort. So it is really not an increase at all, but utilizing some of those funds for the reorganization effort.

The chairman, with over 10 years on this committee, with all the work that the Foreign Relations Committee has been charged with, to not ask for any additional funds whatsoever, I think deserves commendation.

We hear people speak all the time, committee after committee, coming in year after year asking for increases. That charge has I suppose a certain degree of legitimacy in some cases. But if an amendment would be offered and target the Foreign Relations Committee with that argument one need only look at the record over the last decade and one would have to conclude that argument regarding this committee is just not valid.

For 10 years not a single nickel increase in funding and wanting to turn back almost $1 million in resources I think is, as I said a moment ago, commendable, and it speaks highly of the distinguished Senator from Rhode Island and his view about spending.

I point out this: In that same turnback, if you will, of dollars, the $800,000, the majority would be turning back some $740,000, if my numbers are correct, and I may be off a little bit, but roughly $740,000, and the minority is turning back $36,000. So, by comparison here, and on this committee, the majority of the leadership of Senator PELL has been far more careful about taxpayer money.

I note further that up until now the staffing of subcommittees or the staff of the Foreign Relations Committee has been the prerogative of the chairman and the ranking minority member. That is not unique. There are a number of committees that do it that way. So to suggest somehow this is spending that is being squandered by individual members of the committee is really not the case.

Every single member of the minority staff on the Foreign Relations Committee is hired by the distinguished minority leader or the minority member of the Foreign Relations Committee. Senator LUGAR has no staff on the Foreign Relations Committee. Senator MIKULSKI has no staff. Senator KASSEBAUM has no staff. Each and every member of the Senate Foreign Relations Committee minority staff is hired by the distinguished minority member, the ranking minority member of the committee.

That is $740,000 for the staff of the senior Senator from North Carolina, of which he turned back $36,000.

Senator PELL, the chairman of the committee, operating basically under the same procedures, returns some $820,000.

We are now changing a bit of that. There will be subcommittee taking on individual members, at least in the case of some subcommittees, not all of them additional staff. And to do that we are utilizing some of the funds we would otherwise be turning back.

Our hope, I think—and I do not want to put words into the mouth of the chairman of the committee at all—our hope is to be able to absorb those additional people through a process of attrition over the next couple of years. People might otherwise be retiring or there will be changes. So we hope to be able to come back to the Rules Committee in 2 years' time and not necessarily need additional funds at all.

That is our hope and I think the hope of the chairman of the committee, and it would be the hope of this Member.

So while this particular amendment may have some merit when it comes to other committees, it is inappropriate when it comes to this committee. This committee has not asked for an increase, has returned funding, and is trying really to reorganize the committee in a way the chairman has pointed out will suit the demands of the committee.

So I commend the chairman of the Foreign Relations Committee for doing just what ought to be done by other committees and he and the committee ought not to be penalized for having been that careful with taxpayer money.

I would hope when the time comes for voting on this amendment that our colleagues will look at the record of this committee, would look at what Senator PELL has said about the organization of the committee so that we might meet the challenges in this coming Congress, and reject this amendment as being patently unfair and disregarding the history of this committee over the past decade.

I also commend the chairman of the Rules Committee for his leadership overall on these questions, but particularly on this one as well, and for Senator MCCONNELL and other members of the minority of the Rules Committee who overwhelmingly rejected this very amendment. This was not a close call in the Rules Committee. It was overwhelmingly defeated by Democrats and Republicans.

So for Members who want to look at that record and discuss this issue with members of the Rules Committee before the vote, I am sure all will be willing to do so.

Again I thank the chairman of the Rules Committee for his leadership, being creative under difficult times in managing this kind of problem.

This is the sort of issue that lends itself to some pretty petty demagoguery if one wants to engage in it here because it is an internal matter of the Senate and sometimes gets lost by constituents as to what these resources are used for. But the fact of the matter is the chairman of the committee, as the chairman of the Foreign Relations Committee, certainly his constituents in Rhode Island and people across this country ought to know that this chairman of this committee has led it in a most fastidious fashion and has been extremely careful and judicious with taxpayer money, at the same time I think producing a very good product out of that committee over the last decade, countless treaties, nominations of ambassadors, authorizations of various kinds, and resolutions that come out of that committee.

Having done so without asking this body to spend any additional money deserves I think commendation of every single Member of the U.S. Senate.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Kentucky is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, I have discussed this with the distinguished Senator from North Carolina and other principals. I ask unanimous consent there be 45 minutes on this amendment and that 45 minutes be equally divided on the Helms amendment No. 16, and the time be equally controlled and divided between the managers or their designees, and no amendments be in order to the Helms amendment; that when all time is used or yielded back, then the Senate will vote on the Helms amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, and I shall not object, I hope we get in a position to yield back time, I say to the distinguished Senator.

Mr. FORD. I think we can.

What was the question of the Senator from North Carolina?

Mr. HELMS. I have no objection. But I believe you left out the yeas and nays.

Mr. FORD. They prefer not to have it in the unanimous consent agreement. You can ask for the yeas and nays, and we are going to give them to you.

Mr. HELMS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. May I make one thing clear? My able staff instructs me—and I want you to know that the Senator from Mississippi is wrong about most staff members—that that should include "to proceed to a vote on or in relation to the Helms amendment."

Mr. HELMS. You mean the Senator may move to table?

Mr. FORD. Maybe.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Now I have a few minutes that I wish to use to speak. Does the Senator from Mississippi wish to speak?

I would like to have a few minutes on the amendment, also. So I would just like to try to work it out here, if I could.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 520 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I am not asking for time. Mr. President, I believe the Senator from Mississippi would want to have some time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Kentucky for yielding. The point I want to make in this debate on the funding resolution, Mr. President, has to do with whether or not it is appropriate for this Committee on Foreign Relations to have such an increase made available to it when we are trying our best to comply with the budget agreement that was enacted last year. Members of Congress worked very, very hard with the administration to outline spending restraints that would be in effect over a period of time so that greater control could be exercised over the budget, the process, reducing the deficit, and trying to make sure that we create an opportunity for our economy to grow again, to create jobs.

I know the work of this committee is important, but I wonder whether it is important enough to justify the kind of increase in allocation that is being requested under the resolution that is pending before the Senate. I know the committee has very competent and able staff members who work to support the efforts and the jurisdictional responsibility of the committee. I have no quarrel with that.

It does make me wonder, though, whether this is going to be an increase that will improve the understanding of a majority of the committee to the extent that they might have, if the extra funds were available to them, suported the administration policies in the Persian Gulf? I do not know and I wonder whether it would have had that effect or not.

If these additional funds are going to be used for simply partisan purposes in that committee to possibly undercut the policies of this administration, then I am not in favor of the increase. I am sure that there would be those who would defend the use of the funds and say to the Senate that is not the purpose. When we look at some of the actions of this committee in the recent past, particularly on the majority side, we wonder sometimes whether or not they are undermining or opposing the administration on partisan grounds or not. It is a question I think that at least arises.

I hope that the Senate will look very carefully at the amendment of the Senator from North Carolina. I am going to support it, Mr. President. I ask the Senate to approve it.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I say to the Senator from Mississippi, is he the designee for the Senator from North Carolina?

Mr. COCHRAN. I am not really, but I can check with the Senator.

Mr. FORD. We failed to charge the Senator's time to his. I ask unanimous consent that the time used by the distinguished Senator from Mississippi be charged to Mr. HELMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. That is fine, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise in support of the Helms amendment.

Mr. FORD. Mr. President, I apologize to the Senator from Colorado. Will he yield to me for a moment?

Mr. BROWN. I yield.

Mr. FORD. Under the circumstances, there has to be time yielded to the Senator by the manager of this amendment. How much time does he wish to have?

Mr. BROWN. Five minutes.

Mr. FORD. I ask unanimous consent that the Senator from Colorado be yielded 5 minutes from the time of Senator HELMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Let me express my thanks to the distinguished Senator from Kentucky.

Mr. President, I thought it might be helpful in making a decision on the Helms amendment for Members of this body to understand some of the background with regard to congressional staff. The fact is that we, as a nation, have to be competitive in this world and that competition, that competitiveness, that ability to make products and services compete in a world market, extends not only to the men and women who work in this country with their hands, but the men and women of this Nation who provide services.

The fact is that competitive drive has to extend to the Congress of the United States, and it does, for an obvious reason: Because we end up being major spenders of the public money. But I think it has to extend to this body for another reason as well. We set an example in this body with regard to how competitive our Nation is going to be and we set an example for this Government of what kind of care and efficiency we are going to insist on in the way we perform our services.

I think most Members would be shocked to see the comparative numbers of staff that exist for deliberate legislative bodies around the world. Mr. President, the reality is that

America is No. 1. We are not only No. 1 in the Persian Gulf this morning, but we are No. 1 in terms of bureaucracy and staff as well, and it is a record that does not make us as proud.

The Legislative Studies Quarterly said it pretty well in 1981, the last study they have printed on the subject. At that time, they noted that America had the biggest staff for their deliberative body in the world. At that time, 23,525 staff members for Congress. What is significant about that? It is significant because it was No. 1 in the world. It was the biggest staff for any deliberative body anywhere in the world. It was 30 times the staff of the Parliament of Great Britain. It was 13 times the staff of France, both the national assembly and the French Senate combined. It was 16 times what the Republic of Germany had. The fact was at that time, it was 10 times as big as what any country in the world had.

What does that mean? Does it mean we are more deliberative? Probably. But it also means we have allowed a staff, primarily selected not on merit but on a patronage basis, to become an integral part of our elected process and our deliberative process.

The reality is this Nation has a huge staff as compared to any nation in the world. Now, what has happened in the meantime? We went from a position where we had a staff vastly larger than any nation in the world in 1981. The latest figures we have are 1987. Staff has not gone down. It has gone up. It has gone up from 23,500-and-some up to 31,995.

Mr. FORD. Mr. President, will the Senator yield on my time.

Mr. BROWN. I will be glad to yield to the Senator.

Mr. FORD. I would like to bring the Senator's attention to the amendment we are debating. Staff on committees is only 1,200, and so the Senator is talking about his office, my office, and others. We are talking about committees now. There are a little over 1,200 staffers for all the committees of the Senate.

So I hope the Senator would not include this amendment on this resolution for committee funding in the overall to make it appear that we have 23,000 staff members. We do not. I imagine the Senator is including the House and everything else. I wish the Senator would refer in his remarks to this resolution so we can kind of keep it in context.

Mr. BROWN. I want to thank the distinguished chairman from Kentucky for his observation. His point is exactly right. This resolution deals with Senate staff. It does not deal with the whole Congress.

Let me point out that figure, though. That figure is from the Congressional Research Service. It is an entirely accurate figure and it is a figure of the total staff.

I must say at least from this Senator's point of view that we cannot talk about increasing staff in this body without looking at the entire staff that we have available to us, that is on our payroll.

The tendency to expand patronage staff is an indication of our willingness to spend taxpayers' money on our own personal staff. So are we dealing with a portion of the staff that belongs to Congress? Absolutely. Does it affect the number of people who work for us? Of course it does. That is why I believe those figures are relevant.

We have to look, I believe, in determining whether our staff is adequate or not at the entire mix. Do the people who work in the other areas besides Senate staff end up having an influence on the resources that are available to us? I believe they do. I believe the people who do research at the request of the Senate staff or the Members is part of that parcel.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROWN. According to the vital statistics on Congress, the Congressional Quarterly 1989-90 indicates, we have the biggest staff in the world. It also indicates——

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. BROWN. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROWN. I thank the Chair.

I simply would add that today we still have the biggest staff of any country in the world, but we are not just the gold medal winners in terms of patronage staff and staff overall. We are nine times bigger than the silver medal winner, Canada, No. 2, which has fewer than 3,500 employees. We are more than nine times bigger than No. 2.

The amendment we are considering today addresses the question of increases in staff. If the Members of this body can honestly say, knowing that we have nine times as many staff members that any other country in the world has for their deliberative body, we need more, and tell the taxpayers of this country they have to go out and work longer and harder and pay more taxes because we do not have enough staff, they have an unusual ability to talk with their constituents.

I yield back my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. The Senator from Montana wishes to speak?

Mr. BURNS. I do, Mr. President.

Mr. FORD. I ask unanimous consent the Senator from Montana be recognized for 3 minutes, and that it be taken from the time given to Mr. HELMS.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana is recognized for 3 minutes.

Mr. BURNS. Mr. President, I rise to oppose this committee funding resolution because it is a breach of faith with the American people given in last year's budget agreement.

It is not the first breach of faith, I might add, but it is the first one on which we will be asked to vote—and I intend to vote "no."

In public, Members of this body are telling their constituents that this is truly a time of fiscal austerity—that everyone must tighten their belts to get this budget deficit under control.

Privately, we are slipping ourselves more money to spend on our committees and committee staff.

I chose the phrase "slipping ourselves more money" carefully because that is, in fact, how this is being done.

The Rules Committee will tell us that this resolution only allows a 4.6-percent increase for 1991 and a 3.9-percent increase for 1992 for all committees.

What is not being said—what will not be clear to the American people—is that those numbers are based on the amount previously authorized, not the amount actually spent.

Once again, we employ smoke and mirrors to hide our dastardly deeds. The smoke and mirrors is the Rules Committee decision to allow Senate committees to carry over surplus funds from one year to the next.

Every other Government agency loses money that they have not spent at the end of the fiscal year, but the U.S. Senate gets to use this old money and not count it against new spending.

It is as though money not spent in the year to which we designate it is money not spent.

No one says it better than Senator JESSE HELMS when he states that the American people "are not going to make any distinction between old money and new money. I think they look at it as their money."

Some people may think that I am making a mountain out of a mole hill here. After all, it is only $50 million or $60 million a year.

But I think it is extremely important to point out that this money comes out of the same pool allocated for all domestic discretionary spending.

As a result of last year's budget agreement, domestic discretionary spending is capped at $200 billion in budget authority and $212 billion in outlays for the time period we are discussing today.

Therefore, the more money we spend on our committee budgets, the less money we have to spend on Head Start, WIC, education, highways, drug enforcement and treatment, and other worthwhile domestic priorities.

It is my intention to make sure Congress stays within our funding caps—I would have made them even lower to force true deficit reduction—but nonetheless the caps are there to serve a purpose.

They force Congress to prioritize. And I for one do not think that spending for more committee staff is as high of a priority as the well-being of our children or the condition of our highway infrastructure.

That is why I intend to vote against this resolution.

Mr. President, every other Government agency, when it comes to the end of the year, if it has some money left over, loses that money, all except those committees and committee staff, when they come in the black, they get to retain that money. I think the distinguished Senator from North Carolina put it pretty well the other day: They call that old money and they mix it with the new money and that gives them a little more than what we were originally allocated. I think we ought to take a look at that. I would quote from Senator HELMS from North Carolina. He says that, "The American people are not going to make any distinction between old money and new money. I think they look at it as their money."

I am pretty sure that is true. We have caps and those caps were put in the budget agreement for a purpose. That would make us prioritize the dollars that we spend. I think the money we spend here on this staff, some of it needed, some of it not needed, is very obviously not needed. It takes away from other programs we should be funding; like WIC, like education, like highways, and the infrastructure that serves the people of this Nation.

I ask that the Members of this body take a good close look on who they have working on the staffs and do they really need the money, because I for one think the caps are good. They were placed there for a reason. They were placed there to prioritize, and we ought to take a look at our own fiscal responsibility in the workings of the Senate.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. I find myself in a position of defending each separate committee. I do not particularly like that, but it is my job and I am going to try to do it.

Two years ago, when the distinguished Senator from North Carolina was ranking member of Agriculture, he objected to that funding. Now he is ranking member of Foreign Relations and he is objecting to that funding.

It was carried on a bipartisan basis in the Foreign Relations Committee; Democrats and Republicans voted for it. We had Foreign Relations members, both Democrats and Republicans, on the Rules Committee and they voted for this particular allocation.

We have been hearing about spending a lot today. The point we have made in this resolution is that the chairmen have not spent. They have a surplus, and we are using that surplus, not to use the money that has been appropriated for the committees. So in theory we are saving. We are funding committees and as chairmen and ranking members they will spend it.

The distinguished Senator from Colorado comes up with all these big figures. He forgot to look at the chart, because for the last 6 years as chairman of the Rules Committee we have been static, just having cost-of-living increases.

That is it. When you start including the House, the Senator knows more about the House than I do. They are going up 67 percent. We are over here about less than 4 percent. Let us not start comparing this body with that body. We will take care of our own and let the House take care of theirs.

Mr. BROWN. Will the Senator yield?

Mr. FORD. I will be glad to on my time.

Mr. BROWN. As I have read the committee's documents, the report of this committee shows a 14.2-percent increase in the number of staff, from 89 to 91. Would that be correct?

Mr. FORD. I do not have a percentage increase. But we are going up new positions, 36 total, from 29 permanent, 7 temporary for 25 committees.

Mr. BROWN. My understanding is the 89 as the base, it is a total of 14.2 percent, from 89 to 91.

I thank the Senator.

Mr. FORD. I do not know what 30 members of 1,203 might be. That does not sound like 14 percent to me. It sounds like under 10 percent.

Mr. BROWN. I am sure the Senator is correct in his calculation.

Mr. FORD. Take 10 percent of the staffers. That is 120. We only increased it 36. That makes it somewhat less.

So, Mr. President, we are saying everybody is trying to tell somebody how to run the committee they are not on. Everybody is arguing here, basically, except one today is not on the Foreign Relations Committee. Then they come on the Senate floor and tell me how to organize my office. That is my business and I will take that to the citizens next year. They may like it, they may not.

I have turned back money every year, maybe with the exception of 1, for 16 years. I have turned back money out of my office. Some years are better than others. But I have turned back my own. That is my responsibility, and I take it very seriously without somebody else trying to tell me and condemn me how to run my office.

So we have gone astray here. We had a little narrow resolution as it related to funding committees. Now this little circle has begun to expand. Now we are saying there are 20 some odd thousand staff people around. We are talking about 1,200 here. The office of the Senator from Colorado is included in this. We will see how much you turn back at the end of your year. Think about that. But we will watch that very closely.

The Foreign Relations Committee saved $800,000, and did a good job. There is a lot of pressure now with the Persian Gulf, and a lot of things to be done. You have to remember that one-third of this increase goes to the minority. We are very clear about that. There has never been a complaint from the ranking member as it relates to the amount of money given to him.

So let us start being fair instead of using demagoguery around here. We have continued to hold the committees down. We have done a good job of it. We have cut them to the bone. When we start easing up a little bit, then that is too much.

We have a little gimmick in there—if you want to call it that—a little way of trying to help the committee chairmen be frugal. We say whatever money you save, you get to keep 50 percent of it, and none reoccurring—better computers to make your committee more efficient. That is an incentive to save.

We have tried awful hard, but yet it looks like the Rules Committee wants to be condemned. You have the ranking members on both sides of that committee. I am talking about leadership. The Republican leader is on the Rules Committee. We only had one vote against the Foreign Relations budget. All the Republicans voted for it.

I do not understand why we get so worked up when we have practically unanimous consent as it relates to what we have done. I get a little excited. Maybe I should not. But I take my job here seriously. We have done a good job on the Rules Committee.

One thing we have to look at very closely—why not get up here and condemn the Armed Services Committee? We gave them a little bit more. Why do you not condemn the Banking Committee? We gave them a little bit more. We looked at the problems that we think we will face in the next 2 years. And we tried to give our colleagues the amount of staff that is necessary to accommodate the need.

You think the pressure is not going to be on us? Times are not good out there economically. You find in your offices more and more people are calling, more and more people want things, and more decisions have to be made.

So if you are going to look at the committees, look at how they are going to spend the money and how they have agreed to.

I heard the statement made if you cannot say "no" to this one, you cannot say "no" to the lobbyists. Well, the easiest thing I have to do around here is say "no" to the lobbyists. That is easy unless it comes from back home. I am with them. I listen to my people back home. So if my people do not tell me, I do not say "yes" to anybody.

So if you cannot say no to lobbyists over this piece of legislation, I want to tell you that is a mistake as far as this Senator is concerned.

But I am very concerned that we begin to criticize our colleagues because every chairman and every ranking member came before that committee and asked for so much money. We did not give everything they wanted. We took $150,000, $250,000 out of their request. We tried to figure out a way so we would not spend additional appropriated money.

So here we go. I am willing to defend it. I am willing to take the heat on this one. I think we are absolutely correct in what we have done.

Some people will volunteer to criticize for no pay at all. So let us watch out how this thing might come back to haunt some of these people that may want something one of these days.

One thing I want you to be sure about is that the increased cost is divided. That division is there and the fairness is there. There has never been any question about being unfair about the funding on the committees—not a one—because we asked that from every committee. Everybody was satisfied as it related to funding, satisfied as it relates to rooms, space. Sure, we do not have enough space. But instead of having 148 square feet per employee, they want 198. We do not have it. So we are not going to give it. That was an easy no.

Mr. President, I do not know how many other Senators want to speak. I am getting ready to yield back my time. If the Senator from North Carolina is here—or does the Senator have the authority to yield back time?

I yield the floor, Mr. President.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may proceed and that the time I use be charged to the time allocated to the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. May I inquire as to how much time remains under the agreement?

The PRESIDING OFFICER. The Senator from North Carolina has 7 minutes and 50 seconds.

Mr. COCHRAN. Mr. President, I have been authorized to state that there is no objection to proceeding to a vote on this amendment, and the time he yielded back. I am authorized by the Senator from North Carolina and the distinguished Senator from Alaska, the manager on this side, to say that.

Before yielding back though, I ask unanimous consent that the Senator from Mississippi [Mr. LOTT] and the Senator from Indiana [Mr. COATS] be added as cosponsors to the Helms amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, as I stated, I am prepared, with the authority of the Senator from North Carolina and the Senator from Alaska, to yield back the time and proceed to a vote if that is agreeable.

Mr. FORD. It is agreeable with me. I want to make one final point if it is all right with the Senator from Mississippi.

Since 1981, if we had just allowed inflation for each of our Senate committees—just the rate of inflation for each of our committees—we would be spending almost approximately $5 million more than we are requesting today, just to give you the rate of inflation from 1981. Since I have been on the committee to today, we would be giving $5 million more.

So these figures clearly indicate the committees' budgets have not even kept pace with inflation. So I think that speaks well.

If the Senator is ready to yield back, I will move to table.

Mr. COCHRAN. I am happy to yield the time allocated to Senator HELMS on this side on the amendment.

Mr. FORD. I yield back the remainder of my time.

Mr. FORD. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to table. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] and the Senator from California [Mr. SEYMOUR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—55

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Breaux
Bryan
Burdick
Byrd
Daschle
DeConcini
Dodd
Exon
Ford
Fowler
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stevens
Warner
Wirth

NAYS—41

Bond
Bradley
Brown
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Dixon
Dole
Domenici
Durenberger
Garn
Glenn
Gorton
Gramm
Grassley
Hatch
Heinz
Helms
Kasten
Lautenberg
Lott
Lugar
Mack
Murkowski
Nickles
Pressler
Roth
Rudman
Simpson
Smith
Specter
Symms
Thurmond
Wallop

NOT VOTING—4

Cranston
McCain
Seymour
Wellstone

So the motion to table the amendment was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. DODD). The question now occurs on amendment No. 15, offered by the Senator from New Hampshire.

Mr. FORD. Mr. President, I ask unanimous consent, since the time has run on this particular amendment, that we be given an additional 5 minutes in order to offer the substitute that has been agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 17 TO AMENDMENT NO. 15

(Purpose: To express the sense of the Senate that Senate committees should provide information to facilitate the equitable distribution of Federal funds between the States)

Mr. FORD. Mr. President, the purpose of the amendment earlier was to express the sense of the Senate that committees should provide information to facilitate the equitable distribution of Federal funds between the States. What we did, rather than put the onus on the committees, we put it on the executive branch to furnish that, and it would not increase the cost to the Senate committee system or delay. So the distinguished Senator from New Hampshire [Mr. SMITH] and I have agreed on this, and I now send a substitute to the desk for the Smith amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself and Mr. SMITH, proposes an amendment numbered 17 to amendment No. 15.

Mr. FORD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted add the following new section:

SEC. . STATE EQUITY.

(a) Congress finds:

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each State under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each State under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of achieving the objectives set forth in subsection (b) of this section.

Mr. FORD. I yield to my friend if he would like a minute.

Mr. SMITH. I thank the chairman for his accommodation in this matter, and ask that the amendment be approved. I thank the chairman for working with me on it.

Mr. FORD. Mr. President, I yield back all the time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 17.

The amendment (No. 17) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on amendment No. 15, as amended.

The amendment (No. 15), as amended, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Is the Senator from Colorado ready to go with his amendment?

Mr. BROWN. I am.

Mr. FORD. I ask the distinguished Senator from Colorado if he would be willing to enter into a time agreement.

Mr. BROWN. I say to the Senator from Kentucky, my understanding is that the time agreement would be not more than a half hour, equally divided, and that agreement would involve an acquiescence in a request for the yeas and nays.

Mr. FORD. I ask unanimous consent that there be 30 minutes on the BROWN amendment, equally divided and under the control of myself and the distinguished Senator from Colorado or our designees, and there be no amendments in the second degree.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado is recognized.

AMENDMENT NO. 18

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 18.

Mr. BROWN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1991 and 1992".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1991, through February 29, 1992, in the aggregate of $54,433,572, and for the period March 1, 1992, through February 28, 1993, in the aggregate of $56,569,485 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant of Arms, United States Senate, Department of Telecommunications, or (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the appropriations account for "Expenses of Inquiries and Investigations.".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,981,783, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,054,457, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,879,959, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,058,867, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,900,029, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,018,641, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,721,304, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,832,878, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,521,080, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,924,123, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,839,673, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,701,485, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,804,715, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,929,442, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,027,500, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,774,561, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,888,318, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,056,605, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,263,926, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66 of the One Hundred First Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,979,958, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,171,893, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,293,756, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,510,800, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,518,989, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with this jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,047,108, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,090,039, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,195,204, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,244,208, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, as amended, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,213,792.

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,239,556.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,356,636, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,453,258, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,062,982, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,106,564, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

ELIMINATION OF SPECIAL RESERVE

SEC. 22. (a) It is the sense of the Senate that the funds authorized for any Senate committee by Senate Resolution 66, agreed to February 28, 1989, for the funding period ending on the last day of February 1991, any unexpended balance remaining after such last day shall be returned to the Treasury.

(b) It is the sense of the Senate that funds returned to the Treasury pursuant to subsection (a) should be reprogrammed and made available for the Headstart Program.

SEC. 23. STATE EQUITY

(a) Congress finds:

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each state under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each state under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of achieving the objectives set forth in subsection (b) of this section.

Mr. BROWN. Mr. President, the amendment does incorporate the recent Smith amendment. It is an amendment in terms of a substitute for the bill. The amendment is basically very simple. It suggests that there not be increases, that we limit the committees to the lower funding recommended by the committee or, in cases where the committee exceeded 4.1 percent, the cost of living, that that increase be cut back to the cost-of-living increase. The additional provision in it suggests that we would eliminate the unexpended funds account, the slush fund that has been referred to, the balance that has been available each year.

That total is a little over $7 million.

Mr. President, the intention of this amendment is very clear. Spending the public money is all about choice. It gives the Members of this body an opportunity to decide where the money can be best spent. This Senator believes that this Nation should not further increase committee staffs. There is sincere disagreement with that conclusion by many Members of this body. But, for this Senator, I believe there are better uses for that money.

The fact is, spending in the U.S. Senate or the U.S. House for this Government in general is a zero sum game this year. That is, if we increase spending here, we do not have as much to spend in other places. And if we save money here, which this amendment will do, we have more money to spend in another place.

For me, I would prefer to see the money we can save in this resolution spent for operation Head Start. The Head Start Program I think has great merit. While we are not allowed to legislate the transfer of this money, this amendment suggests it is the intent of the U.S. Senate that this money be used to augment other funds available for Head Start.

To put it simply, what we do is save money by controlling the increases of the Senate committee staffs and suggest that money ought to be used for Head Start. It is a simple choice. What is my colleagues' preference? Where is the money better spent in this Senate? It is better spent in Head Start than it is in adding additional staff?

Why would I say that? Let me emphasize, Mr. President, it is not out of objection to the fine people who have headed our Rules Committee. The fact is, the very conscientious members of the Rules Committee, and the very distinguished chairman from Kentucky who heads that committee, have responded to requests from committee chairmen and ranking members of this body. They have responded to the wishes of other Members of this body in asking for more funds. I understand the pressure he has been under.

I would agree he has tried to do a responsible job with that. We all, I think, understand the kind of pressures that can be put on our various committees, if Members of this body want more money for patronage staff. I happen to believe, though, that this particular money is going to be much better spent in Head Start than it would be for augmented staff.

Let me emphasize, I do not fault the chairmen and the ranking Members of this body for their request. They are responding to pressures on their committee as well. Other members of the committee want more staff that they can select and use. Their motives are not evil or bad. The chairmen and ranking members have responded to that pressure just as the Rules Committee has responded to that pressure. So I do not for a minute suggest that the decisions of the Rules Committee have been easy or that they have failed to be responsive to this body. They have been responsive to this body in a very real sense with the resolution they have brought to the floor.

The element I wish to introduce is one of choice, the suggestion that we can and must do a better job in setting priorities and that, rather than increasing our staffs further, that money ought to be used for a very good program.

Why would I suggest our staffs are big enough? Is there a case to be made where we could have more staff? Yes. But let me suggest this for the Members who are considering this question, the question of whether or not the staff should be increased more or not: The total staffs of this Congress, the House and Senate, that responded, is the largest staff of a deliberative body in the world. It is not simply the gold medal winner, the biggest in the world, it is nine times bigger than the No. 2 in the world.

The Legislative Studies Quarterly: In 1981, we had 23,525 members of staff, both the House and the Senate, not just limited to committee staff but all the staff. That was 30 times the staff that the Parliament of Great Britain had. It was 16 times the staff of the Republic of Germany.

The vital statistics on Congress from the Congressional Quarterly report of 1989 and 1990, reports a staff of 31,995. That is all of them. That is not just committee staff. Indeed, that is all of them. The distinguished chairman has pointed out before that what we are dealing here with is just committee staff. His point is precisely right. But it is a further increase in the overall staff we have. That figure, 31,995 that is quoted in that report, is a staff that is more than nine times bigger than that of Canada.

I believe that we can go without adding new staff members. I believe that going home and telling the hardworking men and women who pay our salaries that, even though we have a staff bigger than any country in the world and we have a staff nine times bigger than the No. 2 country in the world—even though we have that kind of staff, we still need more—I believe that is undefendable. I know it is in Colorado.

I can tell Senators what my constituents in Colorado will say to that. They will say we do not think you should have the nine times bigger staff, much less increase it. I suspect, Mr. President, we will find Americans all across this country feel that way. This is an area where we can save money and we can transfer it to a program that has a better use for it.

I have searched through the committee's report to find, within that report, a breakout of how much money was spent by each committee last year. The report does not contain that information, as nearly as I can tell. It does relate the amount of money requested, new funds requested. But I think, as most of the Members of this body realize, there are unexpended funds held over. It is an unusual budgeting procedure. What it does do is make it very difficult for the public or anyone else to know what we actually spend in this Chamber on committee staffs.

What this amendment does is quite simple. It gives people what the committee gave them in the way of new funds or, if they have asked for more than the cost of living, it holds that increase to 4.1 percent, the cost of living. And it does away with the slush fund. I think that has merit.

Some will say, and I think perhaps with good reason, that there is a reason to have an unexpended balance, that it rewards people for conserving money and that is a good and reasonable argument. I, for one, will be willing to vote to give people incentives to use money that is unexpended. To do it in a blanket fashion, and do it in a way that does not fully disclose the amount of money that is spent each year, I think is a mistake.

All that really remains to be said, I think, are two things. One, we in this Chamber and in this Government lead by example. It is no different than the young marines who got out in front and charged. The way to lead is to set an example. A marine lieutenant or marine sergeant who says you are going to have to take that hill and yet stands back is not very successful. All of us know and understand that. Unless we in this Chamber set an example of economy, unless we in this Chamber say, yes, we are serious about getting this budget deficit down and we are willing to do our own part, no one is going to think we are serious. And, indeed, no one does think this Congress is serious about controlling spending.

We can send a message that will be heard in every agency of this Government this afternoon. We can say we are so dedicated, so committed to controlling spending that we are even not going to increase our staff this year. That does not just save money. What it does is send a message to everyone that we are serious about meeting our commitments.

Let me suggest if we do increase our staff again this year, it sends the opposite message. It sends a message that is "business as usual." The fact is, No. 1, we lead by example.

The second point I hope Senators will consider when they vote on this is they decide where they want the money spent. To this Senator, the money will be much better spent in Head Start. I know we cannot accomplish it all with this amendment, but we can indicate our intent that it be spent on Head Start and that is what the amendment does. I think we have a choice. I think that is the essence of good budgeting.

I believe good budgeting can start with this Chamber saying we are going to take our staff increases and use them for Head Start. I think that sends a message as well and one the American people will appreciate when the Congress finally says we are serious about setting priorities; that we are willing to give up our increases to increase a good program. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. FORD. Mr. President, we are going through the same scenario we have been through before. I am sorry the distinguished Senator from Colorado has not been around the Senate long enough to know and understand what goes on and what we have done. If he had listened a little earlier, if we had just given the cost-of-living increase over the years, we would be spending almost $6 million more on our committees. Instead, we are not even up to cost of living over the last 15 years.

What the Senator from Colorado is doing is even taking cost-of-living away from the present staffers. He is cutting it all out, and then he says he understands that this money cannot go where he is indicating where it is supposed to go. There is no legislation in here saying that it has to go to Head Start or that it has to go to any other program.

So we are right back where we started from. He has cut out of every committee the cost-of-living increase for the present staff. There is not a staffer on either side who does not need 4 percent, 4.1 percent, but he has taken it away from them. We are 25 percent behind private enterprise now, and you wonder why we are losing good staffers. They are going to private enterprise or they may be going over to the House where the Senator left and getting more money.

The staff on the House side make more money than Senators on this side. Yet, we want to take away that little 4.1 percent from them. It is getting to be where we do not have any heart at all.

And talk about the Senators like a marine in combat. In Kuwait, the marine is getting shot at and he is not and I am not. And to say we are here like the marines in Kuwait. It does not take much courage to stand here and talk a lot. It does not take much courage to stand here and demagog it a lot. It takes a lot of courage in Saudi Arabia to look down a gun barrel. That takes a lot of courage.

So I hate to say that we are going to compare the dangers of the U.S. Senate to the dangers of a marine lieutenant in Saudi Arabia——

Mr. BROWN. Will the Senator yield on that?

Mr. FORD. I will be glad to, on your time.

Mr. BROWN. I will be delighted to have it on my time.

It may well be that this Senator misspoke or that Senator misheard. The fact is what you have just related is not what I said and not the comparison I made. The comparison I made was with regard to leadership. I believe those marines have set an example of what leadership would be about. I think they have set an example that we ought to be willing to emulate in terms of leadership by example, but to suggest for 1 minute that I have compared the courage of this body to the courage of those marines would not be accurate.

Mr. FORD. Mr. President, I might just say to the Senator that what he is doing is taking the money away from the Armed Services Committee that made the decision to help those soldiers who are doing so well over in Kuwait. So he says in here that he will take away the additional 4.1 percent cost-of-living increase from those staff members on the Armed Services Committee who have done so well. They are not one of the biggest ones. They do not ask for a whole lot, but yet he wants to take that away. And the Armed Services Committee made the decisions, came to the Senate floor, they are doing the things that we are so proud of today, yet he wants to cut it out. Maybe you ought to leave Armed Services alone.

But I just say to my distinguished friend that I do the best I can. Every chairman, every ranking member, except one, did not get everything they asked for, and we had to make a judgment on where the interest will be in the next biennial, 2 years. We thought Foreign Relations, with the problems in the Persian Gulf, would be an area in which we needed to give great concern. We thought the Armed Services Committee was an area in which they needed a little additional help because of the problems we will be facing. We will be looking at the defense budget pretty hard, and that is important, not only to us but to the rest of the country, and we need to have the best minds we can get.

Mr. President, the Finance Committee is going to have one hard time. We have three staffers on our side, where the House has 15 over there. There is your difference. So ours are standing at the table trying to work out Medicare and Medicaid and they run shifts in on our Finance Committee. So we get condemned over here because we have 3 and they have 15. Our staff works day and night. They run-in five and they go out and sleep, worry, fume, fuss over it, another five go in, the others go out, go sleep, come back, and ours have to stay there.

I see the distinguished Senator from Colorado shook his head when he talked about the staff 3-to-1, 4-to-1. I think we have done a pretty good job. I do not want to say I am proud of what we have done, but I am pleased. I think we have done a pretty tough, hard job, and we have come up with it. Now to cut and say Head Start, and the Senator in his statement said he knew he could not legislate to Head Start. You hope at sometime it would go to Head Start.

Mr. BROWN. Will the Senator yield on my time?

Mr. FORD. I understood you wanted that money to go to Head Start. Am I correct or not correct?

Mr. BROWN. I believe I stated specifically in my statement, while we could not legislate it, we can state our intentions.

Mr. FORD. It is a good thing to talk about Head Start here, that money could go to Head Start. We have had these before. We have had these amendments where money is taken from one thing and transferred to another.

We have caps out here now. We are under the appropriations, well under the appropriations. And we have saved money.

I just hate to see these chairmen get banged on, and the ranking members get banged on, and you say they ask for too much; they did not do the right thing. I am here defending my chairmen and my ranking members. I am here defending the ranking member because he signed off. He said I agree with this and then we had to cut some of them. But every ranking member signed off on this save one, and I am here defending the ranking member against his own party. Maybe that is the way it is supposed to be.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator from Kentucky has 7 minutes, 35 seconds.

Mr. FORD. I yield to my friend from Alaska whatever time he needs of the 7 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 7 minutes and 25 seconds.

Mr. STEVENS. Mr. President, it is obvious the Senator from Kentucky does not need any help, but I do want to state what he has said is correct. The resolution we brought before the Senate has been supported basically by every chairman, every ranking member, except one, that came before our committee. We have given them less than they asked for in every instance.

I understand the direction of the Senator from Colorado, and I am certainly a great supporter of Head Start. But I would say that the funds that we have used for the increases that are necessary for a temporary purpose have come from the surplus accounts, funds that were not used in 1990 by the committees. If we had not used them, they would have gone to the contingency fund of the Senate. They would have been available for spending by the Senate anyway.

This way they are available for spending by Senate committees that have specific problems right now. We believe and hope they are temporary, and we have not increased the permanent number of employees of the Senate. As a matter of fact, the Senate should be interested in knowing that we have less employees on our staff than we have authorized, and we have funded less than we have authorized. So I really do not think we have gone over the line as far as meeting the problems of the Senate, particularly vis-a-vis the House, as the Senator from Kentucky has indicated.

I want the Senate to know I voted to support this resolution. It was reported out from the committee with one objection, and we still recommend it to the Senate and oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, will the Senator yield me a couple minutes?

Mr. BROWN. Mr. President, I yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. HELMS. May I ask the Senator if this is his first amendment in the Senate? Let me commend him on it. Contrary to what was said a little bit earlier, I think he has been here long enough to know exactly how the Senate works, and that is what we are talking about, and the House of Representatives as well.

Mr. FORD. The nomenclature of Head Start indicates something else. The Senator is very familiar with advertising. The Senator is one of the geniuses of the Senate as it relates to advertising, and when the Senator began to use the words Head Start and the money underneath of that and then you say we cannot legislate that but hope it will go there, then I want to make that point.

I say to not only my friend from North Carolina but also my friend from Colorado, I get excited every once in a while, and I have to back up and bite my tongue and one thing and another. But I am very appreciative of the question.

Mr. HELMS. Mr. President, what I just heard is typical of the distinguished Senator from Kentucky. That is one of the things I admire about him and I thank him.

Based on the content of the amendment of the Senator from Colorado, I believe it is clear that he will have a long and successful career in this body.

The Senator understands that the American people have just about lost all faith in the ability of Congress to deal with the Federal deficit. With this amendment limiting the increase in spending for Senate committees, he is giving the Senate the opportunity to take a first step in restoring that faith.

Specifically, this amendment limits spending for each committee to a cost-of-living increase of 4.1 percent for each of the 2 years covered by this resolution or to the amount recommended by the Rules Committee, whichever is less.

In addition, the amendment eliminates the carryover of unused funds by Senate committees, and includes a sense-of-the-Senate provision to dedicate the savings to the Head Start Program.

Mr. President, over and over again the press has called the massive Federal deficit the Reagan deficit or now, the Bush deficit. But the last time I checked, it is Congress that appropriates the money in this town, not the President.

Nothing makes this clearer than the amendment offered by the Senator from Colorado. Overall spending for Congress is scheduled to increase over 17 percent in fiscal year 1992. This compares to the 2.6-percent increase projected for all Government spending. If the resolution does pass without the Brown amendment, then Senate committee staff would increase by a whopping 14.2 percent from 1989 through 1992.

Mr. President, if Congress cannot get its own house in order, how is it ever going to get the house of the Federal Government in order? The simple answer is that it cannot, and that is why the amendment offered by the Senator from Colorado must pass.

One additional point, Mr. President. As I noted previously, the Brown amendment strikes those provisions in the Committee funding resolution which permit committees to carry over unused previously authorized funds.

There are $4.3 million in surplus funds from all committees which are to be carried over into the new budget. The guidelines which the Rules Committee had originally sent out to the committees proposed that there should be no carryovers. The carryover process which has been in effect for only 3 years, was supposed to die.

Yet, here it is being revived in Senate Resolution 62. We should stick by our guns and not allow any carryovers, which is just what the Senator from Colorado proposes to be done.

Mr. President, as I said earlier, this Nation is just winding down a war. We are in a recession, and Congress just raised taxes. Now is not the time to increase spending on our own staff here in the Senate, and as such, I hope the Brown amendment passes.

I thank the Senator from Colorado for yielding to me. He is a noble successor to the great Senator Bill Armstrong. I know Bill Armstrong is proud of the Senator, and so am I.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, I thank the Senator from North Carolina for his comments. In my mind there is no higher compliment than being compared to Bill Armstrong. While I am not worthy of that, I am deeply appreciative of it.

Mr. President, let me reemphasize some remarks I made earlier in presentation of this amendment.

The Senator from Kentucky, I believe, has responded to requests that have come before his committee. I do not fault him in any degree for responding to those requests. I simply suggest to this body that there is, indeed, a better use for this money.

With that, Mr. President, if there are no others who wish to discuss this issue, I ask for the yeas and nays.

Mr. FORD. Will the Senator withhold just one moment?

Mr. BROWN. I withhold.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. In the zeal here to make a point, not only has the Senator from Colorado eliminated any increase, he has eliminated COLA's for the staff. That, in my opinion, has gone just a little too far. I think it is indicative of the thought that has been given to how they are damaging committees. So I would be very hopeful that my colleagues will not agree. It is a tough one. They always make it tough on you around here. But when you vote a tough vote, the hide comes off, it grows back and you get tougher. So I am perfectly willing to take my shot with this.

So if the Senator from Colorado is ready to yield back his time, I am ready to yield back my time, and I will move to table.

Mr. BROWN. I thank the Senator. If I could add one point, the way the amendment is drafted we have taken the new money that the committee had recommended. In a few cases where the committee had recommended more new money than the 4.1-percent cost-of-living increase, we cut the size of the increase back to 4.1 percent. So at least as far as I am aware, certainly from the way we have drafted it, it would, indeed, allow a cost of living in those cases.

The area that may well be a problem and that the Senator may be referring to is that we also in this amendment eliminate the balance in the unexpended funds. I think it would certainly be reasonable to say that the elimination of those unexpended funds balances could well cause concerns for the committees and I would certainly understand it. But let me reiterate, the amount of new money is simply the amount the committee has recommended or where they have recommended more than the cost of living, the amount of increase has been cut back to the cost of living. So at least in terms of what I believe is in the amendment, the way it is drafted I think there is certainly cost-of-living money in there for where it has been recommended up to that level.

Mr. FORD. Let me say to the distinguished Senator from Colorado that the amendment also eliminates sections 22 and 23 which is the surplus; the reserve provisions in Senate Resolution 62 are eliminated by the amendment. The committee would lose any carryforward for each year of the biennium. So when we get something on the right track and begin to save money and have incentives for the chairmen to save money, then we have amendments like this that not only eliminate that incentive but also eliminate COLA's. Maybe the Senator needs additional staff to help figure out what is in the bill. The money that is not used is the money we used to pay for the COLA's. That is the mistake.

So if the Senator is ready to yield back his time, I will yield back my time, and I will move to table.

Mr. BROWN. I yield back my time.

Mr. FORD. I yield back my time.

I move to table the amendment of the Senator from Colorado.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Colorado.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] and the Senator from California [Mr. SEYMOUR] are necessarily absent.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—56

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Gore
Graham
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Stevens
Warner

NAYS—40

Bond
Bradley
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Glenn
Gorton
Gramm
Grassley
Heinz
Helms
Kassebaum
Kasten
Kohl
Lautenberg
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Simpson
Smith
Specter
Symms
Thurmond
Wallop
Wirth

NOT VOTING—4

Cranston
McCain
Seymour
Wellstone

So the motion to table the amendment (No. 18) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 20

(Purpose: To limit committee staff)

Mr. CHAFEE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 20.

Mr. CHAFEE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . No expenses authorized by this resolution for any committee shall be paid from the contingent fund of the Senate for any staff members in excess of the number of staff members authorized by such committee during the calendar year 1990, unless a committee or combination of committees employing 100 or more staff members has reduced the total number of their staff members by a number equal to the new staff members authorized so that the total number of staff members authorized by the committees funded by this resolution remains constant.

Provided, That if any committee with fewer than 100 staff positions certifies in writing to the Committee on Rules and Administration its need for additional staff pursuant to this resolution, the Committee on Rules and Administration shall have the power to reduce accordingly the committees with more than 100 staff positions to accommodate that request.

Mr. CHAFEE. Madam President, I am willing to enter into a time agreement if the managers of the bill would like that.

TIME LIMITATION AGREEMENT

Mr. FORD. Madam President, the distinguished Senator from Rhode Island and I have discussed this. If it is satisfactory with him, we will have 45 minutes on this amendment, 30 minutes to the distinguished Senator from Rhode Island, and 15 minutes for the Rules Committee.

The PRESIDING OFFICER. Is this a unanimous-consent request?

Mr. FORD. Yes.

Madam President, I ask unanimous consent that there shall be no amendment in the second degree as it relates to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the time agreement?

Mr. FORD. I thought we got that done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

Mr. CHAFEE. Madam President, last fall in the Senate and, indeed, in the entire Congress, we engaged in a lengthy and sometimes heated debate on the fairest and most responsible means of reducing the Federal budget deficit. That debate culminated in the bipartisan budget summit agreement.

Although that agreement has not brought about immediate reduction in the deficit, it has put in place a new set of rules governing congressional spending. This is known as "pay-as-you-go." According to the pay-as-you-go program, one category of the budget cannot grow above a certain amount unless there is a corresponding reduction in another program in that category. Important new initiatives under these ground rules that we have now, initiatives dealing with better prenatal care for expectant mothers, for example, better care for children in the health programs, a whole series of measures that we all believe in, would require a corresponding reduction in another program in that category.

Obviously, Madam President, if we want one of these new programs, it faces a difficult path to enactment because there has to be this offset by reductions in other domestic programs. That is what we call pay as you go. I supported the pay-as-you-go approach, and I think it is safe to say most of the Senate supported that.

Throughout the eighties and now into the nineties we have been talking about the urgency of reducing the deficit. There is not an individual Senator who has not been out on the stump in his or her home State proclaiming how important it is to reduce the deficit. We have put in place a mechanism which holds great promise for imposing serious discipline on congressional spending. I believe we ought to adhere to this principle, and we ought to adhere to it in setting the budgets under which our own committees operate.

However, Madam President, we do not have that in this measure before us now. This is no pay-as-you-go principle. That is ignored in this resolution.

Senate Resolution 62 provides budget authority to the standing special and select committees of the Senate.

In accordance with the practices of the Senate, earlier this year the chairmen and the ranking members of the 19 committees being funded by this resolution went before the Rules Committee to request funding levels for the next 2 fiscal years. This is a measure that covers 2 years. We will not be back here on this for 2 more years. This is the last shot until then.

The Rules Committee suggested the increases of 4.1 percent for salaries and 5 percent for administrative expenses. They suggested that that should be sufficient. While most chairmen and ranking members requested funding up to or below the suggested level, six committees have requested additional funds to create new positions and permanent positions on those committees.

The Rules Committee has agreed to add these new positions. However, the Rules Committee has not sought to offset this increase by cutting back elsewhere in the budget. Thus, the Rules Committee proposes that spending for several committees should grow above the normal amount, but it is not willing to offset this growth by cutting back someplace else.

Madam President, this is not a pay as you go. It is a spend-as-you-go program. It seems to me altogether inappropriate for the Senate once again to vote to exempt itself from the restrictions we have imposed elsewhere in the budget. That is what we would be doing if we allow these few committees to grow without an offset in a larger committee.

Since the beginning of the committee system as it exists today, we have seen a steady growth in the size of committee staffs. Some of that growth is to be expected, and, indeed, I looked back and saw what the size of the committees were in 1950. I found that the total size of the committees in 1950 was 300. I suppose we could say the committee responsibilities have grown, and as the committee responsibilities have grown so have the staffs.

As a matter of fact, one of the reasons I fought against the new Hart Building, was because there is a theory which I believe is accurate that size increases to available space. If you have the space, the committee staffs will grow to meet that space. So there is a certain virtue in the old cramped quarters that we had where people could hardly move around. I know it was substandard in every category but at least it served to hold down the staffs to some extent.

I have mentioned the staffs were 300 in 1950. By 1970 they were 635. They doubled. And from 635 in 1970, they have nearly doubled to 1,203 in 1990.

Recognizing that the committee staffs have become inflated, in 1981, under the leadership of the Republican majority, committee staffs were reduced by 14 percent. That was a step in the right direction. However, today there are three committees with well over 100 full-time permanent staff positions. What are they? Governmental Affairs, 124; Judiciary, 138; Labor, 124.

There is no committee that has more responsibilities, a bigger agenda, encompassing more areas than the Finance Committee. Yet the Finance Committee has a total staff membership of 57. Indeed, now, they are asking for 7 more positions to make it 64 for next year and then it goes down to 63.

But even at that, let us take the worse figure, 64. At 64, they would be less than half the size of the Judiciary Committee, they would be about half the size of the Labor Committee and half the size of the Governmental Affairs Committee. Think of that. The Committee with probably the heaviest responsibilities can get along with half the staff of the Governmental Affairs, the Judiciary, and the Labor Committees.

Needless to say, the budget authorization for these committees reflect their girth. In the resolution that we have before us, the Rules Committee has included funding above the recommended 4.1-percent increase for six committees. These six committees requested the additional funds for the creation of 29 new full-time permanent positions and 7 temporary positions, for a grand total of 36 new positions. And that will make the total number of positions in the Senate for the staff of the committees 1,239. That is an increase of 96 percent since 1970—1,239.

Perhaps those committees need additional positions. I have heard good arguments and supported the request of the Finance Committee for additional staff. Our chairman made a good presentation. I am not going to impose a judgment on whether those other committees who asked for new positions require them, whether their workload has increased, whether the productivity sought from them is more demanding than before.

This is what my amendment does, Madam President. It says that in order for those committees to grow, a reduction in the three oversized committees is required. In other words, my amendment is very simple. It would cap the total number of positions authorized at the 1990 level. That would mean 1,203 permanent committee staff positions. If a committee needed to increase its staff above this level, as perhaps is the case with the six committees requesting additional funding, the Rules Committee would be required, if they deem that this was a worthy case, to seek an equal reduction of positions from one or a combination of the three extra large committees, those three committees with more than 100 authorized staff positions—Governmental Affairs, Judiciary, or Labor.

What my amendment does, Madam President, is seek to limit excessive growth in committee staff. It does not seek to restrict legitimate growth.

Once again, if we are to apply the pay-as-you-go approach to all other spending in the budget—and that is what we have done. If you want to do something to help the elderly, if you want to do something to help the medically indigent, if you want to do something to provide better care for children or improve education, you have to take it from elsewhere within that category. And so it goes with defense. If we want a new program, we have to take it from somewhere else in the defense budget.

Madam President, let me conclude by saying what this does is endorse the pay-as-you-go approach. This does not neglect the cost-of-living that is sought. This does not keep out the increase that is sought for the nonsalary items in the budget. We keep that. What it does is hold down the number of positions and thus also hold down the spending.

Madam President, I very strongly believe—and I think if you took a poll in the Senate, they would all say the same thing—that what we demand of other sections of the Government, of the departments of the Government, we should impose upon ourselves. I think it behooves us to set an example.

So, Madam President, that is the gist of the amendment.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. CHAFEE. I reserve the remainder of my time.

Mr. STEVENS. Mr. President, Madam President, I would like to have 5 minutes.

Mr. FORD. I yield 5 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Madam President, my good friend from Rhode Island makes a case for restricting the growth of the number of employees in the Senate. When I was deputy leader, under Senator Baker as our majority leader, we did bring about an across-the-board reduction of employees.

But, let me tell you what has happened in recent years in the Senate. We created the Budget Act and we now have a Budget Committee. We created a Small Business Committee, a Veterans' Committee, an Aging Committee, a Committee on Intelligence and Committee on Indian Affairs. I do not recall many voices being raised on this floor against the creation of those new committees.

In addition, the Budget Act itself has imposed additional work on the committees of the Senate. Budget Act compliance is now the name of the game here in the Senate and it has almost doubled the workload of the staffs of every committee.

The impact of the amendment of the Senator from Rhode Island would be to say that those committees that at the current time have not filled all their positions would not be able to do so in the future. The problem is, we have seasonal committees. Even the Budget Committee, itself, is a seasonal committee. I call the Senate's attention to the fact that we are just starting a new budget process. We have people leave at the end of one cycle. The Budget Committee is down to 70 employees from an authorized level of 83. I think we should commend them for their approach in not maintaining a full staff all year round when they do not need them, perhaps, all year round.

But the basic point is that the amendment of the Senator from Rhode Island is going to impact committees that need this staff. Take Armed Services: I know of no committee that is going to have a heavier workload in the immediate months ahead of us now. They are down to 48 members. They are authorized 52. We just authorized them to go up an additional 4 to 56 because of the obvious workload on that committee due to Desert Shield and Desert Storm.

The Finance Committee, justifiably, has requested an increase because of their problems.

The Banking Committee also has requested more staff. I am sure there is no one here that does not recognize their need for additional employees.

But while I recognize the necessity to limit growth, I do believe that now the emphasis of our committee staffs is to try to find a way to limit the total growth of Government. That takes the assistance of people to analyze these budgets, to analyze our compliance with existing laws, to determine what we should do with specific areas such as intelligence.

The Intelligence Committee is going to be very much overworked this year and it is down now to 42 members of their staff. They are authorized 45. I do not believe that the impact of their being temporarily down ought to mean that they would be denied the opportunity to fill those vacancies.

In other words, Madam President, I think that we are operating now on the basis of restricting the request for increase. The Senator from Kentucky and I have tried our best to ensure that. We have not asked the Senate to approve much new money. Basically, we have taken the increase from the carryovers from 1990.

What the Senator from Kentucky said previously about the double teaming of our Finance Committee when they get to conference occurs with every committee in the Senate. The Defense Subcommittee that I am the ranking member of, former chairman of—when we go to meeting with the House we find a margin of 3-to-4 House staff as opposed to the people working with us. We find we really have a difficult time keeping up with the staff conferences called by Members from the other side, because of the impact of that number that they have available to them and the number of people who are working with us.

I am not complaining. I am just saying it is a fact that we operate with fewer employees but do the same work. I am opposed to the amendment of the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I would just make a couple of points if I may in rebuttal to the distinguished Senator from Alaska. He was mistaken when he said that I am limiting the position to those that are currently filled. I did not do that. I dealt, instead, with the authorized levels. In other words, there are currently 1,108 employees and 1,203 available positions. I worked with the 1,203. So I did not say to the Armed Services Committee or whatever committee it might be, how nice of you, you are frugal, you cut back but you are planning on taking up a surge load—as it would, for instance, in the Budget Committee, at a certain time—and I have restricted you back to the employees you have now. No, I have not done that. I have worked with the authorized positions. That is the first point.

The second point is that it is extremely unfortunate, it seems to me, that what is an emergency load and an increase in the number of positions that a committee needs this year becomes the floor of the committee positions for the next year. In other words, let us say that committee A has a very important bill, a heavy load, and therefore the Rules Committee says yes, you need seven more positions. We will give you the seven more positions.

The measure is handled, the measure is passed, it goes to conference, we confer with the House, we need the staff, and the bill is done with. But we do not find that committee going back the next year and saying thank you very much for the extras you gave us, we will give you back the seven people. No, that becomes the floor for that committee; the permanent floor of the number on that committee. And you build on that. Therefore, we never see a decline in the committee.

I sympathize and understand the points the Senator from Alaska made about going to conference with the House. But that has been true for years. Sure we go to conference with the House and we find the House has a roomful of staff and we have a few. I like to think we have quality. I like to think that we have done very well.

I do not think anybody in this Senate will say we have been bamboozled by the House in conferences. We have held our own. Last year I was a member of two conference committees at the same time dealing with clean air and dealing with Medicaid provisions, with the Ways and Means Committee and the Commerce Committee. They had many more staff than we had. But we were able to handle ourselves. We did not think we were overcome. We did not think we were blown out of the water by a series of movements by the House and all its staff members. So I really do not think that is a justifiable reason for increasing the number of staff.

So, Madam President, I hope this amendment will be adopted. It gives tremendous power to the Rules Committee. It says to the Rules Committee you can move these people around. I would be interested in, sometime, having an explanation of why these three particular committees have so many people. The Governmental Affairs has 124 people. The Labor Committee not only has 124 people but, if this does not gall my colleagues, they are going to get 3 more; they are going up to 127. They are going to nose out the Governmental Affairs Committee for second place in staff size, and they are edging Judiciary which holds steady at 138.

Mr. STEVENS. Will the Senator yield?

Mr. CHAFEE. Sure I will.

Mr. STEVENS. I wonder if the Senator realizes the Governmental Affairs Committee is composed of the former Post Office-Civil Service Committee, Government Operations Committee, D.C. Committee, and the permanent investigating committee? They were put together—four committees. When they were put together they ended up with less staff than they had as individual committees.

There was an accommodation there in the past.

As far as Judiciary is concerned, I want the Senator to realize the basic problem there is the number of appointments they handle every year for the entire Federal judiciary.

If we look at the other committee, the Labor Committee has the basic problems of all of the labor laws of the country. They have a traditional level. I believe if we look back when employment in the Senate was less, they still had a comparatively large staff level in the Senate. In other words, I do not think we have upset the historical trend and I wonder if the Senator realizes what is involved here in terms of the workload of the committees as reflected by the legislation and appointments that come to the floor of the Senate.

Mr. CHAFEE. Madam President, the thing I find distressing is that these three committees have constantly had more staff than the others. I think if we made a fair judgment in this body we would find that no committee has a heavier load, as I mentioned before, than the Finance Committee. What do they deal with? They deal with all taxes, they deal with Medicare, they deal with Medicaid, they deal with Social Security, and, Madam President, all trade matters.

There is not a committee here that has a platter as full, as that. Yet that committee, as I say, is half the size of these committees. I think this makes no sense.

I have confidence in the Rules Committee, in its chairman and in its ranking member, that they will be able to move around people from staff to staff when there is a surge in a particular committee.

In 1986 we had the tax measure before the Finance Committee. This year we had the trade agreement with Canada. This year we have possibly the trade agreement with Mexico, the GATT coming before us, possibly a tax measure. As always there are struggles with Medicare and Medicaid.

If that committee needs additional people then the Rules Committee could look at it. I have confidence in their fairness. They would say, well, I think you are right, Mr. Finance Committee chairman, I think you need three more people. We will give them to you. We will take them from one of these committees that does not have such a heavy load and has such a heavy staff.

So, Madam President, I think this is an eminently fair provision. I hope it will be adopted. Frankly, I would like to see the managers of the bill adopt it. That is an offer.

Mr. FORD. Which is not accepted.

Mr. CHAFEE. Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes left.

Mr. CHAFEE. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky has 9½ minutes.

Mr. FORD. Madam President, the distinguished Senator from Rhode Island would have us take staff members from three committees and that would be Governmental Affairs, Labor, and Judiciary. He says, take one of those employees and transfer them over to Finance. The chairman, the ranking, would not want that staff member from Judiciary on to Finance, because they have no finance background. Is the Senator requiring that they fire somebody so they might put more on? He is putting the onus on the chairman and the ranking, after instructions from the Rules Committee, to fire somebody or to eliminate them from that committee.

We have accepted the request of the Finance Committee at this time, seven new staff members in the first year.

We think they need it. I think they need it, and you say you had a good time, without any trouble, working with Ways and Means, you got along fine except your staff, with only three of four there, never went to sleep for about 3 days, where the others used teams. I think that is unfair, but it points up one thing: We did not have enough. So that has been recognized by the chairman and ranking member of Finance, and the Rules Committee, in their judgment, said it should be done. It is all up to the Senate.

It appears that we are not staying within the amount of moneys authorized or appropriated. I say to my good friend that from 1980 through 1990, if we had just given the committees cost-of-living increases—that is all—we would be spending almost $5 million more today under this budget than we are asking the Senate to approve. I think that is a fairly decent record, and we appropriated money and we are asking the Senate to authorize and appropriate to the committees almost $15 million less than the budget calls for.

Madam President, we can take anything and make it bad or we can take anything and make it good. We can always find word merchants who make it sound horrible. That is why I get in political campaigns. We watch these ads on TV and you really wonder about the individual when you get through saying how bad they are. Apparently, the ranking members on these committees are bad because the Republicans agreed with the Democrats on their request except one. So we sit there as a mixed group, I believe it is 9 to 7, 9 to 6 on the committee—9 to 7—and we vote unanimously, except on one committee, and that is all. So unanimously we make the decision.

So the Senator is saying to us you take the responsibility and tell the Judiciary Committee to fire three so they might be hired on another committee. I do not think you would want to do that. Even in private business it is kind of tough to do that. What we are seeing here is that we are $5 million less in this budget for the committees than if we had just taken inflation. Think about that now. That is a pretty good record, and then it is almost $15 million less than the funds appropriated.

Now you want to squeeze some more. If you look there, for about 6 years, it was stagnant. We did not do anything. We did not have a bubble in the committees, and we got it down just about as narrow as we could.

We have created an incentive in the piece of legislation. It says to those committee chairmen, if they save money, they can keep 50 percent of it in the first year to improve the efficiency of the committee. That not only saves money, but it gives them an opportunity to use it to make their committees better. We have used the moneys saved to reduce the amount of money that was appropriated, and yet we find, or I do, boy, you just cannot do anything right, but we will do the best we can. But we have saved money. We have tried to accommodate the chairmen and ranking members, and for the 19 committees, 19 Democrats and 18 Republicans agreed on what they wanted before the Rules Committee. We did not give them everything they asked for.

So it gets a little bit tough to try to accommodate my colleagues. We work as hard as we can; we think we begin to have a downturn. I said earlier the economic condition out there is not as good as it ought to be. So you are going to get more requests. You are going to have more unemployment. You are going to have more welfare. You are going to have all these, and when the economy is bad, the pressure on this body is increased because you have more casework to do, and trying to be as frugal as we can, being well under the appropriated funds. I do not want to take the responsibility of saying to the committee you fire people so another committee can have it. The committee chairmen can do that and they can be frugal, they can reduce their staff, like I do in my office and I am sure you do in yours, but then you are saying to the Rules Committee, you tell a committee to fire people so we can give them to somebody else, that disturbs me.

Madam President, I reserve the remainder of my time.

Mr. CHAFEE. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Rhode Island has 10 minutes. The Senator from Kentucky has 2½ minutes.

Mr. CHAFEE. Madam President, the point is that committee staffs keep growing. I do not think we can have it both ways. If we are having more committees—Veterans' Affairs, Elderly, Intelligence, Indian Affairs, Budget—I do not think we can say that by having five more committees, and I have just named those five, that we have not reduced the workload of some of the other committees; then something is wrong somewhere. I cannot believe that no attention was given to the elderly, no attention was given to Indians, no attention was given to veterans, no attention was given to the budget under the prior system.

So as we had more committees and more staff for those committees, clearly the workload of the other committees, existing prior thereto, was reduced. I think that makes common sense.

The next point, Madam President, is, just look at the total. In 1950, 300 staff; in 1970, 647; and in 1990, 1,203, four times as many as there were in 1950. By the way, I think in 1950, they were putting through some extraordinary legislation—the Marshall plan, getting ready for Medicare, for example; a whole series of programs.

How are we going to stop this? The distinguished chairman of the Rules Committee said we are throwing him a hot potato. We are asking him to tell some committee to fire people because a legitimate cause has been made for added employees in another committee. It does not quite work out that way because there are vacancies. Actually there are 1,108 people on the staff now, or there were as of December 31. So there are vacancies. These positions are not always filled. I think he envisions horrors that just are not there.

And so when there comes along a surge, it seems to me it can be handled by making them temporary positions, saying to the chairman, "All right, you have a whole series of judges that you have to get ready for," or "We have expanded the number of circuit court judges, and thus you are going to need more investigations, background checks, and so forth, that is this year. And you can have eight more employees, but they are not permanent. And, Mr. Chairman, you better plan for that." And people can plan for these things.

So I urge my colleagues to support this amendment. What a signal it would send to the country. What a wonderful signal. Here we are saying to everybody, you have to be thrifty, cut back; we are trying to balance this budget; we are trying to reduce the deficit. Here is a chance to do something about it. Here is a chance to take a special step, and it is not that painful. It just says we are going to stick by the number of positions, authorized positions, not filled positions, that we have currently. We are not going to increase this year, nor the year after.

I reserve the remainder of my time. If there is nothing further, I will be prepared to yield back my time.

Mr. FORD. I would like to make one statement, if I may.

Madam President, I make one point. We have in this budget almost $6 million less than if we had followed inflation the last 10 years. I am not sure of the exact figure. I have said we are approximately $15 million—approximately 12, 13, 14, somewhere in that neighborhood—less than the amount appropriated. We are under the gun. We are saving money. We have been doing that for some time.

I do not mind hot potatoes. I have been in battles about as long as the distinguished Senator from Rhode Island; handled the Governor's chair, and other things. The Senator made decisions as Secretary of the Navy. I had to take hot potatoes.

But I hate to be put in the place that I am told to tell a chairman you have to eliminate staff; we are telling them how to run their offices, committees. We are getting to the point around here where we cannot even make a judgment ourselves.

If we had passed the other amendments of today, we would have gotten into what we could do in our offices, what we could do in our committees.

Our responsibility, as I see it, Madam President, is to those we represent. If we do not do a good job, we answer to them.

The ranking member and the chairman make these decisions, and we ought not make it for them. I suspect they will exercise their judgment here shortly and they will say we do not want anybody telling us how to run our committees, we want to run our committees as we have been.

One of the committees the Senator is on, I say to my friend from Rhode Island, has asked for an increase. We think it is long overdue. We think they should have had it before. They have struggled and struggled. You get to the point where you are not doing quite as good a job as you ought to do because when you ask staff to stay up day in and day out for 3 or 4 days and sleep on the couch in the office, I do not think you are doing the staff right and they are not doing you right because they do not have the time to make good judgments.

So I am ready to yield back my time. When the Senator from Rhode Island yields back his time, I will move to table the amendment.

Mr. CHAFEE. Madam President, I find the remarks by the distinguished chairman of committee discouraging in a way because, in effect—and he can contradict me if I am wrong—what he is saying, when he says that he does not want to go to any chairman and tell him he does not have to lay off people, is that committee staffs will not be reduced, no committee staff will ever be reduced.

I just cannot follow that. As I mentioned before, these things are cyclical. There are surges. There are times when one committee is extremely busy and times when it is not. But to say these large committees under no condition can be reduced, and, indeed, if you can believe it, one of them is being increased, I must say that dazzles me.

Mr. FORD. Will the Senator yield on that point just a minute? If the Senator has been dazzled, I can dazzle the Senator a little bit more.

Mr. CHAFEE. I may not be able to stand it.

Listen to this one. There are 12 A committees. Of those 12 A committees, 41 percent of the staff is on 3 committees—41 percent of the staff is on 3 of those committees: Judiciary, 138; Government Affairs, 124; Labor, 124. Fifty-nine percent of the staff goes to the remaining nine committees.

The thing is out of kilter. Nobody would suggest that the Labor Committee, the Governmental Affairs Committee, and the Judicial Committee have that big a load. And so if they want more people, if they want to grow in these other committees that we have mentioned, such as the Finance Committee, which needs additional people, there is a place to take them.

So I hope we would agree to this limitation of the total number of positions. It is not painful. I am not going back to 1970. I am not going back to 1950. I am not even going back to 1989. I am taking 1990, what we have now. I am saying that is enough. Let us blow the whistle. Let us do something about saving money around here. Let us set an example right here in the U.S. Senate in these committees; 1,203 positions for our committees is hardly a minuscule amount of assistance.

I am prepared to yield back my time if the distinguished chairman is so prepared.

Mr. FORD. I am not going to let the Senator have the last word until I run out of time.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. FORD. I do not have to yield back my time. I am through.

Mr. CHAFEE. Madam President, there it is. I have outlined it to the best of my ability. I very strongly believe here is a chance to strike a small blow. Small though it might be, I think it is indicative to the rest of the country we are trying here. We who pass on other people's budgets say you have to stay within this category; if you want an increase to help poor children, you have to take it from some other item within that category. And so in the same way we are saying here let us keep these positions at the current level.

Mr. STEVENS. Will the Senator yield for 30 seconds for a question?

Mr. CHAFEE. Yes.

Mr. STEVENS. We do not have any time.

The Senator did change the original amendment from those employed by the committee to those authorized by the committee.

I apologize for my comments. But the amendment the Senator offered was different from the one that was delivered to our office. I do apologize.

Mr. CHAFEE. All right. We are talking about those that are authorized. If there are vacancies, we are not saying to some committee that has vacancies, you were thrifty, you did the right thing in not filling these positions for the Budget Committee, for example, you cannot fill them later. We did not punish those committees under this amendment.

Madam President, I am prepared to yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. FORD. Madam President, I move to table the amendment submitted by the Senator from Rhode Island.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, I move to table the amendment of the Senator from Rhode Island, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Rhode Island. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator fom California [Mr. CRANSTON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] and the Senator from California [Mr. SEYMOUR] are necessarily absent.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—55

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Breaux
Bryan
Bumpers
Burdick
Byrd
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stevens
Warner
Wirth

NAYS—41

Bond
Bradley
Brown
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Heinz
Helms
Jeffords
Kassebaum
Kasten
Lautenberg
Lott
Lugar
McConnell
Mack
Murkowski
Nickles
Pressler
Roth
Rudman
Simpson
Smith
Specter
Symms
Thurmond
Wallop

NOT VOTING—4

Cranston
McCain
Seymour
Wellstone

So the motion to table the amendment (No. 20) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 22

(Purpose: To encourage compliance with Rule XXVI)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. DOLE, Mr. THURMOND, Mr. COCHRAN, Mr. HELMS, Mr. BROWN, Mr. SMITH, Mr. DURENBERGER, Mr. BURNS, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. COATS, Mr. LOTT, Mr. WALLOP, Mr. SPECTER, Mr. SYMMS, and Mr. MCCAIN, proposes an amendment numbered 22.

At the appropriate place add the following:

None of the expenses of any committee or subcommittee shall be paid from the contingent fund of the Senate for any hearing which has not been certified prior to such hearing by the chairman, after consultation with the ranking minority member of such committee or subcommittee, that such hearing is in compliance with rule XXVI.

TIME LIMITATION AGREEMENT

Mr. FORD. Mr. President, will the distinguished minority leader yield to me for a moment?

Mr. SIMPSON. I certainly will yield.

Mr. FORD. Can we enter into a time agreement?

Mr. SIMPSON. That is perfectly appropriate with me.

Mr. FORD. Does the Senator have a time suggestion?

Mr. SIMPSON. Thirty minutes.

Mr. FORD. Equally divided?

Mr. SIMPSON. Thirty minutes equally divided.

Mr. FORD. And no amendments?

Mr. SIMPSON. No amendments; the usual order.

Mr. FORD. The usual order.

I ask unanimous consent, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. As I understand it, Mr. President, there are 30 minutes equally divided between Senator SIMPSON and myself, it is in the usual form, and there are no amendments in the second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. Mr. President, first, I want to thank the chairman of the Rules Committee and the ranking member of the Rules Committee for what they have done. I have been here now 12 years and I have never seen a more appropriate effort to try to get a handle on staff and costs of committee expenses. They are a burgeoning item in this budget, and they continue, and they certainly have in my time here. So I think the Rules Committee has tried to be very fair. I want to say that very clearly. And I think they have been very businesslike, and I say that very clearly.

What we are talking about here is rule XXVI, and I am addressing my remarks solely to rule XXVI. We all have our Standing Rules of the Senate. It provides that "Each committee may make investigations into any matter within its jurisdiction," and that the "expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman."

It is clear, I think, that rule XXVI contemplates that committees only conduct hearings into matters within their own jurisdiction, and the policy behind that rule I think is obvious.

The committee funding resolution would spend—I think we have finally reached a figure of $114 million—in taxpayer dollars for the operation of 19 committees for 2 years. From now until February 28, 1992, the rules panel has recommended $55.9 million. Now with these millions we are spending for committee funding, I think it would be an inappropriate use of money if one committee usurped the jurisdiction of another committee for the purpose of conducting hearings. And that is the sole purpose of rule XXVI on page 35 of your Standing Rules.

We are all fully aware there will be legislation introducted that impacts upon the jurisdiction of other committees and subcommittees. But here in the Senate we have always provided a process for joint referral and sequential referrals, time limits as to how long those can remain with other committees or subcommittees under those circumstances. This amendment is merely an effort to certify compliance with rule XXVI.

I am not seeking any particular effort. There is no attempt to challenge a colleague to cite some specific evidence. I am just saying this would require a certification and the chairman could still go forward. It is much like the comity here on this floor with the majority leader and the minority leader, where we often say that "the majority leader after consultation with the minority leader" will go forward. That is common language in unanimous-consent agreements in this place.

So we are saying that we are certifying prior to the hearing by the chairman, after consultation—this is not veto, this is not approval, it is not disapproval, it is consultation—of such committee or subcommittee with the ranking minority member that such hearing is in compliance with rule XXVI. Then you simply go to that.

So that at each and every hearing if something should occur that appears to be outside the jurisdiction, then there will be a commentary, well, if you were to consult with me about that, and you could say I did. You did not agree with it but we are going to go forward, and that is all that is required.

The ranking member should not have veto power. I would not want anyone to believe that a ranking member and a ranking member alone should have veto power on the jurisdictional aspects of a committee. But certainly, he or she should have consultation with the members so that nothing more than comity is achieved.

So it requires a certification be made prior to the expenditure of taxpayer funds. This is a matter I think of fiscal responsibility, not a matter of partisanship, and it is not the desire of any of us who cosponsor this to make it a partisan issue. I would be glad to try to answer questions as to my intent, to what I am attempting to achieve by this particular amendment.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I yield myself as much time as I shall need.

I find that as we go through various and sundry committee operations and we endeavor to do the best we can, that, lo and behold, we come on the Senate floor and want to change the whole procedure. We want to make changes that are attempted to be kind of whitewashed, or painted over, that it is insignificant; it does not mean anything.

I think this is a significant change. I wish that when we had the alert in the Rules Committee, we would have done something about it then. Instead, you wait until you get on the floor and make a point of it, and we have to vote one side versus another. I was alerted to the fact that this was a possibility, but then it died last Tuesday. That is the whole sum and total of it, and that is what I was told would happen.

So now we sit here. There has been no study of what this would mean. There has been nothing debated about it. We have not tried to figure out how it would operate within the committee, if there would be any significant change.

Some of the committees have subcommittees that can do various and sundry things. I am not sure that every subcommittee has to listen to the chairman. Maybe the Investigative Committee does not necessarily need the chairman's approval to do this, so it does not apply. I think we need to look at it, and I am willing to do it.

I give those who propose this amendment my word that we will hold hearings on it. We will get down to it or we will have consultations. We will try to go through the rule.

But I hate to be told that this debate would be brought up and then after Tuesday probably nothing will happen, and the person that told me that was absolutely correct in his understanding. So after 6 years in the minority I do not know that we ever attempted to do this to the majority at that time.

So I just think that we are going a little too far here. We ought to back up. It is too early to get too partisan. We ought to just say that we have issues here that are more important than this one. This is purely a vote up or down by one side versus the other. We are off on the wrong foot.

I hope that my colleagues on the other side would look at that. We have attempted to work and work very closely, and then, all of a sudden, we get this partisan issue here that we will be forced to vote one way, and you will force your folks to vote another way. I hope it would not occur. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I yield such time as necessary to the minority leader.

Mr. DOLE. Mr. President, let me agree with the distinguished Senator from Kentucky. I think this is an important issue.

All we suggest is that we comply with rule XXVI. There may be an instance where Republicans were in the majority and they did not comply with rule XXVI, or there may be questions of jurisdiction within a committee or subcommittee. What we are suggesting is that you at least have some consultation with the minority, in this case the Republicans, just as I consult on a daily basis, sometimes weekly basis, with the majority leader. He makes decisions finally, but we have consultation, so at least there is some notice and we are appraised of what may be coming up.

So the purpose of this is to encourage compliance with rule XXVI. It has been a problem, at least some of us think it has been a problem.

There have been in the minds of some, matters outside of certain committee jurisdiction where they had a hearing in any event. There were some who would say they were not for any real purpose except for political purposes. If that is how we are going to use the taxpayers' money, for some partisan political advantage, then I think minority ought to be consulted.

As a member of the Senate Finance Committee, I would not expect that committee to be holding hearings on price support for wheat, for example. Maybe that is legitimate if we do not have to worry about jurisdiction. I guess we can have hearings on anything. But I am certain that committees, in general, have enough to do without dealing with matters outside their jurisdiction.

This is not a new or a novel concept. Rule XXVI already states that committees may make investigations on any matters within their jurisdiction. This only supplements that rule by requiring a certification by the chairman and ranking minority member of that jurisdiction.

We are trying to preserve the integrity of the committee system. It is a system that has served the Senate well and we believe that this amendment will even be more helpful.

I do not have any doubt about how the vote is going to come out. It will be a party line or close to a party line vote. And maybe if it cannot be adopted here, it can be offered to other measures that come through the Senate. There are a number of ways that we can frustrate the will of the majority if we want to stick to some of the rules as far as when committee meetings may be held and how long they may be held.

So, Mr. President, if there is some way to modify this amendment to make it satisfactory to the chairman of the Rules Committee—if it is offensive in some way, then we can maybe make some changes. But if it is just we do not want to consult the minority, we should not worry about jurisdiction, then I think we ought to have the vote; at least we ought to have the record. We will lose, but then we will try something else at a later date.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I yield so much time as I have left to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Kentucky has 11 minutes remaining.

The Chair recognizes the Senate majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague.

First, let me say that the distinguished Republican leader and myself do consult regularly; indeed, not just on a daily basis but frequently several times daily. We frequently include in unanimous-consent requests, which subsequently, when approved, become agreements, a provision which calls for such consultation. That is not required by any rule or law. It is, I think, a matter of comity and good faith and an effort on the part of all to facilitate the business of the Senate in a way that is fair and responsible.

So I think it should be understood clearly that there is no opposition on the part of the majority to consultation and to full participation since it is done on a daily basis, voluntarily, without any requirement of rule or statute. I think it makes good sense. I think it is a good way to advance the business of the Senate in that circumstance.

As the distinguished chairman of the Rules Committee has stated, if there is some concern about the abuse of jurisdiction or the lack of notice with respect to committee meetings, then that case ought to be made in the normal way that we conduct legislative business. We ought to have a hearing on it. If there is a specific complaint or concern or complaints or concerns, those ought to be heard. But I think it unwise, regarding what the distinguished Republican leader has called an important issue, to change it in any way without any hearings, without any prior discussion, without any ascertaining that is the specific concern.

I know that there was no intention to imply that there has not been proper notification or notice under rule XXVI at previous hearings. We all ought to be a frank about the fact that a hearing was held a few weeks ago in the Antitrust Subcommittee of the Judiciary Committee, which I am certain at least in part contributed to the raising of this issue.

I am advised that notice was given in accordance with rule XXVI to the ranking member. There was full notification, and so I am not certain that, if that is the concern, this amendment would have affected that proceeding in any way. I do not know enough about the proceeding to comment beyond that.

I first learned about it when the distinguished Republican leader took the floor after the hearing had been held to express his concern about it. If that is the concern, then I think we ought to know that and determine whether this is the best way to address it.

The second question arises, if that is the concern, is this something that has occurred more than once? How many hearings have been held by subcommittees and committees in the Senate, and on how many occasions is it alleged that those hearings exceeded the jurisdiction of that committee or subcommittee? Are we dealing with 1 out of 1,000 cases? Are we dealing with 100 out of 110 cases?

Those are two rather dramatic differences. No one knows the answers to those questions and, therefore, I think it appropriate that we say that there is no concern about or opposition to the process of consultation.

We all recognize, surely, as the distinguished Republican leader suggested, that the rules are such that a determined minority cannot just impede the business of the Senate; a determined minority can effectively prevent the Senate from acting. We all know that. So there has to be a certain amount of comity, good faith, trust, willingness to work together. I have tried to exhibit that in dealings with the distinguished Republican leader and to act upon that, and I think we should continue in that manner. I hope we would not proceed with this amendment now but act as the chairman of the Rules Committee has suggested. Let us have a hearing on it. Let us have discussions on it. Let us try to identify what is the cause of the problem that this amendment seeks to solve and then determine if this is the best way to do it, or if there may be perhaps some other way to do it.

But I want to emphasize that my opposition to this amendment at this time is not based on any lack of interest or desire for consultation or full and fair participation. I think that has been exhibited in the manner in which the Senate has done its business in the past 2 years. I hope we can proceed as the distinguished chairman of the Rules Committee has suggested.

I yield the floor and reserve the remainder of the time allotted to me by the distinguished Rules Committee chairman.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. I yield 3 minutes to the distinguished senior Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I rise in support of this amendment to the omnibus committee funding resolution for 1991 and 1992. As has already been explained, it would require that the chairman of a committee or subcommittee certify that a hearing is within the jurisdiction of the committee or subcommittee. Unless such certification is obtained before a hearing, expenses related to that hearing will not be paid out of the contingent fund of the Senate.

Mr. President, I believe this amendment is long overdue, and I support it for several reasons. In the first place, it will help to control the costs of a committee. At a time when all Americans are tightening their belts, both personally and in business, we in the Senate should be doing the same thing. This amendment would force committee chairmen to carefully monitor their committee's business to ensure, in a very practical way, that appropriated moneys are spent only on the legitimate business of the committee.

Related to this, but of equal importance, is that this amendment will force each committee to become more efficient and to focus only on those issues that are the legitimate business of the committee. As each of my colleagues is aware, committee members and staff come to the committee either with a particular area of expertise, or they develop such expertise in the course of their continued involvement in committee matters. Many committee members and staff have neither the time, nor the expertise, to effectively and efficiently examine matters outside the jurisdiction of the committee. Moreover, time spent on matters not within a committee's jurisdiction takes away from time that could be spent pursuing legitimate committee business.

Finally, in accepting this amendment we are ratifying the organizational structure of the Senate committees and the accompanying Senate rules. Committee structures have been established, in part, so each Senator can focus more particularly on certain areas of concern. Unless we are willing to create mechanisms that ensure the jurisdictional boundaries of the committees, we might as well do away with them. This amendment guarantees, at least as to our committee work, that our time, energies, and moneys will be spent on issues appropriately within the jurisdiction of the committees on which we serve.

Mr. President, I urge all my colleagues to carefully consider this amendment, and to affirmatively support its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I have listened with intent and interest to the debate of the chairman of the Rules Committee and the majority leader. I hear clearly what they are saying.

It is not the intent to set some tone of partisanship here. I would be, as the principal sponsor of the amendment, amenable to the assurance, which we will have rendered, that there would be hearings on this issue.

We can discuss this issue with people there who are the most vitally interested, the chairmen and ranking members, to see what they feel about the implementation of rule XXVI.

I would be glad to express that proposal and ask our ranking member of the Rules Committee to perhaps take a minute of time.

Mr. FORD. Mr. President, I yield myself 1 minute.

I want to say I thank my colleague and counterpart here, if I can use that term. I look forward to a hearing. No one has been any fairer and worked any harder than the distinguished Senator from Alaska. We have gotten along very well. I appreciate what the Senator is doing here. I will be glad to work and listen to my colleague.

Mr. President, we are ready to finish up.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. SIMPSON. I yield to the Senator.

Mr. STEVENS. Mr. President, I too, have heard the offer of hearings on the subject. I have been visiting, off the floor, on the whole question of what happens with regard to consultation. I think we have excellent consultation at the leader level and particularly, on the Rules Committee. I cannot ever remember a time when the chairman scheduled a hearing without first asking if the date was convenient with me.

I think we need to build into the system a recognition of this consultation objective to explore a solution off the floor. We cannot really do that as easy here on the floor as we can in committee.

I am pleased to join with the distinguished chairman of the Rules Committee in offering to explore this subject and see if we can report back to the Senate something that will reassure the Members, on both sides of the aisle, that consultation will take place.

If this amendment comes to a vote and we support the majority leader, and the control swings to this side, we will be reminded we voted for this mission. Let us resolve this issue in committee in a way that will not have lasting partisanship in the Senate. I do hope we proceed to solve the problem in committee.

Mr. FORD. Mr. President, I yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, as the majority leader has acknowledged this amendment may have been prompted by a hearing held in my subcommittee some time ago. With respect to the issue of rule XXVI and with respect to issues of comity and cooperation—I want to make the record clear in this case.

A hearing notice was sent to each member of the committee 1 week prior to the hearing, as is required. In addition, 7 days prior to the hearing, a full briefing on the topic of the hearing was conducted—a briefing which raised all sentsitive issues right up front.

Staff from every subcommittee member on the Republican side were present at this briefing. The staff report and every document used in preparation of that report were available to committee staff for review 2 days prior to the hearing.

No Senator's office raised any objections to any documents which were to be included in the RECORD.

No Senator's office suggested that any particular witness be called before the committee nor was it suggested that any witness was treated unfairly in the staff report. Senator THURMOND'S office, as the ranking Republican member, did suggest a minor change in the title of the report, which we altered at their request.

It is a standard practice, as every Senator knows, that when the majority calls a hearing, the minority staff is briefed in advance and has the opportunity to suggest changes in the format or to call minority witnesses. That procedure was followed in this case, and the minority failed to raise any concerns or suggest any changes.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the amendment previously proposed by me be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be withdrawn.

The amendment (No. 22) was withdrawn.

Mr. SIMPSON. Mr. President, I thank very much the chairman of the Rules Committee and the majority leader for their comments and insight with regard to this situation. I think we are really aware of what we are trying to achieve. I thank them for it.

Mr. FORD. Mr. President, I do not know of any other amendments.

Mr. STEVENS. Will the Senator yield? I have no knowledge of any amendments on this side, and we are prepared to agree there be no more amendments.

The PRESIDING OFFICER. If there are no further amendments, the question is on agreeing to the resolution.

Mr. FORD. Mr. President, we are being asked for a rollcall vote now. So we will have to do that. Let us withhold the consideration of the resolution.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the resolution, Senate Resolution 62. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from California [Mr. SEYMOUR], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER (Mr. LAUTENBERG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—72

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Cochran
Cohen
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lugar
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Thurmond
Warner

NAYS—22

Bond
Brown
Burns
Chafee
Coats
Conrad
Craig
D'Amato
Gramm
Grassley
Helms
Kasten
Kohl
Lott
Mack
Murkowski
Nickles
Pressler
Simpson
Smith
Wallop
Wirth

NOT VOTING—6

Cranston
McCain
Packwood
Seymour
Symms
Wellstone

So the resolution (S. Res. 62), as amended, was agreed to, as follows:

S. RES. 62

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1991 and 1992".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1991, through February 29, 1992, in the aggregate of $55,873,148, and for the period March 1, 1992, through February 28, 1993, in the aggregate of $58,069,231 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant of Arms, United States Senate, Department of Telecommunications, or (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the appropriations account for "Expenses of Inquiries and Investigations.".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,981,783, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,054,457, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,879,959, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,058,867, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,024,631, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,143,243, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,253,043, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,374,143, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,526,693, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,930,949, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,844,527, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,701,485, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,804,715, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,461,745, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,559,803, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,774,561, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,891,437, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,056,605, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,267,105, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66 of the One Hundred First Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,979,958, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,171,893, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,361,330, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,595,597, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,521,403, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with this jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,047,108, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,094,447, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,202,351, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,252,528, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, as amended, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,213,792.

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,239,556.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,356,636, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,453,497, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,239,193, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,284,371, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL RESERVE

SEC. 22. (a) Of the funds authorized for any Senate committee by Senate Resolution 66, agreed to February 28, 1989, as amended, for the funding period ending on the last day of February 1991, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which shall not be less than the following amounts for the following committees:

Agriculture, Nutrition and Forestry ($29,632);
Appropriations ($300,000);
Armed Services ($179,000);
Banking, Housing and Urban Affairs ($500);
Budget ($278,606);
Commerce, Science and Transportation ($307,138);
Energy and Natural Resources ($221,948);
Environment and Public Works ($140,000);
Finance ($48,130);
Foreign Relations ($817,853);
Governmental Affairs ($405,435);
Judiciary ($146,790);
Labor and Human Resources ($94,136);

Rules and Administration ($120,791);
Small Business ($87,683);
Veterans' Affairs ($1,000);
Aging (Special) ($39,587);
Intelligence (Select) ($189,745); and
Indian Affairs (Select) ($0).

The reserve shall be available to such committee for the period commencing March 1, 1991, and ending with the close of September 30, 1991, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1991, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1991.

SEC. 23. (a) Of the funds authorized for any Senate committee by this resolution for the funding period ending on the last day of February 1992, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which shall not be less than the following amounts for the following committees:

Agriculture, Nutrition, and Forestry ($14,816);
Appropriations ($150,000);
Armed Services ($89,500);
Banking, Housing, and Urban Affairs ($250);
Budget ($134,315);
Commerce, Science, and Transportation ($145,760);
Energy and Natural Resources ($105,253);
Environment and Public Works ($70,000);
Finance ($24,065);
Foreign Relations ($408,926);
Governmental Affairs ($194,935);
Judiciary ($73,395);
Labor and Human Resources ($32,068);
Rules and Administration ($58,551);
Small Business ($40,344);
Veterans' Affairs ($500);
Aging (Special) ($29,000);
Intelligence (Select) ($92,884); and
Indian Affairs (Select) ($0).

The reserve shall be available to such committee for the period commencing March 1, 1992, and ending with the close of September 30, 1992, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1992, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1992.

STATE EQUITY

SEC. 24 (a) Congress finds--

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in the performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each State under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each State under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of achieving the objectives set forth in subsection (b) of this section.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I thank all of my colleagues for their cooperation. I thank my distinguished friend, Senator STEVENS from Alaska, and I thank the staff on both sides. We have worked very well together, and I think that it was displayed here. So I thank the staff, as well as my colleagues, for a wonderful job.

No staff person works any harder than the individual on the committee that develops the budget for the chairman and the ranking member. They work hard at it. I compliment them, and I thank them.

I yield the floor.

COMMENDING HAL H. BRAYMAN

Mr. DOMENICI. Mr. President, I ask unanimous consent that it be in order to immediately consider a Senate resolution I submitted earlier today, commending Hal H. Brayman for his service to the U.S. Senate.

I send the resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 67) commending Harold H. Brayman for his service to the country and to the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, today after nearly 22 years of service to this institution a valued staff person retires from public service. Hal Brayman's service to this institution is indeed remarkable. His commitment to public policy and his untiring effort these many years to help many of us around here produce good legislation, particularly in the area of water resources and public infrastructure, is well known.

Mr. President, I first met Hal Brayman in his capacity as a staff person on the Environmental and Public Works Committee in my first term in the Senate. Those early years working with Hal Brayman and Lee Rawls were immortalized in a book written in 1980 by T.R. Reid, of the Washington Post, entitled "Congressional Odyssey, the Saga of a Senate Bill." Hal, who had recently come to the Environment and Public Works Committee from being a legislative assistant to Senator Caleb Boggs, brought with him an unerring desire to reform the Corps of Engineers' inland waterway financing structure.

The tenacious determination of this Princeton and Columbia graduate resulted in the first user charge bill ever enacted affecting the inland waterways of this country.

The Inland Navigation Improvements Act of 1977, however, did more than just establish "good public policy." As T.R. Reid wrote:

> It was the one thing I remember most from my first six years here. It instilled confidence in my ability to accomplish things up here. It helped me to become a better Senator.

For this I owe Hal a big debt of gratitude.

His work did not end there. A decade later, the Congress adopted landmark legislation, the Water Resources Act, which was crafted by Hal through the Water Resources Committee which I chaired at that time. This statute completely reformed the Corps of Engineers' water resource programs. He has been one of the leaders in developing the concept of environmental infrastructure bonds as a way to address needed infrastructure investments.

In addition, in his capacity as a professional staff member of the Environment and Public Works Committee he worked on all the major environmental laws of the 1970's and 1980's. He has worked on transportation legislation, the Clean Air and Clean Water Acts, and the major resource conservation laws.

More recently he has been directly involved in helping to find ways to reform our campaign financing mechanisms.

Hal's nearly 16 years on the Environment and Public Works Committee, and these last 5 years on the Budget Committee has brought him in contact with many of my current and former fellow Senators. I know they and all his friends and fellow staffers join me in wishing him health and continued success in a well deserved retirement from the Senate. I can only believe that he has left his mark on public policy, and fortunately for the country, I believe we can all agree that it was and is a good mark.

I note that Senators MITCHELL, DOLE, SASSER, and others have cosponsored this. I think that is an indication of what Hal Brayman, who served here for 22 years, has meant to this Senate, the Environment and Public Works Committee, the Budget Committee for a litany of accomplishments and service.

He is going to leave us and take a bit of a sabbatical and perhaps bicycle across America, and he will come back and decide what he wants to do. He has a lot of life left in him.

This resolution details what he did for this institution called the Senate. It should be obvious from it that many Senators were served by him and helped by him.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 67

Whereas Hal Brayman has served the Senate as a member of the staff on the Committee on the Budget, the Committee on the Environment and Public Works, and the staff of former Senator J. Caleb Boggs for nearly 22 years;

Whereas Hal Brayman has served the Environment and Public Works Committee from 1970 through 1986;

Whereas Hal Brayman served as the assistant staff director of the Environment and Public Works Committee from 1981 through 1986;

Whereas Hal Brayman has served as special adviser to the ranking Republican member of the Committee on the Budget from 1986 through 1991;

Whereas Hal Brayman has distinguished himself as a leading expert in federal water resources and public infrastructure policies;

Whereas Hal Brayman has carried out his duties and responsibilities with the highest degree of professional integrity and dedication to service; and

Whereas Hal Brayman has earned the Senate's affection and esteem: Now, therefore, be it

Resolved, That Harold H. Brayman is hereby commended for his faithful and exemplary service to his country and to the United States Senate.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period of morning business in which Senators might speak up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING PRESIDENT BUSH, NORMAN SCHWARZKOPF AND COLIN POWELL

Mr. D'AMATO. Mr. President, today, I sent a letter to our President, President Bush, and I would like to share the contents of that letter with the body, because I think that it probably expresses the feelings that many of us have at least considered or thought about in a number of avenues. So let me read it:

WASHINGTON, DC,
February 28, 1991.

HON. GEORGE HERBERT WALKER BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: Every American today salutes you and the brave men and women who have fought and sacrificed so much for peace and freedom in the Persian Gulf. Your leadership and their courage have been an inspiration to all of us.

There has been no five-star general of the armed forces since Omar Bradley passed away. I believe it is now time to honor two great Americans, Colin Powell and Norman Schwarzkopf, for their brilliant leadership of our men and women in the Gulf. Truly they are American heroes worthy of this rare honor.

Mr. President, words are insufficient to express my admiration for your leadership in this crisis. From rallying the diverse and often fractious world community to bringing the people of this great country behind our cause, you have been remarkable. All Americans owe you a debt of gratitude for your resolute pursuit of a just peace. Thank you very much.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

I shared that with the body, Mr. President, because I believe that, No. 1, there is a grateful body, not only here but in our country, who feel so strongly about the incredible job that our President has done and second, who have come to feel that they know both Colin Powell and General Schwarzkopf and admire them for the great work that they have done in leading our forces. Certainly, it would seem to me that a rank of five-star General today would be something that both of these great Americans should be considered for. That is why I wanted to share this message with the body.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

COMMENDING THE PRESIDENT AND THE MILITARY ON DESERT STORM SUCCESS

Mr. DOLE. Mr. President, I have discussed the next proceeding with the distinguished majority leader. I am going to send a resolution to the desk commending the President, the field commanders, the troops, and the Secretary.

I am going to ask that the resolution I send to the desk be read. I am sending it to the desk on behalf of myself, the distinguished majority leader, and Senators PELL, HOLLINGS, KOHL, BOREN, DODD, REID, and, I assume, others may want to become cosponsors.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

S. CON. RES. 13

Whereas United States and coalition armed forces have achieved remarkable success in totally defeating Iraqi military forces and ousting them from Kuwait.

Whereas these historic accomplishments have been achieved at an astoundingly small loss of life and number of casualties among American and coalition forces.

Whereas to date 185 Americans are known to have been killed (including 79 in combat), 302 wounded (including 212 in combat), 34 missing in action, and 9 taken by Iraq as prisoners of war.

Whereas an unknown number of Kuwaiti civilians have reportedly been seized and removed to unknown locations by Iraqi armed forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

1. The Congress applauds and expresses the appreciation of the nation to:

(a) President Bush, Commander in Chief of all American armed forces, for his leadership during Operation Desert Storm.

(b) Secretary of Defense Dick Cheney, Armed Forces Chief of Staff Colin Powell and Desert Storm Commander Norman Schwarzkopf, for their planning and implementation of Operation Desert Storm.

(c) All of the American forces deployed in the Persian Gulf region, who have served and succeeded in the highest traditions of the armed forces of the United States.

(d) All of the forces from our coalition partners, who served with distinction and success.

(e) The families of American service men and women participating in Operation Desert Storm, who have bravely borne the burden of separation from their loved ones, and staunchly supported them in this crisis.

2. The Congress notes with deep sadness the loss of life on all sides in Operations Desert Shield and Desert Storm. The Congress particularly salutes those brave young American men and women who have made the ultimate sacrifice in the service of their nation and in the cause of peace, and sends its deepest condolences to their grieving families.

3. The Congress demands from Saddam Hussein:

(a) The immediate release of all prisoners of war held by Iraq.

(b) A complete accounting for all American and coalition forces listed as missing in action, or otherwise unaccounted for.

(c) The immediate and unconditional release and return to their homes of all Kuwaiti citizens being held by Iraqi forces.

4. The Congress urges all relevant authorities to seriously examine the issue of possible war crimes by Saddam Hussein and other Iraqi military leaders and forces, and to hold Iraq responsible in principle for reparations for the incredible destruction caused by its brutal invasion and occupation of Kuwait.

Mr. DOLE. Mr. President, I rise in support of the Dole-Mitchell resolution, which commends President Bush and the Armed Forces for the success of Operation Desert Shield.

Now that the war in the gulf is won, America and this body will soon turn their attention to winning a just and lasting peace in the Middle East.

Before we do, I think it is very important that this body go on record in praising all those responsible for the historic accomplishments of Operation Desert Shield and this resolution does just that.

It salutes the leadership of President Bush, our Commander in Chief.

It salutes the remarkable abilities and teamwork of our military leadership—Secretary of Defense Cheney, Armed Forces Chief of Staff Colin Powell, and Desert Storm Commander Norman Schwarzkopf.

It salutes the courage of the 500,000 American men and women who served and succeeded in the highest traditions of the Armed Forces.

It salutes the contributions of our coalition partners.

It salutes the families of our soldiers, who have bravely borne the burden of separation from their loved ones.

It salutes those who made the ultimate sacrifice for their country and for freedom—the American soldiers who lost their life.

This resolution also puts this body on the record in demanding that Saddam Hussein immediately release all prisoners of war, as well as all Kuwaiti citizens held in Iraq, and that he provide for a complete accounting of all American and coalition forces listed as missing in action.

Every Senator, indeed every civilized nation, has been repulsed by the behavior of Saddam Hussein. And this resolution also contains a provision urging all relevant authorities to seriously examine the issue of possible war crimes by Saddam Hussein and other Iraqi military leaders, and to hold Iraq responsible in principle for reparations for the incredible destruction caused by the brutal invasion and occupation of Kuwait.

Mr. President, I am proud to sponsor this resolution with the distinguished majority leader, and we both urge its speedy adoption.

Mr. President, I ask unanimous consent that all of my Republican colleagues be made cosponsors of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that all Democratic Senators be included as cosponsors of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the concurrent resolution (S. Con. Res. 13) is agreed to and the preamble is agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DAY OF PRAYER AND THANKSGIVING

Mr. DOLE. Mr. President, on behalf of Senator COATS, I send a joint resolution concerning a day of prayer to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 83) concerning a national day of prayer and thanksgiving.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Is there further debate?

Mr. FORD. Mr. President, I ask unanimous consent that my name be added as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate, the joint resolution (S.J. Res. 83) will be deemed having been read the third time and passed and the preamble agreed to.

The joint resolution with its preamble is as follows:

S.J. RES. 83

Whereas the United States responded decisively to the crisis in the Middle East created by the invasion of Iraqi troops into Kuwait and the unlawful annexation of that sovereign state by Iraq;

Whereas a worldwide coalition was forged to preserve international order and stop Iraqi aggression;

Whereas President Bush pursued his strategy against Iraq with foresight and purpose from the moment Kuwait was invaded;

Whereas our military leaders planned their campaign on air, land and sea, with innovation and precision;

Whereas American troops have served bravely in the Middle East at great personal risk in the defense of freedom;

Whereas we have seen a stunning triumph of American leadership, military strength and technology;

Whereas the families of American military personnel stationed in the Middle East or held captive by the Iraqi government have faced great anxiety;

Whereas the families and friends of those who have fallen bear the greatest, most tragic loss of all;

Whereas Americans have traditionally recognized the importance and strength derived from prayer at such a difficult time;

Whereas our Nation has always trusted in a Providence which vindicates the oppressed and defends the right: Now, therefore, be it

Resolved, That the President of the United States declare a national day of prayer and thanksgiving to express our gratitude for the heroic efforts of our troops and to offer our thanks to God, the ruler of men and nations, the source of justice, and the author of true peace.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

LIBERATION OF KUWAIT

Mr. THURMOND. Mr. President, today is a proud day for America. It is an occasion for joy and celebration, a time to give honor to our President and our troops, and a time to say a prayer of thanksgiving for the triumph of law and sanity over the forces of chaos and oppression. It is also a time to remember with both grief and pride those who made the supreme sacrifice in the service of our Nation, and to offer comfort to their families.

In addition, today gives us a chance to reflect upon the whirlwind of events which have taken place over these last weeks and months. On August 2, 1990, Saddam Hussein forcefully invaded, occupied, and annexed his peaceful neighbor nation of Kuwait. The world stood by in shock as Iraqi forces brutally subdued Kuwaiti resistance and established a reign of terror which continued unabated until recent days.

President Bush responded to this unprovoked action against our friend and ally without hesitation. He sent military forces into the region to halt further aggression by the Iraqi dictators and immediately initiated an international effort to resolve the situation by diplomatic means.

With the United States leading the way, the United Nations passed 11 resolutions spelling out the international community's requirements for unconditional withdrawal. Yet Saddam Hussein refused to yield, flying in the face of both international law and the unanimous censure of most of the civilized world. Hope for a peaceful resolution of the crisis dwindled, and on November 29, 1990, the U.N. Security Council passed a 12th and final resolution authorizing use of all necessary means by the allies to expel Iraqi forces from Kuwait.

It became increasingly clear that sanctions against Iraq were not having the desired effect—indeed, Iraqi troops were becoming more strongly entrenched in Kuwait and Saddam Hussein showed no intentions of withdrawing. However, public opinion in the United States was mixed. Many groups and individuals in the Congress and across the Nation expressed doubt about the course our President was pursuing. Faced with vocal disapproval from his detractors, the President never wavered. With the moral courage and fortitude that made this Nation great, he continued to stand fast by his "line in the sand" and his goal of seeing Kuwait become a sovereign nation once more.

After an extensive and heated debate, on January 15, 1991, the Congress finally passed a resolution granting the President the latitude to enforce the Security Council's authorization of force. The world waited to see what Hussein's next move would be. It became obvious that Iraq had no intention of giving up its unlawfully gained territory, and on January 17, 1991, allied air forces began one of the most sophisticated and successful air campaigns ever executed in military history.

As events proved his choice to be wise, most Americans moved to support our President. Iraqi bombing of Saudi Arabia and of Israel—which was not even involved in the allied effort—showed the world just how much of a threat Saddam Hussein was to peaceful people everywhere.

On the evening of February 23, 1991, U.S. marines and Army forces, in conjunction with our allies, commenced prosecution of an almost flawlessly executed ground war, effectuating a virtual rout of Iraqi forces with a swiftness and accuracy which astonished the world.

As one who has long been a supporter of our Nation's military and an advocate for a strong national defense, I find the magnificent performance of our troops in Operation Desert Storm to be deeply gratifying. Operation Desert Storm has shown the world that our American soldiers, sailors, airmen, and marines are the finest in the world. They were as well trained, and as well equipped and committed troops as this Nation has ever had; and I am proud of their fighting spirit and professionalism.

The tremendous challenges presented by Operation Desert Storm have been met with the utmost competence by our Nation's military leaders. Secretary Cheney, General Powell, and General Schwarzkopf have worked tirelessly to ensure an allied victory. Their courage, insight, and ingenuity have borne out the President's faith in them at every turn.

Last night, their hard work and dedication was rewarded with victory. The world rejoiced as President Bush ordered a cease-fire and declared that Kuwait was free once again. As the President said in his televised address, this is "not a time to gloat, but a time of pride."

Mr. President, I take special pride in noting South Carolina's contribution to the success of Operation Desert Storm. The sons and daughters of our great State played a significant role in this victory, and they deserve our most profound gratitude and admiration.

Every active military base in South Carolina has units deployed to the Persian Gulf area. Our State fielded the first Air National Guard tactical fighter group—the 169th—to be deployed to the region, and South Carolina ranks seventh in the Nation in the number of reservists called to active duty for Operation Desert Storm. I am especially proud that Gen. Chuck Horner, commander of the 9th Air Force at Shaw Air Force Base, was designated as commander of the allied air effort against Iraq. South Carolina is a State of dedicated patriots, and our forces in the gulf have performed superbly.

Mr. President, I would like to take this opportunity to express once again my deep and abiding admiration for the leadership our President has shown throughout this crisis. With the perfect vision of hindsight, it is abundantly clear that President Bush's original intent and actions were correct. It is right to refuse to yield to blind aggression, right to uphold the cause of liberty, right to oppose tyranny, and right to stand by your friends.

Today is indeed a proud day for America, and a day that will be marked in the annals of history as a victory for all for which this Nation stands. We can once again turn our thoughts and prayers to events here at home and look forward to the return of our friends and loved ones with great anticipation. God bless our Commander-in-Chief, our brave men and women in uniform, and God bless America.

OUR SUCCESS IN THE GULF

Mr. GORTON. Mr. President, with the exception of George Bush and his closest advisers, perhaps the clearest understanding of the high and worthy purpose of the war in the gulf is that of those citizens of Kuwait who suffered under 7 months of Iraqi occupation and terror. Their resistance seems to have been broad, deep, and courageous. Thousands of Kuwaitis were humiliated, tortured, or killed.

Nevertheless, many citizens of Kuwait City were able to follow the progress of their liberation through CNN. They could also see, through the same medium, protestors marching through American cities carrying signs inscribed "No Blood for Oil."

So, yesterday, it was particularly touching and appropriate, as coalition forces rolled in to liberate Kuwait City, that one group of cheering bystanders hoisted a banner inscribed, in English, "Blood for Freedom."

Kuwaitis shed a great deal of blood for their freedom; thankfully, we shed miraculously little of our own, though any American death even in so noble a cause is greatly to be grieved.

We can assert confidently, however, that those American men and women in uniform who gave their lives, those who were wounded, indeed all those who served, did so for a great and historic cause which binds them to Americans of every generation in the cause of justice, freedom, and peace.

Today we celebrate that triumph. We salute the magnificent leadership of the President and his closest advisers. We admire the awesome skills of our military planners. We recognize that the hard-earned money we have invested in our national defense not only has helped to liberate Eastern Europe and bring to an end the cold war, but that it is responsible for our success in the gulf and has saved the lives of countless Americans and others in pursuing the cause of justice, freedom, and peace in the Middle East.

We are, of course, especially proud of those who have served our cause at the risk of their own lives. They are the best and most courageous of a generation. We owe them our deepest gratitude.

And, finally, we may be reminded of the magnificent words William Shakespeare ascribes to King Henry V at the close of the Battle of Agincourt almost 600 years ago, perhaps the last example of so stunning and so one-sided a triumph. With French casualties numbered at 10,000, the King was handed a list of English dead. Henry reads, after naming four officers:

> * * * and of all other men
> But five and twenty.
> Oh God, thy arm was here!
> And not to us, but to thy arm alone,
> Ascribe we all! When, without stratagem,
> But in plain shock and even play of battle,
> Was ever known so great and little loss.
> On one part and on th'other?
> Take it, God, for it is none but thine!

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93-618, as amended, on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations and as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements:

The Senator from Texas [Mr. BENTSEN];

The Senator from New York [Mr. MOYNIHAN];

The Senator from Montana [Mr. BAUCUS];

The Senator from Oregon [Mr. PACKWOOD]; and

The Senator from Kansas [Mr. DOLE].

And as alternate official advisers to the above negotiations:

The Senator from Oklahoma [Mr. BOREN];

The Senator from New Jersey [Mr. BRADLEY];

The Senator from Maine [Mr. MITCHELL];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Michigan [Mr. RIEGLE];

The Senator from West Virginia [Mr. ROCKEFELLER];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Louisiana [Mr. BREAUX];

The Senator from Delaware [Mr. ROTH];

The Senator from Missouri [Mr. DANFORTH];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Pennsylvania [Mr. HEINZ];

The Senator from Minnesota [Mr. DURENBERGER];

The Senator from Idaho [Mr. SYMMS]; and

The Senator from Iowa [Mr. GRASSLEY].

APPOINTMENT BY THE CHAIRMAN OF THE FINANCE COMMITTEE

The PRESIDING OFFICER. The Chair announces on behalf of the chairman of the Finance Committee those members of the committee designated by the chairman to serve as members of the Joint Committee on Taxation for the 102d Congress:

The Senator from Texas [Mr. BENTSEN].

The Senator from New York [Mr. MOYNIHAN];

The Senator from Montana [Mr. BAUCUS];

The Senator from Oregon [Mr. PACKWOOD]; and

The Senator from Kansas [Mr. DOLE].

REREFERRAL OF S. 205 TO THE FINANCE COMMITTEE

Mr. FORD. Mr. President, on behalf of the leadership, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 205, regarding unemployment compensation, and that the measure then be rereferred to the Finance Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I yield myself not to exceed 8 minutes as in morning business.

The PRESIDING OFFICER. The Senator may proceed.

SCUD DEATHS

Mr. HEINZ. Mr. President, like many of our colleagues, I am happy to join the country in expressing our appreciation to the President and the Armed Forces for the spectacular job they have done in the Middle East. And for many days to come, we will rightly enjoy the parades and the homecomings that are the rewards of a just and complete victory. However, before we begin the celebrations, I must take a moment to reflect on a tragedy that has befallen us in Pennsylvania and several other States, a tragedy that is the result of an act of cowardice in the last desperate moments of the war.

Yesterday, I learned that among those killed in Saddam Hussein's last Scud attack were at least 11 young reservists from my own State of Pennsylvania, those serving in the 14th Quartermaster Detachment headquartered in Greensburg, PA, in Westmoreland County. The war may be over and the suffering in the Middle East may have been ended, but the sadness will never be gone for the families whose lives were devastated by this vicious and senseless act.

I grieve for all of those killed or injured in this attack, Mr. President, but I am a Pennsylvanian and the pain of the loss of these fellow Pennsylvanians has a special sharpness and depth for me personally. Back home, we must now face life without Steven Atherton, John Boliver, Joseph Bongiorni, John Boxler, Beverly Clark, Frank Keough, Anthony Madison, Stephen Siko, Frank Walls, and Richard Wolverton.

I wanted to honor these young men and women here today, Mr. President, but I fear that words are not justice enough for the sacrifice they and their comrades have made. And so I will make the best tribute I know to a fallen soldier, and say to their families and to the Nation: They did not die in vain.

These are painful words right now. They are difficult to say and difficult to hear. But if their deaths are not to be overlooked in the jubilation of the crushing of Iraq, then we must remember that their willingness to bear the dangers of war made the crucial difference in the defeat of so dangerous an enemy. In the next few days, none of this will be of much concern to family and friends. For now, we will bury our dead and pray for them, and comfort each other in our grief.

Nothing I can say now will mitigate that pain. But I am determined that their deaths will not be written off as part of the costs of war. And that is why I am here now, to honor not only their memory but their legacy.

What pains me most, I suppose, is that their young lives were ended by an act of craven cowardice. Indeed, Saddam Hussein, their murderer, did not even realize that he was going to strike a military target. He shot a missile into space, hoping that it would bring death to someone, anyone, on the other side.

Mr. President, he got his wish. They are gone from us now, and Saddam has added another bloody medal to his chest. His glory, however, will be fleeting, while the sacrifice made by our young troops will be lasting: Peace and security for the millions, including in the west, who would have been threatened by Saddam Hussein and his lust for power. They knew that ending Saddam's rampage was the reason they had been called to duty, and they understood the importance of that duty.

I want to share with you something that Steven Atherton's sister, Cindy, said yesterday. "He did what he had to do," she said. "Steven felt that Saddam needed to be stopped, and he believed in why he was there." I say to Cindy Atherton, and to the other families: Steven was right and we salute him and his fallen comrades. And Saddam has been stopped, thanks to them and the thousands of brave American service men and women who were willing to make the same sacrifice.

I think, however, that we should do more than honor these young people. We can, and we should, avenge them. We must be resolute in our determination that we will not rest until Saddam Hussein is either dead or standing before an international war crimes tribunal. And when we have him in the dock, we will force him to answer for this and his other despicable acts. And then we will speak not only for ourselves, but for Beverly Clark, John Boxler, Richard Wolverton, and the others killed by the last Scud of the war.

Justice will be done and there is time enough for that. But for now, let me ask that we join with the families in Pennsylvania and around the country in praying for the peaceful and just rest of our young men and women. They are the peacemakers who, as St. Matthew's Gospel tells us, shall be called the sons and daughters of God.

Mr. LOTT. Will the Senator yield?

Mr. HEINZ. Mr. President, I yield the floor. I am happy to yield to my friend from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I asked the Senator to yield for just a minute because I know all Senators and all the country share the great concern and the sympathy the Senator has expressed, and the feelings of his people there in Pennsylvania.

I have been receiving calls and comments from my State of Mississippi where people feel a particular concern and affinity for my colleague. People have told me today they would like me to do something to show their interest and their sympathy with him and for this particular group of people, the Pennsylvanians who were involved.

I just wanted to publicly state we understand how you feel, we love you, and we appreciate what these people have sacrificed in this event.

Mr. HEINZ. Mr. President, I am truly touched, and I thank my friend from Mississippi. These are my neighbors. I live very close, physically and in every other way, to these dear people.

I know, just from talking to my constituents up in Pennsylvania just a few moments ago, there are calls coming in from all over the country to the radio station, the newspapers up there. There have been reports the citizens up there want to have a monument in Greensburg to this group, to these young men and women. And they have received apparently all kinds of donations from all over the country. They never even asked.

It makes me proud, not just to be a Pennsylvanian, but proud to be an American when so many people exhibit the same sense of concern and generosity as has the Senator from Mississippi, and his constituents.

I am grateful to my friend, the Senator from Mississippi, and to all the

Mississippians and all the people in this country who have shown such great concern. They make me so proud.

At a time like this it is very consoling, not only to those of us here who have duties in the political system but most of all to the families of those who have suffered a very great loss.

I thank my friend from the bottom of my heart.

Mr. LOTT. Mr. President, I would like to proceed for 5 minutes as in morning business for the purpose of introducing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 534 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

TECHNICAL CORRECTIONS—HOUSE JOINT RESOLUTION 157

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 157, a joint resolution making technical corrections in correcting enrollment errors in certain acts making appropriations for the fiscal year ending September 30, 1991, and for other purposes; that the joint resolution be deemed to have been read the third time; that it proceed to an immediate vote; that the joint resolution be passed; and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I may have to object to this, but before I do object, I would like to plead with the Senator from West Virginia, the distinguished chairman of the Appropriations Committee, a person who has been very good to me and to the State of Iowa while I was a member of that committee, that there is one portion of this bill that I object to. It deals with two lines on page 2 that repeal the Anti-Terrorism Act of 1990, which is not an appropriations matter.

I do not object to the correction of the appropriations matters that need to be corrected through a technical correction amendment. But I do object to where there is a repeal of the ATA legislation, which was signed by the President, and is law.

Particularly, I resist this effort because we are in the middle of a worldwide battle against terrorism that Saddam Hussein and his supporters have unleashed against the world. What the Anti-Terrorism Act of 1990 does is to give American victims of terrorism access to the courts of the United States for civil remedy; there is already a criminal penalty, but this law provides a civil remedy against terrorists.

It is very true that the PLO has property in this country that can be attached. The Klinghoffers of New York City have sued the terrorists responsible for the murder of their father, even before this legislation was passed. After years of litigation, a Federal court in New York ruled that they did have the right to sue. We have passed this legislation, subsequently, to make certain that these American citizens have the right to sue. And, in fact, since this legislation has been signed by the President, this legislation has been cited in an appeal in the process of this suit.

I do not wish to take away an additional tool that American citizens have in the war against terrorism. If I permit this to go through, without my being able to offer an amendment, then the ATA would be repealed. I would like the opportunity to offer this amendment.

I know that if I object, this will go through the process and we will have a chance to debate this when the bill comes up again. But I do not know why we need to wait on it, because the ATA passed the Senate without any objection, and it has been signed by the President already.

I offer that in the way of reserving the right to object. I hope that the Senator from West Virginia will see my point, accept my amendment, and send the bill back to the House. The House Appropriations Committee should not object to a nonappropriations matter included in a bill that is to make technical corrections on appropriations matters.

Mr. BYRD. Mr. President, I have no quarrel with the Senator over the substance of what he is talking about. What we have here is a situation in which the Senator, I believe, offered an amendment to an appropriations bill, and it was adopted by the Senate. It went to conference. The House would not agree to the amendment.

However, the clerk, in enrolling the bill, finally, before its going to the White House, failed to delete this language. So, through the error of the enrolling clerk, the language went to the President, language that was stricken in fact by the two Houses, and the President signed the bill with the language included in it.

What I am trying to do here today is call up the House resolution, which makes technical corrections and correcting enrollment errors in several acts. It does not go to the substance of what the Senator is talking about.

The Senator had his amendment adopted by the Senate. It went to the conference. The conference was in disagreement on it. If the clerk had not made an error, the language would never have been in the bill that went to the White House. But the clerk made the error, and the President signed the bill.

Now, what we are trying to do is to carry out the will of the two Houses and correct that error, because that is what both bodies agreed to, to drop the language of the Senator's amendment.

The Senator was lucky. He can adopt the attitude: Well, the two Houses agreed to drop my amendment, but through failure of the clerk to take the appropriate action, the language of my amendment went on to the White House anyway, so I am ahead. So, I could not care less that the clerk made a mistake. I am ahead, so we will just leave it that way.

Whereas, as a matter of fact, as I said, the two Houses agreed to drop the Senator's language. It was not the Senator's fault that the clerk failed to delete the language in enrolling the legislation. It is not the fault of the Senator from Iowa. Yet, there was a mistake. The House joint resolution now seeks to correct it.

This has happened before. The Houses have passed resolutions correcting such errors.

The Senator certainly has a right to object, and I recognize that right. In which case, then, this resolution will be referred to the Appropriations Committee.

Mr. HEINZ. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. HEINZ. Mr. President, I would like to ask the Senator from Iowa to understand that the situation we are in is one that this Senator, and my colleague, Senator SPECTER, are very sensitive to because what the Senator from West Virginia is asking for is a consideration that we have received from the House.

I think the Senator from Iowa may recollect that in the closing hours of the Senate, there was an amendment that the Senator from Pennsylvania [Mr. SPECTER]; myself; the Senator from West Virginia; and the Senator in the Chair, the Senator from New Jersey [Mr. LAUTENBERG], had negotiated with the House. It was very important to get that amendment agreed to.

The intent of the amendment was to neutralize a House amendment that there was significant disagreement with on this side of the Capitol. An agreement was reached between both the House and the Senate, and through an error, a technical error, our amendment was rendered ineffective by just one or two words that had been omitted, a strictly technical error.

The chairman of the Appropriations Committee brought this to the attention of the House of Representatives, and the House agreed that when they sent us this technical corrections bill, even though it was to the advantage of the House and its original position and the author of the House bill, Congressman GRAY of Philadelphia, they would nonetheless, because it was clearly the will of the Senate and was what had been agreed to between Congressman GRAY and the rest of us, make the technical correction that is at the very end of this technical corrections bill as title IV. It puts, if I may say to my friend from Iowa, those of us who prevailed upon the House to make this change in a very difficult position for the Senator to ask the Senate to insist on a similar mistake being retained in the Senate and not being corrected by the Senate when the House has requested us to do so.

I do not see how we can operate in good faith with the House; I do not see how we can ask them to correct unintentional mistakes if we, when we have the opportunity to do so and when the record is clear, as my understanding is in this case, are not willing to correct a mistake that represents the will both of the House and Senate, at least as represented, as necessarily is the case, by their conferees. So I would ask my friend from Iowa, who I know is a great student of not only the political process but a great respecter of tradition here in the Senate, to consider the situation that his insistence puts us in, not just for the sake of his provision, which I understand he is totally committed to, and on substance I believe that I supported him on his provision. I think the Senate's position on the provision was very, very clear. But in this case we have an even higher principle at stake, which is when those who have been chosen, duly selected, do their duty by the Senate and by the House, make a decision and, in the process that we all depend upon, have made an inadvertent error, the principle is that there should be the right to correct that error. I hope my friend and colleague from Iowa will consider that argument, and I certainly will not be diminished in my support for his position, but I do not think this is the way for him to win his position.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has a unanimous-consent request pending.

Mr. BYRD. Mr. President, I believe that this resolution would make corrections in about four different measures: Public Laws 101-513, 101-519, 101-509, and 101-516. The Senator from Pennsylvania has just addressed himself, I believe, to the correction that needs to be made in the enrollment of Public Law 101-516.

Mr. HEINZ. The Senator is correct.

Mr. BYRD. The Department of Transportation and related agencies. Now, here again, the enrolling clerk, in this body or the other, I do not know which, made an error, or failed to make the correction. That was through no intention, of course. I am trying to get this correction made so that the two Senators from Pennsylvania will have justice done to them with respect to matters affecting their State.

As to the problem that the distinguished Senator from Iowa has, I have no quarrel with the substance. I probably voted against his amendment. I do not know whether I did or not, but I may have. He won in the Senate, but when he went to the conference he lost. The conferees would not agree to that language, and it was dropped. So because the enrollment clerks failed to delete it from the conference report and it went on down to the White House in the bill, thus not carrying out the action by the conferees, the Senator from Iowa is in a position to say, well, I lost but somebody made a mistake, they left it in the bill so I am ahead, I have the advantage, and I am not willing now to see it corrected.

The Senator can object. I hope that he will not object. Let us make the correction. Then when another bill comes to the floor, he can offer his amendment again and try again. In this case, the Senator has been placed in an advantageous position, not through some merit of his own but through a mistake on the part of the enrolling clerks in not carrying out the decision of the two Houses. He can object to this, but, as I say, I hope he will not, because this also carries with it some corrections in other measures, one of which we have just discussed and which addresses itself to problems facing the State of Pennsylvania.

Mr. GRASSLEY. Mr. President, further reserving the right to object, I would like to take this opportunity to address some of the very good issues that have been raised.

I do think that the Senator from Pennsylvania raises a legitimate point. I find no fault with his part of the bill. I understand that he wants to take care of an issue parochial to Pennsylvania because I would want to take care of those same problems for Iowa. You can have, as is the old saying, your cake and eat it, too. There is no reason my amendment cannot be adopted.

I beg the Senator from Pennsylvania to see the importance of not only getting highway money for Pennsylvania but, also, the importance of the antiterrorism law. He would understand the high moral position that the Anti-Terrorism Act takes. The ATA is in a lot higher moral position today than it was last summer because now we have this terrorist war, launched by Saddam Hussein, that was not even an issue when we passed this legislation. We ought to give every American citizen the right in court to fight this. That is one point.

The second point deals with what the Senator from West Virginia has said. I would not take exception to anything the Senator from West Virginia has said except I would say not only do I have an opportunity here, because there is a certain advantage that he spoke about, and I do not dispute that, but also the Supreme Court has already addressed this issue.

As far as the Supreme Court is concerned, it has addressed this issue in Field versus Clark. The Supreme Court considered the nature of the evidence on which a court may act when considering whether a bill originating in Congress and asserted to become law was or was not passed by Congress.

That is exactly the issue with which we are dealing here. The holding in the case of Fields versus Clark is that "When a bill attested by the officers of each House of Congress receives the President's approval"—and not only did it receive the President's approval, it also received the approval and the signature of the President pro tempore of the Senate and Speaker of the House—"its authentication as a bill that has passed Congress should be deemed complete and unimpeachable."

That is the Supreme Court. I do not expect you to necessarily agree with the Supreme Court because you want to get your bill passed. But, as far as the constitutional law is concerned it is on our side.

Mr. BYRD. Mr. President, I do not wish to discuss the substance, as I say. I have no quarrel with the Senator on that score. But here we have four measures in which there have been enrolling errors or corrections that failed to be made. One of them visits a wrong on the two Senators from the State of Pennsylvania. That correction is also being made in this resolution.

The matter which the Senator is talking about, as I say, is a matter which went to conference. I was not a conferee. But the Senator did not win. He was not done a wrong like these two Senators from Pennsylvania. He was not done a wrong. His battle was fought in conference, and he lost. The House would not take his amendment.

As I say I was not a conferee. I did not have any voice one way or the other. But he lost his amendment. Now, because he has an advantage that has accrued to him only by virtue of the fact that an enrolling clerk made an inadvertent error and left the Senator's amendment language in, the Senator from Iowa seeks to retain that advantage—to which he is not really entitled—and at the expense of objecting to a resolution which makes other correcting errors adversely affecting other Senators.

The Supreme Court has never said that the Congress of the United States cannot pass a second law repealing its previous action. Congress can do that.

Mr. President, if the Senator wishes to object, I do not want to continue to debate the matter. He has a right to object. I simply hope he will not so that these corrections can be made. He could fight another day on another bill that would come along. He could offer his amendment, and he might go to conference and win the next time because I believe he indicated that in the conference to which we are alluding the House had no particular objection to this language. Its objection was because it was on an appropriations bill. So he might very well win the next time around and be successful in conference.

I said all I have to say.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HEINZ. Mr. President, I know the Senator from Iowa is within his rights to object. He mentioned the issue of taking the high moral ground here, and I want the Senator from Iowa to take the high moral ground.

To my mind, the fact is that the House has made a correction that was not advantageous to the House which we asked them to make, and they sent it over as part of this bill. This is a House bill, House Joint Resolution 157. It originated in the House, and this is the text that the House sent us.

The House sent us a text which, as title 4, makes a correction that was agreed to by the conferees between the House and the Senate—in effect, the Members of interest between the House and the Senate. Through an error last year, the will of both the House and the Senate as agreed to was not, in fact, achieved. The House has in this legislation lived up to the commitment that was made by in effect the conferees, or the group of Senators.

It seems to me that if it is fair and good practice and honorable for the House to do that, then for us not to do likewise is not good practice and is not honorable.

I think the Senator from Iowa is an honorable man but he is putting the Senate in a position of taking advantage of the House on the one hand when they live up to both the letter and the spirit of an agreement between the House and the Senate by saying that, no, when the conferees on another measure made a deal on behalf of both bodies, that the Senate is under no obligation to live up to that deal.

He has a right to do that. But I have to question the judgment of any Senator who does that, and I will tell you what it reminds me of a little bit. It reminds me of somebody who is walking down the street, and an armored car drives by and the door swings open. Out falls a large bag of money that says "Property of the U.S. Treasury Department." The bystander, who is an otherwise honorable person, looks at it, says yes, U.S. Treasury Department, yes, that was an armored car, probably going from the Federal Reserve Bank to some other depository. He simply picks that bag of money up, puts it in the trunk of his car, and goes right on home.

Mr. President, it is not a crime to do that. But all of us know that it is not right to do that. You are taking advantage of somebody else's misfortune.

If I find a dollar on the street, I do not know who it belongs to, I guess I can pick it up and put it in my pocket. But frankly, if I find $1 million or $1 and I know where that came from, my belief is that I am honor bound to return that property.

The property in question here is the word of our conferees. We are honor bound in this body, I believe, to return to the intention of the conferees the law as it should have been written, but simply by happenstance, by accident, just as the door on the back of a truck swung open and some money fell out by accident in front of the bystander, we are obligated to restore to the loser the loss which was unintended and unintentional. Otherwise, how can anyone trust us in the future?

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. SPECTER. I ask my distinguished colleague to yield to me for a question to him.

Mr. BYRD. Yes. I will do that shortly.

Let me ask the distinguished Senator from Iowa which of the public laws he is referring to?

Mr. GRASSLEY. Of the bill before us, it is Public Law 101-519, paragraph 132.

Mr. BYRD. That is the military construction appropriations bill.

Well, the Senator has certainly exercised his right. He has had a stroke of luck. And I can see that he wants to retain the advantage. But I say to the Senator, there is no ill will on my part.

Yet, I am reminded of the king of Lydia, whose name was Croesus. The king of Persia was Cyrus the Great. Cyrus was king of Persia—actually he became king of the Anshans in 559 B.C. And he subjugated the Medes in 550. So he reigned as king of all Persia from 550 to 530 B.C.

King Cyrus decided that he wanted to go to Scythia, go against the Scythians and wage a campaign against them. The king of Lydia, whose name was Croesus, and who had been subjugated by Cyrus, was asked by Cyrus as to his opinion as to whether or not Cyrus should carry on his campaign against the Scythians.

And Croesus said: Well, king, there is a wheel of fortune, and it goes round and round. And you have been very fortunate in your many battles. But the wheel of fortune will not always be favorable to the same individual.

So the Senator from Iowa has exercised his rights today. He has objected to the calling up of this resolution.

As to any personal interest, I have none in this. But as chairman of the Appropriations Committee in the Senate, I have felt it my duty to try to call up this House joint resolution, which has been adopted by the House; the House is attempting to make certain corrections in certain public laws, other than the one to which the distinguished Senator from Iowa has referred, as well as in the public law involving his amendment.

I simply say that it might be well to give up this opportunity to take advantage of a stroke of luck and try again another day, and he might win his point. But if he objects now, he not only wins, perhaps temporarily on his matter of interest, but he also hurts others—the Senators from Pennsylvania.

I yield.

Mr. SPECTER. Mr. President, the distinguished Senator from West Virginia, the President pro tempore, has enlightened us again, as he has on so many occasions, with a very lucid account of history. It might be succinctly stated that, when he talks about the wheel of fortune, what goes around comes around, and this U.S. Senate operates on comity. If any one of us choose to exercise all of our technical rights, we could very well grind the operation of the U.S. Senate to a halt.

I ask for the attention of my colleague from Iowa. It is conceivable, just conceivable, that there may one day be an issue of importance to the State of Iowa and may be of importance to the distinguished Senator from Iowa, a man with whom I have served since January 3, 1981. This event will be remembered.

But having said that, as subtly as I can, I would direct a question to my distinguished colleague from West Virginia about what happens next. As all Senators know there is no peer to the distinguished Senator from West Virginia on the procedures of the Senate. Therefore, I have inquired as to what additional procedures and remedies may be undertaken. The Senator from West Virginia has advised me that we do have recourse to put this matter into another procedural channel, and if necessary, to have a 99-to-1 vote, if the Senator from Iowa wishes to retain his position, or to have a vote however it may come out.

I suggest that where an effort is being made to have a technical correction, that if not 100 Senators, at least 99 Senators would acknowledge the correctness of our position and allow a technical correction to go through. What I would like to ask my friend from West VIrginia is to state for the RECORD how this impasse may be resolved at a later date, so that the Commonwealth of Pennsylvania will not stand to lose any money under the highway bill.

Mr. BYRD. Mr. President, the Senate and/or the House could, at a later date, attempt to make this correction on another bill. I do not know whether either the Senate or House will do it, but I would imagine that the effort will be made.

Incidentally, now that I have been supplied with the CONGRESSIONAL RECORD of October 27, 1990, let me read just a couple of paragraphs there:

> The PRESIDING OFFICER. The question is on agreeing to the conference report.
>
> The conference report was agreed to.

This was the conference report on the military construction appropriation bill, the bill to which the Senator from Iowa had attached his amendment. Mr. SASSER was managing the bill.

> Mr. SASSER. Mr. President, I ask unanimous consent that the Senate concur en bloc with the amendments of the House to the amendments of the Senate, and that the Senate recede from its disagreement on amendments numbered 30 and 31.
>
> Mr. STEVENS. There is no objection.

No. 31 was the amendment of interest to the distinguished Senator from Iowa.

The Senator from Iowa was not there to object at that point to the motion dropping his amendment.

That was the end of it. But the clerks failed to delete the language, and it went to the White House, notwithstanding the action of the two Houses in rejecting the amendment. But the Senator from Iowa today holds the whip hand. He has objected. Therefore, we are unable today to make the desired correction in that public law, and we cannot make a correction in the other public law that is a matter of justice and concern to the two Senators from Pennsylvania.

Mr. SPECTER. Plus 12 million people from Pennsylvania.

But I think the distinguished Senator from West Virginia accurately states it. The Senator from Iowa holds the whip hand today.

Mr. FORD. Mr. President, I believe that our decision is about over, but I remind my distinguished friend from Iowa that earlier this afternoon there was almost a contentious situation as it related to an amendment to the committee funding resolution. That was worked out. It was a party problem. That was worked out in a congenial way, so that there would not be the bumps and the rough edges in the future.

I would plead, because the Senator is beginnning to spill over on me. I want to get away from here. I was supposed to get away at 6, and now it is 6:45. I hope that I do not have to recall this late night vigil here. I encourage the Senator from Iowa to yield here so that 12 million people could receive the money for their highway, and one more time, if not, I am going to encourage us to call it an evening.

Mr. HEINZ. Before the Senator puts such a question to my friend from Iowa, will he yield for a comment?

Mr. FORD. Without losing my right to the floor. I hope it will not be too long.

Mr. HEINZ. It will not be. Mr. President——

Mr. BYRD. Will the Senator yield to me for a parliamentary inquiry, so the record will be clear?

Mr. FORD. Yes.

Mr. BYRD. Mr. President, now that objection has been made to the resolutin, if that objection is now withdrawn, is the resolution now referred to the Appropriations Committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. HEINZ. Mr. President, I just want to join with the Senators from West Virginia and from Kentucky to ask that the objection be withdrawn. I do so for this reason—I hope I could have the attention of the Senator from Iowa, if I might, Mr. President—and it is this: Senator SPECTER asked the chairman of the Appropriations Committee what might happen, if this objection continued and the answer is that this legislation could be put on another bill by the Appropriations Committee and such a measure might be the supplemental appropriation that we all know is coming up next week.

I bring that to the attention of my friend from Iowa for two reasons: The first is that ultimately that appropriations will go through. I do not know when it is going to go through. It might collect a whole lot of amendments here on the Senate side. It might get so weighed down with amendments. It might be vetoed. It might take a month. It might take 6 weeks for appropriations to go through, but it will eventually go through, and I have no doubt that this legislation if it were appended to it, would also be adopted by the Senate and by the House and as a result the Senator from Iowa will not attain his objective. But tell me what he will succeed in doing.

The road building season is coming up in our State. The provision that as a result of his objecting to this which we try and cure will still be in the law. Under that provision, which was unintended, the highway funds for Pennsylvania will be withheld. The result is that our road building will be prejudiced and it will not start on schedule. We will lose highway money, and the Senator from Iowa will be unable to restore that loss and his position will not prevail.

Mr. President, I do not understand the sense of that. It makes no sense to me.

Second, I suggest to the Senator from Iowa that he puts himself, I think, in a very untenable position, as I have said before.

I thank my friend from Kentucky for yielding.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Iowa [Mr. GRASSLEY] is recognized.

Mr. GRASSLEY. Mr. President, I am not going to withdraw my objection but I asked for the floor because I think the Senator from Pennsylvania ought to take a few things into consideration, too.

It is offensive to compare me with the story about the Brinks armored car.

I tried to do things the best way I know how on this floor of the Senate and what I have tried to do is get the floor tonight to offer an amendment to strike out of a bill a provision to repeal a statute that protects victims of terrorists. It gives victims access to our courts. We could have done that. I have not been given that opportunity.

This resolution would repeal a law that was signed by the President last November, regardless of how it was adopted, it is still the law, it is the law. We ought to be able to have a debate on that. That is all I have asked for is a debate and an opportunity to discuss it. Under the procedure, I was not given that opportunity.

I have seen the Senator from Pennsylvania fight and fight and fight even harder than I would fight to preserve the rights of a single Senator and there is no Senator in this body who speaks more eloquently about protecting the rights of a single Senator and the heritage of the Senate in regard to that. I have learned an awful lot about that process from the Senator from Pennsylvania, both Senators from Pennsylvania. We can take this up next week.

The Senator from Pennsylvania said that he needed to get his legislation passed within 2 weeks. We can have this debate next week and he can still get his amendment passed.

The PRESIDING OFFICER. The Senator from Kentucky retains the floor.

Mr. BYRD. Mr. President, before the Senator from Iowa leaves, if the Senator from Kentucky will allow me, has my friend thought of the fact that if his amendment now were to be added to this resolution, when it goes back to the House they will strip it off? The House has passed the correcting resolution and it is the House that wants this resolution passed. And even if the Senator could attach his amendment to this resolution, and it went back to the House, they would simply strip it off again. So he would not prevail.

The PRESIDING OFFICER. The Senator from Kentucky retains the floor.

Mr. FORD. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this discussion which should be simple and direct has now become extraordinarily complicated.

When my distinguished colleague from Pennsylvania, Senator HEINZ, made an analogy to someone who found money in the highway, there was obviously no suggestion or imputation of any disrespect to anyone, including the Senator from Iowa. That was simply an analogy and a form of argument which is made here all the time.

There is great courtesy displayed on the floor of this Senate, one Senator to another. But there are many occasions when comments were made which are much more pointed and much more personal and much tougher than the analogy which my colleague from Pennsylvania made. It was a good faith argument and in the judgment of this Senator there is no basis at all for anyone being offended by it.

When the Senator from Iowa makes an argument that the rights of victims of terrorism are more important than highway funds, I have to say to him that nothing could be more irrelevant to the issues which are pending. No one takes second place to this Senator in the fight for victims of terrorism. I work extremely hard on issues such as extraterritorial jurisdiction on kidnaping and hostage taking. In fact, it was my 1986 amendment making it a crime for a U.S. citizen to be maimed or murdered anywhere in the world. In addition, I was successful in once again adding the death penalty provision for terrorists to the Export Administration Act.

I do not know if there has already been introduced into the RECORD today the letter from the Governor of Pennsylvania to me and to my colleague, Senator HEINZ. I will quote from that letter:

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, February 21, 1991.

Hon. ARLEN SPECTER,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR ARLEN: I am writing to bring a matter of critical importance to your attention which has significantly restricted the Commonwealth's transportation program.

Early versions of the FY 1991 Transportation Appropriations Bill (P.L. 101-516) contained a provision which would have reduced Pennsylvania's FY 1991 federal-aid highway program obligation authority for specific highway and bridge projects by 25 percent if, by October 1, 1990, state law was not in place authorizing either dedicated state or local revenues for transit projects.

During the evolution of the bill, a compromise was reached which would keep the effect of the original provision, but delay the time frame by one year from October 1, 1990 to October 1, 1991. The compromise also provided that the provision could be waived entirely through a combination of actions by the Governor and the State General Assembly.

Somehow in the process, both the original language and the compromise language were included in separate sections of the enacted FY 1991 Transportation Appropriations Bill. This circumstance has caused the Federal Highway Administration to withdraw 25 percent of Pennsylvania's FY 1991 highway obligation authority. This represents a $141.5 million reduction in Pennsylvania's ongoing highway and bridge program for FY 1991.

We are encourage that efforts are underway to correct this situation and restore the $141.5 million by removing the original language and retaining the compromise language through technical correction legislation. However, until such legislation is enacted to resolve this issue, we have no other alternative but to suspend spending on most new federal highway and bridge projects in the Commonwealth. The remainder of our FY 1991 highway and bridge program is being delayed. Therefore, it is crucial to the orderly continuation of Pennsylvania's highway and bridge program, that the technical correction be eneacted as soon as possible.

I wanted you to know the gravity of this situation and the importance of securing a technical correction quickly to ensure that Congresssional intent is fulfilled. As you know, I have given unprecedented support for public transportation. Pennsylvania currently ranks second in the nation in direct state financial assistance for transit. In fact, total state funding for transit has nearly tripled over the past ten years, reaching a total in excess of $500 million for the current fiscal year. This support will continue.

Your support of this corrective legislation will make possible the continuation of federal funding for Pennsylvania's highway and bridge program.

Sincerely,

ROBERT P. CASEY,
Governor.

Mr. President, as it has been explained in some great detail, this technical correction—I wish the Senator from Iowa would—I withdraw that wish because he just left the Chamber. Well, it is a matter of some regret because obviously the funding to Pennsylvania has nothing at all to do with what the Senator from Iowa sought to achieve. As the Senator from West Virginia outlined, there is no way that anyone could take advantage of this technical correction realistically to obtain the substantive change which the Senator from Iowa sought. Let it be clear that we will fight another day to correct this. I will repeat: What goes around comes around.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from Hawaii.

CEASE-FIRE IN THE MIDDLE EAST

Mr. AKAKA. Mr. President, we are at a historic moment in world events. After a 5-day offensive—100 hours on the battlefield—the ground war against Iraqi's vast army has ended almost as quickly as it began.

This announcement comes as great news to all Americans. But to a certain group of Americans—those who have children, spouses, mothers and fathers stationed in the gulf—the cease-fire has a very special and profound significance.

This is an emotion-filled moment for our fighting men and women. As they cherish their victory, there is one thing that they look forward to with great anticipation. After their many months stationed in the Persian Gulf, I am certain they look forward to being reunited with their loved ones and the warm welcome they will receive from all Americans upon their return. I commend them on a job well done.

Now that the war has been won, my thoughts turn to whether we can secure a lasting peace in the troubled region of the Middle East. The success of our allied coalition on this front will be the greatest legacy this war could yield.

We also have important lessons to learn from this conflict. The United States, the Soviet Union, and other developed nations permit far too many weapons to be sold to countries like Iraq whose motives are uncertain—at best.

While the war with Iraq was an unqualified success, it is a bittersweet victory for the families of Army reservists based in Greensburg, PA, whose loved ones died when a Scud missile struck their barracks while they slept. It is also a bittersweet victory for the family of Marine Lance Cpl. Frank Allen of Waianae, HI. Their deaths are a grim reminder of the consequences of the indiscriminate sale of conventional weapons to countries eager to employ these weapons to wage war. Countries like Iraq should not be allowed to assemble huge arsenals that they use to threaten other nations. And the countries that produce these weapons, including the United States, should be forced to curb such weapon sales.

Finally, there is the question of Saddam Hussein. Saddam should be held accountable in world court for his actions. He has dismembered the nation of Kuwait, executed and tortured innocent Kuwaitis, ravaged the environment, and flaunted international laws by displaying POW's. Saddam Hussein has blood on his hands, and should be held accountable for his crimes.

I yield the floor.

THE PERSIAN GULF

Mr. PELL. Mr. President, the war in the Persian Gulf now appears to be over. It has been a stunning triumph for American arms and for the forces of our coalition partners. I would like to commend our brave service men and women who served with such professionalism and with such commitment in the gulf. All Americans salute them for their role in the liberation of Kuwait.

We are also very grateful that American and coalition casualties have proved to be extremely light. Never in history has such a major military campaign been waged with so much damage inflicted on the enemy and so few lost by the victorious side. However, my heart goes out to the families and friends of the 79 men and women who died for our country and for freedom in Operation Desert Storm. The world deeply appreciates their sacrifice.

We also sympathize with the terrible suffering from which the people of Kuwait have now been delivered. They have endured unspeakable hardships over the last 7 months. And we should not forget Saddam Hussein's other victims: the Kurds who have been attacked by poison gas and seen their villages destroyed by the thousands.

And I would also like to offer a thought for the people and ordinary soldiers of Iraq. They too are victims of Saddam Hussein. The Iraqi people have been subject to aerial bombardment and have seen services in their cities go back nearly a century, all because of Saddam Hussein's meglomaniacal ambitions. The ordinary Iraqi soldier was a conscript, he was poorly fed and subject to fire from his own side to keep him from surrendering. He too is a victim of Saddam Hussein.

Now, however, our attention must shift to the postwar situation. We will profit little from the success of our arms if we fail now to secure the peace.

First on our list of postwar issues must be the political future of Iraq. In my view Saddam Hussein's days are numbered. He has brought unprecedented misery on his own country, first through an 8-year war with Iran that cost 250,000 dead and put his country deep into debt. Now he has brought ruin on his country's infrastructure, the destruction of his military and produced thousands of Iraqi deaths. This is a record no leader can long endure.

We should do what we can to encourage a democratic alternative to Saddam Hussein. Already there is a coalition of Kurdish, Shi'a Arab and other groups which has outlined a program for a democratic alternative in Iraq, an alternative that also guarantees autonomy for the long suffering Kurdish minority. We should encourage these efforts. And above all we should not accept the replacement of Saddam Hussein with another general from the Sunni Arab 15 percent minority who will run yet one more authoritarian Iraqi regime. The Government of Saudi Arabia is sponsoring its own alternative to Saddam Hussein. While I have the greatest admiration for our Saudi allies, theirs is not a government that knows about democracy. Their alternative for Iraq should not be ours.

Our next priority in the postwar world must be to contain the unrestrained transfer of weapons to countries in the Middle East. It is ironic that all the countries that supplied Iraq with its vast arsenal of modern weapons formed part of the international coalition against Iraq. These arms sales to Iraq may have encouraged Iraq to be more aggressive; it certainly made an aggressive Iraq more dangerous. The countries in the Middle East should be devoting their resources to their own development; it is the diversion of scarce resources to wasteful and dangerous military expenditure that is the cause of so much instability in the region.

Finally, in the postwar period we must redouble our efforts to find peaceful solutions to regional problems: the Iraq-Kuwait dispute, the Arab-Israel conflict, the civil war in Lebanon and, I would add, the legitimate aspirations of the Kurdish people.

Mr. President, this has been a great triumph for America and for the United Nations. Now we face a new challenge. I hope our policymakers can show the same courage and same professionalism that did our service men and women in the Persian Gulf.

EXECUTIVE SESSION

DEPARTMENT OF VETERANS AFFAIRS

NOMINATION OF CHARLES L. CRAGIN TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of considering the nomination of Charles L. Cragin, of Maine, to be Chairman of the Board of Veterans' Appeals; that the nomination be confirmed; that the vote be reconsidered and tabled; that the President be notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

Charles L. Cragin, of Maine, to be Chairman of the Board of Veterans' Appeals for a term of 6 years.

Mr. MITCHELL. Mr. President, in Senator CRANSTON's absence, I am submitting for him the following statement on the nomination of Charles L. Cragin to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs.

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to support the President's nomination of Charles L. Cragin to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs.

The committee held a hearing to consider his nomination on February 19 and then met on February 28 and voted unanimously to report the nomination favorably to the full Senate. I believe Charles Cragin is well qualified for the post to which he has been nominated.

BACKGROUND

Mr. President, the BVA is responsible for making final VA decisions on appeals involving claims for benefits administered by VA and, thus, plays a vitally important role in the overall governmental effort to ensure that veterans, and their families, receive in an efficient, timely, and compassionate manner all the benefits to which their service entitles them. The timeliness and quality of BVA decisions, and the clarity of their reasoning, are a critical part of the claims adjudication process. The Chairman, as the one with responsibility for directing the Board's efforts, is thus a very vital link in our collective efforts to attempt to meet our obligations to the Nation's veterans.

The conflict in the Persian Gulf reminds us of how much we owe our veterans and of the need to be vigilant in ensuring that those who have marched into battle for this country—and those who have served so effectively during peacetime—are accorded a full measure of justice in their dealings with the Government. Anything less would be a default on our obligations to them and a breach of our commitment to the ideals for which so many have bravely and selflessly risked their lives.

Charles Cragin's qualifications for the position to which he has been nominated are impressive. He enlisted in the U.S. Navy in 1961 at the age of 17, and since 1964 has been in the U.S. Naval Reserve, most recently as the commanding officer of the Naval Reserve Navy Office of Information in Boston, MA. He has earned several awards and decorations in his military service, including the Meritorious Service Medal, the Navy Commendation Medal, and the Navy Expeditionary Medal for Lebanon. He currently holds the rank of captain in the Reserves.

Mr. Cragin's legal career has been quite notable as well. He received his undergraduate and law degrees from the University of Maine, in 1967 and 1970, respectively. He has practiced law in his native State of Maine for over 20 years and has been active on a number of governmental advisory committees, including the U.S. Department of Defense advisory committee on women in the services.

He has spent the last several months as a special assistant to the Secretary of Veterans Affairs, during which time he has familiarized himself with the operations of the Board of Veterans' Appeals.

Prior to Mr. Cragin's confirmation hearing, a substantial number of prehearing questions were submitted to him. In addition, he met several times with committee staff. His answers to the prehearing questions and concerns were very responsive and forthcoming, and committee staff inform me that his meetings with them produced similar results.

CONCLUSION

Mr. President, it is obvious to me that Charles Cragin has put a great deal of effort into learning about the Board and is prepared to take on the responsibilities of the Chairman's job. I am happy to be able to support the nomination of Mr. Cragin to serve as Chairman of the Board of Veterans' Appeals, and I urge that my colleagues vote unanimously in support of this nomination.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I transmit herewith the 1990 Annual Report on Alaska's Mineral Resources, pursuant to section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 3151). This report, containing pertinent public information relating to minerals in Alaska, was gathered by the U.S. Geological Survey, the Bureau of Mines, and other Federal agencies. This report is significant because of the importance of the mineral and energy resources of Alaska to the future well-being of the Nation.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1991.*

REPORT ON TRADE AGREEMENTS PROGRAM AND TRADE POLICY AGENDA—MESSAGE FROM THE PRESIDENT—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with the provisions of section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1991 Trade Policy Agenda and 1990 Annual Report on the Trade Agreements Program.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1991.*

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified on April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 26 proposed rescissions, totaling $4.3 billion, and one revised deferral and one new deferral of budget authority. Including the revised and new deferrals, funds withheld in FY 1991 now total $9.3 billion.

The deferrals affect International Security Assistance programs and the Department of Agriculture. The proposed rescissions affect the Departments of Agriculture, Defense, and Housing and Urban Development.

The details of the proposed rescissions and deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1991.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 11:31 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week";

S.J. Res. 55. Joint resolution commemorating the two hundredth anniversary of United States-Portuguese diplomatic relations; and

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day."

The enrolled joint resolutions were subsequently signed by the Acting President pro tempore [Mr. LEAHY].

At 1:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week";

S.J. Res. 55. Joint resolution commemorating the two hundredth anniversary of United States-Portuguese diplomatic relations; and

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 555) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' rights to reinstatement of health insurance, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 157. Joint resolution making technical corrections and correcting enrollment errors in certain Acts making appropriations for the fiscal year ending September 30, 1991, and for other purposes.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 157. Joint resolution making technical corrections and correcting enrollment errors in certain Acts making appropriations for the fiscal year ending September 30, 1991, and for other purposes; to the Committee on Appropriations.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, February 28, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week";

S.J. Res. 55. Joint resolution commemorating the two hundredth anniversary of United States-Portuguese diplomatic relations; and

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 360. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

By Mr. BIDEN, from the Committee on the Judiciary:

Special Report on the Activities of the Committee on the Judiciary During the 101st Congress (Rept. No. 102-17).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DECONCINI, from the Committee on Veterans' Affairs:

Charles L. Cragin, of Maine, to be Chairman of the Board of Veterans' Appeals for a term of six years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. INOUYE):

S. 518. A bill to amend title XVIII of the Social Security Act to expedite the payment of claims under such title by increasing the level of interest paid on late payments to providers under such title, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 519. A bill to title II of the Social Security Act to exclude child care earnings from wages and self-employment income under the earnings test with respect to individuals who have attained retirement age; to the Committee on Finance.

By Mr. LEAHY:

S. 520. A bill to establish on a temporary basis a minimum basic formula price for the computation of Class I milk prices; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 521. A bill to amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, and Mr. INOUYE):

S. 522. A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON:

S. 523. A bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. ROTH:

S. 524. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

By Mr. THURMOND:

S. 525. A bill granting an extension of patent to the United Daughters of the Confederacy; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. SPECTER):

S. 526. A bill to extend for 10 years the patent for the drug Ethiofos (WR2721) and its oral analogue; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. CRANSTON, and Mr. AKAKA):

S. 527. A bill to provide for the partial cancellation or repayment of Perkins and Stafford loans for student borrowers who perform a year or more of full-time, low-paid service as Peace Corps and VISTA volunteers, and comparable full-time, low-paid service with a tax-exempt community service organization in the private sector; to the Committee on Labor and Human Resources.

By Mr. MCCONNELL:

S. 528. A bill to amend title V of the surface Mining Control and Reclamation Act of 1977 to assist small surface coal mine operators, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DIXON:

S. 529. A bill to amend the Equal Credit Opportuntity Act and the Home Mortgage Disclosure Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DIXON (for himself, Mr. SIMON, and Mr. DASCHLE):

S. 530. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-percent gross income limitation on regulated investment companies; to the Committee on Finance.

By Ms. MIKULSKI:

S. 531. A bill to amend the Internal Revenue Code of 1986 to exclude certain pay of the merchant marine serving in combat zones; to the Committee on Finance.

By Mr. BOREN (for himself, Mr. PRYOR, and Mr. BAUCUS):

S. 532. A bill to amend the Internal Revenue Code of 1986 to prohibit the retroactive application of Treasury Department regulations and rulings; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. KOHL, Mr. LEVIN, Mr. GORE, Mr. SARBANES, Mr. LEAHY, Mr. NUNN, Mr. REID, Mr. ADAMS, Mr. KERRY, Mr. MOYNIHAN, Mr. SANFORD, Mr. STEVENS, Mr. JEFFORDS, Mr. DECONCINI, Ms. MIKULSKI, Mr. BRADLEY, Mr. COHEN, Mr. SASSER, and Mr. AKAKA):

S. 533. A bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LOTT (for himself, Mr. THURMOND, Mr. WARNER, Mr. COATS, Mr. SMITH, Mr. MACK, Mr. FORD, and Mr. LAUTENBERG):

S. 534. A bill to authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PACKWOOD:

S. 535. A bill to amend section 303 of Public Law 96-451 to authorize the Secretary of the Interior to expend funds from the Reforestation Trust Fund for the reforestation of certain lands in the State of Oregon, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself and Mr. GRAHAM):

S.J. Res. 80. A joint resolution to proclaim the year 1992 as the "Year of Discover Florida"; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 81. A joint resolution to designate the periods commencing on December 1, 1991, and ending on December 7, 1991, and commencing on November 29, 1992, and ending on December 5, 1992, as "National Home Care Week"; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 82. A joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week"; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. COATS (for himself, Mr. DOLE, Mr. THURMOND, Mr. LOTT, Mr. SIMPSON, Mr. SIMON, Mr. CRAIG, Mr. WALLOP, Mr. BROWN, Mr. JEFFORDS, Mr. BOREN, Mr. BYRD, Mr. HELMS, Mr. BOND, Mr. BURNS, Mrs. KASSEBAUM, Mr. MCCAIN, Mr. KERRY, Mr. MACK, Mr. GRAHAM, Mr. SMITH, Mr. BURDICK, Mr. DURENBERGER, Mr. REID, Mr. MURKOWSKI, Mr. LUGAR, and Mr. FORD)):

S.J. Res. 83. A joint resolution entitled "National Day of Prayer and Thanksgiving"; considered and passed.

By Mr. LEVIN (for himself, Mr. ROTH, Mr. MOYNIHAN, Mr. HEINZ, Mr. SASSER, and Mr. GLENN):

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM (for herself, Mr. INOUYE, Mr. DASCHLE, Mr. DODD, Mr. LUGAR, and Mr. MCCAIN):

S. Res. 66. Resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes; to the Committee on Rules and Administration.

By Mr. DOMENICI (for himself, Mr. DOLE, Mr. MITCHELL, Mr. CHAFEE, Mr. MOYNIHAN, Mr. SYMMS, Mr. BAUCUS, Mr. SIMPSON, and Mr. GORTON):

S. Res. 67. Resolution commending Harold (Hal) H. Brayman for his service to the country and the Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 68. Resolution to make minority party appointments to the Select Committee on Ethics for the 102d Congress; considered and agreed to.

By Mr. MCCAIN:

S. Res. 69. Resolution calling for the establishment of an international tribunal with jurisdiction to judge and punish the war crimes committed by the political and military leadership of Iraq; to the Committee on Foreign Relations.

By Mr. SANFORD:

S. Res. 70. Resolution limiting expenditures in campaigns for election to the Senate, setting standards of conduct for those seeking election or reelection to the United States Senate and providing sanctions against those elected who bring discredit to the United States Senate by violating the established standards of conduct; to the Committee on Rules and Administration.

By Mr. DOLE (for himself, Mr. Mitchell, Mr. Pell, Mr. Hollings, Mr. Kohl, Mr. Boren, Mr. Dodd, Mr. Reid, Mr. Adams, Mr. Akaka, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bingaman, Mr. Bond, Mr. Bradley, Mr. Breaux, Mr. Brown, Mr. Bryan, Mr. Bumpers, Mr. Burdick, Mr. Burns, Mr. Byrd, Mr. Chafee, Mr. Coats, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. Craig, Mr. Cranston, Mr. D'Amato, Mr. Danforth, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Domenici, Mr. Durenberger, Mr. Exon, Mr. Ford, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Heflin, Mr. Heinz, Mr. Helms, Mr. Inouye, Mr. Jeffords, Mr. Johnston, Mrs. Kassebaum, Mr. Kasten, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Mr. Metzenbaum, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Nunn, Mr. Packwood, Mr. Pressler, Mr. Pryor, Mr. Riegle, Mr. Robb, Mr. Rockefeller, Mr. Roth, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Seymour, Mr. Shelby, Mr. Simon, Mr. Simpson, Mr. Smith, Mr. Specter, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Wallop, Mr. Warner, Mr. Wellstone, and Mr. Wirth):

S. Con. Res. 13. Concurrent resolution commending the President and the Armed Forces for the success of Operation Desert Storm; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. GRAHAM (for himself and Mr. Inouye):

S. 518. A bill to amend title XVIII of the Social Security Act to expedite the payment of claims under such title by increasing the level of interest paid on late payments to providers under such title, and for other purposes; to the Committee on Finance.

INTEREST LEVEL ON LATE PAYMENTS TO MEDICARE PART B PROVIDERS

• Mr. GRAHAM. Mr. President, today, I am introducing legislation to expedite the payments of Medicare part B claims. I am particularly pleased to be joined by my colleague Senator Inouye.

I introduced this bill last Congress in response to a situation in the State of Florida. In May of 1989, my district offices received an unusual number of phone calls, letters, and direct contacts from thousand of physicians, beneficiaries, and medical equipment dealers concerned about delays in Medicare payments.

Alarmed by the sheer number and intensity of the complaints, I convened a meeting in Orlando to investigate the matter. Testimony at the 1989 Florida hearing indicated that many beneficiaries and providers are waiting months for word on their pending Medicare claims. Beneficiaries are using their savings to pay their Medicare bills and doctors and small home health agencies are going to banks to borrow money to meet their cash flow problems.

Some physicians are withdrawing from the participating physician program because of the inordinate delay in processing their claims. Further, many other nonparticipating physicians who nevertheless routinely accepted assignment for many of their Medicare patients are now only taking assignment on claims they fear could not be paid in any other manner.

Although the initial problem in Florida which caused the late payments situation in 1989 was resolved, other, more recurring problems with the Medicare reimbursement system were revealed during the hearing process.

Under certain circumstances, valid claims are placed in the review process for several months during which time payments are delayed. After these claims are adjudicated to become clean claims, or claims free from defect, there is no interest paid for the delay. And the longer a claim is held in review before it is processed, the longer the money stays in the Medicare trust fund and accrues interest.

For clean claims not held in review, the payment of interest begins 24 days after receipt from the provider. The rate of interest for late payments is the prevailing interest rate, the current index used for calculating interest. If, however, the Government pays interest at the rate at which it borrows money, the incentive to reimburse physicians and others on time is limited.

Raising the interest rate would demonstrate the willingness of Congress to resolve some of the continuing problems associated with late Medicare payments.

My bill would hasten the payment of claims in two ways. The measure would increase the level of interest on late payments to providers to ¼ percent above the prevailing interest rate. It would also broaden the category of claims eligible for interest payments, extending them to valid claims held in review.

The legislation would attempt to accomplish several goals: First, create a real penalty for late payments by contractors; second, allow for less abuse of the review process; third, provide contractors with strong incentives to make timely part B payments; and fourth, encourage more physicians to accept assignment.

Mr. President, providing the Government with incentives to make timely payments to those it does business with has a precedent. In 1982 and again in 1987, Congress enacted the Prompt Payment Act, which specifies that payment by the Government to certain contractors be made 7 days after receipt of a product.

If timely payments are not made in accordance with the act, the Government agency is required to pay the contractor a late payment interest penalty. The late payment interest penalty must be paid from the funds appropriated for the program which incurred the penalty.

According to the GAO, previous to this legislation, almost 40 percent of contractor invoices were paid late by the Government. The small business community was especially hard hit by the costs resulting from delayed payment by the Government.

As in the case of the small business vendors which contract with the Government, claims submitted for unassigned physician services and from small providers face the longest delays.

Mr. President, Congress acted in the past on the prompt payment issue because it is crucial that the Government conduct its business with those who provide services to our people on a basis of dignity, respect, and accepted business practice. It is important that Congress act again to clear up an intolerable situation affecting all Medicare beneficiaries and providers, and I urge my colleagues to join Senator Inouye and me in this endeavor.

I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTEREST LEVEL ON LATE PAYMENT TO PROVIDERS INCREASED.

(a) Claims Under Part A.—Section 1816(c) of the Social Security Act (42 U.S.C. 1395h(c)) is amended—

(1) in paragraph (2)(C), by striking "interest shall be paid at" and inserting "interest shall be paid at a rate which is ¼ percent higher than"; and

(2) by adding at the end thereof the following new paragraph:

"(4) Each agreement under this section shall provide that with respect to claims that are not treated as clean claims as described in paragraph (2)(B), but, which are found after review to be legitimate and complete, that beginning with the day that is 24 calendar days after the day that such claim is received from a hospital, skilled nursing facility, home health agency, hospice program, comprehensive outpatient rehabilitation facility, or rehabilitation agency that is not receiving payments on a periodic interim payment basis with respect to such services and ending on the date on which payment is made, interest shall be paid on such claim at the same rate as that specified under paragraph (2)(C).".

(b) Claims Under Part B.—Section 1842(c) of such Act (42 U.S.C. 1395u(c)) is amended—

(1) in paragraph (2)(C), by striking "interest shall be paid at" and inserting "interest shall be paid at a rate which is ¼ percent higher than"; and

(2) by adding at the end thereof the following new paragraph:

"(4) Each contract under this section which provides for the disbursement of funds, as described in subsection (a)(1)(B), shall provide that with respect to claims which are not treated as clean claims as described in paragraph (2)(B), but, which are found after review to be legitimate and complete, that beginning with the day that is 24 calendar days after the day that such claim is received and ending on the date on which payment is made, interest shall be paid on such claim at the same rate as that specified under paragraph (2)(C).".

(c) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) shall apply to claims received on or after August 1, 1991.

(2) The Secretary of Health and Human Services shall provide for such timely amendments to agreements under section 1816 of the Social Security Act and contracts under section 1842 of such Act, and regulations, to such extent as may be necessary to implement the provisions of this Act on a timely basis.●

By Mr. LEAHY:

S. 520. A bill to establish on a temporary basis a minimum basic formula price for the computation of class I milk prices; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY ASSISTANCE FOR DAIRY FARMERS

Mr. LEAHY. Mr. President, our Nation's dairy farmers are facing very tough times. Just a year ago, things looked different. Due to droughts and the whole herd buyout, the supply of milk decreased, and our farmers had record high prices at market.

But, because of these same high prices, many farmers increased production. In my home State of Vermont, several new farms were started. But once production increased, we saw a dramatic drop in the market price, causing so many of our farmers in Vermont and elsewhere to lose thousands of dollars.

Also, a General Accounting Office investigation I requested has made a preliminary conclusion that retailers are doing some price gouging. We found that while the price paid to farmers has dropped by 25 percent, if we go into the grocery store, we find that the price of fluid milk has hardly gone down at all. Farmers have seen their profits go down but consumers are still paying about the same amount at the grocery store. Obviously, others are reaping the profits that our dairy farmers need today to survive.

The long-term solution is through managing the amount of milk sold—so farmers earn a decent living and consumers have an adequate supply of milk. This is known as supply management.

The good news is that the 1990 farm bill gives dairy farmers the opportunity to tell Congress the type of supply management program they want to stabilize the supply and price of milk.

The bad news is that it will be a year or more before USDA studies, and Congress enacts any form of supply management.

To fill the gap and because there is an emergency, as chairman of the Senate Agriculture Committee, I am today introducing emergency legislation to address the crisis faced by Vermont's dairy farmers and by dairy farmers across the Nation. This bill will temporarily move the price for fluid milk closer to last summer's prices, prices that can allow farmers to stay in business.

What it means is that for the next year the price paid to farmers for class I fluid milk would be increased.

It will also make sure that the excess profits will be used to preserve family farms and not just go into the pockets of middle men.

To both improve the quality and taste of milk and save taxpayers money spent on the entire dairy program, the bill increases the protein and other nutritional components in milk to the standard currently set by California.

By increasing these standards, all grades of milk—including skim milk—will have a richer, better taste, as well as have a higher nutritional value. The use of the components in milk will use more milk product and thus reduce the cost of surplus milk purchases by the Government.

I think this bill meets the immediate emergency crisis facing our Nation's dairy farmers. It responds to the growing nutritional concerns of all Americans and should increase consumer demand for milk.

It must be passed soon though, in order to make a difference for our Nation's dairy farmers who are suffering badly today.

Mr. President, I ask unanimous consent that a description of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF LEGISLATION TO PROVIDE EMERGENCY ASSISTANCE FOR DAIRY FARMERS

Milk prices to farmers have fallen nearly 25 percent since last August yet the average consumer has seen little if any reduction in milk prices at the supermarket. This legislation will require prices for fluid milk used for beverage purposes to be set at levels achieved last August. While consumer prices should not be affected by the bill, price gouging by retailers will be curtailed and the price of milk paid to farmers will rise.

The bill is consistent with the pay-as-you-go budget rules adopted in the Budget Enforcement Act of 1990. Since the legislation does not affect prices for milk used in the manufacture of cheese, butter and other dairy products it will have a limited impact on the dairy price support program. Furthermore, any increased cost in the dairy price support program will be more than offset by changes in the standards of identity for fluid milk products, which will cut Commodity Credit Corporation purchases of non-fat dry milk.

All milk sold in the United States is divided into classes depending upon the end use of the milk. Milk for beverage use is classified as Class I milk. Milk for the manufacturing of butter, cheese, and other products is usually classified as Classes II or III. Processors of milk pay more for the milk they receive based upon the way the processor intends to use the milk. Processors pay more for milk to be used as a beverage (Class I) than milk to be used for manufacturing purposes.

The bill would temporarily increase the price processors pay for Class I milk in the United States. The price for Class I milk during the time period covered by the bill would be determined based upon the basic formula price for milk received by producers during the month of August 1990.

The prices processors pay for Class II and Class III milk would not be directly affected by the provisions of this bill. The support price for milk as contained in the Food, Agriculture, Conservation, and Trade Act of 1990 would be unchanged.

The bill would also increase the minimum milk solids (not fat content) of all beverage milk, including whole milk, lowfat milk, and skim milk similar to the standard already used in California. It has been proven that increased solid content of milk results in a better taste. By increasing the milk solid not fat content of beverage milk, it is hoped that consumption would increase as a result of increased demand for the product. This bill should also result in less of a surplus of nonfat dry milk because nonfat dry milk could be used to increase the milk solid not fat content of beverage milk.

This change will not affect the fat content of milk; nor is it the intention of this bill to affect any other regulation or rule of the Food and Drug Administration concerning quality standards for milk and milk products.

Mr. THURMOND. Mr. President, I rise today in support of legislation which will help maintain the price of class I fluid milk at the August 1990 level. The dairy farmers in South Carolina are facing some tough economic times due to the recent dramatic decrease in the price of fluid milk.

Currently, in my State there are 210 dairies which produce about 75 percent of the fluid milk consumed in South Carolina. But this number may soon change for the worse if the price of milk is not stabilized. Last summer, our State was hit with drought and floods causing many farmers to have to purchase feed for their herds. While the costs of production due to these disasters has increased, the price of milk has dropped from $14.93 per hundredweight in December 1989 to a low of $10.48 per hundredweight for December 1990.

The Minnesota-Wisconsin [M-W] system of establishing a price for milk was established in 1961 and due to the changes in production as well as other factors this system is no longer useful. In the Food, Agriculture, Conservation, and Trade Act of 1990, Congress acknowledged that problems exist in the current milk pricing formula. This bill requires the USDA to hold hearings and review the M-W pricing system by October 1, 1991.

The legislation being introduced today will help maintain the minimum price of milk to that of August 1990, only until the USDA has studied and made recommendations for improving the M=W system.

Mr. President, I urge my colleagues in other States which are harmed by this system to join me in supporting as well as working for the swift enactment of this most important legislation.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, and Mr. INOUYE):

S. 522. A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CLEAN CAMPAIGN ACT

Mr. HOLLINGS. Mr. President, today I am introducing legislation that furthers the intent and improves the effectiveness of the political broadcasting laws. The Clean Campaign Act of 1991 seeks to ensure greater balance and accountability in political campaigns. This legislation is identical to S. 1009, which I introduced last Congress and which was approved without objection by the Commerce Committee. I believe that in light of the problems that have arisen in recent political campaigns, this legislation is essential.

The Clean Campaign Act addresses two specific problems that arise in the use of broadcast stations for political campaigns. The first problem involves the use of broadcast time to attack opponents. While such attacks are not new, with the advent of sophisticated uses of electronic media, such attacks are becoming more and more insidious and are contributing less and less to the debate about candidates' qualifications for office. We all have seen and heard on the broadcast media just about every form of animal and every type of hired performer make incorrect or misleading remarks about a candidate's opponent. What's more, the very nature of the broadcast media makes these attacks difficult, if not impossible to rebut, especially if they occur late in a campaign. Everyone who has run for office knows that rebuttals take plenty of time and are very expensive.

I know full well that we cannot limit—nor would we want to limit—a candidate's discussion of an opponent's character, record, and other qualifications to hold office. This is a fundamental part of political campaigns. On the other hand, the objective of this activity is to inform the voter so that an educated choice can be made. The voter deserves a clear and direct discussion. This discussion should not occur through surrogates who have no real responsibility. It is for these reasons that I am proposing that if a candidate wants to discuss an opponent in a broadcast advertisement, that candidate should do so in person. In this way, candidates can discuss whatever they wish about their opponents, while being more responsible for what they say.

The second problem involves the use of PAC money to air advertisements on broadcast stations. We all have seen how PAC's can damage seriously the balance in a campaign through the expenditure of enormous amounts of money. In effect, a candidate budgets to fight one well-financed opponent but then ends up fighting many.

While the existing political broadcasting laws give a candidate equal opportunities vis-a-vis an opposing candidate, the laws offer far fewer protections when it comes to PAC's, and even these protections will evaporate if the FCC has its way. The current requirements for lowest unit advertising rates, or free response time, or just the ability to respond promptly do not apply with PAC's. In addition, when a candidate responds to a PAC, the candidate then triggers the equal opportunities provision of the law. In the end, the candidate finds he keeps making one statement for two or more on the other side. How can the candidate hope to compete fairly? To cure this problem, my legislation again takes a straightforward approach, which in no way limits the ability of PAC's to advertise: If a broadcaster airs PAC advertisements, the broadcaster then must give the candidate who is opposed or otherwise not supported in those ads free response time within a reasonable period.

In conclusion, the approach taken in this legislation is reasonable and infringes on no person's free speech rights. It will improve the accountability of candidates and the balance in campaigns. In the end, the public will benefit by having the best information possible on which to make an intelligent choice.

Mr. DANFORTH. Mr. President, today I join my colleagues, Senators HOLLINGS and INOUYE, in introducing the Clean Campaign Act of 1991. This bill does two things to improve political campaign advertising and debate in this country.

First, the bill amends the Communications Act of 1934 to require Federal candidates who refer to their opponents in broadcast ads to make those references in person. If an ad is broadcast in which a candidate refers to his opponent, but does not do so in person, his opponent receives free response time. This provision does not prevent negative advertising, but its intent is to discourage negative ads. It is designed to increase accountability. If a candidate wishes to cast aspersions on his opponent's character, the public should be able to see the candidate do so personally.

Second, this legislation addresses independent political ads placed by political action committees or other third parties. The bill provides that, if a third party runs an ad opposing a Federal candidate, that candidate will get free response time. If a third party airs an ad endorsing a Federal candidate, the opponents of that candidate get free response time. This bill does not eliminate or restrict ads by third parties. It does attempt to restore balance to a campaign in which independents ads are aired. This provision will give candidates some ability to respond to messages that otherwise might be unanswerable.

The goal of this bill is to address perhaps the most troubling aspect of current American politics, the nauseating negativism of political campaigns. The use of the electronic media and the development of the independent political ad have exacerbated the problem of negative campaigns. This bill does not prohibit negative campaigns, but it does allow the public to hold accountable the candidate who runs such a campaign. Senator HOLLINGS and I have introduced this bill twice before. Considering the increasingly negative tone of recent campaigns, I think the time is right to move this legislation.

Mr. INOUYE. Mr. President, I rise today to support the Clean Campaign Act of 1991. I know that many people, both in the Congress and around the country, have been concerned about campaigns for political office. There is a strongly held view that these campaigns are slick, superficial, and often misleading. As a result, the voter does not obtain the information necessary to reach an intelligent decision and cares little for the outcome. The low voter turnout of the past few elections lends credence to this belief.

In addition to the problem of uninformative, negative campaigns, a problem exists when individuals and groups unaffiliated with a candidate intervene in campaigns. These groups are often unidentifiable. They are also well-funded, and, to increase the power of their money, they enter only close races late in the campaign, spending virtually all of their money airing, again and again, one or two broadcast advertisements.

Candidates typically raise enough money to fight an opponent, and often, toward the end of a campaign, money is short. In addition, it is very difficult to respond to advertisements made in the last week of a campaign. Thus, independent players take advantage of all of these factors and throw a campaign out of balance: a candidate now has not one, but two, potent forces to battle.

Congress has been trying for some time to deal with concerns about political campaigns. While the omnibus campaign legislation is deal with in other committees, the Commerce Committee has jurisdiction over a vital element: the use of broadcasting stations and certain other commercial media. As we all well know, the largest percentage of campaign funds are spend on these media.

The Clean Campaign Act seeks to increase accountability and balance in campaigns for Federal office by first, requiring a candidate, when discussing an opponent, to appear personally in broadcast advertisements, and second, providing a candidate with free broadcast time to respond to an advertisement opposing him sponsored by an independent party.

I believe that this legislation represents an important step in addressing the issues facing campaigns today. I urge my colleagues to support this legislation.

By Mr. DANFORTH (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 521. A bill to amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CAMPAIGN ADVERTISING AND DISCLOSURE ACT

Mr. DANFORTH. Mr. President, along with Senators HOLLINGS and INOUYE, I am introducing legislation to restore the existing "lowest unit charge requirement" of the Communications Act to its original intent. This bill also requires enhanced disclosure by candidates. This measure is similar to a bill that was reported by the Commerce Committee in the last Congress.

LOWEST UNIT CHARGE

In 1972, Congress amended the Communications Act of 1934 to require broadcasters to sell time to political candidates at rates no higher than those charged to the station's most favored commercial advertisers. This obligation is called the lowest unit charge requirement. This law is no longer working, however. Commerce Committee hearings in the last Congress and last year's audit of political advertising by the Federal Communications Commission [FCC] confirm what many have feared: the problems with the lowest unit charge statute are significant and widespread.

Mr. President, there are several problems with the existing lowest unit charge requirement. First, the law is unclear. Interpreting lowest unit charge is now so difficult that, during election periods, the FCC has to answer 50 to 75 daily inquiries about it.

Second, the law requires only that the candidates be afforded the lowest unit charge for each "class" of time. When the law was enacted, broadcast advertising was sold with rate cards. It was fairly simple to determine the lowest rate for the "class of time"—fixed or preemptible. But for many stations the way advertising is sold has changed. It is now, in effect, an auction.

Third, it is very difficult for a candidate to know if he is getting the lowest unit charge. He is not entitled to look at the station's commercial records to compare his rate to that of Coca Cola, for example. Without access to station records, there is no way to determine whether the requirement is being met.

Fourth, the Commerce Committee hearings and the FCC's audit demonstrate that candidates usually pay a much higher rate than commercial advertisers. In today's sophisticated campaigns, candidates must target specific voting age audiences. But a candidate's ad can be bumped, for example, from a news program to a Saturday morning cartoon show, unless he pays a premium "fixed" rate for his ad time. Witnesses at the Commerce Committee hearings told us that commercial advertisers rarely have to buy fixed time as protection against preemption, even though they sometimes need to avoid being bumped, too. And rates for fixed time can be four or more times the rates of preemptible time. Instead of getting the best deal, politicians are getting the worst. As the Democratic media buyer Bob Squier testified, "[t]he memorial service for lowest unit rate was held years ago * * *"

Finally, there is the potential for abuse. Hearing witnesses testified that it would be possible for a broadcaster to favor one candidate over another. Candidate A might be told that, to be sure his ad will run, he must buy expensive fixed time. But the broadcaster could assure his opponent, Candidate B, that he can buy cheap preemptible time and not be bumped. So, Candidate A buys fixed time. Candidate B buys preemptible time. Candidate B is never preempted. Hearing witnesses discussed a case in which one Senate candidate paid, on average, five times as much per advertising spot as his opponent—for spots on the same shows. The candidate buying the cheaper preemptible time was never preempted.

There is no way of determining whether one candidate should have been bumped. Stations are not required to record whether someone else sought to buy time. There is at least the potential for foul play. It could be done with a wink or an unspoken understanding. If it happened, it would be an illegal corporate contribution. And one candidate's dollar would have purchased four or more times as much speech as his opponent's.

Mr. President, this legislation restores the lowest unit charge provision to its original intent by making a few simple and straightforward changes. It deletes the word "class" from the lowest unit charge provision. As a result, candidates will be entitled to the lowest advertising rate, not just the lowest rate for a particular "class" of time, such as "fixed" or "preemptible" time. Also, the bill adds a sentence to clarify that broadcasters are prohibited from bumping campaign ads.

This bill also incorporates changes sought by the National Association of Broadcasters to last year's bill. It shortens the periods during which the lowest unit charge requirement applies from 45 days before a primary election and 60 days before a general election to 30 and 45, respectively. It also provides that candidates' ads are preemptible until payment is made for them. And the legislation provides that, if the show in which a candidate's ad is to run is unavoidably preempted, the ad can be preempted as well. With these changes, the National Association of Broadcasters does not oppose this measure.

The lowest unit charge requirements does not require free time. It merely requires that candidates be dealt with as though they had the market power of large advertisers. The deletion of the word "class" from the statute and the ban on preemption are not intended to alter the current FCC policy and practice with respect to the treatment of various "bonus" advertising spots and package plans in calculating the lowest unit charge. The FCC has established ground rules in its publication entitled, "The Law of Political Broadcasting and Cablecasting: A Policitcal Primer," to ensure that bonus spots or package plans are included where appropriate to determine the lowest unit charge, but are excluded where they would distort the charge from being that which is provided to a broadcasting station's most-favored-commercial customer.

Reform of the lowest unit charge requirement will lower the cost of advertising to political campaigns significantly. By lowering costs, it will help candidates challenge incumbents. Lowest unit charge reform will treat all candidates fairly and give them the insurance they need against preemption. And this reform will help broadcasters avoid mistakes in applying the law.

ENHANCED DISCLOSURE

Mr. President, the bill we are introducing today also amends the existing disclosure requirement for political ads. Under current law, political ads carry a tag line stating that the ad was paid for by a candidate's authorized committee. This legislation would add to that disclosure by requiring the candidate himself to state that he has approved the ad. It will help to inform the electrorate and strikes a reasonable balance among the interests of candidates, broadcast licensees and the public.

The goal of this requirement is to keep candidates from hiding behind an innocuous sounding committee with an innocuous sounding name. If candidates want to sling mud, that is their decision. But let the public know whose hands are dirty.

The candidate disclosure requirement does not restrict the content of the political ad itself—it is a regulation of the time, place and manner of the speech. The Supreme Court has upheld similar disclosure requirements. Rather than requiring a tag line identifying the sponsoring candidate, the new provision simply would require personal identification of the candidate.

TWO REFORMS

Two fundamental problems with our political process, the money chase and campaign mudslinging, can be remedied easily. We can attack the biggest cost of campaigns—broadcast time—by requiring broadcasters to treat candidates like major commercial advertisers. And we can put some sunshine on the mudslinging 30 second commercials by revealing who has approved the ad. Both of these remedies are incorporated in this legislation.

I want to thank Senators HOLLINGS and INOUYE for their leadership in moving these reforms forward and I urge my colleagues to approve this measure.

Mr. HOLLINGS. Mr. President, I rise today in support of legislation to improve our electoral process and ensure that the voting public is more fully informed. The bill we are introducing today achieves these goals by facilitating reasonable access for political candidates to the media and by increasing accountability. The Campaign Advertising and Disclosure Act of 1991, authored by Senator DANFORTH, Senator INOUYE, and myself, achieves these objectives by ensuring that candidates are charged the lowest unit rate for broadcast advertisements and by requiring candidates to disclose more fully and clearly their responsibility for these advertisements.

The Commerce Committe has long been concerned that political candidates have reasonable access to broadcast stations and that there is no discrimination in the rates charged for campaign advertisements. The lowest unit rate provision of the Communications Act of 1934 was adopted specifically to address that concern.

The lowest unit rate provision, adopted in 1972, requires broadcasters to charge candidates the lowest unit rate available for the time during which the advertisements are aired. Hearings held by the Commerce Committee last Congress demonstrated that the lowest unit rate provision is not being applied properly—candidates are being charged more than the lowest unit rate. These conclusions are buttressed by the Federal Communications Commission's—FCC—1990 audit of broadcaster compliance with the lowest unit rate statute. In surveying 30 radio and television stations, the FCC found the following.

First, 16—80 percent—of the 20 television stations charged candidates more for advertising time than commercial advertisers paid for virtually all advertisements. In one case, candidates paid $6,000 for a 30-second advertisement during a particular day part, while commercial advertisers paid less than $3,000.

Second, some stations established special rates for candidates—just before or just after news programs—that were much higher than the rates charged commercial advertisers. At one station, every candidate paid $4,000 for these spots, while commercial advertisers only paid between $575 and $2,550.

The reasons for the disparity in the rates paid by candidates and commercial advertisers are: First, stations encourage candidates to purchase nonpreemptible advertisements, while giving commercial advertisers a virtual guarantee that their advertisements will run even though purchased at preemptible rates; second, stations often do not inform candidates about lower priced options and package deals; third, stations' rate cards are misleading, lack detailed information, or are not available; fourth, stations have misapplied or failed to inform candidates of the FCC requirements that they "make good" advertisements that are preempted if they provide "make goods" to any commerical advertiser; and fifth, most of the stations' public files do not have adequate information for candidates to ascertain what rates are charged other advertisers.

This bill seeks to remedy these problems. It deletes the word "class" from the lowest unit rate statute and explicitly bars broadcasters from preempting—bumping—campaign ads. Thus, there will no longer be any class distinctions for political advertisements, and broadcasters will have to sell time to candidates at the lowest rate available.

The legislation also does the following.

First, it shortens the periods during which the lowest unit rate provision applies. Presently, the lowest unit rate provision applies to the period beginning 45 days before a primary and 60 days before a general election. The bill shortens each of these periods by 15 days.

Second, it clarifies that political ads remain preemptible until they are paid for.

Third, it permits preemption of a political spot if the program in which it is to appear is preempted for reasons outside the broadcaster's control. Thus, the only time a broadcaster can preempt a candidate is if the entire show in which the candidate's ad was to appear is preempted for reasons beyond the broadcaster's control.

Finally, the bill addresses the important issue of responsibility by requiring that candidates who benefit from the lowest unit rate provision clearly state: "I ——, a candidate for ——, have approved of this ad." If the advertisement is on television, this statement must be accompanied by a picture of the candidate filling at least 40 percent of the screen. Thus, candidates will no longer be able to get away with pictures and print so small as to be unintelligible.

In closing, I commend the broadcast industry for working with the committee on this legislation to ensure that it improves campaigns without unduly burdening broadcasters. The broadcasters recognize that current law is confusing at best and needs clarification. As a result of our joint efforts, the National Association of Broadcasters will not oppose this legislation.

In sum, I believe that this is a very important measure essential to the improvement of our electoral process, and I strongly urge my colleagues to support it.

Mr. INOUYE. Mr. President, I take the floor today to support the Campaign Advertising and Disclosure Act of 1991, legislation to change the provisions of the Communications Act concerning the purchase of broadcast time by political candidates. This bill eliminates the different classes of time for political advertisements and prohibits broadcasters from preempting political advertisements. In addition, it increases candidate accountability for the content of the advertisements.

This legislation is long overdue. In campaigns today, television advertisements are the single greatest expense. It is estimated that the average candidate for the Senate devotes between 40 and 60 percent of his campaign expenditures—about $2 million—to television advertisements.

Section 315 of the Communications Act requires broadcasters to sell advertising time to political candidates at the "lowest unit charge * * * for the same class and amount of time". Broadcast stations offer two basic classes of time to advertisers: First, fixed or "nonpreemptible" spot time; and second, preemptible spot time. Nonpreemptible time is more expensive than preemptible time because the broadcast station commits to air nonpreemptible spots; and, if the spot is not aired, the station has to air the spot in a similar time period as soon as possible. The difficulty facing political candidates concerns preemptible time, since there is no guarantee that the preemptible ads will be aired at the desired time. There have been cases where one candidate buys preemptible time and has all of his ads run, while another has to pay the nonpreemptible rate to ensure that his ads are run. The issue is further complicated by the fact that the price of all classes of ads, but particularly for preemptible spots, vary depending on the time of day aired and when the ads are purchased.

At the hearings held by my subcommittee last Congress, the testimony presented set out three primary reasons that this legislation is needed. First, the price paid by two candidates for advertisements of the same length aired at approximately the same time and day of the week can vary significantly. In one case presented, a candidate paid five times what his opponent paid for almost identical advertising time. The difference in price was attributed solely to the difference in the price of nonpreemptible and preemptible time. Second, testimony was presented that political candidates often pay more for spots than commercial advertisers because candidates are told that they have to purchase nonpreemptible time to ensure their spots will be aired, while commercial advertisers purchase preemptible time knowing that their spots are rarely preempted. Third, the testimony also pointed out that the way time for advertising is sold has changed significantly from the method used when the law was enacted. In 1971, advertising time was sold based on rate cards which set forth the cost of ads in different classes of time. Rate cards are rarely used today and the process resembles an auction—with broadcasters receiving as much as they can for each advertisement. Moreover, since advertisements are sold continuously, the rates can change by the hour.

A recent audit of 30 television and radio stations confirmed all of these problems. In fact, based on the evidence gathered by the FCC, the disparity in rates is far greater than we even thought. To remedy these problems, this bill deletes the word "class," only permitting broadcasters to have one class of commercial time for candidate advertisements. It also prohibits licensees from preempting political advertisements. The effect of this bill is to require stations to sell spots for candidate ads at the lowest rate charged for any spot during the relevant time period.

This legislation also addresses another concern of the committee's, candidate accountability. Although candidates are required to identify themselves in advertisements, the spirit of law is simply not being met. Most statements identifying a candidate are far too brief and unreadable, to hold a candidate accountable. To remedy this problem, under this bill voters know when they are viewing a candidate's advertisement and that the candidate has approved the ad.

This legislation represents the efforts of many Senators. I especially want to thank Senator HOLLINGS, chairman of the Commerce Committee and Senator DANFORTH, the ranking member of the committee and the author of this bill. I believe that it is critical that we address these problems now. I also want to thank the broadcast industry for its assistance on this legislation. This bill represents a compromise with the broadcast industry and they will not oppose it. While it might not address all of our concerns about the campaign process, it is a significant first step. I strongly urge all of my colleagues to support this bill.

By Mr. SIMON:

S. 523. A bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution; to the Committee on Rules and Administration.

NATIONAL AFRICAN-AMERICAN MEMORIAL MUSEUM ACT

• Mr. SIMON. Mr. President, I am pleased to reintroduce a bill that would authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution. It is a honor for me to be associated with legislation that will inspire and educate people of the United States and the world about the cultural legacy of African Americans. Furthermore, it is an honor to introduce this legislation during Black History Month.

As you know, I introduced this legislation last Congress after testifying before the House Subcommittee on Libraries and Memorials on this issue. As I said then, part of America's strength is her diversity. We are truly one out of many. The rich heritage of the United States is a tightly woven fabric formed by the individual contributions of its diverse population. A fundamental thread of the American fabric is the history, culture, and art of African Americans.

The need for a national museum is evident. Our Nation's capital is home to the most comprehensive collection of American art and culture in the world, but the collection is far from complete. Out of 15 major museums and galleries, a zoological park, and 5 major research facilities; only one is solely devoted to African-American culture—the Anacostia Museum. African Americans make up 12 percent of the population in the United States, yet they do not have a significant space in a national permanent collection. There are many wonderful private museums, such as the DuSable Museum in Chicago and the Dunham Foundation of Cultural Arts in Saint Louis, that are dedicated to the preservation and presentation of African-American heritage. These museums contribute greatly to their communities, and should continue to do so. I do, however, believe that we should establish a truly national African-American museum—a museum that can stand as a national and international center for the presentation and preservation of African-American art, history, and culture.

A National African-American Memorial Museum dedicated to education and to research would provide a broader and a better understanding of the outstanding contributions made by our African-American sisters and brothers to our culture and to the world. Museums are educational tools of immense power. There are over 40 million schoolchildren in the United States, 16.2 percent are African-American. These children, as do we all, need to learn about their ancestors' role in shaping this Nation.

Mr. President, these are understandably times of fiscal restraint. We have many issues abroad and at home that clamor for our immediate attention. However, the need for an understanding of our past, and our fellow Americans, demands our attention as well. When we understand our history, we can better understand ourselves. The history of the United States has been a history of struggle and conflict fueled by the belief in individual freedoms.

The heritage of African-Americans reflects a unique and vital account of what is so fundamentally American, the pursuit of the freedoms afforded to all in a democracy. We cannot continue to leave the fabric unwoven, the picture incomplete.

Last Congress, Representative LEWIS and I proposed legislation to establish the National African-American Memorial Museum. Subsequently, the Smithsonian created a distinguished and knowledgeable committee, under the able direction of Ms. Claudine Brown, to explore and investigate the African-American presence on the Mall. I commend those who dedicated their time and expertise to the committee. I appreciate the Smithsonian providing me with a copy of it's proposed legislation on this issue, and I look forward to receiving a copy of the committee's final report.

I was disappointed to learn that in the Smithsonian's recently published 5-year prospectus the African-American Memorial Museum was not mentioned, at all. Given all the energy, and resources the Smithsonian focused on this issue last year, I would have thought that it merited some attention. I hope the Smithsonian will include the museum in its future reports.

Mr. President, in addition to the issues of preservation and education, there is another issue at stake here, and that is the issue of communication. The diverse population of the United States can communicate with one another, not just through words, but through the common experience of being American. Museums reflect the cultural content people share. Of the 30 million visitors to the Smithsonian every year, many are from other countries. These travelers use museums to gain cultural impressions and information. If we are to preserve and present the American heritage to all Americans and to the world, then we must include the contributions of African-Americans.

I urge my colleagues to join me in support of the National African-American Memorial Museum Act, and in continuing the dialog on this issue. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National African-American Memorial Museum Act".

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds that—

(1) the presentation and preservation of African-American history and culture within the National Park System and other Federal agencies is inadequate;

(2) the inadequate presentation and preservation of African-American history and culture seriously restricts the ability of the people of the United States, particularly African-Americans, to understand themselves and their past;

(3) African-American history includes the varied experiences of Africans in slavery and freedom and the continued struggles for full recognition of citizenship and treatment with human dignity;

(4) in enacting Public Law 99-511, the Congress encouraged support for the establishment of a commemorative structure within the National Park System, or on other Federal lands, dedicated to the promotion of understanding, knowledge, opportunity, and equality for all people;

(5) the establishment of a national memorial museum and the conducting of interpretive and educational programs, dedicated to the heritage and culture of African-Americans, will help to inspire and educate the people of the United States regarding the cultural legacy of African-Americans and the contributions made by African-Americans to the society of the United States; and

(6) the Smithsonian Institution employs thousands of individuals and operates 15 museums and galleries, a zoological park, and 5 major research facilities, but only 1 of its institutions is devoted solely to African-American cultural history.

SEC. 3. ESTABLISHMENT OF THE NATIONAL AFRICAN-AMERICAN MEMORIAL MUSEUM.

There is established within the Smithsonian Institution a Memorial Museum which shall be known as the "National African-American Memorial Museum". The purposes of the Memorial Museum are to provide—

(1) a center for scholarship relating to African-American history and culture;

(2) a location for permanent and temporary exhibits documenting African-American history and culture;

(3) a location for the collection and study of artifacts and documents relating to African-American history and culture;

(4) a location for various special events relating to African-American history and culture; and

(5) a location for training in the arts, humanities, and sciences regarding museum practices related to African-American history and culture.

SEC. 4. CONSTRUCTION OF THE NATIONAL AFRICAN-AMERICAN MEMORIAL MUSEUM.

(a) CONSTRUCTION.—The Board of Regents shall provide for the design and construction of a building to be known as the National African-American Memorial Museum. The design and construction of the building shall be carried out as follows:

(1) PREPARATION OF ARCHITECTURAL PLANS.—The Board of Regents shall provide for the preparation of architectural and engineering designs, plans, and specifications. The Memorial Museum shall be at least 377,000 square feet in size. The designs, plans, and specifications shall be approved by the National Capital Planning Commission before construction begins.

(2) SITE.—The Memorial Museum shall be constructed and permanently located in Washington, District of Columbia. The specific site of the Memorial Museum shall be approved by the National Capital Planning Commission and shall be chosen from among available lands of the National Park Service on the Mall in Washington, District of Columbia, and any other available Federal lands in close proximity to the Mall in Washington, District of Columbia.

SEC. 5. BOARD OF TRUSTEES OF MEMORIAL MUSEUM.

(a) ESTABLISHMENT AND APPOINTMENT.—

(1) IN GENERAL.—There is established in the Smithsonian Institution the Board of Trustees of the National African-American Memorial Museum. The Board of Trustees shall be composed of 15 members, appointed by the President, as follows:

(A) The Secretary of the Smithsonian Institution.

(B) An Assistant Secretary of the Smithsonian Institution designated by the Board of Regents.

(C) 4 individuals from a list of at least 6 individuals recommended by the Speaker of the House of Representatives who are knowledgeable or active with respect to African-American history or culture.

(D) 4 individuals from a list of at least 6 individuals recommended by the President pro tempore of the Senate who are knowledgeable or active with respect to African-American history or culture.

(E) 5 individuals who are recommended by the Board of the African-American Museum Association.

(2) SPECIAL RULE.—At least 5 members of the Board of Trustees shall be of African-American ancestry.

(b) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Board of Trustees shall be appointed for terms of 4 years. Members may be reappointed.

(2) STAGGERED TERMS.—The terms of 7 of the members initially appointed under subparagraphs (C) through (E) of subsection (a)(1), as designated by the President at the time of appointment, shall expire at the end of the 2-year period beginning on the day of appointment.

(c) VACANCIES.—A vacancy on the Board of Trustees shall not affect its powers and shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of the term.

(d) NONCOMPENSATION.—Except as provided in subsection (e), members of the Board of Trustees shall serve without pay.

(e) PER DIEM.—While away from their homes or regular places of business in performance of the duties of the Board of Trustees, members of the Board of Trustees shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The Board of Trustees shall elect a chairperson by a majority of the members of the Board.

(g) BYLAWS.—The Board of Trustees may adopt any bylaws and regulations necessary to carry out its duties under this Act.

(h) MEETINGS.—The Board of Trustees shall meet at the call of the chairperson or upon the written request of a majority of its members, but shall meet not less than 2 times each year.

(i) QUORUM.—A majority of the Board of Trustees shall constitute a quorum for purposes of conducting business, but a lesser number may receive information on behalf of the Board of Trustees.

SEC. 6. DUTIES OF THE BOARD OF TRUSTEES OF THE MEMORIAL MUSEUM.

(a) IN GENERAL.—The Board of Trustees shall—

(1) recommend annual operating budgets for the Memorial Museum;

(2) subject to the general policy established by the Board of Regents, have the sole authority to—

(A) loan, exchange, sell, or otherwise dispose of any part of the collections of the Memorial Museum, but only if the funds generated by such disposition are used for additions to the collections of the Memorial Museum or for additions to the endowment of the Memorial Museum;

(B) subject to the availability of funds and the provisions of annual budgets of the Memorial Museum, purchase, accept, borrow, or otherwise acquire artifacts and other property for addition to the collections of the Memorial Museum; and

(C) establish policy with respect to the utilization of the collections of the Memorial Museum;

(3) subject to the general policy established by the Board of Regents, have authority to—

(A) provide for restoration, preservation, and maintenance of the collections of the Memorial Museum;

(B) solicit funds for the Memorial Museum and determine the purposes to which those funds shall be applied;

(C) approve expenditures from the endowment of the Memorial Museum, or of income generated from the endowment, for any purpose of the Memorial Museum;

(D) consult with and advise the Director of the Memorial Museum on annual budgets to be recommended to the Board of Regents and otherwise consult with, advise, and support the Director in the operation of the Memorial Museum;

(E) provide for the exhibition of African-American objects and artifacts from the collections of the Memorial Museum in museums and institutions affiliated with the Memorial Museum;

(F) conduct programs of research and evaluation with respect to the collections of the Memorial Museum;

(G) conduct educational programs with respect to the collections of the Memorial Museum; and

(H) develop and implement policy as to the method of display of the African-American objects and artifacts in the collections of the Memorial Museum;

(4) adopt bylaws to carry out the functions of the Board of Trustees;

(5) report annually to the Board of Regents on the acquisition, disposition, and display of African-American objects and artifacts and on other appropriate matters; and

(6) submit an annual report to the Congress which includes the proceedings of the Board of Trustees and a full account of the financial operations of the Board of Trustees for the preceding fiscal year.

(b) EDUCATION AND PRESERVATION PROGRAMS.—The Board of Trustees of the National African-American Memorial Museum shall establish programs through the Memorial Museum and other appropriate organizations and institutions (including historically black colleges and universities), for the following:

(1) EDUCATION AND INTERPRETATION.—Education and promotion of understanding regarding the life and culture of African-Americans and the role of African-Americans in the history of the United States.

(2) RESEARCH REGARDING AFRICAN AMERICANS.—Research and scholarship relating to the history and culture of African Americans.

(3) RESEARCH OF HOLDINGS.—Research and scholarship relating to the property and holdings of the Memorial Museum.

(4) EXHIBITIONS.—The exhibition and circulation of materials relating to the heritage and culture of African Americans.

(c) ADVISORY COMMITTEE.—The Board of Trustees may provide for a committee to advise the Board of Trustees on matters relating to the Memorial Museum, as follows:

(1) QUALIFICATIONS.—A committee under this subsection shall be composed of individuals who are recognized in their professions for their knowledge of, experience with, or interest in aspects of African-American history or culture.

(2) NON-FEDERAL STATUS AND EXPENSES.—Members of a committee under this subsection shall not be considered officers or employees of the Federal Government by reason of their service on the committee. Members of the committee shall serve without compensation, but may receive reimbursement for travel, subsistence, and other expenses as determined by the Board.

SEC. 7. DIRECTOR AND STAFF.

The Secretary of the Smithsonian Institution, with the advice and consent of the Board of Trustees, shall appoint and fix the compensation and duties of a Director, Assistant Director, Secretary, and Chief Curator of the Memorial Museum and any other officers and employees necessary for the operation of the Memorial Museum and carrying out the duties of the Board. The Director, Assistant Director, Secretary, and Chief Curator shall be qualified through experience and training to perform the duties of their offices.

SEC. 8. PROGRAMS AND OPERATION OF MEMORIAL MUSEUM.

(a) NATIONAL TRUST FOR AFRICAN-AMERICAN MUSEUMS.—The Board of Regents, in consultation with the Board of Trustees, shall establish an agency in the Memorial Museum to be known as the National Trust for African-American Museums. The purpose of the Trust shall be to collect and acquire items relating to African-American history and culture, develop programs to enhance the care and management of collections of the Trust and other museums, train and develop professionals and paraprofessionals for African-American museums, and provide information and education for the public regarding the contributions of African Americans to the history of the United States.

(b) AFFILIATE PROGRAM.—

(1) ESTABLISHMENT.—The Board of Regents shall, in consultation with the Board of Trustees, and with the ongoing assistance and participation of the African-American Museum Association, sponsor, coordinate, and administer programs for museums throughout the United States relating to African-American heritage and culture, and shall establish a program by which museums and institutions may become affiliated with the National African-American Memorial Museum for the purpose of the following:

(A) PROGRAM PARTICIPATION.—Participation in programs under subsection (a).

(B) EXCHANGE.—Exchange of knowledge, materials, and personnel and exhibition of the holdings of the Memorial Museum in locations other than the Memorial Museum.

(C) COORDINATION OF ACTIVITIES.—Coordination of other activities of the affiliated museums and institutions to educate the people of the United States regarding the culture and heritage of African Americans.

(2) USE OF NAME OF NATIONAL MUSEUM.—The Board of Regents shall determine the circumstances under which an institution or a museum affiliated with the National African-American Memorial Museum under this subsection may use the name of the Memorial Museum in connection with the affiliated institution or museum.

(3) SCHOMBURG CENTER FOR STUDY OF AFRO-AMERICAN LIFE AND HISTORY AND THE NATIONAL MUSEUM OF AFRO-AMERICAN HISTORY AND CULTURE CENTER.—The Board of Regents, in consultation with the Board of Trustees, may make agreements and coordinate programs for cooperative research and other activities to promote the purpose of this Act with the Schomburg Center for Study of African-American Life and History in New York and the National Museum of Afro-American History and Culture Center in Wilberforce, Ohio, and other similar entities. The Schomburg Center and the National Museum of Afro-American History and Culture Center may become an affiliated institution in the manner provided under this subsection.

SEC. 9. AUDITS BY GAO.

The General Accounting Office shall review and audit annually the accounts of the Smithsonian Institution and the Board of Trustees that pertain to the Memorial Museum and shall report to the Congress the findings of the audits, together with any recommendations regarding the ability of the Memorial Museum to fulfill current and future obligations.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(2) The term "Board of Trustees" means the Board of Trustees of the National African-American Memorial Museum established in section 5(a).

(3) The term "Memorial Museum" means the National African-American Memorial Museum established under section 3.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 1991 and such sums as may be necessary for succeeding fiscal years.●

By Mr. ROTH:

S. 524. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON BENDIOCARB

● Mr. ROTH. Mr. President, I rise to introduce a bill to renew the temporary suspension of the duty on the chemical, 2,2,-dimethyl-1,3-benzodioxon-4-yl methylcarbamate, also know as bendiocarb.

I am introducing this bill on behalf of Nor-Am Chemical Co. of Wilmington.

Bendiocarb is a pesticide which is authorized for use by pest control companies in controlling fleas, ants, and roaches. It is widely used in hospitals, nursing homes, and other institutions.

I understand there continues to be no domestic production of this chemical in the United States.

Renewing the suspension of this 8.6-percent duty will assist Nor-Am to keep its production costs down, thereby strengthening the U.S. economy and enabling Nor-Am to be a stronger competitor in international markets. It will also assure that this product is more readily available for pest purposes.

I hope the Congress will act expeditiously to renew this duty suspension.●

By Mr. THURMOND:

S. 525. A bill granting an extension of patent to the United Daughters of the Confederacy; to the Committee on the Judiciary.

PATENT EXTENSION FOR THE DAUGHTERS OF THE CONFEDERACY

Mr. THURMOND. Mr. President, today, I rise to introduce legislation which will extend and renew the design patent for the insignia of the United Daughters of the Confederacy. This design patent was originally issued on November 8, 1898, and has been extended on numerous occasions since then. It was extended in 1926, 1941, 1955, and 1977. In November of this year, the patent will expire. In order to ensure continued protection for the insignia, Congress must pass this legislation.

Recently, I was contacted by the President of the United Daughters of the Confederacy, June H. Leake. Mrs. Leake informed me that continued protection of this insignia is vital to her organization.

Mr. President, legislation extending the statutory period for design patents for emblems or badges of patriotic, fraternal, or religious organizations is recognized by Congress as being meritorious and is commonplace. The United Daughters of the Confederacy is the outgrowth of a number of memorial, monument, and Confederate home associations which were organized after the Civil War. It was officially formed in 1890. In fact, I have been informed that the United Daughters of the Confederacy, by way of its consolidation with the auxiliaries of the Confederate Veterans Association, is the oldest patriotic organization in our country. The organization's objectives are noble. Members work to educate others about the Civil War and their work honors the memory of those who served and those who fell in the service of the Confederate States of America.

Mr. President, it is important that Congress continues to assist and promote patriotic organizations. Passage of this measure will help ensure that the United Daughters of the Confederacy continues to prosper.

For these reasons, I urge my colleagues to support this legislation.

By Mr. THURMOND (for himself and Mr. SPECTER):

S. 526. A bill to extend for 10 years the patent for the drug Ethiofos—WR-2721—and its oral analog; to the Committee on the Judiciary.

PATENT EXTENSION FOR DRUG ETHYOL

Mr. THURMOND. Mr. President, today, I rise to introduce legislation, along with my colleague from Pennsylvania, Senator SPECTER, which will provide a 10-year patent extension for the drug Ethyol—WR-2721—and its oral analog. The extraordinary circumstances surrounding the development and health care potential for this drug warrants the consideration of granting a patent term extension.

Mr. President, U.S. Bioscience, an emerging, independent cancer research company, obtained the exclusive license for Ethyol in 1987. U.S. Bioscience has discovered that the drug has significant potential capability to prevent the most serious side effects of the major forms of the chemotherapy and radiotherapy, without reducing the efficacy of these treatments on cancerous tumors. Unfortunately, for the first 12 years of this drug's patent life, there were no significant development efforts undertaken by its owner and original licensee.

Mr. President, I have been informed that although U.S. Bioscience is pursuing an aggressive, clinical development program for the drug, the loss of exclusivity for the drug when the patent expires in 1992 will foreclose very promising, potential uses for the drug. According to the company, such potential uses include the prevention of cancers arising from exposure to radiation, be it from either therapeutic or accidental exposure, or from exposure to chemical carcinogens. Data has indicated that Ethyol and its oral analog have beneficial effects in many areas outside cancer including osteoporosis and colitis. Data has also shown potential uses for the drug in the fight against AIDS.

Unfortunately, despite the potential Ethyol holds, existing law does not permit U.S. Bioscience to retain the exclusivity it believes is necessary to bring the drug, or its analog, to market for the additional uses outlined. Apparently, this research will not be feasible unless further exclusivity is assured. Without the guarantee of exclusivity, research will not be conducted. Furthermore, neither the Drug Price Competition and Patent Term Restoration Act nor the Orphan Drug Act can provide the period of exclusivity U.S. Bioscience believes is necessary to permit full research and development of Ethyol. It is important to note, however, that the company has sought orphan drug status for Ethyol for use in the treatment of vovarian cancer. Yet, the narrow exclusivity extended under this status, apparently, provides no protection for other uses or research. In other words, it appears as though Ethyol will, in essence, sit on a shelf with much of its lifesaving potential untapped.

Mr. President, as I mentioned earlier, the first 12 years of the patent's life were largely inactive. Research in the field of radiation protection was initiated by the Army in the 1950's as part of a search for an agent that could be given to troops to protect them against the toxicities of radioactive fallout. Ethyol was developed under contract by the Army for that purpose and research was limited to a narrow scope. The Army officially concluded its research of Ethyol in 1988 and none of the research led to any new drug applications. Only through the recent efforts of U.S. Bioscience has Ethyol reached the stage where it has shown effective use in connection with the treatment of cancer in humans. Had the work of the past couple of years been undertaken during the early years of the patent's life, a patent extension might not be needed. Yet, the reality is that without further patent extension, much of this drug's great potential may remain unused.

Mr. President, U.S. Bioscience fully appreciates that a patent term extension is a rare form of legislative relief. It has demonstrated its sincerity by committing to share with the public a significant portion of the benefits that would accrue to the company from a patent term extension. The company has informed my office that it would be willing to supply all nuclear reactor sites with sufficient supplies of Ethyol in case of a meltdown type of disaster or other nuclear accident. In addition, it will voluntarily activate an indigent patient program to ensure that no patient will be denied Ethyol therapy. Furthermore, U.S. Bioscience will fund continuing research on Ethyol by financing payments to the National Cancer Institute.

In closing, legislation granting patent extensions for a particular drug are exceptional. However, the facts surrounding Ethyol, when combined with U.S. Bioscience's commitment to make the drug available to indigent patients, truly merit congressional consideration of a patent extension.

For these reasons, I urge my colleagues to consider this legislation.

Mr. President, I ask unanimous consent that the bill and a memorandum detailing the history of Ethyol be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce, acting through the Commissioner of Patents shall, when United States Patent Number 3,892,824 (relating to the drugs S–2–(3-aminopropylamino) ethyl dihydrogen phosphorothiate (Ethiofos) and S–3–(3-methylaminopropylamino) propyl dihydrogen phosphorothioate, including hydrates and alkali metal salts thereof) expires, or as soon thereafter as possible, extend such patent for ten years, with all the rights pertaining thereto.

Mr. SPECTER. Mr. President, today I join Senator THURMOND in introducing legislation to extend for 10 years a patent on the drug WR–2721 (Ethyol) and its oral analog. I commend Senator THURMOND for his leadership in introducing this important piece of legislation. U.S. Bioscience, a Pennsylvania drug research and development firm, is seeking this patent extension in order to continue valuable research that indicates the drug could potentially have significant effects in the treatment of cancer, AIDS, and related diseases.

U.S. Bioscience has conducted research on Ethyol since 1987 under an exclusive license. U.S. Bioscience's research shows that Ethyol may prevent serious side effects of chemotherapy and radiotherapy without reducing the effect of such treatments on cancerous tumors. Its research also indicates that Ethyol's cell-protective properties could allow doctors to prescribe higher doses of anticancer drugs more safely than is possible now.

In 1987, Bioscience obtained an exclusive license from Southern Research Institute [SRI] which had synthesized the drug following a study by the U.S. Army. The drug was the subject of a classified program by the U.S. Army to develop a radioproductive agent which could protect troops from exposure to radiation fallout, in particular from neutron bombs. The Department of Defense granted SRI the right to file a patent. Thus, the first patent was issued in 1975 under contract to the Army, and is due to expire in 1992.

When U.S. Bioscience's exclusivity lapses in 1992, commercialization of the drug for chemotherapy and radiotherapy will begin. The company, however, advises that the loss of exclusivity of research on Ethyol will foreclose the type of research it has conducted on the drug for its varied and expected applications. The company asserts that if the drug were to fall into the public domain, no other entity could perform the type of research that bioscience has the unique ability to do.

U.S. Bioscience represents that Ethyol has shown beneficial effects in many areas, including osteoporosis;

cardiac damage resulting from coronary bypass surgery; and protection against the toxicities of other anticancer agents such as Adriamycin, carboplatin, and mitomycin. Further, and equally significant, the company indicates that animal data show that Ethyol and a second generation oral analog, WR-151327, are capable of significantly reducing the bone marrow toxicity of AZT, an essential drug for AIDS and AIDS-related disorders.

The 10-year patent extension on this drug is necessary because existing law does not permit U.S. Bioscience to retain the exclusivity necessary to bring Ethyol to market for the additional uses outlined. The Patent Term Restoration Act, for example, permits 5 years of exclusivity from the date of approval for a new chemical entity. As mentioned, however, Ethyol has a number of additional potential uses that will take many years to develop. Therefore, under the Patent Term Extension Act, there is not sufficient time for U.S. Bioscience to conduct the necessary research to bring the drug to market for such additional uses. And, while the Orphan Drug Act statute provides 7 years of exclusivity for certain specified medical indications, I understand that Ethyol does not meet the specified criteria to provide complete exclusivity to cover the various potential new uses of the drug.

Mr. President, I believe that the company has performed valuable research that could have significant future effects in the areas of cancer and AIDS treatment. Again, I commend Senator THURMOND, the distinguished Senator from South Carolina and the ranking Republican on the Senate Judiciary Committee, for his leadership on this bill and look forward to working with him to ensure passage this year.

By Mr. BUMPERS (for himself, Mr. CRANSTON, and Mr. AKAKA):

S. 527. A bill to provide for the partial cancellation or repayment of Perkins and Stafford loans for student borrowers who perform a year or more of full-time, low-paid service as Peace Corps and VISTA volunteers, and comparable full-time, low-paid service with a tax-exempt community service organization in the private sector; to the Committee on Labor and Human Resources.

NATIONAL AND COMMUNITY SERVICE INCENTIVE ACT

• Mr. BUMPERS. Mr. President, today I am introducing the National and Community Service Incentive Act of 1991. This legislation would amend the Higher Education Act, which is due for reauthorization this year. The purpose of the bill is to provide for partial cancellation of student loans under the National Direct Student Loan and Guaranteed Student Loan Programs for people who serve full-time in nonprofit, tax-exempt community organizations. The bill would also provide for the same partial cancellation of Guaranteed Student Loans for Peace Corps and VISTA volunteers, who are already entitled to partial cancellation of national direct student loans under current law.

Last year my proposal was adopted by the Senate as part of the national and community service legislation. Much of my proposal was also adopted by the House in its version of the national service legislation. Unfortunately, my proposal was dropped in conference along with all other provisions that would have amended the Higher Education Act because the conferees believed that it made sense to defer consideration of all amendments to the Higher Education Act so that they could be considered as part of the reauthorization legislation.

I look forward to working with Senator KENNEDY, chairman of the Senate Labor and Human Services Committee, and Senator PELL, chairman of the Subcommittee on Education, to secure enactment of this legislation. I very much appreciate their strong support last year during consideration of the national and community service legislation and look forward to their continued support in this Congress.

My loan cancellation proposals would enable young people to provide community service by reducing the pressure they feel to begin repayment of student loans. This legislation would reduce this debt burden for students when they serve in full-time, low-paid jobs with nonprofit community service organizations. A student borrower would qualify for cancellation of 10 percent of national direct student loans or guaranteed student loans after 1 year of service, an additional 15 percent after the second year, 20 percent after the third year, and 25 percent after the fourth year. The maximum cancellation is 70 percent of the loans.

This bill specifies that, in order to qualify for loan cancellation, a student borrower working in a nonprofit community organization could earn a salary equal to the annualized minimum wage or 100 percent of the poverty line for a family of two. The legislation that introduced in the 101st Congress did not provide this alternative. I added it because the maximum compensation standard for participants in the American Conservation and Youth Corps Program and the Community Service Demonstration Program is tied to the poverty line. Providing compensation standards in the alternative avoids asymmetry between the National Service Act Programs and the partial loan cancellation provisions.

Many college graduates are unable to work in community service jobs because of the debts they have accumulated in order to attend college. In fact, in several surveys loan debts were the reason most frequently cited by students for not performing a period of community service. The need to secure a high paying job to repay student loans is a function of reality, not selfishness. I applaud this sense of responsibility for repayment of debts. I wish everyone felt that responsibility.

But the problem is that once a student takes that first paying job, he or she has passed by a major opportunity to provide service to the community. The first years after college are the perfect time for young people to provide service. They are less likely to be burdened with other responsibilities, such as children, mortgages, and career ladders.

My proposal is a cost-effective way to promote full-time voluntary community service. It encourages community service in the private sector while providing opportunities for young people to offer their services. Substantial financial sacrifices must be made by the participants, but the whole program carries a very low price to the Government.

This is an American model of voluntary service. It taps the diversity and energy of America's unique and independent nonprofit sector.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National and Community Service Incentive Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the dramatic increase in student loan indebtedness is one of the principal reasons why graduates of the Nation's colleges and universities do not believe they can afford to perform a year or more of full-time, low-paid community service upon graduation;

(2) providing for partial cancellation and repayment of such students' Perkins and Stafford loans will enable and encourage such students to perform a year or more of full-time, low-paid community service upon graduation;

(3) Peace Corps and VISTA volunteers already qualify for partial cancellation of Perkins loans and it is only fair that young persons who perform comparable full-time, low-paid service with tax-exempt community service organizations in the private sector receive the same incentive; and

(4) partial cancellation of Stafford loans, which form the largest share of Federal student loans, for Peace Corps and VISTA volunteers and for young persons who perform comparable service with a tax-exempt community service organization, will provide young persons a powerful additional incentive to perform a year or more of full-time, low-paid community service.

SEC. 3. PARTIAL CANCELLATION OF PERKINS LOANS.

(a) IN GENERAL.—Section 465(a)(2) of the Higher Education Act of 1965 (in this Act referred to as the "Act") (20 U.S.C. 1087ee(a)(2)) is amended—

(1) by striking out "or" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting a semicolon and "or"; and

(3) by adding at the end thereof the following new subparagraph:

"(F) as a full-time employee performing service comparable to the service described in subparagraph (E) for an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 if the borrower does not receive compensation which exceeds the greater of—

"(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).".

(b) PERCENTAGE OF PARTIAL CANCELLATION.—Section 465(a)(3)(A) of the Act (20 U.S.C. 1087ee(a)(3)(A)) is amended—

(1) by striking "or" at the end of clause (iii);

(2) by amending clause (iv) to read as follows:

"(iv) in the case of service described in subparagraph (E) of paragraph (2) at the rate of 10 percent for the first year of such service, 15 percent for the second year of such service, 20 percent for the third year of such service, and 25 percent for the fourth year of such service; or ";

(3) by adding at the end thereof the following new clause:

"(v) in the case of service described in subparagraph (F) of paragraph (2), at the rate of 10 percent for the first year of such service, 15 percent for the second year of such service, 20 percent for the third year of such service, and 25 percent for the fourth year of such service.".

(c) TECHNICAL AMENDMENT.—Section 464(c)(2)(A)(v) of the Act (20 U.S.C. 1087dd(c)(2)(A)(v)) is amended by striking "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986".

SEC. 4. PARTIAL REPAYMENT OF STAFFORD LOANS BY THE SECRETARY.

(a) IN GENERAL.—(1) Section 427(a)(2)(B)(ii) of the Act (20 U.S.C. 1077(a)(2)(B)(ii)) is amended by inserting after "that" a comma and the following: "subject to the provisions of subparagraph (H),".

(2) Section 427(a)(2) of the Act (20 U.S.C. 1077(a)(2)) is amended by—

(A) striking out "and" at the end of subparagraph (G);

(B) redesignating subparagraph (H) as subparagraph (I); and

(C) inserting after subparagraph (G) the following new subparagraph:

"(H) provides (subject to the provisions of section 432(k)) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973, or to perform comparable service as a full-time employee of an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 if the borrower does not receive compensation which exceeds the greater of—

"(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act),

for the payment by the United States of the percent of the amount of loans specified in section 432(k)(5); and".

(b) INSURANCE PROGRAM.—(1) Section 428(b)(1)(D) of the Act (20 U.S.C. 1078(b)(1)(D)) is amended by inserting after "paragraph" the following: "and subject to subparagraph (V)".

(2) Section 428(b)(1) of the Act (20 U.S.C. 1078(b)(1)) is amended by—

(A) striking "and" at the end of subparagraph (U);

(B) striking the period at the end of subparagraph (V) and inserting a semicolon and "and"; and

(C) adding at the end thereof the following new subparagraph:

"(W) provides (subject to the provisions of section 432(k)) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to serve as a volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973, or to perform comparable service as a full-time employee of an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 if the borrower does not receive compensation which exceeds the greater of—

"(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act),

for the payment by the United States of the percent of the amount of loans specified in section 432(k)(5).".

(c) PARTIAL REPAYMENT BY THE SECRETARY.—Section 432 of the Act (20 U.S.C. 1082) is amended by adding at the end thereof the following new subsection:

"(k) PARTIAL REPAYMENT AUTHORITY.—(1) The Secretary shall enter into an agreement with any student borrower described in section 427(a)(2)(H) or 428(b)(1)(W) under which the borrower agrees to serve as a volunteer under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973, or to perform comparable service as an employee of an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 if the borrower does not receive compensation which exceeds the greater of—

"(A) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(B) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).

"(2) The agreement described in paragraph (1) shall contain provisions designed to assure that—

"(A) the Secretary will assume the obligation of paying the percent of any loan made, insured, or guaranteed under this part pursuant to the partial repayment schedule described in paragraph (5); and

"(B) the student borrower who fails to volunteer for service in accordance with the agreement described in paragraph (1) will assume the obligation of paying the amount of any such loan attributable to the period for which the student borrower failed to comply with such agreement.

"(3) The Secretary shall in each fiscal year pay to the holder of each loan for which the Secretary assumes responsibility under this subsection the amount specified in paragraph (5).

"(4) The Secretary shall waive or suspend any obligation of service or payment of any, or any part of, the loan to which the United States is entitled under this subsection whenever the Secretary determines that compliance by an individual with the agreement described in paragraph (1) is impossible or would involve extreme hardship to the individual.

"(5)(A) The percent of a loan which shall be paid by the United States under paragraph (2)(A) of this subsection is 10 percent for the first year of service described in paragraph (1), 15 percent for the second year of such service, 20 percent for the third year of such service, and 25 percent for the fourth year of such service.

"(B) If a portion of the loan is paid by the Secretary under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be paid by the Secretary.

"(C) Nothing in this subsection shall be construed to authorize refunding of any repayment on the loan.".

SEC. 5. MAXIMUM COMPENSATION REQUIREMENT FOR DEFERMENT OF STAFFORD AND PERKINS LOANS.

(a) STAFFORD LOANS.—(1) Section 427(a)(2)(C)(v) of the Act (20 U.S.C. 1077(a)(2)(C)(v)) is further amended—

(A) by striking "volunteer for" and inserting "employee of"; and

(B) inserting before the semicolon at the end thereof the following: "if the borrower does not receive compensation which exceeds the greater of—

(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).".

(2) Section 428(b)(1)(M)(v) of the Act (20 U.S.C. 1078(b)(1)(M)(v)) is amended—

(A) by striking "volunteer for" and inserting "employee of"; and

(B) inserting before the semicolon at the end thereof the following: "if the borrower does not receive compensation which exceeds the greater of—

"(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).".

(b) PERKINS LOANS.—Section 464(c)(2)(A)(v) of the Act (20 U.S.C. 1087dd(c)(2)(A)(v)) is amended—

(1) by striking "volunteer for" and inserting "employee of"; and

(2) inserting before the semicolon at the end thereof the following: "if the borrower does not receive compensation which exceeds the greater of—

"(A) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(B) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after thirty days after the date of enactment of this Act.●

By Mr. McCONNELL (for himself and Mr. FORD):

S. 528. A bill to amend title V of the Surface Mining Control and Reclamation Act of 1977 to assist small surface coal mine operators, and for other purposes; to the Committee on Energy and Natural Resources.

ASSISTANCE TO SMALL COAL OPERATORS

• Mr. McCONNELL. Mr. President, I am pleased to introduce today legislation to amend, update, and significantly improve the Small Operators Assistance Program, commonly referred to as the "SOAP" Program.

There is an old adage, "If it ain't broke, don't fix it." Well, in the case of the SOAP Program, we have a Federal program that is "broke" and desperately needs fixing. My bill, Mr. President, provides the fix.

The small operator is an important part of Kentucky's coal industry and makes a significant contribution to the economies of many coal-producing States. However, changes in the structure of the coal industry and the operation of coal markets have made it difficult for today's small operator to remain competitive.

The Small Operators Assistance Program was originally designed to help smaller coal operators compete with larger, diversified coal and energy companies. However, I hear constantly from my State's small coal operators about the ineffectiveness of the program. The problem, Mr. President, is that the program has failed to keep up with changes in the coal industry and coal markets.

The program's qualification requirements are now a disincentive to participation and are causing the SOAP Program to be grossly underutilized by those most in need of assistance. For those operators who do participate, the list of items for which assistance is available simply does not cover all of the requirements which must be met under today's coal mine permitting process.

Under current Federal law, a small operator is one who mines less than 100,000 tons of coal annually. The 100,000 ton limit is unrealistic and sets a level that is entirely too low. Additionally, once an operator is deemed eligible for assistance under the program, he cannot succeed. Should the program actually help him increase production to a level above 100,000 tons, the operator must reimburse the Federal Government for services he received.

As a result, many operators are forced to cut production in order to remain under the prescribed limit. Obviously, this runs counter to the intention of the SOAP Program. The goal of the program is to help the small operator increase production.

These and other problems have led to a steady decline in the utilization of and national expenditures on the SOAP Program. For the 6-year period ending 1990, annual expenditures averaged only $1.6 million, even though under the statute $10 million could be available annually. In Kentucky, applications for the assistance under the program have dropped to an average of 10 per year.

My legislation addresses these problems. It redefines the small coal operator as mining less than 300,000 tons. This establishes a much more realistic cap and will include those who most need assistance. The bill also expands the list of services which the program will provide to the small operator.

Qualifying operators will be able to request assistance with, among other things, the determination of probable hydrologic consequences, the development of cross section maps and plans, the geologic drilling and statement of results of test borings and core samplings, and the performance of preblast surveys and archeological and environmental studies. Also, funding will be made available to train small surface coal operators in the preparation of permit applications and regulatory compliance.

Mr. President, I am greatly encouraged by the positive changes to the Small Operators Assistance Program this legislation represents and hope my colleagues will join me in moving the bill towards final passage. The small coal operators of my State and of this country deserve a working SOAP Program.•

By Mr. DIXON:

S. 529. A bill to amend the Equal Credit Opportunity Act and the Home Mortgage Disclosure Act; to the Committee on Banking, Housing, and Urban Affairs.

FAIR LENDING ENFORCEMENT ACT

• Mr. DIXON. Mr. President, Today I am reintroducing the Fair Lending Enforcement Act of 1991. The Senate Banking Committee and the Senate unanimously approved this bill last year.

We started working on the issue of mortgage discrimination in October 1989, when the Subcommittee on Consumer and Regulatory Affairs held a hearing on the subject. The subcommittee heard troubling statistics which showed that blacks and minority neighborhoods got fewer loans and got rejected for loans more often than whites and white neighborhoods—even when incomes were comparable. We also heard about the inadequate regulatory response to this situation.

In May 1990 the subcommittee held a follow-up hearing. Some of the agencies reported new initiatives, which I commended. Yet, we still heard that the regulatory agencies find exceedingly few violations during examinations; never refer cases to the Justice Department; and have policies which do not adequately compensate victims of discrimination.

Mr. President, the time has come for Congress to act legislatively to improve enforcement of our fair lending laws. This bill would enhance enforcement of the Equal Credit Opportunity Act and, indirectly, the Fair Housing Act, which are the two overlapping laws dealing with mortgage discrimination. The bill has four parts.

Part one would require lenders to provide loan applicants with a copy of the appraisal, so long as the loan applicant has paid for it. In hearings we learned that discrimination may occur in the appraisal of a property. By providing the loan applicant with the appraisal, he or she—perhaps with the aid of counsel—will better be able to determine whether a racially discriminatory under appraisal was the reason for the loan denial. At our May hearing last year, every single witness supported this proposal.

Part two would require the regulatory agencies to establish separate consumer compliance programs with specially trained examiners, and the head of this consumer program would have to report directly to the head of the agency. Both the Federal Reserve and the Office of Thrift Supervision have testified that the only way for the agencies to be serious about consumer compliance is by having separate consumer examiners. Requiring the agencies to have separate consumer compliance programs, but not a separate consumer division, gives the agencies reasonable flexibility in their organizational structure.

Part three would require appropriate cases to be referred to the Department of Justice or the Department of Housing and Urban Development. Under current procedures, when a regulatory agency finds discrimination, it directs the depository institution to change any discriminatory policies or practices. Victims of discrimination are invited to reapply for loans, but full compensation for damages incurred is not sought. HUD, under the Fair Housing Act, is set up to conciliate claims and to handle damage claims in a more compensatory manner.

The bill also overturns a court case which inappropriately tied the Justice Department's hands in enforcing the Equal Credit Opportunity Act. Currently, Justice really brings ECOA cases because it can obtain only injunctive relief. The bill would allow Justice to seek actual and punitive damages under the limits already specified in the statute.

Part four would provide for a small-mortgage banker exemption from the Home Mortgage Disclosure Act. The new exemption would be tailored to the mortgage banking industry. The current $10,000,000 asset exemption—a drafting error in FIRREA—was not meant to apply to mortgage bankers and results in exempting all but about 30 mortgage banking companies throughout the United States.

In conclusion, I remind my colleagues that there is too much evidence of discrimination in mortgage lending for Congress to stand by without acting. Mortgage discrimination is illegal under more than four different statutes. What we need today is better enforcement of those laws. This bill takes a very practical, reasonable approach to strengthening enforcement of our fair lending laws. I ask my colleagues to join with me in supporting the Fair Lending Enforcement Act of 1991. America's working families, of all races, have earned their fair share of the American dream. Their rights to be free from discrimination in lending must be vigorously enforced.

Mr. President, I ask unanimous consent that a copy of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Lending Enforcement Act of 1991".

SEC. 2. APPRAISALS.

Section 701 of the Equal Credit Opportunity Act (15 U.S.C. 1691) is amended by adding at the end the following:

"(e) Each creditor shall promptly furnish an applicant, upon written request by the applicant made within a reasonable period of time of the application, a copy of the appraisal report used in connection with the applicant's application for a loan that is or would have been secured by a lien on residential real property. The creditor may require the applicant to reimburse the creditor for the cost of the appraisal.".

SEC. 3. CONSUMER COMPLIANCE PROGRAMS.

(a) FDIC.—The Federal Deposit Insurance Act is amended by adding at the end the following:

"SEC. 35. CONSUMER COMPLIANCE PROGRAM.

"(a) ESTABLISHMENT REQUIRED.—Each appropriate Federal banking agency shall establish a separate consumer compliance program. The head of the consumer compliance program shall report directly to the head of the agency.

"(b) DEFINITIONS.—For purposes of this section—

"(1) CONSUMER COMPLIANCE EXAMINATION.—The term 'consumer compliance examination' means an examination of an insured depository institution to determine the extent to which such institution is in compliance with all applicable laws and regulations relating to consumer protection, including fair lending and community reinvestment laws.

"(2) CONSUMER COMPLIANCE EXAMINER.—The term 'consumer compliance examiner' means an examiner who specializes in assessing compliance with all applicable laws and regulations relating to consumer protection, including fair lending and community reinvestment laws.

"(c) CONSUMER COMPLIANCE EXAMINATIONS.—

"(1) FREQUENCY.—Each appropriate Federal banking agency shall conduct a separate on-site consumer compliance examination of each insured depository institution within its jurisdiction either at least once every 2 years, or as frequently as the agency conducts regular on-site safety and soundness examinations of such institution, whichever is less frequent.

"(2) CONDUCTED BY CONSUMER COMPLIANCE EXAMINERS.—Consumer compliance examinations shall be conducted by consumer compliance examiners under the supervision or oversight of the head of the consumer compliance program.

"(3) EXAMINATION UPON REQUEST UNDER CERTAIN CIRCUMSTANCES.—Any bank holding company or savings and loan holding company which controls an insured depository institution which determines that a consumer examination of such depository institution may be appropriate to expedite an application or notice for a deposit facility described in section 803(3) of the Community Reinvestment Act of 1977 (12 U.S.C. 2902(3)) may request in writing the appropriate consumer compliance program to conduct an examination of the depository institution pursuant to paragraph (1).

"(d) ADDITIONAL RESPONSIBILITIES.—In addition to the responsibilities established by subsection (c), the head of each consumer compliance program shall—

"(1) develop procedures for consumer compliance examinations and other procedures necessary to implement all applicable laws relating to consumer protection, including fair lending and community reinvestment laws;

"(2) train and supervise or oversee consumer compliance examiners;

"(3) develop career paths for consumer compliance examiners comparable to those for safety and soundness examiners;

"(4) respond to consumer complaints and inquiries;

"(5) undertake supervisory action and initiate enforcement proceedings with respect to all applicable laws and regulations relating to consumer protection, including fair lending and community reinvestment laws;

"(6) make recommendations to its agency concerning policies and adopt policies with respect to all applicable laws and regulations relating to consumer protection, including fair lending and community reinvestment laws; and

"(7) perform any other duties and functions related to the consumer compliance program.

"(e) EFFECTIVE DATE.—The establishment of separate consumer compliance programs in each of the agencies shall be completed no later than January 1, 1993.

"(f) REPORTS.—Each consumer compliance program shall prepare an annual report describing its activities. Such report shall be transmitted to the Congress or included in the agency's annual report to the Congress.".

(b) NCUAB.—Title I of the Federal Credit Union Act is amended by adding at the end the following:

"SEC. 130. CONSUMER COMPLIANCE PROGRAM.

"(a) ESTABLISHMENT REQUIRED.—The Board shall establish a separate consumer compliance program. The head of the consumer compliance program shall report directly to the Board.

"(b) DEFINITIONS.—For purposes of this section—

"(1) CONSUMER COMPLIANCE EXAMINATION.—The term 'consumer compliance examination' means an examination of an insured credit union to determine the extent to which such credit union is in compliance with all applicable laws and regulations relating to consumer protection, including fair lending laws.

"(2) CONSUMER COMPLIANCE EXAMINER.—The term 'consumer compliance examiner' means an examiner who specializes in assessing compliance with all applicable laws and regulations relating to consumer protection, including fair lending laws.

"(c) CONSUMER COMPLIANCE EXAMINATIONS.—

"(1) FREQUENCY.—The Board shall conduct a separate on-site consumer compliance examination of each credit union within its jurisdiction either at least once every 2 years, or as frequently as the Board conducts regular on-site safety and soundness examinations of such credit union, whichever is less frequent.

"(2) CONDUCTED BY CONSUMER COMPLIANCE EXAMINERS.—Consumer compliance examinations shall be conducted by consumer compliance examiners under the supervision or oversight of the head of the consumer compliance program. The Board may consider the size of the institution, the sophistication of its portfolio, and the complexity of the consumer compliance examination issues presented in determining whether to assign to a particular examination a consumer compliance examiner who exclusively conducts consumer compliance examinations or an examiner who has only received specialized training in consumer compliance examinations. In making this determination the Board shall also consider whether substantive questions of compliance have been raised in previous examinations or in comments or complaints from the public."

"(d) ADDITIONAL RESPONSIBILITIES.—In addition to the responsibilities established by subsection (c), the head of the consumer compliance program shall—

"(1) develop procedures for consumer compliance examinations and other procedures necessary to implement all applicable laws relating to consumer protection, including fair lending laws;

"(2) train and supervise or oversee consumer compliance examiners;

"(3) develop career opportunities for consumer compliance examiners comparable to those for safety and soundness examiners;

"(4) respond to consumer complaints and inquiries;

"(5) undertake supervisory action and initiate enforcement proceedings with respect to all applicable laws and regulations relating to consumer protection, including fair lending laws;

"(6) make recommendations to its agency concerning policies and adopt policies with respect to all applicable laws and regulations relating to consumer protection, including fair lending laws; and

"(7) perform any other duties and functions related to the consumer compliance program.

"(e) EFFECTIVE DATE.—The establishment of a separate consumer compliance program shall be completed no later than January 1, 1993.

"(f) REPORTS.—The consumer compliance program shall prepare an annual report describing its activities. Such report shall be transmitted to the Congress or included in the Board's annual report to the Congress.".

(g) STATE CHARTERED CREDIT UNIONS.—Section 204 of the Federal Credit Union Act is amended by adding after the second sentence a new sentence to read: "The Board shall conduct consumer compliance examinations as set forth in section 130 of State chartered insured credit unions only if the appropriate State supervisory agency has not established an examination program similar to that described in section 130.

SEC. 4. ENFORCEMENT OF EQUAL CREDIT OPPORTUNITY ACT.

(a) Pattern or Practice.—Section 706(g) of the Equal Credit Opportunity Act (15 U.S.C. 1691e(g)) is amended by adding at the end the following: "Each of the agencies referred to in paragraphs (1), (2), and (3) of section 704(a) shall refer the matter to the Attorney General whenever it has reason to believe that 1 or more creditors has engaged in a pattern or practice of discouraging or denying applications for credit in violation of section 701(a) of this title. Each of such agencies is authorized to refer the matter to the Attorney General whenever it has reason to believe that 1 or more creditors has violated section 701(a) of this title.".

(b) Damages.—Section 706(h) of the Equal Credit Opportunity Act (15 U.S.C. 1691e(h)) is amended by inserting "actual and punitive damages and" after "including".

(c) Notice to HUD.—Section 706 of the Equal Credit Opportunity Act (15 U.S.C. 1691e) is amended by adding at the end the following:

"(k) Whenever an agency referred to in paragraph (1), (2), or (3) of section 704(a) has reason to believe that a violation of this title has occurred, as a result of receiving a consumer complaint, conducting a consumer compliance examination, or otherwise, and that the alleged violation would be a violation of the Fair Housing Act (42 U.S.C. 3601 et seq.), and the agency does not refer the matter to the Attorney General pursuant to subsection (g), it shall—

"(1) notify the Secretary of Housing and Urban Development of the violation; and

"(2) notify the applicant that the Secretary of Housing and Urban Development has been notified of the alleged violation and that remedies for the violation may be available under the Fair Housing Act".

SEC. 5. HOME MORTGAGE DISCLOSURE ACT.

(a) In General.—Section 309 of the Home Mortgage Disclosure Act (12 U.S.C. 2808) is amended—

(1) by striking "depository" before "institution";

(2) by inserting "specified in section 303(2)(A)" after "institution"; and

(3) by adding at the end the following: "The Board, in consultation with the Secretary, may exempt institutions described in section 303(2)(B) that are comparable within their respective industries to institutions that are exempt under the preceding sentence.".

(b) Effective Date.—This section shall become effective on January 1, 1992.●

By Mr. DIXON (for himself, Mr. Simon, and Mr. Daschle):

S. 530. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-percent gross income limitation on regulated investment companies; to the Committee on Finance.

REPEAL OF LIMITATION ON INVESTMENTS IN CERTAIN REGULATED COMPANIES

● Mr. DIXON. Mr. President, together with my colleagues, Senators Simon and Daschle, I am today introducing legislation to repeal the "30 percent rule" in section 851(b)(3) of the Internal Revenue Code. This provision, also known as the "short-short rule," restricts the ability of mutual fund managers to utilize conservative risk management strategies that are available to individual investors.

Mutual funds are "pass through" entities. This means that they distribute their income to their individual investors, and do not pay a corporate tax. The investors are taxed on the income earned by the fund. The short-short rule, however, effectively imposes the corporate income tax on a mutual fund which receives 30 percent or more of its income from gain on the sale of stocks, options and other assets held for less than 3 months. By imposing the corporate tax on a fund, the 30 percent rule creates a double tax burden, and significantly reduces the rate of return which investors receive. Individuals investing directly, instead of through a mutual fund, are not subject to this "double tax" problem.

When the rule was enacted in 1936, there was no clear statement of its purpose. Perhaps it was intended to prevent mutual fund managers from "churning" or trading excessively to generate sales commissions. Or perhaps it was designed to prevent mutual fund managers from "speculating" with their investors' resources.

But whatever the original intention was, the rule no longer reflects the realities of our present day financial markets. In a market as competitive as ours, a fund manager is effectively prevented from churning because commission expenses lessen a fund's profit performance, which in large part determines whether the manager remains employed by the fund. Additionally, the Investment Company Act of 1940 requires the disclosure of proposed investment strategies in a prospectus, which enables the potential investor to choose a fund which meets that investor's desired level of conservative or speculative objectives.

The only real effect of the rule is to restrain a fund manager from using many conservative, but sophisticated, investment strategies solely because those strategies would generate short-term gains. Take, for example, the common practice of hedging investments, which assures that any unrealized gains in one or more stocks held by the fund are not diminished or lost by a market decline. Stock options are purchased, or sold, by fund managers to establish positions which will vary inversely in value with one another. If the stock begins to decline, the value of the options will rise and protect the fund against losses.

Under the 30-percent rule, the problem with this approach is that options, by their very nature, produce short-term gains. A mutual fund, therefore, cannot fully utilize them, regardless of their benefit to the fund's investors, because doing so would run the risk of triggering the short-short rule and result in substantial new costs. So, while conservative hedging strategies are designed to protect mutual funds investors' economic returns, the short-short rule means these strategies would have the opposite effect—significantly reducing investor profits.

Furthermore, because the short-short rule effectively prevents fund managers from utilizing hedging strategies, incentives are created for funds to sell stocks if a market decline is anticipated, even if the long-term outlook for the stock is good.

The problems generated by the 30-percent rule have been encountered all too often in recent years. For example, as was reported in the Wall Street Journal on January 25, 1988, Elaine Garzarelli, a mutual fund manager at Shearson Lehman Brothers, Inc., anticipated the October 1987 crash of the stock market and took action in advance to protect the fund she managed. She invested the fund's assets in cash, in 2-year Treasury bills, and in "PUT" options on stocks. The options increased in value when the market fell, thereby generating gains to offset the reduced values of longer-term assets. However, these short-term gains exceeded 30 percent of the fund's gross income for the year. Thus, the fund had to pay a 34-percent tax on all of its income for the year. The end result was a decreased return to its investors, even though the fund's manager took prudent risk-management steps and avoided substantial losses to those average, individual investors.

This is just one example of how the rule impairs effective risk-management and harms small investors. There are many others.

There is an exception to the 30-percent rule which seeks to exempt positions which constitute a "designated hedge". This provision recognizes the need to allow funds to use risk management strategies. Unfortunately, the exception is so limited in its scope and so difficult to administer that it has not been effective.

Financial markets are much more sophisticated than they were 50 years ago. Mutual funds are the means through which the average investor can undertake investment plans which benefit from the quality of advice and management that is otherwise available only to the well-to-do investors. It is time for the 30-percent rule to be repealed.

Mr. President, I ask unanimous consent that a copy of the bill be included at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF 30-PERCENT GROSS INCOME LIMITATION ON REGULATED INVESTMENT COMPANIES.

(a) In General.—Subsection (b) of section 851 of the Internal Revenue Code of 1986 (relating to limitations) is amended by inserting "and" at the end of paragraph (2), by striking paragraph (3), and be redesignating paragraph (4) as paragraph (3).

(b) CONFORMING AMENDMENTS.—

(1) The material following paragraph (3) of section 851(b) of the Internal Revenue Code of 1986 (as redesignated by subsection (a)) is amended—

(A) by striking "paragraphs (2) and (3)" and inserting "paragraph (2)", and

(B) by striking the last sentence thereof.

(2) Subsection (c) of section 851 of such Code is amended by striking "(b)(4)" each place it appears in the text and heading and inserting "(b)(3)".

(3) Subsection (d) of section 851 of such Code is amended by striking "subsections (b)(4)" and inserting "subsections (b)(3)".

(4) Paragraph (1) of section 851(e) of such Code is amended by striking "subsection (b)(4)" and inserting "subsection (b)(3)".

(5) Paragraph (4) of section 851(e) of such Code is amended by striking "subsections (b)(4)" and inserting "subsections (b)(3)".

(6) Section 851 of such Code is amended by striking "subsection (g) and by redesignating subsection (h) as subsection (g).

(7) Subsection (g) of section 851 of such Code (as redesignated by paragraph (6)) is amended by striking paragraph (3).

(8) Section 817(h)(2) of such Code is amended—

(A) by striking "851(b)(4)" in subparagraph (A) and inserting "851(b)(3)", and

(B) by striking "851(b)(4)(A)(i)" in subparagraph (B) and inserting "851(b)(3)(A)(i)".

(9) Section 1092(f)(2) of such Code is amended by striking "Except for purposes of section 851(b)(3), the" and inserting "The".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.•

By Ms. MIKULSKI:

S. 531. A bill to amend the Internal Revenue Code of 1986 to exclude certain pay of the merchant marine serving in combat zones; to the Committee on Finance.

TAX TREATMENT OF CERTAIN MERCHANT MARINE PAY

• Ms. MIKULSKI. Mr. President, I rise today to introduce legislation recognizing some American war heroes—this country's merchant marine. We don't read about these men and women in the papers, or see them on the evening news. They work behind the scenes. They spend months in dangerous waters and foreign ports, separated from their families. They risk their lives in minefields and combat zones, sailing where foreign crews will not go. When their country calls, they are the first to volunteer. But America's merchant mariners don't get the recognition and the thanks they deserve.

Today, Kuwait is free again, and it seems as if the fighting in the gulf may finally be over. In one of the most astounding military operations ever, Kuwait has been liberated and Saddam driven back to Baghdad in 6 short weeks. All Americans should be proud of what our troops have done.

But we cannot forget any of the men and women who made this victory possible. Our merchant mariners were a critical link in the chain. They ferried the Patriot missiles and the M-1 tanks. They hauled the gas masks chemical warfare suits. The TV pictures of Iraqi troops—ragged and starving—drive home the critical importance of the task our merchant marines undertood. They helped build a city the size of Baltimore in the middle of the desert and carried cargoes that foreign crews wouldn't. They willingly sailed into mined waters and docked at ports targeted for Scud missile attacks. And these merchant mariners served as volunteers, leaving their jobs and families behind.

My bill recognizes the effort and sacrifice of our merchant mariners, and rewards them for putting their lives at risk. This bill simply makes income earned by merchant mariners in a combat zone tax exempt, up to $2,000 per month. It follows the logic of another bill, introduced by Senator GLENN, which I strongly support. It makes military income earned in a combat zone tax-exempt up to a limit of $2,000 per month for officers, and unlimited for enlisted men and women. My legislation recognizes that the success of those troops depended on the courage and sacrifice of our merchant marines.

Mr. President, I ask unanimous consent that the text of this bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN PAY OF MERCHANT MARINE SERVING IN COMBAT ZONES EXCLUDED.

(a) IN GENERAL.—Section 112 of the Internal Revenue Code of 1986 (relating to certain combat pay of members of the Armed Forces) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively,

(2) by inserting after subsection (b) the following new subsection:

"(c) MERCHANT MARINE.—Gross income does not include so much of the compensation as does not exceed $2,000 for service by an individual in the United States merchant marine in support of the Armed Forces of the United States for any month during any part of which such individual—

"(1) served in a combat zone, or

"(2) was hospitalized as a result of wounds, disease, or injury while serving in a combat zone.

Paragraph (2) shall not apply for any month beginning more than 2 years after the date of the termination of combatant activities in such zone.", and

(3) by inserting **"AND MERCHANT MARINE"** after **"FORCES"** in the heading thereof.

(b) CLERICAL AMENDMENT.—The item relating to section 112 in the table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting "and merchant marine" after "Forces".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 16, 1991.•

By Mr. BOREN (for himself, Mr. PRYOR, and Mr. BAUCUS):

S. 532. A bill to amend the Internal Revenue Code of 1986 to prohibit the retroactive application of Treasury Department regulations and rulings; to the Committee on Finance.

TAXPAYER REGULATORY RELIEF ACT

• Mr. BOREN. Mr. President, I rise today along with my colleagues Senators PRYOR and BAUCUS to introduce the Taxpayer Regulatory Relief Act of 1991. This legislation is designed to prohibit the Treasury Department, specifically the Internal Revenue Service [IRS], from writing retroactive regulations. This bill is nearly identical to S. 3161, introduced by Senator PRYOR and myself in the 101st Congress.

Under present practice, the IRS often issues regulations years after a statutory change and then applies the regulations retroactively to those taxpayer transactions occurring after enactment of the statute but before the publishing of the regulation. I believe this practice to be both unfair to taxpayers and damaging to the economy.

Retroactive regulation is unfair to taxpayers because it changes the rules in the middle of the game. Taxpayers should not be forced to try to outguess the IRS. This practice is also bad for the economy because it has a chilling effect on legitimate business transactions. Many small companies will not engage in certain tranasctions out of fear of retroactive tax treatment.

Mr. President, this bill provides that all IRS regulations are to prospective from their date of issuance in final form. During the interim period between the statutory change and the final regulation, taxpayers will be considered to have satisfied the regulatory requirements if they make a reasonable good-faith effort to interpret the statute and that effort results in substantial compliance. Congress will still have the option to grant an exception to this prohibition if we desire to authorize the Treasury Department to issue retroactive regulations with respect to a specific statutory change.

Mr. President, this legislation has enthusiastic support from the small business community. I have received dozens of phone calls and letters from across the Nation urging the bill's reintroduction and passage. I urge my colleagues to consider the detrimental effects of retroactive regulation and to join us as cosponsors. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer Regulatory Relief Act of 1991".

SEC. 2. RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS AND RULINGS.

Subsection (b) of section 7805 of the Internal Revenue Code of 1986 (relating to rules and regulations) is amended to read as follows:

"(b) RETROACTIVITY OF REGULATIONS OR RULINGS.—

"(1) IN GENERAL.—Any final, temporary, or proposed regulation or ruling issued by the Secretary shall apply prospectively from the date of publication of such regulation or ruling in the Federal Register.

"(2) CONGRESSIONAL AUTHORIZATION.—The prospective only treatment of paragraph (1) may be superseded by a specific legislative grant from Congress authorizing the Secretary to prescribe the effective date with respect to a statutory provision."

SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to any temporary or proposed regulation published as a final regulation after March 1, 1991.●

● Mr. PRYOR. Mr. President, I rise to support the Taxpayer Regulatory Relief Act of 1991. Other than changing the effective date to today, it is identical to legislation Senator BOREN and I introduced last Congress (S. 3161) and would prohibit the Treasury and IRS from retroactively applying final regulations unless specifically authorized to do so by Congress. The issue itself was originally presented as a recommendation of the House Ways and Means Committee majority staff in its April 20, 1990, tax simplification recommendations—published by the Committee May 25, 1990. I applaud Chairman ROSTENKOWSKI and his staff for their insight on this important issue.

All of us are aware of the recent alarming trend of the Treasury and IRS to release regulations in proposed temporary form which have clearly retroactive effect. One that comes to mind immediately is the Sub S "One Class of Stock Requirement" issue, but there are several others. Incidentally, the Sub S regulations could not have been issued in retroactive form if last year's legislation had been enacted.

As a member of the Finance Committee, I follow the lead of my chairman in his distaste for retroactive legislation. I believe retroactive regulations are patently unfair and poor economic policy as well. Neither Congress not the regulators should be able to change the rules of the game in midstream. Generally, the bill provides that all final, temporary, or proposed regulations to implement legislative guidelines issued by Treasury and the IRS are to be prospective from the date of issuance in final form. In the interim between the effective date of the statute and the effective date of the regulations, taxpayers will be deemed to have satisfied the necessary requirements if they made a good-faith, reasonable effort to interpret the statute that results in substantial compliance.

The general rule requiring that the regulations be prospective could be superseded by a specific legislative grant authorizing the Treasury to issue regulations retroactively with respect to a specific statutory provision.

The bill would apply to any temporary or proposed regulation published as a final regulation in the Federal Register after March 1, 1991.

Last year's legislation had the enthusiastic support of the small business community and I expect even greater support this year as this legislation becomes more well known.

I urge all my colleagues who oppose retroactivity to cosponsor this legislation.●

By Mr. GLENN (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. KOHL, Mr. LEVIN, Mr. GORE, Mr. SARBANES, Mr. LEAHY, Mr. NUNN, Mr. REID, Mr. ADAMS, Mr. KERRY, Mr. MOYNIHAN, Mr. SANFORD, Mr. STEVENS, Mr. JEFFORDS, Mr. DECONCINI, Ms. MIKULSKI, Mr. BRADLEY, Mr. COHEN, Mr. SASSER, and Mr. AKAKA):

S. 533. A bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes; to the Committee on Governmental Affairs.

DEPARTMENT OF THE ENVIRONMENT ACT

● Mr. GLENN. Mr. President, last year, the Committee on Governmental Affairs, which I chair, held 3 days of hearings on and passed S. 2006, the Department of the Environment Act of 1990. That bill, which I introduced along with Senator ROTH, had the full support of the President. Despite months of negotiations and compromise with other committees we were frustrated in our efforts to pass this important legislation.

Today I am introducing an updated version of that bill, the Department of the Environment Act of 1991. This new legislation reflects agreement among three separate committees which had expressed concerns about certain of its provisions.

The bill being introduced today includes the proposal to elevate the Environmental Protection Agency to cabinet-level status, the establishment of a Bureau of Environmental Statistics, and the creation of a Commission on Improving Environmental Protection. In addition, the legislation calls for convening an international meeting on energy efficiency and renewable energy resources, and encourages the establishment of an office within the U.N. and the World Meteorological Organization to monitor greenhouse gas emissions on a country-by-country basis.

Mr. President, the reasons for making the EPA a Cabinet-level Department are just as compelling now as they were when we held our committee hearings last February.

The Environmental Protection Agency is our Nation's primary institutional safeguard to ensure that the air we breathe, the water we drink and the wastes we dispose of are not harmful to our quality of life. Since the EPA was created in 1970, its workload has grown in proportion with burgeoning environmental problems and often complex Federal laws to address them. However, it has become painfully apparent that the status of the EPA does not reflect the magnitude of the environmental challenge it now faces.

It is a fact of diplomatic life, for example, that the seriousness with which one views another government's concerns is influenced by the stature of the person who articulates them. A subcabinet EPA sends the wrong signal to the rest of the world about the priority and leadership given by the United States to the cause of global environmental protection. As we have seen in the latest developments from the Persian Gulf, a highly visible Department of the Environment will be critical in effectively addressing environmental disasters abroad. Indeed, the real and potential impacts on the human environment of our fragile Earth may be of such magnitude that they will require a level of attention never before imagined both abroad and here at home.

Public concern in the United States over the environment has grown enormously over the last decade. American citizens have come to learn that environmental protection touches almost every aspect of their lives. Concern over the food we eat, the water we drink and air we breathe is now dominating the public policy agenda of this country.

The United States must provide aggressive leadership toward a solution of domestic and global environmental problems. To do otherwise would consign the quality of life of all Americans to the decisions of other nations and cede our moral obligation to protect the global commons we all share.

Having had the rare privilege to view the Earth in all of its beauty and grandeur from space, I am struck by how thin and fragile the environment is that sustains life on our planet. This vision, I am gratified to find, is increasingly becoming widely shared. Through the hard work and persistence of people who have dedicated their lives to protecting the environment, we stand at the threshold of an important and positive change. I am more confident than ever that the creation of a Department of the Environment will strengthen our Nation's commitment to help protect this delicate and wonderful planet. It is my hope that the Senate will pass and the President will sign into law this important legislation.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join Sentor GLENN in introducing legislation to make the Environmental Protection Agency a Cabinet-level department. A Department of the Environment is an idea whose time has come. It will help us to address the critical environmental problems we face.

Mr. President, one of our greatest challenges over the next few years is in restoring the integrity of our environment.

We have seen the results of 8 years of neglect:

Oceans too dirty to swim in and too polluted for fish to live in;

Water too toxic to drink;

Air too dirty to breathe;

Rain too acidic for trees to grow; and

Land too contaminated to ensure the health of our citizens.

And these problems are becoming global in nature. Destruction of rain forests in South America, air pollution in Europe, use of CFC's in Japan, extinction of species in Africa and wasteful energy practices in the United States affect citizens in other parts of the globe.

Elevation of EPA to Cabinet-level status would serve two important functions.

First, it would be symbolic of a new commitment to protect the environment. It would demonstrate to the people in the United States and to other nations that the United States puts a high priority on preserving the environment and enhancing the public health and welfare.

After all, as Jay Hair of the National Wildlife Federation recently wrote, "The Nation's quality of life is determined more directly by EPA than by any other cabinet-level department."

Second, and more importantly, it will enhance the ability of EPA to do its job.

It will give EPA increased clout in:

Obtaining necessary funding;

Working with other departments whose actions affect the environment;

Making national policy decisions; and

Dealing with other nations who send Cabinet-level ministers to meetings to discuss environmental issues.

I believe that we can meet the environmental challenges we face. Making EPA a Cabinet-level department in and of itself is not enough. We need more funding, tougher enforcement and stronger leadership. But a Department of the Environment will help provide this leadership and initiative.

I urge my colleagues to support this legislation.•

• Mr. COHEN. Mr. President, I am pleased to be joining several of my colleagues, led by Senator GLENN, in reintroducing legislation that elevates the Environmental Protection Agency to a Cabinet position.

In the last Congress, I was cosponsor of Senator DURENBERGER's original bill as well as Senator GLENN's subsequent legislation to create a Department of the Environment and I regret that we did not complete action on those bills last year. I support the reintroduction of legislation to accomplish this goal, and I believe the arguments for these bills are as compelling now as they were then.

As greater environmental difficulties confront us, it is important that environmental considerations and background information be available at the highest levels. The inclusion of the Federal agency responsible for environmental protection during high-level Cabinet discussions sends an important signal to the American people that the pervasive environmental problems we face will be fought under the authority of the President of the United States and not just by a lower level administrator.

This legislation is more than symbolic, however. There are a number of issues involving environmental protection that will be discussed by the President's Cabinet, and I believe our policies will be more sound if the agency responsible for that protection is present when important decisions are made.

Very difficult problems await our President's attention, including the depletion of the ozone level of the atmosphere, global warming impacts, the cleanup of hazardous wastes at Federal facilities, the solid waste crisis, and the elimination of serious air and water pollution throughout the country. The current Environmental Protection Agency has important responsibilities in developing the means to address these problems, but there are also issues in which other Cabinet-level departments play crucial roles. As the Secretary of State discusses international negotiations on the reduction of chlorofluorocarbon production, shouldn't the Department of Environmental Protection be present at the table to participate in the discussion? As the Secretary of Energy raises the issue of hazardous waste cleanup at our Federal defense facilities, shouldn't the Secretary of Environmental Protection play an integral part in developing a plan to facilitate that cleanup? I firmly believe that the answer to those questions is a resounding "Yes."

The environment is crying out for help, as is evidenced by the significant problems we face—solid waste disposal, hazardous waste cleanup, air and water pollution, the degradation of our oceans, the loss of ground water resources and wetlands, the depletion of the ozone layer, and the greenhouse effect. The many challenges are complex and require attention at the highest levels, or the world we leave our children and grandchildren will be a sorry one.

As we talk about the need to focus increased attention on the significant environmental problems that confront us, let us remember to think about ways of putting those words into action. This legislation is one way of doing so, and I look forward to its enactment.•

By Mr. LOTT (for himself, Mr. THURMOND, Mr. WARNER, Mr. COATS, Mr. SMITH, Mr. MACK, and Mr. FORD):

S. 534. A bill to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO GEN. H. NORMAN SCHWARZKOPF

Mr. LOTT. Mr. President, I am introducing at this time on behalf of myself, Senator THURMOND, Senator WARNER, Senator COATS, Senator MACK, Senator SMITH, and Senator FORD, and hopefully a number of others, a bill to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and provide for production of bronze duplicates of such medal for the sale to the public.

I send this legislation to the desk, and I will speak briefly in behalf of this legislation.

Its purpose, as I have pointed out, is to honor General Schwarzkopf with the award of the Congressional Gold Medal.

There have been a limited number of medals awarded over the years, but just a few military leaders have received this recognition: Fleet Adm. Earnest King in World War II; General of the Army, George Marshall, World War II; Gen. John J. Pershing for heroic achievements; Admiral Rickover, on two occasions; and General MacArthur for gallant service; and a number of private citizens.

What we have seen with General Schwarzkopf certainly puts him on a scale with these other heroes. He should be recognized for what he has done and for all of those in his command, all the men and women who worked with him.

The efforts of General Schwarzkopf and our coalition forces have decisively crushed the Iraqi aggressor forces. As of yesterday, United States and coalition forces had destroyed 40 of 42 Iraqi Army divisions. Saddam's navy is no longer a threat, and his air force now resides in Iran.

In a matter of weeks, the world's fourth largest army has been eliminated. It truly has been an historic effort with tremendous leadership from General Schwarzkopf. The strategy and the planning have been responsible for the success we have seen. We are pleased with the very light casualties that we have experienced. That is due to the strategy and the planning and the type of diversions that we saw to keep the Iraqis from really understanding what we were doing.

The Congressional Gold Medal is a national award for a national hero. General Schwarzkopf has led the high-noon showdown at the Kuwait corral and has come away a victor. Anything less than national recognition would be deficient.

I urge my colleagues to join me in sponsoring this legislation. General Schwarzkopf, together with his able staff and subordinate commanders, has valiantly led the men and women of our armed services. He deserves such recognition for his own effort and that of all the others who have been involved in this very tremendous experience and fine victory.

The country is fortunate to have men like General Schwarzkopf, and this award is our small attempt to express our national pride and appreciation for him.

I urge my colleagues to join me in sponsoring this legislation so we can obtain its early passage.

By Mr. PACKWOOD:

S. 535. A bill to amend section 303 of Public Law 96-451 to authorize the Secretary of the Interior to expend funds from the Reforestation Trust Fund for the reforestation of certain lands in the State of Oregon, and for other purposes; to the Committee on Finance.

REFORESTATION TRUST FUND

• Mr. PACKWOOD. Mr. President, I rise today to introduce legislation that will expand the reforestation trust fund [RTF] to address the reforestation and forest development needs of the Bureau of Land Management.

In 1980, the reforestation trust fund was established by Congress to reforest thousands of acres of national forest lands in the Pacific Northeast. Growing forests are the lifeblood of this region. I am pleased to report that the trust fund has accomplished its original goal of eliminating the Forest Service's reforestation backlog. Today, the RTF is used by the Forest Service to supplement their appropriations for their reforestation and timber stand improvement projects. The Forest Service receives $30 million annually from the trust fund. This money provides a stable source of funds for the Forest Service to address these needs. Mr. President, I would like to emphasize that my bill will not alter the Forest Service's portion of funding from the reforestation trust fund.

My bill would increase the $30 million cap in the RTF to $45 million. The Forest Service would continue to receive the $30 million annually but the additional $15 million would be allocated to the Bureau of Land Management. Mr. President, the BLM manages 2.4 million acres of productive timberland in western Oregon, the majority of which is managed for a high level and sustained output of wood products for the Nation. These forests provide an economic livelihood for thousands of Oregonians. In addition, these forests provide for wildlife habitat and recreation, including hunting and fishing.

The BLM has identified thousands of acres of reforestation and forest development needs, including 33,461 acres for planting; 171,000 acres for inventory; 22,785 acres for site preparation; 49,285 acres for maintenance; 20,116 acres for pre-commercial thinning, and 51,414 for fertilization. The goal of this bill is to eliminate all of these reforestation and forest development needs by the end of fiscal year 1993. Once this goal has been accomplished, the BLM portion of the trust fund could be used for other forest activities which promote the diversity and productivity of the forest ecosystem.

My bill also provides for BLM to enter into voluntary cooperative conservation easements. The easements would allow BLM to negotiate with intermingled private landowners to offer protection beyond the requirements of State law for critical streams, sensitive plants, and wildlife species, and so forth. It is appropriate to provide BLM with this added flexibility due to the unique management challenges confronting the agency. Unlike the Forest Service, the BLM manages alternate sections of timberland throughout western Oregon. The BLM lands are interspersed with privately-owned lands over which BLM has little or no control.

Mr. President, it is fiscally responsible for us to provide additional funds for the BLM, because their forestry program is cost effective. In fact, according to an inspector general's report of the Department of Interior, for every dollar the Federal Government spends on the BLM forestry program in western Oregon, $4 is returned to the Treasury and the 18 counties in western Oregon. According to the same report, the Federal Government and 18 counties in western Oregon will lose money as long as the present reforestation backlog exists. Timber growth worth $90 million in future revenues was lost during fiscal years 1986 through 1989. Every succeeding year, as long as the backlog remains, the Federal Government and the counties will continue to lose timber growth worth $21 million in future revenues.

Mr. President, this bill is a sound investment for our Nation's forest. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFORESTATION TRUST FUND.

Section 303 of Public Law 96-451 (16 U.S.C. 1606a) is amended—

(1) in subsection (b)(2) by striking "$30,000,000" and inserting "$45,000,000";

(2) in subsection (b) by adding at the end thereof the following new paragraphs:

"(4) Of the amounts transferred to the Trust Fund—

"(A) one-third of such amounts shall be allocated and made available to the Secretary of the Interior; and

"(B) two-thirds of such amounts shall be allocated and made available to the Secretary of Agriculture.

"(5) If necessary, proper adjustment shall be made to ensure that the amounts transferred to the Trust Fund under paragraph (1) in any fiscal year are allocated as follows:

"(A) $30,000,000 shall be allocated and made available to the Secretary of Agriculture.

"(B) The remaining balance shall be allocated and made available to the Secretary of the Interior.

"(C) If the remaining balance allocated and made available to the Secretary of the Interior is less than $15,000,000 in any fiscal year, the Secretary of the Treasury shall transfer to the Trust Fund and make available to the Secretary of the Interior, from the Federal portion of the Bureau of Land Management timber receipt payments from public domain lands and Coos Bay Wagon Road grant lands in western Oregon, an amount equal to the difference between such remaining balance and $15,000,000.";

(3) in the first sentence of subsection (c)(1) by inserting "and the Secretary of the Interior" after "Secretary of Agriculture";

(4) in subsection (d)—

(A) by striking "available in" and inserting "available to the Secretary of Agriculture in"; and

(B) by striking "amounts not" and inserting "amounts that were available to the Secretary of Agriculture but not"; and

(5) by adding at the end thereof the following new subsection:

"(e)(1) Subject to paragraph (2), the Secretary of the Interior may obligate such sums as are available to the Secretary of the Interior in the Trust Fund (including any amounts that were available to the Secretary of the Interior but not obligated in previous years) to supplement expenditures of the Bureau of Land Management for—

"(A) reforestation and forest development of public lands in western Oregon administered by the Secretary of the Interior through the Bureau of Land Management including projects to improve the overall health and productivity of the forest ecosystem.

"(B) negotiation and implementation of cooperative relationships, including the acquisition of voluntary cooperative conservation easements, when such relationships promote or enhance successful reforestation or forest development or contribute to the long-term productivity of the forest ecosystem; and

"(C) properly allocable administrative costs of the Federal Government for the activities described in subparagraphs (A) and (B).

"(2) Until the unresolved reforestation and forest development needs that were initially identified by the Bureau of Land Management prior to January 1, 1991 are met, sums from the Trust Fund allocated to the Secretary of the Interior may be expended only to meet those needs.".•

By Mr. MACK (for himself and Mr. GRAHAM):

S.J. Res. 80. Joint resolution to proclaim the year 1992 as the "Year of Discover Florida"; to the Committee on the Judiciary.

YEAR OF DISCOVER FLORIDA

• Mr. MACK. Mr. President, I rise today, along with Senator BOB GRAHAM, to introduce Senate Joint Resolution 80, to proclaim 1992 as the "Year of Discover Florida."

Nineteen-hundred and ninety-two will mark the 500th anniversary of Christopher Columbus' discovery of the New World. Following this voyage, other explorers, including Ponce de Leon, traveled to the New World. His historic voyage in search of the Fountain of Youth resulted in the discovery of Florida in 1513.

Floridians, as well as the entire Nation, will be celebrating the quincentennial of Columbus' discovery of the New World. As part of this celebration, Florida has established the "Decade of Discover Florida." This program will enable all Americans to not only learn about Florida's historic past, but also participate in many activities and events throughout Florida in conjunction with the anniversaries of the first voyages to the New World and Florida.

In conjunction with the "Decade of Discover Florida," we are introducing this Senate joint resolution to establish 1992 as the beginning of the Decade of Discover Florida. Through this resolution and the Decade of Discover Florida, I urge Americans to learn of Florida's historic, social, and economic contributions made since the discovery on the New World nearly 500 years ago.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 80

Whereas the year 1992 will mark the 500th anniversary of Christopher Columbus' voyages of discovery of America, which combined the New World with the Old World and began the modern era of human history;

Whereas the Hispanic presence in the Continental United States commenced when a companion of Columbus, Juan Ponce de Leon, discovered Florida and named the peninsula while trying to find the Fountain of Youth;

Whereas Florida was populated by Native Americans for many centuries before the arrival of the Spaniards and has many historic sites of both Native American and Hispanic heritage;

Whereas Juan Ponce de Leon, Panfilo de Narvaez, Hernando de Soto, Pedro Menendez de Aviles and other Spanish explorers traveled extensively throughout Florida and sailed both Atlantic and Gulf waters surrounding the peninsula at the beginning of the 16th century;

Whereas the City of St. Augustine on the Atlantic coast of Florida was permanently established in the year 1565 by Pedro Menendez de Aviles, 55 years before the Pilgrims landed at Plymouth Rock and 40 years before the English settled Jamestown;

Whereas Florida is strategically situated at a crossroad between different continents and has excellent facilities for traveling by sea, air, roads and railroads; and Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the year 1992 is designated as the "Year of Discover Florida", and the President is authorized and requested to issue a proclamation acknowledging the economic, social, and historic contributions of the people of Florida to the United States of America.•

By Mr. HATCH:

S.J. Res. 81. Joint resolution to designate the periods commencing on December 1, 1991, and ending on December 7, 1991, and commencing on November 29, 1992, and ending on December 5, 1992, as "National Home Care Week"; to the Committee on the Judiciary.

NATIONAL HOME CARE WEEK

Mr. HATCH. Mr. President, I rise today to introduce a resolution to designate the weeks of December 1 to December 7, 1991, and November 29 to December 5, 1992, as "National Home Care Week." This resolution commemorates the organizations and professionals who provide this extremely vital health service to millions of Americans.

It is fitting that we highlight home health care during the week following Thanksgiving. This holiday is a time that brings families together to share their joys, their hopes, and their traditions. Home health care keeps families together by allowing a loved one to receive needed care in the familiar surroundings of his or her own home. This Thanksgiving, thousands of home care recipients will be able to spend this holiday in the midst of their families. Millions of elderly citizens will continue to live their lives with dignity and a sense of independence thanks to assistance provided by home care providers. Institutionalization for many ailments is no longer necessary given today's effective home health care services.

As the 102d Congress takes up the issue of providing long-term care to those seniors, chronically ill children, and disabled citizens in America, I fervently hope that home care will be an integral component of any program. Home care provides cost-effective treatment of injuries and illnesses that, left untreated, often lead to more costly acute care and long-term institutionalization. Given our continuing battle with rising health care costs and the fact that we must rein in these costs if we hope to provide our nation with appropriate health care, we must work to identify and develop these cost-effective means of health care delivery.

Home care is much more than preventive medicine. It is the most humane form of health care. It is also the form of care preferred by the vast majority of seniors. According to a national poll conducted by Louis Harris and Associates, fully 78 percent of those polled said they preferred to receive care in their homes instead of in a nursing home.

There are countless families who could benefit from home care services. For example, one Utah family has a child with multiple health problems. After 3 months of the child's hospitalization, the escalating costs became unbearable. The family decided to bring the child home despite the need for constant care and monitoring. A home care nurse came to the home and sympathetically guided the parents through the process of taking care of a technology-dependent child. She provided counseling, skilled nursing assessment, monitoring, teaching, and helping with necessary support services. Due to her ability and friendship, the care of this child became less of a struggle. The child's presence at home with her parents and siblings became a joy.

This joint resolution honors the numerous health professionals, like the home health care nurse in Utah, who provide compassionate and much needed care for elderly and disabled individuals. The individuals and organizations who make such a very worthwhile contribution to society deserve to be honored. Moreover, I hope that by commemorating National Home Care Week, we may bring increased attention to this valuable service and the potential it holds for meeting the long-term care needs of our Nation. I urge my colleagues to cosponsor this joint resolution.

At this time, I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 81

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods commencing on December 1, 1991, and ending on December 7, 1991, and commencing on November 29, 1992, and ending on December 5, 1992, are designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

By Mr. SPECTER:

S.J. Res. 82. Joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week"; to the Committee on the Judiciary.

NATIONAL POLICE ATHLETIC LEAGUE WEEK

Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week."

The Police Athletic League [PAL] is a wonderful program which fosters the growth and development of the children of a community by bringing them under the guidance of local police officers. National PAL was established in 1944 and now boasts over 3 million boys and girls across the country. Each chapter sponsors a broad range of educational and recreational activities—from boxing, baseball, basketball, and archery to remedial reading and tutorial programs. The variety of programs is designed to involve the children and the police in productive and engaging activities, building trust and respect and promoting mutual understanding.

This investment yields substantial results: The boys and girls gain self-respect, learn valuable social and practical skills, and develop positive attitudes toward law enforcement officials in their community, while the volunteer police contribute in a real way to lowering juvenile crime and delinquency.

Police Athletic Leagues are everywhere. Currently there are 170 PAL chapters in 31 States, the District of Columbia, and two territories. I wholeheartedly support the PAL chapters in Pennsylvania, of which there are six, and I know of the tremendous success they have had in helping the youth of my State.

Accordingly, I urge my colleagues to join me in support of the important work of the Police Athletic League.

I ask unanimous consent that a more detailed summary of PAL along with the joint resolution be printed in the RECORD immediately following my remarks.

S.J. RES. 82

Whereas our Nations' youth are important to the continued strength of the United States;

Whereas adult guidance in sports and other activities is beneficial to the growth and development of children;

Whereas since 1944 the National Association of Police Athletic Leagues has promoted sportsmanship and citizenship among boys and girls across the Nation; and

Whereas today over 3,000,000 youth participate in Police Athletic Leagues in such sports as baseball, basketball, boxing, hockey, softball, tennis, track and field, and volleyball, and in such activities as arts and crafts, cheerleading, dance, drama, music, and also in remedial reading and tutorial programs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 19, 1991, is designated as "National Police Athletic League Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies, programs, and activities.

NATIONAL ASSOCIATION OF
POLICE ATHLETIC LEAGUES,
North Palm Beach, FL.

WHAT IS PAL

PAL is a recreation-oriented juvenile crime prevention program that relies heavily on athletics and recreational activities to create and cement the bond between the police officers and the kid on the street.

PAL is based on the strong belief that children—if they are reached early enough—can develop a strong, positive attitude towards police officers in their journey through life towards the goal of adulthood and good citizenship.

Research studies indicate that children accurately reflect the attitudes of their parents and other persons significant in their environment and that attitudes are learned from one's culture and subculture.

The most significant finding for the professional police officer, however, is that with a little effort, attitudes learned from one's culture or subculture can be changed.

A PAL program promotes greater trust and understanding between youngsters and officers.

A PAL program brings youngsters under the supervision and constructive influence of a responsible law enforcement agency and expands public awareness about the role of a police officer. That role is the reinforcement and support of the responsible values and attitudes instilled in young people by their parents.

The relationship between sport and juvenile delinquency has been the subject of much discussion. Throughout the nineteenth and twentieth centuries, physical educators, educators, educational sociologists, educational psychologists and penologists have contended that sports can serve as an effective and powerful antidote to delinquency. The idea that sports can serve as a deterrent to delinquency was first espoused in the English public schools during the middle of the nineteenth century. Sports was then used as a substitute for the stealing, bullying, and drinking that dominated the leisure hours of the English schoolboy.

As one of the most integral and venerated components of the educational system, youth sports programs have contributed significantly to the reduction of delinquency. The considerable financial and administrative support that teachers, parents and coaches give to youth sports is engendered in part by the conviction that athletic participation imparts certain desirable educational, social and personal values that mitigate against the occurrence of delinquency. PAL is a most effective tool in this effort.

Studies have shown that if a youngster respects a police officer on the ballfield or in the gym, he or she will very likely come to respect the laws that that police officer enforces.

Such benefit to the youngsters and to the neighborhood and business community in which they grow up is virtually unmeasurable.

AMERICA'S PAL

Cops and kids together is what PAL is about. Together in activities—primarily sports, but many others as well—where mutual trust and respect can be built.

Why sports? PAL's long years of experience (since 1944) with kids have shown that sports help bring out the best in kids. They learn to be part of a team—how to fit in, develop their specific skills, and compete with the team's goals in mind. Plus, they get to blow off a lot of steam that might have turned loose on the streets. Most importantly, they learn that they have the resources—physical and mental—to be successful. And the disciplines learned from sports will help them be winners throughout their lives. They also learn that the guys in blue are really their friends . . . willing to give their time to be concerned, caring, and there for them.

National PAL has established itself as a viable, successful juvenile crime prevention program through athletic and other related youth activities. Local programs have bridged the gap between the police officers and the youth as well as the police department and the community. Cities that have a PAL program consistently show a lower juvenile crime rate than cities of comparable size that do not have a Police Athletic League.

National PAL has doubled its membership to become a nationally known and respected police/youth organization. Today we have more than three million youth participating in PAL activities throughout the United States including the U.S. Virgin Islands and Puerto Rico, as well as Canada. Safe, positive programs offering a supportive teamwork environment is the key to the Police Athletic League success story that builds happy, well-adjusted youth.

The cop—the kid—and the community working together is a symbol of America at its best. It is the magic combination that cements the bond necessary for safer communities. We know PAL works in a truly effective way to help kids go right and stay right.

National PAL is in a very progressive and successfully upbeat stage of growth—our potential is staggering. The future game plan calls for continuing the development of many new programs and make it even easier for local PALs to administer good, solid, recognition programs for kids and volunteers throughout the United States.

"Our youth are reaching out for our guidance and direction. If each of us can touch the life of just one youngster, we've built a bond for a positive future—we've made a PAL."

JOSEPH F. JOHNSON,
Executive Director, National PAL.

By Mr. LEVIN (for himself, Mr. ROTH, Mr. MOYNIHAN, Mr. HEINZ, Mr. SASSER, and Mr. GLENN):

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990; to the Committee on Governmental Affairs.

DISAPPROVAL OF DISTRICT OF COLUMBIA COUNCIL ACTION

• Mr. LEVIN. Mr. President, for the first time in my 12 years of service in the Senate, I am introducing a joint resolution to disapprove an action taken by the Council of the District of Columbia. It is not something I do lightly; I strongly support home rule. But in the situation I am about to describe, it is our responsibility as Members of Congress to protect the Nation's interest in preserving the beauty and architectural style of the Nation's Capital.

On December 27, 1990, the Council of the District of Columbia passed, and then-Mayor Marion Barry approved, a D.C. law—D.C. Act 8-329—to amend the Building Height Limitations Act of 1910 to permit the construction of a building, in the area immediately adjacent to the FBI building, in excess of the height limits required by the act. The council apparently approved this amendment in order to get the developer of a proposed building to include some portion of residential housing in the building design. However valid the goal, the council directly violated the Height Act in order to achieve it, and in so doing, the council has set a dangerous precedent for similar actions in the future. In short, were the D.C. Council's actions, here, permitted to take effect, it would mark the practical end of the Building Height Limitations Act.

One of the unique and endearing elements to the design of this great city, is the relatively low height of our buildings, which reinforces the beauty and prominence of our national monuments. It is one of the first impressions visitors get of this city when they arrive, and it is a lasting one. We have invested great sums of time, talent and money to make our monuments and the walkways in between pleasing and impressive to the eye. Our mall and the surrounding landmarks convey a sense of beauty, calm and strength. Because they are integrated in large areas of open space and not dwarfed by surrounding structures, they also convey a sense of promise, openness, and freedom. No one can deny the intelligence and foresight of our earlier Members of Congress in restricting the heights of buildings in the Nation's Capital. We owe them our deep gratitude, and one way to show that is to respect and hold fast to their intentions.

As Members of Congress, with direct jurisdiction over and responsibility for the Building Height Limitation Act, it is appropriate for us to intervene to stop this recent action by the D.C. Council in order to protect the national interest. Out of the realization that local governments face tremendous pressures to meet development needs and plans, the Congress determined to regain for itself the authority to control the heights of buildings for this Nation's Capital. The statute is explicit. It sets very clear limits on the heights of buildings, and it permits the D.C. Council a certain amount of discretion only within those limits—and I emphasize "within those limits."

The council has tried to read the act in a way that would separate its discretionary authority from the overall height limits in the act. It is a tortured reading of the statute with a nonsensical result. As a former member of the Detroit City Council, I can understand the interests of and pressures on the council in addressing the development needs of the downtown area. But the national needs, here, for the Capital are more important, and it is our responsibility to see that the national needs are not overrun. The legislative history of the Height Limitation Act is replete with direct references to the importance that Congress placed on retaining control over the height of D.C. buildings.

Mr. President, the D.C. Council's actions are opposed by the National Capital Planning Commission, and the Justice Department has taken a firm and unequivocal position that the action by the D.C. Council is unlawful. The Justice Department has advised us, in fact, that if the act is not overturned by the Congress, the Department will bring suit, and it is confident it will win—after what may turn out to be an expensive fight that could otherwise be avoided.

Mr. President, in order to apprise my colleagues of the legal authority that unequivocally supports the Justice Department's position that the council's action is unlawful, I ask unanimous consent that the Justice Department letter to the National Capital Planning Commission dated November 6, 1990, be inserted in the RECORD in full immediately following my remarks. I also ask that a copy of the joint resolution I am introducing be inserted in the RECORD immediately following the Justice Department letter.

The D.C. Council's action will take effect unless within 30 days of the time the D.C. act is forwarded to Congress, Congress reports and the President signs a resolution of disapproval. That 30-day period will run on or about March 8. It is my hope, therefore, that we will be able to act as a body on this measure quickly and that the resolution can be held at the desk and taken up by the full Senate under unanimous consent in the next few days.

Mr. President, I ask unanimous consent that correspondence related to this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE, ENVIRONMENT AND NATURAL RESOURCES DIVISION,
Washington, DC, November 6, 1990.

LINDA DODD-MAJOR,
General Counsel, National Capital Planning Commission, Washington, DC.

DEAR MS. DODD-MAJOR: Thank you for your memorandum of September 7, 1990, requesting a legal opinion on issues involving D.C. Council Bill 8-616 and the Building Height Limitations Act of 1910, ch. 263, 36 Stat. 452 (1910), (the "Height Act" or the "1910 Act"). We are happy for the opportunity to provide our views on these important issues.

Bill 8-616 would amend the Schedule of Heights promulgated under the Height Act to authorize construction of a 130-foot building on the east side of Ninth Street, N.W., between D and E Streets, adjacent to the FBI Building. In the absence of such an amendment, the maximum allowable height for that location would be 110 feet. Your memorandum requests our opinion as to whether the Council of the District of Columbia has the authority to amend the Schedule of Heights, and if so, whether that authority is limited in any way, specifically by the other restrictions of the Height Act.

1. CONCLUSION

On the basis of the language of the Height Act, its legislative history, and its implementation by the Commissioners of the District of Columbia prior to the enactment of the District of Columbia Self-government and Governmental Reorganization Act, P.L. 93-198; 87 Stat. 774 (1973) (the "Home Rule Act"), we conclude that the Council's authority to amend the Schedule of Heights is subject to the other limitations of the Height Act. In addition, the Council's authority to amend the Schedule of Heights is further limited by Section 602(a)(6) of the Home Rule Act. In our view, the Height Act and the Home Rule Act prohibit the Council from amending the Schedule of Heights as proposed in D.C. Council Bill 8-616.

2. HISTORY OF THE HEIGHT ACT

The Height Act had its genesis in several earlier statutes and regulations.[1] In 1878, Congress gave the Commissioners of the District of Columbia[2] authority to make and enforce building regulations. Act of June 14, 1878, ch. 194, 20 Stat. 131. In 1894 the Commissioners promulgated building height regulations. These regulations applied generally to commercial and residential buildings in the District. They provided that: "No building will be erected * * * whose height exceeds the width of the street in its front. "No building will be erected on a residential street * * * whose height exceeds 90 feet." No building will be erected on a commercial street * * * whose height exceeds 110 feet.''

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[1] Federal regulation of buildings in the national capital is as old as the capital itself. The Act of July 16, 1790, 1 Stat. 130, authorized President Washington to appoint three commissioners to plan and develop a capitol city, and authorized the president to issue regulations to assure the city's orderly development. On October 17, 1791 President Washington promulgated regulations governing "the materials and manner of the buildings and improvements on the Lots in the City of Washington." Along with setback and permit requirements, the regulations required that outer and party walls of all houses be built of brick or stone, and that "The wall of no house to be higher than forty feet to the roof, in any part of the city; nor shall any be lower than thirty-five feet on any of the avenues."

Proclamation of 17 October 1791, reprinted in Staff of the House Committee on the District of Columbia, 94th Cong., 2d Sess., Report on Building Height Limitations 5 (Comm. Print. Apr. 1, 1976) ("House Staff Report"). The requirement for stone walls was apparently primarily a safety measure to reduce the risk of fire, while the provision for maximum and minimum heights and set-backs was apparently intended to beautify the city. These twin concerns of public safety and aesthetics are echoed in subsequent building height regulations.

[2] At the time, the District of Columbia was governed by a board of Commissioners who were appointed by the President with the advice and consent of the Senate. Act of June 11, 1878, ch. 20, 20 Stat. 102.

House Staff Report at 15. These regulations form the core of the limitations that are still in effect today. *See* D.C. Code §§5-401 *et seq.*

The regulations are arguably ambiguous as to whether the limitations on residential and business buildings are independent of, or subject to, the general limitation that height may not exceed the width of the fronting street. Any ambiguity was removed, however, in 1899, when Congress modified the Commissioners' regulations and enacted them into law as the Building Height Act of 1899, ch. 322, 30 Stat. 922 (the "1899 Act").

The 1899 Act included limitations on the height and use of non-fireproof buildings, and, in Section 4, the same overall height limitations as the earlier Commission regulations:

"Sec. 4. That no building shall be erected or altered on any street in the District of Columbia to exceed in height above the sidewalk the width of the street in its front, *and in no case* [emphasis added] shall a building exceed ninety feet in height on a residence street nor one hundred ten feet on a business street, as designated by schedule approved by the Commissioners of the District of Columbia, except on business streets and business avenues one hundred sixty feet wide, where a height not exceeding one hundred thirty feet may be allowed. * * *

"*Provided*, That spires, towers, and domes may be erected to a greater height than the limit herein prescribed, when approved by the Commissioners of the District of Columbia * * *"

The clause "and in no case" resolves the apparent ambiguity in the 1894 regulations, clarifying that the limitations for business and residential streets must be read in conjunction with the general height-equals-street-width limit. In other words, under the 1899 Act, the height limit on a residential street was the width of the street or 90 feet, whichever was less. On a business street, the limit was the width of the street or 110 feet, whichever was less.

Note also that express authority for structures that exceed these limits is provided in the proviso on spires and domes, but nowhere else.

In 1903, Congress authorized the construction of Union Station, and in 1905, at the request of the Commissioners of the District of Columbia, Congress amended the 1899 Act to lower to 80 feet the height limit on buildings that front or abut the plaza in front of the Station. Act of February 8, 1905, ch. 557, 33 Stat. 709. The Commissioners requested the amendment because they believed it was "extremely desirable . . . from an architectural point of view" to limit all buildings fronting or abutting on the plaza to a uniform height . . . not too great to overshadow the proposed Union Station." Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, to Hon. Jacob H. Gallinger, Chairman, Committee on the District of Columbia, United States Senate, Dec. 10, 1904, reprinted in S. Rep. No. 3082, 58th Cong., 3d Sess. (1905).

In 1910 Congress revised the 1899 Act. Building Height Limitation Act of 1910, ch. 263, 36 Stat. 452 (1910). Like the 1905 Union Station amendment, the 1910 Act was proposed by the Commissioners of the District of Columbia. Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, to Hon. Samuel W. Smith, Chairman, Committee on the District of Columbia, United States House of Representatives, Jan. 22, 1910, reprinted in H.R. Rep. No. 720, 61st Cong., 2d Sess. and S. Rep. No. 581, 61st Cong., 2d Sess.

The 1910 Act is quite similar to the 1899 Act, as amended. Section 5 of the 1910 Act retains, in slightly modified form, the height-equals-street-width formula of the 1899 Act:

"Sec. 5. That no building shall be erected * * * so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet; * * *.

"No building shall be erected * * * so as to exceed the height of one hundred and thirty feet on a business street * * * except on the north side of Pennsylvania Avenue between First and Fifteenth Streets, northwest, where an extreme height of one hundred and sixty feet will be permitted.

"On a residence street * * * no building shall be erected * * * so as to be over eighty-five feet in height * * *."

The 80-foot limit on Union Station Plaza is also retained and, as in the 1899 Act, the only provision authorizing structures in excess of these limits is the one in spires, towers, and domes: "Buildings hereafter erected to front or abut on the plaza in front of the new Union Station * * * shall not be of a greater height than eighty feet. Spires, towers, domes * * * may be erected to a greater height than any limit prescribed in this Act when and as the same may be approved by the Commissioners of the District of Columbia * * *."

In addition, and most important to the present inquiry, the 1910 Act recognizes "the need for Congress to be particularly mindful of regulating the height and certain aspects of design of buildings fronting on federally regulated sections" of the District. House Staff Report at 29. The Act delegates this authority to the Commissioners of the District of Columbia: "On blocks immediately adjacent to public buildings or to the side of any public building * * * the maximum height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia."

Section 5 of the 1910 Act thus follows the model of section 4 of the 1899 Act. The first sentence sets out the general formula for determining the maximum permissible height which "no building" may exceed. The subsequent sentences set out additional limitations which, depending on the width of the street, may result in a lower maximum height than the general formula.[3] The 80-foot limit on buildings around Union Station is retained, parallel regulatory authority for limits around other federal buildings is added, and the single exception for spires, towers, and domes is retained.

The 1910 Act, as amended,[4] continues to govern the height of buildings in the District today. *See* D.C. Code §§5-401 *et seq.*

3. IMPLEMENTATION OF THE HEIGHT ACT

Between 1910 and the enactment of the Home Rule Act, the Commissioners of the District of Columbia exercised their authority to set height limits under the "Schedule of Heights" provision of the 1910 Act in 15 different areas of the District. Most of these limits apply to the blocks around the White House, the Supreme Court Building, and the House and Senate Office Buildings. In every case, the limits set under the Schedule are lower than would otherwise be permitted under the Height Act. For example, in 1912, the Commissioners lowered the height limit on 15th Street, N.W., between Pennsylvania Avenue and G Street, across from the Treasury Building, from 130 feet to 95 feet.

Commenters reviewing height limitations in the District have viewed the Commissioners' schedule-making authority as being subject to the other limits of the Height Act. For example, a 1986 GAO report states: "The 1910 act also required the Board [of Commissioners] to establish a separate Schedule of Heights *within the general parameters outlined in the act to further regulate the height of buildings* fronting on federally developed sections of the District. The Schedule, by *limiting* the height of private sector buildings adjacent to federal buildings, has served to maintain the prominence of federal buildings and monuments in the District."

General Accounting Office, Height Limitations: Limitations on Building Heights in the District of Columbia 6 (1986) (emphasis added). Similarly, a 1987 Memorandum prepared for the House Committee on the District of Columbia by the Congressional Research Service describes the Commissioners' authority as subject to the Height Act's other limits: "Also, the 1910 Act made clear that the Commissioners could adopt more specific limits *(subject to the statutory limits)* for 'buildings' located on blocks adjacent to on the side of 'public building.'"

Congressional Research Service, Memorandum: Whether Building Height Restrictions In the District of Columbia, Including Those Pertaining to Union Station, Apply to Federal Buildings, 3 (Aug. 18, 1987) (emphasis added).

4. LIMITED TRANSFER OF HEIGHT ACT AUTHORITY TO THE D.C. COUNCIL

Authority to implement the Height Act remained with the Commissioners of the District of Columbia until 1967, when their responsibilities were transferred to a presidentially-appointed District of Columbia Council. Act of Aug. 11, 1967, 81 Stat. 948, §402 (120), reprinted at 1 D.C. Code 141 (1981). The authority of this council was subsequently transferred to the popularly-elected Council of the District of Columbia (the "Council") pursuant to section 401 of the Home Rule Act (codified at D.C. Code §1-221 (1981)).

One of the most controversial issues in the debate over Home Rule was the extent of control the new local government would have over Federal interests.[5] This issue is addressed in numerous provisions of the Home Rule Act, including an entire title of limitations on the District government. In particular, the Home Rule Act imposes important limits on the Council's authority to amend the Height Act. Section 602(a)(6) of the Home Rule Act (codified as §1–233 of the D.C. Code) states that the Council shall have "no authority" to: "* * * enact any act, resolution, or rule which permits the building of *any structure* within the District of Columbia in excess of the height limitations contained in Section 5–405 [section 5 of the Height Act[6]], and in effect on December 24, 1973 [the date of enactment of the Home Rule Act]." (Emphasis added.)

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[3] Note however, that the clause "and in no case" which appeared in the 1899 Act has been omitted. There is no indication in the legislative history of what, if anything, Congress intended by this change. One possible explanation is that in expanding the section into eight separate paragraphs, the clause became unwieldly. It may also have been considered unnecessary, since the Commissioners who were responsible for implementing the Act apparently understood the limits imposed in the various sentences to be conjunctive, as demonstrated by their subsequent implementation of the Act (discussed below).

[4] The Act was amended by Congress seven times between 1910 and 1945. Five of those amendments provided height exemptions, above those prescribed by the 1910 Act, for specific buildings to be erected at specific locations. The other two amendments raised the maximum height for residential buildings from 85 to 90 feet, and changed the maximum number of stories for residential buildings from eight to ten. *See* House Staff Report at 57-58.

[5] *See, e.g.*, House Comm. on the District of Columbia, District of Columbia Self-Government and Governmental Reorganization Act, H.R. Rep. No. 482, 93d Cong., 1st Sess. 3 (1973).

The plain meaning of this section is to prohibit the Council from permitting construction of buildings that exceed the Height Act limits. The legislative history of Section 602(a)(6) confirms that Congress' intent in this section was precisely what the plain meaning of the words conveys. The provision originated in the House, in the Committee on the District of Columbia's Subcommittee on Government Operations. At Subcommittee markup, Subcommittee Chairman Brock Adams asked counsel to explain the provision, and was told the following: "What we drafted was an amendment [subsequently enacted as §602(a)(6)] which would go to the limitations on the Council that the Council could not enact an act that permitted building above existing height limitations, and freezing in what now is existing law, and would prohibit the Council from allowing any building above that limitation."

Home Rule for the District of Columbia, 1973–1974, Background and Legislative History of H.R. 9056, H.R. 9682 and Related Bills. 93rd Cong, 2d Sess., Committee Print Serial No. S-4 302 (1974). Subsequent descriptions of this provision in the full Committee's report reflect this understanding. For instance, the description of title VI of the bill, "Reservation of Congressional Authority" notes that

"The Council is also prohibited from doing certain things, including * * * permitting the construction of buildings in excess of the present height limitations set by Congress." H.R. Rep. No. 482 at 15.

5. ANALYSIS

"Where, as here, resolution of a question of federal law turns on a statute and the intention of Congress, we look first to the statutory language and then to the legislative history if the statutory language is unclear." *Blum v. Stenson*, 465 U.S. 886, 896 (1984). The interpreter's task is "to interpret the words of [the statute] in light of the purposes Congress sought to serve." *Dickerson v. New Banner Institute, Inc.*, 460 U.S. 103, 118 (1983), (quoting *Chapman v. Houston Welfare Rights Organization*, 441 U.S. 600, 608 (1979)).

Both the language the legislative histories of section 5 of the Height Act (D.C. Code §5–405) and section 602(a)(6) of the Home Rule Act (D.C. Code §1–233(a)(6)) compel the conclusion that the Council's authority to amend the Schedule of Heights is subject to the other limitations of the Height Act, and that the Council does not have the authority to amend the Schedule of Heights as proposed in Council Bill 8–616.

(a) *The language of section 5–405*—The language of section 5–405 provides numerous indications that paragraph (f), the schedule-making authority, must be read in conjunction with the section's other limitations which are based on the width of the fronting street and the residential or business character of the street. First, paragraphs (a), (b), and (c) of section 5–405 each plainly state that "*no building shall be erected*" in excess of their specified limitations (emphasis added). Nothing in the Act states that the buildings covered by paragraph (f) are exempt from those limitations. The fact that the general limitation in paragraph (a) (street width) applied in conjuction with the limitations in sections (b) (business streets) and (c) (residence streets) provides an additional confirmation that the paragraph (a) limitation also applies to paragraph (f). Accordingly, in the absence of an express exemption, the plain language of paragraphs (a), (b), and (c) must apply to buildings covered by paragraph (f). *National Insulation Transportation Committee v. I.C.C.*, 683 F.2d 533, 537 (D.C. Cir 1982) (Absent persuasive reasons to the contrary, "a court must follow the axiom that Congress intended that statutory language be given its plain and ordinary meaning.")[7]

Second, if Congress had intended to exclude buildings covered by paragraph (f) from the limitations of paragraphs (a), (b), and (c), it could easily have done so, as it did in the express exemption, in paragraph (h), for spires, towers and domes. But Congress did not do so. This omission is further evidence of Congress' intent that any height limitations established under paragraph (f) be within the limits established in paragraph (a), (b) and (c). "Where Congress explicitly enumerates certain exceptions to a general prohibtion, additional exceptions are not to be implied in the absence of evidence of a contrary legislative intent." *Andrus v. Glover Construction Co.* 446 U.S. 608, 616–17 (1980). *See Russello v. United States*, 464 U.S. 16, 23 (1983) (quoting *United States v. Wong Kim Bo*, 472 F.2d 720, 722 (5th Cir. 1972)) ("[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.")

(b) *Legislative History and Congressional Intent.*—The view that the Council's authority is subject to the Act's other limitations is fully consistent with all available indicia of Congressional intent. While the legislative history of the Height Act is sparse, an intent to enhance the architectural character of the capital city and ensure that public buildings are not overshadowed is easily inferred from the language of the Act, particularly the height limitations which are based on the width of the street rather than fire safety criteria. *See Dickerson*, 460 U.S. at 118, *United States v. Morton*, 467 U.S. 822, 828 (1984).

Moreover, section 5–405(g), which sets an 80-foot height limit on buildings abutting the Union Station plaza, was expressly directed at such concerns. Its purpose was to limit buildings fronting or abutting on the plaza to a height *below* the otherwise applicable limitations and thereby prevent adjacent buildings from overshadowing the federal building. *See* Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, *supra*. The schedule-making authority of paragraph (f) serves a function very similar to paragraph (g), providing authority to limit the height of buildings next to public buildings. It has enabled the Commissioners to provide other public buildings the same type of protection against overshadowing that Congress provided for Union Station.

Thus, given what we know about the purposes of the Height Act in general and the Union Station plaza height limitations in particular, there can be little doubt that Congress intended the Commissioners to use the paragraph (f) schedule-making authority to provide public buildings with protection more stringent than the Height Act's other limitations. Given this intent, it would be irrational to construe section 5–405(f) as allowing the Council to set heights *above* the Height Act's other limitations, thereby providing public buildings with less stringent protection than other buildings. *See Bob Jones University v. United States*, 461 U.S. 571, 586 (1983) (quoting *Brown v. Duchesne*, 19 How. 183, 194 (1857) ("[I]t is well settled that, in interpreting a statute, the court will not look merely to a particular clause in which general words may be used, but will take in connection with it the whole statute . . . and the objects and policy of the law.")

(c) *Commissioners' Implementation*—The Commissioners of the District implemented the Height Act's schedule-making authority by promulgating height limits for 15 locations in the District, all of which were below the Height Act's otherwise applicable limits. Thus, the Commissioners' record is consistent with the view that their authority to promulgate such limits was subject to the other limitations of the Height Act. Indeed, it is reasonable to assume that the Commissioners viewed the schedule-making provision as authorizing them to lower, but not raise, the Act's other height limits because, as noted above, it was the Commissioners who asked Congress to lower the height limitation on buildings on the Union Station plaza and who subsequently requested enactment of the paragraph (f) schedule-making authority.

The Commissioners' exercise of the schedule-making authority is relevant because, as the "agency" assigned to implement the Height Act, their interpretation is entitled to deference. *Chemical Manufacturers Association v. Natural Resources Defense Council*, 470 U.S. 116, 125 (1985).

(d) *Home Rule Act Limitations*—Section 602(a)(6) of the Home Rule Act (codified as §1–233 of the D.C. Code) states that the Council shall have "no authority" to "enact any act . . . which permits the building of any structure . . . in excess of the height limitations contained in Section 5–405, and in effect on December 24, 1973." D.C. Council bill 8–616 clearly runs afoul of this proscription, since it would authorize construction of a 130-foot building in a location where the limitation under the Height Act (as in effect on December 24, 1973) is 110 feet.

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[6] Section 5 of the Height Act, as amended, edited and renumbered, appears as section 5–405 (a) through (h) of the D.C. Code. In relevant part, it provides:

"(a) No building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by 20 feet; * * *

"(b) No buildings shall be erected * * * as to exceed the height of 130 feet on a business street * * * except on the north side of Pennsylvania Avenue between 1st and 15th Streets Northwest, where an extreme height of 160 feet will be permitted.

"(c) On a residence street * * * no building shall be erected * * * so as to be over 90 feet in height * * *.

* * * * *

"(f) On blocks immediately adjacent to public buildings or to the side of any public building * * * the maximum height shall be regulated by a schedule adopted by the Council of the District of Columbia.

"(g) Buildings erected after June 1, 1910, to front or abut on the plaza in front of the new Union Station * * * shall not be of greater height than 80 feet.

"(h) Spires, towers, domes * * * may be erected to a greater height than any limit prescribed in §§5–401 to 5–409 when and as the same may be approved by the Mayor of the District of Columbia * * *."

[7] Moreover, a reading of paragraph (f) that renders the schedule-making authority independent of the paragraph (a), (b) and (c) limitations would run afoul of the "elementary canon of statutory construction that a statute should be interpreted so as not to render one part inoperative." *Mountain States Telephone & Telegraph v. Pueblo of Santa Ana*, 472 U.S. 244, 248 (1985) (quoting *Colautti v. Franklin*, 439 U.S. 379, 392 (1979)).

Furthermore, there is nothing in the legislative history of the Home Rule Act to suggest that the plain meaning of section 602(a)(6) does not accurately reflect Congress' intent. To the contrary, the legislative history shows that Congress fully intended to limit the D.C. Council's authority to authorize buildings in excess of the Height Act's existing limitations. Accordingly, the plain meaning of the section controls. *Blum*, 465 U.S. at 896; *National Insulation Transportation Committee*, 683 F.2d at 537.

Proponents of Bill 8-616 have argued that the Schedule of Heights is a freestanding provision and not part of section 5-405, and therefore not subject to the limitations of section 602(a)(6) of the Home Rule Act. This argument does not jibe with the plain language of section 602(a)(6). Section 602(a)(6) prohibits the Council from enacting *any* act which permits the building of any structure that exceeds (1) the section 5-405 height limitations, or (2) the height limitations in effect on December 24, 1973—which include the Schedule of Heights as it existed at the time the Home Rule Act was enacted. In other words, under section 602(a)(2) of the Home Rule Act, the Council's authority under section 5-405(f) of the Heights Act is limited to amending the Schedule of Heights to set height limits that are (1) lower than the applicable Height Act limits (for locations not included on the pre-home Rule Schedule of Heights), or (2) lower than the pre-Home Rule Schedule of Heights limitations (for locations that are included in the pre-Home Rule Schedule.).[8] The Council is barred by section 602(a)(6) of the Home Rule Act from exceeding either of those limitations.

Moreover, as explained above, the Height Act itself prohibits the Council from permitting buildings that exceed the applicable Height Act limitations. Thus, even if the argument that section 5-405(f) is not subject to the Home Rule Act limitations were correct—and we do not think it is—that still would not provide a legal basis for amending the Schedule of Heights in a manner inconsistent with the limitations of the Height Act.

Thus, it is our view that both the Height Act and the Home Rule Act prohibit the D.C. Council from amending the Schedule of Heights as proposed in D.C. Council bill 8-616. In view of this conclusion, we believe it is unnecessary to address your third question, which dealt with permissible justifications for amendments to the Schedule of Heights.

Thank you again for requesting our views on these matters. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

RICHARD B. STEWART,
Assistant Attorney General.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 2, a bill to promote the achievement of national education goals, to establish a National Councils on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. LUGAR], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 177

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 177, a bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS Program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare, and for other purposes.

S. 281

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 281, a bill to provide school-based education and support services and comprehensive family support services to families of members of the Armed Forces of the United States who are serving on active duty, to provide continued coverage under group health plans for the families of members of the Armed Forces serving on active duty during the Persian Gulf conflict, and for other purposes.

S. 307

At the request of Mr. RIEGLE, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 307, a bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account or annuity to purchase their first home, and for other purposes.

S. 308

At the request of Mr. MITCHELL, the names of the Senator from Georgia [Mr. FOWLER] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 308, a bill to amend the International Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 327

At the request of Mr. BOREN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 334

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 334, a bill to provide child care services to families of members of the Armed Forces of the United States who are serving on active duty, to provide eligibility for certain health benefits for members who are released from active duty in connection with the Persian Gulf conflict, and for other purposes.

S. 359

At the request of Mr. BOREN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. MCCAIN], the Senator from California [Mr. CRANSTON], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 360

At the request of Mr. BUMPERS, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

S. 403

At the request of Mr. WALLOP, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. SYMMS], the Senator from Mississippi [Mr. LOTT], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 403, a bill to clarify the intent of Congress with respect to establishment and collection of certain fees and charges.

S. 448

At the request of Mr. SYMMS, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

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[8] The location covered by Bill 8-616 is not included in the pre-Home Rule Schedule of Heights.

S. 459

At the request of Mr. McCain, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of S. 459, a bill to declare that the United States holds certain lands in trust for the Camp Verde Yavapai-Apache Indian Community, and for other purposes.

SENATE JOINT RESOLUTION 16

At the request of Mr. Thurmond, the names of the Senator from Texas [Mr. Bentsen], the Senator from South Carolina [Mr. Hollings], and the Senator from Iowa [Mr. Grassley] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the week of April 21–27, 1991, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 38

At the request of Mr. Thurmond, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 49

At the request of Mr. Sarbanes, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 52

At the request of Mr. DeConcini, the name of the Senator from Alaska [Mr. Murkowski] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 55

At the request of Mr. Pell, the names of the Senator from Oregon [Mr. Hatfield], the Senator from Virginia [Mr. Robb], the Senator from Colorado [Mr. Brown], and the Senator from Pennsylvania [Mr. Heinz] were added as cosponsors of Senate Joint Resolution 55, a joint resolution commemorating the 200th Anniversary of U.S.-Portuguese Diplomatic Relations.

SENATE JOINT RESOLUTION 57

At the request of Mr. Thurmond, the names of the Senator from Iowa [Mr. Grassley], the Senator from Alaska [Mr. Murkowski], the Senator from Washington [Mr. Gorton], the Senator from Missouri [Mr. Bond], and the Senator from Delaware [Mr. Roth] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May, 1991, as "National Foster Care Month".

SENATE JOINT RESOLUTION 65

At the request of Mr. D'Amato, the name of the Senator from Idaho [Mr. Symms] was added as a cosponsor of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. D'Amato, the names of the Senator from Virginia [Mr. Warner], the Senator from Massachusetts [Mr. Kerry], and the Senator from Montana [Mr. Burns] were added as cosponsors of Senate Joint Resolution 79, a joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week."

SENATE CONCURRENT RESOLUTION 13—COMMENDING THE PRESIDENT AND THE ARMED SERVICES FOR THE SUCCESS OF OPERATION DESERT STORM

Mr. DOLE (for himself, Mr. Mitchell, Mr. Pell, Mr. Hollings, Mr. Kohl, Mr. Boren, Mr. Dodd, Mr. Reid, Mr. Adams, Mr. Akaka, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bingaman, Mr. Bond, Mr. Bradley, Mr. Breaux, Mr. Brown, Mr. Bryan, Mr. Bumpers, Mr. Burdick, Mr. Burns, Mr. Byrd, Mr. Chafee, Mr. Coats, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. Craig, Mr. Cranston, Mr. D'Amato, Mr. Danforth, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Domenici, Mr. Durenberger, Mr. Exon, Mr. Ford, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Heflin, Mr. Heinz, Mr. Helms, Mr. Inouye, Mr. Jeffords, Mr. Johnston, Mrs. Kassebaum, Mr. Kasten, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Mr. Metzenbaum, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Nunn, Mr. Packwood, Mr. Pressler, Mr. Pryor, Mr. Riegle, Mr. Robb, Mr. Rockefeller, Mr. Roth, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Seymour, Mr. Shelby, Mr. Simon, Mr. Simpson, Mr. Smith, Mr. Specter, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Wallop, Mr. Warner, Mr. Wellstone, and Mr. Wirth) submitted the following concurrent resolution; which was considered and agreed to:

S. Con. Res. 13

Whereas United States and coalition armed forces have achieved remarkable success in totally defeating Iraqi military forces and ousting them from Kuwait;

Whereas these historic accomplishments have been achieved at an astoundingly small loss of life and number of casualties among American and coalition forces;

Whereas to date 185 Americans are known to have been killed (including 79 in combat), 302 wounded (including 212 in combat), 34 Missing in Action, and 9 taken by Iraq as prisoners of war;

Whereas an unknown number of Kuwaiti civilians have reportedly been seized and removed to unknown locations by Iraqi armed forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that:

1. The Congress applauds and expresses the appreciation of the nation to:

(a) President Bush, Commander in Chief of all American armed forces, for his leadership during Operation Desert Storm.

(b) Secretary of Defense Dick Cheney, Armed Forces Chief of Staff Colin Powell and Desert Storm Commander Norman Schwarzkopf, for their planning and implementation of Operation Desert Storm.

(c) All of the American forces deployed in the Persian Gulf region who have served and succeeded in the highest traditions of the Armed Forces of the United States.

(d) All of the forces from our coalition partners, who served with distinction and success.

(e) The families of American service men and women participating in Operation Desert Storm, who have bravely borne the burden of separation from their loved ones, and staunchly supported them in this crisis.

2. The Congress notes with deep sadness the loss of life on all sides in Operations Desert Shield and Desert Storm. The Congress particularly salutes those brave young American men and women who have made the ultimate sacrifice in the service of their nation and in the cause of peace, and sends its deepest condolences to their grieving families.

3. The Congress demands from Saddam Hussein:

(a) The immediate release of all prisoners of war held by Iraq.

(b) A complete accounting for all American and coalition forces listed as missing in action, or otherwise unaccounted for.

(c) The immediate and unconditional release and return to their homes of all Kuwaiti citizens being held by Iraqi forces.

4. The Congress urges all relevant authorities to seriously examine the issue of possible war crimes by Saddam Hussein and other Iraqi military leaders and forces, and to hold Iraq responsible in principle for reparations for the incredible destruction caused by its brutal invasion and occupation of Kuwait.

SENATE RESOLUTION 66—IMPROVEMENTS IN LEGISLATIVE EFFICIENCY IN THE SENATE

Mrs. KASSEBAUM (for herself, Mr. Inouye, Mr. Daschle, Mr. Dodd, Mr. Lugar, and Mr. McCain) submitted the following resolution; which was referred to the Committee on Rules and Administration:

Resolved, That rule XXV of the Standing Rules of the Senate is amended to read as follows:

"STANDING COMMITTEES

"1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

"(a)(1) **Committee on National Priorities,** to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto.

"(2) Such committee shall have the duty—

"(A) to report the matters required to be reported by committee under titles III and IV of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

"(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis; and

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

"(b)(1) **Committee on Agricultural Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Agricultural economics and research.

"2. Agricultural extension services and experiment stations.

"3. Agricultural production, marketing, and stabilization of prices.

"4. Agriculture and agricultural commodities.

"5. Animal industry and diseases.

"6. Crop insurance and soil conservation.

"7. Farm credit and farm security.

"8. Food from fresh waters.

"9. Inspection of livestock, meat, and agricultural products.

"10. Pests and pesticides.

"11. Plant industry, soils, and agricultural engineering.

"12. Rural development, rural electrification, and watersheds.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (b)(1), except as provided in subparagraph (a).

"(c)(1) **Committee on Defense Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

"2. Common defense.

"3. Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.

"4. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.

"5. Military research and development.

"6. National security aspects of nuclear energy.

"7. Naval petroleum reserves, except those in Alaska.

"8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.

"9. Selective Service system.

"10. Strategic and critical materials necessary for the common defense.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (c)(1), except as provided in subparagraph (a).

"(d)(1) **Committee on Commercial Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Coast Guard.

"2. Coastal zone management.

"3. Communications.

"4. Construction and maintenance of highways, and highway safety.

"5. Inland waterways, except construction.

"6. Interstate commerce.

"7. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports.

"8. Marine fisheries.

"9. Merchant marine and navigation.

"10. Nonmilitary aeronautical and space sciences.

"11. Oceans, weather, and atmospheric activities.

"12. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides.

"13. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation.

"14. Science, engineering, and technology research and development and policy.

"15. Sports.

"16. Standards and measurement.

"17. Transportation.

"18. Transportation and commerce aspects of Outer Continental Shelf lands.

"19. Regional economic development.

"20. Financial aid to commerce and industry.

"21. Public works, bridges, and dams.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (d)(1), except as provided in subparagraph (a).

"(e)(1) **Committee on Economic Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

"2. Deposits of public moneys.

"3. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

"4. Revenue measures relating to the insular possessions.

"5. Banks, banking, and financial institutions.

"6. Deposit insurance.

"7. Federal monetary policy, including the Federal Reserve System.

"8. Issuance and redemption of notes.

"9. Money and credit, including currency and coinage.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (e)(1), except as provided in subparagraph (a).

"(f)(1) **Committee on Energy Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Coal production, distribution, and utilization.

"2. Energy policy.

"3. Energy regulation and conservation.

"4. Energy-related aspects of deepwater ports.

"5. Energy research and development.

"6. Extraction of minerals from oceans and Outer Continental Shelf lands.

"7. Hydroelectric power, irrigation, and reclamation.

"8. Mining education and research.

"9. Mining, mineral lands, mining claims, and mineral conservation.

"10. Naval petroleum reserves in Alaska.

"11. Nonmilitary development of nuclear energy.

"12. Oil and gas production and distribution.

"13. Solar energy systems.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (f)(1), except as provided in subparagraph (a).

"(g)(1) **Committee on Environmental Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Air pollution.

"2. Environmental aspects of Outer Continental Shelf lands.

"3. Environmental effects of toxic substances, other than pesticides.

"4. Environmental policy.

"5. Environmental research and development.

"6. Fisheries and wildlife.

"7. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.

"8. Noise pollution.

"9. Nonmilitary environmental regulation and control of nuclear energy.

"10. Ocean dumping.

"11. Solid waste disposal and recycling.

"12. Water pollution.

"13. Water resources.

"14. Forestry, and forest reserves and wilderness areas.

"15. National parks, recreation areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest.

"16. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (g)(1), except as provided in subparagraph (a).

"(h)(1) **Committee on Foreign Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Acquisition of land and buildings for embassies and legations in foreign countries.

"2. Boundaries of the United States.

"3. Diplomatic service.

"4. Foreign economic, military, technical, and humanitarian assistance.

"5. Foreign loans.

"6. International activities of the American Red Cross and the International Committee of the Red Cross.

"7. International aspects of nuclear energy, including nuclear transfer policy.

"8. International conferences and congresses.

"9. International law as it relates to foreign policy.

"10. International Monetary Fund and other international organizations established primarily for international monetary purposes.

"11. Intervention abroad and declarations of war.

"12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"13. Trusteeships of the United States, including territorial possessions of the United States.

"14. Oceans and international environmental and scientific affairs as they relate to foreign policy.

"15. Protection of United States citizens abroad and expatriation.

"16. Relations of the United States with foreign nations generally.

"17. Treaties and executive agreements.

"18. United Nations and its affiliated organizations.

"19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance programs.

"20. Foreign trade promotion, export, and export controls.

"21. Interoceanic canals generally, unless otherwise provided.

"22. Customs and ports of entry and delivery.

"23. Reciprocal trade agreements.

"24. Tariffs and import quotas, and matters related thereto.

"25. Organization and management of United States nuclear export policy.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (h)(1), except as provided in subparagraph (a).

"(i)(1) **Committee on Governmental Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Archives of the United States.

"2. Budget and accounting measures, except as provided in the Congressional Budget Act of 1974.

"3. Census and collection of statistics, including economic and social statistics.

"4. Congressional organizations, except for any part of the matter that amends the rules of order of the Senate.

"5. Federal Civil Service.

"6. Government information.

"7. Intergovernmental relations.

"8. Municipal affairs of the District of Columbia.

"9. Organization and reorganization of the executive branch of the Government.

"10. Postal Service.

"11. Status of officers of the United States, including their classification, compensation, and benefits.

"12. Renegotiation of governmental contracts.

"13. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (i)(1), except as provided in subparagraph (a).

"(j)(1) **Committee on Judicial Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Apportionment of Representatives.

"2. Bankruptcy, mutiny, espionage, and counterfeiting.

"3. Civil liberties.

"4. Constitutional amendments.

"5. Federal courts and judges.

"6. Holidays and celebrations.

"7. Immigration and naturalization.

"8. Interstate compacts generally.

"9. Judicial proceedings, civil and criminal, generally.

"10. Local courts in the territories and possessions.

"11. Measures relating to claims against the United States.

"12. National penitentiaries.

"13. Patent Office.

"14. Patents, copyrights, and trademarks.

"15. Protection of trade and commerce against unlawful restraints and monopolies.

"16. Revisions and codification of the statutes of the United States.

"17. State and territorial boundary lines.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (j)(1), except as provided in subparagraph (a).

"(k)(1) **Committee on Social Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Measures relating to education, labor, health, and public welfare.

"2. Arts and humanities.

"3. Biomedical research and development.

"4. Child labor.

"5. Domestic activities of the American Red Cross.

"6. Equal employment opportunity.

"7. Gallaudet College, Howard University, and Saint Elizabeth's Hospital.

"8. Handicapped individuals.

"9. Labor standards.

"10. Mediation and arbitration of labor disputes.

"11. Occupational safety and health, including the welfare of miners.

"12. Private pension plans.

"13. Public health.

"14. Railroad retirement program.

"15. Regulation of foreign laborers.

"16. Student loans.

"17. Wages and hours of labor.

"18. Food stamp programs.

"19. Human nutrition.

"20. School nutrition programs.

"21. Public housing.

"22. Nursing homes including construction.

"23. National social security.

"24. Public health programs, including health programs under the Social Security Act.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (k)(1), except as provided in subparagraph (a).

"(l)(1) **Committee on Native American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to Native Americans generally, and Native American Programs.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of government programs, projects, or activities relating primarily to the subjects specified in paragraph (l)(1), except as provided in subparagraph (a).

"(m)(1) **Committee on Senior American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to senior Americans generally, and to the Older Americans Act.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (m)(1), except as provided in subparagraph (a).

"(n)(1) **Committee on Veteran American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Compensation of veterans.

"2. Life insurance issued by the Government on account of service in the Armed Forces.

"3. National cemeteries.

"4. Pensions of all wars of the United States, general and special.

"5. Readjustment of servicemen to civilian life.

"6. Soldiers and sailors civil relief.

"7. Veterans' hospitals, medical care and treatment of veterans.

"8. Veterans' measures generally.

"9. Vocational rehabilitation and education of veterans.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (n)(1), except as provided in subparagraph (a).

"(o)(1) **Committee on Entrepreneurial American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration.

"(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the Committee on Entrepreneurial American Programs for its consideration of any portions of the measure dealing with the Small Business Administration, be considered and reported by this committee prior to its consideration by the Senate.

"(3) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraphs (o)(1) and (o)(2), except as provided in subparagraph (a).

"(p)(1) **Committee on Senate Rules,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Administration of the Senate office buildings and the Senate wing of the Capitol, including the assignment of office space.

"2. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules.

"3. Corrupt practices.

"4. Credentials and qualifications of members of the Senate, contested elections, and acceptance of incompatible offices.

"5. Federal elections generally, including the election of the President, Vice President, and members of Congress.

"6. Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided under rule XI.

"7. Meetings of the Congress and attendance of the members.

"8. Payments of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall first be referred to such committee).

"9. Presidential succession.

"10. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

"11. Senate Library and statuary, art, and pictures in the Capitol and Senate office buildings.

"12. Services to the Senate, including the Senate restaurant.

"13. United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (p)(1), except as provided in subparagraph (a).

"2. (a) Except as otherwise provided by paragraph 4 of this rule, the Leadership Committee, known as the Committee on National Priorities, shall consist of not less than 28 Senators nor more than 33 Senators.

"(b) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of not more than the number of Senators set forth in the following table on the line on which the name of that committee appears:

"LEGISLATIVE POLICY COMMITTEES

"Committee:	Members
Agricultural Policy	17
Defense Policy	17
Commercial Policy	17
Economic Policy	17
Energy Policy	17
Environmental Policy	17
Foreign Policy	17
Governmental Policy	17
Judicial Policy	17
Social Policy	17

"(c) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of not more than the number of Senators set forth in the following table on the line on which the name of that committee appears:

"LEGISLATIVE PROGRAM COMMITTEES

"Committee:	Members
Native American Programs	9
Veteran American Programs	11
Senior American Programs	19
Entrepreneurial American Programs	19

"(d) Except as otherwise provided by paragraph 4 of this rule, each of the following committees and standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"ADMINISTRATIVE COMMITTEES

"Committee:	Members
Senate Rules	15
Senate Ethics	6
Senate Intelligence	15

"3. (a) Notwithstanding the provisions of paragraph 4, and except as otherwise provided by this paragraph—

"(1) each Senator shall serve on no more than two committees listed in subparagraph 2(b).

"(2) each Senator serving as either a chairman or a ranking member of any committee listed in subparagraph 2(b) shall not serve on any other committee listed in subparagraph 2(b) but shall serve on the committee listed in subparagraph 2(a).

"(3) each Senator serving as either a chairman or a ranking member of any committee listed in subparagraph 2(c) shall also serve on the committee listed in subparagraph 2(a).

"(4) in addition to those Senators serving on the committee listed in subparagraph 2(a) by virtue of their serving as chairman or ranking member of a committee listed in subparagraph 2(b), not more than 5 Senators shall be appointed by the majority leader of the Senate to serve on the committee listed in subparagraph 2(a) for the purpose of making the overall balance of majority and minority members on the committee the same as the relative balance between the majority and minority members of the Senate.

"(5) service by a Senator on any committee listed in subparagraph 2(c) shall not limit the ability of such Senator to serve on any other committee or standing committee.

"(b) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. Members of the majority party in such numbers as may be required for that purpose may serve as members of three standing committees listed in subparagraph 2(b). No such temporary increase in the membership of any Standing committee under this subparagraph shall be continued in effect after the need therefore has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2(b).

"(c) No Senator shall serve at any one time as chairman of more than one subcommittee of each standing committee of the Senate.

"4. Notwithstanding any provision of rule XXIV of the Standing Rules of the Senate, the appointment of committees or standing committees as prescribed by this title shall be on the basis of each Senator's continuous service in the Senate, except that such appointment shall be in accordance with the following limitations:

"(a) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Agriculture, Nutrition, and Forestry or who were serving on the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations may serve on the Committee on Agricultural Policy.

"(b) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Armed Services or who were serving on the Subcommittee on Defense or the Subcommittee on Military Construction of the Committee on Appropriations may serve on the Committee on Defense Policy.

"(c) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Commerce, Science, and Transportation or who were serving on the Subcommittee on Transportation and Related Agencies of the Committee on Appropriations may serve on the Committee on Commercial Policy.

"(d) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Finance or the Committee on Banking, Housing and Urban Affairs may serve on the Committee on Economic Policy.

"(e) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Energy and Natural Resources or who were serving on the Subcommittee on Energy and Water Development of the Committee on Appropriations, may serve on the Committee on Energy Policy.

"(f) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Environment and Public Works or who were serving on the Subcommittee on Interior and Related Agencies of the Committee on Appropriations may serve on the Committee on Environmental Policy.

"(g) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Foreign Relations or who were serving on the Subcommittee on Foreign Operations of the Committee on Appropriations may serve on the Committee on Foreign Policy.

"(h) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Governmental Affairs or who were serving on the Subcommittee on Treasury, Postal Service, and General Government or the Subcommittee on the District of Columbia or on the Subcommittee on HUD-Independent Agencies of the Committee on Appropriations may serve on the Committee on Governmental Policy.

"(i) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on the Judiciary or who were serving on the Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies of the Committee on Appropriations may serve on the Committee on Judicial Policy.

"(j) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Labor and Human Resources or who were serving on the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations, may serve on the Committee on Social Policy.

"(k) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Rules and Administration or who were serving on the Subcommittee on Legislative Branch of the Committee on Appropriations may serve on the Committee on Senate Policy.

"(l) Only those Senators who on the day preceding the effective date of this title were serving as members of the Select Committee on Indian Affairs may serve on the Committee on Native American Programs.

"(m) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Veterans' Affairs may serve on the Committee on Veteran Programs.

"(n) Only those Senators who on the day preceding the effective date of this title were serving as members of the Special Committee on Aging may serve on the Committee on Senior American Programs.

"(o) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Small Business may serve on the Committee on Senior American Programs.

"5. Upon the effective date of this title, the Select Committee on Ethics shall become the Committee on Senate Ethics, and the Select Committee on Intelligence shall become the Committee on Intelligence Oversight. However, the membership, functions, and duties of such committees shall remain unchanged.".

SEC. 2. Paragraphs 1, 2, 3, 4, 6, and 7 of rule XVI of the Standing Rules of the Senate are repealed, and paragraphs 5 and 8 are renumbered as paragraphs "1" and "2," respectively.

SEC. 3. Subparagraph (b) of paragraph 4 of rule XVII of the Standing Rules of the Senate is amended by striking out "(except the Committee on Appropriations)".

SEC. 4. Rule XXVI of the Standing Rules of the Senate is amended—

(a) by striking out "(except the Committee on Appropriations)" in each instance where it appears,

(b) by striking out "(except the Committee on Appropriations and the Committee on the Budget)" in each instance where it appears, and inserting in lieu thereof the following "(except the Committee on National Priorities)",

(c) by striking out "The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget." in subparagraph 5(a) and inserting in lieu thereof "The prohibition contained in the preceding sentence shall not apply to the Committee on National Priorities.",

(d) by striking out the last sentence of subparagraph 10(b), and

(e) by striking out "(except those by the Committee on Appropriations)" in subparagraph 11(b).

SEC. 5. The provisions of this resolution shall take effect on the first day of the first Congress following the date of enactment.

• Mrs. KASSEBAUM. Mr. President, today I am joining with Mr. INOUYE, Mr. DASCHLE, Mr. DODD, Mr. LUGAR, and Mr. MCCAIN in reintroducing legislation on the subject of congressional reform. This legislation is identical to Senate Resolution 131, which was introduced in the 101st Congress and Senate Resolution 260, which was introduced in the 100th Congress.

I believe comprehensive reform is vital to the effective deliberations of this body. If Congress hopes to function effectively as a coequal branch of Government, institutional reform is a necessity. Unlike the executive branch, which acts on the authority of the President, Congress can only act through consensus. Finding consensus among 535 people is never an easy undertaking. The process used to achieve consensus should not make the task more difficult.

The Senate must, of course, have rules and procedures. Without structure, orderly deliberations would be impossible. However, if those rules ignore the need for efficient action, the Senate will be largely limited to a role of reacting to administration policy initiatives rather than fulfilling our constitutional obligation, which is setting policy. That is the primary reason I believe reform is not only necessary but imperative.

The task is not impossible. Given a workable legislative format, 100 Senators can participate in making policy. I would suggest, however, that there is no conceivable format under which 100 Senators can lead in making policy. Unfortunately, I believe that is exactly what we are trying to achieve under existing rules and procedures.

All of us may have been created equal, but all U.S. Senators cannot hold equal power. We elect leaders—majority and minority leaders, committee chairmen and ranking members—but some of us don't want to let them lead.

Mr. President, I realize the Senate has a long tradition of affording procedural protections to all Members. That practice, perhaps more than any other, serves to distinguish the Senate from other legislative bodies. As a member of a minority party, I fully appreciate the importance of such protections. I would suggest, however, that there is a distinction between accommodating divergent views and accommodating dilatory intent.

In post-Watergate reform days, when this balance was lost, the Senate—tradition notwithstanding—usually acted to assert itself on the side of legislative efficiency. Even the most sacred of traditional Senate protections—the filibuster—was modified in the name of efficiency in 1975, when the vote required to invoke cloture was reduced from two-thirds to three-fifths.

Today, we face a legislative crisis much more serious than the one that precipitated the modification of cloture. Put simply, Congress is losing its ability to make policy. That failure does not mean that Government policymaking will cease. As long as we have an executive branch we will have national policies. The Pentagon, for example, is fully capable of formulating and implementing national defense policy. Our failure to act simply means Congress will neither prescribe nor oversee Government policies. That, I suggest, has begun to happen.

It is vital that Congress begin reasserting its constitutional prerogatives in the area of policy formulation and oversight. That, I believe, can only happen if we are willing to modify our framework of procedures and practices to increase the efficiency of the deliberative process. It is in the hope of furthering that objective that we are introducing this legislation.

Our measure attempts to improve legislative efficiency by, first, vesting responsibility for setting policy priorities with a leadership committee. Those who serve as chairmen and ranking members of legislative committees will serve on the Leadership Committee. They will assume the duties and functions currently performed by the Budget Committee.

The Budget Committee, by virtue of the fact that it produces and enforces the congressional budget resolution, has de facto control over setting policy priorities for the Senate. This task is the proper province of the Senate leadership. For that reason we have eliminated the Budget Committee and vested its duties with the Leadership Committee.

Significant bipartisan support for structural changes of this general nature has been expressed by Members of the Senate for a number of years. For example, in testimony before the Quayle Commission, Senator HATFIELD said he felt the Budget Committee should be composed of the chairmen of the authorizing committees.

Senator STEVENS, also addressing the Quayle Commission, voiced support for combining the budget and appropriations process as well as the authorizing and appropriating processes.

Consolidation also was supported by Senator NUNN in the form of a combined Budget/Appropriations Committee with enhanced authority to enforce committee decisions once sanctioned by the Senate. Howard Baker indicated that, although he no longer favored eliminating authorizing committees and assigning their duties to a "super appropriations committee," he had considered the possibility of providing for authorizations and appropriations in the same bill.

While I would not propose to suggest that all those who voiced opinions about the need for procedural reform would support the Kassebaum-Inouye approach, I believe they would find much to recommend it. Our proposal follows the suggested general direction of their recommendations. In doing so, it recognizes what I believe was strongly alluded to in much of their testimony: that congressional efficiency cannot be significantly improved without an increase in the centralization of power in Congress.

Enactment of the reforms we are proposing would provide Congress with an opportunity to regain a prominent position in the formulation of national policy. It would also provide a real opportunity for making the fiscal policy deliberations of the 102d Congress a meaningful exercise. We could, once again, actually make decisions of substance on the floor of the Senate.

I ask unanimous consent that a brief description of the provisions of the Kassebaum-Inouye resolution appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE AND PROCEDURAL REFORM

PURPOSE

To revise Senate committee structure to increase the influence of the leadership of standing committees in setting overall national priorities and to consolidate authorizing and appropriating responsibilities within individual legislative committees.

Restructured legislative committees, known as policy committees and program committees, will be responsible for implementing policy priorities, as determined by a Leadership Committee, through legislative authorizations and appropriations for programs, projects, and activities within their jurisdiction.

LEADERSHIP COMMITTEE

The Committee on National Priorities

The Committee on National Priorities will establish overall policy direction for the Senate by setting spending priorities for legislative committees through its jurisdiction over the Budget Act and its responsibility for reporting and enforcing annual budget resolutions.

Those who chair or serve as ranking members of legislative committees will serve on the Committee on National Priorities and will, therefore, have direct influence over formulation of policy priorities and spending levels for the Senate legislative agenda. Broad policy decisions will flow from the leadership level to the legislative level where such decisions will be transformed into legislative programs.

LEGISLATIVE COMMITTEES

Legislative Committees would be of two types: Legislative Policy Committees and Legislative Program Committees.

Legislative policy committees

Legislative policy committees will have legislative, oversight, and appropriations responsibilities for substantive areas of national policy and for national programs of importance to the Senate. These committees will perform both the authorization and appropriation functions for programs within their jurisdiction. Their exercise of the appropriation function, however, must conform to the national policy decisions of the Leadership Committee. Legislative policy committees are:

Committee on Agricultural Policy

The jurisdiction of the Committee on Agricultural Policy would include all existing responsibilities of the Committee on Agriculture, except those relating to nutrition and forest lands.

Those eligible for membership on the committee would include current members of the Committee on Agriculture and current members of the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations.

Committee on Commercial Policy

The jurisdiction of the Committee on Commercial Policy would include all existing responsibilities of the Committee on Commerce, Science, and Transportation except those relating to interoceanic canals generally, plus responsibility for highway programs and for regional economic development.

Those eligible for membership on the committee would include current members of the Committee on Commerce, Science, and Transportation and the Subcommittee on Transportation and Related Agencies of the Committee on Appropriations.

Committee on Defense Policy

The jurisdiction of the Committee on Defense Policy would include all existing responsibilities of the Committee on Armed Services.

Those eligible for membership on the committee would include current members of the Committee on Armed Services and the Subcommittees on Defense and on Military Construction of the Committee on Appropriations.

Committee on Economic Policy

The jurisdiction of the Committee on Economic Policy would include all areas relating to revenue and bonded debt currently under the jurisdiction of the Committee on Finance and all areas relating to banking, monetary policy, coinage, and the Federal Reserve currently under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

Those eligible for membership on the committee would include current members of the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget.

Committee on Energy Policy

The jurisdiction of the Committee on Energy Policy would include all current responsibilities of the Committee on Energy and Natural Resources except those relating to national parks, wilderness lands, historical lands in general, public lands, and territorial possessions of the United States.

Those eligible for membership on the committee would include current members of the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

Committee on Environmental Policy

The jurisdiction of the Committee on Environmental Policy would include current Committee on the Environment areas of jurisdiction except those relating to highways, public buildings, public works, and regional economic development. In addition, the committee would have responsibility for forest lands, public lands, national parks, and historical and scenic areas.

Those eligible for membership on the committee would include current members of the Committee on the Environment and the Subcommittee on Interior and Related Agencies of the Committee on Appropriations.

Committee on Foreign Policy

The jurisdiction of the Committee on Foreign Policy would include all current areas of responsibility of the Committee on Foreign Relations plus responsibility for foreign trade, including reciprocal trade agreements, export promotion and export controls, interoceanic canals, territorial possessions and trusteeships of the United States, and U.S. nuclear export policy.

Those eligible for membership on the committee would include current members of the Committee on Foreign Relations and the Subcommittee on Foreign Operations of the Committee on Appropriations.

Committee on Governmental Policy

The jurisdiction of the Committee on Governmental Policy would include all areas currently under the jurisdiction of the Committee on Governmental Affairs, plus responsibility for renegotiation of government contracts, public buildings, and improved grounds of the United States.

Those eligible for membership on the committee would include current members of the Committee on Governmental Affairs, plus members of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations.

Committee on Judicial Policy

The jurisdiction of the Committee on Judicial Policy would include all current responsibilities of the Committee on the Judiciary.

Those eligible for membership on the committee would include current members of the Committee on the Judiciary and the Subcommittee on Commerce, State, Justice, and Related Agencies of the Committee on Appropriations.

Committee on Social Policy

The jurisdiction of the Committee on Social Policy would include all current responsibilities of the Committee on Labor and Human Resources except the discretionary spending programs under the Older Americans Act, plus responsibility for nutrition programs generally, including school nutrition and food stamp programs, public and private housing, social security and railroad retirement, and health programs under the Social Security Act.

Those eligible for membership on the committee would include current members of the Committee on Labor and Human Resources and the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations.

Legislative program committees

Legislative program committees will have legislative, oversight, and appropriations responsibilities for specific program areas of national concern. These committees will perform both the authorization and appropriations functions for programs within their jurisdiction. Their exercise of the appropriation function, however, must conform to the national program decisions of the Leadership Committee. Legislative program committees are:

Committee on Native American Programs

The jurisdiction of the Committee on Native American Programs would include all existing responsibilities of the Select Committee on Indian Affairs. The committee would become a standing committee.

The membership of the committee would be composed of all current members of the Select Committee on Indian Affairs.

Committee on Veteran American Programs

The jurisdiction of the Committee on Native American Programs would include all existing responsibilities of the Committee on Veterans Affairs.

The membership of the committee would be composed of all current members of the Committee on Veterans Affairs.

Committee on Senior American Programs

The jurisdiction of the Committee on Senior American Programs would include all existing responsibilities of the Special Committee on Aging, plus legislative responsibility for all discretionary spending programs under the Older Americans Act. The committee would become a standing committee.

The membership of the committee would be composed of all current members of the Special Committee on Aging.

Committee on Entrepreneurial American Programs

The jurisdiction of the Committee on Entrepreneurial American Programs would include all existing responsibilities of the Committee on Small Business.

The membership of the committee would be composed of all current members of the Committee on Small Business.

ADMINISTRATIVE COMMITTEES

Administrative committees have basically nonlegislative functions. The chairman and ranking members of administrative committees would not serve on the leadership committee—unless such service should happen to be as an at-large member.

Committee on Senate Rules

Serves the same function as the Committee on Rules and Administration, with members drawn from that committee.

Committee on Senate Ethics

Serves the same function as the Committee on Ethics, with members drawn from that committee.

Committee on Intelligence

Serves the same function as the Committee on Intelligence, with members drawn from that committee.

COMMITTEE CHAIRMEN

Chairman and ranking-member status would be based on seniority, as would the integration of the entire membership of each new committee. Those selected to chair legislative committees would, consistent with provisions of the rules of the Senate allowing for election of committee chairmen, be the senior-ranking chairman and ranking members of the merged committees and subcommittees forming each new committee.

COMMITTEE ASSIGNMENTS

Leadership Committee

All chairmen and ranking members of legislative policy committees and legislative program committees would automatically be accorded membership on the leadership committee. In addition, a specified number of members of the Senate at large will be appointed to the committee to bring party balance on the committee to correspond with party balance in the Senate.

Legislative policy committees

Committee assignments would be based on prior committee service with members allowed to select the committees on which they desire to serve, subject to the limitations below and to the maximum committee membership limitation (17 members for each legislative policy committee).

Legislative program committees

Committee assignments would be based on prior committee service with the membership of predecessor committees transferring in total to each new legislative program committee.

Administrative committees

Committee assignments would be based on prior committee service with the membership of predecessor committees transferring in total to each new legislative program committee.

COMMITTEE MEMBERSHIP LIMITATIONS

Members could serve on no more than two legislative policy committees. Service on either a legislative program committee or an administrative committee would not limit a members ability to serve on any other committee.

Any member who either chairs or serves as the ranking member of a legislative policy committee will not serve on another legislative policy committee, although they may serve on legislative program committees or administrative committees without restriction.•

SENATE RESOLUTION 67—COMMENDING HAROLD H. BRAYMAN FOR HIS SERVICE TO THE SENATE

Mr. DOMENICI (for himself, Mr. DOLE, Mr. MITCHELL, Mr. CHAFEE, Mr. MOYNIHAN, Mr. SYMMS, Mr. BAUCUS, Mr. SIMPSON, and Mr. GORTON) submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas Hal Brayman has served the Senate as a member of the staff on the Committee on the Budget, the Committee on the Environment and Public Works, and the staff of former Senator J. Caleb Boggs for nearly 22 years;

Whereas Hal Brayman served the Environment and Public Works Committee from 1970 through 1986;

Whereas Hal Brayman served as the assistant staff director of the Environment and Public Works Committee from 1981 through 1986;

Whereas Hal Brayman has served as special advisor to the Ranking Republican Member of the Committee on the Budget from 1986 through 1991;

Whereas Hal Brayman has distinguished himself as a leading expert in federal water resources and public infrastructure policies;

Whereas Hal Brayman has carried out his duties and responsibilities with the highest degree of professional integrity and dedication to service; and

Whereas Hal Brayman has earned the Senate's affection and esteem: Now, therefore, be it

Resolved, That Harold H. Brayman is hereby Commended for his faithful and exemplary service to his country and to the United States Senate.

SENATE RESOLUTION 68—MAKING MINORITY PARTY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 68

Resolved, That the membership on the Committee on Ethics for the minority party consist of Messrs. RUDMAN, LOTT, and GORTON to serve until their successors are appointed.

SENATE RESOLUTION 69—ESTABLISHING A TRIBUNAL TO ADDRESS WAR CRIMES COMMITTED BY IRAQ

Mr. MCCAIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 69

Whereas the military forces of Iraq in occupation of Kuwait, acting under the direction of the Government of Iraq, deliberately undertook to make hostile use of the environment by releasing millions of gallons of oil into the Persian Gulf;

Whereas the military forces of Iraq in occupation of Kuwait, acting under the direction of the Government of Iraq, undertook to destroy the oil production infrastructure of Kuwait, thereby causing incalculable damage to the regional environment;

Whereas Iraq and Kuwait are signators to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland, on May 18, 1977;

Whereas Article I of the Convention reads: "Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party."

Whereas the military forces of Iraq in occupation of Kuwait, acting under the direction of the Government of Iraq, grossly violated the IV Geneva Convention governing the treatment of civilian populations in occupied territories by the forces in occupation,

Whereas the military forces of Iraq, acting under the direction of the Government of Iraq, grossly violated the III Geneva Convention governing the treatment of prisoners of war: Now, therefore be it

Resolved, That it is the sense of the Senate that: the political and military leadership of Iraq are guilty of grave violations of international law and crimes against humanity and that the President should conclude an agreement with the other foreign governments allied with the United States in Operation Desert Storm, the liberation of Kuwait, for the establishment of an international tribunal with jurisdiction to judge the political and military leaders of Iraq, including and most importantly Saddam Hussein, as war criminals, for their repeated violations of the Third and Fourth Geneva Conventions and the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. McCAIN. Mr. President, I am introducing today a Senate resolution that asks the President to negotiate with the governments of the United States' allies in the liberation of Kuwait to establish an international tribunal to judge and punish Saddam Hussein and the political and military leadership of Iraq as war criminals.

Now that the Armed Forces of the United States and our allies have so thoroughly defeated the Iraqi military in the Kuwaiti theater of operations, the allied coalition have enforced nearly all of the resolutions of the United Nations Security Council relevant to the invasion and occupation of Kuwait. One provision of the last resolution, 678, remains to be fully enforced. In addition to authorizing the use of force to eject Iraqi forces from Kuwait, Resolution 678 also calls on the allied coalition to restore "international peace and security" in the region.

Mr. President, I submit that enduring peace and security in the region cannot be ensured until the political and military leaders of Iraq are exposed and punished for their crimes against humanity. Without a clear indication that the international community under the leadership of the United States intends to enforce international laws, the Middle East, and indeed, much of the rest of the world will remain areas of instability and conflict.

Mr. President, the United States in Operation Desert Storm has brought freedom to Kuwait. Now, it is our responsbility, and that of our allies to bring justice to the region.

The military forces of Iraq, acting under the direct orders of the political leadership of Iraq committed grave violations of the Third Geneva Convention governing the treatment of prisoners of war when they grossly mistreated allied pilots shot down over Iraq.

The military forces of Iraq, acting under the direct orders of the political leadership of Iraq committed grave violations of the Fourth Geneva Convention governing the treatment of civilian populations in occupied territories by the forces of occupation when they pillaged, sabotaged, raped, tortured, and slaughtered their way through 7 months of occupation.

The military forces of Iraq, acting under the direct orders of the political leadership of Iraq committed grave violations of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed by Iraq in 1977, when they dumped millions of gallons of oil into the Persian Gulf, destroyed the entire oil production infrastructure of Kuwait, deliberately causing incalculable harm to the regional environment for many years to come.

The military forces of Iraq, acting under the direct orders of the political leadership in Iraq, committed grave violations of article 23 of the Hague Convention when they repeatedly fired Scud missiles at the civilian populations of a nonbelligerant, Israel.

Mr. President, peace and security in any region of the world rests primarily on respect for international law. The leadership of Iraq, from Saddam Hussein, his loyal coterie of political enforcers, and the commanders of his military hold international law in contempt. There will be no peace, no security in the Persian Gulf until these criminals learn to respect the laws governing relations between nations, and until all the peoples of the region observe firsthand America's devotion to justice and human rights.

I understand that there is existing legislation that calls for the prosecution of Iraqi war criminals and the establishment of an international tribunal charged with that responsibility. However, I do not believe that any of the existing proposals cites Iraqi environmental terrorism as a war crime nor calls for punishment of that offense. Therefore, I encourage all my colleagues to join me in cosponsoring this resolution.

SENATE RESOLUTION 70—RELATIVE TO LIMITS ON CAMPAIGN EXPENDITURES

Mr. SANFORD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 70

Resolved, That for the purposes of this resolution—

(1) the term "authorized committee" means, with respect to a candidate for election to the office of United States Senator, a political committee that is authorized in writing by the candidate to accept contributions or make expenditures on behalf of the candidate to further the election of the candidate;

(2) the term "candidate" means an individual who is seeking nomination for election, or election, to the office of United States Senator, and such an individual shall be deemed to be seeking nomination for election, or election, if the individual meets the criteria stated in subparagraph (A) or (B) of section 301(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2));

(3) the term "election cycle" means, with respect to an election to any Senate seat—

(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat that the candidate seeks and ending on the date of the next election; or

(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

(4) the term "general election" means an election that will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

(5) the term "immediate family" means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of any such person;

(6) the term "primary election", with respect to an election to any Senate seat, means an election that may result in the selection of a candidate for the Senate on the ballot in a general election;

(7) the term "primary election period", with respect to an election to any Senate seat, means the period beginning on the day following the date of the last Senate election for that seat and ending on the first of—

(A) the date of the first primary election for that seat following the last Senate election for that seat; or

(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

(8) the term "runoff election", with respect to an election to any Senate seat, means an election held after a primary election for that seat, prescribed by State law as the means for deciding which candidate shall be certified as nominee for the Senate;

(9) the term "runoff election period", with respect to an election to any Senate seat, means the period beginning on the day following the date of the last primary election for that seat and ending on the date of the runoff election for that seat;

(10) the term "voting age population" means the resident population, 18 years of age or older, as certified pursuant to section 315(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(e));

(11) the term "independent expenditure" does not include an expenditure made by a separate, segregated fund or any other political committee if such fund or committee is established, administered, controlled, or financially supported directly or indirectly by a connected organization which is required to register, or pays for the services of a person who is required to register, under the Federal Regulation of Lobbying Act (2 U.S.C. 267), for the purpose of influencing legislation on behalf of the connected organization; and

(12) unless otherwise defined in this section, terms used in this resolution that are defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) have the meanings stated in section 301 of the Federal Election Campaign Act of 1971.

SEC. 2. LIMITATIONS ON EXPENDITURES.

(a) PERSONAL FUNDS.—No candidate shall—

(1) make expenditures from the personal funds of the candidate or the funds of a member of the immediate family of the candidate; or

(2) incur personal debt, in excess of $50,000 in connection with the candidate's campaign for the Senate during an election cycle.

(b) GENERAL ELECTIONS.—(1) Subject to paragraph (2), no candidate may make expenditures for a general election in excess of the lesser of—

(A) $5,500,000; or

(B) the greater of—

(i) $950,000; or

(ii) $400,000 plus 40 cents multiplied by the voting age population of 4,000,000 or less, plus 25 cents multiplied by the voting age population over 4,000,000.

(2) In a State with only 1 transmitter for a commercial Very High Frequency television station licensed to operate in that State, a candidate may make expenditures for a general election in the amount of the lesser of—

(A) $5,500,000; or

(B) the greater of—

(ii) $400,000 plus 55 cents multiplied by the voting age population of 4,000,000 or less, plus 40 cents multiplied by the voting age population over 4,000,000.

(c) PRIMARY ELECTIONS.—No candidate may make expenditures for a primary election in excess of 67 percent of the limitation on expenditures for the general election determined under subsection (b).

(d) RUNOFF ELECTIONS.—No candidate may make expenditures for a runoff election in excess of an amount equal to 20 percent of the limitation on expenditures for the general election determined under subsection (b).

(e) INCREASES IN LIMITATION BASED ON INCREASES IN PRICE INDEX.—(1) At the beginning of each calendar year, the Committee on Rules and Administration shall compute increases in the amounts stated in subsection (b) based on the increase in the price index determined under section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)), except that for purposes of determining such increases, the base period shall be the calendar year of the first election after the date of adoption of this resolution, and on publication of such increases by the Committee on Rules and Administration, the amount stated in subsections (b), (c), and (d) shall be deemed to be increased accordingly.

(f) COMPLIANCE FUNDS.—(1) The limitation stated in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to ensure compliance with the Federal Election Campaign Act of 1971, if—

(A) the compliance fund contains only contributions (including contributions recieved in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a)) received in accordance with the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971 and this resolution;

(B) the amount of contributions to and expenditures from the compliance fund do not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

(C) no transfers are made from the compliance fund to any other accounts of the candidate's authorized committees.

(2) If, after a general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from a compliance fund in excess of the limitation stated in paragraph (1), the candidate may petition the Committee on Rules and Administration for a waiver of such limitation up to any additional amount that the Committee may authorize.

(3) Any money remaining in a compliance fund when a candidate decides to terminate or dissolve the compliance fund shall be—

(A) contributed to the United States Treasury to reduce the budget deficit; or

(B) transferred to a compliance fund of a subsequent campaign of that candidate.

(g) INCREASES IN LIMITATIONS TO MATCH INDEPENDENT EXPENDITURES IN ELECTIONS.—(1) If, during a primary election period, runoff election period, or a general election, independent expenditures aggregating more than $10,000 are made or obligated to be made in opposition to a candidate or for the opponent of a candidate, the limitations stated in subsections (b), (c), and (d), as they apply to such candidate, shall be deemed to be increased for that primary, runoff, or general election in an amount equal to twice the amount of such independent expenditures made in excess of $10,000 during the primary election period, the runoff election period, or the general election.

(2) Not later than 24 hours after a person makes, obligates to make, or authorizes independent expenditures in excess of $500 (without regard to previously reported expenditures), such person shall submit a report with respect to such expenditures to the Federal Election Commission and the campaign committee of the opposing candidate.

SEC. 3. EXPENDITURES BY PERSONS OTHER THAN A CANDIDATE.

(a) EXPENDITURES WHICH ARE NOT INDEPENDENT.—A candidate who, directly or through an authorized committee, cooperates or consults with any person in the making of an expenditure toward the advocacy of the election of the candidate or the defeat of the candidate's opponent, shall, before providing such cooperation or consultation—

(1) obtain the agreement of such person to report the amount of the expenditure to the candidate's principal campaign committee; and

(2) instruct the treasurer of the principal campaign committee to report such expenditure, on reports required to be filed under the Federal Election Campaign Act of 1971, as a contribution to and an expenditure against the prescribed limits by the candidate.

(b) INDIVIDUAL EXPENDITURES.—(1) The Senate finds that as there are no limitations on the amount an independent and unrelated individual or organization may expend on behalf of, or in opposition to, any candidate, it is in the public interest to have timely public information of such expenditures.

(2) A person shall, within 24 hours of making, obligating to make, or authorizing an independent expenditure, report such expenditure with the Federal Election Commission and the campaign committee of the opposing candidate.

SEC. 4. CODE OF CAMPAIGN CONDUCT.

(a) PROPOSAL.—The Committee on Rules and Administration shall study and, not later than 120 days after the date of adoption of this resolution, introduce a resolution proposing the adoption of a Code of Campaign Conduct.

(b) TOPICS TO BE ADDRESSED.—In addition to other topics that the Committee considers to be appropriate, the Code of Campaign Conduct proposed by the Committee shall consider—

(1) prohibition on the use of a negative advertisement that is essentially untrue; and

(2) prohibitions on the use of statements or advertising that is reasonably calculated to exacerbate racial strife or to appeal to negative prejudices related to racial differences.

(c) AMENDMENT OF CODE OF CAMPAIGN CONDUCT.—After a Code of Campaign Conduct is adopted by the Senate, the Senate Committee on Rules and Administration may propose, by introduction of a resolution, additional standards of ethical conduct which, if adopted by the Senate, shall apply to Senate elections following the date of adoption of the resolution.

SEC. 5. ENFORCEMENT.

(a) IN GENERAL.—An allegation of violation of section 2, 3, or 4 shall be referred to the Senate Select Committee on Ethics for investigation and finding, which finding shall stand unless overruled or amended by a vote of the Senate not less than 30 calendar days after the making of the finding, and which finding shall include at least one of the following recommendations:

(1) That, as a minimum, the appropriate party conference be required to deny the Senator recognition of seniority for seat assignment, and to place, for the duration of the term, the Senator in last place in seniority or any Senate committee to which the Senator is assigned.

(2) That a Senator be placed last on the seniority list for office space assignment and be declared ineligible for appointment to preside over the Senate or participate on ceremonial or representative committees.

(3) That a Senator be censured.

(4) That an incumbent Senator be expelled or a Senator-elect not be seated.

(b) NONINCUMBENT CANDIDATES.—(1) This resolution is intended to govern the election campaigns of nonincumbents as well as those of incumbents in the Senate, and shall be enforced against a nonincumbent upon the nonincumbent's election to the Senate.

(2) The Secretary of the Senate shall send a copy of this resolution to a nonincumbent candidate not later than 5 days after receipt of any filing by the candidate made with the Secretary under 302(g)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(2)).

AMENDMENTS SUBMITTED

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1991 AND 1992

SMITH (AND OTHERS) AMENDMENT NO. 15

Mr. SMITH (for himself, Mr. COATS, Mr. GRASSLEY, Mr. ROTH, and Mr. COCHRAN) proposed an amendment to the resolution (S. Res. 62) authorizing biennial expenditures by committees of the Senate, as follows:

At the appropriate place, add the following new section:

SEC. . STATE EQUITY.

(a) Congress finds:

(1) that the equitable distribution of federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorization would greatly assist the Senate in the performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each committee reporting legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each State under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each State under such program. It is further the sense of the Senate that the Congressional Budget Office shall request and evaluate an enumeration from each department or agency administering or proposed to administer any such program and that, whenever practicable, such evaluation of an enumeration shall be included in the report accompanying such legislation.

HELMS (AND OTHERS) AMENDMENT NO. 16

Mr. HELMS (for himself, Mr. SMITH, Mr. LOTT, and Mr. COATS) proposed an amendment to the resolution (S. Res. 62) supra, as follows:

(a) On page 16, line 15, strike "$2,774, 561" and insert in lieu thereof, "$2,429,561".

(b) On page 16, line 25, strike "$2,891,437" and insert in lieu thereof, $2,533,437".

FORD (AND SMITH) AMENDMENT NO. 17

Mr. FORD (for himself and Mr. SMITH) proposed an amendment to the resolution (S. Res. 62) supra, as follows:

In lieu of the language proposed to be inserted, add the following new section:

SEC. . STATE EQUITY.

(a) Congress finds:

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each State under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each State under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of acheiving the objectives set forth in subsection (b) of this section.

BROWN (AND BOND) AMENDMENT NO. 18

Mr. BROWN (for himself and Mr. BOND) proposed an amendment to the resolution (S. Res. 62) supra, as follows:

That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1991 and 1992".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1991, through February 29, 1992, in the aggregate of $54,433,572, and for the period March 1, 1992, through February 28, 1993, in the aggregate of $56,569,485 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant of Arms, United States Senate, Department of Telecommunications, or (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the appropriations account for "Expenses of Inquiries and Investigations.".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,981,783, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,054,457, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,879,959, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,058,867, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,900,029, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,018,641, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,721,304, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,832,878, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,521,080, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,924,123, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,839,673, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,701,485, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,804,715, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,929,442, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,027,500, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,774,561, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,888,318, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,056,605, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,263,926, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66 of the One Hundred First Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,979,958, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,171,893, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,293,756, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,510,800, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,518,989, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with this jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,047,108, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,090,039, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,195,204, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,244,208, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, as amended, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,213,792.

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,239,556.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,356,636, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,453,258, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,062,982, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,106,564, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

ELIMINATION OF SPECIAL RESERVE

SEC. 22. (a) It is the sense of the Senate that the funds authorized for any Senate committee by Senate Resolution 66, agreed to February 28, 1989, for the funding period ending on the last day of February 1991, any unexpended balance remaining after such last day shall be returned to the Treasury.

(b) It is the sense of the Senate that funds returned to the Treasury pursuant to subsection (a) should be reprogrammed and made available for the Headstart Program.

SEC. 23. STATE EQUITY

(a) Congress finds:

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each state under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each state under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of achieving the objectives set forth in subsection (b) of this section.

NATIONAL ENERGY SECURITY ACT OF 1991

BINGAMAN AMENDMENT NO. 19

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill (S. 341) to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes, as follows:

On page 153, line 21, amend the second sentence of section 10003(b) to read as follows: "The Commission shall permit the applicant to select a contractor from among a list of such individuals or companies determined by the Commission to be qualified for such work.".

On page 154, following line 2, insert the following:

"(c) ENVIRONMENTAL ASSESSMENTS.—Where an environmental assessment is prepared in connection with applications for authority to construct or operate facilities or projects under the Natural Gas Act or the Federal Power Act, the Federal Energy Regulatory Commission shall permit an applicant, or a contractor, consultant, or other person selected by the applicant, to prepare such environmental assessment. The Commission shall institute a procedure, including preapplication consultations to advise potential applicants of studies or other information forseeably required by the Commission, to facilitate the submission of such applicant-prepared environmental assessments as part of the application for authority to construct or operate facilities or projects under the Commission's jurisdiction. Upon receipt of the environmental assessment, the Commission shall make an independent assessment of the environmental issues and take responsibility for the scope and content of the environmental assessment.

"(d) EX PARTE RULES.—The Federal Energy Regulatory Commission, within 12 months of the date of enactment of this Act, shall amend its rules governing ex parte communications to clarify that the prohibitions contained in such rules do not apply to communications between the Commission's environmental staff and other Federal agencies that are cooperating agencies for purposes of compliance with section 2 and title I of the National Environmental Policy Act of 1969, and shall revise its rules governing ex parte communications in order to achieve greater clarity as to the scope of such rules."

On page 162, following line 3, insert the following:

UNOPPOSED APPLICATIONS

"SEC. 10009.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by:

(a) redesignating subparagraph (B) as subparagraph (C); and

(b) inserting after subparagraph (A) the following new subparagraph:

(B)(i) In any case not described in the proviso of subparagraph (A), the Commission shall file notice in the Federal Register of the proposed certificate of public convenience and necessity as soon as the required information in connection therewith has been received by the Commission. If no protest or objection has been filed in response to such notice within 60 days after publication of such notice, the certificate of public convenience and necessity shall be deemed to be issued.

'(ii) Within 90 days of the enactment of this subparagraph, the Commission shall institute a procedure for dealing expeditiously with protests which do not raise material issues of fact necessitating an evidentiary hearing.'."

On page 162, following line 3, insert the following:

CERTIFICATE NOT REQUIRED FOR REPLACEMENT FACILITIES

"SEC. 10010.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by adding at the end the following new subparagraph:

'(D) The term "facilities" as used in this section shall exclude facilities which constitute the replacement or repair of existing facilities which have or will soon become physically deteriorated or obsolete to the extent that replacement is deemed advisable, provided that such repair or replacement does not result in a reduction or abandonment of service rendered by means of such facilities, and provided that such replacement has substantially equivalent designed delivery capacity as the particular facilities being replaced.'."

On page 162, following line 3, insert the following:

CONCLUSIVE EVIDENCE OF NEED

"SEC. 10011.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by adding at the end thereof the following new subparagraph:

'(E) In such hearing under subparagraph (C), contractual commitments for firm natural gas service to be rendered utilizing the facilities proposed to be constructed or extended shall be conclusive evidence of the need for such proposed service and facilities and shall be sufficient to dismiss any claim of mutual exclusivity by another applicant.'."

On page 162 following line 3 insert the following:

PHASED CERTIFICATE PROCEDURES

"SEC. 10012.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by adding at the end thereof the following new subparagraph:

'(F) In such hearing under subparagraph (C), the Commission, where appropriate, may phase its consideration of issues raised in connection with the application and may issue an initial order containing preliminary findings with respect to such issues. Such initial order shall be subject to rehearing and court review under section 19 hereof. Notwithstanding the preliminary findings in such initial order, the issuance of a certificate of public convenience and necessity will be subject to a final order based upon the complete record of the hearing under subparagraph (C).'."

On page 162, following line 3, insert the following:

PROCEDURES FOR PRIORITY NATURAL GAS FACILITIES

"SEC. 10013.—Section 7 of the Natural Gas Act (15 U.S.C. 717f) is amended by adding at the end thereof the following new subsection:

'(i) PRIORITY NATURAL GAS FACILITIES.—(1) An applicant for a certificate of public convenience and necessity for authority to construct, or extend, and operate a natural gas facility may request designation of such proposed facility as a Priority Natural Gas Facility. Such request shall be made as part of the application for a certificate of public convenience and necessity.

'(2) The Commission shall provide public notice of the receipt of a request for designation as a Priority Natural Gas Facility and an opportunity for the filing of an application for a certificate of public convenience and necessity, and a request for designation as a Priority Natural Gas Facility, for a facility that may be competitive with or mutually exclusive of the facility proposed in the application noticed by the Commission.

'(3) The Chairman of the Commission, in consultation with the Secretary of Energy, may by order designate a proposed natural gas facility as a Priority Natural Gas Facility for purposes of instituting a procedure for limiting the duration of administrative procedures for the authorization of such facility and judicial procedures related to such actions. The Chairman shall issue an order designating a proposed natural gas facility as a Priority Natural Gas Facility or denying the applicant's request within 45 days of the close of the comment period specified in paragraph (2). Denial of a request for designation shall not constitute rejection of the application for a certificate of public convenience and necessity and shall not prejudice the Commission's consideration of such application. The Chairman shall designate a proposed natural gas facility to be a Priority Natural Gas Facility if the applicant has made a prima facie showing that natural gas delivered by the facility would—

'(A) reduce the Nation's dependence on imported oil;

'(B) facilitate the construction of needed electric generating capacity;

'(C) contribute to the achievement of environmental objectives;

'(D) contribute to the achievement of other defined national energy policy goals.

'Nothing shall preclude the Chairman from designating more than one competing application to be a Priority Natural Gas Facility if he so determines consistent with the criteria specified herein. A decision by the Chairman to designate or not to designate a proposed natural gas facility as a Priority Natural Gas Facility shall not be subject to judicial review.

'(4) Each federal agency required by law to issue a certificate, right-of-way, permit, lease, or other authorization for the construction and initial operation of a natural gas facility designated to be a Priority Facility under paragraph (3) shall issue a final decision or take such action at the earliest practicable date, but in no case later than 12 months after the date of the Chairman's designation order. Nothing in this subsection shall affect the Commission's responsibility to comply with the National Environmental Policy Act of 1969, nor shall this subsection be construed to mean that any Federal agency decision or action should be favorable or unfavorable toward a particular Priority Project.

'(5) Notwithstanding any other provision of law, the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over the actions of Federal officers or agencies taken pursuant to paragraph (4).'."

On page 162, following line 3, insert the following:

NONJURISDICTIONAL FACILITIES

"SEC. 10014.—(a) Section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)) is amended by adding the following at the end thereof: 'The Commission shall not infer any control or responsibility over these or other nonjurisdictional activities for purposes of carrying out its environmental responsibilities under this or any other Federal statute.'

(b) Section 1(c) of the Natural Gas Act (15 U.S.C. 717(c)) is amended by adding the following at the end thereof: 'The Commission shall not infer any control or responsibility over these or other nonjurisdictional activities for purposes of carrying out its environmental responsibilities under this or any other Federal statute.'."

• Mr. BINGAMAN. Mr. President, today I am introducing a series of amendments to the natural gas regulatory provisions of S. 341, the National Energy Security Act of 1991. These amendments complement the approach taken by the distinguished chairman of the Committee on Energy and Natural Resources, Senator JOHNSTON, and the distinguished ranking minority member, Senator WALLOP, in drafting title X of S. 341.

Natural gas is an abundant fuel that is available at reasonable prices. On an energy equivalent basis, natural gas sells at significant discount to oil. Over 90 percent of the natural gas consumed in the United States is produced domestically. Our neighbor to the north, Canada, supplies almost all natural gas consumed in the United States that is not produced here at home. Natural gas can displace imported oil in a variety of applications. Natural gas is our cleanest fossil fuel and can make an important contribution to cleaning up our environment. Natural gas can fuel the powerplants that we will need to bring on-line in the near future. Natural gas can make important contributions to achieving our Nation's energy and environmental policy goals. Consequently, we should make every effort to remove impediments to natural gas achieving its potential.

Regulatory delays in the approval of proposed natural gas pipeline facilities result in significant economic costs. These costs affect not only the sponsor of the proposed pipeline project, but also the customers that might be served by an enhanced supply of natural gas and the economy in general. In a paper delivered last November at the midyear meeting of the Federal Energy Bar Association, George Hall, a former member of the Federal Energy Regulatory Commission, attempted to quantify the costs associated with regulatory delay. These costs included the balance of payment costs from the importation of oil that could have been displaced by domestic natural gas; costs incurred by using a less efficient or more costly fuel; and environmental costs from using a more polluting fuel instead of natural gas. As a case study, Mr. Hall examined a proposed expansion of the Florida Gas Transmission System pipeline that took almost 4 years of proceedings at the FERC to win approval. Mr. Hall estimated that if the proceedings could have been cut short by 1 year, between $261 million and $195 million in economic and environmental costs could have been saved. In addition, balance of payments costs of $130 million could have been avoided. Mr. President, I ask unanimous consent that a copy of Mr. Hall's paper be reprinted in the RECORD.

In connection with oversight hearings last year, the staff of the Subcommittee on Environment, Energy and Natural Resources of the House

Committee on Governmental Operations estimated that it took the FERC an average of 693 days—almost 2 years—to process the contested major certificate applications that it eventually approved in 1990. In the FERC's defense, its record for approving certificate applications on a timely basis has been improving steadily over the past several years. Furthermore, some portion of the delays associated with certificate applications can be attributed to legal requirements outside of the FERC's control, incomplete applications filed by applicants, and the litigiousness of the parties to the FERC process. Also, the FERC has pending a rulemaking proceeding in which it is attempting to deal with these issues administratively.

My amendments to title X of S. 341 are directed toward streamlining the procedure under section 7 of the Natural Gas Act for the issuance of certificates of public convenience and necessity for the construction and operation of natural gas pipelines. While much of discussion regarding pipeline construction has focused on the creation of alternatives to the traditional section 7 procedure, I believe that in many circumstances pipeline companies will continue to use the traditional procedure. Consequently, some effort should be made to make the section 7 procedure work better. That is the point of the amendments that I introduce today. Let me briefly describe the amendments.

The first set of amendments addresses the process at the FERC for compliance with the National Environmental Policy Act—or NEPA. Section 10003(b) of S. 341 directs the FERC to permit, at an applicant's request, the preparation of environmental documents—that is, environmental impact statements and environmental assessments—by third-party contractors compensated by the applicant. As introduced, this section specified that the environmental contractor would be chosen by the FERC in its sole discretion. My amendment would amend section 10003(b) to provide that an applicant may select a contractor from a list of qualified contractors determined by the FERC.

Second, my amendment would add a new section 10003(c) directing the FERC to permit applicants, or contractors selected by applicants, to prepare environmental assessments—or EA's. In addition, this new subsection would direct the FERC to adopt procedures to facilitate the submission of applicant-prepared EA's as part of an application filed under the Natural Gas Act or the Federal Power Act.

Third, my amendment would add a new section 10003(d) directing the FERC to amend its rules governing ex parte communications. The FERC would be required to amend such rules to clarify that such rules do not apply to communications with other Federal agencies as part of the NEPA process. FERC would also be required to clarify the general scope of such ex parte rules in order to prevent the recurrence of controversies such as that which surrounded the FERC's consideration of the Iroquois pipeline application in 1990.

The next set of amendments would address the requirements under section 7 of the Natural Gas Act for the issuance of a certificate of public convenience and necessity to construct and operate an interstate natural gas pipeline. The first of these amendments would amend section 7(c)(1) of the Natural Gas Act to state that a certificate shall be deemed to be issued where no protest or objection to an application is received within 60 days of public notice. This amendment also directs the FERC to adopt a procedure for dealing expeditiously with protests that do not raise material issues of fact.

The second of these amendments would amend section 7(c)(1) of the Natural Gas Act to clarify that FERC authorization is not required for the replacement of pipeline facilities that have become physically deteriorated or obsolete. This would be conditioned on the fact that such replacement facilities not result in the reduction or abandonment of service or an increase in a pipeline's delivery capacity. As part of the FERC's pending rulemaking to amend its regulations governing certificate applications, the FERC issued an interim rule requiring at least 30 days notice for the replacement of facilities and proposed a rule to acquire certificate authority for such activities. The proposed amendment would codify section 2.55(b) of the FERC's regulations, which the FERC proposes to repeal as part of its pending rulemaking.

The third of these amendments would amend section 7(c)(1) of the Natural Gas Act to establish that contractual commitments for firm service utilizing the proposed pipeline facility shall be deemed conclusive evidence that there is a need for the proposed facility. Evidence of such contractual commitments shall be sufficient to dismiss any claim of mutual exclusively by another applicant. This deals with the so-called Ashbacker rule and the issue of the need to hold a comparative hearing in cases where mutually exclusive certificate applications are pending. The proposed amendment is not intended to alter the standard applied by the FERC under its optional certificate—or OC—regulations where the issues of a case-specific determination of need and the Ashbacker rule do not arise. In its OC regulations the FERC establishes as prerequisites for the issuance of an optional certificate that the applicant must bear the financial risk of the project and that any certificate issued shall be nonexclusive.

The fourth amendment codifies the so-called phase certificate procedure that the FERC has adopted administratively. This permits the FERC to use separate procedural tracks for the environmental and nonenvironmental issues associated with a certificate application. In this way, the FERC's preliminary consideration of economic and competitive issues associated with a certificate application are not delayed by the pendency of the environmental review. The FERC may issue an initial order containing preliminary findings with respect to all nonenvironmental issues. This order would be subject to rehearing. While such preliminary findings may support the FERC's ultimate approval of a proposed pipeline, the findings and a decision on whether to issue a certificate would remain subject to the completion of the environmental review. The FERC has found that the phasing procedure provides applicants with greater certainty for purpose of initiating financing efforts and contract negotiations at an early date. This ultimately can shorten the period of time between the filing of an application and the initiation of service.

The next amendment would amend the Natural Gas Act to add a new section 7(i). This new section would authorize a fast-track administrative procedure for the consideration of applications to construct priority natural gas facilities. The Chairman of the FERC, in consultation with the Secretary of Energy, would be authorized to make such a designation on the basis of a demonstration by the applicant that natural gas delivered using the proposed pipeline would displace imported oil, fuel electric generation, contribute to environmental compliance, or otherwise advance the achievement of other national energy policy objectives. The section would provide an opportunity for the filing and consideration of competing applications as part of the designation process.

Designation as a priority facility would not predetermine the issuance of a certificate under section 7 of the Natural Gas Act. It would merely trigger an expedited administrative procedure for the FERC's decision whether to issue a certificate and for decisions by other Federal agencies that must issue rights-of-way, permits and other authorizations as prerequisite to the construction and initial operation of the proposed pipeline. This expedited procedure would not affect the FERC's, or any other Federal agency's responsibility to comply with NEPA. Under the new section 7(i) final agency decisions on whether to grant such authorizations would have to be issued within 12 months of the Chairman's designation order.

My final amendment clarifies the scope of the FERC's responsibility for nonjurisdictional facilities and activities. This amendment proposes to amend section 1(b) and section 1(c) of the Natural Gas Act. These sections of the Natural Gas Act embody the statement of the FERC's natural gas jurisdiction under that statue. The purpose of this amendment is to curtail the scope of the FERC's environmental review of nonjurisdictional facilities that are constructed with, or related to, a jurisdictional project. A nonjurisdictional facility that is not itself a major federal action should be subject to FERC review under NEPA in only limited circumstances. In many cases, however, the FERC has required applicants to submit extensive documentation with regard to issues arising in connection with nonjurisdictional facilities. For example, in a case where an interstate pipeline sought a certificate to add delivery points for two distribution company customers, FERC required the submission of information on the State and local environmental reviews and permits for the small gas line extensions built by the tow distributor customers. This level of inquiry, and that proposed by the FERC in its pending rulemaking, exceed that required of the FERC under the public interest standard of the Natural Gas Act and the directive of NEPA. The requirements that the FERC imposes on applicants as part of the NEPA process are contrary to both case laws interpreting NEPA and the Council on Environmental Quality's guidelines implementing NEPA. Such requirements are burdensome and can greatly delay the consideration of a certificate application.

Mr. President, I ask unanimous consent that a summary of the amendments be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

AMENDMENTS TO TITLE X OF S. 341, THE NATIONAL ENERGY SECURITY ACT OF 1991.

1. ENVIRONMENTAL CONTRACTORS

Amend section 10003(b) to specify that an applicant may select a contractor to prepare environmental documents (environmental impact statements and environmental assessments) in connection with an application under the Natural Gas Act (NGA) or the Federal Power Act (FPA) from a list of such contractors determined by the Federal Energy Regulatory Commission (FERC) to be qualified to do such work. As introduced, section 10003(b) specified that such contractor shall be chosen by the FERC in its sole discretion.

2. ENVIRONMENTAL ASSESSMENTS

Amend section 10003 to add a new subsection (c) directing the FERC to: (i) permit an applicant, or a contractor selected by an applicant, to prepare an environmental assessment (EA); and (ii) adopt procedures to facilitate the submission of an applicant-prepared EA as part of the application submitted pursuant to the NGA or the FPA.

3. EX PARTE RULES

Amend section 10003 to add a new subsection (d) directing the FERC to amend its rules governing *ex parte* communications to clarify: (i) that such rules do not apply to communications with other Federal agencies as part of the NEPA process; and (ii) the general scope of such rules.

4. UNOPPOSED APPLICATIONS

Add a new section 10009 amending NGA section 7(c)(1) to provide that: (i) where no protest is received within 60 days of public notice of an application for a certificate of public convenience and necessity, the certificate shall be deemed to be issued; and (ii) the FERC shall institute a procedure for dealing expeditiously with protests that do not raise material issues of fact. Similar to section 2(e) of H.R. 779, the Natural Gas Enhancement Act of 1991.

5. REPLACEMENT FACILITIES

Add a new section 10010 amending NGA section 7(c)(1) to provide that the term "facilities" as used in NGA section 7 shall not include natural gas facilities that constitute the repair or replacement of existing facilities that have become physically deteriorated or obsolete provided that such activities do not result in the reduction or abandonment of service or an increase in delivery capacity. Similar to section 2(d) of H.R. 779.

6. CONCLUSIVE EVIDENCE OF NEED

Add a new section 10011 amending NGA section 7(c)(1) to provide that contractual commitments for firm service to be rendered utilizing proposed facilities shall be conclusive evidence of need and shall be sufficient to dismiss any claim of mutual exclusivity by another applicant.

7. PHASED CERTIFICATE PROCEDURES

Add a new section 10012 amending NGA section 7(c) to provide that the FERC may: (i) phase its consideration of issues raised in connection with an application for a certificate of public convenience and necessity; and (ii) issue an initial order containing preliminary findings with respect to such issues which order shall be subject to rehearing. The issuance of a certificate will remain subject to a final order based on the complete record of the proceeding. This section codifies the phased certificate procedure currently used by the FERC.

8. PROCEDURE FOR PRIORITY NATURAL GAS FACILITIES

Add a new section 10013 amending NGA section 7 to add a new section 7(i) to authorize the Chairman of the FERC, in consultation with the Secretary of Energy, to designate pipeline projects for fast track administrative and judicial review. Designation would be made on the basis of an applicant's *prima facie* showing of the proposed facility's potential to displace imported oil, fuel electric generation, contribute to environmental compliance, or further other national energy policy objectives. This procedure would expedite the certificate process, as well as the process for the issuance of other Federal authorizations for the construction and initial operation of a facility, but would not predetermine whether the certificate or other authorizations should be issued.

9. NONJURISDICTIONAL FACILITIES

Add a new section 10014 amending NGA sections 1(b) and 1(c) to clarify that the FERC shall not infer any responsibility or control over nonjurisdictional activities for purposes of carrying out its responsibilities under the NGA or other Federal laws. The amendment is intended to address the FERC's practice as part of the NEPA process of reviewing nonjurisdictional facilities that are constructed with, or related to, a jurisdictional project.●

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1991 AND 1992

CHAFEE AMENDMENT NO. 20

Mr. CHAFEE proposed an amendment to the resolution (S. Res. 62) supra, as follows:

At the appropriate place, add the following:

SEC. . No expenses authorized by this resolution for any committee shall be paid from the contingent fund of the Senate for any staff members in excess of the number of staff members authorized by such committee during the calendar year 1990, unless a committee or combination of committees employing 100 or more staff members has reduced the total number of their staff members by a number equal to the new staff members authorized so that the total number of staff members authorized by the committees funded by this resolution remains constant.

Provided, That if any committee with fewer than 100 staff positions certifies in writing to the Committee on Rules and Administration its need for additional staff pursuant to this resolution, the Committee on Rules and Administration shall have the power to reduce accordingly the committees with more than 100 staff positions to accommodate that request.

MILITARY RESERVISTS SMALL BUSINESS RELIEF ACT

BUMPERS AMENDMENT NO. 21

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes, as follows:

At the appropriate place in the bill (page 7, line 7) insert the following at the end of section 7(m)(1):

"*Provided*, That such qualified borrower demonstrates that the absence of the eligible reservist to active duty has had, or is likely to have, an adverse economic impact on the qualified borrower.".

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1991 AND 1992

SIMPSON (AND OTHERS) AMENDMENT NO. 22

Mr. SIMPSON (for himself, Mr. DOLE, Mr. THURMOND, Mr. COCHRAN, Mr. HELMS, Mr. BROWN, Mr. SMITH, Mr. DURENBERGER, Mr. BURNS, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. COATS, Mr. LOTT, Mr. WALLOP, Mr. SPECTER, Mr. SYMMS, and Mr. MCCAIN) proposed an amendment to the resolution (S. Res. 62) supra, as follows:

At the appropriate place add the following:

None of the expenses of any committee or subcommittee shall be paid from the contingent fund of the Senate for any hearing which has not been certified prior to such hearing by the Chairman, after consultation with the ranking minority member of such committee or subcommittee, that such hearing is in compliance with rule XXVI.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 28, 1991, to receive testimony on S. 341, the National Energy Security Act of 1991, title XI concerning provisions pertaining to corporate average fuel economy [CAFE].

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, February 28, 1991, to hold hearings on mercenaries and drug cartels.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the nomination of Charles Cragin to be the Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, on Thursday, February 28, 1991, in the reception room just off the Senate floor, after the first rollcall vote occurring that day.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session during the session of the Senate on Thursday, February 28, 1991, at 2 p.m. to receive testimony on the fiscal year 1991 supplemental request for Operation Desert Storm.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on February 28, 1991, at 2 p.m. on S. 173, modified final judgment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 28, at 2 p.m. to hold a hearing on the promotion and protection of human rights.

The PRESIDING OFFICER. Without objections, it is so ordered.

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer and Regulatory Affairs of the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate, Thursday, February 28, 1991, at 10 a.m. to conduct a hearing on the impact of the secondary market and private mortgage insurers on community reinvestment lending and on mortgage discrimination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 28, 1991, at 1:30 p.m. on the nomination of J.J. Simmons of Oklahoma to be a member of the Interstate Commerce Commission [ICC].

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 28, at 10 a.m. to hold a hearing on Soviet disunion: The American response.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 28, 1991, at 9:30 a.m. on the nomination of Stanford E. Parris of Virginia to be administrator of the St. Lawrence Seaway Development Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL HOSPICE MONTH

• Mr. PACKWOOD. Mr. President, it gives me great pleasure to be an original cosponsor, in conjunction with Senator BENTSEN and Senator HEINZ, of a joint resolution designating November 1991 and 1992 as "National Hospice Month." I have offered similar resolutions since 1984, and each has received enthusiastic bipartisan support.

Since the concept of hospices was first introduced 17 years ago, hospice programs have continued to expand throughout our country. Today there are thousands of hospice programs nationally, ranging in type from those based in hospitals or home-care programs to those based in community-wide programs.

No matter where hospice services are provided, they all share a basic philosophy for providing care to terminally ill patients—one that emphasizes love and compassionate support over medical solutions so that individuals may live as fully and comfortably as possible through their final illness.

Hospice care has changed the way we handle terminally ill patients in four basic ways. First, hospice promotes providing a broad array of services to the individual at home. These services address the emotional, psychological, and spiritual needs of patients as well as their health care needs. Second, a multidisciplinary team approach is used to plan and provide the care needed to help individual patients. Third, personal dignity and comfort guide the use of medical care to manage pain and control the symptoms of disease. Fourth, the family is recognized as a key participant in an individual's illness.

Many thousands of individuals and their families have been gently guided through a critical period by hospice workers and volunteers. I think hospice has helped to add back the "human" element in medical care. And the family is more actively involved in decision making, recognizing their role as support givers during a loved one's illness.

Last December, I visited Hospice House in Portland. I was very moved by the plight of a woman I met who had been given only 5 or 6 days to live. I was also quite impressed by the magnificent staff, who tenderly cared for her and helped me to share a little time with this woman.

Hospice programs in Oregon are firmly established as one part of the health care delivery system. The Oregon Hospice Association has been coordinating programs throughout the State since 1985. They have done an excellent job. They are also poised to grow into the next decades. OHA and other hospice advocates, are currently looking to provide services to new populations who do not know of hospice programs, such as Hispanics and people in rural areas.

I hope that this resolution will spark renewed interest and awareness of hospice programs throughout the country. I encourage all of my colleagues to support this resolution.•

TRANSPORTATION/AASHTO RESOLUTIONS

• Mr. SYMMS. Mr. President, I direct my colleagues' attention to two policy resolutions recently adopted by the policy committee of the American Association of State Highway and Transportation Officials [AASHTO]. AASHTO is the national organization representing highway departments and transportation officials in the 50 States, the District of Columbia, and Puerto Rico.

The first of these resolutions requests Congress to pass a Surface Transportation Reauthorization Act that will extend for a 4-year period. The States realize the importance of good highways to their economic health and desire an increase in Federal funding to each State and at least an 85-percent Federal share payable for highway projects eligible for Federal aid.

The second resolution asks Congress to commit all highway tax revenues to the highway trust fund. In its closing session last fall, the 101st Congress increased motor fuel taxes by 5 cents per gallon as a means to reduce the deficit. Since 1956, motor fuel tax has been used to build and maintain this Nation's transportation system only. Last year, however, this keystone of our highways program was shattered when Congress gave one-half of the tax increase to the general fund instead of the highway trust fund. This action created a dangerous precedent for future highway funding and should be reversed. I congratulate the members of AASHTO and its policy committee for adopting these important resolutions and sending them to Members of Congress. I hope Congress will heed this plea for wise and timely policy decisions affecting the Nation's surface transportation programs.

I ask that the text of the resolutions be printed in the RECORD following by remarks.

The resolutions follow:

POLICY RESOLUTION PR-9-9

SURFACE TRANSPORTATION REAUTHORIZATION LEGISLATION

Whereas, the Surface Transportation and Uniform Relocation Assistance Act of 1987 will expire on September 30, 1991, and Federal support for highway and public transportation programs vital to the economic future and overall goals of the United States and its people will terminate unless appropriate action is taken by the 102nd Congress and the Administration; and

Whereas, the 101st Congress in its closing session took an important, highly commendable step toward providing more adequate support for America's highways when it increased the highway obligation ceiling to $14.5 billion for fiscal year 1991, resulting in an overall Federal-aid highway program funding level of $16.2 billion; and

Whereas, in sense of Congress resolution accompanying the 1990 budget reconciliation Act the members of the 101st Congress commendably stated that all highway user taxes should be dedicated to meeting the Federal share of our country's vital transportation needs, and that "adequate funding of transportation is a key component of a national strategy for economic growth;" and

Whereas, the Secretary of Transportation has taken the leadership to prepare a draft measure, and is working with the Administration to produce Surface Transportation Legislation for submittal to the 102nd Congress.

Now, therefore, the Board of Directors/Policy Committee of the American Association of State Highway and Transportation Officials, meeting in Pheonix, Arizona on December 9, 1990, does hereby:

1. Call upon the leadership of the 102nd Congress that will convene in January, 1991 to make passage of a Surface Transportation Reauthorization Act of at least four years duration a topmost priority during its first session, as an Act vitally necessary to help meet the nation's transportation needs and as a "key component of a national strategy for economic growth."

2. Advise the Congress and the Administration that two primary concerns of States in surface transportation legislation are increasing Federal funding to each State and providing for not less than an 85 percent Federal share payable for highway projects eligible for Federal aid.

3. Request that the 102nd Congress and the Administration take into consideration the recommendations of the AASHTO Report "New Transportation Concepts for New Century" as they develop and enact a Surface Transportation Reauthorization Act in 1991, and in particular that the Act be at least four years in duration, and reach the level of federal funding for highways and public transportation identified and fully supported in the "New Transportation Concepts" report, those levels being as follows:

[In billions of dollars]

	Federal highway funding	Federal transit capital funding[1]
Fiscal year:		
1992	17.6	3.5
1993	19.6	4.0
1994	22.7	4.5
1995	25.9	5.0

[1] It is noted that necessary operating assistance funds of approximately $0.8 billion per year are not included in this table.

These levels should be funded by fully utilizing the resources in the Highway Trust Fund and the Transit Capital Funding from the General Fund, including utilizing those provisions spelled out in Resolve 5. With these provisions fully utilized no new taxes would be required to achieve these levels. Funding for transit will require continuation of at least the present level of funding from the General Fund.

4. Request the Administration to complete and transmit to the 102nd Congress, in conjunction with the President's fiscal year 1992 budget, its proposed Surface Transportation Reauthorization legislation.

5. Request that the 102nd Congress act to fund the program set forth in Resolve 3 by fully utilizing the resources in the Highway Trust Fund for America's surface transportation system, and that it implement the four provisions of the sense of Congress resolution included in the 1990 budget reconciliation Act by:

Enacting legislation providing that any increase in motor fuel excise taxes that are deposited in the Highway Trust Fund shall be available for surface transportation purposes;

Enacting budget authority and outlays attributable to the increase in deposits into the Highway Trust Fund as a result of any increases in motor fuels taxes through implementation of the 1990 budget reconciliation Act;

Enacting legislation reaffirming the principle that highway motor fuel taxes should be deposited in the Highway Trust Fund, and placing revenue from the 2.5 cent highway motor fuel tax now going to the General Fund into the Highway Trust Fund; and

Enacting legislation providing that to the extent the highway motor fuel taxes are used for deficit reduction during the 5-year period beginning with fiscal year 1991, the Congress should return to the dedicated user fee principle as soon as possible but no later than the end of fiscal year 1995; be it further

Resolved, That the Association's Executive Director be requested to provide copies of this policy resolution to the members of Congress and the Administration, on behalf of the departments of highways and transportation in the 50 states, the District of Columbia and Puerto Rico that comprise AASHTO.

POLICY RESOLUTION PR-10-90

TITLE: RESTORATION OF TRANSPORTATION USER FEES FOR TRANSPORTATION NEEDS

Whereas, the 101st Congress in its closing session enacted the 1990 budget reconciliation Act that increased motor fuel taxes by five cents per gallon, a source of revenue drawn from America's motorists and trucks that use our highways and which since 1956 has been dedicated solely to improving transportation in the nation; and

Whereas, in taking this action the 101st Congress violated the long established concept of using highway user taxes only for transportation, when it placed one-half of the revenue to be generated by the five cent tax increase into the general fund to directly reduce the deficit, leaving only the other half to be deposited into the Highway Trust Fund; and

Whereas, while the some $2.5 billion additional revenue per year that will flow to the Highway Trust Fund because of this deposit of one-half of the five cent tax increase is badly needed to improve the safety and sufficiency of the nation's transportation system, the 1990 budget reconciliation Act enacted by the 101st Congress did not make any of this new revenue available for fiscal year 1992 through 1995 and instead is therefore indirectly also using it for deficit reduction purposes; and

Whereas, the current level of federal support for the nation's highway and public transportation systems are inadequate to meet rehabilitation needs to ensure the safety of the traveling public, to begin solving congestion and rural access problems, to conduct adequate transportation research programs, and to keep America competitive in a world economy that is demanding more, not less, mobility for people and freight; and

Whereas, in a sense of Congress resolution accompanying the 1990 budget reconciliation Act the members of the 101st Congress commendably recognized that all highway user taxes should be dedicated to meeting the federal share of our country's vital transportation needs, and that "adequate funding of transportation is a key component of a national strategy for economic growth;" and

Whereas, the 101st Congress in the 1990 budget reconciliation Act also raised the taxes which support the Airport and Airway Trust fund by 25 percent, but diverted the tax revenue from this Trust Fund to the general fund through fiscal year 1993 to directly reduce the deficit; and

Whereas, AASHTO agrees with the majority of Americans that the federal deficit problem is an emergency situation that requires emergency action, we also believe that Congress should not try to solve the deficit emergency by creating another emergency in transportation.

Now, therefore, the Board of Directors/Policy Committee of the American Association of State Highway and Transportation Officials, meeting in Phoenix, Arizona on December 9, 1990, does hereby request that the 102nd Congress:

1. Act to restore public trust in the federal highway and aviation trust funds, by ending all diversion of transportation tax revenue into the general fund and restoring such revenue to the respective transportation trust funds.

2. Enact transportation funding legislation that will draw down the balances in the transportation trust funds in an orderly manner, and end the indirect usage of such balances for deficit reduction purposes.

3. Enact legislation to remove the Highway Trust Fund and the Airport and Airway Trust Fund from the general fund budget and establish the Trust Funds permanently, to make the federal government a reliable and predictable partner with state and local governments in assuring a sound, properly financed American transportation system that will support "a national strategy for economic growth" through the 1990s and beyond; be it further

Resolved, That the Association's Executive Director be requested to provide copies of this policy resolution to the members of Congress and the Administration, on behalf of the departments of highways and transportation in the 50 states, the District of Columbia and Puerto Rico that comprise AASHTO.●

TRIBUTE TO NATIONAL JEWISH CENTER FOR IMMUNOLOGY AND RESPIRATORY MEDICINE

● Mr. WIRTH. Mr. President, I rise today to pay tribute to the National Jewish Center for Immunology and Respiratory Medicine. National Jewish was founded in 1899 by a group of Denver philanthropists to care for tuberculosis patients. Today, it is arguably the world's leading institution for the research and treatment of lung disease and immune system disorders.

Best known for its work in the area of asthma, interstitial lung disease and emphysema, National Jewish has received an international reputation. Approximately 1,200 people spend an average of 22 days in the center's 100 bed hospital a year. In addition, 20,000 outpatients a year receive care at National Jewish. These are truly remarkable figures. Also impressive is National Jewish's research program. More than $25 million of the center's $65 million budget is spent on research. Almost all of the 100 physicians at the center are involved in some type of research.

National Jewish has demonstrated a great deal of interest in the role that environmental pollutants play on individuals that suffer from lung disease. The president of National Jewish, Michael Schonbrun, chaired the Metropolitan Air Quality Council of Denver from 1985 to 1989. The council received nationwide attention for substantially reducing Denver's "brown cloud" and carbon monoxide levels. Currently, National Jewish is involved in establishing the National Research Center for Environmental Lung Disease; I support and commend their efforts in this endeavor.

In closing, Mr. President, I would like to take this opportunity to recognize National Jewish Center for Immunology and Respiratory Medicine for their immense contribution to the treatment and research of lung disease and immune system disorders; and, I extend my best wishes for future success.●

GOODWILL AMBASSADOR FOR U.S. AGRICULTURE

● Mr. PRYOR. Mr. President, recently the Department of Agriculture published its 1990 Yearbook of Agriculture.

This publication, a very popular one in my State, chose to cite the accomplishments of a number of Americans who have contributed to the diversity of this important sector of our economy.

Carmen and Wayne Jorgensen of Dover, AR, were among those highlighted. I would like to share with my colleagues the excerpts from the 1990 yearbook that deal with the contributions that this dedicated couple have made to the American pork industry.

The excerpts follow:

CARMEN JORGENSEN: GOODWILL AMBASSADOR FOR U.S. AGRICULTURE

(By Denice A.G. Gray, Communications Specialist, University of Arkansas Cooperative Extension Service, Little Rock, AR)

She is not a hog farmer, but she is no stranger to hogs.

She has farrowed sows alongside her husband. She has paid her dues to farming with calluses and sleepless nights worrying over finances.

Her contribution to agriculture today is that of bookkeeper and market forecaster, but promoting agriculture is what puts a sparkle in her eye.

Carmen Jorgensen of Dover, AR, is unique.

Attractive, articulate, and savvy, Carmen knows the ropes. Her blue eyes are direct and her voice is a well-modulated marriage of Southern and Midwestern dialects.

Carmen is as much at home in an airplane going to Hong Kong as on the farm. She has represented U.S. agriculture and women in agriculture in both Europe and the Far East.

It does not seem likely that the portals of world travel lie in a small Ozark foothills community, yet that is where Carmen started her career as a professional woman of the land.

ESTABLISHING A NAME

Reared on a farm in Iowa, Carmen met Wayne Jorgensen just as she started a teaching career. Seven months later they married. The Jorgensens have been perfecting a partnership of complements for 33 years.

The foundation of their current success was built 20 years ago when Carmen, Wayne, and their two children, Sonja and Wade, then 12 and 10, respectively, moved to Dover. By then Carmen had retired from teaching.

And she had begun trading commodities futures on the Chicago Mercantile Exchange.

After establishing themselves on a swine farm with related business enterprises, the Jorgensens became active in the Arkansas pork industry. A former army cook, Wayne won the 1978 national pork cookoff contest in Seattle, WA. (To this day, the Jorgensens served barbecued pork to attendees of Ozark Memory Days, a local celebration.) For a while Wayne was the Arkansas director for the National Pork Producers Council and Carmen was the president of the National Pork Council for Women.

The 1980's were a time of change and Carmen was in the forefront. The name Porkettes was no longer acceptable. Carmen was instrumental in getting it changed to the National Pork Council for Women.

If Carmen was heavily involved, so was her family—because family unity is important to her. Sonja was crowned Pork Industry Queen in 1976. Both Sonja and Wade were national 4-H winners in the swine project area.

Active in 4-H activities, Carmen also edited Arkansas Pork Producer magazine, which included selling advertisements as well as writing, addressing, wrapping, sorting, and mailing each issue.

Throughout the family's involvement, Carmen learned the art of networking.

"I take advantage of the opportunities given me," she says. "I get to know people. At any meeting I don't just say hello and goodbye; I want to know who I'm sitting by. Acquaintances are valuable.

ACQUAINTANCES PAY OFF

Carmen has served on the National Advisory Committee on Meat and Poultry Inspection. Her time spent on State and other national boards has led her into conversations with Members of Congress, lobbyists, and USDA employees.

She was one of the few ambassadors of good will named by the Secretary of Agriculture. As such she traveled to Europe in 1984 and to Japan, Korea, China, and Hong Kong the following year.

Carmen revealed some of her philosophy in an address in Verona, Italy, in 1986, when she represented the farm women of North America at a conference organized by the International Federation of Business and Professional Women. Carmen pointed out the professionalism inherent in a farm woman's work:

Farm women, she says, have organized to draw greater attention to their own roles, to educate consumers about agriculture, and to lobby on behalf of their family farms. The farm woman has a career focus—the farm and its development. There is an opportunity to expand her role on the farm to whatever she wants it to be. Professionalism, then, is inherent to the position of farm woman.

If "professional" is a key word in Carmen's life, then her home office exemplifies it, fax machine and all. She spends many hours in that office. Her foreign travels are over, at least for now. She will tell you that one of her main regrets is that there are not enough hours in the day to accomplish all she wants to do.

Not only is there the swine operation that encompasses some 400 acres and sells 10,000 to 12,000 head a year. There is also the gift shop the Jorgensens purchased, appropriately named the Copper Pig. Carmen and daughter Sonja have parlayed their flair for interior design—along with Carmen's network of foreign and domestic acquaintances—into a successful operation. Recently they opened another store.

Timing has been everything in Carmen's life. She knows the ropes, and she knows how to make the system work for her.●

NEED FOR THE MEMORANDUM OF UNDERSTANDING REMAINS

• Mr. SYMMS. Mr. President, in 1986, the Memorandum of Understanding [MOU] was signed by the United States and Canada. It was signed due to dumping of subsidized Canadian timber into United States markets. These imports enabled Canadian producers to drive hundreds of United States mills out of business and to eliminate thousands of jobs in the domestic timber industry.

Domestic producers successfully filed a countervailing duty case and instead of collecting the fee when Canadian timber crossed the border into the United States, the industry settled for an MOU which permitted Canadian timber exporters to avoid the 15-percent duty and allowed the Canadian Government to collect the proceeds itself.

There have been recent efforts by the Canadians to renegotiate the 15-percent surtax on lumber exports to the United States. We cannot stand by and allow subsidized timber back into the United States.

Without the MOU, domestic producers are at a severe disadvantage. In the United States, producers must bid competitively for nearly all government and privately owned timber. This is in sharp contrast to the Canadian system where over 90 percent of Canadian timber is owned by national and provincial governments.

Mr. President, how can the producers in my State compete with the producers of British Columbia where approximately 85 percent of the province's timber is managed by the Provincial Ministry of Forests, whose mission is "to provide maximum economic and social benefits to all British Columbians"?

In 1986, when the MOU was under discussion in the Finance Committee, I was the determining vote on whether or not to pursue this agreement. Former President Reagan gave me his personal word that the MOU would not be included in any Free Trade Agreement negotiations so that timber interests would be protected.

The MOU has leveled the playing field by offsetting the value of Canadian subsidies. It has benefited U.S. timber interests and increased the market share.

The agreement does not require Canadian producers to put into place a market system, although a competitive bidding system would be most beneficial. Canadian firms can still retain access to government timber at below-market rates. The MOU only asks the Canadian Government to collect the fee themselves in good faith.

What I find upsetting about the Canadians trying to withdraw from the agreement is that they have previously tried to circumvent their obligations under the MOU in several ways.

Certain firms have failed to pay the full export tax or have misclassified lumber exports as other wood products. The interesting note about misclassification is that in 1986, after the agreement was signed, there was a significant increase in remanufactured wood product exports into the United States. These products are not subject to the 15-percent surtax.

Mr. President, free and fair trade which is based on competitive pricing would be ideal for the timber industry. I am confident the producers in my State can compete effectively with Canadian producers, or with anyone else for that matter, provided it is a level playing field. As long as provincial government intervention continues, however, the MOU is absolutely necessary.

The Memorandum of Understanding has served its purpose of bringing competition back to the timber industry. As we enter negotiations for a North America Free Trade Zone, it is imperative that we do not begin by giving up on agreements such as the MOU which have benefited U.S. industries that need and deserve a level playing field.•

RULES OF THE COMMITTEE ON THE BUDGET

• Mr. SASSER. Mr. President, pursuant to rule XXVI(2) of the Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on the Budget for the 102d Congress as adopted by the committee today.

The rules of the committee follow:

RULES OF THE COMMITTEE ON THE BUDGET, ONE HUNDRED SECOND CONGRESS

I. MEETINGS

(1) The Committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) Will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) Will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) Will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) Will disclose the indentity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) Will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) An act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) The information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

II. QUORUMS

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: *Provided*, That proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: *Provided*, That proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chairman and ranking minority member determine that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of his proposed testimony at least 1 day prior to his appearance, unless the requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.•

RULES OF THE COMMITTEE ON APPROPRIATIONS

• Mr. BYRD. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit the Rules of the Committee on Appropriations.

The rules follow:

COMMITTEE ON APPROPRIATIONS RULES

(Adopted pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate)

I. Meetings—

The Committee will meet at the call of the Chairman.

II. Quorums—

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. Proxies—

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. Attendance of staff members at closed sessions—

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. Broadcasting and photographing of Committee hearing—

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. Availability of subcommittee reports—

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. Amendments and report language—

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. Points of order—

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.•

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

• Mr. PELL. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the CONGRESSIONAL RECORD the rules of the Committee on Foreign Relations for the 102d Congress adopted by the committee on February 28, 1991.

The committee rules follow:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 28, 1991)

RULE 1—JURISDICTION

(a) Substantive.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Acquisition of land and buildings for embassies and legislations in foreign countries.

(2) Boundaries of the United States.

(3) Diplomatic service.

(4) Foreign economic, military, technical, and humanitarian assistance.

(5) Foreign loans.

(6) International activities of the American National Red Cross and the International Committee of the Red Cross.

(7) International aspects of nuclear energy, including nuclear transfer policy.

(8) International conference and congresses.

(9) International law as it relates to foreign policy.

(10) International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

(11) Intervention abroad and declarations of war.

(12) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

(13) National security and international aspects of trusteeships of the United States.

(14) Ocean and international environmental and scientific affairs as they relate to foreign policy.

(15) Protection of United States citizens abroad and expatriation.

(16) Relations of the United States with foreign nations generally.

(17) Treaties and executive agreements, except reciprocal trade agreements.

(18) United Nations and its affiliated organizations.

(19) World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) Oversight.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) "Advice and Consent" Clauses.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration at the discretion of the Chairman or by vote of majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than three subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Additional Meetings.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) Minority Request.—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) Public Announcement.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee's staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) Staff Attendance.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) Testimony.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting or quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) Business.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) Reporting.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

RULE 6—WITNESSES

(a) General.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) Presentation.—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) Filing of Statements.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposal testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is a good cause for failure to file such a statement.

(d) Expenses.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) Requests.—Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) Authorization.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) Return.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving two hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) Depositions.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) Filing.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) Supplemental, Minority and Additional Views.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) Rollcall Votes.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) Waiting Requirement.—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) Public Consideration.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) Required Data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the four preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) Foreign Travel.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee.

When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the Committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose.

(b) Domestic Travel.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) Personal Staff.—As a general rule, one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

RULE 12—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) Classified or Restricted Transcripts.—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed two weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, D.C., unless adequate assurance for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts:

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction of dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) Declassification.—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee; and

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the office designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered, shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff shall undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) Responsibilities—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) Restrictions.—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group.

(ii) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(iii) Staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) Status.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) Amendment.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the Committee which are based upon Senate rules may not be superseded by Committee vote alone.•

RULES OF THE SELECT COMMITTEE ON ETHICS

• Mr. HEFLIN. Mr. President, Senator RUDMAN joins me to ask that, in accordance with rule XXVI of the Standing Rules of the Senate, the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and amended on December 21, 1989, be printed in the CONGRESSIONAL RECORD for the 102d Congress, 1st session.

The material follows:

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

Subpart A—S. Res. 338 as amended

S. Res. 338, 88th Cong., 2d Sess. (1964)[1]

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the standing rules for the Senate at the beginning of each Congress. For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the Members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Con-

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Footnotes at end of article

duct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the Majority Party and one Member of the quorum is a Member of the Minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.[2]

[3]"(d)(1) A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto. For purposes of this subparagraph, a Member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 11 of rule XXXVII of the Standing Rules of the Senate.

"(2) A member of the Select Committee may, at his discretion, disqualify himself from participating in any initial review or investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disqualification shall be given in writing to the President of the Senate.

"(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any initial review or investigation or disqualifies himself under paragraph (2) from participating in an initial review or investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such initial review or investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself."

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action (including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and, in the case of an officer or employee: suspension or dismissal)[5] to be taken with respect to such violations which the Select Committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred.

(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to ensure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

"(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the Select Committee may prescribe by regulation, and shall be under oath.

"(2) For purposes of this section, 'sworn complaint' means a statement of facts within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

"(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

"(4) For the purposes of this section, 'investigation' is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(c)(1) No investigation of conduct of a Member or officer of the Senate, and no report, resolution, or recommendation relating thereto, may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

"(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee, voting.

"(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall report such determination to the complainant and to the party charged together with an explanation of the basis of such determination.

"(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical or otherwise of a de minimus nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

"(4) If as a result of an initial review under paragraph (1), the Select committee determines that there is such substantial credible evidence but that the violation, if proven, is neither of a de minimus nature nor sufficiently serious to justify any of the penalties expressly referred to in subsection (a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Select Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

"(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial creditable evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in subsection (a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(6) Upon the conclusion of any other investigation respecting the conduct of a Member or officer undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the complainant and the accused of its determination, together with an explanation of the basis of such determination.

"(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor select Committee.

"(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints.[6]

[7](i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

SEC. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners,[8] and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermitent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.[9]

[10](b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

“(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

[11](c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

“(d) Subpoenas may be issued (1) by the Select Committee or (2) by the chairman and vice chairman, acting jointly. Any such subpoena shall be signed by the chairman or the vice chairman and may be served by any person designated by such chairman or vice chairman. The chairman of the Select Committee or any member thereof may administer oaths to witnesses.[12]

[13]“(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

“(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

“(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

“(4) The Select Committee may in its discretion render an advisory opinion in writing within a resonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

“(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

“(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

“(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

“(8) A brief description of a waiver granted under paragraph 2(c) of rule XXXIV or paragraph 1 of rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term “office or employee of the Senate” means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

Subpart B—Public Law 93–191—Franked Mail, provisions relating to the Select Committee

SEC. 6. (a) The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisons under this subsection providing for equitable procedures and the protection of individual, public, and government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

Subpart C—Standing orders of the Senate regarding unauthorized disclosure of intelligence information, S. Res. 400, 94th Congress, provisions relating to the Select Committee

Sec. 8. * * *

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be closed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct, determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

Subpart D—Public Law 95-105, section 515, relating to receipt and disposition of foreign gifts and decorations received by Members, officers and employees of the Senate or their spouses or dependents, provisions relating to the Select Committee on Ethics

SEC. 515. (a)(1) Section 7342 of title 5, United States Code, is amended to read as follows:

§7342. Receipt and disposition of foreign gifts and decorations.

"(a) For the purpose of this section—

"(6) 'employing agency' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e), and (g)(2)(B) shall be carried out by the Clerk of the House;

"(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate;

"(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

"(D) the department, agency office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

"(b) An employee may not—

"(1) request or otherwise encourage the tender of a gift or decoration; or

"(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

"(c)(1) The Congress consents to—

"(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

"(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

"(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

"(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

"(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

"(A) deposit the gift for disposal with his or her employing agency or;

"(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e).

"(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

"(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use or forwarding to the Administrator of General Services for disposal in accordance with subsection (e).

"(e) Gifts and decorations that have been deposited with an employing agency for disposal shall be (1) returned to the donor, or (2) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

"(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

"(2) Such listings shall include for each tangible gift reported—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance;

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

"(D) the date of acceptance of the gift;

"(E) the estimated value in the United States of the gift at the time of acceptance; and

"(F) disposition or current location of the gift.

"(3) Such listing shall include for each gift of travel or travel expenses—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance; and

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

"(4) In transmitting such listing for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

"(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

"(2) Each employing agency shall—

"(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

"(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

"(C) take any other action necessary to carry out the purpose of this section.

"(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

"(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

"(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

"(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies."

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1978.

PART II: SUPPLEMENTARY PROCEDURAL RULES

135 Cong. Rec. S2933 (daily ed. Mar. 17, 1989), amended Dec. 21, 1989

Rule 1. General Procedures

(a) OFFICERS: The Committee shall select a Chairman and a Vice Chairman from among its members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee, constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 6 and any deposition taken outside the presence of a Member under Rule 7, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commerce a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision, a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions of recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) The member's own conduct;

(B) The conduct of any employee or officer that the member supervises, as defined in paragraph 11 of Rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a member, or by any employee or officer that the member supervises.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in graph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority

vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any initial review, investigation, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(5).

(5) Whenever a member of the Committee ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate, to serve as a member of the Committee solely for the purposes of that proceeding.

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At this direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES: Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the isuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV, and to approve or disapprove foreign travel requests which require immediate resolution.

(o) COMMITTEE USE OF SERVICE OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

Rule 2: Procedures for Sworn Complaints

(a) SWORN COMPLAINTS: Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) FORM AND CONTENT OF COMPLAINTS: A complaint filed under paragraph (a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and position or title of each Member, officer, or employee of the Senate who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including if possible, the specific provision of the Senate Code of Official Conduct or other law, rule, or regulation alleged to have been violated.

(4)(A) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(B) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(C) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) PROCESSING OF SWORN COMPLAINTS:

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with paragraph (b) of this rule.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with the requirements of paragraph (b), the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with Rule 3.

(3) A sworn complaint against any Member, officer, or employee of the Senate that is determined by the Committee to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date upon which the complaint, was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the Rules of the Committee shall be supplied with the notice.

Rule 3: Procedures on Receipt of Allegations Other Than a Sworn Complaint, Preliminary Inquiry

(a) UNSWORN ALLEGATIONS OR INFORMATION: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have—

(1) violated the Senate Code of Official Conduct;

(2) violated a law;

(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate; or

(4) engaged in improper conduct which may reflect upon the Senate. Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCES OF UNSWORN ALLEGATIONS OR INFORMATION: The information to be reported to the Committee under paragraph (a), may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2;

(2) anonymous or informal complaints, whether or not satisfying the requirements of Rule 2;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) PRELIMINARY INQUIRY:

(1) When information is presented to the Committee pursuant to paragraph (a), it shall immediately be transmitted to the Chairman and the Vice Chairman, for one of the following actions:

(A) The Chairman and Vice Chairman, acting jointly, may conduct or may direct the Committee staff to conduct, a preliminary inquiry.

(B) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken. (See paragraph (d).)

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Chairman and Vice Chairman deem appropriate to obtain information upon which to make any determination provided for by this Rule.

(3) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (See paragraph (d).)

(4) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations of information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (See paragraph (d).)

(5) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman. The sixty day period may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman have made the determination required by subparagraphs (3) and (4) of this paragraph.

(d) Determination Whether To Conduct an Initial Review: When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when—

(A) there is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) there is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within thirty days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within thirty days, unless, this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted because (a) there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (b) the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4)(A) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(B) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(C) The notice required under subparagraph (B) shall include a general statement of the information of allegations before the Committee and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the Rules of the Committee shall be supplied with the notice.

(5) If a member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the member may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f). The Committee may adopt such a motion by majority vote of the full Committee.

Rule 4: Procedures for Conducting an Initial Review

(a) Basis for Initial Review: The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) Scope of Initial Review:

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) An initial review may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Committee deems appropriate to obtain information upon which to make any determination provided for by this Rule.

(c) Opportunity for Response: An initial review may include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) Status Reports: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(e) Final Report: When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee on findings and recommendations.

(f) Committee Action: As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, 88th Congress, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four members, that there is such substantial credible evidence, and also either:

(A) that the violation, if proved, would be sufficiently serious to warrant imposition of one of the severe disciplinary actions listed in paragraph (3); or

(B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in paragraph (3). In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5.

Rule 5: Procedures for Conducting an Investigation

(a) Definition of Investigation: An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) Scope of Investigation: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any known respondent who is the subject of an investigation. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. The notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate.

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) REPORT OF INVESTIGATION:

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four members of the Committee.

(3) Promptly, after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

Rule 6: Procedures for Hearings

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(e).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with a paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS: The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7.)

(e) NOTICE OF HEARINGS: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by majority vote, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) of the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness' scheduled appearance, a witness or a witness' counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness' counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(7) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

Rule 7: Subpoenas and Depositions

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time before a preliminary inquiry, for the purpose of obtaining information to evalute unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by majority vote, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any Member of the Committee, designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any Member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any Member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no Member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chaiman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness' testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness' request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

Rule 8: Violations of Law; Perjury; Legislative Recommendations; and Applicable Rules and Standards of Conduct

(a) VIOLATIONS OF LAW: Whenever the Committee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper state and federal authorities.

(b) PERJURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

(d) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to, or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

Rule 9: Procedures for Handling Committee Sensitive and Classified Materials

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusation of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a member of the Committee staff to the office of a member of the Committee for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committe on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Commitee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by is successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Senstive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

Rule 10: Broadcasting and News Coverage of Committee Proceedings

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occuring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

Rule 11: Procedures for Advisory Opinions

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or

proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) Form of Request: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) Issuance of an Advisory Opinion:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) Reliance on Advisory Opinions:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

Rule 12: Procedures for Interpretative Rulings

(a) Basis for Interpretative Rulings: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining and rule or regulation of the Select Committee on Ethics.

(b) Request for Ruling: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) Publication of Rulings: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) Reliance on Rulings: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) Rulings by Committee Staff: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

Rule 13: Procedures for Complaints Involving Improper Use of the Mailing Frank

(a) Authority To Receive Complaints: The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) Disposition of Complaints:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings, involving franking questions shall be processed in accordance with Rules 11 and 12.

Rule 14: Procedures for Waivers

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 11 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

Rule 15: Definition of "Officer or Employee"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An Employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer,

employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

Rule 16: Committee Staff

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel if necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

Rule 17: Changes in Supplementary Procedural Rules

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a majority vote of the entire membership taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, and stated in Rules 34 through 42 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommended additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93-191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence.

(f) Public Law 95-105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12).

Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), provides:

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee."

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 7 (b) to (d) of Rule XXVI of the Standing Rules of the Senate read as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specified Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—"SUPERVISORS" DEFINED

Paragraph 11 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

FOOTNOTES

[1] As amended by S. Res. 4, 95th Cong., 1st Sess. (1970), S. Res. 110, 95th Cong., 1st Sess. (1977), S. Res. 204, 95th Cong., 1st Sess. (1977), S. Res. 230, 95th Cong., 1st Sess. (1977), S. Res. 312, 95th Cong., 1st Sess. (1977), S. Res. 78, 97th Cong., 1st Sess. (1981).

[2] Changed by S. Res. 78 (February 24, 1981).

[3] Added by S. Res. 110 (April 2, 1977).

[4] Added by Section 201 of S. Res. 110 (April 2, 1977).

[5] Added by Section 205 of S. Res. 110 (April 2, 1977).

[6] Added by Section 202 of S. Res. 110 (April 2, 1977).

[7] Changed by Section 202 of S. Res. 110 (April 2, 1977).

[8] Added by Section 204 of S. Res. 110 (April 2, 1977).

[9] Added by S. Res. 230 (July 25, 1977).

[10] Added by Section 204 of S. Res. 110 (April 2, 1977).

[11] Changed by Section 204 of S. Res. 110 (April 2, 1977).

[12] Section added by of S. Res. 312 (Nov. 1, 1977).

[13] Section added by Section 206 of S. Res. 110 (April 2, 1977).

RULES OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

• Mr. RIEGLE. Mr. President, I am herewith transmitting the Rules of Procedure for the Committee on Banking, Housing, and Urban Affairs, adopted in executive session, January 25, 1989.

The rules follow:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, January 25, 1989)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceeding of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting, or, (2) with respect to multiple first degree amendments, each of which would strike a single Section of the measure under consideration, fifty copies of a single written notice listing such specific Sections have been delivered to the Committee at least 2 business days prior to the meeting. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting. This subsection shall apply only when at least 3 business days written notice of a session to mark up a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever, a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommiitee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the office of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular [addition,] or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or another to the Committee no record vote shall be taken unless a majority of the Subcommittee are actually present. Any absent member of a Subcommittee may affirmatively request that his vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his questioning in this period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affect financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least five days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

RULES OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

● **Mr. GLENN.** Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask to have printed in the CONGRESSIONAL RECORD the rules of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs for the 102d Congress adopted by the committee on February 28, 1991.

The rules follow:

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS AS ADOPTED, FEBRUARY 28, 1991

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the ranking minority Member or the approval of a majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The ranking minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee majority staff upon the approval of the Chairman and notice of such approval to the ranking minority Member or the minority counsel. Preliminary inquiries may be undertaken by the minority staff upon the approval of the ranking minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the ranking minority Member with notice of such approval to all members.

No public hearing shall be held if the minority Members unanimously object, unless the full Committee on Governmental Affairs by a majority vote approves of such public hearing.

Senate Rule 25(5)(b) will govern all closed sessions convened by the Subcommittee.

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him, with notice to the ranking minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and ranking minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him, immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and ranking minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and ranking minority Member that, in his opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its dates and hour. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

Five Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights, Provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or assocciation, or by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witneses. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the ranking minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him. If the Chairman or designated Member overrules the objection, he may refer the matter to the Subcommittee or he may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the ranking minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights shall not be directed at him. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Mem-

bers of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (b) a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the ranking minority Member waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the minority Members.

18. The ranking minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the minority and such other professional staff members and clerical assistants as he deems advisable. The total compensation allocated to such minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The minority staff members shall work under the direction and supervision of the ranking minority Member. The Chief Counsel for the minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and ranking minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and ranking minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.•

BLACK HISTORY MONTH

• Mr. RIEGLE. Mr. President, over the past month in my State of Michigan, and across the country, Americans have reexamined the rich and dramatic history of black Americans.

We Americans have set high ideals for ourselves. No other nation has ever attempted to build a democratic society out of such a diverse group of people. It's both right and important that we acknowledge the vital contributions of black Americans to our history.

My State of Michigan has a long and renowned history of achievement by black Americans who have overcome barriers of injustice to lead our Nation forward.

Black Michiganians have been in the forefront of the fight for a more just America. Sojourner Truth—who lived much of her life in Battle Creek—was born into slavery but would become a powerful force against slavery, and be a pioneer in the women's rights movement. Today, Detroit is home to Rosa Parks, the courageous woman who stood firm in the face of intimidation to spark the Montgomery bus boycott and the civil rights movement by refusing to give up her seat on a segregated bus. Just today, a bust of Mrs. Parks was unveiled at the National Portrait Gallery to honor her work.

Black Michiganians have helped to advance knowledge and build a more prosperous America: The inventor Elijah McCoy developed key breakthroughs in the design of industrial machinery and railroads, and Dr. Austin W. Curtis assisted George Washington Carver as a chemist.

Black Americans have always served our Nation in times of need. Many members of the famous Tuskegee Airmen, the group of pilots who fought heroically in World War II, live in Michigan. Men like Alexander Jefferson, Washington Ross, Wardell Polk, and Walter Downs all served above and beyond the call of duty. Today, black Americans are again serving in the Persian Gulf war zone with great distinction. We are all deeply grateful to them and hope that they will all return home safely and quickly.

As we begin to contemplate the difficult questions that will arise in trying to establish a lasting peace, we can look to the example of the diplomat—and Detroit native—Ralph Bunche, who won the Nobel Peace Prize for his work in mediating peace in the Middle East in 1949.

Many other black Michiganians have served as models of excellence. Michigan was home to the great heavyweight champion Joe Louis, a powerful source of pride for black Americans during the 1930's and 1940's. Today, people like Mrs. Oliver Beasley, a civil rights activist who helped to draft the legislation that created the Michigan Fair Employment Practice Commission, is a role model for all of our young people.

I have mentioned just a few of the great black men and women from Michigan who have enriched our history. There are countless more.

Black History Month allows us to reflect on the work of these great Americans and gain a deeper understanding of the black experience and tremendous black achievement, often in the face of extraordinary obstacles. As we do this, we are inspired to move ahead with the unfinished work that lies ahead of us: to build a society in which all citizens will have full and equal opportunity to succeed, and make America all that it can be.•

SUPPORT OF DEPARTMENT OF ENVIRONMENT ACT

• Mr. LIEBERMAN. Mr. President, I am honored to cosponsor the Department of the Environment Act of 1991. I commend my colleague, Senator GLENN for his leadership on this bill, which elevates the Environmental Protection Agency to the Cabinet of the United States.

EPA is charged with one of the most complex and challenging missions in our Government. As the only Member of the Senate who sits on both the Government Affairs Committee and the Environment and Public Works Committee, I have something of a unique perspective on this legislation. This bill reflects the growth of our knowledge of the environment and environmental management in the 20 years since EPA was created. While it is not a glamorous bill, it provides the essential institutional framework we need.

The United States is increasingly involved in environmental matters around the globe. In the last several years, we have come to recognize that Environmental Protection Agency's mission, in reality, extends to the very preservation of life on this planet. The quality of our environment in this country is directly related to the policies of countries across the globe. Whether the issue is stratospheric ozone depletion, global warming, acid rain or the proliferation of toxic materials and hazardous waste, the United States must take an active leadership role in world environmental affairs. We will not fully realize that role until our environmental agency is a full-fledged member of the President's Cabinet.

If this is true in global environmental policy, it is even more true in domestic environmental policy. EPA is charged with protecting our health and preserving the quality of our natural environment.

From my own experience on the Environment Committee, I know that EPA is constantly in battles with other parts of the administration about what level of protection is appropriate. Others in the adminstration concentrate on the economic consequences of environmental policies but EPA is the advocate for our health and the protection of our lakes and streams.

Many of the solutions to our environmental problems lie beyond the traditional scope of EPA programs. The quality of our air is directly related to energy and transportation policy. The quality of our drinking water is directly related to land use decisions. It may be that we, the Federal Government, are the largest generator of hazardous waste in the Nation. Our environmental future is bound up in the programs and policies of the agencies represented at the Cabinet table. It is time for a Secretary of Environment to be a full partner at that table. This legislation will ensure that every significant environmental decision made by the executive branch will be debated among equals.

As EPA's mission has evolved, the Agency itself has matured. While I don't always agree with EPA's actions, there is no question that the Agency has proven its ability to contribute at the highest levels of Government.

The creation of a Bureau of Environmental Statistics to compile data and evaluate the effect of pollutants is essential. In spending our country's economic resources, we must know which pollutants pose the greatest risk to human health and the environment. This knowledge will tell us which environmental problems to address first.

This legislation demonstrates our commitment to strong environmental programs in the future. The creation of a Department of Environment sends an equivocal message to all Americans and to the world that the United States places environmental protection among its most important concerns.•

PERSIAN GULF WAR

• Mr. DURENBERGER. Mr. President, this is a great moment for all Americans. We built the victory in the Persian Gulf and the liberation of Kuwait out of the historic building blocks of our Nation: principle, ingenuity, leadership, and courage. This moment belongs to all of us.

Minnesota paid a very high price in lives for this accomplishment and we mourn on this day for those families. The scriptures say that: Greater love has no man than this, that he lays down his life for his friends. Steve Bentzlin. Scott Rush. Glen Jones. Eric Hedeen. Michael Anderson. Lawrence Welch. And Charlie Turner, who is missing in action. They, along with all those brave American men and women who gave their lives, did so for all of us. They honored this country with their sacrifice and forever they will be heroes to us all.

Foremost in our thanksgiving on this day should be a prayer for our President. This war didn't go one day longer than was necessary, or fall one step short of our objectives because of his leadership. Many doubted him along the way. No one doubts him today. Thank God we had a President like this when we and the world needed him most.

And we must honor our military leaders and the service men and women who implemented the military campaign. We have the finest armed forces in the world, and I am proud of each and every one of them. It was a brilliant war strategy, prosecuted with equal brilliance.

Each and every one of our forces is a true American hero. We congratulate them for a highly professionally conducted campaign. And we wish them a speedy and safe return home.•

THE 30TH ANNIVERSARY OF THE PEACE CORPS

• Mr. BIDEN. Mr. President, tomorrow, March 1, 1991, marks the 30th anniversary of the Peace Corps. In 1961, President John F. Kennedy issued the Executive order creating this uniquely American organization.

The first tenet of the Peace Corps has always been to build understanding across national boundaries. Over the past 30 years, it has worked to bridge the immense cultural and social chasms that separate the nations of the world from our own.

For the tens of thousands of peace emissaries who have traveled to distant lands under the tutelage of the Peace Corps, we owe a great debt of gratitude. For it is through their commitment and dedication that the image of America has been recrafted and enhanced in areas of the world unfamiliar with our customs and manners.

If the common world-image of America and Americans was one painted by the media or the cinema, then volunteers serving in these countries have added new colors to that image. They have provided a true picture of America, with all its qualities, that would never have been seen otherwise.

Conversely, volunteers have brought back to their towns and cities the experiences of living in lands quite different from their own. They have provided their countrymen with a unique view and understanding of the world's diversity. About the Peace Corps, we can say with a good deal of conviction: The world is more interconnected and has a better understanding of its divergent parts because of the efforts of this remarkable organization.

This exchange of cultures, the overlap of customs and values showcases the essence of what the Peace Corps is all about. We can take time today to reflect upon its 30 years of accomplishments, but more importantly we should make clear today that we wish to see this program continued—not for our country's good fortune alone, but for the world's. For if we remember one thing about the Peace Corps, we should remember this: It is a world organization because it works in and speaks to the world community. All Americans should take great pride in knowing that they created this selfless organization for the benefit of the whole world.•

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

• Mr. CRANSTON. Mr. President, pursuant to Senate rule XXVI.2, which requires that each committee publish its rules in the RECORD not later than March 1 of each year, I am hereby submitting for publication the rules of the Committee on Veterans' Affairs, as readopted by the committee at its February 7, 1991, meeting.

The rules of the committee follow:

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

(As amended June 28, 1990)

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee or a Subcommittee shall be open to the public.

(c) The Chairman of the Committee or of a Subcommittee, or the Vice Chairman in the absence of the Chairman, or the Ranking Majority Member present in the absence of the Vice Chairman, shall preside at all meetings.

(d) No meeting of the Committee or any Subcommittee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), six members of the Committee and four members of a Subcommittee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the Committee or Subcommittee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee or Subcommittee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy may be written or oral, and may be conditioned by personal instructions. A proxy shall be valid only for the day given except that a written proxy may be valid for the period specified therein.

(b) There shall be a complete record of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll-call vote is required.

IV. SUBCOMMITTEES

(a) No member of the Committee may serve on more than two Subcommittees. No member of the Committee shall receive assignment to a second Subcommittee until all members of the Committee, in order of seniority, have chosen assignments to one Subcommittee.

(b) The Committee Chairman and the Ranking Minority Member shall be ex officio nonvoting members of each Subcommittee of the Committee.

(c) Subcommittees shall be considered de novo whenever there is a change in Committee Chairmanship and, in such event, Subcommittee seniority shall not necessarily apply.

(d) Should a Subcommittee fail to report back to the Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such Subcommittee and so notify the Committee for its disposition.

V. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee or a Subcommittee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcement of the date, place, time, and subject matter of such hearing.

(c) The Committee or a Subcommittee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee no later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding officer at any hearing is authorized to limit the time allotted to each witness appearing before the Committee or Subcommittee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Witnesses at hearings will be required to give testimony under oath whenever the Chairman or Ranking Minority Member deems such to be advisable. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

VI. MEDIA COVERAGE

Any Committee or Subcommittee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VII. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee and its Subcommittees.

VIII. PRESIDENTIAL NOMINATIONS

Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

IX. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

X. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.•

ALLENDALE'S GUARDSMEN: FIRSTEST WITH THE MOSTEST IN THE GULF

Mr. HOLLINGS. Mr. President, America's Armed Forces today celebrate their remarkable blitzkrieg victory in the Persian Gulf war. Over the last 6 weeks, we have witnessed, courtesy of CNN, the most massive and successful air campaign in the history of warfare, followed by the largest and most successful ground offensive since the Second World War. Today, Iraq's armies stand utterly defeated, and Kuwait is free. We have all been impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, during the Senate recess 2 weeks ago, I talked to hundreds of South Carolinians in 15 counties, and I can't tell you how proud they are of their National Guard and Reserve units now serving in the Persian Gulf war. In community after community across my State, there has been a spontaneous outpouring of patriotism and of support for the mobilized units and their families.

An exceptional case in point is the town of Allendale in South Carolina's low country, whose Army National Guard units have played an important, if largely unsung, role in America's successful gulf campaign. Two units were called to active duty from Allendale: The 265th Quartermaster Detachment under the command of Sfc. Ronnie Jackson, and the 264th Engineer Detachment under Capt. James K. Smith.

Mr. President, I would note that the 265th, which specializes in water purification and is attached to the 24th Infantry in the war theater, was the first Guard unit mobilized from the State of South Carolina. What's more, Allendale is the only town in South Carolina to have two detachments called up from its Guard unit. The 265th was activated on August 15 and deployed in early September. From South Carolina, it was "firstest with the mostest" in Saudi Arabia.

The 264th Engineer Detachment was mobilized in mid-November as part of President Bush's doubling of troop strength in the Persian Gulf. Today, the men of the 264th are assigned to firefighting and crash-rescue duties in support of the Army's 11th Aviation Brigade, whose attack helicopters have been the scourge of Iraq's forces since the ground war began on Saturday.

Mr. President, one measure of the pride of the people of Allendale is the tremendous sendoff that was given to the 265th in August and to the 264th in November. In both instances, some 4,000 people—virtually the entire population of Allendale—turned out to line the streets, wave flags and yellow ribbons, and wish their soldiers Godspeed. Many people wept—as much from pride as from concern or worry. The people in Allendale say that the only thing bigger than that sendoff parade will be the victory parade when their guardsmen come home.

Mr. President, this expression of pride is very understandable. Bear in mind that the 265th and the 264th are made up of truly citizen soldiers—men from all walks of life who are serving at great sacrifice to their families and careers. They range in age from their early twenties to their midforties. Several left behind pregnant wives. The guardsmen called up from Allendale include schoolteachers, police officers, construction workers, technicians from the Savannah River site, you name it.

The entire community has rallied together to aid and embrace the families left behind. Two women in particular, Adele Harris and Virginia Priester, have played a leadership role in organizing family support groups and extending a helping hand to the families of soldiers in the gulf. My hat is off to all of the guardsmen's families in Allendale—for their sacrifices, for their generosity, and for their quiet courage on the homefront.

Mr. President, the men of Allendale's 265th Quartermasters and 264th Engineers are among our best and finest. They have done an exceptional job under the most exhausting and difficult of circumstances. They are a credit to their Nation, and are doing South Carolina proud. I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

DR. OLIVER SACKS ON THE MENTALLY ILL HOMELESS

Mr. MOYNIHAN. Mr. President, well-deserved recognition has now been accorded to Dr. Oliver Sacks, the eminent neurologist late of the Bronx Psychiatric Center and the author of "Awakenings." The film of the same name is based upon Dr. Sack's innovative work using the drug L-Dopa on patients suffering from encephalitis lethargica, a disease that left many of its sufferers motionless, but frozen into poses eerily suggestive of motion. The drug worked and patients became fully functional. For a time. But, in the end, the drug was of only temporary efficacy and the patients returned to their former catatonic states. Surely human drama. Tragedy.

But a cinematic success is not Dr. Sacks' only reason for fame these days—so too is his widely publicized layoff from the Bronx Psychiatric Center, where he has worked for a quarter century. Dr. Sacks is one of some 1,200 employees in the State's mental health system who will become a casualty of Albany's efforts to close largely empty mental health hospitals in New York. Still, one must wonder how Dr. Sacks could have been among those to be let go.

Fortunately, Dr. Sacks is also using his notoriety to make some profoundly important points about the crisis, indeed the scandal, that is the condition of our mentally ill. He has written a powerful piece for the New York Times, titled "Forsaking the Mentally Ill", in which he movingly reminds us of how we have failed our mentally ill. The central thesis of his piece is that the deinstitutionalization of the 1960's, well intentioned to be sure, did not work. Indeed, Dr. Sacks reminds us that the problem we have come to think of as homelessness, is not really just so. For many, it is the failure of deinstitutionalization, particularly in our cities. We have shamefully abandoned, as Dr. Sacks tells us, "desperately ill and wretched people on our streets, not only homeless and endangered, and perhaps dangerous to others, but often in a nightmare of their own psychoses." A nightmare of their own psychoses. The answer is not to close the institutions that remain. Rather, Dr. Sacks tells us, we must "restore and adapt them into streamlined, economically efficient strongholds of care."

Indeed. Can we any longer tolerate the failure of deinstitutionalization? We ought not to. If we can provide adequate community care, we certainly should. But for far too many we have failed. As Dr. Sacks says, "Under ideal conditions, that is, in communities where there may be a very exceptional communal sense of responsibility, deinstitutionalization can work. But in a large, bustling, indifferent city, such as New York, it has no chance of success." No chance. Powerful words from a doctor who has given his career to treating the mentally ill.

There is a history here. Deinstitutionalization began in New York State. In 1953, Nathan S. Kline, working at Rockland State Hospital, set out to isolate the active ingredient in serpentwood, Rauwolfia serpentina, a root used from antiquity in Vedic medicine to calm people. When Dr. Kline was done, he had the chemical reserpine, one of the first tranquilizers. He published his findings in 1954.

That was the year W. Averell Harriman was elected Governor. It was a time when mental illness was seen as perhaps the most pressing problem New York State faced—bond issue followed bond issue to build institution after institution. On taking office, with much encouragement from his secretary, Jonathan B. Bingham, and Paul H. Hoch, Commissioner of Mental Hygiene, Harriman began to consider the implications of the discovery.

As Jonathan Bingham's assistant, I was present at the meeting in the Governor's office in the spring of 1955 when it was decided to provide the tranquilizer to all patients systemwide. It was a $1.5 million bet. Harriman would later explain that he was, after all, an investment banker.

Almost immediately, the population of State mental institutions began to decline. It peaked in Harriman's first year at 93,314. It is now 13,960. Nationwide the number was some 550,000 in the mid 1950's, today it is 130,000. The current number of patients in institutions would seem at odds with what Dr. Sacks tells us they ought to be. According to him, some 80,000 homeless people in New York are in need of institutional care.

A few weeks after the meeting in the Governor's office in Albany in 1955, a law was enacted in Washington setting up a joint commission on mental illness and health. Its report was finished in 1960, the year John F. Kennedy was elected President. The report proposed that tranquilizers be used nationwide and that new arrangements be made for patients who responded. In time, we had a name for this new institution, the Community Mental Health Center. President Kennedy set up a task force to propose a program. As an Assistant Secretary of Labor, with a New York background, I was a working member of that task force and did much of the drafting of our report to the President, who thereupon proposed legislation.

This in turn became Public Law 88-164, the Mental Retardation Facilities and Community Health Centers Construction Act of 1963, which the President signed that October 31, one of the last bills he did sign.

The legislation provided that we would build one community mental health center for each 100,000 people. That would translate into some 2,500 today. But we have built only 768.

What if, on the occasion of the bill signing in 1963, someone had said to President Kennedy: "Wait. Before you sign the bill you should know that we are not going to build anything like the number of community centers we will need. One in five in New York City. The hospitals will empty out, but there will be no place for the patients to be cared for in their communities. A quarter-century hence the streets of New York will be filled with homeless, deranged people."

Would he not have put down his pen? Pens rather. He used half a dozen; one of which is on display in my New York office. I look at it on occasion and wonder what ever became of our capacity to govern ourselves.

Well, at least we must still try. Dr. Sacks reminds us of our responsibility. We do have a new idea. Modest to be sure. But at least something to try. Together with Senator DANFORTH, I introduced a bill on the first day of this Congress, S. 62, the Homeless Mentally Ill Outreach Act of 1991, to require States under Medicaid to identify, evaluate and develop plans for the care of the mentally ill population that is homeless. Mobile outreach units composed of mental health professionals and others would identify mentally ill homeless persons in metropolitan areas, and would transport them to assessment and referral centers. There, the mentally ill homeless would be provided with psychiatric evaluation and other medical care, and they would have to be given a real plan for treatment. Long term. Not for a week or two or three. Merely putting them back out on the street would not do. The bill also establishes a National Commission for the Homeless Mentally Ill to study the availability, accessibility and composition of mental health services for this population, and to make recommendations to Congress. This bill will not end our scandal, to be sure. But it is a first step. I urge my colleagues to support it, or, if they have a better solution, to propose it. But let us no longer as Dr. Sacks says, "forsake the mentally ill."

Mr. President, I ask unanimous consent that a copy of Dr. Oliver Sacks' op-ed in the New York Times, and an article about Dr. Sacks which appeared in the New York Times, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 13, 1991]

FORSAKING THE MENTALLY ILL

(By Oliver Sacks)

There will be substantial layoffs this month of physicians, nurses, therapists, treatment aides and others at state hospitals throughout New York State. Some 1,200 jobs, including my own, will be eliminated for budgetary reasons.

Apart from the hardship this will cause, I am deeply concerned, even fearful, for our patients. As a neurologist who has worked since 1966 at Bronx Psychiatric Center, I daily encounter the reality of how disabled many of these patients are and how little their needs could be met in any setting but a residential one.

When deinstitutionalization was first undertaken in the 1960's, it seemed a noble aim. Coupled with the use of such "wonder drugs" as Thorazine, it was perceived as a humane way of returning patients to their communities while cutting the costs of their treatment.

In practice, deinstitutionalization did not work. The vast majority of the patients discharged from state hospitals were not looked after by the community, were not adequately treated by outpatient facilities and rapidly drifted into homelessness, destitution, misery and sometimes death. Indeed, the late Seymour Kaplan, the psychiatrist who pioneered deinstitutionalization in New York State, often said later that it was the gravest error he had ever made.

Under ideal conditions, that is, in communities where there may be a very exceptional cummunal sense of responsibility, deinstitutionalization can work. But in a large, bustling, indifferent city, such as New York, it has no chance of success.

There is indeed a "hard core"—perhaps 25,000 in New York State alone—of very disabled patients who have to live in chronic hospitals. Most are deeply psychotic and lacking in social skills; many in addition have medical, physical and neurological problems: retardation, autism, epilepsy, AIDS, Alzheimer's.

In addition to these permanently ill people, there are others, another 25,000, who do very well outside, for years at a time, with adequate support and crisis facilities and medication—but then relapse, become deeply psychotic again and have to be readmitted, often forcibly, to the hospital. City and university hospitals have limited capacity and can admit psychiatric patients for only short periods. The relapsed schizophrenic, however, needs months to restabilize, and only state hospitals can provide such long-term care.

Nothing has been sadder than the steady deterioration of the state hospital system since the mid-1970's. The hospitals are not only underpopulated but dirty and dilapidated. They have come to labor more and more heavily under the costly burden of a huge administrative, nonmedical machinery. There has not been a medically qualified director of the Bronx Psychiatric Center, for example, for a decade; the present administration never visits the wards, has no experience, no idea, of the needs and realities of medical care.

And yet, precisely at this juncture, further cuts are being made. Massive lay-offs have been announced, not only in the huge, bureaucratic machinery, which is the real drain on state resources, but among the few physicians, therapists and treatment aides left. With this, the state hospitals will lose their last care-giving capacity and become little more than warehouses for the sick.

Outpatient clinics, the last resource for deinstitutionalized patients, are also being closed all over the country. For example, the huge crisis center at Mt. Zion Hospital in San Francisco, which looks after 10,000 patients a year, is scheduled to close next month. All psychiatric care in the U.S. is being dangerously cut back now.

There are 80,000 desperately ill and wretched people on our streets, not only homeless and endangered, and perhaps dangerous to others, but often in a nightmare of their own psychoses. These people need institutional care. We must not reduce the state hospitals to shadows of themselves, but restore and adapt them into streamlined, economically efficient strongholds of care. We need to restructure our state hospitals, not close them.

[From the New York Times, Feb. 16, 1991]

MOVIE'S TOP NEUROLOGIST LAID OFF BY BRONX HOSPITAL

(By Tim Golden)

In a span of several hours the other day, Dr. Oliver Sacks prepared for a European lecture tour, learned that his 18-year-old book had cracked the best-seller lists, mulled over his remarks for a medical conference, saw a half-dozen patients, and ran a modest gantlet of fans sputtering good wishes.

He also stopped to say goodbye to the Bronx Psychiatric Center, the vast state hospital that was about to make the British neurologist, after 24 years on its staff, one of 1,280 people to be eliminated from the state mental health payroll in budget cuts this year.

"You're in a rut," he says a supervisor told him. "It's time you got out of here."

Dr. Sacks declined the option of taking a job away from a younger doctor at another hospital. So, fresh from his fifth well-received book, a warm shower of professional acclaim and the success of the film "Awakenings," a Hollywood mythologizing of his efforts with patients left catatonic by encephalitis, Dr. Sacks is looking for work.

SOMETHING OF AN OUTCAST

He may not have trouble finding it. After years as something of a professional outcast, he is gathering increasing respect from the medical mainstream. He still has a part-time position at Beth Abraham Hospital in the Bronx, sees patients at three New York City homes for the aged and is a volunteer teacher at the Albert Einstein College of Medicine in the Bronx. If he chose, he could probably earn a good living as a writer.

Yet Dr. Sacks' dismissal from the hulking state hospital casts a strange light on the way in which a man who has been called one of the world's more creative medical thinkers has lived and worked in the Bronx for a quarter of a century, thriving, sort of, in an environment that has seemed to pay him little mind and understands him less.

"You remember Chekhov's 'Ward No. 6'?" he asked, maneuvering his six feet of brain, beard and girth through a foggy morning and down one of the Bronx Psychiatric Center's dingy halls. Anton Chekhov's long story tells how the eccentric director of a psychiatric hospital becomes lost in his thoughts, able to communicate only with one of his patients, and is eventually committed to the institution himself.

"I have my coat and my ID," Dr. Sacks said, clutching the ID and not quite smiling, "Otherwise I think I might be taken for a patient myself."

Actually, on this unceremonious day, there was not even a proper coat. The lone Sacks sports jacket had last been sighted the day before in a departing taxicab. Four white lab coats were known to be somewhere around his red-shingled house on City Island in the Bronx, just not anywhere in particular. After some foraging, decorum succumbed to need; Dr. Sacks made do with a big black parka with the "Awakenings" logo from the film stitched across the back. Advertising notwithstanding, Dr. Sacks rumbled into his old clinic scarcely raising an eyebrow. Nobody seemed to notice the long, blue shirttails hanging untucked, the giant sandals or the black tie still loosened to the chest and dangling far to one side. (Tied in memory of his father, who died last year at the age of 94), it was deemed too short but forgotten about in the untying.) As he passed, a secretary mumbled something that ended with, ". . . Dr. Sass."

There were no patients, no warm farewells. An administrator ordered a meeting, which ended with Dr. Sacks' having to come back a few days later to surrender keys and such. The mail brought two letters. A paycheck was crumpled into his wallet. The other envelope contained a letter from someone he had never met that concluded, "God bless you."

"The beginning of the end," its recipient muttered.

T.S. Eliot may have once worked in a bank and Franz Kafka as an insurance agent, but it is hardly less odd to think that Oliver Sacks could still be an inconspicuous state doctor.

Ignore the English stammer and the mind behind it that roams freely from Thucydides to Thomas Mann. Ignore the implacable gray tide of beard that recalls both the marble sages of Athenian sculpture and the guitarist Jerry Garcia of the Grateful Dead. Take what is sometimes referred to as Dr. Sacks' "physique."

In fact, the 57-year-old casing of issues is a testament to his foibles and passions. His feet are generally covered in black shoes, size 14, one size too large. Little more than a decade ago, his legs were still great trophies of his weightlifting on Muscle Beach while he was a medical resident at the University of California at Los Angeles; the left one hasn't been the same since its disastrous escape from a bull in a Norweigian mountain pasture. (The experience prompted "A Leg To Stand On," his 1984 meditation on the meta-physics of injury and the inhumanity of conventional medical treatment.)

PINEAPPLE AND COTTAGE CHEESE

Still, the legs support a lust for food as great as it can be single-minded. At a Bronx old-age home run by the Little Sisters of the Poor, the Dr. Sacks plate was piled a dozen half-sandwiches high, all ham and cheese on white. At the dentist's office in Riverdale, he was found to have a rare syndrome of enamel damage previously documented only among Hawaiians. (Dr. Sacks developed the condition after dieting on nothing but pineapple and cottage cheese; he had not expected any consequences worse than those of his previous, weeks-long compulsions like herring, lima beans, semiotics, Mozart Masses, and writings of Ludwig Wittgenstein, the Austrian philospher.)

By his own estimation, Dr. Sacks is most confortable in places where his physical contraption is least relevant. One is water, even the cold, murky stuff around City Island in which he swam each day until the pollution became excessive a couple of years ago. ("In the water, I cease to be a sort of obsessed intellect and a shaky body, and I just become a porpoise.") Another is the New York Botanical Garden, where he goes most mornings to walk and sit quietly among the plants.

The most familiar is the wards of chronic-care hospitals like Bronx State and Beth Abraham, where difficult patients are sent for weeks and months and sometimes forgotten.

Dr. Sacks' path to the wards was not entirely voluntary, either. On finishing his medical studies at Oxford, he fled to America. He hitchhiked across Canada and landed in San Francisco, where his love for motorcycles (he still shares a B.M.W.) left him tending to a local chapter of the Hell's Angels. Though an irregular medical resident, the young Dr. Sacks was impressive enough to win a fellowship with a team of eminent neuroscientists at Albert Einstein.

HAMBURGER IN THE CENTRIFUGE

Like Dr. Sayer, the derivative character played by Robin Williams in the film version of "Awakenings," Dr. Sacks went to work extracting myelin from earthworms. But to his colleagues' horror, he managed to lose a whole vial of it. Then came a matter of some broken slides, and the hamburger that fell into the centrifuge, and assorted other lab faux pas.

"He was an absolute disaster," recalled Dr. Robert D. Terry, now a professor of neurosciences at the University of California at San Diego School of Medicine, who supervised the young man then. "While we all liked Oliver and respected his intelligence, it was apparent that his future was not in laboratory work."

Relegated to seeing patients in 1966, Dr. Sacks came upon a strange community among the lost and seemingly lifeless souls consigned to the Beth Abraham Home for Incurables, the hospital he would rename "Mount Carmel." About 80 patients had been stricken during the 1917–1926 pandemic of encephalitis lethargica, or "sleeping sickness." About half were vaguely functional; the others, he wrote, remained frozen in silence, "as insubstantial as ghosts, and as passive as zombies."

Experimenting with a treatment that was just being tried on non-encephalitic Parkinson's victims, Dr. Sacks gave members of the group a drug called LevoDihydroxyphenylalanine, or L-Dopa. And quite suddenly, they began coming back to life.

Dr. Sacks all but moved in with his patients. He chronicled their reactions, made films of their progress and offered his findings to medical journals. To his distress, his news drew a fusillade of attacks; many physicians, including some who years later would see similar reactions in regular Parkinson's patients, simply did not believe him.

Of the many paradoxes in his career, perhaps none is more vivid than the continuing impact of "Awakenings." It was the silence of his colleagues that finally drove Dr. Sacks to write for a wide audience. After a stage play, a radio play and a film based on the book, * * * time consulting neurologist, was often absent because of other obligations, she said, adding that she didn't mean that he had failed to appear for work when scheduled.

"It was certainly not viewed as a hardship to the facility not to have Dr. Sacks on staff anymore," Ms. Lopez said. "Dr Sacks was not considered particularly unique here. I'm not sure he complied with state regulations."

Earlier, after he was laid off, Dr. Sacks had fired off a public protest at what he described as an uncaring administration and the devastating impact of the state cutbacks. But his own regrets had less to do with leaving the hospital than with the dearth of interesting patients he had been able to find there lately. He might have been more suited to California, but during his first years in the Bronx, especially in the extraordinary months when he seemed to be giving life to his patients, he hadn't much cared where he was, he said. As for the profession's regard, he had some thoughts, but they trailed off.

"I sort of want to be accepted by my colleagues and be seen as serious," he said. "At the same time, I can't spend my time trying to be like them. I may be mad and a maverick . . ."

TWO GUARD BRIGADES GET "RAVE REVIEWS"

Mr. FORD. Mr. President, the Nation is thankful that Kuwait City is in allied hands and that the gulf war is almost over. We are proud of our men and women serving in Operation Desert Storm, and anticipate their quick return home.

With the cessation of hostilities will come details of just how well individual units have performed. Two of these are Army National Guard combat brigades, the 142d Field Artillery Brigade from Arkansas and Oklahoma, and the 196th Field Artillery Brigade from Tennessee, West Virginia, and the Commonwealth of Kentucky. It is my understanding that in the last few days they pushed deep into Iraq along side their active Army counterparts. I look forward to hearing of their performance, which I know has been superb. Apparently, the two artillery brigades had already received rave reviews from the active forces.

I would like to share with my colleagues a preliminary report on the brigades and ask unanimous consent that an article from the March 4 Army Times be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Army Times, Mar. 4, 1991]

TWO GUARD BRIGADES GET "RAVE REVIEWS"

(By Sean D. Naylor)

WASHINGTON.—Out of the glare of the spotlight, two Army National Guard combat brigades have deployed to Saudi Arabia, where by all accounts they are performing well.

While much attention has been focused on the difficulties of the three National Guard roundout brigades called up for possible deployments to Saudi Arabia, two National Guard field artillery brigades deployed as part of Operation Desert Storm "are getting rave reviews from the active [forces]," said Martin Binkin, a military manpower analyst for The Brookings Institution.

The two brigades are the 142d Field Artillery Brigade, from the Arkansas and Oklahoma National Guard units, and the 196th

Field Artillery Brigade, drawn from the Tennessee, Kentucky and West Virginia Guard units.

Army Chief of Staff Gen. Carl Vuono and Secretary of the Army Michael Stone praised the brigades before the House Armed Services Committee Feb. 20.

"The [National Guard] brigades in Saudi Arabia are performing well, making a substantial contribution to the Army's firepower in the desert," Vuono said.

The 142d Field Artillery Brigade was called up in late November 1990 and deployed in late January, Vuono said. Before deploying, it spent two months training at the brigade's mobilization station at Fort Sill, Okla.

The brigade consists of the 1st Battalion, 142d Field Artillery Regiment, Harrison, Ark, and the 2d Battalion, 142d Field Artillery Regiment, Fort Smith, Ark, and a headquarters battery.

In addition, the 1st Battalion, 158th Field Artillery Regiment, of Lawton, Okla, was attached to the brigade for Operation Desert Storm. The 1/158th usually is attached to the 45th Field Artillery Brigade, Oklahoma National Guard, said Oklahoma National Guard spokesman Maj. Pat Scully.

The 196th Field Artillery Brigade was called up in early December 1990 and deployed in early February, Vuono said.

The brigade is composed of the 1st Battalion, 623d Field Artillery Regiment, Glasgow, Ky.; the 1st Battalion, 201st Field Artillery Regiment, Fairmont, W. VA.; and the 1st Battalion, 181st Field Artillery Regiment, Chattanooga and Dayton, Tenn.; as well as a headquarters battery in Chattanooga.

The 1/623d is armed with M110s, said Kentucky National Guard spokesman Capt. Kelly Byrd. The 1/201 is equipped with M109 1555mm self-propelled howitzers, and the 1/181st has eight M110s officials said.

After being called, the 196th spent two months at Fort Campbell, Ky., said 1st Lt. Ron Garton, a West Virginia National Guard spokesman.

JASON C. YUAN TO BE DIRECTOR, NORTH AMERICAN AFFAIRS, REPUBLIC OF CHINA-TAIWAN

Mr. PELL. Mr. President, I have been informed that my friend, Jason C. Yuan of the Coordination Council of North American Affairs [Republic of China-Taiwan] has been promoted to be his country's director of North American affairs in the Foreign Ministry. As such, he will be returning to Taipei. I am sure that this promotion means a great deal to Jason and his family as it is a fitting tribute for his fine work and accomplishments in his current capacity as director of CCNAA's congressional liaison division.

Jason joined the Coordination Council as a senior staff member in March 1980. He was promoted to deputy director in January 1981 and to director of the congressional liaison division in May 1986. For the past 11 years, Jason has been responsible for Taipei's relations with the U.S. Congress. During this time, he has carried out his duties in exemplary fashion.

I am sure, Mr. President, that in his new position, Jason will bring continuity and continued strength to Republic of China-United States relations. Meanwhile, I am happy to learn that Jason's position will be assumed by a very well liked and capable successor: Larry Yu-Yuan Wang, who has been posted to Washington since 1984.

Mr. President, if the essence of diplomacy is overcoming adverse circumstance to build bonds of friendship between nations, then Jason has indeed earned the title of master diplomat. Once again, my hearty congratulations to Jason Yuan and his charming wife, Maggie, on this well deserved promotion.

JASON C. YUAN

Mr. LUGAR. Mr. President, I rise to say a word about Mr. Jason Yuan, who has served as head of Taiwan's congressional liaison division in Washington for many years. Jason has been named director of North American affairs in the Republic of China's Ministry of Foreign Affairs. My staff and I have had many occasions to work with Jason during his tenure in Washington. He has served his country with diligence, professionalism, and—of no less importance—a fine sense of with and good humor.

I am confident that Jason will display these same qualities as he takes up his new responsibilities in Taipei. As head of North American affairs for the Ministery of Foreign Affairs, Jason will be responsible for coordinating Taiwan's policies toward the United States. I am pleased that the United States will have a good friend in that position. I am certain that my colleagues will join me in wishing Jason all the best in the coming years.

TRIBUTE TO DOROTHY SHULA

Mr. GRAHAM. Mr. President, Dorothy Shula's life enriched all she touched. Her family, church, community, friends, and the many more who never knew Dorothy, but were inspired by her dedication and courage, grieve today at her passing. Our family, who knew and loved Dorothy for over 20 years was blessed by her friendship.

We celebrate her contributions and we mourn her loss. Her long battle with cancer ended February 25, 1991. The Nation's football fans know Dorothy's husband of 33 years, Don Shula, head coach of the Miami Dolphins. No less known in our community was Dorothy Shula, who epitomized civic involvment and pride.

Our community is a better place because of Dorothy Shula. She gave to her church as a social services worker. She gave to young people by fighting drug abuse. She gave to other women by promoting scholarships for female athletes. She gave to the sick by raising money for medical research. She gave to children as a teacher and as a volunteer. Most importantly, she gave by being herself.

Perhaps Dorothy's most enduring quality was her boundless love and her dedication to family. She personified the love that Paul wrote of his letter to the Corinthians, "Love bears all things, believes all things, hopes all things. Love never fails." We will miss her. Our prayers are with the Shula family. Together, we will honor our friend Dorothy Shula by working to meet the high standards she set for caring, compassion, dignity, and most of all, love.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,175th day that Terry Anderson has been held captive in Lebanon.

REPEALING U.N. RESOLUTION 3379

Mr. MOYNIHAN. Mr. President, I rise to report a significant development in the continuing efforts to repeal Resolution 3379 the obscene 1975 U.N. General Assembly resolution which found Zionism to be a form of racism and racial discrimination.

For almost a year we have heard repeated hints of a Soviet willingness to join us in seeking to rescind this vicious canard which they once initiated and worked so hard to adopt. For almost a year Soviet representatives have signaled this important change of policy in meetings behind closed doors. Now, apparently for the first time, they have chosen to do so in public.

The February 15 issue of the "Long Island Jewish World" reports that Soviet Ambassador to the United Nations Yuliy Vorontsov declared at a recent press conference that "the idea of the Zionism resolution was false, it should be repealed." No whispers here; no hints of "reappraisal," but a forthright declaration in the presence of U.S. Ambassador Thomas Pickering at a major reception announcing the opening of the Moscow branch of the New York-based Touro College International School of Businesses and Management.

Let there be no mistake. Ambassador Vorontsov's declaration is a remarkable vindication of the position this country has championed since the initial Third Committee consideration of the Zionism resolution in the fall of 1975. On November 10 of that year I took the floor of the General Assembly, as the Permanent Representative of the United States, to state that "The United States of America declares that it does not acknowledge, it will not abide by, it will never acquiesce to this infamous act."

And now, 15 years and 3 months later, the Soviet Ambassador to the United Nations seconds my words. We have gone a long way since the seeds of the Zionism resolution were first planted in a two-part article which appeared in

Pravda on February 18-19, 1971 titled "Anti-Sovietism—Profession of Zionists." The author was Viktorovich Bolshakov, Deputy Secretary of Pravda's editorial board in charge of the newspaper's international department. It was promptly published as a pamphlet in numerous languages and distributed around the world.

The article made the incredible argument that Zionists had collaborated with the Nazi invaders of the Soviet Union. Zionists as accomplices of the Nazis. What lie could be more obscene? Perhaps only the lie embodied in Resolution 3379, namely that the State of Israel—a vigorous democracy with a range of civil liberties unprecedented for the Middle East—was founded on a racist philosophy.

On September 13 of last year I asked the Senate:

> What role can the Soviet Union play in promoting peace in the Middle East so long as it has not repudiated this infamous lie, a lie which was its own creation?

I continued my remarks that day to report that:

> On March 30 of this year I held a hearing entitled "Revoking the U.N. Zionism Resolution." At that hearing the State Department revealed that "the Soviets have assured us that the resolution represents a concept that is no longer acceptable according to the new political thinking of the Soviet Union." Let them say so publicly. Let them endorse the revocation of the resolution.
>
> On August 10 of this year I received a letter from Judge Jerome Hornblass on behalf of the American Section of the International Association of Jewish Lawyers and Jurists. Judge Hornblass reports that Soviet acting Ambassador to the United Nations told a delegation from his organization that the Soviet Union is in favor of repudiating the statement that "Zionism equals racism" as it stands alone. Again, let them tell the world that they renounce this lie. That is what "new thinking" requires to be credible. What immoral regimes create, moral regimes instantly repudiate.
>
> That is what President Havel of Czechoslovakia did when he came to power. He went to Jerusalem and publicly announced that he was reversing his nation's position on this issue. Let the Soviet Union do the same. Then, and only then, will it have the credibility which is essential to play a positive role in the search for peace.

Mr. President, Ambassador Vorontsov's reported remarks go a long way toward meeting the challenge that I presented on September 13. Indeed, his statement presents a welcome opportunity for Secretary of State Baker to propose to the Soviet Foreign Minister that our nations take the lead this fall in cosponsoring in the General Assembly a resolution rescinding Resolution 3379.

At a recent hearing of the Committee on Foreign Relations I raised the issue of Resolution 3379 with Secretary Baker in the following terms:

> Senator MOYNIHAN. You mentioned confidence-building measures with respect to arms and their equivalent in diplomacy. We are thinking of the future after the Gulf conflict ebbs. * * * With respect to Israel, the abiding difficulty has been Resolution 3379, which declares Zionism to be a form of racism. While that is the stated position of the United Nations, why would a country want to have anything to do with the United Nations?
>
> Now, in December a year ago, the Vice President went up to Yeshiva University in New York and said we would lead a campaign to reverse that resolution. It is an obscene resolution. President Ford, as you remember, was outraged by it.
>
> Secretary BAKER. Yes.
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> Senator MOYNIHAN. Could I ask if there is any progress there? If there were, that might indicate a role for the U.N. in the post-Gulf crisis period. Particularly, have we talked to the Soviets? That was a Soviet initiative. I was our Ambassador there at the time. They clearly have moved away from that view. It would not be dificult for them to dissociate themselves from it. It might be a test, a confidence-building test.
>
> Secretary BAKER. Senator Moynihan, it would indeed be a good confidence building measure if we could be successful in seeing a repeal of that. The Soviet Union, as you know, very recently has improved its relationship with Israel. * * * I don't disagree with you one bit, that that would be one good thing that could be looked at. Now, whether or not there would be any chance of success, I'm not prepared to say. It's too early to try to judge that.
>
> Senator MOYNIHAN. Perhaps you would explore the matter and privately let us know what you find.
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> Secretary BAKER. On that [issue], of course, it's not just the Soviets [that matter] now that [Resolution 3379] is there.
>
> Senator MOYNIHAN. We might even get Kuwait to join us. Of course, I wouldn't ask for the impossible, Mr. Secretary.

When Resolution 3379 was being considered 15 years ago most Americans were not aware of the implications of this Soviet inspired assault on the legitimacy of the sole democracy in the Middle East. One American who was aware and cared deeply was a beloved Member of this body, former Vice President Hubert Humphrey. His body already badly weakened by the disease that would kill him, Senator Humphrey flew to New York on the night of the General Assembly vote and sat in the Assembly Chamber as I later described him, "unannounced, unabashed, outraged, bearing witness."

Few Americans cherished the idea of the United Nations as much as Hubert Humphrey did. Few Americans loved this body or this country—or served either with such distinction—as Hubert Humphrey did. It might be well for those who suspended efforts to repeal the "Zionism is racism" resolution during the Persian Gulf crisis ponder what Senator Humphrey later said about Resolution 3379: "The continued efforts to repeal this resolution will tell us a lot about the United Nations and even more about the United States."

Senator Humphrey did not live to hear the Soviet Ambassador repudiate his nation's handiwork, but the day is drawing nearer when all of us who remember that painful November evening will be able to savor a very different General Assembly vote. I plan to be there.

KINGSTREE'S BEST AND FINEST IN THE PERSIAN GULF

Mr. HOLLINGS. Mr. President, day 43 of Desert Storm is also day 1 of the cease-fire in a newly liberated Kuwait. In 6 brief weeks, we have witnessed the most massive and successful air campaign in the history of warfare, followed by the largest and most successful ground offensive since World War II. Today, Iraq's armies stand utterly defeated. We cannot help but be impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, during the Senate recess 2 weeks ago, I talked to hundreds of South Carolinians in 15 counties, and I can't tell you how proud they are of the National Guard and Reserve units from their communities which are serving in the Persian Gulf war. In community after community across my State, there has been a spontaneous outpouring of patriotism and of support for the mobilized units and their families.

A remarkable case in point is Kingstree and surrounding Williamsburg County, which is home base for the 1052d Army Guard Transportation Company, a standout unit which is working round the clock to ferry ammunition and war materiel to troops on the front lines. Some 162 men and women of the 1052d have been deployed in the war threater, nearly half of them from Kingstree, Hemingway, and Lake City.

One measure of the pride of Kingstree and nearby communities is the tremendous sendoff that was given to the 1052d on November 20, when it rolled down Main Street in a column bound for Fort Jackson and the war. Some 7,000 citizens lined the street, cheering, carrying American flags, and waving yellow ribbons. Many people wept—as much from pride as from worry. The people in Kingstree say that the only thing bigger than that sendoff parade will be the victory parade when the 1052d returns.

Mr. President, this expression of pride is very understandable. Bear in mind that the 1052d is made up truly of citizen soldiers—men and women from all walks of life who are serving at great sacrifice to their families and careers. They range in age from their early 20's to their mid-50's. Many left behind pregnant wives. The men and women of the 1052d include foremen, accountants, computer specialists, even the manager of the local Coca-Cola bottling plant.

In the center of Kingstree, city officials have erected three flag poles bearing the American flag, the South Carolina flag, and the colors of the 1052d. Those flags will be illuminated 24 hours a day until the last soldier comes home, after which they will be kept in a place of honor in the National Guard Armory. Meanwhile, the entire community has come together to aid and embrace the families left behind. Cars proudly bear bumper stickers proclaiming "I support the 1052d." Local banks and finance companies are going out of their way to accommodate soldiers' families. At least one young, unemployed wife of a 1052d soldier has received a generous monetary gift from an anonymous Good Samaritan. And Mrs. Zane White and other leaders of the 1052d Support Group have worked tirelessly to reach out to spouses not just in Williamsburg and other nearby counties, but as far away as Columbia and Charleston. My hat is off to all of these people—for their sacrifices, for their generosity, and for their quiet courage on the home front.

Mr. President, the men and women of Kingstree's 1052d Transportation Company are among our best and finest. They are doing an extraordinary job under the most dangerous and difficult of circumstances. They are a credit to their Nation, and are doing South Carolina proud. I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

BEYOND THE END OF THE WAR

Mr. BYRD. Mr. President, every important phase of our military deployment and operations in the Persian Gulf from August of last year until today has been carried out superbly and nearly flawlessly. The deployment of over half a million men, and the sheer logistical challenges were met with amazing competence and creativity. The assessment and shaping of the battlefield, the selection of tactics and weapons, the use of massive air power over an extended period of time—which rendered the opponent blind to the extent that he had little or no knowledge as to how and where the allied forces were massing—and the sequencing of events were masterful.

The proof is the unusually light, low number of American casualties. Patience was exercised and rewarded. A common theme running throughout the operation was the usefulness and integration of high technology, which opened a new page in modern warfare, allowing for night engagements on a massive level. It is not just that we have invested in workable systems incorporating new computer, sensor, mobility, and weapons systems technologies, but that such technologies were integrated into the daily planning and operations to fully use them to effect. I hope that we will be able to enlist the Department of Defense in an exercise in lessons learned across the board, while everything is still fresh in our minds, so that we can effectively shape the fiscal year 1992 Defense bill.

And I want to pay great tribute to the Secretary of Defense, Mr. Cheney, who throughout this whole effort demonstrated an unflappable manner, which is characteristic of him. At no point did he appear to gloat. He exuded an air of confidence and competence, and I think that we are most fortunate in that we could have a Secretary of Defense like Mr. Cheney in these critical hours.

Mr. President, we came to the aid of our allies and friends in the Middle East at a time of brutal testing. Now I believe we should use our resources to disengage and to help formulate a postwar peace and security system that does not require the long-term presence of U.S. ground forces in the region. Our forces should be available, but, as before, in an over-the-horizon mode. I am opposed to any long-term U.S. ground force peacekeeping presence or security net. The United Nations authorized the action that the United States and the coalition took, and today the U.N. Security Council, properly, is debating the nature of its postwar action. The Secretary General today announced that he was prepared to send peacekeeping forces to the region. We should certainly strongly support that as a piece of the postwar solution. In addition, the Arab States Foreign Ministers have met over the last week to determine the nature of a postwar security system and, it is reported, have decided that the force should be ultimately composed of indigenous Arab forces. The details of the postwar ground force peacekeeping system are now being put together, and a clear consensus must be built with the Congress on the shape and direction of any postwar policy. We cannot afford to be the world's policeman, or the Middle East riot squad. I feel certain that the states of the Middle East do not wish a permanent American armed presence.

Mr. President, in these times of economic distress, we cannot afford to expend indefinitely precious American resources in the Middle East for a lengthy postwar security system. In fact, we could not financially afford the Desert Storm operation either, and that is why we have called upon our allies and friends to contribute the necessary financial resources to match our commitment in men, blood, credibility and energy. The United States has expended vast resources to defend freedom in the Middle East. We expect our allies to pull their weight. The Congress has established a system for allied contributions to be used to offset our expenditures. We should not and cannot be paid policemen, hired guns in the postwar setting. No commitment for such a role could prudently be made to any nation or group of nations without a debate and the development of a clear consensus in the United States. The American people, I believe, are justly proud of our forces, as am I, and I think they are correct to feel that our duty has been done and it is time to welcome our troops home.

And when our forces do return home, they will find an America which is deep in recession, an America in which the infrastructure is badly in need of repair and upgrading. Enormous sums will be needed to accomplish the tasks of building our infrastructure, our highways and bridges, our mass transit systems, our rivers and harbors and airports. The time to put our energies and treasures into our own backyard has arrived. There is no place like home, and home needs our undivided attention for some years to come. We can no longer easily fund extended foreign deployment and commitments. Our allies are flush with the fruits of decades of investment—a great deal of it investment by the American taxpayers—and their economies, the economies of our allies, are healthy. The age of domineering global superpowers is over. A truly new world order cannot just ape the old world order.

A more complicated international economic system is evolving, and America will play, as has been amply demonstrated, its rightful, proper and, if necessary, courageous role. But no long-term global role for the United States will be viable if we do not strengthen our home base, our industries, our productivity, our infrastructure, and our human resources. That is the task now, and let us turn to it. Let us hope that we have the courage and ability to prosecute these tasks as well as our young men and women have done their work in the gulf theater.

President Bush showed strong leadership, courage, and decisiveness in this crisis, and he is entitled to great credit. Our fighting men and women have demonstrated great bravery and make us all proud of the way they conducted themselves throughout the air, land, and sea campaign. I am also proud of the patriotism and support given to our troops by the American people from throughout the Nation.

I think we are witnessing a strong recrudescence of patriotism and the national spirit. And I hope that that recrudescence will continue to grow and will remain with this great country in all of the decades to come.

I thank God that our service men and women will soon be coming home to their families.

SILVIO O. CONTE

Mr. BYRD. Mr. President, on another matter, I have been wanting to say a few words about an old friend.

Whether at Naishápúr or Babylon,

Whether the Cup with sweet or bitter run,
The Wine of Life keeps oozing drop by drop,
The Leaves of Life keep falling one by one.

With all of our colleagues who knew him personally, and with the people of the First Congressional District of Massachusetts, I was sincerely saddened by the recent death of Representative Silvio O. Conte.

Over the years, and especially since my becoming chairman of the Senate Appropriations Committee, I enjoyed the opportunity to meet and talk with Congressman Conte many times. Congressman Conte was the ranking member of the House Appropriations Committee, and his duties and my duties often intersected.

At all times, I found Silvio Conte to be an open, cooperative, dedicated, congenial, lovable representative of his district; a well-informed, pragmatic, and determined member of the Republican Party; and, above all, a warm, committed, and agreeable American patriot.

Perhaps the best word, or at least an excellent word, in my judgment, to describe Silvio Conte, however, was the word "delightful." To meet Silvio Conte, to know Silvio Conte, or to work with Silvio Conte was to like him, to admire him, and to come to love him. Silvio Conte brought into every room that he entered, and into every friendship that he made, a special and particular light—a radiant gift of personality and humanity not often found in everyday life, not to mention in so effective and gifted a politician.

Congressman Conte was first elected to the House of Representatives in 1958—the year in which I was first elected to the U.S. Senate. Thus, I did not meet him until after I had left the House of Representatives. But through his gifted personality and personal charm, Silvio Conte's reputation extended from across the Capitol, into this Chamber. Among his close friends and collegial admirers were numerous Democrats as well as Republicans, here and in Massachusetts, too. That may explain Silvio Conte's continued reelections by majorities often running as much as 75 percent in one of the most partisanly Democratic States in the Union.

I know that I speak for many of our colleagues who called Silvio Conte our friend, and for all of our colleagues who were privileged to work with him in our mutual responsibilities and shared duties, in extending condolences to Congressman Conte's family, friends, and constituents.

I know that I speak for all the members of the Appropriations Committee—and there are three of them on the floor at this time—and I know that I speak for all Americans in expressing my gratitude to the people of the First Congressional District of Massachusetts for lending for a time to our country's leadership this native son of Massachusetts, this proud Yankee of Italian background, and this great American from Pittsfield.

Tennyson wrote a poem, which I feel typifies the courage and the spirit of Silvio Conte:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar,
When I put out to sea,
But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.
Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;
For though from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar.

Mr. LEAHY. Mr. President, I want to compliment the distinguished chairman of the Appropriations Committee not only for the statement he made in behalf of Silvio Conte, a proud Yankee of Italian decent, he said, but also doing it so eloquently and heartfelt. I will make further statements about Congressman Conte at a later date.

MAKING MINORITY PARTY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. DOLE. Mr. President, I understand the resolution is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 68) to make minority party appointments to the Select Committee on Ethics for the 102d Congress.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, this resolution requests the appointment of my distinguished colleague from Washington, Senator SLADE GORTON, to the Senate Ethics Committee.

I want to take this moment to express my deepest thanks to my distinguished colleague, Senator JESSE HELMS of North Carolina, who will be stepping down from the Ethics Committee after more than 12 years of service.

Membership on the Ethics Committee is not one of the plum assignments in the Senate, so I am especially appreciative of Senator HELMS for his able work over these past 12 years—work that was undertaken with a great sense of responsibility and without complaint.

As the newest member of the Ethics Committee, Senator SLADE GORTON will hit the ground running. An outstanding lawyer and a former Washington State attorney general, Senator GORTON has the analytical skills, the temperament, and most importantly, the integrity to make an immediate contribution to the vital work of the committee.

So I want to commend my distinguished colleague—as I did—Senator HELMS, for his work over the past 12 years, and welcome the distinguished Senator from Washington [Mr. GORTON].

It is a very difficult task. It is one that none of us seek. In fact, I sought out Senator GORTON to see if he would be willing to serve on the Ethics Committee, and I appreciate his willingness to do that. I know he will do an outstanding job, working with his colleagues in a nonpartisan, bipartisan way, as the Ethics Committee must do.

I just add one footnote. Even though Senator HELMS is leaving the committee—I have discussed this with both the distinguished Senator from Alabama [Mr. HEFLIN] and the distinguished Senator from New Hampshire [Mr. RUDMAN]—in the event one of the pending cases should come to the floor where Senator HELMS has heard the evidence, he would be an ex-officio member for that purpose, and that purpose only.

The PRESIDING OFFICER (Mr. SIMON). The question is on agreeing to the resolution.

The resolution (S. Res. 68) was agreed to, as follows:

S. RES. 68

Resolved, That the membership on the Select Committee on Ethics for the minority party consist of Messrs. Rudman, Lott, and Gorton to serve until their successors are appointed.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Friday, March 1; that when the Senate convenes on Friday, March 1, it be for a pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 2:30 p.m., Tuesday, March 5; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Does the distinguished minority leader have anything else? Is there any other Senator who wishes to be heard at this moment?

If not, Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as under the previous order until 10 a.m. Friday, March 1, 1991.

There being no objection, the Senate, at 7:01 p.m., recessed until Friday, March 1, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 1991:

FEDERAL RESERVE SYSTEM

LAWRENCE B. LINDSEY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF 14 YEARS FROM FEBRUARY 1, 1986, VICE MANUEL H. JOHNSON, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate February 28, 1991:

DEPARTMENT OF VETERANS AFFAIRS

CHARLES L. CRAGIN, OF MAINE, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF 6 YEARS.

EXTENSIONS OF REMARKS

TRIBUTE TO KONAWAENA HIGH SCHOOL'S WORLD SOLAR CHALLENGE TEAM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. MINK. Mr. Speaker, on October 27 of last year I rose to take note of the hard work and achievement of the students of Konawaena High School on the island of Hawaii that was about to compete in the World Solar Challenge, a race of solar-powered vehicles covering approximately 1,875 miles from Darwin to Adelaide across Australia's outback midsection from north to south. The race was held November 11–22 of last year. The Konawaena High School team, through hard work, creativity, and persistence, won the right to compete in the World Solar Challenge by winning the Tour of the Sun competition among five Hawaii high schools and one intermediate school held last summer at Kailua-Kona on the island of Hawaii.

Today, Mr. Speaker, I rise to update this House, to applaud the Konawaena High School solar car team for achieving what I consider to be the truly remarkable, and to thank those who made such an achievement possible.

After racking up 96 hours on the road and a nip and tuck battle throughout the 11-day race with a competing Australian high school, Hawaii's Konawaena High School team finished first in the race's high school division and 18th out of 38 vehicles overall.

This event was much more than a group of high school teams competing in a solar-powered vehicle race. This was a truly international event. It included entries from, or backed by, some of the world's largest automakers—like Honda and General Motors—some of the United States' most prestigious universities, and several large multinational corporations which had millions of dollars tied up in their vehicles. In short, Mr. Speaker, the students on the Konawaena High School World Solar Challenge team was pitted against some of the best engineering brains and best financed teams in the world. But that fact did not faze our team from Hawaii. What the Konawaena team lacked in financing it made up with creativity, ingenuity, hard work, and persistence.

The World Solar Challenge was a gruelling event for any vehicle, much less one designed and built by high school students with limited resources. Let me describe a little of what achieving such an honor involved. Imagine traveling on Australia's only cross-continental highway 9 hours a day through some of the most isolated and desolate regions of the world, stopping to camp in the barren outback each night. Imagine fierce headwinds, 106-degree temperatures, flies, heavy clouds and traffic adding to the difficulties for Konawaena High School's 320-pound car, named "Ka La Ikaika" or "The Powerful Sun."

Added to the hindrances provided by Mother Nature were mechanical challenges presented to the students. Let me take just a moment to cite just one example of how the students learned life's valuable lesson that success doesn't come without overcoming obstacles. it was during the time trials to determine starting positions in the World Solar Challenge race itself. As team after team completed the speed portion of the trials—brake and stability tests were to follow—the Konawaena pit crew worked under a scorching sun at trackside to repair motor and gear problems on their car. Had repairs not been completed by the late afternoon deadline, the car would have been eliminated from the race. But to the relief of everyone, the repairs were made in time and the Ka La Ikaika glided smoothly, silent, and swiftly across the starting line and into the speedway's measured portion. However, that wasn't the end of the team's obstacles to overcome. Motor and gear problems presented a constant challenge to the team throughout the race. Other mishaps included at least six flat tires, a shattered front axle, a minor fire in the cockpit, stripped gears, and a loose wire leading to a multitude of short circuits.

But there were triumphs too. For example, on the race's second day, Konawaena started out in last place but in the space of 6 hours "the Powerful Sun" had left 13 cars in its wake.

Mr. Speaker, every citizen of Hawaii and each Member of this body can also be proud of how the students conducted themselves during their trip to Australia. I would challenge any Member to cite a group that has conducted itself with more maturity and poise as ambassadors from their home State and their home country under sometimes very trying circumstances. The team received worldwide attention from more than 250 journalists from 12 countries. Wearing leis and aloha shirts, the team was always the center of attraction at the many prerace and postrace functions. Their behavior and deportment was flawless. I do not overstate the case when I say, Mr. Speaker, that the students behavior brought great honor to themselves, their community, their State and to this country.

Of course congratulations must first be given the members of the Konawaena High School solar car team making the trip to Australia. They are: Dominique Amae, Melita Bunghanoy, Tammy Delatorre, Wayne Fukunaga, Jr., Adrianne Grace, Erik Johnson, Denet Lewis, Leslie Lowe, Mandy McCasland, John Orr, Yuni Politz, and Sylvia Silva.

The Konawaena High School solar car team members also invited students from other high schools to make the trip to Australia. They were Greg Stephen-Hassard of Hawaii Preparatory Academy and Ann Tabieros of Farrington High School.

Mr. Speaker, tremendous congratulations and thanks goes to William Woerner, Konawaena High School physics teacher and head adviser of the school's solar car team. Assistant adviser is Konawaena High School teacher, Geoffrey Van Kirk. Appreciation must also go to Konawaena High School principal, Mae Yamasaki, whose overall support and encouragement played a key role in this tremendous effort. Also providing important overall encouragement and support was Hawaii Superintendent of Schools Charles Toguchi.

Performing yeoman's work in generating publicity, coordinating news coverage while the team was in Australia, and playing an important role in raising funds so the team and the Powerful Sun could make the trip was Herb Squires.

Other adults serving as sponsors, chaperones, and support team members were: Mary Beth Hilburn, a teacher at Konawaena High School; Paul Hilburn; Wayne Fukunaga, Sr.—father of team member Wayne Fukunaga; Stephen Murata, owner of a welding company, who contributed mightily to the hard task of keeping the car in running order: Dave Rezachek; Marguerite Rezachek; Summer Kirn; Budd Steinhilber; and Michele Stephen-Hassard—mother of Greg Stephen-Hassard.

Thanks should also go to the Hawaii Department of Business and Economic Development's [DBED] Energy Division for sponsoring the Ka'ahele La—Tour of the Sun—Interscholastic Photovoltaic-Powered Vehicle Competition in Hawaii. This program, believed to be the only one of its kind in the country, in a sense laid the foundation from which the Konawaena High School World Solar Challenge team built its success. The program encourages high school students across Hawaii to build and design solar-powered vehicles with the overall goal of providing multienergy education to Hawaii's young people. DBED provided technical assistance and the seed money with a $12,000 grant to each participating school to apply toward designing and building a solar-powered vehicle.

As I said earlier, the Konawaena solar car team competed with five other schools last July to win the Tour of the Sun competition, which gave the team the right to represent Hawaii in Australia. The other schools competing in last summer's Tour of the Sun competition were Hawaii Preparatory Academy and Na'alehu Intermediate School from the island of Hawaii and Pearl City High School, Roosevelt High School, and Farrington High School from the island of Oahu. The students on these other schools' teams had at least an indirect hand in the success of the Konawaena team.

Credit should also go to Jonathan Tennyson, a fan and designer of solar-powered vehicles from the island of Hawaii. It was largely

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

his idea for a solar-powered car competition in my State in the first place. That idea is what led to the worldwide honor and acclaim that has been accorded the Konawaena High School World Solar Challenge Team.

The late Tokutaro Amea, who passed away in April of last year, should also be recognized. He had been the Konawaena solar-powered car team's head technical adviser and mentor.

Mr. Speaker, I wish time would permit me to list all those who played a role in the success of the Konawaena High School World Solar Challenge Team. There were hundreds and hundreds of people who donated their time and money or both. There is also a long list of corporate sponsors to whom is owed a tremendous debt of gratitude. Among those on the list of corporate sponsors are: Continental Airlines; Aloha Airlines; Hawaiian Airlines; Kona Kai Coffee Farm; Big Island Welding; West Hawaii Today; The Hawaii Tribune-Herald; South Computer Center; B.&L. Bike; the Kona-Kailua Rotary Club; Hawaii Visitors Bureau; Wes Thomas & Associates; Dorothy's Secretarial Service, Dorothy Cabe, owner; HPM Building Supplies, Mr. Vern Berry, general manager; Matson Lines; and Hilton Hotels. These firms and all the others did such things as donate thousands of dollars' worth of in-kind contributions.

The individuals or organizations that time does not permit me to list at this time should in no way be interpreted to mean that their contribution was not every bit as important. It would not be possible for me to praise the Konawaena solar-powered car team today were it not for the contribution made by each and every contributor and/or volunteer.

In closing, Mr. Speaker, let me say that this event was more than an event to test the ingenuity and perseverance of a group of high school students, although that in itself is important. The World Solar Challenge event bodes well for the future of this country and of the world when you consider the fact that the Konawaena solar car team drove its solar-powered vehicle nearly 1,900 miles across some of the toughest country in the world using the equivalent of only 1½ gallons of gasoline.

Mr. Speaker, I am sure that you and our colleagues in the U.S. House of Representatives join me in expressing sincere congratulations to the Konowaena High School World Solar Challenge team and all those who made its success possible.

SUPPORT FOR H.R. 5

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. HAYES of Illinois. Mr. Speaker, one of the most important pieces of legislation introduced in this session is H.R. 5. The bill will prevent the hiring of permanent strikebreakers and make it illegal to offer preferential benefits to strikers who cross picket lines.

The betterment of living and working conditions is at the heart of this legislation. The history of this country and other nations is full of examples where labor played an instrumental role in social progress. As a former union officer who worked his way up through the ranks, I am proud of that history; the 8-hour day, child labor laws, workplace safety, and civil rights are some of the ways unions advanced the dignity of labor.

The freedom of workers to voluntarily form unions and advance these causes—without threats or intimidation—is a fundamental right for all Americans. Fortunately, most of management remains committed to a fair, collective-bargaining process where both sides try to reach common agreement. The vast majority of negotiations reach successful resolution.

However, the last 10 years have produced a new breed of management which is dedicated to destroying organized labor. This new breed does not care about the devastating effects of permanent strikebreakers on workers' families or the surrounding community. One need only look at the misery inflicted by Eastern Airlines: communities torn apart, families ruined, and neighbor turned against neighbor. No one won; and Eastern, a great airline, is a footnote in history.

Let us end this tragic chapter in a positive fashion by preventing its repetition in the future. I urge my colleagues to look at H.R. 5. It is a bill with positive effects on the community and family.

TRIBUTE TO LT. COL. JACK C. ZORKA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. KOLTER. Mr. Speaker, today I rise before the House of Representatives to honor and pay very special tribute to Lt. Col. Jack C. Zorka, U.S. Air Force, retired, who will be honored and inducted into the Michael Kosar American Legion Post 778 Military Hall of Fame, Lyndora, PA, in my Fourth Congressional District on March 9, 1991.

Lieutenant Colonel Zorka was born on October 22, 1915 and is a life-long resident of Lyndora, PA. He attended Lyndora Public School and later Butler High School. Lieutenant Colonel Zorka received his college education from George Washington University and later attended a year-long special Air Force training school at the University of Pittsburgh.

Lieutenant Colonel Zorka enlisted in the regular Army in 1936 and was assigned to 1st Coast Artillery at Fort Sherman in the Panama Canal Zone. He entered Officers' Candidate School and graduated in October 1942, commissioned as a second lieutenant, along with other members: Clark Gable, Bill Holden, Bruce Cabot, Ronald Coleman, and baseball player Hank Greenberg.

He served in various assignments and was directly involved in the final inspection and acceptance of Air Force airplane assemblies built by Chrysler Corp. for the B–17, B–29, and B–26.

Discharged in 1946 as a captain, Lieutenant Colonel Zorka was later commissioned in the regular Army and assigned to the 20th Fighter Wing, Shaw AFB, SC.

He later served in Japan with the Occupation Forces and also in Korea during the war from 1950 to 1952. His other assignments were at Mitchel AFB, New York; the University of Pittsburgh; the Pentagon; 20th Fighter Wing, Wethersfield, England; and Warner Robins AFB, GA, where he retired as Lieutenant Colonel in 1967.

He was awarded the following decorations: Air Force Commendation Medal, Bronze Star Medal, American Defense Medal, Good Conduct Medal, World War II Victory Medal, Army Occupation Medal, Republic of Korea Service Medal, U.N. Service Medal, and National Defense Medal.

After many years of distinguished service, Lieutenant Colonel Zorka has recently moved to the Military Retirement Center in San Antonio, TX.

Mr. Speaker, it is with great pride that I address the noted accomplishments and distinguished service of Lt. Col. Jack A. Zorka today before the Congress. I join with my colleagues in wishing Mr. Zorka all the best that retirement has to offer, now that he has so unselfishly served his Nation, the just cause of democracy and the peace of the free world.

MILDRED L. BOYCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. TOWNS. Mr. Speaker, I am proud today to recognize an individual who has played a key role in increasing the growth and improvement of the Brooklyn education system, Mildred L. Boyce.

A native of Brooklyn, Ms. Boyce herself is a product of the educational system for which she has worked. She received her associate degree (1963), B.A. in humanities (1965), M.S. in education (1972), and an advanced certificate in administration and supervision (1975) all from Brooklyn College.

Upon earning her B.A., she began her career as an educator. Mildred Boyce had a great interest in education since the age of 7, when she conducted her own school by making paper dolls as students. She really enjoyed the idea that she was helping all of her students to learn. This sparked her desire to choose education as a career. From 1965 to 1977, she taught in P.S. 106. Here, she worked in various positions such as teacher, master teacher, and teacher of common branches.

In 1977, she began working at I.S. 383 as an English teacher. For a brief time, she left the classroom to work as acting interim assistant principal. This gave her the opportunity to see the distinctions between two very important positions in the education field. As a teacher she could plan her duties in detail. For example, as an English teacher she developed a syllabus for each grade to ensure that all the aspects of grammar were covered properly. However, the duties of a principal were so numerous that it was difficult to plan in great detail. Therefore, Boyce handled the difference by planning effectively in order to react when things occurred.

She continued as a teacher until 1984, when she became assistant principal of I.S. 383. She used her previous experience as interim assistant principal to prepare her for this promotion. Mildred's job included overseeing teachers, students, and methods of teaching. This was a different way for her to influence the quality of education of an even greater number of students.

She worked successfully as an assistant principal until 1989, when she was promoted to the position of principal of I.S. 383 Phillippa Schuyler Middle School for the Gifted and Talented. She is presently working in this position.

One of Ms. Boyce's long-term goals for I.S. 383 is to make the school No. 1 in New York City. Presently the school is ranked No. 3. In addition, she is working to motivate students who have potential to translate this potential to positive achievements.

In addition to her work as an educator, she has made personal contributions to the community. Mildred is active in several organizations that help improve educational quality. She has had such an extensive involvement in community organizations that she is frequently honored for her work. For instance, the 54th Democratic Club honored Mildred for her contributions in the field of education.

In the words of Ms. Boyce, her greatest joy is having her students come back after many years to say, "You have made a difference in my life." It is individuals like Mildred Boyce who have chosen careers in education that benefit the entire Nation. Her work within the educational system and the community are very necessary and do make a difference in everyone's life.

THE CHILDREN'S AND COMMUNITIES' MENTAL HEALTH SYSTEMS IMPROVEMENT ACT OF 1991

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. MILLER of California. Mr. Speaker, today I am pleased to reintroduce the Children's and Communities' Mental Health Systems Improvement Act of 1991, with the support of more than 25 of our colleagues. And, I especially want to thank the National Mental Health Association for its leadership in the development of this legislation on behalf of children and youth with mental health problems.

The bill addresses the urgent need for comprehensive mental health services for children and youth with serious emotional disturbances. According to the Office of Technology Assessment, as many as 7.5 million American children have a diagnosable mental disorder and nearly half are deemed severely disordered or handicapped by their mental illness. In the course of a year, more than 100,000 children are placed in residential care facilities for mental health problems, and about 2 million receive mental health treatment in outpatient settings. Sadly, these children constitute only a fraction of the number believed to suffer from a mental health problem severe enough to require treatment.

The state of children's mental health services today is a national disgrace. Across the country, local mental health clinics are overwhelmed. Only the most violent and disturbed youth have a chance to get help. In some communities, children are placed on long waiting lists or in adult psychiatric wards because appropriate services are unavailable.

In the last Congress, the Select Committee on Children, Youth, and Families, issued a major study of children in out-of-home placement in the child welfare, juvenile justice, and mental health systems. This assessment revealed that the number of children in placement in all systems has risen dramatically over the last several years, and that children with severe emotional problems face a desperate lack of appropriate attention and services.

While the number of children in much more costly and inappropriate care has increased, effective community- and family-based interventions remain few and undersupported.

The evidence continues to grow that children can effectively be served in their own communities, and be maintained with their families, at far lower cost than residential treatment. A model program in Ventura County, CA, that provides well-coordinated, multiagency community services, has shown the effectiveness of such an approach in reducing the need for hospitalization. The project offset at least 66 percent of its cost by reducing other public agency costs. At the same time, it improved a variety of client outcomes including increased grade level functioning, fewer referrals to special schools, and a reduction in juvenile justice recidivism.

The bill we are introducing today provides grants to States on a matching basis to establish comprehensive systems of care at the local level to children and youth under age 22 with severe emotional disturbances. Services include diagnoses and evaluation, 24-hour emergency services, intensive home-based services, day treatment, respite care, therapeutic foster care, and transitional services. The services must respect special cultural needs, and may be provided by public or private nonprofit entities. Local child-serving systems of care will coordinate the provision of services and establish an office for admitting and following children in care.

This legislation builds on the growing record of success demonstrated by community-based services for children. It adopts a comprehensive, coordinated continuum of care that will operate in local communities where the children and families live and where their individual needs can be addressed. I look forward to our deliberations on this far-reaching measure and urge my colleagues to join me in its support.

The following provides a summary of the proposal:

SUMMARY OF THE CHILDREN'S AND COMMUNITIES' MENTAL HEALTH SYSTEMS IMPROVEMENT ACT OF 1991

This initiative amends title XIX of the Public Health Service Act to establish a program of grants to States to provide community-based, comprehensive mental health services to children with serious emotional disturbance. Grants would be made to States by the Secretary of the Department of Health and Human Services, acting through the National Institute of Mental Health. For the first fiscal year of the program (fiscal year 1992), the Secretary may make a maximum of 10 grants to States.

Under this Act, States must use the funds to establish and operate one or more systems of care for making mental health services available to children and adolescents under age 22 with a serious emotional disorder, a serious behavioral disorder, or a serious mental disorder. Fees for services will be assessed on a sliding scale based on family income, and children whose family income is equal to or less than 100 percent of the Federal poverty level will receive services at no cost.

REQUIRED SERVICES

The system of care developed under the grant must provide: diagnostic and evaluation services; outpatient services including individual, group and family counseling services, professional consultation, and review and management of medications; emergency services; intensive home-based services when the child is at imminent risk of out-of-home placement; intensive day treatment services; and respite care. Other required services include: therapeutic foster care, in-home services in foster family homes and small group homes, as well as assistance to a child in making the transition from the form of services received as a child to services to be received as an adult.

REQUIRED COLLABORATION

In addition, the system of care must enter into a memoranda of understanding with providers of other services which children may need including medical, educational, vocational counseling and rehabilitation services, and protection and advocacy services. Although funds under this bill cannot be used to pay for these other services, such services must be available to covered children as needed. Case management services must also be available to each child admitted to the system.

FUNDING

Funds for this State grant program are authorized at $100 million for fiscal year 1992, $200 million for fiscal year 1993, and $300 million for fiscal year 1994 and thereafter. Of the amount appropriated, $3 million is to be available for technical assistance. States receiving grants must match at least $1 from non-Federal sources for every $3 of Federal funds provided by the grant.

INTRODUCTION OF THE PLATORO RESERVOIR BILL

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, I would like to revise and extend my remarks.

I am introducing a bill, cosponsored by members of the Colorado congressional delegation, which provides for the transfer of the Platoro Reservoir to the local irrigation district and provides for the enhancement of fish habitat in the Conejos River in southern Colorado.

The Platoro Reservoir was built in 1951 by the Bureau of Reclamation as a part of the San Luis Valley Irrigation Project. Because of the administration of the interstate Rio Grande compact, the reservoir has never been used.

The Conejos District will make an advance lump-sum payment of $450,000 to the Federal

Government for the right to operate this Federal project. This sum represents the present value of the district's future obligations under its repayment contract, taking into account the Federal savings in operation and maintenance costs because the district, will be responsible for operating, maintaining, and repairing the dam. The district believes that after assuming the risk and responsibility for making this irrigation project work, they can implement an aggressive local water management program to realize the project's irrigation benefits.

This bill is also intended to end a longstanding environmental problem caused by the original construction of the reservoir; namely, maintaining satisfactory instream flows in the Conejos River for fish and wildlife.

The Platoro was designed in the 1930's and 1940's; it was built in 1951—all before NEPA or the Fish and Wildlife Coordination Act. No instream flows were provided below the dam. This bill requires the Conejos District to provide instream flows by releasing water that would have been used for irrigation. This reduced yield for irrigation will be compensated by the further reduction in the lump-sum payment price.

The State of Colorado will manage the water rights protecting these released waters. Because of the State's provision of low-interest financing to the Conejos District, the result is a three-way shared responsibility to provide for the enhancement of the Conejos' fish habitat.

I am also delighted that the ground work is being laid for negotiations to designate the Conejos River as wild and scenic.

As you know, the Forest Service has completed an eligibility study and determined that only 35 cfs was required to maintain a wild and scenic river, and our bill mandates a minimum stream flow of 40 cfs, with at least an additional 5 cfs during the winter. This makes the Conejos a de facto wild and scenic river.

For nearly 40 years the water in Platoro Reservoir has been wasted because water simply fills the reservoir, then is released so that it does not spill over the top. This is a crime because the Conejos Valley is one of the poorest in the country with unemployment averaging around 20 percent. This bill will allow the valley's farmers to use the water to grow crops and allow it's residents to use the fish and wildlife enhancement provisions to attract visitors to the region. It is seen as a key economic development issue and the Colorado General Assembly has overwhelmingly provided funding to the district in the form of a loan package to allow this transfer to go forward.

The Conejos District is ready to meet the challenge of being directly responsible for the success of the project. This bill gives the district the opportunity to free itself from Federal bureaucratic heel-dragging that has made the operation of the reservoir nearly impossible.

This bill deserves to be judged on its merits. The local water users are willing to take a Federal irrigation project which has not worked and assume responsibility for its success. This bill makes good sense for both the Federal Government and the Conejos District and I urge you to support it.

A TRIBUTE TO ROBERT C. WINTERS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. ROUKEMA. Mr. Speaker, Saturday, March 2, 1991, the friends and supporters of the Northwest Bergen/Ramapo Valley Chapter, the Essex Chapter and the Central Bergen Chapter of the American Red Cross will pause to salute the volunteers that have built these chapters into the effective organizations that they are today. I would like to call to the attention of my colleagues one of these honorees, Robert C. Winters.

Bob Winters has had a most successful career in the insurance industry. Since joining the Prudential Insurance Co. of America in 1953, Bob has risen to the post of chairman and chief executive officer. While pursuing his career, however, Bob has endeavored to dedicate time to both his family and his community.

In addition to his service to the Red Cross, Bob finds time to serve on the board of both the American Council of Life Insurance and the United Way of Tristate serving as the chairman of the tristate campaign for 1989. Bob is also a member of the New Jersey State Chamber of Commerce and has served as chairman of the Greater Newark Chamber of Commerce.

Mr. Speaker, success comes in many ways. But it is sweetest when it comes with the approval, the applause, the rewards freely given by ones peers. And that is why the supporters of the Red Cross in northern New Jersey will gather this week to recognize Bob Winters. I ask my colleagues in the House to join in that recognition.

CAL STATE HAYWARD CELEBRATES ITS INAUGURATION WEEK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. STARK. Mr. Speaker, during the week of May 13–17, California State University Hayward, in California's Ninth Congressional District, will hold its inauguration week. This week will celebrate the investiture of Cal State Hayward's third president, Dr. Norma Rees. Dr. Rees was selected as Cal State Hayward's first woman president out of a field of 150 applicants by the State University system trustees after a national search that began in October 1989.

Cal State Hayward was established in 1957 and is part of the 20 campus California State University system. The university has a budget of $60 million and a curriculum of 37 major fields of study with 22 masters degree programs. The Hayward campus currently has 13,000 students and 650 faculty members; 83 percent of the student body is drawn from public and private high schools in the surrounding Alameda and Contra Costa Counties.

Dr. Rees comes to Cal State Hayward from the Massachusetts Board of Higher Education. She received her B.A. in speech pathology and audiology from Queens College, her master's in speech pathology and audiology from Brooklyn College and her Ph.D., in speech from New York University.

Dr. Rees is a veteran academic administrator and has held numerous professional positions including, most recently, vice chancellor for academic affairs, policy, and planning, Massachusetts Board of Regents of Higher Education. She held that position from 1987 to 1990. She has also held the position of special assistant to the president at the University of Wisconsin from 1986 to 1987, acting chancellor of the University of Wisconsin-Milwaukee from 1975 to 1986, and vice chancellor for academic affairs, University of Wisconsin-Milwaukee. From 1982 to 1987, she was a professor at the University of Wisconsin and from 1953 to 1982 she held professorships at a number of other colleges including Hunter College and Queens College. During this time she also served as the dean of Graduate Studies at CUNY.

Dr. Rees has also served in a number of professional societies and community groups including; the American Association for Higher Education, the American Speech and Hearing Association, the American Association of University Professors, the board of directors of the American Red Cross-Greater Milwaukee Chapter, the board of directors, the Milwaukee YWCA, the board of directors of the council on postsecondary accreditation.

She has received many honors, among them: Phi Beta Kappa, 1951; Fellow of the American Speech and Hearing Association in 1971; Who's Who in America and, Who's Who in American Women. In 1977, she received honors from the New York State Speech and Hearing Association, and in 1986, she received honors from the American Speech-Language-Hearing Association.

Dr. Rees has published dozens of articles including: "Communication Skills: Voice and Pronunciation", "The Role of Babbling in Language Acquisitions," "A Talent for Language," "The Speech Pathologist and the Reading Process," "Development of a First Language in a Deaf-Blind Adult," and "Implication of Vowel and Dipthong Distortion."

One of Dr. Rees' priorities as president is to boost enrollment at Cal State Hayward. Currently, enrollment is about half of its capacity. In September 1990, the Hayward campus enrollment was 12,825 students—just about half of the 25,000 that the school was designed to accommodate. Because a university study of Alameda and Contra Costa Counties predicts that the number of people in the 15 to 29 age group will decline by 30,000 by the year 2000, despite a 26-percent growth in the population, Dr. Rees also plans to reach out to nontraditional students.

Mr. Speaker, I rise today to congratulate Cal State Hayward on its inauguration week and to wish President Rees the best of luck in her new position.

THE FOURTH ANNUAL CONFERENCE ON FEDERAL QUALITY IMPROVEMENT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. RITTER. Mr. Speaker, like their counterparts in the private sector, executives, managers, and employees in the Federal Government have awakened to the need to do business in a new way—they have made a commitment to total quality management [TQM]. The 1990's quest for quality in the Federal Government aims to provide more effective delivery of all services, improve overall productivity, and, ultimately, assure more satisfied customers.

To help Federal managers stay abreast of the latest TQM methods and applications, the President's Council on Management Improvement [PCMI] and the Federal Quality Institute [FQI] are cosponsoring the fourth annual Conference on Federal Quality Improvement. The conference will be held at the Grand Hyatt Hotel in Washington, DC, May 29–31, 1991.

The theme of the 1991 conference is "Leading for High Performance in the 1990's." An ambitious agenda will focus on TQM implementation in both the public and private sectors. The Federal Government's high quality organizations will be honored at the conference and they will share their award winning quality approaches with conference participants.

Quality could have very positive results for Federal employees and taxpayers alike. Billions of dollars and better service is at stake. Just look at the impact of quality on performance of our military in the Persian Gulf. As Vice President QUAYLE reminded the attendees at last year's conference:

> . . . We must establish a firm commitment to Total Quality Management and the continuous quality improvement principles. Taxpayers have every right to expect and demand high quality—and that is what we must deliver.
>
> I personally believe in the FQI's commitment to promote the quality philosophy throughout the country. The PCMI and the Federal executive boards [FEB's] will also sponsor regional quality conferences throughout 1991 in the following locations; Kansas City, New Orleans, Dallas, Denver, Seattle, and Philadelphia.

For additional information about: First, the TQM effort within the Federal Government; second, the national conference; or third, any of the regional conferences, contact Karen Norrell, Federal Quality Institute, P.O. Box 99, Washington, DC 20044–0099 or 202–376–3747.

PERICLES CRISS: BUILT RESPECT FOR AMERICA

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. PICKLE. Mr. Speaker, it is ironic that the death of one of the 10th District's most respected citizens, Pericles Criss of Austin, TX, would focus attention on the fact that the American dream and the American promise is alive and well.

Pericles was a Greek immigrant from Cyprus who came to America after World War II. Landing on Ellis Island, he was filled with hope to better himself and better his life. He more than succeeded, in that in the more than 40 years he lived in his adopted home he left a legacy of serving the common good in my central Texas community and inspiring several generations of Americans, Greek nationals, and Greek-Americans.

After he had worked his way through the University of Texas and established himself in various business endeavors, Pericles dedicated himself to a life-long task of helping others. In his early years, Pericles served up encouragement, support, and counsel to a stream of young Greeks and American students to pursue their education and to contribute back something to society. Through his sponsorship, many students came to Austin, where they found Pericles, who had helpful advice and cheerful and friendly meals, and more often than not a few dollars to tide them over. The generation of students graduated from many of Texas' colleges and universities has gone on to produce successful artists, lawyers, economists, teachers, and engineers.

A man with a mellow sense of humor, Pericles had a fostering way that affected all those who came in contact with him. He was never too busy to do a favor for those he knew well and for those he hardly knew.

In the years before his death, Pericles was active in the arts—supporting community theater and civic events with the same sincere manner that he gave of himself to nearly everything. His life is an example to all of us that it takes a special person to rekindle the vision of our great Nation as a land of opportunity and promise. His death is a somber reminder that there are still those special people among us who leave this world in better shape than they found it because of their unique contributions.

QUESTIONS AND ANSWERS ON RTC BURDEN-SHARING AMENDMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. KANJORSKI. Mr. Speaker, on Tuesday, February 26, 1991, a bipartisan majority of the House Banking Committee voted 28 to 16 to pass my burdensharing amendment to the RTC funding bill. Due to the importance of this issue to American taxpayers who are sick and tired to paying for the mistakes of others, I would like to provide my colleagues with the answers to some of the most commonly asked questions about my burdensharing amendment.

Question. How would the amendment work?

Answer. States which have been responsible for "excessive costs" due to the clean-up of their state-chartered thrifts would pay a federal deposit insurance premium if the state wishes to have federal deposit insurance for its state-chartered institutions.

Question. What are "excessive costs."?

Answer. "Excessive costs" are when a state's share of clean-up costs are more than double its share of total state-chartered thrift deposits in the base year.

Example: If a state's share of total state-chartered thrift deposits is 5 percent, it does not have any excessive costs unless its share of the clean-up is more than 10 percent.

Question. Will states be responsible for the cost of cleaning-up federally-chartered thrifts?

Answer. No, that cost is paid exclusively by federal taxpayers.

Question. What proportion of the total clean-up is the result of failures of state-chartered thrifts?

Answer. State-chartered thrifts are responsible for 45 percent of total nationwide clean-up costs to date.

Question. Will states be responsible for the full cost of cleaning-up their state-chartered thrifts?

Answer. No. Since the "dual banking" system is a partnership, the amendment provides for cost-sharing on terms that are very beneficial to the states. The federal government will continue to pay 100 percent of clean-up costs up to twice a state's share of total state-chartered thrift deposits. The federal government will also pay 75 percent of the amount above that threshold. States pay just 25 percent of the amount above the "excess cost" threshold.

Example: A state with 5 percent of total state-chartered thrift deposits pays nothing until the cost of cleaning-up its state-chartered thrifts exceeds 10 percent of the total nationwide clean-up costs. It then pays 25 percent of costs above that amount. If the state is responsible for 18 percent of the total national costs, it would thus pay 2 percent [18 percent minus (2 x 5%) times .25=2%].

Question. Why should the states be responsible for any part of the cost of the clean-up?

Answer. Because some states were irresponsible in issuing charters, granted overly broad and risky powers, and were lax in both their supervision and examination. It is primarily these states where most of the failures occurred. They are the ones who would have to pay under this amendment.

Question. Is there a precedent for this kind of payment?

Answer. Yes, when states run out of unemployment insurance funds they borrow additional funds from the federal government. Employers in the state must pay a special unemployment insurance surcharge until the borrowed funds are repaid. In this case states are penalized even though their policies and actions may not have contributed to the unemployment problem in any way. In the S&L case, by contrast, we know that state policies frequently contributed to the problem, yet the states are getting the functional equivalent of a free lunch.

Question. Can a state elect not to pay its state deposit insurance premium?

Answer. Yes, participation is voluntary. However, if a state elects not to pay, its state-chartered institutions will lose their federal deposit insurance. The state can then provide its own deposit insurance, or its state-chartered institutions can convert to federal charters.

Question. Can consumers lose access to federally-insured institutions?

Answer. No, because there are federally chartered, federally insured institutions in all 50 states.

Question. Isn't this "Texas bashing?"

Answer. No. Texas is treated like all other states. If Texas pays more under this amendment it is simply a reflection of its contribution to the problem.

TRUST RELATIONSHIP FOR NATIVE HAWAIIANS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. MINK. Mr. Speaker, I rise today to introduce legislation which asks the Congress on behalf of the people of the United States to apologize for the fundamental injustice committed to the native Hawaiians by the forcible overthrow of the Kingdom of Hawaii in 1893.

History records the fact that the United States, through its official representatives, participated in activities, including armed intervention, in the overthrow of the Kingdom of Hawaii on January 7, 1893. The United States violated the sovereignty of the Kingdom of Hawaii and the principles of international law regarding the internal affairs of another nation. By the annexation of the Republic of Hawaii in 1896, the United States took ownership and control of over 2 million acres previously belonging to the Republic and Kingdom of Hawaii.

Congress needs to understand this history of Hawaii. This resolution emphasizes the existence of a special trust relationship between the U.S. Government and native Hawaiians because of this history. This trust requires acceptance of responsibility by the Congress for the well-being of native Hawaiians and for the restoration of their lands.

The 200,000 native Hawaiians living in Hawaii have waited too long for recognition of their special suffering and of their special expectation that the trust responsibility yield active response to their needs for return of their lands, for health and education programs which are dedicated to their communities.

ENACT FEDERAL FAMILY LEAVE BILL

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. HAYES of Illinois. Mr. Speaker, recently Francine D. Blau and a colleague from the University of Illinois completed an extensive study on the effects of parental leave on young children. Based on her results, the Chicago Sun-Times wrote the following editorial in support of family and medical leave—passage of which is long overdue:

ENACT FEDERAL FAMILY LEAVE BILL

Mothers who work outside the home have at least two things in common when their kids are preschoolers—conflict and guilt.

A recent University of Illinois study may help reassure parents who have to work when their children are still infants. It also should make Congress feel guilty for not resurrecting the family leave bill that was vetoed last year by President Bush.

Although there have been numerous studies about the effects of working mothers on their children, they've reached vastly different conclusions about home-reared and day-care kids. Their test scores, their levels of aggression and independence, their incidence of illness and their over-all emotional development have been examined, argued and worried about.

What's different about the U. of I. study by labor economist Francine D. Blau is that it distinguishes the effects of a mother's working in the first year and in subsequent years of a child's life.

When Blau and her fellow researcher looked at children whose mothers worked throughout the infant's first year, they found those children scored about 6 percent lower than children whose mothers hadn't worked. The research involved a picture vocabulary test that was given to 3- and 4-year-old children.

But when they looked at mothers who were home the first year after giving birth but worked the second and third years, they found their children scored about 4.5 percent higher than those whose mothers hadn't worked during those two years.

Blau says the results suggest that as children get older they benefit from the stimulation of day care but that a mother's care is ideal for a child's first year.

Only one thing is missing. Many employers don't provide maternity leave as a benefit. So for many women, it's often a case of having to return to work after giving birth than wanting to. In 1988, 52 percent of all women with 1-year-old or younger infants were in the labor force.

In the family leave bill passed by Congress last year and then vetoed, firms that employ 50 or more people would be required to give unpaid time off of up to 12 weeks for births, adoptions or family medical emergencies. Congress should try again this year.

CONSOLIDATED EDISON SALUTES BLACK HISTORY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. TOWNS. Mr. Speaker, today is the last day of February and marks the close of Black History Month in 1991. As chairman of the Congressional Black Caucus, I have had the opportunity to participate in a number of wonderful programs and events that highlight the contributions and successes of African-Americans from all walks of life. Also during this month, I have been reminded of the many challenges that face the black community here in the United States. I am confident that those challenges will be met and that obstacles will be overcome, and I firmly believe that the key to the future rests with education.

African-American children must be encouraged not just to remain in school but to excel in school. Today I want to salute a program sponsored by Consolidated Edison Co. of New York that encourages African-American and Hispanic-American students to excel by giving them daily reminders where it counts.

For the past 20 years Con Edison has helped New Yorkers celebrate Black History Month by sponsoring lectures in public library branches and other locations, and producing "Pride and Heritage" book covers, which are distributed by area libraries, schools, and the community.

The series of seven book covers feature drawings and short biographies of 14 famous black Americans, including Bessie Coleman, the world's first black licensed pilot; Dr. Ralph Bunche, United Nations statesman and Nobel Peace Prize Laureate; Esteban, the explorer who discovered Arizona; Fannie Lou Hamer, civil rights leader; Lorraine Hansberry, playwright; Langston Hughes, poet and writer; Dr. Martin Luther King, Jr., human rights leader and Nobel Peace Prize winner; Lewis Howard Latimer, electrical engineer and Thomas Edison's assistant; Ronald E. McNair, astronaut; C.B. Powell, founder and first publisher of the Amsterdam News; Paul Robeson, actor, athlete, scholar, and human activist; Arthur A. Schomburg, scholar; Henry Ossawa Tanner, artist; and Madame C.J. Walker, one of America's first self-made millionaires.

Con Edison has distributed nearly 11 million book covers over the past 20 years within New York City and Westchester County, and another 750,000 are expected to be distributed this year through libraries, community centers, and schools. The impact of such a worthwhile endeavor is hard to gauge. But I can't help but think that scores of students studied harder, longer, and with more spirit as they were reminded of some of the inspiring African-Americans that have preceded them.

I want to salute Con Edison, its chairman, Gene McGrath, and all those that make this inspiring and worthwhile project happen.

PORT CHICAGO SAILORS DESERVE A REVIEW

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. MILLER of California. Mr. Speaker, I am today introducing a resolution calling upon the Secretary of the Navy to initiate immediately a review of the facts surrounding the mutiny convictions of 50 black Navy sailors following the disastrous Port Chicago explosion of 1944.

Few Americans remember, or have even heard of, the explosion at the Port Chicago weapons facility on July 17, 1944. For residents of Contra Costa County and much of northern California, the still unexplained detonation of armaments on two victory supply ships was one of the great tragedies of World War II. The blast killed 320 sailors, over 200 of them blacks who were exclusively charged with the hazardous responsibility for loading ammunition onto transport ships at the port. The Port Chicago explosion resulted in the largest domestic loss of life during World War II.

Recent research, including a book, "The Port Chicago Mutiny" by Robert Allen, and two television documentaries, have not only established the story of the disaster, but also documented the pervasive racial prejudice that surrounded the trials of 50 black sailors who refused to resume loading operations because they feared unsafe conditions that had contributed to the explosion. Those dangerous practices included a near absence of training, and the use of a speed up competitive system for loading of the armaments that minimized safety.

Over 20 Members of Congress, many of them members of the black caucus, joined me last year in requesting Navy Secretary Lawrence Garrett to use his authority to reopen the cases of the court martialed sailors. The Congressional Research Service's legal division conducted an extensive review to determine whether the Secretary possesses sufficient authority under the Uniform Code of Military Justice to initiate a review of the original trials and convictions. Despite several legal opinions from Congressional Research Service and private attorneys, Secretary Garrett has repeatedly refused to reconsider the Port Chicago cases.

At a time when black Americans are again, in disproportionate numbers, willingly accepting the risks of defending our Nation, we owe it to the veterans of Port Chicago to assure that they receive justice and the timely attention of their Government to a possible wrong committed over four decades ago.

Many of the convicted men are now elderly and in deteriorating health. Little time exists to continue the legal bantering about whether the Secretary currently has the authority to review the cases. My legislation would clearly direct the Secretary, notwithstanding any other provisions of law, to initiate a review of the Port Chicago case and to make a recommendation whether original verdicts and sentences should be considered or overturned.

I would hope that this legislation will be enacted by the Congress without further delay. A full and impartial review will not only provide an opportunity to determine whether justice was truly done, but will also focus public attention on this long ignored, but important, chapter in the history of World War II.

PROCEDURES USED BY THE NATIONAL MEDIATION BOARD NEEDS CHANGING

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. KOLTER. Mr. Speaker, I rise today to introduce legislation that will correct a serious flaw in the procedures used by the National Mediation Board [NMB] in determining elections to select union representation for employees covered by the Railway Labor Act [RLA].

The NMB is interpreting an organizing/collective provision of the RLA to mean that an organized labor representative must receive votes from a majority of those eligible to vote, not by a majority of those who actually do vote. They define majority by requiring 50 percent plus 1 of the eligible employees to mail back valid ballots to elect a bargaining representative. For example, if there are 1,000 eligible employees, 501 valid ballots must be cast for the NMB to certify a representative as the employees' bargaining agent. If only 500 cast ballots, the NMB would find that a majority of eligible employees did not favor representation. Thus the 500 who did not case ballots would be treated by the NMB as votes against representation. Because the RLA does not define "majority" but does permit the NMB to establish the rules for any representation election, the manner in which the NMB counts ballots has been upheld by the courts as an exercise of agency discretion not explicitly contrary to the RLA's language.

My bill will only add three words to title 45, section 152, subsection 4 of the United States Code. This provision now begins as follows:

> Employees shall have the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this act.

This legislation will amend the provision to read:

> Employees shall have the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees *who cast ballots* shall have the right to determine who shall be the representative of the craft or class for the purposes of this Act.

Adding these three words will assure that congressional intent is observed by the NMB in deciding these elections.

The manner in which the NMB chooses to count ballots plainly and unduly impedes representation of employees by a labor organization. The Teamsters Union has been involved in two campaigns to represent the fleet service employees of USAir following the merger with Piedmont. It is the certified representative of the fleet service employees on premerger USAir and was the only labor organization on the ballot. In the first election, January 1990, there were 8,002 eligible employees. The Teamsters needed 4,002 valid ballots to be certified but only 2,425 were received by the NMB. Because the NMB found that USAir had unlawfully interfered with the employees' right of free choice, a second election was scheduled. The number of eligible voters dropped to 7,236. This time the Teamsters needed 3, 619 valid ballots, but the NMB only received 2,550 during the December 1990 rerun election.

Mr. Speaker, similar results have been experienced at America West by the Association of Flight Attendants and at Federal Express by the Air Line Pilots Association. In each instance the employees who wanted representation were required to take the affirmative steps necessary to vote. Under the 50 percent plus 1 rule, the NMB presumed that those employees who did not return ballots were voting against representation. According to this NMB procedure, employees who do not wish to be represented by a labor organization simply do nothing. They supposedly vote by silence rather than in writing.

The NMB procedure does not take into account employees who are indifferent, neutral, or uncertain. In a normal political election the silent electorate, those that stay home, are considered the uncertain, neutral or indifferent voters. In a NMB election, this is not an option.

My legislation adding three words to the RLA would change the meaning of the word "majority" to its normal meaning in our society. By adding the words "who cast ballots," the representation question would be answered only by those eligible employees who actually voted by returning their ballots to the NMB. In response to this amendment, the NMB may feel compelled to change the ballot in such a way that those employees wishing to vote against representation would also have a box to mark and would also have to return their ballots to the NMB in order to be counted. The presumption that those who do not vote are voting against representation by silence would be eliminated by my proposal.

Moreover, my proposed amendment would require that the voting majority determines the question of representation for the entire bargaining unit. Under the National Labor Relations Act, the NLRB counts the votes for representation and the votes against representation. Whichever wins more than 50 percent of the vote, that is, the majority, prevails in the election. Those who did not bother to vote are not counted. Similarly in congressional and other political elections in the United States, the winner is the candidate who obtains the majority of the votes cast. Those citizens who stay away from the polls are not included in the tally. If public officials were only elected if a majority of their constituents participate in the election process, very few would be elected.

My proposed amendment to the RLA, requiring the majority of employees "who cast ballots" to determine whether the bargaining unit will be represented, will provide fairness to a process tilted against employees seeking to be represented by a labor organization and is consistent with American democratic principles.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation to replace inequity with fairness in the election procedures used by the National Mediation Board.

MEDICARE SKILLED NURSING FACILITY AND HOME HEALTH BENEFIT ACT OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. STARK. Mr. Speaker, today I am introducing a bill, along with my colleagues Mr. MOODY, Mr. CARDIN and Mr. COYNE, to provide modest but necessary improvements in the Medicare home health and skilled nursing facility benefits.

The bill includes two benefit changes that were originally included in the Medicare Catastrophic Coverage Act of 1988 and were subsequently repealed in the Medicare Catastrophic Coverage Repeal Act of 1989: the expansion of Medicare's home health benefit to 38 days and the elimination of the 3-day prior hospitalization rule for skilled nursing facility [SNF] benefits.

These provisions, if enacted, would provide substantial relief to the sickest and frailest Medicare beneficiaries. For many Medicare beneficiaries, home health and skilled nursing facility benefits facilitate recovery from an acute illness and enhance rehabilitation.

The first provision of this bill would expand the Medicare home health benefits by providing for daily home health services for a period of up to 38 days.

Under current law, a Medicare beneficiary may not be considered eligible for any home health services if the patient's physician believes that services would be necessary on a daily basis or that daily services would be required for an undetermined period of time.

If, for example, the patient's physician indicates that services are needed 7 days per week but is unsure for how many days services are required, it is unclear whether such a patient would be considered eligible for any Medicare covered home health benefits. Unless the physician can be specific about the number of days services will be needed, the patient may not be considered eligible for services at all.

This bill would clarify that patients who need daily visits, up to 7 days a week, for a 38-day consecutive period, would be considered eligible for Medicare-covered home health services. I am told that this provision will be particularly beneficial for patients requiring post-surgical wound irrigation and patients with leg ulcers.

The second provision of this bill would eliminate a requirement in current law that prohibits Medicare coverage of skilled nursing facility [SNF] stays without a prior hospitalization of 3 consecutive days.

The 3-day prior hospitalization rule makes no sense. It establishes a perverse incentive to admit patients into a hospital for the sole purpose of obtaining Medicare coverage once discharged from the hospital and admitted to a SNF. In many cases, such hospital admissions are clinically inappropriate and costly. Medicare beneficiaries should not be sent into a hospital in order to be covered for a subsequent SNF admission—when hospital services appear to be unnecessary. What's worse, patients admitted to the hospital are forced to pay the hospital deductible, now set at nearly $600, when the hospital admission was only necessary for the purpose of obtaining Medicare SNF coverage.

A few examples illustrate the type of patients particularly burdened by the current 3-day rule. As a first example, Medicare beneficiaries who undergo complicated outpatient procedures, and require additional skilled care to facilitate recovery, are not covered under Medicare for SNF level care unless they were first admitted to a hospital for a minimum of 3 consecutive days. Patients undergoing outpatient surgical procedures may be most likely to benefit from the level of care provided in a SNF.

As a second example, some beneficiaries who receive Medicare covered home health services may experience a deterioration in their condition while at home and require more intensive treatment offered in a SNF. Despite the clinical appropriateness of SNF level care, such an individual would not be covered under Medicare unless they were first admitted to a hospital.

My proposal would eliminate this cumbersome 3-day prior hospitalization rule. As under current law, skilled nursing facility coverage would be allowed for patients requiring such services on a daily basis, with no copayments for the first 20 days of SNF care, and copayments imposed for stays between 21 to 100 days. In 1991, the SNF copayment is set at $78.50 per day.

There is now substantial evidence that Medicare beneficiaries are being discharged from hospitals with greater needs for post-acute services. While such patients do not need the intensity of services provided in hospitals, they nonetheless necessitate skilled services at home or in nursing homes to allow them to recover from an illness or become more functionally dependent.

Mr. Speaker, neither of these provisions should have been repealed in 1989 when the Congress repealed the Medicare Catastrophic Act of 1988. These relatively modest benefit improvements would provide needed reforms in the Medicare Program.

I urge my colleagues to join us in support of this bill.

BLANCO: PRESERVING TEXAS HILL COUNTRY HISTORY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. PICKLE. Mr. Speaker, every region of this Nation has its own treasured and unique heritage, passed down from early settlers and enriched by each succeeding generation. This regional history is a priceless gift, and nowhere in the country is it more fiercely protected than in the Hill Country of central Texas.

I want to call the attention of my colleagues to just one example of how the families of one Hill Country community joined together against formidable odds to preserve an architectural treasure. Faced with the sale of their 94-year-old courthouse building to a private businessman, nine residents of the small community of Blanco formed the Old Blanco County Courthouse Preservation Society. The society joined forces with the LBJ Heartland Council, a regional organization dedicated to the protection and enhancement of the Hill Country heritage. The Preservation Society, with the council's help, received one of only two $100,000 loans approved by the National Trust for Historic Preservation. Another $84,000 was raised from local sources, and the society finally was able to purchase the old courthouse. I am proud to have played a small role in preserving this historic landmark, which the society now plans to convert the courthouse into a regional heritage center.

Mr. Speaker, I want to recognize the outstanding contributions of the individuals who really made this preservation effort a reality. The leaders in this effort were the members of the Old Blanco County Courthouse Preservation Society, presided over by Jo Nell Haas, and her board of directors, including vice president Kay Smith, Dan Ward, Jack Kent, June Baird, Anne Holt, Bernice West, and Shirley Beck. The project would not have been possible without the help of Nell and Clif Krueger and Roy Byers. In addition, the support of the Meadows Foundation, which provided $80,000 for acquisition and restoration, was crucial to the project.

Thanks to their efforts, a priceless part of Hill Country history will be preserved for future generations to enjoy. Mr. Speaker, I ask that an article from the Dallas Morning News be included in the RECORD following my remarks. This article recounts the development of this model of historic preservation, and I commend the project to my colleagues for their consideration.

[From the Dallas Morning News, Feb. 6, 1991]

WHEN BLANCO'S OLD COURTHOUSE WAS SOLD, THE RESIDENTS RALLIED TO BUY IT BACK

(David Dillon)

BLANCO, TX.—In a state with the richest courthouse tradition in America, the old Blanco County Courthouse is seldom mentioned. Blanco itself, for that matter, is mainly a footnote to discussions of the Texas Hill Country.

And yet this handsome limestone building, the centerpiece of an isolated ranching community southwest of Austin, is the subject of an unusually upbeat preservation story that is also the story of small-town American grit and optimism. Horton Foote couldn't have scripted it better.

Over the last five years Blanco residents have raised $250,000 to buy back their courthouse from an owner who wanted to dismantle it and move it to his ranch near Sandy, in east central Texas. The rescuers included ranchers, housewives, farmers and merchants. None is wealthy, or could plausibly be described as a preservationist. Their actions were prompted by an emotional attachment to the courthouse and a belief that its loss would somehow erase the community memory.

"We were just operating on gut instinct," recalls Jo Nell Haas, one of the leaders of the group. "Something inside said, 'Keep going, there's something there.' We had a hundred-and-one ideas of what to do with the building. We just didn't have money or a plan."

The Blanco County Courthouse was designed in 1886 by F.E. Ruffini, a prolific Texas architect who designed public buildings across the state, as well as Old Main at the University of Texas at Austin. He was a facile, eclectic designer, adept at the popular continental styles, and gave Blanco a stylish Second Empire building with a mansard roof, four impressive pedimented entrances and abundant decorative metal trim.

Four years after the courthouse was finished, the county seat was moved north to Johnson City, an act of political treachery that remains unforgiven in Blanco. Mr. Ruffni's courthouse subsequently became a school, a bank, a hospital, a Farmer's Union Hall, a Wild West museum and most recently an abandoned hulk awaiting the onslaught of the rising damp.

Although most Blanco residents had a personal or ancestral connection to the courthouse, they were coolly indifferent to its plight until San Antonio businessman John W. O'Boyle Jr. bought it in early 1986 for $500,000. The purchase immediately made him seem like a character from *Giant*—the Bick Benedict of Blanco—and to some residents signaled the beginning of a run on the town's real estate by the commuting gentry of Austin and San Antonio.

In June 1986, nine residents gathered at Leo's Barbecue to discuss the problem, and by the end of the meeting had formed the Old Blanco County Courthouse Preservation Society. They drew up a formal petition opposing the sale, and soon got a historic district ordinance passed by the City Council. On Labor Day, the group held a bake sale on the square that netted $650, a preview of difficulties to come.

Shortly thereafter the group met with Mr. O'Boyle, who reportedly was surprised that anyone cared about the old courthouse and stung by the suggestion that he was trying to rob Blanco of its heritage. After clarifying his intentions, he agreed to sell the courthouse back to the preservation society for what he had paid for it.

The group approached the National Trust for Historic Preservation and various charitable foundations for support. The national trust made a $1,500 grant for a feasibility study, but the prevailing response was; Great idea, but the price is too high. Call us back whey you know what you're doing.

"Everybody was implying that we were just a bunch of crazy people running around making noise," says Jo Nell Haas. "The more they said, 'You can't do it,' the more we'd say, 'Just watch.'"

Two years and half a dozen bake sales, craft fairs and T-shirt blitzes later, the group had $2,000 in the bank. Even in Blanco, that's glacial progress. Apparently the skeptics were right.

And then the preservation society got lucky. It found an ally in the fledgling LBJ Heartland Council, a regional grass-roots organization established to protect and enhance the heritage of the Hill Country. It had only slightly more money than the Blanco group, but it did have a broader focus and national connections through Lady Bird Johhson and others. If Blanco needed help, the council needed a demonstration project to prove that regional cooperation was more than rhetoric.

With help from the council, the preservation society applied for a $100,000 loan from the national trust—and got it, one of only two in the country since 1989. Townspeople guaranteed the loan with their CDs.

The loan was a prelude to a symbolic groundbreaking at the old courthouse in October 1989. Representatives from the trust and U.S. Rep. Jake Pickle's staff showed up, along with county officials and the mayor of Johnson City. The Blanco band played, and schoolchildren released balloons at appropriate moments. The event impressed Mr. O'Boyle sufficiently that he soon gave the preservation society an option to buy the building for $300,000.

But virtually all of the money raised so far was from outsiders. What mattered to the foundations, and to Mr. O'Boyle, was the amount of local support. Did the town really care about the courthouse, or just the group at Leo's Barbecue?

So early in 1990 the preservation society started planning a do-or-die dinner dance—$100 a couple for chicken fried steak and Asleep at the Wheel, to be held, not in Blanco, but at Ed's River Palace in Johnson City.

"We'd never done any fund raising except for bake sales," says Kay Smith, who orchestrated the event. "But we knew we had to do it. The foundations were telling us that without grass-roots support we were finished."

Society members hit the streets of Blanco and neighboring towns in search of door prizes and donations for a silent auction. By April 27, 1990, they had scared up $27,000 in merchandise, including a microwave, a deer rifle, trips to Nashville and Las Vegas, a football jersey from Earl Campbell, a ton of fertilizer and a load of hay.

That evening, 450 couples showed up, some gritting their teeth at the thought of spending the evening with folks from Johnson City. As it turned out, only a dozen people showed up from Johnson City. Many came from Dripping Springs, Fredericksburg, Round Rock and San Antonio. The evening sent the requisite regional message. F.E. Ruffini's great-granddaughter flew in from California, made a cash donation and implied that some of his architectural drawings might also be forthcoming.

The dinner dance netted $57,000, which grew to $84,000 by the time all the donations had trickled in. The dance and the trust loan gave the preservation society enough credibility to secure a $40,000 grant from the Amon G. Carter Foundation in September and an $80,000 grant from the Meadows Foundation in November, of which $30,000 could be put toward buying the building.

Going from $2,000 in the bank to $250,000 impressed even the Blanco old guard, who suddenly closed ranks behind the "crazy courthouse people", as though they knew they could do it all along. But the group was still $50,000 short of its goal, and its option was about to expire.

The leaders went to meet with Mr. O'Boyle's lawyer, Gordon Sauer, to ask for a six-month extension on the option. "We had our speeches and our special pleas all rehearsed," says Kay Smith.

But they weren't necessary. Mr. O'Boyle already had instructed his lawyer to tell them that they could have the building for $250,000. "He thought about it for two minutes and told me, 'Let it go,'" recalls Mr. Sauer. "He was delighted, and also astonished at what they had done."

On Jan. 24, 1991, almost five years after Mr. O'Boyle bought the Blanco courthouse, title was returned to the community.

"I see this as a model for the rest of Texas," says Libby Barker, the Texas field coordinator for the national trust. "This is the first time that these people have worked together on anything. It's not government telling them how to do it. They're doing it themselves. It's small-town America at its best."

The current plans are to convert the courthouse into a regional heritage center, containing a small museum and offices for the LBJ Heartland Council and the Old Blanco County Courthouse Preservation Society. The second floor, where the hospital union hall and opera house used to be, will be rented to community groups.

The preservation society still must raise another $350,000 to complete the restoration, as well as $250,000 a year to repay the loan from the national trust. But everyone involved seems to think that things will be easier this time around.

"There used to be a lot of apathy around here," says Jo Nell Haas. "Now, people are starting to come together. They're fixing up the buildings. There's a new park coming along. The courthouse holds the key to the whole community."

INTRODUCTION OF THE MOUNT SOPRIS TREE NURSERY LAND EXCHANGE

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, I am introducing legislation to allow Pitkin and Eagle Counties to acquire 132 acres of the 186 so-called Mount Sopris Tree Nursery in the White River National Forest in exchange for 1,307 acres of patented mining claims which are owned by the counties.

The National Forest Service used to operate the tree farm, near Aspen, CO, but several years ago decided they didn't need the property any longer and gave permission to the General Service Administration [GSA] to sell the property to the highest bidder.

Rather than allowing this property to be sold, subdivided and developed to make room for more expensive condominiums and townhomes, I intend to direct the Forest Service to exchange the tree farm for inholding within the White River National Forest that are owned by Pitkin and Eagle Counties.

The tree farm can then be used by the counties for public purposes, like a community or senior citizens center or for recreational facilities. The inholdings the Forest Service will receive will help consolidate the lands they manage and ensure public access to what were once private lands. The exchange also protects the U.S. investment because it contains a clause which directs that all the proceeds from any future sale or lease would go to the U.S. Treasury.

The bill also sets up an orderly process to address any claims which may arise when the United States is granted title to the patented mining claims. This is necessary to prevent any further forest management problems which could arise.

The Forest Service and the counties have been attempting to complete this exchange administratively for many years. Unfortunately, the cost of clearing the title on every acre of property makes this infeasible in light of the stressed Forest Service and county budgets. This exchange will serve a valuable public purpose, and save the Government money.

The proposal has widespread local support. Colorado environmentalists also support the proposal because it prevents even more public land in the Roaring Fork Valley from being privatized and developed.

A TRIBUTE TO HON. WARD J. HERBERT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. ROUKEMA. Mr. Speaker, Saturday, March 2, 1991, the friends and supporters of the Northwest Bergen/Ramapo Valley chapter, the Essex chapter and the Central Bergen chapter of the American Red Cross will pause to salute the volunteers that have built these chapters into the effective organizations that they are today. I would like to call to the attention of my colleagues one of these honorees, Ward J. Herbert.

Ward Herbert is a native of Ohio, and graduated from the Ohio State University in 1925. However, and to the benefit of the citizens of the State of New Jersey, following his graduation from Harvard Law School in 1925 he moved to our great State and was admitted to the bar the following year. For the next 30 years, Ward lent his talents and abilities to the growth of the distinguished firm of McCarter and English. His abilities were recognized in 1961 when he was appointed judge of the New Jersey Superior Court, Chancery Division.

Ward Herbert has never lost touch with nor forgotten the values of community from which he was reared in Ohio. Since 1974, he has served as the president of the Orange, NJ Free Library. Since 1975, he has served as chancellor of the Episcopal diocese of Newark. This week he will be recognized for his service as a director of the Essex County New Jersey chapter of the American Red Cross.

Mr. Speaker, success comes in many ways. But it is sweetest when it comes with the approval, the applause, the rewards freely given by one's peers. And that is why the supporters of the Red Cross in northern New Jersey will gather this week to recognize Ward J. Herbert. I ask my colleagues in the House to join in that recognition.

FREEDOM'S FAIR WEATHER FRIENDS?

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. RITTER. Mr. Speaker, I'd like to call my colleagues' attention to a thoughtful editorial piece written by Representative BOB DORNAN in the Washington Times yesterday which surveys the history of congressional support, or lack thereof, for the freedom struggle of the last two decades.

Mr. DORNAN's article follows:

FREEDOM'S FAIR WEATHER FRIENDS?

(By Robert Dornan)

In a letter thanking me for my vote authorizing the use of force in the Persian Gulf, my friend and colleague Steve Solarz, New York Democrat, wrote, "History will eventually determine whether we were right or wrong."

Given the way "history" has screwed up the story of U.S. involvement in Vietnam, this is not a comforting prospect.

Indeed, one of the true "lessons of Vietnam" is that history is too important to be left to historians, who in the case of Vietnam let their ideological blinders influence their interpretation of events.

But as the ancient Romans used to say, "Woe to the vanquished," by which they meant that not only would the defeated be killed or sent into slavery but also that the victor would write the history of the conflict. Richard Nixon made much the same point when he wrote, "[A]mong those who say the nations of the West are on the wrong side of history in the fight against communism are people who actually write history."

However, learning from our mistakes in Vietnam, President Bush is determined to be on history's winning side this time.

By winning side, I don't mean just from a purely military point of view. After all, the United States was militarily victorious in Vietnam, never having lost a battle while dominating the air and seacoast. (It is very curious that those same liberals who now lecture us that war is a "political" act still falsely and deliberately refer to Vietnam as a "military" defeat.)

Indeed, after the so-called Christmas bombing" of Hanoi and Haiphong in 1972 (the United States did not bomb on Christmas Day), Sir Robert Thompson, the British expert on guerrilla warfare, declared, "In my view, on Dec. 30, 1972, after 11 days [it was actually 18 days] of those B-52 attacks on the Hanoi area, you had won the war. It was over! They would have taken any terms. And this is why, of course, you actually got a peace agreement."

But there was another war being waged at home—one for the "hearts and minds" of the American people. That was the war in which those of us who agreed with Ronald Reagan that Vietnam was a "noble cause," a just cause, were shouted down. The steady appetite of half-truths, distortions and lies fed to the American people by a dominant media culture gone berserk (see Peter Braestrup's "The Big Story") combined with a popular culture actively engaged in the anti-war movement doomed any rational debate on the conduct of the war and its aims. (And after seeing some in the media try to turn the skirmish at Khafji into another Tet offensive, I fear the media cowboys are lusting for a replay.)

Thus we have a nation full of people confused by the "lessons of Vietnam." Fortunately, our president and those charged with fighting this war are not confused at all. As the president has said, the war with Iraq will not be another Vietnam because we will not fight it "with one hand tied behind our back."

I am sure this is not the lesson most of my liberal colleagues drew from "the Vietnam experience," as the recent debate over the use of force in the Gulf illustrated. Indeed, even Mr. Solarz, who cosponsored the resolution authorizing force, still seems woefully confused about Vietnam.

For instance, Mr. Solarz said during the debate that in Vietnam "vital American interests were never at stake" and that "the cost in blood and treasure was out of all proportion to the expected benefits of a successful defense of South Vietnam." (I am sure the oppressed Vietnamese, as well as 700,000 Vietnamese-Americans, would not agree.)

Yet these very practical considerations give way to this truth: "The great lesson of our time is that evil still exists, and when evil is on the march, it must [my emphasis] be confronted."

Except, of course, when in his view our vital interests are not at stake or when it will cost too much—as in Vietnam. My friend Steve Solarz, like most liberals, is trying to have it both ways. They use shifting criteria so they can pick and choose where to stand for freedom, cafeteria-style.

But if it is evil Mr. Solarz seeks to confront, it is hard to imagine a more virulent variety than that unleashed all over Southeast Asia by the communists in Hanoi and Cambodia, who, unconstrained by the U.S. military, have caused the death of upward of 2 million people. The killing continues to this day.

It is also a bit disingenuous for some to say that the United States had no vital interests at stake in Vietnam 20 years ago while at the same time arguing that the primary reason we ought to lift the current trade embargo against communist Vietnam is that it is so strategically important.

I would think Mr. Solarz would be a little ashamed of his statement that he got his "start in politics as a campaign manager for one of the first anti-war candidates for Congress in the country."

I don't mean to single out Mr. Solarz, a colleague I respect. I point him out because he was a driving force in the debate over the use of force and because his shifting standards for confronting evil are representative of many others on the left in his party.

But more to the point, there was no reason that the cost of Vietnam should have been "all out of proportion." This is a version of the "war was unwinnable" argument, to which Mr. Nixon responded, "this was a favorite argument of those who did everything in their power to prevent the United States from winning."

The war was clearly winnable. That we fought it in a way that made winning impossible was a conscious decision by President Johnson and his secretary of defense, Robert McNamara. The Johnson brag that the Air Force couldn't even "bomb an outhouse" without his OK is but one example of just how constrained the military was in prosecuting the war.

Would we fight that way in Iraq today? Of course not. The American people would not stand for it.

Why, then, are the objectives of the Vietnam War still questioned when it was the tactics that were lacking? Why do these myths persist? And more importantly, why are those who opposed our efforts in Vietnam still given the slightest bit of credibility? For their side has much to answer for. "Peace," after all, was not without its bloody, brutal consequences.

This is a critically important point. For in Vietnam, the anti-war left got its way in the end and we all know what followed: the Killing Fields, re-education (concentration) camps, boat people, New Economic Zones, the Vietnamese Gulag, the Bamboo Curtain, yellow rain, etc., etc. All this because the United States was driven out of Indochina by the American left. The anti-Vietnam War crowd, with its "Ho, Ho, Ho Chi Minh" chorus, which thought itself so morally superior, has never been held to account for the ghastly outcome of its immoral policy.

So while I greet those precious few former members of the anti-war movement who crossed over to join us in confronting this evil, I do worry about their lack of consistency. Though they are on the right side this time, it is clear they can't be counted on in all good cases, as we saw in Vietnam, Grenada and Nicaragua, and still see in Angola. We therefore have good cause to fear that once this conflict is over, they will again be freedom's fair-weather friends.

RABBI DAVID H. PANITZ ESTEEMED AUTHOR, EXEMPLARY EDUCATOR, AND GOOD FRIEND

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. ROE. Mr. Speaker, on January 25, 1991, Rabbi David H. Panitz was called to his eternal resting place and my Eighth Congressional District, the State of New Jersey, and our Nation lost a gifted and outstanding individual and I lost a close and devoted friend.

It is with great sadness that I note Rabbi Panitz's passing for he was a very good friend and I shall miss his counsel, his warmth, and his grace which were, truly, the hallmark of an individual who made a difference to the congregation he served and the many people with whom he came in contact.

A scholar, a spiritual leader, an educator, devoted family man, and an inspirational friend—Rabbi Panitz was all of this and more. He embodied all that was just and right in our society and all of us are better, much better, because he passed this way. His life was taken from us, but his legacy is legion, serving as spiritual leader of Temple Emanuel in Paterson, NJ for 30 years and devoting 45 years in rabbinical service, from which he retired in June, 1988. However, Rabbi Dr. Panitz was truly ecumenical in his spiritual leadership having held high positions in the National Conference of Christians and Jews, and lecturing at scores of churches, colleges, and civic organizations. He served in Paterson as chairman of the Mayor's Brotherhood Committee, cochairman of the Commission on Jewish-Catholic Dialogue and as cochairman of the Task Force for Community Action to Combat Poverty.

Mr. Speaker, I remember well Rabbi Dr. Panitz' scholarly discussions on many varied topics. I remember his warmth and his commitment to his people and to this country. I will sorely miss his advice, his good judgment and will miss him as my friend. I feel that I was most fortunate and truly blessed to have had Rabbi Panitz as my good friend—his inspiration, his example, his scholarly approach to life, and his devotion to our society to do good were an awesome example to follow. I may have been the only Irish Catholic Member of Congress who had his own personal rabbi in Dr. Panitz.

Mr. Speaker, it has been a privilege for me to share with the Panitz family this very special person whose lifetime of achievement in devotion and dedication to the Jewish community and to all mankind is legendary. Surely, the people of my Eighth Congressional District were truly blessed by the distinguished and dedicated record of outstanding public service rendered by Rabbi Dr. Panitz. He endeared himself to his congregation and to the Jewish community, and his interfaith and interreligious activities have truly left their mark on all faiths and religions.

Rabbi Dr. Panitz was a scholar whose teachings were legion—he helped to strengthen the ethical and moral fabric of our society. He devoted his entire life to developing the minds and hearts of our people, both Jewish and non-Jewish. He gave so much toward building the future of Judaism in this country through his work with Jewish children, and played a leading role in helping to establish the Solomon Schechter Day School of North Jersey. He was a community leader and as such brought enlightenment and encouragement, aid and comfort, peace and rehabilitation to those in need of his good counsel and judgment.

The late Rabbi Panitz' long list of noteworthy achievements encompassed the wants and aspirations of all of our people, and with your permission, I would like to insert at this point a brief biography, as follows:

Rabbi Dr. David Hirsch Panitz, son of the late Ezekiel and Nettie Panitz, was born in Baltimore in 1918. He was educated in the public schools of that city, and also graduated from both academic and teacher training schools of the Baltimore Hebrew College. He received his B.A. and M.A. from Johns Hopkins University, and received his rabbinic ordination from the Jewish Theological Seminary of America in 1943. The seminary later conferred upon him the degree of doctor of divinity, honoris causa.

At Hopkins, he was a student of the noted biblical scholar, William Foxwell Albright, with whom he studied ancient near eastern languages, history, and archeology. Rabbi Panitz taught Bible at the George Washington University in the Nation's Capital and served on the faculty of the Rabbinical School of the seminary. He was also dean of the American Academy for Jewish Religion.

He had been the spiritual leader of Paterson's Temple Emanuel of North Jersey from 1959 until his retirement in 1988. Prior to his service in Paterson, he held pulpits at Temple Adath Yeshurun in Syracuse, NY, at Congregation B'Nai Jeshurun in New York City, and at Adas Israel Congregation in Washington, DC.

The late Rabbi Panitz fashioned an outstanding record of service to his congregational families, to the entire Jewish people, to Israel, and to the overall community at large. He was for a number of years a commissioner of the Paterson Board of Education. He was for 29 years the Jewish chaplain of the Passaic County Jail, and served in the same capacity for the Paterson Police and Fire Departments. He was chairman of the Passaic County Alcoholic Rehabilitation Board for 15 years. He was the national chairman of the Joint Commission on Rabbinic Placement of the Rabbinical Assembly, the United Synagogue of America, and the Jewish Theological Seminary of America, national cochairman of the State of Israel Bonds Rabbinic Cabinet, national chairman of the Interreligious Affairs Committee of B'nai Brith Anti-Defamation League, vice president of the Jewish Conciliation Board of America, and president of the New Jersey Board of Rabbis. He was the first Jewish person to be elected president of the Coalition of Religious Leaders of New Jersey, and was a member of the plenum, the Domestic Policy Committee, and the International Affairs Committee of the Synagogue Council of America.

He was always active in interfaith and intergroup endeavors. He held high positions of leadership in the National Conference of Christians and Jews. He also served in Paterson as chairman of the Mayor's Brotherhood Committee, cochairman of the Commission on Jewish-Catholic Dialogue and as the cochairman of the Task Force for Community Action to Combat Poverty.

Within the movement of conservative Judaism, he had served as national secretary for the Rabbinical Assembly, as a member of that group's Committee on Jewish Law and Standards, and as national chairman of the Committee on Regions of the Rabbinical Assembly. He was a member of the Seminary's Rabbinic Cabinet, a fellow of the Seminary's Herbert H. Lehman Institute of Talmudic Ethics and chairman of the Rabbinic Tutoring Committee of the seminary's Institute of Religious Social Studies. He had also served on the United Synagogue of America as a member of the National Youth Commission and chairman of its Committee on Peace and Religion of the Joint Commission for Social Action.

Among other positions held by Rabbi Dr. Panitz, he served as national chairman of the Broadcasting-TV-Film Commission and the Commission on Social Justice of the Synagogue Council of America; and he was the head of the council's delegation to the Conference of Major Jewish Organizations. He was the president of the Louis Marshall Lodge of B'nai Brith, vice president of the North Jersey Jewish and Family Children's Service, and long time chairman of its Child Care Committee. He was a member of the National Rabbinic Advisory Committee of the United Jewish Appeal, a member of the board of directors of the Jewish Federation of North Jersey and the Board of Jewish Education, chairman of the Paterson Board of Education's Advisory Committee and chairman of its Adult Evening School, as well as chairman of the Passaic County Narcotics Rehabilitation Committee. In addition to all of the above, Rabbi Panitz rendered more than 7,500 hours in 29 years of voluntary chaplain services at the Barnert Hospital and Medical Center.

Rabbi Panitz was the author of "Studies in the Legal Responsa of Joseph Colon"—researches in 15th century Italian Jewish history. With his wife, he coauthored "Simon Wolf, U.S. Consul to Egypt." He also wrote numerous articles and chapters in other books. He was married to the former Esther Leah Allentuck, who is the author of "The Alien in Their Midst, Images of Jews in English Literature," and "Simon Wolf, Private Conscience and Public Image" and many basic monographs in American Jewish immigration history.

Mr. Speaker, I know that you will join with me in expressing your heartfelt and deepest sympathy to the Panitz family. First, to the late Rabbi's widow; then, to their three sons, Lt. Comdr. Jonathan A. Panitz, career chaplain in the U.S. Navy, now assigned to the office of the chief of Navy chaplains at the Pentagon—married to Jane Royal; Dr. Raphael I. Panitz, who has taught at the University of Pennsylvania and SUNY-Binghamton, and now serves as my legislative assistant—married to Susette Mottsman; and Rabbi Michael E. Panitz, who is spiritual leader of Temple Beth Israel in Maywood, NJ, and is the principal of the Prozdor, the Hebrew High School of the Jewish Theological Seminary of America—married to Sheila Salzer—and seven grandchildren; Zimra, Obadiah, and Yasmeen; William Jeffrey; and Emily, Ezekiel, and Benjamin. Also, to his brothers, Rabbi Seymour Panitz of Rockville, and Mr. Bernard Panitz Wilmington, DE, and to his sister, Mrs. Judith Saphire of Brooklyn, NY.

It is important to note that the rabbi's relaxation came from playing with these youngsters, listening to his extensive collection of classical music, and reading from his personal library of more than 13,000 volumes.

Mr. Speaker, it has been my distinct honor and privilege to have known the late Rabbi Dr. Panitz. I seek this national recognition of his passing as a living legacy to his family and to all who have had the privilege of knowing him. The richness of his wisdom, and the quality of his leadership, in all of his accomplishments and achievements, have been truly inspiring, indeed.

To my dear close friend, I bid a fond "Shalom."

Rabbi Dr. Panitz will be deeply and sorely missed but the good deeds of this kind and gentle man will live on for generations.

RECOGNIZING THE GENEROSITY OF THE PRIVATE SECTOR

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. MORELLA. Mr. Speaker, my friends at the Hebrew Home of Greater Washington have pointed out to me an example of community generosity which I would like to acknowledge.

Kirson Medical Equipment Co., a Maryland-based supplier of medical goods, recently donated a compression pump to the Hebrew Home. The home, which is located in the Eighth Congressional District of Maryland, was in dire need of this compression pump—an expensive piece of medical equipment used to treat certain forms of swelling. The Hebrew Home hopes that this machine will improve the quality of life of many of its citizens.

Mr. Speaker, it is a pleasure for me to see the private sector becoming actively involved in our community. Through their generosity, firms like the Kirson Medical Equipment Co. demonstrate a sincere commitment to the State of Maryland and to its citizens. For this, these firms deserve our recognition and our thanks.

IN HONOR OF DR. LINUS PAULING

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to Dr. Linus Pauling, one of the world's greatest scientists and humanitarians, who is celebrating his 90th birthday today, February 28, 1991. Dr. Pauling, the only person to receive two unshared Nobel prizes, continues to make major contributions toward a healthier and more peaceful world.

In 1954, Linus received the Nobel prize in chemistry for his discovery of the nature of the chemical bond. His work contributed greatly to an understanding of the complex molecular structure of protein. It also led to new knowledge about sickle cell anemia, a disease of the red blood cells. Dr. Pauling later attracted attention for his experiments on the use of vitamin C in treating cancer and the common cold.

Linus won the Nobel Peace Prize for his efforts to ban the testing of nuclear weapons. In 1958, he submitted a petition to the United Nations that stated in part, "Each added amount of radiation causes damage to the health of human beings all over the world." This petition helped lead to the signing of a Test Ban Treaty in 1963 by the United States, the Soviet Union, and most other United Nations members.

Dr. Pauling is presently working out of the Linus Pauling Institute of Science and Medicine in Palo Alto, CA, and from his ranch at Big Sur, CA. The Linus Pauling Institute is a nonprofit organization founded in 1973, dedicated to improving the quality of life and decreasing human suffering.

Linus' involvement clearly knows no bounds. His superior dedication and commitment has been acknowledged by many world leaders, and I am honored to personally recognize him now for his contribution in continuing the fight for peace and health to all.

Mr. Speaker, I ask my colleagues to join me now in congratulating Dr. Linus Pauling on his 90th birthday and commending him for his outstanding achievements. It is with great respect and pride that I salute the overwhelming contributions and character of Dr. Linus Pauling.

THE END OF THE PERSIAN GULF WAR

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. MINK. Mr. Speaker, I rise today to express a great feeling of relief and thankfulness that our Nation is once again at peace. Just 7 weeks ago, I addressed this body on what turned out to be the eve of war. At that time, faced with the possibility of thousands of American casualties, I urged patience to allow the President's policy of sanctions time to work.

I, like every representative, had utmost in my mind, the welfare of the men and women of our armed services. In an historic vote of this body, following some of the most heartfelt debate I have ever witnessed, a somewhat divided Congress approved the President to use force as sanctioned by the United Nations.

Immediately after the war started, we came together to solidify our solemn support of our military in the mission we had sent them to do. We all feared for their safety, hoped and prayed for their swift return, and looked ahead to a time when this Nation would once again be at peace.

Today we come together in thanks that peace has been realized, that the President has ordered a cease-fire, and that most of all our Nation has been extremely fortunate not to have lost more soldiers than we have. I thank God for that.

Yet Mr. Speaker, I also feel a great sadness for the soldiers who have made the supreme sacrifice in giving their lives for their country. I agree wholeheartedly with Gen. Norman Schwarzkopf who said yesterday "the loss of one life is intolerable." I pay homage to those brave men and women who have died, and I extend my deepest respects and condolences to their families. They must never be forgotten.

I am also very proud of all of our brave men and women who have done such a magnificent job. They have demonstrated a professionalism and pride that commands respect and appreciation. I hope as a nation we waste no time in showing our thanks for these wonderful men and women.

Now will come the time of rebuilding, and a time for our Nation to once again focus its attention on the work here at home. I hope that the unity this Nation has demonstrated throughout this crisis, will continue as we try to solve the problems our own people face.

BUSH'S SOAK-THE-MIDDLE- CLASS PLAN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. MILLER of California. Mr. Speaker, little noted in the budget sent to Congress by the President earlier this month was a policy initiative that millions of Americans have largely overlooked.

It is an oversight that could cost middle income families billions of dollars in Government assistance and services—at the same time that the Bush administration continues a decade-long policy of heaping greater and greater benefits on the wealthiest of Americans.

As noted by Kevin Phillips, hardly a mouthpiece of liberalism or the Democratic Party, the Bush plan to means-test certain programs should be labelled "The Second Middle-Class Squeeze—brought to you by the same politicians who presided over the old middle-class squeeze of the 1980's."

And, Phillips reminds us, this "soak the middle class" strategy is being promoted at the same time that the White House is still proposing the "Real McCoy" of favoritism to the richest 1 percent of Americans—capital gains tax reduction.

The Bush proposals will impose massive benefit losses on the middle class, who have suffered the worst loss of real income and enjoyed the most meager of tax reductions during the past decade. As Kevin Phillips notes, this plan raises again the issue of equity in tax and benefit policy and provides an important subject for political debate in the country which hopefully will be joined during the upcoming budget discussions.

BUSH'S DOMESTIC POLICY? IT'S SOAK THE MIDDLE CLASS

(By Kevin Phillips)

Politics: Showing its pro-rich bias, the White House wants to tighten eligibility for federal benefits, cutting out those $45,000-a-year fat cats.

WASHINGTON.—Forget all that malarkey about George Bush not having a domestic policy. During the last few weeks, with national attention preoccupied by the Persian Gulf, the White House has started laying out far-reaching fiscal policies—who's going to pay and who's not going to pay—that could become a political hand grenade of the 1990s.

Obviously, it's not the "New Paradigm," the conservatives' much-bally-hooed mix of enterprise zones and local empowerment ideas such as school vouchers. That's small potatoes next to the Administration's emerging blueprint to means-test—or roll back—middle-class eligibility for a whole range of federal program benefits, from school lunches to college loans.

With orchestrated means-testing, Middle America will lead the sacrifice in the 1990s deficit wars—allowing federal tax policies to retain their 1980s favoritism toward the "top 1%" of Americans. This could allow Democratic orators to start belaboring "The Second Middle-class Squeeze"—brought to you by the same politicians who presided over the old middle-class squeeze of the 1980s.

The economics of middle-class means-testing have a certain logic—but the politics are incendiary. The principal architect, Budget Director Richard G. Darman, is a man of inherited wealth and no firsthand middle-class sensitivity. Yet, as a shrewd fiscal operator, Darman knows huge sums of federal budget money can be had for other purposes—beefing up programs for the poor or safeguarding existing tax breaks for the rich (or both)—by slashing middle- and upper-middle-class eligibility for federal benefits programs. Darman wants an income-eligibility line drawn somewhere beteeen $20,000 and $125,000 a year, to cut off middle-class beneficiaries.

These ambitions do not appear in the Bush budget, which sets cutoffs for farm subsidies at $125,000 in non-farm income, triples Medicare premiums at $125,000, pegs $21,000 as the subsidized school-lunch limit and breaks college-aid eligibility at $40,000 a year. Darman's 1992 budget is simply an entering wedge, though, because the budget director said in recent congressional testimony that he favored "an important new emphasis for reform: increasing fairness in the distribution of benefits, reducing subsidies for those who do not need them." We can't keep federal benefits going to those sleek, well-fed $22,000-a-year families or those $45,000-a-year fat cats, can we?

It's an interesting gamble. By seeking to recast the fairness image to deny "the rich" their current farm, Medicare or college-aid benefits and thereby "concentrate" them on the poor, the Bush White House is out to counter its "fat-cat" protection image gained in last year's fight over capital-gains tax reduction and in beating back the Democrats' proposed income surtax on millionaires. This time, the hope is to be seen as promoting rather than blocking fairness.

Maybe. But not if the Democrats are smart enough to explain what's really going on. Federal program means-testing is collateral to broader fairness for three reasons. First, because nobody can seriously tackle the truly rich—who got the real benefits of the 1980s—by playing around with the eligibility rules of federal benefit programs. This is a ploy, a GOP fiscal equivalent of Air Force planes dropping aluminum foil to fool enemy radars. The idea that Laurence Tisch or David Rockefeller will feel the hot breath of Darman's entitlements reform is patently absurd.

Second, because the White House is still proposing the Real McCoy of favoritism to the richest 1% of Americans—capital-gains rate reduction. And third, because the middle-class Americans quietly being targeted for lighter benefits and thinner wallets have already been squeezed for most of the '80s by soaring Social Security taxes, surging property levies, escalating health costs, surging tuition charges and mushrooming auto insurance rates. Pickpocketing these people instead of millionaires is a travesty.

A cynical analyst or a liberal congressman could suggest that Middle America and Upper-Middle America are being targeted so the top 1% of Americans can keep their 31% tax rate. During the 1980s, while the median family income was barely ahead of inflation, the Forbes 400 richest Americans managed to increase their combined net worth from $92 billion in 1982 to $270 billion in 1989. One would think this is the obvious place for 1990s pay-back economics.

This brings us to the politics involved and the possibility that Republicans could be courting another major backlash by blithely framing "fairness" considerations and then clipping the middle and uppermiddle class while protecting the genuinely rich. This was the opprobrium they faced after October's budget debate.

The conservative assumption in means-testing Mr. and Mrs. John Q. Public is: a) Middle America will not get too excited and b) lots of Democrats, academicians and poverty groups will cheer the idea of curbing middle-class eligibility and focusing outlays on the poor. It could work. Most middle-class voters won't pay much attention to a few overhauls in program eligibility, and some congressional Democrats are so low-income fixated they don't care much about the middle class.

What's more likely, though, is that Middle America and its political defenders will correctly identify means-testing as something bigger—as the stage two of a painful "politics of unfairness" that began to squeeze the average family during the 1980's, while the rich rode a golden elevator. Federal policy was critical, because the "squeeze" involved combining relative peanuts in federal income-tax cuts for the middle class with significant new burdens: surging and regressive Social Security taxation, the extraordinary federal income-tax "bubbles" (through which the upper-middle class still pays a higher marginal tax rate than millionaires), rising excise taxes, user fees, stepped-up taxation of Social Security benefits and a shift of programs from Washington back to the states that forced up regressive state and local taxes. The result is one that Robin Hood's old enemy, the Sheriff of Nottingham, would envy. By the time the 1980s ended, the top 1% of Americans had 3 to 6 percentage points more of total family income than when the decade started, and the people in the middle saw their relative share decline.

Means-testing the middle class signals another round of this "soak the middle" spirit. But it also comes at a time when the larger pattern of "Sheriff of Nottingham" economics is becoming clear enough to mobilize congressional Democrats—as they proved in last October's bruising and, from their point of view, successful budget debate. Equally important, skittish Republican voters see the GOP bias, too. Some 20%–30% of GOP voters believe their party favors the rich; one poll revealed 80% of Republicans favored the Democratic surtax on millionaires that Bush keeps working to defeat.

Politically, then, the GOP's October embarrassment may have only been a first act if the White House charges ahead on means-testing. The federal deficit may finally be driving a wedge into the GOP, forcing the White House to sacrifice rank-and-file middle-class economic interests to protect the interests of the top 1%. Last year, when Darman got Bush to break his no-new-taxes vow, the GOP discovered that it opened a Pandora's Box of "fairness" issues—and means-testing could be Darman's second Pandora's Box.

Middle America will doubtless have to make some sacrifices to deal with the nation's debt and shrinking resources. But fairness dictates—and more Democrats understand this—that the middle class should not be sandbagged without considerably larger sacrifices required of those at the top, who grew fat during the 1980s. So if the White House does not opt for a thinly disguised "soak-the-middle" fiscal strategy, an important battle will be joined. Bush may yet yearn for the days when the media simply snickered about his not even having a domestic policy.

U.S. CAN'T AFFORD TO LOSE TECHNOLOGICAL EDGE

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. PICKLE. Mr. Speaker, William J. Spencer, president and chief executive officer of Sematech is by far one of the leading experts in America on high-technology issues. He recently submitted an article to the Dallas Morning News which points out the increasing importance of high-technology research and development on our military community and, in particular, its impact on Operation Desert Storm. I share Dr. Spencer's interest in these issues and I commend this article to my colleagues and hope they find it enlightening.

[From the Dallas Morning News, Feb. 26, 1991]

UNITED STATES CAN'T AFFORD TO LOSE TECHNOLOGICAL EDGE

(By William Spencer)

Like millions of concerned Americans over the past month, I watched the riveting, yet terrifying, television coverage of the war in the Persian Gulf.

I was particularly struck by the graphic images and sounds of U.S. Patriot missiles knocking Iraqi Scud missiles out of the sky. I marveled at the videotapes of Paveway III laser-guided bombs, dropped from thousands of feet by speeding planes, entering doors, skylights and air shafts to blast their targets.

I listened with near-disbelief as the Pentagon described the uncanny accuracy of Tomahawk cruise missiles and the ease with which the F–117A Stealth fighters slipped through Iraqi air defenses to destroy strategic targets.

The United States is fighting its first high-tech war, and the initial results have been overwhelmingly favorable. The number of U.S. casualties to date, given the extensive nature of Operation Desert Storm, has been minimal. The loss of aircraft is far less than the most optimistic Defense Department estimates.

None of it would have been possible without semiconductor chips, those microscopic bits of silicon that contain transistors, diodes, wires and other components together which perform the function of an electronic circuit.

Electronic Buyers News reports that the Tomahawk cruise missile has 1,270 electronic component types in it, each of which includes anywhere from a dozen to thousands of computer chips. The F-111A has 8,900 electronic component types, and the Abrams M–1 tanks have 2,500 chip components.

In short, Operation Desert Storm is the most impressive demonstration of U.S. technological superiority since Neil Armstrong walked on the moon. The war is graphic evidence of the importance of having superior technology.

But if the U.S. wants to maintain that technological superiority, which can be readily converted from peacetime use to a war effort, we must continue to invest in the semiconductor infrastructure.

Our weapons are an impressive display of America's high-tech genius. But the weapons being used in the Persian Gulf are based on the technology of the 1970s and '80s. The Patriot, for example, includes chips from one U.S. company that quit making that particular design in 1985. The real success of these weapons is not in the chips themselves, but in combining applications for the unique functions they must perform.

In fact, it is sobering to realize that many of the components used in these weapons are less sophisticated than those found in the latest CD players, portable VCRs and video cameras.

It's no accident that the country that dominates the consumer electronics market, Japan, also dominates the critical technologies of the future.

Following World War II, military technology drove commercial technology in this country. But that is no longer the case. In fact, it's the opposite. In the future, our leadership in military technology will be directly proportional to our leadership in commercial technology.

The possibility that Japan could reduce or shut off its supply of electronic components is cause for concern among some U.S. officials. Furthermore, the Japanese lead the U.S. in many other high-tech ingredients that would be used for future weapons technologies.

Our national security depends on using our tremendous capability in technology to be the world leader in industries such as computers.

Although our relationship with Japan is historically friendly, is it in our best interest to have to rely on a foreign competitor for the technology needed for the next generation of Patriots, Tomahawks and F-117As? I don't think so, and neither did the Defense Science Board Task Force, which reported in 1987 that "U.S. defense will soon depend on foreign sources for state-of-the-art technology in semiconductors. The task force views this as an unacceptable situation."

That is why it is essential that the United States government continue to invest in high-technology research and development. I hope that in the inevitable debate over how to pay for Operation Desert Storm, our leaders don't lose sight of why we have been so successful.

President Bush has spoken eloquently about our need to be in the Persian Gulf to preserve the "new world order." He's right. We do have a unique and historic opportunity that must be protected.

I am confident that our leaders will continue to fund research and development at the highest levels possible. After all, our investment in America's high-technology infrastructure is really an investment in our security and in the security of the Free World.

CONGRATULATIONS TO THE BROWN SCHOOL IN TURLOCK, CA

HON. GARY CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. CONDIT. Mr. Speaker, in my district there is a school that has taken part in one of the most interesting experiments, one that broadens the mind and shows our young people new and exciting possibilities for the future.

Brown School in Turlock, CA, took part in a project where they tried to raise tomatoes from seeds that had been exposed to long duration space voyage in the L-DEF. I am pleased to report that this experiment has been an overwhelming success, resulting in a bounty of tomatoes that the students, along with officials from NASA were on hand to enjoy.

It is projects like this that help to stimulate the imagination of our children, while showing them that their personal participation can reap rewards that they can enjoy and that they can share with others in their community. We would do well to learn from these children and their project as we deal with our day-to-day issues here in Congress. We have within our grasp the power to change ourselves and our community, to expand our horizons and to open the door to the unthinkable and the unknown. I commend these students for their dedication to this project and congratulate them for their care and diligence that reaped such rewards.

INTRODUCTION OF MINORITY FINANCIAL INSTITUTIONS WEEK

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. MFUME. Mr. Speaker, today I am introducing a joint resolution to designate March 4, through March 8, 1991, as "Minority Financial Institutions Week." This resolution simply seeks to commemorate the rich history and the significant contributions made by minority and women-owned and operated financial institutions in the United States.

Minority owned financial institutions in this country date back to 1881, when the Capital Savings Bank of Washington, DC and the Savings Bank of the Grand Fountain United Order of True Reformers, of Richmond, VA, were chartered. From 1881 until 1962 when Cathy Bank of Los Angeles, an Asian American bank, was established, banks owned by African Americans where the only minority owned financial institutions of record in the United States. Another little known fact which has somehow eluded commonly available historical accounts is that the very first female bank president in the United States was Maggie Lena Walker, an African American. Mrs. Walker served as president and chairman of the board of the Saint Luke Penny Savings Bank of Richmond, VA, from 1903 until her death in 1934. The first Hispanic-owned bank was founded in 1969, Centinel Bank of Taos, NM. Native Americans established their first bank, Lumbee Bank, of Pembroke, NC in 1917. Women-owned banks entered the financial services industry with the formation of the First Women's Bank of New York, in 1975.

These early institutions were organized to meet the financial service needs in minority communities that major banks neglected. Their mission then was much the same as it is today for many of these institutions, to help influence the social and economic development of the communities they serve. The pervasive influence of this early mission has resulted in the creation of unique niche in the community. Minority-owned financial institutions still today often target small, startup businesses, nonprofit organizations including local colleges, churches, and minority professionals.

The critical need for financial institutions in many under served, neglected communities was first acknowledged by Congress in 1975 when it enacted the Home Mortgage Disclosure Act [HMDA]. This was the first of two legislative initiatives designed to encourage financial institutions to help meet the credit needs of their communities. In 1977, the second of these initiatives, the Community Reinvestment Act [CRA], was subjected to spirited debate in both Chambers but ultimately enacted.

As gleaned from the legislative history, Congress viewed CRA as a vehicle for encouraging inner city revitalization by private investment. But equally clear was the fact that Congress wanted to eliminate long standing practices by some financial institutions of redlining. The evidence gathered during hearings on redlining demonstrates a real connection between the decline in financial services in the inner-city and urban deterioration.

In recognition of the special role and contributions of minority and women-owned financial institutions in their inner-city communities, and particularly in the development of minority business enterprise, President Richard M. Nixon, in 1970, issued an Executive order from which the Minority Bank Deposit Program [MBDP] was established. The MBDP, now codified in Public Law 101-73, requires Government agencies to include minority-owned banks, women-owned banks, and low-income credit unions, in the pool of financial intermediaries that provide banking services to Federal agencies.

The decade of the 1980's saw rapid changes in the structure, marketing practices and regulation of the financial services industry. These changes coupled with technological advances have created a highly competitive and sophisticated market for financial services. Some argue that this competition has also intensified the pressure on financial intermediaries to increase profit margins which offers incentive for many institutions to close their less profitable operations in low-income neighborhoods, often comprised primarily of ethnic minority groups. While increased competition often stimulates financial innovation, the ultimate result in minority neighborhoods is that hundreds of thousands of low- and moderate-income Americans are being deprived of access to basic financial services.

Technology advances, changing demographic patterns and increased competition notwithstanding, minority and women-owned financial institutions have maintained their commitment to providing available and affordable financial services to their communities which have been and continue to be abandoned by majority-owned institutions.

Given the documented contributions of these minority-owned banks, it is hard to understand how we in the Congress, and the administrative agencies that we oversee, continually fail to recognize the connection between their growth and development and that of the communities they serve. Just last November, a minority-owned bank in Harlem, Freedom National Bank, was not only allowed to fail, but its uninsured depositors, including a number of nonprofit groups, community organizations, churches and charities were big losers. This is in stark contrast to uninsured depositors of larger banks with deposits in off shore accounts. It is difficult to argue that no regulatory action was indeed necessary in the case of Freedom. But when any financial institution fills a vital social need, and it is irrefutable that this community depended on this bank and had no access to other financial institutions, other more creative resolution methods should have been explored. At the very least, the depositors, most clearly from within the community, should have been better protected.

I am not raising this example to place blame upon a Federal supervisory agency which clearly faces many difficult decisions, but I am suggesting that we all need to recognize the unique role that minority owned financial institutions have assumed in their communities. By providing employment opportunities, business capital for minority entrepreneurs and urban development, they certainly deserve no less than our acknowledgment. It is in this spirit that I am introducing a joint resolution to designate March 4, through March 8, 1991, as "Minority Financial Institutions Week." Again, this resolution seeks to acknowledge the fortitude and commitment of minority financial institutions in providing economic stability to underserved communities, and further commemorates their unprecedented accomplishments.

PEACE IN THE GULF

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. ANDERSON. Mr. Speaker, I am overjoyed that peace has come at last. The U.S.-led coalition victory, in terms of speed and low loss of casualties, surpassed my most grand expectations. The much feared ground war turned out to be an overwhelming rout. The performance of our fighting men and women has been nothing less than magnificent. I also applaud our President, whose leadership throughout this ordeal has been a shining light to the American people and the world community. He preserved a coalition that no one thought could be sustained. He remained steadfast on the path set forth in the U.N. resolutions. He kept this war limited, despite the efforts of Saddam Hussein to expand it. And he gave the U.S. Armed Forces the latitude needed to win this war at the lowest possible cost to American life.

Saddam Hussein started this war. Now, he has lost it in convincing fashion. From the performance of his army, it is clear that the Iraqi people were not behind him. Unfortunately, many paid with their lives for his folly.

I am deeply sorry that it took the lives of 79 U.S. soldiers for him to unconditionally accept the terms of the U.N. resolutions. Nothing can replace those young lives, but those men and women died knowing their cause was just. We will mourn for them, as we are at the same time thankful our casualties were so few.

The American people showed great resolve throughout this conflict, defying the naysayers and those who think peace can be had without sacrifice. The public's faith in our soldiers and our cause was the real reason why this war was won so handily. We have reaffirmed that this Nation cannot shy away from struggling against those who would violate our principles and interests and reject the standards of international behavior. I believe we have put the fears of Vietnam behind us.

Now we turn to the task of peace. It will not be easy. Saddam Hussein must be held personally accountable for his atrocities against the nation and people of Kuwait. Those responsible for war crimes must be held individually accountable. We must ensure that the financial costs of this war are not carried by the American taxpayer alone. And finally, we must seek a true and lasting peace in the Middle East. This will require the help and cooperation of all nations in the region. It must not require a permanent American troop presence. Let us get our soldiers home.

THE INTERNATIONAL FAMILY PLANNING PROTECTION ACT

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. ATKINS. Mr. Speaker, I rise today to reintroduce legislation which I sponsored in the last Congress, the International Family Planning Protection Act. This legislation, designed to reverse the Mexico City policy, will ensure that women throughout the world are able to receive complete and accurate family planning information.

Since its inception in 1985, the Mexico City policy has proven to be an abject failure in achieving its only goal: reducing the number of abortions performed worldwide. This policy, which prohibits U.S. population assistance from being channeled through any nongovernmental organizations that provide counseling about abortion as one of their services, only limits the availability of quality family planning services. Curiously, the Mexico City policy does not apply to foreign governments or governmental organizations.

Under the Mexico City policy, countries which have legalized abortion, and counsel women about abortion through their governmental organizations, may receive U.S. aid. These governmental entities must simply agree to keep the U.S. funds in a separate bank account, and promise not to use any of the U.S. funds to actually perform abortions. Nongovernmental organizations can not receive funding even if they use the separate accounting procedures, and even if they do not peform abortions. This double standard sends out a mixed message to other nations, and further confuses the entire family planning issue.

The International Family Planning Protection Act eliminates this double standard by mandating that nongovernmental organizations are funded based upon the same guidelines as foreign governments or governmental organizations. The International Family Planning Protection Act will not allow U.S. aid to be used to pay for abortions. This legislation will succeed where the Mexico City policy has failed, in ensuring that all women have access to adequate family planning services.

The country of Romania provides a perfect case study, vividly depicting how the Mexico City policy has failed. Slightly over 1 year ago, Romanians overthrew their tyrannical dictator, Nicolae Ceausescu. In his effort to increase the population of Romania to over 30 million by the turn of the century, Ceausescu outlawed abortion and all forms of contraception for women who had not borne at least five children. The Securitate, Ceausescu's secret police, routinely inspected women in hospitals and sent doctors into the workplace, searching for signs of contraceptive use or attempts to induce abortion or miscarriage.

After the December 1989 revolution, the provisional government in Romania immediately legalized abortion and family planning. While this served to reduce the nation's astronomical maternal mortality rate—85.3 percent of which were the result of illegal abortions—it also illuminated the notable absence of adequate family planning services and resources. It became clear that without family planning services, abortion would be the sole birth control option available to Romanian women.

Recognizing the tremendous need in Romania, the House of Representatives voted on June 27, 1990 to earmark $1.5 million in humanitarian assistance for family planning in Romania. Because of the restrictions imposed by the Mexico City policy, none of these funds could be directed to the two international organizations already operational in Romania, the International Planned Parenthood Federation [IPPF] and the United Nations Fund for Population Activities [UNFPA].

The earmarked funds were instead channeled through the United States Agency for International Development [AID], an agency that has no choice but to abide by the restrictive Mexico City policy. Although AID recently announced that they intend to name the Center for Development and Population Activities [CEDPA] as the primary contractor for the grant, to date none of the $1.5 million has been spent in Romania. AID has wasted precious time through its efforts to comply with the Mexico City policy. The past 6 months have been spent assessing the situation in Romania and attempting to find contractors and create programs that will comply with the Mexico city policy, rather than providing the needed emergency relief.

While the U.S. funds have been entangled in the bureaucratic web that the Mexico City policy has created, women in Romania have suffered. They have been forced to rely on abortion since family planning resources and services are not readily available. In a country with a population of 23 million, over 1 million abortions have been performed in the past year alone. The number of abortions nearly triples the live birth rate of 375,000 for 1989. In light of these facts, can we honestly say that the Mexico City policy has helped to lower the number of abortions and increase the quality of family planning in Romania? I think not.

Mr. Speaker, those who call themselves pro-choice and pro-life alike can surely agree that reducing the number of abortions performed worldwide is an important and achievable goal. The most effective way to decrease the abortion rate is to decrease the number of unwanted pregnancies. Clearly, this can only be done by increasing awareness about contraceptives and their use, and increasing the availability of contraceptive resources. The Mexico City policy serves no purpose other than to frustrate these family planning efforts.

The reversal of the Mexico City policy is not about promoting abortion. Anyone who says it is, is simply trying to cloud the issues. U.S. foreign aid dollars have never been allowed to directly pay for abortions, and my legislation will not change this fact. The reversal of the Mexico City policy is about effective and compassionate family planning. It is about making sure that women worldwide have access to the information, services, and resources that will allow them to prevent unwanted pregnancies. It is about ensuring that tragic situations like the current one in Romania—where women are forced to rely on abortion because no other resources are available—do not become commonplace as the result of our misguided policy.

LET'S PROTECT EMPLOYEES FROM ELECTRONIC MONITORING IN THE WORKPLACE

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce legislation to protect employees by providing them a right to know when they are being monitored or recorded electronically while performing their jobs. This is a bipartisan bill that had more than 115 cosponsors in the 101st Congress—H.R. 2168—and today I am being joined by a broad, bipartisan group of 34 original cosponsors in introducing this bill.

At a minimum, workers have a right to know when their actions are being recorded. This bill would require employers to give their workers prior notice of the types of electronic monitoring that will be used and how they will be used. When monitoring is actually taking place, employers would have to provide their workers with a signal light, beeping tone, verbal notification, or other notice to indicate that monitoring is occurring.

The bill also includes provisions to: require that all monitoring is relevant to the employee's work performance; guarantee an employee access to data collected about his or her work; and limit disclosure and use of the data by the employer. This bill would bar employers from collecting data about their employees' exercise of first amendment rights, such as contacts with union representatives. Employers violating any of the bill's protections would be subject to civil penalties of up to $10,000.

Increasingly, officeworkers and other employees are subject to sophisticated forms of electronic monitoring: Telephone systems capable of logging the time and duration of every call, or that allow supervisors to listen in on the conversations of employees and customers; video cameras secretly placed in employee locker rooms; computers that count the number of keystrokes per minute, the number of errors and corrections per hour, and even the length of restroom breaks.

HONORING THE U.S. MERCHANT MARINE ACADEMY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. SCHEUER. Mr. Speaker, as the war in the Persian Gulf appears to be nearing the end of military conflict, there are many hard working, brave men and women who deserve recognition and praise.

Today, I would like to single out one group, who, coincidentally were the only members of the American Military Establishment not recognized by President Bush in his State of the Union Address: The merchant marine.

I am honored to have the home of the U.S. Merchant Marine Academy at Kings Point, NY located in my district. Though not as high a profile as the rest of the services, it nonetheless has played, throughout Desert Shield and Desert Storm, a critical role in the allies' effort to restore stability and peace to the Middle East.

Mr. Speaker, at least 15 million tons of cargo, oil, and supplies were delivered to the troops, 95 percent of it transported by ship. There is a ship every 100 miles in the 12,000-mile sea route. The Merchant Marine Academy has supplied midshipmen who are second and third year students to serve in the gulf as part of their mandatory at-sea training. These young men and women are serving with valor to supply the allied effort; virtually every U.S. ship in the gulf has employed the services of these fine academy students. In addition, the Merchant Marine Acdemy has recruited a number of alumni from the classes of 1955–1985 to re-enlist in service to the country during this war effort.

The U.S. Merchant Marine Academy is a Federal institution serving the merchant marine; the only curriculum of its kind to include two tours of sea duty. Before they graduate, cadets work either on deck or in the engine room, and also must complete academic assignments. After graduation, they are obligated to 5 years of service to our country.

Mr. Speaker, the maritime industry is an important part of the U.S. economy. The graduates of the Academy are an integral part of the civilian effort backing the Persian Gulf war. Without their many talents, and the hard work of the midshipmen from the Academy, the Navy's Military Sealift Command would not have been able to fully activate the necessary Ready Reserve Fleet to supply the troops fighting the war.

Because of the manpower supplied by the cadets, and the willingness of talented alumni to leave their positions on shore to support the war effort, the critical process of shipping supplies to the gulf went smoothly and on target. Yet this is nothing new. Since World War II, in Korea and in Vietnam, Merchant Marine Academy midshipmen have eagerly completed their shipboard training during wartime in support of United States efforts.

Mr. Speaker, it is fitting at this time that we recognize the unique and important contribution of the Merchant Marine Academy, the young men and women serving as cadets, and the alumni, especially those who are playing an active role in the allied effort in the Persian Gulf. Each of them is the personification of the Academy motto, "Acta Non Verba," "Deeds Not Words." It is my sincere pleasure to salute the U.S. Merchant Marine Academy, and the Superintendent, Rear Adm. Paul Krinsky, for all their work, dedication, and patriotism, now and since the first year of their founding almost half a century ago.

TRIBUTE TO THE LATE STATE SENATOR JIM EZZELL

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. VALENTINE. Mr. Speaker, it is with profound sadness that I rise to acknowledge the death last month of one of the most distinguished members of my State's senate, Senator Jim Ezzell of Rocky Mount.

Jim Ezzell was one of the most remarkable individuals ever in public life in North Carolina. Disabled from birth, he faced obstacles that most of us never encounter or even understand. His parents fought hard to ensure that he had an opportunity for an education despite being denied entrance to the local public schools on two different occasions. Throughout his life, his mobility was severely limited, and he used a motorized cart or crutches to move around.

Yet Jim Ezzell completed a top quality education at Wake Forest University and Wake Forest Law School, became an outstanding attorney, and served in both the North Carolina House of Representatives and Senate as well as a district court judge.

These are impressive achievements for anyone, but Jim Ezzell's ability and contributions to his community and State cannot be understood by merely reading his résumé. He made a positive and permanent impact that is impossible to measure.

Jim Ezzell was the conscience of the legislature. His consuming interest was in how individual citizens and families are affected by government. His concern was for those who need help: Pregnant women and babies without access to medical care; children with inadequate nutrition; people with physical or other disabilities; citizens in need of job training or education. He battled to give every person a chance to succeed.

Jim Ezzell was also an inspiration to everyone who came into contract with him. His advice to people was: "Be a dreamer, be a worker, be a believer."

Perhaps others have often given similar advice. But Jim Ezzell was living proof that it worked. Every day he demonstrated that people could achieve their dreams, could overcome obstacles, and could succeed if they dedicated themselves to reaching their full potential.

Jim Ezzell had a physical disability, but that was not what his friends, colleagues, and constituents noticed when they were with him. His intelligence, his compassion, his wit, and his genuine friendliness defined him much more than his crutches.

I am proud to have been Jim Ezzell's friend. We represented the same people in our respective elective offices, and I know the warmth and respect that his constituents felt for him. Those sentiments were well-deserved. Jim Ezzell put the interests of the people he represented above all else. He earned his electoral successes through dedication and perserverance.

Jim's wife, Patsy, is also a dear friend, and she and their three sons can be extremely proud of every aspect of Jim's life. He has left a legacy of concern for individuals that will inspire North Carolina public officials for many years.

Late in his life, Jim Ezzell spoke of his early years when he, a Baptist in the North Carolina of the 1940's, attended a Catholic school because he had been denied a public education. He recalled that the Catholic nuns had imparted an important lesson:

> They taught me that I was worth something, that God loves me like he loves all human beings. My boundary was my imagination and determination.

Jim Ezzell not only learned and lived by that lesson; he taught it to others. We are all worth more because of his example and contributions, and we should all be inspired to use our imagination and abilities. All North Carolinians are richer because of Jim Ezzell. He will be sorely missed, but his example will live on. I take great pride in saluting him.

INDUSTRIAL DEVELOPMENT BONDS CREATE OPPORTUNITIES FOR ECONOMIC GROWTH AND JOBS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. COYNE. Mr. Speaker, today, I am introducing legislation to extend for 5-years the Small Issue Industrial Development Bonds Program.

Congress can restore some predictability to this vital economic growth program by providing a 5-year extension of the tax exemption for Industrial Development Bonds. The time has come to provide State and local governments with confidence that IDB's will be maintained without the annual suspense as to whether IDB's will be extended.

Reliable access to capital is vital for small manufacturing firms. IDB's allow small businesses across the United States an improved opportunity to expand and provide new jobs by reducing the cost of financing.

State and local industrial development agencies use IDB issues to provide small manufacturers with access to investment capital at interest rates lower than that available through commercial lenders. For these small manufacturers, however, IDB funds are more than simply an inexpensive source of capital investment; these bonds often represent the only practical source of capital available.

The preservation and expansion of the U.S. manufacturing sector will be enhanced by continued access to much needed IDB capital for small firms. Large corporations often have ready access to financing, either from equally large banks or by issuing their own commercial bonds. Around the country, however, small manufacturers often find it difficult to find the financing they require if they are to grow and offer new job opportunities. All too often, the capital requirements of small manufacturers exceed the resources of small community banks but are too limited to interest large distant banks or bond speculators.

IDB's are among the most important economic growth tools at the disposal of State and local governments. The Advisory Commission on Intergovernmental Relations [ACIR] and the Urban Institute conducted a survey of State bond authorities and reported in 1989 that State and local IDB's amounted to $3.2 billion or 21 percent of the total private activity bonds issued that year. Only the Mortgage Revenue Bond Program represents a larger proportion of State and local bond activity.

As a result of this sizable investment of IDB funds, thousands of small manufactuers have been able to modernize equipment, expand operations and build new plants. These small manufacturers offer one of the best chances to create much needed opportunities for employment.

With the U.S. economy in recession and unemployment rising, these small firms are all the more important to the health of local communities. Small businesses account for the bulk of new jobs in the United States. According to research at the Massachusetts Institute of Technology, U.S. firms with fewer than 100 employees generated almost 90 percent of the roughly 18 million new jobs between 1977 and 1985.

As Japanese products continue to pour into the United States and the European Community proceeds with its 1992 economic integration program, Congress must not turn its back on the needs of small businesses. By acting now to provide small manufacturers with reliable access to IDB funds, the United States can move more rapidly out of the current recession and meet foreign competition.

IDB's have become all the more central to meeting the capital needs of small manufacturers as other Federal economic growth programs have been cut over the past decade. For example, in 1981, Congress appropriated $4 billion for Small Business Administration [SBA] guaranteed loans and another $219 million in SBA 7(a) direct loans. This compares with the significantly reduced fiscal year 1989 appropriations of $2.4 billion in guarantees and $87 million in direct loans.

The IDB Program has been the subject of extensive reform and congressional review over the past decade. A general overhaul of the program was achieved under 1984 and 1986 tax reform legislation.

As a result of reforms in the IDB program, the total amount of tax exempt small issue bonds has diminished since the 1984 high of $17.3 billion. In 1989, approximately $3.2 billion of IDBs were issued by State and local governments. Yet, the United States is getting increased value for its tax expenditure dollars from this streamlined program.

IDB eligibility has been restricted to small manufacturing firms, with no single bond issue exceeding $10 million and a $40 million cap on total tax exempt bonds outstanding per firm. In addition, IDB's have been subjected to statewide bond volume caps of $50 per capita or $150 million in small States, and most compete with other State and local programs, such as mortgage revenue and student loan bonds, for the limited pool of funds allowed under the cap.

No longer are retail firms, fast food restaurants or real estate developments eligible for IDB's. With limits on the amount of IDB funds available to any one firm, this program is best suited for the small manufacturing firms which are so important to the modern American economy. Nearly half of the U.S. manufacturing work force now works in firms with fewer than 250 workers, a dramatic shift from the 1970s, when the average factory employed 650 workers.

IDBs allow State and local communities to assist small manufacturers and target funds to firms that show the most promise of offering much needed new jobs. New York City Industrial Development Agency Chairman Leressa Crockett reported last year that minorities accounted for 61 percent and low- and moderate-income individuals accounted for 58 percent, respectively, of the new employees hired by firms receiving IDB financing in that city.

Smaller communities across America also benefit from access to IDBs. During 1990, the State of Arkansas initiated 11 new IDB funded projects worth $17.9 million which helped that State create or retain over 1,000 jobs. For the small cities and towns of our country, limited access to investment capital is often a significant barrier. By helping States and local communities to overcome this barrier, IDBs help States like Arkansas create new jobs and help industries expand.

IDB funds often provide the vital linchpin for companies seeking private capital investment. By qualifying at the State and local level for IDB funding, many companies strengthen their position to compete for scarce private investment funds. For example, the State of New Jersey provided $15 million in IDB funds for 11 projects that were then able to attract another $30 million in leveraged private investment.

States in every part of our country have found that IDBs play a valuable and integral part in their industrial growth strategies. Even States known for their ability to attract large amounts of domestic and foreign private investment find that IDBs enable them to help local communities and small manufacturers that are still not able to attract needed capital investment. By helping these small manufacturers bridge the gap between their own capital resources and the level of commercial activity likely to attract private capital investment, IDBs encourage broad-based industrial expansion and job creation. For example, the State of California, with all of its private capital resources, still found that in 1990, IDBs could play a valuable role in creating 1,633 jobs through the use of $58.3 million in IDB funding.

Last year, as part of the Omnibus Budget Reconciliation Act of 1990, Congress approved a 15-month extension, retroactive from October 1, 1990 to December 31, 1991, of State and local government authority to issue qualified small issue Industrial Development Bonds. In similar 1989 legislation, Congress extended IDBs until September 30, 1990.

Yet, there are strong reasons for providing a more lengthy extension of IDBs. According to the ACIR and Urban Institute survey, many respondents reported that uncertainty over IDB sunsets have led to an acceleration in demand for bond funds in order to beat sunset dates, when such demand might otherwise have been deferred. With State bond volume caps in place, these surges in demand create problems in allocating funds within the IDB Program and among other bond issues, such as mortgage revenue and student loan programs.

According to 1990 Joint Committee on Taxation estimates, last year's 15-month extension of IDBs will cost $300 million over 5 years. Yet, the examples cited above indicate that Industrial Development Bonds are providing the crucial means of promoting economic expansion and job creation at the State and local level.

The reforms of this program have strengthened it, and have led many of my House colleagues to actively support its extension. Last year, over 170 House Members cosponsored legislation which would have extended Industrial Development Bonds. In addition, IDB extension is actively supported by the National Governors' Association, the National League of Cities, the U.S. Conference of Mayors, and the U.S. Chamber of Commerce.

At this time, over 60 Members of the House have signed on as original cosponsors of my proposal calling for a 5-year extension of the Industrial Development Bond Program.

Mr. Speaker, the IDB Program deserves the support of the House. I urge my colleagues to join me in cosponsoring this legislation to extend for 5 years this important economic growth program.

CALIFORNIA BANKER'S ASSOCIATION STAND ON ISSUES FACING FINANCIAL INDUSTRY

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. RIGGS. Mr. Speaker, California's most powerful bank lobbying group is calling for a law mandating early closure of troubled banks, the most important element in their newly released position on the bank restructuring issues under consideration by Congress.

The California Banker's Association is among the first in the Nation to take a stand on key issues facing the financial industry now that it is facing enormous losses caused by bank and S&L failures in recent years.

In an effort to stop the decline in the Bank Insurance Fund which covers losses at failed banks, the association is calling for regulators to stop allowing banks to run up large losses before seizing them, a controversial position likely to cause cries of outrage from struggling banks.

The CBA report recommends that "banks reaching the trigger for insolvency—perhaps a 2 percent capital level—would either be forced to merge or be closed down, while their assets are still marketable. This new imposed discipline will ensure minimal costs to the BIF."

E.D. "Gus" Bonta of Santa Rosa, former president and executive director and now a consultant of the California Banker's Association, said, "There are too many political decisions that come into play. Why should we refinance BIF just to keep alive a bad bank that will be a competitor and force up interest rates? We feel very strongly that this money should not go for forbearance—keeping open an insolvent bank."

Typically, a bank nearing insolvency will pay high interest rates to attract badly needed deposits, thus siphoning deposits away from stronger institutions.

Bonta was president of the California Banker's Association in 1982 and executive director from 1983 to 1989. He was president of the Bank of Sonoma County when it was purchased by Westamerica in 1983.

The Bush administation earlier this month presented its plan for restructuring the banking industry, but Bonta said it failed to address the most important issue, recapitalization of the Bank Insurance Fund.

"They didn't talk about how to raise the money, and that's the one thing FIRREA—the S&L bailout bill—said they should do," Bonta said.

The association says it wants any proposed recapitalization of the dwindling Bank Insurance Fund to be accompanied by a restructuring of deposit insurance, regulators, and bank powers.

Emphasizing that he was speaking for himself and not for members of the CBA, Bonta said, "I also feel it's very necessary to have linkage between refinancing BIF and expanding activity for banks. If not, you're going to soak the banks with additional expenses to refinance BIF but not give them a way to raise money to pay for this."

The California Banker's Association takes the position that a large one-time assessment to recapitalize the Bank Insurance Fund is not necessary, because the depth of the insurance fund's needs are not yet known.

Instead, the CBA supports a pay-as-you-go mechanism that would raise money as needed by issuing bonds that banks would repay.

Other issues addressed by the association included:

If any bank is deemed too big to be allowed to fail, the expense of saving the bank should be borne by the U.S. Treasury and not by the Bank Insurance Fund.

Deposits should continue to be insured to $100,000.

Deposits that one bank places with another should not be insured.

Deposits placed by deposit brokers should not be insured. Brokers typically represent large investors like pension funds.

Banks that use depositors' money for riskier loans or investments should have to pay higher insurance premiums to the Bank Insurance Fund.

Banks should have to pay insurance premiums to cover their foreign deposits.

The association fully supports interstate banking.

The association supports broader powers for banks.

Regarding these broader powers, Bonta said, "Regulators need to understand that when expanded powers came for S&L's, there weren't enough examiners. I think there has to be an agreement that if banks are going to get into it, there must be more examiners and examiners who understand it."

Bonta recalled that when the State banking department proposed cutting the number of examiners a few years ago, as a cost-cutting move, California banks said no.

He said that though he believed important changes need to be made in the financial industry, he doubts there are any national leaders strong enough to accomplish major reform.

ALASKA PENINSULA WILDERNESS DESIGNATION ACT OF 1990

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill entitled as the Alaska Peninsula Wilderness Designation Act of 1990. This bill provides for the designation of approximately 2.9 million acres of wilderness in the Aniakchak National Monument and Preserve, the Alaska Peninsula National Wildlife Refuge, and the Becharof National Wildlife Refuge. In addition, the legislation also authorizes the acquisition of approximately 275,000 acres of selection rights of Koniag, Inc., a native regional corporation with interests in lands in these three conservation units. With this acquisition these units will in essence be made whole.

It may be hard to believe that I would support, much less sponsor, a bill that provides for wilderness. My opposition to wilderness designation has always been to broad sweeping designations advocated by some over the objections of local residents to preclude any opportunity for development. That is not the case here. The proposed designations do not conflict with the transportation and access corridors identified by the Bristol Bay plan. The designations have local support. The designations made by this legislation have been reviewed by the administration. They will not prevent the continued use of these lands by the sportsman and the subsistence hunter.

Additionally, Mr. Speaker, wilderness suitability determinations for the three conservation system units on the northern Alaska Peninsula—Alaska Peninsula NWR, Becharof NWR, and Aniakchak National Monument and Preserve—were made by the National Park Service and Fish and Wildlife Service pursuant to the mandate of the Alaska National Interest Lands Conservation Act. These determinations recommended that wilderness designations be made for approximately 2.8 million acres. Of these lands, 590,000 acres are in the Aniakchak National Monument and Preserve, 1,876,000 acres in the Alaska Peninsula NWR, and 347,000 acres in the Becharof NWR. The wilderness reviews for these three units stress the suitability of these lands for wilderness status and points out that the diversity of wilderness values present in these lands makes them truly unique areas in the State of Alaska. Excluded from these recommendations for wilderness designation, however, are those lands which were identified by the Bristol Bay plan as access corridors.

A major impediment to such wilderness designations is the existence of certain selection rights of Koniag, Inc. for the oil and gas estate underlying 275,000 acres under the provisions of the Alaska Native Claims Settlement Act. Such selection rights will not only preclude a wilderness designation with respect to the lands involved but the exploration and development of the oil and gas estate could also modify the wilderness values of the adjacent lands as well as those lands required for access. In the case of Aniakchak National Monument and Preserve over 30 percent of the lands found suitable for wilderness are not eligible for wilderness designation because they are directly subject to Koniag's selection rights. The development of such rights could also impact the wilderness values of a significant number of additional acres not directly subject to the right.

As the result of urgings from Alaska environmentalists, Koniag agreed to explore various alternatives for the exchange with or relinquishment to the United States of these selection rights. Given the general unavailability of satisfactory Federal lands in Alaska and elsewhere, a direct exchange does not appear to be likely. Likewise, in light of the already strong pressures on the resources of the Land and Water Conservation Act fund and other budget pressures, a direct purchase is also highly unlikely. Because of these factors, Koniag has indicated a willingness to accept certificates of value to be issued by the United States and which could be used with respect to Outer Continental Shelf oil and gas leases. Such certificates would be accepted by the United States as payment, in whole or in part, of bonuses or other cash payments or deposits in competitive lease sales conducted under the Outer Continental Shelf Lands Act, and of rentals and cash royalties on leases issued under such act. The certificates would be assignable, but only to entities qualified to bid and hold leases under the act.

The certificates of value would have face value equal to the value of the oil and gas rights selected and designated by Koniag for conveyance. This value would be determined by an independent qualified appraiser utilizing the methodology customarily used by the Mineral Management Service of the Department of the Interior in valuing such interests. The appraiser would be selected by the mutual agreement of Koniag and the Secretary. Koniag would have 180 days after the valuation determination is made to relinquish its selection rights. Upon such relinquishment, the lands formerly subject to such rights would automatically become wilderness if they had otherwise been found suitable for wilderness in the wilderness studies performed by the Fish and Wildlife Service or National Park Service.

The use of the OCS certificates is appropriate both because of the similarity to the nature of the estate given up by Koniag and because it is revenues from such OCS sources which fund the Land and Water Conservation Act fund.

Seventy percent of the value ultimately received by Koniag from the use of transfer of the certificates, after the deduction of its costs, would be sharable with all Alaska Natives under section 7(i) of the Alaska Native Claims Settlement Act.

The proposed legislation reflects a compromise by all parties. For the environmental groups, not all of the Federal lands in conservation units will be designated as wilderness. For those of us concerned about the need for access, the legislation will preserve intact those access corridors across the peninsula designated by the Bristol Bay plan. By acquiring the only substantial inholding—the Koniag lands—the Park Service and the Fish and Wildlife Service are able to effectively manage their lands without complications caused by third party development. OCS lease credits were selected as the method of compensating Koniag for several reasons. First, it avoids an exchange situation which would further diminish the remaining unreserved public lands in Alaska. By requiring the credits to be utilized for OCS leases only, no impact will be felt on State sharing. Since the revenues received by Koniag will be subject to being distributed under section 7(i), the funds will be spread throughout the State to all ANCSA corporations and all nonvillage shareholders.

The majority of these funds will flow directly into the economy of the State and be used to acquire goods and services from third parties, and invest in Alaska.

Mr. Speaker, I will cautiously move forward with this legislation. If this legislation becomes the vehicle for amendments which are contested, it will not pass, now or in the next Congress.

BIPARTISAN MAJORITY SUPPORTS RTC BURDENSHARING AMENDMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. KANJORSKI. Mr. Speaker, while much about the RTC funding bill has been controversial, one issue on which there was broad bipartisan support in the House Banking Committee, was on my burdensharing amendment. A majority of committee Republicans, as well as a majority of committee Democrats, voted for my amendment to require cost-sharing by States whose irresponsible actions created the financial disaster that we, our children, and our grandchildren, are now paying to clean up.

I want to alert my colleagues that in spite of the bipartisan support this amendment had in committee, there may be an effort to strip the amendment from the bill before it reaches the House floor.

As a result, I would like to share with the full membership of the House the text of a letter that my bipartisan cosponsors and I sent to the members of the Banking Committee explaining why cost-sharing is essential.

The American people are mad as hell about the cost of the savings and loan cleanup. It would be irresponsible of us to pass legislation providing another $30 for this cleanup if we do not require those who created the problem to pay at least a portion of the cost of the cleanup.

Mr. Speaker, States which were negligent in examining and regulating their State-chartered savings and loans, and which dispensed charters and powers like candy, should not be given a free lunch at the expense of American taxpayers. They should be made to pay their fair share of the cost of the cleanup, which is what my burdensharing amendment requires.

I urge all members to insist that any new RTC funding bill include the burdensharing amendment which was approved by a bipartisan majority of the House Banking Committee.

The letter follows:

WASHINGTON, DC,
February 22, 1991.

DEAR COLLEAGUE: When the House Banking Committee meets on Tuesday, February 26th, to consider the Administration's request for additional funds for the Resolution Trust Corporation we will offer an amendment to provide greater equity in apportioning the cost of this catastrophe. Our amendment is based on proposals originally offered by Representatives Kanjorski and Kaptur during the original FIRREA debate, and the Northeast-Midwest Coalition's "State Thrift Deposit Insurance Premium Act" which attracted 100 co-sponsors in the 101st Congress.

Our amendment is based on the simple principle that to the extent possible those who are responsible for creating this mess should be required to pay for cleaning it up.

As the clean-up process is currently structured, federal taxpayers are the only ones who are paying for the clean-up. This is in spite of the fact that a handful of irresponsible state governments flagrantly abused the "dual banking" partnership giving out thrift charters and powers like candy, and by failing to properly regulate and examine their state-chartered thrifts. To date 45% of the resolution costs result from the failure of state-chartered thrifts. Now federal taxpayers are paying for their excessive risk-taking.

Our amendment requires the relatively small handful of states who abused the "dual banking system to pay a special thrift deposit insurance premium if they wish to continue issuing state charters. In essence they will be given an opportunity to choose whether or not they wish to remain part of the "dual banking" system. If they do, they will have to bear a portion of the cost of paying for their past mistakes.

Enclosed is a more detailed summary of how the amendment would operate, as well as the proportion of the clean-up each state is responsible for, and the amount each state is paying for under the existing financing structure.

The existing financing structure was inequitable when the cost to federal taxpayers was only $50 billion. It is unconscionable when that cost rises to $80 billion in this bill (and to $130 billion and beyond in future years).

If you believe in the concept of the "dual banking" system our amendment gives meaning to it by requiring that the rights and privileges of the system are accompanied by the responsibilities they entail.

Sincerely,

Paul E. Kanjorski, Gerald D. Kleczka, Toby Roth, Elizabeth J. Patterson, John J. Lafalce, Carroll Hubbard, Frank Annunzio, Bruce F. Vento, Marge Roukema, Richard E. Neal.

Members of Congress.

RESOLUTION OF DISAPPROVAL OF SCHEDULE OF HEIGHTS AMENDMENT ACT OF 1990

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. COMBEST. Mr. Speaker, today I am introducing a joint resolution which disapproves the District of Columbia Council Act (D.C. Act 8–329), the Schedule of Heights Amendment Act of 1990. I ask my colleagues to disapprove this council act as it directly violates the Home Rule Act (87 Stat. 774 (1973)).

The act passed by the District of Columbia Council would amend the Building Height Act of 1910—the "1910 act"—to increase the size of buildings that may be erected adjacent to a Federal public building—in this case, a multibuilding project adjacent to the Federal Bureau of Investigation headquarters and within sight of the White House. The merits of the building project aside, the Council's action clearly violates home rule and is unlawful.

The 1910 act sprang from early congressional efforts to execute Pierre L'Enfant's grand scheme calling for a beautiful Capital City with magnificent monuments, wide avenues, and sweeping vistas unmarked by urban blight and free of choking out-of-control city growth. Congress, recognizing a unique opportunity to create a wonderous Capital City for the new United States, authorized President Washington, in 1790, to draft up plans for a capital city and issue regulations to assure the city's orderly development. His regulations ultimately evolved into Congress passing the 1910 act which set forth maximum and minimum heights and setbacks for buildings to prevent the intrusion of building projects which would threaten the monumental and historic areas and special character of the National Capital. The 1910 act embodied the congressional intent that the act could be enforced but not changed by an entity other than Congress.

The 1910 act, as amended, continues to govern the height of buildings in the District today. Authority to enforce, but not to revise, the 1910 act resided with the Commissioners of the D.C. until 1967, when their responsibilities were transferred to a Presidentially appointed District of Columbia Council (81 Stat. 948). The authority of this council was subsequently transferred to the popularly elected Council of the District of Columbia pursuant to section 401 of the Home Rule Act codified at D.C. Code § 1–221 (1981).

One issue discussed heavily during the Home Rule Act debate was the extent and limits of authority and power to be given to the locally elected officials by Congress, especially control over Federal interests. I submit that the preservation of the unique views and vistas generated by the L'Enfant and McMillian plans which have guided development in the city for nearly two centuries is indeed well within the Federal interest. The lengthy debate resulted in the codification of various limitations on the authority of the Council by the passage of section 602(a) of the Home Rule Act (§ 1–233(a) of the D.C. Code).

Of particular importance is section 602(a)(6), (§ 1–233(a)(6) of the D.C. Code) which states:

> The Council shall have no authority—to enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in § 5–405, and in effect on December 24, 1973.

The Council's passage of D.C. Act 8–329 would permit the building of a structure in excess of the height limitations contained in § 5–405, a direct violation of the limit of authority expressly set forth under the Home Rule Act, and accordingly, must be struck down.

To do any different, to abdicate congressional responsibility and Federal authority, would open the floodgates to similar moves by the Council, waiving the building height limitations on numerous buildings throughout the city allowing for uncontrolled growth under the guise of needed projects. Of course, failure to maintain Federal authority in this case could also lead to attempts to amend or circumvent other statutes as well as the 1910 act.

My resolution does not address the merits of the building covered in D.C. Act 8–329. I recognize the need of the city to generate additional revenue and to find increased housing for the city's population. However, these interests must not be satisfied through an illegal act, a direct violation of the D.C. home rule. On several occasions since 1910, the House Committee on the District of Columbia has reported legislation to amend the 1910 act and many of these bills were enacted into law. Some of the bills provided height exemptions, above those prescribed by the 1910 act, for specific buildings to be erected at designated locations. Congress, not the Council, has the authority to amend the law and provide for needed projects. If the building called for under D.C. Act 8–329 is needed, then specific legislation waiving the 1910 act's height limitations should be brought to Congress for its consideration.

In summary, D.C. Act 8–329 is a direct violation of the Home Rule Act and must be struck down. This resolution of disapproval, aside from immediate Council action, is the shortest, easiest, and most appropriate manner in which Congress can effect a remedy of this error. If the Council, the developer, or the Pennsylvania Avenue Development Corp. would like to have the building height limitation waived so that this project can go forward then separate legislation should be introduced for Congress' consideration and action. I, for one, pledge a fair hearing with an open mind on this project. I have no preconceived position on the building project and have approached this matter from the start as a simple violation of the Home Rule which this Congress must disapprove.

THE INTRODUCTION OF THE OSHA CRIMINAL PENALTY REFORM ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. LANTOS. Mr. Speaker, today, I have reintroduced legislation to beef up criminal penalties under the Occupational Safety and Health Act [the OSH Act]. This bill grew from hearings before the Government Operations Subcommittee on Employment and Housing, which I chair.

Weak criminal penalty provisions of the OSH Act do not act as a deterrent for those few employers who willfully and recklessly expose workers to toxic substances and hazardous working conditions. Under current law, criminal penalties do not apply to workplace safety violations unless there is a resulting fatality. Safety violations which cause a serious and irreversible injury—such as loss of limbs or permanent brain damage—are not be considered a criminal violation of existing law.

The OSH Act provides that an employer convicted of violating worksite safety regulations which results in a worker's death may face up to 6 months in jail. Only two short jail terms have been imposed in OSHA's 20-year history. The legislation I am proposing today would increase the penalty to up to 10 years.

In addition, my bill adds serious bodily injury as a new section in the criminal provisions of the OSH Act. Current law provides for civil fines if an employer was found to have violated OSHA regulations resulting in worker injuries, even if the injuries are severe and permanent. My proposed legislation includes violations which cause serious injury as a criminal violation, with up to 7 years imprisonment upon conviction.

Small and underused criminal penalty provisions in the OSH Act were cited at the subcommittee hearing as an important reason why there have been so few criminal prosecutions by the Federal Government. My bill would put teeth into the OSH Act. Civil penalties for OSHA violations were increased sevenfold last fall as part of budget reconciliation. Unlike civil fines which can be passed on as part of the cost of doing business, the prospect of criminal prosecution and significant criminal penalties will do much to ensure that workplaces are safe and healthful.

Similar legislation has been introduced in the Senate, legislation which was passed by the Senate Labor Committee last year by a 2-to-1 margin. I urge my colleagues to join me in cosponsoring this important change to protect workers from dangerous, and even deadly, worksite conditions which should be and can be abated and avoided.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "OSHA Criminal Penalty Reform Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. CRIMINAL PENALTIES.

Section 17 (29 U.S.C. 666) is amended—

(1) in subsection (e)—

(A) by striking out "fine of not more than $10,000" and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code,",

(B) by striking out "six months" and inserting in lieu thereof "10 years",

(C) by striking out "fine of not more than $20,000" and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code,", and

(D) by striking out "one year" and inserting in lieu thereof "20 years",

(2) in subsection (f), by striking out "fine of not more than $1,000 or by imprisonment for not more than six months," and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,",

(3) in subsection (g), by striking out "fine of not more than $10,000, or by imprisonment for not more than six months," and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,",

(4) by inserting after subsection (g) the following (and by redesignating subsections (h) through (l) as subsections (l) through (n), respectively):

"(h) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation causes serious bodily injury to any employee but does not cause death to any employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 7 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 14 years, or by both.

"(i) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation recklessly endangers human life but does not cause serious bodily injury or death to an employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 10 years, or by both.", and

(5) by adding at the end the following:

"(o)(1) Any director, officer, or agent of an employer who willfully authorizes, orders, acquiesces, or carries out a violation, failure, or refusal to comply with safety or health standards under this Act shall be subject to the same criminal fines and imprisonment that may be imposed on a person under the applicable provisions of this section.

"(2) If a penalty or fine is imposed on a director, officer, or agent of an employer under paragraph (1), such penalty or fine shall not be paid (directly or indirectly) out of the assets of the employer on behalf of that individual.".

SEC. 3. DEFINITION.

Section 3 (29 U.S.C. 652) is amended by adding at the end the following:

"(15) The term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious physical disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.".

SEC. 4. JURISDICTION FOR PROSECUTION UNDER STATE AND LOCAL CRIMINAL LAWS.

Section 17 (29 U.S.C. 666), as amended by section 2 of this Act, is amended by adding at the end the following:

"(p) Nothing in this Act shall preclude State and local law enforcement agencies from conducting criminal prosecutions in accordance with the laws of such State or locality.".

AMERICAN WATERWAYS OPERATORS GOAL

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. DAVIS. Mr. Speaker, I would like to draw the attention of my colleagues to a part of an editorial which appeared in the February 4, 1991, Waterways Journal. The editorial concerns the recent adoption of a guiding set of environmental principles by the American Waterways Operators, the national trade association of the domestic inland and coastal tug and barge industry. This industry, which moves 15 percent of the Nation's freight, including almost 30 percent of the Nation's petroleum and petroleum products, should be commended for taking a strong, proactive stand as a sign of its continuing environmental stewardship. The editorial follows:

[From the Waterways Journal, Feb. 4, 1991]

ZERO INCIDENTS GOAL

One of the latest official developments as regards the environment is The American Waterways Operators' announcement on January 22 that "The Association is completely committed to policies and practices which will maximize marine safety and environmental protection."

This national trade association has adopted a guiding set of environmental principles that state, in part, "AWO members are dedicated to continually improving operations in an effort to eliminate environmental incidents and to reduce environmental hazards to an absolute minimum." According to AWO president Joe Farrell, the adoption of these principles "solidify and articulate" this commitment within the barge and towing industry.

"There are strong business reasons why the member companies of AWO have taken this action," said Farrell. "It is fact that AWO member companies, like all companies, cannot survive indefinitely without earning profit. Nor can they any longer expect sustained commercial success without a reputation for strong environmental stewardship. In demonstrating environmental leadership, our industry's management moves toward a broadened responsibility for environmental protection, side by side with engaging in American business enterprise," he said.

The AWO points out that waterborne transportation industry plays an integral role in the commerce of the United States. Companies must develop a reputation for strong environmental stewardship in order to be commercially successful . . ."

We don't think the adoption of these principles by the AWO in any way indicates that concern for the environment did not exist in the towing industry previously. But being sympathetic toward an issue is not enough. The time comes to take a stand. And that's what we think the AWO has done. AWO members should be applauded for it.

If the principles are followed to the letter, the association's action will produce positive results for the environment, for business and for the nation in general.

The barge and towing industry hauls 15 percent of the nation's freight on 26,000 miles of navigable inland and coastal waterways, including the Mississipi and Ohio river systems, the Gulf Intracoastal Waterway, and the Atlantic and Pacific coasts. In addition to petroleum, the industry moves one-fourth of all U.S. coal, well over half of the nation's export grain, and millions of tons of basic materials.

In order to eliminate environmental incidents and to reduce environmental hazards to an absolute minimum, the AWO members approved the following principles:

Make environmental protection a priority in business planning.

Maintain active and effective environmental policies and programs designed to protect the environment.

Conduct our business, and operate and maintain our vessels and facilities in a manner that protects the environment, as well as the safety of employees and the public.

Develop and implement company programs that address education, training, and communication of environmental policies and procedures. Emphasis will be placed on the importance of strict compliance with federal, state and local laws and regulations regarding marine safety and the environment.

Maintain and update emergency response plans that will allow companies to respond swiftly to environmental incidents and minimize environmental damage.

Actively participate with government and other interested parties in creating responsible laws, regulations and programs which safeguard the environment.

Seek out, or respond to, proposed environmental matters or concerns from either the public or private sectors.

Strive to reduce vessel-generated waste and emissions by improving operating procedures.

Work in partnership with manufacturers, shippers and vendors to enhance safe transportation of products and the management of cargo residues and cleaning wastes associated with the transportation of cargoes.

STATUS OF FEDERAL RETIREMENT APPLICATIONS PROCESSING

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. LLOYD. Mr. Speaker, in the past, newly retired Federal employees often faced insurmountable delays before they received their first pension check from the Government. Needless to say, this presented a great deal of hardship to these new retirees and their families, especially for those retiring due to poor health.

While the Office of Personnel Management [OPM] took much the heat for these delays, fingers began to point to the real culprits, the retirees' former employing agencies, many who gave the timely processing of needed paperwork a very low priority. As a result, many retirees were forced to borrow money or live off their savings, for up to 7 months in some cases, due to bureaucratic negligence by the very agency to which they devoted their careers. This is certainly not the thanks one would expect on the eve of retirement.

The House Select Committee on Aging's Subcommittee on Housing and Consumer Interests, which I chair, found that in 1988, the employing agencies only got around to sending 45 percent of their retirement applications to OPM within 30 days from the date of the retirees' separations. Twenty-nine percent more drifted in between 31 and 60 days and an unconscionable 26 percent were finally received after 2 months and later. The subcommittee's former chairman introduced legislation with my support to fix this crisis and force the employing agencies to start performing their jobs correctly. The Federal Retirees Fairness Act, H.R. 1059, garnered the cosponsorship of 89 Members of this body.

The intent of the legislation was to act as an impetus to the employing agencies to provide every individual's retirement papers to OPM within 30 days of his/her separation from the agency, provide counseling to the employees on the necessary procedures they must complete at their end, and to require an annual report to Congress on the compliance of the employing agencies. A similar bill was introduced in the Senate by Senator HEINZ and Senator GRASSLEY.

I am pleased to report that a legislative fix has to date proved to be unnecessary as congressional attention and oversight provided the necessary stimulus for improvement in this area. In December 1990, the Governmentwide total for records sent to OPM within 30 days was 85 percent. Only 2 percent were received after 60 days, a vast improvement from 1988. For the record, I have included two charts tracking Governmentwide submissions of retiree records since March 1986 which were provided by the OPM.

I am sorry to report however, that the District of Columbia still has a dismal record for processing their retirees's papers in a timely fashion. From September through December, 1990, OPM received only 18 percent of the D.C. government's retirement applications within 30 days. One-quarter of all newly retired employees' applications took over 60 days to reach the OPM, presenting a great deal hardship to members of a work force already hit by difficult times. Other agencies with equally poor past records have shown that is possible to provide substantial improvement to their applications processing. I urge both the D.C. government and the OPM to do all that they can to bring about the drastic change needed for our capital city retirees.

On behalf of the newly retired employees, I would like to commend the Federal agencies for cleaning up their acts in order to provide their colleagues with a smooth transition to retirement. I would also like to assure Federal employees hearing this today that we in Congress will continue to provide the oversight needed to continue to improve the agencies' timely applications:

EXECUTIVE SUMMARY

This executive summary provides data on the timeliness of agency submissions of benefit-related applications and associated retirement records. Data shown represents the number and percentage of records received at OPM, broken down by the number of days between the employee's date of separation and the date the records are received at ESRC, Boyers, PA. In addition to Governmentwide totals (the sum of submissions from all agencies), the discrete data for those agencies with over 10,000 employees covered by CSRS and FERS is presented, as is the data for the Office of Personnel Management. The number of covered employees was derived from the semi-annual Headcount Report for March 1990, prepared by the Office of Financial Control and Management.

AGING OF SEPARATIONS REPORT

[Period reviewed]

Agency and report period	0–30		31–60		Over 60		Total records	Number employees with CSRS or FERS
	Number	Percent	Number	Percent	Number	Percent		
Governmentwide total:								
October 1990	5,692	67	2,387	28	455	5	8,534	2,877,474
November 1990	7,421	74	2,179	21	540	5	10,140	
December 1990	19,595	85	3,042	13	462	2	23,099	
Total 4th quarter, calendar year 1990	32,708	79	7,608	18	1,457	3	41,773	
U.S. Postal Service:								
October 1990	1,015	67	385	25	121	8	1,521	755,054
November 1990	2,541	83	288	9	254	8	3,083	
December 1990	7,017	87	936	12	101	1	8,054	
Total 4th quarter, calendar year 1990	10,573	84	1,609	13	476	3	12,658	
Department of Army:								
October 1990	970	63	519	33	62	4	1,551	396,147
November 1990	884	56	630	40	72	4	1,586	
December 1990	1,663	75	450	20	111	5	2,224	
Total 4th quarter, calendar year 1990	3,517	66	1,599	30	245	4	5,361	
Department of Navy:								
October 1990	538	54	406	41	49	5	993	316,827
November 1990	722	65	348	31	46	4	1,116	
December 1990	1,746	85	269	13	44	2	2,059	
Total 4th quarter, calendar year 1990	3,006	72	1,023	25	139	3	4,168	
Department of Air Force:								
October 1990	999	86	143	12	18	2	1,160	256,163
November 1990	790	71	285	26	31	3	1,106	
December 1990	2,898	83	558	16	40	1	3,496	
Total 4th quarter, calendar year 1990	4,687	81	986	17	89	2	5,762	
Department of Veterans Affairs:								
October 1990	479	74	101	16	66	10	646	218,543
November 1990	437	85	74	14	3	1	514	
December 1990	1,362	91	128	9	13	0	1,503	
Total 4th quarter, calendar year 1990	2,278	86	303	11	82	3	2,663	
Department of Treasury:								
October 1990	242	87	29	10	7	3	278	168,125
November 1990	191	86	22	10	9	4	222	
December 1990	463	81	99	17	13	2	575	
Total 4th quarter, calendar year 1990	896	83	150	14	29	3	1,075	
Department of Agriculture:								
October 1990	251	73	81	24	10	3	342	118,078
November 1990	354	82	70	16	9	2	433	
December 1990	860	84	154	15	12	1	1,026	
Total 4th quarter, calendar year 1990	1,465	81	30.5	17	31	2	1,801	
Department of Health and Human Services:								
October 1990	343	87	45	11	6	2	394	114,200
November 1990	330	84	59	15	4	1	393	
December 1990	695	91	64	8	5	1	764	

AGING OF SEPARATIONS REPORT—Continued

[Period reviewed]

Agency and report period	0–30		31–60		Over 60		Total records	Number employees with CSRS or FERS
	Number	Percent	Number	Percent	Number	Percent		
Total 4th quarter, calendar year 1990	1,368	88	168	11	15	1	1,551	
Department of Justice:								
October 1990	70	75	21	23	2	2	93	77,447
November 1990	101	84	16	13	4	3	121	
December 1990	159	85	23	12	5	3	187	
Total 4th quarter, calendar year 1990	330	82	60	15	11	3	401	
Department of Interior:								
October 1990	151	84	23	13	6	3	180	67,212
November 1990	150	82	26	14	7	4	183	
December 1990	454	97	15	3	2	0	471	
Total 4th quarter, calendar year 1990	755	91	64	8	15	1	834	
Department of Transportation:								
October 1990	61	26	174	72	6	2	241	64,518
November 1990	189	64	97	32	13	4	299	
December 1990	459	96	12	3	7	1	478	
Total 4th quarter, calendar year 1990	709	70	283	28	26	2	1,018	
Army Corps of Engineers:								
October 1990	86	52	72	43	8	5	166	37,840
November 1990	125	75	34	20	8	5	167	
December 1990	333	86	47	12	9	2	389	
Total 4th quarter, calendar year 1990	544	76	153	21	25	3	722	
Department of Commerce:[1]								
October 1990	36	77	11	23	0	0	47	32,073
November 1990	73	93	5	6	1	1	79	
December 1990	231	93	18	7	1	0	250	
Total 4th quarter, calendar year 1990	340	90	34	9	2	1	376	
Government of the District of Columbia:								
October 1990	18	14	80	59	37	27	135	27,249
November 1990	8	12	33	50	25	38	66	
December 1990	41	24	100	59	29	17	170	
Total 4th quarter, calendar year 1990	67	18	213	57	91	25	371	
National Aeronautics and Space Administration:								
October 1990	56	64	24	28	7	8	87	23,885
November 1990	55	86	7	11	2	3	64	
December 1990	207	95	12	5	1	0	220	
Total 4th quarter, calendar year 1990	318	86	43	12	10	2	371	
General Services Administration:								
October 1990	69	85	12	15	0	0	81	21,871
November 1990	71	91	7	9	0	0	78	
December 1990	194	95	10	5	1	0	205	
Total 4th quarter, calendar year 1990	334	92	29	8	1	0	364	
Administrative Office of the U.S. Courts:								
October 1990	13	59	8	36	1	5	22	18,348
November 1990	22	79	5	18	1	3	28	
December 1990	35	90	2	5	2	5	39	
Total 4th quarter, calendar year 1990	70	79	15	17	4	4	89	
Supreme Court:								
October 1990	0	0	8	89	1	11	9	(2)
November 1990	0	0	0	0	0	0	0	
December 1990	3	100	0	0	0	0	3	
Total 4th quarter, calendar year 1990	3	25	8	67	1	8	12	
Department of Labor:								
October 1990	31	76	7	17	3	7	41	17,906
November 1990	66	90	7	10	0	0	73	
December 1990	141	95	8	5	0	0	149	
Total 4th quarter, calendar year 1990	238	91	22	8	3	1	263	
Department of Energy:								
October 1990	29	83	6	17	0	0	35	16,703
November 1990	53	93	4	7	0	0	57	
December 1990	84	89	8	9	2	2	94	
Total 4th quarter, calendar year 1990	166	89	18	10	2	1	186	
Environmental Protection Agency:								
October 1990	19	66	9	31	1	3	29	14,923
November 1990	28	76	8	22	1	2	37	
December 1990	57	93	3	5	1	2	61	
Total 4th quarter, calendar year 1990	104	82	20	16	3	2	127	
Department of Housing and Urban Development:[1]								
October 1990	23	80	5	17	1	3	29	12,993
November 1990	51	94	2	4	1	2	54	
December 1990	98	84	17	15	1	1	116	
Total 4th quarter, calendar year 1990	172	86	24	12	3	2	199	
Office of Personnel Management:								
October 1990	10	59	4	24	3	17	17	6,904
November 1990	9	64	4	29	1	7	14	
December 1990	31	86	4	11	1	3	36	

AGING OF SEPARATIONS REPORT—Continued

[Period reviewed]

Agency and report period	0–30		31–60		Over 60		Total records	Number employees with CSRS or FERS
	Number	Percent	Number	Percent	Number	Percent		
Total 4th quarter, calendar year 1990	50	75	12	18	5	7	67	

[1] Reported submissions included those processed through Department of Agriculture's National Finance Center.

[2] Covered employees for the Supreme Court are included in the total shown for the Administrative Office of the U.S. Courts.

THE NUCLEAR POWERPLANT STANDARDIZATION AND LICENSING REFORM ACT OF 1991

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. CLEMENT. Mr. Speaker, last night, the President ordered a cease-fire in the Persian Gulf war and announced a new postwar strategy in the aftermath of the war. Any sound and reasonable postwar strategy must include consideration of our Nation's energy policy. As part of that effort, today, I rise to introduce the Nuclear Powerplant Standardization and Licensing Reform Act of 1991.

For too long, our Nation lacked a national strategy that provides energy security. Events in the Middle East have shattered any notion that further inaction can be tolerated. If we, as a nation, are going to reduce our dependence on foreign oil, Congress must restore the nuclear energy option.

Currently, nuclear powerplants generate about 20 percent of our Nation's electricity. Nuclear power is a proven electricity—generating technology that emits no sulfur dioxide, nitrogen oxides, or greenhouse gases. And, in terms of public health consequences, the safety of the U.S. nuclear power industry has been excellent. With respect to energy security, the United States would not have to depend on foreign fuel supply.

Unfortunately, the United States has lost its ability to construct nuclear powerplants. Huge cost overruns and regulatory problems have led to extreme reluctance by U.S. utilities to order new nuclear plants. All U.S. reactors ordered since 1973 have been canceled, and no orders have been placed since 1978.

When I served on the TVA Board of Directors from 1979 to 1981, I experienced firsthand problems associated with its nuclear program. TVA originally planned to construct 17 reactors at a total cost of $6 billion. The total cost today is over $18 billion. The Watts Bar Plant in Tennessee has been under construction for 19 years and still may be several years from completion. However, industry studies conclude that standardization and licensing reform will reduce construction costs by 55 percent and result in plant operations within 6 years after the start of construction.

To add certainty and predictability in the licensing process while at the same time preserving the Nuclear Regulatory Commission's authority to take any action necessary to protect the public health and safety, I am introducing the Nuclear Powerplant Standardization and Licensing Reform Act. This legislation in no way diminishes the responsibility of the NRC to determine license conformance and to assure the complete safety of nuclear powerplants.

The legislation is designed to encourage the development and use of standardized plant designs and improve the nuclear licensing and regulatory process. I believe this legislation provides a solid foundation for the NRC to implement a process which will provide reasonable assurance that a plant constructed in accordance with its license will be allowed to operate without undue delays. Furthermore, it will make the business of nuclear utilities more attractive to investors and help these companies to raise needed capital at a reasonable cost.

For the benefit of my colleagues, a summary of the Nuclear Powerplant Standardization and Licensing Reform Act of 1991 appears after my remarks. I urge my colleagues to take a look at this legislation and consider supporting it.

SUMMARY OF THE NUCLEAR POWERPLANT STANDARDIZATION AND LICENSING REFORM ACT OF 1991

PURPOSE

To encourage the development and use of standardized plant designs and improve the nuclear licensing and regulatory process.

APPROVAL OF STANDARDIZED DESIGNS AND FACILITY SITES

Codifies the Nuclear Regulatory Commission (NRC) final rule that provides for Commission certification of essentially complete standard designs in rulemaking proceedings. The rulemakings allow for full public participation prior to approval of the standardized design.

Codifies the NRC final rule on the issuance of early site permits, which are commission approval of sites in the absence of a specific design, but on the basis of a range of design features. The site permit is good for up to 20 years.

The provisions for early site permits make it possible for utility applicants for construction permits, or combined licenses, to combine and approved site and a certified design and thereby have resolved the bulk of the licensing issues before the commencement of the combined license proceeding.

COMBINED CONSTRUCTION PERMIT AND OPERATING LICENSE

The provisions allow the NRC to issue a combined license authorizing construction and operation of a facility. The combined license will incorporate a program of tests, inspections, analyses which shall be performed, and acceptance criteria for emergency preparedness.

HEARINGS

Under the legislation, there will be an opportunity for a hearing after construction in a very limited area. A person may request a hearing only on the question whether the facility as constructed, complied, or on completion will comply, with the acceptance criteria of the license.

The NRC will have 30 days to deny or grant the request for a hearing.

If a hearing is granted, the operation of the plant will not be delayed unless the NRC determines that the operation of the facility is not in the interest of the public health and safety or the common defense and security.

The NRC shall issue a decision on the issues considered in the hearing within 180 days of the hearing.

AMENDMENTS TO COMBINED CONSTRUCTION PERMITS AND OPERATING LICENSE

In the case of a proposed amendment to a combined license, the NRC shall not delay the construction or operation of the facility pending completion of the proceeding unless the NRC determines that the construction or operation of the facility would not be in the interest of the public health and safety.

TRIBUTE TO THE LATE JACK COOPERSMITH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. ACKERMAN. Mr. Speaker, we all lost a dear friend recently when Jack Coopersmith passed away. Those who knew Jack can well understand the deep void that must encompass his family now. While searching for the correct words with which to remember this fine American, I came across the eulogy by Jack's son, Jeffrey. I would like to share those moving words with all of my colleagues.

EULOGY

On behalf of the family, I want to thank you all for joining us. Dad succumbed after a long bout with cancer. Even his sagacious doctors marveled over this staying power. But the fact that Dad perservered is not as remarkable as how he perservered. He let illness take his body but not his dignity. He let illness take his capacity to perform the most rudimentary functions, but he did not let it take his capacity to charm. Perhaps most telling of all, in this day of gaudy introspection, is that he suffered without complaint.

Dad, of course, would not have us dwell on suffering, especially his suffering. He sought neither fuss nor fanfare. He would describe himself with his trademark simplicity and brevity: he would boast of his extraordinary wife, his devoted children, and his loyal friends, many of whom he had known for over half a century. We want—we need—to say more, to savor our time with the gentlest, sweetest soul we are ever likely to meet.

At moments like these we always seem to recall the little things. Who can forget Dad's office. A visitor would never guess that the occupant—who worked in his father's fish stall as a boy—was now entertaining world leaders. The lone room was strewn with Army surplus furniture that somehow managed to retain the original dust. Around the walls were stacks of discarded grocery store boxes each bearing the year of the files kept inside. For air conditioning Dad had his window, for entertainment Dad had an old radio that glowed orange for several minutes before deciding whether it would allow music to sputter forth. The visitor should have been advised to travel alone, for there was only one folding chair. An upturned trash can was available for crowds of two.

More small moments. We children remember being roused each morning by noises downstairs: my immediate thoughts were about how to accost this prowler, before quickly realizing that the clangs and clatters were from my clumsy father, rising early to prepare breakfast for everyone. We children also remember that wherever we wandered off to, Dad would send us letters written in his large and largely indecipherable scrawl. The salutation to my letters would usually read something like "Dear Esteemed and Principled If Occasionally Misguided Son."

As I stand here on the altar I recall when Dad and I were here for Yom Kippur, the Day of Atonement. The rabbi had reached the part of the service which mentions all the sins for which we were supposed to atone. He began reciting: Avarice, Lust, Envy . . . no problem so far . . . and then the rabbi uttered the work Gluttony. Dad turned to me and said, "Now we're sunk."

All of us have our own moments of joy with Dad. We should think back fondly on them, and, yes, we should mourn that we will have no more. The tears will fall in drops, the tears will fall in torrents, and this is how it should be. Beware though—these waters have an undertow; let us not drown in them.

Let us instead do what Dad would have us do: celebrate life. Be grateful for life. From this day forward let us strive to emulate Dad's example. Before we commit our next selfish act, let us pause and remember Dad's generosity. Before we commit our next impulsive act, let us pause and remember Dad's patience. Before we commit our next impetuous act, let us pause and remember Dad's humility.

School children will not study Dad's life and works. Tourists will not pass by his gravesite. But in this city of monuments, none is more stirring than the values he embodied. So let us resolve that, although we bury Jack Coopersmith today, we will see that his memory shall endure.

CELEBRATING THE LIBERATION OF KUWAIT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. MARTINEZ. Mr. Speaker, I rise today to join with my colleagues in celebrating the liberation of Kuwait. This is a proud moment for America and we owe our pride to the men and women in our Armed Forces. Our pride is epitomized by the pictures we have seen of Kuwaitis waiving American flags and cheering American soldiers upon their liberation of Kuwait City.

Mr. Speaker, I want to pay tribute to our soldiers, airmen, and sailors today by introducing H.R. 1195, legislation to eliminate unfair restrictions on unemployment benefits provided to military reservists who were called to duty as a result of the Persian Gulf crisis.

Under current law, military personnel must wait for 4 weeks to receive unemployment compensation while civilians usually receive such compensation in one week. Moreover, military personnel may only receive unemployment compensation for 13 weeks while everyone else can receive up to 27 weeks of benefits.

Military reservists from the Persian Gulf will come home to an economy in recession where the dislocation of workers will be commonplace. Given their sacrifice, it is only fair that they be allowed to receive full unemployment compensation if they find themselves dislocated.

To that end, H.R. 1195 will remove restrictions on unemployment benefits provided to military reservists who served as a result of the Persian Gulf war. In addition, H.R. 1195 would require states to ensure that eligible reservists receive unemployment compensation immediately.

In closing, I hope that my colleagues will honor those who have made us so proud by cosponsoring this crucial legislation.

SEVERE HUMAN RIGHTS VIOLATIONS AGAINST ALBANIANS IN YUGOSLAVIA—TESTIMONY OF JOSEPH DIOGUARDI

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. SWETT. Mr. Speaker, the appalling treatment of ethnic Albanians in Yugoslavia is one of the worst cases of human rights abuse reported in the State Department's "Country Reports on Human Rights Practices in 1990," which was recently released. The Albanians in Yugoslavia, which makeup the overwhelming majority of the population of the province of Kosova, have been subject to systematic discrimination, denial of their rights of freedom of speech and assembly, physical abuse and imprisonment. The Government of the Republic of Serbia, which now controls Kosova, has officially led the campaign of bigotry and intolerance against the Albanians.

Mr. Speaker, the Senate Foreign Relations Committee held an important hearing a few days ago on the future of Yugoslavia and the progress of democracy and pluralism there. That hearing focused appropriately on the severe human rights abuses being perpetrated by officials of the Serbian Republic. At that hearing, Joseph J. DioGuardi, a former member of Congress and the President of the Albanian-American Civic League spoke eloquently about human rights violations in Kosova. Mr. Speaker, I ask that his testimony be placed in the RECORD, and I urge my colleagues to give it thoughtful and serious attention.

TESTIMONY HON. JOSEPH J. DIOGUARDI, EUROPEAN SUBCOMMITTEE, SENATE FOREIGN RELATIONS COMMITTEE

Mr. Chairman, the recently issued State Department Country Report on Yugoslavia for 1990 does a good job in reporting the gross violations of human rights against Albanians in Yugoslavia, especially in Kosova. I agree with the latest Helsinki Watch Report that the credit for this goes to the staff of the U.S. Embassy in Belgrade, especially our Ambassador, Warren Zimmerman, for excellent work in monitoring and reporting the true state of human affairs in Yugoslavia.

The Country Report describes Yugoslavia as being in a process of change toward democracy with the notable exception of Serbia and Montenegro. Although advances have been made in the northern Republics of Slovenia and Croatia, the situation has deteriorated dangerously in Kosova. To cite just one outrageous example, a doctor who was not a defendant testified that Serbian police had ordered him to examine Albanian prisoners "to see how much beating they could withstand".

Arbitrary arrests occurred in Kosova where Albanians are routinely accused on the basis of an unsupported statement by a single policeman. It is believed that over 5,000 Albanians were arrested just for participating in the 1990 demonstrations. Courts are politically motivated, and in Yugoslavia there is strong opposition to the introduction of a genuinely independent judiciary.

While Albanians living outside Kosova (in Macedonia for example) have also charged that courts are often biased against them, in Kosova itself (where most of the three million Albanians in Yugoslavia live) any semblance of an independent judiciary has disappeared since the Serbian occupation on July 5, 1990. The Country Report writes: "Most ethnic Albanian judicial officials and judges were replaced by ethnic Serbs, and thousands of Albanians were sentenced on a variety of trumped up criminal charges". As a result, the vast majority of those sentenced in 1990 for political offenses were ethnic Albanians (160 out of a total of 190).

In Kosova, police search homes without a warrant ostensibly searching for weapons, but confiscate hard currency and other valuables. All Albanians in Kosova are fair game, including the clergy.

Albanian demonstrations have been crushed with the use of excessive force, in violation of all basic human rights. Between January 24 and February 3, 1990, at least 30 Albanians were killed and the number may be even much higher. Even a gathering in Prishtina to welcome a U.S. Senatorial delegation headed by Senator Bob Dole last August left 46 Albanians beaten with clubs and subjected to tear gas and water cannons. A few days later, four more Albanians were killed by Serbian police. Following the occupation of Kosova, almost all Albanian language media were suppressed, including the Prishtina Radio and T.V., and the only Albanian daily newspaper, Relindja.

In education, at least 90 university professors were fired. Almost the entire teaching staff of the Medical School in Prishtina—76 instructors—were also fired, all of them Albanian, and all because they refused to take an oath of allegiance to the Republic of Serbia.

Freedom of peaceful assembly and association does not exist for Albanians. Any gathering is seen as being "hostile to the policies of the Serbian government", and ends up in arrest, sometimes accompanied by loss of human lives. This illegal practice is used also against the Albanians in Macedonia. Last February, 107 Albanian demonstrators were detained in Tetova, mistreated by the police and many of them were sentenced to jail. The law against "association for purposes of hostile activities" has been used to prosecute Albanians who advocate Republic status for Kosova. The penalty for this verbal expression has been 5 to 15 years imprisonment.

The Country Report confirms that "Serbian election law denies registration to any party that does not accept the territorial integrity of Serbia, a provision that is aimed at Albanian political parties, almost all of which seek separate status for Kosova within Yugoslavia, but outside Serbia". The measure left no choice for Albanians but to totally boycott the elections in Serbia last December.

Freedom of movement is curtailed, expecially for Albanians. Albanian refugees from Albania were sent back in spite of the protests of the U.N. Commissioner for Refugees. Of the 1,241 passports refused, 90 percent were Albanians. With the occupation of Kosova by Serbia all civil rights of citizens were eliminated. Serbia abolished the Assembly of Kosova, the Executive Council, the judiciary, and the police of Kosova, taking full and unbridged control of the region, allegedly for "endangering the territorial integrity of Serbia".

Social prejudice against Albanians is deeply rooted. Macedonia limits social welfare payments to the first three children in a family, a policy aimed primarily at ethnic Albanians. In the last election in Macedonia (November 1990) some of the elected Albanian delegates were denied admittance to the Assembly and, more recently, in local elections Albanians were excluded from town and village councils even in the areas where they represent a majority.

Albanian trade union leaders are routinely jailed. The peaceful Labor Day strike was observed by virtually all the working and school age population. But over 50,000 workers have been fired since then, and private businesses were padlocked by police and not allowed to open. Albanians are also the notable exception with the respect to the right to strike. And finally, a new form of forced labor has been instituted by Serbia in Kosova, the so-called "work obligation" where the refusal to work is punishable by administrative and criminal sanctions.

Having cited the many ways in which the Serbian authorities cause human misery for Albanians in Yugoslavia on a daily basis, I would like to now, Mr. Chairman, deal with the Albanian request for Republic Status for Kosova within Yugoslavia but outside Serbia which seems to be the only way to guarantee equal treatment for the Albanian people there. (By the way, the simple voicing of such a request is now punishable by law, even though this is a gross violation of the right to free speech.)

On July 2, 1990, one hundred fifteen delegates of the Assembly of Kosova proclaimed the independence of Kosova within the Yugoslav Federation/Confederation. Three days later, Serbia declared this constitutional act to be null and void, imposed a military occupation, and destroyed the former autonomy of Kosova. The Assembly of Kosova went underground and, on September 7, 1990, the delegates met clandestinely in the town of Kachanik (Kosova), where they promulgated the Constitution of the Republic of Kosova. Serbia issued warrants for the arrest of all the delegates. They escaped, and are now either in hiding or in exile.

Let me now, Mr. Chairman, offer the following in support of the actions of the Kosova Assembly:

A. The proclamation of the independence of Kosova and the Constitution of the Republic of Kosova are a reaction to the suppression and the continuous violation of human and national rights of the Albanian majority (about 90 percent) of Kosova. As was the case for "The Intolerable Acts" of 1774 in the colonial America, which brought America's Independence and our Constitution, 45 years of Serbian repression (1945–1990) justified the Albanian resistance by both history and tradition, placing the burden of the conflict on the Serbian Government. The same situation was repeated with the "troisieme Etat" in 1789, in France. When the people were convinced that their grievances went unheeded, they proclaimed themselves the National Assembly, drafted the Constitution, and established the Republic of France. In 1990, Albanians in Kosova did just that!

B. The demand for a Republic of Kosova has clearly taken the modern form of the perennial quest for elementary justice. For Albanians this is an effort to avoid persecution and prosecution, to avoid mass arrests, widespread torture, imprisonment, and deaths in jail or on the streets of Kosova. Therefore, the establishment of the Republic of Kosova, free, equal and sovereign within the Yugoslav Federation/ Confederation is simply an "insurance policy", an indispensable mechanism of defense against Serbian abuses, and cannot be construed as an obsession to have a state, or as an attempt to secede. It would be foolish for Albanians to accept any "warranties" from a Government which has oppressed them for 45 long years.

C. The entire resistance movement in Kosova is peaceful, non-violent and civilized, asking only for a dialogue among equals and for free elections. In spite of the daily provocations by the occupying Serbian police and Army units—arrests, house searches, beatings, torture, jailing, forceful unemployment, denial of education and health services, the destruction of Kosova's economy and administration—not one single incident has been provoked by Albanians. A secession movement would inevitably call for violence (for example Northern Ireland, the Basks etc.). In Kosova, it did not!

It is logical to conclude that the struggle in Kosova is neither ethnic nor religious, as the Serbian propaganda machine wants us to believe, but a fight between democracy and the residues of Serbian bolshevism in Belgrade.

D. There are three million Albanians in Yugoslavia, 45 percent of the Albanian nation in the Balkans. Only about two million live in Kosova. The rest live in Macedonia (over 700,000), in Serbia Proper and in Montenegro. If the intention of the Albanians were to unite with their mother country, Albania, it is logical to think that they would first ask for the unification of all Albanians in Yugoslavia within a Republic (the way Serbia is now asking for the unification of all Serbs within a "Greater Serbian" State) and then, as a second step, to join with Albania. The present demand for the Republic of Kosova does not include the over one million Albanians outside Kosova. Any attempt by the Republic of Kosova to join with Albania by leaving over a million Albanians still in Yugoslavia under Serbia's control would be treated as "an act of treason" by all Albanians. Therefore, such an act will not be undertaken or promoted by any Albanian leader, inside or outside Albania, now or in the future. Furthermore, if over a million Albanians were left within Yugoslavia as a minority, they would continue to be a constant source of friction between Yugoslavia and Albania.

It is logical to conclude that the joining of the Republic of Kosova with Albania is not a solution, but merely propaganda contrived by the Serbian Communists to suppress Albanian aspirations for democracy within Yugoslavia.

E. The entire problem of Kosova has reached disturbing proportions, not because of the Albanian demands to secure for themselves the necessary conditions to live free from fear and free from hunger—which they perceive as achievable under a free, equal and sovereign Republic within Yugoslavia. The real problems in Kosova are the policies of the present Communist Government of Serbia and its expressed chauvinist ambitions through the statements of its president, Slobodan Milosevic rejecting democracy and trying to create a Greater Serbian State in Yugoslavia which would include, of course, all of Kosova.

A Republic of Kosova, democratically established, is a substantial contribution to keeping Serbian expansion in check, and in safeguarding the unity and integrity of the Yugoslav State (whether it be a Federation or Confederation) through democratic and peaceful means, a solution which is also supported by the policies of the U.S. Government.

The rejection of Communism by the Albanian people brought "the democratic opposition" to the surface, initially with the Democratic Alliance of Kosova, and later with four more political parties, and the Council for the Defense of Rights and Liberties in Kosova. Their orientation is predetermined by the principles of the U.N. Charter, U.N. Universal Declaration on Human Rights, the 1975 Helsinki Act and more recently the Copenhagen and Paris Charter. (See very recent declaration by democratic leaders attached).

In spite of all that I and all internationally recognized human rights and public watchdog groups have said about the outrageous "apartheid" that exists in Kosova today, our State Department, while admitting the wanton abuse of the Albanian people by the Serbian authorities, has argued against and activity resisted every reasonable Congressional Resolution, Amendment and Statement on Kosova. Why?

If I understand the Administration's position correctly, their refusal to actively support democracy in Kosova and, therefore, in Serbia, is based on three shaky principles. First, it could adversely challenge the U.S. State Department's policy on Yugoslavia. Second, it could precipitate the dissolution of Yugoslavia. Third, it could disrupt the process of democratization taking place in Yugoslavia. As a former Member who championed this cause while in the Congress from 1985 to 1988, I would like to take issue with the Administration on all three points.

As regards the Yugoslav policy of the U.S. State Department. An article in the June 28, 1990 "New York Review of Books" explains that, for geo-political and security reasons, the U.S. State Department has long credited Yugoslavia with the reputation of a progressive nation, free of major human rights abuses. Given the avowed end of the Cold War, the well publicized divisions in Yugoslavia's collectivized government, and the obsolescence of both the Yugoslav and Soviet models of Communism, the old geo-political reasons can no longer serve to justify the failure of the U.S. Government and Congress to bring to light and loudly condemn the gross violation of human rights that prevail against Albanians in Yugoslavia today, especially in Kosova.

As regards the precipitation of the dissolution of Yugoslavia. "The New York Times" of September 6, 1990 describing Serbian repression against the ethnic Albanian minority of Kosova, quotes a Serbian foreign affairs spokesman as saying "any steps denying Serbia economic aid would spell the dissolution of Yugoslavia." I strongly contend (along with many prominent Senators and House Members, including Senators Dole, Pressler, D'Amato, Nickles, Lautenberg and Congressmen Lantos, Gilman Porter and Brown) that not U.S. economic sanctions but their target—namely, Serbia's ethnically based subjugation of Kosova is what threatens the integrity of Yugoslavia today! In 1990, while democratic liberalization took hold in Croatia and Slovenia, Serbia's communist regime retrenced in Kosova. Because of this and other Serbian outrages, hostility is rising and Yugoslavia is moving ever closer not only towards political disintegration but also towards civil war. Both can be averted, according to "The Finanical Times" of September 14, but only if Serbia ends its ethnically-based subjugation of Kosova.

As regards the disruption of the democratization process occurring in Yugoslavia. The July 15, 1990 "New York Review of Books" suggested that the incipient Yugoslav democratic revolution has been blocked in the Autonomous Province of Kosova and the Republic of Serbia by Slobodan Milosevic, the President of the Republic and chairman of the Socialist Party, of Serbia, formerly the Communist League. Mr. Milosevic was the first to stir nationalist feelings two years ago with a campaign to restore Serbian dominance over the Albanians in Kosova. In a few moves, he transformed Kosova from a Yugoslav Autonomous Province with a right to home rule to little more than a colony of Serbia without any right to participate in public or economic life. Unless the obstacles of Albanian disenfranchisement are removed, the democratic revolution will not go forward and Yugoslavia will remain the odd-man-out in Europe.

In conclusion, Mr. Chairman, the biggest paradox and shame of Europe today is the ugly situation in Kosova. Caught between the two communist regimes in Serbia and Albania, Kosova remains the only region of Europe where free elections are denied to the local majority population. It is my hope and the hope of all Albanian Americans and other citizens of goodwill that a new State Department policy in support of democracy in Kosova along with continued pressure from Congress in 1991 will eliminate this eyesore in the democratic landscape of a free and prosperous Europe.

Thank you, Mr. Chairman, for the opportunity to testify.

OFFICIAL STATEMENT OF THE DEMOCRATIC LEADERS OF KOSOVA

Being faced with the Present Oppressive Situation in Kosova, we urge

The lifting of the state of emergency and the reinstitution of the constitutional order in Kosova, as well as the reinstatement of the Assembly of Kosova, its Government, and all the legal institutions of the Administration which have been suspended by force;

The holding of free, democratic and multi-party elections in Kosova, as they will be prepared by the Assembly of Kosova and supervised by representatives of governments and international organizations;

That Albanians be included in the negotiations for the future of Yugoslavia as equal partners, and be represented by their legitimate representatives elected in free and multi-party elections.

That the work of the news media in the Albanian language (Radio and Television of Prishtine and the newspaper Rilindja) whose activities have been forcefully interrupted through the intervention of the Serbian police, be allowed to continue unobstructed;

That international organizations and representatives of European Governments increase their presence in Kosova to directly influence the stopping of the repression and the gross violations of civic and national rights of the Albanian people;

That Europe and the democratic countries around the world indicate their support for the expressed political will of the Albanian people, their right to self-determination and independence;

That the European Parliament, in cooperation with other international bodies, mediate the solution of the Kosova problem and the position of the Albanian people, and that they take the necessary steps to give effect to the adopted resolutions on Kosova, since the situation is deteriorating continuously and is now threatening the peace in the Balkans and in Europe.

Dr. Ibrahim Rugova, Chairman, Democratic Alliance of Kosova, Dr. Hivzi Islami, Chairman, Peasant Party of Kosova, Shkelzen Maliqi, Chairman, Social-Democratic Party of Kosova, Veton Surroi, Chairman, Parliamentary Party of Kosova, Lazer Krasniqi, Chairman, Albanian Christian Democratic Party (signed February 13, 1991).

COMMENDING OUR MEN AND WOMEN WHO FOUGHT SO WELL IN THE PERSIAN GULF

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. KENNELLY. Mr. Speaker, I join my colleagues in commending our men and women who fought so well in the Perisan Gulf, and join in the joy of their families who know their loved ones will be coming home soon.

I am relieved and delighted that the war is over.

President Bush did an extraordinary job as Commander-in-Chief, and the greatest credit must go to the men and women in the field who showed incredible courage and determination in carrying out the President's orders.

But, we must not forget that there is still much to be done. The task will be tedious and difficult. We must encourage peace and stability in the Middle East region, and especially in the Persian Gulf, so the past 7 months never get a chance to be replayed.

We must make sure our allies help pay for the war. To date only $14.9 billion of the $53.5 billion pledged have been paid. We cannot allow our allies to avoid following through with their previous pledges.

And we must determine as best as we can how we arrived in the circumstances that led to war, and why our assessment of Iraqi fighting abilities were so wrong.

But most of all, the biggest victory—the happiest moment—will come when we welcome our troops home.

AMERICAN HEROES: THE NAVY AND MARINE CORPS RELIEF SOCIETY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. CUNNINGHAM. Mr. Speaker, the best way we can support our troops in the gulf is to support their families here at home.

Thousands of American families have answered the call to send their fathers, mothers, sons, and daughters to military service in the gulf. And when a serviceman or woman in the gulf is a family's chief breadwinner, the family left at home endures difficult financial sacrifice.

I know this, not just because I headed a military family for 20 years, but because military families all over San Diego call my office daily to ask for my help.

Where I send them is to the local chapter of the Navy and Marine Corps Relief Society. This worldwide nonprofit organization, staffed by some 3,600 dedicated volunteers, buys groceries for hungry families, clothes children, and pays the rent or the mortgage whenever a military family in need simply asks.

The servicemen and women who contribute their financial resources to Navy and Marine Corps Relief and the thousands of volunteers who staff their offices at 141 bases and 134 U.S. Navy ships are all unsung American heroes.

But now that nearly a half-million Americans have been called overseas, often on very short notice, the need for Navy and Marine Corps Relief services has never been greater.

Mr. Speaker, I encourage all the Members of this House who represent military men and women to voice their support for the hardworking volunteers at Navy and Marine Corps Relief. Members of Congress can record public service announcements, recruit volunteers, and make sure everyone who needs Navy and Marine Corps Relief knows that they are available.

Let's remember the needs of our military families, and support our American heroes on the home front—the people of the Navy and Marine Corps Relief Society.

Following is a list of Navy and Marine Corps Relief Society offices around the world, which I would like to include in the CONGRESSIONAL RECORD at this point.

NAVY-MARINE CORPS RELIEF ACTIVITIES

Albany Auxiliary.

Bermuda Auxiliary.

Camp Lejeune Auxiliary: New River Branch.

Camp Pendleton Auxiliary: Barstow Branch, Bridgeport Office, San Onofre Branch.

Cherry Point Auxiliary.

Connecticut Auxiliary: Windsor Office, Scotia Office.

District of Columbia Auxiliary: Bethesda Branch, Dahlgren Branch, Henderson Hall Branch, Indian Head Office, Patuxent Branch, Sugar Grove Office.

El Toro Auxiliary: Tustin Branch, Yuma Branch.

Great Lakes Auxiliary, Detroit Branch, Glenview Branch.

Guantanamo Bay Auxiliary.

Hampton Roads Auxiliary: Little Creek Branch, Portsmouth Branch, Shipboard Branch, Yorktown Office.

Hawaiian Auxiliary: Australia Office, Bahrain Office, Barbert Point Branch, Barking Sands Office, Christchurch Office, Kaneohe Branch.

Headquarters: Iceland Office, Augsburg Office, Stuttgart Office.

Jacksonville Auxiliary: Cecil Field Branch.

Japan Auxiliary: Atsugi Office, Chinhae Office, Iwakune Office, Misawa Office, Sasebo Office.

Key West Auxiliary.

Lemoore Auxiliary.

London Auxiliary: Brawdy Office, Edzell Office, Holy Loch Office, Lisbon Office, Machrihanish Office, Mildenhall Office, St. Mawgan Office, Thurso Office.

Long Beach Auxiliary: China Lake Branch, Albuquerque Branch.

Mare Island Auxiliary: Concord Branch, Stockton Branch.

Marianas Auxiliary.

Mayport Auxiliary: Kings Bay Branch.

Memphis Auxiliary.

Miramar Auxiliary: El Centro Branch.

Naples Auxiliary: Gaeta Branch, La Madalena Branch, San Vito del Normanni Office.

Naval Academy Auxiliary.

New Hampshire Auxiliary.

New Jersey Auxiliary.

New Orleans Auxiliary.

New York Auxiliary.

Oceana Auxiliary: Dam Neck Office, North West Office.

Okinawa Auxiliary: Camp Hansen Office, Camp Kinser Office.

Orlando Auxiliary.

Parris Island Auxiliary: Beaufort Branch.

Pennsylvania Auxiliary: Earle Branch, Willow Grove Branch.

Pensacola Auxiliary: Gulfport Branch, Meridian Branch, Panama City Office, Pascagoula Branch, Whiting Field Branch.

Philippines Auxiliary: Hong Kong Office.

Port Hueneme-Point Mugu Auxiliary.

Puerto Rican Auxiliary: Sabana Seca Office.

Puget Sound Auxiliary: Bangor Branch.

Quantico Auxiliary.

Rhode Island Auxiliary: Argentia Branch, Brunswick Branch, Cutler Office, South Weymouth Branch, Winter Harbor Office.

San Diego Auxiliary: MCRD Branch, North Island Branch, NTC Branch.

San Francisco Bay Auxiliary: Centerville Office, Fallon Branch, Moffett Field Branch, Monterey Branch, Oakland Naval Hospital, Treasure Island Branch.

Seattle Auxiliary: Idaho Falls Branch.

Sigonella Auxiliary.

South Carolina Auxiliary: Athens Branch, Atlanta Branch, NWS Charleston Branch.

Spain Auxiliary.

Texas Auxiliary: Chase Field Branch, Dallas Branch, Kingsville Branch.

Twentynine Palms Auxiliary.

Whidbey Island Auxiliary: Adak Branch, Anchorage Branch.

INTRODUCTION OF THE VENTURE CAPITAL INCENTIVE ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. MARKEY. Mr. Speaker, today I introduce the Venture Capital Incentive Act of 1991, a narrowly targeted tax incentive that will spur long-term investments in America's technology future.

Although President Bush has deferred immediate action on the capital gains issue, his budget contains the same ill-conceived, across-the-board cut he proposed last year. Rather than providing an incentive for real economic growth, President Bush has demonstrated his abiding commitment to giving a tax windfall to the wealthiest taxpayers.

My proposal would provide a 40-percent capital gains exclusion for those who invest in small, high-risk, high-technology companies and who hold the stock for a minimum of 4 years. Unlike the administration's proposal, my plan would not reward the real estate speculators, the Wall Street arbitrageurs, and others who do little to create real economic wealth. It would not reward the stock churners and the money manipulators who shift from one short-term investment to another, realizing handsome profits for themselves at the expense of America's economic future.

This is a critical time for our country to invest in the risktakers and entrepreneurs who build real companies and create new jobs for America. For the past several months, we've been hit with a steady flow of troubling economic news: declining productivity, rising unemployment, and a deepening recession. Just last week, Federal Reserve Chairman Alan Greenspan advised a congressional committee that "it would be unwise to rule out the possibility that the recession may become more serious than is already apparent."

Our current economic problems should not be seen as just a predictable slowdown for an otherwise robust economy; rather, the structural problems in the banking industry, the real estate market, and in key manufacturing industries suggest a deeper crisis. Moreover, our global rivals are making dramatic gains in many technologies that will determine future economic prosperity. America's once proud lead in consumer electronics, semiconductors, and other technologies has vanished. Our current leadership in telecommunications, supercomputers, and personal computers is threatened by aggressive competitors in Europe and across the Pacific Rim.

The Markey Venture Capital Incentive Act is not a panacea. It will not provide America with the economic overhaul it needs. But by injecting new capital to high tech start-ups, it will give us the jumpstart we need to get back in the global technology race. The importance of small technology companies cannot be overstated. Small companies create 80 percent of the new jobs in this country and, according to a National Science Foundation report, they are six times more likely than large companies to create new products.

According to a 1982 General Accounting Office [GAO] study, between 1970 and 1979 American venture capital companies invested just over $200 million in small companies. The result: 130,000 new jobs, more than $100 million in corporate taxes, and $900 million in export sales. The same study concluded that a $1.4 billion investment could, by the end of this decade, generate 1.9 million new jobs, $6.7 billion in annual tax revenues, and $13.6 billion in export sales.

Unfortunately, small companies face a growing capital crunch. The cost of capital in the United States is four times more expensive than in Japan and almost twice as expensive as in Germany. In recent months, the troubled banking industry has dramatically cut its overall lending, often making small, high risk companies the first to lose their line of credit.

More importantly, however, venture capital funds have decreased substantially since their mid-1980's peak; total funds fell from a pre-stock market crash of $4.2 billion in 1987 to $2.6 in 1989 and the market has never fully recovered. This downward trend can be attributed in part to the sharp drop in initial public offerings since the 1987 stock market crash. Venture capital-backed IPO's dropped 66 percent in 1988, the year after the crash, and have never recovered. The IPO market fell 25 percent in the third quarter of 1990.

President Bush sadly recognizes neither the danger looming over the Nation's economy or the unique advantage America's entrepreneurs and risktakers give us in the new global competition. The President's capital gains proposal would reward investors for unproductive investments, drain the treasury of needed revenue, and retroactively reward investors for previous investments. By contrast, the Markey capital gains proposal would reward only those who make long-term investments in the Apple's, the Lotuses, and the Microsofts of tomorrow.

Let me be very specific about the differences in our two bills.

My bill is highly targeted; the exclusion applies only to investments in companies with 200 or fewer employees and only to companies that devote at least 18 percent of their total expenditures to research and development. The administration's current proposal would apply to all gains currently defined by law. This catch-all, giveaway plan would have provided incentives for investment in timber, real estate, domestic furnishings and other products not critical to competing successfully in the information age. Estimates are that only one percent of the administration's capital gains incentive would have gone to venture capital investments.

Second, my bill differs from the administration's giveaway plan in the length of the holding period and the size of the incentive. When fully implemented, the administration's proposal would give a 30-percent tax exclusion on capital gains for all investments held for more than 3 years; a 20-percent exclusion for assets held longer than 2 years; and 10 percent if held 1 year. Because entrepreneurs endure enormous pressure from investors looking for immediate profits, the Markey proposal provides a capital gains break only if the investment is held for at least 4 years.

Third, my bill is designed to generate new capital, not old investments. The administration's plan would reward investors for investments previously made in order to provide a one-shot revenue boost for his troubled budget. This retroactive giveaway would do nothing to encourage any new investment whatsoever; it only would serve as a half-baked revenue raiser and a windfall to investors sitting on old investments. My plan allows no retroactive windfall. In order for an investment to qualify under my plan, it must be held an additional 4 years.

Fourth, unlike the administration's plan, my bill does not include the nonproductive secondary stock market. Only newly issued stocks, derived from founders stock, employee stock, or initial public offerings, would qualify. Providing a capital gains break for secondary stocks would do wonders for America's stock traders and brokerage institutions but does nothing to revitalize our industries and competitiveness.

Fifth, unlike the administration's proposal, the Markey plan would not drain the treasury in the long-term. Estimates done last year by the Joint Committee on Taxation on the President's plan showed that it would lose $11.4 billion in the first 5 years. Preliminary estimates show that my plan would lose less than 10 percent of the President's figure.

Sixth. In the interests of maintaining tax fairness, my proposal remains consistent with tax reform by listing the capital gains break as a tax preference item under the alternative minimum tax [AMT], ensuring that all taxpayers pay their fair share of the tax burden.

Mr. Speaker, this legislation will not cure all of America's problems with international competitiveness; it could only be considered one part of a greater package to sharpen America's competitive edge. But the capital gains debate has been bogged down for too long by the administration's insistence that we grant an across-the-board tax windfall for the Nation's wealthiest taxpayers. Rather than wait for yet another giveaway proposal from the administration, let's take immediate action and start investing in America's future. I urge my colleagues to support the Venture Capital Incentive Act of 1991 and help rekindle the spirit of entrepreneurship and risktaking in America.

RTC BURDEN-SHARING AMENDMENT PROVIDES TAX RELIEF FOR VIRTUALLY ALL STATES

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. KANJORSKI. Mr. Speaker, your taxpayers and mine will be paying for the savings and loan cleanup for at least the next 40 years even though most of them bear no responsibility for the problem.

It is not fair for us to ask several generations of Americans to pay for this cleanup when some of those who are most responsible for creating this debacle are getting away scott-free, and do not have to pay a dime.

To date 45 percent of the problem we are cleaning up is the result of the failures of State-chartered and State-regulated savings and loans. The vast majority of these failed institutions were located in just a small handful of States which irresponsibly dispensed charters and powers with reckless abandon, and then failed to adequately regulate and examine their State-chartered institutions.

Yet if current policy is continued, these few States, which are responsible for 45 percent of our costs, will pay for zero percent of the cleanup. That simply is not fair. These States are getting the proverbial free lunch.

That is why a bipartisan majority of the House Banking Committee voted to approve my burdensharing amendment to the RTC funding bill. My amendment requires these few States to pay at least a small portion of the cost of the cleanup, or forfeit the rights of partnership in the system.

I would like to share with my colleagues a table which shows: First, what each State's share of the nationwide total of State-chartered thrift deposits was in 1980 (prior to the explosive growth in thrift charters and powers; second, what proportion of the disaster each State's State-chartered thrifts are responsible for; and third, what proportion of the total cost of the cleanup each State's taxpayers are currently paying for.

Members will note, for example, that the Commonwealth of Pennsylvania had 4.04 percent of all State-chartered thrift deposits in 1980, is responsible for 2.1 percent of our costs to date, and is paying 4.8 percent of the cost of the cleanup, or more than twice its fair share. Similarly, the State of Washington had 0.81 percent of all State-chartered thrift deposits in 1980, is responsible for only 0.1 percent of our costs to date, and is paying 1.9 percent of the cost of the cleanup, or 19 times its fair share. Texas, in contrast, had 10.01 percent of all State-chartered thrift deposits but is responsible for 68.3 percent of our costs to-date at State-chartered savings and loans, and is only paying 6.1 percent of the cost of the cleanup, or less than one-tenth of its fair share.

STATE SHARES OF THE SAVINGS AND LOAN CLEAN-UP

If thrift clean-up costs and payments were evenly distributed across the Nation, the figures in columns A, B, and C would all be identical, and would all equal the figure in column A.

A State has "excessive costs"—that is, is responsible for more than its fair share of the blame if column B is more than twice as large as column A.

A State is paying more than its fair share of the burden if the figure in column C is greater than the figure in column B.

For every $100 of thrift resolution costs, the figure in column B represents the number of dollars the residents of that State are paying in Federal taxes for the thrift cleanup.

	A—"THE BASE" (percent)	B—"THE BLAME" (percent)	C—"THE BURDEN" (percent)
Alabama	0.23	0	1.2
Alaska	0	0	0.3
Arizona	1.60	0.1	1.2
Arkansas	.43	.1	.7
California	28.63	17.8	13
Colorado	1.89	1.5	1.3
Connecticut	.47	0	2.1
District of Columbia	0	0	.3
Delaware	.03	0	.3
Florida	2.96	5.9	5.1
Georgia	0	.1	2.3
Hawaii	.21	0	.4
Idaho	.04	0	.3
Illinois	6.04	.9	5.3
Indiana	.86	.2	2
Iowa	1.03	.4	1
Kansas	1.31	.3	.9
Kentucky	.05	0	1.1
Louisiana	2.31	0	1.2
Maine	.19	0	.4
Maryland	.44	0	2.3
Massachusetts	0	0	3.2
Michigan	1.79	.2	3.8
Minnesota	.44	0	1.8
Mississippi	.25	.1	.6
Missouri	3.34	0	1.9
Montana	0	0	.2
North Carolina	1.93	.1	2.2
Nebraska	.27	0	.5
Nevada	.71	0	.5
New Mexico	.58	0	.4
New Jersey	7.30	0	4.6
New York	2.12	0	8.9
New Hampshire	.16	0	.5
North Dakota	.22	0	.2
Ohio	7.65	.5	4.2
Oklahoma	.42	.2	1
Oregon	1.14	.5	1
Pennsylvania	4.04	2.1	4.8
Rhode Island	.26	0	.4
South Carolina	.47	0	1
South Dakota	.10	0	.2
Tennessee	.12	.1	1.6
Texas	10.01	68.3	6.1
Utah	.94	0	.5
Vermont	.03	0	.2
Virginia	1.93	.4	2.6
Washington	.81	.1	1.9
West Virginia	.01	0	.5
Wisconsin	4.15	.1	1.8
Wyoming	.10	0	.2

A "THE BASE"—A state's percentage of the nationwide total of deposits in state-chartered thrifts in the base year.

B "THE BLAME"—A state's percentage of the nationwide total of costs to date of cleaning-up state-chartered thrifts.

C "THE BURDEN"—A state's percentage of the nationwide payments for the clean-up of state-chartered thrifts (i.e. the share that state's taxpayers are paying for the clean-up).

Sources: Northeast-Midwest Congressional Coalition calculations using Federal Home Loan Bank Board, Resolution Trust Corporation, and Tax Foundation Data.

COMMENDING PRESIDENT BUSH, GENERAL SCHWARZKOPF, AND ALL THE AMERICAN TROOPS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. YOUNG of Florida. Mr. Speaker, President Bush last night brought to a swift conclusion one of history's most successful and efficient military efforts.

In just 6 weeks, American and allied forces under the exceptional command of Gen. Norman Schwarzkopf ejected, disarmed, or captured more than 500,000 Iraqi forces, thus liberating the nation of Kuwait. This effort once again restored freedom in a vanquished land and turned back the inhumane and despotic rule of Iraq's tyrannical president, Saddam Hussein.

Legislation I have introduced today expresses the sense of this Congress that President Bush, Secretary of Defense Dick Cheney, Chairman of the Joint Chiefs of Staff Gen. Colin Powell, Secretary of State Jim Baker, General Schwarzkopf, and every one of the 500,000 Americans who served in Operation Desert Storm and their families be commended for their role in this great victory for peace and freedom and this resounding rejection of the aggression of one nation against another.

In addition to culminating a flawless and precise military victory, Operation Desert Storm also resulted in one of the greatest cooperative diplomatic efforts the world has known. Under the leadership of President Bush and Secretary Baker, the United States quickly rallied the support of virtually every member of the United Nations to condemn, in 12 United Nations resolutions, Iraq's aggression against Kuwait and to enunciate a clear set of goals for expelling the Iraqi forces and restore peace and order in the region.

President Bush, Secretary Baker, and Secretary Cheney also established a coalition of more than 30 nations who sent troops and equipment to the Persian Gulf and were an integral part of the successful liberation of Kuwait. It took the remarkable skills and leadership of General Schwarzkopf to meld these diverse contingents into one united force that fought with purpose and precision.

Through a 5½-week air campaign, American and coalition forces utilized the superior skill of flyers, ground crews, intelligence operations, and support staff, and the best technology had to offer to pound and weaken Iraqi forces with the least possible risk to the safety of our troops. Casualties were kept to the minimum because of the highly skilled execution of missions and the near perfect performance of equipment and munitions that were the result of a long-term investment in our national defense by the American people.

Those of us who steadfastly supported the development of the aircraft, weaponry, smart munitions, and other technology which performed flawlessly these past few weeks and which provided complete air and ground superiority for U.S. and allied forces were often times criticized in the past for advocating a level of spending on national defense which would support the development and production of these systems. We persevered, however, and over the past 12 years have seen the readiness of our forces restored and upgraded to the point that they were able to respond, when called upon these past 6 months, with the largest airlift and sealift operation ever executed by U.S. forces.

It is the dedication of our all-volunteer forces in combination with the investment this Congress and the American people have made to train our forces and equip them with the best equipment available that enabled them to distinguish themselves to all the world as the most professional and highly skilled fighting unit ever assembled. Being deployed in a foreign land is never an easy task, especially in a place where the culture, customs, and climate are so very different than their homeland. Our men and women serving in Operation Desert Storm met these challenges in a way that made the American people proud. They were outstanding ambassadors for peace everywhere they went, and nowhere was this more evident than yesterday in Kuwait City where they were welcomed as heroes by the newly liberated people of Kuwait.

Mr. Speaker, following my remarks I would like to include a copy of my resolution which commends all aspects of this operation from the leadership of our Commander in Chief and his generals in the field, to our troops and their families. All Americans played such an important role in the success of our efforts to liberate Kuwait, especially through their very visible and strong public support for our troops and their mission.

Once again, through this massive effort, the United States has proven to be the leader, the hope, and the beacon of freedom for an oppressed people. The people of Kuwait are free again, their government has been reinstituted, and the despotic forces of Saddam Hussein have been deposed. Freedom has again won over tyranny.

H. CON. RES.—

Whereas President George Bush has declared victory in the operation to liberate Kuwait and reinstate that nation's government;

Whereas this was the result of the most successful military operation of all time;

Whereas Operation Desert Storm fulfilled the goals and promises made by President Bush in deploying American forces to the region;

Whereas the United States and our allies rallied together in an unprecedented show of unity against the aggression and crimes against humanity committed by Iraqi President Saddam Hussein;

Whereas the valiant and dedicated American men and women in uniform performed in an exceptionally professional manner befitting an all-volunteer military force;

Whereas the U.S. reserve forces and National Guard demonstrated their readiness and ability to respond and deploy quickly to become an integral part of Operation Desert Storm;

Whereas the families of the more than 500,000 Americans called into action in Operation Desert Storm provided exceptional and unwavering support for our troops in the field;

Whereas our nation grieves and prays for all those who paid the ultimate price in the restoration of freedom in Kuwait, and for those who were injured in the line of duty;

Whereas our nation will maintain as the highest priority the full accounting for all American and allied forces missing in action;

Whereas on February 27, 1991, the free and legitimate government of Kuwait was restored, the occupying forces of Iraq were ejected, disarmed, or captured, and cease-fire was ordered by President Bush: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) It is the sense of the Congress that President George Bush be commended for his international leadership in rallying unprecedented world condemnation of Iraq's aggression against Kuwait and as commander in chief for overseeing one of the most efficient and complete military victories of all time.

(2) It is the sense of the Congress that Secretary of Defense Richard Cheney and Chairman of the Joint Chiefs of Staff General Colin Powell be commended for their role in coordinating the largest, most successful, and rapid deployment of military force of all time.

(3) It is the sense of the Congress that Secretary of State James Baker be commended for his role in establishing and maintaining the unwavering support of our allies and the United Nations for the international effort to liberate Kuwait.

(4) It is the sense of the Congress that General Norman Schwarzkopf be commended for his brilliant and flawless tactical plan and leadership and coordination of the victorious U.S. and coalition forces.

(5) It is the sense of the Congress that every American service member be commended for their role in turning back the aggression of a ruthless despot, for restoring freedom to a vanquished nation, and for serving with such distinction and professionalism.

(6) It is the sense of the Congress that the American people pay honor and homage to all those who fell in the line of duty and to pray for the safe return of all those missing in action.

(7) It is the sense of Congress that every American family be commended for their special role in providing for our troops.

REVEREND OTHA GILYARD

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to a constituent and very special friend of mine, Reverend Otha Gilyard, the Pastor of Mt. Zion Baptist Church in Kalamazoo, MI. On Tuesday, November 20, the Upjohn Institute presented Otha with the E. Earl Wright Community Achievement Award. The award is presented annually to an individual who has made a significant impact on the quality of life in Kalamazoo County, and who exemplifies the values and commitments of the late Dr. Wright—an individual whose humanitarian contributions were felt throughout the Kalamazoo community.

Otha began his impressive ministerial career as a chaplain at Homsburg Prison in Pennsylvania. From there, he went on to serve as the paster of the Second Calvary Baptist Church in New Jersey until 1975 when he arrived in Kalamazoo, MI, to become the pastor of Mt. Zion Baptist Church. His care and concern for others have not been limited to his congregation, but have been felt throughout Kalamazoo.

Otha Gilyard is deeply committed to community service. He simply cannot say "no" when there are people in need, or problems to be solved. He has invested both time and seemingly endless energy in a vast array of community and professional organizations. His leadership roles include the presidency of the Kalamazoo Ministerial Alliance, board member of the Kalamazoo Alcoholic and Drug Abuse Center, board member of the Kalamazoo Offender Aid and Restoration Program, board of trustees member of Kalamazoo College, board member of the Girl Scout Council, task force member of the Kalamazoo County Jail, board member of the Northside Community Development Association, board member of Safe House, an aftercare facility for alcoholics and addicts; in addition, Otha is past president of the Kalamazoo chapter of the NAACP.

Otha's leadership, drive, and selflessness have been repeatedly recognized by his friends and colleagues. Most recently, in tribute to his effective advocacy on behalf of seniors within the minority community, he received the 1990 Aging America Award of Excellence from the Southcentral Michigan Commission on Aging.

Mr. Speaker, I know my colleagues will want to join with me in acknowledging an individual who personifies the very best in America's tradition of community service, and in thanking Otha Gilyard for the sensitive and caring leadership he has given to the Kalamazoo community these past several years. I feel privileged to represent an individual who gives so much of himself in service to others. Otha's multiple contributions to those in need and to his community make him truly deserving of the E. Earl Wright Community Achievement Award.

BLACK HISTORY MONTH COMES HOME

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. PRICE. Mr. Speaker, during the observance of Black History Month, we frequently call the roll of the national heroes, from Frederick Douglass, and W.E.B. DuBois to Rosa Parks and Martin Luther King, Jr. But it is just as important to remember those whose names are not as well known but to whom we are equally indebted for the progress we have made and the social consciousness that still drives us forward. Every community has such an honor roll, and today I want to call that roll for Raleigh, NC, sharing with my colleagues names they may not have heard, but names that have had a great deal to do with the ongoing struggle for human dignity and social justice in our part of North Carolina.

I was reminded of the importance of such remembrance last month at the prayer breakfast for the Martin Luther King, Jr. birthday celebration in Raleigh. Dr. John W. Fleming, a local historian and professor emeritus at Shaw University, recounted these names and the ways that all of us assembled were indebted to those who had gone before.

He called the name, for example, of Fred Carnage, one of the first blacks to practice law in Raleigh. A former president of the community organization from which the Raleigh-Wake Citizens Association evolved, Mr. Carnage is best remembered for his great concern for the educational growth and development of black children. His belief that all children should be afforded a quality education led him to press for the rights of students who were denied admittance to local schools. In commemoration of his efforts, a middle school was named after Fred Carnage, a remainder of what generations of young people own this man.

Samuel Mitchell was another lawyer in the Raleigh area whose work carried us a step closer to liberty and justice for all. Mr. Mitchell is best remembered for his legal expertise in the area of civil rights. He skillfully worked through the court system to challenge discrimination and injustice. He was one of two attorneys, for example, who represented two students, William Fox and Albert Sansom, in a discrimination suit against the city of Raleigh, which he carried all the way to the U.S. Supreme Court.

Dr. Grady Davis—a minister, community advocate, and educator—is remembered for the special role he played in the civil rights movement. As a student at Shaw University, Grady Davis spoke out for the rights of students, and often served as a liason between the campus and the wider community. He became a special friend of Dr. Martin Luther King, Jr. while at Boston University, and as professor of psychology at Shaw University, encouraged Dr. King to come to the campus and to inspire the student body and the community to become more active participants in the civil rights movement.

Rev. Charles Ward was another pillar of the community, who assumed a leadership role in the civil rights movement from his earliest days in Raleigh. Ordained by the Rev. Martin Luther King, Sr., Reverend Ward was at the forefront of the struggle to end segregated schools, and the community's progress owed much to his ability to negotiate and conciliate across racial lines. He served as the pastor of the First Baptist Church in Raleigh for 29 years and was among many nationwide leaders who walked alongside Dr. King in the March on Washington. Reverend Ward continued the fight for justice and equality while serving 9 years as president of the Raleigh-Apex chapter of the NAACP, and also as president of the Raleigh-Wake Citizens Association.

J.J. Sansom is remembered as a skilled businessman who put his talent to work for those in need of opportunity. Mr. Sansom, who spent his youth shining shoes, selling newspapers, and working as a hotel page, went on to become the president and chairman of one of the largest minority-owned and managed banks in the country, Mechanics and Farmers Bank. It was there that he carved out a successful business career and boosted minority businesses across the State. Mr. Sansom was also a respected civic leader, bringing the first major shopping center to southeast Raleigh and leading the effort to register black citizens to vote in Wake County some 25 years ago.

James E. Shephard was a columnist for the Carolinian, the first statewide black newspaper in North Carolina. His column depicted the changing times in our State and motivated black North Carolinians to get involved in the civil rights movement. Mr. Shephard was also a successful realtor who worked to make decent housing available to all. He was an active participant in civic organizations and served as chairman of the Labor Committee for the Raleigh-Wake Citizens Association, which investigated cases of job discrimination in the area.

C.C. Smith was a local insurance agent for the North Carolina Mutual Insurance Co., and was known for his unique fundraising capabilities. His ingenuity helped to raise bail for students arrested for their participation in local sit-ins and thus to keep the civil rights efforts among student organizations afloat. His fundraising efforts also permitted students to travel throughout the State and country to help mobilize communities seeking to be more active in the movement.

Molly Houston Lee was a well-known librarian in Raleigh who was responsible for bringing the accounts of contributions of blacks across the country to the shelves of our local libraries. A former head librarian at Shaw University, Ms. Lee is best remembered for her efforts to desegregate the Wake County Public Library System. She was successful in getting a county-supported public library, the Richard B. Harrison Library, built in Raleigh's black community, and assembled an outstanding collection of books on black history and culture.

Ralph Campbell, Sr. is often remembered as the gadfly of the black community, a unique combination of courage, compassion, and commitment. Mr. Campbell's son was the first black to integrate the Raleigh school system, an occasion recently commemorated as the old Murphy School was rededicated as an affordable housing development. Mr. Campbell was an active civic leader who served as president of the Raleigh-Wake Citizens Association, the Raleigh branch of the NAACP, and the Raleigh chapter of the National Alliance of Postal and Federal Employees. He also served with distinction on the staff of my predecessor, Representative Ike Andrews.

Mr. Speaker, these leaders and others like them were historymakers, although not as well known as those on whom we tend to concentrate during Black History Month. As we anticipate moving our country another step forward with the passage of the Civil Rights Act early in this Congress, I encourage my colleagues to remember those leaders in their own districts who pushed back the frontiers of social justice and from whom we can still learn today.

FITZSIMONS—AN IMPORTANT COMPONENT IN VICTORY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. SCHAEFER. Mr. Speaker, thanks to superb political leadership by President Bush, a multinational coalition was quickly formed to oppose Iraq's brutal invasion and occupation of Kuwait. Under the brilliant military leadership of Gen. H. Norman Schwarzkopf, American and allied troops went on to liberate Kuwait with remarkably few casualties.

Without adequate support facilities on the homefront, our swift and confident response to Iraq's aggression would have been much harder to accomplish. Valuable time would have been lost trying to reactivate mothballed military hospitals, medical centers, and clinics.

This is why I salute the Fitzsimons Army Medical Center in Aurora, CO. The staff of this important medical facility was ready and prepared to treat wounded soldiers evacuated from the gulf war. Various offices within Fitzsimons made contingency plans to handle a large number of patients without sacrificing the high quality of care that has long been a Fitzsimons hallmark.

Thankfully, the superb leadership and skill demonstrated by our leaders and troops prevented a large number of American and allied war casualties. Kuwait's independence has been restored, and the United States and its allies have brought the war to a victorious conclusion.

Americans are justifiably proud of our leaders and brave troops in the Persian Gulf. We should also be proud of the invaluable contribution by the medical personnel at Fitzsimons to the success of Operation Desert Storm.

Thank you all for a job well done.

CONGRATULATIONS TO OUR BRAVE MEN AND WOMEN IN THE PERSIAN GULF

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. POSHARD. Mr. Speaker, on the first day after our impressive military victory in the Persian Gulf, I would like to commend all of the men and women from across the Nation who so valiantly fought for the liberation of Kuwait.

In particular, I would like to commend the members of the National Guard's 1244th Transportation Company which is stationed in Cairo, IL, in my southern Illinois congressional district. Since last fall, they have been providing vital service in the gulf and we are all grateful for their efforts.

In addition, there are many other men and women from my district who have contributed to the defeat of the Iraqi military machine. I personally salute each and every one of those individuals and I want them to know that America and the world appreciate their bravery and the sacrifices they have made for their country.

Today the Nation rejoices that the war has come to a swift conclusion and that the exiled people of Kuwait will be able to return to their homeland. Now is the time to rebuild, to reflect on the lessons we have learned, and to seek a stable and lasting peace in the Middle East.

Since August 2, we have worked more closely with our Arab neighbors than ever before, and I can only hope that this new sense of cooperation will help us move toward equitable solutions to some of the problems which have challenged the region for decades.

Mr. Speaker, I salute you and my colleagues for the high level of debate and discussion which has occurred in the Congress and for the leadership which this body has shown. But, most of all I would like to express my heartfelt thanks to those brave Americans and southern Illinoisans who answered the call and served so effectively. Our thoughts, prayers, and gratitude are with them all as they prepare to return home to their friends and families.

OUR CHILDREN'S FUTURE

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. ANDREWS of Texas. Mr. Speaker, all of us know how difficult it is to raise children—I have two young daughters of my own. We have doubts about the decisions we make for them. We worry about influences that we cannot control. We wonder if they will be prepared to negotiate life on their own.

Children are always at risk for what their parents do or don't do. Fortunately, most children do fine by what their parents do. Sometimes they do not. Sometimes parents need help, these are times that government can help.

President Woodrow Wilson once said: "My clients are the children; my clients are the next generation."

Let's look at the risks facing the next generation, our children. The national debt has grown to $3.3 trillion—that's $13,000 of debt per person.

Congress and the President have just put into law a budget that will reverse the growth of the national debt. But payments on that debt will continue well into the next century.

As our population ages, there will be fewer working people to support the elderly. Today, five workers support every senior. In the future, five workers will support two seniors. That's a doubling of the responsibility for Social Security and Medicare for our children when they grow up.

As the baby boom generation grows older, the labor market will become increasingly tight. The growth rate in our labor force will decline by 40 percent at the end of the century. The job market will also require a highly skilled work force.

We must prepare every individual child better than at any time in the past. We cannot afford to ignore the needs of any child. This is the only way the next generation will be ready for the 21st century.

First, we must consider our children's health and safety. This means child care and health care. Then we must consider their education.

I am proud that the 101st Congress finally passed child care legislation. This landmark legislation will require minimum health and safety standards for day care providers. It provides $1 billion each year in direct child care services to those who can least afford child care. It does so without violating the principal of separation of church and state.

It has a special program to provide child care assistance to families at risk of losing their jobs due to day care costs so that parents do not have to go on welfare.

It provides funds to school based child care so that child care can become a productive educational experience for our children.

Finally, it greatly expands the Earned Income Tax Credit. The EITC is a critical program for the working poor. It provides them with additional funds to meet child care costs.

Few people here today may be aware how important the EITC is in Texas. One of every five Texas families receive this tax credit. That's nearly twice the rate than in the rest of the country.

The need for this landmark legislation is clear. Today, over half of all mothers with young children work, and this rate has doubled since 1967. Our economy depends more than ever on the participation of both men and women in the work force.

Child care is critical to our economy.

One-fourth of all nonworking mothers of children under 5 would return to work if satisfactory child care were available at a reasonable cost.

U.S. businesses lose $3 billion each year when parents are absent from work due to child care problems.

In the future, two-thirds of all new jobs will go to women.

The new child care law will move us in the direction of providing affordable, quality child care for every child who needs it.

Another landmark accomplishment of the 101st Congress is Medicaid coverage for every child who lives in poverty by the year 2000. This new law, which was proposed by Senator LLOYD BENTSEN, will gradually increase the eligibility for Medicaid benefits over the next 10 years.

This is particularly important to Texas because our Medicaid levels are so low. Texas has the second highest rate of uninsured in the country. With so many Texans lacking health care insurance, the Harris County hospital district and the large inner-city hospitals are at a financial risk. This new law will ease the burden on Harris County taxpayers.

One area where Congress was unable to act is child welfare. I cosponsored legislation that would bolster our child welfare system. In 1980, Congress enacted an overhaul of the child welfare system enacted in 1980. The law is designed to counter a long history of children being lost in the foster care system. It requires that States make reasonable efforts to prevent the removal of children from their homes.

The law has had a measurable effect:

The number of children in foster care declined by nearly one-half from 1977 to 1984. But since then this number has been on the upswing.

In Texas, the number of children in foster care fell from 7,500 in 1978 and leveled off at about 5,000 since 1983—this is a 33 percent decrease.

But we still have tremendous problems. Over 2 million children are reported abused and neglected each year. More than 1,200 die. Too many of these deaths occur while the child is under the supervision of the child welfare system.

In Houston, El Paso, and other cities throughout the country, we have seen in recent years some tragic serious cases of abused children dying after being reunified with their families by the children's protective services. These cases raise important questions about the causes of such tragedies.

First, what should be the role of law enforcement in child abuse cases? On the one hand, we should do everything possible to prevent a family from breaking up. On the other hand, the crime of child abuse should not go unpunished by society. This difficult question needs full examination in light of the large number of reports of physical and sexual abuse in children.

Second, are current programs adequate? The results of various studies and commissions that have examined the children protective services in Texas have concluded that the staff caseloads are too high and that training is inadequate.

Hearings held this year by the Committee on Ways and Means, on which I serve, turned up this problem all over the country. We need to increase title IV–B funding to help states respond to child abuse. We need to improve training programs. We need to improve foster parent recruitment and retention programs. Few people know that Harris County has led the country in this area.

I intend to continue working on this issue during the 102d Congress.

We must also continue to improve education for all our citizens. Mirabeau B. Lamar, the second president of the Republic of Texas and the father of Texas education, once said: "Education is the guardian genius of our democracy."

Each of us knows the truth in these words. The education of our children is not just for their sake, it is for the sake of our Nation and our community.

Texas is experiencing great change: 75 percent of the new entrants of the Texas labor force by the year 2000 will be made up of women and minorities, particularly hispanics. Hispanics are the fastest growing segment of the population in the Houston area.

However, minorities have historically been least served by our educational system. And it's been argued that some children have succeeded despite our schools rather than because of them. But if we are to meet the labor market needs of the future, we have to change that. Texas cannot move into the 21st century as an economic power unless we make every one of our children a priority.

We cannot afford a dropout rate in Texas of 36 percent. Houston certainly cannot afford our current drop out rate of 40 to 60 percent among Hispanic youth.

Our illiteracy rate is appalling. One study showed that 56 percent of Hispanic teenagers are reportedly illiterate. Our students are struggling with the basics. Everyone is familiar with the studies showing the poor performance of U.S. students at all age levels on math and science compared to students in other countries.

These trends have the potential to cripple business:

Chrysler reports that while its training and technical manuals are written at an eighth grade level, at least 25 percent of its employees now read at or below a 6th grade level.

At Motorola, 80 percent of the applicants cannot pass a simple seventh grade English comprehension exam or a fifth grade math test.

The future of Texas will be built in fields which require not just the ability to read but also proficiency in science and mathematics. Projects like: biotechnology, space science and the super-conducting supercollider will be a growing part of the Texas economy. Jobs in these fields will require two college degrees, not just one.

All children deserve the chance to participate in this new economy. However, too many minority children have been left behind. If these children do not receive the skills this high tech economy requires, they will have little choice but to enter the service sector where jobs offer less security, less advancement, and fewer benefits.

All of us have a special responsibility: we must insure that our educational system steers clear of ethnic and racial bias. We must reach out and find a common ground on which to build.

Congress has recently taken three important steps to provide some federal assistance for the education of disadvantaged children. First, Headstart has been authorized to fund all eligible children by 1994.

Headstart has an enormous payback. For every dollar invested in Headstart, the country gets back $6 in increased productivity. Headstart participants go on to contribute to the economy rather than depend on Government services.

Second, Chapter One of the Education Consolidation and Improvement Act of 1981 was reauthorized. This act provides funds to school districts for educational services for disadvantaged students.

Finally, funds were continued and authorized through 1993 for bilingual education. The importance of this program is clear. The question is no longer whether or not bilingual education is a smart investment. Rather, the question is which instructional approach is most effective.

The work being done at the Federal level is only one piece of the pie. The work you are doing locally to create alternatives is extremely important. Not every child is the same and therefore our methods of teaching must not be monolithic.

On the local level, we must reestablish a connection with our youth. If a generation is lost, we bear much of the responsibility. Teenagers are not the producers of World Wrestling Federation and MTV, and teenagers are not the only viewers of these programs. You are the leaders that our children need to hear from, and you and I must remember that they are watching.

The time has passed for business leaders to point their fingers at teachers and schools. It is time for us to go into the schools as volunteers and partners with our teachers. Leadership in this area began in 1980, as the Business/School Partnership Program began in the Houston Independent School District. This program now involves over 200 businesses, providing over 2,000 employees to volunteer in schools. These businesses and employees provide leadership examples, scholarships and summer jobs.

Clearly these investments are our future, not just for Texas but for our children. Only 60 percent of those who leave school without their diploma find a place in the workforce. For the other 40 percent, the cycle of poverty continues and we as a community all suffer. Educational achievement is the key to economic attainment.;

Oscar Wilde once wrote: "Children begin by loving their parents. After a time they judge them. Rarely, if ever, do they forgive them."

As we consider how our children will judge us, I hope we do everything we can to prevent them from judging us harshly and do nothing that needs forgiving.

HOSTAGES REMEMBERED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. SUNDQUIST. Mr. Speaker, I was contacted recently by Melody Brewington of Baxter, TN. Melody is the niece of Terry Anderson, a journalist for Associated Press who is one of six Americans still being held hostage in Lebanon. Although Terry's family is hopeful that he and the others will return home soon, they have learned through the years that there is no guarantee.

At the time of Terry's kidnaping, the demands of his captors, a group known as the Islamic Jihad, were that 17 prisoners held in Kuwait for terrorist activities be released. These prisoners are now free as a result of the conflict with Kuwait. It is hard to know now what actions are necessary to bring about the release of the six Americans.

With the Persian Gulf crisis, it has been hard to keep our minds on other matters. We cannot, however, let this hostage situation be overlooked. The families of these hostages have stood by for almost 6 years as these men have suffered untold indignities and been seemingly forgotten by the very people they were there to serve—fellow Americans.

It is a grave injustice to these men that more efforts are not going into bringing them home, especially during a time when their release seems inevitable, considering the circumstances. Everyone should focus time and attention on this situation and do whatever possible to help Terry Anderson, Thomas Sutherland, Jesse Turner, Joseph James Cicippio, Edward Austin Tracy, and Alann Steen. Speaking for all the families of the hostages, any effort on their behalf will be greatly appreciated.

THE TIMBER COMMUNITIES PROTECTION ACT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. CLINGER. Mr. Speaker, the forest communities in this country are facing a new and growing threat. The threat is not from forest fires; nor is the threat from a ravenous insect like the gypsy moth. The most pernicious threat confronting our forest communities comes from fellow human beings—namely, tree-spikers.

In the name of "environmentalism" tree-spikers take ceramic and metallic spikes, and drive the devices into trees. Theoretically, once a tree is "spiked" it will be difficult, if not economically unfeasible, to log the tree. Theoretically, loggers will not harvest a spiked tree. Theoretically, this is a successful means of blocking legitimate timber harvesting activities.

But what happens when theory gives way to reality. Such was the case In California not too long ago. A millworker using a bandsaw struck an embedded spike. The spike destroyed the mill equipment sending a section of the saw across the face and throat of the attendant millworker. The millworker almost died.

In response to this incident and an increasing number of spiking incidents, Congress passed legislation making it illegal to spike trees on Federal lands. The law sets fines and penalties commensurate with the severity of the spiking incident. Enactment of that law is a good start, but unfortunately, tree spiking is now taking place on non-Federal lands.

Just recently CNN reported that 100 spiked trees were identified on non-Federal lands in Maine by state and/or local law enforcement authorities. What is even more frightening than the fact that 100 spiked trees were identified by authorities, is that the same authorities were informed that 400 trees had been spiked and the authorities have been unable to identify the remaining 300 trees.

While trees are spiked in the name of environmentalism, I know of no real environmentalist who could support these activities and endanger the lives of innocent human beings. Accordingly, I rise today with my good friend and colleague MIKE SYNAR to introduce legislation to address the spiking of trees on non-Federal land and to strengthen the penalties for those individuals found guilty of spiking trees on Federal lands. Specifically, my bill accomplishes the following:

Makes tree-spiking a Federal crime on both Federal and non-Federal lands and establishes fines and jail sentences that correspond with the severity of the injury or damage incurred as a result of the spiking incident.

An individual convicted of spiking trees on Federal land will be banned from entering Federal lands administered by the Forest Service, the Bureau of Land Management and Fish and Wildlife Service.

The legislation establishes a reward for any person who furnishes information leading to the conviction of an individual tree-spiker.

Tree-spiking is a demented form of environmentalism. I encourage my colleagues to join with us by supporting this needed legislation.

TRIBUTE TO HENRY SCHWARZCHILD

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to Mr. Henry Schwarzchild. Mr. Schwarzchild retired at the end of 1990 from the American Civil Liberties Union as the director of that organization's capital punishment project. Mr. Schwarzchild was a committed advocate for the abolition of the death penalty. His eloquent voice could be heard at public speeches and on television programs around the country. On numerous occasions he testified before various committees of their body as well as the Senate. In 24 years of service with the ACLU, Schwarzchild directed the ACLU Project on Amnesty, the capital punishment project, and was one of the founders of the National Coalition to Abolish the Death Penalty.

The death penalty is an issue which brings out the deepest of emotions. Sometimes these intense emotions keep us from grappling with the truth. Racism continues to pervade the national subconscious and is too often revealed in the worst of places. The General Accounting Office reports that those who murder whites are far more likely to be executed than those who murder blacks. I am deeply troubled by the influence that race has on the death penalty. We must address the problem of racial discrimination in death sentencing at once.

The Racial Justice Act, which I introduced, would have curbed race influence in death sentencing. We need to pass the Racial Justice Act. If we can't remove the stain of racism from the death penalty then that is reason enough to abolish it.

Our system of justice is not foolproof, despite the awesome task of deciding who lives and who dies. According to a study by Hugo Bedau and Michael Radelet, entitled "Miscarriages of Justice," 25 people who have been executed this century were later found to be innocent. A prisoner who is sentenced to life imprisonment can be made whole, or almost whole, should he or she later be found to be innocent. However, when the prisoner is executed, there is no longer any chance for a reprieve. An inevitable flaw will always be found at the root of death sentencing: human fallibility. When dealing with a human life, fallibility cannot be tolerated.

Mr. Schwarzchild has committed his life to the struggle against the death penalty because he understands that the death penalty is arbitrary discriminating and prone to mistake. He also fights the death penalty because he understands that as long as a society countenances the demeaning spectacle of State sanctioned killing, it loses its humanity. We must oppose the death penalty because our moral standards dictate it. Mr. Schwarzchild's contributions to an honorable cause will be missed but his legacy will endure. I pledge to fight capital punishment until it is completely eliminated from the American justice system.

THE MONTH BLACKS MADE HISTORY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. GINGRICH. Mr. Speaker, as we commemorate Black History Month, let us also take a minute to recognize the significant history African-Americans have made in the last 45 days in the Persain Gulf. The astronomical contribution made by African-Americans to the quick and decisive victory in the liberation of Kuwait will long be remembered as a monumental achievement not only in black history, but in American history as well.

Many black leaders openly opposed the U.S. intervention in the Persian Gulf. Today's victimologists decried the lack of opportunities for African-Americans—a level of desperation so low that many black youths have volunteered for armed service.

The real victims are here at home. It is profoundly disturbing to see statistics that show a greater number of casualties occurred in the District of Columbia during the first 3 days of ground battle than on the battlefield. It is the black youth who can't see his way out of the cycle of proverty that truly is victimized.

It is my hope that as our heroes come home, the African-American community welcomes each of them as an exemplary role model for the many youths currently looking for an opportunity or advancement, Lessons can be learned and examples set not only by Chairman Colin Powell, but also by soldiers like injured Army Pfc. Glynn Johnson who felt guilty about leaving his troops in Kuwait—"There is such a sense of loyalty" he said.

George Will wrote an excellent article which I would like to share with my colleagues today. As we celebrate Black History Month, I would hope that each of us heeds the lesson taught to us by our armed services as we work toward creating an opportunity society for all Americans.

THE MILITARY MERITOCRACY

(By George Will)

In many old World War II movies an officer named Winthrop (or some such white-bread WASPy name) tells a sergeant (O'Reilly, like a cop) to get volunteers for a dangerous mission. Forward steps an ethnic salad: Kowalski, Bloomberg, Positano, Sanchez, Graff. But no blacks.

Bigotry in the war had one benefit for its victims: fewer casualties. Nearly 75 percent of blacks in service were in the Army, which by September 1944 was 8.4 percent black. Several black units saw heavy fighting. The famous 92nd Division suffered more than 3,000 casualties in Europe and received more than 12,000 decorations and citations. But most blacks were in combat support (engineers, transportation, quartermasters). Only 2.8 percent of the combat arms (infantry, artillery, cavalry, armor) were blacks.

Today the services are, to hear some critics tell it, too integrated. Blacks are a larger portion of the services than of the population, and a larger portion of enlisted personnel than of officers. Blacks are about 12 percent of the population. 20 percent of the services (38 percent of the Army, 20 of the Marines, 15 of the Navy and Air Force) and only about 7 percent of officers. Many who complain about the low number of black officers are the same people who, by stigmatizing American society, and not least the military, have discouraged blacks from making the sort of military careers that led to commissions.

An ancillary benefit of today's war may be the further discrediting of anachronistic and blinkered black leadership. Many leaders—Jesse Jackson, Benjamin Hooks and the like—seem to believe that black power depends on portraying blacks as victims of an unrelievedly racist society. This idea has led America waist-deep into the quagmire of counting by race in order to engineer "correct" balances here, there and everywhere.

Some black leaders and their white allies have a political interest in regarding blacks, and getting blacks to regard themselves, as victims who must be wards of government, and of politicians mediating the distribution of benefits. The rickety structure of affirmative action, quotas and the rest of the racial spoils system depends on victimology—winning for certain groups the lucrative status of victim.

Understandably, the focus of blacks in Congress is on domestic policy. Only two of 55 members of the House Armed Services Committee are black and only two of 46 members of Foreign Affairs Committee. Both much of the domestic rhetoric and policy directed at blacks presupposes, and by presupposing teaches, dependency. Today's inspiriting pictures of blacks making prominent contributions to the competence of the military are, I suspect, disagreeable to those who espouse victimology.

Every black in uniform is a volunteer, which complicates the portrayal of them as victims. But Hooks, head of the NAACP, and others like him say blacks volunteer "because this nation can't provide them jobs." Never mind that military service is a dignified job. The innuendo is that blacks are impelled not at all by the spur of patriotism but only by the lash of necessity. An implication is that most blacks in the services come from the underclass.

Actually, whereas white volunteers are on average poorer and less educated than whites generally, most black volunteers have at least a high school diploma and come from working- and middle-class families. Getting into today's military—the highest caliber in American history—is harder than graduating from many high schools. Indeed, 95 percent of all Army personnel have high school diplomas, compared with 76.5 percent of the population.

Controversy about the alleged "overrepresentation" of blacks in the military comes hard on the heels of the successes of the movie "Glory" and the PBS series on the Civil War. About 188,000 Union warriors—twice as many men as Lee had at Gettysburg—were black. The 166 black regiments were more than 8 percent of the Union forces. Blacks had something to prove. A Confederate general said: "You cannot make soldiers of slaves . . . And if slaves seem good soldiers, then our whole theory of slavery is wrong." Most black soldiers had been slaves until a few months, even days, before enlisting. Frederick Douglass said: "Once let the black man get . . . a musket on his shoulder and bullets in his pocket, and there is no power on earth which can deny that he has earned the right to citizenship."

INTERRACIAL HARMONY

In 1991 the only things blacks have to earn or prove in the military are what whites have to earn or prove. They are earning their pay and proving their worth—and patriotism—as individual professionals. Enough, already, of the groupthink of people who see everything through the distorting lens of race. That monomania is a civilian luxury. Military men and women are too busy making the military a model for interracial harmony, not perfect but worthy of emulation by civilians.

Just a few decades ago blacks joked that baseball was the only field in which a black man could wave a wooden club at a white man and not start a riot. Today's military is a place where blacks regularly tell a large number of whites what to do. One of the telling facets of military life is so familiar it is never thought about: uniforms. Individuality is not extinguished but people are fitted to functions. It was, after all, a soldier (Napoleon) who characterized the good society as one of "careers open to talents."

Just last year, when it seemed that peace was busting out all over faster than you could say "peace dividend," there were those who worried that the shrinking of the military would victimize blacks by shutting off careers open to their talents—careers that teach talents, too. Why is there a black chairman of the Joint Chiefs of Staff before there has been a black chairman of GE, GM, IBM or any of the other Fortune 500 corporations (all of which are pygmies compared to what Colin Powell chairs)? There are many reasons but one may be that today's military is a more severe meritoc-racy than most corporations.

Military life aspires to resemble professional sports in one particular—concentration on performance. At the tip-off of next weekend's NBA All-Star game there will be at least eight blacks on the court. Too many? That is a dumb question to those who understand basketball and an ugly question to those who understand America.

PROVIDE MEDICAID COVERAGE OF SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. DURBIN. Mr. Speaker, today I am introducing legislation along with more than 20 of my colleagues that will provide new hope for addicted pregnant women and drug-exposed infants by providing Medicaid coverage to drug and alcohol treatment to Medicaid-eligible pregnant women and their families. I am delighted to have Mr. MILLER of California and Mrs. MORELLA of Maryland join me as the lead cosponsors of this measure.

Our legislation grows out of the realization that pregnant women are among those least likely to be able to obtain comprehensive drug and alcohol treatment. Because of our failure to make such treatment available, the drug epidemic is filling our Nation's hospital nurseries with babies who are born addicted. Nationwide, 375,000 babies are born each year who were exposed to illegal drugs before birth, 1 out of every 10 newborns.

The annual cost of hospital treatment for drug-exposed newborns is alarming: $178 million in California, $121 million in Maryland, and several billion dollars for the Nation as a whole.

In addition to these immediate hospital costs, we face even greater additional costs for foster care, special education, and other social services these children need as they grow up. The Health and Human Services Office of the Inspector General surveyed just eight major cities and estimated that, for the 9,000 drug-affected infants born in those cities in 1989, our Nation will pay $500 million in hospital and foster care costs during their first 5 years of life. The financial toll rises to $1.5 billion if they are given the comprehensive special education services they will need to prepare them for school. The rest of the Nation faces similar costs, and the cost is repeated each year with a new group of drug-exposed newborns.

We can reduce these costs substantially if we ensure that pregnant women have access to effective substance abuse treatment programs. While our legislation would cost the Federal Government approximately $20 million in the first year and up to $200 million annually by the fifth year, it would save far more by lowering the cost of health care, foster care, special education, juvenile justice, and other social services, and by reducing the human toll associated with drug addiction and fetal drug exposure.

For many addicted pregnant women, the only effective treatment is a comprehensive program in a residential setting that provides counseling, child care, room and board, and other services. Tragically, Medicaid will not reimburse States for the cost of residential treatment for Medicaid-eligible women. As a result, many women who need and want assistance to end their addictions have nowhere to turn.

Our legislation, the Medicaid Substance Abuse Treatment Act of 1991, amends Medicaid law to address this problem. It gives States the option of providing Medicaid coverage of residential drug and alcohol treatment services for eligible pregnant women and parents and their children beginning July 1, 1992. Beginning January 1, 1994, these services would become a mandatory component of the Medicaid program for eligible pregnant women and their children.

To be eligible for Medcaid reimbursement, residential programs must provide a comprehensive set of services known to be important components of effective women's drug and alcohol treatment programs. These services include counseling and treatment based on an individualized treatment plan; therapeutic child care or counseling for the children of individuals in treatment; parenting skills training; HIV prevention education; room and board; and assistance in obtaining educational, vocational, health, and other social services necessary to sustain recovery.

Since substance abuse treatment experts consider small size to be a key to the success of a residential treatment program, eligible facilities would be limited in size to 40 beds or modular units of no more than 40 beds in order to provide quality services and personalized attention. States could apply for a waiver for larger facilities that can demonstrate equivalent or greater therapeutic benefit at a lower cost.

Medicaid-covered services would remain available to women throughout pregnancy and for up to 12 months thereafter.

Mr. Speaker, these kinds of treatment programs can be very effective. The Institute of Medicine found that the clients of longer-term residential treatment programs stop virtually all illicit drug taking and other criminal behavior while in residence, and demonstrate lower drug use and criminal activity, and greater social productivity after discharge than they did before admission and than other individuals who did not receive similar treatment.

Furthermore, these programs are cheaper than the alternative. An Illinois study found that it cost an average of $7,000 to provide drug treatment, prenatal care, and hospital delivery to a cocaine-addicted pregnant woman. The cost for delivery and hospital care for a newborn whose mother did not receive drug treatment and prenatal care during pregnancy averaged $31,000. Comprehensive drug treatment offered savings of $24,000 for each newborn.

These figures suggest that we cannot afford not to act. Every day that we delay, more drug and alcohol-affected infants are born, many permanently damaged by fetal exposure to these substances. Our bill can dramatically reduce the financial and human costs of drug and alcohol addiction by making cost-effective residential treatment available to pregnant women and their families.

I urge my colleagues to sign on as cosponsors of the Medicaid Substance Abuse Treatment Act of 1991.

THE WALL OF PRAYER

HON. DAVID L. HOBSON
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 1991

Mr. HOBSON. Mr. Speaker, today I want to recognize the students at Cedarville College, a small, Baptist liberal arts college located in Ohio's Seventh Congressional District, who responded to the events in the Persian Gulf by erecting a 77-foot Wall of Prayer in the James T. Jeremiah Chapel on the college's campus. To date, the students have written the names of over 3,100 soldiers serving in the Persian Gulf, and more names are added daily. The students, faculty, staff and college visitors regularly pray for these brave individuals serving our country. On February 12, 1991, classes were canceled in order to observe a special day of prayer. A special prayer was said for each name listed on the wall.

The Wall of Prayer is comprised of several orange boards running the length of one side of the chapel. The boards are divided into bricks on which the names are written. Many of the bricks contain pictures, messages of hope or a specific need, and some reflect personal messages from students who have a family member or a friend stationed in the Persian Gulf. There also is a special section that contains the names of POW's and MIA's. The Wall of Prayer will remain in place as long as our Nation is engaged in the conflict.

Dr. Harold Green, vice president for Christian ministries and pastor of Cedarville College, along with several student leaders, worked together to organize this project. Dr. Green stated that "the wall is a tangible reminder to pray for the war effort. Students are also able to pray more specifically by identifying individuals for whom to pray."

The Wall of Prayer has received national and regional attention, which has resulted in the college and a local radio station receiving calls from around the country requesting that additional names be included on the wall so as to be remembered in the students' prayers. My thoughts and prayers are with the deeply caring people of the Cedarville College Community and I commend them on their faith. It is my hope that their prayers, combined with the prayers of other Americans, will bring a swift end to this conflict and a safe return home for our troops.

TRIBUTE TO NICOLA ANTAKLI

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Mr. Nicola M. Antakli. Mr. Antakli is being honored as World Trader of the Year by the World Trade Club of the Greater Detroit Chamber of Commerce.

Mr. Antakli is founder and president of Intraco Corporation, a leading world trade company. Founded in 1971, Intraco is the leading exporter of many industrial products to the Middle East. Among the products it exports are architectural and automotive glass as well as replacement auto and engine parts.

Mr. Antakli is also president of two other trading companies: Intraglas Corp. and Automotive Service Industries. He is president of Unitrade International, a real estate investment company. He also serves as a partner and board member for three additional firms, United Trading Establishment, Intraco—UAE—Limited and Saudi American Glass Co.

I commend Mr. Antakli on his exceptional involvement in international trade. It is critical for us, as a country, to become more competitive in the global economy of the 21st century. The foresight and enthusiasm of innovative entrepreneurs like Mr. Antakli are key in achieving economic balance between the United States and our trading partners. These same qualities are vital to making our community thrive. I am confident of Mr. Antakli's continued success and know he serves as an inspiration to all of us.

OIL RECYCLING INCENTIVES ACT STRENGTHENS MARKET FORCES FOR USED OIL RECYCLING

HON. ESTEBAN EDWARD TORRES
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 1991

Mr. TORRES. Mr. Speaker, to list, or not to list used oil as a hazardous waste? This is the key question many policymakers and interest groups have been grappling with in an effort to develop an effective and efficient used oil recycling program. An examination of the nature of the problem and a clear grasp of the potential application of the existing oil infrastructure strongly suggest that any effective approach to managing used oil necessitates this question being resolved in favor of not listing used oil as a hazardous waste.

All parties, I think, would agree that the appropriate objective of used oil management is to maximize the Nation's ability to get the enormous amount of used oil now discarded, back into the system and have standards in place to ensure its proper handling. In doing so, we must not create obstacles that impede the flow of oil back into the system. On the contrary, incentives must be created that enlist the power of market forces to work for, rather than against, used oil recovery. That is why I have introduced in Congress H.R. 872, the Oil Recycling Incentives Act. This legislation charts a new course by creating a system of economic incentives to encourage recycling of used oil.

The Oil Recycling Incentives Act currently has more than 60 cosponsors in the House of Representatives. In the Senate, the Oil Recycling Incentives Act (S. 399) was introduced by Senator TIMOTHY WIRTH and Senator JOHN HEINZ.

Currently, 95 percent of the used oil generated by do-it-yourself oil changers in America is simply thrown away. Much of a potentially valuable resource is either illegally burned or finds its way into our water supply via the local landfill or storm drain system. The environmental consequences are alarming, and the energy wasted by this practice is inexcusable. If all the used motor oil generated in the United States were captured and used as fuel, it would provide enough energy for 900,000 households yearly. Unfortunately, disposal is viewed as free and recycling is regarded as expensive or inconvenient.

The Oil Recycling Incentives Act would reverse this situation by requiring companies that produce or import lubricating oil to take some responsibility for getting a percentage of that oil recycled. The legislation requires the petroleum companies to meet the recycling goal by either: recycling the used oil themselves; purchasing re-refined oil from legitimate re-refiners; or by purchasing recycling credits from licensed recyclers. These credits would represent proof the oil had been properly recycled.

If the three methods, clearly the most innovative and exciting potential is offered by producers recycling the used oil themselves. The used oil would be re-introduced during the refining process—in effect making used oil a feed stock—exactly like crude oil. Recycling used oil into the refinery process will not only reduce our dependency on foreign oil, but it offers immediately available capacity for that used oil. Right now, the Nation's capacity for re-refining used oil into lubricant is less than 50 million gallons, or about 1 million barrels, per year. In contast, U.S. refining capacity is around 5,500,000 barrels annually.

Listing used oil as a hazardous waste would impede greatly this most promising method of "getting used oil back into the system." That is one reason why the Oil Recycling Incentives Act would direct the U.S. Environmental Protection Agency not to list used oil as long as it is properly recycled under strict tracking and management standards. The proposed legislation requires both testing for hazardous constituents and simple recordkeeping for the used oil. The used oil would be managed properly all the way from the service station to its final disposition. If the used oil has been contaminated, then the oil would have to be handled by a hazardous waste facility. Otherwise, the oil could be recycled and returned to commerce just like any other product.

Some other aspects of the bill:

EPA is directed to establish a mandatory recycling percentage that increases 2 percentage points each year for 10 years, using the most recent data available as a baseline.

Not later than 18 months after the date of enactment, EPA must issue regulations governing the creation, sale, and purchase of recycling credits.

A producer or importer is treated as recycling two units of used oil for each unit of refined oil or re-refined lubricant base stock purchased.

Records of oil tests, quantities of used oil received for recycling, the amount recycled or sold, and sale of credits must be kept for 3 years.

EPA is prohibited from listing used oil filters and affiliated materials as hazardous wastes as long as they are managed in accordance with EPA regulations.

Mixing used oil with any hazardous materials or with virgin crude is prohibited. Testing and recordkeeping is required to demonstrate that dilution and mixing have not taken place.

Transporters of used oil are required to obtain an identification number and insurance along with keeping records of oil pickup and delivery.

Road oiling with used oil is prohibited.

Outreach education activities will be implemented by EPA.

As written, H.R. 872, the Oil Recycling Incentives Act, prompts producers of lubricating oil to act. Some producers no doubt will settle for purchasing recycling credits on the open market, at least initially. But far and away the quickest and most powerful way to "get used oil back into the system" will be for the producers to flex their retail-level muscle—to provide convenient dropoff or pickup points for those wishing to deposit used oil. Then, the oil can be routed to re-refineries or refineries. This is already happening, as witnessed by recent initiatives by Ashland Oil, Amoco, Mobile, Chief Auto Parts, and others. My legislation will prompt the proliferation of more such programs. Another avenue for exploration by oil producers will be the formation of alliances with municipal, regional or state collection efforts, such as Project ROSE [Recycled Oil Saves Energy], a model program in Alabama.

Our Nation has the technology necessary to turn used motor oil into an energy asset and remove it from the list of environmental hazards. What is lacking is the proper economic incentive. Existing public and private initiatives show that the public is willing to act. Industry has an unquenchable thirst for used oil and a virtual limitless capacity to reclaim it through re-refining, refining and fuel processing.

The Oil Recycling Incentives Act creates a system of incentives that makes the oil infrastructure work for our environment and our economy.

THE WHISKY REBELLION

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. SHUSTER. Mr. Speaker, Sunday, March 3, 1991, will mark the 200th anniversary of the important but little remembered Whisky Rebellion. This event had a significant influence on our national development and I hope, at this time, to give it some of the attention it deserves.

On March 3, 1791, our direct predecessors in the First U.S. Congress, enacted a law imposing duties "upon Spirits distilled within the United States"—the infamous tax also prompted the first test of our newly ratified Constitution, then nearing the end of its third year. The ensuing rebellion ended only when President Washington himself returned to the field as Commander in Chief of the militia in 1794.

The entire Appalachian frontier erupted in rebellion as the frontier farmers viewed the tax as a burden they were singled out to bear. They viewed the newly levied tax as a hardship imposed by elite easterners with no respect for their interests. In these rural regions, served only by the most primitive of roads, not only was whisky a medium of exchange but it was also the only "cash crop" that frontier farmers were able to transport and sell in the east.

Opposition to the tax was based on more than economics. The constitutional question of whether the Federal Government had the power to raise revenue through direct taxation, a power previously only exercised by individual States, was also of great concern. Other objections included paying for a public debt incurred without their consent and that if the regional concerns of these rural Americans were ignored, did those adversely effected have the right to disobey the National Government or ultimately to secede from the newly created union?

Early opposition to the tax was peaceful, consisting of petitions from private groups and the repeal of the law by several State governments. More radical groups did surface and resorted to violence in the form of tar-and-feathering of revenue agents and the burning of property owned by those willing to abide by the law. At the height of the rebellion, 5,000 farmers marched on the expanding town of Pittsburgh, then retreated after causing little damage.

President Washington, during this time, saw the growing opposition as a threat to the authority of the National Government and to the unity of the Republic he had helped to establish through years of toil and bloodshed. Regardless of the merits of the tax itself, he felt justified in calling for its strict enforcement as the law of the land. When civil authorities failed to insure compliance, President Washington relied on another newly enacted law to call out the militia and order a march on western Pennsylvania.

The enactment of this seemingly innoxious taxation measure led to an armed confrontation and a test of national unity not to be matched again until the Civil War. Today many still question the need for more than 12,000 armed men used to confront an unorganized force of farmers, perhaps this is a sign of President Washington's perceived threat. While ending the rebellion did not totally eliminate tax evasion, the strong actions taken by the President did establish the primacy of the U.S. Constitution once and for all.

During the next 3 years, various commemorative events will recall the course of the Whisky Rebellion. The citizens of Bedford County, PA where George Washington came in 1794 to put down the rebellion have decided also to commemorate its beginning in 1791 with a ceremony at their historic court house. To mark the bicentennial of the law's enactment Washington, Hamilton and David Bradford will debate again: "Should Whisky be taxed? Our nation's first constitutional crisis."

Hopefully during this historical observance near my home in Bedford County will spark a national interest in the Whisky Rebellion. It deserves national recognition. Chief Justice John Marshall, who lived through those troubled times wrote later that no event during the first quarter century under the U.S. Constitution was of greater importance. Revisiting this period of history will prove his assessment was correct. At a time when the United States faces a major new challenge we should not forget the events of the past which helped to unify our nation and make it strong.

We as Pennsylvanians are extremely proud of our heritage, our history and our nation. We have, since the early days of the United States, always been proud of our role in the development of this great country.

ESTONIAN INDEPENDENCE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. LIPINSKI. Mr. Speaker, once again I would like to take a moment to recognize the anniversary of a Baltic nation's independence. This week marks the 73rd anniversary of Estonia's declaration of national sovereignty and self-determination. On February 24, 1918, the leaders of Estonia declared independence even while the country was under German occupation. Risking severe repercussions and additional arrests, the Estonian leadership effectively denounced the previous 8 centuries of foreign rule.

Although Estonian independence was short-lived, it is vital that we continue to recognize it. With the recent Soviet crack-down throughout the Baltics, Estonia, like Latvia and Lithuania, is yet another example of the horribly misguided policies of the Soviet Union. Throughout the Baltic States freedom-loving peoples continue to fight, be persecuted and die for basic human values. Large numbers of Estonians who have been forced to flee the oppressive regime in their homeland reside in the United States. They have brought technical skills, artistic abilities and vibrant cultural heritage to this country, knowing that their talents would be wasted or misused at home. I am confident that when the Soviet Army finally loosens its iron grip on the Baltics, many Estonians will return to their homeland. If the recent actions by Moscow are any indication however, that return may have to be postponed. To many Estonians, the ongoing Soviet occupation, though never recognized by the United States, still remains as an all too real reminder of a bloody and treacherous past.

Worded in a manner that was consistent with most of their other territorial agreements, the Soviet-Estonian peace treaty of 1920, "voluntarily and forever" renounced all Soviet rights over the territory of the people of Estonia. Of course, the guarantees on this piece of paper amounted to little after the 1939 Molotov-Ribbentrop Nonaggression Pact. On the same day that this infamous document was ratified, the Soviet Government imposed upon the rightful government of Estonia a mutual assistance treaty. This document, while reiterating the provisions of the 1920 treaty, forced Estonia to agree to the building of several Soviet military bases at strategic locations throughout the country. With such a Red Army presence, Estonia became yet another vassal to Mother Russia.

It is time for this illegal and brutal occupation to end. The time has come for President Gorbachev to pull his invading armies out of the three Baltic Republics and restore their legitimate national sovereignty. Since the dramatic events of 1989, the nations of Eastern Europe have regained their independence and their people have freely elected representative governments. The communist governments of

Poland, Hungary, East Germany, Romania and the others had seemed so permanent and secure, entrenched as they were with their secret police and Soviet-supported armies. These obscene monuments to Lenin's revolution of the proletariat have now crumbled, their substance being blown away by the forces of freedom and enlightenment.

Estonia has also elected a government of the people which has declared its right to secede from the Soviet Union. Moscow, in its ignorance and sense of false importance, has refused to allow the Estonians to realize this declaration. In his desire to maintain the status quo and placate those in his government who still dream of empire, Gorbachev continues to repress the Estonian people. What he fails to realize is that, just as Eastern Europe unshackled itself from a retarded Soviet economy and a selfish, oppressive regime, so too will the Baltic nations. Like their European counterparts, the Estonians will not willingly concede to the continued occupation of their homeland. Unlike the Europeans however, the Baltic States have several examples to follow which illustrate a workable method of overthrowing the Communists. It is only a matter of time before the Soviets are unable to maintain their toehold.

Mr. Speaker, I would just like to join my colleagues in calling for the immediate withdrawal of all Soviet forces from the Baltic Republics. The people of Estonia, Latvia and Lithuania have made it quite clear that they want their rightful independence. The Soviet Union illegally annexed these three nations and for the past 50 years has maliciously exploited their natural resources, industries and populations. On the 73rd anniversary of Estonia's independence, I once again call upon Mr. Gorbachev to use his power to give the Estonians back their country. I do realize that he may not choose to accede to my wishes on this matter. Afer all, I am used to a democratic system where rational, constructive debate enables us to make decisions with the general welfare foremost in mind. Such a concept is as yet untried in the U.S.S.R. Perhaps though he will someday come to understand democratic government and finally listen to the millions throughout the Soviet Union who only ask for the freedom to choose their own future paths.

HEALTH CARE LEGISLATION TO HELP ELDERLY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Ms. SNOWE. Mr. Speaker, today I am pleased to introduce, along with original cosponsors, the Osteoporosis and Related Bone Disorders Research, Education, and Health Services Act of 1991 and the Medicare Bone Mass Measurement Coverage Act of 1991. These bills are also included in the Women's Health Equity Act, introduced on February 27 by the congressional caucus on women's issues, of which I am cochair. And Senators CHARLES GRASSLEY and JOHN GLENN, with whom I have collaborated for many years on osteoporosis and other issues affecting the elderly, have introduced this same legislation in the U.S. Senate.

As you are probably aware, osteoporosis, or porous bone, is a major public health problem. As a debilitating disorder, it is characterized by an excessive loss of bone tissue which greatly increases the risk of bone fractures—particularly of the hip, neck, wrist, and spine. Over 27 million Americans are affected—almost half of all women over age 45, 90 percent of women over age 75 and many men as well. The disease develops silently over many years with no symptoms and many people are unaware they have it until a sudden bump, strain, or fall causes their weakened bones to break or their spinal vertebrae to collapse.

At least 1.3 million fractures in the United States each year are caused by osteoporosis, including 250,000 hip fractures, 500,000 vertebral fractures and 200,000 wrist fractures. Direct medical costs for the care of these fractures was estimated to be over $10 billion a year in 1988, with cases related to hip fractures accounting for over $7 billion. As these fractures are concentrated in persons over age 65, and the rate of fracturing increases sharply with age, future costs of caring for these patients could reach $30 to $60 billion a year by the year 2020 if biomedical research fails to find effective prevention and treatment for the disease.

The most tragic consequences of osteoporosis result from hip fractures, which disproportionately affect elderly women; 12 to 20 percent of the individuals who suffer a hip fracture die during the 6 months following the fracture. Of those who do survive a hip fracture, 20 percent will need nursing home care, often for the rest of their lives, and 50 percent will need some help with daily living activities. Over one-fifth will be unable to walk for at least a year—and many will never walk again.

By the year 2030, the number of older persons over age 65 is projected to double, and the number of those over age 85 may increase from 2.5 million to 12 million. Without major advances in prevention and treatment of diseases such as osteoporosis and Alzheimer's disease, the costs of caring for the increased number of hip fracture and dementia patients in this "old-old" age group will soar dramatically. In today's difficult financial climate, mobilizing research efforts on these diseases and disorders which lead to long-term disability in the oldest-old is a positive way to reduce soaring health care costs.

The legislation which I am introducing, the Osteoporosis and Related Bone Disorders Research, Education, and Health Services Act of 1991 will expand, intensify, and coordinate Federal biomedical research on osteoporosis. It provides for an additional $62 million to expand and intensify Federal biomedical research on osteoporosis. Experts maintain that $100 million is necessary to fund the research level needed to make sufficient progress on the disorder. Current level expenditures at the National Institutes of Health [NIH] is approximately $33 million. Although there have been significant advances in osteoporosis research, inadequate funding levels continue to result in very low award rates for research grants on osteoporosis at the National Institutes of Health. Substantial basic research on the causes of osteoporosis and risk factors that can be modified is yet to be done. Research on promising treatments to restore bone loss and to prevent further bone loss must also be expanded and tested in clinical trials.

In addition, the bill would establish: First, an Interagency Council on Osteoporosis and Related Bone Disorders within the Department of Health and Human Services to promote and coordinate research, education, and health promotion programs; second, an Advisory Panel on Osteoporosis and Related Disorders, of non-Federal experts on the disease, which would make recommendations on biomedical research, health promotion and services, and education to Congress and the Secretary of the Department of Health and Human Services; and third, a Resource Center on Osteoporosis and Related Disorders to compile and disseminate information about research results, services and educational materials to health professionals, patients and the public.

I am also introducing the Medicare Bone Mass Measurement Coverage Act of 1991 to expand Medicare coverage for diagnostic testing of osteoporosis. Bone mass measurement is the only accurate way to detect and diagnose low bone mass in order to assess the risk of fracture and select therapy to prevent further loss. Currently, the Health Care Financing Administration [HCFA] only covers reimbursement for bone mass measurement for single photon absorptiometry which has been surpassed for several years by more sophisticated, cost-effective and accurate technologies.

Years of review and reliance on obsolete data have continually delayed HCFA approval of newer bone mass measurement technologies which have been wholeheartedly endorsed by the scientific community. My bill limits Medicare reimbursement for updated bone measurement technologies to four groups which are most at-risk to have or develop osteoporosis and, therefore, most at-risk for developing fractures. As such, the following target groups would be covered: First, estrogen-deficient women at clinical risk for osteoporosis; second, individuals with vertebral abnormalities, such as compression fractures; third, individuals receiving long-term glucocorticoid steroid therapy, and fourth, individuals with primary hyperparathyroidism.

In anticipate that the impact of the cost of such coverage on Medicare expenditures would be very low and would result in some short-run cost savings. In the long run, Medicare and long-term care savings would be substantial as a large share of the direct medical, hospital, and nursing home costs for fractures of osteoporosis patients should be prevented. In addition, Medicare will benefit as insurance companies are likely to follow Medicare's lead and extend coverage for these updated bone measurement technologies to women under age 65. This would result in cost savings to the Medicare Program as the disorder could be detected at an earlier age when prevention is still possible.

These two bills which I am introducing are only slightly modified from those which I introduced in May 1990, in the 101st Congress. They both won significant support, and major provisions of the research bill were included in the NIH reauthorization bill approved by the full House Energy and Commerce Committee. Both the House and Senate Appropriations Committees also took important steps in recognizing the need for enhanced research on osteoporosis.

Mr. Speaker, I believe that we must continue to build on last year's initial gains in order to establish a major Federal commitment to overcome the devastating human and fiscal costs of osteoporosis. The pain, suffering, immobility and deaths due to the fractures of weakened bones could be substantially reduced, and hopefully eventually eliminated through enhanced biomedical research and prevention and treatment programs. I believe that the legislation which I am introducing today provides a significant step toward these goals.

AMERICAN SAMOA GOV. PETER TALI COLEMAN'S STATE OF THE TERRITORY ADDRESS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. LAGOMARSINO. Mr. Speaker, the Governor of American Samoa issued a moving state of the territory address last month in which he told of the many American Samoan men and women serving in the Persian Gulf. Once again, the people of American Samoa are demonstrating the same deep loyalty to the United States as they have since the American flag was raised in 1900.

I believe Gov. Peter Tali Coleman's state of the territory address reflects the commitment of the people of American Samoa to our 91-year-old relationship. There is no doubt this territorial relationship has developed into a closer one over the past nine decades and it is fitting for the relationship to be further strengthened given the steadfast loyalty of American Samoans.

It is also important to note the great strides in self-government that have been made in Samoa. As Governor Coleman's statement indicates, economic progress continues with a drive toward greater self-reliance and efficiency.

Although American Samoa lies in the Pacific south of the equator and is geographically a great distance from the United States, Governor Coleman's state of the territory reflects unquestionably the loyal and close nature of the United States-American Samoa Federal relationship.

Gov. Peter Tali Coleman's state of the territory address follows:

GOVERNOR'S STATE OF THE TERRITORY ADDRESS, JANUARY 14, 1991.

President Letuli Toloa, members of the Senate, Speaker Tuana Itau Tuia, members of the House of Representatives, Lieutenant Governor Galea I and members of the executive branch, Chief Justice Kruse and the Judiciary, Congressman Eni Faleomavaega, District Governor Leiato, Servant of God, ladies and gentlemen:

I come before you today less than 24 hours before the deadline expires set by the United Nations for Iraq to withdraw from Kuwait. So as the world waits nervously for the outcome of that terrible problem in the Middle East, we are also confronted with daily news bringing us constant warnings of a shaky world economy. Although our islands may seem far away from these events, we cannot avoid being touched by them. As you may know, there are about 400 sons and daughters of Samoa now in the Persian Gulf, and the number grows daily. I guess that perhaps almost every family or village in American Samoa has a son, or a daughter or a relative now in the Persian Gulf. I therefore again respectfully ask each and everyone of us to please remember them in our daily prayers.

Just a week or two ago, I gathered with many of you in a special service (Sauniga Lotu) in Fatuaiga to pray for them. Video tapes of the service and the dedications of many parents and relatives have been sent to our sons and daughters in Saudia Arabia, and informing them of our strong and full support. This is a real crisis for you and all of us. But let us continue to pray for a peaceful and decisive resolution so that our young people can return home soon and safely. I am announcing a half-day working day tomorrow so that all of our government employees may join their families and churches for special prayers for the situation in the Persian Gulf.

But with our minds distracted by examples of self-interest, greed and aggression, let us not lose sight of the positive side of the human spirit. At a time when we are so aware of man's ability to destroy, let us remember man's ability to build. We must focus on the progress that can be made when men and women work together for the common good. We are fortunate this year here in American Samoa, to be surrounded by many fine examples of this kind of achievement.

1990 brought many frustrations and challenges to the people of American Samoa, but it also gave rise to many opportunities for our children in every school. The Samoan studies program was reviewed in an effort to assure that students are prepared to read and write in both English and Samoan. Remedial students were offered a second successful summer school program.

By executive order, the American Samoa Community College has taken significant steps toward establishing itself as an autonomous institution responsible for its own management as overseen by the president of the college and board of higher education. The planned assumption of full autonomy in the fall of this year will help separate the work of the college from politics and assure its continued accreditation. This year the college provided much needed educational services to over 1,200 students.

Quality of education and school facilities have long been the concerns to all of us. Hurricane Ofa destroyed many classrooms and other school facilities, but thanks to the decision of the Fono last year to restructure our taxes to generate much needed additional revenues. As you know, part of the revenues from the 5% excise tax will go to rebuilding of the school buildings and classrooms. We also received a grant of $1.2 million from DOI to assist with the school rebuilding program. We are presenting an amendment to clarify the language of the 5% tax for a more fair application.

The Department of Education has established firm programs to raise the standard of teachers. Teacher certification policy has been established, and for the very first time, a graduated salary scale is in place to truly reflect the academic background and teacher performance.

Together with the community college, the American Samoa teacher education program is designed to upgrade teaching skills and acquire more and new knowledge pursuing higher certification levels.

Our vision for the youth of American Samoa looks beyond their formal education. Those who participated in the last year's summit on education reminded us that the education of our youth is the responsibility not just of our schools, but of the entire community. To that end, I have established the position of coordinator of youth development programs in my office. The youth officer will take the responsibility of working together with all youth organizations in the territory with the goals of improving themselves and their chances for the future.

There is much to be concerned about in 1991, many things and countless individuals and businesses have received cash or loans to make needed repairs. These new buildings stand as symbols of the good which comes of a well-coordinated, team effort.

The Fono can be credited with providing funds last year for a systematic refurbishing of our school facilities, and the required funds to supplement FEMA's recovery efforts. In 1992 when the funds for these programs have been collected, the excise tax will be reduced to 3 percent, and these monies will go far in our efforts to reduce our deficit and provide continued needed services to our people.

The cost cutting measures within the executive branch including our efforts to monitor hiring, purchasing and travel expenses have been successful. Port revenues increased dramatically in 1990, and will increase further this year.

Even though financial woes and of a recovery dominate our memories of 1990. They have not dimmed our vision for the future of the territory. 1991 is marked by the coming together of many projects designed to build a foundation for a safe and prosperous tomorrow.

This year, we begin to take great strides to improve transportation services, both to improve opportunities for business and industry and for the convenience and safety for our people. Repairs to the terminal warehouse and container storage area on the dock have been completed. We have also completed construction of two environmentally sound gasoline storage tanks, the reconditioning of jet fuel storage tanks, and the start of construction of new facilities for storing diesel fuel at the tank farm.

In efforts to improve personal transportation services, the Fitiuta Airport runway was dedicated last August, making it safer to fly between Tutuila and Manu'a and bidding to complete the road from Ta'u to Fitiuta is underway.

Today, I am happy to announce that ASG has obtained an "LCU" vessel, completely overhauled and brand new shaft installed. This vessel, being named SFC. Konelio Pele, will be used by the government for work in Manu'a and Swains Island. She can carry both passengers and heavy cargo. The LCU can be put into full use upon arrival here hopefully by March this year.

A $3.5 million capital improvement allocation to the American Samoa Power Authority [ASPA] has been granted to begin its 5-year plan of improvements to our electrical power and water systems. The Pala Lagoon [waste water] system, Utulei Ocean outfall project and Pago Pago Harbor sewer system rehabilitation project have been completed at a cost of over $8.7 million. Other major projects for ASPA this year include: a new distribution feeder in Tafuna; Computer mapping and CAD system; screener for government surplus items, Tafuna plains sewer collection system; water systems for AOA, Aunuu, and Masefau, and solutions to the Ta'u salty water problem.

In a move for a more economic approach to the use of energy, a new sun-energy powered communication system will be installed in Swains Island, and a similar one in Ofu, Manu'a to improve TV reception in that area. To assist with our efforts to control costs, I plan to propose legislation to create the American Samoa Energy Commission.

We are planning renovation of the terminals at Pago Pago International Airport including the main concourse and restroom facilities.

Additionally, phase 1 of the Onenoa Road has been completed, upgrading of the village road in Fagaalu, Tafuna sidewalk, installation of new underground communication lines in Utulei, construction of the new guest fale at the airport have been completed.

As you can see around the territory, the efforts of parks & recreation and tourism are noted in trying to keep Samoa clean. The Onesosopo Park is now enjoyed by the children and residents of the east side of the island. Lions Park in Tafuna damaged by Ofa has been repaired and now in use. There will also be a new park near that area that should be completed this month. Park and basketball court for the children's playground in Amanave will also be completed this month.

Public safety has put more officers on patrol. A joint effort by our government, DOI and the United States Coast Guard Marine Enforcement Program has beem implemented, and the Disaster Emergency Operations Center has been completed. We need however to improve our fire fighting capabilities by providing better equipment and facilities. I look to the Fono for your help in this respect.

For 1991, we plan to construct 2-story classroom buildings on 4 elementary school sites at: Siliaga, Pavaia'i, Alataua Lua and Tafuna. We also plan to build a new special education facility at Matafao Elementary School, a new fire station in Tafuna, and new medical clinics in Leone and Mapusaga.

Government facilities slated for repairs include offices and warehouses, phase 2 of the Onenoa Road, seawalls to augment the American Samoa Shore Protection Program, work on Faleasao Harbor, and upgrading the road to Fagasa.

Work on the re-roofing of the hospital in Fagaalu is also scheduled for completion this year. A new small resting room is to be built this month adjacent to the hospital in that area to provide our dialysis patients room to rest prior and after their treatment.

We should also begin to think seriously about building a new hospital. The facility now in Fagaalu has grown old and most of it too expensive for proper repairs. There is nothing more important to all of us than the health of our people. Providing a good health facility with good doctors and good nurses should be a priority with all of us, certainly, a priority in this administration. We shall begin to work on this project in the very near future. Meanwhile, a new hospital authority has been established to conform with Federal requirements.

A federally funded, youth sports center is planned for construction at the Pago Pago Park. We take pride in the abilities of our youths to compete in various sports activities locally and in the national level. We witness that fact every weekend watching college and professional sports, particularly football. Samoans stand out in several college and professional teams. Providing this new sports facility will go a long way in helping our youths achieve their goals and making their dreams come true.

A vision of the future which provides for development, must also provide protection for our environment. Our health and prosperity depend on our ability to protect our natural resources. This year, we have established the clean water standards for Pago Pago Harbor designed to clean up the pollution in our waters, and are currently working with the canneries to plan construction of a pipeline which will ensure that the pollutants they produce are deposited far from our shores. Meanwhile, wastes from the canneries are now being taken to an ocean dump site many miles away. A Waste Oil Management Program is planned for implementation in conjunction with our EPA, ASPA and the canneries.

The American Samoa Community College working with departments of development planning and marine and wildlife resources has completed a list of threatened and endangered species in American Samoa. Work is being done to establish a research station at the college. A complete alcohol and drug policy for the college has been established.

In 1991, we will begin construction of a new two-story marine and wildlife resources facility to replace the current building. The new facility will enable the office to provide even more reliable information and services to those who depend on our natural resources, and will improve the appearance of the harbor area.

This year, we will also begin three projects designed to further secure our contact with our historic past. Plans are currently being developed for restoration of the historic courthouse building in Fagatogo, and arrangements have been made for the donation of materials to repair the roof of the Hayden Museum which houses so many valuable documents and artifacts of local historical significance. Recently, we broke ground for the construction of a record center (archives) in Tafuna which will house records of personal and government affairs in order that they may be safely preserved for future generations. This is an important building for its purpose. It is vital that we properly maintain and preserve records of our territory and this government.

A new $2.3 million main library is planned for construction this year. The seed money is provided by the Barstow Foundation and the Department of Education. The rest of the money will be provided by contributions from key corporations and the general public. The new library will be the major resource center of intellectual development for our people, particularly the youths.

In housing, the American Samoa Development Bank expended a total of $3.8 million last year for housing, home improvements and new homes, business loans and business line of credit. Home improvement loans were increased to $10,000 from $5,000, and new home loans increased to $75,000 from $40,000.

To stimulate our local economy and basically to fund housing and to invest in our local private businesses and other important matters, the development bank is negotiating a $50 million loan from American Express/Shearson Lehman Bros/and International Capital Corp. Approximately 900 to 1,000 new homes for our people can be funded with this money. I do not have to tell you the dramatic, extensive and positive impact these new funds will bring to the economy of the territory.

For the very first time, the hotel realized a substantial profit last year and its cash position shows a balance of $275,000. Several rooms have been refurbished and brought up to today's standards, and a new professional manager is being sought and should be in place in the near future. We look for better conditions and better things happening in the hotel this year.

No vision for the future is complete without plans for those who will live in the world we are working now to create those who will lead Samoa into the 21st century are the youths of today.

In thinking about our young people, we turn first to their education and to the work of those entrusted with their intellectual growth * * * their teachers. No other group has a greater impact on our future. This year, inspired by the many ideas and concerns shared at the Governor's territorial summit on education, the Department of Education has established a teacher career-ladder salary plan which provides incentives for teachers to pursue professional development and which rewards teachers based on their performance in the classroom. Supporting the career ladder is a system of teacher certification and training which includes the establishment of the first comprehensive teacher training program at the American Samoa Community College, and continuation of university programs to provide bachelor's and master's degrees to teachers. We have also instituted leadership training for school principals through the lead project.

The dedication of our local educators has meant improved opportunities for young people in every age group in our school system. This year for the very first time, kindergarten programs were available to people to experience what courage, faith, hard work and dedication can produce.

On the occasion of this opening of the 22nd legislature, which is also the mid-point of this administration, let me take this opportunity to reflect on and celebrate our achievements, and to set a course for continued progress toward our vision of the future.

1990 began with the territory mired in a financial crisis, which was soon after, complicated by Hurricane Ofa. I do not need to remind you of the extent of damages the winds and rain brought with them. But I would like to focus your attention on our recovery efforts.

In just days and weeks following OPA, the people of this territory pulled together to rebuild, neighbor helping neighbor. They were assisted in their rebuilding efforts by government departments committed to serving the people in their time of need. None of us should forget the tremendous efforts of ASPA and communications crews who worked day and night to see that power, water and telephone services were quickly restored. We must acknowledge the work of the Department of Public Works in attending to emergency repairs, public safety in providing necessary order, tourism and parks and recreation helping out with general clean-up, and the American Samoa Community College Land Grant Program and the Department of Agriculture for their support of efforts to restore our crops and other agricultural resources. The Office of Treasury worked with FEMA to see that the recovery of personal losses and the rebuilding of homes and businesses could begin promptly. Working along with others from the Office of the Attorney General, they have recently negotiated the insurance settlement of $14 million plus which will make possible the reconstruction and repair of many government properties and facilities.

We must also recognize the work and efforts of public works and ASPA workers who went to western Samoa and assisted our brothers and sisters there in restoring power to rural areas following OPA.

To date, construction has began or been completed on 828 new homes. But there is also hope and progress all around us of which we must not lose sight. I see signs in American Samoa's present that makes me confident about our future. So, although OPA brought vast devastations to our islands, it also brought blessings to many of our residents. We see many new homes already completed, and most people have done the necessary repairs to their homes and dwellings.

Just last week, I was fortunate to join in the celebration of the graduation of Dr. Annie Fuavai, from medical school in Fiji. Dr. Fuavai, locally educated, has chosen to return home to serve the people of American Samoa as a surgeon. She is an example for us to see that all young people of American Samoa have access to the opportunities Annie has enjoyed, and that we continue to move forward to provide a prosperous future for all, and to make it easier for our children to make their dreams come true.

Finally, let me turn to our political future. Much was written about the political future following the annual meeting of the Pacific Basin Development Council (Governors) which was held here in November. Let me assure you that the opening of talks with Washington to discuss a new relationship which I called for, does not signal any fundamental change in our way of life. Terms such as Commonwealth or Free Association do not have precise legal meanings in the United States system. Every political subsidivision, whatever it may be called, falls into one of two categories: Either it is a State or it is not a State. We have lived proudly under the American flag for almost 91 years in the latter category and I judge that it is the overwhelming sentiment of our people that we continue to do so. But that does not mean we cannot improve our relationship with America even though ours has succeeded where many blendings of cultures have failed. That is because our relationship was established in 1900 on the basis of mutual respect for customs and cultural differences and that concept has been honored by succeeding generations.

The most important contrast is our land tenure system which differs drastically from the prevailing system most everywhere else in the United States. Although our nearly century-old treaty continues to be our basic document of association, for some time, I have been concerned that the institutional arrangements with Washington developed over the years to carry out the treaty have become outmoded and are out of step with the times. In an era where self-government and self-determination have become watchwords around the world, the time has come for our leaders and our people to examine whether a secretarial order of the Department of Interior provides sufficient protection for our land and culture and security for our relationship with the United States. I, for one, have serious doubts that it does. I also doubt whether Congress is a better substitute for that matter.

Any new arrangement must provide for permanent protection of our land and preservation of our culture and FAA-Samoa while strengthening our political position in the U.S. family, maximizing our self-government and, if possible within the framework of the U.S. Constitution, provide U.S. citizenship to all our people. These are basic goals, my basic objectives, whether it is called a commonwealth, a territory, or a freely associated state or something else is immaterial to me because it will still be called, American Samoa.

In preparation for full discussion with the people of the alternatives for our political future, I have asked the Fono leadership to work together with me in introducing a resolution in this session requesting the Secretary of the Interior through my office to authorize my appointing of a future political and constitutional review commission for this purpose with a broad mandate to look at all our options. In the meantime, I will be traveling to Washington shortly and will be meeting with the Secretary of Interior also to explain our intentions.

I know it is difficult for any of us to pay any tax. But the reality of the situation is that we in this government must provide the necessary and improved services to our people. We must provide the best we can for the education of our children and the protection of our island resources and environment. For all these and many more, we need money. We cannot continue to depend on Washington to provide for everything—with the impending war and the world shaky economy, we must look upon ourselves to share in the costs of providing these necessary services. These things are for our own benefit not for anyone else.

To the President and the distinguished Members of the Senate, I am resubmitting the name of Mrs. Mere Tuiasosopo Betham for confirmation as the first woman to fill the important position of Samoan associate judge. She has been bestowed by her family the Tulafale Matai title of Seuvaai, and it has been duly registered with the Office of the Territorial Registrar. I respectfully request of the Senate to confirm Tofa Seuvaai. Not only has she the qualifications for the position, her confirmation by the Senate will also show to the people our respect for the women of Samoa.

So, as you prepare now to undertake the many tasks before you in what should be a lively and, I am sure, productive session, let me congratulate your leadership on their recent elections, let me welcome back the returning Members of the House and Senate and let me express a special Talofa to all the new faipules who are taking their seats here for the first time to take part in the sacred trust called government. I stand ready to work together with all of you, so that together, we can provide the best we can for all our people and our children.

May God bless this Fono, may it legislate wisely, and may we all govern well and honestly for the good the people of Tutuila and Manua.

May God bless American Samoa, and

May God bless the United States of America.

SOIFUA.

THE INDIANA DUNES NATIONAL LAKESHORE ACCESS AND ENHANCEMENT ACT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. VISCLOSKY. Mr. Speaker, today I introduce the Indiana Dunes National Lakeshore Access and Enhancement Act, a bill to recapture over 1,030 acres of Indiana's dunelands for the people of the United States of America. The legislation, much smaller in scope than a similar bill passed by the House of Representatives in the last Congress, strikes a delicate balance between differing local interests and the needs of the National Park Service and the American public.

I began to formulate this legislation in December, 1988, due to my concern about the growing demands placed on the Indiana Dunes National Lakeshore. Park visitorship grew from 264,000 in 1977 to 1,791,902 in 1989. All signs indicate that this trend will continue. As visitor demand grows, internal and external challenges on the park also grow. These challenges must be met. The Indiana Dunes National Lakeshore Access and Enhancement Act addresses many of these challenges.

Throughout the process of drafting this bill, I have been in constant contact with community leaders, concerned individuals and property owners as well as local environmental groups. I am pleased that most of the controversy surrounding the legislation has dissipated as a result of compromise on the part of all involved. I do realize that a few contentious issues remain. I am committed to continue discussions as the bill moves through the legislative process.

The Indiana Dunes National Lakeshore is a park of serene beauty and recreation. Approximately 8 million people live within easy commuting distance of the park. It provides beaches, picnic areas, trails for biking and hiking, seasonal festivals and educational facilities for park visitors. Throughout the years, the Lakeshore has become an anchor for improving the quality of life in Northwest Indiana.

In a State where only 3 percent of all land is in public ownership, only a small percentage of land in each region is available for outdoor recreation. We must take great care of the public lands we have. The Indiana Dunes National Lakeshore Access and Enhancement Act does just that. It offers visitors a vast array of new opportunities and provides the park with additional room to maneuver. Now is the time to accept the challenges faced by this national park. For, as the National Lakeshore has improved the lives of park visitors and local residents, so too must we continue to improve the Lakeshore.

TRIBUTE TO ROBERT NESEN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. GALLEGLY. Mr. Speaker, on March 12 one of the leading citizens of my district will be honored for his outstanding contributions to international friendship and to his own community.

Robert D. Nesen, who was an outstanding ambassador to Australia in the 1980's, will be honored by the Australian/American Society of Greater Los Angeles for his contributions to the international community and to the community in which he lives. Bob has been instrumental in the growth and prosperity of Ventura County for many decades, and has earned his reputation as an elder statesman in our area. Mr. Speaker, I am proud to call Bob a friend.

In addition, the event will salute the strong bounds of friendship and cooperation that exist between Australia and America. As the economies of California and the entire United States become more intertwined with the nations of the Pacific Rim, it is important to note that friendship, and to resolve to maintain and strengthen those ties.

Furthermore, Mr. Speaker, the event will benefit Parkinson's disease research. Ambassador Nesen will be presented with the prestigious Path to Dignity Award by the American Parkinson Disease Association. Because of the valiant struggle that the Hon. MORRIS K. UDALL, one of this body's most respected members, has waged against this disease, Members of this House have an understanding of just how tragic and debilitating Parkinson's disease is. Fittingly, Mr. UDALL is a member of the event's honorary committee, and I know my colleagues join me in wishing him a speedy recovery from his recent injuries.

In conclusion, Mr. Speaker, I ask my colleagues to join me in saluting Bob Nesen for his many accomplishments, and in honoring the Australian/American Society of Greater Los Angeles for their role in promoting friendship and in their generous role in helping to fight Parkinson's disease.

TRIBUTE TO DR. M. PATON RYAN, R.S.M.

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in tribute to a friend of the greater Hartford, CT community who recently passed away. Dr. M. Paton Ryan, president of Saint Joseph College, was a friend to many—the college community, business and civic leaders, elected officials, and the Sisters of Mercy, the religious order to which she belonged.

The strength of her leadership was founded in the strength of the woman. Friends and colleagues remember her compassion, wit, confidence, intellect, vision, and her humanity. She knew great courage from her days in the halls of the male-dominated Yale University graduate school, to her most recent and challenging battle with cancer. Adversity seemed not to have been a part of Paton's vocabulary.

Paton was a friend and a colleague, she was ever the optimist, and she was dedicated to the ideals and principles for which she herself was best known and respected. She was described by her peers as "a hero, one of the most influential people," as "someone you could talk about anything with, from basketball to Shakespeare," and "to think of Mary Paton Ryan is to feel joy." Paton was modest, funny, engaging, tough—yet fair, gentle and most of all, an outstanding role model for the young women whom she lead as president of St. Joseph College.

I would like to share a thought which Paton held dear and was featured in the Outlook, the campus publication which carried the news of her death: "Not even the deepest snows can hide the promise of new growth and longer days. The wellsprings of life flow fed by the beliefs shaping our lives; our love for families, friends and colleagues; our respect for all those who at every level generously serve in order to lead us toward a better world." Paton worked tirelessly in her commitment to a better world, and the greatest tribute we can offer to this dynamic woman who gave so much of herself to others, is to perpetuate her dreams of creating and sustaining a better life.

THE 200TH ANNIVERSARY OF PORTUGUESE DIPLOMATIC RELATIONS

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. RHODES. Mr. Speaker, during the recorded vote on Senate Joint Resolution 55 (H.J. Res. 100) on February 27, 1991, I was unavoidably absent.

Had I been present, I would have voted "yes" on the passage of Senate Joint Resolution 55 (H.J. Res. 100), which recognizes the 200th anniversary of Portuguese diplomatic relations with the United States, and further recognizes the continued strong friendship and cooperation between the people of the United States and Portugal.

HONORING DENNIS B. HART

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleague's attention the long and distinguished career of the Sacramento County Department of Social Services director, Dennis B. Hart.

Mr. Hart will be celebrating his retirement this evening after serving 10 years in the position of director of the Department of Social Services for Sacramento County, and 20 years of county government service prior to it. He has been in charge of over 1,000 employees in three separate positions and wisely allotted money to very important social programs throughout the State.

He worked his way up from a county probation officer in Los Angeles in 1961, to his present job as director of social services. Throughout his career, he has been active on national social welfare committees and the National Association of Counties. He has strived for efficiency in the welfare system by eliminating fraud and other abuses in each department he has been associated with. He has been in charge of large amounts of the taxpayers money, and spent it wisely.

Mr. Speaker, I know that my colleagues join me in honoring and thanking Dennis B. Hart for his valuable contributions to our society. We wish him well in his retirement.

OUTSTANDING AFRICAN-AMERICAN CHARLES R. PRUDHOMME, M.D. PSYCHIATRIST

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. DELLUMS. Mr. Speaker, I am pleased to place into the RECORD the following statement regarding an outstanding African-American, Charles R. Prudhomme, M.D., psychiatrist.

Dr. Prudhomme was one of the founders of the local D.C. Mental Health Association and developed the student mental health program at Howard University. He received the first Solomon Carter Fuller Award in the early 1970's. His contributions to psychiatry were also formally recognized by the psychiatry/neurology section of the National Medical Association. In addition to his service as an officer of the APA, he was a member of the ethics committee, black psychiatrists task force, and committee on public policy.

A native of Opelousas, LA, Dr. Prudhomme spent his childhood in Kansas City, MO. Often a victim of racial discrimination, he devoted a significant amount of his time and energy to working toward the elimination of racist practices during his professional career. He often recalled the meeting he had with President Harry S Truman, along with other African-American leaders, about segregation of the Veterans' Administration. The following day President Truman desegregated the VA hospitals by Executive order.

He was the first African-American to be elected to a national office of the American Psychiatric Association, he served as vice president, 1970–71. In 1985 he was presented with the Distinguished Service Award at the APA annual meeting. The nominating committee, which selected Dr. Prudhomme for this award, reported that his "distinguished service to the APA and American psychiatry is a reflection of a medical career dedicated to the pursuit of excellence in patient care." He is remembered by a number of distinguished firsts. In 1952 he became the first African-American psychiatrist appointed—by the chief justice of the U.S. district courts—to the Mental Health Commission, serving to review the involuntary hospitalization of the mentally ill in the District of Columbia. He was the first psychiatrist to be associated with the Peace Corps project.

A little known fact is that Dr. Prudhomme once played professional baseball. He was known as an excellent pitcher for the Kansas City Monarchs—the same team on which the late Satchel Paige played before desegregation of baseball.

Mr. Speaker, it is my pleasure to bring this information to the attention of my colleagues regarding this outstanding African-American during Black History Month.

INTRODUCTION OF TERRY BICYCLE BILL

HON. LOUISE M. SLAUGHTER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to introduce legislation to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles. This legislation will bring the duties on bicycles designed specifically for women into line with other bicycles.

As noted in a recent ITC study, the average woman has longer legs, a shorter torso, shorter arms and smaller hands than the average man. The average height is also different for men and women. Consequently, the specifications for bicycles designed to accommodate women cyclists are different, particularly regarding tire size. Such bicycles, designed by Terry Bicycle of Macedon, NY, use a 24-inch front wheel and a 27-inch rear wheel to specifically accommodate the physiological needs of women. Many dealers nationwide have endorsed this bicycle as one of superior design for adult women.

Despite the fact that these bicyles do not differ significantly in any other way from other lightweight bikes, the bicycles are classified differently for tariff purposes. Because of the mixed wheel size, these bicycles are covered under a separate tariff classification (8712.00.40.00.4—"Other Bicycles") and are subject to a 15 percent duty rate. The bicycles with which these compete, with wheels of similar size, fall under a tariff classification (8712.00.20.00.8) which entails a 5.5 percent duty rate.

Because of the disparate wheel size of these lightweight bikes designed to accommodate women's body type, Terry Bicycles has had to pay a higher duty rate. In other words, because these bikes are designed specifically for women, they don't qualify for normal duty treatment. I see no justification for this arbitrary differentiation, and neither do several competitors of Terry Bicycles. Domestic bicycle producers such as Schwinn, Cannondale, and Trek have all stated that there should be no reason to oppose this bill. In addition, the National Organization of Women has expressed its support for this legislation.

The present classification of these bicycles clearly represents discrimination. My legislation seeks to reverse this inequity and allow equal access for female consumers in this market. In the interests of fairness, I urge the adoption of this bill.

LEGISLATION TO PUT UNEMPLOYMENT INSURANCE PROGRAM BACK ON THE ROAD TO HEALTH

HON. SANDER M. LEVIN

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 1991

Mr. LEVIN of Michigan. Mr. Speaker, I rise today to introduce legislation with Mr. Pease of Ohio to put our Unemployment Insurance Program back on the road to health.

Every day brings more bad news about the condition of our UI Program. It only covers one-third of the unemployed in America today. There are great disparities from State to State in the amount of benefits that workers receive, and those benefits are only a small fraction of their previous income. The Extended Benefits Program, designed to help our long-term unemployed, is rarely used because of arcane and unfair trigger mechanisms.

But one critical problem must be addressed before we can move on to a much-needed overhaul of the UI Program: The shortfalls in administrative funding that plague the UI system today.

I'm sure many of my colleagues had a chance over the recess to witness firsthand the anguish and frustration of workers who have had to wait endlessly for their benefit checks to arrive.

The unemployed workers I've spoken to don't understand why a program specifically designed to provide replacement income during a recession is failing them. What they do understand all too clearly are the consequences of that broken promise: Time spent idling in unemployment lines, bills unpaid, job searches delayed.

Quite frankly, Mr. Speaker, I share their bewilderment. These workers have run afoul of a UI Program in distress, unequipped to handle the increases in caseload. And why is that? Not because of a failure to provide for the necessary resources—there is more than enough money in the UI trust fund account for administrative services.

The real problem is that the integrity of our UI Program is in jeopardy because the Federal Government has shirked its responsibility to provide to the States administrative funding for the program. We have shortchanged the States on administrative funding in order to make the deficit look smaller. This is federalism—whether old or new—turned on its head.

It is simply unfair to play budget politics with the welfare of the American worker. That is why Mr. Pease and I are introducing legislation today to solve once and for all the problem of administrative funding shortfalls.

Our proposal changes the budgetary treatment of UI administrative funding for UI from a discretionary appropriation to an appropriated entitlement, or mandatory spending program. The proposal also establishes a contingency reserve fund to ensure that States are quickly and efficiently compensated for any unanticipated increases in unemployment.

Unemployment insurance is the only State-administered entitlement program not to have mandatory administrative financing. It makes no sense that food stamp recipients and Medicaid beneficiaries receive their checks on time but unemployed workers must stand in line because the Federal Government refuses to provide adequate funding. It's especially outrageous because UI is the only major State-administered entitlement funded through a tax collected specifically for State administrative needs.

I hope my colleagues will carefully consider our proposal. I think it takes the steps necessary to put the insurance back in "unemployment insurance." I look forward to working with all Members of this House, and anyone else who is interested, to fix this problem for good.

Then we can get on with the important task of reforming our UI Program to make it more responsive to the needs of our workers and our businesses.

Mr. Speaker, I ask that the text of the bill be inserted in the Record at this point:

Unemployment Insurance Administrative Financing Reform Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unemployment Insurance Administrative Financing Reform Act".

SEC. 2. GRANTS TO STATES FOR ADMINISTRATIVE FINANCING.

(a) In General.—Section 301 of the Social Security Act is amended to read as follows:

"PAYMENTS TO STATES

"Sec. 301. (a) In General.—Each State shall be entitled to payment under this title for each fiscal year in an amount equal to its allotment of the aggregate amount determined under subsection (b) for such fiscal year, to be used for the purposes of assisting the State in the administration of its unemployment compensation laws (including administration pursuant to agreements under any Federal unemployment compenstion law).

"(b) Aggregate Annual Payment.—

"(1) In general.—Subject to subsection (d), the aggregate amount of payments to which the States are entitled under this title for any fiscal year shall be the sum of—

"(A) the basic unemployment insurance service grant,

"(B) the anticipated additional workload grant, and

"(C) the unanticipated additional workload grant.

"(2) Grant amounts.—For purposes of paragraph (1), the grant amounts for fiscal year 1992 shall be—

"(A) for the basic unemployment insurance service grant, $2,160,000,000 annually,

"(B) for the anticipated additional workload grant, an annual amount equal to the amount determined by multiplying—

"(i) $300, by

"(ii) the number by which the average weekly insured unemployment is projected to exceed 2,000,000 during such fiscal year, as estimated in the budget submitted by the President to the Congress for such fiscal year and in any subsequent revision of such projection submitted by the President to the Congress prior to the beginning of such fiscal year, and

"(C) for the unanticipated additional workload grant, a quarterly amount equal to the amount determined by multiplying—

"(i) $75, by

"(ii) the number by which the average weekly insured unemployment during the most recent 3-month period for which data is available preceding the calendar quarter exceeds the projected excess applicable under subparagraph (b)(ii), as determined by the Secretary of Labor on the basis of the reports made by the State agencies to the Secretary.

"(3) Average weekly insured unemployment.—For purposes of paragraph (2), the term 'average weekly insured unemployment' means the average weekly number of individuals filing claims for regular or extended unemployment compensation for weeks of unemployment with respect to the applicable period.

"(4) INFLATION ADJUSTMENTS.—

"(A) IN GENERAL.—In the case of fiscal year 1993 or any succeeding fiscal year, each amount contained in paragraph (2) shall be increased by the percentage determined under subparagraph (B) for such fiscal year.

"(B) DETERMINATION OF PERCENTAGE.—For purposes of subparagraph (A), the percentage determined under this subparagraph for any fiscal year is the percentage (if any) by which—

"(i) the applicable index for the most recent calendar year for which data is available, exceeds

"(ii) the applicable index for the base year.

"(C) APPLICABLE INDEX.—For purposes of subparagraph (B), the term 'applicable index' means—

"(i) in the case of the amounts contained in subparagraphs (A) and (B)(ii) of paragraph (2), the aggregate civilian labor force (as determined by the Secretary of Labor), and

"(ii) in the case of the amounts contained in subparagraphs (B)(i) and (C)(i) of paragraph (2), the aggregate State employees wages (as determined by the Secretary of Labor on the basis of the most recent census data available).

"(D) BASE YEAR.—For purposes of subparagraph (B), the term 'base year' means—

"(i) calendar year 1990, in the case of the index described in subparagraph (C)(i), and

"(ii) calendar year 1989, in the case of the index described in subparagraph (C)(ii).

"(c) ALLOTMENT AND USE OF PAYMENTS.—

"(1) IN GENERAL.—Of the aggregate annual payment for any fiscal year under subsection (b)—

"(A) the basic unemployment insurance service grant amount shall be allotted to the States in accordance with the criteria set forth in section 302 and shall be used by such States for assisting in the administration of their unemployment compensation laws (including administration pursuant to agreements under any Federal unemployment compensation law), and

"(B) the anticipated additional workload grant and unanticipated additional workload grant amounts shall be allotted on a quarterly basis to the States in accordance with the criteria set forth in section 302 and shall be used by such States for assisting in the administration of their unemployment compensation laws (including administration pursuant to agreements under any Federal unemployment compensation law).

"(2) OBLIGATION OF FUNDS.—Any amount made available to a State under this section shall remain available to such State for obligation only during—

"(A) the 36-month period beginning on the date on which such amount is made available, in the case of amounts obligated for capital acquisitions, or

"(B) the 18-month period beginning on such date, in the case of amounts obligated for any other purpose.

"(d) ANNUAL FEDERAL RESERVE FROM STATE ALLOTMENTS.—The Secretary of Labor may reserve not more than 10 percent of the aggregate basic unemployment insurance service grant under subsection (b)(1)(A) for any fiscal year to carry out activities in support of the unemployment compensation system, including activities under sections 901(c)(1)(B), 906, 907, and 908."

(b) CONFORMING AMENDMENTS.—

(1) The heading of title III of such act is amended to read as follows:

"TITLE III—GRANTS TO STATES FOR EMPLOYMENT SECURITY ADMINISTRATION".

(2)(A) Section 302 of such Act is amended—

(i) in the last sentence of subsection (a), by striking "amount appropriated therefor" and inserting the following: "the sum of the basic unemployment insurance service grant, anticipated additional workload grant, and unanticipated additional workload grant amounts under section 301(b)(1)", and

(ii) in subsection (b), by striking "Out of the sums appropriated therefor, the " and inserting "The".

(B) The heading of section 302 of such act is amended to read as follows:

"ALLOTMENTS FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION".

(3) Subparagraph (A) of section 901(c)(1) of such Act is amended in the matter preceding clause (i) by inserting "(or as are required under section 301)" after "appropriate".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 1991.

SEC. 3. REPORT ON METHOD OF ALLOCATION OF ADMINISTRATIVE FUNDS TO STATES.

(a) IN GENERAL.—The Secretary of Labor shall submit to the Congress, within the 12-month period beginning on the date of the enactment of this Act, a comprehensive report evaluating proposals for revising the method of allocating grants among the States under section 302 of the Social Security Act.

(b) SPECIFIC REQUIREMENTS.—The report required by subsection (a) shall include an evaluation of—

(1) the use of unemployment insurance workload levels as the primary factor in allocating grants among the States under section 302 of the Social Security Act,

(2) proposals for ensuring that each State receive not less than a minimum grant amount for each fiscal year,

(3) the use of nationally available objective data to determine the unemployment compensation administrative costs of each State, with consideration of legitimate cost differences among the States,

(4) proposals for the simplification of the method of allocating such grants among the States,

(5) proposals to eliminate the disincentives to productivity and inefficiency which exist in the current method of allocating such grants among the States,

(6) proposals for the promotion of innovation and cost-effective practices in the method of allocating such grants among the States, and

(7) the effect of each proposal on the grant amounts allocated to each State.

(c) CONGRESSIONAL REVIEW PERIOD.—The Secretary of Labor may not revise the method in effect on the date of the enactment of this Act for allocating grants among the States under section 302 of the Social Security Act, until after the expiration of the 6-month period beginning on the date on which the report required by subsection (a) is submitted to the Congress.

SEC. 4. TREATMENT OF UNEMPLOYMENT COMPENSATION PROGRAMS.

The following programs shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1992 or any succeeding fiscal year:

(1) EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM.—Payments to States under the Federal-State Extended Unemployment Compensation Act of 1970.

(2) EMPLOYMENT SECURITY ADMINISTRATION.—Payments to States under title III of the Social Security Act.

(3) RAILROAD UNEMPLOYMENT COMPENSATION PROGRAM.—Payments under the Railroad Unemployment Insurance Act.

THE PRESENTATION OF A NATIONAL SYMBOL OF SUPPORT FOR U.S. TROOPS STATIONED IN THE PERSIAN GULF

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. DUNCAN. Mr. Speaker, I would like to commend one of my constituents, Mrs. Ann Lamon, for the action she has taken to support our brave men and women who are stationed in the Middle East.

In a recent letter, Mrs. Lamon expressed to me her pride in our American troops, her prayerful hopes for peace in all the world, and her confidence in a victorious homecoming for the U.S. forces stationed in the Persian Gulf. Because of these feelings she has been inspired to design a flag that encompasses her sentiments, and perhaps those of all Americans who take pride in the principles of democracy and justice that our great country champions in the Middle East today. As Mrs. Lamon explains, "Our troops need the inspiration of a unified backing of the American people. They need to know that they will not be forgotten."

I am fortunate to have been one of the first recipients of this inspiring standard. Mrs. Lamon has offered her banner to me, to present to you today, as a national symbol of support for our troops. The flag design in red, white, blue, and yellow has a star for each State, a dove for peace, and a yellow ribbon representing our hopes for the speedy and safe return of our troops.

Mr. Speaker, and my colleagues in the House, join me today in applauding Mrs. Ann Lamon for her active role in support of our troops, and in recognizing Mrs. Lamon's flag as a national symbol of support for our American forces in the Middle East. Mrs. Lamon's sincere patriotism is to be commended and held up as an example for all to admire and strive to emulate.

THE LISTEN/GLOBAL RELEAF TREE PROGRAM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to tell you about an exciting new venture begun recently by H. Alpert & Co. In conjunction with the American Forestry Association, H. Alpert & Co. has introduced the Listen/Global Releaf Tree Program.

Global Releaf is a campaign of the American Forestry Association whose major goal is to plant 100 million new oxygen giving, energy saving trees by 1992. "Listen" is a new fragrance by H. Alpert & Co. With any Listen purchase, Listen/Global Releaf will plant a tree in the name of the customer or name designated by the customer. A commemorative certicate will be sent from the corporate office in Los Angeles for acknowledgement.

The Listen/Global Releaf "Plant a Tree" program is working with forestry agencies in all 50 States. As of this time they have planted over 1,000 trees through the American Forestry Association.

Mr. Speaker, I urge my colleagues to join me in wishing the best of luck to H. Alpert & Co. with their innovative project. I encourage others with the same entrepreneurial spirit to promote environmentally responsible ventures in cities all across the Nation.

BENJAMIN BURRELL HONORED

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. HORTON. Mr. Speaker, I rise today to direct the attention of this body to the accomplishments that have been made in furthering the cause of excellent management in the Federal Government. In particular, I would like to commend one individual who clearly has achieved excellence as a Federal Government manager. Mr. Benjamin Burrell, Director of the Facilities and Administrative Services Staff [FASS] in the Department of Justice, was recently awarded the Attorney General's Excellence in Management Award as well as one of the General Services Administration's Governmentwide awards for Excellence in Administration. An 18-year veteran of the Department of Justice, Mr. Burrell has increased the efficiency and reduced the cost of operations at the Department in a way which should make us proud and give us hope in these times of fiscal difficulty.

As the Director of FASS, a 250-person unit of the Department dedicated to space acquisition and facilities management, Mr. Burrell has accomplished things that have left his colleagues in awe. He spearheaded the consolidation of space for the Drug Enforcement Administration and the U.S. Marshall's Service into one building in Arlington; he oversaw the renovation of the Todd Building, which provided space for the Civil Division; he furthered the major government office space program—Facilities Program 2000—that he designed, developed, and negotiated among many parties and that will bring 2.3 million square feet of space to the Department; and he has assumed the pressing task of finding housing and space for the hundreds of new Department employees. Also, as Chairman of the Federal Administrative Managers Association, Mr. Burrell has had a pivotal role in, among other things, the beneficial reformulation of Department regulations concerning facilities and space.

We should all hope that managers like Benjamin Burrell are not rare in our Government. The kind of initiative, perseverance, sensitivity and intelligence that Mr. Burrell has shown in the area of facilities and administrative services is precisely what is needed to streamline the Government and reduce the deficit. This kind of work often goes unnoticed, and I am pleased that the Department of Justice and the General Services Administration have recognized the great accomplishments of Mr. Burrell.

AWAITING A COUP

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. JACOBS. Mr. Speaker, now that we have Kuwait we need only wait for the coup.

TRIBUTE TO NORTH MIAMI VICE MAYOR HOWARD PREMER

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. LEHMAN of Florida. Mr. Speaker, city of North Miami Vice Mayor Howard Premer has made important contributions to his community during his tenure on the city council. His emphasis on neighborhood improvement, business development, and intergovernmental cooperation has paid big dividends in preparing North Miami for the challenges of the future.

A profile on Howard Premer recently appeared in the North Miami News, and I would like to share it with my colleagues:

[From the North Miami News, Feb. 22, 1991]

CITY OF NORTH MIAMI VICE MAYOR HOWARD PREMER

(By James Burke)

City of North Miami Vice Mayor Howard Premer has never been one to take it easy. Starting his professional career as a reporter for WKAT, Premer became the station's news director by age 24; its part-owner by age 31. Today, along with WKAT, Premer owns WSUA, better known as Radio Suave, an all-Spanish radio station.

Owning and running two radio stations by the age of 38 requires someone with an intensity for their work not found in the average person. Premer admits he is an overachiever.

"I need hobbies," Premer said.

Premer has demonstrated this same intensity as an elected official. Rather than use the position as a resume entry, Premer has actively pursued what he thought best for the city. Being vocal has not always made Premer the most popular guy in town, but criticism is something Premer is willing to live with.

"I think it's better to be criticized and be pro-active than to sit back and not come up with new ideas," Premer said.

Among the new ideas Premer has fought for was to allow police officers to bring their vehicles home with them. While this idea initially met with opposition, Premer argued that it would be an incentive to draw officers to the city and help unify the neighborhood the officers live in. Premer won.

Premer has been a strong proponent of improving the city's neighborhoods.

"Neighborhoods are where a city succeeds or fails, not city hall," Premer said.

To help give the neighborhoods a more active voice in city politics. Premer worked to create a program of town hall meetings. The city commission recently gave the program the go ahead.

Town hall meetings are a very important means of getting government out of city hall and back into the neighborhoods," Premer said. "The city needs to get out of city hall and into the neighborhoods to talk to people."

Premer has also succeeded in getting government back into the neighborhoods by working to standardize voting precincts within the city. While there are 16 voting precincts for county elections in North Miami, there were only five precincts for city elections. This discrepancy created confusion about where to vote in city elections, resulting in poor voter turnout.

"We increased the city's precincts to 16," Premer said. "Now for all elections, people vote in the same place."

Premer's work with the neighborhoods has not come at the expense of business. Premer has tried hard to make North Miami more inviting to the business community.

One of Premer's first actions was to create a new position within the city, business ombudsman. Premer explained that the mire of forms and red tape involved with starting a business can be a confusing experience.

"The business ombudsman takes you through the whole process," Premer said. "Now, instead of being frustrated, these people have the red carpet rolled out for them."

Premer has tried to make the city's operations more like a business. One of the practices Premer has been successful in carrying over from the private sector is networking.

"We've been doing more networking with cities, especially North Miami Beach. It's important to get along and look for common ground," Premer said.

These improved relations have resulted in a joint Fourth of July celebration between North Miami and North Miami Beach, among other things.

Relations with Florida International University have also been improved, Premer said, but more should be done.

"F.I.U. may be the single most important asset this city has," Premer said. "We need to do more to promote that."

The accomplishment Premer is most proud of, however, is the progress made on cleaning up Interama. For the first time in the city's history, Premer said, there is a plan to clean up the 300 acre site.

"No one is completely happy with the plan, so there must be something right with it" Premer said.

Premer called the process of getting federal, state, county, city and environmental representatives to sit down and work out a plan a "yeoman's effort", but said it was well worth it in order to forge ahead.

"This will be my legacy," Premer said.

For the city's future, Premer, said that North Miami should concentrate on aggressively attracting more business. Along with having many "hooks", like movie and recording facilities and a major university, the city has just past the 50,000 population mark making it eligible for valuable grants.

"I think in the 90s, North Miami can solicit and receive large businesses," Premer said.

While Premer has gone to lengths to insure North Miami's future, it may be a future without Premer. He said the task of running two businesses, coupled with the challenges he and wife Ilene face in raising their two young children, may no longer leave time for politics.

"The bottom line is community service is very difficult. I hope I've been a good public servant, but I don't know if I'll run again. What I do want to do," Premer said, "is make the most of the time I have left."

THE DESERT STORM RESERVIST FAMILY FAIRNESS ACT OF 1991

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. SIKORSKI. Mr. Speaker, today I am introducing the Desert Storm Reservist Family Fairness Act of 1991. While we are all joyful that the war is over, many of the family related problems raised by the war are not.

Many Reserve families have spent up to 6 months trying to make do with an income cut by 50 percent. Additionally, it has been reported that it could take longer to get all our troops home than it took to transport them to Saudi Arabia. Soldiers and their families could be facing another 6 months of employment uncertainties and financial hardships. Despite some rights accorded to them through the Soldiers' and Sailors' Civil Relief Act, bills and mortgages still need to be paid and clothes and food for the kids must be bought. The legislation I introduced today is intended to partially address those problems.

The Desert Storm Reservist Family Fairness Act is designed to ensure that the men and women in the Reserves and National Guard who have been activated because of the war in the Persian Gulf will be compensated fairly for the time they devoted in service to their country.

As a member of the Post Office and Civil Service Committee and chairman of the Subcommittee on the Civil Service, it has been brought to my attention that 1 out of every 10 National Guard or Reserve unit members is a Government worker. Therefore, I have drafted provisions to ensure that the activated Federal employees will continue to be granted the health benefits, life insurance, and all other benefits of Federal employment while participating in an activated reservist role in Operation Desert Storm.

Additionally, I have included provisions affecting members of the Senior Executive Service who are activated during the Persian Gulf conflict. These provisions extend the deadlines for meeting recertification times and extend Merit Systems Protection Board appeals rights that are required by the Ethics Reform Act of 1989.

Our soldiers have enough to worry about in the Persian Gulf—they should not be concerned about whether there will be food on the table and clothes for their kids they left behind. And the families have enough anxiety about the safety and security of their loved ones serving in the Persian Gulf—they should not have to worry about whether they will survive financially.

Our reservists have made the ultimate sacrifice by putting their lives on the line for our country; we should not ask their families to make the sacrifice of financial ruin.

ARTICLES OF INTEREST

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. LENT. Mr. Speaker, at the request of a constituent, Mr. J. James Plesser of Hicksville, NY, I am submitting the following two articles for insertion in the CONGRESSIONAL RECORD:

[From the Wall Street Journal, Feb. 15, 1991]

APPEASEMENT OF IRAQ MADE ME A SPY

In 1985, my son Jonathan Pollard pleaded guilty to providing Israel with information about the military capabilities of Arab states, including Iraq. Today he sits in a basement cell, in isolation 23 hours a day, serving a life sentence.

Jonathan was never accused of or indicted for treason, because he did not commit treason. He was indicted on one count—giving information to an ally, Israel. Abdel Kader Helmy, an Egyptian-American rocket scientist, participated in a scheme to illegally ship ballistic missile technology to Egypt—technology later used to help increase the range of Iraq's Scud-B missiles. Mr. Helmy got less than a four year sentence. Jonathan, who warned Israel about Iraq's capabilities, got life.

America is now fighting a war with Iraq, while the one person who tried to warn Israel about Iraqi threats sits in jail. In a 1989 letter excerpted below, Jonathan wrote to an American rabbi from his cell that America would have to go to war against Iraq if we failed to prevent the completion of chemical facilities that we knew were under construction. How right he was.—Morris Pollard.

DEAR RABBI: My name is Jonathan Pollard and I am currently serving a life sentence due to my activities on behalf of Israel.

Lest you labor under a false impression, Rabbi, I want to state quite categorically that I do not consider myself to be above the law. I fully appreciate the fact that I must be punished for my activities, however justified I may have felt them to be. That being said, I do not believe that the draconian sentence meted out to me was in any way commensurate with the crime which I committed. Nowhere in my indictment . . . was I ever described as a "traitor," which is hardly a surprise given the fact that the operation with which I was associated actually served to strengthen America's long-term security interests in the Middle East.

Notwithstanding [then Defense Secretary Caspar] Weinberger's disingenous opinion, any objective examination of the record will show that no American agent, facility or program was compromised as a result of my actions—not one. But this salient fact was conveniently overlooked by Mr. Weinberger, who felt that I deserved the death penalty for having had the audacity to make Israel "too strong."

In retrospect, perhaps one of the worst things the Reagan administration did to Israel during the course of our trial was that it purposely distorted the nature of my activities in such a way so as to leave the impression that Israel had somehow become a threat to the national security of this country. So by intent the subsequent sentence I received was an arrow aimed directly at the heart of the U.S.-Israel "special relationship."

The case of Mr. and Mrs. Abdel Kader Helmy appears to be yet another instance where the political aspects of an espionage trial have been of paramount concern to the government. As you'll recall, the Helmys are the Egyptian-born U.S. citizens who were accused last year of funneling highly sensitive ballistic missile technology to their native land. At the time of his arrest on June 24, 1988, [Mr.] Helmy was a senior propulsion engineer who held a "secret" level security clearance from the U.S. Department of Defense. Accordingly to a 36-page affidavit filed by the Customs Service . . . U.S. customs agents searching [Mr.] Helmy's trash found handwritten notes outlining how to work with carbon-carbon fiber material, used in rocket nose cones and "stealth" aircraft . . .; instructions on building rocket exhaust nozzles; a description on an extremely sensitive microwave telemetry antenna; and a complete package needed to build or upgrade a tactical missile system.

Although there is no public evidence linking [Mr.] Helmy directly with the Iraqis, intelligence sources have indicated that the Egyptians used [Mr.] Helmy's expertise to help Baghdad modify its stockpile of Soviet-supplied Scud-B ballistic rockets. His principal responsibility, however, was to ensure the success of an Egyptian-Iraqi missile program which had encountered some developmental problems. Code named BADR 2000 by the Egyptians and SAAD-16 by the Iraqis, this Argentine-designed weapon has an estimated range of 500-1,000 miles, and, from what I've been told, figures prominently in Arab strategic planning against Israel.

If one compares the way in which the government responded to my affair with that of its soft pedalling of the Helmy case, the existence of a double standard becomes apparent. Firstly, at the insistence of the State and Defense Departments, all espionage-related charges against Mr. and Mrs. Helmy have been quietly dropped . . . [T]he administration has done everything it can to reduce the notoriety of the Helmy affair.

The problem . . . lay in the fact that many of the photos I turned over to the Israelis were of a number of Iraqi chemical weapons manufacturing plants which the Reagan administration did not want to admit existed. Why? Well, if no one knew about these facilities then the State and Defense Departments would have been spared the embarrassing task of confronting Iraq over its violation of the Geneva Protocol of 1925, which banned the use of chemical weapons in war. You have to remember . . . that at the time of my sentencing the massacre of Kurdish civilians in Halabja had not yet occurred, and what little public concern was being voiced over Iraq's apparent use of poison gas was largely ignored by the administration, which did not want to anger the Arab world by criticizing the employment of such barbaric weapons against Iran. The photos I gave Israel, though, if "compromised," would have jeopardized the administration's policy of callous indifference towards this issue, in that they constituted hard, irrefutable proof that Iraq was indeed engaged in the production and wide scale use of chemical weapons. What the administration was really concerned about was being placed in a position where it would have to admit that it had tacitly condoned the creation of an Iraqi chemical weapons manufacturing capability.

Once the atrocity at Halabja had occurred, though, the White House was placed in a rather awkward position. On the one hand, the U.S. intelligence community did not want to be accused of having failed to keep an eye on Iraq's burgeoning chemical weapons arsenal. Then again the CIA . . . could not very well confirm the existence of the

Iraqi poison gas plants without running the risk of compromising the Reagan administration's policy towards these facilities.

After a few days of "soul searching," the State Department finally admitted that the U.S. had intercepted some Iraqi military communications which indicated that lethal gas had, in fact, been employed against unarmed Kurdish civilians. The Iranians had astutely outmaneuvered them, though, and the issue had to be "contained" before it caused a rift in U.S.-Arab relations. Certainly, confirming the undeniable operational employment of chemical munitions by the Iraqis was far preferable to describing the exact dimension of their poison gas plants, which would have raised some uncomfortable questions in Capitol Hill . . .

Thus, in an attempt to recapture the moral "high ground," so to speak, from Iran, the White House evidently decided that it would be better for the U.S. to be seen as leading the public denunciation of Iraq rather than the Ayatollah Khomeini. As it was, though, the administration still managed to salvage its standing in the Arab world by preventing Congress from imposing any punitive sanctions against Iraq. In essence, then, what I did by passing satellite photos of the Iraqi poison gas plants to Israel was endanger the Reagan administration's pro-Saudi political agenda, not the intelligence community's "sources and methods."

According to the prosecution, there were two reasons why the government refused to tell Israel about Iraq's poison gas plants: 1) fear of compromising the KH-11 [intelligence] system, and 2) concern over the Israelis' probable reaction once they recognized the threat these facilities posed to their survival.

What the Israelis would actually have considered was a *preventive* attack on the Iraqi chemical-arms factories before they had become fully operational. Once they had come on-line, you see, and the Iraqis had been able to disperse their arsenal of chemical munitions, these plants, like the ones in Syria, would only have been attacked either in war time, where the idea of a preemptive strike is valid, or in a clandestine sabotage campaign aimed at slowing their production of poisons. This was the same reasoning, by the way, that lay behind the Reagan administration's desire to bomb the Rabta industrial complex before the Libyans had the opportunity to complete its construction.

The crisis over the Rabta plant does beg the question, though: If the Reagan administration felt justified in its desire to eliminate what it perceived to be an impending Libyan chemical threat to our national security, why was it so unwilling to grant Israel the same right of preventive self-defense with regard to Iraq's poison gas manufacturing facilities?

So what was I supposed to do? Let Israel fend for herself? If you think that is what I should have done, then how can we condemn all those . . . who during the Second World War consciously participated in the abandonment of European Jewry? Seriously, Rabbi, what would be the difference between what they did and a decision on my part to have kept silent about the Iraqi poison gas threat to Israel? I'd rather be rotting in prison than sitting shiva for the hundreds of thousands of Israelis who could have died because of my cowardice.

JONATHAN POLLARD.

[From the New York Times Forum, Feb. 17, 1991]

COMPUTERS, AND A SEALED ROOM IN ISRAEL

(By Brian Silver)

[Brian Silver, a professor of chemistry, is vice president and director of development at the Technion-Israel Institute of Technology in Haifa, Israel.]

Tonight I am setting in a sealed room in Haifa, Israel, thinking about the Department of Commerce in Washington. I hope the plastic sheets that cover the windows and the masking tape that seals the door of my room will hold back the as-yet-to-materialize clouds of nerve gas and toxins that Iraq's President Saddam Hussein has promised to send us.

This evening I heard the roar of Patriot missiles followed by a wall-shaking blast as a Scud disintegrated over a nearby wadi. The Scuds are not too accurate—plus or minus a couple of miles is considered fine. Not that the Iraqis lack high technology. They might even have access to a Cray supercomputer, something my university does not have—and why I am now mulling the Commerce Department.

Despite our attempts to purchase one, no Israeli university has a Cray supercomputer, a common resource in American and European universities.

Two years ago, the Technion Institute ordered from Cray Research Inc. a lower-range supercomputer, an extremely fast computer for use in unclassified academic research. The United States has so far refused to give Cray an export license.

In September 1989, in search of enlightenment, I traveled to Washington to find out what was holding up the process. I walked the corridors of power—the State Department, the Department of Defense, the Department of Commerce and finally the Pentagon. Everyone, I must say, was very nice.

"Can the Technion buy a Cray?" I would ask. No one said, "Yes." No one said, "No."

One exchange at the Department of Commerce stands out in my mind: I said to a senior official that I could explain why it would not be a danger to the United States if Technion owned a Cray. "Can you give me 10 minutes?" I asked.

"That's the time it takes for a Jericho missile to get from Israel to Baghdad," the senior official said, referring to a surface-to-surface missile designed and built in Israel.

Perhaps it is. But only now can I savor the full answer I gave: "The return journey takes about the same time." The content of this conversation was significant, and becomes more so with each Scud attack.

I am not sure that I can estimate what mixture of political and technological considerations lie behind America's refusal to sell Israel a technology that is advanced—but not that advanced. My overall impression is of a rambling bureaucracy in which the decision-making process has—either deliberately or mistakenly—become divorced from the real world.

After all, the international community was prepared to create a $50 billion Iraqi war machine. But a lower-range Cray for Israel? Heaven forbid! That might be a threat to world peace.

The subliminal message I received in Washington was that someone in Israel—sometime—could tap into a Cray and design a doomsday weapon, or, at the very least, a more accurate guided missile. And all this with a computer only three or four times more powerful than the one we have on our campus.

Until recently, only the United States and Japan built supercomputers, and they have had a very cozy agreement: If the United States doesn't sell to a given country, neither does Japan.

But this duopoly is coming apart. A new kind of computer is taking over. While a Cray has just a few very complicated and very powerful central processing units, the newer computers, called parallel-processing computers, have as many as a thousand very simple processors. The Cray is difficult to construct, the parallel-processing computer is far easier. The idea behind parallel machines is that seven 70-pound weaklings can lift more than one Arnold Schwarzenegger.

Parallel-processing technology is already being used by companies around the world. The main difficulties involved in building these computers fall within the areas of computer science where Technion has real expertise. Some of the world's best minds working on these problems work at Technion. The nation that got a rescue force to Entebbe and back can build parallel computers as good as any—if it has to.

Israel doesn't need a supercomputer at Technion to defend itself. Nor would owning a supercomputer turn Israel into a superpower. We want a supercomputer for unclassified research. The atomic bomb that leveled Hiroshima was built in precomputer times. If we have a nuclear bomb, we built it without a supercomputer. If we haven't got one, we don't need a supercomputer to make one.

It has been suggested by a certain authority in the United States—a Senator—that we could make more accurate missiles if we had a Cray. Indeed, would they be more accurate than the ones we used 10 years ago to destroy an Iraqi nuclear reactor? Or is it ground-to-ground missiles that worry the Senator? He should come to Tel Aviv. Then I can tell him that if a hundred Scuds land there, their inaccuracy won't matter one bit.

The time is long overdue for the United States to review its policy regarding the export of technology, especially to friendly, technologically advanced countries like Israel. The restrictive policies are clearly the product of faulty thinking which in the case of the Cray may well push Israel—and some other countries—into building their own supercomputers. The policy is not only bad for Israel, it is bad for the United States.

Finally, a question which to some may seem irrelevant, but to me, wearing my gas mask, sitting in my sealed room, seems worth an answer: Which country in the Middle East has turned out to be the United States' best friend in the Gulf crisis? Who exactly, is threatening whom?

A TRIBUTE TO DOUGLAS H. DITTRICK

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mrs. ROUKEMA. Mr. Speaker, Saturday, March 2, 1991, the friends and supporters of the Northwest Bergen/Ramapo Valley Chapter, the Essex Chapter, and the Central Bergen Chapter of the American Red Cross will pause to salute the volunteers that have built these chapters into the effective organizations that they are today. I would like to call to the attention of my colleagues one of these honorees, Douglas H. Dittrick.

Doug Dittrick has distinguished himself as a pioneer in his 25 years in the cable television industry. From his beginnings in 1966 as a manager of operations for General Electric Cablevision, Doug has excelled and advanced to become president and chief executive officer of Douglas Communications Corp., a company which he founded and which currently manages 3 cable systems that serve close to 76,000 subscribers. Doug has been recognized as a pioneer in his industry and is the recipient of numerous awards toward that end. However, he has always found time for both his family and his community.

Doug will be recognized this week for his service on the board of the Northwest Bergen/Ramapo Valley Chapter of the American Red Cross. He has previously served as treasurer of the executive board of Northern New Jersey. That, in itself, Mr. Speaker, is an accomplishment. However, Doug continues to find time for other endeavors. He has served on the executive board of the Ridgewood/Glen Rock Council of Boy Scouts from 1979 to 1982, receiving the "Good Scout of the Year" award in 1984. Doug also remains active in alumni activities as the president of the Ohio Wesleyan Alumni Association from where he was graduated in 1955.

Doug is a resident of my hometown of Ridgewood, NJ, and it is through our common service on the board of education and the board of trustees of the Family Counseling Services, as well as a personal friendship, that I have come to know and admire Doug, his wife Barbara, and their three daughters.

Mr. Speaker, success comes in many ways. But it is sweetest when it comes with the approval, the applause, and the rewards freely given by one's peers. And that is why the supporters of the Red Cross in northern New Jersey will gather this week to recognize Doug Dittrick. I ask my colleagues in the House to join in that recognition.

LONG-TERM CARE INSURANCE PLAN FROM IRA FUNDS

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. ROWLAND. Mr. Speaker, today I am reintroducing legislation to allow individuals 59½ years of age and older to withdraw funds from individual retirement accounts, tax free, if the funds are applied to the purchase of long-term care insurance.

The measure includes income limitations to provide the maximum benefit to persons with incomes under $45,000 a year and to phase out the tax benefit to anyone making more than $100,000.

It also includes provisions to develop minimum standards for long-term care policies.

Mr. Speaker, this legislation is not the entire answer to the problem of providing long-term care to our older citizens who do not have the means to pay for it. But it is a step in the right direction. The financial burden for placing a family member in a nursing home can be devastating for elderly persons and their families. This bill will encourage many citizens to prepare for the day when they will need such care.

THE INAUGURAL EDITION OF "VITAL ISSUES: THE JOURNAL OF AFRICAN-AMERICAN SPEECHES"

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1991

Mr. GRAY. Mr. Speaker, I would like to call to the attention of this body the publication of the inaugural edition of "Vital Issues: The Journal of African-American Speeches," which will be issued today by the Bethune DuBois fund and Bethune DuBois Publications. The Bethune DuBois fund was established in 1986 by C. DeLores Tucker, former secretary of state of the Commonwealth of Pennsylvania who now serves as the fund's president.

This is the first journal of its type whose sole mission is preserving the oratorical record of African-Americans. Included in the inaugural edition are speeches by: Bishop John Hurst Adams, founder and chairman emeritus of the Congress of National Black Churches; Julian Bond, former State senator and professor of Civil Rights History; Ronald H. Brown, chairman, Democratic National Committee; Dr. Johnetta A. Cole, president of Spelman College; Marva N. Collins, founder of West Side Preparatory School in Chicago; Ronald V. Dellums, House of Representatives CA 8th Congressional District; Hon. David N. Dinkins, mayor of New York; Dr. Ramona H. Edelin, president of the National Urban Coalition; Dr. Marian Wright Edelman, president, Children's Defense Fund; Earl G. Graves, publisher, Black Enterprise magazine; Dr. Benjamin Hooks, executive director, NAACP; Rev. Jesse L. Jackson, president and founder, the Rainbow Coalition and PUSH; John E. Jacob, president, National Urban League; Coretta Scott King, president, Martin Luther King, Jr. Center for Nonviolent Social Change; Leon Lynch, vice president, United Steelworkers of America; Nelson Mandela, deputy chairman, African National Congress; Gen. Colin L. Powell, Chairman, Joint Chiefs of Staff; Dr. Louis W. Sullivan, U.S. Secretary of Health and Human Services, and Hon. L. Douglas Wilder, Governor, Commonwealth of Virginia.

The objective of the journal, "Vital Issues: The Journal of African-American Speeches," is to present major speeches of African-American professional leaders and to preserve their spirit and voices for all generations to come. This publication will be a valuable resource for research and history of the issues that were confronted and perspectives taken by our leaders at the forefront of social change.

Please join me in paying tribute to this extraordinary new publication.

SENATE—*Friday, March 1, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY AT 2:30 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 2:30 o'clock p.m. on Tuesday, March 5, 1991.

Thereupon (at 10:01 a.m.) the Senate recessed, under the order of Thursday, February 28, 1991, until Tuesday, March 5, 1991, at 2:30 p.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, March 4, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that captives are being released and returned to their families and those they love. We join with so many others in joyful anticipation of their return and share with them the happiness of their homecoming.

Even as we celebrate the exhilaration of their return we remember those who do not yet know the freedom and liberty they deserve and whose separation weighs on our hearts. May the good news of homecoming for some be tempered by the realization that others are not yet free. We earnestly pray, gracious God, that Your loving presence, that is not bound by any worldly barrier, would give them the hope and renewed faith that is new every morning.

Bless all Your people this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause I, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from New Jersey [Mr. SAXTON] to lead us in the Pledge of Allegiance.

Mr. SAXTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO NAVY PILOT JEFFREY ZAUN OF CHERRY HILL, NJ

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise today to rejoice and pay tribute to the service men and women who are today free from their captors, and particularly to the Zaun family, and especially their son, Navy pilot Jeffrey Zaun, of Cherry Hill, NJ, as his release from the hands of his Iraqi captors is celebrated nationwide.

Through personal contact with the Zaun family, I have come to know the fabric from which heroes are made. During his time of captivity, Lieutenant Zaun's comportment was above reproach. The Nation watched and prayed collectively with his family for his swift return.

Today, we celebrate with Lieutenant Zaun and his family and friends, as well as with other Americans, as these young men and women return to us as American heroes. Our prayers have been answered, and we rejoice at Lieutenant Zaun's release, as well as the others, and all the while we remember those who were perhaps not as fortunate and will soon be with us again as well.

PROVIDING FOR JOINT SESSION OF CONGRESS ON WEDNESDAY, MARCH 6, 1991

Mr. MONTGOMERY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 83), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 83

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, March 6, 1991, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REFORM OF THE CAMPAIGN FINANCE LAWS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, on this day it is very difficult to talk about anything except the return of our POW's and the very remarkable and quick end to the war in the gulf, but let me try on another issue that I think is very important.

At 1 o'clock this afternoon there will be a press conference announcing the introduction of a major piece of legislation dealing with reform of the campaign finance laws. I thoroughly support that effort.

I commend the Speaker, who, last summer in August, showed courage and resoluteness in forcing the House to deal with the subject, despite the fact that we were on the verge of leaving for our own election campaigns.

Mr. Speaker, it is important to place some limitations on PAC's, and on total campaign spending, and to eliminate the soft money abuses, and that is what our bill will do.

Mr. Speaker, it is interesting that just yesterday the Louisville, KY, Courier Journal published a poll indicating that 85 percent of the people polled suggested campaign spending should be limited in races in Kentucky; 60 percent believed that large amounts of money spent in elections at home are a corrupting influence; 76 percent say the large amounts of money needed to run statewide races dissuade good people from running for office; and the worst condemnation of all, is that 49 percent of the people suggest that political figures are not working to serve the best interests of the people, but only to serve special interests.

Mr. Speaker, I once again say that we need to have, along with everything we do in this Congress, some movement toward campaign finance reform.

TRIBUTE TO JOHN H. GRAY

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, Kentuckians continue to mourn the loss of John H. Gray of Madisonville, KY, who died February 7 at Madisonville's Regional Medical Center at age 73.

John Gray, for many years a dear friend of mine, was a native of Boyle County, KY, and came to Madisonville in 1949 as an agricultural extension agent for the University of Kentucky.

From 1956 until he died, John Gray was employed by Island Creek Coal Co. as manager of properities and public relations for the West Kentucky division.

As a member of the U.S. Air Force in World War II, Mr. Gray flew 63 combat missions in the European theater. He received many military related medals and citations. John Gray was awarded the honorary degree of doctor of laws by the University of Kentucky in 1989.

He was well known across Kentucky as a leader in education and was one key person in the creation of Madisonville Community College where he was the longtime president of the college's foundation. He was a member of the Kentucky Advocates for Higher Education.

I attended John Gray's funeral February 9, a service attended by hundreds of his admirers at Madisonville's First Baptist Church, where John Gray was an active member and leader. Among those attending the funeral was Dr. Charles Wethington, president of the University of Kentucky.

My wife Carol and I extend to his lovely wife Thelma, his sons Alan and Robert, of Madisonville, and the entire family our sympathy.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore. (Mr. MAZZOLI) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 1, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 10:12 a.m. on Friday, March 1, 1991, and said to contain a message from the President whereby he transmits a report that includes his request for the extension of fast track procedures for the consideration of implementing legislation with respect to trade agreements entered into after May 31, 1991, and before June 1, 1993, together with related information.

With great respect, I am,

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

REQUEST FOR EXTENSION OF FAST TRACK PROCEDURES RELATING TO TRADE AGREEMENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 102–51)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and the Committee on Rules and ordered to be printed:

To the Congress of the United States:

Pursuant to section 1103(b)(2) of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418; 102 Stat. 1129), I transmit herewith a report that includes my request for the extension of fast track procedures for the consideration of implementing legislation with respect to trade agreements entered into after May 31, 1991, and before June 1, 1993, together with a description of the progress made to date in bilateral and multilateral trade negotiations, the anticipated schedule for transmitting such agreements to the Congress, and a statement of the reasons supporting my request for an extension of fast track procedures.

The fast track mechanism has played a vital role in U.S. trade policy for many years. It strengthens the hand of our trade negotiators and preserves the important role of the Congress in the shaping of U.S. trade policy. The continued availability of the fast track procedures over the next 2 years will ensure that our negotiators can bring to the Congress for its consideration trade agreements that will truly enhance the ability of the United States to compete internationally.

At a time when world events have reconfirmed the importance of U.S. leadership in multilateral efforts, maintaining fast track is essential to our leadership in the global trading system.

My request reflects my strong desire to continue the partnership between the Congress and the executive branch that the fast track represents. This partnership is essential if we are successfully to meet the world's growing economic challenges into the next century.

GEORGE BUSH.

THE WHITE HOUSE, *March 1, 1991.*

□ 1210

OUR CONTINUING FINANCIAL CRISIS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, they say that victory has many parents and defeat is an orphan. The gulf war was fought, and here our forces achieved their objectives, yet here at home our struggle in our financial industry goes on and on with loss after loss.

More than taxpayer dollars are being flushed down the political sewers in Washington, DC. What is happening today is total confidence is being lost that we can actually win this financial war to correct the savings and loan disaster that has struck this country.

The Democrats would like to blame Ronald Reagan, yet we all know it was the powerful Democratic Members of this House who helped raise the deposit insurance rate from $10,000 to $40,000 to $100,000.

Some people would like to blame deregulation for the cause of this great financial disaster that is besetting this country. It was not deregulation. It was the fact that we put the taxpayers on the hook for all of the money that has been spent and wasted and being stolen in these S&L's.

We should put tax incentives into the system so that there is an incentive for people to save their money and to help the savings and loan industry, but we should do it as a transition to get the Government out of the deposit insurance business.

Let us get the taxpapers off the hook, and let us end this no-win strategy that continues to pour more and more of our taxpayers dollars right down a political sewer.

NATIONAL GUARD AND RESERVE INVOLVEMENT IN OPERATION DESERT STORM

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, President Bush should be commended for using the National Guard and Reserves in Desert Storm, because the total force worked and it worked well, and our forces did obtain complete victory by having reservists and National Guardsmen working and participating in Desert Storm side by side.

I want to bring to Members' attention some of the success stories of the National Guard and Reserve units activated for Operation Desert Storm. To date, over 221,000 Reserve component personnel have been called to active duty and over 92,000 have been deployed to the Persian Gulf. There are many success stories, and I want to give a few examples, Mr. Speaker, about each Reserve component.

From day 1, on August 7 when the 82d Airborne Division began deploying, Air National Guard and Air Force Reserve airlift crews and refueling crews volunteered and flew missions in support of a deployment of forces to Saudi Arabia. They were not even called to active duty; they volunteered. Within the first few weeks, reservists from most of the units were activated to provide support to this deployment.

One of the first C–141 planes to take off was an Air National Guard plane from my congressional district, from Brandon, MS, with 14 of the unit's 16 crews. It made a sweep to preposition these crews to support the air flow into Saudi Arabia. F–16 Air Guard units from South Carolina and New York deployed 72 hours after activation. They made a 13½-hour nonstop flight to Saudi Arabia, landing in blowing sand with only 400 meters of visibility. Within days they were mission-ready and flew combat missions on the first day of the air strikes.

The presence of the Air Force Reserve also was very evident. The war's first air-to-air kill was by an Air Force reservist in an A–10 aircraft. The first plane to land in Kuwait City with personnel and humanitarian supplies was a Reserve C–130 from New York. The experience level of the Guard and Reserve is illustrated by an incident involving a C–5 taking off fully loaded from Westover Air Force Base. Mr. Speaker, it lost both engines on one wing to bird strikes. The experience of the crew enabled them to stabilize the aircraft and then land safely. However, we did lose one C–5–A Reserve in Germany on takeoff and a Reserve Army unit from Pennsylvania had a loss of life by a Scud missile.

The Navy Reserve has also made its mark. A cargo handling battalion deployed to Rota, Spain, 72 hours after mobilization. The remarkable fact is that 1½ hours after arrival they were unloading a fast sealift ship. And the Navy Reserve really came through for us on medical Reserve call-ups. They served here in bases in this country and on Navy ships.

A Navy Reserve Seabee detachment was given the mission to make the airfield at Al-Jaber operational after Marine forces secured it. The Seabees went in and within 24 hours the airstrip was fully operational and able to conduct takeoffs and landings.

Some units of the Coast Guard Reserve were called up and did a super job. Three hundred of these reservists were in Saudi Arabia, and 800 reservists were in different United States ports working.

The Marine Corps Reserves contributed to the total Marine effort by providing over 13 combat battalions and other support units totaling over 13,000 troops to Desert Storm. This roughly is equivalent to a combat division for the Marines. The reservists were integrated alongside the active components, and with a minimum of training they were deployed, and they were in combat, these Marine infantry personnel. An additional 10,000 reservists from the Marines were sent worldwide.

□ 1220

Mr. Speaker, one half of all the Marine reservists were called to active duty.

Over 650,000 Army Reserve units were mobilized for Desert Storm. Half of these were mobilized in 7 days or less.

The reliance on the Reserve components is best shown by the Army Medical Corps. Ninety-three percent of the Army Reserve's medical structure was activated, which made up 42 percent of the medical support in Saudi Arabia.

We have similar percentages that also exist for transportation, water, petroleum, and ordnance units. Quite frankly, Mr. Speaker, the Army could not move without these support units. They had to be sent to Saudi Arabia in the first 3 or 4 days that we got involved in that part of the world.

One thing that did happen that was a surprise to some was that we called up over 20,000 individual reservists, and I am proud to say that less than 5 percent failed to show up. I do not think that these individual ready reservists expected this to happen. The largest Reserve component contributor was the Army Guard. Much has been said about the three infantry and armored brigades still in Conus. Not too well known are the three combat units activated and deployed. They are two field artillery brigades and one multiple-launch rocket system battalion who moved with the VII Corps. There were about 15,000 National Guardsmen in combat on the ground from Oklahoma, from Tennessee, from your State, from Kentucky, Arkansas, and Virginia, and they were right there with the artillery weapons.

Also, now, of the 60,000 Army guardsmen called up, 38,000 of them were deployed to Saudi Arabia, and they are providing over 3,200 support troops in Germany.

Mr. Speaker, let me close by saying this: There are many heroes from the Guard and Reserve units from all of our hometowns, and I would be remiss if I did not mention another group of heroes. They are the employers who let these men and women leave their jobs, and I hope they will get their jobs back. Communities have really pitched in, and the families of the mobilized reserve component personnel. We owe them a lot of gratitude and thanks and appreciation.

We should remember that without these Guard and Reserve troops, Desert Storm could not have been done as fast nor as well.

THE LESSONS OF THE GULF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 60 minutes.

Mr. LEACH. Mr. Speaker, with riveted attention the world has just witnessed one of the most remarkable engagements in the annals of warfare. An American-led alliance has won a 100-hour ground war; now the challenge is to establish a 100-year peace.

To craft a stable peace it is imperative that events of recent weeks be understood in the contexts of history as well as political philosophy.

In America today there is a crisis of perspective. Centuries hence historians may well write that there have been three great debates in our history. The first commenced with the founding of the Republic and the question of whether a nation-state could be established premised on the rights of man; the second symbolized by the Civil War and Suffragette movement of a century later centered on the question of definitions—whether rights would be accorded individuals who were neither pale nor male; the third has just been engaged: the issue of whether society itself has rights and whether there is a right to peace.

In this context, we must recognize that conflicts begin in the hearts and minds of individuals and it is in the hearts and minds of individuals that values must be instilled if society is to be preserved. We must also recognize that responsibility can't be ducked. To sin by silence, by inaction, is to induce moral amnesia.

Several decades ago in one of the profoundest personal observations of the 20th century a German pastor, Martin Niemoeller, reflected on the dark night of the human soul we now call the Holocaust.

First, Niemoeller said, the Nazis went after the Jews, but because he was not a Jew, he did not object.

Then they went after the Catholics, but because he was not a Catholic, he did not object.

Then they went after the trade unionists, but because he was not a trade unionist, he did not object.

Then, he said, they came after me, and there was no one left to object.

How does all this relate to an understanding of the events that unfolded so graphically before the world in the gulf?

Of profound relevance, it seems to me, is a dialog which occurred between two theologians a week apart in the spring of 1932 in a religious journal called the Christian Century. The theologians were brothers—H. Richard Niebuhr, who was professor of Christian ethics at Yale Divinity School, and Reinhold Niebuhr, who held a similar chair at Union Theological Seminary. Richard Niebuhr was a pacifist; Reinhold was not.

Citing developments then occurring in the incipient stages of the Sino-Japanese conflict, Richard Niebuhr warned that righteous indignation was a dangerous thing and suggested that introspective self-analysis was preferable to judging a neighbor. Little constructive could be done by countries interfering in the affairs of other States, he suggested, but something very constructive could always be done by individuals preparing themselves for the future.

In a profoundly tortured rebuttal to the views of his brother, Reinhold Niebuhr concurred in the pacifist premise that "the business of true religion [is] to destroy man's moral conceit," but he nonetheless held that "no nation can ever be good enough to save another nation purely by the power of love." Accordingly, he suggested that "justice is probably the highest ideal toward which human groups can aspire."

From this line of reasoning over the centuries a just war doctrine has emerged. Briefly, it holds that for war to be considered just, it must be animated by a just cause and informed by righteous intention, that it be undertaken by a lawful political authority and only as a last resort, and that rectifying actions be proportionate to the wrongs committed.

I raise the just war issue, what might at first blush seem to be an esoteric concern, for two interrelated reasons. First, the issue of war involves the gravest of moral questions. Second, not merely the theory but the history of international relations since the First

World War embodies the distinction between just and unjust causes of war. The Covenant of the League of Nations, the U.N. Charter, and the Charter of the Military Tribunal at Nuremberg all reject the realpolitik doctrine of staatrason—the tyrannical notion that might makes right, that orders lacking moral base can be considered legal.

Instead, modern world politics are founded upon a conception of international society analogous to the laws and customs of coercion in domestic societies, that resort to violence in international affairs must be regarded either as lawful police action or crime. In other words, resort to armed force in international society is legitimate only if it is used on behalf of or in service to the fundamental principles and purposes undergirding international law.

Thus the moral philosopher Michael Walzer observes that, "aggression is the name we give to the crime of war."

In postwar America diplomacy, the classic exposition of this principle was stated by President Truman in October 1945, when he declared that the fundamentals of American foreign policy would rest in part on the proposition "that the preservation of peace between nations requires a United Nations organization composed of all the peace-loving nations of the world who are willing to use force if necessary to insure peace."

Perspective is always difficult to apply to events of the day, but it would appear that a watershed development in international relations is occurring. For the first time in modern history, a credible system of collective security—predicated on the understanding that force may be required to keep the peace—is on the threshold of being born.

If one American political party has been historically identified with advocacy of collective security and the multilateral diplomacy it implies, it is the Democratic Party. Collective security was the watchword of Woodrow Wilson, who literally drove himself to death defending this principle against strident critics. Franklin Roosevelt, arguably the greatest president of this century, insisted that collective security principles be espoused in the Atlantic Charter, in authoritative statements of American aims in World War II, and ultimately in the Charter of the United Nations itself.

Yet today it is a Republican President who, in opposition both to the isolationist and go-it-alone interventionist themes that have ambivalently marked much of this century's conservative tradition, is in the vanguard of credible collective security endeavors.

In our society the catch-22 of the "me-generation" is what the Librarian of Congress James H. Billington describes as the growing tendency to decouple freedom from responsibility. Too often modern-day conservatives are seeking freedom from government without accepting personal responsibility for societal imperatives. Liberals, on the other hand, are increasingly seeking freedom from personal responsibility by transferring as many problems as possible to impersonal bureaucracies.

Lest we forget, the American Revolution was premised on the notion that might did not make right and that self-interest could never be the final measure of an action's worth. Signers of the Declaration of Independence pledged their lives, honors, and fortunes to establish a government that constitutionally recognized the separation but not total divorce of church and state.

In crafting our initial documents, our Founding Fathers attempted not only to imbue our political institutions with an understanding of human nature but with a recognition of the transcendental import of the divine.

Building on the French philosopher Montesquieu, they recognized human frailty and determined that there would be a separation of powers between branches of government with shared and potentially discordant authority. While not establishing a single state-church or state school, they nevertheless decreed freedom of religion as a primal or natural right protected by the Constitution itself. Government was to be premised on the active consent of the governed, with the right of revolution against authority, the right of self-determination, rooted in a higher law of conscience as opposed to the lesser, more mundane civil law of society. The government that eventuated—of, by, and for the people—was to be "under," not "above," God.

There is always a tension in a society such as ours that is based on firmly held ethical and religious values but which protects as a fundamental right diversity of perspective. This tension is the genius of our constitutional system. Process is our most important product.

Reinhold Niebuhr once commented that the temper and the integrity with which the political fight is waged is more important for the health of our society than the outcome of any issue.

This emphasis on process as opposed to outcome—the "how" rather than the "who" or the "what" of policy—has never been more important, in international as well as domestic society. That is why it is so crucial to emphasize that the employment of American troops occurred with a full constitutional mandate and the decision to use force to evict Saddam's legions from Kuwait occurred with United Nations sanction. In the end, process mattered as much as result.

Here a note about the role of the Democratic Party. While I would fault America's largest political party for misunderstanding its heritage, I give the Speaker of the House, Mr. FOLEY, and the majority leader of the Senate, Mr. MITCHELL, high marks for the temper and integrity of the debate they led and the pulling together of the Congress this January when the decision was finally made that congressional responsibility for war and peace issues could no longer be put off. In addition, congressional leadership gets high marks for understanding that after their side lost, the country could not afford anything but full support for the troops.

It may be ironic that Britain's far more leftist Labor Party provided greater support for a Conservative Prime Minister's policy in the gulf than the Democratic Party in our country, but nonetheless Democratic leadership understood the folly of attempting to partisanize issues of war and peace. They refused to whip their membership and make the President's gulf policy a party loyalty test. They also presented a legislative alternative, constructed as a nonbinding concurrent resolution, which would not, if it had prevailed, have shackled the President's discretion in fulfilling his constitutional obligations. They served as a loyal opposition and Republican partisans would be misunderstanding American history if they attempt to imply or suggest that loyalty or patriotism is the monopoly of a single party.

In the profoundest sense U.S. forces have engaged in an act of law enforcement rather than an act of warfare in the gulf. They are serving as constables enforcing the law abroad, rather than as soldiers of nationalist whim.

I stress this point because warfare is sometimes described as the scourge of nationalism, but in this instance force has been employed to defend an international collective security system, to undercut rather than bolster nationalism's most destructive elements.

From a historical perspective, observers of crises that involve aggression in this century frequently look to the European cities of Sarajevo and Munich for juxtaposed historical analogy: Sarajevo implying excessive rigidity in the international system, Munich implying not enough spine. In this case, Munich appears to be a more apt historical analogy. On the other hand, to the degree there is a historical parallel, perhaps the most relevant is an East African capital, Addis Ababa, where some 55 years ago, the League of Nations was faced with an analogous crisis.

In 1935, Fascist Italy, then considered a world-class power, invaded and eventually subjugated Ethiopia. With great fanfare, the United Kingdom led 50 other members of the League in a decision to enforce the Covenant of the League by imposing sanctions against Rome. Mussolini declared that any sanctions which might affect his military capabilities, especially regarding oil, meant war. Confronted with this brute threat, Britain and her allies recoiled.

In "The Gathering Storm" Churchill later observed:

> The measures passed with so great a parade were not real sanctions to paralyze the aggressor, but merely such half-hearted sanctions as the aggressor would tolerate * * * [British leadership had] led the League of Nations into an utter fiasco, most damaging if not fatally injurious to its effective life as an institution.

Likewise, at issue in the Kuwaiti crisis is less an outcome where individual nation-states may be winners or losers, but one in which the international system has an enormous stake.

From challenge springs opportunity and in this context the President is precisely right to suggest that a new international order is at issue. Hopefully, once the storm clouds have passed, the international community will be able to conclude that the United Nations has finally functioned as its founders intended. But if this conflict is not resolved in a manner which at least restores the status quo ante, then our current international structure—and in particular the United Nations—will be grievously jeopardized.

In this regard, the United States must be careful to ensure its policies not produce unintended martyrdom and allow a tin-horn Hitler to be turned into an Islamic Allende.

Hence, I would urge the administration over and over again to make it clear to the world that at issue are international standards and that a Nuremberg-like tribunal is in the offing for violators of international law. In addition, I believe the United States should take this opportunity to advance within the U.N. system the creation of an International Criminal Court to hold accountable individuals who violate international conventions, to complement the World Court which exclusively adjudicates disputes between states.

I raise the notion of creating a criminal court at this time because terrorist crimes, usually directed against individuals, small states or relatively small groups of people, challenge nonetheless the rule of law. There could be no more appropriate potential defendant to proceedings in such a court than Saddam Hussein for his brazen violation of civilized norms of behavior in his invasion of Kuwait, in his treatment of POW's, in his use of human shields, as well as poison gas, which has been outlawed by both the Geneva Convention of 1925 and the Biological Weapons Convention of 1972.

Americans must understand that if Saddam's brand of brigandage had been rewarded, it would have become a replicable model in other corners of the Earth. Judgment about proportionality in just war doctrine must include such considerations. Lives jeopardized yesterday in the sands of Saudi Arabia represent lives spared tomorrow, in other distant niches of the world's terrain.

At issue for decisionmakers in Washington was whether engagement or disengagement represented the more moral policy, whether a policy of peacekeeping or keeping an unprincipled peace would best stand the test of time. Recognizing, in Niebuhrian terms, that there are elements of societal as well as individual moral conceit in an engagement policy, I am nonetheless convinced that a moral society could not shirk its responsibilities to advance justice.

Saddam Hussein has conducted two wars in the last 10 years which resulted in a million casualties; he made rape a daily instrument of coercive state policy in Kuwait; and allowed executions of epidemic proportions to occur, frequently with family members asked to witness and pay for the bullets.

When a country was not only being systematically pillaged, but a culture eviscerated, moral people had an obligation to do more than simply wring their hands and suggest that resolve be diluted by the sands of time.

Sanctifying the status quo in the gulf with a sanctions only policy would have driven a stake into the heart of international law, for it would have rendered hapless the collective security system Woodrow Wilson and Franklin Roosevelt worked so assiduously to create and American soldiers in the great wars of this century fought so courageously to make possible.

It would have left a fragile world order increasingly vulnerable to aggression and thus war.

The President's collective security approach, on the other hand, gives hope that an international order will be established based on the precept that aggression will not be rewarded; that peacekeeping is peacemaking; that potentates, whether petty or mighty, who through naked aggression attempt to take the world hostage will be held accountable to the rule of law.

Of the many lessons of the 42-day war, several of a judgmental nature stand out. While the world community hoped sanctions would prove effective in dislodging Iraq from Kuwait, it would now appear close to naive to think Saddam would have backed down to economic pressures alone, given the thoroughness of his fortifications and demonstrated proclivity to jeopardize the lives of others to advance his own ego. It would also appear close to naive to assume that occupation of Kuwait was his only goal. Given his decision to target both Tel Aviv and Riyadh with Scud missiles and preemptive cross-border strike against the Saudi coastal town of Khafji, Saddam would appear to have been bent on controlling the whole of the Arabian Peninsula, ultimately threatening Israel.

Proportionality judgments are always difficult to render, but just as accommodating Hitler at Munich and allowing German annexation of the Sudetenland to stand reduced the prospect of short-term sacrifice but cost tens of millions of lives shortly thereafter, it would appear that accommodating Saddam's occupation of Kuwait would have averted certain short-term casualties, but jeopardized many more later.

Standing up to aggression early rather than late—the lesson of Munich—and bringing maximum rather than gradualist military might to bear when the decision is made to employ force—the lesson of Vietnam—reduced both the length of the war and casualties on both sides. Holding allied deaths to less than 150 and American to less than 100 can only be considered remarkable given the dug-in capacities of over half a million opposition forces.

The oldest paradigm in the Judeo-Christian tradition of governance is the moral imperative of a search for peace. Peace must be the goal of moral leadership. Yet peace, properly understood, cannot merely be defined as the absence of war. After all, if this were so, then a small nation suddenly subjugated and enslaved by a rapacious and unscrupulous neighbor might, after a spell, be considered at peace when in fact its citizens refuse to reconcile themselves to an unconsented fate.

We know from history that humankind does not accept enslavement with abject acquiescence. It goes without saying that peace within a society implies the existence of peace within the individuals who make up such a society. In this context, rights and liberties must be accorded nation-states no less than individuals. In the words of Churchill, true peace "is nothing less than the safety and welfare, the freedom and progress, of all the homes and families of all the men and women in all the lands."

That is why last week at a Nobel Peace Symposium at Luther College night in response to a question about who I thought a fitting recipient of the Nobel Peace Prize for 1991 might be, I suggested none would be more fitting than the American G.I. Afterward, a thoughtful young woman told me she thought it was time we stop celebrating the warrior; and a Nobel laureate said she "puked" at my suggestion.

So that there is no misunderstanding, let me modify my proposal and suggest as strongly as I can that the Nobel Peace Prize for the 20th century should go to the American GI.

Let me explain. In a geostrategic sense there have been three defining events of the 20th century—World War I, World War II, and World War III—the cold war—which was won without a shot being fired in 1988 and 1989 in

Eastern Europe. The gulf war may be a footnote event, but nonetheless it is of defining significance. What the President is attempting to develop in his New World Order theme is that aggression will not be rewarded; that countries should be expected to follow precepts of international law just as individuals should be expected to adhere to domestic statute; that international institutions will be used to the maximum in developing collective security arrangements; and that countries distant from areas of conflict will be prepared to sacrifice to ensure that abstract principles be ensconced as worldwide norms.

If it weren't for the American GI, there would be no collective security. The only competition in the world today would be between totalitarianism of the left and totalitarianism of the right. Europe would be freedom's toxic dump. Either the Nazi or Soviet jackboot would be the symbol of order. The land mass that produced Montesquieu and Locke, Beethoven, and Descarte, would find its libraries exclusively filled with the class conflict, hate ridden dogma of "Das Kapital" and "Mein Kampf."

Without attempting to colonize or subjugate, the GI marched in Flanders' fields and landed at Omaha Beach to make possible the precept that aggression would not be rewarded. In so doing, he and she have laid the foundation for a collective-security system that deprives nation states of the incentive to go to war.

What distinguishes this generation of citizens of the world from all others is that we are the first to have the capacity not just to wage war, but destroy civilization. As Einstein once noted, "The unleashed power of the atom has changed everything save our modes of thinking." If war is a constant of history, the greatest political science question of all time is how it can be made to be obsolete. Without the GI, this question cannot credibly be answered, except in the abstract. Because of the GI, the groundwork has finally been laid for resolution of mankind's greatest political quandary.

The establishment of a New World Order demands we recognize mistakes of the past with an understanding that the most challenging assignment for civilization is to figure out how not to make the one mistake that can't be repeated: nuclear Armageddon.

Avoiding a nuclear exchange implies the need to pay greater attention to the causes of war, such as impoverishment, as well as to the development of instruments of war. Arms control on a global as well as regional basis is a self-evident societal imperative. The time is past due for fulfillment of the promises of START, for a regional nuclear free zone in the Middle East, for a comprehensive test ban, for creation of a permanent U.N. peacekeeping force.

If there is any lesson of the gulf conflict, it is that the West and the North are responsible for the creation of the armed camp known as Iraq. Any credible postwar scenario in the Middle East must include unprecedented restraints on the transfer of arms. The lesson of today is that countries of the world must demand an end to the arms race tomorrow.

John Locke, the philosophical godfather of Thomas Jefferson, once observed that the distinction between civil society and a state of nature—what Hobbes described as a jungle where life was "solitary, poor, nasty, brutish and short"—was the existence of rules to govern disputes and third party arbitration. Within nation-states, mankind has developed civil organization where law and order are the norm, but in relations between states the absent ingredient has been enforcement. Rules exist, but the ability to discipline outlaw national actions has been in doubt. It is in this context that the President's orchestration of Security Council resolutions and alliance resolve must be understood as historical benchmarks, collective security arrangements designed to erase the void of anarchy.

The 20th century, like those of all recorded history, has been hallmarked by war. For the first time, however, mankind has come seriously to contemplate reasons war should become obsolete and reasons such a prospect is possible. The existence of weapons of mass destruction give unprecedented and compelling reason to work to ensure they can not be employed. The creation of international institutions, most importantly the United Nations, the expansion of international law, and the demonstrated will of the international community to participate in collective security arrangements such as NATO, which has won an unfought war, and the alliance engaged in the gulf, give hope that the next century will be hallmarked by the absence of cross-boundary conflict.

As this century begins to unfold into the next, it is up to all of us to think anew about war and its meaning. In so doing, care must be taken to recognize the sacrifices of decent, moral people who have throughout this century risked life, limb, and fortune to ennoble the precept of collective security and defend values identified with the American way of life.

In this regard, the importance of role models cannot be underestimated. As Americans we have failed to understand the subtleties of Middle East politics and more importantly the nuances of Islamic and Hebraic cultures. Yet, by contrast, Saddam Hussein's failure to understand America and American leadership is a principal reason aggression occurred in the first place. Saddam looked to an America that he believed was coercible, a country hamstrung by the Ayatollah's hostage taking, a country unable to discipline its oil consumption and balance its budget, a self-critical society in decline. What he failed to comprehend was the length and breadth of the American landscape, the intellectual and physical toughness that also characterize our frontier society.

When brutal aggression was accompanied by kidnaping of third-party nationals and blackmailing of the world community, a firm American President understood that despite the risks he could not allow ill-gotten gains to stand and, more importantly, that he could not allow future replication of the politics of coercion. Confronted with unforeseen tribulation, George Bush assumed the mantle of Presidential leadership and a stunned world has been forced to reassess once again the meaning of a century hallmarked by a single country steadfastly advancing unselfish ideals as it wielded unprecedented power.

The President's decisionmaking was masterful, in a timing as well as strategic sense. But it was only possible because strength in America springs from the bottom up, from the values, discipline, and sacrifice of master sergeants, from Iowa and Georgia, from New York and California. George Bush, Dick Cheney, Colin Powell, Norman Schwarzkopf have achieved a niche in greatness' hall of fame because they commanded the greatest volunteer army in history, an army inspired by a sense of democratic destiny, rather than a desire to conquer, rule, or oppress.

Blessed are the peacemakers, especially the American GI who has been called upon once again in this century to deter aggression, to keep the peace.

□ 1350

LET US MAINTAIN A STRONG NATIONAL DEFENSE

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 10 minutes.

Mr. SKELTON. Mr. Speaker, in the wake of the dramatic result our military had in the last few days in the Persian Gulf region, let us pause for a moment to recognize what enabled us to have such a stunning victory and also to look to the future.

America has emerged from this conflict an immeasurably strengthened country, both in its military and political positions. This allows us new opportunities to take the lead in international affairs. The war has demonstrated that America is the only country that is able to project power on a large scale. The war has underscored our place in the world. Turkish President Turgut Ozal recently stated his disappointment that Western Europe had not been able to take unified action in the gulf. He said, "After this war, United States influence will increase, contrary to what happened after the Vietnam war. It has proved that it is capable of intervening 10,000 kilometers from home to solve a serious problem alone."

Mr. Speaker, we won the war mainly through military excellence centered around the air-land battle that was originally structured to enable us to compete with the Soviet Army's vastly superior mass. This awareness caused us to prepare strategically and tactically with forces that could carry out difficult missions. Further, in the 1980's, we improved the All Volunteer Force, attracting high caliber men and women to wear our country's uniform. We paid them well and treated them with respect. This Congress provided our military with sufficient funds to fully train its personnel. We also furnished first-rate high technology weaponry and the best ships. We were able to field a strong and professional force because of over 10 years of sufficient attention and funding by this body. Our war colleges provided the strategic and tactical lessons that were so evident on the battlefield, on the sea, and in the air.

Today, we find ourselves at a crossroad that could undermine our efforts so recently won by those soldiers, sailors, airmen, and marines. The forces that have allowed us to assume an even greater leadership role in international affairs is being threatened. Last year, in the euphoria of the collapse of the Berlin wall, democratization of Eastern Europe, and the proported reforms in the Soviet Union, our military budget was put on a drastic glide path of cuts with a total planned reduction of 25 percent over 5 years. In doing so, the administration and this Congress failed to recognize the unpredictability of the future. The future is like a kaleidoscope. Every time the world turns, the pattern of the future changes in a unpredictable manner.

In the spring of 1990, no one would have predicted that American fighting forces, within a few short months, would be deployed to the Middle East and subsequently become engaged in a war against the fourth largest army in the world. It is this uncertainty of the future that should alarm us and should cause us to rethink the drastic military cuts that have heretofore been scheduled. The Persian Gulf war is not just a bump in the road, but a crashing reminder of the uncertainty of the days ahead and the resultant need for a continued strong national defense.

In this recent conflict, we took a page from history, and with strong national preparedness, stopped a tyrant at an early stage in his aggression. Had the great powers of the day stopped Adolf Hitler in his early adventures in 1936 and 1938, World War II could well have been avoided. If we are to have the potential to lead in this world, we must be able to do so with an adequate military. We have learned that adequate forces prevent conflict, such as our strong presence in Europe over the past four decades and our military strength so evident in South Korea.

In questions recently put to three members of the Joint Chiefs of Staff, during House Armed Services Committee hearings, testimony was given that, with the projected 1995 shrunken force structure, Operation Desert Storm could not have been carried out so timely and effectively. This testimony is reason for us to revisit the budgeted cuts and to structure our future forces more in line with the uncertainties of the future and our opportunity to lead from a political position of strength in this new world of international affairs.

Our military is scheduled to be cut in numbers of personnel, both active duty and Reserves, cuts in ships, with diminished resources going to research, development and procurement of high technology weapons, such as the futuristic stealth technology.

In a word, at a time when we should recognize the importance of military strength, based on the uncertainties of the future, we should not denude ourselves with a diminished military strength. We should pause, reflect, and set a new course with adequate national security funding. Let us not do what we have done so many times, the doing and undoing of our national defense. It should be kept more constant. I learned long ago in my younger days as a Boy Scout the importance of the motto "be prepared." The same holds true for our Nation. We should be prepared for the unpredictable and the uncertain, and by so doing, we as a Nation and other civilized nations, will have a greater chance for lasting peace and security.

RULES OF PROCEDURE FOR THE COMMITTEE ON EDUCATION AND LABOR FOR THE 102D CONGRESS

(Mr. FORD of Michigan asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FORD of Michigan. Mr. Speaker, pursuant to clause 2(a) of House Rule XI, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Education and Labor for the 102d Congress, as adopted at the committee's organizational meeting on February 5, 1991:

RULES OF THE COMMITTEE ON EDUCATION AND LABOR FOR THE 102D CONGRESS (ADOPTED FEBRUARY 5, 1991)

Rule 1. Regular and Special Meetings.—(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:45 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meetings as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committees business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff, director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calender days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in absence of the Chairman, by the ranking majority party member of the committee present.

Rule 2. Questioning of Witnesses.—Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position. The Chairman may accomplish this by recognizing two majority party members for each minority party member recognized.

Rule 3. Records and Rollcalls.—(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee in inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the committee (including and record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 19(d) have been met, a quorum of a majority of the members of the committee present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the nonavailability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule XXXVI of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or conditions for availability pursuant to subsection (b)(3) of this Rule.

Rule 4. Standing Subcommittees: Size, Ratio, and Jurisdiction.—(a) There shall be eight standing subcommittees with the following jurisdictions:

Subcommittee on Postsecondary Education.—Education beyond the high school level, including but not limited to higher education generally, education professions development, postsecondary student assistance, and arts and humanities.

The Subcommittee on Postsecondary Education shall consist of 27 members, 17 from the majority and 10 from the minority. This ratio includes ex officio members.

Subcommittee on Health and Safety.—Workers' health and safety, including but not limited to occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety.

The Subcommittee on Health and Safety shall consist of 8 members, 5 from the majority and 3 from the minority. This ratio includes ex officio members.

Subcommittee on Labor Standards.—Wages and hours of labor, including but not limited to Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal employees' compensation, Migrant and Seasonal Agricultural Worker Protection Act, and Service Contract Act.

The Subcommittee on Labor Standards shall consist of 8 members, 5 from the majority and 3 from the minority. This ratio includes ex officio members.

Subcommittee on Elementary, Secondary, and Vocational Education.—Education from preschool; through the high school level and vocational education, including but not limited to elementary and secondary education generally, the Follow Through Act, vocational education, school lunch and child nutrition, adult education, migrant and agricultural labor education, and overseas dependent schools.

The Subcommittee on Elementary, Secondary, and Vocational Education shall consist of 25 members, 17 from the majority and 9 from the minority. This ratio includes ex officio members.

Subcommittee on Labor-Management Relations.—Relationship between employer and employee and their representatives, including but not limited to labor-management relations generally, Bureau of Labor Statistics, pension benefits including Employee Retirement Income Security Act (ERISA), library services and construction, museum services, arts and artifacts indemnity, the Robert A. Taft Institute, and the Institute for Peace.

The Subcommittee on Labor-Management Relations shall consist of 23 members, 15 from the majority and 8 from the minority. This ratio includes ex officio members.

Subcommittee on Human Resources.—All matters dealing with programs and services for the elderly, for the elimination of poverty, and for the care and treatment of children, including but not limited to Economic Opportunity and Community Services programs (Head Start Act, Community Block Grant Act, etc.), Juvenile Justice and Delinquency Prevention, Runaway Youth Act, early childhood services, nutrition programs for the elderly, and older Americans.

The Subcommittee on Human Resources shall consist of 8 members, 5 from the majority and 3 from the minority. This ratio includes ex officio members.

Subcommittee on Select Education.—Special education programs, including but not limited to alcohol and drug abuse, education of the handicapped, rehabilitation, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor, day care, child adoption, child abuse, domestic violence, domestic volunteers, and ACTION (excluding volunteer older American programs).

The Subcommittee on Select Education shall consist of 9 members, 6 from the majority and 3 from the minority. This ratio excludes ex officio members.

Subcommittee on Employment Opportunities.—Comprehensive employment and training, work incentives, and equal employment opportunities, including but not limited to Comprehensive Employment and Training Act and Job Training Partnership Act, equal employment opportunities, Full Employment and Balanced Growth Act (Humphrey-Hawkins Act), displaced homemakers, employment services (Wagner-Peyser Act), youth and young adult conservation corps programs (including Youth Conservation Corps and American Conservation Corps), import trade impacts, plant relocation impact, and Work Incentive Program (WIN).

The Subcommittee on Employment Opportunities shall consist of 8 members, 5 from the majority and 3 from the minority. This ratio includes ex officio members.

(b) The majority party members of the committee may provide for such special and select subcommittees as determined to be appropriate.

Rule 5. Ex Officio Membership.—The Chairman of the committee and the ranking minority party member of the committee shall have the right to be ex officio members of each subcommittee established pursuant to Rule 4. Ex officio members shall be counted for purposes of determining a quorum and shall have the right to vote on all measures and matters considered in each subcommittee.

Rule 6. Special Assignment of Members.—To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

Rule 7. Subcommittee Chairmanships.—The majority party members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any such request shall be subject to approval by a majority of those present and voting in the majority party caucus of the committee. Members so elected shall be chairmen of their respective subcommittees.

Rule 8. Subcommittee Scheduling.—Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or matter when the committee is meeting to consider any measure or matter for markup or approval.

Rule 9. Subcommittee Rules.—The rules of the committee shall be the rules of its subcommittees.

Rule 10. Committee Staffs.—Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the House Committee on Education and Labor shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of the majority party members of the subcommittee within the budget approved for the subcommittee by the full committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approval for such purposes by the committee;

(3) The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the Chairman in consultation with and with the approval of the majority party members of the committee within the budget approved for such purposes by the committee.

Rule 11. Supervision and Duties of Committee Staffs.—The staff of a subcommittee shall be under the general supervision and direction of the chairman of that subcommittee. The staff assigned to the minority shall be under the general supervision and direction of the minority party members of the committee who may delegate such authority as they determine appropriate. The staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. Staff members shall be assigned to committee business and no other duties may be assigned to them.

Rule 12. Hearings Procedure.—(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony, together with a brief summary thereof, and shall limit his oral presentation to a summary of his statement. The staff director of the committee or the subcommittee, as the case may be, shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure of matter during at least one day of hearing thereon.

Rule 13. Meetings—Hearings—Quorums.—(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman or a majority of a quorum of the subcommittee. Where feasible and practicable, 14 days notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) In the absence of the chairman of the committee or a subcommittee, the ranking majority party member present shall preside.

(d) As far as practicable, when a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

Rule 14. Subpoenas.—A subpoena may be authorized and issued by the committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members of the full committee voting, a majority being present. Authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee.

Rule 15. Reports of Subcommittees.—(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Education and Labor (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to such consideration. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking Republican member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

Rule 16. Proxies.—(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the staff director of the committee or the subcommittee, as the case may be, during each rollcall in which they are to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. ———.

House of Representatives, Washington, DC.

DEAR ——: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of ——— and any amendments or motions pertaining thereto.

——— ———.

Member of Congress.

Executed this the —— day of ————, 19—, at the time of ——— P.M./A.M.

Rule 17. Authorization for Travel.—(a) Consistent with the primary expenses resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b) In the case of expenses for travel of members and staff of a subcommittee to hearings, meetings, conferences, or investigations involving activities or subject matter under the legislative assignment of such subcommittee, including the expenses of witnesses at hearings, subject to the limitations contained in Rule 22, to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the appropriate chairman of the subcommittee in writing setting forth those items enumerated in clauses (1), (2), (3), and (4) of subsection (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(e) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

Rule 18. Oversight.—(a) In order to enable the committee to carry out its responsibilities under Rule X, clause 2 of the Rules of the House of Representatives, each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(b) The Chairman of the committee, consistent with Rule 4, from time to time in order to fulfill the committee's responsibility under Rule X, clause 3(c) of the Rules of the House of Representatives, shall assign matters to subcommittees for reviewing, studying, and coordinating, on a continuing basis, all laws, programs, and government activities dealing with or involving domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

(c) The Chairman of the committee, consistent with Rule X, clause 2(d) of the Rules of the House of Representatives, shall from time to time assign matters to subcommittees for reviewing and studying on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

(d) Upon the request of the chairman of any subcommittee of the committee (after consulting with the ranking minority member of such subcommittee), and in order to enable the committee to carry out its responsibilities under section 431 of the General Education Provisions Act with respect to the consideration of final regulations, the Chairman of the committee shall transmit to the appropriate department or agency head a formal statement of objection to any final regulation identified in such request for the purpose of suspending the effective date of such regulation until not less than twenty days after the end of any adjournment described in the first sentence of subsection (d)(2) of such section. Any such objection shall be deemed to have been directed by the committee on the date of the request of such subcommittee chairman.

Rule 19. Referral of Bills, Resolutions, and Other Matters.—(a) Each bill, resolution, or other matter, which relates to a subject listed under the jurisdiction of any subcommittee named in Rule 4, which has been referred to the committee shall within two weeks be referred to the subcommittee of appropriate jurisdiction unless, by majority vote of the majority party members of the committee, consideration is to be by the full committee or there is to be shared consideration under subsection (b)(2) by more than one subcommittee pursuant to a joint referral for such purpose.

(b)(1) In carrying out subsection (a) with respect to any matter, the Chairman may (consistent with Rule 4) refer the matter jointly to two or more subcommittees for concurrent consideration simultaneously or for consideration sequentially (subject to appropriate time limitations in the case of any subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter pursuant to subsection (b) of Rule 4 to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittees having legislative jurisdiction) for the specific purpose of considering such matter and reporting to the committee thereon, or make such other provisions as may be considered appropriate.

(2) In the conduct of hearings and meetings of subcommittees sitting jointly, pursuant to subsection (a), for purposes of shared consideration of any bill or resolution, including marking up or reporting any such measure to the full committee—

(A) The rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings and meetings for purposes of such shared consideration, and

(B) every member of each of such subcommittees shall for purposes of determining a quorum be counted individually in the aggregate total number of members of such subcommittees, and shall have equal voting and proxy rights as individual members during the shared consideration of any such bill or resolution.

in the same manner as if the total memberships of such subcommittees were combined to constitute a single subcommittee.

(c) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee or proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(d) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

Rule 20. Committee Reports.—(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 3 and 7(a) of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the three-day period (provided under clause 2, paragraph (1)(5) of Rule XI of the Rules of the House of Representatives) after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House:

"This report has not been officially adopted by the Committee on Education and Labor or any subcommittee thereof and therefore may not necessarily reflect the views of its members."

Such disclaimer need not be included if the report was circulated to all members of the committee at least 10 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

Rule 21. Measures To Be Considered Under Suspension.—A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

Rule 22. Budget and Expenses.—(a) The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The chairman of each standing subcommittee, in consultation with the majority party members thereof, shall prepare a supplemental budget to include funds for such additional staff, and for such travel, investigations, etc., as may be required for the work of such subcommittee. Thereafter, the Chairman shall combine such proposals into a consolidated committee budget, and shall present the same to the committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 17 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC.

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $2,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $2,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $2,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $2,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed, monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

Rule 23. Appointment of Conferees and Notice of Conference Meetings.—(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 6(f) of Rule X of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

Rule 24. Broadcasting of Committee Hearings.—(a) When any hearing or meeting of the committee or a subcommittee is open to the public, that hearing or meeting may be covered in whole or in part by television broadcast, radio broadcast, and still photography, or by other such methods of coverage. Such coverage of hearings and meetings is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of clause 3 of Rule XI of the Rules of the House of Representatives.

(b) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(c) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This paragraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television and still cameras permitted in a hearing or meeting room shall be determined in the discretion of the chairman of the committee or subcommittee holding such hearing or meeting. The allocation among the television media of the positions of the number of television cameras permitted by the chairman of the committee or subcommittee in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the cov-

erage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the committee, or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspicture. If requests are made by more of the media than will be permitted by the committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule 25. Changes in Committee Rules.—A proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes each day, on March 12, 13, and 14.

Mr. LEACH, for 60 minutes each day, today and on March 5.

(The following Members (at the request of Mr. HUBBARD) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SKELTON, for 10 minutes, today.

Mr. LIPINSKI, for 5 minutes, each day, on March 5, 12, 19, and 26.

Ms. WATERS, for 60 minutes, on March 5.

Mr. LIPINSKI, for 60 minutes, each day, on March 6, 13, 20, and 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. INHOFE.

Mr. GEKAS.

Mr. LEACH.

(The following members (at the request of Mr. HUBBARD) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. MAVROULES.

Mr. SKELTON.

Mr. TRAFICANT in two instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. SWETT.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans; reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 379. An act to make certain technical amendments to the National and Community Service Act, and for other purposes.

ADJOURNMENT

Mr. SKELTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 5, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

745. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's annual report to Congress for fiscal year 1991, pursuant to 10 U.S.C. 113(c), (e); to the Committee on Armed Services.

746. A letter from the Deputy Secretary of Defense, transmitting the Department's multiyear defense program, pursuant to 10 U.S.C. 114; to the Committee on Armed Services.

747. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 91-05), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

748. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Korea (Transmittal No. DTC-22-91), pursuant to 22 U.S.C. 2276(c); to the Committee on Foreign Affairs.

749. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1991 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(e)(6); to the Committee on Foreign Affairs.

750. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination regarding certification of the 25 major illicit narcotics producing and transit countries, pursuant to 22 U.S.C. 2291; to the Committee on Foreign Affairs.

751. A letter from the First Vice President, Export-Import Bank of the United States, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

752. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

753. A letter from the Archivist, National Archives, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

754. A letter from the Vice President for Communications, Tennessee Valley Authority, transmitting a copy the Authority's statistical summaries as part of their annual report for the fiscal year beginning October 1, 1989, and ending September 30, 1990, pursuant to 16 U.S.C. 831h(a); to the Committee on Public Works and Transportation.

755. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes; jointly, to the Committees on Ways and Means; Banking, Finance and Urban Affairs; the Judiciary; and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted March 1, 1991]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 707. A bill to improve the regulation of futures trading, authorize appropriations for the Commodity Futures Trading Commission, and for other purposes; with an amendment (Rept. 102-6). Referred to the Committee of the Whole House on the State of the Union.

[Submitted March 4, 1991]

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 991. A bill to extend the expiration date of the Defense Production Act of 1950, and for other purposes; with an amendment (Rept. 102-7). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself, Mr. ANNUNZIO, Mr. HUBBARD, Mr. FRANK of Massachusetts, and Mr. BARNARD):

H.R. 1221. A bill to provide additional funding for the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RANGEL:

H.R. 1222. A bill to enhance cooperation between the public and law enforcement personnel in controlling and preventing crime and drug abuse; jointly, to the Committees on the Judiciary, Education and Labor, and Energy and Commerce.

By Mr. BROOKS:

H.R. 1223. A bill to modify the flood control project for Clear Creek, TX, to direct the Secretary of the Army to remove a railroad bridge, and for other pruposes; to the Committee on Public Works and Transportation.

By Mr. CARDIN:

H.R. 1224. A bill to amend the Internal Revenue Code of 1986 to allow small commercial finance companies to use the reserve method in accounting for bad debts; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1225. A bill to establish the grade of general of the Army and to authorize the President to appoint Gen. Colin L. Powell and Gen. H. Norman Schwarzkopf, Jr., to that grade; to the Committee on Armed Services.

By Mr. TORRICELLI:

H.R. 1226. A bill to amend title 23, United States Code, relating to the grandfather clause for vehicle weight limitations for the Interstate System; to the Committee on Public Works and Transportation.

By Mr. COUGHLIN:

H.J. Res. 165. Joint resolution designating April 1991 as "National Weight Loss Month"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself, Mr. MANTON, Mr. FISH, Mr. FOGLIETTA, Mr. HORTON, Mr. MRAZEK, Mr. DORNAN of California, Mr. ACKERMAN, Mr. GUARINI, Ms. MOLINARI, Mr. MCGRATH, Mr. LAGOMARSINO, Mr. HARRIS, Mr. SOLOMON, Mr. LENT, Mr. ENGEL, Mr. PAXON, Mr. COYNE, Mr. ROE, Mr. MACHTLEY, Ms. KAPTUR, Mr. MCEWEN, Mr. SCHEUER, Mr. MARTINEZ, Mr. JEFFERSON, Mr. RANGEL, Ms. SNOWE, Mr. CLINGER, Mr. HENRY, and Mr. KENNEDY):

H.J. Res. 166. Joint resolution to designate September 13, 1991, as "Commodore John Barry Day"; to the Committee on Post Office and Civil Service.

By Mr. HERTEL (for himself, Mr. RITTER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDERSON, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. ARCHER, Mr. BACCHUS, Mr. BATEMAN, Mrs. BENTLEY, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BONIOR, Mr. BORSKI, Mr. BROOMFIELD, Mr. BROWDER, Mr. BROWN, Mr. BRUCE, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CAMP, Mr. CARDIN, Mr. CARPER, Mr. CARR, Mr. COLEMAN of Texas, Mrs. COLLINS of Michigan, Mr. CONYERS, Mr. COOPER, Mr. COUGHLIN, Mr. COX of California, Mr. CRANE, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAVIS, Mr. DE LA GARZA, Ms. DELAURO, Mr. DE LUGO, Mr. DINGELL, Mr. DIXON, Mr. DONNELLY, Mr. DOOLITTLE, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DREIER of California, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ECKART, Mr. EDWARDS of Texas, Mr. EMERSON, Mr. ENGEL, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. FROST, Mr. FUSTER, Mr. GALLEGLY, Mr. GALLO, Mr. GILMAN, Mr. GOODLING, Mr. GORDON, Mr. GRAY, Mr. GREEN of New York, Mr. GUARINI, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HEFLEY, Mr. HEFNER, Mr. HENRY, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOYER Mr. HUBBARD, Mr. HUGHES, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. IRELAND, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KOLBE, Mr. KOLTER, Mr. KOSTMAYER, Mr. KYL, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LEACH, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIPINSKI, Ms. LONG, Mr. LOWERY of California, Mrs. LOWEY of New York, Mr. LUKEN, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCEWEN, Mr. MCGRATH, Mr. MCHUGH, Mr. MCNULTY, Mr. MACHTLEY, Mr. MANTON, Mr. MARKEY, Mr. MARTIN, Mr. MATSUI, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MICHEL, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MOODY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MORRISON, Mr. MRAZEK, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Ms. NORTON, Mr. NOWAK, Ms. OAKAR, Mr. ORTON, Mr. OWENS of New York, Mr. PANETTA, Mr. PAXON, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PORTER, Mr. PRICE, Mr. PURSELL, Mr. QUILLEN, Mr. RAVENEL, Mr. REGULA, Mr. RICHARDSON, Mr. RIGGS, Mr. RINALDO, Mr. ROE, Mr. ROHRABACHER, Mrs. ROUKEMA, Mr. ROYBAL, Mr. RUSSO, Mr. SABO, Mr. SARPALIUS, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHEUER, Mr. SCHUMER, Mr. SHAW, Mr. SISISKY, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. SPENCE, Mr. STALLINGS, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. STUMP, Mr. SYNAR, Mr. TALLON, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. UDALL, Mrs. UNSOELD, Mr. VANDER JAGT, Mr. VENTO, Mr. VISCLOSKY, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WASHINGTON, Mr. WAXMAN, Mr. WELDON, Mr. WOLF, Mr. WOLPE, Mr. WYDEN, Mr. YATRON, Mr. YOUNG of Florida, Mr. ZELIFF, Mr. JEFFERSON, Mr. COBLE, Mr. HANSEN, Mr. MARLENEE, Mr. BOUCHER, Ms. MOLINARI, Mr. MARTINEZ, Mr. SKEEN, Mr. CLEMENT, Mr. OWENS of Utah, Mr. DURBIN, Mr. LEWIS of California, Mr. HERGER, Mr. GEJDENSON, Mrs. BYRON, Mr. MINETA, Mr. LANTOS, and Mr. POSHARD):

H.J. Res. 167. Joint resolution to designate June 14, 1991, as "Baltic Freedom Day"; to the Committee on Post Office and Civil Service.

By Mr. MCCOLLUM:

H.J. Res. 168. Joint resolution to commerate the centennial of the Immigration and Naturalization Service; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI:

H.J. Res. 169. Joint resolution to designate April 15, 1991, as "National Recycling Day"; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY:

H. Con. Res. 83. Concurrent resolution providing for a joint session of Congress to receive a message from the President of the United States; considered and agreed to.

By Mr. TORRICELLI:

H. Con. Res. 84. Concurrent resolution in support of the U.N. Secretary General's peace initiative regarding Cyprus; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. SWIFT, Mr. EVANS, Mr. TAUZIN, Mr. MCHUGH, Ms. SLAUGHTER of New York, Mrs. Unsoeld, Mr. MILLER of Washington, Mrs. LOWEY of New York, Mr. SANGMEISTER, Mr. BACCHUS, Mr. BORSKI, Mr. GONZALEZ, Mr. HOYER, Mrs. PATTERSON, Mr. ROWLAND, Mr. SCHEUER, Mr. WYDEN, Mr. APPLEGATE, Mr. HAMMERSCHMIDT, Mr. ANDREWS of Maine, Mr. HARRIS, Mr. HUBBARD, Mr. LANTOS, Mr. LEHMAN of California, Mr. MCDERMOTT, Mr. MCNULTY, Mr. TANNER, Mr. WISE, Mr. TRAFICANT, Mrs. LLOYD, and Mr. PENNY.

H.R. 418: Mr. BLAZ.

H.R. 432: Mr. MCEWEN.

H.R. 601: Mr. ZIMMER, Mr. MCNULTY, Mr. MOAKLEY, Mr. KLECZKA, Mr. DELAY, and Mr. FROST.

H.R. 645: Mr. ECKART, Mr. EDWARDS of California, Ms. DELAURO, Mr. FISH, Mr. ANDREWS of Maine, Mr. LIPINSKI.

H.R. 668: Mr. DWYER of New Jersey

H.R. 738: Mr. NOWAK and Ms. NORTON.

H.R. 739: Mr. MURPHY, Mr. COSTELLO, Mr. PERKINS, Mr. RAVENEL, and Mrs. MEYERS of Kansas.

H.R. 742: Mr. OWENS of Utah.

H.R. 743: Mr. OWENS of Utah.

H.R. 744: Mr. ECKART, Mr. MINETA, Mr. ENGEL, Mr. TORRES, Mr. COSTELLO, and Mr. FISH.

H.R. 745: Mr. ZELIFF.

H.R. 835: Mr. HERGER and Mr. JENKINS.

H.R. 836: Mr. SWIFT.

H.R. 851: Mr. JEFFERSON, Mr. MILLER of California, and Mr. PACKARD.

H.R. 870: Mr. BONIOR, Mr. FISH, Mr. MINETA, Mrs. UNSOELD, Mr. DAVIS, Mr. DELLUMS, Mr. BILBRAY, Mr. SYNAR, and Mr. DE LA GARZA.

H.R. 871: Mr. BONIOR, Mr. FISH, Mr. MINETA, Mrs. UNSOELD, Mr. DAVIS, Mr. DELLUMS, and Mr. BILBRAY.

H.R. 872: Mr. BONIOR, Mr. FISH, Mr. MINETA, Mrs. UNSOELD, Mr. DAVIS, Mr. DELLUMS, and Mr. BILBRAY.

H.R. 873: Mr. BONIOR, Mr. FISH, Mr. MINETA, Mrs. UNSOELD, Mr. DAVIS, Mr. DELLUMS, Mr. BILBRAY, Mr. PEASE, and Mr. DE LA GARZA.

H.R. 908: Mr. SANTORUM, Mr. BUSTAMANTE, Mr. SMITH of New Jersey, Mr. FROST, Mr. DE LUGO, Mr. TRAXLER, Mr. JENKINS, Mr. MCNULTY, Mr. ESPY, and Mr. VALENTINE.

H.R. 999: Mr. GOSS.

EXTENSIONS OF REMARKS

BLACK HISTORY MONTH

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. GINGRICH. Mr. Speaker, I would like to take the time to recognize the contributions African-Americans have made in our military.

During February, Americans make special note of the contributions of African-Americans to the character and fabric of the United States.

Black History Month has its origins in the early decades of this century. In 1915, the brilliant African-American scholar, Dr. Carter G. Woodson, founded the Association for the Study of Negro Life and History. Dr. Woodson's initial focus was to foster the study of black history in predominantly black schools and colleges.

But it was through the establishment of Negro History Week, which later became Black History Month, that a broader spectrum of Americans were exposed to the rich history of black Americans. A history that is really, America's history.

This month, in schools, museums, and lecture halls across the country many Americans have been exposed to fascinating pages from the chapters of black history: ancient African civilizations, the middle passage, blacks in colonial America, black contributions in religion, the arts, literature, civil rights, politics, and academia.

But the chapter that often receives the least attention, or is left out altogether, is the tremendous sacrifices of African-American soldiers, airmen, marines, and sailors. These American heroes, like all fighting men, answered the call of their Nation and risked their lives to defend her values and interests. But in addition to their courage and valor, what makes these men unique was their willingness to leave their families and put their lives on the line to defend rights that were often denied to them.

I was extremely saddened recently when a research group at the University of Chicago reported that a majority of whites in a national survey on racial perceptions told researchers that they felt blacks were less patriotic than white Americans.

Willingness to serve one's country in the armed services is the supreme measure of patriotism. And it is clear from the finding of this survey that a majority of its respondents were woefully ignorant of the history of the black enlisted man and officer. Often ignorance leads to bigotry.

The respondents to this survey clearly had not heard of the 54th Massachusetts Regiment and their heroic Civil War service. They were unfamiliar with the legacy of the buffalo soldiers and their protection of the western frontier.

It is clear that their history books on the Spanish-American War failed to give an account of black Regular Army and volunteer militia units from Alabama, North Carolina, Virginia, Ohio, Illinois, and Kansas who served in Cuba. Missing from their history books were accounts of the gallantry of the black American troops attached to French units in World War I.

Anyone who would think that blacks are less patriotic than other Americans are obviously unfamiliar with the "Tuskegee Experiment."

Prior to the 1940's, the Army held the bigoted notion that black servicemen were unfit for most leadership roles and mentally incapable for combat aviation. In defiance of his top generals and to his credit, President Franklin D. Roosevelt in 1941 ordered the creation of an all-black flight training program at Tuskegee Institute. The experiment, as it was called, resulted in an unqualified success. During World War II, Tuskegee airmen were credited with 261 aircraft destroyed, 148 aircraft damaged, 15,533 sorties and 1,578 missions over Italy and North Africa.

With machine-gun fire, Tuskegee Airmen even sank a German destroyer, the only such sinking of this kind during the war. Sixty-six Tuskegee airmen were killed in combat. Thirty-two others were shot down and taken prisoner of war.

They received a total of 95 Distinguished Flying Crosses during their service.

In Korea and Vietnam, 22 black fighting men were the recipients of the Medal of Honor, the Nation's highest military award for bravery and service above and beyond the call of duty.

Today, the Nation is again at war. But the times are very different. Black military enlisted men and officers don't have to face the evil discrimination and segregation that the men who came before them were forced to confront. In fact, I'm proud of the fact that this Nation has developed to the point in which African-Americans are among the highest ranking military officers involved in the allied effort to stop Saddam Hussein's aggression.

I hope the contributions of black military men will become part of every discussion of military history in our schools and universities. And not just during February.

H.R. 1030 AND H.R. 1031

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. TRAFICANT. Mr. Speaker, enough is enough. Too often, we have seen this country allow itself to be trounced in international trade circles and be taken advantage of by foreign countries who use America's tax loopholes against us to lure U.S. manufacturing plants and jobs across our borders.

It is utterly amazing that the U.S. Government allows American-based corporations to develop technology and manufacturing processes in the United States, then suddenly pack up their manufacturing plants, lay off workers, and move the production overseas. Later, they resell the products made in the foreign country back in the United States. For the foreign tax system to operate properly, provisions that provide incentives to invest abroad must be removed. To address these tax loopholes, I have introduced H.R. 1031, the Foreign Subsidiary Taxation Equity Act, and H.R. 1030, a bill to repeal section 903 of the Internal Revenue Code.

The first bill, H.R. 1031, addresses the provision that allows domestic manufacturing corporations to establish foreign subsidiaries and avoid U.S. tax on the income that these subsidiaries produce. Income from subsidiaries of U.S. corporations is not taxed unless the money comes back to the United States. Typically, the income will be reinvested in the foreign country so the profits will never return to the United States. The profits, therefore, are never subject to U.S. tax and are absorbed by the foreign country.

Corporations take advantage of the tax laws by locating manufacturing plants in tax havens, foreign countries with no or very low corporate tax. These subsidiaries, usually called "runaway plants," can then manufacture goods without paying any corporate taxes, then ship goods back to the United States. This practice encourages foreign countries to give special tax breaks to U.S. corporations encouraging them to build and expand their country. These tax holidays come in the form of special tax credits, or in some cases, a complete deferral of taxes. Foreign countries provide these incentives to increase their capital base and provide jobs.

The second bill that I have introduced, H.R. 1030, limits the kinds of foreign taxes that can be credited and limits it to income, war profits, or excess profits taxes. In general, the foreign tax credit allows a U.S. taxpayer to offset, on a dollar-for-dollar basis, taxes paid to foreign governments against U.S. taxes on foreign income. As a result, foreign taxes should not be used to reduce a taxpayer's tax liability on U.S.-source income. Nevertheless, when section 903 was enacted in 1942, it extended creditability to those foreign taxes imposed in lieu of foreign income taxes.

Specifically, enactment of this legislation means that all foreign taxes such as foreign sales, excise, and value added taxes are creditable as business costs toward their foreign taxes paid. Conversely, domestic U.S. companies are put at a distinct disadvantage and are only able to deduct taxes that are in lieu of income taxes.

In addition, there is no constraint on the type of foreign tax that can be credited; cred-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

itable foreign taxes can include levies that are substantially shifted to either consumers or labor. A tax is shifted when a corporation is able to maintain its profits at their pre-tax level despite paying an income tax by raising prices. Therefore, companies that invest abroad are receiving relief from a tax burden in the form of tax credits that they do not bear. The consumers and workers, however, incur most of the burden of the tax. For example, if a firm sells a product on which it must pay an excise tax, it can simply raise the price of its product and pass at least some part of the tax on to the purchasers of the product. Thus, crediting of foreign indirect taxes would constitute relief from a tax burden not actually borne by the taxpayer claiming the credit.

Until section 903 is repealed, more countries may adjust their tax laws to take advantage of section 903. Moreover, taxes in lieu of should be deductible to relieve only the portion of the tax borne by the taxpayer and would, therefore, not provide any advantage to run an operation from a specific location.

The magnitude of recent Federal budget deficits has made the tax revenue effects of most Federal tax provisions a prominent concern. Therefore, I feel that it is necessary for Congress to restrict the deferral principle and replace section 903 of the Tax Code with a deduction, thereby claiming a larger share of the tax revenue generated by U.S. investment abroad. Ultimately, because of the limited amount of tax revenue collected from foreign-source income, a dollar invested abroad does not contribute as much to U.S. national income as a dollar invested in the United States.

It is my intention to bring this tax and trade fairness issue to the forefront. In my district, thousands of jobs have been lost when companies moved their operations overseas. It is appalling to think that our tax system gave them incentives to do so.

I urge you to consider this legislation and to look for ways to encourage competition at home by removing those loopholes that unfairly take away our home field advantage. The United States cannot afford to continue to lose American jobs to other countries.

COMMODORE JOHN BARRY DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to a resolution I have introduced today, House Joint Resolution 166, which designates September 13, 1991 as Commodore John Barry Day.

Commodore John Barry, one of the great heroes of the American Revolutionary War, was a native of the County Wexford in Ireland. My resolution recognizes Commodore Barry's contributions to our Nation, both in fighting for our independence and assuring our fledging Nation's survival.

John Barry first shipped out as a cabin boy. However, by adulthood, John Barry was the captain of his own ship in the American merchant marine. After the commencement of hostilities between the British and the American forces, Capt. John Barry then offered his services to General Washington and the Congress for the cause of liberty.

John Barry gave the revolutionary forces their first victory in the war at sea with the capture of the Royal Navy Sloop *Edward*. On one occasion, John Barry sailed into Philadelphia with a prize ship loaded with overcoats, a desperate commodity needed in General Washington's army in order to survive the cold winter. Another mission safely delivered the gold from France which paid the French and American armies in the Yorktown campaign.

Furthermore, John Barry was principally responsible for organizing the Marblehead sailors and boats to effect Washington's famous crossing of the Delaware, which led to the General Washington's victory at Trenton during the Christmas of 1776.

After the conclusion of the War for Independence, the Congress recognized Capt. John Barry as the premier naval hero of that conflict. Further, when George Washington, as President of the constitutional convention, could not achieve a quorum for the essential constitutional adoption vote, it was John Barry who organized the compellers, so-called because they sought out and compelled the attendance of enough delegates to assure passage of the Constitution of the United States.

Under the new Constitution, Congress authorized President Washington to create and maintain the U.S. Navy. President Washington then turned to John Barry and conferred "Commission No. 1," dated June 14, 1794, upon him. Commodore John Barry then built and commanded the U.S. Navy including his flagship, the U.S.S. *United States* and the U.S.S. *Constitution*, popularly known as "Old Ironsides."

A resolution proclaiming September 13, 1991 as Commodore John Barry Day would be a fitting tribute to the sacrifices and contributions of this great American hero and would honor our Navy veterans and Irish-Americans who have sacrificed so much for our country. Additionally, both the ancient order of Hibernians and the Naval Reserve Association have expressed their wholehearted support for this measure.

Mr. Speaker, I request that the full text of House Joint Resolution 166 be inserted at this point in the CONGRESSIONAL RECORD, and I invite my colleagues to cosponsor this resolution.

H.J. RES. 166

Whereas John Barry, an immigrant from Ireland, volunteered his services to the Continental Navy and was commissioned as captain on October 10, 1775;

Whereas during the War for Independence Captain John Barry achieved the first victory for the Continental Navy while in command of the ship "Lexington" by capturing the British ship "Edward", organized General George Washington's crossing of the Delaware river which led to the victory at Trenton in 1776, transported gold from France to America while in command of the ship "Alliance", and achieved the last victory of the war for the Continental Navy while in command of "Alliance" by defeating the British ship HMS Sybille;

Whereas during the War for Independence Captain John Barry rejected British General Lord Howe's offer to desert the Continental Navy and join the British Navy, stating: "Not the value and command of the whole British fleet can lure me from the cause of my country.";

Whereas after the War for Independence the United States Congress recognized Commodore John Barry as the premier American naval hero of that war;

Whereas in 1787 Captain John Barry organized the compulsory attendance of members of the Constitutional Convention in Philadelphia, thus ensuring the quorum necessary to adopt the Constitution and recommend it to the States for ratification;

Whereas on June 14, 1794, pursuant to "Commission No. 1", President Washington commissioned John Barry as commodore in the new United States Navy;

Whereas Commodore John Barry helped to build and lead the new United States Navy which included his command of the U.S.S. United States and U.S.S. Constitution ("Old Ironsides");

Whereas Commodore John Barry is recognized along with General Stephen Moylan in the Statue of Liberty Museum as 1 of 6 foreign-born great leaders of the War for Independence;

Whereas in 1982 President Ronald Reagan proclaimed September 13th, the date of John Barry's birth, as "Commodore John Barry Day";

Whereas in 1986 the New York State legislature designated September 13th of each year as "Commodore John Barry Day" in the State of New York; and

Whereas designating a day to commemorate Commodore John Barry would be important to United States Navy veterans, Irish-Americans, and to all the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 13, 1991, is designated as "Commodore John Barry Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

IN SUPPORT OF OUR ARMED FORCES IN THE PERSIAN GULF

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. SAWYER. Mr. Speaker, on January 18, this House passed a resolution expressing our unequivocal support for the members of the Armed Forces stationed in the Persian Gulf. This measure, passed without opposition in both Chambers, represents the dedication of Congress to the welfare of our troops abroad. All across the Nation, American citizens have joined in strong support of the men and women serving in the Persian Gulf war. As one expression of this common purpose, the city council of Stow, OH, a community in the 14th district of Ohio which I represent, adopted the following resolution on January 24. I would respectfully request that it be included in the RECORD.

City of Stow,
Stow, OH, January 29, 1991.

Congressman Thomas C. Sawyer,
House of Representatives,
Washington, DC.

Dear Congressman Sawyer: Enclosed herewith is a certified copy of Resolution No. 1991-42 which the Council of the City of Stow would like read into the Congressional Record.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Bonnie J. Emahiser,
Clerk of Council.

Resolution No. 1991-42

Whereas it has become necessary for the government and the citizens of the United States of America to engage in hostilities in the Saudi Arabian theater for purposes of liberating Kuwait and restoring its lawful government; and

Whereas such engagement places at risk the lives of members of the armed services of the United States, specifically the Army, Navy, Air Force, Marines, National Guard and the Coast Guard, as well as endangering the mental, emotional, and financial well-being of their friends, families and dependents; and

Whereas it is both necessary and appropriate for this Council to evidence its support of the President, Congress and the fighting men and women of the United States of America;

Now, therefore, be it ordained by the council of the city of Stow, county of Summit and State of Ohio:

Section 1. That the Council of the City of Stow does hereby declare its support for the fighting men and women of the Army, Navy, Air Force, Marines, National Guard and the Coast Guard engaged in action in the Saudi Arabian theater.

Section 2. That Stow, a Pride Community, declares its unyielding and continuous pride in the fine young fighting men and women, and all support troops operating in the Persian Gulf and declares it shall support the efforts of our government to a just conclusion of hostilities.

Section 3. The Council of the City of Stow extends its empathy and support to friends, families and dependents of such fighting men and women in their hour of need.

Section 4. That the Clerk of Council be, and she hereby is, instructed to serve a certified copy of this resolution to the Congress of the United States of America to be read into the Congressional Record.

Section 3. That this Resolution was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that due to the current crisis in the Persian Gulf, it is immedately necessary for the Council of the City of Stow to show its support for the fighting men and women stationed there, and, pursuant to Section 4.13 Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

TRIBUTE TO JULIUS WERBNER, PHILANTHROPIST AND HUMANITARIAN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I would like to share with my colleagues an article from the Miami Herald about Julius Werbner of North Miami Beach, FL. Mr. Werbner has decided to donate 75 percent of his estate to nonprofit organizations to fund health-related research projects.

I commend Mr. Werbner for his compassionate spirit and generosity. Through his efforts, the lives of people whom he has never met will be improved, and the suffering of many will be eased. These goals are among the highest achievements that any person can hope to attain in his or her lifetime.

The article follows:

Philanthropist Will See His Donations at Work

(By Jennifer Ordonez)

Some retirees spend their life savings on trips. Others hand down their wealth to their children. North Miami Beach retiree Julius Werbner, however, has decided to use his money for the pursuit of knowledge. He plans to donate 75 percent of his estate to nonprofit health organizations for research.

Werbner, 85, will donate thousands of dollars a year to such organizations as the American Heart Association, the Diabetes Research Institute, The American Cancer Society and The Center for Drug-Free Living. Some of the money will go to research of leukemia, arthritis and Parkinson's disease. Werbner, who has lived in North Miami Beach for 20 years, decided to give the money while he is still living so he can see his donations at work.

Werbner, who suffers from asthma and Parkinson's disease, said he chose to donate to these causes because members of his family have been afflicted with these health problems.

"Aristotle said that what is good benefits the majority of the people. That thought has penetrated through my skull," said Werbner. "If one life is being saved, I will already feel that I have accomplished a purpose."

When Dr. Howard Sussman, Werbner's cardiologist, heard of his desire to donate the money, he asked Parkway Regional Medical Center in North Miami Beach to act as liaison between Werbner and the organizations.

"Julius Werbner has been a patient of mine for many years," said Sussman. "He is a wonderful man and a great humanitarian."

Werbner made his living selling real estate and insurance and, at age 59, enrolled in college for the first time and got a degree in philosophy and psychology. He has also donated money to the Northeast Branch library and the Michael-Ann Russell Jewish Community Center, where he spends much of his time.

TAX CREDITS FOR ENERGY PRODUCED FROM AGRICULTURE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mrs. MINK. Mr. Speaker, today I introduced a bill to reinstate a tax credit for energy produced from sugarcane and other forms of agriculture. Now, more than ever, this country has recognized the need for a comprehensive energy policy to encourage energy self-sufficiency and conservation. Incentives for business to develop and use alternative forms of energy is a key factor to the success of such a policy.

Hawaii has been at the forefront in developing many forms of alternative energy: wind, solar, ocean thermal, waste-to-energy, and sugarcane. The sugar industry, is a prime example of how an industry has taken available resources and produced a clean-burning fuel to meet Hawaii's energy needs. With the high cost of imported fuel and limited energy resources available in Hawaii, the sugar industry developed a process to burn the waste of the sugarcane stalk, known as bagasse. The bagasse is burned to create steam, which is used in the production of sugar and energy at the same time.

Virtually every sugar processing plant produces enough electricity to run their own operations and to provide electricity to local utilities around the State. In fact, 10 percent of Hawaii's electricity is now produced from the byproducts of sugarcane, and on one island the figure exceeds 60 percent. This is the kind of alternative energy production that we need to encourage in this country.

As part of comprehensive energy reforms in the late 1970's and early 1980's, the Congress recognized the need for tax incentives to promote the development of alternative forms of energy and established this tax credit for many forms of alternative energy, including sugarcane, biomass, and wood. However, these credits were allowed to expire in 1985. The bill that I have introduced today would simply reinstate this credit and encourage the continued use of sugarcane and many other agricultural byproducts as alternative forms of energy.

This Nation has gone without an energy policy too long. The consequences of that are clear. It is important to set our priorities now, including incentives for the development of alternative fuels and conservation. I urge the tax writing committees of both Houses of the Congress to reinstate this energy tax credit for the sugar industry and provide for further incentives to encourage this kind of innovation.

Mr. Speaker, I urge my colleagues to help get us back on the right track toward energy conservation and independence and support this legislation.

TRIBUTE TO ANDREW DOUGLAS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. Andrew Douglas of my 17th Congressional District of Ohio who was recently awarded the Myrtle M. and Tom B. Medders Award by the National Easter Seal Society. Mr. Douglas is the executive director of the Easter Seal Society of Mahoning, Trumbull, and Columbiana Counties, Inc.

The Medder Award is a highly prestigious award given only in the years that an individual displays outstanding performance in all categories. The areas of evaluation include: Excellence in program/service management with specific examples to demonstrate accomplishments; sound fiscal management; excellence in development management supported by specific examples of growth in fund raising performance or specific new techniques; excellence in the recruitment and use of volunteers; continued professional growth demonstrated by participation in continuing education programs, service on boards/committees, and professional memberships and affiliations.

Mr. Speaker, I would like to take this opportunity to recognize Mr. Douglas as the outstanding recipient of the Medders Award. Mr. Douglas honors Ohio as the first executive director of the Easter Seal Society to ever receive the Medders Award. I would like to thank Mr. Douglas for his ongoing concern and hard work on behalf of the local Easter Seal Society, and congratulate him on this noteworthy achievement.

A TRIBUTE TO AFRICAN-AMERICAN COMMUNITY LEADERS IN LAS VEGAS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to the many remarkable African-American leaders in the Las Vegas community. This commemoration comes at a very unique time of the year—African-American History Month—a celebration designed to credit recognition to numerous individuals all over the United States for their culture contributions to our country. It is in this month that we herald their accomplishments and educate the public so that one day an annual celebration will no longer be necessary.

I would like to call attention to certain individuals who have proven their undying interest for the Las Vegas area and their workmanship. By no means are these individuals alone in their accomplishments—they represent the entire community. Among the mentionables are: State Senator Joe Neal, Dr. Paul Meachum, Rev. Willie Davis, Shirley Barber, and Wayne Nunnely.

Senator Joe Neal, who I have known and worked with for many years, is an extremely talented and driven man who has proposed legislation concerning a variety of issues designed to benefit the entire community. Since 1973, Senator Neal has taken strong stands for the rights of peoples all over the world, even when opposition stood directly in his path. Perhaps most lucid in my memory was when we both decided to support legislation that would take moneys out of South Africa to oppose apartheid. When we voted we were the only two on the floor to stand up against the odds. To this day Mr. Neal continues the passing of this bill. His other efforts include improved education, visible in the growth and superiority of the library systems in the State. Without Mr. Neal's efforts, perhaps our educational standards would not have flourished as they are presently. Being a member of the NAACP, Nevadans Against Apartheid, Phi Beta Sigma, Joe Neal was the first African-American State senator elected into office in Las Vegas, NV. My friend Joe Neal, to you I bring my hands together and applaud the accomplishments you have secured in the Vegas Valley.

Dr. Paul Meachum, president of the Clark County Community College is advancing the Las Vegas area in ways which shines as the Sun in the valley. Dr. Meachum is on the board of directors for many cultural and educational organizations in Las Vegas. These include the YMCA which provides health programs and alternative activity events for all ages; the Doolittle Tutor project designed to tutor black children in poverty areas from kindergarten to grade 3; the Simba Talent Agency which produces cultural performances fortifying the arts and history of culture; the Quality and Productive Institute; and the Salvation Army. He has also been the grand marshall for the Dr. Martin Luther King parades in Las Vegas and received the Martin Luther King Community Award. Dr. Meachum's efforts have been acknowledged not only in the Las Vegas community, but also from his graduate college—the University of Texas from whom he received the Outstanding Graduate Award; he was 1 out of 14 nationally who were granted with such an honor. Dr. Meachum mentioned his hope that future days will bring no need for African-American History Month. There will be a time when schools, books, and institutions will herald the many facets of the black culture without the necessity of a month in which we bring these features to light to educate. It should be of common knowledge and one day will be. Thank you for your outstanding achievements, I hail your undertakings.

Rev. Willie Davis, pastor of the Second Baptist Church in Las Vegas has made pressing contributions in the area of education through his church. A minister of 13 years, vice president of the NAACP in the Las Vegas chapter, he has established and instituted a variety of programs to educate the public through volunteer methods. Among those are a drug abuse council; an ESL curriculum; and literacy classes open to all ages. Presently Reverend Davis is working on developing a $2 million structure which would house 15 to 18 classrooms for extensive education, as well as a temple of prayer. Reverend Davis, I must compliment your endeavors and encourage you to continue to bring the wealth of contributions to our community.

Shirley Barber, presently principal at Mabel Hoggard Sixth Grade Center in Nevada, has worked extensively with implementing, advising, training, and developmentation of instructional plans for education and teachers. Her career is saturated with experience directed at improving the educational institutions in the Las Vegas area. Mrs. Barber is a member of the National Association of Elementary School Principals; Nevada Association of School Administrators; the executive board of NAACP; president of Barbara Jordan Democratic Womens Caucus; and Alph Kappa Alpha Sorority. Her diligent efforts have been awarded by the Las Vegas Chamber of Commerce—being a semifinalist for the second annual Women of Achievement Award. Other awards she has received are the Elementary Unified Employee of the Year presented by LVABSE and was a hall of fame recipient in 1990, given by the Clark County School District. Mrs. Barber's ingenious activities are most significantly seen in her design of reading programs throughout the community. Shirley Barber is an inspiration to the community and its educators. I express my greatest respect for her accomplishments and look forward to the future she will bring to Las Vegas.

Mr. Wayne Nunnely who is president of minority student affairs at UNLV has proven to be an outstanding leader in education for minorities and the disadvantaged. He has accelerated the growth of educational opportunities for students by designing seminars for self-esteem and career planning. His work has enabled students to meet with professionals in the community to gain insight into the working world. Mr. Nunnely's outlook toward the future of education is bright, optimistic, and he is prepared to accept any challenge that steps in his path to better educational pursuits of our youth. Mr. Nunnely is a member of the NAACP, the Black Chamber of Commerce, president of the National Forum for Black Public Administrators, and a member of the UNLV Alliance of Black Professionals, Staff and Faculty. He was the ex-head football coach for UNLV—the first black man to be head coach of a team in the Western United States in division 1. Mr. Nunnely is an admirable role model for members of the community and I look forward to watching his efforts unfold into bigger and brighter events for Las Vegas.

A BILL TO ENHANCE BOATING SAFETY ON CLEAR CREEK CHANNEL

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. BROOKS. Mr. Speaker, today I am introducing legislation to enhance the safety of the boating public in my district. Specifically, the bill directs the Secretary of the Army—through the Corps of Engineers—to remove the hazardous railroad swing bridge that crosses Clear Creek channel at its outset into Galveston Bay. This directive would be implemented by modifying the terms of the Clear Creek Federal flood-control project.

The Clear Lake area of Texas is one of America's foremost havens for pleasure boaters. However, as boat traffic on Clear Creek channel has grown over the past several years, boaters have had to cope with an increasingly dangerous navigational hazard—the railroad swing bridge at Seabrook.

The swing bridge belongs to the Southern Pacific Transportation Co. Southern Pacific is very much aware of the dangers posed by the bridge and has been working with the Corps of Engineers Galveston District Office for over a year in an effort to work out a mutually beneficial arrangement for removal of the bridge. Several months ago, Southern Pacific and the district office developed a proposal for removing the bridge as part of the corps' plan to construct a second outlet channel for the Clear Creek project.

In addition to crossing Clear Creek, Southern Pacific's tracks also cross over the site of the proposed second outlet channel. As a result, the Federal Government could, under applicable law, find itself obligated to build a railroad bridge over the second outlet for Southern Pacific. Under the proposal developed by Southern Pacific and the corps district office, the corps would have removed the Clear Creek bridge at Federal expense in return for Southern Pacific abandoning the bridge and approach track. With Southern Pacific abandoning the track, there would be no need for a bridge over the second outlet channel, and the corps would avoid substantial construction costs. The district office forwarded this proposal to corps' headquarters here in Washington, but headquarters rejected it.

The bill I am introducing today modifies the terms of the Clear Creek project along the lines proposed by the corps' district office. Specifically, the Secretary of the Army is directed to remove the swing bridge at Federal expense. However, before the Federal Government incurs this cost, Southern Pacific will have to agree, in writing, to various terms designed to protect Federal interests.

Foremost among these is a provision that, in return for the Federal Government incurring the cost of removing the bridge, the Government is relieved of any responsibility it may have to build a railroad bridge for Southern Pacific over the proposed second outlet channel. While no definitive figures are available, I have been advised that the cost of removing the swing bridge is comparable to the cost of building a bridge over the second outlet channel. Thus, the Federal Government should not incur any added net costs under this arrangement. In addition, the Federal Government will receive a portion of the bridge's salvage value to help further offset the cost of removal.

Mr. Speaker, this bill provides a reasonable, straightforward approach to solving a difficult problem. In addition, all parties involved will walk away a winner. The Federal Government will avoid the potential expense of building a railroad bridge over the second outlet channel. Southern Pacific will obtain help in removing a serious navigational hazard. And, most important, the boating public will enjoy smooth sailing along the Clear Creek channel.

NEW HAMPSHIRE MOURNS THE LOSS OF TWO GUARDSMEN

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. SWETT. Mr. Speaker, today New Hampshire mourns the loss of two young guardsmen who were killed in a noncombat military truck accident while serving in the Middle East as part of Operation Desert Storm.

Pvt. Todd Christopher Ritch, 20, of Charlestown and Specialist Wade Elliott Hector, 22, of Newport were killed on Feb. 21, 1991 in Saudi Arabia, little more than a month after their arrival in the Middle East.

Both men were members of the 744th Army National Guard Transportation Company, the first New Hampshire National Guard unit that was called to active duty in the Persian Gulf.

Nothing is more tragic than seeing two young men struck down in the prime of life. In addition to leaving large families and many friends, both men were engaged to be married.

Mr. Speaker, nothing I or anyone can say can erase the pain and sense of loss the family and friends of these young men must be feeling today. I can only hope that those who loved Wade and Todd will take some consolation in knowing that they did not die in vain.

These two young soldiers were part of a brave and determined allied fighting force that stood up to a ruthless and brutal dictator and liberated Kuwait. Todd and Wade made the ultimate sacrifice in this effort, so that other men could be free. There is no nobler cause.

Mr. Speaker, the families and friends of these two men should be assured that their courage and dedication will not be forgotten.

Wade was a 1986 graduate of Lebanon High School and enlisted in the Army, where he served a 3-year tour of duty in Germany. He joined the National Guard in 1989. Wade was working for a painting contractor when his Reserve unit was called to active duty.

Todd joined the New Hampshire National Guard in January 1990 and then completed his basic training at Fort Dix, NJ. He was working as an apprentice at the Danbury Sheet Metal Shop in Danbury, CT, when he was called to serve in the Persian Gulf.

TRIBUTE TO MICHAEL J. McCULLION AND PATTI RYAN WOOLF

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Michael J. McCullion and Patti Ryan Woolf of my 17th Congressional District of Ohio who will be honored as Irish Man and Woman of the Year at the St. Patrick's Day Luncheon at Our Lady of Mount Carmel Hall. The recipients chosen each year typify their Irish roots and culture and have made outstanding contributions to the community.

Mr. McCullion, son of Irish immigrants Rose McGovern and Michael McCullion, attended St. Columbia Elementary and Ursuline High School. In remembrance of his athletic prowess, Mr. McCullion was inducted into the Ursuline High School Hall of Fame in 1982.

In 1951, Mr. McCullion was the youngest Ohioan ever elected to city council when he won the election for first ward councilman, city of Youngstown. He held this position for 10 years. Mr. McCullion was employed with Hartzell's Rose and Sons until he began his career with John Hancock Life Insurance Co. in 1952 as a sales representative. He earned numerous awards and promotions during his employment, serving as regional conference club leader for three terms. In 1977 Mr. McCullion was elected and served as president of city council for 4 years. Mr. McCullion was appointed Ohio Registrar of Motor Vehicles in 1983, and held this position longer then any other registrar in state history. He currently is a member of the unemployment compensation board of review.

Active in numerous community service organizations, Mr. McCullion has served on committees for Pete Gabriel's St. Patrick's Day Parade, the Youngstown Urban League, United Way Community Services, St. Elizabeth Hospital Guild Charity Show, Northeastern Ohio District II Committee on Alcoholism, and the Ancient Order of Hibernians.

Mr. McCullion is married to the former Alma Vrabel, has a daughter, Nancy Striver, and two grandsons.

Patti Ryan Woolf is the daughter of Edward Ryan and Julia Wilson, whose families are originally from Rathkeale, County Limerick, Ireland.

Ms. Woolf began her career as a part-time employee of the Mahoning County Board of Elections. She then began her long service with the court system by serving as a deputy clerk for the Boardman Court for 7 years and the Sebring Court through the present time. Ms. Woolf has also served for the past 10 years on the Sebring Civil Service Commission, the only woman ever appointed to the commission.

In addition to her work, Ms. Woolf is a member of and has held office in various political organizations. Ms. Woolf is currently president of the Sebring Federated Democratic Women's Club, a member of the Mahoning County Democratic Presidents Club, the Ohio Federation of Democratic Women, the National Federation of Democratic Women, financial secretary to the Western Mahoning County Democratic Club, and social chair of the Boardman Federated Democratic Women's Club. She is a member of the Mahoning County Democratic Central, and Executive Committee as well, serving on the district leader's council for the western area, and is Democratic precinct committeeperson for Sebring City, precinct 2. In 1979, Ms. Woolf was named South County Democratic Woman of the Year.

Ms. Woolf's involvement has extended into various community organizations as well. She has served as secretary to the Pete Gabriel's St. Patrick's Day parade committee, served on the Youngstown beauty pageant committee and was coordinator for the Mahoning County Heart Association.

Patti Ryan Woolf has 3 children—Stephen, Julie Marie, and Molly Ann, and two grandchildren—Shawn and Kristen.

Mr. Speaker, I would like to take this opportunity to recognize Michael J. McCullion and Patti Ryan Woolf as the 1991 recipients of the Irish Man and Woman of the Year Award. I thank them both on behalf of the community for their outstanding service, contribution, and dedication over the years. If is truly an honor to represent these distinguished members of my district.

TRIBUTE TO OUTSTANDING MISSOURIAN WILLIAM H. KLINGENBERG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. SKELTON. Mr. Speaker, I wish to pay a special tribute to the late William H. Klingenberg, a fine man and an outstanding Missourian. Mr. Klingenberg, who from 1963 to 1971 was the presiding judge at Lafayette County Court, passed away this February at the age of 94.

Mr. Klingenberg, who was a veteran of World War I, kept continued links with the veterans through his active participation for some 71 years in Lohman-Mayer American Legion Post No. 258, of which he was a charter member.

Concordia was the town of his birth, and he was to live there for the entirety of his life. A man dedicated to his community, he was a charter member of Concordia Lions Club, operated a local gas station for 27 years and owned and ran Bergman Department Store in Concordia for 10 years.

Mr. Klingenberg leaves behind his daughter Laverne, three sisters, three grandchildren and a great-granddaughter. He will be missed by not only his family, but the community he served so staunchly for so many years. Mr. Klingenberg lived a long and varied life but never forgot from where he came.

THE HIGHER EDUCATION ACT OF 1965

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. INHOFE. Mr. Speaker, as we prepare to reauthorize the Higher Education Act of 1965, I want to stress my deep conviction that we must continue to ensure that all students—regardless of their socio-economic status—have access to the kind of postsecondary education that best meets their needs, interests, and abilities.

If we close the door of educational opportunity, it is not just thousands of individuals who will suffer. Our Nation's economic future is also at stake.

If the United States is to remain economically competitive in the 1990's and the 21st century, we will need increasing numbers of skilled workers. Traditional 4-year colleges will educate a segment of the work force. yet only 50 percent of high school graduates go to college and only 42 percent of them get a college degree.

We cannot forget the rest of the American work force who may not go to college but may need some postsecondary education. They too will play an important role in our economic future.

When we reauthorize student financial aid programs, the legislation should recognize the diversity of postsecondary education options available to students. we should ensure that financial aid is neutral, not favoring one type of education over another.

As we take action to reduce student loan default rates, we must recognize the importance of student aid to individuals. We should not deny a student access to student aid because of the type of school he or she chooses to attend.

There is no doubt that default rates are too high and have become a very serious and costly problem. We must take tough, but fair, steps to fight fraud and abuse in student aid programs and ensure that students pay back their loans.

One important reform would help students make informed consumer decisions about which school to attend. we should require all postsecondary institutions to provide information on the cost, educational requirements, chances of succeeding, and employment or continuing education possibilities experienced by their graduates.

We must also recognize that Department of Education regulations and reform measures sponsored by private career school organizations such as the National Association of Trade and Technical Schools and the Association of Independent Colleges and Schools are already helping to bring default rates down. While default rates must be reduced further, we must give these initiatives time to work.

What we should not do is deny access to education to our young people, especially low-income people who otherwise may not get the education and training they need for meaningful employment. To deny those at the bottom of the economic ladder the opportunity to go to school would defeat the whole intent of the Higher Education Act of 1965.

JASON C. YUAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. TOWNS. Mr. Speaker, tomorrow we will have an opportunity to say goodbye to one of Washington's most capable members of the diplomatic corps, Jason C. Yuan.

Jason has recently been appointed as the Government of Taiwan's Director of North American Affairs in Taipei. During his 11 years, with the Public Affairs Division of the Coordination Council for North America Affairs in the United States, Jason has served his government with a commitment and dedication that we, in the Congress, have always admired. As the Director of the Public Affairs Division, he has made it a point to reach out to all sectors of American society. Jason's efforts have been particularly effective in educating Members of Congress and local and State officials about the Republic of China.

While I regret losing him from the Coordination Council offices, I wish to congratulate him on his new position and for the 11 years of excellent representation not only on behalf of his government but also for the People of the Republic of China on Taiwan.

GARRETT A. MORGAN, INVENTOR AND HERO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. RANGEL. Mr. Speaker, on this his birthdate, I stand in tribute to Garrett A. Morgan, an African-American inventor of remarkable skill.

Born in Tennessee, Garrett A. Morgan created safety devices for the lasting benefit of humankind. Chief among his inventions are the gas inhalator, which he invented in 1912 (patent No. 1,113,675-issued in 1914) and the automatic traffic light. Mr. Morgan's gas mask saved thousands of American lives in World War I as servicemen wore his invention to protect them from German chlorine gas attacks.

Mr. Morgan was not simply a brilliant mind, but a man of great courage and bravery. In 1916, when an underground explosion trapped scores of men beneath the debris of a waterway tunnel, Mr. Morgan donned his invention and led a volunteer rescue party 200 feet into the Earth to save men who otherwise would certainly have died from the dust, smoke and poison gas that surrounded them.

For his actions, Mr. Morgan received the Carnegie Medal and a Medal for Bravery from the State of Ohio. I salute him today.

ALLOW SMALL COMMERCIAL FINANCE COMPANIES TO USE RESERVE METHOD IN ACCOUNTING FOR BAD DEBTS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. CARDIN. Mr. Speaker, since 1986 small commercial finance companies have been operating at a competitive disadvantage to their primary business rivals, small commercial banks. The 1986 Tax Reform Act repealed the use of the bad debt reserve in calculating the deduction for losses on loans for all taxpayers except thrifts and banks with under $500 million in gross assets. While thrifts by the nature of their business are not actively engaged in asset-based lending, small commercial banks are. Both small finance companies and small banks provide credit to the small businesses in their community through lending based on the borrower's assets, purchasing accounts receivable, sales financing, leveraged leasing, and other commercial lending transactions.

However, small banks can determine deductions for bad debts using the reserve method. This means that they recognize the losses inherent in any lending portfolio as they occur, and do not have to wait until the final step of the chargeoff to claim a tax deduction. By not allowing the reserve method of accounting for small finance companies, the Tax Code places these companies at a distinct competitive disadvantage compared to small banks. The bill I introduce today will remove the imbalance in the tax treatment of small banks and small commercial finance companies by again allowing small finance companies to use the reserve method of accounting for bad debts.

PURIM CELEBRATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. SCHUMER. Mr. Speaker, I wish to call my colleagues' attention to Purim celebration that I hosted here on Capitol Hill. This past Tuesday, on the eve of the Jewish holiday of Purim, which fell on February 27, Rabbi David Halpern of the Flatbush Park Jewish Center led a short ceremony to which all Members were invited.

The holiday of Purim celebrates the successful defense of the Jewish people against a plot to destroy them in the Persia of 450 B.C.E. by the evil Haman. The holiday has come to represent all of the struggles of the Jewish people against persecution in our long history.

This year, as Jews around the world celebrate Purim, our thoughts will turn to Israel's successful defense against modern day Hamans, like Saddam Hussein and Yasir Arafat. Israel and the Jewish people will continue to endure against such threats, and we celebrate that perserverence at this solemn moment in the history of the Jewish State.

I was gratified that Rabbi Halpern and members of my community in Brooklyn were moved to travel to Washington and to bring that message here. The moment of pause for reflection and prayer in a busy day of meetings and hearings gave me a real perspective on our history and the troubles that our world today faces.

THE MILTON LITTMAN FOUNDATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on March 17, the Milton Littman Memorial Foundation of North Miami Beach, FL, will hold its 13th annual scholarship breakfast in honor of a man who contributed much to south Florida. The foundation established in his name carries on Mr. Littman's work by aiding worthy young people in their chosen career. Those assisted by the foundation are encouraged to carry on Milton Littman's legacy of service to his community.

Mr. Littman is best remembered in his faithful service to the community of North Miami Beach as president of chamber of commerce and later as North Miami Beach councilman. Among his many civic contributions most notable were the establishment of the Status on Women Commission and the Youth Advisory Board. On a personal level, he was a community leader who could relate well to both youth and senior citizens.

The Milton Littman Foundation is a nonprofit corporation that seeks to empower worthy young people to pursue their dreams. It offers financial assistance to those individuals whose charitable work and civic contributions most emulate the lifelong efforts of Milton Littman. The founding chairman of the Littman Foundation was the late George Meany and continues to be directed by many leaders in the south Florida community. Among them are: the Honorable Ted Adderton, the Honorable William Koppel, the Honorable William Lehman, Rabbi Irving Littman, Councilman Julius Littman, and the Honorable Walter Pesetsky.

The efforts of the Milton Littman Foundation should be commended because they pass on the virtue of voluntary service to the youth of south Florida. By giving recognition to those young people who have freely given back to their community, the foundation promotes the noble spirit of voluntarism, an ethic that has made our country great.

PENNSYLVANIAN HONORED FOR EAGLE SCOUT AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in honoring a fine young man from my congressional district in Pennsylvania.

On April 7, William P. Phillips, of Milton, will join the distinct class of individuals who have obtained the highest award in the Boy Scouts of America—the Eagle Scout Award. Before becoming a Boy Scout in 1983, William served 3 years as a Cub Scout. In this capacity, he reached the highest rank of the Cub Scouts which earned him the Arrow of Light Award.

As a Boy Scout, William achieved several honors and held many positions. Between 1984 and 1990, he earned the awards of Tenderfoot, Second Class Scout, First Class Scout, Star Scout, and Life Scout. During these years he also obtained 7 skill awards and 25 merit badges. William has served in the position of quartermaster and senior patrol leader, and was inducted into the Order of Arrow in 1987.

For his Eagle Scout project, William organized a group of scouts to assist him in preparing the Milton Community Pool for the 1990 summer swim season. He drained and cleaned both the adult and children's pool; cleared the tall grass, weeds, and garbage from around the facility; scraped, then repainted the buildings; and refinished the outdoor furniture by cleaning, painting, and weatherproofing it.

As a Scout, William participated in whitewater rafting excursions, canoe trips, winter survival weekends, and fishing and hiking events. Such events have taught him a love for the outdoors, and an appreciation for our environment. Because he holds these values he has also assisted in several community projects, such as cleaning trash from roadways, streets, and parks in town, and helping the elderly by raking leaves and shoveling snow.

Besides Scouting, William participates in other activities. Among these are soccer, baseball, and golf. He has been a member of the Spanish Club, Key Club, concert and church choirs and the youth fellowship. He is also a member of St. Andrew's United Methodist Church, where his ceremony will be held, and he has participated in a fundraiser for St. Judes Children's Hospital.

Mr. Speaker, as you can see, William P. Phillips has shown time and again that his hard work, dedication, and perseverance are fine characteristics of himself as well as the Boy Scouts of America. These traits are bestowed on each and every youth who participates in the Scouts, and I am assured that they carry these traits on with them in life—aiding others in need, and passing on their fine values to younger generations. I can only say how happy I am to see such diligence expressed at an early age.

I join his family and friends when I say I am very proud of William for the accomplishments he has made. He has worked hard to achieve this goal, and is well-deserving of it.

HONORING CASA MARIA FAMILY SERVICES, DETROIT, MI

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. HERTEL. Mr. Speaker, I rise today to honor Casa Maria Family Services in Detroit, MI. Casa Maria Family Services, an agency of the League of Catholic Women, has been offering its services to the Tiger Town area since 1943. Their assistance ranges from recreational activities to crisis intervention, and their time is dedicated to runaway teenagers, youth offenders, and multi-problem families. The services of Casa Maria are shaped by the needs of the surrounding communities.

Casa Maria is located in an area that is ethnically diverse, and in the early years of its existence taught many immigrants how to adjust to the American culture. The center offered classes in English, government, and job orientation, as well as assisting in daycare and sponsoring of recreational activities. With the changing needs of today's society, many of the services focus on preventing delinquency, substance abuse, and offering support for the children and families of the Detroit area.

Programs are currently directed toward families with children between the ages of 3 and 18, and with funding from the Michigan Department of Social Services, additional attention is given to teens who are potential or actual runaways. With the ultimate goal of detering delinquent behavior and creating productive citizens, Neighborhood Builders Alliance has granted assistance in providing services to potential and first time offenders. Many of the children have participated in community volunteer work including street cleanups, gardening, and restoring porches.

Due to the growing recognition of Casa Maria, the Department of Community and Health Services from Wayne County has chosen the agency to run an alternative education program for high-risk students. In conjunction with the Detroit Board of Education, the students receive one semester of individual assistance and then return to a regular school setting. This program is designed to promote academics and prevent delinquency and dropouts, and has proven to be very successful as many of the students go on to become honor students and teachers' aids.

One of the most important services is the social adjustment program. This program allows teens to be involved in sports as well as cultural and educational activities. Such events as indoor and outdoor basketball rank as the most popular. Also enjoyed are field trips, cooking, and the viewing of National Geographic specials on the center's VCR. These activities have proven to be successful in detering delinquency and substance abuse among many of the community's youth.

Most of all, the dedicated workers of Casa Maria Family Services provide the children and families of Detroit with love, care, and direction.

My dear colleagues, please join me in honoring Casa Maria Family Services for all of its proud accomplishments and dedication.

HONORING LILLIAN FISCHER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1991

Mr. SCHEUER. Mr. Speaker, among the millions of American citizens, there are many pursuits. None are more important today than the neighborhood activist; The rare person who gives of their time and energy to preserve our communities, support our schools, care for our towns and cities, and build better futures for our children.

A shining example of such a friend and neighbor is Lillian Fischer, a dedicated and caring constituent in my hometown of New York City.

Mr. Speaker, I have the honor and pleasure of joining the Clearview Jewish Center in paying tribute to Ms. Fischer and her many accomplishments.

Lillian Fischer arrived on these shores as a young immigrant in 1953. Her family, survivors of the horrors of Nazi concentration camps, settled in the Bronx.

Lillian pursued her education, then began working to support her family. She has raised a fine son of her own, Benjamin, whom I have the honor of working for me in my Flushing district office.

Ms. Fischer moved to the Whitestone community of Queens 19 years ago, and has been an active member of the area since. She has been honored by the Jewish School of the Board of Jewish Education of Greater New York twice: First with the Me'u'sh Award for Hebrew School, and then with the Most Involved Parent Award. Lillian has held many positions and committee assignments over the years, always providing her energy and expertise generously.

Mr. Speaker, these are especially troubled times for New York City. But with people like Lillian Fischer, we are working to rebuild our city, our neighborhoods, and our schools. And because of people like Lillian Fischer, we are slowly but surely succeeding.

It is my privilege to join the Clearview Jewish Center, her friends, neighbors and family, in honoring this outstanding citizen.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 5, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Defense, focusing on Army posture.
SD-192

9:30 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To hold hearings on the purchase and use of counterfeit and substandard parts.
SD-342

Rules and Administration
To hold hearings on the projected shortfall in the Presidential Election Campaign Fund.
SR-301

10:00 a.m.

Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 207, to provide funds for and to enhance the effectiveness of the Commodity Futures Trading Commission, S. 393, to provide for fair treatment for farmers and ranchers who are participating in the Persian Gulf War as active reservists or in any other military capacity, and S. 483, to expand the public purchase and protection of the Taconic Mountains forest land in Bennington County, Vermont.
SR-332

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Railroad Passenger Corporation (Amtrak) and the Federal Railroad Administration, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Secret Service and the U.S. Customs Service, both of the Department of the Treasury.
SD-124

Foreign Relations
European Affairs Subcommittee
To resume open and closed hearings on the U.S. response to Soviet disunity.
SD-419

Labor and Human Resources
To hold hearings to examine the role of the Commissioner of the Food and Drug Administration.
SD-430

Joint Economic
To hold hearings to examine the unemployment insurance emergency situation and the impact a shortfall in administrative funds have on jobless workers during a recession.
SD-538

1:30 p.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Emergency Management Agency.
SD-138

2:00 p.m.

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992-1997 future year defense plan.
SR-222

Small Business
To hold hearings on the nomination of James F. Hoobler, of New York, to be Inspector General, Small Business Administration.
SR-428A

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MARCH 7

9:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Defense, focusing on Air Force posture.
SD-138

Armed Services
To hold hearings on NATO security.
SR-222

9:30 a.m.

Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title X provisions relating to natural gas regulatory issues, and Sections

6003 and 6004, relating to natural gas research, development, demonstration and commercialization activities.
SD-366

Environment and Public Works
To hold hearings on the President's proposed budget request for fiscal year 1992 for the Environmental Protection Agency.
SD-406

Governmental Affairs
To continue hearings on the purchase and use of counterfeit and substandard parts.
SD-342

Rules and Administration
To hold hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.
SR-301

10:00 a.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Family Support Administration, Human Development Services, and the Office of Inspector General.
SD-192

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold hearings to review the General Accounting Office's analysis of the Administration's financial modernization recommendations.
SD-538

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for foreign relations.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to examine the need for national tests in education.
SD-430

2:00 p.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Health Care Financing Administration.
SD-192

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 210, to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis to maximize the long term economic value to the United States.
SD-366

Foreign Relations
Business meeting, to consider proposed legislation authorizing emergency supplemental funds for fiscal year 1991 for foreign operations in the Persian Gulf, and the nomination of Jon David Glassman, of the District of Columbia, to be Ambassador to the Republic of Paraguay.
SD-419

MARCH 8

9:00 a.m.

Veterans' Affairs
Business meeting, to mark up the proposed budget for fiscal year 1992 for Veterans programs.
SR-418

9:30 a.m.

Joint Economic
To hold hearings on the employment-unemployment situation for February.
SD-628

10:00 a.m.

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, General Sales Manager, and the Soil Conservation Service.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of the Secretary of the Senate, Office of the Sergeant at Arms of the Senate, and the Congressional Budget Office.
SD-116

Finance
Social Security and Family Policy Subcommittee
To resume hearings to examine child poverty and welfare dependency, focusing on measurement of increases and decreases.
SD-215

Judiciary
Constitution Subcommittee
Business meeting, to mark up S.J. Res. 18, proposing an amendment to the U.S. Constitution relating to a Federal balanced budget.
SD-226

10:30 a.m.

Joint Economic
To hold hearings to examine the financial and international factors that may affect the length and depth of a recession, and the economic outlook.
SD-628

MARCH 11

2:00 p.m.

Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title VII provisions relating to the Strategic Petroleum Reserve, and Title VIII provisions relating to the Outer Continental Shelf.
SD-366

MARCH 12

9:30 a.m.

Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title IX provisions which authorize a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge in Alaska (ANWR).
SD-366

10:00 a.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control.
SD-192

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of State.
S-146, Capitol

2:00 p.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Alcohol Drug Abuse and Mental Health Administration, the Health Resources and Services Administration, and the National Council on Disability.
SD-192

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for foreign relations.
SD-419

2:30 p.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on development assistance programs.
SD-138

MARCH 13

9:00 a.m.

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the Department of Veterans Affairs and Department of Defense emergency preparedness plan.
334 Cannon Building

9:30 a.m.

Rules and Administration
To resume hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.
SR-301

10:00 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Transportation.
SD-138

1:30 p.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the

Council on Environmental Quality, and the Environmental Protection Agency.

SD-138

2:00 p.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992-1997 future year defense plan.

SR-222

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for the Motor Carrier Safety Assistance Program.

SR-253

MARCH 14

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Highway Traffic Safety Administration.

SR-253

Environment and Public Works

To hold hearings on the nomination of William H. Kennoy, of Kentucky, to be a Member of the Board of Directors, Tennessee Valley Authority.

SD-406

Rules and Administration

To continue hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.

SR-301

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, Heart, Lung and Blood Institute, the National Dental Institute, Allergy and Infectious Diseases, Diabetes, Digestive, and Kidney, Child Health and Human Development, Environmental Health, and the Fogarty International Center.

SD-192

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Justice.

S-146, Capitol

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of the Treasury.

SD-116

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).

SD-366

1:30 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis Musculoskeletal and Skin, Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.

SD-192

2:00 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 12, to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.

SR-253

Energy and Natural Resources

To continue hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).

SD-366

MARCH 15

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD-138

MARCH 18

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title V provisions relating to coal and the applicability of new source review to existing electric steam generating units (WEPCo).

SD-366

MARCH 19

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.

SD-192

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Small Business Administration, and the Economic Development Administration and the Minority Business Development Agency of the Department of Commerce.

S-146, Capitol

Judiciary

To hold hearings on the nomination of Kenneth L. Ryskamp, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

SD-226

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration, and the United States Postal Service.

SD-116

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Africa.

SD-138

MARCH 20

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspecter General, and the National Credit Union Administration.

SD-116

Rules and Administration

Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.

SR-301

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.

SD-138

2:00 p.m.

Energy and Natural Resources

To resume hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XI provisions relating to transportation issues, and on the Administration's proposal contained in the National Energy Strategy relating to alternative-fuel fleets.

SD-366

MARCH 21

9:30 a.m.

Energy and Natural Resources

To hold hearings to review the status of implementation of the Department of Energy's civilian nuclear waste program mandated by the Nuclear Waste Policy Act of 1982 and its 1987 revisions.

SD-366

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the proposed Soldiers' and Sailors' Civil Relief Act.

334 Cannon Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for ACTION, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD-192

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Internal Revenue Service, and Financial Crimes Enforcement Network, Department of the Treasury.
SD-116

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home.
SD-192

MARCH 22

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 9

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology of the Department of Commerce.
S-146, Capitol

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Latin America.
SD-192

APRIL 10

9:30 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings to examine lender liability as related to Superfund.
SD-406

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Farmers Home Administration, the Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the White House residence, and the Office of Personnel Management.
SD-116

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.
SD-124

APRIL 11

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Research and Special Programs Administration of the Department of Transportation, and the National Transportation Safety Board.
SD-138

APRIL 16

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of the U.S. Trade Representative, and the International Trade Administration of the Department of Commerce.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on aid to Eastern Europe.
SD-138

APRIL 17

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.
345 Cannon Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Affairs, and the Department of Veterans Affairs.
SD-138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Information Agency and the Board for International Broadcasting.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Highway Administration, Department of Transportation.
SD-138

APRIL 19

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.
SD-138

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine the science education programs of various Federal agencies.
SD-138

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human

Services, Education, and related agencies.

SD–1902

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice.

S–146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security in the post-cold war era.

SD–138

APRIL 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.

SD–124

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.

SD–138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of National Drug Control Policy.

SD–116

APRIL 26

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.

SD–138

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.

SD–138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.

SD–192

MAY 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.

SD–138

MAY 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.

SD–138

MAY 14

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.

SD–138

MAY 15

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.

SD–138

MAY 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.

SD–138

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

SD–138

MAY 21

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.

SD–138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.

SD–138

MAY 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.

SD–138

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.

SD–138

CANCELLATIONS

MARCH 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education, and the Office of Inspector General.

SD–192

POSTPONEMENTS

MARCH 5

2:00 p.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings to examine issues relating to a bilateral free trade agreement with Mexico.

SD–419

SENATE—*Tuesday, March 5, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The Earth is the Lord's, and the fulness thereof; the world, and they that dwell therein.—Psalm 24:1.

Almighty God, true and just and righteous in all Thy ways, we commend to Your will those who are laboring to establish peace in the Middle East. Grant to them the light of Your wisdom that truth and justice may prevail. Grant to the whole Earth and all the people on it Your blessing as it recovers from the trauma of such a technologically efficient war. Remind us, O Lord, of our responsibility for the Earth over which Thou hast given us stewardship. Forgive us for the carnage we have wrought, for the way we have ravaged and polluted and corrupted the beautiful environment and the gracious provision Thou hast made. Help us, patient God, to find our way, to turn to Thee in humility and repentance and to seek Thy divine overrule in our lives. And, Father, we are very thankful to see Senator CRANSTON on the floor this afternoon.

Grant this, Lord, in the name of Him who is the Lord of Lords and the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 5, 1991.

To the Senate:

Under the provisions of Rule I, Section 3 of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the time reserved for the two leaders there be a period for morning business not to extend beyond 3:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, at 3:30, following the period for morning business, it is my intention to exercise the authority which I have under a previous unanimous-consent agreement to resume consideration of S. 419, the Resolution Trust Corporation bill. It is my understanding that there are several amendments which Senators intend to offer. I expect amendments to be offered to the bill this afternoon. It is not possible at this time to predict whether there will be votes or how many, but Senators should be aware of that possibility once the amendments are before the Senate.

SENATOR ALAN CRANSTON—WELCOME BACK

Mr. MITCHELL. Mr. President, it is a pleasure to welcome Senator CRANSTON back to the Senate after an absence of several months. We were all saddened by the announcement last year that Senator CRANSTON had been diagnosed with prostate cancer and would retire from his leadership role and not seek reelection to the Senate. There can be few events as devastating as learning of a potentially life-threatening condition. All the plans of a lifetime can be suddenly disrupted, all the work one hoped to do, all of the aspirations for the future must be put on hold in the face of such news.

Senator CRANSTON reacted strongly to the news of his cancer. His treatment has been successful, and he returns today to take up his Senate work again. Despite the difficult and painful time he has had in the past several months, he has returned, ready as ever to get back to work. Neither I nor any of his colleagues doubt that Senator CRANSTON will play an active role in the Senate for the remainder of his term of office. He has our affection and our good wishes for his complete recovery. We are pleased to welcome him back to the Senate.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mr. CRANSTON. I thank the leader for his warm and generous words. I simply want to assure him and all Senators that I am back and on full active duty in the Senate.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time. I understand the acting Republican leader will use the leader time of the Republican leader.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting Republican leader is recognized.

EXTENDING A WARM WELCOME TO SENATOR CRANSTON

Mr. COCHRAN. Mr. President, let me take this opportunity to join with the majority leader to extend a warm welcome to our distinguished colleague from California. We do wish him a full and complete recovery, and say to him it is good to see him back in the Chamber.

Mr. CRANSTON. I thank my colleague very much. It is very generous of him.

STUDENT-ATHLETE REFORMS ADOPTED BY THE NCAA

Mr. COCHRAN. Mr. President, during the past several months, considerable attention has been focused in the Nation's press on various issues related to the proper role of intercollegiate athletics at our colleges and universities. Critics have suggested that those insti-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

tutions are incapable, either themselves or in concert through the National Collegiate Athletic Association, of taking any serious steps to limit alleged exploitation of athletically talented students, to curb abuses involved in the recruiting of those students, to assure that they are properly integrated into university life and provided with a meaningful opportunity to pursue a serious academic program to graduation, and in general to bring intercollegiate athletics more closely under institutional control.

Concerns such as these were, in fact, expressed by some of my colleagues in the Congress during development last session of the student right-to-know legislation, pursuant to which institutions awarding athletically related financial aid are required beginning in 1993 annually to publish graduation rates for the student body, broken down by race and gender, and for student-athletes, broken down by race, sport, and gender. The NCAA leadership expressed its support early on for the concept of this legislation and asked for an opportunity to persuade its members to adopt such regulations in early 1990, but the Congress in its wisdom nonetheless went ahead and passed the right-to-know law late in the session.

I think it is important to note that the NCAA at its recent convention—its very first opportunity to react to final terms of the new law—amended its internal regulations to bring them into conformity with the law as passed, and, perhaps of even greater interest, will begin publishing institutional graduation rates for its largest member institutions a full 2 years before that step is required by the law. Without question, Mr. President, the NCAA's actions speak of a willingness by its members to bring into the open possible institutional variances in graduation rate performance, notwithstanding differing institutional admissions practices and notwithstanding the fact that available historical data indicates that athletes graduate at the same rate as or a slightly better rate than the student body as a whole.

But in truth the NCAA's actions on graduation rate disclosure at its recent convention were of modest significance when compared with the package of reforms that were adopted by its membership in a variety of other areas. These included placing limits on playing and practice time for student-athletes, elimination of athletic dormitories, cutting back of training tables for athletes, requiring that athletes complete at least half the credits needed for graduation by the end of the third year, cutting the sizes of coaching staffs and the number of permissible scholarships, and placing substantially more stringent limits on recruiting activities.

Dick Schultz, the NCAA's executive director, characterized these reforms as important first steps on the road to creating a new model for intercollegiate athletics, but he regards the means by which they were accomplished as more important still. In this respect, he is referring to the fact that the reforms were put into place through the leadership and hard work of the NCAA's president's commission—a semiautonomous group of 44 institutional chief executive officers which enjoys substantial power in the NCAA governance structure.

I am told that this was the NCAA convention "at which the presidents took charge," developing the principles of reform over a period of several months, mandating the NCAA staff and institutional athletics representatives to draft practically based reform legislation consistent with those principles, and then lobbying their chief executive peers throughout the association either to attend the convention themselves—over 230 football-playing schools—or cause their institutional votes to be cast in favor of the reform package. The strategy worked, and the reform package was overwhelmingly adopted.

I am further advised, Mr. President, that the president's commission fully intends to press on with the reform effort this coming year, and that it will next be focusing on proposals to tighten admissions and academic progress standards requisite for intercollegiate athletics participation eligibility. The issues inherent in these proposals go to the heart of the perception of exploitation of student-athletes and lack of integration of athletes into the mainstream of academic life. I am particularly pleased to note in this regard that the chairman of the president's commission this coming year will be Dr. R. Gerald Turner, chancellor of the University of Mississippi—a man I personally know to be an experienced, able, and dedicated educator.

Perhaps the important message here, Mr. President, is that the education community and its leadership have taken some important steps in the past few weeks to reevaluate and restructure the role of intercollegiate athletics, and are moving forward to analyze and advance additional proposals in the months ahead. I firmly believe that the university presidents, in close consultation with intercollegiate athletics administrators, are far better suited than the Congress or other governmental instrumentality to deal with these issues and to define a proper model for intercollegiate athletics in the 1990's and the next century. I congratulate the president's commission and the NCAA membership on the substantial progress they have already achieved, and wish for them much success in their continuing efforts.

I should finally note that the 1991 NCAA convention was noteworthy in another respect, in that the membership elected Judith M. Sweet, director of athletics at the University of California, San Diego, as the association's president for the next 2 years. Ms. Sweet is the first woman to have been elected to this office, coincidentally on the 10th anniversary of the institution of women's championships by the NCAA, and her election is surely an important further indication of the growing role of women in intercollegiate athletics across the country.

Mr. President, the image that some have formed of the NCAA as a cadre of coaches and athletics administrators either engaged in the creation of incomprehensible rules or seeking new ways to exploit student-athletes is very wrong. In fact, the NCAA is an association of more than 820 4-year educational institutions, the voting power of which rests and always has rested in the hands of the institutional chief executives. This past month, those CEO's decided to exercise that voting power as never before, and we may all hope that they continue in their resolve to participate directly in the process of deciding the course of intercollegiate athletics in the years ahead.

PARENTS AS TEACHERS ACT

Mr. COCHRAN. Mr. President, parents are a child's first teacher. Research shows that fundamental, lifelong learning skills are established from infancy. It is reported that self-esteem is established by the age of 4. Beyond that age intervention and possibly treatment, not prevention, occur. The parent-child relationship is a critical factor in a child's success in the early school years and throughout his life. Parents, however, do not just instinctively know how best to help their children build a foundation for learning and health care. They need tools and guidance to improve their parenting skills.

I am pleased to be an original cosponsor of the Parents as Teachers Act, which authorizes the Secretary of Education to make grants, on a competitive basis, to establish community programs for children and their families designed to help parents provide the best possible beginning for a life of learning and growing for their children and to make the transition between infancy and independence.

The bill is authorized at $20 million, which would allow approximately 1,000 school districts to participate at the average cost of $20,000 yearly. Once established, States and local communities will eventually pick up the cost of the program. The legislation phases out Federal funds through a declining match from 100 percent to 25 percent over the 5-year authorization.

The purpose is to provide parents with the tools to strengthen language skills, intellectual development, social skills, and health care of their children from infancy on. The program also has an adult literacy component. It is open to parents with children aged 3 and under, whatever their socioeconomic status. A parents as teachers national center is also established to provide information, training, and technical assistance to participants.

Key components include:

Home visits by parent educators to give research-based information to parents about language skills, psychological, and physical development;

Periodic health screening to ensure that disabilities or developmental problems are detected before a child enters school; and

Group visits for parents to give them an opportunity to meet other parents with children of the same age and establish a support group to discuss problems.

Mississippi's Center for Family Education in Jackson, which is patterned after the successful Missouri Parents as Teachers model, is supported by a cooperative partnership between the Junior League of Jackson, Central Presbyterian Church in Jackson, the Field Cooperative Association, the Child Care Food Program of the U.S. Department of Agriculture, the Mississippi Department of Human Services, and Frito Lay, Inc. The Jackson program utilizes part time paid staff and a wealth of volunteers in a public/private effort that has resulted in a dramatic and positive change in the quality of life for the families it has served. This program provides the missing link in the mosiac of Federal and State services to children and families and it works because it recognizes that positive parental involvement is the key to a child's successful development.

The first of the six education goals established by the President and the Nation's Governors is: "By the year 2000, all children in America will start school ready to learn."

Nothing could be more important in achieving this goal than helping parents establish a home environment for their children that celebrates learning and good health care. This is a prevention program whose long term benefits should result in better educated and employable youth, fewer dropouts, reduced teen pregnancy, less need for remedial education programs, and less dependency on drugs and alcohol.

The Parents as Teachers Act calls for a modest investment in Federal funding, which will in return generate immeasurable individual and community rewards. I thank Senator BOND for asking me to join him as a sponsor of this bill and applaud him for bringing this exemplary model program to our attention.

Mr. President, I urge the swift adoption of this legislaton by the Senate.

RESERVATION OF LEADER TIME

Mr. COCHRAN. Mr. President, I reserve the remainder of the leader time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 3:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mr. ADAMS. I thank the Chair.

(The remarks of Mr. ADAMS pertaining to the submission of Senate Concurrent Resolution 14 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank the Chair.

THE FAST TRACK

Mr. BAUCUS. Mr. President, last week, the administration formally requested an extension of the fast track negotiating authority provided by the 1988 Trade Act.

The fast track process has been harshly criticized by a number of my colleagues and various outside groups. They claim that the fast track chokes off debate and denies Congress a voice in the consideration of trade agreements. I understand a resolution will shortly be introduced to disapprove the administration's request for fast track negotiating authority.

Mr. President, the criticisms of the fast track are unfounded and the resolution very unwise. The fast track is essential if we are to negotiate trade agreements and it has worked quite well.

THE FAST TRACK

The fast track is an arrangement under which the Congress agrees to vote up or down on a trade agreement negotiated by the administration without offering amendments within 90 days after the agreement is formally submitted to Congress. In return for the guarantee of a vote, the administration agrees to consult closely with the Congress on objectives and strategy in the negotiations. The administration also agrees to allow the congressional committees of jurisdiction to draft the implementing legislation for the agreement.

The fast track is a necessity under our Constitution because power on trade matters is divided between the President and the Congress. The arrangement is a thoughtfully crafted balance that allows the administration to negotiate trade agreements while preserving the rights of Congress.

THE RECORD OF THE FAST TRACK

With the fast track in place, the United States has negotiated a number of important trade agreements: The Tokyo Round GATT Agreement, the United States-Israeli Free-Trade Agreement, and the United States-Canada Free-Trade Agreement. Those agreements have served the national interest very well. The Israeli and Canada FTA's have expanded United States exports by a total of $21 billion and created at least 210,000 new jobs.

The Tokyo round lowered tariffs worldwide by 33 percent, increased protection against subsidies and predatory pricing, and cleared away many nontariff trade barriers. Since the Tokyo round has been in place, United States exports have expanded by 73 percent.

Each of these agreements could have gone further, but each did contribute significantly to U.S. economic welfare.

RATIONALE FOR THE FAST TRACK

Those trade agreements would not have been approved or even negotiated were it not for the fast track. The fast track procedure is unique because the problems confronted in trade agreement negotiations are unique. Unlike arms control treaties or other treaties, trade agreements require literally thousands of concessions in return for thousands of benefits. Though the overall balance of concessions and benefits will presumably be very much in the U.S. interest, particular concessions may well adversely impact discrete economic sectors. No other type of international treaty or agreement is likely to effect such a wide array of special interests.

If amendments were possible, Members would doubtlessly feel pressure to offer amendments to protect these special interests. Some of the amendments may well pass. If they do pass, other nations would certainly follow suit and protect their special interests leading to further steps in the United States. Soon the entire trade agreement would be pulled apart by special interest concerns.

We don't have to look far into history to see this pattern being played out. When the U.S. Congress piled special interest tariff upon special interest tariff in the Smoot-Hawley Act, our trading partners quickly followed suit. As a result, the world trading system was nearly destroyed.

The purpose of the fast track is not to exclude these special interest concerns from congressional consideration. But it does force the Congress to recognize that catering to special interest concerns will unravel a trade agreement. The cases of special interests are still considered, but the Congress is forced to balance them against the national interest.

Trade negotiator after trade negotiator in both Democratic and Republican administrations have argued that without the fast track it would be impossible to even negotiate trade agreements. In the words of our current chief trade negotiator, Ambassador Carla Hills: "The fast track is crucial to my credibility as a negotiator." Other nations would have no reason to even negotiate with the United States unless there was a reasonable chance that such an agreement would be approved by Congress.

The argument that the fast track chokes off debate unnecessarily and denies Congress a voice in the negotiations is simply untrue. In all cases, congressional consideration of the impact of a trade agreement takes place over a period of years. It begins when the concept for the negotiations is floated by the administration. It continues during the negotiations. The final 90 days of debate that are conducted under the fast track is merely the final round of a debate that has taken place over the preceding years.

Take the Uruguay round of GATT negotiations for example. Congressional hearings on the round began 4 years ago. Even if a Uruguay round agreement were concluded tomorrow, Congress would have had more than 5 years to consider the round before it was asked to vote on it.

I held hearings on the proposed United States-Canada-Mexico agreement—known as the North American Free-Trade Agreement or NAFTA—11 years ago. Obviously, Congress has more than enough time to consider the merits of a possible trade agreement.

But without the guarantee that Congress would at least vote on an agreement that is negotiated, U.S. trade negotiations would be seriously compromised. Certainly, the prospect of a Senate filibuster or congressional amendments to the implementing legislation, would be enough to raise doubts in our trading partners' minds as to whether U.S. commitments would ever be implemented.

In sum, Senators should be under no illusion: Passage of this resolution would terminate the Uruguay round and all other major international trade negotiations.

CONCLUSION

Of course, Senators have every right to reserve judgment on the outcome of the Uruguay round or the NAFTA negotiations until those negotiations are completed. Every Senator has the right to expect that the administration will consult with him during the negotiations to resolve his particular concerns. Further, Senators should expect that the eventual implementing legislation for the Uruguay round will be written by the congressional committees of jurisdiction, not the administration.

And if Senators feel that the eventual agreement is not in the best interest of the Nation, they can vote against it. And if the majority of his colleagues follow suit, the United States will not enter into that agreement. Under the fast track, the Congress still makes the final decision.

I have spoken previously to the merits of the Uruguay round and the NAFTA negotiations and will do so further in coming weeks. But the sponsors of the disapproval resolution will doubtlessly point out that there are difficult issues to be resolved in these negotiations. And it is certainly possible to imagine an agreement emerging from these trade negotiations—particularly the NAFTA negotiations—that is not in the United States best interest.

But that is not the issue before us in the next few weeks. The issue is whether or not we allow the administration to carry out those negotiations.

If a poor agreement is negotiated, I will be the first to demand changes and vote against it if the changes are not forthcoming. Three years ago, I withheld my support of the United States-Canada FTA until some critical issues were addressed by the administration. But we cannot assume that any trade agreement that is negotiated will be a bad one. In fact, history would argue for quite the opposite conclusion.

We should not be hasty. We should allow the administration to complete the Uruguay round and the NAFTA and then judge their merits. It is ridiculous to try to judge those agreements before they are even negotiated.

Next week, I will address the merits of the NAFTA.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

RESTORING PUBLIC CONFIDENCE

Mr. SANFORD. Mr. President, I submitted on Thursday what I believe is one of the most important legislative initiatives I have ever brought to the floor of the U.S. Senate. This resolution is crucial if we are to restore the public confidence in the U.S. Senate and the Members who serve here.

Certainly one of the most difficult and painful assignments any Senator could have had during the last few years is service on the Select Committee on Ethics. I have had the responsibility of serving on that committee throughout the proceedings related to the members accused of improper dealings in connection with Lincoln Savings & Loan and its chairman, Charles Keating.

The horrible spectacle of these hearings has made clear to me, and I hope to all of my colleagues, the pressing need to adopt campaign financing reforms. In its findings, the Ethics Committee urged the leadership and Congress to work together in a bipartisan manner to address the urgent need for comprehensive campaign finance reform. I think it is safe to say that I speak for every member of the Ethics Committee when I say that a new direction is needed for campaign finance, a direction that restores the reputation of this institution. Not everyone will agree with my particular approach, but I believe it is a viable one. The botton line is that we have come to a point where we simply spend too much money on campaigns.

We simply cannot constantly put all Members in the bind of needing to raise tremendous sums of money on the one hand, and on the other hand wanting to avoid any appearance of impropriety in the casting of votes or rendering of service to constituents. The Ethics Committee's deliberations have made it clear that many of the conflicts and tensions are created by the overwhelming amounts of money that must be raised to wage a campaign in today's modern era of television-based campaigning. The public is confused and bothered by the vast amounts of money in elections. Recognizing this, my resolution speaks to the most fundamental piece of campaign finance reform, establishing a limit on campaign expenditures.

The approach I have taken in this resolution is somewhat different than that taken in the bill introduced by my colleague from Oklahoma, Mr. BOREN, which the Senate passed last year. While I continue to support that bill and support a variety of additional measures, I have tried to get around many of the difficult legal issues presented by that approach and the objections some have to public financing.

The basic thrust of this resolution is that the Senate can make and enforce its own rules, its own code of conduct for the dignified election of its members. My resolution would set overall campaign limits, to be enforced not by the promise of public financing for compliance, but by sanctions ranging from loss of seniority advantages to censure and even expulsion for failure to abide by a code of conduct to be established by the Rules Committee and enforced by the Ethics Committee.

The resolution makes it a matter of honor and Senate code of conduct to abide by limits set for total expenditures during a campaign, which are set along the lines of S. 137 passed during the last Congress, based on the lesser of a flat minimum or a formula based on the population of each State. As such, because the resolution does not prohibit by statute any campaign expenditures, it should not run afoul of the first amendment rights protected by the Supreme Court in Buckley versus Valeo.

By adopting the language of S. 294, introduced by my colleague Senator BUMPERS, this resolution also includes important provisions that would tighten the definition of independent expenditures. Additionally, there are provisions for the speedy disclosures of all true independent expenditures.

This resolution, while identifying and addressing important components of reform, is not a panacea. It is not sufficient by itself. We must also, as a body, adopt important provisions of comprehensive campaign reform included in S. 3, sponsored by Senator MITCHELL and Senator BOREN. I am cosponsor of this measure. Because of the conclusion of the hearings by the Ethics Committee, there is a unique window of opportunity for the Congress to enact meaningful campaign finance reform. I believe that establishing a code of conduct, giving this body the power to police its own Members, and restoring the honor and dignity of this institution is an important step in the right direction.

Granted, this is a unique approach, but I would point out to my colleagues that there is precedent from earlier times for such an approach. Indeed, in 1922, the Senate, while finding that Senator Truman Newberry was duly elected, was presented with resolutions condemning Mr. Newberry for excessive campaign expenditures. The resolution stated:

> The expenditure of such excessive sums ($195,000) in behalf of a candidate, either with or without his knowledge and consent, being contrary to the sound public policy, harmful to the honor and dignity of the Senate and dangerous to the perpetuity of a free government, such excessive expenditures are hereby condemned and disapproved.

Following the Senate vote, Mr. Newberry, realizing that his position could never be other than uncomfortable, tendered his resignation.

Similarly, in the matter of the case of Frank Smith, in 1928, the Senate passed a resolution refusing to seat Mr. Smith, in part because of exorbitant sums of money spent during his campaign. About the same time, the Senate passed a resolution denying a seat to Senator-elect William Vare, condemning again the excessive use of money in a campaign.

The approach I am suggesting would put the Senate in the position of reclaiming for itself the power provided in article 1, section 5 of the Constitution to judge the qualifications of members.

I have submitted this resolution because I believe that we must be willing to take some new approaches to the issue of campaign reform. We must act now to restore public respect for this institution. I know of nothing that is more damaging to the image of the Senate and its Members than the constant need to beg for money for campaigns. We must bring this degrading practice to an end before it totally disrupts our system of democracy.

I know that Members of the U.S. Senate are honorable people. They do not sell their votes or their influence. But the public has the impression that because a contribution is made, a Senator is going to vote the way that contributor wants the vote cast. It is not true, but the public perception is that it is and as such, the honor of the Senate is diminished. The reason we need to set a ceiling of what can be spent in a campaign is not because anybody has been corrupted, but because it gives the impression that undue influence is being exercised on the Congress of the United States.

I think the time has come for us to say that we not only are honorable people, but we do not want to give an impression that we can be unduly influenced by a contribution. Moreover, I think the time has come to say that we will police ourselves. I am proud of the thorough and honest job that the Ethics Committee performed in the recent extended hearings regardless of what is being written by the editorial writers who were not on the firing line. This is additional evidence that we can "clean up our act." We can take matters into our own hands and act for the good of all Members. It is our honor and our dignity that is at stake, as well as that of the Senate as a body. We can and we must take this important step to enacting standards for all those who wish to be honorable Members of this body.

I urge my colleagues to support this legislation and to take seriously the need to establish standards of conduct for us all.

I ask unanimous consent that the full text of this resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A resolution (S. Res. 70) limiting expenditures in campaigns for election to the Senate, setting Senate standards of conduct for those seeking election or re-election to the United States Senate, and providing sanctions against those elected who bring discredit to the United States Senate by violating the established standards of conduct.

Resolved, That for the purposes of this resolution—

(1) the term "authorized committee" means, with respect to a candidate for election to the office of the United States Senator, a political committee that is authorized in writing by the candidate to accept contributions or make expenditures on behalf of the candidate to further the election of the candidate;

(2) the term "candidate" means an individual who is seeking nomination for election, or election, to the office of United States Senator, and such an individual shall be deemed to be seeking nomination for election, or election, if the individual meets the criteria stated in subparagraph (A) or (B) of section 301(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2));

(3) the term "election cycle" means, with respect to an election to any Senate seat—

(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat that the candidate seeks and ending on the date of the next election; or

(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

(4) the term "general election" means an election that will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

(5) the term "immediate family" means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of any such person;

(6) the term "primary election", with respect to an election to any Senate seat means an election that may result in the selection of a candidate for the Senate on the ballot in a general election;

(7) the term "primary election period", with respect to an election to any Senate seat, means the period beginning on the day following the date of the last Senate election for that seat and ending on the first of—

(A) the date of the first primary election for that seat following the last Senate election for that seat; or

(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

(8) the term "runoff election", with respect to an election to any Senate seat, means an election held after a primary election for that seat, prescribed by State law as the means for deciding which candidate shall be certified as nominee for the Senate;

(9) the term "runoff election period", with respect to an election to any Senate seat, means the period beginning on the day following the date of the last primary election for that seat and ending on the date of the runoff election for that seat;

(10) the term "voting age population" means the resident population, 18 years of age or older, as certified pursuant to section 315(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(e)); and

(11) unless otherwise defined in this section, terms used in this resolution that are defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) have the meanings stated in section 301 of the Federal Election Campaign Act of 1971.

SEC. 2. LIMITATIONS ON EXPENDITURES.

(a) PERSONAL FUNDS.—No candidate shall—

(1) make expenditures from the personal funds of the candidate or the funds of a member of the immediate family of the candidate; or

(2) incur personal debt,

in excess of $50,000 in connection with the candidate's campaign for the Senate during an election cycle.

(b) GENERAL ELECTIONS.—(1) Subject to paragraph (2), no candidate may make expenditures for a general election in excess of the lesser of—

(A) $5,500,000; or

(B) the greater of—

(i) $950,000; or

(ii) $400,000 plus 40 cents multiplied by the voting age population of 4,000,000 or less, plus 25 cents multiplied by the voting age population over 4,000,000.

(2) In a State with only 1 transmitter for a commercial Very High Frequency television

station licensed to operate in that State, a candidate may make expenditures for a general election in the amount of the lesser of—

(A) $5,500,000; or

(B) the greater of—

(i) $950,000; or

(ii) $400,000 plus 55 cents multiplied by the voting age population of 4,000,000 or less, plus 40 cents multiplied by the voting age population over 4,000,000.

(c) PRIMARY ELECTIONS.—No candidate may make expenditures for a primary election in excess of 67 percent of the limitation on expenditures for the general election determined under subsection (b).

(d) RUNOFF ELECTIONS.—No candidate may make expenditures for a runoff election in excess of amount equal to 20 percent of the limitation on expenditures for the general election determined under subsection (b).

(e) INCREASES IN LIMITATIONS BASED ON INCREASES IN PRICE INDEX.—(1) At the beginning of each calendar year, the Committee on Rules and Administration shall compute increases in the amounts stated in subsection (b) based on the increase in the price index determined under section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)), except that for purposes of determining such increases, the base period shall be the calendar year of the first election after the date of adoption of this resolution, and on publication of such increases by the Committee on Rules and Administration, the amounts stated in subsections (b), (c), and (d) shall be deemed to be increased accordingly.

(f) COMPLIANCE FUNDS.—(1) The limitation stated in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with of the Federal Election Campaign Act of 1971, if—

(A) the compliance fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a)) received in accordance with the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971 and this resolution;

(B) the amount of contributions to and expenditures from the compliance fund do not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

(C) no transfers are made from the compliance fund to any other accounts of the candidate's authorized committees.

(2) If, after a general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from a compliance fund in excess of the limitation stated in paragraph (1), the candidate may petition the Committee on Rules and Administration for a waiver of such limitation up to any additional amount that the Committee may authorize.

(3) Any money remaining in a compliance fund when a candidate decides to terminate or dissolve the compliance fund shall be—

(A) contributed to the United States Treasury to reduce the budget deficit; or

(B) transferred to a compliance fund of a subsequent campaign of that candidate.

(g) INCREASES IN LIMITATIONS TO MATCH INDEPENDENT EXPENDITURES IN ELECTIONS.—(1) If, during a primary election period, runoff election period, or a general election, independent expenditures aggregating more than $10,000 are made or obligated to be made in opposition to a candidate or for the opponent of a candidate, the limitations stated in subsections (b), (c), and (d), as they apply to such candidate, shall be deemed to be increased for that primary, runoff, or general election in an amount equal to twice the amount of such independent expenditures made in excess of $10,000 during the primary election period, the runoff election period, or the general election.

(2) Not later than 24 hours after a person makes, obligates to make, or authorizes independent expenditures in excess of $500 (without regard to previously reported expenditures), such person shall submit a report with respect to such expenditures to the Federal Election Commission and the campaign committee of the opposing candidate.

SEC. 3. EXPENDITURES BY PERSONS OTHER THAN A CANDIDATE.

A candidate who, directly or through an authorized committee, cooperates or consults with any person in the making of an expenditure toward the advocacy of the election of the candidate or the defeat of the candidate's opponent, shall, before providing such cooperation or consultation—

(1) obtain the agreement of such person to report the amount of the expenditure to the candidate's principal campaign committee; and

(2) instruct the treasurer of the principal campaign committee to report such expenditure, on reports required to be filed under the Federal Election Campaign Act of 1971, as a contribution to and an expenditure against the prescribed limits by the candidate.

SEC. 4. CODE OF CAMPAIGN CONDUCT.

(a) PROPOSAL.—The Committee on Rules and Administration shall study and, not later than 120 days after the date of adoption of this resolution, introduce a resolution proposing the adoption of a Code of Campaign Conduct.

(b) TOPICS TO BE ADDRESSED.—In addition to other topics that the Committee considers to be appropriate, the Code of Campaign Conduct proposed by the Committee shall address—

(1) prohibition of the use of a negative advertisement that is essentially untrue; and

(2) prohibitions on the use of statements or advertising that is reasonably calculated to exacerbate racial strife or to appeal to negative prejudices related to racial differences.

(c) AMENDMENT OF CODE OF CAMPAIGN CONDUCT.—After a Code of Campaign Conduct is adopted by the Senate, the Senate Committee on Rules and Administration may propose, by introduction of a resolution, additional standards of ethical conduct which, if adopted by the Senate, shall apply to Senate elections following the date of adoption of the resolution.

SEC. 5. ENFORCEMENT.

(a) IN GENERAL.—An allegation of violation of section 2, 3, or 4 shall be referred to the Senate Select Committee on Ethics for investigation and finding, which finding shall stand unless overruled or amended by a vote of the Senate not less than 30 calendar days after the making of the finding, and which finding shall include at least one of the following recommendations:

(1) That, as a minimum, the appropriate party conference be required to deny the Senator recognition of seniority for seat assignment, and to place, for the duration of the term, the Senator in last place in seniority on any Senate committee to which the Senator is assigned.

(2) That a Senator be placed last on the seniority list for office space assignment and be declared ineligible for appointment to preside over the Senate or participate on ceremonial or representative committees.

(3) That a Senator be censured.

(4) That an incumbent Senator be expelled or a Senator-elect not be seated.

(b) NONINCUMBENT CANDIDATES.—(1) This resolution is intended to govern the election campaigns of nonincumbents as well as those of incumbents in the Senate, and shall be enforced against a nonincumbent upon the nonincumbent's election to the Senate.

(2) The Secretary of the Senate shall send a copy of this resolution to a nonincumbent candidate not later than 5 days after receipt of any filing by the candidate made with the Secretary under 302(g)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(2)).

Mr. SANFORD. Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the submission of Senate Resolution 71 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 540 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MONTANA EDUCATION

Mr. BURNS. Mr. President, the people of Montana have something to be very proud of, and I take a moment to share their accomplishment with my colleagues.

USA Today recently announced the newspaper's All-USA College Academic Team, and Montana students showed up in disproportionate number. Out of 20 college students named to this year's first team, three grew up in Montana. Another Montana resident was named to the academic third team.

The people of Montana are doing something right. Our high school seniors rank third in the country on ACT scores and first on armed services vocational aptitude tests. Additionally, more than 87 percent of our high school students graduate, which is 16 percent above the national average. And we have reached these achievements even though Montana ranks 21st in expenditures per student.

I have always been a strong supporter of our educational system. Some of my colleagues may know that the National School Boards Association gave me a perfect rating on educational issues during the 101st session of Congress. While I sure didn't try to score 100 percent on the NSBA scorecard, I did try to cast each vote and do my best for the education of all Americans.

The citizens of Montana deserve special recognition for their commitment to educational excellence. I ask unanimous consent that the USA Today article, "Sprawling Montana is an Academic Success Story," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, Feb. 26, 1991]

SPRAWLING MONTANA IS AN ACADEMIC SUCCESS STORY

(By Jeff Kleinhuizen)

Maybe it's the Rocky Mountain water, as Bozeman (Mont.) High School English teacher Mike Durney put it.

"How about the big Montana sky?" says Jim Turner, Helena school superintendent.

Take your pick.

But USA today decided to look for answers when students from the Big Sky state showed up in seemingly disproportionate numbers on the newspaper's All-USA College Academic Team, announced Friday

Consider:

Three of the 20 college students named to this year's first team grew up in Montana. Two—Jennifer DeVoe, 19, and Jefferson Kommers, 20—attend Montana State University in Bozeman. A third, Elizabeth Hughes, 21, attends Harvard University.

Another Montana native at MSU, Jan Wright, 19, made the academic third team.

Montana resident Allene Whitney, 19, an All-USA Academic First Team high school selection in 1989, is now an MSU sophomore.

All this, of course, may be coincidence. But it appears something is working in students' favor. Montana ranks 21st in average per-pupil expenditures, and yet:

Its high school seniors rank third in the nation on ACT scores used for college admissions, and first on Armed Services Vocational Aptitude tests.

More than 87% of its high school students graduate, compared to 71% nationwide.

Among possible reasons: small, nurturing, communities that enable children to develop socially and intellectually.

"Because of the rural nature of the state,, schools become the focal point of the community," says Nancy Keenan, superintendent of public instruction.

Says Jay Nelson, 18, a Helena High School senior: "This isn't like hanging around downtown L.A. We just don't have that much to do besides school."

That rural atmosphere contributes to some well-intentioned self-depreciation.

Physics professor Gerry Wheeler of MSU says some new freshmen get jittery when assigned dormitory rooms above the third floor.

"For some of them, that's the highest they've been in their life," he says.

More than half of Montana's 160 high schools have fewer than 100 students. Small wonder many students enter MSU braced for the big-city life of Bozeman. Population: 26,000, including 10,000 MSU students.

"It's a major recruiting problem," says computer science professor Denbigh Starkey. "Sometimes we have to keep ourselves from laughing."

But no one laughs at the academic successes, which some attribute to hardy, hardworking students.

"They have a can-do attitude," says Pat Callbeck Harper, gender equity specialist, Office of Public Instruction. "Here, you're always aware of the power of nature to do you in. We have to be self-sufficient.

Rocky Mountain ranges cradle this university town. Towering Douglas fir and Norway spruce stud the campus.

Covering more than 147,000 square miles, Montana could fit the six New England states and more inside its borders.

Says Dwight Moose, principal, Capital High School, Helena: "The students aren't whiners. That goes back to the pioneer stock who settled here: All these were individualistic people who were used to doing for themselves."

Still, a struggling economy may threaten the future.

Speaker of the House Hal Harper, D-Helena, says Montana no longer ranks among the leaders in state spending on education because of a property tax freeze in 1986.

"The freeze could push us into a second-class, or even a third-class, state," he says.

Another concern: University faculty salaries here lag behind those at comparable universities by about 25%, says MSU acting President Michael Malone.

Despite tough times, Keenan says the state will keep developing its most precious resource: children's minds.

"We can't compete with access to marketplaces or transportation," she says. "We can compete with brainpower, with ingenuity."

STATE STRUGGLES TO KEEP GRADUATES CLOSE TO HOME

Montana educators and legislators worry that they're losing many of their best students because graduates can't find professional jobs at home.

"I'd love to live here, but it's not going to be possible," says one top student, Jefferson Kommers, 20, of Bozeman, a physics major at Montana State University and an All USA-Academic Team selection.

"There's not much going on in physics and scientific research."

The staples of Montana industry are agriculture, mining and lumber.

At MSU, about 80% of graduating engineers leave the State. But the state now is fighting back.

Gov. Stan Stephens appointed the Science and Technology Advisory Council last fall, partly to advise business people and legislators about expanding new high-tech industries, such as bio-technology.

"We're looking to create companies and research here that will keep more of our good students in the state," says Carl Russell of the Science and Technology Alliance, Department of Commerce.

Mr. BURNS. Mr. President, today a very important education bill will be introduced by my good friend Senator BOND of Missouri. I am pleased to be an original cosponsor of this legislation, the Parents as Teachers: The Family Involvement in Education Act of 1991.

This bill is designed to assist State and local school districts begin or build upon early childhood education programs called Parents as Teachers [PAT] by providing Federal startup funds.

The PAT Program is an all-in-one early intervention, parent education, childhood development program. Simply put, the program's goal is better students.

PAT helps parents give their children the best possible start in life by providing them with tools to help lay a good foundation for their child's later learning. The PAT curriculum starts early—when the child is under 3 years of age—so that parents can guide their child's development during these formative years.

Education experts tend to agree that the best way to turn out smarter kids is to get parents and teachers to work together. The people of Montana have long recognized this fact. This is one reason for the success of the students in our State.

About 3 weeks ago, I had the opportunity to read to the children involved in an Even Start Program in Billings, MT. This Even Start Program encourages the Parents as Teachers philosophy, and I tell you, those youngsters were well on their way to being the leaders of tomorrow.

We simply cannot afford to shortchange our kids. They deserve the best we can give, and the Parents as Teachers Act is one way to help ensure that our youngsters get their feet firmly on the ground. I strongly encourage my colleagues to add their support for this bill when it is introduced today.

OPERATION HOMEFRONT

Mr. BURNS. Mr. President, on February 14, we kicked off Operation Homefront in Montana with a rally on the steps of the State capitol. Operation Homefront is a grassroots effort to support our troops, and now to begin planning a "hero's welcome" home for each and every one of them. The initiative has been endorsed by the U.S. Senate through the unanimous approval of Senate Resolution 17.

I would like to insert in the RECORD today a statement by a woman, Michelle Simpson, who has both a son and a daughter in the gulf. She knows intimately what it means to support our troops, and her words are an inspiration to us all. Ms. Simpson made her comments at a companion rally to our February 14 kickoff which was held in Miles City, MT

I ask unanimous consent that her comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

I am Michelle Simpson, President of the Miles City area Chamber of Commerce: manager of Custers Inn, and mother of a son and a daughter serving in the Persian Gulf in Operation Desert Storm.

Maybe you're asking yourself just what you can do—here in Miles City—that could be of any possible aid, comfort, or support to the men and women serving our country half way around the world.

You can help. If I may, I would like to offer these few things you can do.

Include them in your prayers.

Write to them often, but do not burden their minds with negativism, gloom, and problems at home, be a messenger of good news, of happy future events you'll be sharing with them soon.

Thank them every day in you heart and mind for the sacrifices they are making for us all.

Be available to help their loved ones through troubling times here at home.

Do some little thing each and every day that reminds you of the blessings of the freedom and liberty you possess that they are there to fight for and preserve.

Think of them often and softly wish them well. Be proud of them always.

Fix in your mind the best possible way to welcome them home when their job is done.

And finally—love them as if they were your own children.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. KASTEN. I thank the Chair.

(The remarks of Mr. KASTEN pertaining to the submission of S. Res. 72 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

SENIOR CITIZENS CHILD CARE ACT, S. 519

Mr. REID. Mr. President, last week I introduced legislation known as the Senior Citizens Child Care Act, S. 519.

Two years ago we recognized the desperate need for child care legislation. And this need for affordable, available, quality child care has not disappeared. The challenge is still not being met. We have a long way to go until our Nation's parents can leave their houses during the day and know that their children are in good hands.

At the same time so many parents are struggling with the daily nightmare of searching for good, reliable day care, many of our Nation's seniors are struggling, within the restrictions of their fixed incomes, to make ends meet. You see, current law provides that Social Security beneficiaries can earn only a limited amount of money every year before their Social Security benefits are reduced. These dollar limits, also known as the Social Security earnings test, are under $10,000. Now, I do not know anyone making under $10,000 who is well off, and who does not need to make more money. Our older Americans are being discouraged from improving their lifestyles. Our older Americans are being discouraged from improving their economic and mental well-being.

Today I am offering a proposal that will address both our shortages of child care and the well-being of our older Americans. My Senior Citizens Child Care Act would drop the Social Security earnings test for older Americans who provide child care services. This means a senior man or woman can provide day care, be it in his or her home or a center, and will not have to worry about having his or her Social Security check reduced. In doing this, our seniors can make some extra money, and our children will be better cared for.

What parent would not want his child looked after by men and women who had raised their own children? What parent would not prefer an experienced parent as a babysitter to someone who never had kids? Given the choice, I know I would feel more comfortable leaving my children with a retired senior citizen.

I wonder how many senior citizens would like to make some extra money to supplement their Social Security checks? How many senior citizens are discouraged from doing so because they fear their Social Security check will be reduced? My legislation will enable seniors to keep working while improving our pool of child care providers.

We need to better utilize our rapidly growing population, particularly in the area of child care. Older Americans can make significant contributions to the education and care of our children. And we must provide more incentives for senior citizens to remain active in our Nation's work force.

Let us empower our older Americans by letting them work. Let us empower our children by giving them decent day care. In doing so, our entire society will be empowered, and will benefit.

TRIBUTE TO MAYOR BOB HEMBREE

Mr. SHELBY. Mr. President, I rise today to honor the life and legacy of one of Alabama's great leaders, Mayor Robert L. "Bob" Hembree. Mayor Hembree, the four-term mayor of Guntersville, died February 16 in Birmingham.

Mayor Hembree's nearly 15 years in office were characterized by remarkable accomplishments. Among other projects, he directed the development of the new senior center, started a child day care program and established a community achievement center for the retarded. Bob also began a program to acquire minibuses to transport the elderly around town. He initiated a retirement program for city employees, and secured Federal grant money to repair hundreds of low-income homes. Bob turned the job of mayor into a full-time profession. But for Bob, working to make Guntersville a better place was always a labor of love.

Beyond his political talents, Bob was also a business leader in the community. His automobile dealership, which continues to be owned and operated by the Hembree family, is a Guntersville landmark.

Mayor Hembree was a man who dedicated his adult life to the city of Guntersville. He was a persuasive leader who used his immense popularity to achieve positive results for the city. He was loved and respected by all who knew him. I will miss Bob dearly. I am proud to have called him my friend.

Mr. President, it is an honor to share some of Mayor Hembree's immense accomplishments with my colleagues in the U.S. Senate. My thoughts and prayers are with his wife, Giselle, and their family in this time of grief.

THE PASSING OF GUILLERMO UNGO

Mr. PELL. Mr. President, it is with deep sympathy that I note the passing of Guillermo Ungo, a leader of the democratic left in El Salvador. Dr. Ungo dedicated his life to bringing true democracy to the people of El Salvador. Sadly, despite his courageous and determined efforts, he died in Mexico City last Thursday of a brain tumor before his goals could be achieved.

Dr. Ungo sought to bring peaceful change to his war-ravaged country. In the 1970's he was secretary general of the National Revolutionary Movement and was a member of the junta formed by young military officers in October 1979 who overthrew the military government allied with the traditional oligarchy. He resigned only 2 months later when he and other liberals saw that the military high command would not permit the promised reforms.

For his efforts, Mr. Ungo was forced to live in exile for his own well-being for much of the 1980's, but bravely returned to El Salvador in late 1987 to assert the democratic left into the political process. He was a candidate of the Democratic Convergence, a coalition of leftist parties, in the Presidential election of 1989. His candidacy was an effort to demonstrate that the democratic left, unlike some elements within the FMLN guerrilla forces, could work for social and political change through the political process.

His spirit, dedication, and fierce determination will be missed by all those who believe that peace and democracy can be achieved in El Salvador.

SUPPORT FOR OUR ARMED FORCES

Mr. HEFLIN. Mr. President, recently I received a letter from Mr. Taze Shepard, an attorney in Huntsville, AL, and a member of the Alabama State board of education. Mr. Shepard, also, is the grandson of former Senator John Sparkman. The letter related to support for our Armed Forces in the Persian Gulf. I rise today to congratulate Mr. Shepard for his efforts to bring about the adoption of a resolution by the Alabama State board of education expressing support for our men and women stationed in the Persian Gulf, and extend concern and compassion to their families and request academic discussion of the Persian Gulf crisis in all public schools in the State of Alabama.

I commend Mr. Shepard for his leadership in this important area, and I wish to share with my colleagues the letter I received from Mr. Shepard, as well as a news release from the State of Alabama Department of Education relating to the subject and the resolution adopted by the board of education. I will ask that these items be placed in the RECORD following my comments.

Mr. President, our country's most valued assets are our dedicated young men and women who so selflessly gave of themselves so that we may maintain our freedom. I believe that it is important that our public schools fully participate in the discussion of the situation in the Persian Gulf in order that they may understand our country's position and place it in a historical and social context so that those ideals and values for which we are fighting may be understood by the students in our schools.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BELL, RICHARDSON & SPARKMAN, P.A.,
Huntsville, AL, January 25, 1991.

Re support for our Armed Forces.

Hon. HOWELL HEFLIN,
228 Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR HEFLIN: I thought that you would be interested to learn that I recently introduced a resolution calling on the State Board of Education to express its support for the men and women of our Armed Forces in the Persian Gulf, extend concern and compassion to their families and request academic discussion of the Persian Gulf crisis in all public schools in the State of Alabama.

We both realize how important it is to teach patriotism and American values in our public schools. I am pleased to tell you that the resolution was unanimously adopted by the State Board in Montgomery and will be sent to local school systems next week.

A copy of the resolution and a press release are enclosed for your information. I hope that you will consider mentioning in the Congressional Record that Alabama is setting an example in this regard for public schools throughout the country.

Sincerely,

TAZE SHEPARD,
Member, State Board of Education.

STATE OF ALABAMA,
DEPARTMENT OF EDUCATION
Montgomery, AL, January 24, 1991.

MONTGOMERY, AL.—The Alabama State Board of Education today called on local boards of education to officially support the United States efforts in the Persian Gulf. By resolution the board asks local school boards to adopt a similar statement supporting the U.S. and allied armed forces in the Persian Gulf and extend concern and compassion to their families. It also requests schools' instructional staff to incorporate information about the Persian Gulf crisis in their program of instruction.

The board also requested support for the civilian support staff and extended concern and compassion for their families, especially their children and prisoners of war as well as school personnel serving in the Persian Gulf.

Local boards of education are asked to recommend that their instructional staff initiate class discussion of the historical and social aspects and implications of the Persian Gulf conflict, including structured discussion of democracy and democratic values, patriotism and good citizenship as well as the heroism and sacrifices of those who are serving in the Persian Gulf, especially those held as prisoners of war.

"It is our hope that these discussions show our concern about the allied military campaign in the Persian Gulf and that our students will hopefully understand the historical significance of the conflict and its intended result," said state board member Tazewell Shepard. The board recommends these discussions continue each week during the remainder of the 1990-91 school year until the international crisis has passed and the president of the United States has declared the successful completion of Operation Desert Storm.

RESOLUTION REQUESTING EACH LOCAL PUBLIC BOARD OF EDUCATION TO ADOPT A RESOLUTION SUPPORTING THE UNITED STATES AND ALLIED ARMED FORCES IN THE PERSIAN GULF, EXTENDING CONCERN AND COMPASSION TO THEIR FAMILIES, AND REQUESTING ACADEMIC DISCUSSION ON THE PERSIAN GULF CRISIS

Whereas, the State Board of Education feels that the men and women of the United States Armed Forces and our civilian support staff are defending freedom and democracy and opposing tyranny, terrorism and oppression in the Persian Gulf; and

Whereas, the Board has great concern and compassion for the difficult and stressful circumstances of the families and in particular the children of our military and civilian personnel during this time of personal danger to their loved ones;

Now, therefore, be it resolved, that the Alabama State Board of Education hereby requests that each local public board of education consider and adopt a resolution supporting the efforts of the United States and allied armed forces in the Persian Gulf and their civilian support staff and extending concern and compassion for their families, especially their children, and prisoners of war as well as school personnel serving in the Persian Gulf;

Be it further resolved, that the Board requests and recommends that each local public board of education recommend that their instructional staff incorporate in the program of instruction in an appropriate and educationally sound manner, discussion of the various historical and social aspects and implications of the Persian Gulf conflict, including appropriately structured discussion about democracy and democratic values, patriotism, and good citizenship as well as the heroism and sacrifices of those who are serving in the Persian Gulf, especially those held as prisoners of war in the most difficult of circumstances, including a consideration of the difficult circumstances thrust upon the families of the United States military and civilian personnel during this time of personal danger to their loved ones;

Be it further resolved, that the Board requests this discussion be directed with the prospect that the allied military campaign in the Persian Gulf successfully implements the United Nations' resolutions to end the illegal and brutal Iraqi occupation of the nation of Kuwait with minimum loss of life to all concerned; and

Be it further resolved, that the Alabama State Board of Education recommends that such discussion be continued each week during the remainder of the 1990-91 school year until the international crisis has passed and the President of the United States has declared the successful completion of Operation Desert Storm.

Mr. RIEGLE. Mr. President, morning business is due to expire. I ask unanimous consent to make a statement that will probably take me 5 minutes, and I ask the period for routine morning business be extended through the time it takes me to deliver this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. RIEGLE. I thank the Chair.

(The remarks of Mr. RIEGLE pertaining to the introduction of S. 543 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

A TRIBUTE TO OTTO BACH

Mr. WIRTH. Mr. President, I would like to use this occasion to pay tribute to a very good friend and a great Coloradan, Otto Karl Bach.

Otto passed away last year, but his legacy continues to inspire people throughout Colorado and the Nation. The Bach family arrived in Denver, CO, in 1944 when Otto took over as the director of the Denver Art Museum. His stated goal was to endow the Denver Art Museum with a world-class collection of art covering all major periods and geographical areas. In short, Otto Bach's vision was to make Denver a prime location for the appreciation and enjoyment of art.

In 1944 there was little reason to think that Otto's goal would ever become reality. From a suite of dingy rooms at the top of the city and county building to a long residence in Chappell House at 1300 Logan, Otto continued to build and trade. The Denver collection took form, and its first real gallery opened at the present site in the 1950's. In 1971, the new Denver Art Museum, designed by James Sudler, opened to great acclaim. The degree to which Otto and the museum's major supporters were successful is astonishing, given the fact that during most of Otto's tenure there were no funds for acquisitions—and the growth of Denver's collection was largely dependent on the public-spirited generosity he inspired, and his shrewd and compelling trading.

Otto was tireless in his dedication to expanding Denver's collection, and the magnitude of his achievement is vividly illustrated by the museum's Indian and European collections. Those who visit these collections convey something of the importance of Otto's legacy to our community and the Rocky Mountain Region. He made a profound difference in the quality of life for the people of Colorado, and is largely responsible for building the Denver Art Museum into an institution of world-class significance.

In addition to his public achievements, Otto was also a close personal friend. For 20 years I shared evenings and overnights in "The Barn," the Bach residence in the carriage house behind Chappell House. His wife, Cile, and their son, Dirk, continue to be dear friends—and I hope I may be indulged to close my remarks by letting them both know how much my family has valued their friendship over the years.

Mr. President, at this time I ask that the following tribute to Otto which appeared in the Denver Post be printed in the RECORD:

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

[From the Denver Post, June 26, 1990]

A FINE ART MUSEUM DIDN'T JUST HAPPEN

(By Bill Hornby)

Many generations of Coloradans have made our fine art museum possible—donors, trustees, staff professionals, city officials, builders, and the thousands of citizens who have supported it over the years with time, money and friendship.

As the museum approaches its centennial, we should appreciate their efforts—the institutions that make Denver liveable don't just happen.

In 1893, in the midst of a financial recession reminiscent of recent times, Mrs. Emma Richardson Cherry organized our fledgling town's few avid artists into "The Artists' Club."

They exhibited art and eventually took in public members to grow into the Denver Art Association in 1917 and the Denver Art Museum in 1922.

Two years later, Mayor Ben Stapleton asked the museum to locate at the then-new Civic Center. He provided the first public funds—$3,000!—to aid the private efforts, and installed the tiny complex in a corner of the present City and County Building. Since 1932 the museum has been Denver's official art agency, operating as a private, non-profit educational corporation under contract with the city.

The man who really put our Art Museum on the world cultural map was Dr. Otto Karl Bach, its director and guiding spirit from 1944 to 1974.

Whether it was in acquiring renowned collections, buying land for expansion, insisting on developing the museum education program for all the people, or instilling the tradition that Denver was going to have a world-class art collection, Otto Bach and his wife Cile were the first driving spirits of the modern Denver Art Museum.

Bach, a formidable artist in his own right, is still going strong; a delightful show of his work hangs through July at the Guaranty Bank, 17th and Market streets. He stayed with the museum long enough to supervise erection of the current building, the world-recognized achievement of the late Denver architect James Sudler and his Italian partner, Gio Ponti.

The building opened in 1971 after $1 million was obtained from the city and $6 million raised privately in an exceptional effort spearheaded by Bob Silber and the late Tom Knowles.

The museum soon will undergo a renovation and reinstallation of the Sudler-Ponti building, paid for largely by a 1982 bond issue, and has plans for a major expansion with a new five-floor (two below ground) addition on Acoma Street directly across from the new library. The museum has built outstanding national collections in Native American, Pre-Columbian, Spanish Colonial, contemporary and Asian art, and has recently recommitted itself to the collecting of American and regional Western art.

One of the Denver Art Museum's outstanding recent acquisitions is its new director, Lewis I. Sharp. A former director of the American Art Wing of New York's Metropolitan Museum of Art, Sharp has already set in place an urbane and friendly, professional administration, a breath of fresh air after a forgettable series of predecessors since Bach. He is aided by the indefatigable Lewis Story, who as first mate has guided Denver's art ship through the reefs during these changes of command.

The Denver Art Museum has been lucky to have exceptional trustees like Fred Mayer and Fred Hamilton, who have held it to high standards and kept it financially afloat.

As more Denver institutions get to be 100 years old, it is time to reflect on the human effort it takes to build the civic assets we take for granted.

In the case of the Art Museum, Emma Cherry, Ben Stapleton, Otto and Cile Bach, Jim Sudler and Gio Ponti, Bob Silber and Tom Knowles, Lew Story, the Freds (Mayer and Hamilton) and now Lewis I. Sharp are only names to most of us.

But they represent the hundreds of other civic leaders to whom we are indebted for a quality city.

COMMENDING GEN. COLIN POWELL, CHAIRMAN, JOINT CHIEFS OF STAFF

Mr. DOLE. Mr. President, over the past months, Americans have come to realize how fortunate we are to have Gen. Colin Powell serving as Chairman of the Joint Chiefs of Staff.

Yesterday, General Powell addressed the annual Washington Conference of the Veterans of Foreign Wars. General Powell's remarks offer a clear insight into the many factors which led to success of Operation Desert Storm.

I recommend the General's remarks to my colleagues, and ask that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF GEN. COLIN POWELL

Thank you, Commander Kimery for that very, very kind introduction.

And thank you, thank you my fellow veterans for your very, very warm reception. It's great to have a clean win, isn't it!

When I spoke to your National Convention last August, Operation Desert Shield had been underway for just two weeks. Those of you who were there may remember that I told you that our young volunteers in the Persian Gulf were just like you were—patriotic, caring, and wanting to do the very best job possible. I said they were the kind of Americans who have always been there when they were needed. I said that our men and women in the Gulf were your worthy successors. Today, let me ask you—was I right?

Last August at that Convention, I also told you that I had heard a statement from the Iraqi Foreign Minister earlier that day, warning us that we'd better be careful. He said our operations in Grenada and Panama were a vacation compared to what we might be confronting in the Middle East. He warned us about rivers of blood and how the American Army and its coalition friends would be defeated if war were to come. And some of you may remember that I responded by saying: Don't try to scare us or threaten us. It won't work, it never has. Americans can't be scared—especially not by the likes of Mr. Saddam Hussein. Let me ask you again, was that right?

I know that VFW members and all Americans feel the same fierce pride I feel in the professionalism and courage of the men and women of our Armed Forces now wrapping up the war in the Gulf. It's not arrogance. It's not gloating. It's just a feeling you get when you've done something just, when you've done something right, when you've joined the rest of the Free World in defeating tyranny. And you've achieved a victory in doing it.

And America, once again, led the way in this historic effort. The mail that has poured into my office every day since the war began shows me one reason why America led the way and why that way led to victory.

A young girl from the Mississippi School for the Blind wrote me a letter. The letter was in Braille. She told me that she sees the yellow ribbon on the flag pole outside her window, she told me that she sees it stand up to strong winds and driving rain, that she sees it hold its place among the rough elements because it symbolizes our brave men and women in the Gulf—one of whom is the young girl's teacher, a reservist who answered the call to arms. The mind of this fourteen year-old American is so powerful that it overcomes her blindness—overcomes it to give her a clarity of vision that most of us will never have.

In the past few weeks, you could drive around any part of this great country and see the yellow ribbons—on light posts, on doorways, on car antennas. And American flags flying from garages, from rooftops, in stadiums, in front yards and back yards.

This steady and resolute support of America for her men and women in the Gulf was a primary reason for our overwhelming success.

President Bush began gathering that support early in the crisis. He made sure that the American people understood what the stakes were in this crisis. He made sure they understood what the risks were, and why it was necessary for us to pursue the course we were on. He gave us clear, unmistakable policy direction. He deployed military forces to defend our friends, to protect our interests, and to insure eventually a peaceful future.

And he also knew that in war there is no substitute for victory.

Having been at war himself, and understanding the controversies surrounding every war and every crisis since World War II, he knew that once a President decides to send American men and women into harm's way, then he must trust to his military leaders the task of leading those men and women to victory.

We are also very fortunate that over the last decade our national leaders made sure that our Armed Forces would carry to any future war the very best equipment that

American industry could provide. The solid support of the VFW helped make that happen.

We also made sure that our GIs received the very best training that creative minds could devise. Tough, hard, fast-paced and demanding, this training made sure that when real battles took place they would be won and they would be won with minimum casualties.

What are the results of this superb equipment and training? In Operation Desert Storm, for example, we lost not a single aircraft to air-to-air combat. We destroyed over 3,300 Iraqi tanks and lost only a handful of our own. We dropped bombs that took down entire bridge spans in a single stroke, bridge spans that in previous wars had taken thousands of bombs to destroy.

Such a performance is a result of the best equipment, the best training, the best readiness—and, above all, the very best American troops in the very finest Army, Navy, Air Force, Marine Corps and Coast Guard in the world.

The thunder and lightning of Operation Desert Storm came from another place as well. Training, equipment, readiness, people—all of these things only combine to produce victory under leaders who understand how to use them.

General Norm Schwarzkopf has laid to rest the ghost of Vietnam. Norm is the kind of general President Lincoln searched for through most of the Civil War. President Bush was fortunate to have Stormin' Norman in charge from the very beginning of this crisis.

General Schwarzkopf did not do it alone. Lieutenant General Chuck Horner, his Air Force Commander and the man who orchestrated the air campaign, was a key warrior in Operation Desert Storm. His brilliant and decisive use of air power to shape the battlefield will be studied for many, many years to come.

At the head of the Army ground forces was Lieutenant General John Yeosock. John is also the commander of the United States Third Army—the same Army that General George Patton hurled against Hitler's legions in France in 1944 and 45.

I think old George would be pretty proud of what he saw Army forces doing, going across the deserts of Iraq if he could look down and see them.

Let me tell you a little bit about John Yeosock—he's a war college classmate of mine, as is General Chuck Horner—but 8 days ago General Yeosock had pneumonia and he needed emergency surgery. And the past Sunday—the Sunday before yesterday—he was evacuated to Germany, he was operated on the next day, and on Wednesday I was looking for him—he was back in Saudi Arabia and with surgical stitches still in his side, he controlled the two Army corps that slashed into Iraq and encircled and destroyed the Iraqi Army before they knew what hit them.

And in command of the Marines and soldiers who charged right into Kuwait was Lieutenant General Walt Boomer. General Boomer's own Marines, standing in a just-liberated Kuwait City, summed it up best. They said that they had attacked 11 Iraqi divisions with two Marine divisions—so the odds were just about right.

And at sea, controlling an historic maritime operation and at the same time supporting land operations, was Vice Admiral Stan Arthur. Overseeing more than 120 warships—the largest and most powerful naval armada since World War II—Admiral Arthur conducted a series of feints that tied up a large number of Iraqi divisions waiting for an amphibious operation that we now all know did not come.

Admiral Arthur had another force under his command that very often gets overlooked when it comes to time to hand out praise for performance in battle. The United States Coast Guard contingent operating under the United States Navy did—and is still doing—a superb job in the Gulf.

Let's hear it for the Coast Guard!

And supporting all of these components were Special Forces operating deep behind enemy lines under Colonel Jesse Johnson and a number of others and a magnificent—magnificent—logistics command under LTG Gus Pagonis who made sure our troops going into battle had everything they needed and they wanted—for nothing.

I can't tell you how many other commands and commanders were involved in this entire operation—it would take all day. Let me just say it was a textbook joint operation. No service parochialism. No logrolling. Each service doing what it does best to insure victory. It was a great team effort.

As I tell you about the great leaders who have helped bring about this victory, I have to tell you about one other leader as well. And since I've arrived at the highest point in the military and the highest point in my career—I can't go any higher in the military—I'm allowed at this time to praise my boss.

Secretary of Defense Dick Cheney's calm, deliberate leadership for the past seven months has been indispensable and a key to our success. The American people got their money's worth out of Dick Cheney. you should all be very proud of your Secretary of Defense as we are in the Department.

Our thanks also go to the families of our GIs—separated from them, worried about them, paying a terrible price in anxiety. Their support was another key to our success.

I grieve with those families who have lost loved ones. I wish that we could have fought this war without a single casualty. I wish that not a single soldier had been in that barracks in Dhahran, Saudi Arabia when the SCUD missile struck last Monday night. But all my wishing won't change the reality of war.

To those families who have lost loved ones, their soldier, sailor, airman, or Marine made the supreme sacrifice. To those families, who will stand at cemetery sites, hear a mournful Taps, and receive folded flags amidst tears and great pain, I can only say God bless you and keep you and make your pain gradually subside and let your pride never die.

To the wives and husbands, mothers and fathers, children and all loved ones who kept watch, you have the undying gratitude of your Armed Forces.

For those American families who still anxiously await word of a loved one missing in action or held prisoner, I make this pledge: In this war it won't be over until we get a full and immediate accounting for all our POWs and MIAs.

Our troops in the Gulf may have had the finest strategy—and they did; they may have had the finest equipment and training—and they did; their leaders may have been the very best—and they were; but when boil it all down to the essence of what victory really takes, you come out with people.

You come out with the people in a GI's family. And the people in families who knew GIs and supported them.

You come out with the people who designed and made Patriot missiles, and M-1 tanks, and F-16 aircraft, Aegis cruisers, Apache helicopters, and light armored vehicles for our Marines, and all the thousands of other pieces of equipment that gave our troops the decisive edge.

You come out with the people who wear a military uniform but who never got to the war in the Gulf, yet they stand watch for freedom around the world from Korea to Panama to Germany.

You come out with reservists willing to drop everything to respond to the call of duty.

You come out with the 900,000 Department of Defense civilians who work tirelessly to support our troops.

And the people of state and city legislatures who passed resolutions in support of our men and women.

But ultimately success in war belongs to those on the line who, in a cockpit or a tank or a foxhole, put their lives on the line to win. To each and every one of those brave young Desert Storm troopers goes our heartfelt thanks and undying gratitude. All credit ultimately goes to them.

Over the past several months many people wrote letters to the President, and to Secretary Cheney, and to me and to all of our troops in the Gulf.

Many of the letters to me were from young people throughout America. They asked me to please bring home safely as many of the men and women in the Gulf as we could. These young Americans said they didn't like killing. But they said they knew this war had a purpose and they believed in that purpose, and they trusted America's leaders to fulfill that purpose and then to bring the troops home.

With the war now over, we will show those young people and all Americans that we will use our victory to build a stable peace in that troubled region. We were never at war with the Iraqi people. We hope a regime will emerge in Baghdad that is committed—finally—to living in peace with its neighbors.

And as we work toward that enduring peace, what will happen to America's Armed Forces?

I believe in the years ahead America must continue to field the very best Armed Forces in the world. And they must continue to have the best equipment, the best training, the highest readiness, and—most important—they must attract and keep high-caliber GIs such as those who fill the ranks today. Secretary Cheney and I will make this goal our first and most important priority in the years ahead.

Over the years, the VFW has always kept the faith. As veterans, your courage has never been questioned. But since the Vietnam War you've had some troubled times—as I have had and as the rest of America's Armed Forces have had.

You kept the faith with us and now those troubled times are over. You helped both the Armed Forces and the nation through some desperate years to keep our honor and our dignity intact. You prodded us through the good budget years of the past decade to use our money wisely and for the right things.

We did. And our efforts have paid off. Seven months ago we had the finest Armed Forces America had ever fielded in time of peace. That all-volunteer force has now proven itself in time of war.

In August at your Convention in Baltimore, I told you I believed that a new era of hope was dawning—an era created out of your sacrifice and out of the values and strength of the Free World. I went on to say that there were striking differences between the new era and the old one it's replacing.

In the old era, NATO stood as the bulwark against Soviet invasion of Western Europe. In this new era, many of our NATO allies answered the call to arms of Operation Desert Storm.

Today, we owe a large vote of thanks to those allies—and to all the members of the Gulf war coalition. There is no historical precedent for the incredible degree of cooperation and teamwork achieved by the coalition members. Victory is theirs to celebrate as well as America's. Kuwait's liberation is now part of all our histories.

And written into these histories will be an enduring tribute to thousands of brave, dedicated Americans. They will now be known as veterans of foreign wars. Their names may fade from memory. Their individual deeds may be obscured by time. But what they did for freedom will never, never be forgotten.

Thank you all for asking me to be with you today.

TRIBUTE TO MAYOR HERMAN COSTELLO

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Herman Costello, mayor of the city of Burlington, NJ. On April 13, he will be honored at the 10th annual Humanitarian Award Banquet of the Burlington County Chapter of the Knights of Columbus.

Herman is most deserving of this tribute. A distinguished public servant, since 1967 he has served as the city of Burlington's mayor. During that time he has been instrumental in the revitalization and restoration of historic areas of the city. He served 7 years in the New Jersey State Assembly and State Senate and 6 years on the city of Burlington Council.

A lifelong resident of the city of Burlington, Herman served during World War II in the aviation units of the U.S. Navy. He went on to attend Temple University and graduated in 1950 with a bachelor of arts degree in industrial management.

Upon graduation, he was employed by the R.D. Wood Co. of Florence, NJ, until 1964. Appointed comptroller for the Burlington County Bridge Commission, he went on to become its personnel director, and in 1984 retired from the commission.

In addition to his political service, Mayor Costello has long been active in public service organizations. A member of the city of Burlington Historical Society and the Burlington County Historical Society, he has served in many volunteer and fraternal organizations. These include chairman of the Burlington County Heart Fund, the Cancer Drive, the March of Dimes Walkathon, and the Boy Scouts Outdoor Program. He is a member of the Knights of Columbus, Elks, Moose, Roma Club, VFW, and the American Legion.

Recently reelected to his ninth term as mayor of the city of Burlington, he is a director of the New Jersey State Conference of Mayors. Over the years Herman has served the city he loves with dedication and commitment.

Loved and admired by family, friends, and colleagues, it is an honor to recognize this outstanding individual. I join in extending to Herman my heartiest congratulations as he is honored, and my warmest wishes for continued good health and happiness in the future.

REVOKE MFN FOR CHINA

Mr. MOYNIHAN. Mr. President, many in the Congress remain much concerned, indeed outraged, at the continuing repression in China. A day hardly passes that we don't read of some new dissident tried and imprisoned.

It is my view that we have no choice within the meaning of the Jackson-Vanik law, but to revoke most-favored-nation treatment for China. To not do so would continue the grossest form of double standard. One that favors unreconstructed totalitarianism. We will not, and correctly so, accord MFN to the Soviet Union until the Baltics are resolved. Indeed, Latvia and Estonia have once again inspirited the world by voting in referenda for the independenced that is their right.

Could we imagine Bejing permitting such a referendum in Tibet. There we see a policy of genocide. It is no small coincidence that China and Burma were the first nations to congratulate the military on its coup in Thailand. Erasing democracy is an activity they much admire.

How can we continue to favor the regime in China? Indeed, we learn that even as we continue our open market for China, they continue to violate our laws.

In an article in the New York Times yesterday by Nicholas Kristof, we are reminded of China's persistent behavior of violating its textile agreement with us. They have falsely labeled and shipped large quantities of textiles. More, they steal U.S. intellectual property. Pirated copyrights and software impose a huge cost on U.S. business. All of this when the United States trade deficit with China exceeded $10 billion in 1990. A record, even as the Tiananmen trials continued. The largest deficit we have with any country, save Japan and Taiwan. According to Mr. Kristof, some estimates suggest the deficit with China could be $15 billion this year, making it the second largest.

Mr. President, against this backdrop I renew my call to my colleagues to revoke MFN status for China. To this end, I introduced S. 38 on the first day of this Congress. We ought end our double standard in favor of unmitigated repression, and we ought stop the one-sided trade relationship that we now see.

I ask unanimous consent that the article from the New York Times by Nicholas D. Kristof be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 4, 1991]

NEW TENSION OVER TRADE WITH CHINA

(By Nicholas D. Kristof)

BEIJING, March 2.—As China's trade surplus with the United States rises sharply, diplomats and business executives say relations between the two countries could worsen because of China's import restrictions, software piracy and other issues.

"The tremendous growth in the trade deficit, and the proliferation of Chinese measures to restrict access to the market for imports, taken together, constitute a meaningful, significant trade problem," Joseph A. Massey, assistant United States trade representative, said at a news conference Friday night after two days of talks with Chinese officials on intellectual-property issues.

China's trials of pro-democracy demonstrators seem to be largely completed, and so the human rights issue is expected to subside after two years in which it was the focal point of contention between the two countries. But since the Tiananmen crack-down in 1989, China has enjoyed a souring trade surplus with the United States.

Kenneth G. Lieberthal, a China scholar at the University of Michigan who is visiting Beijing, said, "There is good reason to be concerned about the potential deterioration in Sino-American relations in the coming months."

DEFICIT UP SHARPLY

While Beijing and Washington have differences on a range of issues, as well as in their ideologies and vision of the emerging international order, most people believe that trade disputes will be crucial in determining relations in coming months.

The United States trade deficit with China reached $10.4 billion in 1990, up from $6.2. billion in 1989. The only larger United States deficits are with Japan and Taiwan. By some estimates, the deficit with China will soar to more than $15 billion this year.

American imports from China include clothing, toys and shoes, with the value of the footwear more than double the level in 1989, according to figures for the first nine months of 1990. But while American imports were increasing sharply, American sales to China dropped sharply, from $5.8 billion in 1989 to $4.8 billion in 1990.

This trade imbalance, coupled with continuing indignation in the United States at the Chinese human rights situation, is expected to lead to another effort on Capitol Hill this year to withdraw China's "most favored nation" trade status. The effort failed last year, after the Bush Administration moved to quash it, but some experts say that Congress will try harder this year and that the Administration may devote less energy to the issue.

"Most favored nation" status is the key issue likely to emerge in coming months, executives say, and in the end most think it will be preserved after a fight. But they do not rule out the possibility that it will be revoked. That could cause a sharp drop in Chinese exports to the United States, retaliation by China and a significant chill between Washington and Beijing.

PROPERTY RIGHTS AT ISSUE

Another trade issue under negotiation concerns intellectual-property rights, which were the focus of Mr. Massey's talks with the

Chinese. China has always ignored copyrights, to the point that pirated copies of President Bush's autobiography are available from a number of Chinese publishers.

American software manufacturers are particularly concerned and estimate that pirated software in China may cost them $400 million a year in lost sales. Mr. Massey said the piracy problem in China was one of the most serious in the world.

To address the criticism, China has adopted its first copyright law, to take effect in June. But its effectiveness will depend on carrying out regulations that have still not been published or completed.

If the United States is dissatisfied with Chinese progress on the issue, the Office of the Trade Representative could initiate an action under section 301 of the Omnibus Trade and Competitiveness Act of 1988. After an investigation, that could lead to imposition of retaliatory tariffs against Chinese exports to the United States.

DUMPING CHARGED

There are also disputes about Chinese garment exports, and allegations that China breached its quotas limiting such exports to the United States. China is also accused of "dumping" certain products, at unfairly low prices in the United States market.

John Frisbie, director of China operations for the United States-China Business Council, said that in the last few months China had begun to increase its imports and that this may help ease trade frictions.

Underlying the disagreements, Washington and Beijing seem to have fundamentally different perspectives on where the fault lies. In the United States, China is often viewed as recalcitrant, deceptive and repressive, as well as determined to adopt a mercantilist policy of bolstering exports and curtailing imports.

In China, officials complain that the United States is trying to subvert the Chinese Government and has ignored positive steps Beijing has taken, like the release of many dissidents from prison and the adoption of a copyright law.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,180th day that Terry Anderson has been held captive in Lebanon.

S. 200—AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. PRYOR. Mr. President, I stand today to introduce legislation to provide regulatory relief to thousands of small businesses across the country. This bill will clarify the reporting requirements for mom-and-pop coin and bullion dealers, who have been unfairly treated by the IRS in the regulatory process.

The 1982 Tax Equity and Fiscal Responsible Act [TEFRA] changed Internal Revenue Code section 6045 to broaden the authority of the Internal Revenue Service in regard to the mandatory filing of reports by securities brokers and others.

In March 1983, the IRS promulgated its first regulations which became effective for transactions made on or after July 1 of that year. On March 5, 1984, the IRS issued proposed regulations to modify the March 1983 regulations. The proposed regulations conflict directly with the promulgated regulations, and the IRS has failed to take any action to clarify which set of regulations are binding. As a result, taxpayers find themselves in the impossible situation of having to conform to both sets of regulations at the same time.

There also seems to be confusion within the IRS as to the proper enforcement of these regulations. Some IRS agents require taxpayers to file 1099(b) reports on all transactions. Some agents ignore the regulations altogether, while other agents have suggested an arbitrary de minimis limit, such as 1 ounce of gold or one silver coin. All the while, these business people around the country do not know when the other shoe will fall, and the IRS will come in and decide retroactively whether or not their businesses are in compliance with the regulations.

Mr. President, this is no way to do business. If the Federal Government is going to require taxpayers to comply with costly, and time-consuming reporting requirements, the least we can do is clarify the law so that people know whether or not they are in compliance with those laws.

This bill will clarify the definition of "broker." It provides that collectibles are not brokered property. Finally, it exempts small transactions from the reporting requirements.

I believe this is a fair resolution to the problem, and I urge Senators to join with me as cosponors. Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at the appropriate point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF DEFINITION OF BROKER.

Paragraph (1) of section 6045(c) of the Internal Revenue Code of 1986 (relating to definition of broker) is amended to read as follows:

"(1) BROKER.—

"(A) IN GENERAL.—The term 'broker' includes—

"(i) a dealer,

"(ii) a barter exchange, and

"(iii) any other person,

Who (for a consideration) regularly acts as a middleman with respect to property or services.

"(B) EXCEPTION.—A person shall not be treated as a broker with respect to activities consisting of managing a farm on behalf of another person."

SEC. 2. EXCLUSION OF CERTAIN ASSETS FROM REPORTED BROKERED PROPERTY.

Subsection (c) of section 6045 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new paragraph:

"(5) PROPERTY OR SERVICES.—The term 'property or services' does not include any metal or coin, other than any gold, silver, platinum or palladium coin or bar which is—

"(A) the subject of a regulated futures contract traded on a contract market designated by the Commodities Futures Trading Commission pursuant to the Commodity Exchange Act (7 U.S.C. 1 et seq.), and

"(B) in a size, and of a fineness and quantity, equal to or exceeding the minimum required for delivery in satisfaction of the regulated futures contract to which the coin or bar is subject."

SEC. 3. RELIEF FROM REPORTING REQUIREMENTS FOR SMALL TRANSACTIONS.

Section 6045 of the Internal Revenue Code of 1986 (relating to returns of brokers) is amended by adding at the end the following new subsection:

"(f) EXCEPTION FROM FILING FOR SMALL TRANSACTIONS.—

"(1) IN GENERAL.—Except in the case of stocks, bonds, commodity futures contracts, securities, and other intangible personal property, subsection (a) shall apply only to a transaction the gross proceeds of which are more than $5,000.

"(2) TREATMENT OF MULTIPLE TRANSACTIONS.—For purposes of paragraph (1)—

"(A) multiple transactions occurring on a single business day shall be treated as a single transaction, and

"(B) transactions occurring at night or over a weekend or holiday shall be treated as having occurred on the next busines day following the transaction."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to transactions occurring after December 31, 1989.

GOLDEN ANNIVERSARY OF THE WESTINGHOUSE SCIENCE TALENT SEARCH

Mr. MOYNIHAN. Mr. President, this week 40 of our Nation's finest young scientists visited our Capital to display their highly creative labors, to meet their future colleagues and mentors, and to compete for $240,000 in scholarships to help them take the next step in their scientific careers. I am, of course, referring to this year's finalists in the Westinghouse Science Talent Search, which celebrates its golden anniversary this year.

This contest was the brainchild of Watson Davis and G. Edward Pendray, who met at the New York World's Fair in 1939. They devised a plan to encourage high school students to become familiar with science by designing and performing their own scientific experiments. Pendray, a former science editor for the New York Herald Tribune, persuaded the Westinghouse Foundation to provide cash awards for the most deserving efforts, a sum which has totaled $2.8 million over the past five decades. In a half-century, the Westinghouse Science Talent Search has produced five Nobel laureates, two winners of the prestigious Fields Medal in mathematics, and eight winners of MacArthur Foundation Fellowships, and 28 members of the National Academy of Sciences. Not a bad record.

I am particularly proud of the role that New York high schools have played in this unique program. Marina Prajmovsky of Farmingdale, NY, was one of the first winners in 1942. Roald Hoffmann, a refugee from the Nazis who immigrated with his mother from Poland to New York City in 1949, studied cosmic rays at Stuyvesant High School in New York City and won the Science Talent Search in 1955. Professor Hoffmann, now at Cornell University, went on to win a Nobel Prize in chemistry in 1981. Sheldon L. Glashow and Leon N. Cooper were Science Talent Search winners from the Bronx High School of Science who went on to win Nobel prizes in physics. Dr. Cooper credited his acceptance into Columbia University to winning the Science Talent Search in 1948.

These two New York City high schools, Stuyvesant High School and the Bronx High School of Science, have contributed nearly 10 percent of the Nation's Science Talent Search finalists over the past 50 years. Fourteen of the 40 finalists in town this week are from New York. The fact that 9 of the 10 top sources of winners in the Nation are New York City high schools testifies to a long-standing and enviable commitment to excellence at these institutions.

Truly, programs like Westinghouse Science Talent Search are of profound value to all of us. And, we must not forget the teachers who encourage and enable our brightest students to enter careers in scientific research. I ask my colleagues to join me in congratulating the Westinghouse Science Talent Search on the occasion of its golden anniversary and the young people selected as this year's winners. Mr. President, I ask unanimous consent that a copy of an article describing the Westinghouse Science Talent Search which appeared in Science News, as well as a list of the forty young scientists here in Washington to receive their awards, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE 50th ANNUAL WESTINGHOUSE SCIENCE TALENT SEARCH FINALISTS

Mehul Vipul Mankad, Mobile, Alabama.
Weily Soong, Vestavia Hills, Alabama.
Rageshree Ramachandran, Fair Oaks, California.
Wei-Jen Jerry Shan, Riverside, California.
Tessa Lorrell Walters, San Dimas, California.
Mark Allen Larson, Thornton, Colorado.
Don H. Kim, Greenwich, Connecticut.
Clifford Lee Wang, Vero Beach, Florida.
Joseph Izak Seeger, Evanston, Illinois.
Irwin Lee, Naperville, Illinois.
Nuper Ghoshal, Ames, Iowa.
Joel Ellis Moore, Chevy Chase, Maryland.
Lori Ann Stec, Tory, Michigan.
Kimberly Ann Chapman, Omaha, Nebraska.
Stanley Lu, Bridgewater, New Jersey.
Denis Alexandrovich Lazarev, Fair Lawn, New Jersey.
Dean Ramsey Chung, Mountain Lakes, New Jersey.
Cameron Rea Haight, Santa Fe, New Mexico.
Cheryl Lynn Pederson, Armonk, New York.
Ciamac Moallemi, Bayside, New York.
Nuri Mehmet Kodaman, Douglason, New York.
Debby Ann Lin, Elmhurst, New York.
Linda Tae-Ryung Kang, Flushing, New York.
Jim Way Cheung, Jackson Heights, New York.
Tara Sophia Bahna-James, New York, New York.
William Ching, New York, New York.
Petal Pearl Haynes, New York, New York.
Tien-An Yang, New York, New York.
Yves Jude Jeanty, Ozone Park, New York.
Michael John Lopez, Stony Brook, New York.
Ani Jean-Mee Fleisig, Woodhaven, New York.
Sunmee Louise Kim, Woodside, New York.
Ashley Melia Reiter, Charlotte, North Carolina.
Jeremy Randall Riddell, Bellbrook, Ohio.
Susan Elaine Criss, Pittsburgh, Pennsylvania.
Wade William Butin, Spring, Texas.
Tatiana Tamara Schnur, Burke, Virginia.
Judson Lawrence Berkey, Manassas, Virginia.
Venkataraman Kuntimaddi Sadananda, Springfield, Virginia.
Daniel Moshe Skovronsky, Vienna, Virginia.

[From Science News, Feb. 23, 1991]

"GO FOR IT, KID" LOOKING BACK ON FIVE DECADES OF THE SCIENCE TALENT SEARCH

(By Ron Cowen)

Clifford Lee Wang loves tennis and plays the piano with polish. Jeremy Randall Riddell toots the trumpet, backpacks and raises chickens. Susan Elaine Criss has earned seven varsity letters in track and soccer and has twice captained her high school soccer team.

Not exactly your description of bookworms.

These students and their fellow finalists in the 50th Westinghouse Science Talent Search form an eclectic group of teenagers: They're as exuberant about DNA as dancing, as likely to talk about betacarotene as baseball.

Next week, the 40 finalists will follow in the footsteps of 1,960 previous Westinghouse award winners since the 1940s, traveling to Washington, D.C., to exhibit their work to the public and compete for scholarships awarded at a black tie, grand finale banquet.

And if they engage in a few youthful pranks on the side, such as a late-night climb into the lap of the Lincoln Memorial statue, they'll only be echoing some of the antics of their predecessors.

The talent search (minus the visits to Lincoln's lap) originated with two ex-reporters who, in the late 1930s, sought to identify and encourage budding science talent among high school students. One was Watson Davis, the first radio reporter to specialize in science, who in 1933 became director of Science Service, Inc.—a nonprofit foundation dedicated to improving pubic understanding of science and which publishes SCIENCE NEWS.

The other was G. Edward Pendray, a former science editor for the New York Herald Tribune, who joined the Westinghouse Electric Corp. in 1936 as special assistant to its president. He and Davis met in New York City at the 1939 World's Fair, where, thanks to Pendray's efforts, Westinghouse displayed the winning entries of a science fair open to New York City high school students.

The World's Fair of '39, boasting such marvels as the first television sets and a shimmering fountain of dancing water plumes, reflected the new optimism of a nation recovering from the Great Depression. It was there that Pendray and Davis decided science education in the high schools could no longer be left to languish.

At the time, fewer than 1,000 of the nation's 25,000 high schools employed trained science teachers or even offered rudimentary science courses. Often, a meager curriculum labeled as "science" was relegated to the athletic coach.

"Watson and I agreed that science was too important for the nation and the coming generation to be neglected in the high schools," Pendray later recalled. So they devised a plan to publicize the importance of science education by encouraging teenagers to design and perform their own experiments. The promise of college scholarship money would provide a financial incentive for the students, they reasoned, and science teachers could earn recognition through their students' awards.

"Having the competition gives the teachers a tangible target for students to shoot for," says G. Reynolds Clark, president of the Westinghouse Foundation. Westinghouse has provided more than $2.8 million in scholarships and cash awards to talent search winners over the past 50 years.

"Watson Davis always said, 'Kids should get their hands dirty and their minds disturbed,'" Says Dorothy Reynolds Schriver, who became Davis' personal secretary in 1941 and who directed the talent search from 1958 to 1986. Since 1986, Carol Luszcz of Science Service has administered the program.

The first Westinghouse Science Talent Search began early in 1942, just months after the attack on Pearl Harbor drew the nation into World War II. The program's organizers contacted every U.S. high school directly while also spreading the word through a national organization of high school science clubs, headquartered at Science Service. That year's competition drew some 3,000 applications but did not involve student research projects. Instead, all candidates took a special exam and wrote essays on a timely topic: how science could help win the war.

"I believe that, because their ingenuity has always had unlimited exercise in the field of free thought, the scientific men of the United Nations and particularly of America will ultimately outstrip the regimented researchers of the Axis powers in the development of those processes and inventions that will enable the fighters for freedom to emerge victorious!" wrote 18-year-old Paul Erhard Teschan in an essay outlining "five avenues of [scientific] attack." Submissions from other students echoed his sentiment.

Evaluating boys and girls sperately (a practice that would continue until 1948), the three judges whittled down the list of applicants to 300 semifinalists and then selected the top 40 to come to Washington in June to compete for scholarship money. (That basic selection process continues today. From a field of about 1,500 entries, eight judges select the 300 semifinalists and 40 finalists. Based on interviews with each finalist, the judges then award scholarship prizes. This year to top 10 winners will share a total of $175,000; the remaining 30 finalists will each receive a $1,000 scholarship.)

Eleanor Roosevelt greeted the 1942 finalists at the White House, serving them tea on the South Portico. The two top winners that year were Marina Prajmovsky, of Farmingdale, N.Y., and Teschan, of Shorewood, Wis.

"It came as a total surprise, really, that I even should have been among the 40 finalists," Teschan recalls. "At the banquet, when they awarded me one of the two top scholarships, I was floored." For Teschan, the scholarship meant attending Carleton College without taking on a full-time job to pay for tuition. But there was a more fundamental benefit, he says: "It affirmed that I had some of the ingredients necessary for success in science."

"It was fine to get high marks and do well in high school," he adds, "but the idea that I could compete successfully in a field of top students from all over the United States provided an assurance that I was on the right track. It told me: 'Go for it, kid!' "

Teschan went on to medical school and a 21-year research career in the Army. He now studies kidney disease at the Vanderbilt University School of Medicine in Nashville.

By the 1950s, science-minded teenagers had begun to associate "top 40" with something other than pop tunes. A generation of young Jewish Americans—the children of refugees from Europe—captured many of the top talent search scholarships during that era. Many studied at one of two New York City schools that continue to specialize in science education today: Stuyvesant High School and the Bronx High School of Science.

Among those students was Roald Hoffmann, a young immigrant from Poland. When Hoffmann was 6, his father smuggled him and his mother out of a Nazi labor camp. Mother and child hid in the attic of a Polish schoolhouse; the Nazis killed Hoffmann's father. After the war, Hoffmann and his mother lived in refugee camps, where he read biographies of Marie Curie and George Washington Carver.

He and his mother emigrated to the United States in 1949, where the 11-year old learned English—his sixth language. And in 1955, Hoffmann—then a senior at Stuyvesant—entered the talent search with a project analyzing the tracks of cosmic rays. His winning study earned him his first trip to Washington, where he posed for a photograph with President Eisenhower along with other boys sporting crewcuts and girls in crinolines.

But perhaps the most significant event of that trip, he says, was the chance to meet with a scientist from the National Bureau of Standards. The researcher encouraged Hoffmann to apply for a summer job at the bureau, and he got the position. That summer's experience—rare for a high school student—sparked a lifelong interest in chemistry.

"I came into chemistry through a sequence of events that began with the Westinghouse Science Talent Search," he says. Now a professor of chemistry at Cornell University, Hoffmann has also written two books of poetry. In 1981, he won the Nobel prize in chemistry for applying the laws of quantum mechanics to chemical reactions and structure.

Four other Westinghouse winners have gone on to become Nobel laureates: chemist Walter Gilbert and physicists Sheldon L. Glashow; Leon N. Cooper and Ben R. Mottelson. Cooper credits the student competition with his acceptance into Columbia University in 1948—a time, he says, when the university took few applicants from New York. Two talent search alumni have been honored with the Fields Medal—known informally as the Nobel prize of mathematics—and eight have received McArthur Foundation fellowships, nicknamed "the genius awards."

The search has undergone several changes over the years. Beginning in 1948, the judges evaluated males and females as a single group, and in 1972, Nina Tabachnik Schor became the first female to capture first place among finalists of both sexes—an event noted in newspapers around the country.

In the early 1960's the judges dropped the written examinations, which had been part of the competition since its inception. That move, notes Science Service President E.G. Sherburne, Jr., reaffirmed a fundamental precept of the talent search: that the creativity embodied in a research project may serve as the best predictor of future success in science.

In the decades that followed, the research projects became increasingly complex and sophisticated. Whereas earlier students made do with simple laboratory equipment or homemade devices and tackled topics such as the chemistry of making vingar, the 1970s and '80s brought new challenges such as quantum field theory, DNA cloning and computers. More and more applicants began conducting research in the laboratories of professional scientists, using such resources as electron microscopes and cyclotrons. And a new wave of immigrants came to the fore: Asian Americans.

As the talent search evolves, at least one fundamental ingredient remains constant: the support and encouragement students receive from their science teachers.

Consider, for instance, the efforts of biology instructor Richard Plass. In the 1970s, he set out to create an honors science program at New York City's Grover Cleveland High that would challenge the school's brightest students—and make them and their parents think twice before opting for a better-known school such as Stuyvesant or Bronx Science.

Working with a committee of science teachers and students, Plass developed a research program based on the study of primitive critters such as euglena, paramecia and simple bacteria. The school's program, dubbed Creature Features, attracted students as early as the ninth grade. Twenty of these youths became talent search semifinalists, and in 1981, a Grover Cleveland senior was a top-40 winner, drawing national recognition to a school not widely known for its academic excellence.

Plass himself was lured to Stuyvesant in 1982 for the position of assistant principal of biology. Today, he and a team of Stuyvesant teachers oversee a series of courses known as Research for Westinghouse. The program, inspired by Creature Features, encourages freshmen and sophomores with an appetite for research to take double periods of biology or physics. Students give presentations on classroom research and critique each other's work.

"They're doing library work, making a hypothesis, as if it were a regular [talent search] project," says Plass. "But they're doing it in a ninth grade class, using the biology they're learning." By the time they enter their junior year, he says, some talented students are "ready to take on the big one—the real contest."

Often, that means knocking on the door of a professional research laboratory. And often, an older Stuyvesant student is already working there, willing to help train the newcomer. "We have kids teaching kids," says Arnold Belush, a physics teacher who helps run the Stuyvesant program.

While teacher teamwork proved successful at Stuyvesant and Grover Cleveland, in other cases a school's success may trace to a single instructor. In the mid-1950s, for example, a small school in a semirural region began producing talent search winners. Students from Columbus High School in Marshfield, Wis., reached the top 40 in seven of the eight years from 1955 to 1962.

"The judges were completely flabbergasted that this little town had so many kids who could perform this way," says Schriver.

She and the judges soon found the key that had unlocked so much talent: a physics and chemistry teacher named Sister Mary Lauretta Bishop.

Before Sister Mary Lauretta joined Columbus High in 1952, becoming its first science teacher, she had taught in a Milwaukee school and had tried, without success, to produce a talent search winner.

"But when I got to Marshfield," she says, "I tried again. And I certainly was blessed with some wonderful students." One was Ronald E. Gates, who decided to study the chemistry of making vinegar, using some 20 natural products as different sources for the acidic compound.

The school had limited laboratory resources, and Gates collected his materials as best he could. He picked dandelions from the school's front lawn; for cattails, he visited the pond of a local farm. His teacher went with him to gather apples from a nearby orchard. Sister Mary Lauretta remembers the vivid rouge of Gates' cranberry vinegar, "as beautiful as a red wine."

Just before Christmas in 1958, Gates told her he would have to abandon the project because he wanted to earn some extra money for the holidays. A few weeks later, prodded by his father, he went back and announced he would like to continue after all. He recalls her response: " 'I want you to know, I've fed your cultures, they're still going,' she told me."

"I would have had to start all over again if she hadn't done that," he says.

The project earned Gates a place in the winner's circle. "I can remember riding up on the train to Washington—all that pomp and circumstance, the telegram saying you won, the whole senior class seeing you off at the train depot. You begin to feel 'I really am special, I really am something.' Then you get there and you meet the other students, and you feel very humble."

In 1959, Sister Mary Lauretta supervised another student, Virginia Perner Fischer, who worked steadily after school for three months on a research project with which she seemed to need little help. "Then one day," says Sister Mary Lauretta, "she came in with all her paraphernalia, dumped it on the floor in front of me and said, 'I'm through.' 'Why?' I asked. 'Because you're never around,' Virginia replied. 'Is that what you need?' I asked. 'Yes,' said Virginia."

"From then on," says Sister Mary Lauretta, "I made it a point to show my face every day. And that's what she needed." Fischer became a Westinghouse winner in 1960.

"Virginia taught me a lesson that I revered because it came so spontaneously, so compellingly from the heart: If you're not there with the students, guiding them in some way, even if it's only the wink of an eye, you might as well close the book. The teacher is the vital point; the teacher's presence alone is enough to stimulate," Sister Mary Lauretta says.

Last year, Ronald Gates sent a letter to his high school helper, now 90 and a resident of Notre Dame Infirmary in Elm Grove, Wis. He wrote that he had decided to give up his career as a biochemist and become a high school science teacher.

"If I can be a teacher half as good as she is, it will be terrific," he told Science News.

The talent search has its critics, notes Science Service's Sherburne. "We're often accused of being elitist," he says.

That's the view taken by Bill G. Aldridge, executive director of the National Science Teacher's Association. "I feel that [the search] simply provides advantage to the advantaged," he says. "The last time I went to one of the Westinghouse award dinners . . . I sat there with a young woman who won her award in chemistry. Her mother has a Ph.D. in chemistry; her father has a Ph.D. in chemistry; her uncle got a Nobel prize in the field in which she did her work. I come away from something like that saying, 'Oh, come on.'"

He adds: "Some of them are going to become outstanding scientists—that doesn't surprise me, they probably would anyway. But you're not even touching the science education in this country."

Sherburne disagrees. While many people believe that a "genius" will thrive without any special encouragement, studies tell a different story, he argues. He cites a 1982 report by Benjamin S. Bloom, an education specialist now retired from the University of Chicago and Northwestern University. Bloom examined the processes by which 25 individuals reached the highest levels of accomplishment in their field, including mathematics, neurology, swimming and tennis.

Bloom writes in Developing Talent in Young People (1985, Ballantine Books): "No matter what the initial characteristics (or gifts) of the individuals, unless there is a long and intensive process of encouragement, nurturance, education, and training, the individuals will not attain extreme levels of capability in these particular fields."

For student scientists, Sherburne maintains, the talent search has become an essential part of such nurturance and encouragement. Nina Schor, who won first place in the 1972 competition and who now studies the biology of children's cancer at the University of Pittsburgh, agrees: "At that stage of the game, at that level, the approval and go-ahead of senior scientists was very encouraging. It gave me a sense of 'Yes, I could do it; yes, I could measure up to their standards.' It fueled the fire already inside me."

"The contest may not make people who have no initial interest in science suddenly think about it as a career," Schor says. "But for people who have an interest but who have some doubt in the back of their mind as to whether they are good enough, this program says, 'Go ahead.'"

Adds Nobelist Hoffmann: "I think it encourages kids—like any competition—to do things well, to do the things they would not have thought themselves capable of doing. I think that was how it was for me. . . . Kids in high school are so keyed in on courses, on performance, on examination—but by focusing on a research project, you turn toward more of the reality of what science is about."

Aldridge suggests modifying the talent search, using a rating system that takes into account the socioeconomic hurdles a student may have had to endure or overcome in doing the project. "Right now, it's as if you have a race, and you're taking some kids and putting them up 20 yards from the finish line, and you're putting the other kids back 200 yards behind them. Then you have the race and you congratulate the people who only ran 20 yards."

All students should have access to the same resources, Aldridge says. He suggests, for instance, that giving everyone the same electromagnetic or mechanical kit with instructions to build a creative device in a given amount of time might provide a fairer "hands-on" research project.

Sherburne calls such a kit "contrived," arguing that it has little to do with the way real research is conducted.

While the debate continues, student scientists keep striving. In the end, the talent search is about the young and their drive to create, discover and achieve. It's about teenagers like Julie Yui Tu, who decided four years ago that her father's New Jersey junkyard was the perfect place to test an archaeological theory about the Incas. These ancient Peruvians moved massive stones in order to build their famed masonry walls. Noting that her dad's crushed junkyard cars were about the same size and weight as those stones, the 17-year-old Tu lugged the wrecks up crude, homemade ramps and built rough sledges, wooden rollers, pulleys and other tools resembling those the Incas might have used. The experiment led her to conclude that the Incas might have used beds of mud, leaves or other lubricants to ease the stone-dragging chore.

In 1987, Tu won a talent search award for her labors. At the moment, she's in China on an anthropological expedition, but she says she'll be back in Washington for the gala awards dinner on March 4.

"At the banquets, you can just see their minds dancing, and the sparkle in their eyes," says Clark of the Westinghouse Foundation. "It's fun to be part of that, to sense that kinetic energy flying around the room."

This year, hundreds of talent search alumni will share in that exuberance as they return to Washington to celebrate the competition's 50th year.

REFUGEES IN THE 1990'S

Mr. KENNEDY. Mr. President, the international community is faced today with the challenge of an unprecedented movement of refugees—from Indochina to the Soviet Union to Liberia. In fact, the number of refugees around the world has doubled in recent years, while the resources which we contribute to their care has diminished.

This is a time which invites vision and insight, and a debate is now occurring within the international community as to how to respond to existing demands and future trends.

In that connection, I commend to my colleagues a recent speech by Ambassador Princeton Lyman, Director of the State Department's Bureau for Refugee Programs.

He provides an extraordinarily thoughtful review of the refugee challenges we face at the beginning of this decade.

Unfortunately, the need to assist refugees and other migrants has not diminished along with the cold war. As Ambassador Lyman states, "the sources of persecution, and the nuances of the problems around them, will, however, change and challenge us all." And he goes on to outline some of the refugee and migration issues which lie ahead.

And speaking before a conference of Church World Service, chaired by its director, Dale de Haan, Ambassador Lyman also acknowledged the important role of America's voluntary agencies in our national program to assist and resettle refugees.

In addressing his audience of voluntary agency representatives, he notes that

> Those of us in government have an important role to play. We must develop proposals, ceilings, and budgets which determine just how many and from what countries refugees can come to the United States. But it is you and your affiliates—your volunteers and many families which become involved—which make the program concrete and make it successful. We deal with numbers and abstractions, you deal with the people involved. You make each refugee welcome; you give them their start, their first real taste of America. You give the program its heart.

Mr. President, I ask that Ambassador Lyman's thoughtful comments be placed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY PRINCETON N. LYMAN, DIRECTOR, BUREAU FOR REFUGEE PROGRAMS, DEPARTMENT OF STATE TO THE OPERATIONAL STAFF CONFERENCE OF CHURCH WORLD SERVICE, FEBRUARY 12, 1991

INTRODUCTION

I appreciate your invitation to make the keynote address for your annual meeting in 1991. We are at the beginning of the final decade of the twentieth century and the question hangs over us whether this is the transition to a new century of world peace and cooperation or the beginning of a new era of unceratinty and instability. Certainly the prospects for this decade have changed dramatically in just the past few months.

Before addressing the future as concerns refugees, let me take this opportunity to express the appreciation of all of us in the government who work on refugee affairs for the extraordinary dedication and conscientiousness which each of you and your local organizations devote to refugees coming to the U.S. Those of us in government have an important role to play. We must develop proposals, ceilings, and budgets which determine just how many and from what countries refugees can come to the U.S. But it is you and your affiliates—your volunteers and many families which become involved—which make the program concrete and make it successful. We deal with numbers and abstractions, you deal with the people involved. You make each refugee welcome; you give them their start, their first real taste of America. You give the program its heart.

THE ISSUES OF THE 1990S

When Dale de Haan asked me to make this talk, and talk about the issues we will face in the 1990s, I thought of it as a speculative look into the future. Then it occurred to me that we are in the 1990s. The issues we will face are already largely defined for us. We will be fortunate to solve those already on our plate.

But there are also trends and problems on the horizon rapidly coming to the fore. We must prepare for these, lest they overwhelm us.

PRESENT SITUATION

The situation today, and which will define much of our task in the years ahead, is one that is not encouraging. There are some 15 million refugees in the world today, twice the number of a decade ago. Thirteen million of these are under U.N. care. Many of these, it is important to note, are the result of long-standing conflicts, conflicts which today may have even lost some of their original meaning, but which linger nevertheless. They are a lesson that the legacies of one era stay with us for years, indeed decades thereafter.

Look at the major sources of refugees today. One third of the world's refugees are Afghans. The conflict in Afghanistan was triggered by the Soviet invasion in 1979, an invasion from which the Soviet Union has long since withdrawn its troops, but the struggle continues. Or look at the conflict in Mozambique, one which has its origins in a relationship between Mozambique and the Soviet Union that no longer pertains and from a South African policy that is rapidly changing; the internal sources of the conflict are also disappearing with the transition to a multi-party system of government and an open economy. Still the conflict continues, easier to begin than to end. Mozambique accounts for one million refugees. And there is Cambodia, whose internal wars hark back to the Vietnam war, the Cold War and the rivalry between China and Vietnam—all of which contributed to tearing Cambodian society apart. Even with most of the external powers now agreed on the desirability and indeed the outlines of a settlement, it remains out of reach. Bringing just these three conflicts to an end would allow half the world's refugees under U.N. care to return home.

The positive side to this is that, as the origins of these conflicts are mitigated, active efforts to resolve them are under way. In all of the conflicts I have mentioned, intensive negotiation processes are in train, offering the hope that in the 1990s, these three major refugee problems can be finally resolved.

If that does happen, we can rejoice. But the challenge then will be to pay for these settlements. In each of the cases I have mentioned, the countries in question have been devastated, mined, people dispossessed while others have taken their land, infrastructure destroyed, education and training virtually brought to a standstill. The bill for each of these settlements—for peacekeeping forces, for repatriation of the refugees, and for redevelopment of the countries—thus runs in the billions. Are the resources there? After the tremendous efforts to finance not only the war in the Gulf but the economic damage for front line and other vulnerable states affected by it, after major efforts to assist the new democracies in Eastern Europe and to stave off disaster in the Soviet Union, will the will and resources be there to pay for these solutions? This indeed is one of the great challenges of the 1990s: to pay both for the "sins" of the past and the new problems of the 1990s.

The Gulf war may also exacerbate another old problem, one which has been with us for forty years: the Palestinian refugees. There are presently some 2 million Palestinian refugees living in Jordan, the Occupied Territories, Syria and Lebanon. U.N. assistance to them has been able in recent years to focus on education and health, because basic food and shelter did not have to be provided; many refugees were working, in the Occupied Territories, in the Gulf and sending back remittances, in Israel. But the future of Palestinian workers in the Gulf is uncertain. Already the invasion and occupation of Kuwait has deprived tens of thousands of them of their income and life savings; they are returning not as providers but as people needing assistance themselves. The current situation has also led Israel to impose strict curfews on the refugee camps and other Palestinian living areas in the Occupied Territories, thus depriving many of their livelihood. Already, the U.N.—through UNRWA—has had to begin extending emergency food assistance to both refugees and non-refugees in the Occupied Territories. And Jordan has asked how it can be expected to accommodate the perhaps hundreds of thousands of Palestinians with Jordanian travel documents who might return from the Gulf if they are no longer welcome there after the war. Jordan already claims to have received 200,000 Palestinians since the invasion of Kuwait. Thus an old problem may become even worse in the 1990s.

NEW ISSUES OF THE 1990S

Even as these legacies of past decades carry into the 1990s, new issues are arising. None has perhaps begun to grab the attention of our friends in Europe—and in a different way in Asia—as the spectre of mass migration.

It is seemingly the changes in Eastern Europe that have brought this issue to the forefront. As societies in Eastern Europe—and one hopes in the Soviet Union—become more open, the movement of people takes on a different meaning. When Eastern Europe was under Communist control, we and our European allies treated people fleeing those regimes as refugees for the most part, even when as in some cases their individual experiences did not meet the test of persecution. But with democratic regimes in place, the presence of Poles, Romanians, and prospectively Russians take on new meaning. All over Europe, in more conferences and seminars that we can keep up with, the issue of migration is being discussed, new mechanisms of both cooperation and control are being fashioned and debated, and old systems are being reevaluated.

The source of this concern in Europe is easy to see. In the 1970s, the average annual number of asylum requests for all of Europe and North America was 25,000. In 1980, it jumped to 160,000 but then dropped to 70,000 by 1983. However, in 1990 the number went up to an extraordinary 550,000. Many are from Eastern Europe but at least half are from the Third World. So while much of the recent attention has focused on the Soviet Union and Eastern Europe, the roots of the problem are also in the Third World. Asylum systems in Europe and Canada (and indeed in the U.S.) have been overwhelmed by this rise in numbers. And as the systems have proved incapable of handling these large numbers, the problem has been addressed by inaction rather than action. What I mean is this: some 80% of asylum applications in Western Europe are rejected, yet 85% of the applicants never go back home. At the same time, Europe and North America spend—are you ready?—at least $5 billion a year on the processing and care of asylum applicants. That is ten times the UNHCR budget for the 13 million refugees under its care. These are some of the factors creating concern.

The other cause for concern is that it is assumed that most of these applicants today are coming more for economic than political reasons. Europe has less of a clear immigration system than Canada, Australia or the U.S., so asylum application becomes in most cases the means of entry. But clearly this will not be adequate or appropriate for the 1990s.

There are many challenges for the 1990s that arise from this concern over migration.

One is protecting the principle of asylum for refugees—people fleeing persecution—as nations institute new means of control over their borders. In the backlash against rising numbers of migrants, countries sometime lean toward actions which threaten that principle. We have seen a most disturbing example of that type of action when Yugoslavia recently forced more than 300 Albanians back across the border.

Because of our concern over this issue, the U.S. has entered actively into the debate in Europe. One of our objectives is to protect the right to asylum. For example, we have encouraged and will help fund training in Eastern Europe so that those countries can manage any large influx of people and know how to obtain international help. We have urged the inclusion of the principle of asylum in the various documents coming out of these many fora.

A second challenge, however, is to define ways to protect those who are fleeing oppressive regimes for a complex set of reasons that do not fit within our traditional definition of refugees, but which also is not simply the desire for a better job. We are on tricky ground here. If the definition of refugee, i.e., someone with a well-founded fear of persecution, is broadened too far, we risk losing the sympathy and cooperation of potential first asylum countries in the face of large-scale or even moderate movement of people.

We face this problem already in Southeast Asia with the Vietnamese boat people. By 1989, neither first asylum nor many of the other resettlement countries were prepared any longer to accept all Vietnamese boat people as refugees. For our part, we could not countenance any of them being forced back to Vietnam, even if they were not individual victims of persecution. An international agreement known as the Comprehensive Plan of Action sought to mediate this conflict of views. The CPA provides for screening the asylum seekers to determine those who meet the refugee definition, but also provides a safe means of return for those who do not. But even this effort to extend, if you will, a modicum of international protection to the non-refugees, has been difficult. The UNHCR, by extending its activities to the process of encouraging repatriation of the screened out, has been criticized by some for abandoning its concern for refugees and asylum. On the other hand, first asylum countries continue to balk at the special protection given to the screened-out, wanting to assure that they will return. We may see in the CPA, even with its special circumstances, a microcosm of the problems we will face in Europe in the 1990's.

The third challenge arising from this concern over migration is that of international responsibility. How should we share the tasks? At a conference I attended recently on the prospects of Soviet migration, the representatives of the newly democratic countries of East Europe said they would gladly fulfill their responsibilities of providing first asylum—assuming of course that the West would quickly aid them by letting the refugees pass on through to the western countries, an assumption that did not necessarily sit well with the West Europeans. And what of our responsibilities: how much of European migration should be seen as a European problem, to be addressed at least in the first instance by Europe, or how much an international problem to be shared out equally? How does one find the right balance that does indeed represent equity? In the

CPA, while a shared set of responsibilities, we have agreed to resettle at least half the Vietnamese and Lao found to be refugees. Does that entitle us to ask European nations to do more for migrants coming to Europe? Will we be able to exercise sufficient influence in protection issues if we take that stand?

I began the discussion of the issues of the 1990s with old conflicts. Let me conclude this discussion of new challenges on the international front with that of new conflicts, conflicts which do not have their roots in the Cold War or other previous international rivalries, but which are arising from deep internal rifts: ethnic conflict in Liberia, ethnic and sub-regional conflict affecting Rwanda, and perhaps the same phenomena in Eastern Europe. Will we be able to mobilize the international attention and assistance to these new sources of refugees? Or will they, less directly related to our international positions, be far from our attention and therefore our input? We have so far addressed the Liberian crisis with minimally acceptable responses, but as we see trouble in Rwanda, and growing problems in southern Senegal, and continuing civil war in Sri Lanka, our humanitarian and political impulses will be tested.

ADMISSION IN THE 1990S

The challenges of the 1990s will also raise new issues with regard to our admissions problem. As in other refugee matters, the refugee admissions program today still addresses in large part legacies of past decades. Some 45% of our admissions come from Southeast Asia. We continue to focus on Vietnamese and Lao as a by-product of the war, the dislocations, and the continuing oppression in that region, matters in which we were so heavily involved in the past. It is a responsibility that continues and which we cannot ignore.

Another one-third of our admissions come from the Soviet Union, with special efforts in regard to religious minorities. The roots of that program go back not just to the Cold War but indeed to World War II and the Holocaust. This too is a responsibility from which we cannot turn away.

But in a few years, these clear cases of "special humanitarian concern"—as the 1980 Refugee Act defines those refugees we would admit into the U.S.—will gradually decline or move gradually into the stream of regular immigration. Already our ODP in Vietnam will bring in twice as many regular immigrants as refugees in FY 91. If the present trend of migration to Israel and the U.S. continues, nearly all the Jews in the Soviet Union will have departed by the end of 1995. What will be the people of "special humanitarian concern" after these? How will we define our interests? Or will we reduce our admissions back to those of an earlier period?

CONCLUSION

Clearly the 1990s will not be dull, nor lacking in challenges. We will be in transition, from addressing several old problems, on which we cannot turn back, while beginning to see new ones emerging. We need to keep up. And we need to remember the basic purposes of our refugee program: to help those who are victims of persecution. That need unfortunately, will continue to be with us in the 1990s. The sources of persecution, and the nuances of the problems around them, will, however, change and challenge us all.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

RESOLUTION TRUST CORPORATION FUNDING ACT

Mr. RIEGLE. I now ask unanimous consent that the Senate proceed to the consideration of calendar No. 22, which is S. 419, the Resolution Trust Corporation funding measure. I do so on behalf of the majority leader who has the authority to proceed to this measure.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

The Senate resumed consideration of the bill.

Pending:

D'Amato Amendment No. 13, to protect tenants from unnecessary eviction by the Resolution Trust Corporation.

Mr. RIEGLE. Mr. President, we are now returning to consideration of the Resolution Trust Corporation Funding Act of 1991. I cannot emphasize strongly enough my conviction that we must pass this legislation quickly.

I appreciate the fact no Senator wants to vote for legislation to increase spending on thrift deposit insurance losses by $30 billion, which is the sum contained in this bill, or, for that matter, any near approximation of that number.

It was just 19 months ago the administration told us the $50 billion we provided at that time in the FIRREA law would be sufficient, even though we repeatedly questioned that judgment. Time and again they indicated that would do the job, and therefore that was the amount provided at the outset.

Today's assessment has the administration now telling us they need this additional $30 billion rather urgently because they have failed institutions they want to close and the losses on those institutions are mounting while they remain open. In addition to that—and everyone is on notice—beyond this $30 billion they anticipate needing another $50 billion down the line to finish the job of closing failed thrifts they see on the horizon.

The total then of the money we are anticipating the administration will require is the original $50 billion plus today's $30 billion, contained in this legislation, and, by administration estimate, an additional $50 billion down the line to finish the job for a total roughly of $130 billion.

Mr. METZENBAUM. Will the manager of the bill yield for a question?

Mr. RIEGLE. I do. I am going to make an opening statement, but I am happy to yield to my colleague.

Mr. METZENBAUM. It is my understanding we have not put in $107 billion. Is the Senator from Ohio mistaken about that? Is it $50 billion or $107 billion?

Mr. RIEGLE. Is the Senator referring to the use of working capital or is he referring to losses prior to the enactment of FIRREA?

Mr. METZENBAUM. I am talking about what it has cost the American taxpayers so far for the savings and loan debacle.

Mr. RIEGLE. In terms of net costs related to losses incurred in that industry the figures I have just cited—the $50 billion authorized by the FIRREA legislation, which will very shortly be expended, the additional $30 billion that is being sought today, and the future $50 billion that is anticipated—add up to a total of $130 billion.

In addition to that, there were losses incurred prior to the enactment of FIRREA. There were losses at an earlier stage in time, some of those associated with the 1988 deals, for example, which the Senator has been very much involved in endeavoring to have reopened. And then there were additional losses prior to that time.

Mr. METZENBAUM. As I see it, I think we owe the American people the responsibility of telling them how much the savings and loan bailout has cost to date, and then talk about what the future costs would be. So I am trying to get a figure as to what has been expended by the RTC for FIRREA so we know the total cost of the previous agency, the FSLIC.

Mr. RIEGLE. If you take the $130 billion figure I have just cited two or three times without going back and indicating how that is constructed, to that would have to be added approximately $57 billion that was expended prior to the enactment of the FIRREA legislation. So if you add that to it, that would take it up essentially to $187 billion.

Now, there are two ways to do this calculation. These are big numbers no matter how you do it. But $187 billion would be the actual amount of checks that need to be written for direct losses as we have both experienced them and as we anticipate them.

However, some of these expenses are financed, as the Senator well knows, out over 30 years, and in some instances 40 years. If one were to include the interest costs due to long-term securities used to finance part of this spending, that would increase the dollar costs, considerably.

If, for example, that borrowing and the paying of interest had been avoided and foregone, then the costs would have all occurred right now and been paid right now. The kind of figures I have given you are what is called present value calculations. They total $187 billion from 1985 on. But if one tacks on the financing costs over 30 or

40 years, then it builds up the cost of the resolution of this problem. It would take the figure up into the hundreds of billions of dollars.

Mr. METZENBAUM. Up to maybe the $500 figure.

Mr. RIEGLE. It could conceivably be a figure that high. That is right.

Mr. METZENBAUM. Is it a fact that if this $30 billion is appropriated, it is contemplated the RTC would borrow an additional $48 billion?

Mr. RIEGLE. That is correct. Although it needs to be noted that that money is borrowed to finance, to provide working capital for assets that are to be taken into the RTC, that are presumed to have a value equal, or nearly equal, to that amount of borrowing.

So while that money is to be borrowed from the Federal Financing Bank, over on a separate track——

Mr. METZENBAUM. The Federal Government.

Mr. RIEGLE. Yes, through the Federal Government—it is to finance the accumulation of an inventory of assets which over time will be sold off.

So that money will be returned to replace that borrowing. That money is, one presumes, a temporary use of funds in the form of working capital until these assets of failed thrifts are worked out over some period of time.

That is exactly right. There is that additional borrowing authority that takes place, although it is matched by collateral in the form of these assets.

Mr. METZENBAUM. Will the Senator from Michigan be good enough to advise why they do not go out and borrow the $40 billion now, and not need this $30 billion, and not come to us until they have expended that $48 billion?

Mr. RIEGLE. The RTC has a large number of failed thrifts that are awaiting resolution.

The difference between the insured liabilities and value the RTC expects to receive for the assets has to be covered by an amount which represents, really, a loss. In order to get to the point of resolving that particular institution you have to be able to pay off the depositors in that institution or pay another institution to accept those deposits.

In order to do that, you have to have enough money to cover the loss on the front end, and in turn have some working capital over, on a separate track, to finance the handling of the assets that you have taken back that you cannot sell on the first day. So you need funds to cover the loss, which come only from appropriations and working capital which can be borrowed because when the assets are sold, there will be money to pay it back.

Mr. METZENBAUM. Is it not the fact that the RTC actually now has $150 billion in assets, securities, mortgages, and various other kinds of assets that could be used to raise that money? Why does the Federal Government then have to come in with $30 billion? Why do they not borrow against what they have now?

Mr. RIEGLE. They cannot use money borrowed from the Federal Financing Bank to cover losses. That money is already pledged. That money has been borrowed only temporarily for the sake of working capital, to hold these assets until they can be turned over, after titles have been cleaned up in many cases. There is a lot of problems in getting some of these assets to the point where they can be sold. Some are very hard to sell.

Mr. METZENBAUM. Is there not about $28 billion in actual securities that are marketable?

Mr. RIEGLE. We are told by the RTC that securities that they acquire that are easily marketable, are being marketed in an orderly fashion. Some securities, including junk bonds are not very marketable, so those take a longer time.

We have had oversight hearings on the asset disposition issue. We have been concerned about whether these assets have been managed efficiently and sold for full value, sold on a timely basis, and so forth. The problem has been there has been such a huge volume of institutions that have to be closed, and with a huge volume of assets it is a very complicated task.

I do not make any excuses for the conduct of the organization because I am sure there are plenty of examples of slips and starts in terms of them getting tooled up to do this job.

But the fact of the matter is that over whatever time period they sell these assets, all of the money from the Federal Bank Financing is temporary working capital that has been borrowed to finance inventory of assets.

So that money is not available for use to cover losses on new institutions because that money will have to be paid back. When the assets it is financing are sold and the proceeds are received, that money has to go back. It is not available to be used for a second purpose, which would be to pay off new losses from new institutions.

Mr. METZENBAUM. If I may inquire further, as I understand it, $150 billion could be used if we change the law. That $150 billion is not actually pledged in its entirety for loans that have been made by the RTC. And if it is just a simple change of the law, that is what we do here. That is our business. We make laws; we change laws. I understood in a meeting that was held the other day, if we change the law that $150 billion in assets could be used for the very purpose for which we are appropriating this $30 billion.

Mr. RIEGLE. I must say to the Senator that it may seem attractive on the surface to reach across into these other categories of activity to find money and bring it across to solve another problem. But I urge very strong caution about doing that. That is part of what led to this multiplication of problems in this industry in the past. I think we have to keep these accounts separate and discrete.

I think the financing of the assets, the failed thrifts and working those off, is an enormously difficult and complicated and time-consuming process. Frankly, the RTC got off, I think, to a very slow start. The criticism, I think, is warranted in that area, although I must say at the same time that the General Accounting Office has now come forward to say they feel they have gotten through a lot of their organizational growing pains, and they seem to be doing a better job. Time will tell.

But let me just say that as assets are disposed of, the money received should go toward repayment to the Government of the working capital that has been borrowed, I do not think it ought to be commingled or confused or taken over into the loss category and used in an expedient fashion to try to cover new losses.

I do not think that would help our situation. I think it would compound the sitututation, and I think probably work in an adverse way.

I say that respectfully. You asked my opinion. That is my opinion.

Mr. METZENBAUM. I do not want to tie up the chairman of the committee from making his opening statement, but I have some questions and reservations, and perhaps some disagreements as to the manner in which the RTC conducts its business, and also as to whether the GAO did or did not think they are doing a fine job.

I will be prepared to address myself to what the GAO said at a subsequent point. I do not wish to interrupt the opening statement.

But this Senator believes, and the thrust of my concern is, that we have to provide them with some money, notwithstanding the fact that Mr. Seidman, in a meeting the other day, said we actually could get along with no money.

But I think he makes it very clear that he needs the money, but they actually could get along with none, which was his statement.

Mr. RIEGLE. Was there not another part to that? There was a consequence, in other words. If that would be done, there would be a consequence, also; an adverse consequence?

Mr. METZENBAUM. He claims that it would have greater financial cost, and I am prepared to agree in part with that. I think we also gloss it over.

When some around the Halls of Congress and some people, part of the RTC, are very anxious to tell us how much this is costing each day, somehow they slide through the fact that the cost of $8 billion is a cost that has to be borne by the taxpayers of this country. And, as the chairman has pointed out, not only today, but for the next 30 or 40 or 50 years that the money is paid back.

Zero coupon bonds will continue to accumulate. They will compound, and our children and grandchildren and great grandchildren and great, great grandchildren will be paying that, which may be this $500 billion fiasco. So I think that provides all the more reason why we ought to hold the feet of the RTC to the fire. They have not done what they can and should be doing. They have done almost nothing for 18 months since we gave them the $22 billion; they have done nothing of a concrete nature to move the problem forward. When the chairman of the committee concludes, I think I would like to address myself to that further. I will not interrupt him further. He has been very gracious in permitting me to interject my views at this point.

Mr. RIEGLE. I thank the Senator from Ohio, for whom I have great regard. The questions he raises are very important questions. They are questions I myself have raised in the course of our committee hearings. There is a deep concern about the problem itself, and the best way to resolve it, and the least costly way to resolve it. I suppose, as well, there are lessons we need to draw from it in terms of the proposed revisions to the banking system that are before us. We want to avoid mistakes there in the future.

In any case, I think that it is clear that whether one finds a high degree of fault, or a medium degree of fault, or a low degree of fault with what RTC has done to date since it has been established by law, the fact is that their best assessment and the certification to us from the Treasury Secretary is that they need $30 billion to cover additional losses through the remainder of this fiscal year.

In cross-checking with the General Accounting Office, which is an independent arm of Government, their view of both the operating conduct of the RTC and the validity of that request for $30 billion, they have certified to us that they think that that amount of funding request is appropriate to the circumstances. They think it ought to be made available in that amount so that they can plan resolution of failed thrifts through the remainder of the fiscal year and not continue to have a stop-and-start and stop-and-start policy. They've stated that that amount is needed, and to provide it will afford us the maximum degree of efficiency in getting this problem worked through. Therefore, in the end, it will cost the Government less than it otherwise would. If we continue either not to provide the funding for additional losses and additional closures and resolution, or if we provide too small an amount so that they just get started and then have to stop, we will end up incurring a premium cost along the way.

I am not managing the RTC, so I am not here making that argument and certification as the person with the line responsibility. When the people who have the line responsibility come in and make that certification to us, and then we ask the GAO over here as an independent agency to do a cross-check and they say, yes, we think that is the right amount, the right time period, and that the agency is performing better than it has, as they told us in a meeting here last week, then I think that provides a sufficient basis for us to move at this time to give them the financial wherewithal that they need to get this particular job done.

I want to say again—and I do not want to be misunderstood on this point—that, like the Senator from Ohio and many others, I have serious doubts about the structure and the policies of the oversight board, and the RTC, and whether in fact they are the most efficient and the least costly ones available. On that issue, the Banking Committee has held extensive hearings, and a wide range of recommendations have been suggested to us. Many Senators have indicated an interest in offering amendments, at some appropriate point, that would affect the RTC's management or operations. And while some of those proposals, at least on the surface, would appear to have attractive features, these issues are extraordinarily complex, and there are drawbacks that attack virtually every recommendation that we see. Sometimes those drawbacks are not obvious on the surface, until one gets down into a very elaborate and detailed analysis.

I will say this: The RTC is now up and running, has had a period of time to get itself organized and to get on top of the enormous dimension of this problem. RTC is an organization that is bigger than Citicorp, which is the largest private commercial bank in this country. Just the sheer magnitude of an organization that size is something that is hard for us to fathom or contemplate.

I am not sure, to my knowledge, that we have had an equivalent experience in modern governmental history in the financial area. So, unfortunately, we are plowing new ground in terms of having to craft something of that almost unfathomable dimension. But in order to try to see what structural changes and what policy changes or other things we might look at to reengineer the way that organization is put together and functions, I have scheduled a hearing in the Banking Committee on the 11th of April. That is a little over a month away. I am inviting, and have invited, all colleagues in the Senate who have ideas they want to put forward for consideration. I know Senator WIRTH from Colorado has ideas in that area; Senator SANFORD from North Carolina has ideas of that sort; Senator KERREY from Nebraska does, and there are others. I think the Senator from Ohio has made some suggestions along that line. In any event, I invite anyone who wants to come in with a formal presentation, or set of suggestions, about restructuring the RTC, to do so on April 11. We will take it up, and we will see if there is something open to us that we might do in that area to collect a consensus of opinion within the committee that we can later bring to the floor.

But it is going to take, at a minimum, that degree of time to do that. So while we are doing that in an orderly fashion, in the meantime, institutions that need to be closed where losses are mounting, I think, have to be dealt with. I do not think we can sidestep that issue. That is why we are here on the floor today, and why we are going to have to stay here until we solve this matter in one way or the other.

This bill, then, that is before us now is a temporary measure. It is not permanent. In fact, the administration asked for what they consider to be a permanent solution by asking us to authorize, in effect, a blank check, and not putting numbers in it; to simply authorize whatever sums may be needed to complete the resolution of this problem over the next several years. But because we do not know how much that is, and because I am not prepared to support an open-ended authorization of that kind, we have said no to that. We have said, look, we will give you a sum of money that will carry you only through a reasonable period of time, based on an analysis that would seem to indicate that that is the appropriate amount of money that you need through that time period. That is where the $30 billion for the remainder of this fiscal year comes from. So we have said no to the blank check.

This bill does not provide a blank check, although some would prefer that. There are some who would say, look, let us handle this now once and for all, and let us provide an open-ended authority; let us let them draw what funds they need to get this job done and not bring the issue of incremental funding requests back to the floor time and time again. Well, my view is that that was not the right course of action.

On the other hand, some have said, well, let us do it very often; instead of giving them $30 billion that will take them down through the end of this fiscal year, let us give them $10 billion, which would only take them a couple of months.

They can be back here in 60 days to go through this again, or give them $15 billion, may take them out 3 months or 4 months, and then bring the issue back at that time. I know there are some who hold that view.

I do not think that is the best answer at this time. I think $30 billion is. GAO agrees the $30 billion is the right amount of money. It will take us down through September 30, and between then and now while we are dealing with financial restructuring in the banking system and deposit insurance reform, I think we will have enough time to look at other reengineering for the RTC. We will have several months of experience in observing how well they are performing in the assignment they have been given by law to do. Then we can make a judgment if we want to undertake more fundamental structural changes at that time.

Madam President, I shall read two letters into the RECORD that clearly explain the urgent need for this legislation.

The first of these is a letter that I have received from Chairman L. William Seidman, of the Resolution Trust Corporation, who also happens, of course, to be Chairman of the FDIC. His letter, dated February 28, 1991, read as follows:

> DEAR MR. CHAIRMAN: The Resolution Trust Corporation is in need of additional funding to cover losses at failed savings and loans. If additional funding is not provided, the resolutions process will come to a halt by the middle of March. This means that insolvent and unprofitable thrifts that would be shut down if funds were available to close them will continue to operate, piling up losses that will eventually have to be borne by the American taxpayer.
>
> The RTC will need approximately $30 billion of additional loss funds in order to continue operating for the remainder of the fiscal year without incurring costly delays. It takes 60 to 120 days to market an institution—toward the upper end of the range for larger institutions and toward the lower end of the range for smaller ones. Thus, the funds are needed as soon as possible. Approximately $14 billion of the $30 billion would be used for resolutions that the RTC plans to begin marketing immediately for closing during the third quarter of fiscal year 1991 while the remainder would be used to resolve institutions the RTC plans to begin marketing in May. If it were to receive only $5 billion in additional funding, the RTC would be able to resolve far fewer institutions than it intended and there would still be significant costly delay.
>
> Insolvent thrifts have been running up operating losses of $800 million to $900 million per quarter. While some of these losses continue even after resolution, resolution immediately cuts losses by approximately 40 percent. The primary reason for this is that including the non-interest expenses of gathering deposits, the government can raise funds to finance the losses and bad assets of insolvent thrifts for about 130 to 140 basis points less than the troubled thrifts themselves. Resolution replaces relatively expensive implicit government borrowing in the form of insured deposits with much cheaper explicit government borrowing.
>
> We estimate that delay costs the taxpayer $250 million to $300 million for the first quarter. An additional quarter's delay would raise the cost by an estimated $750 to $850 million or to at least $1 billion in the aggregate. The reason that each quarter's delay is more expensive than the last is that the longer the delay the longer it takes to catch up.
>
> Our estimates do not include three factors that add even further to the cost of delay: asset deterioration or other losses that occur in situations where key personnel responsible for the management of the infrastructure leave institutions awaiting resolution; deterioration of franchise value; and the effect that competing with insolvent institutions has on the cost of funds of marginally solvent institutions possibly causing additional failures. While these factors are difficult to quantify, it is not unreasonable to assume that these factors would increase the cost delay by at least 10 percent.
>
> We urge you to provide the RTC funding as requested.
>
> With best wishes.
>
> Sincerely,
>
> L. WILLIAM SEIDMAN,
> *Chairman.*

I shall next read a letter we received from the Secretary of the Treasury, Nicholas F. Brady. This letter is dated February 26, 1991, and it is sent under his operating responsibilities as Chairman of the Oversight Board of the RTC. This particular letter is addressed to GEORGE MITCHELL, our majority leader, to which I have been copied, and it reads as follows:

> DEAR MR. LEADER: As Chairman of the Oversight Board of the Resolution Trust Corporation (RTC), I am writing to emphasize that unless Congress promptly provides adequate funding to the RTC, the RTC will be forced to further curtail its efforts to close bankrupt savings and loans. Already, the delay in authorizing additional funds has slowed case activity and cost the American taxpayer at least $250 to $300 million.
>
> The Oversight Board has testified that full funding to permit the RTC to complete the thrift clean-up would be preferable to interim funding. However, the $30 billion of loss funds that is provided by the Senate bill will permit the RTC to continue operating through the remainder of the fiscal year.
>
> I am afraid that if any less than $30 billion is provided, the result will be a start and stop cleanup process that produces further delays, substantial additional costs to taxpayers, and confusion and fear in the minds of depositors.
>
> Accordingly, I repeat the Administration's urgent request that the Senate provide adequate funds to the RTC without controversial amendments that would delay the provision of funds and add to taxpayers' costs.
>
> Sincerely,
>
> NICHOLAS F. BRADY.

What these two individuals are asserting to us here in this formal manner is that if we do not give the RTC the money it needs to close insolvent thrifts, we are going to end up incurring premium costs or extra costs which in the end have to be paid for by taxpayers, among whom we all are numbered.

One quarter's delay it is indicated would cost $250 to $300 million. Because of funding uncertainties last fall, such a delay is already taking place. Right now we are told that the RTC has 95 individual thrift institutions ready to be put up for bids, in other words, to acquirers, moved on into new hands, cleaned up, and put on a solid footing. But of those 95 individual thrifts across the country that are waiting to be handled in that fashion the RTC cannot take bids; they cannot initiate the formal bid process to resolve these because they do not have the money available to them to complete the deals.

They still have a few billion left to complete deals that they are currently working on that would stretch out over the next week or two, as they indicate to us. But the 95 thrifts that are waiting in line and need resolution is where the costs are mounting. The costs of resolving that group is currently estimated to be $14 billion, roughly half of the total of $30 billion that is sought here. That $14 billion is for the 95 that are in line, but while resolving those, they will be getting the next batch in line. That batch will need the remainder of the $30 billion as those thrifts are resolved over the remainder of this fiscal year.

I know there are some of my colleagues who wonder aloud whether $30 billion is not too much money, and whether we should provide less than that and keep the RTC on a tighter leash. There is part of me that has sympathy with that viewpoint, and with so much money at stake I think it is absolutely appropriate for the Congress to insist that the RTC be held to a very high standard of accountability. But we need to make sure that the RTC does not waste money one way or the other, either by going too slowly or by delays forced upon it by lack of funds.

In my own judgment, reducing the funding level that we have brought to the floor would be counterproductive to the goal of cleaning up this problem. And, after all, that has to be done, whether we like it or not. I think every stop and start that we have adds months to the process and inescapably adds to losses. And the GAO agrees.

Two weeks ago, Comptroller General Bowsher testified:

> Such slowdowns simply add to the eventual cost of resolution by allowing failed institutions to continue operating and incurring losses. We believe that short-term funding bills covering less than 1 year will prove inefficient and costly.

That is Charles Bowsher, the Comptroller General of the United States.

Madam President, as we debate this, the cost, we are told, is rising at an estimated level of some $8 to $9 million a day. And that is a lot of money even when it is put in the context of billions and multiples of billions.

I think we have to act quickly on this temporary legislation. It only carries us forward for 7 months. I think that is a sufficient planning horizon to allow the RTC to operate in an efficient manner.

I think they have made an appropriate presentation of the need for funds in that amount. The GAO agrees with that. I think we ought to appropriate it. I think we ought to keep the bill as clean as we can to get this done, take it into conference with the House and see if we cannot get on with the job of resolving this issue.

Madam President, I yield the floor.

Mr. METZENBAUM. Madam President, I would like to comment to the manager of the bill as to where I think we ought to be going because I do not think we ought to delay this bill's passage. On the other hand, I do not think we ought to pass it in its present form. My feeling is that if we provided some of the money, it would take off the immediate pressure the RTC claims to be having and perhaps we could get some response from them, some action from them more than response, as to some of the responsibilities which Congress has given them.

There is no secret about the fact that they have not done all that they might have done. And although my friend and colleague from Michigan talks about how great they have done and what the GAO says, the GAO did report in the report they gave to the House Banking Committee 2 weeks ago that the RTC is plagued with internal control problems and mismanagement, and among those problems that have to be included is that the RTC headquarters lacks sufficient oversight of its employees to manage the thrifts. There is not sufficient control of those who are managing the thrifts. They put people in and they are not being managed that well. Managing agents complain that they have little, if any, instruction on how to manage the thrifts that are in the conservatorship. That is not me speaking; that is the GAO speaking.

They also said the RTC lacks a comprehensive system for managing its portfolio of securities and that there is a lack of information for interested buyers, which discourages sales of assets at a fair price.

Furthermore, they say that the RTC contracting system lacks oversight. Contractors are not evaluated in the quality of delivered service and are paid for partial or poor performance.

I point out the Southwest and southeastern regions, according to GAO are especially negligent in failing to provide supervision.

They go on to say that the right hand does not know what they left hand is doing, that regional sales offices selling assets often duplicate the efforts of another RTC program which hires outside consultants to manage large real estate portfolios. They also say that buyers of property encounter difficulties in securing accurate appraisals. They also must wait months while the RTC processes their paperwork, which often does not comply with the requirements of most lenders. And then they say that the RTC has not fully complied with the low-income housing provision in FIRREA, that they have failed to give low-income home buyers the first right of refusal on many homes. In addition, they have sold homes for which low-income home buyers have submitted a bid and instead have sold them to speculative real estate investors.

The fact is that the RTC was faced with a very difficult job. They came in without any special background, although Mr. Seidman had previously headed up FSLIC, and they were given this responsibility to take over the saving and loans and then to dispose of them. That is not something that can be done on short notice, and it is not something that can be done overnight.

They were told by Congress to look at these 1988 deals that had been negotiated that will cost taxpayers something like $70 billion. And I have addressed myself to this issue earlier about the fact that many of those deals very probably could have been restructured, which is what the FIRREA Act ordered them to do, or renegotiated based upon whether or not the contract in its inception had any elements of impropriety in being negotiated.

The RTC did have two studies made of the contracts, but neither of the studies looked at the question of whether there was any fraud or any improprieties in the making of the contracts. The first study merely looked to see whether the t's were crossed and the i's were dotted, and the second study looked at more of the details of the contract but did not look behind, how the contracts were entered into. And one of the law firms that had been hired in order to make the study said they were not told to do that.

Now, my standing here speaking to this bill is not to indicate that we should not be doing something. We are in a position where we probably have to do something or else, indeed, it will cost the taxpayers more money. But the fact is we should not overlook the fact that whatever we put into this arrangement, whether it is $15 billion or $30 billion—and they are going to go out and borrow another $48 billion—the taxpayers are going to wind up paying the interest cost of that $30 billion and of the $48 billion. Although there may be some hope of not paying all of that, they are going to have to wind up having to pay that. Although it costs money to delay, it also costs money to put $30 billion into it. It is going to cost something like $210 million a year just in interest alone for that $30 billion, assuming a rate somewhere around 7 percent, whatever it might be, 6.5 or 7.25, whatever.

The RTC was told to do certain things, and Mr. Seidman, in a meeting we had the other day, indicated he was now prepared to do some of those things that we had instructed him to do by legislative fiat, by legislative order. He has never been willing to attempt to renegotiate the 1988 deals. He has only talked of restructuring them, which is what Congress ordered him to do 18 months ago. Not one of those deals has been restructured now, and he says we are moving toward doing that, and, if my recollection serves me right, sometime in June we hope to do that, 4 months from now. So they have not done what Congress instructed them to do. They did not.

There was a point where the cost of renegotiating or restructuring the deals became effective in itself. So I suggested in the RTC that they use lawyers on a contingent-fee basis. I learned the other day that did not do that with respect to any of the 1988 deals. But according to Mr. Seidman, they have hired one law firm now to handle, on a contingent-fee basis, whatever claims the RTC may have against Mr. Milken, and I do not know how many other associates of Mr. Milken. Well, if they can hire somebody for that purpose on a contingent-fee basis, I cannot understand why they have resisted so strenuously this effort that some of us feel should have been made to renegotiate those 1988 deals.

We conducted extensive hearings in our committee having to do with the Blue Bonnet deal, and in the Blue Bonnet deal there was obviously at least some opening to go in and renegotiate that deal and claim it had been entered into in an inappropriate manner. No, they have not acted.

Then there was also responsibility on the part of the RTC to act with respect to directors' and officers' liability. Directors' and officers' liability is one of those areas where, if the director or the officer committed some impropriety, then that director or officer becomes liable. In many instances there is insurance to cover it.

For some reason I do not understand, they adopted a policy—which Mr. Seidman now says, yes, it is the policy but it is not exactly the policy—that unless the directors had a net worth of $5 million, they would not sue, they would not go after the directors or the officers.

I have difficulty in comprehending that. The American taxpayer who does not pay his or her taxes winds up being sued promptly by the Federal Government if they owe $120 or $311. But here they say unless you have $5 million in net worth, the Government will not follow through against the directors and officers. They say that has to be the cumulative total. But if one of the directors has a new worth of $4 million and the others have a net worth of $700,000, then nobody is going to be followed up, noboby is going to be asked to pay back the money or to pay the money for the directors' and officers' misdeeds.

We conducted a hearing which received much attention in connection with one little detail of the hearing that had to do with the Southwest Federal Savings & Loan. In that case there was an unusual situation. One of the main owners of the bank, Daniel Ludwig, is reputed to be one of the richest men in America—certainly he is purported to be a billionaire by Forbe's magazine—and he had agreed to indemnify all of the officers and directors if they were held liable on officers' and directors' liability.

In that case there appeared to be sufficient basis to move forward.

As a matter of fact, in our hearing we found that one investigator, a FDIC/RTC investigator, testified he had examined into the facts and he was told to sit on the investigation. Then a man by the name of Scalzi, an official of the RTC, told the investigator not to conduct interviews and that Scalzi had said do not go forward, do not conduct any interviews.

Mr. Scalzi is now in charge of selling 250 failed thrifts.

I have difficulty understanding why Mr. Seidman, who knows this, and the others at the RTC, accept this fact. The evidence was incontrovertible. It was not denied. There was corroborating evidence by another employee of the Government. Both witnesses testified they had been told not to go forward. The main man winds up being in a position of being responsible to sell 250 failed thrifts.

I do not know what happened. I do not know why it happened. I know there is a memo in the records that an RTC lawyer warned, "Ludwig is politically influential. Sit on the investigation."

I do not know whether that is true or not. But I know this: the RTC that is asking us now for $30 billion certainly knew of the testimony, knew of their obligation to go dig into the facts. To the best of my knowledge they have still done nothing with respect to that savings and loan and there is certainly collectibility since Mr. Ludwig has agreed to indemnify all of the officers.

After 2 years, what has occurred with respect to that investigation—which was 2 years ago—is there still has not been any lawsuit filed against anyone. Anyone who practices in this area at all knows evidence can easily be lost or destroyed and memories easily fail.

So I may address myself further to some other aspects of this matter, and I probably will before this debate is concluded. But I think if we want to get the kind of action the American people are deserving of, then we ought to give the RTC a modest amount of money.

According to Mr. Seidman's own letter, $14 billion would tide them over for the deals that are presently ready to be made. So, instead of giving them $14 billion, let us give them $15 billion. He says the other deals we are talking about are not going to be made until sometime in May or thereafter. We can come back and see what kind of action we are getting out of the RTC between now and then.

My view is we should not just say no money. I think that would be irresponsible. But I think we ought to say we will give you some money, but we want you to understand you have not been living up to that which you have been ordered to do by Congress. If you will do what we ordered you to do and do the other things that should be done in accordance with your responsibilities as public officials, then we are willing to give you additional funding.

But just to keep pouring billions of dollars out because they asked for it just does not make sense to me.

Nick Brady writes a letter as the Secretary of the Treasury and he says they need the money. Let me point out, as I did last week, Nick Brady is the same Nick Brady who was unwilling to put a lid on the closing down of the making of the 1988 deals.

When the Senator who was the chairman of the committee and I called him, he refused to do anything about it. He said he did not think he had the authority.

If the Secretary of the Treasury had taken the position to slam down the door on those deals, they would not have all been made, and 25 of them were made in the last 2 days of 1988. The door could have been closed at least on that group of deals.

I do not know how many hundreds of millions, or billions were involved in those deals, but the total is something around $70 billion for the 1988 deals.

If we had closed the lid or closed the door on one-fourth of them—25 is about one-fourth of them—we might have been able to save 25 percent of $70 billion. Maybe we would not have saved it all, but we would not be in the fiasco we are in right now.

So I say, yes, I think we have the responsibility to provide them with some money, but I do not think our responsibility is to provide them with $30 billion knowing full well thereafter they are going to go out and borrow another $48 billion.

The best way to hold their feet to the fire is to provide them with a portion of the money. Not all the money.

Madam President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Nebraska.

Mr. KERREY. Madam President, I want to thank the distinguished Senator from Ohio. I know it is rather difficult for the Senate to examine this in detail, but I must again suggest I think the people themselves have lost trust in the Resolution Trust Corporation. It is not comparable to 1986 when in fact several key Members of this body called our attention to the need to make an expenditure but the body did not believe there was a real problem so the money was not appropriated.

In this particular situation no one doubts there is a problem. No one is arguing that. No one is suggesting that in fact a problem does not exist. The problem here, it seems to me, Madam President, is we have a body that has been charged with the responsibility of carrying out the policy and they have not done a very good job of it.

The President asked for the Secretary of the Treasury as chairman of the Policy Committee, and the President asked can we designate the FDIC as the manager, as the Chairman of the RTC itself.

I must say with all due respect, and I have a considerable amount of respect for both of the individuals in charge of these responsibilities, they have lots of other work to do. What we are missing is an active policy board that will listen to what the public concerns are, particularly a policy board with a strong chairman that is able to sort through and then come not only to the Congress but to the American people and say here are the tough things that have to be done.

That has not been happening. That has not occurred. As a consequence, we are left with what appears to be a micromanaging process on the part of Members of Congress who have had mistakes identified, things that have not been accomplished, and now find themselves in a position of trying to amend the legislation that is providing $30 billion of tax dollars. We have been told do not micromanage.

The reason we are micromanaging, Madam President, is because the RTC oversight board has not done its job, not through any personal fault of the individuals but because we asked them to do something, that is to exert policy oversight, that I believe is impossible for them to carry out given all the other things they have to do.

The Banking Committee has on its desk right after we dispose of this a recommendation coming from the Secretary of the Treasury to reform our banking system. It is a very large and substantial piece of legislation and he has put a lot of time into it.

The Secretary was involved last year in the budget negotiations and worked very hard—so hard, Madam President, he was unable to come before the Senate Banking Committee and provide the details about how this money was to be used.

He was too busy, as I understand it, to come up here; too busy to do much more than to just provide a letter. If that is the case, if you are too busy to do that sort of thing, it seems to me logical that we look for some replacement, some alternative.

As I say, with all due respect, and I have a great deal of respect for both the chairman and the ranking member of the committee, to matter what we do—$30 billion today, if you get it approved—I will not vote for it under the current arrangement.

But if we manage to get a majority and get $30 billion of taxpayers' money approved for this venture, without any change in the way we have oversight, without any change in the Policy Oversight Board that has scheduled now a meeting every 2 months, half of which are closed to the public—that is the nature of the oversight—over the next year that they are planning, if we get it approved, we are going to continue to have these problems.

And we can cite the General Accounting Office's evaluations, "Oh, the RTC is doing a terrific job," but the GAO study is replete with examples that the RTC is not doing its job. They have not secured a single mortgage. They have not sold off a whole institution for the past 6 months. They have refused to make a sale of branches, even though everyone is saying they will increase the value of the assets if they do that. They scheduled an auction last fall and backed out, and we are threatened with a lawsuit by the auctioneers as a result.

They are struggling to make decisions, and I understand it, because the political environment is such that they are afraid to make mistakes. My observation of the RTC and the organization is that it tends to be risk averse.

And what we need, and what I am suggesting that will solve that problem, is not some massive, complicated restructuring, not a whole series of amendments that will deal with every single nut and bolt in the problem we have with the RTC. We need a different Board of Directors, because this board simply has not gotten the job done. They have not exerted the kind of oversight and developed the kind of policy options, nor have they maintained the trust of the people. The people have lost trust.

As a consequence, we find ourselves in a position of having to try to do, on the floor of the Senate—which I do not think is the right environment—the work of this RTC oversight board, that I think, through no fault of their own, simply finds themselves unable to get the job done.

Madam President, I will very soon offer an amendment to this piece of legislation that very simply provides a new board, and does not interfere with the authority of the President. It gives the President the authority to make these appointments and the power to confer. It does not require a massive restructuring.

It simply says, if we have a strong chair, go out and engage the American people, and say: Here are the tough things we can do. We have a policy board meeting on a full-time basis; not once every 2 months, but a board that is meeting on a full-time basis and trying to consider what ought to be done. And we are going to be able to sort through all this policy nightmare that sits before us, and not find ourselves on the floor of the Senate with a whole series of amendments where we try to, indeed, micromanage and second-guess the people down at the RTC.

Madam President, I am prepared to yield the floor. If there is no one wishing to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GARN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Madam President, I say to my colleagues this is certainly not a new debate. It has gone on for some of us rather endlessly; not just for 3 or 4 days on the floor at this time but over and over again. It started back in 1985 and 1986.

While I can agree with some of the criticisms of the RTC by my distinguished colleague from Ohio, I certainly cannot agree with all of them. Certainly there is no mention made of the part of Congress in this. You would think the whole problem has to do with RTC, which has only been in existence for 1½ years.

It does not seem to matter how many times some of us get out on the floor, Congress does not like self-criticism. It certainly does not want the American people to know who is responsible for most of this problem. That happens to be the Congress of the United States. But in the legislative body it is so easy to pass the buck. You are one of 100 in the Senate; you are one of 435 in the House. You have no responsibility to run anything like the executive branch of Government. Running the city, when I was mayor of Salt Lake City, was more difficult because here you can hide in the massses and say I voted against this and I voted against that, with no real responsibility for our individual actions.

In this case the heart of the scandal lies in the Congress of the United States and the delays.

I get a little bit sick of the argument, frankly, because I have said it so many times on the floor. I remember pleading in October 1986 for $15 billion to be funded by the S&L's, not one dime of taxpayer money involved, not a single dime, all paid for by the people who were creating the problem, but Congress refused to do that.

I do not know how many times I have been on the floor seeking to provide adequate authority and money so that the problem would not reach the proportions that it has. But over and over again the record is clear; Congress has not been willing to own up to its responsibilities because it is so much easier to find a scapegoat.

Again, I agree with many of the criticisms. If I could rewrite the RTC law, I would do some things differently. In fact, there are many things I tried to do differently at the time we wrote the RTC bill, wrote FIRREA. I was not able to get my way. That is part of the process around here. We do not get our way. Each one of us would like to draft things in our own image, I suppose, and have great pride of authorship.

So there are some changes we could make that would not only improve the operation of the RTC but give them some tools to work with so they could do a better job. Some of the restrictions we placed on it in the FIRREA legislation are the very reasons some costs are growing. We are responsible for that as well.

But, without going back over that ad nauseum, the fact is we are in this dilemma and it is a shared responsibility. There is certainly enough blame to cover several administrations and several Congresses. But when you face the reality that we are where we are, every day we delay costs about $7 million to the taxpayers.

Chairman RIEGLE and I tried to pass something in the Senate last fall before we left session, and we did. The House turned it down once again. So we have cost the taxpayers $250 to $300 million. Maybe that is not a lot of money in Washington. It is still a lot of money in Utah. So here we are again doing it once more.

My colleagues from Ohio and Nebraska are certainly entitled to their opinions. But I suggest, that, rather than continuing to talk and finding a scapegoat to blame all of this on, the people who are interested in changing the RTC get to the floor and offer their amendments. Let us vote. All we have done on the floor for 3 or 4 days is talk. It has been a week now. Seven times seven is $49 million. This Senator does not like to cost the taxpayers an additional $49 million because we do not do our job.

I suggest my colleagues come to the floor, offer the amendments, and let us vote. Let us stop the rhetoric. Let us stop the debate. We know what the issues are. We are not solving anything, except we are seen on C–SPAN, which is not important to this Senator. But I suggest we stop the hemorrhage.

If we want to make changes to the RTC, there is a way to do that. Where are the amendments? Criticism goes on for 1½ years. Where are the bills to come before the Banking Committee so we can hold hearings, so we can discuss them, so we can have the witnesses, so we can make some informed decisions on how we can improve the operation of the RTC.

Rhetoric will not improve the operation of the RTC. It will not change it one bit. We can stand out here with the hot air from all of us on both sides of the issue day after day, costing the taxpayers $7 million every day, probably more by the time this finishes.

The next estimates are $700 to $900 million per quarter. It is like running up your charge account, your Master charge or your VISA and then saying well, I made some foolish purchases but now I am going to refuse to pay because I made some mistakes.

Plenty of mistakes are made around here. Do we continue to make them or do we learn from those mistakes and stop the hemorrhage? This Senator, as a taxpayer, resents it. I resent the fact that the Senate and House are once again performing the way they have for the last 5 years in denying the necessary working capital to reduce the costs to the taxpayers. I should say that every day: $7 million or so more each and every day. So if we do not finish this bill today, there is another $7 million the taxpayers are paying by tomorrow afternoon at this time.

I do not know what the House of Representatives is going to do. Normally, the Senate over these 5 years has acted responsibily. We have done our part in every one of the major funding bills and the restructuring bills have died in the House of Representatives. But at least we ought to act responsibly on this side of the Capitol. If they want to kill it again, let the costs be on their necks, not on ours.

So I suggest that those who want to try to change this beyond the issue of funding, it might be wise to offer your amendments and let the Senate speak. Let us debate the amendments and have a vote. Let the Senate decide. That is what I was told the legislative process was 17 years ago when I got here. I am not sure I would have come if I had known it was primarily endless talk and very little action. It gets a little boring at times day after day after day; nobody is here. Nobody is particularly interested except a few. But we are costing the taxpayers another $7 million.

Maybe some of you taxpayers out there who are watching this ought to start writing your Congressman and Senator and saying whatever the debate is on this bill, make a decision. Do it. Let us stop the delay.

So whoever is listening in their offices, Senators from the Republican or Democratic side, if you have amendments, bring them over, introduce them, let us debate them and vote, unless you want to be responsible for another $700 to $900 million cost to the taxpayers while we continue to pump hot air out of this Chamber rather than exercising our responsibilities.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Madam President, I listened with great interest as the distinguished Senator from Utah talked earlier about the additional cost of delay imposed by Congress. I wonder if the distinguished Senator will yield for a couple of questions.

Mr. GARN. The Senator is happy to yield for a question.

Mr. KERREY. First of all, I am intrigued by the great respect that the Senator obviously has for the burden of responsibility of the executive branch compared to us in the legislative branch when we have to make a decision about appropriating money. I appreciate that respect.

I understand particularly when a new organization like the RTC is set up it is difficult to get it up and running, and they are tasked with the awesome responsibility. Nevertheless it seems to me that it is appropriate for us to be asking the question on how good a job they are doing when they are asking us for the money to do the job.

The Senator used a number of $300 or $400 million. Is that a documented number that we have added to the cost as a consequence of not appropriating the money last fall?

Mr. GARN. We have a letter from Secretary Brady, and also Mr. Seidman, saying that is the cost. I have the letter before me, previously placed in the RECORD, I believe last week.

Mr. KERREY. I have been led to believe that recently they have said—in fact they had not—that indeed they had a sufficient amount of funds to operate up to and including the current moment. Is that correct?

Mr. GARN. That is correct. That has nothing to do with the fact of not giving them sufficient money, to cause additional costs because of the fact that they had to use the loophole in the FIRREA legislation last year to have money to get through this period rather than having an appropriation. So that method of financing that they have been using was more expensive. We also have a letter from the Congressional Budget Office, Robert Reischauer, talking about the additional cost because of delay.

Mr. KERREY. I wonder if the distinguished Senator has done any evaluation of the RTC itself to try to calculate whether or not they have made any mistakes whatsoever? The Senator referred to the fact that the Senator has not been altogether pleased with the way the RTC has operated. The Senator sees some mistakes they have made as well. I wonder if the distinguished Senator has observed the cost associated with any of those mistakes?

Mr. GARN. Of course. I believe if the Senator listened carefully I said that I agree with some of the criticism of the distinguished Senator from Ohio. There is no doubt about that.

I also said in my remarks that if I had had my way the FIRREA legislation would have been constructed differently because Congress put provisions in that have caused additional costs as well. We had testimony on that; so there are mistakes that have been made on both sides.

What has been going on—and I hear it as I get up to speak again today—is that from the debate on this floor it would appear one-sided; that the RTC is operating out there in a vacuum; and, that Congress has no responsibility for that. Let me remind you, Congress created the RTC.

The Senator was not on the Senate Banking Committee at that time, and therefore was not involved in the negotiations. The Chairman and I were. There were great debates over how that should be structured. It would have been structured quite differently in many respects if I had my way, and I would still like to make some of those changes.

But I think there is a proper way to do that. Some of us have talked about the various changes that ought to be made, the RTC, and William Seidman, and Nick Brady have testified in favor of changes they would like to see made to help them do their job better.

So there is, as I said in my remarks, plenty of blame to go around on both sides, but it should not be a one-sided debate.

The other point that I made using the credit card example is whether we like what they are doing or not, do we cause additional costs while we debate these issues rather than trying to make the changes in the normal process. Do we delay refunding, and therefore cost the taxpayer more money?

I am arguing more for procedure at this point than anything else. This type of procedure does not help solve the problem. It only adds to the cost to the taxpayers.

Mr. KERREY. I appreciate the Senator does not want this to be one-sided, and I as well do not want it to be. I wonder if the Senator from Utah could tell me what was the cause of the Secretary of the Treasury's inability to come to testify last fall in support of the request for appropriation at that time?

Mr. GARN. I would suggest, if the Senator would check the record, he will see the Secretary was before the committee several times last summer and last fall. He did testify. I do not think that is a fair accusation because some people on the Senate Banking Committee were demanding that he put it in writing. His testimony was not sufficient.

Mr. KERREY. I am not leveling an accusation. Perhaps the record is not as I observed it because my recollection of last fall's transaction is the Senate Banking Committee made a request to the Secretary, and he sent a letter and indicated that he was too busy, Madam President, to come at that time to explain the details of how the money was to be used.

Mr. GARN. That was the very end of the process. That is true, at the very end of the process, but that ignores the times that he had testified and the meetings he had with individual Senators. I will be very blunt about it. I think at that point it was more partisan than anything else, demanding that he come up once again.

Frankly, on the other side, if I had been him, I would have come up again. There are too many games that go on. The Senator, as a Governor, I think would appreciate some of the remarks that I make about dealing with a legislative body. I would expect the Senator had some of those same frustrations with the Senator's legislature when the Senator was the distinguished Governor of Nebraska of taking pot shots at his executive branch and his administration.

Mr. KERREY. Indeed, Madam President, I have a great deal of sympathy for the executive branch, and I am willing to stand as a witness to the difficulty at all times of working with the legislative branch, particularly when the Constitution says we have the responsibility of making expenditures. It is a difficult thing to do to make the case.

I am simply saying that basically the case has not been made. I am persuaded that there is a need. I am not trying to play any games. I am not trying to avoid the responsibility of proposing a change. I indeed will propose a change. I am trying to cite in fact the responsibility where indeed I think it belongs.

If I had a $150 billion a year organization, Mr. President, I would suggest that it is unlikely that I would put into place a board with a set of policies and a responsibility that would agree to meet every couple months, particularly one as busy as this one. Again I have a great deal of respect for the burdens and difficulties of the executive branch, but I observe that they have not made the case.

They have not made the case for the appropriation. They have not explained the defects of the RTC and the mistakes of the RTC. Instead, they choose to accuse Congress of wasting $300 or $400 million. I think that the evidence that we have is not there. Moreover, I think I can make a case that the RTC has wasted more than that, which is why I am concerned in the first place, which is why the people are upset in the first place.

We have not pulled this issue out of the air. Congress would like to get it behind us, as well. The compelling case for the need to make reform in our banking system is there. We are not going to be able to get to that. It is not as a consequence of Congress saying, gee, we want to play some games here. We are here for the people themselves. They do not understand what is going on. They have seen RTC's actions over the past 18 months, and they are not persuaded that they are doing as good a job as they should be.

That is the observation I make, Mr. President. It is not me, as a Member of the legislative branch, trying to make life more difficult for the executive branch. The point in fact is that I think the legislative branch is offering a variety of amendments that tend to nitpick. The reasons you have this environment that makes it difficult for the RTC to operate is because you do not have a full-time policy board trying to provide RTC with room to move.

I have heard the Senator from Ohio talk about the 1988 yields. They look awful. At least we sold something, I must say. There may have been some procedural mistakes. Maybe we should have a larger pool; maybe we should have done things differently. At least some action was taken, Mr. President.

What happened in the meantime, it seems to me, is that this thing is ground down to where the RTC—not as a consequence of not having money, but even when they have money—is having trouble making decisions. I watched the way they are operating in conservatorship, the 100 billion dollars' worth of assets, and I know there is a need to move those assets, but I see an appalling list of mistakes that are being made, and I do not think they are personal mistakes because Mr. Seidman is unable to make a decision, or Mr. Clark is unable. I think it is the political environment, and the reason for the political environment now being damaged is because there has not been a policymaker out in the public saying here is what we are doing and why.

Mr. GARN. Will the Senator yield for a question?

Mr. KERREY. I would be glad to yield.

Mr. GARN. Playing the devil's advocate, assume that I said, OK, every argument and criticism of the RTC that the Senator from Nebraska and the Senator from Ohio made, is correct, and we have had additional costs—and I will submit that I have not been completely happy with the RTC. I made a speech one time talking about how it did not matter what the RTC said; that if they sold the real estate too fast, they would be criticized here on the Hill. If they did not sell it fast enough, I think they would be criticized. I think that is fair. Some arguments they could not win no matter what.

Assuming there are additional costs—which I suggest there are, as well—does it make sense for Congress to add to that? I specifically refer to not even giving them enough money to operate from October until we got back in session in February, because Chairman RIEGLE, and I, at that time, scaled down our request to just $10 billion, to go from October until we came back in session.

Where the Senator may not fully understand what I am talking about is it is being piecemealed to death by the Congress. Exactly the same arguments were made, not on the Senate side, on the House side last fall. We responded saying just enough to get us through while we are out of session.

Now we are hearing the same arguments again; another 2 or 3 months and we add additional costs to theirs, and the losers are the taxpayers. They are getting it from us, and they are getting it from the RTC, and this Senator would like to take care of both problems.

Mr. KERREY. Mr. President, I appreciate that. I would, as well. But it seems to me that to blame Congress for examining the defects of the RTC is to target their own body.

Mr. GARN. No.

Mr. KERREY. It seems to me that what Congress is responding to is what this RTC Oversight Board ought to be doing, the policy board. We ought to have a policy board, full-time policy board, where the President appoints a strong chairman, that is out all the time, coming not just before Congress but the American people.

There are difficult policy decisions. I agree with the distinguished Senator from Utah. They end up where they are going to get criticized one way or the other, which is why you need to have a strong policy board that is full time.

I absolutely agree with what the distinguished Senator from Utah is observing. What we have right now is Congress nitpicking the RTC. But Congress is nitpicking the RTC because the Oversight Board failed to get the job done, not because they are bad people, not because they are somehow incompetent; they are not incompetent. It is because they have a lot of other things to do, Mr. President, and they cannot give full time to the task, and as a consequence, they cannot assist the American people to say we have to do the right thing.

We are getting the call from the American people that do not understand what that money is going for. Frankly, we are not able to answer the question. That is the dilemma. That is why you see in every single instant of an amendment, it is a concern expressed by the people, and the Congress then attaches an amendment. It ought to be going to a policy board, an open hearing process, where the policy board can allow the people—when I get a call from somebody trying to see X, Y, or Z, I can say, look, there is an open process down there, a policy board. Present your case, make your case, and appeal to me if you do not like it. That does not exist in this.

For a $150 billion operation, we have a part-time board. That, Mr. President, seems to me to be the defect in the operation, and why we are doing it right now, but with respect to what the distinguished Senator from Utah says, we will be doing it again even if you get a majority vote for the $30 billion. The second guessing is as a consequence of not having this policy operation in place.

Mr. GARN. Will the Senator yield for a comment?

Mr. KERREY. Yes.

Mr. GARN. I want to make very certain that my distinguished colleague from Nebraska understands what my argument has been, and I want to correct what he said about the Senator from Utah not criticizing congressional oversight. I have never said that—never. That is not what I am saying today. I can hardly be put in that position, when I have said I agree with some of the criticisms and would like to have changed the FIRREA legislation at its inception.

If you go back and look at some of the changes the Senator from Utah wanted to make, you would find some would have been very helpful in hindsight. There are still some changes that I would like to make. I will never criticize Congress' right to exercise oversight over the executive branch. I sincerely believe in the separation of powers and that we have a role to do that.

The major point I am trying to make is that in the exercise of that oversight, we do not continually add to the cost. I will say it once more. If we had passed the $10 billion in October, and the House had, we would have saved the taxpayers $250 to $300 million. While we were out of session, then there should have been some people working so that when we came back and needed the additional money, along with the changes they might have been able to work out, we might have been helpful to the RTC.

So I am not criticizing the Senator's right, my right, the right of the Senator from Connecticut, or any other Senator or Congressman, to criticize and try and improve their operation. I am simply saying that if they are wasting money, it makes no sense for us to piecemeal this 3 or 4 months at a time. And I have been making that argument for a week, not trying to preclude anybody from their ideas on how they can improve this operation and save the taxpayers money, but that we not add to that problem by giving them another short-term lease of $5 billion like was suggested for 5 weeks.

Then we are back here on the same debate again.

I do not think the Senator from Nebraska wants to be out here every 5 weeks debating the same situation while we toss them $5 or $7 billion to keep them going.

I would like to see some changes made, too, but I do not want the combination of waste by the RTC and waste by the Congress because of delay.

I am talking more about procedure and structure. I may very well agree with the Senator's amendment. I have not seen it. I certainly will look at it carefully. I do not want us to add to the problem.

Mr. KERREY. Mr. President, I agree with the Senator. I do not want to add to the problem. I am not anxious to come here 5 or 6 weeks and vote for an appropriation. Moreover, I am uncomfortable with many of the detailed amendments I have seen that come in and say thou shall sell the assets; thou shall not sell the assets.

It puts me in position of having to micromanage the RTC. I do not want to do that. It seems to me it puts me at risk doing something the opposite of what I am trying to do, dispose of an asset in the way that maximizes the value to the taxpayers.

It is possible to take taxes in and it looks good but is the opposite of what I intended to do.

I do not like micromanaging activities going on but it is going on as a consequence of what the RTC has been doing.

I say again there is ample evidence these are not just startup problems. But something is wrong, and the something that I believe is wrong is they are having a difficult time sorting out the policy option and most particularly taking the measure to the American people about what is going on.

If you look at the information the American people have gotten about the RTC and what they are doing, it does not provide much support for them saying, gee, I want to give you another $30 billion.

That in essence is what we are up against right now and it is not accidental there is a fair amount of enthusiasm for avoiding a rollcall vote on this issue, because we know quite likely that we need to provide money. We know that. There is not any dispute here.

I do not dispute that the money needs to be provided. I am willing to provide it if it is provided in an environment where I have some confidence that it is going to be done correctly. I do not have that confidence now, and that is the reason I pull up short of the appropriation.

I would love to get this thing out of the way. I can imagine any number of strong chairmen. The President has demonstrated the capacity to recruit good people into Government.

I can imagine a strong Chair with great public credibility going to the American people and saying here is what we are going to do. We have two or three. It is going to take $6 or $8 billion and here is what we are beginning to do. Some is unpopular, all unpleasant, but we have to get behind it. We have to restore the capital in the banking system of the United States of America. This problem has created additional problems for the entire banking system.

I can imagine a strong Chair being able to do that, assisting us so when we have citizens that come and say, gee, this thing is going here and it is not right, rather than come to the floor and offering an amendment to a piece of legislation like this, we have a vehicle, we have policymakers out there working to try to resolve the problem.

Mr. President, I appreciate the dilemma of the Banking Committee. I appreciate the dilemma in particular of the distinguished Senator from Utah. But I believe we need to bring some way of increasing the accountability of this process and proving the extent to which the policy is made so that we can say we have confidence this is being done right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, might I inquire as to what is the pending business before the body?

The PRESIDING OFFICER. The current question is the D'Amato amendment No. 13.

Mr. HARKIN. The amendment by the Senator from New York [Mr. D'AMATO], is now pending?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, I am going to ask unanimous consent. But before I do, the Senator from Idaho wanted some time to introduce a couple bills.

I ask unanimous consent to yield to the Senator from Idaho for the purpose of introducing bills, and I do not lose my right to the floor when he is finished.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Chair.

(The remarks of Mr. SYMMS pertaining to the introduction of S. 559 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. SYMMS pertaining to the submission of Senate Concurrent Resolution 15 are located in today's RECORD under "Submission of Concurrent and Senate Resolution.")

Mr. SYMMS. I thank the Senator from Iowa and yield the floor.

Mr. HARKIN. Mr. President, I ask unanimous consent the pending D'Amato amendment be laid aside so I may offer an amendment on behalf of myself and Senator KOHL.

Mr. GARN. Mr. President, reserving the right to object, it is not my intention to object, but when the Senator from Iowa started to make his request

I requested the Cloakroom to call Senator D'AMATO as a courtesy to the author of the amendment. I personally have no objection. So if the Senator would be willing to talk, we should have an answer shortly.

Mr. HARKIN. Glad to do that.

Mr. GARN. At this point I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Then, Mr. President, I will withhold that unanimous consent. I will make it again after they find out from Senator D'AMATO.

Let me just explain what the amendment is or what it does.

Mr. President, I was listening to the remarks made by the Senator from Nebraska in the colloquy he had engaged in with the Senator from Utah. As I understand, the Senator from Nebraska was saying that we need some assistance—perhaps we need a board—that has some expertise that will take some leadership and give direction perhaps in the directions we ought to go in, assisting the RTC. Right now we have a situation where the RTC comes here or the administration comes to Congress and asks for billions of dollars.

Mr. GARN. Mr. President, will the Senator yield?

Mr. KERREY. Yes.

Mr. GARN. If the Senator from Iowa would like to renew the request, the Senator from New York will have no objection as long as the request is phrased that then his amendment would occur immediately following the amendment of the Senator from Iowa.

Mr. HARKIN. I believe my unanimous consent will do that.

I ask unanimous consent the pending D'Amato amendment be laid aside temporarily so I may offer an amendment on behalf of myself and Senator KOHL and I ask at the disposition of which the Senate return back to the D'Amato amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I appreciate that and I thank the Senator from Utah for his courtesy.

So, Mr. President, the amendment that I offer on behalf of myself and the distinguished occupant of the Chair right now has to do with ensuring that the President and the administration are involved in the process of finding possible options for raising revenue that minimize the burden on low-, moderate-, and middle-income taxpayers, and improving the efficiency of the RTC.

As I said, I was taken with the remarks made by the Senator from Nebraska. While none of us want to come here every month or two and debate how much money we ought to give the RTC, I do believe we are acting in a manner that basically says we will just pile up the debt, we will give the money to the RTC and we will not really ask the tough questions.

This amendment I am offering sets up another procedure. Mr. President, let me go through what I believe that procedure ought to entail.

In a very short time the RTC, as we know, has become the third largest Federal agency and is still growing. It is spending money at a rapid rate. Additional funds are unfortunately necessary for the agency to do its job, close down the failing thrifts and cover losses so that the depositors will receive funds that are insured. After all, the Federal Government must keep its commitment to the depositors.

The bill before us, as we all know, to repeat for emphasis, authorizes an additional $30 billion to the RTC and the Federal Government to meet those commitments and do what is supposed to be done to mop up the S&L mess.

But the debate before us should not be just on how much money it will cost to allow the RTC to do its job. The debate should also be over how well the agency is doing its job, and what can be done to improve the RTC's efficiency. How can the Congress better exercise scrutiny over the thrift salvage operation. Again, that is sort of in keeping with what the remarks were of the Senator from Nebraska.

There are serious flaws in the way RTC operates; fundamental, structural flaws in the system that result in increased costs and thus increased tax losses. Anecdotal horror stories abound about property that sold for less than it's worth, or about assets deteriorating instead of being sold. I suppose every Senator here has heard stories of frustration from potential buyers of RTC-controlled property who are unable to get a clear set of terms so that an offer can be made. GAO has noted many problems in the sale of real property and sale of securities, as well.

Every month the RTC operates without these flaws being corrected means more deterioration of assets, lower sale prices of high-value assets, and lost opportunities for the sale of assets at a fair price; all of this, of course, resulting in a much higher cost-burden on the taxpayers. Reforms need to be made as soon as possible, and it is crucial that Congress play a role in proposing the kind of reform in the RTC structure that will allow it to efficiently sell assets at a fair price and minimize overhead to a prudent level.

But if we pass the bill before us, the pressure to enact such reform will dissipate, and then we will find ourselves back on the Senate floor in September with an even more costly bill, but with months wasted without any needed reform.

I certainly do not doubt the good intentions of my colleagues on the Banking Committee who have ensured us that they will exercise close oversight over the operation of the RTC in the coming months. However, I believe their efforts will be strengthened if we keep the RTC on a short leash.

What my amendment does is reduce the amount of the funding from $30 billion to $15 billion. That is one part of the amendment. By authorizing $15 billion instead of $30 billion, the RTC will understand more clearly the need for better management of the hundreds of billions of dollars in loans, real estate, and assets that they control. The Congress will increase its oversight, and will hopefully pass additional legislation that will improve the RTC operation.

However much the bailout can be reduced, and we all hope to minimize the cost, there is still the question of how to pay the bill. Under present law and the bill before us, the cost is simply added to the deficit. And what does that mean? That means that bonds will be sold, and all taxpayers will be paying the interest on those bonds for years and years to come, at prevailing interest rates, the interest alone on the $30 billion that we are being asked to authorize amounts to $72½ billion over 30 years.

And then when those bonds are due, what happens? Well, we will just sell more bonds to cover the accumulated interest, and the principal and on, and on, and on. As I stated before, Mr. President, that is like firing a missile directly at our children's future.

Some might argue that this type of debt is different because that money will be used to pay depositors and because, from an economic perspective, borrowing of this type does not have a negative effect. I can hear the arguments made now.

But let us not forget that every year, for decades to come, several billion dollars in interest will have to be paid every single year. As I said, when those bonds mature, new bonds will be issued with more interest to be paid. So not only will we pay every year, we will pay beyond the 30 years on those bonds, too.

So now, who pays that? Who pays the increased costs of these bonds, the interest? Well, we all know it is the average American taxpayers that pay it. The average American taxpayer is going to take it on the chin again. It should not be that way. After all, middle-income and lower-income taxpayers did not reap the benefit from the S&L crisis. As a matter of fact, the beneficiaries, by and large, were wealthy individuals who received far more than their share of the higher-than-normal interest rates being paid by the failing thrifts. If any one group should foot the bill, it should be those individuals who reaped the benefit—the higher income individuals, the wealthy individuals in our society—who can more easily undertake that burden.

We all know the story about Willie Sutton. When he was asked once why he robbed banks, he said, "Well, because that is where the money is." Well, to help bail out the thrifts, we ought to go where the money went. It sure did not go to middle-income and lower-income taxpayers in this country. And yet, by selling the bonds to pay the RTC to bail out the S&L's, that is exactly who is paying: the middle-income and lower-income taxpayers in this country.

Mr. RIEGLE. Will the Senator yield at this point so I can ask unanimous consent to lock in his amendment and the timing on it?

Mr. HARKIN. Yes, I yield.

Mr. RIEGLE. I thank the Senator from Iowa for yielding.

I ask unanimous consent that the Harkin-Kohl amendment be in order, notwithstanding the fact that it amends the bill in more than one place, and that, in consideration of the Harkin-Kohl amendment, there be 1 hour equally divided in the usual form, with no amendments to the amendment in order, and that, at the conclusion or yielding back of the time, there be a vote on or in relation to the amendment, without any intervening action or debate.

Mr. HARKIN. Reserving the right to object. Might I just inquire, Mr. President, would that allow for a tabling motion?

Mr. RIEGLE. Yes, it would.

Mr. HARKIN. Is there any chance we can have an up or down vote?

Mr. RIEGLE. I would say to the Senator, to be very direct about it, there are going to be a lot of amendments offered, and I will be moving to table them because we have a proposal out of the committee. I don't know if this tabling motion will carry. But I think the responsibility I have is to try to present the legislation as we brought it out of committee. I have to do that. I do not do that to attempt to disadvantage of the Senator from Iowa, who is a dear friend. But that may very well be my intention when the time comes.

Mr. HARKIN. I have no objection.

Mr. GARN. Reserving the right to object, I hesitate to object, having tried to get people over here to work on this bill and have an amendment. I would offer an alternative suggestion.

Would it be possible to have the hour of debate and set the vote at a time certain when we convene in the morning? Because we apparently have several Senators who will not be here at 6:30 or so, when the vote would occur.

Mr. RIEGLE. If I may inquire of the Chair and make a parliamentary inquiry. This unanimous consent request does not mandate that the vote occur tonight; does it?

Mr. GARN. Yes, it does.

Mr. RIEGLE. So that we can check that out, let me ask——

Mr. GARN. May I make a suggestion? Could the Senator continue to give his speech uninterrupted, and be using the time while we are trying to work this out?

Mr. HARKIN. Fine. Obviously, I will be giving my remarks, and, if the Senator has another proposal, he can ask me to yield at that point in time.

The PRESIDING OFFICER. Is there objection?

Mr. RIEGLE. I am advised probably what we ought to do is withdraw the unanimous-consent request, let the Senator from Iowa proceed, and see if we can settle the question of when the vote will occur, and let the matter stand that way without prejudice until we can resolve the time of the vote. So I withdraw the unanimous-consent request at this time.

The PRESIDING OFFICER. The request is withdrawn.

Mr. RIEGLE. I thank the Senator from Iowa for his courtesy.

Mr. HARKIN. I thank the chairman of the committee.

Mr. President, again, my amendment does a couple of things. It reduces the funding for RTC to $15 billion. I had initially thought about $10 billion, but I am told there is a package being prepared that may amount to $14 billion, so I did not want to precipitate an argument that there is a package of S&Ls being developed and the RTC could not complete that deal. My amendment will permit the RTC to fulfill the deal that is.

And it will put them on a short leash. I do acknowledge the RTC needs more funds, but they do not need them now. Maybe they need $15 billion now, but that is all they need now. I kind of question that, but I gave them the benefit of the doubt. This amendment will require that the Congress consider the issue again. We are going to consider this issue again anyway. We all know that, but I hope that, with the passage of this amendment, we will consider a series of changes in the way the RTC operates far sooner, at a point where we are not in the end of the session rush.

Under this amendment, before the President requests additional funds, he must provide the Congress with proposals to improve how the RTC operates and to also provide options to raise revenues that places the burden on those most able to pay.

Let me read the section of that:

> Any request to the Congress for Resolution Trust Corporation funding in addition to sums provided by this Act shall be accompanied by a set of proposals from the President that detail—
>
> (1) funding options for raising additional revenues sufficient to offset such request that—
>
> (A) minimize the economic burden of such request on low-, moderate-, and middle-income taxpayers; and
>
> (B) improve the efficiency of the operations of the Resolution Trust Corporation and the sale of assets at fair market prices upon closure of a savings association due to insolvency;
>
> (2) a system of budgetary accounting for Resolution Trust Corporation outlays that accurately reflects such outlays' impact on the Federal budget deficit; and
>
> (3) recommendations for improving—
>
> (A) the accountability of the Resolution Trust Corporation to the Congress; and
>
> (B) the overall efficiency of Resolution Trust Corporation operations.

I think the administration ought to be involved in the process of making recommendations concerning the RTC to the Congress, as they do in everything else when they send down budget requests. The administration always tells us how they want to spend the money and why they ought to get the revenues.

The administration—this administration or any administration—always has those kinds of detailed operations or detailed suggestions for changes that they want made. I want to get the administration involved in this situation, also. Under my amendment, the President would have to recommend options. It does not say he has to recommend one course of action. It does not say he has to raise taxes or that the Congress must raise taxes. It does not say that. He has to consider options for raising revenues to cover the cost and detail such options to the Congress. The President is to also provide to the Congress suggestions for better operations and to increase the efficiency of the Resolution Trust Corporation. I do not think that is too much to ask of the administration.

Again, the amendment does not require the Congress to agree with any kind of tax increase. Senators would want to know just what tax increase is proposed, before making that judgment. Nobody wants to raise taxes. But huge interest payments is a vicious alternative. It puts the taxes on lower- and middle-income people and on our kids and on our grandkids.

The amendment really is very simple. Rather than $30 billion, $15 billion. It says from now on, if the President sends down a request for further funding for the RTC, he should detail funding options for raising additional revenues to offset the request that minimize the impact on low-, moderate-, and middle-income taxpayers. Then, of course, the second part of the amendment is to provide for improving the efficiency of the operations of the RTC and recommendations for improving the accountability of the RTC and its overall efficiency.

So basically the amendment is meant to reduce the overall funding from $30 billion to $15 billion. It means that legislation which can improve the efficiency of the RTC, higher prices on the sale of assets, will be passed and put into effect more quickly.

This Senator believes that the way we are doing it now is all wrong and the people being asked to pay the burden are not those who reap the benefits from the S&L mess. I believe our wealthier individuals in this country ought to also be involved in it. Under current law, I do not believe that is the case.

AMENDMENT NO. 23

(Purpose: To decrease the amount of additional funding for the Resolution Trust Corporation, to require the President to submit certain recommendations to the Congress with any future requests for funding, and for other purposes)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. KOHL, proposes an amendment numbered 23.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 11, strike "$30,000,000,000" and insert "$15,000,000,000".

At the appropriate place in the bill, insert the following new section:

SEC. . PRESIDENTIAL PROPOSAL OF FUNDING OPTIONS.

(a) IN GENERAL.—Any request to the Congress for Resolution Trust Corporation funding in addition to sums provided by this Act shall be accompanied by a set of proposals from the President that detail—

(1) funding options for raising additional revenues sufficient to offset such request that—

(A) minimize the economic burden of such request on low-, moderate-, and middle-income taxpayers; and

(B) improve the efficiency of the operations of the Resolution Trust Corporation and the sale of assets at fair market prices upon closure of a savings association due to insolvency;

(2) a system of budgetary outlays that accurately reflects such outlays' impact on the Federal budget deficit; and

(3) recommendations for improving—

(A) the accountability of the Resolution Trust Corporation to the Congress; and

(B) the overall efficiency of Resolution Trust Corporation operations.

The PRESIDING OFFICER (Mr. HARKIN). The distinguished Senator from Michigan.

Mr. RIEGLE. Mr. President, so we do not have to enter a quorum call here, I know the Senator from Wisconsin [Mr. KOHL] is going to speak here shortly.

I will momentarily be offering a unanimous-consent request in modified form. It will be to conclude most of the debate tonight on the amendment of the Senator from Iowa and the Senator from Wisconsin, and then to carry over 20 minutes of that debate time to tomorrow, equally divided, so we can have summary arguments for Members who are present at that time leading up to the vote.

So, in due course I will ask the Senator from Wisconsin, at an appropriate time, if he will yield just long enough for me to enter that unanimous-consent request. It is not quite ready in the form it needs to be. Once it is and we have had a chance to check it on both sides, I will ask him to yield just for that purpose.

With that I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, we must fund the RTC. As much as we may dislike that fact, it is exactly that—a fact. We have no choice but to honor the Federal Government's obligation to the depositors in failed financial institutions. And, as the chairman of the Banking Committee has made quite clear, totally cutting off the RTC's funds would allow dangerously sick thrifts to keep operating—adding hundreds of millions of dollars to the final, unavoidable cost of the bailout.

But the fact that we have to fund the RTC does not mean we have to write them a blank check; it does not mean that we have to throw a year's worth of money at the RTC without asking them for any improvement in their performance—without having sufficient evidence to judge whether they are conducting their business in the most cost-effective way possible.

The amendment that Senator HARKIN and I offer provides $15 billion in funding for the RTC and requires the administration to come to us with a serious proposal for RTC reform. I believe it is the only responsible course open to us.

During last week's debate on S. 419, we heard the disturbing history of an inefficient, muddled, unaccountable agency—the RTC. It is unbelievable to me that our response to this history would be to give that agency 30 billion taxpayer dollars—with no strings attached.

Our amendment would force this Congress and the administration to revisit the RTC issue inside of 2 months. Now I know that no one wants to revisit this issue in 2 months. In fact, most people want it to go away for at least 2 years. And I suppose there are political advantages to voting on this issue as infrequently as possible.

But what is politically expedient today could be a political disaster tomorrow. Our constituents are going to figure out that the Federal Government is not facing the issue of the RTC's efficiency and accountability openly or responsibly and, in fact, they are sweeping it under the rug with late night voice votes. I have no doubt they will discover—if they do not already know, but that the RTC could be doing its job a lot more cost effectively, and that Congress is not pushing them very hard in that direction. That discovery is where the real political danger lies.

The Harkin-Kohl amendment addresses this core issue. It says that we cannot continue to neglect our responsibility to manage the depositor bailout—Congress must come up with some reform proposals, and the administration has to think about how they will raise the bailout funds they are asking for. The amount of money the RTC needs to spend is overwhelming; the responsibility that such spending entails is equally daunting. The Harkin-Kohl amendment says: Let us face that responsibility squarely and soon. We owe no less to the taxpayers who bear the costs of this bailout.

In other words, if you like the way the RTC operates now, then vote against this amendment. But if you think the RTC could operate more effectively, then vote for this amendment.

Let me be more specific. Our amendment requires the President to come to us with several proposals before he asks for any new funds. He would have to explain to us how he plans to raise the new money he requests, and his proposal would have to be one that minimizes the burden on low-, moderate-, and middle-income taxpayers.

The President would also have to propose a system for reporting RTC outlays in the budget. Right now, these outlays are almost entirely off-budget. In other words, we are pretending that the money the RTC spends just does not exist. That is wrong and it is dishonest. Do we really think our constitutents believe that putting RTC funding off-budget makes it less costly to them? We are never going to get an open and full discussion of the RTC until we get clear budgetary accounting for that agency's expenditures.

Finally, the President would have to bring us serious proposals to improve RTC's efficiency and accountability. That agency is spending more money than the Department of Agriculture, than the Education Department, than the Department of Veterans Affairs, than all but four other executive agencies. The RTC will spend more this year than we will spend on the war in the gulf. We examine the budgets of other agencies piece by piece. We spend weeks—even years—on authorizing legislation. The RTC deserves at least the same level of scrutiny. The Harkin-Kohl amendment is an attempt to force that scrutiny.

Other Members have amendments which would require specific changes in the operations of the RTC. I am clearly sympathetic to the motives behind these amendments, and I agree with the substance of many of them. However, I just do not know if the mechanisms the amendments propose will achieve the ends their authors foresee.

We have not had hearings on these proposals, and we have not had the benefit of the administration's comments on them. We have not done the work we need to do to make the decisions these other amendments are asking us to make. The Harkin-Kohl amendment is an attempt to make sure that we will do that work, that before we give the RTC a year's worth of funding, we will examine carefully the many good ideas out there for improving that agency's performance.

In essence, this amendment says one thing: The Government must carry out its obligation to depositors in an open, efficient, and responsible manner. This amendment gives the administration 2 months to make the case that they should have made to Congress last fall, and, in fact, again this year. They have to convince us that they are spending RTC money which is, of course, taxpayer money, to get their job done as quickly and inexpensively as possible. Until they make that case, this body owes it to the taxpayers to keep RTC on as short a leash as possible.

So I urge my colleagues to support this amendment. It represents the most open and reasonable response that we have right now to this horrible S&L mess.

UNANIMOUS-CONSENT AGREEMENT

Mr. RIEGLE. Mr. President, I will now make the unanimous-consent request that we had been discussing previously as follows:

Mr. President, I ask unanimous consent that the Harkin-Kohl amendment be in order, notwithstanding the fact that it amends the bill in more than one place, and this evening there be 40 minutes equally divided; that tomorrow morning, beginning at 10:10 a.m., there be 20 additional minutes, each equally divided and controlled in the usual form; and that at the conclusion or yielding back of time there be a vote on or in relation to the amendment without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RIEGLE. Let me just indicate that has been cleared on both sides.

That then puts us in a situation where we have had pretty good debate this evening. I might just ask the sponsors of the amendment, do they wish to proceed at further length tonight, or would they want to have us in short order perhaps conclude the debate tonight and carry the rest over to tomorrow? I will be guided by their wishes on this.

Mr. HARKIN. I have made my statement. If the Senator will yield, let me just say I have concluded my statement. I do not speak for Senator KOHL. If others want to come over and speak, I do not know. Perhaps I can be refreshed on the unanimous-consent agreement. Would it be possible to carry over any more debate tomorrow and if no one wants to debate it, we will just leave it to 20 minutes equally divided tomorrow?

Mr. RIEGLE. If I may respond, I think we have locked the time in tomorrow. We probably ought to stay with that. I think we probably are close to the 40 minutes anyway. I am going to make a couple of comments myself in response to some of the points that have been raised.

Mr. HARKIN. If the Senator will yield, might I inquire as to how much time is remaining under the unanimous-consent request?

The PRESIDING OFFICER (Mr. KOHL). There are 40 minutes equally divided.

Mr. RIEGLE. By answering the unanimous-consent request just now, the debate time that had occurred earlier in effect does not count against that. Although in point of fact it constitutes debate time because we entered the unanimous-consent request late in the discussion.

Mr. HARKIN. Speaking only for myself, if the Senator will yield further, I would not be averse to even counting the previous time if there is no one else who wants to speak on it. I do not mean to hold up everybody. If people want to go, we can conclude that and move on.

Mr. RIEGLE. In effect, I guess that is what we will do in practical terms. Let me just say I want to refer to a statement by the Comptroller General of the United States, Charles Bowsher, which was made on February 20 on the Resolution Trust Corporation—an assessment of their performance to date. I want to read two paragraphs from page 6 of that report. I am going to read them verbatim:

> We do understand and agree with the administration's desire to avoid the slowdown in resolution activity caused by funding shortfalls. RTC has refrained from beginning the marketing process for 95 thrift resolutions because it was unsure that sufficient funding would be available to complete the process in a timely manner. Such slowdowns just add to the eventual cost of resolution by allowing failed institutions to continue operating and incurring losses. We believe short-term funding bills covering less than 1 year will prove inefficient and costly.

The second paragraph reads as follows, and immediately follows the one just read:

> However, providing sufficient funds to cover resolution needs for a year allows RTC to efficiently plan its workload, while retaining congressional control mechanisms. This yearly appropriation could be linked with the Oversight Board's reporting responsibilities as required by FIRREA. We believe that yearly funding, provided on budget and linked with the FIRREA obligations limit and reporting requirements, is the best alternative.

The bottom line of all of this is not only has GAO gone on the dotted line in supporting the request for $30 billion through the remainder of this fiscal year, but GAO has emphasized the problem that we face in terms of lead time. From the information we have, there are some 95 institutions ready for case resolution once new funding is provided, which is the purpose of this bill. But those 95 case resolutions are estimated to take some $14 billion. That is an estimate.

So maybe it is $14 billion and maybe it is $16 billion, maybe it is $17 billion or maybe it is $13 billion. We do not know that the numbers will come in right at the $14 billion estimate. But what we do know is that if we limit it to $15 billion, which is one of the parts of the amendment now before us, that will allow only resolution, if the estimates are right, of the 95 that are standing in the doorway waiting to be closed and resolved, but it will prevent the RTC from lining up the next set of thrifts that are losing money and need to be closed, which need to be put on the market so that bidders, prospective buyers, can come forward, knowing that the RTC will have the funds to be able to close the deal once a deal is reached on the next batch that come after the 95 that are now waiting in line.

So the reason for providing $30 billion is to recognize that roughly $14 billion, their best estimate, is needed over a period of about the next 60 to 120 days to resolve those 95 cases, but the remainder of the money is needed to be available as soon as 60 days from now so that the other institutions scheduled to be sold later can be put onto the market and deals be negotiated for completion in July, August, and September.

If you do not provide additional funds to do that, the RTC, in effect, has to stop processing the next phase of those institutions which need to be handled in that fashion.

We can stop and start as many times as we want. This amendment calls for a reduction of $30 billion to $15 billion. We could reduce it to $10 billion or we could reduce it from $30 billion to $20 billion.

We can pick any arbitrary period we want through which to fund activity and have an abrupt shutting down of the resolution process because there is no more money available to continue it. But as GAO has told us—and I think they are as good an independent party of interest that we might turn to for advice in this area—that is bad practice; that makes it more expensive; it makes it less efficient; and that it is not good public policy.

What they are saying is, in their view, the $30 billion, which only takes us down through 7 months, through the end of this fiscal year, is the right amount of money for the right length of time to allow the RTC to resolve the number of failed thrifts they anticipate through that period of time.

Mr. GARN. Will the Senator yield for a direct quote on that particular point?

Mr. RIEGLE. Yes, of course.

Mr. GARN. It is one we have both been trying to make for several days. Beyond the issue of how RTC might be structured, I would quote directly from Comptroller General Bowsher of the GAO:

Such slowdowns simply add to the eventual cost of resolution by allowing failed institutions to continue operating and incurring losses. We believe that short-term funding bills covering less than 1 year will prove inefficient and costly. The RTC estimates a 3-month delay would cost taxpayers $300 million.

So GAO says "bills less than a year," and we are obviously talking about until September 30.

Mr. RIEGLE. In any case, I conclude by saying these are judgment calls and in order to test the logic of the request of the administration, we went to the General Accounting Office for that purpose.

I think their track record in terms of independent analysis of issues related to the savings and loan problem has really been quite good. That does not mean they are absolutely correct in their judgment, but it gives us a crosscheck. It gives us a very important professional, arm's length crosscheck on the wisdom of providing this amount of money over this time period.

So for that reason and to allow time for appropriate hearings, I think this is the proper amount to provide. It provides a long enough planning horizon so that the RTC cannot only resolve the 95 cases that are waiting now to be disposed of, but also can line up the next set and be prepared to handle those so that these failed institutions can be closed, the losses can be contained, and we are not just adding more costs to the taxpayers, which is all of us, that we would otherwise have to pay in the future.

With that, I yield the floor.

Mr. HARKIN. Will the Senator yield?

Mr. RIEGLE. Yes, I yield to the Senator from Iowa.

Mr. HARKIN. Or I will use my own time, whatever.

I appreciate the explanation of the chairman. I have a great deal of confidence in the chairman. He has conducted the hearings and the process quite well. As I said in my opening remarks, I did not doubt that the distinguished chairman and ranking member would conduct efficient and timely oversight over the RTC. I have a couple of observations on what the distinguished chairman just said.

No. 1, I understand, to the best of my knowledge anyway, there is some $8 to $10 billion left over from the amount that Congress freed up at the end of the last session. Again, this is according to committee staff from the other body, that there would be $8 to $10 billion available for resolutions.

So, if you take the $15 billion that is in my amendment, and the distinguished chairman said the RTC might need 14 for the 95 S&L's, it might be 15, it might be 16, they also have 8 or 10 in addition. We are talking about a total of over $20 billion, that they would have.

Mr. RIEGLE. Could I respond to the Senator on that.

Mr. HARKIN. Yes.

Mr. RIEGLE. We looked at that, too, thinking that might be a way to depress the amount of money here. We have been told by RTC that the remaining amount of money, some $8 billion, is already committed to other closures apart from the 95 that are lined up waiting to be handled, which relates to the $14 billion.

I cannot give the Senator as I stand here the number of institutions that $8 billion covers, that would be separate and apart from the 95 institutions. But what they have said to us is that that money is already matched against other cases and so that money will be spent that way. So the $14 billion that I spoke about earlier is simply for the 95 which follow that. It does not constitute a pot of money sitting out there available to us that has not otherwise been applied to the problem.

Mr. HARKIN. The 95 cases, the estimate on that was somewhere around $14 billion. Now, obviously, it is going to take some time for them to deal with those cases. Even if we do limit them to the additional $15 billion, it is going to take them some time to put the next set of deals together, the one after the $14 billion deal. We should be back again in 2 or 3 or 4 months on the $15 billion cases and have a bill before us to reform the RTC. I have read the reports from Mr. Bowsher about how it might be more costly to delay and give partial funding, but I also remember a GAO testimony—I do not have it handy right now. I will get it tomorrow morning—in which GAO pointed out that putting this on the debt is also very costly.

Obviously, putting it on the debt increases the cost to the taxpayers considerably.

So I think that is the other thing we have to look at. The Chairman is just looking at the fact, well, we may come up a little short. We may or we may not. But, what is the savings from improving the way the RTC operates at an earlier point in time?

I ask the chairman to direct some comments at the other part of the amendment also which requires the administration when they come back to request more money for RTC to be involved in the process, to recommend ways or different options that might be available to us for financing this while minimizing the impact on moderate to lower income taxpayers, and let us look at those options.

Mr. RIEGLE. If we could find another way to pay for this that is fair and that gets the job done with less cost, I am for it. I will say this: The economy right now is in a recession, as the Senator knows. There are parts of the economy that are struggling to try to come out of the recession.

I am not sure a heavier tax at the present time would be good economic medicine just in terms of macroeconomic policy. I think with a static analysis somebody might say, look, let us face these costs now and raise the revenue now to cover some of these bills. But I think with unemployment still rising—we will see data coming out very shortly to tell us whether that is continuing—but the recent economic data shows the economy has not bottomed out and is still heading down.

Just from the point of view of whether we want to depress the economy further, I think that is a question that has to be looked at. The Senator responds by saying we are talking about something over a longer timeframe, and maybe the economy will be back in a stronger upswing in 6, 9, 12 months from now. Obviously that would be a point on the other side.

Let me cover a couple of other points while I have the floor now. I mentioned in response to the question about the $9 billion left under previous authority. There are 12 transactions ready to go that will absorb that $9 billion. Obviously those are some pretty big ones that are in the pipeline. That is the group that is separate and apart from the 95 that I spoke about that is next in line against which they anticipate the $14 billion cost.

With respect to what does it cost us and where does that premium cost come from if we do not go in and resolve these situations—in other words, if we allow in effect failed thrifts to stay open—the financing difference, just so it is clear for the record, reflects the difference between what those institutions now are paying depositors who have their money still on account at those still operating but insolvent savings and loans, open, along with the costs of gathering those deposits, and the interest costs of Treasury borrowing.

So because of this interest rates spread, the fact is you can go in and take the loss, but your financing cost falls to the lowest interest rate that is available under present market conditions. It is lower than this premium interest cost that you are paying the depositors to leave their money in account in a savings and loan that is in trouble.

It is the difference between those two interest rates and how long that differential remains in place that ends up creating this premium cost that is accruing that eventually we are all going to be stuck with. The sooner we can move into an insolvent thrift, resolve it, put an end to that premium cost, that becomes a part of the price that we then do not have to pay.

Let me say one other thing with respect to the RTC oversight hearings. The legislation, reform legislation that we passed, the FIRREA bill, mandates a certain number of appearances before the Congress on their operating conduct. We have had some other ones also in addition to that. But for the record we have had them in to testify on the oversight hearings, talking about the RTC, on October 4, 1989; January 31, 1990; May 23, 1990; September 13, 1990; September 20, 1990; and already on January 23, 1991.

So over that stretch of time we have had six different oversight hearings to try to insist on accountability in terms of how they are functioning, and what they are doing. Are they following least cost practices? Are they ironing out organizational conflicts, gaps and things of that kind?

So I wanted the record to show we have been calling them in on a regular basis to try to pull out all of the relevant information we can. That is in addition to the separate analyses we have asked the General Accounting Office to do to provide a crosscheck on what we are able to learn in our oversight hearings.

I thank the Senator.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, the distinguished chairman of the Banking Committee has adequately commented on reasons for going for $30 billion. I think I can sum it up without being repetitious at all. As $15 billion perpetuates the stop and go, stop and go, whether it is in procurement of military weapons systems, the conduct of other agencies, if we treated other agencies the same way—EPA, give you enough money for 3 months. We do not like some of the things you are doing. Come back and justify it, and the programs are grinding down.

So on that basis alone, regardless of what the problems may be with the way RTC operates and how we should operate and supervise them, the stop and go funding will create additional costs.

But I think our colleagues, before we vote tomorrow, should be aware of what the second part of this amendment does. We debated all of these issues last fall, probably not to anyone's satisfaction on either side, but it would completely open up all the issues that we debated in the budget agreement in October.

Under the amendment, 90 days from now, RTC would be out of funds again and additional funding would be tied to a new debate on the method of funding, including the budget accounting procedures.

So in 90 days from now, in addition to looking at providing additional funding to keep RTC from closing up shop and not being able to continue to close these brain dead institutions down, the Senate would be faced with the following issues: Do we want to impose new taxes on the American people, or do we want to change tax formulas and tax burdens? Do we want to base budget accounting rules on how RTC is accounted and how revenue from RTC sales are accounted? The basic formulas for spending restrictions under the Budget Act as amended last year would have to make room for RTC spending; spend the limit of its budget status, if the budget status were to change.

To simplify that, what we are talking about is going back to where a budget compromise was made when RTC was created, and say part of it would be on budget and part of it would be off. But it would not be under Gramm-Rudman-Hollings ceilings.

So now in effect what we are saying here is we are going to review that today which is entirely separate from the issue of the amount of funding.

I am not sure the Senate of the United States wants to reopen that bitter debate, which went on for weeks, into late October, the 26th of October, as I remember, and start deciding that we are now going to count this under Gramm-Rudman-Hollings, which, theoretically, I would agree with. But that means that you are going to have to make the choices to pay for it through new taxes or taking out of somebody's favorite program, maybe NASA, which is one of my favorites. We all have favorite programs around here, and I am not certain that we want to open that whole debate at this time.

I want to put my colleagues on notice, when they vote, that the second part of this amendment is much more, I think, important than just a simple amendment. If they come over to the floor and say, that is a good idea, and let us keep them on a shorter leash until September 30, cut the funding in half, and look at it again in 3 months, consider the implications of opening up that whole debate of tax equity, the fairness issue, of whether we are going to raise taxes—which I do not think is a popular thing to do; certainly, this Senator is not willing to vote for that—or whether we want to take these billions of dollars out of other necessary programs. I hope that people will consider the full impact of this amendment and not consider it just a simple amendment to cut the funding in half.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I think we are at a point where we have essentially finished the debate this afternoon, and through the unanimous-consent agreement we entered into earlier, we will take this up again tomorrow at 10 a.m. for a 20-minute period to be equally divided, so that we can summarize the arguments. At the end of that time, at approximately 10:30, we will have a vote on this issue.

MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR EXTENSION OF FAST TRACK PROCEDURES FOR CONSIDERATION OF TRADE LEGISLATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 23

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on March 1, 1991, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 1103(b)(2) of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 102 Stat. 1129), I transmit herewith a report that includes my request for the extension of fast track procedures for the consideration of implementing legislation with respect to trade agreements entered into after May 31, 1991, and before June 1, 1993, together with a description of the progress made to date in bilateral and multilateral trade negotiations, the anticipated schedule for transmitting such agreements to the Congress, and a statement of the reasons supporting my request for an extension of fast track procedures.

The fast track mechanism has played a vital role in U.S. trade policy for many years. It strengthens the hand of our trade negotiators and preserves the important role of the Congress in the shaping of U.S. trade policy. The continued availability of the fast track procedures over the next 2 years will ensure that our negotiators can bring to the Congress for its consideration trade agreements that will truly enhance the ability of the United States to compete internationally.

At a time when world events have reconfirmed the importance of U.S. leadership in multilateral efforts, maintaining fast track is essential to our leadership in the global trading system.

My request reflects my strong desire to continue the partnership between the Congress and the executive branch that the fast track represents. This partnership is essential if we are successfully to meet the world's growing economic challenges into the next century.

GEORGE BUSH.

THE WHITE HOUSE, *March 1, 1991.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on March 4, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 379. An act to make certain technical amendments to the National and Community Service Act, and for other purposes; and

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

Under the authority of the order of the Senate of January 3, 1991, the enrolled bills were signed on March 4, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 2:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 111. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs and the Secretary of Defense to carry out a joint program to make grants for the establishment of research centers at qualifying medical schools;

H.R. 1176. An act to provide authorizations for supplemental appropriations for fiscal year 1991 for the Department of State and the Agency for International Development for certain emergency costs associated with the Persian Gulf conflict, and for other purposes; and

H.J. Res. 98. Joint resolution designating March 4 through 10, 1991, as "National School Breakfast Week."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 83. A concurrent resolution providing for a joint session of the Congress to receive a message from the President of the United States.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 111. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs and the Secretary of Defense to carry out a joint program to make grants for the establishment of research centers at qualifying medical schools; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-648. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, notice that the Secretary of Defense has invoked certain authority to authorize incurring deficiencies for the costs of additional members of the Armed Forces incident to Operation Desert Shield/Storm; to the Committee on Appropriations.

EC-649. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the exemption of certain appropriations accounts from the provisions of Section 1512 of Title 31, United States Code; to the Committee on Appropriations.

EC-650. A communication from the Director, Office of Environmental Restoration and Waste Management, Department of Energy, transmitting, pursuant to law, notice of a delay in the submission of a report detailing the expenditure of fiscal year 1990 Environmental Restoration and Waste Management funds for defense and non-defense activities and the accomplishments to-date; to the Committee on Armed Services.

EC-651. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize supplemental appropriations for fiscal year 1991 on connection with operations on and around the Persian Gulf presently known as Operation Desert Shield/Storm, and for other purposes; to the Committee on Armed Services.

EC-652. A communication from the Chief, Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a cost comparison study of the visual information services function at Fort Riley, Kansas; to the Committee on Armed Services.

EC-653. A communication from the Secretary of the Air Force, transmitting, pursuant to law, notice of the reduction in the procurement quantities of some weapons systems; to the Committee on Armed Services.

EC-654. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the annual report on enforcement issues for calendar year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-655. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on the Supportive Housing Demonstration program for fiscal year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-656. A communication from the Director of the Office of Thrift Supervision, transmitting, pursuant to law, the annual report of the Office of Thrift Supervision for calendar year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-657. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Monetary Policy Report dated February 20, 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-658. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation dated February 6, 1991; to the Committee on the Budget.

EC-659. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation dated January 30, 1991; to the Committee on the Budget.

EC-660. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to make amendments to the Liability Risk Retention Act, as amended, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-661. A communication from the Deputy Under Secretary of Energy (Policy, Planning, and Analysis), transmitting, pursuant to law, notice of a delay in the submission of a report on CO2 emissions; to the Committee on Energy and Natural Resources.

EC-662. A communication from the Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-663. A communication from the Assistant Secretary of Energy (Fossil Energy), transmitting, pursuant to law, notice of a delay in the submission of the Annual/Quarterly report on the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-664. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize funds for construction of highways, for highway safety programs, for mass transportation programs, and for other purposes; to the Committee on Environment and Public Works.

EC-665. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1992 and 1993, and for other purposes; to the Committee on Environment and Public Works.

EC-666. A communication from the Vice President of the Tennessee Valley Authority (Communications), transmitting, pursuant to law, the statistical summaries to accompany the annual report of the TVA for fiscal year 1990; to the Committee on Environment and Public Works.

EC-667. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on measures undertaken by the Department of State for conservation and protection of sea turtles; to the Committee on Foreign Relations.

EC-668. A communication from the Inspector General of the National Aeronautics and

Space Administration, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-669. A communication from the Director of the Office of Government Ethics, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to provide for Government-wide procurement ethics reform, and for other purposes; to the Committee on Governmental Affairs.

EC-670. A communication from the Inspector General of the Department of Commerce, Transmitting, pursuant to law, a report on the Department's implementation of the Anti-Lobbying Act; to the Committee on Governmental Affairs.

EC-671. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-344 adopted by the Council on February 5, 1991; to the Committee on Governmental Affairs.

EC-672. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary

EC-673. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-674. A communication from the Director of the Federal Domestic Volunteer Agency (ACTION), transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-675. A communication from the Executive Director of the Committee For Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the Committee under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-676. A communication from the Chairman of the Barry M. Goldwater Scholarship and excellence in Education Foundation, transmitting, pursuant to law, the annual report of the Foundation for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-677. A communication from the Secretary of Health and Human Resources, transmitting a draft of proposed legislation to amend title X of the Public Health Service Act to authorize a program of grants to States for family planning services; to the Committee on Labor and Human Resources.

EC-678. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to amend the appointment provisions for members of the Board of Directors of the Commission on National and Community Service; to the Committee on Labor and Human Resources.

EC-679. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on activities and the use of funds provided by the Preventive Health and Health Services Block Grant; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-14. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Armed Services.

"HOUSE CONCURRENT RESOLUTION 1001

"Whereas the August 2nd invasion and subsequent occupation, of Kuwait by Iraq, that have resulted in the deployment of U.S. troops to Saudi Arabia, have stirred the emotions of the American public; and

"Whereas concern for the brave men and women in the Armed Forces who have been sent to the Middle East dominates the thoughts of most Americans; and

"Whereas the pride that all Americans feel for our military personnel should be expressed so that they know they are not forgotten: Now, therefore, be it

Resolved by the House of Representatives of the 1st extraordinary session of the 43rd Oklahoma Legislature, the Senate concurring therein:

"That the State of Oklahoma hereby commends U.S. troops in Saudi Arabia and the Persian Gulf, recognizes the hardships they must endure, and declares continuing support for their efforts.

"That Congress is hereby memorialized to provide to U.S. troops all that is necessary for them to fulfill their mission.

"That copies of this resolution be dispatched to the Oklahoma Congressional Delegation, to the Clerk of the United States House of Representatives and to the Secretary of the United States Senate."

POM-15. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on Armed Services:

"H.R. 166

"Whereas after debate in the United States Congress, the decision was made to intervene in the aggression against Kuwait by Iraq's troops led by Saddam Hussein; and

"Whereas support for our President, the Congress, and the men and women in the armed forces stationed in Saudi Arabia and other parts of the Middle East will be shown by a parade of support on Broad Street on February 2, 1991, at 5:00 p.m. by people from the Rome and Floyd County area; and

"Whereas this parade will be led by family members of those men and women in the Middle East; and

"Whereas the swift response of the United States to Iraq's aggression against the sovereign state of Kuwait sent thousands of American men and women in the armed forces to Saudi Arabia in an operation which came to be known as Operation Desert Storm; and

"Whereas those first troops stood bravely in harm's way, greatly outnumbered by Iraqi forces massed in Kuwait, and prevented the almost certain invasion of Saudi Arabia; and

"Whereas in the months since that initial response, over 400,000 American men and women in all branches of the service have left their families and homes for the hardships and dangers of the Saudi Arabian desert to give credibility to their country's efforts to achieve peace; and

"Whereas Iraqi soldiers have attacked and murdered people in Kuwait; and

"Whereas we support our armed forces in the liberation of the Kuwaiti people from this naked aggression by whatever means is necessary; and

"Whereas when Iraqi forces are removed from Kuwait, when Saddam Hussein has been appropriately dealt with, and when peace has been established in the Middle East through whatever measures the future may bring, the world will owe an inestimable debt to the courageous men and women of the armed services of the United States of America: Now, therefore, be it

"*Resolved by the House of Representatives*, That the members of this body join with citizens in Rome and Floyd County as we express our unanimous support for the President and Congress of the United States and the men and women involved in Operation Desert Storm and offer our heartfelt prayers for their safe return from the Persian Gulf: Be it further

"*Resolved*, That the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to General Colin Powell, Captain R. O. Wildes, Captain Frank Barron, Captain Roy C. Mears, Jr., President George Bush, the Speaker of the United States House of Representatives, and the President of the United States Senate."

POM-16. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Banking, Housing, and Urban Affairs:

S.J. RES. 8

"Whereas the United States Congress has, in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, increased the Federal Deposit Insurance Corporation (FDIC) premium from 0.08% to 0.195% of insured deposits and has authorized a further premium increase to 0.23%; and

"Whereas the FDIC has extended the benefits of deposit insurance to deposits in overseas branches of the larger American banks that have overseas branches, although those banks pay no premiums on foreign deposits; and

"Whereas the largest United States banks operate foreign branches and accept uninsured deposits of various types to an extent that they pay FDIC premiums on approximately 40% of the funds their customers entrust to them, although their customers are assured that all funds in those large banks are protected by the FDIC; and

"Whereas the reason the umbrella of federal deposit insurance is extended to those funds is that the federal government bank regulators have decided that certain banks are too big to be allowed to fail; and

"Whereas the largest United States banks operate foreign branches and accept nondeposit liabilities to such an extent that less than 40% of the funds their customers entrust to them are assessed FDIC premiums, while 100% of those funds enjoy the benefit of insurance coverage from the FDIC; and

"Whereas the community banks, which do not operate foreign branches have nearly 90% of the funds their customers entrust to them assessed for FDIC premiums; and

"Whereas the result is that community banks pay for deposit insurance at twice the effective rate paid by large international banks, which is unfair and discriminatory and causes community banks to subsidize the national "too big to fail" policy: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the State of Montana:*

"(1) That Congress be urged to amend the Federal Deposit Insurance Act to extend the assessment for FDIC premiums to deposits held in foreign branches of American banks.

"(2) That the Secretary of State forward copies of this resolution, under the great seal of the State of Montana, to the United States Senate and the United States House of Representatives and to each member of the Montana Congressional Delegation."

POM-17. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Foreign Relations:

"H. Con. Res. 8

"Whereas the torch of true patriotism has been held high in these United States and in the State of Indiana in support of our country and its armed forces; and

"Whereas when called to duty, 27,610 Hoosiers have given their lives for their country in World War I, World War II, the Korean Conflict, and the Vietnam War, and more than 685,000 Americans have given their lives during these hostilities; and

"Whereas there are 50,443 disabled veterans in the State of Indiana and there are still 68 Hoosiers missing in action in Southeast Asia, with a total of over 9,000 Americans still listed as prisoners of war or missing in action worldwide from all the wars; and

"Whereas no American wants to see the loss of even one more life; and

"Whereas mindful of these sacrifices, Hoosier men and women serving in Operation Desert Shield have responded to their country's call without hesitation; and

"Whereas these brave men and women are supported at home through the prayers, sacrifices, and love of their families left behind; and

"Whereas all Hoosiers should remember these troops and their families in their thoughts and prayers; and

"Whereas the Indiana General Assembly ardently supports those troops currently participating in Operation Desert Shield as well as those who may be called to participate in the future: Now, therefore, be it

"*Resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

"Section 1: That the General Assembly of the State of Indiana urges and prays for peaceful negotiations, which should be supported by all government leaders; and further, for a striving for a better understanding between nations, so that peace, goodwill and honor for individual life may prevail.

"Section 2: That the General Assembly of the State of Indiana demonstrate its respect and support for the men and women serving with the American forces in the Middle East, specifically in Operation Desert Shield.

"Section 3: That the General Assembly of the State of Indiana extend its prayers and concern to the families left behind.

"Section 4: That the General Assembly of the State of Indiana prays for the safe return of all our troops stationed in this troubled region.

"Section 5: That the General Assembly of the State of Indiana encourages in all of the citizens of Indiana, and of the global community, a spirit of understanding and peace.

"Section 6: That certified copies of the concurrent resolution be sent to the President of the United States, the U.S. Department of Defense, the National Security Staff, the presiding officers and the majority and minority leaders of both houses of the Congress of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the Congress of the United States, to the Indiana members of the United States Congress, and to the Adjutant General of the Indiana National Guard and the Indiana Reserves."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Edson G. Case, of Maryland, to be a member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 1995; and

Robert William Gambino, of Virginia, to be Director of Selective Service.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 536. A bill to provide education loans to students entering the teaching profession and to provide incentives for students to pursue teaching careers in areas of national significance; to the Committee on Labor and Human Resources.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 537. A bill to authorize the Secretary of Education to make a grant to Stetson University for the construction of library facilities; to the Committee on Labor and Human Resources.

By Mr. LUGAR:

S. 538. A bill to restore Federal recognition to the Miami Tribe of Indiana; to the Select Committee on Indian Affairs.

By Mr. INOUYE:

S. 539. A bill to amend title 23, United States Code, relating to motor carrier transportation; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS:

S. 540. A bill to amend title 23, United States Code, to assist in the development of an infrastructure to support the use of public lands for travel and tourism purposes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HEFLIN (for himself and Mr. Shelby):

S. 541. A bill to provide for the use of excess assets in black lung benefit trusts for health care benefits for retired miners, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. Danforth, Mr. Durenberger, Mr. Levin, Mr. D'Amato, Mr. Shelby, Mr. Helms, Mr. Lott, and Mr. Conrad):

S. 542. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans; to the Committee on Finance.

By Mr. RIEGLE (for himself, Mr. Dodd, and Mr. Wirth):

S. 543. A bill to reform Federal deposit insurance, protect the deposit insurance funds, and improve supervision and regulation of the disclosure relating to federally insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEFLIN:

S. 544. A bill to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON (for himself and Mr. Seymour):

S. 545. A bill to authorize the additional use of land in Merced County, California; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON:

S. 546. A bill to establish a Parents as Partners in Learning program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 547. A bill to transfer certain facilities, easements, and rights-of-way to Elephant Butte Irrigation District, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself, Mr. Packwood, Mr. Metzenbaum, Mr. Cohen, Mr. Adams, Mr. Inouye, Mr. Akaka, Mr. Glenn, and Mr. Simon):

S. 548. A bill to amend various provisions of law to ensure that services related to abortion are made available to the same extent as are all other pregnancy-related services under Federally-funded programs; to the Committee on Finance.

By Mr. CRANSTON:

S. 549. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself, Mr. Hatfield, Mr. Burns, Mr. Adams, and Mr. Symms):

S. 550. A bill to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself, Mr. Heflin, Mr. Cochran, Mr. Danforth, Mr. Bingaman, Mr. Chafee, Mr. Shelby, Mr. Bradley, Mr. Rockefeller, Mr. Kohl, Mr. McCain, Mr. Coats, Mr. Dodd, Mr. Kasten, Mr. Stevens, Mr. Kennedy, Mr. Lieberman, Mr. Cohen, Mr. Domenici, Mr. Burns, Mr. Inouye, and Mr. Akaka):

S. 551. A bill to encourage States to establish Parents as Teachers programs; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. Thurmond, and Mr. Kerry):

S. 552. A bill to amend the Foreign Assistance Act of 1961 to provide support for emerging democracies and civilian control of military and security establishments in Central and Eastern Europe; to the Committee on Foreign Relations.

By Mr. PELL (by request):

S. 553. A bill to provide for the Implementation of the Enterprise for the Americans Initiative, and for other purposes; to the Committee on Foreign Relations.

By Mr. GLENN (for himself, Mr. D'Amato, Mr. Gorton, Mr. Conrad, and Mr. Kasten):

S. 554. A bill to establish an Interagency Committee on Degradable Plastics Standards for the development of uniform definitions, standards, and testing procedures for plastic products made from certain commodities, to encourage the development, production, and use of environmentally safe degradable plastic products, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRADLEY (for himself, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 555. A bill to amend the Drug Free Schools and Communities Act of 1986 to provide education on the problems associated with the use of tobacco; to the Committee on Labor and Human Resources.

S. 556. A bill relating to cigarette labeling; to the Committee on Commerce, Science, and Transportation.

S. 557. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for advertising expenses for tobacco products; to the Committee on Finance.

S. 558. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on cigarettes to 32 cents per pack; to the Committee on Finance.

By Mr. SYMMS (for himself and Mr. SHELBY):

S. 559. A bill to require the Secretary of the Treasury to mint coins in commemoration of Operation Desert Shield/Desert Storm; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 560. A bill to provide incentive grants for States that enact legislation aimed at limiting youth access to cigarettes, and for other purposes; to the Committee on Labor and Human Resources.

S. 561. A bill to provide incentive grants for States that enact legislation aimed at youth access to cigarettes, and for other purposes; to the Committee on Finance.

By Mr. BRYAN (for himself and Mr. REID):

S. 562. A bill to require that the surplus in the Highway Account of the Highway Trust Fund be available for expenditure, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRYAN:

S. 563. A bill to impose additional duties on the products of foreign countries if, and during such time as, such countries do not make sufficient contributions to the multinational military mobilization and operations being carried out in response to the invasion of Kuwait by Iraq; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. THURMOND, Mr. MCCAIN, Mr. WALLOP, Mr. LOTT, Mr. COATS, Mr. MACK and Mr. SMITH):

S. 564. A bill to direct the Secretary of Defense to undertake the development and testing of systems designed to defend the United States and its armed forces from ballistic missiles; to the Committee on Armed Services.

By Mr. WARNER (for himself, Mr. NUNN, Mr. THURMOND, Mr. COHEN, Mr. MCCAIN, Mr. WALLOP, Mr. LOTT, Mr. COATS, Mr. MACK, and Mr. SMITH):

S. 565. A bill to authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KASTEN:

S.J. Res. 85. Joint resolution authorizing and requesting the President to appoint General Colin L. Powell and General H. Norman Schwarzkopf, Jr., United States Army, to the permanent grade of General of the Army; to the Committee on Armed Services.

By Mr. GARN (for himself and Mr. GORE):

S.J. Res. 86. Joint resolution designating April 21 through April 27, 1991 and April 19 through April 25, 1992 as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 71. Resolution to encourage the President of the United States to confer with the sovereign state of Kuwait, countries of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals, including President Saddam Hussein, involved in the planning or execution of Crimes against Peace, War Crimes, and Crimes against Humanity as defined under international law; to the Committee on Foreign Relations.

By Mr. KASTEN (for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. BOND, Mr. BOREN, Mr. SEYMOUR, Mr. KERRY, Mr. DIXON, Mr. BURNS, and Mr. LEVIN):

S. Res. 72. Resolution to express the sense of the Senate that American small businesses should be involved in rebuilding Kuwait; to the Committee on Small Business.

By Mr. RIEGLE (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 73. Resolution to authorize the Senate Financial Clerk and other present and former Senate employees to testify in the case of United States v. Darrell A. Tomblin, et al.; considered and agreed to.

By Mr. ADAMS (for himself, Mr. GORTON, Mr. KOHL, and Mr. KASTEN):

S. Con. Res. 14. Concurrent resolution requesting the United States Trade Representative to enforce the rights of United States beer exporters against unjustified treatment by Canadian provincial liquor control boards; to the Committee on Finance.

By Mr. SYMMS:

S. Con. Res. 15. Concurrent resolution expressing the sense of the Congress that it should be the policy of the United States to encourage an acceleration of growth in selected Third World nations in order to create new markets for advanced-country products and services; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 536. A bill to provide education loans to students entering the teaching profession and to provide incentives for students to pursue teaching careers in areas of national significance; to the Committee on Labor and Human Resources.

COLLEGE HONORS PROGRAM ACT

• Mr. DOMENICI. Mr. President, I am today introducing a bill that I consider to be a top national priority: Encouraging and rewarding academic excellence in our schools, particularly as it relates to the preparation of teachers.

I believe the Federal Government has an obligation to encourage academic excellence. I also believe that, when students excel, they should be rewarded and encouraged to enter the teaching profession.

The initiative I am introducing today, the College Honors Program, does precisely this.

Under the program I am proposing, students who meet certain standards of academic excellence would be eligible for up to 4 years of undergraduate financial assistance in the form of a loan. The loan would subsequently be forgiven when the student takes a job teaching in public schools after graduation.

The initial Federal investment for this program is minimal, set at $25 million. These funds will be used by participating institutions to set up revolving funds to make loans to eligible students. Once a student starts teaching in public schools, and the student's debt is forgiven, the Federal Government will reimburse the institution for the eligible amount.

Mr. President, the College Honors Program would provide up to $4,000 per year for most students. However, as an incentive for students to pursue careers in math and science education, students with an academic concentration in these areas would be eligible to receive a grant of $5,000 per year.

I have also included an incentive for students to pursue teaching on Indian reservations. These students would also be eligible to receive loans of up to $5,000 per year.

Our future work force depends on the education of our youth. I am hard pressed to find a better way to spend our scarce Federal resources than to encourage students to achieve academic excellence and to support the desire of these students to share that academic achievement with others.

Mr. President, I believe the $25 million authorized in this bill is a sound investment. I ask unanimous consent that both the bill and a more detailed description of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTON 1. SHORT TITLE.

This Act may be cited as the "College Honors Program Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Federal Government has an obligation to encourage and reward academic excellence;

(2) the training of the United States workforce and the preparation of the future workforce is a national priority; and

(3) the Federal Government should encourage students with outstanding academic achievement to enter the teaching profession as such profession is the profession with primary responsibility for preparing the workforce.

SEC. 3. ALLOTMENTS AUTHORIZED.

(a) PROGRAM AUTHORIZED.—The Secretary shall allot the funds appropriated pursuant to the authority of section 10 among institutions of higher education to enable such institutions of higher education to establish revolving loan funds.

(b) AMOUNT OF ALLOTMENTS.—The portion of the funds appropriated pursuant to the authority of section 10 for any fiscal year that is allocated under subsection (a) to an institution of higher education for such fiscal year shall bear the same relationship to the total amount of such appropriated funds as the total number of students qualifying for assistance under this Act at that institution of higher education bears to the total number of students qualifying for assistance under this Act.

(c) INELIGIBILITY FOR ALLOTMENTS.—(1) Each institution of higher education for which the rate of default on the education loans provided by the institution of higher education pursuant to this Act equals or exceeds 20 percent shall be ineligible to receive an allotment under subsection (a) until such rate of default is below 20 percent.

(2) Any institution of higher education which is ineligible for participation in the Robert T. Stafford Student Loan Program shall be ineligible to receive an allotment under subsection (a) during the period such institution of higher education is ineligible for participation in the Robert T. Stafford Student Loan Program.

SEC. 4. USE OF ALLOTMENTS.

(a) IN GENERAL.—Funds provided to an institution of higher education pursuant to section 3(a) shall be used by the institution of higher education as a capital contribution for establishing a revolving loan fund to provide educational loans to students who qualify for assistance under this Act.

(b) LOAN AMOUNTS.—Each institution of higher education receiving an allotment pursuant to section 3(a) shall use such funds to provide each student qualifying for assistance under this Act who is enrolled at the institution of higher education with education loans that—

(1) in the case of a student who—

(A) has an academic concentration in science or math, and

(B) agrees, pursuant to section 5(5), to teach in the areas of science or math upon graduation,

do not exceed $5,000 per year for a maximum of 4 years; and

(2) in the case of a student who agrees, pursuant to section 5(5), to teach on Indian reservations upon graduation, do not exceed $5,000 per year for a maximum of 4 years; and

(3) in the case of any other student, do not exceed $4,000 per year for a maximum of 4 years.

SEC. 5. STUDENT ELIGIBILITY.

A student is eligible to receive educational loans pursuant to this Act if the student—

(1) ranks in the top 10 percent of such student's class in such student's junior or senior year of secondary school;

(2) is enrolled as a full-time student in an institution of higher education that is eligible to receive an allotment under section 3;

(3) ranks in the top 10 percent of such student's class at the institution of higher education;

(4) has not defaulted on any federally assisted student loan; and

(5) enters into an agreement with the Secretary that such student will—

(A) pursue a teaching career in a public school after graduation from an institution of higher education; and

(B) annually provide verification of employment as a teacher by a publc school system after graduation from the institution of higher education.

SEC. 6. INSTITUTIONAL RESPONSIBILITIES.

(a) IN GENERAL.—Each institution of higher education receiving an allotment pursuant to section 3(a) shall—

(1) collect any loan or portion thereof in accordance with section 7; and

(2) certify annually to the Secretary that students receiving such loans are in compliance with the provisions of this Act.

(b) REPAYMENTS.—Each institution of higher education receiving an allotment pursuant to section 3(a) shall deposit all repayments of educational loans provided pursuant to this Act into the revolving loan fund of the institution of higher education.

(c) ADMINISTRATIVE COSTS.—In each fiscal year each institution of higher education receiving an allotment pursuant to section 3(a) may retain an amount not to exceed 5 percent such allotted for costs of administering the revolving loan fund.

SEC. 7. LOAN TERMS.

(a) IN GENERAL.—Each educational loan made to a student by an institution of higher education from a revolving loan fund established pursuant to section 3(a)—

(1) shall not accrue interest before the date that is 90 days after the day on which the student ceases to be enrolled at an institution of higher education;

(2) shall accrue interest at an annual rate of 5 percent after such date;

(3) shall be repaid over a period that does not exceed 10 years; and

(4) shall provide for cancellation of 20 percent of the principal and interest of the loan for each academic year for which the student is employed in a public school on a full-time basis as a teacher.

SEC. 8. LOAN FORGIVENESS.

(a) REIMBURSEMENTS.—(1) The Secretary annually shall reimburse institutions of higher education for the portion of the principal and interest of any loan that is canceled by reason of section 7(a)(4).

(2) Each institution of higher education receiving payments pursuant to paragrah (1) shall deposit such payments to the revolving loan fund of the institution of higher education established pursuant to section 3(a).

(b) SPECIAL RULE.—A student shall be excused from the repayment of any loan made from a revolving loan fund established pursuant to section 3(a) if such student—

(1) dies;

(2) becomes permanently totally disabled as established by the sworn affidavit of a qualified physician; or

(3) has been discharged in bankruptcy.

SEC. 9. DEFINITIONS.

As used in this Act—

(1) the term "institution of higher education" has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965, and

(2) the term "Secretary" means the Secretary of Education.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $25,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996, to carry out the provisions of this Act.

(b) SPECIAL RULE.—(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).

SUMMARY OF THE COLLEGE HONORS PROGRAM

PURPOSE

A bill to provide financial assistance to students entering the teaching profession and to provide incentives for students to pursue teaching careers in areas of national significance.

BACKGROUND

The Higher Education Amendments of 1986 revised and extended student financial aid programs by targeting resources to financially needy students. Most student aid programs are not disbursed based on need.

Students who excel in high school can be rewarded with scholarships to post-secondary institutions. However, the federal government has very few programs that specifically reward students for outstanding academic achievement.

The College Honors Programs (CHP) would reward students of exceptional academic achievement. Under the program, students who qualify would be eligible for up to 4 years of undergraduate financial assistance in the form of a federal loan. This loan would subsequently be forgiven if the student takes a post teaching in public schools following graduation. For every year of public teaching, one year of the loan would be forgiven.

FINDINGS

The federal government has an obligation to encourage and reward academic excellence.

Our future workforce is a national priority as is the education of the workforce. The federal government should encourage individuals of outstanding academic achievement to enter the teaching profession, the profession with primary responsibility for preparing the workforce.

ELIGIBLE PARTICIPANTS

Eligible participants are full time undergraduate students who meet certain academic standards, as defined by the Secretary of Education. Initial eligibility will be determined by the student's academic achievement during his or her junior and senior years in high school.

Participants must also maintain above average academic standards while in undergraduate school. Participants must also maintain a satisfactory employment record during the loan forgiveness period. These standards are to be defined by the Secretary of Education.

A student who has previously taken out other federal loans and is in default, or who owes a refund on any other Federal aid, may not borrow under the program.

Eligible students may receive loans during any year of their post-secondary education.

ELIGIBLE INSTITUTIONS

Institutions which are not eligible to participate in the Stafford Student Loan program may not participate in the College

Honors Program until such time as eligibility for the Stafford Student Loan program is restored. Institutions with default rates of 20% or higher under the College Honors Programs are no longer eligible for participation until such default rate falls below 20%.

LOAN DISBURSEMENT

Loans are disbursed by participating public institutions of higher education through institutional revolving funds initially established with a federal capital contribution. Federal capital contributions are allocated to institutions based on the number of eligible students in attendance.

The borrower will make no principal repayments while in school, and interest is neither paid nor accrued.

The institution may draw from its CHP revolving fund an amount equal to 5 percent of the amount of new loan awards for that year as reimbursement for the administrative costs associated with the operation of this program.

Institutions must verify student eligibility on an annual basis while the student is in school, and provide verification of the same to the Department of Education. As part of student eligibility, participants must sign a loan agreement stipulating that they intend to pursue careers in public education upon graduation.

LOAN FORGIVENESS

The institution administering the loan will be fully reimbursed by the Department of Education on an annual basis for all loans that meet forgiveness requirements. Institutions are responsible for verification of student employment and must provide verification to the Department of Education prior to reimbursement.

Students receiving loans must provide the institution with annual verification of employment of a public school system. For each year of public school employment, one year of loan obligation will be forgiven.

Loans will also be forgiven in the event of death, disability, or bankruptcy.

LOAN REPAYMENT

For eligible borrowers who are ineligible for loan forgiveness, repayment must begin upon termination of full time student status. Interest will be charged at a rate of 5 percent; the repayment period may not exceed 10 years.

Participating institutions are responsible for loan collections, which must be deposited into the CHP revolving fund. Adjustments to federal capital contributions will be made in consideration of an institution's collection/default performance.

LOAN AMOUNTS

Eligible students may receive up to $4,000 per year for a maximum of four years.

As an incentive for students to pursue careers in math and science education, students with an academic concentration in these areas are eligible to receive a grant of $5,000 per year for a maximum of four years. These students, of course, must subsequently teach in these fields in order to be eligible for loan forgiveness.

As incentive for students to pursue teaching careers on Indian reservations, students who sign an agreement to teach on reservations will be eligible to receive a maximum grant of $5,000 per year for a maximum of four years.

AUTHORIZATION LEVEL

There are authorized to be appropriated $25 million, to be used as a federal capital contribution by participating institutions to establish revolving funds, for each year FY 1992–1996.●

By Mr. LUGAR:

S. 538. A bill to restore Federal recognition of the Miami Tribe of Indiana; to the Select Committee on Indian Affairs.

MIAMI NATION OF INDIANA RESTORATION ACT

● Mr. LUGAR. Mr. President, today I have reintroduced a measure I originally offered during the last Congress. This bill would rectify an injustice imposed upon thousands of my constituents for over 90 years. I speak of the Miami Indians of Indiana who have resided in the north-central region of my State for centuries.

In 1897, officials of the U.S. Department of the Interior administratively terminated the Indiana Miamis. In this case, termination meant that the Department and the Federal Government would no longer formally recognize the tribe. In following decades this has meant that the Miamis have been unable to take advantage of the many Federal programs created by Congress to benefit Native Americans.

Mr. President, there is no such thing as administrative termination. Congress has never granted the Department of the Interior the authority to terminate the formal relationship between an Indian tribe and the Federal Government. Only Congress has such authority.

Consequently, in a purely legal sense, the Miami Indians of Indiana are today a formally recognized Indian tribe. In fact, the Bureau of Indian Affairs [BIA] later admitted that their 1897 decision was inappropriate. Nevertheless, the Department of the Interior continues to prevent the Miamis from enjoying the benefits of many Federal programs.

The legislation I have introduced today, seeks to correct this injustice by restoring the Miamis' legitimate status and directing the Department of the Interior to make available to the tribe all rights and privileges enjoyed by other federally recognized Indian tribes.

For decades, the Miamis sought to take aciton to correct this injustice. The tribe considered both legislative and legal avenues to reaffirm their status. Fearing that these approaches would be too time consuming, in 1980 the tribe decided to pursue the administrative recognition process established by the BIA in 1979.

The tribe made a mistake. Their foray into the Federal recognition process and the BIA bureaucracy has taken an entire decade of effort. After years of costly research, the tribe first submitted a petition for Federal recognition to the Department of the Interior-Bureau of Indian Affairs on July 10, 1984. I have followed the petition's slow and difficult progress over the past 6 years and in doing so have become familiar with the serious flaws and problems of the Federal recognition process. These problems have not gone unnoticed. Both Senator INOUYE, chairman of the Select Committee on Indian Affairs, and Senator MCCAIN, ranking member of that committee, have introduced legislation to fine tune this program.

On July 12, 1990, the Miami's petition for Federal recognition received a preliminary denial. After a decade of effort and 6 years of processing, this was an incredible blow to both the tribe and myself.

Many Native American experts were certain that the Miami's petition would be approved. The denial has surprised and concerned the many other tribes awaiting decision on their petitions. Questions are now being raised as to the future of the administrative recognition process. Clearly, these are questions for the Select Committee on Indian Affairs to address.

Regardless of the Miami's decision to participate in the administrative recognition process and regardless of the outcome of that process, the reality of the Miami's status has not changed. The U.S. Congress entered into treaties with this tribe, and in doing so, formally recognized them. Since that time, Congress has not terminated its relationship with this tribe. I urge my colleagues to join me in taking action to reaffirm the Miamis legitimate status.

Mr. President, I ask that the full text of my legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miami Nation of Indiana Restoration Act".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATIONS.

The Congress finds that—

(1) at the time of removal of the Miami Nation from Indiana, approximately 300 Miamis under the leadership of Meshingomesia remained in or returned to Indiana pursuant to Federal treaty stipulation;

(2) after removal, the Indiana Miamis were known as the Eastern Band of Miamis, and were recognized as a self-governing Indian tribe by the Department of the Interior;

(3) On June 5, 1854, the Eastern Band of Miamis signed a treaty with the United States, which treaty was ratified by the Senate on August 4, 1854;

(4) since the Treaty of 1854, the United States Congress has not by statute or otherwise teminated the Federal relationship with the Eastern Band of Miamis;

(5) until 1897, the Department of the Interior acknowledged the Federal relationship with the Eastern Band of Miamis and, in that year, administratively terminated the tribe based on an erroneous interpretation of Act of Congress that partitioned the Indiana reservation and granted citizenship to the members of the Eastern Band of Miamis;

(6) the Department's action in 1897 was unauthorized by Act of Congress and, thus, ultra vires and without force and effect; and

(7) the Eastern Band of Miamis, now known as the Miami Nation of Indiana, has not abandoned tribal relations since the Treaty of 1854.

SEC. 3. RESTORATION OF FEDERAL RECOGNITION, RIGHT, AND PRIVILEGES.

(a) IN GENERAL.—Notwithstanding any provision of law or determination of the Department of the Interior, Federal recognition of the Miami Nation of Indiana and all enrolled members of the tribe is hereby extended. All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Miami Nation of Indiana.

(b) ELIGIBILITY OF TRIBE FOR FEDERAL BENEFITS.—Notwithstanding any provision of law or determination of the Department of the Interior, the Miami Nation of Indiana and its members shall be eligible immediately upon the enactment of this Act for all Federal services and benefits furnished to Indians and Indian tribes because of their status as Indians and without regard to the existence of a reservation for the tribe.

(c) DEEMED STATUS.—For the purpose of the delivery of Federal services, all enrolled members of the Miami Nation of Indiana residing in Allen, Huntington, Wabash, Miami, Howard, Grant, Elkhart, and St. Joseph counties in the State of Indiana shall be deemed to be residing on or near a reservation. Enrolled members residing in such counties shall continue to be eligible to receive such Federal services notwithstanding the establishment of a reservation for the tribe in the future.

SEC. 4. STATE OF INDIANA; CIVIL AND CRIMINAL JURSIDICTION.

(a) The State shall exercise civil and criminal jurisdiction over the Miami Tribe of Indiana, its members, and any dependent communities thereof, within the meaning of section 1151 of title 18, United State Code, as if such State has assumed such jurisdiction with the consent of the tribe under sections 1321 and 1322 of such title.

(b) NONAPPLICATION OF PROVISIONS TO CERTAIN LAW.—The provisions of this Act shall not affect the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.•

By Mr. INOUYE:

S. 539. A bill to amend title 23, United States Code, relating to motor carrier transportation; to the Committee on Commerce, Science, and Transportation.

MOTOR CARRIER TRANSPORTATION

• Mr. INOUYE. Mr. President, I rise to introduce a bill which would save consumers about $11 billion on the transportation costs of almost every product we buy. Excessively high transportation costs are in part a result of bureaucratic procedures governing motor freight rates. Estimates show that by removing the paperwork burden and eliminating the multiple decals and other tasks caused by varying State controls on motor carrier freight, we can reduce the burden on the transportation of goods across State lines.

I believe there is a need for a uniform and efficient approach to reporting requirements. Procedure for registration and fuel taxes required of interstate carriers operating in the contiguous 48 States need to be reasonably simple and efficient in order to avoid hidden costs associated with the transportation of goods. Hidden costs occur when a carrier is required to duplicate registration tasks or is faced with cumbersome, and in some instances unfair, taxes. Some truckers are still required to display more than 20 license plates on the front of a truck or tractor with corresponding State stickers and varying reporting procedures. Some truckers face varying definitions of taxable vehicles and collection procedures.

These hidden costs of goods also place us at a competitive disadvantage internationally. Therefore, I am advocating the uniform vehicle tax liability and fuel use reporting plan contained in this bill.

The plan I am proposing legislates the widespread use of already existing systems. The bill requires compliance with established systems in which many States voluntarily participate; 43 States are members of the International Registration Plan [IRP] and 16 are members of the International Fuel Tax Agreement [IFTA]. This bill authorizes a State to require an interstate carrier to register vehicles the carrier intends to operate within the State and collect a registration tax or fee only when these States are members of the uniform IRP. The bill also authorizes States to assess a tax on motor carriers operating vehicles registered in another State when these States comply with the IFTA.

The Secretary of Transportation, in his national transportation policy, has included the existing plans as part of an overall strategy to improve the Nation's transportation systems. I hope that we can accomplish that goal.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HIGHWAY TAXATION AND FEE UNIFORMITY AND EQUITY.

(a) GENERAL RULE.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following new section:

"§ 159. Motor carrier taxation and fees

"(a) GENERAL STANDARDS FOR TAXES AND FEES IMPOSED ON INTERSTATE CARRIERS.—Subject to the provisons of this section, a State or political subdivision thereof may assess, levy, or collect a tax or fee, directly or indirectly, on motor carriers operating vehicles properly registered in another State only if—

"(1) the tax or fee is fairly apportioned based on miles driven in the State or on some other equitable measure of the carrier's or vehicle's actual contact with the State;

"(2) the tax or fee does not discriminate against interstate commerce;

"(3) the tax or fee is fairly related to the services provided to the carrier or vehicle by the State or political subdivision; and

"(4) the activity with respect to which the tax or fee is being assessed, levied, or collected has a substantial nexus with the State or political subdivison.

"(b) VEHICLE REGISTRATION.—A State may require an interstate motor carrier to register vehicles the carrier intends to operate within that State and collect a tax or fee from that registration; however no State, except Hawaii and Alaska, may require vehicles to be registered or impose such a tax or fee on or after December 31, 1992, unless that State is a member of the International Registration Plan.

"(c) FUEL USE REPORTING.—A State may require an interstate motor carrier to report the fuel used by its vehicles within that State and to pay a tax or fee related to that fuel use; however no State, except Hawaii and Alaska, may require such reporting or impose such a tax or fee on or after December 31, 1996, unless that State is a member of the International Fuel Tax Agreement.

"(d) LOCAL TAXES AND FEES.—No political subdivision of a State shall assess, levy, or collect a tax or fee on a motor carrier if the carrier's only business activity within that political subdivision is limited to one or more of the following:

"(1) The delivery or pickup (or both) of property to or from a location within the political subdivison.

"(2) The use of streets or roads within the political subdivision.

"(3) The solicitation, sale, or advertising of transportation services by a motor carrier not domiciled in the political subdivision.

"(e) TAXES ON SHIPMENTS WITH NO PICKUP OR DELIVERY.—Except for vehicle registration, fuel tax reporting, and direct highway use fees, no State shall assess, levy, or collect a tax or fee on a motor carrier if the carrier's only business activity within that State is to transport fully or partially loaded or empty vehicles through the State.

"(f) REGULATIONS.—The Secretary may issue regulations implementing the provisions of this section.

"(g) JUDICIAL REVIEW.—Notwithstanding section 1341 of title 28, United States Code, and without regard to the amount in controversy or citizenship of the parties, a district court of the United States has jurisdiction, concurrent with other jurisdiction of courts of the United States and the States to prevent a violation of this section.

"(h) ENFORCEMENT.—

"(1) INJUNCTIVE RELIEF.—

"(A) GENERAL AUTHORITY.—The Secretary or, at the request of the Secretary, the Attorney General or any injured person may institute a civil action for injunctive relief as may be appropriate to assure compliance with this section.

"(B) JURISDICTION OF DISTRICT COURTS.—An action under this paragraph may be instituted in any district court of the United States in any State where such relief is required to assure compliance with this section.

"(C) REMEDIES.—Upon a proper showing in an action under this paragraph, the court shall issue a temporary restraining order or preliminary or permanent injunction as may be appropriate and may also issue a mandatory injunction commanding any State or person to comply with any applicable provision of this section or any regulation issued to carry out this section.

"(2) REFUND OF MONEYS PAID.—

"(A) GENERAL AUTHORITY.—In addition to any other relief to which a motor carrier may be entitled, any motor carrier that has paid a tax or fee to a State that is later determined to be in violation of this section is authorized to institute a civil action on behalf of itself and on behalf of others similarly situated for refunds of the moneys paid by that carrier or carriers.

"(B) JURISDICTION OF DISTRICT COURTS.—An action under this paragraph for refunds may be instituted in any district court of the United States in any State where such relief is required to assure compliance with this section.

"(C) REMEDIES.—Upon a proper showing in an action under this paragraph, the court shall direct the State to issue such refunds and such other monetary damages which may be appropriate under the applicable State's law.".

"(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new item:

"159. Motor carrier taxation and fees.".

By Mr. BURNS:

S. 540. A bill to amend title 23, United States Code, to assist in the development of an infrastructure to support the use of public lands for travel and tourism purposes, and for other purposes; to the Committee on Environment and Public Works.

FEDERAL RURAL TOURISM AND RECREATIONAL DEVELOPMENT ACT

Mr. BURNS. Mr. President:

> What I submit to you is that our passage over the land to an American is as rain is to the Irishman, as sand is to the Bedouin. What I mean is that highway travel, road travel, to an American is something that makes us what we are. I think seeing America, seeing a real and genuine America, one that has not been commercialized to look like every other part of the country, has a very direct link with understanding who and what we are.

Those are the words of the author of the celebrated book "Blue Highways," William Least Heat-Moon in support of a scenic byways program for America. He must be right, too, considering the fact that 30 percent of all vehicle miles driven in this country are for pleasure and recreation purposes.

Mr. President, I know the America that Least Heat-Moon is describing—it's called Montana.

Best known by most Americans as "Big Sky Country," Montana is a land of wide open spaces and spectacular landscapes.

A visitor to Montana can still see the same sites described in the journal entry of Capt. Meriwether Lewis of Lewis and Clark:

> At 9 a.m. at the junction of the S.E. fork of the Missouri: the country opens suddenly to extensive and beautiful plains and meadows which appear to be surrounded in every direction with distant and lofty mountains.

This is the America, in Montana and every State, that people in this country and overseas want to visit.

The activity they are engaged in is called tourism—and it has become one of the world's most powerful tools of ecomonic development.

The development of a national rural tourism policy is crucial to the survival of rural America.

Tourism generates jobs and tax revenues, and it is an industry in which America is globally competitive.

In the West, tourism is particularly important because we are no longer able to rely on the boom-and-bust cycles of our extraction industries such as mining, ranching, drilling, logging and agriculture.

According to T.R. Reid of the Washington Post, the economic stability of the West lies in the development of the "attraction" industries meaning tourism.

However, people can not see sites that they can't get to. An adequate highway system and efficient air service are crucial to the successful development of a rural tourism economy.

We can market the unique qualities of the West all we want, but if we don't provide the means for people to get there, they won't come.

Today I am introducing a bill to amend the Federal-Aid Highway Act and commit more of this Nation's highway resources to an infrastructure that supports tourism on and around Federal lands.

My bill provides each region of the country money for planning, design and construction of roads and trails that support tourism and recreational travel on forest highways; U.S. Park Service roads; Indian reservation roads; and roads that access man-made lakes and other recreational sites.

It also authorizes the use of these funds for other infrastructure-related purposes such as interpretive signage, public road facilities, scenic easements, roadside rest areas and visitors centers.

I chose the already existing Federal lands category of the Federal-aid highway bill as the vehicle—if you will—for these tourism infrastructure improvements because Federal lands make up 30 percent of the total land of the United States and 50 percent of the land in the West.

Since nearly 70 million acres of private land have been closed to public access over the last 10 years, our Federal lands are fast becoming the primary recreation destination of tourists seeking to experience the America of Lewis and Clark.

In 1989, Federal agencies recorded 1.8 billion visits to recreational sites, parks, parkways and historic sites.

Federal lands in Western States have played, and will continue to play, a key role in establishing a sustainable tourism industry and a sustainable economic base for rural communities.

An example of the type of tourism concepts I hope to promote is described by the Center for the New West, a Denver-based research group, as a "'seamless border' concept of destination marketing and management based on natural attractions, gateways and geographic unity that spill across State lines."

This will become possible if we promote and encourage highway planning based on the need for access to Federal lands.

Planning must start on the State level and spread to the Federal level which is why my bill requires State highway agencies to develop a statewide tourism and recreational driving plan.

By funneling the funds through the Federal Lands Category and the Federal Highway Administration, I hope to encourage communication and coordination between the States and Federal planners.

This requirement is supported by a one-time $5 million funding increase to DOT's Rural Technical Assistance Program [RTAP].

The RTAP Program supports a national clearinghouse and 46 State centers which provide technical roadway information to local officials.

The additional funds would be used to develop information useful to State planning agencies as they identify roads for tourism and recreational purposes.

This approach is consistent with the new 10-year statewide rural plan included in the administration's 1991 highway program.

It is also consistent with the recommendations in the administration's recently released "National Scenic Byways Study" for interagency coordination and for a technical assistance program.

The technical assistance program will help States address sensitive environmental and land-use planning issues related to transportation for tourism purposes.

I believe that conservation of our natural resources should be an integral part of any government initiative to help build a long-term sustainable economy based on rural tourism and recreational development.

After all, we do not want to spoil the product we are attempting to promote.

This bill is not meant to fund the building of large highways capable of carrying traffic at high speeds, but rather to promote the development of roads that preserve the archeological, cultural and scenic interests that attract visitors to the unique qualities of the West and rural America.

It will also protect the natural beauty of the West by spreading visitors out and preventing the overuse of our most popular national parks and recreation sites.

I urge my colleagues to cosponsor and support this legislation which I will offer as an amendment to the 1991 highway reauthorization bill.

I ask unanimous consent that a copy of the bill and a section-by-section analysis be printed immediately following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Rural Tourism and Recreational Development Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(a) The travel and tourism industry is a significant contributor to the overall gross national product providing nearly six million jobs directly in 1989; it was the largest United States export in 1989 ($44,500,000,000 spent in the United States); it generated $350,000,000,000 in expenditures in 1989; and was the largest retail or service industry in the United States with receipts making up over 6.7 per centum of the gross national product.

(b) The public lands administered for travel and tourism purposes by the Departments of Agriculture, Defense, and the Interior amount to six hundred and forty seven million acres and constitute 30 per centum of the total land within the boundaries of the United States.

(c) These public lands contain many of the major natural attractions in the United States and are major destinations for the travel and tourism industry.

(d) There is a significant number of rural communities and States that are dependent upon the travel and tourism trade for their economic well-being or see this trade as a way of improving their economic situation.

(e) Over the last ten years, approximately seventy million acres of private lands have been closed to public access for recreation. At the same time, demand for all types of recreation is expected to increase over the next fifty years placing an even larger demand on the Federal estate which in 1989 recorded one billion eight hundred million visitors to parks, parkways, recreational and historical sites.

(f) Traffic growth is 4 per centum annually, and today 17 per centum of the two trillion miles of traffic is related to pleasure driving; and increased international and domestic travel within the United States will require improved, safe public roads.

(g) Good road access on well maintained and safe roads is essential to meeting the expanding needs of the traveling public to and from our public lands.

(h) The inclusion of a State tourism and recreational travel component in the overall Federal-aid highway planning process along with a tourism technical assistance program would help all levels of government identify specific transportation needs and solutions to benefit the development of a national rural tourism policy.

SEC. 3. NATIONAL GOAL.

It shall be the national goal under this Act to improve and provide safe access to public lands to encourage the development of travel and tourism opportunities in support of rural area economic development.

SEC. 4. FEDERAL LANDS HIGHWAY PROGRAM.

Section 204 of title 23, United States Code, is amended by striking subsection (h) and inserting instead:

"(h) Funds available for each class of Federal Lands Highways may be made available for the following:

"(1) transportation planning for tourism and recreational travel including the National Forest Scenic Byways Program and other similar Federal programs that benefit recreational development;

"(2) adjacent vehicular parking areas;

"(3) interpretive signage;

"(4) development of public road facilities for areas of historical, archeological, cultural, and scenic interests;

"(5) acquisition of necessary scenic easements;

"(6) construction and reconstruction of roadside rest areas including sanitary and water facilities; and

"(7) other appropriate facilities such as visitor centers as determined by the Secretary.

"(i) The Secretary shall transfer to the Secretary of the Interior from the appropriations for public lands highways amounts as may be needed to cover necessary administrative costs of the Bureau of Land Management in connection with public lands highways.".

SEC. 5. FOREST DEVELOPMENT ROADS AND TRAILS.

Section 205 of title 23, United States Code, is amended by adding subsection (e) as follows:

"(e) Funds available for forest development roads and trails may be made available for—

"(1) transportation planning for tourism and recreational travel including the National Forest Scenic Byways Program and other similar Federal programs that benefit recreational development;

"(2) adjacent vehicular parking areas;

"(3) interpretive signage;

"(4) development of public road facilities for areas of historical, archeological, cultural, and scenic interests;

"(5) acquisition of necessary scenic easements;

"(6) construction and reconstruction of roadside rest areas including sanitary and water facilities; and

"(7) other appropriate facilities such as visitor centers as determined by the Secretary of the Interior.".

SEC. 6. BICYCLE AND PEDESTRIAN FACILITIES FOR TOURISM.

(a) Section 217(b) of title 23, United States Code, is amended by adding a new paragraph (4) as follows:

"(4) Notwithstanding the provisions of (b)(3), Federal-aid highway projects for pedestrian and bicycle facilities shall be authorized by the Secretary to encourage alternative modes of transportation for tourism and recreation purposes.".

(b) Section 217 of title 23, United States Code, is amended by striking paragraph '(g)' and inserting instead as follows:

"(g) Motorized use of trails and walkways authorized under this section shall be determined by State and local regulations.".

SEC. 7. ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS AND CERTAIN LAKES.

Section 155(a) of title 23, United States Code, is amended by adding a new paragraph (3) as follows:

"(3) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for that fiscal year for access highways to public recreation areas on certain lakes according to the relative needs the various public recreation areas serving certain lakes taking into consideration the need for access as identified through recreation and land use planning and the impacts of planning on existing transportation facilities.".

SEC. 8. TECHNICAL ASSISTANCE PROGRAM.

The Secretary shall establish and carry out a tourism and recreational travel technical assistance program in non-urbanized areas. In carrying out this program, the Secretary shall administer the program in cooperation with other rural technical assistance programs to the extent that those programs for transportation assistance exist including assistance to American Indian Tribal governments.

SEC. 9. STATEWIDE DRIVING AND RECREATION PLAN.

Each State using funds provided in this Act shall have a multipurpose land use statewide driving and recreation travel plan to identify and find solutions to problems related to driving and tourism. This plan shall be coordinated with appropriate State and local agencies and Federal Land Management Agencies.

SEC. 10. AUTHORIZATIONS.

The following sums are authorized to be appropriated out of the Highway Account of the Highway Trust Fund:

(a) For Indian reservation roads $105,000,000 for fiscal year 1992; $115,000,000 for fiscal year 1993; $126,000,000 for fiscal year 1994; $138,000,000 for fiscal year 1995; and $152,000,000 for fiscal year 1996.

(b) For forest highways $200,000,000 for fiscal year 1992; $210,000,000 for fiscal year 1993; $220,000,000 for fiscal year 1994; $230,000,000 for fiscal year 1995; and $240,000,000 for fiscal year 1996: Provided, That up to 10 per centum of the sum may be expended for recreational travel and tourism projects on forest development roads and trails that are open to public travel.

(c) For public lands highways $60,000,000 for fiscal year 1992; $66,000,000 for fiscal year 1993; $73,000,000 for fiscal year 1994; $80,000,000 for fiscal year 1995; and $88,000,000 for fiscal year 1996: Provided, That up to 10 per centum of the sum may be expended for recreational travel and tourism projects on public lands development roads and trails that are open to public travel.

(d) For parkways and park roads $105,000,000 for fiscal year 1992; $115,000,000 for fiscal year 1993; $126,000,000 for fiscal year 1994; $138,000,000 for fiscal year 1995; and $152,000,000 for fiscal year 1996.

(e) For access highways to public recreation areas and certain lakes $15,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, 1995, and 1996; Provided, That these sums shall be available for obligation as if apportioned under chapter 1 of title 23, United States Code.

(f) For the Technical Assistance Program established under section 9 of this Act, $5,000,000 to remain available until expended: Provided, That the $5,000,000 shall be available for obligation as if apportioned under chapter 1, of title 23, United States Code.

SECTION-BY-SECTION ANALYSIS OF FEDERAL RURAL TOURISM

SEC. 2. FINDINGS

This section explains the purpose of the act to improve the economy through a planned recreational travel and tourism program to address increased recreational travel demand for road facilities serving or within federal lands.

SEC. 3. NATIONAL GOAL

This section establishes a goal to encourage the development of tourism for rural economic development.

SEC. 4. FEDERAL LANDS HIGHWAY PROGRAM

This section amends 23 U.S.C. 204(h) and adds 23 U.S.C. 204(i). Section 204(h) is amended by providing that Federal Lands Highway Program funds may be used for planning, design and construction projects that support recreational travel and tourism in rural areas in addition to the current adjacent vehicular parking areas and scenic easements.

Section 204(i) is added and provides for funds from the Federal Lands Highway Program to be made available to cover the Bureau of Land Management administrative costs associated with the recreational travel and tourism activities connected with projects funded under the section.

SEC. 5. FOREST DEVELOPMENT ROADS AND TRAILS

This section adds a subsection to 23 U.S.C. 205. The new subsection provides that the funds made available for constructing forest development roads and trails may also be used for planning, design and construction projects that support recreational travel and tourism in rural areas.

SEC. 6. PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS

This section adds a subsection to 23 U.S.C. 214. The new subsection provides that the funds made available for constructing public lands development roads and trails may also be used for planning, design and construction projects that support recreational travel and tourism in rural areas.

SEC. 7. BICYCLE AND PEDESTRIAN FACILITIES FOR TOURISM

This section amends 23 U.S.C. 217(b) and (g). Section 217(b), as amended, will allow the funds made available for section 217 to be used for projects that encourage constructing bicycle and pedestrian facilities for advancement of tourism and recreational purposes.

Section 217(g), amended, eliminates the restriction that motorized vehicles cannot use trails and walkways.

SEC. 8. ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS AND CERTAIN LAKES

This section amends 23 U.S.C. 1559(a). Section 155(a) is amended to provide a method of allocating funds for activities and projects funded under Section 155 based on relative road condition and access needs data. The data shall be developed through recreation and land use planning.

SEC. 9. TECHNICAL ASSISTANCE PROGRAM

This section creates a tourism and recreation travel technical assistance program in areas of under 50,000 population. The section is intended to provide supplemental technical assistance directed at tourism and recreational travel. Also, it is intended to build on the existing rural technical assistance programs.

SEC. 10. STATEWIDE DRIVING AND RECREATION PLAN

This section requires each State to have a Statewide Driving and Recreation Plan. States and local governments should develop recreation travel and tourism plans as part of a regular transportation planning process and the planning process should be coordinated with respective Federal land management planning activities.

SEC. 11. AUTHORIZATIONS

This section provides for continuing multi-year Highway Trust Fund authorizations at an increased funding level, for Indian reservation roads, forest highways, public land highways, and park roads and parkways. Up to 10 percent of forest highway funds may be used for recreational travel and tourism projects on forest development roads and trails. Up to 10 percent of public lands highway funds may be used for recreational travel and tourism projects on public lands development roads and trails. The section also provides for multi-year funding of projects for access highways to federally owned or constructed lakes and provides a one-time funding from the Highway Trust Fund for a technical assistance program that addresses recreation travel and tourism.

By Mr. HEFLIN (for himself and Mr. SHELBY):

S. 541. A bill to provide for the use of excess assets in black lung benefit thrusts for health care benefits for retired miners, and for other purposes; to the Committee on Finance.

RETIRED COAL MINERS HEALTH BENEFITS ACT

• Mr. HEFLIN. Mr. President, I rise today to introduce, on behalf of myself and Senator SHELBY, legislation which will allow the excess assets in private black lung trust funds to be used to pay for the health benefits of retired miners. Our bill would allow surplus funds which are otherwise idle, to be used to meet the rising health care costs of miners. This bill is very similar to a bill Senator SHELBY and I introduced last Congress.

Under current law, miners with black lung disease may receive benefits under the black lung disability trust fund which is funded through excise taxes on mined coal. Since 1977, black lung benefits have also been paid directly to miners by individual coal mine operators either through insurance, cash payments or through private trusts established under section 501(c)(21) of the Internal Revenue Code. The operator may make contributions to a section 501(c)(21) trust based on actuarially sound standards to cover contingent future liabilities. Although the code allows operators to self-insure by making contributions to a section 501(c)(21) trust, this method of funding is not required. Operators may choose in the alternative to purchase insurance to cover the liabilities out of general assets. An operator who establishes a section 501(c)(21) trust, however, provides a more secure fund from which black lung liabilities are to be paid.

The bill we are introducing today has changed somewhat from the version of the bill Senator SHELBY and I introduced last year. This bill incorporates the changes which were recommended by Senator METZENBAUM and his Labor Subcommittee staff during the final days of the 101st Congress. It is my understanding that Senator METZENBAUM and his staff recommended these changes in order to ensure that the primary beneficiaries of the black lung trust funds, miners with black lung disease, are well protected under the bill. Let me say that it has always been my intention that the bill would in no way diminish the trust funds available to be paid to miners as black lung benefits. I am also sure that coal operators who operate these trusts have the same intention and will take every precaution to protect the funds.

Under current law, private black lung trust funds, which are exempt from Federal income tax, can only be used to provide compensation for disability due to pneumoconiosis under the black lung acts, to provide insurance to cover such disabilities, or to pay administrative and other incidental costs associated with the trust. These trust funds may also be invested in Government securities, deposited in federally insured depository institutions, paid into the Federal black lung disability trust fund, or paid into the general fund of the U.S. Treasury. The trust must be irrevocable with no right or possibility of reversion to the coal mine operator.

Our bill would amend section 501(c)(21) to allow the trustees of private black lung trust funds to make payments for sickness, accident, hospitalization, and other medical expenses, their spouses and dependents, or the payment of premiums for insurance covering such expenses when assets in the trust exceed liabilities. The trust funds could only be used for this purpose to the extent that the fair market value of such funds exceeds an amount equal to 110 percent of the present value of the liability. We added the 10-percent cushion at the request of Senator METZENBAUM in order to provide additional assurance that the funds remaining will be more than adequate to cover the liability. The bill requires that reasonable actuarial studies be used to determine whether a trust fund contains surplus assets.

The use of surplus funds would in no way alter the coal mine operator's continuing legal obligation to fund the trust and black lung benefits. The trust could never be depleted below the present value of the coal mine operator's liability. This bill would allow funds which are otherwise idle, to provide a much needed benefit to retired miners.

Unless a coal operator is allowed to use the trust surplus to meet health care costs of retired miners, an operator is penalized for providing this secure fund. If the operator had, instead, chosen to pay black lung liabilities out of its general assets—which would have resulted in a less secure fund since the operator might be insolvent when the future liabilities arise—the surplus would have been available for paying health care costs of retired miners. If an operator is insolvent and unable to satisfy its black lung liabilities, the liabilities are paid by the Federal black lung disability trust fund. Creating a penalty by not allowing the operators to use the surplus trust funds to pay health care costs for retired miners, in effect, discourages operators from creating a secure funding arrangement to satisfy future black lung liabilities. To avoid this result, operators should be permitted to use the surplus funds to meet health care costs of the retired miners.

Mr. President, this bill will also provide a tax revenue benefit to the U.S. Treasury since health care expenditures are deductions from taxable income. If the surplus assets from black lung trusts are used for health care payments for retired miners, each company's taxable income will increase by the amount of such health care benefits since health care payments are normally made from the operator's general funds. We have added language to the bill to make it clear that coal operators may not take a second deduction for the health care payments made from the trust.

I urge my colleagues to support this bill.•

By Mr. GRASSLEY (for himself, Mr. DANFORTH, Mr. DURENBERGER, Mr. LEVIN, Mr. D'AMATO, Mr. SHELBY, Mr. HELMS, Mr. LOTT, and Mr. CONRAD):

S. 542. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans; to the Committee on Finance.

DEDUCTION FOR INTEREST ON EDUCATIONAL LOANS

• Mr. GRASSLEY. Mr. President, today, I rise to reintroduce legislation that will reinstate the tax deduction for interest on student loans. Senators DANFORTH, DURENBERGER, D'AMATO, HELMS, SHELBY, LEVIN, LOTT, and CONRAD are joining me in reintroducing this legislation.

As you know, under the Tax Reform Act of 1986, the consumer interest deduction was phased out after the 1990 tax year. Unfortunately, educational expenses were lumped together with consumer interest and the deduction for student loan interest will also be terminated.

Mr. President, by taking this action, Congress has, in effect, imposed an additional tax on individuals who are attempting to better themselves or their families through education.

Congress justified repealing the interest deduction on the grounds that it was a significant distincentive to saving. However, unlike loans for most other personal items, student loans have become a necessity for many students and their families who are unable to afford the rising costs of an education.

In addition, consumer interest, up to a limit, remains deductable if the loan is secured by a taxpayer's residence. Even if this home equity loan is used for educational expenses, the interests is deductable. Consequently, current law discriminates against lower income taxpayers who are not fortunate enough to own a home and able to borrow on the home's equity.

The present law regarding interest deductions for education is neither fair nor productive, and it is time to make an adjustment. We all agree that education is a national investment which will be a determining factor in the future of America. A well-educated work force is vitally important if we are to compete effectively in the international marketplace. Restoring the interest deduction for student loans is an expression of the value we place on education and its role in maintaining the position of the United States as the leader of the free world.

Unfortunately, the estimated cost of this legislation has substantially risen since I introduced this legislation in 1987. The first cost estimates were around $500 to $600 million over 5 years. The most recent estimate is nearly double the first one. I will, therefore, be looking into ways this legislation can be modified that will substantially achieve the original goal while also reducing the cost.

Since 1987, I have been working with Congressman SCHULZE to restore this educational assistance. Congressman SCHULZE has introduced a modified companion bill, H.R. 747, in this Congress. I look forward to working with Congressman SHULZE in the 102d Congress as we continue toward our goal of passing this needed legislation.

I urge my colleagues to join me and the cosponsors of this legislation in supporting the education and future of America by adjusting the Tax Code to allow a fair deduction to all Americans for reasonable educational expenses.

I ask unanimous consent to print the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR INTEREST ON EDUCATIONAL LOANS.

(a) IN GENERAL.—Paragraph (2) of section 163(h) of the Internal Revenue Code of 1986 (defining personal interest) is amended by striking out "and" at the end of subparagraph (D), by redesignating subparagraph (E) as subparagraph (F), and by inserting after subparagraph (D) the following new subparagraph:

"(E) any interest on a qualified educational loan, and".

(b) QUALIFIED EDUCATIONAL LOAN.—Section 163(h) of such Code is amended by adding at the end thereof the following new paragraph:

"(6) QUALIFIED EDUCATIONAL LOAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified educational loan' means any indebtedness incurred to pay qualified educational expenses which are paid or incurred within a reasonable period of time before or after the indebtedness is incurred.

"(B) COORDINATION WITH HOME EQUITY INDEBTEDNESS LIMITS.—Any qualified education loan which is also home equity indebtedness shall not be taken into account for purposes of applying the limitation of paragraph (3)(C)(ii).

"(C) QUALIFIED EDUCATIONAL EXPENSES.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified educational expenses' means qualified tuition and related expenses of the taxpayer, his spouse, or a dependent for attendance at an educational institutional described in section 170(b)(1)(A)(ii).

"(ii) QUALIFIED TUITION AND RELATED EXPENSES.—The term 'qualified tuition and related expenses' has the meaning given such term by section 117(b), except that such term shall include any reasonable living expenses while away from home.

"(iii) DEPENDENT.—For purposes of this subparagraph, the term 'dependent' has the meaning given such term by section 152."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.•

By Mr. RIEGLE (for himself, Mr. DODD, and Mr. WIRTH):

S. 543. A bill to reform Federal deposit insurance, protect the deposit insurance funds, and improve supervision and regulation of and disclosure relating to federally insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

COMPREHENSIVE DEPOSIT INSURANCE REFORM AND TAXPAYER PROTECTION ACT

Mr. RIEGLE. Mr. President, I rise to introduce, for myself and Senator DODD and WIRTH the Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991.

This bill will make badly needed changes in our deposit insurance system. I would like to just indicate some of the things it does.

It requires annual onsite examinations of all federally insured banks and thrifts.

It requires regulators to take prompt corrective action to recapitalize, sell, or close weakened institutions before they become liabilities to the deposit insurance fund. This would include restricting dividends, growth, activities, and executive bonuses, and also taking control of the institution if it continues to deteriorate.

It sets goals for reform of the accounting principles that apply to insured banks and thrifts and establishes a process for working toward those goals.

It restrains State-chartered commercial banks from engaging in risky activities at the expense of the Federal deposit insurance system.

It prevents the FDIC from treating any institution as too big to fail by requiring the FDIC to resolve failed institutions by whatever resolution strategy costs the deposit insurance fund the least, and prohibiting the FDIC from using the insurance fund's resources to protect uninsured depositors.

It requires the FDIC to implement a system of risk-based deposit insurance premiums. That issue, I know, is of great interest to my colleagues, Senator DIXON of Illinois and Senator GRAHAM of Florida.

The bill limits the Federal Government's deposit insurance exposure by curtailing passthrough deposit insurance, restricting brokered deposits, and limiting deposit insurance to $100,000 per individual per institution, plus $100,000 more for tax-deferred retirement savings.

It makes the owners of banks and thrifts stand behind those institutions, by removing doubts about the enforceability of capital maintenance commitments and by strengthening the current requirement that an institution's affiliates protect the FDIC from losses caused by that institution.

Finally, it gives the financial markets, the regulators and the general public better information about the financial condition of depository institutions by imposing new reporting and disclosure obligations on those institutions and their regulators.

This bill is the successor to S. 3103, which I introduced last September. The cornerstone of the bill remains the same—the concept that if we can get regulators to act promptly and effectively to correct the problems of troubled banks and thrifts before they become insolvent, we can dramatically reduce costs to the deposit insurance system and in turn risk to the taxpayer.

The bill has been changed in several respects, of which the most important may be that it now requires the FDIC to adopt and implement a system of risk-based insurance premiums. I will not go into the changes in depth at this time. But I ask unanimous consent to print in the RECORD at the conclusion of my remarks the text of the revised bill, and a detailed statement on the bill, together with a summary of the bill, and explanation of how it differs from S. 3103, a set of questions and answers on various aspects of the bill, and a legal opinion by Prof. Geoffrey Miller of the University of Chicago Law School.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. President, 4 weeks ago, Secretary Brady forwarded to the Congress the Treasury Department's report on deposit insurance reform. That report was required under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which reformed the regulation of the thrift industry to end past abuses.

The Treasury study lays out an impressive agenda for reform not only of our deposit insurance system but of our entire banking system. Many of the details of the Treasury's proposal will be clear only after we have received the implementing statutory language. Although we have not yet received that language, the Treasury has assured us that we will receive it sometime soon.

Nevertheless, the broad outlines of the Treasury proposal are already clear. The proposal has four major components:

First, it would reform the deposit insurance system in a number of ways. I am pleased to note that there appear to be close parallels between many aspects of the Treasury's deposit insurance reform proposal and the legislation I introduced last September and I am reintroducing today. But, of course, we will have to see the actual statutory language to find out exactly how close those parallels are.

Second, the proposal would restructure the bank regulatory system by reallocating regulatory jurisdiction among the FDIC, the Federal Reserve, and the Treasury, and combine the Treasury's existing regulators—the Office of the Comptroller of the Currency and the Office of Thrift Supervision.

Third, the proposal would eliminate existing barriers to affiliation between banks and other enterprises. Banks and other financial services providers could affiliate under the umbrella of a new type of corporation, the "financial services holding company." A financial services holding company could, in turn, be owned by any type of commercial concern.

Finally, the proposal would repeal provisions of existing law that prevent banks from branching across State lines. In addition, the proposal sets forth certain principles for recapitalizing the bank insurance fund. It does not, however, include an actual plan for recapitalizing that fund.

Every aspect of the Treasury's proposal raises legitimate public policy issues that fully warrant the close attention of the Congress.

I am here to say, as I have said elsewhere, that the Banking Committee has already taken up these issues and we intend to pursue them in the present comprehensive fashion throughout the spring and to bring forward a legislative package somewhat later this year.

Ultimately, it may or may not prove possible or prudent to move Treasury's entire proposal in a single legislative package. In my own opinion, some areas of proposed reform deserve higher priority than others, but we will have to let the legislative process work and see exactly where the balance of opinion lies, first within the committee—as we come to terms with all of the issues involved, then within the Senate as a whole, and ultimately between the Senate and the House.

I am going to make just a few personal observations to set some benchmarks on how I view some of the key issues involved here. Speaking just for myself, I assign top priority to recapitalizing the Bank Insurance Fund and reforming the deposit insurance system. Those things must be done and I am determined to see they will be done.

Frankly, I was disappointed the Treasury's proposal did not include a plan for recapitalizing the bank insurance fund.

In my own view, expanding the ability of banking organizations to do business across State lines should also receive a high priority. Such an expansion could help the insurance funds and the taxpayers, but we need to make sure that the regulatory system can adequately supervise interstate banks, and that we do not end up frustrating State and Federal community reinvestment policies.

I also think we should look closely at proposals to streamline our Federal bank and thrift regulatory system in order to improve the quality and consistency of bank and thrift regulation and supervision. We need to figure out if we should make improvements in the examination process, in the way we collect and analyze data from insured institutions, maybe in the way we monitor compliance with statutory and regulatory directives.

The condition of the banking industry and the bank insurance fund shows that something has gone very wrong with our system of regulation and supervision. We need to find out exactly what that is and fix it, and I am determined to do so.

Although my mind is open, I tend to assign a somewhat lower priority to powers legislation and proposals to let commerical firms own banks and bank holding companies. In these areas, we will have to move cautiously to avoid mistakes that could prove very costly.

We need to make sure we have learned the lessons of the savings and loan experience—recognizing that that situation is different from this one, but that experience there is relevant in many ways to the questions arising in this new debate. We need to make sure we have reformed the deposit insurance system and the supervisory system so as to guarantee that new powers do not mean unnecessary and unwise new risks to the taxpayers.

I do not know if the administration shares the priorities I have just expressed, but I am confident that we share a common bottom line; namely, a strong banking system which in turn can provide the foundation for a strong economy for our country.

So I very much look forward to working with all Senators and the administration to enact reforms that will put America's banking system on a solid foundation for the future and ensure that America's taxpayers will never again have to foot the bill for the failure of the insurance deposit system.

Finally, today the Banking Committee heard from the Congressional Budget Office and later this week we will hear from the General Accounting Office their respective analyses of the Treasury proposal. These are just the beginning of a long series of hearings on proposed deposit insurance and banking reform legislation. During the process, we will also consider proposals to improve the administration of the Resolution Trust Corporation, an issue that is part of today's debate, and we will consider additional recommendations for financial services modernization and supervision.

I hope very much to finish the entire series of hearings and examination of these issues by midsummer so that we can mark up legislation as soon as possible after that.

Mr. President, I invite the comments and the observations of all interested parties. This will be a historic revision of the fundamental banking laws of this country. There is a great body of important expert opinion around this country, people from a wide variety of backgrounds, and I would like to be sure we have the full advantage of that kind of thoughtful perspective from everyone who wants to participate. And all are invited to participate.

Those who want to forward views of their own that I think would add to the general discussion, I will try not only to see that those views are considered but to make them a part of the committee record at the appropriate point along the way.

I might say just parenthetically that today a gentleman came up at the end of the hearing that we had in the committee—a man who has been around a good number of decades—and he reflected on the early days of the banking crisis that hit this country in the 1930's, telling stories about those times and making historical observations on what he had seen over the years.

I found his thoughts illuminating, I welcomed them, and in that same spirit hope to hear from others in the months ahead.

Mr. President, that concludes my remarks on the introduction of the deposit reform bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Improving capital standards.
Sec. 3. Accounting reform.
Sec. 4. Annual examinations.
Sec. 5. Prompt corrective action.
Sec. 6. Capital maintenance commitments.
Sec. 7. Multiple accounts.
Sec. 8. Pass-through insurance coverage.
Sec. 9. Brokered deposits.
Sec. 10. Risk-based assessments.
Sec. 11. Restricting risky bank activities.
Sec. 12. Safeguards against insider abuse.
Sec. 13. Interbank liabilities.
Sec. 14. Least-cost resolution.
Sec. 15. Cross-guarantee liability.
Sec. 16. Granting deposit insurance.
Sec. 17. Disclosure.
Sec. 18. Consent to be bound by Federal Deposit Insurance Act.
Sec. 19. Uninsured depository institutions.

SEC. 2. IMPROVING CAPITAL STANDARDS.

(a) IN GENERAL.—Each appropriate Federal banking agency shall do the following to improve its capital standards for insured depository institutions:

(1) IMPROVING CAPITAL STANDARDS GENERALLY.—Require enough capital to facilitate prompt corrective action to prevent loss to the Bank Insurance Fund and Savings Association Insurance Fund, consistent with section 35 of the Federal Deposit Insurance Act (as added by section 5 of this Act).

(2) IMPROVING RISK-BASED STANDARDS AND CONTROLLING INTEREST-RATE RISK.—Improve risk-based capital standards to ensure that such standards take adequate account of—

(A) interest-rate risk;

(B) concentration of credit risk; and

(C) the risks posed by activities more risky than conventional commercial lending, including real-estate development lending with a high loan-to-value ratio, financing highly leveraged transactions, lending without adequate security or recourse, interest-reserve lending, and equity investment.

(b) DEADLINE FOR PRESCRIBING REVISED STANDARDS.—Each appropriate Federal banking agency shall publish in the Federal Register final regulations or guidelines to implement subsection (a) not later than 18 months after the date of enactment of this Act.

(c) DEFINITIONS.—For purposes of this section, the terms "appropriate Federal banking agency" and "insured depository institution" have the meaning given to those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

SEC. 3. ACCOUNTING REFORM.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(o) ACCOUNTING REFORM.—

"(1) OBJECTIVES.—The Congress declares that accounting principles applicable to insured depository institutions should—

"(A) result in financial statements and reports of condition that accurately reflect (at market value, to the extent feasible) the economic condition of those institutions; and

"(B) facilitate effective supervision of insured depository institutions, and prompt corrective action to resolve troubled institutions' problems at no cost to the Bank Insurance Fund or Savings Association Insurance Fund.

"(2) IMPROVING ACCOUNTING PRINCIPLES APPLICABLE TO INSURED DEPOSITORY INSTITUTIONS.—The Securities and Exchange Commission, in consultation with the appropriate Federal banking agencies, shall facilitate the development of accounting principles for insured depository institutions that meet the objectives set forth in paragraph (1).

"(3) STRINGENCY.—

"(A) GAAP AS MINIMUM.—Accounting principles applicable to insured depository institutions shall be no less conservative than generally accepted accounting principles.

"(B) GREATER CONSERVATISM AUTHORIZED.—The appropriate Federal banking agencies may prescribe accounting principles more conservative than generally accepted accounting principles as appropriate to facilitate effective supervision of insured depository institutions and prompt corrective action to resolve troubled institutions' problems at no cost to the Bank Insurance Fund or Savings Association Insurance Fund.".

SEC. 4. ANNUAL EXAMINATIONS.

(a) IN GENERAL.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by inserting after subsection (c) the following new subsection:

"(d) ANNUAL ON-SITE EXAMINATIONS OF ALL INSURED DEPOSITORY INSTITUTIONS REQUIRED.—

"(1) IN GENERAL.—The appropriate Federal banking agency shall, at least once during each 12-month period, conduct an on-site examination of each insured depository institution (other than an institution for which a conservator has been appointed).

"(2) EXAMINATION BY CORPORATION ALSO SATISFIES REQUIREMENT.—Paragraph (1) shall not apply during any 12-month period in which the Corporation has conducted an on-site examination of the insured depository institution.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of enactment of this Act.

(c) TRANSITION RULE.—Notwithstanding section 10(d) of the Federal Deposit Insurance Act (as added by subsection (a) of this section), during the period beginning 1 year after the date of enactment of this Act and ending on December 31, 1993, an on-site examination of an insured depository institution is not required more often than once during every 18-month period unless—

(1) the institution, when most recently examined, received a composite CAMEL rating of 3, 4, or 5 under the Uniform Financial Institutions Rating System; or

(2) one or more persons acquired control of the institution during the preceding 12-month period.

SEC. 5. PROMPT CORRECTIVE ACTION.

(a) SYSTEM OF PROMPT CORRECTIVE ACTION.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 35. PROMPT CORRECTIVE ACTION.

"(a) PROBLEMS TO BE RESOLVED AT NO COST TO INSURANCE FUNDS.—

"(1) PURPOSE.—The purpose of this section is to ensure that the problems of insured depository institutions are resolved—

"(A) with only rare exceptions, at no cost to the Bank Insurance Fund or Savings Association Insurance Fund; and

"(B) when such costs cannot be avoided, at the least possible long-term cost to the affected deposit insurance fund.

"(2) PROMPT CORRECTIVE ACTION REQUIRED.—Each appropriate Federal banking agency shall carry out the purpose of this section by taking prompt corrective action to resolve the problems of insured depository institutions.

"(b) DEFINITIONS RELATING TO CAPITAL COMPLIANCE.—For purposes of this section:

"(1) UNDERCAPITALIZED.—An insured depository institution is 'undercapitalized' if it is not in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency.

"(2) SATISFYING CAPITAL STANDARDS.—An insured depository institution satisfies capital standards only if it is in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency.

"(3) AVERAGE.—The 'average' of an accounting item (such as total assets or tangible shareholders' equity) during a given period means the sum of that item at the close of business on each business day during that period divided by the total number of business days in that period.

"(c) PROVISIONS APPLICABLE TO ALL INSTITUTIONS.—

"(1) CAPITAL DISTRIBUTIONS RESTRICTED.—An insured depository institution shall make no capital distribution if, after making the distribution, the institution would be undercapitalized.

"(2) CAPITAL DISTRIBUTION DEFINED.—For purposes of paragraph (1), the term 'capital distribution' means any of the following:

"(A) A dividend paid or other distribution in cash or in kind made with respect to any shares of any insured depository institution, except a dividend consisting only of shares of the institution.

"(B) A payment made by an insured depository institution to repurchase, redeem, retire, or otherwise acquire any of its shares, including any extension of credit made to finance an affiliated company's acquisition of such shares.

"(C) A transaction that the appropriate Federal banking agency determines to be in substance the distribution of capital.

"(d) PROVISIONS APPLICABLE TO ALL UNDERCAPITALIZED INSTITUTIONS.—

"(1) MONITORING UNDERCAPITALIZED INSTITUTIONS.—Each appropriate Federal banking agency shall—

"(A) closely monitor the condition of any undercapitalized insured depository institution;

"(B) closely monitor compliance with capital restoration plans and restrictions imposed under this section; and

"(C) periodically review the plan and restrictions applicable to any undercapitalized insured depository institution to determine whether the plan and restrictions are achieving the purpose of this section.

"(2) CAPITAL RESTORATION PLAN REQUIRED.—

"(A) IN GENERAL.—Any undercapitalized insured depository institution shall submit an acceptable capital restoration plan to the appropriate Federal banking agency within the time allowed by the agency under subparagraph (D).

"(B) CONTENTS OF PLAN.—The capital restoration plan shall—

"(i) specify how the insured depository institution will satisfy capital standards, without increasing the risk (including credit risk, interest-rate risk, and other types of risk) to which the institution is exposed;

"(ii) specify the levels of capital to be attained during each year in which the plan will be in effect;

"(iii) specify how the institution will comply with paragraph (3);

"(iv) specify the types and levels of activities in which the institution will engage; and

"(v) contain such other information as the appropriate Federal banking agency may require.

"(C) CRITERIA FOR ACCEPTING PLAN.—The appropriate Federal banking agency shall not accept a plan unless the agency determines that:

"(i) the plan complies with subsection (B);

"(ii) the plan is based on realistic assumptions, and is likely to succeed; and

"(iii) each company having control of the insured depository institution has—

"(I) guaranteed that the institution will comply with the plan until the institution has satisfied capital standards on average during each of 12 consecutive months, and

"(II) provided appropriate assurances of performance.

"(D) DEADLINES FOR SUBMISSION AND REVIEW OF PLANS.—The appropriate Federal banking agency shall by regulation establish deadlines that—

"(i) provide insured depository institutions with reasonable time to submit capital restoration plans, and generally require an institution to submit a plan not later than 30 days after the institution ceases to satisfy capital standards; and

"(ii) require the agency to act on capital restoration plans expeditiously and generally not later than 30 days after the plan is submitted.

"(3) GROWTH RESTRICTED.—

"(A) IN GENERAL.—An undercapitalized insured depository institution shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter.

"(B) LIMITED GROWTH EXCEPTION.—The appropriate Federal banking agency may permit an insured depository institution to increase its total assets notwithstanding subparagraph (A) if—

"(i) the agency has accepted the institution's capital restoration plan; and

"(ii) any increase in the institution's total assets after the date on which the institution became undercapitalized—

"(I) is not more than 10 times the increase in the institution's tangible shareholders' equity after that date; and

"(II) is consistent with the plan.

"(4) DISCRETIONARY SAFEGUARDS.—The appropriate Federal banking agency may, with respect to any undercapitalized insured depository institution, take 1 or more of the actions described in subsection (e)(2) if the agency determines that such actions are necessary to carry out the purpose of this section.

"(e) PROVISIONS APPLICABLE TO UNDERCAPITALIZED INSTITUTIONS THAT FAIL TO SUBMIT AND IMPLEMENT CAPITAL RESTORATION PLANS.—

"(1) IN GENERAL.—If any undercapitalized insured depository institution fails to submit an acceptable capital restoration plan within the time allowed by the appropriate Federal banking agency under subsection (d)(2)(C) or fails in any material respect to implement a plan accepted by the agency, the following provisions shall apply:

"(A) SPECIFIC ACTION REQUIRED.—The agency shall carry out the purpose of this section by taking 1 or more of the actions described in paragraph (2) of this subsection.

"(B) PRESUMPTION IN FAVOR OF CERTAIN ACTIONS.—In complying with subparagraph (A), the agency shall—

"(i) take the actions described in paragraph (2)(A)(i) (relating to requiring the sale of shares or obligations) and (2)(B)(i) (relating to prohibiting the institution from using the exemption contained in section 23A(d)(1) of the Federal Reserve Act) unless the agency determines that such action would not further the purpose of this section; and

"(ii) take the action described in paragraph (2)(G) (relating to requiring a change of auditor) unless—

"(I) the agency determines that such action would not further the purpose of this section;

"(II) the institution and any affiliated insured depository institutions have consolidated assets of less than $1,000,000,000; or

"(III) the institution's current independent auditor had not served in that capacity for more than 1 year when the institution ceased to satisfy capital standards.

"(C) BRANCHING RESTRICTED.—The agency shall not permit the insured depository institution to increase the number of its branches unless the Corporation certifies that the increase will further the purpose of this section.

"(D) DISCRETION TO IMPOSE CERTAIN ADDITIONAL RESTRICTIONS.—The agency may take one or more of the actions described in subsection (g)(2) to carry out the purpose of this section.

"(2) SPECIFIC ACTIONS AUTHORIZED.—The actions described in this paragraph are the following:

"(A) REQUIRING SALE OF SHARES OR OBLIGATIONS.—

"(i) Requiring the institution to sell enough shares or obligations of the institution so that the institution will satisfy capital standards after the sale.

"(ii) Further requiring that instruments sold under clause (i) be voting shares.

"(B) RESTRICTING TRANSACTIONS WITH AFFILIATES.—

"(i) Prohibiting the institution from using the exemption contained in section 23A(d)(1) of the Federal Reserve Act.

"(ii) Further restricting the institution's transactions with affiliates.

"(C) RESTRICTING ACTIVITIES.—Restricting the activities of the institution or any of its subsidiaries.

"(D) RESTRICTING INTEREST RATES PAID.—Restricting the interest rates the institution pays on deposits.

"(E) REQUIRING NEW ELECTION OF DIRECTORS.—Ordering a new election for the institution's board of directors.

"(F) DISMISSING DIRECTORS OR SENIOR EXECUTIVE OFFICERS.—Dismissing from office any director or senior executive officer (as defined by the Corporation under section 32(f)) who had held office for more than 180 days when the institution ceased to satisfy capital standards. Dismissal under this subparagraph shall not be construed as removal under section 8.

"(G) REQUIRING CHANGE OF AUDITOR.—Requiring the institution to retain a new independent auditor if the institution's current independent auditor had served in that capacity for more than 1 year when the institution ceased to satisfy capital standards.

"(3) SENIOR EXECUTIVE OFFICERS' COMPENSATION RESTRICTED.—

"(A) FAILING TO SUBMIT TIMELY PLAN.—If any undercapitalized insured depository institution fails to submit an acceptable capital restoration plan within the time allowed by the appropriate Federal banking agency under subsection (d)(2)(C), the institution shall not, until the institution has submitted and the appropriate Federal banking agency has accepted a plan, do any of the following:

"(i) Pay any bonus to any senior executive officer.

"(ii) Provide compensation to any senior executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit-sharing) during the 12 calendar months preceding the calendar month in which the institution ceased to comply with capital standards.

"(B) MATERIALLY FAILING TO IMPLEMENT PLAN.—If any undercapitalized insured depository institution fails in any material respect to implement a capital restoration plan accepted by the appropriate Federal banking agency, the institution shall not take any action described in clause (i) or (ii) of subparagraph (A) of this paragraph without the prior written approval of the appropriate Federal banking agency.

"(C) DEFINITIONS.—For purposes of this subsection:

"(i) SENIOR EXECUTIVE OFFICER.—The term 'senior executive officer' has the meaning given to that term by the Corporation under section 32(f).

"(ii) COMPENSATION.—The term 'compensation' means any payment of money or provision of any other thing of value in connection with employment.

"(f) PROVISIONS APPLICABLE TO INSTITUTIONS WITH CAPITAL BELOW CRITICAL LEVEL.—

"(1) AGENCY TO SPECIFY CRITICAL CAPITAL LEVEL.—

"(A) IN GENERAL.—Each appropriate Federal banking agency shall by regulation specify a capital level for purposes of this subsection, to be known as the 'critical capital level'.

"(B) CRITERION FOR SPECIFYING CRITICAL CAPITAL LEVEL.—The critical capital level shall be high enough so that the problems of insured depository institutions can, with only rare exceptions, be resolved at no cost to the Bank Insurance Fund or Savings Association Insurance Fund by carrying out this subsection when the institution's capital falls below that level.

"(C) FDIC'S CONCURRENCE REQUIRED.—The appropriate Federal banking agency shall not, without the concurrence of the Corporation, specify a critical capital level that is less stringent than the critical capital level specified by the Corporation for State nonmember insured banks.

"(2) PAYMENTS ON SUBORDINATED DEBT PROHIBITED.—

"(A) IN GENERAL.—An insured depository institution shall make no payment of principal or interest on the institution's subordinated debt unless, after making the payment, the institution would have capital equaling or exceeding the critical level specified under paragraph (1).

"(B) LIMITED EXEMPTION FOR CERTAIN SUBORDINATED DEBT.—Until October 25, 1995, subparagraph (A) shall not apply with respect to any subordinated debt that is outstanding on October 25, 1990, and that is not extended or otherwise renegotiated after October 25, 1990.

"(C) ACCRUAL OF INTEREST.—Subparagraph (A) does not prevent unpaid interest from accruing on subordinated debt under the terms of that debt, to the extent otherwise permitted by law.

"(D) SUBORDINATED DEBT DEFINED.—For purposes of this paragraph, the term 'subordinated debt' means debt subordinated to the claims of depositors or general creditors.

"(3) ACTIVITIES RESTRICTED.—If any insured depository institution's capital does not equal or exceed the critical capital level specified under paragraph (1), the institution shall comply with restrictions prescribed by the appropriate Federal banking agency under subsection (g).

"(4) CONSERVATORSHIP, RECEIVERSHIP, OR OTHER ACTION REQUIRED.—

"(A) IN GENERAL.—The appropriate Federal banking agency shall, not later than 30 days after the institution's capital ceases to equal or exceed the critical capital level specified under paragraph (1)—

"(i) appoint a conservator or receiver for the institution; or

"(ii) take such other action as the agency determines, with the concurrence of the Corporation, would better achieve the purpose of this section, after documenting why such action is more likely than the immediate appointment of a conservator or receiver to protect the interests of the Bank Insurance Fund or Savings Association Insurance Fund.

"(B) REVIEW OF OTHER ACTION.—If a conservator or receiver is not appointed for the insured depository institution, the agency (with the concurrence of the Corporation) shall review its action under subparagraph (A)(ii) not less often than every 90 days, determine whether that action should be modified to better achieve the purpose of this section, and make any appropriate modifications.

"(C) APPOINTMENT OF RECEIVER REQUIRED IF OTHER ACTION FAILS TO RESTORE CAPITAL.—Notwithstanding subparagraphs (A) and (B) or any provision of State law, the appropriate Federal banking agency shall appoint a receiver for the insured depository institution if the institution's capital does not exceed the critical capital level specified under paragraph (1) on average during any 3-month period during the 6-month period beginning after the end of the 9-month period beginning on the first day of the first month that begins after the date on which the institution's capital ceased to equal or exceed the critical capital level.

"(g) RESTRICTING ACTIVITIES OF INSTITUTIONS WITH CAPITAL BELOW CRITICAL LEVEL.—

"(1) IN GENERAL.—To carry out the purpose of this section, each appropriate Federal banking agency shall, by regulation or order, restrict the activities of any insured depository institution that does not have capital equaling or exceeding the critical capital level specified under subsection (f)(1).

"(2) SPECIFIC RESTRICTIONS.—Except to the extent that the agency determines that other restrictions will better achieve the purpose of this section, the restrictions prescribed under paragraph (1) shall prohibit an insured depository institution that does not have capital equaling or exceeding the critical capital level specified under subsection (f)(1) from doing any of the following without the agency's prior written approval:

"(A) Enter into any material transaction other than in the usual course of business.

"(B) Enter into any highly leveraged transaction.

"(C) Make or agree to make—

"(i) any nonrecourse loan other than a loan on which the principal and interest are fully guaranteed by the United States or an agency of the United States; or

"(ii) any interest-reserve loan.

"(D) Originate, fund, invest in, or buy (or commit itself to originate, fund, invest in, or buy) any investment, security, or other asset (or any group of such assets sold or pledged to, purchased from, or exchanged with the same person) in an amount exceeding the lesser of—

"(i) 10 percent of the institution's capital; or

"(ii) $500,000.

"(E) Sell, pledge, modify, or exchange any loan, participation, investment, or security (except for loans sold in the secondary market in the usual course of business) in an amount exceeding the lesser of—

"(i) 10 percent of the institution's capital; or

"(ii) $500,000.

"(F) Enter into any lease or contract for the purchase of real property or of any interest in real property.

"(G) Amend the institution's charter or bylaws.

"(H) Make any material change in accounting methods.

"(I) Pay interest on new or renewed liabilities at a rate that would increase the institution's weighted average cost of funds.

"(J) Accept or renew liabilities on terms that would increase the institution's exposure to interest-rate risk.

"(K) Make any disbursement to any 1 entity exceeding the lesser of—

"(i) 10 percent of the institution's capital; or

"(ii) $500,000.

"(L) Engage in any 'covered transaction', as defined in section 23A(b) of the Federal Reserve Act.

"(M) Pay or agree to pay any bonus to any employee or agent who receives annual compensation exceeding $60,000.

"(N) Increase the annual compensation of any employee or agent (including any compensation paid with respect to the termination of that person's employment) who receives annual compensation exceeding $60,000 by an amount that exceeds by more than 5 percentage points the percentage increase during the preceding 12 months in the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics.

"(O) Indemnify or agree to indemnify any officer, director, employee, or agent.

"(P) Settle any claim, judgment, or award exceeding the lesser of—

"(i) 10 percent of the institution's capital; or

"(ii) $500,000.

"(3) EXCEPTIONS.—

"(A) LIQUID ASSETS.—Subparagraphs (D), (E), and (K) of paragraph (2) shall not apply with respect to the purchase or sale of liquid assets.

"(B) BINDING COMMITMENTS.—Paragraph (2) shall not apply with respect to transactions pursuant to legally binding commitments that—

"(i) were entered into while the insured depository institution's capital equaled or exceeded the critical capital level specified under subsection (f)(1); and

"(ii) were not entered into to evade paragraph (2).

"(C) CONSERVATORS.—This subsection shall not apply with respect to any insured depository institution for which a conservator has been appointed.

"(4) APPROVAL NEED NOT BE TRANSACTION-SPECIFIC.—For purposes of paragraph (2), the term 'prior written approval' includes approval granted by regulation or order under this subsection.

"(5) ADJUSTMENT FOR INFLATION.—The dollar amounts referred to in paragraph (2) shall be periodically adjusted to reflect increases after December 31, 1992, in the Consumer Price Index for Urban Wage Earners and Clerical Workers.

"(h) REVIEW REQUIRED WHEN INSURANCE FUND INCURS LOSS.—

"(1) IN GENERAL.—If the Bank Insurance Fund or Savings Association Insurance Fund incurs a loss with respect to an insured depository institution on or after July 1, 1992, the inspector general of the appropriate Federal banking agency shall—

"(A) make a written report to that agency reviewing the agency's supervision of the institution (including the agency's implementation of this section), which shall—

"(i) ascertain why the agency failed to resolve the institution's problems at no cost to the Bank Insurance Fund or Savings Association Insurance Fund, and

"(ii) make recommendations for preventing any such loss in the future; and

"(B) provide a copy of the report to—

"(i) the Comptroller General of the United States,

"(ii) the Corporation (if the agency is not the Corporation), and "(iii) in the case of a State depository institution, the appropriate State banking supervisor.

"(2) LOSS INCURRED.—For purposes of this subsection, the Bank Insurance Fund or Savings Association Insurance Fund incurs a loss with respect to an insured depository institution—

"(A) if the Corporation provides any assistance under section 13(c) with respect to that institution, and it is not substantially certain that the assistance will be fully repaid not later than 12 months after the date on which the Corporation initiated the assistance; or

"(B) if the Corporation is appointed receiver of the institution, and it is or becomes apparent that the outlays of the Bank Insurance Fund or Savings Association Insurance Fund with respect to that institution will exceed the present value of receivership dividends or other payments on the claims held by the Corporation.

"(3) DEADLINE FOR REPORT.—The inspector general of the appropriate Federal banking agency shall comply with paragraph (1) expeditiously, and in any event as follows:

"(A) If the institution is described in paragraph (2)(A), during the 12-month period beginning on the date on which the Corporation initiates assistance under section 13(c).

"(B) If the institution is described in paragraph (2)(B), during the 12-month period beginning on the date on which it becomes apparent that the outlays of the Bank Insurance Fund or Savings Association Insurance Fund with respect to that institution will exceed the present value of receivership dividends or other payments on the claims held by the Corporation.

"(4) PUBLIC DISCLOSURE REQUIRED.—The appropriate Federal banking agency shall disclose the report upon request under section 552 of title 5, United States Code, without excising—

"(A) any portion under section 552(b)(5); or

"(B) any information about the insured depository institution under paragraph (4) or (8) of section 552(b).

"(5) GAO REVIEW.—The General Accounting Office shall annually—

"(A) review reports made under paragraph (1) and recommend improvements in the supervision of insured depository institutions (including the implementation of this section); and

"(B) audit 1 or more of those reports.

"(6) TRANSITION RULE.—During the period beginning on January 1, 1993, and ending on December 31, 1995, paragraph (1) does not require action by the inspector general of the appropriate Federal banking agency unless the loss incurred by the Corporation with respect to an insured depository institution—

"(A) with respect to which the Corporation initiates assistance under section 13(c) during the period in question, or

"(B) for which the Corporation was appointed receiver during the period in question,

exceeds the applicable percentage of the institution's total assets at that time set forth in the following table:

For the following period:	The applicable percentage is:
January 1-December 31, 1993	5
January 1-December 31, 1994	3
January 1-December 31, 1995	1

"(i) OTHER AUTHORITY NOT AFFECTED.—This section does not limit any authority of the appropriate Federal banking agency or a State to take action in addition to (but not in derogation of) that required under this section.

"(j) TRANSITION RULES FOR SAVINGS ASSOCIATIONS.—

"(1) RTC'S ROLE DOES NOT DIMINISH CARE REQUIRED OF OTS.—

"(A) IN GENERAL.—In implementing this section, the Director of the Office of Thrift Supervision shall exercise the same care as if the Savings Association Insurance Fund (rather than the Resolution Trust Corporation) bore the cost of resolving the problems of insured savings associations described in clauses (i) and (ii)(II) of section 21A(b)(3)(A) of the Federal Home Loan Bank Act.

"(B) REPORTS.—Subparagraph (A) does not require reports under subsection (i).

"(2) NEW CAPITAL PLAN NOT REQUIRED FOR CERTAIN SAVINGS ASSOCIATIONS.—Subsections (d)(2) and (e) shall not apply before July 1, 1994, to any insured savings association if—

"(A) before the date of enactment of the Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991—

"(i) the savings association had submitted a plan meeting the requirements of section 5(t)(6)(A)(ii) of the Home Owners' Loan Act; and

"(ii) the Director of the Office of Thrift Supervision had accepted the plan;

"(B) the plan remains in effect; and

"(C) the savings association remains in compliance with the plan.".

(b) DEADLINE FOR REGULATIONS.—The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision shall each, after notice and opportunity for comment, promulgate final regulations under section 35 of the Federal Deposit Insurance Act (as added by subsection (a) of this section) not later than 240 days after the date of enactment of the Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991, and those regulations shall take effect not later than 270 days after that date of enactment.

(c) CONSERVATORSHIP AND RECEIVERSHIP AUTHORITY.—

(1) ADDITIONAL GROUNDS FOR APPOINTING CONSERVATOR OR RECEIVER; CONSISTENT STANDARDS FOR NATIONAL, STATE MEMBER, AND STATE NONMEMBER BANKS.—Section 11(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(5)) is amended to read as follows:

"(5) GROUNDS FOR APPOINTMENT OF CONSERVATOR OR RECEIVER.—The grounds for appointing a conservator or receiver (which may be the Corporation) for any insured depository institution are as follows:

"(A) The institution's assets are less than the institution's obligations to its creditors and others, including members of the institution.

"(B) Substantial dissipation of assets or earnings due to—

"(i) any violation of any law or regulation; or

"(ii) any unsafe or unsound practice.

"(C) An unsafe or unsound condition to transact business, including substantially insufficient capital or otherwise.

"(D) Any willful violation of a cease-and-desist order which has become final.

"(E) Any concealment of the institution's books, papers, records, or assets, or any refusal to submit the institution's books, papers, records, or affairs for inspection to any examiner or to any lawful agent of the appropriate Federal banking agency or State bank or savings association supervisor.

"(F) The institution is likely to be unable to pay its obligations or meet its depositors' demands in the normal course of business.

"(G) The institution has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for replenishment of the institution's capital without Federal assistance.

"(H) Any violation of any law or regulation, or any unsafe or unsound practice or condition which is likely to cause insolvency or substantial dissipation of assets or earnings, or is likely to weaken the institution's condition or otherwise seriously prejudice the interests of the institution's depositors.

"(I) The institution is not in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency, and—

"(i) has no reasonable prospect of achieving such compliance by selling shares or obligations of the institution;

"(ii) fails to achieve such compliance when required to do so under subsection (d)(4) or (e)(2)(A) of section 35;

"(iii) fails to submit a capital restoration plan acceptable to that agency within the time prescribed under section 35(d)(2)(C); or

"(iv) materially fails to implement a capital restoration plan submitted and accepted under section 35(d)(2).

"(J) The institution fails to have capital that equals or exceeds the critical capital level specified by the appropriate Federal banking agency under section 35(f)(1).

"(K) The institution, by resolution of its board of directors or its members, consents to the appointment.

"(L) The institution's status as an institution the accounts of which are insured by the Corporation is terminated.

"(M) In the case of a national bank—

"(i) any creditor has obtained a judgment against the national bank in a court of record, and the clerk of the court certifies that the judgment has been rendered and has remained unpaid for 30 days; or

"(ii) the national bank's board of directors consists of fewer than 5 members.".

(2) CONFORMING AMENDMENT TO COMPTROLLER'S AUTHORITY TO APPOINT RECEIVER FOR NATIONAL BANK.—Section 1 of the Act of June 30, 1876 (12 U.S.C. 191) is amended to read as follows:

"SECTION 1. The Comptroller may, with or without notice or prior hearings, appoint the Federal Deposit Insurance Corporation as receiver for any national banking association if the Comptroller determines, in the Comptroller's discretion, that 1 or more of the grounds specified in section 11(c)(5) of the Federal Deposit Insurance Act exist.".

(3) CONFORMING AMENDMENT TO BANK CONSERVATION ACT.—Section 203(a) of the Bank Conservation Act (12 U.S.C. 203(a)) is amended to read as follows:

"(a) APPOINTMENT.—The Comptroller may, with or without notice or prior hearings, appoint a conservator (which may be the Federal Deposit Insurance Corporation) to the possession and control of a bank whenever the Comptroller determines that 1 or more of the grounds specified in section 11(c)(5) of the Federal Deposit Insurance Act exist.".

(4) CONFORMING AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—Section 5(d)(2) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(2)) is amended by striking subparagraphs (A) through (D) and inserting the following:

"(A) GROUNDS FOR APPOINTING CONSERVATOR OR RECEIVER FOR INSURED SAVINGS ASSOCIATION.—The Director may appoint a conservator or receiver for any insured savings association if the Director determines, in the Director's discretion, that 1 or more of the grounds specified in section 11(c)(5) of the Federal Deposit Insurance Act exist.

"(B) Repealed.

"(C) SPECIAL RULE LIMITING GROUNDS FOR DIRECTOR TO APPOINT CONSERVATOR OR RECEIVER FOR STATE ASSOCIATION.—Notwithstanding subparagraph (A), the Director may not appoint a conservator or receiver for an insured State savings association—

"(i) under section 11(c)(5)(D) of the Federal Deposit Insurance Act; or

"(ii) under section 11(c)(5)(E) of the Federal Deposit Insurance Act, if the State savings association has not concealed the association's books, papers, records, or assets from, or refused to submit the association's books, papers, records, or affairs to, any Federal examiner or to any lawful agent of the Director.

"(D) SPECIAL PROCEDURAL REQUIREMENTS FOR DIRECTOR TO APPOINT CONSERVATOR OR RECEIVER FOR STATE SAVINGS ASSOCIATION.—The Director shall not act under subparagraph (A) with respect to an insured State savings association unless—

"(i) the State official having jurisdiction over the insured State savings association has made a written finding that one or more of the grounds specified in section 11(c)(5) of the Federal Deposit Insurance Act exist;

"(ii) the Director has determined that one or more of those grounds exist, has given notice to the State official having jurisdiction over the insured State savings association, has not received a written finding satisfying clause (i) within 30 days after the State official received the notice, and has responded in writing to the State official's written reasons (if any) for withholding approval; or

"(iii) the appointment is under paragraph (10) or (11) of section 11(c) of the Federal Deposit Insurance Act.".

(5) ADDITIONAL PROVISIONS RELATING TO APPOINTMENT OF CONSERVATOR OR RECEIVER.—Section 11(c) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)) (as amended by paragraph (1)) is amended by adding at the end the following new paragraphs:

"(10) APPROPRIATE FEDERAL BANKING AGENCY MAY APPOINT CORPORATION AS CONSERVATOR OR RECEIVER FOR INSURED STATE DEPOSITORY INSTITUTION TO CARRY OUT SECTION 35.—

"(A) IN GENERAL.—The appropriate Federal banking agency may appoint the Corporation as sole receiver (or, subject to paragraph (12), sole conservator) of any insured State depository institution, after consultation with the appropriate State supervisor, if the appropriate Federal banking agency determines that—

"(i) 1 or more of the grounds specified in subparagraphs (I) and (J) of paragraph (5) exist with respect to that institution; and

"(ii) the appointment is necessary to carry out the purpose of section 35.

"(B) NONDELEGATION.—The appropriate Federal banking agency shall not delegate any action under this subsection.

"(11) CORPORATION MAY APPOINT ITSELF AS CONSERVATOR OR RECEIVER FOR INSURED DEPOSITORY INSTITUTION TO PREVENT LOSS TO DEPOSIT INSURANCE FUND.—

"(A) IN GENERAL.—The Board of Directors may appoint the Corporation as sole conservator or receiver of an insured depository institution, after consultation with the appropriate Federal banking agency and the appropriate State supervisor (if any), if the Board of Directors determines that—

"(i) 1 or more of the grounds specified in any subparagraph of paragraph (5) exist with respect to the institution; and

"(ii) the appointment is necessary to reduce—

"(I) the risk that the affected deposit insurance fund would incur a loss with respect to the insured depository institution, or

"(II) any loss that the affected deposit insurance fund is expected to incur with respect to that institution.

"(B) NONDELEGATION.—The Board of Directors shall not delegate any action under this subsection.

"(12) APPROPRIATE FEDERAL BANKING AGENCY SHALL NOT APPOINT CONSERVATOR UNDER CERTAIN PROVISIONS WITHOUT GIVING CORPORATION OPPORTUNITY TO APPOINT RECEIVER.—The appropriate Federal banking agency shall not appoint a conservator for an insured depository institution under subparagraph (I) or (J) of paragraph (5) without the Corporation's consent unless the agency has given the Corporation 48 hours notice of the agency's intention to appoint the conservator and the grounds for the appointment.

"(13) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of an insured depository institution shall not be liable to the institution's shareholders or creditors for acquiescing in or consenting in good faith to the appointment of the Corporation or Resolution Trust Corporation as conservator or receiver for that institution.".

(d) CONFORMING AMENDMENT TO SECTION 5(t)(7) OF THE HOME OWNERS' LOAN ACT.—Section 5(t)(7) of the Home Owners' Loan Act (12 U.S.C. 1464(t)(7)) is amended—

(1) in subsection (A), by inserting "under this Act" before the period; and

(2) in subsection (B), by inserting "under this Act" after "imposed by the Director".

(e) EFFECTIVE DATE.—The amendments made by subsection (a), and the amendments made by subsection (c) insofar as they refer to section 35 of the Federal Deposit Insurance Act (as added by subsection (a)), shall take effect 270 days after the date of enactment of this Act.

SEC. 6. CAPITAL MAINTENANCE COMMITMENTS.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(p) COMMITMENTS TO MAINTAIN THE CAPITAL OF INSURED DEPOSITORY INSTITUTIONS.—

"(1) IN GENERAL.—Any commitment to maintain the capital of an insured depository institution, made to the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Corporation, the Director of the Office of Thrift Supervision, or their predecessors, may be enforced under this Act.

"(2) OTHER AUTHORITY NOT AFFECTED.—The authority granted by paragraph (1) is in addition to any other authority of the agencies specified in that paragraph.".

SEC. 7. MULTIPLE ACCOUNTS.

(a) IN GENERAL.—Section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by striking paragraphs (1) through (3) and inserting the following:

"(a) INSURANCE OF DEPOSITS.—

"(1) IN GENERAL.—The Corporation shall insure the deposits of all insured depository institutions as provided in this Act.

"(2) REGISTRATION OF DEPOSITS.—All deposits shall be registered under the taxpayer identification or employer identification numbers of 1 or more persons.

"(3) MAXIMUM AMOUNT INSURED.—The maximum amount of any depositor's insured deposit at any insured depository institution shall be—

"(A) $100,000; and

"(B) an additional $100,000 for—

"(i) accounts established pursuant to a pension or profit-sharing plan described in section 401(d) of the Internal Revenue Code of 1986; or

"(ii) individual retirement arrangements, as described in the Internal Revenue Code of 1986.

"(4) INSURED AMOUNT PAYABLE.—In determining the amount due to any depositor for deposits in an insured depository institution, the following provisions shall apply:

"(A) The Corporation shall—

"(i) aggregate the amounts of all deposits in the institution registered under the depositor's taxpayer identification or employer identification number and allocated to the depositor under subparagraph (C); and

"(ii) deduct any offsets.

"(B) The amount due to the depositor is the lesser of—

"(i) the amount calculated under subparagraph (a); or

"(ii) the sum of $100,000 and any additional amount described in paragraph (3)(B).

"(C) For purposes of subparagraph (A)—

"(i) a deposit registered under the taxpayer identification or employer identification number of 1 person shall be allocated to that person; and

"(ii) a deposit registered under the taxpayer identification or employer identification numbers of more than 1 person shall be allocated equally among those persons, except to the extent that the Corporation has provided otherwise by regulation. In no case shall the Corporation allocate to those persons a total amount exceeding the amount of the deposit.".

(b) CONFORMING AMENDMENT.—Section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) is amended by striking "Except with respect to trust funds which are owned by a depositor referred to in paragraph (2) of section 11(a) of this Act, trust" and inserting "Trust".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1993, except that such amendments shall not apply before the stated maturity of any time deposit made before June 1, 1991.

SEC. 8. PASS-THROUGH INSURANCE COVERAGE.

(a) RESTRICTING PASS-THROUGH INSURANCE COVERAGE; ELIMINATING COVERAGE OF CERTAIN BROKERED DEPOSITS.—Section 3(m) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m)) is amended—

(1) by amending paragraph (1) to read as follows:

"(m) INSURED DEPOSIT.—

"(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the term 'insured deposit' means the net amount due to any depositor, as determined under section 11(a)(1). To clarify the insurance coverage under this subsection and subsection (i) of section 7, the Corporation may define, with such classifications and exceptions as it may prescribe, terms used in this subsection, in subsection (p) of this section, in subsection (i) of section 7, and in subsections (a) and (i) of section 11, and the extent of the resulting insurance coverage.";

(2) in paragraph (2), by inserting "DEPOSIT IN BRANCH OF FOREIGN BANK.—" after "(2)"; and

(3) by adding at the end the following new paragraph:

"(3) PASS-THROUGH INSURANCE RESTRICTED TO INTERESTS IN TAX-QUALIFIED RETIREMENT PLANS.—Deposits may not be insured on a pro-rata or pass-through basis, except for—

"(A) the interests of individual participants in a plan meeting the requirements of section 401(a) of the Internal Revenue Code of 1986 that includes a trust exempt from tax under section 501(a); and

"(B) individual retirement arrangements, as described in the Internal Revenue Code of 1986.".

(b) Conforming Amendment.—Section 12(c) of the Federal Deposit Insurance Act (12 U.S.C. 1822(c)) is amended by striking "Except as otherwise prescribed by the Board of Directors, neither the Corporation nor such new bank or other insured depository institution shall be required to recognize" and inserting "The Corporation and any new bank or other insured depository institution may not recognize".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 1993, except that such amendments shall not apply before the stated maturity of any time deposit made before June 1, 1991.

SEC. 9. BROKERED DEPOSITS.

(a) In General.—Section 29 of the Federal Deposit Insurance Act (12 U.S.C. 1831f) is amended to read as follows:

"SEC. 29. DEPOSITS BY INTERMEDIARIES.

"(a) Certain Depository Institutions Ineligible To Accept Deposits From Any Intermediary.—

"(1) In general.—Except as provided in paragraph (2), an insured depository institution shall not accept deposits, directly or indirectly, from or through any intermediary (other than the intermediary's own funds) unless the institution—

"(A) is in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency; and

"(B) does not pay or offer to pay rates of interest for such deposits that significantly exceed rates paid or offered by the institution on deposits not made by or through intermediaries.

"(2) Exemptions.—The Corporation may, by order, exempt an insured depository institution from paragraph (1) if the Corporation determines that the institution's acceptance of deposits from or through intermediaries—

"(A) would be safe and sound; and

"(B) in the case of an institution for which the Corporation or the Resolution Trust Corporation is conservator, would be—

"(i) necessary so that the institution can meet its depositors' demands or pay its other obligations in the usual course of business; and

"(ii) consistent with the conservator's fiduciary duty to minimize the institution's losses.

"(b) Regulation of Deposits Through Intermediaries.—

"(1) Corporation's regulatory authority.—The Corporation may do any 1 or more of the following:

"(A) Prohibit any insured depository institution, any class of insured depository institutions, or all insured depository institutions from accepting deposits from or through any intermediary.

"(B) Establish the terms under which insured depository institutions, or any such institution or class of institutions, may accept deposits from or through intermediaries.

"(2) Corporation's duty to protect insurance fund.—The Corporation shall exercise its authority under paragraph (1) so as to prevent insured depository institutions' acceptance of deposits from or through intermediaries from posing any significant risk to the Bank Insurance Fund, Savings Association Insurance Fund, or Resolution Trust Corporation.

"(3) Growth limits.—In carrying out paragraph (2), the Corporation shall prescribe regulations prohibiting any insured depository institution that accepts deposits from or through intermediaries from rapidly increasing the institution's assets, or permitting deposits from or through intermediaries to increase at a rate exceeding the rate of increase in the institution's total deposits, unless—

"(A) the Corporation has issued an order permitting the institution to do so; or

"(B) interest on brokered deposits is an insignificant proportion of the institution's total cost of funds.

"(c) Intermediary Defined.—

"(1) In general.—For purposes of this section, and except as provided in paragraph (2), the term 'intermediary' means—

"(A) any person engaged in the business of making or facilitating the making of deposits at insured depository institutions on behalf of other persons;

"(B) any person engaged in the business of making deposits at insured depository institutions for the purpose of selling interests in those deposits;

"(C) any agent or trustee who establishes a deposit account to facilitate a business arrangement with an insured depository institution to use the proceeds of the account to fund a prearranged loan; or

"(D) any trustee or custodian of a pension or profit-sharing plan who makes or facilitates the making of deposits at insured depository institutions on behalf of plan participants.

"(2) Exclusions.—The term 'intermediary' excludes the following:

"(A) A trust department of an insured depository institution, if the trust in question places funds at insured depository institutions only as an incident to its other activities.

"(B) The trustee of a testamentary account.

"(C) The trustee of an irrevocable trust (other than a trust described in paragraph (1)(C)), as long as the trust in question places funds at insured depository institutions only as an incident to its other activities.

"(D) An agent or nominee—

"(i) who is not engaged in the business of placing funds with insured depository institutions;

"(ii) who receives no remuneration, directly or indirectly, from the insured depository institution for placing funds on behalf of other persons; and

"(iii) whose aggregate deposits as agent or nominee do not exceed such dollar amounts as the Corporation may by regulation prescribe.

"(E) An individual who makes deposits on behalf of members of his or her immediate family.

"(F) An employee of an insured depository institution with respect to funds placed in that institution.

"(G) An employer with respect to a deposit of compensation to an account of his or her employee.

"(H) A person, or class of persons, described in regulations of the Corporation, whose treatment as an intermediary is not appropriate for the purpose of this section.

"(3) Inclusion of depository institutions engaging in certain activities.—Notwithstanding paragraph (2), the term 'intermediary' includes any insured depository institution, and any employee of any insured depository institution, which engages, directly or indirectly, in soliciting deposits by offering rates of interest on such deposits that are significantly higher than the prevailing rates of interest on deposits offered by other insured depository institutions.

"(4) Employee defined.—For purposes of paragraph (2)(F) of this subsection, the term 'employee' means any employee—

"(A) who is employed exclusively by the insured depository institution;

"(B) whose compensation is primarily in the form of a salary;

"(C) who does not share such employee's compensation with a deposit broker; and

"(D) whose office space or place of business is used exclusively for the benefit of the insured depository institution which employs such individual.".

(b) Deadline for Regulations.—The Corporation shall promulgate final regulations under section 29(b) of the Federal Deposit Insurance Act (as added by subsection (a) of this section) not later than 240 days after the date of enactment of this Act, and those regulations shall take effect not later than 270 days after the date of enactment.

SEC. 10. RISK-BASED ASSESSMENTS.

(a) Risk-Based Assessment System.—Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

"(b) Assessments.—

"(1) Risk-based assessment system.—

"(A) Risk-based assessment system required; board has broad discretion in designing system.—The Board of Directors shall, by regulation, establish a risk-based assessment system for insured depository institutions.

"(B) Private reinsurance authorized.—In carrying out this paragraph, the Corporation may obtain private reinsurance covering not more than 10 percent of any loss the Corporation incurs with respect to an insured depository institution, and base that institution's semiannual assessment (in whole or in part) on the cost of that reinsurance.

"(C) Risk-based assessment system defined.—For purposes of this paragraph, the term 'risk-based assessment system' means a system relating insured depository institutions' semiannual assessments to the risk those institutions pose to the affected deposit insurance fund.

"(D) System for each fund may be established separately.—The Board of Directors may establish separate risk-based assessment systems for Bank Insurance Fund members and Savings Association Insurance Fund members.

"(2) Setting assessments.—

"(A) Achieving and maintaining designated reserve ratio.—

"(i) In general.—The Board of Directors shall set semiannual assessments for insured depository institutions—

"(I) to maintain the reserve ratio of the Bank Insurance Fund and Savings Association Insurance Fund at the designated reserve ratio; or

"(II) if the reserve ratio is less than the designated reserve ratio, to increase the reserve ratio to the designated reserve ratio within a reasonable period of time.

"(ii) Factors to be considered.—In carrying out clause (i), the Board of Directors shall consider each fund's expected operating expenses, case resolution expenditures, and income, the effect of assessments on members' earnings and capital, and such other factors as the Board of Directors may deem appropriate.

"(iii) Minimum assessment.—The semiannual assessment of each member shall be not less than $1,000.

“(iv) DESIGNATED RESERVE RATIO DEFINED.—The designated reserve ratio of the Bank Insurance Fund and the Savings Association Insurance Fund for each year shall be—

“(I) 1.25 percent of estimated insured deposits; or

“(II) such higher percentage of estimated insured deposits as the Board of Directors determines to be justified for that year by circumstances raising a significant risk of substantial future losses to the fund.

“(B) EACH FUND INDEPENDENT OF OTHER.—The Board of Directors shall—

“(i) set semiannual assessments for Bank Insurance Fund members independently from semiannual assessments for Savings Association Insurance Fund members; and

“(ii) set the designated reserve ratio of the Bank Insurance Fund separately from the designated reserve ratio of the Savings Association Insurance Fund.

“(C) NOTICE OF ASSESSMENTS.—The Corporation shall notify each insured depository institution of that institution's semiannual assessment not less than 60 days before the beginning of each semiannual period.

“(D) PRIORITY OF FINANCING CORPORATION AND FUNDING CORPORATION ASSESSMENTS.—Notwithstanding any other provision of this paragraph, amounts assessed by the Financing Corporation and the Resolution Funding Corporation under sections 21 and 21B of the Federal Home Loan Bank Act, respectively, against Savings Association Insurance Fund members, shall be subtracted from the amounts authorized to be assessed by the Corporation under this paragraph.

“(3) SEMIANNUAL PERIOD DEFINED.—For purposes of this section, the term ‘semiannual period’ means a period beginning on January 1 of any calendar year and ending on June 30 of the same year, or a period beginning on July 1 of any calendar year and ending on December 31 of the same year.

“(4) RECORDS TO BE MAINTAINED.—Each insured depository institution shall maintain such records as the Corporation may require for verifying the correctness of the institution's assessments. No insured depository institution shall be required to retain such records for that purpose for a period in excess of 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured depository institution and the Corporation over the amount of any assessment, the depository institution shall retain such records until final determination of the issue.”.

(b) CERTIFIED STATEMENTS AND PAYMENT PROCEDURES.—Section 7(c) of the Federal Deposit Insurance Act (12 U.S.C. 1817(c)) is amended to read as follows:

“(c) CERTIFIED STATEMENTS; PAYMENTS.—

“(1) CERTIFIED STATEMENTS REQUIRED.—

“(A) IN GENERAL.—Each insured depository institution shall file with the Corporation a certified statement containing such information as the Corporation may require for determining the institution's semiannual assessment.

“(B) FORM OF CERTIFICATION.—The certified statement required under subparagraph (A) shall—

“(i) be in such form and set forth such supporting information as the Board of Directors shall prescribe; and

“(ii) be certified by the president of the depository institution or any other officer designated by its board of directors or trustees that to the best of his or her knowledge and belief, the statement is true, correct and complete, and in accordance with this Act and regulations issued hereunder.

“(2) PAYMENTS REQUIRED.—

“(A) IN GENERAL.—Each insured depository institution shall pay to the Corporation the semiannual assessment imposed under subsection (b).

“(B) FORM OF PAYMENT.—The payments required under subparagraph (A) shall be made in such manner and at such time or times as the Board of Directors shall prescribe by regulation.

“(3) NEWLY INSURED INSTITUTIONS.—To facilitate the administration of this section, the Board of Directors may waive the requirements of paragraphs (1) and (2) for the semiannual period in which a depository institution becomes insured.

“(4) RETROACTIVE EFFECT.—Except as otherwise provided in this section, the Board of Directors shall promulgate all regulations necessary to carry out this section. The Board of Directors may limit any retroactive effect of its regulations.”.

(c) REGULATIONS.—To implement the risk-based assessment system required under section 7(b) of the Federal Deposit Insurance Act (as amended by subsection (a)), the Corporation shall—

(1) provide notice of proposed regulations in the Federal Register, with an opportunity for comment on such proposal of not less than 120 days; and

(2) promulgate final regulations to become effective not later than January 1, 1993.

(d) CONFORMING AMENDMENTS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 5(d)(3)(B)—

(A) by striking “average assessment base” and inserting “deposits”; and

(B) by striking “shall—” and all that follows through “(iii) shall be treated” and inserting “shall be treated”;

(2) in section 7(a)(5) by striking “and for the computation of assessments provided in subsection (b) of this section”;

(3) in section 7 by amending subsection (d) to read as follows:

“(d) CORPORATION EXEMPT FROM APPORTIONMENT.—Notwithstanding any other provision of law, amounts received pursuant to any assessment under this section and any other amounts received by the Corporation shall not be subject to apportionment for the purposes of chapter 15 of title 31, United States Code, or under any other authority.”; and

(4) in the last sentence of section 8(q) by striking “upon” and inserting “with respect to”.

(e) TRANSITION TO NEW SYSTEM.—To carry out the amendments made by this section, the Corporation may promulgate regulations governing the transition from the system in effect on the date of enactment of this Act to the system required under the amendments made by this section.

(f) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which final regulations promulgated in accordance with subsection (c) take effect; or

(2) July 1, 1993.

SEC. 11. RESTRICTING RISKY BANK ACTIVITIES.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding after section 23 the following new section:

“SEC. 24. BANK ACTIVITIES.

“(a) FDIC MAY RESTRICT RISKY ACTIVITIES OF BANKS.—The Corporation may, by regulation or order, restrict any activity of insured banks that poses a significant risk to the affected deposit insurance fund.

“(b) SAFEGUARDS ON EXERCISE OF STATE-AUTHORIZED POWERS EXCEEDING THE POWERS OF A NATIONAL BANK.—An insured State bank shall not engage as principal in any activity not permissible for a national bank unless—

“(1) the State bank is in compliance with the fully phased-in capital standards prescribed by the appropriate Federal banking agency; and

“(2) the Corporation has, by regulation or order, determined that engaging in that activity—

“(A) would pose no significant risk to the affected deposit insurance fund; and

“(B) would be consistent with the purposes of this Act.

“(c) SUBSIDIARIES OF STATE BANKS.—A subsidiary of an insured State bank shall not engage as principal in any activity not permissible for a subsidiary of a national bank unless—

“(1) the State bank is in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency;

“(2) the Corporation has, by regulation or order, determined that engaging in that activity in a subsidiary of an insured bank—

“(A) would pose no significant risk to the affected deposit insurance fund; and

“(B) would be consistent with the purposes of this Act.

“(d) EQUITY INVESTMENTS BY STATE BANKS.—

“(1) INVESTMENTS BY BANK RESTRICTED.—An insured State bank shall not directly acquire any equity investment of a type or in an amount that is not permissible for a national bank.

“(2) INVESTMENTS BY SUBSIDIARY RESTRICTED.—

“(A) IN GENERAL.—A subsidiary of an insured State bank shall not acquire any equity investment of a type or in an amount not permissible for a national bank or a subsidiary of a national bank.

“(B) EXCEPTION FOR QUALIFYING COMMUNITY DEVELOPMENT INVESTMENTS.—Subparagraph (A) does not prohibit an insured State bank from acquiring a qualifying community development investment if the bank is in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency.

“(C) QUALIFYING COMMUNITY DEVELOPMENT INVESTMENT DEFINED.—For purposes of this paragraph, the term ‘qualifying community development investment’ means an investment designed primarily to promote community welfare (such as the economic rehabilitation and development of low-income areas by providing housing, services, or jobs for residents) of a type and in an amount that the Corporation has determined poses no significant risk of loss to the affected deposit insurance fund.

“(e) CORPORATE DEBT SECURITIES NOT OF INVESTMENT GRADE.—

“(1) IN GENERAL.—An insured bank shall not, directly or through a subsidiary, acquire any corporate debt security not of investment grade.

“(2) DEFINITION.—The term ‘corporate debt security not of investment grade’ has the meaning given to that term in section 28(d)(4).

“(3) ACCOUNTING.—An insured bank that retains any corporate debt security not of investment grade shall account for that security in the same manner as if the security were held for sale.

“(f) OTHER AUTHORITY NOT AFFECTED.—This section does not limit any authority of the Corporation, the appropriate Federal banking agency, or a State to impose more stringent restrictions.

"(g) EFFECTIVE DATE.—This section shall take effect upon the date of enactment of the Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991, except that subsections (b) and (c) shall take effect one year after that date of enactment.".

SEC. 12. SAFEGUARDS AGAINST INSIDER ABUSE.

(a) APPLYING SAFEGUARDS TO DEPOSITORY INSTITUTION'S PURCHASES OF ASSETS FROM ITS INSIDERS, AND TO INSIDERS' TRANSACTIONS WITH INSTITUTION'S SUBSIDIARIES.—Section 22(h) of the Federal Reserve Act (12 U.S.C. 375b) is amended—

(1) by striking "executve" in paragraph (1) and inserting "executive";

(2) by striking "and" at the end of paragraph (6)(E);

(3) by striking the period at the end of paragraph (6)(F) and inserting a semicolon; and

(4) by adding at the end of paragraph (6), as amended by paragraphs (1) and (2) of this subsection, the following new subparagraphs:

"(G) the term 'member bank' includes any subsidiary of a member bank, as the term 'subsidiary' is defined in section 2(d) of the Bank Holding Company Act; and

"(H) the term 'extension of credit' includes any purchase of assets by a member bank from—

"(i) any person covered by this section; or

"(ii) any company controlled by a person covered by this section.".

(b) LIMITING SAVINGS ASSOCIATIONS' LOANS TO THEIR EXECUTIVE OFFICERS.—Section 11(b)(1) of the Home Owners' Loan Act (12 U.S.C. 1468(b)(1)) is amended by striking "Section 22(h)" and inserting "Subsections (g) and (h) of section 22".

(c) PREVENTING SAVINGS ASSOCIATIONS FROM MAKING PREFERENTIAL LOANS THROUGH CORRESPONDENT INSTITUTIONS.—Section 106(b)(2)(H)(i) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(h)(i)) is amended by adding after mutual savings bank ", a savings bank, and a savings association (as those terms are defined in section 3 of the Federal Deposit Insurance Act)".

(d) LIMITING STATE NONMEMBER BANKS' LOANS TO THEIR EXECUTIVE OFFICERS; CLARIFYING THAT PREFERENTIAL LOANS TO INSIDERS ARE PROHIBITED.—Section 18(j) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)) is amended to read as follows:

"(j) RESTRICTIONS ON TRANSACTIONS WITH AFFILIATES AND INSIDERS.—

"(1) TRANSACTIONS WITH AFFILIATES.—

"(A) IN GENERAL.—Sections 23A and 23B of the Federal Reserve Act shall apply with respect to every nonmember insured bank in the same manner and to the same extent as if the nonmember insured bank were a member bank.

"(B) AFFILIATE DEFINED.—For the purpose of subparagraph (A), any company that would be an affiliate (as defined in sections 23A and 23B) of a nonmember insured bank if the nonmember insured bank were a member bank shall be deemed to be an affiliate of that nonmember insured bank.

"(2) EXTENSIONS OF CREDIT TO OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS.—Subsections (g) and (h) of section 22 of the Federal Reserve Act shall apply with respect to every nonmember insured bank in the same manner and to the same extent as if the nonmember insured bank were a member bank.

"(3) PREVENTING EXTRATERRITORIAL APPLICATION TO FOREIGN BANKS.

"(A) TRANSACTIONS WITH AFFILIATES.—Paragraph (1) shall not apply with respect to a foreign bank solely because the foreign bank has an insured branch.

"(B) LOANS TO OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS.—Paragraph (2) shall not apply with respect to a foreign bank solely because the foreign bank has an insured branch, but shall apply with respect to the insured branch.

"(C) FOREIGN BANK DEFINED—For purposes of this paragraph, the term 'foreign bank' has the meaning given to that term in section 1(b)(7) of the International Banking Act of 1978.".

SEC. 13. INTERBANK LIABILITIES.

(a) REDUCING SYSTEMIC RISKS POSED BY LARGE BANK FAILURES.—The Federal Reserve Act is amended by inserting after section 22 the following new section:

"INTERBANK LIABILITIES

"SEC. 23. (a) PURPOSE.—The purpose of this section is to limit the risks that the failure of a large depository institution (whether insured or uninsured) would pose to insured depository institutions.

"(b) AGGREGATE LIMITS ON INSURED DEPOSITORY INSTITUTIONS' EXPOSURE TO OTHER DEPOSITORY INSTITUTIONS.—The Board shall, by regulation, limit an insured depository institution's exposure to any other depository institution.

"(c) DEPOSITORY INSTITUTIONS ACCEPTING INTERBANK DEPOSITS MUST BE WELL CAPITALIZED.—A depository institution shall not accept deposits for the account of any insured depository institution unless the depository institution accepting the deposits has—

"(1) capital exceeding all currently applicable capital standards prescribed by the appropriate Federal banking agency; and

"(2) such additional capital as the Board by regulation determines to be necessary to carry out the purpose of this section.

"(d) EXPOSURE DEFINED.—For purposes of subsection (b)—

"(1) IN GENERAL.—An insured depository institution's 'exposure' to another depository institution means—

"(A) all extensions of credit to the other depository institution, regardless of name or description, including—

"(i) all deposits at the other depository institution;

"(ii) all purchases of securities or other assets from the other depository institution subject to an agreement to repurchase; and

"(iii) all guarantees, acceptances, or letters of credit (including endorsements or standby letters of credit) on behalf of the other depository institution;

"(B) all purchases of or investments in securities issued by the other depository institution;

"(C) all securities issued by the other depository institution accepted as collateral for an extension of credit to any person; and

"(D) all similar transactions that the Board by regulation determines to be exposure for purposes of this section.

"(2) ATTRIBUTION RULE.—For purposes of this section, any transaction by an insured depository institution with any person is a transaction with another depository institution to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that other depository institution.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the meaning given to that term in section 3 of the Federal Deposit Insurance Act, except that the Board shall also be the appropriate Federal banking agency for uninsured depository institutions.

"(2) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the meaning given to that term in section 3 of the Federal Deposit Insurance Act.

"(3) UNINSURED DEPOSITORY INSTITUTION.—A depository institution is 'uninsured' if it is not an insured depository institution.

"(f) RULEMAKING; EXEMPTIONS.—

"(1) RULEMAKING AUTHORITY.—The Board may issue such regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out the purpose of this section.

"(2) EXEMPTIONS.—The Board may, at its discretion, by regulation or order, exempt transactions from the requirements of subsection (b) or (c) if it finds such exemptions to be in the public interest and consistent with the purpose of this section.

"(3) TRANSITION RULES.—The Board shall prescribe reasonable transition rules to facilitate compliance with this section.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 14. LEAST-COST RESOLUTION.

Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended by adding at the end the following new subsection:

"(l) LEAST-COST RESOLUTION REQUIRED.—

"(1) IN GENERAL.—The Corporation shall not do or bind itself to do, directly or indirectly, any of the following with respect to any insured depository institution except to satisfy the Corporation's obligations to that institution's insured depositors at the least possible long-term cost to the affected deposit insurance fund (and then only insofar as necessary to satisfy those obligations):

"(A) Take any action under subsection (f)(1), (i)(3), (m), or (n) of section 11.

"(B) Take any action under subsection (c) or (k).

"(C) Expend any money from the Bank Insurance Fund or Savings Association Insurance Fund other than to pay for examination, supervision, and administration.

"(D) Assume or guarantee any liability.

"(2) DETERMINING LEAST COSTLY APPROACH.—In determining how to satisfy the Corporation's obligations to an institution's insured depositors at the least possible long-term cost to the affected deposit insurance fund, the Corporation shall comply with the following provisions:

"(A) PRESENT-VALUE ANALYSIS; DOCUMENTATION REQUIRED.—The Corporation shall—

"(i) evaluate alternatives on a present-value basis, using a realistic discount rate;

"(ii) document that evaluation; and

"(iii) retain the documentation for not less than 5 years.

"(B) FOREGONE TAX REVENUES.—Federal tax revenues that the Government would forego as the result of a proposed transaction, to the extent reasonably ascertainable, shall be treated as if they were revenues foregone by the affected deposit insurance fund.

"(C) ECONOMIC CONDITIONS AND FINANCIAL STABILITY.—The Corporation shall not consider how the transaction would affect economic conditions or financial stability except insofar as such effects would result in quantifiable costs to the affected deposit insurance fund.

"(3) CATEGORICAL RULE TO BE IMPLEMENTED.—

"(A) IN GENERAL.—Effective January 1, 1995, or at such earlier time as the Corporation determines to be appropriate, the Corporation shall not do or bind itself to do, directly or indirectly, anything described in any subparagraph of paragraph (1) with respect to any insured depository institution that would have the effect of preventing loss to—

"(i) depositors on the uninsured portion of deposits; or

"(ii) creditors other than depositors.

"(B) DEADLINE FOR REGULATIONS.—The Corporation shall promulgate regulations to implement subparagraph (A) not later than July 1, 1993, and such regulations shall take effect not later than January 1, 1995.

"(4) GAO AUDIT.—The General Accounting Office shall annually audit the Corporation's compliance with this subsection.

"(5) RULE OF CONSTRUCTION.—No provision of law shall be construed as permitting the Corporation to do anything prohibited by paragraph (1), (2), or (3) unless the provision expressly amends this subsection.

"(6) PUBLIC DISCLOSURE REQUIRED.—The Corporation shall disclose documents referred to in paragraph (2)(A)(ii) upon request under section 552 of title 5, United States Code, without excising—

"(A) any portion under section 552(b)(5); or

"(B) any information about the insured depository institution under paragraph (4) or (8) of section 552(b).".

SEC. 15. CROSS-GUARANTEE LIABILITY.

(a) IN GENERAL.—Section 5(e) of the Federal Deposit Insurance Act (12 U.S.C. 1815(e)) is amended—

(1) by amending the caption of the subsection to read as follows:

"(e) LIABILITY OF AFFILIATES FOR LOSSES TO CORPORATION.—";

(2) by amending paragraph (1)(A) to read as follows:

"(1) IN GENERAL.—

"(A) LIABILITY ESTABLISHED.—Any affiliate of an insured depository institution shall be liable for any loss incurred by the Corporation, or any loss which the Corporation reasonably anticipates incurring, after the date of enactment of the Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991 in connection with—

"(i) the default of that insured depository institution; or

"(ii) any assistance provided by the Corporation to that insured depository institution in danger of default.";

(3) by redesignating subparagraphs (B) and (C) of paragraph (1) as subparagraphs (C) and (D), respectively and inserting the following after subparagraph (A):

"(B) LIMIT ON LIABILITY.—The aggregate liability of all affiliates of an insured depository institution, other than insured depository institutions and subsidiaries of insured depository institutions, shall not exceed the amount obtained by subtracting—

"(i) the amount of any capital distribution repayment made pursuant to section 35(c)(1)(B) from

"(ii) 5 percent of the insured depository institution's total assets at the time of the default or assistance described in subparagraph (A).";

(4) in paragraph (2)(C)(ii)(III), by striking "other general or"; and

(5) in paragraph (2)(C)(ii), by striking subclause (IV).

(b) CONFORMING AMENDMENTS.—

(1) in subparagraph (C) of paragraph (1), as redesignated, by striking "insured depository institution" and inserting "affiliate";

(2) in subparagraph (D) of paragraph (1), as redesignated, by striking "insured depository institution" and inserting "affiliate", and by striking "institution" and inserting "affiliate";

(3) in paragraph (2)(A)(ii), by striking "commonly controlled insured depository institution" and inserting "affiliate" and by striking "commonly controlled depository institution's" and inserting "affiliate's";

(4) in paragraph (2)(A)(iii), by striking "commonly controlled depository institution" and inserting "affiliate";

(5) in paragraph (2)(B)(i), by striking "insured depository institution" and inserting "affiliate", and by striking "commonly controlled" and inserting "affiliated";

(6) in paragraph (2)(B)(ii), by striking "insured depository institution" and inserting "affiliate", by striking "institution's" and inserting "affiliate's", and by striking "commonly controlled" and inserting "affiliated";

(7) in paragraph (2)(C), by striking "insured depository institution" and inserting "affiliate";

(8) in paragraph (2)(C)(i), by striking "liabilities of the depository institution" and inserting "liabilities of the affiliate";

(9) in paragraph (2)(C)(i)(II), by striking "of the depository institution";

(10) in paragraph (2)(D)(i), by striking "such commonly controlled depository institutions" and inserting "affiliates", and by striking "such commonly controlled depository institution" and inserting "affiliate";

(11) in paragraph (2)(D)(ii), by striking "commonly controlled depository institutions" and inserting "affiliates", and by striking "commonly controlled depository institution" each place it appears and inserting "affiliate";

(12) in paragraph (3)(B), by striking "commonly controlled depository institutions" where it appears in clauses (ii) and (iii) and inserting "affiliates";

(13) in paragraph (4), by striking "insured depository institution" each place it appears and inserting "affiliate", by striking "institution's" and inserting "affiliate's", and by redesignating clauses (i) and (ii) as subparagraphs (A) and (B);

(14) in paragraph (5), by striking the catchline and inserting "(5) EXEMPTIONS.—";

(15) in paragraph (5)(A), by striking "insured depository institution" and inserting "affiliate";

(16) in paragraph (5)(B), by striking "all other insured depository institution affiliates of such depository institution" and inserting "all affiliates", and by striking "regard to" and inserting "using the exemption contained in";

(17) in paragraph (7), by striking "depository institution shall not be treated as commonly controlled" and inserting "affiliate shall have no liability";

(18) in paragraph (7)(A), by striking "1 depository institution controls another" and inserting "control was acquired";

(19) in paragraph (7)(B), by striking "the controlling bank and all other insured depository institution affiliates of such controlling bank" and inserting "all insured depository institution affiliates" and by striking "regard to" and inserting "using the exemption contained in";

(20) in paragraph (8), by striking "depository institution" and inserting "affiliate" and by striking "insured depository institution which is an affiliate of each such depository institution" and inserting "affiliated insured depository institution"; and

(21) by striking paragraph (9).

SEC. 16. GRANTING DEPOSIT INSURANCE.

Section 4 of the Federal Deposit Insurance Act (12 U.S.C. 1814) is amended—

(1) by amending subsection (b) to read as follows:

"(b) CERTIFICATION BY OTHER BANKING AGENCIES.—Every national bank which is authorized to commence or resume the business of banking, and which is engaged in the business of receiving deposits other than trust funds as herein defined, and every noninsured national nonmember bank which becomes a member of the Federal Reserve System, and every noninsured State bank which is converted into a national member bank or which becomes a member of the Federal Reserve System, and which is engaged in the business of receiving deposits other than trust funds as herein defined, shall be an insured depository institution upon—

"(1) application to the Corporation; and

"(2) receipt by the Corporation of a certificate which is issued to the Corporation by the Comptroller of the Currency in the case of a national member bank which is authorized to commence or resume the business of banking or a State bank which is converted into a national member bank, or by the Board of Governors of the Federal Reserve System in the case of a national nonmember bank or a State bank which becomes a member of the Federal Reserve System, and which meets the requirements of subsection (d), unless insurance is denied by the Board of Directors.";

(2) by redesignating subsections (c) and (d) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (b) the following new subsections:

"(c) INTERIM NATIONAL BANKING ASSOCIATIONS.—In the case of any interim national bank that is chartered by the Comptroller of the Currency and will not open for business, such bank shall be an insured depository institution upon the issuance of such bank's charter by the Comptroller.

"(d) CERTIFICATE REQUIREMENTS.—Any certificate issued to the Corporation under subsection (b) shall state that the bank is authorized to transact the business of banking in the case of a national member bank, or is a member of the Federal Reserve System in the case of a State bank which is converted into a national member bank, or a national nonmember bank or a State bank which becomes a member of the Federal Reserve System, and that consideration has been given to the factors enumerated in section 6 of this Act.

"(e) REVIEW REQUIREMENTS.—In reviewing any certificate and application referred to in subsection (b), the Board of Directors shall consider the factors described in paragraphs (1), (2), (3), (4), (5), and (7) of section 6 of this Act in determining whether to deny insurance.

"(f) NOTICE OF DENIAL OF APPLICATION.—If the Board of Directors, after giving due deference to the determination of the Comptroller of the Currency or the Board of Governors of the Federal Reserve System, as appropriate, with respect to such factors, does not concur in the determination of the Comptroller or the Board of Governors, as appropriate, the Board of Directors shall promptly notify the Comptroller or the Board of Governors, as appropriate, that insurance has been denied, giving specific reasons in writing for the Corporation's determination with reference to the factors described in paragraphs (1), (2), (3), (4), (5), and (7) of section 6, and no insurance shall be granted.

"(g) VOTING REQUIREMENTS.—The authority of the Board of Directors to make any determination to deny insurance under this subsection may not be delegated by the Board of

Directors and any such determination may be made only upon a vote of not less than 3 members of the Board of Directors.

"(h) Continuation of Insurance Upon Becoming a Member Bank.—In the case of an insured bank which is admitted to membership in the Federal Reserve System or an insured State bank which is converted into a national member bank, such application and certificate shall not be required, and the bank shall continue as an insured bank.".

SEC. 17. DISCLOSURE.

(a) Reports of Financial Condition by Insured Depository Institutions.—

(1) In general.—Section 7(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(3)) is amended—

(A) by striking "(3)" and inserting the following:

"(3) Quarterly reports.—

"(A) In general.—"; and

(B) by inserting after subparagraph (A) the following:

"(B) Additional information.—In accordance with regulations prescribed by the appropriate Federal banking agency, the report of condition required by subparagraph (A) shall, in the case of banks with total assets of more than $1,000,000,000, also contain—

"(i) estimates of the aggregate market value of assets and liabilities and the resulting estimated net worth, and supporting data and assumptions used in preparing the estimates; and

"(ii) disaggregated reports of assets, including participation in highly-leveraged transactions, holdings of noninvestment grade securities, commercial and industrial loans by sector, and other assets as specified by the appropriate Federal banking agency.

"(C) Report on securities holders and nonbanking activities.—At the same time as it submits the report required by subparagraph (A), each depository institution shall submit to the appropriate Federal banking agency a report containing—

"(i) the names of the holders of more than 5 percent of the insured institution's equity securities and the maximum amount of securities held by each such holder during the preceding quarter; and

"(ii) a description of activities conducted by the institution and its subsidiaries that are not permitted for national banks, with data on the magnitude of the activity.

"(D) Public access to reports.—Each appropriate Federal banking agency shall make reports required pursuant to this subsection available to the public upon request pursuant to section 552 of title 5, United States Code. The provisions of paragraphs (4) and (8) of section 552(b) of such title shall not apply to any such request. For the purpose of this subparagraph, beginning 75 days after the reporting date for such reports, section 552(b)(6)(A) of such title shall apply with respect to statistical information contained in those reports by substituting 'five' for 'ten' and section 552(b)(6)(B) shall not apply.".

(2) Effective dates.—The appropriate Federal banking agency shall promulgate final regulations requiring insured depository institutions to submit quarterly reports containing the information described in the amendments made by paragraph (1) effective for quarterly reports submitted for the quarter ending March 31, 1993.

(b) Reports by Federal Banking Agencies.—

(1) In general.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by—

(A) redesignating subsections (b) through (g) as subsections (c) through (h); and

(B) inserting after subsection (a) the following new subsection:

"(b) Reports to Congress.—

"(1) In general.—Each appropriate Federal banking agency shall submit an annual report to the Congress which shall contain—

"(A) estimates of the number and aggregate assets of insured depository institutions likely to fail during each of the 2 years following submission of the report and of the costs to the Bank Insurance Fund and Savings Association Insurance Fund as a result of such failures, and supporting data and assumptions used in preparing the estimates;

"(B) a report on the conduct by insured depository institutions and their subsidiaries of activities not permitted for national banks or for bank holding companies, by State or Federal charter status;

"(C) a report on the number and aggregate assets of insured depository institutions that, under uniform definitions established by the appropriate Federal banking agencies, are insolvent, approaching insolvency, weakly capitalized, adequately capitalized, and strongly capitalized; and

"(D) a list of all cease-and-desist orders, supervisory agreements, and capital restoration plans entered into in the previous 12 months, and the extent of compliance with outstanding orders, agreements, and plans.

"(2) Method of filing.—Reports required by this subsection shall be submitted to the Congress in accordance with the requirements of subsection (a)(2) and shall be made available to the public.".

(2) Effective date.—The reports required pursuant to the amendments made by paragraph (1) shall be filed annually not later than March 1 of the following year.

(c) Insurance Fund Reports.—Section 17(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)(1)) is amended by—

(1) striking "and" at the end of subparagraph (E);

(2) striking the period at the end of subparagraph (F), and inserting a semicolon in lieu thereof; and

(3) inserting after subparagraph (F) the following:

"(G) information pertaining to failed depository institutions, including—

"(i) the name and total assets of each insured depository institution that failed during the 12-month period preceding submission of the report, including those that received assistance under section 13(c), and the actual or estimated cost of resolution or assistance to each such depository institution;

"(ii) for each failed institution, the location by State, the State or Federal charter status, and Federal Reserve System membership status;

"(iii) a breakdown of the number and aggregate assets of all failed institutions by region, State or Federal charter status, and Federal Reserve System membership status;

"(iv) a report of concentrations of liabilities and assets of failed institutions, including a breakdown by State or Federal charter status;

"(H) the number and aggregate assets of depository institutions on the problem bank list or any other list which identifies institutions which may fail or require assistance or resolution within the foreseeable future, by State or Federal charter status and Federal Reserve System membership status, at the time of submission of the report;

"(I) an estimate of the number and aggregate assets of banks that are likely to be included on the problem bank list or other list described in subparagraph (H) in each of the 2 years following submission of the report, by State or Federal charter status and Federal Reserve System membership status, and supporting data and assumptions used in preparing the estimate; and

"(J) the estimated resolution and assistance costs which are likely to be expended in each of the 2 years following submission of the report, including an explanation of all data and assumptions used in developing estimates required by this paragraph.".

(d) Confidential Access to Information by CBO; GAO and CBO Reviews and Reports.—

(1) In general.—The Federal Deposit Insurance Act is amended by adding at the end the following:

"SEC. 36. REVIEW OF ESTIMATES; CONFIDENTIAL ACCESS TO CERTAIN INFORMATION.

"(a) In General.—The Comptroller General and the Congressional Budget Office shall review the estimates by the Corporation under subparagraphs (I) and (J) of section 17(a)(1) and by the appropriate Federal banking agencies under section 17(b)(1)(A).

"(b) Access to Information.—To carry out subsection (a), each appropriate Federal banking agency shall, upon request, provide the Director of the Congressional Budget Office—

"(1) the agency's internal rating system and each institution's rating; and

"(2) a list, identifying individual insured institutions, of those institutions which the agency believes may fail within the foreseeable future or which the agency believes may require assistance or resolution.

"(c) Safeguards Against Disclosure.—The provisions of subsections (c) and (d) of section 714 of title 31, United States Code, shall apply to any information provided in response to a request made by the Director of the Congressional Budget Office under subsection (b), except that for the purpose of this section any reference in such subsections to the Comptroller General or the General Accounting Office shall be deemed a reference to the Director or the Congressional Budget Office, respectively.".

(2) Criminal penalties for disclosure by CBO employees.—Section 1906 of title 18, United States Code, is amended—

(A) by inserting "or a Congressional Budget Office employee with access to information obtained under section 36 of the Federal Deposit Insurance Act" after "title 31" the first place it appears; and

(B) by inserting "or to which information obtained under such section 36 pertains" after "title 31" the second place it appears.

(3) Reviews and reports.—Section 17(f) of the Federal Deposit Insurance Act (12 U.S.C. 1827(f)) is amended—

(A) by inserting "(1)" after "(f)"; and

(B) by adding at the end the following:

"(2) The Comptroller General shall review the oversight by the Federal banking agencies to determine whether reports of condition under section 7(a) require information to reasonably reflect the condition of depository institutions. The Comptroller General shall include in each report under paragraph (1) the results of such review and any recommendations to improve the reports so that—

"(A) the information required reasonably reflects the condition of depository institutions; and

"(B) the information provided facilitates regulatory actions, including prompt corrective action.

"(3) Each report under paragraph (1) shall also contain—

"(A) an audit of the failure estimates contained in the most recent reports under subparagraphs (I) and (J) of subsection (a)(1); and

"(B) an audit of the failure estimates contained in the most recent reports under subsection (b)(1).".

(e) ACCOUNTING GUIDANCE.—

(1) DISCLOSURE GUIDELINES.—The Securities and Exchange Commission, in consultation with the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision, shall facilitate the development of disclosure guidelines under generally accepted accounting principles applicable to insured depository institutions for the purposes of—

(A) accurately reflecting (at market value, to the extent feasible) the economic condition of those institutions in financial statements and reports of condition; and

(B) facilitating effective supervision of insured depository institutions, and prompt corrective action to resolve troubled institutions' problems at no cost to the Bank Insurance Fund or Savings Association Insurance Fund.

(2) INTERPRETIVE GUIDANCE.—The Securities and Exchange Commission, in consultation with the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision, shall facilitate the development of guidelines used in interpreting existing accounting standards under generally accepted accounting principles for depository institutions in a manner consistent with the purposes of—

(A) requiring earlier disclosure of problem loans; and

(B) preventing such delay in recognizing losses and in providing adequate loss reserves as may result in loss to the Bank Insurance Fund or the Savings Association Insurance Fund.

(f) THRIFT CALL REPORTS.—Section 5(v) of the Home Owners' Loan Act (12 U.S.C. 1464(v)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) PUBLIC DISCLOSURE.—Reports required under paragraph (1) and all information contained therein shall be available to the public upon request.";

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

SEC. 18. CONSENT TO BE BOUND BY FEDERAL DEPOSIT INSURANCE ACT.

Section 1 of the Federal Deposit Insurance Act (12 U.S.C. 1811) is amended to read as follows:

"SECTION 1. ESTABLISHMENT OF FDIC.

"(a) IN GENERAL.—There is hereby established a Federal Deposit Insurance Corporation (hereinafter referred to as the 'Corporation') which—

"(1) shall insure, as provided by this Act, the deposits of all banks and savings associations entitled to the benefits of insurance under this Act; and

"(2) shall have the powers granted by this Act.

"(b) INSURED DEPOSITORY INSTITUTIONS CONSENT TO BE BOUND BY THIS ACT.—By becoming or remaining insured under this Act, an insured depository institution consents to be bound by this Act and by other Federal statutes relating to the safety and soundness of insured depository institutions.".

SEC. 19. UNINSURED DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 37. DISCLOSURE BY UNINSURED DEPOSITORY INSTITUTIONS.

"(a) DISCLOSURE REQUIRED.—Any depository institution the deposits of which are not insured by the Corporation under this Act or by the National Credit Union Share Insurance Fund shall, within the United States, do the following:

"(1) PERIODIC STATEMENTS; ACCOUNT RECORDS.—Include the following notice conspicuously in all periodic statements of account, on each signature card, and on each passbook, certificate of deposit, or similar instrument evidencing a deposit:

" '[NAME OF INSTITUTION] IS NOT FEDERALLY INSURED

" 'If [name of institution] fails, the Federal Government does not guarantee that you will be able to get back any of your money.'

"(2) ADVERTISING; PREMISES.—Include the following notice conspicuously in all advertising and at each place where deposits are normally received:

" '[NAME OF INSTITUTION] IS NOT FEDERALLY INSURED'.

"(3) ACKNOWLEDGEMENT OF RISK.—Receive deposits only for the account of persons who have signed an acknowledgement of risk providing substantially as follows:

" 'ACKNOWLEDGEMENT OF RISK

" 'I have been warned that [name of institution] is not federally insured.

" 'I understand that if [name of institution] fails, the Federal Government does not guarantee that I will get back any of my money.'

"(b) EXCEPTION FOR ADVERTISING BY INSTITUTIONS NOT RECEIVING RETAIL DEPOSITS.—Subsection (a)(2) shall not apply with respect to advertising by any depository institution that, within the United States, does not receive initial deposits of less than $100,000 from individuals who are citizens or residents of the United States, other than money received in connection with any draft or similar instrument issued to transmit money.

"(c) MANNER AND CONTENT OF DISCLOSURE.—To ensure that current and prospective customers understand the risks involved in foregoing Federal deposit insurance, the Corporation, by regulation or order, shall prescribe the manner and may further prescribe the content of disclosure required under subsection (a).

"(d) UNLICENSED DEPOSITORY INSTITUTIONS INCLUDED.—For purposes of this section, the term 'depository institution' includes any entity that, as determined by the Board of Directors—

"(1) is engaged in the business of receiving deposits; and

"(2) could reasonably be mistaken for a depository institution by the entity's current or prospective customers.

"(e) ENFORCEMENT.—Compliance with the requirements of this section, and any regulation prescribed or order issued under this section, shall be enforced under section 8 in the same manner and to the same extent as if the depository institution were an insured State nonmember bank.".

(b) CONFORMING AMENDMENTS.—Section 28 of the Federal Deposit Insurance Act (12 U.S.C. 1831e) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

(c) NATIONAL CREDIT UNION ADMINISTRATION'S AUTHORITY TO ENFORCE DISCLOSURE BY UNINSURED CREDIT UNIONS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following:

"(t) ENFORCING CERTAIN DISCLOSURE BY UNINSURED CREDIT UNIONS.—Compliance with the requirements of section 37 of the Federal Deposit Insurance Act, and any regulation prescribed or order issued under that section, may be enforced under section 206 in the case of a credit union in the same manner and to the same extent as if the credit union were an insured credit union.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of enactment of this Act.

FLOOR STATEMENT OF SENATOR DONALD W. RIEGLE, JR.—DEPOSIT INSURANCE REFORM

Mr. President, today I have introduced the Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991. This legislation is the successor to legislation I introduced last September.

BACKGROUND

During the second session of the 101st Congress, the Senate Banking Committee held more than a dozen hearings on reform of the Federal deposit insurance system. The Committee took some 40 hours of testimony from 39 expert witnesses, including government officials, financial services industry representatives from both the United States and other countries, independent analysts, and academics. The message of those hearings is clear. Federal Reserve Board Chairman Alan Greenspan summed it up for the Committee in three words: "Reform is required."

The last five years have been disastrous for our Federal deposit insurance system. The old insurance fund for savings and loans—the FSLIC—failed and had to be rescued by the taxpayers at a cost of hundreds of billions of dollars. The insurance fund for banks now stands at less than half of its required reserve level and falling. In testimony before the Banking Committee on September 11, 1990, Comptroller General Charles Bowsher delivered a clear warning:

"Not since its birth during the Great Depression has the federal system of deposit insurance for commercial banks faced such a period of danger and uncertainty as it does today. Issues arising from our audit of the Bank Insurance Fund's 1989 financial statements * * * cause us both apprehension and concern for the safety and soundness of the Fund in the 1990s."

The Director of the Congressional Budget Office, Robert Reischauer, echoed the same theme in testimony before the Committee on September 12, and warned that deterioration of the Bank Insurance Fund could accelerate if a recession occurs:

"The uncertain economic outlook, exacerbated by declines in real estate values and sharp increases in oil prices, raises concerns that spending from the fund could be greater during the next few years than we have estimated. * * * Generally, a weaker economy would increase the likelihood of bank failures by reducing the value of bank assets, increasing loan defaults, and placing additional pressure on bank earnings."

Serious, comprehensive reform of the Federal deposit insurance system is required to protect the taxpayers, the financial system, the economy, and our nation's banks and thrifts.

The American people know reform is required. A recent Harris poll found that 72 percent of the American people believe the most important step that can now be taken to prevent another savings and loan crisis from occurring is to rewrite the laws to make it tougher for such a crisis to occur.

America's banks and thrifts also know reform is required. They cannot afford to pay ever-rising premiums for deposit insurance and remain competitive either at home or abroad. But they know those premiums will keep rising until Congress and the Administration enact reforms that contain the risk to the Federal deposit insurance system.

The Administration and Congress also know reform is required. Earlier this month, the Administration released its proposals for financial modernization and reform of the deposit insurance system. Legislative language to accompany those proposals is expected any day now. In the Senate, Senators Dixon, Dodd, Dole, Graham, and Kohl have all introduced different deposit insurance reforms bills, and I know Senator Wirth and Senator Sanford have introduced some related legislation as well. In the House of Representatives, House Banking Committee Chairman Gonzalez and Ranking Minority Member Wylie have introduced comprehensive, and thoughtful, legislation to reform our deposit insurance system.

I welcome the efforts of the Administration. I welcome the efforts of my colleagues in the Senate and the House. Deposit insurance reform is a complex issue and we will need a vigorous and creative debate to make sure the job get done right.

ONLY A STARTING POINT

Last September, when I introduced the predecessor to this bill, I said:

"My proposal is only a starting point for debate, not an ending point. No part of it is cast in stone and I am not ruling out any alternative approach or additional reform. * * * [It] is very much a work in progress."

All of those statements remain true. Those who follow these issues closely will recognize that this bill differs in many ways from its predecessor. Most of the changes are minor and technical. Some are more significant. But it remains true that no part of the bill is cast in stone. I remain open to alternative proposals. I remain open to suggestions for further refinements. This spring, the Banking Committee will conduct another extensive set of hearings on legislative proposals, including this one, to reform the deposit insurance system. I will listen closely to the ideas advanced at those hearings, and I expect they will be an important source of new ideas on the subject.

URGENT NEED TO ADDRESS OTHER ISSUES

Let me also say at the outset that while this bill, like its predecessor, focuses solely on deposit insurance reform, I continue to believe that we will ultimately need legislation to not only reform our deposit insurance system but also help modernize our system of bank and thrift regulation and our entire financial services industry. We also need to consider whether banks should be allowed to engage in increased interstate banking, along lines suggested by Senator Dodd in legislation he has introduced. The Administration has advanced a very ambitious proposal attacking all of these issues at once. While I remain open-minded about all of the issues presented in the Administration's proposal, I have doubts about whether it does not encompass more than Congress can digest in one bite. But we will have an opportunity to review the entire proposal and see what can be accomplished.

And I continue to believe we should consider seriously the idea of consolidating regulation of our banks and thrifts, possibly into a single—fully independent—regulator, separate and distinct from the deposit insurer. Somehow, we must rationalize and simplify our now Byzantine regulatory system and the burdens it imposes on the institutions it supervises. Chairman Gonzalez has introduced a very constructive proposal along these lines, and the idea will receive careful consideration in the Committee's hearings this spring.

PROBLEMS OF CURRENT SYSTEM

Before turning to the details of the bill, let me briefly outline some of the major problems it seeks to address.

Testimony before the Banking Committee showed clearly that our current system of deposit insurance is badly flawed. Stanford University Professor Ken Scott told the Committee last year that, "[w]hat you can ask of a deposit insurance system is that, at the very minimum, it not magnify the problem because of the way in which it distorts incentives and the way in which it is administered." The current system fails on both counts. Both in the way it distorts incentives and in the way it is administered, the system magnifies weaknesses in our banks and thrifts and increases the cost of deposit insurance to the insured institutions, the deposit insurance funds, and the taxpayers.

1. Distorted Incentives

A sound system of deposit insurance should give all parties—depositors, insured institutions, and regulators—incentives to act in ways that minimize insurance costs. But the system we have now falls short of that objective in two key respects.

We need better incentives for depositors—particularly, large depositors. Our current deposits insurance system clearly does not give depositors good incentives. Federally insured deposits are an investment product just like Government bonds and shares of stock. As SEC Chairman Richard Breeden has said, "we have to look at the pricing of this product. Deposit insurance is a product that is produced by the American taxpayers at considerable cost, and we should not be giving it away at below cost to produce it."

Of course, up to a point we accept incorrect pricing of insured deposits because we want small depositors to have confidence their funds are safe and because we want and need stability in our financial system. Depositors with a few thousand dollars in the bank shouldn't have to be constantly on guard against the possibility the bank is going to fail. Indeed, protecting small depositors was one of the original purposes of our deposit insurance system. But if you give the same protection to depositors with hundreds of thousands or even tens of millions of dollars to deposit, what you get is a system in which deposits flow to whichever institutions offer the highest rates. And those are usually the weakest institutions—the institutions whose deposits become Government liabilities when they fail. So when you charge large depositors too little for deposit insurance, the cost of deposit insurance goes up for society as a whole.

We also need better incentives for insured banks and thrifts. Currently, the premiums our insured banks and thrifts must pay for deposit insurance take no account of whether the institution paying the premium represents a high risk or a low risk to the deposit insurance fund. If you are an individual at high risk of having an auto accident, you have to pay more for your auto insurance. If you are a business at high risk of industrial accidents, you have to pay more for your liability insurance. But if you are a bank or thrift at high risk of suffering major loan losses, you pay the same for deposit insurance as every other bank or thrift. As Bert Ely put it at the Banking Committee's May 12 hearing, "the drunk drivers of the banking and thrift world pay no more for their deposit insurance than do their sober siblings."

2. Administration

We need to improve the way our deposit insurance system is administered. Many witnesses before the Committee noted that the Government is incurring excessive deposit insurance liabilities because of the way our system of deposit insurance is administered. Two problems deserve special mention.

First, regulators have too often delayed taking action against a weak institution in the false hope that it would recover. Lowell Bryan was only one of many witnesses to note that "the cost of forbearance is very, very high." Jim Barth, formerly Chief Economist to the Federal Home Loan Bank Board, now a professor at Auburn University, noted that once banks and thrifts become undercapitalized, the risk of loss begins to shift from the institution to the deposit insurance system. Professor Barth testified that:

"To contain this risk shifting behavior, somebody must impose discipline by attempting to measure capital correctly and then, if it declines, by intervening in a timely and cost effective manner. This intervention will necesarily take the form of requiring that more capital be injected or control of the insitution be taken away from the current owners."

If you want strong medicine to work, you have to administer it before the patient dies. But the current system has not always given regulators sufficient incentive to take prompt corrective action when an institution gets into trouble. Professor Scott's testimony addressed the reasons why this has occurred. He testified:

"[A] policy of delay and forbearance will always be more appealing than a policy of prompt closure upon economic insolvency. If the closure decision is a discretionary, subjective judgment by the regulators, they are vulnerable to pressure and they will often yield to it. So to the extent that any reform proposal relies on agency judgment and discretion, I think it is in trouble. The more objective the judgment and the more mandatory and automatic the prescribed action, the better off taxpayers will be."

Many witnesses also faulted administration of the current deposit insurance system for indiscriminate application of the so-called "too-big-to-fail" doctrine. "Failure," Barclay's Deputy Chairman Peter Leslie told the Committee on June 13, "is a vital part of market discipline." Chase Manhattan Bank CEO Thomas Labrecque agreed. On April 3, he told the Committee that:

"We must eliminate the * * * 'too big to fail' policy under which the very largest banks are given de facto 100 percent protection of all deposits. Such a policy is inconsistent with the original intent of deposit insurance and is unfair to smaller banks, but big bankers neither want it nor need it."

And on July 12, Federal Reserve Board Chairman Alan Greenspan warned in testimony before the Committee that "no bank should assume that its scale insulates it from market discipline."

Notwithstanding widespread agreement that the too-big-to-fail policy effectively destroys market discipline, the FDIC has routinely ignored the $100,000 limit on deposit insurance and seen to it that virtually all depositors receive 100 cents on the dollar, regardless of how many hundreds of thousands or millions they may have on deposit. In testimony before the Senate Banking Committee on August 11, 1988, FDIC Chairman Seidman stated that "99 percent of all the deposits that we handle in failed banks are fully protected, not only up to $100,000, but fully protected."

GOALS

A successful deposit insurance reform package, whether it is the one I am introducing today, or any other package, will have to include many specific reforms, but it should also embrace a combination of approaches to reform.

Banks and thrifts, regulators, and depositors will all have to make adjustments when our deposit insurance system is reformed. No single group should bear the brunt of reform.

I think deposit insurance reform should accomplish five things.

First, market discipline must be enhanced for banks and thrifts and large depositors. Owners of banks and thrifts should be encouraged to put more capital at risk so they will be less inclined to take excessive risks at taxpayer expense. Parent corporations and affiliates should be a source of strength to insured banks and thrifts. Regulators should be encouraged to develop and implement risk-based deposit insurance premiums. Large depositors should face enough risk to keep them from chasing high rates without regard to safety.

Second, regulators should take prompt corrective action when the capital of a bank or thrift begins to deteriorate unacceptably. If the institution cannot recapitalize, regulators should seek to arrest its deterioration and sell or close it at no cost to the deposit insurance fund. To facilitate effective regulatory monitoring and action, every insured bank and thrift should receive an on-site examination at least once a year. Accounting principles must be reformed to give regulators, investors, and the public more accurate and timely information on the economic condition of insured banks and thrifts.

Third, abuses of deposit insurance must end. State legislatures and regulators should not be able to leverage Federal deposit insurance for the benefit of their local tax bases. Depositors should not be able to use devices such as joint and trust accounts to evade the $100,000 limit. Deposit brokerage must be carefully restricted.

Fourth, too-big-to-fail must be curtailed. No institution should be beyond the discipline of the market. The FDIC's role should be carefully confined to resolving failures of insured banks and thrifts at least cost to the insurance funds. In the United States, as in other countries, the central banks, not the deposit insurer, should determine whether a particular failing institution is so large as to require special measures to protect the stability of the financial system.

Finally, we need better information from banks and thrifts and their regulators. The quality of available data on America's banks and thrifts is unacceptable. In order for regulatory reforms to work, in order for market reforms to work, in order for Congressional oversight to work, we need better quality and more timely financial disclosures from banks and thrifts themselves, and more extensive and timely analyses of industry performance from their regulators.

HIGHLIGHTS

Let me now turn more specifically to the bill I am introducing today and begin by highlighting eight of the bill's most important features:

It requires regulators to examine banks and thrifts annually and take prompt corrective action to recapitalize, sell, or close weak institutions before they became liabilities to the deposit insurance fund.

It requires regulators to reform capital standards. Appropriate levels of capital should be determined by reference to the goal of protecting the deposit insurance fund.

It sets goals for reform of the accounting principles that apply to insured banks and thrifts and establishes a process for working toward those goals.

It restrains State-chartered commercial banks from engaging in risky activities at the expense of the Federal deposit insurance system.

It ends the FDIC's ability to implement a too-big-to-fail policy by requiring the FDIC to resolve failed institutions by whatever resolution strategy costs the deposit insurance funds least and prohibiting the FDIC from taking actions that have the effect of protecting uninsured depositors.

It requires the FDIC to implement a system of risk-based deposit insurance premiums.

It limits the scope of deposit insurance by curtailing deposit brokerage, limiting pass-through deposit insurance, and limiting deposit insurance to $100,000 per individual per institution, plus another $100,000 in retirement savings.

It makes the owners of banks and thrifts stand behind those institutions by removing doubt about the enforceability of capital maintenance commitments; and by strengthening the current ("cross-guarantee") requirement that an institution's affiliates protect the FDIC from losses caused by that institution. No longer could that requirement be evaded by transferring assets to a parent, subsidiary, or other nondepository affiliate.

It gives the financial markets, the regulators, and the general public better information about the financial condition of financial institutions by imposing new reporting and disclosure obligations on financial institutions and their regulators.

The bill recognizes the need for appropriate transition periods for implementation of these reforms.

Let me now discuss these components in turn.

1. Requirement for Prompt Corrective Action to Recapitalize or Resolve Weak Institutions

a. In General

The bill requires regulators to take prompt corrective action to recapitalize or resolve weak institutions. The goal of this requirement—albeit a goal that cannot be realized in all cases—is to resolve troubled institutions at no cost to the deposit insurance funds. To make this goal realistic, the bill, when fully implemented, will require annual on-site examinations of all insured banks and thrifts; improvements in accounting principles that will yield more accurate financial statements and reports of condition; and reformed capital standards consistent with the prompt corrective action goal.

b. Annual Examination Requirement

The bill requires every federally insured bank and thrift to receive an on-site examination at least once annually. Currently, many commercial banks go years between examinations. That must change.

Federal Reserve Board Chairman Alan Greenspan endorsed a requirement for annual on-site examinations in his testimony before the Banking Committee last July 12:

"Where it is not already the practice, full in-bank supervisory reviews—focusing on asset portfolios and off-balance sheet commitments—should occur at least annually, and the results of such examinations should be used to evaluate the adequacy of the bank's capital."

Clearly, not all of the banking regulatory agencies currently have adequate staff to conduct on-site examinations. The bill provides a lengthy transition period to accommodate the need to hire and train more examiners. In addition, the bill provides that an examination by either an institution's primary Federal regulator or the FDIC can satisfy the annual examination requirement.

c. Prompt Corrective Action Requirement

The bill would require regulators to impose increasingly stringent restrictions on the activities and operations of troubled banks and thrifts as the capital of those institutions falls below required levels. One set of restrictions will come into force when an institution's capital falls below the regular minimum capital standards. If the institution's capital level continues to deteriorate and falls below a lower, "critical capital level"—set by the regulators, as I will explain in a moment—the regulators will have to sell or close the institution or, with the concurrence of the FDIC, take an alternative measure equally protective of the deposit insurance fund.

To understand how this part of the bill will work in practice, it helps to imagine a bank or thrift—for purposes of illustration, let's say a bank—whose capital is initially adequate, but deteriorating.

(1) Level One: Minimum Capital Requirement. The first set of restrictions will come into force when the bank's capital falls below the minimum capital levels established by the regulators. These will not be the same minimum capital levels in force today, but new, stronger minimums—as I will discuss in a moment.

When the bank's capital falls below the minimum level, it will have to do the following three things:

(a) Stop paying dividends. The bank will be prohibited from paying dividends. This restriction will protect the deposit insurance funds by ensuring that weak institutions do not deplete their capital for the benefit of their shareholders.

(b) Limit its asset growth. The bank's asset growth will be limited to 10 times new capital. This gives the bank a strong incentive to increase its capital.

(c) File a capital restoration plan. The bank will have to file a capital restoration plan within 30 days after it falls out of compliance with capital standards. Three aspects of the capital restoration plan requirement are significant. First, the plan must specify how the bank will attain compliance with capital standards, specify what activities the bank will engage in, and be acceptable to its regulator. Second, the plan must include specific, year-by-year capital targets to bring the bank back into compliance with capital requirements. These targets will give regulators an objective measure of the bank's progress toward capital compliance. Finally, if the bank is part of a holding company structure, its parent will have to guarantee compliance with the plan. This will press the parent to decide promptly whether to recapitalize the bank, sell it, or stand behind it until it recovers.

A bank that does not submit and implement a capital restoration plan will face serious consequences. Its regulators must require three steps by the bank, unless the regulator finds that they would not further the purpose of protecting the deposit insurance fund from loss. First, the bank must recapitalize by selling stock. Second, transactions between the bank and affiliated depository institutions must fully comply with section 23A of the Federal Reserve Act: the interbank exemption—which allows unlimited transactions with affiliates, and is open to abuse—will not apply. Third, the bank must retain a new independent auditor unless the bank is small or changed auditors during the year before it became undercapitalized.

In addition, the regulator could further restrict the bank's activities and transactions with affiliates; limit the interest rates the bank pays for deposits; require a new election for the board of directors; or dismiss any of the bank's directors or senior executive officers. A bank that fails to submit and implement a capital restoration plan will also be prohibited from paying bonuses or granting salary increases to its executive officers.

(2) Level Two: Critical Capital Level. If the bank's capital level continues to deteriorate, it will eventually fall below the second key level, which I call the critical capital level. I will explain in a moment how that critical capital level will be set.

When the bank's capital falls below the critical level, three sets of additional restrictions will come into play.

(a) Restrictions on activities and operations. The bank will become subject to a broad range of stringent restrictions on its activities and operations. Large and potentially abusive transactions will be prohibited, except with specific regulatory approval. These restrictions will prevent the bank from engaging in activities that could lead to further deterioration in the bank's condition.

(b) Subordinated debt payments prohibited. The bank would be prohibited from making any payments of interest or principal on subordinated debt. By definition, subordinated debt holders have agreed to stand in line behind the deposit insurance funds. This provision will help protect the deposit insurance funds' place in line. The bill provides a 5-year exemption for subordinated debt outstanding on October 25, 1990, and not extended or otherwise renegotiated after that date.

(c) Receivership, conservatorship, or other protective action. Within 30 days after the bank falls below the critical capital level, its primary regulator would have to appoint a receiver or conservator, unless the FDIC agreed that taking an alternate action was more likely to protect the deposit insurance fund from loss. If an alternate action is taken the bank's regulator would have to document why that alternative is better than appointing a receiver or conservator and periodically review the effectiveness of any such alternative action. If the bank's capital remains below the critical level for one year, the regulator will have to appoint a receiver in any event—although it could still appoint a conservator with FDIC concurrence.

(3) Setting the Minimum and Critical Capital Levels. My bill does not specify the Federal banking agencies to specify these levels and provides a mandate on how to set them. The mandate is to set capital levels—both the minimum capital level and the critical capital level—so as to make the prompt corrective action mechanism I have just outlined a realistic way to prevent losses to the deposit insurance funds. That mandate might require higher capital levels, but need not if regulators take aggressive action to make the prompt corrective action system outlined in the bill work.

The bill also requires revision of the risk-based standards to take account of three types of risk largely ignored by the current standards: interest-rate risk; concentration of credit risk; and the risks of nontraditional activities. The bill requires publication of the revised standards within 18 months of enactment and leaves regulators free to prescribe a generous compliance period.

d. Accounting Reform

The bill specifies two goals for the accounting principles applicable to insured banks and thrifts and establishes a process to generate reformed accounting principles that will satisfy those goals. First, accounting principles for insured banks and thrifts should result in financial statements and reports that accurately reflect—at market value, to the extent feasible—the economic condition of those institutions. Second, accounting principles should facilitate both effective supervision of banks and thrifts generally and prompt corrective action to resolve troubled institutions. Again, the idea is to make the prompt corrective action mechanism I have outlined a realistic way to prevent losses to the deposit insurance funds.

Several witnesses before the Banking Committee have endorsed the concept of mark-to-market, or market-value accounting. Lawrence Connell, former Chairman of the National Credit Union Administration, told the Committee last May 17 that:

"I believe that market value accounting is a very important management tool to manage a financial institution. The good institutions do it today."

David Silver testified on behalf of the Investment Company Institute last April 24 that:

"[T]here is one reform which has been suggested from time to time that I suggest ought to go to the top of your agenda and that is simply the discipline that comes from marking to market. Regulatory accounting from my point of view has turned out to be phony accounting. There is nothing like marking to market which at least imports some discipline into the system and lets the air out of the balloon slowly. But to carry assets on the books for years and years and years at inflated value and then let the whole system collapse at once simply makes no sense at all."

And SEC Chairman Breeden testified on September 10 that:

"As we enter the decade of the 1990s, we should consider a fundamental shift in the goal we set for accounting standards for financial institutions. * * * Determining the value of an institution's assets and not recording their original cost should increasingly be the goal toward which we should work. The nation's experience with the crisis in the savings and loan industry as well as with many of the largest bank failures demonstrates the inherent and very substantial dangers of a reporting system for financial institutions that is premised on historic cost accounting principles."

The goals set forth in this bill are consistent with the spirit of Chairman Breeden's statement. But I want to emphasize that the bill would not require banks and thrifts to adopt mark-to-market accounting—it only requires movement in the direction of market-value accounting to the extent feasible. And I don't want to underestimate the extent of the feasibility problem: banks and thirfts hold large volumes of illiquid assets that do not lend themselves easily to market valuation. Chairman Breeden asserted that "there are certainly, if we put our minds to it, ways in which we could develop techniques for valuing even illiquid assets for which there is no readily quoted market value available."

This bill would begin a concentrated search for such techniques. It would direct the SEC, in conjunction with the Federal banking agencies, to facilitate development of accounting principles that meet the goals I have described. These accounting principles would have to be at least as conservative as generally accepted accounting principles. The bill would also authorize the Federal banking agencies to adopt accounting principles that are more conservative than generally accepted accounting principles as appropriate to facilitate effective supervision of banks and thrifts generally and, specifically, to help meet the goal of the prompt corrective action mechanism: resolution of troubled institutions at no cost to the deposit insurance funds.

e. Internal Audit Requirement

The bank regulatory agencies should have a strong incentive to minimize losses to the deposit insurance fund. Under the prompt corrective action requirement I have outlined, something will have gone wrong when a loss of the deposit insurance fund occurs. To help the regulators and Congress understand where breakdowns in the system occur, my bill would require—whenever the failure of a bank or thrift results in a loss to one of the deposit insurance funds—an internal investigation by the inspector general of the failed institution's primary regulator. Those reports would be available for review by Congress and the General Accounting Office. The internal audit requirement includes a transition rule to give regulators time to work through the current backlog of bank and thrift failures and fully implement the new system of prompt corrective action.

f. Expanded Receivership and Conservatorship Authority

In addition, the bill would give the FDIC independent authority to appoint conservators and receivers for banks and thrifts. The provision will enable the FDIC to protect the deposit insurance fund even when the failing institution's primary regulator will not.

This expansion of FDIC authority is a significant departure from existing law and practice—under which the FDIC must wait for an institution's primary regulator to institute conservatorship. But current practice in this area derives from the days before deposit insurance. With failed institutions generating losses to the deposit insurance funds of 30 cents on the dollar, the time to update our procedure is long past.

The bill also broadens the grounds for appointing receivers for national banks—making them consistent with those currently applicable to all other FDIC-insured institutions. This responds to deficiencies in the Comptroller's authority that came to light when the Bank of New England failed.

g. Related Issues

Let me touch briefly on some of the arguments surrounding these features of the bill, and especially the prompt corrective action requirement.

Is it too harsh? Some may say it is unreasonable to strengthen capital standards and expect weak institutions to be able to recapitalize, especially when the economy is in recession. Anybody who says that is jumping the gun: my bill does not say regulators need to raise capital requirements; it only says they must set capital levels so as to enable them to resolve troubled institutions at no cost to the deposit insurance system in the vast majority of cases. Under my system, aggressive, effective regulation becomes, to some degree, a substitute for capital.

Should the regulators conclude that the new system requires increased capital levels, the bill leaves them free to provide a generous transition for achieving compliance.

Is it unfair? Others may say it is unfair, even unconstitutional, for regulators to sell or close institutions that are not yet insolvent. Again, requiring regulators to take prompt corrective action will be painful to the owners of weak banks and thrifts. But that pain has to be weighed against the pain the taxpayers will feel if weak institutions are allowed to get weaker and become liabilities. Here is what SEC Chairman Richard Breeden had to say on the subject when he testified before the Banking Committee on September 10:

"I am not a fan of forbearance, and I'm not a fan of using public credit to extend the time of institutions that can't raise capital anywhere in the world. If no investor anywhere in the world has confidence that a given set of management knows how to handle its problems, then I don't know the American public ought to be asked to put their credit at risk to support that institution."

Again, the thrift crisis has a lesson to offer: We gave the owners of weak thrifts a chance. Many weak and insolvent thrifts were allowed to remain in operation for years. We avoided pain in the short term. But in the end, the pain to the taxpayers has been immense. And the owners—except some high-fliers who benefitted through fraud—have lost everything just the same.

Is it unconstitutional? The argument that a prompt corrective action requirement such as I have outlined is unconstitutional does not withstand close scrutiny. Last September 25, when I introduced this bill's predecessor, I placed in the Congressional Record a legal opinion concluding as much. It appears on pages S13,844-47. I will now place in the Record another legal opinion upholding the constitutionality of prompt corrective action—this one by Mr. Geoffrey P. Miller, professor of constitutional law at the University of Chicago. Moreover, I note that the Treasury Department has likewise concluded there is no constitutional barrier to a prompt corrective action requirement like the one my bill would establish.

A new section of the bill reinforces this point by specifying that depository institutions that become or remain FDIC-insured consent to be bound by the Federal Deposit Insurance Act and other Federal safety-and-soundness statutes. This provision emphasizes that depository institutions cannot accept the benefits of Federal deposit insurance while rejecting the safeguards Congress has enacted to protect the insurance funds.

Is it feasible? Still others may say that requiring regulators to take prompt corrective action will not work because history has shown that regulators will try to find ways to avoid short-term costs. Bert Ely, for example, told the Banking Committee last May 17 that "Congress will find it extremely difficult to enact closure rules that [it] can force regulators to follow, for regulators resist mightily any effort to constrain their actions and limit their powers."

I think this underestimates our regulators. They are as capable as anybody else of learning the lessons of history, and I am confident they will work in good faith to carry out whatever reforms Congress ultimately adopts. But I agree we should not put all of our eggs in one basket. That is why prompt corrective action is only one of the elements of the bill.

h. Broad Support

Finally, let me note that there is ample support for the general idea of requiring prompt corrective action to recapitalize, sell, or close weak institutions. The Treasury Department's proposal for reform of the deposit insurance system incorporates many of the concepts of this portion of my bill. Treasury Secretary Brady told the Banking Committee on February 26 that:

"[T]he failure to take prompt corrective action in the past allowed some institutions to fail when they could have been saved, and fostered low capital levels that create incentives for firms to take excessive risk. The proposed new system would address those problems by creating a regime of specific supervisory actions that are triggered by declines to increasingly lower levels of capital."

Federal Reserve Board Chairman Alan Greenspan has also endorsed the concept. He testified last July 12 that:

"[F]orced mergers, divestitures, and, when necessary, conservatorships should occur while there is still positive, albeit low, capital in the bank to limit reorganization or liquidation costs. Existing stockholders should be given adequate time to correct deteriorating positions, including providing new capital. But Congress should specifically provide the bank regulators with the clear authority and, therefore, explicit support to act well before technical insolvency to minimize the ultimate resolution costs."

Robert Reischauer, Director of the Congressional Budget Office, also endorsed the concept in his testimony before the Banking Committee last September 12. Mr. Reischauer stated:

"[B]oth the FDIC and Congress can affect significantly the losses that will have to be covered by the Bank Insurance Fund. The fund only incurs losses if institutions are closed after the real value of their assets is less than their liabilities. If systems are in place to monitor closely the financial conditions of banks, and to trigger closure or mandatory disciplinary actions before significant losses occur, the fund's liabilities will be minimized."

Robert Eisenbeis, Professor of Banking at the University of North Carolina at Chapel Hill, was even more emphatic in his testimony the same day:

"Chairman Seidman suggested that it might be necessary to keep insolvent or weakly-capitalized thrift institutions open instead of reorganizing them due to the lack of sufficient funds in the FDIC, or the insurance fund, to resolve these cases. I would urge you strongly to resist that temptation. Such forbearance—I know people are not pleased with the use of that word—is why we got into trouble with the S&L industry. * * * I think the point can't be emphasized enough that we don't lose a dime if we close institutions before their net worth goes to zero. The fact that you see these losses appearing in the FDIC fund means that they didn't close those institutions on time."

And George Kaufman, Professor of Economics and Finance at Loyola University of Chicago, and a member of the Shadow Financial Regulatory Committee, told us last May 22 that such a requirement:

"* * * deals directly with the two costly features of the existing deposit insurance structure, too little private capital in banking and the potential for continued operation when banks are insolvent, and would impose the least cost on either the banking system or the taxpayers."

2. Risky activities curtailed

One of the clearest lessons of the thrift crisis is that States should not be allowed to leverage Federal deposit insurance for the benefit of their local tax bases. Bert Ely made this point when he testified on May 17:

"He who takes the risk should regulate. And so I think that, since the Federal Treasury is bearing the risk of failure, the Federal Government has to be preeminent in the regulation."

Treasury's reform proposal also recognizes this problem. Secretary Brady testified on February 26 that:

"[S]tates should no longer have authority to authorize risky activities for state banks that receive federal deposit insurance. A balance was struck in FIRREA for state thrifts between the benefits of the dual banking system and the interest of the federal government. We should strike this same balance for federally insured state banks."

As Secretary Brady noted, Congress has already addressed this problem in the thrift industry. In the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Congress curtailed the powers of State-chartered thrifts, generally limiting State-chartered thrifts to activities permissible for federally chartered thrifts. Such action was desperately needed: losses from State-chartered thrifts account for a hugely disproportionate share of the cost to the Federal Government of resolving failed thrifts. Indeed, California and Texas thrift failures alone accounted for 54 percent of FSLIC losses in 1987 and 70 percent in 1988.

We should not allow this problem to repeat itself in the commercial banking industry. Fortunately, as of yet, State-chartered banks have not presented the Federal deposit insurance system with the same kind of risk that State-chartered thrifts did. But the potential for problems is real. Indeed, even as the Committee was conducting its hearings on deposit insurance reform last year, Delaware enacted legislation permitting Delaware-chartered banks to underwrite all types of insurance.

This bill would generally prohibit State banks and their subsidiaries from engaging as principal in any activity impermissible for national banks unless two conditions are satisfied. First, the State bank must fully comply with applicable capital standards. Second, the FDIC must have found that the activity in question is consistent with the purposes of Federal deposit insurance, and poses no significant risk to the deposit insurance fund.

In addition, the bill would impose two specific restrictions on risky activities. It would prohibit State banks from making any equity investment not permissible for national banks, except for community development investments. It would also prohibit State banks from acquiring junk bonds, and require them to carry any existing junk bond holdings at fair market value.

Finally, the bill would empower the FDIC to restrict national bank activities that pose a significant risk to the deposit insurance fund.

3. Too-big-to-fail curtailed

One of the most roundly criticized aspects of our current deposit insurance system is the so-called "too-big-to-fail" policy. Small banks, understandably, feel competitively disadvantaged by it because the policy tends to be applied primarily for the benefit of depositors at larger banks and thrifts. Large banks argue it is unnecessary and perceive it as an obstacle to financial modernization. Many members of the public view it as a policy that favors large investors while driving up costs to the taxpayer.

The term "too-big-to-fail" has at least two different meanings. Different elements of the bill are responsive to each sense of the term.

a. Making Depositors Whole

Most commonly, the term "too-big-to-fail" is used to describe a policy whereby all depositors are made whole when a financial institution fails. My bill will effectively eliminate this kind of too-big-to-fail policy.

The FDIC has several different strategies at its disposal for resolving failed banks and thrifts. The most basic resolution strategy is liquidation. The FDIC can simply mail out checks to all depositors and proceed to sell the assets of the failed institutions. But the FDIC regularly uses resolution techniques other than liquidations. In effect, the FDIC pays acquiring institutions to assume all of the deposit liabilities of the failed banks or thrifts. So, for example, if a bank with $1 billion in deposit liabilities fails, the institution acquiring its deposits will receive approximately $1 billion in cash and the obligation to honor the failed institution's liabilities to its depositors—without regard to whether the failed institution's deposit liabilities consisted of lots of small deposits under $100,000 or a few multimillion dollar deposits. In effect, the FDIC protects all deposits, regardless of size.

The FDIC has argued that paying off all depositors, regardless of size, is often the cheapest resolution strategy at its disposal. In many cases, however, the FDIC may be inappropriately viewing its options as "all or nothing"—either transfer all the deposits to an acquirer or liquidate the institution. In reality, there are intermediate options: the FDIC could, for example, allow acquirers to assume only account balances under $100,000, forcing larger depositors to stand in line with creditors.

The bill would require the FDIC to choose, in every case, the resolution strategy that costs the deposit insurance fund the least, and to document the analysis underlying that choice. And it would prohibit the FDIC from taking actions that have the effect of protecting uninsured depositors. Rigorously applied, these requirements should eliminate the practice of paying off uninsured depositors. Of course, in determining the least-cost approach to resolving a failed institution, the FDIC will have to consider the health and viability of the resulting institution.

b. Dealing With Unacceptably Large Failures

Sometimes, "too-big-to-fail" describes a policy of using Federal assistance to keep institutions open whose collapse might injure the payments system or the entire financial system. The classic illustration of this kind of too-big-to-fail policy is the Continental Illinois rescue.

Many commentators argue that too-big-to-fail in this sense can never be eliminated. The central banks of foreign countries, they say, would never permit the failure of major financial institutions in those countries. Accordingly, they reason, our own central bank would never permit the failure of a truly major financial institution in this country.

There are good reasons to be skeptical about that line of argument. For one thing, the large financial institutions in most foreign countries are far larger, relative to their markets, than the largest financial institutions in this country. Nevertheless, the argument clearly has at least a kernel of truth: nobody wants to limit the Federal Government's ability to stave off a collapse of America's financial system. But why should the FDIC decide which institutions are too big to fail? In other countries, the central bank would make such a determination. And in our country, too, it is the Federal Reserve Board, not the FDIC, that has the greatest expertise in dealing with macroeconomic policy and systemic risk.

This bill attacks this sense of too-big-to-fail in two ways. First, its prompt corrective action provisions will require recapitalization or resolution of all troubled institutions—large and small—before they become drains on the deposit insurance fund. Prompt corrective action requirements will eliminate the opportunity for unfair treatment of large institutions.

Second, the bill would preclude the FDIC from paying off uninsured deposits for the sake of preserving stability in the financial system. The FDIC would focus more narrowly on the task of insuring deposits at America's banks and thrifts, subject to the terms and conditions specified by law. When a large institution fails, the FDIC could do no more than pay off the insured deposits.

The bill would leave the Federal Reserve Board with its current authority to take whatever action is needed to protect the financial system. But no institution should draw comfort from this fact. The Federal Reserve has never shown much inclination to provide 100 percent assurances. Again, I am mindful of Chairman Greenspan's words before the Banking Committee on July 12: "no bank should assume that its scale insulates it from market discipline."

c. Limiting Systemic Risk

This bill differs from its predecessor in including two provisions intended to shore up the bill's limitations on too-big-to-fail by limiting the amount of risk any one institution can pose to the banking system as a whole.

When an institution's capital declines to zero while the institution continues to hold large amounts of deposits from other banks, something has gone very wrong. The goal of regulatory policy toward failing institutions should be to insulate them from the rest of the banking system, so that their failure cannot harm other institutions. This bill would do that in two ways.

First, the bill requires the Federal Reserve Board—as the agency most involved in handling systemic risk—to prescribe rules limiting depository institutions' credit exposure to other depository institutions. The logic of such limitations is clear: interbank deposits are, in reality, simply a loan from one bank to another. Like any other loan, they expose the lender to risk. A bank that lends a major portion of its capital to a single borrower is acting imprudently, whether the borrower is a commercial real estate developer or another bank. A bank should not put all its eggs in one basket—even if the basket is another bank.

Second, the bill requires banks accepting interbank deposits from FDIC-insured institutions to be well capitalized. The bank must comply with all currently applicable capital standards prescribed by its primary Federal regulator—and have additional capital to the extent that the Federal Reserve determines such capital is necessary to protect the system.

4. Changes in deposit insurance premium pricing

My bill would make several important changes in the laws governing the premiums banks and thrifts pay for deposit insurance coverage.

a. Risk-Based Premiums Authorized

The bill would require the FDIC to assess risk-based deposit insurance premiums, while giving the FDIC discretion to design the system. Such discretion will enable the FDIC to refine the system in light of experience. In addition, the bill expressly authorizes the FDIC to use private reinsurance as a basis for setting risk-based premiums, consistent with the general outlines of Senator Dixon's deposit insurance reform proposal. Senators Dixon and Graham have both done considerable work in this area, and I am interested in drawing on their expertise.

b. Assessment Base Repealed

Consistent with the requirement that the FDIC implement a system of risk-based premiums, the bill would repeal the current statutory references to the "assessment base." That language was designed for the existing assessment system—not a risk-based system. To leave it on the books while requiring the FDIC to adopt a risk-based system could only confuse and distort the new system. The intent of this bill is that the FDIC devise a system that is fair, administrable, and that relates premium levels to risk as accurately as is feasible. The system should also be reasonably certain, so that an institution can determine in advance, once the system is fully implemented, how a given operating strategy will affect its deposit insurance premiums. In ascertaining the amount of risk an institution poses to the deposit insurance system, the FDIC should be free to consider any aspect of the institution's financial condition, including all portions of its balance sheet and off-balance sheet risks.

5. Restrictions on the scope of deposit insurance coverage

One of the primary problems with our deposit insurance system is that is covers too much. Ostensibly, deposits are insured to $100,000, but in reality that limit is almost meaningless because existing laws, regulations, and regulatory policies allow abuses of the limit. As a result, we now have essentially unlimited coverage for virtually all depositors at virtually all institutions. Some of these abuses of the $100,000 limit are well known:

Pass-through deposit insurance.

Brokered deposits.

Multiple accounts far exceeding $100,000, even at one institution.

My bill will curtail these abuses through a variety of measures.

a. Passthrough Deposit Limited

One of the thorniest problems in deposit insurance today is the question of pass-through deposit insurance coverage. Currently, pension funds can make deposits of millions, or even tens or hundreds of millions of dollars, all of it fully insured on the theory that deposit insurance is "passed through" to individual investors, none of whom have more than a $100,000 interest in the deposit.

The pension funds that make such deposits have sophisticated managers, fully capable of determining from available information whether a bank or thrift is reasonably sound or a basket case. Recognizing that fact, the Administration's deposit insurance reform proposal would generally prohibit pass-through deposit insurance, except for pass-through insurance for "self-directed benefit plans," a term the Administration has not yet clearly defined.

My bill would take a somewhat different approach. While generally limiting pass-through insurance, it would retain one form of pass-through insurance that I know will be of concern to many citizens who now enjoy pass-through deposit insurance protection for their retirement savings. Many tax-deferred retirement plans invest in bank investment contracts and insured certificates of deposit, and many of the people who participate in such plans believe such investments are the safest way to save for retirement.

As a factual matter, that belief is not accurate. U.S. Government securities are just as safe as federally insured deposits. Both enjoy the full faith and credit of the United States Government. And any retirement fund that offers its participants the opportunity to invest in insured deposits could choose instead to offer its participants an equally safe investment in U.S. Government securities.

Nevertheless, an outright prohibition on pass-through deposit insurance could cause needless anxiety to millions of Americans who are not sophisticated investors. Therefore, although the bill would generally prohibit pass-through deposit insurance coverage, as currently drafted it would contain an exception for deposits made by certain tax-deferred retirement plans. I want to make clear, however, that I remain concerned that this exception may be too broad to adequately protect the deposit insurance fund. My mind is still open on this point and I want to consider the issue further in the months ahead.

b. Limits on Deposit Brokerage

Deposit brokerage is a simple idea that can have dangerous consequences for the deposit insurance system. Generally speaking, what a deposit broker does is collect money from investors and invest it in insured certificates of deposit. Some investors prefer to make deposits through brokers because brokers can often locate a better rate than the investor could find on his or her own.

There may be legitimate uses for brokered deposits. Federal Reserve Chairman Alan Greenspan noted this in his testimony before the Banking Committee on July 12:

"[T]here are certain characteristics of brokered deposits which have advantages, namely, that they do improve the liquidity of the system. They do facilitate to a considerable extent the marshalling of depository funds. Nonetheless, they do potentially create significant risks * * *. [R]ather than abolish them, I think one should focus on those aspects of brokered deposits which are positive and try * * * to keep that aspect of the system in place without exposing ourselves to the abuses which have clearly existed in recent years."

Nevertheless, brokered deposits have been enormously abused, and are widely believed to have contributed significantly to the problems of the thrift industry. Former Justice Department prosecutor Bruce Maffeo gave the Committee a graphic description of the dangers of brokered deposits for weak banks and thrifts this past August 1:

"[B]rokered money was literally the financial equivalent of crack. You saw small savings and loan institutions and small banks all of a sudden pumped up on steriods with a $10 million asset, which was nothing more than an accumulation of brokered money that they had to pay back the principal on * * * and in some cases they were hung out to dry for as long as 20 years with interest payments that were extortionate by any other measure. So they had that rock in their knapsack just going out of the gate."

And, in a similar vein, Gerald Corrigan, President of the New York Federal Reserve Bank, called abuse of deposit brokerage arrangements "the worst single abuse of the deposit insurance system" when he testified before the Committee on April 3.

Recognizing the dangers of brokered deposits, Congress curtailed their use by undercapitalized institutions in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

This bill would go farther. First, it would deny pass-through coverage altogether to brokered deposits that take the form of master certificates of deposit. Second, it would broaden the FDIC's authority over so-called money desks, through which banks and thrifts obtain high-rate deposits directly from investors. Third, it would require the FDIC to impose whatever additional restrictions on deposits by intermediaries may be needed to protect the deposit insurance funds. These provisions would become effective nine months after enactment of the bill.

c. Multiple Accounts Limited

One widespread abuse of the current deposit insurance system that has attracted a lot of criticism is the practice of evading the $100,000 limit by having more than one account at a single institution. Additional coverage can be obtained by holding different accounts in different capacities. Thus, for example, you can deposit $100,000 in your own name, the $100,000 in an account you hold jointly with your spouse, then another $100,000 in an account you hold jointly with a child, and so forth. The Treasury report notes that a family of three can obtain $1.2 million in coverage this way.

The bill will eliminate this abuse completely by repealing the language in current law that gives rise to it. It will not forbid individuals from having multiple accounts at insured depository institutions, but it will limit the aggregate amount of deposit insurance any individual could receive on accounts at any one depository institution. Under my bill, that aggregate limit would be $100,000 per individual, plus an additional $100,000 for tax-deferred retirement savings.

6. Source of strength

Some companies controlling thrifts have questioned regulators' authority to enforce commitments by parent corporations to maintain the capital of their insured depository institutions.

Testimony before the Banking Committee indicates that such capital maintenance agreements have been an important regulatory tool in the past. Lawrence Connell, former Chairman of the National Credit Union Administration and a member of the Shadow Financial Regulatory Committee, addressed the subject in his testimony last May 17:

"Should a company that controls a bank or thrift be free to let that institution fail without making an effort to assist it? * * * [T]he Federal Reserve Board has attempted to impose a source of strength doctrine from the very beginning of holding companies.

"The Office of Thrift Supervision * * * had open-ended contractual net worth maintenance agreements for many years. More recently, these have been modified to prenuptial type agreements where the institutions could be sold if the net worth fell below a certain level.

"I think they've been effective. * * *

"And I believe it would be valuable as one of the * * * tools for the regulatory agencies to have in their quiver to require net worth maintenance agreements on a limited basis, prenuptial type."

The bill would remove any doubt that such commitments are enforceable.

The bill would also extend cross-guarantee liability to affiliates and subsidiaries of insured banks and thrifts. No longer could a depository institution avoid liability by transferring assets to a subsidiary, parent, or other nondepository affiliate. The extent of the cross-guaranty liability would depend on whether the affiliate in question is itself an insured depository institution. As under current law, insured institutions would be fully liable for any loss incurred by the FDIC in connection with the failure of affiliated institutions. Subsidiaries would also be subject to such liability. But the total liability of other affiliates—i.e., those that are not banks, thrifts, or their subsidiaries—would be limited to 5 percent of the failed institution's assets.

7. Enhanced disclosure obligations for depository institutions and their regulators

The last major cluster of reforms in this package addresses the need for more, better, and more timely information from our insured banks and thrifts and their regulators. Lack of solid information is not just a frustration to Congress. We cannot expect regulators to do their jobs well if they do not have accurate information on the condition of institutions they supervise. We cannot expect depositors, shareholders, and creditors to invest prudently if they cannot distinguish strong institutions from weak institutions. And we cannot expect the American people to have confidence in their financial system if they do not believe they are receiving accurate information on its condition.

a. Disclosure by Depository Institutions

The bill requires banks and thrifts to provide more specific information in their quarterly reports so that the financial condition of insured banks and thrifts can be better assessed and monitored. In particular, the bill would impose four new quarterly disclosure requirements: first, major shareholders; second, disaggregated reports of assets—meaning more detailed disclosure of an institution's asset portfolio; third, nonbanking activities; and fourth, market value estimates of assets, liabilities, and net worth, in accordance with regulations prescribed by their regulators and the Financial Accounting Standards Board. The first three requirements would take effect 6 months after enactment; these simply require more regular and systematic disclosure of information already available to the regulators. The market value disclosure requirement will take effect January 1, 1993.

The bill also requires uninsured banks and thrifts to disclose to their customers the fact that they are not insured by the Federal Government, and receive a written acknowledgement of that disclosure from prospective customers before accepting any money for deposit. The bill authorizes the FDIC to determine, in uncertain cases, whether a particular enterprise—e.g., an unlicensed deposit-taker—constitutes an uninsured depository institution. This provision is intended as a consumer-protection measure, in response to recent incidents in Rhode Island and the District of Columbia in which depositors may not have recognized they were placing deposits in institutions that the Federal Government did not insure.

b. Disclosure by the Regulatory Agencies

The bill also requires each of the regulatory agencies to report annually on the volume of anticipated bank and thrift failures over the next two years; the involvement of insured banks and both State and Federal thrifts in nontraditional activities; the capital levels of insured banks and thrifts; and enforcement actions and subsequent compliance. The bill permits the Congressional Budget Office to obtain CAMEL ratings and problem-institution lists under strict confidentiality rules, including criminal penalties. Such access will better enable the CBO to estimate the future needs of the deposit insurance funds and the Resolution Trust Corporation.

c. Disclosure by the Insurance Fund

The bill requires more accurate and detailed disclosures to the Congress and the public on the condition of the deposit insurance funds. It requires annual reports on bank and thrift failures during the previous 12 months and projections of problem institutions two years into the future.

8. Other provisions

a. Safeguards Against Insider Abuse Strengthened

The bill includes provisions intended to strengthen safeguards in current law against insider abuse at insured depository institutions. These provisions would forbid insured institutions and their subsidiaries from purchasing assets from insiders on preferential terms; require regulators to promulgate limits on the amounts thrifts and State nonmember banks can loan their executive officers; and prevent thrifts from making preferential loans through correspondent institutions.

CONCLUSION

The deposit insurance reform package I have outlined remains, as I said at the outset, a work in progress. There will be still more progress to come.

In some areas, this bill may go too far. In others, it may not go far enough. There may be conceptual difficulties with some aspects, technical problems with others. Some provisions will need appropriate transition periods. But let me repeat: No part of this bill is cast in stone. And my mind is not closed to any additional or alternative reform. I am open to others as well.

I welcome the views of my colleagues in both Houses and on both sides of the aisle. I welcome the views of the Administration. And I welcome the views of America's banks and thrifts, their depositors and borrowers, and the public. Working together, we can and will craft a comprehensive deposit insurance reform package that restores safety and soundness to America's deposit insurance system and protects America's taxpayers.

Mr. President, I ask unanimous consent that the full text of this bill be reprinted in the record. I also ask unanimous consent to include some related explanatory and background materials in the record—including, specifically, a summary of the bill; a summary of significant differences between this new version of the bill and its predecessor; some questions and answers on important features of the bill; and a legal opinion by Professor Geoffrey P. Miller of the University of Chicago Law School.

COMPREHENSIVE DEPOSIT INSURANCE REFORM AND TAXPAYER PROTECTION ACT OF 1991—SUMMARY OF THE BILL

A. PRELIMINARY POINTS

1. *Revision of S. 3103.* This is a revised version of S. 3103, which was introduced on September 25, 1990.

2. *This is a work in progress.* Constructive criticism is welcome. No part of the bill is cast in stone. Proposals for alternative and additional reforms are invited.

3. *Other reforms are also needed.* Whatever legislation results should not only reform our deposit insurance system but also help to modernize our system of bank and thrift regulation. Ultimately, we will need to examine current geographic and other restrictions on bank activities to determine whether they provide a sound foundation for banking in the decades ahead.

B. HIGHLIGHTS OF THE BILL

It requires regulators to examine banks and thrifts annually, and take prompt corrective action to recapitalize, sell, or close weak institutions before they become liabilities to the deposit insurance fund.

It requires regulators to reform capital standards. Appropriate levels of capital should be determined by reference to the goal of protecting the deposit insurance fund.

It sets goals for reform of the accounting principles that apply to insured banks and thrifts and establishes a process for working toward those goals.

It restrains State-chartered commercial banks from engaging in risky activities at the expense of the Federal deposit insurance system.

It prevents the FDIC from treating any institution as too big to fail—by requiring the FDIC to resolve failed institutions by whatever resolution strategy costs the deposit insurance fund least, and prohibiting the FDIC from using the insurance fund's resources to protect uninsured depositors.

It requires the FDIC to implement a system of risk-based deposit insurance premiums.

It limits the Federal Government's deposit insurance exposure by curtailing pass-through deposit insurance and brokered deposits, and limiting deposit insurance to $100,000 per individual per institution, plus another $100,000 in retirement savings.

It makes the owners of banks and thrifts stand behind those institutions by removing doubt about the enforceability of capital maintenance commitments; and by strengthening the current ("cross-guarantee") requirement that an institution's affiliates protect the FDIC from losses caused by that institution. No longer could that requirement be evaded by transferring assets to a parent, subsidiary, or other nondepository affiliate.

It gives the financial markets, the regulators, and the general public better information about the financial condition of financial institutions by imposing new reporting and disclosure obligations on financial institutions and their regulators.

The bill provides appropriate transition rules for implementing these reforms.

C. DETAILED OUTLINE OF BILL

1. Prompt Corrective Action Requirement:

a. *In General.* The bill requires regulators to take prompt corrective action to recapitalize or resolve weak institutions. The goal of this prompt corrective action requirement—albeit a goal that probably cannot be realized in all cases—is to resolve troubled institutions at no cost to the deposit insurance funds. To make this goal realistic, the bill reforms capital requirements by linking required capital levels to the goal of protecting the deposit insurance system; to annual on-site examinations of all insured depository institutions; and to improvements in accounting principles that will yield more accurate financial statements and reports of condition.

b. *Annual Examination Requirement.* The bill requires every federally insured depository institution to receive an on-site examination every year. An examination by either the institution's primary Federal regulator or the FDIC could satisfy this requirement.

c. *Prompt Corrective Action Requirement.* The bill requires regulators to impose increasingly stringent restrictions on the activities and operations of troubled depository institutions as the capital of those institutions falls below required levels. One set of restrictions will come into force when an institution's capital falls below the minimum capital standards established by the regulators. If the institution's capital level continues to deteriorate—and falls below a lower, "critical capital level"—the regulators will have to sell or close the institution or take an alternative action that better protects the deposit insurance fund.

To understand how this part of the bill will work in practice, it helps to imagine, say, a bank whose capital is initially adequate, but deteriorating.

(1) *Level One: Minimum Capital Level.* The first set of restrictions will come into force when the bank's capital falls below the minimum capital levels established by the regulators.

When the bank's capital falls below the minimum level, it will have to do the following three things:

(a) *Stop paying dividends.* The bank will be prohibited from paying dividends. This restriction protects the deposit insurance funds by ensuring that weak institutions do not deplete their capital for the benefit of their shareholders.

(b) *Back asset growth with new capital.* The bank's asset growth will be limited to 10 times new capital. This will provide an incentive to find new capital and help ensure that growth tends to strengthen—rather than weaken—the bank.

(c) *File and implement a capital restoration plan.* The bank must file a capital restoration plan within 30 days after it becomes undercapitalized. The plan must (i) explain how the institution will attain compliance with capital standards, and include specific year-by-year capital targets; (ii) describe what activities the bank will engage in; and (iii) be acceptable to the regulator. If the bank is part of a holding company structure, its parent will have to guarantee compliance with the plan. This will press the parent company to decide promptly whether to recapitalize the bank, sell it, or stand behind it until it recovers.

If the bank does not submit and implement a capital restoration plan, regulators must take three steps (unless they find that those steps would not further the goal of protecting the deposit insurance fund against loss). First, require the bank to recapitalize by selling stock. Second, require transactions between the bank and affiliated depository institutions to comply fully with section 23A of the Federal Reserve Act: the interbank exemption—which allows unlimited transactions with affiliates, and is open to abuse—would not apply. Third, require the bank to retain a new independent auditor (unless the bank is small or had changed auditors during the year before it became undercapitalized). A new auditor would help root out any concealed problems.

The regulator could also restrict the bank's transactions with affiliates; restrict the banks' activities; limit the interest rates the bank pays for deposits; require election of a new board of directors; or dismiss any director or senior executive officer. Moreover, the bank could not increase the number of its branches without FDIC approval, and could not pay bonuses or grant salary increases to its executive officers.

(2) *Level Two: Critical Capital Level.* If the bank's capital level continues to deteriorate, it will eventually fall below a second key level—the "critical capital level." How that level will be set is discussed below.

When the bank falls below the critical capital level, three sets of additional restrictions will come into play.

(a) *Restrictions on activities and operations.* The bank will become subject to a broad range of stringent restrictions on its activities and operations. These restrictions will require regulatory scrutiny of large or potentially abusive transactions.

(b) *Subordinate debt payments prohibited.* The bank will be prohibited from making any payments of interest or principal on subordinated debt. Subordinated debt holders should not stand in line ahead of the deposit insurance funds and the taxpayers when it comes to dealing with troubled institutions. The bill provides a five-year exemption for subordinated debt outstanding on October 25, 1990, and not extended or otherwise renegotiated after that date.

(c) *Receivership, conservatorship, or other action.* Within 30 days after the bank falls below the critical capital level, its primary regulator must either appoint a conservator or receiver, or (with FDIC approval) take alternate action more likely to protect the deposit insurance fund from loss and document why that alternative is superior to appointment of a conservator or receiver. Receivership will be mandatory, however, if the bank's capital remains below the critical level for one year.

(3) *Setting the Minimum and Critical Capital Levels.* The bill does not specify the minimum and critical capital levels numerically. Instead, it requires the Federal banking agencies to set these levels and provides a mandate on how to set them. The nature of that mandate is this: capital levels—both the minimum capital level and the critical capital level—should be set so as to make the prompt corrective action mechanism outlined above successful in generally preventing losses to the deposit insurance funds. The represents a functional approach to capital adequacy.

(d) *Accounting Reform.* The bill specifies two goals for the accounting principles applicable to insured depository institutions and establishes a process to generate reformed accounting principles that satisfy those goals. The first goal of accounting reform is that accounting principles for insured depository institutions should result in financial statements and reports that accurately reflect—at market value, to the extent feasible—the economic condition of those institutions. The second goal is that the accounting principles should facilitate both effective supervision of depository institutions generally and prompt corrective action to resolve troubled institutions. Again, the idea is to make the prompt corrective action mechanism a realistic way of preventing losses to the deposit insurance funds.

The goals set forth in this bill are consistent with the spirit of SEC Chairman Breeden's testimony to the Senate Banking Committee on September 10, 1990. But the bill does not require depository institutions to adopt mark-to-market accounting—it only requires movement in the direction of market-value accounting to the extent feasible. The feasibility problem is significant: depository institutions hold large volumes of illiquid assets that are not readily susceptible to market-value accounting.

The bill will kick off a concentrated effort to find ways to more accurately value the illiquid portions of depository institution portfolios. The bill directs the SEC, in conjunction with the Federal banking agencies, to facilitate the development of accounting principles to meet these goals. The reformed accounting principles will have to be at least as conservative as generally accepted accounting principles. The bill also authorizes the Federal banking agencies to adopt accounting principles more conservative than generally accepted accounting principles as appropriate to facilitate effective supervision of depository institutions generally and, specifically, to help meet the goal of the prompt corrective action mechanism—resolution of troubled institutions at no cost to the deposit insurance funds.

e. *Internal Audit Requirement.* To help the regulators and Congress understand where breakdowns in the system occur, the bill requires an internal investigation by the inspector general of the failed institution's primary Federal regulator whenever a failure results in a loss to one of the deposit insurance funds. Those reports will be available for review by Congress and the General Accounting Office. To provide time for reforms such as the prompt corrective action requirement to take effect, the bill provides that this requirement will not begin to take effect until July 1, 1993, and will be phased in gradually over a period of years thereafter. This requirement also will give regulators a greater incentive to act in the interests of the deposit insurance fund.

f. *Expanded Conservatorship and Receivership Authority.* The bill will give the FDIC independent authority to appoint conservators and receivers for federally insured depository institutions when necessary to protect the deposit insurance funds. This will enable the FDIC to protect the deposit insurance funds even when the failing institution's primary regulator will not. The bill also broadens the grounds for appointing receivers for national banks—making them consistent with those currently applicable to other FDIC-insured institutions.

g. *Broad Support.* The general concept of requiring prompt corrective action to recapitalize or resolve failing institutions has been endorsed by numerous witnesses before the Banking Committee. These witnesses include Treasury Secretary Brady, Federal Reserve Chairman Greenspan, SEC Chairman Breeden, Comptroller General Bowsher, CBO Director Reischauer, and several academic experts.

2. *Risky Activities Curtailed:*

The thrift crisis illustrated the danger of allowing States to leverage Federal deposit insurance for the benefit of their local tax bases. Congress has already addressed this problem in the thrift context. The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 generally limited State-chartered thrifts to activities permissible for federally chartered thrifts, with limited exceptions. As of yet, State-chartered banks have not presented the Federal deposit insurance system with the same kind of risk that State-chartered thrifts occasioned. But the potential for problems is real, as demonstrated by Delaware's recent enactment of legislation permitting Delaware-chartered banks to engage in general insurance underwriting activities.

The bill generally prohibits State banks and their subsidiaries from engaging as principal in any activity impermissible for national banks unless two conditions are satisfied. First, the State bank must fully comply with applicable capital standards established by its primary Federal regulator. Second, the FDIC must have determined that the activity is consistent with the purposes of Federal deposit insurance, and poses no significant risk to the deposit insurance fund.

The bill also prohibits federally insured banks from acquiring junk bonds, and requires banks to carry existing junk bond holdings at fair market value. Finally, the bill prohibits State banks from making equity investments not permissible for national banks, except for community development investments.

3. Too-Big-to-Fail Curtailed.

The term "too-big-to-fail" has at least two different meanings. Different elements of the bill respond to each sense of the term.

a. *Making Depositors Whole.* Most commonly, the term "too-big-to-fail" is used to describe a policy whereby all depositors are made whole when a financial institution fails. The bill eliminates too-big-to-fail in this sense by requiring the FDIC to choose, in all cases, the resolution strategy that imposes the least cost on the deposit insurance fund, and to document the analysis underlying that choice. In addition, the bill prohibits the FDIC from taking any action—after January 1, 1985—that has the effect of protecting uninsured depositors of a depository institution. Rigorously applied, these provisions should eliminate the practice of making uninsured depositors whole.

Although the FDIC claims that least-cost resolution is its current practice, this bill would force the FDIC to perform its least cost analysis on a present-value basis, and to document its analysis. The GAO, in turn, would audit these analyses.

b. *Dealing With Unacceptably Large Failures.* Sometimes, the term "too-big-to-fail" is used to describe a policy of using Federal assistance to keep institutions open whose collapse might harm the entire financial system.

Although the Federal Government's ability to stave off a collapse of the payments system or the financial system should not be constrained, there is no clear reason why the deposit insurer should be charged with the task. In other countries, it is the responsibility of the central bank or the finance ministry.

This bill makes the situation in the United States more nearly parallel to that in other countries. It leaves the Federal Reserve Board with its current authority to take appropriate action to prevent a collapse of the financial system. But it takes such discretion away from the FDIC. The bill would refocus the FDIC on the narrower task of administering and protecting the deposit insurance fund.

The bill also contains additional safeguards intended to prevent a weak institution from exposing the entire banking industry to systemic risk. First, the bill would require the Federal Reserve Board (as the agency most involved in handling systemic risk) to prescribe rules limiting depository institutions' credit exposure to other depository institutions. The logic of such limitations is clear: interbank deposits are, in reality, simply a loan from one bank to another. Like any other loan, they expose the lender to risk. A bank that lends a significant portion of its capital to a single borrower is taking a big risk, whether the borrower is a commercial real estate developer or another bank. A bank should not put all its eggs in one basket—even if the basket is another bank.

Second, the bill requires banks accepting interbank deposits from FDIC-insured institutions to be well capitalized. The bank must comply with the minimum capital standards prescribed by its primary Federal regulator—and have additional capital to the extent that the Federal Reserve Board determines such capital is necessary to protect the system.

4. Changes in Deposit Insurance Premium Pricing.

This bill makes several changes in the provisions of current law governing the prices depository institutions pay for deposit insurance coverage.

a. *Risk-based Premiums Required.* The bill requires the FDIC to institute risk-based deposit insurance premiums but gives the FDIC discretion to design the system. Such discretion will enable the FDIC to refine the system in light of experience. The bill further authorizes the FDIC to use private reinsurance as a basis for setting risk-based premiums, as proposed by Senator Dixon.

b. *Changes in the Assessment Base.* The bill repeals the assessment base language in current law. That language was not designed for a risk-based system, and leaving it on the books would only confuse and complicate efforts to make a risk-based system workable. Under the new risk-based system, the FDIC should assess premiums based on the risk that an institution will fail and the potential cost of such a failure to the insurance fund. In determining either the likelihood or the potential cost of failure, the FDIC should be free to consider any of an institution's assets or liabilities (including contingent liabilities).

5. Restriction on the Scope of Deposit Insurance Coverage:

a. *Brokered Deposits.* The bill (like the Treasury proposal) denies insurance coverage to brokered deposits taking the form of master certificates of deposit. The bill also requires the FDIC to impose whatever restrictions on deposits by intermediaries are necessary to protect the deposit insurance fund. These restrictions will become effective nine months after enactment.

b. *Restrictions on Pass-Through Deposit Insurance.* The bill allows pass-through deposit insurance only for certain tax-deferred retirement savings.

c. *Multiple Accounts Limited.* The bill eliminates the existing loophole that allows a family of three to obtain $1.2 million in deposit insurance protection for accounts at a single institution. In calculating compliance with the $100,000 limit, current law aggregates only accounts held "in the same right and capacity"—permitting an individual to hold $100,000 in his or her own name, another $100,000 jointly with his or her spouse, another $100,000 in trust for a child, and so forth. The bill eliminates that abuse by repealing the right and capacity language of current law. It will not forbid individuals from having multiple accounts at insured depository institutions, but it will ensure that no individual receives more than $200,000 in total insurance coverage on accounts at any one depository institution—$100,000 for any purpose, and another $100,000 for tax-deferred retirement savings.

6. Source of Strength:

The bill removes any doubt about Federal regulators' authority to enforce commitments by parent corporations to maintain the capital of their insured depository institution subsidiaries. The bill also extends cross-guarantee liability (for losses the FDIC incurs when an institution fails) to insured depository institutions' subsidiaries and affiliates, limiting the liability of non-depository-institution affiliates to 5 percent of the assets of the failed institution.

7. Enhanced Disclosure Obligations:

a. *Disclosure by Insured Depository Institutions.* The bill requires depository institutions to provide more specific information in their quarterly reports so that insured depository institutions' financial condition can be better assessed and monitored. In particular, it imposes four new quarterly disclosure requirements: (1) major shareholders; (2) disaggregated reports of assets; (3) nonbanking activities; and (4) market value estimates of assets, liabilities, and net worth (in accordance with regulations prescribed by their regulators). The first three requirements will take effect six months after enactment; these simply require more regular and systematic disclosure of information already available to the regulators. The market value disclosure requirement will take effect January 1, 1993.

b. *Disclosure by Uninsured Depository Institutions.* The bill requires uninsured depository institutions to disclose to their customers the fact that they are not insured by the Federal Government, and receive a written acknowledgement of that disclosure from their customers before accepting any money for deposit. The bill authorizes the FDIC to determine, in uncertain cases, whether a particular enterprise (e.g., an unlicensed deposit taker) constitutes an uninsured depository institution. This provision is intended as a consumer-protection measure, in response to recent incidents in Rhode Island and the District of Columbia in which depositors may not have recognized that they were placing deposits in uninsured institutions.

c. *Disclosure by the Regulatory Agencies.* The bill also requires each of the regulatory agencies to make an annual report on (1) likely failures of depository institutions over the next 2 years, (2) involvement of insured depository institutions in non-traditional activities; (3) capital levels of insured depository institutions; and (4) enforcement actions and subsequent compliance. The bill permits the CBO to obtain CAMEL ratings of depository institutions and problem bank lists under strict confidentiality rules (including criminal penalties). Such access—already available to the General Accounting Office—will better enable the CBO to estimate the future needs of the deposit insurance funds and the Resolution Trust Corporation.

d. *Disclosure by the Insurance Funds.* The bill requires more accurate and detailed disclosures to the Congress and the public on the condition of the deposit insurance funds. It requires annual reports on depository institution failures during the previous 12 months and projections of problem institutions two years into the future.

8. Other Provisions:

a. *Consent to Be Bound by Safety and Soundness Statutes.* The new bill specifies that depository institutions that become or remain FDIC-insured consent to be bound by the Federal Deposit Insurance Act and other Federal safety-and-soundness statutes. This provision makes clear that depository institutions cannot accept the benefits of Federal deposit insurance while rejecting the safeguards Congress has enacted to protect the insurance funds.

b. *Safeguards Against Insider Abuse Strengthened.* The bill includes provisions intended to strengthen safeguards in current law against insider abuse at insured depository institutions. These provisions forbid insured institutions and their subsidiaries from purchasing assets from insiders on preferential terms; require regulators to promulgate limits on the amounts thrifts and State nonmember banks can loan to executive officers; and prevent thrifts from making preferential loans through correspondent institutions.

COMPREHENSIVE DEPOSIT INSURANCE REFORM AND TAXPAYER PROTECTION ACT OF 1991

QUESTIONS & ANSWERS

Why do we have a deposit insurance system in the first place?

The Federal deposit insurance system was created in the 1930s in response to a large number of bank runs in the late 1920s and 1930s. Bank runs are a real problem for depository institutions. Because depositors, especially small depositors, have very little way of knowing how healthy a bank or thrift may be, they have every incentive to take their money out at the first rumor of trouble—even if there is no truth to it. Moreover, they have every reason to take their money out fast, because they worry that, if they wait, there won't be any money left. A run can put even a healthy bank or thrift out of business.

The idea behind Federal deposit insurance is to take away the reason to run. If depositors know the Federal Government will always redeem their deposits, they don't have to worry about the strength of their bank or thrift. By and large, the theory seems to work in practice. Before the system was created, bank panics were a recurring event in American history. Since the system was created, they have virtually disappeared.

Why do we need deposit insurance reform?

The last five years have been disastrous for the Federal deposit insurance system. The old insurance fund for savings and loans—the FSLIC—failed and had to be rescued by the taxpayers at a cost of hundreds of billions of dollars. The insurance fund for banks is now at less than half of its required reserve level and falling.

Last year, Professor Ken Scott of Stanford University suggested to the Banking Committee that "[w]hat you can ask of a deposit insurance system is that, at the very minimum, it not magnify the problem because of the way in which it distorts incentives and in the way in which it is administered."

Our system of Federal deposit insurance fails the Scott test. In the judgment of numerous experts who testified before the Committee, our current system magnifies the problem both because of the way it distorts incentives and because of the way in which it is administered.

We can't afford another bailout of the Federal deposit insurance system. But in the course of thirteen days of hearings the Banking Committee held last year on financial modernization and deposit insurance, numerous witnesses advised the Committee that further bailouts will be needed unless we reform the system now.

Specifically, what's wrong with the current system?

The witnesses who have appeared before the Banking Committee last year cited numerous problems with the system. But a few particular aspects of the system came in for especially severe criticism. These aspects included:

Forbearance. Almost everybody now recognizes that we could have managed the thrift crisis at lower cost if we had stepped in and closed insolvent institutions when they failed, instead of giving them months and even years to try to "grow out" of their problems. Many experts testified that a primary cause of such forbearance is the fact that regulators lack adequate incentives to take prompt corrective action when an institution gets into trouble. Ken Scott stated this argument well when he said that "[a] policy of delay and forbearance will always be more appealing than a policy of prompt closure upon economic insolvency. If the closure decision is a discretionary, subjective judgment by the regulators, they are vulnerable to pressure and they will often yield to it."

Brokered deposits. Although many experts believe there are appropriate uses of brokered deposits, there is a virtual consensus that brokered deposits were a primary cause of the savings and loan collapse. Gerald Corrigan, President of the Federal Reserve Bank of New York said that in his judgment "[t]he worst single abuse of the deposit insurance system has been the abuse of the brokered deposit system arrangements." Bruce Maffeo, a former Justice Department prosecutor, called brokered deposits "the financial equivalent of crack."

Too-big-to-fail. Although some experts believe that the Federal Government will always need the discretion to step in and rescue very large financial institutions when their collapse might jeopardize the stability of the financial system as a whole, virtually every witness felt that the Government has gone too far in implementing a too-big-to-fail policy. Thomas Labrecque, CEO of Chase Manhattan Bank, told the Committee that "[w]e must eliminate the . . . so-called "too big to fail" policy under which the very largest banks are given de facto 100 percent protection of all deposits. Such a policy is inconsistent with the original intent of deposit insurance and is unfair to smaller banks, but big bankers neither want it nor need it."

Multiple accounts. Many experts criticized the current system for allowing depositors to keep an unlimited number of fully insured accounts at different financial institutions and for allowing depositors to avoid the $100,000 limit at a given institution by using such devices as joint accounts. Thus, Jane Uebelhoer of the community group ACORN said "[t]he important point is attempting to protect against people attempting to play the system to win big at taxpayers' expense."

Incorrect pricing of insurance premiums. Under the current system, all banks pay a uniform price for their deposit insurance coverage. Thrifts pay a uniform price, too—although different from banks. Bert Ely diagnosed the problem well when he said that "[t]oday, the drunk drivers of the banking and thrift world pay no more for their deposit insurance than do their sober siblings." And Ulrich Cartellieri of Deutsche Bank was one of many experts who proposed that "a more market-oriented and, therefore, superior solution could be developed by introducing risk-related deposit insurance premiums."

State powers. Many witnesses testified that abuse of State-authorized investment powers contributed significantly to the problems of the savings and loan insurance fund. Losses in California and Texas alone—two of the States that most significantly deregulated thrift investment powers in the early 1980s—accounted for 70% of the cost to the savings and loan insurance fund in 1988. Although the evidence suggests the States are doing a significantly better job of regulating their commercial banks, there is still reason for concern. For example, even as the Banking Committee's 1990 hearings were in progress, the State of Delaware enacted legislation permitting its commercial banks to engage in insurance underwriting. Many witnesses suggested the need for tighter Federal controls on State powers. Lawrence Connell, former Chairman of the National Credit Union Administration, testified that "the Federal insurance coverage is a Federal issue and certainly the Federal insurance agency should have veto power or some way to control the risk by State-chartered institutions. They shouldn't have a free ride on the Federal system." Bert Ely put it even more simply: "He who takes the risk should regulate. And so I think that, since the Federal Treasury is bearing the risk of failure, the Federal Government has to be preeminent in the regulation."

So what would the bill do about the forbearance problem?

The bill would sharply curtail regulators' leeway to let a weak institution slide. Regulators would have to take prompt corrective action to stabilize a troubled institution and get it either recapitalized, sold, or closed, before it becomes a liability to the taxpayers. The goal of the bill is to get the institution recapitalized, sold, or closed before it becomes a liability to its deposit insurance fund. Robert Eisenbeis, Professor of Banking at the University of North Carolina at Chapel Hill backed this idea emphatically in his testimony before the Senate Banking Committee on the condition of the Bank Insurnace Fund, September 12. Professor Eisenbeis said, "I think the point can't be emphasized enough that we don't lose a dime if we close institutions before their net worth goes to zero. The fact that you see these losses appearing in the FDIC fund means that they didn't close those institutions in time." Others who have endorsed this concept in testimony before the Committee include Nicholas Brady, Alan Greenspan, Richard Breeden, Robert Reischauer, and George Kaufman.

How does this "prompt corrective action" requirement work?

Suppose you are a failing financial institution. You started out with a good capital position, but it's deteriorating. When your capital declines below the minimum required level, three things will happen to you. First, you will be prohibited from paying dividends. Second, you will be required to support any new asset growth with additional capital. Third, you will have to file a capital restoration plan that explains how you plan to restore your capital to required levels and includes specific, year-by-year targets for achieving compliance with capital requirements. If you fail to file the plan, or if you materially violate the plan, a number of very tough additional restrictions will come into force.

Now suppose you have filed your plan, and it is acceptable to your regulator, but your capital continues to deteriorate. At some point, it will decline below the "critical capital level." This is a level of capital that the regulators will have to specify. The bill requires them to specify a level such that they can resolve the problems of institutions whose capital falls below the level at no cost to the deposit insurance fund in virtually all cases.

When your capital falls below the critical capital level, you will be prohibited from making principal and interest payments on any subordinated debt you may have outstanding. You will also become subject to a range of very tough restrictions on your activities and operations. And, finally and most importantly, your primary regulator will have to appoint a conservator or receiver for you within 30 days, or take some other action that is more likely to protect the deposit insurance fund from loss.

Can a prompt corrective action requirement be effective without higher capital?

The prompt corrective action system depends on regulators detecting deterioration at a depository institution and stepping in to fix the problem before the institution becomes insolvent. Currently, regulators sometimes fail to recognize that an institution is insolvent or nearly insolvent in time to take effective corrective action.

There are two ways you could fix this. You could raise capital standards, so that on average more time will elapse between the time an institution falls short of required levels and the time it becomes insolvent. Alternatively, regulators could conduct more vigorous supervision, so that they usually know sooner when an institution's capital is eroding.

The bill leaves the choice between the two approaches to the regulators. It does not require regulators to increase capital levels, decrease capital levels, or leave them where they are. It simply requires that capital levels be set so that the prompt corrective action requirement works. This is a new legislative approach to capital levels—a functional approach. The idea is that capital standards ought to be set according to the purpose of holding capital.

How do you expect institutions to raise additional capital when the economy is weakening and capital is already in short supply? Aren't you changing the rules of the game at exactly the wrong time?

There are several answers to this. First, note that the bill does not require higher capital levels. The bill requires higher capital only to the extent needed to protect the deposit insurance funds. More aggressive supervision and prompter corrective action by regulators will also help protect the deposit insurance funds and could offset the need for greater capital. Second, note that even if regulators determine it is necessary to raise capital requirements, that is not the same as saying banks need to raise new capital. Institutions can also raise their capital levels by selling assets or retaining earnings. Finally, note that the bill would not require regulators to promulgate new capital requirements until 18 months after enactment and leaves the regulators free to prescribe a generous compliance period.

What about mark-to-market accounting? Do you need that too?

Regulators will need better and more timely information on the condition of the institutions they supervise if they are ever going to realize the goal of preventing troubled institutions from becoming liabilities to the deposit insurance system. But that doesn't necessarily mean we should move all the way to market-value accounting.

To help develop better and more timely information, the bill establishes two goals for reform of accounting principles applicable to insured depository institutions. First, those principles should result in financial statements and reports that accurately reflect—at market value, to the extent feasible—the economic condition of those institutions.

Second, they should facilitate both effective supervision of depository institutions generally and prompt corrective action to resolve troubled institutions in particular. The bill charges the SEC, in consultation with the Federal banking agencies, with developing the reformed accounting principles.

This is not, however, a requirement for depository institutions to adopt mark-to-market accounting. The goal is to move in the direction of market value accounting over time, but only to the extent feasible. Because there is no current consensus as to how many of the illiquid assets that depository institutions hold should be valued, any effort to force immediate adoption of market-value accounting would probably encounter significant technical problems.

What does the bill do about too-big-to-fail?

The bill would curtail too-big-to-fail through a multifaceted approach to the problem. First, the bill's prompt corrective action requirements eliminate the problem of inequitable treatment for large and small instititions. All institutions will have to be either recapitalized, sold, or closed before they become costs to the deposit insurance funds. Second, the bill requires the FDIC, in closing failed institutions, to choose the resolution strategy least costly to the deposit insurance fund. Third, the bill prohibits the FDIC after 1994 from taking any action to resolve a troubled institution that has the effect of protecting uninsured depositors. The bill would leave intact the Federal Reserve Board's authority to intervene as a safety net of last resort to protect the stability of the financial system, but it includes provisions intended to ensure that by the time an institution has failed it has been so insulated from the rest of the banking system that the Federal Reserve should never have to intervene in this way.

Does the bill do anything about brokered deposits?

The bill's restrictions on pass-through deposit insurance coverage would effectively eliminate insurance coverage for brokered deposits that take the form of master certificates of deposit. This is consistent with the Administration's proposal. The bill also requires the FDIC to impose whatever restrictions on other deposits by intermediaries are necessary to protect the deposit insurance fund. These provisions would become effective nine months after enactment.

What about risky activities by State-chartered institutions?

The bill would restrain State legislatures and bank regulators from leveraging Federal deposit insurance for the benefit of their local tax bases. It does that by generally prohibiting State banks from engaging as principal in any activity not permissible for national banks except where (1) the State banks is in full compliance with all applicable capital standards; (2) the FDIC has determined that the activity in question is consistent with the purposes of Federal deposit insurance, and poses no significant risk to the deposit insurance fund. The bill would prohibit State banks from acquiring junk bonds, and require them to carry any existing junk bond holdings at fair market value. It would also prohibit State-chartered institutions from making any equity investment (e.g., in real estate) impermissible for a national bank, except for community development purposes. These restrictions are similar to those imposed on State-chartered thrift institutions in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

What does this plan do about the $100,000 limit?

The proposed legislation leaves the basic $100,000 limit intact. Although the idea of lowering the $100,000 limit has received considerable attention from the press, most of the testimony before the Committee was quite negative on this proposal. Thus, Bert Ely testified on May 17 that "[r]educing deposit insurance coverage from the present $100,000 limit will have almost no disciplinary effect. Congress will spill political blood unnecessarily in a totally futile exercise if it lowers the $100,000 deposit insurance limit." And Jane Uebelhoer of ACORN said that "reducing the level from $100,000 to $50,000 is probably a matter of indifference."

Does the bill limit deposit insurance to $100,000 per depositor?

No, it does not, but the bill does close several of the existing loopholes in the $100,000 limit. Under the bill, for example, it would no longer be possible for wealthy depositors to keep hundreds of thousands or even millions of dollars at a single institution by using joint accounts or trust accounts. Every account would have to be registered under one or more taxpayer identification or employer identification numbers. And the FDIC would insure a given depositor at a particular institution only to a total of $100,000 on all accounts—$200,000, if the second $100,000 is in a tax-deferred retirement account.

The one loophole that would remain in the $100,000 limit is this: a depositor could still have essentially limitless amounts of insured deposits, provided that no more than $100,000 is deposited at any one institution. Effectively, the bill would limit deposit insurance to $100,000 per depositor per insured insitution on routine transaction and savings accounts, plus a second $100,000 for tax-deferred retirement savings.

Why does the bill leave that loophole open?

It's not an easy loophole to close. When you start to look at what it would take to close the loophole from a technical perspective, it is hard to find a way to do it that would not be either enormously expensive or very intrusive on individual privacy. Given the very small number of individuals with more than $100,000 to deposit, it may well be that the benefits of making the $100,000 limit airtight simply are not worth the costs.

What does the bill do about risk-based premiums?

The bill would require the FDIC to implement a system of risk-based deposit insurance premiums. The bill gives the FDIC discretion to determine how a risk-based premium system should work, thus enabling the agency to refine the system in light of experience. In addition, the bill authorizes the FDIC to use private reinsurance as a means of pricing risk-based insurance, consistent with the plan developed by Senator Dixon.

What does the bill do about assessing foreign deposits?

Consistent with its requirement that the FDIC adopt a risk-based premium system, the bill would repeal current statutory references to the "assessment base." That concept was not designed for a risk-based system, and leaving it in law would only confuse and complicate efforts to implement a risk-based system.

How the new risk-based system affects institutions that hold, or do not hold, large amounts of foreign deposits will depend on what sort of risk-based system the FDIC adopts. The FDIC should be free to consider risks posed by any of an institution's assets or liabilities (including contingent liabilities). Thus, for example, if a bank relies heavily on short-term foreign deposits, the FDIC may wish to take account of those deposits—and any resulting volatility of the bank's liabilities—in assessing the risk that the bank will fail. On the other hand, the bill's too-big-to-fail reforms would prohibit the FDIC from protecting any uninsured creditor, including foreign depositors.

What else does the bill do?

The bill contains numerous individual reforms. Some other noteworthy reforms include:

Removing any doubt about Federal regulators' authority to enforce capital maintenance agreements against the parent corporations of banks and thrifts.

Strengthening the current requirement that affiliates of a bank or thrift protect the FDIC from losses caused by that institution. No longer could that requirement be evaded by transferring assets to a parent, subsidiary, or other nondepository affiliate.

Requiring annual, on-site examinations of every insured depository institution.

Expanded reporting requirements for banks and thrifts and for the Federal bank regulatory agencies.

How is this bill different from the deposit insurance bill Senator Riegle introduced last September?

This bill is similar to last September's bill, S. 3103, in most key respects. The revised bill retains the concept of prompt corrective action as the cornerstone of deposit insurance reform. And virtually all of the most important provisions of S. 3103 can also be found in the revised bill. Nevertheless, there are many differences. Most, but not all, of the differences are minor and most, but not all, are essentially technical. Here are a few of the most important differences:

S. 3103 merely authorized the FDIC to implement a risk-based premium system. The revised bill requires it to do so. Consistent with that change, the revised bill repeals existing statutory language regarding the insurance premium "assessment base," while S. 3103 left it intact.

The revised bill prohibits State-chartered, federally insured banks from investing in junk bonds, or from making equity investments not permissible for national banks (e.g., as a real estate developer)—except for community development purposes. S. 3103 relied on more general rules restricting State-authorized activities.

The revised bill requires banks accepting interbank deposits to be well capitalized, and directs the Federal Reserve to prescribe limits on a bank's credit exposure to (including its deposits at) any other bank. Both provisions help to ensure that no one institution can put a significant proportion of the entire banking system at risk, and therefore be too big to fail. S. 3103 did not contain either provision.

S. 3103 included an elaborate system of licensing and registration for deposit brokers. The revised bill requires the FDIC to impose whatever restrictions on deposits by intermediaries are necessary to protect the deposit insurance fund. Like S. 3103 (and the Treasury proposal), the bill also denies insurance coverage to conventional brokered deposits.

S. 3103 limited deposit insurance to $100,000 per person per institution. The revised bill allows an additional $100,000 insurance at any given institution per institution for tax-deferred retirement savings.

These are just a few of the more significant changes. These and other changes are described in greater detail in a separate document entitled "Summary of Major Changes from S. 3103."

This bill would make a lot of changes. Would they all happen at once?

No. The key substantive provisions of the bill are accompanied by appropriate transition periods. In many instances, the bill gives the regulators additional authority to adopt appropriate transition periods by regulation.

COMPREHENSIVE DEPOSIT INSURANCE REFORM AND TAXPAYER PROTECTION ACT OF 1991

SUMMARY OF MAJOR CHANGES FROM S. 3103

The Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991 differs from its predecessor, S. 3103 (introduced on September 25, 1990), in numerous respects. Most, but not all, of the differences are minor. Most, but not all, are technical. This document summarizes the more significant substantive changes. It does not cover most technical changes or some minor substantive changes.

1. Prompt Corrective Action Requirement

The cornerstone of the bill continues to be the requirement that regulators take prompt corrective action to recapitalize or resolve weak institutions. The revised bill contains several refinements to S. 3103's prompt corrective action provisions.

a. Annual examination requirement. Both S. 3103 and the revised bill require Federal regulators to conduct annual on-site examination of every federally insured depository institution. S. 3103 permitted bank regulators to contract with private-sector firms for examination services. In response to confidentiality and conflict-of-interest concerns, this has been deleted from the revised bill. In addition, the revised bill allows an examination by either the institution's primary Federal regulator or the FDIC to satisfy the annual-examination requirement.

b. Prompt corrective action requirement. The prompt corrective action provisions themselves have been changed in several respects.

(1) Level one: minimum capital level. As before, the first set of restrictions comes into force when the bank's capital falls below the minimum capital levels established by the regulators. And, as before, institutions whose capital falls below the minimum levels must stop paying dividends, limit their asset growth, and file a capital restoration plan.

(a) Asset growth limit.—In the revised bill, the asset growth limitation has been tightened in some respects and loosened in others. In S. 3103, asset growth was limited to net interest credited on deposits and had to be fully capitalized under both the leverage ratio and the risk-based capital standards. The revised bill imposes no rigid ceiling on total asset growth, but provides that such growth may not exceed 10 times new capital. The revised limit reinforces incentives to increase capital, is easier to administer, and gives the undercapitalized institution more flexibility to match capital with growth.

(b) Capital restoration plan.—The revised bill continues the requirement that undercapitalized institutions file a capital restoration plan, and specifies that the plan contain year-by-year capital targets.

In addition, the revised bill toughens the consequences for undercapitalized institutions failing to submit and implement a capital restoration plan. In particular, the following safeguards would apply unless the agency found that they would not further the goal of protecting the deposit insurance fund against loss:

(i) Transactions between the insured institution and any affiliated depository institution would have to comply fully with section 23A of the Federal Reserve Act: the interbank exemption (allowing unlimited transactions with affiliates) would not apply.

(ii) The institution would be required to retain a new independent auditor unless (1) the institution had changed auditors during the year before it became undercapitalized, or (2) the institution and any affiliated banks and thrifts have consolidated assets of less than $1 billion. A new auditor would help root out any concealed problems.

Experience indicates that expansion by undercapitalized institutions often worsens their problems. Accordingly, the revised bill would restrict branching by undercapitalized institutions failing to submit or implement a capital restoration plan: they could increase the number of their branches only if the FDIC certified that the increase would tend to avoid a loss to the deposit insurance fund. This provision does not restrict changes in branch location, or closing one branch and opening another.

S. 3103 authorized regulators to dismiss the chairman, chief executive officer, or chief financial officer of undercapitalized institutions that fail to submit and implement a capital restoration plan. The revised bill extends this authority to any senior executive officer (i.e., major policymaker). This gives regulators greater flexibility to oust inept senior managers without resorting to the cumbersome and punitive removal-for-misconduct statute.

(2) Level two: critical capital level. Like S. 3103, the revised bill provides that if an institution's capital level continues to deteriorate—below a lower, "critical capital level"—it will face additional restrictions. If the institution's capital remains below the critical level for 30 days, its primary Federal regulator must either appoint a conservator or receiver or take alternative action designed to better protect the deposit insurance fund. The revised bill also gives the FDIC a say in the regulator's decision to take alternative action. In addition, the revised bill requires the regulator to appoint a receiver for an institution whose capital remains below the critical level for one year. This sets an outer limit on regulatory inaction when an institution remains critically undercapitalized for a protracted period.

(3) National bank receiverships. The revised bill broadens the grounds for appointing receivers for national banks—making them consistent with those currently applicble to other FDIC-insured institutions. This reponds to deficiencies in the regulator's authority that came to light when the Bank of New England failed.

2. Risky Activities Curtailed

Under S. 3103, a State-chartered, federally insured bank could not engage as prinicpal in activities impermissible for national banks unless (1) the bank complied with all capita requirements, and (2) the activity posed no signficant risk to the deposit insurance fund. The revised bill continues these requirements and specifies that the activity must also be consistent with the purposes of Federal deposit insurance, and that the risk determination must be made by the FDIC (as deposit insurer).

The revised bill also includes two specific rules not present in S. 3103. First, banks cannot acquire junk bonds, and must carry any existing junk bond holdings at fair market value. Second, State banks cannot make any equity investment impermissible for national banks, except for community development investments.

3. Too-Big-to-Fail Curtailed

The revised bill retains S. 3103's prohibitions on FDIC implementation of a too-big-to-fail policy. In addition, the bill contains additional safeguards intended to prevent a weak institution from exposing the entire banking industry to systemic risk. These limits will help ensure that no institution is ever too large to fail.

First, the bill would require the Federal Reserve Board (as the agency most involved in handling systemic risk) to prescribe rules limiting depository institutions' credit exposure to other depository institutions. The logic of such limitations is clear: interbank deposits are, in reality, simply a loan from one bank to another. Like any other loan, they expose the lender to risk. A bank that lends a major portion of its capital to a single borrower is acting imprudently, whether the borrower is a commerical real estate developer or another bank. A bank should not put all its eggs in one basket—even if the basket is another bank.

Second, the bill requires banks accepting interbank deposits from FDIC-insured institutions to be well capitalized. The bank must comply with all currently applicable capital standards prescribed by its primary Federal regulator—and have additional capital to the extent that the Federal Reserve Board determines such capital is necessary to protect the system.

4. Changes in Deposit Insurance Premium Pricing

a. Risk-Based Premiums Required. S. 3103 authorized, but did not require, the FDIC to institute a system of risk-based deposit insurance premiums.

The revised bill goes further. It requires the FDIC to implement a risk-based premium system, while giving the FDIC discretion to design the system.

As before, the proposal authorizes the FDIC to use private reinsurance as a basis for setting risk-based premiums, as proposed by Senator Dixon.

b. Changes in the Assessment Base S. 3103 proposed no changes in the deposit insurance premium assessment base. The revised bill would repeal the assessment base language in current law. That language was not designed for a risk-based system, and leaving it on the books would only confuse and complicate efforts to make a risk-based system workable.

Under the new risk-based system, the FDIC should assess premiums based on the risk that an institution will fail and the potential cost of such a failure to the insurance fund. In determining either the likelihood or the potential cost failure, the FDIC should be free to consider any of an institution's assets or liabilities.

5. Restrictions on the Scope of Deposit Insurance Coverage

a. Brokered Deposits. S. 3103 required the FDIC to license and register individuals and entities in the business of making deposits at insured institutions on behalf of third parties. The revised bill drops that provision and substitutes alternative provisions.

Like S. 3103 (and the Treasury proposal), the revised bill denies pass-through insurance coverage to conventional brokered deposits. The bill requires the FDIC to impose whatever restrictions on deposits by intermediaries are necessary to protect the deposit insurance fund. It also broadens the FDIC's authority over so-called money desks, through which institutions obtain high-rate deposits directly from investors. Current law, by focusing on the prevailing local rate, permitted the Bank of New England to attract $2 billion in hot money nationwide; the revised bill includes a national standard.

b. Mulitple Accounts. S. 3103 eliminated the loophole in current law that allows depositors to maintain multiple fully-insured $100,000 accounts at a single depository institution. Under S. 3103, a depositor could have no more than $100,000 in insured deposits at a single institution. The revised bill is slightly looser than the original insofar as it would allow an additional $100,000 in coverage for tax-deferred retirement savings.

6. Disclosure Obligations

a. Disclosure by Uninsured Depository Institutions. The revised bill required uninsured depository institutions to disclose to there customers the fact that they are not insured by the Federal Government, and receive a written acknowledgement of that disclosure from their customers before accepting any money for deposit. The bill authorizes the FDIC to determine, in uncertain cases, whether a particular enterprise (e.g., an unlicensed deposit-taker) constitutes an uninsured depository institution. This provision is intended as a consumer-protection measure, in response to recent incidents in Rhode Island and the District of Columbia in which depositors may not have recognized that they were placing deposits in uninsured institutions.

7. Other Major Changes

a. Consent To Be Bound by Safety and Soundness Statutes. The revised bill specifies that depository institutions that become or remain FDIC-insured consent to be bound by the Federal Deposit Insurance Act and other Federal safety-and-soundness statutes. This provision emphasizes that depository institutions cannot accept the benefits of Federal deposit insurance while rejecting the safeguards Congress has enacted to protect the insurance funds.

b. Safeguards Against Insider Abuse Strengthened. The revised bill includes provisions intended to strengthen current safeguards against insider abuse at insured depository institutions. These provisions would forbid insured institutions and their subsidiaries from purchasing assets from insiders on preferential terms; require regulators to promulgate limits on loans by thrifts and State nonmember banks to their senior executive officers; and prevent thrifts from making preferential loans to insiders through correspondent institutions.

8. Section Numbering

The following table correlates the section numbers of the revised bill with those of S. 3103:

Subject	Revised bill section	S. 3103 section
Short title; table of contents	1	1
Improving capital standards	2	2
Accounting reform	3	3
Annual examinations	4	5
Prompt corrective action	5	4
Capital maintenance commitments	6	6
Multiple accounts	7	12(b)
Pass-through insurance coverage	8	12(a)
Brokered deposits	9	8
Risk-based assessments	10	11
Restricting risky bank activities	11	7
Safeguards against insider abuse	12	
Interbank liabilities	13	
Least-cost resolution	14	9
Cross-guarantee liability	15	10
Granting deposit insurance	16	13
Disclosure	17	14
Consent to be bound by Federal Deposit Insurance Act	18	
Uninsured depository institutions	19	14(e)

THE UNIVERSITY OF CHICAGO, THE LAW SCHOOL,
Chicago, IL, February 28, 1991.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN RIEGLE: Questions have been raised about the constitutionality of early regulatory closure of depository institutions. I am pleased to offer the following thoughts.

First, any consideration of early closure policies must take account of the fact that depository institutions are financial intermediaries. They specialize in pooling depositors' funds and investing them in illiquid ventures about which public information is not readily available. Depository institutions and other financial intermediaries trade on the specialized information and expertise which they develop with respect to various markets and classes of borrowers.

An inevitable consequence of the intermediation function is that many depository institution assets are difficult to appraise. Because depository institutions specialize in investing in illiquid assets for which there is no ready market value, evaluating the worth of these assets is necessarily an imprecise enterprise. The balance sheet of a depository institution will often overstate its actual solvency because assets such as commercial loans are held at par until they are written down, which often occurs well after they actually lose economic value.

Past history has shown that when regulators rely on balance sheet numbers alone as a measure of a depository institution's solvency, the result is systematic overestimation of solvency levels. The result is that banks and thrift institutions have often been deeply under water when they were eventually closed by the regulators. Enormous losses to the federal deposit insurance funds have resulted.

Seen against this backdrop, proposals for "early closure" of depository institutions can be viewed as attempts to correct for a systematic regulatory bias that has historically resulted in late closure of depository institutions. Indeed, a fairly large class of early closure policies can be sustained simply on the ground that they represent attempts to identify more accurately the actual point of economic insolvency for a depository institution. No serious constitutional issues would be presented by such policies to the extent they could be justified as representing legitimate regulatory efforts to identify the point of actual economic insolvency.

Moreover, it is my opinion that a reasonable early closure policy could be sustained against constitutional challenge even if the consequence were to close depository institutions at some point prior to actual economic insolvency. Experience has shown that as a depository institution's capital position becomes seriously weakened, the probability of eventual insolvency increases nearly exponentially. Often a reduction in capital reflects deeper underlying problems in an institution's loan portfolio that will cause further deterioration over time. Further, managers of depository institutions in weak capital positions have an incentive to take excessive risks in hopes of returning a shaky institution to profitability, despite the fact that the risky activities greatly increase the costs of depository institution failure if it should occur. Thus a depository institution in a weak capital position poses a serious risk to the federal deposit insurance funds. There is ample authority for regulatory intervention to protect the deposit insurance funds against losses in this situation.

There is little basis for the argument that early intervention would "take" the property of shareholders without payment of just compensation.

First, a reasonable early closure policy would not represent an expropriation of shareholder wealth for the benefit of the government or anyone else. The depository institution would be resolved under the FDIC's "cost test", which requires the FDIC to use procedures that maximize the value of the institution's assets. If the institution had a sufficiently positive value at the time of closure, the sale of its assets would result in the payment of creditors, with any residue paid over to shareholders. Closure could of course reduce an institution's "going concern" value; but the FDIC has available a range of closure procedures, including purchase and assumption transactions, that are intended to maximize going concern value.

Second, a reasonable early closure policy would not defeat the investment-backed expectations of depository institution shareholders. Bank shareholders have every reason to know that they are investing in institutions subject to comprehensive government regulation. That regulatory system has many benefits for bank shareholders; it also imposes some burdens. Shareholders take the burdens along with the benefits when they invest their funds in a depository institution.

Further, it should be noted that a form of early closure has always been possible. The FDIC and the (now-defunct) FSLIC have always had the power to suspend or terminate deposit insurance for institutions found to be operating in an unsafe and unsound manner. As a practical matter, the termination of deposit insurance makes closure of the institution inevitable. Thus even before the present upheaval in the banking industry, depository institution shareholders had reason to anticipate that their institutions might be closed if its capital ratios fell to precarious levels.

Shareholders or others interested in a depository institution might attempt to challenge early closure on the ground that it violates the due process clause. It has long been established, however, that in banking cases a pre-closure hearing is not constitutionally required so long as a relatively prompt post-closure hearing is available. *Fahey* v. *Mallonee*, 332 U.S. 245 (1947). Thus, as long as an early closure rule provides a reasonably prompt opportunity to aggrieved persons to challenge the agency action on the merits in a post-closure hearing, no serious due process issues should be involved.

In conclusion, a reasonable early closure policy should easily withstand attack under the takings clause, the due process clause, or any other provision of the Constitution.

Sincerely,

GEOFFREY P. MILLER,
Kirkland & Ellis Professor.

By Mr. HEFLIN:

S. 544. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ANIMAL RESEARCH FACILITIES PROTECTION ACT

• Mr. HEFLIN. Mr. President, today I rise to introduce the Animal Research Facilities Protection Act. Last Congress, this vital piece of legislation garnered over 30 cosponsors and passed the Senate with an unanimous vote. Unfortunately, this bill was stymied in the House Agriculture Committee because of last year's farm bill debate. The need for this legislation has only intensified with the rising number of break-ins experienced by America's leading research institutions and the increase in the number of threats to America's research scientists.

In fact, six major break-ins and thefts at research laboratories have been reported across the country since I introduced this legislation in the last Congress. These crimes were not limited to any one region; they took place in California, Florida, Illinois, New York, Pennsylvania, and Texas. An underground group which calls itself the Animal Liberation Front took credit for all of them. None of these cases have been solved. No one responsible for them has been brought to justice.

In the most egregious of these incidents, a Texas researcher's federally supported project sustained immediate damages costing $70,000. His basic research that could benefit victims of Sudden Infant Syndrome and those suffering from sleep disorders was halted for more than a year. That researcher has been the subject of a second break-in attempt, death threats, and a hate campaign which continues to this day.

Another researcher at the University of Pennsylvania a year ago saw his office broken into: computer disks, a scientific manuscript, videotapes and personal files stolen. He and his family received anonymous threatening phone calls, his home was watched by unknown persons and another animal rights group, not the ALF, sent his neighbors derogatory letters about his work. This man was not accused of animal cruelty as such. Rather, according to the ALF, he was targeted for defending his colleagues in Texas and for being very vocal in telling the public about the importance of animal research. Our right of free speech is precious. I am as appalled by the attempts to intimidate this researcher into silence as I am by the senseless destruction of property. Lawful protest, including that against the use of animals in research, is protected in this country. All citizens are free to express their opinions; there is no justification for resorting to violence. Extremists in the animal rights movement who choose to be terrorists must be stopped.

While crimes committed in the name of animal rights have increased throughout the U.S., thankfully we have not reached the level of violence experienced in Britain. According to New Scotland Yard, there were over 400 crimes in the United Kingdom linked to the animal rights movement in 1989 alone. Firebombings have often been used by animal rights extremists in Britain to destroy property. This past June, however, there were two car bombing incidents specifically designed to kill or maim their targets, who included a medical scientist and a veterinary officer. Fortunately the veterinarian escaped when her car burst into flames, but when the bomb intended for the scientist exploded, it permanently scarred and injured a baby being wheeled by in a stroller.

The reason I bring these incidents to your attention is because it is believed that the United States is not more than 2 years behind the United Kingom in terms of the terrorist activities being employed by the animal rights movement. We should learn from Britain's experience and do everything we can to stem the rising tide of illegal and increasingly violent acts being committed by animal rights extremists here in our country.

The legislation I am introducing today is designed to do just that by making it a Federal offense to commit crimes against our Nation's vital research facilities. The fact that 12 States have already enacted laws increasing penalties for crimes against research facilities is convincing evidence that this is an extremely serious problem. No individual State, however, can protect its research facilities from interstate or international saboteurs. We must provide that protection on the Federal level.●

By Mr. CRANSTON (for himself and Mr. SEYMOUR):

S. 545. A bill to authorize the additional use of land in Merced County, CA; to the Committee on Energy and Natural Resources.

USE OF LAND IN MERCED COUNTY, CA

Mr. CRANSTON. Mr. President, on behalf of Senator SEYMOUR and myself, I introduce for appropriate reference a bill to authorize the additional use of land in Merced County, CA. This legislation responds to the need for both an elementary school site and parkland in a rapidly growing area of our State.

In 1973 the United States, acting through the Secretary of the Interior, conveyed 40 acres of surplus Federal property to Merced County for use as a public park and recreation area. However, because of financial difficulties, the county has not been able to develop the land for park purposes as planned.

Last year the local school district expressed an interest in acquiring 15 acres of the 40 acre parcel as a site for an elementary school to serve its expanding student body. At the same time the school district offered to provide ballfields and other recreation facilities on the 15 acres and maintain 5 acres which the county is finally developing for public recreation use.

Legislation is necessary because under the original conveyance Merced County cannot deed the land directly to the school district. Rather the property must revert back to the Federal Government and can only be conveyed to the school district by the General Services Administration after having been offered to all other Federal agencies and the public. While I know of no other party interested in the 15 acres, there is no guarantee the school district would ultimately receive the land. Legislation will both expedite the process and assure that the school district obtains a much needed school site.

An identical bill is being introduced in the House by Congressman GARY CONDIT.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF ADDITIONAL USE.

(a) Subject to the requirements of this Act, the county of Merced, California (hereinafter in this Act referred to as the "county") is authorized to permit use of the land described in section 3 (hereinafter in this Act referred to as the "land") for the purposes of an elementary school, notwithstanding the restrictions on use of such land otherwise applicable under the terms of conveyance of such land to the county by the United States.

(b) Except as specified in this Act, this Act shall not increase or diminish the authority or responsibility of the county with respect to the land.

SEC. 2. USE OF LAND FOR ELEMENTARY SCHOOL.

(a) The authority of the county under this Act shall be limited to the authorization of use of the land for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California.

(b) If the county permits use of the land as an elementary school, the county shall include information concerning such use in the biennial reports of the Secretary of the Interior required under the terms of the conveyance of the land to the county by the United States.

(c) Any violation of the provisions of this Act shall be deemed to be breach of the conditions and covenants under which the land was conveyed to the county by the United States, and shall have the same effect, as provided in the deed, whereby the United States conveyed the land to the county.

SEC. 3. LAND DESCRIPTION.

The land referred to in section 1 is the south 15 acres of the 40 acres located in the northeast quarter of the southwest quarter of section 20, Township 7 South, Range 13 East, M.D.B&M. of Merced County, California, declared to be surplus property by the United States in action 9-D-Calif-1028 and conveyed to the county by deed recorded in volume 1941 at page 441 of the official records of Merced County, California.

• Mr. SEYMOUR. Mr. President, I rise today with my colleague, Senator CRANSTON, to introduce legislation that will allow for the much-needed expansion of the McSwain Union Elementary School District, which is located in Merced County, CA.

Our legislation is necessary and will go a long way toward easing the McSwain Union Elementary School District's burden in meeting its obligation to area communities, which, I might add, includes a large influx of school-aged Hmong refugees.

In 1972, the General Services Administration declared a 40-acre parcel of land in Merced County as surplus property. The County applied for the land and title was conveyed to it in 1973 pursuant to the applicable Federal law, the Federal Property and Administrative Services Act of 1949.

Since that time, several acres of the parcel have been developed as recreation and picnic areas as specified under the conveyance agreement. Early in 1989, the McSwain Union Elementary School District approached the county with a proposal to develop 15 acres of the parcel as an elementary school with adjoining public recreation areas to be operated and maintained by the school. Both sides quickly recognized the "win-win" aspect of such an agreement, and set to work to formalize such a sharing of the property.

The county and school district reached agreement on the proposed use of the 15 acres as a project of great benefit to the community but have been unable to proceed with its implementation due to the strict language of the original deed of conveyance. Under the terms of the deed, if the county were to permit these 15 acres to be used for the elementary school, the entire parcel would convert back to ownership of the GSA.

Given this brief background of the issue, it is clear that Merced County faces the choice of either losing the entire parcel of property it received in 1973, or forfeiting a new school building the McSwain Union Elementary School District so desperately needs.

The bill we are introducing would resolve this situation to the benefit of all parties concerned, Mr. President, and extend the ultimate benefit to that special group of people most deserving of our attention and help, the school kids themselves.

I look forward to working with my colleagues on the Energy Committee of which I am a member, and urge all of my colleagues to support timely passage of this legislation. With any luck, we will have modular classroom units on the proposed site and open for business in time for the upcoming term.•

By Mr. CRANSTON:

S. 546. A bill to establish a Parents as Partners in Learning Program, and for other purposes; to the Committee on Labor and Human Resources.

PARENTS AS PARTNERS IN LEARNING ACT

Mr. CRANSTON. Mr. President, today I introduce for appropriate reference the Parents as Partners in Learning Act of 1991. The purpose of this legislation is to help bring parents more fully into the learning process as active participants in the academic achievement of their children—rather than as persons whose place in the life of the school is marked by an occasional PTA meeting or help with a bake sale. This bill is about parents who help with homework, who provide a quiet place each night for a child to study, who make sure their children get enough sleep and get to school on time, and who spend daily time reading to their children.

Quite a commitment? Yes, and the results can be extraordinary. In fact, hundreds of California parents, now involved in a program called the Quality Education Project, are making such a commitment and having the time of their lives. As their enthusiasm and involvement increases, the academic achievement of their children accelerates. In turn, the school is enlivened and enriched. In the schools where QEP is operating, the families' place in the learning process is both accepted and well-defined. As a result, there is a synergism between parents and the school that is bringing about greater academic achievement for the student.

We have known for a long time that the attitude of the parent toward a child's education is important to success in school. In fact, the link between achievement and family environment—as several studies have pointed out—is a key factor in educational success. Yet the role of the family is generally overlooked when we talk about education reform. Most of the recent major education reports do not mention families as a factor in education success and only one or two make any recommendation for school reform based on involving parents.

This is more than just an oversight. It is a misreading of psychology, sociology, anthropology, and contemporary history. There was a time in our society when learning was thought to occur almost entirely in school. But television and the information age—and the increasing education level of parents themselves—have changed all that. Much, much learning occurs outside of the classroom. Too, society expects more than academic success from schools, and many of these expectations center around addressing problems thought traditionally within the total purview of the family. Child care, drug abuse, and sexuality issues are just a few of the problems that every American school must consider as thoughtfully as the strategies for learning math and science.

To avoid being a part of the problem, the family must be a part of the solution.

When the National Center on Education Statistics surveyed 60,000 high school students between 1980–82, NCES found that 32 percent of students with an "A" average said that their parents helped them decide what courses to take while only 13 percent of "C" students reported such parent help. Two-thirds of the "A" students in the study said their parents met with or telephoned the teacher when a learning issue arose, but less than half of the "C" students reported that kind of communication between family and school. The study also found that parent membership in a parent-teacher organization or parent involvement with school activities had no discernable effect on good grades. What helped with good grades was parent involvement in the day-to-day learning process and a communications program—between teachers and parents and administrators and parents—that was clear, regular, and that reflected respect for parents.

California's Quality Education Project, founded in 1982, is a not-for-profit corporation designed specifically to bring parents together with teachers and administrators to help raise student achievement, especially for at-risk students. The QEP's premise is that parents will actively support their children's education if they are shown how to do so effectively; that parents will support the school—no matter what their cultural, socioeconomic, language, or educational background—when they feel accepted, cared about, and respected; and that a parent involvement program is successful in direct proportion to the belief and commitment of school leadership and staff. Also critical to success in the view of QEP is a specific plan with supporting materials and evaluation and accountability components.

Working in some of the areas of greatest poverty in California, QEP has successfully involved disadvantaged families in their children's school. In one school district in Los Angeles county, the QEP Program raised attendance at parent/teacher conferences by 1,272, a 16-percent increase; more than 10,400 additional children took home weekly folders of academic work for review by parents; over 8,000 parents signed pledges promising to participate in school activities and to help their children succeed academically. For 2 successive years in that district, scores on statewide achievement tests increased.

The basics of QEP can be used to build model projects anywhere in the country: First, home activities where parents can reinforce what is learned at school; second, effective home/school communication which leads to the family supporting the school; and third, parenting skills to help parents interact more positively with their children at home. The fundamental concepts here are clear goals, intelligent marketing, and accountability. As the QEP record shows, they work.

Mr. President, the Parents as Partners in Learning Act is a very simple bill with a modest dollar authorization. The basic components of a model project under this bill are clear and uncomplicated. Applicants for grants must assess the present extent and quality of parent involvement and state clear objectives for each year of the project. A strong communications component must be set forth to increase family understanding and support of the school. Training must be provided to enable parents to build positive relationships with their children that will bolster academic success. There must be continuing community outreach activities in order to develop community support for the schools. Strong evaluation and dissemination components are required.

The grant requirements provide a structure within which local needs can be met while assuring success through proven means. Grants under the act are to be made in settings that reflect the diversity of this country in order that they may serve as models for other parts of the Nation with similar characteristics.

The Federal authorization is set at $20 million for each of 4 fiscal years. However, the Federal contribution is designed to get initial projects off the ground, rather than to provide ongoing major financial support. Federal support declines each year as projects become self-supporting. When designed with the key components in mind, these projects can demonstrate a degree of success that will assure their becoming a valuable and continuing part of the school program far beyond the end of Federal support.

Mr. President, I ask unanimous consent that a section-by-section analysis of the Parents as Partners in Learning Act be printed at this point in the RECORD, followed by the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited "Parents as Partners in Learning Act of 1991".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to build effective parent involvement in schools in order to help raise student achievement;

(2) to positively engage parents in their children's education;

(3) to build consistent and effective communications between home and school so that parents may know their children's progress in all aspects of school life;

(4) to train teachers to communicate effectively with parents;

(5) to train parents in home strategies for raising their children's academic success; and

(6) to train administrators and teachers in building support for schools in the community.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the understanding and active support of parents for all aspects of schooling is important if children are to succeed academically;

(2) parents will support the school, regardless of cultural, socio-economic, language or education background, when parents feel acccepted, cared about, and respected;

(3) parents will actively support their children's education when shown how to do so effectively; and

(4) a parent involvement program is successful in direct proportion to the belief and commitment of the school leadership and staff and to the extent that a specific plan with supporting materials, evaluation, and accountability components are provided.

SEC. 4. GRANTS AUTHORIZED.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to make grants to eligible applicants to design and carry out projects that seek to build effective parent involvement in the education of their children in order to raise student achievement. In making grants under this Act, the Secretary shall take into consideration regional, cultural, and ethnic diversity within the United States.

(b) PRIORITY.—In awarding grants under this Act the Secretary shall give priority to eligible applicants whose applications—

(1) demonstrate the potential to serve as models for dissemination to other entities wishing to develop parent participation in schools; and

(2) describe programs which serve families in greatest need of assistance.

SEC. 5. APPLICATION.

Each eligible applicant desiring to receive a grant under this Act shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain an assessment of the extent and quality of parent involvement in the school;

(3) include clear, written objectives and desired outcomes for each year of the project;

(4) contain assurances of frequent and regular communications between teachers and parents and between administrators and parents, including consideration of the specific language and literacy needs of the parents; and

(5) contain such information and assurances as the Secretary may require to ensure compliance with the provisions of this Act.

SEC. 6. USE OF FUNDS.

Each eligible applicant may use funds provided under this Act to—

(1) provide for home activities where parents can reinforce skills learned at school;

(2) provide parents with training to enable parents to build positive relationships with their children and to communicate successfully with teachers and administrators;

(3) conduct regular and ongoing community outreach activities which develop support for the community's schools;

(4) evaluate program progress in meeting stated objectives; and

(5) disseminate information about successful strategies and materials.

SEC. 7. ESTABLISHMENT OF NATIONAL ADVISORY RESOURCE CENTER CONCERNING PARENTS AS PARTNERS IN LEARNING.

(a) NATIONAL ADVISORY RESOURCE CENTER.—The Secretary shall, by grant or contract with a nonprofit organization, establish and operate a National Advisory Center for Parents as Partners in Learning (hereafter in this Act referred to as the "Center"). The Center shall provide—

(1) technical assistance in developing model Parents as Partners in Learning programs;

(2) staff training for Parents as Partners in Learning programs; and

(3) model materials for Parents as Partners in Learning program implementation.

(b) LIMITATION.—The non-profit organization described in subsection (a) shall—

(1) be expressly incorporated for the purpose of improving the scholastic achievement of students by bringing parents into an active role in their children's education;

(2) be of proven experience and effectiveness in designing and carrying out such programs; and

(3) have previously implemented a Statewide program.

SEC. 8. EVALUATION AND DISSEMINATION.

The Secretary shall conduct an annual evaluation of grants made under this Act and shall disseminate such information.

SEC. 9. PAYMENTS.

(a) PAYMENTS.—(1) The Secretary shall pay to each eligible applicant having an application approved under section 5, the Federal share of the cost of the activities described in the application.

(2) The Federal share—

(A) for the first year in which the State receives funds under this Act shall be 90 percent;

(B) for the second such year shall be 75 percent;

(C) for the third such year shall be 50 percent; and

(D) for the fourth such year and each succeeding year thereafter shall be 33⅓ percent.

(b) NON-FEDERAL SHARE.—The non-Federal share of payments under this Act may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

SEC. 10. DEFINITIONS.

As used in this Act—

(1) The term "eligible applicant" means one or more of the following:

(A) a local educational agency;

(B) an individual school;

(C) a nonprofit private organization;

(D) an institution of higher education;

(E) a business concern; or

(F) a State educational agency.

(2) The term "parent" includes a legal guardian or other person standing in loco parentis.

(3) The term "Secretary" means the Secretary of Education.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of this Act, $20,000,000 for the fiscal year 1992, $20,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $20,000,000 for fiscal year 1995.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Section 1 of the bill designates the Act as "Parents as Partners in Learning Act of 1991."

SECTION 2. PURPOSE

Section 2 sets forth the purposes of the Act, including programs in parent involvement, communications between home and school, teacher training, and programs in building community support for schools.

SECTION 3. FINDINGS

Section 3 sets forth various Congressional findings in support of the Act.

SECTION 4. GRANTS AUTHORIZED

Section 4 authorizes the Secretary of Education to make grants under the Act to eligible applicants and establishes priority considerations for the awarding of grants.

SECTION 5. APPLICATION

Section 5 sets forth criteria for the design of applications for grants under the Act.

SECTION 6. USE OF FUNDS

Section 6 describes how funds awarded under the Act may be used.

SECTION 7. ESTABLISHMENT OF A NATIONAL ADVISORY RESOURCE CENTER

Section 7 directs the Secretary to establish a National Advisory Center for Parents as Partners in Learning in order to provide technical assistance, staff training, and model materials in support of Parents as Partners in Learning programs.

SECTION 8. EVALUATION AND DISSEMINATION

Section 8 requires the Secretary to conduct annual evaluations and to disseminate materials.

SECTION 9. CONSULTATION REQUIRED

Section 9 requires the Secretary to consult with an experienced nonprofit organization prior to issuing regulations and guidelines under the Act.

SECTION 10. PAYMENTS

Section 10 sets forth federal share criteria for payments under the Act.

SECTION 11. DEFINITION

Section 11 sets forth definitions of eligible applicants for grants under the Act.

SECTION 12. AUTHORIZATION OF APPROPRIATIONS

Section 12 authorizes expenditures under the Act, through fiscal year 1995.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 547. A bill to transfer certain facilities, easements, and rights-of-way to Elephant Butte Irrigation District, New Mexico; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN FEDERAL FACILITIES

• Mr. BINGAMAN. Mr. President, I rise today to join with my colleague from New Mexico, Senator DOMENICI, in introducing legislation to transfer certain rights-of-way to the Elephant Butte Irrigation District of New Mexico.

The Elephant Butte Irrigation District [EBID] is a quasi-municipal corporation formed in cooperation with the U.S. Bureau of Reclamation under the laws of the State of New Mexico. The EBID is a successor to the Elephant Butte Water Users Association. It was established in 1905 as a preliminary component for the Rio Grande project that was authorized in 1906. The EBID, through various repayment contracts with the Bureau of Reclamation, made its final payment for the construction of the project in September 1971.

On February 15, 1979, the Bureau transferred the operation and maintenance of the New Mexico portion of the Rio Grande project to the EBID. This year the EBID marks its 12th year operating the Rio Grande project, and over these past years they have had the opportunity to evaluate and recommend improvements to the project.

Over the last decade, the costs to EBID for the annual operation and maintenance charges by the Bureau of Reclamation have increased 141 percent, while the duties and responsibilities of the Bureau have continued to decrease. In an effort to halt the spiraling costs of the annual operation and maintenance budget, EBID assumed operation and maintenance responsibilities over the three diversion dams within the EBID boundaries. Within 2 years, the Bureau of Reclamation's budget again outstripped the savings that had been achieved when the district assumed greater responsibilities.

The district has also had a continuing problem with encroachment on their rights-of-way and easements which severely impacts the project's operations. There have also been delays in processing and issuing permits to cross these easements and rights-of-way which undermines the efficiency of the various utilities and water companies that work hand-in-hand with the district.

Several years ago the Bureau of Reclamation established a policy of transferring single purpose and many multipurpose facilities to local water organizations for operation and maintenance. In an effort to implement that plan, the district has initiated this legislation for the return of the remaining district works so that it may assume complete operation and maintenance control over them. Part of a contract entered into between the Bureau and the district in 1979 provided that "upon the execution of this contract, the United States shall transfer to the Elephant Butte Irrigation District, and the district shall assume the operation and maintenance of the transferred district works." The term "transferred district works" in the contract refers to the distribution and drainage systems for the operation and maintenance of the irrigation district.

In addition to this contract language transferring the balance of the district works, statutory language found in 43 U.S. Code 498 also provides that when repayment to the Government has been made, the title to, and the management and operation of the irrigation works should pass to the owners of the land irrigated by the project. This statute was section 6 of the original 1902 Reclamation Act.

This legislation provides the Secretary of the Interior with the necessary authority to transfer back to EBID all those district works covered by the 1979 contract and 43 U.S. Code 498. The EBID has demonstrated clearly its ability to govern, control, maintain, and operate its portion of the project in an efficient manner. Since the district assumed greater responsibility for the project, costs for operation and maintenance have been reduced substantially. The result is a net savings for the Federal Government and lower water rates for members of the district. In this time of tight budgets and fiscal restraint, this transfer serves the best interest of all parties involved.

I urge the Senate to approve this legislation, and I ask unanimous consent that the full text of the bill appear in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER.

The Secretary is authorized to transfer to the Elephant Butte Irrigation District, New Mexico, without cost to the district, title to such easements, ditches, laterals, canals, drains, and other rights-of-way, which the United States has acquired on behalf of the project, that are used solely for the purpose of serving Elephant Butte Irrigation District lands and which the Secretary determines are necessary to enable the Elephant Butte Irrigation District to carry out operation and maintenance with respect to that portion of the Rio Grande project to be transferred. The transfer of the title to such easements, ditches, laterals, canals, drains, and other rights-of-way located in New Mexico, which the Secretary has, that are used for the purpose of jointly serving Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, may be transferred to Elephant Butte Irrigation District upon agreement by the Secretary and both districts. Any transfer under this section shall be subject to the condition that the Elephant Butte Irrigation District assumes the responsibility for operating and maintaining that portion of such project.

SEC. 2. LIMITATION.

Title to and responsibility for operation and maintenance of Elephant Butte and Caballo dams, and Percha, Leasburg, and Mesilla diversion dams and the works necessary for their protection and operation shall be unaffected by this Act.•

By Mr. CRANSTON (for himself, Mr. PACKWOOD, Mr. METZENBAUM, Mr. COHEN, Mr. ADAMS, Mr. INOUYE, Mr. AKAKA, Mr. GLENN, and Mr. SIMON):

S. 548. A bill to amend various provisions of law to ensure that services related to abortion are made available to the same extent as all other pregnancy-related services under federally funded programs; to the Committee on Finance.

REPRODUCTIVE HEALTH EQUITY ACT

Mr. CRANSTON. Mr. President, I am pleased today to reintroduce with bipartisan support the proposed Reproductive Health Equity Act. This is a bill which the Senator from Oregon [Mr. PACKWOOD] and the Senator from Ohio [Mr. METZENBAUM] and I first introduced in the Senate in November 1989. We are joined today by the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. ADAMS], the Senators from Hawaii [Mr. INOUYE and Mr. AKAKA], the Senator from Ohio [Mr. GLENN], and the Senator from Illinois [Mr. SIMON]. Companion bipartisan legislation, H.R. 766, was introduced in the House of Representatives on February 6, 1991, by Representative BILL GREEN from New York and my friend and colleague from California, Representative VIC FAZIO.

This legislation would amend various provisions of Federal law to help ensure that services related to abortion are made available to the same extent as other pregnancy-related services under Federal programs. In past years, restrictions have been added to a number of Federal programs, ranging from Medicaid to the Federal employee health benefits programs, either directly or through appropriations riders, which deny women who are otherwise eligible for medical services under these programs coverage for abortion-related services except in very limited circumstances involving a threat to the life of the woman.

The first of these restrictions, the so-called Hyde amendment, was attached to Medicaid funding in 1977. Despite the restrictions on Federal funding of abortions for low-income women, a number of States have, by State law or under State constitutional mandates, continued to provide public funding for abortion services for needy women. However, in the vast majority of States, the restrictions on Federal funding resulted in these women having no financial assistance if they choose to exercise their constitutional right to terminate a pregnancy. The average cost for an abortion in a clinic setting at 8 weeks, estimated to be about $231, represents more than half of the average monthly income of a family on Medicaid according to a report issued last year, Abortion and Women's Health, by the Alan Guttmacher Institute. According to information also compiled by the Alan Guttmacher Institute, an estimated 22 percent of Medicaid-eligible women who had second-trimester abortions would have had first-trimester abortions if the lack of public funds had not resulted in a delay in trying to raise funds.

Mr. President, it is important to understand that although these Federal restrictions may result in forcing some women to continue a pregnancy against their will, for many it simply means that they will be forced to undergo a later, more risky procedure because of the difficulties in raising the money needed. Impoverished families will be forced to use funds needed for living expenses for their children to pay these medical expenses. Some will also be driven to resort to "cheap" illegal and life-threatening abortions or self-induced procedures.

Although the Medicaid Program was the first target for the Hyde amendment type of restriciton, it was not the last. Similar restrictions were imposed upon the Department of Defense appropriations bill for fiscal year 1979, and then made permanent law in the 1984 Department of Defense authorization bill. In 1982, it was extended to Federal employee health insurance progams and in 1987 to Federal prisoners. Other programs such as Peace Corps, Indian Health Services programs and public health care programs in the District of Columbia—even those funded entirely with non-Federal funds—were subsequently subjected to Hyde type restrictions.

In short, Mr. President, Federal laws have become riddled with Hyde amendments, either in permanent law or annual appropriations bill language that is carried over year after year. Women seeking abortions in the most dire conditions, poor women, victims of rape or incest, or incarcerated women, are denied health care assistance which they would have been entitled to receive under preexisting laws. This legislation would restore neutrality to these programs; the decision whether or not to have an abortion would be made by the woman involved and her physician, not by Federal dictates aimed at denying individuals freedom of choice by withholding Federal medical assistance to individuals who would otherwise be eligible.

Abortion is a legal procedure and the right to choose to terminate a pregnancy is a personal and private right protected by the Constitution. Excluding abortion services from the coverage of federally-funded health programs creates an inequitable result, particularly for low-income women who are dependent upon federally-funded programs for access to health care services. These restrictions contribute to the existence of a two-tiered system which protects only the rights of women who can afford to pay for an abortion—an unconscionable result.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asssembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reproductive Health Equity Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) abortion is a legal medical service related to pregnancy and the choice to elect an abortion is a personal, private right protected by the Constitution;

(2) the Federal Government provides assistance for pregnancy-related care for substantial numbers of women under a variety of Federal programs, including the medicaid program, the Indian health care program, the Federal employees' health benefits program, the program of health care for military dependents and retirees, the Peace Corps program, general payments to the District of Columbia, and the program of medical services to Federal penal and correctional institutions;

(3) pregnant women who otherwise are provided pregnancy-related care under the Federal programs have been denied equal access to health care services due to severe and unjustified congressional restrictions on the freedom of the women to choose services that relate to abortion; and

(4) denial of access to health care services because the services relate to abortion is unjust and unfair to pregnant women who are employed, or whose spouses are employed, by the Federal Government or who otherwise are dependent on the Federal Government for health care, and threatens the health and well-being of the women and their families.

SEC. 3. MEDICAID PROGRAM.

Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), relating to medical assistance under the medicaid program, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by inserting "and" at the end of subparagraph (F); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) for making medical assistance available with respect to services related to abortion to the same extent as such assistance is provided with respect to other pregnancy-related services;".

SEC. 4. FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.

Section 8902 of title 5, United States Code, relating to the type of benefits under health benefits plans for Federal employees, is amended by adding at the end the following new subsection:

"(n) Each plan contracted for under this chapter shall include benefits for services related to abortion to the same extent as such plan includes benefits for other pregnancy-related services.".

SEC. 5. INDIAN HEALTH CARE.

(a) GENERAL AUTHORITY.—Section 201(b) of the Indian Health Care Improvement Act (25 U.S.C. 1621(b)), relating to funding for the improvement of Indian health status, is amended by adding at the end the following new paragraph:

"(4) Funds appropriated in accordance with subsection (h) for each fiscal year are available to provide services related to abortion to the same extent as such funds are available for other pregnancy-related services.".

(b) CONFORMING REPEAL.—Section 706 of the Indian Health Care Improvement Act (25 U.S.C. 1676) is repealed.

SEC. 6. MILITARY HEALTH CARE.

(a) MEMBERS AND FORMER MEMBERS.—Section 1074 of title 10, United States Code, relating to medical and dental care for members and certain former members of the uniformed services, is amended by adding at the end the following new subsection.

"(d) The administering Secretaries shall provide under this section for the furnishing of medical care related to abortion to the same extent as such Secretaries provide under this section for the furnishing of other pregnancy-related medical care.".

(b) DEPENDENTS.—Section 1077(a) of such title, relating to medical care for dependents of members of the uniformed services, is amended by striking paragraph (8) and inserting the following:

"(8) Maternity care (including abortion-related care to the same extent as other pregnancy-related care) and infant care.".

SEC. 7. PEACE CORPS.

Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)), relating to health care for Peace Corps volunteers, is amended—

(1) by inserting "(1)(A)" immediately after "(e)";

(2) by redesignating the last sentence as paragraph (2); and

(3) by adding at the end of paragraph (1)(A), as amended by paragraph (1), the following new subparagraph:

"(B) Health care provided under this subsection to volunteers during service of the volunteers shall include services related to abortion to the same extent as such care includes other pregnancy-related services.".

SEC. 8. DISTRICT OF COLUMBIA.

Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act, relating to the authorization of appropriations of the Federal payment to the District of Columbia, is amended by adding at the end the following new subsection:

(d) Amounts appropriated pursuant to the authorization provided under this section shall be made available for services related to abortion to the same extent as such amounts may be made available for other pregnancy-related services.".

SEC. 9. FEDERAL PENAL AND CORRECTIONAL INSTITUTIONS.

Section 4005(a) of title 18, United States Code, relating to medical services to the Federal penal and correctional institutions, is amended—

(1) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding any other provision of law, medical services provided under this subsection shall include services related to abortion to the same extent as the medical services include other pregnancy-related services.".

SEC. 10. EFFECTIVE DATE.

Amendments made by this Act shall apply with respect to services performed on or after the date of the enactment of this Act.

By Mr. CRANSTON:

S. 549. A bill to amend the Wild and Scenic Rivers Act by designating a segement of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

LOWER MERCED RIVER WILD AND SCENIC RIVER DESIGNATION

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to designate the Lower Merced River as a component of the National Wild and Scenic Rivers System.

Our legislation designates 8 miles of the Lower Merced from 300 feet upstream of its confluence with Bear Creek to the maximum control storage of Lake McClure. It classifies 4 miles of the river as recreational and 4 miles as a wild river.

Additionally, the bill withdraws the entire length of the main stem of the Merced River and portions of the South Fork from mineral entry, subject to valid existing rights. This withdrawal is essential to protect the river's recreational use and prevent cumulative impacts of dredging in the riverbed.

The bill also includes language directing the Secretary of Interior to approve the Saxon Creek project consistent with the Wild and Scenic Rivers Act and other applicable Federal law.

This project, which is necessary to ensure an adequate supply of water for Mariposa County, would pump a maximum of 5,000 acre-feet of water a year from the Merced River near its confluence with Saxon Creek without adversely impacting the river's suitability for inclusion in the National Wild and Scenic Rivers System.

Finally, the bill designates the North Fork of the Merced River as a wild and scenic study river. This river segment is approximately 15 miles in length.

Mr. President, there is broad public support for this bill. It has the backing of the Mariposa County Board of Supervisors as well as the Sierra Club, the Wilderness Society, American Rivers, Friends of the River, the Merced Canyon Committee, the California Wilderness Coalition, Planning and Conservation League, and the California Recreational Trails Committee.

Moreover, the Senate passed this legislation late last year; but unfortunately, Congress adjourned before final action could be taken. It's my hope the 102d Congress will be able to act expeditiously and grant the Lower Merced River the protection it deserves.

Mr. President, I ask unanimous consent that the text of the bill be printed in at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF THE LOWER MERCED RIVER FOR INCLUSION IN THE WILD AND SCENIC RIVERS SYSTEM.

Section 3(a)(62) of the Wild and Scenic Rivers Act (16 U.S.C. 127(a)(62)) is hereby amended—

(1) by striking "The main stem" and inserting in lieu thereof, "(A) The main stem";

(2) by striking "paragraph" whenever it appears and inserting in lieu thereof "subparagraph"; and

(3) by adding the following new subparagraph at the end thereof:

"(B)(i) The main stem from a point 300 feet upstream of the confluence with Bear Creek downstream to the point of maximum flood control storage of Lake McClure (elevation 867 feet mean sea level) consisting of approximately 8 miles, as generally depicted on the map entitled 'Merced Wild and Scenic River', dated April, 1990. The Secretary of the Interior shall administer the segment as recreational, from a point 300 feet upstream of the confluence with Bear Creek downstream to a point 300 feet west of the boundary of the Mountain King Mine, and as wild, from a point 300 feet west of the boundary of Mountain King Mine to the point of maximum flood control storage of Lake McClure. The requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area, Bakerfield District, Bureau of Land Management. These are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subparagraph.

"(ii) To the extent permitted by, and in a manner consistent with section 7 of this Act (16 U.S.C. 1278), and in accordance with other applicable law, the Secretary of the Interior shall permit the construction and operation of such pumping facilities and associated pipelines as identified in the Bureau of Land Management right-of-way application CACA 26084, filed by the Mariposa County Water Agency on November 7, 1989, and known as the 'Saxon Creek Project', to assure an adequate supply of water from the Merced River to Mariposa County.

"(C) With respect to the segments on the main stem of the Merced River and the South Fork Merced River designated as recreational or scenic pursuant to this paragraph or by the appropriate agency pursuant to subsection (b), the minerals in federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.".

SEC. 2. STUDY OF THE NORTH FORK OF THE MERCED RIVER.

Section 5(a) of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1276(a)), is further amended by adding the following new paragraph at the end thereof:

"( ) NORTH FORK MERCED, CALIFORNIA.—The segment from its headwaters to its confluence with the Merced River, by the Secretary of Agriculture and the Secretary of the Interior.".

By Mr. CRAIG (for himself, Mr. HATFIELD, Mr. BURNS, Mr. ADAMS, and Mr. SYMMS):

S. 550. A bill to amend the act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

NEZ PERCE NATIONAL HISTORICAL PARK

• Mr. CRAIG. Mr. President, today in conjunction with my colleagues from Oregon, Washington, and Montana, I have introduced a bill that reflects a bipartisan effort to amend the Nez Perce National Historical Parks authorizing legislation, Public Law 89-19. This legislation will allow the addition of several sites of national and historical significance to this unique element of the National Park System.

In response to concerns from citizens of northeastern Oregon, the Umatilla Tribe of Oregon, and the Nez Perce Tribe of Idaho, to protect the grave site of Old Chief Joseph located near the banks of Wallowa Lake and to recognize, within the National Park System, sites that are central to the history of the Nez Perce Tribe, the Park Service undertook a major study of the Nez Perce National Park System in 1988. This legislation is a result of a need to implement that study's recommendations.

The authorizing legislation for the existing park system calls for sites to be recognized in the State of Idaho. This legislation amends the law to authorize the addition of 13 sites to the Nez Perce National Historical Park. Five of the sites are located in my home State of Idaho. The other sites are in the States of Oregon, Washington, and Montana. The authorization also recognizes the Nez Perce involvement in Wyoming although no specific sites are named in that State. The inclusion of these sites in the park system are justified for a couple of reasons. First, the Nez Perce people occupied a traditional homeland which exceeded 27,000 square miles. Second, the battles of the Nez Perce war trace a path from the banks of the Snake River dividing Oregon and Idaho, through Idaho to Wyoming and Montana. This legislation will allow recognition of the sites where this history was made.

The sites which the National Park Service has recommended to be included in the Nez Perce National Historical Park are such places as Old Joseph's Grave in Washington, the Bear Paw Battlefield in Montana, Camas Meadows battle site in Idaho, and other sites of great importance to the protection and interpretation of Nez Perce history and culture.

Mr. President, as a native of the State of Idaho, I learned the story of the Nez Perce war and of the bravery and leadership of Chief Joseph. He was one of this Nation's finest statesmen, an eloquent leader who wanted nothing other than to protect his people from harm. The Nez Perce war of 1877 was the last official conflict between the United States and an Indian tribe. It marked the turning point of an era and set the stage for modern day relationships between the United States and the Nez Perce Tribe. The statesmanship of Chief Joseph won him international praise and support for his requests to be returned from Oklahoma to his home in the Northwest after the war. His acts and those of the Nez Perce people should be commemorated and remembered.

I am pleased to offer this bill to commemorate the sites of this important part of Western history.

This bill will allow the National Park Service to maintain, protect, and interpret some of the most important battlefields, campsites, and other significant areas on our Nation's history.●

By Mr. BOND (for himself, Mr. HEFLIN, Mr. COCHRAN, Mr. DANFORTH, Mr. BINGAMAN, Mr. CHAFEE, Mr. SHELBY, Mr. BRADLEY, Mr. ROCKEFELLER, Mr. KOHL, Mr. MCCAIN, Mr. COATS, Mr. DODD, Mr. KASTEN, Mr. STEVENS, Mr. KENNEDY, Mr. LIEBERMAN, Mr. COHEN, Mr. DOMENICI, Mr. BURNS, Mr. INOUYE, and Mr. AKAKA):

S. 551. A bill to encourage States to establish Parents as Teachers programs; to the Committee on Labor and Human Resources.

PARENTS AS TEACHERS: THE FAMILY INVOLVEMENT IN EDUCATION ACT OF 1991

● Mr. BOND. Mr. President, today on behalf of myself and 20 of my colleagues, I am reintroducing legislation to expand Missouri's highly successful parents as teachers program nationwide.

All of us are aware of the great needs and problems facing our country's educational system. Our Nation's Governors, the President, and we in Congress have focused increasing attention on the first few years of life, before school even starts, as crucial in the development of a child's language skills, social skills, and personality.

We also know that parental involvement in the education of their children appears to be the key to long-term gains for youngsters. Parents are their children's first and most influential teachers. What parents do to help their children learn is more important to academic success than how well-off the family is.

With a limited Federal investment, we can help parents get children's lives started in the right direction by exporting the success of Missouri's parents as teachers program.

The parents as teachers program is an all-in-one early intervention, parent education, and early childhood education program which addresses a variety of needs for young families.

The parents as teachers curriculum starts early in strengthening the foundations of later learning—language and intellectual development, curiosity, and social skills. In addition, health screening is provided for participating preschool children to detect potential impairments early.

An independent evaluation showed that children participating in parents as teachers consistently scored significantly higher on all measures of intellectual achievement, auditory comprehension, verbal ability, and language ability than their peers who did not participate.

Parents participating in parents as teachers were shown in the same study to be more knowledgeable about childrearing practices and child development than comparison parents.

Parents as teachers staff have been successful in identifying and intervening in at-risk situations, and in encouraging families to seek medical assistance or other specialized services. Many children receive no health screening between birth and the time they enter school. Early intervention through parents as teachers results in improved or corrected conditions before a child reaches school.

The parents as teachers legislation is a great way for the Federal Government to work with the Governors to meet the first of the educational goals: That all children enter school ready to learn.

Briefly, our legislation would set up a $20 million competitive grant for States who wish to begin or expand parents as teachers programs similar to the Missouri model. We believe providing seed money to expand proven-effective programs is an appropriate role for the Federal Government.

We envision that down the road the States will be able to muster the political support they need for this great program to sustain it by themselves, and provide for a diminishing Federal share over the 5-year authorization.

Mr. President, I have a personal interest in the ongoing success of this program. The program started with a bit of Federal seed money in four Missouri school districts while I was Governor. My wife Carolyn and I participated in the program when our son Sam was born, and experienced firsthand its beneficial effects, both for parents and children. In four successive budget messages, I asked for full funding of the parents as teachers program, and in one of my last acts as Governor, signed legislation that expanded the program statewide.

The good news is spreading, and a number of other States are interested in the program. I believe a little Federal seed money would go a long way toward laying a foundation for young children and minimizing developmental problems which might interfere with future learning. That means down the road these kids are less likely to end up in costly remedial education programs, correctional systems, or on the Government dole. And we'll all be better off for showing a little foresight.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parents as Teachers: the Family Involvement in Education Act of 1991".

SEC. 2. FINDINGS.

The Congress finds—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers pilot program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 3. STATEMENT OF PURPOSE.

It is the purpose of this bill to encourage States to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 4. DEFINITIONS.

For the purposes of this Act—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible family" means any parent with one or more children between birth and 3 years of age, or any parent expecting a child;

(3) the term "lead agency" means the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this Act;

(4) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

(5) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families, and is trained by the Parents As Teachers National Center established under section 8; and

(6) the term "Secretary" means the Secretary of Education.

SEC. 5. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Secretary is authorized to make grants to States to pay the Federal share of the cost of establishing, expanding, and operating parents as teachers programs.

(b) SPECIAL RULE.—Any State operating a parents as teachers program on the date of enactment of this Act shall be eligible to receive a grant under this Act.

SEC. 6. PROGRAM REQUIREMENTS

(a) IN GENERAL.—(1) Each State receiving a grant pursuant to section 5 shall conduct a parents as teachers program which—

(A) establishes and operates parent education programs including programs of developmental screening of children; and

(B) designates a lead State agency which shall—

(i) hire parent educators who have had supervised experience in the care and education of children;

(ii) establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(iii) be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(iv) develop recruitment and retention programs for hard-to-reach populations.

(2) Grants awarded under this Act shall only be used for parents as teachers programs which serve families during the period of time beginning with the last 3 months of a mother's pregnancy and ending when a child attains the age of 3.

SEC. 7. SPECIAL RULE.

No person shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this Act.

SEC. 8. PARENTS AS TEACHERS NATIONAL CENTER.

The Secretary shall establish a Parents As Teachers National Center to disseminate information to, and provide technical and training assistance to, States establishing and operating parents as teachers programs.

SEC. 9. EVALUATIONS.

The Secretary shall complete an evaluation of the State parents as teachers programs assisted under this Act within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.

SEC. 10. APPLICATION.

Each State desiring a grant pursuant to the provisions of this Act shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 11. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State having an application approved under section 10 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—(1) The Federal share—

(A) for the first year for which a state receives assistance under this Act shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year 25 percent.

(2) The non-Federal share of payments under this Act may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out the provisions of this Act.•

• Mr. HEFLIN. Mr. President, I am pleased to be an original cosponsor of Parents as Teachers: The Family Involvement in Education Act of 1991.

The Parents as Teachers Program is spreading across the Nation. It is growing because it has a proven record of success. In my home State of Alabama a second Parents as Teachers Program has been initiated since last year, this one in the capital city of Montgomery.

Both Alabama programs receive financial support and encouragement from the children's trust fund. The Alabama children's trust fund provided the original funds which allowed the Mobile Parents as First Teachers Program to open its doors. Just last week, the executive director of the Alabama children's trust fund visited my Washington office to emphasize the importance of the Parents as Teachers Program, and encourage a Federal investment. The Alabama children's trust fund has certainly done as much as it can to promote and support this program.

However, there is a need for immediate Federal financial assistance. The original pilot program in Mobile may have to close its doors this year due to lack of funds despite an enormous demand for its service. The second program, which is supported partially by the Montgomery County Board of Education, can serve only a small segment of its target population.

There is a growing recognition in this country of the importance of the first 3 years of a child's development. Subtle and overt influences during this period of development may adversely affect the academic and social development of children. I am convinced that the Parents as Teachers Program is the most effective system available to help parents best nurture their children.

Money spent on this program is clearly an investment. By reaching children before problems take root, failure, and the need for remediation can be avoided. The Parents as Teachers Program can help parents nurture the skills necessary for later school success.

The Parents as Teachers Program may also help to address some social problems facing our Nation. The children's trust fund of Alabama is convinced that this program can prevent or reduce child abuse, a cyclic problem affecting all socioeconomic and racial groups. And the Montgomery County, AL, Board of Education has demonstrated its confidence in this program to aid teen mothers by choosing this as its focus group.

Parents as Teachers: The Family Involvement in Education Act of 1991, will not create a huge Federal program. The act is designed to encourage States to adopt this program by providing seed money for 5 years. Two States have already adopted statewide programs, and others will follow given the incentive of Federal money.

Please join me in support of this momentous legislation. Congress cannot afford not to make this investment.

Thank you, Mr. President.•

• Mr. DODD. Mr. President, I am pleased to be an original cosponsor of Parents as Teachers: the Family Involvement in Education Act of 1991. I commend my colleague from Missouri, Senator BOND, for his initiative in developing this legislation.

As chairman of the Senate Subcommittee on Children, Family, Drugs, and Alcoholism, I began this Congress with a series of hearings on the status of American children and families. Witness after witness documented the plight of our Nation's children: one in five living in poverty, one in four dropping out of school before the 12th grade. We know the problems—but we also know many of the solutions. The Parents as Teachers Program works. It succeeds by recognizing that parents are a child's first and most important teachers and by giving parents the tools they need to play this critical role.

The Parents as Teachers Program has been in place in Missouri since 1981 and has been replicated in a number of States, including my home State of Connecticut. Parents are provided with child development information through group meetings and home visits until the child reaches age 3, and the child is provided with developmental screening. The approach is simple, and the cost of $20,000 per school district is modest. But the results are impressive and far-reaching. A rigorous evaluation conducted in Missouri found that children who had participated in the program scored higher on measures of intelligence, achievement, and language ability than did comparison children. Child development experts speak highly of this approach, among them Dr. Edward Zigler, director of the Bush Center in Child Development and Social Policy at Yale University.

Last year I authored legislation for Family Resource and Support Programs, which bring together community-based services to help young parents maintain strong families. That measure was to help young parents maintain strong families. That measure was enacted as part of the Human Services Reauthorization. Today's Parents as Teachers legislation incorporates a similar approach and encourages States to adopt this specific model of family-based services provided by parent educators based in schools.

This bill authorizes $20 million annually in Federal startup funds for competitive grants to States. The States would use the funds to establish or expand Parents as Teachers Programs in approximately 1,000 school districts. Parent educators would carry out parent education and developmental screening of children through group meetings and home visits. Families of all incomes would be eligible to participate until their children reach age 3.

Families today are under severe stress. Reports of child abuse and neglect continue to rise. More and more families are damaged to the extent that children must be removed and placed in foster care. These alarming trends call for a redoubling of efforts to assist families and to prevent harm to children, whether the physical harm of child abuse or the educational neglect that stunts school performance. By reaching out to parents at the earliest possible moment, this program can play a critical role in strengthening families and improving chances for success when children enter school.•

• Mr. CHAFEE. Mr. President, I am pleased to join as a sponsor of Parents as Teachers: The Family Involvement in Education Act of 1991. This legislation will allow States to implement or expand programs modeled after Missouri's highly successful Parents as Teachers Program.

Many educators now focus on the first 3 years of life as crucial to a child's intellectual, social, and physical development. Most formal education programs, however, begin at age 3 or 4. Parents as Teachers recognizes that parents are their children's first and best teachers, and stresses parental involvement in the early development and education of their children.

In 1988, Rhode Island established a pilot program in East Providence that provided home visits by parent educators and monthly meetings for parents. The program was completely voluntary and open to all parents regardless of income. Its purpose was not to give parents just a simple list of do's and don'ts, but to provide information on what parents should expect as their child grows older. In addition, the parent educator provided referral for invaluable health screening that could detect potential health problems or learning impairments early on.

Evaluations of the Missouri Parents and Teachers Program have shown that children whose parents participated in the program consistently score higher on assessment and achievement tests, and that parents are more knowledgeable in childhood development and child rearing practices. The Rhode Island program experienced similar success.

Last year, President Bush and the National Governors Association [NGA] adopted goals to improve our Nation's education system. The first goal is to have all children start school ready to learn, the second is to ensure that children receive the proper nutrition and health care they need to arrive at school with healthy minds and healthy bodies. I believe the Parents as Teachers Program is in keeping with these goals because it provides a solid foundation that is essential for a successful educational career.

Mr. President, as Mildred Winter, director of Missouri's program has stated, the goal of the Parents as Teachers Program is not to create superbabies. Its intent is to demonstrate the importance of early education and proper health care in getting children off to a good start in school and life. I urge my colleagues to consider the merits of this program and to join in cosponsoring this legislation.•

• Mr. COHEN. Mr. President, I rise today to join Senator BOND as an original cosponsor of his legislation to offer States and local school districts the opportunity to begin an innovative parent education program, the Parents as Teachers Program. This bill is based on the premise that parents are a child's first, and most important teachers. From birth to the time a child enters school, parents play the most significant role in the development of a child's language, intellectual, and social skills, and are therefore teachers as much as they are nurturers and protectors.

While schoolteachers receive specific training in their field, no such training or preparation goes into parenting. Unfortunately, children do not come with instructions, or a handbook of guidelines. Who among us, as parents, can say that we were adequately prepared for the job?

The Parents as Teachers Program would probably have the greatest impact on at-risk parents, such as teen mothers, victims of child abuse, and so forth. These parents may not have had strong role models in their own parents to pattern their behavior after, and need extra guidance. However, I would argue the program's benefits cross all socioeconomic and geographical lines. All parents could use extra guidance during the first 3 years of a child's life. For instance, parents need to be aware of certain signs of development, such as a baby's ability to hold his head up, or his ability to focus on objects and to recognize faces. A trip to the grocery store can provide an educational opportunity for a 3-year-old to learn about different food groups—vegetables, meats; colors—green apples, red apples; directions—the bottom shelf, turning left into the aisle—and so forth. Good parents use even the most ordinary of situations to communicate with their children and help them learn about the world around them.

In my State, the University of Maine Cooperative Extension Service has funded a pilot Parents as Teachers Program that currently serves 115 families in Waldo County. Since the area is largely rural and includes many low-income families, the program was tailored to fit the community's special needs. The program serves parents with educational backgrounds ranging from eighth grade to master's degrees equally well. Success stories from the program are just as varied. For example, a borderline retarded mother who was abused as a child has learned alternative ways to discipline her child. And well-educated, well-intentioned parents have become more aware of their potential impact on their children, and need support and encouragement to know that they are doing things right.

Unfortunately, this program is funded only through September, and its future is uncertain. Similarly, the Dover-Foxcroft community is interested in starting a Parents as Teachers Program, but the necessary State funds are unavailable. This bill would provide the initial Federal support to ensure that both programs, and possibly more in other areas of the State, could serve the communities' children into the future.

Mr. President, it is widely agreed that early intervention programs such as Parents as Teachers are wise investments in a child's development and education which can be key to long-term gains for the child, and reduce the need for expensive remedial programs later. I am pleased to be an original cosponsor of this important legislation, and encourage my colleagues to join in the effort to lay a good foundation for our children's future.•

By Mr. CRANSTON (for himself, Mr. THURMOND, and Mr. KERRY):

S. 552. A bill to amend the Foreign Assistance Act of 1961 to provide support for emerging democracies and civilian control of military and security establishments in Central and Eastern Europe; to the Committee on Foreign Relations.

OMNIBUS EASTERN EUROPEAN SECURITY ASSISTANCE ACT OF 1991

• Mr. CRANSTON. Mr. President. I rise today to introduce the Omnibus Eastern European Security Assistance Act of 1991.

Last year I authored a section of the Support for East European Democracy [SEED] Act II, concerning security assistance for the emerging democracies in the region.

At that time, I discussed the monumental task being faced by the new democratic leaders of Eastern and Central Europe.

I noted that nationalism, age-old hatreds, economic dislocation and disrepair threatened vast expanses of European soil.

I pointed out that frustration and anger had already erupted in strikes, walkouts and protests in some countries.

I called attention to the fact that primitive scapegoating had surfaced among small but vocal groups, in the form of anti-Semitism and other ideologies of hatred.

Unfortunately, we were unable to take up the SEED II bill last year. The bill was stalled by some Members from the other side of the aisle. It appeared that they were concerned that the benefits of a bill offering United States assistance in building democractic insitutions and market economies might reach as far east as the Soviet Union.

The logic of scuttling a bill in order not to provide help to democractic sectors struggling to make change in the Soviet Union escaped me then, and it escapes me now. But, the bill was not acted upon during the last Congress, it did not pass, and the moment for reform in the Soviet Union appears to be slipping by.

Mr. President, I wish I could report that time is on our side in Eastern and Central Europe, but I cannot. The trends I pointed to when I spoke last year in support of the SEED II bill have, in many respects worsened. We must not let the moment for democratic change in the countries there founder because of our lack of support.

The collapse of the socialist bloc, the disappearance of the Warsaw Pact, the unification of Germany—all these have unended a balance of forces which provided a certain, though certainly unhappy, stability in Europe.

In a period of economic austerity, each former pact member must now reevaluate not only the threat faced, but also, who will supply it with arms? If they want to look to the West, prices soar, as they have to switch from buying in subsidized rubles to dollar accounting.

Meanwhile, increasing tension from within the Soviet Union itself has evoked the spectre of mass migration to the already overburdened nations of the region. These new conditions in Eastern and Central Europe have made it imperative for each of the new democratic leaders of the region to review the underpinnings of their own defense in order to see whether they still apply to the present and future political-military situation.

One Bulgarian general recently captured the sense of flux and unease roiling the once stolid world of the Eastern and Central European militaries:

> The Warsaw Pact is disintegrating as a military union. The military guarantees of our security are no longer supported by the bloc system or even by bilateral treaties. The defense mechanisms of the all-European structures are far away from actual application. They have not been constructed yet, and nobody knows how to activate them. Thus, for Bulgaria, a dangerous contradiction emerges. * * *

As the old structures have collapsed, the leaders of these fledgling democracies face economic austerity aggravated by events in the Persian Gulf, and ethnic strife. As the euphoria emanating from the overthrowing of dictatorships cedes, the problems that remain—ultranationalism, xenophobia—have come into a clearer focus. The possibility remains that the abating East-West conflict will be replaced by regional conflict, confrontations based on ethnic rivalries, and unrestrained territorial ambitions.

Yugoslavia seems poised on the brink of civil war.

Anti-Semitism reared its ugly head in the elections in Poland.

Gypsies face continued discrimination and intimidation in Romania.

Unrest simmers among ethnic Turks in Bulgaria.

Czechosolvakia finds itself confronting new spates of animosity between Czech and Slovaks, as well as anti-Hungarian feeling. The "Invisible Empire of the KKK Knights" organization has even made an appearance in Prague!

Mr. President, because of the gravity of the situation, one of my first acts in this new Congress is to introduce, with the support of the State Department and the Department of Justice, the Omnibus Eastern European Security Assistance Act of 1991. The bill is cosponsored by the distinguished Senators from South Carolina [Mr. THURMOND] and from Massachusetts [Mr. KERRY].

Mr. President, this bill is meant to strengthen civilian political control over the Armed Forces and police in the nations of that region.

It provides for the familiarization by the democratic leaders of Eastern and Central Europe with the range of models of civil-security forces in Western Europe, in other countries recently experiencing democratic transitions, and in the United States.

It also includes a modest program of support for law enforcement—in a region in which the United States is currently without a presence and where knowledge of the techniques and skills of community-based policing are virtually nonexistent.

Without a doubt, one of the most important aspects of successful democratic governance is civilian control over a nation's security forces. Unfortunately, more than 40 years of Communist party-military cooperation and a close working relationship with both the Soviet military and the KGB, have left a difficult legacy to be faced by these new democratic leaders.

To overcome this inheritance, the leaders of these young democracies must successfully establish and institutionalize civilian control of their nation's military, police and intelligence services. At the same time, they must imbue such forces with the knowledge of the values and procedures necessary for the maintenance of democratic rights and liberties.

Mr. President, this is not an easy task. And the outcome is not guaranteed.

Last May, two civilians created something of a stir in Poland when they were appointed as deputy ministers of defense. One of them, Janusz Onyszkiewicz, was quite candid about the lack of tradition of civilian control of the security forces in his own country. Onyszciewicz noted that:

> Although the presence of civilians in the defense ministry is indeed inconsistent with the traditions of Polish politics, in the political life of the democratic countries it is a completely natural phenomenon. * * * While formally the military was a state institution, it was under the total control of the Communist Party. For all practical purposes there were no high-ranking officers who did not belong to the party. Even the satellite parties, the Peasant Party and the Democratic Party, were denied any say in the affairs of the Ministry. The PZPR (Polish United Workers Party) was in sole control. * * * *More so than any of the other branches, the Ministry of Defense has been an enigma to Solidarity, for we have known absolutely nothing about its inner workings.* (Emphasis added.)

And last September, Hungarian Defense Minister Lajos Fur alluded to some of the roadblocks his countrymen face as they seek to reexamine the size and structure of their army. Where will Hungary's future officers go to school? he asked:

> Previously, officers destined for higher positions were trained almost exclusively in the Soviet Union. * * * In the future, we wish to limit our officer training links to the Soviet Union to certain specific areas. We have called back the younger generations from the Soviet Union, and only those classes that are preparing for their final examinations have stayed there. *In the future, we would like to open up toward the West.* * * * (Emphasis added.)

Mr. President, by passing the "Omnibus Eastern European Security Assistance Act of 1991," Congress will be recognizing the painfully obvious—that democratic control over the military and police forces of Central and Eastern Europe cannot be established without a comprehensive program of assistance. This bill will provide a broad array of programs so as to provide support for emerging democracies and the civilian control of the military and security establishments. It will do this in several ways.

First, it will offer to the democratic political communities of the region a series of initiatives designed to help increase civilian oversight of defense and police budgets and defense and internal security policy issues. By empowering civilian managers in the defense and security area, these programs, which include conferences, seminars, workshops and exchange programs, will help ensure that the military and police respond to civilian priorities and policies.

Second, it allocates not less than 20 percent of training slots made available through the International Military Education and Training Program to personnel from Eastern and Central Europe. The program will be opened not only to military personnel, but also to a representative range of civilian political leaders and their staffs. At current IMET funding levels, this means a total annual earmark of slightly more than $9 million.

The bill also provides increased civilian law enforcement assistance to Central and Eastern European countries. It calls on the President to ensure that a significant number of students from those nations are included in training offered by the National Academy of the Federal Bureau of Investigation. It also provides for up to $5 million in new moneys for the International Criminal Investigative Training Assistance Program [ICITAP].

Mr. President, as each of these countries seeks to sort out its own civil-military relationship, I believe the successful 200-year legacy of the United States can and should provide a model for the people of Eastern and Central Europe. And, given the confusion of police and military roles fostered by the Soviet Union, this training ought to reflect the essential distinction between internal security and national defense as embodied in the principle of posse comitatus, which has served to protect American political liberties from encroachment by the security establishment.

The American model has an important array of other lessons in the proper mangement of civil-military relations; The control of the military budget by Congress ensures a close collaborative relationship between civilian political authority and the leadership of the Armed Forces. There is close interaction and contact between civilian and military, and between the four services, throughout our command and control structure. Scores of civilian-run nongovernmental organizations help to inform and to shape military policy. And the military has remained at the margins of partisan politics in large part because its role in internal security has always been sharply circumscribed.

Mr. President, I used to be a strong critic of U.S. police training programs abroad. There were too many credible reports of abuses, too many eyes that were winked, too many dictatorships that were coddled. However, the reforms undertaken by Congress in the mid-1970's, and later during the Carter administration, helped forge a strong bipartisan consensus about the importance of human rights and the support of democracy. I believe we can and we must put the mistakes of the past behind us.

It is, Mr. President, time to build a better mousetrap.

This bill builds on the successful experience initiated in Central America by the International Criminal Investigative Training Assistance Program [ICITAP]. Under my bill, training for Eastern and Central European police will only be provided if several conditions are met:

First, the country receiving help must be a democracy.

Second, the instruction offered must meet the highest professional standards available in the United States.

And third, the formulation, formation and use of operational non-law-enforcement intelligence ties—including the participation of intelligence personnel from the Central Intelligence Agency or the Department of Defense—is strictly precluded.

Finally, the "Omnibus Eastern European Security Assistance Act of 1991" also requires the Secretary of State, together with the Attorney General, to submit a report to Congress on possible sites for the establishment of no less than three legal attache posts at U.S. Embassies in the region.

Mr. President, this bill is a very small price to pay in helping the nations of Eastern and Central Europe as they painstakingly craft their own democratic institutions. Not only is it the right thing to do. It is in our own self-interest.

If the nations of Eastern and Central Europe cannot police themselves, then who will want to invest in their future?

What company will want to construct a plant in Poland if it cannot effectively seek enforcement of its contracts?

Who will want to embark on a joint venture in Hungary, if it is later impossible to bring charges of fraud if the case so requires?

What American entrepreneur will want to visit Bucharest, if he or she knows it is not safe to walk the streets?

Mr. President, in each of the countries of Eastern and Central Europe the issues this bill addresses are of vital importance.

In Bulgaria, a painful process of renewal and restructuring is taking place in the army, with some branches being abolished. The changes are being carried out amidst feelings of insecurity in the officer corps, a decline in its prestige and the negative attitude by civilians toward the army as an institution. Some 45 generals have been purged, and the Interior Ministry is undergoing a reorganization along apolitical lines. A new police law has been debated. Government officials appear to lose no opportunity to explain their interest in the methods and techniques, such as crowd control, of law enforcement in Western democracies. Meanwhile, military commanders complain that civilian political forces are trying to exert their influence in the barracks.

In Poland, the military is only beginning to assume its role as an apolitical institution. Policymakers have sought to develop an outward-looking mission for its intelligence services, one that keeps them out of the business of spying on internal "enemies." Meanwhile, the civilian leadership ponders the modernization and professionalization of the Armed Forces against a backdrop of more than a decade of budgetary austerity. Although its Western border with a united Germany seems secure, Polish leaders are looking with increasing nervousness to events in the east. They also sense dangers concerning the international arms trade, including a possible trade in radioactive materials. At the same time, the breakdown of the Warsaw Pact has left Poland to face some hard questions, such as whether and how to try to diversify its suppliers of military hardware. A chemical warfare school has been closed. And a police academy has been opened.

In Czechoslovakia, a special team of military and civilian professionals has been evaluating the experiences and suggestions from foreign countries in an effort to find ways to contribute to the professionalization of their own forces. The military intelligence system is being overhauled. Both Czechs and Slovaks have been working together to hammer out issues of Federal-State law enforcement. Pressure has been building for a purge of old-line military officers.

In Hungary, policymakers face issues such as: What role should the army play in the new democracy? How can a party's militia become the people's army? There is a growing debate about whether police forces ought to be national entities or community based. One part has called for a purge of the army and police. Civilian authorities in Budapest admit privately that they are hampered in their reform efforts by a dearth of non-communist civilians with experience or knowledge of military issues.

In Yugoslavia, there have been complaints that the police "plant" incriminating evidence such as weapons on suspects allegedly shot down in cold blood. And in Romania, younger officers have been in a virtual state of revolt, while a controversy simmers over the army's role in internal security.

Mr. President, agreements reached by the United States and the Soviet Union on limiting some types of nuclear weapons, and the ongoing negotiations within the framework of CSCE for providing a reduction in conventional forces, have measurably enhanced continental security and confidence.

Yet, as praiseworthy as these superpower efforts are, and I support them wholeheartedly, they are in and of themselves insufficient to ensure the maintenance of democratic institutions and practices. This bill can help these young democracies go the distance.

Mr. President, I would like to remind our colleagues again, as I did last year, that twice in this century the world has been engulfed in total war. Economic austerity and/or nationalism fed the flames that consumed millions of people.

I saw the effects of one of those conflagrations. And I began my public life determined to do all I can to prevent such an immense tragedy from occuring one—last—time.

We can learn from history, and not repeat it. I urge all my colleagues to support this effort.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Omnibus Eastern European Security Assistance Act of 1991".

SEC. 2. STATEMENT OF FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) the nations of Eastern and Central Europe are undergoing profound political, economic, and social change;

(2) in the emerging Eastern and Central European democracies, economic austerity, ethnic rivalries, and ideological antagonisms continue to threaten the development and consolidation of the institutions of free society;

(3) decades of cooperation involving indigenous military and political forces, occupying Soviet troops, and the Soviet secret police have left a dangerous legacy with which the region's new democratic leaders must now contend;

(4) to overcome this legacy, newly elected leaders must successfully establish and institutionalize civilian control of their nation's military, police, and intelligence service, as well as the administration of justice, while imbuing such forces with the knowledge of the values and procedures necessary for the maintenance of democracy and the rule of law;

(5) the 200-year old American experience in the civilian management of administration of justice and of the military and internal security forces, and the experiences of the nations of Western Europe and Latin America, both those with long-standing democracies and those that have recently undergone democratic transitions, represent a collective Western asset; and

(6) this body of accumulated experience and civilian expertise might be of substantial benefit to the leadership and people of the emerging democracies of Eastern and Central Europe.

(b) Purpose.—(1) Recognizing that democratic control over the administration of justice and the management of the military and police forces in Central and Eastern Europe cannot be established without a comprehensive program of assistance, including the empowerment of civilian managers in justice, defense, and internal security issues, it is the purpose of this Act to provide a broad array of programs so as to provide support for emerging democracies and the civilian control of justice, military, and internal security establishments.

(2) Pursuant to this purpose, the United States shall offer to the democratic political communities of Eastern and Central Europe a series of initiatives, including conferences, workshops seminars, and exchange programs designed to help increase civilian oversight of justice, defense, and police budgets and defense and internal security policy issues and to help ensure that the military forces of these countries respond to civilian priorities and policies.

(3) The programs referred to in paragraph (2) shall—

(A) offer to Eastern and Central European civilians an opportunity to become familiarized with the broad range of models of civil justice institutions, civil-internal security force, and civil-military relations in Western Europe and in countries recently experiencing democratic transitions;

(B) bring to the United States political party and parliamentary leaders and congressional and ministerial staffs for the purpose of viewing the manner in which the United States successfully manages its own civil justice, civil-internal security, and civil-military relationships;

(C) seek to provide the civilian political leadership of Central and Eastern European countries with the expertise and technical skills to exercise political control over the internal security establishment and to promote healthier relationships between the civilians and the military; and

(D) reflect the essential distinction between internal security and national defense embodied in the principle of posse comitatus, which is a cornerstone of the United States experience and one which has served to protect American political liberties from encroachment by the security establishment.

SEC. 3. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

(a) Allocation of IMET Funds.—Not less than 20 percent of the funds made available each fiscal year to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to the International Military Education and Training (IMET) program) shall be available to train military personnel and a representative range of civilian political leaders and their staffs from the countries of Eastern and Central Europe.

(b) Content of IMET Instruction.—All trainess under the International Military Education and Training (IMET) program shall receive instruction specifically designed to promote adherence to the universal military responsibilities of protecting civilians and prisoners from harm and intimidation, reporting to the proper civilian, military, and legal authorities all abuses of human rights by military forces, and accepting the authority of elected civilian officials.

SEC. 4. EXTENSION OF ADMINISTRATION OF JUSTICE ASSISTANCE, FBI TRAINING, AND ICITAP ASSISTANCE TO CENTRAL AND EASTERN EUROPEAN COUNTRIES.

(a) National Academy of the Federal Bureau of Investigation.—In order to provide increased civilian law enforcement assistance to Central and Eastern European countries, the President shall, through the Secretary of State and Attorney General ensure that a significant number of students from Central and Eastern Europe be included in the training offered by the National Academy of the Federal Bureau of Investigation.

(b) Extension of Administration of Justice and ICITAP Assistance to Central and Eastern European Countries.—Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) is amended by inserting after section 534 the following new section:

"Sec. 534A. International Criminal Investigative Training Assistance for Central and Eastern European Countries.—(a) Notwithstanding section 660, the President may furnish international criminal investigative training assistance and administration of justice assistance under this chapter to countries and organizations in Central and Eastern Europe, including national and regional institutions, in order to—

"(1) strengthen civilian control of law enforcement agencies;

"(2) promote respect for the rule of law and internationally recognized human rights;

"(3) improve the professionalism and effectiveness of law enforcement agencies;

"(4) improve the capacity of law enforcement officials and the courts to render independent, fair, timely, and accessible justice;

"(5) enhance the interaction among courts, prosecutors, and police in the investigation of crimes;

"(6) support specialized professional training, scholarships, and exchanges for continuing legal education;

"(7) enhance prosecutorial and judicial capabilities and protection for participants in judicial cases;

"(8) enhance penal reform; and

"(9) enhance judicial administration.

"(b) Assistance under this section may only include—

"(1) programs to enhance professional capabilities to carry out investigative and forensic functions conducted under judicial or prosecutorial control;

"(2) programs to assist in the development of academic instruction and curricula for training law enforcement personnel;

"(3) programs to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel evaluation, and internal discipline procedures;

"(4) programs, conducted to improve penal institutions and the rehabilitation of offenders;

"(5) programs to enhance professional capabilities to carry out prosecutorial functions; and

"(6) programs to enhance professional capabilities to carry out judicial functions.

"(c) The type of assistance offered pursuant to subsection (b) shall include—

"(1) enhancing professional capabilities under civilian and prosecutorial control;

"(2) assisting in the development of academic instruction and curricula for training law enforcement personnel;

"(3) improving the administrative and management capabilities of law enforcement agencies, especially those related to career development, personnel evaluation, and internal discipline procedures; and

"(4) enhancing the protection of participants in judicial cases.

"(d)(1) No program, project, or exchange shall take place with the authorities of any nonelected government, or with a regime which the Secretary of State determines, in consultation with Congress, carries out gross, sustained and unremediated human rights violations, or with any government which the Secretary of State otherwise determines is grossly negligent in the prosecution of hate crimes.

"(2) The expanded development and training role preclude formulation, formation, and use of operational non-law enforcement-related intelligence links. The proscription includes the participation of intelligence personnel from the Central Intelligence Agency or the Department of Defense. Personnel for the program shall be limited to bona fide criminal justice personnel and civilian development specialists.

"(3) All training undertaken by the program must meet the highest professional standards available in the United States.

"(4) All training shall include as a primary goal civilianization of police forces, their removal from the control of the nation's political parties and armed forces, and their direct responsibility to the nation's civilian political leadership.

"(5) All training shall be conducted in keeping with a participant country's laws and with international human rights standards.

"(e) In addition to funds otherwise available for such purposes, there are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1992.".

SEC. 5. ACTIONS FOR USIA.

The Director of the United States Information Agency (USIA) shall require the translation into the appropriate languages of books, manuscripts, and materials available concerning transitions to democracy and civilian control over justice, military, and security forces, for distribution on an emergency basis to parliaments, relevant ministries, and institutions of higher learning through Central and Eastern Europe.

SEC. 6. REPORTING REQUIREMENT.

Not later than 90 days after the date of enactment of this Act, the Secretary of State, together with the Attorney General, shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on possible sites for the establishment of no less than three legal attache posts at United States embassies in Central and Eastern Europe.

SEC. 7. ADMINISTRATION OF THIS ACT.

The Secretary of State shall draw upon the expertise, experience, and resources of the Agency for International Development, the Department of Justice, and upon those of non-governmental organizations such as the National Endowment for Democracy and Helsinki Watch in carrying out this Act.•

By Mr. PELL (by request):

S. 553. A bill to provide for the Implementation of the Enterprise for the Americas Initiative, and for other purposes; to the Committee on Foreign Relations.

ENTERPRISE FOR THE AMERICAS INITIATIVE ACT

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to provide for the implementation of the Enterprise for the Americas Initiative, and for other purposes.

This proposed legislation has been requested by the President, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the President to the Congress of the United States, and a section-by-section analysis which was received on February 26, 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Enterprise for the Americas Initiative Act of 1991".

TITLE I—PROVISIONS RELATING TO THE ENTERPRISE FOR THE AMERICAS INVESTMENT FUND AT THE INTER-AMERICAN DEVELOPMENT BANK

SEC. 101. UNITED STATES CONTRIBUTION.

(a) CONTRIBUTION AGREEMENT.—The Secretary of the Treasury (hereinafter the "Secretary") is hereby authorized to contribute and to make payment of a grant of $500,000,000 to the Enterprise for the Americas Investment Fund (hereinafter the "Fund") to be administered by the Inter-American Development Bank (hereinafter the "IDB").

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary without fiscal year limitation and for the purposes of subsection (a), $500,000,000, to be paid in five annual installments of $100,000,000 each, beginning in Fiscal Year 1992.

SEC. 102. PURPOSE OF THE FUND.

The purpose of the Fund shall be to provide program and project grants that will advance specific, market-oriented investment policy initiatives and reforms to encourage domestic and foreign investment in Latin America and the Caribbean. The Fund will also finance technical assistance for privatizing government-owned industries; enterprise development and business infrastructure; and worker training and education programs to develop supporting human capital.

SEC. 103. CONTRIBUTIONS FROM OTHER COUNTRIES.

The Secretary may seek contributions to the Fund from other countries.

TITLE II—ENTERPRISE FOR THE AMERICAS FACILITY

SEC. 201. ESTABLISHMENT.

There is hereby established in the Department of the Treasury the Enterprise for the Americas Facility (hereinafter in this Act referred to as the "Facility").

SEC. 202. PURPOSE.

The purpose of the Enterprise for the Americas Initiative is to encourage and support improvement in the lives of the people of Latin America and the Caribbean through market-oriented reforms and economic growth with interrelated actions to promote debt reduction, investment reforms, trade liberalization, and community-based conservation and sustainable use of the environment. The Facility will support these objectives through administration of debt reduction operations or those countries that meet investment reforms and other policy conditions.

SEC. 203. ELIGIBILITY FOR BENEFITS UNDER THE FACILITY.

(a) REQUIREMENTS.—To be eligible for benefits under the Facility, a country must—

(1) be a Latin American or Caribbean country;

(2) have in effect, have received approval for, or, as appropriate in exceptional circumstances, be making significant progress toward—

(A) an International Monetary Fund ("IMF") standby arrangement, extended IMF arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility, or in exceptional circumstances, an IMF monitored program or its equivalent; and

(B) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development or the International Development Association;

(3) have put in place major investment reforms in conjunction with an Inter-American Development Bank loan or otherwise be implementing, or making significant progress toward, an open investment regime; and

(4) if appropriate, have agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction.

(b) ELIGIBILITY DETERMINATIONS.—The President shall determine whether a country is an eligible country for purposes of subsection (a).

TITLE III—DEBT REDUCTION

SEC. 301. REDUCTION OF CERTAIN DEBT.

(a) AUTHORITY TO REDUCE DEBT.—

(1) AUTHORITY.—The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1991, as a result of concessional loans made by the United States pursuant to the Foreign Assistance Act of 1961 (or predecessor foreign economic assistance legislation) to a country eligible for benefits under the Facility.

(2) LIMITATION.—The authority of this section may be exercised beginning in FY 1992 and only to such extent as provided for in advance in appropriation acts for FY 1992 or thereafter.

(3) CERTAIN PROHIBITIONS INAPPLICABLE.—

(A) A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(B) The authority of this section may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 and section 321 of the International Development and Food Assistance Act of 1975.

(4) DEFINITION.—Hereafter in this Act, a country with respect to which the authority of paragraph (1) is exercised is referred to as the beneficiary country.

(b) IMPLEMENTATION OF DEBT REDUCTION.—

(1) IN GENERAL.—Any debt reduction authorized pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations outstanding as of January 1, 1991.

(2) EXCHANGE OF OBLIGATIONS.—The Facility shall notify the Agency for International Development of the agreement with a beneficiary country to exchange a new obligation for outstanding obligations pursuant to this subsection; and at the direction of the Facility, the old obligations shall be established, and the Agency for International Development shall make an adjustment in its accounts to reflect the debt reduction.

SEC. 302. REPAYMENT OF PRINCIPAL.

(a) CURRENCY OF PAYMENT.—The principal amount of each new obligation issued pursuant to section 301(b) shall be repaid in United States dollars.

(b) DEPOSIT OF PAYMENTS.—Principal repayments of new obligations shall be deposited in the United States Government account established for principal repayment of the obligations for which those obligations were exchanged.

SEC. 303. INTEREST ON NEW OBLIGATIONS.

(a) RATE OF INTEREST.—New Obligations issued by a beneficiary country pursuant to section 301(b) shall bear interest at a concessional rate.

(b) CURRENCY OF PAYMENT; DEPOSITS.—

(1) LOCAL CURRENCY.—If the beneficiary country has entered into an Environmental Framework Agreement under section 402, interest shall be paid in the local currency of the beneficiary country and deposited in the Environmental Fund provided for in section 401(a). Such interest shall be the property of the beneficiary country, until such time as it is disbursed pursuant to section 401(d). Such local currencies shall be used for the purposes specified in the Environmental Framework Agreement.

(2) UNITED STATES DOLLARS.—If the beneficiary country has not entered into an Environmental Framework Agreement under section 402, interest shall be paid in United States dollars and deposited in the United States Government account established for interest payments of the obligations for which the new obligations were exchanged.

(c) INTEREST ALREADY PAID.—If a beneficiary country enters into an Environmental Framework Agreement subsequent to the date on which interest first became due on the newly issued obligation, any interest already paid on such new obligation shall not be redeposited into the Environmental Fund established for that beneficiary country pursuant to section 401(a).

TITLE IV—ENTERPRISE FOR THE AMERICAS ENVIRONMENTAL FUNDS

SEC. 401. ESTABLISHMENT OF, DEPOSITS INTO, AND DISBURSEMENTS FROM ENVIRONMENTAL FUNDS.

(a) ESTABLISHMENT.—Each beneficiary country that enters into an Environmental Framework Agreement under section 402 shall be required to establish an Enterprise for the Americas Environmental Fund (referred to in this Act as the "Environmental Fund") to receive payments in local currency pursuant to section 303(b)(1).

(b) DEPOSITS.—Local currencies deposited in an Environmental Fund shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(c) INVESTMENT.—Deposits made in an Environmental Fund shall be invested until disbursed. Notwithstanding section 3302(b) of title 31, United States Code, any return on such investment may be retained by the Environmental Fund, without deposit in the Treasury of the United States and without further appropriations by Congress.

(d) DISBURSEMENTS.—Funds in an Environmental Fund shall be disbursed only pursuant to an Environmental Framework Agreement under section 402.

SEC. 402. ENVIRONMENTAL FRAMEWORK AGREEMENTS.

(a) AUTHORITY.—The President is authorized to enter into an agreement (referred to in this Act as an "Environmental Framework Agreement") with any country eligible for benefits under the Facility concerning the operation and use of the Environmental Fund for that country. In the negotiation of such agreements, the President should consult with the Environment for the Americas Board in accordance with section 403.

(b) CONTENTS OF AGREEMENTS.—An Environmental Framework Agreement with a beneficiary country shall—

(1) require that country to establish an Environmental Fund;

(2) require that country to make interest payments under section 303(b)(1) into an Environmental Fund;

(3) require that country to make prompt disbursements from the Environmental Fund to the administering body described in subsection (c);

(4) when appropriate, seek to maintain the value of the local currency resources of the Environmental Fund in terms of United States dollars;

(5) specify, in accordance with subsection (d), the purposes for which the Environmental Fund may be used; and

(6) contain reasonable provisions for the enforcement of the terms of the agreement.

(c) ADMINISTERING BODY.—

(1) IN GENERAL.—Funds disbursed from the Environmental Fund in each beneficiary country shall be administered by a body constituted under the laws of that country (referred to in this Act as the "administering body").

(2) COMPOSITION.—The administering body shall consist of—

(A) one or more individuals appointed by the President,

(B) one or more individuals appointed by the government of the beneficiary country, and

(C) individuals who represent a broad range of environmental nongovernmental organizations of the beneficiary country, local community development nongovernmental organizations of the beneficiary country, and scientific or academic organizations or institutions of the beneficiary country.

A majority of the members of the administering body shall be individuals described in subparagraph (C).

(3) RESPONSIBILITIES.—The administering body—

(A) shall receive proposals for grant assistance from eligible grant recipients (as determined under subsection (e)) and make grants to eligible grant recipients in accordance with the priorities agreed upon in the Environmental Framework Agreement, consistent with subsection (d);

(B) shall be responsible for the management of the program and oversight of grant activities funded from resources of the Environmental Fund;

(C) shall be subject to fiscal audits by an independent auditor on an annual basis;

(D) shall present an annual program for review each year by the Environment for the Americas Board; and

(E) shall submit a report each year on the activities that it undertook during the previous year to the Environment for the Americas Board and to the government of the beneficiary country.

(d) ELIGIBLE ACTIVITIES.—Grants from an Environmental Fund shall be used for activities that link the conservation and sustainable use of natural resources with local community development, including activities described in section 463 of chapter 7 of part I of the Foreign Assistance Act of 1961, Public Law 87-195, as added by the Global Environmental Protection Act of 1989, Public Law 101-240, title VII, section 711; 103 Stat. 2322.

(e) GRANT RECIPIENTS.—Grants made from an Environmental Fund shall be made to—

(1) nongovernmental environmental, conservation, development, educational, and indigenous peoples organizations of the beneficiary country;

(2) other appropriate local or regional entities; and

(3) in appropriate circumstances, the government of the beneficiary country.

(f) REVIEW OF LARGER GRANTS.—Any grant of more than $100,000 from an Environmental Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

SEC. 403. ENVIRONMENT FOR THE AMERICAS BOARD.

(a) ESTABLISHMENT.—There is hereby established an Environment for the Americas Board (hereinafter in this Act referred to as the "Board").

(b) MEMBERSHIP.—The Board shall be composed of 11 members appointed by the President as follows:

(1) 6 officers or employees of the United States Government; and

(2) 5 individuals who are representatives of private non-governmental environmental, community development, scientific, or academic organizations that have experience and expertise in Latin America and the Caribbean. The chair of the Board shall be designated by the President from among the members of the Board appointed pursuant to paragraph (1).

(c) RESPONSIBILITIES.—The Board shall—

(1) advise the President on the negotiations of Environmental Framework Agreements;

(2) ensure, in consultation with—

(A) the government of the beneficiary country,

(B) nongovernmental organizations of the beneficiary country,

(C) nongovernmental organizations of the region (if appropriate),

(D) environmental, scientific, and academic leaders of the beneficiary country, and

(E) environmental, scientific, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Environmental Fund; and

(3) review the programs, operations, and fiscal audits of each administering body,

SEC. 404. OVERSIGHT.

The President may designate appropriate United States agencies to review the implementation of programs under this Act and the fiscal audits relating to such programs. Such oversight shall not constitute active management of an Environmental Fund.

SEC. 405. ENCOURAGING MULTILATERAL DEBT DONATIONS.

(a) ENCOURAGING DONATIONS FROM OFFICIAL CREDITORS.—The President should actively encourage other official creditors of a beneficiary country whose debt is reduced under this Act to provide debt reduction to such country.

(b) ENCOURAGING DONATIONS FROM PRIVATE CREDITORS.—The President should make every effort to ensure that Environmental Funds established pursuant to section, 401 are able to receive donations from private and public entities and from private creditors of the beneficiary country.

TITLE V—SALES, REDUCTIONS, OR CANCELLATIONS OF LOANS OR ASSETS

SEC. 501. LOANS OR ASSETS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.

(a) Notwithstanding any other provision of law, the President may, in accordance with this title—

(1) sell to any eligible purchaser any loan or portion thereof of an eligible country (as determined pursuant to section 203) or any agency thereof, that was made pursuant to the Export-Import Bank Act of 1945, as amended;

(2) sell to any eligible purchaser any asset or portion thereof which is acquired by the Commodity Credit Corporation as a result of its status as a guarantor of credits in connection with export sales to an eligible country (as determined pursuant to section 203), in accordance with export credit guarantee programs authorized pursuant to the Commodity Credit Corporation Charter Act, as amended, or section 4(b) of the Food for Peace Act of 1966, as amended; and

(3) upon receipt of payment from an eligible purchaser, reduce or cancel any loan or the amount of any asset or portion thereof referenced in paragraphs (1) or (2) of subsection (a) of this section, provided that any such loan or asset that is sold, reduced, or canceled under this section was made or acquired prior to January 1, 1991, and such sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan or asset.

(b) Notwithstanding any other provision of law, the President shall establish the terms and conditions under which loans or assets may be sold, reduced, or canceled pursuant to this title.

(c) Any sale made pursuant to this title by the Export-Import Bank of the United States or the Commodity Credit Corporation of a loan or asset (including any interest therein) to an eligible purchaser under section 503 shall be a transaction not required to be registered pursuant to section 5 of the Securities Act of 1933. For purposes of the Securities Act of 1933, neither the Export-Import Bank of the United States nor the Commodity Credit Corporation shall be deemed to be an issuer or underwriter with respect to any subsequent sale or other disposition of such loan or asset (including any interest therein) or any security received by an eligible purchaser pursuant to any debt-for-equity swap, debt-for-development swap, or debt-for-nature swap.

(d) The Facility shall notify the Export-Import Bank of the United States or the Commodity Credit Corporation of purchasers the President has determined to be eligible under section 503, and shall direct the Export-Import Bank of the United States or the Commodity Credit Corporation to carry out the sale, reduction, or cancellation of a loan or asset pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(e) The authorities of this section may be exercised beginning in FY 1992 and only to such extent as provided for in advance in appropriations acts for FY 1992 or thereafter, as necessary to implement section 13201 of the Budget Enforcement Act of 1990.

SEC. 502. DEPOSIT OF PROCEEDS.

The proceeds from the sale, reduction, or cancellation of any loan or asset sold, reduced, or cancelled pursuant to this title shall be deposited in the United States Government account(s) established for the repayment of such loan or asset.

SEC. 503. ELIGIBLE PURCHASER.

A loan or asset may be sold pursuant to this title only to a purchaser who presents plans satisfactory to the President for using such loan or asset for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps. A loan or asset may be reduced or cancelled pursuant to this title only for the purpose of facilitating debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

SEC. 504. DEBTOR CONSULTATION.

Prior to the sale to any eligible purchaser, or any reduction or cancellation pursuant to this title of any loan made to an eligible country, or asset acquired as the result of a credit guarantee made in connection with export sales to an eligible country, the President should consult with that country concerning, among other things, the amount of loans or assets to be sold, reduced, or cancelled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

TITLE VI—REPORTS

SEC. 601. ANNUAL REPORT TO CONGRESS.

Not later than December 31 of each year, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate an annual report on the operation of the Facility for the prior fiscal year.

To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Enterprise for the Americas Initiative Act of 1991." This proposal sets forth key measures to implement the investment, debt, and environmental components of my "Enterprise for the Americas" Initiative announced on June 27, 1990. It will build on the provisions in Title IV of the Agricultural Trade Development and Assistance Act of 1954 as amended by section 1512 of the Food, Agriculture, Conservation, and Trade Act of 1990 ("1990 Farm Bill") to grant the Administration the remaining authority needed to implement these aspects of the Initiative. Also transmitted is a section-by-section analysis of the proposed legislation.

This Initiative acknowledges the gains made for freedom in our hemisphere over the last year, as a resurgence of democratic rule has swept through the Americas. It also reaches out to support the realignment of economic policies that has paralleled this political shift.

As the people of Latin America and the Caribbean search for prosperity following a decade of painful economic adjustment, their governments are focusing on economic growth and the free market policies needed to nourish it. By reforming economies and rebuilding their strengths, each country will contribute to the prospects for the Americas as a whole in the coming years. My new Enterprise for the Americas Initiative aims to build a broad-based partnership for the 1990s to promote this process.

The Initiative rests on three pillars—actions on trade, investment, and debt—through which we can reach out to our neighbors and support economic reform and sustained growth. *First*, we want to expand trade by entering into framework agreements on trade agreements that will establish a hemisphere-wide free trade system. *Second*, we want to encourage a foreign and domestic investment and help countries compete for capital by reforming both broad economic policies and specific regulatory systems. *Third*, we want to build on our successful efforts to ease debt burdens and to increase the incentives for countries to reform their economies by offering additional measures in the debt area. Building a strong future for the hemisphere also depends on preserving and protecting the environment. Accordingly, we also propose to create resources to support environmental programs as an important element of debt reduction.

The proposal I am transmitting to the Congress focuses on the investment, debt, and environment components of the Enterprise for the Americas Initiative. It reflects the mechanisms established in the 1990 Farm Bill authorizing the reduction of PL-480 debt of eligible countries and the payment of interest in local currency to support environmental projects.

The proposal provides for contributions by the United States to a multilateral investment fund to be established by the Inter-American Development Bank (IDB) that would foster a climate favorable to investment in Latin American and Caribbean countries. This Enterprise for the Americas Investment Fund will provide additional support for reforms undertaken as part of the new IDB investment section lending program. The Fund will advance specific, market-oriented investment policy initiatives and reforms and finance technical assistance.

The proposal establishes the Enterprise for the Americas Facility to support the objectives of the Initiative through administration of debt reduction operations for those nations that meet the investment reform and other policy conditions. Latin American and Caribbean countries can qualify for benefits under the Facility if they:

—Have in effect, have received approval for, or in exceptional circumstances are making significant progress toward International Monetary Fund/World Bank reform programs and World Bank adjustment loans;

—Have in place major investment reforms in conjunction with an IDB loan or are otherwise implementing or making significant progress toward open investment regimes; and

—Have nogotiated a satisfactory financing program with commercial banks, including debt and debt service reduction, if appropriate.

The proposal authorizes the reduction of concessional obligations extended under the Foreign Assistance Act of 1961. The Agency for International Development will exchange—at the direction of the Facility—new obligations for obligations outstanding as of January 1, 1991. Principal on the new obligation will be paid in U.S. dollars. Interest will be at a concessional rate and paid in local currency if an eligible country has entered into an Environmental Framework Agreement establishing an Enterprise for the Americas Environmental Fund; otherwise, interest will be paid in U.S. dollars.

The Environmental Fund into which local currency interest payments are deposited will be owned by the debtor country. The Environmental Framework Agreement negotiated with each country will provide guidelines for the administration of its Environmental Fund. This Agreement will be negotiated by the President in consultation with the Environment for the Americas Board, a Washington-based entity with both United States Government and nongovernmental representatives.

This Board will also ensure that appropriate local administering bodies are established and will review the programs, operations, and fiscal audits of each administering body. Local administering bodies will include representatives from the United States Government, the debtor government, and a broad range of environmental nongovernmental organizations based in the participating country. A majority of the members of each administering body shall be individuals from such nongovernmental organizations.

These administering bodies will be responsible for identifying projects and managing the use of the Environmental Funds in each country. They will prepare annual programs laying out their priorities and plans, which will be submitted to the Environment for the Americas Board for review. Grants in excess of $100,000 will be subject to the veto of the United States Government or the debtor government involved.

The proposal also authorizes the sale, reduction, or cancellation of loans made to eligible countries under the Export-Import Bank Act of 1945, as amended, and assets acquired under export credit guarantee programs authorized pursuant to the Commodity Credit Corporation Charter Act or section 4(b) of the Food for Peace Act of 1966. These sales, reductions, or cancellations will be undertaken only when purchasers confirm that they will be used to carry out debt-for-equity, debt-for-development, or debt-for-nature swaps in eligible countries.

We believe that these investment, debt, and environmental measures will provide significant support to the efforts of Latin America and the Caribbean to build strong economies.

The leaders of these countries have welcomed the Initiative and widely recognize it as the most significant opportunity—and challenge—in inter-American relations in recent years. These are the leaders who are facing difficult choices in reforming their economies and, in the process, turning the tide away from economic decline and environmental degradation.

Their efforts are not merely of theoretical importance to us in the United States. We have not gone untouched by the economic crisis faced by Latin America and the Caribbean over the last decade. As countries in the region cut imports, postponed investment, and struggled to service their foreign debt, we too were affected. We lost trade, markets, and opportunities.

Enactment of the Enterprise for the Americas Initiative Act of 1991 will permit the United States to support the efforts of Latin American and Caribbean leaders, increasing the prospects for economic growth and prosperity throughout the hemisphere.

GEORGE BUSH.

THE WHITE HOUSE, *February 26, 1991*.

SECTION-BY-SECTION ANALYSIS OF THE ENTERPRISE FOR THE AMERICAS INITIATIVE ACT OF 1991

TITLE I. PROVISIONS RELATING TO THE ENTERPRISE FOR THE AMERICAS INVESTMENT FUND AT THE INTER-AMERICAN DEVELOPMENT BANK

Section 101 provides for contribution by the United States to the Enterprise for the Americas Investment Fund (the "Fund"), an investment fund to be established by the Inter-American Development Bank (the "IDB").

Subsection (a) authorizes the United States to contribute $500 million to the Fund.

Subsection (b) authorizes appropriations for the contribution.

Section 102 describes the purpose of the Fund. The purpose of the Fund is to foster a climate favorable to private investment in Latin American and Caribbean countries. Conditions in Latin America and the Caribbean over the last decade have led private investors to look away from the region to other markets. The goal of the Fund is to support the efforts of Latin American and Caribbean nations to carry out investment reforms in order to facilitate private foreign and domestic investment and the reflow of flight capital. Specifically, the Fund would:

Advance specific, market-oriented investment policy initiatives and reforms; and

Finance technical assistance for privatizing government-owned industries, enterprise development and business infrastructure, and worker training and education programs.

Section 103 provides that the Secretary of the Treasury may seek contributions to the Fund from other countries.

TITLE II. ENTERPRISE FOR THE AMERICAS FACILITY

Section 201 establishes the Enterprise for the Americas Facility (the "Facility") in the Department of the Treasury.

Section 202 provides that the purpose of the initiative is to encourage and support improvement in the lives of the people of Latin America and the Caribbean through market-oriented reforms and economic growth with inter-related actions to promote debt reduction, investment reforms, trade liberalization, and community-based conservation and sustainable use of the environment. The purpose of the Facility is to support these objectives through administration of debt reduction operations for countries that meet certain investment reforms and other policy conditions.

Section 203 governs eligibility to participate in the Facility. These criteria are designed to encourage economic reform in Latin American and Caribbean countries, including measures to liberalize investment regimes, and to reach satisfactory agreements with commercial bank creditors. Subsection (a) provides that an eligible country is one that:

(1) Is a Latin American or Caribbean country;

(2) Has in effect, has received approval for, or, as appropriate in exceptional circumstances, is making significant progress toward:

An International Monetary Fund (IMF) standby arrangement, extended IMF arrangement, or an arrangement under the structural adjustment facility, or enhanced structural adjustment facility or, in exceptional circumstances, an IMF monitored program or its equivalent; and

As appropriate, structural adjustment or sectoral adjustment loans under the International Bank for Reconstruction and Development (World Bank), or the International Development Association (IDA);

(3) Has in place major investment reforms in conjunction with an IDB loan or otherwise is implementing, or making significant progress toward, an open investment regime; and

(4) If appropriate, has agreed on a satisfactory financing program with commercial banks, including, if appropriate, debt and debt service reduction.

It is the Administration's intent in implementing this section that official debt reduction negotiations with a country that owes a significant amount of its external debt to commercial bank creditors may begin once the country and its commercial bank creditors have agreed in principle on a financing program. However, the President will not finally agree to any debt reduction for such a country until the commercial banks and the country have reached a final agreement.

Subsection (b) provides that the President shall determine whether a country is eligible to participate in the Facility pursuant to subsection (a).

TITLE III. DEBT REDUCTION

Section 301. Subsection (a)(1) authorizes the reduction of concessional loans extended under the Foreign Assistance Act of 1961 (FAA). Subsection (a)(2) provides that this authority may be exercised beginning in FY 1992 and only to such extent as provided for in advance in appropriations acts for FY 1992 or thereafter. Subsection (a)(3)(A) provides that a reduction of debt pursuant to this section shall not be considered assistance for purposes of any provisions of law limiting assistance to a country. Subsection (a)(3)(B) provides that the authority of this section may be exercised notwithstanding section 620(r) of the FAA and section 321 of the International Development and Food Assistance Act of 1975. Subsection (a)(4) provides that a country whose debt is reduced pursuant to the authority of this section is referred to as the beneficiary country in the Enterprise for the Americas Initiative Act.

Subsection (b) provides that debt reduction will be accomplished by the exchange of a new obligation for obligations outstanding as of January 1, 1991. The subsection also provides that the responsibility for executing the exchange of obligations that will result in the debt reduction agreed to by the President pursuant to subsection (a) rests with the Agency for International Development ("AID"), and that AID shall act at the direction of the Facility.

Section 302 provides that repayments of principal on new obligations issued pursuant to section 301(b) shall be paid in U.S. dollars and deposited in the United States Government account established to receive principal repayments on the old debt obligations.

Section 303 provides that the rate of interest on the new obligations shall be a concessional rate and that payment of that interest shall be made in the local currency of the debtor country if that country has entered into an Environmental Framework Agreement establishing an Environmental Fund into which the interest would be deposited (see title IV); otherwise, interest shall be paid in U.S. dollars into the U.S. Treasury. Interest deposited in the Environmental Fund would be owned by the beneficiary country, as would any earnings on that interest, and would be used for purposes specified in the Environmental Framework Agreement.

Subsection (c) provides that there is no retroactive crediting of interest payments to the Environmental Fund established pursuant to section 401(a) in the event that a beneficiary country enters into an agreement after the date that interest payments become due on the new obligation.

TITLE IV. ENTERPRISE FOR THE AMERICAS ENVIRONMENTAL FUNDS

Section 401. Subsection (a) provides for the establishment of an Enterprise for the Americas Environmental Fund by a beneficiary country.

Subsection (b) provides that deposits into an Environmental Fund shall not be taken into account for purposes of other provisions of law limiting assistance to a country.

The "miscellaneous receipts" statute (31 U.S.C. 3302(b)) has been interpreted to require that interest earned by a grantee on funds advanced by the United States must be paid to the United States, except as otherwise explicitly provided by law. Subsection (c) provides that, notwithstanding 31 U.S.C. 3302(b), deposits into an Environmental Fund shall be invested, that earnings form a part of the Fund, and that deposits and any earnings thereon are available for expenditures without further need for an appropriation.

Subsection (d) provides that funds in an Environmental Fund shall be disbursed only pursuant to an Environmental Framework Agreement.

Section 402 authorizes the President to enter into an Environmental Framework Agreement with each beneficiary country to determine the operation and use of the Environmental Fund. In negotiating the agreement, the President should consult with the Environment for the Americas Board (see Section 403). The agreement shall, among other things, require a beneficiary country to establish an Environmental Fund; require that country to make interest payments under section 303(b)(1) into an Environmental Fund; require that country to make prompt disbursements from the Environmental Fund to the administering body described in subsection (c); when appropriate, seek to maintain the value of the local currency resources of the Environmental Fund in terms of United States dollars; specify, in accordance with subsection (d), the purposes for which the Fund may be used; and contain reasonable provisions for the enforcement of the terms of the agreement.

Subsection (c) provides that funds disbursed from the Environmental Fund in each beneficiary country shall be administered by a body constituted under the laws of that country. The administering body will consist of one or more individuals appointed by the President, one or more individuals appointed by the government of the beneficiary country, and individuals who represent a broad range of environmental nongovernmental organizations of the beneficiary country, local community development nongovernmental organizations of the beneficiary country, and scientific or academic organizations or institutions of the beneficiary country, who shall constitute the majority of the members of the administering body.

The administering body shall: receive proposals for grant assistance from eligible grant recipients and make grants to eligible grant recipients in accordance with the priorities agreed upon in the Environmental Framework Agreement; be responsible for the management of the program and oversight of grant activities funded from resources of the Environmental Fund; be subject to fiscal audits by an independent auditor on an annual basis; present an annual program for review each year by the Environment for the Americas Board; and submit a report each year on the activities that it undertook during the previous year to the Environment for the Americas Board and to the government of the beneficiary country.

Grants made from an Environmental Fund must be used for activities that link the conservation and sustainable use of natural resources with local community development, including activities described in the Global Environmental Protection Assistance Act of 1989, and shall be made to nongovernmental environmental, conservation, development, educational, and indigenous peoples organizations of the beneficiary country, other appropriate local or regional entities, and in appropriate circumstances, the government of the beneficiary country. Grants of more than $100,000 from an Environmental Fund are subject to veto by the Government of the United States or the government of the beneficiary country.

Section 403 establishes an Environment for the Americas Board, which shall be composed of eleven members appointed by the President, six of whom shall be officers or employees of the United States Government, and five of whom shall be representatives of private nongovernmental environmental, community development, scientific, or academic organizations that have experience and expertise in Latin America and the Caribbean. The President shall designate a chair of the Board from among the United States Government members of the Board.

Subsection (c) provides that the Board shall: advise the President on the negotiations of Environmental Framework Agreements; ensure, in consultation with the government of the beneficiary country, nongovernmental organizations of the beneficiary country, nongovernmental organizations of the region (if appropriate), environmental, scientific, and academic leaders of the beneficiary country, and environmental, scientific, and academic leaders of the region (as appropriate), that a suitable administering body is identified for each Environmental Fund; and review the programs, operations, and fiscal audits of each administering body.

Section 404 provides that the President may designate appropriate United States agencies to review the implementation of programs under the Act and the fiscal audit relating to these programs. This oversight shall not constitute active management of an Environmental Fund.

Section 405 provides that the President should actively encourage other official creditors of a beneficiary country to provide debt reduction to that country, and that the President should make every effort to ensure that an Environmental Fund is able to receive donations from private and public entities and from private creditors of the beneficiary country.

TITLE V. SALES, REDUCTIONS, OR CANCELLATIONS OF LOANS OR ASSETS

Section 501 authorizes the President to sell, reduce, or cancel loans made to an eligible country prior to January 1, 1991, under the Export-Import Bank Act of 1945, as amended, (including direct loans and loans acquired by the Export Import Bank of the United States pursuant to its guarantee and insurance programs) and assets acquired prior to January 1, 1991, as a result of credit guarantees made in connection with export sales to eligible countries under programs authorized pursuant to the Commodity Credit Corporation Charter Act, as amended, or section 4(b) of the Food for Peace Act of 1966, as amended. Any such sale, reduction, or cancellation may not contravene any term or condition of any prior agreement relating to such loan or asset.

The President is authorized under section 503 to determine the eligibility of a purchaser; the Facility communicates this determination to the agency whose loans or assets are affected, which is in turn responsible for carrying out the sale, reduction, or cancellation. It is the Administration's intent that any loan or asset sales under this section will be carried out in such a way to maximize return to the U.S. Government.

Subsection (c) provides that any loan or asset sale made pursuant to Title V shall be a transaction not required to be registered pursuant to the Securities Act of 1933, and, for the purposes of that Act, neither the Export-Import Bank of the United States nor the Commodity Credit Corporation shall be deemed to be an issuer or underwriter with respect to any subsequent sale or other disposition of such loan or asset pursuant to a debt-for-equity swap, debt-for-development swap, or debt-for-nature swap.

Subsection (e) provides that the authorities of this section may be exercised beginning in FY 1992 and only to such extent as provided for in advance in appropriations acts for FY 1992 or thereafter, as necessary to implement section 13201 of the Budget Enforcement Act of 1990.

Section 502 requries that proceeds of a sale, reduction, or cancellation of a loan or asset pursuant to section 501 be deposited into the United States Government account(s) established for the repayment of that loan or those assets.

Section 503 requires that the loans be sold only to purchasers who present to the President satisfactory plans for engaging in debt-for-equity, debt-for-development, or debt-for-nature swaps. A loan or asset may be reduced or canceled pursuant to this title only for the purpose of facilitating debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

Section 504 provides that prior to a loan or asset sale, reduction, or cancellation, the President should consult with the eligible country to which the loans that will be sold, reduced, or canceled relate, specifying the amounts to be affected and their uses for debt-for-equity, debt-for-development, or debt-for-nature swaps.

TITLE VI. REPORTS.

Section 601 requires the President to submit an annual report to Congress on the operation of the Facility.•

By Mr. GLENN (for himself, Mr. D'AMATO, Mr. GORTON, Mr. CONRAD, and Mr. KASTEN):

S. 554. A bill to establish an Interagency Committee on Degradable Plastics Standards for the development of uniform definitions, standards, and testing procedures for plastic products made from certain commodities, to encourage the development, production, and use of environmentally-safe degradable plastic products, and for other purposes; to the Committee on Environment and Public Works.

DEGRADABLE PLASTICS STANDARDS ACT

• Mr. GLENN. Mr. President, I rise today to introduce the Degradable Plastics Standards Act of 1991. I am pleased to have Senators D'AMATO, GORTON, CONRAD, and KASTEN as original cosponsors of this bill. This legislation addresses the need to address waste management problems associated with disposal of plastics items and to return our Nation's agricultural sector to prosperity.

The primary purpose of the Degradable Plastics Standards Act is to develop uniform standards and definitions for plastic products. It is critical to establish standards to measure the impact and effectiveness of degradable products on the environment. In addition, the adoption of uniform standards and testing procedures will assist Federal, State, and local government officials in developing effective agricultural, environmental, and economic policies.

Mr. President, I have held two hearings in the Governmental Affairs Committee focusing on the extent of Federal and private sector efforts in developing standards for degradable plastics programs. This legislation embodies suggestions given in testimony by the GAO, OTA, Federal agencies and representatives in the private sector. Although most Government and industry officials agree that degradable plastics can provide new uses for agricultural commodities and can diminish the amount of plastics in landfills, this potential cannot be realized until uniform definitions and standards are in place.

Mr. President, management of our Nation's growing volume of solid waste has reached a crisis point. Plastic products comprise a significant amount of the 160,000,000 tons of solid waste produced annually. It is clear that use of degradable plastic is an important part of the solution to the solid waste crisis. However, the potential benefits of these products cannot be realized on a commercial scale without the development of uniform standards and testing procedures.

Mr. President, there is a compelling need for standards to ensure that degradable plastics are environmentally safe. We owe it to the American people, as well as to our next generation, to make maximum and safe use of degradable items. My legislation will further this process, and I urge my colleagues to join me in supporting this effort.

I ask unanimous consent that the full text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Degradable Plastics Standards Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the achievement of long-term health for the agriculture sector of the United States is essential to the vitality of the national economy, the well-being of our citizens and rural communities, and the maintenance of national security;

(2) the development of new nonfood uses for agricultural commodities will reduce crop surpluses, raise farm income, and lower the cost of agricultural subsidies provided by the Federal Government;

(3) the economic security of the United States requires that the Federal Government should promote the development and use of products derived from agricultural commodities through the preferential procurement of such products to reach a threshold level of commercial application at which such products can successfully compete;

(4) many cities in the United States are close to or have already exhausted their current landfill capacities, and the management of this growing volume of solid waste is one of the most urgent and fundamental environmental problems facing Federal, State, and local officials;

(5) plastic products comprise a significant amount of the 160,000,000 tons of solid waste produced in the United States and the use of degradable plastic products made from agricultural commodities can provide a positive impact in solving the problem of solid waste disposal;

(6) the technology exists to develop and market degradable agricultural commodity-based plastic for use in packaging, agricultural mulching, and in other applications;

(7) the widespread introduction of the technology referred to in paragraph (6) into the commercial marketplace will provide a new outlet for United States agricultural products;

(8) the use of domestically producted agricultural commodity-based degradable plastic products will reduce the reliance of the United States on imported oil and result in an improved trade balance for the United States and increased employment opportunities for our citizens;

(9) the potential benefits of degradable plastic products cannot be realized on a commercial scale without the development of uniform standards and testing procedures; and

(10) the adoption of uniform standards and testing procedures will assist Federal, State, and local government officials in developing effective agricultural, environmental, and economic policies.

(b) PURPOSE.—It is the purpose of this Act to provide—

(1) that the Federal Government shall—

(A) develop uniform definitions, standards, and testing procedures for degradable plastic products;

(B) ensure that degradable plastic products meet human health and environmental protection safety standards;

(C) promote the continued development of degradable plastics technology and to encourage the use of degradable plastic products meeting safety standards, with special emphasis on agricultural commodity-based products;

(D) assist State and local entities in purchasing degradable plastic products;

(E) promote the manufacture and purchase of degradable plastic products by assisting producers in demonstrating the capability of this technology; and

(F) support existing Federal, State, local, and privately sponsored degradable plastic programs; and

(2) for the establishment of an interagency committee to develop and coordinate the implementation of this Act.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) AGRICULTURAL COMMODITY-BASED PLASTICS.—The term "agricultural commodity-based plastics" means plastic products that use agricultural commodity products as a constituent component.

(2) DEGRADABLE.—The term "degradable" means the biologically, chemically, or light-induced loss of utilitarian or physical characteristics of a plastic or hybrid material containing plastic as a major component.

(3) NONFOOD USES FOR AGRICULTURAL COMMODITIES.—The term "nonfood uses for agricultural commodities" means uses for agricultural commodities that do not involve the consumption of the commodities as food.

(4) SOLID WASTE.—The term "solid waste" means nonsewage waste which must be disposed of by Federal, State, or local officials through landfills, incineration, or other approved methods.

SEC. 4. INTERAGENCY COMMITTEE

(a) ESTABLISHMENT.—There is established the Interagency Committee on Degradable Plastics Standards to develop uniform definitions, standards, and methods of testing for degradable plastic products, to encourage the production and use of such products, and coordinate activities under this Act.

(b) MEMBERS.—The Committee established under subsection (a) shall include the—

(1) Secretary of Agriculture;

(2) Secretary of Energy;

(3) Secretary of Defense;

(4) Secretary of the Interior;

(5) Administrator of the Environmental Protection Agency;

(6) Commissioner of the Food and Drug Administration;

(7) Director of the National Institute of Standards and Technology;

(8) Administrator of General Services;

(9) Director of the National Science Foundation;

(10) Under Secretary and Administrator of the National Oceanic and Atmospheric Administration; and

(11) Heads of all other Federal departments and agencies as the Committee considers appropriate.

(c) ORGANIZATION AND PROCEDURE.—The Committee shall be chaired by the Administrator of the Environmental Protection

Agency, who shall have authority to perform any action or promulgate any regulations, consistent with administrative law, on behalf of the Committee, as may be necessary. The Director of the National Institute of Standards and Technology, Commissioner of Food and Drugs, and the Administrator of General Services shall act as Vice-Chairpersons of the Committee. A Vice-Chair may act as Chair in the absence of the Chair. Any dissenting views of a Vice-Chair from a decision of the Chair in the discretion of the dissenting Vice-Chair, may be described in the report to the Congress required under this section. The Chair shall consult with the Vice-Chairs as to the dates and agendas of meetings.

(d) CONSULTATION AND COOPERATION WITH PUBLIC AND PRIVATE ORGANIZATIONS.—In carrying out its duties, the Committee shall seek the participation, through consultation and cooperation, of other public and private organizations, such as the Office of Technology Assessment, the American Society for Testing and Materials, and the Society of Plastics Industry, which have a significant interest in the research and development of degradable plastic technology and policy. Reports containing details of meetings, lists of activities and other communications shall be submitted as described in subsection (k).

(e) DUTIES.—The Committee shall—

(1) prior to the expiration of the 24-month period following the date of the enactment of this Act, establish uniform definitions, standards, and methods of testing for types of degradable plastic products. The Committee shall periodically review and revise the definitions, standards, and methods of testing established to incorporate subsequent advances in degradable plastic technologies and other new degradable plastic products;

(2) determine what factors must be considered to assess the safety of indirect food additives intended to increase the degradability of plastic food-packaging materials, including the effect of degradability on the shelf-life of such products and the potential migration, if any, of additives from such packages to the food;

(3) identify methods to encourage increased usage of environmentally-safe degradable plastic products by the Federal Government;

(4) consider other relevant policy, scientific, and technical matters relating to degradable plastics and solid waste management, including the feasibility and desirability of labeling products to distinguish degradable products from nondegradable items; and

(5) coordinate Federal degradable plastic research and development policy.

(f) DEFINITIONS FOR DEGRADABLE PLASTIC PRODUCTS.—The Committee shall establish definitions for degradable plastic products including but not limited to, biodegradable, photodegradable, and chemically degradable.

(g) STANDARDS FOR DEGRADABLE PLASTIC PRODUCTS.—The Committee shall establish standards for degradable plastic products. In developing these standards, the Committee shall consider—

(1) the timeframe and rate of degradation for such products under different environmental and biological conditions, like those present in common disposal methods, such as landfills, incineration, or litter;

(2) the risk, if any, degradable plastics, its resins, additives, or by-products pose to human health and the environment under different environmental and biological conditions, like those present in common disposal methods, such as landfills, incineration, or litter; and

(3) the impact of degradable plastics on other waste management methods, such as landfilling and recycling.

(h) TESTING METHODS FOR DEGRADABLE PLASTIC PRODUCTS.—In order to evaluate the performance and suitability of plastic products for degradability, the Committee shall establish such uniform methods of testing as may be necessary.

(i) MEETINGS.—The Interagency Committee shall meet within 60 days of the enactment of this Act, and shall meet a minimum of 6 times per year.

(j) PERSONNEL.—The detailing of personnel from any Federal agency to the Interagency Committee shall be permitted.

(k) REPORT.—Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Committee shall prepare and submit to the appropriate committees of Congress, a report that contains the status of each duty as identified in subsection (e) of this section, including but not limited to, a summary of all activities, projects, and programs undertaken by the Committee; progress achieved in performing each duty; problems or other difficulties identified which inhibit or prevent any duty from being carried out effectively and efficiently; recommendations to Congress for consideration regarding degradable plastic policy, including increased production and use in government; meetings, activities, and contacts with other Federal agencies and public and private organizations; a list of projects and program objectives to be carried out in the 12-month period following the month in which such report is submitted; and an accounting of agency resources expended in this effort.●

● Mr. D'AMATO. Mr. President, I rise to join with Senator GLENN and many of my colleagues in introducing the Degradable Plastics Standards Act of 1991. This legislation addresses the need to develop uniform standards and definitions for degradable plastic products.

It is widely known that our Nation is facing a garbage crisis. We all remember the ill-fated voyage of the garbage barge from Long Island—the *Marbo*—which searched in vain for a place to unload its garbage in 1987. After 187 days and 6,000 miles, its trash was finally burned in Brooklyn and its ashes deposited back in its home community of Islip.

Approximately 80 percent of our garbage is landfilled. The EPA has estimated that 80 percent of existing landfills will close within 20 years. The situation in my State is even more severe. According to the New York State Legislative Commission on Solid Waste Management, all landfills in the State will reach their capacity and close by 1995. Already since 1982, the number of landfill facilities in New York State has declined from 500 to fewer than 270.

Faced with these ominous statistics, it is imperative that we search for ways and methods in which to address this problem. One solution that has received increased attention is degradable plastics. Plastics currently account for 7.3 percent of the municipal solid waste stream and are estimated to account for over 9 percent by the year 2000.

Although the term "biodegradable plastic" generally refers to plastic that can be broken down by biological means, there are no uniform definitions of this basic term. In other words, no standards have been established to define what is or is not a degradable plastic.

Degradable plastic products have infiltrated the commercial market in recent years. Since Americans are becoming more environmentally aware, it has become increasingly popular to buy products that are environmentally friendly. While I applaud these efforts, I am concerned that claims on product degradability made on several plastic products, particularly on garbage bags and diapers, may be misleading to consumers. Since most of these products will end up in a landfill, there is a good chance that they will not fully degrade.

The rate at which a plastic degrades depends upon many factors such as the presence of micro-organisms, temperature, and moisture conditions, starch content, and additive used. Unfortunately, the degradation process can be severely retarded in a landfill. In fact, some naturally degradable items such as newspapers, often take decades to degrade in a landfill.

A 1988 General Accounting Office report found that widespread concern among officials and scientists about the lack of standards such as uniform definitions and methods of testing plastic degradability. The report further stated that testing remains necessary to resolve two basic technical uncertainties about the performance of degradable plastics in the environment: the rate of degradation and the safety of the end products.

The legislation that we are introducing today establishes an Interagency Committee on Degradable Plastics Standards. This Committee will be charged with developing definitions, standards, and methods of testing for degradable plastics. If degradable plastics are to be part of the solution to solving our garbage crisis, we must have uniform standards. Adoption of uniform standards and testing procedures will help States and localities in developing sound and effective agricultural, environmental and economic policies.●

By Mr. BRADLEY (for himself, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 555. A bill to amend the Drug Free Schools and Communities Act of 1986 to provide education on the problems associated with the use of Tobacco.

S. 556. A bill relating to cigarette labeling; to the Committee on Commerce, Science, and Transportation.

S. 557. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for advertising expenses for tobacco products; to the Committee on Finance.

S. 558. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on cigarettes to 32 cents per pack; to the Committee on Finance.

TOBACCO LEGISLATION

• Mr. BRADLEY. Mr. President, I rise today with my colleagues to introduce a package of legislation that addresses the serious medical problems caused by tobacco use. Joining me in introducing these bills are the Senator from Rhode Island [Mr. CHAFEE] and my friend and colleague from New Jersey [Mr. LAUTENBERG].

Mr. President, 2 years ago I rose in this Chamber to talk about the horrible effects of tobacco, and I introduced legislation similar to what I am introducing today to combat the tragedy inflicted by tobacco use. Since that time, another 750,000 Americans have died from diseases caused by smoking. If three-quarters of a million people died in 2 years from something more immediate, or more public, there would be a national call for action unlike anything we have ever witnessed.

We have always associated smoking and cancer—and we should. But as each year passes, we discover even more diseases directly linked to smoking—coronary heart disease; strokes; chronic obstructive pulmonary disease; respiratory infections such as pneumonia, influenza, and bronchitis; stomach and duodenal ulcers. The list goes on.

Of course, we have also learned that the harmful effects of smoking extend beyond the smokers themselves. The Surgeon General has said that smoking is probably the most modifiable cause of poor pregnancy outcomes among women in the United States. The effects of passive smoking are becoming more apparent, and the most vulnerable among the nonsmokers are newborns and young children. The children of parents who smoke have an increased frequency of respiratory infections such as pneumonia and bronchitis. And children of parents who smoke are more likely to become smokers themselves.

The tobacco companies understand this relationship. They prey on the young, the undereducated, and the disadvantaged. They need to keep a steady stream of new customers because their old customers have either come to their senses or died. They are succeeding. More than 3,000 teenagers become regular smokers each day in the United States. This is the only group in the country where smoking is on the rise.

But we must also talk about the good news. We know that education and public policy can make a difference. More people are quitting smoking. For people who quit, the improvement in health is almost immediate and continues to improve over time. And quitting at any time in your life can make a difference. It's a medical fact.

The programs that would be expanded by this package of legislation are effective. A report by the Centers for Disease Control suggests that a smoking cessation program, by preventing low birthweight associated neonatal intensive and long-term care costs, could save $5 for every dollar spent on prevention.

BILL TO AMEND THE DRUG FREE SCHOOLS AND COMMUNITIES ACT OF 1985

Mr. President, we need to recognize that the long-term effects of tobacco use are as serious as the use of drugs and alcohol. The first piece of legislation I am introducing today amends the 1986 Drug Free Schools and Communities Act to include education and prevention services related to the use of tobacco products. It cannot be said too often—the easiest way to stop smoking is not to start. This legislation targets the school system and our young people for education efforts.

BILL RELATING TO CIGARETTE LABELING

Mr. President, in 1988, the Surgeon General conclusively reported that nicotine is, without question, an addictive substance. The second bill I have introduced today will make sure that the public is informed of this fact. We can no longer avoid the facts with wording choices such as "may be harmful" and the like. The statement is clear—"Smoking is addictive. Once you start, you may not be able to stop." That's the fact, so that's the warning we should put on boxes.

BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO DISALLOW DEDUCTIONS FOR ADVERTISING EXPENSES FOR TOBACCO PRODUCTS

Mr. President, there has been a tremendous, and partially successful, public education effort in the past 20 years about the hazards of smoking. We know smoking kills, we know the tragedies of families who lost their loved ones to smoking-related illnesses, and we in this Chamber certainly know of the costs to society as a whole from smoking-related illnesses—lost productivity, premature death, outrageously high medical costs. Yet we continue to make the taxpayer subsidize the product. When certain cigarette advertisements with successful, athletic women tell our young girls, "you've come a long way, baby" the American taxpayer underwrites the cost of the ad. I think it should stop, and this third bill I introduce today will stop it. The company can still advertise smoking and they can say anything they want about it, because that's the most precious right Americans have. But you don't have the right to make other Americans pay for it.

BILL TO ADD AN EXCISE TAX

My final piece of legislation provides for an increase of the Federal excise tax on tobacco products. I propose raising the excise tax from 20 cents to 32 cents per pack. The real level of taxation of cigarettes has eroded over time since the excise was first introduced in 1951. The reasons for this increase are two-fold: First, it once again allows us to direct our attention to children and teenagers. Studies have shown that this group of smokers is most sensitive to price changes. By increasing the excise tax, we can force young people to recognize the ultimate cost of smoking to themselves and others. This is smart tax policy—we should tax those things we want to discourage, so that we can cut taxes on things we want to encourage, like savings and jobs. Second, the Office of Technology Assessment has estimated the cost to society of cigarette smoking at $65 billion annually. This amounts to $2.16 for each pack of cigarettes sold. It is more than fair to ask smokers to shoulder some of these costs.

Mr. President, these are four separate but closely tied pieces of legislation. The Government should speak with one voice on this problem, and that voice should unequivocally say, "Tobacco use will harm you." We will not subsidize the seller; we will not underwrite the smoker; we will support efforts to stop; and we will dedicate our resources to preventing Americans from ever starting.•

By Mr. SYMMS (for himself and Mr. SHELBY):

S. 559. A bill to require the Secretary of the Treasury to mint coins in commemoration of Operation Desert Shield/Desert Storm; to the Committee on Banking, Housing, and Urban Affairs.

OPERATION DESERT SHIELD/DESERT STORM COMMEMORATIVE COIN ACT

Mr. SYMMS. Mr. President, the American people have every reason today to take pride in America. And every reason to praise and give thanks to the brave soldiers, sailors, airmen, and marines for the outstanding job they have done to free Kuwait and to destroy Saddam Hussein's military machine.

War is a terrible thing, Mr. President. But the American people showed they have the strength and the character to accept the challenge when the cause is just. And George Bush showed his mastery of foreign and domestic affairs by leading the free peoples of the world to, once again, break a tyrant.

But our greatest praise must be for our troops. You cannot help but be impressed with the resounding success of our troops—in the air, in the gulf itself, and on the ground. Even our military leaders have commented on how the troops have performed beyond expectation. And I believe there are two basic reasons for the success.

First of all, the men and women of our Volunteer Force are second to none. They are bright, eager, enthusiastic, and well-motivated. They are trained for their job like no other force in the world. And when duty calls, you can count on their commitment to carry out the task. Mr. President, they deserve the Nation's gratitude and appreciation.

The second reason, Mr. President, is that the money we have spent on our weaponry has been money well-spent. In Congress, we've argued about the need for certain weapons programs—some of which are in the theater of operations today. And, as we debate the fiscal year 1992 Defense budget later this year, we'll do it again. But the critic's and naysayer's arguments that certain weapon systems wouldn't work have proven to be unfounded.

One way of expressing our thanks is to make sure the troops have the best reception possible when they come home. To this end, in January I organized Operation Homefront—a grassroots volunteer effort to support our troops and their families. And in the Senate I introduced Senate Resolution 17, which passed the Senate in February, which encourages all other States to start their own Operation Homefront operations.

It is correct and appropriate, Mr. President, to celebrate and to commemorate this great political and military success. And so I rise today, along with my friend the distinguished Senator from Alabama, RICHARD SHELBY, to introduce a bill to instruct the Bureau of the Mint to strike a new coin—a Desert Shield/Desert Storm commemorative coin—so that all Americans can have something tangible to recall this great moment in our Nation's history.

Mr. President, we commemorate an event in order to commit that event to memory. We must commit to memory the bravery of our troops. We must commit to memory the sacrifice of the men and women sent to a foreign land to confront evil. And we must commit to memory the steadfastness of the American people in delivering up a peaceful people from tyranny.

No act of the Congress will have the dimension of the actions of our troops. But we can remember their actions, and we can create something tangible to commemorate this moment in our history. And so I encourage my colleagues to join Senator SHELBY and me in support of this Desert Storm commemorative coin.

Mr. President, I ask unanimous consent that the full text of the bill be included in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Operation Desert Shield/Desert Storm Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue one dollar coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) be composed of 90 percent silver and 10 percent copper,

in such quantities as the Secretary determines appropriate.

(2) DESIGN.—The design of the one dollar coins shall, in accordance with section 4, be emblematic of the United States military's participation in Operation Desert Shield/Desert Storm. Each one dollar coin shall bear a designation of the value of the coin, an inscription of the year 1991, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

The design for each coin authorized by this Act shall be selected by the Secretary.

SEC. 5. ISSUANCE OF COINS.

(a) ONE DOLLAR COINS.—The one dollar coins minted under this Act may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike each quality of the coins.

(b) COMMENCEMENT OF ISSUANCE.—The coins authorized and minted under this Act may be issued beginning on the date of enactment of this Act.

(c) TERMINATION OF AUTHORITY.—Coins may not be minted under this Act after December 31, 1992.

SEC. 6. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this Act at a price equal to the face value, the surcharge provided in subsection (d), plus the cost of designing, minting, and issuing the coins (including labor, materials, overhead, distribution, and promotional expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this Act at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this Act prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $3 per coin for the one dollar coins.

SEC. 7. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 8. DISTRIBUTION OF SURCHARGES.

The surcharges received from the sale of coins under this Act shall be used to defray the costs of Operation Desert Shield/Desert Storm, and shall be paid promptly into the Defense Cooperation Account established by section 2608 of title 10, United States Code.

SEC. 9. COINAGE PROFIT FUND.

(a) DEPOSITS.—All amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund.

(b) PAYMENT.—The Secretary shall pay the amounts authorized to be paid into the Defense Cooperation Account under section 8 from the coinage profit fund. Such payments shall be made quarterly based on estimates made by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

(c) EXPENDITURES.—The Secretary shall charge the coinage profit fund with all expenditures under this Act.

SEC. 10. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data as may be related to the expenditure of amounts paid under section 8 of this Act. Annual reports shall be submitted to both Houses of Congress on all expenditures of surcharge funds.

SEC. 11. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 560. A bill to provide incentive grants for States that enact legislation aimed at limiting youth access to cigarettes, and for other purposes; to the Committee on Labor and Human Resources.

S. 561. A bill to provide incentive grants for States that enact legislation aimed at limiting youth access to cigarettes, and for other purposes; to the Committee on Finance.

ADOLESCENT TOBACCO PREVENTION ACTS

• Mr. LAUTENBERG. Mr. President, today I am introducing the Adolescent Tobacco Prevention Act in a continued effort to prevent increasing numbers of adolescents from using tobacco products. The bill would create incentive grants for States that enact and enforce specific laws to limit youth access to tobacco products.

Trends in tobacco use reveal that more and more young people are beginning to smoke. One out of four high school seniors who have ever smoked began by sixth grade when they were 12 years old. Half began by eighth grade when they were 14 years old.

These statistics are of concern because we know that the earlier a young person begins using tobacco, the harder it is for them to kick the habit. In a statement by HHS Secretary Sullivan in 1990, he reported that about 90 percent of adult smokers begin their addiction as children or adolescents. Additionally, according to the National Institute on Drug Abuse, more than half of high school seniors who smoke at least half a pack of cigarettes a day have made at least one serious but unsuccessful attempt to quit smoking. Some 47 percent say they would now like to quit. And almost 75 percent of daily smokers in high school still smoke 7 to 9 years later, even though in high school only 5 percent thought they would be daily smokers 5 years later.

It is widely believed in the medical and health community that these trends in adolescent smoking are not coincidental and that an effort is being made to reach youth. Cigarette advertising, for example, is heavy in a number of magazines with large adolescent readerships. One of those magazines is Glamour, which has about one-quarter of its female readers under age 18. Another is Sports Illustrated with about one-third of readers who are boys under age 18.

The Coalition on Smoking or Health maintains that nearly 2 million new smokers are needed annually for cigarette companies to maintain their market. That means some 6,000 children and teenagers have to begin smoking every day in order for the tobacco industry to maintain the status quo.

Former Surgeon General Koop shares this concern about adolescent smoking. In a speech to the National Cancer Institute's Smoking, Tobacco and Cancer Program, he said:

> Most of the industry's current efforts are directed at young people. * * * They deny it, but it's true. They are trying to replace the smokers they've lost. And the best candidates are young people.

An aggressive cigarette advertising campaign is underway which undoubtedly impacts on America's adolescents. In 1981 the Federal Trade Commission found that cigarettes are the most heavily advertised and marketed product in America. In constant dollars, expenditures on the advertising and promotion of cigarettes have increased more than fivefold since 1971. In 1986 the six major cigarette companies spent close to $2.4 billion or over $6.5 million a day on advertising and promotion.

The result is that we are losing the battle to keep our kids from taking up smoking. Too many adolescents think smoking is glamorous. Too many do not know how dangerous tobacco is. Too many are taking a fatal first puff and becoming hooked for life.

But we can tackle this problem. We can prevent nicotine addiction among our youth. We can do so by making a concerted effort to limit adolescents' access to tobacco products and by sending children a loud, clear message that smoking kills.

The legislation I am introducing today would help us do that by providing incentives to States to enact laws limiting adolescent access to tobacco products. It would authorize $100 million per year for 5 years for incentive grants to be distributed through the Preventive Health Block Grants Program for States that enact and enforce three laws. The first law would establish 18 or older as the minimum age for the sale of a tobacco product to a minor. The second would limit the sale of cigarettes in vending machines to places where minors are not permitted. And the third would prohibit the distribution of free samples of tobacco products.

The legislation would authorize an additional $100 million a year for 5 years in incentive grants through the chapter II education program for States that enact and enforce three other laws or regulations. The first would prohibit smoking by minors on school grounds and in buildings. A second would prohibit smoking by minors on school buses. And a third would require that authorized use of tobacco products by adults be in areas separate from students and that adequate safeguards are in place to protect students from the impact of passive smoke.

These laws would need to be backed by effective enforcement and substantial compliance. The Assistant Secretary of Health or a designee would promulgate rules to determine the meaning of effective enforcement of and substantial compliance with minimum age, vending machine, and free sample prohibition State laws. In the case of vending machines, the Assistant Secretary of Health or a designee would promulgate rules to determine where minors are not permitted. The Secretary of Education, in consultation with the Secretary of Health and Human Services, would promulgate rules to determine the meaning of effective enforcement and substantial compliance on the school smoking prohibitions.

States would be eligible to receive grant money from one or both of the incentive grant programs once it has been determined that the State laws meet the standard. The incentive grants would be distributed according to the formula currently used for distributing chapter II and preventive health block grant funds.

If the Assistant Secretary of Health involved the Commissioner of the FDA with enforcement, it would be consistent with efforts underway in Congress to give the FDA authority to regulate tobacco products.

It is not enough to tell our adolescents not to smoke and to limit their access to tobacco products. We also need to teach them why smoking is harmful. To that end, the legislation would require the Secretary of Health and Human Services, through the Office on Smoking and Health, to develop a comprehensive outreach program, targeted at minors, to inform them about the health consequences of smoking. An outreach program would ensure that suitable materials to target minors, such as public service announcements and educational material, are available to States, local governments, and schools.

In addition, the bill would authorize a $0.1 increase in the cigarette excise tax that would be placed into a tobacco adolescent prevention trust fund and used to pay for the incentive grants. The $0.1 increase in the cigarette excise tax is not intended to be a substitute for greater increases, in the cigarette excise tax called for in other pending legislation. It is not intended to reflect a sentiment that Congress believes a $0.1 increase in the cigarette excise tax is the maximum increase necessary. It is merely intended to cover the cost of the incentive grants. I have also introduced a version of the bill that does not include an increase in the excise tax.

Mr. President, the provisions in the legislation are in line with many of the recommendations for Congress and the administration that emerged from a conference sponsored in 1989 by the American Medical Association and the Coalition on Smoking or Health, which is comprised of the American Heart Association, the American Lung Association, and the American Cancer Society. They reflect the strong belief in the health community that we need to do more to keep American kids away from tobacco products. That is why this legislation has the support of former Surgeon General Koop and the Coalition on Smoking or Health.

Why do we want States to establish at least 18 as the minimum age for the sale of tobacco products to minors? The Department of Health and Human Services has expressed concern for many years about teenage access to tobacco products and has recommended minimum age laws as one method of preventing youth from taking up smoking. In fact, in 1986 former Secretary of Health and Human Services, Otis R. Bowen, recommended that States establish 18 as the minimum age for the purchase of tobacco products.

Currently, there is no uniformity in State minimum age laws. Forty-two States and the District of Columbia have minimum age laws ranging from 16 to 18. Other States, like Alabama, Alaska, and Utah have gone further by establishing 19 as the the minimum age for purchasing cigarettes and smokeless tobacco. Unfortunately, there are still five States that have no minimum age law.

We should build on the momentum underway in the States by encouraging all States to enact and enforce at least 18 as the minimum age for the purchase of tobacco products. Those States that do not have a minimum age law, or have one that is below the age of 18 need to be encouraged to meet the mark. And those with laws on the books need greater incentives to enforce those laws. Some localities are requiring licensing as an approach to enforcement. Some believe enforcement should be placed in the hands of the police. Others say it could be put into the hands of public health agencies. Regardless of the approach, the laws need to be enforced and the States need greater encouragement to enforce them.

Another related issue to enforcement of minimum age laws is vending machines. This legislation would restrict vending machine sales to places where minors are not permitted. If we are going to expect merchants to respect minimum age laws, it does not make sense to provide minors with access to tobacco products from vending machines. Now, merchants can point to unrestricted vending machine sales of tobacco products as a reason for continuing to sell tobacco products to a minor. We need to eliminate this disincentive.

According to the National Automatic Merchandising Association, 31 percent of vended cigarette sales are in bars and cocktail lounges, 27 percent are in industrial plants, and 12 percent are in offices. That represents 70 percent of vended cigarette sales. Limiting the vended sale of tobacco products to places like these, where minors are not permitted, would help with enforcement of minimum age laws without infringing in a significant way on the ability of adults to purchase tobacco products in vending machines.

There is activity already underway in the States to limit and altogether ban vending machine sales of tobacco products. Colorado is the first State to impose a complete ban on the sale of tobacco products in vending machines. Other States like Indiana, Minnesota, New Hampshire, Utah, and Wisconsin have approved laws that require both the posting of signs and the restricted placement of machines in adult-supervised areas in an attempt to protect against the purchase of tobacco products by youths. Finally, 11 other States have placed at least one of the previously mentioned restrictions on vending machine tobacco sales.

Another important issue related to youth access to tobacco products is that of free samples. Too often, free samples are ending up in the hands of vulnerable youth. To prevent this from happening, the legislation would encourage States to prohibit all free sampling of tobacco products. So far, cities have taken the lead in restricting the distribution of tobacco product samples. In fact, 21 cities have banned the distribution of tobacco product samples. Minnesota and Utah are the only two States that completely prohibit the distribution of free samples of cigarettes, smokeless tobacco products, cigars, pipe tobacco, or other tobacco products suitable for smoking. While there is some momentum on the issue at the State level, it is clear that States need greater incentives to enact this type of legislation.

And what about students smoking in school? Why do we need to focus attention on schools?

It is appropriate to restrict student smoking on school property as we redoubled our efforts to educate adolescents about the harmful effects of smoking. Education about the health consequences of smoking is mandated by law in 20 States and has also been the result of voluntary efforts by individual schools. Despite these efforts, we need to do more.

We should give States incentives to ensure that smoking policies on school property are in line with minimum age laws. In some States, for example, it is currently against the law to sell tobacco products to a minor. At the same time, State law may permit schools to designate an area at school for kids to smoke. That just does not make sense. That was the case in my own State of New Jersey, until the legislature recently enacted a law banning all smoking on campuses. If States determine that it is against the law for minors to purchase tobacco products, it should also be against the law for minors to smoke tobacco products on school grounds, in school buildings and on school buses.

Also, adolescents spend many hours of the day at school. These youngsters are impressionable and susceptible to peer pressure. Unfortunately, peer pressure is often so great that vulnerable kids are unable to resist. It is those adolescents who fall victim to the fatal first puff. If we encourage States to prohibit students from smoking in school buildings and on school grounds, hopefully, we can remove, or at least minimize, an important element of peer pressure for adolescents. And just maybe we can prevent some would be smokers from taking their first puff.

Some States are moving in the direction of completely smoke-free schools. In fact, New Jersey, Kansas, New Hampshire, Utah, and Washington have laws on the books that prohibit smoking in schools by teachers and students. The Adolescent Tobacco Prevention Act, however, is aimed at minors in general. For that reason the prohibition on smoking on school grounds, in school buildings, and on school buses is limited to minors. States that prohibit adults from smoking on school grounds certainly would qualify for incentive grants as well. But it is not a requirement under this legislation. While the legislation would enable adults to smoke, areas would have to be designated that are absolutely separate from students, and students would have to be protected from the harmful impact of passive smoke. In light of the fact that a 1986 OTA report concluded that "children and people with pre-existing lung disease might be more susceptible than healthy adults to some of the effects of passive smoking," this is an extremely important provision.

How are the States currently faring in this area? Currently, 15 States prohibit smoking by students on school property, and permit the designation of enclosed smoking areas for teachers and faculty. Five States prohibit all smoking on school grounds.

Mr. President, cigarette smoking is the single most preventable cause of death and disease in our country. Some 434,000 Americans die every year from smoking related diseases. That is 434,000 too many.

If we are going to prevent these needless deaths, we need to start now by preventing would-be smokers, America's adolescents, from taking up smoking. The legislation we are introducing today would move us in that direction. I urge my colleagues to join me in the battle to keep our kids away from tobacco products by cosponsoring this legislation.

I ask unanimous consent that the full text of the bills and a table outlining State laws on some of the issues covered in this legislation be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adolescent Tobacco Prevention Act of 1991".

SEC. 2. FINDINGS.

Congress finds that—

(1) cigarette smoking and the use of smokeless tobacco products continue to represent a major health hazard to the American public causing approximately 434,000 premature deaths per year;

(2) cigarette smoking continues to be the single most preventable cause of death and disability in the United States;

(3) tobacco products contain hazardous tobacco additives, gases, and other chemical constituents dangerous to health;

(4) the use of tobacco products cost the United States in excess of $60,000,000,000 in lost productivity and health care costs;

(5) tobacco products contain nicotine, a poisonous drug that the Surgeon General has determined is highly addictive;

(6) 90 percent of smokers start their addiction as children or adolescents;

(7) the tobacco industry spends over $2,000,000,000 annually to promote and sell its products; and

(8) the Congress has a major policy-setting role in ensuring that the use of tobacco products among minors is discouraged to the maximum extent possible.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) Minor.—The term "minor" means an individual under the age of 18.

(2) School.—The term "school" means an elementary or secondary school.

(3) Tobacco product.—The term "tobacco product" means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

SEC. 4. INCENTIVE GRANTS TO LIMIT YOUTH ACCESS TO TOBACCO PRODUCTS.

(a) Authorization of Appropriation.—There is authorized to be appropriated $100,000,000 for each of the fiscal years 1992 through 1996 to enable the Secretary of Health and Human Services to make incentive grants to States, to be distributed in accordance with Part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) as such part exists on the date of enactment of this Act.

(b) Legislative Requirement.—

(1) In general.—To receive a grant under this section, a State shall enact legislation that prohibits—

(A) the sale of a tobacco product to a minor;

(B) the sale of a tobacco product in a vending machine, in accordance with regulations promulgated under paragraph (2), unless the presence of minors is not allowed on the premises where such machine is located; and

(C) the distribution of a free sample of a tobacco product.

(2) Regulations.—The Assistant Secretary for Health of the Department of Health and Human Services, or the designee of such Assistant Secretary, shall promulgate regulations that prescribe where tobacco product vending machines may be placed under paragraph (1)(B).

(c) Enforcement and Compliance.—

(1) By state.—A State receiving a grant under subsection (a) shall ensure that the legislation referred to in subsection (b) is effectively enforced to achieve substantial compliance, as determined by the Assistant Secretary for Health of the Department of Health and Human Services, or the designee of such Assistant Secretary.

(2) Regulations.—The Assistant Secretary or designee referred to in paragraph (1) shall promulgate regulations necessary to implement this section.

(d) Additional Restrictions.—A State receiving a grant under subsection (a) may place restrictions on the sale or distribution of tobacco products to minors in addition to the requirements referred to in subsection (b).

SEC. 5. SMOKING EDUCATION AND INFORMATION.

Section 3 of the Comprehensive Smoking Education Act (15 U.S.C. 1341) is amended—

(1) in paragraph (5) by striking out "and" after the semicolon;

(2) in paragraph (6) by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) establish a comprehensive outreach program to inform individuals under the age of 18 about the health consequences of smoking.".

SEC. 6. INCENTIVE GRANTS TO PROHIBIT STUDENT SMOKING IN SCHOOLS.

(a) In General.—There is authorized to be appropriated $100,000,000 for each of the fiscal years 1992 through 1996 to enable the Secretary of Education to make incentive grants, to be distributed in accordance with part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2921 et seq.) as such part existed on the date of enactment of this Act.

(b) Legislative Requirement.—To receive a grant under this section, a State shall enact legislation that—

(1) prohibits smoking by minors on elementary and secondary school buildings and grounds;

(2) prohibits smoking by minors on school buses; and

(3) requiring schools to establish smoking areas for adults that are separate from students, and to ensure adequate safeguards exist to protect students from exposure to smoke.

(c) Enforcement and Compliance.—

(1) By state.—A State receiving a grant under subsection (a) shall ensure that the legislation referred to in subsection (b) is effectively enforced to achieve substantial compliance, as determined by the Secretary of Education in consultation with the Secretary of Health and Human Services.

(2) Regulations.—The Secretary of Education, in consultation with the Secretary of Health and Human Services shall promulgate regulations necessary to implement this section.

(d) Additional Restrictions.—A State receiving a grant under subsection (a) may place restrictions on the use of tobacco products in schools in addition to the requirements referred to in subsection (a). A State receiving funds under this section shall provide assistance under this section only to schools that are subject to State laws of the type described in subsection (b).

S. 561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Adolescent Tobacco Prevention Act of 1991".

SEC. 2. FINDINGS.

Congress finds that—

(1) cigarette smoking and the use of smokeless tobacco products continue to represent a major health hazard to the American public causing approximately 434,000 premature deaths per year;

(2) cigarette smoking continues to be the single most preventable cause of death and disability in the United States;

(3) tobacco products contain hazardous tobacco additives, gases, and other chemical constituents dangerous to health;

(4) the use of tobacco products cost the United States in excess of $60,000,000,000 in lost productivity and health care costs;

(5) tobacco products contain nicotine, a poisonous drug that the Surgeon General has determined is highly addictive;

(6) 90 percent of smokers start their addiction as children or adolescents;

(7) the tobacco industry spends over $2,000,000,000 annually to promote and sell its products; and

(8) the Congress of the United States has a major policy-setting role in ensuring that the use of tobacco products among minors is discouraged to the maximum extent possible.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) Minor.—The term "minor" means an individual under the age of 18.

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(3) Tobacco product.—The term "tobacco product" means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

SEC. 4. INCENTIVE GRANTS TO LIMIT YOUTH ACCESS TO TOBACCO PRODUCTS.

(a) Authorization of Appropriation.—There is authorized to be appropriated $100,000,000 for each of the fiscal years 1992 through 1996 to enable the Secretary of Health and Human Services to make incentive grants to States, to be distributed in accordance with Part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) as such part exists on the date of enactment of this Act.

(b) Legislative Requirement.—

(1) In general.—To receive a grant under this section, a State shall enact legislation that prohibits—

(A) the sale of a tobacco product to a minor;

(B) the sale of a tobacco product in a vending machine, in accordance with regulations promulgated under paragraph (2), unless the presence of minors is not allowed on the premises where such machine is located; and

(C) the distribution of a free sample of a tobacco product.

(2) Regulations.—The Assistant Secretary for Health of the Department of Health and Human Services, or the designee of such Assistant Secretary, shall promulgate regulations that prescribe where tobacco product vending machines may be placed under paragraph (1)(B).

(c) Enforcement and Compliance.—

(1) By state.—A State receiving a grant under subsection (a) shall ensure that the legislation referred to in subsection (b) is effectively enforced to achieve substantial compliance, as determined by the Assistant Secretary for Health of the Department of Health and Human Services, or the designee of such Assistant Secretary.

(2) Regulations.—The Assistant Secretary or designee referred to in paragraph (1) shall promulgate regulations necessary to implement this section.

(d) Additional Restrictions.—A State receiving a grant under subsection (a) may place restrictions on the sale or distribution of tobacco products to minors in addition to the requirements referred to in subsection (b).

SEC. 5. SMOKING EDUCATION AND INFORMATION.

Section 3 of the Comprehensive Smoking Education Act (15 U.S.C. 1341) is amended—

(1) in paragraph (5) by striking out "and" after the semicolon;

(2) in paragraph (6) by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) establish a comprehensive outreach program to inform individuals under the age of 18 about the health consequences of smoking.".

SEC. 6. INCENTIVE GRANTS TO PROHIBIT STUDENT SMOKING IN SCHOOLS.

(a) IN GENERAL.—There is authorized to be appropriated $100,000,000 for each of the fiscal years 1992 through 1996 to enable the Secretary of Education to make incentive grants, to be distributed in accordance with part A of chapter 2 title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2921 et seq.) as such part existed on the date of enactment of this Act.

(b) LEGISLATIVE REQUIREMENT.—To receive a grant under this section, a State shall enact legislation that—

(1) prohibits smoking by minors on elementary and secondary school buildings and grounds;

(2) prohibits smoking by minors on school buses; and

(3) requiring schools to establish smoking areas for adults that are separate from students, and to ensure adequate safeguards exist to protect students from exposure to smoke.

(c) ENFORCEMENT AND COMPLIANCE.—

(1) BY STATE.—A State receiving a grant under subsection (a) shall ensure that the legislation referred to in subsection (b) is effectively enforced to achieve substantial compliance, as determined by the Secretary of Education in consultation with the Secretary of Health and Human Services.

(2) Regulations.—The Secretary of Education, in consultation with the Secretary of Health and Human Services shall promulgate regulations necessary to implement this section.

(d) ADDITIONAL RESTRICTIONS.—A State receiving a grant under subsection (a) may place restrictions on the use of tobacco products in schools in addition to the requirements referred to in subsection (a). A State receiving funds under this section shall provide assistance under this section only to schools that are subject to State laws of the type described in subsection (b).

SEC. 7. INCREASE IN TAX ON CIGARETTES.

(a) RATE OF TAX.—Effective for each of the fiscal years 1992 through 1996, to provide funds for the Adolescent Tobacco Prevention Trust Fund established under section 8, subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes) is amended—

(1) by striking "$8" in paragraph (1) and inserting in lieu thereof "$8.50"; and

(2) by striking "$16.80" in paragraph (2) and inserting in lieu thereof "$17.85".

(b) FLOOR STOCKS.—

(1) IMPOSITION OF TAX.—On cigarettes manufactured in or imported into the United States which are removed before October 1, 1991, and held on such date for sale by any person, there shall be imposed the following taxes:

(A) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $.50 per thousand;

(B) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $1.05 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereon, of the length of each as one cigarette.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on October 1, 1991 to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on October 16, 1991, in the same manner as the tax imposed under such section is payable with respect to cigarettes removed on October 1, 1991.

(3) CIGARETTE.—For purposes of this subsection, the term "cigarette" shall have the meaning given to such term by subsection (b) of section 5702 of the Internal Revenue Code of 1986.

(4) EXCEPTION FOR RETAIL STOCKS.—The taxes imposed by paragraph (1) shall not apply to cigarettes in retail stocks held on October 1, 1991, at the place where intended to be sold at retail.

(5) FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(A) cigarettes—

(i) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before October 1, 1991, and

(ii) which are entered into the customs territory of the United States on or after October 1, 1991, from a foreign trade zone, and

(B) cigarettes which—

(i) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before October 1, 1991, and

(ii) are entered into the customs territory of the United States on or after October 1, 1991, from a foreign trade zone,

shall be subject to the tax imposed by paragraph (1) and such cigarettes shall, for purposes of paragraph (1), be treated as being held on October 1, 1991, for sale.

(c) USE OF REVENUE.—The revenue collected under this section, and the amendments made by this section, shall be deposited in the Adolescent Tobacco Prevention Trust Fund established under section 8.

SEC. 8. ADOLESCENT TOBACCO PREVENTION TRUST FUND.

There shall be established in the Treasury of the United States an Adolescent Tobacco Prevention Trust Fund to be used by the Secretary of Health and Human Services and the Secretary of Education, subject to appropriations Acts, to provide funds for incentive grants covered under this Act and the amendments made by this Act.

APPENDIX B.—STATE LAWS RESTRICTING SMOKING IN PUBLIC PLACES

	Year	Arts/cultural facilities	Child care centers	Elevators	Government buildings	Gymnasiums/arenas	Health facilities	Interstate commercial transit	Jury/courtrooms	Meetings	Public places	Public transit	Restaurants	Restrooms	Retail/grocery stores	Schools	Shopping centers	Workplace (private sector)
Alabama	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Alaska	1975	X	P	P	X	X	X	...	X	P	...	P	X	...	X	X	...	X
Arizona	1973	X	...	P	X	X	X	...	...	...	X	P	...	...	...	X	...	X¹
Arkansas	1977	...	X	...	X	...	X	...	...	...	...	...	...	...	X¹	...	...	
California	1976	X	...	...	X	X	X	X²	...	X	...	P	X	...	X	X	...	...
Colorado	1977	X	...	P	X	X	X	...	...	X	X	P	...	...	...	X	...	...
Connecticut	1973	...	...	P	X	...	X	...	...	X	...	P	X	...	X	X	...	X
Delaware	1960	...	...	...	X	...	...	...	...	...	...	P	...	...	X³	X	...	...
D.C	1975	...	...	P	...	...	X	...	...	X	...	P	X	...	X	X	...	...
Florida⁴	October 1985	X	...	P	X	X	X	...	X	X	X	P	X	...	X	X	...	X
Georgia	1975	...	...	P	...	...	...	...	...	...	...	P	...	...	...	...	...	...
Hawaii	April 1987	X	...	P	X	X	X	...	...	X	X	P	X	X	X	...	...	X
Idaho	1975	...	...	P	X	X	X	...	...	X	X	P	X	...	X	X	...	...
Illinois⁵	1989	X	...	P	...	X	X	...	...	X	X	P	X	...	X	X	...	...
Indiana	1987	...	...	...	X	...	X	...	...	...	...	...	...	...	...	X	...	...
Iowa⁶	July 1987	X	...	P	X	X	X	X	...	X	X	P	X	...	X	X	...	X
Kansas	July 1987	X	...	P	X	X	X	...	X	X	X	P	X	X	X	P	...	...
Kentucky	1972	...	...	...	...	...	...	...	...	...	...	...	...	...	...	X	...	...
Louisiana	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Maine	1981	X	...	...	X	...	X	...	X	X	...	P	X	...	X	X	X	X
Maryland	1957	...	...	P	X	...	X	X	...	...	...	P	...	...	X	...	...	...
Massachusetts	March 1988	X	X	P	X	...	X	X	X	X	...	P	X	...	X³	X	...	...
Michigan	1968	X	P	...	X	X	X	...	...	X	X	P	...	...	...	X	...	...
Minnesota	1975	...	X	P	...	X	X	...	...	X	X	...	X	...	X	X	...	X
Mississippi	1942	...	...	...	...	...	...	...	...	...	...	P	...	...	...	...	...	...
Missouri	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Montana	1979	X	...	P	X	X	X	X	...	X	X	P	X	...	X	X	...	X
Nebraska	1979	...	...	...	...	X	X	...	...	X	X	P	X	...	X	X	...	X
Nevada	1975	X	X	P	X	...	X	X	...	...	...	P	...	...	X³	X	...	...
New Hampshire	1981	X	X	P	X	X	X	...	...	X	X	P	X	...	P	P	...	X
New Jersey⁴	1985	X	...	P	X	X	X	...	...	...	X	P	X	...	X	P	...	X
New Mexico	1985	...	...	...	X	...	...	...	...	X	X	...	...	...	...	...	...	X
New York	1975	X	...	P	X	X	X	X	...	...	X	P	X	X	X	X	X	X
North Carolina	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
North Dakota	April 1987	X	...	P	X	X	X	...	...	X	X	P	X	...	...	X	...	...
Ohio	1981	X	...	P	X	...	X	...	...	...	...	P	...	...	...	X	...	...
Oklahoma⁴	November 1987	X	...	...	X	X	X	...	...	X	X	P	X	...	...	X	...	...
Oregon	1977	...	...	P	X	X	X	...	...	X	...	...	X	...	X	X	...	...

APPENDIX B.—STATE LAWS RESTRICTING SMOKING IN PUBLIC PLACES—Continued

	Year	Arts/cultural facilities	Child care centers	Elevators	Government buildings	Gymnasiums/arenas	Health facilities	Interstate commercial transit	Jury/courtrooms	Meetings	Public places	Public transit	Restaurants	Restrooms	Retail/grocery stores	Schools	Shopping centers	Workplace (private sector)
Pennsylvania[7]	1977	X			X	X	X			X		P	X			X	X	
Rhode Island	1977	X		P			X					P	X		X[3]	X		X
South Carolina[8]	1937	X	X	P	X		X					P[1]				X		
South Dakota	1974	X		P			X		X			P				X		
Tennessee																		
Texas	1975	X		P			X	X				P				X		
Utah	1976		X	P	X	X	X	X	X	X	X	P	X		X	P		X
Vermont	1987				X											X		X
Virginia[5 9]	1990		X	P	X		X						X		X	X		
Washington	1985	X		P	X	X	X			X	X	P	X	X	X	P	X	
West Virginia	1913											P				X		
Wisconsin	1983	X		P	X		X				X	P	X		X	P		X
Wyoming	1989				X													

[1] Regulation includes school buses.
[2] Regulation prohibits smoking on all intra-state commercial transit.
[3] Regulation only governs grocery stores.
[4] Preempts local regulation.
[5] Preempts local regulation, but grandfathers existing ordinances.
[6] Preemption and restaurant provisions effective July 1, 1990.
[7] Preempts local regulation, but grandfathers Pittsburgh's ordinance.
[8] Effective August 1, 1990, except for public transit.
[9] Effective July 1, 1990.

Note.—X, smoking prohibited, except in designated areas; P, smoking prohibited.

APPENDIX H.—STATE AGE RESTRICTIONS FOR SALES OF TOBACCO PRODUCTS

State	Minimum age for cigaretts	Minimum age for Smokeless
Alabama	19	19
Alaska	19	19
Arizona	18	18
Arkansas	18	18
California	18	18
Colorado	18	18
Connecticut	18	18
Delaware	17	17
District of Columbia	16	16
Florida	18	18
Georgia	17	17
Hawaii	18	18
Idaho	18	18
Illinois	18	18
Indiana	18	18
Iowa	18	18
Kansas	18	18
Kentucky	[3] 16	[3] 16
Louisiana	(1)	(1)
Maine	18	18
Maryland	18	18
Massachusetts	18	18
Michigan	18	18
Minnesota	18	18
Mississippi	18	18
Missouri	(1)	(1)
Montana	(1)	(1)
Nebraska	18	18
Nevada	18	18
New Hampshire	18	18
New Jersey	18	18
New Mexico	(1)	(1)
New York	18	18
North Carolina	17	17
North Dakota	18	18
Ohio	18	18
Oklahoma	18	18
Oregon	18	18
Pennsylvania	[2] 18	[2] 18
Rhode Island	18	18
South Carolina	18	18
South Dakota	18	18
Tennessee	18	18
Texas	18	18
Utah	19	19
Vermont	17	17
Virginia	16	16
Washington	18	18
West Virginia	18	18
Wisconsin	18	18
Wyoming	(1)	(1)

[1] No statewide age limit.
[2] Effective February 14, 1990.
[3] Effective July 13, 1990.

Sources: State legislative libraries, 1990.
State departments of health, 1990.

APPENDIX K.—RESTRICTIONS ON TOBACCO PRODUCT SALES IN VENDING MACHINES

[States]

State	Sign posting	Restrictions on placement'	Total ban
Alaska		X	
Colorado	X		[1] X
Georgia	X		
Hawaii	X		
Idaho		X	
Indiana	X	X	
Maine		X	
Maryland	X		
Massachusetts	X		
Minnesota	X	X	
New Hampshire	X	X	
Rhode Island	X		
South Dakota	X		
Texas	X		
Utah	X	X	
Virginia	X		
Wisconsin	X	X	

[1] Smokeless tobacco products only.•

By Mr. BRYAN (for himself and Mr. REID):

S. 562. A bill to require that the surplus in the highway account of the highway trust fund be available for expenditure, and for other purposes; to the Committee on Environment and Public Works.

USE OF EXCESS IN HIGHWAY TRUST FUND

Mr. BRYAN. Mr. President, I rise today to introduce a bill to eliminate one of the Federal Government's most blatant forms of budget chicanery—the continued misuse of highway user fees by the Federal Government.

Over the years, the American public has paid Federal gas taxes with the understanding that these taxes will be used to improve our transportation infrastructure. Unfortunately, the Federal Government has, for many years, withheld significant portions of these funds from the individual States. Given the infrastructure crisis our Nation currently faces, this type of Government policy is simply unconscionable.

Mr. President, the upcoming year will be a critical one for our national highway program. There will be many debates over apportionment formulas, State-Federal matching ratios, eligibility of projects, and a host of other important issues. One of the first issues we need to decide, however, is how much we will spend on the entire nationwide program. Today, I am introducing legislation which will require the Federal Government to spend the maximum amount on highways that can be supported by the highway account of the highway trust fund.

At the end of fiscal year 1991, the highway account of the trust fund will contain an unobligated balance of about $9 billion. These unobligated balances are funds that have been apportioned to the States, but that States have been unable to spend due to Federal obligation limitations. In addition, the projected revenues of the highway account, including both tax receipts and interest, can support a much higher level of spending than past years. In fact, when we consider both of these factors, the highway trust fund can support spending levels $13 billion higher over the next 5 years than the levels proposed by the administration. The legislation I am introducing today will require the administration to spend all of these available funds on highway improvements.

Under the legislation I am introducing today, every State will share in the spenddown of the trust fund. For example, my own State of Nevada would be allowed to spend an estimated $20 million per year for each of the next 5 years on highway improvements.

As we begin to consider a reauthorization of the Surface Transportation Act, we can be proud of our past accomplishments. In particular, the Interstate System is now almost complete, and has changed the face of our Nation. Sadly, however, we now risk losing our massive investment in the interstates. In 1988, according to the Department of Transportation, over 40 percent of the Interstate System was in poor or fair condition; 68 percent of urban interstate peak hour travel was under congested conditions. The rest of our road systems are in no better condition. For example, 40 percent of our Nation's bridges are structurally deficient or functionally obsolete.

The Federal Government must not back away from its commitment to highway infrastructure. The maintenance and rebuilding of our Nation's roads are every bit as important to the national interest as their original construction. We collect billions of dollars in gas taxes from the American public every year to pay for our road systems, and it is time that we guarantee that every penny of these taxes are spent for their intended purpose.

By Mr. BRYAN:

S. 563. A bill to impose additional duties on the products of foreign countries if, and during such time as, such countries do not make sufficient contributions to the multinational military mobilization and operations being carried out in response to the invasion of Kuwait by Iraq; to the Committee on Finance.

PERSIAN GULF CONFLICT BURDEN-SHARING ACT

• Mr. BRYAN. Mr. President, the cease-fire in the Persian Gulf, announced by President Bush, is good news for our Nation and the world. The skill, the determination, and the bravery of our Armed Forces fill every American with pride. Under the able leadership of Secretary Dick Cheney, Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, and Persian conflict commander, Gen. Norman Schwarzkopf, our forces have achieved a remarkably low cost victory.

While we grieve for the families of the soldiers lost, the remarkably low casualty rate is a blessing to those families of the returning servicemen and women.

As of this morning, an estimated 91 Americans have fallen in battle. This is the price Saddam Hussein's aggression has exacted from our people. The price of stopping aggression in this century has forced young American men and women to once again fight in far-off lands.

Our brave troops were not alone because of the skill with which President Bush and Secretary of State James Baker were able to fashion a strong, allied effort.

The allied coalition was composed of many Arab countries including Egypt and Saudi Arabia, as well as the small countries of the Perisan Gulf. Exiled Kuwait forces shouldered their share of the burden in liberating their country, and we all shared their joy with the raising of the Kuwaiti flag over Kuwait City.

Standing with American servicemen were our oldest allies, the British and French. The RAF Tornado pilots took on some of the most dangerous missions of the airwar with their low level attacks against Iraqi positions. As General Schwarzkopf explained, the famed British 1st Armored Division—the Desert Rats—played an integral role in his brilliant strategy. The 6th French Light Armored Division working with America's 82d Airborne had a crucial role in sealing off the Iraqi forces.

Under the able leadership of President Bush, the new world order has begun, and the rule of law has been given a significant boost. It would be a tragic beginning of the new world order, if some nations received a free ride, while others carried the load.

Conspicuously absent from the allied contingents in the Persian Gulf were any sign of Japanese or German forces. While America was putting its treasured and most precious product, our young men and women, in great danger, Japan and Germany held back. While we took the political risk, the Germans and the Japanese sat on the sideline. While the British and French Governments stood by us, and our troops, the Japanese and Germans ran for cover.

The American people will never forget who stood with us in the field of battle.

Secretary of State James Baker has done a yeoman's work in getting the world community to commit to financial support for Desert Storm. During the height of the crisis he elicited from the German Government a commitment of $6.5 billion. From the Japanese Government he managed to ferret a commitment of $10.7 billion.

To date, the United States has received a fraction of that commitment from Germany, $2.9 billion. To reach the total of $6.5 billion, Germany still needs to ante up $3.6 billion.

The Japanese, who will also derive great benefit from stability of oil prices as a result of the conflict in the Persian Gulf, have yet to honor their full commitment. The Japanese owe the United States $9.4 billion.

Therefore, to foster the contributions from these nations, I am introducing the Persian Gulf Conflict Burden-Sharing Act of 1991. This is a companion bill to one introduced in the House by Congressman JOHN DINGELL. The bill directs the President to determine within 60 days whether other nations in the allied coalition have made an adequate contribution to Operation Desert Storm. Should the President determine that a nation is not paying its fair share, he may impose a 20-percent ad valorem duty on all goods of that nation entering the United States.

This 20-percent duty bill being introduced today will put our allied partners on notice that there will be a price to pay for American protection. Our brave service men and women deserve no less for the benefit these countries will secure from their sacrifices.•

By Mr. WARNER (for himself, Mr. THURMOND, Mr. MCCAIN, Mr. WALLOP, Mr. LOTT, Mr. COATS, Mr. MACK, and Mr. SMITH):

S. 564. A bill to direct the Secretary of Defense to undertake the development and testing of systems designed to defend the United States and its Armed Forces from ballistic missiles; to the Committee on Armed Services.

MISSILE DEFENSE ACT OF 1991

Mr. WARNER. Mr. President, I rise to introduce the Missile Defense Act of 1991 on behalf of myself and my distinguished colleagues on the Armed Services Committee, Senators THURMOND, MCCAIN, WALLOP, LOTT, COATS, MACK, and SMITH. This legislation would allow the American public to at long last express their views through their elected Representatives in Congress, on whether the United States should now undertake development and testing to determine the feasibility of developing systems which could defend our Nation against ballistic missiles.

This legislation would allow the American public the right to voice their views on whether we should provide our country and our Armed Forces with a defense against ballistic missiles, whether we should ever again send forth men and women of the Armed Forces of this country to foreign shores without providing the technology to protect them in every possible way.

Mr. President, we could not, in my humble and respectful judgment, have achieved our objectives in the Persian Gulf without the support of the American public. They have become far more active as a consequence of this significant chapter of our history; far more active in informing themselves on weapons, weapons systems, and how the Armed Forces of the United States employs these systems both in offense and in defense. I think it is now time to ask them to formulate their own views on whether or not America should undertake a full range, without restriction by the ABM Treaty, the full range of research development and testing of missile defenses.

Mr. President, the devastation and the loss of life ensuing from ballistic missile attacks in the gulf was evident to the whole world. The Scud was a very basic missile, a very crude system. I myself saw remnants of that system together with three other colleagues when we traveled to the gulf but a short time ago.

The Scud, the infamous Scud, is not a military weapon in the true sense but a weapon that had one purpose alone—terrorism. It was certainly terrorism when it was inflicted upon Israel. I questioned the military value when it was inflicted upon our troops. Even then I think it was more in the category of terrorism.

The Persian Gulf war clearly demonstrated the threat posed to the men and women of the Armed Forces of the United States and the coalition forces today, tomorrow, and in the future, by the proliferation of ballistic missile technology and such related weapons of mass destruction.

According to the Director of the Central Intelligence Agency, William Webster, in testimony before the Congress of the United States, by the end of the century, the year 2000, between 15 and 20 nations—and those nations are in the category of just the developing nations—will possess the capability to manufacture and deploy some form of a ballistic missile.

If they cannot build them, they can buy them. They are openly available on the market. The Scud is available for sale on the market today, even as we speak.

He also testified to the Armed Services Committee that, by that time, at least six developing countries will have ballistic missiles with a range of 3,400 miles. Now that is the range that could be a direct threat to our Nation. If we look south beyond our borders and the instability in the Southern Hemisphere just in this last decade, the terrorism, the drug trade, it seems to me that we should raise a caution flag.

Mr. President, the concern of widespread ballistic missile proliferation is compounded by growing ethnic unrest and political instability in the Soviet Union. We already know that certain measures have been taken by the, although weakened, still central government to remove some of these weapons from certain geographic areas of the Soviet Union, and place them in areas where it is safer to ensure their control. But that unrest, that political instability, grows as I speak. The threat of an unauthorized or accidental launch of a ballistic missile cannot be discounted. In fact, I think it has to be very carefully considered.

While the demise of the Warsaw Pact represents a major positive change in the United States-Soviet relationship, the Soviet Union nonetheless remains at the present time the only country that has a nuclear and ballistic missile capability which threatens the very freedom of this country and that of our allies.

I am hopeful in the forthcoming defense budget that this body and that the Congress as a whole will recognize that while there has been a well-received diminution in the threat on the central front from conventional forces, in the strategic nuclear area of the Soviet budget there has been no let up. And I hope that the modernization program as recommended by the President in his message to the Congress of the United States will be respected and implemented in appropriate legislation.

Despite its enormous economic difficulties, the Soviet Union is continuing its relentless strategic offensive and defensive modernization program.

Mr. President, in looking at the international environment today, we should recognize that the ABM treaty of 1972 was negotiated under significantly different circumstances than the strategic situation the United States faces today. While the SDI Program has made remarkable progress in the research and development of technologies aimed at protection against ballistic missiles, that progress is being severely affected by the ABM treaty.

It is clear that the ABM treaty of 1972 prohibits the development and testing of ABM systems or components which are sea-based, air-based, space-based, or mobile land-based. These restrictions, as well as others, greatly impact the ability of this country to perform effective research on ballistic missile defenses, much less the testing and the development of such systems.

Mr. President, as our program is being conducted today and in the immediate years past, tests as part of missile defense research are unnecessarily complicated by this treaty and result in added risk in the program schedule and increased cost to the American taxpayers. In some cases, two or three tests are now required to carry out experiments when one test could accomplish the same objective—all due to the restrictions now imposed by the ABM treaty. More importantly, we will make any decision to build a certain system on analysis of the test data, not end-to-end testing as we do with other programs, all because again of the ABM Treaty.

Admittedly, the ABM Treaty allows for the development of ATBM's. But there are many questions associated with what kind of capability these systems can have to intercept tactical missiles. In the early 1970's, the U.S. initially, in my judgment, overcomplied with the ABM Treaty and placed constraints upon our researchers by not giving the original SAM-D Program, which was a predecessor of the famous, world-renowned Patriot Program, the capability for ATBM missions. That persisted for a number of years. But, fortunately, the Senate, this body, fought and won funding for the Patriot ATBM upgrade starting in 1985.

Mr. President, this bill does not force or commit Congress to make a decision about deployment of missile defenses, should it become law. It simply allows the United States to immediately undertake the development and testing of systems and components designed to defend the United States and its Armed Forces wherever deployed.

It would also allow the United States to develop and test sensors in space needed for battle management of ATBM systems in a theater, not unlike a theater where our forces tonight are concluding one of the most successful, one of the most courageous chapters in the annals of military history.

The Defense Support Program, or DSP, was critical in providing our Patriots with warning of a missile launch. But it did not, and it could not, provide direct battle management of Patriot interceptors. This is due in part to possible—I need further research in this and further declassification—restrictions in the ABM Treaty.

This bill is also not about the "broad" versus "narrow" ABM Treaty interpretation debate that we are all so familiar with. In other words, this is not an attempt to resurface that issue. Rather, it is about allowing the United States of America, the American people to conduct a development and testing program that will afford the people, the Congress, and the President with accurate and complete information regarding our capability to, someday, fully develop and deploy such a system with this information the President and the Congress can make that decision whether or not to go into production and to deploy missile defenses. That is the bottom line. Are we going to unleash American ingenuity, American technology, to provide the answers needed by the President, future generations, and future Congresses as to whether we should deploy defenses?

While the cold war may be over, the world has not yet become a more stable and peaceful place. Indeed, I think we will have to look back on this current chapter. It may well have caught many in our Nation by surprise. This current chapter came upon us very suddenly, at the very time Congress and the President were working together toward substantial 5-year reductions in our defense program. Those decisions were predicated on a threat situation which, in the June-July timeframe, did not take into account the extraordinary military operation, the extraordinary logistics operation, that we have just seen concluded by our allied forces.

We must ensure that our country can counter and respond to both current and emerging threats in this world. I cannot predict, nor can anyone else, what the future holds. But I certainly want the next generation of young Americans, should they be called upon by a President to go abroad, to be given the best protection that we can provide.

We must reach a consensus on the need for a ballistic missile defense program and address this treaty and address it now, if we are to start to provide that protection in the years to come.

It is worth repeating the words of Winston Churchill who, at the peak of the air defense debate in the 1930's, in Great Britain, said the following:

> I think it would be a great mistake to neglect the scientific side of purely defensive action against aircraft attack. Certainly,

nothing is more necessary, not only to this country but to all peaceloving * * * powers in the world * * * than that the good old earth should acquire some means of destroying the sky marauder.

Today the marauder, and tomorrow most certainly the marauder, is the ballistic missile. I am convinced we must now, more than ever before, plan for the inclusion of missile defenses in our military forces.

Let me draw the attention of my colleagues to another point. This Scud missile was a very crude device. Consequently, it was very cheap to manufacture.

I do not have the accurate figures, but my guess is that these Scuds, I think could be made for $100,000. But the United States of America had to spend almost $13 billion to develop and produce the best known defense today against that Scud missile—the Patriot.

With all due deference to aircraft taking out the launchers—the Patriot is the best existing defense to that missile. There is an enormous disparity between the ability of the developing nations to make these crude systems and the ultimate cost to the people who want to live in peace and defend themselves and their friends and allies.

I believe the American people will now insist that we must ensure that our forces deployed overseas have the best possible defense capability. They want the assurance that the Congress, working with the President of the United States, has given a free hand to those whose brains and whose foresight can devise those systems in this country. They want assurance that we have unshackled them to go forward so our forces can be protected to the extent possible, together with the allies and the friendly territory that may well be associated with any future deployment.

My legislation would simply allow this country, the United States of America, the ability to conduct the development and testing necessary to assemble the facts which will from the basis for a future decision by a President and a future Congress as to the wisdom of providing for missile defense for our people here in this country and for the men and women of our Armed Forces.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 564

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That this Act may be cited as the Missile Defense Act of 1991.

SEC. 2. (a) Not withstanding any other provision of law (including the provisions of the ABM Treaty), the Secretary of Defense shall immediately undertake the development and testing of systems and components designed to defend the United States and its armed forces, wherever deployed, from strategic and tactical ballistic missiles.

(b) The systems and components which may be developed and tested under the authority of this section may include those which could be deployed either in a fixed or mobile mode and which could be land-based, sea-based, air-based or space-based and may include radars, launchers, interceptors and any other system or component capable of providing defense against ballistic missiles.

(c) Nothing in this section alters the rights of the United States to deploy anti-ballistic missile systems as provided for in the ABM Treaty.

(d) DEFINITION.—As used in this section, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialistic Republics on the Limitation of Anti-Ballistic Missiles Systems, dated May 26, 1972.

By Mr. WARNER (for himself, Mr. NUNN, Mr. THURMOND, Mr. COHEN, Mr. MCCAIN, Mr. WALLOP, Mr. LOTT, Mr. COATS, Mr. MACK, and Mr. SMITH):

S. 565. A bill to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

AWARD OF CONGRESSIONAL GOLD MEDAL TO GENERAL COLIN L. POWELL

Mr. WARNER. Mr. President, I would like to address the Senate with respect to a second bill which I have sent to the desk.

Mr. President, my distinguished colleagues, the Senator from Mississippi, Mr. LOTT, a few days ago introduced a bill which I was privileged to cosponsor, along with others, which would provide for a Congressional Gold Medal to be given to General Schwarzkopf.

At the time I consulted with Mr. LOTT and others about that legislation, I indicated that it was my privilege, and I say that with great humility—to present to the Senate a comparable piece of legislation to honor the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, by awarding him, likewise, the Congressional Gold Medal. I do so on behalf of myself, the distinguished chairman of the Senate Armed Services Committee, Mr. NUNN, Mr. THURMOND, Mr. COHEN, Mr. MCCAIN, Mr. WALLOP, Mr. LOTT, Mr. COATS, Mr. MACK, and Mr. SMITH.

As I stated earlier, a separate bill, sponsored and previously introduced by Senator LOTT, which I have cosponsored, would provide for the award of the same medal to Gen. Norman Schwarzkopf, the commander of Central Command, and the acknowledged leader and hero of the coalition forces in the Persian Gulf.

After thorough research, I am convinced that the medals to be awarded on behalf of the Congress are the most appropriate form of recognition for these military leaders, General Powell and Schwarzkopf. Congress has awarded the gold medal in the past to such notable American military figures as George Washington, John Paul Jones and, in more recent times, to Generals Pershing, Marshall, Eisenhower, and McArthur, just to name a few. It is a very prestigious award.

An award is currently pending for Gen. Matthew Ridgeway as a result of legislation which the chairman of the committee, Senator NUNN, and I and others introduced in last year's defense authorization bill.

I am aware of proposals, however, by some, with the best of intentions, to give recognition to General Powell and General Schwarzkopf by recommending their promotion to the rank of general of the Army a five-star position. I should like to reflect on the history of previous actions by the Congress of the United States in bestowing the five-star rank as a basis for starting my preference for the gold medal rather than five-star recognition.

During World War I, Congress agreed to bestowing the title of general of the Army on Blackjack Pershing, the famed commander of United States forces in Europe, but curiously, throughout his career, his rank was maintained at just four stars.

The rank was approved by Congress during World War II for basically political and protocol reasons, not purely military.

The origins of the several titles which carried five star rank during World War II for our forces rest in history in Germany, the Soviet Union, and Great Britain, which had had for a number of years comparable ranks. And when, during the course of World War II, our commanders were required to work and, indeed, in some instances lead the forces of other nations, it became evident to the President and to the Congress that we required a five-star rank to give our generals equivalency in the performance of their duties with their counterparts in the Soviet Union and Great Britain.

We were forced to accede to the five-star rank so that these commanders could, I repeat, for protocol purposes, work on a basis in which they were equal.

This is an important part of military culture. While the United States witnessed extraordinary leadership in the gulf war by officers and men and women of all ranks—I want to repeat that, officers and men and women of all ranks—the Chairman of the Joint Chiefs of Staff, General Powell, and the commander in chief of the Central Command, General Schwarzkopf, indeed merit special recognition. If approved by the Congress and awarded by the President, they would receive those gold medals not only for themselves but in recognition of the performance by their subordinates of all levels from flag rank to lance corporal.

For that purpose, today I am introducing a bill providing for a Congressional Gold Medal for Gen. Colin Powell.

As I have already indicated, I have cosponsored similar legislation for General Schwarzkopf sponsored by Senator LOTT.

I hope that all my colleagues will join in our efforts to recognize these two great Americans as the truly great military leaders they are. The war in the Persian Gulf has focused the attention of the American people on the leadership that each of these outstanding military professionals has displayed in this most recent conflict and indeed, throughout their entire careers. It is almost by act of providence that this Nation was given the benefit of their services in this critical hour of our history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) General Colin L. Powell, the Chairman of the Joint Chiefs, the principal military advisor to the President, the National Security Council, and the Secretary of Defense has displayed an extraordinary degree of leadership, competence and professionalism fulfilling his statutory responsibilities throughout Operation Desert Shield and Operation Desert Storm.

(2) The leadership, competence and professionalism of General Powell and his subordinates, officers and non-commissioned officers, have instilled great confidence and pride in the Armed Forces of the United States which contributed significantly to the successful prosecution of the Persian Gulf War.

(3) General Powell and his subordinates brilliantly planned and coordinated at the National level the highly rapid and successful mobilization and deployment of more than one-half million men and women of the Armed Forces of the United States to the Persian Gulf region.

(4) General Powell's leadership and foresight were directly responsible for ensuring that sufficient military forces and logistics were committed to the foregoing operations in a timely manner to bring about a swift and decisive military victory with casualties and loss of life at levels so low as to be unprecedented in the annals of military operations by any nation.

(5) The superb coordination among allied forces and the unique and exceptional command arrangements which produced the highly effective chain of command within the allied coalition is directly attributed to the military competence, and extraordinary leadership of General Powell.

(6) As the principal military advisor to the President of the United States, the National Security Council, and the Secretary of Defense, General Powell's clear and far-sighted assessments, judgments and recommendations were invaluable and instrumental in the timely and decisive military actions directed by the President which resulted in Iraqi compliance with all United Nations resolutions related to the Iraqi invasion and occupation of Kuwait.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to General Colin L. Powell a gold medal of appropriate design in recognition of his exemplary performance as a military leader and advisor to the President in planning and coordinating the military response of the United States to the Iraqi invasion of Kuwait and the ultimate retreat and defeat of Iraqi forces and Iraqi acceptance of all United Nations resolutions relating to Kuwait.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $30,000 to carry out section 2.

(b) PROCEEDS OF SALES.—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

By Mr. KASTEN:

S.J. Res. 85. Joint resolution authorizing and requesting the President to appoint Gen. Colin L. Powell and Gen. H. Norman Schwarzkopf, Jr., U.S. Army, to the permanent rank of general of the Army; to the Committee on Armed Services.

PROMOTION OF COLIN L. POWELL AND H. NORMAN SCHWARZKOPF, JR., TO GENERAL OF THE ARMY

Mr. KASTEN. Mr. President, one of the most important ways of evaluating a nation's character is to ask, "Who are the country's heroes?"

In America, we have always honored men and women who stood up for the rights of weaker people—who showed bravery in defense of people and of principles.

I'm talking about people like Theodore Roosevelt and Dwight Eisenhower—and about the young men they led in battle to defend the lives and liberties of others.

They are the heroes of America.

Today, we are adding a new chapter to the history of American heroism—a chapter entitled "The Liberation of Kuwait." Last week, tears of joy greeted the American soldiers who raised the flag of independence over Kuwait City.

Thanks to these heroes, the Kuwaiti people are free of Saddam Hussein. But they are not the only ones who have been liberated; the American people have been liberated as well.

Over the last 20 years, many Americans have been trapped in a maze of doubts about the morality of America's actions on the world stage. Is America a force for good in the world—or is it just another power-hungry empire?

The answer is clear—if we look at the record of America's past heroes.

What better illustration of our national character than the brave soldiers of D-Day. They stormed an impregnable fortress. They defeated a brutal enemy. They conquered a continent. And then—and then, they came home.

They came home because their job was done—the job of freeing Europe from the Nazis. Their tasks was not conquest—it was liberation.

What an eloquent testimony to what America is all about.

But to repeat that story is to speak in black and white. To be made effective in people's lives, the truth must be seen in color.

One of America's greatest writers said that example is the stained glass window of truth. The truth is that America is willing to standup for a small, defenseless country—because that is the right thing to do.

Now, what do we see in that stained glass window? We see the green dress uniform of Gen. Colin Powell. And we see the brown and tan camouflage uniform of Gen. H. Norman Schwarzkopf.

General Powell and General Schwarzkopf are serious men. They had a job to do—a job whose importance to our country is incalculable. They confronted head-on all the doubts, the fears, and the military obstacles. And they prevailed.

Both men have an unflinching devotion to principle and professionalism. It is their brilliance that has made victory possible at such an unexpectedly low cost.

The soldiers on the front were an effective fighting machine because they knew they could trust their leaders. Who could look at General Schwarzkopf and General Powell and not feel reassured about the conduct of the war—about the seriousness and high purpose of our forces?

With these two men, there is no nonsense or doubletalk. There is firmness in the right—and the means to defend the right.

Thanks to their leadership, the American people can once again look at their Armed Forces with unadulterated pride. Our soldiers did the right thing, and they didn't just do it well—they did it with excellence.

Their example will make our hearts glad—just as the example of the heroes of D-Day gladdened America in 1944.

And this brings me, Mr. President, to my specific reason for rising today.

How shall we honor these heroes of Operation Desert Storm, if not in the same way we honored the heroes of the past? Eisenhower, Marshall, Omar Bradley, Hap Arnold—these men were honored with the highest military rank our Nation can confer.

They were five-star generals.

Through their leadership, these generals liberated a continent and reshaped how Americans felt about America's role in the world.

Generals Powell and Schwarzkopf have given us a similar example for our own times. They remind us that we ought to be just as thankful for the American idea as the people of Kuwait are.

I am introducing today a joint resolution that would honor these men with a fifth star. For what they have done—to use Newsweek's phrase—"five stars ain't enough."

So let us add our heartful gratitude, that in America we can still find the kind of heroes we had in the past. And let us now move forward to give them the award—the five stars—that they so justly deserve.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 85

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to appoint, by and with the advice and consent of the Senate, Generals Colin L. Powell and H. Norman Schwarzkopf, Jr., United States Army, to the permanent grade of General of the Army.

SEC. 2. (a) An officer appointed in the grade of General of the Army pursuant to this joint resolution ranks above all other officers on the active-duty list or on active duty.

(b) Officers appointed in the grade of General of the Army pursuant to this joint resolution rank among themselves by date of rank. In the event that the appointments are made on the same date, the President shall designate the order of rank between such officers.●

By Mr. GARN (for himself and Mr. GORE):

S.J. Res. 86. Joint resolution designating April 21 through April 27, 1991, and April 19 through April 25, 1992, as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

● Mr. GARN. Mr. President, today I am introducing a joint resolution to proclaim April 21 through April 27, 1991, and April 19 through April 25, 1992, as National Organ and Tissue Donor Awareness Week. Congressman SID MORRISON will be introducing a companion resolution in the House of Representatives.

Many of my colleagues are familiar with my close connection to this issue of organ and tissue donation. For those who are not, in late 1986 I donated one of my kidneys to my then 26-year-old daughter, Susan Garn Horne. Sue had lost most of her renal function as a result of a long-time diabetic condition. As I look back, I felt some apprehension the night before the surgery. I was concerned for the consequences the surgery might hold for me. My only thoughts up to that point had been with Sue, and that she needed this surgery.

In realizing my own apprehension and fear, I now understand the fear that exists among those who, like me, are eligible to be living, related donors. They can't help but wonder what impact their donation might have on their own life. I did. However, I now know that the impact is minimal. What I do not understand, however, is why anyone would be reluctant to authorize the donation of any of their vital organs or transplantable parts after they are dead. Of what use are those parts to them then? What could they possibly have to fear?

That is why it is important for people to decide now, whether, in the event of a future tragedy, they are willing to be a donor, and letting their family know of their intentions. I am sure it is extremely upsetting to the loved ones of a deceased individual to have a medical professional ask if they would allow a particular organ or organs to be removed for transplantation purposes. This question could be avoided in many cases and a difficult situation made somewhat easier if the decision to be an organ donor had already been made.

I cannot help but believe that if people could understand the dire need for organ donors that now exists, enough of them would sign donor authorization cards and get "donor" stamped on their driver's license, that there would be an adequate supply of transplantable organs for those in need. For example, for each of the past several years, throughout the country, there have been from 12,000 to 26,000 brain-dead people. This is the criteria used for those individuals whose organs are suitable for transplantation. As of February 18, 1991, there are approximately 22,500 individuals on the national waiting list who need organ transplants. There is an adequate supply of transplantable organs. We need to get the word out, to educate people, on the issue of organ and tissue transplantation. So many lives can be saved.

People need to understand that they literally may give someone else the gift of life. There is simply no other thing I have ever done that has given me greater satisfaction, especially when I look at Sue today, and see what a significant difference receiving my kidney has made in her life and in the lives of her husband and two children.

What began as a personal struggle for Sue and for me became a positive crusade. What we viewed as the gift of a kidney, we now see as a gift of life and renewed vitality, and it is something we simply must continue to share with others.

By reviewing our personal feelings about organ donation, we will become more aware of the potential to improve and save other's lives. I am hopeful that as National Organ and Tissue Donor Awareness Week approaches, we will be leaders in spreading the word about giving the gift of life.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. BENTSEN, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 4, a bill to amend titles IV, V, and XIX of the Social Security Act to establish innovative child welfare and family support services in order to strengthen families and avoid placement in foster care, to promote the development of comprehensive substance abuse programs for pregnant women and caretaker relatives with children, to provide improved delivery of health care services to low-income children, and for other purposes.

S. 15

At the request of Mr. BIDEN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 50

At the request of Mr. SYMMS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 88

At the request of Mr. DURENBERGER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 89

At the request of Mr. DURENBERGER, the name of the Senator from Hawaii [Mr. INOUYE], was added as a cosponsor of S. 89, a bill to amend the Internal Revenue Code of 1986 to permanently increase the deductible health insurance costs for self-employed individuals.

S. 140

At the request of Mr. WIRTH, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 144

At the request of Mr. MCCAIN, the names of the Senator from Washington [Mr. GORTON], the Senator from New York [Mr. MOYNIHAN], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 144, a bill to protect the natural and cultural resources of the Grand Canyon and Glen Canyon.

S. 146

At the request of Mr. THURMOND, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 146, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 156

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 156, a bill to reform the international military education and training [IMET] program so as to empower civilians in the oversight and management of foreign militaries, and for other purposes.

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 199

At the request of Mr. GLENN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 205

At the request of Mr. GLENN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 205, a bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service.

S. 221

At the request of Mr. GLENN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 221, a bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States.

S. 240

At the request of Mrs. KASSEBAUM, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 242

At the request of Mr. GLENN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes.

S. 250

At the request of Mr. FORD, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 256

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 256, a bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve.

S. 264

At the request of Mr. COCHRAN, the names of the Senator from Virginia [Mr. ROBB], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 264, a bill to authorize a grant to the National Writing Project.

S. 265

At the request of Mr. THURMOND, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 265, a bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders and for other purposes.

S. 269

At the request of Mrs. KASSEBAUM, the names of the Senator from Utah [Mr. GARN] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 269, a bill to amend the Employee Retirement Income Security Act of 1974 to require an independent audit of statements prepared by certain financial institutions with respect to assets of employee benefit plans.

S. 284

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 288

At the request of Mr. DIXON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 288, a bill to establish a series of 8 Presidential primaries at which the public may express its preference for the nomination of an individual for election to the Office of President of the United States.

S. 297

At the request of Mr. HEFLIN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 297, a bill requiring that the U.S. Postal Service study and report to Congress on ways to encourage mailers of second-class and third-class mail matter to use recycled paper.

S. 308

At the request of Mr. MITCHELL, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Mississippi [Mr. LOTT], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 310

At the request of Mr. PELL, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 310, a bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes.

S. 315

At the request of Mr. KASTEN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 315, a bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals.

S. 335

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 335, a bill to provide relief for active duty military personnel serving in connection with Operation Desert Storm on obligations under the Robert T. Stafford Student Loan Program, to alleviate health care provider shortages resulting from hostilities, and for other purposes.

S. 341

At the request of Mr. HEINZ, his name was withdrawn as a cosponsor of S. 341, a bill to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation and for other purposes.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes.

S. 352

At the request of Mr. GLENN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 352, a bill to protect the rights of persons to due process of law and equal protection of the laws in guardianship proceedings.

S. 400

At the request of Mr. SYMMS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 400, a bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. MACK], the Senator from North Carolina [Mr. SANFORD], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 403

At the request of Mr. WALLOP, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 403, a bill to clarify the intent of Congress with respect to establishment and collection of certain fees and charges.

S. 405

At the request of Mr. MITCHELL, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 405, a bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment.

S. 420

At the request of Mr. SARBANES, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 420, a bill to increase to $50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act.

S. 433

At the request of Mr. BUMPERS, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 433, a bill to provide for the disposition of certain minerals on Federal lands, and for other purposes.

S. 445

At the request of Mr. METZENBAUM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 445, a bill to amend the provisions of the Occupational Safety and Health Act of 1970 relating to criminal penalties, and for other purposes.

S. 451

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 451, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for amounts received under qualified group legal service plans.

S. 479

At the request of Mr. LEAHY, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 479, a bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from California [Mr. CRANSTON], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 511

At the request of Mr. DODD, the names of the Senator from Missouri [Mr. BOND], the Senator from Alabama [Mr. SHELBY], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 511, a bill to establish programs to improve foreign instruction and to amend the Higher Education Act of 1965 in order to promote equal access to opportunities to study abroad, and for other purposes.

S. 520

At the request of Mr. LEAHY, for names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Alabama [Mr. HEFLIN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 520, a bill to establish on a temporary basis a minimum basic formula price for the computation of Class I milk prices.

S. 523

At the request of Mr. SIMON, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 523, a bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution.

SENATE JOINT RESOLUTION 16

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. LOTT], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the week of April 21–27, 1991, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the constitution relating to a federal balanced budget.

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 52

At the request of Mr. DECONCINI, the names of the Senator from Oregon [Mr. HATFIELD], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. SHELBY], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May 1991, as "National Foster Care Month."

SENATE JOINT RESOLUTION 67

At the request of Mr. THURMOND, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Wyoming [Mr. SIMPSON], the Senator from Hawaii [Mr. AKAKA], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 67, a joint resolution to recognize and commemorate the centennial of the Immigration and Naturalization Service.

SENATE JOINT RESOLUTION 70

At the request of Mr. CHAFEE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 70, a joint resolution to establish April 15, 1991, as "National Recycling Day."

SENATE JOINT RESOLUTION 79

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. FOWLER], the Senator from Florida [Mr. MACK], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 79, a joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week."

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. COCHRAN, the names of the Senator from California [Mr. SEYMOUR], the Senator from Utah [Mr. GARN], the Senator from Idaho [Mr. CRAIG], the Senator from Missouri [Mr. BOND], the Senator from Alabama [Mr. HEFLIN], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Concurrent Resolution 7, a concurrent resolution urging the establishment of an international tribunal with jurisdiction to judge and punish Saddam Hussein for offenses committed against the citizens of Kuwait and Israel and against prisoners-of-war.

SENATE CONCURRENT RESOLLUTION 9

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to encourage the Angolan Peace Talks.

SENATE CONCURRENT RESOLUTION 14—RELATIVE TO BEER EXPORTS TO CANADA

Mr. ADAMS (for himself, Mr. GORTON, Mr. KOHL, and Mr. KASTEN) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 14

Whereas the United States is the world's leading producer of beer;

Whereas Canada represents the second largest export market for American brewed beer;

Whereas, in 1990, the United States exported approximately 7 million cases of beer to Canada and imported more than 29 million cases of beer from Canada;

Whereas the Canadian provincial liquor control boards exercise monopoly power over the import and distribution of beer and limit access to Canadian markets through such unfair practices as "listing" requirements, "markup" policies, cost of service fees, and other restrictions on distribution and sales;

Whereas, in 1988, a panel of the General Agreement on Tariffs and Trade found that certain Canadian trade restrictions on alcoholic beverages, including beer, are contrary to the provisions of such agreement, and Canada agreed to accord national treatment to European Community beer;

Whereas Canada has violated the Free Trade Agreement with the United States by imposing new restrictions on the import of American brewed beer;

Whereas the 1990 National Trade Estimate Report by the United States Trade Representatives states that "Provincial liquor boards (including those of Alberta and British Columbia) discriminate against United States beer in the areas of listing, distribution, and pricing"; and

Whereas, in 1990, the two largest United States beer exporters to Canada filed petitions under Section 301 of the Trade Act of 1974 against the barriers to trade constructed by the Canadian provincial liquor control boards: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the rights of the United States under the General Agreement on Tariffs and Trade and the United States-Canada Free-Trade agreement are being denied by Canada and that the Canadian provincial liquor control board's treatment of American brewed beer is unjustifiable and restricts United States commerce; and

(2) the United States Trade Representative should vigorously pursue dispute settlement on this matter under the General Agreement on Tariffs and Trade, and should impose restrictions on imports of Canadian beer or other products if Canada does no promptly eliminate the unjustifiable and restrictive treatment of American brewed beer by the Canadian provincial liquor control boards.

Mr. ADAMS. Mr. President, today along with Senators GORTON, KOHL, and KASTEN, I am submitting a concurrent resolution aimed at Canada's protectionist practices against American brewed beer.

The United States is the world's leading beer producer and Canada ranks as one of our largest export markets. However, the two-way trade statistics on beer indicate that United States breweries would be selling much more to Canadians were it not for the extremely protectionist trade policies and practices of their provincial liquor control boards. While Americans buy nearly 30 million cases of Canadian beer each year, United States brewers annually sell barely 7 million cases in a country that consumes 250 million a year. The problem here is not price or quality, as the success of the limited American beer sold in Canada testifies. The problem is Canada's trade barriers.

The resolution we are introducing is simple and straightforward. It supports the industry petitions, filed under section 301 of the 1974 Trade Act, which seek the elimination of Canadian trade barriers. The petitions were filed last year by the two largest United States beer exporters to Canada: Heileman Brewing and the Stroh Brewery. The Heileman group includes Rainier Brewing Co. in Seattle, WA, Lone Star in Texas, Carling National in Maryland, and Henry Weinhard in Portland, OR.

The resolution expresses the sense of the Congress that the rights of the United States under the General Agreement on Tariffs and Trade [GATT] and the United States-Canada Free-Trade Agreement are being denied by Canada, and that the practices of Canada's provincial liquor control boards are unjustifiable and restrict United States commerce. In accordance with the provisions of section 301, the resolution calls on the United States Trade Representative [USTR] to vigorously pursue dispute settlement through the GATT, and to impose restrictions on imports of Canadian beer or other products if Canada does not promptly eliminate these trade barriers.

As the president of Rainier Beer, Mr. Bruce Vaughan, stated in a recent letter:

> It's not easy exporting beer to British Columbia, or any of the other Canadian Provinces. Importation is monopolized by each of the Provincial Liquor Control boards, which limit the number of American beers that may enter and control the price at which they are sold. Many of the Provinces either reject all American beers or mark the price so high on those allowed, that consumer demand is quite limited.

This is not the first time an unfair trade case has been brought against Canada for its treatment of beer imports. More than 10 years ago, the European Community [EC] requested concessions on alcoholic beverage trade with Canada as a part of the Tokyo round of multilateral trade negotiations. When Canada failed to live up to its promised concessions, the EC sought consultations under the GATT. When consultations failed to produce a solution, the EC asked for a GATT dispute resolution panel. The panel, which took 3 years to study the matter, concluded in 1988 that certain Canadian trade restrictions on alcoholic beverages were contrary to the GATT. As a result, Canada agreed to accord national treatment to EC beer for purposes of listing and agreed not to increase any markup differential on the cost of EC beer.

Under the GATT, each contracting party has the obligation to accord similar treatment to the products of other contracting parties. American brewed beer is not being accorded the same treatment as EC beer, in clear violation of the GATT.

These practices also represent a violation of the United States-Canada Free-Trade Agreement. Under the FTA, Canada made a commitment not to impose any new restrictions on imported American brewed beer. However, since the entry into force of the FTA, the liquor control boards of all the Provinces, particularly those of Alberta, British Columbia, Manitoba, Ontario, Saskatchewan and the Atlantic Provinces, have instituted a host of new, discriminatory practices against American beer.

In Canada, each of the provinces exercises monopoly authority over the importation, distribution, and sale of beer through provincial liquor control boards. Each board acts independently, but there are a number of similarities in the discriminatory treatment of American beer. Access to the Canadian market is limited in three general ways: Listing requirements; markup policies; and restrictions on distribution, such as limitation on points of sale.

Listing is the prerequisite to entry to the Canadian market. If a beer is not on the list, it cannot be sold in the province. Some provinces have written policy statements supposedly setting forth the criteria for listing, but more often than not listing is an arbitrary practice designed to protect the domestic industry from foreign competition.

In British Columbia [BC], for example, the number of listings awarded to American brewers is limited. Listing applications are decided only twice a year, and imported beers must pass a sales quota test or be delisted. Canadian beers are not subject to such a sales quota test. In British Columbia, Canadian beers have about 10 times the number of listings as American beers, or nearly 100 versus 11.

One of the more egregious practices is the markup policy, which limits price competition between American and Canadian beers. The markup is the difference in price between what the provincial monopoly pays for imported beer and what it charges upon resale to its customers. Ostensibly intended to cover the cost of handling and to provide a margin of profit, the markup on imported beer is higher than that on domestic beer. Recently, a new cost-of-service fee has been levied on American beer. This fee essentially sets a minimum floor price on imported beer. In each case where a cost-of-service fee has been imposed on imported beer, it has occurred after Canadian consumers increased purchases of lower priced American imported beer.

Imposed by Alberta in 1988, followed by British Columbia this year, the fee has drastically cut sales of American brewed beer in Canada. Before British Columbia instituted the cost-of-service fee, a six-pack of Rainier beer sold for $4.60. On January 1, 1991, the British Columbia Liquor Control Board imposed a $0.60 per six-pack fee, raising the price to $5.20. The lowest price for a domestic six-pack there is about $5.10.

For Rainier Brewing, the cost-of-service fee has had a devastating effect on sales. Prior to the imposition of the fee, Rainier sold about 400,000 cases per month in British Columbia alone. Since the fee was imposed, sales have plummeted to 3,000 cases per month, threatening American jobs and Rainier's entire British Columbia market.

Despite continued attempts by USTR to negotiate the elimination of these practices, the Canadians have resisted. USTR's 1990 National Trade Estimates Report again cited the actions of the provincial liquor control boards as protectionist.

I commend Ambassador Hills and her staff for taking the next step and requesting the establishment of a GATT dispute settlement panel to resolve the matter. Unfortunately, by the time the GATT panel reaches a decision this fall, it may be too late for American breweries to salvage any market share in certain provinces.

Our resolution seeks to expedite the GATT panel process as well as to strengthen the hand of the United States Trade Representative in negotiating an immediate end to Canada's unfair trade practices. Our resolution also places the Congress squarely on record in favor of strong mandatory action by USTR to enforce U.S. rights under trade agreements.

Mr. President, it is clear to me that the world's leading beer producer would be able to sell much more than 7 million cases a year in Canada if the country would remove its trade barriers. It is time for Canada to open its market. Elimination of Canada's protectionist practices will allow United States breweries to begin competing on equal footing, give Canadians a greater choice, and also help ensure American jobs. I urge my colleagues to join us in cosponsoring this resolution.

SENATE CONCURRENT RESOLUTION 15—RELATIVE TO CREATING NEW MARKETS IN THIRD WORLD COUNTRIES

Mr. SYMMS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 15

Whereas the creation of new employment worldwide is increasingly needed to maintain stability as populations expand;

Whereas such job growth in the Third World would open vital new markets for the products and services of the advanced nations;

Whereas neither welfare-type aid nor the mere reduction of developing-country debt can, in itself, provide the basis for growth of the economies of those countries;

Whereas private direct investment is the principal way to bring about growth in the developing nations; and

Whereas private companies can be encouraged to seek opportunities in the Third World and fugitive capital can be induced to return home if it is made clear that the industrialized nations are united in a consistent policy of facilitating development: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should make known and urge the other member nations of the Organization for Economic Cooperation and Development (OECD) to agree to pursue policies of growth-oriented assistance to such developing nations as may be deemed likely to show important expansion if certain circumstances are created;

(2) the United States should urge its OECD partners to meet, discuss, and adopt such measures of encouragement as may be necessary and practical;

(3) the United States should urge the other advanced nations to join with the United States in giving new positive signs of accepting importation of Third World products into their economies;

(4) the United States should ask the other advanced nations to encourage private direct investment in the Third World by their citizens;

(5) the United States should make it a condition of the actions in this concurrent resolution that only those selected Third World nations that give definite promises of full cooperation in this joint effort are to become partners in the program; and

(6) such cooperation should include "national treatment" for private direct investors, an undertaking to keep any protection of new industries as small and as brief as possible, and an agreement to listen attentively to advice of the OECD in the selection of new industrial or commercial projects, in the general management of the Third World nation's economy, and in the reassessment of its comparative advantages.

Mr. SYMMS. Mr. President, I am pleased to introduce a sense of the Senate resolution which strongly favors private direct investment in the Third World as a means of assuring our own economic growth and prosperity.

Over a 5-year period, my friend, Charles A. Cerami and a remarkable team of leaders from around the world have studied where the future of our economy lies: Free markets, and the exercise of private property rights unfettered by Government restraints. The world, whether advanced or not, suffers from a shortage of jobs. Experts estimate that 100 million new jobs a year will be needed to prevent the spreading violence we have observed in many places throughout the Third World.

Because U.S. employment is low at this time, we do not realize how fast our own job picture could change if our foreign markets suffer a decline in personal buying power.

The United States has the capability to prevent this, Cerami and his colleagues say in a book published by Praeger Publishers in New York and London. The book is titled, "An International Roundtable on World Economic Development," and I consider it a blueprint for prosperity because the 16 world leaders who have contributed to it are willing to act on their words.

There are chapters by Senator BILL ROTH, our distinguished colleague from Delaware, and our former colleague, Jack Kemp, now a member of President Bush's Cabinet. Other leaders included in this excellent study include two European foreign ministers, the secretaries general of two world organizations, Germany's present ambassador to Washington, our former Secretary of Agriculture John Block, former Commerce Undersecretary Lionel Olmer, and Dr. Francisco Aguirre, publisher of the Spanish-American newspaper Diario Las Americas.

The program outlined in the study would create employment and purchasing power where there is none today. It would create jobs and tax revenues here and among our allies and would encourage expansion and stability for the 1990's and beyond.

There are several powerful points that everyone of these leaders—and all of us—agree on:

That the steady expansion of investment into new areas is important to our future.

That our governmental policies to encourage those investments must be steady enough to give businessmen the confidence to plan and act.

That investment and development are fields in which we have a massive advantage over the Soviets, and we should use it to build security.

And that developing nations wishing to take part in the growth program must bear their share of responsibility. Some of their economic systems need overhauling. They, too, must make changes. They, too, must give our Government confidence.

Mr. President, Senator ROTH stated the obvious with these words: "We have to get more countries on their fee, because you can't make much money selling to poor people."

Many developing nations are willing to do much of what the study suggests. Some Latin American nations that once considered our direct investments repugnant to their dignity, now insist that partnership is the best way to develop. Many Third World leaders no longer talk of being repaid for their difficult past, but of looking ahead to partnerships where our companies are guaranteed fair treatment equal to their own national companies.

This Sense of the Senate resolution is not about foreign aid. It is about hardheaded investment and growth. Nothing in this study requires huge Government outlays or new bureaucracies. The institutions are already in place. It is up to us to begin the process and let the business community know we are behind them 100 percent.

SENATE RESOLUTION 71—RELATING TO THE ESTABLISHMENT OF AN INTERNATIONAL MILITARY TRIBUNAL TO TRY AND PUNISH INDIVIDUALS INVOLVED IN WAR CRIMES DURING THE PERSIAN GULF WAR

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 71

Whereas the International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole;"

Whereas on August 2, 1990 and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means;"

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas the public testimony of victims and witnesses has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population, including women;

Whereas the public testimony of victims and witnesses has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas "grave breaches" are defined to include: "willful killing, torture or inhuman treatment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity;"

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas on several occasions the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians violative of international law;

Whereas in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraq invasion of Kuwait";

Whereas in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwaiti nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas the Geneva Convention Relative to the Treatment of Prisoners of War (the Third Geneva or POW Convention) sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities;

Whereas Iraq is a party to the POW Convention;

Whereas there is evidence and testimony that Iraq violated articles of the POW Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas there is evidence and testimony that Iraq violated articles of the POW Convention by placing POWs in solitary confinement, failing to shelter POWs against air bombardment, and denying POW's contact with the outside world;

Whereas in Resolution 667, adopted on September 16, 1990, the Security Council expressed "outrage" at Iraq's abduction of several persons from diplomatic premises in violation of the Vienna Convention on Diplomatic and Consular Relations;

Whereas in violation of the Fourth Geneva Convention, Iraq did fire missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

Whereas Iraq has inflicted grave risk to the health and well-being of innocent civilians in the region by its willful setting on fire of Kuwaiti oil wells and its willful spilling of oil into the Persian Gulf, resulting in the mass pollution of air and water;

Whereas for all of the above incidents, it is not a defense that an individual in committing such heinous acts under orders of higher government officials (International Military Tribunal (Nuremberg) Judgment and Sentences, 41 A.J.I.L. 171 (1946) "That a soldier was ordered to kill or torture in violation of international law of war has never been recognized as a defense to such acts of brutality.");

Whereas the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Therefore be it

Resolved, That it is the sense of the Senate that the President should confer with Kuwait, other member nations of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals involved in the planning or execution of the above-referenced crimes, including Saddam Hussein.

Mr. SPECTER. Mr. President, I am today submitting a resolution to encourage the President of the United States to join with the sovereign state of Kuwait, and other countries who are members of the U.N. coalition, to establish an international criminal court or an international military tribunal to try and punish all individuals, including President Saddam Hussein, who were involved in planning the execution of crimes against peace, war crimes, and crimes against humanity as defined under international law.

Mr. President, the international law on war crimes has been firmly established. We had experience following World War II with the Nuremberg war trials so that individuals are held responsible for war crimes, for atrocities, under the principle that an individual cannot seek an excuse that he or she acted under official orders.

Now that the gulf war has come to a conclusion there is a body of evidence sufficient at least to establish a prima facie case in a court of law that many in Iraq are chargeable with such war crimes, including the President of the nation, Saddam Hussein, and others in the Iraq revolutionary command council.

Mr. President, the war ended with the liberation of Kuwait without further action to try to take Saddam Hussein—or other Iraqi war criminals or those against whom allegations could appropriately be made—into custody. But we should not allow these atrocities to stand without the weight of international law being directed against them.

The resolution of the United Nations itself, No. 678, authorizing the use of force, was historic. And there must be a followup in terms of the pursuit of war criminals.

We have seen atrocities against citizens of Kuwait. We have seen violations against U.S. prisoners of war. We have seen violations against other U.S. citizens, hostages taken as human shields. We have seen some 39 Scud missile attacks against Tel Aviv, where there was absolutely no miltary purpose, aimed solely at civilian populations.

If we allow this conduct to stand without tough international law enforcement action, then we will be condoning such conduct. We will be taking a significant step backward from the forceful action taken by the international community at the Nuremberg trials.

Mr. President, it was not possible to move ahead beyond the United Nations mandate to liberate Kuwait. It may well be the events in Iraq today will result in the nation of Iraq ousting President Saddam Hussein and ousting the Iraqi revolutionary command council.

It may be that there will be a way to take Saddam Hussein and others, against whom allegations of war crimes can appropriately be made, into custody. If that is not possible, Mr. President, then I suggest that Saddam Hussein and others be tried in absentia. That is a principle to try them even though they are not present. It is a principle from the Nuremberg war trials. It is a principle in American jurisprudence. If an individual flees, or may not be taken into custody after an indictment has been brought under United States law, that individual may be tried in absentia.

This kind of a war trial will document the atrocities and the crimes so that there would be no doubt in anyone's mind, especially those Iraqis who were most fervently in support of Saddam Hussein, that it was an unjust war, that there were atrocities, and that there should be no mantle of heroism.

Preferably Saddam Hussein and others, and any defendant, should be tried in person with an opportunity for them to defend themselves in accordance with the principles of Nuremberg or the principles of U.S. jurisprudence.

Mr. President, I ask unanimous consent that a memorandum from the Congressional Research Service dated December 3, 1990, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, December 3, 1990.

AMERICAN LAW DIVISION MEMORANDUM

Subject: International Law Applicable to Iraq's Invasion and Occupation of Kuwait and to the Subsequent Response by the International Community.

Author: David M. Ackerman.

This is in response to your request for information on the implications of international law with respect to Iraq's invasion and occupation of Kuwait. You asked for specific information on how international law has been violated by Iraq and on the implications of international law for the legality of the response by the international community of nations. This memorandum responds to these questions in order.

ALLEGED IRAQI VIOLATIONS OF INTERNATIONAL LAW

Iraq's invasion of Kuwait and its actions in the wake of that invasion have given rise to numerous charges of violations of international law. While no forum has weighed those charges in an adjudicatory setting, the allegations that appear to have a substantial basis in fact would seem to include at least the following:

(1) Aggression against Kuwait: It is not yet settled whether international law proscribes all use of military force in the relations of States, other than in self-defense. The International War Crimes Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole."[1] Moreover, the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."[2] Some commentators, however, argue that the numerous modern instances of the aggressive use of force in the relations of States cast doubt on whether that principle has become a binding norm of international law.[3]

In any event, both Iraq and Kuwait are members of the United Nations. Thus, at the very least, Iraq's invasion of Kuwait would seem to have violated the provisions of the UN Charter quoted above.[4]

(2) Annexation of Kuwait: Historically, the annexation of territory by a victorious State through military conquest has given rise to legal title.[5] That is no longer the case, however, with respect to territory acquired through the threat or use of force in violation of the UN Charter. As noted above, the Charter forbids Member States from using force or the threat of force against the territorial integrity of other States (Article 2(4)). The United Nations has at times acquiesced in the annexation of territory or the acquisition of statehood through the use of military force.[6] But nonetheless, it is "universally accepted" that "international law requires states not to recognize or accept a 'territorial acquisition resulting from the threat or use of force.'"[7]

Iraq announced its annexation of Kuwait on August 8, 1990. On August 9 the Security Council unanimously adopted Resolution 662 holding that the "annexation of Kuwait by Iraq under any form and whatever pretext has no legal validity, and is considered null and void" and calling upon all States and international organizations "not to recognize that annexation, and to refrain from any action or dealing that might be interpreted as an indirect recognition of the annexation." Under Article 25 of the UN Charter, that decision by the Security Council is binding upon all Members of the UN.

(3) Treatment of Kuwaiti citizens: The Geneva Convention Relative to the Protection of Civilian Persons in Time of War[8] (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State occupying another country by force of arms in order to protect the civilian population of the occupied territory from some of the ravages of the conflict. Nationals in an occupied territory are required to be "humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity" (Article 27). Women are to be "especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault" (Article 27). Civilians may not be subjected to physical or moral coercion in order to obtain information (Article 31), nor may they be subjected to "any measure of such a character as to cause the[ir] physical suffering or extermination" (Article 32). They may not be taken hostage (Article 34) or "used to render certain points or areas immune from military operations" (Article 28). Civilian populations in an occupied territory may not be subjected to "individual or mass forced transfers" or to deportation to the territory of the occupying power (Article 49). The occupying power may not destroy private real or personal property except as "rendered absolutely necessary by military operations" (Article 53), nor may it requisition foodstuffs and medical supplies "except for use by the occupation forces and administrative personnel" (Article 55). Individuals accused of crimes are to be afforded due process (Article 71–76). If individuals are interned, they are to be afforded "every possible safeguard as regards hygiene and health" (Article 85), daily food rations "sufficient in quantity, quality, and variety to keep (them) in a good state of health" (Article 89), sufficient clothing (Article 90), and medical inspections at least

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[1] "International Military Tribunal (Nuremberg) Judgment and Sentences," 43 *American Journal of International Law* 168 (Jan., 1949), quoted in von Glahn, *Law Among Nations* (1986), at 589.

[2] United Nations Charter, Chap. I, Art. 2(3) and 2(4). *See, e.g.*, American Law Institute, *Restatement of the Law: The Foreign Relations Law of the United States* (1987), §102, Comment *k* and §905, Comment *g* (hereinafter *Restatement*).

[3] *See, e.g.*, von Glahn, *Law Among Nations* (1986), pp. 583–607.

[4] The UN Security Council on August 2, 1990, held the invasion to constitute "a breach of international peace and security" in Resolution 660, the first of the eleven resolutions it has adopted on the matter.

[5] von Glahn, *supra*, at 322.

[6] Indonesia's annexation of East Timor in 1975, *e.g.*

[7] *Restatement*, *supra*, §202, Reporter's Note 5, at 82, quoting the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, G.A. Res. 2625, 25 U.N. GAOR Supp. No. 28 at 121.

[8] 6 U.S.T. 3516.

monthly (Article 92). Persons committing what are defined by the Convention as "grave breaches" are to be apprehended and subjected to trial (Article 146). "Grave breaches" are defined to include any of the following acts committed against those protected by the Convention: "willful killing, torture or inhuman treatment . . ., willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or willfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" (Article 147).

Both Iraq and Kuwait are parties to this Convention. Press reports, thus, of Kuwaiti civilians being executed, men being beaten during interrogations, women being raped, and babies being removed from hospital incubators, as well as accounts of widespread looting of Kuwaiti homes, businesses, warehouses, hospitals, and indusrial sites, the deportation of Kuwaiti civilians from Kuwait, and the deliberate destruction of civil records on the population of Kuwait[9] suggest that a number of these provisions may have been violated. Indeed, on several occasions the Security Council has found Iraq's treatment of Kuwaiti civilians violative of international law. In Resolution 665, adopted on August 25, 1990, the Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait." In Resolution 670, adopted on September 25, 1990, it condemned further "the treatment by Iraqi forces of Kuwaiti nationals, including measures to force them to leave their own country and mistreatment of persons and property in Kuwait" and reaffirmed "that the Fourth Geneva Convention applies to Kuwait and that as a High Contracting Party to the Convention Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect to the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches." In Resolution 674, adopted on October 29, 1990, the Security Council condemned "the actions by the Iraqi authorities and occupying forces . . . to mistreat and oppress Kuwaiti . . . nationals . . ., such as the destruction of Kuwaiti demographic records, the forced departure of Kuwaitis, the relocation of population in Kuwait and the unlawful destruction and seizure of public and private property in Kuwait"; reaffirmed the language of the previous Resolution regarding the applicability of the Fourth Geneva Convention to Kuwait and the liability of Iraq under that Convention for any grave breaches of the Convention; demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention; and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals and corporations due to its invasion and illegal occupation of Kuwait. Finally, in Resolution 677, adopted on November 28, 1990, the Security Council condemned Iraq's efforts "to alter the demographic composition of the population of Kuwait and to destroy the civil records maintained by the legitimate government of Kuwait."

(4) Treatment of third country nationals: Customary international law imposes on all States certain obligations with respect to the treatment of aliens resident within their boundaries. These obligations include the duty to provide such aliens reasonable police protection, to afford them the equal protection of the laws, and to respect those rights articulated in the international law of human rights as belonging to all citizens and not just to citizens.[10] Although the latter category of rights is still developing, it appears to include the following rights set forth in the International Covenant on Civil and Political Rights: the right to life (Article 6); the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 7); the right not to be subjected to arbitrary arrest or detention (Article 10); the right to leave any country (Article 12); and the right not to be discriminated against on the grounds of race, color, sex, language, religion, political opinion, national or social origin, property, birth, or other status (Article 26). The Convention permits some of these rights to be compromised for compelling reasons of national security, but it allows no derogation from the rights set forth in Articles 6 or 7 (Article 4).

In addition, selected provisions of the Fourth Geneva Convention described above would seem applicable to the third country nationals in Iraq and Kuwait.[11] Most important, the Convention flatly prohibits "the taking of hostages" (Article 34). Although the provision is part of a section of the Convention that sets forth the "Status and Treatment of Protected Persons,"[12] it is not, unlike the other articles, worded as applicable only to protected persons. Moreover, the provision appears applicable not only to third country nationals in Kuwait but also those in Iraq.

As noted above, Iraq is a party to the Fourth Geneva Convention on Civil and Political Rights. Thus, its actions in preventing third country nationals from leaving Iraq and Kuwait, subjecting them to arbitrary arrest and detention, and taking some of them hostage and using them as human shields appear to be in violation of its obligations under these Conventions as well as under the customary law regarding the treatment of aliens. The Security Council has voiced these concerns in several resolutions. In Resolution 664, adopted on August 18, 1990, the Council expressed concern "for the safety and well being of third state nationals in Iraq and Kuwait," recalled "the obligations of Iraq in this regard under international law," and demanded that "Iraq permit and facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries" and that "Iraq take no action to jeopardize the safety, security or health of such nationals." In Resolution 666, adopted on September 13, 1990, the Council reiterated its concern that "Iraq has failed to comply with its obligations . . . in respect of the safety and well-being of third State nationals," reaffirmed that "Iraq retains full responsibility in this regard under international humanitarian law including, where applicable, the Fourth Geneva Convention," and called on Iraq to comply with the previous Resolution. In Resolution 667, adopted September 16, 1990, the Council reiterated that "Iraq is fully responsible for any use of violence against foreign nationals," specifically demanded that Iraq release all foreign nationals seized in the embassies in Kuwait, and again demanded that Iraq comply with the previous Resolution. In Resolution 670, adopted on September 25, 1990, the Council again condemned Iraq's "holding of third State nationals against their will." In Resolution 674, adopted on October 29, 1990, the Council again expressed "grave alarm over the situation of nationals of third States in Kuwait and Iraq" and demanded that "the Iraqi authorities and occupying forces immediately cease and desist from taking third-State nationals hostage (and) mistreating and oppressing . . . third-State nationals" and demanded that Iraq "immediately fulfill its obligations to third-State nationals in Kuwait and Iraq . . .," that "Iraq permit and facilitate the immediate departure from Kuwait and Iraq of those third-State nationals . . . who wish to leave," and that "Iraq ensure the immediate access to food, water and basic services necessary to the protection and well-being of . . . nationals of third States in Kuwait and Iraq."

(5) Closure of embassies in Kuwait and treatment of diplomatic and consular personnel: International law affords broad protection to the conduct of diplomatic and consular relations. The Vienna Convention on Diplomatic Relations[13] obligates States receiving a diplomatic mission to "accord full facilities for the performance of the functions of the mission" (Article 25); provides that the premises of the missions, its archives and documents, its official correspondence, and the diplomatic bag are inviolable and obligates the receiving State "to take all appropriate steps to protect the premises of the mission against any intrusion or damage . . ." (Articles 22, 24, and 27); mandates, subject to national security constraints, freedom of movement and travel for members of the missions (Article 26); and provides that the person of the diplomatic agent "shall be inviolable" and immune from any form of arrest or detention (Article 29). That inviolability and immunity attaches as well (for most purposes) to the members of the family of a diplomatic agent and the administrative and technical staff of the mission together with their families (Article 37). In instances of an armed conflict, the receiving State is obligated to "grant facilities in order to enable persons enjoying privileges and immunities . . . and members of the families of such persons . . . to leave at the earliest possible moment," including the provision of "the necessary means of transport for themselves and their property" (Article 44).

The Vienna Convention on Consular Relations[14] provides similar, although in some instances less complete, privileges and immunities for those with consular status and their families. In addition to provisions analogous to those detailed above, the Convention commands that consular officers be afforded free communication with citizens of their countries and access to any of their citizens who are arrested or otherwise detained (Article 36).

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[9] *See* Los Angeles Times, Sept. 2, 1990, at A1; Christian Science Monitor, Sept. 7, 1990, at 19 and Nov. 26, 1990, at 19; Wall Street Journal, Nov. 13, 1990, at A22 and Nov. 14, 1990, at A13; and Financial Times, Nov. 5, 1990, at 3.

[10] *Restatement, supra* (Vol. II), §711, pp. 186–87.

[11] The Convention affords its broadest protection to persons defined as "protected persons", *i.e.*, "those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals" (Article 4). But that status is not available to third party nationals whose States maintain diplomatic relations with the State in whose hands they are held.

[12] Part III of the Convention, 6 U.S.T. at 3536 *et seq.*

[13] 23 U.S.T. 3227.

[14] 21 U.S.T. 77.

In the case of *United States of America* v. *Iran*,[15] it might be noted, the International Court of Justice stressed the "fundamental character" of these diplomatic and consular privileges and immunities and stated that they are not "merely contractual obligations established by the Vienna Conventions of 1961 and 1963 but also obligations under general international law."[16]

Iraq and Kuwait are parties to both Vienna Conventions. Thus its demand that all foreign embassies and consular missions in Kuwait be closed, denial of diplomatic and consular status to those whose nations refused to comply, refusal to permit some diplomatic and consular personnel and their dependents to leave Iraq, forcible seizure of several embassies in Kuwait and the blockade of others, the abduction of several persons with diplomatic status and of foreign nationals from embassy premises, and refusal to permit diplomatic and consular personnel to have access to persons detained may well put it in violation of these two Conventions and of customary international law. In Resolution 667, adopted on September 16, 1990, the Security Council expressed "outrage" at Iraq's violation of diplomatic premises in Kuwait and its abduction of several persons from those premises, termed those acts and the others detailed above to constitute "a new escalation of its violations of international law," strongly condemned Iraq's "aggressive acts against diplomatic premises and personnel," demanded that Iraq comply with its obligations under the two Vienna Conventions and international law, and demanded that Iraq provide full protection in the "safety and well-being of diplomatic and consular premises in Kuwait and Iraq and take no action to hinder the . . . missions in the performance of their functions, including access to their nationals . . ." In Resolution 674, adopted on October 29, 1990, the Council reiterated its "grave alarm" over Iraq's treatment of diplomatic and consular missions and demanded that Iraq comply with the Vienna Conventions and international law, that basic services, food, and water be restored to the diplomatic and consular missions in Kuwait, that Iraq rescind its orders for the closure of the missions and the withdrawal of the immunity of their personnel, that Iraq protect the safety and well-being of diplomatic and consular premises and personnel in Kuwait and Iraq and take no action to hinder the performance of their functions, and that such personnel be given access to their nationals.

(6) Failure to comply with Security Council decisions: Article 25 of the United Nations Charter provides that "(t)he Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

The Security Council has adopted 12 resolutions subsequent to Iraq's invasion of Kuwait and has called on Iraq to rectify all of the violations of international law noted above. Iraq's refusal to date to comply would seem to violate its obligations as a member of the United Nations under Article 25.

INTERNATIONAL LAW AND THE RESPONSE OF THE UNITED STATES AND THE INTERNATIONAL COMMUNITY

International law imposes on all States a duty of responsibility for any violations of international law, and gives to other States and to international organizations, if appropriate, a right to seek and obtain appropriate remedies for such breaches. As the Restatement puts it: "A state is responsible to other states, and to some extent to international organizations and private persons, for breach of its duties under international organizations and private persons, for breach of its duties under international law or agreement. It is subject to remedies for these violations, including diplomatic claims, in some circumstances judicial remedies, action by international organizations, and selfhelp by the victim state or its supporters."[17]

International law and the institutions of the international community are not so fully developed as to set forth with precision what is legally permissible in responding to a particular State's breach of its international obligations. A central consideration in the current situation, however, is the role being played by the United Nations. The UN Charter grants to the Security Council the "primary responsibility" for the maintenance of international peace and security.[18] In the exercise of that responsibility the Council is authorized by the Charter to investigate any situation "likely to endanger the maintenance of international peace and security" (Article 34), to make recommendations on how a dispute should be settled (Article 36), and, if it finds there has been a breach of the peace or act of aggression, to determine what measure are necessary to restore international peace and security (Article 39). Under the latter authority the Council may employ both military and non-military measures, as follows:

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communications, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as many be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

As noted above, the Charter obligates all Members of the UN "to accept and carry out the decisions of the Security Council" (Article 25).

In the past the Security Council has frequently been unable to perform the functions assigned it by the Charter because of the inability of the permanent Members of the Council to agree on a course of action. That is not the case in the present situation. Thus, the decisions of the Security Council to date have drawn upon all of the provisions of the Charter noted above. In Resolution 660 of August 2, 1990, the Council made the basic decision that the Iraqi invasion of Kuwait constituted a breach of international peace and security, condemned the invasion, demanded that Iraq withdraw, and recommended that Iraq and Kuwait attempt to negotiate their differences. In Resolution 661 of August 6, 1990, the Council reinforced those decisions by calling on all States to impose economic sanctions on Iraq and to protect the assets of the legitimate government of Kuwait. In Resolution 662 of August 9, 1990, it responded to Iraq's announced annexation of Kuwait by terming it of "no legal validity" and calling on all States not to recognize the annexation. In Resolution 664 of August 18, 1990, it responded to Iraq's refusal to permit third country nationals to leave and to its orders that all embassies in Kuwait be closed and that diplomatic immunity be withdrawn from the personnel of any embassy that did not close by calling upon Iraq to rescind those orders and to permit the immediate departure of third country nationals. In Resolution 665 of August 25, 1990, it authorized the maritime forces enforcing the trade embargo with Iraq to employ "such measures * * * as may be necessary." In Resolution 666 of September 13, 1990, it refined the embargo called for by Resolution 661 with respect to food and medical supplies. In Resolution 667 of September 16, 1990, it responded to Iraq's forcible seizure of third country nationals from several embassies in Kuwait and its quarantine of others by condemning the acts and demanding release of those seized and protection for embassy functions and personnel. In Resolution 669 of September 24, 1990, it took cognizance of the difficulties the economic sanctions on Iraq were creating for some countries. In Resolution 670 of September 25, 1990, it reaffirmed the illegality of Iraq's actions and clarified that the trade embargo applied to all means of transport, including aircraft. In Resolution 674 of October 29, 1990, the Council called again upon Iraq to comply with its previous Resolutions, stressed that Iraq was responsible under international law for any loss, damage, or injury it caused as a result of its invasion and illegal occupation of Kuwait, and called upon all States to collect information regarding claims against Iraq. In Resolution 677 of November 28, 1990, the Council condemned Iraq's efforts to alter the demographic composition of Kuwait and to destroy all civil records maintained by the legitimate government of Kuwait. Finally, in Resolution 678 of November 29, 1990, the Council noted Iraq's "flagrant contempt" for the Council's previous resolutions and authorized all States, after January 15, 1991, "to use all necessary means to uphold and implement Security Council Resolution 669 and all subsequent relevant resolutions and to restore international peace and security to the area."

These measures adopted by the Security Council pursuant to its authority under the UN Charter give the sanction of international legality to actions taken pursuant to them. It might also be noted that at least "until the Security Council has taken measures necessary to maintain international peace and security," the UN Charter also recognizes the right of a State to act in self-defense if it is the victim of an armed attack, both by unilateral measures and measures taken collectively with other States (Article 51). Thus, a mantle of legality may also attach to measures taken by Kuwait and other States individually or collectively in response to Iraq's aggression either before the Security Council acted or, perhaps, even apart from the Council's decisions. Under international law such measures must generally conform to considerations of necessity and proportionality. That is, they must be necessary in order to resolve the matter in dispute, and they must be proportional to the severity of the violation.[19]

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[15] 19 I.L.M. 553 (1980).

[16] *Id.*, at par. 62, p. 567.

[17] Restatement, supra (Vol. I), §206, Comment e, at 94.

[18] UN Charter, Chapter V, Article 24(1).

I hope the above is responsive to your request. If we may be of additional assistance, please call on us.

DAVID M. ACKERMAN,
Legislative Attorney.

Mr. SPECTER. Mr. President, while this memorandum did not encompass all of the events of the war, it is a good statement of legal principle, and it contains a recitation of quite a number of points of international violations and war crimes.

Mr. President, I further ask unanimous consent that a summary dated February 28, 1991, of Scud missile attacks against Israel be printed in the RECORD, which summarizes some 39 missile attacks. It documents two individuals killed directly by those attacks; 12 additional deaths from using gas masks, heart attacks, and choking; 200-plus injured; and some 1,644 families being evacuated from Tel Aviv and Ramat Gan as a result of these Scud attacks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATISTICS ON MISSILE SCUD ATTACKS ON ISRAEL

39 missile attacks.

2 killed directly by attacks.

12 additional deaths from using gas masks incorrectly, heart attack from fear, or choking.

200+ injured.

1644 families were evacuated from Tel Aviv and Ramat Gan as a result of Scud attacks.

SCUD MISSILE ATTACKS ON ISRAEL

The following is an unofficial summary of the Scud missile attacks on Israel, based on IDF spokesman accounts as published in Israeli newspapers.

WEEK ONE

First attack: Friday, 1.18.91, 02:00 hours. Eight missiles are fired at Israel. 12 people suffer light to moderate injuries. One of the missiles fell on a two-story residential building in the Tel Aviv area; another fell on a factory. A third missile hit a structure near Haifa.

Second attack: Saturday, 1.19.91, 07:20 hours. Four missiles are launched at Israel, three of them fall and explode. 16 people lightly injured by fragments. One missile fell in the center of the country near a residential building, another fell near the Tel Aviv Exhibition grounds and a third fell on the shelter of a public building.

WEEK TWO

Third attack: Tuesday, 1.22.91, 20:30 hours. A Scud missile hits Ramat Gan. Three die of heart attacks, 96 injured, 6 of them seriously. A two-story home collapses and many other buildings are heavily damaged. 400 apartments are damaged. A Patriot missile hit a Scud missile, but did not prevent it from dropping.

Fourth attack: Wednesday, 1.23.91, 22:00 hours. A Scud missile is launched at the Haifa area and is intercepted by two Patriot missiles. There were no injuries, but in many apartments, windows were shattered.

Fifth attack: Friday, 1.25.91, 18:00 hours. Eight Scud missiles are fired at Israel. One man is killed and 45 are injured, one seriously and three moderately. Several Patriot missiles were fired at and hit some of the Scud missiles. Two Scuds directly hit adjacent neighborhoods in the Ramat Gan area. A two-story house collapsed and a family was rescued from the rubble. 144 apartments were heavily damaged and some 400 others were lightly to moderately damaged.

Sixth attack: Saturday night, 1.25.91, 22:00 hours. Four Scud missiles were fired at Israel and were intercepted by Patriots. Three of the Scuds were fired at Haifa and their debris caused windows to shatter in several northern settlements. The fourth Scud was launched at the Dan region and was intercepted without causing any casualties or damages.

WEEK THREE

Seventh attack: Monday, 1.28.91, 21:00 hours. A Scud missile was fired at Israel and landed near the village of Dir Balut in the territories. No injuries or damages were caused.

Eighth attack: Thursday, 1.31.91, 18:00 hours. A Scud missile was launched at Israel and hit the territories. No injuries or damages were caused.

Ninth attack: Saturday night, 2.2.91, 20:30 hours. A Scud missile was fired at Israel and hit an unsettled part of area "Hey". No injuries or damages were caused.

Tenth attack: Sunday morning 2.3.91, 01:40 hours. A second Scud missile was fired and fell, like the earlier one, in area "Hey". No injuries or damages were caused.

WEEK FOUR

Eleventh attack: Friday night, 2.8.91, 02:40 hours. A Scud missile was fired at Israel and hit a neighborhood in the center of the country. 25 residents were injured, two of them moderately. Over 400 apartments were damaged in the attack.

Twelfth attack: Monday evening, 2.11.91, 18:52 hours. A Scud missile was fired at Israel and landed in an uninhabited area in the center of Israel. No injuries or damages were caused.

Thirteenth attack: Tuesday morning, 2.12.91, 01:30 hours. A Scud missile was fired at Israel and hit a residential area in the center of the country. 6 residents are injured. One house is completely destroyed and windows in dozens of other homes are shattered. According to the U.S. State Department spokeswoman, the missile landed near the residence of Defense Minister Moshe Arenas.

WEEK FIVE

Fourteenth attack: Saturday night, 2.16.91, 20:05 hours. Two Scuds were launched in a coordinated attack. For the first time, one lands in the south of the country in an open area. Parts of the other one fall into the sea in the north of the country. No injuries or damages were caused by either missile.

Fifteenth attack: Tuesday night, 2.19.91, 20:00 hours. A Scud missile was fired at Israel and landed in an open area in the center of the country. No injuries or damages were caused.

WEEK SIX

Sixteenth attack: Saturday night, 2.23.91, 18:50 hours. A Scud missile was fired at Israel from western Iraq and landed in an unpopulated area in the center of the country where it caused a fire to break out. No other damages or injuries were caused.

Seventeenth attack: Monday morning, 2.25.91, 03:37 hours. A Scud missile was fired at Israel from western Iraq and landed in an unpopulated area in the south of Israel. No damages or injuries reported.

Eighteenth attack: Monday morning, 2.25.91, 05:36 hours. Second Scud missile attack of the morning. A Scud missile was fired at Israel from western Iraq and landed in an unpopulated area in the south of Israel. No damages or injuries reported.

Unofficial estimates of damages and casualties:

39 SCUD missiles fired at Israel.

Two people killed by a missile.

12 additional deaths resulted indirectly from missile attacks.

More than 200 persons injured in missile attacks.

1,644 families evacuated in Tel Aviv and Ramat Gan.

Property damaged includes 4,095 buildings, 3,991 apartments and residential buildings, 331 public institutions, 17 educational institutions and 54 businesses.

Mr. SPECTER. Mr. President, I wish to advise my colleagues that I may call this resolution for a vote at any time in the immediate future, because it is my view that there ought to be a forceful statement made by the U.S. Senate putting everyone on notice. Actually, President Bush put Saddam Hussein and other Iraqis on notice back in October 1990. But this is a course of conduct which ought to be followed and we ought to make a very forceful statement by this body, the U.S. Senate, in support of this resolution.

I thank the Chair, and I yield the floor.

SENATE RESOLUTION 72—RELATIVE TO AMERICAN SMALL BUSINESS INVOLVEMENT IN REBUILDING KUWAIT

Mr. KASTEN (for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. BOND, Mr. BOREN, Mr. SEYMOUR, Mr. KERRY, Mr. DIXON, Mr. BURNS, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Small Business:

S. RES. 72

Whereas Kuwait is liberated and is once more in the hands of the Kuwaitis;

Whereas Kuwaiti citizens are once again in control of their own destiny;

Whereas much damage has been done to Kuwait, its infrastructure, its environment, and its industrial capacity;

Whereas reconstruction of Kuwait's economy is desperately needed;

Whereas American small businesses have expressed interest in helping the Kuwaitis rebuild their country; and

Whereas small businesses lack the resources to hire lobbyists, international consultants, and former diplomats to represent their interests, and promote their products and services in Kuwait: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should be actively involved in promoting American small businesses to help rebuild Kuwait;

(2) the Administrator of the Small Business Administration, the Secretary of Commerce, the Secretary of Defense, and the Secretary of State should cooperate in providing assistance to American small busi-

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[19] Restatement, supra (Vol. II), §905, Comments a, c, and d, at 380-382.

nesses seeking to become involved in the rebuilding of Kuwait; and

(3) the Administrator of the Small Business Administration should conduct a public information campaign using local and national offices to advise American small businesses about becoming involved in the rebuilding of Kuwait.

Mr. KASTEN. Mr. President, I rise today with my colleagues Senator MIKULSKI and Senator LIEBERMAN to introduce a resolution expressing the sense of the Senate that American small business should be involved in rebuilding Kuwait.

Iraq's brutal occupation has left Kuwait's economy in shambles. Much damage has been done to Kuwait, its roads and bridges, its environment and industry. Reconstruction is desperately needed. Damages are estimated to be between $60 and $100 billion.

Because of the special friendship forged between our two countries, the Kuwaiti Government intends to give American businesses a major role in the reconstruction. Seventy percent of the initial contracts to provide emergency water, sewer, and telephone service went to American businesses. There is an expectation that American businesses will see a similar percentage of the much larger "Brick and Mortar" contracts soon to come.

Rebuilding Kuwait is going to demand ingenuity. The greatest ingenuity our country has to offer comes from American small business.

Smaller firms, by definition, lack the financial resources needed to hire lobbyists, international consultants, and former diplomats to represent their interests and promote their products and services.

We believe, Mr. President, the United States Government should be actively involved in promoting American small businesses to help rebuild Kuwait. This resolution directs the Small Business Administration, the Departments of Commerce, Defense and State to cooperate in providing assistance to American small businesses seeking to become involved in the rebuilding.

The Commerce Department has already taken a significant first step by creating the Gulf Reconstruction Center where United States companies can bid for reconstruction work in Kuwait. The intention of this resolution today isn't to micromanage the Government's response—but rather to encourage the Government to take into account the needs of small firms. We want the Federal Government to cooperatively use existing resources to promote American small business.

For many people, the Federal Government in Washington is foreign, complex, and frustrating. Small business owners don't know who to call for help. Generally, entrepreneurs don't have the time or money necessary to locate the appropriate source of information. Small businesses stand the chance of getting lost in the shuffle. We must prevent that from happening.

We believe it is important for the Gulf Reconstruction Center to work in tandem with the Small Business Administration. The Gulf Reconstruction Center should be a place where small businesses can turn to for help communicating with Government agencies, like the Army Corps of Engineers, who are heavily involved in reconstruction.

We would also like to see a central information center where small businesses can get lists of products and services the Kuwaitis need, export assistance and local contacts. The U.S. Small Business Administration should use its district offices to publicize appropriate information on a local level.

I encourage my colleagues to join me in cosponsoring this resolution.

AMENDMENTS SUBMITTED

RESOLUTION TRUST CORPORATION FUNDING ACT

HARKIN (AND KOHL) AMENDMENT NO. 23

Mr. HARKIN (for himself and Mr. KOHL) proposed an amendment to the bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means, as follows:

On page 2, line 11, strike "$30,000,000,000" and insert "$15,000,000,000".

At the appropriate place in the bill, insert the following new section:

SEC. . PRESIDENTIAL PROPOSAL OF FUNDING OPTIONS.

(a) IN GENERAL.—Any request to the Congress for Resolution Trust Corporation funding in addition to sums provided by this Act shall be accompanied by a set of proposals from the President that detail—

(1) funding options for raising additional revenues sufficient to offset such request that—

(A) minimize the economic burden of such request on low-, moderate-, and middle-income taxpayers; and

(B) improve the efficiency of the operations of the Resolution Trust Corporation and the sale of assets at fair market prices upon closure of a savings association due to insolvency;

(2) a system of budgetary accounting for Resolution Trust Corporation outlays that accurately reflects such outlays' impact on the Federal budget deficit; and

(3) recommendations for improving—

(A) the accountability of the Resolution Trust Corporation to the Congress; and

(B) the overall efficiency of Resolution Trust Corporation operations.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a confirmation hearing on the nomination of James F. Hoobler to be inspector general of the Small Business Administration. The hearing will take place on Wednesday, March 6, 1991, at 2 p.m., in room 428A of the Russell Senate Office Building. For further information, please call John Ball, staff director of the Small Business Committee at 224-5175.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 484, the Central Valley Project Improvement Act.

The hearing will take place March 18, 1991, beginning at 9 a.m. in room 1138—auditorium—of the State Office Building, 107 S. Broadway, Los Angeles, CA.

Due to the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the printed hearing record is welcome to do so. Those persons wishing to submit written testimony should mail five copies of the statement to the Subcommittee on Water and Power, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366 or Anne Svoboda at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Space, and Technology of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 5, 1991, at 2 p.m. on S. 272, the High-Performance Computing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Tuesday, March 5, 1991, at 10 a.m. to mark up an original bill related to the fiscal year 1991 Operation Desert Storm supplemental request, to include personnel related legislation, various measures referred to the committee (S. 270, S. 281, S. 283, S. 325, S. 334, S. 384, H.R. 586) and to act on certain pending civilian nominations (Mr. Gambino and Mr. Case).

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BERNARD F. BRENNAN AND MONTGOMERY WARD

• Mr. DIXON. Mr. President, I rise today to honor a great Illinoisan and American, Bernard F. Brennan, chairman and chief executive officer of the Chicago-based Montgomery Ward & Co. Under Bernard's dynamic leadership, Montgomery Ward has continued to be one of America's most prosperous corporations.

However, Mr. Brennan's leadership credentials are not limited to financial matters. Bernard Brennan has enhanced Montgomery Ward's reputation for public service with its increased community involvement and helping hand attitude. The company has been a major supporter of the Boy Scouts, YMCA, tutoring programs and many more.

This spirit has culminated in Ward's "Better Than a Letter" program. Designed to assist American families in communicating with their loved ones in the gulf, the concept of "Better Than a Letter" program was born. Within weeks, major suppliers joined Montgomery Ward's program and donated over 2 million dollars' worth of televisions, camcorders, VCR's and tapes to American service men and women serving through the Persian Gulf.

Mr. Brennan understood the need for our brave sons and daughters to be able to frequently communicate with their family and loved ones. It became a priority at Montgomery Ward. Together with the USO, they were able to provide much needed comfort for those serving us overseas. They further set up screening rooms in all of their stores across the country for families to record and play tapes if they did not have the equipment available.

Montgomery Ward has also set up canisters in each of their stores, further raising much needed money to fund USO supported activities.

I rise today to salute Bernard Brennan and Montgomery Ward. Bernard and Montgomery Ward are truly a great Chicago company providing leadership, compassion, financial support, and most important, their time in contributing to a better Chicago, a better Illinois, a better United States of America, and a better and more peaceful world in which to live.

It is truly an honor and a privilege to represent fine Illinoisans like Bernard Brennan.•

OVERSIGHT ON POW/MIA MATTERS

• Mr. SMITH. Mr. President, I rise this afternoon to call attention to a troubling matter which is hindering congressional oversight on POW/MIA matters relating to the Vietnam conflict.

Like many of my colleagues, I have committed myself during the last 7 years to working with the executive branch to resolve the fate of more than 2,200 missing United States military personnel from Vietnam, Laos, and Cambodia.

This past December, after meetings with Defense Department officials to discuss recent events on POW/MIA matters, I decided I would like to attend a meeting of our government's POW/MIA Interagency Group [IAG]. Mr. President, for the record, I would first like to explain exactly what this IAG group is.

The Department of Defense publishes a POW/MIA Fact Book in which the IAG is described as follows:

> United States Government policy regarding the POW/MIA issue is coordinated through the POW/MIA Interagency Group [IAG]. Membership in the IAG includes the Defense Department, the White House National Security Council [NSG] staff, the State Department, the Joint Staff, the Defense Intelligence Agency [DIA], the National League of POW/MIA Families, and House and Senate staff members from the respective Foreign Affairs and Foreign Relations Committees. The IAG develops policy concerning the POW/MIA issue and assesses current efforts, while evaluating new initiatives and approaches to enhance resolution.

It so happens, Mr. President, that on the morning of this IAG meeting in December, my office received a phone message from the State Department saying that Bob Smith, a Member of the U.S. Senate, would not be allowed to attend this interagency meeting. Upon receiving this message, I phoned Deputy Secretary of State Lawrence Eagleburger to inquire further. Like me, Mr. Eagleburger at first seemed puzzled and promised to look into the matter. A short while later, my office received a call from the State Department telling me that Mr. Eagleburger had decided to refuse me the opportunity to attend the IAG meeting. Imagine that: staff members from the Senate are supposedly members of the IAG Group, yet a Senator himself cannot attend the meeting.

Mr. President, I find it very disturbing that Members of Congress have been shut out of this interagency group. Whoever made this decision should realize that excluding the Congress from these meetings will only add to a growing public perception that our Government is not doing everything possible to account for our missing service personnel.

I know many of my colleagues continue to hear from constituents who are outraged over the way the POW/MIA issue has been handled by the executive branch. Mr. President, I will shortly be introducing a resolution to establish a Senate Select Committee on POW/MIA Affairs which will remain in existence until we have achieved the fullest possible accounting of our missing men and women. In short, our constituents expect us to exercise close congressional oversight on this issue, and I believe we have an obligation to do so.

We settled for no less in the gulf war, and rightfully so. These same standards must apply to Vietnam and past wars where hundreds of soldiers, known to have been in captivity, were never released or accounted for.

Mr. President, it has often been said that the answers to the POW/MIA dilemma lie in Hanoi, not Washington. I agree that the answers are in Southeast Asia, but I would point out to my colleagues that the resolve to aggressively seek out these answers must come from Washington.•

BUSH'S DOUBLE STANDARD ON HUMAN RIGHTS

• Mr. DECONCINI. Mr. President, since the brutal June 3, 1989 massacre in Beijing's Tianamen Square, millions of people throughout the world have supported the protesters' desires for democracy and freedom. It is outrageous that the Bush administration has not demonstrated stronger support for this democratic movement. Rather than advocating their cause, President Bush has virtually closed his eyes to human rights abuses in China and has done little to help these students. Instead, he has callously attempted to bury this human rights issue under the shifting sands of the gulf war. He has shouted to the world the egregious human rights violations of Saddam Hussein and his brutally bloody aggression against the people of Kuwait—and rightly so. Yet, he has uttered barely a whisper about Gorbachev's aggression in the Baltics and China's arrests and sentencing of its pro-democracy demonstrators. This double standard on human rights is unacceptable. This hypocrisy can not be allowed to continue.

Recently, the two inspirational masterminds behind the Tianamen Square protest were sentenced to 13 years in prison. Wang Juntao, an editor, and Chen Ziming, an economist, were sentenced for showing no willingness to cooperate with the Chinese Government. This punishment seems lenient compared to others meted out to the protesters. Since the Tianamen Square rally, many of the students have been arrested, tried, and executed for merely voicing their desire for freedom and democracy. Some activists have died while being detained in prison, sometimes under bizarre and unexplained circumstances which may have involved torture and beatings. Why has the Bush administration not called for an investigation of these reports?

Unfortunately, the administration has virtually turned a blind eye towards the abuses of the Chinese Government since the Tianamen crackdown. In June 1989, the administration barred a number of exchanges with

China in retaliation for the massacre, but this appears to have been a mere formality. Last spring, the Bush administration wanted to renew China's most-favored-nation trade status. Together with the majority leader and many of my colleagues, I tried to prevent this renewal. But President Bush succeeded. Meanwhile, officials in China have continued with new trials, without reprimand from our Government. While our country has been focusing on the events in the Middle East, it has uttered hardly a word about the situation in China. The State Department, while expressing concern over these trials, has not backed up its words with resolute actions.

How can we wage a war against Iraq in part for its violations of basic human rights, and yet disregard what is happening to the Chinese democratic movement? Human rights are human rights—it should not matter which nation is violating them. The right to voice one's opinion as guaranteed by our Constitution is a right which we hold dear. If we can fight a war because of Iraq's violations, we should at the very least address China's violations with demonstrable concern.

The Chinese Government has supported, or at least not opposed, the U.N. resolutions against Iraq. Perhaps this is why the Bush administration has treated China so carefully. Yet, there have been reports in the Christian Science Monitor that China apparently agreed to sell arms to Iraq after it voted to condemn Iraq's actions. Despite its endorsement of the U.N. embargo, the fact that it would consider selling weapons to Iraq through a third country is abominable—especially as U.S. soldiers were preparing to die in the gulf. What was President Bush's reaction—a deafening silence, unfortunately.

Unbelievably, the sanctions that were imposed on China as a result of the Tianamen massacre, have recently been lifted. We need consistency in our human rights policy. President Bush has not taken any stand against these trials or deaths, nor has his administration strongly condemned China's flagrant disregard for human rights. We cannot allow the problems in the Middle East, as grave as they are, to let us lose sight of the fact that the Chinese are sending peaceful people to prison for promoting democracy. China's policy must end. The longer the Bush administration delays any action, the more innocent people will be jailed, tortured, and executed, and the more visible his silent double standard will become.•

TRIBUTE TO FRANK FAT

• Mr. **SEYMOUR**. Mr. President, I rise today, to honor a great American. The man of whom I speak is Frank Fat.

This American's contributions to the business and professional community are matched only by his commitment to the Chinese immigrant population. He is a bright light in President Bush's thousand points of light, and his dedication to the United States is highlighted by the establishment of the Frank Fat Foundation. The goals of the foundation—better education and greater understanding between Chinese and American people—are aspirations that provide an excellent example of how an individual can have a positive impact on one's community.

I salute Frank and all of his years of hard work and dedication. It is my hope that many will follow his example in turn making the world a better place.•

BUDGET SCOREKEEPING REPORT

• Mr. **SASSER**. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $1.7 billion in budget authority, and under the budget resolution by $1.3 billion in outlays. Current level is $1 million above the revenue floor in 1991 and over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $325.7 billion, $1.3 billion below the maximum deficit amount for 1991 of $327 billion.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, March 4, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through March 1, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101-508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated February 21, 1991, there has been no action that affects the current level of spending or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS. AS OF MAR. 1, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,187.5	−1.7
Outlays	1,132.4	1,131.1	−1.3
Revenues:			
1991	805.4	805.4	
1991–95	4,690.3	4,690.3	
Maximum deficit amount	327.0	325.7	−1.3
Direct loan obligations	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,369.6	−775.4
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) current level excludes $1 billion in budget authority and $1.2 billion in outlays for Operation Desert Shield; $.1 billion in budget authority and $.2 billion in outlays for debt forgiveness for Egypt and Poland; and $.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF THE CLOSE OF BUSINESS MAR. 1, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations and trust funds	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session: Extending IRS deadline for Desert Storm troops (Public Law 102–2)			−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−6,307	799	
VI. Economic and technical assumption used by committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,187,482	1,131,113	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	1,733	1,283	1

Note: Numbers may not add due to rounding.•

THE GREAT IMBALANCE

• Mr. **MACK**. Mr. President, I request that the following two editorials from the February 17, 1991, edition of the Orlando Sentinel be included in the RECORD.

These articles adequately portray the situation that exists between Florida and the Federal Government. Many States are donor States to the Federal Government. Yet many Floridians are asking why is Florida consistently the largest donor State of all 50 States.

I encourage all of my colleagues to read these editorials, especially as we begin work on the reauthorization of the Surface Transportation Act. As you read these articles, please keep in mind that Florida grew by one-third during the last decade. Efforts will have to be made to correct current formulas which take away valuable dollars to the very States that need them the most.

The articles follow:

FLORIDA SLIGHTED ON ROADS

Florida had been shortchanged on federal highway money long enough to hope for a break in President Bush's big new transportation plan.

We didn't get it. But there's better news: The proposed formula for divvying up the dollars is unpopular with so many groups that Congress is bound to change it.

The administration started out right, complying with a request from Florida and other states: Reduce the more than 60 cumbersome highway program categories that money has been granted under.

There will be only two now. Money that comes down from Washington will be either for the National Highway System or the state and urban system. Nice cut.

But wait. The fed's priorities in dividing the highway money are badly skewed.

About 70 percent of a proposed $87.17 billion for the next five years would go to the 150,000-mile national system. Roughly 30 percent would go to the 700,000-mile state and urban system.

Shouldn't those percentages be reversed, considering the mileages involved? Well, not necessarily. A 50-50 split wouldn't be bad, as state highway officials suggest. And with luck, Congress will aim for something in that vicinity.

In their proposal, the feds made matters worse by resorting to mathematical sleight-of-hand, as they so often do. They claim, for example, that Florida would get $517 million the next financial year. That's a considerable increase, they claim, over this year's $402 million.

But wait yet again. This year, Florida actually got about $584 million, because of a plan designed to make sure a state gets a certain minimum of the gasoline tax dollars it sends to Washington. The feds have chosen to ignore this, and next year that plan dies. So next year, Florida would end up getting less money than this year, not more.

And while we're at it, let's take a closer look at how much of our gas tax money we get back from Washington. It could be less than 53 cents on the dollar this year.

How come? Because Florida is what the feds call a "donor state." We're forced to give some of our tax money to states that supposedly need it worse than we do. Like those out West, with lots of road miles but few drivers to pay gasoline taxes.

Yes, there are some good points to Mr. Bush's transportation plan. For instance, it gives local and State governments more flexibility in using transportation dollars for mass transit. Florida governments desperately need that flexibility, and it's a recognition by Mr. Bush that this nation shouldn't be so dependent on the automobile. But you can't do much for mass transit if you don't get enough dollars. Overall, this proposal needs serious work.

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* * * AND OTHER FEDERAL DOLLARS

Florida gets the short end of the federal tax stick in more ways than losing so much of its gasoline tax money to other states.

No other state loses as great a percentage of all its federal taxes. That's particularly unfortunate when the state taking the biggest hit has as much growth and as many problems as Florida does.

The accompanying chart shows that Florida sends $1.64 to Washington for every dollar it gets back. Not even big-growth states like Texas and California have it as bad.

Where does the difference go? Well, every state can't expect to get back dollar for dollar, else there wouldn't be money for defense and other federal requirements.

But the needs-of-poorer-states rule comes into play here, just as it does with gasoline taxes. We lose money so states like Alaska, the Dakotas, Montana, Mississippi and West Virginia can get around twice what they pay in.

This formula needs adjusting, too. Florida's not rich enough to be quite so generous. Too many of our own social, highway, education, penal, health and other problems are crying for solutions.

THE GREAT IMBALANCE

Floridians pay far more in federal taxes than the state gets back in federal dollars. For every dollar the state receives from Washington, Floridians have sent $1.64 in taxes. Here's a comparison with states that get the most federal benefit.

	Sent to Washington	Received back from Washington
Florida	$1.64	$1
Montana	.52	1
North Dakota	.52	1
South Dakota	.51	1
Alaska	.48	1
Washington, DC	.24	1

Source: Tax Foundation.•

THE DEPARTMENT OF ENERGY'S NATIONAL LABORATORIES

• Mr. BINGAMAN. Mr. President, the Committee on Energy and Natural Resources has within its jurisdiction oversight of the Department of Energy's national laboratories. These laboratories are an important part of the Department's research and development program and a significant national asset. Over the past 40 years, the laboratories have played an important role in the development of nuclear power and energy technologies; and in the design, development, and production of nuclear weapons. Two of these laboratories are within the State of New Mexico—Los Alamos National Laboratory and Sandia National Laboratory—and they are an important asset to the State as well.

In July 1990, the Subcommittee on Energy Research and Development, chaired by Senator FORD, held a hearing on the role and future mission of the Department's national laboratories. This is an important issue for consideration by the subcommittee and one that will likely receive additional attention in the 102d Congress.

I had the opportunity to chair a portion of the July hearing before the subcommittee. At that time, several witnesses requested the opportunity to submit additional remarks and have them included in the record of the hearing. Unfortunately, the additional remarks submitted by Dr. Alvin Trivelpiece, Director of the Oak Ridge National Laboratory, were inadvertently excluded from the printed hearing record. These additional remarks—which were written in a question and answer format—are most informative, and I would urge my colleagues to read them. For the benefit of my colleagues, I ask that these remarks be printed in the RECORD at this time.

The material follows:

ROLES AND MISSION OF THE DEPARTMENT OF ENERGY'S NATIONAL LABORATORIES, JULY 25, 1990

(By Alvin W. Trivelpiece, Director, Oak Ridge National Laboratory)[1]

Senator BINGAMAN: Dr. Trivelpiece, in his opening remarks Senator Ford asked several questions concerning the structure of the national laboratories. The Subcommittee would be interested in your response to these questions because of the unique perspective you can offer as the Director of the Oak Ridge National Laboratory and as a former Director of the Department of Energy's Office of Energy Research. What are your views on these subjects?

Dr. TRIVELPIECE: Thank you very much, Senator, for the opportunity to respond to Senator Ford's questions. It is reasonable to examine the structure of the laboratories from time to time and, given the recent reduction in world tensions, the time is now right for such an examination. The Department of Energy and its laboratories have been central players in the development of nuclear power, energy technology development, nuclear medicine; and in the design, development, and production of nuclear weapons from the time of their inception under the Atomic Energy Commission to the present day. The national laboratories are an integral part of this complex.

Senator Ford asked. "Should we restructure the lab system to better coordinate R&D among the laboratories? I do not believe that the existing structure of the Department of Energy's laboratories is outdated. However, as with any system that has been in place for a long time, it is appropriate to examine what it is doing, how it is performing its role, and whether it could be improved. "Every effort should be made to avoid any duplication of taxpayer resources that are supported at the laboratories. The Department of Energy's Assistant Secretary for Defense Programs coordinates activities among the national defense laboratories, Sandia, Lawrence Livermore, and Los Alamos National Laboratories, and the weapons manufacturing complex. The Department's Office of Energy Research manages the three multiprogram laboratories represented at today's hearing, Lawrence Berkeley, Pacific Northwest, and Oak Ridge, and the two other national labs, Argonne and Brookhaven.

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[1] Operated by Martin Marietta Energy Systems, Inc., for the U.S. Department of Energy under Contract No. DE—AC05-84OR21400.

At the height of the energy crisis, the multiprogram laboratories had the flexibility to dedicate much of their efforts to design new approaches to conserving energy. In more recent times, these laboratories have responded to recent departmental initiatives in the areas of high temperature superconductivity pilot centers, technology transfer, and education.

In addition to its multiprogram laboratories, the Department of Energy also manages a number of single program laboratories which are world-class institutions in their own right. I mentioned Ames Laboratory in my prepared testimony. Others of these single program, very distinguished laboratories include the Fermi National Accelerator Laboratory, which explores elementary particle physics to broaden the understanding of the basic structure of matter. Although the primary program area at Fermi is high-energy physics, the Fermi linear accelerator is used in cancer therapy, and the Laboratory has become involved in medical radiation therapy. The Princeton Plasma Physics Laboratory conducts research in magnetic fusion energy using a Tokomak fusion reactor. This R&D effort is aimed at using fusion energy as a safe, economical, and environmentally acceptable method of generating electricity. The Solar Energy Research Institute conducts basic and applied research in areas pertinent to solar and renewable energy resources. Current research focuses on photovoltaics, wind energy conversion, biochemical conversion, alcohol fuels, energy from waste, buildings energy management, and thermal energy storge. Finally, the Stanford Linear Accelerator Center is dedicated to experimental and theoretical research in particle physics and the development of new techniques in high-energy accelerators and elementary particle physics.

The programs of the Office of Energy Research are, in fact, well coordinated by the programmatic offices in the Department of Energy and in the institutional planning process. Each multiprogram laboratory, in concert with the Department of Energy, participates in an annual planning cycle. In this action major new initiatives are proposed and evaluated, major laboratory issues are discussed, and planned programmatic objectives are evaluated. To guide the laboratories, the Department also reviews each of their major planning documents, conducts an annual on-site review at each laboratory, and reviews and approves each laboratory's final institutional plan. These on-site visits are especially useful in that they give laboratory staff the opportunity to explain to the Department's managers first hand the exciting activities they are pursuing. They also provide the opportunity for a face-to-face exchange between laboratory management and the Department's representatives to discuss the long-term trends and implications for future laboratory operations.

As Director of the Office of Energy Research, Senator, I was initially astonished by the way in which the laboratories cooperate and collaborate so that they do not duplicate efforts. One example of this cooperation is the extensive network of user facilities throughout the Department that is considered a shared resource. Numbering over 60, including 13 at the Oak Ridge National Laboratory, these user facilities are used by researchers not only from national laboratories, but also from universities and industries, and in some instances, from around the world.

Senator BINGAMAN: Dr. Trivelpiece, your mention of the user facilities prompts me to ask about the role that Oak Ridge National Laboratory has in the economic development of the region. Is there significant interaction between the Laboratory and other institutions in the Southeast?

Dr. TRIVELPIECE: Many companies have located to the Oak Ridge area based on the concomitant accessibility of the Laboratory's resources. Within the past year, the Laboratory's user facilities and our technology transfer initiatives have resulted in Hertel, Cercom, and Coors Ceramics deciding to locate manufacturing facilities here. This will, of course, bring several hundred new jobs to the area.

On the education front, Oak Ridge National Laboratory and The University of Tennessee, Knoxville cooperate in so many activities that the President of the University refers to the Laboratory as his "sister campus." There are two joint ORNL/UTK graduate programs, in biomedical sciences and in ecology. The biomedical sciences program is located in ORNL's Biology Division and has awarded more than 120 doctoral degrees and 20 master's degrees since its beginning in 1965. The Graduate Program in Ecology is affiliated with our Environmental Sciences Division. Since its beginning in 1969, 90 doctoral and 150 master's degrees have been granted. Both of these programs also involve postdoctoral appointments at ORNL. Collaboration between ORNL and UTK has evolved over the years, culminating in 1984 in the Science Alliance. The oldest and largest of Tennessee's Centers of Excellence, the Science Alliance was established with the support of the Tennessee Higher Education Commission. The cornerstone of the Alliance is the Distinguished Scientists program whose purpose it is to attract scientists of significant stature to the region to strengthen regional R&D activities. The distinguished scientists participating in the program are in such areas as particle physics theory, nuclear engineering, computational sciences, and polymer chemistry. These scientists hold a tenured full professorship at UTK and an appointment as a senior research scientist at ORNL. The Distinguished Scientist Program has worked so well that we are working on a "Collaborating Scientist Program" to attract scientists and engineers with a rising national stature and reputation. Another important aspect of the Science Alliance is the Summer Research Fellows Program. This activity brings 100 of the nation's most promising undergraduate science students to the University where they work for ten weeks with researchers at the University and the Laboratory.

Cooperation in the funding of large projects has allowed both ORNL and the neighboring universities to obtain research facilities during times of stiff competition for construction dollars. Our first cooperative effort followed the completion of the Holifield Heavy Ion Research Facility. Dedicated in 1980, this structure is the equivalent of a 15-story building and makes possible extensive exploration of the behavior of nuclear matter. As a user facility, it is open to researchers throughout the scientific community, including universities, research centers, and industry. It was soon discovered that besides experimental facilities, visiting scientists need other accommodations, like office space, sleeping accommodations on site for use during experiments, and individual space for longer-term visitors. To satisfy these needs, the Joint Institute for Heavy Ion Research was built. Funding was provided by The University of Tennessee, Vanderbilt University, and ORNL through the Department of Energy.

A similar cooperative agreement has been reached on the Grammasphere project. This facility will be for nuclear physics research and will allow the study of gamma rays with greater resolution than present equipment can manage. The University of Tennessee and Vanderbilt University have each pledged $100,000 in matching funds, and the state of Tennessee has pledged $800,000 for this project. A panel Department of Energy panel has recommended that if the project is to be built, it should be built at ORNL. Funds for the construction of the Grammasphere are included in the Department's FY 1991 budget. The monetary support provided by these institutions of higher education and the State of Tennessee is a significant indicator of the high regard for ORNL in the region.

During the past several years, a number of southern universities and the Oak Ridge National Laboratory have convened several meetings concerning the development and expansion of high energy physics in our region. These meetings have been driven in part by the Superconducting Super Collider project and by a true desire to play a meaningful role in the new physics to be provided by the accelerator facility. Out of these meetings emerged the Southern Association of High Energy Physics, which is now chartered under the Oak Ridge Associated Universities. In addition, the Laboratory is maintaining close ties with the Southeastern University Research Association. SAHEP has also acknowledged ORNL's strategic location and facilities of ORNL, as well as the importance of having ORNL play one of the focusing roles in the region.

Senator BINGAMAN: In your prepared testimony, you discussed the licensing of inventions. Does the Laboratory consider technology transfer a significant part of its mission? And, to expand on that, could you be more specific as to what Lab-developed technologies have been licensed and to what companies? Can Oak Ridge National Laboratory point to any companies and say that these are Laboratory spinoffs?

Dr. TRIVELPIECE: Senator, in 1987, Robert Solow of the Massachusetts Institute of Technology received the Nobel Prize in Economics for his formulation of a model illustrating how technological advances could spur greater per capita production. In an interview shortly after the announcement of the award, he said "What I got interested in was the question of what makes a modern industrial economy grow . . . we owe it all to the growth of science and technology." Professor Karl-Goran Maler of the Stockholm School of Economics and a member of the Nobel selection committee said that, "Solow showed us that in the long run it is not the increase in quantity that is so important. It is the increase in quality through better technology and increased efficiency. Better technology will be the engine for increased growth." This is something scientists and engineers have known for years: the technologies developed at the Department of Energy laboratories have an important role to play in the economic well-being of our nation.

Each laboratory has its successes in licensing technologies for use in the private sector. At ORNL, for example, silicon carbide whisker reinforced ceramics technologies have been licensed by ten companies: American Matrix; Advanced Composite Materials which has 2 licenses; Dow Chemical; GTE Valenite; High Velocity; Iscar; Cercom; Hertel; Kennametal; and Keramont. The servomanipulator and the fiber-optic luminoscope have each been licensed twice by, respectively, Remote Technology and Environmental Systems. Ontario Hydro has licensed the radioactive material shipping design. The ceramic gripper assembly has been licensed by Instron, the anaerobic waste treatment system by Anflow, and the novel ternary ceramic alloy by 3M. Other licensed technologies include nickel aluminides have been licensed by five companies: Hoskins (Armada Corp.), Armco, Cummins Engine, Metallamics, and Valley Todeco. The motor signal analyzer has been licensed by Wyle Labs, Predictive Maintenance Inspection, Performance Technologies, and Spectrum Technologies. The ultrasonic ranging data telemetry system has been licensed to Chemrad, and the Finnigan Corp. has licensed an explosives sensor. Du Pont has licensed the radioiodinated maleimides and B-Tec, the technology for identifying different species of honey bees. The triple-effect absorption chiller has been licensed by Trane Company and the Apache Corporation. Abaxis has licensed the blood rotor, and Coors Ceramics the gelcasting method of making complex ceramic shapes. A soil corer/sampler technology has been licensed to Associated Design and Manufacturing Company and Scintillation Technologies has licensed the iridium generator. The solvent extraction technology has been licensed to Analytical Bio-chemistry Labs and NATCO. SEMATECH has the license for the microwave plasma source for etching, and Sorrento Electronics for the groundwater Cerenkov radiation detector.

The entrepreneurial spirit is alive and well in Oak Ridge. Over the years, the ORNL staff have started many companies related to their work here. One of Oak Ridge's first major spinoff companies, ORTEC, was founded in 1960 by a small group of ORNL scientists. Originally a manufacturer of nuclear radiation detectors invented at ORNL, ORTEC is now a wholly owned subsidiary of EG&G and an international supplier of radiation detectors and related electronic processing instruments. Radiation measurement systems manufactured by ORTEC in Oak Ridge were used in Europe and the Middle East to inspect food products for hazardous levels of radioactive contamination following the Chernobyl reactor accident. Another ORNL scientist, Edward Fairstein, launched Tennelec, also in 1960. Tennelec manufactures nuclear radiation monitoring and measurement instrumentation. In 1977, Tennelec was purchased by David Coffey, a former ORNL scientist who had previously incorporated a start-up company called The Nucleus. The product line of The Nucleus includes a variety of multichannel analyzers, computer-based gamma spectroscopy systems, nuclear medicine and clinical diagnostic instruments, and x-ray fluorescence analyzers. Among other ORNL entrepreneurs is Harold Schmitt, one of the original founders of ORTEC. Schmitt was also involved in the founding of several other companies, including Environmental Sciences (a licensee of ORNL technology) and Pic-Air, an Oak Ridge die casting firm, to name two. Schmitt co-founded Atom Sciences with ORNL scientist Sam Hurst in 1980, to commercialize the Laboratory's developments in resonance ionization spectroscopy.

Scientist-entrepreneur Hurst has demonstrated that scientists can play a significant role in steering the development of products for the private sector without giving up their scientific careers. While at ORNL, he founded Elographics, an Oak Ridge company that manufactures computer peripheral devices, including the "touch screen" invented by Hurst for computer terminals. In 1985, using Small Business Innovation Research funding, he co-founded another company, Pellissippi International, to turn basic science results into products. During it first year of operation, this company received four SBIR grants, two of which supported further development of ORNL technology.

Second-generation spinoff companies are also contributing to local economic growth. Computer Technology & Imaging, a manufacturer of positron-emission-tomography scanners and cyclotrons for medical diagnosis, is a spinoff of EG&G/ORTEC. Integrated Systems, one of more than a dozen spinoffs of Technology for Energy Corporation (a 1975 ORNL spinoff firm), specializes in integrated computer-based systems for electric utilities and the nuclear power industry. Another local licensee and a 1980 ORNL spinoff firm, Remote Technology Corporation, is commercializing the advanced servomanipulator. This technology enhances the firm's product line by providing specialized robotic equipment to replace human workers in hazardous environments. In 1985, Anflow, Inc. was formed by ORNL staff to manufacture and market an ORNL-developed anaerobic, fixed-film, bioreactor wastewater treatment system.

Other ORNL spinoffs include American Magnetics, Inc., which custom designs and fabricates superconducting magnets and cryogenic accessories; Ridge Metals, Inc., a precision machine shop that fabricates components for special applications; Oak Ridge Research Institute, which conducts biomedical research and develops environmental monitoring and biological waste treatment systems; Delta M, Inc., which manufactures small-diameter, high-quality thermocouples and instruments for measuring level, flow, and heat flux; Computational Systems, Inc., which develops and manufactures software and hardware systems for stress analysis and preventive maintenance; Telerobotics International, Inc., which designs and develops hardware and software for robotic systems; Oxyrase, which produces an oxygen-reducing enzyme system; and Electro-Optics Laboratory, Inc., which makes improved laser equipment for medical uses. Two ORNL-spinoff companies build tracking devices and market Africanized bee detectors: B-Tec and Electronic System Unlimited. Another ORNL spinoff, Microwave Materials Tech., Inc., is involved with microwave processing technologies.

Senator BINGAMAN: You have already discussed a bit the fact that the Department of Energy has both single program and multiprogram laboratories. Senator Ford asked about the feasibility of restructuring the laboratories around a single purpose and having lead laboratories for individual projects. What would you consider to be the advantages and disadvantages of this approach?

Dr. TRIVELPIECE: A key strength of the Department of Energy is its programmatic managers who, over the years, have guided programs so as to avoid duplication. A recent example of this coordination is the location of the 2-GeV light source at Lawrence Berkeley Laboratory, the 6-GeV light source at Argonne National Laboratory, and the Advanced Neutron Source at Oak Ridge National Laboratory, which we hope will be funded soon. Duplication of these devices around the nation clearly would not be appropriate. By picking these locations for the projects, some revitalization of the scientific facilities at the nonweapons laboratories is accomplished. These were clearly created as "centers of excellence" because the specific nature of the facilities capitalized on existing strengths at these laboratories.

Within the Department's broad spectrum of laboratories, each of its single mission laboratories, for instance Stanford, Princeton, and Fermilab, has the distinction of housing a significant research apparatus that is unique in the world. The great strength of its multiprogram laboratories lies in their interdisciplinary activities. And, as you well know, many of today's major scientific issues require a multidisciplinary approach. Other major scientific institutions, such as those at universities, are typically more narrowly focused. They have not been as adept at engaging in research that involves interdisciplinary interactions. The ability to bring together collections of outstanding individuals with equally outstanding skills in many areas of science, technology, engineering, mathematics, and the social sciences is an asset unique to the national laboratories that allow them to apply themselves to major problems of national interest. A recent example would be the cold fusion phenomenon. ORNL and each of the other laboratories each put together teams of some of their best staff to better understand the science behind the headlines. One of the principal witnesses in Congressional hearings, ORNL's Mike Saltmarsh, provided some of the early data indicating that the cold fusion bandwagon might be moving too rapidly.

One other example of the program direction by Department of Energy program staff involves decisions made in the Office of Energy Research during my tenure there. There was a stage in the fusion program when each of several laboratories, Oak Ridge, Princeton, Livermore, and Los Alamos, had a low-density toroidal, high-density toroidal, and mirror program. It was the opinion of several program managers that the pace of the actual research was proceeding slowly. The decision was made to assign a specific element of the research to each institution: Livermore would do mirrors. Los Alamos would do high density toroidal, and Princeton and Oak Ridge would do tokomaks. We shifted the money accordingly. There were screams from the folks in the field, but this was the right thing to do. It is appropriate for program staff at DOE to make such a decision. It would be inappropriate for the staff to dictate the specifics of the research, such as the use of a particular microwave interferometer to measure plasma density.

If you think of modern science as being mostly interdisciplinary, which it is, then creating single program laboratories to practice multiprogram science is not cost effective. Exceptions to this would be rare, like Princeton, where the laboratory has a long history of and experience in plasma physics and fusion.

Senator BINGAMAN: What do you regard the role of Oak Ridge National Laboratory to be?

Dr. TRIVELPIECE: The basic role of ORNL is to support the nonweapons missions of the Department. In doing this, the Laboratory conducts applied research and engineering development in support of DOE's programs in fusion, fission, conservation, fossil, and other energy technologies. It performs basic research in selected fields of the physical and life sciences. The Laboratory also provides services to the Department of Energy including the conception, construction, and operation of national scientific user facilities and the production of isotopes. We fully support the Department's educational initiatives, the transfer of new technologies to American industry and are responsive to the Department's environmental, safety, and health concerns.

Senator BINGAMAN: In your testimony, you mentioned many significant achievements not only to Oak Ridge National Laboratory but also of the other Department of Energy facilities. What do you see as being the national challenges that the national laboratories could respond to over the long term?

Dr. TRIVELPIECE: The DOE laboratory system has served the Department and the nation well in the past. These laboratories represent the largest collection of scientific talent and research facilities in the country, if not the world. The scientific power with which these laboratories and their capabilities invest our nation is essential to the United States in meeting the challenges we face in the next few years. These challenges fall into three categories: energy, environment, and competitiveness.

Energy as an issue will grow in importance in the United States and worldwide. First, world energy production and consumption will continue to rise; this increase will, in the main, be driven by the developing countries. The impacts the increase in consumption will have on energy prices and the environment will focus attention on conservation and non-fossil energy supply and use technologies. The United States faces falling reserves of gas and oil, increased oil imports, higher energy prices, and a shortfall in electric capacity by the mid 1990s. These factors add up to the need for increased emphasis on energy research and development by the Department of Energy and its national laboratories.

As world population increases and becomes more affluent, the potential for global environmental change grows ever larger. Right now global warming and ozone layer depletion are the more pressing environmental concerns. Yet, these are only examples of the broader environmental implications of a growing world economy. I am convinced that global environmental issues will become even more important in the future than they are today. But, unless we improve our knowledge base relative to global environmental processes, we will be woefully ill-prepared to develop and implement national and international policies to deal effectively with an increasingly complex collection of environmental problems. Much more fundamental research is required if we are to have the understanding needed to respond intelligently to future environmental issues. I believe the DOE's laboratory system is the key to obtaining this knowledge base.

The international competitiveness issue is, in my judgment, one of the most pressing problems facing this country. It is not just a passing fad. It is a structural problem with large scientific and technical components and no quick fixes. Many things need to be done to ensure our future international competitiveness. We need to strengthen our educational system by placing special emphasis on scientific and technical education. We need to continue to replenish our reservoir of basic scientific knowledge. And we need to do a better job in helping American industry translate new knowledge gained from advances in science and technology into commercially useful products and processes. Secretary of Energy Watkins has directed that the national laboratories take on the mission of helping the United States become more competitive through technology transfer and through contributions of time and talent to scientific and technical education. In some ways, this challenge is more difficult than the Manhattan Project, which gave birth to the national laboratories nearly a half century ago. It is difficult because it requires fundamental changes in the relationships between industry, universities, and government. In particular, the traditional sharp boundary between industry and government will need to be altered as it becomes necessary for the nation to call upon all of its intellectual resources—universities, industry, and national laboratories—to work together toward a common goal.

Senator BINGAMAN: What trends do you foresee at the Oak Ridge National Laboratory for meeting the challenges posed by these issues of national concern?

Dr. TRIVELPIECE: I look forward to the next decade as being one of the most productive and exciting periods in the history of the Laboratory. It will be a period of revolutionary change in many of the areas of science and technology in which ORNL is involved. It will also be a period of considerable challenge. Reflecting national trends, the three themes I mentioned earlier, energy, environment, and international competitiveness, will dominate the ORNL environment during the next several years, as well.

Because of the challenge to aid our competitive posture, collaborative research, centered around major user facilities, will become a very important component of the Laboratory's intellectual output. Already ORNL hosts over 2300 guest researchers each year. By the turn of the century, we expect that number to double. Much of the increased collaboration with outside researchers will be associated with the expansion of the twelve existing user facilities and the addition of new facilities. Major new user facilities we hope to put in operation over the next decade include the world's most powerful research reactor, the Advanced Neutron Source, the Center for Biological Sciences, the Materials Science and Engineering Complex, and the Advanced Control Test Operation. The Advanced Neutron Source alone is expected to accommodate 1000 users annually.

As another element of the competitiveness mission, the Laboratory will expand its already substantial educational programs. The present educational activities encompass over 30 programs involving precollege, undergraduate, graduate, and postgraduate students and faculty. I am particularly enthusiastic about the potential for our precollege program. If the nation is to regain its leadership in international commerce, we need to influence the nation's best and brightest young people to pursue scientific and technical careers. That is the aim of the Laboratory's Ecological and Physical Sciences Study Center, which attracted 16,000 precollege students last year. The Center gives students the opportunity for hands-on learning in the physical and life sciences.

To a growing extent, the exceptional scientific and technical developments coming from ORNL are being translated into new American products, markets, and jobs. The catalyst for this expansion of evoluation in the Laboratory's traditional role of technology developer is an aggressive technology transfer program, one which recognizes the importance of face-to-face interaction between ORNL researchers and their industrial counterparts. The technology transfer program really got going in 1985. As of mid-year 1990, the Laboratory had in place 45 licensing agreements with American industry. The cumulative product sales associated with these agreements is $30 million and growing rapidly. ORNL has established itself as a leader in technology transfer, and we plan to continue that leadership in the future.

In April 1990, the Office of Technology Assessment issued the report "High-Temperature Superconductivity In Perspective." I feel the Department of Energy's efforts in this research topic noteworthy. ORNAL has been extremely successful in attracting industry participation into its High Temperature Superconductivity Pilot Center program. In two years, 15 licenses for joint research have been signed. This program has provided increased flexibility and streamlining of the business interface between the Department and U.S. industry to enable cooperative R&D on the technology development and applications of these materials. The end result will be accelerated commercialization of this important technology.

Senator BINGAMAN: What do you envision the future direction of energy technologies to be?

Dr. TRIVELPIECE: The future emphasis of energy R&D at ORNL will be on energy efficiency improvements and nonfossil energy supply techologies.

The Laboratory will continue to conduct the nation's largest and most diverse R&D program in conservation and renewable energy. The current program emphasizes research on high-temperature materials, R&D on advanced electric power transmission and distribution systems, technologies for increasing the efficiency and economical use of energy in buildings and industry, and energy storage. Renewable energy R&D focuses on techniques to reduce the cost and increase the productivity of woody and herbaceous biomass in many regions of this country and in developing nations.

Energy supply technology development at ORNL will continue to concentrate on fusion and fission. The energy released when light elements are "fused" offers mankind the potential for a limitless source of energy. ORNL plays an important role in the international quest to transform this potential into reality. The Laboratory's long-term strategy for fusion is to strive for scientific and engineering excellence in a broad program emphasizing technology and materials. In particular, work will continue relative to advances in toroidal confinement, plasma heating, fueling systems, superconducting magnets, first-wall and blanket materials, and applied plasma physics. ORNL's nuclear fission activities support DOE's civilian nuclear power program and provide technical assistance to the New Production Reactor Program. Planned future directions for ORNL in fission energy R&D include assuming lead roles in developing modular high-temperature gas-cooled reactor technology, nuclear fuel reprocessing, and reactor safety research. The Laboratory will also support all other reactor concepts through its work on strategic nuclear technologies including advanced instrumentation, control, and automation; robotics and teleoperations; and high-temperature materials and structural design.

In response to Senator McClure's remarks, I believe that the nation is ill-served if the Department of Energy laboratories were to substitute for private sector R&D or enter into competition with the private sector for commercializing new energy or environmental technologies. The nation is well served with the improvements in the technology transfer process that Congress has enacted and the Department of Energy has implemented. Industry-laboratory interaction is important for our national competitive posture. The cooperative research and development agreements that are implemented as part of the National Competitiveness Technology Transfer Act of 1989 will serve as excellent foundations for future interactions.

Senator BINGAMAN: I am aware of the strong basic science programs at your institution. What do you foresee as their long-term direction?

Dr. TRIVELPIECE: The Laboratory will maintain vital programs in both the physical and the life sciences. The science programs serve two important purposes: they add to the storehouse of fundamental knowledge, and they create a strong scientific base of support for the Laboratory's technology programs.

Areas of research in the physical sciences will include materials; computations; robotics and intelligent systems; and atomic, nuclear, and high energy physics. The goal of the ORNL materials program is to continue as a world leader in high temperature materials development and in solid state physics, including surface research, preparation of new materials, advanced materials processing, and neutron scattering. Advances in neutron scattering research depend heavily on our building the Advanced Neutron Source. Our already strong materials science efforts will be strengthened further by the construction of the future Materials Science and Engineering Complex. In computations research on parallel processing will continue to be one area of emphasis. Research topics in robotics and intelligent systems will include teleoperations and autonomous systems with man-machine symbiosis as the ultimate goal. In physics, the addition of new instruments to the Holifield Heavy Ion Research Facility will make ORNL the world center for nuclear structure research into the next century. This user facility provides world-class opportunities for nuclear structure research for investigators from across the nation. It is also an important national facility for promoting undergraduate and graduate education in nuclear physics.

The life sciences—biology and environmental sciences—will continue to grow as essential elements of the Laboratory's research programs. In biology, the plan is to build on the core areas of mammalian genetics, radiation carcinogenesis, and protein engineering. In addition, multidisciplinary research in structural biology and genome mapping will be expanded. The proposed new Center for Biological Sciences will provide inportant new research tools for the ORNL staff, as well as users from universities and industry.

In the environmental sciences, the broad goal is to retain the Laboratory's status as one of the world's premier ecological-environmental research centers. The environmental sciences program will cover both energy-related environmental issues and global science. An important program objective is to study and understand the interactions among physical and chemical agents with living organisms, including the ultimate consequences of these interactions for humans and the environment. Global environmental studies will be directed toward gaining the fundamental understandings needed to deal intelligently with the major global change issues, including global warming. One of the goals of these studies is to provide practical input to these decision makers for making technology and policy decisions.

Senator BINGAMAN: How would you summarize the role of neutrons in the national and international R&D arena? Why is the Advanced Neutron Source important to our competitiveness?

Dr. TRIVELPIECE: To be technologically pre-eminent, we need to dominate materials. Almost everything we use for fabrication, maintenance, and protection, and a substantial portion of what we eat, is made from a synthetic or processed material. Amazingly often, that synthesis or process has been improved over the past few decades because of our increasing ability to modify natural processes on a finer and finer scale. When this industrial evolution began, neutrons and x-rays were still being used to study atoms. In the intervening period, we have learned to use these tools to study increasingly larger objects. In the past decade or so, the size range that can be studied using neutrons and x-rays has finally overlapped with the most important size range for industry. Neutrons and x-rays are often complementary, but for most practical applications, neutrons have a decisive and often unique advantage. One reason is that it is difficult to use x-rays to study light materials, which are usually of the greatest technical importance. Aerospace materials are the obvious cases where weight must be minimized, but lighter automobile components, for example, help reduce our energy bill, as well. Another advantage to using neutrons is the need to study pieces of material large enough to be representative, preferably under end-use conditions. This is easy with neutrons, but the difficulty ranges from hard to hopeless with x-rays. Plastics are one of the most important materials where present understanding and future development are intimately linked to neutron research. If you've ever tried to tear the paper-thin foil of an airline peanuts bag at other than the precut starting point, then you have experienced first hand the importance of this research.

Today's R&D problems are sufficiently complicated that no single technique is likely to solve them. It is possible that a particular technique, using neutrons such as in the instances I just mentioned, may provide a breakthrough in fundamental understanding that will allow progress to be made across the board. The problems are often cross-disciplinary; thus, one specific feature of neutron user centers has made them remarkably fruitful for attacking such problems. Although neutron experiments tend to be essentially "small science," of the type found in university laboratories, the need for a centralized neutron source brings all types of neutron experimentalists together at one site. Many of the best results have come from the meetings of people who would not normally interact professionally and who subsequently have found new ideas in common.

Neutrons are used for a wide variety of applications beyond materials research. These uses extend from fabricating silicon for use in computer chips to therapeutic medical radioisotopes. Geologic maps of strategic minerals were constructed using data obtained from neutron activation analysis. The research reactors at ORNL are a resource shared by universities, national laboratories, and industries throughout the country. The fundamental scientific studies that were once the exclusive domain of neutron research are still performed, more widely than ever, but they now take place beside nondestructive testing of oil drills, pipelines, aircraft wings, and jet engines. Neutrons are being used to search for expanded reserves of petrochemicals and strategic minerals, which helps to guarantee our future industrial independence, and for trace element analysis of soil, which helps to guarantee our present and future food supply. To quote D. Allan Bromley, "Neutrons have had a revolutionary impact on much of science and technology."

The United States can take great pride in the invention, at the Oak Ridge National Laboratory, of reactor-based neutron research. Evidently, we showed the rest of the world the importance of this field all too well. In recent years, the lessons learned in this important research field have been applied more extensively overseas than at home. For the past fifteen years, the 1989 Nobel Laureate in Physics, Norman Ramsey, has had to go to Europe to continue the neutron research he once performed in this country. Our facilities have not kept pace with new developments. Researchers in Japan are preparing for the start up of their newest research reactor. In Malaya, new neutron facilities are being built because of the practical importance of neutron scattering to understanding rubber. Investments in new facilities, such as the Leon Brillouin Laboratory in Paris, has given Europe a commanding lead in neutron research. An investment in facility upgrades has additionally benefited Europe by providing a training ground for the many new scientists entering the field. New advances in neutron technology are now being exported from Europe some thirty years after this country's most recent research reactor was designed. Thirty years ago, Japanese cars were almost unknown; color television was a novelty; and ball-point pens leaked. The technology behind fiber-tipped pens and polymer-based mechanical pencils was still awaiting the understanding that would come from neutron-based studies of these materials. Imagine what your workplace would be like if your most essential equipment were thirty years old, now imagine trying to recruit staff. If we do not rejuvenate this field soon, a later injection of capital of any amount may still fail in increasing our competitive posture. We will no longer have enough scientists trained in neutron science, and other countries will advance still further in the time required to train them.

The Advanced Neutron Source at the Oak Ridge National Laboratory will be the world's most exciting center for neutron research. It will allow us to regain the lead that we lost to western Europe a decade ago, and it will attract a new generation of researchers while it serves the needs of the present generation. The center piece of the ANS will be the finest research reactor ever built, designed using every advance made since the designing of our last generation of research reactors, to ensure safe and reliable performance. Projections are that 1000 scientists and engineers annually will use the 30 instruments that the ANS will provide for experiments on materials and for basic nuclear science. The neutron analytical facilities incorporated into this facility will permit extremely sensitive and precise chemical analysis of environmentally important chemicals and pollutants. The ANS is the top scientific priority at Oak Ridge National Laboratory. This reflects the importance that the Department of Energy, the National Academy of Sciences, and others attach to the project as an essential element of our national R&D strategy.

Senator BINGAMAN: Would you expand on the capabilities you are planning for the future ORNL Materials Science and Engineering Complex? Why is this facility needed at Oak Ridge National Laboratory?

Dr. TRIVELPIECE: The Materials Science and Engineering Complex will consolidate a number of existing ORNL programs and incorporate new buildings and facilities that will enhance collaborative interactions in materials science. The Complex will include a new Solid State Sciences Building, a Center for Advanced Microstructural Analysis, a Center for the Study of Advanced Materials, and an Office of Guest and User Interactions. The plan for this Complex addresses identified national, regional, and local needs for materials R&D, and the support it will give our rapidly expanding user programs and technology transfer activities. The existing Office of Guest and User Interactions will be sited in the Complex to coordinate the initiative of the Southeastern Universities Research Association to encourage joint materials research activities with ORNL by establishing a university/industry presence at the Complex.

The Materials Science and Engineering Complex also meets a critical need to replace deteriorated buildings and to alleviate severe crowding in current materials facilities at the Laboratory. To elaborate, the need to replace substandard Solid State Division laboratories has been recognized for decades, and during this time their condition has considerably worsened. The Solid State Sciences Building will satisfy the need for modern solid state laboratories at substantially lower cost than refurbishing existing structures to meet present environmental, safety, and health, and OSHA standards. The Microstructural Analysis Center is our response to the need for buildings to house the next generation of instrumentation, characterized by its vibration-sensitive electron optics. This new building will also bring together under one roof a full range of modern microanalytical instrumentation.

The Complex will not only provide Oak Ridge National Laboratory with a much-needed replacement and expansion of its materials R&D facilities, but it will also provide the cooperative environment that will enhance R&D effectiveness and promote technology transfer. Materials science and engineering is among the most rapidly developing areas of science, and it is also an area that is vital to the future competitiveness of the United States in the international marketplace. Over the past decade, it has become increasingly clear that the need is not only for cutting-edge research but also for close cooperation among universities, industries, and national laboratories to shorten the time it takes to carry ideas from inception to the marketplace. Materials R&D is the cornerstone of high technology, and ORNL has one of the strongest materials programs among the Department's national laboratories. Indeed, our programs in high temperature alloys, ceramics, composites, and superconductors are unparalleled successes. The Materials Science and Engineering Complex is a recognition of the requirement to both perform and exploit materials R&D in the changing conditions of the 1990s.

Universities and colleges in the southeastern United States have numerous innovative materials R&D programs that collectively span a broad range of disciplines from materials chemistry to materials physics and materials engineering and testing. During the last few years, the Southeastern Universities Research Association and the Oak Ridge Associated Universities have explored ways to simplify and encourage joint materials research activities with Oak Ridge National Laboratory.

As a result of the SURA materials science workshop and other organizational meetings between SURA and ORAU, the establishment of a campus-like presence at the Laboratory in the form of a Center for the Study of Advanced Materials has been proposed as a means to increase the materials impact of member universities. The Center would develop broadly based scientific initiatives in materials science and engineering that would reflect the special talents, facilities, and capabilities present in the Southeast. These initiatives would address nationally significant problems important to both the Department of Energy and the university participants whose solutions would transcend the capabilities of a given institution. A proposal is being developed for the Center for the Study of Advanced Materials to support the ongoing research and graduate education programs of the southeastern universities by (1) providing a site at Oak Ridge National Laboratory where students and faculty could be located while participating in joint research; (2) utilizing the Laboratory's user facilities and staff; (3) holding workshops; and (4) benefitting in numerous other ways from the enhanced interaction with other university/industry and national laboratory researchers. The Center will make the whole spectrum of materials science and engineering opportunities at the Laboratory more accessible to southeastern institutions and will provide positions for visiting scholars, faculty, and graduate students for research and study.

Another part of the proposed Materials Science & Engineering Complex, the Solid State Sciences Building, will allow the consolidation of research activities now located in 15 separate buildings. Providing approximately 100 offices and 40 laboratories for state-of-the-art materials research, this new facility will replace aging structures which cannot be upgraded to either accommodate modern research or comply with environmental, safety, and health standards at acceptable costs.

The Center for Advanced Microstructural Analysis will be a national resource for the user community. As microanalytical instrumentation becomes more sensitive, performance of these devices is limited not by the instruments themselves but by the environment in which they are situated. Electromagnetic fields, building vibrations, and even low levels of acoustic noise can degrade performance. Most of our existing facilities were designed as general-purpose laboratories, with little attention being paid to the environmental issues that now restrict performance. The Center for Advanced Microstructural Analysis will provide a state-of-the-art site for the microanalytical instrumentation available at ORNL, including analytical and high-resolution electron microscopes, atom probes and field ion microscopes, surface analysis instrumentation, x-ray diffraction equipment, and mechanical property microprobes.

The Office of Guest and User Interactions facilitates guest and user access to collaborative research facilities at the Laboratory by disseminating information about designated user facilities; identifying user facility and other opportunities for collaborative research; providing assistance with the access and approval procedures required for visits to Oak Ridge National Laboratory; negotiating legal agreements on research interactions; and assisting visitors with local needs such as transportation and housing. Supporting 13 user facilities at the Laboratory, which are important components of the Department's mission, this Office handles more than 2,300 visits annually. This number is expected to double in over the next 10 years.

Senator BINGAMAN: You mentioned the proposed Center for Biological Sciences. What functions would this facility serve?

Dr. TRIVELPIECE: For more than four decades, our Biology Division has steadily expanded the frontiers of life science. The work there began with studies of the biological effects of radiation and then continued with pioneering methodologies for radiation and chemical risk assessments. More recently, efforts have been focused on exploring the most basic life processes, including genetic replication and repair and protein structure/function relationships. In the next century we have the opportunity to unlock the detailed secrets of DNA and the human genome and, along with them, the secrets, causes, and cures of many of our gravest human health problems, including birth defects, developmental abnormalities, and many forms of cancer. Today's research tools are tomorrow's hope for better chemotherapies, high-yield biomass for food and energy, and new ways of diagnosing and treating genetic disorders. By establishing the Center for Biological Sciences, ORNL will continue to play a pivot role in advancing these exciting frontiers. The facility will be structured, physically and organizationally, to promote accessibility, collaborative research, and user interaction. As a result, the Center itself will become a powerful new tool for bringing ORNL's expertise to life.

The Center for Biological Sciences will bring together several key components, allowing new interactions and synergies. These include a Transgenic Mouse Facility, Macromolecule Mapping and Engineering Facility, a Bioprocessing Research Facility, a Mouse Breeding Center for Human-Disease Models, and an expanded Graduate School of Biomedical Sciences.

The Transgenic Mouse Facility will be a world-class center for producing and breeding new mutant mouse strains. We are the world's leader in producing transgenic mice with insertional mutations, that is, mutations triggered by inserting foreign DNA "markers" into mouse zygote chromosomes. Some transgenic mice exhibit mutations that can be correlated with disease-producing mutations in humans. By developing many lines of transgenic mice, ORNL's breeding center will give researchers throughout the world powerful tools for deciphering the structure and function of the human genome.

As a user facility, Macromolecule Mapping and Engineering Facility, coupled with ORNL's existing research reactors and the planned Advanced Neutron Source, will allow researchers from universities and other institutions to probe the three-dimensional structure of proteins and other complex hydrogen-containing molecules. It will shed light on protein function, through studies of "designer proteins," created by genetic engineering. This facility will reveal a new level of molecular detail, inaccessible to x-ray techniques and beyond the reach of today's neutron scattering equipment.

The Bioprocessing Research Facility develops advanced bioreactor systems to convert biomass into fuels and chemicals: to turn conventional fossil fuels into clean burning liquids and gases; and to treat solid, liquid, and gaseous wastes. By bringing the Laboratory's biological researchers and analytical equipment into closer contact with this user facility, we will forge strong new bonds, both within the Laboratory and with additional guest researchers.

In addition to breeding transgenic mice, the new Center will house a Mouse Breeding

Center for Human-Disease Models. These mutant strains, including strains mutated by radiation and chemicals, will provide animal models for exploring serious human diseases, including skeletal deformities, kidney disease, some forms of diabetes, and immune system malfunctions, including AIDS and arthritis.

For nearly a quarter century, the Graduate School of Biomedical Sciences, a collaborative program with The University of Tennessee, has trained some of the nation's brightest biological researchers. Graduates of this school have gone on to direct major laboratories, head corporate and university research departments, and earn national level science awards. Five of the Laboratory's seven National Academy of Sciences members have come from the Biology Division. In keeping with Secretary Watkins' science education initiative, the new Center for Biological Sciences will greatly improve the accessibility of the Laboratory's research facilities and allow for expanded educational opportunities. The biologists at the Oak Ridge National Laboratory represent a rare educational resource, one that we are committed to sharing with the scientists of tomorrow.

The Mouse House at ORNL, the world's foremost center for genetics research, is an irreplaceable international resource and in urgent need of better facilities. This facility and all of the Biology Division's other facilities are badly aged, energy inefficient, and increasingly difficult to maintain. A continuing drain on resources, these facilities pose an increasingly serious threat to our ability to sustain high-caliber biological research. The Center for Biological Sciences will allow us to take critical steps both toward protecting our research investment and toward meeting Secretary Watkins' environmental compliance goals.

The talent and experience of the Biology Division represent one of the leading life sciences resources anywhere in the Department of Energy's national laboratory complex and, indeed, for some specialties, anywhere in the world. The many contributions these researchers have made to our fundamental understanding of the most basic life processes have more than justified the investments made over the past four decades. However, to position ourselves to apply these resources to the challenges and opportunities of the next century—the workings of the human genome, the causes and cures of tragic disease, the mechanisms of genetic damage and genetic repair, better ways to feed and fuel the world—we must make an ongoing investment in them.

Senator BINGAMAN: The Department of Energy and the Oak Ridge National Laboratory have studied the health and environmental effects of various energy facilities and energy technologies. I understand that several recent reports have recommended changes in standards on limits of exposure to ionizing radiation. Could you discuss the need for research in this area?

Dr. TRIVELPIECE: The July 6, 1990, session on the National Energy Strategy focused on energy and public health. In his prepared statement, Secretary Watkins referred to the current practice of assessing risk: "It's a fair question as to whether the current practice of quantitative risk assessment adequately exposes the many assumptions that are part of any risk analysis." The two studies that you refer to, Senator, are directly related to the concerns of the Department of Energy. The United Nations Scientific Committee on the Effects of Atomic Radiation issued a report in 1988 entitled "Sources, effects, and risk of ionizing radiation." This year, the National Academy of Sciences National Research Council Committee on Biological Effects of Ionizing Radiation issued the report "Health effects of exposure to low levels of ionizing radiation." In these reports, risk estimates are considerably higher than those issued by UNSCEAR in 1977 and by BEIR in 1980. Based on these new studies and those of other groups, it is expected that recommendations will soon be made to reduce permissible doses.

Several issues will affect the new risk estimates. The first question to arise based on data from high dose and dose-rate exposures, by what factor should estimates be reduced to estimate risks from exposures to low doses or doses at low rates? A much greater understanding of time-dose relationships is required before accurate and cost effective estimates can be made.

A second issue involves models used in radiation risk estimation. Current risk estimates are based on atomic bomb survivor data and must be extrapolated to the U.S. and other population groups. The type of model used in other calculations makes a significant difference in the risk estimates for a population group. It will be many years before epidemiological data will indicate which risk projection model is more appropriate.

Estimates of the risk resulting from exposure to radiations such as neutrons and heavy ions, which are important for deep space missions, must come from experimental animals because there are no appropriate human data. A method of extrapolating across species is a sensible goal, and radiation is the carcinogenic agent that offers the best hope of developing an acceptable method. The major advantage of using radiation is that there are data for humans, mice and dogs so that any proposed method of cross-species extrapolation can be tested. If decisions about the carcinogenicity of chemicals continues to be based on experimental animals, a method of extrapolating risk is essential if any quantitative risk is to be obtained.

The study of external radiation carcinogenesis also has application in the study of biological mechanisms. These studies can provide knowledge of DNA damage and the repair of chromosome aberrations. The need for animal experiments to improve radiation protection standards is vital. This is another example of research that will be supported in the proposed Center for Biological Sciences.

Senator BINGAMAN: In his opening remarks, Secretary Watkins mentioned the national need for research in environmental restoration. How could Oak Ridge National Laboratory assist the national effort to better understand the phenomena associated with both environmental restoration and waste management?

Dr. TRIVELPIECE: In the last few years, the magnitude of the environmental restoration effort directed toward cleanup of our nation's contaminated sites has increased dramatically. Vast economic and personnel resources are being and will continue to be devoted to this issue. There are some cases that can be addressed within available technology so progress can be achieved within a short time. There are many other cases, however, in which our level of understanding of the complex systems associated with remediation of the relevant disposal sites and the environmental behavior of wastes is either nonexistent or poorly developed. In either case, an appropriate base of knowledge is needed to develop solutions. This demands foresight in identifying future needs, as well as a relatively long-term commitment toward research directed at fundamental science issues related to environmental restoration. Goals for this effort are laid out in terms of decades rather than a few years. Leadership in this area of basic R&D must rapidly evolve and must integrate multidisciplinary science into a focused program that strives to develop the fundamental knowledge base that will be required to ensure that all national efforts at environmental restoration are being successfully undertaken, are cost-effective, and are environmentally safe. Basic R&D support today will help ensure timely and cost-effective technologies for tomorrow.

The basic R&D challenge is yet to be developed for addressing several broad objectives that represent the foundation of a sophisticated understanding of long-term needs for environmental restoration. We need to understand better the physical and chemical factors that control the movement of radioactive, hazardous, and mixed wastes in the subsurface and surface water systems. We must also develop the capability to quantitatively model contaminant behavior. New remediation technologies—physical, chemical, or biological—must be developed for environmental restoration. In addition, they should be accompanied by recommendations for future waste management. The impact of remediation technologies on human and environmental health must be assessed, also, and new models developed and validated for assessing the health and environmental risks associated with previous disposal operations. Finally, performance assessments and post-remediation technologies and capabilities must be developed, as well.

These broad objectives will demand a wide variety of technical disciplines, and a highly interactive structure in which to operate. For instance, significant emphasis must be placed on modeling capabilities, including those related to geochemistry and hydrology, as well as to risk analysis. The interactive relationships between wastes of different types and natural processes of varying nature must be studied. These studies should emphasize microbial transformations that can be used in remediation, as well as other biological parameters that can effectively serve as risk and performance assessment evaluators. Inherent in this initiative will be the need for enhanced computational ability and the use of artificial intelligence and expert systems to aid restoration decisionmaking. Basic research issues important to the waste R&D effort will change as technologies develop and as new problems are encountered.

This initiative is necessary because it focuses specifically on issues that require a relatively long lead time and that are directed toward resolving a pressing national problem. Basic research is important if the Department of Energy's environmental restoration efforts, as well as those of other government agencies, are to be effective. As time passes, I expect that increased attention will be given to this need. The time is right for the nation and the Department of Energy to take advantage of the multidisciplinary expertise and experience in waste R&D at the Oak Ridge National Laboratory. The setting of this Laboratory provides a unique opportunity for field testing projects running the gamut from characterization to remediation.

Because the cost of remediating environmental insults is high, a vigorous R&D program is needed to minimize cleanup costs, to quantitatively understand the risks posed by the contaminated sites, and to help establish remediation priorities. At ORNL, the purpose of our waste R&D initiative is to research, develop, and demonstrate advanced technologies that will significantly reduce the costs of environmental restoration and waste management while meeting requirements of public acceptability.

One component of this program is to determine methods and develop techniques for identifying and characterizing the wastes and waste sites associated with the various Department of Energy operations, particularly those within the eastern half of the United States. As part of this characterization effort, more useful, cost-effective tools need to be developed that will facilitate our response to compliance requirements at minimal cost. These include modeling hydrologic systems and developing advanced field measurement, sensing, and data analysis techniques. The Ultrasonic Ranging and Detection System, developed at the Laboratory, has been successfully transferred to industry. Effective modelling requires greater understanding of contaminant behavior and its response to remediation techniques. A large cost of any remediation effort is the required qualitative and quantitative analysis. Improved and cheaper analytical techniques should be developed that are in situ and real time. Field-oriented methods that allow both site and contaminant characterization with minimal cost and health impact are necessary.

A second component of the applied waste R&D initiative involves assessing existing waste management methods and evaluating, developing, and demonstrating new potentially effective technologies for waste treatment. Some of these potential effective technologies may currently be in use in other industries, but they have not been considered for application to waste management. These technologies will be needed to address the three frontiers of restoration and waste management: the cleanup of existing sites, better techniques for handling wastes currently being generated, and process modifications to minimize future waste generation. Several technologies are currently being evaluated for these purposes, along with their potential for future development. Bioremediation and biotechnology may provide organisms that fix, degrade, detoxify, or accumulate organic and selected inorganic species either in situ or in process. Bioindicators may continuously monitor environmental quality. Robotic systems and remote technology may enhance environmental restoration and waste management operations. These waste-handling techniques would remove workers from contact with hazardous materials, increase the speed and productivity of operations, and reduce life cycle costs of these operations. Waste reduction in volume or toxicity may be achieved by developing waste minimization technologies ranging from fundamental chemical reactions to engineering and process design. Advanced separation technologies would improve waste concentration efficiency and effectiveness.

While these technologies are to some extent already developed, additional refinement is necessary to be cost-effective in addressing a wider range of waste problems. It is expected that there will be significant industrial involvement in this program, particularly in the demonstration phase. With the impressive record of Oak Ridge National Laboratory in technology transfer, close working relationships are anticipated both within and outside the Department of Energy community.

At any site undergoing cleanup efforts, there are two frequently asked questions. How clean is clean? At what level of contamination is toxicity negligible? These questions are directly related to risk. Successful support of our national remediation efforts depends on the fundamental knowledge base provided by basic research. It will take decades to complete remedial investigations, feasibility studies, and actual site remediation at Department of Energy and other government sites. It is the management of health and environmental risks that is of primary concern to the owners of the contaminated sites and the funders of the remediation efforts. Achievement of a given level of compliance is not the sole criterion. Fundamental operational questions of risk and risk management require new approaches that are generated by basic research, along with the application of site-specific human health and ecological effects data bases for model development, validation, and uncertainty analysis.

Concern over a lack of qualified, trained scientists and engineers to solve future problems has led to an increased emphasis on education within the Department of Energy. The Oak Ridge National Laboratory is responding to this concern by developing joint research projects with major universities and historically black colleges and universities to encourage students to study in fields of waste management.

Senator BINGAMAN: You've mentioned your educational programs several times in your comments today. Your educational efforts appear to be multifaceted across the educational spectrum. Would you please describe some of the educational programs conducted at Oak Ridge National Laboratory this summer? I also understand, Dr. Trivelpiece, that you are the chairman of the Mathematical Sciences Education Board. What role does this group have in national education?

Dr. TRIVELPIECE: Thank you for your kind acknowledgment, Senator. The educational programs at the Oak Ridge National Laboratory are part of the Department of Energy's effort to arrest the trend toward fewer numbers of United States students in science and engineering.

From June 13 to July 3, the first National Teacher Enhancement Program was conducted in Oak Ridge under a three-year, $2 million National Science Foundation grant. Oak Ridge National Laboratory administers this grant on its own behalf and on behalf of four other Department of Energy laboratories—Fermi, Argonne, Brookhaven, and Livermore. Forty-six elementary-level teachers and principals from ten East Tennessee counties participated in this three week session. More than 25 area teachers as well as ORNL research staff members, acted as resource persons.

Under the May 19, 1990, Department of Energy Memorandum of Understanding with the Appalachian Regional Commission, activities were initiated with two pilot science education programs in July for 17 middle and high school students and 3 teachers from school systems in southwest Virginia. These hands-on learning experiences were based on the curriculum of our Ecological and Physical Sciences Study Center. Governor Wilder of Virginia said that "Forging linkages to organizations within other states in math and science education is an excellent beginning to accomplish the goals we governors set at the National Governors Conference in February." We at ORNL concur.

In June, Oak Ridge hosted the semiannual meeting of the Science and Technology Alliance that links the Oak Ridge, Los Alamos, and Sandia national laboratories with three minority institutions: the Ana G. Mendez Foundation in Puerto Rico, North Carolina A&T State University, and New Mexico Highlands University.

Participation in the American Chemical Society's Project SEED, the Summer Educational Experience for the Disadvantaged, was expanded this summer to include 17 high-school students. They hold ten-week summer research appointments at the Laboratory. This number included seven Hispanic SEEDs who are also outstanding students from the Mendez Foundation's precollege program in Puerto Rico. They were accompanied by two supervising teachers, who also had full-time research assignments. Ten SEED students from East Tennessee also had experiences here that culminated in a formal research report or presentation. Puerto Rican participation and support were part of our efforts with the Mendez Foundation under the Science and Technology Alliance.

Under the Laboratory's Memorandum of Understanding with the University of Puerto Rico, a one-week hands-on precollege study program was conducted from June 25 to July 3 in Oak Ridge for 17 Puerto Rican students and two teachers. The one-week program included an opportunity for interaction with the Hispanic SEED students here on summer-long research appointments.

Our core program in the precollege area, the Ecological and Physical Sciences Study Center, served some 16,000 youth and adults during the September 1989 to June 1990 academic year. This number represents a 60% increase from the total of 10,000 participants during the previous year. The Study Center offers more than 20 different half-day, hands-on study experiences, both for visiting groups and through classroom visits from the the Center's staff.

A total of 40 elementary- and secondary-level teachers participated in this year's eight week Summer Teacher Research Program at ORNL. This total more than triples the number of appointees at the Laboratory under the Department of Energy's nationally administered Teacher Research Associates program. Additional support for teachers has been provided through several sources: the Laboratory's research divisions, the Department's waste management education initiative, initial Department monies for Project SMART, Science/Math Action for Revitalized Teaching, local monies to support minority teachers under the STAR Program, Summer Teachers As Resources, and the first appointment under a new initiative to provide national laboratory research experience for prospective teachers during their undergraduate or graduate study.

Oak Ridge National Laboratory hosted its third Department of Energy High School Science Honors Workshop for 50 U.S. and 7 foreign students from July 7 through July 21. Eleven previous Laboratory honors workshop participants also held summer-long research appointments in our Environmental Sciences Division. The intensive two-week experience featured hands-on, small group participation in 15 research projects on environmental topics, each with a Laboratory staff scientist as mentor. The students also participated in mock public hearings that examined problems at the interface between science and public policy. These topics included global climate change, radon, and hazardous and radioactive waste management.

A precollege science education venture, the Saturday Academy of Computing and Mathematics, is set to be offered for the first time this fall. The 10 week program, set to begin in October, initially will be limited to 30 students and teachers from six selected Oak Ridge and Knoxville area schools. In June, a group of the prospective teacher participants reviewed the program outline and provided comments and suggestions on its initial implementation. They provided strong support for both the concept and its value as a challenging enrichment activity for their most outstanding students. We intend to expand the Academy concept to include other subjects, such as physical and materials science and biphysics.

Working through the newly organized Clinch River Environmental Studies Organization, the 130-acre Anderson County Wildlife Sanctuary is being developed as an environmental study site by three area school systems. Money provided by the Department of Energy's Waste Management Education Initiative has helped to support initial survey and curriculum development activities at the site. This has been accomplished through a program of "student environment problem grants," which enabled upper-level students to develop and carry out research projects during the spring and summer. Two supervising teachers were supported under our Summer Research Program. On-site study experiences for class groups from the participating schools are to begin this fall.

The Service Academy Research Associate program brings science, mathematics, and engineering majors from military academies to the Oak Ridge National Laboratory to work with staff scientists in a research environment for from two to six months. This summer three undergraduate and six graduate students are participating. Other programs include the Science and Engineering Research Semester for college undergraduates and the Nuclear Engineering Training Program for top students at historically back colleges and universities.

To respond to the second part of your question, the Mathematical Sciences Education Board was created in 1985 by the National Research Council to stimulate and coordinate national reform of mathematics education. In its first major publication, "Everybody Counts: A Report to the Nation on the Future of Mathematics Education," the Board sets forth a compelling argument for fundamental mathematics education changes starting in kindergarten. The Board is a coalition of national leaders from the mathematical sciences, education, government, parent groups, and the corporate sector. The Board will work toward a consensus on the goals of mathematics education and will promote national standards. Structures for facilitating change will be established, and prototypes of content and instruction will be developed. The Board will report to the nation on the status of mathematics education and will define a national strategy for implementing change.

The Mathematical Sciences Education Board is engaged in a wide variety of activities in its efforts to improve mathematics education at all levels and for all students. Several of these activities are well advanced, such as coordinating the work of professional organizations that are developing professional teaching standards, as well as a national strategy for reaching out to groups that are traditionally underrepresented in the mathematical sciences. The Board is disseminating the results of international comparisons of mathematical achievement and creating materials that encourage young children to be successful in mathematics. A national network of state-level mathematics coalitions is being established, and mathematics education is being promoted as a priority concern for a wide range of national organizations. The Board is beginning to organize a national corporate council to link business and industry with the reform movement in mathematics education. Also, U.S. schools are beginning to adopt successful international practices in mathematics education.•

SOCIAL SECURITY EARNINGS TEST

• Mr. MACK. Mr. President, the Social Security earnings test is a ridiculous penalty on working seniors who want to continue to work but can't because the earnings test won't let them. The earnings test is a 56-year-old law that limits Social Security beneficiaries ages 65–69 from earning more than $9,720 annually. Beyond that, $1 of Social Security benefits is taken away for every $3 in wages earned. This is ridiculous. The earnings test needs to be repealed—now.

A local newspaper in Fort Myers, FL, called the Senior News, began a letter writing campaign in November 1990. So far I've received 423 letters from outraged seniors all over southwest Florida urging a repeal of the Social Security earnings test. The letters I received illustrate the seriousness of this issue and how badly seniors want the earnings test repealed.

Seniors want to play a vital role. Let us work quickly to repeal the Social Security earnings test. The following are two of the letters I received that exemplify the hardship the earnings test places on our Nation's senior citizens:

PORT CHARLOTTE, FL,
October 15, 1990.

DEAR REPEAL C/O SENIOR NEWS. In regard of my sixty-fifth birthday I am now collecting Social Security and working part-time. I am in good health and an experienced carpenter in all phases of building. If it was not for my allowance that I would make, I would be able to work full time. I have worked steady for fifty years in the carpentry business. It is not right that I should be penalized for my income. Also that I was born in the notch years I am penalized twice.

I understand that most Americans work over seven months for taxes alone with no benefits to the medium earners.

Also I think the government could take a lot of the dead wood off the top of the governmental pile, the ones that could well afford to fend for themselves. I have not heard of any of our politicians saying anything about their 60 or 70 percent raises they voted themselves a few years back.

Please repeal of Earnings Restriction Law.

Sincerely,

WYLIE A. PORTER.

NAPLES, FL,
October 2, 1990.

DEAR SENATOR MACK. I'm 65 and working harder than I ever have, 76 hours a week and to have to give back a part of my Social Security is a disgrace. We need a repeal, of the Earnings Test.

J. MESSMER.

I urge my colleagues to support legislation to repeal the Social Security earnings test.•

DISPLACED HOMEMAKERS

• Mr. McCAIN. Mr. President, if we as a nation are going to continue to compete in the highly competitive global market, we must call on all our citizens to do whatever they can to keep America No. 1. All our citizens, working together to do their part, will be needed in this effort. But the Federal Government must do its part also.

To bring this issue closer to home, and no pun is intended, last year the Congress authorized money for job training for displaced homemakers. I supported this authorization. However, Congress, mistakenly I believe, failed to appropriate any funds for this program.

Displaced homemakers should be given every opportunity to continue to be productive. In most cases, with a small amount of training, these women are able to enter the work force and become model employees. Mr. President, this is surely a wise use of the taxpayer's dollars.

Mr. President, I hope that this issue will soon be considered by the full Senate and I urge my colleagues to support this important program.•

BLACK HISTORY MONTH ESSAY

• Mr. RIEGLE. Mr. President, Black History Month allows us to reflect on the critical role black Americans have played in building our Nation. Although Black History Month has just ended, we must remember the lessons of our past as we address the challenges we continue to face in removing all barriers to equal opportunity for all citizens.

It is especially important for our young people to learn the rich history of black Americans. Over the past month, students from 75 high schools in Wayne, Oakland, and Macomb Counties completed in an essay contest on "The Value of an Education Within the Context of Black History Month."

Today, Noell Houseworth, a ninth grade student at Cass Technical High School in Detroit was named the winner. Her essay is a moving account of the courage of those who integrated our schools, and of the need to renew our commitment to education.

I ask that this essay be printed in the RECORD.

WON'T LET NOBODY TURN ME AROUND

Gloria Ray, Terrance Roberts, Melba Pattilo, Elizabeth Eckford, Ernest Green, Minnijean Brown, Jefferson Thomas, Carlotta Walls and Thelma Mothershed. The Little Rock Nine. Who are they? Where are they? Look up their names in the encyclopedia and you can't even find them. They aren't a famous rap group, they weren't even on the starting line up for the Green Bay Packers. Why even bring them up? After all, they never signed a million dollar contract, nor did they ever appear on the Oprah Winfrey show. So, who cares?

The time was 1957, the place Little Rock, Arkansas. The nine were teenagers who took a journey of 100 yards from the street to the doors of all white Central High school. It was a journey lined with National Guardsmen, angry whites, the Governor of Arkansas, the Klu Klux Klan and attack dogs. It was a journey supported by the blood of their ancestors, those who felt segregation was wrong, the President of the United States and the Constitution. These nine Black teenagers walked this long 100 yards for a chance to be educated. It was not at a swanky prep school, or at a school that offered a great academic program that would ensure their future success. They walked the 100 yards to enter the doors of a school that could only boast of being totally segregated. The nine unknowns were hand picked from a pool of 60 applicants. Willingly, they accepted the task of obtaining equal education for Blacks. They, in their own way, began a long journey into history that many of us seem to have forgotten.

School drop out rates among Blacks nationally is 15%. The drop out rate of Black males in urban areas is 45%. Blacks are completing high school unable to read. These are the headlines of the 90's. How different they are from the days when nine teenagers were willing to die for a right to be educated.

Our path to the doors of institutions of learning have been paved by the blood of slaves who sought and obtained the Emancipation Proclamation. It is cushioned by the 1954 Supreme Court decision of Clarice Brown versus the board of education, in which the Supreme Court justices said, "Education is perhaps the most important function of state and local governments". They said that denying children educational opportunities based upon race is wrong. The doors of those institutions were opened by the freedom riders of the 50's who were jailed, beaten and murdered when they demonstrated to abolish the ugly face of segregation.

Unlike the Little Rock Nine, our journey down those 100 yards is not as difficult, as frightening, or as heart felt. We must however overcome the feeling that the struggle is over. We, the teenagers of today, must dedicate ourselves to overcome new obstacles that have been placed before us. We must commit ourselves to obtaining a quality education, we must overcome the pressures that would cause us to walk away from our schools without completing our education, we must prove those people wrong who believe Blacks can only excel in sports, we must become competitive with whites in all facets of life, we must dispel the thoughts of those who count us out as a lost generation.

Our generation must rekindle the words and deeds of the freedom riders of the 50's and of the Little Rock nine, "Won't Let Nobody Turn Me Around."•

CRIME CONTROL PROPOSALS

• **Mr. CRAIG.** Mr. President, yesterday, Attorney General Richard Thornburgh presented a number of crime control proposals to the law enforcement summit on violent crime. I urge my colleagues to support those proposals.

The Attorney General spoke about the need for the comprehensive crime bill proposed by the President. He called for tougher sentences for firearms violators. He also announced that the Federal Government is prepared to spend $12 million to improve the accuracy of criminal records.

There are many well-meaning individuals among us who think crime can be controlled by locking up all the guns in America. Mr. President, they are wrong. And they are hurting law enforcement, not helping it, as long as they focus on the tools of the criminal and not the tools needed by law enforcement They are hurting law enforcement, not helping it, as long as they demand that officers stop fighting crime and instead spending their time conducting background searches on innocent gun purchasers.

Mr. President, Attorney General Thornburgh understands this. That's why he did not just talk about crime as an issue yesterday—he delivered a tough, workable, sensible action plan to fight crime.

I commend the Attorney General and the administration, and encourage my colleagues to support their efforts.•

COMMEMORATING BLACK HISTORY MONTH

• **Mr. McCAIN**—

> They ask but the rights which are theirs by God's universal law, and which are the natural outgrowth, the logical sequence of the condition in which the legislative enactments of this nation have placed them. They appeal to you and to me to see that they receive that protection which alone will enable them to pursue their daily avocations with success and enjoy the liberties of citizenship on the same footing with their white neighbors and friends.

Mr. President that was a statement made before this great body on March 16, 1870, by the Honorable Hiram Revels, Republican Senator from the State of Mississippi. Mr. Revels was the first African-American to be seated by the Senate. He made this statement during a fierce debate regarding the seating of the Georgia delegation during the reconstruction era. I rise today to pay tribute to Mr. Revel and to the many other African-Americans who have helped so significantly to enrich American history.

Mr. President, the month of February is a special time for African-Americans. In 1976, Congress designated February as Black History Month. It is a time to celebrate a rich and proud history of achievement over adversity.

As we take time to celebrate the accomplishment of Black Americans this month, let us keep in mind that we still have a long way to go to achieve true racial equality. But as we work toward that day, let us be guided by our reflections on the milestones of black history that have made America a more just society.

We remember those who paid the ultimate price for freedom during our Nation's times of war and domestic turmoil. We remember Crispus Attucks whose life was first to be taken in the Revolutionary War and the more than 5,000 African-American soldiers who served during the Revolutionary War and fought for freedoms that they would not realize for more than 100 years after the battle had ended. From the 38,000 African-American soldiers who lost their lives in the Civil War, to the courage our soldiers are displaying in the Persian Gulf today, African-Americans have revealed the "last full measure of their devotion" to their country.

Inexcusably, many African-Americans have been disenfranchised from the mainstream of society. Black history in this country has been largely undocumented. Nowhere is this more true than in the southwest, where the extraordinary lives of many African-Americans have gone unheralded.

Despite the obstacles of racism and poverty, many African-Americans have contributed substantially to the progress of the Nation. The history of my State of Arizona's has been vastly affected by the achievements by African-Americans.

Arizona's history is centered on the folk heroes of the Old West, the Indians, cowboys, pioneers, and soldiers. African-Americans played a large role in this western tradition. They were the Buffalo Soldiers, adorned with the name by the Kiowa, Cheyenne, and Apache tribes who fought them. Arizona was grateful for the protection of the brave soldiers of the all black 9th and 10th Cavalry as well as the 24th and 25th Infantry, stationed at Fort McDowell and Fort Huachuca.

These units, created in 1866, scouted 34,420 miles of Western desert and plain, laid hundreds of miles of new roads and telegraph lines, protected mail coaches, guarded the Mexican border, and protected settlers. Eleven African-American soldiers were awarded Medals of Honor during the western campaign. Two of the most memorable were Sgt. Benjamin Brown and Cpl. Isiah Mays. They served in the 24th Infantry Division, and their gallantry in action was displayed in a fierce fight with outlaws who had robbed an army payroll. Brown was shot in the stomach and continued to fight until wounded in both arms. Both were honored for their bravery in the fight.

One the most well known African-Americans Soldiers in the Arizona frontier was Lt. Henry O. Flipper. In 1877, Lt. Flipper was the first African-Americans to graduate from West Point. He was recognized as an accomplished engineer as well as a skilled negotiator in the conclusion of a border agreement between the United States and Mexico.

Lieutenant Flipper's military career was not without controversy. He was dishonorably dischrged after being falsely accused of actions unbecoming an officer. Despite suffering the undeserved ignominy of a dishonorable discharge, Lieutenant Flipper remained in the southwest to enrich the lives of many more Americans. And in 1976, he was exonerated posthumously by the Army Board for the Correction of Military Records. He now occupies a distinguished place in American history unblemished by mistakes that were not his.

Mr. President, there have been regrettable moments in Arizona history which set us back in our march to a more just and equal society. In 1912, the Arizona State constitution established a legal system of segregation. The constitution required separate public facilities such as bathrooms and drinking fountains. It also established a segregated school system which hadn't existed in Arizona prior to this constitution. Although it was not strictly enforced, it was another unnecessary indignity that African-Americans had to bear in Arizona.

Despite obstacles to their advancement, African-Americans played a meaningful role in the development of Arizona. Dr. Winston C. Hackett, a graduate of Fisk University, established the Booker T. Washington Memorial Hospital in 1916. The Hospital served all races of the Phoenix area. Hackett remained for the rest of his life a prominent civic leader in the community.

In 1919, the Phoenix Advancement League was formed by entrepreneurs Samuel Bayless and C. Credille. This organization was a forerunner to the NAACP in Phoenix. The League fought segregation and bigotry through changes in the law. By 1922, other branches were active in Tucson, Flagstaff, Bisbee, and Yuma.

Although the early history of African Americans in Arizona was fraught with difficulties, it was also ennobled by their triumphs over adversity. Because our history is so rich with the achievements of African-Americans, I must take this opportunity to apologize to those whose accomplishments I have failed to mention. African-Americans history is the history of a people who fully represent the meaning of the American spirit. Despite extreme adversity, despite the persistent degradation of racism and racist laws, African-American experience in Arizona is marked chiefly by persistence and success.

I was to recognize today, some contemporary Arizona heroes. Dr. Lincoln Ragsdale who, after serving the United States in the all black 99th Fighter squadron in World War II, known as the Tuskegee Airmen, settled in Phoenix and is now a prominent businessman. When the civil rights movement came to Arizona, Dr. Ragsdale, as well as the Rev. George Benjamin Brooks and others, were there on the western front of the civil rights movements.

Another of our State pioneers is my friend and long time confidant, Judge Cecil Patterson, who 13 years ago was appointed to the Superior Court of Arizona. He was most recently chosen to head our State Attorney General's Department of Human Services and Civil Rights.

I would like also to mention the achievements of Donald Tucker, the first African-American ever to be named U.S. Marshal for the District of Arizona.

All of these distinguished individuals have established themselves as role models, not only to the African-American community, but to all Arizonans.

Accomplishments by individuals within the minority community not only serve as examples of determination and achievement but also as a reminder that we must continue to move forward to enact policy that will empower African-Americans to stake their claim to the American dream. It is our duty to create and maintain an atmosphere in which creativity and determination is rewarded through equal opportunity for all members of society.

However, it is important to remember that changes in law are not enough. The most difficult, and the most important change must take place in the hearts and minds of all men and women. The constitution states that all men are created equal. The Constitution is not only a legal and a moral injunction, but a call to conscience.

I believe that Black History Month is an example of how this country can celebrate the uniqueness of one of its many cultures. However, Black History or the history of any of our Nation's peoples shouldn't be remembered just 1 month a year. As Americans we should realize that our society is composed of many coultures. Our religion, politics, science, arts, industry and agriculture are the work of a multitude of cultures all united by their attraction to the universal appeal of our nation ideal—the desire to live free and prosperous lives. The great success of our democratic experiment is the direct consequence of a multicultural heritage. Though we are many, we are one.

Mr. President, I have explained what Black History Month means to me. I would also like to enter into the RECORD statements from some of the African-Americans that I admire and respect. I contacted Judge Cecil Patterson and U.S. Marshal Donald Tucker and asked them to share with us their thoughts of what this month means to them. I ask that their statements be included in the RECORD following the conclusion of my remarks.

Finally, Mr. President, I want to say a few words about one of the greatest figures in Black history, Dr. Martin Luther King. For the all too brief time he was among us, Dr. King was our moral compass. He pointed us back in the direction of our founding principles. His guidance was delivered with love and without malice to anyone. His advocacy responded forcefully to his often malicious and violent opponents, but without using the methods used so cruelly against him. He knew that the violence inflicted on him and on his race did not reflect the real character of America, but were symptoms of a nation at risk of losing its virtue. He called us back from the precipice of that near catastrophe. That is why Dr. King is a hero to me.

I know that all the dimensions of Martin Luther King's American dream are not yet realized. I know that every day, in every community in America, injustice has its advocates. But we are much farther along "the torturous road from Montgomery" than we were the day he died. Let us use the celebration of this month, and the memory of this gentle man's unsurpassed humanitarianism, to complete the journey and get over to the promised land.

The statements follow:

STATEMENT OF U.S. MARSHAL DONALD TUCKER

As I reflect on Black History Month, I am reminded of the story about a Black woman, that scrubbed floors and worked as a domestic maid, to earn enough money to send her son to college. When she went with him to college on that first day, her son was denied admittance because of his grades, educational background and the feeling he couldn't compete with the other students. The Black woman got on her knees and begged the college president to give her son a chance. The college president told this proud Black woman, that she need not get on her knees because if her son had just a small portion of the character and determination that she displayed, he would allow him to be admitted into his university.

Several years later, the college president was approached as he was walking through the airport by a tall, well dressed, young Black man. After a general conversation the young Black man reminded the college president of the day his mother begged him to let her son into his university. The young Black man thanked the college president and before walking away he stated that he was the top pilot for a major airlines. As the young Black man was walking away, the college president thought to himself "Don't tell me what a Black person can't do if someone just gives them a chance". That Black woman is an integral part of Black History and a legacy for all, not just Blacks, but Whites, Hispanics, Indians, etc.

Blacks since the days of slavery have struggled and gone against seemingly insurmountable odds to not only survive but to change our society. Blacks such as George Washington Carver, Martin Luther King, General Chappie James, Barbara Jordan, Shirley Chisholm, have all made a mark in the history of this country. How can Black Americans and this whole country not be proud of General Colin Powell during this crucial time in history.

As the Black U.S. Marshal from Arizona, I am extremely proud to follow in the foot steps of the first Black U.S. Marshal for this country, Fredrick A. Douglas, District of Columbia, 1877–1881, who said "without struggles, there is no progress".

As Black Americans, we must continue to build on the legacy of our Fathers and Mothers and continue to help build this country to its infinite greatness, because without the contributions of Black Americans throughout our history, this country wouldn't be where it is today.

I join in the celebration of Black History Month, February 1991, and hope all races of men, women and children of this country attempt to understand each other and our histories so that our future, as one peoples, will not only be insured, but enhanced.

STATEMENT OF THE HONORABLE CECIL PATTERSON

It is a time to reflect on your heritage and history, a time to look at your forebearers experiences, and a time to get strength from your cultural heritage. It is a source of strength and pride reinforced through an expanding knowledge. This reflection is a process, a continuing growth as a part of a very prominent group in the United States as well as growth as an individual. In Arizona the effort requires greater focus because of the smaller number of Blacks. But, the quality of our celebration is second to none. The focus on our accomplishments, the abundance of our heritage, the celebrations of our triumphs are strong as it would be where there are larger numbers of Blacks residing. Art, music, literature, and politics all intertwine to carry out the richness of our legacy.•

TRIBUTE TO LANCE CPL. FRANK C. ALLEN

• Mr. AKAKA. Mr. President, the war in the Persian Gulf has come to an end, and I think it is only fitting that we pay a final tribute to one of Hawaii's own, Lance Cpl. Frank C. Allen.

Hawaii buried a brave and courageous man at Punchbowl, the National Cemetery of the Pacific. He was a family man and a friend to many, and he was Hawaii's first son to be killed in the Persian Gulf conflict. His death brought home the stark realities of war, and we share in the profound sense of loss felt by Corporal Allen's family and friends.

Frank Allen exhibited the highest sense of patriotism and gave unselfishly to make the world a safer place. He was a valiant and honorable man whose sacrifice will not be forgotten. He gave the greatest contribution anyone can give to protect world freedom. Words cannot replace this devastating loss, but history and time will forever honor Corporal Allen and individuals like him.

The people of Hawaii and the Nation are grateful for the dedication and commitment Corporal Allen and other brave Americans have given to this country. We share the sorrow being felt by family and friends who have lost loved ones in the Persian Gulf.

Mr. President, I wish to extend my condolences and deepest sympathies to the family and friends of Corporal Allen. My thoughts and prayers are with them in their time of grief.•

REGARDING BUILDING HEIGHT LIMITATIONS IN THE DISTRICT OF COLUMBIA

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of Senate Joint Resolution 84, regarding building height limitations in the District of Columbia, and that the Senate then proceed to its immediate consideration; that the resolution be deemed read a third time and passed and the motion to reconsider be laid upon the table.

The joint resolution (S.J. Res. 84) was deemed read a third time and passed, as follows:

S.J. RES. 84

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Schedule of Heights Amendment Act of 1990 (D.C. Act 8–329), signed by the Mayor of the District of Columbia on December 27, 1990, and transmitted to Congress pursuant to section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act on January 15, 1991.

JOINT SESSION OF CONGRESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 83, regarding a joint session of Congress now at the desk.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution, (H. Con. Res. 83) providing for a joint session of the Congress to receive a message from the President of the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 83) was agreed to.

Mr. RIEGLE. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION TO APPOINT A COMMITTEE TO ESCORT THE PRESIDENT INTO THE HOUSE CHAMBER FOR THE JOINT SESSION AT 9 P.M., WEDNESDAY, MARCH 6, 1991

Mr. RIEGLE. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m., Wednesday, March 6, 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY OF PRESENT AND FORMER EMPLOYEES OF THE SENATE

Mr. RIEGLE. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Mr. DOLE I send to the desk a resolution to authorize testimony by present and former Senate employees and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 73) to authorize the Senate Financial Clerk and other present and former Senate employees to testify in the case of *United States* v. *Darrell A. Tomblin,* et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, on March 18, the trial in the case of United States versus Darrell A. Tomblin, et al., is scheduled to begin in the U.S. District Court for the Western District of Texas. One of the three defendants in the case is Glen Mauldin, who from 1983 through 1988 served as an employee of the U.S. Senate. The indictment, which was handled down in September 1989 alleges, in part, that between November 1987 and November 1988 the defendants conspired "[t]o corruptly obtain the influence of the office of a U.S. Senator to influence decisions by the Government of the United States to benefit various business plans of the Defendants."

Prior to the indictment in 1989, the Joint Leadership Group authorized during a recess of the Senate, pursuant to Senate Resolution 490 of the 97th Congress, the production of several Senate financial records in response to a grand jury subpoena. Now, in preparation for trial, the Department of Justice has caused subpoenas to be issued for the testimony of a number of present and former Senate employees. One of the subpoenas is to the financial clerk of the Senate for testimony in his capacity as the custodian of the Senate financial records previously produced to the grand jury.

Although the present subpoenas ask only for testimony, the resolution that follows also would authorize the production of additional documents, if the need arises.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to.

The resolution with its preamble, reads as follows:

S. RES. 73

Whereas, in the case of United States v. Darrell A. Tomblin, et al., Cr. No. SA–89–CR–249, pending in the United States District Court for the Western District of Texas, the United States has obtained subpoenas for the testimony of Stuart F. Balderson, the Financial Clerk of the United States Senate, for the testimony of other present Senate employees, and for the testimony of former Senate employees;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the prossession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the provision by Senate employees of information acquired in the course of their official duties is needful for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Stuart F. Balderson, the Financial Clerk of the United States Senate, and other present and former employees of the Senate are authorized to testify and produce records in the case of United States v. Darrell A. Tomblin, et al., except as to matters for which a privilege should be asserted.

Mr. RIEGLE. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. RIEGLE. Mr. President, I ask unanimous consent that when Senator WARNER is recognized to address the Senate today, that at the conclusion of his remarks the Senate stand in recess, as under the order, until 9:30 a.m. Wednesday, March 6, 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WARNER. I understand the Senate is now in morning business and the Senator from Virginia may send to the desk a bill and ask that it be printed.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Mr. President, I send to the desk a bill and ask that it be printed.

The PRESIDING OFFICER. The bill will be appropriately referred and printed in the RECORD.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER pertaining to the introduction of S. 564 and S. 565 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDERS FOR TOMORROW

Mr. RIEGLE. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, March 6; that following the prayer, the Journal of the proceedings be approved to date; that the leaders' time be reserved for their use later in the day; and there then be a period for morning business not to extend beyond 10:10 a.m.; and that during morning business, Senator GORE be recognized for up to 20 minutes; and Senator PRYOR be recognized for up to 15 minutes; and that Senators be permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, as a reminder to Senators, tomorrow at 10:10 a.m., the Senate resumes consideration of S. 419 with 20 minutes for debate remaining on the Harkin-Kohl amendment, with a vote to occur on or in relation to the amendment at 10:30 a.m.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., Wednesday, March 6.

Thereupon, the Senate, at 7:07 p.m., recessed until Wednesday, March 6, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 1991:

DEPARTMENT OF DEFENSE

DONALD JAY YOCKEY, OF CALIFORNIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, VICE JOHN A. BETTI, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD ARE NOMINATED TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant commander

KARL E. SANDERS
RICHARD L. BOOTH

To be lieutenant

DAVID J. TALLON
BRUCE P. DALCHER
NGUYEN Q. HA
ROBERT J. SIDDALL
MICHAEL MCCORMICK
DOUGLAS B. DILLON
WILLIAM L. MAJORS
GERALD A. GREEN
CAROLYN M. DELEO
CHRISTOPHER D. BREWTON
CHRIS A. NETTLES
LIA E. DEBETTENCOURT
JOHN G. HORNBUCKLE
MARK J. METOYER
RICHARD E. PETHERBRIDGE
KENNETH D. RICKABAUGH
RHONDA F. GADSDEN
BRUCE G. BAKER
CRAIG A. LINDSEY
ROBERT E. SCHOEN
RODNEY M. GADSDEN
KIMBERLY J. NETTLES
GREGORY S. BENNET
GLEN B. FREEMAN
WILLIAM H. RYPKA

To be lieutenant (junior grade)

WILLIAM J. MILNE
GLENN F. GRAHL, JR.
GREGORY W. BLANDFORD
WILLIAM E. THOMPSON
DOUGLAS C. LOWE
THOMAS M. MIELE
ANTHONY T. FURST
MATTHEW T. BELL, JR.
LAWRENCE E. COOK
DUANE R. SMITH
MARC D. STEGMAN
DELMAR S. SPIVEY
KEVIN K. KLECKNER
WILLIAM G. HISHON
JAMES A. MAYORS
LARRY A. RAMIREZ
GEORGE R. ANDRUSS
BENJAMIN A. EVANS
GWYN R. PATTERSON
ALBERT K. SMITH
GEOFFREY L. ROWE
RANDY L. MOSENG
THOMAS C. HASTINGS, JR.
JOHN M. SHOUEY
NORMAN L. OMELIA
EDWARD R. WATKINS
WILLIAM S. STRONG
MARK E. MATTA
STEVEN S. BECKERMAN
RICHARD C. JOHNSON
DOUGLAS W. MILLER
JAMES O. FITTON
SALVATORE G. PALMERI, JR.
TERRY D. CONVERSE
JERRY S. YOSBURGH
MARK D. RIZZO
REYNALDO E. QUIROZ
JAMES N. KOSHAR
THOMAS M. FARRELL
MARK C. RILEY
SPENCER L. WOOD
SUSAN D. HARGIS
AMY L. EZELL
ANDREW P. COLE
JAMES L. ADAMS
CHRISTOPHER E. AUSTIN
RANDALL A. PERKINS, III
RICHARD R. JACKSON, JR.
TIMOTHY B. O'NEAL
ROBERT P. MONARCH
PAUL D. LANGE
EDWARD J. HANSEN, JR.
DONALD J. MARINELLO
PAUL E. FRANKLIN
HARRY A. ALLEN
CHARLES A. MILHOLLIN
STEVEN A. SEIBERLING
DENNIS D. DICKSON
SCOTTIE R. WOMACK
TIMOTHY M. FITZPATRICK
WILLIAM L. HARPER
KENNETH B. HODGSON
TIMOTHY N. SCOGGINS
GAVIN W. WENTE
HENRY M. HUDSON, JR.
MICHAEL J. KELLY
MARK C. JESSEN
FRANK D. GARDNER
JEFFREY W. JESSEE
RALPH MALCOLM, JR.
DONALD N. MYERS
SUSAN L. PAPUGA
JOHN K. LITTLE
JAMES E. HAWTHORNE, JR.
SAMUEL WALKER, VII
PATRICA A. WALTHERS
RUSSELL G. LOCKEY
GORDON A. LOEBL
THOMAS E. CRABBS
JOSEPH J. LEONARD, JR.
STEVEN D. STILLEKE
DOUGLAS J. CONDE
THOMAS D. COMBS, III
WILLIAM R. CLARK
BEVERLY A. HAVLIK
THOMAS H. FARRIS, JR.
TIMOTHY E. KARGES
ROCKY S. LEE
MICHAEL D. NORTHCUTT
WILLIAM C. TIGHE
DAVID SELF
CURTIS A. SNODGRASS
RANDY C. TALLEY

To be chief warrant officer, W4

HARDY D. JONES

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE PRESIDENTIAL PROMOTION POLICY FOR ASTRONAUTS WITH DATE OF RANK TO BE EFFECTIVE WITH SENATE CONFIRMATION.

LINE OF THE AIR FORCE

To be colonel

CARL J. MEADE, [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

MICHAEL G. KING, [redacted]
KYLE W. RENSLER, [redacted]

To be lieutenant colonel

SALVATORE ALFANO [redacted]
RICHARD L. DRUCKENBRODT [redacted]
RUDY C. LEIMBACH [redacted]
DAVID R. SPENCE [redacted]
CRAIG L. VARA [redacted]
DALE E. WRISLEY [redacted]

To be major

EDWARD R. BEZDZIECKI [redacted]
LYNN R. HELMERS [redacted]
NEIL J. KLAPTHOR [redacted]

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

BRETT J MCMULLEN, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR PROMOTION TO THE GRADE INDICATED UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA:

To be lieutenant colonel

CHARLES D. GEMAR, [redacted]

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THESE OFFICERS ARE ALSO RECOMMENDED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be lieutenant colonel

MARSHALL V. C. DRESSEL, [redacted]

To be major

ALDA F. COSSI, [redacted]
STEPHEN A. RUBIN, [redacted]
LORING W. RUE, [redacted]
THOMAS TZIKAS, [redacted]
MICHAEL J. WILSON, [redacted]

IN THE NAVY

THE FOLLOWING NAMED ASTRONAUT FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

To be captain

CDR. FRANK L. CULBERTSON, JR., U.S. NAVY, [redacted]

IN THE AIR FORCE

THE FOLLOWING CADETS, UNITED STATES AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 9353 (B) AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

RICHARD E. AARON, [redacted]
MICHAEL A. ABAIR, II [redacted]
DAVID R. ACKERSON, [redacted]
TIMOTHY M. ADAMS, [redacted]
DAVID L. AKIN, [redacted]
FRANK D. ALBERGA, [redacted]
LAURA M. ALEXANDER, [redacted]
CHRISTOPHER S. ALLEN, [redacted]
DANA G. ALLEN, [redacted]
CRAIG ALLTON, [redacted]
BRYAN D. AMUNDSON, [redacted]
MICHAEL L. ANAYA, [redacted]
BRADFORD T. ANDERSON, [redacted]
BRIAN A. ANDERSON, [redacted]
JEFFREY A. ANDERSON [redacted]
JOHN T. ANDERSON, [redacted]
KEVIN C. ANDERSON, [redacted]
THOMAS M. ANDERSON, [redacted]
WILLIAM D. ANDERSON, JR [redacted]
ADOLPHUS W. J. ANDREWS, [redacted]
MICHAEL T. ANDREWS, [redacted]
DOUGLAS ANNANIE, [redacted]
HAROLD A. ARB, [redacted]
GEOFFREY B. ARING, [redacted]
JAMES P. ARMAGNO, [redacted]
DIRK K. ARMBRUST, [redacted]
STEPHEN W. ASTOR, [redacted]
ANTHONY D. BAADE, [redacted]
CHRISTOPHER J. BADEN, [redacted]
ANNA L. BAILEY, [redacted]
CHRISTOPHER M. BAIR, [redacted]
LOIS A. BAIRD, [redacted]
JOHN C. BAKER, [redacted]
MATTHEW S. BAKER, [redacted]
MICHAEL A. BALDINI, [redacted]
RUSSEL W. BALKA, [redacted]
BRIAN K. BANKS, [redacted]
SCOTT D. BANKS, [redacted]
PRIDE E. BARKER, [redacted]
JOHNNY L. BARNES, II [redacted]
WALDEMAR F. BARNES, [redacted]
VINCENT L. BARRETT, [redacted]
RAYMOND M. BARROWS, JR [redacted]
KIMBERLY A. BASHAM, [redacted]
JOHN D. BASKIN, JR [redacted]
TONY D. BAUERNFEIND, [redacted]
PAUL E. BAUMAN, [redacted]
WILLIAM A. BAUMHOFER, [redacted]
DEAN R. BEACH, [redacted]
RALPH L. BEAM, [redacted]
LESLIE A. BEAVERS, [redacted]
MICHAEL W. BECK, [redacted]
LANE E. BEENE, [redacted]
JAMES J. BEIERSCHMITT, [redacted]
RICK J. BELANGER, [redacted]
DAVID S. BELL, [redacted]
JEFFREY T. BENDER, [redacted]
HAROLD S. BENNETT, [redacted]
AARON K. BENSON, [redacted]
MARK W. BERES, [redacted]
PETER M. BERG, [redacted]
TIMOTHY P. BERGMANN, [redacted]
BRIAN C. BERNETT, [redacted]
DEEDEE B. BERTHIAUME, [redacted]
MARTA L. BERTOGLIO, [redacted]
SARA A. BEYER, [redacted]
KENNETH T. BIBB, JR [redacted]
MICHAEL J. BIBEAU, [redacted]
JOHN R. BINDER, III [redacted]
RHETT L. BINGER, [redacted]
JAMES M. BISHOP, [redacted]
EDWARD P. BLACK, [redacted]
SEAN M. BLACK, [redacted]
JAMES R. BLACKBURN, III [redacted]
CRAIG M. BLACKWELL, [redacted]
MICHAEL S. BLADES, [redacted]
KEVIN E. BLANCHARD, [redacted]
MICHAEL R. BLANK, [redacted]
SEVERIN J. BLENKUSH, II [redacted]
HANS W. BLEY, [redacted]
STEVEN J. BLEYMAIER, [redacted]
WILLIAM J. BLITT, JR [redacted]
DANE W. BLOCK, [redacted]
ROBERT M. BLOCK, [redacted]
MARK E. BLOUNT, [redacted]
PATRICK K. BOBKO, [redacted]
ANTHONY J. BOFFA, [redacted]
JEFFREY L. BOLENG [redacted]
MATTHEW D. BONAVITA, [redacted]
CLARK D. D. BONEN, [redacted]
SEAN A. BORDENAVE, [redacted]
ROBERT W. BORJA [redacted]
JOHN H. BORN, [redacted]
SEAN C. BOSELY, [redacted]
JAMES P. BOSTER, [redacted]
CHRISTOPHER R. BOW, [redacted]
ERIK C. BOWMAN, [redacted]
JAY A. BOYD, [redacted]
ROBERT A. BOYER, [redacted]
STEVEN W. BRAHM, [redacted]
JASON C. BRANTLEY [redacted]
MICHAEL W. BRAUCHER, [redacted]
NATHAN S. BRAUNER, [redacted]
JASON J. BRAWKA, [redacted]
STEVEN J. BRENNAN, [redacted]
BARRY L. BREWER, [redacted]
BLAKE D. BREWER, [redacted]
LIANE V. BREWER, [redacted]
JONATHAN B. BRIDGES, [redacted]
DONALD J. BRIEN, [redacted]
BRIGHAM K. BRIGGS, [redacted]
BRIAN D. BRINDLE, [redacted]
RICHARD M. BRINER, [redacted]
CASEY L. BRITAIN, [redacted]
MICHAEL T. BROCKEY, [redacted]
KENDALL B. BROOKS, [redacted]
VERLON L. BROOKS, [redacted]
WILLIAM E. BROOKS, [redacted]
FORREST E. BROWN, III [redacted]
JEFFREY S. BROWN [redacted]
LISA F. BROWN, [redacted]
ANDREW H. BRUCE, [redacted]
MARK A. BRUNWORTH, [redacted]
STEPHEN M. BUCHANAN, [redacted]
KELLY R. BUCK, [redacted]
RICK A. BUGADO, [redacted]
QUANG BUI, [redacted]
KURT W. BULLER, [redacted]
JASON M. BUNCH, [redacted]
JAIME S. BURCHAM, [redacted]
WILLIAM E. BURCHETT [redacted]
GREGORY A. BURGER, [redacted]
STEVEN C. BURGH, [redacted]
SHARON K. BURNETT, [redacted]
MARK A. BURNETTE, [redacted]
JOEL J. BURNIAS [redacted]
GEOFFREY D. BURNS, [redacted]
SCOTT C. BURNS, [redacted]
JOSEPH E. BURSHNICK [redacted]
JOEL E. BURT, [redacted]
CHRISTOPHER R. BUSHMAN, [redacted]
CHARLES J. BUTLER [redacted]
LEON G. BUTLER, [redacted]
PATRICK E. BUTLER [redacted]
RAHN H. BUTLER, [redacted]
ROBERT T. BUTZ, [redacted]
GARY A. BYNUM, [redacted]
KEVIN A. CABANAS, [redacted]
ANGELA M. CADWELL, [redacted]
CALLIE J. CALHOUN, [redacted]
MICHAEL J. CALLENDER, [redacted]
CARL M. CAMERON, [redacted]
DOUGLASS J. CAMPBELL [redacted]
MANUEL J. CANDELARIA [redacted]
FELIX R. CARABALLO [redacted]
KEVIN P. CARLIN [redacted]
CHERIANNE M. CARLISLE [redacted]
TODD M. CARLSON [redacted]
STEVEN C. CARNEY [redacted]
WILLIAM D. CASEBEER [redacted]
DAVID D. CHAPMAN [redacted]
MARK D. CHEAK [redacted]
MARK C. CHERRY, [redacted]
ROBERT J. CHEVALIER [redacted]
MICHAEL A. CHINLUND [redacted]
THOMAS S. CHOI [redacted]
MARK K. CIERO [redacted]
GREGORY M. CINDRICH [redacted]
JOHN D. CINNAMON, [redacted]
HEIDI L. CIZAN [redacted]
PATRICK I. CLANCY [redacted]
DANIEL P. CLARK [redacted]
JAMES D. CLARK [redacted]
JERRY A. CLARK [redacted]
MICHELLE P. CLARK [redacted]
RICHARD A. CLARK [redacted]
JAMES A. CLAVENNA [redacted]
HARRY M. CLAWSON, [redacted]
HAROLD M. CLAY, JR [redacted]
JAMES D. CLEET [redacted]
JAMES R. CLUFF [redacted]
TIMOTHY P. K. COGER [redacted]
GREGORY D. COLBY [redacted]
CHRISTOPHER B. COLLETT [redacted]
KRISTOPHER D. COLLEY [redacted]
JOSEPH D. COLLINS [redacted]
DAVID M. CONRAD [redacted]
NOAH C. CONRAD [redacted]
JOHN L. COOK [redacted]
WILLIAM L. COOK [redacted]
DAVID A. COOPER [redacted]
JOHN J. COOPER [redacted]
WAYNE A. COOPER [redacted]
DAVID A. CORBY [redacted]
J. H. CORMIER, II [redacted]
CHRISTOPHER R. CORTEZ, II [redacted]
MICHAEL A. COSSA [redacted]
SCOTT A. COTOIA [redacted]
PATRICK K. COTTER [redacted]
TIMOTHY S. COULON [redacted]
RODNEY P. COUSINS, [redacted]
RONALD S. CRAIG, [redacted]
CHRISTOPHER E. CRAIGE, [redacted]
JOSEPH L. CRAMPTON, JR [redacted]
JASON A. CRANDALL, [redacted]
PAUL R. CRANDALL, [redacted]
JASON R. CREECH, [redacted]
KEVIN C. CRONK, [redacted]
JOHN E. CULTON, III [redacted]
MARGARET A. CUNDIFF, [redacted]
TRACY A. CUNNINGHAM, [redacted]
DANIEL B. CURRY, [redacted]
SHANNON G. CURRY, [redacted]
JOSEPH E. CWIK, [redacted]
MICHAEL T. CZARNECKI, [redacted]
THOMAS D. DAACK, [redacted]
KENNETH J. DALFONSO [redacted]
TODD A. DALTON, [redacted]
DAVID M. DAMRATH, [redacted]
JONAS J. DANDREA, [redacted]
CHRISTOPHER J. DARCY [redacted]
JEFFREY W. DAVIES, [redacted]
ANTHONY S. DAVIS, [redacted]
JOHN E. DAVIS, [redacted]
ARTHUR R. DAWKINS, [redacted]
AMY M. DAYON, [redacted]
DAVID S. DEAMES, [redacted]
DEREK W. DECLOEDT, [redacted]
CHRISTOPHER P. DECOLLI, [redacted]
LISA A. DEGENHART, [redacted]
DOUGLAS D. DEMAIO, [redacted]
DAVID J. DENIZ [redacted]
JOHN J. DERESKY [redacted]
JAMES B. DERMER, [redacted]
MICHAEL J. DESYLVA, [redacted]
LANCE P. DEVIN, [redacted]
DOUGLAS C. DEVINE, [redacted]
PETER R. DIAZ [redacted]
CHRISTOPHER J. DIDIER [redacted]
JULIE C. DIEDRICH [redacted]
ARIC J. DIMEFF [redacted]
DAWN L. DISHNER, [redacted]
DAVID L. DOBBS, [redacted]
LEON W. DOCKERY, JR [redacted]
FRANCIS T. DOIRON, [redacted]
PATRICK H. DONLEY, [redacted]
JAMES H. DONOHO, [redacted]
KIM A. DORNBURG, [redacted]
ROBERT L. DOTSON, [redacted]
TRAVIS J. DOWNING, [redacted]
BRIAN A. DOYLE, [redacted]
MICHAEL D. DOYLE, [redacted]
DAVID S. DRICHTA, [redacted]
MICHELLE M. DUBOIS, [redacted]
SANDY R. DUNLOW, [redacted]
ELIZABETH C. DUNN, [redacted]
JAMES S. DUNN, JR [redacted]
JAMES P. DUTTON, [redacted]
MATTHEW C. EAGER, [redacted]
DANIEL J. EDWARDS [redacted]
JAMES D. EISNER [redacted]
KENNETH P. EKMAN, [redacted]
STEFAN V. ELING [redacted]
TARA A. ELLIS, [redacted]
JOYCE A. ELMORE, [redacted]

FARRIS M. ELNASSER, [redacted]
CHARLES H. EMBS, [redacted]
JEFFERY T. ENGLEHART, [redacted]
ANDREW H. ENGLISH, [redacted]
ROBERT R. ERICKSON, [redacted]
TODD C. ERICSON, [redacted]
MATTHEW P. ESPER, [redacted]
BRADFORD R. EVERMAN, [redacted]
MICHAEL T. EYLANDER, [redacted]
LOURDES M. FALLACE, [redacted]
MICHAEL R. FARMER, [redacted]
ROY P. FATUR, [redacted]
ROBERT B. FAUBER, [redacted]
HILARY K. FEASTER, [redacted]
KELLY K. FEDEL, [redacted]
KEITH N. FELTER, JR, [redacted]
DEDRA K. FERGUSON, [redacted]
SCOTT M. FERRARA, [redacted]
DAVID A. FEWSTER, [redacted]
MICHAEL R. FICK, [redacted]
FRANK A. FIGG, [redacted]
JOSEPH E. FINNEGAN, [redacted]
MARC A. FISHER, [redacted]
STEVEN B. FISHER, [redacted]
MARK B. FLANDERS, [redacted]
DEREK D. FLETCHER, [redacted]
DANIEL E. FLYNN, [redacted]
RICHARD A. FOGLE, [redacted]
ANDREW C. FOLTZ, [redacted]
DANIEL J. FONTE, JR, [redacted]
STEPHEN J. FOWLER, [redacted]
SHARI L. FOX, [redacted]
TERRY J. FRADY, [redacted]
ELIZABETH A. FREDERICK, [redacted]
DALE L. FRENCH, [redacted]
HEATHER A. FRIES, [redacted]
GEORGE A. FRITTS, JR, [redacted]
GREGORY W. FRITZ, [redacted]
JAY R. FROHNE, [redacted]
PETER J. FRY, [redacted]
JEANETTE M. FULMER, [redacted]
NOEL D. FULTON, [redacted]
JEFFREY M. GALLAGHER, [redacted]
DANIEL B. GAMMELL, [redacted]
DAVID J. GARCIA, [redacted]
PETER A. GARRETSON, [redacted]
DENNIS W. GARRETT, [redacted]
BRENDAN L. GARRITY, [redacted]
MICHAEL R. GARTRELL, [redacted]
JEFFREY S. GAST, [redacted]
KURT H. GAUDETTE, [redacted]
JEFFREY R. GAUSER, [redacted]
LYNNETTE J. GAWELL, [redacted]
JOSEPH C. GAY, JR, [redacted]
DANIEL J. GERDES, [redacted]
GINA M. GERVAE, [redacted]
MICHAEL S. GINGRAS, [redacted]
WAYNE T. GLADDEN, [redacted]
WILLIAM O. GLASCOE, III, [redacted]
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ROY M. GOZUM, [redacted]
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DIANE L. MCCULLION, [redacted]
JAMES D. MCCUNE, [redacted]

DORWARD J. MCDONALD [redacted]
JASON C. MCDONALD [redacted]
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SEAN C. MCFARLAND [redacted]
MATTHEW E. MCGEE [redacted]
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ADAM J. MCLEAN [redacted]
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RUSSELL W. MICHAUD [redacted]
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MARC O. MOELLER [redacted]
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EDWARD D. MONAREZ [redacted]
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EDWARD L. MOODY, J [redacted]
JEFFREY J. MOORE [redacted]
STEVEN P. MORAES [redacted]
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ELIZABETH L. MUNSON [redacted]
TIMOTHY I. MURPHY [redacted]
CHANTAL M. MURRAY, [redacted]
MICHAEL W. MURRAY [redacted]
MURRAY N. NANCE, J [redacted]
JOSEPH M. NAUMAN [redacted]
JEFFREY A. NEAL [redacted]
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JOHN E. OURADA [redacted]
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GREGG P. POINTON [redacted]
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THOMAS J. THIBAULT [redacted]
TROY S. THOMAS [redacted]
MICUL E. THOMPSON, J [redacted]
STEPHEN M. THOMPSON [redacted]
BLAKE T. TIBBETTS [redacted]
RODNEY F. TODARO [redacted]
JOHN M. TOKISH [redacted]
GEORGE W. TOMBE, I [redacted]
CHARLES A. TOMKO [redacted]
MARTHA J. TORRENS [redacted]
STEVEN B. TREADWELL [redacted]
HAROLD F. TREFFEISEN [redacted]
AARON D. TROXELL [redacted]
MARK W. TRUE [redacted]
JAMES S. TUCKER, II [redacted]
DOYLE C. TURNER [redacted]
KELLY I. UCHIMURA [redacted]
TODD M. VALENTINE [redacted]
ERIC J. VANBALEN [redacted]
KEVIN M. VANDEWATER [redacted]
KENNETH P. VANEYK [redacted]
COLEY J. VAUGHAN [redacted]
JOHN E. VAUGHN [redacted]
DANA G. VENENGA [redacted]
MICHAEL T. VENERDI [redacted]
MICHAEL C. VENERI [redacted]
JOHN E. VICE, I [redacted]
LISA M. VIERTEL [redacted]
JAY A. VIETAS [redacted]
LUIS M. VILLANUEVA [redacted]
PAUL A. VILLEM [redacted]
ANNA L. VINCENT [redacted]
PHILIP P. VU [redacted]
JOHN W. WAGNER [redacted]
JULIANA M. WALKER [redacted]
TERRY A. WALKER [redacted]
ANGELA L. WALLACE [redacted]
DOYLE T. WALLS [redacted]
JUSTIN R. WALRATH [redacted]
PAUL B. WALSKI [redacted]
ALLAN M. WANSKY [redacted]
JEFFREY R. WARD [redacted]
LINDA S. WASHBURN [redacted]
RONALD K. WATROUS [redacted]
JENNY S. WATSON [redacted]
JONATHAN A. WATSON, J [redacted]
PAUL J. B. WATSON [redacted]
ERIC G. WAXVIK [redacted]
RODNEY A. WEAVER [redacted]
CHARLES W. WEBB, J [redacted]
STEPHEN R. WEBB, I [redacted]
MICHAEL C. WEE [redacted]
NANCY E. WEISS [redacted]
KYLE J. WELD [redacted]
RICHARD K. WELLS [redacted]
DIEGO M. WENDT [redacted]
ANDREAS K. WESEMANN [redacted]
DEREK A. WEST [redacted]

MONA D. WHEELER, [redacted]
LEIGH A. WILBANKS [redacted]
MICHAEL D. WILBURN [redacted]
MARK R. WIERT, [redacted]
BRIAN H. WILLIAMS, [redacted]
LAURA L. WILLIAMS [redacted]
RICHARD E. J. WILLIAMSON [redacted]
BERNARD L. WILLIS, I [redacted]
MARGO T. WILLOUGHBY, [redacted]
ANDREW C. WILSON, [redacted]
GEORGE M. WILSON [redacted]
MICHAEL P. WINKLER, [redacted]
BRIAN E. WISH, [redacted]
EDWARD C. WOLD, [redacted]
JOHN M. WOLFORD, [redacted]
MICHAEL M. WOLLET, [redacted]
ROBERT H. WOLVERTON, [redacted]
MICHAEL E. WOOD, [redacted]
RICHARD G. WOOD, [redacted]
DARRYL L. WOODS, [redacted]
DAVID J. WOOTEN, [redacted]
DONNIE L. WOOTON, [redacted]
COREY A. WORMACK, [redacted]
WILLIAM J. WOSILIUS [redacted]
GLENN O. WRIGHT, [redacted]
VICTOR V. WRIGHT, [redacted]
BENJAMIN L. WYBORNEY, [redacted]
CHRISTOPHER E. YATES, [redacted]
STEVEN J. YOUD, [redacted]
DOUGLAS A. YOUNG, [redacted]
WILLIAM E. YOUNG, JR [redacted]
DONALD J. W. YU, [redacted]
KENNETH C. Y. YU, [redacted]
DANIEL N. ZDROIK [redacted]
ERIC J. ZEEK, [redacted]
DAVID H. ZEITOUNI, [redacted]
DANIEL C. ZUBRYD, [redacted]
THOMAS C. ZYROLL, JR [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, March 5, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that each person of our Nation has opportunity to celebrate the rich history and heritage that is ours to experience. We are grateful for our many backgrounds and for the diversity that we bring to our communities. We pray also, O God of all people, that we will know and practice a spirit of unity and wholeness among ourselves and our communities, and more fully represent the purpose of Your creation. May Your spirit, O God, that gave to all the gift of life, unite us in our purposes and in our goals that we will reflect the beauty of creation and the grace of Your love to us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from California [Mr. EDWARDS] to lead us in the Pledge of Allegiance.

Mr. EDWARDS of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced the Senate had passed a joint resolution and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 83. Joint resolution entitled "National Day of Prayer and Thanksgiving"; and

S. Con. Res. 13. Concurrent resolution commending the President and the Armed Forces for the success of Operation Desert Storm.

The message also announced that the Chair announces on behalf of the chairman of the Finance Committee those members of the committee designated by the chairman to serve as members of the Joint Committee on Taxation for the 102d Congress: Mr. BENTSEN, Mr. MOYNIHAN, Mr. BAUCUS, Mr. PACKWOOD, and Mr. DOLE.

The message also announced that, pursuant to Public Law 93-618, as amended, the Chair on behalf of the President pro tempore, and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations and as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements: Mr. BENTSEN, Mr. MOYNIHAN, Mr. BAUCUS, Mr. PACKWOOD, and Mr. DOLE; and as alternative official advisers to the above negotiations: Mr. BOREN, Mr. BRADLEY, Mr. MITCHELL, Mr. PRYOR, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BREAUX, Mr. ROTH, Mr. DANFORTH, Mr. CHAFEE, Mr. HEINZ, Mr. DURENBERGER, Mr. SYMMS, and Mr. GRASSLEY.

CONGRESS SHOULD SUPPORT NONPROLIFERATION OF ARMS IN MIDEAST

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, you remember the theme from "Jaws," and just when you thought it was safe to go back in the water, the shark was circling? Well, just when you thought it was safe to go back in the waters of the Middle East, the sharks are circling. In this case, Mr. Speaker, the world's arms merchants are circling.

Yesterday's Wall Street Journal carried an article which I will put in the RECORD later which all Members should read, indicating that some of the very highest technology nightfighting equipment which our soldiers and sailors used so beneficially, protecting their lives in prosecuting Desert Storm, will be, if the arms merchants of the world have their way, sold to these unstable nations, possibly to be used against our people in a future conflict.

Mr. Speaker, I applaud the President and Secretary Baker, who said they are going to seek nonproliferation of arms in the area. I hope they are successful. I certainly think Congress ought to support them in those efforts.

CRIME VICTIMS RIGHTS WEEK

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, at this very moment there is convening in our Capital City a summit on crime. In every single year, 35 million Americans are victims of crime. As the President turns his attention to the new world order, it will include an emphasis on law enforcement and a crackdown on crime. In the meantime, we will be reviving Crime Victims Rights Week, that is scheduled to be celebrated this April 21 through 27. Last year we had a rousing meeting of this celebration in the White House, and we want to revive it for this year.

Mr. Speaker, we are introducing a resolution to designate that week as Crime Victims Rights Week, and ask for cosponsorship among Members in the House.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORTS ON DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1991 AND DEPARTMENT OF DEFENSE APPROPRIATIONS FOR OPERATION DESERT SHIELD/DESERT STORM FOR FISCAL YEAR 1991

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, March 5, 1991, to file two reports accompanying two privileged bills making supplemental appropriations for the fiscal year 1991 making dire emergency supplemental appropriations, and for other purposes; and for the Department of Defense for Operation Desert Shield/Desert Storm.

Mr. McDADE reserved all points of order on the bills.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

STANFORD UNIVERSITY'S LEADERSHIP IN EDUCATION

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS Of California. Mr. Speaker, nearly 1 year ago, the president of Stanford University, Donald Kennedy, turned up the heat on a simmering complaint among students and ignited a national debate with his assertion that the academic community had been neglecting undergraduate learning for the sake of scholarly out-

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

put. On Sunday, President Kennedy fulfilled his commitment to reassert the role of teaching when Stanford released its plan to reward professors for their devotion to instruction.

A student who has been fortunate to have learned from a dedicated and enthusiastic professor carries a love of learning through life and to all those he or she touches. I am pleased that our Nation's finest institutions of higher learning have stated their desire to reinvigorate the classroom, and I am particularly proud that Stanford University has provided the leadership in this endeavor.

NO PENSIONS FOR FELONS, H.R. 1077

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, banning honoraria and tightening ethics guidelines were two positive steps we took in the 101st Congress to rebuild public faith in the credibility of our institution. I call upon my colleagues today to show their continued support for efforts on this front.

Currently, a Member of Congress convicted of a felony may continue to receive a Federal pension, funded in part by the American taxpayer.

As lawmakers, we are obviously duty bound to be law abiders.

It is simply unconscionable that an elected official be permitted to draw a publicly funded pension after showing blatant disregard for the laws of this Nation.

Last week, I introduced H.R. 1077, legislation that would deny a Member of Congress convicted of a felony the federally funded portion of his annuity.

Under this bill, a convicted official would receive only his or her own contributions, thereby ensuring that the American taxpayer funds only the retirement benefits of those public officials who have earned the public's trust.

Today I ask my colleagues to join me in cosponsoring this legislation.

AMERICAN HEALTH CARE SYSTEM—A SYSTEM IN CATASTROPHIC FAILURE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the American health care system is a system in catastrophic failure.

We pay far more for medical services than any other country in the world, and we get much too little in return.

The system defies most traditional laws of economics. Demand for health services seems almost unlimited: The more money people have, the more they spend on health. Competition to provide those services actually drives prices up: The more providers there are, the higher the cost for care. In fact, health care is a business that creates its own demand. Research has shown that the number of surgical procedures performed corresponds to the number of surgeons in any given area, not the number of patients.

Perhaps most paradoxical is the fact that while one-third of the Nation's hospital beds are empty, hospital construction continues to rise.

Essentially, three key factors are at play.

Costs are too high. The quality of care is uneven. Access to care is inequitable.

We must begin to restructure our health care system now with the goal that: All persons have the medical care necessary to sustain life or free them from disability; that they have the chance to lead meaningful, productive lives regardless of their disease, their place of residence, or their ability to pay.

□ 1210

INTRODUCTION OF RESOLUTION URGING ALL ARAB NATIONS TO RECOGNIZE STATE OF ISRAEL

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today Representative NITA LOWEY and I are introducing a resolution urging all Arab nations to recognize and end their state of hostility with the State of Israel.

We envision progress toward peace in the Arab-Israeli conflict as a result of the postwar period, but while we all rejoice that the war against Iraq may be over, we must not forget that a state of war continues in the Middle East. All of the Arab nations except one, have refused to recognize Israel's existence.

For 8 years, the Arab nations had led an effort in the United Nations to oust Israel and to undercut her legitimacy. Through warfare and an economic boycott, these Arab countries have tried to wipe Israel off the map.

A first step toward a just and lasting peace in the Middle East is for the Arab nations to recognize the State of Israel. I encourage all of our colleagues to support this legislation and join us in being a part of this important effort.

UNITED STATES SHOULD OFFER MANPOWER AND TECHNICAL ASSISTANCE TO MITIGATE OIL DAMAGE IN MIDDLE EAST

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, 800 of Kuwait's oil wells are in flames. A smoky pall smothers the area from Turkey to Iran and could spread as far as India. Grimy toxic rain could contaminate regional crops. Residents in Turkey have been ordered not to use rainwater or allow their animals to drink it.

Oil 40 times the equivalent of the *Exxon Valdez* spill has flooded the gulf. Yesterday my office asked the State Department what is being done to expedite environmental cleanup. While it is common knowledge that private interests, such as Red Adair, are rushing to the scene, my staff has been informed that our Government has done nothing because there has been no request from the Kuwaiti Government.

Such a disaster should not await a formal request from the Emir, if he does get back to Kuwait City. We should offer all of the manpower and technical assistance at our disposal immediately and initiate international cooperative efforts within the region and at the United Nations to mitigate the damage. We must act now to clean up Saddam's vile legacy.

PERMISSION TO CONSIDER ON WEDNESDAY, MARCH 6, 1991, HOUSE JOINT RESOLUTION 158

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, March 6, 1991, to consider House Joint Resolution 158 in the House; that debate on said resolution be limited to not to exceed 1 hour, equally divided and controlled by the gentleman from California [Mr. DELLUMS] and the gentleman from Virginia [Mr. BLILEY] or their designees; and that the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

SUPPORT BROOMFIELD RESOLUTION PRAISING PRESIDENT BUSH AND OUR TROOPS

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, tomorrow evening the President will address a joint session of the Congress to report on the successful conclusion of the war in the Persian Gulf, and it is indeed a time for celebration and also a time for thanks.

As Commander in Chief, the President represents all of those who have been involved in this successful effort from the Secretary of Defense, the Joint Chiefs of Staff, the military leaders and certainly, most of all, the troops that have performed so ably. And also I would suggest those in the much maligned defense industry whose work has made it possible to develop the high-technology weapons that enabled our troops to perform so well.

Our colleague, the gentleman from Michigan [Mr. BROOMFIELD], has produced a resolution which we will be voting on which expresses our appreciation not only to the troops and to our leadership, but importantly, to President George Bush, recognizing his steadfast leadership. Mr. Speaker, when others had doubts, the President of the United States held a steady course. He understood the strategy involved. He was right about sanctions, he was right about the strategy to minimize casualties, he was right about the air war, and I think it is a fitting tribute to the President of the United States that we support his resolution.

I urge my colleagues to vote aye on the Broomfield resolution.

UNITED STATES SHOULD NOT SUPPORT THE EMIR AS NEW DICTATOR IN KUWAIT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, American and allied troops did not liberate Kuwait from one dictator simply to turn Kuwait over to another dictator.

Members of Congress, reports say that the Emir of Kuwait has a hit list. Evidently threatened in his own mind by freedom-loving patriots, the Emir has death squads and has plans to assassinate and murder his own countrymen to protect his reign as a monarch. I say if these reports are true, the Emir should be charged with war crimes.

Ladies and gentlemen, a half million Americans did not put their lives on the line to return Kuwait to prehistoric monarch enslavement. A dictator is a dictator, and I believe before our troops come back there should be a thorough investigation as to this Emir who evidently is sitting pretty high on a pedestal.

INTRODUCTION OF RESOLUTION IN SUPPORT OF OPERATION HOMEFRONT

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, today I will introduce a resolution in support of the brave service men and women who served our country in the Persian Gulf. Now, I know the House later today will consider a resolution commending the President and the United States and allied troops in the gulf. In light of overwhelming victory, I am confident this resolution will be unanimously adopted.

My resolution, however, goes one step further. The resolution I will introduce, with 20 of my colleagues, also expresses our support for the admirable efforts of Operation Homefront.

On February 9, in downtown Bellevue, my wife Joyce and I participated in a "support our troops" rally organized by Washington State's Operation Homefront. In fact, nearly 10,000 people in my home State alone have gathered at Operation-Homefront-sponsored support rallies to show their support for our troops and their families.

Volunteer organizations, like Washington's have sprung up all across the country to coordinate support rallies, letter-writing campaigns, red, white, and blue ribbon brigades, and to offer support to the families of service men and women here at home.

Now that the war is over, our troops soon will begin coming home and Operation Homefront will shift into phase 2. Volunteers will work to encourage businesses, clubs, veteran groups, and others to donate their time and effort in the organization of welcome home activities. In addition to yellow-ribbon parades, Operation Homefront will organize welcome home discount packages with the support of local restaurants, resorts, movie theaters, car washes, and numerous other merchants.

Operation Homefront is not a Federal program and requires no Federal funding. Its purpose is to continue to support our troops and their families until they are all safely home and to ensure that these brave men and women receive the heroes' welcome they deserve. My resolution, in turn, provides Operation Homefront with the congressional support it deserves.

Mr. Speaker, I encourage Congress to join Operation Homefront in rolling out the red carpet for our returning heroes.

ENSURING ALL AMERICANS HAVE ACCESS TO PROPER HEALTH CARE

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, I rise today to discuss the very important issue of health care. It is imperative that all of us as citizens of this Nation be able to adequately assume that this Nation adequately takes care of its citizens. I find it appalling that more than 37 million Americans are uninsured. We must expand access to comprehensive primary health services for all individuals.

For example, one area of my district, the Rockaways, has lost 14 doctors who carry Medicaid patients. With only one doctor now servicing this entire area, many patients now find the overcrowded emergency rooms of New York City as their primary health care source.

Health care costs are indeed skyrocketing, but Mr. Speaker, just as we have allocated resources and set priorities in other areas, we must also do the same for health care. Our current health care system needs to be overhauled.

I would urge all of the persons who share this in this House of Representatives, the President, members of the administration, to come together and let us put aside partisanism and support those things which allow us to meet the health care needs of our citizens.

GUESS WHO BENEFITS FROM H.R. 5, THE STRIKE BILL?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, guess who benefits from H.R. 5, the so-called striker replacement bill?

Funny, it's not the workers or business owners. It seems the principal group to benefit from H.R. 5 would be the power-hungry labor unions.

Labor says it needs H.R. 5 so the right to strike can be guaranteed. The real motive is to increase union membership.

With union membership in a steep decline, representing only 16 percent of workers, organized labor knows that providing risk-free strikes will guarantee new recruits.

An overwhelming majority of workers, 84 percent, reject the tired, worn doctrine of unionism. This is a last ditch effort by a desperate special interest group to increase its membership by increasing strikes.

Do not be fooled by this ploy. H.R. 5 is a mistake and should be vigorously opposed.

☐ 1220

THE HEALTH CARE GULF

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks)

Mr. McDERMOTT. Mr. Speaker, now that peace is returning to the Persian Gulf, I hope the President will begin to pay attention to the health care gulf in America—the tragic gulf between our American values and the realities:

Thirty-seven million Americans with no health insurance;

Infant mortality in many areas worse than in the Third World;

Inner-city hospitals reeling under the epidemics of AIDS, crack, and violence;

Rural hospitals that cannot keep their doors open;

Outbreaks of measles and polio, diseases we can prevent if we can get the vaccine to the children;

Employers facing staggering premium increases every year; and

With all its defects, a health care system that costs over $600 billion a year, eating up an ever-bigger share of our national income year after year.

In his State of the Union Address, the President stood here and declared that "good health care is every American's right and every American's responsibility." When is the President going to meet his responsibility, and send up a health care plan to fulfill that right?

A PLEA FOR A CLEAN BILL TO FUND RTC

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, in the words of Yogi Berra, "It's deja vu."

One of the reasons I joined the Banking Committee was because I was concerned with the growing problems of the S&L industry.

In 1985, I was a sponsor of legislation to improve the regulation and oversight of the industry. That legislation was delayed and blocked by the Banking Committee leadership, and the problem got worse.

In 1986, I, and a number of my colleagues, urged the then chairman of the Banking Committee to address the S&L problem. Again, there was delay and inaction, and the problem got worse and more expensive.

In 1987, after several delays, the Banking Committee passed legislation to deal with insolvent S&L's. However, as I said at the time, it was woefully inadequate, as it was much weaker than the administration's proposal, not to mention a year and a half late. Although the bill was improved in conference, it was too little, too late.

In 1989, Congress made good on its promise to protect depositors' money with the full faith and credit of the United States.

When we finally began the process of insuring deposits and closing insolvent S&L's, there was no doubt that delay after delay made the problem worse and far more costly to the taxpayers.

We are now being asked to continue the process we began in 1989. We must fund the Resolution Trust Corporation so that depositors will be protected and insolvent S&L's can be closed.

But a majority of the Democrats on the Banking Committee seem to be intent on using the RTC as a Christmas tree on which to hang burdensome and controversial legislation.

The result is delay and inaction. In the meantime, the problem is getting worse and more expensive.

If we learned anything from the past, it should be that delay and inaction are disastrous.

Therefore, I again urge the leadership of the Banking Committee to bring forward a clean and straightforward bill to fund the RTC so that we can avoid deja vu all over again.

H.R. 5 GUARANTEES UNIONS WIN STRIKES

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the AFL-CIO's top legislative priority, we are told, is passage of a bill which would unilaterally disarm many employers during labor disputes. The so-called striker replacement bill, H.R. 5, prohibits employers from operating their businesses during economic strikes or other labor disputes using permanent replacement workers. Employers could only operate their businesses where they could find replacement workers or crossover employees who would be willing to risk union violence, harassment, and intimidation by coming to work on a temporary basis—that is, for the several weeks or months that the labor dispute lasts. Unions know that in most cases employers will be unable to find temporary replacement workers, especially where the jobs require extensive training or specialized skills, or where the jobs are in remote or undesirable areas.

This bill would guarantee that unions win strikes.

This strike-promoting measure was too radical even for the Carter administration to include in the famous labor law reform bill in the late seventies.

If it was too radical then, it is too radical now.

TRIBUTE TO 58TH TACTICAL FIGHTER SQUADRON

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, we are all very proud of the outstanding performance of our service men and women in Operation Desert Storm. I am particularly proud of the 58th Tactical Fighter Squadron of the 33d Tactical Fighter Wing from Eglin Air Force Base in my district. Even before the ground war had started the 58th was credited with downing 15 Iraqi fighters of Saddam Hussein's Air Force. Another Iraqi jet hit the ground while being pursued. At last accounting the 58th is the leading allied scorer of Desert Storm. The wing, known as the Nomads, fly F-15C Eagles. Their mission helped to gain air superiority over enemy air forces. The 33d is the only unit ever to win the William Tell competition twice in succession. William Tell is the U.S. Air Force's air-to-air gunnery meet. So, Mr. Speaker, I want to highly commend the 58th Tactical Fighter Squadron, which deployed to the Persian Gulf on August 27, 1990, for its outstanding success on behalf of allied forces.

WAR CRIMES TRIBUNAL

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise to inform the House that today, I will introduce a resolution which calls for an international tribunal to hear charges of war crimes against Saddam Hussein and other Iraqi officials.

The resolution urges the administration to work with signatories of the Geneva Convention and members of the United Nations to establish such a body.

We continue to hear of sadistic atrocities Iraqi soldiers committed against Kuwaiti citizens. And we are incensed by the fact that Kuwait's oilfields are being burned and that its people were being executed even as Iraq was preparing to surrender.

We all believe Saddam should be held accountable. We should bring him to justice with the same international cooperation we displayed in expelling him from Kuwait.

Since fair treatment for the accused is one of the foundations of our country, we should make it one of the foundations of any New World Order.

Establishing an international tribunal is the first step.

ACCESS TO HEALTH CARE FOR ALL LONG OVERDUE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, our brave young Americans fought bravely to make the world a safer and more secure place. They did their share. We must now do ours to ensure the personal security of all Americans.

We have defined ourselves as a strong country in terms of military might. We must now define our strength in terms of the health and well-being of all Americans.

From the U.S. infant mortality rate, which the gentleman from Washington pointed out which is like that of a Third World country, to the lack of long-term health care for our seniors, we are weak. From the beginning of life to the end and in all the years in between, Americans are menaced by the fear of becoming ill and the fear of being pauperized by that illness.

Let us make Americans more secure with cost effective, cost-contained health care. Access to health care for all Americans is long overdue. Let us remove this fear from our great country.

INTRODUCTION OF LEGISLATION TO MAKE PERMANENT 25-PERCENT TAX DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I am introducing legislation today to make the 25-percent tax deduction for health insurance costs of self-employed individuals a permanent part of the Internal Revenue Code. I hope my colleagues will join me in strong support of this legislation.

As my colleagues know, in an effort to encourage small business owners to purchase health insurance for themselves and their employees, the Tax Reform Act of 1986 granted self-employed individuals a 25-percent deduction for health insurance premiums for themselves and their dependents. However, this deduction was authorized only for 3 years. Since 1989, many small business owners have been held in limbo every year while Congress determines whether or not to extend the 25-percent deduction. Each year I have introduced legislation to extend this deduction and Congress has done so. We need to make this deduction permanent.

Statistics on the uninsured show that 24 million of the 31.5 million uninsured in families where someone is working and, furthermore, that 42 percent of the self-employed are uninsured. By creating these incentives we can make great strides toward eliminating the great numbers of uninsured individuals in this country.

While many favor a greater health insurance percentage deduction, including myself, I think we must first act to make the existing 25-percent deduction permanent so the farmers, ranchers, and very small businesses that exist in all of our districts can count on this deduction and have greater incentive to provide health insurance for their employees.

□ 1230

ELIZABETH BARRETT HONORED AS 1991 CRISTA McAULIFFE EDUCATOR

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, it is with great pleasure and admiration that I extend my appreciation and congratulations to Elizabeth Barrett, an instructional technology specialist at Penn High School in Mishawaka, IN, who has been named a 1991 Crista McAulifee Educator.

The National Foundation for the Improvement of Education selects only five teachers from across the country for this honor, created in the memory of the teacher who lost her life in the *Challenger* space shuttle.

Highly commended for her leadership in the application of new technology, Elizabeth Barrett trains students and teachers in the use of computers, software, and audiovisual equipment. She is one of those outstanding individuals who dedicates herself to helping others achieve the same excellence that is apparent in her own work.

As a former teacher from a family of educators, I understand that remarkable teachers like Elizabeth Barrett can make a difference not only in the education of our young people, but also in the shaping of their lives.

This award holds special significance to me because, almost two decades ago, I graduated from Penn High School. I can still remember several of my own teachers, people who instilled in me the value of hard work and urged me to reach for my own dreams.

We have all heard the saying, "Our children are our future." Our work force of the next century must be ready to deal with new and everchanging technology. Elizabeth Barrett is doing more than her part to see that our work force is ready to meet this challenge. With people like Elizabeth Barrett in our schools. I imagine an America of tomorrow even stronger than the America of today.

PERSIAN GULF SCROLL

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute.)

Mr. DANNEMEYER. Mr. Speaker, trying times seem to bring out the best in Americans. The public support shown our armed services during Operation Desert Storm has been a refreshing and welcome change in the Nation's history.

I have in my hand some evidence of the outpouring of support for our troops in the Persian Gulf. Last Friday, segments of my hometown in Fullerton celebrated "Support Our Armed Forces Day." The event was sponsored by John and Pranee Lin, who own a popular fast food franchise just down the street from my district office, and recruiting officers Sgt. Randy Bush of the U.S. Marine Corps, Sgt. Gregory Johnson of the U.S. Army, Sgt. Leo Berrington of the U.S. Army, and PO1c. John Carter of the U.S. Navy. Together they teamed with the Fullerton High School ROTC Program to collect over a thousand signatures from citizens and placed them on a special scroll to be delivered to Gen. Norman Schwarzkopf.

I am unable to unroll the scroll in the well due to House rules, but I assure you the outpouring of love and support for our troops will be selfevident when it is presented to General Schwarzkopf. Let me thank the Lins, Ed Shaw, the principal of Fullerton High School, Col. James Ashhurst and Sgt. John Tucker of the Fullerton High School ROTC program, as well as the ROTC students and citizens who made the scroll possible.

These are good deeds that make America great.

ARAB NATIONS SHOULD RECOGNIZE AND MAKE PEACE WITH ISRAEL

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, most Arab nations maintain an active state of aggression against Israel, including many members of the allied coalition against Saddam Hussein.

This ongoing state of war threatens all peoples of the Middle East. Today, I am introducing a resolution, along with Congresswoman ROS-LEHTINEN, which calls on all Arab nations which have not done so to recognize and make peace with Israel. In addition, the resolution expresses the view that the United States should pressure Arab members of the allied coalition to fulfill these important goals.

The lesson of Kuwait is all too clear. This nation, which was not recognized by Iraq, fell victim to Iraq's naked aggression. The failure of Arab nations to establish diplomatic relations with Israel and to negotiate peace treaties is a severe threat to peace in the Middle East. Now is the time for Arab members of the allied coalition to make fundamental changes in their policy toward Israel.

Our resolution calls on the Arab nations to recognize and negotiate peace with Israel, and it calls on the United States to encourage this process. We urge all Member of Congress to join us in this extremely important effort.

CONSUMER CONFIDENCE: BALANCE FEDERAL BUDGET

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, now that the war in the Persian Gulf is all but over, America has to focus its energy on another front—our economy.

Never before have I seen such unity in this body and in this great country. We will need this unity to avoid another budget catastrophy like we experienced last fall.

Chairman Greenspan recently testified before the Subcommittee on Domestic Monetary Policy that he believes one of the main causes of our current recession is a sharp decline in consumer confidence. He attributed part of this to uncertainties with the war and increasing oil prices.

Now that oil prices have dropped and the war is over, consumers' attitudes will change. We have to do all we can to encourage consumer confidence by putting America's fiscal house in order. To do that we should pass a constitutional amendment to balance the Federal budget.

With the unity and national spirit brought about by the end of the war, now is the time for Congress to seize the initiative. We need to restore our economy by empowering and encouraging consumers, not by dominating their lives with deficit spending. The best way to do this is for Congress to balance its budget. Nothing we can do is more important to restoring consumer confidence than balancing our Federal budget.

INTRODUCING INTERNATIONAL FAMILY PLANNING PROTECTION ACT

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Mr. Speaker, on February 28, together with the gentlewoman from Maine [Ms. SNOWE] and 78 cosponsors, we introduced the International Family Planning Protection Act. This legislation, designed to reverse the misguided Mexico City policies, will make complete and accurate family planning resources and services available to women worldwide.

The Mexico City policy prohibits U.S. population assistance funds from being channeled through prominent international organizations such as the International Planned Parenthood Federation and the U.N. Fund for Population Activities because they provide counseling about abortion as part of their services. It is important to note that this counseling is nondirective. Abortion is not advocated, but abortion information is made available to those who want it.

Curiously, the Mexico City policy does allow population assistance funds to go to government organizations that offer abortion counseling. These governmental organizations must only agree to keep U.S. funds in a separate bank account, and promise not to use U.S. funds to directly pay for abortions. We should end this double standard on family planning and make these services available to women worldwide.

□ 1240

A TRIBUTE TO LANCE CORPORAL CHRISTIAN PORTER, KILLED IN ACTION

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, a few hours before President Bush announced a cease-fire in Operation Desert Storm, a U.S. Marine Corps unit waged a pitched battle for control of the Kuwait International Airport.

In what turned out to be one of the final battles of the war, Lance Cpl. Christian Porter of Springfield, IL, was killed in action.

Lance Corporal Porter, 20 years of age, had joined the Marines in 1989 and planned to return home and open a small business after his tour of duty.

The love which has poured out for Christian Porter since the sad news of his death is testimony to the quality of the life he led. This young man with his quick smile, his quiet friendly manner, and his determination to always do his best will be missed by his family and many friends.

I join my colleagues in Congress offering our condolences to his parents, John and Phillipa Porter. We pray that God will give you and your family the strength to endure the loss of this fine young man who gave his life in the service of our country.

COMMENDATION TO PRESIDENT BUSH

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, we all were very pleased that bipartisan support existed for our troops. It has been rather tragic over the past several days and weeks that some on the other side of the aisle wanted to prevent us from bringing to the floor a resolution which commends President Bush for the strong and decisive action he took in dealing with the Persian Gulf crisis.

Well, I congratulate the distinguished ranking member of our Foreign Affairs Committee, the gentleman from Michigan [Mr. BROOMFIELD] who has offered a resolution which has the cosponsorship of every Republican in this House. It is the Broomfield resolution which we will be able to debate later today with complete Republican support which will be congratulating President Bush for the stellar leadership that he provided us during this important crisis.

UNITED NATIONS SHOULD ORGANIZE INTERNATIONAL WAR CRIMES TRIBUNAL

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, the war in the Persian Gulf is over. This American-led Allied effort is a cause for thanksgiving and national pride. There is a job yet to be done, however, not just in rebuilding and diplomacy, but in the administration of justice. The Iraqis in Kuwait, and in their own land, have been guilty of unspeakable brutality, inhuman conduct, and atrocities. We have an obligation to the civilized world to proceed with the investigation process and organize, through the United Nations, an International War Crimes Tribunal to deal with this matter.

President Bush should take the lead. Indeed, our President should exercise the high degree of leadership which he has exhibited in preparing for and prosecuting the war.

IN SUPPORT OF BROOMFIELD RESOLUTION COMMENDING PRESIDENT BUSH

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, today we will have a chance to vote on the Broomfield resolution commending President Bush for the fine leadership that he has provided during the gulf crisis.

Yes, our troops deserve the praise that they have been receiving. They have done a magnificent job, but so does President Bush deserve our recognition for a job well done. He overcame obstacles to the military operations in the gulf. He overcame those obstacles to a successful conclusion of victory, obstacles which if not overcome would not have permitted us to have successfully completed the mission with a minimum number of casualties.

One of the obstacles came from opposition right here in this hall. Let us not forget that just several weeks ago, just 1 month ago, a majority of those on the other side of the aisle voted to tie the hands of the President of the United States behind his back when he was facing down Saddam Hussein. It is time for us to admit that a policy of strength and the leadership of President Bush has brought the United States of America to this wonderful conclusion. We should thank President Bush, as well as the servicemen and women of the United States of America.

SUPPORT FOR VOLUNTARY FAMILY PLANNING ASSISTANCE

(Mr. LEHMAN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of Florida. Mr. Speaker, I rise today in support of H.R. 1179, a bill which will end the disastrous Mexico City policy on family planning assistance to nongovernmental organizations.

The world's population explosion continues at alarming levels. The record growth expected this decade means the per capita availability of key resources such as land, water, food, and fuel will continue to shrink at a frightening pace. We must not fail to do our fair share in the multinational battle to control the devastating consequences of this threat. Assistance to family planning programs is a proven, effective means of fulfilling our responsibility.

Those who oppose such funding would substitute their own values for the informed consent of women and their families. They would deprive women overseas of family planning information and resources which are readily available to millions of American women. Such a policy not only contributes to dangerously high levels of population growth abroad. There also is evidence that depriving women of this much needed information and resources can lead to an even heavier reliance on abortion as a means of preventing unwanted births. Furthermore, this legislation does not allow U.S. funding for abortions abroad.

It is time that we recognize the magnitude of the global population problems we face.

It is time that we respect the rights of women and their families to decide how best to plan their own lives. In sum, it is time that we reconsider our position on the Mexico City policy and resume funding of international programs which contribute so much to improving the quality of life for millions around the world.

IN RECOGNITION OF LEADERSHIP OF PRESIDENT BUSH

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, I am a freshman Member of this House. I voted for the use of force.

I feel that recognition of President Bush's leadership is long overdue, not only in the way that he pulled together the historical coalition of 28 countries, but his decisive, no nonsense leadership in dealing with Saddam Hussein.

I also would like to commend the brave young men and women of our country who served with distinction, and last but not least, I met with the family yesterday morning of David Plasch of Portsmouth, NH, an Army helicopter pilot who died on February 27 in a helicopter crash. He made the ultimate sacrifice for all of us in our goals for freedom.

His greatest concern through his letters to his mom and dad and the concern and the wishes of his mom and dad are how our troops would be received when they come home.

Mr. Speaker, and my fellow colleagues, I strongly recommend that you support the resolution to commend our great President for his leadership, and I also ask that you do your part and our part in making sure that the celebration for our troops when they come home is the greatest celebration of all time in the history of our country.

IRAQIS SHOULD REMOVE ALL MINES

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I, too, want to join all of those who have commended everyone involved with Desert Shield and Desert Storm, from the President on down, the Chief of Staff, General Powell, General Schwarzkopf, and all the brave men and women who have served.

My concern now, and I have sent a memo to the Pentagon and I hope that all of my colleagues will agree with me, is that we want to bring them home. We want to have the celebrations, but they are not yet out of harm's way.

I would suggest very respectfully that those who set the mines on land and on the sea be the ones to remove them, that American troops not be utilized to clean up Kuwait or southern Iraq where the mines are in the desert. Part of the effort we are making now is to see that there is peace of an enduring nature, and we very strongly recommend that those who put the minefields in the desert be the ones to pick them up. They know where they are. They have the maps and they should do them. I hope the Members will join me in contacting the Pentagon that this be done.

THE HOUSE IS WASTING $8 MILLION A DAY

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I have here a chart which shows the amount of money we have already lost to pure waste of Resolution Trust Corporation funding, $40 million as of today. Tomorrow it will be $48 million, the next day it will be $56 million.

This is pure waste, and it is pure waste because the Democratic leadership of the Congress has failed to bring up renewed funding to take care of the depositors' insurance.

Now, it is foolish for this House to waste $8 million a day, and yet every day from now until the day a signable bill reaches the President's desk, including weekends, we are losing $8 million a day; so each day I hope to do a 1-minute to just remind the country that the Democratic congressional leadership by its failure to pass a bill is adding $8 million a day in pure waste to the deficit.

There is no explanation for this, except that Congress cannot get the job done. You can imagine if General Schwarzkopf had had to report to this body how long it would have taken to get anything done in the Middle East.

□ 1250

PETTY PARTISAN POLITICAL PROFIT

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, as I sat in the Chamber this afternoon listening to some of these 1-minute speeches, I have become alarmed at the less than subtle attempts by some Members of this body to use the war that has just been successfully concluded for petty partisan political profit.

Americans by the dozens lost their lives in this war; citizens of the world by the tens of thousands are now dead; environmental havoc has been wreaked across much of the Middle East; political chaos is now threatened.

For Members of Congress, for their own political purposes, to try to make gain out of this war is unpatriotic, un-American and, in the end, will be roundly rejected by the American people.

LET US HAVE THE BIPARTISAN COALITION LEADERSHIP FOR DOMESTIC ISSUES AS DEMONSTRATED IN THE PERSIAN GULF

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, last week was one of America's great foreign policy successes. Last week was also one of America's great domestic embarrassments.

We saw on the one hand dynamic leadership making the tough decisions, doing the right planning, putting together the necessary allied coalition to be successful in the gulf. At the same time, we saw here in the Congress the inability to provide the leadership, the inability to make the tough decisions, the inability to put together any form of a bipartisan coalition to deal with the Resolution Trust.

So we won the war in the gulf and we lost the battle on getting the funding by March 1 for the Resolution Trust.

While Americans this week celebrate victory internationally, they also see their national debt go up $8 million each day.

This Congress fails to do what it should here at home on our domestic agenda.

Let us do the same kind of bipartisan coalition leadership for domestic issues that we saw work so well last week in the gulf.

LET US STOP PLAYING GAMES AND VOTE FOR FUNDING RESOLUTION TRUST CORPORATION

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker and Members, I had no intention of doing a 1-minute here today. But sitting here listening to some of the descriptions of what took place in the Committee on Banking, Finance and Urban Affairs caused me to get up here to try and straighten the record out.

It was Democrats, and only Democrats, who voted for the funding for the Resolution Trust Corporation; not one Republican vote.

For those who stand here and say they want to see the funding take place, they want to see the Resolution Trust Corporation continue, they must understand that it takes both side of the aisle in order to do that.

There were amendments placed in the bill from both sides of the aisle. Some got what they wanted, others did not.

There were some who had some outrageous amendments that they wanted from the other side of the aisle. They were not able to get that.

If they are angry about that, that should not stop them from voting for this bill. Those on the Democratic side of the aisle wanted to make sure that there was some oversight.

We cannot continue to spend the taxpayers' money without insuring that it is done properly.

I would ask those who want to see the Resolution Trust Corporation funded to tell the other side of the aisle to stop playing games and vote for the bill.

GULF PROVES AMERICAN TECHNOLOGY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, Americans cheered and stood a little taller each time our Patriot missiles intercepted an Iraqi Scud missile. Vindicated after years of criticism of America and how our industrial ability and know-how didn't measure up, we proved everyone wrong and wowed the world with our military performance in the gulf.

That euphoria lasted only a short time when it was brought to our attention that our Government decided a year ago to release this advanced dual technology to the Soviet Union through Cocom.

This international organization of advanced industrial nations controls high technology with military applications, requiring unanimous agreement to license certain technologies for export from the West.

Now our Government is resisting and hopefully will hang tough and urge our allies to join us in blocking the sale of this vital dual-use technology to Moscow.

This technology should not be decontrolled through Cocom. For American pride—and national security we need to continue to be the gee-whiz kids of high technology.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

COMMODITY FUTURES IMPROVEMENTS ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 707) to improve the regulations of futures trading, authorize appropriations for the Commodity Futures Trading Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Commodity Futures Improvements Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

TITLE I—LIMITATIONS ON CERTAIN TRADING PRACTICES

Sec. 101. Dual trading.
Sec. 102. Trading among members of broker associations.

TITLE II—ENHANCEMENT OF REGULATORY AND ENFORCEMENT ACTIVITIES

Sec. 201. Audit trails.
Sec. 202. Telemarketing fraud.
Sec. 203. Undercover operations and enforcement.
Sec. 204. Self regulatory organization disciplinary committees and governing boards.
Sec. 205. Required registration of floor traders.
Sec. 206. Enhancement of registration requirements.
Sec. 207. Enforcement of civil money penalties.
Sec. 208. Ethics training for registrants.
Sec. 209. Nationwide service of process and venue.
Sec. 210. Monitoring of hedge exemptions.
Sec. 211. Penalties for felony violations.
Sec. 212. Contract market emergency actions.
Sec. 213. Prohibition against insider trading.
Sec. 214. Qualifications of Commissioners.
Sec. 215. Monitoring of margins on equity index instruments.
Sec. 216. Monitoring of index arbitrage trading.
Sec. 217. Prohibition on voting by interested members.
Sec. 218. Study of delivery points for agricultural commodity contracts.
Sec. 219. Study of assessments on transactions.
Sec. 220. Competitiveness study.
Sec. 221. Computerized futures trading.
Sec. 222. Money penalties in civil court actions.

TITLE III—ASSISTANCE TO FOREIGN FUTURES AUTHORITIES

Sec. 301. Definition of foreign futures authority.
Sec. 302. Subpoena authority.
Sec. 303. Cooperation with foreign futures authorities.
Sec. 304. Investigative assistance to foreign futures authorities.
Sec. 305. Disclosure of information received from foreign futures authorities.
Sec. 306. Disclosure of information to foreign futures authorities.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS; TECHNICAL AMENDMENTS; EFFECTIVE DATE

Sec. 401. Authorization of appropriations.
Sec. 402. Technical amendments.
Sec. 403. Effective date.

TITLE I—LIMITATIONS ON CERTAIN TRADING PRACTICES

SEC. 101. DUAL TRADING.

(a) PROHIBITION.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j) is amended by—

(1) redesignating subsection (2) as subsection (b); and

(2) amending subsection (1) to read as follows:

"(a)(1) The Commission shall issue regulations to prohibit dual trading by a floor broker in any contract market in which the Commission determines that the average daily trading volume is equal to or greater than the threshold trading level established pursuant to this paragraph. For the purposes of this subsection, the threshold trading level shall be seven thousand contracts, based on a six-month moving average of the number of contracts traded daily on such contract market. The Commission may provide for increases or decreases in the threshold trading level for specific contract markets if, in the judgment of the Commission, such a change is warranted. In determining whether such a change is warranted, the Commission shall consider the effects of this paragraph on the liquid-

ity of the contract market, price volatility, bid-ask spreads, and the public interest. Any action by the Commission to adjust the threshold trading level of a contract market pursuant to this paragraph shall be reported to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than 3 days after the Commission takes such action.

"(2) The regulations issued by the Commission to implement paragraph (1) for such contract market shall—

"(A) define the term 'dual trading';

"(B) specify the methodology by which the Commission shall determine the average daily trading volume of contracts on a contract market;

"(C) provide for transition measures, as determined necessary by the Commission to prevent market disruption or to protect the public interest, for a contract market when the average daily trading volume on such contract market increases to or above, or decreases below, the threshold trading level;

"(D) provide that a floor broker may dual trade in a newly designated contract market until the average daily trading volume on such contract market has increased to or above the threshold trading level;

"(E) provide for limited exceptions, as the Commission determines necessary, to the prohibition against dual trading required by paragraph (1) with respect to spread trades and trades to correct errors;

"(F) provide that a floor broker affected by paragraph (1) shall indicate prior to the opening of trading for any given trading session whether such floor broker shall trade solely for such broker's own account or solely for customers' accounts for the entire trading session, with limited exceptions as determined by the Commission pursuant to subparagraphs (E) and (G); and

"(G) provide that a customer may designate an individual floor broker to execute such customer's orders for future delivery and trade for such broker's own account, notwithstanding the provisions of paragraph (1), if such customer, not less than once annually, executes a written form so designating such broker by name;

unless the Commission determines with respect to the subparagraph involved that the action required by such subparagraph is unnecessary because of action taken by the Commission pursuant to paragraph (3). Such regulations may also provide that if the average daily trading volume on a contract market increases to or above, or decreases below, the threshold trading level, any change in the status of dual trading otherwise required by paragraph (1) may be delayed or suspended if the Commission determines that such increase or decrease is a temporary, unusual occurrence.

"(3) Notwithstanding paragraphs (1), (2), and (4), the Commission shall, as it determines necessary, make a determination from time to time, by rule, regulation, or order, whether or not dual trading, as that term may be defined in regulations issued by the Commission, by a floor broker may be allowed in contract markets where such trading is not prohibited pursuant to paragraph (1). If the Commission determines that dual trading by a floor broker shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such dual trading shall be conducted. Any such determination shall, at a minimum, take into account the effect of dual trading on the liquidity of trading in each contract market. Nothing in this subsection shall be construed to prohibit the Commission from making separate determinations for different contract markets when such are warranted in the judgment of the Commission, or to prohibit contract markets from setting terms and conditions more restrictive than those set by the Commission.

"(4) The Commission shall issue an order to exempt a contract market from the provisions of paragraph (1) if the Commission determines that such exception is in the public interest and if the applicable board of trade can demonstrate to the Commission that the surveillance systems and procedures, including but not limited to the audit trail, for that contract market--

"(A) can detect those instances of trading violations that the Commission determines to be attributable to dual trading; and

"(B) are fully verifiable.

The Commission shall approve or deny any application by a board of trade for such an order no later than 60 days after receipt of the application. The Commission shall submit a report of the issuance of any such order to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than three days after the issuance of such order.".

(b) REGULATIONS.—(1) The Commodity Futures Trading Commission shall issue the regulations required by section 4j(a)(2) of the Commodity Exchange Act, as added by subsection (a), no later than 270 days after the date of enactment of this Act. The Commission shall issue regulations to implement section 4j(a)(4) of such Act, as added by subsection (a), no later than 240 days after the date of enactment of this Act or 30 days before the issuance of the regulations required by section 4j(a)(2), whichever occurs earlier.

(2) If, no later than 270 days after the date of enactment of this Act, a board of trade submits an application to the Commission for an order for a contract market pursuant to section 4j(a)(4) of the Commodity Exchange Act, the Commission may, pending the completion of its review of such application, temporarily waive the application of section 4j(a)(1) of such Act to that contract market if the Commission determines that there is a likelihood that the contract market meets the conditions of section 4j(a)(4) of such Act.

SEC. 102. TRADING AMONG MEMBERS OF BROKER ASSOCIATIONS.

(a) PROHIBITION.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j), as amended by section 101(a), is amended by adding at the end the following:

"(c) It shall be unlawful, pursuant to regulations issued by the Commission—

"(1) for a member of a broker association, for or on behalf of any customer, to execute a transaction such that another member of the same broker association, trading for such other member's own account, or the account of the association, takes the opposite side of such transaction;

"(2) for any member of a broker association to trade with another member of the same broker association, whether such brokers are trading for such brokers' own accounts, for customers, or for the account of the broker association, if such transactions in any month total more than 25 percent of the total number of transactions of such broker; and

"(3) for any member of a broker association to engage in such other practices as the Commission determines necessary to prohibit or curb abuses, and otherwise to protect the interests of customers from potential trading abuses by members of broker associations.

Such regulations shall include a definition of the term 'broker association' and may provide for exceptions from the provisions of this subsection in the case of trades executed through trading systems in which the identity of the opposite broker is unknown at the time of the trade. Nothing in this subsection shall be construed to prohibit the Commission or contract markets from prohibiting trading by broker associations or their members or from setting terms and conditions for such trading that are more restrictive than those set by this subsection.".

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue regulations to implement section 4j(c) of the Commodity Exchange Act, as added by subsection (a), no later than 270 days after the date of enactment of this Act.

(c) REPORT TO CONGRESS.—The Commodity Futures Trading Commission shall determine whether the public interest would best be served by placing alternative restrictions on trading by broker associations and their members, and whether broker associations or trading by broker associations should be prohibited. The Commission shall submit a report describing its determination and containing any recommendations by the Commission for regulatory or legislative initiatives to implement such recommendations to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than 270 days after the effective date of the regulations required under this section.

TITLE II—ENHANCEMENT OF REGULATORY AND ENFORCEMENT ACTIVITIES

SEC. 201. AUDIT TRAILS.

(a) AUDIT TRAIL REQUIREMENTS FOR CONTRACT MARKETS.—Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(1) by redesignating subsections (1) through (6) as subsections (a) through (f), respectively;

(2) in subsection (b), as so redesignated—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following:

"(2)(A) Each contract market shall maintain or cause to be maintained by its clearinghouse a single record that shall show for each futures or options trade the transaction date, time of execution (as required by subparagraph (B)), quantity, and such other information as the Commission determines necessary. Such record shall enable such contract market to rapidly reconstruct an accurate record, as determined by the Commission, of the transactions executed on such contract market.

"(B) For the purposes of subparagraph (A), the time of execution of a transaction shall be verifiable and shall—

"(i) be stated within an increment of no more than 1 minute in length, beginning not later than 1 year after the date of enactment of the Commodity Futures Improvements Act of 1991; and

"(ii) be stated within an increment of no more than 30 seconds in length, beginning not later than 3 years after the date of enactment of the Commodity Futures Improvements Act of 1991.

"(C) The Commission shall submit a report on the status of compliance with the standards imposed by this paragraph to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate within 180 days after the expiration of the 1-year and 3-year periods specified in subparagraphs (B)(i) and (B)(ii), respectively.

"(D) The Commission shall—

"(i) determine whether the record required by this paragraph has enabled the affected contract markets to rapidly reconstruct an accurate, verifiable record of the transactions executed on such contract markets, as determined necessary by the Commission to provide for the effective enforcement of the applicable provisions of this Act and the rules or regulations thereunder;

"(ii) determine whether the recording and reconstruction of the time and sequence of trades can more accurately represent the real times of such trades through the use of improved technologies or other means and determine whether any regulatory or legislative changes would be

necessary or appropriate to implement such improvements; and

"(iii) report in writing its findings pursuant to this subparagraph to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than 5 years after the enactment of the Commodity Futures Improvements Act of 1991."; and

(3) in subsection (c), as so redesignated, by striking "subsection (2)" and inserting "subsection (b)".

(b) Audit Trail Compliance As Condition for Contract Market Designation.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by—

(1) indenting the left margin of subdivisions (a) through (g) by 2 ems;

(2) striking "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", and "(g)", and inserting "(1)", "(2)", "(3)", "(4)", "(5)", "(6)", and "(7)", respectively; and

(3) adding at the end the following:

"(8) When such board of trade demonstrates that every contract market for which such board of trade is designated complies with the requirements of sections 4g(b)(2)(B)(i) and 4g(b)(2)(B)(ii).".

SEC. 202. TELEMARKETING FRAUD.

Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by adding at the end the following:

"(s) Each futures association registered under this section shall, subject to the approval of the Commission pursuant to subsection (j), adopt a rule specifying the factors it will consider in determining whether to issue a summary member responsibility action or other disciplinary action to require a member to adopt special supervisory procedures relating to telephone solicitations for new futures or options customer accounts. Such procedures shall require at a minimum that, with respect to an individual with no previous futures or options trading experience who was solicited by telephone, the member may not enter any order for such individual for a period of not less than 3 days after the individual signs the required acknowledgment of receipt of the applicable risk disclosure statement.".

SEC. 203. UNDERCOVER OPERATIONS AND ENFORCEMENT.

Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by—

(1) inserting "(1)" after "(a)"; and

(2) adding at the end the following:

"(2) In conducting investigations authorized under this subsection or other provision of this Act, the Commission shall continue, as the Commission determines necessary, to request the assistance of and cooperate with the appropriate Federal agencies in the conduct of such investigations, including undercover operations by such agencies.".

SEC. 204. SELF REGULATORY ORGANIZATION DISCIPLINARY COMMITTEES AND GOVERNING BOARDS.

(a) Disciplinary Committees and Major Violations.—Section 8c of the Commodity Exchange Act (7 U.S.C. 12c) is amended—

(1) by redesignating subsections (1) through (4) as subsections (a) through (d);

(2) in subsection (a), as so redesignated—

(A) by striking "(A)" and inserting "(1)"; and

(B) by striking "(B)" and inserting "(2)";

(3) in subsection (c), as so redesignated, by striking "subsection (2)" each place it appears and inserting "subsection (b)";

(4) in subsection (d), as so redesignated, by striking "subsection (1)" and inserting "subsection (a)"; and

(5) by adding at the end the following:

"(e)(1) The Commission shall issue regulations to require the establishment of a system of contract market disciplinary committees. Under such system, each board of trade designated as a contract market shall—

"(A) establish one or more disciplinary committees which shall be authorized by such board of trade to determine whether violations of the rules of the board of trade have been committed, to accept offers of settlement, and to impose appropriate penalties;

"(B) provide that disciplinary committees established pursuant to subparagraph (A) be composed of members of the board of trade, or staff members of the board of trade, such that the committee, or any hearing panel formed by the committee to conduct disciplinary hearings, shall be composed of a majority of persons who are of a different trading status than the respondent; and

"(C) provide that a hearing panel formed by the committee to conduct disciplinary hearings may be composed of fewer than the total number of members of the committee.

"(2) For the purposes of paragraph (1), a disciplinary committee member's trading status shall be determined by whether such member is a—

"(A) floor broker or floor trader;

"(B) member of the board of trade other than a member who acts primarily as a floor broker or floor trader; or

"(C) staff member of such board of trade.

"(f)(1) The Commission shall issue regulations requiring each contract market to establish and make available to the public a schedule of major violations of any rule within the disciplinary jurisdiction of such contract market.

"(2) The regulations issued by the Commission pursuant to this subsection shall prohibit, for a period of time to be determined by the Commission, any individual who is found to have committed any major violation from service on the governing board of any contract market or registered futures association, or on any disciplinary committee thereof.".

(b) Registered Futures Associations.—Section 17 of the Commodity Exchange Act (7 U.S.C. 21), as amended by section 202, is amended by inserting after subsection (q) the following:

"(r)(1) The Commission shall issue regulations requiring each registered futures association to establish and make available to the public a schedule of major violations of any rule within the disciplinary jurisdiction of such registered futures association.

"(2) The regulations issued by the Commission pursuant to this subsection shall prohibit, for a period of time to be determined by the Commission, any member of a registered futures association who is found to have committed any major violation from service on the governing board of any registered futures association or contract market, or on any disciplinary committee thereof.".

(c) Outside Representation on Governing Boards.—(1) Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended by—

(A) striking "and" at the end of paragraph (11); and

(B) adding at the end the following:

"(13) ensure that outside members, as defined in regulations issued by the Commission, comprise at least 20 percent of the governing board of such contract market; and".

(2) Section 17(b) of the Commodity Exchange Act (7 U.S.C. 21(b)) is amended—

(A) in subparagraphs (A) and (B) of paragraph 3 by striking "or" at the end;

(B) in paragraphs (3)(D), (4)(A), (4)(B), (4)(C), (4)(D), (4)(F), (5), (6), (7), (8), (9), (9)(A), (9)(B), and (9)(D) by striking the period at the end and inserting a semicolon;

(C) in paragraphs (4)(E), (9)(C), and (10) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(11) at least 20 percent of the members of the governing board thereof are outside members, as defined in regulations issued by the Commission.".

(d) Regulations.—The Commodity Futures Trading Commission shall issue the regulations required by sections 5a(13), 8c(e), 8c(f), 17(b)(11), and 17(r) of the Commodity Exchange Act, as added by this section, no later than 180 days after the date of enactment of this Act.

SEC. 205. REQUIRED REGISTRATION OF FLOOR TRADERS.

(a) Definition.—Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2) is amended by inserting after the sentence beginning "The words 'floor broker' " the following: "The words 'floor trader' shall mean any person who, in or surrounding any 'pit', 'ring', 'post', or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell solely for such person's own account any commodity for future delivery on or subject to the rules of any contract market.".

(b) Floor Trader Registration.—Section 4e of the Commodity Exchange Act (7 U.S.C. 6e) is amended to read as follows:

"Sec. 4e. It shall be unlawful for any person to act as floor trader in executing purchases and sales, or as floor broker in executing any orders for the purchase or sale, of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have registered, under this Act, with the Commission as such floor trader or floor broker and such registration shall not have expired nor been suspended nor revoked.".

(c) Registration Procedure.—Section 4f(1) of the Commodity Exchange Act (7 U.S.C. 6f(1)) is amended by striking "or floor broker" and inserting "floor broker, or floor trader".

(d) Reports; Books and Records.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(1)), as so redesignated by section 201(a)(1), is amended by striking "or floor broker" and inserting "floor broker, or floor trader".

(e) Jurisdiction of the States.—(1) Section 6d(1) of the Commodity Exchange Act (7 U.S.C. 13a–2(1)) is amended by striking "or floor broker" and inserting "floor broker, or floor trader".

(2) Section 6d(8)(A) of the Commodity Exchange Act (7 U.S.C. section 13a–2(8)(A)) is amended by inserting ", floor trader," after "floor broker".

(f) Commission Authority To Register Floor Traders.—Section 8a(1) of the Commodity Exchange Act (7 U.S.C. 12a(1)) is amended by striking "and floor brokers" and inserting "floor brokers, and floor traders".

(g) Refusal To Register.—(1) Section 8a(2)(C)(i) of the Commodity Exchange Act (7 U.S.C. 12a(2)(C)(i)) is amended by inserting "floor trader," after "floor broker,".

(2) Section 8a(2)(D)(ii) of the Commodity Exchange Act (7 U.S.C. 12a(2)(D)(ii)) is amended by inserting "floor trader," after "floor broker,".

(3) Section 8a(3)(E)(ii) of the Commodity Exchange Act (7 U.S.C. 12a(3)(E)(ii)) is amended by inserting "floor trader," after "floor broker,".

(h) Regulations.—The Commodity Futures Trading Commission shall issue any regulations necessary to implement the amendments made by this section no later than 180 days after the date of enactment of this Act.

SEC. 206. ENHANCEMENT OF REGISTRATION REQUIREMENTS.

(a) Injunctions.—Section 8a(2)(C)(ii) of the Commodity Exchange Act (7 U.S.C. 12a(2)(C)(ii)) is amended to read as follows:

"(ii) engaging in or continuing any activity where such activity involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, gambling, or any transaction in or advice concerning contracts of sale of a commodity for future delivery, concerning matters subject to Commission regulation under section 4c or 19, or concerning securities".

(b) CERTAIN VIOLATIONS OF LAW.—Section 8a(2)(D)(iv) of the Commodity Exchange Act (7 U.S.C. 12a(2)(D)(iv)) is amended by—

(1) inserting "1001," after "152,";

(2) striking "or" after "1342,";

(3) inserting "1503, 1623, 1961, 1962, 1963, or 2314," after "1343,"; and

(4) inserting ", or section 7201 or 7206 of the Internal Revenue Code of 1986" after "Code".

(c) OTHER VIOLATIONS OF LAW.—Section 8a(2)(E) of the Commodity Exchange Act (7 U.S.C. 12a(2)(E)) is amended—

(1) by striking "by any court of competent jurisdiction," and inserting "in a proceeding brought"; and

(2) in clause (i) by inserting "chapter 96 of title 18 of the United States Code," after "1977,".

(d) REGISTRATION REVOCATION BASED ON INACCURATE STATEMENTS.—Section 8a(2)(G) of the Commodity Exchange Act (7 U.S.C. 12a(2)(G)) is amended by—

(1) striking "subparagraphs (A) through (F) of this paragraph," and inserting "this paragraph and paragraph (3),";

(2) striking "material" the first place it appears and inserting "materially"; and

(3) striking "application" and inserting "application or any update thereto".

(e) GENERAL FELONY CONVICTIONS.—Section 8a(3)(D) of the Commodity Exchange Act (7 U.S.C. 12a(3)(D)) is amended by—

(1) inserting "pleaded guilty to or" after "person";

(2) inserting a comma after "section" the first place it appears;

(3) striking "within ten years preceding the filing of the application or at any time thereafter,";

(4) striking ", including a felony"; and

(5) striking ", more than" and inserting "more than".

(f) SPECIAL FELONY CONVICTIONS.—Section 8a(3)(E) of the Commodity Exchange Act (7 U.S.C. 12a(3)(E)) is amended—

(1) by inserting "pleaded guilty to or" after "person";

(2) by striking "within ten years preceding the filing of the application for registration or at any time thereafter"; and

(3) in clause (iv) by inserting ", or section 7203, 7204, 7205, or 7207 of the Internal Revenue Code of 1986" after "Code".

(g) REGISTRATION DENIED OR CONDITIONED BASED ON INACCURATE STATEMENTS.—Section 8a(3)(G) of the Commodity Exchange Act (7 U.S.C. 12a(3)(G)) is amended by—

(1) striking "material" the first place it appears and inserting "materially";

(2) striking the comma after "application";

(3) inserting "or any update thereto," after "application";

(4) striking "thereunder, or" and inserting "thereunder,"; and

(5) inserting "or in any registration disqualification proceeding" after "Commission".

(h) NON-FEDERAL CRIMINAL CONDUCT.—Section 8a(3)(H) of the Commodity Exchange Act (7 U.S.C. 12a(3)(H)) is amended by inserting ", in a United States military court," after "State court".

(i) EXISTING RESTRICTIONS ON MEMBERSHIPS.—Section 8a(3)(J) of the Commodity Exchange Act (7 U.S.C. 12a(3)(J)) is amended by—

(1) striking "or" after "association," the first place it appears;

(2) inserting "or any foreign regulatory body that the Commission recognizes as having a comparable regulatory program," after "organization," the first place it appears;

(3) striking "or" after "association," the second place it appears; and

(4) striking "organization;" and inserting "organization, or foreign regulatory body;".

SEC. 207. ENFORCEMENT OF CIVIL MONEY PENALTIES.

(a) MONEY PENALTIES.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8 et seq.) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting "(a)" after "SEC. 6.";

(3) in subsection (a), as so redesignated, by striking "paragraph (a)" and inserting "subsection (b)";

(4) in subsection (d), as so redesignated—

(A) by striking "paragraph (b) of this section" and inserting "subsection (c)"; and

(B) by striking "section 6(b) of this Act" and inserting "subsection (c)"; and

(5) by amending subsection (e), as so redesignated, to read as follows:

"(e)(1) In determining the amount of the money penalty assessed under subsection (c), the Commission shall consider the appropriateness of such penalty to the gravity of the violation.

"(2) Unless the person against whom a money penalty is assessed under subsection (c) shows to the satisfaction of the Commission within 15 days from the expiration of the period allowed for payment of such penalty that either an appeal as authorized by subsection (c) has been taken or payment of the full amount of the penalty then due has been made, at the end of such 15-day period and until such person shows to the satisfaction of the Commission that payment of such amount with interest thereon to date of payment has been made—

"(A) such person shall be prohibited automatically from trading on all contract markets; and

"(B) if such person is registered with the Commission, such registration shall be suspended automatically.

"(3) If a person against whom a money penalty is assessed under subsection (c) takes an appeal and if the Commission prevails or the appeal is dismissed, unless such person shows to the satisfaction of the Commission that payment of the full amount of the penalty then due has been made by the end of 30 days from the date of entry of judgment on the appeal—

"(A) such person shall be prohibited automatically from trading on all contract markets; and

"(B) if such person is registered with the Commission, such registration shall be suspended automatically.

If the person against whom the money penalty is assessed fails to pay such penalty after the lapse of the period allowed for appeal or after the affirmance of such penalty, the Commission may refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court.".

(b) CONFORMING AMENDMENTS.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended—

(1) in section 2(a)(1)(B)(iv)—

(A) in subclause (I) by striking "section 6(b)" and inserting "section 6(c)"; and

(B) in subclause (II) by striking "section 6(a)" and inserting "section 6(b)";

(2) in section 5(6), as so redesignated by section 201(b)(2), by striking "paragraph (b) of section 6" and inserting "section 6(c)";

(3) in section 5b by striking "paragraph (a) of section 6" and inserting "section 6(b)";

(4) in section 6a(1) by striking "paragraph (a) of section 6" and inserting "section 6(b)";

(5) in section 6b by striking "paragraph (a) of section 6" and inserting "section 6(b)";

(6) in section 8a—

(A) in the first proviso to paragraph (2) by striking "section 6(b)" and inserting "section 6(c)";

(B) in the second proviso to paragraph (3) by striking "section 6(b)" and inserting "section 6(c)"; and

(C) in paragraph (4) by striking "section 6(b)" each place it appears and inserting "section 6(c)";

(7) in section 14(e) by striking "paragraph (b) of section 6" and inserting "section 6(c)"; and

(8) in section 17—

(A) in subsection (b)—

(i) in paragraph (3)(B) by striking "section 6(b)" and inserting "section 6(c)"; and

(ii) in paragraph (4)(F) by striking "subsection (b) of section 6" and inserting "section 6(c)";

(B) in subsection (i)(4) by striking "section 6(b)" and inserting "section 6(c)"; and

(C) in subsection (o)(4) by striking "section 6(b)" and inserting "section 6(c)".

SEC. 208. ETHICS TRAINING FOR REGISTRANTS.

(a) MANDATORY TRAINING FOR REGISTRANTS.—Section 4p of the Commodity Exchange Act (7 U.S.C. 6p) is amended by—

(1) inserting "(a)" after "SEC. 4p."; and

(2) adding at the end the following:

"(b) The Commission shall issue regulations to require new registrants, within 6 months after receiving such registration, to attend a training session, and all other registrants to attend periodic training sessions, to ensure that registrants understand their responsibilities to the public under this Act, including responsibilities to observe just and equitable principles of trade, any rule or regulation of the Commission, any rule of any appropriate contract market, registered futures association, or other self-regulatory organization, or any other applicable Federal or State law, rule or regulation.".

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue the regulations required by section 4p(b) of the Commodity Exchange Act, as added by subsection (a), no later than 180 days after the date of enactment of this Act.

SEC. 209. NATIONWIDE SERVICE OF PROCESS AND VENUE.

Section 22(c) of the Commodity Exchange Act (7 U.S.C. 25(c)) is amended to read as follows:

"(c) The United States district courts shall have exclusive jurisdiction of actions brought under this section. Any such action shall be brought not later than 2 years after the date the cause of action arises. Any action brought under subsection (a) of this section may be brought in any judicial district wherein the defendant is found, resides, or transacts business, or in the judicial district wherein any act or transaction constituting the violation occurs. Process in such action may be served in any judicial district of which the defendant is an inhabitant or wherever the defendant may be found.".

SEC. 210. MONITORING OF HEDGE EXEMPTIONS.

(a) MONITORING BY CONTRACT MARKETS.—Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (1) by striking "subparagraphs 2 (A) and (B)" and inserting "paragraphs (1) and (2) of subsection (b)";

(2) in subsection (3) by—

(A) striking "subsection (1)" and inserting "subsection (a)";

(B) striking the last sentence; and

(C) adding at the end the following:

"The Commission shall issue regulations to require each contract market to monitor closely

the trading activities of any person granted an exemption from subsection (a) under this subsection to ensure that such person has not acquired or is not maintaining any position in excess of any position limit established pursuant to this section other than what is shown to be a bona fide hedging position, or otherwise exempt pursuant to this section, or otherwise acts in a manner inconsistent with the conditions for an exemption granted under this subsection. If the contract market determines that such person has acquired or is maintaining a position in excess of any position limit established pursuant to this section other than what is shown to be a bona fide hedging position, or otherwise exempt pursuant to this section, or is otherwise acting in a manner inconsistent with the conditions for such exemption, the contract market shall notify such person and take such action as is appropriate under the circumstances. Nothing in this subsection shall be construed to affect the authority of the Commission or a contract market to act immediately to restrict such person's transactions or positions in accordance with the limits established under this section.";

(3) by redesignating subsections (1) through (5) as subsections (a) through (e), respectively; and

(4) in subsection (b), as so redesignated, by redesignating paragraphs (A) and (B) as paragraphs (1) and (2), respectively.

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue the regulations required by section 4a(c) of the Commodity Exchange Act, as so redesignated by subsection (a), no later than 180 days after the date of enactment of this Act.

SEC. 211. PENALTIES FOR FELONY VIOLATIONS.

Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) in subsection (a)—

(A) by striking "$500,000" and inserting "$1,000,000"; and

(B) by striking "$100,000" and inserting "$500,000";

(2) in subsection (b)—

(A) by striking "$500,000" and inserting "$1,000,000"; and

(B) by striking "$100,000" and inserting "$500,000";

(3) in subsection (d) by striking "$100,000" and inserting "$500,000"; and

(4) in subsection (e) by striking "$100,000" and inserting "$500,000".

SEC. 212. CONTRACT MARKET EMERGENCY ACTIONS.

(a) PRIOR COMMISSION NOTIFICATION REQUIRED.—Section 5a(12) of the Commodity Exchange Act (7 U.S.C. 7a(12)), as amended by section 204(c), is amended by striking the last 2 sentences and inserting the following:

"The Commission shall issue regulations to specify the terms and conditions under which, in an emergency as defined by the Commission, a contract market may, by a two-thirds vote of its governing board, make a rule (hereafter in this section referred to as an 'emergency rule') effective on a temporary basis without prior Commission approval, or without compliance with the 10-day notice requirement under this paragraph, or during any period of review by the Commission, if the contract market makes every effort practicable to notify the Commission of such emergency rule, along with a complete explanation of the emergency involved, prior to making the emergency rule effective. If the contract market does not provide the Commission with such notification and explanation before making the emergency rule effective, the contract market shall provide the Commission with such notification and explanation at the earliest possible date. The Commission may delegate the power to receive such notification and explanation to such individuals as the Commission determines necessary and appropriate. Within 10 days of the receipt from a contract market of notification of such an emergency rule and an explanation of the emergency involved, or as soon as practicable, the Commission shall approve or disapprove such emergency rule and submit a report justifying its approval or disapproval of such emergency rule to the affected contract market, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. If such report is submitted more than 10 days after the Commission's receipt of notification of such an emergency rule from a contract market, the report shall include a full explanation and justification as to why submission within such 10-day period was not practicable. Nothing in this paragraph shall be construed to limit the authority of the Commission under section 8a(9);".

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue regulations to implement section 5a(12) of the Commodity Exchange Act, as added by subsection (a), no later than 90 days after the date of enactment of this Act. Until the effective date of such regulations, any regulation of the Commission that implements the last 2 sentences of section 5a(12), as such sentences were in effect immediately before the date of enactment of this Act, shall remain in effect.

SEC. 213. PROHIBITION AGAINST INSIDER TRADING.

(a) PROHIBITION.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended by adding at the end the following:

"(f) It shall be a felony for any person who is an employee, member of the governing board, or member of any committee of a board of trade, contract market, or registered futures association to willfully use or disclose, in violation of a regulation adopted by the Commission, for any purpose other than the performance of such person's official duties as such employee or member, any material, nonpublic information obtained in the performance of such duties. Such felony shall be punishable by a fine of not more than $100,000 plus that amount of any profits realized from such use or disclosure made in violation of this subsection, or imprisonment for not more than 3 years, or both, together with the costs of prosecution.

"(g)(1) It shall be a felony for any individual willfully, and in violation of a regulation issued by the Commission, to use as the basis for any commodity contract transaction for the account of such individual any material, nonpublic information as to one or more present or anticipated cash commodity transactions or commodity contract transactions by any person of whom such individual is a principal or employee, if such present or anticipated transactions, in the aggregate, are in amounts greater than the reporting levels specified by the Commission pursuant to section 4i. Such felony shall be punishable by a fine of not more than $100,000 plus that amount of any profits realized from such use in violation of this subsection, or imprisonment for not more than 3 years, or both, together with the costs of prosecution.

"(2) For purposes of paragraph (1)—

"(A) the term 'commodity contract transaction' shall mean any transaction in a contract for the purchase or sale of any commodity for future delivery, or in any option to purchase or sell any commodity or any such contract, made or to be made on or subject to the rules of any contract market; and

"(B) the term 'principal' shall mean a general partner, officer, director, or individual occupying a similar status or performing similar functions, and any holder or beneficial owner of 10 percent or more of the outstanding shares of any class of stock of the person.

"(h)(1) It shall be a felony for any individual willfully, and in violation of a regulation issued by the Commission, to disclose any material, nonpublic information as to one or more present or anticipated cash commodity transactions or commodity contract transactions by any person of whom such individual is a principal or employee if—

"(A) such transactions, in the aggregate, are in amounts greater than the reporting levels specified by the Commission pursuant to section 4i;

"(B) such disclosure is with the intent that any recipient of the information engage in commodity contract transactions on the basis of the disclosed information; and

"(C) such disclosure is unrelated to the legitimate business of the person of whom the individual is a principal or employee.

Such felony shall be punishable by a fine of not more than $100,000 plus that amount of any profits realized from such disclosure in violation of this subsection, or imprisonment for not more than 3 years, or both, together with the costs of prosecution.

"(2) For the purpose of paragraph (1), the terms 'commodity contract transaction' and 'principal' shall have the same meaning as specified in section 9(g).".

(b) REGULATIONS.—The Commission shall issue regulations to implement the amendments made by this section not later than 360 days after the date of enactment of this Act.

SEC. 214. QUALIFICATIONS OF COMMISSIONERS.

Section 2(a)(2)(A) of the Commodity Exchange Act (7 U.S.C. 4a(a)(1)) is amended by striking the second and third sentences and inserting the following: "The Commission shall be composed of five Commissioners who shall—

"(i) be appointed by the President, by and with the advice of the Senate; and

"(ii) each have demonstrated knowledge in futures trading or its regulation, or the production, merchandising, processing or distribution of one or more of the commodities or other goods and articles, services, rights, and interests covered by this Act.

In nominating persons for appointment, the President shall seek to ensure that the demonstrated knowledge of the Commissioners is balanced with respect to such areas.".

SEC. 215. MONITORING OF MARGINS ON EQUITY INDEX INSTRUMENTS.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4, and 4a) is amended by adding at the end the following:

"(12)(A) The Commission shall monitor the margin level initially required and subsequently maintained on any contract of sale for future delivery of a group or index of equity securities (or any interest therein or based upon the value thereof) to ensure that such margin level is sufficient—

"(i) to maintain the integrity of the futures markets; and

"(ii) to protect the public interest.

"(B) If the Commission determines that such margin level on any such contract presents a clear and present danger to the interests specified in subparagraphs (A)(i) and (A)(ii), the Commission shall, after consultation with the relevant contract market, take such action as it deems necessary to ensure that such margin level is sufficient to protect such interests. If the Commission takes action pursuant to this subparagraph with respect to any contract market, the Commission may, notwithstanding the provisions of section 5a(12), require such contract market to submit all rules, as defined in section 5a(12), relating to the setting of levels of margin to the Commission for the Commission's prior approval or for review in accordance with the 10-day notice provisions of section 5a(12).".

SEC. 216. MONITORING OF INDEX ARBITRAGE TRADING.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4, and 4a) is amended by adding at the end the following:

"(13)(A) The Commission shall monitor arbitrage trading, including the use of computers to execute such arbitrage trading, on contracts of sale for future delivery of a group or index of equity securities (or any interest therein or based upon the value thereof) to ensure that such arbitrage trading does not—

"(i) threaten the integrity of the futures markets;

"(ii) create excessive volatility in the futures markets; or

"(iii) otherwise adversely affect the public interest.

"(B) It is the sense of Congress that if the Commission determines that such arbitrage trading presents a clear and present danger:

"(i) to the integrity of the futures markets;

"(ii) of creating excessive volatility in the futures markets; or

"(iii) of otherwise adversely affecting the public interest;

the Commission should take such action pursuant to its existing authority as it deems necessary to ensure that such arbitrage trading does not present such a clear and present danger.".

SEC. 217. PROHIBITION ON VOTING BY INTERESTED MEMBERS.

Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended by inserting at the end the following:

"(14) ensure that no member of a governing board or committee thereof votes on any rule, as defined in paragraph (12), if, as determined in accordance with regulations promulgated by the Commission—

"(A) the member;

"(B) a legal entity of which the member is an officer or employee;

"(C) a legal entity in which the member owns a substantial interest; or

"(D) a legal entity which is the parent or subsidiary of any legal entity specified in subparagraph (B) or (C);

has a direct financial interest in the subject matter of the rule. Any member prohibited from voting on a rule pursuant to this paragraph shall not be included in determining whether there has been a two-thirds vote of a governing board for purposes of paragraph (12). For purposes of this paragraph the term 'legal entity' includes a corporation, partnership, sole proprietorship, or joint venture.".

SEC. 218. STUDY OF DELIVERY POINTS FOR AGRICULTURAL COMMODITY CONTRACTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the provision for, and functioning of, delivery points regarding contracts of sale for future delivery of any agricultural commodity to determine whether the objectives of section 5a(10) of the Commodity Exchange Act are being achieved. The study shall also examine such issues as—

(1) whether the objectives of such Act relative to such delivery points need to be revised;

(2) whether the availability and adequacy of storage facilities for agricultural commodities at such delivery points affect prices;

(3) whether the number, accessibility, and volume of storage facilities at such delivery points contribute to consistency and reasonableness in price discovery in the contract market; and

(4) such other issues relating to such delivery points as the Comptroller General determines relevant to the efficient operation and improvement of contract markets for agricultural commodities.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under subsection (a), together with any appropriate recommendations.

SEC. 219. STUDY OF ASSESSMENTS ON TRANSACTIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether—

(1) it is feasible to fund some or all of the enforcement and market surveillance activities of the Commodity Futures Trading Commission, as required by the amendments to the Commodity Exchange Act made by the Commodity Futures Improvements Act of 1991, through the imposition of an assessment on commodity futures and options transactions executed pursuant to the Commodity Exchange Act; and

(2) a program of assessment-based funding for some or all of such enforcement and market surveillance activities would better provide resources to the Commodity Futures Trading Commission to enable the Commission to—

(A) protect the interests of market users (including hedgers and speculators), producers of commodities traded on the futures markets, and the general public; and

(B) maintain and enhance the credibility of such futures and options markets.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the Comptroller General's determinations pursuant to subsection (a), together with any appropriate recommendations for the implementation of such a program of assessment-based funding for some or all of the Commodity Futures Trading Commission's enforcement and market surveillance activities.

SEC. 220. COMPETITIVENESS STUDY.

No later than 18 months following the enactment of this Act, the Commodity Futures Trading Commission shall study the competitiveness of boards of trade over which it has jurisdiction compared with the boards of trade (or their foreign equivalent) over which foreign futures authorities, as defined in section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)), have jurisdiction, and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report of its findings with respect to—

(1) the overall competitive status of United States boards of trade in the world market;

(2) a comparison of applicable statutes, rules, or regulations as they relate to futures and options administered and enforced by the Commission and those administered and enforced by foreign futures authorities;

(3) any trends in, or movements of, volume of futures and options trading to or from United States boards of trade during the period of the study;

(4) whether the trends or movements, if any, were the result of the adoption of statutes, regulations, or other enforcement mechanisms in foreign countries or the United States; and

(5) any recommendations the Commission may have as a result of its study to enhance the competitive status of United States boards of trade in the world market that will not impair customer confidence in United States boards of trade.

SEC. 221. COMPUTERIZED FUTURES TRADING.

(a) STUDY.—The Commodity Futures Trading Commission (hereinafter in this section referred to as "the Commission") shall conduct a study to determine—

(1) whether it is or may be feasible for all, or substantially all, trading in futures and options subject to the jurisdiction of the Commission under the Commodity Exchange Act to be conducted by a system of computers or by other electronic means; and

(2) whether such a system of trading would enhance access to the futures and options markets by potential market participants, improve the ability of the Commission to audit the activities of the futures and options markets, reduce the opportunity for trading abuses, and otherwise be in the public interest.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under subsection (a), together with any appropriate recommendations.

(c) PILOT PROGRAM.—Effective 2 years after the date of enactment of this Act, the Commission shall establish a pilot program to collect information on, and encourage, the use of computers and other electronic means to effect trading in the futures and options markets within the regulatory jurisdiction of the Commission.

SEC. 222. MONEY PENALTIES IN CIVIL COURT ACTIONS.

Section 6c of the Commodity Exchange Act (7 U.S.C. 13a–1) is amended by adding after the third sentence two new sentences to read as follows: "In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, upon a proper showing, upon any person found to have committed any violation in such action a civil penalty for each violation in the amount of not more than the higher of $100,000 or triple the monetary gain to such person. If a person upon whom such a penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Commission may refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court.".

TITLE III—ASSISTANCE TO FOREIGN FUTURES AUTHORITIES

SEC. 301. DEFINITION OF FOREIGN FUTURES AUTHORITY.

Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2), as amended by section 205(a), is amended by adding at the end the following: "The term 'foreign futures authority' means any foreign government, or any department, agency, governmental body or regulatory organization empowered by a foreign government to administer or enforce laws, rules, or regulations as they relate to futures or options matters, or any department or agency of a political subdivision of a foreign government empowered to administer or enforce laws, rules or regulations as they relate to futures or options matters.".

SEC. 302. SUBPOENA AUTHORITY.

The third sentence of section 6(c) of the Commodity Exchange Act (7 U.S.C. 15), as so redesignated by section 207(1), is amended by inserting "or for purposes of any action taken under section 12(f) of this Act," after "under this Act,".

SEC. 303. COOPERATION WITH FOREIGN FUTURES AUTHORITIES.

Section 12(a) of the Commodity Exchange Act (7 U.S.C. 16(a)) is amended by inserting after "thereof," the following: "any foreign futures authority, any department or agency of a foreign government or political subdivision thereof,".

SEC. 304. INVESTIGATIVE ASSISTANCE TO FOREIGN FUTURES AUTHORITIES.

Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by adding at the end the following:

"(f)(1) On request from a foreign futures authority, the Commission may, in its discretion, provide assistance in accordance with this section if the requesting authority states that the requesting authority is conducting an investigation which it deems necessary to determine whether any person has violated, is violating, or is about to violate any laws, rules or regulations relating to futures or options matters that the requesting authority administers or enforces. The Commission may conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance. Such assistance may be provided without regard to whether the facts stated in the request would also constitute a violation of the laws of the United States.

"(2) In deciding whether to provide assistance under this subsection, the Commission shall consider whether—

"(A) the requesting authority has agreed to provide reciprocal assistance to the Commission in futures and options matters; and

"(B) compliance with the request would prejudice the public interest of the United States.

"(3) Notwithstanding any other provision of law, the Commission may accept payment and reimbursement, in cash or in kind, from a foreign futures authority, or made on behalf of such authority, for necessary expenses incurred by the Commission, its members, and employees in carrying out any investigation, or in providing any other assistance to a foreign futures authority, pursuant to this section. Any payment or reimbursement accepted shall be considered a reimbursement to the appropriated funds of the Commission.".

SEC. 305. DISCLOSURE OF INFORMATION RECEIVED FROM FOREIGN FUTURES AUTHORITIES.

Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended—

(1) by adding at the end of subsection (a)(1), as so redesignated by section 203(1), the following:

"The Commission shall not be compelled to disclose any information or data obtained from a foreign futures authority if—

"(1) the foreign futures authority has in good faith determined and represented to the Commission that disclosure of such information or data by that foreign futures authority would violate the laws applicable to that foreign futures authority; and

"(2) the Commission obtains such information pursuant to—

"(A) such procedure as the Commission may authorize for use in connection with the administration or enforcement of this Act; or

"(B) a memorandum of understanding with that foreign futures authority;

except that nothing in this subsection shall prevent the Commission from disclosing publicly any information or data obtained by the Commission from a foreign futures authority when such disclosure is made in connection with a congressional proceeding, an administrative or judicial proceeding commenced by the United States or the Commission, in any receivership proceeding commenced by the United States or the Commission, or in any proceeding under title 11 of the United States Code in which the Commission has intervened or in which the Commission has the right to appear and be heard. Nothing in this subsection shall be construed to authorize the Commission to withhold information on data from Congress"; and

(2) by adding at the end of subsection (b) the following: "This subsection shall not apply to the disclosure of data or information obtained by the Commission from a foreign futures authority.".

SEC. 306. DISCLOSURE OF INFORMATION TO FOREIGN FUTURES AUTHORITIES.

Section 8(e) of the Commodity Exchange Act (7 U.S.C. 12(e)) is amended—

(1) in the fifth sentence—

(A) by inserting "or any foreign futures authority" after "jurisdiction," the first place it appears; and

(B) by inserting "foreign futures authority," after "such"; and

(2) in the last sentence—

(A) by inserting "foreign futures authority or to a" after "information to a";

(B) by inserting "foreign futures authority," after "disclosed by such"; and

(C) by inserting "or foreign futures authority" after "or agency thereof".

TITLE IV—AUTHORIZATION OF APPROPRIATIONS; TECHNICAL AMENDMENTS; EFFECTIVE DATE

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated to carry out this Act—

"(1) $48,500,000 for fiscal year 1992; and

"(2) $53,000,000 for fiscal year 1993.".

SEC. 402. TECHNICAL AMENDMENTS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended—

(1) by striking "commission" in—

(A) section 4a, as amended by section 210(a), each place it appears other than in subsection (d) as so redesignated;

(B) section 6(b), as so redesignated by section 207(a)(1), each place it appears;

(C) section 6(c), as so redesignated by section 207(a)(1);

(D) section 13(c);

and inserting "Commission";

(2) in section 4b—

(A) by redesignating subdivisions (A) through (D) as subdivisions (i) through (iv), respectively;

(B) by striking "(a)", "(b)", and "(c)", and inserting "(A)", "(B)", and "(C)", respectively;

(C) by inserting "(a)" after "Sec. 4b.";

(D) by inserting "(b)" before "Nothing in this section or"; and

(E) by inserting "(c)" before "Nothing in this section shall";

(3) in section 4c(d)(2)—

(A) in subparagraph (A)(iv) by striking "(15 U.S.C. 78c(a)(12))" and inserting "(15 U.S.C. 78c(a)(12)))"; and

(B) in the matter following subparagraph (C) by striking "section (2)(a)" and inserting "section 2(a)";

(4) in section 4j(b), as so redesignated by section 101(a)(1), by striking "within nine months after the effective date of the Commodity Futures Trading Commission Act of 1974, and subsequently" and inserting a comma;

(5) in section 6(c), as so redesignated by section 207(a)(1), by striking "offending person." and inserting "offending person";

(6) in section 6(c), as so redesignated by section 207, and in section 8(f) by striking "subpena" and "subpenas" each place they appear and inserting "subpoena" and "subpoenas", respectively;

(7) in section 6a, as amended by section 207(b)(4), by redesignating subsections (1) and (2) as subsections (a) and (b), respectively;

(8) by striking "the Secretary of Agriculture or"—

(A) in the first sentence of section 6(b), as so redesignated by section 207(a)(1);

(B) in the first sentence of section 6(c), as so redesignated by section 207(a)(1); and

(C) in section 13(c);

(9) in section 8a—

(A) in paragraph (5) by striking "and" at the end; and

(B) in paragraph (7) by striking "matters as:" and inserting "matters as—";

(10) in section 14(g) by striking "fifteen months" the second place it appears and inserting "15-month";

(11) in section 17—

(A) in subsection (a) by indenting the left margin of paragraphs (1) and (2) by 2 ems; and

(B) in subsection (l)(2)(B)—

(i) by striking "the Commodity Exchange" and inserting "this"; and

(ii) by striking the period at the end and inserting "; and";

(12) by striking section 21;

(13) in section 22(a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking "clauses (A) through (D)" and inserting "subparagraphs (A) through (D)"; and

(ii) in subparagraph (D) by striking "clause (B)" and inserting "subparagraph (B)"; and

(B) in paragraph (2) by striking "17b(10)" and inserting "17(b)(10)"; and

(14) by striking section 23.

SEC. 403. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. For what purpose does the gentleman from Louisiana [Mr. HUCKABY] rise?

Mr. HUCKABY. Mr. Speaker, I rise in opposition to H.R. 707 and request allocation of half the time.

The SPEAKER pro tempore. Is the gentleman from Louisiana opposed to the bill?

Mr. HUCKABY. Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Chair would inquire of the gentleman from Missouri [Mr. COLEMAN], is the gentleman opposed to the bill?

Mr. COLEMAN of Missouri. Mr. speaker, I am in support of the bill.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. HUCKABY] therefore qualifies.

Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Louisiana [Mr. HUCKABY] will be recognized for 20 minutes.

The Chairman recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, the Commodity Futures Trading Act of 1991, extends the authority of the CFTC, the Commodity Futures Trading Commission and provides the power and the regulatory tools it needs to effectively protect investors and the American public in the new age of global trading of commodity futures contracts.

The bill is nearly the same as passed this House in 1989 by a vote of 420 to nothing.

Basically, let me say that the difference between this bill and the 1989 bill which was approved 420 to nothing consists of five items.

The bill authorizes appropriations for the Commodity Futures Trading Commission for the fiscal years 1992 and 1993. This is different, of course, from last year.

Second, it amends the legislation authorizing the Commission to seek money penalties in court actions. Third, it has an amendment to the provisions authorizing penalites for felony violations of the bill's insider trading provision. Fourth, it contains a technical clarification of the language regarding the enforcement of civil penalties. And fifth, it has an amendment deleting from the bill an unrelated technical amendment that has since been enacted in other legislation.

Those, my colleagues, are the differences from the 1989 bill. Let me say that it has provisions pertaining to the authorization for appropriations, limitations on certain trading practices, audit trail requirements, regulation of stock index futures, penalties, enforcement powers, self-regulatory requirements, enhancement of registration requirements, qualifications for CFTC commissioners, court jurisdictions, and then it authorizes several studies.

Basically, it is the same legislation.

Mr. Speaker, it is time to give the Commodity Futures Trading Commission the power and the regulatory tools it needs to effectively protect investors and the American public in the new age of global trading of commodity futures contracts.

H.R. 707, the Commodity Futures Improvements Act of 1991, is regulatory reform legislation designed to achieve the level of protection investors and the public deserve. This bill is nearly identical to legislation unanimously approved by the House in 1989 by a vote of 420 to 0. H.R. 707 has four major components:

First, it will significantly strengthen the powers of the Commission in regulating the futures markets.

Second, it will put in place important trade practice reforms of the futures exchanges themselves.

Third, the bill will substantially increase penalties which may be imposed for criminal violations of the Commodity Exchange Act. It will also prohibit those individuals who have been convicted of criminal violations from being registered as a broker or other market participant under the Commodity Exchange Act.

And fourth, H.R. 707 will give the CFTC the authority it has requested to become a full partner in international efforts to coordinate futures market regulation and enforcement for the benefit of market users and the general public.

Mr. Speaker, 2 years ago public confidence in the integrity of the futures trading industry and the Federal regulation agency that oversees its activities was severely shaken.

In January 1989 the Justice Department revealed that it had conducted an undercover investigation of alleged illegal trading activities in the pits of the Chicago futures exchanges. The investigations revealed that some floor trades were using their positions to reap illicit profits at the expense of futures market users.

It was in the aftermath of that investigation back in 1989 that the House Agriculture Committee set out to address various shortcomings in current futures trading laws and develop legislation to limit opportunities for abuse.

The Committee on Agriculture reported H.R. 2869, the Commodity Futures Improvement Act, to the House on September 7, 1989. On September 13, 1989, the House unanimously passed the bill by a vote of 420 to 0. The bill before us today, H.R. 707, is nearly identical to the 1989 legislation approved by the House.

Despite the broad support for this legislation expressed by the House in 1989, floor action in the other body never occurred during the 101st Congress. No conference was possible and the legislation died.

What happened? It's simple. The real need to strengthen futures trading regulation was forced to take a back seat to a purely Washington syndrome known as a turf fight. At issue was a blatant jurisdictional grab by another Federal agency to regulate a financial instrument called stock index futures.

This jurisdictional turf grab was attempted at the expense of the clearly expressed desire of the House in 1989 to protect the public's interest through enactment of responsible legislation.

Mr. Speaker, it is time to get the ball rolling again and I urge the House to once again approve this significant legislative enhancement of the powers of the Commodity Futures Trading Commission.

To the credit of the Commission and its chairman, Wendy Gramm, the agency has used its current powers and resources effectively. The Congress needs to do its part by giving the Commission the authority it needs to ensure the fairness and integrity of the ever-changing futures market.

Mr. Speaker, passage and enactment of H.R. 707 into law will result in increased public confidence in the integrity of the futures trading industry. Improved public confidence in the markets will lead to increased participation by farmers, individual investors, institutional investors and other market participants, both domestically and around the world, who can capitalize on the benefits afforded by futures markets when the trading is unquestionably fair and open.

This bill will also benefit the Nation by assuring that the U.S. commodity futures industry maintains its status as the preeminent futures market in the world.

I commend the House Agriculture Subcommittee on Conservation, Credit, and Rural Development, and its chairman, Congressman GLENN ENGLISH and its ranking minority member, TOM COLEMAN for their work over the past 2 years on this issue.

This bill is long overdue and I urge my colleagues to lend it their support. I ask unanimous consent that a brief explanation and summary of H.R. 707 be inserted in the CONGRESSIONAL RECORD at this point.

BRIEF EXPLANATION OF H.R. 707, COMMODITY FUTURES IMPROVEMENTS ACT OF 1991

Authorization of appropriations.—Authorizes appropriations for the Commodity Futures Trading Commission in the amount of $48.5 million for fiscal year 1992 and $53 million for fiscal year 1993. This compares to the appropriated funding level of $43,960,000 for fiscal year 1991.

Limitations on certain trading practices.—Amends the Commodity Exchange Act to prohibit dual trading by a floor broker in any contract market in which the Commodity Futures Trading Commission has determined the average daily trading volume to be equal to or greater than a threshold trading level of 7,000 contracts, but the Commission may increase or decrease the threshold trading level if a change is warranted, considering the effects of the prohibition against dual trading on price volatility, bid-ask spreads, or the public interest.

The Commission must exempt a contract market from the dual trading prohibition if the Commission determines that the exemption is in the public interest and the contract market can demonstrate that its surveillance systems and procedures, including its audit trail, (1) can detect those instances of trading violations attributable to dual trading, and (2) is fully verifiable.

The Commission retains the authority to further restrict or completely prohibit dual trading.

Limits trading among members of broker associations.

Audit trail requirements.—Requires each contract market to maintain an audit trail including such information as the Commission determines necessary to rapidly reconstruct an accurate record of the transactions executed on such contract market. The time of execution of contract market transactions must be verifiable and must: (1) be stated in one minute increments beginning not later than one year after enactment of the bill; and (2) be stated in 30 second increments beginning not later than three years after enactment of the bill.

A board of trade's audit trail for all of the contracts designated for that board of trade must comply with the one minute and 30 second recording requirements before the Commission can designate the board of trade as a contract market for any new contracts.

Regulation of stock index futures.—Requires the Commission to monitor margin levels on a group or index of equity securities and to take necessary action to ensure that market integrity and the public interest are protected.

Requires the Commission to monitor arbitrage trading to ensure that it does not threaten the public interest.

Penalties.—Makes it a felony for exchange employees or certain other persons to use or disclose certain material, nonpublic information. A violation of this prohibition will be punishable by a fine of up to $100,000, plus any profits realized from such use or disclosure, and imprisonment for up to three years.

Increases the penalties for certain felony violations of the Commodity Exchange Act from $500,000 to $1 million for corporations and similar legal entities, and from $100,000 to $500,000 for individuals.

Enforcement powers.—Requires the Commission to continue to request the assistance of and cooperate with the appropriate Federal agencies in conducting investigations, including undercover operations, under the Commodity Exchange Act.

Authorizes the Commission to cooperate with, offer investigative assistance to, accept information from, and disclose certain information to, foreign futures authorities.

Self-regulatory requirements.—Requires each registered futures association to specify the factors it will consider in determining whether to require a member to adopt special supervisory procedures regarding telephone solicitations. Such procedures must include a three day "cooling off" period during which a member who solicited an inexperienced customer by telephone to open a futures or options account may not trade such account on behalf of the customer.

Requires a system of contract market disciplinary committees and a schedule of major violations of the rules of contract markets or registered futures associations. The bill prohibits any person found to have committed a major violation of such contract market rules from service on the governing board or a disciplinary committee of any contract market or registered futures association.

Requires that outside members comprise at least 20 percent of the membership on the governing boards of contract markets and registered futures associations.

Prohibits voting on a rule by any exchange board member with a direct financial interest in the subject matter of the rule.

Requires each contract market to monitor closely the trading activities of any person granted a hedging exemption to ensure that such person does not obtain a position in excess of such exemption.

Requires each contract market to make every effort practicable to give the Commission prior notification of any emergency action proposed by the contract market and requires the Commission to notify the contract market and the House and Senate Agriculture Committees of its approval or disapproval of the emergency action within 10 days, or as soon as practicable, after the Commission receives such notification.

Enhancement of registration requirements.—Requires the registration of floor traders, enhances the Commission's and contract markets' authority to disqualify registrants, and provides for the suspension of registration and trading privileges for the nonpayment of civil money penalties.

Requires that registrants attend periodic ethics training sessions.

Qualifications of CFTC commissioners.—Requires that each Commissioner on the Commission have demonstrated knowledge in futures trading or its regulation, or knowledge of the commodities, services, rights and interests covered by the Commodity Exchange Act, and the President is to seek a balance among the Commissioners of the areas of demonstrated knowledge.

Court jurisdiction.—Provides for nationwide service of process and venue for parties bringing a private right of action under the Commodity Exchange Act.

Studies.—Requires the General Accounting Office to study the delivery points for futures contracts for agricultural commodities and to study the feasibility of funding Commission surveillance activities through an assessment on futures transactions.

The bill also requires the Commission to conduct a study of the competitiveness of U.S. futures exchanges compared to those in foreign countries, and to study the feasibility of computerized trading.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. COLEMAN].

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Mr. COLEMAN of Missouri. Mr. Speaker, as those of us who served in this body in the last Congress know, H.R. 707 represents many months of work and investigation by the gentleman from Oklahoma [Mr. ENGLISH] and myself and the combined Agriculture Committee staff as well as personnel of the General Accounting Office. The staff work was tedious and exhaustive; the product, the legislation we consider today, is a credible document. It is just as important today as it was when the House passed this legislation, as H.R. 2869, September 13, 1989, without a single opposing vote.

The wisdom of this bill is being confirmed by proposed or final rulemakings of the Commodity Futures Trading Commission and changes made by the self-regulatory organizations, the futures exchanges, themselves.

For those changes and the intent to make further improvements in their regulatory and trading systems, I commend Chairman Gramm and her colleagues at the CFTC as well as officials at the exchanges around the country. The progress made to date, especially at the larger exchange in Chicago and New York, in bringing their audit trail and trade recordation systems into the electronic age is exemplary. The exchanges should be applauded for this work. I know it is a difficult task to meet these new goals while retaining the traditions and trademarks of the U.S. futures industry, such as the open outcry trading system.

The CFTC has been extremely busy the last several months studying various aspects of its regulatory program such as dual trading, the registration and regulation of broker associations, and enhanced audit trails.

The Commission has expanded its routine floor surveillance and joined with international regulators to define and develop principles on the oversight of global trading systems such as the Chicago Mercantile Exchange's Globex system.

And, of course, the Commission continues to work closely with the Securities and Exchange Commission in their joint program to regulate the cash and derivative securities markets. But, I think I would be remiss if I did not point out that the CFTC also works closely with the Department of Agriculture in monitoring cash and futures agricultural markets just as the CFTC and the Energy Department monitor the energy markets.

However, the Congress must continue to vigorously monitor the markets, the self-regulatory organizations and the CFTC to ensure that our markets continue to be the envy of the world.

In closing, Mr. Speaker, this bill, as a whole, is sound legislation and should be adopted once again by the House.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. ENGLISH], chairman of the Subcommittee on Conservation, Credit, and Rural Development.

Mr. ENGLISH. Mr. Speaker, this legislation, I think, has been summed up very well by the gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture, and by the gentleman from Missouri [Mr. COLEMAN]. It is basically the same legislation, as has been pointed out, that passed this Chamber unanimously some nearly 2 years ago.

Mr. Speaker, this is legislation that is very tough. Some have said, quite frankly, that it is too tough, but we have found, since that time, that instead of having difficulty in meeting its standards, instead of resisting meeting those standards, we have found that the futures industry itself is moving toward meeting what is without question some of the toughest standards ever laid down to the futures industry.

I might also say, Mr. Speaker, that this legislation is legislation which had passed the House Committee on Agriculture in August of 1989, and it passed on the day that the U.S. attorney in Chicago laid out his findings with regard to the FBI investigation and that led up to the indictments with regard to some wrongdoing. I called the U.S. attorney and asked him to review this legislation to see if, in fact, there were any areas that were uncovered, any areas of wrongdoing that were uncovered by their investigation which were not addressed by this legislation, but needed to be addressed, and he responded to me that there were not. I felt that that was a testimony to the fine investigation that was carried out by the staff of the House Committee on Agriculture.

Mr. Speaker, the investigation was independent of the FBI investigation. We were not aware of their findings, and I think it certainly underscores the importance of this particular legislation.

As the chairman pointed out, it contains a number of reform, tighter restrictions and enhanced capability for the Commodity Futures Trading Commission, and, in fact, for the first time it will provide for the resources, and I might say the authority, to the CFTC to conduct its own undercover operations in the future instead of being required to rely on investigative agencies such as the FBI.

Mr. Speaker, I think it is a good bill, it is a tough bill, and it is one, quite frankly, that will, I think, make the American public who trades in the futures industry feel far more confident and secure.

Mr. HUCKABY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 707 because of one provision, a provision relating to stock index futures. I think, except for this provision, this is a good bill, a strong bill, it has a lot of teeth in it, and I certainly want to commend the gentleman from Oklahoma [Mr. ENGLISH], as well as the gentleman from Missouri [Mr. COLEMAN], for the work that they did, not only 2 years ago, but this year for this legislation.

It is true. This legislation is very similar to the bill that was considered in the last Congress. In the last Congress I offered amendments on the floor regarding stock index futures with the understanding that this would be addressed, and strengthened and cleaned up in conference.

Mr. Speaker, a lot has happened since then. This issue proved to be so controversial that the Senate could not even reach agreement to bring the measure to the floor of that body, and it became apparent that the bill managers did not want to address the issue, or certainly they would have during the hearing process, the markup process in subcommittee or committee before we reached here, the floor of the House.

What are we talking about? Stock index futures. Stock index futures are a bet, a bet on what is going to happen on the New York Stock Exchange. The most popular futures index is the S&P 500 index, and the question before us today is: What margin level should one have to put up? How much money should one have to put up before they are allowed to take a position in the S&P 500 futures index?

Mr. Speaker, I say to my colleagues, if you go to a stock broker, and you want to buy the equivalent stock, you have to put up 50 percent. If you go, and you want to buy a futures contract, there have been times in the past when you could put up as little as 2 percent.

In fact, Mr. Speaker, in the meltdown, the great stock market crash of October 1987, the margin requirement then was 3.6 percent. Two years later, in October of 1989, the margin requirement was only 2.2 percent. That means that there have been times when I could buy one futures contract which is $185,000 by putting up as little as $4,000, whereas it would cost me $92,000 to buy that much stock, equivalent stock, in New York.

To give my colleagues an idea of what we are talking about volumewise, dollarwise, let me refer to today's Wall Street Journal, a futures contract here, one line, the S&P futures contract. Do my colleagues know how much the dollar volume traded yesterday was on this one line? Eleven point one billion dollars; not million, billion. There was as much traded there as there was in the entire New York Stock Exchange where there is page after page listed of the various stocks in America.

Why? Because this margin level is so low, and that is the question before us today: Should our Government, should we, regulate? Should we be involved in determining what this margin level is?

There are actually four different positions that have been suggested that are on the table. Secretary of the Treasury Brady in a letter to me earlier this month stated that he feels Treasury's proposal, which says the SEC, the Securities and Exchange Commission, should regulate stock index futures, should be a part of the bill before us today. He feels that they should be regulated.

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Alan Greenspan, the Chairman of the Federal Reserve, in recent testimony stated that it has become obvious through the years that stock index futures should be regulated, because the exchanges tend to set them too low in normal times, and then, when they get in trouble, they have no room to move.

Wendy Gramm, Chairman of the CFTC, just within the last 2 weeks has reversed herself, and now feels that stock index futures should be regulated. Of course, she feels the CFTC should now regulate them.

Then we have the fourth position, the position of the bill before us today, which says let us let the stock exchanges set their own margin requirements.

Mr. Speaker, let me point out that the lower the margin requirement is, the greater the dollar volume that is traded, and the greater the dollar volume that is traded, the greater the profits of the exchanges. The greater the dollar volume that is traded, the greater the profits of the exchanges.

Mr. Speaker, I would suggest that we are talking about the wealth of America here when we are talking about these massive bets, $11 billion a day, being placed on what the stock market, the Standard & Poor 500 Index, is going to do in New York.

Mr. Speaker, it seems to me the prudent thing for us to do, when you have all of these bodies, all of these voices crying out and saying yes, we should regulate, yes, it should be regulated, I would urge Members, let us defeat this legislation on suspension and come back with an open rule, so that we, the Members of Congress, we, the people's body, can have some say, some voice, some participation on what the position of the House should be, rather than letting it be determined in conference.

Mr. Speaker, I would urge defeat of H.R. 707.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, let me just say very quickly that for those who may not be that aware, that a futures industry and a stock are two different instruments. They have different purposes.

One is to facilitate the price discovery and shift the risk, and that is called a future. It is usually held for a short period of duration. A stock is a capital formation item, and is usually held for a long period of time.

The markets are regulated differently. The margins that they have serve different purposes.

For instance, as far as the clearinghouse for a futures contract, it acts as a guarantee to make sure that both the buyer and the seller are satisfied, and that exchange financially has to stand behind it or they lose it. When we talk about the stock exchanges, they do not guarantee any type of performance.

Basically these are different instruments, different purposes, different aims, and are regulated differently. So I think in order to get a handle on this issue, and it is one that has divided the futures industry and the securities industry and caused great debate between regulatory agencies, and that is basically what we are talking about, turf battles, between the Securities and Exchange Commission, the Commodity Futures Trading Commission.

But perhaps the best way to get at the bottom line on this is recently, in fact, last year, there was published a study entitled, "The Effects of Margins on the Volatility of Stock and Derivative Markets: A Review of the Evidence." This is by a professor of finance, Don Chance, who is with the Virginia Polytechnic Institute and State University. He was not taking sides, but simply reviewing all the studies that have been done by all the experts in this field.

In this particular paper, Professor Chance notes that the rapid growth in the use of derivative security products, most notably the stock index futures, has led some to believe that these instruments, with their relatively low margins, are in some way to blame for the market crashes in October 1987, and in the minicrash of 1989.

The belief that the margins can be effective in controlling volatility in the markets has led for calls, as the gentleman from Louisiana [Mr. HUCKABY] does, for tighter regulations of margins and higher margin levels.

The paper itself contains 60 academic articles on the subject of margins and volatility. In the analysis of all this material, all the studies that have been done in this literature, Professor Chance concluded that the evidence does not support the proposition that tighter regulation and higher margin levels can effectively control volatility. In fact, he finds from all the experts all across the country that the opposite is true. These experts that have looked into this, in fact, have come to the conclusion that there is overwhelming evidence that margin requirements cannot be used in controlling volatility.

At best, Mr. Speaker, what we are dealing with here on this issue is a lot of theory, and a lot of people who have an interest, namely turf, in trying to push forward those theories and trying to deal with this issue.

I would suggest that we have before us today is the reauthorization of the Commodity Futures Trading Commission, and not the issue before us of trying to decide whether in fact margins do or do not have an impact with regard to the securities industry.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. ENGLISH. I am happy to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Speaker, is it not true that the Commodity Futures Trading Commission already has emergency powers, which are continued under this bill, to deal with margins in those emergency situations? Is that not true already?

Mr. ENGLISH. Mr. Speaker, reclaiming my time, they not only have the authority for emergencies, but also in this legislation go a step further. What the gentleman from Louisiana [Mr. HUCKABY] agreed to 18 months ago was in fact a compromise which gave them even further authority.

So, yes, there are emergency powers. In fact, there are powers under the provision of the gentleman from Louisiana [Mr. HUCKABY] that were contained in the bill, even requiring them to take steps further, should they find even a danger of an emergency.

Mr. COLEMAN of Missouri. Mr. Speaker, if the gentleman will continue to yield, what the gentleman is saying is that the language of the gentleman from Louisiana [Mr. HUCKABY] is already contained in this bill from 2 years ago, which basically raises it to a higher level of standard, if you will, over an emergency as we know it now.

I think the concern of the gentleman from Louisiana [Mr. HUCKABY] as expressed in committee, he would like to see the Commission involved in daily margin settings, if you will, as opposed to letting the exchanges do it with oversight by the Commission now.

I think the gentleman from Louisiana [Mr. HUCKABY] also in the discussions in committee basically does not like derivative instruments and contracts based upon stock markets.

Mr. Speaker, in this case the stock market is the cash market. Wall Street is a cash market. The futures market in Chicago on the S&P 500 is a futures instrument.

Mr. Speaker, we just have a different philosophy. But America leads the world in these instruments. It is the center of the world for them. If we start fooling around with margins and trying to find out other experts' opinion on this thing, we are going to ship all this overseas and America will not be No. 1 in this area. It will all be shipped overseas, and we will have no control over it.

Would the gentleman from Oklahoma [Mr. ENGLISH] agree with that?

Mr. ENGLISH. Mr. Speaker, reclaiming my time, I would agree, and simply go one step further in saying not only do we have that, but to ensure that margins do not get too low, the exchanges themselves have to put up their own money. In other words, if there is a loss, it is the exchanges that are going to lose.

Certainly with the CFTC having not only the right, but the obligation, the responsibility to act in case of any kind of an emergency should they misjudge, I think is more than appropriate authority.

Mr. COLEMAN of Missouri. Mr. Speaker, if the gentleman will yield further, the gentleman is recalling the clearinghouse function of the exchanges, where you have to balance off each one of these accounts every 24-hour period. Whereas on the New York Stock Exchange or any other stock exchange, there is no such feature at all.

Mr. ENGLISH. Mr. Speaker, reclaiming my time, in fact, as I understand it, they have something like 5 days, and they are hoping to get that down to 3 days. So, as I pointed out, they are entirely different industries. We regulate them entirely differently. There are entirely different rules and regulations. I suppose it would be highly unusual if they did not have different margin requirements.

Mr. COLEMAN of Missouri. Mr. Speaker, I think that is why we need to support the bill.

Mr. HUCKABY. Mr. Speaker, I yield myself such time as I may consume.

I would like to attempt to respond to the point that the gentleman from Missouri [Mr. COLEMAN] and the gentleman from Oklahoma [Mr. ENGLISH] raised. First of all, there are numerous studies out. Many of those studies suggest that there is a direct link. Secretary of Treasury Brady feels very strongly that there is a direct link between stock index futures and the performance of the actual stock market.

Mr. Speaker, let me explain how this situation works. There are companies, I will point out to the gentleman from Oklahoma [Mr. ENGLISH], that do nothing, their sole business is buying in one market and selling in the other to keep them in balance. So if there is excessive selling in Chicago, they will buy Chicago and sell New York, to bring them into balance.

So I think there is a direct linkage, and most economists suggest that there is a direct linkage, between the effects of what takes place in Chicago on the S&P 500 and the performance on the New York Stock Exchange.

□ 1320

We talked about emergency powers, and that is the problem. When you get into an emergency, it is too late, because it is true, they operate differently in Chicago in a futures contract than they do in New York where you own the stock. And what they do, ladies and gentleman, is if you cannot come up with their margin requirements, they liquidate you immediately.

This means if the market is dropping, and it is dropping drastically, the gentleman from Oklahoma is exactly right, this is the exchanges' money, and if you as an individual cannot come up to cover your margin call immediately, they liquidate you, they take you out to protect themselves. That is why they never lose any money.

What does that do when they start liquidating? That further compounds the problem of markets falling.

That is why we need regulation and oversight, not in a time when we get into a crisis situation, but in normal times to see that this margin requirement is not too low. It has been at the level of 2 or 3 percent. Today, just before the war in the Persian Gulf, the exchanges took it upon themselves to raise the margin level. I understand it is some 11 percent now.

But certainly if we do nothing to regulate, history points out that it drifts back down again, because again, let me point out that the lower the margin requirement is the more money someone has to buy futures with, so the more he buys, and the more he buys the more the exchanges make.

I suggest, I strongly urge my colleagues, let us consider we, the Government, should have some say, some involvement, because we are really talking about the wealth of America here.

Mr. Speaker, I yield 7 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, I thank my colleague for yielding this time to me.

Mr. Speaker, something worse than no regulation is the pretense of regulation, and this bill is a great pretender. In fact, it fails to address, in a way articulated so eloquently by my colleague from Louisiana, the real threat to the development of new instruments, real instruments and reliable instruments in a meaningful way.

My colleague from Missouri mentioned that America will lose its lead. The fact of the matter is that the new instruments developed, the two most recently newly developed instruments in these areas were in fact developed beyond the shores of the United States simply because of ongoing Federal court decisions having created a level of uncertainty that does not allow them to be developed here.

If in fact we had the coordination suggested by my colleague from Louisiana, if in fact a proper definition of futurity was applied to financial instruments to reflect the way they are actually issued in the marketplace, we would reject out of hand the so-called suggestions of the bill before us and move forward in a realistic way as my colleague from Louisiana suggests.

This is a classic bill of self-interest by the Commodities Exchange to protect their own self-interest. The fact simply remains that America cannot be in the forefront of new financial interests, that consumers of financial instruments such as what this legislation envisions will not be protected unless the protections envisioned by my colleague from Louisiana and others are brought to bear as part of this matter.

This is an entirely different industry. It is not subject to the same kind of vagaries that it once was when it was an opportunity for farmers to guarantee and predict a price out into the future and protect themselves from weather and other matters beyond their control. This has become a different form of Las Vegas. It has gone beyond the penumbra of farmers helping themselves, of farmers trying to assist and protect themselves now to an arena that is so sophisticated where if investors do not have the appropriate filings and disclosure forms of every other financial instrument in this country, they proceed as they see fit.

What are we told of the protections we are guaranteed? We are told that the commission, who is egregiously embarrassed by having to have other agencies of this Federal Government swoop down in the middle of the night and seize records because they were found asleep, it is the watchdog that became the lapdog, sitting there idly licking the fingers of those who feed him, and this legislation only puts more meat on the table for that lapdog.

My colleague from Louisiana has sketched out for this chamber in a very real and pragmatic way the fundamental failure of this legislation to protect American consumers, to secure the integrity of the marketplace, to define new financial instruments with a predictability and insurability that consumers will be protected.

No, the pretense of regulation is worse than no regulation at all, and this legislation is a pretender to regulate those in the marketplace who seek to take advantage of these instruments. The legislation deserves to be defeated. We need to take a good, hard look at how all of these instruments in their entirety should be regulated with much more predictability and certitude than what this committee has brought forward.

Mr. ENGLISH. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I am delighted to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Speaker, I find it interesting, the difference of opinion evidently between the gentleman from Louisiana and the gentleman in the well. The gentleman from Louisiana differs only on this one part. Evidently perhaps the gentleman in the well is familiar with the legislation and the provision contained therein. I noticed, for instance, that he would imply that the CFTC had the authority to carry on investigations, when the law itself requires that such investigation be carried out by the FBI.

As I pointed out in my opening statement, perhaps the gentleman was not here to hear it, we went through this legislation with the U.S. attorney in Chicago who carried out those investigations, and there was not one single feature that he could come up with that is either not covered by present law or covered by this legislation.

Also, I would point out that there are a number of points with regard to this legislation in which there have been strong objections from the industry itself because they felt this legislation was in fact too tough.

Now I can appreciate the gentleman's opinions and where he comes from. I understand that he is more familiar with regard to the regulation of the securities industry. But that is exactly the point. What we have dealt with here, and what has been the case all the way through, is not based on fact but is in fact based on opinion, tough battles.

Mr. ECKART. Let me reclaim my time and express my opinion. Indeed, I did hear the gentleman's speech on the floor earlier, which is what drew me over here to participate.

Let me certainly assert to my colleagues that what is going on here, and my colleague from Louisiana has touched upon it, is the fundamental question of integrity of both the dealers and the process. When he speaks about the margin setting, margin setting authorities, I think that is the fundamental question here. I do not seek the floor to speak about a much broader reform, which I think would in fact be in order. I am here to assert what I believe to be the accuracy of the gentleman's statements about creating a financial marketplace for those who choose to participate that has as its financial underpinnings the integrity of a system that makes sense for investors.

Mr. HUCKABY. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I am happy to yield to my friend from Louisiana.

Mr. HUCKABY. Mr. Speaker, let me point out to the gentleman from Oklahoma, as he well knows, the amendment that was offered 2 years ago was only to get a foot in the door to go to conference. We did not go to conference. We started over with this bill.

The gentleman from Oklahoma, who managed the bill through the committee, was opposed to making any changes whatsoever. In fact, at one time he stated we should just drop the entire section. I suggest, as the gentleman from Ohio has said, poor regulation is probably the worst of all worlds here, and all we have allowed is in time of dire emergency for regulation. Certainly it is a function, as so eloquently pointed out by the gentleman from Ohio, that we should be involved in for the integrity of the market, for the integrity of the consumer, for the integrity of America.

Mr. ECKART. I thank my colleague from Louisiana, and I urge the defeat of the legislation.

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Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I am pleased to rise in support of H.R. 707, the Commodity Futures Improvements Act of 1991. As approved unanimously by the House in 1989, H.R. 707 will ensure integrity of the commodity futures markets and provide greater protection to the public by strengthening the enforcement capabilities of the Commodity Futures Trading Commission, the CFTC.

Through the leadership of Mr. ENGLISH and Mr. COLEMAN, the House Agriculture Committee has brought forth this legislation which gets to the heart of existing problems with futures trading.

These are the key points to H.R. 707:

Prohibit dual trading by a floor broker in any contract market in which the CFTC has determined the average daily trading volume to be equal to or greater than a trading level of 7,000 contracts.

Require each contract market to maintain an audit trail that must be stated in 1 minute increments beginning 1 year after enactment of the bill. The audit trail must be stated in 30 second increments 3 years after enactment of the bill.

Prohibit any person who has committed major violations of contract market rules from service on governing boards.

Prohibit voting on a rule by any exchange board member with a direct financial interest in the subject matter of the rule.

Require each contract market to monitor closely the trading activities of any person granted a hedging exemption.

Require registration of floor traders, enhanced the CFTC's and contract markets' authority to disqualify registrants, and provide for the suspension of registration and trading privileges for the nonpayment of civil penalties.

Make it a felony for exchange employees to use disclosed nonpublic information—fine up to $500,000 plus profits from use disclosures.

As part of H.R. 707, I included section 220—competitiveness study. This would require that the CFTC, no later than 18 months following the date of enactment of H.R. 707, study the competitiveness of boards of trade over which it has jurisdiction compared with the boards of trade—or their foreign equivalent—over which foreign futures authorities have jurisdiction. The CFTC is to submit its findings to the Committees on Agriculture with respect to:

First, the overall competitive status of U.S. boards of trade in the world market;

Second, a comparison of applicable statutes, rules or regulations as they relate to futures and options trading administered and enforced by the CFTC and those administered and enforced by foreign futures authorities;

Third, any trends in, or movements of, volume of futures and options trading on or from U.S. boards of trade during the period of the study;

Fourth, whether the trends or movements, if any, were the result of the adoption of statutes, regulations, or other enforcement mechanisms in foreign countries or the United States; and

Fifth, any recommendations the CFTC may have as a result of its study to enhance the competitive status of U.S. boards of trade in the world market that will not impair confidence in U.S. boards of trade.

Futures trading stands on the brink of a new era. Links between the world's leading futures markets—in the United States, the United Kingdom, and Japan—are being proposed which would usher in a system of truly global futures trading. An international market in futures trading has been made possible by recent growth and innovations in futures trading in London and in Japan. The dominant position of the Chicago exchanges, which only a few years ago seemed secure and unassailable, can no longer be taken for granted.

It is imperative that the changes in regulations we make through H.R. 707 do not impede the U.S. ability to compete with international futures markets. Through this study, the CFTC can identify if regulations in any way reduce the competitiveness of U.S. commodity futures markets and trading activity.

Additionally, as H.R. 707 places limits on dual trading practices, I included report language which recognizes the CFTC's current effort to issue regulations restricting dual trading. This language clarifies that the House Agriculture Committee is aware that in January 1990 the CFTC issued proposed rules that would restrict dual trading. The committee understands that the CFTC is currently analyzing the large number of comments received on the proposed rules prior to issuing final rules later this year. The committee does not intend that the completion of such rulemaking by the CFTC will be impeded by the provisions of section 101 of the bill in cases where such rulemaking is not inconsistent with the provisions of H.R. 707.

Again, I would like to thank Mr. ENGLISH and Mr. COLEMAN for their work in crafting this legislation to retain confidence in the commodity futures markets and improve the operation and competitiveness of the United States commodity futures markets.

Mr. DE LA GARZA. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I do so to follow up on what the gentleman from Wisconsin has just said and also our distinguished colleague, the gentleman from Ohio. He has another agenda for his particular reasons.

So I would simply reply to him that we find ourselves here debating with our distinguished colleague and very distinguished member of our committee, the gentleman from Louisiana [Mr. HUCKABY], because the subcommittee did not agree to the amendment he offered, and the full committee did not agree to the amendment he offered. That is the reason we are here.

Also, let me say that this is a very complex area in which people from every walk of life involve themselves either to keep from losing money or to make money. So you cannot be pointing the finger at anyone.

I might say, without getting involved in the other areas, there are those who wish to combine the jurisdictions. But it should be pointed out under that with the trading of stocks, et cetera, there has also been wrongdoing, and some gentlemen have gone to jail on that.

On the floor of the futures exchanges, there has been some evidence of wrongdoing, and people have paid for that. Never was the margin level at issue with any wrongdoing. It was the human element of abuse in both New York and Chicago.

There is no self-interest here, as our colleague, the gentleman from Ohio, mentioned. All of us are trying to do the right thing as we see it, and we had everyone from every aspect of this industry testify. This is good legislation as per the words of our distinguished colleague, the gentleman from Louisiana, except that he has a basic disagreement on this one issue.

The rest of the bill is good, according to him, so I would hope, and I repeat the words of a prior speaker, that you should not penalize this.

The gentleman from Louisiana was accommodated to some extent the last time that we had this legislation on the floor in 1989. Perhaps there is yet still the possibility of some accommodation, but this is the route that this bill has taken for obvious reasons, 420 to nothing.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I am happy to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Speaker, I was taken aback by the gentleman from Ohio coming to the floor and trying to characterize this bill as a sham and a pretense at regulation when he himself on September 18, 1989, voted for this bill without comment.

I do not think it was a sham then, and I do not think it is a sham now. It is not a pretense.

In fact, if we hold this thing up to the light of day, and we have done a lot of good, positive, strong reforms in this bill, and it is a little disheartening after all the time and effort put into this that people will come here and misconstrue this bill and characterize it as something that it is not.

I think the gentleman from Ohio was right 2 years ago when he voted for it, and he is wrong today to speak against it.

Mr. DE LA GARZA. Mr. Speaker, I reserve the balance of my time.

Mr. HUCKABY. Mr. Speaker, I yield myself 3½ minutes, the remainder of my time.

Mr. Speaker, I certainly feel that this is a very good bill, a very strong bill, except for the one provision of stock index futures, but that is no minor provision, ladies and gentlemen.

The other body could not reach agreement, and could not bring the bill to the floor last year in the last Congress because of this one provision.

We were supposedly going to address that provision in the last Congress. We did not get to conference.

The process started over. The bill manager elected to make no changes in the bill. The question now before us is: Does the Federal Government, through one of its various agencies, regulate the margin requirements for stock index futures? No small thing.

The sum of $11 billion was traded in Chicago yesterday on the S&P 500 futures index, more than was traded on the entire New York Stock Exchange, and we have got the powerful Securities and Exchange Commission regulating the New York Stock Exchange, yet no one is regulating margin requirement levels for the S&P 500 contract.

Within the last 30 days, Secretary of the Treasury Brady has called and spelled out in a letter to me that he feels it should be regulated. It should be regulated by the SEC. Chairman Wendy Gramm reversed her position, chairman of the CFTC, and now says that it should be regulated, in a press release just 2 weeks ago. Alan Greenspan, Chairman of the Federal Reserve, in testimony to the other body 2 weeks ago, says it should be regulated; they tend to set their margin levels too low, and as a compromise, he volunteered for the Fed to be the regulator.

The fourth alternative before us is for them to continue to regulate themselves. I think this is wrong. I think it is time that this body should make the decision.

I would urge the defeat of H.R. 707. Let us bring it back to the floor with an open rule to make these four alternatives and let the House choose which of those they feel is proper.

Mr. DE LA GARZA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, let me state what the distinguished gentleman from Louisiana is arguing about is the amendment that was adopted at his insistence when the bill passed 420 to 0 in 1989.

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He may have understood that there would be further action on this, but the reason there was no further action this year was that the subcommittee did not want to adopt his amendment, and the managers of the bill, either myself or the gentleman from Oklahoma, had nothing to do with that. The committee of jurisdiction did not adopt this amendment. It was not the choice of the managers.

Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma [Mr. ENGLISH], the distinguished chairman of the subcommittee.

Mr. ENGLISH. Mr. Speaker, I think the chairman summed it up: 420 to 0, overwhelmingly this House voted. The gentleman from Louisiana [Mr. HUCKABY] agreed with that amendment. He agreed that the language would be adjusted to fit the intent, because it was hastily drawn on the floor. There was never any agreement on this floor. The gentleman from Louisiana [Mr. HUCKABY] knew there was no agreement on this floor to change the intent of that amendment. This language contains the amendment as the gentleman from Louisiana [Mr. HUCKABY] agreed to, and as the gentleman from Louisiana [Mr. HUCKABY] agreed to in compromise.

Let me also say, Mr. Speaker, that basically the other body has had difficulty, because of their rules, not because of the lack of majority in the other body to pass this legislation, but because of the rules of the other body, it makes it difficult for a very small number of people to prevent legislation coming to the floor. Hopefully, they will reach some kind of an agreement. We will work out whatever differences there are in conference, but the bottom line is that the gentleman from Lousiana reached an agreement 18 months ago. That agreement is contained in this legislation. There was never anything about changing the intent of that legislation. There was never any agreement that if the legislation did not pass then all bets were off.

Mr. Speaker, I strongly urge the adoption of this legislation.

Mr. MARKEY. Mr. Speaker, I rise in support of the House report accompanying H.R. 707.

I commend the Agriculture Committee for taking interest in this legislation and for moving it forward so quickly in the early weeks of the 102d Congress. This bill addresses several consumer concerns which will help to prevent fraudulent trading practices. First, this bill prohibits dual trading in most contract markets and makes insider trading on the futures exchanges a felony. It also places limits on hedging and on trading among members of broker associations. These provisions follow in the footsteps of the significant legislative achievements of last session namely, market reform, civil remedies, and penny stock legislation.

I note with special interest section 216 of the bill which deals with the monitoring of index arbitrage trading. It states:

> As provided in current law, the (Commodity Futures Trading) Commission's authority does not apply to securities transactions * * * (and) does not amend or alter the current allocation of jurisdiction between the Securities and Exchange Commission and the (Commodity Futures Trading) Commission.

Chairman DINGELL and I appreciate the gentleman's assistance in clarifying this point. Unfortunately, this legislation does not deal with the jurisdictional dispute between the SEC and the CFTC, which must be addressed to curb the abusive trading practices currently employed in the financial marketplace and noted in the 1988 Brady Commission Report.

I have long believed that the regulation of stock index futures must be altered to reflect the changing reality of the financial marketplace. We must bridge the regulatory blackhole that has grown between the futures and equities markets. The summer before the October crash I held the first hearing on the problems of program trading and flagged this issue for increased attention by the SEC. Since that crash, I have championed the recommendations of the Brady Commission.

The Brady Commission identified the fundamental relationship between the stock, options, and stock index futures markets: Namely that they operate as one unified market and that what occurs at one exchange is very quickly transmitted to the other exchanges. From this fundamental finding of the Brady Commission flowed its recommendations to consolidate regulation over intermarket issues in one regulator and to require the harmonization of margins across markets. Unfortunately, Congress has failed to take heed of this recommendation. The Telecommunications and Finance Subcommittee, which I chair, has held a series of hearings on this subject which have reflected a need for regulatory reform in this area in order to assure the integrity and stability of our financial markets.

During the 100th Congress, Representative JIM COOPER and I introduced H.R. 4997, the Securities Market Reform Act of 1988, which would have transferred jurisdiction over stock index futures to the SEC and required the Federal Reserve Board to set margins on such futures at a level comparable to stocks. Last year, at the request of the Bush administration, I joined Energy and Commerce Chairman, JOHN DINGELL, and ranking Energy and Commerce Committee member, NORMAN LENT, in introducing the Capital Markets Competition, Stability and Fairness Act of 1990. This bill also would have transferred the regulation of stock index futures from the CFTC to the SEC. In addition, it would have granted regulatory oversight of margin setting on stock index futures to the SEC and allowed for the trading of new hybrid products on securities exchanges.

I must note with some dismay that the House version of the CFTC reauthorization bill does not address one key aspect of the financial regulatory structure: Federal oversight of margin levels of stock index futures. This is the provision which killed the bill in the Senate last year. A bill has been introduced in the Senate this year by Senator LEAHY which does deal with this important issue. S. 207 would place Federal oversight of margins for stock index futures with the Federal Reserve System. This is an important step in correcting an abuse that contributed to the extreme market volatility associated with both the October 1987 and 1989 crashes.

It is in the best interest of the U.S. securities markets and of the individual consumer to address this jurisdictional face-off between the SEC and the CFTC. As stated in the Brady Commission Report as well as the above mentioned bills, regulatory reform of the securities industry cannot be complete without the coordination of all securities markets. We must continue to build upon the remarkable legislative achievements of last year in the securities area and pass legislation coordinating all securities markets. This bill, while providing for many important reforms, does not go far enough. It is my hope and expectation that we can begin to resolve the SEC-CFTC jurisdictional issue in conference and I look forward to working with my colleagues toward that goal.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 707, as amended.

The question was taken.

Mr. HUCKABY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FOREIGN RELATIONS PERSIAN GULF CONFLICT EMERGENCY SUPPLEMENTAL AUTHORIZATION ACT, FISCAL YEAR 1991

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1176) to provide supplemental authorizations of appropriations for fiscal year 1991 for the Department of State for certain emergency costs associated with the Persian Gulf conflict, as amended.

The Clerk read as follows:

H.R. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Persian Gulf Conflict Emergency Supplemental Authorization Act, Fiscal Year 1991".

SEC. 2. SALARIES AND EXPENSES.

In addition to such amounts as are authorized to be appropriated in section 101(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, there are authorized to be appropriated $10,000,000 as emergency supplemental appropriations for fiscal year 1991 for "Salaries and Expenses" for the Department of State. Funds authorized to be appropriated under this section are designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 3. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

In addition to such amounts as are authorized to be appropriated in section 101(a)(4) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, there are authorized to be appropriated $9,300,000 as emergency supplemental appropriations for fiscal year 1991 for "Emergencies in the Diplomatic and Consular Service" for the Department of State to be available only for costs associated with the evacuation of United States Government employees (including contractor employees) and their dependents and other United States citizens from diplomatic posts. Funds authorized to be appropriated under this section are designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 4. SPECIAL PURPOSE PASSENGER MOTOR VEHICLES.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended—

(1) in subsection (j) by striking "and";

(2) in subsection (k) by striking the period and inserting "; and"; and

(3) by adding after subsection (k) the following new subsection:

"(l) purchase special purpose passenger motor vehicles without regard to any price limitation otherwise established by law.".

SEC. 5. AGENCY FOR INTERNATIONAL DEVELOPMENT EMERGENCY EVACUATION EXPENSES.

There are authorized to be appropriated $6,000,000 as emergency supplemental appropriations for fiscal year 1991 for the operating expenses of the Agency for International Development. Such funds shall be available only for the costs of evacuating United States Government employees and personal service contractors, and their dependents, and for subsistence allowance payments. Funds authorized to be appropriated under this section are designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 6. BURDENSHARING.

The Congress—

(1) takes note of the commendable efforts on the part of the President and the Secretary of State to encourage our allies to assist financially in the effort to liberate Kuwait; and

(2) calls on the President and the Secretary of State to take such actions as are necessary to ensure that the burdensharing promises made to the American people by our allies are fulfilled.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. BERMAN] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the time the bill passed the Foreign Affairs Committee, it was thought that only the State Department would require additional authorization for its supplemental funding.

The reason for its introduction "as amended" is that the Agency for International Development has need of further authorization to accommodate its increased appropriation.

This bill is required because of increased costs associated with Desert Shield/Desert Storm. The State Department has incurred extraordinary costs which cannot be accommodated within its current appropriation levels. Because of this, the Department will require an additional $49 million in appropriations.

While the greatest share of a supplemental appropriation already has authorization within ceilings set for the year, two accounts fall short.

The first account is the salaries and expenses account, which will need an additional $10 million authorization toward a $39.7 million appropriation.

The second account in need of authorization is the emergencies in the diplomatic and consular service account, which will need an additional $9.3 million in authorization. This account has been entirely emptied by the necessity to evacuate such large numbers of U.S. Government personnel and dependents from posts abroad.

The supplemental authorization also addresses the technical requirement to designate that there exists an emergency situation, ensuring that none of the money appropriated will trigger sequestration.

In addition, the supplemental authorizes $6 million to be appropriated to the Agency for International Development [AID] for similar evacuation costs associated with the gulf crisis.

I would like to note for the RECORD that USIA is also seeking an urgent Desert Shield/Desert Storm-related supplemental appropriation of $4.4 million in salaries and expenses. According to the USIA, in consultation with the committee staff and the House Appropriations Committee staff, USIA does not see the need for further authorization for this purpose.

At this point, I would like to submit for the RECORD the OMB statement of approval of this supplemental, the detailed justifications of the State and AID portions of the request, and a cost-estimate from the Congressional Budget Office.

STATEMENT OF ADMINISTRATION POLICY

The Administration supports House passage of H.R. 1176.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 4, 1991.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate on H.R. 1176, the Foreign Relations Persian Gulf Conflict Emergency Supplemental Authorization Act, Fiscal Year 1991, as ordered reported by the House Committee on Foreign Affairs on February 28, 1991.

Should the Committee so desire, we would be pleased to provide further details.

Sincerely,
ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, MARCH 4, 1991

1. Bill number: H.R. 1176.

2. Bill title: Foreign Relations Persian Gulf Conflict Emergency Supplemental Authorization Act, Fiscal Year 1991.

3. Bill status: As ordered reported by the House Committee on Foreign Affairs on February 28, 1991.

4. Bill purpose: The bill authorizes supplemental appropriations for the State Department.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Authorization level	19.3	....	....	....	....
Estimated outlays	14.7	3.8	0.5	0.2	0

Note.—Costs of this bill fall within budget function 150.

Basis for Estimate: The estimate assumes enactment of the bill by June 1, 1991 and subsequent appropriation of the authorized amounts. Authorization amounts are stated in the bill and outlays were estimated using historical spendout rates. The authorization amounts in the bill, combined with funds previously authorized but unappropriated, would provide sufficient authorization for the President's requested emergency supplemental for the State Department.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. This bill authorizes discretionary appropriations and therefore has no pay-as-you-go implications.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO cost estimate: None.

10. Estimate prepared by: Kent R. Christensen (202) 226-2840.

11. Estimate approved by: C.G. Nickels (for James L. Blum, Assistant Director for Budget Analysis).

DEPARTMENT OF STATE, 1991 SUPPLEMENTAL ESTIMATES, OPERATION DESERT SHIELD/STORM

(Dollars in thousands)

Appropriation: Salaries and Expenses.

HR: PL 101-515.

Appropriation to Date: $1,870,217.

Request: $39,700.

Amended Appropriation Requested: $1,909,917.

OPERATION DESERT SHIELD/STORM EXTRAORDINARY COSTS

Since the beginning of the crisis in the Persian Gulf, the Department has provided around-the-clock consular services to United States Government employees, dependents, and American private citizens. In addition, the resources of our Middle Eastern and European posts have been strained well beyond capacity to provide ongoing crisis support and reporting. Also, in response to the conflict and terrorist threats at posts worldwide and at domestic facilities, we have greatly increased our security posture. Finally, expenses related to the travel of the President, Vice President and Secretary while attempting to negotiate a settlement before the U.N. deadline, build the Allied coalition, and elicit financial support are all incremental, unbudgeted, and cannot be absorbed.

The Department of State is requesting $39.7 million in the Salaries and Expenses appropriation in order to cover the costs of crisis operations, security, travel and evacuation-related claims that are consuming our already severely constrained Salaries and Expenses account.

JUSTIFICATION

Desert Shield/Storm Extraordinary Costs, $39,700,000.

There are five major areas in which the Department of State is experiencing extraordinary costs associated with the Persian Gulf conflict and support to Desert Shield/Storm:

Security, $21,843,000: The Department faces extraordinary demands to protect life and property in response to terrorist threats at posts worldwide, at domestic facilities, and in response to threats against official foreign dignitaries in the U.S. As a result, the Department has taken the following actions:

Increased local guard protection and residential security at posts ($13,060,000);

Increased domestic security protection ($3,324,000);

Increased protection of resident foreign officials, the Secretary, domestic dignitaries, and the Washington diplomatic corps ($5,459,000).

Communications Equipment, $7,300,000: The Department has taken extraordinary actions to expand secure voice, imaging, and data networks to Gulf posts and provide extended communications coverage to meet significantly increased crisis demands. The following extraordinary costs have been generated by Operation Desert Shield/Storm:

Installation of additional encryption devices at high risk diplomatic and consular posts ($907,000).

Procurement and dispatch of radios dedicated to Operation Desert Shield/Storm to Saudi Arabia and to Washington and area networks in support of foreign dignitary protection and counterterrorism programs ($1,699,000).

Continuous communications support of increased travel performed by the Secretary of State specifically related to Operation Desert Shield/Storm ($1,869,000).

Temporary duty communications support to numerous posts in the Middle East for the substantial increase in communications traffic resulting from Operation Desert Shield/Storm ($2,475,000).

Increased costs for diplomatic mail and pouch service caused by commercial airline restrictions on air cargo and by post closings in the Middle East ($350,000).

Crisis Operations, $6,350,000: The Department has provided around-the-clock consular services to USG employees, dependents, and American private citizens through task forces and communications links. The costs of operating the Kuwait/Iraq task force since the August 2 invasion, dedicated telephone links, temporary duty assignments, and overtime and other support at contiguous Middle Eastern posts total $6,350,000. These costs are incremental only and do not include salaries of Department of State personnel.

Emergency Travel Support, $2,007,000: The Department has incurred extraordinary costs supporting travel for the Secretary, Deputy Secretary, the President, and the Vice President to attempt to negotiate a settlement before the U.N. deadline, build the Allied coalition, elicit financial support, and visit the troops. These costs include support of White House travel and Secretary of State travel costs directly related to Desert Shield/Storm as well as additional costs incurred at posts because of the increase in VIP visits.

Evacuation Claims Costs, $2,200,000: In many instances, evacuated employees have been forced to leave much of their personal property behind due to the urgency of the situation. Based on the settlement of claims to date and the settlement of claims from other major evacuations, the Department will face liabilities for personal property claims that will exceed $2,200,000.

Department of State, 1991 Budget Supplemental, Requirements by Object Class

(Dollars in thousands)

Object class:	*Funds*
11—Personnel compensation	$7,580
12—Personnel benefits	529
13—Benefits for former personnel	500
21—Travel and transportation	10,677
23—Rents, communications, utilities, and postage	692
25—Other services	14,083
26—Supplies	5
31—Personal property	3,434
41—Claims	2,200
Total	39,700

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EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(Dollars in thousands)

Appropriation: Emergencies in the Diplomatic and Consular Service.

HR: PL 101-515.

FY 1991 Appropriation to Date: $4,888.

Request: $9,300.

Amended Appropriation Requested: $14,188.

EMERGENCY EVACUATIONS

The Department requests an increase in the amount of $9,300,000 to defray the extensive costs of the ongoing evacuations of American citizens, USG personnel and their dependents from the following 23 countries affected by the ongoing conflict in the Persian Gulf: Kuwait; Iraq; Yemen; Jordan; Bahrain; the United Arab Emirates; Saudi Arabia; Qatar; Israel and the Occupied Territories; Syria; Algeria; Tunisia; Morocco; Pakistan; Bangladesh; India; Djibouti; Tanzania; Rwanda; Sudan; Chad; Mauritania; and Nigeria.

Of the $9.3 million requested, approximately $4.3 million funds transportation such as charter flights, commercial airline tickets, ground transportation, and overnight food and lodging expenses for evacuees to return to the United States. The remaining $5 million funds Subsistence Expense Allowance (SEA) payments to State Department employees and their families awaiting reassignment or return to post. Any remaining balances would be used to meet expenses associated with future emergency situations.

JUSTIFICATION

Emergency Evacuations and Other Activities, $9,300,000.

This program must provide for all expenses related to the evacuation of U.S. government employees, their dependents and American civilians from diplomatic posts abroad on the basis of national interest or on the threat of imminent danger due to civil unrest or natural disaster.

The total availability of the EDCS appropriation for FY 1991 is $4.9 million. Since October 1, 1990, the Department has incurred liabilities of approximately this same amount—$4.9 million—for evacuations of American citizens from Kuwait and Iraq and evacuations of U.S. government employees and their dependents from the following 23 countries affected by the ongoing conflict in the Persian Gulf: Kuwait; Iraq; Yemen; Jordan; Bahrain; the United Arab Emirates; Saudi Arabia; Qatar; Israel and the Occupied Territories; Syria; Algeria; Tunisia; Morocco; Pakistan; Bangladesh; India; Djibouti; Tanzania; Rwanda; Sudan; Chad; Mauritania; and Nigeria. The Department has also conducted evacuations in Cebu, the Philippines; Sofia, Bulgaria; and Mogadishu, Somalia, which are unrelated to the current Gulf crisis. In total, since the beginning of FY 1991, 39 posts have been placed in evacuation status.

We anticipate total requirements of over $11.7 million for FY 1991 associated with these evacuations. Requirements for other activities within the account, such as repatriation loans, total $1.4 million, while travel and representational requirements for the Secretary, President and Vice-President total $2.3 million. This results in total requirements for the fiscal year of $15.4 million, with a projected deficit of $10.5 million. We will transfer $1.7 million from the Salaries and Expenses appropriation to help meet this deficit as authorized by the FY 1991 Appropriations Act, and are still left with a projected deficit of $8.8 million.

The Department is therefore requesting a supplemental of $9.3 million to meet this projected deficit and maintain a small reserve of $.5 million for any other emergencies that could arise in the next 8 months of the fiscal year. These funds would meet transportation expenses such as charter flights, commercial airline tickets, ground transportation, and overnight food and lodging for evacuees to return to the United States. In addition, Subsistence Expense Allowance (SEA) payments must be made to State Department employees and their families awaiting reassignment or return to post. Any remaining balances would be used to meet expenses associated with future emergency situations.

Object class: 9100 Unvouchered (total) $9,300,000.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, DC, February 28, 1991.

As the enclosed table indicates A.I.D.'s supplemental request will cover actual costs incurred for the evacuation of direct-hire personnel and their dependents from the countries listed as a result of Desert Shield/Desert Storm.

In addition to the amount requested, A.I.D. expects to absorb from existing available funds some $2.62 million in headquarters costs relating to rental of office space, extra guard services and anticipated personal property losses of evacuated staff.

I'd be happy to provide further details or to discuss the above at your convenience.

RICHARD C. NYGARD,
Deputy Assistant Administrator, Bureau for Program and Policy Coordination.

Enclosure:

EVACUATION COSTS

ENE	Travel	Transportation	Per diem initial obs.	Per diem add. commit.	Total
Afghanistan	$108,945	45,250	294,030	37,754	485,979
Jordan	34,604	254,400	226,512	29,314	544,830
Morocco	72,154	29,550	270,666	34,833	407,203
Pakistan	332,690	133,000	867,240	109,405	1,442,335
Tunisia	101,624	30,700	272,448	35,056	439,828
Yemen	63,000	62,000	162,360	21,295	308,655
Total	713,017	554,900	2,093,256	267,657	3,628,830
APRE:					
Bangladesh	125,000	70,000	450,000	56,250	701,250
India	100,000	80,000	450,000	56,250	686,250
Total	225,000	150,000	900,000	112,500	1,387,500
Africa:					
Chad	25,920	2,880	61,776	10,722	101,298
Mauritania	4,860	540	32,274	9,410	47,084
Somalia	32,670	3,630	147,300	18,413	202,013
Sudan	84,510	9,390	307,620	38,453	439,973
Tanzania	47,520	5,280	105,336	13,167	171,303
Total	195,480	21,720	654,306	90,164	961,670
Grand total	1,133,497	726,620	3,647,562	470,321	5,978,000

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 1176, as amended, the Foreign Relations Persian Gulf Conflict Emergency Supplemental Authorization Act, fiscal year 1991. I want to congratulate my colleagues, the distinguished chairman of the International Operations Subcommittee, the gentleman from California, [Mr. BERMAN] and the ranking minority member, the gentlewoman from Maine [Ms. SNOWE] for acting on this legislation with both thoroughness and speed.

Mr. Speaker, this authorization is urgently required pursuant to the terms of the State Department Basic Authorities Act and the Foreign Assistance Act, which require that no appropriation may be expended without the benefit of prior authorization. The purpose of the emergency supplemental authorizations contained in the legislation before the House today is to provide needed funding for the Department of State and the Agency for International Development to pay for evacuations and related expenses incurred as a result of Operations Desert Shield and Desert Storm. The amount of funds authorized match the executive branch request which was made pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 as amended by the Budget Enforcement Act of 1990. As the managers of the bill have explained, the bill also contains a provision requested by the executive branch regarding the purchase of passenger motor vehicles which is technical in nature, an expression of the Congress commending the President and Secretary of State for encouraging our allies to help shoulder the burden of the costs of the gulf war, and calling on the President and the Secretary to take the necessary actions to ensure that the allies make good on their pledges.

Mr. Speaker, I would also like to reinforce what my colleague from California has already stated; that is, that the executive branch supports this legislation. I urge the unanimous adoption of this bill.

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Florida [Mr. FASCELL] for his comments, and I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume to, very briefly, rise in support of this legislation. I take this opportunity to commend our chairman, the gentleman from Florida [Mr. FASCELL], as well as the gentleman from California [Mr. BERMAN], and the gentlewoman from Maine [Ms. SNOWE], the chairman, and the ranking members of the Subcommittee on International Operations for the speed in which they brought this bill to the floor. It does have the complete support of this administration.

Mr. Speaker, we are all proud of the fine job our military has done during the Persian Gulf crisis. They and the President deserve our deepest congratulations.

Since the beginning of the crisis, other branches of the Government, including the Department of State, have also put forth an extraordinary effort in support of Desert Shield and Desert Storm.

To cover crisis-related costs to these agencies—including operations, security, travel and evacuation-related claims—the President has requested supplemental fiscal year 1991 authorizations.

This bill fully meets the administration's request by authorizing an additional $25.3 million in spending. This request is designated as an emergency, so under the budget agreement it will not affect the fiscal year 1991 budget ceiling.

It is important that we support the governmentwide effort that has led to a successful conclusion of Operation Desert Storm. I urge my colleagues to vote for this emergency supplemental bill as amended.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Maine [Ms. SNOWE], the ranking member of the subcommittee.

Ms. SNOWE. Mr. Speaker, I rise in support of this emergency Desert Storm and Desert Shield State Department supplemental authorization.

Last week the President requested this emergency supplemental in accordance with the Budget Enforcement Act. Because of its urgency, the Foreign Affairs Committee took swift action last Thursday in approving the request. I understand that the Appropriations Committee also plans to expedite this request as a part of the larger Department of Defense Desert Storm supplemental.

The President has requested a supplemental appropriation of $49 million to cover extraordinary costs borne by the State Department in support of Operations Desert Storm and Desert Shield. These costs include emergency evacuations, enhanced communication needs, travel, and security measures.

Specifically, the administration is requesting:

The sum of $21.8 million for enhanced security measures to respond to the heightened threat of terrorism. This includes: $13 million for the overseas protection of U.S. diplomatic facilities and both diplomats and private Americans; $3.3 million for increased domestic security protection; and $5.5 million for increased protection of foreign dignitaries and U.S. officials within the United States.

The sum of $7.3 million for extraordinary needs for secure voice and data communications to diplomatic posts in the Persian Gulf and for other greatly enhanced communication needs related to the crisis.

The sum of $6.4 million for around-the-clock consular services for Americans overseas caught in the crisis and for their families here in the United States.

The sum of $2 million for emergency support for crisis travel by the President, Vice President, Secretary of State, and Deputy Secretary of State. This travel was associated with the effort to negotiate a settlement prior to the United Nations deadline, to build the anti-Iraq coalition, to gain pledges of financial contributions among our western allies, and to visit the troops.

The sum of $2.2 million for the emergency claim costs related to the evacuation of U.S. personnel overseas.

The sum of $9.3 million for the evacuation and repatriation of U.S. officials and private Americans during the crisis.

None of these costs could have been anticipated when we passed the fiscal year 1991 State Department authorization more than a year ago. Because of existing unused authorization authority, however, we will only need to authorize an additional $19.3 million, which is the amount contained in this legislation.

I urge my colleagues to support this Presidential request so that it swiftly can be considered by the other body and be enacted into law.

□ 1350

Mr. BERMAN. Mr. Speaker, I just want to conclude by expressing my appreciation to the ranking member of the subcommittee. We were able to move this quickly and in a bipartisan fashion, and as the chairman said, protect the integrity of the authorizing process. I hope it is a precedent for the future.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. BERMAN] that the House suspend the rules and pass the bill, H.R. 1176, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "An act to provide authorizations for supplemental appropriations for fiscal year 1991 for the Department of State and the Agency for International Development for certain emergency costs associated with the Persian Gulf conflict, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1176, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMENDING THE PRESIDENT, THE UNITED STATES, AND ALLIED MILITARY FORCES ON SUCCESS OF OPERATION DESERT STORM

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 95) commending the President and United States and allied military forces on the success of Operation Desert Storm.

The Clerk read as follows:

H. RES. 95

Whereas the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) condemned Iraq's August 2, 1990, invasion of Kuwait and declared their support for international action to reverse Iraq's aggression;

Whereas the House of Representatives, by means of its historic debate and courageous passage of H.J. Res. 77 (by a vote of 250–183), authorized the President to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 600, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677;)

Whereas the President ordered United States Armed Forces to commence military operations against Iraqi forces during the evening of January 16, 1991, under the code name Operation Desert Storm;

Whereas the commanders and personnel of the United States and allied Armed Forces participating in Operation Desert Storm have brilliantly succeeded in destroying Iraqi offensive capabilities and forcing the withdrawal of Iraqi forces from Kuwait, consistent with the minimization of casualties among United States and allied forces and the limitation of collateral civilian losses; and

Whereas United States and allied Armed Forces have performed their missions with great courage and distinction in carrying out airstrikes on Iraqi military targets in Iraq and Kuwait and in executing a ground offensive to liberate Kuwait: Now, therefore, be it

Resolved, That the House of Representatives of the United States—

(1) acclaims the President for his decisive leadership, unerring judgment, and sound decisions with respect to the crisis in the Persian Gulf;

(2) expresses its highest commendation and sincerest appreciation to the members of the United States Armed Forces and other members of the international coalition who have participated in Operation Desert Storm and have demonstrated exceptional bravery, dedication and professionalism;

(3) conveys its deepest synpathy and condolences to the families and friends of United States and coalition forces who have been injured or killed during this operation, and expresses its compassion for the families of noncombatants who have suffered hardship and personal losses during the Persian Gulf War; and

(4) supports continued efforts to promote peace and stability in the Persian Gulf.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the time on each side be extended to 1 hour for each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the unanimous-consent agreement, the gentleman from Florida [Mr. FASCELL] will be recognized for 1 hour, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 1 hour.

The Chair now recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. BROOMFIELD], the original sponsor of this legislation, one which I consider very important and certainly timely in light of everything that has happened, and then I would like to make my remarks after the gentleman has finished.

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman from Florida for yielding to me.

Mr. Speaker, today we debate a resolution which commends President Bush, the U.S. military, and our allies for their stunning success in Operation Desert Storm.

Tomorrow night we pay tribute to the President as he addresses the Congress and the Nation. He richly deserves this honor.

The President, as Commander in Chief, spearheaded hundreds of thousands of American troops under his command, in what may be the most impressive battlefield performance in history.

This victory comes on top of an equally impressive diplomatic achievement. In all my years in Congress I have never witnessed anything so successful as the combined Operation Desert Shield and Desert Storm.

From the very beginning the President knew that an illusory peace in our time was no substitute for real and lasting peace in the future.

The President took a bold risk in search of peace. He staked his Presidency on the outcome. He won; America won; and the world won.

We elect Presidents to be decisive in their leadership; unerring in their judgment; and sound in their decisions. The President has demonstrated all of those virtues in a period of great crisis for this Nation. He fully deserves this resolution of commendation.

This resolution also expresses the admiration and respect of a grateful nation to our courageous fighting men and women and those who served with our coalition partners.

These troops demonstrated exceptional bravery, dedication, and professionalism on the field of battle. This Nation looks forward to the early return of those to whom we owe so much.

We must also never forget those who made the ultimate sacrifice. This resolution conveys its deepest sympathies to the families and friends of those who bravely fought and died for this Nation.

Finally, Mr. Speaker, there is a new sense of patriotism and confidence in America, a sense of purpose and of unity. This would be a good time for this great House to get 100 percent behind our President and our courageous troops. I urge my colleagues on both sides of the aisle to vote for this important resolution.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. Speaker, I rise in support of commending the President and United States and allied military forces on the success of Operation Desert Storm.

As a supporter of the bipartisan resolution, House Joint Resolution 77, which authorized the President to use force to implement the 12 U.N. Security Council resolutions, I am proud, as every American is, of the extraordinary performance of our U.S. military service personnel. The U.S. Armed Forces participating in Operation Desert Storm succeeded in destroying the offensive capability of Iraq and forced the withdrawal of Iraq's forces from Kuwait, thus ending the 7-month brutal occupation of Kuwait. The Armed Forces performed their missions with tremendous courage and distinction. We owe them a tremendous debt of gratitude.

We also must recognize and pay tribute to the contributions of our coalition partners. It was truly a combined and integrated military effort in all aspects. We express our thanks to their efforts and commend them.

We go on record again today, in hope that this remarkable international coalition effort will dissuade future aggressors from adopting the ill-fated policies of Saddam Hussein. Hopefully, these actions will serve to establish the rule of law among all nations and the peoples of those nations.

Throughout Operation Desert Storm, the American people stood behind our Armed Forces without regard to partisan politics. This is not the first time that the Congress has considered a resolution commending our military. In fact, on January 18, 1991, just a day after hostilities began, this body considered Senate Concurrent Resolution 2. This resolution which commended our U.S. military involved in Operation Desert Storm passed by an overwhelming vote of 399 to 6. There was no partisan politics involved. Everyone stood with our troops as we do here today. House Resolution 95 is yet another expression of this bipartisan support. The U.S. Armed Forces have truly made us proud through their bravery, dedication, and professionalism.

Mr. Speaker, I also wish to convey my deepest sympathy and condolences to the families and friends of U.S. and coalition forces which were injured or killed during this operation. The loss of one life is too great. They are all in our prayers.

Mr. Speaker, let me say that the commendation which the gentleman from Michigan expresses along with 167 of his colleagues on the minority side of the aisle certainly is well deserved. In this regard, the Congress as a whole, is expressing its gratitude and our condolences to the families whose members perished during this conflict and who gave their lives so that the values we hold dear would be preserved.

I think there are so many things that we need to be grateful for besides the courage and the patriotism of the people who went to battle and unfortunately died there. Chief among these is the competence of those who fought in this conflict along with their leaders. It showed for those who had any doubt about the commitment and professionalism of the American military establishment, either the personnel or the equipment, that they were mistaken, that we had the highest order of competence and military professionalism.

I have said many times and I am proud to say it again here, that the men and women who made up the fighting force who were exposed to the public through the media acquitted themselves extremely well. I do not know if there ever was a war, or if there will ever be another war in which almost every combatant and his family was interviewed either before, during or after the war. This war was close to that.

The point of pride that I am speaking to is the fact that these people, these individuals are not normally accustomed to dealing with the media in any way. Clearly, they were asked questions that might have caused others to stammer or otherwise be unarticulate about whatever the subject was. In almost every case that I witnessed, however, I found that the responses coming from the men and women who were doing the fighting not only understood what they were doing, but had great common sense and commitment about their missions. They understood why they were there. They were able to articulate the fundamental reason for the involvement of the United States and its allies in this effort.

I think we ought to take great pride in that, because we hear so much about the negative side of young people in this country and the younger generation. We hear a great deal about the failings of our educational system. I can only say that anybody who had the opportunity to listen and watch average Americans, and that is not a fair statement, either, or characterization, respond not only to their duty and the patriotism, but the common sense and logic about why they were there to give their lives. I think that is very commendable indeed. It is certainly a new sense, I think, that the American people look with new pride and resolve. We have an all-volunteer Army with capable leadership. Who can ever forget the briefings by the top officer, General Schwarzkopf, and others as well? We must also remember, and pay tribute to those officers who were in the field who were leading the troops.

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I think that the interviews with those people were remarkable in their clarity, in their understanding, in their dedication, and the purpose for which they were there.

All of that came together, of course, on the battlefield. While the loss of even one soldier is a tragedy, I am thankful that U.S. casualties were remarkably low for such an extensive military operation. Even the most optimistic of Americans could never have forecast such an outcome. We must, therefore, commend both our leading generals and the troops that followed them.

Mr. Speaker, the President deserves commendation for many reasons. First, of course, is the fact that we were successful in standing up to such blatant aggression as Iraq's invasion of Kuwait. This success has revitalized our own thinking about our responsibilities in this world in which we live, and hopefully reinvigorated the opportunity we may have to fashion a better world. This goal may remain an elusive goal but it remains one worthy of pursuit. We would find accomplishment of this goal very rewarding. Achievement of this goal would give us the building block or blocks perhaps to look at the future with a different outlook than we have had in the past, in a region such as the Middle East where the struggle has been going on since the very beginning of time, almost, certainly since Biblical time.

Maybe, just maybe, because of the unusual skill exhibited by the President, Secretary Baker, Secretary Cheney, and the others who worked with the President, we will have together not only a success in the military sense but a major success in the diplomatic sense. This success may provide us the opportunity to continue the coalition with other nations to show that we can work together even when there was brother against brother in one part of the struggle.

We can take some comfort in the fact that this was done under the President's leadership in consultation with Congress.

The President also deserves commendation, Mr. Speaker, because early and throughout this struggle he had to make some awesome decisions. In this regard, he was perfectly willing not to make any decisions without having heard not only from his own people and staff surrounding him but also from the Congress of the United States.

The President said that he was perfectly willing and said many times at meetings that both the gentleman from Michigan and I attended as part of the consultative group in the leadership of the House and the Senate, to listen and consider a variety of opinions.

Mr. Speaker, I am here to say as a participant in those meetings that while he understood his responsibility and was perfectly willing to accept that responsibility, making a decision by himself if it was necessary, he ultimately listened to the advice of the people not only around him but also the leadership in the Congress. The President listened to and considered our views when we recommended that under any condition, regardless, if there was to be armed force used in actual combat, that he come to the Congress and make the effort to seek authorization to use force. This effort was made consistent with both the Constitution and the War Powers Resolution.

The President finally decided that this was a wise course of action. He was alert to that, responsive to that. He was correct in this decision.

I think the result of it is something that all of us can not only take pride in but we can commend. Certainly the debate that occurred on the floor of this House and in the other body was an outstanding debate in every sense of the word. The issues were clear, there was not unanimity of opinion, but the American people deserved to have this issue debated and debated in open. The country deserved that kind of debate. The country witnessed such a debate.

The strength of a democracy is that we have the right to voice our opinion without fear or favor and that we have the opportunity that we did in the Congress of the United States at that time.

The American people, because of instantaneous media, could also share in that discussion and debate. I think it had a great deal to do with solidifying American public opinion and support behind the President.

The President is to be commended also, Mr. Speaker, for the fact that he came to the Congress of the United States, engaged in a debate in a democratic fashion and laid the entire matter before the American people. It was done so that a decision could be made with the active participation of the people's representatives and the people themselves.

That is the ultimate commendation, it seems to me, for a President of the United States and especially in this case, Mr. Speaker, because the country was eminently successful in this endeavor.

So I am saying directly, that the American people really are commending themselves in this matter because we demonstrated what we can do when we resolve to work together. Even though there were differences of opinion expressed in the course of the debate—and I am sure that those differences might even continue on, I do not know—but certainly the leadership and the Members rallied behind the President once the decision was made.

I hope the American people never forget that: The country rallied behind the President on this matter, and so did the Congress.

We will have to keep doing that. The building blocks for the future are that we can, with the least amount of partisanship, build upon the foundation that he put down for us to deal with an extraordinary problem that has plagued mankind for many years in the Middle East and other places. Maybe, just maybe, under the leadership of the United States with this President and the Congress agreeing thereto, the leadership can be put together under skillful diplomatic management of the Secretary of State to keep the coalition together to do the many things that still remain to be done so that we can win the peace.

I think we can safely say we have won the war, we are now engaged in trying to win the peace. It will take the same kind of dedication, Mr. Speaker, it will take the same kind of commitment, it will take the same kind of resolve; the big difference that I see is this: Obviously and arguably, there are differences of opinion on the best way to proceed and how the costs will be met. There is ample room for division here. It is healthy that we have this kind of debate in the Congress of the United States and among the American people. But I would hope that the same kind of skill and resolve that the President and his leadership and the members in our Government and the leaders in the Congress exhibited with respect to the actual military operation, can be kept together for the hard work that needs to be done in forging the peace. The pursuit of this ultimate end-game objective, is a direct consequence of what our brave men and women achieved in this operation. They have given us the opportunity to carry that torch forward. We should not let them down.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. I thank the gentleman for yielding.

Mr. Speaker, earlier today we heard the charge that those of us who backed the President's tough stand in the gulf crisis are in some way playing politics because we are willing to point out that some people in this body, that actually many in this body, did not support the President's tough stand in the gulf. What we need to ask ourselves when we talk about this resolution is just who has been playing politics? Let us review the facts.

Saddam Hussein invaded Kuwait on August 2. Hundreds of thousands of young Americans were deployed to the gulf. These young Americans have had their lives on the line to fight against aggression and to stop further aggression.

President Bush set us a deadline of January 15; he drew the line in the sand.

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He was facing down a vicious dictator whose troops were committing horrendous acts of aggression on the people of Kuwait, and also other atrocities on the people of Kuwait.

President Bush took this dramatic stand against tyranny and aggression. The Democrats in this Hall voted 2 to 1 to cut his legs out from under him, to make the deadline that he drew on January 15 a joke.

Who is playing politics? Of the 183 votes to undermine the President's deadline, 179 were Democrats. Who is playing politics? These are the very same individuals who have opposed any recognition by this body of President Bush's magnificent leadership in this gulf crisis since it has turned into a successful operation.

President Bush brought us a magnificent victory and kept our casualties low. If his detractors had their way, our troops would still be in the desert facing wind storms, summer heat and a disintegration of the alliance. Who is playing politics?

Mr. Speaker, no one questions the patriotism of those who voted against the President. But we do question their judgment. One Member, who now claims we are politicizing the gulf war, said during the debate, and I quote,

> Rushing to war will be a mistake of historic proportions. The result of moving too quickly to war with destructive divisions here at home and a dangerous jumbling of alliances and allegiances in the nations of the Middle East.

Mr. Speaker, this is 1 Congressman and 178 others of his colleagues who now seem to be unwilling to admit they are wrong. If they find it impossible to admit they are wrong, at the very least they can get out of the way so that we, the rest of the body, can congratulate the Commander in Chief for the fine job that he has done in handling the gulf crisis and in bringing America this magnificent victory over tyranny and aggression.

I would hope that my colleagues can join me in supporting the resolution of the gentleman from Michigan [Mr. BROOMFIELD] which will, quote, congratulate our brave young people who have won this magnificent victory and congratulate our allies for standing firm with the United States, and, yes, also to commend and congratulate the President of the United States for the historical leadership that he has provided this country in a time of crisis.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I appreciate the gentleman from Michigan [Mr. BROOMFIELD] for yielding this time to me.

Mr. Speaker, I rise in strong support of House Resolution 95.

Mr. Speaker, now that the fighting has stopped in the gulf, I think it is time for the Congress to express its gratitude. Last week it seemed, amid worldwide praise for the efforts of the coalition troops and their leaders, that there were some in this body that would quibble about offering full credit to those most responsible for the success that we are all enjoying today.

It was not simply high technology or superior firepower that won the war in the gulf. It was the ability to apply it. Our United States ground forces who stormed entrenched Iraqi positions and our pilots who flew tens of thousands of missions know that this was no cakewalk. The difference was our people, superbly trained, staunchly committed, and ably led forces. No country could possibly ask for more of its armed forces than was given by each brave fighting woman and man in Operation Desert Storm. As the world moves along the road toward peace, however, rapidly or slowly that may be, and toward stability, it is the contribution of those men and women and their sacrifice that has paved the way, and, Mr. Speaker, there was sacrifice. We all know that.

I doubt there is any Member of this body who has not been touched in some way by the loss of a loved one or friends of families where there have been people killed paying the ultimate sacrifice. In my own district there was a memorial service this morning, and there will be another one, regrettably, Sunday night to honor two of our missing who had connections in our area. These are the types of sacrifice that this Nation and that this body needs to express their thanks for in a cohesive and meaningful way.

Mr. Speaker, I stand in awe of the U.S. leaders of Operation Desert Storm. History will remember President Bush, Secretaries Baker and Cheney, Chairman Colin Powell and General Schwarzkopf as orchestrators of one of our most successful diplomatic military operations. Let's not kid ourselves, we did not just wind this operation up and let it run its course—total victory was not achieved by accident. The overwhelming success of this operation is due directly to the ongoing efforts and constant fine tuning of our leadership. In the months before the fighting erupted, President Bush and Secretary Baker forged an unprecedented coalition of 28 countries, as we all know, and skillfully kept it together in the face of Saddam Hussein's many underhanded attempts to inflame and mislead the Arab world and drive a wedge in our coalition.

We owe a great deal to our coalition, and we owe a great deal to our Nation's leaders.

Six weeks ago we stood here and asked the American people to put aside political differences and support our troops. They did, and now they have a right to expect no less from us. Let every Member support this resolution. It says, "Thank you," to those involved in a very gracious and meaningful way. It conveys our deepest sympathy to the families and friends who suffered loss of loved ones, and it supports what we all want: Peace and stability in the Middle East.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I thank the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], for yielding this time to me, and, Mr. Speaker, let me start by asking:

How can I vote against a resolution which expresses its highest commendation and sincerest appreciation to the members of the United States Armed Forces and other members of the international coalition who have participated in Operation Desert Storm and have demonstrated exceptional bravery, dedication, and professionalism?

Mr. Speaker, I believe that, and double or triple the sentiment.

Or how can I vote against a resolution which conveys its deepest sympathy and condolences to the families and friends of United States and coalition forces who have been injured or killed during this operation and expresses its compassion for the families of noncombatants who have suffered hardships and personal losses during the Persian Gulf war? And I certainly can not vote against supporting continued efforts to promote peace and stability in the Persian Gulf.

Mr. Speaker, I share all those sentiments.

However, Mr. Speaker, when in the second whereas clause, the resolution says:

> Whereas the House of Representatives, by means of its historic debate and courageous passage of H.J. Res. 77 (by a vote of 250-183), authorized the President to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 600, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677;) * * *

What does that require?

Mr. Speaker, that requires me to say that in fact, when I chose, together with 182 of my colleagues, some of whom were Republicans, to say that sanctions were the better policy way to go, that I was wrong.

I do not believe that at all. I think that, having made his policy determinations, the President did an outstanding job of following through. I do not agree with the policy that he set forth, and so I cannot vote for this resolution which would retrospectively change my position, especially in the context of the big headline in today's issue of Roll Call, the Hill newspaper, which says, "Gingrich Plan—Run Gulf Veterans Against Democrats," and it goes on to say that at a young Republicans meeting he suggested that the Republicans find Desert Storm veterans to run against incumbent Democrats, to suggest that that is the way to highlight Democratic opposition to Bush.

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The fact is that the day after the Kuwait invasion I and a number of our colleagues spoke, and a day or two after the Kuwait invasion by Saddam Hussein the New York Times carried a story with pictures of a number of Americans from a broad political spectrum, including me, stating in the strongest terms my opposition to the kind of brutal aggression that Saddam Hussein undertook and said that President Bush's deter-and-defend policy was expressing the fondest values of America.

The Members who voted for sanctions were not supporting Saddam Hussein, they were not opposing Bush and standing up for Saddam Hussein, they opposed rushing to war, and to try to turn that into a political ploy is not right. I must tell you I was surprised by this approach of Mr. GINGRICH. I sat through most of that historic debate and the gentleman from Georgia, who usually has no difficulty in speaking at the drop of a pin, was remarkably silent during that debate. And now he comes forward with a solution to attack the Democrats for opposing President Bush. I think that is shameful.

Mr. Speaker, again I thank the gentleman for yielding.

Mr. BROOMFIELD. Mr. Speaker, I yield 7 minutes to the distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me.

I just want to say, first of all, that I appreciate the gentleman from New York's mentioning me. I happen to think that it was a historic debate, and it took courage to pass House Joint Resolution 77. It was a historic debate on both sides.

I went up immediately after the Speaker spoke, and I said that I thought his speech, which was against the resolution, was a historic speech. It was a speech worthy of the House, and it reminded us of the process of democracy. I think Members on both sides of the aisle spoke courageously.

I was here until 4 o'clock in the morning before that vote listening to Members speak out on both sides. What I have said is that there was a grand irony in that the Democrats who are determined to shrink the military are going to lead to the voluntary unemployment of a number of Desert Storm veterans, and that those Desert Storm veterans who might prefer to stay in the military except for the Democrats' insistence on shrinking the military may decide that they want to run for public office against the party that is forcing them to be unemployed.

That happens to be a series of facts. It is a fact that the Democratic Party wants a weaker military, it is a fact that that will lead Desert Storm veterans to find out that some of them are not going to stay in the military. It is a fact that there is an opportunity in 1992 for them to seek employment in an elected office.

I have also said openly that some of them may want to run as Democrats in the primary against people with whom they disagree. But let me carry it a step further.

I am mildly astonished that there are so few Democrats on the floor today. This is a resolution which I think virtually every Member of the House in either party can identify with. This is a resolution which condemns Iraq, something which virtually everybody agrees with. It is a resolution which says that the operation succeeded, something which I suspect every Member of the House agrees with. It praises the American and allied forces for performing their missions with great courage and distinction, something I think everyone agrees with. It also acclaims the President, and maybe that is part of the sticking point. But let us go back. It would be an amazing thing to pull out of the RECORD from August 1990 up through the first 2 weeks of February the number of Members on the Democratic side who said, "We don't know what is going to happen. This is a very grave risk. We may lose thousands and thousands of people." We can go down the list and find there were Members saying that we are going to have 30,000 to 50,000 killed.

The minimum that I think George Bush deserves is some recognition that he had remarkable courage and remarkable professionalism in holding together a worldwide alliance, in getting the United Nations to pass a series of resolutions, in being able to marshal the military forces of 28 countries, in being able to calmly and patiently develop a military campaign plan and not micromanaging General Schwarzkopf or General Powell, and in allowing the process to work. I think it is one of the greatest achievements in military history to have decisively defeated the country of Iraq with the number of casualties we had and with the speed and decision that we saw.

I am a little surprised that this is a day when Democrats frankly could be coming to the floor and expressing bipartisanship. This is not a partisan resolution. This is a resolution which is open to all Members, and I would hope that tomorrow night, when the President comes, we will certainly offer more enthusiasm and more support for these sentiments than we are getting from the Democrats today. I am just very sad that the Democrats are not coming.

Let me tell the Members why I think a part of that is. The last time we had a Democratic President, they could not get eight helicopters across the desert in what was called Desert One. They literally collapsed in the Iranian desert. This has come now after 10 years of very hard and often contentious work. I have stood in this House and I have listened to Members on the other side who said, "Oh, we don't need the military buildup, we don't need those expensive weapons, we don't need all that professionalism." Let me say to them that I think there are some lessons to be learned from this. I think the fact is that Ronald Reagan was essentially right. I think the fact is that a stronger military worked. I think the fact is that it saved American lives. That is the message I would like to drive home today, not just self-congratulation. The fact is that both in Panama and Iraq having a well-trained, well-equipped, adequately large force saved the lives of young Americans.

When we talk over the next year about cutting the defense budget, let us understand what we are doing. We are taking away from America the ability to have the kind of defense that allowed us to take down Saddam Hussein and say that in the future the next time there is a Saddam we are not going to be able to do it.

Let me just close with this thought: We are going to make one of two decisions every time we weaken the military: We are either going to make a decision to take away from President Bush and take away from the United States the opportunity to do things such as what we have just done and such as we did in Panama, or we are going to make the decision that if the President does decide to do something, we are going to run the risk of much higher American casualties. I hope that every Member of Congress will read the Broomfield resolution and will think about this extraordinary success.

I must say to my friends that I did not think we would pull this off as fast as we did or with as few casualties. I frankly thought it would take longer, and I thought we would have more casualties. I am very grateful that it was as successful as it was. But I hope all of us will not just walk away from this success and not study it. I hope we will study this success, and I hope that our colleagues on the left in this House will decide that maybe they ought to be a little more prodefense, that maybe being strong on saving American lives is a good idea, and that maybe there are steps we should take that will be helpful in the future when we have a similar crisis of this kind.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 95, the Broomfield resolution, commending President Bush and our allied forces for their success in Operation Desert Storm and I would like to commend the distinguished ranking Republican member of the House Foreign Affairs Committee, the gentleman from Michigan [Mr. BROOMFIELD], for his outstanding, timely leadership and work on this measure and for the consistent support of our distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL].

It is with great pride and appreciation that we take this opportunity to commend President Bush for the decisive leadership, and sound judgment he has demonstrated since the inception of the Persian Gulf crisis.

We also must bestow our highest commendation and sincere appreciation to the members of our U.S. armed services and the members of the international coalition who have participated in Operation Desert Storm and who have demonstrated exceptional bravery and effectiveness on the desert battlefields of the Middle East, to protect the sovereign of nations and to enforce international law.

I join with my colleagues in expressing our profound sympathy to the families and friends of United States and coalition forces who have been wounded or killed during this operation. Their grief knows no bounds. We empathize with them, and we want them to know that we will never forget the sacrifices their loved ones made in the interest of world peace.

Accordingly, Mr. Speaker, I urge my colleagues to firmly support this important resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. GUNDERSON].

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Mr. GUNDERSON. Mr. Speaker, the distinguished chairman of the Foreign Affairs Committee [Mr. FASCELL] and the distinguished ranking member [Mr. BROOMFIELD] who have worked so closely, so often on a bipartisan basis, frankly deserve better than this debate this afternoon. Especially the gentleman from Florida [Mr. FASCELL].

Mr. Speaker, I think it is a sad day in what ought to be a happy day for America and a day of celebration that we witness this kind of response, that this Congress is becoming so partisan that we cannot even unite in a bipartisan way to congratulate and commend the troops of the United States of America and the leadership of this country within the Pentagon, all the way to the Commander in Chief.

Mr. Speaker, if one talks to anybody in America, they will tell you that during this crisis, it did not matter whether you were a Republican or a Democrat, liberal or conservative; you were an American, and you united together because you cared. And when you make that kind of commitment and you suffer the kind of agony that these families of 513,000 troops have experienced over the last few months, the fact that this Congress cannot on a bipartisan basis gather here this afternoon and commend them, I find tragic, to say nothing of being despicable.

I want to say to Members over here, if this is so painful to stand up and say thank you to the leadership of this Government, the leadership of the military, and the participants, then I hope you do not show up tomorrow night either. Leave your seat for somebody who wants to come as an American and participate in saying thank you.

Finally, I have to ask, because this troubles me deeply, what message do you send to the families of the 90 Americans who were killed in action, to the 63 Americans who lost their lives in combat-related duty, to the families of the 34 missing in action, and to the families of the 9 known POW's, as well as the families of the 1,500 wounded in action? Have we as a body politic disintegrated to the degree that as Americans we cannot stand together?

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Speaker, I am here to give somewhat of a unique perspective, as a freshman Member who was called here to the Chamber as one of his first votes to vote whether we should take offensive military action in the gulf. One of the first times I ever met with the President was early in January, prior to the vote. I had an opportunity, with several other freshman Members, to gather in a corner and talk with the President.

I saw at that time a President who was very alarmed at what was going on in the Persian Gulf; who cared deeply about the plight of the Kuwaiti people; who was particularly alarmed at the potential devastation that Saddam Hussein could wreak upon that area, and, in fact, upon the entire world. The President was sensitive to the American public, and to the Congress, and the fact they were not particularly bloodthirsty and willing to take on the tremendous challenge of a war, but was committed and clearly committed to establishing a new world order and following through and making that world order come into reality.

Mr. Speaker, the President understood that he was on thin ice politically. He realized that. But he also understood, and he knew what was right, not just for his country, but for the world and the future of world peace. He stood up for what was right.

When I came to the floor the day that I was to vote, I also felt that I had to do what was right, and stand up for the President. And I am very proud of the Members in this House, that they too stood up for what was right and stood up for what was right for this country, and for the world.

As we have seen, things have worked out just as we had hoped they would work out. We have, I think, established a new world order, and we can be very proud of our President and our military leaders for making that happen. We can also be very proud of our brave troops and their families for standing up and fighting for what was right and making that happen.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I rise in strong support of this resolution and the men and women who deserve this resolution, and that includes the man in the White House, President Bush. But in looking at the list of cosponsors and seeing there are no Democratic cosponsors on this resolution, I have come to the conclusion that the statements by the Speaker and a number of other Democratic leaders during the debate to the effect that this is a divided government, in fact has a very deep meaning. It is strongly divided between the executive branch and the legislative branch.

Mr. Speaker, many times during the deliberations by this body we have Members on both sides of the aisle, liberals and conservatives, Democrats and Republicans, who indulge in tough high-level debates, like the debate we had before the President was authorized to use power and use force in the Persian Gulf. After the debate is over, and often after the results flow from that particular action that we took, we say to each other that that was a job well done.

Maybe we did not agree with the legislation when it came before us, maybe we did not agree with the vote, but we say to our colleagues on each side of the aisle, "My fellow Congressmen, that was a job well done."

Why can we not in the legislative branch on a bipartisan level say the same thing to our Commander in Chief, that that was a job well done? We should be very proud of this President. I know that the Democratic Members of this body, just as much as the Republicans, very much respect this President for what he did and for the leadership that he exhibited, that saved literally thousands and thousands of American lives. It was that leadership that allowed us to come out of this dangerous situation in the Persian Gulf with but a fraction of the casualties that all of the experts predicted.

For that gentleman, who has many burdens on his shoulders today and a very challenging domestic agenda before him, it might be nice if we took just a minute, which is what this resolution does, and thanked the men and women of the Armed Forces, and thank our allies, and thank our President.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON], a member of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate the ranking Republican member on this committee for sponsoring the legislation. It is a tribute to our troops, who fought so valiantly. It is a tribute to our country for standing behind our troops, and it is especially a tribute to our President. President Bush had opposition here in the Congress, and the debate that raged for 3 days and late into the night showed very clearly where everyone stood. But the President did get the support from a majority of the Members of this House and the other body, and carried on in trying to do what had to be done to preserve the lives of our troops, while at the same time winning the war in the Middle East.

The President had opposition, not only here, but had opposition in the courts. Members of the Democratic Party went to court to try to stop the President in his endeavors to carry the battle to Saddam Hussein, to win in the Middle East, but they were not successful there.

In addition to that, he had opposition from leaders around the world, in particular from the Soviet Union. Mr. Gorbachev, as everyone will recall, wanted President Bush to settle for half a loaf, and in the waning days of the war, when Saddam Hussein was on the ropes and trying to find a way out, Mr. Gorbachev called for solutions which were unacceptable to President Bush. Even though the pressure mounted day after day after day, President Bush as Commander in Chief and titular head of the allied forces, stuck to his guns and said, we are not going to let this man get away. We are not going to let him take his troops out of Kuwait. We are not going to let him have an army that can wage war in the future, and thus cause problems down the road for the Middle East. The President once again stuck to his guns.

□ 1440

Had the President capitulated or settled for half a loaf at this particular time, there is no question that Saddam Hussein's army would have been much stronger than it is, and had Saddam Hussein been able to take his army and be able to claim half a victory, there is no question in my mind that the rest of the Arab world would have said here is a man who is an Arab leader who has faced down 28 nations, including the entire U.N. Security Council, and Saddam Hussein, in my view, would have grown in stature and been a much bigger threat down the road than he ended up being.

The President, in short, showed good old-fashioned American guts and intestinal fortitude at a time when we really needed them.

In addition to that, in the finest tradition of Teddy Roosevelt, he showed that America is a strong nation and a nation that will not tolerate terrorism and tyrants like Saddam Hussein, a nation that does walk softly but a nation that carries a big, big stick, and when we have to, we are willing to use it.

So Mr. President, congratulations on a job well done. The Congress of the United States supports you and congratulates you on being a great President.

Mr. BROOMFIELD. Mr. Speaker, I yield 6½ minutes to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, due to an unfortunate little order from former Speaker Tip O'Neill some time ago, the cameras will pan the Chamber during special orders, to show that there is not much attendance at that time. It was a mean-spirited decision to pan an empty Chamber in an obvious attempt to embarass Republican Members by making viewers think nobody is listening.

But this is misleading because the audience viewing this Chamber is now about 1 million people, Mr. Speaker. It is about the same for the other Chamber, a little less, because their rules of debate are a little slower and more low-key than over here.

But I am sorry that we are not panning the Chamber right now as we debate the Broomfield amendment. We do not pan the Chamber during 1 minute at the beginning of the day or during legislative regular business like this. But if we did, I think most Americans would be shocked, Mr. Speaker, that there are so few Members here now for this important resolution.

Mr. WALKER. Mr. Speaker, will the gentleman yield.

Mr. DORNAN of California. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, can the gentleman tell us how many people he thinks may be on the floor at the present time?

Mr. DORNAN of California. On the Republican side about 10, and on the Democratic side about 3.

If this resolution, the Broomfield resolution is important, and I believe it is highly important, then more Members should be here, and I know this is an important resolution. I never have seen so many cosponsors on a resolution in my life. The first resolved clause acclaims the President for his decisive leadership and unerring judgment. These are key words, decisive leadership, unerring judgment, near flawless judgment, and sound decisions with respect to the crisis in the Persian Gulf.

The second resolved clause states that this Chamber, "expresses its highest commendation and sincerest appreciation to the members of the United States Armed Forces and other members of the international coalition who have participated in Operation Desert Storm and have demonstrated exceptional bravery, dedication and professionalism." That was the key word I heard coming out of all of the anchormen's mouths when they went into Kuwait City, and they could not believe the professionalism of all of our men and women in every branch of the service, from logistics, to the fighter pilots in a British Tornado going in at 200 feet over the deck in darkness on the first night, blowing up Iraqi airfields.

The third clause "conveys its deepest sympathy and condolences to the families and friends of United States and coalition forces who have been injured or killed during this operation, and expresses its compassion for the families of noncombatants who have suffered hardships and personal losses during the Persian Gulf War," what I choose to call the battle for the liberation of Kuwait.

A total of 105 men and women, including the young lady helicopter pilot, a major, who died during the support operation at the end of the war.

The fourth clause "supports continued efforts to promote peace and stability in the Persian Gulf," not easy with fighting going on there as we speak, all up and down this nation of Iraq. That one evil man, Saddam Hussein, seems to have dragged his nation through the meat grinder, he shredded it. The fighting may go on for months until God chooses that Saddam's short dash through life is over.

Mr. Speaker, I came to this well twice last week and said that I could not feel joy or euphora or celebrate with the rest of my country. It was not that I was any more sensitive, like the Alan Alda or Phil Donahue sensitive male of this modern time, it was just that I had spent half of my adult life working POW problems. Actually more than that. I have worked this issue going all the way back to when I was a pre-cadet waiting to go to pilot training, and I listened to an Army major, I think his name was Mayo, tell about brainwashing and how they broke our men in captivity in North Korea. And we left 389 of them behind in Korea. And we never got a single POW back from about 500 men shot down over Laos.

So I was sweating these POW's. I couldn't relax until they were all returned. But I tell you, I am happy today. That joyful spirit the President of the United States said is slowly overcoming him is gripping me because of the word today that before we even started this debate, 24 Americans POW's were added to the ones released yesterday one is a Kuwaiti. That must be Mohammed Mubarak, the A-4 pilot shot down in the first days of the war. Also 9 more British allied pilots, who together with the 3 yesterday makes a total of 12. The Brits lost six Tornados in those airfield strikes. That may mean that every man aboard successfully ejected, suffered some abuse, but they survived. We got our lady prisoner, Melissa Rathbun-Nealy, back yesterday. We did not know she was wounded. So she is not only back with us, but she has a Purple Heart. Talking to her parents on the phone yesterday was a delight to witness.

Here is a chart of the prisoners that I held up here the other day. John Peters, the severely beat-up British pilot. Where was Adrian Nichol, the backseater? He hopefully is in the group of nine Brits. And Jeffrey Zaun's pilot, Bob Wetzel, we never heard a word on him in all of these weeks. He was in that first group that came out yesterday. Maurizio Cocciolone, the Italian must be one of those released today. Also where were Clifford Acree and Guy Hunter, our oldest flyers from Camp Pendleton? I have seen their families on local TV back in California. They must be in the 24 Americans to be released today.

Here is a photo of Mohammed Mubarak who fought in an A-4 Skyhawk, the same plane in which Senator JOHN MCCAIN, our courageous colleague, was shot down over the skies of North Vietnam. John spent 6½ years as a prisoner of war.

Also Harry Roberts, our great F-16 pilot from Torrejon.

Mr. Speaker, I truthfully enjoy speaking out on this Broomfield amendment. We do not get that chance very often to have such leadership on a great amendment like this. No, it looks like the POW story is having a happy ending.

We got back our team of four CBS who tried to write their own ground rules; 26 or 29 journalists have also written their own ground rules by going up to Basra, where there is unbelievable civil unrest. We will have to sweat out these fellow Americans all this week. Hopefully, God willing, they will all come home safe. I do understand that desire to pursue the news story and ride to the sound of the cannons.

But I also have to respect the pain of their loved ones left. What about the six hostages in Iraq? What about the Israeli pilot backseater in an F-4 Phantom? His wife is sweating 6 or 7 years in captivity for him. There are a lot of unanswered histories in that part of the world, but let me return to this resolution.

☐ 1450

The President, the National Security Council, the Secretary of Defense, one of our former highly respected colleagues who served 10 years in this Chamber, Dick Cheney—all of them did a job that is almost beyond description it was so good. We have a military team, all of whom were honed in combat in Vietnam, from Colin Powell and the Bear, Normal Schwarzkopf, and all the ranks in between, right down to the young captains and majors and lieutenants who want into their first combat.

What can we say about our enlisted men? The words are weak on this piece of paper. You want to reach into Churchill's writings to wax poetic with Churchillian praises to honor these men.

Where are my colleagues on the other side of the aisle sharing in this historic debate so they can make amends for some things on this floor about our defense structure over the last 14 years?

Mr. FASCELL. Mr. Speaker, I yield 8 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, the previous speaker asked where the Democrats are who might like to speak on this momentous occasion. If I could have the attention of the gentleman from California, let me just say that we have got one Democrat right here who voted to authorize the use of force; we have the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], who was one of the leaders in crafting the legislation that passed the House of Representatives authorizing the use of force. We have our chairman, the gentleman from Wisconsin [Mr. ASPIN], chairman of the Committee on Armed Services, who helped craft the legislation authorizing the use of force, and the gentleman from New York [Mr. SOLARZ], a ranking Democrat on the House Committee on Foreign Affairs who helped craft the legislation that authorized the use of force.

I think it is peculiar that none of them, nor am I, are listed as a cosponsor on this legislation. If I could ask unanimous consent to be added as a cosponsor, I would do so at this time. I do not know if the rules of the House permit that.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Let me say that the gentleman has raised a very interesting point that I wish had not been raised, but now that it has by so many speakers, I think we need to get the record clear.

The resolution we are dealing with, House Resolution 95, was introduced on February 28, 1991, and all of the people who appear on the printed copy of that were asked in advance to cosponsor it, period.

As far as the language is concerned, I just want the Members to know that this chairman had nothing to do with writing the language. I am glad to support the language in every way, and as you can tell from my remarks, I thoroughly agree with the purposes of the resolution, but that does not change the fact of what has gone on here with regard to the resolution and the debate, and, yes, the gentleman can cosponsor it. Under the rules, if the gentleman were not out of town attending to business, the gentleman could become a cosponsor up until the time of the vote, but if he is not here and he did not know about this resolution, he could not be a cosponsor no matter how badly he would like to have been a cosponsor.

I am glad the gentleman pointed out the fact that without the Democrats the original resolution on the use of force would never have passed this House.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I am happy to yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I think it is timely to make a correction here, because the Democrat majority was alerted, because when I drafted it, I sought bipartisan support for it. They were not interested at that time, and so we proceeded with it. So they did have the opportunity to make this bipartisan.

I just want to say this: I have been in this House now for more than 34 years. I have worked with my distinguished friend, the gentleman from Florida [Mr. FASCELL], for all of those years. We have worked very, very closely together. I know he is a dedicated American. We work on a bipartisan basis, and I appreciate his support. I know how he supports the President of the United States.

But I did give the opportunity to the majority to make this bipartisan, and we were turned down.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, is the gentleman saying that I turned him down?

Mr. BROOMFIELD. If the gentleman will yield further, no, it was his staff that turned us down.

Mr. FASCELL. If the gentleman will yield further, let me just get the record straight. I respect my distinguished colleague, and I guess this leads to a difficult problem as far as the two of us is concerned, but I hope it does not last very long.

But this bill was never considered in the Committee on Foreign Affairs. It was never considered in the Committee on Armed Services. I had no part in the drafting of it, although I am very happy to support it.

Mr. CARPER. Mr. Speaker, reclaiming my time, the resolution before us salutes the President for his leadership. The resolution before us salutes our troops, the men and women who have served, along with our allies, in the Persian Gulf. The resolution before us conveys our deepest sympathy to the families of those who have served in cases of families who have lost a loved one or seen a loved one injured. The legislation before us supports our continued efforts toward peace and stability in the Persian Gulf.

I do not think I have to tell the Members of this body that the Democrats and the Republicans support the thrust of this legislation, and whether or not we may or may not appear as a cosponsor, I think that has probably said more about those of us who were asked to cosponsor it than those of us who believe in and support the thrust of this resolution.

Having said all of that, let met just go back to January 12, when we debated in this House the legislation authorizing the use of force. It would not have been enacted without the support of both Republicans and Democrats.

I respect the views of those who voted against authorizing the use of force. They had ample reason not to vote to authorize the use of force. They had our former Chairman of the Joint Chiefs of Staff, Admiral Crowe, saying let us provide more time for sanctions to work. We heard from a number of other Joint Chiefs of Staff members in the past, and we heard from former Secretaries of Defense who said to give those sanctions more time to work.

I voted to authorize the use of force because I felt the best chance that we had for avoiding war was to convince Saddam Hussein that we were prepared to go to war, to force, to compel, the Iraqis out of Kuwait. I felt that our cause was just.

I do not believe that we, as the United States, or any other caring nation, can stand aside and watch as a powerful nation runs roughshod over a weak nation.

I do not believe we should award aggression. We should not encourage would-be aggressors like Saddam Hussein wherever they may appear, and I believe the strategic needs and interests of this country were at stake in this instance.

I believe that sometimes, sometimes as a last resort, but sometimes force is necessary.

The tough job, in a real sense, may lie ahead of us. I am not going to suggest that what we have gone through is easy, but in some respects, the tough job still lies ahead, and that is to build on the peace.

We have to decide how long and how many U.S. troops to leave in the region. My hope is we do not leave many, and we do not leave them for long.

To the extent that we need a peacekeeping force, my hope is that we make that a U.N. peacekeeping force or one led by Arabs.

I believe in the future we should conduct joint exercises with our allies in the region. There is reason to say that we should position equipment in the region. Clearly we need to continue our naval presence in the region as it has been for the last, I think, four decades.

As we face the future in the Congress, and for our Nation, I hope and I pray that we will mount the same intensity and enthusiasm that we have demonstrated for Desert Shield and Desert Storm. I hope that we will bring to bear the same intensity and enthusiasm in crafting, in debating, in designing, in developing and implementing an energy policy for our country, at long last an energy policy for this Nation.

Second, I hope that we will finally bring to bear the same intensity and enthusiasm for resolving once and for all the issue of Israel, peace and security for Israel within its own borders and, at the same time, develop a settlement fair to the Palestinians.

Finally, I hope that we have learned that maybe this United Nations that many in this body have derided over the years, that the United Nations can play a constructive role in keeping the peace, and then in many instances in bringing to heel an aggressor who would violate the lives and liberties of whether it is Kuwaiti people or any other nation.

My hope is we will now bring to bear postwar the same enthusiasm that we have brought to bear in the last 6 or 7 months.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I rise in strong support of this resolution. I commend President Bush for his extraordinary leadership of this Nation and the coalition. I salute the courageous men and women of our Armed Forces who performed their duties with excellence and vigor. And I would like to express my appreciation for the extraordinary talents of Generals Powell and Schwarzkopf who led our men and women into the conflict with a flawless plan and a deep concern for the safety of each and every soldier on the battlefield.

Never have I been prouder of our country than when it answered a call for help in a fight for peace with freedom and justice. At no other time in recent memory has the flag of the United States flown so vibrantly as when, over the past few months, it has led our Armed Forces to victory and our Nation to unity. In case anyone doubted, which they never really should have, America is back. The overwhelming success of American forces in the dust of the Arabian desert should have vanquished any notions that the power and prestige of America were dwindling. No longer can the United States of America be derided as the world's wimp, forever looking over its shoulder at the ghosts of the past or cowering at the need and responsibility for strong action to defend freedom.

During debate on the use of force we heard all about the presumed virtues of sanctions and diplomacy. There can be no mistake now that our military forces achieved an end which diplomacy and sanctions never could have. The swift and decisive liberation of Kuwait displayed the professionalism of our forces as well as the deep concern for minimizing allied casualties. As Secretary Cheney so aptly put it, "The mother of all battles was turned into the mother of all retreats." In just 100 hours, our troops decimated a vaunted army of more than half a million. While the loss of even one life is a tragedy, still fewer than 100 of our personnel gave their lives in the face of great odds. In contrast, more individuals have been killed in the war on the streets of Washington than in the battle in the desert.

As Americans, the coalition, and the people of Kuwait glory in the victory, let us not now be tempted to let our guard down. Due to the failings of human nature, or rather the nature of inhuman leaders, we are likely to face similar situations in the future. As long as one country would seek to dominate another, we must maintain our peaceful, yet strong, vigil and not allow the lure of selfish nonviolence to stifle justice.

The magnificence of our Armed Forces, their discipline, their commanders, our superior equipment saved lives in the long run. Yet we did not reach this pinnacle of excellence magically overnight. It has taken years to resurrect our Armed Forces from the dearth of just a decade ago. This task took resolve in the face of those who viewed support for the military as immoral and wasteful. The funds spent in providing for our military were monies well-spent. They allowed us to win the conflict in record time and, mercifully, with a miraculously low rate of casualties.

If we wish our America to remain as the vanguard of freedom, let us not now foolishly sacrifice these strides by disassembling the structure which has brought us to this great success. Let us continue our support, which so many have been eager to proclaim here today, for our brave and courageous men and women in uniform. Support for our troops must be more than a yellow ribbon deep.

I encourage my colleagues to bear these things in mind as we face critical issues in the days ahead. And I join my colleagues in rejoicing at our victory, the safety of our troops, and the leadership of the United States of America.

☐ 1500

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today to join my colleagues in commending my President, and the young men and women who have so valiantly served this country in the stunning success of Operation Desert Storm.

I think it is proper that we stand today, to recognize those who have stepped forward in the name of freedom.

Our President, the Commander and Chief of our Armed Forces, and the Chief Ambassador of the American principles of liberty, has demonstrated extraordinary leadership, diligence and decisiveness throughout this conflict.

Likewise, our troops responded to the call of duty. They served their Nation bravely, confidently, and in the finest tradition of our Armed Forces.

While we grieve along with them for their losses, we herald their achievement.

Mr. Speaker, while many may have doubted the wisdom of President Bush's leadership, he did not doubt himself. He understood the ruthlessness and maliciousness of the Dictator, Saddam.

A dictator who murdered, arrested, tortured, and used as human shields the innocent men, women, and children of Kuwait.

A dictator who wreaked unbridled environmental havoc upon an entire region's fragile ecology.

A dictator who systematically raped, pillaged, and devastated a nation.

Mr. Speaker, George Bush was right from the beginning. He was right about Saddam. And he was right about how to handle this conflict.

He understood that some things are worth fighting for, and that ruthless aggression must be checked.

As an institution, we owe him and our troops our highest gratitude and admiration.

Mr. BROOMFIELD. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I rise in strong support of this resolution. We thank divine providence for our President, and thank divine providence for the successful conclusion to this war.

We thank our President. What a superb example of leadership. Throw all the books and periodicals on leadership away. Here is a stellar performance, a model of all leaders. He did not imitate, but he is a model and example to others. We thank our troops for the professional way in which they conducted themselves, and for the sacrifices they made. Our troops in the gulf, I believe, had another President's words in mind when they fought in the gulf and served in the gulf: "Ask not what your country can do for you, ask what you can do for your country."

These men and women in the gulf exemplify that philosophy. The valor and the example that they exemplified are for all future generations. We thank the American people for their steadfastness, their courage, and their commitment, because here in our Republic, truly, the people do rule.

I want to thank my fellow Members in the Congress. I want to thank the gentleman from Michigan [Mr. BROOMFIELD] for his resolution, and I want to thank the gentleman from Florida [Mr. FASCELL]. I remember the superb speech the gentleman from Florida [Mr. FASCELL] gave right on this floor, in this Chamber. I was sitting right here in this chair when he told the people in this House what they were voting for when they voted for the January resolution. He did not equivocate. He did not mince words. He backed the President 100 percent.

It is important to note at this time that, as Gen. Douglas MacArthur said "It is preparation that leads to victory." I want to thank all the Members of this House, but especially the Members of this side. When the tough decisions were made in the 1980's, and had to be made in the 1980's on the defense votes, our side stood strong. Some Members of that side stood strong, too. But when the decisions had to be made, the tough decisions had to be made, I think it is only fair to say that the Republicans were there to make those decisions. Republicans were in the trenches when the unpopular but appropriate decisions had to be made.

I was hoping that after this conflict we would again have politics stop at the water's edge. I think that is what we owe this Nation, both as Democrats and Republicans.

Again, we want to thank all those who made this victory swift and sure. We have had in history, the Hundred Year War, the Thirty Year War, and now we have had the Hundred Hour War, which will be studied in every military academy around the world.

I thank those in Congress who made it possible, and I thank the gentleman from Michigan [Mr. BROOMFIELD] for introducing this resolution.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, as 1 of the 183 Members who cast their vote against the President having authority to declare war some few weeks ago, and yes, as 1 of the 6 people who stood by that position a week later, I never thought I would live to see the day when the issue of war or peace as to what side a Member was on would become such a political issue.

Therefore, I rise today with a few very brief remarks. There are just a couple of matters that I must clearly state before I cast my vote on this resolution because my vote today may not be appropriately perceived. First, I take this time to commend the U.S. forces for their exceptional bravery, dedication, and professionalism. I also want to, with all sincerity, to convey my deepest sympathy and condolences to the families and friends of the military forces who have been injured or killed during the Persian Gulf conflict. God knows that I regret the loss of even one life. No one has yet bothered even to estimate the number of lives that were lost, either Kuwaitis or Iraqis. They were human beings. I do not know how many American people lost their life. Maybe we will know at some point.

However, I cannot support continued efforts on the part of our President to police the world. I opposed the Persian Gulf conflict at its inception, and I continue to oppose the reasons why we entered into this war. I oppose this country's policy in the Persian Gulf.

This resolution before Members today merely removed any accountability for the President as it concerns his actions in the Persian Gulf. I cannot support such a mandate.

□ 1510

Moreover, no one has yet to truly answer my question. What is victory?

Mr. Speaker, I want to thank the gentleman for yielding me this time.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the resolution. The war has ended, and this is a victorious time for the United States and our allies who have stopped a brutal tyrant as he sought to wreak havoc among the countries of the Middle East and upon the world. We watched in horror as Saddam Hussein systematically destroyed the smaller, weaker country of Kuwait. We can now say that we have been successful in repelling this aggression through a united world effort. The Commander in Chief deserves our highest commendation for his foresight, insight, and superb leadership.

As President Bush has said, our cause in the Middle East was right and just and moral. I believe President Bush and his top advisers—General Schwarzkopf, Secretary Cheney, and Chairman Powell—showed absolutely superb judgment throughout this entire ordeal. United States and allied efforts in the Persian Gulf will go down as one of the most brilliantly planned and executed military performances in history. Our service men and women have been the best trained and equipped forces ever deployed in history.

These efforts and our victory in the Persian Gulf could not have been remotely possible without the courageous men and women who served their country during this war—they are the real heroes of this conflict. These men and women have suffered the perils of war, the hardships of being away from home and from their loved ones, and they have experienced financial hardships as well.

Let us welcome them home with open arms and thank them for their service and sacrifice for their Nation.

This war has caused sacrifices on the part of many. Again, I heartily commend those who served our country in the gulf and anxiously await their safe and speedy return home.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, as a cosponsor of this important resolution, I could not help but rise to speak on behalf of the absolutely brilliant leadership of our President in the Persian Gulf Operation Desert Shield and Operation Desert Storm.

I would respectfully disagree, however, with some of my colleagues who I think have put some partisan politics into this debate. There was, in fact, substantial support from the Democratic side as we debated this issue, and I want to pay special attention and proper recognition to those Members of the Democratic Party, some 80 in total, who did support the President during a very difficult deliberation and debate on this floor, and specifically 12 committee and subcommittee chairmen who stood up in support of the President, led by the distinguished chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], who I think did a fantastic job in supporting House Joint Resolution 77; however, my primary purpose is in acknowledging the absolutely brilliant leadership of President Bush. There were many nay-sayers who said in the debate that they were not sure why we were in the Middle East, why we were taking up our support of the issue of Kuwait, and as we have seen by recent polls, as much as 91 percent of the American people now are absolutely or totally convinced that President Bush did the right thing.

There were many who said the coalition would break down, that President Bush would not be able to keep the coalition together, and as we all know, he performed brilliantly and kept all our coalition partners as full players.

There were many who said that Israel would be brought into the fray and that would cause us major problems, and, once again, because of the brilliant leadership of President Bush and the tenaciousness of the Israeli leadership, they were able to keep their resolve and not enter the conflict.

There were those who said the Arabs would not fight, that they would not be up on the front lines with our troops, and, as we know, they were not only on the front lines, they led some of the fights, especially in and around Kuwait City.

There were those who said this effort would weaken our relationships with the Soviet Union, and that was also proved to be wrong. We in fact have an outstanding relationship with the Soviet Union.

There were those who said that casualties would be high, and, Mr. Speaker, that, too, thankfully was wrong.

So, Mr. Speaker, I would ask that all of us join together in saying to President Bush, "You have done us proud."

Mr. FASCELL. Mr. Speaker, I yield myself one-half minute, simply to pay my thanks to the gentleman from Pennsylvania [Mr. WELDON] who just spoke in the well, for the recognition of the efforts of the Democratic Party and those Members who voted in support of the President in authorizing the use of force and to balance the record with more perspective than I have heard up until now about the actions in this body.

We are all very proud of the efforts of the President and the troops. This resolution expresses that.

I dare say while there are still strong differences of opinion, I think we have demonstrated to the whole world the strength of the democratic process. We still remain united.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the debate is misnamed if we call it a debate. We are simply here joined together, not to debate this resolution, for there is no disagreement about it; rather, we are here as Americans, not Democrats or Republicans, to commend the President for his superb conduct of the war, to commend the generals and officers and the troops for their courage and steadfastness in the face of the enemy and to convey our sympathies and condolences to the families of the fallen troops.

This marks the second time that the Congress has passed such a resolution. One might mistakenly believe in listening to much of the debate today this is the first time that the Congress has gathered to pass this resolution or one nearly identical to it. One might even believe from the debate today that the passage of such a resolution is partisan in nature only.

Well, those who would claim that seek to clutch the results of the war and the war itself to their own breasts for personal, petty, partisan political reasons.

On January 18 last, this body passed by the overwhelming vote of 399 to 6 a bipartisan resolution, Senate Concurrent Resolution 2. The Honorable Senator MITCHELL, the majority leader, was the sponsor of that resolution. It passed, as I said, by an overwhelming vote of 399 to 6. It is almost identical to the resolution that is today before us.

We could as far as this Member is concerned pass one resolution a day commending the President and the troops and giving our sympathy and condolences to their families, but the thing that we should be sure the American people understand is that this is not a partisan issue, that the resolution before us today has been discussed in a bipartisan manner on January 18 and passed overwhelmingly by both Democrats and Republicans.

Now, let me, Mr. Speaker, if I may, refer to the vote on January 12.

The SPEAKER pro tempore. (Mr. MAZZOLI). The time of the gentleman from Montana has expired.

Mr. FASCELL. Mr. Speaker, I yield 3 additional minutes to the gentleman from Montana.

☐ 1520

That vote back on January 12, that vote is known as the "war" vote, has been mischaracterized in this Chamber today, I believe, again for petty, partisan, personal politics.

The vote on January 12 was not a vote on whether or not to go to war; the vote on January 12 was a vote to commend the President and to ask him to come to the Congress of the United States, as the vast majority of the American people wanted him to do, to ask for a declaration of war prior to committing the troops to an offensive military action.

So the vote on January 12 was not a vote, as some would have you believe, for or against the President; it was a vote about the Constitution of the United States, which says only the Congress can declare war.

Many of us voted in this Chamber, as I did, and that is to uphold the Constitution, to say to the President, "Mr. President, if we must go to war, then come to this Congress as the Constitution requires and ask for a declaration of war as other Presidents before you have done."

To characterize that vote as a vote for or against the President, for or against the war, is to do so for the lowest of partisan political purposes.

Did anyone at the Pentagon or in this Chamber believe that this war would be short and easy and that only a few dozen—as tragic as that is—a few dozen Americans would be lost? No one believed that. And in secret briefings we were told this could be anywhere between 1,000 and 15,000 men and women, Americans.

Are we delighted? Yes. Prayerful? Yes. Surprised? Absolutely. And thrilled with the successes of our troops and the political precision of our President.

Let us resolve here and now that those who would use this war and dozens of American lives that have been lost and the environmental havoc that has been wreaked across the Middle East and the political chaos that may follow, those who would use that for narrow Republican partisan gain should, themselves, be turned out of office.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the gentleman for yielding.

Mr. Speaker. I am a Democrat, I consider myself a real Democrat. I said the President did a great job; he deserves a pat on the back. He did a great job under fire. President Bush earned a place in history. I think more so than for his performance, that at least he came to the Congress and he asked for that use of force, I think that will distinguish his Presidency.

General Powell, Dick Cheney, General Schwarzkopf did a great job. But I want to talk about something a little different today.

I voted against it, and I still say that America cannot be the policeman to the world. While we are policing the world, who the hell is policing America?

You had 23,000 murders in America this year alone.

Let me say this: Our troops did a great job, and I want to commend them, but we have been made to believe that Hussein was the greatest threat in the history of the World.

Let me tell you: Japan is buying up our T-bills, financing our debt, and buying our companies, and it poses a much greater security threat than Hussein ever did.

What the hell are we doing about it? They are financing our debt, foreclosing on our companies, buying our banks, they are buying jobs.

Let me say one other thing as we talk about Hussein: About 18 million people, the size of California, World War I minds; the Scud missile flies slower than a commercial jetliner from California to New York.

Our troops did a great job, but let me caution this House: For those Members who are going to try and build up a continued military-industrial complex in this country, you are wrecking our freedom with that type of policy. You are not saving America, you are not saving the world.

We did a great job, our troops did a great job, and our President did a great job. But, ladies and gentlemen, you keep socking it to that military budget, and what Dwight David Eisenhower said was the truth, that we have created a military-industrial complex that is now taking the Persian Gulf and using it as a 60-second promo for every damn weapons system around.

Where was the B-1? Where was the B-2? They pulled out the A-10s, because we were meeting no resistance.

I just say this to the Members of the House again: Thank God our troops did a great job. Our President did a great job under fire. But let me tell those who continue to say that all that great defense buildup is what was making us free. We could have beaten this man without an awful lot of the expenditures we have had. I think it is time to take a look at some of those expenditures before we weaken ourselves that much further.

In closing, out, I would like for our Nation now to take a look at international trade, and I am making a plea for one of the most popular Presidents in American history right now.

Ronald Reagan was in a position, although I disagreed with some of his policies, when Ronald Reagan said he was going to do something, he did it and now has the respect of the world. George Bush has now moved himself into that postion. I am hoping that George Bush and the Republican Party take a look at the trade issue of our Nation. In fact, I make this statement on the floor right now: If the Republican Party seizes the trade issue, they will take over both the Senate and the House, and I do not give a damn who does it, I think we have to get our trade deficit in order and we have to deal with Japan and deal with these other problems facing our country.

In closing out, my hat goes off to the President and to all our troops that are coming home and for every Member in this House that brought and had an opportunity to debate the issue brought to the floor by the President. The President will distinguish himself more for coming to the floor for that vote than he will for his great success there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

The Chair would take a moment to advise the Members of the rules of decorum and words to be used on the floor pursuant to the Speaker's admonitions that were put into the CONGRESSIONAL RECORD at the first day of this session.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. I thank the gentleman for yielding.

Mr. Speaker, let me say that I stand here in front of you today in strong support of our U.S. troops and their allies. At a time when we have put together so many young people from this Nation and sent them so very, very far away, I think we are very grateful.

Mr. Speaker, I commend the President for his commitment to what we all know in this country as our values. This entire Nation now knows what I have known for several years, and that is that the quality of the young men and women who bear the burden of our national defense today is outstanding.

Mr. Speaker, I have traveled extensively to speak with our national soldiers, our sailors, our airmen, and our marines, and I am always struck by their professionalism and their dedication to service.

We cannot forget the faces of those brave young men and women who were interviewed daily as they arrived in Saudi Arabia last year. We cannot forget the faces of the young men and women out in the desert as we saw every morning on the news media. The hardships that they faced were chronicled: The extreme heat, the sand, the difficulties and, more importantly, the uncertainty of the public support on the homefront.

That public support they questioned when they went, and it is, no doubt, any longer in doubt; that support on the homefront is evident everywhere.

When I visited the troops, I sensed a real desire to get their job done and then come home.

The complaints that I heard were not about why we were there but about making sure that we provided them with all the means necessary to do their job. I vowed to them that I would do everything in my power to see that they had all the means that were necessary.

Mr. Speaker, the President deserves a great deal of credit as does this Congress as a whole for making this commitment to the troops. And they responded accordingly.

□ 1530

Mr. Speaker, I would be remiss in commending the troops if I did not indicate my special gratitude to those National Guard and Reserve personnel who have supported Desert Storm. Those that have volunteered to serve their country in the face of destruction of their civilian lives, both personally and professionally, should not be overlooked by their communities.

I look forward to the day when the last troops arrive back into this country and will receive a much deserved welcome home and congratulations by their friends and neighbors. It is something that is due and owed, but more than that it is something that will be coming from the heart of this country.

So, Mr. Speaker, as we stand here debating a passage of benefits for those troops, I think we have to commend the President and those individuals that made what is an outstanding victory possible, and that is the young men and women on the ground.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise in support of this resolution, and I, too, would like to commend the President and the leadership of our Armed Forces, the men and women in uniform, and particularly the American people who have supported this effort.

Mr. Speaker, one of the proudest moments for me as a Member of this body was observing and participating in this debate on January 10, 11, and 12, about what should be the appropriate strategy for our Nation in removing Iraq from Kuwait. I was proud because there in fact could be a divergence of opinion in this body, but yet, when the vote was taken, we could rally behind our Commander in Chief and support our Volunteer Army in a victory, in a swimming victory over a ruthless dictator.

Just the other day I was remined of the painful consequences of war. On Saturday Sergeant Randazzo of Glen Burnie, MD, was buried. He had given the ultimate sacrifice to our country, and it occurred to me that the price of freedom can indeed be very high.

I voted to support the President, but I can honestly say in my heart that I thought long and hard about the day when I would have to go in front of Sergeant Randazzo's parents and say, "I'm very sorry, but I'm proud of your son."

Mr. Speaker, those of us who thought about this vote on January 12 understood these consequences, and I think it is only right that we take the moment to commend those who made our victory possible.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Michigan [Mr. BROOMFIELD] for yielding this time to me and for his sponsorship of this resolution.

Let me begin by also being one of those who praises the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], for his leadership, not only on this resolution, but on the resolution that allowed this country to take action that was necessary in the Persian Gulf. He indeed has been a stalwart throughout the process, and many on his side have followed his leadership, and I think that they have earned our praise for the kind of work that they have done.

Mr. Speaker, I would disagree with the gentleman from Montana [Mr. WILLIAMS] who spoke a few moments ago to say that everyone is behind this resolution. In fact, we have heard people speak on the floor thus far today who have indicated they do not support this resolution. I find that somewhat disappointing. They may have their reasons, but, when my colleagues look through the resolution, there is very little here that really anybody should oppose.

The first part of it reads that it acclaims the President for his decisive leadership, unerring judgment and sound decisions with respect to the crisis in the Persian Gulf. The President deserves at least that much from the U.S. House of Representatives. It expresses its highest commendation and sincerest appreciation to the members of the U.S. Armed Forces and other members of the international coalition who have participated in Operation Desert Storm and have demonstrated exceptional bravery, dedication and professionalism. Absolutely they have, and everybody in the House ought to be willing to commend the troops for what they did and to commend the international forces for what they did in that part of the world.

Mr. Speaker, the resolution also conveys its deepest sympathy and condolences to the families and friends of the United States and coalition forces who have been injured or killed during this operation and expresses its compassion for the families of noncombatants who have suffered hardship and personal losses during the Persian Gulf war.

I think particularly of Dr. Mark Connolly in my district who, within the last couple of days, was killed by a land mine in that part of the world. This is something we ought to do for those families and for the friends of people who suffered losses in that conflict, and again I cannot imagine there is anything at all controversial about saying that.

Finally, the resolution says it supports the continued efforts to promote peace and stability in the Persian Gulf. Once again that is something that everybody in the House of Representatives should be for. We ought to be willing to say that, now the conflict is ended, that we ought to achieve peace and stability in that part of the world. Those people should have fought for something.

So, I am a little disappointed that there are some who felt it was necessary to oppose this resolution, but I would hope the overwhelming membership of the House of Representatives sees fit to approve it. It is a very, very good resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of this resolution commending American and allied military forces on the success of Operation Desert Storm.

I have been a true and vocal supporter of our military forces—from President Bush, the Commander in Chief, all the way through the ranks to the young soldiers, seaman, and airman, from the very beginning of Operation Desert Shield. Their mission has not been easy and has not been without cost. However, our brave men and women in the Armed Forces dutifully carried out their mission with great courage, skill, and patriotism. I salute them and their families who anxiously await their return.

The advanced technology weapons and defense systems, like the previously maligned Tomahawk cruise missile, Patriot missile, M1 tank, Bradley fighting vehicle, Apache helicopter, and A–10 aircraft among others, certainly contributed to our success and kept our casualties incredibly low. These are products of the Reagan-Bush defense program I supported. I recall some in Congress and the public unjustly criticizing this responsible defense program. Clearly, they were wrong and I am glad, and I can guarantee our forces in the gulf are glad, that we did not listen to these naysayers.

However, the most important contribution to our stunning success is the people. The men and women who fought this war only Saddam Hussein wanted. Like me, none of them wanted war. Yet, this All Volunteer Force understood exactly why they were in the gulf laying their lives on the line against Saddam Hussein's brutal aggression. Having personally visited with out troops in the Saudi desert, I know this is a fact.

Today's troops are the best educated, best equipped and best trained we have ever fielded. The realistic training our ground and air forces received at Fort Irwin in California's Mojave Desert and at Nellis Air Force Base in the Nevada desert helped make a real difference that payed off today in American lives saved and objectives swiftly and successfully achieved.

The people also include those who brilliantly planned operations and masterfully executed them, including Secretary of Defense Cheney, Joint Chiefs Chairman Gen. Colin Powell and Gen. Norman Schwarzkopf. The people portion includes those in logistics and supplies who performed real miracles moving unprecedented amounts of men and material around the globe and through the desert in record time. Without adequate supplies of ammunition, parts, food and water, I know we would not have achieved the success we have. Just ask the Iraqis.

I also salute all the other brave men and women in all fields and services, active and reserve. We truly are a team. All parts of the team are important and all parts are deeply appreciated by the American public.

In commending our military forces, we cannot overlook the sacrifices and yeoman's duty performed by their families. Most are looking forward to reuniting with their loved ones presently deployed in the gulf. Sadly, some Americans have made the ultimate sacrifice and it is our duty to ensure their families are cared for.

Today's resolution also commends the Allied Military Forces that participated with us in Operation Desert Storm. Just like our forces, the steadfast resolve and participation of these allied forces were important contributions to success. Whether they be the British Desert Rats I met out in the Saudi Desert or the other British, French, Egyptian, Saudi, Kuwaiti, Italian, Canadian, Turkish forces, or those of the 21 other nations that sent military forces to the gulf, their support deserves praise. Special commendation goes to the British, who have long proven they are great friends, the French, the Saudis, the Kuwaitis, and other gulf emirate forces, the Egyptians and the Syrians for directly confronting Iraqi aggression.

I agree with President Bush that we should be proud. We should be very proud of our country and most of all our brave military forces who carried out this swift and decisive victory. Like all Americans, I hope they will all safely return home as soon as possible.

Mr. DREIER of California. Mr. Speaker, it seems to me that we are dealing with an unbelievable tragedy here. This should be a great time for celebration for Americans and the free world, and yet we have had to rely solely on the minority and the distinguished ranking minority member of the committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD], to offer this resolution which is clearly a Republican resolution.

Mr. Speaker, I join with others in recognizing the fact that the gentleman from Florida [Mr. FASCELL] led the charge. In fact, it was my first meeting when I joined the Committee on Rules that the gentleman from Florida [Mr. FASCELL] came before our committee to testify on behalf of this resolution which he jointly offered on January 12, and I commend him for that.

However, Mr. Speaker, tragically there are people in the House who do not seem to want to support the President on this. OK; there are some who do not want to support this guy who has a 91-percent approval rating nationwide and who has done this unprecedented thing, bringing about a 28-nation coalition, the likes of which the world has never seen before, but so, as the gentleman from Pennsylvania [Mr. WALKER], my friend, said, have Members in this House who are not willing to cosponsor and support a resolution which commends our troops? One of the things that we heard throughout the past several weeks is that whether people were certain about the war or not remained to be a question, but they all supported our troops.

Mr. Speaker, now here is a chance to cosponsor an issue here, supporting our troops, and I am told that people can still cosponsor this thing right now. The gentleman from Michigan [Mr. BROOMFIELD] has informed me of that, and yet one or two Democrats have wisely come forward and coponsored it. I cannot understand how 434 Members of this House do not cosponsor this resolution.

It also extends its deepest sympathy to those who are victims, to the families, and the first casualty in this war was a constituent of mine, Mr. Campizi, who was killed in August of last year. So, we all want to go on record in support of extending our sympathy to the families and the victims, and I think, Mr. Speaker, that we should recognize that the leadership on this issue has clearly come from the distinguished ranking minority member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I would like to add another dimension to this discussion by talking about someone very special who heretofore has not been mentioned. Her name is Barbara Bush. Some people call her George Bush's partner. Others refer to her as the President's wife. Most of us know her as the First Lady.

Mr. Speaker, while each of these titles is accurate individually, they are not nearly accurate enough in describing the full dimension of this multifaceted individual. I call her America's Best Friend.

For the past several weeks Barbara Bush has been traveling the Nation, principally to military installations, to meet with the families and loved ones of the troops deployed to Operation Desert Storm. She has, this magnificent lady, this caring and sharing humanitarian person, demonstrated not just the concern of the President of the United States, but she has shown in very personal terms that the American people have respect, and appreciation and support for all of those who represent this Nation so well.

Mr. Speaker, when Barbara Bush leaves a room, we all stand a little taller for her having been in our presence. She is indeed America's Best Friend.

□ 1540

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I just wandered into the Chamber, I rise to speak in support of this resolution, and I ask unanimous consent that I be listed as a cosponsor thereof.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will advise the gentleman that that is a matter for the attention of the gentleman from Michigan [Mr. BROOMFIELD] as the prime sponsor, who may under the rule add the gentleman from Utah as a cosponsor.

Mr. OWENS of Utah. Mr. Speaker, I thank my colleague, the ranking minority member on the Foreign Affairs Committee.

Mr. Speaker, I, like all Americans, am very gratified, more than I am able to express, for the successes of the past 6½ weeks of Operation Desert Storm and for the fact that so few Americans and members of the allied forces died or were injured in the process of achieving that great victory. To the men and women who perished in the service of our Nation, we owe our enduring tribute and gratitutde. Though thankfully few in number, their loss is an incalculable tragedy to our country and our future. We will long remember their valor and sacrifice.

I give great credit to our Commander in Chief, the President, and to our military command for the valiant, intelligent, and competent service which they have rendered. I express my deepest gratitude for the successes which they have brought home.

A young man from my State, Dion Stephenson, was among the first of those killed. I have visited with his parents. I have seen their devotion, their dedication, and their interest in the fact that the death of young Dion Stephenson would not be in vain, and that their support for the war and their strong feeling that he died for a higher principle be registered.

Out of all this, I hope and pray, Mr. Speaker, that there will come a comprehensive peace in the Middle East, a peace which deals not alone with a cease-fire in the gulf but with a settlement of the Palestine-Israeli issues, the issues concerning Lebanon, and the issues between the Arab States and Israel. I would hope and pray that the differences in the Arab world with Israel be terminated once and for all, with Israel secured within secure bounds and borders, and that her peace be assured by a recognition in the Arab world that Israel has the right of existence.

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. FASCELL. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] has the right to close the debate.

Mr. BROOMFIELD. Mr. Speaker, I yield the balance of my time to the minority leader, the gentleman from Illinois [Mr. MICHEL].

The gentleman from Illinois [Mr. MICHEL] is recognized for 3½ minutes.

Mr. MICHEL. Mr. Speaker, I am glad to be joining our colleagues in commending the President of the United States and the allied military forces on the success of Operation Desert Storm.

The President demonstrated courage, energy, vision, and fortitude in the face of incredible pressures, and without his leadership the great victory would not have been possible. I would refer initially, of course, to the action taken immediately after the August 2 invasion of Kuwait. It took a decision on the part of the President that we were going to respond, and we did. And, second, I would refer to the action to get the United Nations for once to have the United States wearing the white hat, with a coalition gathered around us. This was no small undertaking, and it was well done. I think everybody applauded the President at the time.

There was another incident, though, about the early part of November when the doubling of our forces took place. There were all kinds of Doubting Thomases, all kinds of people raising fears and concerns about the fact that the President took that kind of decisive action, thinking ahead to the fact that maybe it might have to be used and we were going to have to be prepared for that particular day. Then when it came to the January 15 deadline, he was again beseeching the Congress to join him, if they would, in combining those kinds of decisions that would possibly have to be made if we wanted to pursue this thing further.

So the President took the occasion at times to make the difficult decisions in the face of all kinds of criticism and all kinds of detractors, and they were in this House, out of this House, and all around the country for that matter.

It is easy now to say that victory was inevitable, but it was not. Things could have gone wrong without the kind of leadership the President continued to provide throughout this thing. His performance under pressure is in my view one of the prime examples in our time of Ernest Hemingway's definition of courage: "Grace under pressure."

I visited the gulf region twice before the allied bombing of Iraq convinced me that we had put into the field an exceptionally well-equipped armed force. But even the best equipped and trained Armed Forces can falter if the morale is not there and if the spirit of dedication is lacking. For proof of that, we see what happened to the Iraqi troops who were demoralized and did not believe in what they were fighting for. How could they with guns at their back and the enemy in front?

But our All-Volunteer Force has great morale and, in the event, demonstrated that they believed in what they were fighting for. They told that to us when we visited them, and they have, of course, told the world since then.

The history of Operation Desert Shield and of Operation Desert Storm remains to be written. I think there are going to be volumes written about the high technology, the logistics, and the leadership of such great military men as General Schwarzkopf, Secretary Cheney, General Powell, and all the others.

For the moment, however, one thing should be pointed out: The victory in the desert did not take just 100 hours or a few months. It took years, because the armed force we put in the field in August 1990 was a product of debate and discussion in Congress for a number of years, of hard decisions made by American Presidents, and of sacrifices made by taxpayers for a decade or more.

It was an armed force that was able to carry out its job with conventional weapons, because during the 1980's we modernized those weapons systems. In short, it takes years to build a great armed force. Let us remember that truth as we enter the defense debates of the 1990's. And what we are hearing now that it is all over is this: "Oh, now that it is over, we need not do anything for the future."

How blind can we be? It seems to me that this is one of the things we really should have learned during this whole thing. And thank heaven there were some senior, older Members around here to carry the day. Members like the distinguished gentleman from Florida [Mr. FASCELL], and, yes, the gentleman from Wisconsin [Mr. ASPIN], the gentleman from Illinois [Mr. ROSTENKOWSKI], the gentleman from Michigan [Mr. DINGELL], and some of the older Members of this House. Thank heaven they were here to say that it need not be like Vietnam, that it could be different. But it required coming up front and making up our minds that it was not going to be a war fought with one or two of our hands tied behind us. And the President, being a veteran of World War II, learned also that we needed to plan it differently, execute it differently, and profit from our errors of the past.

Yes, great armies and air forces do not suddenly appear out of nowhere. They are a product of the nation that creates them over a period of years, and the success of such an armed force depends a great deal on the national spirit.

After we took a vote here in the House authorizing the President to use force, a vote that proved to be a turning point in the war, many of those who voted against the use of force at that time said they supported our troops in the field. I salute them for rallying around the troops, but let us remember, too, in conclusion, that our Armed Forces need us before the first shot is fired, before the sacrifices have to be made, and before we can even see a potential enemy on the horizon.

Mr. Speaker, our Armed Forces need us now, they need us every day, and they need our support, especially during the peace that they will help us to keep.

Mr. WOLF. Mr. Speaker, I join my colleagues in expressing gratitude to the United States military forces for their service in the recent war against Iraq. I am also grateful to President Bush for his leadership during this crisis, and to Secretary of State Baker, Secretary of Defense Dick Cheney, Gen. Colin Powell, and Gen. Norman Schwarzkopf for their successful effort in gaining and using allied support to achieve such a quick victory in this conflict.

At the same time, I think we should offer thanks to every American who supported President Bush and his military advisers, and all our military personnel who have served so bravely in the Persian Gulf. It is truly a miracle that in over a month of air and ground fighting, less than 100 Americans lost their lives. And to the families of those brave Americans who paid the ultimate sacrifice in service to their country, we share in their loss. We also are saddened that so many innocent civilian lives were lost in the Persian Gulf region.

We can be grateful, however, that thanks to the outstanding work of the men and women in the U.S. Armed Forces and the military personnel in the allied coalition, Saddam Hussein no longer poses a serious military threat to the countries in the Middle East.

Mr. Speaker, it is my hope and prayer that this united action taken by the United States and its allies in support of the U.N. resolutions will demonstrate to all the governments around the world which are contemplating wanton aggression and blatant disregard for human rights, that they will not be welcome in the community of nations.

Again, I offer my heartfelt support and thanks to the men and women of our military services who have served their country so well and so bravely and so professionally in the Persian Gulf. They are truly America's finest.

Mrs. LLOYD. Mr. Speaker, I rise to commend U.S. troops for their performance in Operation Desert Storm.

As a member of the House Armed Services Committee, I have spent the greater part of the past decade working to provide the United States with the best military in the world. During that time I have consistently believed that people are the cornerstone of America's defense strategy. Without highly motivated, well trained, and professional soldiers, all the other elements of defense strategy would collapse. Highly technical and demanding weapon systems could not be used effectively and the complex tactical and strategic doctrine of our Armed Forces would unravel without the brave men and women of the All Volunteer Force. Consequently, much of the past investment in defense has focused on people; providing military personnel with the compensation, services, and training they need to be effective soldiers. As the astounding success of Operation Desert Storm indicates, this was money well spent.

In just over 40 days, American forces completed one of the most successful military operations in history. American troops confronted a well-fortified force of over 500,000 men, armed with some of most sophisticated weapons available and simply overwhelmed them. In the early days of the campaign, Air Force and Navy aviators took command of the skies and carried out their missions with unparalleled skill and unprecedented success, breaking the back of the Iraqi Army.

The ground war began with a daring display of tactical maneuvers. The Army, having secretly redeployed its forces in eastern Saudi Arabia west to the Saudi-Iraqi border, stunned Iraqi forces by advancing with lightning speed to the Euphrates River and blocking their line of retreat. At the same time, the Marine Corps was breeching the much touted Iraqi defenses in southern Kuwait quicker than anyone had thought possible. General Schwarzkopf observed that the Marines' success would be studied by military commanders for generations to come. Only 100 hours after the initiation of the ground war, Kuwait was liberated and the Iraqi Army crushed.

Americans have every reason to be proud of the military's performance. The brave men and women who participated in Operation Desert Storm will, and should, return home as heroes. They selflessly answered the call to duty. They performed their missions with the highest level of dedication, skill, and professionalism demonstrating that they were the greatest fighting force this country has ever assembled, and perhaps, the best the world has ever seen.

Mr. Speaker, I don't think it is possible to say enough about the tremendous job performed by our troops in the Persian Gulf. All Americans owe these brave men and women their unending gratitude and support.

Mr. SHAW. Mr. Speaker, I rise today with the strongest possible support for the resolution introduced by the gentleman from Michigan [Mr. BROOMFIELD] which supports the President and supports the allied armed forces on their outstanding successes in Operation Desert Storm.

Mr. Speaker, America is back. For anyone who doubts this, I say, just take a look around you. Take a look at the American people. Never before have I seen our citizens so united behind a cause. American flags are proudly displayed everywhere. Rallies around the country have attracted hundreds of thousands of people. Polls show near unanimous support for our President and our troops.

For anyone who doubts this, I say, take a look at our Armed Forces. With the awesome display in this crisis, our military has once and for all buried the evil spectre of Vietnam in the deserts of Saudi Arabia. To Gen. H. Norman Schwarzkopf, Secretary of Defense Dick Cheney, Joint Chiefs of Staff Chairman Colin Powell and the other hundreds of thousands of other military men and women, I say thank you. Thank you for an outstanding job.

And thank you for vindicating those of us in this Chamber who have supported the military buildup of the last 10 years. While the loss of any life is a tragedy, and I want to offer my deepest condolences to those families and friends who have suffered losses in the gulf, the incredibly low total of casualties among our service men and women can only be attributed to the outstanding preparation and materiel that we have provided our personnel with due to the buildup.

Finally, I say for anyone who doubts that America is back, take a look at our President and the outstanding leadership he has provided us with. Under his leadership, America has proved once again that we are the world leader. And when the President comes to this Chamber tomorrow night to address Congress, he will be shown the appreciation and admiration that he deserves.

Mr. Speaker, by this resolution, we are taking the time to commend those outstanding efforts of our President, our Armed Forces and those brave men and women who made the ultimate sacrifice for our Nation. Never before has this praise been so deserved. Under the leadership of President Bush, we have shown the world that, once and for all, America is back.

Mr. HASTERT. Mr. Speaker, I rise in support of this resolution expressing support for the success of Operation Desert Storm.

When American troops drove through the streets of Kuwait City to the cheers of thousands of newly freed Kuwaitis, the values America represents were vindicated once again.

The victory of freedom over tyranny in Kuwait announced to the world the basic right of individual states to self-determination.

We have now seen the great feats that can be performed when the world unites in the name of liberty and against aggression. And we know our success was based in large part on the efforts of the men and women who risked their lives for the simple ideal of freedom.

Indeed, the swift and decisive manner in which American-led allied forces prosecuted the ground offensive against Iraq is a tribute to their professionalism and the superb training of our military.

We owe a debt of gratitude to the valiant members of our Armed Forces who went in and did the fighting. Our troops involved in Desert Storm were the best prepared force ever deployed in American history, and show the value and effectiveness of an all-volunteer force.

And we owe a special debt to those who made the ultimate sacrifice for the cause of freedom. They are American heroes of the first degree.

The families of the brave young men and women who fought, as well as the faith and unyielding support of the American people, made the soldiers' job easier and helped to keep their morale high throughout Desert Shield and Desert Storm.

Throughout this operation, we saw the defense investment we made during the past decade pay off. The high-technology weaponry that helped to make the liberation of Kuwait quicker and less costly than expected indicates that we owe a show of thanks to our military leadership and the troops that have made this operation so successful.

Many opponents of our defense modernization program in the 1980's have had their criticisms muted by the precision accuracy with which American forces executed the war to free Kuwait. As Defense Secretary Dick Cheney remarked recently, our preparedness for this conflict demonstrates to the American people that their tax dollars were well invested in high-technology military hardware.

Programs such as the Patriot missile, which was a direct spinoff of strategic defense initiative technology, are a testament to American ingenuity and military programs second to none. And the value of researching and developing our Stealth technology was proved when the aircraft bearing that visionary capability were successfully used in the air bombardment against Saddam Hussein.

The state-of-the-art weapons used by our troops in the ground offensive helped to keep allied casualties miraculously low, as Gen. Norman Schwarzkopf reported. While any casualty is one too many, we should all be grateful that the quality of our equipment and the readiness of our troops helped to minimize the loss of life.

President Bush handled the entire Persian Gulf crisis masterfully, from the days following the Iraqi invasion to the actual execution of the war. His enlistment of support from our allies, the United Nations, Congress, and the American people was unprecedented. The President was able to foster the most unity in wartime our country has seen since World War II. He truly fulfilled his constitutional responsibility as Commander in Chief of our Armed Forces.

Now that the conflict is officially over, we must ensure that the lessons of Operation Desert Storm are taught to our children and our children's children. We know unequivocally that aggression must never be rewarded, and that when the world unites to oppose the war machine of a maniacal dictator, the forces of freedom will prevail over the forces of tyranny.

Mr. BEREUTER. Mr. Speaker, this Member pays tribute to, and gives thanks for, the truly outstanding performance of the men and women of our Armed Forces who have been engaged in the hostilities of the Persian Gulf area. The All-Volunteer Force is the most professional, best trained, and best equipped military force in American history. America is proud and thankful for their superb performance. This Member is also very appreciative of the contributions on the battlefield by the Armed Forces from the other coalition countries that stood with us against Iraqi aggression.

A great many Americans provided outstanding leadership for our Armed Forces, but the truly exemplary leadership provided by Secretary of Defense Richard Cheney, Gen. Colin Powell, and Gen. Norman Schwarzkopf surely deserves wide and enthusiastic acclaim. It would be difficult to find a top military leadership team in American history who performed more brilliantly. They led the effort that resulted in a masterpiece of planning, logistical support, and execution that, henceforth, will be studied in awe by military leaders and historians. Praise, too, should probably be given to the Nichols-Goldwater military reform legislation that permitted these wise and skilled men to avoid the interservice rivalries and related command-control-communication coordination problems that were recently all too apparent in Grenada.

As one of my younger staff members reminded this Member, for generations of younger Americans, Cheney, Powell, and Schwarzkopf quite rightly serve as the Nation's first, remarkable post-Vietnam military heroes. America needs heroes to restore our self-confidence and spur us on to greater achievement in a very wide range of domestic and international areas.

This Member would also like to extend sympathy and condolences to the families and friends of U.S. and coalition forces who have been injured or killed during this operation. These individuals are heroes in every sense of the word who have made the supreme sacrifice, and this Member joins in honoring each and every one of them.

Americans note, too, with great satisfaction and, this Member hopes, with renewed confidence and resolve, this new combat evidence of our technological and manufacturing skills. Who in the world could be unimpressed with the fearsomely superb performance of so many of our high-technology weapons systems? The Tomahawk cruise missile, the Patriot antimissile defense system, the M1A1 Abrams tank, the F–117 stealth fighter-bomber, the ungainly and relatively simple A–10 Warthog close air support aircraft, the largely unsung electronic warfare and countermeasure systems, to mention only a few of America's new-to-combat military hardware—all impressively exceeded our expectations. They greatly multiplied our force projection and cut our casualties. Despite expensive procurement and production glitches, they confounded the harping critics and worked superbly.

As a member of the House Select Committee on Intelligence this Member can perhaps better testify, necessarily in very general terms, to the critical importance of the sophisticated tactical intelligence hardware we employed. By these means we were able to provide our field commanders, right down to the small unit level, with the highly reliable, timely information that was reportedly critical in insuring the success of our forces. That intelligence, in combination with the most successful air war ever waged, did great damage to the command and control capabilities and the morale of the Iraqi forces. They found themselves constantly dumbfounded or lagging in the crucial decision sequences. The results of those failures multiplied exponentially and disaster after disaster befell them. The skillful, confident use of timely and best-ever tactical intelligence by the allies caused the Iraqi Army to look much worse than they really were.

The final, but foremost, tribute, of course, is reserved for the Commander in Chief, President George Bush. Surely historians will forever praise his steadfast resolve and skill in reversing the Iraqi aggression against Kuwait. They will cite his diplomatic master strokes in both securing the necessary U.N. sanctions and in forging and sustaining the coalition whose forces and resources persisted until Kuwait was liberated.

Learning from the mistakes of Vietnam, President Bush avoided any urge to micromanage military strategy and tactics; instead he carefully delegated authority to his very capable military leaders and assured they would have the full resources necessary to do the job. We know they served their commander and Nation well.

Through our triumph on those battlefields of a just war the President patiently and sincerely sought to avoid for 5 long months, something that may be crucial to America's future was forged. America's moral leadership, conduct, and battlefield successes helped restore American self-confidence. It finally brought us out of the Vietnam era. It demonstrated the country's preeminent position as a world power ready to resist aggression and to protect its national interest.

Now the Congress must give President Bush and his administration the kind of postwar cooperation and support necessary to keep Saddam Hussein from snatching victory from the jaws of defeat. All informed and humane people of the world should devoutly hope that Saddam will not be allowed to continue leading Iraq. After the overwhelming, ignominious defeat the Iraqi military suffered—after the terrible human and financial losses his attacks on Iran and Kuwait have brought down upon the shoulders of his people—surely his support at home and respect abroad should vanish. He should stand trial as one of the world's most infamous war criminals.

Yet even today Radio Baghdad and other propaganda organs of Iraq defiantly trumpet their nonexistent victories and bald-faced lies about the rest of the world. Will he keep his promises to meet the conditions of the cease-fire and the U.N. resolutions? Will he desist in demanding worldwide terrorism against the United States and its coalition partners? Iraq is rich in resources, but will it agree to pay reasonable and just reparations from its oil export earnings? Or will it instead again squander them on military hardware and on the aggressive actions which have brought death and deprivation to its people?

While our quarrel, we repeat, is not with the Iraqi people, Americans must now clearly stand behind President Bush and the men and women of our armed services—especially in the immediate hours and days ahead. We must be willing, as warned, to again use our military forces to stop Saddam Hussein from violating the terms of the cease-fire or U.N. resolutions or creating a new round of destabilizing action for the Middle East. If necessary, America and all of its allies must under U.N. auspices enforce the peace by resuming military action for a few hours or for whatever time is necessary. We have made war as well as it has ever been waged; now we must act with resolve and without hestitation to set the proper course for peace.

Mr. CONDIT. Mr. Speaker, I rise today in support of House Resolution 95 commending the valiance and the bravery of our troops in Operation Desert Storm. What a magnificent display of American know-how, will and tactical superiority we have just seen. While I was confident that we would eventually prevail, never did I imagine that it would occur in such an overwhelming manner. Although I am thankful that our casualties were minimal, we must not forget the sacrifices of those fine men and women who will not return. In my district, three brave, young Americans gave up their lives to make sure that freedom and justice were restored to the Persian Gulf region.

I must also commend and thank the troops of the 28 other nations who participated in Operation Desert Storm. This joint military operation will go down as one of those pivotal points in world history which showed how the community of nations on this good Earth will not allow tyranny, subjugation, and disregard for international law to prevail.

Mr. Speaker, I know that later this week we are scheduled to begin considering how to pay our share of the cost of this military operation—a stark reality which we will all face in the midst of our euphoria over the successful resolution of this crisis. While perhaps this may not be the proper time to begin raising these concerns, I am becoming increasingly alarmed by some of our other allies who did not commit military forces to Desert Storm who had, nonetheless, pledged financial support for its execution and who are now trying to renege on their commitments. This body will need to go on record at some point to express our intent that these nations honor their obligations or we will take steps to ensure that they do.

Mr. DELLUMS. Mr. Speaker, I rise in opposition to House Resolution 95. I do so realizing that many in this body and many in this country will find this an unusual position to take on this issue and at this point in time. Mr. Speaker, I feel that a vote in support of this resolution can only be interpreted as a vote in support of the entire pattern of decisions which led this country down the path to war. I have stated many times, on and off the floor of this Chamber, that I feel this war was unnecessary and should never have been fought.

I cannot, in good conscience, change my position on whether or not we should fight a war based on the outcome of that war. My opposition to the waging of war is not based on whether we "win" or "lose" the war. It is based on the notion that we must, as a people, get beyond war and the threat of violence as a solution to the world's problems. We must hone the skills of negotiation; we must elevate the status of the international bodies of arbitration and justice; we must understand that true leadership is demonstrated by those who illustrate the way to resolve conflict without bloodshed.

This position is not an anti-military position. On that point, I will let my 18 years of service on the Armed Services Committee speak for itself. Instead, I find myself in opposition to the ready use of the military—primarily by politicians—as a means to obtain ends which should be done through nonviolent methods. Having said that, I will take the liberty of echoing a portion of the resolution with which I do agree. I, too, express my sincere appreciation to the members of the U.S. Armed Forces who were ordered into this conflict and demonstrated exceptional bravery, dedication, and professionalism.

Mr. Speaker, we must shed the mentality of war. I take the liberty of offering a recent Op-Ed I wrote on this subject to my colleagues.

[From the Los Angeles Times, Feb. 14, 1991]

SHEDDING THE MENTALITY OF WAR

(By Ronald V. Dellums)

I have opposed the application of offensive military force throughout the Persian Gulf crisis. I filed suit to protect against a unilateral decision by the President to use such force. I led the effort to continue economic sanctions in the place of a military offensive. I believe that negotiations and sanctions needed to be exhausted before we resorted to force.

When asked why I oppose the war now started, I invoke a speech that Dr. Martin Luther King Jr. delivered at the height of the Vietnam War. He warned that the bombs being dropped on the jungles of Vietnam were exploding in the ghettos and barrios of America. The significance of that statement lies in both its simplicity and its complexity. Its thrust is every bit as relevant today.

Simply put, King warned us that those bombs were killing the hopes and aspirations of many, particularly the poor, in this country. The pursuit of a military solution to the situation in Vietnam was at the direct expense of those Americans whose marginal existence depended to a great extent on federal programs.

Today, Dr. King would warn that the bombs falling in the Persian Gulf are exploding all across America. The middle and working classes now join the poor in feeling the effects of the nation's misplaced spending priorities. Our crisis in health care, housing, education, environment and the "safety net" programs all will be aggravated by Gulf War expenses now ranging from $500 million to $1 billion a day. As a result of the misplaced spending priorities driven by the mentality and the actuality of war, the people of our nation face the greatest threat to the quality of their lives in modern times.

Dr. King also urged us to abandon the mentality of war. We are at war because an enormous gamble failed. A gamble of brinkmanship, driven by the mentality of war. During this crisis we have been taken to this brink, the next brink, and so on, with assurances that we would not have to leap any farther. Now we stare into the abyss, brought to the brink of what would, by all accounts, be an incredible slaughter of human beings—Americans, allies and Iraqis—in a ground attack combined with an unrestrained air assault on entrenched Iraqi positions in Kuwait and Iraq.

The economic sanctions continue, even though the war is having a negative effect on the resolve of the coalition enforcing them. As no strategic goods are allowed in and no oil is allowed out of Iraq, the country's economy will continue to disintegrate under the weight of the sanctions, without an escalation of the war.

Dr. King also warned against our fascination with the technology of war. In the days since the beginning of this war, we have heard discussion of a kind of national "euphoria" as we collectively consumed the descriptions of the performance of our high-technology weaponry. We now face the more sober reality that even when the weaponry exceeds our expectations, the predictions of an early Iraqi capitulation have proved false.

I submit that an even more sober reflection is in order. We are actually experiencing a unique opportunity to look through a window at the future of war. Instead of becoming enamored of this technology, we should become profoundly frightened by it. As long as we remain fixated on perfecting the art and craft of war over the art and craft, of diplomacy, we will remain caught in a spiral of violence that may escalate to the use of biological, chemical or even nuclear weapons.

The time to think beyond warfare is now. Otherwise, modern warfare may someday come to our own country, raining cruise missiles and high-technology death down on our own cities.

The harvest of a policy driven by the mentality of war finds fruit in increasingly anti-American Arab states. I agree with President Bush that America has a special role and a special responsibility in what he refers to as the "new world order." However, I believe that the United States should lead by example in searching for alternatives to war.

The decision to resort to brinkmanship is a failure of the responsibility. Respect for all of the lives that are being—and would be—extinguished should surely be great enough to drive nations to negotiate a solution to the current crisis. In the long run, peace is not just the withdrawal from hostilities, peace is the withdrawal from the mentality of war.

Dr. King's simple but profound statement lives with us today: eventually nations must peacefully coexist or violently annihilate each other. The search for peaceful coexistence is our moral obligation in the post-Cold War era.

Mr. GALLO. Mr. Speaker, the Persian Gulf war has restored our national sense of patriotism and has reminded us all that the cost of freedom is eternal vigilance.

It has also had a profound effect on an entire generation of American Armed Forces who trained for combat, but who had never seen war before.

These brave young men and women deserve a hero's welcome upon their return from the gulf. They have joined the ranks of citizens who have served their country. They are now veterans.

Our pride and our celebration on this occasion should be extended to include all veterans. And, our reason for giving thanks should not be limited to military victory, but should look beyond our success on the battlefield to the peace that we hope will follow.

I would like to express my personal pride in the strength and determination shown by one particular World War II veteran, who stuck to his guns and was proven to be right in his unbending decision to fight tyranny with a steady application of force.

George Bush made the tough decisions, knowing that he was right, and he did not deviate from his stated purpose of freeing Kuwait and implementing all of the U.N. resolutions as conditions for an end to the conflict.

As President, George Bush stood firm with the international community and then stood aside and let the military do its job, with great success.

We have reason to be proud of our troops and, in particular, of a native New Jerseyite, Gen. H. Norman Schwarzkopf, for his professionalism and his humanity as commander.

Now is also the time to heal old wounds and to remember with special pride all of our veterans who have answered the call of their Commander in Chief to defend freedom on a foreign shore.

I am thinking in particular of our Vietnam veterans and those veterans of the Korean war who feel that they have not received the proper recognition for their equally significant sacrifices.

We must make this a time of national reconciliation for all who have served with honor and who put their lives on the line in the call to duty.

As our brave men and women return from the Persian Gulf, they deserve our thanks and our recognition of their commitment to service and their professional handling of a difficult mission.

As I attended rallies for the troops held in New Jersey during the war and prior to it, my thoughts were for their safety. There is now a real sense of relief among the families as our forces begin coming home, and that, too is a reason to celebrate.

We are all impressed with the speed and effectiveness of the allied victory in the gulf war. We basically had four things going for us. We had a well developed plan of action. We had the will to use it. We had dedicated forces. And we had the equipment to back up those forces.

We must express appreciation and gratitude to the families of those brave individuals, who have made great sacrifices in terms of security at home in order to make a contribution to a larger cause—freedom for the occupied people of Kuwait.

President Bush has proven that the international community can speak with one voice. We have sent a clear message to any dictator who seeks to expand his horizons by conquering his neighbors that he had better think twice.

Having the right plan is only half the battle. You must have the people and the equipment to do the job. Our success with Operation Desert Storm has confirmed what many of us in Congress have been fighting for throughout the Reagan and Bush years.

If we had not listened to President Reagan early on about the importance of military preparedness, we would not have had the equipment in the pipeline to get this job done.

Mr. Speaker, this national celebration is a time for unity and for renewal of our basic values. There is work yet to be done, as always, to secure the peace, but we should rightly take a moment to be thankful for our accomplishments and to honor those brave individuals who have taken the initiative and have been successful.

Ms. SNOWE. Mr. Speaker, I would like to take a moment today to join my colleagues in commending the success of Operation Desert Storm. The credit for our victory in the Persian Gulf belongs to many people, and it is altogether fitting to commend them here.

First, and foremost, credit must go to the brave men and women who left their homes and families to risk their lives for this just cause in the Arabian desert. The troops of Desert Storm are truly America's finest. In the past, the all-volunteer Armed Forces were maligned in some quarters. Their outstanding performance in liberating Kuwait will rightly put an emphatic end to that.

Credit must also go to American technology. From the Stealth fighter to the Patriot missile, from the M–1 tank to precision-guided "smart bombs," this newest generation of weapons passed their first major battlefield tests. The bottom line is that American technology is not only militarily effective, but it also saves lives.

We must also, of course, give an unqualified "well-done" to our military leadership. Operation Desert Storm was conducted with brilliant tactical and strategic planning and execution by General Powell, General Schwarzkopf, and their colleagues. Our former colleague, Dick Cheney, also deserves great credit for his bold leadership of the Defense Department during this time of crisis.

Last, and quite certainly not least, substantial credit must be given to President George Bush. Those of us in Congress who voted to authorize the use of force against Saddam Hussein recognized then what all Americans know today: that the policy and vision of President Bush was the guiding force behind the unprecedented response to Saddam Hussein's aggression. He showed both the skill and finesse needed to put together and hold together a worldwide coalition, and the courage and tenacity to withstand pressures to go only half way. Simply put, President Bush rose successfully to the historical moment.

All of these people who made Desert Storm such a stunning success deserve our commendation on a job well done.

Mr. STENHOLM. Mr. Speaker, America and the world are today very proud of the military which has achieved a victory unparalleled in the course of modern history. The bravery and professionalism of our soldiers, sailors, airmen and marines and the brilliant leadership and planning of Generals Powell and Schwarzkopf and our other military commanders are living testimony to the greatness of America and our democratic system. American participation and leadership was the one indispensable component in this triumph.

President Bush was correct in calling for a ceasefire as the destruction of the Iraqi military machine and the elimination of the threat it poses is complete. Of equal importance, our commanders in the field believe that a ceasefire will not pose a risk to our forces. The destruction of the Iraqi armed forces has eliminated the Iraqi threat to world peace and stability. The ceasefire call has resulted in America setting the terms for peace in the region. American leadership has won the war and will now win the peace.

Let us hope Saddam does not misjudge again and resume the war. If he does it will just bring more destruction upon his nation and his regime. This is not a goal we desire as a nation but it will occur as surely as night follows day if Saddam fails to meet all our conditions.

Finally, I want to express my personal thanks to our fighters and their families for their sacrifices. In particular, I want to express my sympathies to the families of those who have paid the ultimate price in the struggle for freedom. Their sacrifices will not be forgotten.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of Mr. BROOMFIELD'S resolution to commend the U.S. and allied military forces on the success of Operation Desert Storm.

This is truly a great victory for all of us—all Americans, all allies, and particularly the people of Kuwait.

We should offer a prayer of thanks that our troops will soon be home.

We should also offer a prayer for those brave soldiers who gave their lives to secure this victory.

Throughout this entire conflict, our forces showed incredible leadership and a remarkable ability to carry out the strategic plan.

Tremendous credit goes to President Bush, to our military leaders, and especially to our troops.

Also, major credit goes to the American people for their support of Operation Desert Storm. It could not have been accomplished without that support.

As one Minnesota soldier in the gulf wrote me recently, "The support of people back in Minnesota has kept me going."

I applaud President Bush, Gen. Norman Schwarzkopf, Gen. Colin Powell, the leaders of our allied partners, and all the men and women in our armed services who have served so bravely and valiantly.

Congratulations on a job well done.

Ms. MOLINARI. Mr. Speaker, I rise today to join my colleagues in congratulating our forces in the Persian Gulf for their courage and resolve in carrying out Operation Desert Storm. This incredible victory, accounting for fewer overall casualties than a grim week of fighting during the Vietnam war, is a tribute to our Armed Forces' tireless training and planning. As President Bush stated in his radio address to the troops:

> The coalition faced a moral imperative to put a stop to the atrocities in Kuwait once and for all * * * Boldly, bravely, you did just that—and when the rubber met the road—you did it in just 6 weeks—and 100 decisive hours.

Further "kudos" should be awarded to Defense Secretary Cheney, General Powell, and General Schwarzkopf. This trio put together a military strategy that, with the exceptional support of our military forces, will go down in history as one of the greatest, most successful executions of military warfare ever.

Let us reserve our ultimate appreciation for the efforts of our President. President Bush not only carried out his military duties as the Commander in Chief in heroic fashion; he also skillfully maneuvered a very diverse, 28-nation coalition through a political and diplomatic minefield. From lobbying Israel not to respond to the Scud attacks, responding to the numerous Soviet initiatives, and handling Saddam's unreasonable attempts to gain the upperhand, the President made the right decisions necessary to keep this important coalition together.

For the critics who continued to be cynical of our chances of succeeding in this war without incurring a high number of casualties, the ultimate success of this operation remains as the final proof. As it turned out, the United States military never underestimated the true danger and unpredictability of Saddam Hussein's firepower. Perhaps instead, critics underestimated the military capacity of this coalition to release Kuwait and the Middle East from the despotic chokehold of Saddam Hussein and his war machine.

Mr. FRANKS of Connecticut. Mr. Speaker, while we all rejoice in the total victory over the forces of aggression in Kuwait, we must pay our due to the one man who put together the most effective political and military coalition since the Second World War—President George Bush.

He not only held together an alliance composed of different cultures, religions, and political stripes, President Bush withstood tremendous pressure from some quarters to bend with the wind and permit those who live by the gun to be victorious over those who live by the word of law.

President George Bush has done all that and all of us in Congress should appreciate the tremendous job he has done as our Commander in Chief.

He didn't seek war, but he prepared us for it. He sought a peaceful solution, but was not hamstrung by it.

And when the moment of truth came, President Bush showed the confidence needed in our military forces to carry these goals, approved and supported in unprecedented fashion, by the international community of nations.

Mr. Speaker, with the end of hostilities in the Persian Gulf, there are many lessons which can be drawn from its successful conclusion, although our excitement and joy is tempered by the sacrifices made by those who have fallen in combat.

Dictators and aggressors, who wish to inflict death and destruction against those who wish no harm to their neighbors, now realize there are countries willing to rise to their defense.

The United Nations has proven its ability to pull together and offer sanctions against those who break accepted norms of international behavior.

The people of this country realize we can accomplish our military goals when the political objectives are clearly laid out and the investment is made in people who carry out the war and the weapons needed to do so.

Many of these weapons systems were made in Connecticut. Engines for the M1A1 tanks are made by Textron-Lycoming, while attack helicopters are built by Sikorsky.

The myth that American workers cannot build a high-quality product, and our soldiers, and airmen cannot use them, was effectively put to rest.

Clearly, aggression can be repulsed through preparation and a readiness to use force when provoked.

While many of the weapons systems proved to be more than up to the task, as evidenced by the spellbinding videotapes of laser-guided missiles, there were other human resource reasons for the total victory over Iraq.

In the early years of the last decade, the quality of our troops was not up to the task and the overall coordination of each military branch was rife with well-intended, but counterproductive rivalries.

A reorganization of the military, which consolidated the authority of the military under the Chairman of the Joint Chiefs of Staff, and the improved training of our men and women in uniform, were instrumental to the superb coordination seen on the land, on the sea, and in the air.

President Bush also avoided the mistake of trying to direct the war effort himself. He, Secretary of Defense Richard Cheney, and Gen. Colin Powell outlined the political objectives and handed the war over to the military professionals.

Now, the goal of a lasting settlement to the thousands of years of conflict, between all parties, will be no easy task and the President has struck the right chords by orchestrating the United States toward a position of offering solutions rather than dictating them as a conquering Caesar.

Although the forces of the coalition are sitting on top of half of the world's known oil reserves, we should not seek a long-term, top-heavy presence once the situation has stabilized.

But, it may take some time for Kuwait to be rebuilt and the political dynamics of this troubled region to solidify.

We must also press our allies, who did offer financial commitments, to meet those requirements in a timely fashion.

The American people owe much, if not all of these successes, to President Bush, who has shown that the will of the American people to do what is right and just is undiminished.

Mr. McGRATH. Mr. Speaker, it is with great pride that I rise today to commend the President and our troops who acted so brilliantly during Operation Desert Storm.

Sending U.S. military forces overseas is the most definitive foreign policy statement any President can make. When President Bush first sent our troops to the Persian Gulf, there was much criticism levied at the White House, both from the American public and right here on Capitol Hill.

However, as we have now witnessed, there is little doubt that without the action initiated by President Bush in the early days of the crisis, the precarious situation that we faced would have resulted in grave consequences. Saddam Hussein, in blitzkrieg fashion, ruthlessly poured his military muscle into Kuwait, seizing hostages as well as assets. I firmly believe that without our presence in Saudi Arabia, Hussein would have moved into that country. History has proven that appeasement is no solution to stopping the expansionist intent of a dictator. The uncontested march into Czechoslovakia and the Sudetenland by the Nazis parallels Iraq's invasion of Kuwait.

President Bush must be lauded for his leadership and strength over the last several months. The President showed decisive political skill in formulating the Persian Gulf alliance and competence above and beyond the call of duty as our Commander in Chief. However, as in any sport, a team is only as good as its players. In carrying out its game plan, our troops were All Pros.

Our troops in the Middle East are a cross-section of America's best and brightest young people. Their performance during Operation Desert Storm was nothing less than spectacular. To fully commend our heroes in uniform should be a top priority of our Nation. The troops now beginning their trek back to our shores deserve a welcome home on a magnitude of nothing less than their performance in the Middle East. They are truly the role models of our time.

Mr. Speaker, I urge all Members to join me in voting for House Resolution 95 and show just a small portion of support that our President and our troops truly deserve.

Ms. PELOSI. Mr. Speaker, today we have before us a resolution to commend the troops and extend our condolences to the families of those who died in the conflict.

Recognizing the courage of our troops should not be considered approval of the course of action taken by the President. Yes, the military victory was well planned, but I do not commend any decision to use force except as a last resort. I believe that we endangered too many people, American, allied, or Iraqi, and posed horrible dangers to the environment. These tolls are still yet unknown.

While I take exception to some of the language of the resolution, I convey my deepest sympathy and most devout prayers to the families of our troops.

Mr. ROWLAND. Mr. Speaker, it is fitting for Congress to adopt a resolution commending our own forces and the forces of our allies for the job they have done in the Persian Gulf, and to convey our sympathy to the families and friends of those who lost their lives during the operation. This is one way we can express our gratitude.

We should also express our gratitude by making certain our military personnel and veterans receive the benefits they deserve. Congress has already enacted a number of measures relating to veterans and active military personnel this year. There are still issues that need to be addressed, however, including some directly linked to Operation Desert Storm. I am confident Congress will give our veterans and military personnel the legislative support they have earned.

Mr. Speaker, the successful conclusion of a military operation is always a time for celebration. It is also a time for prayer. We pray for stability in the region and for peace and justice in the world. We have already achieved the immediate goal of evicting Iraq from Kuwait. Now we need to achieve the more long term goals of peace and justice and freedom in the world.

These are the goals our troops have been fighting for, and we commend them for all their bravery and skill have accomplished.

Mr. MILLER of Ohio. Mr. Speaker, it is with great pleasure that pride that I join in commending the men and women of our Armed Forces for their outstanding performance in the defense of freedom. The swift and decisive victory by the United States and coalition forces stunned not only Saddam Hussein but many of us here at home. There are many who share the credit for this accomplishment: President Bush, for his leadership in the world community, in the United States, and as Commander in Chief; Secretary Cheney and General Powell for overseeing the military response to Iraq's aggression; Secretary Baker for his efforts in organizing the international response and obtaining foreign support for the United States; Brent Scowcroft and others and the National Security Council for the counsel they provided to the President during this crisis; and General Schwarzkopf and his staff for developing and executing a military strategy that accomplished our objectives so successfully.

But without question, the greatest credit goes to the men and women in uniform. It is they who made the greatest sacrifices and assumed the greatest risk. For over 7 months, our forces have been separated from their families and have served in one of the most difficult environments on Earth. Special recognition should be given to the members of the National Guard and the Reserves who were called to active duty. These citizen soldiers were uprooted from their jobs and everyday lives often at a substantial financial cost to them and their families. Despite the hardships, they demonstrated a level of professionalism and dedication that enabled the United States to once again stand as the defender of freedom and the rule of law.

Finally, though U.S. casualties were mercifully low, we are forever indebted to those who paid the ultimate price for this just operation to succeed. As General Schwarzkopf stated, peace is not without a price. We are fortunate to have volunteers who are willing to lay their lives on the line in the defense of their country and the cause of peace. Now that the war has been won, it is indeed a grateful nation that awaits the return of its sons and daughters. We turn now to completing the task they began, that of building a lasting peace.

Mr. WALSH. Mr. Speaker, I rise today, grateful for the chance to support House Resolution 95, sponsored by my colleague and friend, Congressman BILL BROOMFIELD. I am also honored to express the emotions of my fellow central New Yorkers and say, "Congratulations, American and allied military men and women. You have upheld the tradition of our Nation, fighting for liberation of people, not territorial gains or hegemony."

Who deserves credit for this great victory? This historic stemming of aggression. This reinstatement in the world order of the greatest Nation on Earth as a force that will make sacrifices as it sides unequivocally with good against propagators of evil. Certainly President Bush deserves our admiration. He led us well. Our former colleague, Secretary Cheney. Joint Chiefs Chairman Colin Powell. General Schwarzkopf. Yes, they have earned our praise and thanks.

But you and I know who deserve the greatest praise: the troops and their families, whose courage is a model for all of us and whose personal sacrifices have not yet been tallied.

I am particularly proud of our community's troops. We bid farewell to hundreds of our neighbors, who serve in various units: the 174th tactical fighter wing of the Air National Guard, "The Boys from Syracuse"; Bravo Company Marine Reserves in the 8th tank battallion of the 2d Marine Division; the 403d Army Civil Affairs Company; the 423d Army Reserve medical detachment; the 376th Army Reserve Medivac Hospital; and the 702d Naval Reserve detachment and medical unit.

They've done their job well. We are eager to welcome them home.

We also have casualties of war: wounded, missing, or killed. So our excitement and joy in victory is tempered by the wisdom of the veterans who remind us that war is never desirable.

There are other casualties of war: the effects on families who struggled and waited. We must not let these veterans and their families down as they return home and need our help in little ways, to make their lives whole again.

They, and we as a nation, have done well. We have shown potential aggressors there is a cost to waging unjust war. Congratulations to our allies and especially to all American forces. Hurry home and God speed.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the house suspend the rules and agree to the resolution, House Resolution 95.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 759

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 759.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

☐ 1550

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Debate has been concluded on all motions to suspend the rules.

The Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 707 de novo; and

House Resolution 95 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

COMMODITY FUTURES IMPROVEMENTS ACT OF 1991

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 707, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA], that the House suspend the rules and pass the bill, H.R. 707, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr HUCKABY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 27, answered "present" 1, not voting 10, as follows:

[Roll No. 27]

YEAS—395

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Bennett
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Grandy
Gray
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
Savage
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wylie
Yatron
Young (FL)
Zeliff
Zimmer

NAYS—27

Beilenson
Bentley
Berman
Duncan
Eckart
Gejdenson
Gillmor
Gradison
Green
Hayes (LA)
Huckaby
Leach
Livingston
McCrery
McHugh
Moran
Obey
Pease
Scheuer
Sensenbrenner
Tauzin
Traxler
Visclosky
Weiss
Wyden
Yates
Young (AK)

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—10

Dickinson
Donnelly
Laughlin
Levine (CA)
Miller (OH)
Sangmeister
Sarpalius
Serrano
Udall
Wilson

□ 1611

Messrs. GREEN of New York, GEJDENSON, LEACH, McCRERY, and TRAXLER changed their vote from "yea" to "nay."

Mr. HALL of Texas changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission: and for other purposes.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed action earlier in the proceedings.

COMMENDING THE PRESIDENT, THE UNITED STATES, AND ALLIED MILITARY FORCES ON SUCCESS OF OPERATION DESERT STORM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 95.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the resolution, House Resolution 95, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 8, answered "present" 4, not voting 11, as follows:

[Roll No. 28]

YEAS—410

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer

Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren (TX)
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Santorum
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—8

Conyers
Dellums
Hayes (IL)
Sanders
Savage
Towns
Washington
Waters

ANSWERED "PRESENT"—4

Gonzalez
Owens (NY)
Payne (NJ)
Weiss

NOT VOTING—11

Dickinson
Donnelly
Dymally
Laughlin
Levine (CA)
Miller (OH)
Sangmeister
Sarpalius
Serrano
Udall
Wilson

☐ 1621

Mr. PAYNE of New Jersey changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON WEDNESDAY, MARCH 6, 1991

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon tomorrow, Wednesday, March 6, 1991.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON WEDNESDAY, MARCH 6, 1991

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 6, 1991, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint session the President of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EDUCATION DAY, U.S.A.

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 104) to designate March 26, 1991, as "Education Day, U.S.A." and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the work of the gentleman from Illinois [Mr. MICHEL] who is the chief proponent of this legislation, and to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of House Joint Resolution 104 designating March 26, 1991, as "Education Day, U.S.A.", and I commend my colleagues, our distinguished minority leader, Mr. MICHEL and our distinguished majority leader, Mr. GEPHARDT for introducing this measure.

Mr. Speaker, the future of our Nation, our very way of life, and our democratic system of government is dependent on a highly educated citizenry, a citizenry that must be fully equipped to compete with other nations of the world. We must nurture our desire for learning and to motivate students and teachers to assure that we maintain leadership to continue our American democracy.

The quality of education is essential to our Americna heritage of cultural and political freedom. Our schools are instrumental in providing our scientific and technical competence. Education holds the key to the future. By designating March 26, 1991, as "Education Day, U.S.A." we will call the attention of the American people to the necessity of improving our educational system, which pomotes good moral and ethical.

House Joint Resolution 104 also calls attention to the Lubavitch movement, which promotes many of our ethical values and principles upon which the educational system of our great Nation was founded.

Accordingly, Mr. Speaker, I urge my colleagues to join in supporting this resolution.

Mr. MICHEL. Mr. Speaker, I welcome this opportunity to say a few words about House Joint Resolution 104, requesting the President

to designate March 26, 1991, as "Education Day, U.S.A."

Along with the distinguished majority leader, RICHARD GEPHARDT, I am sponsoring this resolution. The majority leader and I joined forces 2 years ago, and I am happy to be a part of this worthy venture today.

As I said last year, I think it is fitting that the majority and the minority leaders cosponsor such a resolution. Education is an issue that transcends partisan consideration.

Today, we are seeing a rebirth of the time-honored ideal of progress through education. This resolution draws to the attention of the American people the importance of education to our country. Education is the cornerstone to maintaining our quality of life and national security and is the basis upon which this country will rise to meet the challenges of the future.

March 26 also happens to be the 89th birthday of the internationally renowned and respected religious leader, Rabbi Menachem Mendel Schneerson.

It is only fitting that we pay tribute to this great educator as 1991 marks the Bebbe's 90th year of his ascension to the world leadership of the Lubavitch movement. The Lubavitch movement actively promotes educational programs at more than 150 centers in the United States and many more worldwide.

The Lubavitch movement, founded in the 18th century, has as its philosophical foundation three basic elements: wisdom, understanding, and knowledge.

It is, therefore, appropriate that the movement, under the inspirational leadership of the man called the Rebbe, has been so active in promoting education.

Looking over my remarks from last year, I came upon a fact I want to share with you today.

The movement which the Rebbe heads takes its name from the Russian city, Lubavitch, which, translated into English means, city of love.

In the final analysis it is love of one's religious heritage, love of learning—that is at the heart of the Lubavitch movement and at the heart of this resolution.

I am pleased once again to honor a great man and to support such a noble idea.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 104

Whereas Congress recognizes the historical tradition of eithical values and principles which are the basis of civilized society and upon which our great Nation was founded;

Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws;

Whereas without these ethical values and principles the edifice of civilization stands in serious peril of returning to chaos;

Whereas society is profoundly concerned with the recent weakening of these principles that has resulted in crises that beleaguer and threaten the fabric of civilized society;

Whereas the justified preoccupation with these crises must not let the citizens of this Nation lose sight of their responsibility to transmit these historical ethical values from our distinguished past to the generations of the future;

Whereas the Lubavitch movement has fostered and promoted these ethical values and principles throughout the world;

Whereas Rabbi Menachem Mendel Schneerson, leader of the Lubavitch movement, is universally respected and revered and his eighty-ninth birthday falls on March 26, 1991;

Whereas in tribute to this great spiritual leader, "the rebbe," this, his ninetieth year will be seen as one of "education and giving," the year in which we turn to education and charity to return the world to the moral and ethical values contained in the Seven Noahide Laws; and

Whereas this will be reflected in an international scroll of honor signed by the President of the United States and other heads of state: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 26, 1991, the start of the ninetieth year of Rabbi Menachem Schneerson, leader of the worldwide Lubavitch movement, is designated as "Education Day, U.S.A.". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL EMPLOY THE OLDER WORKER WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 133) authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so in order to yield to the chief sponsor of this legislation, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Pennsylvania, and I certainly thank the gentleman from Ohio, the chairman of the subcommittee for yielding me the time.

National Employ the Older Worker Week does encourage this Nation's elderly to rejoin the work force, and must be a priority for the 102d Congress. For far too long our senior citizens have been penalized for trying to get back, into the work ethic.

My commemorative would designate the week of March 18, 1991, as "National Employ the Older Worker Week." The American Legion has sponsored a "National Employ the Older Week" during the second full week of March in every year since 1959, but the last time the Congress was able to accomplish this was way back in 1948.

Mr. Speaker, the skills, the talent, and the experience vested in our older workers are among the valued natural resources we possess in this country. In addition, older workers clearly wish to stay involved in the economic and social development of their communities. It is in the interest of America that they be supported and encouraged in every single way possible.

Mr. Speaker, "National Employ the Older Worker Week" symbolizes the strong support that this Congress has for removing the barriers that are preventing our senior citizens from joining the work force. I urge all Members in the House to support this legislation that recognizes the talents of our older Americans. They certainly deserve it. I thank the gentleman from Ohio and the gentleman from Pennsylvania for allowing the legislation on the floor.

□ 1630

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. (Mr. MAZZOLI.) Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 133

Whereas individuals aged 55 and over are a major national resource, constitute 22 percent of the population of the United States at the present time, and are likely to constitute a larger percentage of the population in future decades;

Whereas a growing number of such individuals, being willing and able to work, are looking for employment oppotunities, want to remain in the workforce, or would like to serve their communities and their Nation in voluntary roles;

Whereas such individuals, who have made continuing contributions to the national welfare, should be encouraged to remain in, or resume, career and voluntary roles that utilize their strengths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth, and independence of older individuals by encouraging them to make decisions and to act upon those decisions, by tapping their resources, experience, and knowledge, and by enabling them to contribute to society;

Whereas the operation of title V of the Older Americans Act of 1965 has demonstrated that older workers are extremely capable in a wide variety of job roles;

Whereas recent studies conducted by the Department of Labor and the Work in America Institute indicate that, in many cases, employers prefer to retain older workers or rehire former older employees due to the high quality of their job performance and their low rate of absenteeism; and

Whereas the American Legion has sponsored a "National Employ the Older Worker Week" during the second full week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the second full week in March 1991 as "National Employ the Older Worker Week", and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, with a view toward expanding career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the workforce;

(2) voluntary organizations to reexamine the many fine service programs which they sponsor with a view toward expanding both the number of older volunteers and the types of service roles open to older workers;

(3) the Department of Labor to give special assistance to older workers by means of job training programs under the Jobs Training and Partnership Act, job counseling through the United States Employment Service, and additional support through its Older Worker program, as authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe this day with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BALTIC FREEDOM DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res 167) to designate June 14, 1991, as "Baltic Freedom Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I do so to acknowledge the work of the gentleman from Michigan [Mr. HERTEL], and I yield to the gentleman as the chief sponsor of the joint resolution.

Mr. HERTEL. Mr. Speaker, I thank the chairman and the ranking member for taking up this very important resolution for Baltic Freedom Day.

Each year since I have been a Member of Congress we have celebrated the former independence of these three countries and calling for renewed independence for them since the Soviet Union took over these countries in 1940.

This year it is even more important, because we see as Lithuania earlier this year by a vast majority of over 90 percent supported independence, now we see this last week that Latvia and Estonia, those two states have also supported independence by overwhelming votes of over 70 percent. It was not only the Latvian people and the Estonian people who supported independence, it was all the other ethnic groups.

Just last month, members of the Helsinki Commission and others from this House, 13 Members went over and met with leaders of all three countries. I and some of my colleagues met with some of the ethnic groups that were minority groups. We met with the Polish group, Russians, Ukranians, and all those people also support independence for these states to become independent nations once again.

This Congress has a caucus on the Baltic States and the Ukraine. We have over 150 Members who belong to that caucus.

A majority of the Members of this House are for independence for these three Baltic States. We believe it should happen now. It is most important that this resolution pass, and again I thank the chairman and the ranking member for their support.

Mr. RIDGE. Mr. Speaker, continuing my reservation, I want first to acknowledge the work of my colleague and friend, the gentleman from Pennsylvania [Mr. RITTER], who had devoted considerable energy and time to this issue as well.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Joint Resolution 167, designating June 14, 1991, as 'Baltic Freedom Day."

From 1918 to 1940 the Baltic States existed as independent, sovereign nations and as fully recognized members of the League of Nations. Furthermore, the Baltic peoples have traditionally cherished the principles of religious and political freedom throughout their entire history.

The year 1991 marks not only the 51st year of the invasion, seizure, and illegal incorporation of the Baltic States into the Soviet Union against the national will and desire for independence of the Baltic people, but also marks a pivotal period in which Eastern Europe continues to embrace democracy and the military organization of the Warsaw Pact is dismantled.

Unfortunately, while we marveled at the changes in Eastern Europe and the apparent liberalization of the Soviet Union, the events in the Baltics are a cause of enormous concern to the United States, and have already had repercussions for United States-Soviet relations.

For the last 50 years, Soviet occupying forces engaged in a forced deportation of native Baltic peoples from their homelands to concentration camps in Siberia. Even today, Soviet troops have surrounded and occupied government buildings and other public facilities in the Baltic States in an attempt to intimidate the Baltic peoples and governments to reassert Soviet control over the Baltics.

These events indicate a serious reversal of the progress toward democracy in the Soviet Union. We can only hope and pray that the candle of democracy in the Baltic States will not flicker and die under Soviet repression.

However, the essence of freedom and democracy burns strong in the hearts of the peoples of the Baltic States and I call upon President Gorbachev to allow the aspirations of the Baltic peoples to become reality.

In the spirit of democratization and progress, I request our colleagues to join in calling upon the Soviet Union to uphold basic principles of international law, to uphold principles and rights which are guaranteed by the Soviet Constitution.

Accordingly, Mr. Speaker, I commend the gentleman from Michigan [Mr. HERTEL] for his outstanding work on this measure, and I urge its unanimous adoption by this body.

Mr. SAWYER. Mr. Speaker, I rise in support of House Joint Resolution 167, to designate June 14, 1991, as "Baltic Freedom Day."

Over half a century ago, the Soviet Union and Nazi Germany conceived the infamous Molotov-Ribbentrop Pact which was carried out at the expense of the sovereignty of Lithuania, Latvia, and Estonia. The United States has never recognized this forced annexation. Even the passage of more than 50 years has not quelled the desire of the Baltic nations for freedom and self-determination.

When this oppressive political system was imposed on the Baltic people, the Soviet Union began deporting them from their native homelands to labor and concentration camps in Siberia and elsewhere. These actions have virtually destroyed all traces of democracy, civil liberty, and religious freedom in the Baltic Republics.

Just this past weekend, the people of Latvia and Estonia voted overwhelmingly for independence from Moscow. In doing so, they have joined with Lithuania in voting for self-determination. We hope that this process is a peaceful one and that the desires of the Baltic peoples, which has been made very clear through the power of the ballot box, will be respected by the Soviet Union.

Mr. Speaker, I feel that this is a meritorious resolution and should be passed. I also would like to commend Congressman HERTEL for all of his efforts in bringing this resolution to the floor today.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 167

Whereas on June 14, 1941, the Soviet Union began mass deportation to Siberia of peoples from the Baltic Republics of Estonia, Latvia, and Lithuania;

Whereas the United States has for the past 50 years refused to recognize the forced incorporation of the Baltic Republics into the Soviet Union;

Whereas the Soviet Union has consistently refused to follow the request of the United States that it begin negotiating a peaceful end to the occupation of the Baltic Republics;

Whereas the Baltic Republics, which in 1990 reaffirmed independence from the Soviet Union, have not been allowed to pursue policies which would realize the intent of these declarations;

Whereas the armed forces and secret police of the Soviet Union continue to maintain an extensive presence in the Baltic Republics;

Whereas, although the Soviet Union has stated its intention to pursue policies of glasnost and perestroika, recent events in the Baltic Republics indicate that the Soviet Union is not fully committed to those policies;

Whereas the Soviet Union has consistently pursued measures which are contrary to its stated goal of sovereignty for Soviet Republics; and

Whereas the Soviet Union has not acted in accord with the Helsinki agreements, which it signed 15 years ago, because it has not allowed the Baltic Republics to exercise their respective rights to self-determination: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 14, 1991, is designated as "Baltic Freedom Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: In the material following the resolving clause, strike "is designated as" and insert "and June 14, 1992, are each designated as", and strike "such day" and insert "such days".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. SAWYER: Amend the title so as to read: "Joint Resolution designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE BYRON DESERT SHIELD-STORM PERSONNEL BILL

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, each month when I hold office hours in my office in Columbus, GA, Fort Benning, GA, my office is crowded with veterans who are very unhappy.

I would like to share an incident just recently. A retired Army recruiter came to see me. He said:

> Mr. Congressman, for 30 years I recruited people into the U.S. Army, and I promised them that the Government was going to give them complete health benefits if they would spend their life as a career in the Army; free prescriptions and so forth.

He said:

> You know, Mr. Congressman, I am here today because I cannot even get my own health benefits. I need help and assistance.

Mr. Speaker, in that respect, the gentlewoman from Maryland [Mrs. BYRON] of the Personnel Defense Subcommittee is going to introduce 19 items of provisions of the Byron Desert Shield-Storm personnel bill, items which she is going to bring before the Congress in just a few days.

I think they are well worth considering, and I hope people will consider them and vote for them.

Among them is imminent-danger pay in the amount of $149 million. I recommend that we take a very good look at these provisions.

PROVISIONS OF BYRON DESERT SHIELD/STORM PERSONNEL BILL

Imminent Danger Pay:

Increases imminent danger pay from $110 a month to $150 a month.

FY91 Cost: $149 million.

Family Separation Pay:

Increases family separation pay from $60 a month to $75 a month.

FY91 Cost: $49 million.

Family Separation Pay—Dual Military Couples:

Authorizes family separation pay to dual military couples without dependents.

FY91 Cost: $4 million.

Basic Allowance for Quarters (BAQ)—Activated Reservists:

Authorizes basic allowance for quarters for unmarried reservists called to active duty in connection with Desert Shield/Storm who maintain private residences.

FY91 Cost: $44 million.

Death Gratuity Payment:

Increases the death gratuity payment from the $3,000 ceiling currently authorized to a flat amount of $6,000 for all grades.

FY91 Cost: $6 million.

Transition Medical Coverage for Separated Reservists:

Authorizes two months of medical coverage for reservists and families after serving on active duty for more than 30 days in support of Operation Desert Shield/Storm when employer sponsored coverage is not available.

FY91 Cost: $36 million; FY92 Cost: $18 million.

Transition Medical Coverage for Stop-lossed Active Duty Personnel:

Authorizes two months of medical coverage for active duty personnel and families involuntarily retained on active duty due to Operation Desert Shield/Storm requirements when employer sponsored coverage is not available.

FY91 Cost: $23 million.

Health Care Provider Special Pays—Reservists/Involuntarily Retained Members/Recalled Retirees:

Authorizes pro-rated active duty special pays for reserve health care providers other than physicians and dentists (already authorized).

Authorizes pro-rated special pays for physicians, dentists, and other health care providers involuntarily retained on active duty as a result of stop loss policies implemented by the services.

Authorizes pro-rated special pays for recalled retiree physicians, dentists, and other health care providers.

Corrects perceived inequity between groups of providers serving on active duty in support of Desert Shield.

FY Cost: $17 million.

Qualification for Board Certification Pay:

Authorizes continued payment of board certification pay to physicians who completed residency and were scheduled for board certification, or recertification, but were unable to complete certification due to deployment in support of Opertion Desert Shield/Storm.

FY91 Cost: Less than $500,000.

Foreign Language Proficiency Pay:

Authorizes foreign language proficiency pay to military language school graduates sent to Desert Shield/Storm prior to certification by the service.

FY91 Cost: Less than $500,000.

Variable Housing Allowance (VHA)—Activated Reservists:

Authorizes VHA to be paid to reservists called to active duty in connection with Desert Shield/Storm at the rate applicable to the member's home of record as opposed to duty station to which activated.

FY91 Cost: Budget neutral.

Recall of Retired Officers in the Highest Grade Held:

Authorizes retired officers to be recalled in the highest grade held on active duty, even though retired in a lower grade due to failure to meet time in grade requirements.

FY91 Cost: Negligible.

Savings Program Limit for POWs/MIAs:

Extends the limit for savings program deposits for POWs and MIAs.

FY91 Cost: Would vary with the number and duration of MIA/POW cases.

Imminent Danger Pay and Family Separation Pay:

Removes the legislative prohibition against paying imminent danger pay and family separation pay during declared war.

Has no cost implications.

Restriction on Separating Mothers from Newborns:

Precludes the activation of a reservist, or the temporary or permanent reassignment of an active duty member, who is the natural or adoptive mother, or father with sole custody, of a child under the age of six months.

Study of DOD policies relating to deployment of parents:

Directs the Secretary of Defense to study current service assignment policies for consistency and provide a report not later than March 31, 1992.

Fiscal Year Restrictions on Desert Shield/Storm Personnel Issues:

Removes the limitation to fiscal years 1990 and 1991 on the personnel pay issues outlined in the National Defense Authorization Act for fiscal year 1991 (P.L. 101-510).

Medical Care for Dependents in Germany:

Sense of Congress that the German government should be approached to provide medical care to military dependents to replace the medical resources dispatched to the Persian Gulf to treat Desert Storm casualties.

Morale Telephone Calls:

Sense of Congress that the Secretary of Defense should seek contractual arrangements with private telephone companies or establish alternative telephone arrangements to provide a free monthly opportunity for service personnel assigned to the Operation Desert Storm to telephone loved ones.

"HEAL"—HEALTH CARE EMPOWERMENT AND ACCESS LEGISLATION

(Mr. GRANDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRANDY. Mr. Speaker, this session of the 102d Congress will be a pivotal one in framing the debate for Federal legislation addressing the health care access and cost problems facing our Nation. Presently, 31 million to 60 million people are underinsured or lack health care coverage in the United States. To a growing number of my constituents, It is becoming strikingly clear that healthcare reform is necessary to lower the cost of health care for those with coverages and widen access to those who have no coverage.

Today, my colleagues, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Kentucky [Mr. BUNNING], the gentleman from Michigan [Mr. HENRY], the gentlemen from Florida [Mr. IRELAND], and [Mr. GOSS], and the gentleman from California [Mr. CUNNINGHAM] and I are introducing a legislative framework to help "HEAL" these pressing problems. Today we offer health care access and empowerment legislation which I call the HEAL bill. This approach provides incentives to make health care more affordable and accessible, without heavyhanded government controls.

HEAL offers a carrot and stick approach that provides a window of opportunity for the private sector. Through a phased in approach, HEAL provides incentives for private and public-private partnership arrangements. The key to this approach is flexibility. Local government is given an opportunity to build on current successes. Ideas come from bottom up and a national health care strategy is created through a confederation of States approach.

As we renew our efforts to form a national health care strategy, I ask each member of this body to give H.R. 1230 their strong consideration.

Mr. Speaker, with the 21st century fast approaching, it is clear that a workable blueprint for health care reform is necessary, if in the near future our Nation is to adequately address the interrelated problems of health care access, costs, and quality.

The problems have been well-documented in numerous studies and congressional hearings—the rising number of Americans who lack basic health care coverage, now estimated at between 31 and 37 million individuals; the escalating costs of such coverage, especially for small businesses; the increasing structural barriers to obtaining basic coverage, for example, because of the lack of affordability, of job mobility, of uninsurability, of preexisting conditions, of occupational denial, and otherwise; the inability to properly evaluate the relationship of health care quality and costs; and other related concerns involving cost shifting, and so forth.

It is the consensus among all interested parties—employers, employee organizations and other consumers; providers of health care services and group plan coverage; policymakers from all ranks; and so forth—that these are problems deserving of being afforded a place among other national priorities. It is in this spirit that my colleagues, Representative WILLIAM F. GOODLING, Representative PAUL HENRY, Representative ANDY IRELAND, Representative PORTER GOSS, Representative RANDY CUNNINGHAM, and Representative JIM BUNNING, and I have introduced a legislative framework to help HEAL these pressing problems.

In shorthand, my bill (H.R. 1230) can be described as health care empowerment and access legislation, or HEAL. The bill provides incentives for private and/or public-private partnership arrangements to be established to simultaneously address the issues of access to health care coverage and the affordability of such coverage, with an emphasis on improving health care quality.

To avoid the initial demand-push inflation inherent under other proposals, the bill first puts into effect various affordability and health care cost control measures.

The HEAL blueprint utilizes a carrot and stick approach to induce the development and implementation of private sector mechanisms to provide for the universal availability of health care coverage—that is, for all citizens who do not have access to basic group health coverage and who are uninsurable or uninsured. To the extent the private sector carrot under section 4 of the bill is not implemented within a fixed period of elapsed-time, a State-based fall-back mechanism would be triggered.

The affordability of coverage will be enhanced under the bill in several ways. First, the required universal availability of group health coverage would spread risk and help lower expenses—because employees must be offered access to employer based group health coverage; because basic group health coverage must be available to other uninsured and COBRA eligibles, that is State systems may provide COBRA coverage; and because barriers would be removed and 501(c)(9) tax incentives provided to encourage soundly financed multiple employer basic group health plans.

Second, the ERISA preemption of State health benefit mandates under the bill will encourage insurers to offer more affordable group plans to uninsured employers.

Third, the ERISA preemption of state barriers to managed care options under the bill will encourage competition, innovation of cost control approaches, and quality review.

Fourth, the provisions under this bill for treatment practice guidelines and outcomes research will aid in reducing unnecessary services and in increasing quality while offering a posible means for reducing malpractice costs.

Fifth, the phased-in deduction under the bill of 100 percent of contributions for the self-employed and their employees provide coverage incentives for 25% of the workers and their families who are currently uninsured.

After a fixed period of time, HEAL requires that all mechanisms providing universal access to coverage be implemented. First, under ERISA employers would be obligated to offer employees access to basic group health coverage. Employers are encouraged but not required to contribute to such plans. A State-based nonprofit corporation would serve as a backup only in the event group coverage for the employer's employees is rejected by a group health coverage provider. Second, individuals who would be denied access to group health coverage because of uninsurability, material preexisting conditions, or otherwise must be eligible for coverage either under an employer based plan, a State-based system or an alternative system equivalent to the fall-back system.

HEAL also provides for a transition period to universal access to basic group health coverage. Before the effective date occurs for the fall-back State system, the Secretary of HHS may make a determination that an alternative arrangement provides substantially equivalent elements of health care coverage, thus obviating the need for the State system. Such determinations may be made separately or in combination with respect to—first, uninsurable risk coverage, second, coverage for substantial material preexisting conditions, and third, COBRA continuation coverage for individuals ineligible for other basic group health coverage. The alternative arrangements may be voluntary or adopted pursuant to State or Federal law and administered by insurers, other providers, or varioius other private or public partnerships.

In summary, the health care empowerment and access legislation provides a workable Federal framework which will include the formation of the private and public partnership necessary to assure that all Americans have access to more affordable health care coverage. The following is a section-by-section analysis of the legislation.

Under section 1, the short title, reads that this act may be cited as the Universal Health Benefits Empowerment and Partnership Act of 1991.

Under the section 2 finding and declaration of policy, the Congress finds that—

First, the health care delivery system of the United States provides most Americans with a level of access and quality of care that is unsurpassed;

Second, for a significant minority of Americans, the systems works less well because they cannot obtain or otherwise do not have basic health care coverage under either public or private programs;

Third, these individuals represent a diversity of situations for which there is no single solution;

Fourth, assuring access to basic health care coverage and quality of care for these individuals is a compelling national priority that will require commitments from both the private and public sectors;

Fifth, the most practical and effective solutions for these access problems are ones that preserve the pluralistic base of the health care delivery system of the United States; emphasize incentives, innovation, and the removal of current barriers to access; and recognize that both the complexity of the problem and the existence of fiscal constraints means that responsibility must be shared among employers, employees, insurers, providers, and patients, as well as Federal, State, and local governments;

Sixth, Federal efforts need to be closely coordinated with others who share in the responsibility for improving access to basic health care services;

Seventh, Federal efforts need to reflect not only the diversity of interested parties but also the diversity of areas where action is resolution of the best means of targeting the uninsured population, of delivering health care services and of structuring premiums and financing to maximize program participation; it avoids rigid, detailed Federal requirements which would stifle innovation, competition, and efficiency in the delivery, quality, and financing of care.

This section means ERISA part 6 to read "Part 6—Universal Coverage Under Group Health Plans and State Health Benefits Systems."

New subpart A provides definitions and special rules under section 601.

A basic group health plan, hereinafter referred to as a BGHP, means an ERISA health plan, or any combination of two or more plans, which includes at least a basic health benefits provision. As explained later in more detail, each covered employer must offer coverage to certain employees—and dependents—under either one or more BGHP's or group health payroll deduction plans—hereinafter referred to as a GHPDP. Although the bill does not prevent an individual who is offered coverage from rejecting such coverage—that is, plan provisions and related contracts can continue to govern rejection of coverage—coverage must be made available to any individuals that the plan may treat, but is not required to treat, as being an uninsurable risk—hereinafter referred to as UR—or having a material preexisting condition—hereinafter referred to as a MPC—leading to a substancial restriction of coverage under the plan.

The bill does not change existing law with respect to any requirement that an employer contribute to a BGHP for employees or others.

Therefore, a plan meets the requirements of a BGHP by either offering coverage regardless of a UR or MPC condition—as do many larger plans—or, if the concept of UR or MPC is continued under a plan, then coverage for such UR or MPC conditions must be made available to the affected individual under a State health benefits system—hereinafter referred to as a SHBS—or a similar private or public/private alternative arrangement determined by the Secretary of HHS under section 4 to meet specified requirements—for example, a statewide or nationwide reinsurance mechanism established by health care providers to assure coverage availability for UR's and MPC's. Employers would contribute to such UR and MPC arrangements for affected employees—or dependents—in the same manner and extent as if such individuals were not subject to a UR or MPC condition.

This requirement that ERISA plans offer coverage, even in the case of UR and MPC, is the jurisdictional means under the bill for encouraging employers and employees to demand the establishment of SHBS' or alternative systems providing coverage for such conditions. This mechanism will assure the universal availability of basic group health coverage for all Americans under BGHP's, SHBS', or alternative systems.

Section 3(b) of HEAL and ERISA section 601(3) establishes a mechanism for defining basic health benefits provision. Not later than July 1, 1992, the Secretary of HHS would publish proposed regulations taking into account the recommendations made by the Federal Advisory Council on Health Care Coverage and Cost—see section 9. Such regulations could not be finalized before July 1, 1993, and would be subject to review by the Congress in the interim. The definition of basic health benefits, consists of two parts—services consisting of basic health care services—including physician's inpatient hospital, and outpatient hospital services which are prevalent under group health plans and other services which may be necessary for basic health care; and the reimbursement formulation defining the minimum extent to which such services are to be covered at a percentage of cost determined by the Secretary under regulations—by means of deductibles, coinsurance, and other limits on covered services—to be not less than a percentage which is, taking into account the population covered and the extent of cost currently covered under group health plans, adequate to meet basic health care needs. Under this mechanism statutory rigidity would be avoided. Section 3(b)(3) provides an administrative mechanism for periodically updating the content of basic health benefits and takes into account recommendations submitted to the Secretary by the Federal Advisory Council on Health Care Coverage and Costs.

New ERISA subpart B of part 6 defines required basic health care coverage options for employees and their dependents. appropriate, including public health, basic group health coverage, State initiatives, medical malpractice laws, Medicaid, and tax incentives; and

Eighth, improving access requires dealing with many of the most difficult problems in the health system, including the escalating costs, State mandated health benefits, and other factors that have made health care coverage less affordable for many employers and individuals, especially the near poor who need more creative workplace and public options to be able to obtain basic health care coverage; and the inability of many individuals to protect themselves against catastrophic health care expenses because preexisting conditions make them uninsurable.

Under subsection (b), purposes, it is stated:

> Therefore the Congress declares that the purposes of this Act to be to provide a sound, flexible, and workable Federal framework to simultaneously address the issues of access to basic health care coverage and the affordability of such coverage, with an emphasis on improving health care quality by:
>
> First, empowering employers, employees, and other individuals to obtain more affordable basic health care coverage, and
>
> Second, providing incentives for private and public-private partnership arrangements to be established for such purposes.

Under subsection (c), declaration of policy, it states that:

> In carrying out such purposes, it is the policy of this Act to:
>
> First, provide universal access to basic group health coverage for all Americans under plans offered by employers or, in the case in which such coverage is unavailable to employees and other individuals from private sources or existing public programs, under a State health benefits system; and
>
> Second, make such basic health coverage more affordable by:
>
> Removing barriers and encouraging "group" plans and arrangements to spread risk and lower expenses;
>
> Preempting State health benefits mandates, thereby encouraging group health coverage providers to offer lower cost basic coverage to the uninsured;
>
> Preempting State barriers to the providing of managed care, thereby encouraging competition, innovation of cost-control approaches, and quality review;
>
> Encouraging the development of treatment practice guidelines and outcomes research to aid in reducing unnecessary services, increasing quality care, and reducing malpractice costs;
>
> Eliminating tax inequities and barriers—
>
> (1) to the full deductibility of contributions to health plans covering the self-employed, and
>
> (2) to the establishment of soundly financed multiple employer basic group health plans.

Under section 3, it reads "universal coverage under group health plans and state health benefit systems."

In general, the key concepts under this section are: Universal access—the bill provides a framework for access for basic health care coverage for all Americans; partnership and empowerment—the bill induces Federal and State governments, employers, insurers and providers to participate in constructing a workable system for providing access to basic health care coverage at more affordable costs; and flexibility—the bill provides a framework which allows States and local governments to build on current successes; encourages local

ERISA section 611 provides that each covered employer shall maintain with respect to each eligible individual a basic group health plan or a group health payroll deduction plan under which coverage of such individual may be elected. Therefore, subject to certain permitted exclusions, employees—and dependents—must be offered coverage under an employer's existing BGHP or the employer must establish one or more GHPDP's for those employees not made eligible under such existing plans. A State health benefit system could provide coverage to an employer plan, but only if a provider of group health plan coverage with respect to the plan rejects an individual otherwise eligible for coverage under such plan because of a requirement that a certain number or percentage of individuals otherwise eligible for coverage under the plan are not covered. Of course health care coverage providers could change current underwriting practices so as to obviate the need for the backup State system.

All private and governmental employers are obligated to make basic group health coverage available, although newly formed and very small employers are exempted. In addition, plans may exclude certain temporary employees. Any employee—or dependent—excluded under these exceptions is still eligible to obtain basic group health coverage under a State health benefits system.

New ERISA subpart C defines the backup role of State health benefits systems [SHBS] in providing individuals with access to basic group health coverage who are not otherwise eligible for coverage under an employer BGHP or GHPDP.

Under ERISA section 621 a SHBS would be established as a nonprofit corporation under State law and would be required to meet certain reporting, participation, benefits, contribution, and UR/MPC coverage requirements.

Under the section 623 participation requirements eligible individuals include employees—or dependents—not otherwise eligible for coverage under GHPDP's or BGHP's; individuals no longer eligible for coverage under BGHP's or GHPDP's who are eligible for so-called COBRA continuation coverage; individuals whose benefits are limited under BGHP's and GHPDP's because of UR and MPC conditions; and other individuals not otherwise eligible for coverage under a BGHP or public program.

A number of States have a head start in the offering of health care coverage to the uninsured. The State-based mechanism under HEAL is designed to accommodate such programs and improve on the progress already made. For example the Washington State basic health plan and the proposed Hawaii State health insurance plan [SHIP] are innovative State-based programs offering coverage to the uninsured in those States on a basis consistent with the intent of the provisions of this bill.

Under section 624 State systems would be encouraged to offer a range of health care coverage options in order to induce individuals to choose coverage at a cost which best meets their needs and ability to pay.

State system options would include at least State-employee equivalent benefits, a basic and catastrophic option and a catastrophic only option. A Medicaid-benefits package may, but is not required, to be made available. Therefore a Medicaid buy in may be administered either under this system or outside the system.

Once eligible, early retirees and other COBRA individuals must continue to be eligible for State system coverage—until Medicare eligibility—although State system coverage is secondary to any ERISA employee benefit plan coverage.

The section 625 contribution provisions permits program flexibility to vary premium rate structures by income level, geography, family composition, and so forth, so as to be able to maximize the number of individuals covered. The State system must provide children-only coverage and is permitted, but not required, to include a Medicaid buy-in type program.

Under section 626, State systems are enabled to reciprocate with other States to achieve benefit portability to accommodate residency changes and to achieve multistate or even a national mechanism of insurance or reinsurance for uninsurables and material preexisting conditions.

New ERISA subpart D of part 6 reads "State coverage for uninsurable risks and material preexisting conditions."

Under ERISA section 631, a State UR and MPC coverage system must meet certain participation and benefit requirements and, to the extent practicable and actuarially sound, provide for separate cost and premium structures for the experience of MPC's and UR's who are employees restricted under BGHP's—that is, nonworker UR's could be treated separately. It should be noted that the UR and MPC elements of a State system need never be established if under section 4 another mechanism is implemented to provide UR and MPC coverage—subpart D serves only as a fall-back mechanism.

Under ERISA section 632, separate experience accounts may be provided for UR's and for MPC's. State system coverage under section 624 could also provide for UR and MPC conditions so that individuals eligible for State system coverage under subpart C could also fall into the subpart D UR and MPC risk-spreading coverage mechanisms.

Under ERISA section 633, individuals eligible for UR coverage must be provided the range of benefit options described in section 624; therefore a person could obtain a high-cost or low-cost benefit option, thus making at least some coverage more affordable.

Section 4 of HEAL provides for alternatives to State health benefit systems.

Before the effective date for the fall-back State system occurs, the Secretary of HHS may make a determination that an alternative arrangement provides substantially equivalent elements of health care coverage, thus obviating the need for the State system. Such determinations may be made separately or in combination with respect to uninsurable risk coverage, coverage for material preexisting conditions, and so-called COBRA continuation coverage.

An example of an alternative system that HEAL would encourage and which is currently being discussed among providers of group health plan coverage might have the following elements.

First, guarantee that small employers who seek to purchase group health coverage for their employees will not be denied such coverage even if one or more employees might otherwise be either uninsurable or a high health risk.

Second, provide that once covered, neither the group nor an individual in the group may be denied continued coverage because the group's or the individual's health deteriorates.

Third, limit the rate of year-to-year premium increases relative to other groups insured by the same group coverage provider.

Fourth, not deny coverage or apply new preexisting condition restrictions to an insured individual in a group changing either employers or coverage providers; and

Finally, establish a privately funded and administered reinsurance mechanism through which coverage providers could reinsure high risk persons.

Under section 5 of the act, COBRA continuation coverage requirements can be met by employer plans by facilitating coverage of COBRA eligibles under a State system—thus relieving employers of one of the biggest disincentives to set up a plan or provide liberal eligibility rules. Existing covered plans may, but are not required, to permit COBRA eligibles to elect State system COBRA coverage. As is the case for UR and MPC, an alternative private system may be established pursuant to section 4 to extend COBRA coverage under the terms of this section.

Section 6 of HEAL relates to ERISA preemtion of State mandated health benefits and restrictive managed care laws.

To allow group health plan providers to offer more affordable coverage and better target uninsured employers with prototype plans, the bill restores the ERISA preemption of State insurance laws which require that one or more specific benefits must be provided or made available by a contract or policy of health insurance issued to an ERISA employee benefit plan or which require that services rendered by one or more particular classes of health care providers must be covered under such a contract or policy.

In addition, State laws restricting managed care—such as in negotiating rates or restricting provider options, utilization review, and so forth—would be deemed insurance laws preempted by ERISA.

Section 7 of HEAL provides encouragement of multiple employer arrangements providing basic health benefits.

To encourage the Cleveland-based COSE-like affordable insurance for small businesses a tax carrot is offered to multiple employer welfare arrangements providing basic health benefits coverage. The restrictions on the business commonality and geographic tests under section 501(C)(9) of the Internal Revenue Code—allowing tax-exempt VEBA trusts to be established) are removed for MEWA's if, first they provide group basic health benefits, second, they provide participating employers with SPD's and other information to meet ERISA reporting requirements, and third, they are fully insured or, if not, they meet State law requirements as to funding and solvency sandards. In addition, to restore accountability to all health care MEWA's under ERISA, such arrangements would be required to file annual reports to the Federal Government and the States in which they do substantial business.

Section 8 of HEAL expands on the treatment practice guidelines and outcomes research recently enacted under the Omnibus Budget Reconciliation Act of 1989 to make such provisions applicable for all Americans living in both rural and urban areas. The purpose of the recodified Agency for Health Care Policy and Research is to enhance the quality, appropriateness, and effectiveness of health care services for all Americans, and access to such services, through the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services.

For the purpose of promoting the quality, appropriateness, and effectiveness of health care, the agency is to arrange for the development of clinically relevant guidelines that may be used by physicians, educators, and health care practitioners to assist in determining how diseases, disorders, and other health conditions can most effectively and appropriately be prevented, diagnosed, treated, and managed clinically; and standards of quality, performance measures, and medical review criteria through which health care providers and other appropriate entities may assess or review the provision of health care and assure the quality of such care.

The bill requires the newly established Federal Advisory Council on Health Care Coverage and Costs to undertake a study of the manner in which these practice guidelines may be used in reducing medical malpractice costs. The council is to submit the results of such study together with any recommendations to the Secretay of Health and Human Services.

Section 9 of HEAL establishes a Federal Advisory Council on Health Care Coverage and Costs for the purposes of reviewing, overseeing, and making recommendations relating to the implementation of the provisions of this act and studying the causes of changes in the costs of health care coverage and delivery.

Section 10 of HEAL provides for the deduction of 100 percent for self-employed basic group health plans. While the recently enacted budget reconciliation bill extended the 25 percent tax deduction for one more fiscal year, the bill would provide for a phased in deduction of 100 percent and make it permanent for plans established by the self-employed for themselves and their employees.

Section 11 of HEAL provides for effective dates.

The amendments made by section 3 shall take effect January 1, 1994, and those found in section 5 shall apply with respect to plan years beginning on or after such date.

The provisions of section 4 shall take effect on the date of enactment.

The amendments made by section 6(b) shall take effect January 1, 1992. The amendments made by section 6(a) shall take effect January 1, 1992, except that with respect to plans in effect on the date of the enactment of HEAL, such amendments shall take effect on the effective date of section 3.

The amendments made by section 7(a) shall apply with respect to determinations made on or after January 1, 1992. The amendment made by section 7(b) shall apply to plan years beginning on or after January 1, 1991.

The amendments made by section 8 shall take effect on the date of the enactment of HEAL.

The provisions of section 9 shall take effect on the date of the enactment of HEAL.

The amendments made by section 10 shall apply with respect to taxable years beginning on or after January 1, 1992.

NATIONAL HOME CARE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution to designate each of the weeks beginning December 1, 1991, and November 29, 1992, as National Home Care Week. I am very pleased to be joined by my colleague, Mr. RINALDO, ranking member of the Select Committee on Aging, in sponsoring this resolution. Congress has approved similar resolutions for the past 9 years to recognize the valuable services of home care programs and personnel, and I look forward to congressional passage once again.

As you all know, thousands of home care agencies around the Nation have responded to the need for effective alternatives to our health care delivery system. By providing skilled medical assistance and supportive services to those who can be properly treated outside the hospital or nursing home setting, these agencies respond to the demand for new health care options and conserve tax dollars currently expended on needless placement in these institutions. This valuable concept of care provides a serviceable answer to the needs of our health care system, and offers a comforting, dignified environment for patients.

Mr. Speaker, as you know, one of the most critical issues to face our Nation today is the state of our health care system. While the growing elderly population, expected to total well over 30 million by the year 2000, places greater demand on our current system, home care agencies have helped many of the elderly remain at home and in their communities. In addition, home care has proven to be a very suitable setting for many others with chronic impairing diseases, including the large and growing number of persons suffering from AIDS and related illnesses. Home care creates an atmosphere of greater independence and dignity, and promotes maintenance of health as well as recovery. For this valuable service, home care agencies and persons employed in the home care industry should be properly recognized as well as commended.

As we reevaluate and reform our Nation's health care programs, especially in the vital area of long-term care, it is essential for us to take full notice of the benefits of home care and act to encourage its use. I thank my colleagues for their past support in cosponsoring this important resolution, and look forward to the opportunity to again recognize this effective and humane health care alternative during the weeks of December 1, 1991, and November 29, 1992. For the convenience of my colleagues, the text of the resolution follows:

H.J. RES. —

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning December 1, 1991, and November 29, 1992, are each designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

KEEP COMPACT-DISC PACKAGES CLEAN AND SIMPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, in recent months, a chorus has risen, regarding the issue of compact disc packaging. The compact disc, or CD, is stored inside a small plastic box, called the jewel box. When sold, the jewel box is packaged inside of a larger container, called a long box, which can either be made of plastic or cardboard. Now, depending on your taste in art, the long box doesn't look too bad. Unfortunately, we have a growing solid waste problem in this country and, these long boxes don't help the situation.

According to the Recording Industry Association of America, over 200 million compact discs were sold domestically in 1989, at a cost of $2.6 billion. CD's account for 40 percent of the total worldwide sales of all recorded material, which exceeded $20 billion last year. Although the final figures for 1990 sales aren't yet in, the number of CD's sold will be considerably higher than the 1989 figures. That's a lot of CD's sold, and unfortunately, means a huge amount of wasteful packaging.

Mr. Speaker, we are facing a crisis in the area of solid waste management in this country. In 1988, the total stream was 180 million tons, a 20-percent increase from the beginning of the decade. For those who like analogies, 180 million tons is roughly equivalent to the total maximum amount of cargo delivered after 1,250 flights by C-5 transport planes. For reference, each C-5 can easily carry two M-60 tanks in its cargo hold.

Of the total amount of municipal waste, 72 million tons is from paper and paperboard, and this 40-percent share of the total has been increasing steadily. The Sierra Club in Baltimore estimates that 23 of Maryland's 39 landfills face permit expirations over the next several years. With so many of our landfills reaching saturation levels, eliminating just some of the paper waste seems like a good idea.

I am pleased that a number of recording artists already have joined hands with environmental groups in calling for a reduction in this unnecessary CD packaging, but I think additional steps should be taken. Therefore, I plan to send letters to the chairmen of Sony and Matsushita—the new owners of CBS Records and MCA Records—asking them to demonstrate good corporate citizenship by eliminating the extra packaging.

These two companies are a logical choice because their combined share of the compact disc market is huge, with CBS ranking No. 1 in sales. If the new owners of CBS and MCA records decide to eliminate the excess CD packaging, these two industry leaders will be delivering a very powerful environmental message that will be music to the ears of millions of concerned citizens.

Many may ask why go after the CD industry when so many other products are packaged in equally wasteful ways? Two simple reasons, Mr. Speaker. First, because we must start somewhere, and second, because we are the only Nation in the world which still sells CD's in long boxes.

As for arguments that the long box helps to prevent thefts in stores * * *. Well, tapes like this have been sold—as is—for years, with no apparent problem.

Surely, if companies are selling their compact discs in Canada, Europe and the United Kingdom, without the wasteful packaging then it can be done in the United States as well. That's why I am calling on the two CD giants to lead the way on this issue. I hope they will be willing to step forward.

□ 1640

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the strongest deposit insurance fund in the country is by far the national credit union share insurance fund [NCUSIF]. While other funds have experienced record failures, the credit union fund has experienced consistent growth and stability.

One of the reasons for NCUSIF's successful track record is the fund's structure. Federally insured credit unions are required to have on deposit at NCUSIF an amount equal to 1 percent of their total insured deposits. Each year, credit unions are required to adjust this deposit to reflect an increase in insured deposits, resulting in an insurance fund which grows at the same pace as the deposits it insures.

In addition, this structure guarantees that the insurance fund's reserve ratio will never drop below 1 percent, over twice as high as the 0.47 percent at which the bank insurance fund stands currently.

Yet, 2 years ago during congressional debate on the Financial Institutions Reform, Recovery and Enforcement Act, the administration sought to scrap the structure of America's most successful deposit insurance fund. Now we find that this effort, which was rejected then, has found new life in the Treasury Department's deposit insurance study.

The basis of this attack on the NCUSIF was then and is now an accounting argument. To require a uniquely successful insurance fund model to adopt the structure of its unsuccessful counterparts is obviously a questionable proposition, but to do so merely on the grounds of an accounting argument is bold folly.

To make matters worse yet, the accounting argument upon which the administration relies is flat wrong.

In a letter recently sent to the Treasury Department's Undersecretary for Finance, the American Institute of Certified Public Accountants [AICPA] states unequivocally that the accounting method used by the credit unions is consistent with generally accepted accounting principles [GAAP] and is supported by both the AICPA and the Financial Accounting Standards Board [FASB], the two governing bodies of the accounting profession.

Mr. Speaker, I ask that a copy of the AICPA letter be included in the CONGRESSIONAL RECORD at this point in my statement.

AMERICAN INSTITUTE OF CERTIFIED
PUBLIC ACCOUNTANTS,
Washington, DC, February 26, 1991.

Mr. ROBERT R. GLAUBER,
U.S. Department of the Treasury, Washington, DC.

Re: Credit Union Accounting Proposals in Treasury's February 1991 Report—Modernizing the Financial System (the "Treasury Report").

DEAR MR. GLAUBER: The American Institute of Certified Public Accountants (AICPA) Credit Unions Committee (Committee) has reviewed the proposal in the subject report and offers the following comments for your consideration. Specifically, the Committee has focused on Part One—VIII which contains recommendations to change the way credit unions account for payments into the National Credit Union Share Insurance Fund (NCUSIF). Those payments are made to meet the insurance requirement that a credit union maintain on deposit with NCUSIF (the "deposit") an amount equal to one percent of the credit union's total insured shares and savings accounts (the "insured savings").

The Treasury Report recommends that the NCUSIF deposit be expensed by credit unions; a twelve-year transition period is suggested. We understand the Administration's legislative proposal will incorporate such a provision. We are concerned about the accounting and auditing ramifications of such a legislative mandate.

We draw your attention to letters we wrote to Congresswoman Marcy Kaptur dated April 3, 1989 and to the Department of the Treasury dated May 4, 1990 (attached). Those letters set forth our position that the deposit is properly accounted for as an asset by credit unions. Indeed, the Treasury Report acknowledges that "the accounting method [by credit unions] is consistent with generally accepted accounting principles (GAAP) and is supported by the Financial Accounting Standards Board (FASB) and the American Institute of Certified Public Accountants."

The NCUSIF deposit is accounted for as an asset in the financial statements of credit unions because it represents a probable future economic benefit to the credit union. This deposit allows the credit union to have its shares federally insured and is refundable to the credit union upon withdrawal from the system or liquidation. This benefit derives from the underlying capitalization of NCUSIF which currently exceeds one percent of total credit union deposits. In the event of a "crisis" that causes the NCUSIF reserve funds to be inadequate to provide for the risk of loss, the asset would be impaired because it would no longer be recoverable in cash from the NCUSIF and would no longer represent any future economic benefit to the credit union. GAAP would then require an estimated loss to be accrued in the period in which it becomes probable that the asset is impaired and the amount can be reasonably estimated.

The Treasury Report does not recommend any change to the facts and circumstances underlying the deposit mechanism; the rights and privileges of credit unions with respect to the deposit would remain the same. If our understanding is correct and the asset has not been impaired, we do not understand why it should be expensed over a twelve-year period. If the asset has been impaired, then that should be clearly stated, and the asset should be written off in the year it has been impaired. We foresee the following problems if the recommendation is enacted:

1. It will create a difference between GAAP and regulatory accounting principles (RAP) that may be inconsistent with the intent of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) to reduce GAAP/RAP differences.
2. It may result in credit unions receiving qualified audits from their auditors.
3. It will result in immediate income statement recognition of required increases or decreases in the NCUSIF deposit, causing earnings fluctuations.

These matters are discussed further in the following paragraphs. In addition, we offer alternative approaches for your consideration.

GAAP VS. RAP DIFFERENCE

If implemented, NCUA will require credit unions to expense the deposit for regulatory reporting purposes. Thus, a GAAP/RAP difference in accounting for the deposit will be created. Such differences are inconsistent with the current effort of the Office of the comptroller of the Currency, the Office of Thrift Supervision, and the Federal Reserve Board to narrow GAAP/RAP differences as prescribed by FIRREA. Such differences confuse the public and undermine the credibility of financial reporting.

AUDITOR'S OPINION

If a credit union does not deviate from NCUA prescribed accounting for the deposit in its externally published financial statements, a credit union's assets and equity will be understated under GAAP, and the credit union's auditor may qualify his or her opinion. Such a qualification sends a negative signal—which would not be justified—to readers of the credit union's financial statements as to the financial condition of the credit union.

INCOME FLUCTUATION

Implementation of such a requirement will affect the credit union's income based on subsequent increases or decreases in the deposit. The Treasury proposal could have a significant impact on the reported income of a credit union in that future payments to NCUSIF would be required to be treated as expense (and refunds treated as income). Thus, a credit union that receives a significant increase in deposits during a year, even if received on the last day of the year, would be required to expense one percent of the increase in that year. Conversely, a signficant decrease in deposits would give rise to income.

ALTERNATIVE APPROACHES

The Treasury Report states that the counting of insurance fund assets as credit union assets should be eliminated and that this would create an additional layer of protection for the taxpayer. It is our understanding that this "protection" is accomplished by more conservatively stating credit union capital. We offer the following two alternative approaches for your consideration:

1. We recommend that credit unions prepare their financial statements in conformity with GAAP. If regulators wish to determine the adequacy of a credit union's capital, such a calculation can be made—outside the financial statements—using GAAP equity as a starting point.

2. Credit unions are currently required by the Federal Credit Union Act to annually transfer a certain percentage of gross income to a statutory reserve. This reserve is not available for dividend distribution. We understand that NCUA could change the methodology for calculating statutory reserves for credit unions so as to ultimately include an extra one percent for all insured shares. This would be reflected by credit unions as an allocation of undivided earnings that would not be available for member distribution.

Thank you for this opportunity to address our concerns on this matter. Representatives of the AICPA are available to meet with you or your staff at your convenience to discuss this matter further.

With sincere regards,

JOSEPH F. MORAGLIO,
Vice President,
Federal Government Division.

Instead of making the credit union fund adopt the structure of the bank insurance fund, as the administration suggests, I believe it would be more prudent to have the failing bank fund adopt the structure of its far more successful counterpart, the NCUSIF.

To this end, I have introduced the Bank Account Safety and Soundness Act—H.R. 31. This legislation would result in an immediate inflow of $25 billion into the bank fund, which many expect to be insolvent by year's end, before it needs a taxpayer bailout. My legislation would also produce a fail proof bank fund, since its new structure would guarantee that its reserve ratio could never drop below 1 percent.

Mr. Speaker, we cannot permit another taxpayer bailout of a Federal deposit insurance fund. H.R. 31 is the only bank insurance fund recapitalization plant that provides adequate funding to do the job, and meets the Treasury Department's four criteria for the recapitalization. I ask my colleagues to support the Bank Account Safety and Soundness Act.

TRIBUTE TO THE LATE FORMER SENATOR JOHN SHERMAN COOPER

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Kentucky [Mr. ROGERS] is recognized for 60 minutes.

Mr. ROGERS. Mr. Speaker, I rise today to pay tribute to a colleague from Kentucky, in fact the most influential, the most popular, the most respected Kentuckian, certainly in his lifetime, Senator John Sherman Cooper, who passed away at his home on February 21 and was interred at Arlington Cemetery on the 27th alongside his beloved wife, Lorraine.

Senator Cooper was from my hometown in Somerset, KY, and that is the reason that I have been the one from the Kentucky delegation to seek this special order. The other members of the delegation will be with us today, and I hope there may be others from other parts of the Nation who would, as well, like to say something about Senator Cooper.

Mr. Speaker, he was a great statesman from Kentucky. And I think he ranks with the greatest from our State in its history. He had the humility of one of our native sons, Abraham Lincoln; he had the tenacity and the integrity and the forthrightness of Henry Clay, and I certainly rank Senator Cooper in that league.

A U.S. Senator for 20 years, a diplomat in different roles in our Nation's life, a local official, a great Republican leader, and a certainly a great loved man in his lifetime in our State, particularly in his home county of Pulaski County, in Somerset, and of course the entire State.

His life, one editorial writer once observed, was marked by "an integrity and decency that won the trust and admiration of every President since World War II." President Harry S. Truman made him a delegate to the United Nations. He was a roving ambassador for Secretary of State Dean Acheson. He was Ambassador to India under Dwight Eisenhower. He was a friend and confidant of John F. Kennedy, Lyndon B. Johnson, who appointed him to the Warren Commission, in fact, for the investigation of Kennedy's assassination. Gerald Ford appointed him Ambassador to East Germany, in fact our country's first Ambassador to East Germany.

Mr. Speaker, there are so many things that one could say about the life of John Sherman Cooper. Mere words are going to be difficult to describe the eloquence of this man, the eloquence of his life and the service that he gave to our Nation. Mr. Speaker, I will have other comments about Senator Cooper as we go through the special order, but other members of the delegation have pressing obligations that we are going to try to fit together.

For that reason I am going to yield at this time to our colleague from Louisville, who represents the Third District, the gentleman from Kentucky, Mr. RON MAZZOLI.

Mr. MAZZOLI. Mr. Speaker, I want to thank my friend from the Fifth District, HAL ROGERS, for yielding this time and for also accommodating all of us to the peculiarities of our schedules. Certainly we all rise in memory of one of the greatest Kentuckians of all time and one of its greatest political figures, John Sherman Cooper.

Just a moment ago my friend from the Fifth District said it is hard to find the words because there are so many different words that could be used to describe Senator Cooper. Let me try these few on for size: the gentleman from Kentucky.

If there were even a human being who was more a gentleman in every connotation of that word, it was John Sherman Cooper.

He was tall, he was elegant, he was quiet, he was well spoken, he was very thoughtful, and he was very decent as a human being.

He always cared about the other people. It was not his own welfare but everyone else's that motivated him, really.

And as I told my friend from Kentucky at other times, the particular vignette that I would like to leave—and I hope to come back to the later part of this special order—but in 1971, when I first was sworn in as a Member of this body over at room 2237 in the Rayburn Building, where we had our swearing-in reception, my friends were there, my family was there, my mother-in-law was there, among other people. Through this doorway walked this distinguished, dignified figure, John Sherman Cooper. Not of the same party, a person for whom the world was a stage. I was, you know, a person just from a very small area of our commonwealth. He was a person who had been Ambassador, had been Senator, had been delegate to various conventions on behalf of this Nation.

Into this reception came John Sherman Cooper. And I to this day—and it has been over 20 years ago—have never been able to forget that, and I never want to forget it because it reflected in one capsule the kind of human being that John Sherman Cooper was.

He was thoughtful, decent, he cared about all members of the delegation regardless of our political affiliation. But his love of Kentucky and his gentleness, which meant that in fact he was able to represent Kentucky whether he represented Kentucky in Pulaski County, which was his own county, or whether he was representing Kentucky in Berlin when he was Ambassador or whether he represented Kentucky in New Delhi when he was Ambassador to India or whether he represented, right here on Capitol Hill, John Sherman Cooper was the quintessential "gentleman from Kentucky."

So I want to thank the gentleman from Kentucky, my friend HAL ROGERS, who represented the other gentleman from Kentucky for so many years; he was his representative for years as well as his friend and confidant.

In that setting, he probably more than any member of our delegation has been closest to him. All of us share the grief and the sorrow that Kentucky and the country experience in the loss of this great human being.

I want to thank my friend for having this special order. I hope to be able to return to perhaps engage in more reminiscences, but suffice it to say, sorrowfully enough, we have to say there has been in history and there will be in history but one John Sherman Cooper.

"The gentleman from Kentucky"—is the terminology we use here in the Chamber when we debate among ourselves. But, it is an appellation most appropriately attached to the late Senator from Kentucky, John Sherman Cooper.

I am proud to join with my colleagues in celebrating the life and career of a man whose more than 40 years in public service to his State and country were exemplary and a shining example of public service at its finest.

Citizen, soldier, Senator, Ambassador, statesman—John Sherman Cooper was all of these and more. He was also a kind, gentle, thoughtful and decent man.

His way was never to draw attention and accolades to himself despite his many accomplishments in many roles. His way was simplicity, self-effacement, understatement and humility. He was a rare and gracious man.

John Sherman Cooper began his career in public service in the Kentucky House of Representatives representing his hometown of Somerset in Pulaski County. He then served two terms as county judge of Pulaski County. He enlisted as a private in the Army during World War II, and was discharged a captain. His first experience in international diplomacy was as a legal adviser restructuring postwar Germany's judicial system.

Senator Cooper's service in the U.S. Senate may be unique. He was twice elected to complete unexpired Senate terms, only to be defeated in reelection bids. While out of the Senate and before he began his two consecutive full terms there—1960 to 1972—Senator Cooper was a delegate to the United Nations and United States Ambassador to India.

Two years after his retirement from the Senate in 1972, Senator Cooper became our Nation's first Ambassador to the German Democratic Republic—the former East Germany. Our Nation's prestige could not have been more ably served nor protected than in the diplomatic service of John Sherman Cooper, the gentleman from Kentucky.

Senator Cooper was a highly principled, independent thinker. He often took positions that were at odds with the majority of his party. He was one of the first to openly criticize Senator Joseph McCarthy's anti-Communist crusade. And, during the late 1960's, with the Vietnam war tearing at the very fabric of this Nation, Senator Cooper was an architect of legislation to limit combat activities of the U.S. military in Southeast Asia.

I remember, too, how gracious and courteous Senator Cooper was to me when I arrived here in the House of Representatives in 1971. He honored me by attending my reception in 2237 Rayburn Building on the day of my swearing in. My family and I were all thunderstruck—pleasantly so, of course—when through the door walked that tall, distinguished figure so well-known back home and around the world.

He talked to me, my family and my friends with the same genuineness and attention that, no doubt, characterized his contacts with the high and mighty of the Nation and the world. I could never—and will never—forget this great favor to my family and me.

John Sherman Cooper lived a full life—full of achievements and full of its inevitable disappointments. He remained to the very end of his life vitally engaged in efforts to help the less fortunate and to build a better world.

Senator Cooper would often admit that his oratorical skills were not outstanding. But, his clarity of thought, the depth of his conviction, and the absolute sincerity of the man were, indeed, outstanding. These attributes and these characteristics earned John Sherman Cooper the great respect and admiration he enjoyed in the Commonwealth and all over the world.

John Sherman Cooper's life and career in Government service, are models for all in public office to emulate.

In honoring Senator Cooper at the time of his retirement one of his fellow legislators said:

> John Sherman Cooper is the only man I have known who has traveled the spectrum of social and political life and left only dignity, honor and respect wherever he walked.

All Kentuckians feel a special sadness over the loss of this great man and great servant of the people. I join my colleagues in expressing deepest condolences and sympathies to Senator Cooper's brother, Richard, and to the Cooper family.

□ 1650

Mr. ROGERS. Mr. Speaker, I thank the gentleman from Kentucky [Mr. MAZZOLI], my friend, for his nice remarks, wonderful remarks, and we hope that after his obligation is over that he will come back and add anything he would like.

Here was a gentleman who served in the Senate so ably and in fact has been called the conscience of the Senate. He has been called Mr. Kentucky. He has been called a great statesman, a friend of kings, and yet never lost the common touch.

Mr. Speaker, we saw him in all of those roles as a delegate to the United Nations, as a Member of the Senate, as an ambassador to East Germany, India, and Nepal, and also a member of the Kentucky Legislature, the Pulaski County executive, at the time called the Pulaski County judge, the circuit judge, which is the judicial officer, the trial officer, in that circuit, among other offices. He was an elegant and eloquent man.

Mr. Speaker, he and Lorraine Cooper for a good portion of their tenure in Washington, DC, were considered—an invitation to their home was considered the most important social invitation that one could receive in this city, and yet I have been with Senator Cooper on those occasions when we would go to the countryside, from whence he came, and see him as he related to the everyday citizens. And I have been with him as he shed those tears visiting very, very poor people in our community and our country, and many of these people were his political supporters from way back, and it was a wonderful time to visit those old home folks as they communed together. Senator Cooper was never happier than when he was with the folks at home, and the farther out away from civilization or the city, the better, because that is from whence he came.

So, here was a man who traveled both highways and made both groups of people feel equally at home, and both equally looked up to him during all of those times.

Kentucky, of course predominantly a Democratic State, sent him to the U.S. Senate five times. He established himself in the Senate as a credible and a very influential leader in his party.

A Kentucky journalist one time wrote of him that he talks like a Democratic, votes like an independent, and runs on the Republican ticket; end of quote, and in truth many of his party members back home disagreed with him on his votes because he was of a more moderate stripe than most of the voters in his Republican Party back home, and yet they forgave him for voting many times differently than they wished because they trusted his intellect, his integrity, and his judgment, and he did not lead us wrong ever in the votes that he cast.

Mr. Speaker, I want to quote liberally from an article by Richard Harwood, the Washington Post, during my comments, and I hope that Mr. Harwood will understand. He says that in truth, speaking of Cooper, he was as nonpartisan as is possible to be in the American political system. He looked after local interests; the tobacco farmers, for example, but his principal interest was foreign affairs. He took progressive positions on civil rights, was one of the first to repudiate the tactics of Senator Joseph McCarthy in the fifties, and by the sixties had compiled such a record that he was selected by Washington journalists as the outstanding Republican in the U.S. Senate. During the late sixties and until his retirement in 1972, he spent much of his time speaking against the deepening American involvement in Vietnam and in devising legislation to curb the war-making powers of the President and to secure the withdrawal of American forces from Indochina.

Senator Cooper's father was a wealthy landowner and entrepreneur in Somerset, KY. He graduated from Yale University. He attended Harvard University Law School. While at Yale he was a varsity athlete and a member of the aristocratic Skull and Bones Society. In the early 1920's Senator Cooper's father died as a reasonably young man, by then virtually bankrupt and deeply in debt. The future Senator at the time was going to Harvard University and had to drop out of school, and he returned home to work in order to try to pay his father's debts and to send his six brothers and sisters to college. It took him nearly 25 years to get out of that debt. He said it did not look like there was any end to it.

He was admitted to the Kentucky bar in 1928. He took the test that one could take at that time to be admitted. He served in the State house of representatives from 1928 to 1930. He was county executive for the next 8 years, during which he ran for Governor unsuccessfully in 1941.

But in 1942, with the United States engaged in World War II, he joined the Army, signed up as a private at the age of 41. He won a commission, went to Europe and was with the 3d Army of Gen. George Patton, Jr. After the war he was a military Government officer, was instrumental in rebuilding the judicial system of Bavaria and, by the way, his decorations from that war included the Bronze Star.

In 1955 Senator Cooper married Lorraine Rowan Chevlon, a very prominent Georgetown, DC, hostess. Political opponents back in Kentucky tried to make an issue of the marriage to a woman, as they said, with airs, but she took part in all of his campaigns at home, dressed in very fine frocks, which was her style, carried a parasol throughout the State and proved to be a very great political asset to Senator Cooper. Unfortunately, she died in 1985.

Senator Cooper first won election to the Senate in November 1946, and that was to fill the vacancy caused by the resignation of former Gov. Albert B. Chandler who resigned the seat to become the commissioner of baseball. Senator Cooper was defeated then for election for the full term in 1948. Then for the next 4 years he was a delegate to the United Nations. In November 1952, he again won election to the Senate, this time to fill the remaining years in the term of Senator Chapman, who had died in office. In 1954, he was again defeated for reelection, and then from March 1955 to August 1956, Senator Cooper was Ambassador to India, the world's largest democracy and a leader in the Third World. One measure of the importance and complexity of that position is a distinction of not only Senator Cooper, but of some who have succeeded him, including John Kenneth Galbraith, Chester Bowles, former Senator Kenneth Keating of New York, DANIEL PATRICK MOYNIHAN, the current senior Senator from New York.

Then, after India, he returned to Kentucky, and in 1956 he won election to the Senate a third time, and that was to fill the 4 years remaining in the term of Senator Alben W. Barkley who, as my colleagues know, had been President Truman's Vice President who died in office, and then Senator Cooper was reelected in 1960 and 1966, growing in stature both in Kentucky and in the Nation, serving on the Foreign Relations Committee, among others.

In 1973, after retiring from the Senate, he joined a Washington law firm, but then he left the firm in September 1974 to become our first Ambassador to East Germany, and he stayed in that post until December 1976, at which time he returned back to his law practice here in Washington.

As his Senate retirement neared in 1972, Senator Cooper was honored in his home State with many speeches, many resolutions, letters of commendation, and many words were said about him at the time about his great service to the Nation. In fact, it was Harold Demarcos, a State legislator who has since left us, who said this about Senator Cooper: "John Sherman Cooper is the only man I have known who has traveled the spectrum of social and political life and left only dignity, honor, and respect wherever he walked."

And then Senator Cooper at the time responded with the words of Abraham Lincoln when he said, "Thanks to all, to the great Republic, for the principles that it lives by and keeps alive for man's vast future. Thanks to all."

□ 1700

This was Senator John Sherman Cooper. One brother, Richard, of Somerset, survives. He is a personal friend of ours as well. The rest of the family have by now passed on.

This Sunday at 2 o'clock in the First Baptist Church at Somerset, the community will be conducting a memorial service for the public in memory of Senator Cooper, and everyone would be welcomed there, I am sure, in the church to which he belonged. That will be at 2 o'clock on Sunday, on North Main in Somerset, KY.

Mr. Speaker, I am now going to yield to our colleague, the gentleman from Kentucky [Mr. HUBBARD], who represents the first district in western Kentucky, for any comments he would care to make.

Mr. HUBBARD. Mr. Speaker, I thank the gentleman from Kentucky [Mr. ROGERS] for yielding to me, and I congratulate him for taking this special order.

Mr. Speaker, Kentucky and our country lost one of our most respected leaders February 21, when Senator John Sherman Cooper died here in Washington at age 89.

John Sherman Cooper's life was the epitome of integrity and decency that won him the trust and admiration of the tens of thousands who knew him worldwide.

He graduated from Yale University and attended Harvard University Law School.

John Sherman Cooper was active in local Somerset, KY, politics and was first elected to the Kentucky House of Representatives in 1928, the same year he was admitted to the Kentucky bar. He served one term as Pulaski County's State representative and then was elected Pulaski County judge for the next 8 years.

Senator Cooper first won election to the Senate in November 1946, to fill the vacancy caused by the resignation of Albert B. "Happy" Chandler, who resigned to become commissioner of baseball. Senator Cooper was defeated for election for a full term in 1948.

For the next 4 years Senator Cooper was a delegate to the United Nations. In November 1952, he again won election to the Senate, this time to fill the 2 years remaining in the term of Senator Virgil M. Chapman, who had died in office.

Kentucky, where most elected officials through the years have been Democrats, elected this outstanding Republican to the U.S. Senate five times.

In the years before television advertising became the most valuable campaign asset, Senator Cooper usually campaigned alone, visiting the cities and towns across Kentucky and seeking support person to person.

President Harry S. Truman made him a delegate to the United Nations. He was a roving ambassador for Secretary of State Dean Acheson, an ambassador to India under Dwight D. Eisenhower, and a friend and confidante of John F. Kennedy. Lyndon B. Johnson appointed him to the Warren Commission for the investigation of Kennedy's assassination. Gerald Ford appointed him Ambassador to East Germany.

My wife Carol and I have been very fond of Senator Cooper for many years. I'm very proud of the large, autographed photo of him that hangs in my office in the Rayburn Building. I was always so pleased that in recent years Senator Cooper would ask me to assist him in his annual trips to the Fancy

Farm political picnic in my home county in western Kentucky.

Actually, my wife Carol met Senator Cooper and his lovely, talented wife, Lorraine, long before I did. After Carol was selected Miss Kentucky in 1959, Senator and Mrs. Cooper contributed $300 toward her expenses related to the 1959 Miss America pageant in Atlantic City.

During the many times Carol and I had the privilege of visiting with Senator Cooper, he and Carol always enjoyed discussing mutual friends and current events in Somerset, where Carol lived and was an elementary school teacher for 14 years.

Truly, Senator Cooper was a man loved, appreciated, and admired by those of us fortunate to have known him.

My wife, Carol, and I extend to Senator Cooper's brother, Richard Cooper of Somerset, and other members of his family our sympathy.

Mr. ROGERS. Mr. Speaker, I thank our colleague, the gentleman from Kentucky's First District, for his very nice and wonderful remarks.

I know that Senator Cooper, being a Republican from our area, when he went down to western Kentucky, which is solidly Democratic, went there first with fear and trepidation, but as they learned in the gentleman's district how warm this man was and how humble he was and what integrity he had, and that he deeply cared about everyone regardless of party, it was not long before they warmed up to Senator Cooper, and there he was considered one of them. I know that he loved the gentleman's section of the State very, very much.

Mr. HUBBARD. Mr. Speaker, will the gentleman yield one more time?

Mr. ROGERS. I am happy to yield to the gentleman from Kentucky.

Mr. HUBBARD. Mr. Speaker, Senator Cooper taught many of us who are Democrats in western Kentucky a real campaign secret. He usually campaigned by himself. So many times those of us who run for office like to go around with somebody like the local mayor or the judge, but Senator Cooper campaigned by himself. Then you always wanted to help him out because he was by himself, and you would help him out; you would vote for him on election day.

□ 1710

Mr. ROGERS. Mr. Speaker, I yield to our colleague from the central Kentucky area, whose home is in Lexington, one of the special places for Senator Cooper. I know he loved that area. I yield to the gentleman from central Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, let me first of all thank my colleague, the gentleman from the Fifth Congressional District, HAL ROGERS, for his thoughtfulness today in inviting all of us down here from Kentucky and other places that want to honor John Sherman Cooper.

Mr. Speaker, when John Sherman Cooper walked into a room, the room just tilted his way. He was loved by everyone that I know.

We remember John Sherman Cooper today, as the Senator from Kentucky, a diplomat and a friend.

He was an uncommon man with a common touch.

For over 40 years here in Washington, "gentleman from Kentucky" was synonymous with John Sherman Cooper. He was honest, had a good sense of humor, and was always fair.

He was a true gentleman, and a truly gentle man.

Anyone who would seek to represent our State will, for years to come, stand in the long shadow he cast.

There is a saying that "no man is so tall as when he stoops to help a child." I am reminded of these words when seeing my favorite photograph of Mr. Cooper on the Capitol steps, leaning over to talk with a Boy Scout.

He was a man of great passion; he cared deeply about people and about the events that impacted their lives—whether it was war, black lung, or floods, he spoke with sincere emotion, always on behalf of the helpless, those in need.

Cooper had credibility—in both parties, he was known for his fairness.

We remember him as a meticulous architect of compassionate public policy and unshakable public trust. He joins Abraham Lincoln and like Lincoln, he was tall in stature, articulate, intelligent, a keen observer of human nature. In a career of public service, spanning some 60 years, no one ever accused John Sherman Cooper of uttering a careless or unkind word.

And like Lincoln, he tasted political defeat often, but he was never defeated.

He knew the art and science of the legislative process. He knew instinctively how to enlist others in a cause, and like Henry Clay knew how to "make others follow where he wanted to lead." He was able to compromise and resolve obstacles in the path of the larger goals that drove him to public service.

His example of public commitment and personal integrity will always be an inspiration—not only to those of us who were honored by his counsel and friendship, but to the generations who will meet John Sherman Cooper in the defining pages of history. May they know him as an heroic figure, a treasured statesman, and as the gentleman from Kentucky. His shadow will last forever.

Mr. ROGERS. Mr. Speaker, I thank our colleagues for those very eloquent words and description of our common friend. I really think all politicians in Kentucky who knew of or knew Senator Cooper, or those who will read about him, and perhaps in other States as well, whether they realize it or not, in some way model themselves after his example, the humility, even the shyness of this man, but the humility and the integrity and forthrightness and honesty with which he dealt with his colleagues and his constituents on issues. Even with Presidents, for that matter, because here is a man that stood up to Presidents, as well as advising them all of his material political life.

Mr. Speaker, I am pleased to yield to our colleague from the Fourth District who represents the northern Kentucky area and the suburbs of Louisville, a favorite hunting ground, or haunting ground, I guess you would say, of Senator Cooper, JIM BUNNING.

Mr. BUNNING. Mr. Speaker, I thank the gentleman from Somerset for yielding to me. I would like to join all of my colleagues from Kentucky in thanking him for holding this special order about our friend and colleague, John Sherman Cooper.

Mr. Speaker, I do not think anybody who ever ran for a public office in Kentucky failed to consult with Senator Cooper before they made their final decision to run or not to run. I can tell you of my experience with John Sherman Cooper, because they are recent, as recent as 1982.

I had a decision to make, and before I ever determined to run for any political office, other than the State senate, which I was already in, I came to Washington, DC, in 1982, to visit with John Sherman Cooper, seeking his counsel on what I should do, whether I should run for Governor of the Commonwealth of Kentucky.

I was fortunate enough to bring my wife with me, and we got to visit Senator Cooper and his wife at his home in Georgetown. I think that anyone who has ever been to his home in Georgetown realized the presence when you walked into that home, how you felt, the history you were experiencing in just meeting Senator Cooper.

Senator Cooper had had a bad fall prior to our visiting and was kind of bandaged up. His wife came and opened the door. We went in and visited with Senator Cooper and his wife. We sat down, had coffee and tea, and he knew what was going on in Kentucky without me bringing him up to date. Just by being there, he knew what was happening. He never ever lost touch with the common, everyday person in Kentucky.

I think that was the secret of his success in every aspect of his life, whether it were political, as an Ambassador to the United Nations, as Ambassador to India, or whatever public service that he was engaged in.

I happen to think that Senator Cooper was probably Kentucky's most honored spokesman of this century, the person who could bring both sides of an issue together better than anyone else I had ever met.

I can recall a day in 1983 in Maysville, KY, and a very, very cold day it was, Senator Cooper sitting on a flatbed truck. I was cold, and I was pretty young, and he was in his eighties, right about 80 years old, and he was almost frozen, shaking. But the moment he got up to speak, the crowd went silent. If you ever heard John Sherman Cooper speak, you always were trying to help him, because he always seemed like he was struggling to say something. But by the third moment of his speech, he had that crowd right in the palm of his hand.

One of the things he did better than anyone I know, he could cry at the drop of a hat. Five minutes into the speech he was telling stories about his service in the Senate, about how he felt about this race that I was involved in.

I personally sat there and wondered, some day, maybe, you can have some of this rub off on you, and you can go do something and serve the country in just a small proportion to what John Sherman Cooper did.

At Fancy Farm in 1983, Senator Cooper spoke on my behalf. I will never forget that, because at Fancy Farm in Kentucky, there are very few Republicans that speak. So the more you can get to Fancy Farm, the more confident you might feel. John Sherman Cooper was one that when he believed in someone, he stood up and said so.

□ 1720

No matter what he said, the people listened. He had a way with the people.

My colleague from the First District mentioned, and I think maybe, HAL, you did, about Governor Chandler or Senator Chandler and John Sherman Cooper's friendship. In visiting with Governor Chandler over a period of time, I found out why they were such good friends. Early in their career they met and decided never to run against each other for any office in Kentucky, whether it be for the U.S. Senate or for Governor or whatever, and that friendship kept on and on until now Governor Chandler is obviously 92 and we just lost Senator Cooper at almost age 90.

Anyone who has ever visited for a cocktail party or a function at Senator Cooper's home in the evening would find the biggest, broadest spectrum of Washington, DC., was always present. You would walk into the room and BOB DOLE and ALAN SIMPSON on the right and TED KENNEDY or PAT MOYNIHAN or anybody else from the left, and there was a broad section of all of the people in Washington, DC, because he identified with not just one section of any party, he identified with all sections of the parties on both sides of the aisle.

Kentucky has lost a great spokesman. The United States of America has lost a great spokesman, someone who put not only the Commonwealth of Kentucky's interests and the interests of the United States first, but the people that he represented over a period of time, he always kept the people first. We are deeply going to miss John Sherman Cooper. I am personally and my wife is going to miss him, and I just want to tell you that I am here to pay homage and honor to him because he is the greatest Kentuckian that I have ever met, and I am honored to have known him.

I yield back to my good friend from Somerset.

Mr. ROGERS. I thank the gentleman very much. I do not think that I have heard more eloquent words anywhere at any time. That was well put and we all appreciate it very much, representing the northern Kentucky region and the suburban Louisville area.

We are pleased to have with us also on this occasion a Member of Congress from New York State who represents the 30th District in upstate New York, but we know her as really a colleague from Kentucky. LOUISE SLAUGHTER was born in Harlem, in my district in the mountains of Kentucky and lived in various towns, and very close to Somerset, in fact, at one point in her life, and knew Senator Cooper.

I yield to her for any remarks that she may have.

Ms. SLAUGHTER of New York. Mr. Speaker, I certainly thank my colleague for yielding and I appreciate very much him giving me this opportunity to come over and to participate in this special order for a man that I consider to be a moral and intellectual giant.

I actually was a graduate of Somerset High School, and all of us in Somerset knew that the perfect standard for a public servant was John Sherman Cooper. We knew about his life, sacrifices that he made, the honor that he had won in Washington from his colleagues because of the kind of man that he was.

I knew him first as someone that I was already in awe of, but as a neighbor. When the Senate was out of session and Senator Cooper was home, we could go by and sit on the porch with him a little while, upper North Main Street, and talk about what concerned us in Somerset and in Kentucky. He was as gracious and warm as you can imagine. Although his mind may very well have been on the Warren Commission, or on his job as Ambassador to India, or as one of America's greatest statesmen, we talked about home.

The great movie classic that everyone loves to see during Christmas, "It's a Wonderful Life," tells a story that all Americans love, but to me that was the story of John Sherman Cooper. We all knew how John's father had suffered a reversal of fortune, and he had given up what he was doing to come back home to Somerset to take up the family business and paid off every one of his father's debts. And he had suspended his own career and his ambition and his hopes until he had taken care of all of his siblings and their education.

He was the American dream. I do not honestly believe that I could name three people who have served in Congress that could approach anything like the honesty and integrity that John Cooper brought to that job. Everyone respected him. There was never any sense about Senator Cooper that he was doing anything for himself or any narrow interest at all, but he loved his country and he had the capacity to do things to help it, and he took the lead.

In the little town square in Somerset, there is a little monument to John Cooper. He and his wife, after he had retired from the Senate, came back home and they made that little haven in the middle of town, a place where people could come by and sit, as people often had on the porch with John, and everybody who goes by there every day will always remember who that benefactor was.

There was a book written about him. It was out of print before I ever got a chance to see it, and after I was elected and came down, one of the first things that I was able to enjoy was lunch with Senator Cooper over in the Senate dining room. We talked about the book, and I told him how much I had wanted to read it, and he kept promising me one, but he forgot. So I suppose I shall never be able to read that book. But I have a pretty good idea of what it says. It says that every schoolboy and girl in the Commonwealth of Kentucky knew that they had been represented by a man of extraordinary quality, that he was a man all of us should look up to, and that all of us here would do well to emulate.

At the end of that lunch that day, he leaned over to me and patted me on the hand and he said to me, "I'm very proud of you." And I literally was speechless because it was the thing that I had wanted to say to him all of my life and had never been able to articulate in any way at all that was even adequate to what I really felt about that good man. When I read his obituary the other day in the New York Times, it did not do him half justice. But one had only to realize that a statesman had gone from the Earth.

And while we appreciated him and loved him in Kentucky, John Cooper was far beyond that. He went way beyond our boundaries, Hal. John Cooper was a statesman for the United States. He left a record that all of us can be proud of and say that we knew an extraordinary and a wonderful human being.

Mr. ROGERS. Thank you very much, LOUISE, for those very eloquent remarks, LOUISE MCINTOSH SLAUGHTER. She still has a brother who lives in Somerset, KY, a personal friend of ours, and we are delighted that you came, LOUISE. Thank you very much.

Senator Cooper, as JIM BUNNING had said, and Lorraine were very big entertainers in Washington, and an invitation from the Coopers was the most valued invitation that one could receive in Washington, DC. One would meet members of the Supreme Court, Members of the Senate, members of various commissions, legislators, Senators, Congressmen, diplomats from around the world and the like. And then I would contrast that with an occasion that I recollect happening several years back, long before I was in Congress. I had picked Senator Cooper up at the Lexington Airport to drive him back to Somerset, an hour and a half drive.

☐ 1730

I noticed as he got in my car that one of the lenses from his horn-rimmed glasses was missing, and I was in such awe of the man anyway that it took me awhile before I could finally muster the courage to remind him that he had lost a lens. When I did, he said, "Well, of course," and he stuck his finger through the horn-rim opening, and he said, "Well, I lost it last week," or something like that. We got closer to Somerset, and I volunteered to take him to the optometrist to have his glasses fixed. He said, "No. Just take me to the five-and-dime store here on the square." We went to the dime store, and he went in and picked out by trying on the glasses that he needed, and that says a lot about the simplicity of the man, the humility, and the unassuming nature of this very big giant, quite a contrast with the entertaining at his Georgetown home in Washington, DC.

Mr. Speaker, we have saved the best for last. The gentleman from Kentucky [Mr. NATCHER] has been in the Committee on Appropriations doing his work and was delayed in getting here, but we have saved him for the finale. I am very pleased to yield to the senior member of our delegation, the dean of our delegation, a personal friend of Senator Cooper's for many, many years, the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, John Sherman Cooper died on Thursday, February 21, at his home in Washington, DC. He was my friend and he served with distinction and honor in the U.S. Senate for a period of 20 years and 6 months.

He was born in Somerset, Pulaski County, KY, on August 23, 1901, and after attending the public schools at Somerset and Centre College in Danville, graduated from Yale College in the year 1923. After attending Harvard Law School from 1923 to 1925, he was admitted to the bar in 1928 and began the practice of law in Somerset, KY. He served in the Kentucky State House of Representatives from 1928 to 1930 and then he was elected as county judge of Pulaski County and served from 1930 to 1938. From time to time, he served on the board of trustees of the University of Kentucky and this was during the period from 1935 to 1946. During World War II, he served in the U.S. Army from 1942 to 1946.

Following the war, John Sherman Cooper was elected circuit judge of the 28th Judicial District of Kentucky in 1945 and served until his resignation in 1946 since he has been elected to the U.S. Senate to fill the vacancy brought about as a result of the resignation of A.B. Chandler. Senator Chandler was selected to be the baseball commissioner and resigned his seat in the U.S. Senate. John Sherman Cooper served in the Senate from November 6, 1946, to January 3, 1949. He was an unsuccessful candidate for reelection in 1948 and at that time resumed the practice of law. Next, he served as a delegate to the General Assembly of the United Nations in 1949, and was an alternate delegate in 1950 and 1951. He served as an adviser to the Secretary of State at the London and Brussels meetings of the Council of Ministers of the North Atlantic Treaty Organization in 1950.

He then was elected again to the U.S. Senate to fill the vacancy caused by the death of Virgil M. Chapman, and served from November 5, 1952, to January 3, 1955. He was an unsuccessful candidate for reelection in 1954, and then served as Abassador to India and Nepal from 1955 to 1956. Next, he was elected again to the U.S. Senate in 1956 to fill the vacancy caused by the death of former Vice President Alben W. Barkley and was reelected in 1960 and again in 1966. He served from November 7, 1956, to January 3, 1973, and was not a candidate for reelection in 1972.

John Sherman Cooper was good for the United States of America and for the Commonwealth of Kentucky. His service to our country and the Commonwealth of Kentucky are hallmarks of great distinction. The scope of his long political career was very broad and he was recognized not only in this country, but around the world for his great achievements. John Sherman Cooper was a loyal friend and he, while serving in the U.S. Senate, had friends on both sides of the aisle. He soon learned that not only in Kentucky, but in the U.S. Senate, it was imperative that you have friends on both sides of the political spectrum. He was a giant at the center of national power, but at all times he remained a modest man.

He was a good man who served his country well, and he always kept the common touch. His name will be known in all time to come at home and in the far corners of the Earth for his monumental works in behalf of representative government which is the source and the protecter of all human rights in all nations where freedom prevails. He was a man of the soil. Throughout all of his mature years, regardless of all of his other achievements, and they were many, he was considered as the friend of the American farmer. He labored with dedicated devotion and with a passion on the ramparts of individual freedom, honesty and constitutional government. His service in all of his achievements was marked by a high sense of conscience and duty. His character, his achievements and his faithful service will be an inspiration to generations yet to come.

John Sherman Cooper was an advocate of the need for the Rural Electrification Administration in this country. In a great many battles that he and I joined in down through the years, he always said that there is a place for both REA and the private power companies. He further said that we will reach the day when not only will we have the need for both, but for additional power to serve our people in this country. I recall in a great many of the early REA appropriations bills for funding and in certain authorization bills, he always was in the forefront in the U.S. Senate and this was a record he maintained all throughout his career in the Senate. He believed that our water resources should be developed throughout the country and especially in the Commonwealth of Kentucky. Starting in the year 1953, and all during his career in the Senate, he, as a member of the Public Works Committee, joined with us in the construction of river, harbor, and navigation projects that have produced many benefits for our people in the Commonwealth of Kentucky. We started this program with the reconstruction of locks and dams one and two on Green River designated as the Spottsville and Rumsey Locks and Dams and this was followed by the channelization of Green River for 102 miles. This was the start of our program which produced many flood control reservoirs, lakes and flood walls.

John Sherman Cooper believed that the American farmer should receive an adequate portion of the national income and that this, the largest industry in our country, must be protected.

Mr. Speaker, I have lost a true friend and the United States of America has lost a great statesman.

He was buried at Arlington National Cemetery on Wednesday, February 27, 1991.

To the members of his family, I extend my deepest sympathy in their bereavement.

Mr. ROGERS. I thank the gentleman so much for those wonderful remarks. You knew him for all of those many years and served with him in great distinction, you in this body and Senator Cooper in the other body, always cooperating across the building and across party lines and across these

Chambers, always working for the betterment of our State, as certainly the gentleman does.

Senator Cooper was a friend and adviser to Presidents. He was never afraid to stand up to Presidents, however, and even to his own party. He explained it this way, "I vote as I believe, not according to any index. I believe a man who asserts his Christianity ought to show it in his faith in our country, in its people and in God and not act as if only he is wise and good."

Former Gov. Louie Nunn said these words about Senator Cooper: "If one blossom is brought for each kindness he has shown, he would forever sleep beneath a mountain of flowers." And certainly that is our belief today. We are all diminished.

Here was a world statesman who dealt with kings but kept the common touch. Here was the most beloved of Kentucky politicians, yet humble, sweet, and kind. Here was the model politician after whom all of us would pattern our own efforts, yet who continually tried to improve himself. He was the picture, the very picture, of the honest, conscientious, caring statesman who not only advised Presidents but occasionally stood up to them, and above all, he was a very proud Kentuckian, lean and bony frame, always carried that optimistic spirit, born out of a struggle from modest beginnings.

The memory of Senator Cooper will remain with all us as long as we remain. I think his record of service in the United States Congress and in the halls of the diplomats will remain for many centuries.

It is with a great deal of sadness that we bid farewell in this Capitol Building to one of its greatest tenants, to one of its most sincere and caring servants, to a Kentuckian who rose from very modest beginnings to the very seat of power.

As Rev. Robert Browning, the pastor of the First Baptist Church, said at his funeral service just the other day, "He made power a good word," and so we bid farewell to our leader, our mentor, our adviser, and this great American.

Mr. PERKINS. Mr. Speaker, I rise here today to honor and pay special tribute to a fellow Kentuckian who led a distinguished life marked by a genuine dedication to civil service in all its shapes and forms.

That individual is John Sherman Cooper, who passed away February 21, at his home in Washington, DC. My heartfelt condolences go out to all family, relatives, and friends of this fine gentleman.

Mr. Speaker, John Sherman Cooper will be missed dearly by all of us here in Congress because we all admired, and now seek to emulate, his career as a public servant dedicated to carrying out the duties presented to him. Indeed, John Sherman Cooper completely personified what it means to be a public servant. He was a Member of the U.S. Senate for little over 20 years; he served in the Kentucky State House of Representatives; he was a county and a circuit judge; and he served his country and the people as a delegate to the United Nations and as an Ambassador.

That, my friends, is an impressive list of credentials. But matters like credentials or status never affected John Sherman Cooper. He never got caught up in any of that. He never forgot his roots in Pulaski County in southeastern Kentucky. John Sherman Cooper always remembered he was a Kentuckian first, and then let the other titles and accolades follow suit.

Mr. Speaker, no matter what side of the aisle we claim to represent, John Sherman Cooper served as an inspiration to all of us that our duty in Congress is to serve all Americans, no matter how big or small, poor or rich, or party affiliation. That's what defines a public servant, my friends, and that's exactly how John Sherman Cooper would like to be remembered today and in all succeeding days.

God bless him.

Mr. HORTON. Mr. Speaker, I join my colleagues today in remembering a man who many have described as the greatest Senator in Kentucky's history, John Sherman Cooper, who, at the age of 89, passed away on February 21.

After earning an undergraduate degree from Yale and a law degree from Harvard, Senator Cooper embarked upon a long and magnificently successful lifetime of public service. His career began wtih a term in the Kentucky House of Representatives and two terms as Pulaski County judge. While serving as Pulaski County judge, Senator Cooper's steadfast support for humanitarian principles evolved. This belief evinced itself when he took the then unpopular position of insisting that black citizens serve on juries.

Senator Cooper placed his political career on hold for several years and enlisted in the Army in 1942. Following the Allied victory, he remained in Germany to help reorganize Bavaria's courts and repatriate thousands of displaced persons. After 4 years of loyal and courageous service, Senator Cooper was discharged as a captain in 1946.

Following his military service, Senator Cooper returned home to his native Kentucky, where later that year, he successfully won a special election to serve out the term of A.B. "Happy" Chandler, who had resigned to become the commissioner of major league baseball. This was the first of a rare feat of winning three nonconsecutive terms in the U.S. Senate. After an unsuccessful reelection bid in 1948, Senator Cooper returned to the Senate to serve another partial term in 1952. Once again, however, he lost his reelection bid, only to be returned to the Senate in 1956 to finish a third partial term. Finally, in 1960, Senator Cooper won his first full Senate term. It was a seat he would hold until 1972, when he chose not to seek reelection.

In all, John Sherman Cooper served as a U.S. Senator from Kentucky for 20 years. During that time he represented the people of the Bluegrass State with honor, distinction, and integrity. As a Senator, John Sherman Cooper established himself as one of the foremost experts on foreign affairs. He was a leading advocate and one of the first Members of Congress to recognize the need to limit the proliferation of nuclear weapons.

Senator Cooper's interest in foreign affairs was further evidenced by his distinguished service in our Nation's diplomatic corps. He served as a Delegate to the General Assembly of the United Nations in 1948 and 1969; and as Ambassador to India and Nepal from 1955 to 1956; and finally, President Ford appointed him to serve as our first Ambassador to East Germany from 1974 to 1976.

But while Senator Cooper was well known for his interest in international relations, he never forgot his Kentucky roots. Throughout his career, Senator Cooper supported programs to provide Federal aid to education as well as Medicaid and Medicare. In addition, he was one of the chief advocates for the establishment of the Appalachian Regional Commission.

I would like to express my sympathy to Senator Cooper's family and friends. My heartfelt prayers are with you. The death of a statesman such as Senator John Sherman Cooper, who combined a zest for foreign affairs with strong sense of dedication and commitment to his "Old Kentucky Home" is a loss to the people of Kentucky as well as the United States. It is rare to find a statesman who advised Presidents and weighed in on foreign policy matters of the highest importance while maintaining his down-home style and concern for his home State. He will be greatly missed.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent that because I missed my 5-minute special order by a couple of seconds, that I be allowed to take my 5-minute special order out of sequence.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1740

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 106

Mr. DORNAN of California. Mr. Speaker, the gentleman from Texas [Mr. BARTLETT] was a cosponsor of my House Joint Resolution 106, and he has requested that his name be removed, as I misunderstood him.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Is there objection to the request of the gentleman from California?

There was no objection.

A JOYOUS DAY

Mr. DORNAN of California. Mr. Speaker, if my father, Harry Joseph Dornan, had not been called to his eternal reward in his 84th year, he would have been 99 years of age today. He was a combat artillery captain from World War I, and won several wound Chevrons, which is what Purple Hearts were then called. He won three Wound Chevrons: One for shrapnel, under his left eye; and twice for horrible poison gas attacks that the Germans unleashed. His war was originally called the Great World War or the World War. No person knew we were going to have a second one, let alone, God forbid, a third one, ever.

It was in Northern France, Southern Belgium, Flanders, that the Germans, in May of 1916, first used poison gas. By the time the American troops got there in large numbers in late 1917 and late winter of 1918, poison gas was a regular feature of the battlefield, as were machine guns, aircraft, and tanks. The red and blue slacks of the French cavalry uniforms had given way to khaki and olive drab. All these aspects of the next World War, number II, were all introduced with the sole exception of nuclear weapons, in World War I.

When Saddam Hussein began the systematic destruction of his country on September 22, 1980, by attacking a country over 3 times the size of his Iraq, the nation of Iran, the world described it as eight years of World War I conflict. What a nightmare. After a million casualties in the Iraq-Iranian War, he then swallows a small country that has now just been liberated at tremendous cost of life, most all of that loss of life on the Iraqi side. Again, tens of thousands of casualties. Because of Saddam's ignominious defeat, his Guard, his elite forces, are now, as we speak, in combat against the regular forces returning from a terrible and crushing defeat at the hands of 28 nations in what we call the allied coalition, or the coalition forces.

I wanted to say on the anniversary of my dad's 99th birthday what a pleasure it is to hear that 35 more coalition prisoners are released, to add to the 10 released yesterday. That is a total of 45, and it looks as though our worst fears have been relieved. The split crews that were evidenced when we saw only one-half of those crews paraded on television, against Geneva Convention rules. However, the other half of those crews apparently did eject safely from about five or six different aircraft, including 2-seat British and Italian Tornados, GR-1's, and in the case of the United States, 2-seat F15-E's, and Naval A-6 Grumman Intruders.

I want to put in the RECORD, the list of all of the American prisoners whose families have been notified. This is not the easiest process, although the Defense Department tries to do it with the speed of lightning. These men, and women, I hope, will at some point, after the wounds of war are healed and they have been nurtured by their loving family and friends and home towns, and hopefully after parades of thanksgiving, parades of peace, they will come and visit with their Congressmen and Congresswoman here on Capitol Hill, and give Members a firsthand accounting of what it is like to bail out over an enemy-held territory, over a very target they are working over, and tell how they are treated. Also, I would like to find out if there is any truth to the story that two British airmen were taken to an air base and tortured to death.

When I say the word air base my blood runs cold because even in North Vietnam it was the NVA military that protected our bailed-out air crews. It was the civilian population, which in understandable in rage, maybe killed a hundred or more of our air crews in North Vietnam. I remember one of our leading aces, a Mustang pilot of World War II who bailedout on Christmas Day of 1945 and was cut to death with pitchforks by angry German farmers when he bailedout in a rural area on one of his last combat missions. He is a very famous ace. I will withhold his name out of respect for any relatives because of the horrible death he suffered.

Military people, particularly German pilots, would rescue any of our downed air crews, take them to their air bases, and oven dry clean their clothes. Sometimes, as with one of the Eagle Squadron pilots, George Sperry, who I had the pleasure of taking to Great Britain for the 50th anniversary of the Battle of Britain, the German air crews took allied prisoners to the train station. They even kept one other man in the hospital until he was well, before he was sent off to a stalag. They did not torture them to death on the air base, which is breaking every code of decency and military code.

Therefore, it is a joyous day that I put in the RECORD the name of 15 American prisoners, Mr. Speaker, to add to the 10 that were released yesterday.

The names of the POW's follow:

On the list was another woman, Army Maj. Rhonda L. Cornum, 36, of Freeville, N.Y. On Monday, Army Spec. Melissa Rathbun-Nealy, 20, of Grand Rapids, Mich., was released by the Iraqis and transported to a U.S. hospital ship in Bahrain.

The other Americans released yesterday were listed by the Pentagon as Army Spec. Troy L. Dunlap, 20, of Massac, Ill., and Army Staff Sgt. Daniel J. Stamaris Jr., 31, of Boise, Idaho.

Lt. Col. Clifford M. Acree, 39, of Seattle; Capt. Michael C. Berryman, 28, of Cleveland, Okla.; Chief Warrant Officer Guy L. Hunter Jr., 46, of Moultrie, Ga.; Capt. Russell A.C. Sanborn, 27, of DeLand Fla.; and Maj. Joseph J. Small III, 39, of Racine, Wis.

Col. David W. Eberly, 43, of Brazil, Ind.; Maj. Jeffrey S. Tice, 35, of Sellersville, Pa.; Capt. William F. Andrews, 32, of Syracuse, N.Y.; Lt. Col. Jeffrey D. Fox, 39, of Fall River, Mass.; Capt. Harry M. Roberts, 30, of Savannah, Ga.; Capt. Richard D. Storr, 29, of Spokane, Wash.; and 1st Lt. Robert J. Sweet, 24, of Philadelphia.

THE DOMESTIC AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk tonight about the domestic agenda. There has been some fascinating discussion recently about having a domestic agenda. I want to quote from the New York Times today:

> Democrats Try to Shift Focus to Issues at Home. After months as bystanders while President Bush led the country to war, the Senate and House Democratic leaders struggled today to shift some attention back to Congress, domestic affairs, and partisan politics.

It went on to say in the article that the Democrats intend to make the case that Mr. Bush does not have a domestic agenda; that Mr. Bush and the Presidency, do not have anything here at home. I want to rise to make a couple of points because I think it is fascinating that the very people who did not understand President Bush's strategy in the Middle East, do not understand President Bush's strategy at home. The very people who did not understand the potential of the Stealth technology and the modern weapons, and the capacity to win the war against Iraq, also do not understand the potential of President Bush's advice here at home.

I want to divide this into several cases. I think, first of all, there is the question of whether or not the President has an agenda. I think we will prove he does. Second, there is a question of whether or not that agenda deserves to be brought to the floor of the House and the floor of the other body, and given a chance to be voted on. The third is, what does this whole debate on shifting focus to issues at home mean?

Now, I want to assert, first of all, that President Bush has quite an agenda, and that the fascinating reality is that while President Bush has been asking the Democratic leadership to bring things to the floor, the fact is, the Democrats want Members to believe there is no agenda because they have no intention of acting on it. For example, the President sent up an Excellency in Education Act on April 5, 1989, almost 2 years ago. He sent up a request for habeas corpus reform. That is, a reform which would help in terms of the death penalty and other provisions involving convicted criminals on June 15, 1989. He sent up a request for enterprise zones, to have a tax incentive to create jobs, on February 26, 1991. This is, by the way, the 12th year that enterprise zones have been recommended to the Congress.

Step by step, again and again, the question we have to look at is, what is going on? In the case of enterprise zones, for example, on March 29, 1990, legislative language was sent to the Congress in favor of enterprise zones to help create jobs in four areas, both in urban and rural America. So, again and again we have a long track record of things the President wants. We have a clear case that the President is, in fact, trying to recommend real change.

Now, the White House released on February 27, a fact sheet entitled "Expanding Choice and Opportunities for Individuals, Families and Communities. They quoted the President, in his State of the Union Address. The President said:

> The strength of democracy is not in bureaucracy. It is in the people and their communities. We must return to families, communities, counties, cities, States, and institutions of every kind, the power to chart their own destiny, and the freedom and the opportunity provided by strong growth.

☐ 1750

Now, this is an agenda radically different from that of liberal Democrats.

The factsheet goes on to say:

> The Administration is committed to strengthening the power and opportunity of individuals and families, to breaking down barriers to independence and self-reliance wherever they exist and to providing hope to distressed communities.

Now, notice this agenda. It is not a bureaucratic agenda. It is not a welfare state agenda. It is not a tax increase agenda. It is not an agenda which increases power in Washington, DC, and therefore if you are a liberal Democrat there is no agenda because they cannot see any of the things that the President is asking for.

Let me continue from the factsheet:

> This means giving people access to jobs and the ability to make choices that will better their lives and the lives of their families. People with access to housing, jobs and quality education have a stake in their community and a greater incentive to lead productive lives. More important, people with economic opportunity have hope for the future, an important and powerful weapon against poverty and despair. The Administration seeks to use numerous administrative, regulatory and budgetary means to expand economic opportunity for low income individuals. In addition to these continuing efforts, the President today announced that he will seek congressional action to promote choice and opportunity on several fronts.

They go on to list eight fronts. Listen to the eight fronts.

> One. Educational choice.
> Two. Educational flexibility.
> Three. Home ownership for low-income persons.
> Four. Enterprise zones.
> Five. Antidiscrimination laws.
> Six. Community opportunity areas.
> Seven. The Social Security earnings test.
> Eight. Anticrime references.

Now, here are eight areas where this is a clear agenda at home, where President Bush has a domestic agenda and it is an agenda that ought to be acted upon, and yet what is the reaction of liberal Democrats? Well, educational choice cannot count. That is not part of their Bureaucracy.

Educational flexibility cannot count. That is not part of their bureaucracy.

Home ownership for low income persons, the Democrats on the Appropriations Subcommittee last week zeroed out Secretary Jack Kemp's proposal, refused to spend a penny to increase reforms for home ownership for low income persons.

Enterprise zones, the effort to create an incentive to create jobs in the inner cities, to create jobs in rural America, to help poor people to have a chance to have private sector jobs, that is bottled up in the Ways and Means Committee. The Democrats have no intention of bringing that kind of projob creation, pro-private-enterprise bill to the floor of the House.

Antidiscrimination laws, well, the Democratic leadership seems committed to a quota bill, but does not seem to be willing to bring to the floor an antidiscrimination bill that does not have quotas.

So you go down the list. Finally, the anticrime effort. It was the Democratic leadership last year which established in the conference between the House and the Senate, that they would drop all of the key reforms President Bush has asked for, the key reform on the death penalty, the key reform on habeas corpus reform, and the key reform on the exclusionary rule.

Now, what did that mean? It meant that it was harder to use the death penalty. It meant that it was easier for convicted criminals to tie up State attorney generals and U.S. attorneys in repetitive appeals on habeas corpus and it meant that the local police further had their hands tied under the exclusionary rule.

The net result, we have continuing crime and a continuing drug problem, and despite the fact that it has been over a year and a half since the President asked for these reforms in crime, they have not been passed and the Democratic leadership currently has been bottled up in the Judiciary Committee.

But this is not an untypical activity. The fact is the Democratic leadership has a hard time getting Congress to do even the simplest things. Let me quote from a letter from Secretary of the Treasury Nicholas Brady on the issue of the Resolution Trust Corporation. This is a letter to Congressman BOB MICHEL, Republican leader:

> As chairman of the Oversight Board of the Resolution Trust Corporation, I am writing to emphasize that unless Congress promptly provides adequate funding to the RTC, the RTC will be forced to further curtail its efforts to close bankrupt savings and loans. Already the delay in authorizing additional funds has slowed down case activity and cost the American taxpayer at least $250 million to $300 million. The Oversight Board has testified that full funding to permit the RTC to complete the thrift cleanup would be preferable to interim funding; however, $30 billion of loss funds will permit the RTC to continue operating through the remainder of the fiscal year. I am afraid that if any less than $30 billion is provided, the result will be a start and stop cleanup process that produces further delays, substantial additional costs to taxpayers and confusion in the minds of depositors. Delays if allowed to continue for a calendar quarter will cost an additional $750 million to $850 million, or an average of $8 million a day. Accordingly, I repeat the Administration's urgent request that the House provide adequate funds to the RTC without controversial amendments that would delay the provision of funds and add to the taxpayers' costs.
>
> Sincerely, Nicholas Brady, Chairman.

Now, this letter is dated March 1. This is the 5th.

The Democratic leadership by its failure to schedule and pass continued funding to protect the depositors has wasted $40 million in the first 5 days of March. Tomorrow that number will be $48 million. The next day it will be $56 million, and yet we see no activity to pass something which everyone agrees is necessary, everyone agrees is unavoidable, everyone agrees will in fact be passed, and the result is a Congress which is simply not able to get the job done.

Let me quote from the Washington Post, hardly a conservative publication, Monday, March 4:

> PANIC, CHAOS AND THE S&LS
>
> Amid much panic and chaos, the House Banking Committee has voted down the bill to provide more money for the savings and loan cleanup. Everybody knows that the bill is going to have to be passed, and soon. The money is used to shut down failed S&Ls, those whose assets no longer suffice to pay off their depositors. Delays in providing the money merely mean that the failed S&Ls continue in business with steady growth of their losses.
>
> The bill is understandably unpopular, since it spends vast amounts only to cover the past losses of private operators. Many congressmen are anxiously looking for ways to distance themselves from it and demonstrate their eagle-eyed vigilance, prudence, concern, etc. When it came up in the Banking Committee last Tuesday, a lot of members (mostly Democrats) went to work attaching endless amendments of that character to it. Another lot of members (mostly Republicans) complained that the proliferation of amendments was getting out of hand and began voting against the whole bill. With that, the Democrats realized that this detested bill was going to be attributed to

> them. Some of them swung against it, and the bill collapsed.
>
> Some of the amendments are useful attempts at serious reform. In the S&Ls cleanup, an obscure federal agency called the Resolution Trust Corp. is now spending money faster than any but four of the executive departments. Its procedures could stand improvement.
>
> But most of the amendments were merely posturing. Although the process needs to be speeded up, one amendment would have slowed it down for environmental reviews. Another would have slowed it further by requiring the RTC to duplicate the present examiners in enforcing the civil rights laws.
>
> A few of these amendments were cuckoo or vengeful, or both. An example was the one that would have tried to make the states with the largest numbers of failed S&Ls—Texas, for example—pay part of the cost of shutting them down. Why should they? It's federal deposit insurance and a federal responsibility. This mean-spirited bit of legislative mischief was an indication of the distance that the committee had run beyond the control of its chairman or any coherent majority—let alone common sense.
>
> The Banking Committee is going to try again this week. The costs of procrastination run high, and the RTC is nowhere near the end of its job. There are currently 190 failed S&Ls already in federal conservatorship waiting to be closed, and the examiners report that another 200 or so are likely to join them in the months ahead.

Now, the references here about cuckoo and vengeful, the whole notion that this is going to be a disaster, is not from a Republican. It is not from a conservative. It is from the Washington Post, and the Washington Post is simply saying that the Democratic leadership, the longer it is unable to get its act together, the more expensive it is going to be for the American people, and as I said, at the rate of $8 million a day, that adds up.

It sort of makes you think that if the Democratic leadership had been in charge of Desert Storm, an act which they were opposed to, that in fact Desert Storm would have taken 5 or 10 years and would have been unbelievably confused and unbelievably disoriented.

Now, again on Monday, the Wall Street Journal, a more conservative publication, had an editorial entitled "More Fun With S&L's," and I would like to read from it.

> Since the origin of the savings and loan scandal is often so ludicrously distored ("the ultimate Reaganite deregulation"), we wonder if it's possible that many people will recognize the direction that the end game of this awful mess is taking. For that, you'd have had to focus on what happened in the House Banking Committee last week.
>
> Understandably, attention was drawn to the windup of the Gulf War. But the Nation has been struggling with a sour economy whose woebegone financial institutions are at the heart of the trouble. The thrift debacle, tying up potentially hundreds of billions of dollars, is the aorta.
>
> □ 1800
>
> Before getting to House Banking's hijinks, let's set them against the context of the problem. Most of the S&L money is gone, but the bleeding hasn't entirely stopped. Some insolvent thrifts remain in business, losing more taxpayer-guaranteed money, and of course the Resolution Trust Corp., the assigned liquidator, moves molasses-like in disposing of assets whose value generally shrinks. Meantime, this slow drain debilitates commercial banks, insurance companies and other institutions whose infirmities compound the economic worry.
>
> So there is an urgency here. However, it's also important to realize that what's lost is lost. The S&L bailout is about recouping money owed to depositors. The depositors are going to be paid because the federal government assured them they would be. The crooks got away with their take, and the inflated prices for real estate were paid and the bum loans were made. That money is not coming back. All that's left to do, really, is square Washington's books.
>
> But the politicians just won't have it. At the House Banking Committee, they aren't still fighting the lost war, they're trying to rewrite its history. They've attempted to freight the cleanup bill with all kinds of punishments for the Reagan Rich and spoils for Those Not Invited to the Party. Simultaneous with an amendment to the RTC funding bill directing the agency to sell assets more quickly, the banking committee's various members offered other strictures to: preserve rent control, force more contract awards to women and minorities, cut nonprofit entities in on housing deals, and make states with the worst S&Ls pay a larger share, though many of their deposits were brokered from people everywhere. From Rep. Joe Kennedy we get a demand that the bailout be paid with higher taxes or cuts elsewhere in the budget (one guess which option he'll fight for).
>
> He was a Democrat. In the end most Republicans on the panel said that if such micromanagement was the price to be paid for more RTC funding, forget it, and enough Democrats joined them in voting to scuttle the bill. Most observers, however, expect the junk amendments to creep back into the process. Also, bailout legislation may yet be revived using a less onerous Senate version, if Howard Metzenbaum doesn't filibuster to get some RTC records he's chasing, the better hound somebody on one of his many lists.
>
> If the funds dry up, there's nothing left to pay the already-incurred losses and no more thrifts can be liquidated after this week. The mop-up operation in U.S. finance will turn into a stalemate and the casualties will mount. America may have resolved to have no more Vietnams, but on the evidence of House Banking's behavior, we can't say the same about more S&Ls.

Now, what is the message? The message is that while the Democratic leadership is playing politics and while they are failing to get the job done, every American taxpayer is getting hit with a slightly harder hit for the bailout of the depositors. That is where the money has gone, to take care of the depositors whom we have guaranteed.

Now, when you recognize that the Democratic leadership cannot do something as simple as pass a simple continuing permission for the Resolution Trust Corporation to save $8 million a day, you can imagine how much harder it is to talk about real reform.

Let me turn, in terms of real reform, to the President's State of the Union. This is an address which was given when virtually every Member of the Congress was here.

This is an address given on January 29. The President spent most of the State of the Union talking about Iraq, talking about the Middle East, but he also talked about very specific reforms here at home.

He said, and I quote, "My budget again includes tax-free family savings accounts, penalty-free withdrawal from IRA's for first-time home buyers and, to increase jobs and growth, a reduced tax for long-term capital gains." He also went on to say that he wants "a budget that promotes investment in America's future—in children, education, infrastructure, space and high technology; legislation to achieve excellence in education, building on the partnership forged with the 50 Governors at the education summit; enabling parents to choose their children's schools—and helping to make America No. 1 in math and science; a blueprint for a new national highway system—a critical investment in our transportation infrastructure; a research and development agenda that includes record levels of Federal investment and a permanent tax credit to strengthen private R&D and to create jobs; a comprehensive national energy strategy that calls for energy conservation and efficiency, increased development and greater use of alternative fuels; a banking reform plan to bring America's financial system into the 21st century so that our banks remain safe and secure and continue to make job-creating loans for our factories, businesses, home buyers."

He goes on to suggest "a Mexican free trade agreement, and our enterprise for the Americas initiative." He talks about civil rights: "Civil rights are also crucial to protecting equal opportunity. Every one of us has the responsibility to speak out against racism, bigotry, and hate. We will continue our vigorous enforcement of existing statutes, and I will once again press the Congress to strengthen the laws against employment discrimination without resorting to the use of unfair preferences."

He goes on to say, "As we fight crime, we will fully implement our national strategy for combating drug abuse. Recent data show we are making progress, but much remains to be done. We will not rest until the day of the dealer is over, forever."

As I said, he has already asked for reforms involving the habeas corpus process, involving the exclusionary rule, and in restoring the death penalty.

Now my suggestion is that if you are to read the President's State of the Union, if you are to read the 20-page introduction to the budget, it you are to look at the list of bills sent up over the last 2 years, sent up by President Bush and his administration, you would see again and again and again that President Bush has a domestic agenda but it is not Washington's agenda.

It is not an agenda of more power for the Washington bureaucrats. It is not an agenda of higher taxes to send money to Washington. It is not an agenda that would create for the Democratic Party more allies and a bigger machine.

So the bureaucratic welfare state feels that it is not being taken care of. And yet any reasonable person, looking at the scale of the President's agenda, I think would come to the conclusion that there is a lot here to be looked at. Let me give you some examples, quoting from the fact sheet released on February 27 by the White House.

I quote:

> CHOICE programs provides parents with the opportunity to select the most appropriate school for their children, based on informed judgments about which school offers the best education. CHOICE leads to healthy competition among schools by focusing on improving educational quality as the way to attract students. Clearly, parents should have the opportunity to send their children to schools of their choice. CHOICE can lift the performance and quality of all schools. The President will propose a new Education Excellence Act, which contains strategic initiatives to improve the learning achievement of all Americans and to restructure the Nation's educational system. Initiatives in the Education in Excellence Act will stimulate fundamental reform and restructure our educational system through promoting educational choice and alternative certification for teachers and principals, assist educators in their mission to improve student performance by rewarding schools that demonstrate improved achievement among students, rewarding excellent teachers, and promoting innovation in training school administrators; provide incentives to school districts to design and implement innovative approaches to mathematics and science education, enhance the endowment of historically black colleges and universities, and contribute to improving literacy.

Notice the President is not insisting that any school system adopt CHOICE or is not insisting that parents adopt CHOICE; the President is suggesting that the Congress pass some legislation to allow a series of experiments, allow local communities, local parents, local educators to try to improve education with more flexibility and with less Washington bureaucracy.

Surely that is a direction that Congress ought to be bringing to the floor and trying to pass, and I would ask the Democratic leadership to quit smothering the initiatives in CHOICE and, instead, to allow them to come to the floor.

There is a second zone, and I want to quote again:

> Providing educational flexibility in return for accountability. Federal departments and agencies administer hundreds of separate programs that provide or support education services. Each has its own statutory and regulatory requirement. Program requirements can impede the ability of local schools and districts to provide the best possible education. Flexibility in administering Federal education programs will allow Governors, school administrators, teachers, service providers, parents, and others in the community to work together to develop effective education programs that meet the needs of all students, particularly those students who are educationally disadvantaged. The Educational Excellence Act of 1991 will promote local control and innovation in education by providing increased flexibility in the use of Federal funding in exchange for enhanced accountability for results.
>
> The administration's bill will be guided by the following principles: Flexibility should be linked to accountability for improvements in educational outcomes; flexibility should result in delivering services to current target populations in a more effective manner; flexibility should retain key protections in current law, for example, protection of the disabled.

Now notice that there are some key words here that may explain why the Democratic leadership is not very excited about President Bush's agenda. The administration talks about providing increased flexibility in the use of Federal funding. The administration talks about promoting local control and innovation.

□ 1810

Mr. Speaker, I say, "If you're the party of the bureaucratic welfare state, as the Democrats are, if your major allies are people who believe in big bureaucracy and one centralized government, the Educational Excellence Act of 1991 might be a little threatening because it returns more power back home, but the fact is the President has a domestic initiative and domestic agenda that he wants to push to reform education, and it is the Democrats who are afraid to bring it to the floor."

Let us turn to home ownership, and let me quote again.

> Low-income Americans have a greater stake in their communities when they have the opportunity to own their own homes. The HOPE initiative, Home Ownership and Opportunity for People Everywhere, is a new grant program to increase home ownership opportunities. By offering residents greater control and access to property, the HOPE program will instill pride of ownership and enhance incentives for maintenance and improvement.
>
> While HOPE was enacted into law last year, Congress provided no funding for the program in fiscal year 1991. The President has requested $500 million in fiscal year 1991 supplemental funding to start the HOPE program immediately. The President's budget also requests a billion dollars in 1992 for the new home program, the housing block grant program providing States and localities greater flexibility in meeting the housing needs of their low-income residents with incentives for using housing vouchers. HOPE grants will be made on a competitive basis to resident management corporations, resident councils, cooperative associations, nonprofit organizations, cities and States and public and Indian housing authorities. Funding will help participants design and execute their plans for resident management and buyouts of public and assisted housing.
>
> The HOPE initiative also targets $258 million in 1992 for a new shelter plus care program to help the homeless. The shelter plus care program will link housing with the full range of services needed by the homeless. The program will combine shelter with the support services, job training, health care and drug treatment that helps people achieve dignified and independent lives.

Now what are they saying? President Bush has a proposal for home ownership and opportunity for people everywhere, but it is a tremendous threat to the liberal Democrats. It suggests, first of all, greater flexibility. I say, "Greater flexibility is bad if you believe in the Washington system, if you believe in the bureaucratic welfare state, if you want power centralized in Washington."

The HOPE Program allows resident councils, cooperative associations, non-profit organizations to all be involved, and I say, "That's bad if you believe in the bureaucratic welfare state because it moves power away from the bureaucrats back to normal, everyday people."

This system allows participants to design and execute plans for resident management and for buyouts. This actually stands for poor people being able to buy a home someday and to have their own private property, and, if my colleagues believe in the bureaucratic welfare state, if they believe in old-time liberalism, that is bad because it means that the poor would rapidly become nonpoor, and they would have a chance to own property, and yet I would say to the Democratic leadership, "You owe it to the President to cooperate."

For example, President Bush asked for $500 million in supplemental funding. Do my colleagues know what happened in the Committee on Appropriations? The Democrats zeroed it out. They refused to give the $500 million to Home Ownership and Opportunity for People Everywhere, and I would hope that the floor of the House, when that comes to the floor, will put that $500 million back in in order to help, in order to give President Bush a chance to have his program work here at home. But the very people who voted against giving the President a chance in the Persian Gulf are consistently voting against giving the President a chance here at home, and the same negative attitudes that tried to cripple President Bush in the Persian Gulf are crippling President Bush in his program here at home.

It goes on. Let me continue, and I quote:

> Enterprise zones will attract property by promoting investment in economically distressed neighborhoods. Enterprise zones will attract new seed capital for small business startups, create new incentives for entrepreneurial risk taking and reduce high effective tax rates on those moving to work from welfare. The Enterprise Zone and Jobs Creation Act of 1991 will target tax incentives and regulatory relief to some of our Nation's most economically depressed areas. The Secretary of Housing and Urban Development

> would designate up to 50 urban, rural and Indian enterprise zones over a 4-year period. Designations will be based on the level of distress, as well as on the nature and extent of State and local efforts to improve living conditions and to eliminate government burdens to economic activity. Designation will be for a maximum of 24 years. The legislation will provide tax incentives to attract seed capital, stimulate employment and increase the economic return from work for the working poor. Workers will be eligible for a 5-percent refundable tax credit for the first $10,000, $10,500, of wages earned in enterprise zone business. This will put up to $525 more income in the pockets of low income workers. The credit phases out between 20 and $25,000 of total annual wages. To spur investment, capital gains taxes will be eliminated for gains and investment in tangible property; for example, buildings and equipment used in business located in an enterprise zone for at least 2 years. To encourage entrepreneurial risk taking, individuals will be permitted to expense investments in the capital of corporations engaged in enterprise zone business. This essentially provides an immediate writeoff for investments in enterprise zone businesses. Corporations must have less than $5 million of total assets. Expensing will be permitted up to $50,000 annually per investor with a $250,000 lifetime limit.
>
> Mr. Speaker, the legislation would also give enterprise zone communities priority for a free-trade-area status. Such status would, for example, allow a business in an enterprise zone to import materials duty-free, if the materials are used to manufacture products for export to other countries. Enterprise zones would reduce Federal tax revenues by $1.8 billion over 5 years.

Now notice what we are saying. President Bush is prepared to invest $1,800 million, and I might say that is on a static model; that is, without any kind of reflow from additional jobs, additional income, additional productivity. He is willing to invest that money in the poorest parts of America, in the poorest parts of the inner city, in the poorest parts of the Indian reservations, in the poorest parts of rural America. He is willing to set up 50 enterprise zones around America as an experiment to see if we can create jobs, to create jobs in New York City, in Philadelphia, in Chicago, in Atlanta, to have an opportunity for the very poorest citizens to go to work, to get off of welfare, and what is the answer from the Democratic leadership? It is to smother the bill.

Notice the Democratic tactic. First the Democrats say that President Bush does not have an agenda. They then kill the agenda in a subcommittee or committee. Then, since he never had the agenda, we are not supposed to notice that they killed it. Then, since they killed it, it cannot come to the floor, which further proves he does not have an agenda. Then they will bring their bill for a bigger welfare state, and more bureaucracy and higher taxes to the floor, and they will say, "Since the President doesn't have an agenda, this is the only thing we can do. So, you have to vote for our agenda, if you want something."

Now it is nonsense. It assumes the American people are too dumb to look at what the President is doing. It assumes the President is not able to communicate what he is doing. It assumes that we Republicans are standing by idly and are allowing a series of rules to come to the floor and to allow a series of scheduling decisions which kill the reform program, and kill the new initiatives, and kill the opportunity society, and then we are going to stand by passively and allow the very people who are so totally wrong about the Persian Gulf to be equally wrong about America and not say anything. That is not the way it is going to happen. I believe my colleagues are going to see us fight to bring an enterprise zone legislation to the floor, and we are going to fight in the name of the poor.

I ask, "Why shouldn't a working American in the poorest neighborhood be allowed to take $525 more in take-home pay home, which is what President Bush wants, and why should the liberal Democrats take that $525 out of the pocket of the poorest low-income workers in the poorest neighborhoods in America? Why shouldn't a small business that has the courage to open up in a poor neighborhood be given a chance to expense its investment in 1 year, to be able to have a tremendous incentive?"

We are in the middle of a session, and we are going to hear all sorts of liberal Democrats talk about jobs programs and more bureaucratic welfare state ideas, but why do we not instead encourage small businesses, many of then owned by women, many of them owned by minorities, to go out and create new jobs and have an opportunity in our very poorest areas to create the kind of permanent job, not a temporary welfare state job, not a temporary bureaucratic job, but a permanent job in the private sector creating new goods and services?

□ 1820

So I hope the Democratic leadership will decide to allow us to bring to the floor and will help us pass an enterprise zones bill. But instead of pretending that the President does not have a domestic agenda, why not next week schedule an enterprise zones bill? The fact is that enterprise zones have been around here before. Jack Kemp, I believe, introduced the very first bill in about 1977. These are enterprise zones that then Congressman Kemp, now Secretary of Housing and Urban Development, has been fighting for, and that President Bush has been fighting for. This is an idea whose time has come.

"Why don't you go ahead," I say to the Democratic leadership, "and bring that bill to the floor?"

Let me continue. President Bush has an agenda that reaches beyond just traditional areas. And I quote:

> A vital element in the effort to protect the civil rights of all Americans is the vigorous enforcement of existing antidiscrimination laws. Over the past two years, the Bush Administration has moved aggressively to fight hate crimes and combat discrimination in housing, voting, employment, and education. A few examples.
>
> Enactment of the Americans with Disabilities Act in July 1990 was one of the most important expansions of civil rights protections in a quarter of a century. The Administration is now pursuing swift implementation of the landmark law.
>
> The Department of Housing and Urban Development [HUD] is aggressively enforcing the 1988 Fair Housing Amendments which prohibit housing discrimination on the basis of race, color, national origin, religion, sex, familial status, or disability. The Bush Administration has resolved nearly 12,000 of the almost 16,000 fair housing cases.
>
> In 1989, the Justice Department prosecuted more than twice as many hate crimes cases as in any previous year. In 1990, the Justice Department had a 100 percent success rate in prosecuting hate crimes.
>
> In 1990, the Department of Education received and resolved more civil rights complaints than in any previous year of its history—and in record time.
>
> The largest settlements in the history of the Department of Labor's Federal Contract Compliance cases have been achieved during the Bush Administration. A single case involving employment discrimination against women and minorities resulted in a payment of $14 million. In another case, a back pay settlement of $3.5 million will benefit approximately 1,000 women who were discriminated against in hiring.
>
> The Administration is committed to strengthening the strong employment discrimination laws that now exist. These improvements will remove consideration of factors such as sex, race, religion, or national origin from employment decisions. This can be done without encouraging the use of quotas or preferential treatment, without departing from the fundamental principles of fairness that apply throughout our legal system, and without creating a litigation bonanza that brings more benefits to lawyers than to victims.
>
> A major objective of the Administration is to ensure that Federal law provides strong new remedies for harassment based on sex, race, color, religion, or national origin.
>
> The Administration will propose to codify a cause of action for "disparate impact," involving employment practices that unintentionally exclude disproportionate numbers of certain groups from some jobs. The burden of proof will be shifted to the employer on the issue of "business necessity."
>
> The time has come for Congress to bring itself under the same anti-discrimination requirements it prescribes for others.
>
> Other improvements, including changes in certain provisions affecting statutes of limitations and encouragement for the use of alternative dispute resolution mechanisms, will also enhance the administration of our comprehensive civil rights laws.

Now, let us notice what the administration is saying. It is saying that we want a civil rights bill. The President is prepared to sign a civil rights bill, but what he will not accept is a quota bill. I think it would be very easy for the Democratic leadership to pass everything they know the President will sign. Let us strengthen the civil rights laws right now, and let us go ahead and get into law the kind of things President Bush is committed to and that he has clearly indicated he will sign. And let us make sure that we have further strengthened the law against discrimination, but at the same time let us not get involved in a long, drawn-out fight over quotas.

The President is going to veto a quota bill. The veto will be sustained in the House, and I believe it can be sustained in the Senate. It is not going to pass. So I think it is foolish for the Democratic leadership to be so committed to a quota bill that it blocks the passage of a good antidiscrimination, pro-civil-rights act in an effort to get quotas through, and I would encourage the Democratic leadership to recognize that once again the President does have a domestic agenda, that he is asking for real reforms, that there is a bill he would sign, and that they should bring a civil rights bill to the floor that does not have quotas in it but is signable by President Bush.

Let me go further. I quote:

> EXPANDING JOB OPPORTUNITIES FOR OLDER AMERICANS BY LIBERALIZING THE SOCIAL SECURITY EARNINGS TEST
>
> If social security recipients aged 65 to 69 wish to supplement their benefits with earnings, they may earn only up to $9,720 this year before their social security benefits are reduced. Beyond $9,720, each three dollars of earnings reduces their social security benefits by one dollar.
>
> For retirees with sources of income other than earnings, such as private pensions and investment income, this limitation on allowable earnings may have little effect on their lives. Presently, the earnings test falls most heavily on elderly persons who do not have significant savings or income from pension plans, and can seriously constrain their choices of employment.
>
> The President's fiscal year 1992 budget proposes an increase in the amount of allowable earnings for social security recipients aged 65 to 69.
>
> For 1992, allowable earnings would be increased $800, or 8 percent, from $10,200 to $11,000.
>
> For 1993, the increase would be $200, from $10,800 to $11,000.
>
> For 1994, allowable earnings would continue to rise to the level projected under current law, $11,400.

So the President is proposing a $1,200 increase in the amount people can earn if they are retired without having to have anything taken away. We must realize that our senior citizens pay the highest marginal tax rate on additional income. If you are poor and you are earning just barely $10,200 and you go to work and you are in a situation where you want to be able to earn a little bit extra, the minute you reach the current threshold, which for this year will be $10,200, you will have a third of your money taken away because the Social Security Administration will reduce your Social Security check by $1 for every $3 you are earning. So you are going to pay that kind of a tax on what you are earning. Let us say you are in the 15 percent bracket; you are going to pay 15 percent on the money you earn, plus you are going to lose one-third of it because it is going to reduce your social security benefit. So your effective marginal rate is 48 percent, the highest rate paid by anybody, and that is being paid by our senior citizens.

The President, given the budget constraints, thinks we can find the money to raise that ceiling by $1,200. He has a proposal to reform the limitation. I personally would like to go even further. I would like to eliminate the penalty. I would like to encourage senior citizens to stay active. But he is at least taking a step in the right direction, and I would say to the Democratic leadership, instead of ignoring the President's reform agenda, here is a place where we could schedule a bill next week, and I think it would sail through the House with a unanimous vote. I think every Member would vote to do precisely what President Bush has asked to raise the earnings limitation. It is allowed by the President's budget, it fits within the budget agreement, and we would help senior citizens by a substantial amount. This would be $1,200 more they could earn in the next fiscal year without being penalized.

I think that is important. I think helping our senior citizens have an additional $1,200 is good. I do not understand why the Democratic leadership, instead of fighting President Bush, does not agree to bring that reform to the floor.

But there is yet another area where the President is working hard and where he needs the help of the Congress. Let me quote:

> As President Bush has stated in the past, the right to be free from fear in our homes, streets, and neighborhoods is the first civil right of every American. Where streets are not safe and property is not secure, economic opportunity is impossible.
>
> The President announced in his State of the Union Address that the Attorney General will soon convene a Crime Summit of our nation's law enforcement officials. A major objective of the Crime Summit is to strengthen the working relationship between the Administration and State and local law enforcement officials.
>
> The Administration will again propose comprehensive violent crime control legislation to give law enforcement authorities the tools they need to apprehend, prosecute, and incarcerate violent criminals. The legislation will include:
>
> A meaningful Federal death penalty for the most heinous crimes with procedures to ensure its fair and colorblind application.
>
> Habeas corpus reform to reduce unnecessarily repetitive appeals that clog the courts and delay justice.
>
> Exclusionary rule reform to ensure that the evidence gathered by law enforcement officials in a good faith belief that they are acting lawfully can be used to help courts establish the truth.
>
> Provisions to strengthen Federal laws concerning the safety of women by modifying rules on the admissibility of evidence in cases of sex crimes, enhancing penalties for the distribution of illegal drugs to pregnant women, increasing penalties for recidivist sex offenders, and offering greater protection for victims below the age of sixteen.

□ 1830

Now, you would think with that kind of overwhelming popular reform in the area of violent crime, that we would be able to get the Democratic leadership to bring this bill to the floor. You would think we would be able to pass these things.

Yet, I have to report to my colleagues and to the country that the President initially proposed most of his crime reform in June 1989. It has been sitting there, and the Democratic leadership refuses to pass it. Why? Because, from a liberal value standpoint, reforming the exclusionary rule to allow police to collect evidence, that might put too much power in the hands of police. Reforming the habeas corpus procedures so that criminals cannot tie up the courts and cannot tie up the law enforcement authorities, why, that might put too much power in the hands of the courts and the law enforcement authorities.

The death penalty is something that many of our liberal friends simply are opposed to. So I would say when you add in the provisions to increase safety for women, when you add in the provisions to offer greater protection for victims below the age of 16, when you add in greater provisions to enhance the penalties for the distribution of illegal drugs to pregnant women, again and again, President Bush does have a reform agenda, he does want a safer America, he does want to do something about violent crime and drugs. And, for some reason, the Democratic leadership will not bring it to the floor, will not let us pass it.

We had an example of this action the very first day we were in session. The very first day we were in session, the gentleman from Illinois [Mr. MICHEL], the Republican leader, offered an amendment which would have changed the rule to bring a balanced budget constitutional amendment to the floor.

Now, a constitutional amendment to require a balanced budget is one of the most popular political provisions that we have. Something like 78 percent of the American people favor a balanced budget amendment. They look at the Congress spend and spend and spend, they look at the Congress raising taxes, and they say to themselves, "We are never going to be in a position to bring the budget under control until we have a constitutional amendment to require a balanced budget."

On the very opening day, every Democrat in the House voted against bringing up a constitutional amendment to require a balanced budget. Yet the Democratic leadership could schedule this week or next week a balanced budget amendment, and we could have a vote on it.

I want to wrap up by making this point: President Bush was given the authority to use his power as Commander in Chief, and we won an extraordinary success in the Persian Gulf. We were able to win, frankly, faster, with less loss of life, than many of us thought possible. We were able to be decisive. We were able to organize intelligently. We were able to get the job done.

President Bush has for 2½ years been sending reform ideas up to the Congress. President Bush has been asking for excellence in education, for reform of the criminal procedures, for enterprise zones to create jobs in the inner city, for better opportunity for homeownership, for a range of changes which would begin to shift from the bureaucratic welfare state toward an opportunity society.

Again and again and again, the liberal Democratic leadership of the Congress has refused to pass that kind of legislation. They have refused to bring it out of committee.

As I reported earlier, as recently as last week the Democrats on the Committee on Appropriations rejected President Bush's request to reprogram $500 million to allow the new program for home ownership and opportunity for people everywhere to get off the ground, to get started.

I think the strategy is very clear. The Democratic leadership hopes to say in the press over and over again,

> The President has no domestic program. We are glad he is strong in foreign policy. We are glad he knows what he is doing with military force. Gee, it is a pity he is not doing anything here at home.

They intend apparently, the Democratic leadership, to simply take everything which is new and different and say it does not exist.

It is a little bit like the way the Iraqis looked at the American military. Since the Iraqis had never seen an F-117, they did not know what it could do. Since the Iraqis had never seen a Patriot missile, they did not know what it could do. Since the Iraqis did not understand what our technology could do with a Tomahawk cruise missile, they did not know what it could do. So they simply ignored it.

Similarly, the Democratic leadership does not seem to understand that these are new ideas, new reforms, new initiatives, new approaches. Then they hope, having ignored everything that the President is asking for, to convince the news media and to convince the country not to pay attention down in the subcommittees and down in the committees, where the Democrats have stacked the game, where they have more power than they have in the House as a whole, and far more power than they have in the country as a whole.

They hope to kill these programs, to kill the death penalty in the Committee on the Judiciary, to kill the constitutional amendment to require a balanced budget, to wipe out the new home ownership program of Secretary Kemp, and never let it come to the floor, to wipe out educational choice and never let it come to the floor.

Then they hope to come to the floor and say, "You see, we told you the President doesn't have a program, and we can prove it, because it is not out here on the House floor."

Now, I just want to sort of set the record straight, and I want to serve notice: We are going to fight every rule which bottles up President Bush's reform program. We are going to force votes on the floor on the initiatives the President wants.

Now, I do not always agree with the President. At least once last year I actively, strongly worked against him. I do not believe we ought to pass, carte blanche, everything the President asks. I think under our constitutional system, we ought to look at it, we ought to criticize it, we ought to take it apart, we ought to put it back together, we ought to improve it.

But I do think that the President of the United States deserves to have his program get to the floor. The parts that are bad, we will beat. But then we will be on record. People back home who want to see new idea and new approaches to replace the welfare state can see how we vote. They can listen to the debate. They can look at what is going on.

But there is something fundamentally wrong when a President is at 91 percent approval, when he and his party have held the White House for over 10 years, and when the Democratic leadership, instead of trying to cooperate, trying to understand, and trying to implement, decides that they are going to smother our programs and kill our programs in subcommittees and committees, and never let them see the light of day.

I think that is bad for America, I think it is bad for the poor, I think it is bad for the big cities, and I think it is just the wrong way to do business.

Again, just to take that one example of enterprise zone legislation, when the President of the United States sends up to the Congress a proposal that will put $525 in the pocket of low-income workers up to $10,500, now, think about that; $525. The very poorest workers in New York City could next month take $525 home more on an annualized basis. The poorest workers in Philadelphia, the poorest workers in St. Louis.

Now, I do not know why the Democrats do not allow workers who are poor to take that money home. Or to say to the very smallest businesses, if you have the courage to go in and open up your business in these enterprise zones in the heart of the inner city, to go into West Virginia, to go into rural Montana, why are we not going to pass this?

I would say that the Democrats who claim that they want to help the poor have a number of offers from the President of bills he will sign that they could pass in the next 2 weeks. People in this Congress who claim they are worried about the recession, the President has sent up legislation which will help us with a recession.

But the fact is, as the Wall Street Journal pointed out, every day that the Democratic leadership fails to bring up the Resolution Trust Corporation funding, it not only costs an additional $8 million a day, but it just further weakens the economy in terms of the recession. It makes it so a few more people are unemployed, it is a little harder to get out of the recession.

So I would say to the Democratic leadership, I hope you will drop this strategy of pretending that President Bush does not have a domestic reform agenda. I hope you will instead decide to cooperate. I hope that you will decide to work with the President.

I think you will find on our side of the aisle, if you want to produce a bipartisan series of rules and you want to bring to the floor liberal legislation for the bureaucratic welfare state and the President's reform proposals, let us vote them up or down. You are going to find the Republicans cooperating.

If you want to work out some procedures where we can look at the President's new ideas, and we can also look at new ideas by liberal Democrats, we are going to cooperate.

What we are not going to accept is the idea that you are going to smother the President's reform proposals, kill the House Republican reform proposals, wipe them out in subcommittee, wipe them out in committee, strangle them in the Committee on Rules, never let them get to the floor, and then come down here and bring only your ideas.

I think the average American who has watched President Bush be effective over the last couple of months will agree, that while not everything the administration sends up is right, at least it deserves a fair shot. I think every American will agree that the bureaucratic welfare state is an idea whose time is past.

The truth is, we just saw a 21st-century American military defeat a 20th-century opponent. We have a chance over the next few years to help the rest of America get into the 21st century. We have a chance to improve our health care, to improve our education, to improve our housing.

President Bush wants to be able to work to create the kind of domestic reforms that will let us get to that kind of 21st-century America. I want to work with him. I am very willing to work with the Democratic leadership, if they will bring to the floor genuinely bipartisan legislation, and a genuine opportunity to work together.

□ 1840

I commend them today for the decision to bring the Broomfield resolution to the floor commending the President and commending our troops. That was the right thing to do. It was a bipartisan thing to do. It passed with an overwhelming vote, and I am grateful that the Democratic leadership brought it to the floor.

But I would beg them to look carefully at the situation we are in. Back off from this strategy of trying to pretend there is not a domestic agenda and instead reach out a helping hand, and you are going to find on our side of the aisle a very great willingness to work with you. We would much rather pass legislation together and enact these reforms, and we can improve them together. I am not asking you to adopt what the President has sent up. I am asking you to consider and bring to the floor and let the House improve what the President is sending up. But I am asking you to give the President's program a fair chance, and if you decide to do that, I promise you, we will do all we can on the Republican side to pass those fair rules, to get things to the floor in an expeditious way, to have a positive, issue-oriented debate, and then to be able to go back home saying yes, we really did pass reforms that created jobs, that created homes, that strengthened education, that strengthened our opportunities for good health care. That ought to be the tone.

We have a chance to come out of Desert Storm with a country that is not only confident but unified, and I am very saddened to see this new Democratic strategy of pretending President Bush does not have any kind of domestic reform agenda. I do not think it will work, and I do think that we have an obligation to try to work together.

So I extend my hand. I am very willing to work with the Democratic leadership, but it has to be on fair terms, and it has to be in a framework where the President's reform ideas get a fair shot.

THE TAX FAIRNESS FOR FAMILIES ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, today I am pleased to introduce the Tax Fairness for Families Act of 1991, with the support of more than 15 of our colleagues.

Today we are very fortunate, that with our success in the gulf war, we will very soon be seeing our troops coming back home. We are justifiably proud of their accomplishments. As President Bush said last month, in the land of the free, we must sometimes also be the home of the brave.

It is fitting that we take an opportunity to learn a lesson from this chapter in history on how we can take decisive action against evil and prevail. While editorial writers may ask, "Can the nation that saved Kuwait rescue its own children?" we must appreciate going into this battle that family problems are, in many respects, more intractable.

However, we can still turn our renewed energy and efforts to restoring a new community order for children and families at home. With an emerging shared vision of a "can do" America we can be hopeful that once again it will be "Morning in America" for families.

Families today face the twin deficits of time and money. A recent article entitled "The Parent Trap" set out the dilemma that many parents face: "So many bills, so little time." Unfortunately in this equation, children are often shortchanged. Today, many American families are nearly running on empty. When they pull up for refueling, they are too often met by a government that siphons off what little fuel they have left. Since we know that families are the most cost-efficient vehicle for children to travel in, we need to at least allow them to keep the little resources they have.

The Tax Fairness for Families Act of 1991 is the first step in what I hope is a larger effort to truly focus on the family in the 102d Congress. Although the Tax Fairness for Families Act will only restore the exemption for children to approximately half of what it should be if it has kept pace with inflation, per capita income, and increasing family costs; it is my goal to reach the appropriate level, estimated to be approximately $6,000 to $7,800 in 1990 dollars, by the year 2000.

However, as we begin this focus on the family it is important to know where we are going—to have a vision for families. We have learned from experience that if we don't know where we are going, any road can get us nowhere. In fact, from the dramatically poor statistics on family indicators of well-being, it appears that the family express has apparently been on the road to nowhere for sometime now.

It is also important to know who should be leading us down this road. In doing so, I would like to note that in assessing the success of the military operations in the gulf, Gen. Norman Schwarzkopf applauded President Bush for allowing the military to "fight this war exactly as it should have been fought." The emphasis here is that those who knew best how to fight a war—the military themselves—were given the autonomy and resources and were not hampered in their efforts by arm chair experts and those removed from the everyday realities.

Similarly, in the battle to save the family we should provide broader latitude to those who are most directly knowledgeable and proficient in family matters—the parents and family members themselves. As Secretary of Health and Human Services, Dr. Louis Sullivan has noted, "many have overlooked the most powerful supporter, advocate, and ally children have—the family."

Yet the family itself has been one of the least underfunded departments over the past several decades. The Tax Fairness for Families Act which increases the deduction for dependents to $3,500, from the present level of $2,050, is a first step on the road to economic freedom for families whereby they can provide more for themselves and of themselves in matters involving their children. Nevertheless, I would like to put this bill in the greater context of a vision for families as we look toward the 21st century.

I have been a member of the Select Committee on Children, Youth, and Families since its inception in 1982. On this committee I have become all too familiar with the declining condition of children in today's culture. Pediatricians and child development experts of all stripes agree that the most important ingredient in a child's life is the consistent love and support of a primary caregiver. Dr. T. Berry Brazelton has written on how important it is "to listen to a child"—to be tuned in to a child's needs. And Dr. James Dobson has warned us of the time-consuming challenges of parenting in warning, "parenting isn't for cowards!"

Yet children are often not listened to, nor courageously reared. From outright violence and abuse, down the scale to neglecting or ignoring the needs of a child, many children today are falling far short of what common sense tells us is beneficial for them and society.

Perhaps the overwhelming statistics on increased teen violence and arrests, increased suicide and homicides by teens on teens, increased teenage pregnancy, increased numbers of single parents, increased child abuse and neglect, and the still high levels of infant mortality and drug use, cease to have an impact on us anymore—we have been numbered by the numbers. Yet depravity is becoming a way of life for a small, but considerable, group of children. Many observers have identified a pattern of crimes by children who do not seem to have a conscience. We were justifiably shocked by the Central Park "wilding" incident and the gruesome murder several years ago here in Washington, DC, of Catherine Fuller, a middle-aged mother who was gang raped and murdered in an alleyway by a group of young boys who sang and joked throughout this atrocity. For many children today, childhood has become a dangerous venture through "The Killing Fields," where they are both the hunter and the hunted.

Our children deserve far better and if for no other reason than to save our own skins we must, instead of offering them "The Killing Fields" begin to build them a "Field of Dreams" in which their physical, mental, social, and spiritual health is cultivated and nourished.

In order to do so, it is necessary to speak normatively about what is good for the family and to support and sustain it as one of the most valuable resources of society. This case has been persuasively made by many across the political spectrum:

> It's not enough to mourn the good old days, when neighborhoods were safe and people cared about their neighbors. We have to

> do what we can to restore the values of the good old days, or the days ahead will be worse than anything we can now imagine.—William Raspberry, Syndicated Columnist.
>
> There is no commitment in the world like having children. Even though they often will drive you to consider commitment of another kind, the value of a family still cannot be measured. The great French writer Andre Malraux said it well: "Without a family, man, alone in the world, trembles with the cold."—Bill Cosby.
>
> The family is not an accident of history, it is the most basic unit of human life. The family is the cradle of our infancy, the foundation of our youth, and the scaffolding of our majority.—Secretary of Health and Human Services, Dr. Louis Sullivan.
>
> Fathers and mothers, if you have children . . . they must come first. You must read to your children, you must hug your children, you must love your children. Your success as a family * * * our success as a society * * * depends not on what happens at the White House, but on what happened inside your house.—First Lady, Barbara Bush.
>
> * * * studies aren't necessary to discover what common sense tells us—intact families are better off—mothers and fathers both need to be there. Children need their parents. Too many of America's children are suffering from a "parent deficit."—Dr. James Dobson, "Focus on the Family."
>
> Americans believe "parents having less time to spend with their families" is the most important reason for the family's decline in our society, according to a recent survey. And most parents would like to see the work-family pendulum swing back in the direction of home. . . . To be sure most children would not object to spending more time with their parents.—William Mattox, Family Research Council.
>
> Government cannot, under any set of conditions, provide the kind of nurturance that children, particularly young children, need. Given all the money in the world, government programs will not be able to instill self-esteem, good study habits, advanced language skills, or sound moral values in children as effectively as can strong families * * * Government will never have the resources or the ability to replace what children lose when they lose supportive families. This suggests that the focus of public policy should be to look for ways to create stable families, not substitute families.—Progressive Policy Institute.

As these examples demonstrate, in speaking about the family normatively, we can still work within a context of great diversity. However, the similarities will be in the communal values held by families, the ideals held up to children, and the priority placed on "putting children first." No doubt, Bill Cosby and First Lady Barbara Bush would have many similar stories about how they each raised their five children.

Robert Woodson, of the National Center for Neighborhood Enterprise, has long advocated the study of success:

> You cannot learn to produce success by studying failure. It's a mystery to me why we spend so much time crying over our failures and so little time trying to learn from our successes.

His work in advocating self-help for minorities is well known. Here in Washington, his organization was instrumental in promoting the resident ownership of the successful Kenilworth-Parkside housing development in Northeast, DC:

> Using the entrepreneurial skills of the residents, businesses were established within the project to provide jobs for unemployed tenants. The management has not only succeeded in taking residents off welfare by giving them jobs, they also have kept families together and sent more than 500 youngsters off to college through strong community programs.

This community, value-based effort also had other startling results: teenage pregnancies dropped by 50 percent, welfare dependency was reduced by 50 percent, and crime was reduced by 75 percent. As Mr. Woodson points out, many social programs today unwisely spend much of their money studying failure. As Tolstoy wrote long ago, "All happy families are alike, every unhappy family is unhappy in its own way." Since failure has so many faces, it is just good common sense to study and model success.

If we study the successes we will find that families are indeed the best Department of Health and Human Services. The simplest and most effective way to reinvest and strengthen families is by allowing families to keep their hard-earned money. It makes no sense for Government to take away a family's own money with one hand only to return a small Government-sponsored allowance with the other hand.

This broad consensus for letting families be families has resulted in extensive support for increasing the dependent deduction. Diverse groups such as the Heritage Foundation, the Family Research Council, and the Progressive Policy Institute have all called for an increase in the personal exemption for children.

A FAMILY FIELD OF DREAMS

I. FIRST BASE—REESTABLISHING FINANCIAL INTEGRITY TO FAMILIES

By making a restoration of fiscal fitness to families a goal and priority, families will better be able to allocate their time and money in favor of family concerns. In comparison to Government programs, families require much less overhead and oversight to perform effectively. A dollar in the hands of a caring parent can be stretched more creatively than any Government expert might imagine.

A. INCREASING THE DEPENDENT DEDUCTION

Children are an investment in the future. The existence of the dependent deduction recognizes that families with children need more of their earned money to support themselves. The primary purpose for the personal exemption is to provide a threshold of income that is not subject to Federal income tax. Considering that even a restoration of the dependent deduction to 1948 levels would not put families where they were in 1948 because of the inceased costs of social security, we should at least begin to provide some equity in comparison to other taxpayers by enacting this modest measure.

The personal exemption and dependent deduction have not kept up with income growth or inflation. In 1948, the personal exemption was set at $600. By 1979, the exemption was raised to $1,000. In 1985, it was finally indexed for inflation. The 1986 tax reform resulted in an increase in the personal exemption to $2,000. With indexing the current level for tax year 1990 is $2,050.

In 1948, a family of four had approximately three-quarters of its income shielded from Federal income tax. Today that percentage has eroded to only one-quarter. If the personal exemptions were to offset the same percentage of average income as it did in 1948, it would be worth approximately $7,800 today.

Families are carrying an increasingly disproportionate burden of taxes. For example, in 1990, a single parent with two children earning $14,000—whose approximate take home pay would be less than $1,000 a month—would have to pay Federal income tax of $469. This same family would be eligible for numerous Government subsidized services at this income level. Under the Tax Fairness for Families Act the Federal income tax would be reduced to $32. That this below sustenance level family is presently subject to Federal income tax shows how much the personal exemption has been allowed to erode.

In two-earner families we often find that the second earner's wages only covers the tax bite. It is estimated that the second earner in a family is only earnings 28 percent of total family income at present. This is just about the size of the average family's total family tax bill of 24 percent of income. In other words, for the average family, a second income only covers the bills from Uncle Sam. When contemplating the considerable burdens taken on by two-earner couples, this result is a strikingly unfair reward for their efforts.

There are also many low to lower middle class one-earner families who, recognizing the reality that a second salary will only marginally improve their situation, elect to have one parent stay home with children. Their loss in income, however, is not met with any additional tax relief, despite the fact they are providing a valuable resource to society by caring and nurturing their own children.

Many parents today also operate on what has come to be known as a tag team parenting schedule where parents work different shifts in order for at least one parent to be available to provide all or most of the child care needs of the family at any given time. There are little tax benefits for those performing such juggling acts.

There are just a few of the families who are lost in the shuffle in the family debate. In terms of the value of the dependent deduction, children today are worth only one-quarter of what they were in 1948. Is it any wonder that the burden is increasing for families and they are less able to perform effectively when the Tax Code only provides for our grandchildren one-quarter of the tax protection that we provide to our parents?

Therefore, the Tax Fairness for Families Act which will increase the dependent deduction for children under 18 to $3,500, is an important start that can be viewed as the first downpayment on an improved future for families. We should aim to reach the appropriate level by the year 2000.

B. OTHER TAX RELIEF MEASURES FOR FAMILIES

We should also consider other additional tax measures to make the Tax Code more family friendly. We can look into expanding the young child tax credit that was adopted last fall. Currently, a family making less than approximately $20,000 is eligible for up to $357 in tax credit for a child under 1 year of age. We should look into expanding this concept by age, income range, and amount.

We can also develop tax language for an easier deduction to be taken for homebased offices for those who are primary caretakers and conduct their primary business from home.

Additional tax protection to those families who adopt children and provide foster care should also be explored. Particularly with foster care we should look more to the private sector to solve this pressing public problem.

SECOND BASE—PROVIDING MORE OPTIONS FOR FAMILIES

With an agenda for tax fairness on base, we can also turn to providing more work options for families. I have long supported what one commentator has called a "more fluid, less rigid job market" by promoting flexitime, flexiplace, home-based work, telecommuting, part-time, and job sharing opportunities so that each family may decide for themselves what work options they find most suitable for their situation.

Numerous poll studies show that more and more parents wish to spend more time with their children and want more flexibility to allow for either taking time out of the work force or cutting back their work hours. Many parents are experiencing what President Bush has called "the irresistible force of a child's hand" leading them to spend more time at home. In particular, a majority of mothers of preschool children express their desire to be home with their children. To use the words of one support group for mothers, these mothers are interested in finding ways in which "they can put their families first without putting themselves last." These mothers take comfort in the fact that role models such as Margaret Thatcher, Sandra Day O'Connor, and Jeanne Kirkpatrick took time off from employment when their children were young and later resumed their careers with great acclaim. Since all experts agree that increased parent care is the ideal situation and it is what many mothers want, we should not be financially closing off this option to families.

It is important to recognize that by providing tax fairness and options we are not trying to dictate to families what is best for them. Rather these measures put in place a system that offers families different options to meet their diverse family needs. This policy demonstrates a proper respect for the diversity among today's families. Some families with children wish to have one earner stay home full-time with the children, others have one parent cut back to parttime, while others still return to the workplace fulltime.

Today, it is also more apparent that mothers are not entrenched in an exclusively working camp or an at-home camp; rather many cross back and forth between the two camps throughout their lives depending upon their family needs, their financial needs, the ages of their children, the number of children they have, and their own personal interest. Many mothers and fathers at home are also venturing into home-based businesses or telecommuting or other flexible job opportunities.

Therefore, there is no need to play one group of families off of another. In a fluid, less rigid job market, stereotypes will be harder to find. We must transcend the dichotomy that has previously characterized the family debate and recognize that while some families have been treated more unfairly than others, almost all families have been unfairly treated in the Tax Code and most families would also welcome more options in their work and financial picture.

THIRD BASE—CREATING A CULTURE OF CHARACTER

Even with economic security and options in place, it is necessary to continue the debate in the context of the culture of society. Secretary of Health and Human Services, Dr. Louis Sullivan has compellingly called for a debate on the need for a culture of character:

> If character is to be cultivated in our young, the nation's cultural and intellectual leadership must celebrate self-discipline and family commitment, rather than self-indulgence and short-term gratification. Our media must honor those who succeed through hard work and discipline—not those who succeed by preying on others.
>
> Government has a role to play, as well. Our public officials must use their "bully pulpits" to emphasize the importance of values in the lives of our children. That's what my "culture of character" campaign is all about.

As Dr. Sullivan has noted, many family problems today stem largely from poor behavioral choices. These choices also lead to family structures that are disastrous for a child's economic security:

> * * *in any given year, nine out of ten children from intact (i.e. two-parent) families avoid poverty, but one out of two children living in a female-headed households are poor * * * The last few decades have witnessed the parallel growth of two trends—children being raised in single-parent families and children living in poverty. One child in five is poor, and one child in five is raised in a female-headed household.

This is not to say that all single parent families are doomed. In fact study after study shows that:

> * * * children raised in an environment of strong values and moral guidance tend to thrive in every way. For the generation of children growing up without two biological parents, we can strive to provide a family-like experience. Extended kin networks are an invaluable resource in providing loving homes, care and attention.

This evidence demonstrates that it is even more crucial for families on the edge that a culture of character be promoted. Columnist William Raspberry weighs in with one of the simple reasons "why so many youngsters haven't learned the values espoused by their elders: They haven't been taught."

Therefore, financial security for families must go hand in hand with a forceful debate on the need for a family friendly cultural reform. As we improve the financial state of families we must then also demand an increasing responsibility by the parents in these families. This is especially important for those children who still face evil everyday in their own families. A community steeped in a culture of character would reach out to help those still trapped in the darkness of family disintegration. For some children, a neglectful or abusive parent threatens their very existence. And as we have recently seen in the reports on the lawsuit against the District's foster care system, often a faceless bureaucracy is equally as dangerous to a child as an abusive parents.

Yet there is hope if we fight this war one battle at a time. Mother Teresa, perhaps the most famous social worker of all time, tells of how she started out with only 5 rupees, "but gradually, as people came to know what I was doing, they brought things and money." Mother Teresa challenges the conventional wisdom about providing for the disadvantaged:

> I do not agree with the big way of doing things. To us what matters is an individual. To get to love the person we must come in close contact with him. If we wait until we get the numbers, then we will be lost in the numbers. And we will never be able to show that love and respect for the person.

For those who might doubt the existence of other Mother Teresas I would offer the example of Ann Brown, a constituent from my district who works at George Washington Hospital. Ann knows all too well about the results of cultural and family breakdown for children. Ann is the discharge coordinator for the neonatal intensive care unit at George Washington University Medical Center. Many of the babies under her care are born prematurely to single mothers on drugs, especially crack cocaine.

Every week, Ann visits many of the recently discharged and their children at their homes in unsafe neighborhoods and hotels for the homeless. She reviews the child's care with the mother, provides free formula and schedules future visits with the mother. When a story about Ann's work appeared last fall in the Washingtonian magazine, she was met with offers of "things and money" for these children—not unlike Mother Teresa's experience. Former patients offered clothing and equipment for their children and Ann keeps a cache of these donated supplies in her car and distributes items as she makes her rounds each week—an effort that is not in her job description and is voluntary on her part.

As Ann observes, "darkness often enters the world through families, even at birth." The problem of evil is very real to these children. "People are living in a fantasy world if they think they can do whatever they want to do and it's not going to have any consequences," Ann explains. Yet Ann believes in the possibility of change and challenges the mothers to make better and healthier choices for themselves and their children. She also "prays for the babies, first seeking the mother's permission." Only once, she says, "has she been asked not to." Culture does have consequences but so do points of light such as Ann Brown.

We can no longer ridicule good character and expect to find it amongst our children. Jaime Escalante, the teacher on whom the movie "Stand and Deliver" is based, is known for his exhortation that "children will rise to the level of expectation." While it is true that not all children will be able to excel; this practice of holding up ideals at least sets a standard instead of the fashionable lowest-common-denominator approach.

Fortunately, today we are hearing more voices in favor of abandoning our neutrality about the culture our children are raised in. Individuals across the ideological spectrum are recognizing that when children are in the war zone, neutrality is an egregious evasion of responsibility.

HOME PLATE—BUT NOT HOME FREE

Even with this game plan in place, it is important to recognize that no strategy for dealing with fallible human beings is foolproof. "Civilization," wrote William James, "is always in need of being saved." Since time began, men and women have been continually challenged by the obstacles presented in family life. As the song says even "Adam raised a Cain."

From the inception of our Government, this concept has been recognized. James Madison wrote in the Federalist Papers, "if men were angels, no government would be necessary." But men are not angels and this reality is brought home to us everyday here at home and abroad. Tragically, for some children, they need not live in a war zone to experience evil. The notorious case of 6-year old Lisa Steinberg, beaten to death by her father, attorney Joel Steinberg, reminds us of the potential for family violence. A culture of character will properly demand a heavy price from those who prey upon and destroy the lives of children.

The presence of evil constantly challenges us to be vigilant when it comes to our children. As William Bennett states:

> * * * the membrane separating civilized behavior from barbarism is a thin one. For children, adults are that membrane. You needn't travel to a desert island [such as in Lord of the Flies] to see this truth in action; in some cities, all you have to do is travel to the nearest street corner, or subway. The amazing thing is that where the membrane is present, where parents do their work, children can survive even enormous disadvantages.

The aim of the Tax Fairness for Families Act, which I am introducing today, is to reduce the economic hardships that families face and allow parents to do their work. Economically invigorated families would then serve as a model and resource to culturally improverished families who have been the most ill-served by the erosion of the family over the past several decades.

Once again, we need to put a human face on compassion. The Progressive Policy Institute writes of the concern developing in the Scandinavian welfare states, in which the group sense of obligation "to distant strangers" is "beginning to make it more difficult to express a sense of obligation to those with whom one shares family ties. The irony of this development may be that as initimate ties weaken, so will distant ones."

A return to a personal culture of character by financially secure families may very well be the success study needed for a new community order.

CONCLUSION

And so, I hope we will begin this important and crucial debate on the important needs of the family. I am not naive to the fact that I have set forth a tall order. But perhaps we need to raise the level of expectations from this body and see if we can then follow the wisdom of Mr. Escalante and rise to that level of expectation. Today, in introducing the Tax Fairness for Families Act of 1991, I hope we will at least have thrown the ball out into the park. It is my hope for the millions of children who need our time and assistance that someone will soon be out there playing ball with them and maybe even hit a few balls out of the park.

The following provides a summary of the proposal:

SUMMARY OF THE TAX FAIRNESS FOR FAMILIES ACT OF 1991

This initiative will amend the Internal Revenue Code of 1986 to increase the amount of the exemption of dependent children under 18 to $3,500. The exemption amount for nondependents will remain at the current level of $2,050. Both amounts will be indexed for inflation.

However, the adjustment for inflation will be changed by amending the Internal Revenue Code to require that in determining the increase for inflation, such increase shall be rounded to the nearest multiple of $10. Presently, the IRS is permitted to round down to the nearest multiple of $50.

The amendments made by this act shall apply to taxable years beginning after December 31, 1991.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of Ohio (at the request of Mr. MICHEL), for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RIDGE) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, each day on March 5, 6, and 7.

Mr. WOLF, for 60 minutes, today.

Mr. ZIMMER, for 5 minutes, on March 6.

Mr. DORNAN of California, for 60 minutes, on March 6.

Mr. DORNAN of California, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STAGGERS, for 10 minutes, on March 7.

Mr. WEISS, for 5 minutes, on March 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RIDGE) and to include extraneous material:)

Mr. COUGHLIN.

Mr. GOODLING.

Mr. LEWIS of California in two instances.

Ms. SNOWE in two instances.

Mr. COX in two instances.

Ms. ROS-LEHTINEN in two instances.

Mr. GALLEGHLY.

Mr. DOOLITTLE.

Mr. MACHTLEY.

Mr. BOEHLERT in two instances.

Mr. WOLF.

Mr. RINALDO in three instances.

Mr. SOLOMON in three instances.

Mr. FIELDS.

Mr. HORTON.

Mr. MCEWEN.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous material:)

Mr. LAFALCE.

Mr. DINGELL.

Mr. PEASE.

Mr. LEHMAN of Florida.

Mr. PANETTA.

Mr. TRAFICANT in two instances.

Mr. KLECZKA.

Mr. DOWNEY.

Mr. BORSKI.

Mr. DELLUMS.

Mr. STARK in three instances.

Mr. DYMALLY.

Mr. HOCKBRUECKNER.

Mrs. KENNELLY.

Mr. LEVINE of California.

Mr. MAVROULES.

Mr. DARDEN in two instances.

Mr. ERDREICH.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 6, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

756. A letter from the Acting Under Secretary of Defense, Department of Defense, transmitting a report of amounts spent on, and use of humans for testing biological and chemical warfare agents through September 30, 1990, pursuant to 50 U.S.C. 1511; to the Committee on Armed Services.

757. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting notice of proposed rulemaking on regulations to implement title I of the ADA in the Federal Register for public comment; to the Committee on Education and Labor.

758. A letter from the Acting Director of National Institutes of Health, transmitting a copy of the 13th annual report of National

Institutes of Health Program in Biomedical and Behavioral Nutrition Research and Training for Fiscal Year 1989, pursuant to 42 U.S.C. 288b(c); to the Committee on Energy and Commerce.

759. A letter from the Inspector General, Department of Interior, transmitting a copy of a final audit report entitled "Accounting for Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Office of Environmental Affairs, Office of the Secretary," pursuant to 31 U.S.C. 7501 nt.; to the Committee on Energy and Commerce.

760. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting its quarterly report concerning human rights activities in Ethiopia, covering the period October 15, 1990–January 14, 1991, pursuant to Public Law 100–456, section 1310(c) (102 Stat. 2065); to the Committee on Foreign Affairs.

761. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notice that effective January 24, 1991, the Department designated Riyadh and the Eastern Province of Saudi Arabia as danger pay locations, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

762. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

763. A letter from the Secretary of State, transmitting a copy of a report entitled, "The U.S. Efforts to Address Climate Changes," pursuant to 15 U.S.C. 2901 nt.; to the Committee on Foreign Affairs.

764. A letter from the Department of Commerce, transmitting a report on its activities under the Freedom on Information Act for calender year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

765. A letter from the Federal Election Commission, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

766. A letter from the Federal Labor Relations Authority, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

767. A letter from the Overseas Private Investment Corporation, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

768. A letter from the Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

769. A letter from the Resolution Trust Corporation, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

770. A letter from the U.S. International Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

771. A letter from the U.S. Small Business Administration, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

772. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

773. A letter from the Secretary, Department of the Interior, transmitting a copy of the Reclamation States Drought Assistance Recommendations Report, pursuant to Public Law 100–387, section 416 (102 Stat. 958); to the Committee on Interior and Insular Affairs.

774. A letter from the Merit Systems Protection Board, transmitting the Board's case decisions during the fiscal year 1990, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

775. A letter from the Federal Highway Administration, transmitting the fourth status report on certain highway demonstration projects, as of September 30, 1990, pursuant to Public Law 100–17, section 149(j)(1) (101 Stat. 202); to the Committee on Public Works and Transportation.

776. A letter from the Secretary of Transportation, transmitting a biennial report, "The Status of the Nation's Local Mass Transportation; Performance and Conditions," pursuant to 49 U.S.C. 308(e); to the Committee on Public Works and Transportation.

777. A letter from the National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and inspector general, and for other purposes; to the Committee on Science, Space, and Technology.

778. A letter from the National Aeronautics and Space Administration, transmitting a report on Systeme Internationale (SI) metric system of measurement; to the Committee on Science, Space, and Technology.

779. A letter from the Secretary of Agriculture, transmitting modifications of long-term timber sale contracts in Southeast Alaska, pursuant to Public Law 101–626, section 301(d) (104 Stat. 4431); jointly, to the Committees on Agriculture and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. Report of the Committee on Banking, Finance and Urban Affairs, pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. 102–8). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 1281. A bill making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes (Rept. 102–9). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 1282. A bill making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes (Rept. 102–10). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY:

H.R. 1227. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to increase the amount of their Federal income tax liability by 5 percent for purposes of funding the Desert Storm operation; jointly, to the Committees on Ways and Means and Armed Services.

By Mr. CONDIT:

H.R. 1228. A bill to permit certain lands in Merced County, CA, to be used for purposes of an elementary school; to the Committee on Government Operations.

By Mr. DOOLITTLE (for himself, Mr. HERGER, Mr. LAGOMARSINO, Mrs. BOXER, Mr. BILBRAY, Mrs. VUCANOVICH, Mr. STALLINGS, Mr. WHEAT, Mr. COLEMAN of Missouri, Mr. OWENS of Utah, Mr. ORTON, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. DEFAZIO, Mr. SMITH of Oregon, Mr. MCCANDLESS, and Mr. HUNTER):

H.R. 1229. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; to the Committee on Interior and Insular Affairs.

By Mr. GRANDY (for himself, Mr. GOODLING, Mr. BUNNING, Mr. HENRY, Mr. IRELAND, Mr. GOSS, and Mr. CUNNINGHAM):

H.R. 1230. A bill to provide for universal access to basic group health benefits coverage and to remove barriers and provide incentives in order to make such coverage more affordable; jointly, to the Committees on Education and Labor, Energy and Commerce, and Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. STARK, Mr. RUSSO, Mr. SMITH of Florida, Mr. WILLIAMS, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. JONTZ, Mr. OBEY, and Mr. KLECZKA):

H.R. 1231. A bill disapproving the extension of "fast track" procedures to bills to implement trade agreements entered into after May 31, 1991; jointly, to the Committees on Ways and Means and Rules.

By Mr. DOWNEY (for himself and Mr. DONNELLY):

H.R. 1232. A bill to amend the Internal Revenue Code of 1986 to provide a $100 income tax credit to individuals who are volunteer firefighters; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. BUNNING, and Mr. Hansen):

H.R. 1233. A bill to amend title 46, United States Code, to clarify the intent of the Congress regarding the establishment and collection of certain fees for vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. DURBIN (For himself, Ms. Oakar, Mr. Frank of Massachusetts, Mr. Clay, Mr. Hoyer, Mr. Ackerman, Mr. Moran, and Mr. Sawyer):

H.R. 1234. A bill to provide for the payment of a special pay differential to a Federal employee serving on active duty as a member of a Reserve component of the Armed Forces during the Persian Gulf conflict to compensate for any decrease in pay experienced during the period of that military service; to the Committee on Post Office and Civil Service.

By Mr. ERDREICH (for himself, Mr. Bevill, Mr. Barnard, Mr. Frank of Massachusetts, and Mr. Goss):

H.R. 1235. A bill to establish the Modular Construction Commission and provide for national regulation of modular home construction, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ERDREICH (for himself, Mr. Carper, Mr. Kanjorski)

H.R. 1236. A bill to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ESPY (for himself, Mr. Ireland, and Mr. Sisisky):

H.R. 1237. A bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes; to the Committee on Education and Labor.

By Mr. EVANS:

H.R. 1238. A bill to prohibit the Secretary of Defense from granting a waiver of the Buy American Act or other buy-national laws in the procurement of goods or services, or in the nogotiation of certain memoranda of understanding, unless the waiver is specifically authorized by statute and the Secretary has found that the waiver will not weaken the defense industrial base of the United States or otherwise endanger the national security; to the Committee on Armed Services.

By Mr. GEJDENSON (for himself, Mr. Shays, Mr. Yates, Mr. Penny, Mr. Matsui, Mr. Ravenel, Mr. Coyne, Mr. Panetta, Mr. Gibbons, Mr. Lehman of California, Mr. Wolpe, Mr. Bryant, Mr. Goss, Mr. Payne of New Jersey, Mrs. Johnson of Connecticut, Mrs. Boxer, Mr. Lagomarsino, Mr. Wilson, Mr. Roe, Ms. Pelosi, Mr. Rinaldo, Mr. Lancaster, Mr. Johnson of South Dakota, Mr. Ackerman, Mr. Fawell, Mr. Gilman, Ms. Kaptur, Mr. Dwyer of New Jersey, Mr. Valentine, Mr. Dellums, Mr. McDermott, Mr. Eckart, Mr. Hertel, Mrs. Kennelly, Mr. Engel, Mr. Weiss, Mr. Dymally, Mr. Miller of California, Mr. Scheuer, Mrs. Meyers of Kansas, Mr. Towns, Mr. Fish, Mr. Harris, Mr. Mfume, Mr. Mrazek, Mr. Owens of Utah, Mr. Torres, Mr. Pallone, and Mr. Brown:

H.R. 1239. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize seizures and forfeitures of vessels used to violate title I of such act; to the Committee on Merchant Marine and Fisheries.

By Mr HOCHBRUECKNER (for himself, Mr. Schumer, Mr. Matsui, Mr. Traficant, Mr. Frank of Massachusetts, Mr. Ackerman, Mr. Scheuer, Mr. Manton, Mr. Sangmeister, Mr. Roe, Mr. Towns, Mr. Rahall, Mrs. Morella, Mr. Berman, Mr. Feighan, Mr. Hertel, Mr. Foglietta, Mr. Torres, Mr. Edwards of California, Mr. Pallone, Mr. Coyne, Mr. Jontz, Ms. Molinari, Mrs. Boxer, and Mr. Smith of Florida):

H.R. 1240. A bill to provide for the rehiring of certain former air traffic controllers; to the Committee on Post Office and Civil Service.

By Mr. HYDE:

H.R. 1241. A bill to impose a criminal penalty for flight to avoid payment of arrearages in child support; to the Committee on the Judiciary.

H.R. 1242. A bill to amend title 11 of the United States Code to make nondischargeable debts for liabilities under the terms of a property settlement agreement entered into in connection with a separation agreement or divorce decree; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 1243. A bill to amend title 5, United States Code, to allow post differentials to be paid to Federal employees serving on detail in the Arabian Peninsula combat zone in support of members of the Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY:

H.R. 1244. A bill to amend the Public Health Service Act to establish a program of grants to reduce the incidence of infant mortality and provide for the well-being of mothers and their infants through the provision of certain services in the home; to the Committee on Energy and Commerce.

By Mr. KOLBE (for himself, Mr. Udall, Mr. Montgomery, Mr. Hayes of Louisiana, Mr. Sikorski, Mr. Yatron, Mr. Mfume, Mr. Stump, Mr. Rahall, and Mr. Bruce):

H.R. 1245. A bill to provide for the minting and circulation of $1 coins, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEWIS of Georgia (for himself, Mr. Shays, Mrs. Collins of Illinois, Mr. Espy, Mr. Hayes of Illinois, Mr. Ford of Tennessee, Mr. Payne of New Jersey, Ms. Norton, Mrs. Collins of Michigan, Mr. Dymally, Mr. Towns, Mr. Clay, Mr. Flake, Mr. Savage, Mr. Dixon, Ms. Waters, Mr. Owens of New York, Mr. Washington, Mr. Jeferson, Mr. Dellums, Mr. Lancaster, Mr. Stokes, Mr. Gray, Mr. Wheat, Ms. Slaughter of New York, Mr. Richardson, and Mr. Conyers):

H.R. 1246. A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution; jointly, to the Committees on House Administration and Public Works and Transportation.

By Mr. LOWERY of California (for himself, Mr. Lewis of California, Mr. Packard, Mr. Hunter, and Mr. Cunningham):

H.R. 1247. A bill to provide authorities to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. MEYERS of Kansas (for herself, Mr. Penny, Mr. Roberts, Mr. Bunning, Mr. Saxton, Mr. Roe, Mr. Moorhead, Mr. Slaughter of Virginia, Mr. Huckaby, Mr. Horton, Mr. Gallegly, Mr. Tanner, Mr. Rahall, Mr. Machtley, Ms. Pelosi, Ms. Kaptur, Mr. Miller of Washington, Mr. Ravenel, Mr. Combest, Mr. Rhodes, Mr. Emerson, Mr. Ballenger, Mr. McCloskey, Mr. Inhofe, Mr. Gallo, Mrs. Johnson of Connecticut, Mr. Lagomarsino, Mr. Paxon, Mr. Marlenee, Mr. Wyden, Mr. Eckart, Mr. Broomfield, Mr. Skelton, Mr. Stump, Mr. Smith of Texas, Mr. Porter, and Mr. Lewis of Georgia):

H.R. 1248. A bill to amend the Internal Revenue Code of 1986 to make permanent the limited deduction of health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 1249. A bill to make appropriations for the planning, development, and protection of the Kaloko-Honokohau National Historical Park; to the Committee on Appropriations.

By Mr. MOODY:

H.R. 1250. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself, Mr. Miller of California, Mr. Foglietta, Mrs. Johnson of Connecticut, Mr. Frank of Massachusetts, Mr. Beilenson, Mr. Lipinski, Mr. Mfume, Mr. Kildee, Mr. Gilchrest, Ms. Oakar, Mr. Hertel, Mr. Gilman, Mrs. Unsoeld, Mrs. Schroeder, Mr. Green, Mr. Bereuter, Mr. Hamilton, Mr. Horton, Ms. Pelosi, Mr. Bustamante, and Mr. Durbin):

H.R. 1251. A bill to amend section 8 of the United States Housing Act of 1937 to provide rental housing assistance for displaced families affected by domestic violence; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. MORELLA (for herself, Mr. Miller of California, Mr. Foglietta, Mrs. Johnson of Connecticut, Mr. Frank of Massachusetts, Mr. Beilenson, Mr. Lipinski, Mr. Mfume, Mr. Kildee, Mr. Gilchrest, Ms. Oakar, Mr. Hertel, Mr. Gilman, Mrs. Unsoeld, Mr. Bereuter, Mrs. Schroeder, Mr. Green of New York, Ms. Pelosi, Mr. Gejdenson, and Mr. Bustamante):

H.R. 1252. A bill to authorize the State Justice Institute to analyze and disseminate information regarding the admissibility and quality of testimony of witnesses with expertise relating to battered women, and to develop and disseminate training materials to increase the use of such experts to provide testimony in criminal trials of battered women, particularly in cases involving indigent women; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself, Mr. Miller of California, Mr. Foglietta, Mrs. Johnson of Connecticut, Mr. Frank of Massachusetts, Mr. Beilenson, Mr. Lipinski, Mr. Mfume, Mr. Kildee, Mr. Gilchrest, Ms. Oakar, Mr. Hertel, Mr. Gilman, Mrs. Unsoeld, Mrs. Schroeder, Mr. Horton, Mr. Bustamante, and Ms. Pelosi):

H.R. 1253. A bill to amend the State Justice Institute Act of 1984 to carry out research, and develop judicial training curricula, relating to child custody litigation; to the Committee on the Judiciary.

By Mr. PARKER (for himself, Mr. Espy, Mr. Lewis of Georgia, Mr. Montgomery, Mr. Manton, Mr. Ford of Tennessee, Mr. Neal of Massachusetts, Mr. Valentine, Mr. Whitten, Mr. Jontz, Mr. Laughlin, Mr. Murphy, Ms. Pelosi, Mr. Harris, Mr. Ray, Mr. Dellums, Mr. Owens of New York, Mr. Towns, Mr. Horton, Mr. Mfume, Mr. Cooper, Mr. Jones of Georgia, Mr. Taylor of Mississippi, Mr. Poshard, Mr. Serrano, Mr. Scheuer, Mr. Erdreich, Ms. Norton, Mrs. Collins of Illinois, Mr. Frost, Mr. Lipinski, Mr. Walsh, Ms. Kaptur, Mr. Roe, Mr. Abercrombie, Mr. McDermott, Mr. Stokes, Mr. Jefferson, Mr. Rose, Mr. Browder, Mrs. Kennelly, Mr. Geren of Texas, Mr. Engel, Mr. Savage, Mr. Fish, Mr. Jenkins, Mr. Hochbrueckner, Mrs. Unsoeld, Mr. Payne of New Jersey, Mr. Wyden, Mr. Huckaby, Mr. Evans, Mr. Stenholm, Mr. Conyers, Mr. Johnston of Florida, Mr. Bonior, Ms. Ros-Lehtinen, Mrs. Collins of Michigan, Mr. McNulty, and Mr. Hayes of Illinois):

H.R. 1254. A bill to provide for the establishment of the Margaret Walker Alexander National African-American Research Center; to the Committee on Education and Labor.

By Mr. PEASE:

H.R. 1255. A bill to amend the Social Security Act to make health insurance widely available to individuals, based on income and assets, under a competitive system; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. PERKINS:

H.R. 1256. A bill to amend the Internal Revenue Code of 1986 to repeal the taxation of Social Security and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. PICKETT:

H.R. 1257. A bill to amend the Internal Revenue Code of 1986 to repeal the provision terminating the exclusion for benefits under educational assistance programs and to repeal the provision limiting such exclusion to benefits for undergraduate education; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 1258. A bill to continue until the close of December 31, 1994, the existing suspension of duties on color couplers and coupler intermediates used in the manufacture of photographic sensitized material; to the Committee on Ways and Means.

By Mr. RICHARDSON (for himself, Mr. Schiff, Mr. Ravenel, Mr. Guarini, Mr. Skeen, Mr. Engel, Mr. Thomas of Georgia, Mrs. Mink, Mr. Bacchus, Mr. Henry, Mr. Machtley, Mr. Murphy, Mr. Bunning, Mr. Costello, Mr. Packard, Mr. Smith of Florida, Mr. Rhodes, Mr. Gilchrest, Mr. Mfume, Mr. Eckart, Mr. Pursell, Mr. Towns, Mr. Zimmer, Mr. Horton, Mr. Ballenger, Mr. Jefferson, Mr. Ackerman, Ms. Long, Mr. Vento, Mr. Walsh, Mr. Mazzoli, Mr. Valentine, Mr. Chandler, and Mr. Neal of North Carolina):

H.R. 1259. A bill to amend the Internal Revenue Code of 1986 to provide that the luxury excise tax shall not apply to certain equipment installed on a passenger vehicle for the use of disabled individuals; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 1260. A bill to suspend temporarily the duty on butyl methoxydibenzoylmethane; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 1261. A bill to amend title 28, United States Code, to eliminate the payment of witness fees to prisoners; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 1262. A bill making supplemental appropriations for the Employment Security Administration account in the unemployment trust fund for the fiscal year ending September 30, 1991, and for other purposes; to the Committee on Appropriations.

By Ms. SNOWE (for herself, Ms. Kaptur, Mrs. Unsoeld, Mr. Moody, Mrs. Mink, Mr. Markey, Mr. Beilenson, Mr. Abercrombie, Mr. Henry, Mr. McDermott, Mr. Guarini, Ms. Oakar, Mr. AuCoin, Mr. Berman, Mr. Campbell of Colorado, Mr. Frank of Massachusetts, Mr. Ackerman, Ms. Pelosi, Mr. Roe, Mr. Green of New York, Mr. Hayes of Illinois, Mr. Sharp, Mr. Towns, Mrs. Schroeder, Mr. Sikorski, Mr. Lewis of Florida, Ms. Slaughter of New York, Mr. Espy, Mr. Miller of California, Mr. Rangel, Mr. Hochbrueckner, Ms. Molinari, Mr. Swett, Mr. Torres, Mrs. Boxer, Mr. Synar, Mr. Dwyer of New Jersey, Mrs. Morella, Mr. Stearns, Mr. Payne of New Jersey, and Mr. Gejdenson):

H.R. 1263. A bill to amend the Public Health Service Act to establish an Office of Research on Women's Health within the National Institutes of Health, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SNOWE (for herself, Ms. Kaptur, Mrs. Unsoeld, Mr. Moody, Mrs. Mink, Mr. Markey, Mr. Beilenson, Mr. Abercrombie, Mr. Henry, Mr. McDermott, Mr. Guarini, Ms. Oakar, Mr. AuCoin, Mr. Berman, Mr. Campbell of Colorado, Mr. Frank of Massachusetts, Mr. Ackerman, Ms. Pelosi, Mr. Roe, Mr. Green of New York, Mr. Hayes of Illinois, Mr. Sharp, Mr. Towns, Mrs. Schroeder, Mr. Sikorski, Mr. Lewis of Florida, Mr. Espy, Mr. Miller of California, Mr. Rangel, Mr. Hochbrueckner, Ms. Molinari, Mr. Swett, Mr. Torres, Mrs. Boxer, Mr. Synar, Mrs. Morella, Mr. Stearns, Mr. Payne of New Jersey, and Mr. Gejdenson):

H.R. 1264. A bill to amend the Public Health Service Act to establish an Office of Research on Women's Health and Mental Health within the Alcohol, Drug Abuse, and Mental Health Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H.R. 1265. A bill to protect Federal civilian employees who were called to active military duty during the Persian Gulf crisis from diminution, due to such call, of their Federal salaries or benefits; to the Committee on Post Office and Civil Service.

H.R. 1266. A bill to extend until January 1, 1995, the existing suspension of duty on 2-(4-Aminophenyl)-6-methylbenzothiazole-7-sulfonic acid); to the Committee on Ways and Means.

H.R. 1267. A bill to extend until January 1, 1995, the existing suspension of duty on 6-Amino-1-naphthol-3-sulfonic acid; to the Committee on Ways and Means.

H.R. 1268. A bill to extend until January 1, 1995, the existing suspension of duty on 1-Amino-2-chloro-4-hydroxyanthraquinone; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. Hochbrueckner):

H.R. 1269. A bill to amend title 5, United States Code, to remove the restriction which prevents locality-based comparability payments from being extended to prevailing rate employees, and to provide an 8-percent pay increase to prevailing rate employees within certain high-cost areas; to the Committee on Post Office and Civil Service.

By Mr. STENHOLM (for himself, Mrs. Johnson of Connecticut, Mr. Ray, and Mr. Upton):

H.R. 1270. A bill to strengthen the family structure of the United States by providing protection for eligible individuals who leave employment for a legitimate family purpose, and for other purposes; jointly, to the Committees on Education and Labor and House Administration.

By Mr. STUDDS (for himself, Mr. Jones of North Carolina, Mr. Davis, and Mr. Weldon):

H.R. 1271. A bill to authorize appropriations for the Office of Environmental Quality for fiscal years 1992, 1993, 1994, 1995, and 1996; to ensure consideration of the impact of Federal actions on the global environment; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SUNDQUIST:

H.R. 1272. A bill to amend the Internal Revenue Code of 1954 to provide a refundable income tax credit for the recycling of hazardous wastes; to the Committee on Ways and Means.

By Mr. TORRICELLI:

H.R. 1273. A bill to amend the International Claims Settlement Act of 1949 to provide for the payment of claims of nationals of the United States against Vietnam; to the Committee on Foreign Affairs.

By Mr. TRAFICANT:

H.R. 1274. A bill to provide that the percentage of total apportionments of funds allocated to any State from the highway trust fund in any fiscal year be at least 95 percent of the percentage of estimated tax payments paid into the highway trust fund which are attributable to highway users in such State in the latest fiscal year for which data is available; to the Committee on Public Works and Transportation.

H.R. 1275. A bill to amend title 23, United States Code, relating to the determination of the minimum amount of Federal-aid highway funds to be allocated to a State in a fiscal year; to the Committee on Public Works and Transportation.

H.R. 1276. A bill to provide that receipts and disbursements of the highway trust fund shall not be included in the totals of the budget of the U.S. Government or the congressional budget; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mr. WOLF (for himself, Mr. Hastert, Mr. Dickinson, Mr. Lightfoot, Mr. Walsh, Mr. Cunningham, Mr. Ramstad, Mr. Klug, Mr. Hansen, Mr. Doolittle, Mr. Dornan of California, Mr. Weldon, Mr. Barrett, Mr. Smith of Texas, Mr. Cox of California, Mr. Holloway, Mr. McEwen, Mr. Bilirakis, and Mr. Inhofe):

H.R. 1277. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes; to the Committee on Ways and Means.

By Mr. WYDEN (for himself, Mr. LaFalce, Mr. McDade, Mr. Mazzoli, Mr. Skelton, Mr. Eckart, Mr. Hatcher, Mr. Roe, Mr. Spratt, Mr. Campbell of Colorado, Mr. Mfume, Mr. Poshard, Mr. Pursell, Mr. Sisisky, Mr. Gordon, Mr. Miller of Washington, Mr. Bilbray, Mr. Lancaster, Mr. Brown, Mr. Penny, Mr. de Lugo, Mr. Broomfield, Mr. Neal of North Carolina, Mr. Smith of Oregon, Mr. Hayes of Illinois, Mr. Ritter, Mr. Baker, Mr. Towns, Mr. Emerson, and Mr. Engel):

H.R. 1278. A bill to modify the application of the antitrust laws to increase competition in trade by encouraging small businesses to jointly manufacture and distribute products; to the Committee on the Judiciary.

By Mr. EMERSON (for himself, Mr. Guarini, Mr. Manton, Mr. de Lugo, Mr. Horton, Mr. Espy, Mr. Hatcher, and Mr. Clement):

H.J. Res. 170. Joint resolution designating the month of April 1991 as "National Walk For Health and Fitness Month"; to the Committee on Post Office and Civil Service.

By Mr. GEKAS (for himself, Mrs. Bentley, Mr. Hyde, Mr. McCollum, Mr. McDade, Mrs. Moorhead, Mrs. Morella, Mr. Owens of New York, Mr. Dornan of California, Mr. Pursell, Mr. Cramer, Mr. Inhofe, Mr. Shays, Mr. Ireland, Mr. Schumer, Mr. Hochbrueckner, Mr. de Lugo, Mr. Stallings, Mr. Lagomarsino, Mr. Lowery of California, Mr. Sisisky, Mr. Anderson, Mr. Carper, Mr. Martin, Mr. Atkins, Mr. Murphy, Mr. Towns, Mr. Jones of North Carolina, Mr. Fazio, Mr. Gallo, Mr. Yatron, Mr. Wyden, Mr. Harris, Mr. Tauzin, Mr. Lancaster, Mr. Bilirakis, Mr. Fish, Mr. Coble, Mr. Bustamante, Mr. Pallone, Mr. Burton of Indiana, Mr. Wilson, Mr. Skeen, Mr. Mazzoli, Mr. McGrath, Mr. Guarini, Mr. Horton, Mr. Kolter Mr. Hamilton, Mr. Rangel, Mr. Leach, Mr. Wolf, Mrs. Unsoeld, Mr. Hefner, Mr. Henry, Mr. Richardson, Mr. Shuster, Mr. Browder, Mr. Jenkins, Mr. Bateman, Mr. Gallegly, and Mr. Payne of Virginia):

H.J. Res. 171. Joint resolution to designate the week beginning April 21, 1991, as "National Crime Victims' Rights Week"; to the Committee on Post Office and Civil Service.

By Mr. GEKAS:

H.J. Res. 172. Joint resolution designating May 27, 1991, "Memorial Day," as a national day of celebration recognizing the extraordinary bravery of members of the U.S. Armed Forces serving in the Persian Gulf region in connection with Operation Desert Shield/Storm; to the Committee on Post Office and Civil Service.

By Mr. HORTON (for himself, Mr. Mineta, Mr. Broomfield, Mr. Matsui, Mr. Hunter, Mr. Faleomavaega, Ms. Molinari, Mrs. Mink, Mr. Blaz, Mr. de Lugo, and Mr. Abercrombie):

H.J. Res. 173. Joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY (for himself, Mr. Solomon, Mr. Stump, Mrs. Byron, Mr. Applegate, and Mr. McEwen):

H.J. Res. 174. Joint resolution to express the sense of the House of Representatives in support of a national victory parade in Washington, DC, and regional parades throughout the rest of the United States; to the Committee on Armed Services.

By Mr. PANETTA (for himself and Mr. Rinaldo):

H.J. Res. 175. Joint resolution to designate the weeks beginning December 1, 1991, and November 29, 1992, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

By Mr. SPENCE:

H.J. Res. 176. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States; to the Committee on the Judicary.

By Mr. VANDER JAGT:

H.J. Res. 177. Joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day"; to the Committee on Post Office and Civil Service.

By Mr. BILBRAY:

H. Con. Res. 85. Concurrent resolution expressing the sense of the Congress that the United States should suspend all foreign assistance for Jordan until the President certifies to the Congress that Jordan is complying with the United Nations economic embargo against Iraq; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS:

H. Con. Res. 86. Concurrent resolution commending employers who continue to compensate their employees who are called to active duty in connection with the Persian Gulf conflict; to the Committee on Education and Labor.

By Mr. GOODLING (for himself, Mr. Horton, Mr. Bliley, and Mr. Kolter):

H. Con. Res. 87. Concurrent resolution expressing the sense of the Congress that medical examiners and coroners should make reasonable, good-faith efforts to locate the next of kin of deceased individuals to the Committee on Government Operations.

By Mrs. LOWEY of New York (for herself and Ms. Ros-Lehtinen):

H. Con. Res. 88. Concurrent resolution urging Arab States to recognize, and make peace with, Israel; to the Committee on Foreign Affairs.

By Mrs. MORELLA (for herself, Mr. Miller of California, Mr. Foglietta, Mrs. Johnson of Connecticut, Mr. Frank of Massachusetts, Mr. Beilenson, Mr. Lipinski, Mr. Mfume, Mr. Kildee, Mr. Gilchrest, Ms. Oakar, Mr. Hertel, Mr. Gilman, Mrs. Unsoeld, Mrs. Schroeder, Mr. Bereuter, Mr. Hamilton, Mrs. Bentley, Ms. Pelosi, Mr. Gejdenson, and Mr. Bustamante):

H. Con. Res. 89. Concurrent resolution expressing the sense of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible when offered in a State court by a defendant in a criminal case; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 90. Concurrent resolution commending women serving in the U.S. Armed Forces with special recognition of those servicewomen in the Persian Gulf region; to the Committee on Armed Services.

By Mr. CHANDLER (for himself, Mr. Morrison, Mr. Miller of Washington, Mr. Dickinson, Mr. Stump, Mr. Kasich, Mr. Ravenel, Mr. Dornan of California, Mr. Broomfield, Mrs. Meyers of Kansas, Mr. Houghton, Mr. Zeliff, Mr. Slaughter of Virginia, Mr. Paxon, Mr. James, Mrs. Bentley, Mr. Machtley, Mr. Gillmor, Mr. Schiff, Mr. Bliley, and Mr. Rohrabacher):

H. Res. 99. Resolution supporting Operation Homefront; to the Committee on Armed Services.

By Mr. SAXTON (for himself, Mr. Goss, Mr. Dickinson, Mr. Kyl, Mr. Bennett, Mr. Gallo, Mr. Dannemeyer, Mr. Grandy, and Mr. Stearns):

H. Res. 100. Resolution to urge the establishment of an international military tribunal to prosecute war crimes arising out of the Persian Gulf conflict; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PICKETT:

H.R. 1279. A bill for the relief of Charlotte S. Neal; to the Committee on the Judiciary.

H.R. 1280. A bill for the relief of Earl B. Chappell, Jr.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Bonior, Mr. McNulty, and Mr. Traficant.

H.R. 34: Mr. Wolpe, Mr. Walsh, Mr. Ballenger, Mr. Fish, Mrs. Vucanovich, Mr. Machtley, Mr. Tauzin, Mr. Porter, Mr. Martin of New York, Mr. Goss, Mr. Rogers, Mr. Gunderson, Mr. Inhofe, Mr. Fields, Mr. Campbell of Colorado, Mr. Boehner, Mr. Sensenbrenner, Mr. Livingston, Mr. Boucher, Mr. Parker, Mr. Zimmer, Mr. Packard, and Ms. Molinari.

H.R. 53: Mr. Tauzin, Mr. Traficant, Mr. McEwen, Mr. Sikorski, Mr. Gingrich, Mr. Bilbray, Mr. Young of Alaska, Mr. Hammerschmidt, Mr. McNulty, Mr. Rose, and Mr. Fish.

H.R. 62: Mr. Livingston, Mr. Petri, Mr. Jacobs, and Mr. Bereuter.

H.R. 66: Mr. Martin of New York, Mr. Blaz, Mr. de Lugo, Mr. Miller of Washington, Mr. Engel, Mr. Lancaster, and Mr. James.

H.R. 68: Mr. Fish, Mr. Gallo, Mr. Gekas, Mr. Huckaby, Mr. Johnson of South Dakota, Mr. Lagomarsino, Mr. Packard, Mr. Sundquist, Mr. Coughlin, and Mr. Sisisky.

H.R. 77: Mr. Oxley, Mr. Coughlin, Mr. Hunter, Mr. Stearns, Mr. Fawell, and Mr. Lipinski.

H.R 78: Mr. Franks of Connecticut, Mr. Fawell, Mr. Inhofe, and Mr. Camp.

H.R. 102: Mr. Walsh, Ms. Kaptur, Mr. Upton, Mr. Martinez, Mr. Ravenel, Mr. Hyde, Mr. Rangel, Mr. Roe, Mrs. Mink, and Mr. Solomon.

H.R. 103: Mr. Lagomarsino.

H.R. 104: Mr. Fish.

H.R. 105: Mr. Fish and Mr. Solomon.

H.R. 107: Mr. Horton, Mr. Dornan of California, Mr. Solomon, Mrs. Lowey of New York, Mr. Skelton, Mr. Machtley, and Mr. Lipinski.

H.R. 116: Mr. Clinger.

H.R. 117: Mr. Penny, Mr. Dellums, and Mr. Zeliff.

H.R. 135: Mr. Fish, Mr. Cunningham, Mr. DeLay, Mr. Lantos, Mr. Johnson of South Dakota, Mr. Spratt, Mr. Moran, Mr. Packard, and Mr. Erdreich.

H.R. 138: Mr. Inhofe.

H.R. 141: Mr. de la Garza, Mr. Goss, Mr. Upton, Mr. Blaz, Mr. Lipinski, Mr. Lent, Mr. Boehner, and Mr. Gallo.

H.R. 142: Mr. Horton and Mr. Fish.

H.R. 179: Mr. Volkmer, Mr. Nowak, and Mr. Ramstad.

H.R. 198: Mr. Gallo.

H.R. 201: Mr. Gallo.

H.R. 204: Mr. Gallo.

H.R. 213: Mr. Leach of Iowa.

H.R. 252: Mrs. Lowey of New York.

H.R. 261: Mr. Rangel, Mr. Evans, Mr. Guarini, Mr. Bilbray, Mr. Markey, Mr. Ackerman, Mr. Hastert, Mr. Scheuer, Ms. Kaptur, Mr. Towns, Mr. Jontz, Mr. AuCoin, Mr. Dwyer of New Jersey, Mr. Levine of California, Mr. Lewis of Georgia, Mr. Bustamante, Mr. Klug, Mr. Dellums, Mrs. Morella, Mr. Jefferson, Mr. Stark, Mr. Lipinski, Mr. Hyde, Mr. McGrath, Mr. McMillan of North Carolina, Mr. Vento, Mr. Rinaldo, Mr. Owens of Utah, Mr. Owens of New York, Mr. Eckart, Mr. McDermott, Mr. de Lugo, Mr. Mineta, Mr. Johnson of South Dakota, Mr. Stallings, Mr. Barnard, Mr. Fish, Mr. Roe, Mrs. Patterson, Mr. Sikorski, Mr. Rose, Mr. Valentine, Mr. Schumer, Mr. Neal of North Carolina, and Mr. Yates.

H.R. 298: Mr. Ravenel, Mr. Lent, Mr. Schulze, Mr. Klug, Mr. Petri, and Mr. Blaz.

H.R. 300: Mr. Abercrombie.

H.R. 317: Mr. Jones of Georgia, Mr. Tallon, Mr. Neal of North Carolina, and Mr. Carr.

H.R. 327: Mr. Lancaster and Mr. LaRocco.

H.R. 330: Mr. Washington and Mrs. Morella.

H.R. 355: Mr. Fazio, Mr. Dooley, Mr. Herger, Mr. Levine of California, and Mr. Condit.

H.R. 369: Mr. Dornan of California, Mr. Weber, Mr. Zimmer, Mr. Oxley, and Mr. Fawell.

H.R. 371: Mr. Upton.

H.R. 375: Mr. Andrews of Texas and Mr. Sanders.

H.R. 381: Mr. Kildee, Mr. Bilirakis, and Mr. Fish.

H.R. 382: Mrs. Unsoeld and Mr. Sikorski.

H.R. 383: Mr. Guarini, Mr. Abercrombie, Mr. Rangel, and Mr. Serrano.

H.R. 384: Mrs. Unsoeld and Mr. Sisisky.

H.R. 385: Mr. Kennedy and Mr. Fish.

H.R. 386: Mr. Nagle, Mr. Manton, Mr. Towns, Mr. Studds, Mr. AuCoin, Mr. Owens of New York, Mr. Matsui, Mr. Oberstar, Mr. Solarz, Mr. Dellums, Mr. Owens of Utah, and Mr. Edwards of California.

H.R. 400: Mr. Gallo.

H.R. 401: Mr. Duncan.

H.R. 414: Mr. Stump.

H.R. 415: Mr. Goss and Mr. Fish.

H.R. 418: Mr. Bateman and Mr. Lancaster.

H.R. 446: Mr. Russo, Mr. Kennedy, Mr. Shays, Mr. Brown of California, Mr. Dellums, Mr. Campbell of Colorado, Mr. Lewis of Florida, Mr. Andrews of Maine, Mr. Torres, and Mr. Fish.

H.R. 482: Mr. Conyers and Mr. Sanders.

H.R. 504: Mr. Ravenel, Mr. Hammerschmidt, Mr. Guarini, Mr. Cox of California, Mr. Erdreich, Mr. Lancaster, Mr. Hyde, Mr. Jefferson, Mr. Sensenbrenner, Mr. Fawell, Mr. Frost, Mr. Ackerman, Mr. Emerson, Mr. Bateman, and Mr. Boucher.

H.R. 534: Mr. Smith of New Jersey, Mr. Rahall, Mr. Bunning, Mr. Callahan, Mr. Jefferson, Mr. Porter, Mr. Kildee, Mr. Gallegly, Mr. Rinaldo, Mr. Hansen, Mr. Weldon, Ms. Snowe, Mr. Smith of Florida, Mr. Jones of North Carolina, Mr. Hobson, Mr. Ortiz, Mr. Mavroules, Mr. Packard, Mr. McEwen, Mr. Shaw, Mr. Roth, Mr. Sikorski, Mr. Luken, Mr. Lewis of Florida, Mr. Doolittle, Mr. Crane, Mr. Gilchrest, Mr. Ramstad, and Mr. Gilman.

H.R. 559: Mr. Sangmeister, Mr. Panetta, Mr. Gingrich, Mr. Fawell, Mr. Russo, and Mr. Early.

H.R. 573: Mr. Downey.

H.R. 574: Mr. Hertel.

H.R. 575: Mr. Sisisky.

H.R. 576: Mr. Tauzin, Mr. Mineta, Mr. Jefferson, Mr. Goodling, Mr. Sikorski, Mr. Donnelly, Mr. Myers of Indiana, Mr. Bereuter, Mr. McDade, Mr. Hughes, Mr. Smith of Florida, Mr. Volkmer, Mr. Horton, Mr. Gingrich, Mr. Hertel, Mr. Bilbray, Mrs. Lloyd, Mr. Lewis of Georgia, Mr. Young of Alaska, Mr. Wise, Mr. Hammerschmidt, Mr. Kleczka, Mr. Rowland, Mr. McNulty, Mr. Martinez, Mr. Traficant, Mr. Jontz, Mr. Ray, Mr. Frost, Mr. Neal of North Carolina, Mr. Jones of Georgia, Mr. Sisisky, Mr. Lehman of California, and Mr. Kostmayer.

H.R. 640: Mr. Hastert, Mr. Lagomarsino, and Mr. Tanner.

H.R. 644: Mr. Andrews of Maine, Ms. Kaptur, and Mr. Neal of North Carolina.

H.R. 647: Mr. Gordon, Mr. Olin, Mr. Laughlin, Mr. Mfume, Mr. LaFalce, Mr. Applegate, Mr. Hughes, and Ms. Kaptur.

H.R. 652: Mr. Fish.

H.R. 667: Mr. Clay, Mr. Rahall, Mr. Pickett, Mr. Mollohan, Mr. Shays, Mr. Hamilton, Mr. Neal of North Carolina, and Mr. Frank of Massachusetts.

H.R. 673: Mr. McEwen, Mr. Horton, Mr. Rahall, Mr. Walsh, Mrs. Lloyd, Mr. Blaz, Mr. Campbell of Colorado, Mr. McMillen of Maryland, Mr. Price, Mr. Rangel, Mr. Owens of Utah, Mr. Berman, and Mr. Dwyer of New Jersey.

H.R. 735: Mr. Hansen.

H.R. 742: Mr. Gallo.

H.R. 755: Mr. Neal of North Carolina.

H.R. 763: Mr. Martinez, Mrs. Johnson of Connecticut, Ms. Norton, and Mr. Dellums.

H.R. 771: Mr. Bereuter, Mrs. Vucanovich, Mr. Dorgan of North Dakota, Mr. Goss, Mr. Emerson, Mr. Guarini, Mr. Stump, Mr. Parker, Mr. Schiff, Mr. Lancaster, Mr. Serrano, Mr. Gilman, Mr. Owens or Utah, Mr. Walsh, Mr. Slattery, Mrs. Morella, Mr. Zeliff, Mr. Lipinski, and Mr. Skeen.

H.R. 772: Mr. Eckart, Mr. Cunningham, Mr. Burton of Indiana, Mr. Pallone, Mr. Volkmer, Mr. Fish, Mr. Dreier of California, Mr. Broomfield, Mr. Callahan, Mr. Cooper, Mr. Cox of Illinois, Mr. Cox of California, Mr. Dornan of California, Mr. Fields, Mr. Dymally, Mr. Andrews of Texas, Mr. Boucher, Mr. Clinger, Mr. Clay, Mr. Gillmor, Mr. Stenholm, Mr. Gejdenson, Mr. Browder, Mr. Hancock, Mr. Gross, Mr. Derrick, and Mr. Hansen.

H.R. 784: Mr. Thomas of California, Mr. Ireland, Mr. Hubbard, Mr. Sisisky, Mr. Payne of Virginia, Mr. Hansen, Mr. Pickett, Mr. Obey, and Mr. Rowland.

H.R. 786: Mr. Lent, Mr. Owens of New York, and Mr. Rangel.

H.R. 793: Mr. Dorgan of North Dakota, Mr. Downey, Mr. Engel, Mr. Gonzalez, Mr. Gordon, Mr. Hoyer, Mr. Johnson of South Dakota, Mr. Kanjorski, Mr. McGrath, Mr. Serrano, Ms. Slaughter of New York, Mr. Walsh, Mr. Coleman of Texas, Mr. Poshard, Mr. Stenholm, Mr. Dixon, Mr. Penny, Mr. Mineta, and Mr. Tanner.

H.R. 797: Mr. Wyden and Mr. Sikorski.

H.R. 830: Mrs. Boxer, Mr. Frank of Massachusetts, Mr. Dellums, and Mr. Lancaster.

H.R. 856: Ms. Slaughter of New York, Mr. Vento, Mr. Hertel, Mr. Borski, Mr. Andrews of Maine, and Mr. Lantos.

H.R. 905: Mr. Hansen.

H.R. 906: Mr. Williams.

H.R. 907: Mr. Neal of North Carolina and Mr. Doolittle.

H.R. 908: Mr. Wolpe, Mrs. Boxer, Mr. Neal of Massachusetts, Mr. Lantos, Mr. Staggers, Mr. LaFalce, Mr. Boehlert, and Mr. Tauzin.

H.R. 917: Mr. Alexander, Mr. Reed, Mr. Markey, Mr. Dwyer of New Jersey, Mr. Towns, Ms. Norton, Mr. McGrath, Mr. Shuster, Mr. Whitten, Mr. Flake, Mr. Bilirakis, Mr. Mfume, Mr. Moorhead, Mr. Solomon, Mr. Hyde, Mr. Fish, and Mr. Lightfoot.

H.R. 945: Mr. Murphy, Mr. Jefferson, Mr. Roberts, Mrs. Unsoeld, Mr. Cox of Illinois, Mr. Price, Mr. Geren of Texas, Mr. Thomas of Wyoming, Mr. Applegate, Mr. Porter, Mr. Ravenel, Mr. Yatron, Mr. Nagle, Mr. Olin, Mr. Rahall, and Mr. Lewis of California.

H.R. 953: Mr. DeLay, Mr. Owens of New York, Mrs. Unsoeld, Mr. Riggs, Mr. Pallone, Mr. Fish, Mr. Neal of North Carolina, and Mr. Cox of California.

H.R. 960: Mr. McEwen and Mr. Packard.

H.R. 976: Mr. Murphy, Mr. Erdreich, Mr. Gilchrest, Mr. Rangel, Mr. Feighan, Mr. Hyde, Mr. Lagomarsino, Mr. McNulty, Mr. Horton, Mr. Towns, Mr. Annunzio, Mr. Frost, Mr. Rinaldo, Mr. Nowak, Mr. Ritter, and Mr. Lantos.

H.R. 980: Mr. Roberts and Mr. Emerson.

H.R. 989: Mr. Andrews of Maine, Mr. Kostmayer, Mr. Torres, and Mr. Fish.

H.R. 1000: Mrs. Unsoeld and Mr. Sikorski.

H.R. 1001: Mr. Stump.

H.R. 1016: Mrs. Meyers of Kansas, Mr. Bliley, and Mr. Hutto.

H.R. 1021: Mr. Sikorski.

H.R. 1024: Mrs. Johnson of Connecticut, Mr. Roe, Mr. Smith of Florida, Mr. Guarini, Mr. Hancock, Mr. Lehman of Florida, Mr. Jenkins, Mrs. Unsoeld, and Mr. Faleomavaega.

H.R. 1049: Mr. Hertel, Mr. Cox of California, Mr. Cunningham, and Mr. Herger.

H.R. 1052: Mr. Bustamante, Mr. Spratt, Mr. Darden, Mr. Moran, Mr. McNulty, Mr. Espy, Mr. Paxon, Mr. Erdreich, Mr. Henry, Mr. Bennett, Mr. Rowland, and Mr. Reed.

H.R. 1059: Mr. Horton, Ms. Slaughter of New York, Mr. Foglietta, Mrs. Collins of Illinois, Mr. Lipinski, Mr. Mrazek, Mr. Frost, and Mr. Dwyer of New Jersey.

H.R. 1067: Mr. McCloskey, Mr. Moakley, Mr. Applegate, Mr. Ireland, Mr. Wolf, Mr. Perkins, Mr. Hughes, Mr. Alexander, Mr. Skaggs, Mr. Blaz, Mr. Kostmayer, Mrs. Schroeder, Mr. Yatron, Mrs. Morella, Mr. Montgomery, Mrs. Byron, Mr. Tanner, Mr. Dickinson, Mr. Lancaster, Mr. Cramer, Mr. LaRocco, Mr. Wyden, Mr. Penny, Mr. Foglietta, Mr. Mazzoli, Mr. Smith of Iowa, Mr. Bonior, Mr. Natcher, Mr. Vento, Mr. Coble, Mr. Henry, Mr. Nowak, Mr. Kildee, Mr. Swift, Mr. Callahan, Mr. Dicks, Mr. Valentine, Mr. Wolpe, Mr. Taylor of Mississippi, and Mr. Smith of Florida.

H.R. 1074: Mr. Bilbray, Mr. Towns, Mr. Jontz, Mr. Mazzoli, and Mr. Campbell of Colorado.

H.R. 1081: Mr. Hancock, Mr. Espy, and Mr. Guarini.

H.R. 1089: Mr. McMillen of Maryland and Mr. Hall of Texas.

H.R. 1118: Mr. Gallo, Mr. Ravenel, Mr. Rogers, Mr. Guarini, Mr. Zeliff, Mr. Walsh, Ms. Kaptur, Mrs. Vucanovich, Mr. Fish, Mr. Dwyer of New Jersey, Mr. Herger, Mr. Gilchrest, Mr. Murtha, Mr. Kyl, Mr. Roe, Mr. Inhofe, Mrs. Meyers of Kansas, and Mr. Lipinski.

H.R. 1163: Mr. Horton, Mrs. Vucanovich, and Mr. Boucher.

H.R. 1164: Mr. Horton.

H.R. 1165: Mr. Espy, Mr. Frank of Massachusetts, Mr. Wolf, and Mr. McGrath.

H.R. 1176: Mr. LANTOS and Mr. FALEOMAVAEGA.

H.R. 1197: Mr. DOWNEY, Mr. JONTZ, Mr. LAGOMARSINO, Mr. SANDERS, and Ms. SNOWE.

H.R. 1201: Mr. SANTORUM, Mr. RAVENEL, Mr. LANCASTER, Mr. LIPINSKI, Mrs. MEYERS of Kansas, and Mrs. BOXER.

H.J. Res. 2: Mr. OXLEY.

H.J. Res. 80: Mr. BARTLETT, Mr. CRANE, Mr. INHOFE, and Mr. SCHAEFER.

H.J. Res. 95: Mrs. JOHNSON of Connecticut and Mr. SOLOMON.

H.J. Res. 104: Mr. LEWIS of California, Mr. GRANDY, Mr. MACHTLEY, Mr. RAVENEL, Mr. BALLENGER, Mr. PETRI, Mr. CRANE, Mr. SOLOMON, Mr. QUILLEN, Mr. HANSEN, Mrs. JOHNSON of Connecticut, Mr. SHAW, Mr. GEJDENSON, Mr. LEHMAN of California, Mr. SKEEN, Mr. VENTO, Mrs. LOWEY of New York, Mr. EARLY, Mr. WAXMAN, Mr. STENHOLM, Mr. JENKINS, Mr. HOCHBRUECKNER, Mr. TORRICELLI, Mr. MRAZEK, Mr. FRANKS of Connecticut, Mr. EVANS, Mr. FIELDS, Mr. HYDE, Mrs. MORELLA, Mr. SCHUSTER, Mr. FISH, Mrs. MEYERS of Kansas, Mr. MAVROULES, Mr. HEFNER, Mr. OWENS of New York, Mr. FAWELL, Mr. GUARINI, Mr. MCHUGH, Mr. SHARP, Mr. KOSTMAYER, Mr. GINGRICH, Mr. BOEHLERT, Mr. DE LA GARZA, Mr. LANCASTER, Mr. KASICH, Mr. EMERSON, Mr. SMITH of Texas, Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. WOLPE, Mr. BATEMAN, Mrs. KENNELLY, Mr. DELLUMS, Mr. WYDEN, Mr. OBERSTAR, Mr. SWETT, Mr. COSTELLO, Ms. SNOWE, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. WEISS, Mr. SISISKY, Mr. MOAKLEY, Mrs. COLLINS of Illinois, and Mr. SPRATT.

H.J. Res. 108: Mr. SKEEN, Mr. UPTON, Mr. MARTINEZ, Mr. KOLTER, and Mr. CALLAHAN.

H.J. Res. 133: Mr. YATRON, Mr. HERTEL, Mrs. BYRON, Ms. OAKAR, Mr. MILLER of California, Mrs. MORELLA, Ms. NORTON, Ms. PELOSI, Mr. GEKAS, Mr. WYLIE, Mr. SCHEUER, Mr. EDWARDS of Oklahoma, Mr. SCHUMER, Mr. LEWIS of Florida, Mr. LOWERY of California, Mr. MCCOLLUM, Mr. MCDADE, Mr. MICHEL, Mr. PORTER, Mr. MILLER of Ohio, Mr. SERRANO, Mrs. JOHNSON of Connecticut, Mr. COBLE, Mr. COUGHLIN, Mr. DAVIS, Mr. DICKINSON, Mr. DORNAN of California, Mr. WILSON, Mr. SLATTERY, Mr. MILLER of Washington, Mr. BLILEY, Mr. WASHINGTON, Mr. VANDER JAGT, Mr. LENT, Mr. WELDON, Mr. MURPHY, Mr. SKEEN, Mr. NOWAK, Mr. SPENCE, Mr. SMITH of Iowa, Mr. GILLMOR, Mr. OWENS of New York, Mr. SHUSTER, Mr. WYDEN, MR. BROOMFIELD, Mr. WEISS, Mr. STEARNS, Ms. SNOWE, Mr. BARTLETT, Mr. NEAL of North Carolina, Mr. REGULA, and Mr. WHEAT.

H.J. Res. 154: Mr. KOLTER, Mr. HARRIS, Mr. RANGEL, Mr. MCDADE, Mr. BATEMAN, Mr. GEKAS, Mr. KASICH, Mr. MAVROULES, Mr. JONES of North Carolina, Mr. POSHARD, Mr. WILSON, Mr. CRAMER, Mr. LAGOMARSINO, Mr. CONYERS, Mr. DE LA GARZA, Mr. MCNULTY, Mr. NATCHER, Mrs. PATTERSON, Mr. PALLONE, Mr. JONTZ, Mr. WEBER, Mr. BLILEY, Mr. TOWNS, Mrs. BOXER, Mr. LAFALCE, Ms. KAPTUR, Mr. MINETA, Ms. NORTON, Mrs. JOHNSON of Connecticut, Mr. YATRON, Mr. HOCHBRUECKNER, Mr. MONTGOMERY, and Mr. DARDEN.

H.J. Res. 156: Mr. SWETT, Mr. SERRANO, Mr. JONTZ, and Mr. BRUCE.

H. Con. Res. 8: Mr. ECKART, Mr. YOUNG of Florida, Mrs. MEYERS of Kansas, Mr. CAMPBELL of Colorado, Mr. SMITH of Texas, Mr. HERGER, Mr. YOUNG of Alaska, Mr. SCHIFF, and Mr. ROTH.

H. Con. Res. 56: Mr. WASHINGTON and Mr. FALEOMAVAEGA.

H. Con. Res. 68: Mr. INHOFE, Mr. HYDE, Mr. ARMEY, and Mr. FISH.

H. Con. Res. 69: Mr. STEARNS.

H. Con. Res. 70: Mr. SKEEN, Mr. MAVROULES, and Mr. FROST.

H. Con. Res. 81: Mr. TAYLOR of Mississippi, Mr. CHAPMAN, Mr. OXLEY, Mr. GILMAN, Mr. PAXON, Mr. RAVENEL, Mr. RINALDO, Mr. WALSH, Mr. CAMPBELL of Colorado, Mr. SMITH of Texas, Mr. EMERSON, Mr. BENNETT, Mr. GOSS, Mr. ALLARD, Mr. CAMP, Mr. SOLOMON, Mr. ZELIFF, Mr. BARRETT, Mr. STEARNS, Mr. HOBSON, Mr. ZIMMER, Mr. DOOLITTLE, Mr. BUNNING, Mr. WALKER, Ms. ROS-LEHTINEN, Mr. SANTORUM, Mr. CUNNINGHAM, Mr. HUNTER, Mr. HERGER, and Mr. DANNEMEYER.

H. Res. 18: Mr. TRAFICANT, Mr. BILBRAY, Mr. LIPINSKI, Mrs. LLOYD, Mr. GOSS, Mr. KOLTER, Mr. DURBIN, Mr. GUARINI, Mr. JONTZ, Mr. ENGEL, Mr. JEFFERSON, Mr. DORGAN of North Dakota, Mr. MURPHY, Mr. MARTINEZ, Mr. ECKART, Mr. UPTON, Mr. ZIMMER, Mr. GILCHREST, Mr. RAHALL, Mr. RAVENEL, Mr. LAGOMARSINO, Mr. RANGEL, Mr. FROST, Mr. KLUG, Mr. CAMPBELL of Colorado, Mrs. PATTERSON, Mr. ESPY, and Mrs. MEYERS of Kansas.

H. Res. 95: Mr. YOUNG of Alaska, Ms. SNOWE, Mr. REGULA, Mr. KLUG, Mr. JAMES, Mr. MCEWEN, Mr. MCCOLLUM, Mr. MARTIN of New York, Mr. QUILLEN, Mr. OXLEY, Mr. NUSSLE, Mr. ZELIFF, Mr. COX of California, Mr. HEFLEY, Mr. HERGER, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. COBLE, Mr. CAMP, Mr. COUGHLIN, Mr. GEKAS, Mr. GRANDY, Mr. HOPKINS, Mr. KYL, Mr. SHAW, Mr. HAMMERSCHMIDT, Mr. BOEHLERT, Mr. GRADISON, Mr. MACHTLEY, Mrs. MORELLA, Mr. CAMPBELL of California, Mr. RIGGS, Mr. ALLARD, Mr. BARTLETT, Mr. MCGRATH, Mr. MYERS of Indiana, Mr. RAVENEL, Mr. PORTER, Mr. EDWARDS of Oklahoma, Mr. BUNNING, Mr. SANTORUM, Mr. CARPER, Mr. SISISKY, Mr. JOHNSTON of Florida, Mr. MAZZOLI, Mr. BENNETT, Mr. HAYES of Louisiana, and Mr. HARRIS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 759: Mr. TRAFICANT.

H.J. Res. 106: Mr. BARTLETT.

EXTENSIONS OF REMARKS

DEMOCRACY UNDER ATTACK IN CROATIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. BROOMFIELD. Mr. Speaker, I am deeply concerned about recent developments in the Republic of Croatia and the political crisis there. Now is the time for our Government to send a clear signal to Federal authorities in Belgrade and to the Yugoslav National Army that America will not ignore the light of the forces of democracy in that country. We will not have business as usual with repressive governments.

The winds of freedom that swept through Eastern Europe in 1989 brought democracy to some of the republics in Yugoslavia. Croatia and Slovenia, in particular, elected new governments whose leaders respect basic human rights and fundamental liberties, and support free market economics. The forces of communism, however, are still to be reckoned with in that country. They oppose the spread of democratic institutions and self-determination and are determined to keep the Republics of Slovenia and Croatia in the Yugoslav Federation. I want to share with my colleagues a number of incidents to justify my concerns about the future of democracy in Croatia.

The President of the Republic of Croatia, Franjo Tudjman, recently wrote a letter to President Bush explaining his deep commitment to democracy and outlining his concerns about possible Yugoslav National Army intervention in Croatia. The letter also asked President Bush to do everything possible to find a peaceful solution to the Yugoslav conflict and to prevent bloodshed.

Unfortunately, the head of the Yugoslav Federal Presidency, Dr. Borisav Jovic, has criticized President Tudjman for having written the letter, and has suggested that Tudjman be tried for high treason. Under the Yugoslav Constitution, and given the federal structure of that country, President Tudjman is free to correspond with leaders from all over the world. He clearly did not call for American intervention in Yugoslavia, as Dr. Jovic had suggested. In light of these threats, President Tudjman wisely chose to avoid a recent meeting of the Yugoslav Presidency in Belgrade.

Unfortunately, the Yugoslav National Army follows the orders of antidemocratic forces and those who support continued Communist domination of the Federal Government in Belgrade. The National Army, whose officer corps is nearly 80 percent Serbian, is led by Gen. Veljko Kadijcviv. He recently described socialism as "one of the greatest achievements of contemporary civilization." The National Army is under the close control of the head of the Yugoslav Federal Presidency, Dr. Jovic, and the Communist President of the Republic of Serbia, Slobodan Milosevic. Recent incidents in Croatia reveal that the National Army is engaged in a program to suppress both democracy and self-determination.

A few months ago, the Yugoslav National Army threatened to place its troops on alert unless all forces in the Republic of Croatia immediately disbanded. Over this past weekend, the army was again mobilized in Croatia. According to some reports, the Yugoslav National Army conspired with Serbians in the Croatian town of Pakrac and staged an incident at a police station. Croatian police were called in to control the situation. At that point in time, the Federal army arrived and confronted the Croatian police. The situation there appears to have calmed down.

I fear that the ongoing tensions in Yugoslavia will continue as long as threats of force and intimidation are used against the democratic movement in Croatia. It is ironic that Croatia, a democratic republic with a pro-American orientation, should be threatened by proponents of a dying ideology that is being debunked all over the world. America must stand on the side of democracy and support self-determination and a peaceful resolution of the ongoing crisis in Yugoslavia.

NYS&W RAILWAY: SHORT LINE OF THE YEAR

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. BOEHLERT. Mr. Speaker, it is my pleasure to congratulate the New York, Susquehanna & Western [NYS&W] Railway, based in the 25th Congressional District in Cooperstown, NY, on the honor of being named the 1990 Short Line of the Year, by the publication Short Lines and Regionals. This prestigious annual award is determined by a panel of rail industry experts and editors who review and evaluate the performances of hundreds of small carriers across the country before selecting the most outstanding from among them.

The NYS&W's corporation president and my good friend, Walter Rich, accepted the award at the American Short Line Association's annual convention in Traverse City, MI, in September of last year. The NYS&W, a 540-mile rail system that operates in New York, New Jersey, and Pennsylvania, has a long and sustained commitment to serving the transportation needs of central New York. It is the success bred by small railroads like the NYS&W, and promoted by men like Walter Rich, which allows for continued rail competition in the Northeast. That competition has resulted in reduced costs and improved service, and meant a great deal to the economy of central New York.

Among other factors in the decision to name the NYS&W as the Short Line of the Year were its preservation of service over the bankrupt Delaware and Hudson Railroad, maintaining the route for rail customers until its sale to the Canadian-Pacific Railroad was finalized this year; its savvy use of real estate holdings in the New York-New Jersey metropolitan area; completion of a major track rehabilitation program; the first regional railroad to engage in the doublestack business; and sustaining and enlarging its position in the marketplace as an intermodal force.

The future of the New York, Susquehanna & Western is brighter than ever. I am proud to have the corporation and its dedicated employees as constituents, both working to continue central New York's tradition of being economically productive and attractive to business.

For the benefit of my colleagues, I would like to insert the complete text of the article announcing the 1990 award to the NYS&W from the September/October issue of Short Lines and Regionals magazine.

SHORT LINE OF THE YEAR

(By Kathy Keeney)

NYS&W, this year's winner of Modern Railroads Short Lines & Regionals' Short Line of the Year award, has quite a list of achievements to its credit.

The single accomplishment for which it is most proud, however, is preserving service over the bankrupt Delaware & Hudson Railway for nearly 18 months.

"All of us feel a sense of accomplishment because we really only had one goal: to keep competitive service alive to areas we serve and into New England," said C. David Soule, executive vice president of NYS&W, and parent company, Delaware Otsego Corp. "We realized that without competition to our lines in New Jersey and New York we'd be back to where we were more than a decade ago. Along the way, there's not a person in our company who's disappointed we were able to save the railroad and run it long enough for the bankruptcy trustee to sell it to CP Rail."

NYS&W President and CEO Walter G. Rich put it this way: "We did not want to purchase the D&H; our bid was strictly a backstop. We really thought a carrier like the CP was the right one. We were real pleased we were able to keep it running for 18 months."

Soule and Rich look forward to working with CP, when it takes over the D&H operation permanently some time later this year. CP, they believe, has the traffic sources to run over the D&H to make it profitable.

Ray B. Chambers, a Washington lobbyist and executive counsel to the railroad, thinks the D&H could have been a good integration for NYS&W. "On the other hand, A, you'd be betting the farm taking it on, and B, having it under the control of a Class I—particularly an aggressive one such as CP—could be a wonderful thing."

When Delaware & Hudson Railway filed for bankruptcy in June 1988, NYS&W's major connection was threatened and the D&H was left wide open—namely, to the threat that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Conrail could absorb it, which would then remove competition in the rail freight market in the Northeast.

"I called my friend Jim Hagen [now president of Conrail], when he was still at CSX and said, 'We need to do something or Conrail will take over the D&H,'" Rich recalls. "But the only way we could do it was with a major company's help, which we got."

With pledged support from CSX in its pocket, NYS&W asked the Interstate Commerce Commission's permission to operate the D&H under emergency service orders when Guilford said it would discontinue service. It got the nod and ran the operation through February 1990.

"Conrail would have operated it in pieces," said Rich. "There's no question that the D&H would be gone and buried if it weren't for our stepping forward."

Just because NYS&W took on the D&H operation willingly doesn't mean the job lacked challenges. The most obvious was operating two major railroads simultaneously, in addition to operating the D&H, which is four times NYS&W's size. The financial risk of assuming operation was unclear and the ICC provided no operating subsidy with its emergency service order. There was a severe locomotive shortage, a free fall of traffic volumes due to lack of shipper confidence, and the labor force was demoralized.

NYS&W immediately undertook a plan that included:

Negotiating an operating assistance agreement with CSX Transportation.

Negotiating voluntary increases in divisions from D&H's major connecting carriers.

Negotiating a more realistic staffing structure with both contract and non-contract workers.

Securing $3 million in capital funding assistance from the State of New York for rail infrastructure improvements.

Negotiating financing for much-needed motive power in the form of 20 state-of-the-art General Electric locomotives.

Introducing in June 1989 a new D&H double-stack service between Buffalo and Lacolle, Canada, called the Montreal Limited.

MARRIAGE ON THE ROCKS

The NYS&W-D&H marriage wasn't easy, particularly at first. NYS&W has about 540 miles of track and 189 employees; the D&H was a 2,000-mile system with 800 employees.

"Physically, we could run the railroad," Soule said, "We had the people, the equipment. But administratively, it was a nightmare. All the papers were with Guilford. We had no tariffs, no contracts . . . nothing to start with."

After those initial obstacles were overcome, the D&H ran well in NYS&W's hands, by most reports. As one on-line shipper put it: "Service on the D&H provided by NYS&W has been a refreshing change, in what had been a very difficult five years for us. NYS&W's service is both dependable and consistent. For example, shipments from Buffalo to the Albany area were regularly taking 10 to 30 days, and now are made reliably in four to five days."

Rich wants his railroad to be remembered for keeping the D&H alive long enough and operating plans for the D&H, the country's oldest transportation company. But NYS&W's operation of the D&H wasn't the only thing that made it worthy of the Short Line of the Year award.

Only a decade ago, the NYS&W itself was in bankruptcy and abandonment looked probable. That's when Delaware Ostego Corp. stepped in and bought the railroad for $5 million. By integrating the NYS&W with several branch lines it already operated and obtaining key trackage rights from Conrail, NYS&W emerged as a strong regional carrier.

Comparisons between 1980 and 1990 show revenues four times higher and net income 11 times higher. NYS&W motive power is up-to-the-minute—in fact, it was one of the few regional railroads to purchase new locomotives. In 1989, it completed the last of four major track rehabilitation projects and improved transit times dramatically.

NYS&W is a partner with Southern Pacific and Norfolk Southern in a coast-to-coast double-stack service. The once-weekly train originates in Long Beach, Calif., and arrives 93 hours later on Thursday mornings, allowing the commodities to be transferred to the New York/New Jersey metropolitan market before the weekend.

The success of this service helped NYS&W move more than 84,000 containers during the 12-month period ending June 1990. In fact, NYS&W is doing more business with Norfolk Southern, its partner on east-west double-stack traffic into the Resources Warehousing Facility in North Bergen, N.J. "We're NS' connection to New York over Buffalo, and we see good things for the future," Soule said.

Another example of its success in double stacks is a train it operates in conjunction with Conrail between Little Ferry, N.J., and Chicago. After some major track work was completed, NYS&W received notice from Sea-Land that a Jan. 4 container train broke all time records between those two points.

NYS&W considers itself both a competitor to Conrail and a partner. Much of its business comes via Conrail: it handles Sea-Land traffic with Conrail over Buffalo, and most movements to and from the south are from Conrail.

During the final quarter of 1989, NYS&W entered into a $10 million sale agreement with CSX/Sea-Land Intermodal for a portion of the Little Ferry yard. The pact provides Sea-Land with the space it needs to expand and includes a long-term agreement with NYS&W for CSLI's container traffic into Little Ferry.

As Kenneth Willsey, director-public and government affairs, put it, "By creatively using our real estate assets, NYS&W has locked in a secure future in the intermodal business."

Like many railroads, NYS&W has also made good use of its real estate assets by allowing companies to install fiber optic cable along its rights-of-way. It has leased 70 miles of NYS&W right-of-way for a U.S. Sprint system; 47 miles to Western Union, and 27 miles to MCI.

"In New Jersey it would be an awfully difficult thing to create a fiber optic corridor," Soule said, "so railroad rights-of-way make ideal paths for these companies to run their cable."

Its most recent track initiative, the Sparta Welded Rail Project, included installation of 25 miles of welded rail and 25,000 tons of ballast. The section of track between Sparta and Butler, N.J., had been under 10 mph slow orders and was an area where several derailments occurred.

Since completing the project, NYS&W increased track speeds to 30 mph and significantly reduced derailment expenses from $826,528 in 1987 to $366,904 in 1988 to $195,560 in 1989.

THE CRYSTAL BALL

NYS&W is the envy of many short lines and regionals for its location, which serves the largest consuming market in the world, New York.

"We realized early on that the area we serve in New Jersey has developed over last five or 10 years as bedroom communities for New York," Soule said. "It was obvious to us that no new factories or carload-type customers would build along our lines, but there was a need for railroad competition into that market. Bulk transfer operations, which use economies of long-haul rail and flexibility of trucking, fit well in the New York market."

The distribution area, including containers and bulk commodities, is where NYS&W has grown during the last five years. About 40 percent of the railroad's business is container traffic.

The railroad predicts further expansion of its distribution system, but it is general commodities like bulk flour or plastics or on the international side with containers. It also sees opportunities with Europe opening up to work with Port of New York for goods coming out of the port going west through its terminals.

Rich is also investigating revenue opportunities in recreational railroading. "We're looking at dinner trains and excursions anywhere on our system that would make sense. In fact, we just purchased one of the Chinese steam locomotives for this service."

What's NYS&W formula for success?

"Clear-headed business judgment, and close relationships with government agencies at all levels," suggests Chambers. "Walter was a pioneer and built a tremendous customer base. The bottom line, he's been lucky, and NYS&W's been a little jewel."

In order for a railroad to be successful, there needs to be cooperation at all levels, Rich said. "We have excellent customers, stockholders, and an excellent board of directors. They have given me some very good advice. When I accept this award I do so on their behalf because, as I like to say, I'm just the ringleader of the circus."

Rich advises those entering the short line business to know their numbers. "One of today's pitfalls is overly optimistic traffic projections. The regular carload business is declining, particularly in the Northeast. You also need a plan that is recession-proof."

Rich was also fortunate to purchase his family of railroads before it was fashionable. "He started before the rush to regional railroads," Chambers said. "He got good prices, and he didn't have to carry large debt burdens as others have."

Also, every line that he owns would have been abandoned.

"What makes me optimistic about the future of small railroads is that he started ahead of everyone," Chambers said. To those who monitor the industry, NYS&W has indeed demonstrated that the short line concept works.

SNOWE SUPPORTS SUPPLEMENTAL FOR UNEMPLOYMENT ADMINISTRATIVE COSTS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing a supplemental appropriations bill to provide $200 million in fiscal year 1991 for the administration of the unemployment program. This is the amount of money the U.S. Department of Labor has estimated is necessary to assist States in meeting the increased administrative costs facing States across the country as the number of people filing unemployment claims grows.

Provisions in the Budget Enforcement Act of 1990 requires any increase in domestic discretionary spending to be offset. Therefore, my bill includes $200 million in outlay savings from domestic discretionary programs, making it deficit neutral.

The Federal Government provides funding for State unemployment administrative costs with money collected from taxes on employers. This funding is used to provide staff and equipment to ensure the timely processing of unemployment benefits.

Appropriations for this program come from the Federal Unemployment Trust Fund, and are based on the Department of Labor's projections for unemployment. The fiscal year 1991 appropriation was based on an unemployment projection of 2.54 million claims per week. At the beginning of this fiscal year, claims had risen to 2.84 million claims per week. For the week ending January 12, 1991, the Department of Labor figures show that nearly 4 million people had filed a claim. While unemployment claims have risen dramatically, the funding available to States to deal effectively with this increase has not.

Some of the appropriated funds are kept in a contingency reserve by the Department of Labor to assist States with large increases in their workload. Because the unemployment rate has risen so quickly, the Department finds itself with only enough money in the contingency reserve to pay 75 cents on the dollar for increases States are facing in their administrative costs.

The shortfall in administrative funds has a direct and negative impact on the men and women who find themselves in need of unemployment benefits. Specifically, it can lengthen the amount of time it takes to provide a check to a beneficiary. In Maine, it can take 1 to 3 weeks longer to receive a check when you have a simple claim. If there is a question of eligibility or a problem with obtaining documentation, it can take 2 to 6 weeks longer usually. This increase in processing time can best be understood when you consider the fact that the 10-member staff in the Portland, ME unemployment office had 600 people file claims in 1 week in January.

In Michigan, it has been reported that unemployed workers must wait at least a month before they receive their first check. In Nevada it is taking up to 5 weeks to process the initial claim, and in Connecticut payments are running 1½ to 2 weeks late.

People are also being forced to wait in long lines in order to file their claim. In Connecticut the average wait to file a claim is 3½ hours. In Maine, the waiting time to file a claim is 4 to 5 hours, while in MIchigan the wait can be as long as 6 or 7.

In my own State of Maine the shortfall is also having a direct impact on the quality of services provided, according to the director of the unemployment office in Maine. They used to provide each client with a cubicle space where they would meet with a claims representative and file their claim. Now 20 to 25 people are placed into a conference room with one claims representative. She said the groups change every 40 minutes or so and it has turned into an assembly line process.

An individual who has lost his or her job, through no fault of their own, should be able to go to their local unemployment office, file their claim and receive a check as soon as the waiting period is over. After all, the unemployment system was designed to be a safety net, not an endurance test.

It is terribly demoralizing to stand in line in the cold weather in Maine or the 100 degree heat in Arizona for several hours before being herded into a room, asked to share very personal information in front of strangers and then wait, in some States, up to 6 weeks to get a check. Finding yourself unemployed is difficult enough; these people and their families should not be punished for it!

My bill would provide the funding needed to provide the States with adequate resources to assist those who find themselves in need of unemployment benefits. This would allow States to hire more personnel, purchase more computers or do whatever is necessary to provide the most efficient and effective service they can to these people.

H.R. 1092

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. TRAFICANT. Mr. Speaker, on February 21, 1991, I introduced H.R. 1092, authorizing the Secretary of Defense to assign Department of Defense [DOD] personnel to assist the Immigration and Naturalization Service [INS] and the U.S. Customs Service perform their border protection functions.

The legislation specifically authorizes the Secretary of Defense to assign not more than 10,000 DOD personnel to U.S. borders annually to assist the INS and the Customs Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States.

I believe that this legislation is greatly needed. The border patrol has a strength of only 3,800, yet its mission is to guard the two long borders of one of the largest countries of the world. Reports indicate that, at any given time, only 800 patrolmen are available to protect our 2,000 mile southern border. Congress has repeatedly failed to provide funding necessary to enlarge the border patrol. Until Congress can find the money, this military option is the best short-term way to address this shortage of border patrol personnel protecting our borders. Until our borders are fully protected, illegal immigrants, drug traffickers and possible terrorists will have an open invitation to cross into the United States undetected.

It is believed that as many as 3 million people cross into the United States illegally annually; many of them will take jobs away from Americans who need them. At the same time, drug traffickers take advantage of unpatrolled borders to smuggle illicit drugs into the United States that will be sold on our streets and destroy our children. In addition, with the threat of possible terrorist activity in the United States, it is important to ensure that our borders are fully protected. Putting DOD personnel on the border to assist the insufficient number of border patrol already protecting our border is the best way to address this overwhelming problem now.

I urge my colleagues to do their part in protecting America's borders by cosponsoring this important legislation.

VOLUNTEER FIREFIGHTERS TAX CREDIT ACT OF 1991

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. DOWNEY. Mr. Speaker, today I am introducing the Volunteer Firefighters Tax Credit Act of 1991, which will provide a tax credit of $100 to volunteer firefighters or volunteer rescue squad members.

Since the inception of this Nation in the 18th century, volunteer firefighters have played a critical role in the daily fabric of American life. For over 200 years, Americans have been able to rest assured that should tragedy strike, their neighbors serving in the local volunteer fire department would be there to put the fire out, deliver the stricken family member to the local hospital or rescue the cat at the top of the elm tree. Today, volunteers provide fire protection to three-fourths of the geographical area of the United States.

Yet the safety net provided by our neighbors in volunteer fire departments is fraying unbeknownst to many of us. For a variety of socioeconomic reasons, the ranks of volunteer fire departments are dwindling. While a recent study prepared on volunteer firefighters concludes that the overall number of volunteers appears stable, a spokesman for the National Volunteer Fire Council points out that neighboring departments can be in radically different positions with regard to the number of volunteers. Because of a small percentage of farmers and shift workers in the United States, the number of people who were formerly available to volunteer during the day has fallen. Volunteers must also travel further distances from the workplace to either the firehouse or directly to a fire. The bottom line is that something must be done to encourage new volunteers to join, if Americans want to continue to recieve fire protection from volunteer departments.

As a means of assisting departments in recruiting new members, the Volunteer Firefighters Tax Credit Act of 1991 will provide volunteer firefighters and rescue squad personnel with a $100 Federal tax credit. This credit will also help to defray the often unreimbursed costs that volunteers incur as a result of their service. For instance, a volunteer may often respond to a call directly from work, without being able to stop at the firehouse to change into gear. As a result, street clothes may often have to be cleaned or replaced.

Volunteer fire service enjoys a long history in this Nation. It counts George Washington, Thomas Jefferson, and Ben Franklin among its founding members. It is a form of public service that embodies the American values of democracy and patriotism. My legislation seeks to continue this tradition and ensure continued protection of our property and safety.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRANIAN-AMERICAN REPUBLICAN COUNCIL NATIONAL ORGANIZATION

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. COX. Mr. Speaker, the support that Iranian-Americans have provided for our allied effort in the Persian Gulf has been truly heartening. Recently, I met here in Washington with a number of Iranian-Americans from California: Berooz Atai, Bahman Behzadi, Manouchehr Delavarian, Akbar Ghahremi, Bagher Heyat, Hassan Izad, Hamid Nahai, Ali Razi, Shahram Tavakoli, Badi Badiozamni, and Mehrdad Youssefinai. During our meeting they presented me with a resolution passed by the Iranian-American Republican Council of California, an outstanding civic organization that serves our community in many ways. The following, for the RECORD, is the text of that resolution.

> This Resolution of the Board of Directors of the Iranian American Republican Council—National Organization is adopted on this 24th day of February, 1991, at a duly called meeting of the Directors pursuant to the Articles of the Iranian American Republican Council—National Organization with reference to the following facts:
>
> A. The Directors believe that the Iranian American Republican Council—National Organization should state its position in support of the United Nations resolutions condemning Iraq's invasion of Kuwait and requiring Iraq's withdrawal from Kuwait.
>
> B. The Directors believe that the officers of the Council should be directed and empowered to bring the National Council's position as stated above to the attention of the American Society at large.
>
> Now, therefore, be it resolved that the National Council reaffirm, and it hereby reaffirms, its unequivocal position in support of the United Nations resolutions condemning Iraq's invasion of Kuwait and requiring Iraq's withdrawal from Kuwait.
>
> Resolved further that the officers of the National Council be, and hereby are, directed and empowered to take such actions as they may deem appropriate or necessary to bring the National Council's position as stated above to the attention of the American Public.

Mr. Speaker, we should be very proud of this action by so many distinguished citizens of our Nation.

IN RECOGNITION OF AMVETS POST 2506, THE BAY OF PIGS VETERANS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today the American Veterans Post 2506 of Miami, FL.

This unique unit is made up of veterans of the U.S. Army who were also veterans of the Bay of Pigs invasion on April 17, 1961. These heroic men served the cause of freedom not only as members of our Armed Forces, but also had the courage to fight for the overthrow of Castro's tyranny at the Bay of Pigs. Many of these brave men also endured imprisonment in Castro's jails for 18 months.

This unit recently applied for U.S. veteran's status with the Secretary of the Air Force, as required by Public Law 95–202. In support and recognition of their request, I am entering into the CONGRESSIONAL RECORD, Resolution No. 100 supporting their request which was passed by the American Veterans of World War II, Korea, and Vietnam at their last national convention:

> Whereas, the members of Amvets Post 2506, Captain Irenardo Padron, Miami, Florida, are all veterans of the United States Army and also of the Bay of Pigs Invasion which occurred April 17, 1961; and,
>
> Whereas, said Bay of Pigs Invasion participants were sponsored, financed, trained and sent to the island of Cuba by the United States government and or one of its agencies; and,
>
> Whereas, President John F. Kennedy assumed full responsibility for the United States' role in the Cuban invasion; and,
>
> Whereas, after being released from Cuban prisons, having spent 18 months as prisoners of war, said members of the Brigade were given the opportunity to join the United States Army as enlisted men and the officers of the Brigade, as officers; and,
>
> Whereas, Amvets Post 2506, Captain Irenardo Padron, now seeks proper recognition for all other members of Brigade 2506, as United States veterans based on their participation in the Bay of Pigs invasion and their subsequent suffering as prisoners of war in communist Cuba's jails: Now, therefore, be it
>
> *Resolved*, That Amvets petition the Congress of the United States to recognize all veterans of Brigade 2506 who have honorably served the cause of freedom during said invasion by issuance of an honorable discharge from the Department of Defense.

I wish to thank Amvets Post 2506 Commander Angelo Kennedy and Vice Commander Umbelino Bango for their efforts to win recognition for those who served our Nation at the Bay of Pigs invasion.

A TRIBUTE TO JAMES H. PHILLIPS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding contributions and fine public service of James H. Phillips, the outgoing president of the Montclair Chamber of Commerce in Montclair, CA. Jim will be honored for his work at the chamber's 32d annual installation dinner later this month.

Raised in Pennsylvania, Phillips graduated from Oregon State University and shortly thereafter began what has been a rewarding 30-year career with J.C. Penney Co. He began in Wenatchee, WA and Portland, OR before moving on to New York where he spent 4 years as marketing programs manager for all of the women's lines. In 1981, he transferred to Seattle to close down the downtown store, the original flagship store of the company. He was then selected to open the new Bellevue, WA store which represented many of the company's newest ideas. In 1983, he transferred to Penney's regional office in Buena Park, CA as merchandising manager for all of the women's lines. Five year's later, he became the manager of the J.C. Penney store in Montclair.

In addition to his professional work, Jim has also dedicated 33 years to serving in the U.S. Army Reserve. He holds the rank of Colonel and is the Deputy Chief of Staff for Personnel for the 63d ARCOM, a 12,000-person Army Command in southern California, Arizona, and Nevada. He is a graduate of the U.S. Army Command and General Staff College and U.S. Army War College, and has also served as a special consultant to the 7th Army in Germany.

Jim has also been active in a number of community service organizations including the U.S. Army Association, the Civil Affairs Association, the San Antonio Hospital Corporate 2000 Council, and the Reserve Officers Association, where he served as a national director. He has also been active with the 1386 Hunt Club, having served as president 11 times over the past 20 years and retired their perpetual President's Trophy. In addition, Jim has been deeply involved with the Montclair Chamber of Commerce serving as a member of the Business Education Committee and the Legislative Committee, cochairman of the Business Education Committee (1989–90), president-elect (1989–90), and president (1990–91).

Mr. Speaker, I ask that you join me and our colleagues as we honor the fine achievements of Jim Phillips. He is a model of professional and community service and activism. I would like to wish Jim and his wife, Jacque, many more happy years together as he is recognized by the House today.

SUPPORT OF PROCLAIMING THE MONTH OF MAY 1991 AS "CALIFORNIA COMMUNITY RESIDENTIAL CARE MONTH"

HON. GARY CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. CONDIT. Mr. Speaker, I would like to take this opportunity to salute California's community residential care providers by proclaiming May 1991, "California Community Residential Care Month."

These professionals are committed to providing superior health care for California's mentally ill, elderly and developmentally disabled. They facilitate invaluable services to groups whose needs might otherwise be neglected. Caring for these people is demanding, but the personal fulfillment of knowing they are making a real difference keeps them dedicated to their profession.

"Crisis and Strategies for the Nineties" is this year's theme and providers are looking forward to another year of discovering ways to better benefit those who depend on their services. Their contributions should be commended and their efforts realized by all who have ever required special care or may require it in the future.

The resolutions follow:

CALIFORNIA LEGISLATURE ASSEMBLY RESOLUTION

Whereas, Quality health care is one of the most important areas of concern for all Californians; and

Whereas, The community residential care industry is staffed by committed, hardworking professionals who dedicate their working lives to the care of the elderly, the developmentally disabled, and the mentally ill; and

Whereas, The community residential care industry provides a uniquely workable and homelike environment for those persons who are unable to care for themselves at home; and

Whereas, This industry allows those persons to have the dignity of doing for themselves what they can and the security of knowing that what they cannot do will not be left undone; and

Whereas, The care provided in community residential facilities covers a wide range of services, meeting medical, social, nutritional, and personal needs; and

Whereas, Those involved in providing that care have filled a serious community void with effective, realistic, and commendable solutions; and

Whereas, Those individuals providing services in community residential care facilities must meet stringent licensing requirements; now, therefore, be it

Resolved by Assembly Member Tim Leslie, That he takes great pleasure in recognizing May 1991 as "Community Residential Care Month" in the State of California, and commends the Community Residential Care Association of California, as well as all city, county, state, and national agencies that have provided effective leadership in the provision of community residential care.

A PROCLAMATION BY THE GOVERNOR OF THE STATE OF CALIFORNIA

Whereas, currently, there are over 70,000 licensed community residential care facilities in California which provide services to over 800,000 adults and children throughout the state; and

Whereas, the professionals working in these facilities are continually striving to meet the needs of the elderly, mentally and developmentally disabled, foster care, adult day care and adoption persons in their care; and

Whereas, each day, they undertake their duties with great commitment and high standards of excellence which makes them truly deserving of widespread praise and appreciation; and

Whereas, it is appropriate that all Californians properly join in recognizing the outstanding contributions of residential community care professionals and acknowledging the vital services which they provide;

Now, therefore, I, Pete Wilson, Governor of the State of California, do hereby proclaim May 1991 as Community Residential Care Month in California.

RESOLUTION RELATIVE TO NATIONAL COMMUNITY RESIDENTIAL CARE MONTH

Whereas, Quality health care is one of the most important areas of concern for all Californians; and

Whereas, The community residential care industry has become a vital component in the lives of individuals who are unable to assume responsibility for their complete care; and

Whereas, The community residential care industry is staffed by committed, hardworking professionals who dedicate their working lives to the care of the elderly, the developmentally disabled, and the mentally ill; and

Whereas, The community residential care industry provides a uniquely workable and homelike environment for those persons who are unable to care for themselves at home; and

Whereas, This industry allows those persons to have the dignity of doing for themselves what they can and the security of knowing that what they cannot do will not be left undone; and

Whereas, The care provided in community residential facilities covers a wide range of services, meeting medical, social, nutritional, and personal needs; and

Whereas, Those individuals providing services in community residential care facilities meet stringent licensing requirements; and

Whereas, Those persons involved in providing community residential care fill a serious community void with effective, realistic, and commendable solutions; now, therefore, be it

Resolved by the Senate Rules Committee, That the Members recognize the month of May 1991 as "National Community Residential Care Month" and draw special public attention to the Community Residential Care Association of California and to all city, county, state, and national agencies that provide community residential care.

FREEDOM, AN ESSAY

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. DARDEN. Mr. Speaker, today I would like to share with my distinguished colleagues an exceptional essay about freedom written by a high school student in my district, the Seventh District of Georgia.

Andrea Hall, a senior at Trion High School and the daughter of Donnie Hall, of Menlo, and Cindy Coleman, of Summerville, was awarded first place in the Summerville-Trion Optimist Club contest for her work titled "Freedom, an Essay." I find it to be an insightful and powerful comment on the Persian Gulf War. I also would like to take this opportunity to congratulate Miss Hall on her achievement, as well as other winners: Brandy James, daughter of Mr. and Mrs. Lewis R. James, of Summerville, and a senior at Trion, who won second place; and Katrina Bolton, daughter of Mr. and Mrs. Larry Bolton, of Trion, and a sophomore at Chattooga High School, who took third.

Miss Hall's essay follows:

FREEDOM, AN ESSAY

(By Andrea Hall)

"Tie a yellow ribbon 'round the old oak tree * * *" pleads a song from the seventies era. Just as in this "golden oldie," it seems as if a yellow ribbon is tied 'round the world, as people all over the globe pass the torch of freedom from hand to hand * * * a torch that we, as Americans, cherish as our most precious privilege.

Over 200 years ago, a spark began to light up the new world as a new ideal surfaced in the hearts and minds of the colonists—a dream of a democratic nation, dedicated to freedom and justice. Just as a wildfire might have swept across a field of wheat, so did this dream of a better life spread across the colonies, setting ablaze a revolution that would breathe life into their fantasies. However, their dream became reality not before many lives were lost. "Tis true, we do warm ourselves by the fire of liberty that burns warm throughout our lands" but that fire was not fed with wood or gasoline. Our freedoms were bought with something far more valuable and cherished—blood.

Just as our forefathers struggled for that pervasive spirit of American democracy and freedom, so are many peoples around the world fighting bravely today to attain their own dreams of a better life. As American citizens, few of us know more about lacking freedom than what it feels like to be grounded on a Saturday night. However, there are many people all over the world who realize freedom for what it is—a privilege that one must protect and nuture in order to maintain. There are people out there who would give their rights arms simply to pledge allegiance to the flag of the United States of America—the banner of hope and opportunity.

Yes, we tie our yellow ribbons, but how many truly understand their meaning? They hold a much deeper meaning than just support for U.S. soldiers in the Middle East. They mean that we, as a people, are willing to put everything aside and lend our hearts and souls and bodies, if necessary, to the cause of freedom; they mean support and respect for an ideal and a nation that have stood strong and proud for over 200 years—the U.S.A. They mean that we, as Americans, view freedom not as a right, but as a privilege, and as a challenge * * * a challenge to succeed, to care, to dream, to make use of this, the most precious ideal of all—freedom.

As our soldiers march bravely into the arid deserts of the Middle East, they do so out of an overwhelming love for freedom, a desire to defend all that their country means. It is our privilege—and duty—as Americans to tie our yellow ribbons and to stand behind their meaning 100 percent.

TRIBUTE TO LOUIS TISCHLER

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. RINALDO. Mr. Speaker, one of central New Jersey's most outstanding Jewish-Americans, Louis Tischler of Westfield, NJ, has been honored by Temple Emanu-El for his 35 years of distinguished service. The Heritage

Award by the Men's Club of Temple Emanu-El recognizes the broad range of contributions that Louis Tischler has made in the fields of youth activities, national defense, science and radio communications, and in Jewish community and family life.

The work of Louis Tischler contributed to the development of the Polaris missile, one of the mainstays of the U.S. submarine warfare defense. He served as production control manager with Lockheed Electronics Co., which developed and manufactured many of the components and guidance systems used in our defense industry. It has enabled the United States to keep the peace and to diminish the threat of nuclear war.

We have witnessed the incredible success of some of these smart weapons and Navy ordnance guidance systems in the Desert Storm operation in the Persian Gulf. Their accuracy has saved countless lives and shortened the war in the Persian Gulf.

During his long and successful career in the defense industry, Mr. Tischler served as military liaison for Lavoe Laboratories of Matawan, NJ, and later became vice president of the defense products division of Multi-Amp Corp. of Cranford. In 1964, he founded Westwood Computer Corp. of Springfield, where he continues to serve as president.

America has been built on the ingenuity of many different people who, through education, hard work, and a willingness to explore new frontiers of knowledge, have made America a world power, both economically and militarily. Louis Tischler is among those Americans who have given back a great deal to this country and their fellow man.

I join the members of the Men's Club of Temple Emanu-El in saluting Louis Tischler for his many contributions to our Nation and to the Jewish community.

NEW YORK KNIGHTS OF COLUMBUS NAME SCUNZIANOS OF NORTHVILLE FAMILY OF THE YEAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. SOLOMON. Mr. Speaker, today I would like to tell you about a very special family.

Mr. and Mrs. George Scunziano of Northville, NY have 11 children ranging from 18 to 28 years of age. Ten of those children either are or have been in the military service.

Mr. Speaker, when the parents of such a family supports our war effort in the Mideast, it really means something.

This is just one of the reasons the Scunzianos have been named Knights of Columbus "Family of the Year"—New York State Council. George and Claire Scunziano are active in their church, Red Cross, and a variety of other community activities. George was chief of police in Northville for 12 years and currently serves as Edinburg town justice. He has been active in Boy Scouts, the local volunteer fire company, and a program transporting cancer patients to the hospital. Claire is also active in the ladies auxiliary of the fire company.

Mr. Speaker, such families are the backbone of America. I ask you to join me today so that we may pay our own tribute to George and Claire Scunziano of Northville and their entire family.

HEALTHCARE EMPOWERMENT AND ACCESS LEGISLATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. GOODLING. Mr. Speaker, among the questions I am most frequently asked is, "What is Congress going to do about spiraling health insurance costs and covering the 31 million uninsured Americans?" Certainly there is no simple solution or silver bullet to solve the multifaceted strains currently faced by our Nation's complex private and public health care and health insurance system.

However, it is also clear that legislated improvements in health care access, cost, and quality cannot be brought about unless there is intensive study and debate as to the source of the problems that serve to take the luster off our Nation's premier health care system. For this reason, and to provide a framework to better focus this health care debate, I am today cosponsoring the healthcare empowerment and access legislation—the HEAL bill—being introduced by my colleague, Representative FRED GRANDY.

As but one of a number of alternatives that should be considered, the HEAL bill is a blueprint designed to foster the creation of private and public/private partnership arrangements to simultaneously address the health care quality, coverage, and affordability issues. The question of affordability is addressed by expanding on the group insurance principle of spreading risk and lowering expenses. The preemption of State health benefit mandates and of State law barriers to managed care under the bill should also enable insurers to offer more affordable health coverage. The provisions of the bill dealing with outcomes research and treatment practice guidelines also offer the potential for reducing unnecessary services and increasing the quality of care while reducing malpractice costs. To encourage the self-employed and their employees to obtain coverage, over time the health plan contributions of the self-employed are brought into full parity with the 100-percent tax deductibility of corporate plan contributions.

The health care issues raised in the HEAL bill are critical ones. There are also other related and important elements in the health care access debate which will need careful examining. In this connection, I also look forward to receiving the reports from the advisory council on Social Security and the health care task force under the leadership of Dr. Louis Sullivan, the Secretary of the Department of Health and Human Services.

Our goal should be to improve on the successes of our current health care system and fine-tune those pieces needed to correct any serious shortcomings that may be found. Our challenge as a legislative body will be to proceed in a deliberative manner only after adequate study has demonstrated the correctness of our course. The health and well-being of our Nation's citizens deserve no less. It is my sincere hope that the healthcare empowerment and access legislation will help contribute to a sound debate, both publicly and within each of our committees of jurisdiction.

SAN FRANCISCO BAY MILITARY FACILITIES KEY TO SUPPLY OF OPERATION DESERT SHIELD AND DESERT STORM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. STARK. Mr. Speaker, the extraordinary buildup of supplies and material for the success of Operation Desert Shield and Desert Storm was due in substantial part to the hard work of San Francisco Bay area military facilities.

To all the military and civilians who worked so hard on this tremendous long-distance supply effort, congratulations on a job well done.

Once again, the San Francisco-Oakland area has shown how important its facilities are to the defense of the Nation.

BAY IS NO. 1 PORT SUPPLYING U.S. WAR EFFORT IN GULF—MANY LOADS ARE SHIPPED ON FOREIGN-REGISTERED CIVILIAN CRAFT

(By Christopher Hines)

ALAMEDA.—The Bay Area has become the busiest embarcation point on the West Coast for cargo ships headed to the Persian Gulf in support of Operation Desert Storm, military officials say.

Another civilian cargo ship, being loaded with about 80 new Bradley armored fighting vehicles built in San Jose, is preparing to leave Oakland Army Base today for Saudi Arabia.

The ship is the 19th to leave piers in Oakland, Concord and San Francisco since last September. They have been loaded with vehicles, ammunition and supplies to help mount the largest U.S. military offensive since World War II.

"I never worked as hard in my life as we did in December, trying to complete phase two of the buildup," said Lt. Col. John O'Laughlin, who has been coordinating military and civilian operations at the three busiest military cargo ports on the West Coast. The ports include Los Angeles, Tacoma, Wash., and Oakland.

Having worked at all these ports, O'Laughlin said the Oakland port is by far the busiest military transport point for cargo ships helping supply Operation Desert Storm. San Francisco Bay provides easier ship traffic and more modern loading facilities, he said.

With so much needing to be moved, the military has been forced to turn to civilian ships, many of them foreign-owned, said Tom R. MacKenzie, a public affairs officer at the Oakland Army Base. Almost all the ship loaders are civilian also.

The ship preparing to leave today, the Tamamtma, is registered in Hong Kong, flies a British flag and has a Bangladeshi and Indian crew.

MacKenzie said there had been reports that some crew members from Bangladesh refused to enter a war zone. He said they will most likely be transferred from the ship before it enters the Persian gulf.

Willie Wise, a longshoreman from Oakland, said he was happy with all the military cargo.

"It keeps people employed," he said.

Spec. 4 Derek Nabity, 21, of the Arizona National Guard, is one of about five cargo supervisors who will accompany the ship on its monthlong trip to the Persian Gulf.

Nabity, who was just activated Jan. 30, said the trip will give him some time to adjust.

"It's an experience, something new," he said, sitting on the pier. "We are all prepared for it, I think."

IN MEMORY OF YVONNE WALKER HOARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. SKELTON. Mr. Speaker, I would like to pay tribute to an outstanding American who has just passed away, Mrs. Yvonne Walker Hoard. Mrs. Hoard has been instrumental in the advancement of women's athletics on the collegiate level.

Mrs. Hoard received her bachelor of science degree from Howard University, Washington, DC; her master's degree from the University of Michigan, Ann Arbor, in 1943; and she pursued further graduate study at the University of Wisconsin, Madison, in 1945. Yvonne Walker Hoard came to Lincoln University in Jefferson City, MI, in 1946 to head the women's health and physical education department. She later moved through the ranks of associate professor of health and physical education, women's athletic director, and associate athletic director.

After being appointed the coach of the women's tennis team, she produced teams which won five conference championships in the Missouri Intercollegiate Athletic Association: 1983, 1984, 1985, 1989, and 1990. This led to MIAA Tennis Coach of the Year for each of these years.

Yvonne's achievements have not gone unrecognized. She became the first woman vice president of the Missouri Intercollegiate Athletic Association. She has also been listed in outstanding educators in America, World's Who's Who of Women, World's Who's Who in Education, Community Leaders in America, and Who's Who Among Outstanding Blacks in America.

As an active member in the community, Mrs. Hoard served with the Cole County Advisory Board and the regional American Cancer Society.

Yvonne will be missed by the people that she helped in the community and guided through successful athletic careers on the collegiate level. Join me in recognizing the tremendous achievements and contributions of this most outstanding individual.

She is survived by her three children, Adrienne, Charles, Jr., and Andrea.

CULLMAN CHILD DEVELOPMENT CENTER AN EXAMPLE TO FOLLOW

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. BOEHLERT. Mr. Speaker, everyone—Republicans and Democrats alike—agrees that child care is one of the most pressing domestic issues for working Americans today. I commend the stance taken last Congress by Members and the President to pass the Head Start Reauthorization Act and title V of the budget reconciliation bill, relating to child care.

Unfortunately, child care in America is still a legitimate unmet need. More than 50 percent of the women in the work force have children at home under 5 years of age. Out of economic necessity, mothers often must work—to help make mortgage payments, pay doctor bills, and put food on the table.

I rise today, to tell you about a significant new child care initiative developed by the Keith Clark Co. in Sidney, NY. Keith Clark saw an opportunity to serve the community and took action. The Dorothy and Lewis B. Cullman Child Development Center will open in the fall of 1991. The independent, nonprofit center will accommodate up to 100 infants and children.

The new facility, nearly 10,000 square feet, will feature six classrooms for preschool children, two infant care areas, and unique indoor and outdoor playgrounds. All aspects of the center are aimed at creating the highest quality care and educational program. In addition to providing the physical facility, Keith Clark will assist the center by providing help with security, maintenance, and general secretarial services.

Keith Clark has accurately identified the need for business and community cooperation to secure adequate child care for working families. The new facility will be an important center for all members of the Sidney community. Keith Clark is sure, and I agree, the Dorothy and Lewis B. Cullman Child Development Center will be a showcase and a model for others to follow.

Working together, we can achieve the goal of developing a program to nurture our children and to foster their positive growth and development.

THE WAR PREVENTION AND ARMS TRANSFER CONTROL ACT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. RINALDO. Mr. Speaker, one of the principal lessons of the Persian Gulf war is the danger of indiscriminate arms sales to countries such as Iraq in unstable areas of the globe.

There is plenty of evidence that Iraq was able to acquire what it needed militarily from arms and high-technology suppliers in Western countries and East bloc nations despite ample indications that Saddam Hussein was bent on a campaign of military conquest against his neighbors.

Even companies in the United States were involved in the transfer of technology with military applications to Iraq, many times without knowledge of who their customer really was or how the technology would be applied.

As has been reported in the news media, U.S. technology probably was used against our own troops.

The sacrifices of the U.S. and coalition military forces in the war might not have been necessary if Saddam Hussein had not been able to buy the weapons that gave his army and air force their offensive capabilities.

The Soviet Union, France, Germany, and China, which were the chief arms suppliers to Iraq, must recognize the necessity of limiting arms dealing to countries that threaten their neighbors and the rest of the world.

Six of the world's top ten arms exporters, including the United States, are Western countries. Together, these weapons-producing countries accounted for $104 billion in sales around the world in the last decade.

The War Prevention and Arms Transfer Control Act, which I have introduced, would cut off foreign firms and buyer nations from U.S. trade and military and economic aid if they violate restrictions on arms transfers to countries designated as aggressor nations that jeopardize world peace.

If enacted, the bill would permit the resident to waive restrictions on a case-by-case basis and allow the sale of arms for legitimate self-defense.

Mr. Speaker, I believe this legislation is a vital step toward reducing the potential for future aggression by nations such as Iraq, and I ask my colleagues for their support for this important bill.

WHITEHALL, NY, SHOWS SUPPORT FOR TROOPS IN THE MIDEAST

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. SOLOMON. Mr. Speaker, a week before the 100-hour ground war started to drive Iraq out of Kuwait, a town in my district held an impressive rally of support for our troops.

Whitehall, NY, is typical of the small towns and villages across this country that combined to confirm President Bush's vow that the gulf war would not be another Vietnam.

We all know, Mr. Speaker, how important the nearly unanimous show of public support was to the morale of our troops overseas.

With great pride, I insert in today's RECORD the text of the speech by Whitehall supervisor Douglas G. Rocque and his letter to local military personnel serving in the gulf.

PRESENTATION GIVEN AT THE RALLY FOR THE U.S. TROOPS IN THE MIDDLE EAST ON FEBRUARY 16, 1991

(By Douglas G. Rocque, Town Supervisor)

I am honored, privileged and American proud to be a part of today's rally to show our support for Whitehall's service men and women, along with the entire coalition force involved in Operation Desert Storm. It is heartwarming, in spite of today's temperature, to see such a fine turnout and I'd like to extend a special, heartfelt welcome to the spouses, parents, and family members of Whitehall's military personnel assigned to the Middle East. I hope that they sense that our hopes, prayers, and support are with them until this situation is resolved. I would also like to thank Bill Jones, Sandy Osborne, the Whitehall High School band and all those who were involved in making this an outstanding community effort.

The history of our great country is based on a solid cornerstone of freedom and the annals of our history are replete with the firm conviction that the rights of the individual will be preserved at all costs. We have responded to the call for freedom around the world, and it is my greatest hope and prayer that someday, the citizens of all countries will be free, in a world that is totally at peace. The wages of war are never popular or totally acceptable, yet today we are involved in a response to the call for freedom from the citizens of Kuwait. This response is coincidental with the American pursuit of freedom, and we all hope that it will end soon.

I believe, that America's response is above and beyond the paradoxical mentality of many governmental officials and a segment of our population, who opposed the President's right and responsibility, as Commander in Chief of the Armed Forces, to send our troops to the Middle East, but who later capitulated and threw their support to the troops to more closely align themselves with contrary public opinion.

I believe that America's response is above and beyond the noisy demonstrations of the pseudointellectual, antiwar, antiflag, and anti-American mobs, who we all know, are free to express their dissent with the war, because many of their ancestors made a supreme sacrifice to ensure their right to protest.

I believe that America's response is above and beyond the sentiment of those who felt prolonged sanctions would work, without any urgent concern for the people in Kuwait, who live daily under the sadistic and tyrannical rule of Saddam Hussein.

I believe America's response is above and beyond the attempts by members of the media, to flood us with speculative, biased, opinions, and a parade of military experts, ad nauseum, in a reactive display to their restrained access to classified military information and strategic planning.

But we all know—above and beyond all these negatives, America's Armed Forces and the other members of the coalition forces have put on a display of devotion to duty and country, that is second to none, and that they are well trained, supplied, and prepared to complete the freedom mission for the people of Kuwait.

Nearly two weeks ago, as your supervisor, I composed a letter and am continuing to mail it to local service men and women, as names and addresses are added to the list of those serving in the gulf. I'd like to share it with you because I tried to capture the true sentiment of the local citizens.

This letter was sent to: Linda Angiolillo, Wade L. McCray, Todd McLaughlin, Leon L. Gonyea III, Gary McLaughlin, Tim Nichols, Lance Jorgensen, Brian Gosselin, Nick LaPlaca, Joseph Palmer, Kenneth Caratello, Mary C. Felton, Reggie R. Cook, Raymond B. Winters, Robert Derway, Harold J. Austin, Michael McPhee, F.R. Boyd, R.D. Trombley, Kevin C. Kingsley, Kevin McLaughlin, Wendy Hornbeck, Lawrence Hart, Timothy B. Angus, M.A. Norman, Donald Dennison, Lisa Dennison, Carl Young, Jamie Frost, Ralph Desimone, James Grady, Charles Sellers, and Michael R. Rocque.

In closing, I ask that you continue your support for our troops and their families until Kuwait is free and our service men and women are back home safely. We're freedom oriented and we're winners! God bless them all. God bless their families. And God bless the greatest country in the world—the United States of America! Thank you!

TOWN OF WHITEHALL,
Whitehall, NY, 12887 February 1, 1991.

DEAR : I am writing on behalf of all the people in Whitehall and myself to express our respect, pride, and support for your participation in Operation Desert Storm.

Freedom is the watermark of the American way of life. Our nation's history is replete with a long record of involvements to assure that other nations around the world, offer these same liberties to their citizens. Your role, in the Middle East, is yet one more giant step in this ongoing American effort.

You will be pleased to know that the folks here in the Town and Village of Whitehall, are involved in a great variety of on-going spiritual gatherings and Town-wide displays of flags and yellow ribbons to show where their hearts are.

It is our hope and prayer that God will protect, bless, and love you as we all do, and that your outstanding effort on behalf of all Americans will end soon and that you will be on your way home.

Best Wishes and Godspeed.

DOUGLAS G. ROCQUE,
Supervisor.

CHRISTOPHER F. EDLEY RETIRES AS PRESIDENT OF THE UNITED NEGRO COLLEGE FUND

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. DYMALLY. Mr. Speaker, I rise to pay tribute to Christopher F. Edley who is retiring after 18 years of meritorious service as president of the United Negro College Fund [UNCF].

Under the leadership of Mr. Edley, the United Negro College Fund has grown to an organization that has 225 employees and posted revenues of $48.6 million for fiscal year 1990.

A lawyer by profession, Mr. Edley was the program officer in charge of government and law for the Ford Foundation prior to his arrival at the UNCF. Perhaps his crowning achievement at Ford was the funding of the joint center for political studies.

Mr. Speaker, aside from the great work done by UNCF, the group is perhaps best known for the slogan, "A Mind Is a Terrible Thing To Waste." Christopher F. Edley epitomizes that slogan. His numerous achievements are proof positive that if one fully applies oneself, success is a guaranteed result of those efforts.

Each year over 49,000 students receive financial assistance from the United Negro College Fund. These fortunate students can thank their own initiative and the United Negro College Fund for providing a light when the path seemed to be dark.

Mr. Edley, your work is invaluable in making America the country we know it can be. I know that even in retirement you will continue to show all of us the way to making our dreams become realities.

TRIBUTE TO COPPERWELD CREDIT UNION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Copperweld Steel Federal Credit Union of my 17th Congressional District of Ohio, which will be celebrating its 50th anniversary this year. Copperweld Credit Union has survived through hard times, and has managed to maintain offices in both Youngstown and Boardman while fulfilling its 50-year-old promise to provide quality service to its members.

From the signing of the charter for Copperweld Credit Union on July 1, 1991, Copperweld fulfilled that same promise for 30 years out of an office located in the mill. By 1976, Copperweld had established a private building and had grown to 3,000 members and a total of $7.5 million in assets.

The 1980's brought hard times with the uncertain survival of the steel industry in Youngstown, as layoffs were commonplace. In 1982, Federal regulations changed to allow Copperweld to expand their membership field. By 1984, this change had resulted in a doubled membership and assets totaling $18.7 million.

In 1990, Copperweld Credit Union expanded once again by merging with McKelvey Associates Federal Credit Union. After 50 years, Copperweld Credit Union had grown to a 10,000 member, $36 million institution.

Mr. Speaker, I would like to take this opportunity to congratulate Copperweld Steel Federal Credit Union on its 50th anniversary and to recognize Copperweld for its strength and continued service to the Youngstown community. It is an honor and a pleasure to represent this outstanding organization.

INTRODUCTION OF LEGISLATION TO ALLOW THE EXPANSION OF McSWAIN UNION ELEMENTARY SCHOOL IN MERCED COUNTY, CA

HON. GARY CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. CONDIT. Mr. Speaker, I rise today to introduce a bill that will provide for the much-needed expansion of the McSwain Union Elementary School in Merced County, CA. I am pleased that Senators CRANSTON and SEYMOUR are introducing the same legislation in the Senate today.

In 1973, the General Services Administration conveyed a 40-acre parcel of land in Merced County, CA, to the county to be used as a public park and recreation area. The document conveying the land from the Federal Government to the county stated that this use would be in perpetuity. Since that time several acres of the parcel have been developed as recreation and picnic areas.

The McSwain Union Elementary School District has seen a dramatic increase in the size of the student body in recent years. In fact, the increase has been so large that the school district has determined that additional school facilities are needed.

In response to this situation the McSwain Union Elementary School District approached the county with a proposal to develop 15 acres of the parcel discussed above as an elementary school with adjoining public recreation areas to be operated and maintained by the school.

The county and the school district have reached agreement on this proposal and are eager to move ahead with construction. Unfortunately, the original deed of conveyance has delayed the plan. Under the terms of the deed, if the county attempted to convey the 15 acres to be used for the elementary school, the entire parcel would convert back to ownership by the GSA and would have to be offered to all Federal agencies before being offered to the school district.

My legislation authorizes Merced County to permit use of the land for building an elementary school as well as public recreation facilities. This plan will benefit all the residents of Merced County and has the full support of both the county and the school district. I hope that my colleagues will support this legislation.

Following is a copy of the bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF ADDITIONAL USE.

(a) USE AS ELEMENTARY SCHOOL.—Subject to the requirements of this Act, the county of Merced, California (hereinafter in this Act referred to as the "county") is authorized to permit use of the land described in section 3 (hereinafter in this Act referred to as the "land") for the purposes of an elementary school, notwithstanding the restrictions on use of such land otherwise applicable under the terms of conveyance of such land to the county by the United States.

(b) SAVINGS PROVISION.—Except as specified in this Act, this Act shall not increase or diminish the authority or responsibility of the county with respect to the land.

SEC. 2. USE OF LAND FOR ELEMENTARY SCHOOL.

(a) LIMITED AUTHORIZATION.—The authority of the county under this Act shall be limited to the authorization of use of the land for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California.

(b) BIENNIAL REPORTS.—If the county permits use of the land for an elementary school, the county shall include information concerning such use in the biennial reports of the Secretary of the Interior required under the terms of the conveyance of the land to the county by the United States.

(c) VIOLATION.—Any violation of the provisions of this title shall be deemed to be breach of the conditions and covenants under which the land was conveyed to the county by the United States, and shall have the same effect, as provided in the deed, whereby the United States conveyed the land to the county.

SEC. 3. LAND DESCRIPTION.

The land referred to in section 1 is the south 15 acres of the 40 acres located in the northeast quarter of the southwest quarter of section 20, Township 7 South, Range 13 East, M.D.B&M. of Merced County, California, declared to be surplus property by the United States in action 9-D-Calif-1028 and conveyed to the county by deed recorded in volume 1941 at page 441 of the official records of Merced County, California.

DON'T GIVE 7,800 SENIORS THE PINK SLIP

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. DOWNEY. Mr. Speaker, as the chairman of the House Select Committee on Aging's Subcommittee on Human Services, it was with a strong sense of unease that I convened a hearing this morning entitled, "Title V: Working To Survive the Fiscal Year 1992 Budget." I called this hearing because of the administration's budget proposal which gouges $47.5 million from a very successful program authorized by the Older Americans Act and administered by the Department of Labor—Title V, the Senior Community Service Employment Program [SCSEP]. Title V is a program of proven achievement—one that has grown from 3,800 enrollees to 64,000 enrollees over the course of 25 years. The worth of title V has been amply demonstrated over the years.

Throughout its history, title V has enabled low-income older Americans to help themselves by working and helping others, some of whom are seniors themselves. Launched in 1965 with 280 enrollees in only 4 States, it is now appropriated at $390 million and operating in all 50 States and the U.S. territories.

It is a program that employs people in nearly every congressional district across America, and one that has been acclaimed by elected officials, community leaders, business and industry, employers, senior program directors, and senior citizens alike.

For some reason, however, almost every year since the end of the 1970's, concerned Members of Congress have had to rally to defend the title V program because of administration attempts to undermine its success by proposing drastic changes that would have a serious impact on the future and expansion of the program. There are many people today who remember when the Reagan administration proposed eliminating the program altogether in 1981. Congress, working hand in hand with thousands of senior citizens, did not allow that to happen, and the program was saved. That effort in 1981 encourages me. We saved the program then—we can do it again.

The administration's proposed reduction of $47.5 million for fiscal year 1992 will force sponsors to terminate approximately 7,800 positions nationwide. In my home State of New York, those cuts will force 508 low-income seniors to lose their jobs—508 out of a total of 4,333. I, for one, don't think that is fair or farsighted, and I know my colleagues in Congress will agree.

I don't understand the rationale behind the administration's latest proposal. It is no secret that this has been a stressful time for our Nation—we have been at war, and we face a huge budget deficit.

But, why, in the midst of a recession, do we have to punish deserving older Americans who rely on their title V positions to get them through the month? Why does the administration persist in picking on a program of proven success; one that aids the economy of the Nation by keeping low-income elderly off welfare programs; one that provides so many seniors with a sense of self-worth in their retirement years; a program that has a popular and growing constituency throughout the Nation?

Why in a time of an approaching labor shortage, would we seek to remove an eager and able workforce? Why is the administration so eager to give 7,800 senior citizens the pink slip?

We had at our hearing a very impressive group of witnesses. We had representatives from most of the national sponsors of the title V program throughout the country, who told us quite dramatically what impact those cuts would have on their particular programs if they were to take place. We also had a representative speaking on behalf of the State sponsors. We even had two people who have been involved in title V programs in their own communities.

Our first witness, however, was Ms. Dolores Battle, representing the administration as Administrator of the Jobs Training Program at the Department of Labor, and we posed a series of questions to her as to what the rationale is of the administration to propose such wholly inadequate and cruel budget cuts on deserving and vulnerable senior citizens. The message she carried—that the 7,800 jobs would be absorbed through attrition and job placement—was not an acceptable one, and the subcommittee reiterated its dismay and concern over this latest tragedy to befall our Nation's low-income elders.

I intend to continue to fight these budget cuts as well as request an increase in the funding levels so that this valuable program can continue and flourish. I urge my colleagues to do the same.

CAMILLUS HOUSE—A POINT OF LIGHT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Camillus House of Miami, FL, is in the business of rebuilding the lives of the homeless. Founded by the Little Brothers of the Good Shepherd in 1960, the Camillus House offers homeless men a dignified safe haven in which to repair and redirect their lives. Recently, commended by President Bush as the 386th "Daily Point of Light," I, too, wish to salute the

Camillus House for their contribution to society.

Camillus House is more than shelter for the homeless. The house consists of 75 temporary beds for homeless men and is assisted by almost 500 volunteers. These volunteers help in various capacities: tutoring those who want to improve their reading and writing skills, assisting individuals in locating employment and permanent housing, preparing and serving meals, and cleaning and distributing clothes. In addition, local doctors volunteer their professional skills at the Camillus Health Concern, a walk-in health center for the homeless. Also, locally based lawyers help the needy with legal matters and tax papers.

The house also has 17 beds for men who are attending the Camillus House drug rehabilitation program. The men in the rehabilitation program live at the house for 6 months, during which they attend group and individual therapy sessions, receive drug rehabilitation, GED tutoring, job placement services, medical care, and food and clothing. After 6 months, the men move into an apartment for 1 year, during which they must obtain and hold employment. Through such thorough care, Camillus House is able to help addicts make a complete recovery.

As mentioned, almost 500 volunteers currently invest their time, and indeed, a part of themselves in Camillus House, and many more thave throughout its 30 years of operation. All of these volunteers and Camillus House's full-time staff should be acknowledged for their gift of mercy to the homeless. Several of the volunteers should be noted for their prominent role in the House, the board of directors include: Brian Belt, Gregory Byrne, Miguel Cano, Sue Carlson, Andy del Calle, Peter England, Garnett Frederick, Steve Gordon, Pedro Jose Greer, Jr., M.D., Thoman Paes, Alan Pareira, Evonne Raglin, John Rothchild, Benjamin Schwartz, Phyllis Shapiro, Maggie Silverstein, Nathan Skolnick, Roger D. Soman, Brother Harry Sommerville, Tessa Tagles, Ph.D., and Mark Young.

The Camillus House is truly a role model for civic responsibility and should be commended for its significant contribution to society. The Brothers of the Good Shepherd and their volunteers have freely taken up the burdens of the outcast in society and given them a second chance. It is only when we together claim society's problems as our own and invest ourselves to solve them, as Camillus House has, that we will truly grow as a nation.

BALTIC INDEPENDENCE

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. COX of California. Mr. Speaker, I recently returned from an 8-day trip to the Baltics and the Soviet Union, where I met with many public officials ranging from the democratic elements fighting for reform to the Communist hard liners now running the Kremlin.

The last leg of my travels took me to Vladivostok, the principal seaport in the Soviet Far East and, even now, a closed city where travel by westerners is virtually prohibited. Indeed, I was the first American-elected official to visit Vladivostok since President Gerald Ford's meeting with Brezhnev in 1974.

Upon my arrival in Vladivostok, I was greeted by a spectacular sight: On the airport tarmac, at the foot of my airplane's stairs, stood an enthusiastic crowd of Russians waving an American flag, along with a banner in Russian that read: "We support Baltic Independence." These ordinary Russians professed their sincere friendship toward the United States, as well as their abhorrence of the Communist system and leadership that, even today, continues to oppress them.

During my visit to Vladivostok, representatives of the Vladivostok Municipal and Regional Councils of Peoples' Deputies presented me with the following resolution, which strongly condemns the Kremlin's crackdown in Lithuania, decries the growing concentration of dictatorial power in the hands of Mikhail Gorbachev and his Communist hard liner allies, and unequivocally calls for the establishment of democracy, freedom, and independence in the Soviet Union and its captive republics. This resolution—and the 100,000-strong profreedom demonstrations that continue to rock the Kremlin—should serve as a wake-up call to those in the West who refuse to accept Gorbachev for what, according to the vast majority of Soviet citizens, he really is: a doctrinaire, dangerous, and increasingly-violent opponent of true and lasting democratic reform in the Soviet Union.

APPEAL TO THE PRESIDENT OF THE U.S.S.R., THE FEDERATION COUNCIL OF THE U.S.S.R., THE SUPREME SOVIET OF THE U.S.S.R., RSFSR, AND THE LITHUANIAN REPUBLIC

The Deputies of the Vladivostok Municipal and Regional Councils of Peoples Deputies condemn the policy of the President and the Supreme Soviet of the USSR toward the sovereign Lithuanian Republic and its lawfully elected Supreme Soviet, a policy which has led to the anticonstitutional use of the Soviet Army in order to achieve superpower political goals.

We approve and support the analysis and conclusions contained in the speech by Chairman of the Supreme Soviet of the RSFSR B.N. Yeltsin "On the Political Situation in the RSFSR" and the measures taken by the Supreme Soviet and the Government in order to stabilize the political and economic situation in the Russian Federation.

We are convinced that a solution to the crisis lies in dialogue, political and economic cooperation, respect for the rights and freedoms of all peoples, irrespective of where they live, their nationality or political views. We think that the Supreme Soviet of the Lithuanian Republic must review its laws (legislative measures) in order to guarantee equal rights and freedoms to all inhabitants of the republic on the basis of the "Universal Declaration of Human rights."

We express our support and sympathy to the people of the Lithuanian Republic and we share the grief of the relatives and friends of those innocent people who died for the establishment of democracy, freedom and independence.

We appeal to all levels of the Councils of the Primorye with this proposition: By their decisions and appeals to support the lawfully elected Supreme Soviet of the Lithuanian Republic and the measures undertaken by the Supreme Soviet and the Government of the Russian Federation in the search for ways to solve the crisis in the Baltics by political methods.

We appeal to the Federation Council of the USSR with a request to appoint an inter-republic parliamentary commission for the investigation of all circumstances surrounding the use of arms, which led to people being killed, and according to the results of the investigation, to bring criminal charges according to the facts of the crimes committed, independent of what positions are occupied by those responsible, by whose fault the tragic events took place.

We state our dedication to organizing society by democratic principles and to not allowing a dictatorship on any level of authority in our country.

Signed, Deputies of the Regional Soviets: 29th Region, Romanenko; 175th Region, Lebedev; 93rd Region, Ovchinnikov, and 27th Region, Rybalko:

Tatiana Romanenko, Anatoly Lebedev, Aleksandr Ovchinnikov, Viktor Rybalko, Vladimir Protsenko, Anatoly Tokarchuk, Vladimir Ksensyuk, Viktor Cherepkov, Nikolai Cheremisin, and Nikolai Petukhov.

Nelli Yakimenko, Aleksandr Lutchenko, Anatoly Zhuk, Anatoly Zabolotnikov, Vera Kuznetsova, Yevgeni Mogilyovkin, Aleksei Koltsov, Leonid Marchenko, Aleksansr Botin, and Igar Ulyanov.

Igor Savchenko, Vladimir Malsev, Valentina Zaitseva, Vladimir Gilgenberg, Pyotr Dovganyuk, Valentina Kurgak, Eduard Gurchenkov, Viktor Aladin, Leonid Sinyevich, and Anotoly Kuzminov.

A 25TH ANNIVERSARY SALUTE TO KCKC RADIO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine achievements and outstanding public service of KCKC radio in San Bernardino, CA. KCKC is celebrating it's 25th anniversary during the entire month of March as the Inland Empire's country music station. The station will mark the occasion with a silver anniversary celebration later this month.

KCKC first went on the air in 1966 and has served the Inland Empire, Mountain communities, and High Desert with the best in country music, local news, traffic, and sports, as well as State and national news programing.

KCKC's success is based largely on the station's variety and mix of on air personalities. Bob Mitchell, the director of operations and midday personality, is one of the station's pioneers, having been an integral part of KCKC since its inception in 1966. KCKC's program and sports director and morning personality, Bob "B.A.W.B." Harvey has been with the station for 16 years and was recently honored as Inland Empire magazine top jock, beating all other local stations. And news director Pete Parsons has been recognized as the best local radio newsman in the Inland Empire.

Without any question, much of KCKC's success is based on its local community involvement. For years, the station has sponsored and supported many local charities, parades, San Bernardino and Riverside blood drives, local Boy Scout functions, earthquake preparedness, antidrug efforts, as well as sending dedicated radio broadcasts to our troops serving in the Persian Gulf. Closer to home, KCKC has also given away flags and ribbons to listeners to support Operation Desert Storm.

But KCKC's community involvement and support does not end there. Presently, KCKC is donating proceeds from the sale of T-shirts and belt buckles to United Cerebral Palsy. The station's "People Helping People" project is in it's second year. During the Christmas holidays, the station matches donations with needy families in the area; over 900 needy people had a brighter Christmas last year because of KCKC. The station is now focusing on two major programs including "People Making a Difference" and the Literacy Awareness Campaign Program. Obviously, these are just a few of the many important functions that KCKC radio serves in the Inland Empire.

Mr. Speaker, I hope you will join me and my colleagues today in recognizing 1991 as the year of KCKC radio and salute this fine station on its silver anniversary. KCKC's 25 years of dedicated service certainly makes it worthy of recognition by the House today.

TRIBUTE TO THE LATE ZUMA B. RICHARDSON, JR.

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. DARDEN. Mr. Speaker, today, I would like to honor the memory of a close friend of mine, Zuma B. Richardson, Jr., of Fort Oglethorpe, GA. He passed away last month at age 63.

Mr. Richardson contributed greatly to the betterment of northwest Georgia, where he was a lifelong resident, through his business and civic efforts. He was chairman, chief officer and cofounder of American Consumers, Inc., a prominent grocery chain. This company provided many business opportunities to the area through its success. Mr. Richardson also organized and served as first chairman of Community Federal Savings & Loan of Fort Oglethorpe.

A well-respected civic leader, Mr. Richardson was involved in numerous activities in the Fort Oglethorpe community. He was a member and past president of Fort Oglethorpe Kiwanis Club, and a member of the Rossville Masonic Lodge No. 397 F&AM. Mr. Richardson also was active in First Baptist Church of Fort Oglethorpe, where he served as deacon.

Mr. Speaker, our sympathies are with the family of Mr. Richardson. The people of northwest Georgia mourn his passing, and will remember him always with respect and appreciation for his unselfish contributions to their community.

PAY RAISE FOR WAGE-GRADE EMPLOYEES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. STARK. Mr. Speaker, I am introducing legislation today to provide for fairness for wage-grade Federal employees. As has happened too often in the past, they have once again been passed over for a wage increase while their general service counterparts received an increase.

Last year, Congress passed legislation to treat certain parts of the country as high cost areas. These are areas where the cost of living is significantly higher than most other parts of the country. The President designated three areas as special rate areas: New York, San Francisco, and Los Angeles. General service employees in those areas all received an 8-percent pay hike.

The law specifically left out wage-grade employees. My bill changes that. The legislation allows the President to give special rates to wage-grade employees. It also mandates that wage-grade employees be given the 8-percent pay increase like their general service counterparts in these special rate areas. After all, wage-grade employees face the same prices at the store and for housing as the general service employees. The bill is only fair.

WOMEN'S HEALTH RESEARCH AND WOMEN'S MENTAL HEALTH AND SUBSTANCE ABUSE ACTS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Ms. SNOWE. Mr. Speaker, today, I am introducing legislation to establish an Office of Women's Health Research at the National Institutes of Health [NIH] and legislation to establish an Office of Women's Mental Health and Substance Abuse Research at the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA]. These bills were included in the Women's Health Equity Act, which was introduced yesterday by the Congressional Caucus for Women's Issues.

Sexism in medical practices is a reality, and for some women, there are fatal consequences. Almost 175,000 American women will develop breast cancer this year and 44,500 will die from the disease. One in every nine American women is currently diagnosed with the disease, compared with 1 in every 20 in 1961. Yet, of the $1.68 billion budgeted in fiscal year 1990 for the National Cancer Institute, only $18 million was spent on basic breast cancer research.

As was discovered in last year's NIH reauthorization hearing held by Representative WAXMAN's Subcommittee on Health and the Environment, NIH had not been abiding by its own policy to encourage the inclusion of women in clinical trials. The General Accounting Office [GAO] also found that NIH had no system in place to monitor the effectiveness of this policy.

Women's mental health and substance abuse research has also largely been overlooked at ADAMHA. For instance, 15 percent of women with eating disorders will die, and very little is known about how to treat these disorders. In addition, as many as 30 to 80 percent of women will experience mood and behavioral changes due to premenstrual syndrome—5 percent so severely that it will affect their capacity to function, and yet there are few studies that have been undertaken to determine the incidence and prevalence of this syndrome in the general population.

The Women's Health Research Act creates several new initiatives within NIH. First, an Office of Women's Health Research would be established at NIH to identify research needs, support and coordinate research among the various institutes, and monitor the inclusion of women in clinical study populations.

Second, this bill creates three multidisciplinary centers of excellence in women's health research to examine crosscutting biological, medical, behavioral, and social issues that have an overall impact on the totality of women's health.

Also included in this legislation is the establishment of an intramural program in obstetrics and gynecology to initiate research and conduct clinical trials within the Institutes. Finally, a loan repayment program for students going into the field of obstetrics and gynecology would be established to encourage research into high risk pregnancies, sexually transmitted diseases, infertility, ovarian cancer, and basic gynecology.

Women are twice as likely to suffer from depression as men. One in every four women will suffer a serious, clinical depression at some point in her life. Depression in women is misdiagnosed at least 30 to 50 percent of the time. Approximately 70 percent of the prescriptions for antidepressants are given to women, often with improper diagnosis and monitoring.

The Women's Mental Health Research Act is patterned after the Women's Health Research Act but addresses long ignored mental health issues prominent in women—depression, panic disorders, postpartum depression, and eating disorders, to name a few.

It is clear from the GAO study and reports on major health research studies, that a permanent office is needed at NIH and ADAMHA to ensure the implementation of and compliance with their policy. With these and other initiatives, we will have a chance of ensuring that the women of America will no longer be a medical afterthought in the health research field. I urge my colleagues in the House to support this legislation.

IN MEMORY OF YVONNE WALKER HOARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. SKELTON. Mr. Speaker, I would like to pay tribute to an outstanding American who has just passed away, Mrs. Yvonne Walker Hoard. Mrs. Hoard has been instrumental in the advancement of women's athletics on the collegiate level.

Mrs. Hoard received her bachelor of science degree from Howard University, Washington, DC; her master's degree from the University of Michigan, Ann Arbor, in 1943; and she pursued further graduate study at the University of Wisconsin, Madison in 1945. Yvonne Walker Hoard came to Lincoln University in Jefferson City, MO in 1946 to head the Women's Health and Physical Education Department. She later moved through the ranks of associate professor of health and physical education, women's athletic director, and associate athletic director.

After being appointed the coach of the women's tennis team, she produced teams which won five conference championships in the Missouri Intercollegiate Athletic Association: 1983, 1984, 1985, 1989, 1990. This led to "MIAA Tennis Coach of the Year" for each of these years.

Yvonne's achievements have not gone unrecognized. She became the first woman vice president of the Missouri Intercollegiate Athletic Association. She has also been listed in Outstanding Educators in America, World's Who's Who of Women, World's Who's Who in Education, Community Leaders in America, and Who's Who Among Outstanding Blacks in America.

As an active member in the community, Mrs. Hoard served with the Cole County Advisory Board and the regional American Cancer Society.

Yvonne will be missed by the people that she helped in the community and guided through successful athletic careers on the collegiate level. Join me in recognizing the tremendous achievements and contributions of this most outstanding individual.

She is survived by her three children, Adrienne, Charles Jr., and Andrea.

JAMES BIELKIEWICZ OF GREENFIELD CENTER, NEW YORK MOVED TO POETRY BY SIGHT OF RIBBONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. SOLOMON. Mr. Speaker, something about the Persian Gulf war stirred something in the hearts of the overwhelming majority of Americans.

Perhaps it was the long-standing need to put the divisiveness of the previous war in Vietnam behind us. Whatever it was, it generated such responses as one I would like to talk about today.

I received a poem from Mr. James Bielkiewicz of Greenfield Center, NY, in the heart of my district. Recently one morning Mr. Bielkiewicz woke up, saw a yellow ribbon tied around a tree, and was inspired to write the poem I proudly insert in today's RECORD. I believe that many of you will be as moved as I was:

THE AMERICAN RIBBON

Yellow is for the Sun,
That surely will shine through,
The ribbon is for the softness,
In our hearts we feel for you.

The tree is our people,
Standing straight, together, and true,
Even the color of our collars,
Are Red, White, and Blue.

The knot is strong like our prayers,
Said for your safe return,
When the bows like reaching arms,
Will hold you once again.

REJECT PROPOSED REDUCTION OF LOW INCOME ENERGY ASSISTANCE PROGRAM

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. RINALDO. Mr. Speaker, the Bush administration has proposed to cut back funds for a home heating program that helps many poor and elderly people keep warm during the cold winter months.

I ask my colleagues to reject a proposed reduction in the Low Income Energy Assistance Program.

By proposing to cut some $400 million from this program, the administration is failing to recognize the benefits it brings to tens of thousands of disadvantaged residents and elderly in my home State of New Jersey and in other Northern States where the winter can be cruel to those who cannot afford to heat their homes. This administration proposal can literally leave poor and elderly people out in the cold.

This proposed reduction in the Low Income Energy Assistance Program appears to be based on a forecast of warm winter temperatures for next year. In my view, this is the work of a Pollyanna of weathermen, predicting balmy weather and lower fuel costs 8 months prior to when the first winter winds reach us next November. This resembles a forecast more fitting for Florida than New Jersey.

It is true that people in New Jersey and other Northeast States are using less oil this winter, and home heating oil prices have declined for 4 straight months due to the unusually warm weather and a slumping demand. But I do not believe we can safely say that next winter will be as mild as this one, or that heating oil will remain plentiful and affordable.

Mr. Speaker, the people of New Jersey know that if oil prices go up and the temperatures go down next winter, the energy assistance fund may be quickly exhausted. We in Congress should not count too heavily on the administration's forecast of warm weather when we decide the funding for this program.

I urge my colleagues to continue the program at least at the current level. This is an essential safety net program that should not be cut anymore than it already has.

NOTIFICATION OF NEXT OF KIN IN CASES OF DEATH

HON. WILLIAM P. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. GOODLING. Mr. Speaker, I regret to say there is no consistent policy regarding the notification of next of kin in cases of death. Unfortunately, there exist some local officials who do not succeed in locating a deceased person's next of kin for one reason or another. As you can imagine, this is very unpleasant for a family in this situation.

The issue was brought to my attention by a family who lives in my district. A family had a son who had runoff on his own from their home in York, PA, and finally resided in another State. The son died later of natural cause, and although the local medical examiners office attempted to locate an uncle, whom he had listed as next of kin, it was not successful in locating the uncle and made no attempt to locate the family. After searching on their own, the parents finally found out 3 years later their son had died. This is clearly a tragic situation which no family should have to endure.

Today, I introduced a resolution expressing the sense of Congress that medical examiners and coroners should make reasonable, good faith efforts to locate the next of kin of deceased individuals, and that States should develop such procedures.

Such guidelines might include:

At the place of death and current residence—house, nursing home, and so forth—check for personal papers, phonelists, letters, and so forth.

Check for a will or insurance policies; check for hospitals for previous admissions, check telephone directories; check city directories; check with police agencies; contact banks, and financial institutions for possible accounts with beneficiary; contact veterans assistance; contact Social Security Administration; contact neighbors; place notice in newspapers and electronic media; contact FBI for fingerprints; contact place of employment; check with registrar for deaths of same name; if place of birth is known, check with local registrar, police, hospitals; use police telenetwork; and check with secretary of States office.

Federal agencies and departments, such as the Social Security Administration and the Department of Veterans Affairs, should cooperate with local officials in these efforts.

I hope these guidelines will assist local medical examiners and coroners in locating the next of kin of deceased individuals in a timely manner and no families will have to endure the trial and heartache of one family in my district. I would urge my colleagues to cosponsor this resolution.

INTRODUCTION OF A BILL TO REFORM THE FEDERAL DEPOSIT INSURANCE SYSTEM

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. PEASE. Mr. Speaker, on February 6, I introduced the Federal Deposit Insurance Reform Act, H.R. 912, which would limit the amount of insured deposits to $100,000 in the aggregate. I introduced this bill in order to correct the current flaw in our deposit insurance system, which played a key part in the savings and loan crisis and threatens the solvency of our banking system as well.

The current deposit insurance system, which insures deposits up to $100,000, on a per account basis, for all intents and purposes gives depositors unlimited coverage. Consequently, this system has resulted in substantial economic costs and inefficiencies. Of these, the following are the most noteworthy:

First, the combination of financial deregulation and unlimited deposit insurance in the S&L industry gave thrifts the ability to rapidly and continually acquire capital even though many were insolvent. With this abundant, insured supply of capital, the S&L's incentives to make risky investments—ultimately at the taxpayers' expense—increased dramatically;

Second, unlimited Federal deposit insurance subsidizes safe, high returns for upper income depositors and corporations who can separate their savings into bundles of $100,000 and place them, risk free, into the highest yielding bank and thrift accounts; and

Third, such an insurance system unnecessarily extends the Federal Government's financial liability.

Ideally, deposit insurance should strike a proper balance between the benefits of preempting the incentive for bank runs and the costs of promoting excessive risk-taking which ultimately results in the misallocation of resources. The unlimited nature of our current system lacks this balance. My bill, which would limit deposit insurance to $100,000 on a per person or total deposit basis, would restore this proper balance. The enactment of this bill would also result in the following positive developments:

First, it would alter the current risk-promoting incentive structure, reducing the substantial costs inherent in our present deposit insurance system;

Second, the bill would not apply to deposits made before the end of a 60-day period following its enactment. Therefore, this bill would ensure that bank runs would not follow its enactment, thus maintaining financial stability;

Third, the U.S. Government and taxpayers will no longer be in the business of guaranteeing the savings of upper-income individuals and corporations whose deposits exceed $100,000; and

Fourth, the Federal Government would benefit by gradually limiting its liability in the form of slower growth in insurable deposits. Government liability in the form of another thrift industry bailout would also be very unlikely, primarily because my bill would eradicate many of the unsound fiscal practices which the present system encourages.

The Treasury Department has proposed limiting deposit insurance coverage to $100,000 on a per institution basis. This proposal falls woefully short of the positive benefits that result from my bill. Wealthy depositors will continue to be insured in amounts far exceeding $100,000 and banks will continue to be shielded from depositor risk assessment.

As we have seen recently, the practical application of deposit insurance by the FDIC is arbitrary and unfair. Depositors of the Bank of New England were guaranteed full coverage—even for amounts above current deposit insurance limits—while similarly situated depositors of other failed institutions were denied such protection. This decision does not increase depositors confidence in the system, it lessens it. Furthermore, it exposes the FDIC, and ultimately American taxpayers, to losses that it cannot afford and were never intended.

HOW WE APPEASED A TYRANT

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mrs. BOXER. Mr. Speaker, my vote today will convey my deepest sympathies to those families who lost loved ones in the Persian Gulf.

It is also to commend our troops who faced much danger there.

I must however point out that the policies of Presidents Reagan and Bush and our European allies, particularly Germany, France, and Italy, actually built Saddam Hussein, actually appeased him, armed him, and made him feel confident that his aggression would not be challenged.

I am including an article from the Reader's Digest about the appeasement of Saddam Hussein.

Let us never arm such ruthless dictators again:

HOW WE APPEASED A TYRANT

The West made Saddam Hussein. The Soviet arms mill gave Iraq its artillery and air defense. But, by handing him everything from chemical weapons to ballistic missiles and the makings of a nuclear bomb, America and Europe transformed a two-bit dictator into a world-class threat.

Some goods from Europe fell into Saddam's hands as customs officials slept at the switch. Other European goods were supplied with a nod and a wink by nations hungry for Iraqi oil or greedy for trade.

The U.S. government is equally responsible. It deliberately traded with Saddam so that Iraq would not lose its war against Iran. America did not want the Ayatollah Khomeini's fundamentalist Islamic government to dominate the Middle East.

In addition, American trade officials, dazzled by the business Europeans were doing, assiduously sought Iraqi commerce. And State Department specialists—from the height of their "expertise" in Arab culture—mistakenly declared Saddam "a force for moderation" who could be "worked with."

Here is a shocking account of a decade of appeasement:

1980: On September 17, war begins when Iraq bombs Iran with Soviet-built Migs. Iran is soon smashing back with American-made Phantom F-4 fighter-bombers originally supplied to the deposed Shah.

France announces it will honor its agreement to sell Iraq $1.6 billion in arms. More important, France and Italy maintain their commitment to help Saddam develop the "peaceful" Osiraq nuclear reactor's capability. "The government," opines the French daily Le Monde, "cannot take the risk of annoying this oil-producing country."

1981: In late May, French scientists conclude that Saddam's nearly completed Osiraq reactor could potentially manufacture nuclear weapons. One week later, French President Francois Mitterrand promises to supply the reactors with uranium fuel.

On June 7, Israeli aircraft strike the Osiraq plant, robbing Saddam of the bomb he wanted. Saudi Arabia offers to finance the rebuilding of the reactor. Vice President Bush is among the Western leaders "deploring" the strike.

1982: In return for Saddam's diminishing support of terrorism, such as the eviction of the dreaded terrorist Abul Abbas from Baghdad, the U.S. State Department removes Iraq from its list of terrorist nations. The removal frees Saddam to buy American computers, commercial aircraft and other goods. It also makes Iraq eligible to use some U.S.-taxpayer guaranteed loans, including guarantees by Washington's Commodity Credit Corporation.

Saddam begins, at staggering cost, to build underground bases for his air force.

1983: Iraqi agents quietly consult with investment advisers in Switzerland and France. On their counsel, Iraq begins buying equipment from European firms that specialize in military technology. Eventually, this effort will be the responsibility of Saddam's Ministry for Industry and Military Industralization.

It is not Saddam's first shopping trip. Since 1981 the German laboratory and medical supplier Karl Kolb GmbH has been constructing six "pesticide plants" for him in Samarra, Iraq. In the fall, Saddam announces that the facilities can now produce chemical weapons.

1984: Iraq is spending $14 billion a year on foreign military purchases for its war against Iran. An underground network of European "technomercenaries" is eager to cash in. European companies—such as Gemany's Messerschmitt-Bölkow-Blohm (MBB) and Italy's Snia-BPD—escape detection by letting former employees set up subsidiaries and businesses to handle certain transactions.

Warned by U.S. intelligence about the deadly new network, named "Consen," Washington sends diplomatic notes of protest to the German government. However, Assistant Secretary of State Richard Burt does not press the point, and Germany in turn does not act.

In February, America confirms Saddam's battlefield use of mustard gas against Iranian forces. In November, having waited until President Reagan is re-elected, the United States lets the world know that it is restoring full diplomatic relations with Iraq.

1985: In Europe, Iraqi agents move ahead with plans to acquire a nuclear missile—the Condor II—from Consen.

With Saddam's support, Marshall W. Wiley, former U.S. ambassador to Oman, founds the U.S.-Iraq Business Forum to promote American investment in Iraq. Nearly 70 major firms eventually join, including such giants as Westinghouse and Caterpillar.

In September, New Jersey-based Electronics Associates, Inc., seeks a license to export to Iraq a computer similar to the one used by America's own White Sands missile range in New Mexico. EAI says the machine will be used only for research. The Commerce and State departments give it a thumbs-up. Over Defense Department objections, the computer will be shipped to Iraq in 1987—by way of MRB.

In October, on the cruise ship *Achille Lauro* in the Mediterranean, lieutenants of Abul Abbas murder wheelchair-bound American Leon Klinghoffer. Abbas, traveling on an Iraqi passport, finds refuge in Iraq. But the United States does not return Iraq to the list of states sponsoring terrorism.

1986: Britain sells Iraq its entire stock of desert-weight military uniforms. In the Persian Gulf four years later, Iraqi soldiers are appropriately dressed while British troops swelter in heavy camouflage gear until new uniforms are available.

1987: On May 17, a French-built Iraqi warplane accidentally attacks the frigate *USS Stark*, killing 37 Americans. The State Department emphasizes that Iraq has apologized and offered compensation for the dead and the ship. (Three years later, after Iraq invades Kuwait, a sheepish State Department official will acknowledge that "the transfer of the money has never taken place.")

West German authorities finally begin to investigate Iraq's ties with their businessmen. America, meanwhile, signs a trade agreement to increase its own commerce with Iraq. "There is a growing sense," says one U.S. official, "that we ought to be in on the bonanza."

In August, Iraq announces it has launched an intermediate-range ballistic missile.

1988: The Kurds—who seek independence from Iraqi rule—have angered Saddam. On March 16 and 17, he strikes the town of Halabjah with poison gas. As many as 5,000 people are killed. More than 70,000 refugees flee into Turkey, many suffering from festering wounds.

In America, Senators Claiborne Pell (D., RI) and Jesse Helms (R., NC) demand sanctions against Iraq. The Administration calls the move "premature," and the measure stalls in the House. Meanwhile, the U.S. Export-Import Bank insures Iraqi purchases of American pesticides. Export-Import Bank officials think it is unlikely they will be used to produce chemical weapons.

On July 17, the Iran-Iraq war ends with no clear victor.

1989: It is learned that between February 1988 and July 1989 the Atlanta branch of Italy's Banca Nazionale del Lavoro arranged $3-billion worth of secret and unauthorized loans for Iraq. Some of the loans went to British, American and West German companies exporting military useful technology to Iraq, some to Iraq's central bank. Loans to Iraq totaling some $750 million were guaranteed by U.S. taxpayers through the Commodity Credit Corporation. Iraq has become one of the CCC's biggest customers, requesting and securing over $1 billion in guarantees in each of the past two years. In October, the agency decides to authorize another $500 million in guaranteed loans.

Congress has not forgotten the poison gas and in December ends Iraq's access to aid from the Export-Import Bank.

1990: In January, President Bush waives Congress' ban on Iraq's use of Export-Import Bank funds, citing America's "national interest." In February, a U.S. Voice of America radio broadcast includes Iraq in a list of police states. Secretary of State James Baker instructs U.S. Ambassador April Glaspie to apologize.

Also that month, Iraq obtains permission to buy state-of-the-art imaging and photographic equipment from International Imaging Systems of Milpitas, Calif. In their first bid in 1985, Saddam's agents said it would be used for "forestry, soil analysis and cartography." Defense Department official Stephen Bryen warned that the equipment was more suitable for aerial reconnaissance and missile targeting. But the Commerce Department grants the license and, until the invasion of Kuwait leads to a total trade embargo, the company is authorized to ship.

Saddam becomes ever more belligerent. Kuwait and Saudi Arabia, he warns, must cancel his $30 billion war debt and pay him another $30 billion or suffer reprisals.

On March 28, British customs officials in London arrest five people accused of trying to smuggle electrical capacitors designed to help detonate nuclear weapons. The capacitors were made by a San Marcos, Calif., firm that had cooperated in an elaborate sting. Those arrested included Ali Ashour Daghir of Euromac, an English firm suspected of being an Iraqi front.

One week after the smugglers are caught, Saddam boasts on Iraqi TV, "We do not need an atomic bomb. We have the dual chemical."

In April, Bush asks Saddam to stop making inflammatory statements. Privately, he asks five Senators led by Minority Leader Robert Dole (R., Kan.) to carry a milder message to Saddam. Dole apologizes to Saddam for the VOA criticism and conveys Bush's desire for better relations. Upon his return, Dole tells Bush that Saddam is "a leader to whom the United States can talk."

In May, CCC auditors discover apparent Iraqi kickbacks—which they call "minor irregularities"—and refuse to consider $500 million in additional guarantees. "In no way could this be called a suspension," reassures Paul Dickerson, a CCC general sales manager, adding that guarantees may resume when "our investigation clears up this matter."

Alan Friedman of London's Financial Times reports that the kickbacks helped form an estimated $100-million pool that funded operation of Saddam's European arms-procurement network. By 1993, U.S. taxpayers could be out nearly $2 billion in bad Iraqi loans guaranteed by the CCC.

In June, Sen. Nancy Kassebaum (R., Kan.) is horrified by a report that Iraq has tortured and executed Kurdish children to intimidate their parents into submission. She seeks to end Iraq's participation in the CCC once and for all. "This would hurt wheat sales in Kansas," Kassebaum acknowledges, "but sometimes we have to stand up and be counted."

Assistant Secretary of State John Kelly, speaking for the Bush Administration, opposes her, saying economic sanctions will not help the United States meet its "goals."

By mid-July, Saddam is mobilizing his army. On July 23, American spy satellites reveal 30,000 of Saddam's troops massing at Iraq's border with Kuwait. On July 24, the United States expresses its concern by holding a naval exercise with the United Arab Emirates.

On July 25, Saddam summons U.S. Ambassador Glaspie to protest the exercise. He threatens to unleash terrorists on America. Glaspie responds by praising Saddam's "extraordinary efforts" to rebuild his country. Then she queries the massive buildup at the border. She says she is asking "in the spirit of friendship—not in the spirit of confrontation."

On July 27 and 28, U.S. intelligence warns the Administration that Iraq may invade. On July 29, Iraq activates its radar—a sign of impending battle. On July 30, Iraqi strength near the border is above 100,000. Ambassador Glaspie, reassured by her talk with Saddam, departs Baghdad for a long-scheduled visit to Washington.

At a hearing, Rep. Lee Hamilton (D., Ind.) asks Assistant Secretary of State John Kelly what U.S. forces would do if Iraq invaded Kuwait. Kelly replies that the United States has no commitments to Kuwait. Analysts will later compare his reply to Secretary of State Dean Acheson's 1950 disavowal, just before North Korea's invasion, of U.S. responsibility for South Korea.

On August 1, the CIA again warns the Administration that Iraq will invade Kuwait. But by the end of the day, the State Department has not so much as warned tourists of this. Early on the morning of August 2, Iraq invades Kuwait. The nations of the world have been slow to acknowledge their folly. While British troops gathered in Saudi Arabia, Iraqi-front companies continued to operate in London. Paris initially balked at a U.S. request for information about the French-made equipment Iraq was using to jam U.S. AWACS. And Germany did not stop sales of sensitive technology until an international embargo was imposed.

Even as America mobilized for the largest military engagement since Vietnam, the U.S. State and Commerce departments sought approval for IBM to sell a supercomputer to a Brazilian firm with connections to Iraq.

Many continued to believe Saddam was a "moderate," invasion or no invasion. American officials, especially at the State Department, had felt, says former U.N. Ambassador Jeane Kirkpatrick, "an indulgence toward Arab strongmen." These "Arabist" policy makers were deaf to others who understood the chasm of hatred that separated the Iraqi dictator from the West.

A month after Saddam devastated Kuwait, Richard Murphy, Assistant Secretary of State for Near Eastern Affairs during much of the Iran-Iraq war, declared; "I still think that Iraq would have turned into a state with whom one could have had very mutually profitable exchanges."

As troops massed to oppose Saddam Hussein last fall, Hans-Heino Kopietz, a London-based Middle East analyst, saw the situation differently: "We closed our eyes because some businesses wanted to make money and because Saddam was a useful tool against Iran. Saddam is a Frankenstein monster that the West created."

THE AMERICAN FAMILY PROTECTION ACT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. STENHOLM. Mr. Speaker, I am pleased to come to the House floor today to introduce the American Family Protection Act. This bill presents an alternative approach to the issue of family leave, an issue that has received considerable attention in the past year. This bill will provide the basis for a possible substitute amendment when the Family and Medical Leave Act of 1991 is considered by the House of Representatives in the near future.

Mr. Speaker, it is no secret that I have strong reservations about federally mandated parental and family and medical leave. The Government should not be in the business of setting the benefit priorities for American workers. H.R. 2 would begin to get the Government into the twilight zone of fringe benefits—something very different from basic labor standards of wages, hours, and safety—and that is someplace it doesn't belong. A poll released last week demonstrated clearly that the overwhelming majority of the American public agrees that the Federal Government should not mandate which benefits employers should provide.

I also have serious concerns about the operational difficulties and costs of implementing a leave policy. The costs of recruiting and training temporary replacements is substantial, especially for highly skilled positions. Even worse, many employers will find it impossible to recruit temporary replacements for an indeterminate period of time. This is of particular concern to employers in rural areas, such as my west Texas district.

Despite my opposition to H.R. 2, I recognize that American families are under tremendous strain and need assistance. In an increasing number of families, both parents are forced to work by economic necessity. Despite a seemingly inexhaustible supply of parental love, parents are unable to be present at many of the times of need of their children and miss many important events in their children's lives. We took a major step last fall in assisting families by passing historic child care legislation, which included as its centerpiece tax credits that relieved the tax burden on low-income families with children. I worked closely with my colleague, NANCY JOHNSON, on the issue of child care, and am pleased to be working with her again on the American Family Protection Act.

The proponents of H.R. 2 have the admirable intentions of providing further relief from the burdens families face. However, the legislation they promote falls well short of the standards they set for themselves. Although there is considerable debate about the nature of the bonding process between parents and children, I know of no scholar who would claim that parents can truly bond with their children in 12 weeks. A 1988 USA Today poll found that "missing big events in their children's lives" is the thing parents dislike most about their current day care situation. William Galston and Elaine Ciulla Kamark of the Progressive Policy Institute wrote in a 1990 report that "Government will never have the resources or the ability to replace what children lose when they lose supportive families. This suggests that the focus of public policy should be to look for ways to create stable families, not substitute families."

It is my hope that the American Family Protection Act can achieve this goal. It allows employees to take a break in employment to care for a child up to age 6, and to leave their jobs for up to 2 years to care for a seriously ill family member. They would be entitled to their old job, or a job of similar pay, seniority, and status upon their return if such job is available, provided they are qualified to perform the functions of the job. The employer would have to notify the employee of subsequently available positions, and reinstate them in the first position of similar pay, status, and benefits that the employee is qualified to fill. However, an employer would not be required to fire a replacement worker in order to reinstate the employee returning to the work force.

My bill allows the employee and employer even further flexibility. If the employee and employer agree that a benefit, such as employer assistance in locating and paying for child care, would be in the best interest of both the employer and the employee, they may substitute such an agreement for the requirements of this bill. This would encourage employers to work with employees to best meet the needs of the work force.

I know that some of my colleagues who agree with me on the problems of mandate may be concerned that support for this bill would be inconsistent with their opposition to mandates. This bill does not mandate an employment benefit. It completely eliminates the biggest flaw in H.R. 2: Mandated reinstatement after leave, regardless of the nature of the job, regardless of how serious the employer's need to plan his or her operations with certainty.

I am enthusiastic about this legislation because it will allow this body to support the principle that the workplace should be flexible; that the needs and the agreements of individual entrepreneurs and workers is more important than a Federal fiat. It is my hope that this legislation, by encouraging employers and employees to continue the trend of cooperation in addressing family needs, will further strengthen American families.

I am submitting for the RECORD summaries of this legislation I am introducing today. I urge all of my colleagues to take a careful look at this bill and to consider our arguments when the issue comes to the House floor. The future of American families may depend on what we do in this body.

SUMMARY AND EXPLANATION OF THE AMERICAN FAMILY PROTECTION ACT—FEBRUARY 12, 1991

SUMMARY OF PROVISIONS

Conditions of leave

Employees may take leave upon the birth or adoption of a child, or to care for a seriously ill member of their immediate family.

Employees can indicate a willingness to return up to six years after leaving for the care and nurturement of a newly born child or two years after leaving to care for a seriously ill family member.

Employees must have been employed for 2000 continuous hours during the 14 months preceding the leave.

Employees may take intervening employment of up to 17½ hours per week during the break in employment.

Employees are reinstated with the seniority and other benefits that they had accrued before the break in employment.

Reemployment rights

The employee would have been given preferred rehire status for one year after the application for reinstatement.

The employer would not be required to fire a replacement worker in order to reinstate a returning employee.

The employee would be entitled to the next available job of similar seniority, pay and status as his/her previous job, provided that the employee is qualified to perform the functions of that job.

The employee would be required to provide the employer with a current address at which he/she may be reached.

The employer would be required to notify the employee of all jobs of similar pay and status that the employee is qualified to perform that become available for up to one year after the employee notifies the employer that they wish to return.

The employee would have fifteen days in which to respond to a job offer made by the employer under this act.

The employee has the burden of proof in showing he/she is qualified for the position and has kept up with all changes in technology, etc. that have occurrred in the field during the break in employment.

Upon reinstatement, the employee would be reinstated with any seniority and benefits accrued before the break in employment.

Waiver

Absent any coercion, employers and employees may agree to change the requirements, terms and conditions of reemployment or to substitute an employment benefit such as dental insurance.

The agreement must be in writing. The employer must provide the employees with a written summary of their rights under this act.

Exemptions

The employer is exempt from the requirements of this bill if circumstances have so changed between the time of the employee's notification of leave and the application for reemployment as to make reemployment unreasonable.

The employer is not required to offer reinstatement to an employee who has had disciplinary action instituted against him/her.

Other Provisions

Coverage is extended to Congressional employees.

Damages are limited to back pay and benefits.

BACKGROUND ON STENHOLM-HATCH PREFERRED REHIRE BILL

The idea behind this approach is based on the Stenholm preferred rehire amendment that was made in order during last year's vote on H.R. 770. (The amendment was not offered because of procedural obstacles against it.) If this bill were enacted, it would operate much like the Veterans Reemployment Rights Act of 1958. The Veterans Reemployment Act provides that an employee who leaves a position of employment upon induction into military service shall be entitled to reemployment in the same job they had before taking leave or a job of similar seniority, pay, and status. The Stenholm-Hatch bill provides employees with a leave period that is long enough to truly bond with children or care for a seriously ill family member while providing employers and employees with flexible arrangements. It makes possible for employers to hire replacements for vital or high-skill job functions. In addition, the waiver requirement ensures that employers are not constrained by Federal mandates in offering a benefit package that best meets the needs of their workforce.

IRAQ MUST PAY RESTITUTION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. LEVINE of California. Mr. Speaker, Iraq must be held accountable for the enormous damage it has caused as a consequence of its invasion and illegal occupation of Kuwait. According to international law, Iraq is liable for any loss, damage or injury in regard to Kuwait and third states as a result of its aggression. Iraq can and should pay for the terrible damage it has inflicted on the region.

In his op-ed from the Washington Post, Barry E. Carter outlines one constructive method for collecting Iraqi reparations. Considering petroleum exports will be Iraq's major source of income in the postwar period, Professor Carter's plan for Iraqi payments should be carefully studied.

I urge my colleagues to review the following insightful and reasoned article:

CHARGE IRAQ OIL EXPORT FEES

Iraq is liable to many countries, individuals and corporations for its illegal invasion and brutal occupation of Kuwait. Contrary to much conventional wisdom, there is a reasonable way to collect these damages.

An export fee could be assessed against Iraq's petroleum exports. The amount could be easily calculated and collected at the very few, readily monitored locations from which Iraq exports almost all its petroleum.

Let us back up a bit. U.N. Security Council Resolution 674, which Iraq has accepted in principle, "reminds Iraq that under international law it is liable for any loss, damage or injury arising in regard to Kuwait and third states, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq."

This reminder is well-founded. It draws upon accepted international norms (including the U.N. Charter) and precedent (such as the Nuremberg Tribunal) that the use of force against another country is illegal in the absence of acceptable justifications, such as self-defense. Iraq did not even have a colorable claim to justify its actions. Consequently, Iraq is liable for the extensive damage it caused as a result.

The Security Council, however, left open how damages could be collected. Resolution 674 just "invite[d] states to collect relevant information regarding their claims [for compensation] . . . with a view to such arrangements as may be established in accordance with international law." No such satisfactory arrangements are in place today. But they could be.

A key problem is ensuring that the injured can collect any award of damages. Analysis suggests that this often insurmountable barrier can be overcome in Iraq's case.

In the postwar period, petroleum exports will be Iraq's major source of income. Prior to its invasion of Kuwait, Iraq earned from sales of petroleum over 90 percent of its more than $12 billion a year in exports. Because of the location of Iraq's oil fields and its nearly landlocked situation, almost all these exports passed through a very few shipment points—about 1 million barrels a day through two pipelines across Turkey, another million barrels through a Saudi Arabian pipeline and about 500,000 barrels through its own terminals in the Persian Gulf.

The quantity of Iraq's future exports through the pipelines in Turkey and Saudi Arabia could be easily monitored without even stationing anyone in Iraq. Moreover, a small U.N. team located at the shipping terminals in the Persian Gulf could monitor those exports. (Alternatively, a coalition ship off shore could observe the tankers loading oil and estimate their capacity.)

Iraq could then be assessed a specific fee per barrel. This fee approach would essentially be an installment arrangement tied partly to Iraq's own rate of recovery. Iraq could even opt to pay in kind with oil. To ensure that the fee is collected, payment could be insisted upon immediately or within a short period. Failure to pay would lead to the pipeline being closed down or outgoing tankers being stopped.

Iraq might try to divert its oil exports through more sympathetic neighbors like Jordan and Iran, but building pipeline hookups would take time and be obvious. And if a few trucks or even a ship are missed, the amount involved would be minimal.

Since damages can be collected against Iraq, how much is enough? Fully measuring the amount entails some difficulty. Clearly, Iraq is liable for its destruction and plundering of Kuwait, for its mistreatment of Kuwaitis and third-county nationals (including U.S. citizens) and for its attacks on Saudi Arabia and Israel. Arguably, Iraq should also be responsible for the costs of the coalition's military effort to end Iraq's occupation of Kuwait.

Because the resulting amount will surely exceed $100 billion, we must realistically assume that a cap on damages will need to be set. This cap is fundamentally a political and diplomatic decision. The world has learned from the experience after World War I that huge reparations can be counterproductive—they won't be collected, and they fuel resentment in the punished country.

The world, however, should not shy from insisting on a substantial payment. The intentional actions of Iraq, led by Saddam Hussein, have caused extensive injury. Although Iraq has been damaged in response, that should not absolve it of all the damage it has caused others. Not only should the innocent be compensated, but future aggressors should be deterred.

The exact amount should depend in part on the other terms of how the war ends. To put a blunt edge on the issue, the overall amount might well be affected by whether the Iraqis allow Saddam to remain in power. The U.N. Security Council should decide the matter or possibly appoint a special claims commission. Once the amount is determined, the Security Council or its commission could decide how to distribute those funds, possibly on a pro-rata basis among the ligitimate claimants or in a way that favors the neediest of the injured.

Whatever the details, Iraq should and effectively can be made to pay for at least a part of the terrible damage it has illegally inflicted on the world.

LIGHT OF THE WORLD

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. KLECZKA. Mr. Speaker, as the world welcomes the hope for peace in the Middle East, it is appropriate to reflect on a song composed by three Milwaukee men nearly 40 years ago.

The words and music of the song "Light of the World" were written by Bob Kames, Roy Kaiser, and William Chappelle during the time of the Korean war. Their prayer for peace was first entered in the CONGRESSIONAL RECORD on April 21, 1953 by the late Wisconsin Congressman Charles Joseph Kersten. The Korean war ended on July 27, 1953—just 3 months after Mr. Kersten's remarks.

History does repeat itself, and today I am pleased to again share the words of the song "Light of the World." May our fervent prayers for peace be answered.

LIGHT OF THE WORLD

The world is in darkness
The people in despair
There is greed and there is hatred
And war everwhere.

Half the people are conquered
And enslaved by men
Who are godless, ruthless, and depraved
His Desert Sands have shut out the light
And have made might the master of right.

But our faith can turn this night into day
So, let us pray.

Light of the world
Shine brighter and brighter
A beacon to guide us
To victory and peace.

Shine in our hearts
Wherever we're fighting
That freedom may reign
When the battles have ceased.

Shine on the conquered ones
Keep their hopes high
Don't let their faith or the courage die
Shine in the minds of the leaders of men
Cleanse them of greed and of hatred
Lead us to victory with banners unfurled
Shine ever bright, light of the world.

TRIBUTE TO BATON ROUGE SALUTE TO TROOPS

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. BAKER. Mr. Speaker, thousands of Louisianians turned out on Saturday, February 23, 1991, for the parade and rally to show their support for President Bush and the troops serving in the Persian Gulf. The "Baton Rouge Salutes the Troops" Parade was a chance for our local communities to show their support and patriotism. It was not a political event. There were no platforms or speeches. It was simply an event full of participants showing community enthusiasm.

The parade was a tremendous success thanks to the citizens of southeastern Louisiana. The excitement and encouragement shown was certainly a moment of great pride for Louisiana. I would like to take this opportunity to go on record to acknowledge and thank those individuals and organizations who did so much to help make the "Baton Rouge Salutes the Troops" Parade a special success:

Gen. Arthur Abercrombie, Louisiana National Guard, P.O. Box 2471, Baton Rouge, LA 70821.

Mr. Kevin Cowan, P.O. Box 15261, Baton Rouge, LA 70895.

Hon. W.W. Dumas, American Legion Nicholson Post 38, 5360 Florida Blvd., Baton Rouge, LA 70805.

Norman Ferachi, Louisiana Soft Drink Association, 603 Europe Street, Baton Rouge, LA 70802.

Mr. John Hill, 5105 Capital Heights Apt. 210, Baton Rouge, LA 70806.

Mr. George Jenne, WJBO/WFMF, P.O. Box 496, Baton Rouge, LA 70821.

Ms. Anita D. Johnson, Director, RSVP, 2905 Fairfield Ave., Baton Rouge, LA 70802.

Mr. Bruce "Cowboy" Kirkpatrick, Professional Communications, 2161 Tower Drive, Denham Springs, LA 70726.

Ms. Thelma Latham, Parkland Support Group, 4202 Melban Drive, Baker, LA 70714.

Mr. Bubba Marcantel and Family, Baton Rouge Fire Department, 2936 Anita, Baton Rouge, LA 70805.

Mrs. Mary Mitchum, Community Blood Center, 4336 North Blvd., Baton Rouge, LA 70805.

Mr. John Musemeche, Musemeche Photography, 11851 Wentling Ave., Baton Rouge, LA 70816.

Ms. Kathy Purvis, Blue Bayou Waterpark, 18142 Perkins Rd., Baton Rouge, LA 70810.

Mr. John Spain, WBRZ, P.O. Box 2906, Baton Rouge, LA 70821.

Mrs. Kenneth Sunde, 12255 Elva Drive, Baton Rouge, LA 70816.

Lieutenant Roy Walker, Baton Rouge Police Department, 7137 Florida Blvd., Baton Rouge, LA 70805.

Mr. Stan Webster and Family, Baton Rouge Fire Department, 6144 Clayton St., Baton Rouge, LA 70805.

THE UNIVERSAL HEALTH INSURANCE ACT OF 1991

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. PEASE. Mr. Speaker, today I am introducing the Universal Health Insurance Act of 1991. This bill is similar to legislation I have introduced in the last several Congresses. The purpose of the bill is to make the benefits of group health insurance available to everyone.

At the present time, over 15 percent of all Americans lack basic health insurance. The health care industry in America faces many tough challenges, and one of the most important is how to take care of this growing number of people who do not have adequate health insurance coverage. People who are uninsured or underinsured reflect a major shortcoming of our health care system.

Because I feel strongly that everyone should have access to health care, I have introduced the Universal Health Insurance Act of 1991 which will make basic insurance coverage available to every American who wishes to purchase it.

The Universal Health Insurance Act:

Targets only the uninsured.

Is completely voluntary—everyone can join, but no one must join.

Builds on our existing private insurance system.

Requires reasonable payment for insurance premiums from those receiving the insurance benefits.

Is not tied to employment and thus avoids leaving the unemployed out in the cold in terms of health benefits.

Allows employers who do not already offer health insurance benefits to employees to opt for paying a new health plan employment tax or to pay for the employee's insurance under the Pease plan.

The Universal Health Insurance Act features regional insurance plans which individuals can buy into for a percentage of their income and assets, based on a sliding scale. In this way, all participants would pay part of the cost of the plan and the balance of the cost would be picked up by the Federal Government. The cost of the program would be financed in part by a nearly 100-percent increase in the excise tax on cigarettes, an idea supported by over 80 percent of the American people. The remaining portion of the cost would be provided from the general fund of the Treasury.

This simple idea provides a comprehensive solution to the problem of the uninsured, without bankrupting our national resources or involving us in endless partisan wrangling.

I am offering this plan because I believe that it provides a way to deal with a serious and pressing national problem. My plan is fair in its approach, uncomplicated in its execution, and comprehensive in achieving its purpose. I ask your favorable consideration of my bill as Congress continues its extensive discussions on health insurance.

A TRIBUTE TO BOBBY SHERMAN

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. DYMALLY. Mr. Speaker, I rise to pay tribute to Bobby Sherman, who has combined careers as a singer, actor, producer, and composer to become one of today's most successful and diversified show business figures.

Bobby began his entertainment career at the age of 20, going on to earn a reputation as an actor, singer, producer, director, and composer. The first personality in television history to star in three series before the age of 30, Bobby launched his career as host and featured artist of "Shindig," the first successful prime-time rock and roll showcase. Shortly thereafter, he took the starring role of Jeremy Bolt in the popular ABC series "Here Comes the Brides," followed by his own half hour comedy series "Getting Together." Bobby was a frequent guest starring on such hit series as "The Love Boat" and "Fantasy Island," in addition to hosting his own musical variety hour "The Bobby Sherman Special." He also established himself as a film actor by landing the starring role in Edward Dmytrk's theatrical motion picture "He's My Brother." Among his recent acting credits is the feature film "Get Crazy," and guest starring roles on a number of series including "Murder, She Wrote."

As a recording artist, Bobby was the idol of a generation of teenagers who bought his records by the millions and filled his concert engagements to capacity. The overwhelming demand for his live performances took him on the road for over 100 dates a year in the nation's largest arenas such as the Houston Astrodome, the Los Angeles Forum, and the New Orleans Superdome. Bobby has accumulated 12 gold records, 4 albums and 8 singles, turning out a string of hits including "Julie, Do You Love Me?", "Easy Come, Easy Go," "Hey, Little Woman," "Cried Like A Baby," and "The Drum," many of which he also composed, arranged, and produced.

Even while in front of the camera, Bobby always had an active role in what went on behind the scenes of film and television. He also had an aptitude for the logistics of production, which not only honed his acting talent, but inspired him to develop his own product. He eventually became involved in production to such an extent that he built a mobile film production vehicle for use on independent projects such as commercials and industrial films he has produced and directed.

A prime example of Bobby's diversification is the enormously successful movie of the week "The Day the Earth Moved,' which he produced for ABC under the banner of his own production company, Phase 1 Productions. In addition to producing the movie, Bobby composed, arranged, and performed the entire musical score in his own 16-track studio. Given his musical abilities and his acumen for production, it's not surprising that he is currently negotiating a record deal for a young rock musician, whose original material he has engineered and produced.

Proprietor of his own state-of-the-art recording studio, Bobby composes, arranges, and performs the scores for many television programs including the "People Magazine" on TV series of specials for CBS.

Also indicative of Bobby's irrepressible imagination and energy is the handcrafted 50 by 50 foot facsimile of Disneyland's famed Main Street which Bobby singlehandedly engineered and constructed. The project evolved from his plan to build a treehouse for his sons. Being a master woodcrafter and an avid fan of the "Magic Kingdom," Bobby acquired the architectural data of Main Street from Disney and went to work on its construction which required 2½ years to complete. "I figured it would take about 3 months," he explains, "but it just kept growing!"

Bobby serves as the national spokesman for REACT—Radio Emergency Associated Citizens' Teams—volunteer nonprofit organization whose members monitor citizens' band radio channel 9 and forward emergency calls. Bobby is also a member of the Red Cross Disaster Services and an active EMS first responder volunteer.

Mr. Speaker, it is with much pleasure that I pay tribute to a remarkable and talented man who has made many contributions to our society.

ASIAN-PACIFIC AMERICAN HERITAGE MONTH

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. HORTON. Mr. Speaker, today I have the privilege of introducing legislation that calls upon the Congress and the President to set aside the months of May 1991 and May 1992 as Asian-Pacific American Heritage Month.

On June 30, 1977, I had the unique honor and pleasure of introducing House Joint Resolution 540 and later House Joint Resolution 1007 which for the first time in this Nation's history, asked the Congress and the people of the United States to set aside a period in May as Asian-Pacific American Heritage Week. On November 21, 1989, I introduced H.R. 3802 to expand the observance period from a week to a full month.

I am joined in this motion by my distinguished colleague from California, Mr. NORMAN MINETA, who was also the original sponsor with me in 1977. Joining with us in support of this measure are Mr. BROOMFIELD of Michigan, Mr. MATSUI and Mr. HUNTER of California, Mr. FALEOMAVAEGA of American Samoa, Ms. MOLINARI of New York, Mrs. MINK and Mr. ABERCROMBIE of Hawaii, Mr. BLAZ of Guam, and Mr. DE LUGO of the Virgin Islands.

More than 13 years ago, a woman came to my office and told my administrative assistant, Ruby Moy, and me a very compelling and persuasive story. Today, I share the origin of this landmark legislation.

The celebration of Asian-Pacific American Heritage Month has a very deep and personal place for Jeanie Jew and her family. Their story began sometime in the 1880's when a young man, M.Y. Lee left Toishan, Canton, China to find a better life in America. Mr. Lee was one of the first Chinese pioneers to help build the Transcontinental Railroad. He later became a prominent California businessman. When the Chinese were having difficulties in Oregon, Mr. Lee traveled to Oregon and was killed during that period of unrest. It was a time of anti-Chinese and anti-Asian sentiment. The revelations about Mr. Lee and the story of the Asian-Americans led this one woman to believe that not only should Asians understand their own heritage, but that all Americans must know about the contributions and histories of the Asian-Pacific American experience in the United States. Jeanie Jew, the creator of the idea for a heritage month is the granddaughter of M.Y. Lee, the early pioneer.

The original resolution designated the week beginning May 4 as Asian-Pacific American Heritage Week because that week included two significant occasions in the proud history of Asian-Americans. May 10, 1869 or "Golden Spike Day" was the day on which the Transcontinental Railroad was completed, largely by Chinese-American pioneers. May 7, 1843 marks the date of the first arrival of the Japanese in the United States. Both dates will fittingly be included in Asian-Pacific American Heritage Month.

I want to commend the two women who made this event possible. Mrs. Jew turned a personal tragedy in her family history into a positive force.

Asian-Pacific American Heritage Month will now be observed by all Americans. I also want to thank Ruby Moy, my administrative assistant, for her efforts to pass this legislation. She holds the highest professional position to a Member of Congress, and is a second generation Asian-American.

In 1977, Mrs. Jew and Ms. Moy cofounded the congressional Asian-Pacific staff caucus, an organization which collectively worked for the establishment of the first heritage proclamation and supports yearly efforts to perpetuate its recognition. The caucus, a group of professional staff members of Asian descent, periodically discusses and reviews legislation and issues of concern to Asian-Pacific Americans.

Some time ago, Jeanie Jew discussed the idea of issuing a series of commemorative stamps with me and several Members of Congress. In conjunction with this year's bill, it is fitting to again request the U.S. Postal Service to issue a series of postage stamps commemorating our Nation's Asian-Pacific American Heritage. These stamps could depict heritage month, individuals, subjects, or places that are significant in Asian-Pacific American history in the United States. As a senior member of the House Post Office and Civil Service Committee, I urge the Citizens' Stamp Advisory Committee to consider issuing a stamp at the earliest possible date.

I hope my colleagues will join me in supporting this resolution and in recognizing the history and contributions of Asian-Pacific Americans, particularly during Asian-Pacific American Heritage Month.

TRIBUTE TO VERY REV. DANIEL G. GAMBET, OSFS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. RITTER. Mr. Speaker, I would like to take this opportunity to honor a very distinguished citizen from my congressional district, the Very Reverend Daniel G. Gambet, OSFS. The president of Allentown College of St. Francis de Sales in Center Valley, PA, Father Gambet is very active in the Lehigh Valley in several areas of great concern to us all—education and business, health and human services.

First as academic dean, then as vice president, and since 1978 as president, Father Gambet has played a major role in the growth and development of Allentown College. The college opened in 1965 with 156 students and two buildings; today, it has a student population of 2,000 pursuing undergraduate and graduate degrees in beautiful facilities on a 300-acre campus. Father Gambet's active involvement in the community has helped people in the Lehigh Valley and beyond to know and appreciate the special educational mission of Allentown College and its value to the community.

Father Gambet has also served education through his work with the Foundation for Independent Colleges, of which he is a past chairman, and as a member of numerous committees. His contributions have been recognized by honorary degrees from Lehigh University and Moravian College.

Father Gambet's business acumen has not only helped keep his college in the black, but has also been tapped by the Pennsylvania Power and Light Co., of which he is a director; the Better Business Bureau; and the Roman Catholic Diocese of Allentown, where he serves on the finance committee.

The same planning, organizing and decisionmaking abilities that have enabled Father Gambet to build a successful college have also contributed to local health care, through his service as a director of HealthEast, the major health provider in the Lehigh Valley. These abilities and his great knowledge and experience as a fund raiser have been put to good use through Father Gambet's many leadership roles with the United Way.

Perhaps Father Gambet's most distinguishing characteristic is his ability to entertain as well as enlighten, to dissect an issue with his keen intellect and to enliven it with his keen wit. He graciously lends his presence and his ability to captivate an audience to countless community organizations and events. Audiences laugh at his jokes and, just as important, leave with his message in their minds and hearts.

Mr. Speaker, Father Gambet has been honored by many for his role in the community, including the United Way, the Boy Scouts, and the chamber of commerce. On this, the occasion of his receiving the Distinguished Citizen Award of the Lehigh Valley sales and marketing executives, I take great pride in offering my own congratulations. I know I speak for everyone in the Lehigh Valley in expressing gratitude for all that he has done and continues to do for our region.

JOHN STEMBRIDGE AND ALIYAH ON THE FUTURE OF ISRAEL

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. LEHMAN of Florida. Mr. Speaker, John Stembridge, a longtime friend, is president of the Aliyah Prayer Group, an organization of Christian Zionists working for Israel's regathering and peace in the Middle East.

Mr. Stembridge recently shared with me a copy of a letter he wrote to Dr. Moshe Liba, consul general of the Israeli Consulate in Miami, regarding his hopes for the future of Israel. I would like to share his thoughts on this matter with my colleagues.

ALIYAH,
February 6, 1991.

Dr. MOSHE LIBA,
Consul General, Israeli Consulate, Miami, FL.

DEAR DR. LIBA: Shalom and greetings. You have been on my heart recently. With the war in the Middle East and Israel being bombed, I know the pressures have increased upon you significantly. Please know that you are in my prayers as is Israel and all the Middle East for the Sar Shalom to rule soon in Abraham's natural family, the Arabs and the Jews of the world.

I wrote President Bush December 20, 1990 stating that no issue on the world's agenda is more important than making peace between Israel and her neighbors. That no piece of land in all the world is more significant than the Temple Mount. It must be free for worship to the Jews and Christians of the world as well as the Moslems. The Orthodox will not be content from now on until they are free to rebuild the Temple as prophesied. Our world leaders must be made aware of this truth.

Whenever I have had an opportunity during the past ten years, I have spoken to Government Leaders, Rabbis, The Pope, Ministers, Businessmen, and other leaders around the world that none of us have the luxury of being indifferent to God regathering the Jewish people unto Himself in the land that He has promised to them as an inheritance forever. Jews, Arabs and Gentiles around the world must be involved in this modern day Exodus from the four corners of the earth.

In our Aliyah prayer group, we fast and pray consistently for the Spirit of war, death, and destruction to be broken forever from Abraham's family in the Middle East. After Jacob repented of lying to his father and his brother the night he wrestled the angle of the Lord, God made Esau to be at peace with him. God also changed his name to Israel, meaning peace with God.

I believe the same thing is about to happen between the families of Israel and Ishmael. When these walls of hatred, murder, and war fall between Israel and her Arabic neighbors, it will be a bigger miracle than the fall of the Kremlin and the Berlin Wall.

Dr. Liba, I wish I had more money personally to help fund this modern day Aliyah from Russia and the nations, but unfortunately I have some significant debt to retire. However, our Aliyah Prayer Group is sending $500 with our love to help bring the Russian Refuseniks home.

If there is any way which I may assist you, please feel free to call me. With much Shalom to Israel and the Middle East.

Sincerely,

JOHN M. STEMBRIDGE.

ECONOMIC CONVERSION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. MAVROULES. Mr. Speaker, enclosed is a copy of a statement I made before the International Association of Machinists and Aerospace Workers in Washington today.

As we begin to phase out Operation Desert Storm, the implementation of this program is going to be all the more critical. Mr. Speaker, I wish to share my comments with all those who joined me and Representatives OAKAR, WEISS, GEJDENSON, and the majority leader in adopting economic conversion legislation last year.

SPEECH BY HON. NICHOLAS MAVROULES

I am very pleased to be with you this morning. I want to particularly thank Dotty Ellsworth and George Kourpias for inviting me to speak about one of my favorite topics—economic conversion and the road ahead.

We have just concluded our second successful war in the 1990s. We won the Cold War and we won the Persian Gulf War. As Americans we share in the pride and satisfaction of a job well done. But also as Americans we must share in shouldering the burden of waging these battles. The very people who did the most to make America victorious are hardly the ones who should bear a disproportionate share of the costs of success. As a nation, we cannot just turn our backs on the workers responsible for creating the most powerful defense industrial base in the world. I know I am preaching to the choir this morning, but I feel very strongly about this point.

Many of you in this room have not only joined in the long march but have helped blaze the trail to successful passage of economic conversion legislation. 1990 was truly a banner year when you consider that legislative efforts to pass economic conversion began in the late 1960s! We negotiated long and hard to come away with a $200 million program to assist workers, businesses, and communities hard hit by the downturn in defense spending. In our Authorization Conference Report, we directed $150 million to Labor Department's Jobs Training and Partnership Program (JTPA) and $50 million to Commerce Department's Economic Development Agency (EDA) and instructed the Office of Economic Adjustment (OEA) in the Pentagon to serve as a coordinating body.

Believe me, passage of this modest program was no easy task. As those of you who know me will attest, I am not one to take a lot of credit, but I think even my staff was surprised that we successfully stood down Sam Nunn and his skeptical Senate colleagues in conference negotiations. And to be fair, Mary Rose Oakar, Ted Weiss, Sam Gejdenson and Richard Gephardt deserve much of the credit for their tireless efforts.

The House and Senate Defense Appropriations conference committee, while accepting the intent of our program, made a significant operational change. Instead of directing the $200 million to JTPA and EDA directly, the Appropriators provided the entire sum to the Office of Economic Adjustment in the Pentagon. Theoretically, OEA will then turn around and transfer the funds to JTPA and EDA on a needs basis. To date, I am sorry to report, the funds have not been transferred—they are still sitting in Pentagon coffers.

In my judgement, the Pentagon policy makers have been dragging their feet. From their perspective, Desert Storm and the funds required to execute the operation, was cause to request a reprogramming of adjustment funds. When I got wind of Pentagon intentions, I set up a meeting with Deputy Secretary of Defense Donald Atwood and argued the case for moving forward with our defense conversion program. Atwood gave me his assurances that the Department would carry out the program as intended by Congress and that no further attempts would be made to either rescind or reprogram our funds.

I honestly believe that we are going to receive a deluge of requests from across the country for economic adjustment assistance. Last July, the P–7 anti-submarine warfare plane was terminated. An estimated 1,000 jobs were lost, many of them members of your own union. Two months ago, the A–12 Avenger—the sophisticated new Navy fighter—was terminated. Another 9,000 estimated jobs lost and again many of these were machinists. Just last week, the Pentagon announced a "partial" termination of Grumman's F-14D production, adversely impacting as many as 4,400 workers over the next 18 months. In about one half a years time, over 10,000 jobs have been abruptly terminated in Burbank, California; Fort Worth, Texas; St. Louis, Missouri, and Long Island, New York. And these figures represent only the prime contractors' losses. The number of subcontractors adversely affected by these terminations is simply too long to list. GE lost engine contracts on all three planes. Right in my own backyard—Lynn, Massachusetts—close to one thousand of workers have been laid off as a result of lost engine work.

When these cancellations happen, the companies come out okay. DOD recently announced that it was allowing General Dynamics and McDonnell Douglas to defer paying the $1.35 billion debt it owes the United States government for termination for default. The Pentagon cited its desire to avoid creating undue financial pressure on the two prime contractors so as not to endanger the defense industrial base. While the companies receive breathing room, the workers—many of them your members—are still abruptly terminated. Unfortunately, they are not allowed to defer their debt burdens the way corporations are able. Correct me if I am wrong, but I believe the machinists employed on the A–12 are going to sue because they were not even afforded the minimum 60-day notice required by law under the 1988 Plant Closure legislation. Make no mistake about it—when thousands of skilled workers are thrown out of work, America's defense industrial base is imperiled.

Now, in the aftermath of the Persian Gulf war, we are facing another wave of defense cutbacks. The magnitude of reductions is not yet clear, but we do know the short term contracts let to sustain Operation Desert Storm will dry up in a hurry. The bottom line: we need to have our program in place to respond to the coming wave of defense reductions. There is simply no reason workers, small businesses, and communities should suffer the way they have in the aftermath of the P–7 and A–12 terminations. We fought a legislative battle last year to prevent this grim outcome. Obviously, the fight has only just begun. And we should be no less resolute than we were in defeating the threat posed by Saddam Hussein.

What next? In the very near future, I plan to call the Department of Defense Comptroller, the Assistant Secretary for Force Management and the Director of the Office of Economic Adjustment before my Subcommittee and have them present their blueprint for executing our program. After we get the original $200 million moving, I think we need to devise a strategy for expanding our program in the months and years ahead. I promised Secretary Atwood that we would attempt to work through the normal authorization process in the future. In other words, rather than transferring money between the Defense Department and the Labor Department, for example, I promised Mr. Atwood that I would ask the Labor and Public Works Committees to increase their normal authorizations for JTPA and EDA to accommodate growing defense adjustment needs. To date, I have drafted a letter to the House Budget Committee putting it on notice of our future intentions. I could also use your help. Union outreach to the Labor and Public Works Committees as well as the House Leadership will be essential if we are successfully going to expand our adjustment program. When the machinists speak, people listen.

I also want to listen to what your members have to say about what we have accomplished so far. In my judgment, it is absolutely essential that we receive feedback on our initial $200 million dollar program. We need firsthand information on what types of government assistance are most helpful to displaced workers and hard-hit communities. We all agree the government has an obligation to facilitate the economic transition away from high levels of defense dependency. We are finally out of the starting gate but the track ahead is long and winding. We need to sell the Senate and the White House on the utility of our approach to defense adjustment. I don't expect them to be the leaders but I do expect them to give us a shot.

Defense adjustment can work and will work. We still have some outspoken critics; but if we have won once, we will win again.

CONGRATULATIONS TO MOUNT ST. CHARLES SCHOOLBOY HOCKEY TEAM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize the Mount St. Charles schoolboy hockey team for winning an unprecedented 14th straight Rhode Island State Hockey Title; once again proving that they are the finest team in the State, as well as one of the finest teams in the country. For years Rhode Island high school hockey has not been mentioned without mentioning Mount St. Charles in the same breath. Being labeled as underdogs, the Mounties showed that determination and hard work pays off.

There were many fine individual performances, but the victory was a result of a team effort and a season-long commitment to excellence. The Mount St. Charles' hockey players, representing the all-American city of Woonsocket, displayed an all-Rhode Island and all-American effort against a talented La Salle Academy. They have proven time and time again to be a role model in high school athletic programs, creating a dynasty that all schools would like to emulate.

It is with great pleasure that I extend my sincere congratulations to the city of Woonsocket, Mount St. Charles Academy, coach Bill Belisle and the rest of the coaches and players for winning the Rhode Island State Hockey Championship.

AGNES AND LOUIS TEBO—TWO EXEMPLARY CITIZENS—ON THEIR 50TH WEDDING ANNIVERSARY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to Agnes and Bonnie Tebo on their 50th wedding anniversary, which they celebrated on February 16, 1991. Agnes and Bonnie have been a great source of inspiration to those who know them because of their deep understanding and commitment to each other and the community.

Agnes Dronet Tebo was born October 23, 1914, in Delcambre, LA. Louis (Bonnie) Tebo was born July 2, 1907, in Lafayette, LA. Both of their families settled in Port Arthur, TX where they met each other at Lincoln High School. Agnes was the first to move to California in July 1937, while Louis came out in 1938. They were married in Port Arthur on January 4, 1941. Agnes started her job life working in various homes as a domestic engineer. She worked for the Tynan family for over 47 years. She started her part-time catering business in the 1950s, and has continued catering to this day.

Louis Tebo was also an entrepreneur. He started his own shoeshine business at the Jeffery Hotel and continued its operation for 25 years. He then went to work in a custodial position at Monterey Savings and Loan for 15 years. Louis ended up retiring in 1982 as the unofficial public relations officer.

From the very start of their marriage, Agnes and Louis had goals and dreams of overcoming the historical economic and social handicaps which plagued the progress for black Americans. Together they have been part of the pioneering spirit in Salinas, quietly trying to make a difference in the community. Both Agnes and Louis have been charter members of the National Association for the Advancement of Colored People and have been members of the Salinas branch for 52 years.

Their community involvement is extensive and admiral. Agnes has been involved in several organizations including the Catholic Daughters, Altar Society, Young Ladies Institute, and Phi Epilson Phi (Alpha Nu Branch). She was also the founding member of the Culturettes Social Club. Louis has been a member of the Knights of Columbus for 35 years and is a member of the Esquire Club. For the past 10 years, however, the organization which has taken up most of their time is the Northern California Chapter of the Port Arthur Club. Its membership is made up of persons who have lived in Port Arthur and attended Lincoln High School. This organization meets every other month, and has an annual meeting every 23 years in designated areas of the country.

Compassion, fellowship and concern for others, regardless of race, creed, or class, have been traits demonstrated collectively in this outstanding couple. In the course of their lifetime, Agnes and Louis adopted two children and have been godparents to numerous others. Together in 1981 and 1982, they also took the time to travel to Haiti in the company of Sister Denise to take food, clothing and medicine to the Haitian people. Between the two of them, they have visited five continents and 35 countries. Their marvelous contributions have not gone unrecognized. During Black History Month in 1988, a scholarship was established in their name at Hartnell College for the many years of support they have given to helping others.

The Tebo's union has always been one of mutual respect for the capabilities that each brought to the marriage. Their life together is characterized by determination, hard work and achievement. Mr. Speaker, I ask my colleagues to join me now in congratulating Agnes and Louis Tebo on their 50th anniversary. For the improvement of society, we can only hope that more young couples today will strive to achieve the lasting love and commitment that Agnes and Louis have shared for five decades.

CABLE REREGULATION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. FIELDS. Mr. Speaker, yesterday's darling is today's whipping boy. That certainly describes the current plight of the cable industry. In truth, some of the criticism being directed toward cable is deserved. But, the pendulum has swung too far. The cable industry has been virtually vilified; its sins, real and alleged, have been publicly dissected in microscopic detail. Unfortunately, the tremendous advances which cable has brought to television viewers have been little more than a footnote in this process.

It's time to balance the debate. After all, the cable industry remains a great American success story. In just over a decade, cable changed the face of television. No Government grants or subsidies catapulted cable to success. Entrepreneurs and risk takers wired America.

Early in my tenure on the Energy and Commerce Committee, I supported the Cable Act of 1984. I do not regret my decision. The vast improvements in cable programming and the extension and improvement of cable plant are largely a result of the Cable Act. Cable service is now available to over 90 percent of the television households in America. Over 50 basic cable networks provide immense diversity to viewers. Not only do more cable networks, exist, they are better. They are better because, in a deregulated environment, basic cable programming expenditures have been allowed to grow from $360 million in 1984 to $1.3 billion in 1990.

The results of the Cable Act can be seen every day on the screens of the Discovery Channel, Arts and Entertainment, Cable News Network, Black Entertainment Television, Turner Network Television, the Family Channel, the Learning Channel, Nickelodeon, and a host of other basic cable networks that have been able to dramatically increase the quality of their programming.

Additionally, Mine Extension University—Accredited undergraduate and MBA programs—and CNN Newsroom—15 minute, noncommercial, no-cost news segments produced specifically for schools—and other such educational services are the products of cable.

The cable industry spent approximately $1 billion in 1990 and is projected to spend $16.8 billion in this decade to further upgrade plant and equipment. This figure includes the growing deployment of fiber optic technology resulting in more channels and better picture quality. Fiber optics, along with advances in video compression technology will make hundreds of channels available for multiple future uses.

The pitfalls of excessive regulation are self-evident. Regulation is expensive, cumbersome, and slow to respond to the desires of consumers. Regulation is especially questionable when applied broadly to cable because conflicts between broad regulation and the first amendment's free speech protections are unavoidable.

No easy solutions exist. Consumers will not thank us if their cable drop $2 per month while regulatory distortions cause a $3 per month drop in the value of cable programming, not to mention the cost of imposing regulation, itself. At approximately $20 per month, basic cable television is still a good entertainment buy.

Congress should step back from the rhetoric. Let's not kill the goose that laid the golden egg.

A PRESCRIPTION FOR U.S. INDUSTRIAL COMPETITIVENESS: REMOVE UNNECESSARY ANTITRUST BARRIERS FACING JOINT PRODUCTION VENTURES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. WYDEN. Mr. Speaker, today I and 29 colleagues introduce the Joint Manufacturing Opportunities Act of 1991, legislation which we believe will give U.S. small businesses a major, new competitive advantage in the global economy through meaningful reform of our antitrust laws.

We have seen a net decline of approximately 800,000 U.S. manufacturing jobs since 1980. This is both a tragedy for U.S. workers, and a dangerous sign for our ability to compete against foreign industry.

The administration's principal response to offshore competition has been to force down the dollar's value. But while the weakened dollar has boosted some export sales, it is essentially a placebo. It fails to attack the core of our industrial illness and encourages continuation of dangerous inefficiencies.

The Subcommittee on Regulation, Business Opportunities, and Energy, which I chair, examined a more realistic remedy during the 101st Congress. It is a European industrial model called flexible manufacturing networks. It encourages small businesses to act in concert to pursue research, develop manufacturing equipment and plants, transfer technology, and market and promote resulting products.

Witnesses said that flex networking could put small U.S. manufacturers on a more solid economic footing. Used in industries as diverse as tooling and machining in Italy, and textiles in Denmark, the system has created a manufacturing renaissance in those countries. Their job gains often have meant our job losses.

Our witnesses made a strong case for this competitiveness prescription. Matthew Coffey, of the National Tooling and Machining Association, said flex networking "addresses significant problems faced by small manufacturing businesses." It gives small manufacturers access to expensive technology, equipment, and marketing initiatives—access they could not achieve as individual firms.

More broadly, it gives our small firms a chance to react to global market situations by being more competitive at home.

But we have to break down a number of barriers, first. Not the least of them is current antitrust law. Fear of antitrust action has hamstrung what appears to be the most procompetitive scenario. This makes no sense. It hurts both consumers and small manufacturers. It hurts our country in the international markets.

Mr. Speaker, we need to change those 80-year-old laws to reflect modern realities.

Our bipartisan legislation amends antitrust statutes to allow small firms to enter into flex manufacturing networks without having to enter formal corporate mergers. The changes I am calling for would not protect firms from prosecution for collusive price-fixing, nor for any other anticompetive behavior currently barred by law.

In fact, the alterations I am calling for would only be applicable to firms of less than 500 employees. Resulting combinations could not exceed a market penetration above 20 percent of their relevant market.

Brian Bosworth, president of the Indiana Economic Development Council, testified that "antitrust laws have so deeply, and successfully, permeated the business culture that many businesses are understandably nervous about entering into cooperative efforts of any kind with their competitors."

Robert Friedman, president of the Corporation for Enterprise Development, said that "the truth then is that the Federal Government need not do much to encourage flex manufacturing networks if all it wants to see is some experimental efforts: if it simply removes the specter of antitrust prosecution, the experimentation will go forward [on its own]."

Mr. Speaker, Congress in its wisdom created the Joint Research and Development Act of 1984. This legislation reduced some of the more Byzantine antitrust obstacles to cooperative technology development, and I am proud to say that I participated in its formation. I believe that the next reasonable step should be similar legislation for flexible manufacturing networks. I urge my colleagues to join me and the original cosponsors in support of the Joint Manufacturing Opportunities Act of 1991.

TO EXTEND HOME LOAN PROGRAM ASSISTANCE TO DESERT SHIELD VETERANS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. MOODY. Mr. Speaker, today I am introducing legislation that will strengthen one of the most successful veterans programs in the State of Wisconsin. The Primary Mortgage Home Loan Program assists Wisconsin veterans by providing below market rate mortgages to first home buyers.

The program is funded through the sale of mortgage revenue bonds. Federal restrictions currently limit this program solely to veterans who served before 1977 in the Vietnam conflict and had not been out of active service for over 30 years.

My bill would remove the 1977 deadline and the 30-year exclusion, allowing veterans serving in Operation Desert Shield as well as other qualified veterans to participate in this program. At the same time, the existing Federal volume cap remains in place. In this way, the legislation gives necessary latitude at the State level but does not impose new costs at the Federal level.

I have worked closely with the Wisconsin Department of Veterans Affairs and I believe that we have developed legislation that will extend this valuable program to new veterans of Operation Desert Shield while containing costs at the Federal level. It is a great pleasure for me to support this program and help American veterans achieve the goal of home ownership.

SPACEARC: THE ARCHIVES OF MANKIND

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. LAFALCE. Mr. Speaker, I rise today to pay tribute to a project of the Rochester Museum and Science Center in Rochester, NY—SpaceArc: The Archives of Mankind. The SpaceArc program provides people of all ages and nationalities the opportunity to share their experiences and thoughts with the universe by including them in an archive to be placed on a solar-powered satellite. Moreover, I bring this matter before the House in order to recognize what I believe is a tremendously worthwhile program and to raise the awareness about it so that benefits of participation may accrue to as many people as possible.

The Rochester Museum and Science Center, in conjunction with NASA, the Educational Testing Service, the World Space Foundation, the U.S. International Space Year Association, and others, will place the SpaceArc on an American space sail, which will be launched in 1992 to compete against European and Asian space sails in the Columbus 500 Space Sail Cup. Moreover, the project commemorates the 500th anniversary of Christopher Columbus' discovery of America and has received official project status of the Christopher Columbus Quincentenary Jubilee Commission. Moreover, this association is fitting as the SpaceArc will travel to the Moon, Mars, and then to the Sun where it will orbit for many generations; the SpaceArc project mirrors the adventuresome spirit of Columbus.

The SpaceArc's most useful and exciting function is its application in classrooms throughout the world. Certainly the knowledge that their picture and essay, poem, or musical score will be sent into space is enough to raise the interest of most students. More importantly, the SpaceArc creatively raises the interest of these students in science, providing a very tangible venue in which to learn and experience complex ideas like space travel and the universe. If the SpaceArc inspires students to pursue mathematics or science—areas of study whose graduates can significantly help our Nation in the increasingly technology-dependent global markets—then it has achieved a noble purpose, and I am confident students will respond positively to science instruction couched in the exciting presentations SpaceArc offers.

Furthermore, SpaceArc has applications beyond science awareness that engender students' excitement about participation. Teachers are using the SpaceArc to discuss topics like politics and world events, geography, and energy policy; each of these can easily be related to the SpaceArc. The SpaceArc also intrigues students in a positive way by allowing them to make a personal statement. Their individual contribution is recognized as the focal point of the exercise, and they receive the benefit of associating with such an exciting project.

Finally, the SpaceArc is far more accessible for its participants and others. A broad cross-section of individuals—both young and old from many different nations—have already sent their entries in to be scanned and placed in the archive. Unlike typical time capsules, whose contents are placed in the ground or sent into space, the messages placed in the SpaceArc will be duplicated and made available for retrieval at computer centers and museums around the globe. Thus, participants who are eager to see their work in the context of the whole archive may reference them at one of these Earth Stations. Participants are encouraged to think about their lives in the context of their planet and universe. They will gain an understanding and appreciation of their rights and responsibilities as residents of the planet Earth, and, with these, peaceful interaction among neighbors and with nature will be more likely. Truly, SpaceArc will broaden the horizons of all who participate.

INTRODUCTION OF MODULAR HOUSING LEGISLATION

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. ERDREICH. Mr. Speaker, today I am reintroducing legislation from the 101st Congress that will help make available affordable, modular-built housing nationwide. Modular housing has been effective in making homeownership a reality for many families and has proven itself in urban, suburban and rural areas, providing housing for all income levels, from my home State of Alabama to Boston and New York City.

Modular housing is produced in a factory and later assembled and installed on the building site. Modular construction utilizes on-site building techniques found in traditional residential construction and meets the same State and local building codes applicable to these stick built homes. My bill will not alter these standards one bit.

The major problem facing modular housing builders is the lack of uniformity in administrative rules and regulations at the State level, and the enforcement process used to approve housing shipped from State to State. Housing units shipped in this manner are subject to duplicative regulation which adds to their costs and inhibits the use of new technologies and construction materials.

My bill is based on recommendations reported to Congress by the National Institute of Building Sciences as authorized under the 1987 Housing and Community Development Act, and is supported by the National Association of Home Builders and the Council of American Building Officials, the umbrella organization of the model building code organizations.

This bill would create a single, national standard for modular construction based on the nationally recognized model building codes applicable to on-site, stick built housing. The standards would be identical to the provisions of the model building codes applicable to residential dwellings. It would preempt State and local building codes for those modular houses which are shipped from one State to another, and would establish a program for inspecting and certifying the safety and quality of those units.

The National Evaluation Service of the Council of American Building Officials would administer and enforce the program under the direction of the Modular Construction Commission established in the legislation. The National Evaluation Service already serves enforcement functions in other areas relating to building construction. The Modular Construction Commission a consensus body of 18 members, would develop and oversee the program. Commission members would be appointed by the President and consist of Federal, State and local governments, consumers and modular builders.

Even with this unified program of codes and enforcement, the installation of each modular unit will be scrutinized by the same local building inspectors who inspect traditional site built homes. Each home will meet the same standards applicable to site built homes. The purpose of this system is to make the delivery of modular housing more efficient and less costly to homebuilders and homeowners alike. Nothing in this system will compromise the standards to which these units will be built or the quality and safety of homes purchased.

In my community and in many others across the country, modular housing represents part of the solution for providing quality, affordable housing for those of low and moderate incomes. In addition to proven forms of financial assistance for home buyers, much can be done through the use of affordable housing technologies such as those utilized in the construction of modular housing. By removing existing barriers to interstate commerce and retaining responsible regulation, we can increase the availability of affordable housing for Americans.

IRAQ MUST ACCOUNT FOR UNITED STATES MIA'S

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. SLATTERY Mr. Speaker, I rise today to ask my colleagues to stand with me in urging President Bush to make the accounting of United States personnel declared missing-in-action during the gulf war a top priority of peace negotiations with the Iraqi government. I want to submit for the record a copy of a letter which I sent the President today.

Hon. GEORGE BUSH,
The White House, Washington, DC

DEAR MR. PRESIDENT: I write to urge that you make the accounting of U.S. personnel declared missing-in-action during the Gulf War a top priority of peace negotiations with the Iraqi government.

While I am pleased by the speedy release of U.S. prisoners-of-war by the Iraqi military, I am concerned equally by the number of "missing" servicemen. The families of the "missing" are waiting anxiously for word of their loved ones. I have spoken with the parents of an Air Force navigator from my District who still do not know what happened to their son.

Iraq is a signator to the Geneva Convention. Saddam Hussein ignored this while he resisted the allied coalition. We have defeated Hussein, however, and he must be forced to cooperate in determining the fate of all Americans for whom we have not been able to account.

Thank you for your kind consideration of my concerns.

Sincerely,

JIM SLATTERY,
Member of Congress.

ESPY SALUTES THE PRESIDENT, OUR TROOPS, AND MILITARY FAMILIES

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. ESPY. Mr. Speaker, today we proudly salute our Commander in Chief and our troops serving in the Persian Gulf.

President Bush has shown great resolve and leadership.

Our five-star troops have shown great valor and sacrifice.

They will be remembered as the desert storm that washed away an injustice.

They will be remembered as the desert storm that nurtured peace and sowed the seeds of democracy.

Today, I am particularly proud to be from Mississippi—from where 8,700 of our Guard and Reserve were activated.

Also, Mr. Speaker, in the near future, I will be introducing for the fourth year, a bill designating a special day as national military family's recognition day. I am particularly pleased to introduce this bill this year, because as we honor our troops, we must also honor their families. They, too, sacrificed greatly for our country.

I want to especially recognize the families of three Mississippians who served their country bravely—but died while in the Persian Gulf—the families of U.S. Army S. Sgt. Mike Alan Garrett of Laurel, U.S. Army Sgt. Tracy Hampton of Tippo, and U.S. Army Sgt. James Wilcher of Crystal Springs.

Our President and our troops and our military families have showed us the meaning of true grit.

HEALTHY BEGINNINGS ACT OF 1991

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. KENNEDY. Mr. Speaker, today I'm introducing legislation which recognizes the urgent need to take action to reduce the infant mortality rate in this Nation. The United States is the world leader in medicine. People come from all over the world to receive care in our state-of-the-art facilities. But within walking distances from our Nation's finest medical centers, the babies of poor women have a greater chance of surviving their first year of life if they were born in AIDS-plagued Romania. I stand in amazement at how this can take place in the most technologically superior, medically rich country of the world? It is certainly not that we are lacking the resources. The fact is, our Nation has not been investing our resources in a way which would benefit the most vulnerable people. We have been unable to keep up with the overwhelming numbers of people joining the poverty rolls and unwilling to devote resources to preventive health care. Because of this, the United States' infant mortality rate has slipped to a rank of 19 among nations in this world.

The legislation that I am introducing today is a "get back to basics" approach to solving the infant mortality problem. The Healthy Beginnings Act of 1991 would provide $100 million in grants to both public and nonprofit private organizations to send nurses into the homes of high risk women—including poor women, substance abusers, and teenagers—once the woman has been identified as being pregnant and until her newborn baby reaches age 2. By sending nurses into a high risk mother's home, you are able to break down the cultural, financial, social, and transportation barriers that prevent women from seeking the care of a physician in the first place.

The Healthy Beginnings Act is based on a number of successful home visiting programs found in our country. Organizations can use lay people to provide the initial outreach to enroll high risk women in the program and then use nurses to provide an array of services including primary health care for the mother and the child, and education in parenting skills, smoking cessation and family planning. Mothers will be taught to identify pregnancy complications, encouraged to return to school and find jobs after giving birth, shown the basics of child care and encouraged to build on family and friends networks to help them during a sometimes difficult period of their lives. Nurses will also be able to link eligible women to services such as Medicaid, WIC and substance abuse counseling.

This approach will not only reduce infant mortality, but will also have other wide-spread effects. When provided with the support and care they need:

Babies are born one pound heavier thereby reducing the risk of low-birthweight babies—the leading cause of infant mortality;

Mothers are 5 times less likely to neglect or abuse their child after birth;

Teenagers who dropped out of high school are twice as likely to enroll back in school within 6 months of giving birth;

Single mothers will have half the rate of unintended pregnancies after giving birth.

What does this mean for the Government? It means that home visitation can result in public savings of $3,000 per family through the reduced dependence on programs such as AFDC, Medicaid and food stamps. A 1989 Government Accounting Office report on home visitation strongly recommended widespread adoption of this program.

Living near high tech medical centers and owning a Medicaid card is no guarantee that a baby will live past the age of one. There is nothing that illustrates that better than in the city of Boston. Despite Medicaid coverage for pregnant women up to 185 percent of the poverty line and despite proximity to medical centers that are the best in the world, infant mortality rates in Boston lag behind the Nation's average. And if the color of your baby's skin is black and your residence is in Roxbury, your baby will have a better chance of surviving its first birthday if you moved to Jamaica or Panama.

Home visiting is no stranger to health care delivery services. One only has to look at countries with low infant mortality rates such as England and France to see their strong emphasis on primary health care services including a well-established home visiting program. The Healthy Beginnings Act will open doors for healthy, productive lives for over 29,000 families across the U.S. I feel it is an important part of the solution to an overwhelming domestic problem facing this Nation. I urge my colleagues to support this greatly needed legislation. The text of the legislation follows this statement.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Beginnings Act of 1991".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The annual nationwide costs of care for low-birthweight babies in neonatal intensive care is approximately $1,500,000,000.

(2) The aggregate public costs under the programs Aid to Families With Dependent Children, Medicaid, and Food Stamps in 1988 for families in which the first birth occurred when the mother was a teen has been estimated at $19,830,000,000.

(3) The aggregate public costs in 1983 of providing medical care, special education, and foster care in newly reported cases of child abuse has been estimated at $487,000,000. Since 1983 the average, annual number of reported cases is estimated to have increased by 47 percent.

(4) The incidence of infant mortality can be reduced, and the well-being of mothers and their young children can be increased, through the provision in the home of certain health-related services.

(5) One study reported that home visits to provide such services on behalf of a child through age 4 resulted in a public savings of $3,000 as compared to a child on behalf of whom such home visits had not been made during the comparable period.

(6) In a study of low-income unmarried teen mothers, it was reported that, in a control group not receiving such home visits, 19 percent of the teens neglected or abused their children after birth, while in a group receiving the home visits, 4 percent of the teens engaged in such neglect or abuse.

(7) In a study of mothers whose age was between 14 and 16 years of age (inclusive), the birthweight of infants whose mother received such home visits exceeded by an average of 1 pound the birthweight of infants whose mother did not receive the visits.

(8) In a study of mothers who did not graduate from high school, the mother who received such home visits were twice as likely as the mothers of a control group that did not receive the visits to graduate from high school or enroll in an alternative educational program within 6 months of giving birth.

(9) Four years after giving birth, one study found that low-income unmarried mothers who received home visits had 43 percent less unintended pregnancies than a control group that did not receive home visits.

(10) In a study of low-income unmarried mothers over age 19, mothers receiving such home visits were employed an average of 16.4 months during the 4 years following the birth of the first child, while the women in a control group that did not receive the visits were employed an average of 7.1 months.

SEC. 3. ESTABLISHMENT OF PROGRAM REGARDING HEALTHY BEGINNINGS CENTERS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.), as amended by section 3 of Public Law 101-527 (104 Stat. 2314), is amended by adding at the end the following new subpart:

"SUBPART VII—HOME HEALTH SERVICES REGARDING YOUNG CHILDREN

"HOME HEALTH SERVICES REGARDING YOUNG CHILDREN

"SEC. 340B. (a) GRANTS FOR HEALTHY BEGINNINGS CENTERS.—The Secretary may make grants to public and nonprofit private entities for the purpose of reducing the incidence of infant mortality and providing for the wellbeing of mothers and their young children through the provision, in the home, of the services specified in subsection (d), as applicable—

"(1) to pregnant women;

"(2) to children who are not more than 2 years of age; and

"(3) to the mothers of such children.

"(b) REQUIREMENT REGARDING SERVICE TO MEDICALLY UNDERSERVED POPULATIONS.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to provide services under subsection (d) in a geographic area whose population is a medically underserved population.

"(c) PREFERENCES IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to migrant health centers and to community health centers.

"(d) DESCRIPTION OF SERVICES.—The services referred to in subsection (a) are—

"(1) prenatal and postnatal health care;

"(2) primary health care for eligible young children;

"(3) educating eligible women in parenting skills;

"(4) educating such women on the health consequences of smoking tobacco products and of consuming alcoholic beverages;

"(5) educating such women on the proper use of nonprescription drugs;

"(6) educating such women on family planning;

"(7) encouraging the family and friends of such women to provide emotional support to the women; and

"(8) referring such women for assistance with respect to establishing the eligibility of the women and their families for financial assistance and services under Federal, State, and local programs.

"(e) PROVISIONS REGARDING SERVICES.—

"(1) PROVISION OF ALL SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that each service under subsection (d) will be available through the applicant. With respect to compliance with such agreement, a grantee under such subsection may expend the grant to provide the services directly, and may expend the grant to enter into agreements with other public or nonprofit private entities under which the entities provide the sevices.

"(2) USE OF NURSES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that, to the extend practicable, services under subsection (d) will be provided through nurses.

"(f) OUTREACH.—In addition to the purpose described in subsection (a), a grant under such subsection may be expended to carry out outreach activities with lay people to inform women of the availability of services from the grantee of services under subsection (d).

"(g) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(h) TECHNICAL ASSISTANCE.—Upon the request of a grantee under subsection (a), the Secretary shall, directly or through contracts, provide training and technical assistance to the grantee with respect to the planning, development, evaluation, and operation of the program carried out pursuant to such subsection.

"(i) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall, directly or through contracts with public or private entities, provide for evaluations of projects carried out pursuant to subsection (a). The evaluations shall include randomized trails and shall determine the extent to which the projects—

"(A) have been successful in carrying out the purpose specified in such subsection;

"(B) have been carried out in a cost-effective manner; and

"(C) have, in the case of eligible women and young children served by the project, reduced the utilization by such individuals of services available to the individuals under the program established in title XIX of the Social Security Act and under other Federal, State, and local programs.

"(2) ISSUANCE OF STANDARDS.—The Secretary shall by regulation issue standards for carrying out evaluations under paragraph (1). The final rule for the regulations required by the preceding sentence shall be issued not later than 90 days after the date of the enactment of the Healthy Beginnings Act Of 1991.

"(3) REPORT TO CONGRESS.—Not later than January 31 of 1993 and of each subsequent year, the Secretary shall submit to the Congress a report summarizing evaluations carried out under paragraph (1) during the preceding fiscal year.

"(j) DEFINITIONS.—For purposes of this section:

"(1) COMMUNITY HEALTH CENTER.—The term 'community health center' has the meaning given such term in section 330.

"(2) ELIGIBLE WOMEN.—The term 'eligible women' means women described in paragraph (1) or (3) of subsection (a).

"(3) ELIGIBLE YOUNG CHILDREN.—The term 'eligible young children' means children described in subsection (a)(2).

"(4) HOME.—The term 'home' means the home of the eligible women involved.

"(5) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given such term in section 330(b)(3).

"(6) MIGRANT HEALTH CENTER.—The term 'migrant health center' has the meaning given such term in section 329.

"(7) PRIMARY HEALTH SERVICES.—The term 'primary health services' has the meaning given such term in section 330(b)(1).

"(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $100,000,000 for each of the fiscal years 1992 through 1994.".

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

NANCY KEEFE: A WOMAN WHO EMBODIES THE SPIRIT OF THE BILL OF RIGHTS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to Nancy Q. Keefe, of the Westchester Gannett Newspapers, who was honored on March 1, by the College of New Rochelle and who will be honored again later this week by the Westchester County/Avon Women's Hall of Fame. In this bicentennial of the Bill of Rights, the choice of Nancy Keefe to receive these honors is most appropriate.

Nancy Keefe has consistently shown, through her 15 years of work in a variety of important positions with the Gannett papers, that she is willing to speak her mind. She is not one to shy away from controversy. Over the years, Nancy has expressed, in a very articulate fashion, perspectives that may run contrary to the views of many of her readers. In her regular commentaries, she has been willing to be an advocate for projects that have engendered local controversy. She has consistently stood up for the needs of the less fortunate in our community. In doing so, she challenges many of her neighors to rethink carefully about these issues, and in many instances she has been remarkably persuasive. She also renews and reinvigorates the freedoms on which this Nation was founded.

In this bicentennial of the Bill of Rights, Nancy Keefe should be acknowledged not only for her own forceful exercise of the freedom of press, but also for her defense of the freedom of speech. Nancy understands how fundamental those two freedoms are to our society, and she deserves full credit for artfully utilizing her journalistic freedom to highlight the importance of the freedom of speech for all Americans. It was indeed most fitting that Nancy was the 1988 recipient of the John Peter Zenger Award from the Westchester Civil Liberties Union.

Finally, I would say that it is most appropriate that Nancy Keefe is being honored by an educational institution such as the College of New Rochelle and by the Women's Hall of Fame. Nancy Keefe has a deep and abiding concern about the well-being and the future of every human being. In her columns and in a variety of public service endeavors, Nancy Keefe brings to the fore the personal aspects of issues. From the war in Kuwait to decisions on housing to questions of education policy, Nancy has a unique ability to highlight how seemingly abstract decisions come to bear on individual lives. In doing so, she brings home to her thousands of readers the very real personal implications of these decisions. Clearly, the College of New Rochelle shares Nancy's deep commitment to improving the future of young Americans. Likewise, the Women's Hall of Fame recognizes the women of our community who, like Nancy, have left their mark on society and who have helped shape the lives of others.

Nancy Keefe keeps faith with the truth. Her dedication to principle and the moral convictions that she brings to bear on social issues have been hallmarks of Nancy's approach to journalism. She has made a difference and will continue to do so for years to come.

I join many others, throughout Westchester County and the entire Metropolitan New York region, in honoring Nancy Q. Keefe for her insights, her dedication, and her willingness to stand tall in defense of those who might otherwise not have a voice. We have all been served by her candor and her unyielding commitment to principle.

THE FAMILY AND ECONOMIC GROWTH INCENTIVE ACT OF 1991

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. MCEWEN. Mr. Speaker, promoting economic growth through increased savings and investment must be a top priority of the 102d Congress.

To facilitate this crucial goal, I have introduced H.R. 813, the Family and Economic Growth Incentive Act of 1991, a collection of proposals to provide incentives to encourage savings for education expenses and first home ownership, and to provide incentives to spur economic growth and productivity. The legislation consists of four important titles:

Title I would provide for the establishment of, and the deduction of contributions to, education savings accounts. These IRA-like accounts would be established for the benefit of a single individual, and would be used to meet the growing costs of higher education, including tuition, fees, books, and supplies. The maximum deduction per account for all taxable years would not exceed $100,000. Investing in education means investing in our future, and what better way to sustain long-term economic growth than by preparing our young people to be tomorrow's leaders.

Title II encompasses affordable housing and first-home buyer assistance. The focal point of this title is the creation of first home ownership accounts, similar in structure to IRA accounts, thus permitting individuals to begin saving to achieve the dream of owning their first home. Through these accounts, individuals may deduct any amount up to $2,000 for any taxable years, and may withdraw an amount tax-free not to exceed $20,000 for all taxable years paid into the account. Also included in title II is the elimination of the capital gains tax on the gain of any sale of an individual's principal residence anytime during the lifetime of that individual, regardless of their age or the value of the home. Finally, title II extends the current mortgage revenue bond and mortgage credit certificate program for 3 years, until 1994, thus relieving State and local governments from the suspense of awaiting 1-year extensions in each fiscal budget package.

Titles III and IV are very straightforward, and, in my view hold the key to restoring America's competitive edge by stimulating investment and capital formation. Simply, title III reinstates a 10 percent investment tax credit for property used in manufacturing, production, extraction or related purposes in the United States. Qualified investment tax credit property also includes a research facility or research equipment used in connection with the above-mentioned processes.

Title IV provides for a maximum long-term capital gains rate of 15 percent and indexing of certain capital assets. As it stands now, the United States has the highest tax on capital gains of any of our trading partners. Countries with lower capital gains taxes encourage greater capital investments, which leads to economic growth and job creation. Thus, we have the opportunity to exert tremendous influence over our Nation's ability to compete effectively.

Mr. Speaker, it is time for the Federal Government to demonstrate leadership and a sound commitment to economic common sense by adopting policies which encourage, not discourage, savings and capital formation. The more we tax of something, the less of it we get. This holds true whether we speak of investment, savings, or income. The Family and Economic Growth Incentive Act of 1991 will begin to reverse the unfortunate and economically damaging trend in current tax policy that has contributed so strongly to raising capital costs and discouraging investment and savings. I hope all my colleagues will support this essential legislation.

SALUTE TO THE MOUNTAIN PARKS INFORMATION SERVICE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. GALLEGLY. Mr. Speaker, it is my privilege to inform my colleagues that the Mountain Parks Information Service, a component of the nonprofit Mountains Conservancy Education and Recreation Program, is celebrating the first anniversary of making the 56,000 acres of mountain parks and beaches in Los Angeles and Ventura Counties more accessible to the public.

On March 21, MPIS will formally mark its first anniversary, and I ask my fellow Members to join me in congratulating everyone associated with it on this service. MPIS has set up a toll-free number to acquaint the public with the vast recreational opportunities awaiting them in the many parks and beaches within the Santa Monica Mountains and Rim of the Valley corridor.

The founding staff took the initiative to work cooperatively with 18 park agencies to compile an extensive data base offering detailed information on more than 100 parks regardless of operating agency. Its bilingual operators, who are fluent in both English and Spanish, have so far helped more than 9,000 callers learn of the many recreational opportunities in our region.

Mr. Speaker, I commend MPIS for its service, and offer it best wishes for continued success.

VISITING NURSE ASSOCIATION—100 YEARS OF SERVICE

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. WHEAT. Mr. Speaker, this year, as the Visiting Nurse Association turns 100, I am proud to bring to the attention of my colleagues in the U.S. House of Representatives the VNA's outstanding contributions to the health and wellbeing of the residents of Kansas City, MO.

One of 500 visiting nurse associations throughout the country, Kansas City's is among the oldest in the Nation. A century ago, when hospitals were few and far between and house calls were the order of the day, city leaders hired a nurse named Lily Major to dispense skilled home care to citizens in need, regardless of their ability to pay.

From this small beginning grew an organization that today pays 100,000 home visits a year to 5,000 patients in a 10-county area that includes Kansas City. Now the largest home health care agency in the area, the VNA offers a full range of general and specialized nursing services.

The highly trained and caring VNA staff—sometimes known as "very nearly angels"—enable patients to obtain much-needed medical care while remaining in familiar, comfortable surroundings among family and friends. In an era of escalating medical expenses, VNA services lower overall health care costs dramatically without sacrificing the quality of care.

In the last 100 years, the mission of the VNA has remained the same—to care for the sick, without regard for their ability to pay. At the same time, the services offered by visiting nurses have kept pace with the rapid changes in society and medicine. Today, VNA's services include intravenous therapy, pediatrics, mental health, cardiopulmonary care, rehabilitative therapy, medical social work and hospice care for the terminally ill.

In an effort to give our community's children the best possible start in life, the VNA in 1987 created the Parenting Program to help at-risk mothers and fathers be more effective parents. Working with Missouri's Department of Economic Development, VNA provides experienced pediatric nurses to give parents one-on-one counseling on child health and development.

A driving force behind the Parenting Program—and the overall operation of the VNA—is Bernadina Knipp, RN, BSN, who will retire on March 31 after 27 years of service with the Visiting Nurse Association. Her leadership as assistant executive director of the VNA will be greatly missed.

For the past century, visiting nurses have ministered to the needs of a broad range of residents of the local community, from private pay patients in the affluent suburbs to homeless families in the inner city neighborhoods, dispensing the same level of personal commitment and quality care to one and all.

It is with great admiration and appreciation that I salute the tremendous contributions made by the Visiting Nurse Association. Guided by a dedicated board of directors and talented professional staff, I am confident the VNA will continue to play a critical role in the progress and growth of the community it serves.

THE MARGARET WALKER ALEXANDER NATIONAL AFRICAN-AMERICAN RESEARCH CENTER

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. PARKER. Mr. Speaker, I am introducing today, along with 61 of my colleagues, a bill to establish "The Margaret Walker Alexander National African-American Research Center." This bill was introduced in the 101st Congress as H.R. 3252. My cosponsors and I are now reintroducing this bill because, first, we recognize the pure academic value of such a center that celebrates through literary documentation the cultural experiences and feelings of African-Americans in the 20th century, and second, we are intent upon honoring the center's namesake, Dr. Margaret Walker Alexander, a native resident of my district. Dr. Alexander has attained international acclaim for her works, most notably "Jubilee, for My People," and "The Daemonic Genius of Richard Wright."

Specifically, this legislation will enable the establishment of a national research center that will, first, emerge as a primary archival and research facility for students and for the national community; second, collect the papers of 20th century African-Americans; third, publish the major results of research programs at the center; fourth, publicize the center's research collections and projects through public programs, and fifth, provide private research rooms and support for a limited number of scholars.

The center is to be located at Jackson State University in Jackson, MS, where Dr. Alexander is presently professor emeritus in the department of English. It is appropriate that this center be located in Dr. Alexander's homestate, at the State's only urban university, as an expansion of the university's existing Institute for the Study of History, Life and Culture of Black People, and in a State so representative of the evolutionary experiences of African-Americans in the 20th century.

From the national perspective, this center will provide a service to the academic community and to the general public in its role as a national archive. I ask for the support of all of my colleagues in Congress in passing this legislation.

INTRODUCTION OF THE ILLEGAL DUMPING PREVENTION ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. GEJDENSON. Mr. Speaker, I rise today to reintroduce the Illegal Dumping Prevention Act, and am joined by more than 40 of our colleagues from both sides of the aisle and from all regions of the Nation.

This legislation would give the Environmental Protection Agency [EPA] and the Attorney General, the enforcers of the Nation's ocean dumping laws, the authority they need to seize boats and other vessels of waste transporters found guilty of dumping medical waste, hazardous waste, and municipal solid waste into the oceans and waterways in violation of EPA permits.

At the end of the 100th Congress, legislation was passed and signed into law to ban future ocean dumping of sewage sludge. It also set tougher penalties for those caught dumping medical waste. However, the Illegal Dumping Prevention Act gives the agencies additional muscle to effectively stop the illegal dumping of all types of waste. It will also give these entities greater ability to deal with short dumping, the dumping of sewage sludge and waste that is permitted to be dumped in a particular site, but which is intentionally dumped short of the designated location.

This legislation will provide the EPA and the Attorney General with an additional sentencing option and provides a strong incentive for waste disposers to comply with the laws on the books or face the possible loss of their livelihood—their boats.

The issue of illegal dumping caught the public's attention two summers ago when a large number of beaches were closed along the east coast because of waste washing up on shore. As a result, last summer, we saw fewer beach-goers and fewer swimmers, because of concerns about health. For the beach communities, this has had a significant impact on the lcoal economy. However, illegal dumping has broader economic and environmental effects that go far beyond just a few closed beaches.

From November 1987, through January 1988, more than 21 dead whales washed up on our shores. Many of the pollutants being dumped into the oceans, often illegally, are being eaten by fish, dolphins, and seals. In addition, the dumped waste adds nutrients to the water, overloading the ecosystem and exacerbating existing problems like the low oxygen levels that we have seen in the Long Island Sound in recent summers.

Because of these problems, fishermen, who depend on the oceans and waterways for their livelihood, have been experiencing smaller catches and catching unmarketable fish, with fin rot and other diseases. Many areas which were once fertile breeding grounds for oysters and other shellfish are no longer fishable because the catch is contaminated, dead, or simply too small to be worth harvesting.

Though vessels would only be seized from those convicted in court of illegally dumping waste, this bill sends a strong signal to illegal dumpers that their actions will no longer be tolerated. In many cases the fines for illegal dumping, are often less than the cost of complying and disposing of some hazardous wastes legally. The Illegal Dumping Prevention Act provides an economic incentive to waste transporters to comply with the law. The Illegal Dumping Prevention Act provides a tough sentencing option to use against those who profit from polluting our oceans and it makes it clear that we are serious about protecting our oceans and our beaches.

It is time that polluters stop using our oceans and waterways as their personal sewers. Illegal dumping in the oceans threatens a vital economic and environmental resource on which our entire Nation depends. I urge my colleagues to join me in sending this strong message to potential polluters that we are serious about protecting our oceans and waterways.

THE INTRODUCTION OF THE WOMEN'S HEALTH EQUITY ACT OF 1991

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. DINGELL. Mr. Speaker, on February 27, 1991, I became an original cosponsor of H.R. 1161, the Women's Health Equity Act [WHEA] of 1991, a bill developed by the Congressional Caucus of Women's Issues. I have chosen to cosponsor this comprehensive legislation because I believe that it establishes a sound framework and sends a potent message of the need to fill the current gaps in women's health research, education, and prevention programs. While I do not endorse or support every one of the 22 separate components contained in this omnibus legislation, I do firmly support the goal and intent of this bill.

WHEA is designed to address concerns raised in a 1990 General Accounting Office [GAO] study which found that great disparities exist in the medical research and attention focused on diseases affecting women. The GAO study found that ignorance about gender differences seriously hampers the treatment of diseases prevalent in women, and the study reported that less than 15 percent of the National Institutes of Health's [NIH] budget is devoted to research of those illnesses which are more prevalent in women.

One need not look far to find obvious gaps in women's health research. By 1993, the leading cause of death among women between the ages of 25 and 44 will be AIDS. Despite this alarming fact, little AIDS research has been conducted on women. Breast cancer claims thousands of women's lives each year and the incidence of the disease is increasing at a rate of 1 percent per year. Nonetheless, no study has been conducted to seriously evaluate dietary factors leading to the development of the disease despite strong evidence indicating that diet may be a leading cause of breast cancer.

I support H.R. 1161 because I believe that it will improve the quality of women's health care and begin to level the playing field in health care research so that we may come closer to the day when both men and women benefit proportionately from the biological, medical, and social research conducted to prevent and treat illnesses.

ADDITIONS TO THE NATIONAL TRAILS SYSTEM

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. DOOLITTLE. Mr. Speaker, Today I am introducing legislation to amend the National Trails System Act to designate the California Trail and the Pony Express Trail as historical components of the National Trails System.

I recognize the vast amount of property under the Jurisdiction of the Bureau of Land Management, the Forest Service, and the National Park Service in the States of Utah and Wyoming. Additionally, I am aware of private inholdings and various Federal leases within and adjacent to the California and Pony Express Trails within these two States.

It is the intent of the sponsor that, prior to the initiation of any condemnation proceeding along the trail route within federally administered areas, the Federal administrator would actively seek to negotiate and exercise with landowners every effort possible to protect trail resources on their lands without acquiring either full or partial title or interests therein.

Furthermore, for the purposes of this act, prior to the initiation of any condemnation proceedings within federally administered areas, the appropriate congressional delegation be notified 6 months in advance of any acquisition of lands or interests therein from other than a willing seller.

I urge my colleagues to support this historically important legislation.

PHILADELPHIA'S 12TH ANNUAL AFRICAN-AMERICAN HISTORY MONTH ORATORICAL COMPETITION

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. BORSKI. Mr. Speaker, I rise today to recognize Tamika Javis for winning first prize in Philadelphia's 12th Annual African American History Month Oratorical Competition.

This competition awards students for their exceptional speeches focusing on all aspects of African-American history and culture. It presents a greater understanding and appreciation of the vast contributions African-Americans have made to our society.

Sixteen elementary students competed in the final phase of the competition by delivering their orations before a panel of judges. Sixth grader Tamika Javis of Hopkinson School earned first place in the competition.

On March 8, 1991, Tamika Javis and other prize winners will be honored at an awards program and reception commending their success in the annual African-American history competition.

Mr. Speaker, I join the school board of Philadelphia, and Katherine E. Javis and Osborne E. Javis in congratulating Tamika Javis for her outstanding achievement.

NATIONAL WEIGHT LOSS MONTH

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. COUGHLIN. Mr. Speaker, on March 4, 1991, I introduced a bill—House Joint Resolution 165—to declare April 1991 as National Weight Loss Month.

It is crucial that the American public increase its awareness of the health risks involved in being overweight. The U.S. Surgeon General estimated that 68 million American adults weigh more than the weight doctors consider healthy. Another 34 million Americans weigh 20 percent more than their ideal weight and are considered obese. In addition, 13 million Americans weigh 40 percent more than their ideal weight and are classified severely obese.

Obesity deserves our attention because it has become a national health problem. Obesity can cause serious illnesses, such as heart disease, high blood pressure, hypertension, strokes, diabetes, and some forms of cancer, as well as decreased life expectancy.

A comprehensive approach to weight loss and weight control can be established by increasing people's awareness and educating the American public of the health risks involved in being obese. This process involves a nutritionally balanced diet, behavior modification, and exercise. The National Weight Loss Month will promote awareness and education by encouraging people to alter their dietary habits and lifestyles to prevent illnesses associated with being obese.

TRIBUTE TO RABBI DR. PHILIP LAZOWSKI

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mrs. KENNELLY. Mr. Speaker, I rise today to pay tribute to an individual who has dedicated the past 36 years of his life to the service of the Jewish community at large; Rabbi Dr. Philip Lazowski. Born in Belitza, Poland, Rabbi Lazowski struggled through difficult times in his youth, surviving the Nazi Holocaust, where he was forced to hide for 2½ years in a wooded refuge with his father and brother. In 1945, Rabbi Lazowski immigrated to the United States. He studied at Yeshiva University where he received a bachelor of religious education in 1955 and a masters of science in 1960. Rabbi Lazowski received his doctorate in Jewish literature in 1970. Philip Lazowski was ordained a Rabbi in 1962 at the Academy of Higher Jewish Learning in Israel. Since then, Rabbi Dr. Lazowski has authored two books, "Faith and Destiny" and "Reflections on Faith."

Rabbi Lazowski has spent the past 21 years as spiritual leader of the Beth Hillel Synagogue in Bloomfield, CT. His spiritual efforts are well known throughout the greater Hartford area. Rabbi Lazowski is especially fond of children and can often be found visiting classrooms in schools laden with treats of candy for them. This action has spawned his nickname among the children of the community where is is affectionately known as the "Candy Rabbi." While serving as spiritual leader in Bloomfield, Rabbi Lazowski has also extended his efforts to the community at large. Rabbi Dr. Lazowski serves as a member of the Educators Assembly of America, is chairman of the Chaplains of the Hartford Police, Bloomfield Clergy Association, and the Bloomfield Commission on Aging. Rabbi Lazowski also serves as director of the Jewish Federation and as a director of the Jewish Community Center.

Rabbi Lazowski has been particularly dedicated to two causes, in the Hartford area, that of increasing the awareness of Jewish culture and the strengthening of relations between various faiths. Rabbi Lazowski has tried to bring knowledge of Jewish and Israeli customs and traditions to the community by leading several pilgrimages to Israel. He is also a very active leader in the area of interfaith relations. Rabbi Lazowski has conducted many interfaith activities which include exchanges of pulpits, and interaction between synagogues and churches.

Rabbi Dr. Philip Lazowski is a devout family man, and has served the community admirably through his concerted efforts as a community leader, scholar, educator, spiritual leader and friend of all. Since the days of his youth in Nazi Germany Rabbi Lazowski has exemplified faith and an untiring will to confront the evils of prejudice, racism and anti-semitism to become a respected and admired member of the Rabbinate in the State of Connecticut. Rabbi Lazowski's dedicated efforts as a community leader merit this recognition on the 36th anniversary of his ordination to the Rabbinate on March 6, 1991.

CANNOT SUPPORT PUTTING TRADE AGREEMENT ON THE FAST TRACK

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, I am among some Members of Congress who have tried for 3 or 4 years to pry loose the grip that the past two U.S. administrations have had on our domestic farm programs in the negotiation of a new General Agreement on Tariffs and Trade, or GATT.

U.S. Trade Ambassador Carla Hills and other administration officials have firmly nailed the domestic programs to the negotiating table even though those programs don't belong in an international trade agreement. Ambassador Hills insisted at our House Ways and Means Committee hearing recently that the domestic farm programs must go hand in hand with other agreements to reduce export subsidies or artificial trade barriers.

In fact, it has become apparent in recent months that the administration is willing to sacrifice the entire GATT round, where agreements in 15 economic sectors are at stake, in order to impose upon U.S. farmers its idealogy on domestic farm programs. I think the religious zeal that has welded our fortunes in the GATT round to reductions in our domestic programs is unfortunate for America.

We have so much to be gained in a GATT Agreement, and the gains include improvements for agriculture. For example, we have already spent nearly $400 million since last October in our efforts to out-subsidize the European Community in export sales for farm commodities. Those kinds of subsidies are wasteful and ought to be sharply reduced or eliminated in the agricultural portion of a GATT Agreement.

In fact, we have an extensive and critical agenda in U.S. trade. We still have a $100 billion annual trade deficit.

The deficit is not surprising. I have, for example, a 200-page USDA report on my shelf that lists nothing but trade barriers on agricultural products between the United States and its trading partners. Despite all of those barriers, agriculture turns out a trade surplus year after year, and could help reduce the U.S. deficit significantly if we could further reduce artificial trade barriers and trade-distorting subsidies.

But, GATT is probably not going to be successful if the administration continues to weld domestic farm programs to the trade agreement. That was demonstrated clearly in December when farmers from throughout Western Europe filled the city of Geneva when EC negotiators even suggested that that might throw domestic programs into the bargain.

The governments of Europe and the U.S. Congress will have to deal with the costs of their domestic farm programs in their respective countries. The EC has enough difficulty shaping a common agricultural program for 12–14—nations without making such a program subject to GATT control. Frankly, I don't blame the Europeans for insisting that domestic programs are their own business. I insist upon the same automony for this nation.

It is with a good deal of discomfort that I have offered a resolution in the House of Representatives to disapprove the extension of the fast track. Fast track is a requirement in the 1988 Trade Act that Congress either pass or reject a trade agreement, without amendment, within 60 days after the President has submitted it for approval.

My resolution is not intended to kill the GATT Agreement. I hope we have such an agreement. But, as long as the administration is on the wrong track, trying to legislate our domestic programs in this international arena, I certainly cannot support putting such a trade agreement on a fast track. If you are heading down the wrong track, you should not step on the accelerator. You should try to get on the right track.

REHIRE QUALIFED AIR TRAFFIC CONTROLLERS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I am introducing legislation today which passed the House 1988 by a vote of 234 to 180 under the sponsorship of Guy Molinari. This bill, which I introduced in the 101st Congress (H.R. 5490), requires the rehiring of 1,000 air traffic controllers fired a decade ago. Twenty-four of my colleagues, from both sides of the aisle, are joining me as original cosponsors of this legislation. This bill is not a blanket rehire; however, it would allow these highly qualified and experienced individuals to compete competitively for new controller positions in the FAA.

In 1981, President Reagan fired 11,400 air traffic controllers who were participating in the Professional Air Traffic Controllers Organization [PATCO] strike. While over the past decade the FAA has been able to restore the number of air traffic controllers to close to its prestrike level, the FAA is still far below the necessary number of full performance level [FPL] controllers. FPL controllers are the only ones who are fully qualified to operate all positions in a defined area.

The number of flight operations handled by air traffic controllers is estimated to double by the year 2000, with an estimated increase in traffic from 430 million passengers in 1989 to as high as one billion by 2000. Furthermore, more than 50 percent of the current controller work force is eligible to retire by 1995. The National Air Traffic Controllers Association [NATCA] supports allowing the controllers fired in the 1981 strike to be rehired on a competitive basis. Moreover, President Bush has acknowledged the need to hire additional controllers in his 1992 budget.

Increased air traffic combined with an overworked and understaffed corp of air traffic controllers has resulted in an overrburdened system in which flight delays are the rule rather than the exception. Incidents such as the Avianca Airlines' crash in Cove Neck, NY, and the crash of a USAir 747 and a commuter plane at Los Angeles International Airport illustrate the potential hazards of not having available a sufficient number of fully trained air traffic controllers. As the volume of air traffic continues to grow, it is urgent that the FAA be equipped to handle this traffic in a safe, efficient, and cost-effective manner.

Mr. Speaker, this legislation I am introducing today can make available 1,000 individuals with the proven ability and dedication to help manage the nation's air traffic. Their opportunity for rehire is long overdue. I urge my colleagues' support for this bill.

DESERT STORM TRUST FUND

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. CLAY. Mr. Speaker, today we are engaged in the biggest military conflict since World War II. Throughout the world there is disagreement as to whether or not the Iraqi invasion of Kuwait posed a sufficient threat to world peace to mandate the current war in the Persian Gulf. I am among a minority of Americans who believes we did not try hard enough to avoid this military confrontation. I believe we failed to exhaust all opportunities for a negotiated settlement to the Kuwaiti crisis and I am especially concerned that in our rush for war, we failed to adequately assess the financial burden this adventure will bear on American society.

As the battle with Iraq winds down, it is critically important that we prepare for the awesome effect this war will have on the Federal Treasury and the United States economy. The U.S. economy is already plunging into a recession. Estimates of the war's cost vary widely, but no one disputes the fact that it will cost many billions of taxpayer dollars.

It's imperative for this Congress to raise new Federal revenues to pay for the Persian Gulf war. An increased Federal deficit inevitably will translate into less funding for already underfunded domestic programs such as education, health care, and infrastructure repair. If we fail to adequately fund these basic domestic programs our children will not be well educated, the availability of health care programs will continue to disappear, our cities will further decline, and the ranks of the middle class will dwindle. When these events unfold, our Nation's ability to compete in the global marketplace will be severely restricted.

All Americans are proud of the young men and women who went to the Persian Gulf. Already, hundreds of individuals and firms have spontaneously contributed more than $60,000 to help pay for the war. That's why I believe there will be a groundswell of support for the bill I am introducing today.

This legislation will allow American taxpayers to make a special contribution to finance the gulf war. The bill I have drafted will create a check-off box on Federal income tax forms to permit a taxpayer the option of increasing his or her tax payment by 5 percent. This extra 5 percent payment will go directly to a special fund, known as the Desert Storm trust fund, to finance the Persian Gulf war. This bill does not limit financing of the war to this fund and if more revenues are collected than needed for the war then any extra moneys will be utilized to retire the Federal deficit.

THE NATIONAL AFRICAN-AMERICAN MUSEUM

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1991

Mr. LEWIS of Georgia. Mr. Speaker, I have introduced a bill to establish a National African-American Museum in Washington, DC. The bill seeks the establishment of a national museum dedicated to the heritage and culture of African-Americans.

The museum would be created to collect, catalogue, conserve, and exhibit materials related to the art, history, and culture of African-Americans. It would be housed in a freestanding facility to be constructed on The Mall or a site near The Mall.

The museum legislation would establish a National Trust for Black Museums. The trust would be responsible for training and developing professionals at African-American museums. The legislation also calls for an authorization of $10 million to create an administrative structure for fundraising.

The legislation calls for the museum to be affiliated with the Smithsonian Institution. The museum would be governed as an independent entity with a Board of Trustees whose members will be appointed by the President of the United States.

I believe the establishment of a national museum and the conducting of interpretive programs dedicated to African-American art, history, and culture would educate people from across the United States and around the world.

It is my belief that we cannot let the vital contributions of African-Americans go unrecognized. When African-Americans have profoundly shaped music, visual arts, science, and literature, it is only fitting to fully acknowledge these accomplishments.

The time has come for this Nation to recognize the contributions of African-Americans. Creation of a National African-American Museum would encourage all Americans to better appreciate the social and political evolution of our country.

HOUSE OF REPRESENTATIVES—*Wednesday, March 6, 1991*

The House met at 12 noon.

Rev. Joseph L. Roberts, Jr., pastor, Ebenezer Baptist Church, Atlanta, GA, offered the following prayer:

Almighty God, bless our sisters and brothers here assembled, who have been chosen to represent thousands, from every sector of this Nation. Theirs is almost a humanly impossible task, for they represent so many races and conditions of people. Therefore come into them and stretch them, through Your Divine power, so they may be better than they could ever be without You.

We are thankful for their eagerness and earnestness and diligence as they represent and lead us. Keep them faithful to the high trust we have placed in them.

We thank You that the war has ceased. May we never forget our indebtedness to those who answered the call of their Nation, and served so valiantly. Let Your comforting presence rest upon all who lost loved ones. May we not forsake them as they try to pick up the broken pieces, and move on. Extend our compassion and care for them beyond the immediate, into the long years that lie ahead * * * and give to us peace in our time, O Lord.

Grant wisdom to our national leaders, our President and all of those in positions of power and influence. Set before us all the final words of King David, * * * "He/She that ruleth over people must be just, ruling in the fear of God."

Move this body closer to Your sense of justice, so that the fairness and equity envisioned by the Founding Mothers and Fathers may be brought to closer realization for all of the people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from Kansas [Mr. NICHOLS] to lead us in the Pledge of Allegiance.

Mr. NICHOLS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title.

H. Con. Res. 83. Concurrent Resolution providing for a joint session of the Congress to receive a message from the President of the United States.

The message also announced that the Senate has passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990.

INTRODUCTION OF REV. JOE ROBERTS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to say a few words about our guest chaplain and my pastor, the Reverend Joseph L. Roberts.

Reverend Roberts is the senior pastor of the historic Ebenezer Baptist Church in Atlanta, GA. One of Atlanta's oldest black churches, Ebenezer was formerly pastored by the Reverend Martin Luther King, Sr., and the Reverend Dr. Martin Luther King, Jr.

Reverend Roberts has traveled throughout America and the world teaching, speaking, and preaching. He serves on numerous boards and committees of community and national organizations. He is a true leader and valued resource to his community and the Nation.

Reverend Roberts was born and raised in Chicago, IL. He has degrees from Knoxville College, Union Theological Seminary, and the Princeton Theological Seminary. He has pastored churches all over the Nation, and formerly was a top official in the Presbyterian Church of America.

Reverend Roberts has received honorary degrees from Morehouse College, Johnson C. Smith University, the Interdenominational Theological Center, and Franklin College.

Under Reverend Roberts' leadership, the Ebenezer Baptist Church has grown considerably in membership size. It has added a senior citizens day care center, a food cooperative, and a community counseling service.

Every Sunday, visitors come from all over the world to hear Reverend Roberts speak.

Today, we welcome Reverend Roberts to the House of the people.

□ 1210

TRIBUTE TO CAPT. RUSSELL SANBORN

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, all Americans are rejoicing at the release of American prisoners of war by Iraq. As General Schwarzkopf said today, all of them are heroes to their country. I commend them all, but I want to pay a special tribute today to Capt. Russell Sanborn. Captain Sanborn, from my hometown of Deland, FL, was shot down in February flying his Harrier jet over Kuwait. For nearly a month, his family has waited for some word of his fate. Now, we know that he is safe and will be returning home soon to Florida.

Mr. Speaker, I want to take this opportunity to commend Captain Sanborn for his bravery and heroism, and to welcome him back. I also want to applaud his family, his parents Wayne and Dixie, and his wife Linda, for their strength and courage in the face of adversity. All of America shares in your joy, and salutes the accomplishments of Captain Sanborn and the others for their work in defense of freedom in the Middle East.

AMERICA'S HEALTH CARE CRISIS

(Ms. DELAURO, asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this country is experiencing an outpouring of pride and patriotism in the wake of a stunning military victory. And we have every right to be proud.

And now we have the opportunity, with the spirit of that victory still fresh in our minds, to confront the major domestic challenges facing our country, challenges that cannot be ignored. And there is no challenge greater than the health care crisis tearing at every segment of our country.

I have talked with businesses, large and small, in my district, who all echo the same concerns about the rising costs of health care and how its affect on their ability to remain competitive, financially healthy, and provide adequate health coverage to their workers. The escalating costs of health care are threatening their ability to survive.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

I have talked with middle class working people in my district who not only find themselves burdened with the soaring costs of everyday living, but also finding it impossible to afford health coverage to meet the needs of their families—their standard of living is eroding and they are forced to make difficult choices.

It is time for us to meet this challenge—time to invest in our citizens. America can demonstrate the same unity and commitment in addressing our domestic challenges, as we did to fighting the gulf war.

SALUTING OUR NATION'S LEADERSHIP IN THE GULF WAR

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, I rise today to salute our President, Secretary Cheney, Chairman Powell, and General Schwarzkopf for their leadership in bringing the gulf war to a swift and successful conclusion.

Only 2 months ago, in the first few days of the 102d Congress, we gathered here to debate whether or not to authorize the President to use force in the Persian Gulf. Force was used and peace was restored. Now we gather again, confident that we made the correct decision.

In his State of the Union Address, President Bush said, "We have the unique responsibility to do the hard work of freedom." With this vision, the President led the United States, along with the allied forces, to victory in the Persian Gulf and restored freedom to the people of Kuwait.

And something else happened when we returned freedom to the people of Kuwait. We restored something in ourselves—the simple understanding that freedom is an obligation worthy of sacrifice.

The depth of that sacrifice is felt most by the families of our troops. For some the sacrifice was the loss of a loved one. For others it is dealing with the absence of a loved one until they are welcomed home. Until everyone is safely welcomed home, our thoughts and prayers are with them.

President Bush, Secretary Cheney, Chairman Powell, General Schwarzkopf, and the men and women serving in the gulf fulfilled our obligation to freedom with confidence and determination. Today, I know my feelings are shared with all Americans that we are proud of the expertise and determination demonstrated by our men and women in the gulf and the world leadership of President George Bush.

INTRODUCTION OF LEGISLATION ESTABLISHING PERMANENT FORMULA FOR GRAZING FEES ON PUBLIC RANGELANDS

(Mr. CAMPBELL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL of Colorado. Mr. Speaker, 17 of my colleagues have joined me today in introducing legislation that will make permanent the formula for determining fees for the grazing of livestock on public rangelands. We believe this legislation will add a balanced voice to this emotional debate.

Today, 55 years after the passage of the Taylor Grazing Act, the public rangeland is healthier and supports a greater diversity of plant and animal life because of a well-managed grazing program. The livestock that graze on open rangelands encourage the plantlife to thrive which helps reduce the danger of forest fires, and in turn creates a hospitable environment for wildlife. The thousands of stockponds, waterholes, and salt supplies distributed by Federal agencies and livestock operators have also contributed to the general rise in wildlife species and numbers on our public rangelands. Livestock grazing continues to be one of the most important tools available to rangeland managers to protect and enhance the environment on our public lands.

Mr. Speaker, as representatives of rural western districts we know firsthand the importance of ranching to rural communities. The extensive public lands in the West are one of the most important resources to the people in 16 Western States.

As this debate progresses, I encourage my colleagues to look closely at this issue and recognize the importance of the multiple use concept, which includes the use of public lands by American stockmen.

BREAST-PROSTATE CANCER LEGISLATION

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing legislation to address very real diseases affecting our Nation's families—breast cancer and prostate cancer.

One of every 9 women will develop breast cancer and 1 of every 11 men will develop prostate cancer. Each day, families throughout our Nation are having to deal with these diseases.

While no cure exists for breast or prostate cancer, early detection is one of the best means for survival. For this reason, I have introduced legislation to ensure the good health of our families.

First, we should provide for the coverage of annual screening mammographies under part B of the Medicare Program for women over 64. While these women may obtain a mammography every other year under current law, my bill would increase this frequency to every year, as recommended by the American Cancer Society.

Since others should also have access to these necessary procedures, I have introduced a bill to require State Medicaid plans to provide coverage of screening mammographies.

Last, while the incidence of prostate cancer has increased, it is still considered a taboo subject in many homes. To remedy this lack of knowledge, I have introduced a measure to establish a Prostate Cancer Public Education Program through the National Cancer Institute.

Mr. Speaker, breast and prostate cancer are not a woman's or a man's problem, they are problems which are faced by real families. I urge my colleagues to show their concern about the health of the families in their district and join me in cosponsorship of this very important legislation.

STRENGTHENING OUR ECONOMY

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, I read in the Washington Post-ABC News poll that only 10 percent of Americans believe the economy is getting better. While this is an improvement over the poll results of the last few months, it does not signal much confidence in our economy.

I would hope that the confidence and patriotism which has been so strong during the Persian Gulf war would transfer somewhat to our economy.

The war has shown us we can still act decisively and successfully when we put our minds to it. Using our free enterprise system—the engine which drives our economy—we can again begin producing quality products which are competitive in the world market.

Mr. Speaker, our citizens should once again begin producing and consuming products with the knowledge that our economy is the largest and strongest in the world.

□1220

THE NATIONAL VICTORY PARADE

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, today I rise in support of the resolution endorsing a national victory parade in Washington, DC, to welcome home our brave troops from the gulf.

Their commitment, courage, and professionalism have brought a swift resolution to the war and ended Saddam Hussein's brutal occupation of Kuwait. These fine Americans richly deserve such an honor.

But in our euphoria over this victory, America must not miss the opportunity to correct a past mistake. The veterans of Vietnam and Korea should be given the honor of leading this parade.

These veterans returned from their wars to encounter indifference or outright hostility from the citizens they had risked their lives for.

America should seize this chance to give these veterans the recognition and gratitude they deserve by inviting them to lead the national victory parade.

Mr. Speaker, I would further submit that this parade ought to pass in review of the Vietnam War Memorial. As America pays tribute to our living war veterans, so too should we honor the troops who did not come home from Vietnam.

TIME FOR CONGRESS TO START TAKING CARE OF OUR OWN COUNTRY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, according to the Washington Post, the American-Israeli Public Affairs Committee has threatened to cut campaign contributions to those who would in fact oppose certain levels of supplemental aid for Israel. This is ridiculous.

Israel is a friend. They deserve credit for their restraint in the gulf, but AIPAC's recent actions are nothing more than blackmail, pure and simple.

What is worse, Mr. Speaker, it appears to me that there are foreign lobbies that seem to weave their way right into the fabric of American Government, and it seems evident that Congress would be more willing to cut school lunches than to make cuts in foreign aid. I find that disgusting.

While America is going bankrupt, we keep shipping money overseas. I say that makes no sense to me, no sense to America, and it is time for Congress to start taking care of our own country.

SECRECY OATH FOR INTELLIGENCE COMMITTEE MEMBERS JUSTIFIED

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to express my deep concerns about the ability of the House Intelligence Committee to conduct business without leaking or mishandling classified information.

The recent rejection of an amendment to require the members of the committee to take an oath of secrecy by a 9-to-6 vote along party lines is deeply disturbing. In addition, the appointment of new members to the committee with strong anti-intelligence feelings does not seem proper or appropriate. These actions make me question the usefulness of the committee and its valuable work.

Although we are all strongly encouraged by the demise of communism, the United States continues to face threats and challenges around the world. Recently, I had the opportunity to visit the Baltic Republics and witness the brutality and deception of the Soviet Government. The Soviet Union is not a free or democratic society, and it would be an enormous mistake to compromise our intelligence capabilities in any way at this time.

Finally, I believe it is extremely important to remember that the lives of our brave men and women in the intelligence community are directly impacted by our actions. We must ensure that our intelligence gathering capabilities are not jeopardized, and the safety of our personnel endangered.

Mr. Speaker, I do not question the honor of the members of the Intelligence Committee, but I feel requiring an oath of secrecy from the committee members is justified, especially when you realize the lives of our agents and the integrity of our Nation's intelligence is at stake.

INTRODUCTION OF DESERT SHIELD-DESERT STORM MILITARY PERSONNEL STUDENT FINANCIAL AID AND FAIRNESS ACT OF 1991

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, since August, thousands of Americans have left college and vocational schools for military service in the gulf. Many are facing extreme financial hardship, including the possibility of student loan defaults.

After recent discussions with the Indiana University loan office, I am today introducing legislation to ensure Desert Shield and Desert Storm personnel who participate in Federal Student Loan and Pell Grant Programs do not suffer financially. This bill will grant the Secretary of Education broad authority to waive various requirements and repayment schedules placed on military personnel with student loans or grants on active duty as a result of Desert Shield or Desert Storm. These provisions will ease the burden on such borrowers and will avoid inadvertent technical default.

Another provision of the Desert Shield and Desert Storm Military Personnel Student Financial Aid and Fairness Act of 1991 encourages colleges and universities to offer either pro rata refunds or a credit in a comparable amount against future tuition and fees.

We need to do more, but this is a very good start in a very important area.

The chairman, the gentleman from Michigan [Mr. FORD], of the Committee on Education and Labor, is quite interested and concerned about this problem, and I appreciate his leadership and interest.

PUTTING THE CART IN FRONT OF THE HORSE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I was surprised that the Treasury Department's otherwise comprehensive deposit insurance study failed to include a plan to tackle the most crucial issue confronting us today—the recapitalization of the bank insurance fund, which is today only barely solvent.

For Treasury to discuss in great detail every issue but the bank insurance fund recapitalization is clearly a case of putting the cart in front of the horse.

However, Treasury did set forth four criteria which any recapitalization plan must meet.

I was struck by the fact that the only proposal which meets all four of these criteria is legislation I reintroduced at the beginning of the session—the Bank Account Safety and Soundness Act—H.R. 31.

My plan provides sufficient new resources, relies on industry funds, uses generally accepted accounting principles, takes into account the health of the industry, and most importantly, protects the taxpayers from paying for another insurance fund bailout.

Recapitalization of the bank insurance fund must be a top priority of Congress this year, and H.R. 31 is the only plan that does the job. I urge my colleagues to support the Bank Account Safety and Soundness Act.

THE SELF-DEFEATING HISTORY OF THE PALESTINIANS

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, as chronicled in the Wall Street Journal today, the Palestinian people are the cause of their own statelessness.

Their obsession with the glories of 1,000 years ago, Islamic jihad, or holy war, devotion to terrorism, and seeming inability to adjust to the world around them have precluded the Palestinians right to negotiate their own home. To force the Israelis to sit down at the negotiating table would be what we call in this country cruel and unusual punishment, and therefore, unconstitutional.

The article makes clear how wrong headed it would be for the United States or any other nation to insist that Israel sit at a negotiating table with the PLO in light of the Palestinian's history of what I call a reality denial syndrome. Opportunities for a Palestinian homeland have repeatedly been refused or destroyed by the Palestinian people themselves:

In 1948, the Palestinians rejected out of hand the Palestinian-state homeland created for them by the United Nations.

In 1967, Jordan refused to stay out of the war between Israel and Egypt, which was started by threats from Nasser, and Jordan lost the West Bank to Israel.

In 1973, the PLO rejected the Israel-Egypt plan to give autonomy to Palestinians in the West Bank and Gaza.

Most recently, the supposedly moderate leaders of Palestine, King Hussein of Jordan and Yasir Arafat, embraced the butcher of Baghdad, Saddam Hussein, further crushing the image of the Palestinian people.

Mr. Speaker, how are we to ask Israel, our ally, to negotiate with a people obsessed with jihad, who have recently cheered the bombing of innocent civilians in Israel from their rooftops in Jerusalem, and who have historically led the pack in exporting worldwide terrorism?

Truly, the Palestinian people have a wealth of talent and culture. But until they cease following the lead of close-minded kings and terrorists, no negotiation is possible. Any negotiations at all should proceed only with moderate representatives in the West Bank who want to live in peace with Israel.

TRIBUTE TO LANCE CPL. ARTHUR GARZA, SPEC. ANDY ALANIZ, AND ROGER VALENTINE

(Mr. ORTIZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to three valiant young men from south Texas who made the ultimate sacrifice for the liberation of Kuwait after Saddam waged an illegal war.

Marine Lance Cpl. Arthur Garza, of Kingsville, TX, and Army Infantry Spec. Andy Alaniz, of Corpus Christi, TX, and Roger Valentine of Portland have joined the number of brave Americans who have died in defense of freedom around the world.

Corporal Garza, despite his early death as a result of an amphibious craft collision, may have contributed far more to the war effort than he could have possibly known.

The amphibious exercises which moved quickly up and down the coast of Kuwait confused the enemy and focused much of their firepower on the beach—rather than American and allied troops moving on Kuwait City from the west.

Corporal Garza is survived by his wife, his 6-month-old daughter, Jennifer, and his parents who still reside in Texas.

In a cruel twist of irony, Spec. Andy Alaniz was killed in the final hours of battle, right around the time President Bush declared a cessation of American offensive actions.

Alaniz, a freckle-faced, left-handed baseball player is survived by his parents, new wife, Cathy, and his yet unborn child.

In a November letter to his own father, Spec. Alaniz wrote of becoming a father and expressing thanks to his father for the outstanding job the senior Alaniz had done. I read from the letter.

> The news from Cathy about the baby has made me sick to even be here. You did everything possible for us and we never even said thank you * * * All those times you brought us candies in your lunch box and all we did was grab it and run. All those times you came to my ball games and it always made me play better. Thank you for everything you've done for me. I'm maintaining all right so don't worry about me—worry about the others. I love you, Pop, take care.

This young man's message to his family touches my soul. We will miss these three young men, and we will always remember them.

Their gallant spirits will live on in the precious memories of their families and friends.

I ask my colleagues to join me in a commemoration of these brave young men who died on and around the battlefield.

Help me to assure their families that they will always have the appreciation of a grateful Nation.

□ 1220

KENTUCKIANS PLAYED A DRAMATIC ROLE IN OPERATION DESERT STORM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, tonight in this Chamber, a few feet from where I am standing, the President of the United States will come and report to Members, to the Nation, and to the world, on how the war in the Gulf was prosecuted and how the peace may be obtained. We, the Congress, the Nation, the world, will pay tribute to President Bush for the resoluteness and the wisdom that he and his people used in managing the war.

We will also give tribute, our love and affection to all the men and women of Operation Desert Storm. Every State was involved, but Kentucky was involved in a very dramatic way in the Gulf activities.

The 101st Airborne Division, the Screaming Eagles, are housed and located at Fort Campbell, KY, and they performed what has been called "bold and bodacious" action in the air-land campaign in the Gulf. Fort Knox, KY, is the U.S. Army Armor Center and, under the leadership of Maj. Gen. Thomas Foley, trained not only the Army but the Marine Corps people in tank warfare, and developed the M1-A1 tank which proved its prowess in the sands of Kuwait and Iraq.

The 100th Division (Training) is located in Louisville, my home town, and, under the leadership of Maj. Gen. Richard Chegar, deployed many of its people to the various divisions in need of personnel.

Last but not least, in our own family, my nephew, my brother's son, S. Sgt. Steven Mazzoli, is now at Fort Knox, having been activated under the 100th.

We will begin tonight, Mr. Speaker, welcoming back home with open arms and with love and affection those brave and valiant Kentuckians who served us in Operation Desert Storm.

END UNITED STATES ASSISTANCE TO JORDAN

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, tomorrow I will introduce a bill to cut off all United States economic and military assistance to Jordan. For many years now, this Nation has supported Jordan with tens of millions of U.S. taxpayer dollars. For that gracious help, we saw the United States vilified by thousands of Jordanians, marching in the streets, waving Iraqi flags and carrying portraits of Saddam Hussein. The Scud attacks against Israel were hailed as a great triumph by the Jordanian people. Not only did the people of Jordan wholeheartedy support Iraq and its invasion of Kuwait, so did King Hussein. King Hussein pretended to remain neutral in this conflict, while in reality his army supplied ammunition to the Iraqi Army and willfully violated the embargo. He personally declared the U.S.-led struggle against Saddam Hussein a "war against all Moslems."

My colleagues, this Nation has a budget deficit in excess of $300 billion. But even if we were running a surplus, it would be unconscionable to support a nation that has stabbed us in the back. Our foreign aid dollars should be spent helping the needy of the world, not those who side with a ruthless tyrant. So join me, and stop sending U.S. dollars to a turncoat nation.

RESOLUTION TRUST CORPORATION FUNDING DELAY

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I just want to rise to point out that as of today the delay on funding the Resolution Trust Corporation has cost $48 million in totally wasted money. The fact that the Democratic leadership cannot get its act together to bring a clean bill to the floor, to get it through the other body, to get it down to the White House, to get it signed, cost $8 million every day. This is an extraordinary contrast between the effectiveness and success of the Commander in Chief who could actually win a war in 100 hours of ground combat, and the Democratic leadership which, at $8 million a day, is just literally throwing money away because it cannot figure out how to pass a Resolution Trust Corporation bill which everyone here knows has to be passed, and which would simply be used to pay off the depositors.

Now we all know we will pay off the depositors. So I say to my friends, we on the Republican side are very prepared to cooperate. We want to work with Members. But please, let Members not keep throwing $8 million away.

FAILED REPUBLICAN POLICY

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, I think the comments of the gentleman from Georgia who just preceded me in the well needs to be responded to.

He notes that the cost to the taxpayers for the delay in passing a reauthorization of the RTC and appropriating the money is $48 million. I would say to my friend from Georgia that the cost to the American taxpayers for the failed S&L policies of the last administration, a policy of deregulation coupled with desupervision, will cost American taxpayers more than a thousand times that amount. The Reagan administration—after giving thrifts broad new powers to use—then set out to cut supervision of thrifts, while fighting the efforts of those of us who sought to strengthen supervision. The cost of that policy to the taxpayers of this country is not measured in the tens of millions of dollars, but in the tens of billions of dollars.

At some point in time I would like to see some recognition of that cost to our taxpayers.

INACTION COSTS MONEY

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, let Members continue the discussion.

If I understand correctly, the administration wanted to do things regarding the thrifts that Members of Congress told them they could not do. I do not think we ought to forget that issue.

I think the gentleman from Delaware was not one of those Members, but we have had not one, but two scandals. A scandal in this House, and a scandal in the other Chamber, over the involvement of Members of Congress in the executive branch's attempts to properly regulate the thrift industry.

Now, we ought to say there is enough blame in the past to go around for everybody, and we ought to deal with the problem today, as difficult as it is for both parties, for both sides of this Government, downtown and here on Capitol Hill. It will cost more money than anyone in this country, anyone in this Chamber wants to spend, but inaction is costing even more money. That is what we have to resolve.

INAPPROPRIATE APPROPRIATION TO ISRAEL

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, I support the State of Israel. Our country should continue to be a guarantor of the right of the Jewish nation to exist and prosper. We are beholden to Israel as a bastion of democracy in a sea of totalitarianism. We glory in the spunk and spirit and collective genius of the Jewish people, but there is no way that there is any rhyme, reason, or justice in a gift of $650 million from the hardpressed taxpayers of America to the State of Israel, especially at this time.

In addition to the already enormous costs of Desert Storm, the appropriation of $650 million to Israel, as included in the dire emergency supplemental appropriations bill, will cause an overwhelming majority of the people in this country to think that we have taken leave of our senses.

INTRODUCTION OF THE UNIVERSAL HEALTH CARE ACT OF 1991

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, I'm here today to announce that I am introducing legislation to establish a national, single-payer health care program which would cut the Nation's health care costs, while guaranteeing comprehensive, quality health care for all Americans.

Joining me in this initiative are 20 Members of Congress, 10 major unions, consumer activist groups, and Physicians for a National Health Program.

This plan would cover a wide range of comprehensive benefits including hospital and physician care, long-term care, prescription drugs, mental health services, dental care, and preventive care. There would be no coinsurance or deductibles to curtail access to medical treatment and consumers would be free to choose their own doctors, hospital, or health care provider.

Everyone knows that our health care system is in a state of crisis—health costs are spiraling while the uninsured population continues to grow. Last year we spent 11.5 percent of our GNP on health care, more than any other country. Yet our health statistics are poorer than most other industrialized countries. We rank 13th in life expectancy and an appalling 22d in preventing infant mortality. We are also the only major industrialized country that lacks a national health care program.

Clearly, there are major flaws in our system. My constituents complain constantly about skyrocketing health insurance premiums and mountains of incomprehensible paperwork generated by our inefficient system. This plan would solve those problems.

Surveys show that Americans want national health insurance, but fear the cost would be too high. In fact, under this single-payer system, 95 percent of Americans would pay less for health care than they do now. Senior citizens would not only save $33 billion a year over what they now spend on health care but would also receive long-term care in addition to many other benefits. The nonelderly would save $25 billion a year and gain permanent access to quality health care.

A single-payer plan achieves these remarkable savings by greatly simplifying the administration of our health system. All Americans are covered under a single comprehensive health program administered by the Government. This means money is no longer wasted on weeding out unprofitable groups and individuals, or on advertising, marketing, commissions, or on billing 1,500 insurance agencies and millions of consumers. Not surprisingly, administrative costs consume just 2 percent of Medicare's budget, compared to about 11 percent for private health insurers.

We cannot afford to continue spending billions on this inefficient system while 37 million Americans remain uninsured. Not only is the health of our Nation at stake, but so is our economic well-being. The current system will cost $1.5 trillion, 15 percent of GNP, by the year 2000 if nothing is done to reform our system. Only comprehensive reform of this wasteful system will contain costs and guarantee access. A single-payer system is the most efficient way to deliver health care to everyone. By adopting a single-payer system, we can not only maintain our economic competitiveness, but we can improve the health of all Americans.

My proposal does not attempt to answer every detail. It is intended as a framework for how a national health care program should be structured. I look forward to working with others interested in health care reform and welcome suggestions for improving my plan. Above all, my proposal will spur debate on the issue of national health care and move us closer to solving our health care crisis.

Joining me in support of this initiative are fellow members of Congress: GEORGE MILLER, TOM DOWNEY, NANCY PELOSI, CHARLES SCHUMER, CHARLES RANGEL, JIM MOODY, JIM MCDERMOTT, SIDNEY YATES, FRANK ANNUNZIO, CARDISS COLLINS, GUS SAVAGE, WILLIAM LIPINSKI, LANE EVANS, CHARLIE HAYES, GEORGE SANGMEISTER, EDWARD MARKEY, GERALD KLECZKA, MATTHEW MARTINEZ, JOHN LAFALCE, PATSY MINK, and JAMES OBERSTAR.

Also, here, supporting this legislation are representatives from the United Auto Workers, the American Federation of State, County and Municipal Employees, the International Association of Machinists, the Amalgamated Clothing and Textile Workers Union, the United Mine Workers, the International Ladies' Garment Workers' Union, the Oil, Chemical and Atomic Workers International Union, the American Postal Workers Union, the United Electrical, Radio and Machine Workers of America, the Communications Workers of America, Citizen Action, Physicians for a National Health Program, the National Association of Social Workers, Consumers Union, and public citizens.

□ 1240

ENCOURAGING SAVINGS

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, today I am introducing two pieces of legislation to provide for savings and investment. I call the first one the Bank and Savings Investment Act of 1991.

I think Americans should be encouraged to increase personal savings accounts. By permitting taxpayers to establish family savings accounts, it would encourage investment and savings.

The other part of the bill would provide for what we call a home ownership initiative. Under current law, early withdrawals from an IRA are subject to a 10-percent excise tax, or a penalty, and included as ordinary income on an individual's tax return.

My proposal today would correct that and would allow that up to $10,000 could be withdrawn without penalty for a first-time home purchase.

The second bill provides for the reinstatement of the fully deductible IRA.

I encourage Members to take a close look at both bills, with the idea of cosponsorship.

CABLE TV NEEDS REREGULATION—NOW

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, in my very first speech in this Chamber 2 years ago, I spoke of the need for action on the cable television issue. I warned that if we did not act to reregulate the cable television industry, consumers would face limited choices, that major sporting events would continue to move to cable and pay cable, that local input of cable decisions would continue to ebb away and—most importantly—that rates would continue to rise far more quickly than inflation. Well, we did not pass a cable bill and all of that has come true. I know that many of my colleagues are also hearing from outraged consumers about rising rates.

Recently, four communities in my area were hit with cable rate increases. In each case there was no notice given before the rate increase went into effect and local advisory boards could do little more than watch and complain. This is not right. The cable operator has a monopoly on the service in each community. That type of competitive advantage should come with a responsibility to listen to the community and act with the input of local citizens. Sadly, in most areas, the cable operators do not consult with their communities on basic issues.

Finally, Mr. Speaker, the National Football League has sparked a debate on the sports pages of this country by announcing that they will—quote; "experiment"—with pay-for-view-football games. We all know that this is very likely the beginning of the end of professional football on free television. Congress will consider and act upon a major cable television reregulation bill in this session. I believe we must address the pay-for-view issue in the cable debate. Let us act now before sporting events are available only to those who can afford to pay.

HONORING GENERAL SCHWARZKOPF

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, today I am introducting a bill that would authorize the President to award the Congressional Gold Medal on behalf of Congress to Gen. H. Norman Schwarzkopf, the commander of the U.S. Central Command and head of American-led coalition forces in the Middle East.

The decisive leadership of General Schwarzkopf during the Persian Gulf war makes him worthy of our recognition. In the face-off against Saddam Hussein, he led our forces to victory. His skillful planning and strategy not only liberated Kuwait but also saved thousands of lives by bringing the war to a quick end.

This is an honor that Congress should award only to those Americans who have made distinguished contributions to the United States. General Schwarzkopf certainly fits that description. I ask for your support for this bill.

DAIRY INDUSTRY IN SERIOUS TROUBLE

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, as our attention turns from Operation Desert Storm, we must now begin to solve the many pending domestic crises. One of these crises is the current plight of the Nation's dairy producers.

The dairy industry is in serious trouble. The uniform blend price for milk has dropped between $3 and $4 in the past 6 months. Dairy farmers are having to sell their milk at prices below the cost of production. At this rate, thousands of dairy farmers will be put out of business.

In my State of Oregon, the 98th annual meeting of the Oregon Dairy Farm Association is taking place this week in Baker City. Normally, this is a meeting to discuss methods of dairy farming and allow good friends to get together.

However, the tone of the meeting this year is a solemn one. Many of these dairy farmers are facing the prospects of losing their farms and farming is the only life they know. What a tragedy this would be.

Dairy producers are not looking for handouts. All they want is to earn a decent living for themselves and their families.

Mr. Speaker, the dairy farmers of Oregon are proud men and women. They do not produce an excessive surplus of product; they are responsible producers of dairy products, providing a healthy food product, especially for children.

Mr. Speaker, in the ensuing weeks and months Congress will debate a number of issues that will affect dairy farmers over the long term. As we continue to discuss the extension of fast track authority, it is important that the American agriculture community know that the Congress does have a commitment from the administration that it will not trade away section 22 import quotas unless our trading partners eliminate subsidies for their dairy industries. We must make sure that the administration honors this commitment and negotiates a GATT agreement which does not hurt American dairy farmers and allows them to compete on a level playing field in an open marketplace.

We must also work with USDA to implement the provisions of the 1990 farm bill to help the industry manage supplies of dairy products in the future.

In the short term we must enact legislation to bring the market price for dairy farmers to a level where they can make a decent living. I have cosponsored and fully support H.R. 1088 as a short-term solution to save the dairy industry from its increasingly likely demise.

I urge my colleagues to act on this legislation quickly so we can help the American dairy farmer before it is too late.

OUR TRADE POLICY WITH JAPAN

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the trade deficit with Japan continues to soar. The only trade policy that we have in this country is to allow all these foreign products to come in with no restrictions, and then we allow them to restrict our goods into their country. It is the same old story. The more things change, nothing changes.

Back in 1815, Thomas Jefferson—now, listen to this—he says:

> I have come to the resolution myself, as I hope every good citizen will, never again to purchase any article of foreign make which can be of American make.

That was in 1815.

The other day I saw a cartoon where there was this group of Japanese sitting in their board room around a big table and they were singing, they were toasting, "This land is my land, this land is your land, from California to the New York Islands."

I am telling you, that is what it is coming down to now. We spend billions of dollars to defend this island of billionaires, and then they turn it into profit at our expense.

I think it is time for a trade policy that is going to be fair to American industry and American workers.

IN SUPPORT OF REGIONAL FAIRNESS PROVISIONS IN RTC FUNDING BILL

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I would like to go on record today in support of keeping the regional fairness provisions—or the State chartered thrift deposit insurance premium provisions—in the RTC funding bill. Recently, these provisions passed the Banking Committee with strong bipartisan support. These provisions are needed because the taxpayers of my State of Ohio and the entire Northeast-Midwest region are still being forced to bear too great a share of the savings and loan bailout. In essence, they are having billions of their tax dollars diverted to pay for collapsing institutions in other parts of the country. In fact, the 18 States that make up the Northeast-Midwest region are being forced to pay 47 percent of this bailout, about $11.7 billion, even though the entire region has incurred only $1.4 billion in costs associated with State-chartered thrifts. In stark contrast to this, the State of Texas has cost the taxpayers over $22.4 billion—that is over 68 percent of the costs for this bailout—yet Texas is only paying 6 percent of the bill, hardly their fair share.

In light of this disparity, it is important to restore some equity in the funding of this bailout. The State chartered thrift deposit insurance premium provisions would require those States that have incurred such high costs to pay a Federal deposit insurance premium to cover the expense of insuring their State chartered thrifts. This will restore much-needed equity to the S&L bailout. I believe that everyone must bear their share of this mess, but to ask the Northeast-Midwest region to pay 10 times what it owes is just unreasonable. Therefore, I ask my colleagues to support including these vital provisions in the RTC funding bill.

□ 1250

A NEW WINDOW OF OPPORTUNITY

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, tonight we will hear the President's postwar address to the joint session of Congress. There will be no formal Democratic response and there is good reason for that. This is not a partisan issue. The war had absolutely nothing to do with politics and to suggest it did is to fail to do justice to the great sacrifice our troops, their families, and our Nation made.

It is my fervent hope that our men and women come home as quickly as possible. I know a lot of people want to thank them and give them the congratulations they so richly deserve.

The past 6 weeks illustrated definitively that Americans can accomplish anything when they work together. During that 6-week period, there was no politics; there was one Nation committed to achieving a national goal.

We set the goal and we achieved success while supporting the President every step of the way.

The stage now has been set for equally remarkable successes at home: There is a window of opportunity to turn our economy around, to strengthen education, to repair our infrastructure, and to clean up our environment.

The possibilities for our domestic interests are endless. They merit the same dedication we exhibited in our Persian Gulf undertakings. Let's roll up our sleeves and enjoy the same successes at home that we have had abroad.

KUWAIT AND SAUDI ARABIA SHOULD RECOGNIZE ISRAEL

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, as Secretary Baker departs for the Middle East, all of us are focused on his historic mission. We have won the war with great fortune and skill, and now we must bring those same ingredients to the peace process. And again, we must insist on cooperation from our allies in the process. America has made great sacrifices to liberate Kuwait, and to safeguard the other states in the region. We must now insist that those states be equally bold in their commitment to peace.

The first step that must be taken is for Kuwait and Saudi Arabia to recognize Israel. Since Israel's birth these countries have been in a state of war with her. For 43 years, this has been the root cause of unrest in the Middle East. Even as we rejoice that war in the Middle East is over, for Israel, it is not. The Arab nations remain at war against her today.

If Kuwait and Saudi Arabia really want peace in the region, they should lead the league of Arab States in recognizing Israel's sovereignty, her right to exist in peace. I sincerely hope that President Bush and Secretary Baker will make this condition a high priority in talks in the Middle East.

I am confident that the overwhelming majority of my colleagues will share this view, and I am circulating a letter, along with my colleague across the aisle, Mr. VIN WEBER, to let President Bush know that this issue is foremost on our minds. I hope all of my colleagues will join us in signing this letter in the hope that the Saudis and the Kuwaitis will take this crucial first step to a lasting peace in the Middle East.

EXPANDING SUPPORT FOR THE BALTIC STATES

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, today I, along with 10 other of my colleagues who recently joined me in traveling to the Baltic States, are introducing a joint resolution which seeks to expand United States support for the Baltic States.

Mr. Speaker, we have been defending freedom incredibly successfully in the gulf. We now need to make sure that we focus on the threat to freedom in Latvia, Lithuania, and Estonia.

Mr. Speaker, for 50 years the United States has steadfastly refused to recognize the legality of the forcible incorporation of the independent Baltic States into the Soviet Union, and this steadfastness has meant much to the people of the Baltics. Now, Mr. Speaker, it is time to go beyond mere words and to take steps to implement this policy. It is for this reason that this resolution is being introduced.

The resolution calls for the United States to do four things: To establish a presence in each of the Baltic States, to channel U.S. Government and private sector assistance directly to the Baltic States, to establish and maintain contact with the Parliaments of Estonia, Latvia and Lithuania as the legitimate representatives of the peoples of the Baltics and, finally, to propose and seek support for Baltic States observer status in the conference on security and cooperation in Europe. I ask my colleagues to review this resolution and to urge their support of it, and raise high the flag of freedom in the Baltic States.

STATUS OF THE S&L BAILOUT LEGISLATION

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, I wish to address today the earlier concerns that were raised by the Republicans with regard to the savings and loan bailout.

The fact of the matter is that the Committee on Banking, Finance and Urban Affairs of this Congress passed a bill just 3 or 4 days ago which would have allowed the bailout to move forward. But anybody who was present at the hearing recognizes that while the Democrats passed because there was a rumor floating around that the Republicans were going to stay out of the debate and try to pin the savings and loan bailout on the Democrats, they passed. Then we got to the Republicans, and every single Republican on that committee voted "no." After that, the Democrats passed, because we were not about to be saddled with the bailout that the Republicans refused to take responsibility for.

The institution, the RTC, is sitting on $8 billion worth of assets today that it can use to bail out the banks—the savings and loans that are necessary to have their cases resolved.

Third, it seems to me that what is most important is that this country begin to debate who pays for the savings and loan crisis. That debate is being forced in this country down the mouths of the ordinary taxpayers who have less than $2,000 in their bank accounts.

Fundamentally, the RTC has paid out over $10 billion in funds to accounts of over $100,000. They have 28 percent of all the deposits in savings and loans that come from people with accounts of over $100,000.

Mr. Speaker, it is time to stop bailing out the rich and start standing up for the American taxpayer of this country.

THE UNITED STATES SHOULD NOW FOCUS ON THE PROBLEM WITH THE BALTIC STATES

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, as the tragedy and blood letting continues in Iraq, caused by one of the more evil people of this century who now maintains his power from some cellar bunker, it is time to broaden our focus. As the gentleman from Maryland [Mr. HOYER], has so eloquently stated this morning, we need to turn our attention to the Baltic nations, three so-called republics of a Soviet empire put together by force and held together by force.

Until the slaughter and rape of Kuwait started, the Kuwaiti population was about 2 million people. But the population of Lithuania, Latvia, and Estonia taken together is over 8 million people.

They would like to practice their Christian faith. They would like the freedom taken from them in the exact way that Saddam Hussein raped Kuwait restored. And remember, the Baltics were victimized by both Stalin and Hitler who agreed as to how the rape would take place in Lithuania, Latvia, and Estonia 41 years ago this June.

So I want to associate myself with the remarks of the gentleman from Maryland [Mr. HOYER] and hope that this Congress and the other Chamber will be able to focus on the many human rights violations around the world now that the focus, on the gulf conflict, at least for the allied nations, has somewhat subsided.

HOW ARE WE GOING TO PAY FOR THE FSLIC REAUTHORIZATION?

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, in the President's State of the Union Address he talked about the need for us to implement a pay-as-you-go budget plan. Good idea; I think the American public understand the concept and widely support it.

It is amazing, however, that when it comes to the question of how to pay for the savings and loan bailout, apparently the pay-as-you-go concept should not be applied there, according to the President.

I strongly disagree. I think the question with the FSLIC reauthorization bill is a very simple one. That is, it is not so much whether we are going to have to make more money available, it is clear we are going to have to do that; the question is how are we going to pay for it, when are we going to pay for it and who is going to pay for it?

I believe strongly we should employ the pay-as-you-go concept with the FSLIC reauthorization bill and make it very clear to the American public that some sacrifices are going to have to be made now to prevent this bill being passed on to our children and grandchildren. The administration, on the other hand, wants to borrow all the money and pass the bills along to our kids and grandkids.

My colleagues, that is economically wrong, it is morally wrong, and we should stand up and say "no" to that further borrowing to pay for the FSLIC reauthorization.

Mr. Speaker, I urge my colleagues to support the Slattery/Kennedy amendment that was adopted on a bipartisan basis in the Committee on Banking, Finance and Urban Affairs. If we attach that amendment to this bill, we should move it forward in clean form for the President to sign and we will find out if he is really committed to pay as you go.

□ 1300

HISTORICAL REVISIONISM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, if we did not have such a reactionary and incompetent Congress, we could pass the capital gains bill, recapitalize the real estate industry, and, therefore, solve most of the savings and loan problems, and we would not have to be talking about taxpayers paying for it.

However, Mr. Speaker, I understand that the gentleman from Massachusetts [Mr. KENNEDY] engaged in a little historical revisionism here a few moments ago in talking about what the

Committee on Banking, Finance and Urban Affairs did, that in fact the Republican chairman of that committee, the gentleman from Ohio [Mr. WYLIE], did in fact offer a clean bill approach, and it was rejected by the gentleman from Massachusetts and others.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio to explain the situation.

Mr. WYLIE. Mr. Speaker, I am happy that the gentleman from Pennsylvania [Mr. WALKER] yielded to me so that I can correct the record.

The gentleman from Massachusetts [Mr. KENNEDY] could not be more wrong. I did offer a bill, a clean funding bill for $30 billion, which would have provided the funding, and the gentleman from Massachusetts voted against it.

Mr. WALKER. And every Democrat voted against it; is that right?

Mr. WYLIE. I say to the gentleman that we got three votes.

Mr. WALKER. Oh, we got three votes, but the gentleman from Massachusetts [Mr. KENNEDY] was one who voted against the clean approach.

Mr. WYLIE. The point is that there were a lot of other extraneous amendments which even the Washington Post editorialized against. It talked about the social welfare programs that were added, like affordable housing, like withdrawing property from the market for 6 months for special purposes, and the pay-as-you-go provision, which the gentleman from Kansas [Mr. SLATTERY] just referred to, was said to violate the budget summit agreement last year. It was purely political in that it called on the president, not Congress, but the President to either take money from some other program or provide for a tax increase.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Ohio [Mr. WYLIE].

The budget summit agreement was the one agreed to by the Democratic leadership.

THE COMMITTEE PROCESS

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I was waiting on the House floor to address the House relative to another bill, but I cannot help, being a senior member of the Committee on Banking, Finance and Urban Affairs, entering in the discussion.

The Congress, the House of Representatives in particular, is the people's House. We go through a committee process. We serve as a check and balance system for the administration. That is the way our Constitution is written. I am proud of the fact that we have a wonderful Constitution, and that is why we go through a committee process.

Now, when the administration requests $30 billion to recap a fund, and we have some questions about it, because it is taxpayer's money that they want, I think that the amendment process is appropriate. And in fact there was a process, there was a bill that passed, and it was true that it was somewhat politicized. I am sorry that happened. But if there were differences between the Senate bill and the House bill, that could have been held in conference. We could have worked those differences out.

Mr. Speaker, for a bill of this magnitude to have a few amendments attached is not a big deal, and I really resent, and I have to say this publicly, I resent the accusation that in fact the Democrats were acting in a partisan way. We passed a very honorable bill, and I think we should have gone to conference, and that would have been the proper way to go.

MORE HISTORICAL REVISIONISM

(Mr. WEBER asked and was given permission to address the House for 1 minute.)

Mr. WEBER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think that that is another interesting bit of historical revisionism.

First of all, we did not pass the bill; they killed the bill so that we have had no bill out here at all, so the taxpayers are really being dunned at the cost of $8 million a day because the incompetent Congress cannot get its work done. So, that is one factor to look at.

The second factor is the gentleman from Massachusetts [Mr. KENNEDY] a few moments ago did not talk to us about it in the amendment process. He said that what we needed was a clean bill. The gentleman from Ohio [Mr. WYLIE] offered a clean bill in committee, only to have the gentleman from Massachusetts, among others, vote against it.

Now whether that is partisan or nonpartisan, I do not know, but the bottom line is that so far we have no bill, it is costing the taxpayers a lot of money, and we are in a situation where the RTC is not being appropriately funded, and, despite the fact that everything that is being done is within the grounds of the budget agreement of last year that the Democratic leadership were partners to.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. WEBER. Mr. Speaker, I yield to the distinguished ranking member of the Committee on Banking, Finance and Urban Affairs.

The SPEAKER pro tempore (Mr. MCNULTY). The time of the gentleman from Minnesota [Mr. WEBER] has expired.

WE ARE LOSING $8 MILLION A DAY

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I yield to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] for yielding.

Mr. Speaker, we need to get $30 billion for the RTC, and we need to get it right away, as the gentleman from Pennsylvania [Mr. WALKER] just said, because we are losing $8 million a day.

Mr. Speaker, mention was made of the fact that we need reform, and I do think we need reform, too, and an amendment which would provide some needed reforms in RTC procedures would be agreeable to this Member.

However, Mr. Speaker, I quote from the Washington Post again. Most of the amendments were merely posturing. Although the process needed to be speeded up, one amendment would have slowed down sales for environmental property for 180 days.

That was the point I was going to make a little while ago. As the Washington Post says, a few of these amendments were cuckoo, or vengeful, or both, and the example was the one that would have tied to make the States like the largest State of Texas, which have the most failed savings and loans, pay most of the cost of shutting them down. That is nonsense its says. It is the responsibility of the Federal Government. This is a national deposit insurance system.

Mr. Speaker, that is the point I needed to make, and I thank the gentleman for yielding me this time.

LET THE TRAIN LEAVE THE STATION

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute.)

Mr. DANNEMEYER. Mr. Speaker, Members, there is a tradition that works in this place. We all know what it is. That is to say when there is a train at the station waiting to go, we seek to attach as many cars to it as we can find, and there are many cars waiting to be given a ride, reposing in the crevices around this situation, yearning to be funded by the spenders that control this place.

We need to have this bill, as the gentleman from Ohio [Mr. WYLIE] has observed, to honor the commitment the American people have made to the depositors in failed savings and loans. We need the money, but look at it from the standpoint of the spenders who control this place.

I ask, "Can you bring yourselves to the point where you let this train to solve this one problem leave the situation without attaching these other cars that need all this special-interest spending so we can broaden the base of our constituency to continue to corral this institution?"

The one thing I admire about liberals is that they understand how to get and keep power, and this is a classic illustration of that principle: load up the train with as many cars as can be put on it so they can all have, those people out there who are fans of theirs, can thank them for moving the train along in the direction they want it to go.

DEFENSE PRODUCTION ACT EXTENSION AND AMENDMENTS OF 1991

Mr. CARPER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 991) to extend the expiration of the Defense Production Act of 1950, and for other purposes, as amended.

The Clerk read as follows:

H.R. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Extension and Amendments of 1991".

SEC. 2. EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950.

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "October 20, 1990" and inserting "September 30, 1991".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 711(a)(4) of the Defense Production Act of 1950 (50 U.S.C. App. 2161 (a)(4)) is amended to read as follows:

"(4)(A) There are authorized to be appropriated for fiscal year 1991, not to exceed $50,000,000 to carry out the provisions of sections 301, 302, and 303.

"(B) The aggregate amount of loans, guarantees, purchase agreements, and other actions under sections 301, 302, and 303 during fiscal year 1991 may not exceed $50,000,000.".

SEC. 4. VOLUNTARY AGREEMENTS.

Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

SEC. 5. TECHNICAL AMENDMENTS RESTORING ANTITRUST IMMUNITY FOR EMERGENCY ACTIONS INITIATED BY THE PRESIDENT

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (a), by striking "and subsection (j) of section 708A";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) DEFINITIONS.—For purposes of this Act—

"(1) ANTITRUST LAWS.—The term 'antitrust laws' has the meaning given to such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) PLAN OF ACTION.—The term 'plan of action' means any of 1 or more documented methods adopted by participants in an existing voluntary agreement to implement that agreement.";

(3) in subsection (c)(1)—

(A) by striking "Except as otherwise provided in section 708A(o), upon" and inserting "Upon"; and

(B) by inserting "and plans of action" after "voluntary agreements";

(4) in subsection (c)(2), by striking the last sentence;

(5) in the 2nd sentence of subsection (d)(1)—

(A) by inserting "and except as provided in subsection (n)" after "specified in this section"; and

(B) by striking ", and the meetings of such committees shall be open to the public";

(6) in subsection (d)(2), by striking out "section 552(b)(1) and (b)(3)" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(7) in subsection (e)(1), by inserting "and plans of action" after "voluntary agreements";

(8) in subsection (e)(3)(D), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(9) in subsection (e)(3)(F)—

(A) by striking "General and to" and inserting "General, the"; and

(B) by inserting ", and the Congress" before the semicolon;

(10) in subsection (e)(3)(G), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(11) in subsections (f) and (g)—

(A) by inserting "or plan of action" after "voluntary agreement" each place such term appears; and

(B) by inserting "or plan" after "the agreement" each place such term appears;

(12) in subsection (f)(1)(A) (as amended by paragraph (11) of this section) by inserting "and submits a copy of such agreement or plan to the Congress" before the semicolon;

(13) in subsection (f)(1)(B) (as amended by paragraph (11) of this section) by inserting "and publishes such finding in the Federal Register" before the period;

(14) in subsection (f)(2) (as amended by paragraph (11) of this section) by inserting "and publish such certification or finding in the Federal Register" before ", in which case";

(15) in subsection (h)—

(A) by inserting "and plans of action" after "voluntary agreements";

(B) by inserting "or plan of action" after "voluntary agreement" each place such term appears;

(C) by striking "and" at the end of paragraph (9);

(D) by striking the period at the end of paragraph (10) and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(11) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement or plan of action shall provide prior written notification of the time, place, and nature of any meeting to carry out a voluntary agreement or plan of action to the Attorney General, the Chairman of the Federal Trade Commission and the Congress.";

(16) in subsection (h)(3), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraph (1), (3), or (4) of section 552(b)"; and

(17) in paragraphs (7) and (8) of subsection (h), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(18) by striking subsection (j) and inserting the following new subsection:

"(j) DEFENSES.—

"(1) IN GENERAL.—Subject to paragraph (4), there shall be available as a defense for any person to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out any voluntary agreement or plan of action under this section that—

"(A) such action was taken—

"(i) in the course of developing a voluntary agreement initiated by the President or a plan of action adopted under any such agreement; or

"(ii) to carry out a voluntary agreement initiated by the President and approved inaccordance with this section or a plan of action adopted under any such agreement, and

"(B) such person—

"(i) complied with the requirements of this section and any regulation prescribed under this section; and

"(ii) acted in accordance with the terms of the voluntary agreement or plan of action.

"(2) SCOPE OF DEFENSE.—Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense established in paragraph (1) shall be available only if and to the extent that the person asserting the defense demonstrates that the action was specified in, or was within the scope of, an approved voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement and approved in accordance with this section. The defense established in paragraph (1) shall not be available unless the President or the President's designee has authorized and actively supervised the voluntary agreement or plan of action.

"(3) BURDEN OF PERSUASION.—Any person raising the defense established in paragraph (1) shall have the burden of proof to establish the elements of the defense.

"(4) EXCEPTION FOR ACTIONS TAKEN TO VIOLATE THE ANTITRUST LAWS.—The defense established in paragraph (1) shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.";

(19) in subsection (k), by inserting "and plans of action" after "voluntary agreements" each place such term appears;

(20) in subsection (1) by inserting "or plan of action" after "voluntary agreement";

(21) by adding at the end the following new subsections:

"(n) EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.—Notwithstanding any other provision of law, any activity conducted under a voluntary agreement or plan of action approved pursuant to this section, when conducted in compliance with the requirements of this section, any regulation prescribed under this subsection, and the provisions of the voluntary agreement or plan of action, shall be exempt from the Federal Advisory Committee Act and any other Federal law and any Federal regulation relating to advisory committees.

"(o) PREEMPTION OF CONTRACT LAW IN EMERGENCIES.—In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.".

SEC. 6. TECHNICAL AMENDMENTS TO PRIORITIES IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(1) in subsection (a)(2) by striking "materials and facilities" and inserting "materials, services, and facilities";

(2) in subsection (c)(1) by striking "supplies of materials and equipment" and inserting "materials equipment, and services";

(3) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, services, and facilities in the marketplace, unless the President finds that—

"(A) such materials, services, and facilities are scarce, critical, and essential—

"(i) to maintain or expand exploration, production, refining, transportation,

"(ii) to conserve energy supplies; or

"(iii) to construct or maintain energy facilities; and

"(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection."; and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on October 20, 1990.

SEC. 8. EXEMPTION FROM TERMINATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) (as amended by section 2 of this Act) is amended by striking "and 719" and inserting "719, and 721".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CARPER] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. RIDGE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CARPER].

□ 1310

Mr. CARPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us legislation on a subject that is no stranger to this body—the Defense Production Act. As you may recall, we came within a breath of enacting an authorization bill last Congress only to have the conference agreement—which had passed the House—stalled in the other body as the last seconds of the 101st Congress ticked away. Failure to enact the authorization bill led to the expiration of the act on October 20.

As the last Congress passed into history, so did the President's authority under the Defense Production Act to prioritize military action of critical supplies needed to support our activities in the Middle East. Operating under a patchwork Executive order, in the midst of a recession and thanks to strong public support of both Desert Shield and Desert Storm the President has been able to ensure most of our military needs are met. Our remarkable successes on the battlefield have not diminished the need for fast action to restore the act.

This bill would extend the Defense Production Act until September 30, 1991, and make it retroactive to this past October 20, when it expired. The bill also contains a few relatively noncontroversial amendments to the Defense Production Act. The first would provide antitrust protection to participants in voluntary agreements as part of petroleum-related international agreements to which the United States is a party.

The second amendment would clarify that the act's contract priority and allocation provisions apply to services as well as materials and facilities. This amendment could have significant implications in our efforts to get our troops home now that the military conflict is over. This amendment would ensure that civilian aircraft would be available, if needed, to supplement military airlift capacity needed to get our troops and their equipment home. The last thing we need is to leave our young men and women in the desert cooling their heels simply because we don't have sufficient aircraft and ships to get them home.

A final amendment would make permanent the so-called Exon-Florio provisions of the act which require the administration to review—and if necessary, to prohibit—foreign mergers, acquisitions, and takeovers of domestic firms which might adversely affect U.S. security interests.

A reflection of the importance of this legislation is the profound interest the other body has demonstrated in it so far this Congress. To date, the Senate has sent over to us three DPA bills. Two of the bills would extend the act, and one is a comprehensive reauthorization which essentially encompasses the conference agreement reached at the end of last year.

As the new chairman of the Economic Stabilization Subcommittee of the Banking Committee which has jurisdiction over the act, I appreciate the tremendous interest shown and investment made on this subject in recent years both on the Senate side and by many Members of this body. I hope we can get this extension in place—without substantive changes to the act—so that the subcommittee can begin a series of hearings and construct a new bill that reflects both the wisdom of the past and new lessons learned through our Desert Shield and Desert Storm experiences.

I tip my hat particularly to the chairman of the Banking Committee, Mr. GONZALEZ, for his assistance in getting this bill to the floor quickly; and to Mr. RIDGE, the ranking member of the subcommittee, who has bravely ventured with me into these relatively uncharted waters of subcommittee leadership in good faith and humor; and to my predecessor as Chair of this subcommittee, Ms. OAKAR, who has strongly supported this extension bill and who, I'm sure, will play a key role in the development of the subcommittee's reauthorization bill in the months to come; and to the ranking member of the full Banking Committee, Mr. WYLIE, who introduced the original extension bill in the House, and whose eloquent support of the legislation has greatly aided its quick progression through the Committees.

I would also commend my colleagues on the Judiciary and Energy and Commerce Committee for their great interest in this legislation and their assistance in getting this bill to the floor.

And finally, Mr. Speaker, I want to thank the members of our subcommittee and ranking committee staffs and to note that the administration strongly supports passage of H.R. 991.

Yesterday, we debated a resolution praising the efforts and achievements of our soldiers and sailors in the Persian Gulf. We thanked their families for their sacrifices, as well. Today, we have an opportunity to provide a tangible expression of our gratitude to our troops and their families by supporting this legislation and to ensure that they are reunited at the earliest opportunity.

I ask my colleagues to support this measure today, and I hold back the balance of my time.

Mr. RIDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 991, legislation to extend and amend the Defense Production Act of 1950. In doing so, I would first like to take a moment to congratulate and to thank my distinguished colleague and friend from Delaware, Mr. CARPER, the chairman of the Subcommittee on Economic Stabilization, for the expeditious manner in which he has brought this measure to the floor. Through his leadership he has fostered a spirit of cooperation and consensus that I hope will carry us through the 102d Congress. I would also like to thank Mr. WYLIE, the ranking member of the full committee, for his assistance with this legislation and that of his staff.

My colleagues, the Defense Production Act, first enacted at the time of the Korean war, provides the President with broad authority to shore up industrial mobilization and emergency preparedness planning. The DPA is the primary tool for promoting the development of strategic materials and technologies, for stockpiling key and important goods, and for giving the military first-in-line access to these goods during times of emergency. The DPA is then the essential element in the preservation of this Nation's defense industrial base and national security in times of emergency.

Authority under the DPA expired on October 20, 1990. H.R. 991 is a short-term reauthorization that would extend the act retroactive from October 1990 through September 30 of this year. This legislation enjoys broad bipartisan support, as it was reported out from both the subcommittee and full committee on a unanimous vote.

I would like to point to my colleagues that during the recent conflict in the gulf, the President was forced to operate without the benefit of the DPA for much of the crisis, particularly during the critical and sensitive stages of the war. The President was able to exercise some of his DPA-like authorities through a patchquilt of other laws and Executive orders. This approach proved adequate and fortunately we were able to meet our needs. But I think that many of my colleagues would agree with me when I say that we can also be grateful that the exigencies of war did not require that it be put to a test. We may not be so fortunate the next time.

And while it may be the case that the dire emergency need for DPA has abated with this war's end, it nonetheless remains important that this body restore to the President this authority. No President should be confronted with the crisis we have just experienced without the DPA as a war preparation and management tool.

In addition to extending prior DPA authorities, I would like to outline just a few of the other important changes that H.R. 991 makes to the act. First, the bill would make permanent the so-called Exon-Florio provisions of the Defense Production Act. These provisions grant the President broad authority to protect the national security in foreign takeover situations. Exon-Florio provides the President with the ability to review proposed mergers, acquisitions, and takeovers of domestic firms by foreign companies if they might adversely affect U.S. national security.

H.R. 991 modifies the DPA to make antitrust protection available to participants so as to allow them to assist the Federal Government in carrying out its obligations with respect to petroleum-related international agreements to which the United States is a party. This would allow, for instance, oil companies to advise and assist the Government were the United States called upon to fulfill its oil supply obligations under the United States-Israel Oil Supply Agreement, the North Atlantic Treaty, and other international agreements.

The bill also would clarify that the DPA's contract priority and allocation provisions apply to service contracts as well as to materials and facilities. Indeed, had the need arisen during the Persian Gulf war, the President would have been without authority to utilize our commercial airlift capacity to, for example, airlift personnel and equipment in support of our military operations. We can surely be thankful there was no need.

With that, Mr. Speaker, let me say that I look forward to working with my chairman and in joining with him in completing a longer term reauthorization of the act this year. In that vein, I think it a useful exercise to take a hard look at the act, particularly to see if changes are needed in light of the gulf war. Again, I urge my colleagues to support this legislation.

Mr. CARPER. Mr. Speaker, before I yield time to the gentlewoman from Ohio [Ms. OAKAR], I just want to say again that the gentlewoman from Ohio has chaired this Economic Stabilization Subcommittee for the past 4 years. She has invested a great deal of her own time and that of her staff in the reauthorization of this act. I look forward to working with her in the months ahead as a full partner with the gentleman from Pennsylvania [Mr. RIDGE] and others, as we attempt to craft a long-term resolution for this much-needed legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I would like to express my strong support for H.R. 991, the Defense Production Act Extension and Amendments of 1991, as introduced by the gentleman from Delaware [Mr. CARPER], and urge all Members of the House to do likewise. I commend Representative CARPER, as the new chair of the Subcommittee on Economic Stabilization, and Representative RIDGE, the ranking minority member for the efficiency with which they steered the legislation through the subcommittee and the full committee, and congratulate them on the manner in which they have risen to their new responsibilities in this important matter.

I was pleased to cosponsor the Defense Production Act Extension introduced by Representative CARPER—H.R. 991—which was reported by the subcommittee, as well as the bill introduced by the distinguished ranking minority member of the committee, Mr. WYLIE, which I understand was the administration proposal. I also proposed a simple revival-extension bill on the first day of this Congress—H.R. 380, introduced on January 3, 1991—and advocated expedited action for this legislation in light of the situation in the Persian Gulf at that time.

My position has been, and continues to be, in support of any proposal that can be agreed upon by the House, the Senate, and the administration to revive and extend the Defense Production Act as rapidly as possible. I believe the extension should be of sufficient length so that the new chair and members of the subcommittee and the full Banking Committee can give adequate consideration to the important issues involved in bringing the Defense Production Act into the modern era.

As the Persian Gulf encounter eloquently testified, a nation cannot prepare for a diplomatic confrontation or military conflict when it is in the middle of it. Those preparations must be made many years before. For example, the contract for the design of the Patriot missile was let in 1968, and the production contract was signed in 1978. The first combat test, in 1991, shows how long the lead times are in military industrial base issues, and how patient we must be to preserve our strength as threats, doctrines, and circumstances change.

The Defense Production Act is the key to the long-term industrial preparedness that puts the right weapons into the hands of our troops in the field, and keeps them adequately supplied under difficult circumstances. It is one of the true keys to national strength. Of necessity, it is "a statute for all seasons" and its value is seldom appreciated. I think we should pause and pay tribute to former Members of Congress and officials in the Pentagon whose dedication to defense production matters in less exciting times have made our successes in battle possible.

Then I believe we should act on this extension legislation. We learned last year that, even in peacetime, the authorities of DPA are used an average of once every working day. Secretary of Defense Cheney also informed us that the act was being used to sustain our troops in the field with such items as night vision glasses, chemical protective gear, armored personnel carriers and air defense missiles.

The DPA allows this country to use force when necessary, giving credibility to our diplomacy, and to sustain the use of force when it is necessary, widening the options open to our civilian and military leadership.

LEGISLATIVE HISTORY

For 4 years, the Subcommittee on Economic Stabilization under my chairmanship worked on substantive amendments that would modernize the act. We consulted extensively with an advisory group composed of high former military and civilian executives and industrialists. I was proud of the fact that the resulting bill—H.R. 486—was approved on a bipartisan basis in the full committee by a vote of 39 to 8, and on the floor by a vote of 295 to 119.

In fact, the House voted seven times to approve Defense Production Act legislation in the past Congress—including three extension bills, the House proposal—H.R. 486—the conference report, and two supplemental concurrent resolutions. The House did all it could do to maintain and improve this legislation.

There were some principles and provisions that we thought were extremely important. Our bill proposed that the President be given explicit statutory authority—which does not exist now—to set aside certain items for production in this country, if, in his discretion, weighing all the domestic and foreign policy issues, he feels that such an action is essential to national security.

We also thought it was important to insist that the Defense Department develop a modern information system. Since 1985, the United States has spent $2 million on the information system at the Department of Defense level. That is about what a medium-sized real estate company that sells approximately 30 houses a year in the Washington area would spend on its information system. We did not believe that Congress should permit that kind of nonmanagement, either in wartime or peacetime.

We sought to increase the funding under title III of the act from $50 million to $130 million per year, a much more realistic figure that is in accord with the needs actually envisioned by the Pentagon. We proposed that some of these funds be used to guarantee the purchase or lease of the most advanced manufacturing equipment and techniques by smaller defense contractors, so that the parts and components of our weapons systems would turn out to be world class in terms of quality, price, and delivery schedules.

The House bill suggested an independent commission that would report to Congress on how defense industrial base policy was actually being implemented in the light of the present rapidly changing circumstances, a concept advanced almost 10 years ago.

If the defense budget can be reduced substantially in future years, it will be even more crucial to have adequate and expertly analyzed defense production information.

H.R. 486 also proposed strengthening the energy base of defense production by calling for periodic assessment of the capabilities and prospects for renewable and alternative sources of fuel and energy for these purposes.

There are other provisions in the House bill that we believed merited enactment.

I hope that, once the revival and extension of the Defense Production Act is in place, all of the House and Senate proposals of the last Congress, and this Congress, will receive the consideration they deserve, enroute to enacting a bill that will better protect and preserve our defense industrial base and our national security.

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Mr. RIDGE. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Ohio, Mr. CHALMERS WYLIE, who is the ranking member of the Committee on Banking, Finance and Urban Affairs and an individual who has spent quite a few years working with the Defense Production Act and is very responsible for the drafting of part of this legislation.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding me the time and for his kind remarks. I want to rise to say that I strongly support the passage of H.R. 991, and I too would commend the gentleman from Pennsylvania [Mr. RIDGE], the gentleman from Delaware [Mr. CARPER], the gentlewoman from Ohio [Ms. OAKAR], and Chairman GONZALEZ, all of whom played a significant role in drafting this very necessary piece of legislation and seeing that we are here today.

The bill, as has been said, would reauthorize the Defense Production Act until September 30, 1991.

Simply put, the Defense Production Act gives the President authority to order as a priority defense contracts when needed. Moreover, it gives the President the authority to allocate materials under emergency circumstances, as has been mentioned by my friend, the gentleman from Pennsylvania [Mr. RIDGE]. Authority granted to the President was used and is still being used to procure key items for our troops in the Middle East.

Additionally, the administration had requested that other critical provisions be attached to this reauthorization which we were not able to get agreement on in the last Congress.

First, section 4 of this bill repeals the prohibition against the use of voluntary agreements. A voluntary agreement by American firms allows them to advise the U.S. Government candidly and to assist the Government in carrying out a response to an energy crisis without being subject to the antitrust sanctions. Voluntary agreements are not new. In fact, they were used during the Korean war and in other emergency situations. The need for this provision was never more critical than during the Persian Gulf war.

Second, section 6 of this bill clarifies that service contracts come under the DPA's purview. For example, this would mean that the DPA applies to standby repairs of the strategic petroleum reserve pipeline.

Finally, this bill makes permanent the Exon-Florio provisions of the Defense Production Act, as the gentleman from Delaware [Mr. CARPER] mentioned earlier. These critical provisions allow the President to block foreign takeovers that might threaten national security interests. This authority expired when DPA expired, and I think it is important to make these provisions permanent.

For example, a takeover involving the transfer of nuclear technology could have potentially gone through because DPA had expired. Fortunately for us, the offer to buy the company was withdrawn.

Mr. Speaker, we need a clean DPA bill and we need it promply. Regrettably, in the Senate the DPA has become a vehicle for miscellaneous and unrelated banking and trade provisions that are not must-do.

This bill is not quite as urgent, I would submit, as it was before the end of the hostilities in the Persian Gulf war, thank goodness. But that is not to say that this is not an important bill and will be an aid to our troops whenever and wherever they may be serving.

I would urge my House colleagues not only to support the bill now, but I would urge conferees on this bill to move as quickly as possible and to do so without extraneous amendments.

Mr. Speaker, I want to commend the new subcommittee leadership, ranking member RIDGE, and I want to thank the gentleman from Delaware [Mr. CARPER] for his expeditious cooperation and treatment of this legislation so that we will have an opportunity to vote on it today.

Mr. CARPER. Mr. Speaker, before yielding time, I want to again say how much we appreciate the support and cooperation of the Committee on Energy and Commerce and the Committee on the Judiciary in enabling us to expedite the bringing of this bill to the floor.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois, Mrs. CARDISS COLLINS, who chairs the Subcommittee on Commerce, Consumer Protection, and Competitiveness.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of the bill, H.R. 991. This bill would extend the Defense Production Act, which expired on October 20 of last year.

First, I want to commend the Banking Committee for acting quickly to bring this matter to the floor. The Defense Production Act provides important authorities that are needed to help ensure that our country has a strong, domestic industrial base.

In particular, I want to thank the Banking Committee for adopting an amendment to this bill which would exempt the Exon-Florio provision from the automatic sunset termination provison of the Defense Production Act. The Exon-Florio provision, which was enacted as part of the 1988 Trade Act through the joint efforts of the Commerce, Consumer Protection and Competitiveness Subcommittee I chair and the Banking Committee, gives the President authority to block foreign takeovers of U.S. firms that threaten to impair national security.

Our subcommittee recently held a hearing on how the administration has implemented the Exon-Florio authority, and how national security reviews of foreign takeovers have been handled since last October when Exon-Florio expired along with the rest of the Defense Production Act.

Some of the participants at the hearing criticized the administration for not using Exon-Florio powers more aggressively to block foreign firms from buying up U.S. technology. Others expressed the view that the administration's reluctance to intervene in these transactions is appropriate, and that dependence on foreign firms for critical technology is not necessarily harmful.

But virtually all participants favored exempting Exon-Florio from the sunset termination provisions of the Defense Production Act. No one has taken the position that it is desirable to have the President's only authority, under which he can block foreign takeovers that threaten the national security, periodically expire.

Since the expiration of the Defense Production Act last October, the President has been without authority to block foreign takeovers for national security reasons. Without statutory authority to act, the President's Committee on Foreign Investment in the United States [CFIUS] was forced late last year to consider a proposal of the Japanese firm Fanuc Machine Tool to buy our country's leading state-of-the-art manufacturer of advanced grinding equipment, Moore Special Tool Co.

Moore is the sole U.S.-owned supplier of ultra-high-precision grinding equipment to our nuclear weapons program. High precision grinding is a key factor in our country's ability to manufacture weapons with higher and higher nuclear yields.

Without Moore Special Tool, our country could be forced to rely on foreign firms to supply the equipment needed to make high-yield nuclear weapons. At the subcommittee's recent hearing, the administration confirmed that we already depend on foreign suppliers for about 50 percent of the machine tools and machine tool components at Department of Energy nuclear facilities.

After the subcommittee announced that we would consider the takeover of Moore Special Tool at our recent hearing, Fanuc announced it was withdrawing its offer to buy Moore. As a result, we will never know what the President might have done in this case.

But, this case raises important questions that we must now consider. Is our country willing to be dependent on foreign suppliers for the capability to build nuclear weapons? Should our Government work more closely and more aggressively with companies like Moore that serve important defense purposes to find American solutions to the business problems they face?

If an American solution to problems like Moore's cannot be found, should the President be authorized to require that foreign purchasers provide assurances that firms they buy will continue to supply our defense program and other U.S. customers with important technology and equipment? Does CFIUS interpret national security too narrowly, and exclude the consideration of technology and products that are not of critical and direct importance to the military? Does the Treasury's chairmanship of CFIUS conflict with the Department's primary responsibility for promoting foreign investment, and if so should CFIUS be chaired by Commerce or some other agency?

Mr. Speaker, these are all important issues that our subcommittee will consider this year. I am happy that we have taken the first and most necessary step to improve Exon-Florio by making it a permanent provision of law.

I urge my colleagues to support this bill, and I look forward to addressing in the future other ways to improve the Exon-Florio process.

□ 1330

Mr. RIDGE. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, may I begin by just pointing out one thing with regard to the remarks made by the gentlewoman from Illinois a moment ago. She makes a very important point, and I would hope that the House will focus on that point tomorrow when we bring the appropriation bill to the floor, where actions of the Committee on Appropriations at this time have limited our ability to make plutonium, which means that we will not have the capability of manufacturing nuclear weapons anyhow, because the Committee on Appropriations had decided that there is a cleanup process that is more important than manufacturing plutonium.

I hope the House is going to vote tomorrow with the gentleman from Indiana [Mr. MYERS] when he offers his amendment to try to correct this situation and protect the defense capability of the country.

That was not the main point that I wanted to make.

I have had some discussions with the gentleman from Pennsylvania, and perhaps the chairman has been in on this, too, through the gentleman from Pennsylvania. I was trying to figure out how much money is involved in this particular bill. My understanding is it is $50 million. Is that correct?

Mr. RIDGE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Speaker, I believe that for the past couple of years the amount authorized has been $50 million a year, and the amount appropriated is $50 million a year. It is my understanding that the budget agreement that we adopted at the end of the 101st Congress included that amount, so the authorization within this piece of legislation is within the budget agreement.

Mr. WALKER. Mr. Speaker, I thank the gentleman. Is that the understanding of the gentleman from Delaware?

Mr. CARPER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Delaware.

Mr. CARPER. Mr. Speaker, that is the gentleman's understanding.

Mr. WALKER. Mr. Speaker, so we have a situation where the authorization matches what we have appropriated over the last several years, and there is no increase in the authorization over what has actually been appropriated, so the spending in this case has been kept level, and all of it is within the confines of the budget agreement. Is that the understanding?

Mr. RIDGE. If the gentleman will yield further, that is certainly our understanding.

Mr. WALKER. I thank the gentleman.

I want to congratulate the committee for doing that. That sets an important example for us on the floor.

We could go a long way toward getting our budget in order if we could, in fact, stick with just the spending we have done in years past without expanding it, and so I want to congratulate the two gentlemen for doing that.

It is important to recognize that sometimes as we are spending this money that the American people do not have a perception about the kinds of spending that are involved. $50 million is something which is over the heads of most Americans. They will never see $50 million in their lives, but the fact is, that if you break it down and look at averages alone, for every $1 million the Federal Government spends, it costs each taxpayer 1.1 cents. What we are doing in this particular bill is spending 55 cents of every taxpayer's money in the country; 55 cents is something that most taxpayers might rather use for a candy bar than have Congress spend it, but nevertheless, if we can just hold that spending level, we can get some of our budget problems out of the way, and this particular committee has brought us a bill where they have shown fiscal responsibility.

I want to congratulate them for it and thank them for answering the questions.

Mr. CARPER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, I believe that during this adoption of the Defense Production Act, it is appropriate to discuss the Defense Economic Adjustment Act, H.R. 441.

Originally many provisions of H.R. 441 were included as part of the Defense Production Act extension legislation. Although these provisions are not part of the version of the legislation before us today, they are highly relevant and deserve to be kept alive in concept.

The Defense Production Act is meant to ensure that our industrial base will be able to adjust in times of national crisis to provide the needed raw material and production needed to defend the United States against an outside threat.

Our civilian industrial base and our physical infrastructure which has been left to deteriorate, therefore, must be in a condition to meet demands placed on it in an emergency situation. The Defense Economic Adjustment Act, H.R. 441, would ensure this readiness.

Clearly substantial reductions in defense spending lie ahead and will lead to closure of more military facilities and cancellation and reduction of more defense industry contracts. The Defense Economic Adjustment Act would pave the way for the smooth transition of these affected facilities and industries to necessary civilian industries that will be in prime condition for use in a national emergency.

Mr. Speaker, I will be looking to the distinguished new subcommittee chairman, the gentleman from Delaware [Mr. CARPER], for the opportunity for appropriate consideration of H.R. 441 at hearings that he has indicated today would be held in the near future.

Mr. RIDGE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CARPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before we vote on this measure today, I want to say just one or two more things.

One is to express my gratitude to the new staff of our Economic Stabilization Subcommittee for their help on this legislation and to express my same thanks to the staff members of the full Committee on Banking, Finance and Urban Affairs for their assistance.

I want to note, as it has been noted before, that the administration strongly supports the passage of this legislation.

Finally, I want to say that yesterday we debated on this House floor a resolution praising the efforts and the achievements of our soldiers and sailors in the Persian Gulf. We thanked them for their service and for their bravery. We thank their families for their sacrifices as well. Today we have an opportunity to provide a tangible expression of our gratitude to our troops and to their families by supporting this legislation and by, thus, ensuring that they are reunited at the very earliest possible opportunity.

Mr. GONZALEZ. Mr. Speaker, I rise in support of H.R. 991, and would like to commend my colleague, Mr. CARPER of Delaware, for the work he has done as chairman of the Subcommittee on Economic Stabilization. The Defense Production Act of 1950 expired on October 20, of last year, and so it is imperative that the 102d Congress act expeditiously to reauthorize this important piece of legislation. Mr. CARPER has moved H.R. 6 through the Banking Committee and to the floor of the House expeditiously, and I commend him for a job well done. I yield back the balance of my time.

Mr. CARPER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Delaware [Mr. CARPER] that the House suspend the rules and pass the bill, H.R. 991, as amended.

The question was taken.

Mr. CARPER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 29]

YEAS—416

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—17

Aspin
Boucher
Campbell (CA)
DeLauro
Dingell
Donnelly
Ford (TN)
Gillmor
Horton
Jefferson
Lagomarsino
Levine (CA)
Martinez
Miller (OH)
Sangmeister
Udall
Wilson

☐ 1358

Mr. RAVENEL and Mr. GEKAS changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CARPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed; and I ask unanimous consent to introduce letters from the chairman of the Judiciary Committee in the RECORD for the bill just passed.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the requests of the gentleman from Delaware?

There was no objection.

The letter above referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 6, 1991.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On February 26, 1991, the Committee on Banking, Finance, and Urban Affairs favorably ordered reported H.R. 991, the Defense Production Act Extension and Amendments of 1991. It is my understanding that you are seeking to have this bill considered by the full House today under Suspension of the Rules. I understand the urgency of this action in that the Defense Production Act (DPA) expired on October 20, 1990, without being renewed at the end of the 101st Congress.

H.R. 991 contains a number of provisions that go directly to the Committee on the Judiciary's jurisdiction over the antitrust laws and the nation's competition policies. In Section 4, there is created an affirmative defense to any civil or criminal action brought under the antitrust laws for persons who participate in the formulation or implementation of voluntary agreements or plans of actions. Such defense is available provided that the conduct on which an antitrust claim is based is within the scope of a voluntary agreement or plan of action initiated by the President and is actively supervised by the President or his designee. The key concept in this language is that of "Federal Action"—analogous to the judicially created doctrine of "State Action" in which a private actor is insulated from antitrust exposure provided that a government entity takes responsibility for authorizing and actively supervising the private conduct involved. Further, the term "antitrust laws" in section 7 is defined with reference to the definition appearing in the "Subsection (a) of the first section of the Clayton Act. . . ." Obviously, these provisions have a direct and immediate bearing on the application of the antitrust laws and are therefore within the exclusive subject matter jurisdiction of this Committee.

Because you have accepted the language which the Committee forwarded to you for these provisions, I have no objection to having H.R. 991 proceed directly to the Floor given the exigent circumstances present with respect to passing the lapsed statute. For the record, it is important to note that the defense created for violation of the antitrust laws is available only if and to the extent that the party asserting the defense can show that the requisite elements have been met.

Activities to develop voluntary agreements or plans of action have been excluded from the requirements of the Act only because of the dampening effect that members of private industry might feel in initiating a meeting to discuss options with the President. However, once beyond this most preliminary stage of meeting to initiate a voluntary agreement, the antitrust laws will apply with full force to all other acts or agreements that surround the making and implementation of voluntary agreements and plans of actions unless the requisite elements of the defense are met. Additionally, there is a further safeguard in that the defense is not available if the party against whom the defense is asserted shows that any component of the action was taken for the purpose of violating the antitrust laws.

There is a final provision to be noted. It concerns the treatment of breach of contract actions in either Federal or State courts where the alleged breach was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with the provisions of the Act. Because this provision is preemptive of well-accepted contractual rights of private persons, it is important to underscore that the party asserting the defense will still be under the obligation to mitigate damages to the injured, innocent party "to the greatest extent possible."

I very much appreciate the cooperation shown by your Committee in responding to our concerns regarding H.R. 991. I would request that you have the manager of this legislation include a copy of this letter attached to his Floor remarks on H.R. 991 so as to better illuminate the legislative intent behind the bill.

With warmest wishes, I am

Sincerely,

JACK BROOKS,
Chairman.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 991, DEFENSE PRODUCTION ACT EXTENSION AND AMENDMENTS OF 1991

Mr. CARPER. Mr. Speaker, I ask unanimous consent that the Clerk of the House be authorized to make technical and conforming changes in the preparation of the engrossment of H.R. 991, the Defense Production Act Extension and Amendments of 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

DISAPPROVING ACTION OF D.C. COUNCIL APPROVING SCHEDULE OF HEIGHTS AMENDMENT ACT OF 1990

Mr. DELLUMS. Mr. Speaker, pursuant to the order of the House of Tuesday, March 5, 1991, I call up the joint resolution (H.J. Res. 158) disapproving the action of the D.C. Council in approving the Schedule of Heights Amendment Act of 1990, and ask for its consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 158

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Schedule of Heights Amendment Act of 1990 (D.C. Act 8-329), signed by the Mayor of the District of Columbia on December 27, 1990, and transmitted to Congress pursuant to section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act on January 15, 1991.

☐ 1400

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the order of the House of Tuesday, March 5, 1991, the gentleman from California, [Mr. DELLUMS] will be recognized for 30 minutes and the gentleman from Virginia, [Mr. BLILEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 158 is a joint resolution disapproving the action of the Council of the District of Columbia in approving the Schedule of Heights Amendment Act of 1990—D.C. Act 8-329. This council act amends the schedule of heights to allow a height of 130 feet for a building in the Market Square north development which is being developed under the auspices of the Pennsylvania Avenue Development Corporation [PADC]. The committee has been advised that the maximum height set by the council act would, for the first time, exceed the height of 110 feet established for that location under the 1910 Building Height Act.

The committee has been advised that a violation of the Height Act is a violation of the Home Rule Act since section 602(a)(6) of the Home Rule Act expressly prohibits the council from permitting buildings that exceed the applicable height limitation.

In accordance with the Home Rule Act of 1973, all acts passed by the council and signed by the mayor are transmitted to both Houses of Congress for a 30-day layover. These acts become law provided that a resolution of disapproval is not passed by both the House and Senate and signed by the President.

Mr. Speaker, I might point out that at this point we are dealing with a resolution offered by the distinguished gentleman from Texas [Mr. COMBEST] which precipitates the action before the body this afternoon.

Mr. Speaker, all acts passed by the D.C. Council, signed into law by the Mayor, are then indeed transmitted to both the House and the Senate for what is referred to as the 30-day layover.

These acts become law automatically, provided that a resolution of disapproval is not passed by the House and the Senate and signed by the President.

Mr. Speaker, what precipitates the action before the body at this point is that my distinguished colleague, the gentleman from Texas [Mr. COMBEST] has introduced a resolution of disapproval.

The Congress must act on or before Thursday, tomorrow, in order to accommodate action within the timeframe of that 30-day layover.

Mr. Speaker, I would point out that in the 16 years since an elected mayor and city council took office, only two resolutions of disapproval have been enacted, while over 1,600 local laws have taken effect.

Over these years, the House District of Columbia Committee, upon which I have served now for 20 years, has used three criteria for consideration of disapproval resolutions: Does the District of Columbia Council Act violate the Home Rule Act; second, does the council act violate the U.S. Constitution; and, third, does the council act violate a Federal interest? These three criteria, Mr. Speaker and Members of the House, have stood us well. We have been able to argue against the overwhelming majority, as I said, with the exception of two resolutions of disapproval, because of the very strong sentiment in this body, the very strong sentiment of the District of Columbia Committee and this gentleman's very strong sentiment is to let local issues continue to be local issues.

Mr. Speaker, I find it interesting that on this occasion the committee has been advised by five Federal agencies and many private agencies that they share the view that the legal interpretation of the 1910 Building Height Act upon which the council based its action is incorrect.

A most concise summary, I would point out, Mr. Speaker, of the Federal Government's legal view is found in the September 19, 1990, letter to the committee from the general counsel of the General Accounting Office, the investigative arm of the Congress.

He states, and I quote:

> The D.C. Council is not prohibited from amending the schedule of heights as long as the amendments do not allow any increase beyond the overall height limits set forth by the Building Height Act of 1910, as amended.

Mr. Speaker, the Federal entities who share this legal view include the National Capital Planning Commission, the General Accounting Office, the U.S. Commission on Fine Arts and the Congressional Research Service, American Law Division.

Needless to say, the lawyers for the Pennsylvania Avenue Development Corporation and the D.C. Council accept a different legal view.

Mr. Speaker, I want to make it very clear that the committee action and the vote today is not a rejection of the project or its proposed development. Neither urban design nor land use issues are being considered here today. Only the legal authority of the D.C. Council with regard to the 1910 Height of Buildings Act is being decided.

The merits of the proposed development would be an appropriate discussion for another time if the disapproval motion passes.

At the appropriate place in the RECORD I will offer numerous supporting documents from the Federal agencies and others who have written the committee on this matter.

Mr. Speaker, it is with great regret that I support passage of House Journal Resolution 158. I support home rule. I introduced the first bill to bring statehood to the District of Columbia. I have argued against every single resolution of disapproval that has come to this body, and did so aggressively, assiduously and with total commitment and with total dedication. I have never voted in support of a disapproval resolution before, and I hope that I will never have to again. But I find myself in a position where the criteria that have served us so well, the three I enumerated, that is, does the D.C. Council Act violate the Constitution, violate the Federal interest, or violate home rule charter? Now I find that on two grounds the action taken by the D.C. Council is, violative of the Home Rule Act—and we have legal opinions to support that position—and on that basis also violative of the Federal interest.

So, Mr. Speaker, two of the three committee criteria for consideration of disapproval have been met. We on the House District Committee, it seems to me, must be consistent with our analysis and action. The House must work its own will.

□ 1410

I am, therefore, compelled with respect to my official responsibilities and our analysis to bring this resolution to the floor and to take the position that I have taken.

SMITHSONIAN INSTITUTION,
Washington, DC, March 4, 1991.

Hon. RONALD V. DELLUMS,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in support of H.J. Res. 146 which would disapprove the action of the District of Columbia Council in approving the Schedule of Heights Amendments of 1990. These amendments would permit raising the height limit from 110 and 130 feet for the proposed Market Square North Project on Square 407. The Smithsonian Institution is concerned that such amendments to the Schedule of Heights, which has been respected throughout this century and has made Washington unique, represent a precedent that could initiate a process of erosion and alter dramatically the nature and the image of this city.

For the past twenty-three years the Smithsonian's National Museum of American Art and National Portrait Gallery have occupied the Old Patent Office Building on the double block bounded by 7th and 9th, as well as F and G Streets, N.W. Dating from 1836, it is a National Historic Landmark and one of America's finest examples of Greek Revival architecture. However, it exists today only because it was saved by the Congress in the late 1950's from demolition for a parking garage, and subsequently renovated for public museum use by the Institution.

The Schedule of Heights Act limits to 90 feet the structures along the two blocks of F and G Streets opposite the Patent Office Building. However, developers, who have pledged to seek City Council amendment of that limit, recently filed applications proposing office building projects along G Street (Squares 405 and 429) that would rise to 128 feet, including "penthouses" which are continuations of the facades. These buildings would be almost twice as high as the 70 foot cornice of the Patent Office Building, and would utterly overwhelm it.

We respectfully request that the Committee and, indeed, the Congress, which more than thirty years ago saved the Patent Office Building from demolition, now protect it and other historic Federal structures from being obscured by towering commercial ventures. Approval of H.J. Res. 146 will express the clear determination of the Congress to preserve the heritage of the Nation, as manifested in the architecture of the District of Columbia, for future generations to enjoy.

Sincerely,

CARMEN E. TURNER,
Under Secretary.

U.S. GENERAL ACCOUNTING OFFICE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 19, 1990.

Hon. RONALD V. DELLUMS,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request of September 10, 1990, that we address issues raised by the National Capital Planning Commission (NCPC) concerning the D.C. Council's proposed amendment to the Schedule of Heights of Buildings Adjacent to Public Buildings (Schedule of Heights). The Schedule of Heights Amendments Act of 1990, Bill 8-616, would allow construction of the Market Square North development, a 130-foot-high complex facing the FBI building. The NCPC has questioned whether the D.C. Council has authority to amend the Schedule of Heights, which was developed by District Commissioners under the Building Height Act of 1910, as amended (D.C. Code, section 5-405), in order to limit the height of buildings adjacent to federal buildings. If so, the Commission asks whether maximum height limitations prescribed in the 1910 Act would override amendments to the Schedule of Heights.

We previously answered the same questions raised by NCPC in 1986, with respect to a D.C. Council amendment to the Schedule of Heights permitting construction of the Metropolitan Square project. See Height Limitations: D.C. Government's Authority to Amend Building Height Limitations (GAO/GGD-86-85BR, Sept. 1986), copy enclosed. In that report, we concluded that the D.C. Council is authorized to amend the Schedule as long as the amendments do not allow any height increases beyond the maximum limits set forth in the Building Height Act of 1910. We are not aware of any circumstances that would cause us to change our position on this issue.

The NCPC has also raised policy issues about the role of federal agencies in disputes over building height restrictions. Our report, Height Limitations: Limitations on Building Heights in the District of Columbia (GAO/GGD-86-105BR, July 1986), a copy of which also is enclosed, contains general information that may be relevant to some of those issues.

Sincerely yours,

JAMES F. HINCHMAN,
General Counsel.

U.S. GENERAL ACCOUNTING OFFICE,
GENERAL GOVERNMENT DIVISION,
Washington, DC, September 19, 1986.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: This briefing report responds to your January 22, 1986, letter requesting that we interpret the meaning and objectives of the Home Rule Act relating to the District government's authority to amend building height limitations. Our July 18, 1986, report to you (GAO/GGD-86-105BR) addressed the other issues your letter requested we explore, namely (1) current laws limiting building heights in the Nation's Capital, (2) the administrative apparatus in place to implement building height limitations, and (3) comments from federal and District officials on whether the current laws and regulations satisfactorily protect the federal interest with respect to security and to the architectural and aesthetic character of the Nation's Capital as well as the Federal Enclave.

Attention has been drawn to the building heights issue by the controversy over the construction of the Metropolitan Square Project. This project, as a result of a D.C. Council amendment to the Schedule of Heights of Buildings Adjacent to Public Buildings (the Schedule of Heights), exceeds previously established height limitations for that area.

As noted in our July report, the Building Height Act of 1910 and the Schedule of Heights govern private sector maximum building heights in the District of Columbia. The 1910 act, as amended (D.C. Code, section 5-405), essentially limits the maximum height of commercial buildings to 130 feet and residential structures to 90 feet. The Schedule of Heights, required by the 1910 act, was established by the Board of Commissioners of the District of Columbia and places further limitations on the height of buildings adjacent to federal buildings within the parameters outlined in the 1910 act.

In 1979, the D.C. Council approved, and the Mayor signed, the Schedule of Heights Amendment Act (D.C. Law 3-43) to allow construction of Metropolitan Square, a 130 foot high commercial building (bounded by 15th, 14th, F, and G Streets, N.W.) which overlooks both the Treasury Building and the White House. Before the Council's action, commercial buildings at that location were restricted by the Schedule of Heights to 95 feet. Questions arose over the District's authority, under provisions of the Home Rule Act, to amend the Schedule of Heights.

In our opinion, the D.C. Council was not prohibited by provisions to the Home Rule Act from promulgating the Schedule of Heights Amendment Act of 1979 (D.C. Law 3-43) which allowed construction of the Metropolitan Square Project to a height of 130 feet. Section 602(a)(6) of the Home Rule Act states that the D.C. Council shall have no authority to "enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, section 5-405), and in effect on the date of enactment of this Act." It has been argued that when section 602(a)(6) of the Home Rule Act was written, the drafters believed that all building height limitations in effect in the District were contained in section 5-405 of the D.C. Code and could not be amended by the D.C. Council. We believe this to be unlikely, however, because even a cursory reading of section 5-405 of the D.C. Code suggests that height limitations, such as the Schedule of Heights or zoning regulations, exist elsewhere.

Because the height limitations set out in the Schedule of Heights are not contained in section 5-405 of the D.C. Code, the D.C. Council is not prohibited from amending the Schedule as long as the amendments do not allow any increase beyond the overall height limits set forth by the Building Height Act of 1910, as amended. This position is consistent with that of the District of Columbia Corporation Counsel.

As arranged with your Office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 7 days after its issue date. At that time, we will send copies to other interested parties. Copies will also be available to others upon request.

If there are any questions regarding the contents of this report, please call me on 275-8387.

Sincerely yours,

GENE L. DODARO,
Associate Director.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 4, 1991.

To: Chairman Ronald V. Dellums, House District of Columbia Committee.

From: American Law Division.

Subject: Whether the District of Columbia Act 8-329 is Consistent With the District of Columbia Home Rule Act—Application of the Building Height Limitations Act of 1910 to the Proposed Market Square North Project.

This is to respond to your request to examine the District of Columbia Council Act 8-329[1] ("Act 8-329"), which sets building height limits for certain buildings adjacent to public buildings, and determine if it is consistent with the powers granted to the Council under the District of Columbia Self-Government and Governmental Reorganization Act[2] (the "Home Rule Act"). Specifically, you requested an analysis of the application of the Building Heights Limitations Act of 1910[3] (the "Height Act") to the proposed Market Square North Project, which is located on a block adjacent to the J. Edgar Hoover Federal Bureau of Investigation Building (the "FBI Building") in downtown Washington, D.C.

I. BACKGROUND

Section 5 of the Height Act, which was passed by the Congress in 1910, provides a series of limitations on the height to which buildings in the District of Columbia may be built.[4] Section 401 of the Home Rule Act, in turn, provides that the District of Columbia Council (the "Council") shall have no authority to enact legislation which permits the building of any structure which would violate the height limitations of section 5 of the Height Act (codified at D.C. Code §5-405).

The Market Square North Project, which is being developed under the auspices of the Pennsylvania Avenue Development Corporation, is located in the C-4 zoning district (Central Business District) at square 407, bounded by 9th, D, E, and 8th Streets, N.W.[5] ("Square 407"). The proposed building is expected to rise to the height of 130 feet.[6] It has been asserted that Act 8-329, which amends the "Schedule of Heights" for buildings adjacent to public buildings,[7] will have the effect of allowing the Market Square North Project to be built to the proposed height; otherwise, the proposed building would not be allowed under the Height Act.[8]

II. STATUTORY INTERPRETATION

Section 5 of the Height Act ("Section 5-405") sets forth four different methods for determining the height to which a building may reach: 1) limits based on the width of the street in front of the building,[9] 2) specified height limits based on a building being located a "business street,"[10] 3) specified height limits based on a building being located on a "residential street,"[11] and 4) restrictions contained in a schedule (the "Schedule of Heights") for buildings located adjacent to a public building.[12] Section 5-405 provides that the Council shall have the authority to promulgate the "Schedule of Heights" for the fourth restriction. The other three height restrictions, however, were specifically established by Congress in the Act, and, under the terms of the Home Rule Act, the Council does not have the authority to amend them.[13]

An apparent ambiguity in the statutory language of §5-405 raises the question of whether Congress intended that lots located adjacent to public buildings be subject to all the other restrictions noted above, or whether the restrictions contained in the "Schedule of Heights" should be considered as exceptions to the other height limitations.[14] If all of the restrictions apply, then lower heights provided in the first three sections might restrict the Market Square North Project to a height lower than has been proposed; if the Schedule of Heights is considered to be an exception to these rules, then the proposed project could be built. In passing Act 8-329, the Council appears to have relied upon the latter interpretation. Thus, if the application of §5-405 to the Market Square North Project came before a court, a judge would need to analyze §5-405 to determine which of these interpretations was correct.

The relevant portions of §5-405 read as follows:

> (a) No building shall be erected . . . in the District of Columbia . . . so as to exceed the height . . . the width of the street . . . increased by 20 feet. . . .
>
> (b) No building shall be erected . . . so as to exceed the height of 130 feet on a business street or avenue. . . .
>
> (c) On a residence street . . . no building shall be erected . . . so as to be over 90 feet in height . . . nor shall the . . . roof . . . exceed in height the width of the street . . . upon which it abuts, diminished by 10 feet. . . .
>
> [subsections (d) and (e) omitted]
>
> (f) On blocks adjacent to public buildings . . . the maximum height shall be regulated by [the Schedule of Heights] adopted by the Council of the District of Columbia.
>
> D.C. Code §5-405(a)(b)(c) & (f)(1981).

As noted above, the Market Square North Project would be built on Square 407 in the Central Business District. The widest street

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Footnotes at end of article

abutting Square 407 is ninety feet.[15] As subsection (a) limits building height to the width of the street abutting the building plus twenty feet, it would appear to limit buildings on Square 407 to a height of 110 feet.[16] Thus, if subsection (a) were found by a court to govern Square 407, the proposed 130 foot building would be in violation of this section.[17]

Acting under the authority of a different subsection, subsection (f), the Council has set a height limitation of 130 feet for Square 407. The relevant portions of Act 8-329 read as follows:

> Sec. 2. The Schedule of Heights of Buildings Adjacent to Public Buildings . . . is amended by adding the following paragraph. . . .
>
> On the east side of 9th Street, N.W., between D and E Streets, N.W., adjacent to the Federal Investigation Building, no building shall be erected or altered so as to be higher than 130 feet. . . .

It should be noted that Square 407 has not been previously listed in the Schedule of Heights.[18] Thus, the amendment to the Schedule of Heights does not purport to raise or lower existing height limits on Square 407. Rather, Act 8-329 appears to be the first time that the Council has made any legislative reference to Square 407 in the Schedule of Heights.

Based just on its choice of language, it is not clear whether the Council intended that Act 8-329 supersede the height limitations of subsection (a), or whether the Council simply believed that the height limitations of (a) never applied to Square 407. An examination of the legislative history of Act 8-329, however, confirms the former—that the Council believed that the height limitations of (a) did apply to square 407. Consequently, a court would also be likely to interpret the language of the statute as purporting to supersede the height limitations of subsection (a).[19]

A. Alternative Statutory Constructions of D.C. Code § 5-405 (1981).

One interpretation of the four subsections of §5-405 is that all the height restrictions which are applicable to a particular building should apply, and that the lowest height provided for by any section is the maximum height to which the building should be built. As noted, however, such an argument would conflict with the purported intent of Act 8-329. For Act 8-329 to have its desired effect, it must be established that the listing of a block under the Schedule of Heights will supersede the other height limitations of the Height Act. Thus, it would appear that an argument would need to be made that variations between the language of the subsections would imply that subsection (f) would apply exclusively to blocks around public buildings.

There appear to be only two distinctions between subsection (f) and any of the other subsections. The first is that while subsection (a)(street width) applies as a general rule to all of the District, subsection (f) appears to relate only to a specific area within the District, and thus the height limitations of (f) would arguable supersede those of (a). Subsections (b) and (c), however, also relate to specific areas in the District. Thus, an argument would need to be made that, based on these distinctions, subsections (b)(c) and (f) would each supesede other height limitations in their respective locations.

Secondly, it can be noted that the restrictions set by statute (a), (b) and (c) are set by Congress in a statute, while those is subsection (f) are set by the Council. Thus, an argument might be made that the language stating that the Council "shall" have the authority to make height limitation decisions without explicit restriction implies that the Council is not bound by the height restrictions of subsection (a), (b) or (c). Based on these two arguments, the language of §5-405 is arguably amenable to at least four different interpretations, each of which should be evaluated separately.

Interpretation I: All applicable subsection requirements apply simultaneously.

Interpretation II: Subections (b), (c) and (f), which relate to specific locations supersede other applicable height restrictions in those locations.

Interpretation III: The Schedule of Heights (f), which applies to smaller locations (blocks), is an exception to subsections (b) and (c), which relate to larger designations (streets), and which are in turn exceptions to the general street width designations of subsection (a).

Interpretation IV: Because the Council "shall" regulate buildings adjacent to public buildings under a Schedule of Heights under (f), (f) is an exception to the height restrictions of subsections (a), (b) and (c).

1. Interpretation I

If a court were to accept Interpretation I, then all applicable height restrictions contained in §5-405 would apply simultaneously. Consequently, the lower of the height limitations set under the various subsections would control the height limitations set under the various subsections would control the height of a building on Square 407. Under this interpretation, a court would apply the height limitations of subsection (a)(street width), the height limitations of subsection (b)(business street) and the height limitations of subsection (f)(Schedule of Heights) to Square 407.[20] As the height limitations of subsection (a) on Square 407 is 110 feet, the height limitations of subsection (b) is 130 feet, and the height limitation of subsection (f) is set by Act 8-329 to 130 feet, a court would find under this interpretation that the existing height limitation on Square 407 is 110 feet.

This interpretation is consistent with the plain meaning of the statute; although the statute does not explicitly state that restrictions (a), (b), (c) and (f) should apply simultaneously when applicable, neither does the statute indicate that they should not. Moreover, this interpretation has several arguments in its favor.

First, this interpretation is relatively straight-forward. Secondly, this interpretation is internally consistent, in that like language is given like meaning. Third, Interpretation I is consistent with at least one of the purposes ascribed to the Federal Government in passing the Height Act—to maintain a uniform skyline.[21] Finally, related zoning statutes passed by Congress regarding the District of Columbia appear to favor statutory interpretations which restrict buildings to the lower of competing height restrictions.[22]

2. Interpretation II

Interpretation II reads the statutory language of §5-405 to mean that while (a)(street width) is the general rule for height restrictions, subsections (b), (c) and (f), because they focus on specific types of locations, each control at their respective locations. Although Interpretation II appears on its face to be a reasonable reading of the language of the statute, it becomes immediately apparent that buildings which fall under (f)(adjacent to public buildings) can also fall under (b)(business streets) or (c)(residence street). As this interpretation would offer no priority among the conflicting exceptions to the general rule, it appears that a court would be unlikely to adopt it.

3. Interpretation III

Interpretation III, resolves the problem of Interpretation II by considering subsection (f)(blocks adjacent to public buildings) to be an exception to (b)(business streets) and (c)(residence street), which are in turn exceptions to (a)(general regarding street width).[23] However, this interpretation must also fail, as the buildings which would qualify for an exception under (b) or (c) would appear to consist of all buildings in the District of Columbia, thus making the general rule of (a) superfluous.[24] It would appear unlikely that a court would give a statute an interpretation that would allow the exception to eliminate the general rule.[25]

4. Interpretation IV

For Act 8-329 to have the effect of raising the building height limits on Square 407, a court would have to adopt an interpretation of §5-405 which would be an acceptable alternative to Interpretation I. Further, as established by the analysis of Interpretations II and III, this interpretation would need to explain why (f) operates independent of other height limitations, when similar language in (a), (b) and (c) are meant to operate cumulatively. In addition, this interpretation would need to explain why Square 407 was limited by the height restrictions of the Height Act before the passage of Act 8-329, but not afterwards.[26] Such an interpretation would appear to rely on an argument that because Congress authorized the Council to set height limits under (f), that these height limitations supersede height limitations already set by Congress under the other subsections of §5-405. Thus, Interpretation IV would require a court to accept the following arguments:

Argument 1: that Congress, although it set out four separate height restrictions in four different subsections, actually intended for (b) and (c) to be cumulative with the general rule of (a), while at the same time it intended for (f) to be an exception to (a), (b) and (c).[27]

Argument 2: that Congress, intended for subsections (a), (b) and (c) to apply to buildings located adjacent to public buildings unless the Council decided to regulate a particular block under (f) by adding it to the Schedule of Heights. At such time, the height restrictions of (a), (b) and (c) would no longer apply to that particular block, and the restrictions of the Schedule of Heights would control.

a. Argument 1

For a court to accept this interpretation, it would need to establish that Congress intended (f) to be an exception to other height limitations. This interpretation appears to be based on an argument that the plain meaning of (f), read in isolation from the other subsections, indicates that the Council has been given exclusion power to restrict building height: "[o]n blocks immediately adjacent to public buildings . . . the maximum height *shall* be regulated by a [Schedule of Heights] adopted by the Council (emphasis added)."[28]

A difficulty with this interpretation is that the plain meaning of section (c), if read in isolation from the other subsections, also appears to indicate an exclusive restriction: "[o]n a residence street . . . no building shall be erected . . . so as to be over 90 feet . . . ." Similarly, the plain meaning of subsections

(a) and (b), if read in isolation, also convey an interpretation of exclusivity. However, as noted previously in the discussion of Interpretations II and III, subsections (a), (b) and (c) are unlikely to be construed as exclusive of each other, but rather as cumulative related provisions. Thus, for this interpretation of (f) to withstand scrutiny, some argument would need to be made to distinguish the language of subsection (f) from the language of subsections (b) and (c).

The only argument available to distinguish (f) from the other subsections appears to be the following—subsection (f) should be read to mean that Congressional delegation of authority to a subordinate legislative body would supersede other height restrictions set by Congress in (a), (b) and (c) by implication.[29] There appears to be no legislative history to support this interpretation.[30] Further, it can be argued that the Congress would not rely on implication in granting the Council the power to supersede the restrictions of (a), (b) and (c), as in another subsection of §5-405, subsection (h), the Congress explicitly provided the Mayor the authority to grant exceptions to the other height limits of the section on a case-by-case basis.[31]

A rule that standards promulgated by a legislature under a statute should override standards specifically set by the same statute does not appear to have a compelling logic, and, at least in cases where this would defeat the purposes of a statute, it would seem counter-intuitive. This rule would appear to assume that Congress is more likely than not to delegate an exclusive authority to a subordinate body, rather than a limited authority.

This interpretation would appear to allow the D.C legislature to defeat a major purpose of the Height Act. As there are many blocks in the District of Columbia which face on public buildings, the Council would appear to have the authority to allow buildings to be built in those areas which exceeded all of the height limits, and would thus significantly alter the skyline.[32] Finally, it would appear to be inconsistent with the rules of statutory construction set forth in related federal law.[33]

b. Argument 2

This argument requires that subsection (f) be read to mean that the height restrictions of (a), (b) and (c) apply conditionally until such time as the Council decides to regulate under (f).[34] However, neither subsection (f) nor the other subsections contain any language which would indicate that the height restrictions of (a), (b) and (c) apply conditionally, so that they are only effective if the Council has not yet regulated an area under the Schedule of Heights. If the statutory language of (f) indicated that the Council "may" regulate building heights, this would indicate some element of conditionality. By stating that the Council "shall" set such heights, the Congress made such an interpretation less likely.

B. Evaluation of Alternative Interpretations of §5-405

A court must generally give statutory language its plain and ordinary meaning.[35] An interpretation of a statute which is not consistent with the overall structure of a statute is unlikely to be adopted by a court, especially if an alternative interpretation shows no such conflicts. Consequently, a court would be inclined to favor statutory interpretations which are consistent with the overall structure of the legislation.

Interpretation I appears to represent the only interpretation which is consistent with all of the language and structure of Section 5-405. Interpretations II and III, while offering a modicum of structural support, are ultimately flawed. Interpretation IV, which would offer some statutory basis for Act 8-329, appears to rely on a questionable theory of statutory construction. Further, this interpretation would appear to allow the council to defeat a major purpose of the Act, as there is no clear limitation on its authority to raise height limits on blocks surrounding public buildings.

In addition, Interpretation IV requires that a court find a dual meaning in subsection (f), although there is no direct statutory language to this effect: (1) if the Council does not set height restrictions under the Schedule of Heights, then the authority to control heights of buildings adjacent to public buildings is contained in subsections (a), (b) and (c), but (2) when the Council amends the Schedule of Heights to include a particular block adjacent to a public building, then it has exclusive authority to regulate that block, and its authority supersedes (a), (b) and (c).

Recognizing the ambiguity and the lack of clarifying legislative history, a court would be more likely than not to adopt Interpretation I, and would hold that all applicable height restriction of the Height Act apply to all buildings adjacent to public buildings. Consequently, a court would find under this interpretation that a building on Square 407 would be limited to a height of 110 feet.

III. ACT 8-329 AND THE HOME RULE ACT

The question arises as to whether Act 8-329 violates the provision of the Home Rule Act which limits the authority of the Council to permit the building of any structure in violation of the Height Act.[36] If a court were to adopt the interpretation that changing the Schedule of Heights does not diminish the applicability of the other height limitations of the Height Act to Square 407, then the act would appear to violate the Home Rule Act.

As the District Corporation Counsel has primary responsibility to enforce the Height Act,[37] the passage of this Act may impede the Corporation Counsel from challenging the Market Square North Project in court. For instance, a court might question whether the District of Columbia can attempt to refute its own legislature's interpretation of a statute. Other litigants not connected with the District could theoretically bring their own action to challenge this action;[38] however, there is no assurance this would happen.

Of larger concern to the federal government may be the possible harm to the federal interest. The FBI has indicated that it regards a 130 foot building adjacent to the FBI Building as raising security concerns.[39] Beyond this, the reduction of light and air to the FBI building would appear to represent an independent concern for the federal government. Finally, the federal government could anticipate that other projects exceeding the Height Act limitations would be encouraged by this bill.

If, despite the possible flaws in Act 8-329, a building is ultimately erected in Square 407, the United States may find it necessary to sue to enforce the interests cited above.[40] If such a suit was brought, it could potentially require the Federal Government to expend significant funds to pursue the litigation. On the other hand, if the building was not challenged, it could arguably set a precedent supporting the Council's interpretation of §5-405. If this occurred, it would appear to effectively exempt all existing blocks surrounding public buildings from most height limitations.

KENNETH R. THOMAS,
Legislative Attorney.

FOOTNOTES

[1] The Schedule of Heights Amendment Act of 1990, *as reproduced in* Report to the Council of the District of Columbia, *Bill 8-616, Schedule of Heights Amendment Act of 1990* (November 27, 1990) (hereinafter Council Report.)

[2] P.L. 93-198; 87 Stat. 774 (1973).

[3] Act to Regulate the Height of Buildings in the District of Columbia, ch. 263, 36 Stat. 452 (1910) (as amended) *codified at* D.C. Code §§5-401 to 409.

[4] D.C. Code §5-405 (1981).

[5] Council Report, *supra* note 1, at 3-4.

[6] *See* Agreement between Square 407 Limited Partnership and the District of Columbia (June 30, 1991) *reprinted in* Council Report, *supra* note 1 (unnumbered attachment).

[7] The "Schedule of Heights of Buildings Adjacent to Public Buildings" was adopted by the Commissioners of the District of Columbia in conformity with its authority under the Height Act to set the maximum heights for buildings adjacent to Public Buildings. D.C. Mun. Reg. tit. 11, App. G (1987) *reprinted in* Council Report, *supra* note 1 (unnumbered attachement); *see* D.C. Code §5-405(f)(1981).

[8] *See* Council Report, *supra* note 1, at 4 (". . . the height permitted under matter-of-right zoning on the square cannot exceed 110 feet without an amendment to the Schedule of Heights").

[9] D.C. Code §5-405(a)(1981).

[10] D.C. Code §5-405(b)(1981).

[11] D.C. Code §5-405(c)(1981).

[12] D.C. Code §5-405(f)(1981).

[13] D.C. Code §1-233(a)(6)(1981).

[14] The legislative history of the Height Act does not appear to directly address the issue of whether the "Schedule of Heights" was intended to be the exclusive method by which the height of buildings adjacent to public buildings was to be regulated. *See* Letter from Richard P. Stewart, Assistant Attorney General, U.S. Department of Justice, to Linda Dodd-Major, General Counsel, National Capital Planning Commission, at 10-12 (November 6, 1990); *See* W. Quin, C. Murphy, N. Glasgow, Whether the authority delegated by Congress to the City Council to regulate the maximum height of buildings on blocks adjacent to public buildings is circumscribed by other provisions of the Height Act of 1910 (January 22, 1991) (memorandum of law prepared by Wilkes, Artis, Hedrick & Lane, Chartered).

[15] The proposed buildings is located at Ninth Street, D Street, and E Street, which are respectively 85, 70, and 90 feet wide. Draft Testimony to Council of the District of Columbia at 2 (Statement of Linda Dodd-Major, General Counsel of the National Capital Planning Commission) *reprinted in* Council Report, *supra* note 1 (unnumbered attachment.).

[16] D.C. Code §5-405(d)(1981) provides that the height of the building on a corner lot is to be determined by the width of the wider street, which here is ninety feet. Consequently, D.C. Code §5-405(a) provides that the height of the building may be the width of the street, here ninety feet, plus twenty, to equal one hundred and ten feet. Thus, if the proposed building were to rise to one hundred and thirty feet, this would exceed the building height restrictions of D.C. Code §5-405(a) by twenty feet.

[17] *See supra* note 8.

[18] *See* Schedule of Heights, *supra* note 7; Council Report, *supra* note 1, at 3 ("The FBI building was not completed until 1975 and has not been listed to date on the Schedule of Heights").

[19] Another related question, however, is whether Act 8-329 has effectively overruled existing zoning regulations. The Square in question is located in the C-4 zoning restrictions district, and the applicable regulations would limit the building to 110 feet. D.C. Mun. Reg. tit. 11, §770.1 (1987). For Square 407 to be developed to 130 feet, the District of Columbia must amend its zoning regulations to allow Square 407 to be developed over 110 feet. *See* D.C. Code §5-428 (1981) (providing that where zoning regulations and statutes conflict, the authority which requires a lower height of buildings will apply). As Act 8-329 does not purport to amend the C-4 zoning regulations, and the regulations do not appear to have been otherwise amended, *see* 37 D.C. Reg. 7686 (Dec. 7, 1990) (amendments to D.C. Zoning Regulations as of November 30, 1990), §5-428 would arguably compel a court to impose the lower limit of 110 feet to Square 407.

[20] Lot 407 is 1) in the District of Columbia 2) on a business street, *see infra* note 24, and 3) next to a public building. Thus under this interpretation, Lot 407 would be subject to the street width limitations of subsection (a), to the height limitations of subsection (b), and any height limitations in the Schedule of Heights promulgated under (f).

[21] *See* Draft Testimony, *supra* note 15, at 1 (supplemental memorandum); W. Quin, C. Murphy, N. Glasgow, Authority of the City Council under Schedule of Heights Authority Provided in the 1910 Height Act, at 3–4 (Sept. 12, 1990) (memorandum of law) *reprinted in* Council Report, *supra* note 1 (unnumbered attachment). A uniform skyline would be maintained under this interpretation of the statute, as there would be no exceptions to the general guideline that the height of a building should not exceed the width of an abutting street plus twenty feet.

[22] Act of June 20, 1938, 52 Stat. 801, ch. 534 §12 *codified* at D.C. Code §5–428 (1981). This section provides instructions for how zoning regulations are to be reconciled with other laws in the District of Columbia, and specifically addresses what happens when zoning laws and other statutes or regulations conflict. This section provides that in the event that the zoning regulations and other statutes allow differing maximum heights, that the law providing for the lower height will prevail.

[23] This interpretation has some statutory support as subsection (a) refers to all of the District, (b) and (c) relate to specific types of "streets" within the District, and (f) relates to specific "blocks," which would presumably by block-long segments of "streets."

[24] According to the District of Columbia Zoning Regulations, "business streets," for the purpose of the Height Act, includes those streets which are located in Special Purpose, Waterfront, Mixed Use, Commercial, or Industrial Districts. D.C. Mun. Reg. tit. 11, §§2510.1 & 2511.1 (1987). Although the zoning regulations do not appear to define "residence streets", the only remaining districts which are not defined as "business streets" are Residence, Hotel Residential, and the Capitol Interest District. Arguably, streets located in the Residence and Hotel Residential Districts are subject to the "residence street" restrictions, the Capitol Interest District, on the other hand, appears to overlay other types of district without affecting their regulation, D.C. Mun. Reg. tit. 11, §1200.8 (1987), so the designation already applicable to streets within these districts would be unchanged.

Although these D.C. zoning regulations are derived from a law passed eighteen years after the 1910 Height Act was enacted, Zoning Act of June 20, 1938, 52 Stat. 797, they would appear to be persuasive evidence as to how a court would interpret the phrases "business street" and "residence street". Thus, there appear to be only two types of streets with buildings on them in the District—"business streets" or "residence streets".

If this last statement is true, then a building which is covered under (a) is also by necessity on a "business street" or "residence" street, and thus is subject to either subsections (b) or (c). Under Interpretation III, where (b) and (c) are exceptions to subsection (a), no buildings in the District of Columbia would be covered by restrictions of (a).

[25] An elemental rule of statutory interpretation is that a statute should not be interpreted so as to render one part inoperative. *Mountain States Telephone & Telegraph v. Pueblo of Santa Ana*, 472 U.S. 244, 248 (1985).

[26] *See supra* note 8 and accompanying text.

[27] As there appears to be no language in (f) which specifically makes it an exception to one of the other sections, and as there appears to be no language in (a), (b) or (c) which would make them more susceptible to exception than one another, then any argument that (f) is an exception to one provision would appear to apply to three. Of course, for purposes of Square 407, it would only be necessary that an argument be made that (f) is an exception to the street width requirements of (a). See *supra* note 20 and accompanying text.

[28] See W. Quin, C. Murphy, and N. Glasgow, *supra* note 14, at 9–10.

[29] It is difficult to formulate a general rule of statutory construction to explain why the interpretation to be given to the plain meaning of (f) should differ from that given to the other subsections. The reasoning would need to establish that generally, if statutory height restrictions are to be set by a legislature, such as in (f), these height restrictions should be interpreted as overriding standards set directly by earlier statute, such as (a), (b) and (c).

[30] *See* W. Quin, C. Murphy, and N. Glasgow, *supra* note 14, at 7–10.

[31] *See* D.C. Code §5–405(h)(1981). (Mayor may grant exceptions for towers, domes, and other non-inhabitable structures).

[32] There is no language in subsection (f) or anywhere else on the face of the statute which would indicate a limit on how the Council might exercise its authority regarding the height limits of buildings adjacent to public buildings. Arguments have been made that if the D.C. Council does have the power to vary the Schedule of Heights above the limits set forth in subsections (a), (b) and (c), that previous administrative interpretations of the law would prevent them from doing such in a way to significantly alter the skyline. *See* W. Quin, C. Murphy, and N. Glasgow, *supra* note 21, at 3–4. Although previous interpretations of the Height Act by the District of Columbia would appear to be accorded weight by the courts, *Techworld Development v. D.C. Preservation League*, 648 F. Supp. 106, 120 (D.D.C. 1986), there is no evidence that the District has formulated a consistent administrative practice regarding how the Schedule of Heights is to limit building heights which exceed existing Height Act limits. *See* 648 F. Supp at 121–122.

[33] See *supra* note 22.

[34] *See supra* note 8 and accompanying text.

[35] *National Insulation Transportation Committee v. I.C.C., 683* F.2d 533, 537 (D.C. Cir. 1982).

[36] D.C. Code §1–233(a)(1981). The relevant portions of this section reads as follows:

(a) The Council shall have no authority to . . .

(6) Enact any act, resolution or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in §5–405, and in effect on December 24, 1973. (D.C. Code §1–233(a)(6)(1981).)

[37] The Corporation of the District of Columbia may seek an injunction to force compliance with the Height Act, or he may seek to have the owner or person in charge of maintaining the building fined up to $100 per day until the building is in compliance. D.C. Code §5–408 (1981).

[38] It should be noted that there is no general right for a private citizen to bring suit to enforce the requirements of the Height Act. *Techworld Development v. D.C. Preservation League*, 648 F. Supp. 106, 120 (D.D.C. 1986). However, adjacent property owners to a building in violation of the Height Act who are damaged thereby may sue to enforce the height Act. *Id.* at 120–21; D.C. Code §5–418 & §5–426.

[39] *See* Draft testimony, *supra* note 15, at 3–4.

[40] As the FBI building is adjacent to the proposed Market Square North, *see* Report of the Council of the District of Columbia Council, *supra* note 1, at 3, the United States would appear to have the authority to sue to challenge the proposed project. *See supra* note 38.

THE COMMISSION OF FINE ARTS,
Washington, DC, March 1, 1991.

Hon. RONALD V. DELLUMS,
U.S. House of Representatives,
Washington, DC.

DEAR MR. DELLUMS: I enclose a copy of our letter to the D.C. Council opposing the amendment to the schedule of building heights.

Since taking this action at its meeting on 19 September 1990, I've had a number of discussions on this topic with various members of the Commission, and if anything, they are more strongly opposed to this amendment than they were before.

We are encouraged by what appears to be a growing opposition on many fronts. Let us know if we can be of any further assistance.

Sincerely,

CHARLES H. ATHERTON,
Secretary.

THE COMMISSION OF FINE ARTS,
Washington, DC, October 10, 1990.

Mr. DAVID A. CLARKE,
Chairman, Council of the District of Columbia, District Building, Room 103, Washington, DC.

DEAR CHAIRMAN CLARKE: The Commission appreciates the opportunity you extended to comment on pending legislation which would add a provision to the Schedule of Heights raising the building height in the square just east of the FBI Building between D and E Streets, N.W.,

While the Commission has not reviewed the proposed project, this is not so much an issue of urban design at this point as it is a concern for precedent, i.e. it would for the first time allow a height in the Schedule of Heights in excess of that established under the basic 1910 Height of Buildings Act. As you know, the width of the principal abutting street is the basis for establishing the height of buildings city-wide. To breach this long-standing principle would be a serious mistake, in the Commission's opinion.

Second, were such a variance to become standard practice by the District, the whole reason for establishing this special height schedule for areas adjoining landmark federal buildings could be rendered pointless. Every item on the Schedule establishes a height less than that which would be permitted based on the width of the abutting street. The purpose is to protect the views of prominent federal buildings.

The features of this city which make it especially appealing and set it apart from other cities world-wide are not only aesthetic in nature but are also fundamental to the long-term health of our local economy. As these special qualities are eroded away, there could follow a weakening of the market for living and doing business in downtown Washington.

This proposal clearly is not about protecting the views of the FBI Building. At the same time it will inevitably weaken the underpinnings of what has led the capital to become such a special place over a long period of growth.

For these reasons the Commission is opposed to the enactment of Bill 8–616.

Sincerely,

J. CARTER BROWN,
Chairman.

Mr. DELLUMS. Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Speaker, we are considering legislation today to disapprove the action of the D.C. Council in approving the Schedule of Heights Amendment Act of 1990. I introduced House Joint Resolution 158 in that the D.C. Council's action is a clear violation of the Home Rule Act and sets a dangerous precedent for similar actions in the future.

On December 27, 1990, the council passed an amendment to the Building Height Act of 1910 to permit the construction of a multibuilding project. This project, which is adjacent to the Federal Bureau of Investigation headquarters, is far in excess of the height limits as specified in the act.

It is not coincidental that the inspiring monuments and historical landmarks located in the Nation's Capital are not overshadowed by surrounding structures. The 1910 act sprang from early congressional efforts to provide for the lasting beauty and prominence of our historical areas. By establishing maximum and minimum heights and set backs for buildings, the Congress prevented the intrusion of building projects and out-of-control city growth.

The 1910 act continues to govern the height of buildings in the District today. It is important to mention that besides setting clear height limits, the act embodies the congressional intent that the law could be enforced but not changed by an entity other than Congress. Further, the Home Rule Act imposes limitations on the District government. Section 602(a)(6) of the Home Rule Act states that the Council shall have no authority to:

> Enact any act, resolution, or rule which permits the building or any structure within the District of Columbia in excess of the height limitations contained in section 5-405 (section 5 the Height Act), and in effect on December 24, 1973 (the date of enactment of the Home Rule Act).

Clearly, the council's passage, and then-Mayor Marion Barry's approval, of D.C. Act 8-329 would permit the construction of a building in excess of the height limitations contained in section 5-405. The council's action is a direct violation of the Home Rule Act and must be overturned. As Members of Congress, we have a responsibility and the authority to intervene and rectify this wrong to protect the national interest.

The Justice Department and the National Capital Planning Commission are also opposed to the council's action in approving the Schedule of Heights Amendment Act of 1990. The Justice Department has indicated that if the act is not struck down in Congress that they will file suit to resolve the matter.

I certainly understand the need for the District of Columbia to generate additional revenue and to find increased housing for the city's residents. However, these goals must not be acquired through unlawful acts and direct violations of the Home Rule Act.

Mr. Speaker, I am afraid that failure to disapprove the council's action in this regard would set a dangerous precedent for uncontrolled city growth and open the floodgates to similar moves by the council in the future.

I urge my colleagues to join me in support of House Joint Resolution 158.

SMITHSONIAN INSTITUTION,
Washington, DC, March 4, 1991.

Hon. LARRY COMBEST,
U.S. House of Representatives,
Washington, DC.

DEAR MR. COMBEST: I am writing in support of H.J. Res. 146 which would disapprove the action of the District of Columbia Council in approving the Schedule of Heights Amendments of 1990. These amendments would permit raising the height limit from 110 to 130 feet for the proposed Market Square North Project on Square 407. The Smithsonian Institution is concerned that such amendments to the Schedule of Heights, which has been respected throughout this century and has made Washington unique, represent a precedent that could initiate a process of erosion and alter dramatically the nature and the image of this city.

For the past twenty-three years the Smithsonian's National Museum of American Art and National Portrait Gallery have occupied the Old Patent Office Building on the double block bounded by 7th and 9th, as well as F and G Streets, N.W. Dating from 1836, it is a National Historic Landmark and one of America's finest examples of Greek Revival architecture. However, it exists today only because it was saved by the Congress in the late 1950's from demolition for a parking garage, and subsequently renovated for public museum use by the Institution.

The Schedule of Heights Act limits to 90 feet the structures along the two blocks of F and G Streets opposite the Patent Office Building. However, developers, who have pledged to seek City Council amendment of that limit, recently filed applications proposing office building projects along G Street (Squares 405 and 429) that would rise to 128 feet, including "penthouses" which are continuations of the facades. These buildings would be almost twice as high as the 70 foot cornice of the Patent Office Building, and would utterly overwhelm it.

We respectfully request that the Committee on the District of Columbia and, indeed, the Congress, which more than thirty years ago saved the Patent Office Building from demolition, now protect it and other historic Federal structures from being obscured by towering commercial ventures. Approval of H.J. Res. 146 will express the clear determination of the Congress to preserve the heritage of the Nation, as manifested in the architecture of the District of Columbia, for future generations to enjoy.

Sincerely,

CARMEN E. TURNER,
Under Secretary.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
Washington, DC, February 28, 1991.

Re Market Square North Project, Washington, DC

Hon. RONALD V. DELLUMS,
U.S. House of Representatives,
Washington, DC.

DEAR MR. DELLUMS: On behalf of the National Trust for Historic Preservation in the United States ("National Trust"), I am writing to urge you to support the resolution (introduced on February 25, 1991) to veto the D.C. Council Act permitting the Market Square North project to exceed the height limitation imposed by federal law for commercial and residential buildings in the District of Columbia.

The National Trust was chartered by Congress in 1949 to promote the historic preservation policy of the United States, and to protect and defend America's historic resources. Today, the National Trust has nearly 235,000 members around the country, including 6,000 members in the District of Columbia. The National Trust has a strong interest in protecting important features of the Nation's Capital, which include a sense of scale and proportion that preserves the inspirational vistas provided by our historic national monuments and landmark federal buildings.

The Market Square North project is a mixed use residential, office, and retail development that is to be located at Ninth Street between D and E Streets, immediately abutting the FBI building. As a result of D.C. Council Act 8-329, which was passed in December, 1990, the Market Square North project is authorized to be constructed at 130 feet, exceeding by twenty feet the height limit prescribed by the Building and Height Limitation Act of 1910, ch. 263, 36 Stat. 452 (1910).

In the National Trust's view, the Council's action in attempting to circumvent the congressional-mandated building height limitation raises serious legal questions. Moreover, as Commission on Fine Arts Chairman J. Carter Brown pointed out in his October 10, 1990, letter to the D.C. Council, this action also sets a particularly dangerous precedent as it would be the first time in which a nonfederal building is allowed to exceed the limitation contained in the 1910 Height Act. The federally-prescribed height limitations, which have existed in some form since the founding of the Nation's Capital itself, embody the important federal interest of enhancing the architectural character of the capital city, its important public buildings, and historic monuments. The height limitation for the Nation's Capital is one of the important aesthetic features that distinguishes the City of Washington from other major cities and should be vigorously protected.

While we respect the District of Columbia's right to self-government on matters of purely local concern, we believe that it is appropriate for Congress to exercise its reserved oversight authority pursuant to the D.C. Home Rule Act when the District acts on matters affecting a federal interest, as this clearly does. For that reason, we urge the House District of Columbia Committee to act swiftly on the resolution vetoing D.C. Act 8-329. Please feel free to call me or Andrea Ferster, who is an attorney on my staff, at (202) 673-4035, if you have any questions.

Very truly yours,

J. JACKSON WALTER,
President.

THE BLAGDEN ALLEY ASSOCIATION,
Washington, DC, February 28, 1991.

Hon. LARRY COMBEST,
Longworth House Office Building,
Washington, DC.

DEAR MR. COMBEST: Our community association supports House Joint Resolution 146 to disapprove the District of Columbia Council's approval of the Schedule of Heights Amendment Act of 1990. We firmly believe that no precedent should be set that would encourage other developers to seek similar exceptions, because we firmly believe that adherence to the Building Height Limitations Act of 1910 has given this city much of the charm and grandeur that it has today.

We would further encourage legislation to clarify that the District of Columbia government is not authorized to grant exceptions to the Schedule of Heights for new construction next to federal buildings. However, we believe that such prospective legislation should be in addition to Resolution 146. There is no reason to let one exception through. Our organization has spent considerable effort in preparing testimony for the District of Columbia Zoning Commission in support of the Comprehensive Plan for the National Capital, which is under constant attack from developers.

The Blagden Alley Association is an aggressive community organization just to the north of the Convention Center and Massachusetts Avenue, N.W. We work actively with the Municipal Police Department to rid our community of drug and prostitution activity; we have done extensive historical survey work and the Blagden Alley and Naylor Court Historic District has been listed in the National Register of Historic Places; and we constantly strive to see that long range planning for our nation's Capital is honored by the local government.

Sincerely,

PAUL AEBERSOLD.

MIDWAY CIVIC ASSOCIATION,
Washington, DC, February 26, 1991.

Re H.J. Res. 146.

Chairman RONALD DELLUMS,
House District of Columbia Committee, Longworth Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Midway Civic Association has a long-standing resolution, affirmed many times by our membership, to support the strict enforcement of the 1910 Heights Restriction Act and, conversely, to oppose any breaking of said Act. We further request that our position in this matter be made part of the mark-up hearing to be held very soon on H.J. Res. 146.

We are extremely pleased to see Congress do the right thing by introducing a resolution of disapproval of the height limit exception granted by the D.C. Council in the instance of the market Square North project. Not only was this action by the City Council improper in this particular instance, but it would open the floodgates to every developer demanding that the height limit be broken for every building downtown. This in turn would necessitate the citizens active in planning, zoning and historic preservation being forced to spend thousands of hours and untold monies (mostly out of our individual pockets) having to oppose such requests for breaking said heights limit. Indeed, waiting in the wings is another proposed heights limit exception at 8th and G Streets, N.W.

We the citizens have suffered considerable duress fighting such hostile actions by the development community during the Barry administration. We wholeheartedly applaud Congress taking an active role in helping us maintain D.C.'s architectural integrity and the quality of life proffered by a moderate-scale building environment.

In closing, we take the liberty of urging you to vote in support of H.J. Res. 146, and we remain

Very truly yours,

MARIE GROSDIDIER DE MATONS,
Acting Secretary.

Mr. DELLUMS. Mr. Speaker, I yield such time as she may consume to the distinguished Delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I appreciate the gentleman from California [Mr. DELLUMS], who has yielded me this time, and I want to say also that I appreciate the record of the gentleman from California on issues of home rule. It has been a record that has been principled, sensitive, consistent, and always deferential to the residents of the District of Columbia and to the congressional Delegate.

Mr. Speaker, I regret that a matter left over from a prior administration has required a disapproval resolution and want to reassure this body concerning what can now be expected from the District government.

Although the District has enacted thousands of laws, only twice before has Congress disapproved one of those laws. This fine record is an indication of the seriousness and good faith with which the District's mayors and city councils historically have exercised the responsibility of home rule; and this record is surely a tribute to the respect that the Congress has shown for the operation of democracy in the Capital City.

I have had some difficulty piecing together how this legislation got through the council because there has been a complete turnover at the top of the D.C. government. We have a new mayor, Sharon Pratt Dixon, and a new city council president, John Wilson, and of course, as the congressional Delegate, I am new to the Congress. Nor do I believe that the officials responsible for this legislation were acting in bad faith or knowingly in violation of the Federal law.

Mr. Speaker, the request for this legislation was supported strongly by the Pennsylvania Avenue Development Corporation, an agency created by the Congress, which has done an excellent job in redeveloping Pennsylvania Avenue in accordance with congressional standards. PADC believes that the law can be read to allow the proposed construction, and the city council had similar advice.

Moreover, the proposed construction is lower than the height of the nearest Federal building, the FBI building, and the proposed height was apparently more congruent with the site and the height of other buildings than a lower building would have been.

Although lawyers might reasonably argue the point, the weight of legal opinion is that the height of a proposed building cannot be altered in the way the council legislation has allowed. While disapproval became the only realistic option, as a practical matter in this case, all would agree that disapproval resolutions are the least desirable and least contructive way to attend to matters such as this.

Therefore, Mr. Speaker, I have recommended to the chair of the city council and the mayor of the District of Columbia that the District itself enact legislation clarifying the height limits in keeping with today's disapproval resolution, and the chair of the council has been responsive to this suggestion. I believe that the council itself will take the requisite action for the future.

My recommendation to the city is based on three important principles of home rule. First, home rule involves not only freedom from congressional control but also responsibility for upholding the requirements of local and Federal law. I know for a fact that this is the philosophy of our city council and of our mayor. Thus, if the council believes that local and Federal law lack the necessary clarity, one way to avoid this problem in the future is for the council itself to seek its own self-corrective, a change in District law to be operative in the future that would accomplish the purposes inherent in the resolution before us.

Second, District officials have no intention of intruding on the unique capital skyline that we love and that is the hallmark of our city. We are bound by more than Federal law. We live here. Encroachment on the skyline—and I remind my colleagues that the proposed building was lower than the FBI building—such encroachment is for us defilement of our hometown.

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The skyline is more than the Federal interest; it is profoundly a local love. We intend to see to it that whether from far Southeast or upper Northwest, the wonderful skyline of this city unfolds unobstructed for all who make their home here.

Third, the District is fully aware that restrictions on its development are compensated partially by the Federal payment. Most cities have made up for limited land space by building skyward. We do not seek that freedom because such construction would overwhelm the Nation's great treasure, its national monuments and buildings, and deprive our city of its unique beauty. If today's disapproval resolution has any benefit, it may well be to drive home to the Congress the sacrifices that the residents of its host city gladly take on as the seat of the Capital and the compensation in the Federal payment that has been promised us in return.

The District seeks to govern itself as wholly and completely as the cities and States from which Members come. What we do not seek are rights that are properly left to the Congress. We do not have all the rights and responsibilities we seek and deserve, including control over that part of the budget raised from our own funds—which is most of it; control over our criminal justice system; representation in the House and Senate; and ultimately statehood. These are the areas in which we seek independence, not in regulating the vistas of the Capital City skyline.

Finally, I would like to personally thank the Members of the House and Senate of both parties—and they are many—who have called my office to seek my advice on how to vote on this disapproval resolution. Many others have called the gentleman from California [Mr. DELLUMS], the chair of the Committee on the District of Columbia. These calls show extraordinary sensitivity to the seriousness of a disapproval resolution, great reluctance to disapprove a law passed by the local body, and a great respect for home rule.

I know that I speak for Mayor Dixon, Chairman Wilson, and the residents of the city when I express my appreciation for the comity and deference that have been shown to the city and to me personally. Washington, DC, is not only a local democracy; it is part of our national democracy. Like other cities in our country, the District must govern itself free from congressional oversight, no matter how benign, on most matters.

During my term in the House, Members will find me highly protective of the rights and responsibilities of home rule. This is my mandate from the people of the District, and it is one reason that I have recommended that the city council take the initiative to clarify the question of the heights of buildings in accordance with congressional standards. Hometown Washington is, I believe, more than ready to accept this and other challenges of self-government.

Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. BLILEY. Mr. Speaker, I fully support House Joint Resolution 158 which my colleague, Mr. COMBEST, has introduced. This resolution disapproves D.C. Act 8-329 which the District of Columbia passed last December. The council's action, if allowed to stand, would amend the Building Height Limitations Act of 1910 to increase the size of buildings that may be erected adjacent to a Federal public building—in this case, the FBI headquarters facility.

Let me make it clear that the merits of this development project are not at issue. The resolution of disapproval takes no position regarding the desirability of—or the objections to—the proposed construction. Instead, this resolution is narrowly focused on the principle that, under home rule, the right to amend the Building Height Limitations Act and to alter the limitations contained in the schedule of heights is reserved to the Congress. If we fail to disapprove the council's action today, the precedent will be set for future attempts to circumvent the 1910 act and home rule.

Mr. Speaker, the Home Rule Act represents a balancing of competing local and Federal interests in the management of the District. Section 602 of the Home Rule Act is clear on the question of altering the law on building height limitations:

> The council shall have no authority to enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in [D.C. code section] 5-405 [the Building Height Limitation Act of 1910] and in effect on December 24, 1973.

This resolution of disapproval is fully consistent with the Home Rule Act and I would expect that those who support home rule for the District would also support this resolution. After all, one cannot be an advocate for the home rule and support a clear violation of the Home Rule Act.

The Department of Justice has also made known its view that the District Council's action is in violation of the Home Rule Act. After a thorough review of the legislative histories of both the Heights Limitation Act of 1910 and the Home Rule Act, the Justice Department concluded that the Council was "prohibit[ed] * * * from amending the schedule of heights" as it attempted to do in D.C. Act 8-329. I believe that the Department of Justice accurately interprets the law on this point.

Mr. Speaker, I submit a copy of the letter from the Department of Justice to the National Capital Planning Commission concerning these matters for inclusion in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE, ENVIRONMENT AND NATURAL RESOURCES DIVISION,
Washington, DC, November 6, 1990.

LINDA DODD-MAJOR,
General Counsel, National Capital Planning Commission, 1325 G Street NW., Washington, DC.

DEAR MS. DODD-MAJOR: Thank you for your memorandum of September 7, 1990, requesting a legal opinion on issues involving D.C. Council Bill 8-616 and the Building Height Limitations Act of 1910, ch. 263, 36 Stat. 452 (1910), (the "Height Act"). We are happy for the opportunity to provide our views on these important issues.

Bill 8-616 would amend the Schedule of Heights promulgated under the Height Act to authorize construction of a 130-foot building on the east side of Ninth Street, N.W., between D and E Streets, adjacent to the FBI Building. In the absence of such an amendment, the maximum allowable height for that location would be 110 feet. Your memorandum requests our opinion as to whether the Council of the District of Columbia has the authority to amend the Schedule of Heights, and if so, whether that authority is limited in any way, specifically by the other restrictions of the Height Act.

1. CONCLUSION

On the basis of the language of the Heights Act, its legislative history, and its implementation by the Commissioners of the District of Columbia prior to the enactment of the District of Columbia Self-government and Governmental Reorganization Act, P.L. 93-198; 87 Stat. 774 (1973) (the "Home Rule Act"), we conclude that the Council's authority to amend the Schedule of Heights is subject to the other limitations of the Height Act. In addition, the Council's authority to amend the Schedule of Heights is further limited by Section 602(a)(6) of the Home Rule Act. In our view, the Height Act and the Home Rule Act prohibit the Council from amending the Schedule of Heights as proposed in D.C. Council Bill 8-616.

2. HISTORY OF THE HEIGHT ACT

The Height Act had its genesis in several earlier statutes and regulations.[1] In 1878, Congress gave the Commissioners of the District of Columbia[2] authority to make and enforce building regulations. Act of June 14, 1878, ch. 194, 20 Stat. 131. In 1894 the Commissioners promulgated building height regulations. These regulations applied generally to commercial and residential buildings in the District. They provided that:

> "No building will be erected * * * whose height exceeds the width of the street in its front.
>
> "No building will be erected on a residential street * * * whose height exceeds 90 feet."
>
> No building will be erected on a commercial street * * * whose height exceeds 110 feet.

House Staff Report at 15. These regulations form the core of the limitations that are still in effect today. *See* D.C. Code §§5-401 *et seq.*

The regulations are arguably ambiguous as to whether the limitations on residential and business buildings are independent of, or subject to, the general limitation that height may not exceed the width of the fronting street. Any ambiguity was removed, however, in 1899, when Congress modified the Commissioners' regulations and enacted them into law as the Building Height Act of 1899, ch. 322, 30 Sat. 922 (the "1899 Act").

The 1899 Act included limitations on the height and use of non-fireproof buildings, and, in Section 4, the same overall height limitations as the earlier Commission regulations:

> "Sec. 4. That no building shall be erected or altered on any street in the District of Columbia to exceed in height above the sidewalk the width of the street in its front, *and in no cases* [emphasis added] shall a building exceed ninety feet in height on a residence street nor one hundred ten feet on a business street, as designated by schedule approved by the Commissioners of the District of Columbia, except on business streets and business avenues one hundred sixty feet wide, where a height not exceeding one hundred thirty feet may be allowed. * * * *Provided*, That spires, towers, and domes may be erected to a greater height than the limit herein prescribed, when approved by the Commissioners of the District of Columbia * * *."

The clause "and in no cases" resolves the apparent ambiguity in the 1894 regulations, clarifying that the limitations for business and residential streets must be read in conjunction with the general height-equals-streets/width limit. In other words, under the 1899 Act, the height limit on a residential street was the width of the street or 90 feet, whichever was less. On a business street, the limit was the width of the street or 110 feet, whichever was less.

Note also that express authority for structures that exceed these limits is provided in the proviso on spires and domes, but nowhere else.

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[1] Federal regulation of buildings in the national capital is as old as the capital itself. The Act of July 16, 1790, 1 Stat. 130, authorized President Washington to appoint three commissioners to plan and develop a capitol city, and authorized the president to issue regulations to assure the city's orderly development. On October 17, 1791 President Washington promulgated regulations governing "the materials and manner of the buildings and improvements on the Lots in the City of Washington." Along with setback and permit requirements, the regulations required that outer and party walls of all houses be built of brick or stone, and that "The wall of no house to be higher than forty feet to the roof, in any part of the city; nor shall any be lower than thirty-five feet on any of the avenues."

Proclamation of 17 October 1791, reprinted in Staff of the House Committee on the District of Columbia, 94th Cong., 2d Sess., Report on Building Height Limitations 5 (Comm. Print Apr. 1, 1976) ("House Staff Report"). The requirement for stone walls was apparently primarily a safety measure to reduce the risk of fire, while the provision for maximum and minimum heights and set-backs was apparently intended to beautify the city. These twin concerns of public safety and aesthetics are echoed in subsequent building height regulations.

[2] At the time, the District of Columbia was governed by a board of Commissioners who were appointed by the President with the advice and consent of the Senate. Act of June 11, 1878, ch. 20, 20 Stat. 102.

In 1903, Congress authorized the construction of Union Station, and in 1905, at the request of the Commissioners of the District of Columbia, Congress amended the 1899 Act to lower to 80 feet the height limit on buildings that front or abut the plaza in front of the Station. Act of February 8, 1905, ch. 557, 33 Stat. 709. The Commissioners requested the amendment because they believed it was "extremely desirable . . . from an architectural point of view" to limit all buildings fronting or abutting on the plaza to "a uniform height . . . not too great to overshadow the proposed Union Station." Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, to Hon. Jacob H. Gallinger, Chairman, Committee on the District of Columbia, United States Senate, Dec. 10, 1904, reprinted in S. Rep. No. 3062, 58th Cong., 3d Sess. (1905).

In 1910 Congress revised the 1899 Act. Building Height Limitation Act of 1910, ch. 263, 36 Stat. 452 (1910). Like the 1905 Union Station amendment, the 1910 Act was proposed by the Commissioners of the District of Columbia. Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, to Hon. Samuel W. Smith, Chairman, Committee on the District of Columbia, United States House of Representatives, Jan. 22, 1910, reprinted in H.R. Rep. No. 720, 61st Cong., 2d Sess. and S. Rep. No. 581, 61st Cong., 2d Sess.

The 1910 Act is quite similar to the 1899 Act, as amended. Section 5 of the 1910 Act retains, in slightly modified form, the height-equals-street-width formula of the 1899 Act:

"Sec. 5. That no building shall be erected * * * so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet; * * *

"No building shall be erected * * * so as to exceed the height of one hundred and thirty feet on a business street * * * except on the north side of Pennsylvania avenue between First and Fifteenth streets, northwest, where an extreme height of one hundred and sixty feet will be permitted.

"On a residence street * * * no building shall be erected * * * so as to be over eighty-five feet in height * * *."

The 80-foot limit on Union Station Plaza is also retained and, as in the 1899 Act, the only provision authorizing stuctures in excess of these limits is the one on spires, towers, and domes:

"Buildings hereinafter erected to front or abut on the plaza in front of the new Union Station * * * shall not be of a greater height than eighty feet.

"Spires, towers, domes * * * may be erected to a greater height than any limit prescribed in this Act when and as the same may be approved by the Commissioners of the District of Columbia * * *."

In addition, and most important to the present inquiry, the 1910 Act recognizes "the need for Congress to be particularly mindful of regulating the height and certain aspects of design of building fronting on federally regulated sections" of the District. House Staff Report at 29. The Act delegates this authority to the Commissioners of the District of Columbia:

"On blocks immediately adjacent to public buildings or to the side of any public building * * * the maximum height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia."

Section 5 of the 1910 Act thus follows the model of section 4 of the 1899 Act. The first sentence sets off the general formula for determining the maximum permissible height which "no building" may exceed. The subsequent sentences set out additional limitations which, depending on the width of the street, may result in lower maximum height than the general formula.[3] The 80-foot limit on buildings around Union Station is retained, parallel regulatory authority for limits around other federal buildings is added, and the single exception for spires, towers and domes is retained.

The 1910 Act, as amended[4] continues to govern the height of buildings in the District today. *See* D.C. Code §§5-401 et seq.

3. IMPLEMENTATION OF THE HEIGHT ACT

Between 1910 and the enactment of the Home Rule Act, the Commissioners of the District of Columbia exercised their authority to set height limits under the "Schedule of Heights" provision of the 1910 Act in 15 different areas of the District Most of these limits apply to the blocks around the White House, the Supreme Court Building, and the House and Senate Office Buildings. In every case, the limits set under the Schedule are lower than would otherwise be permitted under the Height Act. For example, in 1912, the Comissioners lowered the height limit on 15th Street, N.W., between Pennsyulvania Avenue and G Street, across from the Treasury Building, from 130 feet to 95 feet.

Commentators reviewing height limitations in the District have viewed the Commissioners' schedule-making authority as being subject to the other limits of the Height Act. For example, a 1986 GAO report states:

"The 1910 act also required the Board [of Commissioners] to establish a separate Schedule of Heights *within the general parameters outlined in the act to further regulate the height of buildings* fronting on Federally developed sections of the District. The Schedule, by *limiting* the height of private sector buildings adjacent to federal buildings, has served to maintain the prominence of federal buildings and monuments in the District."

General Accounting Office, Height Limitations: Limitations on Building Heights in the District of Columbia 6 (1986) (emphasis added). Similarly, a 1987 Medmorandum prepared for the House Committee on the District of Columbia by the Congressional Research Service describes the Commissioners' authority as subject to the Height Act's other limits:

"Also, the 1910 Act made clear that the Commissioners could adopt more specific limits (subject to the statutory limits) for "buildings" located on blocks adjacent to on the side of 'public buildings.'"

Congressional Research Service, Memorandum: Whether Building Height Restrictions In the District of Columbia, Including Those Pertaining to Union Station, Apply to Federal Buildings, 3 (Aug. 18, 1987) (emphasis added).

4. LIMITED TRANSFER OF HEIGHT ACT AUTHORITY TO THE D.C. COUNCIL

Authority to implement the Height Act remained with the Commissioners of the District of Columbia until 1967, when their responsibilities were transferred to a presidentially-appointed District of Columbia Council. Act of Aug. 11, 1967, 81 Stat. 948, §402 (120), reprinted at 1 D.C. Code 141 (1981). The authority of this council was subsequently transferred to the popularly-elected Council of the District of Columbia (the "Council") pursuant to section 401 of the Home Rule Act (codified at D.C. Code §1-221 (1981)).

One of the most controversial issues in the debate over Home Rule was the extent of control the new local government would have over Federal interests.[5] This issue is addressed in numerous provisions of the Home Rule Act, including an entire title of limitations on the District government. In particular, the Home Rule Act imposes important limits on the Council's authority to amend the Height Act. Section 602(a)(6) of the Home Rule Act (codified as §1-233 of the D.C. Code) states that the Council shall have "no authority" to: "enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in Section 5-405 (section 5 the Height Act[6]), and in effect on December 24, 1973 (the date of enactment of the Home Rule Act)." (Emphasis added.)

The plain meaning of this section is to prohibit the Council from permitting construction of buildings that exceed the Height Act limits. The legislative history of Section 602(a)(6) confirms that Congress' intent in this section was precisely what the plain meaning of the words conveys. The provision originated in the House, in the Committee on the District of Columbia's Subcommittee on Government Operations. At Subcommittee markup, Subcommittee Chairman Brock Adams asked counsel to explain the provision, and was told the following:

"What we drafted was an amendment [subsequently enacted as §602(a)(6)] which would go to the limitations on the Council that the Council could not enact an act that permitted building above existing height limitations, and freezing in what now is existing law, and would prohibit the Council from allowing any building above that limitation."

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[3] Note however, that the clause "and in no case" which appeared in the 1899 Act has been omitted. There is no indication in the legislative history of what, if anything, Congress intended by this change. One possible explanation is that in expanding the section into eight separate paragraphs, the clause became unwieldy. It may also have been considered unnecessary, since the Commissioners who were responsible for implementing the Act apparently understood the limits imposed in the various sentences to be conjunctive, as demonstrated by their subsequent implementation of the Act (discussed below).

[4] The Act as amended by Congress seven times between 1910 and 1945. Five of those amendments provided height exemptions, above those prescribed by the 1910 Act, for specific buildings to be erected at specified locations. The other two amendments raised the maximum height for residential buildings from 85 to 90 feet, and changed the maximum number of stories for residential buildings from eight to ten. See House Staff Report at 57-58.

[5] *See, e.g.*, House Comm. on the District of Columbia, District of Columbia Self-Government and Governmental Reorganization Act, H.R. Rep. No. 482, 93d Cong., 1st Sess. 3 (1973).

[6] Section 5 of the Height Act, as amended, edited and renumbered, appears as section 5-405(a) through (h) of the D.C. Code. In relevant part, it provides:

"(a) No building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by 20 feet; * * *.

"(b) No building shall be erected * * * as to exceed the height of 130 feet on a business street * * * except on the north side of Pennsylvania avenue between 1st and 15th Streets Northwest, where an extreme height of 160 feet will be permitted.

"(c) On a residence street * * * no building shall be erected * * * so as to be over 90 feet in height * * *.

"(f) On blocks immediately adjacent to public buildings or to the side of any public building * * * the maximum height shall be regulated by a schedule adopted by the Council of the District of Columbia.

"(g) Buildings erected after June 1, 1910, to front or abut on the plaza in front of the new Union Station * * * shall not be of a greater height than 80 feet.

"(h) Spires, towers, domes * * * may be erected to a greater height than any limit prescribed in §§5-401 to 5-409 when and as the same may be approved by the Mayor of the District of Columbia * * *."

Home Rule for the District of Columbia, 1973–1974, Background and Legislative History of H.R. 9056, H.R. 9682 and Related Bills. 93rd Cong, 2d Sess., Committee Print Serial No. S-4 302 (1974). Subsequent descriptions of this provisions in the full Committee's report reflect this understanding. For instance, the description of title VI of the bill, "Reservation of Congressional Authority" notes that

"The Council is also prohibited from doing certain things, including * * * permitting the construction of buildings in excess of the present height limitations set by Congress." H.R. Rep. No. 482 at 15.

5. ANALYSIS

"Where, as here, resolution of a question of federal law turns on a statute and the intention of Congress, we look first to the statutory language and then to the legislative history if the statutory language is unclear." *Blum* v. *Stenson*, 465 U.S. 886, 896 (1984). The interpreter's task is "to interpret the words of [the statute] in light of the purposes Congress sought to serve." *Dickerson* v. *New Banner Institute, Inc.*, 460 U.S. 103, 118 (1983), (quoting *Chapman* v. *Houston Welfare Rights Organization*, 441 U.S. 600, 608 (1979)).

Both the language and the legislative histories of section 5 of the Height Act (D.C. Code §5-405) and section 602(a)(6) of the Home Rule Act (D.C. Code §1-233(a)(6)) compel the conclusion that the Council's authority to amend the Schedule of Heights is subject to the other limitations of the Height Act, and that the Council does not have the authority to amend the Schedule of Heights as proposed in Council Bill 8-616.

(a) The language of section 5-405.—The language of section 5-405 provides numerous indications that paragraph (f), the schedule-making authority, must be read in conjunction with the section's other limitations which are based on the width of the fronting street and the residential or business character of the street. First, paragraphs (a), (b), and (c) of section 5-405 each plainly state that "no building shall be erected" in excess of their specified limitations (emphasis added). Nothing in the Act states that the buildings covered by paragraph (f) are exempt from those limitations. The fact that the general limitation in paragraph (a) (street width) applies in conjunction with the limitations in sections (b) (business streets) and (c) (residence streets) provides an additional confirmation that the paragraph (a) limitation also applies to paragraph (f). Accordingly, in the absence of an express exemption, the plain language of paragraphs (a), (b), and (c) must apply to buildings covered by paragraph (f). *National Insulation Transportation Committee* v. *I.C.C.*, 683 F.2d 533, 537 (D.C. Cir 1982) (Absent persuasive reasons to the contrary, "a court must follow the axiom that Congress intended that statutory language be given its plain and ordinary meaning.")[7]

Second, if Congress had intended to exclude buildings covered by paragraph (f) from the limitations of paragraphs (a), (b) and (c), it could easily have done so, as it did in the express exemption, in paragraph (h), for spires, towers and domes. But Congress, did not do so. This omission is further evidence of Congress' intent that any height limitations established under paragraph (f) be within the limits established in paragraphs (a), (b) and (c). "Where Congress explicitly enumerates certain exceptions to a general prohibition, additional exceptions are not to be implied in the absence of evidence of contrary legislative intent." *Andrus* v. *Glover Construction Co.*, 446 U.S. 608, 616–17 (1980). See *Russello* v. *United States*, 464 U.S. 16, 23 (1983) (quoting *United States* v. *Wong Kim Bo*, 472 F.2d 720, 722 (5th Cir. 1972)) ("[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.")

(b) Legislative History and Congressional Intent.—The view that the Council's authority is subject to the Act's other limitations is fully consistent with all available indicia of Congressional intent. While the legislative history of the Height Act is sparse, and intent to enhance the architectural character of the capital city and ensure that public buildings are not overshadowed is easily inferred from the language of the Act, particularly the height limitations which are based on the width of the street rather than fire safety criteria. See Dickerson, 460 U.S. at 118, *United States* v. *Morton*, 467 U.S. 822, 828 (1984).

Moreover, section 5-405(g), which sets an 80-foot height limit on buildings abutting the Union Station plaza, was expressly directed at such concerns. Its purpose was to limit buildings fronting or abutting on the plaza to a height below the otherwise applicable limitations and thereby prevent adjacent buildings from overshadowing the federal building. See Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, supra. The schedule-making authority of paragraph (f) serves a function very similar to paragraph (g), providing authority to limit the height of buildings next to public buildings. It has enabled the Commissioners to provide other public buildings the same type of protection against overshadowing that Congress provided for Union Station.

Thus, given what we know about the purposes of the Height Act in general and the Union Station plaza height limitations in particular, there can be little doubt that Congress intended the Commissioners to use the paragraph (f) schedule-making authority to provide public buildings with protection more stringent that the Height Act's other limitations. Given this intent, it would be irrational to construe section 5-405(f) as allowing the Council to set heights above the Height Act's other limitations, thereby providing public buildings with less stringent protection than other buildings. See *Bob Jones University* v. *United States*, 461 U.S. 571, 586 (1983) (quoting *Brown* v. *Duchesne*, 19 How. 183, 194 (1857) ("[I]t is well settled that, in interpreting a statute, the court will not look merely to a particular clause in which general words may be used, but will take in connection with it the whole statute . . . and the objects and policy of the law.")

(c) Commissioners' Implementation.—The Commissioners of the District implemented the Height Act's schedule-making authority by promulgating height limits for 15 locations in the District, all of which were below the Height Act's otherwise applicable limits. Thus, the Commissioners' record is consistent with the view that their authority to promulgate such limits was subject to the other limitations of the Height Act. Indeed, it is reasonable to assume that the Commissioners viewed the schedule-making provision as authorizing them to lower, but not raise, the Act's other height limits because, as noted above, it was the Commissioners who asked Congress to lower the height limitation on buildings on the Union Station plaza and who subsequently requested enactment of the paragraph (f) schedule-making authority.

The Commissioners' exercise of the schedule-making authority is relevant because, as the "agency" assigned to implement the Height Act, their interpretation is entitled to deference. *Chemical Manufacturers Association* v. *Natural Resources Defense Council*, 470 U.S. 116, 125 (1985).

(d) Home Rule Act Limitations.—Section 602(a)(6) of the Home Rule Act (codified as §1-233 of the D.C. Code) states that the Council shall have "no authority" to "enact any act . . . which permits the building of any structure . . . in excess of the height limitations contained in Section 5-405, and in effect on December 24, 1973." D.C. Council Bill 8-616 clearly runs afoul of this proscription, since it would authorize construction of a 130-foot building in a location where the limitation under the Height Act (as in effect on December 24, 1973) is 110 feet.

Furthermore, there is nothing in the legislative history of the Home Rule Act to suggest that the plain meaning of section 602(a)(6) does not accurately reflect Congress' intent. To the contrary, the legislative history shows that Congress fully intended to limit the D.C. Council's authority to authorize buildings in excess of the Height Act's existing limitations. Accordingly, the plain meaning of the section controls. Blum, 465 U.S. at 896; National Insulation Transportation Committee, 683 F.2d at 537.

Proponents of Bill 8-616 have argued that the Schedule of Heights is a freestanding provision and not part of section 5-405, and therefore not subject to the limitations of section 602(a)(6) of the Home Rule Act. This argument does not jibe with the plain language of section 602(a)(6). Section 602(a)(6) prohibits the Council from enacting any act which permits the building of any structure that exceeds (1) the section 5-405 height limitations, or (2) the height limitations in effect on December 24, 1973—which include the Schedule of Heights as it existed at the time the Home Rule Act was enacted. In other words, under section 602(a)(2) of the Home Rule Act, the Council's authority under section 5-405(f) of the Height Act is limited to amending the Schedule of Heights to set height limits that are (1) lower than the applicable Height Act limits (for locations not included on the pre-Home Rule Schedule of Heights), or (2) lower than the pre-Home Rule Schedule of Heights limitations (for locations that are included is the pre-Home Rule Schedule).[8] The Council is barred by section 602(a)(6) of the Home Rule Act from exceeding either of those limitations.

Moreover, as explained above, the Height Act itself prohibits the Council from permitting buildings that exceed the applicable Height Act limitations. Thus, even if the argument that section 5-405(f) is not subject to the Home Rule Act limitations were correct—and we do not think it is—that still would not provide a legal basis for amending the Schedule of Heights in a manner inconsistent with the limitations of the Height Act.

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[7] Moreover, a reading of paragraph (f) that renders the schedule-making authority independent of the paragraphs (a), (b), and (c) limitations would run afoul of the "elementary canon of statutory construction that a statute should be interpreted so as not to render one part inoperative." *Mountain States Telephone & Telegraph* v. *Pueblo of Santa Ana*, 472 U.S. 244, 248 (1985) (Quoting *Colautti* v. Franklin, 439 U.S. 379, 392 (1979)).

[8] The location covered by Bill 8-616 is not included in the pre-Home Rule Schedule of Heights.

Thus, it is our view that both the Height Act and the Home Rule Act prohibit the D.C. Council from amending the Schedule of Heights as proposed in D.C. Council Bill S-616. In view of this conclusion, we believe it is unnecessary to address your third question, which dealt with permissible justifications for amendments to the Schedule of Heights.

Thank you again for rquesting our views on these matters. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

RICHARD B. STEWART,
Assistant Attorney General.

Building height limitations were discussed at length during the debate over home rule. At a July 25, 1973 committee markup of home rule legislation, the Honorable Mr. Gude provided the following summary of the purposes of the building height limtiation law:

> What I am pointing out in regard to the height limitation is that this is just not an archaic provison of the law. I think it is something which Congress wishes to keep in order that the Federal City have the beauty and set off the monuments, and make it the attractive Capitol that brings the people from all over the country and all over the world to visit. This is the reason, the basic reason in my opinion, for this height limitation.

A review of the legislative history can only lead to the conclusion that Congress intended to reserve the right to amend the schedule of building height solely for itself. Indeed, during a committee markup of home rule legislation on July 31, 1973, the Honorable Mr. Diggs characterized the measure under consideration as prohibiting the Council "from modifying the building height limitations now in effect" and the conference report issued on December 6 of that year also characterizes the Home Rule Act as providing that "the council could not change building height limitations."

All of us are working very hard to improve the relationship between the city and the Congress. But to simply ignore the council act would be to shirk our responsibility and to risk future city council amendments, further confusion, and litigation. None of these consequences are in the best interest of the Congress or of the city.

We have a responsibility to uphold the law. If this development project merits support, Congress can indeed change the law to allow this development. But we should not allow the past city council to exercise that authority—authority that the law clearly reserves to the Congress. I believe that, in good conscience, this House has no choice but to overturn the District Council's action. I urge adoption of this resolution of disapproval.

□ 1430

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I might consume. I will just say to my distinguished colleague, the gentleman from Virginia [Mr. BLILEY], who serves as the new ranking member of the committee, that he has made a very fine statement. I think that the gentleman has made a significant contribution to the legislative history that will underpin the action that is taken this afternoon.

Mr. Speaker, I think the references of the gentleman to the 1910 act are a clear indication that he and other Members understand very clearly that the framers of the Home Rule Act of 1973 were very, very concerned about the issues of height limitation. There are numerous references to it. I think the gentleman points that out very accurately, and very eloquently.

Mr. Speaker, I want to underscore again for purposes of emphasis the point of the gentleman from Virginia [Mr. BLILEY] that we take no action on the merits of the project itself. If they want the project to go forward, there are other steps that can be taken beyond this action, and then we can decide whether we want to acquiesce in that or not. But this afternoon we are making a very clear statement about whether this act indeed violates the Home Rule Act, the act of the city council.

As I said, for the first time in 20 years I find myself in this very strange position, but the fact of the matter clearly underscores that the only position of integrity that can be taken is support of the resolution of disapproval.

Mr. DELLUMS. Mr. Speaker, with those remarks, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California [Mr. DELLUMS] for those kind words, and I, too, yield back the balance of my time.

The SPEAKER pro tempore [Mr. MCNULTY]. Pursuant to the order of the House of Tuesday, March 5, 1991, the previous question is ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 84) disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 84

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Schedule of Heights Amendment Act of 1990 (D.C. Act 8-329), signed by the Mayor of the District of Columbia on December 27, 1990, and transmitted to Congress pursuant to section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act on January 15, 1991.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 158) was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material, on Senate Joint Resolution 84 and House Joint Resolution 158.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SUPPLEMENTAL ASSISTANCE FOR ISRAEL ACT OF 1991

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the bill (H.R. 1284) to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I do so to afford the chairman an opportunity to explain the resolution.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, let me say this is the administration's request for emergency assistance to Israel. It reflects a decision that was made and came down by way of a letter from Mr. Darman, Director of the Office of Management and Budget. Unfortunately this request did not get here in time for the emergency supplemental that we passed in the House yesterday for the State Department and USIA. So we have had to consider this as a separate matter.

Mr. Speaker, this is an agreement that had been reached between the administration and the Israeli Government for immediate supplemental and emergency funds, which is grant cash assistance, as a reimbursement for the incremental Israeli defense costs for the gulf war.

The appropriators have already marked up the bill. The reason we are here on the floor of the House today is to maintain the legislative process. Otherwise, the appropriators will be asking the Committee on Rules to grant a waiver on the appropriations bill.

Mr. Speaker, the gentleman from Michigan [Mr. BROOMFIELD] and I did not think that was a proper way to proceed, and, hence, we are here in this emergency action seeking an authorization simply to keep the legislative process in sync and to maintain the integrity of the authorizing process.

Mr. BROOMFIELD. Mr. Speaker, under the reservation, the gentleman from Pennsylvania [Mr. WALKER] would like to ask a question of the gentleman from Florida [Mr. FASCELL].

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I just want to clarify a couple of points, if I could, with the chairman. I appreciate what he and the gentleman from Michigan [Mr. BROOMFIELD] are doing, in attempting to keep the legislative process in the right way here with authorizations preceding appropriations. We see too little of that in Congress these days.

Mr. Speaker, the gentleman from Florida [Mr. FASCELL] has represented to us that this is a request of the administration. There has been a specific request from the administration for emergency funding. Therefore, this is in total compliance with the budget agreements of last year. Is that correct?

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct. I have placed the letter from the Office of Management and Budget in the RECORD.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, this funding, which is included in this authorization, will be followed by the appropriations tomorrow from the Committee on Appropriations, and that also will be in full compliance with the Budget Act and with the administration's request?

Mr. FASCELL. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct. It is our understanding under the agreement that the administration has to declare an emergency, Congress has to agree to that, and the legislation follows that track.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Florida. I think that helps clarify it.

Mr. Speaker, if the gentleman would further yield under his reservation, we were concerned that in at least one committee today, and the gentleman from Ohio [Mr. KASICH] may be able to clarify this, in one committee this was being used as an example of money that was being sent over and above the budget agreement. It is my understanding from the chairman that this is within the budget agreement because of the emergency declaration of the administration.

Mr. FASCELL. Absolutely.

Mr. WALKER. I just wanted to have it on the record that that is the process that is being used here.

Mr. FASCELL. That is the process being used here, and is so stated in the legislation.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. Under my reservation of objection, I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, let me say to all Members present, today in the Committee on Armed Services, the gentleman from Mississippi [Mr. MONTGOMERY] wanted to move veterans' benefits off budget, and kind of whittled the deal down a little bit by saying that if the President signs anything that comes from us, it automatically gets declared an emergency, which means that this funding gets off budget.

The point I wanted to make to the chairman is, we now have started a process forward where we are now beginning to move some spending items off budget.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I would state only pursuant to the budget agreement.

Mr. KASICH. If the gentleman will yield further, only pursuant to the deal. But the question now becomes, once you do it the first time, does it become easier to do it a second time and a third time, and does the whole process become unraveled. I am not taking issue with what the chairman did or what this gentleman did. I am only here to point out that we have got to all be vigilant about the integrity of a budget deal, a budget deal many Members did not support to begin with, if we are going to establish integrity, if we are going to respect it.

Mr. Speaker, an effort was made today that would have moved us further down the line toward destroying the integrity of that Budget Act. The reason I bring it up here is I want Members to be aware of this, because this has very serious implications for where we go throughout the rest of the year.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. BROOMFIELD. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, just to follow up on the point of the gentleman from Ohio [Mr. KASICH], I think it does need to be clarified once again that the integrity of the process is being maintained by the chairman of the committee [Mr. FASCELL] and the ranking Republican member on the committee [Mr. BROOMFIELD], because they are not only complying with the budget agreement here by bringing up something under the emergency authority of the President, but they are in fact seeking an authorization of the moneys before we appropriate the moneys. That is some of the better integrity we have had in the process in a long time, and I think we want to keep up that kind of thing.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I would want to say that the gentleman from Mississippi [Mr. MONTGOMERY] was right in what he was trying to do. We solved the problem by taking money out of Desert Storm. Making sure the integrity is preserved is a very sticky wicket, and we have to be careful when we use this authority.

□ 1440

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. Under my reservation of objection, I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, I would like to ask the chairman of the committee if this is the first time that we have in essence taken action moving off budget an item like this subject to emergency provisions under the budget law?

Mr. FASCELL. No. We had the emergency supplemental that went through which also was an administration request, and also was pursuant to the agreement.

These are pursuant to the agreement; both of these supplemental requests are emergency supplementals. The point made by the other gentleman from Ohio [Mr. KASICH] and the points you are making are valid points because it is a judgment that we have to make each time as to whether or not we are going to agree on the emergency. And that is not only a legal situation but a factual situation, and the administration and the Congress have to both agree. Otherwise, we are either going to have an offset or it is going to be subject to some kind of a problem in the consideration of the request.

Mr. TRAFICANT. I would just like to say I am not going to object, and I at least appreciate the fact that you have come back and asked for an authorization. But the fact is, as it is brought up under unanimous consent again, we did not in fact predict nor did we know that this authorization would come up, and I find that once we start to deviate from normal procedure it is just going to open up areas and problems that we perhaps do not need.

Understanding the situation at hand, I will not object, but I hope the chairman will give me some time on this issue.

Mr. FASCELL. If the gentleman will continue to yield, just to respond to that, he is correct as far as normal procedures is concerned. But we are faced, first, with what is an emergency request; and, second, where the appropriators have already acted. They are in the Rules Committee as we speak obtaining a rule to come to the floor tomorrow. I do not know what that rule is going to have in it. But I know one of the things that it has in it is a waiver of authorization. So we are out here in kind of an emergency process to protect the integrity of the authorization committee.

Mr. TRAFICANT. I appreciate that, I would say to the chairman.

If the gentleman will continue to yield, the only question I would have for the gentleman is it was pretty much an understood element that the administration was looking for $400 million, and after a negotiated agreement, the $650 million became the figure, is that a fact?

Mr. FASCELL. If the gentleman from Michigan will continue to yield, I would say that is not my understanding at all. No; as I stated there were larger numbers being proposed in the preliminary discussions. These amounts approached $3 billion. This agreement is the result of long negotiations between the United States and Israel and reflects a lower figure. This agreement is a different matter entirely from that of the $400 million the gentleman is talking about, which was approved last year. What we now have is a final agreement which was reached and it was released. The $400 million was the guarantee program.

Mr. TRAFICANT. If the gentleman will continue to yield, I would ask the chairman or the ranking minority member if they know if in fact there were any domestic moneys that were stricken from the supplemental appropriation to accommodate this additional funding for Israel?

Mr. FASCELL. None.

Mr. TRAFICANT. Were there any homeless moneys for our country that are absent and not listed in the supplemental appropriation because of the increased funding that is placed here for Israel?

Mr. FASCELL. None. There are no offsets.

Mr. TRAFICANT. I thank the gentleman for his time.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I would like to indicate that I am happy to be a cosponsor with the chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL].

Yesterday, the Appropriations Committee approved $650 million in supplemental assistance for the State of Israel. The White House has indicated that the President will support this amount as emergency appropriations for Israel. Therefore, the expenditure will be permissible according to the budget agreement.

Israel has suffered greatly in the Persian Gulf crisis despite the fact that it was never really a party to the war with Iraq. Because of the sadistic behavior of Saddam Hussein, Israel lost several lives, suffered hundreds injured, and endured tremendous property damage from Scud missiles fired by Iraq.

None of us will forget the images of Iraqi missiles pounding civilian targets throughout Israel. The Israeli Government is to be commended for its restraint in not responding to this provocation. In the end the coalition held together and Iraq's Army was defeated.

This supplemental assistance is intended to offset costs incurred by Israel during the Persian Gulf conflict. This includes both compensation for civilian damage and additional defense costs.

The Secretary of State will be leaving tomorrow to tour the capitals of the nations which were our friends and allies in the Persian Gulf war. He carries with him the President's hope that, now that the war is over, a permanent solution to the problems of the Middle East can be achieved.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Supplemental Assistance for Israel Act of 1991".

SEC. 2. EMERGENCY ASSISTANCE FOR ISRAEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated as emergency supplemental appropriations for fiscal year 1991 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) $650,000,000 for additional costs resulting from the conflict in the Persian Gulf region.

(b) CASH GRANT FOR ISRAEL.—Funds appropriated pursuant to the authorization contained in subsection (a) shall be available only for assistance for Israel. Such assistance shall be provided on a grant basis as a cash transfer. Funds provided to Israel under this section may be used by Israel for incremental costs associated with the conflict in the Persian Gulf region without regard to section 531(e) of the Foreign Assistance Act of 1961.

(c) DESIGNATION AS EMERGENCY FOR BUDGETARY PURPOSES.—Funds authorized to be appropriated under this section are designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] is recognized for 1 hour.

Mr. FASCELL. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the distinguished gentleman from Michigan [Mr. BROOMFIELD].

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution and join my colleague from Michigan.

I would say that it is very clear to everyone in this recent struggle that we have been in that the Israeli people and the Israeli Government showed exemplary courage and cooperation and suffered tremendous losses of life, injury to individuals, and great injury to property.

Their revised thinking with regard to strategic and tactical planning was an enormous drain on their own budget. They were having serious economic dislocations even prior to that time. But to have withstood that entire period of time with all of the adjustments that had to be made, then to take the brutal attacks that they took, and then to cooperate with the coalition in the sense that they went contrary to every normal human instinct to fight back, and indeed instead of that showed great courage and tremendous resolve and determination in making it possible to reduce not only the time involved, but undoubtedly the number of casualties. Who knows what other results might have happened if we had not had that kind of cooperation.

The damage is real. The need is great. It is truly an emergency and I fully support the request of the administration and hope all of my colleagues will allow this authorization bill to pass expeditiously.

For these reasons I rise in support of the bill which has just been sent to the desk to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict.

This legislation is in response to the urgent request of the administration for an emergency supplemental authorization of appropriations of $650 million in economic support funds for the State of Israel.

Although a nonbelligerent in the gulf war, Israel was subjected to repeated Iraqi Scud missile attacks. These 39 attacks resulted in more than 200 casualties, 2 deaths, and 12 other deaths due to heart attacks and suffocation. These attacks also resulted in the displacement of more than 1,700 families from their homes. These attacks were no more than pure acts of terrorism against Israeli civilians due of course to the fact that the Scud is a highly inaccurate missile system that has little or no military value.

As a result of these attacks, the Israeli Defense Ministry was forced to go to higher states of military alert. As such, military operational costs to the Israeli Government increased significantly. The Israelis estimated this increase in military costs to be in excess of $1 billion. However, it should also be noted that the Israeli Government intended to seek additional emergency assistance levels from the United States. In this regard, it was reported that the Israelis would seek up to $3 billion in United States emergency assistance. Those assistance levels were intended to address: First, increased military operational costs; second, damages to the civilian infrastructure; and third, losses in revenues from trade and tourism. During negotiations with the administration, however, the Israelis agreed to lower their emergency request to the level that appears in the committee bill and as requested by the administration yesterday. That level of assistance is $650 million.

Mr. Speaker, due to the late nature of the administration's request on this issue, it was not possible to include this authorization in the emergency authorization bill for the State Department, which the committee took to the floor yesterday. As the letter from OMB Director Darman, which I will submit for the RECORD indicates, the executive branch reached agreement with the Government of Israel yesterday with regard to $650 million in grant cash assistance as a reimbursement for the incremental Israeli defense costs for the gulf war.

The Appropriations Committee yesterday afternoon included this request in their omnibus dire emergency supplemental appropriation bill for fiscal year 1991. Pursuant to the Foreign Assistance Act, an authorization of this amount would be required before any such funds could be expended. Or, failing that, a waiver of the Foreign Assistance Act requirement in the appropriations bill. The Chair strongly believes that the committee and the Congress should follow regular procedure and enact the necessary authorization on these supplemental requests prior to final appropriations action.

The Chair would like to take this opportunity to thank the distinguished chairman and ranking member of the Subcommittee on Europe and the Middle East, Messrs. HAMILTON and GILMAN, for conducting an expeditious hearing on this legislation this morning with the executive branch. I urge the unanimous adoption of this legislation.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 5, 1991.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to supplement my letter of the same date, which was delivered to you this morning. Its purpose is to inform you that the Administration has reached agreement with the Government of Israel with regard to the Israeli supplemental request.

The agreement is to support $650 million in assistance—no more or less—as reimbursement for the incremental Israeli defense costs for the Gulf War. OMB and State Department staff are working with Committee staff to draft appropriate language.

I apologize for the last minute notification of this development. But agreement was not reached and approved by the President until 1:15 this afternoon.

Respectfully yours,
RICHARD DARMAN.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], one of the cosponsors of H.R. 1284.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise to express my strong support for this authorization for emergency foreign assistance to Israel, and I would like to commend the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], as well as our ranking Republican member, the gentleman from Michigan [Mr. BROOMFIELD], for their outstanding and expeditious work on this measure.

Throughout the gulf crisis, the State of Israel and its people had been continuously terrorized by Saddam Hussein's Scud missile attacks and the spectre of chemical and biological warfare which Saddam threatened to use. Never once did the State of Israel retaliate, precisely because its Government recognized that doing so would not be in the interests of the international coalition and, more specifically, would not be in the interests of the United States.

I know of no other strong and proud nation which would refrain to retaliate and respond so valiantly in a time of crisis. Throughout the gulf war, Israel was a frontline state, which even in this time of cease-fire is surrounded by nations which are hostile and technically at war with it.

The postwar period will be a difficult time. Nonetheless we must begin by helping our friends in the region to help themselves. Israelis live in a very dangerous neighborhood. This supplemental emergency assistance is a critically important measure, to demonstrate to Israel and to her people that the United States remains committed to her security and economic stability. Permit me to conclude by stating my long-held view that peace in the Middle East will only begin to occur when the Arab nations in that region recognize that the State of Israel is here to stay and are willing to sit down and negotiate a peace directly with the State of Israel.

□ 1450

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I certainly appreciate the fact that the chairman and the ranking minority member came to the floor and asked for an authorization on this issue. I am glad to see that we do not go into another appropriation bill waving an authorization, especially in these particular times which the American people are beginning to question. Few people in the Congress are questioning it, but many people in the country are beginning to question it.

In fact, what concerns me about this particular bill is if you question it you have been sort of labeled an anti-Semite, and I have been, and I am tired of that.

Ladies and gentlemen, my district for the last 10 years has been pounded to hell. Israel was pounded as well.

Everybody in this body realizes we have a friend in Israel. We should help Israel. They are deserving of our support, but from the information I had and I read, the President really wanted $400 million, but he was afraid that the Congress was going to give $1 billion, so there was a figure of $650 million that was signed off.

I am now going to tell the Members something. I think George Bush has done a pretty good job in this area, and I think Congress should be listening to the President on our foreign aid accounts and some of the objective policies he is trying to construe and promulgate in the Persian Gulf region. But the bottom line is, and I am going to tell it right the way it is, there was an article today in the Washington Post, and that article was quite clear, and it stated that the American-Israel Public Affairs Committee made it quite well known to those in the position that had the power of the votes that if they did not in fact vote for the supplemental aid that they were pushing for, they would cut the contributions to those campaigns.

Let me tell you what, I think that is blackmail, and I would also like to say this. I think there are beginning to be some lobbies which represent the interests of some other countries that are starting to weave themselves into the fabric of our Government. They are becoming so strong that Members here, if they do not know what is going on, they choose not to look.

Well, I have decided, folks, one thing: I think that is blackmail. I think AIPAC has gone too far, and I think it is time that Congress takes a look at it.

I think it is a sad day when Members would probably prefer to cut school lunches, Meals on Wheels, programs for the homeless, but they would not raise their voice about the foreign aid accounts.

Finally, I would like to say this for those who are saying, "Here is this guy again who is banging on Israel." I am really not. I believe AIPAC is going to hurt Israel before it is over. Let there be no mistake, when we start taking into account all of this money that is going overseas, and it all has good causes, the American people do not understand it. They have continued to listen to the analysts saying it is a small percentage of the budget; it is helping us to win friends; it is helping democracy all over the world.

Do the Members want to know the truth? The American people are starting to wise up, and they are getting tired of the largesse here. There is $1,000 a year for every citizen, man, woman, and child in Israel.

I will probably offer an amendment tomorrow to reduce the account $250 million. That is if, for the first time, we do not have an appropriation bill come back calling for a closed rule. If we do, I had better run my buns off and make sure I try and get construed an amendment to try and cut it. I know it will fail, but I say this to you, ladies and gentlemen, before Congress continues to cut programs for our needy citizens of this country, where kids are graduating who cannot read, roads, bridges, and water mains falling apart, crime in the street, and the needs of law enforcement so great it is unbelievable, one of the highest infant mortality rates in the world, higher than Third World nations, enough is enough.

I am hoping some of the leaders around here who know what I am saying is true will start to speak out on this issue before there is one hell of a kickback. Whether that happens in the time I am here, I doubt it, but I probably will be bringing that amendment if there is not some technical loophole that will prevent it.

Mr. WEISS. Mr. Speaker, I would like to express my wholehearted support for this legislation of which I am a cosponsor, authorizing emergency supplemental assistance to Israel. Although this supplemental assistance will not fully cover Israel's increased expenses related to the Persian Gulf war, nor undo the physical and emotional horror Israel suffered during Saddam Hussein's heinous Scud attacks, it will, I hope, assist Israel in strengthening its defenses so it can protect itself. As Saddam Hussein's brutal aggression has shown, the threat against Israel is real and immediate.

In addition to suffering more damage and casualties per capita than any other frontline state in the gulf war, Israel has incurred billions of dollars in increased defense costs as a result of the heightened state of alert her defense forces have been under since August 2. Since the beginning of the Scud missile attacks in January—39 to date—these costs have skyrocketed.

Israel's economy has been stretched to the limit in an effort to meet its defense needs as it simultaneously grapples with what many expect to be a $42 billion cost of heroically absorbing hundreds of thousands of Soviet Jews. Since August 2, Israel has passed two supplemental appropriations bills totaling almost $400 million and raised its already high tax rates significantly to meet increased defense and immigration absorption needs.

Israel has made a vital contribution to the coalition efforts in the gulf by showing restraint in the face of Iraqi attacks. Like the other frontline states, including Turkey, Egypt, and even Jordan, who have received more than $20 billion in assistance from the international community, Israel deserves supplemental aid. Although Israel has received financial support from Germany, this assistance falls far short of what Israel needs to keep its defenses strong enough to defend itself sufficiently. Because Israel depends on its friend and ally, the United States, for financial aid, it is imperative that we pass this emergency supplemental assistance legislation.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair on behalf of the Speaker announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

HOUR OF MEETING ON TOMORROW, MARCH 7, 1991

Mr. CLEMENT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet 10 a.m. on tomorrow, March 7, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

□ 1500

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). The Chair will now recognize Members until 5:30 p.m., at which time the Chair will declare the House in recess.

BANK SUPPORTS TROOPS IN OPERATION DESERT STORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to call to the attention of my colleagues a television commercial made by Deposit Guaranty National Bank in Jackson, MS, in support of our troops involved in Operation Desert Shield and their families.

The spot is actually a short dramatization featuring a small girl who is writing her father in the Persian Gulf. She says she misses him, but that she is proud of what he is doing. The commercial is very well done and has actually been run as a public service announcement by some television stations in our State.

The bank made copies of the spot, along with introductory remarks by Deposit Guaranty chairman Bud Robinson, available to all unit commanders of the Mississippi National Guard who are on active duty either in the Persian Gulf or here in the United States.

Mississippi has been well represented in Operation Desert Storm in the ranks of the active forces as well as the National Guard and Reserve. This effort by Deposit Guaranty is another indication of the strong support Mississipians have given to our President and our troops.

The management of Deposit Guaranty should be commended for this very fine visual tribute to our military personnel and their families.

A FREE KUWAIT, A FREE UNITED STATES OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, this evening the President will address a joint session of Congress, assembled to address among other things the subject of a free Kuwait.

I would like to take a few minutes to address the subject of a free United States of America.

Last December the U.S. Alternative Fuels Council passed a resolution with the goal of making this Nation more energy independent.

By meeting the goal, we would displace about 2.5 million barrels of oil a day—roughly the amount we now receive from the Persian Gulf region.

Yesterday, a working group met here in Washington to discuss ways and means of achieving this displacement in the transportation fuels market by the year 2010.

The fuels included in the study are compressed natural gas, ethanol, methanol, propane, and electricity.

The process is not complete and the numbers aren't firmed up as yet, but one expert predicted, for example, that we could produce 14 billion gallons of grain-based ethanol per year in this Nation by 2010.

And, that is only on current cropland. If acres lying fallow to meet the requirements of Federal farm programs are factored in, production of grain-based ethanol could reach 30 billion gallons a year.

Mr. Speaker, I will place a chart in the RECORD which outlines displacement potentials under the scenario on which we are currently working to show my colleagues what sort of expansion in the use of alternate fuels might be expected.

And, it is important to look beyond the numbers. You see, what this all means is less imported oil, more money for our Nation's farm economy, and greater independence and security for America. It could also mean not having to send our troops to the Persian Gulf again.

President Bush's national energy strategy is now on the table. I have applauded this effort, although I do not believe it goes far enough and that it relies too heavily on oil with too little emphasis on alternative fuels and conservation.

But, the national energy strategy—combined with efforts such as those being made by the U.S. Alternative Fuels Council—can result in a policy which will not see us send $1.1 trillion overseas to foreign oil producers as we did in the last decade.

And, it is important to note that the current scenario on which we are working is not the end of the process. Others will propose data based on their assumptions.

I say this as a way of reporting to my colleagues that progress is underway to reduce America's dependence on foreign oil, that the members of the U.S. Alternative Fuels Council are at work and that realistic plans are being laid to make us more self-reliant in energy.

We will have proposals before us here on this floor at some point which will require tough decisions.

But, we must make them.

We have, for years, had the technology to decrease our dependence but have lacked the political will and resolve to break our addiction to foreign crude.

Fuel type	*Oil displaced*[1]
9 percent ethanol in gasoline	60,000
17.1 percent ETBE	200,000
15 percent MTBE in gasoline	280,000
Electricity	390,000
CNG	480,000
LPG	100,000
Ethanol (E–85)	130,000
Methaol	860,000
Total displacement in this scenario	2,500,000

[1] Barrels a day.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, March 5, 1991, the House will now stand in recess until approximately 8:40 p.m.

Accordingly (at 3 o'clock and 6 minutes p.m.), the House stood in recess until 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 44 minutes p.m.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 1281, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1991

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 102–11) on the resolution (H. Res. 103) waiving certain points of order against consideration of the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 1282, SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR OPERATION DESERT SHIELD/DESERT STORM FOR FISCAL YEAR 1991

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 102–12) on the resolution (H. Res. 104) waiving certain points of order against consideration of the bill (H.R. 1282) making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 83 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from California [Mr. FAZIO];

The gentleman from Texas [Mr. BROOKS];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS];

The gentleman from California [Mr. HUNTER]; and

The gentleman from Texas [Mr. ARCHER].

On this special occasion, the Chair is also going to name to the committee those Members who had children or grandchildren serving in Operation Desert Storm:

The gentleman from Texas [Mr. DE LA GARZA];

The gentleman from Ohio [Mr. MILLER];

The gentleman from Georgia [Mr. BARNARD];

The gentleman from Missouri [Mr. SKELTON];

The gentlewoman from Maryland [Mrs. BYRON];

The gentleman from Kentucky [Mr. BUNNING]; and

The gentleman from Illinois [Mr. COSTELLO].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the

President of the United States into the House Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from Kentucky [Mr. FORD];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Hawaii [Mr. INOUYE];

The Senator from Illinois [Mr. DIXON];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Virginia [Mr. ROBB];

The Senator from Alabama [Mr. SHELBY];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Oklahoma [Mr. NICKLES];

The Senator from Wisconsin [Mr. KASTEN];

The Senator from Texas [Mr. GRAMM];

The Senator from South Carolina [Mr. THURMOND]; and

The Senator from Virginia [Mr. WARNER].

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 10 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Mr. President, it is customary in joint sessions for the Chair to present the President to the Members of Congress directly and without further comment.

But I wish to depart from tradition tonight and express to you, on behalf of the Congress and the country, and, through you, to the members of our Armed Forces our warmest congratulations on the brilliant victory of the Desert Storm Operation.

Members of Congress, I now have the high privilege and distinct honor of presenting to you the President of the United States.

[Applause, the Members rising].

ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–52)

The PRESIDENT. Thank you, Mr. Speaker. Mr. Speaker, thank you, sir, for those very generous words spoken from the heart about the wonderful performance of our military.

Mr. President, Mr. Speaker, Members of Congress: Five short weeks ago, I came to this House to speak to you about the State of the Union. We met then in time of war. Tonight, we meet in a world blessed by the promise of peace.

From the moment Operation Desert Storm commenced on January 16, until the time the guns fell silent at midnight 1 week ago, this Nation has watched its sons and daughters with pride—watched over them with prayer. As Commander in Chief, I can report to you: Our Armed Forces fought with honor and valor, and as President, I can report to the Nation—aggression is defeated. The war is over.

This is a victory for every country in the coalition, and for the United Nations, a victory for unprecedented international cooperation and diplomacy, so well led by our Secretary of State James Baker. It is a victory for the rule of law and for what is right.

Desert Storm's success belongs to the team that so ably leads our Armed Forces—our Secretary of Defense and our Chairman of the Joint Chiefs: Dick Cheney and Colin Powell.

And of course, this military victory also belongs to the one the British call the Man of the Match—the tower of calm at the eye of Desert Storm—Gen. Norman Schwarzkopf.

And let us, recognizing this was a coalition effort, not forget Saudi General Khalid, or Britian's General de la Billiere, or General Roquejoffre of France, and all the others whose leadership played such a vital role. And most importantly, all those who served in the field.

I thank the Members of this Congress—support here for our troops in battle was overwhelming. And above all, I thank those whose unfailing love and support sustained our courageous men and women: I thank the American people.

Tonight, I come to this House to speak about the world—the world after war.

The recent challenge could not have been clearer. Saddam Hussein was the villain; Kuwait the victim. To the aid of this small country came nations from North America and Europe, from Asia and South America, from Africa and the Arab world—all united against aggression.

Our uncommon coalition must now work in common purpose to forge a future that should never again be held hostage to the darker side of human nature.

Tonight in Iraq, Saddam walks amidst ruin. His war machine is crushed. His ability to threaten mass destruction is itself destroyed. His people have been lied to—denied the truth. And when his defeated legions come home, all Iraqis will see and feel the havoc he has wrought. And this I promise you: For all that Saddam has done to his own people, to the Kuwaitis, and to the entire world—Saddam and those around him are accountable.

All of us grieve for the victims of war, for the people of Kuwait and the suffering that scars the soul of that proud nation. We grieve for all our fallen soldiers and their families, for all the innocents caught up in this conflict. And yes, we grieve for the people of Iraq—a people who have never been our enemy. My hope is that one day we will once again welcome them as friends into the community of nations.

Our commitment to peace in the Middle East does not end with the liberation of Kuwait. So tonight, let me outline four key challenges to be met:

First, we must work together to create shared security arrangements in the region. Our friends and allies in the Middle East recognize that they will bear the bulk of the responsibility for regional security. But we want them to know that just as we stood with them to repel aggression, so now America stands ready to work with them to secure the peace.

This does not mean stationing U.S. ground forces on the Arabian Peninsula, but it does mean American participation in joint exercises involving both air and ground forces. It means maintaining a capable U.S. naval presence in the region, just as we have for over 40 years. Let it be clear: Our vital national interests depend on a stable and secure gulf.

Second, we must act to control the proliferation of weapons of mass destruction and the missiles used to deliver them. It would be tragic if the nations of the Middle East and Persian Gulf were now, in the wake of war, to embark on a new arms race. Iraq requires special vigilance. Until Iraq convinces the world of its peaceful intentions—that its leaders will not use new revenues to rearm and rebuild its menacing war machine—Iraq must not have access to the instruments of war.

Third, we must work to create new opportunities for peace and stability in the Middle East. On the night I announced Operation Desert Storm, I expressed my hope that out of the horrors of war might come new momentum for peace. We have learned in the modern age, geography cannot guarantee security and security does not come from military power alone.

All of us know the depth of bitterness that has made the dispute between Israel and its neighbors so painful and intractable. Yet, in the conflict just concluded, Israel and many of the Arab

States have for the first time found themselves confronting the same aggressor. By now, it should be plain to all parties that peacemaking in the Middle East requires compromise. At the same time, peace brings real benefits to everyone. We must do all that we can to close the gap between Israel and the Arab States—and between Israelis and Palestinians. The tactics of terror lead absolutely nowhere. There can be no substitute for diplomacy.

A comprehensive peace must be grounded in U.N. Security Council Resolutions 242 and 338 and the principle of territory for peace. This principle must be elaborated to provide for Israel's security and recognition, and at the same time for legitimate Palestinian political rights. Anything else would fail the twin tests of fairness and security. The time has come to put an end to Arab-Israeli conflict.

The war with Iraq is over. The quest for solutions to the problems in Lebanon, in the Arab-Israeli dispute, and in the gulf must go forward with new vigor and determination. I guarantee you: No one will work harder for a stable peace in the region than we will.

Fourth, we must foster economic development for the sake of peace and progress. The Persian Gulf and Middle East form a region rich in natural resources with a wealth of untapped human potential. Resources once squandered on military might must be redirected to more peaceful ends. We are already addressing the immediate economic consequences of Iraq's aggression. Now, the challenge is to reach higher—to foster economic freedom and prosperity for all people of the region.

By meeting these four challenges we can build a framework for peace. I have asked Secretary of State Baker to go to the Middle East to begin the process. He will go to listen, to probe, to offer suggestions, and to advance the search for peace and stability. I have also asked him to raise the plight of the hostages held in Lebanon. We have not forgotten them. We will not forget them.

To all the challenges that confront this region of the world, there is no single solution, no solely American answer. But we can make a difference. America will work tirelessly as a catalyst for positive change.

But we cannot lead a new world abroad if, at home, it's politics as usual on American defense and diplomacy. It's time to turn away from the temptation to protect unneeded weapons systems and obsolete bases. It's time to put an end to micromanagement of foreign and security assistance programs, micromanagement that humiliates our friends and allies and hamstrings our diplomacy. It's time to rise above the parochial and the pork barrel—to do what is necessary, what's right, and what will enable this Nation to play the leadership role required of us.

The consequences of the conflict in the gulf reach far beyond the confines of the Middle East. Twice before in this century, an entire world was convulsed by war. Twice this century, out of the horrors of war hope emerged for enduring peace. Twice before, those hopes proved to be a distant dream, beyond the grasp of man.

Until now, the world we've known has been a world divided—a world of barbed wire and concrete block, conflict and cold war.

Now, we can see a new world coming into view, a world in which there is the very real prospect of a new world order, in the words of Winston Churchill, a "world order" in which "the principles of justice and fair play * * * protect the weak against the strong * * *," a world where the United Nations, freed from cold war stalemate, is poised to fulfill the historic vision of its founders, a world in which freedom and respect for human rights find a home among all nations.

The gulf war put this new world to its first test. And my fellow Americans: We passed that test.

For the sake of our principles—for the sake of the Kuwaiti people—we stood our ground. Because the world would not look the other way, Ambassador Al-Sabah, tonight, Kuwait is free.

We are very happy about that.

Tonight, as our troops begin to come home, let us recognize that the hard work of freedom still calls us forward. We've learned the hard lessons of history. The victory over Iraq was not waged as "a war to end all wars." Even the new world order cannot guarantee an era of perpetual peace. But enduring peace must be our mission.

Our success in the gulf will shape not only the new world order we seek, but our mission here at home.

In the war just ended, there were clear-cut objectives, timetables and, above all, an overriding imperative to achieve results. We must bring that same sense of self-discipline, that same sense of urgency, to the way we meet challenges here at home.

In my State of the Union address and in my budget, I defined a comprehensive agenda to prepare for the next American century.

Our first priority is to get this economy rolling again. The fear and uncertainty caused by the gulf crises were understandable. But now that the war is over, oil prices are down, interest rates are down, and confidence is rightly coming back. Americans can move forward to lend, spend and invest in this, the strongest economy on Earth.

We must also enact the legislation that is key to building a better America. For example: In 1990, we enacted an historic Clean Air Act. Now we've proposed a national energy strategy. We passed a child care bill that put power in the hands of parents. Today, we're ready to do the same thing with our schools, and expand choice in education. We passed a crime bill that made a useful start in fighting crime and drugs. This year we're sending to Congress our comprehensive crime package to finish the job. We passed the landmark Americans With Disabilities Act. Now we've sent forward our civil rights bill. We also passed the aviation bill. This year we've sent up our new highway bill.

And these are just a few of our pending proposals for reform and renewal.

So tonight, I call on Congress to move forward aggressively on our domestic front. Let's begin with two initiatives we should be able to agree on quickly: Transportation and crime. And then, let's build on success with those and enact the rest of our agenda. If our forces could win the ground war in 100 hours, then surely the Congress can pass this legislation in 100 days. Let that be a promise we make tonight to the American people.

When I spoke in this House about the State of our Union, I asked all of you: If we can selflessly confront evil for the sake of good in a land so far away, then surely we can make this land all that it should be. In the time since then, the brave men and women of Desert Storm accomplished more than even they may realize. They set out to confront an enemy abroad, and in the process, they transformed a nation at home.

Think of the way they went about their mission—with confidence and quiet pride. Think about their sense of duty, about all they taught us, about our values, about ourselves.

We hear so often about our young people in turmoil; how our children fall short; how our schools fail us; how American products and American workers are second class. Well, don't you believe it. The America we saw in Desert Storm was first-class talent.

And they did it using America's state-of-the-art technology. We saw the excellence embodied in the Patriot missile and the patriots who made it work.

And we saw soldiers who know about honor and bravery and duty and country and the world-shaking power of these simple words.

There is something noble and majestic about the pride, about the patriotism, that we feel tonight.

So, to everyone here, and everyone watching at home, think about the men and women of Desert Storm. Let us honor them with our gratitude. Let us comfort the families of the fallen and remember each precious life lost.

Let us learn from them as well. Let us honor those who have served us by serving others.

Let us honor them as individuals—men and women of every race, all creeds and colors—by setting the face of this Nation against discrimination, bigotry and hate. Eliminate them.

I'm sure many of you saw on the television the unforgettable scene of four terrified Iraqi soldiers surrendering. They emerged from their bunker—broken, tears streaming from their eyes, fearing the worst. And then there was the American soldier. Remember what he said? He said: "It's OK. You're all right now. You're all right now."

That scene says a lot about America, a lot about who we are. Americans are a caring people. We are a good people, a generous people. Let us always be caring and good and generous in all we do.

Soon, very soon, our troops will begin the march we've all been waiting for—their march home. I have directed Secretary Cheney to begin the immediate return of American combat units from the gulf.

Less than 2 hours from now, the first planeload of American soldiers will lift off from Saudi Arabia headed for the U.S.A. That plane will carry men and women of the 24th Mechanized Infantry Division bound for Fort Stewart, GA. This is just the beginning of a steady flow of American troops coming home.

Let their return remind us that all those who have gone before are linked with us in the long line of freedom's march. Americans have always tried to serve, to sacrifice nobly for what we believe to be right.

Tonight, I ask every community in this country to make this coming 4th of July a day of special celebration for our returning troops. They may have missed Thanksgiving and Christmas, but I can tell you this: For them and for their families, we can make this a holiday they'll never forget.

In a very real sense, this victory belongs to them—to the privates and the pilots, to the sergeants and the supply officers, to the men and women in the machines, and the men and women who made them work. It belongs to the Regulars, to the Reserves, to the National Guard. This victory belongs to the finest fighting force this Nation has ever know in its history.

We went halfway around the world to do what is moral and just and right. We fought hard, and—with others—we won the war. We lifted the yoke of aggression and tyranny from a small country that many Americans had never even heard of, and we ask nothing in return.

We're coming home now—proud. Confident—heads high. There is much that we must do at home and abroad. And we will do it. We are Americans.

May God bless this great Nation—the United States of America.

Thank you all very much.

[Applause, the Members rising.]

At 9 o'clock and 44 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted by invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 49 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE ON THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. HOYER. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LAGOMARSINO (at the request of Mr. MICHEL) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTERT) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, on March 12, 13, 19, 20, and 21.

Mr. BILIRAKIS, for 60 minutes, on March 20.

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. CLEMENT) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. MOODY, for 60 minutes, today.

Mr. MFUME, for 60 minutes, today and on March 12.

Mr. DYMALLY, for 60 minutes, on March 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HASTERT) and to include extraneous matter:)

Mr. CAMPBELL of California.

Mr. CRANE.

Mr. BEREUTER in five instances.

Mr. MCGRATH.

Mr. BURTON of Indiana.

Mr. KYL.

Mr. PETRI.

Mr. DUNCAN.

Mr. RITTER.

Mr. MILLER of Washington.

Mr. BUNNING.

(The following Members (at the request of Mr. CLEMENT) and to include extraneous matter:)

Mr. FOGLIETTA.

Mr. PEASE.

Mr. SWETT.

Mr. MAZZOLI.

Mr. STOKES.

Mr. SKELTON.

Mr. RICHARDSON.

Mr. APPLEGATE.

Mr. ACKERMAN in two instances.

Mrs. KENNELLY.

Mr. ROWLAND.

Mr. FASCELL.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990.

ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 7, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

780. A letter from the Secretary of Defense, transmitting the Department's annual report to Congress for fiscal year 1991, pursuant to 10 U.S.C. 113(c), (e); to the Committee on Armed Services.

781. A letter from the Comptroller of the Currency, transmitting a copy of OCC Compensation Program fact sheet; to the Committee on Banking, Finance and Urban Affairs.

782. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 15th annual report of the Corporation's Office of Consumer Affairs, pursuant to 15

U.S.C. 57a(f)(6); to the Committee on Banking, Finance and Urban Affairs.

783. A letter from the Department of Energy, transmitting notification that the report required by section 120(e)(5) of SARA will be submitted in April 1991; to the Committee on Energy and Commerce.

784. A letter from the Commodity Futures Trading Commission, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

785. A letter from the Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

786. A letter from the James Madison Memorial Fellowship Foundation, transmitting the annual report in compliance with the Inspector General Act Amendments of 1988; to the Committee on Government Operations.

787. A letter from the National Aeronautics and Space Administration, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

788. A letter from the National Endowment of the Arts, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

789. A letter from the Alaska Natural Gas Transportation System, Office of the Federal Inspector, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

790. A letter from the Resolution Trust Corporation, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

791. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and for other purposes; to the Committee on Interior and Insular Affairs.

792. A letter from the Supreme Court of the United States, transmitting the annual report on administrative costs of protecting Supreme Court officials, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary.

793. A letter from the Secretary, Department of Commerce, transmitting the annual report on the effect of process patent amendments on domestic industries, pursuant to 35 U.S.C. 271 nt.; to the Committee on the Judiciary.

794. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

795. A letter from the Secretary of Transportation, transmitting a revised estimate of the cost to complete the Dwight D. Eisenhower System of Interstate and Defense Highways, pursuant to U.S.C. 104(b)(5)(A); to the Committee on Public Works and Transportation.

796. A letter from the Secretary of Transportation, transmitting the National Plan of Integrated Airport Systems (NPIAS), 1990–1999; to the Committee on Public Works and Transportation.

797. A letter from the Comptroller General, General Accounting Office, transmitting the financial audit of the Savings Association Insurance Fund's 1989 financial statements, pursuant to 31 U.S.C. 9106(a); jointly, to the Committee on Banking, Finance and Urban Affairs and Government Operations.

798. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for the United States Information Agency and for other purposes, pursuant to 31 U.S.C. 1110; jointly to the Committees on Foreign Affairs and the Judiciary.

799. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to implement the National Energy Strategy, and for other purposes; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, Science, Space, and Technology, Ways and Means, Merchant Marine and Fisheries, Public Works and Transportation, the Judiciary, Armed Services, and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST. Committee on Rules. House Resolution 103, a resolution waiving certain points of order against consideration of H.R. 1281, a bill making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, (Rept. 102–11). Referred to the House Calendar.

Mr. DERRICK. Committee on Rules. House Resolution 104 a resolution waiving certain parts of order against consideration of H.R. 1282, a bill making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes (Rept. 102–12). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS (for himself, Mr. Pickle, Mr. Downey, Mr. Crane, and Mr. Schulze):

H.R. 1283. A bill to amend the Caribbean Basin Economic Recovery Act to repeal the provisions exempting certain articles from duty-free treatment under the act; to the Committee on Ways and Means.

By Mr. FASCELL (for himself, Mr. Hamilton, Mr. Yatron, Mr. Solarz, Mr. Wolpe, Mr. Gejdenson, Mr. Dymally, Mr. Lantos, Mr. Torricelli, Mr. Berman, Mr. Levine of California, Mr. Feighan, Mr. Weiss, Mr. Ackerman, Mr. Udall, Mr. Owens of Utah, Mr. Johnston of Florida, Mr. Engel, Mr. Faleomavaega, Mr. McCloskey, Mr. Sawyer, Mr. Payne of New Jersey, Mr. Broomfield, Mr. Gilman, Mr. Lagomarsino, Mr. Leach, Ms. Snowe, Mr. Smith of New Jersey, Mr. Burton of Indiana, Mrs. Meyers of Kansas, Mr. Miller of Washington, Mr. Houghton, Mr. Goss, and Ms. Ros-Lehtinen):

H.R. 1284. A bill to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict; to the Committee on Foreign Affairs.

By Mr. FORD of Michigan:

H.R. 1285. A bill to resolve legal and technical issues relating to Federal postsecondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes; to the Committee on Education and Labor.

By Mrs. COLLINS of Illinois (for herself and Mr. McMillan of North Carolina):

H.R. 1286. A bill to grant certain authorities to the Secretary of the Treasury with respect to the seizure of assets in the United States that are owned or controlled by the Government of Iraq; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

By Mr. SCHULZE (for himself, Mr. Thomas of California, Mr. Bunning, Mr. Baker, Mr. Ballenger, Mr. Bonior, Mr. Bustamante, Mr. Campbell of Colorado, Mr. Combest, Mr. Dannemeyer, Mr. Dornan of California, Mr. Emerson, Mr. Gallegly, Mr. Gallo, Mr. Gilman, Mr. Goss, Mr. Hansen, Mr. Herger, Mr. Horton, Mr. Hunter, Mr. Hyde, Mr. Inhofe, Mr. Jefferson, Mr. Kolbe, Mr. Kyl, Mr. Lagomarsino, Mr. Lent, Mr. Lightfoot, Mr. Lipinski, Mr. Livingston, Mr. Martin of New York, Mr. Martinez, Mr. McDade, Mr. Murphy, Mr. Porter, Mr. Quillen, Mr. Ravenel, Mr. Rhodes, Mr. Slaughter of Virginia, Mr. Smith of New Jersey, Mr. Smith of Iowa, Mr. Solomon, Mr. Thomas of Wyoming, Mr. Towns, Mrs. Vucanovich, Mr. Walker, Mr. Walsh, Mr. Wolf, Mr. Smith of Texas, Mr. Parker, Mr. Gilchrest, Mr. Packard, Mr. Zeliff, Mr. Cunningham, Mr. Fish, Mr. Erdreich, and Mr. Skeen):

H.R. 1287. A bill to amend the Internal Revenue Code of 1986 to repeal the age and dollar limitations on the one-time exclusion of gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mrs. BOXER (for herself and Ms. Waters):

H.R. 1288. A bill to establish an entitlement program regarding the immunization of infants against vaccine-preventable diseases; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mr. Horton, Mr. Oberstar, Mr. Walsh, Mr. Lagomarsino, Mr. Hyde, Mr. Bunning, Mr. Hughes, Mr. Frost, and Mr. Dannemeyer):

H.R. 1289. A bill to amend title II of the Social Security Act to eliminate work disincentives for individuals who are blind within the meaning of such Act; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 1290. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for contributions to individual retirement accounts; to the Committee on Ways and Means.

H.R. 1291. A bill to amend the Internal Revenue Code of 1986 to encourage the establishment of family savings accounts, to permit penalty-free withdrawals from individual retirement plans for the purchase of a first home, and to require that the accounts involved be in federally insured financial institutions; to the Committee on Ways and Means.

By Mr. CAMPBELL of Colorado (for himself, Mr. MARLENEE, Mr. DORGAN of North Dakota, Mr. HANSEN, Mr. HERGER, Mr. JOHNSON of South Dakota, Mr. KOLBE, Mr. KYL, Mr. LAGOMARSINO, Mr. PANETTA, Mr. RHODES, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. STALLINGS, Mr. STUMP, Mrs. VUCANOVICH, Mr. WILLIAMS, Mr. YOUNG of Alaska, and Mr. ORTIZ):

H.R. 1292. A bill to make permanent the formula for determining fees for the grazing of livestock on public rangelands; to the Committee on Interior and Insular Affairs.

By Mrs. COLLINS of Illinois (for herself, Mr. ECKART, Mr. BOUCHER, Mr. KOSTMAYER, Mr. COOPER, Mr. BRUCE, and Mr. SLATTERY):

H.R. 1293. A bill to prohibit rental car companies from imposing liability on renters with center exceptions, to prohibit such companies from selling collision damage waivers in connection with private passenger automobile rental agreements of not more than 30 days, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DE LA GARZA:

H.R. 1294. A bill to correct the representation and positions on the Environment for the Americas Board; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. FRANK of Massachusetts:

H.R. 1295. A bill to amend the Small Business Act to establish a credit evaluation program to assist small business concerns located in States in which there is a shortage of credit in obtaining loans from financial institutions; to the Committee on Small Business.

By Mr. HUTTO:

H.R. 1296. A bill to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, Mr. STUDDS, Mr. ABERCROMBIE, Mr. FOGLIETTA, Mr. GOSS, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. JEFFERSON, Mr. LIPINSKI, Mr. MANTON, Mr. PICKETT, Mr. RAVENEL, Mr. SAXTON, and Mr. TALLON):

H.R. 1297. A bill to amend the Dingell-Johnson Sport Fish Restoration Act to authorize the use by coastal States of apportionments under that act for construction, renovation, and maintenance of shoreside pumpout stations for marine sanitation devices; to the Committee on Merchant Marine and Fisheries.

By Mrs. KENNELLY (for herself, Mr. GEJDENSON, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. SHAYS, and Mr. FRANKS of Connecticut):

H.R. 1298. A bill to provide, with respect to those areas of Connecticut which were excluded from the President's recent exercise of authority under section 302 of the Federal Employees Pay Comparability Act of 1990, the same pay increase as was provided with respect to the New York-Northern New Jersey-Long Island, NY–NJ–CT Consolidated Metropolitan Statistical Area; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KYL:

H.R. 1299. A bill to amend the Federal Election Campaign Act of 1971 and the Internal Revenue Code of 1986 to reduce the influence of special interests in elections for Federal office and to increase the influence of individuals and political parties in such elections; jointly, to the Committees on House Administration and Ways and Means.

By Mr. RUSSO (for himself, Mr. MILLER of California, Mr. MOODY, Mr. DOWNEY, Ms. PELOSI, Mr. SCHUMER, Mr. RANGEL, Mr. MCDERMOTT, Mr. YATES, Mr. ANNUNZIO, Mrs. COLLINS of Illinois, Mr. SAVAGE, Mr. LIPINSKI, Mr. EVANS, Mr. HAYES of Illinois, Mr. SANGMEISTER, Mr. MARKEY, Mr. KLECZKA, Mr. MARTINEZ, Mr. LAFALCE, Mrs. MINK, and Mr. OBERSTAR):

H.R. 1300. A bill entitled the Universal Health Care Act of 1991; jointly, to the Committees on Energy and Commerce, Ways and Means, Post Office and Civil Service, Armed Services, and Veterans' Affairs.

By Mr. DINGELL (for himself and Mr. LENT (both by request) and Mr. MOORHEAD):

H.R. 1301. A bill to implement the National Energy Strategy, and for other purposes; jointly, to the Committees on Energy and Commerce; Interior and Insular Affairs; Armed Services; Merchant Marine and Fisheries; Science; Space; and Technology; Government Operations; the Judiciary; Public Works and Transportation; and Ways and Means.

By Mr. MCCLOSKEY:

H.R. 1302: A bill to provide relief for military personnel serving in Operations Desert Shield and Desert Storm who are participants in student financial assistance programs; to the Committee on Education and Labor.

By Mr. MARKEY (for himself and Mr. DINGELL):

H.R. 1303. A bill to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. RINALDO, Mr. RICHARDSON, Mr. SLATTERY, Mr. BOUCHER, Mr. COOPER, Mr. HARRIS, Mr. FRANK of Massachusetts, Mrs. ROUKEMA, Mr. SHAYS, and Mr. STARK):

H.R. 1304. A bill to amend the Communications Act of 1934 to regulate the use of telephones in making commercial solicitations; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. RICHARDSON, Mr. SLATTERY, Mr. COOPER, and Mr. FRANK of Massachusetts):

H.R. 1305. A bill to amend the Communications Act of 1934 to protect the privacy rights of telephone subscribers; to the Committee on Energy and Commerce.

By Mr. MILLER of California (for himself, Mr. DE LUGO, Mr. ROYBAL, Mr. RAHALL, Mr. STARK, Mr. MRAZEK, Mr. YATES, Mrs. COLLINS of Illinois, Mr. GUARINI, Mr. FALEOMAVAEGA, Mr. RAVENEL, Mr. UDALL, Mr. MARKEY, Mr. MURPHY, Mr. TOWNS, Mr. HORTON, Mr. TORRES, Mr. HOAGLAND, Mr. OWENS of Utah, Mr. BROWN of California, Mr. FAZIO, Mr. EDWARDS of California, Mr. FUSTER, Mr. BEILENSON, Mr. SOLARZ, Mr. WOLPE, Mr. ROSE, Mr. HERTEL, Mr. WAXMAN, Mr. BLAZ, Mr. JONTZ, Mr. ABERCROMBIE, Mr. DELLUMS, Mr. CAMPBELL of Colorado, Mr. SCHUMER, Mr. LEWIS of Georgia, Ms. PELOSI, Mrs. MORELLA, Mr. VENTO, Mr. JOHNSON of South Dakota, Mr. DEFAZIO, Mr. HOCHBRUECKNER, Mr. LANTOS, Mr. BENNETT, Mr. JOHNSTON of Florida, Mr. SIKORSKI, Mr. BONIOR, Mr. BERMAN, Mr. GEJDENSON, Mr. DURBIN, and Mr. JONES of North Carolina):

H.R. 1306. A bill to provide for the restoration of fish and wildlife and their habitat imported by the central valley project, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. MILLER of Washington (for himself and Mr. CARPER):

H.R. 1307. A bill to amend the Merchant Marine Act of 1936 to authorize use of amounts in capital construction funds for compliance with fishing vessel safety, environmental, seafood wholesomeness, and other requirements; to the Committee on Merchant Marine and Fisheries.

By Mrs. MORELLA:

H.R. 1308. A bill to provide that a Federal employee serving on active duty during the Persian Gulf conflict as a member of a Reserve component of the Armed Forces shall be entitled to a special pay differential to make up for any lost earnings experienced while performing military service; to amend title 5, United States Code, to permit retroactive contributions to the thrift savings plan for any such employee; and for other purposes; jointly, to the Committees on Post Office and Civil Service and the District of Columbia.

By Mr. SMITH of Oregon (for himself, Mr. STENHOLM, Mr. YOUNG of Alaska, Mr. MARLENEE, Mr. EMERSON, Mr. HERGER, Mr. MORRISON, and Mrs. VUCANOVICH):

H.R. 1309. A bill to assure stability of communities dependent on outputs of timber and other resources from national forests and public lands, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mrs. VUCANOVICH:

H.R. 1310. A bill to amend the Public Health Service Act to establish a program to educate the public on prostate cancer; to the Committee on Energy and Commerce.

H.R. 1311. A bill to amend title XIX of the Social Security Act to require State Medicaid plans to provide coverage of screening mammography; to the Committee on Energy and Commerce.

H.R. 1312. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening mammography under part B of the Medicare Program for women 65 years of age or older; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CRANE (for himself, Mr. HORTON, Mr. DORNAN of California, Mr. ACKERMAN, and Mr. MCNULTY):

H.J. Res. 178. Joint resolution to authorize the National Committee of American Airmen Rescued by General Mihailovich to establish a memorial in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. HOYER (for himself, Mr. RITTER, Mr. BUSTAMANTE, Mr. CARDIN, Mr. COX of California, Mr. DURBIN, Mr. HERTEL, Mr. LANTOS, Mr. SARPALIUS, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, and Mr. THOMAS of Wyoming):

H.J. Res. 179. Joint resolution expanding United States support for the Baltic States; to the Committee on Foreign Affairs.

By Mr. LUKEN:

H.J. Res. 180. Joint resolution designating October 6, 1991, and October 6, 1992, each as "German-American Day"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Florida:

H.J. Res. 181. Joint resolution designating the third Sunday of August of 1991 as "National Senior Citizens Day"; to the Committee on Post Office and Civil Service.

By Mr. LEVINE of California (for himself and Mr. Miller of Washington):

H. Con. Res. 91. Concurrent resolution concerning restitution for Israel; to the Committee on Foreign Affairs.

By Mr. MURPHY:

H. Con. Res. 92. Concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration; to the Committee on Education and Labor.

By Mr. DORGAN of North Dakota (for himself, Mr. Stark, Mr. Russo, Mr. Smith of Florida, Mr. Williams, Mr. DeFazio, Mr. Frank of Massachusetts, Mr. Jontz, Mr. Obey, Mr. Kleczka, Mr. Johnson of South Dakota, Mr. Andrews of New Jersey, Mr. Evans, Mr. Abercrombie, and Mr. Sanders):

H. Res. 101. Resolution disapproving the extension of fast track procedures to bills to implement trade agreements entered into after May 31, 1991; jointly, to the Committees on Ways and Means and Rules.

By Mr. HAMMERSCHMIDT:

H. Res. 102. Resolution commending the President and United States and allied military forces on the success of Operation Desert Storm; jointly, to the Committees on Armed Services and Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

23. By the SPEAKER: Memorial of the House of Representatives of the State of Texas, relative to the Resolution Trust Corp.; to the Committee on Banking, Finance and Urban Affairs.

24. Also, memorial of the Legislature of the State of Wyoming, relative to the dual banking system; to the Committee on Banking, Finance and Urban Affairs.

25. Also, memorial of the General Assembly of the State of Arkansas, relative to desecration of the American flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Ohio:

H.R. 1313. A bill for the relief of Mary Lou Hamilton; to the Committee on the Judiciary.

By Mr. SYNAR (by request):

H.R. 1314. A bill to extend for 10 years the patent for the drug Ethiofos (WR2721) and its oral analogue; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 62: Mr. Goodling, Mr. Ray, Mr. Neal of North Carolina, and Mr. LaFalce.

H.R. 64: Mr. Bacchus, Mr. Ravenel, Mr. Gibbons, Mr. Fascell, Mr. Hertel, Mr. Peterson of Florida, and Mr. Ireland.

H.R. 108: Mr. Fuster, Mr. Frank of Massachusetts, Ms. Norton, Mr. Dymally, Mr. Berman, and Ms. Pelosi.

H.R. 252: Mr. Beilenson, Mr. Mrazek, Mr. Manton, and Mr. Mavroules.

H.R. 260: Mr. Jefferson, Mr. Martinez, and Mr. Sanders.

H.R. 306: Mr. Archer.

H.R. 371: Mr. Boehlert.

H.R. 413: Mr. Ravenel, Mr. Montgomery, Mr. Wyden, Mr. Dickinson, Mr. Espy, Mr. Cramer, Mr. Kopetski, Mr. Mazzoli, Mr. Sikorski, Mr. Kildee, Mr. Atkins, Mr. Callahan, Mr. Perkins, Mr. Neal of North Carolina, and Mr. Zeliff.

H.R. 426: Mr. Gingrich and Mr. Shays.

H.R. 525: Mr. Bateman, Mr. Hobson, Mr. Cramer, and Mr. Payne of New Jersey.

H.R. 539: Mr. Ravenel, Mr. Yates, Mr. Sanders, Ms. Kaptur, and Mr. Berman.

H.R. 540: Mr. Durbin and Mr. Miller of California.

H.R. 565: Mr. Mavroules, Mr. McHugh, Mr. Kolter, Mr. Dicks, Mr. Ortiz, Mr. Smith of New Jersey, Mr. Roybal, Mr. Coughlin, Mr. McEwen, Mr. Paxon, Mr. Dreier of California, Mr. Lehman of Florida, Mr. McCollum, Mr. Gilman, Mr. Fawell, Mr. Mazzoli, and Mr. Conyers.

H.R. 585: Mr. Skaggs, Mr. Rinaldo, Mr. Wolpe, Mr. Carper, Mr. Towns, Mr. Kostmayer, Mr. Ravenel, Mr. Owens of New York, Mr. Berman, Mr. Martinez, Mr. Torricelli, Mr. Yates, Mr. Poshard, Mr. Torres, Mr. Traficant, Mr. Dymally, Mr. Coyne, Mr. Tallon, Mr. Perkins, Mr. Stark, Mr. Oberstar, and Mr. Edwards of California.

H.R. 700: Mr. Zeliff, Mr. Inhofe, Mr. Cunningham, Mr. Lightfoot, Mr. Gallegly, Mr. Goss, and Mr. Allard.

H.R. 710: Mr. Kleczka.

H.R. 714: Mr. Skeen, Mr. McDermott, Mr. English, Mr. Jefferson, Mr. Jenkins, Mr. Dwyer of New Jersey, Mr. Ford of Tennessee, Mr. Hyde, Mrs. Mink, and Mr. Lancaster.

H.R. 722: Mr. Abercrombie.

H.R. 723: Mr. Abercrombie.

H.R. 765: Mr. Inhofe and Mr. Bereuter.

H.R. 796: Mr. Lent, Mr. Packard, Mr. Horton, Mr. Rangel, Mr. Henry, Mr. Schiff, Mr. Cunningham, Mr. Klug, and Mr. LaFalce.

H.R. 811: Mr. Ravenel, Mr. Goss, Mr. Santorum, Mr. Hancock, and Mr. Hall of Texas.

H.R. 908: Mr. Rinaldo, Mr. Lipinski, and Mr. McCloskey.

H.R. 916: Mr. Lancaster and Mr. Frost.

H.R. 919: Mr. Lancaster and Mr. Derrick.

H.R. 967: Mr. Andrews of New Jersey.

H.R. 968: Mr. Harris.

H.R. 999: Mr. Poshard.

H.R. 1027: Mr. Wilson and Mr. Hertel.

H.R. 1028: Mr. Solomon, Mr. Hertel, Mr. Zeliff, and Mr. Kolter.

H.R. 1064: Mr. Sundquist.

H.R. 1075: Mr. Evans, Mr. Chapman, Mr. Bruce, Mr. Eckart, and Mr. Hammerschmidt.

H.R. 1079: Mr. Hatcher, Mr. Ravenel, Mr. Poshard, Mr. Boehlert, and Mr. Emerson.

H.J. Res. 51: Mr. Hughes, Mrs. Lloyd, Mr. Moorhead, Mr. Wilson, Mr. Espy, Mr. Rahall, Mrs. Byron, Mr. Hammerschmidt, Mr. Hatcher, Mr. Ramstad, Mr. Santorum, Ms. Slaughter of New York, Mr. Stokes, Mr. Martinez, Mr. Fazio, Mr. Young of Florida, Mr. Blaz, Mr. Lancaster, Mr. Bilbray, Mr. Lewis of Georgia, Mr. Serrano, Mr. Guarini, Mr. Scheuer, Mr. Staggers, Mr. McGrath, Mr. Ballenger, Mr. Waxman, Mr. Camp, Mr. Browder, Mr. Riggs, Mr. Gonzalez, Ms. Snowe, Mr. Alexander, Mrs. Meyers of Kansas, Mr. Taylor of Mississippi, Mrs. Vucanovich, Mr. Condit, Mr. Downey, Mr. Dwyer of New Jersey, and Mr. Sanders.

H.J. Res. 72: Mr. Engel, Mr. Grandy, Mr. Horton, Mr. Fawell, Ms. Oakar, Mr. Goodling, Mr. Hutto, Mr. Gilman, Mr. Thomas of Georgia, Mr. Traficant, Mr. Duncan, Mr. Guarini, Mr. Feighan, Mr. Ramstad, Mr. Clement, Mr. Rhodes, Mr. Sisisky, Mr. Cramer, Mr. Dingell, Mr. Boucher, Mr. Perkins, Mr. Rahall, Mr. Zeliff, Mr. Myers of Indiana, Mr. Yatron, Mr. Abercrombie, Mr. McDade, Mr. Traxler, Mr. Petri, Mr. Roberts, Mr. DeFazio, Mr. Serrano, Mr. Rowland, and Mr. Dorgan of North Dakota.

H.J. Res. 90: Mr. Campbell of Colorado, Mr. Carr, Mr. Cooper, Mr. Gekas, Mr. Montgomery, Mr. Mrazek, Mr. Oberstar, Mr. Roth, Mr. Upton, Ms. Kaptur, Mr. DeFazio, Mr. Manton, Mr. Horton, Mr. Neal of North Carolina, Mr. Saxton, Mr. Lancaster, Ms. Long, and Mr. McGrath.

H.J. Res. 95: Mr. Walsh, Mr. Gilchrest, Mr. Paxon, Mr. Weber, Mr. Walker, Mr. Derrick, and Mr. Mrazek.

H.J. Res. 102: Mr. Gallo, Mr. Gonzalez, Mr. Stokes, Mr. Sawyer, Mr. McCollum, Mr. Callahan, Mr. Manton, Mr. Wheat, Mr. Flake, Mr. Hubbard, Mr. Mavroules, Mr. Wolpe, Mr. Matsui, Mr. McDade, Mr. Bliley, Mr. Yatron, Mr. Roberts, Mr. Kasich, Mr. Fuster, Mr. Horton, Mr. Owens of New York, Mr. Duncan, Ms. Ros-Lehtinen, Mr. Dwyer of New Jersey, Mr. Livingston, Mr. Fascell, and Mr. Espy.

H.J. Res. 120: Mr. Spratt, Mr. McDermott, Mr. Poshard, Mr. Harris, Mr. Wolf, Mr. Hertel, Mr. Clement, Mr. Guarini, Mr. Horton, Mr. Livingston, Mr. Boehlert, Mr. Matsui, Mr. Hochbrueckner, Mr. Anderson, and Mr. McGrath.

H.J. Res. 147: Mr. Serrano, Ms. Slaughter of New York, Mr. Goss, Mrs. Vucanovich, and Mr. Dornan of California.

H.J. Res. 156: Mr. Hayes of Illinois, Mr. Solomon, Mr. Frost, and Mr. DeFazio.

H.J. Res. 171: Mr. Walsh, Mr. Kasich, Mr. Valentine, Mr. DeFazio, Mr. Costello, Mr. Green, Mr. Michel, Mr. Shaw, Mr. Lantos, Mr. Weldon, Mr. Hayes of Louisiana, Mr. Lewis of Florida, Mr. Vander Jagt, Mr. Paxon, Mr. Chapman, Mrs. Patterson, Mr. Martinez, Mr. Lewis of California, Mr. Smith of Florida, and Mr. Hubbard.

H.J. Res. 174: Mr. Michel, Mr. DeLay, Mr. Dornan of California, Mrs. Vucanovich, Mr. Doolittle, Mr. Crane, Mr. Hancock, Mr. Burton of Indiana, Mr. Hammerschmidt, Mr. Franks of Connecticut, Mr. Ballenger, Mr. Hunter, Mr. Weber, Mr. Walker, Mr. Dannemeyer, Mr. Gingrich, Mr. Lewis of California, Mr. Duncan, Mr. Bilirakis, Mr. Blaz, Mr. Vander Jagt, Mr. Sensenbrenner, Mr. Armey, Mr. Edwards of Oklahoma, Mr. Packard, Mr. Miller of Ohio, Mr. Zeliff, Mr. James, Mr. Rogers, Mr. Paxon, Mr. McCollum, Mr. Inhofe, Mr. Horton, Mr. Klug, Mr. Lagomarsino, Mr. Broomfield, Mr. Ramstad, Mr. Nichols, Mr. Kasich, Mr. Zimmer, Mr. Moorhead, Mr. Barrett, Mr. Gallo, Mr. Slaughter of Virginia, Mr.

Santorum, Mr. Wolf, Mr. Schulze, Mr. Lent, Mr. Bliley, Mr. Bateman, Mr. Baker, Mr. Clinger, Mr. Ireland, Mr. Cox of California, Mr. Hobson, Mr. Fields, Mr. Shuster, Mr. Rohrabacher, Mr. Bunning, Mr. Gekas, Mr. McMillan of North Carolina, Mr. Barton of Texas, Mr. McCandless, Mr. Ritter, Mr. Herger, Mr. Cunningham, Mr. Hansen, Mr. Livingston, Mr. Smith of New Jersey, Mr. Kyl, Mr. Martin of New York, Ms. Ros-Lehtinen, Mr. Gunderson, Ms. Snowe, Mr. Hefley, Mr. Upton, Mr. Boehner, Mr. Lightfoot, Mr. Schaefer, Mr. Callahan, Mr. Dreier of California, Mr. Coble, Mr. Grandy, Mrs. Meyers of Kansas, Mr. Nussle, Mr. Porter, Mr. Saxton, Mr. Stearns, Mr. Gallegly, Mr. Ravenel, Mr. Archer, Mr. Goss, Mr. Camp, Mr. Thomas of Wyoming, Mr. Spence, Mr. Young of Alaska, Mr. Lewis of Florida, Mr. Sanders, Mr. Gradison, Mr. Bereuter, Mrs. Bentley, Mr. Allard, Mr. Hastert, Mr. Schiff, Mr. Fawell, Mr. Goodling, Mr. Morrison of Washington, Mr. Chandler, Mrs. Morella, Mr. Meyers of Indiana, Mr. Rinaldo, Mr. Ridge, Mr. Campbell of California, Mr. Houghton, Mr. Roth, Mr. McCrery, Mr. McGrath, Mr. Roberts, Mr. Leach of Iowa, Mr. Henry, Mr. Machtley, Mr. Smith of Oregon, Mr. Coleman of Missouri, Mr. Skeen, Mr. Thomas of California, Mr. Davis, Mr. Shaw, Ms. Molinari, Mr. Walsh, Mr. Roemer, Mr. Hopkins, Mr. Combest, Mr. Hefner, Ms. Long, and Mr. Brewster.

H. Con. Res. 37: Mr. Weiss.

H. Con. Res. 42: Mr. Boehner, Mr. Lagomarsino, Mr. English, Mr. Slaughter of Virginia, Mr. Fish, Mr. Hutto.

H. Con. Res. 61: Mr. Payne of New Jersey, Mr. DeLay, Mr. Dornan of California, Mr. Fawell, Mr. Henry, Mr. Horton, Mr. Klug, Mr. Kopetski, Mr. Lagomarsino, Mr. Lipinski, Mr. Myers of Indiana, Mr. Rangel, Mr. Ritter, Mr. Spratt, Mr. Stenholm, and Mr. Zeliff.

H. Res. 40: Mr. Kopetski, Mr. Edwards of California, Mr. Andrews of Maine, and Mr. Feighan.

H. Res. 99: Mr. Lagomarsino, Mr. Sundquist, Ms. Snowe, and Mr. McCrery.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

33. By the SPEAKER: Petition of the Legislative of Rockland County, NY, relative to foreign aid payments to the Kingdom of Jordan; to the Committee on Foreign Affairs.

34. Also, petition of the City of Hollywood, FL, relative to the conflict in the Persian Gulf, to the Committee on Foreign Affairs.

SENATE—*Wednesday, March 6, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led today by a guest chaplain, Dr. McKinley Young, pastor of the Big Bethel A.M.E. Church, Atlanta, GA. Dr. Young, please.

PRAYER

The Reverend McKinley Young, Big Bethel African Methodist Episcopal Church, Atlanta, GA, offered the following prayer:

Let us pray:

Eternal God, our Creator and Redeemer, bless these United States of America that we may be a blessing to the world; grant that our ideals and aspirations may be consistent with Your will and help us to see ourselves as others see us. Keep us from hypocrisy in action or reflection. Grant that we, gracious God, may know that You are the very foundation of peace and justice and enable and empower us to establish sound and honest government with just laws, excellent education for every student, a clean and vigilant press, simplicity and justice in our relations with one another and, above all, a spirit of service which will abolish pride of place and inequality of opportunity so that the least, the lost, and the last will be able to help us sing "God Bless America." Through Jesus Christ our Lord we pray. Amen.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, the time of the two leaders will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. There will be a period for the transaction of morning business not to extend beyond the hour of 10:10 a.m. today, with Senator PRYOR to be recognized for not to exceed 15 minutes and Senator GORE to be recognized for not to exceed 20 minutes, and with Senators permitted to speak therein.

Mr. FOWLER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. FOWLER. I ask unanimous consent to speak out of order for no more than 1½ minutes.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. FOWLER. Mr. President, I thank the Chair.

The PRESIDENT pro tempore. If the Senator will allow me, there is no need to request consent to speak out of order in the period for morning business. Senators are permitted to speak therein. They may speak on any subject, and the Chair wants to correct the RECORD from the Chair's standpoint.

Mr. FOWLER. I thank the Chair for the consistency of his instruction and the consistency of his excellence in reminding this body of our rules, and I am very grateful.

The PRESIDENT pro tempore. The Chair's instruction was to himself.

EXEMPLARY CHRISTIAN SERVICE

Mr. FOWLER. Mr. President, we have just heard a prayer from Dr. McKinley Young of the Big Bethel A.M.E. Baptist Church in my hometown of Atlanta, GA. I am very pleased not only to be here but to thank my great friend for the exemplary Christian service that he has represented over many a year to the people of my city and the people of my State.

His service is actually reflected in the quality of this prayer. He has stood for a ministry of the gospel that ministers to all people regardless of race, regardless of religion, Protestant differences, and regardless of economic status. It is the highest calling of the Gospel, at least the way I was taught it, and continue to be taught it by Dr. Young, that unless we minister to the least of these our brethren, then the work of our Lord and the work of the Gospel is never finished.

The ministry from his church extends not only throughout our State but throughout the world. I tell my colleagues that Dr. Young has been in the forefront of the leadership in assuring that justice extends to our brethren throughout the world, specifically to our brethren in South Africa.

I am grateful that he has joined the long line of guest ministers as an inspiration and a reminder that service under the dictates of our faith is the real reason for our being.

I thank the Chair and I thank my colleagues for allowing me to speak.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. NICKLES. I thank the Chair.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 566 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. GORE] is recognized for not to exceed 20 minutes.

A NATION UNITED

Mr. GORE. Mr. President, with the guns of Desert Storm now silent and our soldiers preparing for peace and long-awaited homecomings, we are a nation united in the pride we feel for what American courage and skill have accomplished and in the outrage we feel toward the vicious brutality of Saddam Hussein. Perhaps most important, we are a nation united in the hope we have for the future.

Together, we applaud the American men and women who served with such distinction and dedication, and we applaud the families and loved ones here at home who summoned great stores of their own perseverance and heart throughout this conflict.

Together, we condemn the brutality that becomes ever clearer to us as each new outrage is exposed; bloody tortures and murders, looting and kidnaping, the savagery of violent nightmares made real.

We share the outrage and the sorrow and the sense of loss felt by every family of those who bravely sacrificed their lives in this war; our sons and brothers and husbands and fathers, our daughters and sisters and wives and mothers.

Together, as a nation, we are now moving toward the future. We are not speaking about what Democrats want or what Republicans want any more than we are speaking about what Tennesseans want or what Texans want. We are a nation in our sharing of both the joys and the sorrows of war, and we are a nation with a new sense of self-confidence, one that for me, as a veteran of Vietnam, carries special significance. We are a nation with a new ability to say to the skeptics we can do it.

Tonight, President Bush will accept the invitation of the Democratic leaders of Congress, Senate Majority Leader GEORGE MITCHELL and House Speaker TOM FOLEY, to address a joint session of Congress. The Nation will honor President Bush's outstanding leadership in Operation Desert Storm, and the Nation will celebrate our victory in Operation Desert Storm.

Just 5 weeks ago, in his State of the Union speech to Congress, President Bush talked about our shared sense of purpose. He did not talk about Republicans gathered "to condemn and repel

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

lawless aggression." "The world now stands as one," he said. "We are Americans: We have a unique responsibility to do the hard work of freedom."

Congress had at that time just recognized its responsibility in one of the most thoughtful, heartfelt, and solemn debates in the history of Congress. It was a debate of conscience. Every Member of Congress in both Houses struggled with the issues before us, reached deep into his or her heart, and cast what they believed to be the right vote. Politics was not an issue in that debate.

For me, as I know it was for many of my collegues, too, it was an agonizing vote, respectful of the arguments so eloquently expressed by both sides, acknowledging the historic and human consequences of the decision each of us would make. I concluded the use of force was justified as of January 15, but I understood all too clearly why others believed just as strongly in further reliance on sanctions. Their votes were cast with much thought, weighed carefully out of concerns and fears, with our hopes and confidence in what America and the Americans could accomplish. We shared the same goal: Removing Saddam Hussein from Kuwait.

The debate was not over whether force should be used really but what kind and when. Even before that debate had ended we recognized that whatever its outcome we would be united.

As Speaker of the House, TOM FOLEY, said at that time:

> Let us come together after the vote with the notion that we are Americans here, not Democrats and not Republicans, all anxious to do the best for our country without recrimination as to motive, without anything but the solemn cry that on this great decision day we voted as our conscience and judgment told us we should.

Only days later, partisanship on the part of the Republican spokesmen tarnished what had been one of Congress' and our Nation's brightest moments, and to this day it is the Republicans who seem determined to load their big guns with cheap shots.

As Clayton Yeutter approached his new office as chairman of the National Republican Party, his first step left his foot in his mouth. To his credit, he seemed to recognize that he had made a mistake. But at the same time, the Republican Senate Campaign Committee was mailing fundraising letters engaged in partisan name calling, warning their contributors and I quote "appeasement-before-country liberals." Mr. President, appeasement before country? This seems to me to be an intention effort to win votes by poisoning our national politics and by dishonoring a debate in this Chamber that was in our finest traditions. Even now some Republican operatives already are talking openly about manipulating those votes of conscience into political tools for their own gain.

Wars transform Presidents. They also transform nations. Americans are now in no mood to be bystanders to a game of political football with an experience that was intense and powerful for our entire united Nation.

At another time, after another war, it was a Republican Senator who instead of instigating division worked to bring our country together. In the post-World War II world Senator Arthur H. Vandenberg of Michigan helped build the bipartisan support which President Harry Truman needed to ensure the success of the Marshall plan, a Republican working for national unity.

The victory we have secured over communism within the past 2 years came about because our Nation was able to be unified in the aftermath of the great victory of World War II. It came about because Republicans and Democrats came together to help us build a sense of national purpose, to instill a new tone of seriousness in our national politics, a new honesty in our political discourse to address our problems, to look at the future, to chart our course, and to steer by principles that were important to the American people.

During those postwar years another general, very much in the tradition of Norman Schwarzkopf, Gen. Omar Bradley, who was given the cherished title of the GI's general, said in an address to this country, "It is time we steered by the stars and not by the lights of each passing ship."

Mr. President, it is once again time for us to build national unity in the aftermath of a great victory by our Nation.

Senator Vandenberg had that kind of commitment, but that commitment to nations seems instead to have been replaced by some with the worst kind of cynicism.

Did Republicans view their votes as political chips to be cashed in later? Did Republicans consider the arguments in this historic debate like cards in a poker game, playing the hand that offered the largest political payoff? Did Republicans view their votes as part of a pattern of crass political opportunism? Of course not.

None of us who were in this Chamber during that debate could have possibly interpreted the heartfelt opinions and the votes of conscience on the Republican side of the aisle in a political and crass contest. But the partisan attacks by some of their operatives denied the assumption of the same honesty of purpose to others, and poisoned this Nation's ability to construct the kind of national purpose and unity of resolve for which our Nation yearns, especially in the aftermath of this victory.

Shame on those Republican operatives for playing politics with American lives; for the disservice they do to the brave American soldiers who made the ultimate sacrifice for their country. Some of our finest young men and women lost their lives on that battlefield. They did not die as Democrats or Republicans. They died as Americans fighting for a country that was unified here at home as those who had disagreed with the vote to authorize force immediately came together with those who had voted to authorize force, and said we are one Nation. This is beyond politics.

Others were seriously wounded on the battlefield. Was their blood shed so Republicans could have something to talk about in television political commercials?

It was only 2 days ago that I was in my home State of Tennessee for a memorial service paying tribute to one of our fallen heroes, Cpl. James David Tatum, of Riceville. For his family, for his loved ones and friends, this war was not about politics. His sacrifice, his service, his courage, were not about politics. Two others will be buried within the next few days. Their lives, too, were given for our country, not for bumper stickers, or 30-second commercials, dishonoring what this Nation is all about. You simply cannot play politics with American lives. The American people know that even if some Republicans apparently do not.

Democrats, like Republicans, voted their consciences, brought their very best judgment to this debate. Dissent is part of our democracy, part of what makes us strong as a nation. President Bush recognized in his State of the Union Address that "Democracy brings the undeniable value of thoughtful dissent." And President Bush added, "The fact that all voices have the right to speak out is one of the reasons we have been united in purpose and principle for 200 years."

As Commander in Chief of Desert Storm, President Bush provided leadership to our Nation and to the allied coalition with courage and wisdom. He must now provide leadership to those in his own party who are ignoring his words. The candidate who in 1988 let others do his dirty work and pretended not to see is now the President who rallied a nation behind his cause. Few will talk about the wimp factor now, because in the Persian Gulf, George Bush acted with boldness and courage. He should now act with the same boldness and courage to stop those who are trying to earn a fast political buck off of one of our Nation's finest moments and the sacrifice of some of our finest soldiers.

President Bush should send out the word with strength and conviction that he does not condone this kind of politics, that he does notice when his operatives employ it, and he will not tolerate it. He should impose the political discipline some Republicans appear to need to put the national good before the political maneuvering.

President Bush has talked of unity, condemning partisan politics. We take him at his word. Now he must make sure that Republicans who throw around words like "appeasement" before the country not only hear him but understand and heed what he says.

Today we are at one of the best moments our country has had in nearly 2½ decades. We have survived Vietnam, Watergate, hostage taking Iran-Contra. Look at what the American people are telling those who ask. A strong majority believe we are heading in the right direction, that we are in a watershed of self-confidence and hope. We are united now, and as our own history teaches us, we can accomplish great things as a nation when we are united, working together. We must seize this unique moment in our history, not allow it to be debased and tossed away on the fires of political exploitation.

Our optimism does not ignore the very real challenges we face here at home. We drew a line in the sand in Saudi Arabia. Now we must draw a line down every main street in this country and fight a different war against rising health care costs, illiteracy, drugs, crime, pollution, unemployment, and recession. Our optimism and courage will help us win this war, too, not as Democrats or Republicans, but as Americans who recognize that together we can overcome these challenges.

Mr. President, I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). Under the previous order, the Senator from Arkansas is recognized for not to exceed 15 minutes.

JOHNNY COMES MARCHING HOME TO INCREASED PRESCRIPTION DRUG PRICES

Mr. PRYOR. Mr. President, at a time when all Americans have been strongly supporting our men and women who fought in the Persian Gulf, the pharmaceutical manufacturing companies of our country have been intent on proving that profit comes before patriotism on many manufacturers' lists of priorities.

Last year, the drug manufacturers in our country launched an extensive campaign against a simple idea, that the industry should give the same discounts that hospitals and HMO's were receiving to the programs serving the poorest of the Nation's poor—the Medicaid Program. Despite their expensive lobbying war against this legislation to achieve this goal, the Congress passed this initiative, and the Medicaid Program will finally have a bit of a respite from drug price increases that tripled the general inflation rate.

This year, Mr. President, from all reports, the manufacturers seem determined to show their true colors again, and I must say they are not hanging out the yellow ribbons. The ink was not dry on the Medicaid legislation before drug companies decided the best response to this legislation was to begin a massive cost shift to other vulnerable populations, rather than slightly trim excessive profits or cut back on the huge marketing budgets. Almost immediately, companies started raising their prices and pulling longstanding contracts that they had in place with many purchasers of their products.

HMO's and other community hospitals and centers that serve the poor have reported to the Special Committee on Aging that drug companies are eliminating traditional discounts that they have earned in the marketplace.

What is even more shocking is that a number of drug manufacturers have raised prices on the backs of our Nation's soldiers and veterans. Over the past several weeks, as our Nation has struggled with the tremendous costs of the war and the potential need to provide medical care to those coming back from the front, several drug manufacturing companies saw fit to sabotage the drug budgets of the Department of Defense and the Department of Veterans Affairs. What happened, we asked, to that September 17, 1990, statement by Mr. Gerald Mossinghoff, the President of the Pharmaceutical Manufacturers Association, when he appeared before the Senate Committee on Finance to say that it was the drug company's patriotic duty to give the best price to the DOD and to the Department of Veterans Affairs.

Instead of doing their patriotic duty, Mr. President, the drug manufacturers have rewarded the patriotism of our fighting men and women with tremendous, unjustified, unprecedented increases in the price of drugs that will be used in our military facilities and veterans hospitals. There is little question that the drug companies' price increase will require the Department of Veterans Affairs to cut back on other vital health care services desperately needed by our soldiers and our veterans, in order to pay for the additional profits for the drug manufacturers.

Mr. President, here are just a few recent examples of how insensitive this drug manufacturing industry can be. Here is a capsule, if I might say, of the past several weeks of drug price escalation:

DuPont-Merck, a major manufacturer of pain-killing medications—Percocet and Percodan—drugs which would have been used heavily, had there been major war casualties, eliminated all of the lower prices that it gave to the DVA and to the DOD. It will now cost $47.60 for the Departments of Veterans Administration and Defense to buy a bottle of Percodan, where it had previously cost only $5.11, an increase of 832 percent. It will now cost them $43.70 to buy a bottle of Percocet, which had previously cost $1.07.

The Upjohn Co. has notified the Department of Veterans Affairs that they will eliminate their low prices for three very important drugs—Halcion, Xanax, and Ansaid, drugs that are used as tranquilizers and pain relievers. Federal Government expenditures for these drugs are expected to increase substantially in the weeks ahead.

Smith-Kline Beecham, the manufacturer of the widely used antiulcer medication Tagamet, has raised its prices on one strength of the product from $16.92 to $34.29, more than double their prices of a year ago. The Federal Government buys millions of dollars of this product each year for our elderly veterans.

Two manufacturers of insulin, used to control diabetes, have raised their prices to the DOD and DVA almost identically. Eli Lilly raised its price from $4.80 to $6.75 a bottle, and Squibb Novo Nordisk raised its price from $4.60 to $6.50 a bottle. This increase alone will cost the Federal Government $3.5 million this year.

And, Mr. President, the Department of Veterans Affairs just reported to me that this is the tip of the iceberg. They expect more drug companies to cancel their longstanding contracts with the Federal Government, and more prices to increase. In fact, their preliminary estimates are that these price increases will cost the Federal Government as much as $150 million this calendar year alone. That is twice the amount of the estimated first year Federal savings from the new Medicaid rebate law. Far beyond this being unacceptable cost shifting, the industry appears determined to squeeze out even more profits from those who are least able to pay. Needless to say, the major pharmaceutical manufacturers are circumventing the law passed only last October by Congress.

Mr. President, the pharmaceutical drug manufacturing industry is an industry which has perfected the art of profiteering. I have often spoken on this floor about the tremendous drug price inflation that our Nation's poor and elderly have endured in the last 10 years. Between 1980 and 1990, drug prices rose a staggering 152 percent while the general inflation rate was only 58 percent. We thought that the new decade might bring a change of heart from the drug industry, but all indications and especially recent indications in the past several weeks, are that they are gearing up for another decade of recordbreaking profits. As recent as this past December, prescription drug price inflation quadrupled the rate of general inflation, and once again lead all other medical care components of the consumer price index.

This rampant and unprecedented price inflation in 1990 resulted in another banner year for drug company profits. They made 18 percent profits on sales of $57 billion, which means that the industry made almost $10 billion in profits on the backs of all Americans who need medications. Despite the gloom and doom projected last year by the industry as a result of the rebates that were going into law that they will have to give to Medicaid, industry analysts say that their sales will top $65 billion in 1991, and their profits will increase to 19 percent, an all time record high. It appears that this percent will increase even further at the expense of our Nation's veterans, and our hard-working taxpayers.

Industry profits are so unbelievably high that one analyst, writing in the January 14, 1991, issue of Business Week made the point that you would never know we were in a recession if you had only the pharmaceutical industry's profits by which to judge. He said that the rebates required under the new Medicaid law amounted to nothing more than a minor annoyance for an industry.

To add insult to injury, the industry appears intent to use these enormous profits, unprecedented profits, to add to their already bloated marketing and advertising budgets. An industry that so prides itself on innovation and research can certainly find innovative ways to squander money. Let me give you just two recent examples:

I hold a copy of a book sent to all of our offices by the pharmaceutical manufacturers. It is leather bound. It is all the testimony and all of the letters that were compiled last year opposing the new Medicaid rebate law.

There is not one word in this book, Mr. President, about their unprecedented profits, about their tax write-offs for research and development, about the fact they are a recession-proof industry. Nor is there one word that the pharmaceutical manufacturers in this book tell the American public and our colleagues in the Senate and the House that they are once again gearing up to try to circumvent the system so they can make additional profits.

Another publication has just been born, Mr. President, probably because of the new Medicaid rebate law. It is a slick little journal. It is called the Medical Herald, America's premier national urban medical newspaper, volume 1, No. 1, February 1991, with a picture of Mr. Gerald Mossinghoff, the president of the Pharmaceutical Manufacturers Association on the front page. On page 8, an editorial "New Medicaid Drug Law Draws Fire," is basically against the new Medicaid rebate law. On page 6, an indepth discussion of the new Medicaid rebate law.

But throughout, we find advertisements, publicity from the Pharmaceutical Manufacturers Association.

Mr. President, I am wondering simply if this new newspaper is not only an additional arm and funded by the Pharmaceutical Manufacturers Association.

Mr. President, instead of raising prices on the backs of our Nation's veterans and our soldiers, instead of raising prices to our Nation's poor and elderly, instead of eliminating discounts to the Medicaid Program, instead of making a surgical strike at the heart of our Federal health program, I might suggest today to the drug manufacturers they take up the knife and cut the tremendous fat from their overbloated marketing and advertising budget. Let me suggest they reduce the tremendous amount of money they waste on leather-bound books they send our offices, newspaper and magazine ads, public relations, and all other excessive amounts of extravagancies that are not only unnecessary but eventually drive up the price of drugs on the backs of the poor.

It is getting to the point, Mr. President, where the only ones in our society that can afford outrageously priced medications in America are top executives that run these drug manufacturing companies and their trade association, the Pharmaceutical Manufacturing Association, that I hope is tuned in and listening this morning.

When the average American household, Mr. President, has an annual income of $30,000, the average senior citizen an income of $14,000, the average drug company chief executive in America of the Pharmaceutical Manufacturers Association has an annual income of $2 million a year. That is 64 times the income of the average American, 140 times the income of the average senior citizen who today is being shackled with the outrageous price increases in prescription drugs.

Mr. President, after enactment of the Medicaid rebate legislation last year, I thought the drug manufacturers of America had finally gotten the message that the Congress wanted to get prescription drug prices under control. I thought the manufacturers were finally willing to make their modest contribution to deficit reduction and to say to this Congress, the American taxpayer, and the American public that, "We are going to do our best to keep drug prices low; we will do our best to be a part in cost containment."

Mr. President, I and many other Members of this body thought we could finally trust the drug companies and we could move on then to the other health care issues affecting this Nation. Mr. President, how wrong I was.

The actions of the drug industry over the last several months and weeks have once again poisoned the well. Their inexcusable actions have left all of us with a bitter taste. It has left us shaking our heads, wondering when and how it will all end.

It is time they got the message at long last that price increases and cost shifting to soldiers and veterans, or other areas of the vulnerable population of Americans, is totally unacceptable to the Congress and to the constituents we serve.

In closing, I would like to say that if the drug manufacturers believe that we in the Congress of the United States are going to allow them to get away with this unbridled greed, they are wrong. They are desperately wrong, and they underestimate our wrath.

We will not allow the pharmaceutical manufacturers of this country, who are the robber barons of the American health care system, to continue to rob the poor and the vulnerable to further enrich the drug manufacturers of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. SANFORD. I thank the Chair.

(The remarks of Mr. SANFORD pertaining to the introduction of S. 567 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

STATUARY HALL TRIBUTES TO CONGRESSMAN SILVIO O. CONTE

Mr. KENNEDY. Mr. President, last Wednesday, February 27, I was privileged to participate in a moving series of tributes to our late colleague, Silvio Conte, in Statuary Hall of the Capitol. I believe that the ceremonies will be of interest to all of us in Congress who knew and loved this outstanding Member of the House of Representatives, as well as to his legion of friends and admirers in Massachusetts and across the country. I ask unanimous consent that a transcript of the ceremonies may be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

"THE NAVY HYMN"

(Sung by the United States Navy Band Sea Chanters)

Eternal Father, strong to save,
Whose arm hath bound the restless wave,
Who bidd'st the mighty ocean deep,
Its own appointed limits keep.
Oh hear us when we cry to Thee,
For those in peril on the sea.

Lord, stand beside the men who build,
And give them courage, strength, and skill.
O grant them peace of heart and mind,
And comfort loved ones left behind.
Lord, hear our prayer for all Seabees
Where'er they be, on land or sea.

WELCOMING REMARKS BY CONGRESSMAN JOSEPH MOAKLEY

Mr. MOAKLEY. On behalf of Congressman Silvio Conte's family, the United States House of Representatives, and the Massachusetts delegation, I welcome you as we meet in this very historic room to celebrate Sil's life and legacy.

At this time I would call upon the Honorable James Ford, Chaplain of the United States House of Representatives, to deliver the invocation.

CEREMONIES IN TRIBUTE TO THE LATE HONORABLE SILVIO O. CONTE, STATUARY HALL, U.S. CAPITOL, WASHINGTON, DC, WEDNESDAY, FEBRUARY 27, 1991, 12 NOON

INVOCATION BY THE REVEREND JAMES D. FORD, D.D., CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

We are thankful, O gracious God, for all Your blessings upon us and upon all Your creation. We are grateful that You lift up people to whom special tasks are provided and to whom uncommon gifts are given.

Our praise to You, O God, for Your gift of Sil Conte—to his family and those near and dear to him, to our community in the House of Representatives, to the people of his District and to all those that were touched by his work and his life.

As we gather here in this special room, surrounded by the statues of the heroes of this institution, we offer this our prayer, O God, in thanksgiving and praise for him whom we recall this day. May his gift of spirit and his enthusiasm for life, his concern for the needs of people and his friendship with so many, encourage each of us to strive to be the people You would wish us to be and do those good things that bring honor to You, O God, and are of services to the people about us.

May all who knew our friend and colleague and who knew his love of life and his great spiritual faith, find a new spirit within us to "do justice, love mercy and ever walk humbly with You." Amen.

REMARKS BY CONGRESSMAN JOSEPH MOAKLEY

Mr. **MOAKLEY**. All of us in this room knew Sil Conte well, but under very different circumstances. Some of us knew him as a fellow member of Congress, a giant of a legislator, whose antics on the House floor often artfully masked the enormous role he played on the Appropriations Committee and on the floor of the House.

Others here knew him as a fearless hunter and sportsman, only too eager to describe the detail of the day's catch, be it real or exaggerated.

Many others knew Sil as an advocate for energy assistance, for education, for nutrition, and knew very well the enormous debt so many in society owed to this great man.

But everyone in this great hall knew and respected Sil Conte as a friend, a man of skill and courage, a man of compassion and heart. His gifts to all of us are diverse and plentiful. His reputation as a legislator, his genius as a parliamentarian and a strategy man—with high regard he enjoyed a partisan war one day, and a bipartisan compromise the next. But these are the stuff legends are made of.

But more than all of this, Sil Conte was something so significant in our lives that his memory will brace the balance of our lives for years to come.

The next speaker, Congressman Boland, represented the 1st District of Massachusetts for 36 years. He and Sil Conte together represented all of the towns and cities in western Massachusetts. It is my pleasure to introduce the former Congressman from Springfield, the Honorable Edward Boland.

REMARKS BY FORMER CONGRESSMAN EDWARD P. BOLAND

Mr. **BOLAND**. On this Earth and in this life, there is a time for everything. There is a time for tears, and there is a time for pride. The tears have been washed away by the tremendous outpouring of respect and affection that was so evident in Pittsfield and throughout Sil's beloved Congressional district, in his native State of Massachusetts, and in the Congress of the United States. So today and in the years to come, Silvio Conte's spirit, dedication and accomplishments will be recalled with pride by his family.

While all who are elected to Congress aspire to leave a mark on the institution, not all succeed. Sil Conte was among the few who did succeed. No man or woman who achieved such success that Sil enjoyed, does it alone. All have some source of support from which they draw the strength and the determination to carry on, oftentimes when it is hardest to do.

Corinne and the kids, the family, were that source of strength for Sil.

I wanted to offer a three or four-sentence description of the perfect Congressional spouse, a description that touched on all the necessary attributes: selflessness, patience, good humor, intelligence, dedication, understanding, sacrifice, and all the rest.

Then I suddenly realized that three or four sentences were not needed, when two words, Corinne Conte, were fully expressive of that ideal.

As Sil was the first to admit, he and Corinne were certainly full partners. Sil was a fighter, and, Corinne, he was such a good one, because he always knew that you were in his corner.

Corinne and the kids, Michelle, Sylvia, Gayle, and John, how proud he was of them, and how proud they were of him.

Today, as we reflect on Sil's public service and express in this hallowed place the Nation's pride in him, the family can take comfort and pride in the knowledge that the constancy of their love and support is reflected in everything by which he will always be remembered.

At this time, it is my privilege to introduce Corinne Conte, and two of Sil's children, Michelle Conte Webb and her husband Harry, and Gayle Conte Fowler and her husband Gary. Sil's son and daughter Sylvia could not be with us today, but their families are with us in our thoughts and in our prayers.

INTRODUCTION OF COKIE ROBERTS BY CONGRESSMAN JOSEPH MOAKLEY

Mr. **MOAKLEY**. Cokie Roberts is a daughter of the House of Representatives, having been raised under Congressman Hale Boggs' deft hand and nurtured by Congresswoman Lindy Boggs' warmth and charm.

I give you Cokie Roberts of National Public Radio.

REMARKS OF COKIE ROBERTS

Ms. **ROBERTS**. It is odd for a member of the media to participate in an event like this. But we in our trade have a special affection for Sil Conte. You will remember him as a gracious and good-humored friend who helped the poor and downtrodden. We will remember him as a good and gracious friend who helped us get our stories on the air and in the paper.

We could convince editors and producers of the most improbable stories, if we promised them that they would have a good Sil Conte bite in them. He would always spice up anything that was happening here, the most arcane of things. He would go to the floor and the debate would get heavy, and he would come out wearing sometimes—actually it was only one time, but it seemed like it was more—the famous pig snout, to hype pork barrel projects. We would all be there, and so would all of the Members—we would rush to the floor, to hear what Sil was going to say this time, and often to participate.

He would start on a litany of abuses, and everybody would start to join in as he was talking. It was especially fun if he had one of his favorite targets, the poor Garrison Diversion, or, worst of all, the federally assisted bee keepers.

A moment after I heard that Sil had died, and I was so sad, and then I got a giggle, thinking at least the bee keepers will be happy. I thought how typical that is of Sil to give me a giggle even now.

Then he had his doggerel we would constantly put on the air. I even did the humiliating thing once of writing my script in doggerel to go with his doggerel.

He was a star in our famous media movie, "The Tapes of Wrath," where he gave the Italian salute on the floor of the House of Representatives.

We all were able to cover at least once the famous Congressional baseball game that Sil loved so much. You know, he joked about it, but he was dead serious about that game. There was no kidding around.

I remember the year that Connie Mack was elected. Sil was so excited. He found out that this was the real Connie Mack, the grandson of Connie Mack, Cornelius McGillicuddy, and, mirabile dictu, he was a Republican of all things.

So he went to him and said, "Baseball—you got to sign up for the baseball team." And then the disgust in his voice as he said to me, "you know what? He plays tennis."

It is odd that we in the press should have such a strong sense of affection for Sil Conte. Of course we loved his humor, and of course we loved the fact that he was a straight source. He told us the truth, and we knew that we could count on it.

But his real talent was things that we tend not to celebrate. We like confrontation, and his talent was compromise. We like to see things falling apart, because that is a good story. His ability was to put things together. It was to legislate. It was to move this institution along and make things happen for people.

Part of it was because he cared so much about people, and part of it was because he cared so much about the institution.

I have noticed in some of the tributes that have been already in the Congressional Record about Sil, and in the eulogy that Speaker O'Neill gave at the funeral, that several people have talked about his sartorial tastes, and mentioned the stripes and plaids together, or my second favorite, his semaphore jacket, signal flags all over it.

But my very favorite jacket of Sil Conte's was a blue blazer, just a plain blue blazer. But on it was the Seal of the House of Representatives.

Once when I was doing a TV profile of him—a tough assignment, I didn't have to write anything—he was wearing that jacket.

I said to him, "Congressman, that jacket makes it look like you are a cheerleader for the House of Representatives. Are you? Are you a cheerleader?"

He thought for a second, and he twinkled, and he said, "I guess I am. I guess I really am. I care about the place."

So I think right now he, and maybe daddy at his side, are cheerleading for you, and, heaven knows, you are going to need it without him.

INTRODUCTION OF CONGRESSMAN ROBERT H. MICHEL

Mr. **MOAKLEY**. For the past 10 years Bob Michel has served the House and his party as minority leader, and counted as one of his closest friends our friend Sil Conte.

We will hear from the Honorable Robert Michel.

REMARKS OF CONGRESSMAN ROBERT H. MICHEL

Mr. MICHEL. Corinne, Michelle, Mr. Speaker, my colleagues, friends of Sil Conte, as I said at Silvio's funeral, this is a time I had hoped would never come, for like so many of you, I am grieved to lose one of my very dearest friends, and one of yours.

We didn't know one another before he came to the Congress in 1958, but the ever-tightening bond of our friendship through the years has indeed been one of the nicest things that has happened to me.

We had a great deal in common. We were both sons of immigrants. We grew up during the Depression and learned early on what work was all about. We both served overseas during World War II.

We both married Corinnes over 40 years ago, and there are four great kids, as Sil would say, of both marriages.

Sil would be the first to say to always put the emphasis on the family and the church as the really important influences in his life.

He was mighty proud of his Italian heritage. He loved to use the French pronounciation of my name to make the point that even as first generation Americans, it was possible in this country to make it to the top of the political arena.

Yes, Sil was a politician, but in the finest sense of the word. He looked upon the office as an opportunity to serve his fellow man. He was always out there championing the cause of the little fellow, the disabled, and the destitute.

But he also held that old-fashioned view that if you were able-bodied and sound of mind, you had an obligation to work for a living and be a contributor to society. And he himself worked long and hard to become a power in the Congress, but he never let it go to his head.

He had no fancy airs. He was a pretentious man. He really didn't bother to spruce himself up all that much either.

He was something like a comfortable old shoe, I guess, but we all loved him. And there is no question but that his constituents in Pittsfield and western Massachusetts felt the same way, as attested by the thousands who waited in line to pay their respects at Sil's visitation and funeral service.

Of course, his special concern on the Appropriations Committee had to do with health and education issues. He had a particular interest in our medical schools, and long before there were any indications of his being a victim of cancer, he was doing everything he could to expand research activities at the National Institutes of Health to foster prevention and find a cure for all those life-threatening ills that take such a toll.

In Silvio's case, he kept fighting back, never giving up, on the job until just a week before he passed away. And that was his nature. He was a scrapper.

He would want to be remembered that way, even to the display of a bit of temper at times, when there was good reason for it—like his penchant for condemnation of government boondoggles.

Some say, I guess, Sil was flamboyant. I would say that he was just doing what comes naturally, giving vent to his Italian heritage, complete with gestures.

I might even say he was bombastic at times, but it was always for the purpose of dramatizing his point. And, believe me, he could play the House over here like a master.

The truth is that beneath all that bombast was a very sensitive, considerate, caring, and lovable fellow. He loved a good time, enjoyed having fun-loving around him, and, when cranked up, he could be the life of a party. And even though he did not have a voice for singing, he liked those who did, and appreciated good music. That is why I think it is so appropriate to have the Navy Sea Chanters here today.

While his recreational pursuits were officially classed as amateur, I considered him a pro when it came to hunting and fishing. He could put us all to shame with his catch and his limit. Moreover, he loved to serve as the chef when it was time to put it on the table, and, believe me, there was no one better. Oh, how we are going to miss those wild game dinners and fish fries he was responsible for.

He was a great sports fan. He enjoyed chomping on that cigar while playing gin rummy, or as a bridge partner of another of his old buddies, Speaker Tip O'Neill.

When Sil was managing and I was pitching, we had a winning combination that beat the Democrats at baseball 13 years in a row—the only time we were able to do anything politically.

And, for the record, Sil would want the Washington Post's beautiful editorial on his passing amended to read that we played "hard ball, not softball," in those days.

Finally, Sil was a renowned gardner of both vegetables and flowers. We were always comparing notes. This spring I will be babying those amaryllis bulbs he asked me to try, for each new bloom is going to remind me of 32 years of friendship with the greatest of them all.

Corinne, Michelle, and all the members of the family, we tried at the funeral, and again here today in a very simple homespun way, to communicate to you that all of us here so loved Sil Conte deeply, as you do, and we share your sorrow and your profound loss. But I guess we take heart because we have the beautiful memories of having shared our lives with your husband and with your dad.

INTRODUCTION OF SENATOR EDWARD M. KENNEDY BY CONGRESSMAN JOSEPH MOAKLEY

Mr. MOAKLEY. As both junior and now the senior Senator from the Commonwealth of Massachusetts for the past 29 years, Senator Ted Kennedy, like his brothers President John Kennedy and Senator Robert Kennedy, was a dear friend of Sil's.

The Honorable Ted Kennedy.

REMARKS OF SENATOR EDWARD M. KENNEDY

Mr. KENNEDY. Corinne, members of the Conte family, friends. To all of us who were privileged to know Silvio personally, and to literally millions of others who knew of him, he was a leader of extraordinary talent and even more extraordinary vitality.

He was a Fourth of July Parade with all the bells and whistles. With his bright smile and booming laugh, he roared down the highway of life like the famous car he drove—fire-engine red, convertible with the top down, his personality as colorful as the fall foliage in his Berkshires.

That was Sil Conte. And for 32 years, the citizens of the First District of Massachusetts were blessed with one of the finest legislators and most beloved Members of Congress of his time.

The other day, I received a letter from one of his constituents, Sandy Thomas, of Greenfield, Massachusetts, and I'd like to read a few lines: "Dear Senator Kennedy. Like many others, I have been moved to tears and feeling grieved at the loss of this remarkable and genuine man. He was kind, gentle and good. Mr. Conte helped me try to obtain educational help for my child when I approached him 2 years ago. He literally held my hand throughout this entire time and never once let go. The children of western Massachusetts and the entire country have lost a friend and a great ally. He will always hold a special place in my heart for the grace and determination he taught me."

In 1961, his third year in the House of Representatives and President Kennedy's first year in the White House, Sil risked his own career when he voted against his party leadership to expand the House Rules Committee and end its resistance to my brother's proposals.

Sil's vote was the sort of profile in courage that President Kennedy admired. In a sense, he helped make the new frontier possible, and my brother never forgot what Sil had done.

He was proud of his Italian heritage. We used to joke about how in the old days in Massachusetts, you only had to know two things about foreign policy to get ahead in politics—all Ireland must be united and free, and Trieste belongs to Italy.

Sil was a Roosevelt Republican—Theodore Roosevelt, that is. But he usually got the slogan a little mixed up. Sil carried a big stick. But he talked big too—and then delivered big.

He was the scourge of pork for anything he thought unworthy—and the king of pork for the great causes he did battle for. It is said that all Sil Conte had to do was walk into the House Appropriations Committee room, raise his little finger, and western Massachusetts had a new Federal project. If he had got any more, we'd have had to call the State Conte-chusetts.

And as all of us know, there might never have been a Patriot missile without the incomparable support of a patriot named Silvio Conte.

You could count on Sil to make his point with a prop or a poem that left us laughing, and that endeared him all the more, even as he rolled over us. He was the poet laureate of Congress, and his ode to the budget last October still echoes in these Halls:

"We're frightened by the interest groups.
We act like silly nincompoops.
We can't make cuts that cause some sting.
We cannot even do a thing.
And now we have run out of time,
And that, dear friends, is our own crime.
The Government—it has shut down,
And we're the only game in town.
Let's work to get this budget through,
And get these tourists to the Zoo."

Most of all, he was loved for his commitment to the elderly, the sick, the young, the poor and all the others who need our help the most.

Five years ago, in an address at Boston College, he talked about how he made the difficult decisions. He spoke of long walks alone, in the early hours of the morning, through the empty Halls of this Capitol, searching for answers. The answers don't come from experience, he said, or position papers, or staff experts, or even from common sense. Most of the time, he said, they come straight from the heart.

And what a warm and beautiful heart Sil had, filled with the four great loves of his life—love of family, love of friends, love of country, love of life—and overflowing with that incredible lifelong determination to give something back to America in return for all it had given him.

Near the end of Pilgrim's Progress, a passage tells of the death of Valiant, in words that remind us of Sil and the abiding loss we feel:

"Then, he said, I am going to my Father's; and though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am.

"My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.

"When the day that he must go hence was come, many accompanied him to the riverside, into which, as he went, he said, 'Death, where is thy sting?' and as he went down deeper, he said, 'Grave, where is thy victory?'

"So he passed over, and all the trumpets sounded for him on the other side."

INTRODUCTION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE HONORABLE THOMAS S. FOLEY, BY CONGRESSMAN JOSEPH MOAKLEY

Mr. MOAKLEY. Elected in 1964, Speaker since 1989, Speaker Foley worked very closely with Sil in enunciating the ideas and agendas of each of their parties.

It gives me great pleasure to present to you the Speaker of the House of Representatives, the Honorable Thomas S. Foley

REMARKS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE HONORABLE THOMAS S. FOLEY

Mr. FOLEY. Reverend clergy, Mr. Secretary, Senator Kennedy, my colleagues in the Congess, ladies and gentlemen. In my 27 years in the Congress, I have never known a Member who inspired as much affection as Silvio Conte. To have known him is to have been touched by him. He never took, he only gave. And he never stopped giving—to his Nation, to his State, to his district, to his family, and to his friends.

Corinne and Michelle and Gayle and the family, we do not wish to intrude. We wish to say again that as we shared your love for him, we also share your loss.

Yet we are here more to celebrate his life than alone to mourn his death. It was a life of many textures, all of them bold. He served his State and country in public life for 40 years, 32 of them as a Representative of the 1st District of Massachusetts.

Here in the House of Representatives where he served over three decades, I never met a Silvio Conte detractor, much less an enemy.

His colleagues will remember his roaring in the well against pork-barrel projects and government waste, bellowing against programs that he thought were inefficient and a burden on the taxpayer.

One time when he was ridiculing the mythical, Conte-make-up agricultural program called the mulberry maintenance program, some new Members on our side took offense, being freshman Members from farm States, and proceeded to go out and criticize Mr. Conte, and straining the rules in doing so, for having treated this mythical agricultural program, so lightly. I advised them not to do it. They did it anyway, and Silvio took the well again and said that he had tried to do by humor that which he would now do by serious discussion, and laid a heavy, heavy eloquent attack on what he considered the failures of the agricultural programs in the United States.

After he finished, I went to the new Members and said, "Do you see what I mean?" "Yes," they said, "we see what you mean."

But it was not ever a harsh or personally abrasive emphasis. It was always more bluster than anger, and Silvio was the first to go and share with the person whom he had been debating with a joke or a pat on the back or a friendly smile.

He rose to be the ranking Republican on the Committee on Appropriations, an enormously powerful position in the Congress, and he used it always to do what he thought was necessary to protect not only those interests of the taxpayers but those interests of the people in sound and wise public policy.

He was committed to preserving and expanding health and social services, programs such as biomedical research, maternal and child health care, and student aid. He was a loud and consistent advocate of the poor and against the depredations of acid rain.

He loved his home in Pittsfield and his State and district, and he was unashamed of his efforts to support their interests.

He had the unstinting and constant affection and loyalty of his constituency. The First District became his private political preserve where he sometimes ran unopposed—sometimes, remarkably, with the support of both parties. A Republican with Democratic support is a formidable candidate anywhere, but in Massachusetts that is an especially formidable candidate. He always received margins of victory that were the envy of all of his colleagues. This was partially due to his exuberance, and he was impossible not to like, but mostly due to the fact that he was a loyal Republican. He reached out to all parties, to all factions, to every individual in the House.

He felt that the life of politics and public affairs should be a life of enthusiasm and fun as well as service and dedication, and he brought that spirit to it that has made for all of us who knew him a very sad absence in this Chamber today.

In addition to that, he made the lives of so many millions of people in this country and elsewhere better for his service here, and that is a marvelous monument and testament for anybody who serves in public life. There are millions who do not hear these words. There are, of course, many, many millions who are not in this city or could not be in this room, but although they do not know the name of Silvio Conte, have reason in their own lives to bless his life and his work.

All life is unique, and to break the rules of grammar, the life of Silvio Conte is especially unique. We will not see his equal again.

Silvio, God bless you. Rest in peace.

"Amazing Grace"

(Sung by the United States Navy Band Sea Chanters)

Amazing grace!
How sweet the sound,
That saved a wretch like me!
I once was lost,
But now am found,
Was blind,
But now I see.

Through many dangers,
Toils, and snares,
I have already come;
'Tis grace hath brought
Me safe thus far,
And grace
Will lead me home.

INTRODUCTION OF SECRETARY OF STATE JAMES A. BAKER BY CONGRESSMAN JOSEPH MOAKLEY

Mr. MOAKLEY. Especially in view of today's world situation, we are especially honored to have with us the Secretary of State and one of Silvio Conte's closest friends, the honorable Secretary of State, the Honorable James Baker.

REMARKS OF SECRETARY OF STATE JAMES A. BAKER

Secretary of State BAKER. I first met Sil during the hectic days of Jerry Ford's campaign against Jimmy Carter, and I have had the privilege of enjoying his friendship ever since.

I think everybody in this room knows that Sil never made a friend who did not stay a friend for life and, of course, there were literally thousands of them.

Sil touched and won the hearts of all of us who were privileged to know him, and in the finest tradition of public service, Sil touched the life of our Nation as well.

His legacy is going to benefit many, many generations in the years to come.

He really had a marvelous gift for friendship, and it's a good thing that he did, because it isn't really easy to be the only Republican from an otherwise solidly Democratic State. We used to know a little bit about that down in Texas.

But Sil's commitment to what he believed in was really so genuine and his cantankerous charm so winning that folks on both sides of the aisle embraced him, and they embraced him with respect, and they embraced him with genuine affection.

So we will sorely miss him. We will miss his skill. We will miss his dedication and, perhaps above all, as others have said here today, we will miss his delicious irreverence.

He was a consummate legislator, and he was extraordinarily effective as such. Time and again I can recall, when I was Secretary of the Treasury, particularly, Sil interceding as my guardian angel. I'd be testifying before an appropriations subcommittee here, and the going would be getting pretty tough. Suddenly Sil, who was the ranking Republican on the full committee, would arrive to lend his support. He would extend his very big protective wing over me and, frankly, he would save the day.

But my fondest memories of Sil Conte don't have anything at all to do with politics, and they don't have anything at all to do with Washington, DC, because Sil and I spent some of life's truly finest moments outdoors together hunting geese on the Eastern Shore or hunting wild turkeys down in Texas. And my really warmest recollections of my pal center around campfires we would enjoy where we would sit around and tell lies after a good day's hunt.

Sil, of course, was a terrific storyteller. Not all of his best hunting stories were exactly true.

But among the really finest things that he and I enjoyed together was a very high regard for a particular brand of sourmash whiskey, a bourbon called "Maker's Mark." Come to think of it, that whiskey reminds me an awful lot of Sil himself, because it's direct, it's robust, and it leaves you with a very very warm glow, just like Sil Conte.

And Sil, of course, certainly made his mark. We, all of us, his friends, in fact, the entire Nation, are all the better for it.

So today we honor Sil's memory. Despite that long battle with illness, he never lost his gift for enjoying life. Not long ago, I talked to Sil about planning another hunting trip to Texas, and I asked him whether he wanted to go this year or whether he wanted to go next year. He said, "Let's do it this year, Jim," and I think he really wanted to use the time that God saw fit to grant him to the very, very fullest. I will always regret that we were unable to make that trip together, because we would have had one hell of a good time.

To the end, Sil was a lover of life. He was a lover of laughter. He was a lover of people, of nature, of good times and, yes, of good whiskey. And that's why we all loved him.

I can just imagine Sil now up there in heaven with his Maker. They are probably sitting around Heaven's campfire swapping jokes, telling lies, and drinking Maker's Mark.

INTRODUCTION OF REV. J. DONALD MONAN BY CONGRESSMAN JOSEPH MOAKLEY

Mr. MOAKLEY. Sil Conte, in his role as a member of the Appropriations Committee, was exceedingly kind to many educational institutions throughout the country, but no educational institution was as close to Sil Conte as his alma mater, Boston College. We are honored to have Boston College's esteemed president, Father Monan, with us today to offer the benediction.

BENEDICTION BY REV. J. DONALD MONAN, PRESIDENT, BOSTON COLLEGE

Rev. J. DONALD MONAN. God our Father, the gifts you abundantly showered upon Silvio O. Conte he transformed into gifts for the entire Nation, gifts of compassion and of courage, the power to speak eloquently and to listen respectfully, gifts of utter sincerity and strong conviction, gifts of political wisdom and of informed conscience, gifts of faith in You and of love for those ever widening circles that began with Corinne and the children and extended wherever human need arose.

As we listen for a final time for the faint echoes of his voice in these chambers, we recall the words of the Christian liturgy of resurrection, that for those who believe, life is only changed, not ended, and we ask two things: for our esteemed and beloved Silvio, we confidently ask that the copious reward of his good life be continued fullness of exuberant life in the presence of the risen Lord.

And in our own grief, we ask for ourselves not the power to re-create his truly inimitable style, but that the gifts he shared with each of us, with his beloved colleagues in seats of government, remain an inspiring presence to all that we do.

In his stewardship of our good Earth, his inexhaustible care for the young, his energy to push back the shadows of the unknown to better serve humankind, his conscientious awareness that in serving the world's powerful or the world's weak and needy, he ultimately served You as well.

May these gifts and accomplishments of Congressman Silvio O. Conte be our private hopes and our Nation's pride.

And may his good soul and the souls of all the faithful departed rest in peace. Amen.

CONCLUDING REMARKS BY CONGRESSMAN JOSEPH MOAKLEY

Mr. MOAKLEY. Finally I would like to thank the United States Navy Sea Chanters, who are led by Master Chief Musician Ronald M. Chiles, musical director, and conducted by Musician First Class Stephen Wellman, for providing the beautiful music for today's service. They will now sing "America, The Beautiful."

"America the Beautiful"

(Sung by the United States Navy Band Sea Chanters)

America, America
God shed His grace on thee.
O' beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain.
America, America,
God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea.

O beautiful for heroes proved,
In liberating strife,
Who more than self their country loved,
And mercy more than life
America, America,
God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea.

Mr. MOAKLEY. The memorial service for Silvio Conte is concluded. On behalf of the family, I thank you for your attendance. Thank you very much.

GREENWOOD'S PROUD CONTRIBUTION TO DESERT STORM: THE 371ST CHEMICAL COMPANY RESERVE

Mr. HOLLINGS. Mr. President, the entire Nation is jubilant at our Armed Forces' victory in the Persian Gulf. In the last 6 weeks, we have witnessed the most massive and successful air campaign in the history of warfare, followed by the largest and most successful ground offensive since World War II. Today, Iraq's armies stand utterly defeated. Kuwait is free. We cannot help but be impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, during the Senate recess several weeks ago, I talked to hundreds of South Carolinians in 15 counties, and I can't tell you how proud they are of their National Guard and Reserve units serving in the Persian Gulf war. In community after community across my State, there has been a spontaneous outpouring of patriotism and support for the mobilized units and their families.

An excellent case in point is Greenwood, SC, which is home base for two Army Reserve units, including the 371st Chemical Company now deployed in Saudi Arabia. The 100 men and women of the 371st, under the command of Capt. Lewis M. Whisonant, have played a vital if largely unsung role in the war theater. Their specialty is the chemical decontamination of soldiers and equipment, and they have spent the entire war in a state of constant readiness and alert. Certainly, we share their relief that Saddam Hussein was prevented from using his chemical weapons against our forces.

Mr. President, one measure of the pride of Greenwood and nearby communities is the tremendous sendoff that was given to the 371st at the end of September. Citizens of Greenwood gathered at the Civic Center to wave American flags and yellow ribbons, and to wish their soldiers Godspeed as they set off for Fort Jackson and the war. Many people wept—as much from pride as from worry. People in Greenwood say that the only thing bigger than that sendoff event will be the victory parade when the 371st returns.

Mr. President, this expression of pride is very understandable. Bear in mind that the 371st is made up truly of citizen soldiers—men and women from all walks of life who are serving at great sacrifice to their families and careers. They range in age from 18 to their early fifties. The men and women of the 371st come from all walks of life, including a large number of employees from textile mills in and around Greenwood.

Meanwhile, the entire community has come together to aid and embrace the families left behind. No one can remember ever seeing so many American flags flying day and night, both downtown Greenwood and in surrounding neighborhoods. Cathy Trevino, whose husband, 1st Sgt. Clement V. Trevino, is in Saudi Arabia with the 371st, heads up a family support group and is working tirelessly to reach out to spouses in Greenwood and as far away as Anderson and Charleston. My hat is off to all of these people—for their sacrifices, for their generosity, and for their quiet courage on the homefront.

Mr. President, the men and women of Greenwood's 371st Chemical Company are among our best and finest. They are doing an extraordinary job under the most dangerous and demanding of circumstances. They are a credit to their Nation, and are doing South Carolina proud. I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

CLAUDE YAGER: 65 YEARS OF SERVICE TO MASONS

Mr. PRYOR. Mr. President, I rise today to pay tribute to a gentleman that I am proud to call my friend. This gentleman is Mr. Claude Yager of Forrest City, AR.

Claude has been a dutiful member of the Forrest City community, a person with a keen sense of civic responsibility and civic pride. A faithful member of the Forrest City Mason Lodge No. 198, he has held every office of the local lodge. In fact, he has served faithfully as a member of the Masons for over 65 years, beginning in 1926 at Mason Lodge No. 81 in LaGrange, TN. He then moved to Rossville, TN, where he served as Worshipful Master before moving to Arkansas.

Mr. Yager was recently honored at a ceremony where Arkansas Grand Master James Weatherall presented Claude with a Certificate of Merit and Appreciation.

He is also an active member in the First Baptist Church of Forrest City, as well as the Forrest City Camp of Gideons International.

Mr. President, I am pleased to bring this man's achievements to the attention of my colleagues and I extend to him my personal thanks and congratulations.

S. 62—MEDICAID AMENDMENTS

Mr. MOYNIHAN. Mr. President, on the first day of this Congress, my colleague, Mr. DANFORTH, and I introduced

S. 62 to require States participating in Medicaid to identify, evaluate, and develop plans for the care of the homeless mentally ill. Our bill would not eliminate this problem. But it might be a start. And we can simply no longer be passive. The problem of mentally ill homelessness is a scandal. Indeed, just this past weekend a thoughtful and challenging oped by Michael Spencer, "Calcutta on the Hudson," appeared in the Outlook section of the Washington Post. I ask that it be printed in the RECORD, and I urge my colleagues to support S. 62.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CALCUTTA ON THE HUDSON

(By Michael Specter)

NEW YORK.—She was beautiful and so was her son. In one hand she carried the umbrella that comes from a generous donation to National Public Radio. Her child, who was about 4 held onto the other hand. Together, they watched in silence as a grubby man slowly made his way up the movie line.

"What does he want?" said the boy, as he tried to learn from his mother's face whether or not to be scared. "Doesn't he have a ticket?"

"No dear," she said, clearly worried about what would come next. "He's homeless. He doesn't have anything."

"Yeecchh," said the child without a moment's hesitation. "Get rid of him.'

The ticket line erupted in laughter and cheers. The outraged mother, however, was not part of the fan club. She yanked her bewildered child out of line gave him what appeared to be an extremely brutal lecture on the virtues of compassion and then hauled him away, presumably toward home.

The woman's immediate and appropriated response made me feel like a fool. For while I was not among the cheering section. I certainly did smile when the boy made his comments. These days it is very difficult to do anything else.

Homeless people live on my street. They stand in the bank lobby around the corner and watch as the cash machine spews out money on demand. They are at every movie theater every day. Three times a week, they rip through my trash looking for an old shoe, half a meal or some tin they can recycle.

We know all that, I guess. New York has a huge, homeless population, possibly more than 70,000. As a percentage of residents, it may be smaller than the District's but in a city of houses, such as Washington, the homeless can become almost invisible. Not here. Here we all live on top of each other so that no matter who you are the problem never goes away. They are mentally ill, they use drugs, they have no hope. They are the dark reflection of a sick society. They symbolize the housing crisis and the jobs crisis and the uncomfortable Darwinian reality that the strong rarely do help the weak.

When I came back here last fall after five years in Washington, I couldn't believe how many people were living in the street. But eventually I came to accept it. The homeless live in every neighborhood, not just the bad ones. In my relatively affluent area, it is not hard to find window signs that say, "No crack, no menus, no homeless." The signs certainly don't scare away crack dealers or the homeless.

There is really nowhere to scare the homeless to. Unless you travel exclusively by limousine, you cannot pass a day in the city without seeing a man wearing a cardboard sign that says "Please Help This Vet With AIDS," or "I Would Do Anything for a Clean Place to Sleep." City shelters have become an abomination. Welfare hotels are much worse. Many prefer to risk freezing to death than go to either.

So they live on milk crates over steam vents, sweating in the icy weather. Plastic wrap shanty towns have arisen in nearly every city park. Dumpsters and abandoned cars have proven to make nice homes. At Columbus Circle each night, a quiet and organized army of street people assemble with shopping carts full of tin cans and paper they can recycle for money. Dickens could not have invented this vision of hell, as they sift through the city's rubbish, piling up pennies for food.

The police gently try to move them along, but as one cop said to me at the Port Authority Bus Terminal during a patrol on a bitterly cold day, "I don't care what my orders are. I am not going to be the one to send these people into the street to die." So they live in corners, under buses, in the stairwells.

One day not long after I got here I decided to walk to work and give a dollar to every person who asked me for money. Fifty blocks: $48. The first time we found somebody sleeping in our foyer last fall, I thought that making it available as shelter might be a good way for us to help the homeless. The next day a psychotic vagrant stabbed somebody around the corner from our apartment. Now I lock the outer door every night.

Slowly, inexorably I have became acclimated to ignoring the plight of others. I stopped carrying extra quarters. I avoid certain blocks and parts of Central Park. Not out of fear, really. It's just escapism.

I began to detest the hopeless wretches who constantly occupy the benches at my subway stop. I have never been on a street, a subway or in a train station here without some person accosting me. There is a woman who lives with her two children on the steps of Carnegie Hall. I don't go there. Others hang around the parking garage that costs more each month than any of these people could possibly see in a year.

After a while, I befriended a couple of the guys who live, literally, on my street. I thought maybe if I had some contact with one or two of them, I would feel less guilty about ignoring the rest.

One is handicapped and says he is a veteran. He is quiet, Hispanic and in his forties. He calls himself Ralph, but who knows what his name is?

Ralph works the Citibank cash machine at 94th Street and Columbus Avenue. He told me he never asks for anything. He just sits there, in his wheelchair with a paper coffee cup on his lap, waiting for someone to walk by with a handful of stiff, new bills. He says he wants to move to Florida, or California where it is warm and he has friends, but he doesn't think he'll make it.

"I don't know," he told me with a shrug of resignation. "I'm kind of set up here. And anyway, it would be tough to leave the city."

He meant that. He really did.

The other guy I talk to a lot is considering legally changing his name to Nameless.

"It sort of goes with the anonymity of my situation," he said. "It's not as if my name really matters." He is one of the wizened street people who could be 30 years old or 50. He doesn't want to say. In fact he reveals little about himself. He has been after me to show him some of my stories ever since I told him I was a newspaper reporter. He reads the local papers pretty carefully and says he has heard good things about The Washington Post.

But I haven't been able to force myself to show him my work. Don't ask me why, but giving out quarters was a lot easier than talking to these two perfectly nice men each day. Probably more useful too.

Seeing the homeless always puts me on edge now. That means I'm always on edge. It would be simplistic to call it conscience, but it's hard to read the presence of a vast horde of semi-clad street people as anything other than a constant cloud of anguish that even wealthy New Yorkers must confront each day. It has become like Calcutta, the price you pay to live in the most interesting city in America. The only way to make the problem go away, I am convinced, would be to leave, and who would want to do that?

One morning, a black man in ripped T-shirt and very little else started to motion at me on the subway. I paid no attention, but he kept flicking his wrist at me. Still, I ignored him.

He started for me and just as I was deciding whether to run for it or stomp on his barely covered foot, I heard him speak. "Your color is twisted man," he said to me. "It's all messed up."

Oh God, I thought, not this. "Your color," he repeated. "Fix it." A nut, a vicious racist nut.

Suddenly, he reached for my neck and smoothed the crinkled collar of my suit jacket.

"There," he said as he turned to walk away. "Now you're looking good."

AIKEN'S PRIDE IN DESERT STORM: THE 450TH ORDNANCE COMPANY

Mr. HOLLINGS. Mr. President, America's Armed Forces today celebrate their remarkable blitzkrieg victory in the Persian Gulf war. Over the last 6 weeks, we have witnessed, courtesy of CNN, the most massive and successful air campaign in the history of warfare, followed by the largest and most successful ground offensive since the Second World War. Today, Iraq's armies stand utterly defeated. Kuwait is free. We have all been impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, during the Senate recess several weeks ago, I talked to hundreds of South Carolinians in 15 counties, and I can't tell you how proud they are of their National Guard and Reserve units now serving in the Persian Gulf war. In community after community across my State, there has been a spontaneous outpouring of patriotism and support for the mobilized units and their families.

An excellent case in point is the town of Aiken, SC, whose Army Reserve unit, the 450th Ordnance Company, has played a vital, if largely unsung, role in America's successful gulf campaign. The 164 men and women of the 450th, under the command of Capt. Ardrow J. Vause, Jr., were activated on September 27 and deployed to Saudi Arabia in early November. Before and during the ground war, they worked round the clock—receiving, storing, and issuing ammunition for front-line fighters. Obviously, they have worked at peak tempo since the ground war started on Saturday, and they will continue to play an important role during the mop-up and wind-down phases still to come.

Mr. President, one measure of the pride of the people of Aiken was the tremendous sendoff ceremony, complete with flags and yellow ribbons, in honor of the 450th when they departed for Fort Gordon and the war in September. Many in the audience wept—as much from pride as worry. People in Aiken say that the only thing bigger than that sendoff ceremony will be the victory parade when their fighting men and women come home.

Mr. President, this expression of pride is very understandable. Bear in mind that Aiken's 450th Ordnance Company is made up of truly citizen soldiers—men and women from all walks of life who are serving at great sacrifice to their families and careers. They range in age from 19 to 59. Several men left behind pregnant wives. The reservists called up from Aiken include policemen, firemen, construction workers, workers from Savannah River site and Owens-Corning Fiberglas, you name it.

The entire community has rallied together to aid and embrace the families left behind. Two people in particular, Mrs. Betty Crane and 1st Sgt. Thomas E. Boulware, have played a leadership role in organizing the 450th Family Support Group and extending a helping hand to families of soldiers in the gulf. Schools in Aiken have gone all out to send letters and care packages to the soldiers. No one can remember ever seeing so many American flags flying day and night, both downtown and in neighborhoods all around Aiken. In particular, my hat is off to all of the reservists' families—for their sacrifices, for their generosity, and for their quiet courage on the home front.

Mr. President, the men and women of Aiken's 450th Ordnance Company are among our best and finest. They have done an exceptional job under the most dangerous and demanding of circumstances. They are a credit to their Nation, and are doing South Carolina proud. I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

THE PRAYER OF THE REVEREND LUTHER MILLER

Mr. STEVENS. I have here the prayer of the Reverend Luther Miller, which was given at St. David's Episcopal Church last Sunday, March 3. It is a prayer that Reverend Miller gave concerning the end of the war in the Persian Gulf.

I am not trying to substitute for the Chaplain of the Senate. But I do believe that in view of some of the comments that have been made about the attitudes of our members of the clergy concerning the war in the Persian Gulf that a balance and this prayer should be commended to the Senate.

I ask unanimous consent that this be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PRAYER OF REV. LUTHER MILLER, ST. DAVID'S EPISCOPAL CHURCH, ON SUNDAY, MARCH 3, 1991

Almighty God, our heavenly Father, who in thy wisdom and with great power has from the beginning determined the courses of nations, we give thee most humble and heartfelt thanks for the end of the war in the Persian Gulf.

We commit to thy gracious keeping with our great thanks the forces of the coalition nations, and the killed and wounded, the missing, the prisoners of war and those whose lives have been disrupted and shattered by the conflict.

We beseech thee also to hasten the fulfilling of thy purposes in this world and to establish a lasting peace of righteousness on the earth that thy people may joyfully serve thee in thankgiving and godly quietness. Through Jesus Christ Our Lord. Amen.

Almighty God, our heavenly Father, guide, we beseech thee, the nations of the world into the way of justice and truth, and establish among them that peace which is the fruit of righteousness, that they may become the kingdom of our Lord and Saviour Jesus Christ. Amen.

THE SOUTH CAROLINA GUARD'S ELITE TANKERS: THE 1ST 263D ARMOR BATTALION

Mr. HOLLINGS. Mr. President, America's Armed Forces today celebrate their remarkable blitzkrieg victory in the Persian Gulf war. Over the last 6 weeks, we have witnessed, courtesy of CNN, the most massive and successful air campaign in the history of warfare, followed by the largest and most successful ground offensive since the Second World War. Today, Iraq's armies stand utterly defeated. Kuwait is free. We have all been impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, during the Senate recess several weeks ago, I talked to hundreds of South Carolinians in 15 counties, and I cannot tell you how proud they are of their National Guard and Reserve units now serving in the Persian Gulf war. In community after community across my State, there has been a spontaneous outpouring of patriotism and support for the mobilized units and their families.

Excellent cases in point are the towns of Mullins, Conway, Dillon, Marion, and Myrtle Beach, each of which is home to a line tank company of the South Carolina National Guard's 1st 263d Armor Battalion. The 1st 263d, headquartered in Mullins, is commanded by Lt. Col. Buddy George, and includes some 600 men and 54 top-of-the-line M1A1 battle tanks. The battalion was activated for duty in the Persian Gulf war on November 30, and has been training for the last 3 months at Fort Stewart, GA, and Fort Irwin, CA, preparatory to being deployed in Saudi Arabia.

I know there are a lot of gung-ho tankers in the 1st 263d who are disappointed that the war came and went before that deployment could take place. But I also know there are a lot of wives and family members back in South Carolina who are enormously relieved, while also being very, very proud of their guardsmen's call to duty and service. I share that pride, and I speak for a grateful Nation in thanking the men of the 1st 263d for the sacrifices they have made since being activated 3 months ago. They served their country no less loyally and with no less dedication than their comrades-in-arms deployed in the Persian Gulf.

Mr. President, in addition to the Headquarters company, under Capt. Harold Jones, based in Mullins, the 1st 263d consists of five line companies, each based in a different locality: Company A, based in Myrtle Beach, under Capt. Jerry Jenerette; Company B, based in Dillon, under Capt. Edward Dannemiller; Company C, based in Conway, under Capt. Steve Wright; Company D, based in Marion, under Capt. Kenneth Moses; and Detachment 1, based in Columbia, under 2d/Lt. Jonathan Tramell. Each company trains and drills at its own local armory, and the battalion trains as a single unit once a year at Fort Stewart, GA.

Mr. President, one measure of hometown pride in the 1st 263d was the send-off ceremonies held in their honor, complete with flags and yellow ribbons. The send-off in Mullins was much the same as in the other towns. Hundreds of people gathered for speeches and prayers. Many in the audience wept—as much from pride as worry. As the convoy rolled down Highway 76 bound for Fort Stewart, citizens turned out for 20 miles past Mullins to wave flags, cheer the soldiers on, and wish them Godspeed. People in Mullins say that the only thing bigger than that sendoff ceremony will be the victory parade when their fighting men come home. Meanwhile, a special gas lamppost dedicated to the troops has been erected in front of the county library on Main Street—its flame will remain lit until the last man of the 1st 263d returns home.

Mr. President, this expression of pride is very understandable. Bear in mind that the 1st 263d Armor Battalion is made up of truly citizen soldiers—

men from all walks of life who are serving at great sacrifice to their families and careers. They range in age from 18 to 59 years old. Many men left behind pregnant wives. The reservists called up from Mullins, Conway, Dillon, Marion, Myrtle Beach, and Columbia include nuclear engineers, teachers, mill workers, doctors, attorneys, you name it.

In each town, the entire community has rallied together to aid and embrace the families left behind. Karen George, wife of the battalion commander, has done a superb, tireless job of organizing the 1st 263d Family Support Group, extending a helping hand to families around the State of South Carolina. My hat is off to all of the reservists' families—for their sacrifices, for their generosity, and for their quiet courage on the home front.

Mr. President, the men of the 1st 263d Armor Battalion are among our best and finest. They have done an exceptional job under the difficult and demanding of circumstances. They are a credit to their Nation, and are doing South Carolina proud. I join all Americans in praying for their safe and speedy return home. We owe them a true debt of gratitude.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,181st day that Terry Anderson has been held captive in Lebanon.

JOHN A. McALLISTER: MOUNT CARMEL'S PREMIER PUBLIC SERVANT

Mr. HOLLINGS. Mr. President, if ever there were a sterling example of a tireless, dedicated public servant it is John A. McAllister of Mount Carmel, SC. John is Mayor of Mount Carmel, but that office is almost incidental to the full breadth and scope of his service to the people of McCormick County and South Carolina down through the years. Likewise, John owns a successful retail business and a huge farming enterprise, but those accomplishments are just a fraction of his true contribution to the economic vitality of the Savannah Valley region.

Mr. President, John McAllister is one of those special, standout people who define the character of a town, who give it distinction far beyond its size in population or square mileage. For four decades, he has been a tireless dynamo in promoting economic development throughout rural South Carolina, and in championing conservation efforts across the State.

John founded the West Carolina Rural Telephone Cooperative in 1951 and has served as its president ever since, while also serving now as one of six representatives to the National Rural Telephone Bank Board in Washington. He has been the driving force behind creation of Savannah Lakes Village retirement community.

In addition, John is an outspoken champion of soil and water conservation, twice honored by the South Carolina Wildlife Federation and past State "Conservationist of the Year." He has led the fight for controlled development on Lake Thurmond.

Mr. President, late last year Clemson University conferred an honorary doctor of laws degree on John McAllister, noting that "through his business achievements, his personal conduct, and his years of unselfish public service, he has helped improve the lives of countless South Carolinians." Frankly, I don't know who is honored more by that honorary degree, John McAllister or Clemson University. I do know, however, that the honor was richly deserved.

For all of his awards and distinctions, I know that John's greatest pride is his wife, the former Catherine Harter of Ninety Six, and his five children: John, Jr., Ed, Cathy, Wes, and Mary. Cathy, a jewel of a young woman, worked in my Senate office before going on to graduate school at the University of South Carolina recently.

Mr. President, I value John McAllister's friendship and counsel, and have the utmost respect for his distinguished public service. My hat is off to John for all he has done and continues to do for the State of South Carolina.

FLORENCE'S BEST AND FINEST IN THE PERSIAN GULF

Mr. HOLLINGS. Mr. President, Desert Storm has passed and we are in Day 6 of the cease fire in newly liberated Kuwait. In 6 brief weeks, Americans have witnessed the most massive and successful air campaign in the history of warfare, followed by the largest and most successful ground offensive since World War II. Today, Iraq's armies stand utterly defeated. Kuwait is free. We cannot help but be impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, during the Senate recess several weeks ago, I talked to hundreds of South Carolinians in 15 counties, and I can't tell you how proud they are of their local National Guard and Reserve units in the Persian Gulf war. In community after community across my State, there has been a spontaneous outpouring of patriotism and support for the mobilized units and their families.

An excellent case in point is Florence, SC, which is home base for three units that have served with distinction in this war: the 132d Military Police Company of the National Guard, and two Army Reserve units, the 413th Chemical Company and the 460th Replacement Detachment. The 132d, commanded by Capt. John D. Broadway, includes some 150 MP's who provide security, direct traffic, man check points, and oversee Iraqi POW's. Needless to say, in this last capacity, the men and women of the 132d truly have had their hands full since the ground war began last Saturday.

The 413th Chemical Company, under the command of Capt. Phillip McCluskey, includes 120 men and women who specialize in chemical decontamination of soldiers and equipment. They spent the war in a state of constant readiness and alert, and, obviously, we are all enormously relieved that Iraq was prevented from carrying out its threat to use chemical weapons. In addition, the Reserve's 460th, whose 40 men and women are led by Capt. Martin Thomas, have worked nonstop in a variety of administrative functions in the war theater.

Mr. President, one measure of Florence's pride is the tremendous sendoff ceremony that was held at Magnolia Mall last September. Thousands of citizens gathered to wave American flags and yellow ribbons as the troop convoy departed for Fort Jackson and the war. Many people wept—as much from pride as from worry. The people in Florence say that the only thing bigger than that sendoff ceremony will be the victory parade when their soldiers come home.

Mr. President, this expression of pride is very understandable. Bear in mind that these National Guard and Reserve units are made up truly of citizen soldiers—men and women from all walks of life who are serving at great sacrifice to their families and careers. They range in age from 19 to their midfifties. Many left behind pregnant wives. The Desert Storm contingents from Florence include city police officers, South Carolina highway patrolmen, school teachers, steelworkers, and professors from Francis Marion College.

During the Christmas season, a special Christmas tree decorated with yellow ribbons and soldiers' names were erected at the corner of Palmetto and Coit. The entire Florence community has come together to aid and embrace the families left behind. Stores are offering discounts. Local banks and finance companies are going out of their way to accommodate soldiers' families. Meanwhile, Pat Poston and Francis Wiggins, leaders of the National Guard and Reserve family support groups, have worked tirelessly to reach out to spouses not just in the Florence area but as far away as Columbia and Charleston. My hat is off to all of these people—for their sacrifices, for their generosity, and for their quiet courage on the home front.

Mr. President, the men and women of Florence's Guard and Reserve units deployed in Desert Storm are among our best and finest. They are doing an extraordinary job under the most dangerous and difficult of circumstances. They are a credit to their Nation, and are doing South Carolina proud. I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, all time for the conduct of morning business has now expired.

The period for morning business is now closed.

RESOLUTION TRUST CORPORATION FUNDING ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 419, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

The Senate resumed consideration of the bill.

Pending:

D'Amato amendment No. 13, to protect tenants from unnecessary eviction by the Resolution Trust Corporation; and

Harkin/Kohl amendment No. 23, to reduce funding for the Resolution Trust Corporation and require the President to propose progressive revenue options to pay for future funding requests.

AMENDMENT NO. 23

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Harkin amendment, under which there will be 20 minutes of debate to be equally divided.

The Senator from Iowa is recognized for not to exceed 10 minutes.

Mr. HARKIN. Mr. President, the amendment Senator KOHL and I have offered is very straightforward.

Again, for the benefit of those Senators who were not around last evening when we offered it, when I explained the amendment, let me try to sum up again what this amendment does.

First, our amendment provides that the amount of funds approriated is reduced from $30 billion to $15 billion.

Second, it provides when the President next requests additional funds for the RTC, he must send the Congress options to raise revenue to pay for the request which will minimize the cost to low-, moderate-, and middle-income taxpayers.

And, third, he must give additional suggestions on how to make the RTC more efficient.

We are offering this amendment because we believe the RTC has to change its ways. There are too many cases where assets were sold at low prices; too many cases where the RTC is seeing the property they hold deteriorate. Huge sums are being lost by our taxpayers.

The Congress should consider the option of paying for the S&L losses by raising revenue from the very wealthy, who most benefited from the S&L debacle in the first place. If this bill passes without change, the $30 billion provided will be borrowed by the Treasury. That borrowing will cost taxpayers $72.5 billion in interest over the next 30 years. Of course, that cost will be paid by all taxpayers in this country: low-, moderate-, and middle-income included.

Our amendment calls on the President to provide options to minimize this burden on our moderate and low-income taxpayers. It does not require the Congress to approve a revenue increase.

There were a lot of quotes last evening from the GAO about the RTC. I have another quote from GAO from last October:

"Our position—" that is GAO's position—"is that the net loss part of the bailout should be financed by taxes."

The question is, taxes paid by whom? Under the bill, it is going to be paid, again, by the working people of this country who did not benefit a whit from all these high-interest rates and things the S&L were putting out that got them in this trouble.

We want the President to be involved in this process of suggesting different options, and let us take a look at that.

One other thing that was raised last evening is there might not be enough money in $15 billion to take care of the 95 failed S&L's, plus some other deals that are being developed that could use up the cash.

The $15 billion, I believe, is sufficient. And they have left-over cash on hand, something in the neighborhood of $10 billion, that we know about. Plus, one thing I did not point out last evening, the RTC can, without the approval of Congress, borrow another $5 billion directly from the Treasury under section 21(A) of the Home Loan Bank Act that was passed in title V of FIRREA.

They could even, beyond that, sell more of their billions of dollars in assets for additional working capital. So the RTC is not going to run out of money.

The question is, do we give them $30 billion when all they really need is perhaps $14 or $15 billion, and then let them continue to run the way they have been running? Or will we put them on a shorter leash, and say: Here is $15 billion. Come back again, but before you come back again the administration has to point out different options for raising the revenue to pay for it that minimize the impact on low-, moderate-, and middle-income taxpayers in this country.

That is basically what this amendment does. I hope all Senators will be able to support this amendment to make the RTC operate in a more efficient manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield to the distinguished Senator from Wisconsin, a cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for up to 5 minutes, 42 seconds.

Mr. KOHL. I thank my colleague.

Mr. President, at its heart, the Harkin-Kohl amendment is about protecting taxpayers' money. The amendment would cut the funding for the RTC in half—from $30 billion to $15 billion—and it would require the administration to present Congress with a justification for further funding and a serious plan to improve the way the RTC spends the money.

In other words, the Harkin-Kohl amendment forces this body and the administration to take responsibility for the huge amount of money the RTC must spend. It forces us to think—perhaps more than we would like—about how the RTC is managing the bailout, and it forces us to protect taxpayer money.

My colleagues from the Banking Committee have argued that delaying funding for the RTC could waste hundreds of millions of dollars, and I agree. But this amendment is not about delaying or denying funds to the RTC. It is about making sure the funds we do give to that agency are fully justified and well spent. We all know we are going to spend enormous sums to clean up the S&L mess. But we do not have to make a mess of the cleanup. Adopting this amendment and requiring more planning and thought is the best way to do what we have to do in the way it ought to be done.

Asking the administration to explain its RTC funding requests will not end up increasing the bailout costs. In fact, it seems to me, we are in danger of wasting even more money if we appropriate funds for the RTC without solid justification.

The choice we are asking you to make this morning is between funding the RTC at $30 billion or $15 billion—funding the RTC without any requirement that they evaluate their organization and operation or having a careful examination of the system.

When we vote on this amendment, I ask my colleagues to answer two questions: Do you like the way the RTC is spending the taxpayer's money now? Do you want the RTC to continue to operate the way they are now? If your answer is "yes," then vote against the

Harkin-Kohl amendment. If your answer is "no," then vote with us and vote for some real congressional oversight and administration involvement in making this operation cost effective and efficient.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan [Mr. RIEGLE].

Mr. RIEGLE. I yield myself 5 minutes at this time.

The PRESIDING OFFICER. The Senator is recognized for up to 5 minutes.

Mr. RIEGLE. Mr. President, I rise to oppose the Harkin-Kohl amendment, and I do so with full respect for my colleagues and the serious interest that they bring to this issue. In due course, I will be asking my colleagues, along with Senator GARN, to join us in voting to table the amendment.

I oppose the amendment for three reasons. The first and most critical is that it will cost the taxpayers more money than otherwise would have to be spent. It will not save money, in my view.

Second, it will not give us sufficient time to carefully consider important legislative proposals that are now coming forward, some on the table, that could actually allow us to make basic improvements in the RTC's management structure and operations.

Third, I think an area of their amendment raises some important budget and tax questions that I think ought not to be dealt with at this time and which by themselves I think could prove detrimental to the national economy.

Having said that, I must also say that I sympathize with the concerns that they are expressing here, and I share their concerns. All of us have heard of mistakes made by the RTC and serious problems in some areas of their operations. GAO testimony clearly points out the various weaknesses in the RTC, but at the same time, the GAO concludes that much of their work now appears to be carried out thoughtfully and well and that, according to the GAO, they appear to be making considerable progress in other areas. So that gives us something of an independent assessment on the degree of improvement in the RTC operation.

Congressional oversight in this area has been continuous—I cited that record yesterday—and it will continue to be carried out by our Banking Committee here and also in the House. I think we do need to keep the RTC on a short leash. In fact, the underlying bill we brought forward from the Banking Committee does that. It only provides enough funding for the next 7 months. Anything less than that, we are told, will increase delays and inefficiencies in the disposition of failed institutions and end up costing more money, the weight of which and the responsibility for which falls back on taxpayers, which, of course, we all are. In the words of GAO, any less money that we are asking for here in the time period through the remainder of this fiscal year would be "inefficient and costly."

This amendment provides only enough money to resolve the 95 thrifts that the RTC currently has waiting, ready to be sold off through the bidding process. It will probably take about 4 months to actually complete those transactions. During that 4-month period of time, that list of 95 will absorb virtually all of the reduced amount of money the sponsors of this amendment are calling for, namely, $15 billion. That money will be exhausted. That will prevent lining up the next set of institutions that would have to be dealt with and resolved beyond the 4-month period.

So we would find, if we were to adopt this amendment, and I hope we will reject it, we will be financing only the next 4 months of activity, but we would, in fact, be creating an enormous question about what would happen beyond that point and, in a sense, I think, prevent the orderly disposition and shutting down of institutions that should be closed.

So I think the $30 billion figure is the amount that is needed here, and I think anything less than that will have the effect of delaying the operation and driving up the cost. The RTC estimates that gathering and paying for the liabilities of open insolvent thrifts costs somewhere between 130 and 140 basis points in interest premium over and above what is paid by the Treasury on a debt issue where that same liability is financed directly at the lowest possible financing cost. So if we only provide $15 billion here and it only carries us 4 months, we are going to be incurrring this higher interest premium for a longer period of time, and all of that, in the end, spills back on taxpayers. I think it would be irresponsible for us to do that.

Some say that we can recoup more money by implementing reforms in the RTC structures and procedures. We are not now in a position to do that. We have scheduled a hearing in the Senate Banking Committee on April 11. I have invived people to come forward at that time and present those proposals. We are going to study them carefully. If we feel we can make a recommendation for changes in administrative practices, procedures, what have you, we will do so.

Finally, let me just say one other thing. We have in our bill a reporting requirement that says that a plan has to be presented to the Congress as to precisely how these moneys are to be spent, and we have to get that plan within 10 days of the enactment of this legislation. That will help us do a better job of tracking what is done over there. I think it is very important that this amendment be tabled at this time.

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from Utah [Mr. GARN].

Mr. RIEGLE. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for up to 3 minutes.

Mr. GARN. Mr. President, I oppose this amendment and certainly agree with the comments of the distinguished chairman of the Senate Banking Committee. This is not a new argument. Unfortunately, it is one that has been going on for a period of 6 or 7 years. Over and over again, Congress has been unwilling to give the regulators the necessary tools or the money to properly fund the resolution of bankrupt S&L's. There is no doubt in this Senator's mind that if the $15 billion FSLIC recap had been approved by the House of Representatives in the fall of 1986, we would not even be here debating this today because that would have funded a good part of the S&L problem without one dime of taxpayers' money involved. But we are here today talking about a stop-and-go method of financing that has proven in hindsight over and over and over again to cost the taxpayers more money. I will quote again from the GAO testimony:

> We believe the short-term funding bills covering less than 1 year will prove inefficient and costly and simply add to the eventual cost of resolution by allowing failed institutions to continue operating and incurring losses.
>
> Secretary Brady estimates the cost of the slowdown in resolutions caused by the funding delay in October 1990 to be $250 to $300 million.
>
> Additional delays would cause additional costs to the taxpayers of $750 to 850 million per quarter or $8 to $9.5 million per day.

We hear a great deal about holding RTC on a short leash. I think we need to be reminded that the RTC requested such sums as may be necessary. They asked for a blank check. The Senate Banking Committee said no, we desire to hold you on a short leash, and that short leash is September 30. So we are only talking, as the chairman said, about less than 7 months now when we will have to revisit this issue again. To revisit it in 2 to 2½ to 3 months simply will cause increased costs.

It is no different than if you were to run up a big charge on your MasterCard, Visa, or American Express. It is there and you know you are going to have to pay it. To sit back and say well, I will only pay part of it now, part of it later, and I will think about it in the future, all of us know what happens. The interest goes up, and you pay more than if you resolve it more quickly.

So we are going to look at changes in the RTC. I do not think there is anyone who is totally satisfied with their operation. The Senate Banking Committee will carry out its responsibility. But without the $30 billion now we are simply going to guarantee hundreds of millions of dollars of more costs to the taxpayers.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator controls 3 minutes 3 seconds.

Mr. HARKIN. Mr. President, I yield myself whatever time I may consume.

The PRESIDING OFFICER. The Senator is recognized for up to 3 minutes.

Mr. HARKIN. Mr. President, again I have heard the arguments made by the distinguished chairman and ranking member. There are a couple of things we have to keep in mind. When you talk about cost to the taxpayers, one must consider that the $30 billion we are talking about here, will be bonded. We will sell bonds to finance it. Interest will be paid over the next 30 years and will amount to about $72.5 billion.

It is real money. It is not play money. It is real money that the taxpayers of this country, our kids and grandkids will have to come up with, and at the end of 30 years of course we will float ourselves another bond. We are going to dig ourselves a deeper hole by continuing on this path. As I tried to point out yesterday, the $15 billion would, I believe, cover the 95 deals that are in essence at stake right now. There is about $10 billion in cash on hand from what we did in 1989. That is about $25 billion.

As I pointed out, there is an additional authority for RTC to borrow $5 billion under title V. Plus, I would point out that right now the RTC has an inventory as of the end of last year of $143.8 billion in assets. So we are being asked to vote today for $30 billion that really is going to cost this country, ourselves, our kids, our grandkids, $75.5 billion in interest payments over the next 30 years.

I believe that one of the main points of our amendment is not being talked about because we are focusing on the amount of money. One of the main thrusts of the amendment is to ensure that the next time the President comes down and asks for more authority, he has to submit options to the Congress on how to raise the revenue that will minimize the impact of low-, moderate, and middle-income taxpayers of this country and, second, he must submit to us recommendations as to how to make the RTC more efficient.

I have heard the chairman and ranking member talk about problems in the RTC. I believe the administration should be involved in this process also and come to Congress and recommend ways of making the RTC operate more efficiently, that really is the basic thrust of our amendment—the amendments calls for funding options to raise additional revenue that minimize the impact on our middle-income taxpayers, to improve the efficiency and operation of the RTC, a system of budgetary accounting that accurately reflects such outlays' impact on the Federal budget deficit, and recommendations for improving the accountability and efficiency of the RTC.

The PRESIDING OFFICER. All time controlled by the Senator from Iowa has expired.

Who yields time? The Chair recognizes the Senator from Michigan.

Mr. RIEGLE. How much time remains?

The PRESIDING OFFICER. The Senator controls 1 minute.

Mr. RIEGLE. To respond to the Senator from Iowa, one of the problems here is the question of whether the economy today can take a major tax increase. If we provide $15 billion now as they are recommending and then leave the remaining $15 to be raised, add another $50 billion that is projected beyond that, that is $675 billion. That is a big tax increase. Quite frankly, with the economy in recession today—most of the economic news indicates that the recession has not bottomed out—the notion of hitting the economy with a tax increase of that size is very questionable. It can be debated, but I think Members would want to think long and hard about signing up for that.

In any event, I yield back the remainder of my time, and I move to table the amendment.

Mr. GARN. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, I rise in support of the amendment from the Senator from Iowa.

The American people deserve an assurance that its Government is proceeding in the least costly and most efficient manner to resolve the savings and loan crisis. Sadly, I don't believe there is anyone in Government who can give that assurance.

The American people also deserve to know where the money to pay for the bailout is coming from. Unbelieveably, that too remains a mystery.

Finally, the American people deserve to know what impact this mess is going to have on the Federal budget deficit. The deficit is ballooning out of control and we should not undertake such a massive authorization without better understanding its ramifications for the national debt.

Mr. President, there are those who will argue that by limiting the amount of money authorized for the bailout—by making the Resolution Trust Corporation come back and justify a request for more money—that somehow we are acting irresponsibly. The argument is that we are trying the hands of the agency that is charged with the task of bailing out the thrift industry and that providing less money will cause immediate costly delay.

I have a great many problems with this argument. Let us not forget that we are the U.S. Congress—not a rubberstamp parliament.

We have responsibility for oversight. We have a responsibility to make the Resolution Trust Corporation justify and account for every dollar it spends. No one wants to micromanage the albatross of the savings and loan bailout, but likewise we cannot abdicate responsibility because this is a matter of huge consequence for the American people.

Clearly, the bailout process is not going smoothly. The cost keeps going up even though we have to date given the administration every dime they have asked for. I don't know anyone who believes that the assets are being sold off at a rapid enough pace.

So I ask you Mr. President, how can we in good conscience, vote this enormous sum of money—$30 billion, when we know that the process is not proceeding in an orderly fashion. And how can we ask the American people to foot the bill for a bailout that seems to have no end.

Senator HARKIN's amendment is a responsible approach to funding the RTC. In the end, the Senator's approach may actually reduce the taxpayer's bill by several billions of dollars. I believe Senator HARKIN's approach makes a great deal more sense than continuing to fund a process that we all know is fundamentally flawed.

Mr. LEVIN. Mr. President, I will vote against tabling the Harkin-Kohl amendment, which reduces from $30 billion to $15 billion the appropriation in this bill for operation of the Resolution Trust Corporation. In addition, this amendment requires that any additional funding requests by the President for the RTC should be accompanied by his proposed options for a pay-as-you-go approach to the financing of the RTC that would minimize the cost to middle- and low-income families. I have been assured by the sponsor of the amendment that this pay-a-you-go approach to financing the RTC could include spending cuts as well as tax increases.

It has been argued that the Harkin-Kohl amendment will delay the disposition of failed S&L's and consequently increase its cost. However, this argument is wrong on two counts.

First, there is not reason why the President must wait until all $15 billion is expended before seeking additional financing. He could and should come to the Congress with a responsibile pay-as-you-go plan for the RTC as soon as possible. This plan should also include steps to improve what heretofore has been the inadequate management of the RTC as well as provisions on how to minimize the cost of any proposed funding plan to middle- and low-income families.

Second, a pay-as-you-go approach would save the interest costs, which will otherwise ultimately be the large bulk of the cost to the taxpayers. So, by requiring the President to propose a responsible plan on how to pay for more of the RTC operations now, the Harkin-Kohl amendment avoids increasing the ultimate cost of the S&L fiasco to the taxpayers and avoids unfairly pushing that cost off to our children and grandchildren.

Mr. LAUTENBERG. Mr. President, I am going to support the Harkin amendment because it is important that Congress keep the Resolution Trust Corporation on a very short leash.

Mr. President, the resolution of the Nation's failed thrifts is not going well. And the taxpayers have reason to be outraged. The cost continue to rise. Too many of the S&L thieves have gotten away unscatched. Assets are not being managed as well as they should be, nor is the RTC maximizing the value of those assets.

Mr. President, I also have heard over and over again from my constituents about the significant management problems that plague the RTC. People who want to bid on properties can't get information about those properties. RTC asset sales are handled poorly. And, in general, the RTC bureaucracy is perceived as unresponsive to the public that it serves.

Mr. President, it is important that we control the cost of the S&L bailout. This amendment would help us do that. Congress must closely review RTC operations and make necessary reforms. And time is of the essence. Given the enormous scope of the RTC's operation, continued inefficiencies threaten to cost taxpayers substantial sums.

By approving only $15 billion now, we would create a significant incentive for the administration to act quickly on reforms. That will reduce taxes in the long term.

Mr. President, there is language in this amendment that would require the President to detail options for raising additional revenues in a manner that does not place an undue burden on low-, moderate-, or middle-income taxpayers. Mr. President, I am concerned that one way or the other, the bill for the S&L bailout is going to be paid by average Americans, or their children, who may inherit enlarged Federal budget deficits created by the bailout.

This amendment requires the President to submit proposals on way to pay for the bail out that impose less of a burden on those people who are already bearing an unfair share of the costs. Rather than being a call for additional taxes on average Americans, this amendment calls on the administration to pursue other available revenue options—including more efficient sales of RTC assets and better collection of the billions in delinquent debts to the Federal Government—that could reduce the burden of the S&L bailout on average taxpaying Americans.

Mr. President, $30 billion is too big a check to write now. We should spend less today, and, by encouraging reforms of the RTC, hopefully spend less over the long term.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table the amendment of the Senator from Iowa [Mr. HARKIN]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], is necessarily absent.

The result was announced—yeas 71, nays 28, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—71

Bentsen
Bingaman
Bond
Boren
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Gore
Gorton
Graham
Gramm
Hatch
Hatfield
Heflin
Heinz
Helms
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—28

Adams
Akaka
Baucus
Bradley
Brown
Conrad
Daschle
Dodd
Glenn
Grassley
Harkin
Hollings
Jeffords
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Robb
Sanford
Shelby
Simon
Specter
Wellstone
Wirth

NOT VOTING—1

Biden

So the motion to table the amendment (No. 23) was agreed to.

Mr. GARN. I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 13

The PRESIDING OFFICER (Mr. LIEBERMAN). The pending question is the amendment offered by the Senator from New York [Mr. D'AMATO].

Mr. CHAFEE addressed the Chair.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending D'Amato amendment be set aside to consider my amendment.

Mr. RIEGLE. Mr. President, the Senate is still not in order.

The PRESIDING OFFICER. The Senator from Michigan is correct. Will Senators please clear the aisles? The Senate is not in order and will not proceed until it is in order.

The Senator from Rhode Island.

Mr. CHAFEE. I renew my unanimous-consent request that the pending amendment be set aside so we might proceed to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 24

(Purpose: To amend the Federal Deposit Insurance Act, the Federal Credit Union Act, and the Crime Control Act of 1990 to strengthen prohibitions against individuals convicted of financial institution crimes, and for other purposes)

Mr. CHAFEE. I send an amendment to the desk on behalf of myself and Mr. PELL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. PELL, proposes an amendment numbered 24.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new title:

TITLE —FINANCIAL INSTITUTIONS FRAUD PROSECUTION ACT

SEC. 1. SHORT TITLE.

This title may be cited as the "Financial Institutions Fraud Prosecution Act of 1991".

SEC. 2. FEDERAL DEPOSIT INSURANCE ACT AMENDMENT.

Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)) is amended—

(1) in paragraph (1)(A)—

(A) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(B) by inserting after clause (i) the following:

"(ii) become or continue to be employed in any capacity by an insured depository institution;"; and

(2) in paragraph (2)(A)(i)(I) by inserting "1517," after "1344,".

SEC. 3. FEDERAL CREDIT UNION ACT AMENDMENTS.

Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) PROHIBITION.—

"(1) IN GENERAL.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affilitated party with respect to any insured credit union;

"(ii) become, or continue to be, employed in any capacity by an insured credit union;

"(iii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragrpah is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, or 1956 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

SEC. 4. CRIME CONTROL ACT AMENDMENTS.

(a) IN GENERAL.—The Crime Control Act of 1990 (P.L. 101-647, 104 Stat. 4789 et seq.) is amended—

(1) in section 2537(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) provide technical assistance and other appropriate resources to State prosecutors, State officials authorized to prosecute, or other law enforcement officials engaged in cases of fraud involving the collapse of any private deposit insurance corporation;"; and

(2) in section 2539(c)(2)—

(A) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and

(B) by inserting a new subparagraph after subparagraph (F) as follows:

"(G) the Internal Revenue Service;".

(b) REPORT.—Section 2546 of the Crime Control Act of 1990 (P.L. 101-647, 104 Stat. 4885) is amended by adding at the end the following new subsection:

"(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General shall submit a report to the Congress not later than March 1, 1992, containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

Mr. CHAFEE. Mr. President, let me explain the amendment, if I might. This amendment to the Resolution Trust Corporation Funding Act is designed to protect depositors and the Federal Government from criminal abuses at the Nation's financial institutions. This act, the Financial Institutions Fraud Prosecution Amendment, would strengthen penalties against individuals convicted of financially related crimes and allow the Justice Department to provide modest technical assistance to States that are prosecuting fraud-related crimes.

Criminal activity has been a serious problem in the financial services community. The Justice Department estimates that 50 percent—50 percent, Mr. President—of the Nation's insolvent savings and loan institutions were victimized by fraud. In my home State of Rhode Island, 45 banks and credit unions were closed due to the collapse of a scandalously mismanaged private deposit insurance fund.

Independent examinations are underway to determine the origin of Rhode Island's financial institutions crisis. But it is believed fraud and criminal activity contributed substantially and significantly to our State's worst financial crisis since the Great Depression.

The shameful truth is too many of the directors, the managers, and the employees of our financial institutions have engaged in criminal activity for their own personal enrichment.

Mr. President, we have all heard about corrupt financial executives leading flamboyant lifestyles with jet aircraft and multiple vacation homes. In Rhode Island, one prominent credit union official has apparently fled the country with $13 million—$13 million—stolen from depositor accounts. His actions contributed significantly to our State's banking emergency, but it also reveals a web of deceit at institutions insured by the Rhode Island Share and Deposit Indemnity Corp., so called RISDIC, the State's private deposit insurance fund.

Data from the financial services institutions is alarming: 200 banks failed in 1990; the thrift industry is weakened as a result of the S&L crisis; credit unions have collapsed in our State.

The financial industry's competitive challenges are stiff enough without adding the worry that internal fraud will further undermine the stability of our banks and credit unions.

After a great deal of thought, Mr. President, I have decided to propose this amendment which builds upon—I would note this—it builds upon stiff fraud-related penalties which were approved as part of the 1990 crime bill. As in that bill, this is a tough comprehensive approach to dealing with abuses inside the financial institutions industry. It expands modestly and clarifies several provisions of last year's crime bill.

Let me briefly describe the major components of this amendment. Under my amendment, individuals convicted of fraud crimes relating to the collapse of a credit union or a private deposit insurance fund will be barred from employment at a federally insured financial institution for a minimum of 10 years. This provision could only be waived by a court at the request of either the FDIC or the National Credit Union Administration. This component, I might say, is identical to the current law which relates to persons convicted of bank fraud.

In other words, when we passed the 1990 crime bill, we had a provision in there that people convicted of fraud at banks could not go to work for an FDIC-insured financial institution for a minimum of 10 years. My legislation extends that same prohibition to those who are convicted of fraud relating to the collapse of a credit union or of a private deposit insurance fund similar to the one that existed in the State I come from.

A second part of my amendment—and this is very important, Mr. President—would expand the Justice Department's newly created financial crime unit to allow State prosecutors to benefit from the Federal Government's expertise in prosecuting financial-institutions-related fraud cases.

Now that is a lot of words. What does it mean? It means that since 1988 the Justice Department has prosecuted—and this is a conservative estimate, since 1988, that is only 2½ years ago—the Justice Department has prosecuted 10,000 fraud and embezzlement cases, a figure I must say I found astonishing but I am told by those that know that this is on the low side.

The Department's accumulated knowledge could be a valuable resource to State officials who may be prosecuting large-scale financial fraud cases for the first time.

The State I am from is a small State. Our prosecutors do not have experience in these complicated financial fraud cases. One Rhode Island prosecutor told me a 30-minute telephone call and some technical guidance from the Justice Department attorneys could save 6 months of field work at the local level.

Though the experience gained by our Justice Department, they have learned a lot. You do not prosecute 10,000 cases without learning a lot. That would be extremely helpful to the local prosecuting officials. So I ask this be made available.

The final portion of the amendment would expand the Justice Department's interagency task force to gauge the impact upon the Federal Government of the collapse of a private deposit insurance fund.

The January collapse of Rhode Island's private deposit insurance fund was the Nation's third. We have had three of these, Mr. President. In 1985, one collapsed in Ohio. In 1985, one collapsed in Maryland. In 1991, we had the collapse of the one in Rhode Island.

Independent examinations into the origins of these financial institutions crises have revealed that fraud and criminal activity contributed significantly to these financial disasters.

Alarmingly, private insurers continue to operate in at least 20 States. If there is one message I could send out to all the States that have these private deposit insurance funds: Beware and check those funds just as should have been done in my State based upon the previous experience in Ohio and Maryland.

The Federal Government needs to quantify the risks associated with private deposit insurance funds. My amendment would require the Justice Department to assess the risks to our Nation's economy and to propose any Federal legislative initiatives that might limit our Federal Government's exposure in these matters. Now, you might say, there is no Federal exposure. Well, who knows?

The amendment directs the Justice Department to lead an interagency evaluation of private deposit insurance funds. The report and its accompanying evaluation would have to be submitted to Congress within 12 months of the enactment of the bill to which this amendment would be attached.

The President, this is a modest yet important amendment that has been endorsed by the National Credit Union Administration.

At this time, Mr. President, I will ask unanimous consent that a letter endorsing this amendment from Mr. Robert M. Fenner, general counsel of the National Credit Union Administration, dated February 27, 1991, be printed in the RECORD. I shall just read a portion of it.

> This is to confirm that the National Credit Union Administration supports your proposals set forth in draft bill S. 419 as forwarded by Mr. Rogers.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CREDIT UNION
ADMINISTRATION,
Washington, DC, February 27, 1991.

Hon. JOHN H. CHAFEE,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAFEE: This is to confirm that the National Credit Union Administration supports your proposal, set forth in draft bill S. 419 as forwarded to us by Mr. Rogers of your staff, to amend Section 205(d) of the Federal Credit Union Act in order to clarify and strengthen the prohibiton against individuals with criminal records participating in the affairs of insured credit unions.

As I discussed with Mr. Rogers, we recommend that proposed paragraph 205(d)(1)(A)(iii) be deleted, inasmuch as credit unions, as cooperatives, are not subject to outside ownership and control.

Thank you for your consideration in seeking NCUA's views.

Sincerely,

ROBERT M. FENNER,
General Counsel.

Mr. CHAFEE. Mr. President, furthermore, this amendment has been favorably reviewed by the U.S. attorney in Rhode Island. It builds upon existing law.

We are not plowing some new ground here. We are enlarging upon the crime bill of 1990. It would protect depositors across the Nation by ensuring that those convicted of fruad-related offenses will not have the opportunity to return to a career in the financial services industry for a long time.

You might say, well, the individual has been adequately punished. Why add this further punishment?

We found it wise to do that in connection with federally insured deposits—FDIC insured entities. We had a period of 10 years. We have a provision in there for seeking an excuse from that if the individual prevailed upon the FDIC to support such an effort.

The trouble is, with the mobility of individuals around the United States, we could easily have a situation where an individual could have been convicted of a fraud in connection with an action in one State who moves across the country. After several years go by he could go to work for another financial institution, and without that institution knowing of the background of the individual. This makes it a crime to do that in connection with credit unions or with the State insurer.

I urge my colleagues to join me in support of this amendment. Frankly, it is my hope, Mr. President, the managers of the bill will accept the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I congratulate my colleague from Rhode Island for introducing this amendment. It is an amendment that is needed. I think so far we all have been moaning and groaning about the anguish of people who suffered from the credit unions and the banks collapsing, but we have not done much about it. We have been sort of toothless.

But this amendment will mean that, instead of being toothless, we will be putting teeth in these emotions. And the people who are responsible for the misery and the anguish of so many of our constituents would be properly punished, not punished for the sake of punishment, an eye for an eye and a tooth for a tooth, but to discourage actions like this in the future, actions which could easily happen again at another time.

This amendment is treating credit unions and banks pretty much alike. In our part of the country, credit unions are, virtually, the banks. Also, it is taking advantage of the know-how of the Justice Department, of the fact that they have prosecuted 10,000 cases, and utilizing their knowledge to bring in the Federal Government.

Speaking for my part of the country, that is a wish our people have, very much indeed. This is a good amendment. I hope it will be approved.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. I thank my distinguished colleague for his comments. As I noted, he is a cosponsor of this.

The point I want to make is the point my distinguished senior colleague makes. This is a three-part amendment. Yes, it deals with the provision of not being able to be employed by a financial institution within 10 years after having been convicted of fraud. This is not some little minor charge that goes against an individual. This is fraud: stealing from depositors. This is one part.

But the other parts of the amendment are of equal importance. For example, the point my distinguished senior colleague made about the Justice Department's expansion of its newly created financial crime unit. We come from a small State. The total population of Rhode Island is 1 million people. So we do not have within our Justice Department—our State attorney general, or within our U.S. attorney's office—the expertise to handle these cases. This would provide that that expertise from the Justice Department would be available to our State prosecutors.

The final part would mean that there would be an assessment made across the country about the strength of these private insurers, or these State insuers, and the risks that might come to our Nation's economy if there were further problems, as has been shown in our State.

Just to show the seriousness of this, and I say, we have 1 million people in our State; we have 150,000 depositors who have not been able to get their money out of institutions since January 1. There are 150,000 people who cannot get to their accounts. Why? Because of fraud and chicanery and duplicity and ineptness by those who are managing both some of the institutions and the statewide insurer. That is serious business.

I do not think any of us can realize the full impact of having our savings tied up in institutions, or our checking account, where we cannot get at it for payments on our mortgage, cannot get at it for payments on a house, cannot get at it for payments pursuant to an agreement to purchase—whether it is property, or whatever it might be.

So I hope the managers will support this amendment.

The PRESIDING OFFICER. The Senator from Utah [Mr. GARN].

Mr. GARN. Mr. President, first let me summarize the Chafee amendment, as I understand it.

It would amend the 1990 Crime Act to make clear that individuals convicted of certain crimes cannot participate in the affairs of insured credit unions for a minimum of 10 years unless the court grants an exception. This is currently the law with regard to participation in insured banks and S&L's.

In addition, the amendment would clarify that the ban on participation includes a ban on employment with the insured institution.

The amendment would also require the Department of Justice to provide its technical expertise and appropriate resources to State officials prosecuting cases of fraud in connection with the collapse of private deposit insurance systems, add the IRS to the interagency task force set up by the crime bill, and require the task force to broaden its recommendation to help prevent such collapses in the future.

I would say at the outset, it is hard to disagree with what my friend from Rhode Island is attempting to accomplish because it does make sense to have uniform rules governing when people with criminal convictions can participate in the affairs of federally insured institutions. However, changes to the crime bill should be more fully explored and coordinated with the Department of Justice and the FDIC before proceeding to avoid inadvertent interference with ongoing proceedings.

So while I do not object to what the Senator is trying to accomplish, I do have some problems with not fully investigating the implications of the bill and coordinating that with the FDIC and the Department of Justice.

The second reason is that I think it is clear to everyone that the chairman and I are attempting to keep what we consider an emergency funding bill clean of amendments, even if they are meritorious. In the House of Representatives last week, in the House Banking Committee, I should state, the bill to provide this funding was loaded up with amendments, and therefore in the final vote it was defeated.

It gets back to the arguments both the chairman and I have been making for several days, that while we may be sympathetic with many of these proposals that are meritorious, we do not want to delay further the emergency funding that is necessary for the RTC to continue the closure of some of these brain-dead institutions.

I hope the Senator from Rhode Island will understand our position, and that my opposition is not one of substance at this time, but a consideration of going through the committee process and examining this, along with other proposals, which we certainly intend to do.

The Senator from Nebraska has a proposal that I may agree with, having had proper hearings, to change the structure of the RTC board.

But I do not feel that these amendments should be added on an emergency funding bill. This and other amendments should be given due consideration, and many of them certainly are meritorious.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. RIEGLE].

Mr. RIEGLE. Mr. President, we always take seriously amendments that are brought by Senators on matters of this kind. So I am going to say to the Senator from Rhode Island the fact he is bringing this forward and has a deep interest in it carries great weight with me as chairman of the committee. As the ranking member from Utah just said, I think there is a lot of merit in what he is talking about. I think it takes some discussion, however, and some work. I think the Department of Justice and other parties of interest would have to be involved in a formulation that we would know would be correct and would work.

Let me suggest to the Senator from Rhode Island, and to his colleague, also, Senator PELL, who spoke earlier, that we have a hearing scheduled in the Senate Banking Committee on April 11—that is less than a month away—precisely for the purpose of being able to have Members come in and present recommendations for changes in the law as it relates to the aftermath of the savings and loan problem.

I would like to suggest to the Senators from Rhode Island—and I know they have a current problem with the credit union situation in their State—I think what we ought to do is invite them to come in at that time and let us hear a formal presentation. Let us also invite comments from other interested parties so that we have a variety of viewpoints and information.

I say to the Senators that I am interested in what they are suggesting here. At the same time, I do not think we can deal with it properly today in this context. I say that because this bill is very much overdue. This is a matter that ought to have been handled late last year. The Senate acted on it, as my colleagues may know, in the closing days of the session. It was not enacted. So the RTC is not able now to shut down failed institutions because they do not have enough money. As a result, the costs are rising each day that ultimately have to be borne by the taxpayers.

I would like to suggest that they allow us to move ahead with this funding bill now and leave it clean of amendments of this kind, however meritorious they might be. Let us use this opportunity on the 11th to have them present this idea to the Banking Committee. We will decide at that time what we can do with it and proceed in that fashion.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, I want to thank both the distinguished chairman of the committee and the ranking member for their thoughtful comments on the amendment I proposed.

As the chairman of the committee pointed out, this is a matter of deep concern to both Senators from Rhode Island. I think the proposition he made is a fair one for a variety of reasons. One, we may not be rocket scientists, but we can count. The last vote was 71 to 28, so it does not appear these amendments are going to be approved. That is a first point.

The second point is I think the Senator makes a very valid point; that is that this bill has to move, and I am anxious to get it moving because all of us represent taxpayers. I hear every day's delay of this measure amounts to $7 million, or some figure like that.

Mr. RIEGLE. $7 to $9 million a day.

Mr. CHAFEE. We better stop the talking quickly because it is running a couple hundred thousand dollars a minute, I guess.

As I understand, the proposal by the chairman of the committee is as follows: That on April 11, there will be a series of measures considered by the committee and that he is agreeable that this amendment, with its three parts, be part of that consideration.

Mr. RIEGLE. That is exactly right. I invite the Senators to appear before us on that day and present it so we can discuss it before the committee.

Mr. CHAFEE. That will be fine. Let me ask the Senator another question. Will he at that time also arrange to hear, for example, from some of the entities he mentioned, like the Justice Department, or would he solicit a comment? In other words, what we would really like to see is, in effect, a markup on the legislation.

Mr. RIEGLE. I do not know that I can commit to having a markup on that day because we are going to take up a variety of proposals including: The one the Senator has brought forward, and testimony from the Senator from Nebraska in a different area. I do not know how many others will come in.

But along that line, may I make this suggestion? I think it would be appropriate, and I would be supportive of an effort initiated by the Senators who sponsored this amendment to send this amendment to the Justice Department and ask them for a response. I think that is reasonable to ask that the response be available to us by the 11th of April. There may be other parties of interest who also might be asked for comment so that that can be available to us. It will be available to you and to us so that we have that as a reference at that time. We have some lead time here.

We will certainly endeavor to seek opinions we think we need to have. I think theirs is one we ought to have. I think it would be appropriate for the Senators to send it on over to them and ask them how they feel about it. It would be good to have their endorsement.

Mr. GARN. Will the Senator yield for suggestion? I suggest that the Senator, on the basis of this colloquy, be willing to withdraw his amendment; that he reform it in a bill, and submit it for referral to the Senate Banking Committee so we would have an actual piece of legislation before us on which to conduct a hearing.

Mr. CHAFEE. Mr. President, first, I want to thank the two distinguished Senators handling this legislation. That is agreeable to me, and I am sure it is agreeable to my colleague. We will submit this in the form of a bill. It will be referred to the Banking Committee, and we will seek the Justice Department's comments. We have the comment already from the National Credit Union Administration.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I think this proposal is eminently fair. I ask it be accepted and the amendment be withdrawn.

Mr. CHAFEE. Mr. President, I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The Senator has that right to withdraw his amendment, and it will be withdrawn.

The amendment (No. 24) was withdrawn.

Mr. RIEGLE. Mr. President, I am prepared to yield to the Senator from Nebraska, but I want to say to the Senators from Rhode Island that I appreciate the initiative that they have taken here. I appreciate also their willingness to handle it in this fashion so that this bill can go forward on an expedited basis. We want to work with them, and I will work with them. I want to repeat that I think this is an important issue they have raised. So I look forward to handling it in the fashion we just described.

Mr. CHAFEE. I thank the Chairman.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 25

(Purpose: To amend the Federal Home Loan Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity)

Mr. KERREY. Mr. President, I send an amendment to the desk on behalf of myself, Senators BUMPERS, PRYOR, EXON, RUDMAN, MOYNIHAN, and DASCHLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. BUMPERS, Mr. PRYOR, Mr. EXON, Mr. RUDMAN, Mr. MOYNIHAN, and Mr. DASCHLE, proposes an amendment numbered 25.

Mr. KERREY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . MANAGEMENT OF THE RESOLUTION TRUST CORPORATION.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by striking paragraphs (1) through (3) of subsection (a) and inserting the following:

"(1) IN GENERAL.—There is established the Board of Governors of the Resolution Trust Corporation.

"(2) FUNCTION.—The Board of Governors shall oversee and manage the Resolution Trust Corporation (hereinafter in this section referred to as the 'Corporation'). The Board of Governors shall be an 'agency' of the United States for the purposes of subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

"(3) MEMBERSHIP.—

"(A) IN GENERAL. The Board of Governors shall consist of 9 members as follows:

"(i) 5 independent members appointed by the President, by and with the advice and consent of the Senate, from among individuals with experience in banking, finance, real estate, and business management. Nominations to fill such positions shall be refered to the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(ii) The Secretary of the Treasury.

"(iii) The Chairman of the Board of Governors of the Federal Reserve System.

"(iv) The Secretary of Housing and Urban Development.

"(v) The Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

"(B) POLITICAL AFFILIATION.—Not more than 3 members appointed pursuant to clause (i) of subparagraph (A) shall be members of the same political party. No independent member of the Board of Governors shall hold any other appointed office during his or her term as a member.

"(C) CHAIRPERSON.—The Chairperson of the Board of Governors shall be designated from among the appointees under clause (i) of subparagraph (A) at the time of his or her nomination to the Board of Governors by the President. The Chairperson shall have the business experience necessary to govern the orderly distribution of the assets held by the Corporation.

"(D) QUORUM REQUIRED.—A quorum shall consist of 3 members of the Oversight Board appointed pursuant to subparagraph (A)(i).

"(E) TERM OF OFFICE.—The term of office of the members of the Board of Governors appointed pursuant to subparagraph (A)(i) shall be 5 years. Any vacancy in the Board of Governors shall be filled in the same manner as the original position was filled.".

(b) PROMPT APPOINTMENT.—The President is urged promptly to appoint all members of the Board of Governors of the Resolution Trust Corporation.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act is amended—

(A) by striking "Oversight Board" each place it appears and inserting "Board of Governors"; and

(B) by striking subsection (b)(8).

(2) REFERENCES IN OTHER LAWS.—Any reference in any other provision of law to the Oversight Board of the Resolution Trust Corporation shall be deemed to be a reference to the Board of Governors of the Resolution Trust Corporation.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the date of enactment of this Act, except that—

(1) the Oversight Board of the Resolution Trust Corporation as constituted immediately preceding such date shall retain its power and authority as in effect on such date until such time as 3 of the nominees to be independent members of the Board of Governors have taken office;

(2) any individual nominated to be a member of the Oversight Board of the Resolution Trust Corporation shall be deemed to have been nominated to be a member of the Board of Governors of the Resolution Trust Corporation; and

(3) the conflict of interest regulations applicable to members of the Oversight Board shall apply to members of the Board of Governors.

(e) COMPENSATION OF BOARD OF GOVERNORS.—

(1) CHAIRMAN.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Chairman, Board of Governors, Resolution Trust Corporation.".

(2) MEMBERS.—Section 5313 of title 5, United States Code, is amended by striking "Oversight Board" and inserting "Board of Governors".

Mr. RIEGLE. I wonder if the Senator will yield to me for 1 minute.

Mr. KERREY. Yes, I yield.

Mr. RIEGLE. Mr. President, I have had other Senators come to me with amendments they are going to offer later or anticipate offering later. Senator SPECTER is coming with one on a different subject matter he wants to offer.

Might I inquire of the Senator from Nebraska if he has a thought now as to how much time might be needed and maybe we can structure a time period. I want to certainly be adequate to his needs, but this is just for scheduling purposes so that I can kind of guide other Senators as to when they might be able to come over and offer theirs as well.

Mr. KERREY. I appreciate that. I do not think, Mr. President, that this will require much more than 30 to 45 minutes on my side. The dilemma is there are Senators who want to speak who are not on the floor. I am sure they are going to come to the floor to speak. I am willing, if they do not make it here, to cutoff time and get to a vote. I do not want to tie this up. But I am reluctant to agree to a time agreement at this point. It seems to me that an hour is probably all the time it is going to take, but I am just not certain.

Mr. RIEGLE. What if we were to do this. If the Senator is not comfortable with it, fine. I will understand. What if we were to take 1½ hours equally divided. If we need all that time, we will take it. If not, we will yield it back. If it gets to that period of time and things are going hot and heavy, if the Senator wants an extension, we will work that out. But how about if we were to seek a unanimous-consent agreement for 1½ hours equally divided with that understanding?

Mr. KERREY. I would agree to that.

Mr. RIEGLE. Mr. President, I will then make such a request. I ask unanimous consent that 1½ hours be provided for this amendment, equally divided.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

Mr. RIEGLE. I am going to ask unanimous consent as well that that preclude second-degree amendments because I think that will keep the Senator's amendment in the form he is presenting it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Nebraska has the floor.

Mr. KERREY. I thank the Chair and I thank the distinguished Senator from Michigan.

Mr. President, I want to make certain that the amendment I just sent to the desk had recorded all the additional Senators on it. I had listed Senator PRYOR, Senator EXON, Senator BUMPERS, Senator MOYNIHAN, Senator DASCHLE, and Senator RUDMAN.

The PRESIDING OFFICER. The Senator is correct.

Mr. KERREY. I thank the Chair.

Mr. President, I have been to the floor a number of times in the last week or so talking about the need to make some changes in the Oversight Board. I will not at this moment go into much greater detail, although I intend to do so later.

This is a very simple amendment. It is based upon an observation, again a rather simple observation, that the current oversight arrangement simply is inadequate, not as a consequence of personal inadequacies of the people who are on the Board but simply because of the other things they have to do.

The Chairman of the RTC Board, for example, Mr. Seidman, is actively involved in a very difficult problem of trying to figure out how he is going to recapitalize the FDIC. That in itself would tie up the average person in a full-time way. That in itself should command full-time attention.

The Chairman of the Oversight Board, Treasury Secretary Brady, is also involved in trying to figure out how we are going to reform our banking system. He has a very complicated and detailed proposal to address that. That in itself, a very important problem, would be a full-time task, Mr. President.

So what I am suggesting here is not that we should look to try to pin the blame on the administration for doing a poor job but, instead, to look at the organization itself.

I know, from talking to colleagues, there is a great deal of consternation about this vote. One of the arguments offered in opposition to the previous amendment was that we do not want to come back here and vote this cash in a repetitive fashion. The House of Representatives has demonstrated their reluctance as well with a voice vote. Some here suggest that perhaps would be the best approach as well.

The public itself, Mr. President, has grown impatient. People have filed with all of us all sorts of anecdotal pieces that come together, I think, in a persuasive fashion to conclude that if we hold hearings in April and if we make some structural reform sometime this year, two things will happen. I find both of them to be inadequate. One, we may actually block consideration of both Mr. Seidman's proposal and Secretary Brady's proposal to, one, recapitalize the FDIC and, two, to reform the banking system.

The second concern I have, Mr. President is that there will be a great deal of time lost between the moment of consideration now and the enactment of whatever the committee itself hears in April. As I said, I think there is an ample amount of evidence to cause us all, if we look at this thing objectively, in a nonpartisan way, to say what we need is a full-time policy board.

Mr. President, the Senator from New Hampshire has been good enough to hang around the Chamber. He has been with me on this amendment from the beginning. I know that he has a hearing to attend. He has asked for 2 or 3 minutes to speak so he can get to that hearing, so I yield to him at this time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. I thank the Chair, and I thank my good friend from Nebraska.

Mr. President, let me be very brief because the Senator from Nebraska has spoken to this in great detail.

I have the greatest respect for not only the knowledge of this issue but the devotion to the issue of the chairman, the Senator from Michigan [Mr. RIEGLE], and my good friend from Utah [Mr. GARN]. Unquestionably, I would not want to argue the details of the RTC with them because they truly have more knowledge of it, as does their committee, and I am not on that committee.

There is no question that the Senator from Utah was correct yesterday when he made the comment that we probably would be well advised to have hearings and decide about a reconstituted board. I accept that as probably being the better way to do things. But there are occasionally times around here when you do not do things the better way; you do them based on instinct.

I have had a sense, Mr. President, that we have some extraordinarily talented people on this board at the present time. Unfortunately, like most extraordinarily talented people in this city, they have enormous responsibilities. The Secretary of the Treasury is faced with problems in the economy that deal with all banks, with other financial institutions. He is presently devoting a great deal of time to what he considers a high priority, and that is essentially a reconstruction, if you will, of the entire financial services industry.

The Secretary of HUD is very busy; he is on the Hill all that time. Just this morning there are more stories about his confrontation with committees on some of the policies at HUD.

That is certainly true of the chairman of the Fed, Alan Greenspan, and other public members.

I have a sense, Mr. President, that there comes a time when you have to look at something based on the practicality. The practicalities here are that this Congress, and particularly the Banking Committees, have done an extraordinary job in reacting to a crisis in this country and I think have done a first-rate job. I have supported them right down the line, as I will support them on every other tabling motion they have today, as I did a few moments ago on the first one. But I have a sense that with the RTC, it is time to have a management that devotes itself totally to this particular subject. That is very appealing to this Senator. It is also very appealing to have more public members than Government members.

The saving grace of this amendment, as I told the Senator from Nebraska when he spoke to me several months ago about this, is that these will be Presidential appointees confirmed by the Senate. So the only difference will be that these will be people whose only Government service will be to devote themselves to this crisis, which could cost the taxpayers untold billions of dollars. I will not say how many because nobody knows. It is a moving target.

So I want to thank the Senator from Nebraska for offering the amendment. I am glad to join him in it. I agree totally in advance with statements by my good friend, the chairman and the ranking member, that hearings might be better. They well might be. But I happen to believe that to have a new board constituted does not in any way detract from the ability of their performance. It more directs itself to the fact that they do not have the time.

I remember—and I will close on this, Mr. President—someone once coming to a commission meeting in the State of New Hampshire, which was a very important commission addressing some very important subjects, who stated to the chairman as the first organization meeting started—he was a very highly thought of individual in our State—he was there not because of his ability but because of his availability. I would say that in this particular case we need people who are both able and available. I am afraid public members are not as available as they ought to be most of the time through no fault of their own.

I thank the Chair and I yield the floor.

Mr. RIEGLE. Will the Senator yield for just a moment?

Mr. RUDMAN. Yes.

Mr. RIEGLE. I would like to engage him on this issue because I respect his opinion. I thank him for his kind comments about the work of the committee and personal comments.

As I understand the amendment—and I am open to changes here. I hope we have made clear that we are open to structural changes that may make sense because these things almost are never right the first time, and sometimes not the second or third time. It is a fair question to put on the table.

As I understand the amendment it would retain all of the existing board members, including Chairman Greenspan, Secretary Brady, and Secretary Kemp. It would add the FDIC Chairman. I see some merit in that although he is down a notch and actually runs the RTC Board. It would add three more independent members, and one of the independent members would become the chairman. You are augmenting the same group and creating a greater measure of independence, presumably through the chairmanship being invested in an independent member.

Mr. RUDMAN. I believe there are five board members who would be Government members—nine members, five public and four Government members under this amendment.

Mr. RIEGLE. Yes. That would be with the FDIC Chairman being added at the same time. You tip the balance in that fashion. It is fair to say all of the independent members of course are selected by whatever administration happens to be in power.

But it was very interesting when the Bush administration came forward with this proposal in the beginning. We had Secretary Brady up before the committee. He felt very strongly about this structure. I asked many of these same questions. What was the administration's thinking? What did they have in mind? What was their purpose for doing it this way?

I am paraphrasing now what I remember of his reactions, but what I remember him in effect saying was that the Bush administration put forward a reform proposal completely revising the industry and that they accepted the responsibility to get it done. They both accepted and wanted the political accountability, political in the best sense of the word—that if this was going to be their baby and their cleanup they wanted to be sure that it was done in a manner in which they could oversee it, and in the end they would take the responsibility, good or bad for the job done.

If it were more diffused, they would be uncomfortable in being more removed from it because it was such a serious problem that demanded such intense effort. They were quite willing to accept the laurel wreath or the brickbats at the far end of it once it was done. That was the theory advanced.

One can argue the pros and cons of that. Maybe we are enough further down the line now, as you say, that it is time to rebalance that board, and by a 5-to-4 split go to independent member balance. They have not recommended that. They have not asked for that.

The Secretary of the Treasury expressed his views quite clearly at the outset, and we accepted that design. I should also note that chairman Seidman accepted this design. We accepted the enginering design because they thought they could implement best. But I would want to say are we far enough down the track now, do you think the thing is well enough underway in terms of the cleanup effort? After all the RTC is an organization that is arguably bigger than Citicorp. It is the biggest organziaiton of its kind existing in this country, albeit from pretty much a cold start. It has had a lot of growing pains.

I would want to ask Secretary Brady and others: Have we now moved to a point where you are satisfied with the process? Or, are you willing to draw back and take a different position with respect to control of the oversight board? In a sense the administration has both the responsibility to do it and is accountable for it.

Mr. RUDMAN. I will respond very briefly. I think the chairman raises an excellent point. I think the problem is that, as it was originally put together, it was very well conceived but I think although it was well conceived it has not been well executed for a number of reasons. I do not want to point the finger. There are enormous problems.

The saving grace it seems to me to the argument that the Secretary might make—I do not know what he would say, a friend of the chairman's and a friend of mine. I have the utmost respect for the Secretary. He might well take the same position he took originally which is not unusual in this city because generally speaking we have some turf consciousness of certain areas. That explains the way things happen as well as logically in some cases.

Let me just make this point. The administration would still have the ultimate control because it is the President who would appoint these members. They suffer the confirmation of the Senate.

I would say if the Secretary were here and testifying, if this were a hearing, I would say to him, look, there are some extraordinary people in this country in the financial community, I will not mention names, but there are names known to all of us; in the academic community, people who retired from the banking community still with extraordinary vigor and much to contribute who if selected by the President because he had confidence in them, and still with the board constituted with four rather heavyweight Government members hardly would get it beyond the control and the ambit if you will of the administration.

It is an excellent point the Senator makes, but I think it is dealt with in the amendment. If you started having the Senate or the House appoint these people, which would have doubtful constitutionality—if in fact you did that, it seems to me the President would still have the ultimate control.

That is why I support the amendment because as the Senator just said this corporation is bigger than Citicorp. I think it needs a full-time board. They need some fresh blood on the Board. I am not worried about the administration losing control because I think they have control through the nomination process.

Mr. RIEGLE. If the Senator will yield further, on my time, the Senator may very well be right. My mind is open on that issue.

As it is now our two public members do not serve full time. They are excellent people. Bob Larson is from my State. He and Philip Jackson are serving in the public positions right now. They are working hard at it, but, they do other things. These are not full-time jobs. So in that sense this is quite a major step to contemplate shifting control of that board to independent members who in fact would serve full time and would set aside other duties.

I must say to you one of the things we have run into on the Banking Committee because we review certain nominations, is that the administration has said to us time and again they are having extraordinary difficulty getting topflight people who are willing to serve full time.

In fact, we had that same situation with the Federal Housing Financing Board where we actually had an argument because we believe the law requires full-time members. They said we cannot get good people to serve full time. They said we can get people to serve part time. That was temporarily resolved when the administration made recess appointments of part-time people. We still believe the legislation requires full time.

So that is one of the difficulties here. Again I think this is a matter which is a very important issue. The Senator may very well be right. Maybe we ought to move in this direction at some point. I would in all likelihood sign up to do it.

But I think I want to have the Treasury Secretary, others that have been in charge under the original engineering design, come in, and respond to this. If they are for it, I would like to have them say so. If they are strongly opposed to it, mildly opposed to it, I think we ought to hear those objections. They ought to be on the record.

But I say to the Senator from Nebraska as well on a matter of this scope and scale, I think it is an appropriate issue to put on the table. We have a hearing scheduled on April 11. That is just ahead of us. It is less than a month away.

I view this as one of the main issues we are going to take up. What I would suggest as opposed to trying to settle this issue today on the floor is that we take the time—and I am not talking about a long period of time because we have set a date. I think this proposal ought to be sent to the administration. I think it ought to be sent to the administration on a bipartisan basis because I think it is significant that there is bipartisan support here for it, and ask for their formal comment. Are they prepared to endorse this? Or do they have a strong feeling to the contrary? Let us proceed in that fashion.

If we are at the point where it is time to change, whether they like it or not, after they have had a fair opportunity to react to it, comment on it, and so forth, I have no reluctance to join in an effort to bring about a change in structure if a consensus can be developed here after all sides are heard.

I must say that I feel some uneasiness, however, on a change of that scale, without going through that process. That is not to prejudice the argument either way. But I want to see us get this job done as well as we possibly can, and this may very well be a change whose time has come. But ought we not to handle it in an orderly fashion? And when I say "orderly fashion," that is, collect the parties at interest, really examine this very carefully, and then make a judgment.

After a hearing, or a presentation that the Senator may wish to make, or one others may wish to make on this, I would like to have the 21 members of the Banking Committee, the distinguished membership—we have a very strong lineup of players on both sides of the aisle—consider this, and let us see what the way of judgment is in the committee. And if it is convincing, then it is time to make this kind of a change, not only will I support that, I will be out here arguing for it. But I do not feel that we have done the work to be able to—at least in my mind—make a convincing argument that I would be prepared to live with for the rest of the time, if this is a change whose time has come.

Mr. RUDMAN. If the Senator will yield, I still have the floor. I want to thank the Senator from Michigan. I think the question of the procedural disposition of this amendment is certainly up to the Senator from Nebraska. He is author of it, and I am delighted to be a cosponsor.

The argument is a good one made by the Senator from Michigan. I happen to think that whether we vote on it today and get a strong vote, or vote on it later, there is going to be a change in the RTC Board. I think that the momentum is moving in that direction. But how we vote on it today remains to be seen.

I thank the Senator for his courtesy, and I thank the Senator from Nebraska for yielding to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. GARN. Will the Senator yield for a moment before the Senator from New Hampshire yields?

Mr. KERREY. I ask the Chair if the previous comments were charged to my side?

Mr. RIEGLE. It will be charged to our side.

The PRESIDING OFFICER. Except for the initial statement of the Senator from New Hampshire, it is charged to the Senator from Michigan.

Mr. KERREY. I am glad to yield.

Mr. GARN. I appreciate that. I realize that the Senator from Nebraska has not completed his opening statement. I want to make some comments on the colloquy before the Senator from New Hampshire leaves. I say to him, and also to the Senator from Nebraska, that I am somewhat sympathetic with the Senator's position. It would make more sense to me, in concept, to have a full-time board. And even when this was first formed, I felt that way, and there were comments from me to that effect in various forums.

The problem I have in dealing with it today, even though I might end up agreeing with it, depending on how it is finally formulated and written, is that there are a number of other proposals from people who would also like to reform the RTC Board in some way, or make other changes, including this Senator. There are still some changes I would like to make that I advocated in the summer of 1989, which were not adopted then, but that, in hindsight, look even better to me now than they did then.

So if we start allowing amendments to pass that may be meritorious we prejudice others, as well. What I wish we could do in the Committee hearing on the 11th—and I would expect that 1 day of hearings would probably not be sufficient—is to consider all of them. So that we come up with not just a change to the RTC Oversight Board, but other changes that I think need to be made, whether the administration agrees or not, to make them work more efficiently.

So if we start picking and choosing on the floor, I think we have prejudiced some other meritorious proposals as well.

On the substance of this amendment, I have just one comment, to give you an idea, while I think it may be a good idea in concept, it needs to be refined. Under the Kerrey amendment, FDIC remains the agency through which the RTC operates. FDIC employees carry out the functions of the RTC. RTC itself has no employees. The amendment would remove the role of the FDIC Board in running the RTC. I do not know how you handle that, if you change that structure but the FDIC employees are still supposed to carry out RTC functions. This is a technical problem.

I am not being critical of the amendment, but as an example, do we pass something without thoroughly thinking it through, even though I might agree with the concept? So before the Senator from New Hampshire leaves, I want to point out some of the concerns that I have in adopting this or other proposals. There are some that I would like to have offered, but I have restrained myself from doing that.

I thank the Senator from Nebraska for this long interruption in his opening statement.

Mr. KERREY. Mr. President, briefly, the Senator from Arkansas requested an opportunity to speak on this amendment. Briefly, in response, the compelling need to make a change is here now. The reason I do not mind yielding, without giving an introductory statement, is because I have been making an introductory statement for some time now on this issue. It is an organizational question. It is how you organize government.

The Senator from Utah raises an interesting point, and I am prepared to argue that detail. I have not only thought it through, but I have discussed this proposal with members of the Banking Committee and others of my colleagues. It seems to me that what we have is a compelling need to address the problem now.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written recently by Stephen LaBaton of the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEIDMAN'S PLAN TO BOLSTER FDIC

(By Stephen Labaton)

WASHINGTON, February 28.—L. William Seidman, the nation's senior banking regulator, today proposed a $64.4 billion plan over five years that relies heavily on Government borrowing to shore up the ailing Federal program that protects deposits.

The plan to strengthen the Federal Deposit Insurance Corporation is a compromise attempt to avert the insolvency of the $8.4 billion fund without relying on taxpayer revenues or overly taxing an industry that has suffered from declining earnings over the last year. But it calls for significant increases in the amounts that banks will have to contribute to the fund to finance loans that might ultimately come from taxpayer funds.

RISING FAILURE RATE

The rising rate of large bank failures has left the bank insurance fund at its lowest level to deposits since the creation of the program 57 years ago during the Great Depression. This has raised concerns that the fund could be insolvent by the end of the year. If that were to happen, deposits of up to $100,000 would continue to be protected, but the regulators would have to turn to taxpayer funds to bail out future bank failures.

"To the extent that is any doubt about the repayment, this becomes a back-door way to taxpayer bailout," said a Congressional aid who works on banking issues and asked not to be identified. "On the other hand, it is a recognition that the banks can't bear the full brunt of the burden by themselves."

To bolster the fund, Mr. Seidman, chairman of the F.D.I.C. suggested in December a $25 billion assessment on the industry on top of an 18 percent increase in contributions paid by banks. But he later backed away from that suggestion after representatives of the industry which posted earnings of $15.4 billion for the first nine months of last year, said it could not afford such an assessment.

His proposal today, parts of which were disclosed earlier this week, calls for borrowing the $25 billion. Parts of the plan could be adopted by the F.D.I.C. without Congressional approval and other aspects would require legislation.

It is too early to determine whether either the Bush Administration or Congress would support the new plan, although the Congressional Budget Office has recommended increasing the borrowing authority of the F.D.I.C., now at $5 billion, by another $5 billion to $10 billion. Treasury officials, who have left the issue largely in the hands of Mr. Seidman and have disagreed with him on some aspects of the Administration's comprehensive banking overhaul proposal, declined to comment on his plan.

As part of the 11-point plan announced today, Mr. Seidman proposed a $15 billion increase in the amount of money that the F.D.I.C. could borrow from the Treasury, to $20 billion. He said that for each $1 billion borrowed over the current $5 billion borrowing limit, the F.D.I.C. would increase the premiums paid by banks by 0.35 cent per $100 in deposits insured to pay for the loan.

On Monday, Mr. Seidman announced the first part of his plan: a $10 billion loan over 15 years to be financed through an 18 percent increase in the annual contributions paid by banks. But the F.D.I.C. board has not recommended whether the source of the loan should be from the Government or the banks.

Mr. Seidman and another board member, T. Timothy Ryan Jr., said that they thought the best source of the loan might be the Federal Reserve.

Today, the board took the first steps in raising the premiums paid by banks to the fund to 23 cents per $100 of deposits insured, from 19.5 cents, effective in July. The F.D.I.C. said the proposed increase would raise $870 million each year and would have "minimal impact" on the industry, costing banks $574 million after taxes.

Bankers said any increase in premiums could be spread among customers and shareholders without great pain, but they complained that all banks, including the strong, were being required to pay for the problems of the weak.

"Everybody is going to try to pass along the cost to their customers with higher fees, lower interest rates on deposits and higher rates on loans," said Raymond V. O'Brien, chairman of the Emmigrant Savings Bank in New York. "But there is so much competition, including non-banks like money market funds who do not pay insurance premiums, that I doubt all the cost can be recovered. We can afford it, but it definitely is going to put a dent in our bottom line."

John W. Spiegel, executive vice president at Sun Trust Banks Inc. in Atlanta, said the need for banks to keep profits high enough to attract capital would require that the higher insurance costs by passed on to customers. "Most of the banks in our system were planning for a 19.5-cent premium this year," he said, "though some had anticipated it could be higher."

At a breakfast today with reporters and in testimony later before a House banking subcommittee, Mr. Seidman sought to reassure his audiences that the plan provided for credit lines on which the F.D.I.C. might not have to draw.

"We hope not to have to go to Treasury to borrow the money," Mr. Seidman emphasized several times. "But we're doing what we think is prudent."

In a clear response to the Administration's plan to reduce the authority of the F.D.I.C., Mr. Seidman today also proposed an increase in the agency's regulatory powers to set capital standards for all insured institutions.

These are the other key elements of the F.D.I.C.'s plan, which would require legislation:

The agency would be granted the authority to change the way it assesses premiums so that it could base the contributions not on deposits, but on a formula of assets minus capital. This would enable the agency to charge premiums for foreign deposits held by American banks and would affect larger money center banks that hold such deposits more than community banks.

The agency would be granted the authority to issue stock either for the bank insurance fund or for another fund that would be used to provide assistance to ailing banks.

A cap would be placed on bank contributions at 30 cents per $100 in deposits insured.

A goal for the fund would be set at a ratio of insurance to deposits of $1.50 per $100. Existing law sets the goal at $1.25. The fund is now at 43 cents per $100 in deposits and the F.D.I.C. estimates that it will decline to 19 cents by the end of the year.

Some officials said that they were reluctant to borrow money from industry sources because it would probably be more expensive and also further tighten the availability of funds that might otherwise be available to bank customers.

On Friday, regulators from the Federal Reserve, Comptroller of the Currency, F.D.I.C. and Office of Thrift Supervision are expected to announce a series of measures and proposed accounting changes intended to ease what some economists have called a credit crunch.

Mr. KERREY. Mr. President, it is one more piece of information for my colleagues about the workload of this organization. It is an article describing Mr. Seidman's proposal to recapitalize the FDIC.

I will read the first paragraph:

> L. William Seidman, the nation's senior banking regulator, today proposed a $64.4 billion plan over 5 years that relies heavily on government borrowing to shore up the ailing Federal program that protects depositors.

That is, all by itself, enough for one human being, to be in a situation where you are Chairman of the FDIC, and change the name, and he becomes Chairman of the RTC, which is too much. It accounts for all the confusion and problems that we are finding out with our people themselves. The RTC is not getting the job done. They have had 18 months, and my conclusion is that—and it is inside the GAO report—there are enough examples to cause my colleagues to say that we ought to make this change prior to approving this extraordinarily large sum of money.

I yield the floor to the distinguished Senator from Arkansas for such time as he needs.

Mr. BUMPERS. I thank the Senator for the amendment, and I am honored to be a cosponsor of it.

Mr. President, we should bear in mind that the RTC Board of Directors was designed simply to replace the old Federal Home Loan Bank Board, which originally had oversight and supervisory responsibilities over all of the S&L's in this country. And they fell into such disrepute, we just abolished them and handed this authority to Bill Seidman and his crowd.

This is an amendment that makes common sense. You do not get a chance to vote for many things around here that are commonsensical. But if this board were handling your own personal property, you would vote for this amendment in a New York minute. And they are handling our property, because we are all taxpayers. The taxpayers of this country have a right not just to hope, but to know that their losses are being minimized. Management of assets is a very sophisticated business. Whether to keep or sell real estate is a decision that requires a lot of thought, a lot of data. Whether to keep or sell junk bonds, which were one of the primary nonperforming assets in the S&L's, is a sophisticated business.

Pension funds all across America pay consultants hundreds of millions and billions of dollars a year just to advise them on when to buy and when to sell.

Here you have an oversight board consisting of five people including Secretary Brady, Secretary Kemp, and Federal Reserve Chairman Greenspan.

Now I invite the Members of this body to ask yourselves how much time those three men have to deal with the day-to-day oversight problems of the

Resolution Trust Corporation? Answer: Virtually none.

What the Senator from Nebraska proposes in this amendment is to have a working board, a board that is experienced in the handling of these kinds of assets. And, just as important, a board with members who have time to devote to the board's work.

Incidentally, there was a great story in the Wall Street Journal last week about the fact that junk bonds have gone up in value something like 40 percent, a lot of them have gone up as much as 40 percent in the last 60 days.

RJR Nabisco made an offer the other day for a billion dollars' worth of junk bonds and it was oversubscribed 2 to 1. Now, this is oversubscribed because those junk bonds were selling at 17 percent and I guess there is still enough apprehension among those bond holders that they would rather have something a little more secure.

But when RJR is buying back their junk bonds, those bonds keep going up in value. And you know what they are offering for those bonds? They are offering stock and cash which really has a greater value than the value of that junk bond today.

Think of the number of institutions in this country that may have RJR Nabisco junk bonds in their portfolios. Can you imagine Secretary Brady, Secretary Kemp, and Alan Greenspan sitting around making the decision to accept or not accept the offer from RJR to buy back the bonds? Of course they are not.

Mr. President, I have this nagging suspicion that when the dust settles on this whole RTC thing we are going to find that RTC has sold billions and billions of dollars worth of assets at bargain basement, fire sale prices to get rid of them.

I will tell you something that really disturbs me and that is that we put a provision on the RTC bill to allow the infusion of new capital, new money by the Federal Government, into some thrift organizations that were still operating and had a chance to make it. And to my knowledge that provision, which we put in there with the best of intentions to keep from closing some of the S&L's that had a chance to make it, because closing them down is very expensive, has never or rarely been used.

Estimates of the cost to close one S&L in my State were $150 million. I promise you, Mr. President, you could have loaned that S&L half that amount of money to get their capital structure up to the required 3 percent and it could have stayed open. That would have saved $75 million, or maybe $150 million, because they would have been obligated to ultimately pay the $75 million back. But the RTC has not used that provision.

I am reluctant to be that critical because the problem is of such a magnitude; difficult to deal with; and there are so many deep-seated problems in hundreds of S&L's. But that is just precisely the argument for this amendment.

Mr. President, I voted against the Harkin amendment. I studied that amendment for some time. I decided that the responsible thing to do was to go ahead and vote against it.

Certainly I would like to support the distinguished floor managers on things like this when I can. They work very hard. I have a lot of confidence in them.

I appreciate the chairman of the Banking Committee's offer to study this amendment. It is up to the manager of the bill whether he wants to go ahead and have a vote. I am certainly prepared to do that.

But you know the Harkin amendment simply said we are going to give you $15 billion now and we are going to give you $15 billion later if you come back and tell us you are doing the best you can.

I find the administration never has any trouble sending a communication over here saying "We are doing the best we can." So why go through the formality?

We assume they are doing the best they can. But it is not good enough. So we have a responsibility to the taxpayers of this country. They may never believe it because they are so suspicious and distrustful of this S&L bailout. But whether they believe it or not, we have a duty to be able to face them and say we have done the very best we could do with a disastrous situation.

I, for one, do not want to go out and face them again when this is all over and the literally hundreds of stories begin to come out about under priced assets.

I keep hearing these stories and I keep reading these stories but I do not think you have seen anything yet compared to what you are going to see.

I strongly urge my colleagues to make this very simple commonsensical step to at least do our best and do our duty in making sure there is a working, committee board, not just figureheads dealing with this problem.

I yield the floor, Mr. President.

Mr. KERREY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 25 minutes and 47 seconds remaining.

Mr. KERREY. With the colleagues that I have here on the floor, Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KERREY. I thank the Chair.

Before yielding to the distinguished Senator from New York, Mr. President, I make one point off of the comments made by my friend, the distinguished Senator from Arkansas. He talks about the possibility of saving money; in this particular case, $150 million in an institution in Arkansas.

The details of what I heard him express here requires some risk, some political risk, Mr. President, because, as we know, in the 1988 deals there has been what I would call a constriction of the environment under which risk is rewarded at the very least. There is a tendency to cause people to go on the defensive in the environment where one could be punished politically for giving somebody a favor of any kind.

Of course, if you are going to get someone in the private sector to participate in a venture, it has to make economic sense, so you must reward them, and you are in conflict. You have a political objective that is in conflict with the economic objective of trying to move the asset.

This is made worse, Mr. President, by what I would affectionately refer to as the risk versus the regulatory mindset of many of the people in RTC. And it is why at the heart of this proposal I urge my colleagues to consider, if you do not think the RTC is functioning correctly now, consider that what I am offering is a chance to get a strong, full-time chairman, strong full-time chairman, that is able to overcome this problem of wanting to avoid risk.

Because as long as we avoid risk, I will guarantee you the losses the RTC will suffer on behalf of the taxpayers will exceed by a considerable extent the amount of daily losses being represented. And in face of the statements made by Mr. Seidman, I would continue to argue it is doubtful we are losing money on a daily basis. But, under any circumstances, the losses the RTC will suffer trying to avoid making a political mistake will substantially dwarf any of these day-to-day operating losses that we currently have.

How much time does the Senator from New York wish?

Mr. MOYNIHAN. Would the Senator have 10 minutes that I might speak?

Mr. KERREY. Indeed I would. I yield 10 minutes to the distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise with enthusiasm and a measure of asperity to support the proposal of the Senator from Nebraska. We are having a rare look at a much ignored subject called government; called public administration; as Hamilton put it, called energy in the executive.

In the history of the United States, there has never been anything remotely approaching the scandal of the savings and loan fiasco of the 1980's.

The Comptroller General estimates that it will cost us, in the end, something like a half a trillion dollars. None of it had to happen. It was allowed to happen by people who were scornful of government.

If you have a contempt for government, do not be surprised if you end up with contemptible government and a half a trillion dollars lost.

I wonder if the distinguished author of this amendment would be interested to know a simple fact about my own State and its savings and loan associations. As the Senator from Nebraska knows, 73 percent of the total bailout cost comes from the failure of State-chartered savings and loan associations. The pattern was, the States supervised—or failed to supervise—the activities of these lending organizations and the Federal Government guaranteed the loans. It is as simple as that.

Some States had a sense of their responsibility. May I say, in New York State, which had a banking department established in 1851 the superintendent of banks said: You may put up to 10 percent of your capital in direct real estate ventures. In California and in Texas they said: You may put it all up. You may bet everything with federally guaranteed money. And they did.

The result, sir, was between 1986 and 1989, one State-chartered savings and loan institution in New York State failed. In the whole of the decade, four did. We have a tradition of responsible management of public trust: good government. We had one failure, and over a decade, four.

One of the consequences of this failure will be the largest transfer of wealth from one region to another in history. The State of New York—and this calculation is a year old now—will have a per capita present value net loss of $707 per person; $12.6 billion in total or about $2,500 per family: we will be paying other parts of the country because they failed at their responsibility of regulation.

Mr. RIEGLE. Will the Senator yield at that point?

Mr. MOYNIHAN. I will be happy to do so.

Mr. RIEGLE. The Senator is making an extraordinarily important point, and his great powers of exposition illuminate subjects beyond what they normally get.

But just to add a couple of statistical facts to what my colleague has presented here, if one goes back and looks at the period from 1987 through 1990—this would be up through April 1990, and I would say the data since that time reinforce what I am about to say—the total losses in the savings and loan system that have come from State-chartered thrift institutions is 73 percent.

Mr. MOYNIHAN. Seventy three percent; yes, sir.

Mr. RIEGLE. The vast majority of the loss from State-chartered thrifts, 67 percentage points of that 73 percentage points, come from these two States of Texas and California.

Mr. MOYNIHAN. Yes.

Mr. RIEGLE. So my colleague is exactly right. If we look at it the other way around, if we could roll the clock back and avoid the catastrophic losses of State-chartered institutions in those two States, the whole system is not blown apart in the fashion that we have since seen. But listen to this in terms of the transfer of wealth argument, which is quite true.

As we now come along——

Mr. MOYNIHAN. I have the Michigan figures. I want to give them, but I will hear my colleague first.

Mr. RIEGLE. They are much like the figures from New York. No, we did not cause this problem, although we are asked to pay for it.

We have heard yesterday and today about these repossessed properties in the inventory of the RTC that now have to be sold off at a loss.

We asked the RTC where these properties were which I have information, through the 12th of June 1990, that the RTC indicated, of their total properties, 53 percent of them—and it is a number of properties that totals 19,067—but 53 percent of all of the repossessed properties in the inventory of the RTC are within the State of Texas, a single State.

We asked what percent of the total value, book value of those properties, would be of the total inventory of properties. Just in the State of Texas, it is a total figure of $10.2 billion. It constitutes 69 percent of the dollar value of all the properties as of that date in the inventory of the RTC.

When we start to take this problem down to where it came from, and where it is, although the bill is being paid for nationally, the problem is very specific in terms of where it came from and the effect it had in blowing this system apart.

Mr. MOYNIHAN. Exactly. May I add that of the States which will pay for this, Michigan is the sixth largest payer. It will cost every individual in Michigan $570 now, today. Over years, maybe thousands per person—$5.2 billion will leave Michigan to go elsewhere.

In summary, where we had good State government with good State regulation, there are no more problems than would normally be incident to a complex system. As I say, in the whole decade, four State institutions failed in New York—four. Because we said: Be very careful about how much federally guaranteed money you lend. The overwhelming portion came in two States which said: Do anything you want with Federal moneys. And nobody in Washington objected because, evidently, nobody was responsible.

There is a principal of government that there has to be one person, one board, responsible. Harry Truman put it so well. He had a little sign on his desk that said, "The buck stops here." The way he used it, it meant "I am responsible."

Right now, just as throughout the last decade, the Federal Government guarnatees deposits but the States set the rules. Now with a half a trillion dollar mess, we still have this divided command.

I have such great respect for the chairman. He knows this is just a personal view. I believe the Senator from Nebraska is right. We need a unified command. Make the buck stop somewhere. Show that the era of contempt of government is behind us, and that the mess to be cleaned up will be done with some respect for principles of public administration and good government.

Mr. RIEGLE. If my colleague will yield to me, I would like to engage him on this point for just another minute, because what he has said here is profoundly important.

This part of the story has not been told or not been understood. In part, that is due to the fact that it is such an extraordinary decade-long story that all of its detail gets very hard to sort it out. The Senator has touched upon it with respect to the State power situation.

I must say I think on the part of the Federal Government, when the Federal deposit guarantees were out there and undergirding this expansion of activity by various States within State-chartered thrift institutions, that was a serious error.

We should have severed that relationship. We should have altered it in some way, and I am going to cite a little from the record in a minute on this point—I am having it sent over to the floor—because it needs to be understood also in the context of the banking reforms that are coming down the track and the degree to which Federal deposit insurance for banks now, as opposed to S&L's, should be left out, underneath State-chartered bank activities, and the degree to which we might have an equivalent risk problem out there in one State or another.

Remember, it only took 2 States of the 50 to torpedo the savings and loan system, as this data we just described tells us. So we want to be absolutely certain in terms of changes that take place with respect to commercial banks that we are not setting ourselves up inadvertently for a fall there because of State-chartered activities that are unsound or unwise with respect to Federal deposit guarantees.

So, maintaining a dual banking system and at the same time effecting a wall, a protection, on the Federal deposit insurance is a key question. I must say coming down through the eighties, because this historical record we are developing now is important, if only five people pay attention to it, it is nevertheless important to be here and to be understood. It was never fully understood generally by the regulators, by the Federal Government, the State regulators, or the savings and loan industry itself. The dimension of the exposure was created by these State institutions and these extensions of powers in only two States.

I recall, for example, that as the national savings and loan organization would come in and testify and otherwise make their comments down through the eighties, I think I can fairly say that they themselves, the people in the industry who were about to get broadsided by these problems, did not themselves fully understand the dimension of risk inherent in State-chartered thrift powers that were building up. And, I must say, savings and loan executives in Michigan or in New York or in other States, who are now themselves very badly damaged by the excesses in a handful of States, were not coming in to us back during the 1980's and saying, "Oh, by the way, we want to draw your attention to a problem we see in our industry in States where there has been an extension of powers out there that we think may create a systematic risk that you ought to be aware of and you ought to do something about."

It should have been seen at the Federal level, but it was not. But I must say, quite frankly, I think the industry itself, which ought to have understood, because they are in the business, did not see it either.

Even after the fact, I think there are many people in the industry who are wondering why the entire industry, in a sense, was thrust into a crisis, into catastrophe, and still even now are not seeing where that essentially came from.

(Mr. WIRTH assumed the chair.)

Mr. MOYNIHAN. I wonder if the chairman will allow me to comment in agreement and describe a situation parallel to his own experience. In the late seventies and the early eighties, this Senator from New York had many meetings with representatives of savings banks. Savings banks began in the Northeast. New York is one of the centers. They were originally charitable institutions. Their names tell you: The Immigrant, the Bowery, the Seamen's Bank, the Immigrant Bank. Metropolitan Life Insurance grew out of a German group. You can tell the extent of the wage system in America by the extent of these banks. The typical bank headquarters was a Presbyterian mass where on Saturday night you could give some of your money, a dollar or two, and they would keep and invest it for you. They only gave money for mortgages. Interest rates went up, mortgages went flat, and they were in trouble. We had to deal with that, and we did. We got through it. The interest rate fluctuation was broken by the early eighties, and these New York institutions got through it. Not all. We had to merge some.

But then I would see the savings and loan people from New York regularly, once a year. This was never a subject of difficulty. As I say, in a decade, four institutions failed, some were merged. They had this interest rate problem, but it was manageable. Deposit insurance paid for it all. Everything worked out fine.

Meanwhile, chaos was taking place in Texas and California. I think that is a fair point the chairman makes. I would like to associate myself with it. I would also like to associate myself with the idea that we had a divided command responsible for the mess and that a unified command is needed to clean it up. Those are my views. I thank the Senator for the courtesy, and I thank the Senator from Nebraska for his thoughtful attention.

Mr. RIEGLE. Mr. President, if I can continue for a minute to finish this discussion. We have two other proposals in this area that I think warrant consideration alongside the proposal that has been advanced by the Senator from Nebraska. Senator WIRTH, for example, has an alternative way of collecting this responsibility in a single place. Senator WIRTH would abolish the oversight board altogether and would give the power it now amasses to the Board of Directors of the RTC and would add two independent members to the RTC Board. That is a different way of skinning this cat. You also have Tony Frank, who runs the Postal Service in our country, and a very distinguished executive who comes out of the financial services industry. His view—he has testified before our committee—is that he prefers as an alternative, a financial czar with the authority of both boards. He has made a very fine presentation in our committee. It is another way of getting at this same problem. I say that because this issue has raised a concern in a number of minds, in our mind as well, in terms of what constitutes an appropriate structure.

Mr. MOYNIHAN. Yes.

Mr. RIEGLE. We gave the administration, who came forward with the first plan, the administrative structure and the engineering design that they asked for. They said to us, look, this is the way we think we can get this job done fastest, fairest, quickest, and at least cost.

Mr. KERREY. Will the Senator yield?

Mr. RIEGLE. I certainly will because I want to engage in this discussion, but the record will show we are very skeptical of that because, even on its face, it looks so complicated that one wondered if we were going to have a situation where A was running into B, B was in conflict with C, and C did not know what D was doing, and so forth. In any event, after going through all that, we gave them the structure that they asked for, and that is what has been in place up until the present time.

I think it is fair and it is proper now, after a period of time, to go through an analysis and to evaluate whether or not that structure has really done what it ought to have been expected to do in that period of time or, as a follow-on question, does our experience now tell us that a revised structure would give us a better result from here on out?

That is precisely what we intend to look at on April 11. We have a day of hearings scheduled. If it takes longer than that, we will take longer than that to take this proposal, to take the Wirth proposal, to take the Tony Frank proposal and any other that comes through the door and look at these and evaluate them and consider them, solicit comment from parties, the important parties at interest that can contribute some insight to this and then make a judgment.

I can tell you this, Mr. President—I think I can speak for the ranking minority members as well as myself—if there is a consensus of view within the Banking Committee that we now feel it is time to change this structure, we will do everything under the living Sun to get it done. I tell you that now and I cannot speak for anybody else, but I am confident that if it is clear there is a better path to take, we are going to be back out here on the floor to try to take it. I will not necessarily wait to do that, speaking for myself, until the end of the fiscal year when the next funding request comes around because if it is clear we ought to try to move in this area, I am not going to want to wait.

Mr. MOYNIHAN. Will the Senator allow me one comment.

Mr. RIEGLE. Of course.

Mr. MOYNIHAN. He knows the respect with which he is held on this floor, and I attest to the value of his commitment. I would like to think that the Senator from Nebraska has raised the matter to a level where it is more visible, but April 11 is good. I thank the Senator.

Mr. RIEGLE. It is right around the corner.

Mr. KERREY. Will the Senator from Michigan yield?

Mr. RIEGLE. Of course.

Mr. KERREY. I have two questions.

Mr. RIEGLE. Will the Senator indulge me on one thing. I sent for something from my office. It just arrived. It relates directly to this conversation.

Mr. KERREY. I will be glad to indulge the Senator.

Mr. RIEGLE. I appreciate that and I will reciprocate in generous measure.

I say to the Senator from New York, often there are things we wish we had said or wish we had seen or wish we had tried to do in the past that we did.

Mr. MOYNIHAN. Things done and undone.

Mr. RIEGLE. I want to cite a little bit for the record an occasion on which I saw a problem and spoke about it and attempted to do something about it in this very area that was at an early date in time. This comes from a committee hearing that we had in the Banking Committee 6 years ago, 6 years ago in 1985.

We had at that time the chairman of the Federal Home Loan Bank Board, Ed Gray, before us. I raised this issue because I was beginning to see too many things that caused me to be concerned about the State powers issued and whether we could have a looming problem out there that we were not properly able to measure because those activities were done at State level and essentially under the purview of State regulators, and therefore something that we would not as a matter of course within the Federal regulatory system have a very good ability to collect and measure. We should have had it within the regulatory system, but I think history shows we did not. But I put this question to Chairman Gray:

What would you think of the idea of limiting the deposit insurance to that ratio of the assets of the institution that are under the form of federally approved activities so that if an institution out in a State was 70-30 in terms of 70 percent of the activities being ones that the Federal Government would authorize and the other 30 being additional powers granted by the State, the deposit insurance coverage in that case would be 70 percent? In other words, there would be a sliding scale which presumably would be publicized. This is a different way at getting at your risk premium so at least the public, the depositor could make an informed judgment. If they wanted to get into a situation where you were in the broader range of State functions and perhaps the risks and the interest rate premiums being offered were higher and the Federal insurance was lower, then at least you would be protecting the Federal taxpayer more directly and not exposing the Federal taxpayer to a higher degree of risk in those State-offered functions.

Mr. GRAY. Let me understand what you're saying. You're saying that the insurance accounts would be less?

Senator RIEGLE. You would do it on a ratio basis. You would say that if the assets of the institution are employed 70-30 and 70 are in Federal-type functions, that the Federal insurance in the case of a failure would be 70 percent. In other words, you would only insure the federally granted powers. If an institution wants to move away from that, they do so and one of the things they surrender is the element of Federal protection for that aspect of State-granted activities.

The CHAIRMAN. If I could interject, what you're talking about then is $700,000 in the example you used would be the maximum insurance they had rather than the $100,000?

Senator RIEGLE. That assumed that that bank was emloying 70-30 in terms of its asset base. What I'm wondering about is how do we inform the depsitor? I want to keep the Government out as much as possible, but I want the information and the risk of the Government put in a form where the public really knows what's happening and a person has a way to make an informed deposit judgment; I'm worried about the safety and soundness issue, as you are.

Mr. GRAY. Well, in all honesty, I have not encountered this particular concept and I would like to think about that somewhat more and not make a precipitous judgment.

Senator RIEGLE. You see, there's a real question in my mind that we are seeing a breakout of more functions or higher risk functions and they are really outside the scope that the Federal deposit insurance was really designed to deal with.

Mr. GRAY. Right.

Senator RIEGLE. And it seems to me perhaps one way to establish a fair and square discipline is to say that Federal deposit insurance covers those functions that the Federal Government intends for an institution to be involved in and anything beyond that, if the State wants to grant additional powers, would be insured by the State. It seems to me we ought not to allow sort of a willy-nilly expansion of the Federal deposit guarantees.

Mr. GRAY. Well, I would like to think about that a little bit more. It is, in some sense, the same kind of thing that we are trying to get at in the risk premium, but it goes at it in a different way.

Senator RIEGLE. If I may just pursue it one step further, it seems to me that if you're running a savings and loan in a more adventuresome environment and you're bridging out in Arabian horses or some of the other things that you cite, the public should understand through the deposit ratio that they were getting into a situation with greater risk. But I have a hunch that the public has been sensitized now by Ohio and Maryland to such an extent that people really want to believe and feel that Federal deposit insurance is really solid as a rock and I want it to be, although I'm uneasy about the fact that the deposit reserves are dwindling and we are in a situation where interest rates have come down and so they're easing some of the stress in the industry but that could be a temporary phenomenon. I think we've got to find a way to let the public understand better the risks associated with different institutions and we can't have the Federal Government sitting here prepared to bail everybody out. I'm talking about managements that to beyond prudent balance and way beyond the scope of what the Federal law actually envisioned.

Mr. GRAY. Let me just say that I would like to—and I assure you that I will carefully consider this concept which is new to me which seems to move in the same kind of direction. Of course, as you know, we have proposed the risk premium that we believe would enable us to basically protect the fund in the same way by providing a premium commensurate with the risk of the activity involved.

Senator RIEGLE. But does that inform the public directly?

Mr. GRAY. No.

I am citing this transcript because there was, on the part of some of us, a sense that there could well be a problem out there by allowing Federal deposit insurance to be stretched out under these State grants of broader powers and authority. From the data that the Senator cited earlier, which is the aftermath of this—now we are 6 years later down the track—we are finding that that is precisely what happened. By allowing Federal deposit insurance to be there for these State-granted powers, that two States in effect have been able to sink the entire system. New York, Michigan, and the other 46 States, for the most part, are now paying an enormous premium to cover the failures of State-chartered institutions in two States because of that connection to Federal deposit insurance.

Mr. MOYNIHAN. Will the distinguished chairman allow me one comment.

Mr. RIEGLE. By all means.

Mr. MOYNIHAN. Might I say his exchange with Mr. Gray was prescient. The Senator sensed what was coming. It had not happened. It did. And now we are on the floor.

One other comment as well. We are talking about Government here. The one big issue of 19th-century politics that we never resolved in the 19th century was the nature of the banking system. We started out with it. Hamilton created a Bank of the United States in 1791 and it was allowed to expire in 1811. Just in time so that the Federal Government would have great difficulty in financing the War of 1812. That having been found out, we recreated it. Jackson let it expire in time to create the panic of 1837. It went on and off. We were on to gold, wampum, corn husks, greenbacks. We finally got a Federal Reserve Board in 1913. But we still have a dual system.

It is a problem the 19th century never solved, and at the end of the 20th we are still at it. I am very happy that the Senator is chairman of the Banking Committee because when you get through cleaning up this mess, I think you have this large issue still to address. I am happy that the Senator will be there to do it.

Mr. RIEGLE. I thank Senator MOYNIHAN for his gracious comment.

I will say one other thing. When we passed the FIRREA legislation in 1989, we put a stop to this in the savings and loan industry. So we ended and scissored-off those State activities that created this risk profile. I can tell you this. When we finish with the banking bill to the extent my view prevails—and I am going to do everything I can see to see it does—we will not have that problem going on into the future in the banking system. We are examining that right now.

But this issue of lining Federal deposit insurance up and what it covers, I tell you I feel very strongly about this. That ought to cover federally chartered activities. If somebody wants to go beyond that then they can devise a system to provide the protections, the safeguards, and the insurance. It is not going to happen again with respect to Federal deposit insurance if I have anything to do with it.

Mr. MOYNIHAN. Not on the Sentor's watch.

Mr. RIEGLE. Not on my watch. I thank the Senator.

Mr. KERREY. Just for the sake of my comments, I ask the distinguished

Senator from Michigan to yield for a question. Let us assume for the moment for the sake of the argument, I am trying to understand this proposal to hear the issue of restructuring because I hear in some of the statements of the distinguished chairman and some of the statements of the distinguished ranking member that they acknowledge some restructuring should occur. The Senator's question seems to be in what way should we restructure. I am wondering, assuming a best-case scenario that the Senate Banking Committee reports out a proposal, when could such restructuring be put into place?

Mr. RIEGLE. Let me say, if the Senator will yield, that there has been some internal restructuring already done. The RTC has had within its formal day-to-day operation effected certain consolidation, certain streamlining, which they feel and assert has made them far more efficient. That judgment could be in the eye of the beholder. The issue that it seems to me the Senator is raising is the issue of executive level responsibility of policy authority, and the overall direction of supervision.

Mr. KERREY. The question I am trying to get answered is let us assume the Banking Committee reaches a consensus on a structure change. When would a structural change be in place under the so-called normal procedures of proceeding through the committee hearing process?

Mr. RIEGLE. I do not know anyone who can provide a precise answer. But I think the answer is in a sense the same or nearly the same as the question of how long would it take, or is it likely, or feasible, or possible to get the changes that the Senator is seeking today, and that particular organizational design in place. For example, hypothetically, let me take both tracks. I think it is important to take a look at what is involved in getting the stuctural change done.

Mr. KERREY. All I am trying to establish, and I understand—I do not want to drag the argument out too long—it will take some time if this restructuring proposal that I am putting on—the simple restructuring proposal—is adopted as far as refinancing. Say we have reached the conclusion, this body and the House, and we come together. And say we have the changes. The decisions are not being made. Yes. That maybe is not in place for 60 days. But if we hear that it will be another 6 months, there will be a period of time minimally that will elapse as I see it of 6 months, and perhaps even longer. Is that a fair statement?

Mr. RIEGLE. Let me respond. With all due respect to the Senator from Nebraska and his view on this, there were some big if's that he put in the hypothetical: If the House accepts this, if it survives conference, if it comes in a bill that the administration will accept, we can say that. That needs to be added as well.

My intention coming off our April 11 hearing, which I very much hope and expect the Senator from Nebraska will be present to talk about these issues, is that I would envision sometime probably around June of this year—I cannot give you precise dates, but that is the general timing I am looking at with everything else we have to deal with—to have whatever recommendation the Banking Committee as a whole feels is appropriate to come forward with and bring through the process.

I might say to the Senator, not just to his amendment but to any other, that at this time putting any organizational redesign consent on to the bill, yours, somebody else's whether it is here, in the House, taking that on through to an enactment at this time I think is very unlikely. It is very unlikely because of this emergency funding bill. It is already 90 days late. We are incurring premium costs and not getting it done.

There is not a consensus available today as to any organizational structural change. The Senator has a version and it is well thought out. He has cosponsors of that. Senator WIRTH has a different concept in mind. There are other Senators who also have restructuring ideas in mind.

So I say to the Senator that I think to actually get a restructuring proposal enacted into law, signed into law, and in place I think the route I am proposing is actually faster because I think it has a greater chance of being accomplished in the end—whether that is 4 months from now, 6 months, 8 months from now. Then there would be the notion that we are going to be able to do it here in a sense on an ad hoc basis as an amendment to this and take it all the way through the process.

So I think the route I am suggesting, though I cannot give a precise date, is the fastest route available.

Mr. KERREY. Included in the Senator's substance basically if the amendment is adopted it will be stripped down and will not be enacted, it will not be put in place. Either the President will threaten to veto it, or the President will not make the appointments, or something will happen along the way and it will not come to pass. Is that correct?

Mr. RIEGLE. I am saying those are hurdles we have to jump. I do not know of any body of support for that particular proposal in the House right now. Obviously, it has to be adopted by the Senate. If it is adopted by the Senate today, it obviously has cleared the first hurdle. But there are others that are beyond our direct control that nevertheless are there as the Senator well knows.

What I am trying to convey as well is my interest in wanting to examine, think through, and decide upon structural changes that may give us a better result. That is the Senators goal. That is also my goal. The question is, is there a way to collect it into a work effort that actually yields the change?

I think it is important to note if the administration comes back with the view that they think everything is fine, they do not want any changes, that becomes a hurdle that has to be jumped. It is a very very tough hurdle to jump as the Senator from Nebraska well knows.

The PRESIDING OFFICER. The Chair notes that the time of the managers has expired, and the Senator from Nebraska has remaining 13½ minutes.

Mr. KERREY. I thank the Chair.

Mr. President, in an earlier discussion, the distinguished Senator from Michigan and I were trying to figure out how much time will be left. We indicated we were going to try to restrict this to an hour-and-a-half, but we might go over. I alert my colleagues that there probably will be some overage in this instance.

I find myslef wanting to make sure that my colleagues understand what we are about to do. We are going to have a rollcall vote on this refunding. I alert my colleagues, if there is any thought that this will be a voice vote, it will not. I will object to any unanimous-consent request that comes in to put a voice vote on this. I will insist upon a rollcall vote now and on final passage.

We are spending $30 billion of taxpayer money—$30 billion. I tried to get this proposal on when the original FIRREA legislation was considered, and I have had a bill introduced to do this, not talking about the need to restructure; they are not making that decision. They can say we have gotten more efficient, and we have streamlined the organization, but the history of this operation is replete with examples where they are not making decisions, or one organization will make a decision, and the other will overrule it.

Mr. President, I see that my colleague, the distinguished senior Senator from Nebraska, is here. I know that, as a cosponsor, he wishes to speak. I will be glad to yield at this time to give him an opportunity to do so.

Mr. EXON. Mr. President, I thank my friend and colleague from Nebraska.

Mr. President, I rise to emphasize, if I might, for a few moments, what the Senator from Nebraska has just said. It was several months ago, and I do not know how long, I do not remember; but the record will clearly show that the amendment being offered at this juncture was exactly the same amendment offered months ago by the Senator from Nebraska, then also with my cosponsorship.

I just cannot quite accept this proposition that this is not a time to restructure the difficulties of this institution that are legendary. If you have something in serious, serious trouble, then you look to the top and you make some changes in the top of that structure to get the job done that has to be done, obviously.

It seems to me, Mr. President, that we can go on forever with excuses that we may take a look at this proposition, but this is simply not the time to do it. This is a very important time to do it. I cannot imagine that the acceptance of the amendment offered by my colleague from Nebraska would do anything but expedite and save money on the tremendous task that faces all of this.

Having said that, that is not any basic criticism of any of the officials that are presently serving on the board; I think they have all tried to do their best. But even they concede that their best has not been good enough. Therefore, it is my view that the amendment that is before us is simply one to restructure, to streamline, to fix responsibility, to get some new blood in a floundering situation. Therefore, I hope that the Members of the Senate will recognize that. I hope that the managers of the bill—although I know that they are both very talented individuals and do not happen to see this, as do the two Senators from Nebraska—but it seems to me that this is such a reasonable amendment, designed to do the things that everyone wants done, and that is to do a better job than has been done by this organization in the past, and get on to streamlining it, to get things done in the future and, therefore, eventually, have less cost to the taxpayers.

I yield the remainder of my time back to my colleague.

Mr. KERREY. I thank the distinguished senior Senator from Nebraska for his leadership on this issue. He has helped me a great deal to consider what kind of policy board ought to be in place. He has had the experience as a Governor and knows you have to give the taxpayers the opportunity to make their case.

I ask unanimous consent that a long statement that I have made outlining what I consider to be some areas where the RTC has not made decisions and, as a consequence, there has been a cost associated with their inability to do so.

For the sake of my colleagues who are saying maybe we should wait and allow this to be heard, I know most of my colleagues have had anecdotal tales told to them. You are going to vote $30 billion here, and the question you ought to ask is, is the RTC doing the job? Do you have a policy board in place that is giving them the guidance that they need?

Let me go through a couple of examples, Mr. President, to add further an additional weight to this particular argument.

First of all, Mr. President, I call the attention of my colleagues to some rather telling quotes of people that ought to know. David Cooke, executive director of the RTC, said in an article from the National Journal of October 7, 1989, "In the best of all worlds, I would be solely accountable to one person. But the way this thing was set up, we have two boards."

William Seidman was quoted in the August 28, 1989 New York Times, referring to the oversight board, "As far as I know, there has never been an animal like this setup in Government. We are really sort of the body, and they, the RTC Oversight Board, the mind."

Mr. President, allow me now to go through a few examples of what happens when you have an RTC Board with management control and an oversight board that meets once every 2 months to set policy, not clear exactly when or where they are going to intervene in the decisions being made by the RTC Board itself; and these illustrate additional costs, Mr. President, of this proposal. This series of things, in my judgment, indicate the compelling need to make a change now, for us to assert that if we are going to appropriate the money, that we ought to have some say as to how that money is going to be spent.

The RTC is obligated under FIRREA to identify properties with scientific and cultural value. That was debated when the FIRREA legislation was considered, and it was one of the amendments that was proposed as being needed now. The House Banking Committee talked about it at great length, that something was wrong here. It illustrates why the amendments that we are seeing now are recurring. RTC is not getting it done. The RTC tried to carry out this requirement. They entered into a memorandum of understanding with the Fish and Wildlife Service. They approved that memorandum of understanding, and at the time, Peter Monroe testified that the oversight board was not participating in the memorandum of understanding process as it was viewed as, "a means of defining operating procedures."

But after lengthy procedures, and after the RTC had made the decision to do this in December of 1990, after months of effort, the understanding was signed by the RTC and Interior, but only then, in a very stunning reversal, the oversight board made the decision in a meeting that was not open to the public, in which no minutes were taken, and the RTC Oversight Board disapproved of the memorandum of understanding. They intervened in this case and said, "We have authority here. We do not like what has gone on," after indicating that they would not.

However, in a different situation, Mr. Seidman offered a plan under what is called a seller financing plan, a very controversial thing, last fall, very controversial, in the spring and summer of last year, this question of whether or not we ought to require the taxpayers to provide financing to individuals requiring assets. The RTC made a difficult decision, and the oversight board was asked by a number of people to intervene on the oversight board, and they maintained that such a decision was an operational decision, and that they should not, therefore, take any action.

Mr. President, the RTC has been unable to do a number of things. Almost everybody who looked at this says it would save the taxpayers money, but they do not do it.

As I indicated earlier, one of the principal problems is that they are attempting to avoid risk, for understandable reasons. I understand that the committee is anxious to have the Senate vote $30 billion of the taxpayer money, but my central argument is that the RTC is wasting taxpayer money, because they are unable to make decisions. And central to that argument is that we need a strong public appointee, appointed by the President, a full-time chairman, that will enable us to sort out these different and varied policy choices, particularly those that are going to be difficult for us to explain to taxpayers, where there may be economic gain, and assist the RTC in making decisions. The RTC has been unable to securitize a single mortgage.

They got this huge portfolio of mortgages and junk bonds and have been unable to securitize it. And the reason, Mr. President, is they are afraid of being sued. They are afraid of a law suit.

I do not know how many of you paid attention—I suspect many of us watched with great interest as the date approached last fall for this grand auction to sell assets. There were stories at the time, and we were having to explain at home why we were advertising worldwide to sell off assets here in the United States. As the date approached, everyone was interested to see how the auction would go. And the RTC, at the last minute—we were concerned about something to do with the auction—they cancelled the auction. As a consequence, they found themselves being threatened by a lawsuit with the auctioneer.

Mr. President, it is important for my colleagues to understand that what they were trying to do was sell assets to get cash so we could reduce the cost to the taxpayer. It is one of the most important examples, I believe, to illustrate to those who are saying if we do not vote this money we are going to cost the taxpayer money. I am saying if you do not make a change you are going to cost the taxpayer money because the RTC is going to make either no decisions or they are going to make bad decisions every single day we continue to allow them to operate as they are doing.

Mr. President, this is a rather simple amendment, in my judgment. As I indicated earlier, I offered it to the original FIRREA legislation. I attempted to offer it on a number of other occasions. I have introduced it as a separate piece of legislation.

The distinguished chairman of the Banking Committee was good enough to allow me to appear on one other occasion and listen to some discussion having to do with this. I was there when Postmaster General Frank did indeed comment not just favorably on the notion to restructuring, but the need to get a strong person in charge so the decisions could be made by the Resolution Trust Corporation in a manner that would preserve our taxpayer's money.

This amendment simply replaces the dual board structure with a single board. The amendment streamlines the RTC structure and clearly places the single board and the chairman directly in charge of the RTC operation.

It does not undercut the authority of the President. It gives the President clear authority and gives Congress all the oversight that we need. It is a simple change in the oversight structure that allows us to have an entity out there that will be explaining in a persuasive fashion exactly what it is they are doing and what they need to do so we can get this matter behind us.

The Banking Committee is going to be taking up many other things, Mr. President. I do not want to question the workload of the chairman of the Banking Committee because I know that committee is going to be facing all kinds of problems. And indeed one of my arguments is that the time required to take up major bank reform and the time required to take up the question of how we are going to recapitalize the FDIC makes it essential for us to deal with this problem now.

The PRESIDING OFFICER. The Chair would announce that the time available to the managers and the distinguished Senator from Nebraska under the previous order has expired.

Mr. RIEGLE. Mr. President, if I may, I am going to offer an unanimous consent.

Mr. KERREY. Mr. President, I ask unanimous consent that I be given 3 or 4 more additional minutes. That is all it will take to finish the point.

Mr. RIEGLE. By all means.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized for 4 additional minutes.

Mr. KERREY. I understand other proposals are here. I understand the offer has been made to hold hearings on this. Mr. President, this oversight board meets six or seven times a year for 150 billion dollars' worth of assets. I cannot imagine under any other circumstances you would allow an oversight board to meet that infrequently.

As I indicated earlier, many of the critical decisions are being made in closed meetings with no minutes being taken. They are not making the right decisions, Mr. President. We know they are tough. Many of them are going to be politically difficult because if somebody is going to take one of these deals it has to make economic sense.

I urge my colleagues to dig up—since we are going to have an hour or two—dig up some of the want ads that the RTC is running in the Wall Street Journal, trying to find managers to come in and manage under the conservatorship program savings and loans they have seized and that they are operating.

They are out trying to get people just to come in and run these things for as long as it is going to take to sell them off. They are in a holding pattern, Mr. President. They are claiming to have resolved over 350 institutions. But they are not selling assets; cash is not coming in. And, as a consequence, we are being asked to collect additional cash from the taxpayers; 30 billion dollars' worth.

Mr. President, I say, with all due respect, for this process that we have exerted considerably more oversight over, the appropriations under Operation Desert Storm than we are doing in this particular circumstance.

Secretary Cheney, after staying up all night, came to the Appropriations Committee and presented the details of how those expenditures were being made. But we see no similar willingness on the part of the administration to come to Congress and say here is the details of how we are going to make this appropriation.

We are being asked to simply vote $30 or $48 billion with the borrowing authority and say you were doing the best job you can. Mr. President, they are not doing a good enough job. It may be the best they can, but unless we organize it, it will not be as good as they ought to be doing. And unless we organize it now, my argument is the taxpayers will have more expenditures, not less.

It is going to cost us more because, in the face of the evidence that the RTC is not doing a good job we are going to say, well, we need to study it in a little more detail.

I believe the time is now to make this change and to give the public more information and to give indeed I think the public the opportunity not only to see the difficulty of this but to rally in support of resolving it and getting this terrible issue behind us so we can get on to meaningful reform, get on to recapitalizing the FDIC, so we can get on to the business of doing all the other sorts of things that need to be done if we are going to have a healthy banking system in the United States.

I thank the distinguished chairman of the committee, the distinguished Senator from Michigan, and the ranking member, the distinguished Senator from Utah, for allowing me this additional time.

I yield the floor.

Mr. WIRTH. Mr. President, I agree that we need to make significant reforms in the RTC's operations and other elements of the S&L rescue. During the last Congress, I introduced the Savings and Loan Simplification Act of 1990 to propose such reforms. I will introduce similar legislation today.

Senator KERREY has identified one aspect of the RTC which deserves our attention—the cumbersome two-board structure. I have also called for a revision of that structure although my proposal differs from the proposal sponsored by the Senator from Nebraska.

However, there are a number of other issues besides the dual board structure that deserve our attention. For example, I believe we must also examine the thrift regulatory structure and the oversight of the Federal Home Loan Bank System. Many other Senators have indicated an interest in the RTC's asset disposition process. I understand that Senator METZENBAUM as well as others may have other proposals related to the RTC and the S&L rescue. The point is that restructuring the RCT Board and the Oversight Board is not a magic bullet to reform the S&L bailout: there are a number of other proposals that deserve attention.

The Banking Committee plans to hold a hearing in April to examine proposals regarding the RTC and the S&L rescue plan in general. These hearings would allow us to examine a variety of suggestions and produce a package of reforms that make sense together rather engaging in piecemeal reforms here on the floor. If we pass Senator KERREY's plan today, we will likely be discussing further reforms this summer and perhaps again every time the administration requests additional funds. We should keep the RTC on a short leash. But we should carefully examine reform proposals and give the RTC guidance rather than jerk the chain and disrupt the RTC's operations every six months.

Senator KERREY proposes to consolidate the two boards by eliminating the RTC Board and adding independent members to the Oversight Board, retaining those members too busy to carefully monitor the RTC. My proposal for restructuring the boards would eliminate the Oversight Board and add independent members to the RTC Board. Both plans would consolidate the policy and operational guidance roles of the boards, eliminating inefficiencies and conflicts between them. Both plans would bring independent representation and leadership to the combined board, providing the accountability for the RTC that we seek and need.

But I believe my plan has the important advantage of retaining the members of the current board most involved in and familiar with the RTC's operations while eliminating those most removed from the RTC and preoccupied by other responsibilities. I believe we should allow the Banking Committee to examine the two proposals, obtain input from outside experts and determine which reforms make the most sense. Moreover, as I mentioned above, I believe we need to make other changes in the administration's S&L program and we ought to make those changes in concert with restructuring the RTC Board. I would look forward to working with Senator KERREY in that process.

In conclusion, I agree with the Senator that we need to act. But I believe it is premature to act now. Let us do the job right or we may find ourselves reforming our reforms, a result which would only prevent the RTC from doing its job efficiently, costing taxpayers billions more than necessary.

Mr. LAUTENBERG. Mr. President, I am going to vote for the amendment offered by the distinguished Senator from Nebraska [Mr. KERREY].

Mr. President, the Resolution Trust Corporation is not operating as well as the people of this Nation have a right to expect. From the start of the cleanup operation, the RTC has been plagued by mismanagement and infighting. These problems have slowed the progress of the cleanup, and have cost taxpayers substantial sums of money.

Mr. President, the RTC is a two-headed operation. One head is the Oversight Board, which sets general policy and oversees operations. The other head is the Board of Directors, which is responsible for operations.

Mr. President, when the RTC was originally established, the Oversight Board was seen as the mechanism by which the administration could maintain control of the S&L cleanup, and be held accountable for that cleanup. It made sense at the time. But, practice, Mr. President, it is not working.

One reason it is not working, Mr. President, is that the members of the Oversight Board simply lack the time to devote to RTC oversight. There are three ex officio members of the Board who all face enormous responsibilities. One is the Secretary of the Treasury, who is now leading a campaign for an historic, comprehensive reform of our Nation's financial system. Another is the Secretary of Housing and Urban Development, who is responsible for addressing our Nation's housing crisis, and who now must develop regulations and implement the first major housing bill to be enacted in many years. And third is the Chairman of the Federal Reserve Board, who must manage monetary policy through the difficult uncertainties of a recession, and who now also is leading a study into the revenue impact of a capital gains tax cut.

Mr. President, no matter how competent the holders of these offices may be, they are only human, and they only have 24 hours in a day. Experience has shown that they cannot perform their official responsibilities in their primary capacities, including frequent appearances before congressional committees, and at the same time give adequate attention to correcting the serious problems that currently exist at the RTC.

Compounding matters, Mr. President, the current dual board structure of the RTC has led to needless conflict and infighting between the two boards. This has also only slowed the progress of the cleanup, and cost taxpayer dollars.

In sum, Mr. President, given the severity of the problems that have pervaded the RTC, I am convinced that we need to improve the agency's structure. And we need to do it now. The S&L cleanup should be led by people who have the time to do the job right. Otherwise, the problems at the RTC are likely to persist, and the ultimate losers will be America's taxpayers.

Mr. KERRY. Mr. President, I support the amendment offered by the Senator from Nebraska to restructure the Resolution Trust Organization. Senator KERREY's bill eliminates the Resolution Trust Corporation Oversight Board and Board of Directors and replaces them with a single RTC Board of Governors.

The purpose of this amendment, as of so many of the amendments that have been offered, is to create greater accountability for the savings and loan bailout.

The RTC has two purposes: It must close down and sell insolvent thrifts and it must dipose of the assets held in those thrifts. While the objectives of the RTC are clear, the process has been hampered by structural problems that prevent the RTC from exercising its responsibility quickly and efficiently.

As it stands now, the RTC staff is unable to act until the RTC Board and the Oversight Board signoff. That obviously takes time and costs money. It seems to me that we need an organization in place that streamlines the decisionmaking process.

I also believe that the Kerrey amendment will augment accountability by expanding the Board of the RTC to include more members from the private sector. I have long shared Senator KERREY's belief that the RTC should be an agency independent from the administration. That view was reinforced this past fall when the Secretary of the Treasury, a member of the RTC Oversight Board, delayed appearing before the Banking Committee to request additional funds. The result is that we are here today debating an authorization that should have been settled 4 months ago.

The amendment before us will streamline the process and ultimately will save the taxpayers money.

Mr. RIEGLE. Mr. President, I am going to enter a unanimous-consent agreement, and in so doing it I want to recognize the fact that the Senator from Louisiana [Mr. BREAUX] is on the floor and ready to go, and I will address that in the context of this unanimous-consent request, and at the end I will also indicate that Senator SPECTER has a sense-of-the-Senate resolution on war crimes that he wishes to offer and that, as we envision this consent agreement, that will come after an amendment that Senator GRAHAM of Florida intends to offer.

I will handle that in just a moment.

UNANIMOUS-CONSENT AGREEMENT

Mr. RIEGLE. Mr. President, just to alert everyone to what is coming down the tracks, I ask unanimous consent that the vote on or in relation to the Kerrey amendment No. 25 occur at 2:50 p.m.; that there be 20 minutes of additional debate on the amendment, equally divided and controlled in the usual form, beginning at 2:30 p.m.; that following the expiration or yielding back of this 90 minutes of controlled debate on the Kerrey amendment, which in effect has now run, Senator BREAUX be recognized to offer an amendment regarding a study of the potential use of tax credits in the disposition of RTC assets, on which there be 1 hour equally divided and controlled in the usual form with no amendments to the amendment in order; and if a rollcall vote is requested with respect to the Breaux amendment that vote will be scheduled to occur immediately following the disposition of the Kerrey amendment.

I further ask unanimous consent that when Senator GRAHAM of Florida offers his amendment providing for $15 billion of RTC funding with an additional $15 billion provided on a dollar-for-dollar basis as assets are sold, there be 2 hours equally divided and controlled in the usual form with no amendment to the amendment in order; that an amendment by Senator GRAHAM be followed in the order by Senator SPECTER. We are clearing the time period to be equally divided. I anticipate it will be an hour. But until that is clear I will not specify a time period but will only specify the unanimous-consent agreement will have Senator SPECTER following in the order after Senator GRAHAM of Florida.

Mr. KERREY. Reserving the right to object, and I do not believe I will object, I wonder will the Senator be willing—rather than to say "on or in relation to the Kerrey amendment," is he willing to agree to make the vote up or down on my amendment?

Mr. RIEGLE. I am not prepared to do that. I say that because I have said it to a number of other people who were offering amendments that the committee is not prepared to accept, that I am going to be offering tabling motions on those amendments.

Having taken that position, having done that with others—I put others on notice that that is my intention—I would not want to make an exception in this case. I say that respectfully in light of the fact that on the 11th we are going to take these matters up—the 11th of April.

Mr. KERREY. I thank the Chair. I do not object.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? If there is none, it is so ordered.

Mr. RIEGLE. I thank the Chair.

The PRESIDING OFFICER. Under the order, the Senator from Louisiana is recognized.

Mr. BREAUX. I understand the pending business will be the amendment of the Senator from Nebraska [Mr. KERREY]?

The PRESIDING OFFICER. Will the Senator repeat his question?

Mr. BREAUX. I understand under the current order my amendment is now in order. And if such is the case, I will send my amendment to the desk and ask it be reported.

Mr. GARN. Mr. President, I have a parliamentary inquiry. I believe the D'Amato amendment is still next. If such is the case, should we not ask unanimous consent to lay aside the D'Amato amendment? Will the Senator ask to lay aside the D'Amato amendment?

Mr. BREAUX. I was asking that. I did not know whether we entered into an agreement which made mine in order or not.

The PRESIDING OFFICER. The Senator will suspend momentarily.

Under the unanimous-consent request that was propounded by the chairman of the committee, the unanimous consent was that the amendment offered by the Senator from Louisiana follow immediately upon the closing debate on the Kerrey amendment.

Therefore, unanimous consent to set aside the D'Amato amendment is not necessary at this time.

The Senator from Louisiana is recognized.

AMENDMENT NO. 26

Mr. BREAUX. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] proposes an amendment numbered 26.

Mr. BREAUX. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following new section:

"SEC. . STUDIES OF THE USE OF TAX INCENTIVES TO STIMULATE THE SALE OF RTC AND FDIC REAL PROPERTIES.

(a) IN GENERAL.—The Comptroller General of the United States, the Secretary of the Treasury and the Director of the Congressional Budget Office shall each conduct separate studies on the use of a tax credit to stimulate the sale of distressed, income-producing property owned in conservatorship or receivership by the Resolution Trust Corporation and the Federal Deposit Insurance Corporation.

(b) TOPICS.—As part of the studies required under subsection (a), the Comptroller, the Secretary of the Treasurey and the Director of the Congressional Budget Office shall investigate, review and evaluate the feasibility of a two-year trial RTC and FDIC tax credit program commencing on January 1, 1992 that would include the following features—

(1) a $500,000,000 annual cap on tax credits offered by the RTC and FDIC;

(2) a tax credit with a present value of up to 80 percent of the purchase price plus the cost of necessary rehabilitation and completion for the acquisition of property owned by the RTC and FDIC;

(3) the amount of credit would be determined and allocated by the RTC or the FDIC, as the case may be, and could not exceed the amount determined to be necessary to sell the property and could not exceed the amount of capital contributed by the purchaser of the property;

(4) a credit period that would be for 5 years beginning with the taxable year in which the property is purchased and would be earned in 5 equal installments;

(5) a requirement that upon sale of the property, 20 percent of any profits shall be paid directly back to the RTC and FDIC with the remaining profits would be taxed at the appropriate capital gains rate;

(6) a requirement that ownership of the property purchased by a private taxpayer under the credit must be maintained for a period of 5 years in order to continue to receive the credit and sale of refinancing of property before the end of the credit period would not trigger recapture but would cause the cessation of any future tax benefits;

(7) a requirement that funds generated by the credit would be paid directly to the RTC and FDIC;

(8) a requirement that the RTC or FDIC would have to certify is exercised reasonable efforts to sell property in inventory at a price permitted by law without offering the credit and certify that the cost of holding the property will be minimized by such sale;

(9) a requirement that the credits could be used to offset the lesser of $50,000 or 50 percent of tax liability on non-passive income for individuals; for corporations, the credit would be subject to the rules of the general business credit including the maximum amount of income tax liability that may be reduced by a general business credit for any one year;

(10) a requirement that the credit would not be considered a preference item under the Alternative Minimum Tax (AMT) and may not be used to offset tax due and owed under an AMT calculation;

(11) that the programs would not apply to property purchased from the RTC or FDIC after December 31, 1993 except pursuant to an earlier binding contract;

(12) a prohibition against officers or directors of institutions in RTC or FDIC receivership or conservatorship and former owners of the property with respect to which a credit is to be allocated from receiving a credit under this program; and

(13) a requirement that the RTC Oversight Board and FDIC would publish additional guidelines as appropriate for the RTC's or FDIC's use of the tax credit.

(c) FACTORS.—In preparing the studies required in subsections (a) and (b), the Comptroller General, the Secretary and the Director shall consider the following factors;

(1) the net budget impact of any proposal to utilize tax credits to sell RTC- and FDIC-owned properties;

(2) the stimulative effect that a tax credit will have on the disposition of RTC and FDIC properties;

(3) RTC and FDIC ability to dispose of properties without tax incentives;

(4) the carrying cost of properties held by the RTC and FDIC;

(5) the effect on local real estate markets;

(6) the effect real estate markets have on national economic growth;

(7) the effect such a tax credit may have on economically distressed regions; and

(8) whether the revenue to the RTC and FDIC would be enhanced if sold with the tax credit compared to the alternative of holding the property in inventory.

(d) FINAL REPORT.—Not later than 60 days from the date of the enactment of this Act, the Comptroller General, the Secretary of the Treasury and the Director of the Congressional Budget Office shall submit to the Committees on Finance and Banking, Housing and Urban Affairs of the United States Senate and the Committees on Ways and Means and Banking, Finance and Urban Affairs of the United States House of Representatives their final reports containing a detailed statement of findings made, and conclusions drawn from the studies conducted under this section, including recommendations for appropriate administrative and legislative action.

Mr. BREAUX. Mr. President, as we all struggle with what is a very difficult problem for all Members of the Senate, indeed all Members of the Congress, I think most Senators wish there was some magical solution, someway that we could wave a wand and the problems we are facing would somehow disappear and the savings and loan problems would be behind us and we could get back to an orderly movement of real estate transactions in this country. Unfortunately, there is simply no easy answer. There are no easy solutions.

The tenor of this debate is a clear indication that there are major disagreements among Members as to how the problems with the Resolution Trust Corporation and the S&L's should be resolved and should be solved.

The amendment I offer is a relatively simple amendment in that it asks for some help from the Federal Government in looking at some possible solutions, or some possible ways of helping to remedy the problem, or at least to reduce the problem.

The amendment simply authorizes and calls for a study to be done by the

Comptroller General of the United States, a study by the Secretary of the Treasury, and a study by the Director of the Congressional Budget Office, which would concern the possible use of a tax credit to stimulate the sale of distressed income-producing property which is now owned by the Resolution Trust Corporation and by the Federal Deposit Insurance Corporation.

It is obvious that we have an incredibly large problem. The figures I have heard recited are that RTC alone owns more than 40,000 separate pieces of property on their books that they are charged with trying to get rid of.

Indeed, every day that passes the costs associated with maintaining and keeping the repairing and paying the taxes on these pieces of property are adding to the cost that is facing the Congress in solving this problem. We have all seen horror stories, if you will, of properties that have deteriorated while they are being held by the Resolution Trust Corporation. Each day that repairs are not done, that maintenance is not kept up to a standard that is appropriate, that property value is lessened.

What we have seen as a result is a request the Congress is now considering for an additional $30 billion, more money to operate the Resolution Trust Corporation. All of that money, I offer, is not going just for the seizing of savings and loans that are in bad shape. Much of that money we are talking about authorizing today and making available is going for these incidental costs that I just mentioned: for the costs of maintaining properties they have received; for costs of repairing properties they have seized; for costs for paying the taxes on the property that they have seized.

These 40-some-odd-thousand pieces of property cost a fortune for the Government to hold. Every day the Government has these properties, unable to be sold, is a day the cost will continue to increase.

There are studies that even indicate that after 7 years, it would be cheaper for the Federal Government to give away the property than it would be to continue to hold the property and hope they will eventually be able to sell these pieces of property. That is a factual statement. After 7 years—actually, between 6 and 7 years—it would make more sense to the Treasury and to the taxpayer to give the property away at no cost: Please come take this motel; please come take this office building; please come take this resort; or whatever piece of property it happens to be. Just take it for free.

It would actually save the Federal Government more money than continuing to hold it and trying to sell it, even at a reduced price, and yet having to continue to pay all of the costs associated with the RTC holding the property in receivership. So it is indeed very important that we look at innovative ways and creative ways in order to try to help get rid of the property they have on the books.

We could argue until a month of Sundays pass as to how we got into this problem, but right now we are in the problem. I remember just a couple of weeks ago reading about a piece of property in the State of the presiding officer, Florida, about a resort area on the coast of Florida that had been built. It had never been occupied; they had never been able to sell any of the units.

The Federal Government now holds that property on the coast of Florida, and that piece of property has deteriorated. Each week, each month, each year they hold it, it begins to fall, crumble, into the Gulf of Mexico. One day we may be able to sell that property, but I dare say the price we will be able to get for it in that condition will be far less than the price of maintaining it and paying the taxes on it, which the RTC currently has to do.

Therefore, Mr. President, my endeavor is to assist the RTC and the FDIC in finding ways to get these properties sold now, at the earliest possible date, without dragging it out, without eventually being in a position of almost having to give away those pieces of property in order to get them off the books of the Federal Government as the owner and holder in a conservatorship position.

There have been, Mr. President, a number of studies done which recommend some ways which may be of help to the Government in doing this. That is what I am asking. I am asking that a study be conducted by the Federal Government as to whether this idea may be one that could possibly work and give the Government, and thereby the taxpayer, some help in eliminating the burdens that we are facing as we continue to appropriate more and more money to this Federal agency.

My own State, as I am told, is the second largest State in terms of property that has been seized by the RTC and is currently being held in receivership. That is more than States much larger than the State of Louisiana.

For instance, we have more property, I am told, than even the State of California, a State which is probably five times larger in terms of number of residents of that particular State. But we have more property in receivership.

What has been happening, Mr. President, is that as the RTC continues to try to get rid of these properties, they continue to lower the asking price. Every time they lower the asking price, when that property is eventually sold, the problem is that it is sold at a level far below what would normally be a fair market price. When that sale occurs, it also reflects adversely on all the other property in that surrounding community.

There is no question that when an office building in New Orleans is sold, because it has been in receivership, at a third of the normal asking price for that piece of property, that that tends to set the value of other similarly situated office buildings in that surrounding area.

Therefore, while we are costing the Government a tremendous amount of money up front in maintaining and repairing and paying the taxes on that building, we are, in addition, causing unnecessary harm to the local property values in the surrounding areas because, when the sale is finally consummated, it is at such a low value that it is far less than the normal values of property in that area; therefore, everybody is disadvantaged—other property owners, the tax collectors in the vicinity in that particular area, as well as the Treasury and every single taxpayer in America is hurt.

It is clear, therefore, that as soon as we can sell these properties, the better off we all are. As soon as we can sell them at a price that resembles a fair market or appraised price for that property, the better everybody in the community and the State will come out as far as the bottom line is concerned.

There have been a number of studies, Mr. President, in the private sector which have indicated that one approach to help move these properties out of the conservatorship or receivership of the RTC is to provide a tax credit to potential buyers of these properties that have been in distressed conditions. I know a lot of people will say, what in the world is the Senator from Louisiana talking about a tax credit for? We have a huge national deficit; we cannot afford to pay our bills, and here is some fellow coming out on the Senate floor and offering a tax credit.

Mr. President, the studies that I have seen indicate that the Treasury and the taxpayers of this country will do very well, indeed, under a proposed tax credit to help move these properties that we now have on these books. The private studies that I have seen point out that for every $1 of tax credit that would be extended under a program such as I am asking to be studied, it would generate $2 in revenue to the Federal Treasury in return. That is something that I think is a very important point that needs to be considered. For every $1 of tax credit that we would extend to this program in order to get the property moved, it would generate $2 in return revenues to the Federal Treasury.

One may ask, how is that possible? The answer, I think, is relatively simple. When you consider the cost to the Government of maintenance and repair, the taxes, the upkeep on these properties that we are spending and holding these properties with no sale, and compare that with the possibility of an earlier sale at a higher price, a more fair market value, we see that, No. 1, we are able to sell it at a higher price if there is a tax credit; and, second, and equally as important, we are able to take property which right now is being put to no use at all, is just sitting there and deteriorating, and put that property back into private sector hands, back into the hands of some developer or some realtor who has created ways of making this piece of property produce revenue and income once again.

It is an absolute cinch that as long as the Federal Government holds the property, we are not doing anything with it to make it produce any revenues to the Treasury. We are just spending money every day, paying for the repairs and the maintenance and other things associated with the upkeep. So there is no income coming to the Federal Government while we hold this property. But if we can get this property into the hands of a private investor, perhaps that private investor would be able to rent it, to renovate it, to change its principal function in order to get someone to use this property in a way the Federal Government is certainly not embarking on under the present circumstances and present conditions. Therefore, the private studies that I have seen indicate that it is a plus. It is a plus of $2 for every $1 that is expended.

Let me just spend a couple of moments, if I can, explaining how the study would work and what we envision by the study that we are, in fact, speaking to right now. The tax credit would be a tax credit of up to 80 percent of the appraised value for the acquisition of property owned by the RTC. The type of property we are talking about, I think, is very important to consider. It is not all of the property that the RTC has.

Estimates that I have seen by the RTC is that they presently have about $20 billion, give or take a few dollars when you are estimating, about $20 billion of properties that they have seized over the years that they are now currently holding, having to pay repairs, having to pay maintenance, having to pay the taxes on them while the property sits there and continues to deteriorate.

Of that approximately $20 billion of property that they hold, about $5 billion is what they would term distressed property, property they feel is in such a condition that they are not able to move it in an orderly fashion. That would be $5 billion of distressed property, which would be commercial property.

We are not talking here, it is important to note, under the definitions of what the study would look at, of private family homes or single family dwellings. We are talking about strictly commercial property that has been seized by the RTC, of which there is an estimate that it is $5 billion that they currently have in their conservatorship and receivership operations that would be affected by this proposal, if, indeed, it were to be enacted by the Congress.

I see the distinguished chairman of the Senate Finance Committee on the floor. We have discussed it with his staff and professional staff and with our staff, and I point out that what I am requesting is simply a study. It is very obvious the jurisdiction of any tax credit proposal is appropriately and properly the jurisdiction of the Senate Finance Committee, but this vehicle, the authorization of $30 billion to the RTC, I think is an appropriate vehicle to at least ask for a study of this concept to be done so that they can report back to the Congress so that those of us on the tax-writing committees would have the benefit up front of their recommendations that we could combine with the private industry's recommendations on what a tax credit proposal would do and then to take whatever action would be deemed appropriate after that study is completed and we have that information available.

I do not know if the chairman would like to respond.

Mr. BENTSEN. Mr. President, if the distinguished Senator will yield the floor. He is a valued member of the Finance Committee, and I share much of his concern when he talks about resolution of the problem. I do have concern, obviously, about jurisdiction, as do many. There is some question as to whether this is really proper procedure insofar as a tax credit, thinking that if you lower the price, you end up the same way and you at least do not have the guise of a tax credit. I am also concerned about the responsibility for making up the loss and what that would do to us. I also have concern about using some other sources where you can get this kind of information, talking about the CBO or authority such as that, that carries a great deal of weight.

Mr. BREAUX. I respond to my chairman that I share his concerns as well as to who we get the information from and also the cost of the program. The reason I think it is helpful to us to get a broad recommendation, at least, or some views through a study from a Federal agency is that I have had an opportunity to see one private study that indicated, on the cost of the program that they have projected out, that for every $1 of tax credit that would be utilized in a program such as this, that it would, in fact, generate $2 in return to the Federal Government. That is based on the fact that the property would be able to be marketed a lot sooner, at a higher price, and that the Federal Government, of course, would be relieved of repairs, maintenence, and taxes that they are paying out on all of these properties that they have seized. Their view and their economic studies indicate that it is a $2 return for every $1.

My point, also, in asking for a study to be done by the Government is to get another view so we have as much information on what the economics of this proposal would be so we could use that and make a decision.

Mr. BENTSEN. I understand that. I appreciate that point of view. I hope that the Senator would also look at the possibility of CBO doing that kind of study. I cannot help but believe that the taxpayers pay for it either way. When you are talking about a tax credit, you are talking about a reduction in the price. When you are talking about a warehousing of properties, as with the numbers that the Senator has given, I do not question the enormous costs of holding on to assets such as that. But it would seem to me that a reduction in price causes the same kind of movement of real estate held by Resolution Trust as does a tax credit. The result is it finally comes back to bite us anyway.

Mr. BREAUX. As the Senator knows, Texas is in the same situation as my State in the number of properties being seized. The problem is—I know the Senator knows this—as they continue to reduce the price—the study will actually show that after 6 or 7 years it would be cheaper for the Federal Government to actually give the property away than continue to hold it and try to sell it.

But what is happening, as they dramatically reduce the price each month to try to get rid of the property, when it is finally sold somewhere out there 4 or 5 years, it decreases the value of the property in the surrounding area. The office building becomes a standard for other property and it depresses the local property values in our respective States.

So I think anything we can do to help them move it quickly at close to an appraised value helps the market values of the rest of the properties that still remain, hopefully, viable in a sense of recovery.

I point out that we also ask in the amendment that the CBO, in fact, do one of the studies, so we get the Congressional Budget Office also giving us the information from their perspective as well.

Let me make a couple of other points as to what we are trying to do through the use of a tax credit. I know that there have been other areas in which we, in fact, have used a tax credit to inspire or encourage certain types of activities deemed to be in the national interest that, indeed, have worked very well. I mention for one the low-income housing tax credit where, in fact, to try to get builders to build housing for low-income people in this country, which is in the national interest, Congress adopted a low-income housing tax credit to encourage that type of activity. Low-income housing that would not have been built, in fact, is being built, and a great deal of the credit has to go to the tax credit that was adopted.

The targeted jobs credit again is something that is deemed to be in the national interest. To target their jobs in higher unemployment areas, a tax credit was adopted in order to accomplish this. It is, in fact, working.

I would also mention the tax credit for research and development, something that the Federal Government can do and has done to encourage pure research, which may not be economically the right thing to do from a bottom line standpoint, indeed, is a good thing to do in terms of overall long-term development. So the Congress adopted a tax credit to encourage companies to do something that may not be economically profitable right now, but with the tax credit it is a good economic decision to engage in pure research.

Those are three examples of where tax credits have been utilized to help accomplish a goal that is in the national interest and one that, in fact, is working because of the tax credit.

Let me just mention specifically how this tax credit would be designed to work. I mentioned earlier that it would be a tax credit for up to 80 percent of the appraised value for the acquisition of these distressed properties—I emphasize distressed properties—that are currently owned by the Federal Government. The credit would be limited to the amount determined to be necessary in light of other sources of financing to provide the RTC with the selling price it desires.

In other words, the RTC could look at an office building, for instance, and see that it is a distressed piece of property, make the determination it is such if they have not been able to sell it through normal channels, even through reducing the price or other efforts they have made, and then apply part of that tax credit in order to get that property sold.

They do not have to go all the way up to 80 percent. It could be a 50-percent tax credit or it could be anything up to 80 percent of the appraised value of that particular distressed property.

The funds generated would go directly to the RTC under this proposal. The credit period is intended to be spread out over a period of 5 years. Whoever is the purchaser of these distressed properties would have 5 years, beginning with the taxable year in which they acquire the property, to use their tax credit, and it would be spread out over five equal installments.

So the tax credit available would be $50,000. Obviously, over 5 years, that buyer would be able to take a tax credit of $10,000 per year. A good point, obviously, is that during that period the property is in commercial business, the property is earning revenues, the property is being put into the private sector as opposed to the Federal Government holding the property with no income being brought in.

One of the proposals that we are asking the departments to study is a requirement that the RTC—and I also point out that the FDIC would be under the same guidelines—would have to show that they tried to sell the property under normal terms, that they used, in fact, reasonable efforts to sell the property they had in inventory at or near the appraised value.

In other words, this tax credit is not intended to just automatically apply to every piece of property that is a distressed piece of property. The FDIC and the RTC would have to show that they have made reasonable efforts to market this property using normal selling procedures and they tried to sell it at its appraised value. If they showed that they still could not sell it despite using these reasonable efforts, then they could utilize the proposed tax credit. Ownership of the property sold under this arrangement would in fact have to be maintained for a period of at least 5 years.

In other words, what we are trying to accomplish is getting property that the Government currently owns into the hands of private owners and not let them spin it off the next day, not to let them buy it on Monday and sell it again on Tuesday and benefit from the tax credit.

So we have in this proposal a requirement that ownership of the property, in fact, would have to remain for a period of at least 5 years beginning at the time they acquire the property.

These tax credits also would be limited. In other words, we just do not have an unlimited tax credit. If a person buys an office building that is a $10 million, $20 million piece of property, they would not be able to take a tax credit for the whole 80 percent of that selling price. We have a limit on how much would be available as a tax credit not only as a percentage but also as an actual limit. That limit is that the credits would be able to offset the lesser of $50,000 or 50 percent of the tax liability for individuals.

In other words, an individual would be able to take a tax credit of no more than $50,000 spread out over a 5-year period. That would be the maximum. It could be lower than that if 50 percent of his tax liability would be lower. He would have to take the lower of the two, $50,000 or 50 percent of the tax liability that he would have as an individual.

Now, if you are dealing with corporations, the credit would be subject to the rules of the general business credit including the maximum amount of income tax liability that may be reduced by a general business credit for any 1 year. I understand it is $25,000 plus 75 percent of the remaining tax credit.

Also, I would point out that the RTC credit, the FDIC credit we are talking about will not be considered a preference item under the alternative minimum tax and may not be used to offset taxes that are due and owed under an AMT or alternative minimum tax calculation; that you could not reduce the minimum tax that is required through the use of this particular tax credit if in fact application would accomplish that.

So the bottom line, Mr. President and Members, is that I think everybody can agree that the moving of these properties held by the Federal Government right now as quickly and as expeditiously as possible and at a price that is as close to the value of those appraised values is in the interest of everybody. It is in the interest of the Federal Government. It is in the interest of this Congress, faced today with having to authorize another $30 billion to make this program work. It is, on the bottom line, in the interest of every taxpaying citizen of this country because every day that those properties sit out there exposed to the elements, exposed to the normal depreciation and deterioration, the value of those properties is lower and lower and lower.

And that simply means that the Federal Government eventually will have to sell those properties at a lower and lower price and thereby offsetting less and less of the debt that we have.

I bet we will be back here again, and there will be another request at some later day for another $30 billion or another $50 billion. And the reason they will say is because we have 40,000, 50,000, 70,000 pieces of property we cannot get rid of. We have to pay for the maintenance. We just do not know how to deal with these properties. Therefore I think if we can come up with some ideas to help them move the property indeed we will be performing a very valuable public service to the taxpayers of this country.

I point out again that the private studies I have seen indicate that for every dollar of tax credit that will be expended we would be generating $2 in revenue; $2 for every $1 we spend.

Mr. President, I argue that we do not normally get a deal as good as that in anything that the Federal Government is normally involved in. Any time you can get $2 back for every $1 we expend I would say it is a deal we cannot afford to pass up.

This is the study. It is a private study. They indicated this is what would happen. Therefore, Mr. President, the reason I am asking for this amendment to be adopted by the Senate today is so simply we can get some other information on whether this study we now have seen is in fact accurate and therefore will give some guidance to the Senate Finance Committee to move in this direction, and to craft this type of a program and do so as quickly as we possibly can.

Again, the amendment simply authorizes separate studies. It does not put into effect a tax credit at this time at all. It just requires separate studies on the use of this type of tax credit as I have attempted to outline today to stimulate the sale of the stressed income producing property that is currently owned in conservatorship or receivership by either the Resolution Trust Corporation or the Federal Deposit Insurance Corporation be conducted, and that it will be conducted by the Comptroller General of the United States, by the Secretary of the Treasury of the United States, and by the Director of the Congressional Budget Office.

Mr. President, I think we need their thoughts on this very important proposal. We need it to be done as expeditiously as they can do it, and in a manner that gives us the correct and accurate information that we want so we can compare it with the private studies. I hope that ultimately the Congress can see fit to enact this type of tax credit to help reduce the burden on an already far too overburdened taxpayer that we talk about—this particular problem facing us at this time.

Mr. President, that concludes my remarks. Noting no one else here at the time, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll, and without objection, the time of the quorum call will be charged against the managers.

The bill clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, during the quorum call, I had an opportunity to engage in a conversation with the distinguished chairman of the Banking Committee, and the distinguished ranking member, about the pending amendment, which authorizes in this bill a study to be done by three agencies that I felt were competent on the proposal that we have been discussing. I would pose the question, if the distinguished ranking member and the distinguished chairman of the committee would be willing to join me in requesting the Federal agencies to, in fact, undertake the studies and report to the Congress, if they would be willing to join me in that request, with the modification that this study be completed within the period of 120 days, as opposed to the 60 days in my amendment, and that the study be done by the Comptroller General of the United States and the Director of the Congressional Budget Office, and to leave out the Secretary of the Treasury, but all other aspects of the amendment would be the same and would be accomplished in our letter to those governmental bodies.

I will yield to the chairman.

Mr. RIEGLE. I thank the Senator from Louisiana. I appreciate his willingness to move in this direction. I think this is a good way for us to gather the independent opinion within the Government that we ought to have and see what those findings are. I think the timeframe of 120 days is an appropriate one to get good work done, but in a period of time that does not overload those organizations, who are asked to do other studies, as well, and analyses of different kinds. I think this is a good answer, and I am prepared to join the Senator, and I believe that is also the view of the ranking minority members.

Mr. BREAUX. I yield to the distinguished ranking minority member.

Mr. GARN. I thank the chairman and the Senator from Louisiana. I am happy to sign such a letter requesting those studies. I think it is an appropriate way for us to gain information without adding it to this particular bill.

Mr. BREAUX. I thank my distinguished colleagues.

With that understanding, Mr. President, my goal is to get the facts from the Government, so we can compare them with the facts from the private sector, and then use that information to make a determination as to how the Senate Finance Committee should proceed on this issue.

With that understanding, I ask unanimous consent that my amendment be withdrawn at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 26) was withdrawn.

Mr. RIEGLE. Mr. President, I say to the Senator from Louisiana that I want to indicate again that I appreciate his willingness to work with us on this and let us set out to get that letter drafted, signed, and sent within the next few days, so we can get this clock running.

Mr. President, I have no need to speak at this time.

If there is no one seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 543'S TOO-BIG-TO-FAIL PROVISIONS

Mr. RIEGLE. Mr. President, I rise to elaborate on the too-big-to-fail provisions of S. 543, the Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991, which I introduced yesterday.

Certain news stories have suggested that my bill would create a taxpayer-financed system to implement a too-big-to-fail policy for very large banks. That is a mistaken interpretation. This legislation is specifically designed to stop the current practice of bailing-out uninsured depositors in the big banks, based on the existing theory that such banks are considered too big to fail. That practice must end and this legislation will end it.

The central purpose of S. 543 is to put an end to the too-big-to-fail policy by eliminating the practices that give rise to it. Careful analysis of this bill will show that the too-big-to-fail provisions of S. 543 actually represent the most far-reaching and comprehensive legislative effort yet advanced to deal with and solve this serious problem.

Most important, the bill's provisions requiring prompt corrective action are specifically designed to make certain that regulators move early and aggressively to address and resolve the problems of troubled institutions before they become insolvent. To the extent those new protective provisions work as intended, the present practice of bailing out insured depositors with deposit insurance funds in banks deemed too big to fail, will never arise again.

In addition, the bill further addresses the broader issue of systemic risk to the entire banking system posed by the possible failure of a major bank by attempting to ensure that big banks that are in trouble cannot hold large amounts of interbank deposits. S. 543 seeks to make sure that big banks in a weakened position are severed from the rest of the banking system, so their possible failure cannot directly damage the health of other financial institutions.

Finally, the bill targets the total elimination of the FDIC's ability to implement a too-big-to-fail policy by January 1, 1995, a time period over which other major corrective regulatory changes would be implemented.

The bill absolutely does not replace FDIC funding of too-big-to-fail policies with taxpayer funding, nor does it create any new role for the Federal Reserve in resolving too-big-to-fail situations.

The bill does, however, leave intact the Federal Reserve's existing authority to make lending through its discount window in a true extraordinary, emergency case situation where the prospective failure of an individual bank is deemed to threaten an imminent collapse of the entire financial system. While such an extreme hypothetical case sits at the very outer bounds of realistic possibility, it could occur and therefore it is necessary to have a contingency mechanism in place if it is every needed.

In such an extraordinary circumstance, the Federal Reserve could use that emergency authority to save a large bank from failure on the Fed's own initiative, but only by taking a loss on a loan from the Federal Reserve discount window. The Federal Reserve has never done that in the past and nothing in S. 543 would require it to do it in the future, so this represents no change whatever from current law with regard to Federal Reserve authority. That standby emergency authority exists today, and would be continued in the future. But to construe that extraordinary, emergency procedure at the Federal Reserve as a creation of this bill or a continuation of the FDIC's current too-big-to-fail policies, is to completely mistake the fact and the intention and purpose of this legislation.

It is fair to say that maintaining this limited, emergency, backup authority is designed to help create maximum early awareness among bank regulators to cause them to intervene early in troubled banks and take corrective action long before any extraordinary questions of systemic risk can arise.

Mr. President, I take the time to elaborate on that to the extent I have just done so because I do not want there to be any confusion in this area, and there ought not to be.

I thank the Chair and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ADAMS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION TRUST CORPORATION FUNDING ACT

The Senate continued with the consideration of the bill.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the pending business, an amendment by the Senator from New York [Mr. D'AMATO] be laid aside.

The PRESIDING OFFICER. Under a prior order, it is so ordered.

Mr. GRAHAM. Mr. President, there is an unanimous-consent agreement under which the amendment which I offered last week would be brought up under a "2-hours equally divided" understanding. I now ask to take up the amendment which I previously filed.

The PRESIDING OFFICER. The Senator is correct. An order has been entered granting 2 hours to be divided in the usual fashion. The Senator is recognized to present his amendment as soon as the clerk has read the amendment. Then, the 2-hour time limit will apply. The Senator will be entitled to control 1 hour, the opposition 1 hour.

AMENDMENT NO. 14

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 14.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 2 of S. 419 and insert the following:

SEC. 2. RESOLUTION TRUST CORPORATION AUTHORIZATIONS.

Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding at the end the following:

"(15) ADDITIONAL IMMEDIATE FUNDING.—

"(A) IN GENERAL.—In addition to the sums authorized by paragraph (14), the Secretary of the Treasury shall make available to the Corporation $15,000,000,000 from monies not otherwise appropriated.

"(B) LIMITATION.—No sums appropriated by subparagraph (A), or by Paragraph (14), may be obligated after September 30, 1991, except in the case of a resolution transaction with respect to which a bidder has been selected as of such date.

"(16) ADDITIONAL MATCHING FUNDING.—

"(A) IN GENERAL.—For every dollar in cash dividends the Corporation receives after March 1, 1991 from a receivership estate under its control, where such receivership was established on or before March 1, 1991, the Secretary of the Treasury shall make available to the Corporation a matching dollar from monies not otherwise appropriated.

"(B) LIMITATION.—The matching funds appropriated by subparagraph 16(A) may not exceed $15,000,000,000.".

Mr. GRAHAM. Mr. President, by coincidence, the Presiding Officer was in the chair when I made some preliminary remarks on this matter last week, so I will attempt to be brief and avoid excessive repetition.

Mr. President, as you will recall, the amendment which I offer attempts to deal with two problems which I see the Nation faces in the effort to effectively, efficiently, and at the least cost to the taxpayers, resolve the savings and loan debacle.

The first of those is the need to provide adequate funds to the Resolution Trust Corporation so that it might, on an orderly and timely basis, continue the process of closing down those institutions whose continued operation would represent a threat to the safety and security of the financial system.

Second, after now some year and a half of operation of the RTC, we have an institution which holds approximately $144 billion of assets. I believe that a second issue before us today is either ratify the current practice or establish congressional intent that a different practice be provided, relative to the effective disposition of those assets.

It is to those two issues—the need to provide active funds for continued resolution of those institutions which have been identified as a threat to the safety and soundness of the financial system and, second, to provide a strong congressional message that it is our intent there be a more effective disposition policy—that this amendment is directed to.

The amendment would provide immediately to the Secretary of the Treasury $15 billion to be available for the resolution of those institutions which have been identified as justifying such determination. That number, Mr. President, happens to be the figure that has been identified by the RTC as the amount required to close institutions on their current list.

The second $15 billion would be made available to the RTC, but only as the RTC, on a dollar-for-dollar basis, disposes of its current assets. That is, there would be a requirement of a disposition of assets as a condition of eligibility to receive the second $15 billion.

I would like to take some time to briefly explain the process with which we are dealing, and then to discuss why I think there is clearly a policy in place now that lacks that sense of urgency of moving forward with the disposition. Finally, what are the consequences of the current policy? I then conclude with the call for the adoption of my amendment as the congressional statement of the desire to have a new, greater sense of urgency in the disposition of RTC assets.

To explain the process, let me use a hypothetical example which will stand for the totality of the some 353 institutions to which this process has been applied to date, and an even larger number to which it will be applied in the future.

My hypothetical institution has $1 billion of insured deposits. The institution has been taken over by the RTC because of a finding that its previous activities represented a threat to the safety and soundness of the system.

One of the things that RTC does during its conservatorship period, by holding this institution as a conservator—still attempting to manage and run the institution—is to do an evaluation of the assets of the firm. In the 353 institutions that have been closed thus far, there has been a valuation placed on assets which represents approximately 60 percent of the amount of insured deposits.

So, assuming in our hypothetical it was consistent with the general pattern, we would find a valuation of assets of $600 million.

At this point we would begin the process of terminating the institution. How are we going to pay the billion dollars owed to the insured depositors? We would pay it through two sources.

One is lost funds. Those are the funds that are recognized as being never available for recovery. That is the money which is the difference between the total of insured deposits and the value which has been placed on the assets.

As to the second, $600 million, those funds are borrowed from the Federal financing bank, pledging as collateral for that borrowing the $400 million of valued assets which were held by the institution in its conservatorship form.

So, from two sources, $400 million of lost funds and $600 million of borrowed working capital, the $1 billion is provided. The depositors are made whole.

What we are being asked to do today, Mr. President, is essentially provide an additional $30 billion which can be utilized for future lost funds. I am going to focus my attention on how the assets which have been assumed by RTC—in my hypothetical example, the $600 million of assets—how well those assets are being managed, and particularly how well they are being transferred from the public sector back into the private sector.

I think the evidence is very compelling that there is a lack of urgency and a lack of performance in terms of disposing of RTC assets. We have just received the RTC review, which is the monthly report of the status and operation of the Resolution Trust Corporation. That is dated December 31, 1990.

As an aside, Mr. President, I hope one of the consequences of this discussion that we are having this week will be to insist upon more timely and complete financial reporting of what the Resolution Trust Corporation is doing. It is very difficult to arrive at reasoned assessments of performance, given the delayed and somewhat inadequate financial data which are being made available to us.

Having said that, with the information that is available, comparing the receivership assets of the Resolution Trust Corporation from July 31 to December 31, 1990: On July 31, RTC, in its receivership capacity, held 40.2 billion dollars' worth of assets.

If this institution was aggressively attempting to dispose of assets, one might hope that by December 31, 1990, 5 months later, that there would have been a reduction in the total amount of assets held by RTC in receivership. Was that the case? Hardly. In fact, the amount of assets had grown to $58.1 billion, or a $17.9 billion addition to asset holdings in the 5 months from July to December.

The largest single category of those increases was in performing loans. Performing loans in July were $14.7 billion of total assets. By December, they were $29.2 billion; a $14.5 billion increase in performing loans.

I underscore that, Mr. President, because I believe there has been a red herring injected into this whole discussion, and that is, the reason RTC is having so much difficulty disposing of assets, is because they are holding some exotic properties that it is to find a buyer for—particularly, real estate.

The fact is, real estate, on July 31, represented $6.7 billion of the total assets of RTC in receivership.

For real estate, on July 31, 1990, it was $6.3 billion and, by December 31, it was $7.7 billion. As amenable as the $1.4 billion increase in real estate is, it is not the dominant factor in terms of the assets owned in receivership by RTC or an adequate explanation of why RTC has not effectively moved to dispose of its assets, which are predominantly performing loans.

The second evidence of the lack of a sense of urgency is an attitude advanced by the Secretary of the Treasury when he appeared before the Senate Banking Committee on the 23d of January. He was there in his capacity as the Chairman of the Oversight Board, the Board created as part of the savings and loan bailout bill to provide general policy direction to the Resolution Trust Corporation.

After having gone through a considerable exposition of the state of the Resolution Trust Corporation, on page 6 of the Secretary's prepared remarks, the following paragraph appears:

> At our board meeting last week, however, Chairman Seidman—

Chairman Seidman being the Chairman both of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation—

> told us that there is a new roadblock that will further delay asset sales. The RTC board has been advised that potential personal liabilities may be imposed upon directors, officers, and employees of the RTC and the oversight board in connection with the RTC's securitization program, as well as in connection with RTC's other asset disposition activities. Chairman Seidman indicated that a legislative solution to the problem is needed and that his staff is currently drafting proposed legislation to address this matter. The administration is reviewing this issue.

Mr. President, I read the full text of the paragraph because, to me, that was the most important statement in Secretary Brady's presentation to the committee, and it was essentially the statement that we have shut down, that we have not only suspended our proposals for securitization, but, to use his words, we have also terminated disposition in connection with RTC's other asset disposition activities. The passivity with which that very fundamental restraint was presented is, to me, further evidence of a lack of urgency in terms of moving forward with asset disposition.

Mr. President, why is it desirable to accelerate disposition? What difference does it make? Let me suggest the following: First, it is to avoid the increased cost which will be a necessary component of continuing to hold these assets. There is depreciation, there are carrying costs, there are maintenance costs, there are other incidents of ownership which will reduce the ultimate recovery to RTC and, thus, to the taxpayers by holding these assets. To use the example of real estate, according to the General Accounting Office, in the life of RTC, there has been approximately $5 billion of book value of real estate disposed of; that is, $5 billion of that valuation that was given to property at the time that it was still in conservatorship. Part of that $5 billion, which, in my hypothetical example, would have been the $600 million of value placed upon assets; $5 million of those book value real estate assets have actually been sold, but they have been sold for a value, really a cash return value of $3.9 billion. So we have suffered over a 20-percent loss in the $5 billion of real estate that has been sold, loss being defined as the difference between the value assigned in conservatorship and what was realized at sale.

Second, the effect of the continued existence of this enormous amount of property, everything from performing and nonperforming mortgages, mortgage-backed securities, securities of various types, real estate, other properties, on the general economy has been a significant contribution to our current economic distress. Many Members who a year and a half ago were concerned that accelerated dispositions might constitute an adverse effect on the economy—that is, by dumping assets into an already weak economy—now have concluded that it is the very prospect of this large overhang on the market which is having a depressing effect.

Third, Mr. President, this has been a bureaucratic buildup. We now have 5,000 people working for the Resolution Trust Corporation attempting to dispose of all of these assets and institutions which they hold. The GAO has estimated that at the current rate of disposition, RTC will be in existence into the 21st century.

Finally, Mr. President, I believe that there is a serious problem in terms of political accountability. If I could return to my hypothetical example, if that $600 million of valuation of assets is inflated, if, in fact, it should have only been $500 million, which recent history indicates may well be the extent of inflation of value, what is the consequence of that? The consequence of that is that today we are able to avoid having to come forth with a sufficient amount of loss funds in order to fill the real extent of the cost to the taxpayers. We are burying a substantial amount of losses that will eventually have to be paid by the overvaluation of assets. We are disguising that overvaluation by failing, refusing, taking a passive position relative to the disposition of assets. So we continue to carry on the Resolution Trust Corporation's books a value that is not going to be attained when those assets are put to the test of a fair market value assessment.

Let me give one further evidence of that; the fact that we are carrying a substantial amount of water on our RTC receivership books. We have 352 institutions which have gone through conservatorship. They have had a value placed on their assets. You would think there would be people out there in the private sector who would look at an institution and say, you have put a value on these assets of $600 million. That is a reasonable value. I am willing to pay you $600 million in order to gain control of that valuable cluster of mortgages, of real estate, of whatever that particular institution happened to have held. You would think that there would have been an external marketplace response to the acquisition of that cluster of assets.

Out of 353 institutions, Mr. President, how often do you think that has happened? Do you think it has happened in maybe half the cases? Maybe a quarter of the cases? Maybe in 10 percent of the cases? Do you know what the answer is? Once in 353 times, when RTC has said that it is what the assets are worth, on one occasion has the person actually come forward to be willing to put his or her money behind that valuation.

That raises in my mind a serious suspicion that there is a lot of puff, a lot of cloud, water in those assets; and the political effect of that, Mr. President, is that we are going to carry that past our period in this election cycle, maybe even past this decade into another century. When the Resolution Trust Corporation comes to the final accounting, when it does that final wrapup, we are going to have to tell our children—maybe by that time our grandchildren will have grown into income-earning status as full taxpayers—you are going to have to come up with the money to pay that difference; you are going to have this additional unexpected present added to your generation's obligation to pay off our generation's failure to properly regulate and manage this industry.

I believe that we have not only a legal but a moral obligation to face our obligations now, not to continue to push them into the future; and the surest way to do that is to have an active disposition policy that will cause us to recognize the real value of these assets now, not in the future.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida [Mr. GRAHAM], amendment No. 14. Senator GRAHAM has 40 minutes; the manager of the bill has 60 minutes.

Who yields time? The Senator from Florida.

Mr. GRAHAM. Mr. President, I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. ADAMS. I thank the Senator from Florida for yielding this time.

I want to speak in favor of proposals such as those that have been offered by Senator GRAHAM of Florida to impose stricter controls over the administration of the Resolution Trust Corporation.

I will support this amendment, as I have some of the others that are trying to correct the serious problems now surfacing at the RTC.

I am for saving the taxpayers money during the course of the S&L cleanup operation. So far, I have not seen much of that.

Before getting into a discussion of the need to reform the RTC, we need to remember that we are discussing the need for another $30 billion to deal with the savings and loan crisis. This crisis is a result of deregulation by successive administrations in the 1980's and their failure to exercise sufficient oversight and controls over the savings and loan industry during that decade.

Let me state my prejudices for the record. I approach this problem as an oldtime populist and an oldtime reformer, and, yes, a regulator. As Maximum Brock, I want to investigate, try and convict the crooks—to the maximum extent possible—take back their assets, and put the S&L cheats in jail.

Unfortunately, throughout the 1980's, reform and regulation were not in vogue. Though I was not elected to this body until 1987, I saw from the sidelines how rampant and unchecked deregulation overran everything and anything in its path.

I regret in many ways I was not able to be part of the Senate and to be part of the fight to rein in the S&L industry. The savings and loan industry should never have been part of the deregulation philosophy. It was an industry established to take care of the everyday person. It was established to provide necessary money to help the first-time home buyer buy the first house. It was never supposed to get involved in everything from highrise buildings to highflying junk bonds.

There are two things that governments should regulate: Monopolies and money. If they cannot control these things, the U.S. Government is in real trouble, and that is what has occurred here. Before discussing what we need to do today, we must first understand the mistakes of yesterday.

The primary reason for creating the RTC in the first place was to pick up the pieces of an industry nearly destroyed by the unchecked campaign of industry deregulation. Today, we must make sure we do not repeat the same mistakes of a decade ago. The best way to ensure that the RTC becomes part of the solution instead of part of the problem is to begin working on amendments such as those offered by the Senators from Florida, Nebraska, and Iowa, by learning from the mistakes of the 1980's, and start exercising greater oversight and reform of the RTC.

The American taxpayer deserves much better than the RTC as it is now operating. After all, it is they who are footing the bill for cleaning up this mess. The taxpayers have so far failed to get a good return on the money they have invested in the Resolution Trust Corporation.

As their Representatives, we must make sure the hard-earned money of taxpayers is not wasted by simply throwing money at the problem. We have to ensure that the savings and loan cleanup proceeds quickly and efficiently.

It is clear that the RTC has failed to learn from the lessons of the past. As I have listened to this debate and talked with my colleagues, I find even the defenders of this legislation have acknowledged that there are serious problems with the Resolution Trust Corporation.

In support of these concerns, the General Accounting Office, in testimony before the House Banking Committee, pointed out the organizational and oversight problems of the RTC. These are some of the points it raised.

First, the RTC's performance in marketing and selling real estate is disappointing. That is what the amendment of Senator GRAHAM is attempting to redress.

Second, it found the RTC lacks a comprehensive system of securities portfolio management for the disposition of financial assets, as well as an information system capable of maintaining a loan asset inventory. They do not know even what they have to sell. It also found that the lack of direction for managers of the thrifts in conservatorship contributed to the increasing delays in resolving those institutions.

In addition to these concerns, institutional oversight of the RTC must be reformed, and that is what Senator KERREY attempted to ensure. We have to have a strong oversight body over the RTC. Secretary Brady is apparently not spending any of his time on this problem. Then there's Mr. Seidman, who is already running the FDIC. Here we have in charge of the RTC, this huge institution responsible for selling assets, taking care of bankrupt concerns, and looking over mergers, two people in charge who already have significant jobs with equally significant responsibilities.

I hope some of these amendments will begin to pass, because if they fail, the current oversight structure will fail to meet the necessary criteria for the RTC to begin spending taxpayers' funds wisely and efficiently.

Mr. President, I know from the phone calls, letters, and faxes I have received from my constituents that they are clearly mad at the current situation. They are concerned about the delay of asset and property sales even though buyers are ready to buy property.

They are concerned, in cases where there is no competitive bidding, about mismanagement. They are outraged about the fact that they have to pay for the savings and loan cleanup in the first place. So, as their elected Representatives, we have a responsibility to correct this problem before committing another dollar to the savings and loan cleanup.

I think it is important for everybody to understand how much money we have committed so far. It is not as though we have not committed funds for the RTC already. The legislation before us authorizes an additional $30 billion on top of the $50 billion we have already approved in 1989. But that is not the grand total. The Financial Institution Reform Recovery and Enhancement Act of 1989 gave the RTC the authority to borrow from the Treasury to create a working capital account. That was to allow the RTC to resolve problem thrifts. But the RTC has still not resolved the problem thrifts. I do not believe there is anyone at the RTC, FDIC, or the Treasury Department who can look me in the eye today and tell me that the American taxpayer will not be faced with a balloon payment, and more tax dollars, in the future. In other words, this is not going to complete it. So in addition to the $50 billion we have appropriated and the $30 billion asked for in this legislation, the General Accounting Office has found that by December 31, the RTC has borrowed an additional $63 billion. Mr. President, this amounts to committing $143 billion for cleaning up the savings and loan industry. And that doesn't include interest. It is time we get some accountability.

I promised the citizens of the State of Washington thorough reform and cleanup and that I would remain vigilant and keep their best interests in mind. I intend to keep that pledge. I am voting for this amendment to clean up the weaknesses in this bill. I also want it known that I oppose this bill as it now stands. Some have suggested we just quietly pass it and move on to some specific reforms later. I just cannot agree with that alternative. We have been pouring money in an effort to solve this crisis for 4 years. The bill before us, which calls for sending another $30 billion with no strings attached, is not going to solve this problem.

Mr. President, this bill needs not only to be debated but amended. Our taxpayers deserve this open debate and not quiet passage. The worst thing we can do is throw good money after bad without correcting RTC practices. That is why I am supporting this amendment and will support others designed to reform the RTC. If we cannot reform the RTC now, then we should oppose the current bill until those necessary reforms are made. American taxpayers deserve no less from us.

I thank the Senator from Florida.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. I thank the distinguished Senator from Florida for yielding.

Mr. President, I want to thank him for offering this amendment, which I think makes a great deal of sense and provides a package of incentives that the RTC needs. On the one hand, nobody wants to provide funds so that the RTC can spend more money to bail out the failed S&L's. But I think we know, responsibly, that steps are going to have to be taken to allow the RTC to move in on those failed institutions, to resolve the failures, and to do so before the drain on the Treasury becomes greater as troubled S&L's hemorrhage more and more and more.

I need only remind my colleagues of what happened in previous years when funding was not provided, when there was not an aggressive move on this. We saw the collapse of a lot of S&L's. We saw a further hemorrhaging and a greater and greater cost to the taxpayer.

On the one hand, what the Graham amendment does, and I am pleased to be a cosponsor of the amendment, is to say we need to take responsible action to make sure the RTC has adequate resources. On the other hand, the amendment also makes very clear that we do not believe that the RTC is operating with the kind of urgency and the kind of dispatch that we expect. We have heard over and over and over again about the RTC being this enormous bank, bigger than Citibank, largest landowner in the country, all of the horror stories about the RTC not acting as expeditiously and a urgently as it should.

The initial concern, Mr. President, 2 years ago, was that there was going to be a great deal of dumping of RTC assets. That has not occurred, thankfully. Unfortunately, the RTC has moved too far the other way. What this amendment does is provide a set of incentives to the RTC, to say to them, "You all are going to have to be accountable for some of your own financing, and you are going to have to unload some of the significant resources available."

All of us, Mr. President, have heard horror story after horror story of constituent groups who are trying to get decisions out of the RTC. All of us hear stories about constituents trying to buy property, and the RTC will not act. Even though the individuals willing to buy it have perfectly good financing and the cash available, they cannot get the RTC to act. It seems to me that, following the provisions of the Graham amendment, we build into the RTC incentives that are going to push the RTC to act in many of these situations and to recover some of their working capital out of resources that the taxpayers already own.

So I think this is a responsible thing to do in terms of resolving the S&L's. I think it also provides the kind of incentives needed to make sure that taxpayer interests are better protected, and I urge my colleagues to support the amendment offered by the distinguished Senator from Florida. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to print in the RECORD various newspaper articles and other statements relative to the current condition of the Resolution Trust Corporation and its sale of assets.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 13, 1991]

THE RTC'S NATIONAL MONUMENTS

The Tennessee Valley Authority, Mount Rushmore, the Capitol Dome, the Resolution Trust Corporation. We just wanted to hear what it will sound like, maybe a century from now, when the RTC is an aged part of the American landscape, still trying to unload nationalized real estate seized back in the great savings-and-loan debacle of the previous century. As for now, the RTC stands as a late-20th-century monument to the gridlock of Washington politics.

Let us note up front that the agency's top people want to do the right thing. When RTC officials do speak, they talk the right game—move out the merchandise. Alas.

Actual properties, as distinct from loans secured by real estate, are at 12% of the assets RTC accumulated from 548 busted thrifts, but their share of the mix is growing. By year's end, the RTC had assumed $16.6 billion in property from S&Ls seized over five years and sold less than a third of it. Projecting out, it appears that more than $60 billion in real estate may come into the RTC's hands before the S&L extermination project is played out. This is less than 1% of the U.S. stock, but it's not penny ante, either. The longer this property remains in the hands of the agency assigned to protect its value, the more the asset suffers.

It is of course true that today's real-estate market, particularly for commercial-office buildings, is not robust. But there is a market at some level for these seized assets, with buyers that buy, sellers that sell and prices that clear. Why can't the RTC, created by the hellish FIRREA law of 1989 to get such assets off the government's books, do just that?

Well, for starters, it's an ad-hoc government agency that is supposed to consolidate the portfolios of hundreds of separate operating units—some being disbanded, others newly absorbed. That alone should have been a red flag to its creators. The RTC may be a more business-minded bureaucracy than most—many of its staffers are fresh from the private sector—but it's acquired a reputation as a black hole.

Congress bears a large part of the responsibility for this. Its actions have created a cumbersome process for appraising and marketing RTC real estate, typified by a requirement that about 18,000 of the properties, with an estimated value value of $550 million, be sold to buyers who have trouble affording housing in the real market. This wouldn't be so bad, given that the units often aren't gems, but the RTC also can't sell below a floor price. Congress, however, has harangued and harassed the thrift-bailout crew at dozens of hearings and, on occasion, intimidated them. Some members seem intent that no buyer of S&L assets should make a profit from the deal.

The real-estate trade is not for the fainthearted, and General Accounting Office standards are not the ones prevailing in a tough liquidation. Some major players acquainted with this rough-and-tumble world, who might have contributed to a rapid "resolution" of the dead-weight thrifts, got an early whiff of the RTC's congressionally imposed punctiliousness and walked away from the process. They are not easily replaced.

So the real estate sits, running up carrying costs, losing value. (In retrospect, for all the recriminations they spawned in Congress, the Southwest Plan and other such deals that Danny Wall cooked up before leaving as top thrift regulator may have better achieved the goal of asset resolution than the careful plodder of an agency that succeeded him.)

Economist Edward Kane of Ohio State University offers a better feel for the task at hand when he likens it to running a junkyard. The object should be to get as much inventory as possible on the lot, bring in all the customers you can, and sell the pieces or parts at bid or, if time is eating away your prospective proceeds, for whatever beats scrap. Some buyers will cherry pick but so many transactions will occur that it won't matter if somebody gets a steal.

Mr. Kane believes it important for the feds to corral "zombie" institutions, since their federal deposit guarantees and zero net worth make them effectively nationalized anyway. But he says the RTC is a cash-flow swamp without the pressure to sell that gets business done in the real world.

Now that we have an RTC, can it be made to work? Senators of all stripes—from Texas's Phil Gramm to Connecticut's Chris Dodd—are screaming at the RTC to start selling off seized property, lest falling prices drag down their regional economies further. It'll never happen, though, unless Congress ceases the scapegoating and demagoging it calls "oversight." Congress has to choose: Either let the RTC shove this junk out the door, or get used to the idea of nationalized real estate.

[From the Wall Street Journal, Feb. 13, 1991]

TREASURY BANK PLAN: STRANGLE THE WEAK

(By Peter J. Wallison)

In its otherwise excellent proposal last week to reform the American banking system, the Treasury Department chose to control risky activities of bank managers by increasing the incentives of depositors to discipline their bankers. By curtailing the protection extended to depositors under the so-called "too big to fail" policy, and aggressively reducing the number of insured accounts available to businesses and individuals. Treasury is betting that depositors will react either by demanding higher interest rates from weak banks, thus reducing the banks' profitability until they alter their behavior, or by moving their funds from weaker to stronger banks.

Unfortunately, there is good reason to doubt the soundness of Treasury's proposed policy. Depositors, fearful of losing their funds, may withdraw them rapidly from riskier banks, causing a "run." Those banks would then need to liquidate assets quickly, and generally at a loss, to meet the cash demands of their customers. Strong as well as weak banks can be driven into insolvency by a sudden loss of confidence by depositors. The ever-present danger of runs creates instability in the financial system, and may even limit the willingness of banks to make loans that cannot be quickly liquidated.

It is by no means clear that uninsured depositors will act coolly and rationally to select well-managed and sound banks. In the financial world of the 1990s. It seems more likely that freightened and risk-averse depositors will move their funds from bank to bank—spreading unnecessary losses randomly throughout the system—or that depositors will simply move their funds out of the system entirely.

ECONOMIC ROLE

A serious argument can be made that efficient and rational depositor discipline of bank managements is impossible. By their nature. Banks invest in assets that cannot be easily valued. Indeed, evaluating assets could be seen to be the primary economic role of banks: Because lenders have no way to evaluate the creditworthiness of certain borrowers, particularly individuals and privately held businesses, they lend their funds to a bank, which then assesses the creditworthiness of these potential users of credit.

If this view is correct, a bank's assets are by definition difficult for outsiders to evaluate, and yet the bank's health depends vitally on the financial health of its borrowers. Treasury's approach, which requires depositors to discipline banks, ignores the fact that depositors would be acting in an informational vacuum. Bank regulators themselves—who presumably have the best information and expertise available—are often surprised by the speed with which banks move from apparent health to insolvency.

All this suggests that the most likely immediate consequences of Treasury's deposit insurance proposals, if they are ultimately adopted by Congress, will be more instability in the banking industry. Uninsured depositors, unsure of the soundness of the institutions in which their deposits are held, will move them quickly at the first sign of trouble. To counter this, banks may shorten the maturity of their portfolios—that is, make fewer commercial loans—and (if they can) increase their capital to serve as a buffer against losses and as a source of confidence to depositors.

These results will strengthen the industry, but at a cost. Assets of shorter maturity—investment securities, for example—are less profitable than assets of longer maturity, such as commercial loans. Shortening the overall maturity of a portfolio will reduce earnings, making it harder to increase capital. Similarly, selling assets to increase capital will tend both to lengthen the overall maturity of a portfolio and to increase its riskiness—because liquid assets are more easily sold than commercial loans.

Meanwhile, the nervousness of depositors will drive more and more of them out of the banking system altogether. Technology has created a new place to store cash, the money market mutual fund, from which most of the benefits of a bank account—liquidity, access by check and a market rate of return—can be obtained with no up-front cost.

If the depositor chooses a fund that invests solely in U.S. government securities or their equivalents, there is no substantial risk to the investor—and no maximum size for his account. Large numbers of business enterprises already use these funds for cash management purposes, and although banks have been imaginative in creating cash-management facilities that reproduce the advantages of these funds, their success has probably depended crucially on a belief by otherwise uninsured depositors that their funds were ultimately protected by the government's unspoken but frequently invoked "too big to fail" policy. Since the Treasury proposal seeks to narrow the scope of that policy, Treasury's success is likely to portend a substantial outflow of funds from the banking system.

This is not necessarily bad. The banking industry today suffers from substantial overcapacity—a condition frequently described by banking regulators as "too much money chasing too few good banking assets." This overcapacity must be wrung out of the system, and this cannot be done, simply by encouraging mergers and consolidations. Mergers will create fewer and arguably more efficient, profitable and diversified institutions, but they will not appreciably reduce the amount banks can lend at current capital ratios. Reducing capacity will require that banks actually be closed and their assets sold off to balance sheets outside the banking industry.

Treasury's proposal, by encouraging funds to leave the banking system and increasing the cost to banks (through risk premiums) of those that remain, will vastly accelerate this process. In other words, it appears that Treasury's conscious or unconscious policy for reducing overcapacity in the banking industry is to strangle the weak sisters. The Treasury report does not, however, provide for the inevitable outcome of this policy: an increased number of costly bank failures.

That will be expensive, because the Bank Insurance Fund—the fund supported by bank deposit insurance premiums—is now at historic lows. As weaker institutions fail in the future's more competitive environment, the cost of their failure will be borne by the survivors. Without taxpayer intervention, these survivors will themselves be weakened by the cost of bailing out the failures, leading to yet more failures. The downward spiral thus created will reduce the banking industry's overcapacity, but at considerable cost to the economy and perhaps the taxpayers.

If we are indeed to prepare for a sharp reduction in overcapacity, and if it is to be done through a culling of the weak, 'twere best it were done quickly. History and what little we know of human nature suggest that as weak bank managements struggle to survive they will reach for more risky investments to pay for their more costly funds, obscure from examiners the dangerous condition of the enterprise, appeal to their elected representatives as needy constituents and surrender only when all hope is gone. Similarly, regulators attuned to the necessities of congressional relations, and no more willing than other human beings to put other people out of work, will forebear until the death rattle is clearly audible. The consequence will be significantly increased costs.

TRIAGE MECHANISM

What is absent from the Treasury report is any plan to address this outcome or any suggestion of a triage mechanism—a way of separating, quickly, the healthy institutions with prospects for survival from those that are unlikely to make the grade. For the S&L industry. Congress prescribed a minimum capitalization as the entry fee to the future, and gave the struggling members of the industry some time to raise this stake. The same thing might be tried for the banking industry, although the results in the thrift industry were unsatisfactory.

A better way might be private insurance, in which associations or syndicates of banks would guarantee some or all the deposits in other banks. The premium for this coverage varies according to risk. if all large banks were required to obtain this coverage, and no large depository institution were permitted to operate without it, the market would determine whether a bank was strong enough to survive in the competitive environment of the future. If the private market will not take the risk of guaranteeing a particular bank's survival, there is very little reason for the taxpayers to do so.

Treasury chose not to go this way in its report, but the question remains, if the U.S. banking system is to be culled of its weaker members through increased depositor discipline, how will the costs of this process to the banking industry—and the economy as a whole—be minimized?

(Mr. Wallison, White House and Treasury counsel during the Reagan administration, is an attorney in Washington.)

[From the New York Times, Feb. 24, 1991]

WHICH BOSKIN IS RIGHT?—THE ADVISER VERSUS THE PROFESSOR

Economist Boskin versus Economist Boskin. Which one is more persuasive in the debate about the impact of President Bush's proposal to cut the tax on long-term capital gains? The idea is to reduce from 28 percent to about 20 percent the tax on profits from the sale of stocks, bonds and other investments.

The first Boskin is Michael Boskin, chairman of the President's Council of Economic Advisers. He says the President's proposal would spur a huge increase in savings and investment, driving up economic output by about $12 billion a year for five years.

The second Boskin is Prof. Michael Boskin of Stanford University, who, before he went to Washington, published estimates, backed by intricate mathematics, that lower taxes have a limited impact on savers. To judge by that work, Mr. Bush's tax proposal couldn't possibly spur much economic growth.

Professor Boskin is right, Chairman Boskin is wrong, and to see why, follow a simple calculation that Alan Auerbach of the University of Pennsylvania provided Congress. If the economy were to churn out an extra $12 billion of output each year, as Chairman Boskin claims, it would need a lot more plant and equipment, at least $60 billion more each year. But extra investment requires extra saving. That raises the crucial question: Who will save more?

Not pension funds and other nonprofit organizations, because they aren't affected by a tax cut. Not foreign investors; neither are they, mostly. That leaves only domestic taxpayers, who now save about $220 billion. For them to come up with an extra $60 billion would require a 30 percent increase in their saving behavior.

Preposterous, according to the research of Professor Boskin; that large a saving response is outside professionally respected estimates, even his own. No problem, says Chairman Boskin.

Choosing which Boskin to believe is now up to the Federal Reserve chairman, Alan Greenspan. The President recently made him head of a commission to resolve technical discrepancies between White House and Congressional studies of a capital gains tax cut. Yet Mr. Greenspan will be able to resolve very little, if anything.

For starters, the technical discrepancy foremost in Mr. Bush's mind concerns estimates of the impact of the tax cut on the deficit. The White house estimates the tax cut will raise tax revenues by about $10 billion over five years; the Congressional Joint Tax Committee estimates it will lose that much.

The difference—about $20 billion over five years—is small, bordering on the trivial, in an economy that will generate approximately $5 trillion in tax revenues over the period. That discrepancy warrants no further study. And other discrepancies have already been scrutinized by scores of first-rate economists; one more study would resolve nothing.

By dragooning Mr. Greenspan, Mr. Bush has transformed a useless commission into a dangerous commission. Mr. Greenspan helps control the most powerful economic lever in the world, the U.S. money supply. It's imperative that he be, and appear to be, above politics. Yet by heading a commission meant to do Mr. Bush's bidding, Mr. Greenspan becomes a pawn of White House politics.

Apart from the technicalities and appearances, the President has permitted this capital gains issue to choke budget negotiations for two years, culminating in last year's crazy quilt of amendments to the tax code.

All this political havoc arises over an idea that, even if Chairman Boskin's estimates are right, would increase economic output by maybe $12 billion—in a $6 trillion economy. The upshot is that if Chairman Boskin's hypothetical calculations are 100 percent right, they are only 0.02 percent right in the real world.—MICHAEL M. WEINSTEIN.

[From the Washington Post, Feb. 17, 1991]

UNFINISHED RESORT SITS IN LEGAL LIMBO

(By Kirstin Downey)

HUDSON, FL.—The three towers rise along the Gulf of Mexico, multitiered and modernistic. From a distance, they are a shimmering white against the blue waters of the gulf and the soft clouds that dot the Florida sky, recalling those sunny days in 1983 when the Gulf Island Resort & Racket Club was going to be a part-time playground for tennis pro Eugene Mayer and movie star Burt Reynolds.

Up close, however, the buildings now are speckled with bird droppings, littered with piles of abandoned construction materials and streaked with the stains that may signal structural water damage. Weeds grow up through the cracked concrete of what were once tennis courts. Many of those involved in financing the project are in jail.

Built by a novice developer and jointly financed by seven out-of-state savings and loan associations, six of which have been seized by federal regulators, Gulf Island has dangled in legal limbo for more than five years. Since 1986, several dozen attorneys, representing the S&Ls, the developer, construction suppliers and the federal government, have fought over who owns it.

The property's tangled history is not unique.

According to L. William Seidman, who heads one of the two agencies charged with cleaning up the banking and S&L debris, thousands of properties around the country are similarly deteriorating while lawsuits drag through the nation's overloaded court systems.

The two government agencies—the Resolution Trust Corp. and the Federal Deposit Insurance Corp.—are facing about 150,000 such lawsuits, requiring them to hire about 1,000 new lawyers, Seidman said. As long as the legal wrangles persist, regulators are generally unable to sell the properties, postponing hopes of recovering some of the taxpayers' losses in the S&L cleanup.

The problem is particularly acute in states such as Florida that require a "judicial foreclosure" process, lawsuits complete with motions and counter-motions, before a property can legally change hands. And in Florida, where overworked federal judges are weighted down with drug and murder trials, such seemingly trival matters as determining who owns a property can be deferred for years.

A few real estate experts have suggested that the federal government authorize a "quick-take" system that could override state laws and allow the properties to pass more quickly into the hands of the RTC and FDIC. But any such proposal would likely become mired in state's-rights controversy, according to Seidman and others.

LITTLE LEFT OF VALUE

In the meantime, the losses are mounting.

For Gulf Island and the other legally encumbered properties, the delay can prove fatal as buildings are left to deteriorate through vandalism and exposure to the weather. The result can be an even greater impact on the taxpayers because the government, when it finally inherits a property legally, has little of value to sell to replace funds spent reimbursing depositors in failed thrifts.

Gulf Island itself has decayed so badly during its six years of legal limbo that Ted Williams, the local property assessor, said he believes the only probable use for two of the three high-rise buildings is to bulldoze them and push the debris into the water, creating a new fishing reef off the coast.

There is little doubt that the project eventually will be in government hands. The FDIC already is arranging for building management, since a few dozen of the units in the third high-rise are rented to middle-income families.

But Williams estimates losses of at least $42 million to the federal government from this project alone, based on the various loans issued on the properties by the savings institutions and the unpaid interest on those loans.

"That project never should have been there," Williams said. "It's all due to greed. People got money from banks to build projects that never should have been built. Unfortunately, we've got properties like this all over the country."

To those who know its story the final episode of the Gulf Island saga is not the only thing that makes it symbolic of the S&L debacle that is expected to cost American taxpayers hundreds of billions of dollars. Ill-conceived and poorly located, the property now serves mainly as a conspicuous and easily visible signpost for airline pilots flying to Tampa International Airport, which lies about 40 miles to the southeast."

When Gulf Island's legal status is finally settled, it is likely it will be added to the inventory of the FDIC, which manages properties from S&Ls that went out of business before the passage of the Financial Institutions Reform, Recovery and Enforcement Act in August 1989. It now has some 8,834 properties with a book value of $3.8 billion it is trying to sell. Some government officials say, however, that it may land instead amid the 41,000 properties in the inventory of the Resolution Trust Corp., which handles S&Ls that failed after August 1989.

The apparent confusion over which agency eventually will get the property mirrors its equally confusing present status. For example, the local representatives of the RTC and FDIC, whose offices are respectively in Tampa and Orlando and who are charged with overseeing property sales in the area, don't even know that Gulf Island is, or soon will be, a government property.

Contacted for information on the property, officials in both offices said they had never heard of it.

"Are you sure we own it?" asked the Orlando FDIC office's Joe Ferlo.

'OUT OF PLACE'

Technically, because of the legal delays, taxpayers do not yet hold title to Gulf Island. The property is expected to pass into the government's hands this spring, after the obligatory auction on the courthouse steps occurs, because it is unlikely prospective purchasers would be willing to shoulder the burden of the cost of the original loan, unpaid interest and default penalties. It will then become official U.S. property and the government will confront the harsh realities not only of the ravages of time and weather but of a project that apparently was ill-conceived from the outset.

"The thing is incredibly out of place," said Tampa real estate attorney David G. Mulock. "It looks like somebody put it in the wrong place by mistake, like maybe they held the map upside down or reversed the blueprints."

It is hard to understand why so many different loan officers were able to justify investing about $28 million at such a site. Plopped in an aging, lower-middle-class neighborhood, about a half mile down a two-lane road from a major thoroughfare, Gulf Island would have required a magical feat to prosper even in boom times, according to local real estate experts. Now, however, with the market in the doldrums, the same people are at a loss as to what can be done with the project at all.

The refuse left behind at Gulf Island tells the story of where some of the money went.

A bucket of sealant sits in the middle of what was meant to be a luxury penthouse apartment, the brush still standing upright in the long-congealed muck. The kitchen appliances are beginning to rust.

At another building, thick and overgrown brush lead into a grant entry hall that houses never-used shower stalls once intended for a luxurious health spa. Decomposing construction materials lie in heaps nearby.

Upstairs, a furnished apartment awaits residents who never arrived: Dust-covered motel-quality furniture still bears the original sales tags. The paint on the walls has bubbled from humidity and mold. The lamp shades are enshrouded in plastic.

Another room is filled with piles of new, plastic-covered mattresses.

Unusable tennis courts hint at a long-forgotten plan to establish Gulf Island as a sports resort. Local residents recall how tennis celebrities Eugene Mayer and Carling Basset were supposed to give lessons there. Others recall that actor Burt Reynolds, a close friend of Bassett's family, at one point was reported to have bought four units there.

They also recall that consulting contracts for such things as interior design and resort management were liberally dispensed from the proceeds of the construction loans.

Few today are aware of the property's existence except the local residents who live in its shadow in Hudson, home of an elderly, blue-collar population of about 6,000 people. For them, the nearly empty buildings looming on the horizon are a constant reminder that things don't always work out as planned.

"It's been a real damper on the Pasco County community," local real estate consultant King Helie said. "It took a lot to get it approved. It was supposed to be a big boost in the arm for Hudson. But it hasn't been at all."

Just as the project has fallen on hard times, so have many of those involved in Gulf Island's creation.

NOVICE DEVELOPER

The project was developed by Joseph Senkovich Jr., then of New Smyrna Beach, which is on the oppsite side of the state from Hudson. The veteran of one previous development project, Senkovich started Gulf Island when he was 29, worked on it while he was 30 and lost it to his lenders when he was 31.

Senkovich has since left the development business and now works as a sports agent. Contacted by telephone, Senkovich said he could not comment on the Gulf Island project because it is his father's responsibility. His father, he said, was unavailable for comment because he was visiting Europe.

But people in Hudson recall that the younger Senkovich was the man in charge.

The seven lending institutions involved in the Gulf Island project were equally inexperienced in building oceanfront tennis resorts. Six were based in Louisiana, and all of those have collapsed, included four closely linked institutions that were seized by federal regulators on the same day. The failures of the six were blamed on high interest rates paid to attract investors from around the country, with the proceeds invested in what regulators called "highly speculative" development projects.

Many of their top officers have subsequently gone to jail for illegal activities pursued during their brief tenures in the thrift industry. They include:

Guy W. Olano Jr., chairman of Alliance Federal Savings and Loan, a divorce attorney who entered the savings and loan business when he started Alliance in 1981. He has been convicted of bank fraud, bankruptcy fraud, income tax fraud and conspiring to make unsound loans in return for kickbacks. In addition, at one of his trials, a Drug Enforcement Administration representaive testified that Olano had been linked to cocaine trafficking, and a Federal Bureau of Investigation special agent testified Olano was connected to organized crime and money laundering for South American drug families.

Leonard J. Munna III, president of New Orleans Federal Savings & Loan Association, was sued by federal regulators for allegedly taking kickbacks from borrowers, and was subsequently convicted of making false loan reports and of receiving unlawful receipts from loans he helped approve.

Ralph Hosch, president of Audubon Federal Savings & Loan, was convicted of accepting kickbacks in that job. But he has since been linked to the problems at another one of the six institutions involved in Gulf Island: An indictment last year charged that Hosch acted as a loan broker while president of Audubon and helped a friend illegally obtain a $1.6 million loan from Crescent Federal Savings and Loan. He has pleaded not guilty.

At least five other officers at the six closely linked thrifts have since been convicted of illegal banking-related activities.

While at least eight of those involved in the Gulf Island project went to jail for unlawful activities, it is the taxpayers who will face the cost of Gulf Island's losses. And it is a far higher taxpayer burden than it once might have been.

In the early 1980s, state officials had contemplated buying the then-vacant plot for a park. But the $2.7 million price tag seemed too much to pay for parkland, according to local officials.

"This is a sad story in our history," said Hudson resident Howard Sutter, who lives near the Gulf Island site and has watched the saga unfold.

Sutter is still shaking his head over the fact that the federal government will foot a bill that could reach as high as $42 million for a refuse-strewn, unfinished development project that the state could have purchased for a fraction of the price.

COM-LAND GROUP, INC.,
Pensacola, FL, January 30, 1991.

Re: FDIC and RTC owned real properties.

U.S. SENATORS, INTERNATIONAL FINANCE AND MONETARY POLICY COMMITTEE MEMBERS,
Dirksen Senate Building,
Washington, DC.

DEAR SENATOR: Enclosed is an article on the Continental Bank of Illinois. The essence of the last several paragraphs is that the FDIC speculated on Continental's stock when it should have immediately redeployed that asset into cash. If a commercial bank insured and regulated by the FDIC had done the same thing, it would not have been tolerated. The loss to the taxpayers and depositors that support FDIC is enormous.

One part of our business for the past 5 years has involved liquidation of real estate assets acquired through foreclosure by commercial banks. In most cases, the banks which we represent insist on redeployment of these assets at optimum prices as quickly as possible.

The other part of our business involves acquisition of foreclosed properties from lenders and developers and immediate resale of them.

On numerous occasions, we have attempted to acquire from FDIC some of its real estate inventory. Our experience strongly suggests that FDIC is not interested in selling property. The problems are not the individual employees of FDIC, most of whom are bright and personable individuals. The problems are the system, its cumbersome rules, and its bureaucracy. The net result is that FDIC is also speculating on its real property assets with horrible results.

Some of the problems we have observed are:

1. Foreclosure proceedings that take twice as long or more than is necessary (when FDIC is the owner of a note and mortgage in default).

2. All decisions are made by committees. Asset managers and supervisors are afraid of possible criticism of any decision they might make, thus, no decisions are made, and very little progress results.

3. Rules provide price guidelines that are a percentage of current appraisal, yet apprais-

als are not updated on a timely basis, and asking prices are out of tune with market conditions. In addition, appraisers are often employed from areas far away from the subject property. Often the appraiser is totally unfamiliar with the market in which the property is situated. Often the appraiser uses unrealistic "comparable" data that, in fact, is not comparable. The only conclusion that can be inferred is that asset managers tend to employ the appraisers who are well-known to them rather than appraisers who would be more logical choices. The above is not sound business practice, poor results are obtained, and more taxpayers' money is wasted.

4. FDIC prefers to sell groups of properties in bulk (e.g., a condominium development with 20 units), yet prices quoted to bulk buyers are usually retail prices that might be appropriate for one unit sale to one user, but are not appropriate for a bulk sale to an entrepreneur who intends to resell the units individually.

5. Protracted holding costs chew up the capital of FDIC's assets. It is estimated that FDIC's cost of holding improved real property approximate 30% to 33% per annum including capital at 10%, maintenance, insurance, taxes, and FDIC administrative costs. Thus, the entire capital of an asset can disappear within less than three years, and often does.

6. Assets located in one part of the country are frequently managed by an asset manager in an FDIC office in another part of the country removed 2,000 miles from the asset. This makes no sense whatsoever.

7. Assets are contracted out to private managing companies with a contract not only to manage the asset but to also give the same company the exclusive right of sale of that asset. A healthy fee for managing provides every incentive to continue to manage, and is in direct conflict with the duties attendant to the timely liquidation of that asset. The results of this type of contracting are exactly what one would expect.

8. The complete lack of any semblance of an FDIC marketing program is clearly evident. The conclusion could be that FDIC is apparently in business to build its real property inventory, create the need for more staff managers, continue to expand its bureaucracy and waste more taxpayers' money.

The FIRREA Act created an unwieldy monstrosity that will do nothing but cost the taxpayers untold and unnecessary billions of dollars unless there are substantive and quick remedies.

Immediate reform is imperative. A czar with authority is necessary. Decentralization is necessary. Accountability is necessary. Stated objectives that will be achieved within mandated time frames are necessary. Immediate action to redeploy assets and deliver dollars to the treasury should be top priority.

The current situation with FDIC is truly a travesty and tragic abuse of the taxpayers. We purposely have not dealt with the RTC because of the horror stories which we have heard and read. It is reasonable to assume that our comments herein are equally applicable to RTC. We feel sure that you have already received numerous complaints about both agencies.

Everything considered, including the hemorrage referred to as the federal deficit as well as the burgeoning total federal debt, the RTC and FDIC problems are of crisis proportions demanding your immediate attention and action.

Respectfully,

CHARLES F. FADDIS.

[From Business Week, Aug. 13, 1991]

THE REMAKE OF THE REMAKE AT CONTINENTAL BANK

If this is mid-1990, it must be time for another Continental Bank Corp. facelift. In 1987, the bank sold local outlets, shuttered European offices, and axed its municipal-bond desk, all to support its transformation into a global merchant bank. In 1988, it abandoned retail lending, bolstered foreign-exchange trading, and applied, unsuccessfully, to form a stock-underwriting unit. In 1989, Continental formed an investment banking unit and put its First Options securities-clearing business on the block, where it remains today. No one can accuse CEO Thomas C. Theobald of being tied to tradition.

SWEEPING

Being tied to the federal government is another matter. Since its 1984 bailout by the Federal Deposit Insurance Corp., Continental has operated under the agency's watchful eye—to the detriment, say bank executives, of attempts to enter new businesses and retain wary customers. That extra-close regulatory relationship is about to end. On July 26, Continental announced plans to sell the FDIC's remaining 26% stake in the bank. This comes just as Theobald has finished his most sweeping makeover, which he insists is in keeping with his strategy of responding to marketplace demands. "This isn't exactly a fashion industry," Theobald says, "but things do change as to what the customer needs."

Continental's latest tack is one of strategy by subtraction. In March, after an early look at first-quarter numbers that eventually produced a drab $56.7 million profit, Theobald ordered a product-by-product review of the bank's business. The result was the axing of 900 jobs, an exit from the commodities execution and clearing business, and the shuttering of foreign-exchange trading desks in Tokyo and London. The bank took a $48 million hit but expects annual savings of $75 million.

The dreary financial results led the top brass to conclude they had no choice. "You either wait it out or choose to do something about it," says Hollis W. Rademacher, the bank's chief financial officer. "We chose to do something about it." Each of the jettisoned subsidiaries was falling well below Continental's goal of 30% gross profit margins and 15% return on equity.

Management insists the bank can thrive by picking its targets carefully: interest-rate risk management, debt distribution, corporate finance, and private banking. The mix is designed to keep intact Continental's core client list: about 2,000 large and medium-size companies, most based in the Midwest. "We're not downsizing in everything," insists Rademacher. "My God, we're not trying to go out of business here."

SWOONED

What Continental is trying to do is turn around some pretty bad numbers. Continental's ongoing operations lost $46 million in the second quarter, non-interest expenses rose 37%, to $221.7 million, and salaries rose 11%. It could have been worse: A $25.9 million recovery on a loan to a developing country saved the bank from doubling the quarter's $25 million loan-loss provision.

(That faltering performance might cause any investor to lose heart, since Continental's stock price has swooned from 26⅝ in early 1989 to around 13 today (chart, page 40). But it does nothing to counter the impression that the FDIC is one lousy market timer. The agency, which says it's likely to lose $2 billion this year, denies that the sale is timed to cover any cash shortfall. "Whatever action we take is predicated on getting as much as we can for the stock," insists a spokesman. The agency backed off from a sale last fall, when the stock went for about 20, and rejected a June bid from an investor group that included Theobald. The price then: 15.

Recently, the FDIC dangled its stake in front of First Chicago Chairman Barry Sullivan, who did not bite. Other Chicago investors, including the wealthy Crown and Pritzker families, are said to be considering offers. Theobald believes the stock will be sold to the public.

In nixing earlier bids, the FDIC apparently thought the price would climb. No one at the agency will confirm it, but evidently that thinking has changed. Continental may be happy to end its uneasy partnership with the feds. But for the FDIC, it's a case of getting out while the getting's not very good.

(By David Greising in Chicago, with Leah J. Nathans in New York)

FT PETERSBURG, FL,
January 4, 1991.

Senator ROBERT GRAHAM,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: I have a suggestion that might help the Resolution Trust Corporation (RTC) reduce their inventory of foreclosures, reduce their continuing holding costs, and return the properties to the tax rolls of the jurisdiction in which they reside. I am suggesting that the RTC use the recreational property and dispose of business property through a series of "National Lotteries" as described below.

MANAGEMENT SUMMARY

Objectives:

1. Move the properties from federal to individual ownership and responsibly.

2. Get the properties back on the municipal tax rolls.

3. Provide all residents of the U.S. an equal opportunity to "get a deal" on the property rather than just a few people who are in the know.

4. Provide nonprofit community help agencies with a method of acquiring property for use in support of their feed and house the homeless projects. They would not receive preferential treatment; but they could enter the drawing.

5. Keeping these non producing assets from bankrupting the treasury.

6. Return revenues in excess of project related costs to FSLIC.

Process:

The lottery would be conducted via a nation-wide 1-900 telephone number the cost of the ticket and a small fee for the call would be charged to the caller's telephone number.

The call would be answered by a computerized Automated Attendant System that would record: the caller's name, address, and telephone number. A computer assigned lottery number would be provided to the caller and entered into the caller's record.

A centralized computer will generate a list of winning numbers. This list of numbers would be used to electronically locate the original call, play the call for a live operator who creates a transcribed record of: the name, address, telephone number and lottery number of each of the winners. This transcribed record will be used to create a letter notifying the winners of their good fortune.

Since the RTC is holding both recreational and business property I feel they should be addressed separately in two different national lotteries as outlined below.

I. RESORT AND RECREATIONAL LOTTERY

The RTC could create a wholly owned subsidiary—RTC Recreation Properties Inc. This subsidiary would be used to:

1. Assume ownership of all recreational property held by RTC.

2. Manage the recreational and resort properties.

3. Conduct a national lottery, on a weekly basis, to provide one week all expenses paid vacation, for up to four people, at one of the resorts. The ticket cost would be $1.00 per ticket.

4. The vacation would be scheduled for 90 days after the drawing to permit the winner to make the necessary arrangements. The awarded vacation would be tax free to the recipient. If the vacation is sold the seller will have income tax liability equal to the value of the week provided.

II. BUSINESS PROPERTY LOTTERY

The business properties, like the recreational properties, are a drain to the U.S. taxpayers. We have already purchased the properties from defunct savings and loans and are now saddled with the on-going costs of securing and insuring the property. Vacant property is a magnet for vandalism and deterioration and blight. These properties provide no revenues to the municipalities in which they are located; but they add to the political subdivision's police, fire, and building related costs.

The tickets for this lottery would cost $5.00-$10.00 plus a service fee. The drawing will be conducted weekly. The lottery would be regionalized—in other words the ticket buyers would buy their ticket for one of six or eight regions of the U.S. Governmental entities, clubs, and nonprofit organizations would be permitted to enter the lottery for their region.

The winner will receive a clear title to the property and all lines, and mortgages on the property will be forgiven. The winners will have thirty days to close and take possession of the property. Taxes will begin to accrue on date of closing. Property not closed within the thirty day limit will be returned to the sales pool.

I must admit that I have an ulterior motive in making this suggestion. I have recently been laid off by the City of Tampa Florida and I need a job. I have thirty-five (35) years in communications and computers with considerable experience in the use of Automated Attendant and the Pay for Call scenario described. If my concept has merit and the RTC decides to explore its possibilities I would like to serve as a member of the evaluation and implementation team.

Sincerely,

DONALD H. MACLEOD, JR.

Mr. GRAHAM. Mr. President, in conclusion, as I indicated, the goal of this amendment is to achieve two objectives. One is to provide to the Resolution Trust Corporation the amount of funds necessary to continue the process of closing institutions whose continued operation would be a threat to the safety and soundness of the financial system. Therefore, my amendment authorizes and appropriates the $30 billion which has been requested for loss funds.

But going beyond that objective, my amendment also deals with a second major issue, and that is the current policy of laggard, slow, passive disposition of assets by the Resolution Trust Corporation, a policy that I have indicated in my previous remarks has caused the RTC now to hold, not the $40 billion in assets of receivership that it did in July, but rather $58 billion in those assets.

Mr. President, I believe that the amendment I have offered is a prudent one. It does not cause a major restructuring of the Resolution Trust Corporation. Rather, it inserts a clear congressional intent and motivation for the RTC to proceed to expeditious disposition of assets. I believe that is prudent.

Mr. President, however, I think that our work will not be done with the adoption of this amendment; that we need to continue to look for fuller surgery at an appropriate earlier date, and that fuller surgery should include the concepts of reorganization. We have created an administrative labyrinth that has become itself an inhibition to the effective operation of the Resolution Trust Corporation.

Second, Mr. President, I think we should look at the question of whether the barrier between funds for dead losses, the loss fund, and the use of operating working capital should be as stringent as it is now purported to be.

It is very difficult to explain to the American people why we are appropriating $30 billion in fresh capital to an institution that has currently on its books $144 billion of assets. I believe that it is an issue which needs to be looked at at the earliest appropriate moment. I am certain that the chairman of the Banking Committee will provide us that forum. But for today what we can do is send a clear message that, yes, we want to continue the process of closing down those institutions which constitute a risk, but we also, Mr. RTC, want you to understand it is our goal that you move forward with a more aggressive policy of disposition of assets because neither our economy nor the American taxpayers can continue to pay the heavy cost that is incident to the current passivity and lack of an assertive effort to move assets from the public into the private sector.

I thank the Chair.

The PRESIDING OFFICER. Who yields time? Hearing no response, the time will be charged equally between the two managers of the bill.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. RIEGLE. Mr. President, how much time does the Senator wish?

Mr. DOMENICI. I would like 10 minutes, if the chairman will yield 10 minutes.

Mr. RIEGLE. I yield the Senator from New Mexico 10 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, I have an opportunity this year to serve on the Banking Committee. I am a new member because I was privileged to choose an extra committee. I chose to join the committe because it is a very dynamic year in that maybe we will take a look at the banking system of our country in an in-depth manner and see if it is in need of reform.

I am not going to discuss the issue today of the Resolution Trust Corporation needing funding but, rather, to tell the Senate why I think, based upon the summit agreement of last year, the laws that were passed to see to it that the depositors in this country who relied upon their Federal Government's commitment to insure them for up to $100,000 should be accomplished. The taxpayers of this country pay as little as possible to see to it that we accomplish that and accomplish it quickly.

Let me talk a minute about how I see this from the standpoint not of the pending amendment. I do not want to necessarily argue with the Senator from Florida, who is saying let us go with half funding. At least he has enough courage to say let us put up half. But I honestly believe that anything less than $30 billion, which is what the bill before us asks for, is bordering on fiscal irresponsibility. At least the Senator is suggesting we put something in so we can continue down the path that we started. But there are many who are taking the floor to argue about why do we even do it this way. Why not invent some new approach to this.

Mr. GRAHAM. Will the Senator yield?

Mr. DOMENICI. Let me finish a couple of thoughts and I will be glad to yield.

There is a notion that maybe is overused which refers back to the Roman Empire and they talk about Rome is burning and Nero fiddles. But now we can say money is burning and Congress fiddles.

Frankly, there has been so much talk about courage of late, about living up to our responsibilities, the American people seem to be excited about the fact that we are about to develop a can-do attitude, get on with what you have to do, do it. And some are talking as if there is a way out from committing $30 billion to cleanup the S&L mess and hold the depositors of this country harmless.

Let me tell you, I really do not think there is. I think we have already made this commitment. This game is already over. What we are really doing now is totaling up the score. The game is over and we are adding up to see who made touchdowns and who did not, because it is finished. We already passed the law. It took months and months to get passed, after years of delay, and it said let us do this. Let us get the S&L's in a position where we take the most expeditious path to clean them up, hold the depositors harmless and get on with the S&L's that are solvent and can conduct the business for our people.

Who says they need the money? The chairman of the Banking Committee? The ranking member? Of course not. The Congressional Budget Office says we need the money. If we do not believe those who run the RTC, if we do not believe the administration—I chose to—the Congressional Budget Office, a neutral arm of Congress, took a look and what did they say? Do they want to throw our money away? Are they over there in an office helping Congress and they want us to put money in so we can say to Mr. Seidman, "We are doing what you want," or Mr. Brady, the Secretary of the Treasury? I do not think so. I think they are saying enough is enough. We delayed the S&L's bailout for years, and now you want to delay it some more.

Mr. President, just before Thanksgiving we delayed it. The public understood it then. In fact, the question was asked why are you not going to do what you ought to do, because you are going to cost the taxpayers more money? That is the same issue because we are back at it. Do you know how much it is going to cost, I ask my friends? Eight million dollars a day every day we do not put up this money and get on with the bailout and holding our depositors harmless because we committed to them that we would. I do not think there is any question about that.

Nonetheless, we can have perhaps a disagreement and some can say they are going to vote for it. That is wonderful. If they do not want to vote for it, let us get on with it. Let those who want to vote for it, vote for it, and complete our work. That is how I see it.

I could not be more emphatic about it.

There has been some talk about what is the budget impact of this $30 billion, and some have said there is gimmickry again. Let me see if I can quickly put it into perspective. When we went to the economic summit last year and came back to the Congress, do you remember everyone said, my gosh, the deficit went up after the summit was over. Yes, it did. Because this $30 billion is on budget and in the deficit now, this one—on budget in the deficit. We took Social Security off budget and added some more to the deficit. The recession added some more. So we have honesty in budgeting. It is on budget. It is expected by the numbers in the compact and agreement between the Congress and the President. This is expected to happen.

As it is spent, it adds to the deficit. But actually it only happens one time. And as the years go on, the deficit will come down because we will have bailed out and finished our commitment to our depositors, hopefully. So I think it is not fair for some to come to the floor and still raise the issue: where is this $30 billion in the deficit? Is it off deficit?

No, it is on budget and in the deficit.

Now, we did another thing. I say that because I worry about those who want to add amendments here on the floor that will cost money. I would like to explain what that is going to do one more time. Whether we understand yet or not, we adopted a whole new policy, Mr. President, called pay as you go. We decided that this budget bailout of the S&L's is an entitlement or mandatory program.

Why is that important? Because if you add any cost to a mandatory program, unless you pay for it with a new tax, at the end of the year the new entitlement cost believe it or not is taken out of Medicare and other entitlements across the board.

Let me repeat. If you want to add something to this amendment here on the floor that costs more money, that is not in the ordinary accepted law that is on the books that we all voted on once, if you add anything else and do not pay for it, then not the Congressional Budget Office, but the Office of Management and Budget, come the end of the fiscal year, takes a look and they decide we are going to cut all the entitlement programs including Medicare to pick up the money that was spent that we did not raise taxes for or cut some program.

We did that on purpose because we decided that it was time that additional mandatory programs or entitlements be paid for, and if not there would be a sequester. You understand this is a new kind of minisequester on the entitlements. So we would pay for any add-ons by cutting entitlement programs including Medicare and the like.

I am not suggesting that the pending amendment for the $15 billion is an add-on. It does not quite do the job. It is less than the $30 billion, and we will eventually put $30 billion in. I submit we ought to put it in now because that is what we are expected to do, and that is what we ought to do. I repeat, further delay in putting the money in which we have already passed a law that clearly says this is what we are going to do—We have committed to it and any delay costs us money.

Has my time expired?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I did not intend to avoid answering a question or yielding for a question to my friend from Florida. But I will now, if he cares to ask me a question.

Mr. RIEGLE. I yield 2 additional minutes.

Mr. GRAHAM. To the Senator from New Mexico, does the Senator realize my amendment appropriates $30 billion as he indicates as the figure necessary to close the institution October 1st?

Mr. DOMENICI. Yes. I understood. Maybe I was wrong. I understood the amendment appropriated $15 billion in the manner suggested by the bill that is pending, and $15 billion in a conditional manner.

Mr. GRAHAM. That is correct. The conditional manner relates to cost. The Senator is aware of the fact that RTC is currently holding $16.6 billion of real estate assets out of a total holding of approximately $144 billion of all assets.

Mr. DOMENICI. I understand that.

Mr. GRAHAM. Based on the experience of the RTC to date there has been a depreciation in book value of real estate assets of something in excess of 1 percent per month of holding period, with another unknown amount of cost for maintenance, repairs, and the other incidents that accompany the ownership of real estate property. If you assume that same depreciation rate of 1 percent per month is now running against the $16.6 billion of assets currently held by RTC, that would indicate that every month there is a depreciation in value of $166 million of RTC's real estate portfolio. That calculates to me at $5.5 million every day to hold those assets.

Mr. DOMENICI. Does the Senator have a question?

Mr. GRAHAM. The question is concerned about the $8 million——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. If we are concerned about the $8 million that it theoretically might be costing us per day for not closing down institutions that constitute an endangerment to the system, why are not we also concerned about the $5.5 million a day that we are losing in the depreciation of real estate values by the failure of RTC to aggressively dispose of those assets?

Mr. DOMENICI. I thank the Senator for his question. Let me suggest that the RTC as I understand it, has to perform two tasks at the same time. It must close down insolvent thrifts and pay off insured depositors. It must sell assets of those thrifts. Delay in either of those jobs wastes the taxpayer's funds.

So I do not think it makes any sense to prevent the RTC from closing down insolvent thrifts just because it is not disposing of assets fast enough. This amendment, since I have been asked, may also be wasteful by encouraging the RTC to dump assets in order to proceed with case resolution.

I do not think we ought to do that. I think the $30 billion is needed. They can still sell assets in due course as required for all of those thrifts and proceed with the resolution as currently prescribed and contemplated.

I do not favor the amendment, but most of all I think before the day is out we should pass a bill funding the RTC to the maximum extent possible so we do not waste money and so we do what we have already committed to and say yes to what we have already committed to do.

I thank the chairman for yielding time.

The PRESIDING OFFICER. Who yields time?

Mr. RIEGLE. Mr. President, I speak on my own time. I ask unanimous consent that the time on the pending amendment be reduced so that there will now be 30 minutes equally divided in the usual form with all other provisions in the previous consent agreement remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Let me now comment directly on the Graham amendment, and indicate why I cannot support that amendment at this time, And I will at the appropriate time move to table the amendment.

Let me say in behalf of the Graham amendment, it is targeted to help solve the critical problem in the RTC operation. I very much share his concern, as he knows, that asset sales by the RTC have been too slow. We have had the RTC officials in. We have questioned them at length, pressured them at length, as the Senator from Florida knows because he serves importantly on the Banking Committee and has a part in that.

Total assets of thrifts placed in RTC's hands have amounted to more than $270 billion at book value. So far the RTC has disposed of less than half that total, leaving as has been said nearly $150 billion of assets that remain in RTC's control.

The Graham amendment would seek to speed up the process by trying the $15 billion of this bill's $30 billion appropriation to the receipts from asset sales. While I agree with the concept of trying to look to find ways to speed up the disposition of assets, I am not sure that the mechanism that is suggested in this amendment is the right way to do it, or that it will work in a way that ends up saving us money.

The RTC needs to perform two tasks at the same time. It has to close down and sell insolvent thrifts, and it must sell the leftover assets of these thrifts. A delay in either job ends up wasting taxpayer's funds.

When the RTC continues to allow insolvent thrifts to keep operating in conservatorship, it is in effect borrowing money from the depositors at interest rates that are artificially high and well in excess of rates at which the Treasury could otherwise borrow money and pay off those depositors and undertake the liquidation of that institution.

The RTC also pays to appropriate all of those thrifts' branches. These costs are the principal sources of the estimates that we have been given; that failure to move this legislation now is costing somewhere between $7 and $9 million a day. It is also true as the Senator from Florida points out that the delay in selling assets can also waste money. That is a matter of great concern to me and to others here. Asset values have a strong tendency to deteriorate the longer they are kept in Government hands. So we want them to move these assets out as quickly as they properly and appropriately can.

If we can figure out a way to save money by speeding up that asset disposition process, I am all for that. I want to encourage that in every possible way. But if we mandate a process that does not actually accomplish that goal although that is the stated goal, we can end up making the problem that we now have worse, and we can end up making it more expensive. That also is a concern.

If the RTC ends up wasting money because it does not meet its sales targets, we will withhold needed funding and force it to waste even more money by slowing down the rate at which it closes or sells insolvent thrifts.

And that, in a sense, would be compounding our difficulties and not helping them. Ironically, one of the RTC's best means for disposing of assets is closing and selling thrifts. Typically, the RTC virtually immediately disposes of about one-third of the assets of an institution that it is taking, shutting down, and selling. The problem is that it cannot sell any right now, unless we provide this money.

And while the Senator from Florida makes a conditional 15 and 15, the first 15 will only take us out through the existing ones that are lined up, ready to sell now, and probably only take us out a matter of 2, 3, 4 months, at most, and then we will be right back in the situation where we have other institutions waiting to be put out to bid, sold, and closed, that we cannot move on.

So this amendment is based on the hope that we can save money by threatening an interruption of the funding, if the RTC does not perform in a way that this amendment calls for.

Maybe that can work in some bureaucracies. I am not convinced that it can work in the kind of unique circumstances that apply in this case. The RTC salaries generally do not depend on additional appropriations. Most are charged to conservatorships or receiverships. In fact, the longer we delay providing the necessary funds, the longer the whole process takes, and the longer these jobs, ironically, last at RTC.

I think the incentives may backfire in another way, as well. The amendment only gives the RTC credit for sales from assets from thrifts already closed or sold. Most asset sales come from thrifts still operating in conservatorship, which is where two-thirds of the RTC's assets now lie.

With this amendment, we might be stimulating sales of some assets at the expense of other potentially larger sales. So I think what we ought to do here is provide the full $30 billion. The GAO, as was said by the Senator from New Mexico, has recommended that that be done. That will facilitate an orderly disposition process.

We have also been told by GAO that some of the problems in the RTC have been materially improved; that they are operating in a more effective manner; and that the amount of money needed down through the remainder of this fiscal year, another 7 months, is the $30 billion. So I do not think we ought to tie it up; I do not think we ought to make it conditional. We ought to move ahead to expedite the resolution of this problem.

There is also the issue of the real estate market out there, and the degree to which you can push these assets out the door at fire sale prices, or distress prices, and you risk losing more than you save. I do not know that we can make that decision here in general terms. We certainly cannot make it property by property. But that is why I think people who are charged with that responsibility have to be the ones to decide when the appropriate time is, and what the appropriate price is to dispose of a given asset in a given situation. That is not to defend RTC's general operating history and record, because we have aimed a lot of criticism at them, and we have put as much pressure constructively as we know how to streamline their procedures. But, in the end, the decisions to avoid the dumping of assets and getting an insufficiently high value or realistic value is something which also needs to be avoided here.

So I share the concerns of the Senator from Florida. I think every Senator does. No one here is satisfied with the pace of asset disposition. It is an enormously complicated issue. We have not had hearings on this proposal, and I do not think we ought to act on it in the context of this bill, trying to move it through to handle these case resolutions, until there is a chance for that kind of far more complete examination.

I also say, finally, this: I am told that this exact same amendment was raised in the House Banking Committee and was rejected in the House Banking Committee. That does not mean we should not make our own independent judgment here—and we will—but I think it shows there is opposition to it there, as well as the opposition expressed here. I think if it were to be included at this point, in light of that vote on the House side, I think that would further delay the passing of this bill, and I think drive up the element of cost.

So, having said that, at the appropriate time I will move to table the amendment. I hope that will be the decision of the Senate.

I reserve the remainder of my time.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Will the Senator yield 3 minutes?

Mr. RIEGLE. Yes.

Mr. GARN. The Senator from New Mexico and also the Senator from Michigan have adequately outlined the reasons we do not feel this amendment is appropriate at this time. The Senator from Florida certainly makes a good point about the speed of the asset disposition. There are a lot of excuses that RTC can give us for why they have not proceeded more quickly, but I think that we should not tie them down with this type of a mandatory procedure as proposed in this amendment. I think it will only cause additional costs to the taxpayers and not really precipitate the more rapid sale of the assets.

When we first passed FIRREA, or when we were in the discussion stage, the major input we were getting over and over again, and the pressure that we were getting from all segments of the economy was, please, do not dump all these assets. It will ruin all of the local real estate markets.

As a result, a lot of provisions in FIRREA ended up being too restrictive. There are some of those provisions that I felt, at the time, should not be included, which have been part of the problem of the RTC not disposing of the assets properly and rapidly.

So the Senator from Florida is correct. In one hearing last fall, I said to the RTC officials, look, do something, even if it is wrong. I am tired of the delay. Get on with it. Mistakes may be less costly than the delay that is going on. So I am sympathetic to the problem, but I am not sure how we help with this amendment. We put restrictions and demands on the RTC that they be careful about how they sell assets, and now we are saying that they have not done it rapidly enough. They are in a very difficult position.

While opposing this amendment, I hope that in hearings in the Banking Committee, these amendments will have been useful in sending some messages around the country, to the RTC, that we need to work together in finding a better method and a more rapid method of disposing of these assets, so that we minimize the cost. Either way you go, slow disposition of assets costs the taxpayer more money; not giving enough working capital, funds, to the RTC causes additional cost. You can add the two together and say that maybe it is $13 million to $15 million a day in additional cost to the taxpayers, because we are not providing the proper tools.

While opposing this amendment and asking my colleagues to vote to table it, I hope that some messages come out of the debate. Many of these amendments have worthwhile intent, and I hope that we are able, in the next 2 or 3 months, to come up with some legislation that we could agree on with the administration, RTC, and Treasury, that would expedite this process. Then it might not be necessary to come out here on the floor and debate working capital time and time again. I remind my colleagues, even if we pass this bill, we will be back here in September, and I hope then we have better answers to the problem.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, if the opponents have concluded their remarks, I want to make a few statements in closing.

The PRESIDING OFFICER. Senator RIEGLE has approximately 4 minutes left.

Mr. RIEGLE. If the question was do I intend to speak again, or will I speak again, is it that the Senator wanted to?

Mr. GRAHAM. I am prepared to close.

Mr. RIEGLE. I have no intention now, unless the Senator from Florida fires a Scud missile this way, and that I have to send a Patriot up after it. Other than that, I do not intend to speak further.

Mr. GRAHAM. Mr. President, if I fire a missile, I hope it will be other than a Scud, such as a Tomahawk, with greater capability to impact on this problem. In fact, to use that metaphor, I think we have had some Scuds launched.

I have tremendous regard for my colleague, friend, and neighbor, the Senator from New Mexico, and he gave a very persuasive argument against an amendment that was not before us. The amendment that I have accepts the fact that between now and the end of this fiscal year, end of September, sadly to report, we must spend $30 billion in lost funds on savings and loan institutions that will be terminated during the balance of this fiscal year.

I regret to say that I have concurred with the position of the Senator from New Mexico that that amount is the amount called for, and my amendment would make it available.

As I have indicated, however, that is not our only problem. The other problem I am attempting to focus on is the fact we are building this enormous bureacuracy to oversee an even more enormous portfolio of assets.

To put this in perspective, we are currently holding about $144 billion of assets. If the $30 billion is approved and if it has the same consequences as those funds which have been appropriated in the past, we will add another $45 billion of working capital receivership assets to our portfolio, because the ratio between lost funds and working capital funds has been a ratio of approximately 3 to 4.5. So $30 billion of more lost funds produces $45 billion more in this mounting, enormous portfolio of assets. And RTC is saying they are reluctant to sell even $15 billion out of what will almost be a $200 billion portfolio over that period of time. I consider that to be a stunning admission of incompetence.

Mr. President, it has been suggested that my amendment is fostering a fire sale, that we are going to force people to go out and sell these assets at tremendous discounts.

Mr. President, I ask this question: Where did those values on the books come from? Did they fall down from the air? Did some deranged person put a dollar figure on the cluster of assets which move into the receivership column of RTC?

Quite to the contrary. It was RTC itself who put those values on those assets. And under the law we passed, as detailed in the General Accounting Office report, those asset values are supposed to be market values. That is, if they said this asset is worth $1 million, supposedly somebody ought to be willing to pay $1 million for it.

So we are not asking for fire sale prices. We are asking to sell at the price that RTC has determined to be the fair market value of these assets.

It has also been suggested, Mr. President, that we are threatening RTC; that this small amendment, an amendment that can be written on less than a full page, constitutes the Goliath against the David of RTC.

Mr. President, my point is there are some powerful disincentives for RTC to sell assets; that the reason we are in the situation we are today, with $144 billion of unsold assets moving towards $200 billion of unsold assets, is not by accident.

What are some of those disincentives? One of them is a bureaucracy has an incentive to continue its life. I understand at the beginning of World War II, Mr. President, when Winston Churchill decided it would be appropriate to send some troops out to overlook the coast of England to guard against possible naval assault across the English channel, that they ran into a group of people who had been out there since the Napoleonic War with the same assignment.

A bureaucracy, once in place, tends to stay in place. And our bureaucracy with the RTC has now reached 5,000 and is growing. So that is a powerful incentive.

Another powerful incentive is a bureaucracy with a tremendous amount of resources has a disincentive to put itself out of business.

Mr. President, I know you are an attorney, as are a number of Members of this body. The RTC, I understand, this next year will have legal bills of $1 billion. Can you imagine the power that comes from having $1 billion to hire lawyers? A powerful disincentive to putting oneself out of business.

Finally, there are going to be some heavy political costs. My sense is, and I believe all the evidence points, that the asset value placed on these items is substantially above what the real fair market value is and that gap is getting bigger every day as we allow these assets to depreciate.

So nobody wants to sell the assets in part because once you sell that asset you have to make a public admission that you are carrying it on the books at an inflated value. Then you have to come back to the taxpayers a second or third or fourth time to ask them to pay for that difference.

Remember, these assets are being borrowed upon 100 percent through the Federal financing bank. Every dollar that is on the books has a dollar of debt incurred to the Federal financing bank. If that dollar can only be realized at 65 cents, 35 cents are going to have to be paid by the taxpayers through the appropriation of this Chamber and the Chamber down the hall to fill the final gap.

There is a tremendous political disincentive not to sell these assets because to do so puts on the table the reality of just how much the taxpayers are going to eventually have to pay.

It is ironic, Mr. President, at a time when countries around the world, the Soviet Union, Czechoslovakia, Hungary, Poland, are trying to figure out how to destateize property—how to convert property from public ownership to private ownership, how to end a 75-year dark shadowed era after centralized control and ownership of property—while they are trying to do that, we have countenanced an organization that is rapidly stateizing much of the property of the United States of America.

I believe we need to send a powerful—and if you describe it as threatening, so be it—incentive to the RTC to move toward the goal of private ownership of property, a smaller, leaner Government, the closure of this gargantuan bureaucracy which is in the course of being created and enlarged.

So, Mr. President, in closing, the issue we have here is not whether we should provide the cash resources to expeditiously close institutions. My amendment accepts that premise. The question is: Is that enough?

If you can answer the question, "I am satisfied with the way RTC is conducting its business; I am satisfied that RTC, without any further change in its incentive structure, will reform itself," then vote against my amendment. It is unnecessary—or you may consider it to be adverse to the public interest.

If, on the other hand, you think there is a very deep public interest in selling these assets back into the private sector, a deep public interest in avoiding the creation of a model that will last beyond the life of our children and grandchildren, if you believe that can be accomplished by linking access to a portion of the funds for the closure of institutions to the sale of those assets, then, Mr. President, I urge your vote and support for my amendment and that of our colleagues.

The PRESIDING OFFICER (Mr. CONRAD). Is there further debate?

Mr. KERRY. Mr. President, I support the amendment of the Senator from Florida.

The Resolution Trust Corporation currently has over $140 billion of assets in its inventory. The real estate portion of the portfolio garners most of the publicity, but it is only 12 percent of the entire portfolio. In fact, mortgage-backed securities account for 8.5 percent of the total, cash and investment securities account for 11.9 percent, and total nonperforming loans are estimated at a whopping 45.4 percent. Getting rid of these various assets has proved to be a herculean task.

One of the fundamental problems in the bailout process has been the slow, inefficient, and often cumbersome asset disposition process.

Senator GRAHAM's amendment would provide for $15 billion in immediate funding to the RTC—this would allow the RTC to continue operations. The amendment would also provide an additional $15 billion on a dollar-for-dollar match for each dollar in cash dividends the RTC receives from sales of assets in its portfolio.

This amendment is yet another attempt to improve the asset disposition process. It is, in a way, the flip side of the amendment which Senator KERREY offered earlier. While not specifically authorizing a bureaucratic reorganization, that would clearly be the effect of this amendment. In order to continue the bailout process, the RTC would be forced to accelerate the disposition of assets—that can only be done if the process is rationalized and changes in the organizational structure are made.

Mr. RIEGLE. Mr. President, I yield back any remaining time that exists on this side.

Mr. GRAHAM. Mr. President, I yield back the remaining time on this side.

The PRESIDING OFFICER. All time has been yielded back.

The question occurs on the amendment offered by the Senator from Florida [Mr. GRAHAM].

The yeas and nays have not been ordered.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RIEGLE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question then occurs on the motion to table amendment No. 14 offered by the Senator from Florida [Mr. GRAHAM]. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—80

Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Breaux
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Garn
Glenn
Gore
Gorton
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kohl
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone

NAYS—19

Adams
Akaka
Bradley
Brown
Bryan
Burdick
Conrad
Daschle
DeConcini
Ford
Fowler
Graham
Kerry
Lautenberg
Mikulski
Nunn
Shelby
Simon
Wirth

NOT VOTING—1

Cranston

So, the motion to lay on the table amendment No. 14 was agreed to.

Mr. RIEGLE. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 25

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of amendment numbered 25 offered by Mr. KERREY of Nebraska. A vote in relation to that amendment will occur at 2:50, with the time until then controlled and divided in the usual form. The yeas and nays have been ordered. We are now on amendment numbered 25. Who seeks recognition?

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Nebraska.

Mr. KERREY. Mr. President, I yield 5 minutes to the distinguished Senator from Arkansas.

Mr. PRYOR. Mr. President, much of what I hear about the RTC's performance is discouraging and I think it is time for a change. The changes we propose will help ensure that the RTC is efficiently managed and depoliticized, and these changes will give us all the confidence to move forward with the bailout.

Mr. President, the current dual board structure of the RTC is the equivalent of having a single body with two heads; neither is fully in control of the RTC, so neither takes full responsibility for running it well.

The confusion generated by this arrangement is evident in the complaints I hear regularly from my constituents in Arkansas. Mr. Nick McDaniel, a realtor from Little Rock, wrote to me about his experience with the RTC. The first offer Mr. McDaniel wrote for an RTC property was $3,500 over the appraised price, but the RTC let the offer expire without even looking at it. After waiting twice as long for an RTC response on his second offer, Mr. McDaniel called and found out the property had been placed in the affordable housing program and his second offer was invalid. When Mr. McDaniel finally received the documents on how to submit an offer under the affordable housing program, they were illegible. Mr. McDaniel subsequently terminated his contract with the RTC in disgust. He said other realtors he knows have had similar experiences with the RTC.

This single incident is representative of the tales of delay, indecision, and inefficiency I have heard from my constituents. The RTC's asset liquidation procedures seem more focused on file documentation, bureaucracy, and red tape, than on taking productive assets off the hands of taxpayers and getting them back into the economy.

This confused situation doesn't have to exist, and there is no reason it should. The present dual board structure resulted by default when the Treasurey Department and the FDIC could not agree on single board during drafting of the savings and loan bailout bill. We can change this structure, and we should.

Not only does this giant have two heads, but the heads are thinking about so many things other than the bailout. The RTC Board is, in fact, the same as the FDIC board which has its hands full right now trying to replenish the bank insurance fund and strengthen the commerical banking industry. The RTC Oversight Board, on the other hand, is made up of the Secretaries of Treasury and Housing, the chairman of the Federal Reserve Board, and two nongovernmental members. The three governmental members on this board are some of the busiest persons in Washington, with huge projects of their own to manage.

Mr. President, the RTC needs some full time attention by some experts who are focused just on the bailout. Under our amendment, the working majority of the new RTC Board of Governors would be composed of individuals whose sole job would be to oversee and mange the RTC. Moreover, these individuals would be experts from the private sector with experience in management, finance, banking, and other areas.

These private sector experts would not be politicians always worried about who's going to get the blame, or how to disguise the costs so that the deficit looks smaller. Congress could look to the private sector board members for reliable, first time estimates of the cost of the bailout. We could depend on the Chairman of the new Board, who would be appointed from among the private sector members, to come before Congress, give an accounting of the RTC's performance, and request funding before the RTC runs out of money.

Mr. President, these selling points get us to the heart of the issue that Senator KERREY has noted all along, and that is confidence. The debacle in the savings and loan industry has caused the public to question not only whether the government can manage our country with honesty, efficiency, and expertise, but whether the Government wants to. A board and a chairman with the experience, and integrity of, say a Paul Volcker, would not only run the RTC well but would also do much to restore some lustre to the Government's much tarnished financial regulation image.

Mr. President, the American taxpayers will be paying hundreds of billions of dollars to fund this bailout, and they are certainly within their rights to ask for efficiency, expertise, and accountability in the conduct of the bailout. The new RTC Board of Governors would give us these qualities. I say we should stop playing games with the bailout, act as responsible stewards of the taxpayers' money, and earn the confidence of the American people. I urge my colleagues to support this amendment.

Mr. President, I am very proud this afternoon to be able to stand on the Senate floor and say that I am one of the cosponsors of the Kerrey amendment. Anytime there is a public mission, a Federal service or a State service or a local Government service, that mission is only going to be accomplished if there is one central ingredient, and that is confidence. In my opinion, confidence, Mr. President, is lacking in the makeup of the RTC and the method in which it is attempting to dispose of the billions and billions of dollars in assets formerly owned by the S&L's in our country.

Mr. President, I compliment the Senator from Nebraska because I truly believe that his efforts—after a great deal of thoughtful study and consideration, looking at the very beginning of this fiasco to where we are today—in this amendment truly represent an idea and a belief that we can have common sense in the RTC's asset disposal: a full-time board, private sector experience, elimination of a great deal of duplicating of bureaucracy, the disposal of assets in a timely manner.

I certainly agree with the Senator from Nebraska, as he has so eloquently stated time and time again on the floor of the Senate, the longer we delay reform in this area, the more the American taxpayers are going to be called upon to pay.

I have three examples of what we are talking about today. These are all Arkansas examples.

One real estate broker informed me of the situation where the RTC let a potential $15 million cash offer on one of its properties slip through its fingers when it would not return the broker's phone calls. The particular agent had a client who was willing to make a special trip to Dallas, TX, to view the property in question. But upon calling and calling the RTC, the broker twice got secretaries who could not give him any information, and once he got an answering machine. But he has not one time even received a return telephone call from the Federal officials.

The second example is of a large, well established real estate firm in Little Rock, AR. This firm had to wait 4 months on the RTC, not to get the OK on the sale of a multimillion dollar property but just to get confirmation that it had been accepted into the contractor data base. Mr. President, this is inexcusable.

Third, the RTC and FDIC are essentially one entity, and this was found out when two physician groups in Arkansas recently had to wait over 5 months to get approval of leases for a little more space in a medical building that the FDIC had obtained from a failed thrift. The real estate agent familiar with this deal told me on the phone that the normal length of time for processing a lease almost identical to this is not 5 months but, in the private sector, 5 days.

Mr. President, I hope that this afternoon our colleagues will support the Kerrey amendment. I am very proud I became an early sponsor of this amendment because I think it strikes at the very heart of what is wrong with this massive bureaucracy which has undergone all of the these major changes in such a very, very quick period of time.

In conclusion, Mr. President, I would cite the head of the General Accounting Office, Mr. Charles Bowsher, who recommended that the RTC and the FDIC be separated and that the RTC be given its own chief executive officer. Although this is a broader recommendation, it does touch on the problem of the RTC's lack of a clear executive. I quote from Mr. Bowsher when he stated, "a question we need to begin discussing now is whether the interest of the American taxpayer would be best served by separating RTC from the FDIC and giving RTC its own chief executive officer."

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I thank the Chair. Under the unanimous-consent request, there are 10 minutes remaining on this side to talk about what I see as the defects of this amendment and why I hope this amendment will be voted down.

The PRESIDING OFFICER. The Senator is correct. The Senator controls 10 minutes. The Senator from Nebraska originally controlled 10 minutes. The Senator from Michigan.

Mr. RIEGLE. Very good. We have had a good debate today on this amendment. We talked earlier in the morning about aspects of it, the fact that while this proposal is one that has been brought forward, there is another proposal that has been offered by Senator Wirth. There is one that has been offered by Tony Frank, former major financial institutional executive who now runs the Postal Service in our country, and other ideas.

We are going to have a hearing in the Senate Banking Committee on April 11, which is less than a month away, to look at all these different organizational change suggestions. My mind is open on these, as I have said, and I think it is fair to characterize the ranking minority Member as saying that he is also, speaking for himself, interested in any of these kinds of ideas that ought to be considered. We have undertaken to establish a time when that ought to be done.

I do not think the time to make this sweeping organizational restructuring change is now on this bill. I say that because this is really a bill to provide funding to close down failed institutions where losses are mounting. We have a situation where, according to the estimates, it is costing us an additional $7 million to $9 million a day to keep institutions open that otherwise should be closed at the present time. I think if we try now, in the case of providing the funding to get that job done, to undertake a major restructuring and reorganization of the RTC board, we will tie this legislation up for some period of time. I do not think this is the time and the vehicle upon which to attempt to get that done.

But I want to make some substantive points. I said earlier today that when the administration first put this design forward, we had a lot of questions about it. It looked very complicated. There was a question of overlap and tension within the structure that might take place, and so forth, but also the issue of whether or not elected officials in the end ought to be accountable for following through and implementing a program dealing with at least $130 billion worth of losses. I think an elected official ought to be in the ultimate position of accountability for how that job is carried out.

The Secretary of the Treasury, to his credit, felt that the importance of carrying out this cleanup effort was such that if it was going to be done, he wanted to accept the responsibility for doing it, wanted the authority, with respect to heading an oversight board, to see that that job would take place.

I think there is something to be said for that argument and, quite frankly, I think the performance to date has not been nearly what it should be, although the GAO has told us that they feel major improvements have been put in place. They think the general operation is getting better. Some areas they think are working very well. But the trouble areas are working better.

In any case, the people responsible for the design of this program, responsible for the administrative side of carrying it out, today have the oversight responsibility in terms of policy setting and direction, and they are accountable. They understand and I think know that over time they will be accountable for the final work that is done here.

We can change that. We can take elected officials out of that position of responsibility, we can put appointed officials in there, and go through the confirmation procedure and such. We can go that route. We already have some independent members on the board. But in terms of changing the balance, shifting over in terms of making it that way, I think there is a real question that arises as to who in the end should be asked to stand up and accept the responsibility directly for the ultimate performance of the RTC.

Let me yield briefly in the time that I have.

Mr. KERREY. The question was who on the board now is elected? The Senator says he wants elected representatives. Who on the board is now elected?

Mr. RIEGLE. The Senator makes a good point. What I mean by that is the persons who are there in the direct stead of an elected official, namely the top financial officer, of the President of the United States, the Secretary of the Treasury, in my view while not himself directly elected, is there standing in for the President of the United States who is elected and who is accountable for the administration of the cleanup of this job. He asked for that job, asked for it in a given structure, and we provided that. We provided the funds. Hopefully we will provide some additional funds today. They are the accountable parties.

In that sense, I think you can know exactly where to look in terms of assessing the quality of the work that has been done. I think that is different in some respects if you move off the current design to appointed members coming out of the private sector who could constitute a majority, and the head of the board being someone who is out of the private sector as someone who directly or indirectly is not an elected person in the same way that I think the Treasury Secretary today stands in that position.

So the Senator is quite right in making that point. But I think the point still stands that there is an accountability through a system of election that is in play here, and if we change that, that authority and that responsibility is shifted. I think some real thought ought to be given before that is done.

Also, I want to say that I think the time to make this major structural revision if we are going to do it is with all due respect not here on the floor. This is not the best procedural way in which to do this.

We have a hearing scheduled on the 11th of April. I have invited the Senator from Nebraska and others who want to testify in this who have other alternative approaches to come in at that time. We will take those up.

I would like to ask for some expert opinion from other parties of interest as to how they react to either this proposed reorganization plan or others. And let us develop a consensus around what might be done and bring that to the floor in the normal course of events, debate that, see where the votes lie, and move ahead in that fashion. I do not think that disadvantages the Senator from Nebraska.

Obviously, we have had this discussion as to whether you get to his intended result sooner or later if you go the route I am suggesting as opposed to the one that he is proposing here. Obviously, we may have a difference of opinion on that.

I think the fastest way to actually get a structural change in place that will have the consensus support that it needs to go all the way through the legislative process is to not try to do it here on the floor today but to come through the process in the committee starting on the 11th of April.

I hope that will be the course the Senate will take. On that basis, I ask the Senate to turn down this amendment in preference to this alternative procedure that we have laid out here.

I know Senator WIRTH wants to speak. If I have time remaining I would like to yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator has 1 minute and 54 seconds. That time is yielded to the Senator from Colorado.

Mr. WIRTH. I thank the chairman for yielding.

I think we have a spaghetti mess around here in the RTC. There is no question about it. A lot of streamlining is necessary. A lot of careful thought has to go into this.

The distinguished Senator from Nebraska would get rid of the RTC Board. I think we ought to be getting rid of the RTC Oversight Board instead. I have introduced legislation to not only do that but to make the Office of Thrift Supervision a part of the Office of the Comptroller of the Currency where I think it belongs. The OCC should also be made an independent regulatory agency. I think we have to take a look at the Federal Home Loan Bank System as well. There are a variety of suggestions.

Last year I introduced legislation, savings and loan simplification legislation, so-called SALSA legislation, and would like to reintroduce that legislation today which really goes beyond the single issue raised by the distinguished Senator from Nebraska and others.

Mr. President, I would like to ask unanimous consent that a summary of that legislation and a statement outlining the proposal be included in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. I appreciate that the distinguished Senator from Nebraska is attempting to make the RTC more accountable, streamline it, and make it more effective. However, there are a whole variety of other pieces that relate to this. We ought to pursue this goal in a more comprehensive way, starting in April as the distinguished chairman of the Banking Committee suggests.

We have offered to work with the Senator from Nebraska on this. My staff has been in touch with his office trying to get his ideas as we look at this overall simplification package. There are a lot of elements to it. There is no single solution to the RTC's problems. Let us address these concerns carefully and thoughtfully in the proper procedure. I thank the distinguished chairman for yielding.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. How much time do I control?

The PRESIDING OFFICER. Four minutes 15 seconds.

Mr. KERREY. Mr. President, I know my colleagues are wrestling with the question of whether or not they are going to vote for $30 billion of taxpayer money to go in the Resolution Trust Corporation. That is a lot of money, $30 billion.

I assume they, like I, have tried to discover whether or not this process is going according to plan, not that it is perfect, and that it is not unpleasant. I am trying to iron out unpleasantries, whether or not in fact the taxpayer money is being spent correctly.

I have heard people say what I am proposing to do is abolish the RTC. I am not. This is a simple procedure to create a full-time board so that I have a strong chairman, and so that we can go to the American people.

I have heard, well, Secretary Brady is out there. He is a direct personal friend of the President. He is almost as if he is elected. He has a special quality about him.

But I ask my colleagues. Has Secretary Brady before the American people presenting this policy, given a speech talking about the savings and loan problem and all the different things we have to do? Has he been out to the American people saying to them I know your Congress has a tough decision right now to vote the money, but support them when they vote it.

Instead what we are hearing is if we do not vote the money it will cost us $49 million a day. The RTC has already cost us money the last 18 months. I am asking my colleagues to examine the RTC. If you believe they are doing a great job, vote the $30 billion. If you believe they lost this money already, and that they will lose money in the future unless we make this change, then look for some suitable way to change this structure now.

That is the conclusion of this. It is real simple. I do not believe they are getting the job done now. I believe they are costing us money in the manner in which they are handling it. I believe we cannot wait. Every day we wait the RTC is going to have a difficult time resolving this difficult issue. They will have a difficult time selling assets, a difficult time making decisions, and once every 2 months the Oversight Board will meet to try to determine what it is doing and what it ought not be doing. That is not enough.

There is inadequate oversight going on right now on the part of that policy board, not as a consequence of their inadequacy, their personal incompetence, or anything like that. But it is simply because they do not have the time to do it. That is the central argument that I am making here today.

We will have a rollcall vote on whether or not to take $30 billion from the taxpayer. This is an issue of fiscal responsibility. The money is not being well spent now.

Mr. President, I urge my colleagues to consider that we ought not appropriate any additional money unless we make sure that we have the kind of accountability and oversight that indeed I think we will require in every other area of Government.

Earlier I referenced the fact that after no sleep at all Secretary Cheney came to the appropriations committee and in detail presented the requirements of Desert Storm. But no such presentation I think has been made in this particular case. We are simply being asked, trust us a little bit more. We have done the best we can, trust us a little bit more. I believe they have done the best they can. I think we can do better.

I hope my colleagues look at this amendment not as undercutting the President, but, indeed, reinforcing the authority of the President. This gives us the opportunity to resolve this faster and least expensively for the American taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator has 42 seconds left.

Mr. RIEGLE. Mr. President, I wonder if the Senator will yield briefly for 15 seconds from the time he has left.

Mr. KERREY. Yes.

Mr. RIEGLE. We do have some accountability requirements in the bill itself, the underlying bill, in addition to the $30 billion. I want to draw attention to that. The Senator from Nebraska might wish to do it in a different form, but they might want to look at that.

Mr. KERREY. I observe the accountability provisions in there, and I do not fault the chairman or the Banking Committee. They have done a terrific job in trying to make sure this is in place. Again, simply put, we have a policy board in charge of $150 billion that only has the time to meet every 60 days. It is not enough. We need a better system than we have.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. RIEGLE. Mr. President, I move to table the amendment.

Mr. GARN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Michigan moves to table the amendment. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the amendment of the Senator from Nebraska.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—63

Bentsen
Biden
Bond
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
Cranston
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Garn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mitchell
Murkowski
Nunn
Packwood
Pressler
Riegle
Roth
Sarbanes
Sasser
Seymour
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wirth

NAYS—37

Adams
Akaka
Baucus
Bingaman
Boren
Bradley
Bryan
Bumpers
Burdick
Byrd
Conrad
Daschle
DeConcini
Exon
Ford
Fowler
Glenn
Hollings
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Metzenbaum
Mikulski
Moynihan
Nickles
Pell
Pryor
Reid
Robb
Rockefeller
Rudman
Sanford
Shelby
Simon
Wellstone

So the motion to table the amendment (No. 25) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I want to indicate that in the order we had discussed earlier, Senator SPECTER has a nongermane issue that he intends to raise next, which is a sense-of-the-Senate resolution dealing with war crimes. I do not know precisely what the substance of his amendment is because we have not had a chance to discuss that. He intends to be back on the floor in approximately 10 minutes, and so there will be a brief hiatus until then. If there is anyone else who wants to speak in that period of time, he or she should do so.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

U.S. ECONOMIC COMPETITIVENESS

Mr. BYRD. Mr. President, I commend the distinguished Senator from Oklahoma [Mr. BOREN] for introducing this legislation earlier today along with the distinguished Senator from Texas [Mr. BENTSEN] and myself.

We have been working closely for a year now on legislation designed to make our foreign aid programs more relevant to our economic competitiveness in the world. It has been clear for some time that the other major international so-called donor countries, particularly Japan and Germany, and also including the United Kingdom, France, Canada, and Italy, tie their foreign aid with strong strings wrapped around their home industries and they are smart to do that. Their aid-giving is designed to improve their own economic strength in the world, and I am sure that it is beneficial to the recipient countries as well. The United States has not been aggressive enough in tying foreign aid and economic competitiveness together, and we could do much in this area.

In order to confirm and deepen our understanding that major changes need to be made in our aid-giving practices, I authored an amendment to the supplemental appropriations bill last year. The amendment was adopted on April 27, 1990. My amendment, which was cosponsored by Mr. BOREN, Mr. DOLE, Mr. KASTEN, Mr. ROCKEFELLER, and Mr. DOMENICI, directed that the Department of Commerce lead an interagency study on the full range of issues related to tied-aid practices. The study, which has been completed, was to reexamine thoroughly the "mechanisms and ways by which the international economic competitiveness of the United States may be enhanced" through our aid programs and to examine the practices engaged in by the other donor countries.

It has been clear for some time that other nations do more to promote their economies by tying their foreign aid programs to their own industrial and business interests. A 1989 report by the Center for Strategic and International Studies on this matter concluded that the impact of U.S. inattention to the opportunities to promote U.S. exports has been substantial, estimated to be between $2.4 and $4.8 billion in losses to American exporters per year. The challenge is to interweave our development assistance with our export competitiveness, and to take advantage of the opportunities now available in new markets, such as in Eastern Europe.

The study has been very well received as an important contribution to our understanding of this complicated area. It is a lengthy document, and so I will only insert in the RECORD the executive summary and the final chapter on suggestions to enhance U.S. international economic competitiveness. I compliment the authors of the study and the Department of Commerce for this excellent work. The executive summary points out that U.S. aid programs are characterized by a "lack of coherence" regarding the access that U.S. firms have to Government financing under several different programs for exports, foreign investment, and other business-related activities. It finds that, in comparing the activities of seven major international donor countries, in the general categories of capital aid, such as economic infrastructure and production, "the lowest share is that of the United States, which directs 14 percent of its aid to transportation, communications, energy, agriculture, industry, mining, and construction." Italy and Japan, in comparision, "spent over 60 percent of their aid in these sectors," aid which is specifically linked to the donor countries' home industries.

Indeed, the major recommendation of the study, the creation of a special so-called third window in AID, to focus resources exclusively on a capital projects fund tied to U.S. industries has been incorporated into the legislation that we are introducing today. As the study concludes, the "third window would provide grants for U.S. exports for developmentally sound capital projects in developing countries * * * taking the commercial benefits into account." This special fund would augment bilateral and regional aid resources for some countries or finance projects in other developing countries, including Eastern Europe, which normally have received little or no traditional aid funding. The study concludes that this third window "will provide assistance to exporters and increase the administration's flexibility in resource allocation."

The bill introduced today calls this third window a "mixed credit facility" and would provide $350 million for the financing of capital projects. I would hope that the chairman of the Foreign Operations Subcommittee of the Appropriations Committee, Mr. LEAHY, would favorably consider this approach in his markup of the fiscal year 1992 foreign aid bill. Indeed, Mr. LEAHY has already indicated on this floor on February 6, 1991, his interest in this matter, citing an important article in the Washington Post of January 13, 1991, on the aggressive practices of the Japanese. The article pointed out that—

> While the United States slashes its foreign aid budget and rethinks its international assistance, Japan is using its bountiful aid coffer to develop Third World markets for the 21st century in many cases using development aid explicitly to promote Japanese companies against Western competitors.

Now, they are smart. They are looking out for home base. They believe that charity begins at home. They are putting their country first and I salute them for it.

The full article was placed in the RECORD by Mr. LEAHY on February 6, 1991.

Last year I also offered an amendment to the foreign aid appropriations bill to provide that up to $500 million of the regular economic support fund money, which totals some $3.1 billion for fiscal year 1991, be used to promote U.S. exports. The conference committee included this requirement in its final conference report at a level of $300 million.

So the amount of money that I had in my amendment was reduced but to a level of $300 million. I hope that we will be getting indications soon that the Agency for International Development has in fact made an effort to increase our tied commercial aid at levels approaching that of the amendment.

The United States is an international power. But the demands of that role which we have met in splendid fashion in the Persian Gulf should also serve to remind us that we cannot financially afford to play the role of world policeman. We are asking our allies to pay their fair share of the costs of Desert Shield. These same allies are busy securing foreign markets for their businesses, and they are using their foreign aid programs as an important tool in that effort.

It is high time that the administration tackled this obvious weakness in our foreign policy and paid more attention to the needs of our industrial and commercial base. The long-run effect of continued inattention will only be to further weaken our ability to play a responsible role in the world.

Again, I commend Mr. BOREN and Mr. BENTSEN for joining in this initiative, and believe that this year we may make some substantial progress in the area of tied aid.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wanted to commend the distinguished chairman of the Senate Appropriations Committee in raising what I think is a very important issue.

I am concerned about the area of tied aid. In a perfect world we will not even have to consider such an issue. But as the distinguished chairman has appropriately pointed out, there are a lot of other nations that compete with us and also tie their aid in a way to improve their competitiveness.

I get very concerned. For example, in these past few months while the United States has borne the lion's share of the burden in Desert Storm, two allies which will benefit much by keeping that supply of oil unhampered, Japan and Germany, have done precious little. We hear the check is in the mail. We keep hearing it is.

I intend soon, Mr. President, to report on a regular basis to the Senate on just how much has been promised, and just how much has shown up in the till, so that we do not forget in the euphoria of having a very, very successful campaign in the gulf that there are still some people who owe some money here.

I think it goes without saying that any Member of the Senate, who knows the distinguished Senator from West Virginia, who has served even a fraction of the time that I have—now beginning my 17th year serving with him—knows the chairman of the Appropriations Committee is going to not only check those figures they received but the money coming in. I suspect checking more than once, and we will have probably as tight and tough and careful an accounting as anybody.

But on the question of tied aid, it makes no sense for us to look at other countries, very wealthy countries, Japan and others, who are sending out aid only as it benefits them directly, or their companies and manufacturers directly, without the consideration of the humanitarian aid that we do. We are going to have more tied aid on the part of the United States. I look forward to working with the distinguished Senator from West Virginia in that regard. He knows of my own concern. I appreciate the kind comments he made about that.

I think if there is ever a year where we should face that issue square on, it is this year. I am convinced that we will.

I yield the floor.

Mr. BYRD. Mr. President, I wish to thank the distinguished Senator from Vermont. He suggested, just as I felt he would, and has indicated a continuing strong interest in this matter. I am sure that being in the position that he holds he will be able to exert strong pressure on helping to influence the thinking of our powers that be as they develop the foreign policy of this country in the future.

Mr. President, I ask unanimous consent to be included at the close of my remarks an executive summary of the report to which I have referred together with a supplement entitled "Enhancing U.S. International Economic Competitiveness" which also is shown.

Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL FINANCING PROGRAMS AND U.S. INTERNATIONAL ECONOMIC COMPETITIVENESS

(A Study Prepared by the U.S. Department of Commerce International Trade Administration, September 20, 1990)

EXECUTIVE SUMMARY

On May 25, 1990, Congress mandated the Secretary of Commerce to examine the use of foreign assistance and other government international financing programs to advance national economic interests on the part of the United States, France, Germany, Japan, and the United Kingdom. The mandate also directed that mechanisms and ways be explored to enhance U.S. international economic competitiveness through such financing programs.

Chapter I describes the financing programs of the U.S. Agency for International Development, the Export-Import Bank, the Commodity Credit Corporation, the Overseas Private Investment Corporation, and the Trade and Development Program, together with their foreign counterparts. It is found that U.S. firms have access to government financing under several different programs for their export, foreign investment, and other business-related activities.

Chapter I notes, however, that some observers have perceived a lack of coherence among the U.S. programs. Particularly with regard to tied aid, they believe that U.S. economic assistance and business support functions tend to diverge instead of proceeding in an integrated and coordinated manner. Thus, the question has been raised as to whether AID can do more at the margin to support U.S. trade and investment interests. The objectives remain of attempting to enhance U.S. international competitiveness while establishing strong and vigorous AID programs.

Chapter II finds that developing countries received, net, over $100 billion in resources from all sources in calendar year 1988. Almost two-thirds consisted of official development finance, while one-third were private flows. Net export credit flows were low. By the late 1980s, official development finance had surpassed private and export credit flows to become the largest component of net resource flows to developing countries.

Bilateral Official Development Assistance (ODA) from the seven largest donors totalled $36 billion in 1987. The U.S. share, though large, was stagnant over time, while the levels of most of the other six donors were rising. In June 1990, the Development Assistance Committee (DAC) released provisional 1989 data indicating that, for the first time, the amount of U.S. net ODA disbursements fell to second place among DAC countries, after Japan's.

On aid-tying, the United States, with 45 percent of its aid funds reported as untied in 1987, is in the middle range of the seven major donor countries. Formal aid-tying is supplemented, however, by informal mechanisms to enhance the export reflows from aid; some such mechanisms are discussed. The study explores "additionality" strategies by aid recipients and donors and cites the views of a number of observers that donors' aid-tying can be enhanced by concentrating aid on capital projects and minimizing it on cash transfers and basic human needs projects.

On sector distribution, the seven major donors as a group devote a large share of their aid to purposes classified by the DAC as "Economic Infrastructure" and "Production." The lowest share is that of the United States, which directs 14 percent of its aid to transportation, communications, energy, agriculture, industry, mining, and construction. Italy and Japan spent over 60 percent of their aid in these sectors.

The regional distribution of aid reflects long-standing economic and geopolitical interests of donor countries, rather than commercial motives. Geographic ODA concentration in traditional markets tends to freeze out other countries' suppliers. On the other hand, a donor's historic geographic patterns constrain the flexible use of ODA to penetrate non-traditional markets where other donors predominate.

On an individual country level, however, some aid recipients have become known as "spoiled markets." They are seen to be blanketed with ODA tied to specific capital projects, such that concessional financing is essential or customary for capital goods sales. The same countries tend to be repeatedly named as spoiled markets and are the target of the most recent U.S. Government efforts to counter commercially-motivated tied aid.

Chapter III discusses three special topics: Financing for Eastern Europe, environmental protection in Eastern Europe, and U.S. tied aid policy. With regard to the first, the study finds that over $22 billion of financing has been pledged for Hungary and Poland during the past year, but cautions that these pledges should not, for several reasons, be considered as aid in the same sense as aid for developing countries. Around $11 billion of the total is earmarked for Polish debt relief and Stabilization Fund. The remainder is mostly in the form of export credit and investment insurance and guarantees on market-related terms; thus, ample resources appear available to sustain European and Japanese commercial activities in Poland and Hungary. Since a pattern of concessional lending has not yet surfaced for Eastern Europe, the terms of U.S. financing seem to be competitive, but the supply of the U.S. financing may need to be augmented if American firms are to have access to financing for their Eastern European business.

The environmental protection needs of Eastern Europe are described, and various approaches to safeguard the environment are outlined. U.S. firms, with a vast reservoir of pollution abatement technology and equipment developed over two decades of experience with domestic environmental problems, are in a position to assist Eastern Europe. Large amounts of financing will be required. Some $300 million of bilateral funds made available is a useful first step; additional financing can be expected as pollution control technology is incorporated in new facilities being built with financing under the general export credit lines.

U.S. policy on tied aid is reviewed. The overarching objective throughout has been to remove credit subsidy, including commercially-motivated aid, as an element of trade competition while maintaining a flow of resources on appropriate terms to needy developing countries. The evolution of U.S. policy and the introduction of limited financial countermeasures are described. The most recent countermeasure, in May 1990, is the creation of a joint AID/Eximbank $500 million pool of funds for capital goods financing in the spoiled markets of Indonesia, Pakistan, the Philippines, and Thailand.

Chapter IV recounts the views of private sector spokespersons. They emphasize the need for a national policy integrating aid and trade objectives and claim serious adverse impacts from tied aid on their business. Skepticism is expressed about the results of the U.S. negotiating strategy. Several underscore the importance of maintaining exports of capital goods and emphasize the developmental benefit of capital projects. The creation at AID of a financing facility dedicated to the financing of capital goods is recommended.

Chapter V explores the concept of a "Third Window" at AID as a basis for further joint development by Congress and the Administration. The Third Window, which would supplement the existing Development Assistance and Economic Support Fund at AID, would finance U.S. exports for capital projects in developing countries and not compete for resources against Basic Human Needs nor budgetary/commodity funds provided in the existing programs. The structure of the Third Window would enhance additionality and would be authorized at a modest percentage of development assistance appropriations.

V. ENHANCING U.S. INTERNATIONAL ECONOMIC COMPETITIVENESS

Congress directed that this study explore ways and mechanisms to enhance U.S. international economic competitiveness through financing programs. One idea that has often been brought forth is the creation of a capital projects fund within AID to supplement Economic Support Funds (ESF) and Development Assistance (DA) resources. This capital projects fund has sometimes been called the "Third Window."

The Third Window would provide grants for U.S. exports for developmentally sound capital projects in developing countries. The Third Window must be free of regional and country earmarking in order that the recipient perceives that the aid resources are to be tied directly to new procurement. Its funds could be combined with Eximbank or private finance at market rates, multiplying total resources availability. The Third Window would be operated in accordance with the OECD Export Credit Arrangement and would not be subject to the Basic Human Needs criteria.

Such a structure would enable AID to provide grants to developing countries for developmentally-sound capital projects, taking commercial benefits into account. To work effectively, the Third Window must operate flexibly and respond to the widespread opportunities in the various areas of the developing world. A pro of the approach, therefore, is its greater flexibility. Centrally-funded Third Window resources would augment bilateral and regional aid resources for some countries or finance projects in other developing countries that normally receive little or no DA or ESF funding, including middle-income countries. The Third Window could also support U.S. suppliers at the bidding stage as well as on upcoming projects in a longer time frame. Third Window resources would not be transferred to other uses and, if unobligated at the end of the fiscal year, would lapse.

The Third Window will provide assistance to exporters and increase the Administration's flexibility in resource allocation. A con is its cost. Under the budget agreement, both the Administration and the Congress agreed to a five-year cap on international discretionary spending. Resources for the Third Window must come from cuts to other programs, including possibly other foreign aid programs.

In the near-term, apart from a full-fledged Third Window, and in order to address exporters' concerns within budget constraints, the Administration has sought a creative approach to increase the economic impact of our assistance in the United States while contributing to our overall development objectives. In May 1990, AID and Eximbank announced the creation of a $500 million facility to finance the export of U.S. goods and services for developmentally sound capital projects in Asian markets. AID's contribution to this facility will be $100 million with the remainder provided by Eximbank in the form of War Chest grants and loan guarantees. This facility is intended to finance capital projects in four Asian countries (Indonesia, Pakistan, the Philippines and Thailand) and four key sectors (construction, energy, transport, and telecommunications).

Bilateral agreements were concluded with Thailand and Indonesia to provide $125 million of mixed credits to each country for capital projects development. A Philippine mixed credit facility has also recently been created. Although Pakistan has been on a slower track, we hope to conclude bilateral agreements in November. Cooperation between AID and Eximbank has been excellent.

Another method to contribute to improving U.S. competitiveness overseas is to make full use of AID's "Buy American" policy. AID Administrator Roskens has ordered that a new system be devised for collecting AID expenditure data by the source and origin of the procurement. In addition, he has ordered that local procurement be restricted by limiting procurement waiver authority. The Administrator has further directed that AID be prepared to provide Congress and the American people with progress reports on the implementation of this "Buy American" policy. The first such report should be available in about five months.

In addition, the Administration has taken preemptive action to meet the needs of our exporters without spending additional resources. Most recently, the Administration has been successful in keeping tied aid out of Eastern Europe. Since the 1970s the Administration has successfully used the War Chest and AID funds in selected cases both defensively and offensively to discipline foreign tied aid practices, increased the concessionality level of tied aid, and improved notification procedures. The Administration will continue to discipline predatory tied aid practices through aggressive use of available funding and sustained negotiations.

In conclusion, any U.S. response to the problems of tied aid and export subsidization that would change foreign aid policy or increase capital project expenditures must avoid increasing the budget deficit or sacrificing important foreign policy objectives. The Administration welcomes a continuing dialogue with Congress on this important issue.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

RESOLUTION TRUST CORPORATION FUNDING ACT

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, I ask unanimous consent that the D'Amato amendment be set-aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I now yield to the managers who will propound a unanimous-consent request with respect to the amendment which I am about to offer.

Mr. GARN. Mr. President, the unanimous-consent agreement is still being approved by the leadership, and if the Senator can go ahead and speak, we will interrupt him when we are ready to go.

AMENDMENT NO. 27

(Purpose: To amend the Resolution Trust Corporation Funding Act of 1991 to encourage the President of the United States to confer with the sovereign state of Kuwait, countries of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals, including President Saddam Hussein, involved in the planning or execution of Crimes against Peace, War Crimes, and Crimes against Humanity as defined under international law)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 27.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

Findings:

The International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole;"

On August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

The Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means;"

The leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

The public testimony of victims and witnesses has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population, including women;

The public testimony of victims and witnesses has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

"Grave breaches" are defined to include: "willful killing, torture or inhuman treatment . . ., willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity;"

Both Iraq and Kuwait are parties to the Fourth Geneva Convention;

On several occasions the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians violative of international law;

In Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait;"

In Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwaiti nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait;"

In Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nations in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

The Geneva Convention Relative to the Treatment of Prisoners of War (the Third Geneva or POW Convention) sets forth standards for the treatment of civilians and incapacitated combatants during time of hostilities;

Iraq is a party to the POW Convention;

There is evidence and testimony that Iraq violated articles of the POW Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

There is evidence and testimony that Iraq violated articles of the POW Convention by placing POW's in solitary confinement, failing to shelter POWs against air bombardment and denying POWs contact with the outside world;

In Resolution 667, adopted on September 16, 1990, the Security Council expressed "outrage" at Iraq's abduction of several persons from diplomatic premises in violation of the Vienna Conventions on Diplomatic and Consular Relations;

In violation of the Fourth Geneva convention, Iraq did fire missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

Iraq has inflicted grave risk to the health and well-being of innocent civilians in the region by its willful setting on fire of Kuwaiti oil wells and its willful spilling of oil into the Persian Gulf, resulting in the mass pollution of air and water;

For all of the above incidents, it is not a defense that an individual in committing such heinous acts acted under orders of higher government officials (International Military Tribunal (Nuremberg) Judgment and Sentences, 41 A.J.I.L. 172 (1946) ("That a soldier was ordered to kill or torture in violation of international law of war has never been recognized as a defense to such acts of brutality.");

The Nuremberg tribunal provision which held that "crimes against international law are committed by men, not abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced"' is as valid today as it was in 1946;

A failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts.

Therefore it is the sense of the Senate that the President should confer with Kuwait, other Member Nations of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals involved in the planning or execution of the above referenced crimes, including Saddam Hussein.

Mr. SPECTER. Mr. President, this is an amendment calling for a sense-of-the-Senate resolution for the President, after conferring with our coalition allies, to establish an international criminal court to try Iraqi war criminals.

I am advised that the distinguished chairman of the Foreign Relations Committee has another commitment. Therefore, I will be pleased to yield to him at this time, before regaining the floor to state the objective of the amendment and the reasons for the amendment.

The PRESIDING OFFICER. Just so that it is understood, the Senator from Pennsylvania has yielded the floor, and the Senator from Rhode Island will be recognized, and it will be the requirement under the rules of the Senate that the Senator from Pennsylvania seek recognition.

Mr. SPECTER. Mr. President, I ask unanimous consent to be permitted to yield to the Senator from Rhode Island, with the understanding that when he concludes his statement, I retain the right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PELL. Mr. President, I thank my colleague from Pennsylvania for his courtesy and help here.

I rise to express my general support for the concept of a war crimes tribunal and war crimes trials. I speak perhaps objectively, because my own father was a U.S. representative of the U.N. War Crimes Tribunal Commission that set the groundwork for Nuremberg after World War II. I remember his theory, and the one of those of us who followed the war crimes trials, was that by having such a procedure, it perhaps might discourage in the future other aggressors from engaging in a war, if they knew that if they were defeated, they would suffer for their misjudgment and maljudgment. This is a good amendment, and I look forward to supporting it.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Rhode Island for his words of support. I think that the endorsement by the distinguished Senator from Rhode Island is very meaningful in light of his extensive experience in the field and the reference he has made of his own family background in this important matter.

Mr. President, the thrust of this amendment is to see to it that President Saddam Hussein of Iraq, the Iraq Revolutionary Council, and all others who may be liable for war crimes are brought to trial in accordance with principles of international law.

We have witnessed a historic event in the course of the past several months, where, for the first time, there has been action by an international organization under the principles of collective security. Indeed, the dreams of Woodrow Wilson, after World War I, regarding a League of Nations, have now been realized with the action of the United Nations in the gulf war. The gulf war has established a historic principle as the international community has banded together to thwart aggression.

A very important corollary to this international action, Mr. President, is to proceed to identify those against whom evidence of war crimes exists and to proceed with criminal prosecutions.

It is a violation of international law to carry on a war of aggression, and it is a violation of international law to violate the U.N. Charter in such a war of aggression.

Beyond that, there have been allegations of numerous violations of international law; I state allegations with some care at this time, because they are in the form of charges. There has been a tremendous evidentiary base laid by what we have seen through the medium of television, and what we know as a matter of what you might call judicial notice, with atrocities against the people of Kuwait, with violations of the rights of prisoners of war, with United States citizens being taken hostage and being placed at strategic sites as human shields, and with some 39 Scud missiles being lobbed into Israel aimed at major population centers like Tel Aviv. We maintain, for the purposes of criminal process, the allegation of presentation of evidence to be lodged against those where a prima facie case exists, which should be and can be carried forward if the appropriate tribunal is established.

Following World War II, at Nuremberg, we did establish the principle that individuals would be held liable for their conduct. The principle was established that it was no defense for an individual to claim that he or she had acted pursuant to orders from a superior officer.

As the distinguished Senator from Rhode Island pointed out, a portion of this consideration was to act as a deterrent to others who would know that if they carried out acts in violation of international law, which constituted war crimes, that they would be held personally liable.

In October 1990, President Bush put President Saddam Hussein and Iraq on notice that it was the intention of the world community to hold individuals liable for war crimes.

As the war has ended, it is not possible at this time to bring individual Iraqis into custody because the mandate of the United Nations was limited to ousting Iraq from Kuwait, and the U.N. forces, led by the United States, observed that mandate.

We now have the undesirable consequence of having the war over but having Saddam Hussein remain in power. What his eventual fate will be is unknown. It is the hope of many, including this Senator, that the people of Iraq will find a way to oust him as their leader.

It would be my hope that sanctions will be maintained. Certainly, military sanctions against Iraq ought to be maintained permanently. But economic sanctions ought to be maintained as well, except for food and medical supplies to the people of Iraq, against whom we have no quarrel.

To the extent that more sophisticated economic sanctions could be maintained, it would be, as I say, the hope of many, including this Senator, that the people of Iraq would find new leadership for themselves. If that were to be the case, then there would be the issue of taking Saddam Hussein and others into custody. However, as we discussed this matter today, there cannot be a comprehensive answer articulated as to how that will occur.

It is my belief we ought to start the machinery in motion. The logical first step to take is this Senate resolution which would express, and I hope forcefully, a desire to hold individual Iraqi officials responsible for their actions. Although the managers have already stated their intention to attempt to table my amendment because they are tabling all of the pending amendments, it could be possible the managers might vote against their own tabling motion if they agree with the principle of the sense-of-the-Senate resolution.

Mr. RIEGLE. Will the Senator yield just briefly at that point on that matter?

Mr. SPECTER. I do.

UNANIMOUS-CONSENT AGREEMENT

Mr. RIEGLE. I would like to now enter into a unanimous-consent agreement that establishes the time we have worked out between ourselves and enter that into the RECORD. Also, if I may just do that, I will raise one other question with the Senator just with respect to how we will manage the disposition of his amendment.

Mr. President, I ask unanimous-consent that there be 1 hour for debate on the Specter amendment No. 27 with the time equally divided and controlled in the usual form; that 30 minutes of the time be utilized today and the remaining 30 minutes be used when the Senate resumes consideration of S. 419 on Thursday, March 7; and that no amendments be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RIEGLE. Further, I might just say, while having the floor here, that perhaps what we could also do, because this issue is apart from the normal subject matter of the bill under consideration, that we could, when we finish debate, put the vote for that at the end of our discussion to occur just prior to third reading so that we could have the vote at that time after the other business directly related to the bill has been handled in the normal form. Would the Senator find that an agreeable course of events?

Mr. SPECTER. If the Senator would yield, I thank my distinguished colleague from Michigan for that suggestion, and that is agreeable. It would be my hope at that juncture, after having conferred briefly with the ranking Republican on the Banking Committee—and I understand the principle that the tabling is done, so that the amendments can be defeated and move to final passage—that there might be an interest even on the part of the managers of the bill in supporting this resolution. I think that chronology would accommodate that direction.

Mr. RIEGLE. Very good. Then I will not enter a unanimous-consent request on that aspect but only then proceed with the understanding that the vote will then come just prior to the third reading on the Senator's amendment.

Mr. SPECTER. That would be perfectly acceptable, Mr. President.

The PRESIDING OFFICER (Mr. KERREY). Is there objection to the request? If not, it is so ordered.

Mr. RIEGLE. I thank the Chair and I thank the Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished chairman of the committee for propounding that unanimous-consent request.

Parliamentary inquiry, Mr. President. Pursuant to that unanimous-consent agreement, is it true that time begins to run at this point?

The PRESIDING OFFICER. The Senator is correct.

The Senator has 15 minutes.

Mr. SPECTER. I thank the Chair.

Mr. President, I had started the comment about the—would the Chair repeat what the Chair just said.

The PRESIDING OFFICER. The Senator has 14 minutes and 49 seconds.

Mr. SPECTER. Was the unanimous-consent request for 1 hour, equally divided?

The PRESIDING OFFICER. Thirty minutes tonight and thirty minutes tomorrow.

Mr. SPECTER. I thank the Chair.

I had started to discuss the question of the potential ouster of Saddam Hussein and an opportunity for Saddam Hussein and others who might be charged with war crimes to be taken into custody and had noted that this was problematical at this point because we do not know what is going to happen.

The customary approach in a criminal prosecution is to take defendants into custody and have them in court and to have them present when the proceedings go forward with an opportunity to defend themselves. It may well be these criminal proceedings could go forward even though Saddam Hussein and other defendants were not present.

That would constitute a trial "in absentia", a Latin expression which means while they are absent. There is precedent for trying a defendant while the defendant is not present but is in fact absent. Under the Nuremberg war trials there were defendants who were tried in absentia; that is, they were not present. And there is precedent in U.S. law where an individual may be tried in a variety of circumstances, again, in absentia, when that individual is not present for a variety of reasons.

So there is ample precedent for proceeding with the criminal prosecution even in the absence of Saddam Hussein or of other defendants.

Mr. President, the trial should be held for many reasons. One reason is there should be a clear-cut statement by the world community of the abhorrence of the actions of Iraq in conducting this war of aggression against Kuwait, abhorrence at the atrocities against the citizens of Kuwait, abhorrence against the treatment of United States nationals, and abhorrence at the sending of missiles into civilian populations, Tel Aviv, for example, without any conceivable purpose or military objective.

This proceeding is also of enormous importance in laying out the evidence to the world as to the conduct of Saddam Hussein and others so that there would be no mistake that Saddam Hussein is not an international hero by anybody's standards and that the conduct of the Iraqis is deplorable and the conduct of Saddam Hussein is subject to world censure.

We have had a curious process in the course of the past many months, Mr. President, as we all know. There were many in the world who were lauding Saddam Hussein as a great hero, even as he perpetrated this horrible chain of conduct. There has been a suggestion that Saddam Hussein might emerge as a political victor, even though he had led his nation to the worst military defeat in the history of the world.

It appears at this time, with the Iraqi surrender and the unconditional withdrawal of Iraq from Kuwait, that there is little basis for a contention to be made that Saddam Hussein has emerged in any sense as a victor. But even as we discuss this matter at the moment, it cannot be ruled out for a certainty that there will not be some who will claim that Saddam Hussein and Iraq have emerged in some way with some sort of a political victory.

I think it is accurate to say, Mr. President, that if a war crimes trial ensued where the evidence was put on as to what happened to the citizens of Kuwait, where men and women came forward and testified as to what happened to those individuals—and there are horrendous stories to be told, evidence of firsthand experience from people who were subjected to the worst sort of treatment, including torture and murder and rape and pillage, and worse—that no one could rightfully say that Saddam Hussein, or Iraq, had any claim to any sort of a victory here.

The evidence should be educed in a court of law as to the treatment of prisoners of war, both military prisoners of war and civilian prisoners of war. There should be on the record, in a permanent form, beyond the television newsreels, the 39 Scud attacks and the Israeli citizens who were murdered in those Scud attacks, and the Israeli citizens who were murdered as a result of strangulation or inability to handle the gas masks, or the many who were wounded as a result of those attacks. All of this ought to be made a part of the record of an international court of justice or tribunal to be established along this line.

So that even if Saddam Hussein and the other Iraqis are tried in absentia, the proceedings would have enormous importance.

I think it is important in addition, Mr. President, that the Senate articulate its sense of supporting such war trials since the Secretary of State will be making a trip to the Arab world. Already there has been some talk about an Arab peacekeeping force. To the extent the Arabs can undertake that responsibility, I am wholly in favor, although I think there will have to be some U.S. presence, at least air and sea, and hopefully a U.N. presence, to maintain security in the area.

But it is important that when the Secretary of State goes, that there be a resounding vote by the United States Senate saying to the world that we believe there ought to be an international tribunal constituted to prosecute war crimes against Saddan Hussein and other Iraqis against whom such evidence may be present.

Mr. President, I inquire as to how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes, 10 seconds.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

Mr. GARN. Will the Senator withhold?

Mr. SPECTER. I do.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I say to my colleague from Pennsylvania, he has put this Senator in a difficult position, because I certainly do not disagree with his amendment and the substance of it. I do not know that there could be any other person in this body who would be more upset with Saddam Hussein's activities.

Last August, I was in Romania and I saw the results of Ceausescu's regime, and I came away from there thinking the people made a mistake in Romania in killing him. They should have kept him alive and tortured him, day after day, and made it a long, painful death.

I suggest Saddam Hussein is the same type of human being, if you can call either one of them human. It is evident to this Senator that he committed war crimes before this particular war ever started: The gassing of the Kurds and I think he is responsible for the deaths of some million people, both Iranians and Iraqis. So I hope there is some means of bringing this man to justice.

I also hope the Iraqi people will take care of the problem themselves.

Having said all of that, if this were a freestanding sense of the Senate, I would be here supporting it, because I do. However, Senator RIEGLE, the distinguished chairman of the Banking Committee, and I, felt that this was an emergency funding method for the RTC that must be passed as soon as possible. Therefore, along with the majority of the Senate Banking Committee on both sides of the aisle, we made a determination we would make every effort to keep it clean. In other words, to have no amendments of any sort on it so it could become law as rapidly as possible.

So my only problem is procedural. I wanted my friend and colleague to understand that, because we have talked other Senators out of offering amendments on both sides. We have moved to table each and every amendment, even some we were sympathetic to.

So in this case it is certainly nongermane to the issue of RTC funding, but a very important subject. I wanted my colleague to know there was no disagreement on the substance. As a matter of fact, I do not relish the thought of being put on record not voting for taking Saddam Hussein to some sort of trial or some punishment for what he has done.

I just want to make certain my colleague fully understands that, so when we do get to a vote on it, it has nothing to do with the substance of the amendment or what he is attempting to do, but procedurally I am trying to keep this bill clean and pass it as soon as possible so RTC has the necessary funding to stop this $7 million to $8 million a day of loss to the taxpayers.

If there is any time between today and tomorrow we can figure out any way to separate this and have a freestanding resolution, I certainly will support it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague from Utah for those remarks. I can understand why my distinguished colleague from Utah might feel constrained to vote against this resolution in the form of a tabling motion. I do not know that his constituents in Utah, however, would be as understanding as this Senator as to why he would vote against this resolution.

But in the course of the open house town meetings and his contacts with his constituents, which he has regularly—because he spends, I know, as much time as he can in Utah—if the procedure should compel that vote, he will have an opportunity to comment, probably taking somewhat longer by way of explanation than he has taken to convey to me an understanding as to why he would vote against this resolution.

But it is my hope that we can structure a procedure so the vote will occur at the very end, and not be a precedent. Although I think our 97 colleagues, aside from Senator RIEGLE, Senator GARN, and myself, would understand why this amendment would stand on a somewhat different footing from the manager's customary approach to table all amendments and not set a precedent where one emerges victorious.

I have cooperated with my colleague from Utah in trying to expedite the handling of this measure. I have voted to table amendments of great merit, even one offered by the distinguished Presiding Officer earlier today, in the interest of moving ahead and stopping the hemorrhaging of the savings and loan industry.

But this amendment, I think, has a particular importance at this time: That an early statement be made by the Senate, and also in conjunction with a trip which our Secretary of State is undertaking.

Mr. GARN. Will the Senator yield for a further unanimous-consent agreement to clarify what we had already agreed to with the distinguished chairman of the Banking Committee verbally?

Mr. SPECTER. I do.

Mr. GARN. Mr. President, I ask unanimous consent that once all time has been used or yielded back on the Specter amendment, No. 27, the amendment be laid aside until all other amendments to the bill are disposed of, and that no call for the regular order serve to bring the amendment back except one made by the managers of the bill or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, in response to my distinguished colleague from Utah, I had commented about a number of points that he made. I think it important to comment on another point. When the distinguished Senator from Utah talked about President Ceausescu of Romania, and the abhorrent conduct of that administration in a dictatorial fashion and talked about torture by Ceausescu, I can understand his articulation of that kind of treatment.

But I think it is important to say that, if you have a court functioning, that torture cannot be a judgment of a court or the judgment of a civilized society, that however reprehensible the conduct of President Ceausescu may be or how reprehensible the conduct of any individual may be, at least in the judgment of this Senator, after having been involved in the criminal justice system substantially, it would be inappropriate really to think about torture even, on a visceral reaction, that might appear to be a just and appropriate course.

We talk with frequency about the death penalty, and that penalty raises conscientious scruples among many who oppose it, although they are very much opposed to the violent acts of murder which call for the death penalty in 37 of the 50 States of the United States of America. But I think it is important to note just in passing that when there is any discussion of torture that it is visceral only and not something which would be countenanced in any court of law.

I thank the Chair and yield the floor.

Mr. McCONNELL. addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky. The Chair informs the Senator we are discussing an amendment under controlled time. Who yields time?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes, 27 seconds.

Mr. SPECTER. I yield 2 minutes and 27 seconds to my distinguished colleague from Kentucky.

Mr. McCONNELL. I thank my friend from Pennsylvania.

Mr. President, now that the fighting is over, the stark consequences of Saddam Hussein's invasion of Kuwait are emerging. The environmental devastation, property damage, and deaths of untold numbers of civilians combine with harrowing reports of torture, abuse, rape, robbery, and the wholesale plundering of Kuwait's economic livelihood.

I do not think any Member of this body doubts that Saddam Hussein and his leadership should be held accountable for the crimes they have committed against the citizens of the region. Justice must be brought to bear against Hussein just as surely as the coalition brought military force to bear.

Iraq is a contracting party to the Geneva Conventions which detail humanitarian standards for treatment of civilians and prisoners of war. There is no doubt Iraq's leadership blatantly violated those conventions.

The question before the Senate is how to best enforce those conventions, for it is in enforcing the standards of the conventions that we build and assure the new world order we all seek—one based on the laws of men, not the will of one man.

Several weeks ago I introduced legislation which directs the President to collect information on the treatment of civilians and prisoners of war and at the appropriate time seek the U.N. Security Council's support in establishing an international criminal court to try violations of the Geneva Conventions. I believe that time has come.

Although Senator SPECTER's sense-of-the-Senate resolution tracks the principles and point of my legislation there are two key differences—it is nonbinding and preempts the possibility of trying individuals in American courts, if that is deemed appropriate by the President. Nonetheless, I think the Senator from Pennsylvania is making a constructive effort to put the Senate on record in support of enforcing international law and the Geneva Conventions.

We are a nation bound together by our laws. The President forged and led an international coalition authorized by the United Nations to use force to uphold international laws which embrace the principles of humane treatment of civilians and POW's.

We came together as an international community in initiating the use of force; we must now join together in establishing an international criminal court to reach a final legal judgment on crimes committed during Iraq's brutal occupation of Kuwait.

It is in reaching a legal judgment in an international criminal court that we will lay the foundation for a permanent, new world order based on international law, not ruthless men.

Mr. President, I commend the Senator from Pennsylvania for his amendment, and I hope that at some subsequent time we can go even further. I yield the floor.

The PRESIDING OFFICER. All time is expired for the proponents of the amendment.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I am about to ask unanimous consent to submit a modification of the pending amendment, but I would first like to state briefly the modifications which are suggested.

One is that instead of "findings," there is language "The Congress finds that," which is substantively the same. The second is making it a sense of the Congress resolution. And the third is somewhat more expansive. In response to a suggestion by the distinguished Senator from Rhode Island, we would seek to add the following language: "The Congress further finds that any Iraqi use of chemical weapons against insurgents inside Iraq should be considered a war crime and that those responsible should be held accountable.

"Be it further resolved that in the event Iraq shall use chemical weapons, it is the sense-of-the-Senate"—it should be "Congress that the President should seek prompt and effective United Nations Security Council action to stop such use and punish those responsible."

So that this would have a beneficial effect, should chemical weapons be used in the insurgency, to put Saddam Hussein and Iraq on notice that this would come within the concept of war crimes.

So with that statement of purpose, I would ask unanimous consent that the modification be submitted.

The PRESIDING OFFICER. Without objection, the modification is accepted. Will the Senator send the modification to the desk.

Mr. SPECTER. Yes, I send the modification to the desk.

The amendment, as modified, is as follows:

SEC. .

(a) The Congress finds that—

The International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole;"

On August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

The Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means;"

The leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

The public testimony of victims and witnesses has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian populations, including women;

The public testimony of victims and witnesses has indicated the Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

"Grave breaches" are defined to include: "willful killing, torture or inhuman treatment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity;"

Both Iraq and Kuwait are parties to the Fourth Geneva Convention;

On several occasions the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians violative of international law;

In Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait;"

In Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwaiti nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwaiti;"

In Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nations in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

The Geneva Convention Relative to the Treatment of Prisoners of War (the Third Geneva or POW Convention) sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities;

Iraq is a party to the POW Convention;

There is evidence and testimony that Iraq violated articles of the POW Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

There is evidence and testimony that Iraq violated articles of the POW Convention by placing POW's in solitary confinement, failing to shelter POWs against air bombardment and denying POWs contact with the outside world;

In Resolution 667, adopted on September 16, 1990, the Security Council expressed "outrage" at Iraq's abduction of several persons from diplomatic premises in violation of the Vienna Conventions on Diplomatic and Consular Relations;

In violation of the Fourth Geneva Convention, Iraq did fire missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

Iraq has inflicted grave risk to the health and well-being of innocent civilians in the region by its willful setting on fire of Kuwaiti oil wells and its willful spilling of oil into the Persian Gulf, resulting in the mass pollution of air and water;

For all of the above incidents, it is not a defense that an individual in committing such heinous acts acted under orders of higher government officials (International Military Tribunal (Nuremberg) Judgment and Sentences, 41 A.J.I.L. 172 (1946)) ("That a soldier was ordered to kill or torture in violation of international law of war has never been recognized as a defense to such acts of brutality.");

The Nuremburg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

A failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts.

(b) It is the Sense of the Congress that the President should confer with Kuwait, other Member Nations of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals involved in the planning or execution of the above referenced crimes, including Saddam Hussein.

(c) The Congress further finds that any Iraqi use of chemical weapons against insurgents inside Iraq should be considered a war crime and that those responsible should be held accountable.

(d) In the event Iraq shall use chemical weapons, it is the further sense of the Congress that the President should seek prompt and effective United Nations Security Council action to stop such use and to punish those responsible.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVENTORYING AND DISPOSITION OF ENVIRONMENTAL IMPORTANT LANDS HELD BY RTC

Mr. WIRTH. Mr. President, in the near future, along with my colleagues, Senator AKAKA and Senator KASTEN, I plan to reintroduce legislation to improve the process the Resolution Trust Corporation [RTC] employs to dispose of environmentally important and sensitive lands.

As Senator AKAKA and many of my colleagues know, I included a provision in FIRREA to help encourage the sale of environmentally valuable property to appropriate governmental agencies and conservation groups. I believe an important market exists for these properties and we should make every effort to develop this market.

However, I have been disappointed with the RTC's overall efforts in this area. I was particularly troubled by the recent decision of the RTC Oversight Board not to enter into a memorandum of understanding with the Fish and Wildlife Service regarding the identification of these important properties.

For these and other reasons, I believe new procedures are needed to guide the disposition of environmentally significant property by the RTC. Under the legislation I am proposing, the Department of the Interior would be assigned the task of identifying properties with significant natural, cultural, recreational, or scientific value. Interior Department officials are better suited to perform this task than the RTC and this change would eliminate the need for the RTC to develop its own expertise, allowing the RTC to focus on its primary responsibilities.

In addition, under my proposal, the Secretary of the Interior could direct the RTC to transfer specific properties with significant natural value to Federal or State agencies. Finally, the RTC would also be required to provide public agencies and nonprofit conservation groups with a limited opportunity to purchase environmentally valuable property before it can be offered to other purchasers.

Mr. AKAKA. I thank the distinguished Senator from Colorado for his leadership on this matter. I know personally of his commitment to matters of conservation and preservation of the environment, as a result of our service together on the Energy and Natural Resources Committee.

It is because of his active interest in this matter that FIRREA contains the requirement that RTC identify environmentally important properties in its inventory. And, it is because of his recognition of the problem that he introduced legislation during the last Congress to improve the handling of environmentally important lands in RTC's inventory.

I am pleased to be associated with the legislation described by Senator WIRTH. Earlier this month, I introduced the Resolution Trust Corporation Asset Disposition Act (S. 385), which was also introduced in the House of Representatives by Representative PETER KOSTMAYER. I have also been working closely with Senator KASTEN on the RTC Asset Disposition Act to develop strong, workable legislation that protects these unique areas.

The bill I plan to introduce with Senator WIRTH is more comprehensive than the bill I introduced earlier in the session and I am proud to support the new legislation.

Mr. KASTEN. I want to commend Senators AKAKA and WIRTH on their efforts to promote the conservation of areas with unique environmental values.

It is important that we act as soon as we can to adopt such a provision. There are real costs to the environment of delaying action on this initiative.

The properties in question have already in effect been purchased by the Federal Government. I believe it is imperative that we maximize the value the public gets for those properties. Clearly, protecting high-value environmental, natural, and cultural sites promote those interests.

It is my hope the legislation we finally adopt also includes two innovations from the 1990 farm bill. Those two innovations are the concepts of conservation easements and compatible economic use. We have already applied these two concepts to farm lands in the Nation. I believe we should apply these principles to RTC inventories as well.

Easements and compatible economic uses protect the very values we seek to protect and allow use of the properties.

I look forward to working with my colleagues in adopting and implementing this important conservation initiative.

Mr. AKAKA. I want to thank the chairman of the Banking Committee for the leadership he has shown in managing the Resolution Trust Corporation Funding Act of 1991 on the Senate floor. It is my understanding that the environmental legislation we are discussing will not be offered as an amendment to the RTC funding bill in order to give the Banking Committee the opportunity to hold hearings on the RTC this spring and to consider the issues raised by this environmental legislation.

Mr. WIRTH. I share my colleague's regard for Senator RIEGLE and want to commend the chairman of the Banking Committee for his leadership in the committee in bringing this bill, which is not popular, through the committee in an expedited manner.

The Senator is correct that this legislation will not be offered as an amendment to the RTC funding bill. It is my hope that the Banking Committee will examine the RTC's efforts with respect to environmentally sensitive properties and consider this legislation as part of the broader financial reform legislation the committee plans to undertake this spring.

Mr. RIEGLE. I appreciate the effort Senators WIRTH, AKAKA, and KASTEN have put into this issue. As Chairman of the Senate Banking Committee, I know my colleague from Colorado has taken a leadership role to improve RTC's disposition of environmentally important lands. I also appreciate my colleague from Hawaii's active interest in the matters regarding the thrift crisis. As well, I appreciate the work and suggestions of my colleague from Wisconsin.

I can assure my colleagues that the issues raised in their legislation will be reviewed by the Banking Committee as part of the committee's oversight hearings on the RTC this spring.

Mr. WIRTH. Mr. President, the legislation would abolish the Resolution Trust Corporation [RTC] Oversight Board. The separate RTC Board of Directors would be expended by adding four full-time independent members appointed by the President and confirmed by the Senate. The President would name one of the independent members as the Chairman of the new consolidated RTC Board.

SALSA transfers to the Secretary of the Treasury the authority that the RTC Oversight Board presently has over the Resolution Funding Corporation, the entity which issues the bonds that finance the RTC. The Secretary would review the RTC's operating plan and approve the RTC's budget.

The proposal includes a provision related to the disposition of environmentally significant property acquired by the RTC. The Department of the Interior would be responsible for the identification of RTC properties with significant natural, cultural, recreational, or scientific value. In addition, the Secretary of the Interior can direct the Corporation to transfer property of significant natural value to Federal or State agencies. Finally, the RTC would be required to provide public agencies and nonprofit conservation groups with an opportunity to purchase the property before it can be offered to other purchasers.

SALSA would further restrict the RTC's ability to borrow so-called working capital. Currently, the RTC can borrow up to 85 percent of the value of the assets it holds, available cash, and any borrowing authority not yet used by the Resolution Funding Corporation. The legislation would reduce this limit to 75 percent.

The legislation also prohibits the RTC Board from holding closed meetings except to discuss individual transactions.

OTHER S&L-RELATED REFORMS

The legislation would abolish the Federal Housing Finance Board [FHFB]. The responsibilities of the Housing Finance Board would be shifted to the Federal Reserve Board with the exception of the Affordable Housing Program established by FIRREA. The program would be administered by the Department of Housing and Urban Development.

The proposal would abolish the Office of Thrift Supervision [OTS] and transfer supervisory authority over savings and loan associations to the Office of the Comptroller of the Currency and the Federal Reserve. The section would take effect in August 1992.

SALSA would also restructure the Board of Directors of the Federal Deposit Insurance Corporation [FDIC]. The Director of OTS would no longer serve on the Board and the Comptroller of the Currency would become a nonvoting member. There would be three voting members appointed by the President, one of whom would serve as Chairman.

The proposal would make the Office of the Comptroller of the Currency an independent agency rather than a part of the Department of the Treasury.

Finally, SALSA would reduce the number of Federal Home Loan Banks from the current 12 to no more than 5.

MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. MCCARTHAN, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

SUCCESS OF OPERATION DESERT STORM—MESSAGE FROM THE PRESIDENT—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

Mr. President, Mr. Speaker, Members of Congress, five short weeks ago, I came to this House to speak to you about the State of the Union. We met then in time of war. Tonight, we meet in a world blessed by the promise of peace.

From the moment Operation Desert Storm commenced on January 16, until the time the guns fell silent at midnight one week ago, this Nation has watched its sons and daughters with pride—watched over them with prayer. As Commander in Chief, I can report to you: Our Armed Forces fought with honor and valor. As President, I can report to the Nation—aggression is defeated. The war is over.

This is a victory for every country in the coalition, and for the United Nations. A victory for unprecedented international cooperation and diplomacy, so well led by our Secretary of State James Baker. It is a victory for the rule of law and for what is right.

Desert Storm's success belongs to the team that so ably leads our Armed Forces—our Secretary of Defense and our Chairman of the Joint Chiefs, Dick Cheney and Colin Powell.

And of course, this military victory also belongs to the one the British call the "Man of the Match"—the tower of calm at the eye of Desert Storm—General Norman Schwarzkopf.

And let us not forget Saudi General Khalid, or Britain's General de la Billiere, or General Roquejoffre of France, and all the others whose leadership played such a vital role. And most importantly, all those who served in the field.

I thank the members of this Congress—support here for our troops in battle was overwhelming. And above all, I thank those whose unfailing love and support sustained our courageous men and women: I thank the American people.

Tonight, I come to this House to speak about the world—the world after war.

The recent challenge could not have been clearer. Saddam Hussein was the villain; Kuwait the victim. To the aid of this small country came nations from North America and Europe, from Asia and South America, from Africa and the Arab world—all united against aggression.

Our uncommon coalition must now work in common purpose to forge a future that should never again be held hostage to the darker side of human nature.

Tonight in Iraq, Saddam walks amidst ruin. His war machine is crushed. His ability to theaten mass destruction is itself destroyed. His people have been lied to—denied the truth. And when his defeated legions come home, all Iraqis will see and feel the havoc he has wrought. And this I promise you: For all that Saddam has done to his own people, to the Kuwaitis, and to the entire world—Saddam and those around him are accountable.

All of us grieve for the victims of war, for the people of Kuwait, and the suffering that scars the soul of that proud nation. We grieve for all our fallen soldiers and their families, for all the innocents caught up in this conflict. And yes, we grieve for the people of Iraq—a people who have never been our enemy. My hope is that one day we will once again welcome them as friends into the community of nations.

Our commitment to peace in the Middle East does not end with the liberation of Kuwait. So tonight, let me outline four key challenges to be met:

First, we must work together to create shared security arrangements in the region. Our friends and allies in the Middle East recognize that they will bear the bulk of the responsibility for regional security. But we want them to know that just as we stood with them to repel aggression so now America stands ready to work with them to secure the peace.

This does not mean stationing U.S. ground forces on the Arabian Peninsula, but it does mean American participation in joint exercises involving both air and ground forces. And it means maintaining a capable U.S. naval presence in the region, just as we have for over 40 years. Let it be clear: Our vital national interests depend on a stable and secure gulf.

Second, we must act to control the proliferation of weapons of mass destruction and the missiles used to deliver them. It would be tragic if the nations of the Middle East and Persian Gulf were now, in the wake of war, to embark on a new arms race. Iraq requires special vigilance. Until Iraq convinces the world of its peaceful intentions—that its leaders will not use new revenues to rearm and rebuild its menacing war machine—Iraq must not have access to the instruments of war.

Third, we must work to create new opportunities for peace and stability in the Middle East. On the night I announced Operation Desert Storm, I expressed my hope that out of the horrors of war might come new momentum for peace. We have learned in the modern age, geography cannot guarantee security and security does not come from military power alone.

All of us know the depth of bitterness that has made the dispute between Israel and its neighbors so painful and intractable. Yet, in the conflict just concluded, Israel and many of the Arab States have for the first time found themselves confronting the same aggressor. By now, it should be plain to all parties that peacemaking in the Middle East requires compromise. At the same time, peace brings real benefits to everyone. We must do all that we can to close the gap between Israel and the Arab states—and between Israelis and Palestinians. The tactics of terror lead nowhere—there can be no substitute for diplomacy.

A comprehensive peace must be grounded in United Nations Security Council Resolutions 242 and 338 and the principle of territory for peace. This principle must be elaborated to provide for Israel's security and recognition, and at the same time for legitimate Palestinian political rights. Anything else would fail the twin tests of fairness and security. The time has come to put an end to Arab-Israeli conflict.

The war with Iraq is over. The quest for solutions to the problems in Lebanon, in the Arab-Israeli dispute, and in the gulf must go forward with new vigor and determination. I guarantee you: No one will work harder for a stable peace in the region than we will.

Fourth, we must foster economic development for the sake of peace and progress. The Persian Gulf and Middle East form a region rich in natural resources with a wealth of untapped human potential. Resources once squandered on military might must be redirected to more peaceful ends. We are already addressing the immediate economic consequences of Iraq's aggression. Now, the challenge is to reach higher—to foster economic freedom and prosperity for all people of the region.

By meeting these four challenges we can build a framework for peace. I have asked Secretary of State Baker to go to the Middle East to begin this process. He will go to listen, to probe, to offer suggestions, and to advance the search for peace and stability. I have also asked him to raise the plight of the hostages held in Lebanon. We have not forgotten them. We will not forget them.

To all the challenges that confront this region of the world, there is no single solution, no solely American answer. But we can make a difference. America will work tirelessly as a catalyst for positive change.

But we cannot lead a new world abroad if, at home, it's politics as usual on American defense and diplomacy. It's time to turn away from the temptation to protect unneeded weapons systems and obsolete bases. It's time to put an end to micromanagement of foreign and security assistance programs, micromanagement that humiliates our friends and allies and hamstrings our diplomacy. It's time to rise above the parochial and the pork barrel—to do what is necessary, what's right, and what will enable this Nation to play the leadership role required of us.

The consequences of the conflict in the gulf reach far beyond the confines of the Middle East. Twice before in this century, an entire world was convulsed by war. Twice this century, out of the horrors of war hope emerged for enduring peace. Twice before, those hopes proved to be a distant dream, beyond the grasp of man.

Until now, the world we've known has been a world divided—a world of barbed wire and concrete block, conflict and Cold War.

Now, we can see a new world coming into view. A world in which there is the very real prospect of a new world order. In the words of Winston Churchill, a "world order" in which "the principles of justice and fair play * * * protect the weak against the strong. * * *" A world where the United Nations, freed from cold war stalemate, is poised to fulfill the historic vision of its founders. A world in which freedom and respect for human rights find a home among all nations.

The gulf war put this new world to its first test. And my fellow Americans: We passed that test.

For the sake of our principles—for the sake of the Kuwaiti people—we stood our ground. Because the world would not look the other way, Ambassador Al-Sabah, tonight, Kuwait is free.

Tonight, as our troops begin to come home, let us recognize that the hard work of freedom still calls us forward. We've learned the hard lessons of history. The victory over Iraq was not waged as a war to end all wars. Even the new world order cannot guarantee an era of perpetual peace. But enduring peace must be our mission.

Our success in the gulf will shape not only the new world order we seek but our mission here at home.

In the war just ended, there were clear-cut objectives, timetables and, above all, an overriding imperative to achieve results. We must bring that same sense of self-discipline, that same sense of urgency, to the way we meet challenges here at home.

In my State of the Union address and in my budget, I defined a comprehensive agenda to prepare for the next American century.

Our first priority is to get this economy rolling again. The fear and uncertainty caused by the crisis in the gulf were understandable. But now that the war is over, oil prices are down, interest rates are down, and confidence is rightly coming back. Americans can move forward to lend, spend and invest in this, the strongest economy on Earth.

We must also enact the legislation that is key to building a better America. For example: In 1990, we enacted an historic Clean Air Act. Now we've proposed a National Energy Strategy. We passed a Child Care bill that put power in the hands of parents. Today, we're ready to do the same thing with our schools, and expand choice in education. We passed a Crime bill that made a useful start in fighting crime and drugs. This year we're sending to Congress our comprehensive crime package to finish the job. We passed the landmark Americans With Disabilities Act. Now we've sent forward our Civil Rights bill. We also passed the Aviation bill. This year we've sent up our new Highway bill.

And these are just a few of our pending proposals for reform and renewal.

Tonight, I call on Congress to move forward aggressively on our domestic front. Let's begin with two initiatives we should be able to agree on quickly: Transportation and crime. And then, let's build on success with those and enact the rest of our agenda. If our forces could win the ground war in 100 hours, then surely the Congress can pass this legislation in 100 days. Let that be a promise we make tonight to the American people.

When I spoke in this House about the state of our Union, I asked all of you: If we can selflessly confront evil for the sake of good in a land so far away, then surely we can make this land all that it should be. In the time since then, the brave men and women of Desert Storm accomplished more than even they may realize. They set out to confront an enemy abroad, and in the process, they transformed a nation at home.

Think of the way they went about their mission—with confidence and quiet pride. Think about their sense of duty, about all they taught us, about our values, about ourselves.

We hear so often about our young people in turmoil; how our children fall short; how our schools fail us; how American products and American workers are second class. Well, don't you believe it. The America we saw in Desert Storm was first-class talent.

And they did it using America's state-of-the-art technology. We saw the excellence embodied in the Patriot missile and the patriots who made it work.

And we saw soldiers who know about honor and bravery and duty and country and the world-shaking power of these simple words.

There is something noble and majestic about the pride, about the patriotism, that we feel tonight.

So, to everyone here, and everyone watching at home, think about the men and women of Desert Storm. Let us honor them with our gratitude. Let us comfort the families of the fallen and remember each precious life lost.

Let us learn from them as well. Let us honor those who have served us by serving others.

Let us honor them as individuals—men and women of every race, all creeds, and colors—by setting the face of this Nation against discrimination, bigotry, and hate.

I'm sure many of you saw on television the unforgettable scene of four terrified Iraqi soldiers surrendering. They emerged from their bunker—broken, tears streaming from their eyes, fearing the worst. And then there was the American soldier. Remember what he said? He said: "It's okay. You're all right now. You're all right now."

That scene says a lot about America, a lot about who we are. Americans are a caring people. We are a good people, a generous people. Let us always be caring and good and generous in all we do.

Soon, our troops will begin the march we've all been waiting for—their march home. I have directed Secretary Cheney to begin the immediate return of American combat units from the gulf.

Less than two hours from now, the first planeload of American soldiers will lift off from Saudi Arabia headed for the U.S.A. It will carry men and women of the 24th Mechanized Infantry Division bound for Fort Stewart, GA. This is just the beginning of a steady flow of American troops coming home.

Let their return remind us that all those who have gone before are linked with us in the long line of freedom's march. Americans have always tried to serve, to sacrifice nobly for what we believe to be right.

Tonight, I ask every community in this country to make this coming 4th of July a day of special celebration for our returning troops. They may have missed Thanksgiving and Christmas, but I can tell you this: For them and for their families, we can make this a holiday they'll never forget.

In a very real sense, this victory belongs to them—to the privates and the pilots, to the sergeants and the supply officers, to the men and women in the machines, and the men and women who made them work. It belongs to the regulars, to the Reserves, to the Guard. This victory belongs to the finest fighting force this Nation has ever known.

We went halfway around the world to do what is moral and just and right. We fought hard, and—with others—we won the war. We lifted the yoke of aggression and tyranny from a small country that many Americans had never even heard of, and we ask nothing in return.

We're coming home now—proud. Confident—heads high. There is much that we must do at home and abroad. And we will do it. We are Americans.

May God bless this great nation—the United States of America.

MESSAGES FROM THE HOUSE

At 1:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate.

H.J. Res. 104. Joint resolution to designate March 26, 1991, as "Education Day, U.S.A.";

H.J. Res. 133. Joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week"; and

H.J. Res. 167. Joint resolution designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day".

ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendments Act of 1990.

The enrolled joint resolution was subsequently signed by the Vice President.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 133. Joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1176. An act to provide authorizations for supplemental appropriations for fiscal year 1991 for the Department of State and the Agency for International Development for certain emergency costs associated with the Persian Gulf conflict, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 578. An original bill to authorize supplemental appropriations for fiscal year 1991 for the Department of Defense for Operation Desert Storm, to provide military personnel benefits for persons serving during Operation Desert Storm, and for other purposes (Rept. No. 102-18).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Edward R. Madigan, of Illinois, to be Secretary of Agriculture.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NICKLES (for himself, Mr. GRASSLEY, Mr. THURMOND, Mr. MCCAIN, and Mr. STEVENS):

S. 566. A bill to provide restitution to crime victims; to the Committee on the Judiciary.

By Mr. SANFORD (for himself, Mr. LUGAR, Mr. HARKIN, Mr. GRASSLEY, Mr. REID, Mr. FORD, Mr. DASCHLE, Mr. SHELBY, Mr. PRESSLER, Mr. PELL, Mr. BURNS, Mr. KASTEN, Mr. CHAFEE, Mr. BRYAN, Mr. HOLLINGS, Mr. DECONCINI, Mr. EXON, Mr. HATFIELD, Mr. AKAKA, and Ms. MIKULSKI):

S. 567. A bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 568. A bill to require that imports of fresh papaya meet all the requirements imposed on domestic fresh papaya; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 569. A bill to temporarily suspend the duty on N=[[(4-chlorophenyl)amino]-carbonyl]-2,6-difluorobenzamide; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. WALLOP) (by request):

S. 570. A bill to implement a National Energy Strategy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOREN (for himself, Mr. BENTSEN, Mr. BYRD, and Mr. BAUCUS):

S. 571. A bill to amend the Export-Import Bank Act of 1945 and the Foreign Assistance Act of 1961 to reform United States bilateral economic assistance programs, to promote the purchase of United States goods and services, to promote democracy and privatization in Eastern Europe, and for other purposes; to the Committee on Foreign Relations.

By Mr. WIRTH:

S. 572. A bill to amend the Federal Home Loan Bank Act, the Home Owners' Loan Act, and other Acts to restructure the Resolution Trust Corporation and dissolve the Oversight Board, to merge the Office of Thrift Supervision into an independent Office of the Comptroller of the Currency, and to dissolve the Federal Housing Finance Board; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON (for himself and Mr. MOYNIHAN):

S. 573. A bill to amend the Foreign Assistance Act of 1961 to condition the availability of security assistance for a foreign country on that country's compliance with fundamental guarantees of international humanitarian law applicable in situations of armed conflict, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRANSTON (for himself, Mr. KERRY, Mr. KENNEDY, Mr. MOYNIHAN, Mr. INOUYE, Mr. PELL, Mr. CHAFEE, Mr. SIMON, and Mr. AKAKA):

S. 574. A bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. MOYNIHAN, Mr. METZENBAUM, Mr. BRADLEY, Mr. AKAKA, Mr. INOUYE, Mr. SHELBY, Mr. DASCHLE, Mr. KENNEDY, Mr. PELL, and Ms. MIKULSKI):

S. 575. A bill entitled "Radon Testing For Safe Schools Act"; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 576. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide on-site daycare facilities for dependents of their employees; to the Committee on Finance.

By Mr. KERRY:

S. 577. A bill to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NUNN, from the Committee on Armed Services:

S. 578. An original bill to authorize supplemental appropriations for fiscal year 1991 for the Department of Defense for Operation Desert Storm, to provide military personnel benefits for persons serving during Operation Desert Storm, and for other purposes; placed on the calendar.

By Mr. PELL (by request):

S. 579. A bill to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1992 and 1993, and for other purposes; to the Committee on Foreign Relations.

By Mr. BENTSEN (for himself, Mr. SIMPSON, Mr. JOHNSTON, Mr. BOREN, Mr. BREAUX, Mr. COCHRAN, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. CRAIG, and Mr. WALLOP):

S. 580. A bill to amend title 11 of the United States Code to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons; to the Committee on the Judiciary.

By Mr. BOREN (for himself, Mr. HEINZ, Mr. PRYOR, Mr. DANFORTH, Mr. BAUCUS, Mr. SYMMS, Mr. DASCHLE, Mr. MOYNIHAN, Mr. GRASSLEY, and Mr. RIEGLE):

S. 581. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes; to the Committee on Finance.

By Mr. BOREN (for himself and Mr. HEINZ):

S. 582. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for private sector employees to hire and train Persian Gulf veterans, and for other purposes; to the Committee on Finance.

By Mr. ROTH:

S. 583. A bill to amend the Internal Revenue Code of 1986 to require the recapture of certain losses of savings and loan associations, to clarify the treatment of certain Federal financial assistance to savings and loan associations, and for other purposes; to the Committee on Finance.

By Mr. GORTON (for himself and Mr. ADAMS):

S. 584. A bill to clarify that certain greenhouses and nurseries that suffer damage as the result of severe storms or flooding in connection with a major disaster declared by the President on or after November 26, 1990, are eligible for loans under section 7 of the Small Business Act; to the Committee on Small Business.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 74. A resolution to amend the Standing Rules of the Senate to prohibit any assistant to a Senator from soliciting campaign contributions; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES (for himself, Mr. GRASSLEY, Mr. THURMOND, Mr. MCCAIN, and Mr. STEVENS):

S. 566. A bill to provide restitution to crime victims; to the Committee on the Judiciary.

CRIME VICTIMS' RESTITUTION ACT

Mr. NICKLES. Mr. President, on Friday, February 15, the Supreme Court announced its intention to reconsider an issue of great importance to crime victims. After previously declining to rule on a case addressing the same issue, this is good news for those wanting to strengthen our statutes as they relate to victim rights and assistance.

The legislation I am introducing today with my colleagues, Senators GRASSLEY, THURMOND, MCCAIN, and STEVENS, ensures that victims of Federal crimes will receive restitution from their attacker.

During the 101st Congress, I introduced the Victim Rights and Restitution Act of 1990 as an amendment to the omnibus crime bill. I was encouraged by the overwhelming bipartisan support for my amendment and was pleased that the bill, as amended, was passed by the Senate. A companion measure was also passed by the House of Representatives. My legislation established statutory rights for victims of crime, mandated restitution orders in all Federal criminal cases, and prohibited the discharge of restitution orders under bankruptcy proceedings.

Unfortunately, the restitution provisions of the Victim Rights and Restitution Act were dropped in a last-minute conference. I believe very strongly that all crime victims deserve to be repaid for their losses. My bill requires the courts to order restitution in all criminal cases. Furthermore, the bill requires the restitution order to be for the full amount of the victim's losses. Once the order has been handed down, the court will order the method and timing of restitution payments, taking into account the financial circumstances and obligations of the offender.

This is a very tough provision. This bill is saying that if a criminal does $100,000 worth of damage to you, he's going to be liable for $100,000 in restitution. Some of my colleagues may be bothered by that provision. But what this bill does is ensure that criminals, in paying their debt to society, will also pay their debt to the innocent victims of their acts.

My bill also addresses a recent Supreme Court case concerning restitution orders. The Crime Victim's Restitution Act will permit courts to consider the entire course of an offender's criminal activity in determining restitution orders for victims of an offense other than the offense of conviction.

Once a sentence has been completed, if time has been served at all, criminals are free * * * they are given the opportunity to start over. Unfortunately, victims are not given that opportunity. For many, once they have been victimized, they remain victims for the rest of their lives. In some cases, they cannot simply move on with their lives. As a result of the crime committed against them, victims may be physically disabled, financially ruined, or emotionally scarred. They may have lost a child, a spouse, a parent. I believe it is important to ensure not only that victims will be compensated for their losses, but also that offenders be made to realize the extent of their crimes by being required to pay restitution directly to their victims through the court system.

Mr. President, this bill has the support of the National Organization for Victim Assistance, the National Victim Center, and Mothers Against Drunk Driving. I ask unanimous consent that their letters of support appear in the RECORD following my remarks.

Mr. President, I urge my colleagues to support this legislation to require criminal offenders to pay restitution to compensate victims for their losses. With more than 80 percent of U.S. citizens being victimized during their lifetimes, and a violent crime occurring every 20 seconds, we cannot afford to wait any longer. No legislation can completely stop victimization from occurring, but this legislation will help ensure that the trauma victims suffer will not continue in the courts.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NATIONAL ORGANIZATION
FOR VICTIM ASSISTANCE,
Washington, DC, February 5, 1991.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: I write to commend you in behalf of the National Organization for Victim Assistance (NOVA) for your efforts to make full restitution a mandatory sanction facing every criminal offender sentenced in Federal courts.

As the oldest national organization in the worldwide victims' movement, NOVA wrestles with many difficult and contentious issues under the rubric of victim rights. This is not one of them. Not once have we heard a principled objection to the precept that confessed and convicted offenders should be held to pay for the damage they have caused their victims. How to put that just principle into practice is all that is left to decide.

For too long, our justice system has given crime victims only one option—to pursue their remedy in the civil courts, where, years after the criminal court has established the wrongdoer's liability, a civil court may give the more fortunate victims not only a judgment for their monetary losses but also enough by way of "pain and suffering" to break even after the attorneys' fees are paid. Luckier still are the victims whose offenders are then able to pay the judgment forthwith.

Given these realities, fair-minded people understand that in all but the rarest of cases, the victim's civil-court option is an illusion verging on a fraud. Thus, we have created a system that holds offenders accountable for their debts to society while being relieved of any debts owed their victims.

That is a systemic injustice your bill sets out to undo. It restores the ancient sanction of restitution to its rightful place in our criminal justice system. It provides realistic methods to assure that all Federal offenders are given a formal obligation to make repayments for all the economic harm they caused all their victims. And it gives the victims the same methods of collecting on the debt as are granted civil litigants.

These are all reasonable methods to put principle into practice, and both Houses of Congress voted their adoption in the last Congress. Yet your amendment and its

House counterpart were dropped from the final crime bill, so it is worth speculating about what some think is objectionable in your bill.

Some voices of "realism" may say that virtually all criminals are, and forever will be, impecunious deadbeats, and thus it is not worth anyone's bother to tote up their debts to their victims. That kind of "realism" would have us write off every criminal offender, despairing of any ever having the means or the desire to pay back his or her old debts.

We in the victims' movement need no lectures about the realities about those who commit crime. But here's a significant reality that we must live with: the vast majority of those convicted of crime become free citizens within a few months or years of their sentencing. Many of them—though surely not enough—do manage to rehabilitate themselves and begin to earn their way in society. To reach the ones who can repay what they owe, society must send a bill to all of them. Otherwise, realistically, all are off the hook.

Others may say that yours is a vindictive proposal, looking to impose unjust burdens on offenders under the threat of jailing those who cannot meet their restitution obligations. Our answer is the same as yours: until they are made whole, it is the victims, not their offenders, who bear the financial burdens of the crime; even when full restitution is paid, it does not even seek to compensate for the victims' pain and suffering; and no offender who is unable to meet his restitution payments is subject to any penalty—only those who willfully refuse to do so.

In fact, your bill puts an affirmative duty on the courts to scale back full restitution orders to conform with an offender's ability to pay—a subsidiary order that may be modified as the offender's circumstances change.

We have long advocated for the kind of restitutive justice that is now embodied in your bill. We commend you for putting this expression of simple justice back on the Congressional agenda—and, we trust, back on the Congressional Calendar. Please be assured of our support in the journey ahead.

Sincerely,

MARLENE A. YOUNG, Ph.D., J.D.,
Executive Director.

NATIONAL VICTIM CENTER,
Fort Worth, TX, February 6, 1991.

Hon. DON NICKLES,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: Thank you for providing the National Victim Center with the opportunity to review and comment on your proposed legislation entitled the "Crime Victims' Restitution Act of 1991."

The Board of Directors and the staff of the National Victim Center would like to lend our full support for this important legislation.

For the majority of crime victims who lack the necessary resources to bring a civil action, restitution orders provide their only hope of recovering directly from the offender any of the financial losses they have suffered as a result of the crime perpetrated against them.

Apart from serving the important function of helping victims recoup their financial losses, restitution payments are the only means within the cirmnal justice process whereby offenders are held directly accountable to their victims.

For many victims, the recognition of responsibility represented by such direct payments is more important than any financial benefits they derive from them. In fact, studies have shown that programs which hold the offender directly responsible to victims not only serve the interest of justice in the minds of victims, but also serve the interest of justice by actually reducing the recidivism rates of offenders.

Unfortunately, the Supreme Courts recent ruling in *Hughey v. United States* will have the effect of thwarting these basic interest of justice in a substantial number of cases by denying victims the right to restitution unless the specific offenses committed against them are charged and proven during trial.

A key provision of the "Crime Victims' Restitution Act of 1991", you have introduced, will restore the right of restitution for the thousands of crime victims nationwide who were disenfranchised by the *Hughey* decision. Other provisions of the bill will substantially augment and strengthen existing statutes that provide for restitution in criminal cases.

These provisions, imbodied in the "Crime Victims' Restitution Act of 1991" will enhance the quality of justice not only for crime victims specifically, but also for the criminal justice system as a whole.

We would like to express our appreciation for your efforts to introduce this important piece of legislation. It demonstrates the kind of national leadership that is an indispensable part of the struggle to achieve just and equitable treatment for crime victims in the United States.

The Board of Directors and staff of the National Victim Center urge your colleagues in the United States Senate to support this vital piece of legislation.

If we can be of any further assistance in support of this proposed bill please feel free to contact us again.

Thank you for your consideration.

Sincerely,

DAVID BEATTY,
Director, Public Policy.

MOTHERS AGAINST DRUNK DRIVING,
Dallas, TX, February 25, 1991.

Senator DON NICKLES,
Washington, D.C.

DEAR SENATOR NICKLES: MADD is happy to endorse your bill to provide restitution to crime victims. Adequate and timely restitution has always been in MADD's Victim Bill of Rights position paper and we applaud your bill for its thoroughness and specificity.

We have been involved in drafting a model Victims of Crime Act in conjunction with the National Conference of Commissioners on Uniform State Laws and we will be recommending sections of your bill to them for incorporation into that document.

Respectfully,

MICKY SADOFF,
President,
Mothers Against Drunk Driving.

By Mr. SANFORD (for himself, Mr. LUGAR, Mr. HARKIN, Mr. GRASSLEY, Mr. REID, Mr. FORD, Mr. DASCHLE, Mr. SHELBY, Mr. PRESSLER, Mr. PELL, Mr. BURNS, Mr. KASTEN, Mr. CHAFEE, Mr. BRYAN, Mr. HOLLINGS, Mr. DECONCINI, Mr. EXON, Mr. HATFIELD, Mr. AKAKA, and Ms. MIKULSKI):

S. 567. A bill to amend title II of the Social Security Act to provide for a more gradual period of transition—under a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927—and related beneficiaries—and to provide for increases in such workers' benefits accordingly, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY NOTCH ADJUSTMENT ACT

Mr. SANFORD. Mr. President, I am pleased to be joined by my distinguished colleagues, Senators LUGAR, HARKIN, GRASSLEY, REID, FORD, DASCHLE, SHELBY, PELL, PRESSLER, BURNS, HOLLINGS, EXON, KASTEN, CHAFEE, BRYAN, DECONCINI, HATFIELD, AKAKA, and MIKULSKI in introducing the Social Security Notch Adjustment Act of 1991.

The Social Security notch issue is about fairness. It is unfair to reduce someone's Social Security benefit solely because of the year in which he or she was born, but that is what we have done. Most retired people who were born between 1917 and 1926 are receiving lower benefits than those born before them, and they will receive lower benefits than those born after them until we pass legislation to correct this inequity. This inequity in benefit distribution created a pothole, a dip in the graphs, and the legislation I introduce today proposes to smooth over that pothole by filling it in with equity to ease the disparity that now exists.

This legislation is identical to a bill introduced last month by Representative ROYBAL which now has more than 150 cosponsors. This is consensus legislation in the House, and it is my hope that it will become the consensus legislation for the entire Congress. It reduces the current benefit inequities without creating another notch, by using a 10-year transition benefit formula. And it is affordable at an average annual cost of about four and a half billion dollars—less than 2 percent of annual benefits.

Mr. President, some of my colleagues claim that correcting the notch is an expansion of the Social Security Program. It is not. Correcting the notch is just that, correcting a problem that began in 1972. The legislation I am introducing today proposes to correct a mistake that Congress made nearly two decades ago. It is not time to correct that mistake, Mr. President. It is past time.

The notch victims in North Carolina and throughout the country, about 12 million in number, are stubborn. They will not give up. They are determined to continue their fight for fairness and so are many Members of Congress. We have an opportunity, during this Congress, to resolve this problem without repeating the mistakes which created the original notch. We can pass legislation to correct this inequity and end once and for all the long and frustrating debate for fairness that will otherwise surely continue for years to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Notch Adjustment Act of 1991".

SEC. 2. EXPANSION OF PERIOD OF TRANSITION; NEW ALTERNATIVE FORMULA WITH RESPECT TO SUCH PERIOD.

(a) EXPANSION OF PERIOD OF TRANSITION.—Section 215(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 415(a)(4)(B)(i)) is amended by striking "1984" and inserting "1989".

(b) ESTABLISHMENT OF NEW TRANSITIONAL FORMULA.—Section 215(a) of such Act (42 U.S.C. 415(a)) is amended by adding at the end the following new paragraph:

"(8)(A) Paragraphs (1) (except for subparagraph (C)(i) thereof) and (4) do not apply to the computation or recomputation of a primary insurance amount for an individual who had wages or self-employment income credited for one or more years prior to 1979, and who was not eligible for an old-age or disability insurance benefit, and did not die, prior to January 1979, if in the year for which the computation or recomputation would be made the individual's primary insurance amount would be greater if computed or recomputed under subparagraph (B).

"(B) The primary insurance amount computed or recomputed under this subparagraph is equal to the sum of the amount which would be computed under this subsection if this paragraph were not applied, plus the product (not less than zero) derived by multiplying—

"(i) the excess of the adjusted old-law benefit amount over the new-law benefit amount, by

"(ii) the applicable reduction factor.

"(C) For purposes of this paragraph, in the case of any individual described in subparagraph (A)—

"(i) The term 'adjusted old-law benefit amount' means the amount computed or recomputed under this subsection as in effect in December 1978 (for purposes of old-age insurance benefits in the case of an individual who becomes eligible for such benefits period to 1989) or subsection (d) (in the case of an individual to whom such subsection applies), subject to the amendments made by section 5117 of the Omnibus Budget Reconciliation Act of 1990.

"(ii) The term 'new-law benefit amount' means the amount which would be computed under this subsection if this paragraph were not applied.

"(iii)(I) The term 'applicable reduction factor' means the excess of the applicable base percentage determined under subclause (II) over the applicable early retirement percentage determined under subclause (III).

"(II) The applicable base percentage determined under this subclause is the percentage provided in the following table:

"If the individual becomes eligible for old-age insurance benefits in:	**The applicable base percentage is:**
1979	40 percent
1980	37 percent
1981	34 percent
1982	31 percent
1983	25 percent
1984	20 percent
1985	15 percent
1986	10 percent
1987	5 percent
1988	5 percent

"(III) The applicable early retirement percentage determined under this subclause is the product derived by multiplying $\frac{5}{12}$ of 1 percent by the total number of months, before the month in which the individual attains the age of 65, for which an old-age insurance benefit is payable to such individual.".

(c) APPLICABILITY OF OLD PROVISIONS.—Section 215(a)(5) of such Act (42 U.S.C. 415(a)(5)) is amended—

(1) in subparagraph (A), by striking "subject to subparagraphs (B), (C), (D), and (E)," and inserting "subject to subparagraphs (B), (C), (D), (E), and (F),"; and

(2) by adding at the end the following new subparagraph:

"(F) In applying this section as in effect in December 1978 as provided in subparagraph (A) in the case of an individual to whom paragraph (1) does not apply by reason of paragraph (8)—

"(i) subsection (b)(2)(C) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 65; and

"(ii) the 'contribution and benefit base' (under section 230) with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1981 shall be deemed to be $29,700.".

(d) CONFORMING AMENDMENT.—Section 215(a)(3)(A) of such Act (42 U.S.C. 415(a)(3)(A)) is amended in the matter following clause (iii) by striking "(4)" and inserting "(4) or (8)".

SEC. 3. EFFECTIVE DATE AND RELATED RULES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall be effective as if included in the amendments made by section 201 of the Social Security Amendments of 1977.

(b) RECOMPUTATION.—In any case in which an individual (under title II of the Social Security Act) is entitled, for the month in which this Act is enacted, to monthly insurance benefits under such title which were computed—

(1) under section 215 of the Social Security Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(2) under section 215 of such Act as in effect prior to January 1979 (and subsequently amended and modified) by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977),

the Secretary of Health and Human Services (notwithstanding section 215(f)(1) of the Social Security Act) shall recompute such individual's primary insurance amount so as to take into account the amendments made by this section.

(c) PROSPECTIVE APPLICABILITY.—The amendments made by this Act shall apply only with respect to benefits for months after November 1991.

Mr. HARKIN. Mr. President, I am pleased to join my distinguished colleague from North Carolina, Senator TERRY SANFORD, and a bipartisan group of Senators in today introducing consensus legislation to once and for all correct the inequity in Social Security benefits known as the notch. Our bill builds on the progress we made last year when I along with Senator SANFORD and others were able to get this important issue debated on the floor of the Senate for the first time. At that time, procedural maneuverings on the underlying bill to which we were offering our notch correction amendment, thwarted our effort. I am hopeful that this bill, which brings together the best of a number of notch correction bills introduced last session, will help to finally push us over the top this Congress.

Mr. President, nearly 10 million Americans have been waiting some 14 years for a fair solution to the Social Security notch. As we eagerly await the return of our men and women who served with such distinction in the Persian Gulf and we work on legislation to assure that their efforts are appropriately recognized, we should remember that a great number of the older Americans we are trying to help with this bill were once in the same shoes. Many of the so-called notch babies are the men and women who fought for this country in World War II. Most are of very modest means and they cannot understand why the country they served so well is treating them unfairly. They deserve better and now is the time for us to assure that they get it.

Mr. President, finding a solution to the Social Security notch problem has been a priority of mine for over 7 years now. I have offered amendments, cosponsored and supported legislation, held hearings, testified at hearings and spoken out on many occasions. I hope that this Congress and this bill will finally bring justice to the millions of older Americans who are the victims of this inequity in our Social Security system. As in the past, it will be a difficult task. I know we will hear from many who will say that we cannot afford to do it. But all we are really asking for is fairness. And we can restore fairness, as this bill does, without breaking any bank or creating hardship on others. We can and we must.

Mr. President, I want to commend Senator SANFORD for the leadership he has provided on this important issue for a long time. All 10 million notch babies around the Nation are indebted to him for championing their cause.

In closing, I simply want to ask each of my colleagues to give this bill careful and fair consideration. If they do, I am confident that we will act positively on it this Congress.

Mr. President, I want to compliment the distinguished Senator from North Carolina for leading the charge against—and introducing this bill to correct—an unfair situation that affects so many of our elderly people in this country. I am proud to join him this year, as I did last year, in trying to correct this so-called notch problem in a fair manner, a manner that is fair to everyone.

I want to compliment the distinguished Senator from North Carolina for being the leader on this issue in the entire Senate.

Mr. LUGAR. Mr. President, I again want to express my concern over the injustices created by the Social Security notch. I have, over the years, consistently supported legislation which would correct this error.

The notch was created in 1972 when Congress began, accidentally, double indexing Social Security benefits for inflation. If this error had not been corrected, the double indexing would eventually have bankrupted the Social Security trust fund. In 1977, Congress acted to correct this error. Instead of cutting the double indexed benefits of those receiving Social Security benefits, the Congress enacted what many of us view as a faulty transition formula for those who were reaching retirement age. The resulting inequity is exemplified by a $155/month discrepancy in the Social Security benefits received by two people, born a month apart, that have worked identical jobs at identical salaries.

This proposal, which I am pleased to cosponsor, calls for a transition formula with a longer period to phase in a fair and stable level of Social Security benefits for individuals born between 1917 and 1926. I believe this bill will correct the notch problem without jeopardizing the stability of the Social Security trust fund.

Mr. PRESSLER. Mr. President, in South Dakota, the average Social Security benefits reduction for notch retirees is $660 per year. In fact my mother is a "notch baby," having been born in 1918. Thus, I hear about this subject constantly.

Today I am joining Senators SANFORD, LUGAR, HARKIN, and GRASSLEY and others in sponsoring Social Security notch reform legislation. The Finance Committee should let this come to the Senate floor for a vote. I have supported many bills to correct the Social Security notch inequity. As a strong advocate of notch correction, I have been disappointed by the Finance Committee's recurrent failure to move this legislation. I have contacted the committee, urging them to take action on this key issue, but no progress has been made. Last October, we fell just six votes short of waiving the Budget Act to allow consideration of an amendment to correct the Social Security notch. It is high time that this problem be remedied.

Under current law, there is a drastic inequity in Social Security payments made to those individuals born during the notch years of 1917–21. The 34,000 South Dakotans affected by the Social Security notch receive $22 million less in benefit payments per year than retirees born prior to 1917.

This year we have strong bipartisan support for a measure that would increase Social Security payments to individuals born between 1917 and 1921 without creating another benefits notch. By using a 10-year transition formula to make benefit payments more equitable, the cost of notch correction is held at less than $5 billion per year during the mid-1990's, and less thereafter. The $29,700 cap on credible earnings used in the transition formula will ensure that those retirees with modest earnings histories will receive the compensation they need. I receive many letters from notch retirees in South Dakota who can barely afford to pay the high cost of food, fuel, and medical bills each month.

Congress must take responsibility for the Social Security notch inequity. The bill we are introducing today is a reasonable solution to the Social Security notch problem. To date, we have over 20 cosponsors of this legislation. I am pleased to be a cosponsor of this bill and urge our colleagues to join in supporting it.

Mr. CHAFEE. Mr. President, I am pleased to join Senator SANFORD today in sponsoring the Social Security Notch Adjustment Act of 1991. This legislation is designed to corrct the Social Security notch inequity.

In 1977, Congress enacted some needed changes to the Social Security laws to ensure the long-term stability of the Social Security trust funds. While these changes were necessary to protect benefits, they also resulted in a transition formula which adversely affected Social Security recipients born between 1917 and 1921. These years have come to be known as the "notch years." Individuals born between those years end up receiving lower benefits than other Social Security recipients, even if they have similar work histories.

The Social Security Notch Adjustment Act corrects this problem and fairly addresses the concerns of those affected by the notch. I believe the legislation is a responsible solution to the notch problem and accomplishes the goal of restoring equity to the system without jeopardizing the solvency of the trust funds.

Mr. President, this issue has been around for some time. Senior citizens born during the notch years have been penalized for over 10 years. I am hopeful that this will be the year that Congress corrects this inequity by enacting the Social Security Notch Adjustment Act.

By Mr. HELMS:

S. 569. A bill to temporarily suspend the duty on N-[[4-chlorophenyl) amino] carbonyl]-2,6-difluorobenzamide; to the Committee on Finance.

DUTY SUSPENSION FOR DIMILIN

Mr. HELMS. Mr. President, in the 101st Congress, I introduced three bills to suspend temporarily the duty imposed on diflubenzuron, dichlobenil, and triflumizole. Similar bills were introduced in the House by Congresswoman NANCY JOHNSON. Due to some confusion in the last few weeks before passage of the so-called mini-trade bill (H.R. 1594) last year, one of those bills, the duty suspension for diflubenzuron, was not included. Today, I am reintroducing legislation to suspend temporarily the duty on diflubenzuron.

Mr. President, diflubenzuron, which goes by the trade name Dimilin, is produced only in Holland. It is imported by Uniroyal Chemical Co., which operates a plant in Gastonia, NC. Dimilin is an environmentally safe pesticide used primarily for the control of gypsy moth. It acts biologically on the moth larvae, which keeps it from hatching, rather than as a toxic killer.

When the duty suspension for Dimilin was introduced in 1989, there was some opposition expressed to the bill by Sandoz Crop Protection Co. In 1990, Sandoz withdrew their opposition. Unfortunately, their lettter did not arrive in time to get the duty suspension for Dimilin in the final conference report on H.R. 1594.

By Mr. JOHNSTON (for himself and Mr. WALLOP) (by request):

S. 570. A bill to implement the national energy strategy, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL ENERGY STRATEGY ACT

• Mr. JOHNSTON. Mr. President, today I am introducing, with Senator WALLOP, by request, the National Energy Strategy Act transmitted to Congress by the Secretary of Energy, Admiral Watkins. These provisions comprise the nontax legislative component of the administration's national energy strategy.

I congratulate Admiral Watkins and the President on the development of the national energy strategy and the decision to submit legislation to implement the strategy. It has been obvious for some time that the events in the Middle East would lead to legislative attempts to address energy issues in the 102d Congress. Surely if we can send troops to fight in the Persian Gulf to avoid energy blackmail, we can devote a substantial portion of the time of the 102d Congress to put our energy policy in order.

We do not have a satisfactory energy policy now. However, with the President's and Admiral Watkins' participation, there is an excellent chance that this situation can be significantly improved.

So we welcome the administration's legislation and look forward to working with the administration on provisions of our own bill, S. 341, currently pending in the Committee on Energy and Natural Resources. While not all provisions of the administration's bill will find support in the committee, we expect to derive useful ideas and insights from the administration's legislative efforts, as we already have from Admiral Watkins' efforts to develop the national energy strategy.

I ask unanimous consent that the transmittal letter, dated March 4, 1991, a sectional analysis of the bill and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "National Energy Strategy Act".

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TITLE I—RESIDENTIAL COMMERCIAL AND FEDERAL ENERGY USE

Subtitle A—Consumer and Commercial Products

DEFINITIONS

SEC. 101. Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended—

(1) in paragraph (1) by inserting "electric lights and" after "includes";

(2) in paragraph (2) by inserting "commercial or" before "consumer";

(3) in paragraphs (4), (5), (7), (12), (13), (14), and (15) by striking "consumer" wherever it appears and inserting "covered" in its place;

(4) in paragraph (6)(A) by striking "covered" and inserting "consumer" in its place;

(5) in paragraph (27) by inserting ", other than a commercial water heater," after "product"; and

(6) by adding "(30) The term "commercial product" means an article which, to any significant extent, is distributed in commerce for commercial use." after paragraph (29).

COVERAGE

SEC. 102. Section 322 of the Energy Policy and Conservation Act (42 U.S.C. 6292) is amended—

(1) in subsection (a)—

(A) by striking "IN GENERAL" and inserting "CONSUMER PRODUCTS" in its place;

(B) by redesignating paragraph "(14)" as paragraph "(15)"; and

(C) by inserting "(14) Electric lights." after paragraph (13); and

(2) by adding the following subsection:

"(c) COMMERCIAL PRODUCTS.—The following commercial products are covered products:

"(1) Commercial space heating equipment.

(2) by adding the following subsection:

"(c) COMMERCIAL PRODUCTS.—The following commercial products are covered products:

"(1) Commercial space heating equipment.

"(2) Commercial space cooling equipment.

"(3) Commercial ventilation equipment.

"(4) Commercial water heaters.

"(5) Commercial refrigeration equipment.

"(6) Electric motors less than 25 horsepower.

"(7) Office equipment.".

TEST PROCEDURES

SEC. 103. Section 323(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)(B) is amended—

(1) by inserting "commercial or" before "consumer"; and

(2) by striking "322(b)" and inserting "322(a)(14), (b), or (c)".

LABELING

SEC. 104. Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended—

(1) in subsection (a)(2) by adding the following subparagraph after subparagraph (B):

"(C) The Commission shall prescribe labeling rules under this section applicable to covered products specified in section 322(a)(14) or (c), except for a class of covered products for which the Commission determines—

"(i) under the second sentence of section 324(b)(5), labeling in accordance with this section is not technologically or economically feasible, or

"(ii) labeling in accordance with this section is not preferable to alternative approaches, including voluntary labeling programs, considering the benefits, burdens, and reliability of information of both approaches."; and

(2) in sections 324(a)(3), (b)(1)(B), (b)(3), and (b)(5) by striking "(14)" wherever it appears and inserting "(15)" in its place.

ENERGY CONSERVATION STANDARDS

SEC. 105. Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (a)(2) by striking "covered" and inserting "consumer" in its place;

(2) in subsection (i) by striking "(14)" wherever it appears and inserting "(15)" in its place; and

(3) by adding the following subsection:

(r) ELECTRIC LIGHTS AND COMMERCIAL PRODUCTS.—The Secretary shall not prescribe energy conservation standards for electric lights or a commercial product specified in section 322(c).".

CONFORMING AMENDMENT

SEC. 106. The catchline for part B, title III of the Energy Policy and Conservation Act is amended by inserting "Commercial and" before "Consumer".

Subtitle B—Federal Energy Management

UTILITY INCENTIVE PROGRAMS

SEC. 111. Part 3 of Title V of the National Energy Conservation Policy Act (42 U.S.C. 8251–8259) is amended by adding the following after section 549—

"SEC. 550. UTILITY INCENTIVE PROGRAMS.—Notwithstanding any other law, an agency may participate in any program conducted by a gas or electric utility for the management of energy demand or for the application of energy conservation measures to Federal buildings and may accept, retain, and use, without further appropriations, any financial incentive available from a gas or electric utility for the management of energy demand or for the application of energy conservation measures. Any cash incentive received from a gas or electric utility shall be credited to the same appropriations account from which an agency has paid, or is authorized to pay, funds needed to participate in the utility program.".

TITLE II—NATURAL GAS

Subtitle A—Natural Gas Pipeline Regulatory Reform

GAS DELIVERY INTERCONNECTION

SEC. 201. Section 7(a) of the Natural Gas Act (15 U.S.C. 717f(a)) is amended to read as follows—

"(a)(1) Whenever the Commission, after notice and opportunity for hearing, finds such action necessary or desirable in the public interest, it may by order direct a natural-gas company or a person who has constructed, extended, or acquired, or is operating a facility under section 7(k) of this Act to extend or improve its transportation facilities; to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to, any person or municipality engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public; and for such purpose to extend its transportation facilities to communities immediately adjacent to such facilities or to territory served by such natural-gas company or person, if the Commission finds that no undue burden will be placed upon the natural-gas company or person thereby.

"(2) Upon the petition of any person, the Commission, by order, may direct a natural-gas company or a person who has constructed, extended, or acquired, or is operating a facility under section 7(k) of this Act to establish, at petitioner's expense, physical connection of its transportation facilities with the petitioner's facilities in order to receive natural gas from the petitioner's facilities.

"(3) The Commission shall have no authority to—

"(A) compel the enlargement of transportation facilities for purposes described in paragraphs (1) and (2) of this subsection, or

"(B) compel a natural-gas company or a person who has constructed, extended, acquired, or who is operating a facility under section 7(k) of this Act to establish a physical connection or sell natural gas,

when to do so would impair its ability to render adequate service to its customers.".

NEPA COMPLIANCE

SEC. 202. (a) Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) is amended by adding the following after paragraph (2):

"(3) For purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the authorization of construction or extension of facilities by issuance of a certificate of public convenience and necessity by the Commission is the only Federal action that is considered a major Federal action requiring a detailed statement on the environmental impact of the proposed action in connection with the construction or extension of facilities.".

(b) Notwithstanding any other law, the Commission may charge an applicant directly for environmental documentation costs the Commission incurs in processing applications filed for permission to construct and operate natural gas pipeline facilities under the Natural Gas Act (15 U.S.C. 717 et seq.) and applications filed for hydroelectric licenses and relicenses under the Federal Power Act (15 U.S.C. 791 et seq.). Such a charge shall not be applied against the Commission's annual appropriations.

AMENDMENT TO SECTION 311 OF THE NATURAL GAS POLICY ACT OF 1978

SEC. 203. Section 311 of the Natural Gas Act of 1978 (15 U.S.C. 3371) is amended by—

(1) amending the catchline to read as follows:

"SEC. 311. AUTHORIZATION OF CERTAIN SALES, TRANSPORTATION, AND CONSTRUCTION."

and

(2) in subsection (a)—

(A) amending paragraph (1)(A) to read as follows:

"(A) IN GENERAL.—The Commission shall authorize, by rule or order, any interstate pipeline to transport natural gas on behalf of—

"(i) any intrastate pipeline,

"(ii) any local distribution company, or

"(iii) any other person.";

(B) amending paragraph (2)(A) to read as follows:

"(A) IN GENERAL.—The Commission shall authorize, by rule or order, any intrastate pipeline to transport natural gas on behalf of—

"(i) any interstate pipeline,

"(ii) any local distribution company served by any interstate pipeline, or

"(iii) any other person."; and

(C) adding the following after paragraph (2):

"(3) CONSTRUCTION.—Upon 30 days notification to the affected State commission, an interstate pipeline may construct facilities for transportation service provided under this subsection. Rates, terms, and conditions for services provided through facilities constructed for transportation service authorized under this subsection are not subject to State regulation.".

OPTIONAL CERTIFICATE PROCEDURES

SEC. 204. (a) Section 4 of the Natural Gas Act, (15 U.S.C. 717c) is amended—

(1) in subsection (a), by adding the following after "unlawful.", "A rate or charge made, demanded or received by any natural-gas company in connection with the transportation or sale of natural gas through facilities authorized under section 7(i) of this Act is just and reasonable and complies with subsection (b) of this section if the natural-gas company and the person paying the rate or charge mutually agree to that rate or charge."; and

(2) by adding the following subsection after subsection (e)—

"(f) Subsections (c), (d), and (e) of this section do not apply to the transportation or sale of natural gas through facilities authorized by a certificate issued under section 7(i) of this Act.".

(b) Section 5(a) of the Natural Gas Act, (15 U.S.C. 717d) is amended by adding the following after the period, "This subsection does not apply to any rate, charge, or classification by a natural-gas company in connection with transportation or sale of natural gas through facilities authorized by a certificate issued under section 7(i) of this Act.".

(c) Section 7 of the Natural Gas Act, (15 U.S.C. 717f) is amended—

(1) in subsection (c)(1)(B), by striking the period after "interest" and inserting, "; *Provided further*, That the Commission shall issue a certificate for the construction, extension, or acquisition of facilities for the transportation or sale of natural gas and for the operation of those facilities for that purpose to a natural-gas company that fulfills the terms and conditions contained in section 7(i) without requiring a hearing or further proof that the public convenience and

necessity would be served by those facilities. Such a certificate shall be non-exclusive and non-prejudicial to an application for any other authorization under the Natural Gas Act or the Natural Gas Policy Act."; and

(2) by adding the following two subsections after subsection (h)—

"(i)(1) The Commission shall issue to an applicant a certificate of public convenience and necessity to undertake the construction or extension of any facilities if the following terms and conditions are attached to the issuance of the certificate and to the exercise of the rights granted under it—

"(A) The applicant shall not include any costs or expenses it incurs in relation to the operation, sale, service, construction, extension, or acquisition of facilities covered by the certificate issued under this subsection in the rates and charges of any schedule required to be filed with the Commission under section 4(C);

"(B) Notwithstanding section 15(a) of this Act, the holder of a certificate issued under this subsection shall not participate in any proceedings under this Act to consider the application for a certificate for the construction or extension of facilities that, upon completion, would serve the service area served by the facilities authorized by the holder's certificate issued under this subsection.

"(2) The Commission shall issue to any applicant a certificate of public convenience and necessity authorizing the acquisition or operation of any facilities for which a certificate for the construction or extension has been issued under this subsection or for which abandonment of facilities or services subject to the jurisdiction of the Commission, including any sales or service rendered by means of such facilities, has been approved by the Commission under subsection (b) of this section if the terms and conditions in paragraph (1) (A) and (B) are attached to the issuance of the certificate and to the exercise of the rights granted under it.

"(j)(1) If the Commission, after a hearing held upon the petition of a person who has made a bona-fide offer to enter into a contract, finds that the failure to provide a requested rate, charge, classification, or practice in connection with the transportation of natural gas through facilities constructed, extended, acquired, or operated under a certificate issued under either section 7(i) or section 7(k) of this Act is unduly discriminatory, the Commission, considering market conditions and, to the extent relevant, the entire range of rates and services provided to others for transportation through those facilities, shall determine the rates, charges, classifications, or practices which are not unduly discriminatory to be observed and in force with respect to transportation to be provided to the petitioner, and shall fix the same by order.

"(2) A petition filed with the Commission under subsection (j)(1) shall contain a description of the transportation service sought, including the rates, charges, classifications, or practices requested by the petitioner, and the basis for asserting that the failure to provide the requested rates, charges, classifications, or practices is unduly discriminatory. Unless the Commission determines that capacity, in whole or in part, is not available to provide the transportation service sought by the petitioner, it shall issue an order within sixty days after the filing of the petition directing the requested transportation service to commence on the terms sought. However, if within sixty days of the filing of the petition, the person against whom the petition is filed responds by filing with the Commission the rates, charges, classifications, or practices which that person considers to be not unduly discriminatory for the service sought by the petitioner, the requested service shall commence sixty days after the filing of the petition, based upon the rates, charges, classifications, or practices filed in response, except to the extent the Commission finds capacity is not available. Any rate or charge collected on the basis of the response is subject to refund, with interest, by the person providing the transportation service for that portion which is collected in excess of rates or charges requested in the petition and which the Commission finds, after hearing, to be unduly discriminatory. The burden of proof to show that any rate or charge in excess of those filed in the petition is not unduly discriminatory is upon the person filing in response to the petition.".

NON-JURISDICTIONAL OPTION

SEC. 205. (a) Section 7 of the Natural Gas Act, (15 U.S.C. 717f) is amended as follows—

(1) in subsection (c)(1)(A) by striking "No" and inserting in its place "Except as provided in section 311 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3371) or subsection (j) of this section, no", and

(2) adding the following after subsection (j), as added by this subtitle—

"(k)(1) A person may elect to construct, extend, acquire, or operate a facility for the transportation or sale of natural gas and engage in the transportation or sale of natural gas through that facility without a certificate of public convenience and necessity issued by the Commission under this section.

"(2) If a person elects under this subsection not to obtain a certificate of public convenience and necessity—

"(A) the person is not a natural-gas company for the purposes of this Act in relation to the construction, extension, acquisition, or operation of facilities under this subsection or any sales or services rendered by means of such facilities;

"(B) notwithstanding section 15(a) of this Act, the person shall not participate in any proceeding under this Act to consider an application for a certificate for the construction or extension of facilities that, upon completion, would serve the service area served by the facility or extension constructed under this subsection;

"(C) the construction or extension of a facility authorized under this subsection may be subject to regulation by a State; however, rates or charges for the transportation or sale of natural gas by means of a facility or extension authorized under this subsection are not subject to regulation by a State, except that they may be regulated if that facility or extension is engaged solely in activities described in section 1(c) of this Act (15 U.S.C. 717(c)).".

(b) Section 4 of the Natural Gas Act (15 U.S.C. 717c) is amended by adding after subsection (f) as added by this subtitle, the following new subsection—

"(g) After a hearing held upon the application of a natural-gas company, if the Commission finds that the natural-gas company has demonstrated that a market that the natural-gas company is authorized to serve is competitive and that the natural-gas company's transportation or sales services are offered in that market on a not unduly discriminatory basis, the Commission may issue an order finding that the rates and charges made, demanded, or received by the natural-gas company for or in connection with the transportation or sale of natural gas in that market are not subject to the jurisdiction of the Commission under this Act. A hearing held under this section is subject to section 15 of this Act.".

Subtitle B—Natural Gas Import/Export Deregulation

COVERAGE OF NATURAL GAS ACT

SEC. 211. Section 1(c) of the Natural Gas Act (15 U.S.C. 717(c)) is amended by inserting "or exported from such State" after "State" the second time it appears.

DEFINITIONS

SEC. 212. Section 2 of the Natural Gas Act (15 U.S.C. 717a) is amended—

(1) in paragraph (7) by inserting "included a foreign country," after "thereof," both places it appears, and

(2) by adding the following after paragraph (9):

"(10) "Importation" means the actions involved in bringing natural gas into the United States.

"(11) "Exportation" means the actions involved in taking natural gas out of the United States.".

NATURAL GAS IMPORTS AND EXPORTS

SEC. 213. Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended to read as follows:

"EXPORTATION OR IMPORTATION OF NATURAL GAS

"SEC. 3. (a) Importation of natural gas is considered a first sale for purposes of this Act and the Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432).

"(b) Neither the Commission nor a State may prohibit or condition the exportation or importation of natural gas or treat exported or imported natural gas while it is within the United States differently than any other natural gas.

"(c) The President may prohibit or condition the exportation or importation of natural gas upon finding that it is in the national interest.

"(d) Upon finding that the exportation or importation of natural gas is in the national interest, the President may waive any law relating to the exportation or importation of natural gas or may specify, by schedule or otherwise, when a particular law relating to the exportation or importation of natural gas is considered satisfied if the appropriate Federal or State agency has not taken final action.".

Subtitle C—Structural Reform of the Federal Energy Regulatory Commission

NATURAL GAS AND ELECTRICITY ADMINISTRATION

SEC. 221. (a) Section 2(a) of the Department of Energy Organization Act (42 U.S.C 7101(a)) is amended by striking ", including the Federal Energy Regulatory Commission".

(b) Section 204 of the Department of Energy Organization Act (42 U.S.C. 7134) is amended to read as follows:

"NATURAL GAS AND ELECTRICITY ADMINISTRATION

"SEC. 204. There shall be within the Department a Natural Gas and Electricity Administration established by title IV of this Act to be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for in level III of the Executive Schedule under section 5314 of title 5, United States Code.".

(c) Section 301(b) of the Department of Energy Organization Act (42 U.S.C. 7151(b)) is amended to read as follows:

"(b) There are transferred to, and vested in, the Secretary the functions of the Federal Power Commission, the Federal Energy Regulatory Commission, and the members, officers, or components thereof.".

(d) Section 306 of the Department of Energy Organization Act (42 U.S.C. 7155) is amended by striking "Except as provided in title IV, there" and inserting in its place "There".

(e) Title IV of the Department of Energy Organization Act is amended to read as follows:

"TITLE IV—NATURAL GAS AND ELECTRICITY ADMINISTRATION

APPOINTMENT AND ADMINISTRATION

"SEC. 401. (a) There is established within the Department an Administration to be known as the Natural Gas and Electricity Administration.

"(b) The Secretary is responsible for the executive and administrative operation of the Natural Gas and Electricity Administration, including functions of the Natural Gas and Electricity Administration with respect to the appointment and employment of hearing examiners in accordance with title 5, United States Code.

"(c) The Secretary may require that hearing examiners appointed under this section conduct hearings on any matter within the Secretary's jurisdiction.

RULEMAKING PROCEEDINGS FOR RATES AND CHARGES

"SEC. 402. (a) Any function transferred to the Secretary under section 301(b) or section 306 of this Act which relates to the establishment of rates and charges under the Federal Power Act or the Natural Gas Act may be conducted by rulemaking procedures. Except as provided in subsection (b), the procedures in such a rulemaking proceeding shall assure full consideration of the issues and an opportunity for interested persons to present their views.

"(b) With respect to any rule or regulation promulgated by the Secretary to establish rates and charges for the first sale of natural gas by a producer or gatherer to a natural gas pipeline under the Natural Gas Act, the Secretary may afford any interested person a reasonable opportunity to submit written questions with respect to disputed issues of fact to other interested persons participating in the rulemaking proceedings. The Secretary may establish a reasonable time for both the submission of questions and responses.".

(f) Section 501(a) of the Department of Energy Organization Act (42 U.S.C. 7191(a)) is amended—

(1) by striking "(1)";.

(2) by striking "other than the Commission,"; and

(3) by striking paragraph (2).

(g) Section 502 of the Department of Energy Organization Act (42 U.S.C. 7192) is amended:

(1) in subsection (a) by striking ", the Commission"; and

(2) in subsection (c) by striking "Subject to the provisions of section 401 of this Act, and notwithstanding" and inserting in its place "Notwithstanding".

(h) Section 503 of the Department of Energy Organization Act (42 U.S.C. 7193) is amended—

(1) by amending subsection (c) to read as follows:

"(c) If within thirty days after the receipt of the remedial order issued by the Secretary, the person notifies the Secretary that he intends to contest a remedial order issued under subsection (a) of this section, the Secretary shall stay the effect of the remedial order, unless the Secretary finds the public interest requires immediate compliance with the order. The Secretary, upon request, shall afford an opportunity for a hearing, including, at a minimum, the submission of briefs, oral or documentary evidence, and oral arguments. To the extent that the Secretary determines that the right of cross examination is required for a full and true disclosure of the facts, the Secretary shall afford it. The Secretary shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the remedial order, or directing other appropriate relief, and such order shall, for the purpose of judicial review, constitute a final agency action."; and

(2) by striking subsection (d).

(i) Section 504 of the Department of Energy Organization Act (42 U.S.C. 7194) is amended—

(1) in subsection (b)(1) by striking "Commission" and inserting in its place "Secretary"; and

(2) in subsection (b)(2) to read as follows:

"(b)(2) The Secretary shall, by rule, establish appropriate procedures, including a hearing when requested, for review of a denial. Action by the Secretary under this section shall be considered final agency action within the meaning of section 704 of title 5, United States Code.".

(j) Section 605(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7215(a)(3)) by striking "or the Commission, as the case may be,".

(k) Section 649(a) of the Department of Energy Organization Act (42 U.S.C. 7259(a)) is amended by striking "and the Federal Energy Regulatory Commission" and "or the Commission".

(l)(1) Section 705 of the Department of Energy Organization Act (42 U.S.C. 7295) is amended—

(A) in subsection (a)(1) by striking "or the Commission"; and

(B) in subsection (a)(2) by striking "the Federal Energy Regulatory Commission,"; and

(C) in subsection (b)(2) by striking "and the Commission" and "or the Commission".

(2) For purposes of the transfer of functions from the Federal Energy Regulatory Commission to the Secretary of Energy by this Act, the phrases "the time this Act takes effect", "the date this Act takes effect", and "the date on which this Act takes effect" in section 705 of the Department of Energy Organization Act (42 U.S.C. 7295) are considered to refer to the date of enactment of this Act.

(m) Section 707 of the Department of Energy Organization Act (42 U.S.C. 7297) is amended by striking "the Federal Energy Regulatory Commission,".

(n) Section 708 of the Department of Energy Organization Act (42 U.S.C. 7298) is amended by striking "Except as provided in title IV, nothing" and inserting in its place "Nothing".

(o) Title 5, United States Code, is amended—

(1) in section 5314 by striking the following item: "Chairman, Federal Energy Regulatory Commission." and inserting in its place "Administrator, Natural Gas and Electricity Administration."; and

(2) in section 5315 by striking the following item: "Members, Federal Energy Regulatory Commission.".

(p) Section 901 of the Department of Energy Organization Act (42 U.S.C. 7341) is amended by striking "and the Commission" and "or the Commission".

(q) The Table of Contents of the Department of Energy Organization Act is amended—

(1) by striking the item for section 204 and inserting in its place "Natural Gas and Electricity Administration."; and

(2) by amending the items relating to title IV to read as follows:

"TITLE IV—NATURAL GAS AND ELECTRICITY ADMINISTRATION

"Sec. 401. Appointment and administration.

"Sec. 402. Rulemaking proceedings for rates and charges.".

TITLE III—OIL

Subtitle A—Alaska Coastal Plain Oil and Gas Leasing

PART 1—SHORT TITLE AND STATEMENT OF PURPOSE

SHORT TITLE

SEC. 301. This subtitle may be cited as the "Arctic Coastal Plain Competitive Oil and Gas Leasing Act".

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this subtitle to authorize competitive oil and gas leasing and development to proceed on the Coastal Plain in a manner consistent with protection of the environment, maintenance of fish and wildlife and their habitat, and the interests of the area's subsistence users.

PART 2—DEFINITIONS

DEFINITIONS

SEC. 303. When used in this subtitle—

(1) "Coastal Plain" means that area identified as such in the map entitled "Arctic National Wildlife Refuge", dated February, 1991, on file in the office of the Director of the United States Fish and Wildlife Service;

(2) "Secretary" means the Secretary of the Interior or the Secretary's designee; and

(3) "significant adverse effects" means those effects which, despite the reasonable application of mitigation measures, if any, involving appropriate technology, engineering, and environmental control measures, including siting and timing restrictions, would result in widespread long-term reductions in habitat quality or availability that cause, or are likely to cause, a widespread long-term reduction in the natural abundance of any species of fish, wildlife, or plant.

PART 3—COASTAL PLAIN COMPETITIVE LEASING PROGRAM

LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN

SEC. 304. (a) The Secretary and other appropriate Federal officers and agencies shall take the actions necessary to establish and implement a competitive oil and gas leasing program that will provide for an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain. Activities pursuant to such program shall be undertaken—

(1) in accordance with the standards for protection of the environment required by part 4 of this subtitle; and

(2) in a manner to ensure that the public receives fair market value for the lands to be leased.

(b) This subtitle shall be the Secretary's sole legislative authority for authorizing and conducting an oil and gas leasing program on the Coastal Plain and related activities.

(c) The Coastal Plain shall be considered "Federal land" for purposes of the Federal Oil and Gas Royalty Management Act of 1982.

RULES AND REGULATIONS

SEC. 305. (a) The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this subtitle, including, but not limited to, rules and regulations relating to protection of the environment of the Coastal Plain, as required by part 4 of this subtitle. Such rules and regulations shall be promulgated within nine months after the date of enactment of this subtitle and shall, as of their effective date, apply to all operations conducted under a lease issued under the provisions of this subtitle and all operations on the Coastal Plain related to the exploration, development and production of oil and gas and related activities.

(b) In the formulation and promulgation of rules and regulations under this subtitle, the Secretary shall consult with appropriate officials of the State of Alaska and the Government of Canada. The Secretary shall also consult with the Environmental Protection Agency and the Army Corps of Engineers in developing rules and regulations relating to the environment.

(c) The Secretary shall periodically review and, if in the Secretary's judgment it is appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary's attention.

ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT

SEC. 306. (a) The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142), and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), is hereby found by the Congress to be compatible and consistent with the major purposes and policies of the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle prior to conducting the first lease sale, and therefore, nothing in the National Environmental Policy Act of 1969 shall require any further environmental analysis or documentation in the development and promulgation of such regulations.

(b) Except as provided in subsection (a) of this section, nothing in this subtitle shall be considered or construed as otherwise limiting, amending, or affecting in any way the applicability of section 102(2)(C) of the National Environmental Policy Act of 1969 or its implementing regulations to all phases of oil and gas leasing, exploration, development and production and related activities conducted under or associated with the leasing program authorized by this subtitle, nor shall anything in this subtitle, except as provided in section 322 of this subtitle, be considered or construed as in any way limiting, amending, or affecting the applicability of any other Federal law or State law not in conflict with Federal law relating to the protection of the environment.

LEASE SALES

SEC. 307. (a) Lands may be leased pursuant to this subitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act, as amended (30 U.S.C. 181).

(b) The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale;

(3) review and comment by the State of Alaska and local governments in Alaska which may be affected by oil and gas exploration, development or production activities on the Coastal Plain on, the schedule, configuration, and terms and conditions of each proposed lease sale; and

(4) periodic consultation with the State of Alaska and local governments in Alaska, oil and gas lessees, and representatives of other individuals or organizations engaged in activity in or on the Coastal Plain including those involved in subsistence uses and recreational activities.

(c) The Secretary shall, by regulation, provide for lease sales of lands on the Coastal Plain. When lease sales are to be held, they shall occur after the nomination process provided for in subsection (b) of this section. For the first lease sale, the Secretary shall, consistent with the requirements set forth in part 4 of this subtitle, offer for lease those acres nominated pursuant to subsection (b), giving preference to those acres receiving the greatest number of nominations, but not to exceed a total of three hundred thousand acres. If the total acreage nominated is less than three hundred thousand acres, the Secretary shall include in such sale any other acreage which the Secretary believes has the highest resource potential, but in no event shall more than three hundred thousand acres of the Coastal Plain be offered in such sale. Thereafter, no more than three hundred thousand acres of the Coastal Plain may be leased in any one lease sale. The initial lease sale shall be held within eighteen months of the issuance of final regulations by the Secretary. The second lease sale shall be held twenty-four months after the initial sale, with additional sales every twenty-four months thereafter so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

(d) Areas of the Coastal Plain deemed by the Secretary to be of particular environmental sensitivity may be excluded from leasing by the Secretary. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives ninety days in advance of excluding any such areas from leasing. If the Secretary later determines that exploration, development, or production will result in no significant adverse effect on fish and wildlife, their habitat, and the environment, the Secretary shall, consistent with the provisions of subsection (c) of this section, offer such lands for leasing.

GRANT OF LEASES BY THE SECRETARY OF THE INTERIOR

SEC. 308. (a) Consistent with the provisions of section 303(a)(2) of this subtitle, the Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive cash bonus bid any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary. The royalty shall be fixed in the lease and shall be not less than 12½ percent in amount or value of the production removed or sold from the lease.

(b) The Secretary shall not issue a lease or leases or approve the assignment of any lease or leases under the terms of this subtitle to any person, association, corporation, or any subsidiary, affiliate, or person controlled by or under common control with such person, association, or corporation, during any period in which, as determined by the Secretary, such entity has failed or refused to comply in any material respect with the reclamation requirements and other standards established for any prior lease to which such requirements and standards applied. Prior to making such determination with respect to any such entity the Secretary shall provide such entity with adequate notification and an opportunity to comply with such reclamation requirements and other standards and shall consider whether any administrative or judicial appeal is pending. Once the entity has complied with the reclamation requirement or other standard concerned, the Secretary may issue an oil and gas lease to the entity under this subtitle.

(c)(1) Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to review the results of such lease sale, except that the Attorney General, after consultation with the Federal Trade Commission, may agree to a shorter review period.

(2) The Attorney General may, in consultation with the Federal Trade Commission, conduct such antitrust review on the likely effects the issuance of such leases would have on competition as the Attorney General, after consultation with the Federal Trade Commission, deems appropriate and shall advise the Secretary with respect to such review. The Secretary shall provide such information as the Attorney General, after consultation with the Federal Trade Commission, may require in order to conduct any antitrust review pursuant to this paragraph and to make recommendations pursuant to paragraph (3) of this subsection.

(3) The Attorney General, after consultation with the Federal Trade Commission, may make such recommendations to the Secretary, including the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation which may substantially lessen competition. If the Secretary determines, or if the Attorney General advises the Secretary, after consultation with the Federal Trade Commission and prior to the issuance of any lease, that such lease would create or maintain a situation which may substantially lessen competition, the Secretary may—

(A) refuse to accept an otherwise qualified bid for such lease, or refuse to issue such lease, notwithstanding subsection (a) of this section; or

(B) modify or impose terms or conditions on the lease, consistent with advice provided by the Attorney General.

(4) The Secretary may issue a lease notwithstanding adverse advice from the Attorney General, or refuse to impose recommended terms or conditions, if the Secretary makes specific findings that approval of the lease is necessary to carry out the purposes of this subtitle, that approval is consistent with the public interest, and that there are no reasonably available alternatives that would have significantly less anticompetitive effects. In such event, the Secretary must notify the lessee and the Attorney General of his findings.

(5) Nothing in this subsection shall restrict the authority of the Attorney General, the

Federal Trade Commission, or any other Federal department or agency to secure information, conduct reviews, make recommendatioins, or seek appropriate relief.

(d) Nothing in this subtitle shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(e) As used in this section "antitrust review" means an "antitrust investigation" for the purpose of the Antitrust Civil Process Act (15 U.S.C. 1311).

LEASE TERMS AND CONDITIONS

SEC. 309. An oil and gas lease issued pursuant to this section shall—

(1) be for a tract consisting of a compact area not to exceed two thousand five hundred and sixty acres, or four surveyed or protracted sections, whichever is larger, which shall be as compact in form as possible; *Provided*, That the Secretary is authorized to lease on a case-by-case basis units of up to 3,840 acres when necessary to consolidate partial tracts adjacent to the external boundaries of the Coastal Plain;

(2) be for an initial period of ten years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lease or unit area to which the lease is committed or for so long as drilling or reworking operations, as approved by the Secretary, are conducted on the lease or unit area;

(3) require the payment of royalty as provided for in section 308 of this subtitle;

(4) require approval of an exploration plan, as provided for in section 310 of this subtitle;

(5) require approval of a development and production plan, as required in section 310 of this subtitle;

(6) require posting of bond required by section 311 of this subtitle;

(7) provide for the suspension of the lease during the initial lease term or thereafter pursuant to section 312 of this subtitle;

(8) provide for the cancellation of the lease during the initial lease term or thereafter pursuant to section 313 of this subtitle;

(9) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by part 4 of this subtitle;

(10) forbid the flaring of natural gas from any well unless the Secretary finds that such flaring is necessary to alleviate a temporary emergency situation or to conduct testing or work-over operations;

(11) contain such rental and other provisions as the Secretary may prescribe at the time of offering the area for lease; and

(12) contain such other provisions as the Secretary determines necessary to ensure compliance with of this subtitle and the regulations issued under it.

EXPLORATION AND DEVELOPMENT AND PRODUCTION PLANS

SEC. 310. (a) All exploration activities pursuant to any lease issued or maintained under this subtitle shall be conducted in accordance with an approved exploration plan or an approved revision of such plan. Prior to commencing exploration pursuant to any oil and gas lease issued or maintained under this subtitle, the holder thereof shall submit an exploration plan to the Secretary for approval. Such plan may apply to more than one lease held by a lessee in any region of the Coastal Plain, or by a group of lessees acting under a unitization, pooling, or drilling agreement, and shall be approved by the Secretary if the Secretary finds that such plan is consistent with this subtitle and other applicable law.

(b) All development and production pursuant to a lease issued or maintained pursuant to this subtitle shall be conducted in accordance with an approved development and production plan. Prior to commencing development or production pursuant to any oil and gas lease issued or maintained under this subtitle, the holder thereof shall submit a development and production plan to the Secretary for approval. Such plan may apply to more than one lease held by a lessee in any region of the Coastal Plain, or by a group of lessees acting under a unitization, pooling, or drilling agreement, and shall be approved by the Secretary if the Secretary finds that such plan is consistent with this subtitle and other applicable law.

(c) Exploration plans and development and production plans shall include where applicable—

(1) the names and legal addresses of the following persons: the operator, contractors, subcontractors and the owners or lessees other than the operator;

(2) a map or maps showing—

(A) the location of a point of reference selected by the operator within the area covered by the plan of operations showing, in relation to that point, existing and proposed access routes or roads within the area, the boundaries of proposed surface disturbance and location of all survey lines;

(B) the location of proposed drilling sites, wellsite layout, and all surface facilities;

(C) sources of construction materials within the area including but not limited to water and gravel; and

(D) the location of ancillary facilities including but not limited to camps, sanitary facilities, water supply, disposal facilities, pipelines, fuel storage facilities, storage facilities, base of operations, and airstrips. A point of reference selected by the operator within the area of operations shall be marked with a ground monument;

(3) a description of—

(A) all surface and ancillary facilities, including but not limited to camps, sanitary facilities, water supply, disposal facilities, pipelines, fuel storage facilities, storage facilities, base of operations, and airstrips;

(B) the major equipment to be used in the operations, including but not limited to equipment and methods for transporting all waters used in or produced by operations, and the proposed method of transporting such equipment within the area covered by the plan of operations including to and from the site; and

(C) construction materials within the area including but not limited to water and gravel;

(4) an estimated schedule for any phase of operations of which review by the Secretary is sought and the anticipated date of operation completion;

(5) the nature and extent of proposed operations;

(6) a description of all licenses and permits necessary to carry out the plan;

(7) plans for reclamation, including:

(A) the anticipated reclamation work to be performed;

(B) a proposed schedule of reclamation activities to be performed; and

(C) a detailed estimate of reclamation costs;

(8) methods for the storage and disposal of all wastes and hazardous and toxic substances;

(9) an affidavit stating that the operations planned will be in compliance with all applicable Federal, State, and local laws and regulations;

(10) contingency plans in case of spills, leaks, or other accidents;

(11) certification that the plan complies with the State of Alaska's approved coastal zone management program, if required by the Coastal Zone Management Act of 1972, as amended, and the date such certification was submitted to the appropriate State agency for review pursuant to section 307(c)(3) of that Act; and

(12) such additional information as may be required by the Secretary to ensure that the proposed activities are consistent with the subtitle, as well as other applicable Federal and State environmental laws.

(d)(1) After an exploration or development and production plan is submitted for approval, the Secretary shall promptly publish notice of the submission and availability of the text of the proposed plan in the Federal Register and a newspaper of general circulation in the State of Alaska and provide an opportunity for written public comment.

(2) Within one hundred and twenty days after receiving an exploration or development and production plan; or when consistency certification is required under the Coastal Zone Management Act of 1972, within thirty days after the State of Alaska concurs, or is conclusively presumed to concur, with the consistency certification accompanying the plan pursuant to section 307(c)(B) (i) or (ii) of the Coastal Zone Management Act of 1972 or the Secretary of Commerce makes the finding authorized by section 307(c)(3)(B)(iii) of such Act, whichever period is later, the Secretary shall determine, after taking into account any comment received under paragraph (1) of this subsection, whether the activities proposed in the plan are consistent with this subtitle and other applicable provisions of Federal law and State law not in conflict with Federal law. If that determination is in the affirmative, the Secretary shall return the plan along with a statement of any modifications necessary for its approval. The Secretary, as a condition of approving any plan under this section—

(A) may require modifications to the plan that the Secretary considers necessary or appropriate to make it consistent with this subtitle and other applicable law. The Secretary shall assess reasonable fees or charges for the reimbursement of all necessary and reasonable research, administrative, monitoring, enforcement, and reporting costs associated with reviewing the plan and monitoring its implementation; and

(B) shall require such periodic reports regarding the carrying out of the drilling and related activities as may be necessary or appropriate for purposes of determining the extent to which the plan is being complied with and the effectiveness of the plan in ensuring that the drilling and related activities are consistent with this subtitle and other applicable provisions of Federal law and State law not in conflict with Federal law.

(e) If at any time while activities are being carried out under a plan approved under this section, the Secretary, on the basis of available information, determines that the continuation of any particular activity under the plan is likely to result in a significant adverse effect on fish or wildlife, or on their habitat, or on the environment, the Secretary, after consultation with the lessee, shall—

(1) make modifications to part or all of the plan as necessary or appropriate to avoid the significant adverse effect;

(2) temporarily suspend part or all of the drilling or related activity under the plan for such time as the Secretary considers necessary or appropriate to avoid significant adverse effect; or

(3) terminate and cancel the plan when actions under paragraphs (1) or (2) will not avoid the significant adverse effect.

BONDING REQUIREMENTS

SEC. 311. (a) As a condition of approval of an exploration or development and production plan, the lessee shall be required to file with the Secretary a suitable performance bond. The bond shall be conditioned upon compliance with all the terms and conditions of the lease and all applicable laws. Such performance bond is in addition to and not in lieu of any bond or security deposit required by other regulatory authorities or required by any other provision of law. The lessee may file either a surety bond, or a personal bond consisting of cash or negotiable Treasury bonds of the United States. When negotiable Treasury bonds serve as the personal bond, they shall be accompanied by a proper conveyance to the Secretary of full authority to sell such securities in case of a default in the performance of the terms and conditions of the lease.

(b)(1) The performance bond shall be in an amount—

(A) to be determined by the Secretary to provide for the estimated full cost of reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(B) an amount set by the Secretary, consistent with the type of operations proposed, to cover the estimated costs to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill; the escape of gas, refuse, domestic wastewater, or hazardous or toxic substances; or fire caused by oil and gas activities.

(2) The Secretary shall review, and adjust if he determines necessary, the amount of the performance bond at least every three years to ensure its adequacy in accordance with paragraph (1) of this subsection.

(c) In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond to conform to such modified plan.

(d) The responsibility and liability of the lessee and its surety under the bond or security deposit shall continue until such time as the Secretary, after consultation with affected Federal and State agencies, determines that there has been compliance with the terms and conditions of the lease and all applicable law.

(e) Within sixty days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary shall notify the lessee that the period of liability under the bond or security deposit has been terminated.

LEASE SUSPENSION

SEC. 312. The Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this subtitle—

(1) in the interest of conservation of the resource;

(2) where there is no available system to transport the resource; or

(3) where there is a threat of significant adverse effect upon fish or wildlife, their habitat or the environment.

If such a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto.

LEASE CANCELLATION

SEC. 313. (a) Whenever the owner of a nonproducing lease fails to comply with any of the provisions of this subtitle, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this subtitle, such lease may be canceled by the Secretary if such default continues for the period of thirty days after mailing of notice by registered letter to the lease owner at the lease owner's record post office address.

(b) Whenever the owner of any producing lease fails to comply with any of the provisions of this subtitle, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this subtitle, such lease may be forfeited and canceled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under this subtitle.

(c)(1) In addition to the authority for lease cancellation provided for by subsections (a) and (b) of this section, any lease may be canceled at any time, if the Secretary determines, after a hearing, that—

(A) continued activity pursuant to such lease is likely to result in a significant adverse effect to fish or wildlife, their habitat, or the environment, or is likely to result in serious harm or damage to human life, to property, or to the national security or defense;

(B) the likelihood of a significant adverse effect will not disappear within a reasonable period of time or the threat of harm or damage will not disappear or decrease to any acceptable extent within a reasonable period of time; and

(C) the advantages of cancellation outweigh the advantages of continuing such lease.

(2) Such cancellation shall not occur unless and until operations under such lease shall have been under suspension, or temporary prohibition, by the Secretary, with due extension of any lease term continuously for a period of five years, or for a lesser period upon request of the lessee.

(3) Cancellation under this subsection shall entitle the lessee to receive such compensation as the lessee demonstrates to the Secretary to be equal to the lesser of—

(A) the fair market value of the canceled rights as of the date of cancellation, taking account of both anticipated revenues from the lease and anticipated costs, including the costs of compliance with all applicable regulations and operating orders; liability for cleanup costs or damages, or both, in the case of an oil spill or spill of other hazardous or toxic materials; fines, damages, penalties, or removal costs assessed pursuant to section 318 of this subtitle or other State or Federal environmental law; any fees paid pursuant to section 331 of this subtitle; and all other costs reasonably anticipated on the lease; or

(B) the excess, if any, over the lessee's revenues from the lease (plus interest thereon from the date of receipt to the date of reimbursement) of all consideration paid for the lease and all direct expenditures made by the lessee (exclusive of any fines, damages, penalties, or removal costs assessed pursuant to section 318 of this subtitle or other State or Federal environmental law, and any fees paid pursuant to section 331 of this subtitle) after the date of issuance of such lease and in connection with exploration or development, or both, pursuant to the lease (plus interest on such consideration and such expenditures from date of payment to date of reimbursement).

(d) Cancellation of a lease under this section shall in no way release the owner of the lease from the obligation to provide for reclmation of the lease site.

ASSIGNMENT OR SUBLETTING OF LEASES

SEC. 314. No lease issued under this subtitle shall be assigned or sublet, except with the consent of the Secretary.

RELINQUISHMENT

SEC. 315. The lessee may, at the discretion of the Secretary, be permitted at any time to make written relinquishment of all rights under any lease issued pursuant to this subtitle. The Secretary shall accept the relinquishment by the lessee of any lease issued under this subtitle where there has not been surface disturbance on the lands covered by the lease.

UNITIZATION

SEC. 316. For the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof and in order to avoid the unnecessary duplication of facilities, to protect the environment of the Coastal Plain, and to protect correlative rights, the Secretary shall require to the greatest extent practicable, that lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof including the construction of a common carrier pipeline to transport oil and gas to the exterior boundary of the Coastal Plain. The Secretary is also authorized and directed to enter into such agreements as are necessary and appropriate for the protection of the United States against drainage.

OIL AND GAS GEOLOGICAL AND GEOPHYSICAL INFORMATION

SEC. 317. (a)(1) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this subtitle shall provide the Secretary access to all geological and geophysical data and information (including processed, analyzed, and interpreted information) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.

(2) If interpreted information provided pursuant to paragraph (1) of this subsection is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or of reliance upon such interpreted information.

(3) Whenever any geological or geophysical data or information is provided to the Secretary, pursuant to paragraph (1) of this subsection—

(A) by a lessee or permittee, in the form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information;

(B) by a lessee or permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information.

(b) The Secretary shall maintain the confidentiality of all geological and geophysical information obtained pursuant to subsection (a) of this section until such time as the Secretary determines that making such data available to the public would not be likely to damage the competitive position of the lessee or permittee.

REMEDIES AND PENALTIES

SEC. 318. (a) Except as provided in section 319 of this subtitle, the district courts of the United States shall have jurisdiction of cases and controversies arising out of, or in connection with, any lease issued under this subtitle. Proceedings may be instituted in the judicial district in which any defendant resides or has his principal place of business, or in the judicial district in which the Coastal Plain is located.

(b) At the request of the Secretary, the Attorney General may institute a civil action in the district court of the United States for the district in which any defendant resides or has his principal place of business, or in the judicial district in which the Coastal Plain is located, for a permanent or temporary injuction, or, in addition to the Secretary's authority under subsection (c), to assess and recover a civil penalty of not more than $20,000 per day for each violation, or for any other appropriate remedy to enforce any provision of this subtitle, any regulation or order issued under this subtitle, or any term of a lease issued pursuant to this subtitle.

(c)(1) Except as provided in paragraph (2), if any person fails to comply with any provision of this subtitle, or any term of a lease issued pursuant to this subtitle, or any regulation or order issued under this subtitle, after notice of such failure and expiration of any reasonable period allowed for corrective action, such person shall be liable for a civil penalty of not more than $20,000 for each day of the continuance of such failure. The Secretary may assess, collect and compromise any such penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing. The Secretary shall, by regulation at least every three years, adjust the penalty specified in this paragraph to reflect any increase in the Consumer Price Index (all items, United States average) as prepared by the Department of Labor.

(2) If a failure described in paragraph (1) constitutes or constituted a threat of an irreparable or immediate significant adverse effect on fish and wildlife or their habitat, property, any mineral deposit, or the marine, coastal plain, or human environment, a civil penalty may be assessed without regard to the requirement of expiration of a period allowed for corrective action.

(d) Any person who knowingly—

(1) violates any provision of this subtitle, any term of a lease issued pursuant to this subtitle, or any regulation or order issued under this subtitle designed to protect health, safety, or the environment or conserve natural resources;

(2) makes any false material statement, representation, or certification in, or omits material information from, or knowingly alters, conceals, or fails to file or maintain any application, record, report or other document filed or required to be maintained under this subtitle;

(3) falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under this subtitle; or

(4) reveals any data or information required to be kept confidential by section 317 of this subtitle.

shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more then ten years, or both. Each day that a violation under paragraph (1) of this subsection continues, or each day that any monitoring device or data recorder remains inoperative or inaccurate because of any activity described in paragraph (3) of this subsection, shall constitute a separate violation for purposes of imposition of a fine under this subsection.

(e) Whenever a corporation or other entity is subject to prosecution under subsection (d) of this section, any officer or agent of such corporation or entity who knowingly authorized, ordered, or carried out the proscribed activity shall be subject to the same fines or imprisonment, or both, as provided for under subsection (d) of this section.

(f) The remedies and penalties prescribed in this subtitle shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. Further, the remedies and penalties prescribed in this subtitle shall be in addition to any other remedies and penalties afforded by any other law or regulation.

(g) In the case of any discharge of oil, hazardous or toxic substances, or any other pollutant that adversely affects the environment in the area of the Coastal Plain or adjacent waters from exploration, development, or production of oil or gas or related activities, conducted by, or on behalf of, a responsible party, each responsible party shall be jointly, severally and strictly liable for the removal costs and damages specified in this subsection that arise out of or directly result from such pollution. The Secretary shall make a determination with respect to such liability for all remedies and penalties prescribed in this subtitle after notice to the responsible party and an opportunity for hearing. It is the responsibility of the responsible party adequately to control and remove the discharge consistent with the National Contingency Plan. Upon failure, inability or delay of the responsible party adequately to control and remove the pollutant, the Federal on scene coordinator, in cooperation with the Secretary, in the exercise of his discretion and in cooperation with other Federal, State, or local agencies or in cooperation with the responsible party, or both, shall have the right to accomplish the control and removal at the expense of the responsible party. Funds contained in the Coastal Plain Liability and Reclamation Fund, provided for by section 331 of this subtitle, may be used to accomplish such control and removal until such time as sufficient funds can be recovered from the responsible party. The removal costs and damages referred to in this subsection are the following—

(1) all removal costs incurred by the United States;

(2) damages for injury to, destruction of, loss of, or loss of use of, natural resources, including the reasonable costs of assessing the damage, which shall be recoverable by the Secretary for damages to Federal natural resources or the State of Alaska for damages to State natural resources;

(3) damages for injury to, or economic loss resulting from destruction of, real or personal property, which shall be recoverable by a claimant who owns or leases that property;

(4) damages for loss of subsistence use of natural resources; which shall be recoverable by any claimant who so uses natural resources which have been injured, destroyed, or lost, without regard to the ownership or management of the resources;

(5) damages equal to the net loss of taxes, royalties, rents, fees, or net profit shares due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by the Secretary, where such damages are associated with Federal natural resources, or the State of Alaska, where such damages are associated with State natural resources;

(6) damages equal to the loss of profits or impairment of earning capacity due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by any claimant; and

(7) damages for net costs of providing increased or additional public services during or after the removal activities, including protection from fire, safety, or health hazards, caused by the discharge, which shall be recoverable by the Secretary, the State of Alaska, or a political subdivision of that State.

With respect to any removal costs and damages recoverable under this subtitle from the Fund or any other Federal compensation and liability fund, until the Fund has been exhausted, no claimant may bring an action for removal costs or damages available under such other funds.

(h)(1) An action for damages under this subtitle shall be barred unless the action is brought within 3 years after—

(A) the date on which the loss and the connection of the loss with the discharge in question are reasonably discoverable with the exercise of due care, or

(B) in the case of natural resource damages under subsection (g), the date of completion of the natural resources damage assessment.

(2) An action for recovery of removal costs referred to in subsection (g) must be commenced within 3 years after completion of the removal action.

JUDICIAL REVIEW

SEC. 319. Any complaint filed seeking judicial review of an action of the Secretary in promulgating any regulation under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia, and such complaint shall be filed within ninety days from the date of such promulgation, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint. Except as provided in section 321, any complaint seeking judicial review of any other actions of the Secretary under this subtitle may be filed in any appropriate district court of the United States, and such complaint must be filed within ninety days from the date of the action being challenged, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint. Action of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

ANNUAL REPORT TO CONGRESS

SEC. 320. On March 1st of each year following the date of enactment of this subtitle, the Secretary shall prepare and submit to the Congress an annual report on the leasing program authorized by this subtitle.

INTERESTS OF ARCTIC SLOPE REGIONAL CORPORATION AND KAKTOVIK INUPIAT CORPORATION

SEC. 321. (a) The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) insofar as they have application to lands or interests therein owned by the Arctic Slope Regional Corporation and the Kaktovik Inupiat Corporation within the Arctic National Wildlife Refuge, but outside the Coastal Plain, are repealed.

(b) The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) insofar as they have application to lands or interests therein owned by the Arctic Slope Regional Corporation and the Kaktovik Inupiat Corporation within the Coastal Plain are repealed as of the day after the first lease sale is held pursuant to this subtitle. With respect to the lands and interests therein described in this subsection, no exploratory drilling activities shall be authorized until the day after such lease sale.

(c) The substantive provisions of the final regulations issued pursuant to this subtitle which establish environmental stipulations, terms, and conditions for oil and gas leasing on the Coastal Plain shall apply to the exploration and development of all subsurface property interests owned by the Arctic Slope Regional Corporation within the Arctic National Wildlife Refuge: Provided, That prior to issuance of such regulations, oil and gas exploration and development activities on the land and interests therein described in subsection (a), shall be governed by the stipulations set forth in appendix 2 of the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States.

(d) Any claims for monetary damages brought by the Arctic Slope Regional Corporation or the Kaktovik Inupiat Corporation alleging that the provisions of this subtitle constitute a taking of property rights under the fifth amendment to the Constitution of the United States may be brought within one hundred and twenty days of its enactment. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in the United States Claims Court in accordance with 28 U.S.C. 1491. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

PART 4—COASTAL PLAIN ENVIRONMENTAL PROTECTION

NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES

SEC. 322. (a) The Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions designed to ensure that the oil and gas exploration, development, and production activities on the Coastal Plain will be conducted in a manner that avoids significant adverse effect on fish and wildlife, their habitat, and the environment. Activities conducted under this subtitle shall not be subject to findings or determinations of compatibility by the Secretary under the National Wildlife Refuge System Administration Act.

(b) The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific assessment be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to mitigate any adverse effect assessed under paragraph (1) of this subsection; and

(3) the development of the mitigation plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

REGULATIONS TO PROTECT THE COASTAL PLAIN'S FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS AND THE ENVIRONMENT

SEC. 323. (a) Prior to implementing the leasing program authorized by part 3 of this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken in the Coastal Plain authorized by this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(b) The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program authorized by part 3 of this subtitle shall require compliance with all applicable provisions of Federal and State environmental law and shall also require—

(1) as the Secretary deems appropriate, the safety and environmental mitigation measures set forth in items one through twenty-nine (1 through 29) at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain;

(2) seasonal limitations on exploration, development and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning and migration;

(3) that exploration activities, except for surface geological and geophysical studies, be limited to the period between approximately November 1 and May 1 and that exploration activities will be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, air transport methods, or any other method that would be at least as protective of the environment as the aforementioned: *Provided*, That such exploration activities may be permitted at other times if the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year and the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain;

(4) design safety and construction performance standards for all pipelines and any access and service roads that—

(A) minimize adverse effects upon the passage of migratory species such as caribou to the maximum extent practicable; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges and other structural devices;

(5) prohibitions or restrictions on public access and use on all airfields, pipeline access, and service roads;

(6) stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal for the Coastal Plain of all oil and gas development and production facilities, structures and equipment upon completion of oil and gas production operations: Provided, That the Secretary may exempt from the requirements of this paragraph those facilities, structures or equipment which the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and which are donated to the United States for that purpose;

(7) appropriate prohibitions or restrictions on access by all modes of transportation;

(8) appropriate prohibitions or restrictions on sand and gravel extraction;

(9) consolidation of facility siting;

(10) appropriate prohibitions or restrictions on use of explosives;

(11) avoidance, to the extent practicable, of springs, streams and river systems; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling;

(12) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(13) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling mud and cuttings, and domestic wastewater, in accordance with applicable Federal and State environmental law;

(14) fuel storage and oil spill contingency planning;

(15) research, monitoring and reporting requirements;

(16) field crew environmental briefings;

(17) minimization of adverse effect on subsistence hunting, fishing, and trapping by subsistence users;

(18) compliance with applicable air and water quality standards;

(19) appropriate seasonal and safety zone designations around well sites within which subsistence hunting and trapping would be limited;

(20) reasonable stipulations for protection of cultural and archaeological resources; and

(21) all other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(c) In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider—

(1) the environmental protection standards which governed the initial Coastal Plain exploration program (50 Code of Federal Regulations 37.31-33);

(2) the land use stipulations for exploratory drilling on the KIC-ASRC private lands which are set forth in appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States; and

(3) the operational stipulations for Koniag ANWR Interest lands contained in the draft agreement between Koniag, Incorporated and the United States of America on file with the Secretary on January 19, 1989.

SADLEROCHIT SPRING SPECIAL AREA

SEC. 324. (a)(1) The Sadlerochit Spring Special Area, comprising approximately four thousand acres as depicted on the map referenced in section 303 of this subtitle, is hereby designated to be a special area. Such special area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(2) Pursuant to subsection (d) of section 307 of this subtitle, the Secretary may exclude the Sadlerochit Spring Special Area from leasing.

(3) In the event that the Secretary leases the Sadlerochit Spring Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(b) The Secretary is authorized to designate other areas of the Coastal Plain as Special Areas if the Secretary determines that they are of unique character and interest so as to require such special protection. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of the Secretary's intent to designate such areas ninety days in advance of making such designations. Any such areas designated as special areas shall be managed in accordance with the standards set forth in subsection (a) of this section.

FACILITY CONSOLIDATED PLANNING

SEC. 325. (a) The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources. This plan shall have the following objectives—

(1) avoiding unnecessary duplication of facilities and activities;

(2) encouraging consolidation of common facilities and activities;

(3) locating or confining facilities and activities to areas which will minimize impact on fish and wildlife, their habitat, and the environment;

(4) utilizing existing facilities wherever practicable; and

(5) enhancing compatibility between wildlife values and development activities.

(b) The plan prepared under this section shall supplement any comprehensive conservation plan prepared pursuant to the requirements of section 304(g) of the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2394).

RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN

SEC. 326. The Secretary is authorized to grant under section 28 of the Mineral Leasing Act (30 U.S.C. 185) rights-of-way and easements across the Coastal Plain for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The regulations issued pursuant to this subtitle shall include provisions regarding the granting of rights-of-way across the Coastal Plain. The provisions of title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) and the provisions of the National Wildlife Refuge System Administration Act relating to rights-of-way and easements shall not apply to rights-of-way and easements across the Coastal Plain.

ENVIRONMENTAL STUDIES

SEC. 327. In addition to any other environmental studies required by law, subsequent to exploring or developing any area or region of the Coastal Plain, the Secretary shall conduct such additional studies to establish environmental information as the Secretary deems necessary, and shall monitor the human, marine, and coastal environments of such area or region in a manner designed to provide information which can be used for comparison with any previously-collected data for the purpose of identifying any effects on the fish or wildlife and their habitat and any significant changes in the quality and productivity of such environments, for establishing trends in the areas studied and monitored, and for designing experiments to identify the causes of such effects or changes.

ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS

SEC. 328. (a) The Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this subtitle.

(b) It shall be the responsibility of any holder of a lease under this subtitle to—

(1) maintain all operations within such lease area in compliance with regulations intended to protect persons and property on, and fish and wildlife, their habitat, and the environment of, the Coastal Plain; and

(2) allow prompt access at the site of any operations subject to regulation under this subtitle to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) The Secretary shall promulgate regulations to provide for—

(1) schedule onsite inspection by the Secretary, at least twice a year, of each facility on the Coastal Plain which is subject to any environmental or safety regulation promulgated pursuant to this subtitle or such provisions contained in any lease issued pursuant to this subtitle to assure compliance with such environmental or safety regulations; and

(2) periodic onsite inspection by the Secretary at least once a year without advance notice to the operator of such facility to assure compliance with all environmental or safety regulations.

PART 5—LAND RECLAMATION AND RECLAMATION LIABILITY FUND

LAND RECLAMATION

SEC. 329. The holder of a lease or leases on lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands adversely affected in connection with exploration, development, or transportation activities on a lease within the Coastal Plain. The holder of a lease shall also be responsible for conducting any land reclamation required as a result of activities conducted on the lease by any of the lease holder's subcontractors or agents. The holder of a lease may not delegate or convey, by contract or otherwise, this responsibility and liability to another party without the express written approval of the Secretary.

STANDARD TO GOVERN LAND RECLAMATION

SEC. 330. The standard to govern the reclamation of lands required to be reclaimed under this subtitle, following their temporary disturbance or upon the conclusion of their use or prolonged commercial production of oil and gas and related activities, shall be reclamation and restoration to a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary; except that in the case of roads, drill pads, and other gravel-foundation structures, reclamation and restoration shall be to a condition as closely approximating the original condition of such lands as is feasible. Reclamation of lands shall be conducted in a manner that will not itself impair or cause significant adverse effects on fish or wildlife, their habitat, or the environment.

COASTAL PLAIN LIABILITY AND RECLAMATION FUND

SEC. 331. (a) Within six months of a commercial discovery within the Coastal Plain, the Secretary shall establish the Coastal Plain Liability and Reclamation Fund (the "Reclamation Fund").

(b) The Secretary shall collect from the operator a fee of 5 cents per barrel on commercially produced crude oil from the Coastal Plain at the time and point where such crude oil first leaves the Coastal Plain. The collection of the fee shall cease when $50,000,000 has been accumulated in the Reclamation Fund, and it shall be resumed at any time that the accumulation of revenue in the Reclamation Fund falls below $45,000,000.

(c) All revenues collected under subsection (b) shall be paid into the Reclamation Fund. The Secretary is authorized to pay, to the extent provided in annual appropriation Acts, reasonable costs of administration of the Reclamation Fund from the revenues in the Reclamation Fund. All sums not needed for administration of the Reclamation Fund or making authorized payments out of the Reclamation Fund shall be invested by the Secretary of the Treasury, at the request of the Secretary, in public debt securities with maturities suitable to the needs of the Reclamation Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Income from such securities shall be added to the principal of the Reclamation Fund.

(d) The revenues in the Reclamation Fund shall be available, to the extent provided in annual appropriations Acts and with the approval of the Secretary, for the following purposes:

(1) oil removal costs incurred by the United States;

(2) to compensate promptly any person or entity, public or private, for any direct damages caused by oil and gas exploration, development and production activities on or in the vicinity of the Coastal Plain;

(3) to reclaim any area of the Coastal Plain not reclaimed in accordance with the standard set forth in section 330 of this subtitle, by the operator or the holder of a lease or leases;

(4) up to $15,000,000 annually to reclaim and restore—

(A) any area of the Arctic National Wildlife Refuge or other North Slope Federal lands affected by past or future oil and gas exploration, development, or production; and

(B) North Slope non-Federal lands affected by future exploration, development, or production on the Coastal Plain which are not reclaimed and restored in accordance with applicable Federal law and with applicable State law not in conflict with Federal law;

(5) up to $2,000,000 annually to the Secretary to monitor and conduct research on fish and wildlife species which utilize the land and water resources of the Coastal Plain; and

(6) to reclaim at the conclusion of the period of exploration, development and production with respect to any lease, any area of the Coastal Plain and related lands which have not been properly reclaimed by the operator or lease holder.

(e) The United States shall have legal recourse against any party or entity who is responsible for the reclamation of any area within the Coastal Plain, to recover any funds expended under paragraphs (1), (2), (3), (4), and (6) of this subsection due to a failure by the responsible party to reclaim such area as required by this subtitle: Provided, That such right of recovery shall not be available against any Alaska Natives conducting traditional subsistence use activities. Any funds so recovered shall be deposited in the Reclamation Fund.

(f) Any moneys remaining in the Reclamation Fund fifty years after the period of active oil and gas exploration, development, production, and reclamation has been concluded in the Coastal Plain shall be paid into the miscellaneous receipts of the Treasury of the United States.

PART 6—DISPOSITION OF OIL AND GAS REVENUES

DISTRIBUTION OF REVENUES

SEC. 332. Notwithstanding any other provision of law, all revenues received from competitive bids, sales, bonuses, royalties, rents, fees (other than those fees collected pursuant to section 310(d)(2)(A) and section 331(b) of this subtitle), interest charges, or other income derived from the leasing of oil and gas resources within the Arctic National Wildlife Refuge, shall be deposited into the miscellaneous receipts of the Treasury of the United States.

JUDICIAL REVIEW

SEC. 333. (a) Notwithstanding section 319 of this subtitle, any legal action, including an action for declaratory judgment, to challenge section 332 of this subtitle, shall be assigned for hearing and completed at the earliest possible date; shall, to the greatest extent practicable, take precedence over all other matters pending on the docket of the court at that time; and shall be expedited in every way by such court. Any such action shall be brought in an appropriate United States district court within ninety days of enactment of this subtitle. Such action shall be barred unless a complaint is filed within the time specified. Any review of an interlocutory or final judgment, decree, or order of the United States district court in such action may be had only upon direct appeal to the Supreme Court of the United States.

(b) Nothing in this section shall be construed to grant causes of action to any person or to waive any defenses which may be available to the United States.

(c) If any action is brought in accordance with subsection (a), no lease sale shall occur under section 307 of this subtitle until a final nonappealable decision has been issued in any such action.

Subtitle B—Naval Petroleum Reserve Leasing

SHORT TITLE

SEC. 341. This subtitle may be cited as the "Naval Petroleum Reserve Leasing Act".

LEASING AUTHORIZATION

SEC. 342. (a) Notwithstanding any other law, if the President finds that control and use of Naval Petroleum Reserve Numbered 1 by the United States is not necessary for national defense purposes or to assure its exploration, development, and operation, the Secretary of Energy (the "Secretary") may lease any or all of that reserve. As determined by the Secretary, portions of chapter 641 of title 10, United States Code, shall cease to apply with respect to the reserve from the effective date to be specified in a lease, and to the extent and under conditions that may be provided for elsewhere in this subtitle.

(b) The President shall submit a finding under this section to the Congress, together with a report on the basis for the finding, at least 60 days before the effective date of a lease of the reserve.

(c)(1) The Secretary may use the United States' share of lease proceeds received to satisfy contractual obligations directly related to the accomplishment of a lease and to pay any liabilities of the Department of Energy arising with respect to the interests leased at Naval Petroleum Reserve Numbered 1 and with respect to the settlement of issues under the Unit Plan Contract at Naval Petroleum Reserve Numbered 1, including any liabilities relating to payment of just compensation and under any Federal statute concerning the environment. The balance of funds received shall be utilized as provided in section 346 of this subtitle.

(2) Before entering into a lease under this subtitle, the Secretary shall determine that the rental price represents fair market value.

(d)(1) The Secretary shall notify the Attorney General of each proposed lease under this subtitle. The notification shall contain information that the Attorney General may require in order to advise the Secretary as to whether the lease may substantially lessen competition. Within thirty days after the notification, the Attorney General shall advise the Secretary whether the lease may substantially lessen competition.

(2) Nothing in this subtitle confers on any person immunity from civil or criminal liability, or creates defenses to actions, under the antitrust laws.

(3) As used in this section, the term "antitrust laws" means—

(A) the Sherman Act (15 U.S.C. 1 et seq.);

(B) the Clayton Act (15 U.S.C. 12 et seq.);

(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(D) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9); and

(E) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a, commonly referred to as the "Robinson-Patman Act").

(e) The Secretary shall conduct a leasing action under this subtitle using competitive procedures and may reject any and all offers or bids for leases even if the offers or bids meet or exceed minimum acceptable levels.

(f) Any lease under this subtitle shall require that a royalty payment equal to not less than 12.5 percent of the value, as determined by the Secretary, of the oil, natural gas, and other hydrocarbon resources of the production removed or sold from the lease be paid to the "Naval Petroleum Reserve Lease Proceeds Special Account," provided for in section 346 of this subtitle.

(g) Any lease contract authorized under this subtitle shall be so structured as to require parties leasing the reserve or any interest in the reserve to—

(1) retain all records pertaining to the production, transportation and sale of production for a period of not less than 6 years, or such longer period as the Secretary by notice may require:

(2) make all such records available to the Secretary for audit; and

(3) provide that, in the event of a late payment of royalties, partial payment of royalties, or failure to pay any royalties due, the Secretary shall require the payment of interest and penalties and may cancel the lease.

(h) Any lease authorized under this subtitle shall be so structured as to require parties leasing the reserve to set aside a portion of the crude oil produced to sell to small refiners for processing or use in such refineries except that—

(1) none of the production sold to small refiners may be resold in kind;

(2) production must be sold at a cost of not less than the prevailing local market price of comparable petroleum; and

(3) the set-aside portion shall not exceed 25 percent of the estimated annual production at the reserve.

PROCEDURES TO ARRANGE AND CONDUCT A LEASING ACTION

SEC. 343. (a) Before and after the President's finding under section 342(a) of this Act, the Secretary may take the steps the Secretary considers necessary to arrange the lease of Naval Petroleum Reserve Numbered 1.

(b) In order to arrange and conduct a leasing action, the Secretary may:

(1) create new corporations, partnerships, or other business entities, and transfer the United States' interest to the new entities;

(2) enter into contracts with State or private entities, including contracts for technical, financial, auditing or other professional services; and

(3) use funds appropriated to the Department of Energy under the Department of the Interior and Related Agencies Appropriations Acts, but not to exceed five percent from the Naval Petroleum Reserves Account.

Resources and expertise of other Federal agencies shall be used to lease the Reserve when doing so will reduce the cost to the Federal government of leasing.

(c) Unless otherwise determined in accordance with section 342(e), all lands to be leased shall be leased to the highest responsible qualified bidder or bidders by competitive bidding under general regulations issued by the Secretary. The Secretary may establish bidding and lease terms and conditions the Secretary considers necessary or appropriate, including, but not limited to, the establishment of the acreage and units of lands to be leased and the minimum rental or royalty rates.

(d) A lessee of any of the United States' interest in Naval Petroleum Reserve Numbered 1 is not liable for any claim of liability arising exclusively from or during the ownership and operation of the interest by the United States. Such a claim may be asserted only against the United States to the extent and in the manner provided by law.

PRIVATELY OWNED LANDS AND PHYSICAL IMPROVEMENTS

SEC. 344. (a) Whenever the Secretary is otherwise unable to make arrangements the Secretary considers satisfactory for a lease of Naval Petroleum Reserve Numbered 1, the Secretary may acquire, by purchase, condemnation, or otherwise, privately owned lands or physical improvements within Naval Petroleum Reserve Numbered 1, as the Secretary considers necessary to facilitate the leasing action.

(b) Before condemnation proceedings are instituted, an effort shall be made to acquire the property by negotiation, unless, in the judgment of the Secretary, the effort to acquire the property by negotiation would be futile, unduly time consuming, or otherwise not in the public interest.

STRATEGIC PETROLEUM RESERVE TIE-IN; DEFENSE PETROLEUM INVENTORY

SEC. 345. (a) In the event of a lease of any part of Naval Petroleum Reserve Numbered 1 under this subtitle, sections 160(a), (b), and (d) of the Energy Policy and Conservation

Act (42 U.S.C. 6240(a), (b) and (d)) shall cease to apply to the reserve.

(b)(1) Title I, part B, of the Energy Policy and Conservation Act (42 U.S.C. 6215 *et seq.*) is amended by adding after section 167 a new section 168 as follows:

"DEFENSE PETROLEUM INVENTORY

SEC. 168. (a) Notwithstanding any other provision of this part, the Secretary may acquire or construct, operate, and maintain storage and related facilities to meet petroleum product requirements of the Department of Defense, and may acquire and store therein a Defense Petroleum Inventory of crude oil. This acquisition and storage shall be in addition to any acquisition or storage of crude oil for the Strategic Petroleum Reserve required by any other law, and crude oil acquired and stored under this section shall not be counted as part of the Strategic Petroleum Reserve. In carrying out the functions authorized by this section, the Secretary may exercise any authority available under this part.

"(b) The Secretary shall obligate the U.S. share of funds available in the Naval Petroleum Reserve Lease Proceeds Special Account created by section 346 of the Naval Petroleum Reserve Leasing act for the acquisition of 10 million barrels of crude oil for the Defense Petroleum Inventory. Until the acquisition of 10 million barrels of crude oil for the Defense Petroleum Inventory has been completed, the Secretary shall dedicate to the Defense Petroleum Inventory, crude oil contained in the Strategic Petroleum Reserve in sufficient quantities to maintain the Defense Petroleum Inventory at a level determined by multiplying 10 million barrels times the percentage of the United States' interest in Naval Petroleum Reserve Numbered 1 leased under the Naval Petroleum Reserve Leasing Act. Any crude oil so dedicated shall be considered to remain in storage for the purposes of any law relating to the rate of fill of the Strategic Petroleum Reserve.

"(C) Notwithstanding any other provision of this part, upon the request of the Secretary of Defense, crude oil acquired for or dedicated to the Defense Petroleum Inventory shall be drawn down and distributed by the Secretary to, or on behalf of, the Department of Defense for use, sale, or exchange. Crude oil in the Defense Petroleum Inventory may be drawn down and distributed, used, sold, or exchanged, without regard to—

"(1) whether the crude oil has been commingled with petroleum products of the Strategic Petroleum Reserve;

"(2) the requirements of this part concerning drawdown of the Strategic Petroleum Reserve; or

"(3) otherwise applicable Federal contracting statutes and regulations.

The Secretary of Energy shall exercise the authority provided by this subsection in a manner which does not adversely affect drawdown of the Strategic Petroleum Reserve.

"(d) Upon the request of the Secretary of Defense, and subject to the availability of funds from the Department of Defense, the Secretary shall acquire and store in the Defense Petroleum Inventory crude oil to replace crude oil drawn down under subsection (c).

"(e) An amendment to the Strategic Petroleum Reserve Plan relating to the exercise of this authority shall not be required.

"(f) The Department of Defense shall reimburse the Department of Energy for—

"(1) drawdown and distribution services provided under this section, in amounts that the Secretary determines to be reasonable;

"(2) all costs of acquiring crude oil for the Strategic Petrolum Reserve to replace crude oil drawn down and distributed under subsection (c); and

"(3) all costs of acquiring and storing in the Defense Petroleum Inventory any crude oil in excess of the initial 10 million barrels acquired for it or dedicated to it.

"(g) Crude oil acquired for the Defense Petroleum Inventory under subsection (a) shall be transferred to the Strategic Petroleum Reserve, pursuant to subsection (f)(2), in reimbursement on a barrel-for-barrel basis for the cost of replacement petroleum products acquired for the Strategic Petroleum Reserve.".

(2) The Table of Contents of the Energy Policy and Conservation Act is amended by inserting after the entry for section 167 the following:

"SEC. 168. Defense Petroleum Inventory.".

NAVAL PETROLEUM RESERVE LEASE PROCEEDS SPECIAL ACCOUNT AND REVENUE SHARING WITH THE STATE OF CALIFORNIA

SEC. 346. (a) There is established in the Treasury of the United States a fund called the "Naval Petroleum Reserve Lease Proceeds Special Account" (referred to as the "Special Account" in this subtitle) which shall be available to the Department of Energy without fiscal year limitation to carry out the purposes, functions, and powers authorized by this subtitle.

(b) There shall be deposited in the Special Account all proceeds realized under this subtitle from the lease of all or any part of the United States' interest in Naval Petroleum Reserve Numbered 1, including bonus and royalty payments.

(c) Fifty percent of the proceeds received from royalty payments and seven percent of the bonus payments from Naval Petroleum Reserve Numbered 1 under this subtitle shall, notwithstanding any other provision of law, be paid to the State of California (to be credited by the State in accordance with California Public Resources Code, section 8711 and allocated in the manner provided in California Statutes 1988 ch. 985, section 3, as amended from time to time). The portion of the proceeds accruing to the State of California from the bonus payment shall be paid to the State of California in seven annual payments, beginning one year from the date that the Federal Government receives the first installment of the bonus payment. No interest shall be due on these amounts to the State. Each of the seven annual payments shall be equal to one seventh of the lease bonus payment due to the State.

(d) The Secretary may make expenditures from the Special Account without further appropriation and without fiscal year limitation, but within specific directives or limitations that may be included in appropriation Acts, for any purposes necessary or appropriate to carry out section 168(b) of the Energy Policy and Conservation Act or to satisfy obligations related to the lease of Naval Petroleum Reserve Numbered 1 as specified in section 342(c)(1).

(e)(1) Upon a written notification from the Secretary to the Secretary of the Treasury that the Special Account contains funds in excess of the amounts considered necessary to fulfill the purposes specified in subsections (c) and (d), excess funds specified by the Secretary may be transferred from the Special Account to the miscellaneous receipts account of the Treasury of the United States. In the event funds are no longer required to fulfill the purposes specified in subsections (c) and (d), the Special Account shall be abolished and all remaining funds credited to the miscellaneous receipts account of the Treasury of the United States.

(2) Following abolition of the Special Account under subsection (e)(1), proceeds realized under this subtitle from the lease of all or any part of the United States' interest in Naval Petroleum Reserve Numbered 1 shall be deposited in the miscellaneous receipts account of the Treasury of the United States; except for the portion of royalty, interest and bonus payments specified in section 346(c) to be paid to the State of California, which shall continue to be paid to that State regardless of the status of the Special Account.

(f) The Secretary may collect lease proceeds on behalf of any private owner of Naval Petroleum Reserve Numbered 1 and may pay the owner its share of lease proceeds.

CONGRESSIONAL CONSULTATION

SEC. 347. Compliance with the procedures specified in sections 342 (b) and (d) of this subtitle is considered to satisfy the requirements of sections 7431(a) and 7431(b) of title 10, United States Code.

EFFECT ON SCHOOL LANDS GRANT

SEC. 348. (a) The authority to lease under this subtitle extends to sections 16 and 36 within Naval Petroleum Reserve Numbered 1.

(b) A payment may be made under section 346(c) of this subtitle only after—

(1) the State of California files, on behalf of all party plaintiffs, a motion to dismiss, with prejudice, the lawsuit it filed against the United States and certain agency officials in November 1987 in the United States District Court, Eastern District of California (No. CV-F-87; 665-EDP), and

(2) the State of California, by written agreement, forfeits any rights under section 6 of the Act of March 3, 1853 (Chapter CXLV; 10 Stat. 246) to Sections 16 and 36, Township 30 South, Range 23 East Mount Diablo Base and Meridian, located within Elk Hills, including all rights to indemnity lands under Revised Statutes 2275 and 2276 (43 U.S.C. 851 and 852).

The agreement referred to in paragraph (2) of this subsection is subject to the concurrence of the Attorney General of the United States.

CONFORMING AMENDMENTS

SEC. 349. (a) Section 501 of Public Law 101-45 (103 Stat. 103) is repealed.

(b) Sections 7422(a) and (b) of title 10, United States Code, are amended to read as follows:

"(a) The Secretary, directly or by contract, lease, or otherwise, shall explore, prospect, conserve, develop, use, and operate the naval petroleum reserves in his discretion, subject to the provisions of this chapter, except the authority to lease is not extended to Naval Petroleum Reserve Numbered 3.

"(b) Except as otherwise provided in this chapter, particularly subsection (c) of this section, and in the Naval Petroleum Reserve Leasing Act, the naval petroleum reserves shall be used and operated for—

"(1) the protection, conservation, maintenance, and testing of those reserves; or

"(2) the production of petroleum whenever and to the extent that the Secretary, with the approval of the President, finds that such production is needed for national defense purposes and the production is authorized by a joint resolution of Congress.".

(c) Section 7422(c)(1)(B) of title 10, United States Code, is amended to read as follows:

"(B) to produce such reserves at the maximum efficient rate consistent with sound engineering practices.".

(d) Sections 7422(c)(1)(C), 7422(c)(2), and 7426(b), (c) (d), and (e) of title 10, United States Code, are repealed.

(e) Section 7430(a) of title 10, United States Code, is amended to read as follows:

"(a) In administering the naval petroleum reserves under this chapter, except for those reserves covered by leases executed pursuant to the Naval Petroleum Reserve Leasing Act, the Secretary shall use, store, or sell the petroleum produced from the naval petroleum reserves and lands covered by joint, unit, or other cooperative plans as provided in this section.".

(f) Section 7430(b)(1) of title 10, United States Code, is amended by striking "paragraph (2) and notwithstanding any other provision of law" and inserting "subsection (a) and paragraph (2)".

(g) Section 7430(f) of title 10, United States Code, is amended to read as follows:

"(f) The consultation and approval requirements of section 7431(a)(3) are waived for contracts to sell petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3, and for contracts to sell petroleum from the Naval Oil Shale Reserve which is produced for their exploration, protection, conservation, maintenance, and testing.".

(h) Section 7430(l)(1) of title 10, United States Code, is amended to read as follows:

"(l)(1) The Secretary, at the request of the Secretary of Defense, may provide any portion of the United States share of petroleum to the Department of Defense for its use, exchange, or sale in order to meet petroleum product requirements of the Department of Defense.".

(i) Section 7431(a) of title 10, United States Code, is amended by adding "Except for actions taken pursuant to the Naval Petroleum Reserve Leasing Act," at the beginning of the subsection.

(j) Sections 7431(b) and (c) of title 10, United States Code, are amended by striking "During the period of production authorized by section 7422(c) of this title, the" and inserting "The".

(k) Section 7433(b) of title 10, United States Code, is amended to read as follows:

"(b) Except as provided in the Naval Petroleum Reserve Leasing Act, all money accruing to the United States from lands in the naval petroleum reserves shall be covered into the Treasury.".

Subtitle C—Oil Pipeline Deregulation

SHORT TITLE

SEC. 351. This subtitle may be cited as the "Oil Pipeline Regulatory Reform Act."

FINDINGS AND PURPOSES

SEC. 352. (a) The Congress finds that—

(1) oil pipelines are of critical strategic and economic importance to the Nation;

(2) the Nation's interests are best served by encouraging the competitive and efficient operation of oil pipelines;

(3) economic regulation can impose unproductive costs, discourage and distort investment decisions, cause regulatory uncertainty, and often be only partially effective in achieving its goals;

(4) most markets served by oil pipelines are sufficiently competitive that, given application of the antitrust laws, economic regulation of pipelines in these markets in unnecessary to ensure reasonable rates and adequate service;

(5) for those oil pipeline markets for which competition and antitrust enforcement are not sufficient to ensure their efficient operation, continued economic regulation may be necessary to prevent abuse of significant market power;

(6) where continued economic regulation of oil pipelines remains necessary, that regulation must be reformed to maximize reliance on competition to benefit consumers, reduce regulatory costs, and encourage the efficient use and development of existing and new pipelines;

(7) for those oil pipeline markets for which continued economic regulation is necessary, consumers can best be protected, costs of regulation can best be reduced, and efficiency can best be enhanced by regulating the maximum rates that pipelines may charge and adjusting the maximum rates to reflect price changes in competitive markets while allowing pipelines freely to discount below those maximum rates; and

(8) this reformed rate regulation in markets in which there is significant market power will provide just compensation to a pipeline if the allowable rate is comparable to what that rate would be if the market were competitive and not subject to market power, as calculated by a method that establishes maximum rates, permits them to be revised if they had been enhanced by market power, and adjusts them over time by an index reflecting pipeline prices in competitive markets.

(b) It therefore is the policy of the Federal Government—

(1) to remove the burden of economic regulation from those oil pipeline markets that operate under competitive circumstances or for which that regulation would not be an effective or efficient remedy to constrain the exercise of market power; and

(2) to provide for continued economic regulation of only those oil pipeline markets for which regulation will increases economic efficiency and for which the benefits of regulation outweigh its costs.

REGULATORY REFORM AND DEREGULATION

SEC. 353. The Department of Energy Organization Act (42 U.S.C. 7101-7352) is amended by adding after section 407 the following new sections:

"REGULATION OF PIPELINES

"SEC. 408. (a) As used in this section and sections 409 and 410—

"(1) "adjudication" means an agency hearing, which, in the discretion of the Secretary, may be a hearing on the record governed by section 554 of title 5, United States Code;

"(2) "Attorney General" means the Attorney General of the United States or the Attorney General's designee;

"(3) "Commission rate regulation" means those functions and authorities set forth in section 410 of this Act;

"(4) "existing Commission regulatory jurisdiction" means those functions and authorities transferred by sections 306 and 402(b) of the Department of Energy Organization Act (42 U.S.C. 7155, 7172(b));

"(5) "existing pipeline" means a pipeline that was brought into service or was under construction before January 1, 1991;

"(6) "interested person" means a person whose economic or business interests would be substantially affected by a finding that Commission rate regulation is in the public interest or that a base rate should be revised;

"(7) "new pipeline" means a pipeline that was brought into service after January 1, 1991, and was not under construction before January 1, 1991;

"(8) "pipeline" means a pipeline subject to existing Commission regulatory jurisdiction or which would be subject to existing Commission regulatory jurisdiction except for this section, but it does not include the Trans-Alaska Pipeline authorized by the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) or a pipeline directly or indirectly delivering oil to the Trans-Alaska Pipeline; and

"(9) "rate" means the price for transportation by pipeline, including all charges that the pipeline requires its customers to pay for the transportation and for any ancillary services set forth as part of that pipeline's tariff on file with the Commission on January 1, 1991, or approved by the Commission after January 1, 1991.

"(b)(1) Existing Commission regulatory jurisdiction over pipelines terminates sixty days after the effective date of the Oil Pipeline Regulatory Reform Act. On that date, pipelines become subject to sections 408, 409, 10, and 411 of this Act.

"(2)(A) Within 120 days after the effective date of the Oil Pipeline Regulatory Reform Act, the Attorney General may petition the Secretary for an adjudication of whether Commission rate regulation of an existing pipeline in any market is in the public interest. Upon receipt of such a petition, the Secretary shall conduct an adjudication in accordance with subsection (b)(3). In deciding whether to bring a petition, the Attorney General shall be guided by the methods, assumptions, standards, and definitions underlying and set forth in the report of the United States Department of Justice dated May 1986 entitled "Oil Pipeline Deregulation." None of the findings and conclusions of the report, and none of the methods, assumptions, standards, and definitions underlying and set forth in the report are binding on the Secretary in an adjudication conducted under this section.

"(B) Within 180 days after the effective date of the Oil Pipeline Regulatory Reform Act, an interested person may petition the Secretary for an adjudication of whether Commission rate regulation of an existing pipeline in any market is in the public interest. A person filing such a petition shall provide a reasonable basis for the conclusion that Commission rate regulation is in the public interest, and shall serve a copy of the petition on the Attorney General and on the pipeline for which Commission rate regulation is sought. Upon receipt of the petition, the Secretary, for good cause shown, may conduct an adjudication in accordance with subsection (b)(3). The Secretary may consult with the Attorney General in deciding whether to conduct an adjudication, and shall conduct an adjudication in accordance with subsection (b)(3) if the Attorney General so recommends.

"(C) Not later than 270 days after the effective date of the Oil Pipeline Regulatory Reform Act, the Secretary shall publish a list of all adjudications that the Secretary has determined will be held pursuant to this subsection, identifying in each case the pipeline and the market for which Commission rate regulation is sought. Pipeline rates for service to markets that are not identified in the list published by the Secretary shall no longer be subject to section 410 of this Act.

"(3)(A) The Secretary shall find that Commission rate regulation of an existing pipeline in a market is in the public interest only if it is demonstrated that regulation is necessary to constrain the exercise of substantial market power in the supply or demand of products transported by the pipeline in that market. If the Secretary finds that Commission rate regulation of an existing pipeline in a market is in the public interest, Commission rate regulation shall continue. If the Secretary finds that Commission rate regulation of an existing pipeline in a market is not in the public interest, regulation shall terminate at a time the Secretary designates, but in no event shall that regulation continue beyond sixty days after the Secretary issues the finding.

"(B) A finding under subsection (b)(3)(A) shall be issued within one year after the Secretary decides to conduct the adjudication, unless the Secretary, in the event of unusual circumstances, determines that the finding cannot be issued within one year. In such a case, the Secretary shall make specific findings as to the unusual circumstances necessitating the delay, and shall specify a date certain by which the Secretary will issue the finding, but in no event shall the Secretary's finding be issued more than two years after the Secretary decides to conduct the adjudication.

"(C) If parties to an adjudication conducted by the Secretary reach a settlement of the issues prior to the Secretary's finding that Commission rate regulation of a pipeline in a market is in the public interest, the settlement shall bind those parties. If all parties reach such a settlement, the Secretary shall terminate the proceeding by accepting the settlement.

"(c)(1) Upon petition of any interested person, the Secretary may conduct an adjudication of whether Commission rate regulation of an existing pipeline in any market subject to that regulation is in the public interest in accordance with subsection (b)(3). The Secretary shall notify the Attorney General of any petition for adjudication or decision to conduct an adjudication under this paragraph and may consult with the Attorney General in deciding whether to conduct an adjudication.

"(2) If the Secretary finds that Commission rate regulation of an existing pipeline in a market subject to that regulation is not in the public interest, Commission rate regulation over that pipeline in that market terminates when the Secretary designates, but in no event shall Commission rate regulation continues beyond sixty days after the Secretary issues the finding.

"(d) The Attorney General may participate in any adjudication initiated by petition from any interested person under this section, or upon the request of the Secretary. In participating, the Attorney General shall be guided by the methods, assumptions, standards, and definitions set forth in the report cited in section 408(b)(2)(A).

"(e) Except as provided under subsection (i), new pipelines are not subject to existing Commission regulatory jurisdiction or to Commission rate regulation, but are subject to section 409 of this Act.

"(f)(1) The termination pursuant to this section of existing Commission regulatory jurisdiction or Commission rate regulation does not apply to products transported before the termination.

"(2) Commission rate regulation of a pipeline in a market made subject to that regulation under this section shall be prospective only. Products transported by the pipeline before regulation becomes effective under this section shall not be subject to Commission rate regulation.

"(3) Existing Commission regulatory jurisdiction terminated under this section, including existing Commission regulatory jurisdiction over new pipelines, shall not revert back to, be delegated to, or otherwise transfer to, the Department of Energy, the Interstate Commerce Commission, or any other agency of the Federal Government except as provided under subsection (i).

"(4) Notwithstanding any other law, and except as otherwise provided in section 409 and 410 of this Act, no State, political subdivision of a State, or agency of the Federal Government may regulate a pipeline with respect to which existing Commission regulatory jurisdiction or Commission rate regulation has been terminated pursuant to this section, including existing Commission regulatory jurisdiction and Commission rate regulation over new pipelines, to the extent that the regulation is similar in nature to those functions and authorities constituting existing Commission regulatory jurisdiction or Commission rate regulation that are terminated under this section. This authority includes, but is not limited to, subsections 5(e) and 5(f) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334 (e) and (f)) and section 28(r) of the Mineral Leasing Act of 1920 (30 U.S.C. 185(r)). Nothing in this Act limits any authority vested in a State or political subdivision of a State to regulate pipelines engaged in intrastate commerce.

"(g) Notwithstanding section 501 of this Act (42 U.S.C. 7191), the Secretary and the Attorney General each may promulgate, in accordance with section 553 of title 5, United States Code, rules and regulations necessary or appropriate to carry out their respective responsibilities under this section. Rules and regulations proposed by the Secretary implementing this section or any other actions taken by the Secretary under this section are not subject to section 404 of this Act (42 U.S.C. 7174).

"(h)(1) Notwithstanding section 502 of this Act (42 U.S.C. 7192), the United States Court of Appeals for the District of Columbia Circuit has exclusive original jurisdiction over any petition for judicial review under this section.

"(2) Any action of the Attorney General under this section, including without limitation any participation of the Attorney General in any adjudication under this section, is an agency action committed to agency discretion by law, and is not subject to judicial review in any manner.

"(i)(1) The Secretary of Defense may petition the Secretary for an adjudication of whether Commission rate regulation of an unregulated pipeline would be in the national defense interest, except that the Secretary of Defense may not petition the Secretary earlier than two years after—

"(A) the termination of Commission rate regulation of a pipeline that is the subject of the petition, or

"(B) a prior adjudication under this section regarding a pipeline that is the subject of the petition.

"(2) In response to a petition under this subsection, the Secretary may hold an adjudication of whether Commission rate regulation of an unregulated pipeline would be in the national defense interest. If the Secretary finds that Commission rate regulation of the pipeline is in the national defense interest, the pipeline shall be subject to section 410 of this Act.

"COMMON CARRIER STATUS CONTINUED; CONTRACTS

"SEC. 409. (a) Notwithstanding any other provision of this Act, pipelines shall operate as common carriers, as follows:

"(1) provide transportation service to all persons upon reasonable demand and upon fair, equitable, and non-discriminatory terms and conditions and establish through routes with other common carrier pipelines, except that a pipeline's charging different rates to different shippers does not constitute a violation of this paragraph;

"(2) establish and observe just and reasonable classifications of property for transportation and just and reasonable regulations and practices affecting that transportation, except that a pipeline's charging different rates to different shippers does not constitute a violation of this paragraph;

"(3) refrain from disclosing to any person, other than the shipper or consignee, without consent of the shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered.

"(b) Pipelines shall publish and file with the Commission schedules setting forth applicable terms and conditions of carriage, but excluding the rates to be charged for carriage.

"(c) Contracts between pipelines and other persons on terms and conditions other than those filed pursuant to subsection (b) as applicable to basic common carriage shall be presumed conclusively to be in the public interest as long as, in regulated markets, the regulated service is available at no more than the maximum rate.

"(d) The Commission shall enforce compliance with the obligations set forth in this section, and may adopt rules and regulations necessary or appropriate for that purpose.

"COMMISSION RATE REGULATION

"SEC. 410. (a) Notwithstanding any other law, the rates of any pipeline in any market subject to this section shall be regulated as follows:

"(1) The base rates of a pipeline in any market subject to this section are;

"(A) those rates that were in effect and not subject to investigation by the Commission on January 1, 1991, increased or reduced by the percentage change in the Producer Price Index for total finished goods calculated by the Bureau of Labor Statistics in the United States Department of Labor from that date to the date that Commission rate regulation commenced pursuant to section 408(b)(1);

"(B) with respect to rates that were subject to investigation by the Commission on January 1, 1991, which investigation was not terminated by final adjudication or settlement approved by the Commission as of the termination of existing Commission regulatory jurisdiction pursuant to section 408(b)(1), those rates that were in effect upon the last rate change prior to January 1, 1991, that was not made subject to an investigation by the Commission, increased or reduced by the percentage change in the Producer Price Index from the effective date of that change to the date that Commission rate regulation commenced pursuant to section 408(b)(1);

"(C) with respect to rates that were subject to investigation by the Commission on or before January 1, 1991, which investigation was terminated by a final adjudication or a settlement approved by the Commission prior to the termination of existing Commission regulatory jurisdiction pursuant to section 408(b)(1), those finally adjudicated or settled rates, increased or reduced by the percentage change in the Producer Price Index from the effective date of the final adjudication or settlement to the date that Commission rate regulation commenced pursuant to section 408(b)(1);

"(D) with respect to pipelines not in service on January 1, 1991, those rates initially established by those pipelines.

"(2) The base rate for a pipeline subject to this section may be modified as follows—

"(A) Within 120 days after a finding by the Secretary pursuant to section 408(b) that Commission rate regulation of any pipeline in any market is in the public interest, the Attorney General may petition the Secretary for an adjudication of whether any base rate of that pipeline in that market should be reduced. Upon receipt of such a petition, the Secretary shall conduct an adjudication in accordance with subsection (a)(2)(D) of this section.

"(B) Within 180 days after a public interest finding, an interested person may petition the Secretary for an adjudication of whether any base rate of that pipeline in that market should be reduced. A person filing such a petition shall provide a reasonable basis for the conclusion that the base rate should be reduced, and shall serve a copy of the petition on the Attorney General and on the pipeline that is the subject of the petition. Upon receipt of such a petition, the Secretary, for good cause shown, may conduct an adjudication in accordance with subsection (a)(2)(D). The Secretary may consult with the Attorney General in deciding whether to conduct an adjudication, and shall conduct an adjudication if the Attorney General so recommends.

"(C) Not later than 270 days after a public interest finding, the Secretary shall publish a list of all adjudications that the Secretary has determined will be held pursuant to this paragraph, identifying in each case the pipeline, the market, and the base rate for which a reduction is sought.

"(D)(i) The Secretary shall order a reduction if the petitioner demonstrates that the pipeline's market power has resulted in a base rate that is significantly higher than the rate likely would be if the relevant market were not subject to market power. In making this finding, the Secretary shall consider only statistical evidence of rates charged by that pipeline in competitive markets, with appropriate recognition of the effects of factors such as the distance of a movement. For purposes of this subparagraph, a base rate is considered significantly higher than the rate likely would be if the relevant market were not subject to market power only if the difference is statistically significant under commonly accepted standards.

"(ii) A finding under clause (i) of this subparagraph shall be issued within one year after the Secretary decides to conduct an adjudication, unless the Secretary, in the event of unusual circumstances, determines that the finding cannot be issued within one year. In such a case, the Secretary shall make specific findings as to the unusual circumstances necessitating the delay, and shall specify a date certain by which the Secretary will issue the finding, but in no event shall the Secretary's finding be issued more than two years after the Secretary decides to conduct the adjudication.

"(iii) If parties to an adjudication conducted by the Secretary reach a settlement of the issues prior to the Secretary's finding, it shall bind those parties. If all parties reach such a settlement, the Secretary shall terminate the proceeding by accepting the settlement.

"(E) Any adjustment of a base rate ordered under this subsection shall be effective as of the date of the Secretary's finding pursuant to subsection (a)(2)(D)(ii).

"(F) The Attorney General may participate in any adjudication initiated by petition from any interested person under this section, and shall participate upon the request of the Secretary. In participating, the Attorney General shall be guided by the methods, assumptions, standards, and definitions set forth in the report cited in section 408(b)(2)(A).

"(3) The Commission shall calculate as follows a maximum rate for each rate subject to Commission rate regulation:

"(A) Following the commencement of Commission rate regulation pursuant to subsection 408(b)(1)—

"(i) For the first period, which shall be from the commencement of Commission rate regulation pursuant to subsection 408(b)(1) until the date of publication by the Secretary of the list of adjudications required by subsection 408(b)(2)(C), the maximum rate shall be the base rate established under section 410 (a)(1) and (2).

"(ii) For each of the next two periods, each of which shall be six months, the maximum rate for pipeline rates serving markets which are subject to an adjudication shall be the base rate increased or reduced by the percentage change in the Producer Price Index from the date upon which the base rate became effective.

"(iii) For all subsequent six month periods, the maximum rate shall be the prior maximum rate increased or reduced by the percentage change in the Competitive Pipeline Price Index during the previous period, except that, with respect to a settlement approved by the Commission after January 1, 1991, which expressly governs maximum rates for any future period, the settlement rate shall be the maximum rate until the conclusion of that period. At the conclusion of that period, the rate in effect shall be the maximum rate increased or reduced by the percentage change in the Competitive Pipeline Price Index.

"(B)(i) The Secretary shall calculate a Competitive Pipeline Price Index to reflect relative changes in prices changed by pipelines in competitive markets not subject to Commission rate regulation. The Competitive Pipeline Price Index shall be derived from the average revenue per barrel-mile of a sample of pipelines in those markets. The Secretary shall select the sample of pipelines, markets, and revenues to be used in calculating the Competitive Pipeline Price Index, and the Secretary may exclude data from pipelines not subject to Commission rate regulation but whose rates for any reason may not reflect effective competition. The Secretary may require reports from pipelines for the purpose of calculating the Competitive Pipeline Price Index.

"(ii) The Secretary shall initially publish the Competitive Pipeline Price Index one year after the termination of existing Commission regulatory jurisdiction, and shall publish changes in it at intervals of not more than six months.

"(iii) The Secretary may substitute an appropriate existing index for the Competitive Pipeline Price Index if that substitute index accurately reflects increases in prices in competitive pipeline markets and if the Secretary determines that calculation of the Competitive Pipeline Price Index would be unduly burdensome.

"(4)(A) Any rate subject to Commission rate regulation under this section which does not exceed the maximum rate determined in accordance with subsection (a)(3) of this section is presumed conclusively to be lawful and is not subject to protest, complaint, suspension, investigation, or any other challenge or inquiry under Commission rate regulation.

"(B) Nothing in this Act makes it unlawful for a pipeline to charge a rate that is lower than the maximum rate determined in accordance with subsection (a)(3). A pipeline charging lower than the maximum rate to a shipper with which it is affiliated by means of common ownership or otherwise shall make the lower rate available to any shipper upon the same terms and conditions of service.

"(5) The Commission shall publish base rates, rate adjustments, and maximum rates determined in accordance with this section and make them available for public inspection.

"(b) A pipeline subject to Commission rate regulation in a market shall not condition pipeline services in that market on entering into any other transaction, or on taking or refraining from any action.

"(c)(1) In any market subject to Commission rate regulation, if a pipeline expands its available capacity, it may petition the Commission for a determination of the pre-existing capacity that will remain subject to Commission rate regulation. If such a determination is made, the additional capacity shall not be subject to Commission rate regulation. Interested persons may participate in the proceeding.

"(2) The Commission may promulgate any regulations necessary or appropriate to ensure that rights to use pre-existing capacity at rates governed by Commission rate regulation are allocated to shippers in a manner that both preserves the efficacy and is consistent with the requirements of section 409 of this Act.

"(d) The Commission shall enforce compliance with the obligations set forth in this section, and may adopt rules and regulations necessary or appropriate for that purpose.

"(e) Notwithstanding section 501 of this Act (42 U.S.C. 7191), the Secretary and the Attorney General each may promulgate in accordance with section 553 of title 5, United States Code, rules and regulations necessary or appropriate to carry out their respective responsibilities under this section. Rules and regulations proposed by the Secretary implementing this section or any other actions taken by the Secretary under this section are not subject to section 404 of this Act (42 U.S.C. 7174).

"(f)(1) Notwithstanding section 502 of this Act (42 U.S.C 7192), the United States Court of Appeals for the District of Columbia Circuit has exclusive original jurisdiction over any petition for judicial review under this section.

"(2) Any action of the Attorney General under this section, including without limitation any decision to petition or not to petition for an adjudication under this section, is an agency action committed to agency discretion by law, and is not subject to judicial review in any manner.

"REPORT TO CONGRESS

"SEC. 411. At the conclusion of the fifth year after the completion of all adjudications conducted under section 410 of this Act, the Secretary shall provide to the appropriated committees of Congress a report setting forth the findings and conclusions of the Secretary on the results of the Oil Pipeline Regulatory Reform Act and its impact on the public interest. In this report, the Secretary shall make any recommendations that the Secretary considers appropriate.".

CONFORMING AMENDMENTS

"SEC. 354. (a) Section 402(b) of the Department of Energy Organization Act (42 U.S.C 7172(b)), is amended by striking "There" and inserting in its place "Subject to sections 408, 409, 410, and 411 of this Act, there".

"(b) Section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7174(a)) is amended by striking "section 403" and by inserting in its place "sections 408 and 410".

"(c) The Table of Contents of the Department of Energy Organization Act is amended by adding after the item for section 407 four new items as follows: "Sec. 408. Regulation of pipelines.", "Sec. 409. Common carrier status continued; contracts.", "Sec. 410. Commission rate regulation.", and "Sec. 411. Report to Congress.".

APPLICABILITY OF ANTITRUST LAWS

"SEC. 355. Nothing in this Act affects the applicability to the transportation by pipeline of crude oil, refined oil, or other petroleum products of the laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade.

SEVERABILITY

"SEC. 356. In any provision of this Act or its application to any person or circumstances is held invalid, neither the remainder of this Act nor the application of the provision to other persons or circumstances shall be affected.

TITLE IV—ELECTRICITY GENERATION AND USE

Subtitle A—Public Utility Holding Company Act Reform

DEFINITIONS

"SEC. 401. For the purposes of this subtitle—

(1) "Exempt wholesale generator" means any person who is engaged directly, or indirectly, through one or more of that person's affiliates as defined under section 2(a)(11)(B) of the Act, exclusively in the business of owning or operating all or part of one or more eligible facilities and selling electric energy at wholesale. The term excludes a registered holding company affiliate in existence on the date of enactment of the National Energy Strategy Act, unless the Commission has consented to its inclusion.

(2) "Eligible facility" means a facility, wherever located, that is used for the generation of electric energy exclusively for sale at wholesale (including interconnecting transmission facilities necessary to effect sale at wholesale). For purposes of sections 401 and 402, "facility" includes a portion of a facility. This term does not include a facility if a rate or a charge for, or in connection with, its construction or for electricity it produces (other than any portion of a rate or charge that represents recovery of the cost of a wholesale rate or charge) is in effect under the laws of any State.

(3) "Electric consumer" means any person, State or local authority or agency, or Federal agency to which electric energy is sold other than for purposes of resale.

(4) As used in sections 401 and 402, "the Act" means the Public Utility Holding Company Act. All of the terms used in sections 401 and 402 and defined in the Act have the meaning given in the Act.

EXEMPT WHOLESALE GENERATORS

SEC. 402. (a) An exempt wholesale generator is not considered an "electric utility company" under section 2(a)(3) of the Act and, whether or not a subsidiary company, an affiliate, or an associate company of a holding company, is exempt from the Act.

(b) Notwithstanding any provision of the Act, the eligibility of a holding company for exemption under section 3(a) of the Act is not affected by whether an associate company, affiliate, or subsidiary company is an exempt wholesale generator, unless the Commission, by order upon application of an affected State commission or other interested party, and considering among other relevant factors any views submitted by each affected State commission, terminates the exemption upon determining that—

(1) the holding company has not established appropriate means to determine the allocation of costs between the exempt wholesale generator and any associate company, affiliate, or subsidiary company that provides electric service to electric consumers; or

(2) the exempt wholesale generator is a party to a contract, either directly or through an associate company, for the sale of electric energy to an associate company, affiliate, or subsidiary company that provides electric service to electric consumers without each affected State commission having given its prior approval of the contract under State law.

(c) For the purposes of this section, an "affected State commission" is any State commission that has jurisdiction to regulate a holding company's associate company, affiliate, or subsidiary company that provides electric service to electric consumers.

(d) Notwithstanding any provision of the Act and the Commission's jurisdiction under subsection (e) of this section, a registered holding company may acquire and hold, directly or indirectly, the securities, or interest in the business, of one or more exempt wholesale generators without applying for or receiving approval from the Commission and without being subject to any other conditions under the Act, so long as the exempt wholesale generator is not a party to a contract, either directly or through an associate company, for the sale of electric energy to an associate company, affiliate, or subsidiary company that provides electric service to electric consumers, unless each affected State commission has given its prior approval of the contract under State law.

(e) The direct or indirect issuance of securities by a registered holding company for purposes of financing the acquisition of an exempt wholesale generator; the direct or indirect guarantee of securities of an exempt wholesale generator by a registered holding company; the direct or indirect entering into service, sales, or construction contracts; and the direct or indirect creation or maintenance of any other relationship in addition to that described in subsection (d) between an exempt wholesale generator and a registered holding company, its affiliates, and associate companies, remain subject to the jurisdiction of the Commission under the Act, except that—

(1) section 11 of the Act does not prohibit the ownership of an interest in the business of one or more exempt wholesale generators by a registered holding company (regardless of the location of facilities owned or operated by the exempt wholesale generator), and that ownership is considered to be consistent with the operation of an integrated public utility system; and

(2) the ownership of an interest in the business of one or more exempt wholesale generators by a registered holding company (regardless of the location of facilities owned or operated by the exempt wholesale generator) is considered to be reasonably incidental, or economically necessary or appropriate to the operations of an integrated public utility system.

OWNERSHIP OF EXEMPT WHOLESALE GENERATORS AND QUALIFYING FACILITIES

SEC. 403. The ownership by a person of one or more exempt wholesale generators does not result in that person being considered as being primarily engaged in the generation or sale of electric power within the meaning of sections 3(17)(C)(ii) and 3(18)(B)(ii) of the Federal Power Act (16 U.S.C. 796(17)(C)(ii) and (18)(B)(ii)).

FEDERAL AND STATE AUTHORITIES

SEC. 404. (a) A rate or charge for the sale of electric energy at wholesale in interstate commerce by an exempt wholesale generator is not considered just and reasonable within the meaning of sections 205 and 206 of the Federal Power Act (16 U.S.C. 824d and 824e) if the rate or charge allows the exempt wholesale generator to receive undue advantage from the existance of an affiliate relationship between the exempt wholesale generator and the purchaser of that electric energy.

(b) A State commission may determine the prudence of a wholesale power purchase by an electric utility company that provides electric service to electric consumers and may disallow recovery of costs determined to be imprudently incurred, unless the wholesale purchaser has no alternative to accepting the amount of power or costs allocated to it by the Federal Energy Regulatory Commission in setting a wholesale rate or charge that is based on an allocation of power or costs among:

(i) companies of a registered holding company; or

(ii) companies that operate on an integrated basis under an agreement approved by the Federal Energy Regulatory Commission.

Subtitle B—Power Marketing Administration Repayment Reform

SHORT TITLE

SEC. 411. This subtitle may be cited as the Power Marketing Administration Timely Payment Act.

DEFINITIONS

SEC. 412. For purposes of this subtitle—

(1) "Power marketing administration" means the Bonneville Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration.

(2) "Power investment" means a capital investment or other capitalized expenditure made by the United States that—

(A) is made using Federal appropriations;

(B) is for a project or separable feature of a project that is placed in service;

(C) is allocated to power and required by law to be repaid from the power revenues of a power marketing administration;

(D) is not allocated or suballocated to irrigation; and

(E) excludes an investment made using funds borrowed under section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k).

(3) "Interest rate" means:

(A) for power investments placed in service after September 30, 1991, a rate determined by the Secretary of the Treasury based on the average market yields on outstanding marketable obligations of the United States with the remaining periods to maturity comparable to the applicable repayment period during the month proceding the fiscal year in which the power investment is placed in service; and

(B) for power investments placed in service before October 1, 1991, the yield of long-term government securities for the year the power investment was placed in service, as shown in the following table:

Year	Yield
1921	5.09

Year	Yield
1922	4.30
1923	4.36
1924	4.06
1925	3.86
1926	3.68
1927	3.34
1928	3.33
1929	3.60
1930	3.29
1931	3.34
1932	3.68
1933	3.31
1934	3.12
1935	2.79
1936	2.65
1937	2.68
1938	2.56
1939	2.36
1940	2.21
1941	1.95
1942	2.46
1943	2.47
1944	2.48
1945	2.37
1946	2.19
1947	2.25
1948	2.44
1949	2.31
1950	2.32
1951	2.57
1952	2.68
1953	2.95
1954	2.55
1955	2.84
1956	3.08
1957	3.47
1958	3.43
1959	4.07
1960	4.02
1961	3.90
1962	3.95
1963	4.00
1964	4.15
1965	4.21
1966	4.65
1967	4.85
1968	5.26
1969	6.12
1970	6.58
1971	5.74
1972	5.64
1973	6.31
1974	6.98
1975	7.00
1976	6.78
1977	7.06
1978	7.89
1979	8.74
1980	10.81
1981	12.87
1982	12.23
1983	10.84
1984	11.99
1985	10.75
1986	8.14
1987	8.63
1988	8.98
1989	8.59
1990	8.50
1991	8.50

(4) "Compound-interest repayment schedule" means a series of level annual payments of the principal and interest on the power investment paid over the repayment period. For each power investment, the level annual payment of principal and interest is derived by dividing the unpaid principal balance of the power investment by the interest factor for the present value of an annuity.

REPAYMENT OF PRINCIPAL

SEC. 413. (a) Notwithstanding any other law, each power marketing administration shall provide for timely repayment to the Treasury of the United States of principal for power investments. A repayment of principal, to be made at or before the end of each fiscal year, shall be in an amount that is not less than would be determined under a compound-interest repayment schedule as defined in section 412(4) for each power investment, with the schedule beginning on October 1, 1991, or the date the investment is placed in service, whichever is later. In computing the compound-interest repayment schedule—

(1) for each power investment placed in service after September 30, 1991, the repayment period for the unpaid power investment is the estimated average service life of the investment, as determined by the power marketing administration, not to exceed 50 years; and

(2) for each power investment placed in service before October 1, 1991, the repayment period for the unpaid power investment is the remaining average service life of the power investment or the number of years remaining in a 50 year repayment period which started on the date the power investment was placed in service, whichever is less.

(b) If in any year the principal payments made are more than the annual scheduled amounts, the excess payments shall be credited toward payments required in subsequent years. Until a power marketing administration, at its discretion, credits the excess payment toward payments in subsequent years, the excess payment accrues an interest credit at a rate as calculated in section 414(c).

(c) Bonneville Power Administration's payments of principal as specified by this section and interest as specified by section 414 of this Act are payable exclusively from Bonneville Power Administration's "net proceeds" as that term is defined in section 13(b) of the Federal Columbia River Transmission System Act (16 U.S.C. 838k(b)), after deducting Bonneville Power Administration's payments under section 11(b)(8) of the Federal Columbia River Transmission System Act (16 U.S.C. 838i(b)(8)).

PAYMENT OF INTEREST

SEC. 414. (a) Notwithstanding any other law, each power marketing administration shall provide for the timely payment to the Treasury of the United States, at or before the end of each fiscal year, of interest on the unpaid principal of power investments, and of interest on any unpaid deferrals of principal and interest payments.

(b) The annual interest payments on the unpaid principal of power investments shall be computed based on the interest rate determined under section 412(3).

(c) If in any year the interest or principal payments made are less than the amounts scheduled under this Act, the shortfall shall be accounted for separately and paid before the scheduled payment in subsequent fiscal years together with interest calculated at a rate determined by the Secretary of the Treasury based on average market yields on outstanding marketable obligations of the United States with remaining periods to maturity of one year occurring during the last month of the fiscal year in which the shortfall occurred. A shortfall in principal or interest payments shall not affect the payment schedule for subsequent years, except as provided in section 415.

CHANGING A SCHEDULE OF PAYMENTS

SEC. 415. Notwithstanding any other law, a power marketing administration may establish a new schedule of payments of principal and interest on an unpaid power investment when there is a significant reduction in the availability of hydro-power resources because of unexpected natural events. Before changing a schedule of payments, in whole or in part, a power marketing administration shall submit a justification for the change to the Federal Energy Regulatory Commission for approval. Within 30 days from receipt of all necessary justification documents, the Federal Energy Regulatory Commission shall approve or reject a power marketing administration's request for a change in the schedule of payments. Interest on a rescheduled payment, even if the rescheduling is approved by the Federal Energy Regulatory Commission, shall be paid in accordance with section 414 of this Act. This section does not apply to the Bonneville Power Administration.

EFFECTIVE DATE

SEC. 416. This subtitle takes effect October 1, 1991.

TITLE V—NUCLEAR POWER

Subtitle A—Licensing Reform

COMBINED LICENSES

SEC. 501. (a) Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by—

(1) adding "and Operating Licenses" after "Permits" in the catchline;

(2) adding a subsection designator "a." before "All"; and

(3) adding the following new subsections:

"b.(1) After holding a public hearing under section 189 of this Act, the Commission shall issue to the applicant a combined construction and operating license if the application contains sufficient information to support the issuance of a combined license and the Commission determines that there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of this Act, and the Commission's rules and regulations. The Commission shall identify within the combined license the inspections, tests, and analyses that the licensee shall perform, and the acceptance criteria that the Commission shall use to determine their satisfactory completion.

"(2)(A) An application for a combined license shall include a State, local, or utility emergency plan. The combined license shall identify the inspections, tests, exercises, and analyses required for the emergency plan and the acceptance criteria for their satisfactory completion.

"(B) In finding reasonable assurance that adequate protective measures can and will be taken in a radiological emergency, the Commission may presume that States and localities in the emergency planning zones will use best efforts to protect their citizens by following an emergency plan determined by the Commission to be adequate.

"(C) Notwithstanding paragraph (4) of this subsection, questions which arise after combined license issuance, concerning offsite emergency planning issues relating to whether there is reasonable assurance of adequate protective measures including those from a decision by a State or locality not to participate in a previously approved State, local or utility plan, may be resolved only in a proceeding, either in response to a petition or at the initiative of the Commission, to modify or suspend operation under the combined license.

"(3) At appropriate intervals during construction or preoperational testing, the Commission shall publish in the Federal Register notices of the successful completion of inspections, tests, and analyses.

"(4)(A) Not less than 120 days before the date scheduled for initial loading of fuel into a plant by a licensee that has been issued a combined license, the Commission shall publish in the Federal Register notice of intended operation. That notice shall provide that any person whose interest may be affected by operation of the plant, may within 30 days request the Commission to hold a hearing on whether the facility as constructed complied, or on completion will comply, with the acceptance criteria of the license.

"(B) A request for a hearing under this paragraph shall show, prima facie, that one or more of the acceptance criteria in the combined license have not been, or will not be, met, and the specific operational consequences of nonconformance that would be contrary to adequate protection of the public health and safety.

"(C) After receiving a request for a hearing under this paragraph, the Commission expeditiously shall either deny or grant the request. If a hearing is held, commencement of plant operation shall not be delayed pending decision after hearing unless the Commission determines, after considering petitioners' prima facie showing and any answers thereto, that petitioners are likely to succeed on the merits and, as a result, there will not be adequate protection of the public health and safety in the interval prior to the decision.

"(D) A hearing under this paragraph shall be informal, but parites shall be allowed to offer evidence, under oath or affirmation. Discovery and cross-examination of witnesses are not permitted, but the presiding official may direct questions to any party.

"(E) The Commission shall, to the maximum possible extent, render a decision on issues raised by the hearing request within 120 days of the publication of the notice provided by subparagraph (A) or the anticipated date for initial loading of fuel into the reactor, whichever is later. Commencement of operation under a combined license is not subject to section 189(a)(1), but any final order of the Commission under this paragraph is subject to judicial review as provided in section 189(b).

"(5) The Commission also shall notify the Attorney General if significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and the Commission under section 105 c. in connection with issuance of the combined construction and operating licenses for the facility so as to warrant further review under that section under such procedures as may be established by the Commission.

"c. In acting on a request by the holder of a combined license for an amendment to the combined license, the Commission shall apply the same procedures and criteria as it would under section 189(a) of this Act to a licensee request for an amendment to an operating license for a utilization facility. The Commission shall not delay preoperational activities or operation of a facility pending completion of a proceeding under this paragraph if the Commission determines that the amendment involves no significant hazards considerations.".

RULEMAKING

SEC. 502. The Nuclear Regulatory Commission shall propose regulations implementing this subtitle of the National Energy Strategy Act within 1 year of the date of its enactment.

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 503. (a) Section 105 c.(2) of the Atomic Energy Act of 1954 is amended by inserting "or both construct and operate" after "operate" the first time it appears.

(b) Subsection 182 b. of the Atomic Energy Act of 1954 is amended to read as follows:

"b. The Advisory Committee on Reactor Safeguards shall review:

"(1) an application under section 103 or section 104 b. for a construction permit, an operating license, or a combined construction and operating license for a facility;

"(2) an application under section 104 c. for a construction permit or an operating license for a testing facility;

"(3) an application under section 104 a. or c. specifically referred to it by the Commission; or

"(4) an application for an amendment to a construction permit, to an operating license, or to a combined construction and operating license under section 103 or 104 a., b., or c. specifically referred to it by the Commission;

The Advisory Committee on Reactor Safeguards shall submit a report on the application which shall be made a part of the record of the application and be made available to the public except to the extent that security classification prevents disclosure.".

(c) Section 186 a. of the Atomic Energy Act of 1954 is amended by inserting "and 185," after "sections 182,".

(d) The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. 2011 prec.) is amended by amending the item relating to section 185 to read as follows: "Sec. 185. Construction Permits and Operating Licenses.".

EFFECT ON PENDING PROCEEDINGS

SEC. 504. Sections 501 through 503 of this Act apply to all proceedings pending before the Nuclear Regulatory Commission On the date of enactment of this Act.

Subtitle B—Nuclear Waste Management

REPOSITORY SITE CHARACTERIZATION

SEC. 511. Section 113(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10133(a)) is amended to read as follows:

"(a) IN GENERAL.—(1) The Secretary shall carry out, in accordance with this section, appropriate site characterization activities at the Yucca Mountain site. The Secretary shall consider fully the comments received under subsection (b)(2) of this section and section 112(b)(2) of this Act and shall, to the maximum extent practicable and in consultation with the Governor of the State of Nevada, conduct site characterization activities in a manner that minimizes any significant adverse environmental impacts identified in those comments or in the environmental assessment submitted under subsection (b)(1) of this section.

"(2) Notwithstanding any other law, for the purpose of site characterization activities, a Federal agency administering a law, ordinance, or regulation that imposes a requirement for a permit, license, right of way, certification, approval, or other authorization, shall administer the application of that law, ordinance, or regulation to site characterization activities conducted by the Secretary under this Act without regard to whether its administration has been, or could be, delegated to a State or superseded by a comparable State law.

"(3)(A) A requirement for a permit, license, right of way, certification, approval, or other authorization imposed by a State, local, or tribal law, ordinance, or regulation does not apply to site characterization activities under this Act.

"(B) The Secretary shall carry out site characterization activities under this Act notwithstanding a denial of, or refusal to act on, an application for a permit, license, right of way, certification, approval, or other authorization required by a State, local, or tribal law, ordinance, or regulation.

"(4) Notwithstanding paragraph (3), in carrying out site characterization activities under this Act, the Secretary shall consider the views of State, local, and tribal officials regarding the substantive provisions of State and local laws, ordinances, and regulations.

"(5) An action to contest the constitutionality of a provision of this subsection must be brought within 60 days of the date of the enactment of the National Energy Strategy Act. A court may not enjoin site characterization activities carried out by the Secretary under this Act in an action brought to contest the constitutionality of a provision of this subsection except as part of a final judgment.

"(6) Paragraphs (2), (3), (4), and (5) of this subsection apply only to site characterization activities conducted or begun before the Secretary submits to the Commission under section 114(b) of this Act (42 U.S.C. 10134(b)) an application for a construction authorization for a repository.

"(7) The exclusion or inclusion of any provisions contained in paragraphs (2), (3), (4), or (5) of this subsection in a negotiated proposed agreement developed under title IV of this Act shall not affect any determinations regarding either the reasonableness or appropriateness of such an agreement.".

MONITORED RETRIEVABLE STORAGE FACILITY

SEC. 512. Sections 145(b) and 148(d) (1) and (2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 1065(b) and 1068(d) (1) and (2)) are repealed.

TITLE VI—RENEWABLE ENERGY

Subtitle A—Purpa Size and Cap and Co-firing Reform

FEDERAL POWER ACT DEFINITIONS

SEC. 601. Section 3(17) of the Federal Power Act (16 U.S.C. 796(17)) is amended—

(1) by amending paragraph (A) to read as follows:

"(17)(A) small power production facility means a facility which—

"(i) is an eligible solar, wind, waste, biomass, hydroelectric, or geothermal facility;

"(ii) is an alternative power production facility; or

"(iii)(I) produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, geothermal resources, or any combination of those energy sources; and

"(II) has a power production capacity which, together with any other facilities located at the same site (as determined by the Commission), is not greater than 80 megawatts;";

(2) in paragraph (E)—

(A) by inserting ", biomass, hydroelectric," after "waste" the first time it appears; and

(B) by striking "or geothermal resources, and which would otherwise not qualify as a small power production facility because of the power production capacity limitation contained in subparagraph (A)(ii)" and inserting ", biomass energy, hydroelectric power, or geothermal resources, regardless of power production capacity" in its place; and

(3) by adding the following paragraph:

"(F) alternative power production facility means a facility, regardless of power production capacity, which produces electric energy by using solar energy, wind energy, waste resources, biomass energy, hydroelectric power, or geothermal resources, but only if—

"(i) either an application for certification of the facility as a qualifying small power production facility or a notice that the facility meets the requirements for qualification is submitted to the Commission;

"(ii) the electric capacity of the facility is acquired through competitive acquisition; and

"(iii) at least fifty percent of the energy source used to produce electric energy is obtained through the use of solar, wind, waste, biomass, hydroelectric power, geothermal resources, or any combination of those energy sources.".

UTILITY PURCHASING AND EXEMPTIONS

SEC. 602. Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) is amended—

(A) by striking "and to encourage geothermal small power production facilities of not more than 80 megawatts capacity,"; and

(B) by inserting "In the case of an alternative power production facility, these rules shall require electric utilities to offer to purchase electric capacity from such a facility only through competitive acquisition." after "resale.";

(2) in subsection (e)(2) by striking "other than a qualifying small power production facility which is an eligible solar, wind, waste, or geothermal facility as defined in section 3(17)(E) of the Federal Power Act" and inserting "Other than a qualifying small power production facility which is an alternative power production facility or an eligible solar, wind, waste, biomass, hydroelectric, or geothermal facility" in its place; and

(3) in subsection (1) by inserting " "alternative power production facility", "eligible solar, wind, waste, biomass, hydroelectric, or geothermal facility", "competitive acquisition"," after " "qualifying small power producer","

Subtitle B—Hydroelectric Power Regulatory Reform

REGULATORY REFORM

SEC. 611. Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by—

(1) inserting ", and for the purposes of subsections (h), (i), and (j), the Commission shall" after "empowered"; and

(2) adding the following after subsection (g):

"(h) Require each applicant who files an application for a license under this part after December 31, 1992, before filing the application to consult, concerning studies to be undertaken in connection with the licensing process, with those Federal and State agencies and Indian tribes the Commission requires to be consulted and then to have the applicant submit to the Commission a plan and schedule for conducting the studies and a summary of its consultation activities. The Commission shall approve or modify the plan and schedule taking into consideration the cost of the studies, the potential value to the licensing determination of the information the studies are likely to produce, and any other factors the Commission considers relevant and shall ensure that the plan includes all studies necessary to evaluate and proposed projects. Once a plan is approved by the Commission, the Commission may modify it only after determining that the public interest would be affected if it were not modified. This determination may include a finding that additional information is needed in order to address the provisions of this Act or other applicable law. Approval of the study plan and schedule does not constitute a formal Commission decision and is not subject to appeal.

"(i) Coordinate a single, consolidated review, including review under the National Environmental Policy Act of 1969, of a hydropower project which is the subject of an application for a license under this part, by all Federal agencies, State agencies and affected Indian tribes interested in the project that is the subject of the application. The Commission shall give reasonable notice of the application and the consolidated review to all Federal agencies, State agencies, and affected Indian tribes that may be interested in the project that is the subject of the application. The Commission shall be the lead agency for purposes of compliance with the National Environmental Policy Act of 1969. A review under the National Environmental Policy Act of 1969 completed by the Commission as part of the consolidated review is the only documentation needed by an agency to satisfy the requirements of the National Environmental Policy Act of 1969 for the project subject to the review. The Commission's decision concerning issuance of a license and the terms, conditions, and prescriptions of the license shall take into account the results of the consolidated review. An agency's decision concerning its recommendations, terms, conditions, and prescriptions for the license and any approvals within its authority related to the project shall take into account the results of the consolidated review. The Commission may establish reasonable time limits for submission of recommendations, terms, conditions, prescriptions, and reports by the Federal agency, State agency, or Indian tribe as part of the consolidated review. If an agency does not meet the Commission's time limitations, the Commission may continue to process and to take any appropriate action on the application.

"(j)(1) Notwithstanding any other provision of the Act or other law, have exclusive authority to determine which recommendations, terms, conditions, prescriptions permits, and certification are included in a license issued under this part for a hydropower project at an existing dam or conduit. If the Commission does not adopt in whole or part a recommendation, term, condition, prescription, permit, or certification promulgated by a Federal or State agency or an Indian tribe, the Commission shall state fully its reasons for its action.

"(2) If there is a conflict between the terms of a license issued under this part for a hydropower project at an existing dam or conduit and the terms of a permit, license, certificate, or other authorization required by another Federal agency or a State agency for the same project, the terms of the license issued under this part prevail. If the hydropower project at an existing dam or conduit has been issued a license under this part and has been denied a permit, license, certificate, or other authorization by another Federal agency or a State agency, the licensee of the project may proceed under the license issued under this part.".

REMOVAL OF COMMISSION AUTHORITY OVER FIVE MEGAWATT PROJECTS

SEC. 612. Section 10(i) of the Federal Power Act (16 U.S.C. 803(i)) is amended to read as follows:

"(i)(1) A constructed or proposed hydropower project with an installed capacity of five megawatts or less that has not received a license under this part by the effective date of the National Energy Strategy Act is not subject to this part.

"(2) The licensee of a project with an installed capacity of five megawatts or less licensed under this part as of the effective date fo the National Energy Strategy Act may elect not to be regulated under this part by applying to the Commission for permission to surrender the license. The Commission shall permit surrender of the license unless the Commission determines it is not in the public interest to do so.

"(3) Notwithstanding this subsection, section 401 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341) applies to a project with an installed capacity of five megawatts or less as it did before the date of enactment of the National Energy Strategy Act.".

TITLE VII—ALTERNATIVE FUEL

Subtitle A—Alternative and Dual Fuel Vehicle Credits

ALTERNATIVE AND DUAL FUEL CAP REMOVAL

SEC. 701. Section 513 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2013) is amended to read as follows:

"CONSIDERATION OF CERTAIN AUTOMOBILES

"SEC. 513. In carrying out section 2002(a)(4) and (f) of this title, the Secretary shall not consider the fuel economy of alcohol powered automobiles or natural gas powered automobiles, and the Secretary shall consider dual energy automobiles and natural gas dual energy automobiles to be operated exclusively on gasoline or diesel fuel.".

Subtitle B—Alternative Transportation Fuels

DEFINITIONS

SEC. 711. For the purpose of this subtitle—

(1) "alternative fuel" means methanol, ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, ethanol, or other alcohol with gasoline or other fuels; natural gas; liquid petroleum gas; hydrogen; and electricity;

(2) "alternative fuel vehicle" means a motor vehicle that—

(A) operates solely on alternative fuel, or

(B) is a flexi-fueled vehicle;

(3) "covered person" means a person to whom section 712 of this subtitle applies;

(4) "fleet" means a number of motor vehicles, all or a part of which are centrally fueled or capable of being centrally fueled, that are owned, operated, leased, or otherwise controlled by a person. This term does not include—

(A) motor vehicles held for daily lease or rental to the general public;

(B) motor vehicles held for sale by motor vehicle dealers, including demonstration vehicles;

(C) motor vehicles used for motor vehicle manufacturer product evaluations or tests;

(D) law enforcement vehicles;

(E) emergency vehicles;

(F) military tactical vehicles; or

(G) non-road vehicles, including farm and construction vehicles;

(5) "flexi-fueled vehicle" means a motor vehicle that can operate on alternative or non-alternative fuel;

(6) "person" has the meaning given that term in section 1 of title 1, United States Code, but also includes a State government and a local government;

(7) "Secretary" means the Secretary of Energy; and

(8) "urban bus" has the meaning given that term in section 219 of the Clean Air Act (42 U.S.C. 7554).

ACQUISITION OF ALTERNATIVE FUEL VEHICLES

SEC. 712. (a)(1) This subsection applies to a person who owns, operates, leases, or otherwise controls a fleet that—

(A)(i) contains at least—

(I) 10 automobiles;

(II) 10 trucks, except multi-unit trucks over 26,000 pounds gross vehicle weight; or

(III) 10 buses, except intercity passenger buses and urban buses; or

(IV) a combination of at least 10 motor vehicles of these types; and

(ii) is located in a metropolitan statistical area or consolidated metropolitan statistical area, as established by the Bureau of the Census, with a 1980 population of more than 250,000, which has been classified by the Environmental Protection Agency under part D of title I of the Clean Air Act as a serious, severe or extreme nonattainment area for ozone based on 1987, 1988, and 1989 data; or

(B)(i) contains at least—

(I) 20 automobiles;

(II) 20 trucks, except multi-unit trucks over 26,000 pounds gross vehicle weight;

(III) 20 buses, except intercity passenger buses and urban buses; or

(IV) a combination of 20 motor vehicles of these types; and

(ii) is located in any metropolitan statistical area or consolidated metropolitan statistical area, as established by the Bureau of the Census, with a 1980 population of more than 250,000.

(2) When a person to whom this subsection applies under paragraph (1) purchases, leases, or otherwise acquires vehicles for the fleet described in paragraph (1), in the years specified in this paragraph, the following percentage of the vehicles purchased, leased, or otherwise acquired shall be alternative fuel vehicles in the respective years—

(A) in 1995, 10 percent;

(B) in 1996, 15 percent;

(C) in 1997, 25 percent;

(D) in 1998, 50 percent;

(E) in 1999, 75 percent; and

(F) in 2000 and afterwards, 90 percent.

(b)(1) This subsection applies to a person who owns, operates, leases, or otherwise controls a fleet that—

(A)(i) contains at least 10 urban buses, except intercity passenger buses, and

(ii) is located in an area described in subsection (a)(1)(A)(ii) of this section, or

(B)(i) contains at least 20 urban buses, except intercity passenger buses, and

(ii) is located in an area described in subsection (a)(1)(B)(ii) of this section.

(2) When a person to whom this subsection applies under paragraph (1) purchases, leases, or otherwise acquires vehicles for the fleet described in paragraph (1), in the years specified in this paragraph, the following percentage of the vehicles purchased, leased, or otherwise acquired shall be alternative fuel vehicles in the respective years—

(A) in 2000, 50 percent;

(B) in 2001, 75 percent;

(C) in 2002, 80 percent; and

(D) in 2003 and thereafter, 90 percent.

EXCEPTION

SEC. 713. This subtitle does not apply to a covered person if the Secretary determines that no alternative fuel vehicles meeting the fleet requirements for that person are available for purchase, lease, or acquisition by other means when the subtitle becomes applicable to the covered person. This subtitle applies to that covered person when alternative fuel vehicles become available. This subtitle does not apply to a person subject to section 712(b) if the Secretary determines that no alternative fuel vehicle that is an urban bus complies with the warranty standards for urban buses.

CREDITS

SEC. 714. (a) The Secretary shall allocate a credit to a covered person if that person purchases an alternative fuel vehicle in excess of the number that person is required to purchase under this subtitle or purchases an alternative fuel vehicle before the date that person is required to purchase an alternative fuel vehicle under this subtitle.

(b) In allocating credits under subsection (a), the Secretary shall allocate one credit for each alternative fuel vehicle the covered person purchases that exceeds the number of alternative fuel vehicles that person is required to purchase under this subtitle or that is purchased before the date that person is required to purchase an alternative fuel vehicle under this subtitle. The credit shall be allocated for the same type of vehicle, including an urban bus, automobile, or other vehicle subject to the requirements of this subtitle, as the excess vehicle or earlier purchased vehicle.

(c) At the request of a covered person allocated a credit under this section, the Secretary shall treat the credit as the purchase of one alternative fuel vehicle of the type for which the credit is allocated in the year designated by that person when determining whether that person has complied with this subtitle in the year designated. A credit may be counted toward compliance for only one year.

(d) A covered person allocated a credit under this section or to whom a credit is transferred under this section, may transfer freely the credit to another person who is required to comply with this subtitle. At the request of the person to whom a credit is transferred, the Secretary shall treat the transferred credit as the purchase of one alternative fuel vehicle of the type for which the credit is allocated in the year designated by the person to whom the credit is transferred when determining whether that person has complied with this subtitle in the year designated. A transferred credit may be counted toward compliance for only one year.

REPORTS

SEC. 715. The Secretary may require a person to file with the Secretary the reports the Secretary determines necessary to implement this subtitle.

ENFORCEMENT

SEC. 716. (a) A person who violates a requirement or prohibition of this subtitle is subject to a civil penalty of not more than $100,000 per violation. Each month in which a violation occurs constitutes a separate violation, unless the violator establishes that the vehicle necessary to comply with this subtitle could not be purchased, leased, or otherwise acquired in that month. The first month of a violation of the yearly acquisition requirements of section 712 is the month in which a person purchases, leases, or otherwise acquires vehicles that result in noncompliance with the yearly alternative fuel vehicles purchase requirement under that section. Each month in which compliance has not been achieved after the first month is a separate violation.

(b) The Secretary may request the Attorney General to commence a civil action for a permanent or temporary injunction or to assess and recover any civil penalty under subsection (a) of this section. An action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred or in which the defendant resides or has his principal place of business. The court in which the action has been brought may restrain a violation, require compliance, assess a civil penalty, collect any noncompliance assessment and nonpayment penalty owned the United States, and award any other appropriate relief. In such an action, subpoenas for witnesses who are required to attend a district court in any district may run into any other district.

(c)(1) Instead of commencing a civil action under subsection (b), the Secretary may assess an administrative penalty in the amount prescribed in subsection (a) of this section. The maximum amount of penalty sought against each violator in a proceeding under this subsection may not exceed $200,000, unless the Secretary and the Attorney General jointly determine that a larger amount is appropriate. A determination by the Secretary and the Attorney General on the appropriateness of a larger amount is not subject to judicial review.

(2) The Secretary shall assess an administrative penalty under this subsection by an order made on the record after opportunity for a hearing in accordance with sections 554 and 556 of title 5 of the United States Code. Before issuing such an order, the Secretary shall give to the person to be assessed an administrative penalty written notice of the Secretary's proposal to issue an order. That person has 30 days from the date the notice is received to request a hearing on the order. The Secretary shall issue rules for procedures for hearings under this subsection. The Secretary may compromise, modify, or remit, with or without conditions, an administrative penalty that the Secretary imposes under this subsection.

(3) An order issued under this subsection becomes final 30 days after its issuance unless a petition for judicial review is filed under paragraph (4).

(4) Within 30 days following the date an administrative penalty is issued under this subsection, a person against whom the administrative penalty is assessed may seek review of the assessment in the United States District Court for the District of Columbia or for the district in which the violation is alleged to have occurred, the person resides, or the person's principal place of business is located. That person shall send a copy of the filing seeking review by certified mail to the Secretary and the Attorney General on the day of the filing. Within 30 days of the date the Secretary receives a copy of the filing, the Secretary shall file in the court a certified copy, or certified index, as appropriate, of the record on which the order was issued. The court shall not set aside or remand the order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Secretary's assessment of the penalty constitutes an abuse of discretion. In a proceeding under this subsection, the United States may seek to recover administrative penalties assessed under this subsection.

(5) If a person fails to pay an assessment of an administrative penalty imposed by the Secretary under this subsection—

(A) after the order making the assessment has become final, or

(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary,

the Secretary shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed, plus interest at rates established under section 6621(a)(2) of the Internal Revenue Code of 1986 from the date of the final order or the date of the final judgment, as the case may be. In this action, the validity, amount, and appropriateness of the penalty is not subject to review. A person who fails to pay on a timely basis the amount of an assessment of an administrative penalty under this section shall be required to pay, in addition to the amount and interest, the United States enforcement expenses, including but not limited to, attorneys fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which the failure to pay persists. This nonpayment penalty shall be in an amount equal to 10 percent of the aggregate amount of that person's penalties and nonpayment penalties which are unpaid as of the beginning of the quarter.

(d) In determining the amount of a penalty to be assessed under this section, the Secretary or the court, as appropriate, shall take into consideration, in addition to other factors justice may require, the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

IMPLEMENTATION

SEC. 717. The Secretary of Energy shall issue regulations to implement this subtitle.

TITLE VIII—INNOVATION AND TECHNOLOGY TRANSFER

STEVENSON-WYDLER ACT AMENDMENTS

SEC. 801. (a) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by adding the following new subsection after subsection (g):

"(h) COPYRIGHT OF COMPUTER SOFTWARE.—Each Federal agency may secure copyright on behalf of the United States as author or proprietor in any computer software prepared in whole or in part by employees of the United States Government in the course of work under a cooperative research and development agreement entered into under the authority of subsection (a)(1) of this section, or under any other equivalent authority, notwithstanding the limitations contained in section 105 of title 17, United States Code; and may grant or agree to grant in advance to a collaborating party, licenses or assignments for such copyrights, or options thereto, retaining a nonexclusive, nontransferable, irrevocable, paid-up license to reproduce, adapt, translate, distribute, and publicly perform or display the computer software throughout the world by or on behalf of the Government and such other rights as the Federal agency deems appropriate.".

(b) Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraph:

"(14) Computer software means a computer program, as defined in section 101 of title 17, United States Code, and any associated documentation, supporting materials, or user instructions.".

ROYALTY PAYMENTS TO AUTHORS

SEC. 802. (a) Sections 14(a)(1)(A), (14)(a)(2), and 14(a)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c (a)(1)(A), (a)(2) and (a)(3) are amended—

(1) by inserting "or computer software" after "inventions;" each place it appears;

(2) by inserting "or computer software" after "invention" each place it appears;

(3) by inserting "or author" after "inventor" each place it appears;

(4) inserting "or co-author" after "co-inventor" each place it appears;

(5) by inserting "or authors" after "inventors" each place it appears;

(6) by inserting "or co-authors" after "co-inventors" each place it appears; and

(7) by inserting "or author's" after "inventor's" each place it appears.

(b) Section 14(a)(1)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B)) is amended—

(1) by inserting "or computer software" after "income from any invention";

(2) by inserting "or computer software was developed" after "the invention occurred";

(3) by inserting "or computer software" after "licensing of inventions" in clause (i);

(4) by inserting "or computer software which was developed" after "with respect to inventions" in clause (i); and

(5) by inserting "or computer software" after "organizations for invention" in clause (i).

(c) Section 14(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)), is amended by inserting "or author" after "including inventor".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 803. Section 12(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(c)), is amended by inserting "or computer software" after "inventions" each place it appears.

THE SECRETARY OF ENERGY,
Washington, DC, March 4, 1991.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: On February 20, I was privileged to be with the President when he presented to the American people the National Energy Strategy.

The National Energy Strategy is not merely a statement of policy. It is a strategy of shared responsibility among industry, government, science and the American people. Many of the elements of the National Energy Strategy can be accomplished without additional Federal legislation through administrative reform, private initiative or State and local action. Some of the National Energy Strategy initiatives, on the other hand, will require the enactment of legislation.

I am enclosing on behalf of the Administration, the non-tax legislative component of the National Energy Strategy. This comprehensive bill is cited as the "National Energy Strategy Act." Its enactment would be in accord with the President's legislative program. Under separate cover I also am forwarding complementary legislation implementing the tax portion of the energy strategy, the "National Energy Strategy Tax Act".

Title I of the bill deals with energy efficiency in the residential, commercial, and Federal sectors of the economy. It would authorize the development of energy efficiency test procedures and labeling for electric lights and a number of commercial products so that consumers can make informed choices. It also would permit Federal agencies to take advantage of utility discounts and rebates, just as other electricity consumers do.

Increasing use of our ample supplies of natural gas is an important component of lessening the country's dependence on oil. Several proposals are included in title II to make it easier for natural gas to get from the producer to the consumer, primarily streamlining regulatory processes to expedite construction of new natural gas pipelines and by encouraging commercial agreements without the imposition of regulatory decision or approval.

Also in title II is a proposal to establish a Natural Gas and Electricity Administration within the Department of Energy to replace the Federal Energy Regulatory Commission. This proposal was developed independently of the National Energy Strategy by the Vice President's Council on Competitiveness. It is included here because it complements the reform and streamlining of the regulatory infrastructure for the natural gas and hydroelectric power industries contained in the National Energy Strategy.

To help secure future energy supplies, title III of the bill would authorize Arctic Coastal Plain leasing under strictly controlled conditions. The bill provides that all of the revenues from leasing would be deposited in the miscellaneous receipts account of the Treasury, consistent with the President's National Energy Strategy and FY 1992 budget. The Administration recognizes that other legislation in Congress would authorize 50-50 receipt sharing with the State of Alaska. Alaska officials are proposing even more favorable terms for the State. We plan to work with Congress to resolve this issue in a manner that is fair to the Citizens of Alaska.

Other proposals to stimulate efficient oil production and transportation include the leasing of the Naval Petroleum Reserves and oil pipeline deregulation. The leasing proposal has been modified from one submitted to the 101st Congress so that the State of California would now share in the revenues. The oil pipeline deregulation proposal is similar to the one submitted to the last Congress.

Electricity generation and use is the subject of title IV, which includes reform of the Public Utility Holding Company Act to eliminate barriers to investment and Power Marketing Administration repayment reform. Regulatory structures that were appropriate in the 1930's are no longer appropriate. Removing them will stimulate competition in the electric power industry.

In order to meet expected growth in electricity demand, we must revitalize the nuclear power option in this country. Two current impediments are the licensing process and lack of progress in nuclear waste disposal management. Title V of the bill provides solutions to these problems.

Increasing renewable energy production and consumption is another vital element of a balanced approach to energy. Permanently removing size caps that limit benefits to renewable generation units under the Public Utility Regulatory Policies Act is proposed in title VI. Also, improvements in the hydropower licensing and relicensing process are included in the bill, aimed primarily at maintaining and enhancing hydroelectric power production at existing facilities.

For the transportation sector, the Administration is proposing in title VII a very strong stimulus to the use of alternative fuels by requiring automobiles and truck fleets to procure specified percentages of alternatively-fueled vehicles beginning in 1995. We also have included repeal of a cap on Corporate Average Fuel Economy (CAFE) credits for the manufacture of dual and flexible fuel vehicles.

Finally, in title VIII, the Administration is proposing legislation to strengthen America's competitive posture. Title VII contains important copyright protection for computer software developments in Government-owned, contractor-operated facilities. This proposal, when coupled with the research and energy investment tax credit proposals being forwarded separately, and with product liability legislation, will help stimulate industrial innovation.

This package, together with the many elements of the National Energy Strategy not requiring legislation, provides an extremely ambitious, balanced blueprint for our energy future. Achieving a national consensus in support of the Strategy and implementing legislation will be critical to achieving our energy, environmental and economic goals. We in the Administration very much look forward to working with you and your colleagues in the Congress on early enactment of responsible, balanced energy legislation.

We owe the American people, whom we all serve, no less.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

NATIONAL ENERGY STRATEGY ACT SECTIONAL ANALYSIS

TITLE I—RESIDENTIAL, COMMERCIAL, AND FEDERAL ENERGY USE

Subtitle A—Consumer and Commercial products

Section 101. Definitions.

Section 101 would:

(1) Place electric lights within the definition of a "consumer product";

(2) Define "commercial product"; and

(3) Expand the definition of a "covered product" to include commercial and consumer products.

Section 102. Coverage.

Section 102 would:

(1) Add electric lights to the list of consumer products; and

(2) Create a list of commercial products.

Section 103. Test Procedures.

Section 103 would allow the Secretary of Energy to prescribe test procedures for electric lights and commercial products.

Section 104. Labeling.

Section 104 would require the Federal Trade Commission (FTC) to prescribe labeling rules for electric lights and commerical products. The requirement would not apply if labeling were not technologically or economically feasible or if an alternative, such as voluntary labeling, would provide a superior approach.

Section 105. Energy Conservation Standards.

Section 105 would prohibit the Secretary of Energy from prescribing energy conservation standards for electric lights and commercial products.

Section 106. Conforming Amendment.

Section 106 would amend the catchline for title III, part B of the Energy Policy and Conservation Act (EPCA).

Subtitle B—Federal Energy Management

Section 111. Utility Incentive Programs.

Section 111 would allow a Federal agency to participate in programs conducted by utilities for the management of energy demand or for the application of energy conservation measures in Federal buildings and to accept a financial incentive offered by a utility, including a cash incentive, to adopt energy conservation measures that are life cycle cost effective. The agency could retain and use the financial incentive without the need for further appropriations. This section would extend to all Federal agencies authority given to the Department of Defense and the General Service Administration in separate legislation.

TITLE II—NATURAL GAS

Subtitle A—Natural gas pipeline regulatory reform

Section 201. Gas Delivery Interconnection.

Section 201 would provide that the Federal Energy Regulatory Commission (FERC or the Commission) may direct a pipeline to interconnect physically with other facilities, at the applicant's expense, in order to receive natural gas from the other facilities for transportation in the pipeline. This section also would expand similar, existing authority to direct delivery or sale to local distribution companies (LDC's) to cover nonjurisdictional pipelines. Pipelines could not be compelled to expand their facilities or establish physical connection if that would impair the pipeline's ability to render adequate service to its customers.

Section 202. NEPA Compliance.

Section 202 would provide that the only environmental impact statement for a pipeline project required by the National Enviornmental Policy Act of 1969 (NEPA) is that prepared by FERC, which still would be required to consult with and solicit comments from other agencies.

This section also would permit the Commission to charge an applicant directly for the environmental documentation costs FERC incurs that are associated with processing applications for permission to construct and operate natural gas pipeline facilities under the Natural Gas Act (NGA) and hydroelectric facilities under the Federal Power Act (FPA). These charges would not be applied against FERC appropriations.

Section 203. Amendment to Section 311 of the Natural Gas Policy Act of 1978.

Section 203 would provide two revisions to section 311 of the Natural Gas Policy Act of 1978 (NGPA). First, the parties for whom section 311 transportation may be performed "on behalf of" would be expanded to include not only inter- and intra-state pipelines and LDC's, but also "any other person." By allowing "any person" to resort to section 311, this section would allow marketers and end-users to become parties on whose behalf section 311 transportation may be performed.

A second proposed change would be to make explicit what has been accepted as implied, that is, the authority to "construct" section 311 facilities. The Commission's rules have allowed for this, provided FERC was notified prior to the commencement of construction. Under the proposed change, State commissions, and not FERC, would receive prior notice. There would be no need for FERC to complete NEPA documentation for construction of individual projects under section 311. State and other environmental laws would not be affected. Eminent domain rights would not attach since the applicant would not be required to obtain a certificate. However, State economic regulation of these facilities would be preempted.

Section 204. Optional Certificate Procedures.

Section 204 would provide that entities willing to construct, and customers willing to enter transportation agreements at negotiated rates, would be free to do so with a minimum of government intrusion. This section would add a new section 7(i) to the NGA for an optional certificate, which could not be challenged by a potential competitor in a hearing on the basis that the certificate was exclusive or prejudicial to another application. The costs of the new facility constructed under this section could not be included at any later date in a rate filing under section 4 of the NGA for these or other facilities. The holder of such a certificate would not be allowed to contest the application of another entity seeking to serve the same area. Negotiated rates or charges would be considered just and reasonable and in compliance with the prohibition against granting any undue preference, or advantage or maintaining any unreasonable difference in rates, charges, or service under NGA sections 4(a) and 4(b). The requirements for filing new rate schedules with the Commission for a determination as to the justness and reasonableness of the rates under NGA sections 4(c), 4(d), and 4(e) would be removed. As between affiliated natural gas companies, it is intended that FERC retain its authority to review the prudence of such transactions on the part of the downstream affiliate.

If a person seeks service from an optional certificate or a nonjurisdictional pipeline after construction has been completed but cannot get service or agree upon the rate offered, the person would be permitted to petition the Commission for a rate which is not unduly discriminatory. This would not be a cost-based, just and reasonable standard. It would be only a requirement to provide a similar rate for similar service, if capacity is available. The petitioner could request service at a not unduly discriminatory rate, which could commence within sixty days unless the pipeline files a higher rate, in which event service could commence at that rate, subject to refund to a minimum of the petitioned rate. The burden of proof would be on the pipeline. Because the optional certificate would be a section 7 certificate, two features of section 7 still would attach: (a) State regulation would be preempted, and (b) the right of eminent domain would be available. Because this would be a "Federal action", that is, a certificate is issued, NEPA would apply, and FERC would retain authority to impose appropriate environmental terms and conditions on the certificate.

A pipeline previously certificated under 7(c) of the NGA may elect to convert to this transaction-oriented approach to doing business with its customers, rather than regulated rate approach, by obtaining abandonment authority from FERC under section 7(b) of the NGA.

Section 205. Non-jurisdictional Option.

Section 205 would provide that a person may elect to build new pipeline facilities without any FERC certification. Since no FERC action is required, any environmental reviews would be by State or other Federal agencies. No Federal right of eminent domain would attach, although state economic regulation would be preempted. When adequate capacity exists, FERC would have the right—(1) under proposed section 5(c), to order that service be provided at rates or charges that are not unduly discriminatory and (2) under proposed section 7(a), to order physical interconnection.

The Commission also would be given the specific authority to issue an order finding that rates charged by a natural gas company in a market are not within the Commission's jurisdiction under the NGA if, after a hearing, the Commission finds that the market is competitive and that the natural gas company offers service to that market on a basis which is not unduly discriminatory. This authority is in addition to the Commission's existing authority to determine that market-based rates meet the just and reasonable standard when sufficient competition exists to protect consumers from market power abuses.

Subtitle B—Natural gas import/export deregulation

Subtitle B would eliminate the obligation to obtain prior approval from the Federal Government for a natural gas import or export and, then, would ensure equal treatment for natural gas whether produced and consumed in the United States, imported for consumption in the United States, or exported for consumption outside the United States.

Section 211. Coverage of Natural Gas Act.

Section 211 would amend the "Hinshaw pipeline" provision in section 1 of the NGA. The amendment would exempt from regulation under the NGA intrastate pipelines that could become subject to that regulation because their transport of natural gas to be exported comes within the amended definition of "interstate commerce."

Section 212. Definitions.

Section 212 would amend two definitions in the NGA.

Paragraph (1) would amend the definition of "interstate commerce" in section 2 of the NGA to include natural gas imported into the United States and natural gas to be exported from the United States while that gas is within the United States.

This amendment would result in the regulation of imports and exports of natural gas in the same manner as domestic natural gas in interstate commerce under sections 4, 5, 7, and 16 of the NGA. As with domestic gas, the Commission's authority over imports and exports of natural gas is subject to the limitations in section 1 of the NGA concerning gathering, Hinshaw pipelines, and local distribution. The amendment would treat as natural gas in interstate commerce any gas to be exported from the United States, except for gathering activities, whether the gas is produced in the State from which it is exported or in another State. The amendment also would treat as natural gas in interstate commerce any imported gas whether the imported natural gas is consumed in the State of import or another State. As is the case with domestic natural gas, "interstate commerce" would not cover the local distribution of imported natural gas or an intrastate pipeline to the extent section 1(c) of the NGA applies. This amendment is intended to resolve any ambiguity that might arise because of the distinction between "foreign commerce" and "interstate commerce" discussed in various court cases. This amendment would not make any person not currently a "natural gas company" a "natural gas company" solely because of the "exportation" or "importation" of natural gas.

Paragraph (2) would amend section 2 of the NGA to include definitions of "importation" and exportation. In general, these definitions would limit the new, expanded definition of "interstate commerce" and exclude from regulation the broad policy aspects of the international gas trade that would be deregulated by this legislation.

These new definitions would be added to make clear what activities are covered by the changes to section 3 of the NGA so that neither the Commission nor a State would extend its regulatory authority over natural gas into the areas of "foreign commerce" that are deregulated by this legislation, that is, those activities that were the responsibility of the Secretary of Energy under the Department of Energy (DOE) Organization Act prior to enactment of this legislation. Thus, there would be no governmental second-guessing about the price and the other terms and conditions of an exportation or importation arrangement. This would not affect FERC's authority to determine how a domestic pipeline passed through costs, including costs of imported gas, to its domestic sales customers. In general, the definition of "importation" would result in natural gas importers being treated as producers of natural gas, that is, no regulation until the gas enters the domestic pipeline system. Likewise, the definition of "exportation" is intended to result in natural gas exporters being treated just like consumers of natural gas, that is, no regulation after the gas leaves the domestic pipeline system.

Section 213. Natural Gas Imports and Exports.

Section 213 would amend section 3 of the NGA by replacing the current language with four new paragraphs. The deletion of the current language would eliminate the need for persons to obtain an authorization from the Federal Government before importing or exporting natural gas, thus, in effect, fully deregulating the international gas trade.

New subsection (a) states that the importation of natural gas would be considered a first sale for purposes of the NGA and the NGPA. The purpose of this subsection is to treat imported natural gas as if it were domestic natural gas produced from a well at the border, that is, deregulated. The Commission would be barred from regulating actions "outside" the United States. However, to the extent an import arrangement is crafted to include events within the United States other than those included in the definition of importation, these events could be separated from the first sale and regulated. For example, if an import arrangement included transportation by an interstate pipeline, that interstate transportation could be regulated just like the interstate transportation of domestic gas. Neither the Commission nor a State, however, could look behind the price of the imported gas any more than it could look behind the price of the first sale of domestic natural gas.

New subsection (b) would make clear that the deletion of the current language of section 3 would preempt the Commission or any State from using any other source of authority to regulate the exportation and importation of natural gas. It would not prevent regulation of imported or exported natural gas within the United States as long as the regulation does not relate to actions involved in the importation and exportation and is consistent with the principle that imported or exported natural gas is to be treated in the same manner as natural gas which is produced, transported, and consumed entirely within the United States.

New subsection (c) would grant the President authority to prohibit or condition the exportation or importation of natural gas when the President determines the national interest requires this action. This subsection would recognize that, in unusual circumstances, natural gas imports and exports may involve international considerations which require oversight by the executive branch.

New subsection (d) would permit the President to waive, or establish an expedited timetable for compliance with, provisions of law relating to the exportation or importation of natural gas. This subsection would ensure that, if the President finds a significant exportation or importation project important to the national interest, the project would not be delayed unnecessarily, allowing United States companies to compete on even terms with foreign companies in the international gas trade.

Subtitle C—Structural reform of the Federal Energy Regulatory Commission

Section 221. Natural Gas and Electricity Administration.

Subsection (a) would amend section 2(a) of the DOE Organization Act (42 U.S.C. 7101(a)) to remove the reference to FERC from the definition of "Department".

Subsection (b) would amend section 204 of the DOE Organization Act (42 U.S.C. 7134) to rename FERC the Natural Gas and Electricity Administration (NGEA). The amendment would strike references to the Chairman and Commissioners and insert a description of the position of "Administrator" of NGEA, who would be appointed by the President, with the advice and consent of the Senate.

Subsections (c) and (d) would amend sections 301(b) and 306 of the DOE Organization Act (42 U.S.C. 7151(b) and 7155) to remove the exception referencing the powers vested in FERC and to transfer to the Secretary all functions of the Federal Power Commission, FERC, and functions of the Interstate Commerce Commission previously vested in FERC.

Subsection (e) would strike title IV of the DOE Organization Act in its entirety and insert in its place a new title, "Title IV—Natural Gas and Electricity Administration". This subsection would establish NGEA within DOE. This subsection also (1) would provide that the Secretary be responsible for the appointment of hearings examiners and (2) would retain and transfer to the Secretary the specific authority to establish rates or charges by rulemaking procedures under the EPA or the NGA.

Subsection (f) would amend section 501(a)(1) of the DOE Organization Act (42 U.S.C. 7191(a)(1)) by eliminating the exemption for FERC rules and regulations issued under the authority of the DOE Organization Act from the provisions of subchapter II of chapter 5 of title 5, United States Code (5 U.S.C. 551). Subsection (f) would also amend section 501(a)(2) of the DOE Organization Act (42 U.S.C. 7191(a)(2)), to eliminate the requirement that the administrative provisions of the DOE Organization Act apply to FERC's exercise of its power to review regulations issued by the Secretary under the Emergency Petroleum Allocation Act of 1973 and the exercise of any other functions assigned to it by the Secretary.

Subsection (g) would amend section 502(a) of the DOE Organization Act (42 U.S.C. 7192) to eliminate the reference to FERC. Section 502(a) specifies that the judicial review of actions taken by the listed entities under any law transferred under the DOE Organization Act shall be in accordance with the provisions of the law transferred. Subsection (g) also would amend section 502(c) to eliminate the reference to the provisions of title IV excepting FERC from the requirement that the Attorney General of the United States supervise the litigation of DOE.

Subsection (h) would amend section 503 of the DOE Organization Act (42 U.S.C. 7193) to transfer from FERC to the Secretary the authority to stay and review contested remedial orders issued by the Secretary under the Emergency Petroleum Allocation Act of 1973.

Subsection (i) would amend section 504 of the DOE Organization Act (42 U.S.C. 7194) to transfer from FERC to the Secretary the authority to review denials of requests for adjustments under the Federal Energy Administration Act, the Emergency Petroleum Allocation Act of 1973, the Energy Supply and Environmental Coordination Act of 1974, or EPCA.

Subsection (j) would amend section 605(a)(3) of the DOE Organization Act (42 U.S.C. 7215(a)(3)) to remove the reference to FERC from the requirements for exceptions to postemployment prohibitions.

Subsection (k) would amend section 649(a) of the DOE Organization Act (42 U.S.C. 7259(a)) to eliminate the separate authority of FERC to use the facilities of any agency of the United States or of any State or foreign government in carrying out its functions.

Subsection (l)(1) would amend section 705 of the DOE Organization Act (42 U.S.C. 7295) to eliminate FERC from the list of those having authority to revoke existing orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges. Subsection (l)(1) would also eliminate FERC from the list of those authorized to promulgate regulations providing for the orderly transfer of proceedings to the DOE. Subsection (l)(2) would make the savings provisions of section 705 applicable to proceedings before FERC at the time of enactment of this subtitle.

Subsection (m) would amend section 707 of the DOE Organization Act (42 U.S.C. 7297) to eliminate the reference to FERC. Section 707 specifies that any reference in any law to any department or commission whose functions are transferred by this subtitle shall be deemed to refer to the Secretary or FERC.

Subsection (n) would amend section 708 of the DOE Organization Act (42 U.S.C. 7298) to eliminate the exception created by the reference to the provisions of title IV which may limit the authority of the President.

Subsection (o) would amend section 5314 of title 5, United States Code to substitute the Administrator of NGEA for the Chairman of FERC in the list of positions to be compensated under level III of the Executive Schedule. Subsection (n) also would amend section 5315 of title 5, United States Code to eliminate the members of FERC from the list of positions to be compensated under level IV of the Executive Schedule.

Subsection (p) would amend section 901 of the DOE Organization Act (42 U.S.C. 7341) to remove FERC's authority to promulgate regulations relating to the transfer of functions and proceedings under the DOE Organization Act, and FERC's authority to use funds available to any department or agency whose functions are transferred to FERC under the DOE Organization Act.

Subsection (q) would amend the Table of Contents of the DOE Organization Act to conform with the changes made by this subtitle.

TITLE III—OIL

Subtitle A—Alaska coastal plain oil and gas leasing

Part 1—Short Title and Statement of Purpose

Section 301. Short Title.

This section cites the short title of this subtitle as the "Arctic Coastal Plain Oil and Gas Leasing Act".

Section 302. Statement of Purpose.

This section sets forth the purpose and policy of this subtitle.

Part 2—Definitions

Section 303. Definitions.

This section sets forth definitions, including defining "Secretary" to mean the Secretary of the Interior.

Part 3—Coastal Plain Competitive Leasing Program

Section 304. Leasing Program for Lands Within the Coastal Plain.

Section 304(a) would require the Secretary of the Interior and other appropriate Federal officers and agencies to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain.

Section 304(b) would provide that this subtitle shall be the sole authority for leasing on the Coastal Plain.

Section 304(c) provides that the Coastal plain shall be considered "Federal Land" for the purposes of the Federal Oil and Gas Royalty Management Act of 1972 (30 U.S.C. 1701).

Section 305. Rules and Regulations.

Section 305(a) would provide that the Secretary of the Interior shall prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of the subtitle, including rules and regulations relating to protection of the environment of the Coastal Plain, as required by part 4 of the subtitle. Such rules and regulations shall be promulgated within nine months after the date of enactment of the subtitle.

Section 305(b) would provide that in the formulation and promulgation of rules and regulations under the subtitle, the Secretary of the Interior shall consult with appropriate officials of the State of Alaska and the government of Canada and with the Environmental Protection Agency and the Army Corps of Engineers in developing rules and regulations relating to the environment.

Section 305(c) would provide that the Secretary of the Interior shall periodically review, and if appropriate, revise the rules and regulations.

Section 306. Adequacy of Department of the Interior's Legislative Environmental Impact Statement.

Section 306(a) would provide that the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3101) (ANILCA) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) (NEPA) is found by Congress to be compatible and consistent with the legal requirements under NEPA with respect to actions authorized to be taken by the Secretary of the Interior to develop and promulgate the regulations for the establishment of a leasing program prior to conducting the first lease sale.

Section 306(b) would provide that except as provided in section 306(a), nothing in the subtitle shall be considered or construed as otherwise limiting or affecting in any way the applicability of section 102(2)(C) of NEPA to all phases of oil and gas leasing, exploration, development and production and related activities conducted under or associated with the leasing program authorized by the subtitle, nor shall anything in the subtitle be considered or construed as in any way limiting or affecting the applicability of any other Federal or State law relating to the protection of the environment.

Section 307. Lease Sales.

Section 307(a) would provide that lands may be leased pursuant to provisions of the subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act, as amended (30 U.S.C. 181).

Section 307(b) would provide that the Secretary of the Interior shall, by regulation, establish procedures for certain specified activities.

Section 307(c) would provide that the Secretary of the Interior shall, by regulation, provide for lease sales of lands on the Coastal Plain. When lease sales are to be held, they shall occur after the nomination process. For the first sale, the Secretary of the Interior shall, consistent with the requirements set forth in part 4 of the subtitle, offer for lease those acres receiving the greatest number of nominations, but not to exceed a total of 300,000 acres. If the total acreage nominated is less than 300,000 acres, he shall include in such lease sale any other acreage which he believes has the highest resource potential, but in no event shall more than 300,000 acres of the Coastal Plain be offered in such sale. Thereafter, no more than 300,000 acres of the Coastal Plain may be leased in any one lease sale. The initial lease sale shall be held within eighteen months of the issuance of final regulations by the Secretary. The second lease sale shall be held twenty-four months after the initial sale, with additional sales conducted every twenty-four months thereafter so long as sufficient interest in development exists to warrant, in the judgment of the Secretary, the conduct of such sales.

Section 307(d) would provide that areas of the Coastal Plain deemed by the Secretary of the Interior to be of particular environmental sensitivity may be excluded from leasing by the Secretary and that notice of such a determination shall be provided to the specified appropriate Committees of the Congress. If the Secretary later determines that exploration, development, or production will result in no significant adverse effect on fish and wildlife, their habitat, and the environment, the Secretary of the Interior shall, consistent with provisions of section 307(c), offer such lands for leasing.

Section 308. Grant of Leases by the Secretary of the Interior.

Section 308(a) would provide that the Secretary of the Interior is authorized to grant to the highest responsible bidder by sealed competitive cash bonus bid any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary. The Secretary is to ensure the receipt of fair market value. The royalty shall be fixed in the lease and shall not be less than twelve and one-half per cent in amount or value of the production removed or sold from the lease.

Section 308(b) would provide that the Secretary of the Interior shall not accept a bid for a lease if the Secretary finds, after notice, that the bidder has failed or refused to comply in any material respect with the reclamation requirements or other standards established for any prior lease. Prior to making such a determination, the Secretary shall provide the bidder an opportunity to comply with such reclamation requirements or other standards. Once the bidder has complied with the reclamation requirement or other standard, the Secretary may issue a lease under provisions of this subtitle.

Section 308(c) would provide that following each notice of a proposed lease sale and before the acceptance of bids, the Secretary of the Interior shall allow the Attorney General, in consultation with the FTC, thirty days to conduct an antitrust review of each lease sale. The Attorney General, after consultation with the FTC, may make such recommendations to the Secretary of the Interior, including the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation which may substantially lessen competition. If the Secretary determines, or if the Attorney General advises the Secretary, after consultation with the FTC and prior to the issuance of any lease, that such a lease would create or maintain a situation which may substantially lessen competition, the Secretary may refuse to accept an otherwise qualified bid for such lease or modify or impose terms or conditions on the lease. The Secretary may issue a lease notwithstanding adverse from the Attorney General, or refuse to impose recommended terms or conditions, if he makes certain specific findings. The remaining provisions are self-explanatory.

Section 308(d) would provide that nothing in the subtitle shall be deemed to convey to any person, association. corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions under any antitrust law. The findings of any antitrust review shall not create any immunity or defenses in any private or government antitrust actions.

Section 308(e) sets forth a definition.

Section 309. Lease Terms and Conditions.

Section 309 sets forth lease terms and conditions. The provisions are self-explanatory.

Section 310. Exploration and Development and Production Plans.

Section 310(a) would provide that all exploration activities pursuant to any lease issued or maintained under the subtitle shall be conducted in accordance with an approved exploration plan or an approved revision of such plan. The remaining provisions of the section are self-explanatory.

Section 310(b) would provide that all development and production activities pursuant to any lease issued or maintained under the subtitle shall be conducted in accordance with an approved development and production plan. The remaining provisions of the section are self-explanatory.

Section 310(c) sets forth information to be included in exploration plans and employment and production plans where applicable.

Section 310(d) sets forth procedures for plan approval. The provisions are self-explanatory.

Section 310(e) would provide that if at any time while activities are being conducted under a plan approved under this section the Secretary of the Interior, on the basis of available information, determines that the continuation of any particular activity under the plan is likely to result in a significant adverse effect on fish or wildlife, their habitat, or the enviroment, the Secretary, after consultation with the lessee shall: (1) make modifications to part or all of the plan as necessary or appropriate to avoid the significant adverse effect; (2) temporarily suspended part or all of the drilling or related activity under the plan for such time as the Secretary considers necessary or appropriate to avoid such significant adverse effect; or (3) terminate and cancel the plan where actions under paragraph (1) or (2) will not avoid the significant effect.

Section 311. Bonding Requirements.

Section 311(a) sets forth the requirement for a performance bond. The provisions of the section are self-explanatory.

Section 311(b) sets forth the requirements relating to the amount of the performance bond. The provisions of the section are self-explanatory.

Section 311(c) would provide that in the event that an approved exploration or development and production plan is revised, the Secretary of the Interior may adjust the amount of the bond to conform to such modified plan.

Section 311(d) would provide that the responsibility and liability of the lessee and its surety under the bond or security deposit shall continue until such time as the Secretary of the Interior determines that there has been compliance with the terms and conditions of the lease and all applicable law.

Section 311(e) would provide that within sixty days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary of the Interior, after consultation with affected Federal and State agencies, shall notify the lessee that the period of liability under the bond or security deposit has been terminated.

Section 312. Lease Suspension.

Section 312 would provide that the Secretary of the Interior may direct or assent to the suspension of operations and production under any lease granted under the terms of this subtitle: (1) in the interest of conservation of the resource; (2) where there is no available system to transport the resource; or (3) where there is a threat of significant adverse effect upon fish or wildlife, their habitat, or the environment. If a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding such suspension period thereto.

Section 313. Lease Cancellation.

Section 313(a) sets forth the requirements relating to cancellation of nonproducing leases. The provisions of the section are self-explanatory.

Section 313(b) sets forth the requirements relating to cancellation of producing leases. The provisions of the section are self-explanatory.

Section 313(c)(1) would provide that in addition to the authority for lease cancellation provided for by subsections (a) and (b) of this section, any lease may be cancelled at any time, if the Secretary of the Interior determines, after a hearing, that: (1) continued activity pursuant to such lease is likely to result in a significant adverse effect to fish or wildlife, their habitat, or the environment, or is likely to result in serious harm or damage to human life, to property, or to the national security or defense; (2) the likelihood of a significant adverse effect will not disappear within a reasonable period of time or decrease to any acceptable extent within a reasonable period of time; and (3) the advantages of cancellation outweigh the advantages of continuing the lease.

Section 313(c)(2) would provide that cancellation under section 313(c) shall not occur unless and until operations under such lease permit shall have been under suspension, or temporary prohibition, by the Secretary of the Interior, with due extension of any lease term continuously for a period of five years, or for a lesser period upon request of the lessee.

Section 313(c)(3) would provide that cancellation under section 313(c) shall entitle the lessee to receive certain specified compensation.

Section 313(d) would clarify that cancellation of a lease in no way releases the owner of the lease from the obligation to provide for reclamation of the lease site.

Section 314. Assignment or Subletting of Leases.

Section 314 would provide that no lease issued under the authority of the subtitle shall be assigned or sublet, except with the consent of the Secretary of the Interior.

Section 315. Relinquishment.

Section 315 would provide that the lessee may, at the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under any lease issued pursuant to this subtitle. The Secretary shall accept the relinquishment by the lessee of any lease issued under this subtitle where there has not been surface disturbance on the lands covered by the lease.

Section 316. Unitization.

Section 316 would provide that the Secretary of the Interior shall require to the greatest extent practicable, that lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of an oil or gas pool, field, or like area, or any part thereof. The Secretary is authorized and directed to enter into such agreements as are necessary or appropriate for the protection of the United States against drainage.

Section 317. Oil and Gas Geological and Geophysical Information.

Section 317 sets forth requirements relating to oil and gas geological and geophysical information. The provisions of this section are self-explanatory.

Section 318. Remedies and Penalties.

Section 318(a) would provide that except as provided in section 319 of the subtitle, the district courts of the United States shall have jurisdiction of cases and controversies arising out of, or in connection with, any lease issued under the subtitle. Proceedings may be instituted in the judicial district in which the defendant resides or has his principal place of business, or in the judicial district in which the Coastal Plain is located.

Section 318(b) would provide that at the request of the Secretary of the Interior, the Attorney General may institute civil action in the District Court of the United States for the district in which any defendant resides or has his principal place of business, or in the judicial district in which the Coastal plain is located for a temporary or permanent injunction, judicial assessment and recovery of civil penalties, or other appropriate remedy to enforce any provision of the subtitle, any regulation or order issued under this subtitle, or any term of a lease issued pursuant to the subtitle.

Section 318(c)(1) would authorize civil penalties of not more than $20,000 for each day of continuance of a failure to comply with the subtitle, a lease term, or a regulation or order issued under the subtitle, after notice of such failure and expiration of any reasonable period allowed for corrective action. The Secretary of the Interior is authorized to adjust the penalty specified at least every three years to reflect any increases in the Consumer Price Index.

Section 318(c)(2) would authorize the Secretary of the Interior to assess a civil penalty without regard to the requirement of expiration of a period allowed for corrective action if the failure described in subsection 318(c)(1) constitutes or constituted a threat of irreparable or immediate significant adverse effect on fish or wildlife, their habitat, property, any mineral deposit, or the marine, Coastal Plain or human environment.

Section 318(d) would provide for criminal penalties of not more than $100,000 or imprisonment for not more than ten years, or both. The remaining provisions of the subsection are self-explanatory.

Section 318(e) sets forth provisions relating to the liability of corporate officers and agents for violations by a corporation or other entity. The remaining provisions of the subsection are self-explanatory.

Section 318(f) would provide that the remedies in this subtitle shall be concurrent and cumulative.

Section 318(g) would provide that if any area of the Coastal Plain or adjacent state waters has been or is being polluted by discharges of oil or hazardous or toxic substances, or any other pollutant that adversely affects the environment from exploration, development, or production of oil or gas or related activities, conducted by, or on behalf of, the responsible party, the responsible party shall be jointly, severally and strictly liable for the removal costs and damages specified in this subsection that arise directly from or directly result from such pollution. The Secretary of the Interior shall determine the extent of liability after notice to the responsible party and opportunity for a hearing. The section clarifies that it is the responsibility of the responsible party adequately to control and remove the pollution consistent with the National Contingency Plan. If the responsible party fails to adequately control and remove the pollutant, the Federal on-scene coordinator in cooperation with the Secretary, in the exercise of his discretion and other federal, State and local agencies or in cooperation with the responsible party shall have the right to accomplish the control and removal at the expense of the responsible party. Funds contained in the Coastal Plain Liability and Reclamation fund may be used to accomplish control and removal until such time as sufficient funds are recovered from the responsible party. The remaining provisions of the subsection are self-explanatory. This section is intended to supplement and not supplant the Oil Pollution Act of 1990, the Comprehensive Environmental Response Compensation and Liability Act of 1990 and any other applicable Federal and State environment law.

Section 318(h) would require that action for damages under this subtitle be brought within three years after the loss is discoverable or, for natural resource damages, the date of completion of damage assessment. An action for recovery of removal costs must be brought within three years after completion of the removal action.

Section 319. Judicial Review.

Section 319 addresses judicial review. The provisions of the section are self-explanatory.

Section 320. Annual Report to Congress.

Section 320 would provide that the Secretary of the Interior must file an annual report to Congress on the leasing program authorized in this subtitle.

Section 321. Interests of Arctic Slope Regional Corporation and Kaktovik Inupiat Corporation.

Section 321(a) would provide that the prohibitions and limitations contained in section 1003 of ANILCA, insofar as they have application to lands or interests in lands owned by the Inupiat Eskimo people within the Arctic National Wildlife Refuge (ANWR), but outside the Coastal Plain, are repealed. The term "Inupiat Eskimo People" means the Kaktovik Inupiat Corporation (KIC) and the Arctic Slope Regional Corporation (ASRC), both corporations established by Inupiat Eskimo people of Alaska's North Slope pursuant to the Native Claims Settlement Act (ANCSA).

Section 321(b) would provide that the prohibitions and limitations contained in section 1003 of ANILCA, insofar as they have application to lands or interests in lands owned by the Inupiat Eskimo people within the Arctic National Wildlife Refuge, but outside the Coastal Plain, are repealed as of the day after the first lease sale is held pursuant to the subtitle. With respect to lands and interests in lands described in the subjection, no exploratory drilling activity shall be authorized until the day after such lease sale.

Section 321(c) would provide that the substantive provisions of the final regulations issued pursuant to this subtitle (which establish environmental stipulations, terms and conditions for oil and gas leasing on the Coastal Plain) are applicable to the exploration and development of all Surface property interests owned by the Inupiat people within the Arctic National Wildlife Refuge. Prior to issuance of such regulations, oil and gas exploration and development activities on the land and interests therein described in section 321(a), shall be governed by the stipulations set forth in Appendix 2 of the August 9, 1983 agreement between the Arctic Slope Regional Corporation and the United States.

Section 321(d) sets forth procedures for the bringing of claims for monetary damages by the Arctic Slope Regional Corporation or Kaktovik Inupiat Corporation alleging the provisions of the subtitle constitute a taking of contract or property rights under the Fifth Amendment of the Constitution.

Part 4—Coastal Plain Environmental Protection

Section 322. No Significant Adverse Effect Standard to Govern Authorized Coastal Plain Activities.

Section 322(a) would provide that the Secretary of the Interior shall administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions designed to ensure that the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish or wildlife, their habitat, and the environment. Activities conducted under this subtitle would not be subject to findings or determinations of compatibility by the Secretary of the Interior under the National Wildlife Refuge System Administration Act.

Section 322(b) would provide that the Secretary of the Interior shall also require with respect to any proposed drilling and related activities, that (1) a site-specific assessment be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment; (2) a plan be implemented to mitigate any adverse effect assessed under paragraph (1) of the subsection; and (3) the development of a mitigation plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

Section 323. Regulations to Protect the Coastal Plain's Fish and Wildlife Resources, Subsistence Users and the Environment.

Section 323(a) would provide that prior to implementing the leasing program authorized by part 3 of the subtitle, the Secretary of the Interior shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain authorized by the subtitle are conducted in a manner consistent with the purposes and environmental requirements of the subtitle.

Section 323(b) would provide that the proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program authorized by part 3 of this subtitle would require compliance with all applicable provisions of Federal and State environmental law and would also require:

(1) as the Secretary of the Interior deems appropriate, the safety and environmental mitigation measures set forth in items one through twenty-nine (1 through 29) at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain;

(2) seasonal limitations on exploration, development and related activities, where necessary, to avoid fish and wildlife breeding, denning, nesting, spawning, and migration;

(3) that exploration activities, except for surface geological studies, be limited to an approximate period between the first of November and the first of May and that exploration activities will be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, provided, that such exploration activities may be permitted at other times if the Secretary of the Interior determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year and he finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain;

(4) design safety and construction performance standards for all pipelines and any access and service roads;

(5) prohibitions on public access and use of all pipeline access and service roads;

(6) stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures and equipment upon completion of oil and gas production operations: Provided, That the Secretary of the Interior may exempt from the requirements of this paragraph those facilities, structures or equipment which the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and which are donated to the United States for that purpose;

(7) appropriate prohibitions or restrictions on access by all modes of transportation;

(8) appropriate prohibitions or restrictions on sand and gravel extraction;

(9) consolidation of facility siting;

(10) appropriate prohibitions or restrictions on use of explosives;

(11) avoidance, to the extent practicable, of springs, streams and river systems; protection of natural surface drainage patterns, wetlands, and riparian habitats; and regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling;

(12) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(13) treatment and disposal of hazardous and toxic wastes, solids wastes, reserve pit fluids, drilling mud and cuttings, and domestic wastewater, in accordance with applicable Federal and State environmental law;

(14) fuel storage and oil spill contingency planning;

(15) research, monitoring and reporting requirements;

(16) field crew environmental briefings;

(17) minimization of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users;

(18) compliance with applicable air and water quality standards;

(19) appropriate seasonal and safety zone designations around well sites within which subsistence hunting and trapping would be limited;

(20) reasonable stipulations for protection of cultural and archeological resources; and

(21) all other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary of the Interior.

Section 323(c) would provide that in preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary of the Interior shall consider: (1) the environmental protection standards which governed the initial Coastal Plain exploration program (50 Code of Federal Regulations 37.31–33); (2) the land use stipulations for exploratory drilling on the KIC–ASRC private lands which are set forth in Appendix 2 of the August 9, 1983 agreement between Arctic Slope Regional Corporation and the United States; and (3) the operational stipulations for Koniag ANWR interest lands contained in the draft Agreement between Koniag Inc. and the United States of America filed with the Secretary of the Interior on January 19, 1989.

Section 324. Sadlerochit Spring Special Area.

Section 324(a) would designate the Sadlerochit Spring area to be a Special Area in which there will not be subsequent occupancy of the land. The remaining provisions of this subsection are self-explanatory.

Section 324(b) would authorize the Secretary of the Interior to designate other areas of the Coastal Plain as Special Areas if the Secretary determines they are of unique character and interest so as to require such special protection. The remaining provisions of this subsection are self-explanatory.

Section 325. Facility Consolidation Planning.

Section 325(a) would require the Secretary of the Interior, after providing for public notice and comment, to prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources. The section sets forth objectives for the plan.

Section 325(b) would provide that the plan shall supplement any comprehensive conservation plan prepared pursuant to the requirements of section 304(g) of ANILCA.

Section 326. Rights-of-Way Across the Coastal Plain.

Section 326 would provide that notwithstanding title XI of ANILCA, the Secretary of the Interior is authorized to grant under section 28 of the Mineral Leasing Act rights-of-way and easements across the Coastal Plain for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain. Such terms and conditions shall include requirements that facilities be sited or so modified so as to avoid unnecessary duplication of roads and pipelines. The comprehensive oil and gas leasing and development regulations issued pursuant to the subtitle shall include provisions regarding the granting of rights-of-way across the Coastal Plain.

Section 327. Environmental Studies.

Section 327 would provide that in addition to any other environmental studies required by law, subsequent to exploring or developing of any area or region of the Coastal Plain, the Secretary of the Interior shall conduct such additional studies to establish environmental information as he deems necessary. The remaining provisions of the section are self-explanatory.

Section 328. Enforcement of Safety and Environmental Regulations.

Section 328(a) would provide that the Secretary of the Interior shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this subsection.

Section 328(b) sets forth responsibilities of holders of a lease. The provisions of this subsection are self-explanatory.

Section 328(c) would provide that the Secretary of the Interior shall promulgate regulations to provide for onsite inspection of facilities. The provisions of the subsection are self-explanatory.

Part 5—Land Reclamation and Reclamation Liability Fund

Section 329. Land Reclamation.

Section 329 would provide that the holder of a lease or leases on lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands adversely affected in connection with exploration, development, or transportation activities on a lease within the Coastal Plain. The holder of a lease shall also be responsible for conducting any land reclamation required as a result of activities conducted on the lease by any of the lease holder's subcontractors or agents. The holder of a lease may not delegate or convey, by contract or otherwise, this responsibility and liability to another party without the express written approval of the Secretary of the Interior.

Section 330. Standard to Govern Land Reclamation.

Section 330 would provide that the standard to govern the reclamation of lands required to be reclaimed under the subtitle, following their temporary disturbance or upon the conclusion of their use or prolonged commercial production of oil and gas and related activities, shall be reclamation and restoration to a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production, or upon application by the lessee, to a higher or better use as approved by the Secretary of the Interior; except that in the case of roads, drill pads and other gravel foundation structures, reclamation and restoration shall be to a condition as closely approximating the original condition of such lands as is feasible. Reclamation of lands shall be conducted in a manner that will not itself impair or cause significant adverse effects on fish or wildlife, their habitat, or the environment.

Section 331. Coastal Plain Liability and Reclamation Fund.

Section 331(a) would direct that within six months of a commercial discovery within the Coastal Plain, the Coastal Plain Liability and Reclamation Fund (referred to as the "Reclamation Fund") be established by the Secretary of the Interior.

Section 331(b) would provide that the Secretary of the Interior shall collect from the owner of any commercially produced crude oil or natural gas liquids from the Coastal Plain at the time and point where such crude oil first enters the Trans-Alaska Pipeline, a fee of five cents per barrel. The collection of the fee shall cease when $50,000,000 has been accumulated in the Reclamation Fund, and it shall be resumed at any time that the accumulation of revenue in the Reclamation Fund falls below $45,000,000.

Section 331(c) would provide that all revenues collected under subsection (b) shall be paid into the Reclamation Fund. The remaining provisions of the subsection are self-explanatory.

Section 331(d) would provide that the revenue in the Reclamation Fund shall be available, to the extent provided in annual appropriation acts, with the approval of the Secretary of the Interior, for certain designated purposes. For purposes of section 331(d)(3), North Slope lands are lands in Alaska north of 68 degrees north latitude and east of the western boundary of the National Petroleum Reserve-Alaska.

Section 331(e) would provide that the United States shall have legal recourse against any party or entity who is responsible for the reclamation of any area within the Coastal Plain, to recover certain funds expended due to failure of the responsible party to reclaim such area as required by the subtitle: Provided, That such right of recovery shall not be available against Alaska natives conducting traditional subsistence use activities. Any funds so recovered shall be deposited in the Reclamation Fund.

Section 331(f) would provide that any moneys remaining in the Reclamation Fund fifty years after the period of active oil and gas exploration, development, production and reclamation has been concluded in the Coastal Plain shall be paid into the miscellaneous receipts of the Treasury of the United States.

Part 6—Disposition of Oil and Gas Revenues

Section 332. Distribution of Revenues.

Section 332 would provide that notwithstanding any other provisions of law, all revenues received from competitive bids, sales, bonuses, royalties, rents, fees, interest charges, or other income derived from the leasing of oil and gas resources within the Arctic National Wildlife refuge shall be deposited in the miscellaneous receipts of the Treasury of the United States, consistent with the President's National Energy Strategy and FY 1992 budget. The Administration recognizes that other legislation in Congress would authorize 50-50 receipt sharing with the State of Alaska. Alaska officials are proposing even more favorable terms for the State. We plan to work with Congress to resolve this issue in a manner that is fair to the citizens of Alaska.

Section 333. Judicial Review.

Section 333(a) would provide that any legal action, including an action for declaratory judgment to challenge the determination made in section 332 of this subtitle shall be expedited in every way by the court. Any such action shall be brought within ninety days of enactment of this subtitle in an appropriate United States District Court, or such action will be barred. Any review of an interlocutory or final judgment, decree, or order of the United States District Court in such action may be had only upon direct appeal to the Supreme Court of the United States.

Section 333(b) would provide that nothing in this section shall be construed to grant causes of action to any person or to waive any defenses which may be available to the United States.

Section 333(c) would provide that if any action is brought in accordance with subsection 333(a), no lease sale shall occur under section 307 of the subtitle until a final nonappealable decision has been issued in any such action.

Subtitle B—Naval petroleum reserve leasing

Section 341. Short Title.

This section would cite this subtitle of the bill as the "Naval Petroleum Reserve Leasing Act".

Section 342. Leasing Authorization.

Section 342(a) would grant the Secretary of Energy the authority to lease Naval Petroleum Reserve Numbered 1 (NPR-1) if the President finds that NPR-1 is no longer necessary for national defense purposes or for assuring continuous exploration, development and operation of the reserve.

Section 342(b) would require the President to submit this finding to Congress, together with a report setting forth the basis of the finding, at least sixty days before the date of a lease.

Section 342(c)(1) would authorize the Secretary of Energy to use the lease proceeds to meet directly related contractual obligations, such as obligations under DOE's existing Unit Plan Contract at NPR-1 or obligations to an investment banker assisting with the leasing action, and to pay any DOE liabilities under any condemnation proceedings and Federal environmental laws, including the Clean Air Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response Compensation and Liability Act.

Section 342(c)(2) would require the Secretary of Energy, before entering into a lease, to ascertain that the rental price represents fair market value.

Section 342(d)(1) would require the Secretary of Energy to notify the Attorney General of each proposed lease contract, including information needed to permit antitrust review of the transaction. The Attorney General shall advise within thirty days whether the lease would substantially lessen competition.

Section 342(d)(2) would specify that the subtitle does not confer upon any person civil or criminal liability immunities or antitrust law defenses.

Section 342(d)(3) would define "antitrust laws".

Section 342(e) would direct the Secretary of Energy to conduct a leasing action using competitive procedures. The Secretary may reject any and all offers or bids even if the offers or bids meet or exceed minimal acceptable levels.

Section 342(f) would require that a royalty payment of not less than twelve and one-half percent of the value of the resources removed from the lease be paid to the "Naval Petroleum Reserve Lease Proceeds Special Account", (Special Account) established under section 346 of this subtitle.

Section 342(g) would require lessees to retain records for six years (or longer, as the Secretary of Energy may direct). The lessee may also be required to make records available for audit; and in the event of late payments, the Secretary will assess interest and penalties and may cancel the lease term.

Section 342(h) would require lessees to set aside a portion (not greater than twenty-five percent of the estimated annual production of the reserve) of the crude oil produced for sale to small refiners at not less than prevailing local market price. The refiners may not resell the product and must sell it at fair market value.

Section 343. Procedures to Arrange and Conduct a Leasing Action.

Section 343(a) would require the Secretary of Energy to begin making arrangements for the lease of NPR–1 prior to the finding in section 342(a).

Section 343(b) would authorize the Secretary of Energy, in order to arrange and conduct a lease, to:

(1) create new business entities to which the United States' interest may be transferred;

(2) enter into contracts with State or private entities for professional services; and

(3) use DOE funds in the Department of Interior and Related Agencies Appropriations Acts, up to a five percent limit from the Naval Petroleum Reserves (NPR) account.

The Secretary of Energy would be required to use other Federal agencies to lease the NPR if it would reduce the cost of leasing to the Federal government.

Section 343(c) would provide that, unless the Secretary determines and advises the Congress that competitive leasing is not justified, leasing actions would be competitively awarded to the highest qualified bidder, and that the Secretary would have the discretion to determine the appropriate terms and conditions for competitive leasing actions.

Section 343(d) would excuse a lessee of the Federal government's interest in NPR–1 from liabilities of the United States.

Section 344. Privately Owned Lands and Physical Improvements.

Section 344(a) would permit the Secretary to acquire privately owned lands or physical improvements within NPR–1 if necessary to facilitate the leasing action.

Section 344(b) would require that before condemnation proceedings are instituted, an effort ordinarily should be made to negotiate the purchase of the property.

Section 345. Strategic Petroleum Reserve Tie-In; Defense Petroleum Inventory.

Section 345(a) would end the tie-in between the Naval Petroleum Reserve and Strategic Petroleum Reserve fill (42 U.S.C. 6240(a), (b), and (d)) upon the lease of any interest of the United States in NPR–1.

Section 345(b)(1) would amend title I, part B of EPCA (42 U.S.C. 6215 *et seq.*) by adding a new section 168 entitled, "Defense Petroleum Inventory".

Section 168(a) would authorize the Secretary of Energy to build, operate, and fill with crude oil separate storage facilities for a Defense Petroleum Inventory (DPI) to meet the Defense Department's requirements for "petroleum products". (This term, used in EPCA, is defined by EPCA to include crude oil and refined products.) Oil acquisitions for the DPI would not be counted against statutory requirements for filling the Strategic Petroleum Reserve (SPR). This subsection also would make clear that the Secretary may use any of his SPR authorities for creating the DPI.

Section 168(b) would direct the Secretary of Energy to obligate funds available in the Special Account (created under section 346) for the acquisition of ten million barrels for the DPI and for the acquisition or construction of facilities for the DPI. It further would direct the Secretary to make oil available to the DPI out of the SPR while the leasing of NPR–1 is proceeding, in proportion to the progress made in leasing the Federal government's NPR–1 interest.

Section 168(c) would empower the Secretary of Energy to draw down and distribute crude oil in the DPI upon the request of the Secretary of Defense, and would exempt that drawdown from SPR drawdown requirements and from Federal contracting laws and regulations, but would stipulate that DPI drawdown shall not adversely affect SPR drawdown. (The Departments of Energy and Defense intend to negotiate a memorandum of understanding designed to assure that drawdown of the DPI would not interfere with any contemporaneous drawdown of the SPR.)

Section 168(d) would require the Secretary of Energy, upon request of the Secretary of Defense and subject to the availability of funds from the Department of Defense, to replace crude oil drawn down from the DPI.

Section 168(e) would provide that the SPR Plan need not be amended to reflect creation of the DPI.

Section 168(f) would require the Secretary of Defense to reimburse DOE for all DPI drawdown and distribution costs, for the cost of any petroleum products acquisition to replace SPR oil draw down on behalf of the DPI, and for any costs of acquisition and storage in the DPI for crude oil in excess of ten million barrels.

Section 168(g) would provide, with respect to reimbursement for the costs of oil acquisition to replace SPR oil that has been dedicated to the DPI and drawn down (as required by subsection (f)(2)), that as oil is received for the DPI as a result of the leasing of NPR–1, it shall be transferred to the SPR in barrel-for-barrel reimbursement for the dedicated SPR oil that has been drawn down.

Section 345(b)(2) would make a technical amendment.

Section 346. Naval Petroleum Reserve Lease Proceeds Special Account and Revenue Sharing with the State of California.

Section 346(a) would establish a fund called the Naval Petroleum Reserves Lease Proceeds Special Account (Special Account) to be available to DOE without fiscal year obligation.

Section 346(b) would provide that all lease proceeds are to be deposited in the Special Account.

Section 346(c) would provide that fifty percent of the proceeds received from royalty payments and seven percent of the bonus payments from NPR–1 are to be paid in seven annual installments.

Section 346(d) would authorize the Secretary of Energy to make expenditures from the Special Account without further appropriation but subject to specific directives or limitations included in appropriation acts. This subsection provides that funds are to be used to carry out the purchase of oil for the ten million barrel DPI or to satisfy obligations related to the leasing action.

Section 346(e)(1) would permit excess funds to be transferred from the Special Account if appropriate and the Special Account is to be abolished upon written notice by the Secretary of Energy to the Secretary of the Treasury that the funds are no longer needed to fulfill the purposes specified in subsection (d). Under this subsection, funds remaining in the Special Account would be credited to the miscellaneous receipts account of the Treasury of the United States.

Section 346(e)(2) would provide that, after abolishment of the Special Account, lease proceeds are to be deposited in the miscellaneous receipts account, except for the payments to the State of California specified in section 346(c) which shall continue to be paid regardless of the status of the Special Account.

Section 346(f) would allow the Secretary of Energy to collect lease proceeds on behalf of the private owner of NPR–1, Chevron Corporation, and to pay over those proceeds to the private owner.

Section 347. Congressional Consultation.

This section would provide that compliance with section 342(b) and 342(d) of this subtitle shall be considered to satisfy the requirements of sections 7431(a) and 7431(b), title 10 of the United States Code, which effectively call for Presidential approval and Congressional consultation before any NPR lease takes place, and would require the Attorney General to prepare a report on the anticipated effects of a lease contract on competitiveness.

Section 348. Effect on School Lands Grant.

Section 348(a) would extend the authority to lease to sections 16 and 36 in NPR–1.

Section 348(b) would provide that a payment may be made to the State of California only after (1) the State files a motion to dismiss, with prejudice, the lawsuit it filed against the United States in November 1987 and (2) the State forfeits, by written agreement, any rights to the "school lands" and to indemnity lands.

Section 349. Conforming Amendments.

Section 349(a) would repeal section 501 of Public Law 101–45, which prohibits the Executive branch from expending, directly or by contract, appropriated funds to study the potential transfer out of Federal ownership of NPR–1 or NPR–3 and negotiating changes to the Unit Plan Contract with Chevron when the purpose is to prepare for divestiture.

Sections 349(b) and (c) would revise section 7422 of title 10, United States Code, to eliminate the prohibition against leasing NPR–1 or NPR–3, and the triennial NPR continued-production determination.

Sections 349(d) through (j) are technical amendments to delete provisions involving the requirements for, or references to, the continued-production decision and provisions that are inconsistent with the leasing authorization.

Section 349(e) would revise section 7433(b) of title 10, United States Code, to accommodate the depositing of lease proceeds into the Special Account.

Subtitle C—Oil pipeline deregulation

Section 351. Short Title.

Section 351 would provide a short title for this subtitle, "Oil Pipeline Regulatory Reform Act".

Section 352. Findings and Purposes.

Section 352 would make findings to support the subtitle and state its purposes.

Section 353. Regulatory Reform and Deregulation.

Section 353 of this subtitle would add new sections 408, 409, 410, and 411 to the DOE Organization Act as follows:

Section 408—Regulation of pipelines. Section 408 of the DOE Organization Act would terminate existing FERC regulations and regulatory authority over oil pipelines. These would be replaced with new streamlined common carrier obligations contained in new section 409 and with new competition-based priced cap regulation contained in new section 410 for those pipelines that have market power in particular markets.

Section 408(a) would define several terms that are used in sections 408, 409, and 410. In particular, it would exclude the Trans-Alaska Pipeline from coverage under this subtitle.

Section 408(b)(1) would terminate existing Commission regulatory authority sixty days after this subtitle's effective date. It also would provide that on that day, the new streamlined common carrier obligations contained in new section 409 would become effective with respect to all pipelines. In addition, from that date until a list of pipelines subject to adjudication is published under section 408(b)(2)(C), the rates of all pipelines would be regulated under the price cap regulation set forth in section 410.

Section 408(b)(2) would give the Attorney General and any interested person the opportunity to petition the Secretary of Energy for an adjudication to determine whether the new rate price cap regulation set forth in section 410 of the DOE Organization Act should be continued for a particular pipeline in a particular market because it is in the public interest. These petitions must be filed by the Attorney General within one hundred and twenty days of the subtitle's effective date and by interested persons within one hundred and eighty days.

In determining which pipelines and which markets should be the subject of a petition for an adjudication, the Attorney General would be guided by the methods, assumptions, standards, and definitions set forth in the Department of Justice's economic study of the oil pipeline industry released in May 1986, and entitled "Oil Pipeline Deregulation." An interested person petitioning for an adjudication would not be bound by the Department of Justice's study, nor would the Secretary of Energy be bound by the study in the conduct of an adjudication.

In preparing petitions, the Attorney General would have to define relevant markets. The term "market" is not defined in this subtitle because the definition inherently must be based on the facts of each particular case. Depending on the relevant facts (such as availability and price for alternative sources of products), a relevant market could be as large as an entire economic region covering parts of several States or as small as a single jet-fuel terminal at an airport.

Section 408(b)(2)(C) would require the Secretary of Energy to publish, not later than two hundred and seventy days after the effective date of this subtitle, a list of all adjudications that the Secretary had decided to conduct. For each market for which an adjudication is to be conducted, price cap regulation of the subject pipeline in the subject market would continue in effect while the Secretary conducts the adjudicatory proceeding. If no petition is filed with respect to a particular pipeline in a particular market, or if the Secretary does not find sufficient cause to conduct an adjudication, that pipeline's pricing in that market is deregulated completely upon publication of the list.

Section 408(b)(3) contains the standard the Secretary of Energy would use in adjudication of a pipeline's regulatory status. The Secretary could find that price cap regulation was in the public interest only if it is demonstrated that this regulation is necessary to constrain the exercise of substantial market power. An adjudication of a pipeline's regulatory status would be required to be completed within one year, unless the Secretary determined that unusual circumstances necessitate a delay, in which case the Secretary may take a maximum of two years to issue the finding.

If, after conducting the proceeding, the Secretary of Energy finds that price cap regulation of the pipeline in the subject market is in the public interest, this regulation would continue indefinitely. If the Secretary does *not* so find, price cap regulation would terminate promptly. Settlement by contract of disputes regarding whether a particular pipeline should be subject to price cap regulation in a particular market would be allowed.

Section 408(c) contains provisions for reconsideration, in the light of changed circumstances, whether price cap regulation of a given pipeline in a given market is in the public interest.

Section 408(d) would provide for the Attorney General to participate in any adjudicatory proceedings regarding the regulatory status of a pipeline under section 408, and would provide that in so doing the Attorney General would be guided by the underlying definitions and assumptions of the 1986 Justice Department study.

Section 408(e) would provide that new pipelines—those that were not in service and not under construction on January 1, 1991—would not be subject to either existing Commission regulatory jurisdiction or the new price cap regulation contained in section 410, unless jurisdiction were determined by the Secretary of Energy to be in the interest of national defense. "Under construction" is not defined in the bill. It is intended that this term be construed to cover pipelines for which ground has been broken, or which otherwise have progressed under expectation of regulation to the point of preempting the development of an alternative pipeline serving the same markets.

Section 408(f) would clarify that:

(1) existing Commission regulation of, and, impliedly, any Commission regulatory proceedings related to, oil or other products transported before deregulation of a pipeline would not be affected by deregulation,

(2) the new price cap regulation of a pipeline will be prospective only and not apply to previous transportation, and

(3) Commission pipeline regulation terminated under section 408, including regulation of new pipelines, will not revert to DOE, the Interstate Commerce Commission or any other agency, unless the Secretary of Energy determines it is in the interest of national defense to return it to the Commission.

Section 408(f) would provide further that pipeline regulation terminated under section 408 would not revert to a State agency, except that existing State authority over intrastate pipeline transportation would remain unchanged.

Section 408(g) explicitly would authorize the Secretary of Energy and the Attorney General to promulgate rules and regulations necessary or appropriate to carry out their responsibilities under section 408.

Section 408(h) would provide that the United States Court of Appeals for the D.C. Circuit have original, exclusive judicial review of any administrative action taken under section 408. This section also would provide that any action of the Attorney General under section 408, including a decision to petition or not to petition for an adjudication of a pipeline's regulatory status, would be considered an action committed to agency discretion and not subject to judicial review.

Section 408(i) would allow the Secretary of Defense to petition the Secretary of Energy for adjudication of whether Commission rate regulation of an unregulated pipeline would be in the interest of national defense, if the petition is not filed within two years of the termination of Commission rate regulation of the pipeline subject to the petition of a prior adjudication under this section regarding that pipeline. The Secretary of Energy may hold the adjudication and, if it is in the national defense interest, may order the pipeline subject to Commission rate jurisdiction under section 410.

Section 409—Common carrier status: contracts. Section 409 contains the new, streamlined common carrier obligations that would be substituted for current, complex nondiscrimination regulation under the Interstate Commerce Act when that regulation terminates sixty days after the effective date of this subtitle. Section 409 also would clarify the authority of pipelines to enter into contracts for the transportation of oil and oil products.

Section 409(a) would establish the basic common carrier obligations of oil pipelines. It would provide specifically that regulatory jurisdiction under this section would not extend to rate matters. While this section would require nondiscrimination as to access, terms, and conditions under common carriage, it would not permit review of rates under that guise as a form of "back-door" rate re-regulation. Pipelines will be free to charge different rates to different shippers and would not be found to violate this section for that reason.

Section 409(b) would require pipelines to publish and file with the Commission the terms and conditions (other than rates) that apply to their standard common carriage transportation of oil and oil products.

Section 409(c) would govern pipelines' contracts that differ from the standard common carriage terms and conditions. It would provide that in markets in which there is Commission rate regulation, differing contracts would be permitted, but only so long as the regulated service is available at no more than the maximum rate. By "available" it is meant that shippers could obtain the regulated service at no more than the maximum rate, free of capacity or other constraints.

Section 409(d) would authorize the Commission to enforce compliance with section 409, and to promulgate any necessary rules and regulations.

Section 410—Commission rate regulation. Section 410 would set forth the new "price cap" regulatory system that would be substituted for current cost-of-service and rate-of-return regulation under the Interstate Commerce Act when that regulation terminates sixty days after the effective date of this subtitle.

Section 410(a) would establish the basics of price cap regulation. Section 410(a)(1) would provide the first key component of price cap regulation—"base rates." These would be established as recent rates that were not subject to Commission investigation (or that were adjudicated or the subject of a settlement), increased by the Producer Price Index up to the effective date of the new price cap regulatory system.

Section 410(a)(2) would allow for a one-time reduction of a base rate upon a showing that, due to pipeline market power, the base rate is "significantly higher" than would be predicted under competitive conditions. The Secretary of Energy would reduce the rates in markets in which the difference between the base rate and the predicted competitive rate is statistically significant. (A commonly accepted standard for significance is that there is less than a five percent probability that the difference is due to random fluctuations.) In markets in which rate reductions are appropriate according to this criterion, the Secretary of Energy would bring them in line with the rates that correspond to the statistically significant level (that is, at five percent) rather than the statistically predicted rate.

A base rate adjustment proceeding would begin only after the Secretary of Energy has found that a pipeline has substantial market power under section 408. The procedures for such an inquiry would parallel the section 408 procedures for determining whether a pipeline market will continue to be subject to Commission rate regulation. Any revision would be effective on the date the Secretary orders the reduction, or one year after the Secretary decides to conduct an adjudication, whichever comes first.

Section 410(a)(3) would provide the method for calculating the rate for those pipelines subject to this section. During a transition period, from the date of commencement of Commission rate regulation until the date of publication of the list of adjudications, oil pipeline rate ceilings would be frozen at base rate levels. The Producer Price Index would be used as the inflator and deflator of base rates for the next year. In all subsequent six month periods, the maximum rate would be the prior maximum rate increased or reduced by the percentage change in a "Competitive Pipeline Price Index" (CPPI). The CPPI would be a new index prepared by the Secretary of Energy based on relative changes in pipeline rates in competitive unregulated markets.

The Secretary of Energy would have discretion to select the data used to calculate the CPPI in order to create an index that accurately represents prices in markets with effective competition. The Secretary would be permitted to use a substitute index, but only if the Secretary determines that calculation of the CPPI is unduly burdensome.

Section 410(a)(4) would establish the lawfulness of all rates that do not exceed the maximum rates calculated in accordance with section 410(a)(3). This subsection also would make clear that any *lower* rate also would be lawful. However, if a pipeline makes a lower rate available to a shipper with which the pipeline is affiliated, then the pipeline would be required to make the lower rate available to all shippers on the same terms and conditions.

Section 410(a)(5) would require the Commission to publish base rates, rate adjustments, and maximum rates.

Section 410(b) contains an additional limitation on the actions of pipelines subject to price cap regulation in particular markets. This limitation is designed to prevent evasion of price cap regulation. Under this subsection, pipelines would not be permitted to tie the taking of other products or services to pipeline services. This would prevent pipelines from evading rate cap regulation by, for example, charging an artificially high price for some unregulated good or service as a prerequisite for access to regulated pipeline service.

Section 410(c) would provide for the non-regulation of expanded capacity in price-capped markets, in order to encourage this expansion. It also would provide the Commission with explicit authority to promulgate regulations regarding allocation of rights to use pre-existing capacity in a manner consistent with effective Commission rate regulation and the common carrier requirements of section 409.

Section 410(d) would authorize the Commission to enforce section 410 and to promulgate any necessary rules and regulations.

Section 410(e) would authorize explicitly the Secretary and the Attorney General to promulgate any rules and regulations necessary or appropriate to carry out their responsibilities under section 410.

Section 410(f) would provide that the United States Court of Appeals for the District of Columbia Circuit have original, exclusive judicial review of any administrative action taken under section 410. This section also would provide that any action of the Attorney General under section 410, including a decision to petition or not to petition for a rate reduction, would be considered an action committed to agency discretion and not subject to judicial review.

Section 411—Report to Congress. Section 411 would provide for a report to Congress by the Secretary of Energy five years after all adjudications under section 410 have been concluded.

Section 354. Conforming Amendments.

Section 354 of this subtitle contains certain conforming amendments. It would amend section 402(a) of the DOE Organization Act (42 U.S.C. 7172(2)) to make the authorities and functions transferred by section 402(a) subject to this subtitle. It also would amend section 402(a) of the DOE Organization Act (42 U.S.C. 7174(a)) to clarify that the Secretary may issue regulations implementing this subtitle without referring the rule to the Commission under section 404.

Section 355. Applicability of Antitrust Laws.

Section 355 would assure the continuing applicability of the antitrust laws to oil pipelines. The subtitle is not intended to affect in any manner the applicability of the antitrust laws to transportation of oil or products.

Section 356. Severability.

Section 356 would provide for separability should any of this subtitle's provisions or their application be held invalid.

TITLE IV—ELECTRICITY GENERATION AND USE

Subtitle A—Public Utility Holding Company Act reform

Section 401. Definitions.

Section 401 would:

(1) Define "exempt wholesale generator". An exempt wholesale generator (EWG) would be a person who is engaged directly, or indirectly, through an affiliate, in the business of selling electricity at wholesale from an eligible facility. A registered holding company affiliate in existence on the date of enactment of the National Energy Strategy Act could qualify as an EWG only with the consent of the Securities and Exchange Commission (SEC).

(2) Define "eligible facility". An eligible facility would be a facility or a portion of a facility used for the generation of electricity to be sold exclusively at wholesale. This term would include certain interconnection facilities. It would not include a facility, or a portion of a facility, if a rate or charge for the facility's construction or for electricity it produces is in effect under the laws of any State on the date of enactment of the National Energy Strategy Act.

(3) Define "electric consumer". An electric consumer would be any person, State or local authority or agency, or Federal agency to which electricity is sold other than for purposes of resale.

(4) Would incorporate, by reference, other terms as defined in the Public Utility Holding Company Act (PUHCA).

Section 402. Exempt Wholesale Generators.

Subsection (a) would exempt EWGs from PUHCA.

Subsection (b) would provide that a holding company's eligibility for exemption under section 3(a) of PUHCA is not affected by the fact that one or more of the companies within the holding company is an EWG, unless the SEC, by order upon application of an affected State commission or other interested party, and considering any views of affected State commissions, terminates the exemption upon determining that: (1) the holding company has not established appropriate means to determine the allocation of costs between the EWG and any other company within the holding company that provides electric service to electric consumers; or (2) the EWG is a party to a contract for sale of electricity to any other company within the holding company that provides electric service to electric consumers, without each affected State commission having given its prior approval of the contract under State law.

Subsection (c) indicates that the term "affected State commission" means any State commission that has jurisdiction to regulate a holding company's associate company, affiliate, or subsidiary company that provides electric service to electric consumers.

Subsection (d) would allow a registered holding company to own an interest in an EWG without receiving SEC approval, so long as the EWG is not a party to a contract to sell electricity to any company within the holding company that provides electric service to electric consumers, unless each affected State commission has given its prior approval to the contract under State law.

Subsection (e) would allow the SEC to retain jurisdiction over the issuance of securities by a registered holding company for purposes of financing the acquisition of an EWG, the guarantee of an EWG's securities by a registered holding company, and the formation of certain business relationships between an EWG and a registered holding company or its associate or affiliate companies, except that: (1) section 11 of PUHCA would not prohibit the ownership of an interest in the business of an EWG by a registered holding company (regardless of the location of the facilities owned by the EWG), and that ownership is considered to be consistent with the operation of an integrated public utility system; and (2) the ownership of an interest in the business of an EWG by a registered holding company (regardless of the location of facilities owned or operated by the EWG) is considered to be reasonably incidental, or economically necessary or appropriate to the operations of an integrated public utility system.

Section 403. Ownership of EWGs and Qualifying Facilities.

Section 403 would provide that a person's ownership of an EWG does not result in that person's being considered as being primarily engaged in the generation or sale of electric power within the meaning of the FPA. This would prevent the loss of impairment of the utility's right to own generation facilities which are "qualified" under section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).

Section 404. Federal and State Authorities.

Subsection (a) would prevent FERC from finding that a rate which an EWG seeks to charge for electricity to be sold at wholesale is "just and reasonable" within the meaning of the FPA if the rate allows the EWG to receive undue advantage from the existence of an affiliate relationship between itself and a purchaser.

Subsection (b) would provide that a State commission may determine the prudence of a wholesale power purchase by an electric utility that provides electric service to electric consumers, and may disallow recovery of costs determined to be imprudently incurred, unless the wholesale purchaser has no alternative to accepting the amount of power or costs allocated to it by FERC in setting a wholesale rate or charge that is based on an allocation of power or costs among: (i) companies of a registered holding company; or (ii) companies that operate on an integrated basis under an agreement approved by FERC.

Subtitle B—Power Marketing Administration Repayment Reform

Section 411. Short Title.

Section 411 would cite the short title of this subtitle as the "Power Marketing Administration Timely Payment Act".

Section 412. Definitions.

Section 412 would define "Power Marketing Administration", "power investment," "interest rate", and "compound-interest repayment schedule". These definitions would make the legislation applicable to each power project financed by appropriations and placed in service. The Alaska Power Administration is not included in this legislation because it is expected to be divested from Federal ownership by fiscal year 1992. This legislation would not apply to irrigation investments assigned to be prepaid power by revenues. The compound-interest repayment schedule would be essentially like a home mortgage. The level annual payment would be derived by dividing the unpaid principal balance of the power investment by the interest factor for the present value of an annuity. The interest factor is expressed by the formula PVIFAi,n where "i" is the interest rate applicable to the investment and "n" is the number of years remaining in the repayment period. The result is equal annual payments comprised of principal and interest for each power investment. The interest rate would be defined differently for projects already in service and those that go into service after September 30, 1991. For investments placed in service after September 30, 1991, the interest rate would be the average yield on government securities with maturities comparable to the repayment period of the investment during the last month of the preceding year which, due to the time lag involved in determining the interest rate described in section 412(3)(A), allows the power marketing administrations to calculate interest during a given fiscal year using an actual versus a projected interest rate. For projects placed in service before October 1, 1991, the interest rates would be the yield of long-term government securities at the time the power investment was placed in service.

Section 413. Repayment of Principal.

Section 413 would modify repayment procedures for the power marketing administrations. Power investments, whether old or new, would be scheduled for amortization on a compound-interest repayment schedule. Annual payments would be at least the annually scheduled amount. Section 413(a) would provide the specific method for calculating the scheduled payments. For projects with an in-service date before October 1, 1991, the repayment period would equal the balance of the remaining average service life or the number of years remaining in a fifty year repayment period, whichever is less. For projects with an in-service date after September 30, 1991, the repayment period would equal the average service life, or fifty years, whichever is less.

Under section 413(b), payments exceeding the scheduled annual amount will be credited toward payments required in subsequent years, and would receive an interest credit at the rate determined in section 414(c) until such time as the excess payments are actually credited toward payments received in subsequent years.

A special provision in section 413(c) for the Bonneville Power Administration's (BPA) revolving fund would require principal and interest payments to be made out of net proceeds after deducting interest, premiums, discounts, expenses, or principal amounts of bonds under section 11(b)(8) of the Federal Columbia River Transmission System Act (16 U.S.C. 8381(b)(8)). This would ensure that borrowing through the sale of bonds or repayment of these bonds would not be affected by the proposed legislation.

Section 414. Payment of Interest.

Section 414 would require annual interest payments on unpaid principal and on any deferred principal and interest amounts. Annual interest payments on unpaid principal would be computed using the interest rate calculated in section 412(3). Interest on deferred principal and interest would be charged at an interest rate as specified in section 414(c). Shortfalls of any principal or interest amounts would be paid in subsequent fiscal years before scheduled payments, but would not change the payment schedule. This section would apply to all of the power marketing administrations covered under this subtitle.

Section 415. Changing a Schedule of Payments.

Section 415 would give any of the power marketing administrations, except BPA, the option to change the schedule of principal and interest, from that specified in section 412(4), in the event of a drought, dam failure, or other unexpected natural event which results in a significant reduction in the availability of hydro-power resources. Before a power marketing administration other than BPA could establish a new schedule of payments, it would have to obtain approval from FERC. Section 413(c) of this subtitle would apply to BPA's scheduling and payment of deferred annual payments. Under this section BPA may make its annual payments to the Treasury of the United States only from its "net proceeds".

Section 416. Effective Date.

Section 416 would make October 1, 1991, the effective date of this subtitle.

TITLE V—NUCLEAR POWER

Subtitle A—Licensing reform

Section 501. Combined Licenses.

Subsection (a) would add new subsections (b) and (c) to section 185 of the Atomic Energy Act of 1954 (AEA) to:

(1) require the Nuclear Regulatory Commission (NRC) to develop a combined construction and operating license that resolves all safety issues, including emergency planning, prior to start of construction, in one combined process with a single adjudicatory hearing;

(2) provide within the combined license for inspections, tests, and analyses, and their acceptance criteria to confirm that all conditions of the license have been met;

(3) require an application for a combined license to include a State, local, or utility emergency plan, although it is expected that current arrangements providing for NRC consultation with the Federal Emergency Management Agency on offsite emergency planning will continue;

(4) require that the combined license (A) identify the inspections, tests, exercises (including any integrated exercises of offsite emergency response plans), and analyses required for the emergency plan and the acceptance criteria for their satisfactory completion; (B) codify NRC's realism rule; and (C) require that offsite emergency planning issues which arise after combined license issuance, including late withdrawal of a State or locality from participation in emergency planning, be resolved only in a proceeding, either in response to a petition or at NRC's initiative to modify or suspend operation under the combined license;

(5) require NRC, at appropriate intervals during construction, to publish in the Federal Register notices of the successful completion of inspections, tests, and analyses;

(6) provide an opportunity for an informal preoperational hearing on whether a plant as constructed has conformed with the acceptance criteria of the license;

(7) require NRC to notify the Attorney General if significant changes have occurred in the licensee's activities or proposed activities subsequent to issuance of a combined construction and operating license, thereby affording the same opportunity for competitive review at the operational stage as exists today when construction and operating licenses are issued separately, under procedures established by the NRC for this review, including hearing procedures, which would parallel those applied to conformance safety issues under revised section 185(b); and

(8) require NRC consideration of amendments to combined licenses to be the same as for amendments to operating licenses under section 189(a) of the AEA, and provide that NRC not delay preoperational activities or operation pending completion of a hearing on an amendment if NRC determines that the amendment involves no significant hazards consideration.

Section 502. Rulemaking.

Section 502 would require NRC to propose regulations implementing this subtitle within one year of enactment of this subtitle.

Section 503. Conforming and Technical Amendments.

Section 503 contains conforming and technical amendments to the AEA.

Section 504. Effect On Pending Proceedings.

Section 504 would make this subtitle apply to all proceedings pending before NRC on the date of enactment of the National Energy Strategy Act.

Subtitle B—Nuclear waste management

Section 511. Repository Site Characterization.

Section 511 would add new paragraphs to section 113(a) of the Nuclear Waste Policy Act of 1982 (NWPA).

New paragraph (2) would provide that a Federal agency administering a law or regulation that imposes a requirement for a permit, license, right of way, certification, approval, or other authorization on site characterization activities conducted under NWPA, to administer such a requirement itself, without regard to whether it has been or could be delegated to a State.

New paragraph (3) would provide that a permit from a State government, local government, or Indian tribe would not be necessary for the Secretary of Energy to conduct site characterization studies.

New paragraph (4) would require that the Secretary of Energy consider the views of State, local, and tribal officials regarding the substantive provisions of State, local, and tribal laws affecting site characterization activities.

New paragraph (5) would provide that an action to contest the constitutionality of the new section 311(a) must be brought within sixty days of its enactment. It also would provide that in such an action the court may not enjoin the site characterization activities.

New paragraph (6) would provide that the new paragraphs apply only to site characterization work begun before the Secretary of Energy submits an application for construction authorization for a repository under NWPA.

New paragraph (7) would allow the Nuclear Waste Negotiator, whose position is established under title IV of the NWPA, to include in an agreement negotiated under that title, or exclude from it, provisions contained in the paragraphs added by this subtitle without affecting the reasonableness or appropriateness of the agreement.

Section 512. Monitored Retrievable Storage Facility.

Section 512 would remove links between the construction of the permanent repository and the construction of the monitored retrievable storage facility.

TITLE VI—RENEWABLE ENERGY

Subtitle A—Purpa size cap and co-firing reform

Section 601. Federal Power Act Definitions.

Section 601 would:

(1) make technical corrections to section 3(17) of the FPA to insure that eligible solar, wind, waste, or geothermal power production facilities are exempt from all power production limitations;

(2) add biomass and hydropower to the technologies exempt from power production limitations; and

(3) define "alternative power production facility." An alternative power production facility could take advantage of relaxed co-fishing restrictions, would not be restrained by power production limitations, and would sell the electricity it produces in a competitive market environment.

Section 602. Utility Purchasing and Exemptions.

Section 602 would:

(1) Make technical corrections to section 210 of PURPA;

(2) Require an electric utility to offer to purchase electric capacity from an alternative power production facility only if the purchase takes place in a competitive market environment; and

(3) Make an alternative power production facility or an eligible solar, wind, waste, biomass, hydropower or geothermal facility eligible for exemptions from FPA, PUHCA, and from State laws and regulations if the facility meets certain requirements.

Subtitle B—Hydroelectric power regulatory reform

Section 611. Regulatory Reform.

Section 611 would add three new subsections to section 4 of the FPA to improve and simplify FERC coordination of various activities related to granting a license for a hydroelectric project and preference for licenses issued by the Commission.

New subsection (h) would require an applicant for a license for a new or existing hydroelectric facility, before submitting the application, to consult with certain agencies and Indian tribes and then submit to the Commission a plan for performing the environmental, economic, engineering, and other studies required for the application. The Commission would approve or modify the plan. Once the plan is approved, the Commission could modify it only if it is in the public interest.

New subsection (i) would require FERC to coordinate a consolidated review by interested Federal agencies, State agencies, and affected Indian tribes of each application for a license for a new or existing hydroelectric facility after giving reasonable notice of the application and the review. The Commission would be the lead agency for purposes of compliance with NEPA. A NEPA review completed by the Commission as part of the consolidated review would satisfy the requirements of NEPA for all agencies for the project subject to the review. The Commission's license decisions and any additional approvals required by other agencies would take into account the results of the consolidated review. The Commission also would be allowed to set time limits for actions related to the review. If these time limits were not met, the Commission would be allowed to continue to process and take any appropriate action on the application.

New subsection (j) would provide that the Commission has the final authority to decide what provisions are included in a license for a project at an existing dam or conduit. This subsection is not meant to imply that the Commission need not comply with other provisions of this section. For example, it still must make the findings and give the proper consideration to particular items required under subsection (e). This subsection also would provide that if there is a conflict between the terms of a license issued by FERC and one issued by another Federal or by a State agency for the same project at an existing dam or conduit, the Commission license would prevail.

Section 612. Removal of Commission Authority Over Five Megawatt Projects.

Section 612 would amend section 10(i) of the FPA to remove Commission authority over a new hydroelectric project of five megawatt capacity or less. It also would allow the licensee of an existing project with that capacity to elect not to be regulated under this part by surrendering its license.

TITLE VII—ALTERNATIVE FUEL

Subtitle A—Alternative and dual fuel vehicle credits

Section 701. Alternative and Dual Fuel Cap Removal.

Section 701 would eliminate limits on the credit toward complying with the corporate average fuel economy (CAFE) standards available to manufacturers for the production of light duty alternative fuel vehicles and certain dual fuel vehicles.

This section would retain the provision that requires the Secretary of Transportation not to consider the fuel economy of alcohol or natural gas powered automobiles when determining whether to amend the CAFE standards under section 502 of the Motor Vehicle Information and Cost Savings Act. The section also would retain the provision that requires the Secretary of Transportation to consider cars capable of operating on gasoline or diesel fuel and either alcohol or natural gas as operating exclusively on gasoline or diesel fuel when making that determination.

Subtitle B—Alternative transportation fuels

This subtitle would require the owners of fleets of certain types of motor vehicles located in certain large cities to purchase alternative fuel vehicles. By requiring these purchases, the subtitle would create a ready, captured market for alternative fuel vehicles as a powerful market incentive both for automobile manufacturers to supply these vehicles and for companies to erect facilities to dispense alternative fuels.

Section 711. Definitions.

Section 711 would define key terms used in this subtitle. "Covered person" would be a person who must comply with the alternative fuel vehicle acquisition requirements in section 712. "Person" would be defined to include State and local governments and exclude the United States. An "alternative fuel vehicle" would be a motor vehicle that can operate on alternative fuel, either (1) one that can operate solely on alternative fuel or (2) a "flexi-fueled vehicle," which is a vehicle that can operate on either alternative or non-alternative fuel. "Alternative fuel" generally would include fuels that are not petroleum-based or are composed eighty-five percent or more of methanol, ethanol, or other alcohol. A "fleet" subject to the subtitle would be defined as a number of motor vehicles, all or part of which are centrally fueled or capable of being centrally fueled, controlled by a person. A fleet would not include daily rental vehicles, vehicles for sale by dealers, test vehicles, law enforcement vehicles, emergency vehicles, military tactical vehicles, and non-road vehicles.

Section 712. Acquisition of Alternative Fuel Vehicles.

Section 712 would establish a schedule for persons who control fleets composed of certain types of vehicles and located in cities with certain characteristics to follow in acquiring vehicles for their fleets.

Subsection (a) would apply to a person who controls fleets of (1) at least ten trucks, buses, or cars, with some exceptions, or a combination of at least ten of those vehicles located in large cities with air of high ozone content or (2) at least twenty trucks, buses, or cars, with some exceptions, or a combination of at least twenty of those vehicles located in large cities regardless of the ozone content. That person would be required to begin in 1995 to make a certain percentage of their annual vehicle acquisitions alternative fuel vehicles. The percentage would increase until in 2000 and afterwards ninety percent of the acquisitions would be alternative fuel vehicles.

Subsection (b) would apply to a person who controls a fleet of at least 10 urban buses, except for intercity urban buses, located in large cities with air of high ozone content or 20 in large cities regardless of the ozone content. It would phase in a percentage acquisition requirement for that person beginning with fifty percent in 2000 and reaching ninety percent in 2003 and afterwards.

Section 713. Exception.

Section 713 would provide that the subtitle not apply to a covered person if the Secretary of Energy determines that no alternative fuel vehicles are available for acquisition when the subtitle becomes applicable to the fleet. The subtitle would apply to that person when alternative fuel vehicles become available.

Section 714. Credits.

Section 714 would provide credits to a covered person who acquires more alternative fueled vehicles than are required by this subtitle or acquires them earlier than required. The Secretary of Energy would provide one credit for each extra or early vehicle. The person could then bank, transfer, or use the credit.

Section 715. Reports.

Section 715 would authorize the Secretary of Energy to require the reports necessary to implement this subtitle.

Section 716. Enforcement.

Section 716 would provide a method for the subtitle to be enforced through assessing civil penalties.

Section 717. Implementation.

Section 717 would provide that the Secretary of Energy issue regulations to implement the subtitle, thus making the Secretary of Energy responsible for administering the alternative fuels program established by this subtitle.

TITLE VIII—INNOVATION AND TECHNOLOGY TRANSFER

Section 801. Stevenson-Wydler Amendments.

The Stevenson-Wydler Technology Innovation Act of 1980 (Stevenson-Wydler) would be amended to allow Federal agencies to secure copyright for computer software developed under certain cooperative research and development agreements between government-owned and operated laboratories, private sector contractors, and other parties. The definition of computer software in Stevenson-Wydler would be expanded to include associated documentation, supporting materials or user instructions.

Section 802. Royalty Payments to Authors.

This section would expand Stevenson-Wydler to provide royalties to Federal employees who are authors of computer software. Currently royalties may be paid to Federal employees only for inventions and not for software.

Section 803. Technical and Conforming Amendments.

Section 12(c) of Stevenson-Wydler would be amended to include computer software.•

• Mr. WALLOP. Mr. President, recent events in the Persian Gulf have highlighted the need to move forward on the formulation of a long-term, comprehensive, and consensus-based national energy strategy to foster both domestic energy production and the efficient use of all available energy supplies.

Fortunately, over the last 18 months the Bush administration has engaged in a thorough public review and discussion of the energy policy options facing our Nation. The administration is to be commended for their effort.

The legislation which Senator JOHNSTON and I are introducing today by request is the product of that public hearing process. As expected, the administration's legislation contains many of the same elements as S. 341, the National Energy Security Act of 1991, that Senator JOHNSTON and I introduced on February 5. The administration's bill also contains provisions that I support.

Both measures recognize that if any national energy strategy is to be successful it must be sufficiently flexible for all domestic energy supply and demand alternatives to compete in the marketplace. Each measure contains energy supply and demand initiatives which provide a balance between energy production and conservation initiatives. They each also provide incentives which foster greater use of domestic supplies of fossil fuels—natural gas, oil, and coal—which the United States has in abundance.

Both measures recognize the need to more effectively deliver new technologies developed in America to the marketplace as a source for new businesses and jobs. The commercialization of energy technologies is a priority of Federal energy research and development programs. Each measure supports greater use of cooperative agreements and joint ventures in the areas of advanced nuclear reactor technologies, electric vehicles, renewable energy resources, high efficiency heat engines, and the use of natural gas.

Each measure encourages the commercialization and greater use of renewable energy and energy efficient alternatives within our economy; in the construction and renovation of buildings, including Federal buildings, and throughout industry. Both measures recognize the critical need to assure nuclear power as an energy option for the United States and the world.

It ought to go without saying that until we can once again assure that nuclear power is a viable option in our Nation's energy future, the economic and foreign policy implications of our dependence on imported oil will remain a threat to our Nation's economic health and energy security.

Finally, and perhaps the most significant area addressed by this legislation is the removal of regulatory barriers that unreasonably restrict the availability of domestic energy supplies such as natural gas or hydroelectric power, or constrain the deployment of new, advanced, and often more environmentally benign energy technologies.

Mr. President, as the Congress moves forward toward enactment of a comprehensive national energy policy, we will blend many of the administration's proposals with those in our own legislation. This will be a joint effort, and we wish to emphasize our combined determination to enact, early in the 102d Congress, a national energy strategy which melds the many initiatives contained in these legislative proposals into a comprehensive bill that addresses our national energy problems.

In making this statement, I fully recognize an undertaking of this magnitude will not be without controversy, but the American people deserve to have their elected leaders address these issues.•

By Mr. BOREN (for himself, Mr. BENTSEN, Mr. BYRD, and Mr. BAUCUS):

S. 571. A bill to amend the Export-Import Bank Act of 1945 and the Foreign Assistance Act of 1961 to reform United States bilateral economic assistance programs, to promote the purchase of United States goods and services, to promote democracy and privatization in Eastern Europe, and for other purposes; to the Committee on Foreign Relations.

AID FOR TRADE ACT

Mr. BOREN. Mr. President, now that the crisis in the Persian Gulf is over, we in Congress and the administration must refocus our attention and concern to the long-term challenges facing our country. As we look back on the crisis, however, one central lesson we should learn is that the United States remains a world leader based on our military and diplomatic position. Only the United States could have responded to the crisis by quickly providing the necessary military strength to deter Saddam Hussein from moving against Saudi Arabia, and eventually to reverse Iraq's aggression against Kuwait.

But the other central lesson from the crisis is that economic interests, in this case the world's oil supply, are at the core of our Nation's security. Now, with the war over, we must review all our Nation's policies and programs to see how they enhance our economic position and long-term national security.

Today, I rise to join with Senator BYRD, Senator BENTSEN and Senator BAUCUS to introduce the Aid for Trade Act of 1991, which will reform foreign aid programs to meet the needs of a changed world.

Mr. President, in the post cold war era economic strength is quickly replacing military might as the key to international leadership. America's leadership role for the 1990's and into the 21st century is in jeopardy if we do not recognize this shift and readjust our priorities accordingly. We must keep in mind that our own economic position is dramatically weaker than it was four decades ago at the beginning of the cold war when we had a 70 percent share of world assets and world markets. Now, with limited resources, a huge Federal deficit, a substantial trade deficit, and an 18 percent share of world assets and markets, we must move quickly.

We must leverage our foreign policy assets in order to enhance our economic power. We must use our foreign aid program to develop new long-term markets in order to restore some of our lost share of world trade. Our foreign aid program can and should be used to build lasting relationships with the new democracies of the world. We must bring our foreign aid program back into balance so that our aid is used to buy more American-made products, so that exports are increased and jobs are created at home.

Mr. President, a truly historic event occurred only 2 weeks ago, but due the gulf war received little attention—the

Warsaw Pact officially disbanded as a military union. The United States responded to changes in Eastern Europe during the last session of Congress by providing aid to countries such as Poland and Hungary. We provided almost $1.8 billion in aid, but almost all in cash. While only 14 percent of our aid outside of debt relief and stabilization was in the form of export credits to send United States goods to these countries, almost 99 percent of Japanese aid and 96 percent of German aid outside of stabilization were in the form of credits to send their goods to Eastern Europe.

It is time we respond to these changes the way our economic competitors do. By providing "Buy American" credits now, then in the future when these countries need spare parts they will be American spare parts. When they need service, American firms can do the job.

Mr. President, the events in Eastern Europe highlight a change in the world that has not been translated to reforms here at home. Many emerging democracies and other countries deserving U.S. aid do not have rampant poverty and little industrialization. Instead they are countries in need of basic infrastructure to facilitate economic growth. Whereas the focus of aid in the 1970's was solely on basic human needs, and aid in the 1980's centered on international debt relief, we must now change our aid policy again to meet the needs of countries from Eastern Europe to South Asia and Central America. We cannot fail to meet the basic needs of people in the poorest countries, but aid based on cold war rivalries and outdated ideas on development must be changed.

Mr. President, I ask unanimous consent that an article written by my friend, the Senate President pro tempore, Mr. BYRD, from the Harvard International Review on this important topic be printed in the RECORD at the end of my statement. He has been a leader on this topic in the Senate, and I think all of my colleagues would benefit by reading his article.

Clearly the American people want the system changed, and I believe the American taxpayers deserve a greater return on their foreign aid investment. A recent poll found that 71 percent of Americans think we are spending too much on foreign aid. This comes at a time when foreign aid represents only one-fifth of 1 percent of our GNP, a lower percentage than any of the other top 10 aid donors.

It is time we meet the changes and challenges of what some are calling the new world order. Today we propose to help meet that challenge with our Aid for Trade Act of 1991.

The first part of our bill deals with what we typically consider foreign aid: funds spent by AID—the Agency for International Development, called "bilateral economic assistance." Military aid, food aid, and aid to multilateral development banks are not included in this category.

Within the bilateral economic assistance category, we mandate that 10 percent for fiscal year 1993 be spent on infrastructure capital projects, with this figure increasing to 35 percent over a 5-year period. In 1988, only 14 percent of our economic aid was used for capital projects. In stark contrast, 61 percent of Japan's, 46 percent of Germany's, and 62 percent of Italy's economic aid went to capital projects.

Our economic competitors spent five times more than we did on capital projects. Why? Because they understand that capital projects generate exports. They have recognized the commercial value of using foreign aid funds to build roads, phone lines, and electrical plants, and we have not.

In addition, they know that foreign aid for capital projects is sound development strategy. These economic infrastructure projects represent more of a long-term solution to development problems, a solution that needs to be mixed with poverty alleviation efforts in order to have a comprehensive development strategy.

In a recent Washington Post article on the Japanese aid program, the article highlighted the use of low-interest government financing for the construction of a $600 million powerplant in India, being built by the Mitsui Corp. of Japan. Japan's economic interests were served by the project at the same time India's need for a modern power system was met.

We would create within AID a mixed credit facility to finance these types of capital projects. The administration in its recent report entitled "International Financing and International Economic Competitiveness," advocated the formation of a mixed credit "third window" in AID. Our proposal includes such a third window, led by AID, with that agency contributing $350 million to the facility. In addition, AID along with the State and Commerce Departments, the Export-Import Bank, and the Trade and Development Program are required to come up with a capital projects investment strategy that meets the development needs of other countries as well as our own commercial interests.

We also mandate that cash transfers—cash payments with no strings attached—be decreased. Almost 60 percent of our economic aid under the Economic Support Fund Program, or $2.2 billion, was given out as cash transfers in fiscal year 1990. This bill puts a ceiling on cash transfers so that they represent no more than 50 percent of our ESF aid in fiscal year 1993, with this figure decreasing until the ceiling is 10 percent in fiscal year 1997. However, cash transfers which are used to buy U.S. goods and services or which are used to pay back U.S. debt would not be subject to this ceiling. We are not concerned with foreign aid funds that come back to the United States. We are concerned with those funds that are simple handouts.

One of the other primary reasons that foreign aid funds are not spent on U.S. goods and services is that AID's waiver system has become extensive and abused. Our bill would attempt to decrease the unnecessary use of waivers that result in little accountability, and no return for the U.S. taxpayer.

Mr. President, the second part of the Aid for Trade Act would attack the problem of tied aid credits. Tied aid credits are concessional loans made to developing countries which must be used to import goods and services from the donor country. They are usually used in order to help a company from the donor country capture the bid on development projects which are often very attractive as an entrance into new, strategic, high-growth markets.

Our economic competitors are frequent users of tied aid credits. From 1984 to 1987, offers of tied aid credits from other developed countries rose from $5 billion in 1984 to $12 billion in 1987. The United States, however, has rarely used tied aid credits. While our economic competitors incorporate these credits into their foreign aid programs, we give almost all our aid in grants. From 1984 to 1987, 94 percent of our foreign aid was in the form of grants, while Japan gave only 10 percent in grants and France gave only 15 percent.

Mr. President, while our economic competitors embrace tied aid credits, we are unwilling to use them, labeling them unfair and preferring to concentrate our efforts on ineffective negotiations which have only managed to make tied aid credits marginally more expensive. In fact, according to the OECD, making tied aid credits more expensive simply decreases aid available to the poorest countries.

Meanwhile, U.S. exporters are barred from markets worth billions of dollars. Experts estimate that $2.4 to $4.8 billion of U.S. exports are lost annually because of this discrepancy between their amount of tied aid credit activity and ours. Further, because U.S. companies are shut out of these high-growth markets, the long-term effect in terms of lost future sales is probably much higher.

Mr. President, it is time to end this unilateral disarmament and to fight the battle for the world's markets on the same terms as our economic competitors. The Aid for Trade Act would move the U.S. aggressively into tied aid credits. The Export-Import Bank's war chest, a tied aid credit fund started by Congress in 1986, would be provided with $400 million over 2 years. For fiscal year 1992, the Congress appropriated $150 million. Congress has been very supportive of the war chest, but the Bank has not used the funds appropriated to it because of the administration's position that tied aid credits are unfair. In fiscal year 1989, for example, the Bank's war chest was appropriated $110 million, yet none of the funds were used. In fiscal year 1990, another $110 million was appropriated, but only $14 million was used. Under the Aid for Trade Act, the Bank would be required to report the reasons for not using any of the war chest funds, and to detail any bids lost by U.S. companies as a result of their failure to use war chest funds.

Mr. President, moving United States businesses aggressively into Eastern Europe to help the newly emerging democracies rebuild must also be a top priority for us, which is dealt with in the third part of the Aid for Trade Act. It is time to catch up to the swift, decisive movements of the Western Europeans and to move into Eastern Europe with innovative proposals. Our bill would create a $1 billion Eastern Europe Loan Guarantee Program within the Export-Import Bank and the Overseas Private Investment Corporation in order to protect United States businesses against political risks and economic defaults. Without such protection, many of our firms will hesitate to move aggressively into an area in transition.

We provide a $100 million program with AID to help Eastern European countries make the transition to free markets with thriving private sectors. Much of the aid allocated over the last 2 years by the United States and other countries is not being effectively used because of a lack of technical assistance and expertise.

We would also authorize an additional $20 million for the direct loan program administered by the Overseas Private Investment Corporation to support United States small business activities in Eastern Europe.

We live in an increasingly global economy with increasingly equal economic competitors. We no longer enjoy the commercial advantages that we did in the 1950's. Now, when American companies lose market shares around the world, jobs are lost at home. Greater market share means greater exports and more jobs for Americans. Without delay, we must reorient our foreign aid approach. Only by giving the American taxpayer a return on our foreign aid investment can we build a broad-based constituency for foreign aid. Only by understanding the marriage of our economic and foreign policy goals can we realize them in the decade ahead. We have no time to waste.

I ask unanimous consent that the bill as well as a section-by-section analysis of our legislation be printed in the Record after the statements of my distinguished colleagues who are cosponsoring the legislation.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aid for Trade Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the development of an active private sector in developing countries and establishment of long-term commercial relationships with U.S. firms should be a central goal of the United States foreign assistance program;

(2) official export finance is critical to the international competitiveness of many leading American industries and firms, particularly in the high-technology sectors;

(3) developing countries are in critical need of assistance for the establishment and improvement of their economic infrastructures;

(4) the United States faces increasing foreign competition in the high-technology sectors in key markets around the world;

(5) exports of capital equipment and related services increase United States trade opportunities overseas, create new United States jobs, and contribute to a reduction in the trade deficit;

(6) other governments, which incorporate national commercial considerations into their export policies, provide their firms with a wide variety of export financing assistance, including direct loans and mixed credit financing;

(7) the United States provides far less in capital project assistance than do the other major OECD countries;

(8) United States Government policy to date has not responded adequately to foreign government tied-aid programs, and has been insufficient to meet the objective of reducing concessional export financing assistance;

(9) it is essential to undertake measures that remove barriers to United States commerce and aggressively promote United States exports; and

(10) any such measure should not be undertaken at the expense of assistance to the poorest countries.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "bilateral economic assistance" means assistance of any kind furnished under—

(A) part I of the Foreign Assistance Act of 1961; and

(B) chapter 4 of part II of that Act (relating to the economic support fund);

(2) the term "capital projects" means projects for economic infrastructure in sectors such as construction, environmental protection, mining, power and energy, telecommunications, transportation, or water management; and

(3) the term "developmentally sound" means those projects that meet minimum criteria set by the coordinating committee established in section 102(b), including criteria based on economic return, poverty reduction, and environmental sustainability.

TITLE I—USE OF FOREIGN ASSISTANCE FUNDS

SEC. 101. ALLOCATION OF ASSISTANCE FOR CAPITAL PROJECTS.

(a) Allocation of Funds.—For each of the following fiscal years, the corresponding percentage of bilateral economic assistance shall be available only for the construction, design, or servicing of developmentally sound capital projects:

(1) For fiscal year 1993, 10 to 15 percent.

(2) For fiscal year 1994, 15 to 20 percent.

(3) For fiscal year 1995, 20 to 25 percent.

(4) For fiscal year 1996, 25 to 30 percent.

(5) For fiscal year 1997, 30 to 35 percent.

(6) For fiscal years thereafter, at least 35 percent.

(b) Use of Funds.—Pursuant to section 604(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2354(a)), funds allocated under subsection (a) may be used only for procurement of United States goods and services.

SEC. 102. INTERAGENCY CAPITAL PROJECTS COORDINATING COMMITTEE.

(a) Mixed Credit Facility.—(1) There is established a program for the combined use of credits, loans, and guarantees by the Export-Import Bank of the United States and the private sector and grants made by the Agency for International Development under part I of the Foreign Assistance Act of 1961 and by the Secretary of State under chapter 4 of part II of such Act to support the construction, design, or servicing of developmentally sound capital projects.

(2) Grants shall constitute not more than 35 percent of the support for any capital project assisted under paragraph (1).

(3) Of the funds allocated for capital projects by section 101(a) in any fiscal year, $350,000,000 shall be available only for grants under this subsection for such fiscal year.

(b) Establishment of Interagency Committee.—(1) The President shall establish an interagency capital projects coordinating committee composed of representatives of the Department of State, the Department of Commerce, the Export-Import Bank of the United States, the Trade and Development Program, and the Agency for International Development.

(2) The President shall designate a representative of the Agency for International Development to serve as chairman of the interagency committee established under this subsection.

(c) Purpose.—The purpose of the interagency committee established under subsection (b) shall be to ensure a strategic approach to the support of capital projects through the use of the resources described in subsection (a).

(d) Report.—Beginning 12 months after the date of enactment of this Act, and every 12 months thereafter, the interagency committee established under subsection (b) shall submit to the Congress a report describing—

(1) the extent to which United States Government resources have been expended specifically to support capital projects;

(2) the extent to which the activities of the United States agencies described in subsection (b) have been coordinated; and

(3) the extent to which United States Government capital projects and tied aid programs have affected United States exports.

SEC. 103. LIMITATION ON CASH TRANSFERS.

(a) Limitation.—For each of the following fiscal years, cash transfers shall not represent more than the corresponding percentage of Economic Support Funds:

(1) For fiscal year 1993, 50 percent.

(2) For fiscal year 1994, 40 percent.

(3) For fiscal year 1995, 30 percent.

(4) For fiscal year 1996, 20 percent.

(5) For fiscal year 1997, 10 percent.

(b) Study.—The Comptroller General of the United States shall conduct a study of cash payment assistance. Such study shall include an analysis of the purposes of cash payment assistance, accountability for and monitoring of how such assistance is used by recipients, the feasibility of separate accounting procedures for countries that use cash payments for the purchase of United States goods and services or the repayment of debt owed to the United States Government, and the degree to which recipients of cash payment assistance are required to and in fact use such assistance to purchase United States goods and services.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report setting forth the findings of the study conducted under subsection (a).

(d) DEFINITIONS.—For purposes of this section—

(1) the term "cash transfers" means Economic Support Fund assistance provided as cash payments which are not used for the purchase of United States goods and services or the repayment of debt owed to the United States Treasury;

(2) the term "cash payment assistance" means foreign assistance made through cash payments; and

(3) the term "Economic Support Funds" means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961.

SEC. 104. RESTRICTIONS ON WAIVERS.

Section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354) is amended by adding at the end thereof the following new subsection:

"(h)(1) In determining the authorized geographic code for the purchase of goods and services, the Administrator of the agency primarily responsible for carrying out part I of this Act shall not grant any waivers from Geographic Codes 000 (United States only) or 941 (United States and least developed countries) except for the following reasons:

"(A) The good or service is not available from countries or areas included in the authorized geographic code.

"(B) An emergency requirement can be met in time only from suppliers in a country or area not included in the authorized geographic code.

"(C) For project assistance only, when Geographic Code 000 is authorized and the lowest available delivered price from the United States is reasonably estimated to be 50 percent or more higher than the delivered price from a country or area included in Geographic Area 941, a waiver to Geographic Area 941 may be granted.

"(D) For nonproject assistance, an acute shortage exists in the United States for a commodity generally available elsewhere.

"(2) The Administrator of the Agency for International Development shall report annually to Congress on the number of waivers described in paragraph (1) which were granted in the previous fiscal year, the corresponding value of goods and services which were covered under such waivers, a breakdown of the waivers by region and country, and an explanation of the reasons given for such waivers.".

TITLE II—INCREASE IN CREDIT AUTHORITY

SEC. 201. EXPORT-IMPORT BANK LOAN GUARANTEES.

There are authorized to be appropriated for each of the fiscal years 1993 through 1997 an amount which equals the aggregate amount available during the preceding fiscal year for direct loans and as reserve funds for loan guarantees made by the Export-Import Bank of the United States, plus 15 percent of that amount.

SEC. 202. EXPORT-IMPORT BANK "WAR CHEST" AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 15(e)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(e)(1)) is amended by inserting before the period at the end of the first sentence the following: ", and $200,000,000 for each of the fiscal years 1993 and 1994".

(b) Beginning with fiscal year 1993, and for each fiscal year thereafter, if the amounts authorized to be appropriated by section 15(e)(1) of the Export-Import Bank Act of 1945 for such fiscal year are not totally used, then, at the close of such fiscal year the Chairman of the Export-Import Bank of the United States shall submit to the Congress a report stating—

(1) the reasons behind the Bank's decision not to use these funds; and

(2) the amount of sales or bids lost because of the Bank's decision not to use these funds.

SEC. 203. TRADE AND DEVELOPMENT PROGRAM AUTHORIZATION.

Section 645(d) of the Trade and Development Enhancement Act of 1983 (12 U.S.C. 635r(d)) is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated $50,000,000 for each of the fiscal years 1993 and 1994 to support preliminary engineering and design work for capital projects.".

TITLE III—EASTERN EUROPE RECOVERY PROGRAM

SEC. 301. EASTERN EUROPE TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORIZATION.—The President, acting through the Administrator of the Agency for International Development, is authorized to provide technical assistance to assist in the revision of public policy and administrative reforms to effect the orderly evolution of free-market economies among the Eastern European nations.

(b) DESCRIPTION OF ELIGIBLE ACTIVITIES.—Assistance under subsection (a) shall be available for such activities as technical support for the revision of product standards, streamlining business formation procedures, establishing a positive business climate, removing obstacles to the timely and efficient utilization of the capital resources the United States is making available, and such other support services that may be required to establish free-market economies.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President $100,000,000 for the fiscal year 1993 to carry out this section.

(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 302. EASTERN EUROPE LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF LOAN GUARANTEE PROGRAM.—(1) There is hereby established within the Export-Import Bank of the United States an Eastern European Loan Guarantee Program with an authorized loan guarantee level of $750,000,000. Guarantees under this section shall be provided to United States lenders and exporters for projects which provide for the export of United States-made products and services to Eastern Europe.

(2) Notwithstanding any other provision of law, the total amount of loans for which guarantees may be made by the Overseas Private Investment Corporation under the Foreign Assistance Act of 1961 may not exceed $250,000,000.

(b) COMPLIANCE WITH THE BUDGET ACT.—The authority to enter into guarantees under subsection (a) shall be effective to the extent approved in appropriations Acts.

(c) DEFINITION.—For the purposes of this section, the term "projects" means economic infrastructure projects or other projects which the Export-Import Bank or the Overseas Private Investment Corporation determines will increase the economic growth of the importing country.

SEC. 303. OVERSEAS PRIVATE INVESTMENT CORPORATION AUTHORIZATION.

Section 235(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(b)) is amended—

(1) in the fourth sentence by striking out "$25,000,000" and inserting in lieu thereof "$45,000,000"; and

(2) by inserting before the period at the end thereof the following: ", except that at least $20,000,000 of loans under section 234(c) shall be available only to promote the activities of United States small businesses in Eastern Europe".

TITLE IV—GENERAL PROVISIONS

SEC. 401. NEGOTIATIONS OF THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

If a new agreement within the Organization for Economic Cooperation and Development (OECD) has not been reached by December 31, 1991, that meets the objective of reducing the levels of concessional financing by member countries of the OECD other than the United States, the Secretary of the Treasury, together with the President of the Export-Import Bank of the United States, shall submit a report to Congress on the status of the negotiations, including an analysis of the negotiations since 1987, the causes for the failure to reach an agreement by that date, and reasons the United States Government believes that continued negotiations will result in achieving the above mentioned objective.

SUMMARY OF THE BOREN-BENTSEN-BYRD-BAUCUS AID FOR TRADE ACT OF 1991

I. FOREIGN AID

Capital projects

Capital projects—such as transportation, power, and telecommunication systems—comprise a fraction of U.S. foreign assistance, but represent large portions of the foreign aid given by countries like Japan, France, and Italy. These economic infrastructure projects not only help the recipient country, but also help the doner since the design, construction, and servicing of the projects are done by national exporting companies. The Aid for Trade Act mandates that a minimum level of all "bilateral economic assistance" be used for developmentally sound capital projects. That level ranges from 10 to 35 percent over a five year period.

Following a recommendation by the Bush Administration, the bill also creates a new "mixed credit" facility for the financing of capital projects. Mixed credits are aid in the form of both grants and loans. The $1 billion facility would be administered by A.I.D., which would provide $350 million in grants. The remaining $650 million in loans would come from the Export-Import Bank (ExIm) and the private sector. A.I.D. and the Export-Import Bank would coordinate with the Commerce Department, the State Department, and the Trade and Development Program to develop a strategy for capital project aid that helps other countries while also improving U.S. exports.

Cash transfers

Last year, 60 percent of U.S. economic assistance under the Economic Support Fund (ESF) went out in this form. The bill mandates that cash transfers be no more than 50 percent of all ESF funds in FY 1993. This figure is decreased to 10 percent over five years. Only those cash transfers which are not tied to either the purchase of U.S. goods and services or repayment of debt owed to the U.S. Government would be subject to these limits.

Waivers

One of the primary reasons for the low percentage of development aid that comes back to the U.S. is the frequency of waivers granted by A.I.D. from the requirement that all products purchased with U.S. foreign aid must be bought in this country. Until last year, A.I.D. did not even have an accounting procedure that tracks the total level of waivers. Whether A.I.D. has a consistent waiver policy is still unclear. The bill limits the use of certain waivers by A.I.D. that allow non-U.S. procurement.

II. EXPORT ASSISTANCE

Export-Import Bank

The main government agency which assists U.S. companies in exporting their products around the world is the U.S. Export-Import Bank. The amount the Export-Import Bank (ExIm) can provide in loan guarantees and export insurance is capped every year by Congress. The bill authorizes a 15 percent increase every year in the level of ExIm activity for each of the next five years. This steady growth will ensure U.S. companies have the insurance and guarantees they need to capture new markets for U.S. products.

War Chest

In 1983 Congress began to fight unfair "tied aid" activities by other countries by creating the Tied Aid Credit Fund (the "War Chest") within the Export-Import Bank. However, despite Congressional authorization, appropriation, and widespread approval, War Chest funds have not been used. In 1988, for example, Congress appropriated $110 million to the War Chest to fight tied aid practices, but the Administration did not use a single dollar. For fiscal year 1991, $150 million was allocated by Congress. The bill would increase this level to $400 million for fiscal years 1993 and 1994.

In addition to increasing the War Chest's authorization, the bill would attempt to insure that War Chest funds are actually used. ExIm would be required to report annually to Congress on the reasons behind their decision not to use any of the War Chest funds appropriated to them, and to detail any bids lost by U.S. companies as a result of their failure to use War Chest funds.

Trade and development

The Trade and Development Program (TDP) was established in 1974 and substantially expanded and revamped in 1988. Its primary mission is to provide early planning and feasibility studies to U.S. companies for development projects, for which it was appropriated $30 million in FY 1990. However, to combat a similar practice by many countries, the bill would expand TDP's role by authorizing $100 million for fiscal year 1993 and 1994 for engineering and design work for capital projects—the first time TDP will be used to combat this type of unfair trade practice.

III. AID TO EASTERN EUROPE

The bill authorizes a $100 million technical assistance program, within A.I.D. to help the transition in eastern European countries to free market economies. Much of the aid provided to countries such as Poland and Hungary over the last two years is not being effectively utilized today due to a lack of business and economic expertise in these countries.

The proposal also authorizes a new $1 billion Eastern Europe Loan Guarantee program through ExIm and the Overseas Private Investment Corporation (OPIC). ExIm will have a $750 million loan level, and OPIC will have $250 million available to assist U.S. companies expand into Eastern Europe. It would also allocate an additional $20 million for OPIC's direct loan program to be used to support U.S. small business activity in Eastern Europe.

[From the Washington Post, Jan. 13, 1991]

JAPAN'S HANDS-ON FOREIGN AID

(By Steve Coll)

ANPARA, INDIA.—At dawn in this remote and smoky industrial town, a steel skeleton rises in the half light, the beginnings of an $850 million, 1,000-megawatt electric power generating station being constructed by Mitsui & Co., the Japanese trading giant. The plant, which will pump power across India's densely populated north, was made possible by a record $600 million, low-interest-rate loan from the Japanese government.

To Japanese officials, the plant is a symbol of Tokyo's new place as the leading philanthropist in the Third World, a position it assumed at Washington's urging. But to some resentful Western aid officials, the symbolism is very different.

While the United States slashes its foreign aid budget and rethinks its international assistance, they say, Japan is using its bountiful aid coffers to develop Third World markets for the 21st century—in many cases using development aid explicitly to promote Japanese companies against Western competitors.

As it did with the power plant under construction here, Japan often links large loans and grants to poor countries with procurement of Japanese equipment and technology, an approach that not only enriches Japanese firms in the short run, but also provides them with a strong marketing edge once an aid program is finished.

Japan's seemingly clear-eyed emphasis on its economic self-interest contrasts with a U.S. aid program that appears to be in a state of confusion, shrinking in size and uncertain of its purpose.

Nowhere is this more obvious than in South Asia, a poor but steadily developing region with more than 1 billion people and a growing penchant for market capitalism. In the region's three largest markets—India, Pakistan and Sri Lanka—Japanese bilateral assistance now far outstrips that of the United States, amounting to more than $2 billion annually.

The vast majority of Japan's aid comes as low interest rate, or "soft," loans for big infrastructure projects such as power stations, telecommunications systems, and energy and transport, and the Japanese loans have strings attached: U.S. and European companies are largely excluded from participation in the projects, permitting Japanese firms to make immediate profits, establish their technologies in nascent industries and develop future markets.

As one Western aid official noted: "Once a user becomes familiar with Japanese equipment and technology, they'll keep using it."

It is a self-interested aid philosophy that "is skewed in a manner to promote Japanese interests to the great detriment of the development needs of the recipient country," said another Western aid official.

In the U.S. approach, on the other hand, this official argues, "There is a dimension that goes beyond self-interest . . . that is altruistic. This is an important part of American values."

In private, Japanese businessmen and officials scoff at American attempts to hold the moral high ground on aid.

They point out that "altruistic" programs, such as U.S. food donations to India, are protected in Washington by corporate farm and shipping lobbyists, whose clients reap millions of dollars annually from the program. They note that among developed Western countries, the United States is virtually alone in not linking economic aid to the explicit interests of its own companies. And they argue that the thrust of Japan's aid program promotes the goals articulated by the Reagan and Bush administrations; to encourage recipient countries to solve their problems of poverty and development through capitalism.

U.S. aid officials acknowledge that their own house is in a state of relative disorder. "Probably over the years we've had [on] a bit too many rose-colored glasses," said a Bush administration official. "We have to see that it's a different world and we have to adjust. . . . I think we should be prepared to meet the competition in whatever form it takes."

MEET FUKUO YAMANAKA

Here is the competition: a round, bespectacled, unusually friendly Japanese executive named Fukuo Yamanaka, chief representative in India of Mitsui & Co., the Japanese trading giant. Yamanaka knows the United States—he worked there for nine years—and he remembers his time fondly. But his career provides a microcosm of how the nexus between government aid and private trade has changed in Japan and the United States during the past three decades, and how those changes are reshaping international economic competition.

Yamanaka's business is power—the manufacture, sale and maintenance of electric power generating stations and their assorted industrial components. He first came to the United States in the early 1960s, when "made in Japan" was synonymous with "cheap and shoddy" and when the international electric power business was dominated by U.S. firms, particularly General Electric Co.

As an engineer and salesman, Yamanaka's job in those days was to acquire and sell GE power turbines to Japanese users, often municipal governments and other utility authorities. No company in Japan could make turbines as well as GE, so Mitsui in those days made its money brokering American exports to Japan.

Because of the huge sums involved in building a power plant, and because governments are almost always involved in the business, it is typical for large deals to be supported by government credits or low-interest loans. Back in the 1960s, Yamanaka's job was made easier by the favorable financing he arranged with the U.S. Export-Import Bank. In those days, Japan was a big recipient of U.S. economic aid designed to rebuild its war-shattered infrastructure * * *.

Today, Yamanaka is posted on Mitsui's next frontier: the developing world, where demand for electric power far outstrips supply, and where governments are anxious to build plants quickly on favorable terms. GE is still one of Mitsui's competitors, but in India and elsewhere in South Asia, the contest isn't very close.

One big reason: Japanese government aid, in the form of "soft" loans from its bulging Overseas Economic Cooperation Fund (OECF), has made Mitsui pretty much unbeatable by U.S. companies in South Asia.

Mitsui's biggest project in India today is the construction of the two 500-megawatt electric generating facilities at Anpara. Mitsui won the lead position on the contract after outbidding a single Japanese competitor.

The deal was clinched by a $600 million OECF loan carrying a 2.5 percent annual rate of interest, a 10-year grace period and a repayment period stretched over 30 years.

Like many Japanese, Yamanaka is sensitive to any implication that Japan is cynically using its aid budget to a poor country like India to promote the prosperity of Japanese corporations. The OECF loan restrictions excluding Western companies from competing "is of course a mixture, the political decision, the business decision."

As for Mitsui's goals, they are twofold, he said: to make immediate profits by winning contracts, and to build for the long run by using government-financed deals to introduce technologies and find partnerships with Indian companies.

Virtually all OECF loans to this region bar U.S. and European companies from competition, as was the case with the Anpara loan, but companies from developing countries are permitted to compete. In the rare instances where they beat out a Japanese competitor, negotiations later still often result in a tie-up with a Japanese company.

There are dozens of deals pending or underway in South Asia where Japanese firms have won contracts to build infrastructure projects using restrictive OECF loans or outright grants from Tokyo. Grants require 100 percent procurement from Japan.

* * * * *

In India, where the government tends toward xenophobia even in the best of circumstances, there is a voluble debate about whether the Japanese aid system is as good for India as it is for Japan. Some accuse Japanese firms of taking advantage of their quasi-monopoly status in big projects to charge exorbitant prices. Others worry that Japan doesn't do enough to involve Indian companies in development work.

"One thing is very clear: The bulk of the OECF money ultimately goes back to Japanese companies," said Naresh Minocha, an Indian financial analyst. "And the Japanese companies quote higher prices than they would in full global competition."

RETHINKING THE PURPOSES OF AID

It now is clear that Japan's aid program in South Asia and much of the developing world dwarfs that of the United States and helps Japanese companies secure a toehold in markets where they might otherwise be left behind. But these truths do not necessarily mean that the United States will be less competitive than Japan in Third World markets during the 21st century, some economists and business officials say.

That is one reason specialists in Washington are today unsure about what the purpose and character of U.S. aid to poor countries should be.

U.S. aid policy remains driven by diverse impulses: to shore up friendly governments in strategic regions, to promote the spread of democracy and capitalism generally, and to provide direct relief to those living in the depths of Third World poverty.

The promotion of economic competitiveness has joined that list of goals during the Reagan and Bush years, but some U.S. aid workers say the idea has been slow to take root in an aid bureaucracy populated by people who see their careers as being devoted to altruism, not economic nationalism.

Some economists and government officials say the United States should try to best Japan not by imitating its approach to foreign aid, but rather by exploiting U.S. "comparative advantages" against Japan.

The biggest of these advantages, they say, is a relatively open U.S. immigration policy that encourages the development of international family-run businesses with a strong anchor in the United States.

For example, there are now about 26,000 Indians attending U.S. colleges and universities, according to U.S. officials. Presumably, some of them will start trading and making money on their own when they are finished with school, as thousands of Indians before them have done, building up two-way trade that totals billions of dollars annually.

Still, some U.S. officials argue that Washington should do much more to integrate the specific needs of U.S. businesses into its foreign aid budget, particularly in areas of the world where markets are young and Japanese and Europeans are working aggressively.

"If the Japanese companies have been so successful [in South Asia], it is because of the close linkage between industry, banking and the government," said V. Krishnamurthy, former chairman of the Steel Authority of India and a key architect of Japan's aid and trade relationship with India. "If you had gone to the American embassy in [New] Delhi, or to the government in Washington with a proposed deal, they would not" have provided much guidance or assistance.

The U.S. government is trying to change that, but the pace is slow. U.S. embassies now have instructions to integrate more closely the work of Commerce Department officials and representatives of the Agency for International Development (AID), which administers most U.S. aid to poor countries.

Last year, AID established for the first time a $300 million "war chest" to help U.S. companies arrange competitive soft loan financing against Japanese and European firms. But the amount available for such loans is relatively paltry. And during the same period, Congress defeated, at AID's urging, a bill that would have directly linked U.S. aid donations to procurement from U.S. companies.

"The goals remain the same—to improve the quality of life for poor people in developing countries," said a U.S. aid official. "We're also interested in developing an environment conducive to U.S. investment abroad . . . but we're not the instrument for U.S. business."

Krishnamurthy, recalling the days of the Kennedy and Johnson administrations when India was plagued by famines and the U.S. government boldly led a rush of charitable donors onto the subcontinent, said the U.S. aid philosophy has been well-intended but ultimately unprofitable. "Looking back, U.S. aid was directed in the right places" to alleviate poverty, he said. "But it was not aid that had a commercial future."

[From International Review, Fall 1990]

EXAMINING AMERICAN ASSISTANCE TO EASTERN EUROPE

(By Robert C. Byrd)

The convergence of several dramatic trends and events have focused new attention in the United States Congress toward American strategic, political and economic policies in Central and Eastern Europe. The crisis Iraqi aggression created in the Middle East is serving to hasten the final curtain call on the strategic priority of Central Europe, most particularly on the continued heavy commitment of America's military resources. The apparent disintegration of Soviet central authority, along with a welcome shift in its international relations, is causing the conventional wisdom to compose epitaphs to Soviet superpower status. This has disoriented and confused any single strategic "analysis" of Europe or the world at large. Like a landscape artist putting rich oil to a pencil outline, the Persian Gulf crisis has thrown this changed European scene into stark relief, and the worsening American economic climate, with its structural budget and trade deficits, is reinforcing the reality that American, foreign aid programs are unpopular at home, ineffective abroad and irrelevant to foreign and domestic economic solutions.

Undoubtedly, the character of America's priorities on the European continent is rapidly changing. The overwhelming impetus for a refashioning of U.S. international economic policies in the Congress is a dire need to improve America's economic competitiveness, trade balances and budget problems. Indeed, increased resources are sorely needed in the devastated wasteland that has been imposed on Eastern Europe, and the Congress has already demonstrated a greater willingness to dedicate fresh and large resources to those countries. Yet certain well understood ground rules differentiate this nascent effort from the efforts we made in the post-World War II devastation of Western Europe. First, aid is flowing and will flow to those countries that Congress believes are decisively rejecting command economics and authoritarian politics for free markets and democratic politics, including demonstrably fair electioneering girded by some arguably free press. Second, while Congress is now picking early winners—including Poland, Hungary, East Germany and Czechoslovakia (in roughly that order)—based on these standards, it also needs to fundamentally revise the kind of aid to be dispensed.

The two main areas that require urgent work are the country-by-country distribution of aid and the fundamental nature of the aid being given. The first problem is that we still exempt some countries from scrutiny. The problem is that the "entitlement" we are providing to the Camp David countries, Israel and Egypt, consumes about 20 percent of the entire foreign aid budget. For the moment, and with the Middle East crisis on our hands, it may be necessary to continue along that line. But like it or not, the Camp David countries should not be exempt from examination, and we cannot continue to tie the funding for one country to that of another in an increasingly irrelevant and mechanistic fashion. It is high time that we evaluate the size of the budget coldly and frankly and determine the allocation of aid in light of the entire range of pressing needs. The House has made an effort to redress the issue by increasing aid to Eastern Europe from $300 million to $489 million on this year's budget. But to do so required a diminution of the amount to be allocated to the so-called "base rights" countries of Greece, Turkey and Portugal. Events in the Persian Gulf since the House action call for a substantial increase for Turkey, given the strong leadership role and heavy burden of economic sacrifice it is bearing to support the embargo on Iraqi oil and trade.

Even more important that a thorough house-cleaning of our bilateral priorities, perhaps, is the need to fundamentally change the philosophy underpinning the ways and conditions by which US aid dollars are transferred. They should be tied to long-term US strategic and particularly economic interests if these programs are to regain a modicum of popularity and relevance in the American political system. Last spring, the Bush Administration pressed for quick passage of a special $800 million aid package for the new democratically elected governments in Panama and Nicaragua. The urgency of the request was not persuasive and even cursory examinations of the request revealed little development of essential detail and little justification of the very high levels of aid being requested. Testifying before the Appropriations Committee in defense of the request. Undersecretary of State Lawrence Eagleburger urged flexibility to the Bush Administration in dispensing the money because "the precise details of how much of this money will be devoted to which sectors of the economy will evolve over time." The reality was that the Bush Administration had no defensible rationale for requesting that extravagant sum of money for economies which could not possibly absorb it in the short run. Modest sums for rebuilding those war-torn economies would have been more defensible if the Administration had coupled its aid request with a commitment to participate in the reform of the prostrate economies of Eastern Europe. The 1990 Central American emergency aid package was not really an aid package so much as an awards presentation, a trophy ceremony to nail down credit for perceived foreign policy successes. Much of it, I am afraid, will disappear—undigested. (CFE) talks in Vienna maintains a direct connection to American political reality. Absent the unlikely resurgence of a credible Soviet threat, Congress is not going to continue to support large troop concentrations in Europe simply to give complex negotiations time to sort out the variables or to enable some convoluted new European security arrangements outside NATO to come to life. Congressional action is likely to run ahead of US negotiators in any or all arms control negotiations if the Bush Administration does not infuse renewed urgency into those negotiations. To be frank, the planned cuts now on the table do not go far enough and are in danger of being outrun by reality. It will not work to kick those cans down the road with promises of new "follow-on" negotiations.

I believe there is also a growing consensus in the Congress that the Bush Administration has not been vigorous or sufficiently creative enough in addressing the dual imperatives of a stagnating economy being beaten rather badly in the international arena and evolving world geopolitical fault lines. Bush has not drawn off the steam, now quickly building, to conform aid dispensing mechanisms to America's priorities. This was illustrated in the foreign aid budget proposed for the next year and in the hastily-conceived supplemental appropriations request for "emergency" aid to Panama and Nicaragua that was passed last spring. The result has been—and is very likely to continue to be—major Congressional surgery on the 1991 budget request and the passage of wholly new legislative formulas which will guide a revamping of the aid-giving process.

I have come to believe that the foreign aid program of the United States is crippled by special clients, whose needs have not been examined in relationship to the size of a limited foreign aid "pie" and to the changing needs of the United States itself. Such an analysis is badly overdue and must be ruthlessly made without the overlay of emotionalism, nostalgia or special interest pleading. In short, we need to pursue the interests of the United States, to further our goals in a rapidly changing world and to enhance US economic competitiveness as an integral part of our national security.

The Bush Administration has submitted an anachronistic foreign aid program, a program that was wholly constructed before the sweeping political tide that carried away Soviet control of Eastern Europe, rendering the Warsaw Pact and CMEA obsolete. Since that submission, no budget amendment or revision has been offered to help guide the work of Congress. The report of the House of Representatives on that aid package rightly characterized the Bush Administration's budget request as a "sleepwalker" budget, unwilling or unable to "move away from habitual and outmoded thinking on the question of what really constitutes national security in the new world." The American taxpayers should not be forced to foot the bill for an outmoded foreign aid program that executive branch bureaucracies have failed to adjust to changing reality.

Aid that benefits the American economy and is tied to U.S. business and commercial interests is the heavy favorite for two reasons: first, it is now clear that this is the game being played by our key economic competitors, who were among the recipients of the first round of U.S. international economic largess in the post-war period: second, others, myself included, are convinced that this kind of aid will be of greatest utility to these countries. Such aid, we hope, will develop a robust American business and commercial presence in those nations over the decade necessary to get them reasonably on their feet. A shorthand for American shifting priorities, it is perhaps stands the obvious to remark that a competitive American economic presence and relationship with the nations of Eastern Europe meant to replace the less productive investment with which we have been burdened for four decades—the stationing of hundreds of thousands of soldiers in Western Europe.

Americans will no longer be persuaded that the U.S. should maintain large numbers of forces in Western Europe to service a trip wire for Soviet aggression. This trip wire can comfortably be reduced to a single Army corps, as serious students of U.S. European commitment such as Dr. James Schlesinger and Senator Sam Nunn have already concluded. Thus, any thought that American forces should exceed 100,000 personnel for any longer than two more years would be seriously off the map. Second, even less acceptable to Americans will be the notion that the United States Army should serve indefinitely as European policeman. America cannot serve as a psychological brace for those neighbors of Germany that fear history will repeat itself. Nor can it act as a stabilizer for the growing economic unrest in much of the formerly frozen, now awakening, are peoples who so recently were considered to be part of the Soviet empire.

Given the state of the American economy, the need is to shrink the dangerous budget deficit, to pour large levels of new investment into the United States decade infrastructure and neglected educational and training programs to renew investment in aging plant and capital complacement. Furthermore, the molding of the Middle East along new political and strategic fault lines is accelerating the need to keep U.S. military resources in Europe. Conventional wisdom and the U.S. has been dedicating between one-third and one-half its annual $300 billion defense budget to the European theater. I and others are convinced that this figure should be reduced a fraction of this amount as quickly as possible. On the other hand, NATO resources need redirection to bear on our ability to influence the evolving situation in Southwest Asia. They greatly favor dedicating additional attention and resources Turkey, as a key example, and to NATO's southern flank.

If a successful program is to be implemented in Eastern Europe, as I believe it should be, then US taxpayers should be convinced that they are going to get a fair and deserved return on their investment. As never before, national security and international influence today are being gauged in terms of economic leverage and economic prowess. A brief comparison between the ways in which the United States and its key competitors manage foreign aid highlights the fundamental problem. Tied aid and tied aid receipts are a primary mechanism that West Germany, France and Japan use as a wedge for economic influence around the world. For example, from 1984 to 1987, those three countries spent 70 percent of the aid on capital-intensive projects to create large markets for capital goods exports from the home country. During the same years, the United States dedicated a mere seven percent of its assistance to such projects. Tied aid locks in markets for our economic competitors. While their foreign aid does give valuable assistance, it is also a motor to expand influence and penetrate and create new markets. Between the years 1984 and 1987, over 90 percent of US aid was in the form of direct cash grants—no strings attached, no influence affected and no lasting economic relationship generated. In 1990, the largest US special aid program to Eastern Europe in recent years was a one-time $800 million cash grant to Poland. At the same time, West Germany and Japan provided Poland with over $3 billion, but over 80 percent of it was in credits tied to their own industries in the beneficiary countries.

It is clear that Eastern Europe is desperately in need of capital, and it makes economic, political and strategic sense for the United States to provide aid that is tied to the long-term provision of American capital. It is also clear that the growing concern of the US business community about inadequate government support for its trade and investment activities in Eastern Europe, compared with the extraordinary efforts in Western European countries and Japan on behalf of their business sectors, is well justified. Data on aid to all countries in Eastern Europe show that US assistance, excluding debt rescheduling, is less than one-fourteenth of the total. In the all-important area of export and investment credits, U.S. aid to efforts by US businesses to establish markets and presence is one-sixth that of West Germany, one-third that of the European Economic Community, one-third that of Japan, and less than that of France or Italy. Japan has already signed two loans from its Export-Import Bank ("Eximbank") for over $1 billion to Poland and Hungary. Contrast that to the US Eximbank which has only $612 million in its Direct Loan Program for the entire world, and no funds specifically available for US business activities in Eastern Europe.

The consequences of inadequate Eximbank support for US commercial activities in Eastern Europe are a loss of short-term economic advantage as well as a long-term loss of penetration into what will be the hottest export and investment market for the remainder of the century. The need for US government help in the race for Eastern European markets is urgent. American technology, however, can do it all at once; it can boost America's international competitiveness and balance of trade at the same time that it helps where it is most needed—in Eastern Europe. Eastern Europe's environment, for instance, is a total disaster. An official Senate group visiting Leipzig reported that the city's once stately buildings are collapsing from the acidic action of layers of ugly grime that cover everything. It is not only the buildings that are coated with grime, but also the lungs of the people. Parts of Poland are uninhabitable; other parts can no longer grow food. The ecological devastation throughout Eastern Europe goes far beyond even the most pessimistic projections of two years ago. We have the kind of environmental and energy technologies that can help.

Senators David Boren and Lloyd Bentsen, as Chairmen of the Intelligence and Finance Committees of the Senate respectively, have recently joined me in introducing legislation to restructure our foreign aid to promote exports of US goods and services, to provide for an ascending floor for such tied aid and to effect a steady reduction in the practice of one-way deliveries of cash. In addition, I have amended the Central American supplemental measure to the Secretary of Commerce to make a comprehensive survey and study of the practices used by the United States' economic competitors to tie their aid. Those who are knowledgeable about our aid program will find it instructive that I chose the Commerce Department to conduct this study, given its knowledge of US international business practices through its Foreign Commercial Service, and not the Agency for International Development, which has been committed to the cash-transfer and mechanism for decades. Our aid programs have focused on balance of payments support and direct basic needs to the poorest peoples. The adverse impact of these practices on the US trade position has been substantial, estimated in a recent report by the Center for Strategic and International Studies to be between $2.4 billion and $4.8 billion in annual losses to American exports. It is a testament to the state of our sophistication in these practices that we found it necessary to conduct a fresh analysis of the substantial differences between ourselves and our competitors in this field. I believe the results of the analysis will help us to start restructuring our programs, employing the important but neglected tool of tied aid in American foreign policy.

America has always been a generous, responsive nation and has used its foreign aid programs to rebuild war-ravaged countries across the globe for half a century. In a new world where there are many other economically wealthy donors who practice aid-giving as another form of wealth creation, it would be running against a long tradition in the United States simply to ape mercantilistic practices. But we have also learned that lasting progress results from the long process of capital creation, and if we are hopeful of implanting democratic, free market systems in the desperate economies and societies of Eastern Europe, then fundamental restructuring of our priorities and our mechanisms is overdue. The success of such a reform would breathe new political support for foreign aid and help our own economy. It will be a win-win game for donor and recipient alike, and will probably cause an increase in the popularity of our foreign assistance programs.

Mr. BAUCUS. Mr. President, over the last 7 years, the United States has been faced with mammoth trade deficits. The United States has struggled to reduce those deficits by finding new markets for U.S. products. Unfortunately, we have often faced serious problems in establishing foreign markets for U.S. products.

We have strived to open markets. The Congress passed the Trade Act in 1988. The act sought to open markets by strengthening section 301 and creating a new Super 301 provision. The legislation also authorized the administration to negotiate market opening agreements in the Uruguay Round of GATT negotiations and bilaterally with other trading partners, such as Mexico.

I am confident that all those efforts will eventually result in new U.S. exports. But there is one important market-opening issue not addressed in the 1988 Trade Act—tied aid. The United States provides $7.7 billion in foreign aid to foreign countries with few strings attached. Unfortunately, that aid is almost never used to support U.S. exports. But many of our trading partners, such as Japan, Germany, and Britain, play by a different set of rules. They tie their foreign aid by requiring that their foreign assistance be used only to purchase their products and services. These tied aid restrictions shut U.S. exporters out of a $10 to $12 billion annual market and add $2.4 to $4.8 billion to the U.S. trade deficit.

Our competitors will not lift their tied aid restrictions. We have no choice but to meet the competition head on. The Aid for Trade Act of 1991 about to be introduced by Senators BOREN, BENTSEN, BYRD, and myself attempts to do just that. The legislation increases the percentage of U.S. foreign assistance that must be spent on U.S. products and services. It also sets commercial objectives for United States foreign assistance, expands the Export-Import Banks operations to support United States exports in developing countries, and established a program to expand United States commercial ties with Eastern Europe.

Mr. President, this legislation seeks to ensure that U.S. foreign assistance promotes the interests of U.S. exporters as well as those of foreign countries. It is an important component of a comprehensive strategy to expand U.S. exports.

By Mr. WIRTH:

S. 572. A bill to amend the Federal Home Loan Bank Act, the Home Owners' Loan Act, and other acts to restructure the Resolution Trust Corporation and dissolve the Oversight Board, to merge the Office of Thrift Supervision into an independent Office of the Comptroller of the Currency, and to dissolve the Federal Housing Finance Board; to the Committee on Banking, Housing, and Urban Affairs.

SAVINGS AND LOAN SIMPLIFICATION ACT

Mr. WIRTH. Mr. President, the administration intends to introduce banking reform legislation in the near future. The legislation, as outlined by Secretary Brady last week has several redeeming features. There are also some provisions that need to be clarified and others that I cannot support. However, what I find most distrubing is the lack of any meaningful savings and loan reform in the administration's package.

The S&L problem will not go away just by wishing it so. When the President took office in January 1989, the S&L rescue was a top domestic priority. When Secretary Brady presented the rescue plan, he requested $50 billion for the RTC and said that there was a $10 billion cushion in that request for unanticipated losses. Thus, the RTC was only expected to cost $40 billion.

Now, Mr. President, the GAO, the RTC and the Oversight Board all expect the RTC to eventually cost more than $130 billion—and that's just the present value cost excluding the hundreds of billions in interest payments that will be required.

It is clear that we are in the middle of the second savings and loan crisis, and this crisis is going to cost an additional $90 billion or more. This is more than double the cost of the first savings and loan crisis. The second savings and loan crisis is a crisis in the administration's management of the savings and loan bailout.

Given the magnitude of this problem, I do not believe it is appropriate to say that we solved the savings and loan crisis last Congress so lets just forget about it. Thus, today I am reintroducing the Savings and Loan Simplification Act [SALSA] which is designed to streamline the structure of the Federal Government's efforts to address the troubles in the thrift industry.

Several elements of the legislation that I offered last Congress were enacted into law and are therefore not included in the new proposal. For example, last year's proposal authorized the FDIC to increase deposit insurance premiums for the bank insurance fund. Senator RIEGLE also introduced legislation to grant this authority and the proposal was included in last fall's budget reconciliation legislation. I also included a proposal to restructure the Federal Government's efforts to pursue financial institution crimes in the initial version of SALSA. This proposal was enacted as part of the crime legislation approved just before we adjourned last year.

Mr. President, the S&L debacle is arguably the greatest financial crisis since the Great Depression. Losses are mounting at a rate of several million dollars a day and resolving the S&L crisis will be among the most expensive undertakings in U.S. history. The projected cost of this effort has been steadily increasing, with some estimates reachings as much as $500 billion, well over $1,000 for each person in the United States.

There is no single culprit responsible for the widespread losses experienced by savings and loans. Instead, the cause of the crisis are complex and varied. Forbearance and inadequate supervision by regulators, major downturns in regional economies, imprudent industry responses to deregulations, and fraud and insider abuse by thrift owners and management all contributed to the problem we now face. The debacle is a colossal mess, Mr. President—and I have found that the more you learn about it the more daunting it looks.

We must examine all the factors that contributed to thrift losses so we can avoid a recurrence of the problems that have plagued the industry and vigorously pursue criminal activity that led to taxpayer losses. Nevertheless, the main task has to be to clean up this problem, and to do so at the lowest possible cost to the American taxpayer.

The administration got off to a good start by proposing the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA]. President Bush recognized that we faced a very significant problem and proposed legislation, promptly acted upon and improved by the House and Senate, that offered a good first step at resolving the savings and loan industry's problems. I did not support every element of the President's legislation, disagreeing, for instance, with its off-balance financing scheme and the plan to allow the Chairman of the Federal Home Loan Bank Board to become Director of the Office of Thrift Supervision [OTS] without Senate confirmation. However, on balance, I thought the President's plan was worthy of support.

I have become concerned by the administration's implementation of FIRREA. The S&L crisis deserves to be a high priority. Yet it seems that the administration has not been giving the S&L crisis the urgent attention that it requires. A variety of factors led to this conclusion: The sluggish pace of resolutions of failed institutions, the very slow pace of asset sales, and the reports I have received of the difficulties many individuals and businesses are experiencing in seeking to work with, or purchase properties from, the RTC. These factors raise serious concerns about the level of coordination between the various agencies involved in the S&L rescue operation and the lack of overall guidance from the administration. Too often, it has seemed like no one was in charge or, worse, that several people thought they were.

I also found the administration's protracted delay in filling many of the positions related to the S&L bailout troubling. The President waited more than 6 months after FIRREA's enactment to name the two public members of the RTC Oversight Board, which is charged with developing the policies to guide the RTC in its efforts to close or merge insolvent S&L's and liquidate remaining assets. After a long delay, the administration chose to appoint part-time rather than full-time members to the Federal Housing Finance Board. The Banking Committee has not held hearings on the nominations because of the decision to offer part-time nominees. There was also a long delay in the appointment of the RTC's Regional Advisory Boards. Finally, the administration knew of M. Danny Wall's departure as Director of OTS for nearly 4 months before naming a replacement, 2 days after a judicial decision forced the issue.

All of these elements contributed to my reservations about the progress of the plan to resolve the problems facing the thrift industry and the deposit insurance fund. I am concerned that the administration has simply not given this matter priority and attention commensurate with its cost and importance. I am also concerned that the overall structure of the President's S&L rescue operation is too cumbersome and has contributed to the slow progress thus far. The wide variety of individuals and agencies involved obscures responsibility and makes it difficult to reach swift decisions and act promptly. The legislation I introduce today, the Savings and Loan Simplification Act of 1991, is designed to streamline this structure.

The legislation would accomplish this by reducing the number of agencies involved in S&L-related issues. A number of entities would be abolished and their responsibilities transferred to other already-existing agencies. The RTC Oversight Board, the Federal Housing Finance Board [FHFB], and the OTS would all be abolished under the proposal.

While the RTC Oversight Board would cease to exist, the separate RTC Board of Directors would remain in place and continue to direct the Corporation's operations. This Board would be expanded by adding four full-time independent members to be appointed by the President. One of the four would chair the RTC Board, providing the S&L rescue effort with a full-time "czar" to oversee this massive operation. The members of the Federal Deposit Insurance Corporation [FDIC] Board would continue to serve on the RTC Board. The Board would have seven voting members because the OTS Director would leave the Board and the Comptroller of the Currency would become a nonvoting member of both the RTC and FDIC Boards.

The present structure has been described as providing two heads for the RTC. This arrangement makes it difficult for the RTC to act quickly with one voice and leads to confusion over who is actually in charge of the Corporation. The early months of the RTC saw conflicts between the two boards. The confusion and disarray were among the factors that led to Daniel Kearney's resignation as President of the Oversight Board last year.

We have also seen the Oversight Board decline to act on a number of important RTC policy decisions. For example, the Board decided that its approval was not necessary for the RTC to employ discounts or to use auctions to sell property acquired from insolvent thrifts. If the Oversight Board declines to involve itself in this sort of policy decision, I can't help but wonder why we have an Oversight Board at all.

More recently, the Oversight Board has permitted the RTC to work with the Fish and Wildlife Service to enlist the Service's assistance with the identification of properties with significant natural, cultural, recreational, or scientific value. The discussions between the RTC and Fish and Wildlife produced a memorandum of understanding which apparently had been signed by both parties. Unfortunately, at the last minute the Oversight Board switched gears, decided that the matter was a policy rather than an operational matter after all, and killed the proposal. With a consolidated board, such conflicts between the RTC's policy and operational arms could be avoided.

Elimination of the Oversight Board would remove one level of the bureaucracy directing the RTC's actions. Consolidating the Oversight Board's policy guidance and the RTC Board's responsibility for day-to-day operations is more efficient and would lead to swifter decisionmaking and implementation at the RTC. SALSA would also prohibit the RTC Board from conducting closed meetings except when considering individual transactions. There has been some controversy about closed Oversight Board meetings and dispute over whether the Oversight Board has the authority to hold such meetings. The legislation would clarify that the new consolidated Board does not have such authority. This provision makes the RTC decisionmaking process open to the public while preserving the confidentiality necessary for the RTC when considering individual transactions involving private parties.

The present Oversight Board includes the Secretary of the Treasury, the Secretary of Housing and Urban Development and the Chairman of the Federal Reserve Board. These three individuals have a wide variety of important responsibilities and resolving the S&L crisis is only one of a number of matters competing for their time and attention. The RTC should be directed by individuals without major responsibilities in other areas. The consolidated board this legislation would establish includes the members of the FDIC Board, who direct an agency that performs tasks similar to the RTC. Since FIRREA makes the FDIC the exclusive manager of the RTC, a policy role for the FDIC Board will improve coordination between RTC policy and day-to-day operations. The Board's four full-time public members appointed by the President would ensure that the RTC is overseen by individuals whose attention would not be diverted to other important responsibilities. This arrangement would provide the necessary accountability for the operations of the RTC while simplifying the Corporation's structure.

The Secretary of the Treasury would have authority over the Resolution Funding Corporation, the "shell" entity which issues the bonds to finance the RTC, and would review the RTC's operating plan and approve its budget. This would maintain administration control over the RTC's purse strings. Additional RTC funding would continue to require congressional authorization.

The legislation would also abolish the Office of Thrift Supervision and transfer supervisory authority over savings and loan associations to the Office of the Comptroller of the Currency. Authority over thrift-holding companies would move to the Federal Reserve, which currently regulates bank holding companies. To minimize disruption of the S&L rescue, OTS would not be abolished until August 1992, when OTS is slated to complete its task of placing insolvent thrifts under RTC conservatorship.

Supervising banks and thrifts requires similar expertise and regulations. In FIRREA, we moved to harmonize capital standards and other regulatory requirements for banks and thrifts. This is a welcome trend. We should take a further step in having the same regulator oversee both federally chartered banks and thrifts. This will ensure that both types of institutions receive similar regulatory treatment and compete on a level playing field.

Abolishing OTS would reduce the duplication of resources within two regulatory bodies. It would promote efficiency and reduce some costs. However, I do not advocate eliminating the expertise that exists within the OTS. I expect that many OTS personnel would move to the Comptroller's Office or the Federal Reserve as those agencies take over responsibility for thrift regulation.

My proposal would also make the OCC an independent agency rather than a part of the Treasury Department. The administration's financial restructuring proposal consolidates national bank and thrift supervision into a new Federal banking agency. However, the new agency would remain a part of the Treasury Department. The level of failures among banks supervised by the Federal Reserve compared to those supervised by the Comptroller's Office suggests the value of an independent regulator in supervising banks and preventing failures.

Consolidating bank and thrift supervision would also be a step toward increased functional regulation of financial services and markets. Functional regulation is an important element of many proposals to modernize our regulatory structure to reflect developments in the rapidly changing financial services industry. During the last Congress, the Banking Committee heard testimony on this matter from Gerald Corrigan, president of the New York Federal Reserve Bank and a leading advocate of the functional approach to regulation. This approach deserves careful attention as we consider financial restructuring legislation later this year.

Abolishing OTS does not mean there is no place for financial institutions that concentrate on home lending, the traditional role of S&L's. I believe there will continue to be a need and market niche for such institutions. Consolidating regulatory supervision does not necessarily mean we should abandon the Federal home loan bank system and other efforts to encourage and support mortgage credit and lending. However, I do believe we can reduce the number of Federal home loan banks.

Currently, there are 12 such institutions. The 12 banks have combined overhead expenses of nearly $285 million. This is almost as much as the entire thrift industry's contribution to the S&L bailout—$300 million per year. SALSA would reduce this to no more than five, allowing for efficiencies as the banks consolidate duplicative activities and resources. The Comptroller's Office and OTS can make do with five regional offices, so surely an efficient Federal home loan bank system could consolidate.

The legislation would also abolish the Federal Housing Finance Board [FHFB]. The President's delayed appointment of part-time members to this Board clearly indicates that the administration does not believe that the Board is important to our efforts to support housing or to the S&L rescue plan. The legislation would transfer responsibility for supervising the Federal home loan banks to the Federal Reserve Board. FIRREA established an Affordable Housing Program financed by contributions from the Federal home loan banks and administered by the FHFB. Under SALSA, HUD would administer this program. We can and should consider other arrangements. For example, we may want to establish or designate one supervising entity for the Federal home loan banks and Government sponsored enterprises.

The legislation clarifies that any existing rights, duties, or obligations of the United States, OTS, and the FHFB are not affected by the legislation, nor shall any lawsuits or other legal actions be abated by the legislation. Another provision provides that existing orders, resolutions, determinations, and regulations of the abolished agencies will remain in force unless and until changed by the successor agencies. These are important transition provisions to limit the disruption and confusion that might otherwise result from the legislation.

The legislation would also restructure the Board of Directors of the FDIC by removing the Director of OTS—abolished by the legislation—from the Board and making the Comptroller of the Currency a nonvoting member. There would be three voting members appointed by the President, one of whom would serve as Chairman.

Another provision of the legislation relates to the disposition of environmentally significant property acquired by the RTC. FIRREA contained a provision to help encourage the sale of environmentally valuable property to appropriate governmental agencies and conservation groups. I believe an important market exists for such properties. However, I have been disappointed with the RTC's efforts to pursue such sales and the recent decision not to enter into a memorandum of understanding with the Fish and Wildlife Service regarding the identification of these properties.

For this reason, I am proposing new procedures to guide the disposition of environmentally significant property. The Department of the Interior would be assigned the task of identifying properties with significant natural, cultural, recreational, or scientific value. Interior Department officials are better suited to perform this task than the RTC and this change would eliminate the need for the RTC to develop its own expertise, allowing the RTC to focus on its primary responsibilities. The Secretary of the Interior could direct the RTC to transfer particular properties with significant natural value to Federal or State agencies. The RTC would also be required to provide public agencies and nonprofit conservation groups with an opportunity to purchase such property before it can be offered to other purchasers.

SALSA would also further restrict the RTC's ability to borrow so-called working capital. Currently, the RTC can borrow up to 85 percent of the value of the assets it holds, available cash, and any borrowing authority not yet used by the Resolution Funding Corporation, the shell corporation that raises funds for the RTC. The legislation would reduce this limit of 75 percent.

Rising estimates of the need for working capital and the impact of this borrowing on the Federal budget deficit have focused attention on this topic. The RTC may not be able to repay working capital borrowing if the returns from asset sales are significantly lower than expected. The value of the assets held by the RTC is a moving target and current estimates may prove high. For this reason, allowing the RTC to borrow up to 85 percent of the value of its assets could prove risky. We may need to allow further borrowing by the RTC but I am concerned that the present process allows the RTC too much leeway to borrow without congressional approval.

This, then, is what my proposal would do. Many of the problems that we saw last year may be attributed to the growing pains that can be expected at the start of any project of this scope and magnitude. Nevertheless, I believe the problems can be attributed in part to the cumbersome structure of the President's plan. The administration may be moving more aggressively on the S&L rescue now but a cumbersome structure has not helped so far and may again lead to problems in the future.

Although I did not include it in this legislation, I believe we should seriously consider consolidating regulation of most insured depository institutions. Establishing one independent regulator would help ensure that all institutions receive consistent treatment and compete on a level playing field. FIRREA was, in many ways, a step in this direction. Passage of SALSA would go a step further by folding OTS into the Comptroller's Office. If we keep moving toward more consistent and functional regulation, and I think we should, moving to a single, independent regulator for depository institutions would be efficient. Rather than chartering and regulating different types of institutions to meet different needs in the financial marketplace, we could simply allow institutions to determine their own market niche.

Congress will consider significant financial legislation this year. Deposit insurance reform and financial restructuring proposals are high on the agenda of both the administration and the Banking Committees. We will also need to provide the RTC with additional resources. The proposals included in SALSA should be an important part of the debate on these issues. I look forward to continuing to work with Chairman RIEGLE, Senator GARN, and my other colleagues on the Banking Committee as we address issues related to the savings and loan industry and the financial services industry.

By Mr. CRANSTON (for himself and Mr. MOYNIHAN):

S. 573. A bill to amend the Foreign Assistance Act of 1961 to condition the availability of security assistance for a foreign country on that country's compliance with fundamental guarantees of international humanitarian law applicable in situations of armed conflict, and for other purposes; to the Committee on Foreign Relations.

WAR CRIMES PREVENTION EDUCATION ACT

Mr. CRANSTON. Mr. President, I rise today to introduce the War Crimes Prevention Education Act of 1991. I am joined in this effort by my friend the distinguished senior Senator from New York [Mr. MOYNIHAN].

The war in the Persian Gulf brought home in a very vivid way the importance of respect for the 1949 Geneva Conventions and the other legal instruments that regulate the conduct of armed conflict.

A heightened interest in these rules of warfare came, and rightly so, as suspicions of Iraqi mistreatment of our POW's was confirmed in interviews Saddam's henchmen publicized for propaganda purposes.

In a nation with disturbing memories of the torture of United States prisoners in another war—Vietnam—these images were seared upon our consciences in a way the Brute of Baghdad could only dimly understand.

Mr. President, it is important to remember that both before August 2 of last year and after, Saddam Hussein oversaw the massive violations of all civilized conduct regarding warfare.

The use of weapons of mass destruction against both Iraqi Kurds and against Iranian combatants; the rape of Kuwait and the unprovoked Scud attacks against Israel's civilian population; the abuse of American and other allied POW's—all these acts of barbarism reaffirm the need for a new, and strengthened world order.

At the same time, Mr. President, I submit that the problem of war crimes is not the statutes which seek to prevent them. Rather it is the need for a more concerted effort by nations to make sure such rules are applied.

The general purpose of the 1949 Geneva Conventions and other rules concerning the conduct of warfare is to persuade nations that they will, in times of war, avoid certain inhumane acts while ensuring the performance of other fundamental guarantees.

The four conventions provide for the protection of the sick and wounded on land; the protection of the sick and wounded at sea and those who become shipwrecked; the treatment of prisoners of war, and the protection of civilians in times of war.

Mr. President, this bill seeks to redress a gaping hole in our foreign assistance legislation. Currently U.S. aid is conditioned on a country's respect for human rights and its nonsponsorship of terrorism. There are, however, no explicit provisions for a cutoff of assistance for those countries which commit war crimes.

This bill remedies that.

This bill ensures that all governments receiving American security assistance teach, as a matter of practice, the Geneva Conventions and other relevant rules of war to their own soldiers.

This would include warnings that orders by superiors to violate those rules are illegal and should be disobeyed. Following orders is no defense against war crimes.

And second, if, despite the training received in this area, a nation commits gross violations of international standards governing the conduct of armed conflict, all foreign assistance except for humanitarian aid will be cut off.

Mr. President, the gulf should have taught us the lesson that the old chestnut—that "the enemy of my enemy is my friend" is a false standard upon which to base our foreign policy.

It was part of our cold war strategy, and it didn't work well then either.

We considered Saddam our friend because he was, back in the 1980's, the enemy of the Iranians—who at the time were also our enemy of choice. And look what our so-called "friend" Saddam then went on to do.

Throughout the decade, we helped Saddam help himself to our technology, our financial credits and even our intelligence.

And, all the while, Saddam was stockpiling weapons that seemed to make him confident he could take on the entire world—and win.

At the close of World War II, Gen. George Marshall made a very sage observation.

Undoubtedly he was thinking of Hitler and Stalin. But General Marshall could have been just as easily talking about Saddam when he noted that countries that do not respect the human rights of their own citizens are unlikely to make good international neighbors either.

We must never forget, as we have forgotten so often in the past, that today's friendly dictator may be tomorrow's war criminal.

The United Nations should rigorously pursue and punish Iraqis responsible for the atrocities committed against Kuwaitis, the Scud attacks against Israeli civilians, and the abuse of United States war prisoners.

And I especially mean Saddam Hussein himself.

Today we are at the end of the cold war, if not on the eve of a celebrated New World Order. It is time to take stock of where we have been, and where we are going. And certainly part of that calculation includes the necessity of putting an end to the possibility we will embrace a future Saddam based on a quick read of who today's enemies of our enemies are.

The War Crimes Education Prevention Act of 1991, had it been in effect in 1983, would have prevented the United States the embarrassment of having to go to war this year against a government which we only recently were aiding.

It would have disassociated America's good name and international standing from Iraq as the Kurds and the Iranians faced Saddam's weapons of mass destruction.

And it would have served as a signal that not only does the United States expect compliance with the Geneva Conventions governing armed conflict by our own troops, but also by those of nations which receive our assistance.

Mr. President, under the terms of my bill, "armed conflict" means a declared war or, in its absence, hostilities between the Armed Forces of two or more States, as well as hostilities involving government and dissident Armed Forces occurring within the territory of a particular State. This definition is rooted in the terms of article 3 common to all four Geneva Conventions.

Mr. President, violations of humanitarian law are fundamentally contrary to the principles of U.S. foreign policy and basic philosophy.

They are incompatible with long-term relationships by other nations with the United States.

Violations of rules of armed conflict by recipients of U.S. security assistance also tend to undermine support by the Congress and the people of the United States for these programs.

And serious violations of the laws of warfare by friendly Armed Forces severely damage their own effectiveness.

Mr. President, the time for declamatory statements about new world orders is past. The War Crimes Prevention Education Act of 1991 seeks to help bring a truly new era to our planet. We owe the men and women returning home from the gulf no less an effort.

I ask unanimous consent for a copy of my bill to be published in the RECORD, as well as a letter from American legal scholar Robert K. Goldman and recent articles from the Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "War Crimes Prevention Education Act of 1991".

SEC. 2. PROHIBITIONS ON ASSISTANCE FOR COUNTRIES VIOLATING FUNDAMENTAL GUARANTEES OF INTERNATIONAL HUMANITARIAN LAW.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. PROHIBITIONS ON ASSISTANCE FOR COUNTRIES VIOLATING FUNDAMENTAL GUARANTEES OF INTERNATIONAL HUMANITARIAN LAW.

"(a) IN GENERAL.—(1) A principal goal of the foreign policy of the United States shall be to promote the increased observance by all countries of fundamental guarantees of international humanitarian law applicable in situations of armed conflict.

"(2)(A)(i) Except under circumstances specified in this section, no foreign assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of fundamental guarantees of international humanitarian law applicable in situations of armed conflict.

"(ii) Foreign assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of fundamental guarantees of international humanitarian law applicable in situations of armed conflict unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979), that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses.

"(iii) Assistance may not be provided under chapter 5 of part II (relating to international military education and training) to a country the government of which engages in a consistent pattern of gross violations of fundamental guarantees of international humanitarian law applicable in situations of armed conflict unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.

"(B)(i) No foreign assistance may be available to any country that refuses to provide satisfactory assurances to the United States Government that its training programs for military officers will include adequate instruction on compliance with fundamental guarantees of international humanitarian law applicable in situations of armed conflict, or whose armed forces commit gross violations of such guarantees during an armed conflict.

"(ii) The President may, after submitting the basis for his decision in writing to Congress, waive the application of this subparagraph if he determines that the national security interests of the United States requires such waiver.

"(3) In furtherance of paragraphs (1) and (2), the President shall formulate and conduct international foreign assistance programs of the United States in a manner that will promote and advance fundamental guarantees of international humanitarian law applicable in situations of armed conflict and shall avoid identification of the United States, through such programs, with governments which violate fundamental guarantees of international humanitarian law applicable in situations of armed conflict.

"(b) ANNUAL REPORT.—The Secretary of State shall transmit to the Congress, as part of the presentation materials for foreign assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for fundamental guarantees of international humanitarian law applicable in situations of armed conflict in each country proposed as a recipient of foreign assistance. In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

"(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

"(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of fundamental guarantees of international humanitarian law applicable in situations of armed conflict.

"(c) CONGRESSIONAL REQUESTS FOR INFORMATION.—(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall, within 30 days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

"(A) all the available information about observance of and respect for fundamental guarantees of international humanitarian law applicable in situations of armed conflict by that country, and a detailed description of practices by the recipient government with respect thereto;

"(B) the steps the United States has taken to—

"(i) promote respect for and observance of fundamental guarantees of international humanitarian law applicable in situations of armed conflict by that country and to discourage any practices which are inimical to such guarantees, and

"(ii) publicly or privately call attention to, and disassociate the United States and any foreign assistance provided for such country from, such practices;

"(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

"(i) extraordinary circumstances exist which necessitate a continuation of foreign assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

"(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

"(D) such other information as such committee or such House may request.

"(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(B) The term 'certification', as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

"(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within 30 days after receipt of such request, no foreign assistance shall be delivered to such country except as may thereafter be specifically authorized by law for such country unless and until such statement is transmitted.

"(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing foreign assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

"(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(C) The term 'certification', as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

"(d) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds authorized to be appropriated for foreign assistance may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its record regarding fundamental guarantees of international humanitarian law applicable in situations of armed conflict, including the making of restitution to victims, has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

"(e) ALLOCATION OF FUNDS.—In allocating the funds authorized to be appropriated for foreign assistance, the President shall take into account significant improvements in the records of recipient countries regarding fundamental guarantees of international humanitarian law applicable in situations of armed conflict, including the making of restitution to victims, except that such allocations may not contravene any other provision of law.

"(f) REPORT ON ASSISTANCE.—Whenever the provisions of subsection (d) or (e) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's record regarding fundamental guarantees of international humanitarian law applicable in situations of armed conflict, including the making of restitution to victims.".

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term 'armed conflict' means a declared war or, in its absence, hostilities between the armed forces of two or more states, as well as hostilities occurring within the territory of a particular state as referred to in Article 3 of each of the four Geneva Conventions of 1949;

"(2) the term 'foreign assistance' means—

"(A) security assistance;

"(B) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance); and

"(C) donations and credit sales of agricultural commodities under the Agricultural Trade Development Act of 1954,

but does not include humanitarian assistance;

"(3) the term 'four Geneva Conventions of 1949' means—

"(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, opened for signature on August 12, 1949, at Geneva;

"(B) the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, opened for signature on August 12, 1949, at Geneva;

"(C) the Convention relative to the Treatment of Prisoners of War, opened for signature on August 12, 1949, at Geneva; and

"(D) the Convention relative to the Protection of Civilian Persons in Time of War, opened for signature on August 12, 1949, at Geneva;

"(4) the term 'fundamental guarantees of international humanitarian law applicable in situations of armed conflict' refers to those guarantees contained in the four Geneva Conventions of 1949 and to such other guarantees applicable to all armed conflicts as are recognized by customary international law (articles 4 through 6 of Additional Protocol II to such Conventions);

"(5) the term 'humanitarian assistance' means food, clothing, medicine, or other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death; and

"(6) the term 'security assistance' means—

"(A) assistance under chapter 2 (military assistance) or chapter 4 (economic support fund) or chapter 5 (military education and training) or chapter 6 (peacekeeping operations) or chapter 8 (antiterrorism assistance) of part II of this Act;

"(B) sales of defense articles or services, extensions of credits (including participations in credits), and guarantees of loans under the Arms Export Control Act; or

"(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act.

SEC. 3. INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET).

Section 543(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2357b) is amended by inserting after "human rights" the following: "and of basic issues relating to fundamental guarantees of international humanitarian law applicable in situations of armed conflict (as defined in section 620F(d)(4))".

SEC. 4. POLICE TRAINING.

(a) IN GENERAL.—Section 660(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(b)) is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by inserting at the end thereof the following new paragraph:

"(4) with respect to training relating to fundamental guarantees of international humanitarian guarantees applicable in situations of armed conflict (as defined in section 620F(d)(4)).".

(b) HONDURAS AND EL SALVADOR.—Section 660(d) of such Act is amended by striking out "or prolonged detention without trial" and inserting in lieu thereof "or gross violations of fundamental guarantees of international humanitarian law applicable in situations of armed conflict (as defined in section 620F(d)(4))".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1993.

[From the Washington Post, Mar. 3, 1991]

JUSTICE: WHAT IRAQ OWES ITS VICTIMS

(By Robert F. Turner)

The fighting in the Persian Gulf appears over, but fundamental questions remain to be resolved.

Just as it was necessary for the world community to expend billions of dollars and risk the loss of thousands of lives in order to uphold the legal principle that aggression must not be allowed to succeed, it is necessary to protect equally clear rules that states are legally responsible for their wrongful conduct—and that civilian and military leaders who plan, order or engage in "war crimes" are personally responsible for their actions.

The principle of "state responsibility" for wrongful conduct is universally accepted in international law, as is the doctrine of "reparations." In its 1928 Case Concerning the Factory at Chorzow, the Permanent Court of International Justice explained that the "essential principle contained in the actual notion of an illegal act . . . is that reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed."

But since "restitution in kind" is often not possible (e.g., victims of torture and murder can't be made whole again), the most common form of reparations is "indemnity" or monetary damages. A third type of reparation under international law is "satisfaction," a remedy that primarily serves to address an injured state's loss of honor or dignity. This might involve a public admission by the wrongdoing state that its action was unlawful—as well, perhaps, as punishment of those who played a role in the wrongful conduct.

A major reason for insisting on reparations is that such "costs" serve as a deterrent to other states that might contemplate initiating aggression. It is all the more important in the present case, given the brutal and outrageous nature of the Iraqi conduct of the war—and, in particular, the senseless destruction of Kuwait during the final days of occupation.

Consider, for example, the oil that will be lost—not only from the hundreds of wells set ablaze by Saddam's forces but also that intentionally dumped into the Persian Gulf. If the world community were to announce that every barrel of lost oil will be regarded as a lost barrel of Iraqi oil—giving Kuwait the choice, perhaps, of "restitution in kind" by replenishment from Iraqi oil wells or of "indemnity" through cash payments—that might serve as a useful signal the next time an aggressor army contemplates gratuitously laying waste to a neighbor's natural resources. Sen. Richard G. Lugar (R-Ind.) has already proposed that the coalition "forge an agreement with Iraq" to divert a "large percentage" of oil revenues to reparations, with the rest going to the "constructive rebuilding of Iraq." In addition to claims by Kuwait and Israel, the United States and its allies in the coalition have strong claims against Iraq for the costs of the military operations necessitated by Iraq's refusal to abide by its treaty commitments and the directives of the U.N. Security Council.

Another fundamental "rule of law" that ought not be undermined by the present crisis is the principle established at Nuremberg that individuals—including high government officials—are criminally responsible for their participation in the planning and/or carrying out of the war crimes. It should be remembered, in this regard, that Iraq joined with the entire world in 1946 in approving a U.N. General Assembly resolution affirming that the Nuremberg Principles are a part of customary international law.

Under Article 6 of the Nuremberg Charter, these principles include clear prohibitions against three types of crimes:

Crimes against peace, involving the "planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties."

War crimes, involving violations "of the laws or customs of war," such as "ill-treatment of prisoners of war, . . . killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity."

Crimes against humanity, which includes "murder, extermination, enslavement, deportation, or other inhumane acts committed against any civilian population, before or during the war." Article 7 of the charter established the important principle that even heads of state who engaged in war crimes are not protected by traditional rules of sovereign immunity.

While the Security Council, to date, has not formally called for the establishment of a post-conflict war-crimes tribunal, Resolution 674 of Oct. 29 expressly acknowledged that Iraq was liable for grave breaches of the 1949 Geneva Conventions, as were "individuals who commit or order the commission" of such war crimes. In addition, it observed that "under international law it [Iraq] is liable for any loss, damage or injury arising in regard to Kuwait and third States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq." The Security Council "invited" all states "to collect relevant information regarding their claims, and those of their nationals and corporations, for restitution or financial compensation by Iraq with a view to such arrangements as may be established in accordance with international law." Thus, in addition to its efforts to uphold the prohibition against aggressive war embodied in Article 2(4) of the U.N. Charter, it is clear that the Security Council has set the stage for enforcing the "rule of law" regarding reparations and war crimes.

Much consideration has obviously already been given to these issues. Pentagon spokesman Pete Williams said last week that military lawyers have been "keeping track of potential war crimes, since this invasion started on Aug. 2." Saudi Lt. Gen. Khalid Bin Sultan put it this way: "We warn all who have taken part in the many crimes against innocent civilians in Kuwait, whether by rape, murder or torture, that they will be held responsible before an international court of justice and will be treated as criminals of war."

There will, understandably, be voices of caution, reminding us of the harm done by the harsh regime of reparations applied to Germany following its defeat in World War I—which many scholars believe paved the way for the next war. Others, no doubt, will argue that the Iraqi people should not be further punished for the horrendous behavior of Saddam.

But if, as I believe, the primary justification for bringing Saddam's aggressive war to an end was to uphold the "rule of law," it would be a great tragedy for the world community to weaken the very important legal principles of state responsibility and individual liability for war crimes.

In the wake of the cease-fire, how can these important legal principles be affirmed? In various ways, even in the absence of a total conquest of Iraq; Military officers captured in Kuwait City may be incarcerated until a full investigation concerning possible war crimes can be conducted; Saddam himself may lawfully be tried—in absentia if necessary, following the precedent established at Nuremberg with respect to the trial of the missing Martin Bormann. This would mean that Saddam would be subject to arrest and punishment at any time.

U.N. sanctions—including an embargo on exports and non-humanitarian imports—might be maintained until Iraq agrees to settle its financial debts and/or surrender for trial at least the most notorious accused war criminals. Furthermore, the world community certainly may condition any forbearance on full reparations upon reasonable international supervision and controls over Iraqi weapons programs and future military posture.

Whether this tragic experience leads to a new era of real international order, or is followed by the birth of new Saddam Husseins may, in substantial part, be determined by the ultimate costs that potential aggressors perceive to have been imposed upon Saddam and his fellow war criminals in response to their unconscionable behavior.

[From the Washington Post, Feb. 7, 1991]

AMERICA'S FRANKENSTEIN'S MONSTER

(By Jim Hoagland)

Iraq's army will not fare as well in this war as it did against Iran. This time, the Iraqis won't have the United States to help them.

At least, not directly. But Saddam Hussein does have the fruits of a secret six-year intelligence exchange with the United States to draw on as he fights American forces.

Saddam knows more about American battlefield intelligence capabilities than all but a handful of other foreign leaders, thanks to Ronald Reagan, William Casey and aides. The fact that Saddam still has secure communication channels to his corps commanders in the middle of history's heaviest air raids suggests that he knew enough about U.S. interception and jamming abilities to take special steps to thwart them.

The Iraqi-U.S. intelligence connection was the poisonous acorn from which sprouted a giant oak of misunderstanding between Baghdad and Washington. Casey's CIA was so busy telling Saddam our secrets that it had little time or stomach to gather his. Reagan and Casey also forgot to warn Saddam that there were limits to American tolerance of brutality and aggression. The oak of misunderstanding helped produce the Persian Gulf War.

An American official involved in the U.S. decision to give the Iraqis coordinates on Iranian troops' positions and other data derived from U.S. satellite photography offers a different metaphor. The exchange was to be "the bait on the hook," this official says, a policy morsel to draw the Gulf's most militarily powerful Arab state away from the Soviet Union.

The more cynical, hidden reason was to keep Iraq in the war and bleeding Iran. But that devious scheme was lost sight of as U.S. Policy makers convinced themselves that Saddam had the makings of becoming "our S.O.B." With coaching from the CIA and the State Department, the Iraqi strongman would moderate. Instead, he became America's own Frankenstein's monster.

The existence of the Iraqi-U.S. intelligence connection was exposed in 1986. Iraqi officials publicly (and falsely) complained that Washington had provided Baghdad with doctored intelligence to cause Iraqi defeats. What was not exposed was that the exchange began two full years before Washington and Baghdad established diplomatic relations in July of 1984.

In 1982 Iraq was still on the State Department's list of governments that sponsored terrorism. But Saddam's regime was removed from that list at about the time the CIA began turning over its secret data; that is, at a time when Iraq was in no direct danger of being overwhelmed by Iranian troops and when notorious terrorist groups were still based in Baghdad.

With no secure channels into Baghdad, Washington routed the intelligence data through the U.S. Embassy in Amman. It was so sensitive that Jordan's King Hussein personally oversaw the transfer to Baghdad. By 1985 Casey had opened a CIA shop in Baghdad to manage the traffic. Not even the "accidental" Iraqi fighter attack on the USS Stark in May of 1987 interrupted the flow before the war's end in 1988.

"My sense was that it was primitive raw data on coordinates and troop positions, but it saved the Iraqis from being overrun in several key battles," recalls Howard Teicher, who directed political military affairs on the White House's National Security Council staff from 1983 to 1986. "You have to ask now what Saddam learned about us from what he was seeing. He seems to have switched quickly to more secure land-line communications to his commanders after we neutralized his microwave relay network. It is fair to ask when he began to build in so much redundancy."

Teicher's own story is Washington policy making as farce. I first met him in 1978, when he was a young government analyst already predicting that Iraq would invade Iran. His detailed analyses of Iraq's growing military capabilities and ambitions were well ahead of the curve. But when Teicher put these into a secret policy paper at the Pentagon the next year, senior Carter administration officials kicked it back to him, ridiculing the idea that Iraq would invade Iran—a year before that happened.

Opposing cuddling up to Iraq led Teicher onto the periphery of the Iran-contra scandal, which cost him his NCS job. Now in private business in Washington, one of the best analysts of Iraq's military is unconsulted by a government at war with Iraq. He is not even consulted by the talk shows. Sic transit gloria Washington.

The point is not to recite individual past judgments, right and wrong, on Iraq. The point is that the entire system failed. The CIA developed a vested interest in seeing Saddam as a customer, as our kind of dictator. It is hard to believe that intelligence gathering on Saddam and his regime was as vigorous as it should have been. We forgave Saddam too quickly when he apologized for the Stark and then gassed his own citizens for that to have been the case.

The "bait on the hook" gave the practitioners of espionage a dominant position in the U.S.-Iraqi relationship. Saddam promptly assigned one of his top intelligence operatives as his ambassador to Washington. The United States did in Baghdad what it did in other Arab capitals during the past three decades: It made the CIA station chief more important in local eyes than the U.S. ambassador.

Washington will be tempted to repeat this mistake in dealing with the brutal, secretive governments of the Middle East. Syria, a coalition partner against Iraq, is a current candidate. But the blood borne on Desert Storm shows what folly reliving that bit of history would be.

THE AMERICAN UNIVERSITY,
Washington, DC, March 6, 1991.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: I very much appreciate this opportunity to comment on the War Crimes Prevention Education Act of 1991. As one who for over ten years has taught international humanitarian law, i.e., the laws of armed conflict, and has investigated and documented serious violations of this law in numerous conflicts, I strongly endorse enactment of this legislation. By design and as elaborated, this bill advances fundamental goals of U.S. foreign policy and of the international community as well.

As a State Party to the 1949 Geneva Conventions, the United States has an affirmative obligation to respect and to ensure the fundamental guarantees enshrined in these instruments under all circumstances. In particular, the Conventions impose an express obligation on all State Parties to search for persons alleged to have committed grave breaches, i.e., war crimes, to bring them to trial or extradite them and to take necessary measures to suppress all acts contrary to the Conventions. By conditioning U.S. security assistance on a recipient government's training of its armed forces in international humanitarian law and, most importantly, by denying or terminating such assistance to a government which grossly violates the fundamental guarantees of this law in situations of armed conflict, this bill seeks to eliminate or reduce the commission of war crimes during armed conflicts. As such, it implements one of the basic goals of the Conventions and strengthens our government's duty to ensure respect for these instruments.

This bill also advances important national security interests of the United States. The same considerations which led the Congress in 1976 to link security assistance to a particular country's human rights record also support its linking such assistance to that country's compliance with basic humanitarian law norms during armed conflicts. These considerations are articulated clearly in Section 502B of the Foreign Assistance Act of 1961 which declares, inter alia, that a principal goal of U.S. foreign policy, in accordance with our obligations under the U.N. Charter and "in keeping with our constitutional heritage and traditions," shall be "to promote the increased observance of internationally recognized human rights by all countries." It also directs the President to formulate and conduct security assistance programs in a manner which will promote and advance human rights and "avoid identification of the United States with governments which deny to their people internationally recognized human rights and fundamental freedoms."

This is a sound and enduring statement of U.S. foreign policy goals. By engrafting, in an analogous manner, humanitarian law considerations on U.S. security assistance programs, this bill not only poses no conflicts for our national security interests, but actually will promote and enhance those interests in the long run. There is, in my view, nothing more detrimental to U.S. security interests than furnishing security assistance to a country whose armed forces systematically violate fundamental guarantees of humanitarian law during armed conflicts. Such violations by recipients of U.S. security assistance not only undermine public and congressional support for such programs, but inevitably reflect adversely on our government and us as people. In such situations, the United States runs the risk of becoming identified as an accomplice to these unlawful and frequently barbaric acts.

It is also important to note that this bill is not duplicative of existing statutory conditions on security assistance programs. While human rights law and international humanitarian law have mutually reinforcing norms and share a common core of irreducible or non-derogable rights, they essentially have different fields of application. Although technically applicable during armed conflicts and other emergency situations, human rights law is preeminently peacetime law. In fact, the principal human rights treaties contain clauses permitting state parties to lawfully suspend the great majority of guaranteed rights during emergency situations. Since a situation of armed conflict, particularly internal hostilities, ordinarily constitutes a public emergency, the state in principle would be free to invoke its rights to derogate.

In contrast, international humanitarian law applies during armed conflicts. Its fundamental guarantees are designed to protect and ameliorate the conditions of victims of such conflicts and thus affords these persons far more protection than do the general guarantees of human rights law, requires state parties to enact domestic legislation necessary to provide effective penal sanctions for persons who commit or order any grave breach of the Conventions. Such breaches, entailing individual criminal responsibility, violate fundamental guarantees of persons or property protected by the Conventions and are regarded as war crimes.

In this connection, the phrase in the bill "violations of fundamental guarantees of international humanitarian law applicable in situations of armed conflict" implicitly refers to and incorporates by reference the "grave breach" provisions in the 1949 Geneva Conventions, as well as other war crimes recognized by customary international law. Further, it is my understanding that in order for infractions of these fundamental guarantees to meet the "gross violations" standard in the bill, these violations by the armed forces would have to be so recurrent and systematic as to constitute a practice attributable to the government. Accordingly, the bill appropriately does not mandate denying or terminating security assistance to a government for the occasional violation that inevitably occurs during all armed conflicts.

Skeptics will claim that the bill contains unworkable and intrusive standards that, if implemented, will further complicate and burden the Executive's conduct of foreign policy. But, it is worth recalling that similar dire predictions and objections were made in 1976 by opponents of Section 502B. Just as that legislation seeks to avoid this country's identification with governments that grossly violate internationally recognized human rights, this bill distances the United States from governments whose armed forces grossly violate fundamental guarantees of international humanitarian law. This is sound and timely legislation which is consistent with the fundamental values of the American people. As such, I commend it to your colleagues.

Sincerely,

ROBERT KOGOD GOLDMAN,
Professor of Law and
Louis C. James Scholar.

By Mr. CRANSTON (for himself, Mr. KERRY, Mr. KENNEDY, Mr. MOYNIHAN, Mr. INOUYE, Mr. PELL, Mr. CHAFEE, Mr. SIMON, and Mr. AKAKA):

S. 574. A bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary.

CIVIL RIGHTS AMENDMENTS ACT

Mr. CRANSTON. Mr. President, I am today introducing legislation on behalf of myself, the Senators from Massachusetts [Mr. KENNEDY and Mr. KERRY], the Senator from New York [Mr. MOYNIHAN], the Senators from Hawaii [Mr. INOUYE and Mr. AKAKA], the Senators from Rhode Island [Mr. PELL and Mr. CHAFEE], and the Senator from Illinois [Mr. SIMON], which would amend the Civil Rights Act of 1964 to prohibit discrimination in employment, housing, public accommodations, or federally assisted programs on the basis of affectional or sexual orientation.

Mr. President, it is time that our Nation's civil rights laws are amended to make it clear that discrimination against individuals on the basis of their sexual orientation is wrong. I firmly believe that it is just as wrong to discriminate on the basis of an individual's sexual orientation as it is to discriminate on the basis of sex, religion, race, age, national origin, or disability. We have an obligation to fight against invidious discrimination whatever the form. Our laws must prevent unfair discrimination against all individuals.

Justice and fair play are deeply embedded concepts in our society. Discrimination on the basis of an individual's sexual orientation is simply unfair. It also violates the traditional American respect for privacy and individual freedoms.

Despite the general view that discrimination against individuals because of sexual orientation is wrong, there is little question that gay and lesbian Americans repeatedly face discrimination, hostility, and prejudice in many communities throughout the Nation. This legislation is needed to bring an end to that discrimination, to provide a clear remedy to redress violations of individual rights, and to make it clear that this type of discrimination is wrong and unlawful.

Mr. President, this legislation would not establish any special treatment or rights. It would simply extend to gay men and lesbian women basic protections against invidious discrimination because of sexual orientation.

Mr. President, the time is long past due for this fundamental concept of fairness to be embedded in our civil rights laws. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Amendments Act of 1991".

SEC. 2. PUBLIC ACCOMMODATIONS.

(a) EQUAL ACCESS.—Section 201 of the Civil Rights Act of 1964 (42 U.S.C. 2000a) is amended—

(1) in subsection (a), by inserting after "religion," the following: "affectional or sexual orientation,"; and

(2) by adding at the end the following new subsection:

"(f) As used in this section, the term 'affectional or sexual orientation' means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.".

(b) PROHIBITION ON DISCRIMINATION REQUIRED BY LAW.—Section 202 of such Act (42 U.S.C. 2000a-1) is amended—

(1) by inserting "(a)" before "All persons";

(2) by inserting after "religion," the following: "affectional or sexual orientation,"; and

(3) by adding at the end the following new subsection:

"(b) As used in this section, the term 'affectional or sexual orientation' means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.".

SEC. 3. PUBLIC FACILITIES.

Section 301 of the Civil Rights Act of 1964 (42 U.S.C. 2000b) is amended—

(1) in subsection (a), by inserting after "religion," the following: "affectional or sexual orientation,"; and

(2) by adding at the end the following new subsection:

"(c) As used in this section, the term 'affectional or sexual orientation' means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.".

SEC. 4. FEDERALLY ASSISTED OPPORTUNITIES.

Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended—

(1) by inserting "(a)" before "No person";

(2) by inserting after "color," the following: "affectional or sexual orientation,"; and

(3) by adding at the end the following new subsection:

"(b) As used in this section, the term 'affectional or sexual orientation' means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.".

SEC. 5. EQUAL EMPLOYMENT OPPORTUNITIES.

(a) IN GENERAL.—Subsections (a) through (e), and (j), of section 703, and sections 704(b), 706(g), and 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2 (a) through (e), and (j), 2000e-3(b), 2000e-5(g), and 2000e-16(a)) are amended by inserting after "sex," each place the term appears the following: "affectional or sexual orientation,".

(b) UNLAWFUL EMPLOYMENT PRACTICES.—Section 703(h) of such Act (42 U.S.C. 2000e-2(h)) is amended—

(1) by inserting after "sex" the first place the term appears the following: ", affectional or sexual orientation"; and

(2) by inserting after "sex" the second place the term appears the following: ", affectional or sexual orientation,".

(c) EMPLOYMENT BY FEDERAL GOVERNMENT.—Section 717(c) of such Act (42 U.S.C. 2000e-16(c)) is amended by inserting after "sex" the following: ", affectional or sexual orientation,".

(d) DEFINITION.—Section 701 of such Act (42 U.S.C. 2000e) is amended by adding at the end the following new subsection:

"(l) The term 'affectional or sexual orientation' means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.".

SEC. 6. INTERVENTION AND PROCEDURE

Section 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000h-2) is amended—

(1) by inserting "(a)" before "Whenever";

(2) by inserting after "sex" the following: ", affectional or sexual orientation,"; and

(3) by adding at the end the following new subsection:

"(b) As used in this section, the term 'affectional or sexual orientation' means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.".

SEC. 7. HOUSING SALE, RENTAL, FINANCING, AND BROKERAGE SERVICES.

(a) SALE OR RENTAL OF HOUSING.—Section 804 of the Civil Rights Act of 1968 (42 U.S.C. 3604), is amended by inserting after "religion," each place the term appears the following: "affectional or sexual orientation,".

(b) FINANCING OF HOUSING.—Section 805 of such Act (42 U.S.C. 3605) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(c) PROVISION OF BROKERAGE SERVICES.—Section 806 of such Act (42 U.S.C. 3606) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(d) DEFINITION.—Section 802 of the Civil Rights Act of 1968 (42 U.S.C. 3602) is amended by adding at the end the following new subsection:

"(p) 'Affectional or sexual orientation' means male or female homosexuality, heterosexuality, bisexuality by orientation or practice, by and between consenting adults.".

SEC. 8. PREVENTION OF INTIMIDATION.

Section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631) is amended by inserting after "religion," each place the term appears the following: "affectional or sexual orientation (as such term is defined in section 802),".

SEC. 9. RULE OF INTERPRETATION.

No amendment made by this Act shall be construed to permit or require—

(1) that a determination regarding the existence of discrimination be based on any statistical difference between—

(A) the incidence of persons of a particular affectional or sexual orientation in the general population; and

(B) the incidence in the activity in which such discrimination is alleged; or

(2) the fashioning of any remedy requiring any sort of quota for persons of any particular affectional or sexual orientation in the activity in which such discrimination is alleged.

SEC. 10. RIGHT OF PRIVACY PROTECTED.

Nothing in this Act or any amendment made by this Act shall be construed to require any person to disclose a personal affectional or sexual orientation.

By Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. MOYNIHAN, Mr. METZENBAUM, Mr. BRADLEY, Mr. AKAKA, Mr. INOUYE, Mr. SHELBY, Mr. DASCHLE, Mr. KENNEDY, Mr. PELL, and Ms. MIKULSKI):

S. 575. A bill entitled the "Radon Testing for Safe Schools Act"; to the Committee on Environment and Public Works.

RADON TESTING FOR SAFE SCHOOLS ACT

• Mr. LAUTENBERG. Mr. President, today I am reintroducing the Radon Testing For Safe Schools Act. This bill, which Senator CHAFEE and nine other Senators are cosponsoring, will address the health threat that radon poses in our country's schools.

Mr. President, radon is one of the most serious environmental health risks facing the country today. EPA estimates that as many as 16,000 people die of lung cancer each year from exposure to radon. In September 1988 EPA and the Surgeon General's Office issued a national health advisory urging people to test their homes after survey results showed that one in four homes in 17 States surveyed has elevated radon levels. At the Superfund Subcommittee's hearing on this bill last year, Assistant Surgeon General Vernon Houk said that the evidence of the health threat posed by radon is the strongest of any environmental contaminant.

In April, 1989, EPA completed a pilot survey to measure radon levels in 130 schools across the country. This survey found that one in five classrooms has elevated radon levels and that over half of the schools tested have at least one classroom with elevated radon levels. And Assistant Surgeon General Houk testified at our hearing that radon poses a greater risk to children than to adults. Our Nation's children are needlessly exposed to dangerous radon levels, which may be especially hazardous to their developing lungs.

Fortunately, it is relatively simple and inexpensive to test for and mitigate elevated levels of radon. EPA estimates that the average cost to test a school is roughly $1,000 and that the average mitigation cost is only a few thousand dollars per school. Given these facts, it is inexcusable to simply ignore the threat posed by radon to schoolchildren.

The Congress has consistently expressed its concern about radon in schools. Legislation I wrote, which was included in the 1986 Superfund Amendments and Reauthorization Act, requires EPA to "identify the locations in the United States where radon is found in structures where people normally live or work, including educational institutions." And in 1988, the Congress passed legislation introduced by Senator CHAFEE, Senator MITCHELL, myself, and others requiring EPA to conduct a national survey of radon in schools.

The Radon Testing For Safe Schools Act builds on this national effort to identify radon prone areas. It requires schools in priority radon areas designated by EPA to test for radon within 2 years of a designation. EPA would be required to develop guidelines for the testing and remediation of radon in school buildings. And EPA would provide $5 million per year for 5 years to States to assist schools in remediating elevated radon levels.

The bill I am introducing today is the same bill which was approved by the Senate Environment Committee last year and passed the Senate as an amendment to S. 657, the Indoor Air Quality Act. Unfortunately, the other body failed to address this important issue.

The Radon Testing For Safe Schools Act will expand our efforts to address the health threat that radon poses to our country's children. Testing and mitigating schools, where children spend hours every day, will significantly reduce their chances of contracting lung cancer. This bill has been endorsed by both the National Education Association, the National Parent-Teacher Association, the Consumer Federation of America, the American Lung Association and the Coalition for Consumer Health and Safety, a coalition of 20 insurance companies and associations and 16 consumer and health organizations working to improve consumer health and safety.

I urge my colleagues to join in supporting this legislation. And I ask unanimous consent that a copy of the bill, letters in support of the bill, and an EPA press release urging schools to test for radon be included in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Radon Testing for Safe Schools Act".

FINDINGS

SEC. 2. THE CONGRESS FINDS THAT.—(a) Exposure to radon gas causes about 20,000 lung cancer deaths each year.

(b) Radon may be especially hazardous to small children who spend a substantial portion of a day in school buildings.

(c) Testing for and remediation of elevated levels of radon is relatively simple and inexpensive.

(d) Studies by the Environmental Protection Agency indicate that 54 per centum of schools tested above have at least one room with elevated levels of radon and that over 20 per centum of all school rooms tested had elevated levels of radon.

(e) On April 20, 1989, the Administrator of the Environmental Protection Agency issued a national advisory recommending that all schools be tested for radon.

(f) There is a need for improved information on proper methods and procedures for testing and remediation of radon in school buildings.

(g) There is a need for the Federal Government to provide financial assistance to States and local educational agencies for implementation of measures to reduce elevated levels of radon.

REQUIREMENT FOR RADON TESTING IN SCHOOLS

SEC. 3. Section 307 of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2601 et seq.) is amended by adding at the end thereof the following new subsections:

"(c) GUIDELINES.—(1) Within one year of the date of enactment of this subsection, the Administrator shall publish guidelines on testing for and remediating radon in school buildings.

"(2) After the publication of guidelines pursuant to this subsection, testing and remediation carried out pursuant to this section shall be conducted in a manner consistent with such guidelines.

"(3) Any radon testing or remediation of school buildings conducted prior to the publication of guidelines pursuant to this subsection shall be considered to meet the requirements of this section if the testing or remediation is conducted consistent with any interim guidance published by the Administrator or a State where the Administrator determines that such guidelines are substantially consistent with the guidelines published under this subsection.

"(d) REQUIREMENT FOR RADON TESTING.—(1) Within two years after designation by the Administrator of an area as a priority radon area each local educational agency located in whole or in part in such designated area shall conduct tests for radon in each school building owned or operated by the local educational agency.

"(2) The Administrator may extend the schedule for testing for radon pursuant to this subsection to the date two years from the date of publication of testing guidelines pursuant to subsection (c) of this section.

"(3) The Administrator shall, as expeditiously as practicable, designate areas as priority radon areas based on—

"(A) surveys of residences for radon; or

"(B) the survey required by paragraph (4) of subsection (a) of this section; or

"(C) other date, including geological data.

The Administrator shall designate areas pursuant to this paragraph no later than September 30, 1991.

"(4) The results of any tests conducted pursuant to this section by a local eductional agency shall be available for public review in the administrative offices of the local educational agency during normal business hours. The local educational agency shall notify parent, teacher, and employee organizations of the availability of such results and shall send the results to the Administrator and the agency of the State implementing radon programs.

"(5) Any radon testing conducted pursuant to this section shall be supervised by a person who has received instruction pursuant to an EPA or equivalent State approved program, as determined by the Administrator and shall use radon measurement devices and methods approved by the radon proficiency program established pursuant to section 305(a)(2) of this title.".

RADON IN SCHOOLS REMEDIATION GRANT ASSISTANCE

SEC. 4 (a) AUTHORIZATION.—Section 306(j)(1) of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2601 et. seq.) is amended by inserting after "1991" the following—"and $15,000,000 for fiscal year 1992".

(b) SCHOOL REMEDIATION.—Section 306(j) of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2601 et. seq.) is amended by adding at the end thereof the following new paragraphs—

"(6) Of funds appropriated pursuant to this subsection in fiscal year 1992, not more than one third shall be used to implement radon remediation measures for local educational agencies pursuant to paragraphs (11) and (12) of subsecion (c) of this section.

"(7) Of funds appropriated pursuant to this subsection in fiscal year 1992, the Administrator may reserve an amount up to 2 per centum or $200,000, whichever is the greater, for the purposes of making grants to local educational agencies for implementation of measures to reduce radon levels: *Provided*, That any such local educational agency is prohibited by State law from receiving grant assistance from the State: *Provided further*, That the local educational agency provides not less than 50 per centum of the cost of implementing such measures from non-Federal sources.

"(8) There is authorized to be appropriated for grant assistance under paragraphs (11) and (12) of subsection (c) of this section an amount not to exceed $5,000,000 for each fiscal years 1993, 1994, 1995, and 1996.

"(c) GRANT ELIGIBILITY.—Section 306(c) of the Indoor Radon Abatement of 1989 (15 U.S.C. 2601 et. seq.) is amended by adding at the end thereof the following new paragraphs—

"(11) Notwithstanding the limitation in subsection (i)(4), payment, in the form of grants or loans, of costs of implementing remediation measures necessary to prevent levels of radon in school buildings above the appropriate action levels identified pursuant to section 303(b)(1) of this title: Provided, That such payments are made in consideration of the financial need of the applicant.

"(12) Payment of costs of conducting radon tests required pursuant to section 307(d) of this title: Provided, That such payments shall be made only in the case of a local educational agency which received assistance payment to paragraph (11) of this subsection.

"(d) CLARIFICATION.—Section 306(g) of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2601 et. seq.) is amended by striking "and (6)" and inserting in lieu thereof "(6), (11), and (12)".

"(e) TESTING AND REMEDIATION STANDARDS.—(1) Section 306(g) of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2661 et. seq.) is amended by inserting after 'Governments.—' the following '(1)' and inserting at the end thereof the following new paragraph—

"(2) Any remediation measures for reducing radon in school buildings implemented pursuant to this section shall be supervised by a person who has been approved pursuant to the proficiency program established pursuant to section 305(a)(2) of this title.".

DEFINITION

SEC. 5. Section 302 of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2601 et. seq.) is amended by adding at the end thereof the following new paragraph—

"(5) The term 'priority radon area' means an area or region of the United States in which, in the judgment of the Administrator, there is a reasonable likelihood of indoor radon levels above the appropriate action level identified pursuant to section 303(b)(1) of this title.".

PREEMPTION

SEC. 6 (a) CONSTRUCTION OF PROVISIONS AS NOT PREEMPTING OTHER LAWS.—Nothing in this title shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common.

(b) AWARD OF COSTS AND DAMAGE AWARDS.—Nothing in this title shall be construed or interpreted to preclude any court from awarding costs and damages associated with the testing or mitigation of radon contamination, or a portion of such costs, at any time.

(c) CONSTRUCTION OF PROVISIONS AS NOT PROHIBITING MORE STRINGENT STATE REQUIREMENTS.—Nothing in this title shall be construed or interpreted as preempting a State from establishing any liability or more stringent requirements with respect to radon in school buildings within such State.

(d) CREATION OF CAUSE OF ACTION.—Nothing in this title creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

(e) EFFECT OF PROVISIONS IN CIVIL ACTIONS FOR DAMAGES.—It is not the intent of Congress that this subsection or rules, regulations, or orders issued pursuant to this subsection be interpreted as influencing, in either the plaintiff's or defendant's favor, the disposition of any civil action for damages relating to radon. This subsection does not affect the authority of any court to make a determination in any adjudicatory proceedings under applicable State law with respect to the admission into evidence or any other use of this title or rules, regulations, or orders issued pursuant to this title.

THE COALITION FOR
CONSUMER HEALTH AND SAFETY,
Washington, DC, September 28, 1989.

Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Superfund, Ocean and Water Protection, Environment and Public Works Committee, U.S. Senate.

DEAR SENATOR LAUTENBERG: As part of its concern about indoor air pollution the Coalition for Consumer Health and Safety is writing to express its support of the Radon Testing for Safe Schools Act.

We are a coalition of 20 insurance companies and trade associations and 16 consumer and health organizations working to improve consumer health and safety. As our written Agenda explains—a copy of which we are pleased to enclose—indoor air pollution is one of the seven key issues we are focusing our efforts upon. And radon, which the Environmental Protection Agency estimates causes between 5,000 and 20,000 lung cancer deaths annually, is certainy one of the major indoor air contaminants in the country today.

Radon in school buildings, of course, is of particular concern because recent research suggests that children are even more vulnerale than adults to the hazards of radon. And testing done earlier this year by the EPA found unexpectedly high radon levels in schools in many parts of the country.

We believe that the Radon Testing for Safe Schools Act is a prudent, measured response, based on the currently available scientific evidence, to the problem of radon in schools. It does not require testing of all schools in the country, but rather only of schools in areas identified by the EPA as having elevated levels of radon. And by establishing a modest program within the EPA for the provision of loans and grants to local educational agencies in high radon areas, the legislation makes it possible for targeted schools to test for and, if necessary, mitigate hazardous radon levels.

We commend you for your leadership on this important issue.

Sincerely,

AL PARSONS,
American Insurance Association;
DAVID SWANKIN,
Consumer Federation of America;
Co-Chairs, Committee on Indoor Air Quality.

AMERICAN LUNG ASSOCIATION,
Washington, DC, September 8, 1989.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the American Lung Association, I am writing to support legislation which you plan to introduce to require local educational agencies to conduct testing for radon contamination in schools. "The Radon Testing for Safe Schools Act" represents a significant step toward addressing and rectifying the health threat posed by radon exposure, particularly in our nation's schools.

The ALA continues to be particularly concerned that the potential for increased exposure to indoor contaminants is exacerbated by the onslaught of energy conservation techniques and efforts to reduce heating and cooling costs through the reduction of infiltration and ventilation. Radon is among the indoor pollutants of primary concern to the ALA. Others include carbon monoxide and nitrogen oxides, formaldehyde and asbestos.

The ALA also continues in its strong support for increased research on the health effects of indoor and outdoor air pollution. The increase and integration of research are essential to permitting the development of appropriate control strategy. The testing and radon mitigation activities mandated in your legislation are just as critical. We know that you share this perspective, and again, we congratulate you on the foresight shown in the introduction of the "Radon Testing for Safe Schools Act."

Sincerely,

FRAN DU MELLE,
Director.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, November 9, 1989.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: The American Academy of Pediatrics supports in principle S. 1697, the "Radon Testing for Safe Schools Act." The Academy is concerned about the hazards of radon exposure to children and commends your efforts in this area.

We support radon testing of schools by reputable companies and recommend that radon reduction procedures be undertaken when elevated levels are indicated. S. 1697 is an important measure that provides funding for testing of schools in areas identified as having elevated levels of radon. The legislation also provides funding to assist in mitigation.

While we support S. 1697, we have some concerns that we would like to see addressed:

The concept of a radon high risk area should be clearly defined.

There should be a sufficient number of companies with qualified staff to mitigate exposure to radon where needed once testing is completed.

We appreciate your attention to this critical health issue, and look forward to working with you on this important legislation. Please contact our office if you have any questions.

Sincerely,

BIRT HARVEY, M.D.,
President.

EPA URGES SCHOOLS TO CHECK FOR RADON

U.S. Environmental Protection Agency Administrator William K. Reilly today recommended that schools test their facilities for radioactive radon gas.

Reilly said, "Based on work just completed by the agency's Office of Radiation Programs, I can report to you today that elevated levels of radon gas have been found in school buildings throughout the United States. Indoor radon is one of the major environmental health threats facing Americans, and I am now recommending that schools nationwide be tested."

Reilly said he made the decision to inform the public after examining preliminary test data from 130 schools scattered across the country which indicate that elevated radon levels may be at least as prevalent in schools as in private residences.

EPA is recommending that schools test 100 percent of frequently-used rooms on the basement-level and ground-level floors. This includes classrooms, offices, libraries, gymnasiums and cafeterias. The agency also recommends that testing be conducted in the cooler months of the year when doors and windows are likely to be closed.

To assist school officials considering taking radon measurements in their buildings, the agency released interim guidance which discusses facts about radon, its health risks and what is known about radon in schools. It also explains how to conduct testing, select measurement devices, which rooms to measure and follow-up actions. The guidance is designed expressly for schools, although protection for children involves testing in both homes and schools.•

• Mr. CHAFEE. Mr. President, I am pleased that today we are introducing a bill which, when implemented, should prevent the exposure of thousands of our school children to dangerous levels of radon gas.

Three years ago I introduced the Radon in Schools Detection Act, a bill which required EPA to determine the extent of radon contamination in the Nation's schools. This bill was later combined with legislation introduced by Senator MITCHELL, to form the Radon Program Development Act of 1988. The Senate unanimously approved this legislation, and it was subsequently signed into law.

EPA is currently implementing this law by providing seed money to States to develop radon programs, issuing publications alerting homeowners to the potential health effects of radon, identifying EPA approved contractors and testing labs, and conducting a preliminary assessment of radon in our schools. The results of this preliminary assessment are alarming: 54 percent of the 130 schools tested had at least one room with radon levels above the EPA recommended action level.

The legislation we are introducing today builds on the work we began in the last Congress. This legislation, introduced by Senator LAUTENBERG and myself, requires schools located in radon high risk areas to test for radon. These high risk areas are being identified by EPA pursuant to the radon bill which I and other members of this committee authored in the last Congress.

The legislation further provides a loan and/or grant program of $5 million for each of 5 years for schools which need to mitigate radon, and need financial assistance to do so. Although some mitigation work can be costly, most mitigation consists of adjustments to ventilation, installation of fans, and depressurizing and sealing a foundation. These techniques do not usually cost a great deal.

It is important that we take steps to protect our children from radon gas, which could be claiming as many as 16,000 lives per year. Radon has been identified by the Environmental Protection Agency as the largest single source of lung cancer other than smoking. I encourage my colleagues to support this important legislation.•

By Mr. DECONCINI:

S. 576. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide on site day care facilities for dependents of their employees; to the Committee on Finance.

CREDIT FOR EMPLOYER EXPENSES FOR DAY CARE FACILITIES

• Mr. DECONCINI. Mr. President, momentum is growing in this country for child care that is safe, affordable, and available. Congress responded to this call by enacting the first national child care legislation since World War II. Despite Congress' landmark action, there is still more to be done.

It has been said, and rightly so: This Nation is "in the midst of a child care explosion." In 1950, 12 percent of America's mothers with children under 6 years of age were part of the work force. Since then, the number of working women with preschool children has more than quadrupled. Families no longer fit the traditional mold of a father breadwinner and mother homemaker. In fact, the traditional family only accounts for 11 percent of the population.

All our evidence indicates that our child care demand far exceeds supply. The most recent census statistics indicate that there are 9.4 million children under the age of 6 whose mothers are currently in the labor force. There are no comprehensive national data on the number, types, or quality of child day care facilities in the United States. But, as of June 1990, a children's defense fund survey found that there were 71,645 licensed child care centers operating in the United States. It is estimated that these facilities have the capacity of serving a total of 3.8 million children.

Not long ago, in a community near Chicago, 47 youngsters—half of them younger than 2—were discovered being cared for in a basement by only one adult. That program cost $25 a week—one-third of the cost of most child care in the community. The fact is, those children were in that child care situation because their parents could afford no better. When parents cannot afford adequate child care, children suffer and there will be some who will pay with their lives.

This Nation can do better. All of us must work together—parents, child advocates, the business community, and elected representatives. We must work together to give America's children a better chance at affordable, reliable and safe child care.

It's going to take many innovative and imaginative solutions. I believe that one of our greatest untapped resources is America's businesses. But for much of the Nation, employer sponsored child care assistance is now the exception rather than the rule. We are a country that has 6 million employers—44,000 of which have 100 or more employees. Of that number, about 4,000 provide some kind of child care support to their employees, mostly in the form of child care information and referral. Only about 1,300 corporations fund onsite or nearby child care facilities.

I think the role of Government is to improve the system so that businesses will come on board. Our current tax incentives for employer-assisted child care have just not stimulated the development of increased child care options for working families. This is especially true in the case of employer provided child care centers at the place of work. For the employer, starting up and operating an onsite facility can be very costly.

Onsite child care is good for families and good for businesses. Parents can visit their children at lunch or during coffee breaks. If they work later than usual, they know the children are right there, well taken care of. Businesses that pay attention to the family concerns of their employees are already realizing the rewards. Studies show that employees of such firms are more productive because of better morale, have less absenteeism and burnout, and far less job turnover. It is estimated that for every $1 spent on an onsite facility, there is a potential profit increase of $3 to $6 due to increased productivity.

I sponsored a bill, now law, which requires onsite child care centers at all Veterans' Administration facilities for the children of employees. As a result of my legislation, VA centers are required to provide space in existing facilities along with utilities and other equipment for child care. The legislation requires no or nominal cost to the individual VA facilities. I believe a program such as this could be a model for future child care facilities in both the public and private sectors.

Mr. President, in an effort to provide an incentive for employer onsite centers, I am today reintroducing a bill to provide tax credits to employers to help them establish child care centers at the work site. Specifically, my legislation would provide a tax credit of 50 percent, up to a limit of $150,000, for expenses related to the acquisition, construction, rehabilitation, or expansion of an onsite child care facility. The U.S. Government would recapture costs, on a reducing scale, if the facility does not operate for 10 years as a child care center. For example, if the facility remains open for only 5 years, the employer would be required to pay back 70 percent of the credits taken. Should the child care facility remain open for 6 years, the employer must pay back 55 percent of the credits taken.

In order for a child care facility to qualify for the tax credit, at least 30 percent of the children enrolled must be dependents of the company's employees. In addition, the center must be open to the children of all employees, regardless of income. And in the case of multiple employers, the facility must be located on the premises of one employer and within a reasonable distance from the premises of the other employers.

Under my legislation, any eligible employer may take the tax credit over a number of years until the credit's limit is reached, or until the facility ceases to operate in compliance with the State laws and regulations of a licensed day care center.

This bill emphasizes the need for more and properly equipped physical facilities. Finding the appropriate space is often the first step in providing child care services. My bill gives businesses a tax incentive to cross this hurdle.

Most parents are on their own when it comes to finding someone to look after their kids. For many, they must leave their babies in places they don't trust because there are no alternatives. The situation doesn't improve as the children age. There are more than a million children ages 5 to 14 who care for themselves after school—the so-called latchkey children. In my own State of Arizona, 9 percent of children between the ages of 5 and 14 with working parents come home from school each day to an empty house.

Parents form such a large part of the work force today that the child care dilemma will continue to demand national attention. The growing interest and involvement of employers in resolving these concerns needs to be actively encouraged and supported.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill be ordered to be printed in the RECORD, as follows:

S. 576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CERTAIN ON-SITE DAY-CARE FACILITIES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 45. EMPLOYER ON-SITE DAY-CARE FACILITY CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the employer on-site day-care facility credit determined under this section for the taxable year is an amount equal to 50 percent of the qualified investment in property placed in service during such taxable year as part of a qualified day care facility.

"(b) LIMITATION.—The credit allowable under subsection (a) with respect to any qualified day-care facility shall not exceed $150,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED INVESTMENT.—The term 'qualified investment' means the amount paid or incurred to acquire, construct, rehabilitate, or expand property—

"(A) which is to be used as part of a qualified day-care facility, and

"(B) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable.

Such term includes only amounts properly chargeable to capital account.

"(2) QUALIFIED DAY-CARE FACILITY.—

"(A) IN GENERAL.—The term "qualified day-care facility' means a facility—

"(i) operated by an employer to provide dependent care assistance for enrollees, at least 30 percent of whom are dependents of employees of employers to which a credit under subsection (a) with respect to the facility is allowable,

"(ii) the principal use of which is to provide dependent care assistance described in clause (i),

"(iii) located on the premises of such employer,

"(iv) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including, but not limited to, the licensing of the facility as a day-care facility, and

"(v) the use of which (or the eligibility to use) does not discriminate in favor of employees who are highly compensated employees (within the meaning of section 414(q)).

"(B) MULTIPLE EMPLOYERS.—With respect to a facility jointly operated by more than 1 employer, the term 'qualified day-care facility' shall include any facility located on the premises of 1 employer and within a reasonable distance from the premises of the other employers.

"(d) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified day-care facility, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified on-site day-care expenses of the taxpayer with respect to such facility had been zero.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	The applicable recapture percentage is:
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified day-care facility is placed in service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified day-care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified day-care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified day-care facility by reason of a casualty loss to the extent such loss is restored by reconstruction of replacement within a reasonable period established by the Secretary.

"(e) SPECIAL ALLOCATION RULES.—For purposes of this section—

"(1) ALLOCATION IN CASE OF MULTIPLE EMPLOYERS.—In the case of multiple employers jointly operating a qualified day-care facility, the credit allowable by this section to each such employer shall be its proportionate share of the qualified on-site day-care expenses giving rise to the credit.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 1996."

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (6),

(B) by striking out the period at the end of paragraph (7), and inserting in lieu thereof a comma and "plus", and

(C) by adding at the end thereof the following new paragraph:

"(8) the employer on-site day-care facility credit determined under section 45.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 45. Employer on-site day-care facility credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.●

By Mr. KERRY:

S. 577. A bill to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion; to the Committee on Banking, Housing, and Urban Affairs.

SECURITIES EXCHANGE ACT AMENDMENTS

Mr. KERRY. Mr. President, I am today introducing legislation that will amend the Securities Exchange Act of 1934 by removing the provision in section 11(a) that prohibits a broker-dealer from effecting orders on an exchange of which it is a member for managed accounts.

The proposed amendment would remove the so-called managed account prohibition in section 11(a)(1) of the Securities Exchange Act. This prohibition currently makes it unlawful for any member of a national securities exchange to effect any transaction on such exchange for an account with respect to which such member or an associated person thereof exercise investment discretion. The proposed amendment would leave intact the other prohibitions in section 11(a)(1) of the Securities Exchange Act.

The managed account prohibition in section 11(a)(1) was based on structural elements of the securities markets, which have change dramatically since 1975 when this prohibition was first adopted. In 1978, the Commission adopted rule 11a2–2(T) which removed most of the section 11(a)(1) impediments to an exchange member executing transactions for the accounts managed by such member or an affiliate thereof. Elimination of the remaining impediments would reduce the substantial costs currently incurred by exchange members in executing orders for managed accounts, without significantly changing the extent that money managers would use affiliated exchanged members to execute such orders.

This amendment is supported by a report of the Division of Market Regulation, with which the Commission concurs, subject to the Commission retaining authority to impose by rule two conditions currently in rule 11a2–2(T).

The proposed amendment gives the Commission authority to require that both conditions be met. First, an exchange member may be required by Commission rule to obtain written authorization to engage in the practice of effecting transactions on such exchange for an account managed by the member or an affiliate thereof. Second, an exchange member may be required by Commission rule to furnish the authorizing person with an annual statement disclosing the aggregate compensation received by the exchange member for effecting such transactions.

This amendment is not intended to alter the current fiduciary obligations of an investment adviser concerning affiliation with brokers. Under current law, the fiduciary obligations of an investment adviser do not require such an adviser to form a broker-dealer affiliate. Nor is this amendment intended to alter the current obligations of any fiduciary under the Employee Retirement Income Security Act of 1974 with respect to brokerage transactions.

Mr. President, this amendment is noncontroversial and I urge my colleagues to quickly enact it into law.

By Mr. PELL (by request):

S. 579. A bill to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1992 and 1993; to the Committee on Foreign Relations.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1991 and 1992, and for other purposes.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State for Legislative Affairs, which was received on March 6, 1991, and a section-by-section analysis of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS: ALLOCATIONS OF FUNDS: RESTRICTIONS

Sec. 101. Administration of Foreign Affairs.
Sec. 102. International Organizations and Conferences.
Sec. 103. International Commissions.
Sec. 104. Migration and Refugee Assistance.
Sec. 105. Other Programs.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Sec. 111. Chief of Mission.
Sec. 112. Authority of the Secretary of State.
Sec. 113. Capital Programs.
Sec. 114. Transfers and Reprogrammings.
Sec. 115. Foreign Affairs Administrative Support System.
Sec. 116. Defense Trade Controls Registration Fees.
Sec. 117. International Meetings.
Sec. 118. Model Language Posts.
Sec. 119. Child Care Facilities at Certain Posts Abroad.
Sec. 120. Foreign Service Institute Facilities.
Sec. 121. Availability of Funds.
Sec. 122. Advance Payments.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

Sec. 131. Occupancy of Facilities.
Sec. 132. Diplomatic Construction Program.
Sec. 133. Special Agents.

PART D—PERSONNEL

Sec. 141. Ambassadorial Appointments.
Sec. 142. Chief of Mission Salary.
Sec. 143. Prescriptive Relief Pending Completion of Grievance and/or Judicial Proceedings.
Sec. 144. Retirement Eligibility for Certain Federal Employees Who Transfer to International Organizations.
Sec. 145. Commissary Access.
Sec. 146. Storage of Personal Effects.
Sec. 147. Transportation of Remains.
Sec. 148. Amendments to Title 5.

PART E—MODIFICATIONS TO OTHER LAWS

Sec. 151. Danger Pay.
Sec. 152. Post Staffing.
Sec. 153. Travel Advisories.
Sec. 154. Post Openings and Closings.

PART F—INTERNATIONAL ORGANIZATIONS

Sec. 161. Contributions to the International Red Cross.
Sec. 162. Reform in Budget Decision-Making Procedures of the United Nations and its Specialized Agencies.
Sec. 163. Permanent International Association of Road Congresses.
Sec. 164. International Boundary and Water Commission.
Sec. 165. Report to Congress.

PART G—JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Sec. 171. Japan-United States Friendship Commission.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) DIPLOMATIC AND ONGOING OPERATIONS.—The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law (other than the diplomatic security program):

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", of the Department of State $1,749,744,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the Budget Enforcement Act of 1990 (P.L. 101-508) (hereafter "BEA").

(2) ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For "Acquisition and Maintenance of Buildings Abroad," $570,000,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

(3) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,802,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

(4) Emergencies in the Diplomatic and Consular Service. For "Emergencies in the Diplomatic and Consular Service, $8,000,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

(5) Office of the Inspector General. For "Office of the Inspector General", $23,928,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with BEA.

(6) Payment to the American Institute in Taiwan. For "Payment to the American Institute in Taiwan", $13,784,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

(b) DIPLOMATIC SECURITY PROGRAM.—In addition to amounts authorized to be appropriated by subsection (a), the following amounts are authorized to be appropriated under "Administration of Foreign Affairs" for the fiscal years 1992 and 1993 for the Department of State to carry out the diplomatic security program:

(1) Salaries and Expenses. For "Salaries and Expenses", $299,828,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

(2) Protection of Foreign Missions and Officials. For "Protection of Foreign Missions and Officials", $9,464,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations", $1,120,541,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and for other purposes authorized by law.

(b) CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions to International Peacekeeping Activities". $201,292,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and for other purposes authorized by law.

(c) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—(1) In addition to funds otherwise authorized to be appropriated for these purposes, there are authorized to be appropriated for "International Conferences and Contingencies", $5,500,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and for other purposes authorized by law.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States and for other purposes authorized by law:

(a) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(1) for "Salaries and Expenses" for the fiscal year 1992, $10,900,000, and for the fiscal year 1993, consistent with the BEA, such sums as may be necessary; and

(2) for "Construction" for the fiscal year 1992, $10,525,000, and for the fiscal year 1993, consistent with the BEA, such sums as may be necessary.

(b) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $768,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

(c) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,732,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

(d) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $12,147,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance"—for authorized activities, $490,557,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

SEC. 105. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(a) UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.—For "United States Bilateral Science and Technology Agreements", $2,250,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

(b) SOVIET-EAST EUROPEAN RESEARCH AND TRAINING.—For "Soviet-East European Research and Training", $4,784,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

(c) ASIA FOUNDATION.—For the Asia Foundation, $15,367,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993, consistent with the BEA.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 111. CHIEF OF MISSION.

Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended as follows:

(a) at the end of subsection (b) add the following new subsection:

"(c) All non-executive branch employees or representatives of the U.S. government in a foreign country shall as requested keep the chief of mission to that country fully and currently informed with respect to all their activities and operations conducted in that country. It is the responsibility of all parties to refer disagreements concerning such activities and operations which cannot promptly be resolved to the Secretary of State, who shall ensure that necessary steps are taken."

SEC. 112. AUTHORITY OF THE SECRETARY OF STATE.

(a) The Congress finds that—

(1) The organization of the Department of State should, to the maximum extent possible, reflect the primary responsibility of the Secretary of State under the President for the conduct of the Nation's foreign relations;

(2) As a consequence, unless compelling considerations so require, statutory authorities should be vested in the Secretary, rather than in officials subordinate to him;

(3) In recognition of the appropriate oversight role of the Congress, abolishment or creation of units at the bureau level shall be notified to the Congress in accordance with relevant reprogramming requirements; and

(4) The Congress and the Executive should consult closely and frequently in pursuit of the shared purpose of organizing the Department to respond most effectively to evolving demands and requirements.

(b) SAVINGS CLAUSE.—Existing Executive Orders and regulations with respect to organizations an officials whose status is modified in this section shall remain in effect until Executive orders and regulations necessary to implement this section, as required, have become effective.

(c) STATUTORY SIMPLIFICATION.—

(1) The Act of May 26, 1949, as amended (22 U.S.C. 2652) is further amended—

(A) In the title by striking "Under Secretary of State for Political Affairs; Under Secretary of State for Economic and Agricultural Affairs; Under Secretary of State for Management" and inserting in its place "Under Secretaries of State"; and

(B) In the text by striking "Under Secretary of State for Political Affairs; Under Secretary of State for Economic and Agricultural Affairs; Under Secretary of State for Management and fifteen" and inserting in its place "four Under Secretaries of State and seventeen"; and

(2) The Foreign Assistance Authorization Act of 1961, as amended is further amended:

(A) In section 116(c) (22 U.S.C. 2151n.) by striking "Assistant Secretary for Human Rights and Humanitarian Affairs" and inserting in its place "Secretary of State";

(B) In sections 502B(b), 502B(c)(1) (22 U.S.C. 2304) and 505(g)(4)(A) (22 U.S.C. 2314) by striking "prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs," wherever it appears; and

(C) By repealing Section 624(f) * * *.

(3) The Arms Export Control Act is amended in section 5(d)(1) (22 U.S.C. 2755) by striking "Assistant Secretary of State for Human Rights and Humanitarian Affairs" and inserting in its place "Secretary of State".

(4) Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by—

(A) Striking "; Bureau of Consular Affairs" in the title;

(B) Striking "(a)" at the beginning of subsection 104(a); and

(C) Repealing subsections 104(b) through 104(e).

(5) Section 9 of the Department of State Appropriations Authorization Act of 1973 (Public Law 93-126) is repealed.

(6) Section 35 of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2707) is amended in subsection (b) by

(A) In the first paragraph by striking everything after the word "shall" the first time it appears;

(B) In subsection (b)(1) by striking the phrase "with the bureaus and offices of the Department of State and"; and

(C) In subsection (b)(2) by striking "agency and".

(d) CONFORMING CHANGES.—

(1) Section 5314, Title 5 of the United States Code, is amended by striking "Under Secretary of State for Political Affairs and Under Secretary of State for Economic Affairs and an Under Secretary of State for Coordinating Security Assistance Programs and Under Secretary of State for Management" and inserting in its place "Under Secretaries of State (4)".

(2) Section 5315, Title 5 of the United States Code, is amended by

(A) striking "Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State." and "Assistant Secretary for International Narcotics Matters, Department of State."; and

(B) striking "(15)" after "Assistant Secretaries of State" and inserting in its place "(17)".

SEC. 113. CAPITAL PROGRAMS.

The Foreign Service Buildings Act, 1926, is amended as follows:

(a) in section 9 (22 U.S.C. 300) by adding the following new subsections d and e:

"(d) MULTI-YEAR CONTRACTING FOR MOSCOW.—(1) For the purposes of this subsection: (1) the term "multiyear contract" means a contract in effect for a period not to exceed five years; and (2) the term "appropriations" is used as defined in 31 United States Code, Sec. 1511.

"(2) The Secretary of State may enter into contracts for the acquisition of property and construction of diplomatic facilities in Moscow, as authorized by this Act, on a multiyear basis when appropriations are available and adequate for fixed obligations that are required for—

"(A) total payment that would arise under the full term of the contract; or

"(B) payments for the first fiscal year during which the contract is in effect, plus the full amount of estimated cancellation costs, if any; and the Secretary of State determines that—

"(i) such a contract will serve the best interests of the Government by—

"(a) achieving economies in administration, performance, and operation;

"(b) increasing quality of performance by or service from the contractor; or

"(c) encouraging effective competition; and

"(ii) such a contract will not inhibit small business concerns from submitting a bid or proposal for such contract.

"(3) A multiyear contract authorized by this section shall include—

"(A) a provision that the performance under the contract during the second or any subsequent fiscal year included in the contract period is contingent on the availability of funds in such year, if funds have not been previously appropriated to cover total payments under the full term of the contract; and

"(B) a provision for the payment of a reasonable cancellation charge, if any, to the contractor if the contract is cancelled pursuant to a provision described in clause (A).

"(4) If funds are not appropriated or otherwise available, as determined by the Secretary of State, during the second or subsequent fiscal year included in the contract period, performance under said contract may be cancelled by the U.S. Government. Any cost of the cancellation of performance under said contract may be paid from funds available within the Foreign Service Buildings Fund.

"(5) Nothing in this section is intended to modify or affect any other provision of law which authorizes multiyear contracting."

"(e) ADVANCE PAYMENTS FOR LONG-TERM LEASES AND LEASE/PURCHASE.—

Notwithstanding any other provision of law, the Department may make advance payments for long-term leases and lease-purchase agreements, upon a determination by the Secretary of State or his designee in each specific case that such advance payments will serve the interest of carrying out the purposes of the Foreign Service Buildings Act, 1976."

(b) EXEMPTION OF CONTRACTS FROM COMPETITION.—In section 6 (22 U.S.C. 294) by striking "The contracts for all work of construction, alteration, and repair under" and inserting in its place "Contracts required to achieve" in the second sentence.

(c) APPROVAL OF LEASES.—In Section 10 (22 U.S.C. 301) by striking "$25,000" and inserting in its place "an amount to be established by regulation by the Secretary of State".

SEC. 114. TRANSFERS AND REPROGRAMMINGS.

(a) Section 24 of the State Department Basic Authorities Act (22 U.S.C. 2696) is amended

(1) by renumbering subsections (b)(4)—(b)(6) as (b)(5—(b)(7) and by inserting as new subsection (b)(4):

"(b)(4) No later than the end of the fifth fiscal year following the fiscal year for which appropriations for any account under the heading 'Administration of Foreign Affairs' have been made available to the Department of State, unobligated balances for such appropriations provided for fiscal year 1987 and thereafter may be transferred into and merged with the Buying Power Maintenance account, except that the balance of the Buying Power Maintenance account shall not exceed $100 million as the result of any such transfer."; and

(2) in subsection (d) by striking the words "the 'Administration of Foreign Affairs'; account, the 'International Organizations and Conferences' accounts, the 'International Commissions' account, or the 'Migration and Refugee Assistance'" and inserting in their place "any"; and by striking the word "such" wherever it appears; and

(3) by inserting the following new subsection (f):

"(f) Funds appropriated for the Department of State in any appropriations account funded in the Department of State Appropriations Act for a given fiscal year may be transferred to any other such appropriations account. No such appropriations account may be increased through such a transfer by more than 35 percent of the amount specifically appropriated for that account in the relevant fiscal year, except that neither the 'Salaries and Expenses' account nor the 'Acquisition of Foreign Buildings Abroad' account may be increased by more than 10 percent. Any transfer made pursuant to this subsection shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C 2706) and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section."

(b) Subsection 401(c) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851) is hereby repealed.

(c) Section 34 of the State Department Basic Authorities Act (22 U.S.C. 2706) is amended

(1) in subsection (a)(7) by striking "$250,000" and inserting in its place "$500,000"; and

(2) by adding new subsections (c) and (d) as follows:

"(c) Notwithstanding any other provision of law, funds appropriated to the Department of State may be obligated and expended without prior notification to Congress in emergency situations, as determined by the Secretary of State. In case of any such determination, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking such obligation or expenditure. Any notification provided pursuant to this subsection shall contain an explanation of the circumstances necessitating the use of the authority of this subsection.

"(d) Notwithstanding any other provision of law, the Secretary of State may obligate and expend funds in the Foreign Service Buildings Fund, including amounts appropriated under the heading 'Acquisition and Maintenance of Buildings Abroad,' without prior notification to Congress so long as—

"(1) total reprogramming actions taken under this discretionary authority do not exceed fifteen percent of funds available in that Fund for the relevant fiscal year;

"(2) no new programs or capital program projects are undertaken which have not been previously presented to Congress; and

"(3) the Secretary reports on a quarterly basis to the Congress all such reprogramming activities, detailing the circumstances and reasons for effecting such actions.

SEC. 115. FOREIGN AFFAIRS ADMINISTRATIVE SUPPORT SYSTEM.

Section 23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695) is amended by striking everything after the word "service" the second time it appears in the last sentence and by inserting the following new sentence at the end thereof:

"Any Federal agency obtaining administrative support services from the Department of State or another agency pursuant to such agreement on a reimbursable basis shall make full and complete payment for the services so provided through advance of funds or reimbursement."

SEC. 116. DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45 of the State Department Basic Authorities Act is amended (a) in the title and in subsection (a) by striking "Munitions Control" and "munitions control" wherever it appears and inserting in its place "Defense Trade Controls" or "defense trade controls" as appropriate; and (b) in subsection (a) by striking "$500,000" and inserting in its place"$700,000".

SEC. 117. INTERNATIONAL MEETINGS.

The Department of State Basic Authorities Act of 1956 is amended by renumbering current section 48 as 49 and adding a new section 48 as follows:

"SEC. 48. Whenever the United States Government serves as the host for an international meeting or conference in the United States, the Secretary of State is authorized to pay expenses of such event, including but not limited to expenses of rental of quarters by contract or otherwise and personal services without regard to laws governing employment and compensation in the Federal Civil Service, and to credit transfers of funds or reimbursements for such expenses received from other participants in the meeting or conference to the appropriate appropriation account of the Department of State which is currently available at the time of receipt."

SEC. 118. MODEL LANGUAGE POSTS.

Section 161 of Public Law 101–246 * * * is hereby repealed.

SEC. 119. CHILD CARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31(e) of the State Department Basic Authorities Act is amended by striking "For the fiscal years 1990 and 1991" and inserting in its place "For the fiscal years 1992 and 1993".

SEC. 120. FOREIGN SERVICE INSTITUTE FACILITIES.

Section 123(c)(2) Public Law 99–93 (22 U.S.C. 4021 note) is amended by striking "50,000,000" and inserting in its place "70,000,000".

SEC. 121. AVAILABILITY OF FUNDS.

Section 2 of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended

(a) in subsection (j) by striking "and'"

(b) in subsection (k) by striking the period and inserting "; " in its place; and

(c) by adding the following new subsections "(1)" and "(m)"

"(l) pay obligations arising under international agreements, conventions and binational contracts to the extent otherwise authorized by law, and

"(m) purchase special purpose passenger motor vehicles without regard to any price limitation * * * by law."

SEC. 122. ADVANCE PAYMENTS.

Section 3 of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended

(a) in subsection (j) by striking "and''

(b) in subsection (k) by striking the period and inserting "; and" in its place; and

(c) by adding the following new subsection "(l)"

"(l) make payments in advance of the United States share of necessary expenses for international fisheries commissions, pursuant to 31 U.S.C. 3324."

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

SEC. 131. OCCUPANCY OF FACILITIES.

(a) Section 304 of Public Law 100–202 is amended by striking "building" and inserting in its place "facilities" and by striking "facility" and inserting in its place "principal chancery building";

(b) Section 154(a) of Public Law 99–93 is amended by striking "building" and inserting in its place "facilities" and by striking "facility" and in inserting in its place "principal chancery building"; and

(c) Paragraph (a) under Department of State, "Acquisition Operation and Maintenance of Buildings Abroad" in Public Law 99–88 is amended by striking "building" and inserting in its place "facilities" and by "facilities" and inserting in its place "principal chancery building".

SEC. 132. DIPLOMATIC CONSTRUCTION PROGRAM.

Section 402 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852) is amended

(a) in subsection (a)(1) by striking "$5,000,000" and inserting in its place "$10,000,000;

(b) in subsection (a)(2) to read:

"(2) bid on a technical security project, unless the project involves low-level technology, as determined by the Assistant Secretary for Diplomatic Security."

SEC. 133. SPECIAL AGENTS.

Section 37(a) of the State Department Basic Authorities Act (22 U.S.C. 2709) is amended by striking subsection (a)(5) and by inserting in its place:

"(a)(5) make arrests without warrants for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony."

PART D—PERSONNEL

SEC. 141. AMBASSADORIAL APPOINTMENTS.

Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended by inserting "as an ambassador," after "ambassador at large," in subsection 302(a)(1).

SEC. 142. CHIEF OF MISSION SALARY.

(a) Section 302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3942(b)) is amended by striking "shall receive the salary" and all that follows and inserting in its place "may elect to continue to receive the salary of his or her salary class, to remain eligible for performance pay under chapter 4, and to receive the leave to which such member is entitled under subchapter I of chapter 63 of title 5, United States Code, as a member of the Senior Foreign Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President."

(b) Section 401(a) of the Foreign Service Act of 1980 (22 U.S.C. 3961(a)) is amended by:

(1) inserting at the beginning thereof "Except as provided in section 302(b),"; and

(2) striking everything after "level II" the second time it appears and inserting in its place "level I".

SEC. 143. PRESCRIPTIVE RELIEF PENDING COMPLETION OF GRIEVANCE AND/OR JUDICIAL PROCEEDINGS.

(a) The Foreign Service Act of 1980 is amended in section 1106(8) (22 U.S.C. 4136) by (1) striking the phrase "the involuntary separation of the grievant," in the first sentence and inserting "other than separation for cause" under section 610 after the phrase "disciplinary action against the grievant" and (2) adding the following new sentence at the end thereof "Nothing in this section shall be construed to affect in any way the Board's authority in appropriate cases to order the reinstatement of a member with back pay in accordance with Section 1107(b)(4)."

(b) Subsection 586(c) of Public Law 101-167 is hereby repealed.

SEC. 144. RETIREMENT ELIGIBILITY FOR CERTAIN FEDERAL EMPLOYEES WHO TRANSFER TO INTERNATIONAL ORGANIZATIONS.

(a) Section 8331(1) of title 5, United States Code, is amended—

(1) by deleting the word "and" at the end of subparagraph (K);

(2) by adding the word "and" after the semicolon at the end of subparagraph (L); and

(3) by adding after subparagraph (L) the following:

"(M) an individual who is employed by an international organization pursuant to section 3582 of this title and who, from time of transfer to such employment from employment covered by this subchapter, has currently deposited employee deductions required by this subchapter;".

(b) Section 8701(a) of title 5, United States Code, is amended:

(1) by deleting the word "and" at the end of paragraph (9);

(2) by adding the word "and" after the semicolon at the end of paragraph (10); and

(3) by adding after paragraph 10 the following:

"(11) an individual who is employed by an international organization pursuant to section * * * from time of transfer to such employment from employment covered by this chapter, has currently deposited employee deductions required by this chapter;".

(c) Section 8901(1) of this title 5, United States Code, is amended:

(1) by deleting the word "and" at the end of subparagraph (H);

(2) by adding the word "and" after the semicolon at the end of subparagraph (I); and

(3) by adding after subparagraph (I) the following:

"(J) an individual who is employed by an international organization pursuant to section 3582 of this title and who, from time of transfer to such employment from employment covered by this chapter, has currently deposited employee deductions required by this chapter;".

(d) Section 8401 of title 5, United States Code, is amended in paragraph (11):

(1) by striking "(J) or (K)" in subparagraph (A) and inserting in lieu thereof "(J), (K) or (M)"; and

(2) by inserting after "Internal Revenue Code of 1954" the phrase "or is self-employment for purposes of section 211(c)(2)(C)) of the Social Security Act (42 U.S.C. 411(c)(2)(C) and section 1402 (c)(2)(C) of title 26,".

(e) Section 8440 of title 5, United States Code, is amended:

(1) in subsection (a)(3), by striking "merely because" and inserting in place thereof "merely because (A)" and by adding at the end of the subsection ", or (B) having made such election, the employee subsequently transfers to employment with an international organization under conditions specified in section 3582 of this title entitling the employee to continue participation in a retirement system for Federal employees, including submission of employee contributions to the Thrift Savings Fund in accordance with subsection 3582(d)(2).'; and

(2) in subsection (c), by inserting after "not be included" the words "either (1)" and by adding at the end of the subsection ", or (2) for an employee who transfers to employment with an international organization pursuant to section 3582 of this title, as 'net earnings from self-employment' consistent with section 211(c)(2)(C) of the Social Security Act (42 U.S.C. 411(c)(2)(C)) or section 1402(c)(2)(C) of the Internal Revenue Code of 1954.".

(f) Section 853(a) of the Foreign Service Act of 1980 (22 U.S.C. 4071b(a)) is amended by inserting after "chapter 21 of title 26," the phrase "or is self-employment for purposes of section 211(c)(2)(C) of the Social Security Act (42 U.S.C. 411(c)(2)(C)) and section 1402 (c)(2)(C) of title 26,".

(g) Section 1402(c)(2) of title 26, United States Code, is amended by inserting after the comma at the end of clause (C): "and service described in section 3121(b)(15) performed outside the United States by a citizen of the United States who, in accordance with section 3582 of title 5, transferred from prior service in an agency or instrumentality of the United States Government which was employment for purposes of section 3121(b) of this title, with that agency head's consent, and who accordingly is entitled to reemployment with the former employing Government agency,".

(h) Section 7701(j) of title 26, United States Code, is amended:

(1) in subparagraph (j)(1)(C), by striking "merely because" and inserting in place thereof "merely because (i)" and by adding at the end of the subparagraph ", or (ii) having made such election, the employee subsequently transfers to employment with an international organization under conditions specified in section 3582 of this title entitling the employee to continue participation in a retirement system for Federal employees, including submission of employee contributions to the Thrift Savings fund in accordance with subsection 3582(d)(2) of title 5."; and

(2) in paragraph (j)(3), by inserting after "not be included" the words "either (A)" and by adding at the end of the paragraph ", or (B) for an employee who transfers to employment with an international organization pursuant to section 3582 of title 5, as 'net earnings from self-employment' consistent with section 211(c)(2)(C) of the Social Security Act (42 U.S.C. 411(c)(2)(C)) or section 1402(c)(2)(C) of this title.".

(i) Section 211(c)(2) of the Social Security Act (42 U.S.C. 411(c)(2)) is amended by inserting after the comma at the end of clause (C): "and service described in section 210(a)(15) of this Act performed outside the United States by a citizen of the United States who, in accordance with section 3582 of title 5, United States Code, transferred from prior service in an agency or instrumentality of the United States Government which was employment for purposes of section 210(a) of this Act, with that agency head's consent, and who accordingly is entitled to reemployment with the former employing Government agency,".

(j) Section 3582 of title 5, United States Code, is amended—

(1) in subsection (a)(1) by inserting, after "fund or depository" and before the first semicolon, a parenthesis to read as follows: "(in addition to self-employment taxes payable pursuant to section 1402(c)(2)(C) of title 26, if an employee's service prior to a transfer under this section was employment for purposes of title II of the Social Security Act)"; and

(2) in subsection (d) by redesignating the existing subsection as "(d)(1)" and by adding a new paragraph at the end to read as follows:

"(2) Any employee contributions authorized to be made to the Thrift Savings Fund pursuant to an employee election under section 8351 or 8432 of this title shall in the case of an employee entitled to continue such retirement coverage under subsection (a) of this section be deemed to qualify for preferential tax treatment in accordance with section 8440 of this title, as long as such contributions are submitted on a current basis to the agency from which the employee is transferred directly by the respective international organization through a salary reduction process."

(k) EFFECTIVE DATES.—(1) Subsections (a), (b), and (c) of this section are effective in the case of any Federal employee who transfers to an international organization on and after October 1, 1988.

(2) Subsections (d) through (j) of this section are effective in the case of any Federal employee who transfers to an international organization on or after January 1, 1987, notwithstanding section 205(c)(5)F) of the Social Security Act (42 U.S.C. 405(c)(5)(F)).

SEC. 145. COMMISSARY ACCESS.

Section 31(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684(c)) is amended in the first sentence by adding at the end thereof:

", and, where determined by the Secretary to be appropriate in light of exceptional circumstances, to American citizens hired from outside the host country to serve as teaching staff for such dependents abroad."

SEC. 146. STORAGE OF PERSONAL EFFECTS.

Subsection 901(12) of the Foreign Service Act of 1980 (22 U.S.C. 4081(12)) is amended as follows:

(a) in paragraph (B) by adding ", except that in extraordinary circumstances the Secretary may extend this period for up to an additional 3 months" immediately before the semicolon; and

(b) in paragraph (C) by adding "except that in extraordinary circumstances the Secretary may extend this period for up to an additional 3 months" immediately before the semicolon.

SEC. 147. TRANSPORTATION OF REMAINS.

Section 901(10) of the Foreign Service Act of 1980 (22 U.S.C. 4081(10) is amended by inserting at the end "or, if death occurs in the United States, transporting of the remains to the designated home in the United States or to a place not more distant;"

SEC. 148. AMENDMENTS TO TITLE 5.

(a) DURATION OF PAYMENTS: RATES: ACTIVE SERVICE PERIOD. Section 5523(a) is amended in subparagraph (1)(A) by inserting "(or that of the employee's dependents or immediate family, as the case may be)" after "departure" and by striking "and" at the end of the subparagraph and inserting in its place "or".

(b) LUMP SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.—

(1) Section 5551(a) is amended by adding after the word "pay" in the second sentence, "not including differentials and allowances under sections 5925 and 5928".

(2) The amendment made by subsection (1) shall apply for service as part of a tour of duty or extension thereof commencing on or after the effective date of this amending provision.

(c) GENERAL PROVISIONS.—Section 5922 is amended by adding at the end thereof the following new subsections (d) and (e):

"(d) When a quarters allowance or allowance related to education under this subchapter, or quarters furnished in Government-owned or controlled buildings under section 5912, would be furnished to an employee but for the death of the employee, such allowances or quarters may be furnished or continued for the purpose of allowing any child of the employee to complete the current school year at post or away from post notwithstanding the employee's death.

"(e) When an allowance related to education away from post under this subchapter would be authorized to an employee but for the evacuation/authorized departure status of the post, such an allowance may be furnished or continued for the purpose of allowing dependent child(ren) of such employee to complete the current school year."

(d) QUARTERS ALLOWANCE.—Section 5923, relating to quarters allowance, is amended in paragraph (1)—

(1) by striking the word "lodging" and inserting in its place "subsistence"; and by inserting "including meals and laundry expenses" after "quarters" the first time it appears;

(2) in subparagraph (1)(A), by striking "3 months" and inserting "90 days" in its place;

(3) in subparagraph (1)(B), by striking "1 month" and inserting "30 days" in its place; and

(4) by adding at the end as a new subsection "(C)":

"(C) The allowance under subsections (A) and (B) may be extended for up to an additional 60 days if the head of agency concerned or his designee determines that there are compelling reasons beyond the control of the employee for the continued occupancy of temporary quarters."

(e) COST-OF-LIVING ALLOWANCES.—

(1) Section 5924(1), relating to post allowances, is amended by adding at the close thereof ", except that employees receiving the temporary subsistence allowance under section 5923(1) of this title are ineligible for receipt of a post allowance under this paragraph."

(2) Section 5924(2) is amended—

(A) by inserting "subsistence and other relocation" after "reasonable" and inserting "(including unavoidable lease penalties)" after "expenses"; and

(B) in subparagraph (A), by deleting "the Commonwealth of Puerto Rico" and inserting "the Commonwealths of the Northern Marianas Islands or Puerto Rico," in its place; and

(C) in subparagraph (B), by striking "between assignments to posts in foreign areas" and inserting "after the employee agrees in writing to remain in Government service for 12 months after transfer, unless separated for reasons beyond the control of the employee that are acceptable to the agency concerned" in lieu thereof.

(f) EDUCATION ALLOWANCES.—Section 5924(4) is amended

(1) in the introduction, by inserting "or, to the extent education away from post is involved, official assignment to serve in such area or areas," after "dependents,";

(2) in subparagraph (A), by inserting before "kindergarten", "pre-school for children with disabilities ages three to five years,"; and

(3) in the first line of subparagraph (B) by striking "undergraduate college" each time it appears and inserting in its place "accredited post-secondary (but not graduate or post-graduate) educational institution".

(g) VOLUNTARY TRANSFER OF LEAVE.—Sections 6331(1) and 6361(1) are amended by adding "and Foreign Service National employees of the United States Government abroad" after "6301(2)" each time it appears.

PART E—MODIFICATIONS TO OTHER LAWS

SEC. 151. DANGER PAY.

Section 151 of Public Law 101-246 is repealed.

SEC. 152. POST STAFFING.

(a) Section 801 of Public Law 100-204 concerning * * * is repealed;

(b) Section 1002 of Public Law 101-246 concerning Commerce officers at USEC is repealed;

(c) The Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418) is amended by striking section 2201; and

(d) The Foreign Operations, Export Financing and Related Programs Appropriations Act, Fiscal Year 1991 (Public Law 101-513), is amended in the paragraph "Operating Expenses of the Agency for International Development" by inserting a "." after "$435,000,000" and striking everything thereafter.

SEC. 153. TRAVEL ADVISORIES.

Section 134 of Public Law 99-93 concerning travel advisories for Jalesco, Mexico is repealed.

SEC. 154. POST OPENINGS AND CLOSINGS.

Sections 122 and 204 of Public Law 100-204 (22 U.S.C. 2656 note and 1461 note) are repealed.

PART F—INTERNATIONAL ORGANIZATIONS

SEC. 161. CONTRIBUTIONS TO THE INTERNATIONAL RED CROSS.

Section 109 of Public Law 99-93 is amended by striking subsection (b). Section 742 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended by striking subsection (a).

SEC. 162. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) For assessed contributions authorized to be appropriated by section 102 of this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decision-making procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(b) Subject to the availability of appropriations, payment of assessed contributions for prior years may made to the United Nations or any of its specialized agencies notwithstanding subsection (a) of this section, section 405 of Public Law 101-246 and section 143 of Public Law 99-93, as amended, if such payment would further United States interests in that organization.

SEC. 163. PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES.

The Act of June 18, 1926 (22 U.S.C. 269) is amended by striking "not exceeding $3,000 per annum" and inserting in its place "such sums as may be necessary for each fiscal year".

SEC. 164. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

Section 103 of the Act of September 13, 1950, as amended (22 U.S.C. 277d-3) is amended after "guard purposes;" by inserting "official entertainment and other representation expenses within the United States for the United States section;".

SEC. 165. REPORT TO CONGRESS.

Section 701(b) of Public Law 100-204 (22 U.S.C. 287e note) is hereby repealed.

PART G—JAPAN-UNITED STATES FRIENDSHIP COMMISSION

SEC. 171. JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

Section 6 of the Japan-United States Friendship Act, as amended, (22 U.S.C. 2905) is amended in paragraph 4 by inserting "or for up to 50 percent of administrative expenses in the United States" after "Japan".

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993—SECTION-BY-SECTION ANALYSIS

Section 1. Short title and table of contents.

This section provides the short title and table of contents of this legislation.

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS

Sec. 101. Administration of Foreign Affairs.

This section authorizes appropriations under the heading "Administration of Foreign Affairs" for fiscal years 1992 and 1993. It authorizes the necessary funds for the salaries, expenses and allowances of the officers and employees of the Department, both in the United States and abroad and the expenses of the Office of the Inspector General. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, acquisition and maintenance of office space and living quarters for United States missions abroad, including office space in Moscow, provision of security for those operations, and domestic public information activities. The amount of authorization requested for "Acquisition and Maintenance of Buildings Abroad" reflects the full amount required to support the Administration's appropriations request. Alternatively, we believe that it would be appropriate to use approximately $122 million of existing authorization provided in section 401(a)(1)(B) of P.L. 99-399. If this authorization is used, the amount of authorization requested for foreign buildings in this section can be reduced by a like amount. This section also authorizes funds for such activities as relief and repatriation loans to United States citizens abroad and for other emergencies of the Department; and authorizes appropriations for protection of foreign missions and officials, and for the American Institute in Taiwan.

For 1993 sums are authorized in amounts as may be necessary, consistent with the provisions of the Budget Enforcement Act of 1990 (P.L. 101-508).

Sec. 102. International organizations and conferences.

This section authorizes appropriations for fiscal years 1992 and 1993 under the heading "International Organizations and Conferences." It authorizes the necessary funds for United States contributions of its assessed share of the expenses of the United Nations and other international organizations of which the United States is a member, including arrearages from prior year contributions. In addition, provision is made for funding certain aspects of official United States Government participation in regularly scheduled or planned multilateral intergovernmental conferences, meetings and related activities, and for contributions to international peacekeeping activities in accordance with multilateral agreements.

For 1993 sums are authorized in amounts as may be necessary, consistent with the provisions of the Budget Enforcement Act of 1990 (P.L. 101-508).

Sec. 103. International Commissions.

This section authorizes appropriations for fiscal years 1992 and 1993 under the heading "International Commissions." It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions such as the American Sections of international commissions dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

For 1993 sums are authorized in amounts as may be necessary, consistent with the provisions of the Budget Enforcement Act of 1990 (P.L. 101-508).

Sec. 104. Migration and Refugee Assistance.

This section authorizes appropriations for fiscal years 1992 and 1993 under the heading "Migration and Refugee Assistance" to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private voluntary agencies, governments, and bilateral assistance, as authorized by law.

For 1993 sums are authorized in amounts as may be necessary, consistent with the provisions of the Budget Enforcement Act of 1990 (P.L. 101-508).

Sec. 105. Other Programs.

This section authorizes appropriations for "Other Programs" for fiscal years 1992 and 1993. It authorizes funds for United States bilateral science and technology agreements, in addition to $2,750,000 authorized by section 403 of the Support for East European Democracy Act of 1989 (Public Law 101-179), for Soviet-East European research and for the Asia Foundation.

For 1993 sums are authorized in amounts as may be necessary, consistent with the provisions of the Budget Enforcement Act of 1990 (P.L. 101-508).

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Sec. 111. Chief of Mission.

This section reaffirms the responsibility of the Chief of Mission for the overall operation of U.S. diplomatic missions abroad as the representative of the President, and the role of the Secretary of State in carrying out the foreign policy of the President and providing for security of the Mission. New subsection (c) to section 207 of the Foreign Service Act of 1980 provides that all non-executive branch governmental representatives in a foreign country are to keep the Chief of Mission informed of their activities and operations and to appeal any disagreements with the Chief of Mission to the Secretary of State.

Sec. 112. Authority of the Secretary of State.

Sec. 112(a), (b). Organizing Principles, Savings Clause.

Subsection (a) sets forth overall organizing principles for the Department of State. Included in the organizing principles are the following: 1) Departmental organization should reflect the primary responsibility of the Secretary, under the President, for the conduct of foreign policy; 2) statutory authority should be vested in the Secretary, rather than in subordinate officials; 3) Congress should be notified of major organizational changes in accord with reprogramming procedures; and 4) the Congress and the Executive should consult closely and frequently to maximize the organizational effectiveness of the Department. Subsection (b) is a savings clause.

Sec. 112(c). Statutory Simplification.

Changes made by this subsection eliminate statutory mandates for particular Department officials, bureaus, and offices, thus vesting the authorities in the Secretary of State. The Secretary will then delegate the authorities and reestablish entities, as appropriate.

Subsection (c)(1) amends the title and the text of the Act of May, 26, 1949, as amended, by striking the specific statutory mandates for the Under Secretaries for Political Affairs, Economic and Agricultural Affairs, and Management. (This is not necessary for the Under Secretary for Security Assistance.) This amendment would not change the statutorily established number of Under Secretaries.

Subsection (c)(2)(A) modifies section 116(c) of the Foreign Assistance Authorization Act of 1961 as amended (FAA) to place responsibility for determining whether recipient nations meet human rights standards in the Secretary of State, rather than the Assistant Secretary for Human Rights and Humanitarian Affairs; subsection (c)(2)(B) deletes references to this Assistant Secretary in section 502B(b), 502B(c)(1) and 505(g)(4)(A) of the FAA; and subsection (c)(2)(C) repeals section 624(f) of the (FAA), establishing the Assistant Secretary of State for Human Rights and Humanitarian Affairs and making this individual responsible for the observation and review of human rights and humanitarian affairs (these responsibilities are otherwise vested in the Secretary). Subsection (c)(3) deletes the reference to the Assistant Secretary for Human Rights and Humanitarian Affairs in section 5(d)(1) of the Arms Export Control Act and replaces it with a reference to the Secretary of State.

Subsection (c)(4) amends the title and text of section 104(a) of the Immigration and Nationality Act, as amended, to remove references to the Bureau of Consular Affairs and repeals subsections 104(b) through (e) establishing the Bureau of Consular Affairs, the Assistant Secretary of that bureau and certain constituent offices.

Subsection (c)(5) repeals section 9 of the Department of State Appropriations Authorization Act of 1973, which established the Bureau of Oceans and International Environmental and Scientific Affairs.

Subsection (c)(6) amends section 35 of the Department of State Basic Authorities Act of 1956 (as amended), which established the Bureau of International Communications and Information Policy (CIP). This change reassigns the Congressionally mandated authorities originally placed with the Director of CIP to the Secretary of State, consistent with the organizing principles above.

Sec. 112(d). Conforming Changes.

This section would conform the listing of positions on the executive schedule established in chapter 53 of Title 5, United States Code, to the same organizing principles. The changes from 15 to 17 Assistant Secretaries results from striking the specific listings of the Assistant Secretary for OES and the Assistant Secretary for International Narcotics Matters and adding two additional Assistant Secretaries to the general list.

Sec. 113. Capital Programs.

Sec. 113(a). Multi-Year Contracting for Moscow and Advance Payments for Long-term Leases and Lease-Purchase.

Subsection (a) first amends section 9 of the Foreign Service Buildings Act of 1926 by adding a new subsection (d) in order to provide needed statutory authority for multi-year contracting in advance of appropriations for acquisition of properties and construction of diplomatic facilities in Moscow under the Foreign Service Buildings Act. It also describes the conditions which must be met for this authority to be used. These conditions include determinations that such a contract will serve the best interests of the U.S. Government by achieving economies in administration, performance, and operation; or by increasing the quality of service of the contractor; or by encouraging effective competition; and that such a contract will not inhibit small business concerns from competing for the contract.

Second, it adds a new subsection (e) to section 9, which clarifies the authority of the Department to make advance payments for long-term leases and lease-purchases for overseas property acquisition, when determined by the Secretary to be in the government's interests. The Department currently has authority under section 3 of the Basic

Authorities Act to make advance payments with respect to leases for periods of up to ten years and has additional authority with respect to leaseholds under section 6 of the Foreign Service Buildings Act. This provision would clarify the authority to make advance payments with respect to longer-term leaseholds and lease-purchases.

Sec. 113(b). Exemption of Contracts From Competition.

Subsection (b) would extend the current exemption from competition procedures in the Foreign Service Buildings Act for contracts for alteration or repair to an exemption for all contracts for carrying out the purposes of that Act. This could occur only upon determination that local overseas conditions preclude reasonable application of provisions of that Act and would thus prevent acquisitions needed to carry out government purposes. Adoption of this amendment would result in cost savings to the Department.

Sec. 113(c). Approval of Leases.

This section amends Section 10 of the Foreign Service Buildings Act to replace the current $25,000 threshold at which leases must be approved by the Secretary of State or his designee in Washington with a provision permitting the Secretary to establish by regulation the threshold at which leases must be so approved.

The $25,000 limitation was established by law in 1966 and has remained the same since that time. Inflation, the weakening of the dollar, particularly at European and Far Eastern posts, general market conditions, and the passage of time have made the $25,000 limitation obsolete at certain posts.

If the proposed change is enacted, the Department intends to implement a system involving variable thresholds for specific posts as determined by local market conditions, up to a current maximum of $45,000. We believe that this system would be sufficient to provide greater flexibility to posts and still ensure that the oversight responsibilities of the Office of Foreign Buildings Operations over the leasehold program can be effectively carried out. The $25,000 ceiling currently in effect will remain unchanged for most posts.

Sec. 114. Transfers and reprogramming.

Sec. 114(a)(1).

Subsection (a)(1) amends section 24 of the Department's Basic Authorities Act to provide authority similiar to that available to the Department of Defense (e.g., §791 of P.L. 97-377) to transfer unobligated banances in accounts under the heading "Administration of Foreign Affairs" into and merge them with the Department's Buying Maintenance Fund at any time prior to the end of the five year period following the period of availability, except that the balance of the Buying Power Maintenance account may not exceed $100 million as the result of such a transfer. Once transferred, the balances could only be used for the purposes for which the Buying Power Maintenance account was established, that is, to offset adverse fluctuations in foreign currency exchange rates or unbudgeted overseas wage and price changes. This provision applies only to funds appropriated for fiscal years 1987 and thereafter.

Sec. 114(a)(2).

Subsection (a)(2) amends authority in section 24(d) to transfer up to 10% of the amount authorized between certain named accounts. The accounts currently named do not correspond to the headings under which funds are authorized; this amendment simply conforms the authority to current authorization practice.

Sec. 114(a)(3).

Subsection (a)(3) would add new subsection (f) to section 24 of the Basic Authorities Act. This subsection would authorize transfer of appropriations among all appropriations accounts funded by the Department of State Appropriations Act; however, no account could be increased by more than 35% of the amount appropriated and neither the "Salaries and Expenses" account nor the "Acquisition of Foreign Buildings Abroad" account may be increased by more than 10%. This transfer authority is needed to deal with uncertainties which cannot be programmed for in certain small accounts, in particular the Emergencies in the Diplomatic and Consular Services and the International Conference and Contingencies accounts. Any such transfer would be subject to notification pursuant to the reprogramming procedures set forth in section 34 of the Department of State Basic Authorities Act.

Sec. 114(b).

Section 114(b) repeals the requirement to notify Congress in advance pursuant to the reprogramming procedures contained in section 34 of the Basic Authorities Act regarding all expenditures of funds authorized under the Omnibus Diplomatic Security and Antiterrorism Act, even if the expenditures are for the identical purposes that Congress has previously been made aware of, *e.g.*, through budget submissions. Originally this requirement enabled Congress to be fully informed of any changes in the long-term Diplomatic Security construction plan presented to it in 1986. This function is now served by the 5-year plan included and updated annually in the Department's budget for FBO.

Sec. 114(c).

Subsection 114(c)(1) amends section 34 of the Basic Authorities Act to conform the base for reprogramming between projects, now $250,000, with the base provided in recent years for reprogramming in the annual appropriations act, $500,000. Subsection 114(c)(2) adds a new subsection (c) to section 34, which would authorize, notwithstanding any other provision of law, including subsection (a) and (b) of section 34, obligation and expenditure of funds without prior notification to Congress in emergency situations, as determined by the Secretary of State. In the event of any such determination, notification would be required as early as is practicable and in no case later than three days after such obligation or expenditure. The notification would be required to contain an explanation of the circumstances necessitating the use of the subsection.

Subsection 114(c)(2) also adds a new subsection (d) to section 34 providing that funds may be reprogrammed within the Foreign Service Buildings Fund for projects previously justified to Congress in the Departments 5-year foreign buildings plan without providing advance notification otherwise required by section 34. This authority could only be used, however, for reprogrammings that do not involve new starts (that is, projects never before justified to Congress) and only up to an amount equal to fifteen percent of funds available in that Fund for the relevant fiscal year. The Secretary would be required to submit quarterly reports to Congress on all reprogramming activities for which no advance notification was provided.

Sec. 115. Foreign Affairs Administrative Support System.

This section would amend section 23 of the Basic Authorities Act to clarify that full and complete payment through advances of funds or reimbursement is required for any services provided by one agency to another pursuant to agreements for the provision of services on a reimbursable basis authorized under the section.

Sec. 116. Defense Trade Controls Registration Fees.

Section 116 increases from $500,000 to $700,000 the authorized level of defense trade controls registration fees that may be made available for payment of expenses as set forth in section 45(a) of the Basic Authorities Act. This increase is necessary to meet increasing costs that result from (1) increased enforcement requirements placed on this office by recent legislation, and (2) increasing licensing requirements resulting from more sophisticated technology transfers and more complex export arrangements. An effective, fully-staffed defense trade control function is also essential to meet new policy needs, such as intense review of licenses that may pertain to chemical and ballistic missile proliferation matters. Increases in collections resulting from a projected increase in the number of registrants should enable $700,000 to be available for these purposes. The amendment also changes all references to munitions control to conform with the new name of the office, Defense Trade Controls.

Sec. 117. International Meetings.

This section would provide authority for the Department to pay necessary expenses in cases in which the United States Government is responsible for preparations of an international meeting, and would provide authority to rent space in the United States and hire personnel without regard to the Civil Service laws for these meetings. The section would also permit the Department to retain any reimbursements or advances received with respect to its provision of services in connection with preparations for an international meeting. Such reimbursements or advances shall be credited to the appropriation charged for such expenses.

Sec. 118. Model Language Posts.

This section would repeal an existing requirement that the Department establish 10 Model Language Posts, at which everyone assigned would be required to speak the primary post language, in recognition of the Department's inability to allocate resources for this purpose in these tight budgetary times. Adoption of this amendment would result in cost savings to the Department.

Sec. 119. Child Care Facilities at Certain Posts Abroad.

This section would extend for two additional years authority for a pilot child care program which would now expire at the end of fiscal year 1991.

Sec. 120. Foreign Service Institute Facilities.

This section would provide authorization for the final $20 million needed to complete the National Foreign Affairs Training Center Project. It would bring the total authorized in connection with the project to $81 million, including $11 million previously authorized for design and other preliminary work on the project.

Sec. 121. Availability of Funds.

This section would amend section 2 of the State Department Basic Authorities Act by adding two new authorities. New subsection "(l)" would authorize the Department to pay obligations arising under international agreements, conventions and binational contracts to the extent otherwise authorized by law; new section "(m)" would allow the Department to procure special purpose passenger motor vehicles without regard to price limitations otherwise established by law, an essential authority for the Department's purchase of, for instance, right-hand drive vehicles in countries where that is required. These two provisions have previously been included in annual Department appropriations acts.

Sec. 122. Advance Payments.

This section would amend section 3 of the State Department Basic Authorities Act by adding a new subsection (a) that would authorize the Department to make payments in advance of the U.S. share of necessary expenses for international fisheries, pursuant to 31 U.S.C. 3324. This provision has previously been included in Department appropriations acts.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

Sec. 131. Occupancy of Facilities.

This section amends three existing provisions of law to make clear that the prohibition of Soviet occupancy of facilities in Washington applies to their new chancery facilities on Mt. Alto and to any other new principal chancery building in Washington, pending U.S. ability to occupy its new chancery in Moscow and resolution of U.S. claims against the Soviets arising out of construction of that chancery. Mutual and reciprocal openings of cultural or trade centers, for example, would be permitted.

Sec. 132. Diplomatic Construction Program.

This section amends the Omnibus Diplomatic Security and Anti-terrorism Act by raising the dollar threshold at which American contractors are required for non-security related projects from $5 million to $10 million, and by making explicit that American contractors are required to be used for smaller projects only when they are technical security projects.

Sec. 133. Special Agents.

The proposed amendment to subparagraph (5) of section 37(a) of the State Department Basic Authorities Act would enhance the ability of DOS special agents, as full members of the law enforcement community, to uphold U.S. law in performing a broad range of protective duties and investigative requirements worldwide by providing them with authority comparable to other services having similar mandates.

PART D—PERSONNEL

Sec. 141. Ambassadorial Appointments.

This section would codify the authority of the President with the advice and consent of the Senate to appoint Ambassadors who are not Chiefs of Mission, by a modification of section 302 of the Foreign Service Act of 1980. It is technical in nature.

Sec. 142. Chief of Mission Salary.

This section restores parity between Senior Foreign Service and Senior Executive Service members accepting Presidential appointments, for pay purposes, as envisioned by section 402 and 405 of the Foreign Service Act of 1980. It amends section 302(b) of the Foreign Service Act of 1980 to give members of the Service appointed to a position in the executive branch by the President the option of choosing whether (a) to continue to receive the salary and benefits, including leave and eligibility for performance pay, to which the member would be entitled in the Senior Foreign Service or (b) to receive the salary and leave (if any) of the position to which the member is appointed by the President. It would also amend section 401(a) to restore the Senior Foreign Service to the same status as the Senior Executive Service by changing references to Level II to Level I for setting pay caps. See P.L. 101-509, section 529 (amending 5 U.S.C. section 5307(a)). This amendment affects primarily chiefs of mission although certain other senior positions at the Assistant Secretary level and above in the Department are also covered. It restores the option of retaining foreign service pay and benefits that existed prior to enactment of the 1988-89 authorization act, in recognition of the fact that career members of the Foreign Service should not be penalized in any way by accepting an assignment that involves a Presidential appointment.

Sec. 143. Prescriptive Relief Pending Completion of Grievance and/or Judicial Proceedings.

This section would conform Foreign Service practices in separation cases to those currently applying to the Civil Service; that is, instead of allowing the Foreign Service Grievance Board to direct retention of members in active status pending resolution of their cases, it would permit separation in certain circumstances, with the possibility of reinstatement/back pay if the employee prevailed. It would also allow employees to be suspended pending a hearing for separation or grievance if there is reasonable cause to believe that the person who is the subject of the proceeding has committed a crime punishable by imprisonment.

Sec. 144. Retirement Eligibility for Certain Employees of International Organizations.

This section is intended to correct two problems which result from recent reforms in Federal employee benefits laws and affect Federal employees who accept a temporary transfer to employment with an international organization. In general, section 3582 of title 5, United States Code, provides reemployment rights to Federal employees who transfer with agency approval to an international organization and allows those individuals to continue Federal retirement and insurance coverage while so employed.

Recent amendments to the statutory authorities for the Civil Service Retirement System (CSRS) and the Federal Employees' Group Life Insurance (FEGLI) and Federal Employees Health Benefits (FEHB) Programs present a question as to whether employees under these programs may continue their participation following a transfer to an international organization on or after October 1, 1988. Subsection 108(a) of Public Law 100-238 amended the CSRS, FEGLI, and FEHB laws (5 U.S.C. 8347(o), 8713, and 8914, respectively), effective October 1, 1988, to bar further extensions of coverage under extraneous provisions of law to individuals who would otherwise be ineligible for such coverage due to their being employed by an entity other than the Federal Government. While the authority for extension of Federal retirement and insurance coverage during a transfer to an international organization is outside of those benefit laws, the basis for the extension of coverage is the fact that such service is in the Government's interest and the affected individuals are serving on a direct transfer from a Federal agency, with statutory reemployment rights, under remedial provisions of law that merely permit them to continue rather than acquire benefits coverage. Therefore, OPM has advised these employees that they may continue to retain CSRS and insurance coverages by paying any necessary employee contributions.

However, the Federal Retirement Thrift Investment Board has determined that subsection 108(a) of Public Law 100-238, in conjunction with section 125 of that law authorizing Thrift Savings Plan (TSP) contributions from specified groups of employees who are paid from non-federal sources, bars TSP participation under section 8351 of title 5, United States Code, by CSRS participants during any transfer to an international organization which began on or after October 1, 1988. Proposed subsections 144(a), (b), and (c) would eliminate the problem by amending the definition of "employee" in the CSRS, FEGLI and FEHB laws, effective October 1, 1988, to expressly include employees who elect to continue program participation during employment with an international organization under 5 U.S.C. 3582.

A second problem involves employees covered by the recently-established Federal Employees' Retirement System (FERS), or Foreign Service Pension System (FSPS), none of whom may continue such coverage if employed outside the United States by an international organization. Participation in both of these Federal retirement systems requires that the individual's employment also be subject to social security taxes. However, the Social Security Act and the Internal Revenue Code do not allow international organization employees abroad to have social security coverage. On the other hand, employees working in the United States for international organizations are deemed to be self-employed for purposes of social security taxes. The international organization generally reimburses these employees for the tax over and above the tax paid by employed persons. Subsections 144 (d) through (j) would amend applicable definitions in the FERS and FSPS laws, the Social Security Act, and the Internal Revenue Code so that Federal employees who leave a position in which they are subject to social security employment taxes to transfer to international organization employment abroad would similarly be deemed self-employed persons for purposes of social security coverage. This would permit continued FERS or FSPS participation.

Section 3582 of title 5 assigns responsibility for continuing employee benefit contributions during international organization employment to the employee and the former employing agency. Voluntary employee contributions to the Thrift Savings Plan through salary reduction are an important component of FERS and FSPS coverage. Accordingly, subsection 144(j) of the draft legislation would add a provision to section 3582 addressing procedures to be followed in effecting a salary reduction for TSP purposes that would allow a transferred employee to have TSP contributions qualify for preferential tax treatment described in section 8440 of title 5, United States Code.

Subsections 144(d) through (j) would be effective on and after January 1, 1987, to coincide with the commencing date of FERS and FSPS.

Sec. 145. Commissary Access.

This section would amend section 31(c) of the State Department Basic Authorities Act to permit access to Department of State commissaries by American citizens employed as teaching or other staff by American sponsored, USG assisted overseas schools, where determined by the Secretary to be appropriate in light of exceptional circumstances and consistent with the Vienna Convention on Diplomatic Rights. Such access would serve as an incentive for educators to work at these schools, which would benefit the entire U.S. Government community at posts.

Sec. 146. Storage of Personal Effects.

This section would amend section 901 of the Foreign Service Act of 1980 to allow the government to extend the period of temporary storage for household effects in extraordinary circumstances for up to an additional three months beyond the three months now allowed. It is anticipated that this additional period would be provided only when the delay in taking effects out of storage would clearly be beyond the control of the employee.

Sec. 147. Transportation of Remains.

This section amends subsection 901(10) of the Foreign Service Act to allow the remains of decreased members of the Foreign Service to be shipped to a home of record or separation address, if they are assigned in the United States at the time of death. Currently, under subsections 901(1) and 901(11) of the FSA, the travel of dependents and the shipment of personal effects to the home of record is permitted, but not shipment of the remains, unless the member of the Service was serving abroad.

Sec. 148. Amendments to Title 5.

Sec. 148(a). Duration of Payments: Rates: Active Service Period.

This section amends section 5523(a) by inserting language (already contained in section 5522) to clarify the longstanding practice that dependents whose departure is officially authorized or ordered are entitled to the allowances authorized by this section even if the employee remains at post.

Sec. 148(b). Lump-Sum Payment for Accumulated and Accrued Leave on Separation.

This subsection would amend section 5551(a) to prohibit inclusion of any post differentials or foreign or territorial allowances for hardship in lump sum leave payments for employees who retire from a post abroad for service as part of a tour of duty or extension commencing on or after the effective date of this Act. This amendment would produce Government-wide savings.

Sec. 148(c). General Provisions.

This subsection would amend section 5922 to allow an agency to provide for children of employees assigned overseas to complete their current school year if the employee dies. Education and/or living quarters allowances for the children and other family members could be continued by the agency for the purpose of allowing such children to complete the current school year at post. Also, education allowances could be continued for a child in a school away from post until the end of the school year. Similarly, an education allowance for school away from post may be continued to the end of the school year if the employee or spouse is evacuated or ordered to depart.

Sec. 148(d). Quarters Allowance.

This subsection would amend section 5923 to enable the Department to combine the present separate temporary lodging and supplementary post allowances into a single per diem temporary subsistance allowance comparable to that paid employees on transfers to and within the United States. The revision from "3 months" and "1 month" to "90" and "30" days is for simplification and to correspond to the general use of a fixed number of days, rather than months, for similar benefit periods. New paragraph (C) is in response to the fact that due to extremely difficult housing market rental conditions in a few locations abroad, the three-month period has not permitted employees the necessary time to locate and secure suitable housing. It would permit heads of agencies to extend the temporary lodging period by up to an additional 60 days when such conditions were beyond control of the employee.

Sec. 148(e). Cost-of-Living Allowances.

Paragraph (1), which is complimentary to the change proposed in subsection 149(d), amends section 5924(1) to make clear that a person receiving the temporary subsistence allowance cannot also receive a post allowance for the same period. Paragraph 2 would result in two revisions of particular importance to Civil Service employees. As a preliminary matter, subparagraph (2)(A) clarifies the definition of "reasonable expenses" covered by the transfer allowance to include subsistence and other relocation expenses and specifically includes lease termination payments. Subparagraph (2)(B) provides that the transfer allowances currently available on departure from the United States to a foreign area would also be permitted on similar transfers from U.S. territories, possessions and Puerto Rico. Subparagraph (2)(C) provides that the transfer allowance is currently available to Foreign Service personnel agreeing to 12 months additional service upon return to the U.S. under section 901(14) of the Foreign Service Act. This amendment would provide the same basis of payment for employees not covered by that Act, for example, those in the Civil Service. Under present legislation, Civil Service employees can be paid a transfer allowance only upon return to the U.S. between foreign assignments.

Sec. 148(f). Education Allowances.

This section updates and improves the education allowance system to bring it into line with current circumstances and problems through amendments to section 5924(4). Paragraph (1) permits payment of educational allowances for children of employees being transferred or newly assigned to a Foreign Service post with inadequate schooling, to pay for education away from post from the beginning of the school year, even if the member of the Service does not depart the United States until after the beginning of the school year. The purpose of this provision is to ensure educational continuity.

Paragraph (2) clarifies the authority to provide educational services to children with disabilities before they reach kindergarten age. Part B of the "Individuals with Disabilities Education Act" (P.L. 101-476) generally requires states to offer public educational services to children with disabilities from age three. This amendment will ensure that overseas education allowance policy is consistent with U.S. public school education practice for children with disabilities.

Paragraph (3) would permit post-secondary educational travel for dependents not only for undergraduate college education, but also education at other accredited institutions such as nursing, technical, vocational, music and performing arts schools which are not considered colleges. This amendment is necessary in order to provide the appropriate kinds of post-secondary education for a wider variety of chosen career fields for dependent children. The term "educational institutions" in the text of the amendment is drawn from 38 U.S.C. 1701(a)(6). Accredited educational institutions at which these benefits can be used will be determined by reference to an established list. The list or lists to be used will be specified by regulations issued by the Secretary.

Sec. 148(g). FSN Leave Transfer.

This subsection would amend 5 U.S.C. 6331(1) and 6361(1) to allow voluntary leave transfers by FSNs, on the same basis as now exists for U.S. citizen employees.

PART E—MODIFICATIONS TO OTHER LAWS

Sec. 151. Danger Pay.

This section repeals a requirement which results in Danger Pay being granted by certain individual agencies, regardless of what the government-wide approach may be. The Department's intention would be for the Secretary of State to make Danger Pay determinations taking into account information and recommendations of other agencies through the operation of an inter-agency allowances working group.

Sec. 152. Post Staffing.

This section repeals a number of statutory provisions which establish positions for representatives of certain agencies at certain posts. As with section 151, the purpose is to permit these determinations to be made by the Secretary, in consultation with all affected agency heads.

Sec. 153. Travel Advisories.

This section repeals a requirement for a travel advisory and report which are no longer needed.

Sec. 154. Post Opening and Closings.

This section repeals restrictions on the opening and closing of Foreign Service posts.

PART F—INTERNATIONAL ORGANIZATIONS

Sec. 161. Contributions to the International Red Cross.

This section would repeal the earmark for the Red Cross. In this case, an earmark for the International Committee of the Red Cross ordinary budget reduces the ability to respond to the regional appeals issued by ICRC and other international organizations. It also precludes our using contributions in response to appeals as leverage to stimulate contributions from other donors.

Sec. 162. Reform in Budget Decision-Making Procedures of the United Nations and Its Specialized Agencies.

Subsection (a) provides that the President may make full payments to the UN and its specialized agencies unless one of them has not been implementing consensus-based decision-making on budgetary matters. Subsection (b) clarifies that the Department may also make arrearage payments for assessed contributions in prior years, without regard to subsection (a) of this section, section 405 of Public Law 101-246 and section 143 of Public Law 99-93, as amended, provided such payments would further U.S. interests in the organization to which payment is made.

Sec. 163. Permanent International Association of Road Congresses.

This section would repeal the current cap of $3000, enacted in 1926, on contributions to the PIARC, and provide authorization for such funds as may be necessary to maintain U.S. membership.

Sec. 164. International Boundary and Water Commission.

This provision, previously included in Department appropriations legislation, would authorize the United States Section, International Boundary and Water Commission, United States and Mexico, to incur representational expenses.

Sec. 165. Report to Congress.

This section would repeal the reporting requirement set forth at section 701(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, with respect to Soviet and Soviet-bloc secundment practices within the United Nations. Progress has been made in addressing the concerns that prompted the passage of section 701(b), and the requirement of an annual report on the subject is no longer appropriate.

PART G—JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Sec. 171. Japan-United States Friendship Commission.

The Japan-United States Friendship Commission administers a bilateral grants program in the United States and Japan. Grant activity is funded from a trust fund established by appropriations in dollars and in yen. Dollar funds may only be spent in the United States and yen funds may only be spent in Japan under current law. Since the Commission runs both grant programs from the United States, the administrative expenses for the two programs must be funded in dollars. This amendment would allow the Commission to pay for up to half of its administrative expenses from the yen portion of the fund.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993—SUMMARY OF DEPARTMENT OF STATE PROVISIONS

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS

Section 101–105 provide authorizations for appropriations in the standard categories used by the authorizing committees:

Sec. 101. Administration of foreign affairs.

Sec. 102. International organizations and conferences.

Sec. 103. International commissions.

Sec. 104. Migration and refugee assistance.

Sec. 105. Other programs.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

Sec. 111. Chief of Mission.

Reaffirms the responsibility of the Chief of Mission for the overall operation of U.S. diplomatic missions abroad, including non-executive branch personnel, as originally contained in Section 207 of the Foreign Service Act of 1980.

Sec. 112. Authority of the Secretary of State.

This section provides Congressional findings concerning organizing principles for the Department, and modifies existing legislation to vest authority in the Secretary of State, rather than in subordinate units. No organizational changes are made by this section; however, if enacted, it would eliminate specific statutory mandates for certain organizations and positions, consistent with the principle that organizational decisions should be made by the Secretary of State.

Sec. 113. Capital programs.

Subsection (a) amends section 9 of the Foreign Service Buildings Act of 1926 to provide needed statutory authority for multi-year contracting for acquisition of properties and construction of diplomatic facilities in Moscow; and to clarify the Department's authority to make advance payments of long-term leases and purchases.

Subsection (b) would extend the current exception from competition requirements to contracts for all purposes authorized in the Foreign Service Buildings Act.

Subsection (c) replaces the current $25,000 ceiling on leases which can be executed at post without referral to FBO with authority for the Secretary to set this limit by regulation. Initially, the limit will be set at $45,000 which reflects inflation since the $25,000 limit was established.

Sec. 114. Transfers and reprogrammings.

Subsection (a) would replenish the Buying Power Maintenance account from funds that would otherwise lapse, make certain technical changes in the existing provision relating to transfer of authorization between accounts, and provide authority to transfer appropriated funds between accounts under certain conditions.

Subsection (b) would repeal the requirement for redundant Congressional notification of certain FBO expenditures.

Subsection (c) would raise the reprogramming notification threshold in Basic Authorities Act to the level specified in current appropriations legislation, provide for reprogramming in advance of Congressional notification in emergency circumstances, and modify reprogramming requirements for the FBO account to permit up to 15% of current funds available to be reprogrammed without advance Congressional notification, subject to certain conditions.

Sec. 115. Foreign affairs administrative support system.

This section would clarify Congressional intent about use of one agency's services by another. It would provide, under reimbursable agreements, for full and complete payment.

Sec. 116. Defense trade controls control registration fees.

This section would raise the existing ceiling on the total amount of fees which can be retained from $500,000 to $700,000.

Sec. 117. International meetings.

This section would provide authorities for leasing quarters in the U.S. and for personal service contracts without regard to Civil Service laws in conjunction with U.S. government hosting of major international meetings, as has been done previously on a case-by-case basis, and to retain reimbursements.

Sec. 118. Model Language Posts.

This section would repeal an existing requirement to establish 10 Model Language Posts, at which everyone assigned would be required to speak the primary post language.

Sec. 119. Child care facilities at certain posts abroad.

This section extends for two additional years authority for a pilot program which now expires at the end of FY '91.

Sec. 120. Foreign service institute facilities.

Provides authorization for the final $20 million needed to complete construction of the National Foreign Affairs Training Center Project.

Sec. 121. Availability of funds.

This section is technical, moving to the Basic Authorities Act provisions now included in annual appropriations bills.

Sec. 122. Advance payments.

This provision is similar in nature to section 123.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

Sec. 131. Occupancy of facilities.

This section amends three existing provisions of law to limit the prohibition of Soviet occupancy of facilities in Washington to their new chancery building, pending U.S. ability to occupy our new chancery in Moscow and to resolve claims against the Soviets for construction of that chancery. This would permit mutual exchange of cultural and trade center openings, for example.

Sec. 132. Diplomatic construction program.

This section amends the Omnibus Diplomatic Security and Anti-terrorism Act by raising the dollar threshold requiring American contractors for non-security projects from $5 million to $10 million, and by making explicit that they are required to be used only when the project involves technical security.

Sec. 133. Authority of Diplomatic Security Service Special Agents.

This section would provide extended authority for Diplomatic Security Service Special Agents to make arrests, consistent with authorities which other agencies already have.

PART D—PERSONNEL

Sec. 141. Ambassadorial appointments.

This technical change would clarify the authority of the President with the advice and consent of the Senate to appoint Ambassadors who are not Chiefs of Mission, by a modification of section 302 of the Foreign Service Act of 1980.

Sec. 142. Chief of Mission salary.

This section would restore the ability for COMs and other presidential appointees to elect whether to be paid as career members of the SFS, or as Presidential appointees, rather than only as the latter, and conform pay cap for COMs on total compensation to that in effect for the Civil Service.

Sec. 143. Prescriptive relief pending completion of grievance and/or judicial proceedings.

This section would conform Foreign Service practices in separation cases to those applying elsewhere in government.

Sec. 144. Retirement eligibility for certain employees of international organizations.

This section establishes the eligibility of certain employees of specified international organizations previously U.S. government employees to remain in FERS or the FSPS, based on their prior employment.

Sec. 145. Commissary access.

This section would permit access to Department of State commissaries by American citizens employed by independent international schools, in cases where local governments so permit.

Sec. 146. Storage of personal effects.

This section would amend section 901 of the Foreign Service Act of 1980 to allow the government to extend the period of temporary storage for household effects for up to an additional three months beyond the three months now allowed, under extraordinary circumstances.

Sec. 147. Transportation of remains, dependents and effects.

This section amends subsection 901(10) of the Foreign Service Act to allow the remains of deceased members of the Foreign Service to be shipped to a home of record or separation address, if they are assigned in the United States at the time of death.

Sec. 148. Amendments to title 5, U.S.C.

Subsection (a). Active service period. Amends 5 U.S.C. 5523(a) to clarify the eligibility of dependents to receive allowances when under authorized or ordered departure from post, on the same basis as employees.

Subsection (b). Lump-sum payment for accumulated and accrued leave on separation. Amends 5 U.S.C. 5551(a) to base lump sum leave payments on base salary, excluding differential and COLAs which might be in effect at a foreign post.

Subsection (c). General provisions. Amends 5 U.S.C. 5922 to allow continuation of housing and of educational allowances to allow dependents to remain at post through end of the school year, notwithstanding the death of the employee.

Subsections (d) and (e)(1). Quarters and cost-of-living allowances. Amend 5 U.S.C. 5923(1) and 5924(1), respectively, to provide for combination of the present temporary lodging and supplementary post allowances into a single per diem type allowance and authorizes payment for an additional 60 days in special circumstances.

Subsection (e)(2). Transfer allowance. Modifies existing transfer allowance (5 U.S.C. 5924(2)) to allow reimbursement of unavoidable expenses incidental to settling an unexpired lease at post; and to place civil service on same footing as foreign service for transfer allowances upon return to the U.S.

Subsection (f)(1) and (f)(3). Educational allowances. Amends 5 U.S.C. 5924(4) to provide educational allowances once an assignment is made, in cases where the transfer of the employee does not occur until after the school year has begun; and to allow travel to accredited but non-traditional institutions of higher education, in addition to colleges and universities.

Subsection (f)(2). Preschool for handicapped children. Amends 5 U.S.C. 5924(4) to clarify ability to pay for pre-school education allowance for handicapped children ages three to five.

Subsection (g). FSN leave transfer. Amends 5 U.S.C. 6331(1) and 6361(1) to allow voluntary leave transfers by FSNs, on the same basis as now exists for American citizen employees.

PART E—MODIFICATIONS TO OTHER LAWS

Sec. 151. Danger Pay.

Repeals a requirement which results in Danger Pay being granted by certain individual agencies, regardless of what the government-wide approach may be.

Sec. 152. Post staffing.

Repeals a number of statutory provisions which establish positions for representatives of certain agencies at designated posts. As with section 141, the purpose is to permit these functions to be carried out uniformly by the Secretary, in consultation with all affected agency heads.

Sec. 153. Travel advisories.

Repeals a requirement for a travel advisory and report which are no longer needed.

Sec. 154. Foreign Service posts.

Repeals prior restrictions on the opening and closing of Foreign Service posts.

PART F—INTERNATIONAL ORGANIZATIONS

Sec. 161. Contributions to the International Red Cross.

Sections 109(b) of the FY '86–'87 Authorization Act, and 742(a) of the FY '88–'89 Act, relating to U.S. funding policy for the International Committee of the Red Cross are amended to remove certain funding restrictions.

Sec. 162. Reform in budget decision-making procedures of the United Nations and its specialized agencies.

Replaces existing Kassebaum-Solomon certification requirements with one which allows full payment of U.N. and specialized agency assessments unless a specific agency is not in compliance with budgetary improvement requirements. It also allows payment of arrearages when such payment would further United States interests.

Sec. 163. Permanent International Association of Road Congresses.

Eliminates current $3,000 limit on U.S. contributions and provides authorization for such sums as may be necessary to maintain U.S. membership.

Sec. 164. International Boundary and Water Commission.

This section moves language currently required to be included in each annual appropriations bill to the permanent statute for the IBWC, to provide for representational expenses.

Sec. 165. Report to the Congress.

This section repeals the requirement to submit a report to the Congress concerning secondment practices of the U.N. which has become obsolete.

PART G—JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Sec. 171. Japan-United States Friendship Commission.

This section provides authority under specified conditions for yen funds held by the Commission to be used for up to 50% of administrative expenses in the United States.

DEPARTMENT OF STATE,
Washington, DC, February 26, 1991.

Hon. DAN QUAYLE,
President of the Senate.

DEAR MR. PRESIDENT: In accordance with Section 15 of the Act of August 1, 1956, as amended (22 U.S.C. 2680), there is transmitted herewith proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1992 and 1993 and for other purposes contained in this bill.

The primary purpose of the bill is to provide authorization of appropriations for (1) "Administration of Foreign Affairs" which supports the operation of the United States diplomatic and consular posts abroad and the Department of State in the United States; (2) "International Organizations, Conferences, and other activities," which includes contributions to meet obligations pursuant to treaties, conventions or specific acts of Congress and other activities; (3) "International Commissions," which enables the United States to fulfill treaty and other international obligations; (4) "Migration and Refugee Assistance," which funds the United States annual contribution to various refugee assistance programs and to the International Committee of the Red Cross; and (5) Other authorizations for appropriations, including "Bilateral Science and Technology Agreements," and "Soviet-East European Research and Training." A section-by-section analysis further explaining the proposed legislation is also enclosed.

The Office of Management and Budget advises that there is no objection, from the standpoint of the administration's program, to the submission of this proposed legislation to the Congress.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.•

By Mr. BENTSEN (for himself, Mr. SIMPSON, Mr. JOHNSTON, Mr. BOREN, Mr. BREAUX, Mr. COCHRAN, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. CRAIG, and Mr. WALLOP):

S. 580. A bill to amend title 11 of the United States Code to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons; to the Committee on the Judiciary.

TREATMENT OF CERTAIN HYDROCARBONS

Mr. BENTSEN. Mr. President, with my distinguished colleague from Wyoming, Senator ALAN SIMPSON, I introduce today a bill which should help reverse the decline in exploration and development of domestic oil and gas reserves.

The Persian Gulf conflict highlighted that decline. The gulf conflict reminded us that the United States has become overly dependent on foreign oil. As we have consumed more foreign oil, we have abandoned intensive exploration and development of domestic reserves. Since 1986, exploratory drilling has fallen by 60 percent and production by 15 percent.

The number of independent producers has also fallen, a decrease which is particularly unfortunate because independents have historically drilled the majority of exploratory wells. Their numbers dropped from 13,000 in the early 1980's to 5,000 by 1989. Those numbers are accompanied by a decline in geological surveys for reserves. Seismic crew counts declined by 75 percent over the last decade.

Mr. President, my bill seeks to remove an obstacle toward risking the large sums of capital and time necessary for oil and gas exploration. That obstacle is section 541 of the Bankruptcy Code. Section 541 permits a bankruptcy trustee, for a bankrupt leaseholder, to extinguish the interest that an independent oil or gas operator contractually acquires in the wells he drills on a leasehold. This is an interest the leaseholder had contractually transferred to the operator, before the leaseholder's bankruptcy. My bill amends 541 by excluding this interest from the bankruptcy estate.

This legislation therefore denies bankruptcy trustees the discretion to wipe out the efforts of independent operators who are working to make us more self-sufficient.

My bill recognizes and incorporates the industry custom and practice by which these oil and gas interests are transferred. They are typically transferred through contracts known as farmout agreements. My bill uses the term "farmout agreement" as a convenient and precise way of identifying which transfers should be excluded from section 541. The bill also permits bankruptcy judges to refer to industry custom and practice, to decide if hybrid agreements fall within this exclusion.

Generally, a farmout agreement is one in which the owner of a valid oil or gas lease permits an independent operator to explore and then develop the lease, all at the operator's sole expense and risk. A typical agreement provides that if the operator strikes oil, it will pay the leaseholder a royalty which is a percentage from well proceeds. In exchange, the operator acquires an interest in the oil rights and keeps the balance of well proceeds.

Excluding these interests has two practical effects. The first is that a bankruptcy trustee can no longer unilaterally stop drilling, after the operator has invested considerable time and effort, but before he has struck oil or a dry hole. Section 365 of the Bankruptcy Code enables the trustee to reject executory contracts. A farmout agreement is executory until the operator strikes oil or gas. But for my bill, the trustee could reject the agreement, and stop drilling, up until a moment before the driller strikes a wet well.

The second effect of my bill is that it permits the operator to keep whatever income or interest the leaseholder had contractually agreed the operator could earn from a wet well. But for the bill, the bankruptcy trustee could use section 544(a)(3) to void the farmout agreement, even after the agreement is no longer executory. In other words, the trustee could stop drilling and the agreement, after the operator has struck oil or gas.

Under most farmout agreements, if drilling results in a dry hole, the operator is the only one who loses. The operator naturally does not acquire an interest in a dry hole. Chances are great that the operator will come up dry and lose his investment. More than 50 percent of wildcat wells are dry holes.

This failure rate is discouragement enough for exploration. This discouragement is compounded by the possibility that a bankruptcy trustee can stop exploration before its conclusion.

These multiple obstacles rebut the presumption that my bill is an exception for some already fat-cat special interest group. Independents are mostly small businessmen and women who, under these circumstances, are innocent third parties in someone else's bankruptcy. My bill seeks to guarantee independents fair treatment under the bankruptcy laws and an even playing field in which they can survive and produce.

My bill is balanced for another reason. It does not exclude what the leaseholder receives in return for having transferred development rights to the independent operator. Whatever the leaseholder receives stays in the bankruptcy estate. The bill therefore still gives the bankruptcy trustee full use of whatever consideration the operator continues to pay the leaseholder, under their farmout agreement.

This bill should become a vital piece of a long-term and comprehensive national energy policy that encourages environmentally responsible exploration and development of America's oil and gas resources. Before becoming forever dependent on foreign oil, we owe it to ourselves that we look for and find every last drop of oil that we can safely extract from our land.

And there is much to extract. The Energy Information Administration estimates that as of 1990, there were 16.5 billion barrels of proven crude oil reserves in the continental United States. The U.S. Geological Survey estimates another 33 billion barrels of yet unproven continental reserves.

The magnitude of those reserves tells me that now is not the time for independent operators to be retreating. To the contrary, they should be forging ahead. I hope my bill will remove at least one obstacle along the road to self-sufficiency.

Mr. President, before I end my remarks, I must note that Senators from both sides of the aisle have joined Senator SIMPSON and me in this effort. Joining us as original cosponsors are Senators BOREN, BREAUX, COCHRAN, CRAIG, DOMENICI, JOHNSTON, KASSEBAUM, and WALLOP.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TITLE 11 OF THE UNITED STATES CODE.

Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (1) by striking "or" at the end,

(2) in paragraph (2) by striking the period at the end and inserting "; or", and

(3) by adding at the end the following:

"(3) any interest of a debtor in or to liquid or gaseous hydrocarbons which the debtor has transferred or has agreed to transfer through or by a written farmout agreement, or any written agreement directly related thereto.

The trustees' rights, created in sections 365 and 544(a)(3), shall not operate to cancel or otherwise limit the effect of paragraph (3). For purposes of this subsection, the term 'farmout agreement' is a written agreement (A) in which the owner, of the rights to drill, produce or operate liquid of gaseous hydrocarbons on property agrees or is obligated to transfer or assign all or a portion of those rights to another party and (B) in which the other party, its agents or assignees, as consideration, agrees to perform drilling, reworking, recompleting, testing or other similar or related operations to develop or produce liquid or gaseous hydrocarbons on the property. In determining if a farmout agreement exists, the courts shall look to the custom and practices within the oil and gas industry for guidance. This subsection shall not operate to exclude from the debtor's estate the consideration which the debtor retains, receives, or will receive in exchange for transferring its interest in liquid or gaseous hydrocarbons.".

SEC. 2. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT.—The amendment made by section 2 shall not apply with respect to any case commenced under title 11 of the United States Code before the date of the enactment of this Act.

Mr. SIMPSON. Mr. President, I am very pleased to join with my colleague, Senator BENTSEN, my friend and colleague from Wyoming, Senator WALLOP, in addition to Senators DOMENICI, CRAIG, COCHRAN, KASSEBAUM, BOREN, JOHNSTON, and BREAUX. This bill is nearly identical to a bill which we introduced last session and which had already been passed in the House.

This bill will amend the Bankruptcy Code in a minimal way in order to correct a serious problem which has been discouraging responsible development of our oil and gas resources in the United States. It is the traditional and standard business practice in the oil and gas industry—particularly with smaller, independent oil and gas companies—for an owner of mineral rights to exchange a portion of his rights for various development or drilling activities. In many cases, oil or gas leaseowner often chooses to transfer a portion of those rights to a geologist, engineer, or to another oil company—most often one of the many independent companies I have often spoken—in order to compensate them for their services in subsequent development of the lease. The contracts used in this sort of business arrangement are called farmout agreements. They are often quite lengthly, and the transfer of any interest in the oil and gas developed is dependent upon the successful performance of these contracts. Because these are purely executory contracts at their inception, and many times considered "confidential" by the parties with respect to certain terms, they are rarely recorded in county land records.

As the courts currently apply the Bankruptcy Code, unrecorded farmout agreements are not recognized as documents transferring a legally protected interest in oil or gas. Consequently, if someone enters bankruptcy who has previously transferred an interest through farmout agreement, those interests conveyed are taken away from the innocent third party by the Bankruptcy Court. That is surely not right and this bill will change that.

The legislation we are introducing today is a narrowly tailored response to this problem. This would amend section 541(b) of the Bankruptcy Code is provided that the interests previously conveyed through farmout agreements will not be included as part of the bankruptcy estate in the event the transferor later declares bankruptcy. That is it—a simple solution to a very technical problem which has caused severe hardship on blameless people.

This legislation will go a long way toward fostering the continued responsible development of our Nation's resources. This is a good bill and I earnestly urge my colleagues' support.

By Mr. BOREN (for himself, Mr. HEINZ, Mr. PRYOR, Mr. DANFORTH, Mr. BAUCUS, Mr. SYMMS, Mr. DASCHLE, Mr. MOYNIHAN, Mr. GRASSLEY, and Mr. RIEGLE):

S. 581. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes; the Committee on Finance.

By Mr. BOREN (for himself and Mr. HEINZ):

S. 582. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for private sector employers to hire and train Persian Gulf Veterans, and for other purposes; to the Committee on Finance.

TARGETED JOBS TAX CREDIT LEGISLATION

• Mr. BOREN. Mr. President, I am pleased to be joining my colleague Senator HEINZ and others in introducing two bills relating to the targeted jobs tax credit [TJTC]. The first bill would make the credit permanent, restore TJTC eligibility for 23- and 24-year-old disadvantaged youth, and establish a new category for economically disadvantaged Persian Gulf-era veterans. The second bill would establish the Persian Gulf-era veteran category immediately without regard to the other changes.

During the 12 years since its enactment, TJTC has been an unparalleled success. The credit provides an incentive for employers to hire structurally unemployed Americans who have few opportunities to join the work force because they lack job skills, workplace experience, or an adequate education. These men and women often require more thorough training than potential employers can afford to give on their own. Thanks to TJTC, More than half a million structurally unemployed persons throughout the Nation each year are able to leave behind lives of poverty and public assistance in favor of productive contributions to the labor force.

Specifically, TJTC currently provides a tax credit to employers who hire individuals from nine targeted groups. The amount of the credit equals 40 percent of the first $6,000 of wages paid to the employee in his first year on the job. The nine targeted groups include:

First, economically disadvantaged youths—ages 18 to 22;

Second, economically disadvantaged summer youths—ages 16 to 17;

Third, economically disadvantaged youths participating in cooperative education programs;

Fourth, economically disadvantaged Vietnam-era veterans;

Fifth, certain economically disadvantaged exconvicts;

Sixth, vocational rehabilitation participants—disabled workers;

Seventh, aid to families with dependent children [AFDC] recipients;

Eighth, general assistance recipients;

Ninth, supplemental security income recipients.

Through TJTC, over 52,000 Oklahomans have secured employment over the past 10 years. Without the credit these men and women might have been at the end of the unemployment line. This positive record continues despite a decrease since 1988 due to the elimination of 23- and 24-year-old economically disadvantaged youth from eligibility.

Mr. President, I have been a supporter of TJTC in both good and bad economic times. Even when the economy is strong the unemployment rate for the structurally unemployed is higher than the work force average. In times of recession, however, this program becomes even more critical. In a recessionary period, the individuals for whom TJTC was designed to help would suffer the most and the longest.

Despite TJTC's record of success, the budget process has unfortunately forced Congress to make TJTC subject to periodic renewal. Under current law, the tax credit will expire at the end of 1991. The first bill I am introducing today would make TJTC permanent.

I was very glad to see that the President's budget for fiscal 1992 included a 1-year extension of TJTC and I welcome the administration's support. However, I believe the time has come for Congress to recognize that TJTC employers and employees would benefit greatly from the certainty that the credit would be permanently available.

This bill will also restore TJTC eligibility to economically disadvantaged 23- and 24-year-olds. This group was made ineligible in 1988 because of revenue considerations. Congress should make every effort to include them, 23- and 24-year-olds without jobs skills and training face extreme hardship in the labor market.

Finally, this bill creates a new TJTC category for economically disadvantaged Persian Gulf veterans. This provision would apply to men and women who served in the U.S. armed services between August 2, 1990, and the date the President establishes that there is no longer a combat zone in the Persian Gulf. We should do our best to ensure that those who volunteered to put themselves in harm's way for their Nation do not have to stand in unemployment lines at home.

Mr. President, the second bill which I am introducing today will establish the Persian Gulf-era veteran category immediately. It is my hope that this legislation can be enacted quickly and begin to benefit disadvantaged troops in this calendar year, regardless of other desired changes.

Mr. President, no one knows how long the current recession is going to last. However, we do know that TJTC has a proven record of success in both good times and bad. I hope my colleagues will join me in supporting both pieces of legislation. I ask unanimous consent that copies of both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION AND MODIFICATION OF TARGETED JOBS CREDIT.

(a) EXTENSION.—Paragraph (4) of section 51(c) of the Internal Revenue Code of 1986 (relating to termination) is hereby repealed.

(b) RESTORATION OF ECONOMICALLY DISADVANTAGED YOUTH STATUS TO INDIVIDUALS WHO HAVE NOT ATTAINED AGE 25.—

(1) IN GENERAL.—Subparagraph (B) of section 51(d)(3) of such Code is amended by striking "age 23" and inserting "age 25".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to individuals who begin work for the employer after December 31, 1991.

SEC. 2. CREDIT ELIGIBILITY FOR CERTAIN PERSIAN GULF VETERANS.

(1) PERSIAN GULF VETERANS DESIGNATED.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is hereby amended by adding at the end thereof the following new subparagraph—

"(k) economically disadvantaged Persian Gulf veteran."

(2) PERSIAN GULF VETERAN DEFINED.—Section 51(d) of the Internal Revenue Code of 1986 is hereby amended by adding at the end thereof the following new paragraph—

"(17) Persian Gulf Veteran who is a member of an economically disadvantaged family. The term "Persian Gulf Veteran who is a member of an economically disadvantaged family" means any individual who is certified by the designated local agency as—

(A) having served on active duty (other than active duty for training) in the Armed Forces of the United States at any time during the period beginning on August 2, 1990 and ending on the date on which the President of the United States notifies the Congress that no portion of the Persian Gulf is designated as a combat zone, and

(B) being a member of an economically disadvantaged family (determined under paragraph (11))."

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of enactment.

S. 582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TARGETED JOBS CREDIT ELIGIBILITY FOR CERTAIN PERSIAN GULF VETERANS.

(1) PERSIAN GULF VETERANS DESIGNATED.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is hereby amended by adding at the end thereof the following new subparagraph—

"(k) an economically disadvantaged Persian Gulf veteran."

(2) PERSIAN GULF VETERAN DEFINED.—Section 51(d) of the Internal Revenue Code of 1986 is hereby amended by adding at the end thereof the following new paragraph—

"(17) Persian Gulf Veteran who is a member of an economically disadvantaged family. The term "Persian Gulf Veteran who is a member of an economically disadvantaged family" means any individual who is certified by the designated local agency as—

(A) having served on active duty (other than active duty for training) in the Armed Forces of the United States at any time during the period beginning on August 2, 1990 and ending on the date on which the President of the United States notifies the Congress that no portion of the Persian Gulf is designated as a combat zone, and

(B) being a member of an economically disadvantaged family (determined under paragraph (11))."

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of enactment.●

● Mr. HEINZ. Mr. President, I am pleased to be joining Senator BOREN today in introducing a bill designed to make permanent the targeted jobs tax credit [TJTC]. TJTC, along with a number of other tried, tested, and successful programs, will expire at the end of this year. I believe that it is important that TJTC be extended permanently. Since its inception in 1978, over 5 million structurally unemployed individuals have found jobs because of this program. We know TJTC works, and it needs to be made permanent.

TJTC is aimed at workers with severe barriers to employment—such as low literacy, lack of communication and problem-solving skills, and physical, mental, or emotional handicaps. Many of these individuals comprise an economic underclass in our inner cities. They are trapped in a vicious circle of poverty and dependency. These structurally unemployed have great difficulty finding jobs in both, good times and bad.

I have held numerous hearings over the last decade on this program, and have talked to many individuals who have found jobs because of TJTC. These people have told me about looking for jobs, and not finding anyone who would take a chance on them. Then they found an employer who understood TJTC, and was willing to give them a chance. A chance is all they needed to prove themselves to be productive members of society; and to turn their lives around.

Andy Kubicsek, is an excellent example of the success of this program. Hired in 1985 as a part-time clerk by the Water Works Giant Eagle Grocery store in Fox Chapel, PA, Andy worked his way up to the position of full-time night manager. Key to Andy's personal success was the opportunity provided by the TJTC program, under which he was hired. Handicapped with blindness, Susan Gephardt, another Pennsylvania resident, had difficulty finding employment—until finding an employer who utilizes TJTC. Over the years, I've heard numerous stories like these that validate the effectiveness and merit of this program.

The companies that use TJTC have told me what a valuable addition to their work force TJTC employees are and how they work to attract and keep these employees. They use the money they earn from the credit to train these individuals, and help them become better employees.

TJTC allows employers a tax credit for employment of individuals belonging to one of nine targeted groups. The amount of the credit is equal to 40 percent of the first $6,000 of wages paid to a member of a targeted group in the first year of employment. The nine target groups of employees are as follows:

First, economically disadvantaged youths—ages 18 to 22;

Second, economically disadvantaged summer youths—ages 16 to 17;

Third, economically disadvantaged youths participating in cooperative education programs;

Fourth, economically disadvantaged Vietnam-era veterans;

Fifth, economically disadvantaged ex-felons;

Sixth, vocational rehabilitation participants—disabled workers;

Seventh, recipients of aid to families with dependant children [AFDC];

Eighth, general assistance recipients; and

Ninth, recipients of supplemental security income [SSI].

In addition to making the program permanent this bill would make two other changes to the program.

First, it reinstates coverages of economically disadvantaged youths who are 23 and 24. During the Technical Corrections and Miscellaneous Revenue Act of 1988 this group was eliminated during the tax conference. Despite the fact that this body included them in our version of the TJTC extension, the conferees dropped 23- and 24-year-olds from the program purely for fiscal reasons.

I believe that this was clearly a mistake. Department of Labor statistics demonstrate that unemployment remains consistently disproportionately high for all individuals under the age of 25. As a result I have worked since to add economically disadvantaged 23- and 24-year-olds back into the program.

Second, this bill adds a new category of coverage under the program for Persian Gulf-era veterans. To qualify under this new category, a person would have to be certified by the designated local agency: First, as having served on active duty in the Armed Forces of the United States at any time during the period beginning on August 2, 1990, and ending on the date on which the President notifies the Congress that no portion of the Persian Gulf is designated as a combat zone; and second, as being a member of an economically disadvantaged family as currently defined under the TJTC Program.

TJTC currently covers economically disadvantaged Vietnam-era veterans. We have a similar responsibility to those who have served us so bravely and successfully in the Persian Gulf to provide every assistance possible in making their transition back to civilian life a smooth one. In addition to including certain Persian Gulf-era veterans as a covered category under this legislation, which applies to 1992 and beyond, Sentor BOREN and I are also introducing today a bill that will expand existing TJTC coverage for 1991, to include coverage for Persian Gulf-era veterans who meet the criteria for certification already described.

The idea behind TJTC is to provide a tax incentive which encourages businesses to seek out and employ disadvantaged workers. By getting these workers off government assistance programs and into private sector jobs, both the individual and society benefit. The up-front cost to the Government in tax credits are largely offset by reductions in Government assistance outlays and increased payroll taxes paid by these workers. In addition, the improved quality of life of those employed under TJTC and their families, which is beyond quantitative measure, cannot be ignored when estimating the value of this program.

I was pleased to see that President Bush in his recently unveiled budget package includes an extension of TJTC. Unfortunately, that extension would only be good through 1992. Each year we go through the process of extending TJTC for a year at a time. That process has got to stop. Many employers are not going to invest the time and money in hiring and training those covered under TJTC if they do not think the program will be around next year. It is past time to make this program permanent—we know it works; let's do whatever is necessary to keep it working!

Mr. President, I urge my colleagues to cosponsor this legislation.●

By Mr. ROTH:

S. 583. A bill to amend the Internal Revenue Code of 1986 to require the recapture of certain losses of savings and loan associations, to clarify the treatment of certain Federal Financial assistance to savings and loan associations, and for other purposes; to the Committee on Finance.

RECAPTURE OF CERTAIN LOSSES

● Mr. ROTH. Mr. President, today I am introducing a bill to restrict the double-dipping now being enjoyed by a privileged few taxpayers as a result of a number of questionable transactions which occurred at the end of 1988 as wealthy investors rushed to the gate to beat the closing of a colossal tax loophole in the code. I welcome the support of the U.S. Treasury which came out in strong agreement today with my position that these investors should not be entitled to take both a deduction and receive Federal insurance on deposits for the same money.

My investigation of this tax issue began last September when a report contracted for by the Resolution Trust Corporation [RTC] was issued. The report concluded in part that there did not appear to be a statutory basis allowing acquirers to deduct built-in losses if they received capital loss coverage that reimbursed them for the economic loss suffered. As the Finance Committee was completing its part of the Budget Reconciliation Act of 1990 I requested that the committee ask for a full study on this issue. Although that request was not ultimately included in the budget bill, the Treasury Department examined and has now completed a study on this same issue.

In a letter to me from Treasury, together with this report, Secretary Brady states that the conclusion of the Department was that "assisted institutions should not be allowed to deduct losses and expenses that are reimbursed by the FDIC." The Secretary went on to say that these institutions will most likely challenge the Treasury's conclusion. However, the Department felt that "absent a clear congressional directive to the contrary, in order to protect the general taxpayer, we could not sanction the deductibility of covered losses and expenses and the perverse economic incentives that follow from such deductibility."

The necessity for this legislation is clear. Without an unequivocal legislative solution, the IRS will have to challenge and litigate the deductibility of covered losses and expenses, and the uncertainty of years of litigation could continue on. In fact, Secretary Brady stated that "congressional clarification of this issue seems not only desirable but essential * * * if Congress did not intend in 1981 when it enacted the special tax benefits available in the 1988–89 transactions or desires now to sanction the deductibility of covered losses and expenses, prompt legislative clarification should be enacted so that we may avoid embarking on a course of costly litigation * * * otherwise, I urge Congress to enact clarifying legislation disallowing deductions for covered losses and expenses."

The critical tax issue raised here is the extent to which financial institutions involved in the "1988 deals" may deduct losses and expenses even though they receive assistance payments from the FDIC as compensation for those losses or expenses. When these institutions receive a tax deduction for their losses that are compensated for by FDIC payments, there is a perverse incentive, or "moral hazard," to hold covered assets and to minimize their value when sold. From my perspective, it seems that sound tax and financial policy for the Government would require that assisted institutions not be allowed to deduct losses and expenses from their tax return and receive reimbursements from the FDIC.

LEGISLATIVE SUMMARY

CURRENT LAW

In general, section 165 of the Internal Revenue Code of 1986—the Code—allows deductions only for losses that are not compensated for by insurance or otherwise. However, in 1981 Congress believed that economic conditions had a particularly adverse affect on the country's thrift institutions and passed new section 597 of the Code. This provision modified the tax law to facilite the providing of financial assistance by the FSLIC and mergers of financially troubled institutions into stronger institutions, according to the 1981 conference report. In short, section 597(a) of the Code provides that payments of FSLIC assistance are to be excluded from gross income. Section 597(b) further provides that no adjustment to the basis of the recipient's assets is to be required on account of this exclusion. This rule ensures that the exclusion from gross income granted by section 597(a) is permanent, and not merely a temporary exclusion or deferral, as it would be if it were treated as a nonshareholder capital contribution.

Thus, for example, under these rules, if a taypayer holding a covered asset with a basis of $100 disposes of the asset for $60 and receives $40 of FDIC assistance, it is clear that the $40 will not be included in gross income and will not give rise to any reduction in the basis of the taxpayer's assets. This, however, does not give rise to a deductible loss being realized, as has clearly been the position of some of the investors in the 1988 deals. Their position is that the FDIC assistance should be ignored in applying the Code provisions applicable to the determination of losses; that is, section 165 noted above. However, section 597 of the Code does not provide that FDIC assistance is to be excluded, ignored, or disregarded in determining the amount of the taxpayer's loss upon disposition of an asset, or in determining whether an asset is worthless or partially worthless. It is my position that where assistance expressly serves the function of indemnifying against losses on specified assets and provides compensation equal to the full amount of such losses, then section 165 should bar any loss deduction.

A second problem occurs under the consolidated return rules. Under those rules, a group of affiliated corporations can offset each others income and losses. In addition, a parent corporation's basis in common stock of its subsidiary is reduced by the amount of losses utilized by the parent. Thus, the basis of the subsidiary's stock in the hands of the parent can become negative, creating an excess loss account. Under the regulations, the parent must recapture the excess loss account in the case of certain disposition events, including the sale or transfer of the subsidiary's stock—See Treasury Regulations, section 1.1502–19(b). In addition, a member of a consolidated group owning stock in a subsidiary is required to make a positive adjustment on the basis of the subsidiary's stock for the allocable part of the subsidiary's undistributed earnings and profits for the year—See Treasury Regulations, section 1.1502–32(b)(i). The IRS has taken the position that payments by the FSLIC to a corporation acquiring a savings and loan institution generates earnings and profits, even if those payments were tax free to the acquirer under section 597 of the Code—See for example, PLR 8850052. Earnings and profits so generated therefore cause a positive adjustment in the acquiring corporation's excess loss account or investment account.

EXPLANATION OF PROPOSAL

My proposal would make clear in legislation what I already believe to be the law, as does the Treasury Department. This bill would, without a doubt, clarify that any Federal financial assistance received by purchasers to compensate them for losses incurred is to be considered compensation for purposes of section 165. This legislation, introduced in the House by Ways and Means Members FRANK GUARINI and BRIAN DONNELLY, will put an end to the perverse interpretation of the current law which allows double-dipping.

A second component, a recapture provision, will apply after January 1, 1991, if an association becomes subject to the jurisdiction of a court in a title 11 or similar case, or receives additional financial assistance for the Federal Government. This recapture provision will apply to the parent of the consolidated group and will be an amount equal to the reduction in tax on the parent by reason of the utilization of losses of the acquired institution incurred after January 1, 1991, reduced by required payments in respect of these tax reductions. This provision applies to acquisitions of savings and loan associations which occurred after November 10, 1988 and before January 1, 1989 and with respect to which tax benefits repealed in 1989 were available.

In addition, the bill clarifies that amounts excluded from gross income under section 597 of the code do not generate earnings and profits. Thus, these amounts would not increase the basis of a subsidiary's stock in the hands of the parent and a positive adjustment would not be made in the subsidiary's excess loss account or investment account as a result of these payments.

I would ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECAPTURE OF CERTAIN LOSSES.

(a) GENERAL RULE.—Section 1503 of the Internal Revenue Code of 1986 (relating to computation and payment of tax) is amended by adding at the end thereof the following new subsection:

"(g) RECAPTURE OF CERTAIN LOSSES OF DOMESTIC BUILDING AND LOAN ASSOCIATIONS.—

"(1) IN GENERAL.—If—

"(A) a domestic building and loan association became a member of an affiliated group by reasons of an acquisition to which this subsection applies, and

"(B) such association after December 31, 1990—

"(i) becomes subject to the jurisdiction of a court in a title 11 or similar case (as defined in section 368(a)(3)), or

"(ii) receives Federal financial assistance (other than assistance pursuant to the acquisition to which this subsection applies),

the tax imposed by this title on the common parent for the taxable year in which such association becomes so subject (or receives such assistance) shall be increased by the amount determined under paragraph (2).

"(2) AMOUNT OF RECAPTURE.—For purposes of paragraph (1), the amount determined under this paragraph is—

"(A) the aggregate reduction in the tax imposed by this chapter on members of the affiliated group by reason of losses of the domestic building and loan association which were incurred after December 30, 1990, and which offset income of other members of such group which were neither domestic building and loan associations nor banks (as defined in section 581), reduced by

"(B) the amount (if any) required to be paid to the Federal Savings and Loan Insurance Corporation (or any successor thereof) in respect of such tax reductions pursuant to the agreement for the acquisition to which this subsection applies.

"(3) ACQUISITIONS TO WHICH SUBSECTION APPLIES.—This section shall apply to any acquisition—

"(A) which occurred after November 10, 1988, and before January 1, 1989, and

"(B) with respect to which the Federal Savings and Loan Insurance Corporation (or any successor thereof) provided money or other property to which section 597 (as in effect on the day before the date of the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989) applied.

"(4) DOMESTIC BUILDING AND LOAN ASSOCIATION.—For purposes of this subsection, the term 'domestic building and loan association' has the meaning given such term by section 7701(a)(19) without regard to subparagraph (C) thereof.

"(5) SPECIAL RULE.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining—

"(A) the amount of any credit allowable under this chapter, or

"(B) the amount of the minimum tax imposed by section 55."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1990.

SEC. 2. TREATMENT OF ASSISTANCE IN DETERMINING EARNINGS AND PROFITS.

(a) GENERAL RULE.—Subparagraph (B) of section 1503(e)(1) of the Internal Revenue Code of 1986 (relating to special rules for determining adjustments to basis) is amended to read as follows:

"(B) earnings and profits shall not include—

"(i) any amount excluded from gross income under section 108 to the extent the amount so excluded was not applied to reduce tax attributes (other than basis in property), and

"(ii) any amount excluded from gross income under section 597 (as in effect on the day before the date of the enactment of the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to dispositions after December 31, 1990. For purposes of the preceding sentence, any event resulting in an inclusion by reason of an excess loss account shall be treated as a disposition.

SEC. 3. CLARIFICATION OF TREATMENT OF CERTAIN FSLIC FINANCIAL ASSISTANCE.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1986—

(1) any Federal financial assistance payable with respect to any loss of principal, capital, or similar amount upon the depreciation of any asset shall be taken into account as compensation for such loss for purposes of section 165 of such Code, and

(2) any Federal financial assistance payable with respect to any debt shall be taken into account for purposes of section 166, 585, or 593 of such Code in determining whether such debt is worthless (or the extent to which such debt is worthless) and in determining the amount of any addition to a reserve for bad debts arising from the worthlessness or partial worthlessness of such debts.

(b) FEDERAL FINANCIAL ASSISTANCE.—For purposes of this section, the term "Federal financial assistance" has the same meaning as such term has under section 597(c) of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the provisions of this section shall apply to Federal financial assistance paid in connection with the disposition of property on or after January 1, 1981.

(2) EXCEPTIONS.—The provisions of this section shall not apply to—

(A) any payment to which the amendments made by section 1401(a)(3) of the Financial Institution Reform, Recovery, and Enforcement Act of 1989 apply,

(B) any payment to the extent that the assessment or collection of any increase in tax by reason of such provisions is barred by any law or rule of law, and

(C) any amount received by a taxpayer to the extent that the Internal Revenue Service has issued, in writing, to the taxpayer prior to January 1, 1991, an Internal Revenue Service ruling or a closing agreement expressly providing that such amount shall not be taken into account in determining the amount of any loss under section 165 or in determining the worthlessness or partial worthlessness of an asset for purposes of section 166, 585, or 593 of such Code.

(d) CONTRACT RIGHTS.—Nothing in this section shall be construed as affecting any private contractual rights and remedies that are otherwise available to parties of agreements for the provision of Federal financial assistance.•

By Mr. GORTON (for himself and Mr. ADAMS):

S. 584. A bill to clarify that certain greenhouses and nurseries that suffer damage as the result of severe storms or flooding in connection with a major disaster declared by the President on or after November 26, 1990, are eligible for loans under section 7 of the Small Business Act; to the Committee on Small Business.

DISASTER ASSISTANCE FOR GREENHOUSES AND NURSERIES

• Mr. GORTON. Mr. President, we in this great body attempt daily to discharge our responsibility to create legislation useful to American citizens. Regardless of our philosophical differences, I daresay that the individual aim of each of us is, simply, to help. We are sometimes greatly successful, and sometimes less so, though rarely for lack of caring.

A situation currently exists which is a result of less than fully successful legislation. This is not to say that it is bad legislation, only that it is incomplete. In its incompleteness, it fails a segment of our citizenry. I refer to the Small Business Act. This otherwise beneficial law makes businesses eligible for loans at low interest rates in the event of disaster.

By a well-intentioned but unfortunate quirk of semantics, though, disaster assistance for a certain category of business—nurseries and greenhouses—was omitted. Because the Department of Agriculture supposedly covers everything that grows, nurseries and greenhouses were presumed to be protected. As a result the SBA was prohibited from providing disaster assistance to any business with an agriculture component.

But nurseries and greenhouses are, for all practical purposes, businesses; they simply grow their inventory rather than manufacture or assemble it. They are unlike the typical agricultural enterprise which is owned and run largely by family members, enterprises that are the focus of the Department of Agriculture's assistance programs.

Nurseries and greenhouses are therefore ineligible for disaster assistance through either the Small Business Association or the Department of Agriculture.

Mr. President, this lack of coverage first came to my attention after continuous and extraordinary rainfall, snow and flooding wracked the nursery and greenhouse industries in Washington State during the last 2 weeks of November 1990. Fields and inventories were devastated.

Despite repeated appeals to various administrative agencies by my office and other Members of the Washington delegation, disaster assistance was denied to nurseries and greenhouses for lack of jurisdictional coverage. Many of these businesses now are facing tremendous pressures from financial institutions and creditors who themselves have been impacted by the storms and the slowing economy.

Mr. President, our predecessors did not intend to omit disaster assistance programs to these industries. Greenhouses and nurseries merely fall through an unintended legislative crack. Congress has recognized this inequity before, and in 1988 provided partial relief to nurseries devastated by drought. We should now complete the job. We should not let interagency disputes over jurisdiction prevent us from doing what is right.

Mr. President, I submit for the consideration of this body legislation that which will right an unintended omission. It is my hope and expectation that, even in the midst of weightier topics, my colleagues will seize the opportunity to perfect what might otherwise remain an almost good law.

Mr. President, I ask unanimous consent that immediately following my remarks, the text of the bill be printed in its entirety, as well as letters from Susan Engeleiter, Administrator of the Small Business Administration, and Roland R. Vantour, Under Secretary for Small Community and Rural Development at the Department of Agriculture.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISASTER ASSISTANCE FOR GREENHOUSES AND NURSERIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, a qualified greenhouse or qualified nursery shall be eligible for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(b) QUALIFIED GREENHOUSE OR QUALIFIED NURSERY.—For purposes of subsection (a), the term "qualified greenhouse or qualified nursery" means a business—

(1) engaged in the growth, production, distribution, wholesale or retail sales, of ornamental plants and flowers (including, but not limited to, a business whose operations are described in SIC code 0181); and

(2) which has suffered substantial economic injury as a result of a disaster determined to be a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(c) STANDARD INDUSTRIAL CLASSIFICATION CODE.—For purposes of subsection (b), the term "SIC code" means a four-digit code assigned to an industry category in the Standard Industrial Classification Manual published by the Office of Management and Budget and in effect on November 26, 1990.

(d) EFFECTIVE DATE.—The provisions of this section shall apply to qualified greenhouses and qualified nurseries that suffer substantial economic injury as a result of a major disaster declared by the President on or after November 26, 1990.

SMALL BUSINESS ADMINISTRATION,
Washington, DC, January 10, 1991.

Hon. SLADE GORTON,
U.S. Senate, Washington, DC.

DEAR SENATOR GORTON: Thank you for bringing to my attention your concerns about the nursery-growers in the State of Washington whose business operations have suffered damages in the recent floods. Specifically, you expressed a strong concern that some of these disaster victims are unable to obtain disaster assistance from any Federal agency. I share your concern that apparently no Federal agency is able to provide disaster assistance to a particular group of businesses with substantial flood losses.

The U.S. Small Business Administration (SBA) provides disaster loans to businesses of all sizes (and individual homeowners and renters) when a Federal disaster declaration is issued by the President or the Administrator of SBA.

However, the law prohibits SBA from making disaster loans to agricultural enterprises (with a limited exception for nurseries in drought disasters). The U.S. Department of Agriculture (USDA), primarily through the Farmers Home Administration (FmHA), makes emergency loans to agricultural enterprises for disaster losses. The Administration supports this policy on the grounds that any Federal disaster assistance for agricultural enterprises should be provided by USDA, which has the necessary expertise and resources to aid the agricultural sector. In the past, the law has provided for periods of dual disaster eligibility at FmHA and SBA. The result was duplication of effort, misunderstanding, and a poor performance of SBA's disaster loans to agricultural enterprises because SBA did not have the expertise and resources required to perform that specialized and complex task.

In the recent Washington state floods, declared a disaster by the President, some nurseries have suffered extensive flood losses. These nurseries are growers, and as such are agricultural enterprises. Thus, by law they are ineligible for SBA disaster loan assistance, and are eligible to seek FmHA emergency loan assistance.

Unfortunately, some of these nursery operations have been found by FmHA to be larger than family farms. As FmHA's authority to make emergency loans is restricted by law to family farms, these larger nursery operations are not eligible for FmHA assistance either. The small nurseries, which qualify as family farms, are eligible for FmHA emergency loans. Thus, the problem is not that FmHA cannot assist nurseries, but rather that the law restricts the FmHA program to aiding entities of a size smaller than many of the flood victims in Washington. The restriction limiting the FmHA program to family farm operations was added to the law governing that program in 1985.

In discussing this matter with me, you asked whether SBA could be of any help. Terri Claffey, your Legislative Assistant, has also discussed this matter with Alfred Judd, SBA's Acting Assistant Administrator for Disaster Assistance. Both Ms. Claffey and Mr. Judd participated in a meeting with representatives of FmHA and the Federal Emergency Management Agency (FEMA) on December 14, 1990.

In response to your concern, we have carefully reviewed this matter and explored the statutory limitations with SBA's General Counsel. Unfortunately, SBA is bound by the long-standing definition of agriculture used throughout the Federal Government and as reflected in the Standard Industrial Classification Manual issued by the Office of Management and Budget (OMB). That definition, also used by USDA, includes nurseries which are growers. SBA cannot depart from this definition for nurseries while the remainder of the Government continues to include them in the agricultural category. USDA assistance to nurseries is based on their inclusion within this definition of agriculture.

We believe the policy reflected in the law that SBA should provide disaster assistance to non-agricultural businesses and the USDA should provide disaster assistance to agricultural enterprises is sound. The obstacle encountered by some of the flood damaged nurseries is that they fall outside a recently imposed statutory limit governing the FmHA emergency loan program. While I am very sympathetic with the urgent needs of these nursery businesses, our law prohibits us from providing disaster aid. In our view, if agricultural enterprises larger than family farms are to be made eligible for Federal disaster assistance, then it would be appropriate for USDA, rather than SBA, to provide such assistance.

Please note that this discussion pertains only to the types of nurseries which are growers and which are therefore agricultural enterprises. Businesses calling themselves nurseries which are engaged primarily in the wholesale or retail sales of nursery products, such as florists or lawn and garden centers, but which are not primarily growers or engaged in other agricultural activities, are not agricultural enterprises and they are therefore eligible for SBA disaster loan assistance.

Thank you for your personal involvement in this matter.

Sincerely,

SUSAN ENGELEITER,
Administrator.

DEPARTMENT OF AGRICULTURE,
Washington, DC, February 22, 1991.

Hon. SLADE GORTON,
U.S. Senate, Washington, DC.

DEAR SENATOR GORTON: Thank you for your letter on behalf of Mr. Carl F. Loeb, concerning eligibility requirements for Federal emergency disaster loan assistance.

The Farmers Home Administration (FmHA) is authorized by Congress to provide such assistance only to qualifying operators of family-sized farms. The Agency does make emergency loans to greenhouses and nurseries, provided they meet the mandated requirements. Operations must be on a scale that can reasonably be called "family-sized," and they must fit the description of an agricultural enterprise, which includes the actual growing of their plants.

Under this definition, nurseries and greenhouses that buy most or all of their plants from other suppliers for resale would not qualify. Because "family sized" is defined as having a substantial amount of farm labor requirements provided by the applicant and family members, it is doubtful that an operation the size of Mr. Loeb's, with approximately 60 employees, would qualify.

While we understand the concern you express, FmHA is unable to substantially change its loan approval guidelines without authority from the Congress.

Under its Business and Industry loan program, FmHA does guarantee loans to qualifying rural non-farm business enterprises. We are enclosing a brochure that describes this program. More information and assistance in completing an application are available to Mr. Loeb at the Agency's District Office, at the following address:

Farmers Home Administration, GSA Center, Room 1132, 15th and C Streets, SE., Auburn, Washington 98001, Telephone: (206) 931-7635.

We hope you find this information helpful in responding to your constituent.

Sincerely,

ROLAND R. VAUTOUR,
Under Secretary for Small Community and Rural Development.●

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Georgia [Mr. FOWLER], the Senator from Iowa [Mr. HARKIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 33

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 33, a bill to establish the Social Security Administration as an independent agency, and for other purposes.

S. 50

At the request of Mr. SYMMS, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Washington [Mr. GORTON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Mississippi [Mr. LOTT], the Senator from Texas [Mr. GRAMM], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 105

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 105, a bill entitled "The Drug Kingpin Death Penalty Act."

S. 127

At the request of Mr. CRANSTON, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 127, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health-care, education, housing, and insurance programs; and for other purposes.

S. 152

At the request of Mr. COATS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000.

S. 153

At the request of Mr. COATS, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Mississippi [Mr. LOTT], the Senator from Washington [Mr. GORTON], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 153, a bill to authorize States to regulate certain solid waste.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Montana [Mr. BURNS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 242

At the request of Mr. GLENN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes.

S. 246

At the request of Mr. LOTT, the names of the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 246, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 264

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 264, a bill to authorize a grant to the National Writing Project.

S. 267

At the request of Mr. REID, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of the State.

S. 268

At the request of Mr. PACKWOOD, the Senator from Alaska [Mr. STEVENS], was added as a cosponsor of S. 268, a bill to amend the Internal Revenue Code of 1986 to authorize a deduction for the expenses of adopting a special needs child and to amend title 5, United States Code, to establish a program providing assistance to federal employees adopting a special needs child.

S. 318

At the request of Mr. PACKWOOD, the names of the Senator from Alaska [Mr. STEVENS], and the the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 318, a bill to amend the Internal Revenue Code of 1986 to provide for employees of small employers a private retirement incentive matched by employers, and for other purposes.

S. 337

At the request of Mr. SIMON, the names of the Senator from Alabama [Mr. HEFLIN], and the the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 337, a bill to amend chapter 30 of title 38, United States Code, to provide active duty in connection with the Persian Gulf conflict be deemed to satisfy certain requirements for basic educational assistance under such chapter, to revise the requirements for such assistance applicable to such members, and for other purposes.

S. 349

At the request of Mr. BUMPERS, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes.

S. 381

At the request of Mr. WALLOP, the names of the Senator from Idaho [Mr. SYMMS], the Senator from North Carolina [Mr. HELMS], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 381, a bill to amend the Internal Revenue Code of 1986 to promote economic growth and jobs creation by reducing social security taxes and capital gains taxes, by adjusting the deduction for depreciation to reflect inflation, and by encouraging savings.

S. 389

At the request of Mr. KERREY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 389, a bill to amend the Federal Home Loan Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity.

S. 400

At the request of Mr. SYMMS, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 400, a bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails.

S. 402

At the request of Mr. JOHNSTON, the name of the Senator from Virginia [Mr. ROBB], was added as a cosponsor of S. 402, a bill to limit the jurisdiction of the Federal Energy Regulatory Commission over local distribution company wholesalers of natural gas for ultimate consumption as a fuel in motor vehicles.

S. 403

At the request of Mr. KOHL, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 403, a bill to clarify the intent of Congress with respect to establishment and collection of certain fees and charges.

At the request of Mr. WALLOP, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 403, supra.

S. 456

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 456, a bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 481

At the request of Mr. SIMON, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 481, a bill to authorize research into the desalting of water and water reuse.

S. 486

At the request of Mr. MCCONNELL, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 486, a bill to require Federal departments, agencies, and instrumentalities to separate certain solid waste for recycling purposes.

S. 492

At the request of Mr. SIMON, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 492, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 514

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 514, a bill to amend the Public Health Service Act, the Social Security Act, and other acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

S. 548

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 548, a bill to amend various provisions of law to ensure that services related to abortion are made available to the same extent as are all other pregnancy-related services under federally funded programs.

S. 565

At the request of Mr. WARNER, the names of the Senator from Illinois [Mr. DIXON], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 565, a bill to authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 46

At the request of Mr. STEVENS, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 46, a joint resolution disapproving the action of the District of Columbia Council in approving the Assault Weapon Manufacturing Strict Liability Act of 1990.

SENATE JOINT RESOLUTION 69

At the request of Mr. RIEGLE, the names of the Senator from New York [Mr. D'AMATO], the Senator from North Dakota [Mr. CONRAD], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 69, a joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. D'AMATO, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from South Carolina [Mr. THURMOND], the Senator from Washington [Mr. ADAMS], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 79, a joint resolution authorizing and requesting the President to disignate the second full week in March 1991 as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 85

At the request of Mr. KASTEN, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Montana [Mr. BURNS], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 85, a joint resolution authorizing and requesting the President to appoint Gen. Colin L. Powell and Gen. H. Norman Schwarzkopf, Jr., United States Army, to the permanent grade of General of the Army.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DECONCINI, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to encourage the Angolan Peace Talks.

SENATE RESOLUTION 71

At the request of Mr. SPECTER, the names of the Senator from Indiana [Mr. COATS], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Resolution 71, a resolution to encourage the President of the United States to confer with the sovereign state of Kuwait, countries of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals, including President Saddam Hussein, involved in the planning or execution of Crimes against peace, war crimes, and crimes against humanity as defined under international law.

SENATE RESOLUTION 72

At the request of Mr. KASTEN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Resolution 72, a resolution to express the sense of the Senate that American small businesses should be involved in rebuilding Kuwait.

AMENDMENT NO. 23

At the request of Mr. ADAMS, his name was added as a cosponsor of amendment No. 23 proposed to S. 419, an original bill to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

SENATE RESOLUTION 74—PROHIBITING THE SOLICITATION OF CAMPAIGN FUNDS BY SENATE STAFF

Mr. HELMS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 74

Resolved, That the second sentence of paragraph 1 of rule XLI of the Standing Rules of the Senate is amended by inserting after "any of the functions" the following: "except soliciting funds".

Mr. HELMS. For more than a year, I sat as a member of the Ethics Committee as it investigated five of our colleagues who were involved with Charles Keating. During that time, a number of very troubling facts came to my attention.

For example, I am troubled that Senate rule 41 allows up to three members of each Senate staff to solicit—I repeat: solicit—campaign funds, as long as the solicitation does not occur on Federal property. Solicitation of campaign funds on Federal property is still prohibited by section 607(a) of title 18 of the United States Code.

My point, of course, is that the taxpayers should not be forced to subsidize any candidate's campaign, whether the candidate is an incumbent or a challenger.

The legislation I am introducing will modify Senate rule 41 so that Senate staff will not be allowed to solicit campaign funds—under any circumstances.

Mr. President, Senate rule 41, as it now stands, states that no officer or employee of the Senate may "receive, solicit, be a custodian of, or distribute" campaign funds. But recognizing that contributions are often sent to Senate offices and must be handled by someone, rule 41 allows each Senator to designate three persons on his or her staff—called political fund designees—to be exempt from the prohibition on soliciting, receiving, distributing, or acting as a custodian of campaign funds.

The effect of rule 41 is to allow the political fund designee to solicit campaign funds as long as the solicitation is not done on Federal property. I contend, Mr. President, that solicitation of funds by Senate staff should never have been permitted in the first place, and should be ended now.

Mr. President, on April 1, 1977, after 2 weeks of intense debate, the Senate adopted Senate Resolution 110, a comprehensive code of conduct that included a provision prohibiting any staff, including the political fund designee, from soliciting campaign funds. The resolution also requested the Committee on Rules and Administration to make further recommendations with respect to the use of Senate staff in campaigns.

In response to Senate Resolution 110, the Rules Committee issued Report No. 95-241 on June 8, 1977. In that report, the committee proposed that the Senate modify Senate rules to allow the political fund designee to solicit campaign funds in addition to receiving, distributing, and being the custodian of such funds.

That change was made without debate and by a voice vote on June 13, 1977.

Mr. President, the Rules Committee, in its report, gave several reasons for allowing staff to solicit funds. Let me quote from that committee report:

> The committee is not aware of any laws which prohibit individuals who are part of a Senator's staff from participating in a Senator's reelection campaign as long as they do not neglect their Senate duties, and the committee does not feel there should be such proscriptions. Furthermore, it is neither illegal nor a violation of Senate Rules for a member of a Senator's staff to work full time in political campaigns while on annual leave or vacation time or while on leave of absence from his or her Senate duties, and the committee feels there should not be any proscription of such actions.
>
> The Senate has, however, imposed a limitation on one area of political activity with respect to which Senate staff may become involved—the actual handling of campaign funds. Consequently, except for two designed [sic] assistants on a Senator's staff, all officers and employees of the Senate are prohibited from receiving, soliciting, holding or distributing campaign funds.
>
> Upon review of rule XLIX, the committee determined that to prohibit the solicitation of funds while permitting the other fund-raising activities was both inconsistent and unworkable, as all these activities are integral parts of the same process. A rule permitting specific individuals to handle political funds has been part of the Senate Rules since 1968 (see old rule XLIII). New rule XLIX for the first time draws a line between receiving, being the custodian of and distributing political funds on the one hand and soliciting such funds on the other. The committee feels such a fine line is unrealistic and creates inevitable hairsplitting and uncertainties as to when or whether a solicitation may have occurred while the designated assistant is otherwise engaged in handling of campaign funds. This is unfair to the designated assistants, subjecting them to needless fear of violations. In those limited instances where a Senator designates an assistant to handle campaign funds, he or she should be permitted to engage in the entire fund-raising process.

Mr. President, I respectfully disagree with the reasoning of the Rules Committee, set out in Report 95-241, for allowing a Senator's designated staff to solicit funds. I think there is indeed a significant distinction between the receipt and handling of funds that happen to be sent to the office and the actual solicitation of political contributions from constituents.

I might add that for contributions that happen to be sent into my office, I have never allowed my political fund designee to do more than receive them and forward them promptly to my campaign committee in accordance with section 607 of title 18 of the United States Code.

Mr. President, one of the justifications for allowing our designated staff to solicit funds is that it might cause confusion for the staff to try to separate "solicitation" from the receipt and other routine activities that are allowed. According to the report, trying to separate these activities "is unfair to the designated assistant, subjecting them to needless fears of violations."

Mr. President, to the contrary, I believe that by continuing to allow staff members to solicit funds will lead to more confusion and may subject some staff to illegal behavior. Let me explain.

Section 607(b) of title 18 states that—

> The prohibition in subsection (a)—

That is, the prohibition on receiving or soliciting contributions on Federal property—

> shall not apply to the receipt of contributions by persons on the staff of a Senator * * * *provided, that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a)*. * * * (Emphasis added.)

Mr. President, as you see, this section of the criminal code places a specific condition on the exemption allowed for political fund designees. That condition provides that the political fund designee can legally receive campaign contributions only if they have not been solicited in a manner that directs the contribution to be sent to the Senate office.

If we continue to allow Senate staff members to solicit funds from constituents—who know them as members of our staff—even if they do so on their on time or during a leave of absence—many constituents will undoubtedly conclude that they should send contributions to staff members.

We are setting up our staff for a violation of section 607, the penalty for which a fine of up to $5,000 and imprisonment for up to 3 years. We are also setting ourselves up for very legitimate criticism from constituents who must deal with the same staff members who are soliciting campaign contributions from them.

That's asking for trouble, Mr. President. Moreover, there is no reason why Senate staff should be involved in campaign solicitations under any circumstances. That is why I am introducing this simple resolution to reinstate the prohibition that was adopted in 1977 as part of Senate Resolution 110.

Under my resolution, the political fund designee under rule 41 will still be allowed to "receive, be the custodian of, and distribute" campaign contributions, but will not be allowed to "solicit" contributions under any circumstances.

Mr. President, I ask unanimous consent that the text of rule 41 and 18 U.S.C. 607 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE RULE XLI

POLITICAL FUND ACTIVITY; DEFINITIONS

1. No officer or employee of the Senate may receive, solicit, be a custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election, of any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to three[1] assistants to a Senator, at least one of whom is in Washington, District of Columbia, who have been designated by that Senator to perform any of the functions described in the first sentence of this paragraph and who are compensated at an annual rate in excess of $10,000, if such designation has been made in writing and filed with the Secretary of the Senate and if each such assistant files a financial statement in the form provided under rule XXXIV for each year during which he is designated under this rule. The Secretary of the Senate shall make the designation available for public inspection.

18 U.S.C. 607. PLACE OF SOLICITATION

(a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties by any person mentioned in section 603, or in any navy yard fort, or arsenal. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, provided, that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971.

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[1] Changed by section 2 of S. Res. 258 (October 1, 1987).

(As amended Jan. 8, 1980, Pub. L. 96-187, Title II, § 201(a)(5), 93 Stat. 1367.)

AMENDMENTS SUBMITTED

RESOLUTION TRUST CORPORATION FUNDING ACT

CHAFEE (AND PELL) AMENDMENT NO. 24

Mr. CHAFEE (for himself and Mr. PELL) proposed an amendment to the bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means, as follows:

At the appropriate place in the bill, insert the following new title:

TITLE—FINANCIAL INSTITUTIONS FRAUD PROSECUTION ACT

SEC. 1. SHORT TITLE.

This title may be cited as the "Financial Institutions Fraud Prosecution Act of 1991".

SEC. 2. FEDERAL DEPOSIT INSURANCE ACT AMENDMENT.

Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)) is amended—

(1) in paragraph (1)(A)—

(A) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(B) by inserting after clause (i) the following:

"(ii) become or continue to be employed in any capacity by an insured depository institution;"; and

(2) in paragraph (2)(A)(i)(I) by inserting "1517," after "1344,".

SEC. 3. FEDERAL CREDIT UNION ACT AMENDMENTS.

Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) PROHIBITION.—

"(1) IN GENERAL.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, of has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union;

"(ii) become, or continue to be, employed in any capacity by an insured credit union;

"(iii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, or 1956 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

SEC. 4. CRIME CONTROL ACT AMENDMENTS.

(a) IN GENERAL.—The Crime Control Act of 1990 (P.L. 101-647, 104 Stat. 4789 et seq.) is amended—

(1) in section 2537(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) provide technical assistance and other appropriate resources to State prosecutors, State officials authorized to prosecute, or other law enforcement officials engaged in cases of fraud involving the collapse of any private deposit insurance corporation;"; and

(2) in section 2539(c)(2)—

(A) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and

(B) by inserting a new subparagraph after subparagraph (F) as follows:

"(G) the Internal Revenue Service,".

(b) REPORT.—Section 2546 of the Crime Control Act of 1990 (P.L. 101-647, 104 Stat. 4885) is amended by adding at the end the following new subsection:

"(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General shall submit a report to the Congress not later than March 1, 1992, containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

KERREY (AND OTHERS) AMENDMENT NO. 25

Mr. KERREY (for himself, Mr. PRYOR, Mr. EXON, Mr. BUMPERS, Mr. RUDMAN, Mr. MOYNIHAN, and Mr. DASCHLE) proposed an amendment to the bill S. 419, supra, as follows:

At the end of the bill, add the following:

SEC. . MANAGEMENT OF THE RESOLUTION TRUST CORPORATION.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by striking paragraphs (1) through (3) of subsection (a) and inserting the following:

"(1) IN GENERAL.—There is established the Board of Governors of the Resolution Trust Corporation.

"(2) FUNCTION.—The Board of Governors shall oversee and manage the Resolution Trust Corporation (hereinafter in this section referred to as the 'Corporation'). The Board of Governors shall be an 'agency' of the United States for the purposes of subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

"(3) MEMBERSHIP.—

"(A) IN GENERAL.—The Board of Governors shall consist of 9 members as follows:

"(i) 5 independent members appointed by the President, by and with the advice and consent of the Senate, from among individuals with experience in banking, finance, real estate, and business management. Nominations to fill such positions shall be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(ii) The Secretary of the Treasury.

"(iii) The Chairman of the Board of Governors of the Federal Reserve System.

"(iv) The Secretary of Housing and Urban Development.

"(v) The Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

"(B) POLITICAL AFFILIATION.—Not more than 3 members appointed pursuant to clause (i) of subparagraph (A) shall be members of the same political party. No independent member of the Board of Governors shall hold any other appointed office during his or her term as a member.

"(C) CHAIRPERSON.—The Chairperson of the Board of Governors shall be designated from among the appointees under clause (i) of subparagraph (A) at the time of his or her nomination to the Board of Governors by the President. The Chairperson shall have the business experience necessary to govern the orderly disposition of the assets held by the Corporation.

"(D) QUORUM REQUIRED.—A quorum shall consist of 3 members of the Oversight Board appointed pursuant to subparagraph (A)(i).

"(E) TERM OF OFFICE.—The term of office of the members of the Board of Governors appointed pursuant to subparagraph (A)(i) shall be 5 years. Any vacancy in the Board of Governors shall be filled in the same manner as the original position was filled.".

(b) PROMPT APPOINTMENT.—The President is urged promptly to appoint all members of the Board of Governors of the Resolution Trust Corporation.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act is amended—

(A) by striking "Oversight Board" each place it appears and inserting "Board of Governors"; and

(B) by striking subsection (b)(8).

(2) REFERENCES IN OTHER LAWS.—Any reference in any other provision of law to the Oversight Board of the Resolution Trust Corporation shall be deemed to be a reference to the Board of Governors of the Resolution Trust Corporation.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the date of enactment of this Act, except that—

(1) the Oversight Board of the Resolution Trust Corporation as constituted immediately preceding such date shall retain its power and authority as in effect on such date until such time as 3 of the nominees to be independent members of the Board of Governors have taken office;

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(2) any individual nominated to be a member of the Oversight Board of the Resolution Trust Corporation shall be deemed to have been nominated to be a member of the Board of Governors of the Resolution Trust Corporation; and

(3) the conflict of interest regulations applicable to members of the Oversight Board shall apply to members of the Board of Governors.

(e) COMPENSATION OF BOARD OF GOVERNORS.—

(1) CHAIRMAN.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Chairman, Board of Governors, Resolution Trust Corporation.".

(2) MEMBERS.—Section 5313 of title 5, United States Code, is amended by striking "Oversight Board" and inserting "Board of Governors".

BREAUX AMENDMENT NO. 26

Mr. BREAUX proposed an amendment to the bill S. 419, supra; as follows:

At the end of the bill insert the following new section:

"SEC. . STUDIES OF THE USE OF TAX INCENTIVES TO STIMULATE THE SALE OF RTC AND FDIC REAL PROPERTIES.

"(a) IN GENERAL.—The Comptroller General of the United States, the Secretary of the Treasury and the Director of the Congressional Budget Office shall each conduct separate studies on the use of a tax credit to stimulate the sale of distressed, income-producing property owned in conservatorship or receivership by the Resolution Trust Corporation and the Federal Deposit Insurance Corporation.

"(b) TOPICS.—As part of the studies required under subsection (a), the Comptroller, the Secretary of the Treasury and the Director of the Congressional Budget Office shall investigate, review and evaluate the feasibility of a two-year trial RTC and FDIC tax credit program commencing on January 1, 1992 that would include the following features—

"(1) a $500,000,000 annual cap on tax credits offered by the RTC and FDIC;

"(2) a tax credit with a present value of up to 80 percent of the purchase price plus the cost of necessary rehabilitation and completion for the acquisition of property owned by the RTC and FDIC;

"(3) the amount of credit would be determined and allocated by the RTC or the FDIC, as the case may be and could not exceed the amount determined to be necessary to sell the property and could not exceed the amount of capital contributed by the purchaser of the property;

"(4) a credit period that would be for 5 years beginning with the taxable year in which the property is purchased and would be earned in 5 equal installments;

"(5) a requirement that upon sale of the property, 20 percent of any profits shall be paid directly back to the RTC and FDIC with the remaining profits would be taxed at the appropriate capital gains rate;

"(6) a requirement that ownership of the property purchased by a private taxpayer under the credit must be maintained for a period of 5 years in order to continue to receive the credit and sale or refinancing of property before the end of the credit period would not trigger recapture but would cause the cessation of any future tax benefits;

"(7) a requirement that funds generated by the credit would be paid directly to the RTC and FDIC;

"(8) a requirement that the RTC or FDIC would have to certify it exercised reasonable efforts to sell property in inventory at a price permitted by law without offering the credit and certify that the cost of holding the property will be minimized by such sale;

"(9) a requirement that the credits could be used to offset the lesser of $50,000 or 50 percent of tax liability on non-passive income for individuals; for corporations, the credit would be subject to the rules of the general business credit including the maximum amount of income tax liability that may be reduced by a general business credit for any one year;

"(10) a requirement that the credit would not be considered a preference item under the Alternative Minimum Tax (ATM) and may not be used to offset tax due and owed under an AMT calculation;

"(11) that the program would not apply to property purchased from the RTC or FDIC after December 31, 1993, except pursuant to an earlier binding contract;

"(12) a prohibition against officers or directors of institutions in RTC or FDIC receivership or conservatorship and former owners of the property with respect to which a credit is to be allocated from receiving a credit under this program; and

"(13) a requirement that the RTC Oversight Board and FDIC would publish additional guidelines as appropriate for the RTC's and FDIC's use of the tax credit.

"(c) FACTORS.—In preparing the studies required in subsection (a) and (b), the Comptroller General, the Secretary and the Director shall consider the following factors:

"(1) the net budget impact of any proposal to utilize tax credit to sell RTC- and FDIC-owned properties:

"(2) the stimulative effect that a tax credit will have on the disposition of RTC and FDIC properties;

"(3) RTC and FDIC ability to dispose of properties without tax incentives;

"(4) the carrying cost of properties held by the RTC and FDIC;

"(5) the effect on local real estate markets;

"(6) the effect real estate markets have on national economic growth;

"(7) the effect such a tax credit may have on economically distressed regions; and

"(8) whether the revenue to the RTC and FDIC would be enhanced if sold with the tax credit compared to the alternative of holding the property in inventory.

"(d) FINAL REPORT.—Not later than 60 days from the date of the enactment of this Act, the Comptroller General, the Secretary of the Treasury and the Director of the Congressional Budget Office shall submit to the Committee on Finance and Banking, Housing and Urban Affairs of the United States Senate and the Committees on Ways and Means and Banking, Finance and Urban Affairs of the United States House of Representatives their final reports containing detailed statement of findings made, and conclusions drawn from the studies conducted under this section, including recommendations for appropriate administrative and legislative action.".

SPECTER AMENDMENT NO. 27

Mr. SPECTER proposed an amendment, which was subsequently modified, to the bill S. 419, supra, as follows:

SEC. .

(a) The Congress finds that—

The International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole;"

On August 2, 1990 and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

The Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means;"

The leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

The public testimony of victims and witnesses has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population, including women;

The public testimony of victims and witnesses has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

"Grave breaches" are defined to include: "willful killing, torture or inhuman treatment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity;"

Both Iraq and Kuwait are parties to the Fourth Geneva Convention;

On several occasions the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians violative of international law;

In Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait;"

In Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwaiti nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait;"

In Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nations in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

The Geneva Convention Relative to the Treatment of Prisoners of War (the Third Geneva or POW Convention) sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities;

Iraq is a party to the POW Convention;

There is evidence and testimony that Iraq violated articles of the POW Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

There is evidence and testimony that Iraq violated articles of the POW Convention by placing POWs in solitary confinement, failing to shelter POW's against air bombardment and denying POW's contact with the outside world;

In Resolution 667, adopted on September 16, 1990, the Security Council expressed "outrage" at Iraq's abduction of several persons from diplomatic premises in violation of the Vienna Conventions on Diplomatic and Consular Relations;

In violation of the Fourth Geneva Convention, Iraq did fire missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

Iraq has inflicted grave risk to the health and well-being of innocent civilians in the region by its willful setting on fire of Kuwaiti oil wells and its willful spilling of oil into the Persian Gulf, resulting in the mass pollution of air an water;

For all of the above incidents, it is not a defense that an individual in committing such heinous acts acted under orders of higher government officials (International Military Tribunal (Nuremberg) Judgment and Sentences, 41 A.J.I.L. 172 (1946) ("That a soldier was ordered to kill or torture in violation of international law of war has never been recognized as a defense to such acts of brutality."):

The Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who comit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

A failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precendent and negatively impacts the value of deterrence to future illegal acts.

(b) It is the sense of the Congress that the President should confer with Kuwait, other Member Nations of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals involved in the planning or execution of the above referenced crimes, including Saddam Hussein.

(c) The Congress further finds that any Iraqi use of chemical weapons against insurgents inside Iraq should be consider a war crime and that those responsible should be held accountable.

(d) In the event Iraq shall use chemical weapons, it is the further sense of the Congress that the President should seek prompt and effective United Nations Security Council action to stop such use and to punish those responsible.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 21, 1991, beginning at 2:30 p.m., in room SD–366, of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 292, to expand the boundaries of the Saguaro National Monument;

S. 363, to authorize the addition of 15 acres to Morristown National Historical Park;

S. 545, to authorize the additional use of land in Merced County, CA; and

S. 549, to amend the Wild and Scenic Rivers Act by designating the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact David Brooks of the subcommittee staff at (202) 224–9863.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, the Committee on Rules and Administration will meet on Wednesday, March 20, 1991, at 9:30 a.m., in SR–301, to mark up a Senate campaign finance bill. I would also like to remind Members and the public that prior to this markup, the Rules Committee will hold three hearings on the subject of campaign finance. On Thursday, March 7, Wednesday, March 13, and Thursday, March 14, 1991, at 9:30 a.m. on each date, the committee will meet in SR–301, Russell Senate Office Building, to receive testimony on congressional election campaign finance reform proposals. Those hearings will focus on legislation referred to the Rules Committee.

For further information regarding the markup on March 20, please contact Mr. Jack Sousa, chief counsel of the Rules Committee, on 224–5648.

Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, March 21, and Wednesday, April 10, 1991, at 9:30 a.m. on each date, to receive testimony on S. 250, the National Voter Registration Act of 1991.

Individuals and organizations interested in testifying or submitting a statement for the hearing record are requested to contact Tom Zoeller of the Rules Committee staff on 224–0279. For further information regarding these hearings, please contact Mr. Zoeller.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and for the public a change in the schedule of hearings concerning S. 341, the National Energy Security Act of 1991, before the Committee on Energy and Natural Resources. The hearing schedule announced on Tuesday, February 19, 1991, had indicated that on Monday, March 18, 1991, at 2 p.m., the full committee would hold a hearing on title V of S. 341 pertaining to coal and the applicability of new source review to existing electric steam generating units—WEPCo.

The change in schedule is as follows: The hearing on March 18, 1991, will address only section 5101 of S. 341 pertaining to the applicability of new source review to existing steam electric generating units—WEPCo. As previously announced, the hearing will take place in room SD–366 at 2 p.m. For further information, please contact Don Santa at (202) 224–4820.

The hearing on subtitle A of title V of S. 341, pertaining to coal and coal research, has been rescheduled for Tuesday, March 19, 1991, at 2 p.m. This hearing will be held by the Subcommittee on Energy Research and Development and will take place in room SD–366. For further information on the March 19 subcommittee hearing, please contact Mary Louise Wagner at (202) 224–7569.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. WIRTH. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Regulation and Conservation.

The hearing will take place on Tuesday, March 19, at 2 p.m., in room SD–430 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on provisions of title III of S. 341 regarding building energy efficiency standards and ratings.

For further information, please contact Leslie Black or Allen Stayman, at (202) 224–4756.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Regulation and Conservation.

The hearing will take place on Thursday, March 21, at 2 p.m., in room SD–430 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the provisions of subtitle A of title IV of S. 341 regarding the export of renewable energy and energy efficiency technology.

For further information, please contact Leslie Black or Allen Stayman, at (202) 224–4756.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 6, 1991, at 9:30 a.m., to receive testimony on the projected shortfall in the Presidential Election Campaign Fund. Witnesses include the following: representatives of the Federal Election Commission; Mr. Fred Wertheimer of Common Cause; Mr. Thomas Schatz of Citizens Against Government Waste; and Mr. Roy A. Schotland, Professor of Law, Georgetown University Law Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, March 6, 1991, at 2 p.m. The committee will hold a confirmation hearing on the nomination of James F. Hoobler to be Inspector General of the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 6, 1991 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 6, at 2:30 p.m. to hold a hearing on Soviet disunion: the American response.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. RIEGLE. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. March 6, 1991, to consider the committee's fiscal year 1992 views and estimates report.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, March 6, 1991, at 9:30 a.m., on the subject: the purchase and use of counterfeit and substandard parts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, March 6, 1991, at 10 a.m., for a hearing on David Kessler, Commissioner of the Food and Drug Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session during the session of the Senate on Wednesday, March 6, 1991, at 2 p.m., to receive testimony from the unified commands oriented to mobilization and transportation of conventional forces on their contributions to Desert Shield/Desert Storm and on the impact of the fiscal years 1992–93 Defense authorization request and fiscal years 1992–97 future year Defense plan on the forces under their commands.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO FORMER SENATOR BILL ARMSTRONG

• Mr. BROWN. Mr. President, I rise today to pay tribute to a man who many have called one of the Senate's true statesmen, former Colorado Senator Bill Armstrong.

His announcement in February 1989 that he would not seek a third term in the Senate surprised and saddened all of us.

Bill Armstrong served the public with great distinction for 28 years; 10 years in the Colorado Legislature, 6 in the House of Representatives and 12 years in the U.S. Senate. He is a man of strong principles, a man who backs his convictions with action. He is a man who worked in the political process without ever losing sight of those principles.

Bill was already a successful businessman and broadcaster when elected to the Colorado House of Representatives in 1962. At the age of 25, Bill was one of the youngest ever elected to the legislature. At the age of 27, Bill Armstrong was elected to the Colorado State Senate and in 1969 became the youngest majority leader ever in the Colorado State Senate. In the legislature, Bill did not force himself into every debate. However, when he rose to speak, he quickly acquired a reputation as the member of the chamber with the most complete knowledge of the issue.

Bill Armstrong always has believed in the ideal of the citizen legislator. As he said, "I've always viewed myself as a citizen legislator * * * serving in Congress for a time, but always with the firm intention of returning to private life." After 12 years in the Senate, Bill Armstrong can return to private life with a fulfilling knowledge of the profound impact he has had on the Senate and the Nation as a whole.

Senator Armstrong established a reputation as a intellectual, issue-passionate legislator. With courage and conviction, he became an articulate advocate of economic issues by serving on both the Senate Budget and Finance Committees. Dubbed the "Father of Indexing," Bill Armstrong was the author of the income tax indexing provision of the 1981 tax reduction bill.

In the late 1970's, America's work force received cost of living raises based on the exorbitantly high rate of inflation. Since income tax brackets remained the same, these inflation-based salary increases pushed taxpayers into higher tax brackets, thus diminishing their initial pay raise. Senator Armstrong recognized the unfairness and helped pass legislation which indexed income tax brackets to the rate of inflation. Indexing now is regarded as one of the most important tax reforms in decades and is expected to save taxpayers about $100 billion during the next 3 years alone.

Senator Armstrong also was a champion in protecting America's senior citizens. Bill Armstrong was appointed by Ronald Reagan to the President's National Commission on Social Security Reform, where he focused attention on the long-ignored financing problems of the Social Security fund. He fought efforts to increase Social Security tax rates as a solution to the system's fiscal imbalance.

In his last years in the Senate, Senator Armstrong dedicated himself to repealing the Social Security "earnings penalty," which unfairly reduces Social Security benefits for older Americans who continue to work. Under the current law, older citizens have their Social Security benefits reduced by $1 for every $2 earned in salary above a certain level. Armstrong rightly argued that the Government was discouraging one of our most productive sectors of the economy from working.

Bill Armstrong also became one of the Senate's leaders for human rights. Concerned for the millions of victims of forced labor in the Soviet Union, Bill gained Senate passage of legislation requiring Federal enforcement of a U.S. statute banning imports of products produced with forced labor. He also led the successful effort to terminate Romania's most-favored-nation trading status with the United States due to the dismal record of Romanian human rights abuses.

When the people of Lithuania cried out for independence and the Soviet Union responded with a blockade, Bill Armstrong made sure the United States was there to help. His resolution, which encouraged the people of Lithuania to achieve independence and warned the Soviets that any use of force would have severe repercussions, passed the Senate unanimously. A few months later, Senator Armstrong again championed the cause of Baltic independence when the Senate passed a relief bill which provided emergency medical supplies, and food and water purification supplies to the blockade-starved people of the Baltics.

The plight of Chinese nationals seeking asylum in the United States following the Tiananmen Square massacre brought Senator Armstrong's quick action. He sponsored an amendment to help Chinese nationals fleeing the Communist Government's population control policies of forced abortion, infanticide, and sterilization. While the legislation was ultimately vetoed, the President promised to implement the bill and the Armstrong amendment by regulation.

For the men and women of the U.S. armed services, Armstrong became a vocal advocate of assisting those who devote their lives to protecting America and her ideals. He was the Senate's chief proponent of the restoration of the GI bill, which provided educational benefits to ex-service people and forcefully backed legislation enacted to make the GI bill benefits a permanent program.

Bill Armstrong also committed himself to remembering those Americans who served in the Korean war. In 1989 and 1990, he introduced and won passage of resolutions which designated the last week in July as the "National Week of Recognition and Remembrance for those who served in the Korean war." Senator Armstrong also helped guide through legislation to construct a Korean War Memorial in the Nation's Capital as a permanent tribute to America's men and women who fought so bravely in what many call "America's Forgotten War."

In June 1990, the Senate passed legislation introduced by Bill Armstrong which granted a national charter for The Retired Enlisted Association, a nonprofit retired military veterans organization based in Aurora, CO. Founded in 1963, the TREA has now grown from a regional organization of 1,300 members in 1981, to a present 59,000 members in all 50 States. The organization protects the rights and benefits of retired military personnel, provides a scholarship fund, and manages veterans assistance programs. Final approval of the charter now will come before the 102d Congress.

Bill Armstrong was the prime sponsor of the sodbuster bill, which removed Government incentives for plowing fragile grasslands. The legislation was designed to address the problem of millions of acres of precious topsoil blowing away, partly because the land was being plowed just to receive Federal farms benefits. Senator Armstrong's devotion to the issue gained Senate approval and was endorsed by almost every major agricultural and environmental organization. In fact, Bill was awarded the title, "Soil Conservationist of the Year" by the Colorado Wildlife Federation.

Another piece of legislation Senator Armstrong won passage for was the historic Family Welfare Reform Act of 1988. He was an articulate advocate of permitting work to be part of a welfare program which enables recipients to become productive by replacing welfare checks with pay checks.

While I had the privilege in the House of Representatives of working with Senator Armstrong on some of these issues, I envy those in this Chamber who had the opportunity to serve with Bill Armstrong in the U.S. Senate. His principled defense of American values and traditions while in Congress have earned him the deep respect and admiration of all who knew him. I always have known Bill Armstrong as a leader. He challenges us to reexamine our perspectives and to passionately dedicate ourselves to those issues we hope to champion.

Bill Armstrong never lost a general election campaign. He consistently led the Republican ticket and retired as the most electable Republican in Colorado history.

What I admire most about Bill Armstrong was the manner in which he conducted himself. He had the ability to take firm positions and then present them with rationality and affability in the most rancorous political debate. His first question in examining an issue was always what is fair and what is right. Bill Armstrong, you served the people of Colorado and the Nation with integrity and humility. You have set a standard of service for which all Coloradans can be proud.●

NOW THE REALLY TOUGH JOB: WINNING THE PEACE

● Mr. SIMON. Mr. President, I rejoice with all Americans at the release of our prisoners of war, and I look forward to hearing President Bush outline his thoughts for the next steps to take toward a lasting peace in the Middle East. In a column I write for newspapers in my State, I offer my perspective on some of the hurdles we face in that troubled part of the world. I ask to have it reprinted in the RECORD.

The column follows:

NOW THE REALLY TOUGH JOB: WINNING THE PEACE

(By U.S. Senator Paul Simon of Illinois)

The war to free Kuwait is over. Now we must win the peace, in some ways a more difficult task than winning the war.

Saddam Hussein was a disaster as a military leader, but he managed to convey to many in the Moslem world that he was the true Moslem and Arab leader who was standing up to the Christian/Jewish West. He actually belongs to a secular group, but his speeches took on a religious ring that lacked genuineness to those who know his background, as too few did.

Anti-U.S. demonstrations took place in most Moslem countries. The United States comes out of the war with problems in that part of the world, with the exception of those Moslem nations that actively supported us.

Fortunately, some of these nations are in the immediate area where peace and stability must be created.

A few Arab leaders have hinted publicly that after this war a peace accord with Israel should be developed. More Arab leaders have whispered that quietly, and whether they will stand up with courage at the appropriate time, we may soon discover.

I have urged Secretary of State James Baker to approach the situation much as you would a labor-management struggle. First, get the two sides to agree on some things, establishing trust, and then move on to the more difficult issues after an element of understanding has been created.

How can that be done?

Let me suggest this scenario:

First, encourage Israel and the Arab nations to work together on finding less expensive ways of converting salt water to fresh water. The most explosive long-term problem in the Middle East is water. They all know that.

Egypt, for example, lives on 4 percent of its land. As the population of Egypt mushrooms, Egypt's water supply stays the same. That obviously is a volatile situation.

In my trip to Saudi Arabia, Israel and Egypt in December, the leaders of those countries talked much more about water than about oil.

On water, we should be able to get Israel and all the Arab nations working together.

Second, Israel and the Arab nations have a common interest in agreeing on a a system for a verifiable method of eliminating nuclear, chemical and biological weapons from that area of the world.

Third, President Bush should name someone of the stature of former Secretary of State George Shultz as a roving ambassador who will devote full time to the search for peace and reconciliation in the Middle East.

If we can encourage Israel and the Arab nations to work on building trust and reducing fears of each other, then we can move to the more difficult problem of people and territory: the Palestinian question.

To jump to the toughest question first probably is not wise. But succeeding will take aggressive leadership by the United States.

If we provide leadership for war, but not for peace, we will have dishonored the memory of those courageous people who fought this war.●

AMENDMENTS TO S. 341, THE NATIONAL ENERGY SECURITY ACT OF 1991

● Mr. BINGAMAN. Mr. President, on February 28, I introduced a series of amendments to the natural gas regulatory provisions of S. 341, the National Security Act of 1991. In my statement, I referred to a paper by Mr. George Hall which attempts to quantify the costs associated with regulatory delays in the approval of proposed natural gas pipeline facilities. That paper inadvertently was omitted from the RECORD. Mr. President, I ask that a copy of Mr.

Hall's paper be reprinted in today's RECORD.

The material follows:

ECONOMIC COSTS OF REGULATORY DELAY

(By George R. Hall)

I. INTRODUCTION

Consider the following judgment rendered by an eminent authority on regulation:

"Inordinate delay characterizes the disposition of adjudicatory proceedings before substantially all of our regulatory agencies.* * *"

The renowned expert then focused in specifically on the regulation of natural gas and stated that:

"Delay after delay in certifications and the prescription of rates has cost the public millions of dollars."

Who am I quoting? Judge John Landis. The excerpts are from the famous Landis Report to President-Elect John F. Kennedy in 1960.[1]

In the last 30 years, when all is said and done, much more has been said than done about the problem Judge Landis emphasized to President Kennedy. The problem still persists and the Federal Energy Bar Association is to be commended for refocusing our attention on reform of the regulatory process. As Judge Landis pointed out three decades ago, delay is a very costly matter. The economic benefits of speeding up are substantial. I hope today to impress you with just how substantial they are.

It is easy to talk generally about the costs of regulatory delay. However, it is not easy to produce quantitative measures of these costs. First, one person's "delay" is another person's "due process." Lucky for me, other panel members will deal with this problem.

I will focus on another reason that we tend to avoid putting numbers with the time required to obtain regulatory decisions. Many of the cost effects are indirect; they don't show up on corporate books. They require estimates, and lawyers and economists can always argue about another person's estimates.

Nonetheless, regulatory delay levies real demands upon our economic resources and these requirements can be quantified. Even conservative estimates produce astounding totals that are so large that, I believe, they should give a sense of urgency to the task of reforming the regulatory system in order to produce speedier decisions and a faster resolution of disputes.

Delay in any regulatory decision has costs. However, I will focus on applications for certificates of public convenience and necessity.

The press reports that there are 37 significant pipeline projects pending before the Federal Energy Regulatory Commission (FERC). The nine largest, if approved, would move 1.2 bcf per day. If contested, each of these is likely to take a substantial time until a decision is rendered. The same report quotes a Congressional study that concluded that the major contented certificate applications that were approved by the FERC in 1990 required an average of 693 days to process.[2] A significant improvement in this record would bring substantial shifts in fuel usage with, as I shall demonstrate, significant beneficial resource impacts.

II. A METHODOLOGICAL FRAMEWORK

We need to begin our examination of the costs of delay by distinguishing various ways that delay requires our society's resource. One way is the direct regulatory expenses that show up on the corporate accounts of regulated firms and the budgets of governmental agencies. The fees of FEBA members and consultants, like me, that support you come immediately to mind. I will not, however, focus further on these direct costs. They are well known. And, in any event, many might argue that contributing to the well-being of energy lawyers and economic consultants advances the public betterment, no matter how large a fraction of the gross national product might be required. Many who might argue this position might be lawyers and consultants, but who would be foolhardy enough to argue with their assessments of the public good.

In addition to the direct costs, economic adjustment costs should be considered.

An application for a certificate of public convenience and necessity is a request for an economic change. If approved by the regulators, presumably our economy has become more efficient. Thus, one can think of a certificate approval as moving our economy from a point of disequilibrium to a point closer to a state of optimal efficiency. Thus, a delay in a decision can be thought of as prolonging the state of economic inefficiency. The analytic task is to measure the gap between the economic situation before the new project and the economic situation after the new project.

With regard to a major new supply project, such as a pipeline that will allow the substitution of a new supply of gas for oil or for a more expensive source of gas, three disequilibrium costs come immediately to mind. These are:

Balance of payment costs.

Costs of using a less efficient fuel.

Strategic costs.

Finally, there is another cost category that I would like you to consider are environmental costs. In addition to the costs that show up on consumers' bills, there is a category of hidden costs (environmental costs) that is highly relevant. Pollution has serious adverse impacts on our society, although, usually, these costs are hidden. Environmental damage is a real cost, nonetheless, and it should be figured into our calculus of the costs of the regulatory process, and this can be done.

FERC delays in the certification process directly result in external costs that otherwise could be avoided. Because the combustion of natural gas can displace fuel oil, a proceedings delay can result in otherwise avoidable excessive emissions of pollutants such as carbon dioxide, sulphur dioxide, ntirous oxide compounds and particulates. While it is relatively easy to estimate the net change in emissions attributed to substituting natural gas for oil, placing a dollar value on pollutants is much more difficult. The root of the problem lies in the fact that property rights to the use of certain economic resources, such as the atmosphere, are largely undefined and the effects of incremental emissions are difficult to define. By contrast, owning a hole in the ground in which EPA has approved as being suitable for disposal of hazardous wastes results in very clear disposal costs for the firm generating toxic waste. consequently, an electric utility burning a fossil fuel discharges its pollutants into the atmosphere at no cost to itself. Unfortunately, as we are all aware, the cost of air pollution does manifest itself in such forms as lung and respiratory disease, acid rain destruction of lakes and forests and possibly global warming.

In addition to the three types of costs, there are a number of other possible economic effects that we might decide to quantify. Some are the "second-order effects or indirect effects of the direct substitution of a less costly supply source of a more costly supply source. For example, substitution of gas for oil will have some impact on the demand for oil and, thereby, will affect the price of oil. Also, we might wish to examine income-distribution impacts. It is very difficult, but not impossible, to produce creditable estimates of such effects, and I have not attempted such an analysis for our meeting today. I do want to point out, however, that such impacts could be factored into estimates of delay, and, because I have not done so, my estimates probably underestimate the economic costs of regulatory delay.

III. AN EXAMPLE: THE FLORIDA GAS TRANSMISSION PROCEEDING

Background

The economic significance of delay can be illustrated by examining the application of the Florida Gas Transmission (FGT) System for a FERC certificate to expand that system. This proceeding is, I am sure, familiar to all here. Many other examples might have been used, but the FGT case provides an apt illustration.

On 15 June 1990, the FERC approved an FGT proposal to offer a complete restructing of its services, expansion of capacity, open-access transportation and a mechanism to recover take-or-pay costs incurred during the transition. The Commission's action ended some four years of contested proceedings. In April 1986, FGT transmission applied for a certificate of public convenience and necessity authorizing additional capacity to deliver 100,000 Mcf/day for which it received approal in early 1987. FGT subsequently proposed a $160 million expansion to deliver another 100,000 Mcf/d of natural gas. However, for whatever reasons, final approval took almost four years. As a result, the expansion will not be completed until late 1991. What would have been the economic advantage if the FERC had been able to reach its decision one year earlier, that is, in three years rather than foul?

Analysis

To estimate the environmental and economic benefits of shortening the FGT decision process by a year, I have made several simplifying assumptions. In any situation where one were to use such figures as the basis for a decision, it would be desirable to try to avoid having to make such assumptions; but since my purpose is to develop an illustrative example, I believe these assumptions are justifiable shortcuts. I assume that:

All 100,000 Mcf/d of natural gas displaces residual fuel used to generate electricity.

Florida's capacity to import electricity through existing transmission lines is constrained.

Downward pressures on fuel oil prices due to increased supplies of natural gas do not occur.

The introduction of new gas supplies into Florida does not affect existing gas prices.

One Btu of residual fuel oil and one Btu of natural gas each generate the same amount of kilowatt hours.

Balance of Payment Costs

If the FGT certificate had been issued a year earlier, Florida utilities would have been able to avoid importing 5.7 million barrels of residual fuel oil at a total cost of $130 million. In other words, the United Sates would have been able to reduce its balance of trade deficit payments over the 12-month period by $130 million.

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[1] Landis, James McCauley, "Report on Regulatory Agencies to the President-Elect," Washington, D.C., US GPO, 1960.

[2] "Under Fire, FERC Seeks to Speed Pipeline Permitting," *Oil and Gas Journal*, Nov. 5, 1990, p. 11.

Security Costs

A deployment of 400,000 U.S. troops to the Persian Gulf is compelling evidence that a security premium should be added to the cost of each barrel of oil that the United States imports. I think the security-premium estimate of my colleague, Bill Hogan, is very sound. The estimate in 1985 dollars is $9.56 per barrel. This translates into $11.23 per barrel in 1990 dollars. This would amount to $64 million for a non-year speed-up in the FGT proceeding.

Excessive Fuel Costs

Because natural gas supplies into the state of Florida have not met, and are not expected to meet, demand for some time, electric utilities, as well as other consumers of fossile fuels, have had to burn a more expensive substitute fuel. Had the additional 100,000 Mcf/day of natural gas been available 12 months earlier, consumers could have avoided paying the incremental difference between natural gas and residual fuel oil. Without having analyzed the use profiles of the major gas customers and their economic dispatch orders, a rough estimate is that excessive fuel costs in Florida for a one-year period would amount to $37.3 million.

Environmental Costs

Using natural gas rather than oil would have lowered atmospheric emissions of various pollutants. Using combustion emission coefficients data, the total emissions from appropriate quantities of natural gas and then from residual fuel oil can be estimated. By subtracting the difference, we get an estimate of the physical benefits of a regulatory-process speed-up. I am using, for illustrative purposes, externality estimates from the Ottinger-Pace University report and from the May 1990 Tellus Institute report on environmental externalities.[3] As Table 1 shows, Ottinger-Pace and Tellus differ significantly in their valuations of the adverse impacts of pollutants. For present purposes, we need not resolve such differences or put an alternative forward. Let's just use both.

TABLE 1.—ESTIMATES OF ECONOMIC COSTS OF POLLUTANTS

[Cost per ton]

Pollutant	Ottinger-Pace	Tellus Institute
Carbon dioxide	$14	$22
Sulphur dioxide	4,060	1,500
Nitrogen oxides	1,640	6,500
Suspended particulates	2,380	4,000

Source: Ottinger, pp. 31–35; Bernow, p. 33.

The total costs of the pollutants discharged into the atmosphere over a one-year period, in the absence of 100,000 Mcf/day of natural gas capacity, is $160 million using the Ottinger-Pace member. Using the Tellus costs, the total costs of pollutants is $94 million.

If Florida were one of the nine states in which regulatory commissions require their utilities to incorporate the cost of externalities in its planning process, Florida utilities in aggregate would have conceivably have had to consider externality costs of anywhere from $158 million to $224 million.

The numbers that I have presented here today suggest that for every year of delay for a project such as the FGT case, the costs of these benefits potentially can be staggering. In total, the estimate of the economic and environmental costs attributed to a one-year delay in the FGT proceedings comes to $261 million using the Ottinger numbers, and $195 million using the Tellus numbers. The balance of payments costs total $130 million.

To put these numbers in perspective, $195 million to $261 million for a year's delay can be compared to the $160 million for the second phase of the FGT expansion. Table 2 summarizes the various costs that I have described.

TABLE 2.—COST OF A 1-YEAR DELAY IN FGT REGULATORY PROCEEDINGS

Cost elements	Millions of 1990 dollars
Excessive fuel costs	37.
Environmental externality costs	94 to 160.
National security costs	64.
Total costs	195 to 261.
Balance-of-payment costs	130.

IV. BALANCING ECONOMIC COSTS AND DUE PROCESS BENEFITS

We should be cognizant not only of the economic costs of a long decisional process, but also of the alleged benefits to society. What are the benefits of regulatory delay?

Like some of the costs I mentioned earlier, benefits of regulatory delay are difficult, at best, to quantify, or even identify in some cases. However, we can probably agree that the benefits of delay include the following:

Ensuring that interested parties have an adequate forum in which to voice their concerns and opposition.

Providing a chance for FERC to explore all the potential economic, environmental, political and energy security implications of a project.

Providing the opportunity for FERC to ensure that the sponsoring party plans to comply with all the appropriate rules and regulations governing natural gas pipeline construction and operations.

These are real benefits. However, we need to ask what it will cost to provide these benefits and at what point the marginal benefits will beome too costly to be justified.

I defer an answer to the others on this panel who will address the benefits of the current procedural rights and possibilities for procedural reform. However, my experience as a regulator and as a participant in various proceedings leads me to conclude that an adequate record on the legitimate questions about the economic efficiency of new projects and the distribution of costs and benefits could be adequately developed in significantly less time than it now takes the FERC. If so, the numbers I have developed indicate we are paying a price for the current FERC procedures that I, for one, find unjustifiable.•

AMERICA'S JAPAN POLICY

• Mr. ROCKEFELLER. Mr. President, in December of this past year, Ira Wolf, my former legislative assistant and now Director of Government Relations-Japan for Motorola, Inc., gave a speech in Tokyo about the U.S. Congress and America's policies affecting Japan. He gave a compelling description of the role that Congress plays in formulating policy in Washington. In this speech, he also argued that Congress acts as a responsible and constructive participant in developing policy toward Japan.

Though I am admittedly biased, due to my enormous respect toward this former aide and key advisor, I believe that Ira Wolf has presented some highly useful insights and analysis to the Japanese and Americans in this address. So that others might benefit from this excellent work, I ask that the text of his speech be included in the RECORD. I encourage my colleagues, their staff, and other interested readers to give special attention to this.

The text follows:

THE U.S. CONGRESS AND AMERICA'S JAPAN POLICY

(By Mr. Ira Wolf, Director of Government Relations-Japan Motorola, Inc.)

Mark Twain wrote over 100 years ago that "It could probably be shown by facts and figures that there is no distinctly native American criminal class except Congress." Thomas Jefferson, near the end of his life, wrote about the Congress: "That one hundred and fifty lawyers should do business together ought not to be expected." The Greek author Aristophanes, in 424 B.C., wrote: "You have all the characteristics of a popular politician: a horrible voice, bad breeding, and a vulgar manner." Criticism of politicians is not a new phenomenon.

Despite these statements, my thesis today is that the U.S. Congress is a serious and responsible participant in the policy formulation process in Washington. This may not be a popular time to defend the Congress. Many here in Tokyo believe that Congress is a single-minded, Japan-bashing institution. Many in the United States believe, especially after the recent budget fiasco, that Congress is completely paralyzed. Nevertheless, I submit that Congress is playing the role that was expected of it by our Founding Fathers. I believe the input of Congress into America's Japan policy has been positive and constructive, if viewed from the perspective of America's national interest. "Nations do not have friends; they have interests." It sounds cynical, but to expect anything different is to be hopelessly naive.

Let me start by discussing the role of the Congress in the American political system. This is misunderstood by most non-Americans because our Presidential system is so different from the Parliamentary systems in the rest of the industrialized world. I should note that even many Americans do not adequately understand the role of the Congress.

One of the fundamental tenets of the US Constitution is the separation of powers among the three branches of government—the Executive, the Congress, and the Judiciary. For the sake of simplicity, I will not discuss the Judiciary today. Each branch is given different powers, although there is ambiguity and overlap in their respective authority. The purpose of the Founding Fathers was to assure that no branch obtained overwhelming power. As James Madison wrote in the "Federalist Papers," "ambition must be made to counteract ambition." While this system of "checks and balances" results in a permanent struggle between the Congress and the Executive (by which I mean the President), it also forces the two branches to work together. Paralysis in the political system occurs when they are unable to do so.

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[3] Ottinger, Richard L. et. al., "Environmental Costs of Electricity," Pace University Center for Environmental Legal Studies, September 1990. Bernow, Stephen and Donald B. Marron, "Valuation of Environmental Externalities for Energy Planning and Operations," Tellus Institute, May 18, 1990.

Paralysis is not unique to those times, such as today, when control is divided politically between a President of one party and a Congress where the majority is from the other party. Modern American history is replete with cases where Presidents failed to achieve their objectives, even when their own party controlled the Congress.

That is, the conflict inherent in the separation of powers is much deeper than simple partisan politics. These two institutions, the Executive and the Congress, have different functions, serve different roles, and are accountable to different masters. The President is responsible to the nation and its people as a whole. The Congress, in contrast, is responsible to individual constituencies, whether they be a half million person Congressional district or an entire state. And, as one political observer has noted, "Constituencies are themselves narrow interests." Congress has the obligation to ensure that the views of the people, in all their diversity, are heard in the deliberations of the federal government.

To formulate and carry out a policy, the Congress and the Executive must work together. That process of political consensus-making is basic to the American system. No matter how good an idea or a policy may be, it can only be implemented through the political system. The federal government might run more efficiently if the President were much stronger. But that would run counter to historical experience and the very purposes of the founding of the United States. Thomas Jefferson wrote: "I know of no safe depository of the ultimate powers of the society but the people themselves." Except in rare crises, the American people do not want too strong a President. Polls continue to show that people actually prefer that power in the federal government be divided between the two parties.

Although this may appear to be a textbook explanation of how power is distributed in Washington, it accurately describes the fundamental reality of our political process. The result is often inefficient, cumbersome, and sloppy. In fact, having just completed three years working on Capitol Hill, watching its daily political machinations, I confess that I left Washington with a sense of pessimism, cynicism, suspicion, and gloom. Financing of Congressional campaigns desperately needs reform. A system where, as happened last month, 97 percent of sitting Senators and 96 percent of sitting House members who ran for reelection were victorious, indicates a potentially dangerous permanent incumbency. Lobbying by domestic and foreign interests, while legitimate and, in fact, necessary, has become so intense that the very concept of a political system responsive to the public may be in jeopardy. The low quality of election campaigns with the newly dominant phenomenon of negative campaigning is very worrisome. Congress, and, parenthetically, the Executive Branch as well, is unwilling to make hard and unpopular decisions that will help reduce the budget deficit and improve America's competitiveness. The low percentage of American citizens who actually vote in Congressional elections is extremely disturbing—below forty percent last month. Clearly, political reform is needed in the United States. Thomas Jefferson wrote that ". . . a little rebellion, now and then, is a good thing, and as necessary in the political world as storms in the physical." But despite these problems, Congress does provide the means for the people, in their diversity, to be heard in Washington.

Of keen interest to all of us is trade policy formulation in Washington. What is the Congressional role? Article One of the American Constitution gives Congress the sole power "to regulate commerce with foreign nations" and the authority "to lay and collect . . . duties." There is no mention of the President, and the power to establish trade policy, thus, lays with the Congress. For a number of reasons discussed in great detail in an excellent book by Professor I.M. Destler, "American Trade Politics: System Under Stress", this began to change in the 1930's when Congress initiated a forty-year process of delegating its trade authority to the President.

By the 1970's, however, the United States began to experience increasing foreign competition, growing trade deficits, changes in its relative economic strength versus other countries, floating exchange rates, GATT rules that were applicable to less and less of international trade, and an increasing importance of foreign trade to the American economy. Interest groups became more active; new issues, such as concern over exchange rates and industrial policy, arose. Laissez-faire trade doctrine was challenged. Managing trade issues became much more complicated, and Congress began to reassert its Constitutional authority in setting trade policy.

Congress became more active in initiating laws. Oversight of trade law increased. Trade expertise grew, among both members of congress and their staffs. Hearings, committee reports, legislative proposals. Sense of the Congress Resolutions, overseas trips to Tokyo and Geneva, all became vehicles for Congress to influence U.S. trade policy. In the 1980's, Congressional frustration increased further because of inaction by the Reagan Administration, and that led directly to greater activism on trade issues.

However, I must point out that Congress is not the Neanderthal, Japan-bashing, protectionist institution that the media in Japan would have you believe. There is a significant difference between activism and protectionism, or between efforts to close American markets versus using the leverage we possess to open markets overseas and to help make America competitive again. Much of the news reported in Japan about the Congress in the last few years covered the activities of individuals—in many cases, relatively unknown junior members of Congress with little or no influence. The most notorious, of course, relates to the Toshiba incident, where the smashing of a cassette radio on the lawn of the Capitol was played endlessly on Japanese television. Why should a statement or action by an unknown Congressman criticizing Japan have any more significance than a statement by a junior and unknown Diet member? The former is a headline; the latter is ignored.

Furthermore, in a two-year Congressional session, over 10,000 bills and resolutions are introduced. Of these, maybe several hundred will be enacted into law—at most, three to five percent. Contrast this with the Diet where well over 90 percent of bills that are introduced become law. Most bills are introduced into the Congress for other purposes—to influence public opinion, to promote a favorite project or policy, to set the stage for later legislation, to provide a forum for discussion, or to respond to constituents' interests. I mention this because serious analysis of the Congress as an actor in U.S./Japan relations requires an understanding that it is a mistake to treat every bill introduced that is critical to Japan or targets action toward Japan as significant.

It is important to examine precisely and systematically what the Congress has done regarding American policy toward Japan. If one looks at actual legislation, I think the answer is "not much." The most prominent example of such legislation in the last four years was probably the Omnibus Trade and Competitiveness Act of 1988. Much of the focus of attention has been on the so-called Super 301 provision under which the U.S. designated priority countries for special negotiations to remove trade barriers.

This provision began as the Gephardt Amendment which would have required those countries that had a large bilateral trade deficit with the U.S. to reduce that deficit ten percent a year for three years. This proposal was found wanting, and Super 301 emerged as a more or less general set of guidelines to the President who retained ultimate discretion in its application. Earlier versions of Super 301 made the President's actions mandatory. But, in negotiations within the Congress and with the Executive Branch, his discretion was enhanced. This latter point, the fact of negotiations between the Congress and the Executive Branch, is vitally important. It takes a two-thirds majority vote in both Houses of Congress to override a Presidential veto. This means that, other than in truly exceptional cases, the Congress must obtain the agreement of the President before a bill is enacted into law. This forces compromise and conciliation, and that is what happened with Super 301 and many of the other provisions of the Trade Act.

Another issue at the top of the Congressional agenda is direct foreign investment in the United States. Although most proposals are couched in a general way, Japan is clearly the target. The Bryant Amendment, which first articulated concern about increasing foreign investment, was introduced in 1987. Although it received considerable press attention in both the United States and Japan, it was not well-received on Capitol Hill. Most members of Congress recognized the need and benefits of foreign investment, both direct and portfolio, and saw this proposal as more than just a neutral information-gathering effort. It was perceived, generally, as the first step in possibly moving to restrict or control foreign investment in the future.

After three years of deliberation, this fall the Congress enacted a proposal offered by Senator Exon and Congressman Lent and endorsed by the Executive Branch to provide for sharing of data currently collected by different government and for an annual report on the effects of foreign investment on key American industries. This three-year debate indicates the kind of thoughtful and serious consideration these proposals have been given. Yes, the rhetoric has been very sharp at times. But, the Congress, like the White House, exists in the world of politics where rhetoric is often the currency. One reaches a totally different conclusion, however by examining the actual results, rather than the rhetoric.

Finally, let me turn to the 102nd Congress which will convene in January? What will happen? Arthur Clarke has written: "This is the first age that's paid much attention to the future, which is a little ironic since we may not have one." We can be sure, however, that those of us involved in U.S./Japan frictions have a future, so let us look at next year.

Whether or not war breaks out in the Middle East, the Iraqi invasion of Kuwait has profoundly altered the thinking of those in the Congress, and elsewhere in the United States, who view U.S./Japan relations as fundamentally based on the security relationship rather than on economic, financial, and trade factors. To the United States, the Iraqi problem is a global issue, affecting the world economy, the political balance in the Middle East, and the possession of nuclear weapons by a Middle East power. The United States also looks at the moral dimension—the dismemberment of a nation-state and Saddam Hussein's use of chemical weapons. Japan, on the other hand, looks at the supply of oil and, as we have heard from many in Japanese industry, high priced oil will affect the United States and Europe much earlier than it will damage this economy. Japan also looks at the Iraqi crisis in terms of U.S./Japan relations, searching for the minimum participation necessary to assure the maintenance of that most important bilateral relationship.

Please excuse my gross oversimplification of a complex issue. The problem is that those Americans who have focused on security as the centerpoint of U.S./Japan relations have believed for forty years that America's global security concerns and Japan's global security concerns coincided. They have assumed that Japan, when it eventually became a wealthy and mature nation, would play a major international political role, and that role would be in accord with American interests. Those Americans are now upset, disheartened, frustrated, and angry—not at themselves for a fundamental misunderstanding of Japan, but at Japan for not recognizing what these American experts see as Japan's international interests. These Americans, in Congress, in the Executive Branch, in the media, and in academia, have served as an important buffer, as a critical ally of Japan, when others were criticizing its trade, financial, and economic policies. In the 102nd Congress, especially if there is war in the Middle East and American soldiers die in the thousands, this buffer will disappear, and Congressional pressure on Japan in many areas, old as well as new, may reach new heights.

We are entering a very dangerous and uncertain period. Congress will be a major actor in the United States in determining how the U.S./Japan relationship develops in the future. I hope that my comments today will help you better understand that institution.•

HONORING TRISH GUNDLACH

• Mr. KASTEN. Mr. President, at a time when all of us are bursting with pride at the accomplishments of our brave soldiers in the Persian Gulf, we ought to take a moment to thank some of those who served by staying at home.

I have in mind in particular the terrific job that has been done in Wisconsin by the seven National Guard family assistance centers. The men and women at these seven facilities are on hand to help soldiers' families with some of the most trying problems of daily life—legal difficulties, late paychecks, trying to get health benefits.

Most important of all—when a loved one is far away and in danger—these men and women are there to listen. They have fielded nearly 10,000 calls since the war effort began.

I rise today to pay my respect to one person who I am told has been a real star in this whole effort—WO Trish Gundlach. She has made a huge difference in the lives of some of these families—so to her and all her colleagues at the family assistance center of Wisconsin, I ask my colleagues to join me in sending our heartfelt thanks.•

TRIBUTE TO NICARAGUAN JOURNALISTS

• Mr. GRAHAM. Mr. President, March 1, is a special day for Nicaraguan journalists around the world. On that day in the year 1884, the first daily newspaper was founded in Nicaragua by Gen. Rigoberto Cabezas and named appropriately, El Diario De Nicaragua.

The tradition lives on. At the beginning of this century, every 1st of March, the entire country of Nicaragua and Nicaraguan journalists throughout the world celebrate "the Day of the Nicaraguan Journalist."

Since 1980, the Nicaraguan citizens in exile residing in South Florida have continued this celebration.

Florida has a well-deserved reputation for excellence in journalism, and Nicaraguan journalists are a part of that proud tradition. We share the belief that an informed public provides the foundation for a free society.

This year—with freedom and democracy on the rise—we salute the vigor and the industriousness of Nicaraguan journalists who exemplify freedom of expression every day. These journalists personify the free expression guaranteed in our first amendment. Their task is vital, their audience is vast and their dedication to the free flow of information is unshakable.

I join the Nicaraguan community residing in the State of Florida in celebrating "the Day of the Nicaraguan Journalist."•

CLOWES MEMORIAL HALL

• Mr. COATS. Mr. President, it is with great pride that I rise today to recognize the Clowes Memorial Hall of Indiana's Butler University. Clowes Memorial Hall has been selected as one of only 14 arts centers from across the Nation to participate in the Institute on Arts Education developed by the John F. Kennedy Center for the Performing Arts.

Since its opening in 1963, Clowes Memorial Hall has been at the center of cultural activities, not only in Indiana, but in the entire Midwest. Clowes Hall is a renowned performing arts facility which hosts a wide variety of music, theater, and dance presentations. This facility boasts its own jazz, variety, and great artist series of programs and is home to several resident companies such as the Indianapolis Ballet Theatre and Indianapolis Opera. Clowes' patrons are provided with the very best cultural offerings in a wide spectrum of performing arts. Clowes Hall has been successful in instilling Hoosiers with a deep appreciation of the arts and in enhancing the cultural awareness of the community.

At this time, I would like to commend Clowes Memorial Hall for maintaining a standard of cultural excellence in Indiana and for being selected to participate in the Institute on Arts Education. I would also like to recognize the staff at Clowes Memorial Hall for their efforts and offer them my best wishes for continued success.•

HONORING OSHKOSH TRUCK

• Mr. KASTEN. Mr. President, I rise today to alert my colleagues to some very informative statements made this morning by the Secretary of the Army Michael C. Stone. In testimony before the Defense Appropriations Subcommittee, Secretary Stone discussed the performance of some of the Army's high-tech weapons systems. In addition, he also indicated that items other than high-tech weapons had made important contributions to our war efforts and specifically complimented the Oshkosh Truck Co. for its heavy expanded mobility tactical truck [HEMTT], which performed exceedingly well in support of our troops in the Persian Gulf. Secretary Stone said "The HEMTT, which is built in Wisconsin, performed very well, and we wanted to get as many of them over there as we possibly could."

I believe it is important to bring Secretary Stone's statements to my colleagues' attention since there was a great deal of discussion in past years on funding for these trucks. A number of Senators did not support the funding. The trucks' outstanding performance in the Persian Gulf and the Army's support for the HEMTT vindicates the acquisition of these vehicles.•

PRESIDENTIAL DECERTIFICATION OF SYRIA

• Mr. D'AMATO. Mr. President, I rise today to support the Presidential determination to decertify Syria on the grounds that it has failed to fully cooperate with the United States on narcotics control efforts and that it has failed to take adequate steps on its own against production and trafficking of illicit drugs. On March 1, 1991, President Bush denied certification to Syria under section 481(h) of the Foreign Assistance Act.

The March 1991 State Department International Narcotics Control Strategy Report, which accompanied Presidential Determination No. 91-22, Outlines Syria's participation in narcotics trafficking. The following are statements directly from the State Department report:

> Page 306:
>
> The United States Government has reliable reports that individual Syrian soldiers and other officials stationed in Lebanon's Bekaa Valley, as well as higher-level Syrian military officials, are involved in the drug trade. While this is in clear violation of Syrian and Lebanese law, there is no evidence that any of these military officers or soliders has been prosecuted for this activity. Such activities cause skepticism about Syria's professed interest in Narcotics control. Narcotics arrests have declined over the past few years.
>
> Page 304:
>
> Syria is a transit point for illicit drugs as well as a refiner of heroin. Lebanese-produced hashish and herion, destined for Europe and the U.S., transit Syria * * * small amounts of cocaine, refined in Lebanon and Turkey, also transit Syria * * *
>
> The U.S. Drug Enforcement Administration [DEA] officer based in Cyprus visited Damascus three times in 1990, held discussions with police officials on individual cases and on ways to improve the exchange of information. The U.S. Government is unaware, however, of any actions by Syrian authorities against these individuals as a result of the information provided.
>
> Page 305:
>
> Official Syrian Government policy opposes the use, sale, distribution, and trafficking of narcotics, psychotropic drugs, and other controlled substances. In theory, Syria's formal legal system would appear adequate to deal with narcotics offenses. In practice, however, these laws are not effectively administered and there is some use, trafficking, and processing of illicit drugs.

Syrians operate on four levels of involvement in the drug trade—cultivation, processing and refinement, transport, and marketing/distribution. While the extent to which drug trafficking is officially sanctioned by the Syrian Government is unknown, it is known that such activity provides a boost to a sagging Syrian economy, that high-ranking Syrian military officers have been implicated in the drug trade, and that some family members of President Hafez Assad are alleged to be involved in narcotics networks.

According to Anthony Haden-Guest, the author of a May 1990 Vanity Fair article entitled "Letter From Beirut: Medellin East":

> I have myself seen hashish-laden lorries trundle down the Bekaa Valley's single main road, undisturbed by Syrian Troops. Traffickers with passes signed by Syrian generals move about freely. Heroin dealers entertain Syrian officers in the grandiose mansions that house their laboratories.
>
> One trafficking family brought in Colombians to show them how to grow coca leaves. The head of the family is allied with Rifaat Assad, the Syrian President's brother. I have seen a D.E.A. surveillance film showing a top representative of the Medellin Cartel meeting in Cyprus with a representative of the Syrian Government.
>
> Halate, an illegal port in Lebanon's Christian enclave, where many traffickers have chalets, is protected by Syrian gunboats. There are reports of Syrians' burning the property of insubordinate traffickers. It is clear that Syria is tightenting its control of the drug traffic.

The June 1990 The World and I, a publication of the Washington Times, contained an article entitled "The World's Largest Drug Field" which described the drug trade in Lebanon. The following are quotes from this article:

> The Syrian Government which invaded the area to "bring law and order" is an active partner with local merchants and raked in as estimated $1 billion last year. This money was desperately needed, as the Syrians have to pay off their vast debts to the Soviet Union before Moscow will supply any more sophisticated missiles, fighter planes, and other weapons for President Hafez Assad's 800,000-strong Army.
>
> Masterminding the entire operation in the Bekaa today is Gen. Ghazy Kenaan, chief of Syrian military intelligence.
>
> * * * So lucrative has this trade become that there is now rivalry between the various Syrian intelligence agencies and lower rank Army officers who also want a share of the loot.
>
> To establish order, the crack 25,000-strong Syrian Presidential Guard, called defense brigades of the revolution—created by Rifaat and considered still loyal to him—was sent from Damascus to take over control of the Bekaa Valley Drug business.
>
> In January, two members of the Syrain military intelligence were sentenced to eight years' imprisonment in Paris for drug trafficking. Mohammed Fartuzi and Ahmed Ali were caught after trying to smuggle eight tons of Cannabis by ship from the Syrian-controlled Lebanese port of Tripoli to France. Evidence was accepted that the former Syrian military attache in Paris and a senior Syrian Army commander directed the smuggling of Lebanese drugs to Europe.
>
> * * * U.S.-made tractors and other agricultural equipment supplied by the Syrians to villagers have speeded up harvesting during the past two years. One reason for this is the growing value of the Bekaa Valley as the world's major source of this modern scourge in Britain and other western countries.

Mr. President, we are all too aware of Syria's relationship with, and harboring of, violent terrorists such as Ahmad Jibril. We also know about the sophisticated military it has amassed, and its influence and control in areas of Lebanon. But Syria's involvement in the drug trade is not widely discussed and I believe it shows yet another questionable activity associated with the current Assad government.

The United States has all too frequently paid the piper for its association with leaders of dubious character who eventually came to represent a threat to U.S. interests. One only has to remember the names of Manuel Noriega and Saddam Hussein to realize that our past intentions and actions were gravely misplaced. Let us not forget the lessons learned from these past mistakes. Let us resolve to direct our international relations with more foresight. Finally, let us not even contemplate a relationship with a government that supports terrorists, that wreaks havoc in a war-torn nation, and that does not cooperate with us against the drug trafficking that destroys the very health and welfare of millions of our own children.•

NOMINATION OF JAMES F. HOOBLER

• Mr. D'AMATO. Mr. President, today it is my honor to recommend a native New Yorker, Dr. James F. Hoobler, who has been nominated by the President to serve as inspector general of the U.S. Small Business Administration. As you are aware, the office of the inspector general works independently and objectively to conduct audits and investigations relating to SBA programs and operations. Dr. Hoobler's long, distinguished career in Federal service, with an extensive background in program management, planning, budget, and financial matters, makes him an ideal candidate for this position. As Deputy Assistant Secretary of State for International Narcotics Matter, as senior executive for the President's Management Improvement Program at OMB, and as Associate Deputy Administrator for Planning and Finance at the Veterans' Administration, he has consistently demonstrated an expertise in the proper oversight and management of the spending of taxpayer dollars.

I know that this committee is concerned about the soundness of the agency's finance and investment programs, particularly the SBIC Program. Last year, after a number of hearings to review the Small Business Investment Companies [SBIC's] Program, it was clear that the need exists for an inspector general at the SBA. The ideal inspector general is one experienced in matters of Government and capable of advising the Administrator and the Congress of any developing problems or shortcomings in agency programs. Dr. Hoobler's credentials have established his dedication to fiscal integrity in Federal programs, and we are truly fortunate that the administration has convinced him to return to Federal service so that we may benefit from his expertise.

I am convinced that Dr. Hoobler will make an exemplary Inspector General for the Small Business Administration. I am hopeful that the committee and Senate as a whole will act expeditiously to confirm his nomination for this position. Once again, it is my pleasure to recommend Dr. Hoobler to the committee today.•

ORDER OF BUSINESS

Mr. RIEGLE. All of the unanimous-consent requests that will be presented have been cleared on the Republican side.

AUTHORITY TO INTRODUCE AND FILE SENATE BUSINESS

Mr. RIEGLE. I ask unanimous consent that until 8:40 p.m. Senators may introduce bills and resolutions, and committees may file reported legislation and Executive Calendar business.

The PRESIDING OFFICER. Without objection it is so ordered.

MEASURE PLACED ON CALENDAR—H.R. 1176

Mr. RIEGLE. Mr. President, I ask unanimous consent that H.R. 1176, the emergency authorization bill for the Department of State for costs associated with the Persian Gulf conflict, be placed upon the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate now stand in recess until 8:30 p.m. tonight; that at 8:40 p.m. the Senate assemble as a body and proceed to the House of Representatives to hear the President address a joint session; that at the conclusion of the joint session the Senate stand in recess until 9 a.m, Thursday, March 7; that following the prayer the Journal of proceedings be deemed approved to date; that time reserved for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein, with the time from 9 a.m., to 10:30 a.m. under the control of the Republican leader or his designee and the time from 10:30 to 11:30 a.m. under the control of the majority leader or his designee.

I further ask unanimous consent that at 11:30 a.m. the Senate resume consideration of S. 419, the RTC funding bill, with the Specter amendment No. 27 pending, and that the 30 minutes remaining on the amendment be used between 11:30 and 12 noon;

I further ask unanimous consent that at 12 noon the Senate proceed into executive session to consider the nomination of Edward Madigan to be Secretary of Agriculture; that there be 20 minutes of debate equally divided and controlled between Senators LEAHY and LUGAR; that a vote with respect to the confirmation of the nominee occur at 12:30 p.m.; that following completion of the vote, the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action with respect to the nomination; and that the Senate return to legislative session at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, let me state again that for the record, that there will be a rollcall vote on the Madigan nomination at 12:30 p.m. tomorrow.

RECESS UNTIL 8:30 P.M.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate now stand in recess until 8:30 p.m.

There being no objection, the Senate, at 5:52 p.m., recessed until 8:31 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORE].

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the House of Representatives to hear the President address a joint session.

Thereupon, at 8:40 p.m., the Senate, preceded by the Secretary of the Senate, Walter J. Stewart, and the Sergeant at Arms, Martha S. Pope, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

RECESS UNTIL 9 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:49 p.m., the Senate adjourned until Thursday, March 7, 1991, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1991:

DEPARTMENT OF STATE

ROBERT B. ZOELLICK, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF STATE FOR ECONOMIC AND AGRICULTURAL AFFAIRS, VICE RICHARD THOMAS MCCORMACK.

INTERNATIONAL BANKS

ROBERT B. ZOELLICK, OF THE DISTRICT OF COLUMBIA, TO BE U.S. ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; U.S. ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. ALTERNATIVE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; AND U.S. ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK VICE RICHARD THOMAS MCCORMACK; AND TO BE U.S. ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT. (NEW POSITION.)

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JAMES THOMAS GRADY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1991, VICE HENRY F. SCHICKLING, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING-NAMED ARMY MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624(C):

To be permanent major general

BRIG. GEN. WILLIAM L. MOORE, JR., [redacted] U.S. ARMY.

To be permanent brigadier general

COL. RUSS ZAJTCHUK [redacted] U.S. ARMY.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

DUANE H. CASSIDY, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE 1ST SESSION OF THE 102D CONGRESS. (NEW POSITION.)

EXTENSIONS OF REMARKS

INEZ C. WALSH: ESSEX COUNTY IRISHWOMAN OF THE YEAR—1991

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues an exceptional young woman who is being honored on Wednesday, March 6, 1991, as the 1991 Essex County Irishwoman of the Year. This young woman is Inez C. Walsh.

I have had the pleasure of knowing Ms. Walsh for many years. When I had the privilege of serving as a member of the Essex County Board of Chosen Freeholder, I was a member of the Essex County Hospital Center Board. Inez C. Walsh has been employed by the Essex County Hospital Center for more than 25 years.

During her tenure she has held a number of positions. She has risen through the ranks. Her success as an important employee is the result of the recognition of her true nature—Inez C. Walsh is an activist. She is a person who cares and through that caring she is an active member of our community. Inez Walsh has been active in employee associations, on hospital committees, in community groups, and with volunteer organizations.

Mr. Speaker, I know my colleagues will want to join me as I congratulate Inez C. Walsh on being named 1991 Essex County Irishwoman of the Year.

DESERT STORM SUPPORT RALLY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, March 10, 1991, tens of thousands of people are expected to attend a Desert Storm Support Rally at the Gateway National Recreation Area at Sandy Hook, NJ. Originally planned to demonstrate public support for the troops, Sunday's rally will inevitably also be a celebration of our Nation's spectacular triumph in liberating Kuwait and greatly reducing the threat posed by Saddam Hussein.

Mr. Speaker, it is abundantly clear that our country's noble mission in the Persian Gulf—and, especially, the brave men and women who have carried out that mission—enjoy huge support in the part of the country that I am privileged to represent: the Jersey shore. On February 3, 1991, an estimated 125,000 people attended a Support Our Troop rally in Seaside Heights, NJ, approximately 30 miles south of Sandy Hook. There probably isn't a single street in my district without at least one yellow ribbon adorning a home or a business; indeed, many streets these days are literally awash in yellow ribbons.

But more importantly, support for the troops and their mission has also translated into thousands of individual acts of kindness and generosity toward the families of our service personnel who have endured months of separation from their loved ones. Operation Desert Support of Highlands and Atlantic Highlands, NJ, is one of the many organizations across the country that have formed in recent months to coordinate efforts in support of our troops, to bolster their morale by letting them know they are in our thoughts and prayers.

Many of the letters that Operation Desert Support receives from the troops ask if "the people back home support us." There is no doubt that those of us "back home" do support the troops—enthusiastically and wholeheartedly. Seeing our POW's released in apparently good condition has been a source of relief and joy for all of us. When our servicemen and servicewomen finally start coming home to parades and other public demonstrations of appreciation, then they will truly know the depth of our support and gratitude.

In casting my vote in favor of authorizing the President to use military force to uphold United Nations resolutions to end the Iraqi occupation of Kuwait, I was torn by hopes for a peaceful resolution to the conflict and the recognition of the need to defend international law. Saddam Hussein's action during Operation Desert Storm—terrorizing Israeli civilians with Scud missiles, dumping oil in the Persian Gulf, mistreating POW's, refusing to back down when it was clear that his army and his country were going to be big losers in the war—demonstrate that this is a man who was not about to be moved simply by economic sanctions. To let this man buy more time to increase his arsenal would have been disaster for the Middle East and quite possibly the entire world.

Tremendous credit must be given to President Bush for his resolute leadership during this entire crisis, as we in Congress will do tonight. Secretary Cheney, General Powell, General Schwarzkopf and all the other American and allied military commanders also deserve our highest honors. But as General Schwarzkopf himself has pointed out, our deepest gratitude should go to the men and women who put their lives on the line in the gulf. Their courage, training, and professionalism, combined with superior American technology, are responsible for this successful mission of historic magnitude.

THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. MARKEY. Mr. Speaker, today I am pleased to join with my colleague, Mr. DINGELL, chairman of the Committee on Energy and Commerce, in introducing the Cable Television Consumer Protection and Competition Act of 1991. This bill is virtually identical to H.R. 5267, the carefully crafted consumer-oriented cable bill that unanimously passed the House of Representatives last year.

This legislation reflects concerns expressed by consumers, local and State officials, and Members of Congress about the practices and prices of some cable operators that have become unreasonable or even abusive of the interests of consumers. Two GAO cable rate surveys requested by the Subcommittee on Telecommunications and Finance documented that consumers have been victimized by some cable operators that abused their deregulated status. In its 1990 survey, for example, GAO determined that cable rates had increased 39 percent, or three times the rate of inflation, between 1986, the year deregulation took effect, and 1989.

Statistics recently released by the Bureau of Labor Statistics [BLS] underscore the vulnerability of consumers to renegade operators in the cable industry. BLS found that cable rates climbed more than 13 percent from December 1989 to December 1990—a time period during which the rate of inflation was only 6 percent. These figures cry out for immediate relief for the cable-consuming public.

The bill we are introducing today protects consumers in two significant ways. First, it creates a balanced regulatory structure, which relies on governmental oversight at the local, State, and Federal levels and promises rate relief in the short term for beleaguered consumers. Specifically, the bill requires cable operators to offer a basic service tier, or broadcast basic tier, consisting, at a minimum, of local broadcast signals and PEG access programming. The Federal Communications Commission [FCC] would establish a formula for determining the maximum price cable operators could charge for this tier.

The bill also establishes a nationwide regulatory framework that mandates the Commission to protect cable consumers by preventing cable operators from charging unreasonable or abusive rates. It directs the FCC to develop the means to identify and to reduce, in individual cases, unreasonable or abusive rates. A franchising authority, or other relevant State or local government entity, would be authorized to file a complaint with the Commission, alleging that a rate is unreasonable or abusive.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The FCC would consider the complaint in a fair and expedited proceeding. This legislation takes a responsible approach that affords consumers true protection, while not burdening the cable marketplace with cumbersome regulation.

In the long run, however, consumers are best served not by Government regulation, but by robust competition in the marketplace. For that reason, the legislation is designed to encourage competition from alternative and new multichannel video technologies, including private wireless cable and direct broadcast satellites. Accordingly, the legislation contains three provisions that facilitate access to programming for multichannel video providers.

First vertically integrated cable programming services would be prohibited from unreasonably refusing to deal with any multichannel video system operator with respect to the provision of video programming. The bill, however, permits exclusive contracts for programming services as long as they do not significantly impede competition. Because this provision is designed to spur competition, the prohibition would sunset after 9 years or earlier if the FCC determines that a competitive market for the delivery of video programming exists. Second, the legislation would require any person who encrypts any satellite delivered programming to make such programming available for private viewing by home satellite antenna users, to establish reasonable and nondiscriminatory financial and character criteria for dealing with programming distributors, and to establish nondiscriminatory price, terms, and conditions for distribution of such programming. Finally, cable operators would be prohibited from coercing programmers to provide exclusivity for video programming against other multichannel video system operators as a condition of carriage on a cable system.

The legislation includes several other consumer safeguard measures. It guarantees national regulatory standards for the cost of the equipment consumers need to receive cable programming. It enables both Federal and local authorities to establish and enforce meaningful customer service standards. It contains long-awaited must carry and channel positioning language, needed to preserve our Nation's unique heritage of high quality and ubiquitous local over-the-air broadcasting stations. It extends the foreign ownership restrictions that presently apply to telephone and broadcasting systems to other multichannel video providers including cable, wireless cable, and DBS systems. It furthers equal employment opportunity in the cable industry and calls for an FCC evaluation of EEO performance in the broadcast industry. And, it mandates several important studies of the nature and direction of present and likely future developments in the video marketplace with a view toward anticipating critical issues as we move toward the year 2000.

The bill I am offering today differs in two ways from the bill that passed the House last year. First, it redefines "special format and minority stations" for purposes of the must carry provision. Section 5(c) of the bill defines such stations as those that provide, as a substantial portion of their program schedule, programming in foreign languages or programming directed at minority groups, or stations that are over 50 percent minority owned. Second, the bill clarifies the consumer protection provision found in last year's bill. Section 6(d) ensures that States and local authorities, including franchising authorities, retain the ability to enact and enforce generic consumer protection laws, whether or not the provisions of such laws are written into the cable franchise agreement.

The bill that passed the House without opposition last year was the result of months of discussion, negotiation, and compromise by Members of Congress, industry representatives, and public interest groups. There is, in my view, no sound reason why the same unanimous support should not right now rally enthusiastically behind this bill. Indeed, only one material change has occurred since the House passed this bill last September—and the change is that cable rates have gone up even higher.

There is no escaping this issue. The consuming public is vulnerable to those in the cable industry whose business practices are excessive. There is no real choice but to retain in those renegades, and I urge my colleagues to join me in doing so by supporting this important legislation.

UNIVERSITY OF NEW HAMPSHIRE STUDENTS TEACH NUTRITIONAL SKILLS TO NEW HAMPSHIRE CITIZENS

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. SWETT. Mr. Speaker, I would like to commend a small group of University of New Hampshire students for the valuable service they are providing in their work teaching nutritional skills to residents throughout the State.

The group of 15 to 20 junior and senior University of New Hampshire students work as nutritional counselors for various senior citizens and children's groups.

In addition, they help New Hampshire's less-privileged citizens by creating low-cost meal plans which not only meet the recommended dietary allowances for good nutrition, but also keep the cost of each meal down to less than 80 cents a meal, per person.

Mr. Speaker, these University of New Hampshire students also oversee blood cholesterol screening at the Catholic Medical Center in Manchester and help design meal plans for patients in conjunction with the University's Cardiac Rehabilitation Program.

It is through these types of programs that University of New Hampshire students can have a positive impact on the community, while at the same time gaining practical career experience in the field of nutrition and medicine. I again would like to commend the individual students involved with the program and encourage University President Dale Nitzschke to implement other such efforts at the University of New Hampshire in the future.

LEXINGTON MILITARY LEADER DIES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. SKELTON. Mr. Speaker, today I wish to recognize Brig. Gen. Donald Dunford, retired, 89, Arlington, VA, who died December 6, 1990, at the Fairfax Health Center.

A native of Dorset, England, General Dunford came to this country as a child. He grew up in Lexington, MO. He was a 1925 graduate of the U.S. Military Academy at West Point, NY.

He was a veteran of World War II, in which he served in Italy as an artillery staff officer, and of the Korean war, in which he also was a staff officer.

After service in Korea, he was assigned to the United Nations, and from 1953 to 1955 he was commander of V Corps Artillery in West Germany.

General Dunford worked for the CIA from 1956 to 1963. His military decorations included two awards of the Legion of Merit and Bronze Star.

Brig. Gen. Donald Dunford, retired, served the United States of America as few men have. His great contributions to our country deserve our praise and admiration and he will long be remembered for his great accomplishments.

EUROPE'S LATEST FARMING MUDDLE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. BEREUTER. Mr. Speaker, the direct costs of the European Community's Common Agricultural Policy to their treasury is well-documented and well-known. So well known that Ray MacSharry, the EC's agriculture commissioner in a January 21, 1991, speech to the council of ministers stated that "the CAP finds itself once again confronted with a serious crisis." Mr. MacSharry explains throughout his presentation that the basic reason for the impending crisis are expected increases in spending under the CAP in 1992 of 32.5 percent or more over spending in 1990. Surpluses of grain, dairy products, and beef are building within the EC in large part because of unrealistic internal EC pricing mechanisms. Significant increases in instability caused by the EC system is then exported throughout the world as these surpluses are removed with the use of export subsidies.

Costs of this exportation of instability upon the farmers in developed countries is difficult to estimate but is undoubtedly significant, particularly in countries that do not have farm programs that protect their farmers. The U.S. Government has spent approximately $10 billion each year in recent history to protect its farmers. Much of this expenditure would not be necessary if European Community policies did not build and export surplus commodities onto world markets, effectively lowering market prices that farmers could receive in lieu of Government payments.

Costs of these policies on developing countries that are so desperately poor that they are unable to feed themselves is much more significant in human terms. Artificially low market prices remove incentives necessary for the people of these countries to build an infrastructure and production agriculture system that will enable them progress beyond their abject poverty and starvation. That wealthy, developed countries would actively employ policies which would place such burdens on the poor of the world is certainly lamentable and unacceptable.

A February 23, 1991 article from the Economist illustrates well another cost of EC agricultural programs, the cost to consumers.

[From the Economist, Feb. 23, 1991]

EUROPE'S LATEST FARMING MUDDLE

Driven by one of its recurrent cash crises, the European Community is considering yet another "revolutionary" reform of its common agricultural policy. * * *

In 1990 the EC spent about $49 billion in state subsidies to farmers. That was dwarfed by the $85 billion of extra help that came from European consumers, whose food prices were rigged way above world-market levels. Americans, with whom the EC is arguing over farm subsidies in a struggling GATT round, spent almost the same amount ($47 billion) on government subsidies for farmers; but, as consumers, they provided much less additional help—a mere $28 billion.

European eyes are fixed on the first of these figures: public spending that is now shooting through the ceiling set in the EC's self-denying ordinance of 1988. Yet it is the second figure, that $85 billion, that is the real scandal. Price-rigging is chiefly what leads to four-fifths of EC farm support going to the richest one-fifth of its farmers. It is particularly harmful to farmers elsewhere because the Community—with its guaranteed price of, eg, wheat, standing at 165 ecus ($225) per tonne—produces more than it needs, then dumps its surplus onto the world market. That surplus has helped push the world price down to as little as 55 ecus per tonne.

Any decent reform of this nonsense has to start with a firm recognition that it is better to take money from taxpayers than from consumers. This is for two reasons: (a) state subsidies to farmers are harder to disguise than rigged prices, and therefore harder to keep increasing; so even if the right reforms initially seem perverse—requiring EC governments to spend more on farmers—that will be only temporary. And (b) rigged prices lead to the dumped surpluses that distort world trade; so the goal is to move the EC's intervention prices down towards world-market ones—down, as a minimum, towards what a truly efficient European farmer can survive on. The closer to market reality prices can be moved, the less will anybody need to worry about EC farm surpluses. A surplus is an embarrassment only when it is subsidised: unsubsidised, it becomes an export success.

It is now widely accepted that the thrust of EC farm support must move towards direct payments to farmers. * * *

There is a game that bedevils all discussion of CAP reform. You propose a new wheeze to help farmers; I cite a specific nonsense that will result. Any scheme that gives money directly to farmers is indeed bound to be more leak-prone, and need more bureaucrats, than a rigged-price system. Such shortcomings must be set against the big truth—that today's CAP is a supremely insidious way of extracting $85 billion from consumers within the EC, and queering the pitch for farmers everywhere else.

HUMAN RIGHTS IN CUBA ADVOCATE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, as the Representative of the United States of America to the U.N. Human Rights Commission, Mr. J. Kenneth Blackwell is promoting human rights in the 47th session of the Commission.

The U.N. Human Rights Commission adopted a resolution last year condemning human rights violations in Cuba and calling for an end to repression. The situation in Cuba has worsened dramatically since then, as reported by several nongovernmental organizations including Amnesty International and America's Watch.

As the U.S. Representative, Mr. Blackwell has focused on bringing human rights in Cuba back to the forefront of the Human Rights Commission's agenda. Interviewed in Geneva, Mr. Blackwell said it is important that the world not forget the state of human rights violations in Cuba, recalling that among the hundreds of political prisoners in Castro's jails are the longest-serving political prisoner anywhere in the world.

Mr. Blackwell drew attention to this year's State Department report on human rights in Cuba, which states that the Cuban Government "has increasingly refused to respond to calls for improvement in its human rights practices," and "has suspended visits to Cuban political prisoners by the International Committee of the Red Cross."

The U.N. Human Rights Commission will soon be voting on this year's resolution condemning human rights violations in Cuba. Mr. Blackwell feels that the international pressure on the Government of Cuba must continue so that the human rights situation in Cuba improves.

Some believe that there was a slight opening in Cuban society in 1988, when the Commission sent a mission to Cuba. The mission was comprised of the Chairman of the Commission and a member of each of the five regional groups. The working group wrote a 400-page report documenting human rights violations at all levels of Cuban society. Unfortunately, as always, Castro has ignored this report.

The Commission on Human Rights is the principal body within the U.N. system that monitors countries' adherence to internationally recognized human rights standards. I wish to congratulate Mr. Kenneth Blackwell for ensuring that these standards are followed by all countries, even one with as dismal a human rights record as Cuba.

SEIZURE OF IRAQI ASSETS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, today Congressman ALEX MCMILLAN is joining with me in the introduction of legislation ensuring the administration has adequate authority to deal with assets owned by the Government of Iraq and located in the United States. This authority is the same as the administration would have, if Congress had formally declared war on Iraq.

There has always been agreement since Iraq's aggression against Kuwait that we must do everything needed to prevent Iraq from acquiring the armaments and technology that would enable that country to threaten and terrorize the world again.

The new battleground on which we now must fight Iraq extends far beyond the deserts of the Middle East. Perhaps never in world history has an aggressor country depended so heavily on supplies of technology, equipment, and other resources bought in the open world marketplace. For years, Iraqi agents have supplied its war machine with the latest in both conventional and nonconventional weapons technology that the world, including our own country, has sold it or has allowed it to buy.

This battle of the marketplace continues today even though the battle in the gulf has ended. Here in the United States, Iraq has bought companies and stolen parts and components for nuclear weapons. Since Iraq invaded Kuwait, United States Customs agents have made more than 70 seizures of equipment being exported to Iraq—including aircraft parts and jet aviation fuel. How long lasting the peace is that we have won will depend heavily on how well we continue to fight in the commercial marketplace to block Iraq's access to the weapons and technology it seeks.

For this reason, I am introducing legislation today that would strengthen the administration's hand in dealing with assets of the Government of Iraq that are blocked under the authority of Presidential executive orders issued at the time Iraq invaded Kuwait. The bill first would clarify that the administration has authority to provide for the operation of blocked Iraqi-owned firms in the United States so that legitimate American companies are not deprived of needed technology and equipment.

At hearings of the Subcommittee on Commerce, Consumer Protection, and Competitiveness on February 21, an American manufacturer testified that he has been unable to make F–14 parts for the Defense Department ever since an Iraqi-owned machine tool firm in Ohio was shut down. Clearly, there are cases when the administration should have authority to operate Iraqi-owned firms here in the United States so that our own country's important needs can be met.

In addition, the bill would give the President access to information he needs to identify Iraqi-owned entities here in the United States. This provision would guarantee Presidential access to information, both inside and outside Government, needed to identify Iraqi assets effectively. For example, witnesses at the subcommittee's hearing testified that the Commerce Department currently does not give Customs agents unrestricted access to export license files for purposes of conducting investigations of illegal Iraqi activity in our country. In fact, Commerce has refused even to give Customs a list of the firms that have applied for licenses to export to Iraq.

Blocking Iraq's assets and its acquisition of United States technology and equipment must be the highest priority of our domestic enforcement agencies. This bill will strengthen the administration's authority to identify Iraqi assets and activities in our country and to manage those assets in a manner that serves our national interests.

JOHN F. CRYAN: A TRUE SON OF ERIN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, we hear of the unsung hero, the person behind the scenes, and the cheerleaders in the crowd and on the sidelines. Many times these special people do not get the recognition they deserve. Mr. Speaker, although John Francis Cryan is such a person I want my colleagues to know that he is being honored on Wednesday, March 6, 1991, as the 1991 Essex County Irishman of the Year.

John Cryan was born at Baslick, Castlerea, Ireland in 1929. John left Ireland in 1947 and adopted the United States as his home. Upon arriving in the United States, he lived in Newark, NJ, and worked as a tram driver. Like so many young Irishmen at the time, he was drafted into the U.S. Army where he served as a master sergeant from 1950 to 1952. John is modest about his achievements in Korea but he was decorated with a Purple Heart.

Realizing the American dream, John became a successful businessman and entered public service in the early 1960's. He served as a commissioner of the Newark Parking Authority, and later, as a member of the Essex County Youth Rehabilitation Board. In 1965, John was elected as a member of the New Jersey General Assembly. After serving one term, he won appointment as an Essex County Undersheriff. John was a good law enforcement officer, he was elected three times as Essex County Sheriff.

Community service is a natural outlet for people like John Cryan. He is a member of the Ancient Order of Hibernians, the Roscommon Society of New York, the Irish-American Association of the Oranges, the Knights of Columbus Council 1831. He is the standard bearer of the John F. Cryan Association which was established in 1959 to assist charities, hospitals, parishes, and Irish-American associations.

Mr. Speaker, I am sure my colleagues will want to join me as I congratulate John Francis Cryan on being named "1991 Essex County Irishman of the Year."

TRIBUTE TO PHILIP CHRISTOPHER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. PALLONE. Mr. Speaker, on Saturday, March 9, at its biannual convention, the Cyprus Federation of America, Inc., will honor Mr. Philip Christopher, president of the International Coordinating Committee—Justice for Cyprus. It gives me great pleasure to pay tribute before this House to this remarkable man.

Philip Christopher was born in 1948 in Kyrenia, Cyprus. Growing up on the Mediterranean island, Mr. Christopher developed a passion for the game of soccer that he maintains to this day. According to a story told by his proud mother, Eleni Christoforides, it was through soccer that the young Mr. Christopher first demonstrated his entrepreneurial skill, leadership potential and the ability to make things happen. In organizing a soccer team in his small village, money was so scarce that the young man's team could not afford to buy a soccer ball to practice with. So young Philip decided to stage a show to raise the money. The show, consisting of songs and poems about the Cyprus struggle for independence during the years 1955–59, was presented in an open field with an admission price of a mere 3 grosia—3 pennies. Proceeds from the gate receipts went to the purchase of a ball for the fledgling team.

In 1959, Philip Christopher immigrated to the United States with his mother and three sisters, joining his father, Nick, and an older sister who had been in this country since 1952. He attended the St. Demetrios Greek-American School, from which he graduated with honors, and later went to the William Cullen Bryant High School, where he was elected class president and captain of the soccer team. He attended New York University under an athletic scholarship, where he was captain of the soccer team and an all-America selection, graduating with honors in 1970.

After a brief teaching career, Mr. Christopher joined Audiovox Corp., an up-an-coming electronics company. In a dramatic, living illustration of the American dream, Mr. Christopher has risen to become executive vice president and stockholder of this very successful corporation.

Following the tragic Turkish invasion of Cyprus in 1974, which resulted in the occupation of 40 percent of Cypriot territory including his hometown of Kyrenia, Mr. Christopher came to the assistance of the Greek-American community and dedicated himself to the cause of justice and freedom for Cyprus. In 1975, he founded the Pancyprian Association of America, the largest Greek Cypriot organization in America, and continues to serve as president. The association has established a community center, a championship soccer team, the Pancyprian Folk Dancers, a marching band, Sea-Scout, and CY–PAC, which Mr. Christopher has served as president. The association has also offered scholarships to more than 100 Cypriot students who have graduated from American universities and returned to Cyprus. Through Mr. Christopher's initiative, the Pancyprian Association joined a coordinated political effort in Washington through political fundraisers, lobbying, and demonstrations on behalf of the Cypriot people.

Some of Mr. Christopher's other achievements and affiliations include: the presidency of the Cyprus Federation, an umbrella organization for 25 nationwide chapters, and membership on the board of directors of Cyprus Children's Fund, the American Hellenic Alliance and the United Hellenic American Congress.

Mr. Speaker, Philip Christopher exemplifies so many of the best American traditions of hard work, dedication to public service and loyalty to his roots. It gives me great pleasure to share some of his accomplishments with my colleagues in this House.

INTRODUCTION OF THE TELEPHONE PRIVACY CONSUMER RIGHTS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. MARKEY. Mr. Speaker, today I am introducing legislation entitled "Telephone Privacy and Consumer Rights Act." This legislation safeguards the privacy of individual telephone customer information and every American's constitutional right to the privacy of the information derived through the use of the telephone.

The impending breakthrough of interdependent, integrated technologies will empower as well as serve individuals. The riches and benefits of advanced telecommunications are already evident everywhere. Technological developments in communications will soon allow us to communicate in a universal language, through many different technologies, around the world.

These technological developments can have negative, as well as positive consequences. The awesome power and pervasiveness of advanced telecommunications may mean that in the future, personal privacy will be threatened in fundamental ways. Even today, companies are seemingly able to utilize advanced telecommunications to compile, use and sell personal information without restriction.

Today, our long-held values regarding personal privacy may be threatened by technological advances in the private sector. Americans have come to insist on exerting some influence over information gathered about them. New technologies, from caller ID and automatic number identification to CD–ROM disks and advanced software applications mean that a great deal of information—transactions, buying habits, movements, even information about hobbies—is easily garnered over the phone lines and subsequently manipulated by computers to produce highly sophisticated and possibly intrusive personal socioeconomic data.

Consumers are outraged to learn that, without respect for their right to privacy, personal information about them is being forwarded to subscribers of new caller ID and automatic number identification services. The caller ID service, now being offered by many local telephone companies, will automatically furnish the called party with the telephone number of the caller—without the caller's consent. While this service may discourage crank calls and other improper telephone usage, it can also lead to abuses. A caller with a private number, for example, can no longer control who has access to it. If conducting business with a company that has caller ID, the once private telephone number could no longer be kept private. In fact, it could appear on a list sold to other businesses which market related products or services.

Through another service known as automatic number identification, businesses may automatically obtain the telephone number, name and address of a caller, again without the caller's consent. Although these services can greatly expedite and increase the accuracy of billings for responsible businesses, they would also provide a less scrupulous business with an opportunity to reuse, sell or otherwise disclose the information to others, without restriction. Many find such unauthorized disclosure of their private telephone number, or of their name and address, to be an invasion of privacy.

As services, caller ID and automatic number identification are perhaps a less obvious source of intrusion to the individual consumer. However, because they provide otherwise private information about individual callers—without their expressed consent—the potential for abuse is clearly present. As an increasing number of businesses take advantage of the inherent efficiencies in automatic number identification services, it is unrealistic to assume that, absent a specific prohibition, none will seek further use or disclosure of the information.

Recently, two U.S. companies announced the cancellation of a planned product that would have distributed names, address, and marketing information on 120 million consumers using CD-ROM disks. Not surprisingly, the product was heavily criticized by privacy advocates and the project was scuttled amid what one company representative called the emotional firestorm of public concern about consumer privacy.

American consumers, nonetheless, are largely unaware of what is happening to them even as they call 800 and 900 numbers out of the comfort and privacy of their own home. Regarding the practice of compiling target lists for marketing or soliciting consumers, an American Express survey of its cardholders revealed that 90 percent felt that mailing list practices were inadequately disclosed and 80 percent thought information should not be given to a third party without their permission. American Express maintains, and updates weekly, a computer profile of every cardholder, consisting of up to 450 attributes such as age, sex, and purchasing patterns.

American Express currently has a policy of not divulging this information or selling this data to third parties. But in an information age, how do we protect consumer privacy from the unscrupulous actors on the stage? And, how do we do this without suppressing the development of new technology or applications?

This legislation will ensure that each American, whether using the telephone for a personal or business transaction, has complete control over the personal or private information that may be derived from telephone services such as caller ID and automatic number identification.

I urge my colleagues to support this legislation, not as a restriction on commercial practices, but as an affirmation of an individual's right to choose to be free from unauthorized use or disclosure of private information.

VFW TO HONOR FRANK CASEY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. SWETT. Mr. Speaker, on March 9, 1991, the New Hampshire Veterans of Foreign Wars will be holding a testimonial banquet to honor one of its own, State Comdr. Frank E. Casey, Jr.

I would like to join them in paying tribute to Frank, a man who has served in a variety of positions with the VFW ever since he joined the Laconia branch in 1969. He is now a life member of Howard Shawney Post 816 of Littleton.

New Hampshire's State VFW provides excellent support services for its 13,000 members. It serves as a reliable source for volunteers for worthwhile community projects and as a never-ending voice on behalf of veterans' rights.

Mr. Speaker, Frank volunteered and then served honorably in the Air Force during the Korean war, and he joined the VFW at the end of that war. Over the years, he has served in many capacities for the VFW at post, district, State, and National levels.

He was honored as an All-State Post Commander for 2 consecutive years. He also served as State chaplain for 3 years and as State surgeon for 3 years. He also filled the posts of State senior vice commander and State junior vice commander.

During his years with the VFW, Frank has worked diligently to ensure that the United States never forgets the contributions of its veterans, especially those listed as missing in action or those who were held as prisoners of war.

Frank has been married to his wife, Bunny, for 39 years and has two children and two grandchildren. He has been in the insurance business since 1962, and currently he and Bunny run their own company.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Frank as he is honored by the New Hampshire Veterans of Foreign Wars.

LEXINGTON MILITARY LEADER DIES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. SKELTON. Mr. Speaker, today I wish to recognize Brig. Gen. Donald Dunford, retired, 89, Arlington, VA, who died December 6, 1990 at the Fairfax Health Center.

A native of Dorset, England, General Dunford came to this country as a child. He grew up in Lexington, MO. He was a 1925 graduate of the U.S. Military Academy at West Point, NY.

He was a veteran of World War II, in which he served in Italy as an artillery staff officer, and of the Korean war, in which he also was a staff officer.

After service in Korea, he was assigned to the United Nations, and from 1953 to 1955 he was commander of V Corps Artillery in West Germany.

General Dunford worked for the CIA from 1956 to 1963. His military decorations included two awards of the Legion of Merit and Bronze Star.

Brig. Gen. Donald Dunford served the United States of America as few men have. His great contributions to our country deserve our praise and admiration and he will long be remembered for his great accomplishments.

MUST AMERICA SLAY ALL THE DRAGONS?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. BEREUTER. Mr. Speaker, Mr. Charles Krauthammer is one of those astute observers of the American political scene who uncovers truth wherever his gaze falls and then speaks those truths in clear, unmistakable language. He has done it again in his essay in the March 4, 1991, edition of Time when he described the Democratic critics of American foreign policy who enunciate the "false everywhere-nowhere dichotomy which is the moral pillar of American isolationism." This Member invites his colleagues of both political parties to examine the extensive following excerpt from this remarkably perceptive essay.

[From Time, March 4, 1991]

MUST AMERICA SLAY ALL THE DRAGONS?

(By Charles Krauthammer)

Well, gentleman, which is it? The Democrats first complain that it is hypocritical to oppose injustice x but tolerate injustice y. Then they complain that the U.S. has turned into the world's policeman. How can it be otherwise? If stopping one injustice morally commits us to stopping all injustice, what does that make the U.S. if not the world's policeman?

It does not take a Kissinger to figure that any nation has to be selective in its attention to the injustices of the world. Those who imply otherwise have an agenda—and it is not to turn the U.S. into the world's policeman. It is to turn the U.S. into the world's bystander. If opposing injustice anywhere obliges us to become involved everywhere, then only a fool would not prefer involvement nowhere.

This false everywhere-nowhere dichotomy is the moral pillar of American isolationism. Wherever the American banner has been raised in the past decade—Grenada, Panama, Nicaragua and now the Persian Gulf—isolationists have demanded to know, How can we in good conscience oppose bad guys there and not land Marines in Port-au-Prince or Cape Town?

The question is posed constantly. Only the place names change. Mitchell, in his response to the President's State of the Union address, brought up China, El Salvador and Lithuania. Mario Cuomo, questioning George Bush's motive for intervening in the gulf, asks ironically, Was it designed to curb aggression? Then why not intervene in Afghanistan or Tibet?

The answer is breathtakingly simple. Why are American exertions on behalf of the oppressed selective? National interest.

Americans, haunted by the stern visage of Woodrow Wilson, are loath to confess that they do not act for reasons of morality alone. We would rather not admit that one reason to resist Saddam Hussein is that we are not prepared to see the economies of the West wrecked by the ambition of a foreign tyrant. Indeed, some American critics think it a fatal moral criticism of the gulf war to say that if Kuwait had only sand and no oil, the U.S. would not have rushed to its defense.

The answer to that charge is, Of course not. And, So what? Foreign policy is not philanthropy. Any intervention must pass two tests: it must be 1) right and 2) in our interests. Each is a necessary condition. Neither is sufficient. Otherwise, foreign policy degenerates into mindless moralism on the one hand or cynical realpolitik on the other.

The U.S. does not intervene purely for reasons of morality. If it did, it would spend itself dry righting every wrong in the world. Nor does it act purely out of self-interest. If, for example, a genuine pro-Iraqi coup had led Kuwaitis to join voluntarily with Iraq, the U.S. would hardly have gone to war to reverse that action. (During the oil shocks of the 1970s, suggestions that the U.S. seize the oil fields of Arabia were never even taken seriously.)

Every intervention requires a just cause. That doesn't mean that every just cause warrants intervention. To warrant intervention, a cause must at the same time be important to the U.S. The idea that importance ought not matter and that consistency impels us to intervene against every injustice is simply American moralism gone wild.

Life presents us with a hierarchy of evils. Being finite, we are forced to assign them priority and even, if necessary, tolerate some lesser evil to fight the greater * * *.

Americans, they [critics] maintain, cannot in good conscience uphold freedom in one place and tolerate repression in another.

Yes, they can, and sometimes they must. America is not omnipotent. It cannot be everywhere. It has to have priorities * * *.

Foreign policy is an exercise in discrimination. Our resources, like our stores of compassion, are finite. We take up arms against those troubles that are both particularly evil and particularly threatening to us. And we husband our resources to meet those troubles. That will occasionally mean having to recruit others to help and having to make moral compromises to keep that help * * *.

We cannot slay all the dragons at once. There is no dishonor in slaying them one at a time.

RESCUE WALK FOR OPERATION EXODUS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on March 10, 1991, thousands of Miamians will participate in a 8-kilometer walk to benefit the Operation Exodus campaign to rescue and resettle hundreds of thousands of Jews seeking to leave the Soviet Union.

The walk is the major event in a local campaign to raise $16.5 million to defray the staggering cost of Operation Exodus. Emigres arrive in Israel at the rate of almost 20,000 per month in need of food, clothing, medical care, housing, language classes, and employment.

Despite improvement in Soviet relations, there is a rising anti-Semitism among the Soviets, who inexplicably blame Jews for many of the country's current shortages. Since glasnost, there have been more than 50 incidents of desecration of Jewish cemeteries, countless vandalisms of synagogues, thousands of hate leaflets and more than 1,000 anti-Semitic rallies, including one in Leningrad where protestors called for the expulsion of Jews from the city.

The increase in political uncertainty and anti-Semitic activities, coupled with the relaxation in the official policy toward emigration, prompted more than 1 million Soviet Jews to apply for visas to leave the Soviet Union. In addition to the incredible numbers arriving in Israel daily, approximately 40,000 are expected to be reunited with their families in the United States, and 400 will join relatives in Miami.

The total cost for Operation Exodus is now estimated at nearly $4 billion world-wide. Nationally $405 million of the $420 million goal for the emergency campaign has been raised, including more than $15.5 million in Miami.

The walk, sponsored by the Dave and Mary Alper Jewish Community Center in cooperation with the South Dade branch of the Greater Miami Jewish Federation and a number of area synagogues will begin at the Alper JCC, on March 10, at 8:30 a.m.

I thank Ms. Bobbi Stanley, Mr. Alvin Brown, and all the people involved in putting this tremendous event together. It is because of people like this that new Soviet immigrants and ones waiting to emigrate know that they have someone they can depend on.

INTRODUCTION OF THE TELEPHONE ADVERTISING CONSUMER RIGHTS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. MARKEY. Mr. Speaker, today I am pleased to be introducing the Telephone Advertising Consumer Rights Act, a bill created to free individuals and businesses from the often intrusive, costly, even dangerous consequences of unsolicited telephone advertising.

Today's advances in telecommunications technology have spawned an exciting array of new products and services that have improved our quality of life—via the telephone. Individuals and businesses are equally empowered by an ever increasing number of highly efficient communications pathways and once unimaginable access to information.

However, these new technologies equally empower both ethical and irresponsible users. Consequently, the tremendous benefits stemming from ethical applications of modern telecommunications may—unless prohibited—be offset by the intrusive, sometimes dangerous, costly detriments of irresponsible applications. From this dichotomy, emerges the need to protect the consumer from the undesirable intrusions and potentially adverse consequences of unethical applications of modern telecommunications technology.

The Telephone Advertising Consumer Rights Act provides an electronic database mechanism through which objecting individuals and business subscribers can free themselves from unwanted telephone solicitations, including solicitations using facsimile machines and automatic telephone dialing systems.

The telephone is an insistent master—when it rings, we answer it—and many consumers complain bitterly that, when it rings to deliver unsolicited advertising, it is invading their privacy. Likewise, businesses, dependent on their telephone lines to carry the words, data, and images that are so essential to the success of their enterprise, have come to decry the cost and interference with business activities of some forms of unsolicited advertising.

In recent years, a growing number of telephone solicitors have started to use automatic dialing systems. Each of these machines can automatically dial up to 1,000 phones per day to deliver a prerecorded message. According to industry officials each day they are used by more than 180,000 solicitors to call more than 7 million Americans. Unfortunately, these machines are often programmed to dial sequentially whole blocks of numbers, including hospitals, fire stations, pagers, and unlisted numbers.

This not only makes the machine an equal opportunity nuisance, but an equal opportunity hazard, particularly in instances where the machine is not capable of releasing the called party's line once they hang up.

Facsimile technology has also gained popularity for delivering unsolicited advertising. An office oddity a few years ago, the fax machine has rapidly become an office necessity in my office and more than 2 million others, delivering more than 30 billion pages of material each year. But, with the growth in fax machine numbers has come junk fax, the electronic equivalent of junk mail. When this nuisance first emerged, the Washington Post reported, "receiving a junk fax is like getting junk mail with the postage due." Succinctly put, using a facsimile machine to send unsolicited advertising not only shifts costs from the advertiser to the recipient, but keeps an important business machine from being used for its intended purpose.

This bill, which I have introduced with the ranking minority member of the subcommittee, Mr. RINALDO, is a bipartisan effort to return a measure of control to consumers over what they hear and read. I would especially like to commend Representative RINALDO and the minority staff for the cooperative spirit with which this bill has been crafted.

This bill will not eliminate unsolicited telephone advertising, for certainly we must acknowledge that telephone solicitation, when conducted properly, is an established, lawful marketing practice. But this bill will give consumers a mechanism to specify that they do not want to receive unsolicited advertising and require advertisers to honor that choice.

In addition, the bill will eliminate unsolicited calls to emergency and public safety telephone numbers and to paging and cellular equipment. The legislation, which covers both intrastate and interstate unsolicited calls, will establish Federal guidelines that will fill the regulatory gap due to differences in Federal and State telemarketing regulations. This will give advertisers a single set of ground rules and prevent them from falling through the cracks between Federal and State statutes. It will also guide responsible development of fledgling industries unable to police themselves and provide assistance to States in regulating intrastate telemarketing abuses.

I urge my colleagues to support this legislation, not as a burden on legitimate businesses, but as an affirmation that unwanted intrusions into the American home and workplace are objectionable and should be restricted.

THE CASE OF JOHN DEMJANJUK, SR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. TRAFICANT. Mr. Speaker, 5 years ago last week on February 27, 1986, the United States extradited John Demjanjuk of Cleveland, OH, to the State of Israel as a suspect for murder in the Treblinka camp. He was subsequently convicted of war crimes, genocide, crimes against humanity, and sentenced to death. At the beginning of the 101st Congress, after careful consideration, I decided to look into this case. Apparently, unresolved legal issues relating to Nazi war crimes are so sensitive that Members of Congress sworn to uphold the Constitution have turned a deaf ear to the troubling contradictions in this complex case. Because of my background in law enforcement, constant pleas from the Demjanjuk family, and the lack of results from numerous official inquiries made by my office, I began my own investigation. For almost 2 years now I have looked closely into several unresolved aspects of this case. For the record, I feel it my obligation to advise the House of my findings and to ask for their assistance in resolving this tragic matter.

The Justice Department's Office of Special Investigations either participated in a deliberate coverup of exculpatory evidence or conducted a substandard investigation into this historic case. Early this month, my investigators returned from Ukraine, where they interviewed witnesses who knew "Ivan the Terrible" of Treblinka, as Ivan Marczenko. They were shown photo spreads that included Mr. Demjanjuk's picture and have stated on video and signed affidavits that none of the photographs was Ivan Marczenko, "Ivan the Terrible." Translations of their testimony, as well as a signed affidavit by the American attorney that conducted the interview, is included below.

STATEMENT BY NINA DMYTRIVNA SHYIENKO

I, Nina Dmytrivna Shyienko voluntarily and without any coercion from any side would like to testify that I was in the Treblinka death camp located in Poland from July 20, 1943 to the uprising of that year.

In this camp I saw the guard Ivan Marchenko whom the prisoners amongst themselves referred to as Ivan Grozny (i.e., Ivan the Terrible).

Ivan Marchenko was very tall and had an unusually powerful build. He was broad shouldered. His hair was dark and his complexion resembled one of a very dark tan.

In the photographs shown to me during this testimony I did not see Ivan Marchenko also referred to as Ivan Grozny. Statement is signed by Shyienko and dated Jan. 31, 1991.

Shyienko's statement is witnessed by Yaroslav Dobrovolsky a US citizen of 2000 Cadillac Tower, Detroit, Michigan and Hennady Dmytrovych Sakharov, a Soviet citizen of 50 Dokazna? St., Bldg. 4, Apt. 66 in Dnipropetrovsk (Ukraine). Both Dobrovolsky and Sakharov witnessed and signed at the bottom of Shyienko's statement.

STATEMENT BY MELANIIA IUKHYMIVNA NEZDIIMYNOHA

I Melaniia Iukhymivna Nezdiimynoha, voluntarily and without any coercion from any side, would like to testify that from the winter of 1943 to the uprising in August of that year I was in the Treblinka death camp in Poland.

I worked in the camp kitchen where I saw many of the guards frequently. I remember Iliichuk, Davydenko and Marchenko.

Ivan Marchenko worked at the gas chambers. He herded Jews into the chamber and released the gas. We often smelled the odor of the place—it was in another part of the camp.

Ivan Marchenko was very tall, he had a prominent nose and was strongly built. His complexion was dark tan.

No one probably knew him better than the Ukrainian girls who were imprisoned since we saw him often. Thus I knew what kind of work Ivan Marchenko did from the prisoners.

I also remember the guard Volodymyr Cherniavsky whom I spent time with. When he got drunk he sang Russian songs. He was a pilot before his internment at the camp.

I did not see Ivan Marchenko among the photographs shown to me during this testimony.

The statement is followed by Nezdiimynoha's signature and witnessed in longhand by the aforementioned Mr. Dobrovolsky and Mr. Sakharov and dated Jan. 31, 1991.

AFFIDAVIT

STATE OF MICHIGAN,
County of Wayne, ss:

Jaroslaw Dobrowolskyj, being duly sworn, deposes and says as follows:

1. that affiant is an attorney duly licenced to practice law in the State of Michigan and in the Federal District Court, Eastern District of Michigan;

2. that from 16 January through 4 February 1991 affiant traveled to Ukraine as a member of Congressman James A Tarficants delegation to investigate the matter of John Demjanjuk;

3. that in the course of the investigation affiant did travel to the village of Babaykivka, Dniepropetrovsk oblast and interviewed Nina Dmitrievna Shienko and Uliyana Iukymivna Nezdiiminoha, both of whom had been in the Treblinka camp in 1943;

4. that said interviews were conducted in the Ukrainian language, their native language; that the affiant is fluent in the Ukrainian language; and that each witness was interviewed separate and apart from the other witness;

5. that in affiant's judgement both witnesses were mentally alert, in possession of their faculties, and had recollection of the events of 1943;

6. that the witnesses related that they, along with other Ukrainian girls from their area, had been forcefully brought by the Germans to the Treblinka Camp; that from February 1943 until the uprising in August 1943 they worked as maids in the camp staff barracks; and that during that time they saw many of the guards and had occassion to interact with them on a daily basis;

7. that among the guards they knew was one Ivan Marchenko whom the Jewish prisoners referred to as "Ivan Grozny" (Ivan the Terrible); that they described him as being tail, of exceptionally large build, and having a dark completion, that they had heard from the prisoners that he operated the gas chamber in Treblinka;

8. that each witness was shown the alleged Trawniki photograph of John Demjanjuk, copy of which is attached heretor, neither witness recognized the photograph as being that of Ivan Marchenko;

9. that each witness was separately shown a photospread, copy of which is attached hereto, which contained four photographs including one photograph of John Demjanjuk; and that each witness did not identify any photograph in the photospread as being that of Ivan Marchenko;

10. that subsequently the oral statement of each witness was redacted to reflect the pertinent facts recited by the witness; that each witness read the redacted statement which she had given; and that each witness expressed satisfaction as to the accuracy of her statement and each witness signed her statement in the affiant's presence; and that the attached two statements reflect an accurate and true translation into the English language of the said redacted two statements of the witnesses;

11. that the witnesses were not in any manner coerced or influenced by affiant or any other person in the making of their statements.

JAROSLAW DOBROWOLSKYJ,
Affiant.

As you will note, the physical descriptions given by these witnesses further corroborate information uncovered by a CBS "60 Minutes" interview with Maria Dudek, a woman who admitted to having sexual relations with Ivan Marczenko. She too, describes Ivan as being dark skinned and having dark hair. According to 1979 contemporaneous interview reports found in OSI's garbage bags, Otto Horn, a Nazi official in charge of body disposal at the Treblinka death camp, described Ivan of the gas chambers as having black hair. Ironically, this description was never repeated in a court of law. In 1960 Treblinka survivor, Pinchas Epstein described Ivan from the gas chambers as being dark skinned and having dark hair. John Demjanjuk, is, and has always been fair skinned with light hair.

After reading the two letters written by the Chairman of the Human Rights Commission of the Ukrainian Supreme Soviet it becomes apparent that immediate action needs to be taken.

Statement by Alexander Yemets, Chairman of the Human Rights Commission, December 12, 1990

I am informing you, in connection with your request to assist in saving the life of an innocent man, I became familiar with part of the materials concerning the criminal case of Fedorenko, who in 1986 was convicted, sentenced to death, and the sentence carried out.

In the criminal case there are many transcripts and excerpts of transcripts from other criminal cases in which many people testified that they together with Fedorenko and others served at the Treblinka death camp during the years 1942–1943. Ivan Demjanjuk they did not mention, but Ivan Marczenko was known by a number of people.

In the file there is a copy of transcript dated, March 6, 1951 of the questioning of Peter Honcharov Kazarovich, who served in the Treblinka death camp and named 38 people like himself. Among these was Ivan Marczenko, who he characterized as follows: "He was born in 1919 or 1920, in which place I do not know, but he was Ukrainian, he served in the Red Army, fell prisoner to the Germans, then to the school in Trawniki. He was posted to the Treblinka camp where he served as a diesel motorist—sending gas to the death chamber and took part in shootings of people. His description: tall, straight stature, wide shoulders, dark complected, round face, long nose".

On June 27, 1951 the military tribunal of the Kiev military region sentenced Honcharov, Shcherbak and others to punishment of death.

There is also in the file the testimony of Terehov, who was among the group of people sentenced to death, later received a reduced sentence of 15 years imprisonment. He served together with Fedorenko in the first division at the Treblinka camp. There is in the file a photograph of the third division of guards, who trained in Trawniki.

In a copy of the record of questioning of Viktor Chamulina Havrylovich, born in 1922, convicted by the military tribunal of the Donetsk military region on August 4, 1949 to 25 years of imprisonment, it is indicated that he served as a guard in the Treblinka camp from September 1942 to March 1943 and knew there two motorists, whose names he does not remember. Also in the camp served Yakiv Krezor Ivanvich, Stephan Moskalov Fedorovich, Fedir Babenko Mitrofanovich, Mykola Malagan Petrovich, whose testimony is also in the file. Likewise, with them served in the camp Mykola Skakodub Opanasovich, born 1918. From a copy of the transcript of his questioning it follows that he knew in Treblinka Ivan Marozenko, the motorist.

Alexandra Shabelnyk Nikiforivna, born in 1924, from the city of Dnipropetrovsk, Shevchenko 23, apt. 49 and Nina Shienko Dmitrivna from the village Babaikiv, Tsarichansk region of the Dnipropetrovsk oblast testified that they were prisoners in the Treblinka camp and worked as maids, both remember Ivan Marchenko.

Statement by Alexander Yemets, Chairman of the Human Rights Commission, December 18, 1990

In addition, I inform you that [sworn statements] in matters of giving certain information by official persons—government representatives—is unknown in Soviet law. An official—government representative—in such matters assumes full responsibility for the accuracy of information which he relates under his signature.

Regarding the question of becoming familiar with the matter of Fedorenko, I approached the head of the KGB, Ukrainian SSR, Halushka M.M., already in October of this year. The said matter is kept in the archives of the KGB, Ukrainian SSR. Such a possibility was afforded me in November, 1990. Together with the senior consultant of the Human Rights Commission, Sokol N.V., I investigated the Fedorenko matter in the premises of the KGB, Ukrainian SSR. All the facts which were given to you in the correspondence No. 6/22–187 of December 12, 1990 are derived from the aforementioned matter and I take full responsibility for their accuracy.

As I was informed recently from officials of the KGB, Ukrainian SSR, the matter of Fedorenko was transferred to Moscow in connection with the necessity of it being reviewed by an official delegation from the State of Israel.

Chairman Yemets was able to review approximately one-third of the voluminous file. When making arrangements to photocopy the 5-foot stack of documents and photographs, he discovered that the file had been abruptly transferred to Moscow for review by an Israeli delegation. As we know today, the delegation was led by Demjanjuk's prosecutor from Israel, Michael Shaked.

In response to this, I immediately sent a request to the Procurator General of the U.S.S.R. asking for equal access to the Fedorenko file. To date, I have received no reply. In late January, a delegation, organized at my request, traveled to Kiev to meet with Chairman Yemets and review the file. Unfortunately, despite numerous requests, the Soviet authorities did not make this critical information available to my delegation.

Today, a 5-foot stack of documents from a Soviet Treblinka trial sits in Moscow—full of information about Treblinka and more specifically, Ivan Marczenko—Treblinka's gas chamber operator.

In the interest of justice, I call upon all of my colleagues, who extoll the virtues of human rights, to assist me in gaining access to the following information now in the possession of the Soviet Union.

The file of the criminal trial, Feodor Fedorenko conducted in 1986.

The 1951 file of the Kiev military trial of Peter Houcharov, Nazarovich, and others.

The 1949 file of the Donetsk military trial of Victor Chamulinal Havrylovich, Mykola Skakodub Opanasovich, and others.

The 1961 file of the Krasnodar U.S.S.R. Treblinka trial.

Any and all information concerning witnesses who have given testimony concerning Treblinka and Ivan Marczenko.

The judgment of history will be harsh if exonerating evidence in this capital case is not vigorously pursued and objectively reviewed.

We all should seriously question why Neal Sher, Director of the Office of Special Investigations and our other trained Nazi hunters of the U.S. Justice Department did not have this information—or did they?

LET'S HEAR FROM ALL SIDES ON GLOBAL WARMING

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. RITTER. Mr. Speaker, when it comes to protecting our environment, good judgment and good science must go hand in hand. That's why I am particularly distressed to hear of the Public Broadcasting System's recent rejection of a documentary entitled "The Greenhouse Conspiracy."

This outstanding program, which the London Financial Times called quite possibly the best science documentary of the year, challenges what might be termed overheated rhetoric in support of global warming. It shows that the evidence for global warming is not convincing. In fact, much more research is necessary before we can make definitive projections about global warming. The President's budget for this year calls for $1.2 billion for this research, a sizable increase over last year's budget. I am a strong supporter of accelerated research, for it will help solve the massive puzzle of global climate change.

Yet, it seems that PBS thinks it knows the answer already. Even as it accepts numerous documentaries purporting to show a global climate catastrophe, it rejects a highly scientific analysis which comes down on the other side.

I urge my colleagues to take a closer look at a column by Richard Miniter of the Competitive Enterprise Institute on the PBS rejection, a copy of which follows for your evaluation. It's time to look behind the headlines, to hear all the evidence on global warming.

[From the Allentown Morning Call, Feb. 20, 1991]

PBS's View of Global Warming Blinding It on Documentary

(By Richard Miniter)

WASHINGTON.—The Public Broadcasting Service recently turned down what the London Financial Times called "quite possibly the best science documentary of the year" on the grounds that it was "too one-sided."

"The Greenhouse Conspiracy," a 55-minute program televised in the United Kingdom last August won praise from both the public and the press.

It highlights the scientific uncertainties of global warming, relying on the expert testimony of respected scientists from NASA, MIT, Woods Hole Oceanographic Institute, and the British Antarctic Survey. Each of these scientists expresses varying degrees of doubt about global warming, yet PBS and much of the American press have consistently ignored them.

PBS is not a network, but an association of public television stations that purchases and distributes programs selected by a vote of its national board. The majority at PBS is unwilling to buck the orthodoxy surrounding global warming, although some individual stations have expressed interest in the program.

Why not air both sides? "I'm not sure it's useful to include every single point of view in order to cover every base because you can come up with a program that's virtually impossible for the audience to sort out," senior producer Linda Harrar told Media Watch, a Washington-based watchdog group.

"The Greenhouse Conspiracy" examines the four pillars of global warming: the climate record, which supposedly shows that both temperature and sea levels have risen; the claim that carbon dioxide has been cause of these changes; the climate models, which show that further increases in carbon dioxide will lead to warming between two and five degrees Fahrenheit; and the underlying physics of global warming. Each pillar proves faulty.

What makes the program so effective at demolishing the idea of global warming is not the wide array of scientific evidence it presents, but the remarks of global warming's most prominent spokesmen. TVF's cameras caught leading greenhouse theorist Stephen Schneider, who heads climate research at the National Center for Atmospheric Research, saying: "Looking at every bump and wiggle of the record is a waste of time. You've got to look at averages. So, I don't set very much store by looking at the direct evidence."

Of course, PBS isn't shy about airing provocative programs on global warming as long as they tell the right story. From "Crisis in The Atmosphere" to the 10-part series "The Race To Save The Planet," PBS has paid for and broadcast a number of programs warning of climate catastrophe. "The Race To Save The Planet" is nothing short of a campaign for an "environmental revolution."

Perhaps the most egregious PBS effort is "After The Warming." This documentary offers a series of "solutions" which tellingly reveal the Green agenda: a Planetary Management Authority to enforce world environmental regulations and Central American land reform, a high tax on red meat, a doubling of current energy prices "to reflect its true social costs," extensive taxpayer-funded mass transit, and mandatory family planning, to name a few items.

While global warming is grabbing a lot of headlines, its hold on hard evidence is tenuous at best. As "The Greenhouse Conspiracy" makes clear, global warming theorists frequently ignore scientific uncertainty in the historical temperature records and the documented shortcomings of the computer models that predict extreme warming.

"The notion that a warming is catastrophic is drilled into people, to the point where it seems surprising that anyone would question it, and yet underlying it is very little evidence at all. In fact, there is ample evidence to the contrary," said MIT meteorologist Richard Lindzen.

Current temperature records are notoriously unreliable. Weather stations are not evenly spread around the world. Since most weather stations are on dry land, less than 32 percent of the globe gets its temperature recorded.

Global warming theorists also downplay the "Urban heat island effect." Cities average between two and five degrees Fahrenheit warmer than rural areas, because concrete and asphalt absorb heat by day and release it at night, which creates urban warming. The urban heat island effect can distort temperature records by as much as three degrees.

Most support for global warming is based on computer-generated climate predictions. But the problem is that the computer model forecasts fail to accurately "predict" today's climate. One model predicts that as much rain falls in the Sahara in summer as in Ireland and Scotland.

"We're not dealing with an exact science here," Tony Slingo, a climate expert at the National Center for Atmospheric Research said in 1989. "Estimates of warming are going to continue to go up and down like yoyos for the next couple of years."

That two of the coldest winters on record occurred in the past decade has gone virtually unreported as well. In fact, as any weatherman knows, temperatures declined from 1949 until the 1970s. But let's not confuse PBS with the facts— they have documentaries to make.

THE PRESIDENTIAL CALL TO GREATNESS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. BEREUTER. Mr. Speaker, now that the fighting in the Persian Gulf has come to an end, we are in a position to assess our behavior. We can now consider how it came to be that the policies of the United States and the coalition were so resoundingly successful. How is it that the American people were able to join together in overwhelming support of the deployment of military forces? Why was the United States so effective in leading the international coalition of 31 nations? What explains the remarkable string of successes at the U.N. Security Council? How can we explain the phenomenal military victory registered by United States and coalition forces?

This Member would like to make it clear, Mr. Speaker, that the success in the Persian Gulf is largely attributable to our Commander in Chief—President George Herbert Walker Bush. The President demonstrated that he is a man of action, a commander who leads by example, and a manager who pays scrupulous attention to details. Throughout the conflict with Iraq, President George Bush labored to ensure that our forces received everything they needed to fulfill their mission. He tirelessly worked to solidify the coalition. And throughout this crisis, he worked closely with this body to ensure legislative cooperation.

This Member has no doubt that when the history books are written, George Bush will be recorded as one of this Nation's great Presidents. He is to be commended for his extraordinary leadership.

An editorial recently appeared in the February 27 edition of the Grand Island Independent of Grand Island, NE. It was subsequently reprinted in the Beatrice Sun. The editorial notes that "these times are among those rare moments that fall for the making of great leaders. Several names will join this roll of honors: H. Norman Schwarzkopf, Colin Powell, and Dick Cheney among others. But today, the world is better off because George Bush answered the call."

Mr. Speaker, this Member commends this editorial to his colleagues and would ask that it be placed in the RECORD:

PRESIDENT ANSWERS A CALL TO GREATNESS

Does the man make the times, or do the times make the man?

To many of his critics, George Bush seemed the most unlikely of national leaders to rise to greatness. As recently as the year of his inauguration, Time magazine accused the 41st president of simply being a people pleaser and having a deep philosophical void.

But Time was wrong. George Herbert Walker Bush is a man of honor, principle and commitment. And that makes him a man of substance.

"When neither their property nor their honor is touched, the majority of men live content," Niccolo Machivaelli wrote in his own times, some five centuries ago.

When Saddam Hussein, the Iraqi despot, invaded Kuwait, he touched the honor and contentment of George Bush.

While most of the political leaders of this country observed the invasion and recoiled at the prospect of another Vietnam, George Bush went into action. While the so-called experts questioned the effectiveness of American weaponry and predicted between 20,000 and 60,000 American casualties, George Bush took a stand. While others accused the United States of exchanging blood for oil, George Bush became a leader of his time.

The United States is a country of ultimate civilization, which means war is inherently unpopular and even morally wrong. For the most part, such important principles have served this country well. But in times when the world clearly faces a danger, leaders are finding it increasingly difficult to take the path toward war. Such hesitation to fight is behind the tactical failure in Vietnam.

After the invasion of Kuwait, Bush acted both swiftly and responsibly, going to the nations of the world and building a coalition to oppose Hussein.

Since then, almost all of the Bush administration's dire warnings have come true. The evil Iraqi leader has tortured and brutalized Kuwaiti and Iraqi civilians and unleashed environmental atrocities. In response, Bush put together a force that has frustrated the power hungry Hussein. The allies have knocked down most of his missiles, shut off his man-made oil spill, kept Israel out of the war and even denied the thousands of American casualties sought by the blood-thirsty leader.

With a U.S. Senate that voted only 52–49 to support his actions, George Bush had the courage to stand up to Iraq. While many leaders argued for a compromise with Hussein, Bush had the courage to insist on principles set forth by the United Nations and go ahead with the ground war.

Negotiations and compromise were the easy way out in dealing with Hussein. But such actions or even the posture of isolationism simply would have meant appeasement for the Iraqi leader's unending appetite for power.

Rather these times are among those rare moments that call for the makings of great leaders. Several names will join this roll of honor: H. Norman Schwarzkopf, Colin Powell and Dick Cheney among others. But today, the world is better off because George Bush answered the call.

SOCIAL SECURITY EARNING LIMIT

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. CAMPBELL of California. Mr. Speaker, today I rise to introduce a bill which will bring back into the work force many blind Social Security disability beneficiaries who want to work, but who are prevented from doing so because of the economic work disincentives built into our Social Security system. My bill is not only valuable to Social Security beneficiaries who want to work, but is, I believe, also fiscally sound for the U.S. Treasury.

Mr. Speaker, my bill will correct the so-called cliff effect, that is, the loss of Social Security benefits—and possibly Medicare coverage—when a blind Social Security disability beneficiary earns above a certain amount, that is, the substantial gainful activity amount. Let me illustrate the problem. If a blind Social Security beneficiary earns in excess of $9,760 per year, the blind person loses all of his/her Social Security benefits and after a period of time, Medicare coverage.

The resulting work disincentive created by the cliff effect is particularly harsh upon capable individuals who are motivated to work, despite their blindness. Currently there are approximately 90,000 blind people on the Social Security disability insurance rolls with the majority of them being over age 51. Many of these blind persons are willing and able to work, to pay taxes, and to provide their experience and talents to employers. We should not permit the Social Security system to create an economic barrier to productivity and employment.

Mr. Speaker, removal of the earnings limitation under the Social Security Program as outlined in my bill makes economic sense for the U.S. Treasury as well. For those who can return to the labor market, their earnings will benefit the economy through increased productivity, reduced transfer payments from entitlement programs and increased income taxes paid and payments to the Social Security and Medicare trust funds. In addition, the Social Security Administration will save by the elimination of administrative costs required to maintain an elaborate system of tracking the earnings of the blind worker, reaching agreements on expenses necessary for work, and making determinations of substantial gainful activity.

I recognize that a few blind individuals with high earnings will be eligible for Social Security disability benefits, as a result of my legislation. However, removal of earnings limitations for blind persons overall has beneficial results for society.

In addition to the FICA tax paid, the individuals will be subject to Federal and State income taxes on earnings. For those whose earnings are in the medium range, one-half of their Social Security benefits could also be treated as Federal taxable income under current law.

Initially, I had planned to extend the provisions of my bill to remove the substantial gainful activity amount requirement for all disabled Social Security beneficaries. On reflection, however, I believe that the removal of the earnings limitations for only blind beneficiaries at this time will give the Social Security Administration a good opportunity to work with a very small group of people, and to develop and evaluate procedures for administering a program in which determinations of disability are made without regard to a dollar test of substantial gainful activity. In the case of blindness, recovery occurs in very few cases, and redeterminations of disability are relatively simple and involve little expense as compared to the often more complex analysis of physical capabilities as is done for other disabled groups.

I am hoping that removal of earnings limitations for blind people will be a precursor for those who are disabled by other conditions. Historically, many of the changes to the Social Security Disability Program have first been applied to blind persons and then extended to otherwise disabled beneficiaries.

I urge my colleagues to cosponsor this bill, and that members of the Social Security Subcommittee of the Committee on Ways and Means take prompt action on this worthwhile bill.

The following organizations of and for the blind have endorsed my bill:

Affiliated Leadership League of and for the Blind of America.

American Council of the Blind.

American Foundation for the Blind.

Association for Education and Rehabilitation of the Blind and Visually Impaired.

Blinded Veterans Association.

California Council of the Blind.

National Federation of the Blind.

National Industries for the Blind.

National Committee to Preserve Social Security and Medicare.

The Association for Education and Rehabilitation of the Blind and Visually Impaired.

A TRIBUTE TO MCDONALD'S “BLACK HISTORY MAKERS OF TOMORROW” SCHOLASTIC ESSAY CONTEST WINNERS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. STOKES. Mr. Speaker, it is an honor to rise today and pay tribute to Bethany Derricott, an 11th grader at Erieview Catholic High School in Cleveland, OH. Recently, Bethany was one of 30 national finalists in the McDonald's "Black History Makers of Tomorrow" scholastic/essay contest. Her essay was chosen as one that shows exceptional determination and ambition for the future of young African-Americans.

The "Black History Makers" contest is an avenue for young African-Americans to chart their course in history. The contest is beneficial because it challenges young African-Americans to envision their impact and contributions to our future society. Bethany's essay, which is entitled "A Future Black History Maker" demonstrates the need of skilled African-Americans in all areas of science. Bethany's future goal is to become a medical researcher, and benefit some of the neediest people in our society; children born to drug-addicted parents. She is an outstanding student with a bright future ahead of her.

Mr. Speaker, I am pleased to also recognize four high school students from the Greater Cleveland area who were among the 200 semi-finalists in "Black History Makers of Tomorrow" essay contest. These students are: Enzie Natasha Briskey from Regina High School, Dominique Comer and Jennifer Michelle Howard from Erieview Catholic High School, and Brian Levy from Warrensville Heights High School.

At this time, I would like to share Bethany Derricott's award winning essay with my colleagues.

A FUTURE BLACK HISTORY MAKER

(By Bethany M. Derricott)

As a SHARP student at NASA-Lewis Research Center, I became aware of the lack of African Americans in all areas of science. I feel this is because many Blacks do not have enough motivation and self esteem, to believe that they can succeed as medical doctors, engineers, mathematicians, or other types of scientists. They are unaware of black history makers such as Dr. Charles Drew, who developed a process of changing blood into plasma, Norbert Rillieux, who invented machinery that greatly improved the method of evaporation, and Percy Julian, whose work in chemical research has brought him recognition and wealth.

I am both motivated and determined to succeed in my chosen field of medical research. Already I have been accepted at my chosen school, Case Western Reserve University, for the Post-Secondary Enrollment Options Program and plan to continue at C.W.R.U. throughout medical school so that I may prepare for my place in black history.

As a medical researcher I plan to specialize in the neurological problems suffered by children born to alcohol and drug-addicted parents. The enclosed newspaper article suggests that these children may need to be institutionalized. I am determined to find a way to help these innocent victims become healthy, productive members of our society.

My motivation comes from my personal experiences of living with two children who were victims of drug and alcohol abuse. Ashley lived with my family for five months and was to be my little sister by adoption until a psychiatrist and our pediatrician advised giving her up so that she could receive the care she needed in a specialized group home or institution. After three years she still suffers from severe behavior problems and uncontrolled aggression. Both of Ashley's teenage parents used drugs.

Chantel is my eight year old adopted sister. She was placed for adoption when her mother, a drug addict, was unable to care for her. Her mother was reportedly not on drugs during her pregnancy, but probably used alcohol. Chantel is hyper-active and attends classes for severe behavioral handicapped children. Her father also used drugs.

These two children are part of my life and they motivate me to find a medical answer to their problems. They are but two of the thousands of children born to parents who are on drugs. These children all suffer neurological defects.

Not even the death of a close friend hurts more than the heart breaking sound of a new born baby crying as he/she is going through drug withdrawal. But that agony is just the start of a lifetime of problems.

As a future Black history maker I will work two ways to resolve these problems. Currently and in the future as a role model for my peers and young people encouraging them to remain drug free and to succeed in life. By working with an organization that fights drug abuse, I will work towards the prevention of the problem.

In the future, as a medical researcher, I will work towards a solution of the problems of these innocent victims of drug and alcohol abuse in our society. As a young Black woman I believe I am sufficiently capable, motivated, and determined to make a difference.

By making a difference in the lives of these young victims and by setting an example for other young blacks, I will carve a place for myself in black history!!

U.S. TRUSTEE SYSTEM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. BURTON of Indiana. Mr. Speaker, one of my Sixth District constituents, Kevin McCarthy, was removed from his position as a U.S. trustee for region 10, effective March 11, 1989. Region 10 includes all of Indiana as well as central and southern Illinois.

Congress created the U.S. trustee system in 1978 as a pilot program. In 1986 the U.S. trustee system was expanded to include the entire Nation along with making the U.S. trustee positions permanent. At this time Indiana and downstate Illinois were included in the system, and Kevin McCarthy was the first U.S. trustee for region 10.

U.S. trustees are statutory officers of the Department of Justice [DOJ] and are responsible for bankruptcy trustee appointment and supervision, bankruptcy case monitoring for compliance with the law, and oversight of the bankruptcy arena as a "watchdog" against fraud, abuse, and overreaching.

U.S. trustees serve as policy appointees, therefore serving at the pleasure of the Attorney General. As with any appointive position of this nature, U.S. trustees may be removed at any time without cause.

In Kevin McCarthy's case, the Deputy Attorney General removed him from his position for cause. While there are some who question whether true cause ever existed, I am particularly concerned over the manner in which he was removed. My understanding of the 1978 and 1986 legislation is that Congress did not intend for U.S. trustees under the permanent program to be removed for cause.

In performing their duties, U.S. trustees often become involved in controversial situations. Kevin McCarthy was no exception. Policy appointees obviously must live with the daily reality that the political consequences of their actions may result in the loss of their jobs. In return, however, their professional qualifications should not be damaged because of the result of political decisions.

The Indianapolis Star has printed several editorials praising Kevin McCarthy's work as a U.S. trustee, and I have submitted these for the RECORD. I believe that Kevin McCarthy is entitled to tell his side of the story as to the events leading to his removal from his position as U.S. trustee. These editorials explain the unique political dynamics of his situation and deserve a second look.

[From the Indianapolis Star, March 14, 1989]

BANKRUPTCY WATCHDOG

Despite a booming economy for most of the 1980s, bankruptcy cases filed at Indianapolis with the clerk of Indiana's Southern Federal Court District have quietly ballooned for most of the decade.

The 11,615 cases filed in fiscal 1988 compared to 7,241 in fiscal 1980. That is a 60 percent increase. The 1988 figure represents a 5.8 percent rise above the 10,982 cases of fiscal 1987.

Certainly, the record here has not been as dramatic as in Dallas, and that's good. Bankruptcy cases within the region of the U.S. bankruptcy trustee at Dallas led the nation with a 717 percent increase from fiscal 1980 through fiscal 1988.

The comparable figure for the Indianapolis trustee's region, which includes both federal court districts in Indiana and the central and southern districts of Illinois, was a significant 54 percent although still below the 102 percent national growth average for all the regional trustee offices.

The challenge in Indianapolis has not only been from the rising volume of cases in recent years, but from the task of trying to clean up a massive mess of questionable bankruptcy court practices. Many of those abuses were outlined in a series of stories in the *Indianapolis Star* in 1987.

Those stories led to an audit of the court and an investigation by the Judicial Council of the 7th Circuit Court of Appeals.

Cleaning up the system has fallen largely to attorney Kevin B. McCarthy, named the U.S. bankruptcy trustee for the Indianapolis region in July 1987. He has quickly gained the reputation as a tough-nosed watchdog, tenacious and unrelenting in his fight to rid the system of fraud and the cronyism which had eroded public trust.

There is little doubt that McCarthy has made some enemies, especially among some members of an informal club of bankruptcy attorneys who over the years have developed lucrative practices in managing the financial misfortunes of others.

But the office of the bankruptcy trustee was created by Congress as a part of the U.S. Department of Justice to oversee and review bankruptcy cases, naming and supervising appointed trustees in individual bankruptcy cases and guarding against fraud.

Certainly McCarthy has taken his job as watchdog very seriously and even if it has made some of his fellow lawyers mad, it has been to the public's benefit.

A high point in the wrath against McCarthy may have come in the early proceedings of the still pending bankruptcy case of Overland Express Inc. Overland attorneys sought a court order to discipline McCarthy for publicly depicting Overland as a vehicle for fraud and racketeering by its affiliated national truckdriver training school. Superior Training Services. The complaint is still pending.

McCarthy has taken a characteristically tough stand in such cases as that one and the important Firstmark case, where thousands of Hoosiers have lost thousands of dollars.

His office is charged with trying to answer the same hard question: What happened to the money?

The Department of Justice, no doubt under pressure from the old boys bankruptcy club to replace McCarthy as the chief watchdog or put him on a leash, would do well by the people of Indiana and Illinois to see that he gets the support he needs to continue doing a tough job well.

[From the Indianapolis Star, May 8, 1989]

BANKRUPTCY QUESTIONS

Bankruptcy may seem like a boring topic until it hits you in the wallet. That was the case with hundreds of Indiana folks, many retired, who awoke one morning in 1988 to find their life savings threatened with bankruptcy proceedings by Firstmark Corp.

The painful fact is that each year more people are affected by bankruptcy than by all other civil and criminal litigation combined. That makes bankruptcy law a specialty that is lucrative, growing and ripe for abuse.

Recognizing problems, Congress modernized bankruptcy law in 1978 for the sake of creditors as well as consumers and business debtors. It was the first major revision in 45 years. The controversial changes were unpopular among some lawyers and federal judges.

In a 15-part series of prize-winning stories in 1987, The Indianapolis Star detailed a long list of questionable practices in Indiana. At the time, Vice President Dan Quayle, then in the U.S. Senate, noted that "implementation of the new bankruptcy system is urgently needed in my home state of Indiana."

With the appointment of U.S. Trustee Kevin B. McCarthy, an experienced and aggressive attorney with Indiana ties, the way Indiana courts handle bankruptcy cases began to change for the better in late 1987 and 1988. McCarthy's hard-hitting style irritated some old-timers. He was rightly intent on running the system by the book and on being a tough watchdog against the cronyism and fraud which the trustee system was designed to halt.

But growing resistance to McCarthy's work in Indiana and Southern Illinois culminated in March when he was relieved of his duties, at least temporarily. There are several worrisome aspects to this unfortunate situation.

Big problems developed for McCarthy after, among other things, he suggested fraud and racketeering might be involved in the operation of Indianapolis-based Overland Express Inc. and its affiliated national truck driver training school, Superior Training Services.

The two entities are now in bankruptcy proceedings. The U.S. Department of Education has brought a $366 million civil suit against Superior alleging it ripped off the government through financial aid programs.

As in the Firstmark case, where about 3,500 savers were faced with the loss of some $57 million, McCarthy's job in the Overland Express case involved trying to find out what happened to the money.

Now the question is what happened to McCarthy? The next question is what is happening to the U.S. Trustee system?

Without better support from the Department of Justice, the system designed to guard against corruption now appears to be the subject of considerable abuse itself.

If the Washington bureaucrats who tried to tame the public's bankruptcy watchdog in Indiana and Southern Illinois have their way, the system will never work effectively to serve either justice or the public.

U.S. Attorney General Dick Thornburgh could do the public a great favor by promptly reviewing the trustee system and by turning loose the FBI to complete work on a mess that may extend into the federal court system.

Started after The Star series, those investigations now also seem to be stalled.

What is going on here, Mr. Attorney General?

[From the Indianapolis Star, June 22, 1989]

A SYSTEM OF TRUST

A congressional subcommittee is scheduled to hear testimony today on the condition of the U.S. Trustee program, established by Congress 3½ years ago as a permanent system to administer federal bankruptcy law. There has been no congressional oversight review of the program for two years.

The hearing is both timely and significant because it is obvious that the trustee system, whose importance has been aptly illustrated in Indiana by such major bankruptcy cases as the one involving Firstmark Corp., may be at a critical turning point.

Throughout the nation, as in Indiana, the question is whether the system will be supported and strengthened in its congressionally intended independent role as watchdog over lucrative bankruptcy proceedings or whether the system will be allowed to slip back into a spiral of cronyism and fraud.

More ordinary people are affected annually by bankruptcy than by all other civil and criminal litigation combined.

With millions of dollars being divvied up in bankruptcy proceedings, abuse is always a threat. But prior to bankruptcy law reform and the establishment of the trustee system, abuse seemed to be an habitual and historic part of bankruptcy procedure.

Some of those abuses in Indiana were pointed out in a 15-part series by *The Indianapolis Star* in 1987. More recently a former chief bankruptcy judge was charged last month at Indianapolis with lying to federal agents and unlawfully receiving a gratuity while a judge in 1985.

The prosecution of that case may look like something is being done to clean up the situation here. But is it only a token case?

Resistance here and by some bureaucrats in Washington to the aggressive work of former U.S. Trustee Kevin McCarthy has sent a disturbing signal to people who are interested in seeing that honest bankruptcy procedures are followed to the letter of the law.

McCarthy, relieved of his duties in March, was never given the level of support his work deserved.

Does that mean the lawyers of the old bankruptcy ring now have nothing to worry about and can go back to business as usual cultivating the courts and the Department of Justice?

Does that mean that some of the bureaucrats in Washington will continue to do more fighting among themselves than fighting corrupt practices in bankruptcy?

We hope not, but these are among the questions that the Economic and Commercial Law Subcommittee of the House Judiciary Committee and its chairman, Rep. Jack Brooks, D-Texas, should consider.

The survival and effectiveness of the U.S. Trustee bankruptcy program is important to all citizens, but it will only be a system of deceit unless it is improved and allowed to live up to its name.

[From the Indianapolis Star, Nov. 17, 1989]

BRING BACK MCCARTHY

The disturbing Firstmark Corp. bankruptcy case, in which hundreds of elderly Indiana people appear to have lost most of their life savings, points up the critical need for the careful handling of bankruptcy matters.

Yet the system that Congress created in the 1980s to correct fraud and abuse in bankruptcy has itself been abused and needs reform.

In the case of Firstmark, which was the parent company of Indianapolis Morris Plan Corp., the 2,200 people who held Firstmark subordinated investment notes may have to settle for 35 cents or less on the dollar. Noteholders have filed claims totaling more than $58 million against Firstmark.

Meanwhile bankruptcy fees for attorneys and other professionals are expected to reach $800,000. And while the lawyers continue to argue, the president of the defunct Firstmark continues to draw a $110,000 annual salary.

Unfortunately, the timely handling of the public's interest in the Firstmark case was frustrated by the forced resignation last spring of U.S. Trustee Kevin B. McCarthy.

A trustee's job is to help administer bankruptcy cases and act as the public's watchdog. McCarthy had been an effective advocate and enforcer of cleaner bankruptcy practices. But in carrying out the reform law's mandate for a trustee to serve as a "watchdog against possibly fraud, abuse and overreaching," he was too effective.

Now it appears that McCarthy was forced out by those who saw him as a whistle-blower who failed to yield to the old patterns of intimidation and fear.

It also appears by virtue of several investigations, including one by the U.S. Senate Permanent Subcommittee on Investigations, that the administration of the U.S. Trustee program has been seriously, if not criminally, abused.

A good first step in cleaning up this mess was taken last week when the Department of Justice removed Thomas J. Stanton as director of the Executive Office for U.S. Trustees.

The best second step would be the reappointment of Kevin McCarthy as the U.S. Trustee in Bankruptcy for Indiana and Southern Illinois. To do anything else, the Department of Justice would be yielding to the pressures which forced McCarthy's resignation in the first place.

McCarthy's appointment here in 1987 was an attempt to restore integrity and efficiency to the bankruptcy system. The best way to get back on track with that critical mission is to promptly restore McCarthy to office.

NEWSPAPER ROLL CALL CORRECTLY RECOGNIZES THE UNITED STATES IS ON THE RISE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. BEREUTER. Mr. Speaker, it has become obvious that the conflict in the Persian Gulf is a defining moment in United States history. Over the last 6 months, and in particular in the last few days, this Nation has experienced a fundamental revaluation of self-image. Gone are the lingering doubts and endless self-criticism that have plagued U.S. foreign policy in recent decades. Gone is the cynical view of the United States as a dupe and patsy. Gone is the attitude that America is a malicious or destructive force in international affairs. In place of these old, shattered myths, it is now abundantly clear that the United States is a highly moral nation, and that the American people are capable of great self-sacrifice in order to attain the common good.

If there was one visual image that symbolizes this change in self-image it was the retaking of the United States Embassy in Kuwait City. The sight was dramatic: a helicopter hovering over the Embassy, U.S. special forces speeding down ropes to the roof, a brief but explosive firefight, and the U.S. flag being raised once again. It was the exact reverse of the United States helicopters fleeing from the Embassy in Saigon in 1975. The message is clear—the period of self-doubt is over.

Members of this body may remember a recent best-seller that purported to record the rise and fall of great powers. The underlying thesis of the work was that America's time had passed, and that we accept our decline from great power status. This Member would suggest that recent events have demonstrated that the United States is not in decline. Rather, our great Nation is experiencing a remarkable ascendancy. It is time to put the ghosts of Vietnam behind us and act like the great Nation we are.

In Iraq and throughout the world, petty dictators are falling. Military juntas and dictatorial regimes have been cast aside in Central Europe, in Latin America, in Africa, and in Asia. In their place, democracies and pluralistic societies are emerging. America is in the forefront of this phenomena. America has become the world's leading exporter of democracy and freedom. We should be rightly proud of this accomplishment.

Mr. Speaker, the magazine that covers the events of this body, Roll Call, recently commented on the dramatic change in attitudes toward the United States. This Member would ask to place into the RECORD excerpts from this editorial of February 28, 1991. This Member would urge his colleagues pay heed to these insightful remarks.

EXCERPT FROM AN EDITORIAL IN ROLL CALL, FEBRUARY 28, 1991

With a few glaring exceptions on the left and right, Congress has acted admirably during the course of the war. Still, we're not sure that the national legislature has learned the most important lesson of Desert Storm—that the cynicism and defeatism that have dominated the thinking of America's elites, especially the press, for the past 20 years, are gone. The Sixties are dead. In reading the January 10–12 debate on the floor, we find continual references to America as venal and malicious, eager to spill blood for oil; America as a patsy, being conned out of its treasure and its lives by clever and rich Arabs and Europeans; America as incompetent, a nation whose machines of war (and otherwise) don't work; or America as naive, not understanding that we will take 50,000 casualties in a war with Iraq. These images of America have their roots in Vietnam and in the self-centered culture that emerged in the 1960s.

The truth is that the United States did something in the Persian Gulf that it has done throughout its history, something that few other countries have ever done—it fought a war on a matter of principle, for largely altruistic reasons. The naysayers—including many Members of Congress—who have dominated much of our life over the past 20 years should beware. This country no longer believes the myth that it is incompetent and venal, and any politician who tries to play on these themes is doomed to defeat. The pathetic behavior of Japan, Germany, and the Soviet Union throughout this conflict has provided a stark and instructive contrast to our own. Far from being on the decline, the U.S. is on the rise. It's sad that it took a war to teach so many such an obvious truth.

INTRODUCTION OF THE CALIFORNIA FISH AND WILDLIFE PROTECTION ACT OF 1991

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. MILLER of California. Mr. Speaker, I am introducing today legislation that will initiate a comprehensive effort to restore and to protect the fisheries, wetlands, waterfowl, and wildlife of California.

This bill is cosponsored by 51 of my colleagues and it is supported by all of the major national and California conservation groups.

This bill was reported favorably by the Interior Committee last year and was ready for floor action at the end of the last Congress. Unfortunately, there was insufficient time to consider the bill on the House floor.

Senator BRADLEY, the chairman of the Water Power Subcommittee, has recently introduced a parallel bill in the Senate. I would like to compliment Senator BRADLEY on his very important initiative and interest. I support his effort.

Our two bills are somewhat different, but they have the same goals and objectives—to protect and restore fish and wildlife in California's Central Valley. We will work together to enact a bill to protect fish and wildlife in California this session.

The legislation I am introducing initiates a long-term program designed to put permanent measures in place to protect our fish and wildlife. It is a program designed to complement the ongoing efforts of the State, local, and private groups.

This program is urgently needed. Waterfowl populations have dropped by 50 percent. Fisheries—salmon, striped bass, and steelhead—are down by 80 to 90 percent. Wetland habitat has gone from 4 million acres to 290,000 in California's Central Valley—a 95 percent loss. These losses will continue, unless we move now to stop them.

California's devastating drought has only made conditions worse for fish and wildlife. Unfortunately, fish and wildlife were in a weakened and depleted state when the drought began, so their losses will be higher than they might otherwise have been. The very survival of some species is now in question.

The drought only underscores the urgent need to put a comprehensive, long-term fish and wildlife protection program in place. We need to take steps to restore fish and wildlife to strong, healthy populations. This will give them a better chance when the next drought occurs. Let's start taking action now to be better prepared—rather than reacting after the next catastrophe is upon us.

You may ask: What is so important about California's fish and wildlife?

These are—or were—incredibly rich resources of international significance.

California's Central Valley is one of the most important—if not the most important—wintering areas for waterfowl in the United States. It is one of the top areas identified by the North American Waterfowl Management Plan for restoration. Well over half of the waterfowl on the Pacific Flyway use the Central Valley. Losses in the Central Valley are felt up and down the flyway—from the equator to Alaska.

Much the same is true of the fisheries. The salmon spawned in the Central Valley make up a rich commercial fishery along the Western coast of the United States.

The fish and wildlife are also an important part of the State's economy. Commercial and sport fishing, hunting, birdwatching, duck clubs, recreational and recreational supply businesses, which generate hundred of millions of dollars a year to the State, depend on fish and wildlife. The plummeting populations of fish and wildlife reverberate throughout the economy.

We should not be in the state we are now. Looking back, there are things we should have differently. But, we can't go back in time.

My bill sets out a long-term program to restore fish and wildlife. It gives the Secretary of the Interior specific direction and clear authority to implement the North American Waterfowl Plan, including an obligation to provide water needed by the refuges for protection of wildlife. It gives the Secretary clear authority to take steps to double salmon, steelhead, and striped bass populations by the year 2000.

The bill provides fo cost-sharing by the Federal Government, the State, and water and power users.

The bill sets firm goals, tough time tables, and shares the burden. It is urgently needed. I urge my colleagues to join with me in supporting this legislation.

PENNSYLVANIAN RECOGNIZED FOR OUTSTANDING COMMUNITY ASSISTANCE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in honoring an outstanding citizen from my 17th Congressional District in Pennsylvania. Except for being born in Waycross, GA, Ellen C. Kirby has spent her entire life in my district—from Williamsport to Harrisburg, where she now resides.

At the age of 12, Ellen joined the A.M.E. Zion Church where she was then appointed assistant supervisor of all youth activities, and at 16 became supervisor.

Ellen has served as executive secretary of the Bethune Douglas Community Center, president of the Junior NAACP, president of the Youth Women's Club, and was the first women to be voted vice president of the Williamsport Baseball League of the city's recreation department. Because of her interest and active involvement in sports, she received a citation for outstanding services in the field of sports and was honored as the Woman of the Year.

In 1950 she moved to Harrisburg where she immediately became involved in several activities. Among these are Life Matron of the Women's Home and Overseas Missionary Society, charter member and past president of the Zionite Gospel Chorus, and past president and initiator of the Achievement Award Banquet in the Progressive Club. She is also a charter member of the Blue Mountain Chapter of the American Business Women's Association, where she served as both president and vice president, and was elected the first "Woman of the Year" by the chapter.

Ellen is a member of the Improved Benevolent and Protective Order of the Elks of the World, Unity Temple No. 61 where she received her Past Daughter Ruler's Honor. She is also a member of the John Brown Shrine Fez Club where she received the Past Grand Daughter Ruler Award—the highest honor in Elkdom.

Mrs. Kirby has received several recognitions and awards for her outstanding assistance to the community. Some of these accomplishments are: a certificate of achievement as one of the seven women who had done a great service to the community; "The Mayor's Crime Prevention Award" for service to the awareness of crime; and Channel 27 presented her with the Pennsylvania Proud Award for her outstanding service to the community.

In 1989, the Progressive Club of Wesley Union A.M.E. Zion Church held a banquet in Ellen's honor. At this event, she received several awards for her contribution and dedicated service to the Harrisburg community. Finally, in 1990, she received the All-American City Partnership Award from the city of Harrisburg for her "leadership, contributions, and meaningful public service to the city."

Mr. Speaker, as you can see, Mrs. Ellen C. Kirby has been a tremendous asset to the communities throughout my 17th Congressional District. Hard work, determination, perseverance, and dedication are all fine characteristics of Ellen which have made her the upstanding citizen she is. If every district had the opportunity to know an Ellen C. Kirby, just imagine what this Nation would be like. Ellen deserves this recognition. She has worked hard for many years and has achieved more in those years than most people do in a lifetime. I can only say how excited I am to see what else Ellen accomplishes in the future.

RETIREMENT OF CHRISTOPHER F. EDLEY, SR., AS PRESIDENT OF THE UNITED NEGRO COLLEGE FUND

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. DYMALLY. Mr. Speaker, I am pleased to salute one of America's leading advocates of education for our young people, Christopher F. Edley, Sr., president emeritus of the United Negro College Fund. He is being honored this evening by UNCF for his dedicated service as college fund head.

Mr. Edley, who retired in December 1990, spent 18 years as president and CEO of the college fund, a consortium of 41 private, historically black colleges and universities.

UNCF has as its mission to raise funds in benefit of its member institutions. Christopher Edley made this mission his personal agenda. During his tenure, he increased the coffers available for student scholarships and faculty development. Mr. Edley leaves behind an outstanding legacy of some $556 million raised in support of black higher education. The legacy includes former Ambassador Walter Annenberg's $50 million challenge grant, which kicked off "Campaign 2000: An Investment in America's Future," the college fund's fourth capital campaign. President George Bush is serving as honorary chairperson of the campaign just as Presidents Eisenhower, Kennedy, and Carter served in prior campaigns.

Another major contribution Christopher Edley made to the college fund was to institute a Washington-based Government Affairs Office. This department forms a link with Congress, the White House, and Federal agencies on policy issues pertinent to the higher education of African-Americans. Programs initiated through this office include: The Black College and University Act and the Endowment Challenge Grant Act and the President's Executive order for the establishment of the White House Initiative on Historically Black Colleges and Universities.

Under the Edley command, UNCF's giving thrust expanded to encompass the Combined Federal Campaign, the establishment of State and municipal payroll deduction campaigns, and the creation of the "Lou Rawls Parade of Stars," the only national telethon held in support of higher education.

During the 18 years of Mr. Edley's leadership, the college fund has become highly regarded for its aggressive marketing approach, which depends greatly upon a yearly average of $25 million in donated media support through its award winning, advertising council-sponsored campaigns. UNCF's campaign slogan, "a mind is a terrible thing to waste," is one of the most successful and longest running in advertising history. Produced by the college fund's volunteer advertising agency, Young & Rubicam, the campaigns have won more than 60 awards, including 19 Communications Excellence with Black Audience [CEBA] Awards and a number of CLIO's. The campaign celebrates its 20th anniversary this year.

Christopher F. Edley, Sr., was born in Charleston, WV in 1928. He spent his formative years in Lynchburg, VA.

Mr. Edley graduated from both an historically black college and an ivy league school. In 1949, he received an A.B. from Howard University, graduating magna cum laude. And Harvard Law School awarded him an LL.B. in 1953.

Mr. Edley distinguished himself with military service as a staff sergeant in the U.S. Army. He also signed on with the Army Reserves.

Prior to assuming the helm at UNCF, Christopher F. Edley served as program officer in charge of government and law at the Ford Foundation for 10 years. Among his accomplishments at the foundation was the creation of the Joint Center for Political Studies, for which he secured initial funding.

A loving husband, Christopher Edley married Zaida Coles Edley in 1950. The couple have two children, Judith and Christopher F. Edley, Jr.

H.R. 1300, THE UNIVERSAL HEALTH CARE ACT OF 1991

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. RUSSO. Mr. Speaker, our health care system is in a state of crisis. Thirty-seven million Americans are uninsured and millions more underinsured. Children are denied pediatric care; pregnant mothers are shut out of prenatal care; working parents are impoverished by unexpected health costs; the elderly are denied access to long-term care; and our businesses are bankrupted by spiraling health care costs.

Health care costs are out of control. This year we spent 11.5 percent of our GNP on health care, more than any other major industrialized nation. Without major reforms, we will spend 15 percent of our GNP on health care, $1.5 trillion, by the year 2000.

Even though we spend more, our health care statistics are poorer than most other industrialized countries. We rank 13th in life expectancy and an appalling 22d in preventing infant mortality. Coincidentally, we are also the only country that lacks a national health care program.

Today, I am introducing the Universal Health Care Act of 1991. This legislation would establish a national, single-payer health insurance program. My proposal would cut the Nation's health care costs, while guaranteeing comprehensive, quality health care for all Americans.

My plan would cover a wide range of comprehensive benefits including hospital and physician care, long-term care, prescription drugs, mental health services, dental care, and preventive care.

There would be no coinsurance or deductibles to curtail access to care and consumers would be free to choose their own doctors, hospital, or health care provider.

Providers would be paid on a prospective basis. Hospitals and nursing homes would be paid monthly based on global budgets. Physicians and other health care professionals would be paid according to fee schedules. Other health care facilities as well as home health services, home and community-based services, and group practices could elect to be paid based on global budgets, fee schedules, or another approved prospective payment system, including capitation.

The program would be administered at both the Federal and State levels. Each year the Secretary of Health and Human Services would establish national and State health budgets specifying health spending for the year and how that amount would be divided among the provided services. These budgets would act as expenditure targets, so that if the budget for a service were exceeded, the Secretary could lower payments for that service the following year.

The plan is financed primarily through increases in payroll taxes, personal and corporate income taxes, and State and Federal contributions. These taxes would pay for almost all aspects of health care so that even with the increases in taxes, 95 percent of Americans would pay less for health care. The savings are dramatic: families with average incomes of $27,000 save $1,400 a year on health care and families with average incomes of $40,000 save $1,500 a year. States would save at least $12 billion in health care costs.

The bill achieves these remarkable savings by making our health care system more efficient and effective. A single-payer system would eliminate the vast army of paper pushers now employed by the U.S. health system—the claims reviewers and processors, the billing clerks and collection agencies, the advertising operations and marketing consultants. Not surprisingly, administrative costs consume just 2 percent of Medicare expenditures, compared to about 11 percent for private health insurance.

Savings are further achieved by alleviating the administrative burden on providers. They would no longer have to keep track of the eligibility requirements or complicated definitions of insured services in hundreds of insurance plans. Currently, 18 percent of hospital spending is for administration and billing and close to 45 percent of gross physician income goes toward billing. Conservative estimates show the Nation could save $70 billion through a single-payer system.

In addition to cutting administrative expenditures, the bill contains costs by reimbursing providers on a prospective basis and by establishing expenditure targets. Research shows that other countries have contained costs by controlling reimbursement.

Despite previous attempts by the Federal Government and other payers to control costs through prospective payment, health care inflation has risen by twice as much as general inflation over the past decade. Inflation will continue at this rate because our current system provides no mechanism to control it. When one payer tries to contain health care costs, providers simply shift these costs to others. Only a single-payer system can effectively control medical inflation because it prevents providers from shifting costs.

Some of the waste in our system directly harms patients. Groundkeeping research has produced evidence of resources squandered in practices ranging from unnecessary hysterectomies to superfluous lab tests. Studying a sample of heart-bypass operations, researchers at the Rand Corp. concluded that 14 percent were inappropriate and 30 percent were questionable.

Eliminating this waste in medicine would save both lives and billions of dollars. For this reason, the bill incorporates Medicare's practice guidelines and outcomes research provisions and expands them to cover the entire health system. These guidelines would go far to improve the quality of care in our health care system.

Some people fear that a single-payer system would lead to health care rationing. The truth is that the United States already rations care. A recent study showed that doctors treat uninsured persons differently than they treat insured persons. The uninsured are less likely to be given routine diagnostic tests, less likely to undergo key surgical procedures, and more likely to die during their stay in a hospital. This study illustrates that the United States rations care in the cruelest way imaginable, based on the ability to pay.

This bill would grant every citizen equal access to all aspects of health care. There would be no paperwork, go gaps in coverage, and no barriers to care. Medical care would depend on a professional assessment of medical need rather than on insurance status.

Many have heard horror stories of waiting lines for essential procedures in countries with national health programs. For the most part, these stories have been greatly exaggerated. The United States, however, has its own horror stories. Americans being treated in hospital emergency rooms, particularly in big cities, are forced to wait hours for critical care. Some people are routinely turned away from private hospitals and forced to travel to public hospitals. These economic transfers, estimated at 250,000 annually in the United States, often result in serious delays in treatment, cause long-term harm, and have cost some patients their lives.

People in other countries do not wait for critical care. The delays that have been reported typically reflect management or scheduling problems rather than chronic shortages of facilities.

A single-payer system would not cause long delays in this country either. The United States is already over-supplied with the newest technologies. This over-supply will not disappear under a national health program. Moreover, the United States spends more of its GNP on health care than any other country. This bill would continue that level of spending to assure that there are adequate facilities and technologies available to avoid rationing problems while promoting innovative research and guaranteeing a more equitable distribution of resources.

The time for change is now. Opinion surveys indicate that nearly three of four Americans favor some form of a national health care program. This is even higher than in the early 1970's when more than a dozen initiatives for national health insurance were introduced in Congress, including one sponsored by a Republican President.

We did not get national health in the 1970's because, though the majority agreed that we needed a national health program, they disagreed on whether it should be a universal plan or a mixed private-and-public plan. This disagreement strengthened the influence of those who did not want the current system changed.

For a national health care program to be enacted, supporters need to decide between a multipayer system and a single-payer system. I favor a single-payer system because it is the most efficient way to administer and finance health care. A multipayer system places an inordinate burden on business. My plan would spread costs over all segments of society because everybody should pay their fair share for health care.

My proposal does not attempt to answer every detail. It is intended as a framework for how a national health insurance program should be structured. I look forward to working with others interested in health care reform and welcome suggestions for improving my plan. Above all, I hope my proposal will spur debate on the issue of national health insurance and move us closer to solving our health care crisis.

A summary of the bill follows:

DESCRIPTION OF THE RUSSO UNIVERSAL HEALTH CARE PLAN

This proposal would establish a national, single-payer health insurance program that would cut the nation's health care costs, while guaranteeing comprehensive, quality health care for all Americans.

BENEFITS AND ELIGIBILITY

The federal government would provide health insurance for all U.S. citizens. Citizens would receive a health insurance card entitling them to the national health insurance benefits.

These benefits include:

All medically necessary hospital services (with a 45 day limit for mental health services)

Nursing facility services

Home health services

Hospice care

Medical and other health services furnished by health care professionals authorized to provide services under state law (with a limit of 20 outpatient psychotherapy and counseling visits a year)

Dental and vision services

Prescription drugs

Preventive care

Home and community-based services for persons with difficulty performing at least two activities of daily living (ADLs)

Other medical or health care items or services as the Secretary of Health and Human Services determines to be appropriate.

There would be no coinsurance or deductibles and consumers would be free to choose their own doctors, hospital, or health care provider of their choice. Providers would be prohibited from charging more than they received from the government.

PAYMENTS TO PROVIDERS

Hospitals and nursing homes would be paid monthly based on prospective global budgets established annually through negotiations with the designated government agency and reviewed by State Advisory Boards. Payments for capital-related items and direct medical education would be budgeted and allocated separately.

Physicians and other health care professionals would be reimbursed according to fee schedules established by the Secretary of Health and Human Services and adjusted by geographic region. The Secretary would be advised on the fee schedules by the Physician Payment Review Commission and the Health Care Payment Review Commission.

Other health care facilities as well as home health services, home and community-based services, and group practices could elect to be reimbursed based on global budgets, fee schedules, or another approved prospective payment system, including capitation, provided their choice is approved by the designated government agency.

ADMINISTRATION

The Department of Health and Human Services would administer the program at the national level and the state could choose to administer the program at the state level.

Each year the Secretary of Health and Human Services would establish a national health budget and state health budgets specifying the amount to be spent for health that year and how that money would be divided among the provided services. These budgets would act as expenditure targets, so that if the budget for a service were exceeded, the Secretary could lower payments for that service the following year.

The Secretary would establish separate budgets for capital expenses and direct medical education, and specify how this money would be divided among the states. States would allocate these funds within their state to assure a fair and efficient distribution of resources.

The national budget would be increased every year based on inflation and growth in our Gross National Product. Advisory Boards representing both consumers and health care providers would advise on the implementation of this program at both the state and federal levels.

The Secretary or State may enter into contracts with qualified entities to process claims. Only one contract would be allowed per state.

FINANCING

The program would be financed through a new 6 percent payroll tax on employers, an increase in the corporate income tax from 34 percent to 38 percent for businesses with more than $75,000 in profits, increases in the personal income tax from 15, 28, 31 percent to 15, 30, 34 percent with a top rate at 38 percent for families with incomes over $200,000, reforms of the tax code, a long term care/health premium equal to the Part B premium plus $25/month for the elderly above 120 percent of poverty, an increase in the amount of Social Security benefits included as taxable income from 50 percent to 85 percent, state payments equal to 85 percent state Medicaid effort plus an annual per capita fee of $85, and federal contributions equal to current spending on health care.

All revenues collected for health care would be placed into a National Health Trust Fund and could only be used for health care expenses.

The attached chart illustrates the effect of the tax changes on business, the non-elderly, the elderly, states, and the federal government.

QUALITY OF CARE

The bill would apply the outcomes research and practice guideline provisions recently incorporated into Medicare to the entire national health care system.

OTHER FEDERAL PROGRAMS

Persons currently covered under Medicare, Medicaid, CHAMPUS, the Department of Veteran's Affairs health program, and other federal health programs would be covered under this proposal. All US citizens would be entitled to identical benefits from the health care provider of their choice.

HEALTH CARE SPENDING GOALS BY SECTOR—1989, RUSSO BILL

[In billions of dollars]

Sector	Current	Russo bill	Change	Notes
Business	176	199	+23	
Employee health insurance	129	0	−129	Eliminated.

HEALTH CARE SPENDING GOALS BY SECTOR—1989, RUSSO BILL—Continued

[In billions of dollars]

Sector	Current	Russo bill	Change	Notes
HI payroll taxes (employer share)	31	169	+138	Increase by 6 percentage points; no wage cap.
Workers comp (medical costs only)	14	0	−14	Eliminated.
In-plant health services	2	2	0	Retained.
Corporate income tax increase	0	27	+27	Top rate up from 34 percent to 38 percent for businesses with more than $75,000 profits; $15 billion in reforms.
Non-elderly	135	111	−25	
Out of pocket payments	71	28	−43	No out of pocket for covered services (including long term care); items like over the counter drugs not covered.
HI taxes (employee share)	37	38	+1	Current 1.45 percent tax retained, extended to all workers.
Private insurance for covered services	28	0	−28	Eliminated.
Personal income tax increase	0	45	+45	New 15, 30, 34, 38 percent rates; $8 billion in reform.
Elderly	84	51	−33	
Out of pocket payments	54	15	−39	No out of pocket for covered services (including long term care); items like over the counter drugs not covered.
Private insurance for covered services	18	0	−18	Eliminated.
Medicare part B premiums	11	18	+6	New long term care/health premium equal to Part B premium plus $25/month for those above 120 percent of poverty.
Added tax on benefits	0	6	+6	Part of Social Security benefits included as taxable income; includes low income protection.
Personal income tax increase	0	12	+12	New 15, 30, 34, 38 percent rates; $6 billion in reforms.
State and local government	83	76	−7	
Medicaid and other public programs	62	54	−8	Maintain 85 percent of Medicaid effort; $85 per capita fee; maintenance of noncovered services.
Employee health insurance	17	0	−17	Eliminated.
HI taxes (employer share)	4	22	+18	All workers covered; rate up 6 percentage points; no wage cap.
Other private (charity, etc)	16	16	0	
Federal Government	96	96	0	
Health programs (net)	88	96	+8	Maintain current effort, including employee health costs.
Employee health insurance	8	0	−8	Eliminated.
Total health spending	589	549	−40	

YORK, NE, SALUTES U.S. FORCES IN THE MIDDLE EAST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. BEREUTER. Mr. Speaker, as the policymakers try to make sense of the recent conflict in the Persian Gulf, they would do well to consider what people in the American heartland are saying. It is the small communities across America that send their sons and daughters in disproportionate numbers to perform military service, and consequently, large numbers of our troops now serving in the Persian Gulf are from smalltown America. Thus, the support that these communities demonstrated is particularly significant.

This Member would point to one such community, York, NE. An editorial in the February 28 edition of the York News Times summed up local attitudes:

"Support for President Bush and our troops has been visibly apparent here in York and throughout the country. Flags on main street, letters and cards for our troops, and simple gestures for family here at home have created an unspoken bond that helped us all cope with what was happening. That concern could turn into a joyous celebration as our local sons and daughters may soon be coming home from the desert.

While nearly all Americans share this sentiment, few have said it better.

Mr. Speaker, this Member would ask to place excerpts of this editorial by Mr. Kurt Johnson, entitled "Peace Is in the Air in the Middle East," into the RECORD. It is commended to colleagues.

[From the York News Times, Feb. 28, 1991]

PEACE IS IN THE AIR IN THE MIDDLE EAST

(By Kurt Johnson)

Given what we know now, there can be no question that President Bush was correct in his assessment of the crisis in the Middle East and that military might was the only thing his adversary would understand. No amount of time, economic sanctions or United Nations' resolutions would have convinced Saddam Hussein that he and his tanks did not belong in Kuwait.

If peace does in fact persist, this will likely go down as one of the most one-sided wars in world history. Preliminary estimates show as many as 100,000 dead Iraqis, versus 79 dead allied servicemen and women. Add to that the astounding Iraqi military destruction and the impact of more than 100,000 air attacks and you have as complete and undisputed a victory as U.S. leaders could have hoped for.

Let there be no question, however, that the United States has suffered from this tragic turn of events. All things considered, 79 lives is miraculously low, but to those 79 families the loss was utterly devastating.

The Persian Gulf War has also cost the nation billions of dollars at a time when a struggling economy is making it difficult enough to tend to our own domestic woes. Severe and immediate problems here at home have simply taken a backseat for the past seven months, the impact of which will be felt for years to come.

Nonetheless, support for President Bush and our troops has been visibly apparent here in York and throughout the country. Flags on main street, letters and cards for our troops and simple gestures for family here at home have created an unspoken bond that helped us all cope with what was happening. That support could turn into a joyous celebration as our local "Sons and daughters" may soon be coming home from the desert.

There is cause to be optimistic today. Though tremendous questions about the political future in the Mideast and the ultimate U.S. role there remain, the fighting has ended. Countless prayers have been answered.

HONEST CAMPAIGN ACT

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. KYL. Mr. Speaker, today I am introducing the Honest Campaign Act, a bill to reduce the influence of special interest groups in elections for Federal office, and, alternatively, to increase the influence of individual voters and the political parties in such elections.

The underlying goals are to make races more competitive, and to make Representatives more accountable to the people who elect them. The way to do that is to reduce the amounts special interest groups, especially political action committees, can give, both in dollar terms and overall percentage terms, and to require that the majority of a candidate's money come from his or her own district.

Mr. Speaker, I insert the text of the bill in the RECORD at this point, and I ask for my colleagues' support.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honest Campaign Act of 1991".

SEC. 2. REDUCTIONS IN LIMITATION AMOUNT FOR NONPARTY MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTIONS TO CANDIDATES FOR FEDERAL OFFICE.

Section 315(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(A)) is amended by inserting after "$5,000" the following: ", except that, in the case of a nonparty multicandidate political committee, the limitation shall be $2,500".

SEC. 3. PERCENTAGE LIMITATION ON NONPARTY MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTIONS TO CANDIDATES FOR FEDERAL OFFICE.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) As of the end of each calendar quarter, the total of nonparty multicandidate political committee contributions accepted by a candidate for Federal office with respect to an election may not exceed 15 percent of the total of contributions accepted from all sources with respect to the election.".

SEC. 4. RESTRICTION ON CONTROL OF CERTAIN TYPES OF POLITICAL COMMITTEES BY HOUSE OF REPRESENTATIVE CANDIDATES.

Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not control a politial committee other than an authorized committee of the candidate. As used in this subsection, the term 'control' means, with respect to a political committee, control with respect to contributions or expenditures by the committee.".

SEC. 5. PROHIBITION OF BUNDLING BY, AND TRANSFERS BETWEEN, NONPARTY MULTICANDIDATE POLITICAL COMMITTEES.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) A nonparty multicandidate political committee may not—

"(A) act as an intermediary or conduit with respect to a contribution to a candidate for Federal office; or

"(B) make a contribution to, or otherwise transfer any amount to, another nonparty multicandidate political committee.".

SEC. 6. HOUSE OF REPRESENTATIVES ELECTION LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL INDIVIDUAL RESIDENTS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 3, is further amended by adding at the end the following new subsection:

"(j)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election, accept contributions from persons other than local individual residents totaling in excess of the total of contributions accepted from such residents.

"(2) As used in this subsection, the term 'local individual resident' means an individual who resides in a county, any part of which is in the congressional district involved.".

SEC. 7. SOFT MONEY PROVISION.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"SOFT MONEY

"SEC. 324. (a) Any amount solicited, received or spent by a national, State, or local committee of a political party, by a corporation, by a labor organization, or by an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, directly or indirectly, shall be subject to the provisions of this Act, if such amount is solicited, received, or spent in connection with a Federal election. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act. This section shall not apply to amounts described in section 301(b)(B)(viii).

"(b) For purposes of this section, the term 'in connection with a Federal election' includes any activity that may affect a Federal election, including but not limited to the following:

"(1) Voter registration and get-out-the-vote activities.

"(2) Generic activities, including but not limited to any broadcasting, newspaper, magazine, billboard, mail, or similar type of communication or public advertising.

"(3) Campaign materials which identify a Federal candidate, regardless of any other candidate who may also be identified.".

SEC. 8. LIMITATION ON CONTRIBUTIONS AND EXPENDITURES BY LABOR ORGANIZATIONS.

Section 316(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended—

(1) in paragraph (2), by inserting "political committee," after "campaign committee,"; and

(2) by adding at the end the following new paragraph:

"(8)(A) Subparagraphs (A) through (C) of paragraph (2) apply in the case of a labor organization which provides to employees within the bargaining unit represented by the labor organization, at least once annually, and to new employees, within 30 days after commencement of their employment, written notification designed in a manner to inform any such employee of the following information and representations:

"(i) No employee is required actually to join the labor organization, and if the collective bargaining agreement purports to require membership in the labor organization, or the payment of any amounts to the labor organization, the employee instead may pay an agency fee to the labor organization.

"(ii) The amount of the agency fee for the current year and the amount of union membership dues, initiation fees, and assessments for the current year.

"(iii) Employees who choose to join the union will be subject to the labor organization's reasonable internal rules, regulations, and discipline.

"(iv) Employees who resign from the labor organization may do so without being subject to internal union discipline for any post-resignation conduct.

"(v)(I) The amount of the agency fee for the current year is limited to the employee's pro rata cost of the labor organization's exclusive representation services to the collective bargaining unit.

"(II) Such services are limited to collective bargaining contract administration and grievance adjustment expenses.

"(III) Such cost (which shall be based on the immediately preceding fiscal year of the labor organization, unless such year is not representative of the labor organization's financial performance or history) has been (or will be within a reasonable time not to exceed six months) verified by an independent certified public accountant who has made an examination of a financial statement specifically designed to determine such exclusive representation costs. Such financial statement shall, at a minimum, constitute an examination of a special report (as interpreted by the Association of Independent Certified Public Accountants).

"(vi) A copy of an agency fee report shall be given to each employee on an annual basis and, in the case of new employees, within 30 days of employment.

"(vii) A procedure is in place promptly to determine those costs which are chargeable to agency fee payors, and such procedures are fully explained in the agency fee report or a document distributed with it.

"(viii) Due regard is given to the fact that the labor organization holds a fiduciary position of trust with respect to the employees it represents and that the rights of employees freely to associate are not to be infringed any more than necessary for the labor organization to defray its reasonable costs of providing exclusive representation services.

"(B) Any labor organization which does not satisy the requirements of subparagraph (A) shall finance the expenditures specified in subparagraphs (A) through (C) of paragraph (2) with funds properly collected for its separate, segregated political fund. For purposes of this subsection, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for Federal office.".

SEC. 9. INCREASE IN CERTAIN LIMITATION AMOUNTS APPLICABLE TO CONTRIBUTIONS BY INDIVIDUALS.

(a) CONTRIBUTIONS TO CANDIDATES.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking out "$1,000" and inserting in lieu thereof "$2,500".

(b) ANNUAL LIMITATION.—The first sentence of section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking out "$25,000 in any calendar year" and inserting in lieu thereof "$50,000 in any calendar year, except that contributions by individuals to political committees of political parties shall not be included in the computation of aggregate contributions for the purpose of this sentence.".

SEC. 10. REMOVAL OF LIMITATIONS ON POLITICAL PARTY COMMITTEE CONTRIBUTIONS TO CANDIDATES.

Section 415 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 3 and 6, is further amended by adding the following new subsection:

"(k) Notwithstanding any other provision of this Act, no limitation amount applicable to contributions to candidates shall apply to contributions to candidates by political committees of political parties.".

SEC. 11. FULL INCOME TAX CREDIT FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 23 the following new section:

"SEC. 24. CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed, subject to the limitations in subsection (b), as a credit against the tax imposed by this chapter for the taxable year, an amount equal to the total of all political contributions, payment of which is made by the taxpayer within the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $2,500 ($5,000 in the case of a joint return under section 6013).

"(2) VERIFICATION.—A credit shall be allowed by subsection (a) with respect to any political contribution only if the contribution is verified in the manner prescribed by the Secretary in regulations.

"(c) DEFINITIONS.—For purposes of this section—

"(1) POLITICAL CONTRIBUTION.—The term 'political contribution' means a contribution or gift of money to—

"(A) an individual who is a candidate for nomination or election to any Federal, State, or local elective public office in any primary, general, or special election, for use by the individual to further the candidacy of the individual for nomination or election to the office,

"(B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of 1 or more individuals who are candidates for nomination or election to any Federal, State, or local elective public office, for use by the committee, association, or organization to further the candidacy of the individual or individuals for nomination or election to the office,

"(C) the national committee of a national political party,

"(D) the State committee of a national political party as designated by the national committee of the party, or

"(E) a local committee of a national political party as designated by the State committee of the party designated under subparagraph (D).

"(2) CANDIDATE.—The term 'candidate' means, with respect to any Federal, State, or local elective public office, an individual who—

"(A) publicly announces before the close of the calendar year following the calendar year in which the contribution or gift is made that the individual is a candidate for nomination or election to the office, and

"(B) meets the qualifications prescribed by law to hold the office.

"(3) NATIONAL POLITICAL PARTY.—The term 'national political party' means—

"(A) in the case of contributions made during a taxable year of the taxpayer in which the electors of President and Vice President are chosen, a political party presenting candidates or electors for such offices on the official election ballot of 10 or more States, or

"(B) in the case of contributions made during any other taxable year of the taxpayer, a political party which met the qualifications described in subparagraph (A) in the last preceding election of a President and Vice President.

"(4) STATE AND LOCAL.—The term 'State' means the various States and the District of Columbia. The term 'local' means a political subdivision or part thereof, or 2 or more political subdivisions or parts thereof, of a State.

"(d) CROSS REFERENCES.—

"(1) For disallowance of credits to estates and trusts, see section 642(j).

"(2) For treatment of Indian tribal governments as States (and the subdivisions of Indian tribal governments as political subdivisions of States), see section 7871.".

(b) CONFORMING AMENDMENTS.—

(1) Section 642 of such Code (relating to special rules for credits and deductions) is amended by adding at the end the following new subsection:

"(j) POLITICAL CONTRIBUTION CREDIT.—An estate or trust shall not be allowed the credit against tax for contributions to candidates for public office provided by section 24."

(2) Paragraph (6) of section 7871(a) of such Code (relating to Indian tribal governments treated as States for certain purposes) is amended by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively, and by inserting before such subparagraph (B) the following new subparagraph:

"(A) section 24(c)(4) (defining State for purposes of credit for contributions to candidates for public office),".

(3) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 23 the following new item:

"Sec. 24. Contributions to candidates for public office."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 12. TECHNICAL AMENDMENTS.

(a) TRANSFER OF DEFINITION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

"(20) The term 'multicandidate political committee' means a political committee which has been registered under section 303 for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.".

(b) CONFORMING AMENDMENT.—Section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) is amended by striking out the second sentence.

SEC. 13. EFFECTIVE DATES.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect on November 4, 1992.

LEGISLATION TO CORRECT ANY INEQUITY IN THE FEDERAL EMPLOYEES PAY COMPARABILITY ACT OF 1990

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mrs. KENNELLY. Mr. Speaker, I rise today, joined by my colleagues from Connecticut, to introduce legislation which will correct an inequity in the Federal Employees Pay Comparability Act of 1990, the President's pay reform measure. The bill would grant a pay raise to Federal employees working in Connecticut but outside the New York Consolidated Metropolitan Statistical Area.

The issue of Federal pay reform has been a very controversial one for many years. It has been one of grave concern to the hundreds of thousands of Federal workers across this country. We are all well aware of the increasing pay gap between private and public sector employees. The President's Commission of Federal Pay Reform says that Federal pay falls short of the private sector by 28 percent, and because of this growing gap Congress last year began to correct the problem.

Last year, Congress passed and the President signed into law, the Federal Employees Pay Comparability Act of 1990. An important step in the commencement of overall Federal pay reform, this law attempts to close the Federal pay gap over a period of several years. This will be a complicated process. And frankly, it is long overdue.

While the formal process of pay comparability begins in 1994, interim pay adjustments of up to 8 percent of base pay will be paid to General Schedule employees working in certain areas of the country. In fact, this step has already begun in three areas of the country: Los Angeles, San Francisco, and New York.

I am particularly concerned that at least one of these areas is inconsistently and arbitrarily divided. Specifically, I refer to the New York-New Jersey-Connecticut CMSA. This area includes the southwestern portion of the State of Connecticut. Only workers in that part of the State will receive the 8-percent adjustment, while all other workers have been left behind. This is true even though our small State is considered by some Federal agencies to be one Federal district. By dividing it, several problems will arise. This new system will create severe management problems and also exacerbate already existing problems with recruitment and retention of Federal personnel.

Economic factors and the high costs of labor throughout the State indicate that other areas should also be included in this temporary emergency adjustment.

The bill I am introducing today would extend the 8-percent increase to General Schedule employees and Federal law enforcement officers throughout the State of Connecticut who were excluded from the President's earlier interim adjustment. We in Connecticut believe this to be only fair given the complications that arise from dividing our small State.

I urge my colleagues to join me in correcting this severe inequity.

COMMEMORATING THE DISCOVERY OF GUAM

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. BLAZ. Mr. Speaker, in 1521, Martin Luther's argument for "Justification by Faith Alone" before the Diet of Worms marked the beginning of the Protestant Reformation, a revolution that would sweep Europe and mark forever the end of the feudal system there. In that same year, there were protests on the continent against the Spanish siege of Mexico, but to no avail. The Aztec Empire fell and Mexico was subjugated. Elsewhere in the New World, Ponce de Leon made his second landing in Florida, where the natives—surmising perhaps that his presence did not bode well for their future—promptly attacked and mortally wounded him.

Out in the Pacific, Magellan—for the time being at least—was faring somewhat better. There, he made the first landfall, by a European, on Guam. Given the sweep of historical events in Europe, given the scope of the Spanish conquest of the Americas, this landing was little noted, except by the old people, the original people of Guam, who—perplexed by this strange, bearded man's refusal to exchange gifts—enforced their tradition on him, and promptly had one of their own killed by European gunfire.

Magellan's visit 470 years ago today marked the beginning of a process. Since then, the people of Guam have been colonized, proselytized, Catholicized, patronized, naturalized, democratized, and subsidized. Guam has fallen under Spanish, American, Japanese, and again American rule. But never in those 470 years have we been asked what we as a people wanted. Discovery continued at the pace of the discoverer. It was his choice to uncover or cover at his will what he wished to know about us, and it was our lot to remain mute to the process. The attitude developed that the foreigners' right to dominate the land was established by their finding it, and the people—like the flora and fauna—had no alternative but to acquiesce in silence.

The Spanish made Guam their own, but never did they ask the Chamorro people, the old people, what relationship should be forged with them. Nor, centuries later, when the United States took control of the island did it ask the descendants of those Chamorros and those Spanish what association should be formed.

The year 1991 marks another anniversary as well. It will be 50 years since the Japanese invaded Guam during World War II, making the Territory the only U.S. possession with a significant population to be occupied. As we have seen most recently in Kuwait, invading armies are reluctant at best to discuss new political relationships with their conquered people. And the Japanese were true to form. Nor were the people of Guam polled when the Americans returned as to what relationship should be established.

The Japanese aside, we must wonder why the colonizing forces never asked this most fundamental quesiton. Perhaps they felt that the new order they were bringing was so progressive that the people could not help but be overjoyed to embrace it. Or perhaps the ugly hand of racism was at work, and they believed the people could not tell the difference between freedom and subjugation.

Whatever the case, with the close of the war and with increased education opportunities becoming available to the people of Guam, those of my generation realized the disparities we had accepted without question for so long did not have to be the case. It was as if we had been born blind and then miraculously had been given sight. It came as a shock to realize that darkness was not inevitable nor the natural state of the world. And so it was we who realized that we were not a second-class people. Invisible barriers were just that—invisible and without reason. New horizons revealing incredible vistas began to open before us. We had been told for generations, for example, that should we join the Navy, we were worthy to serve as servants, as stewards. My generation began to ask: Why not officers? And there was no reply.

And so slowly at first, and then with accelerating forces, we set out on a quest to achieve our self-determination as a people.

Genuine self-determination, if the word is to have any meaning, is a self-help program. If you truly want it, if it truly means anything to you, you must reach out for it and grasp it as your own.

The people of Guam have been remarkably successful in fulfilling our quest.

The farmers and fishermen, who labored so unrelentingly for their families before and during the war, found themselves toiling in new arenas with the war's end, and today they along with their sons and daughters are the business pioneers, political leaders, and entrepreneurs guiding a burgeoning economy that is the envy of the central Pacific region.

Economic change brought with it cultural change. From an ethnically homogeneous community, we have grown into a modern, progressive, multiethnic society proud of its cultural harmony.

The economic and cultural changes that have forever altered the face of Guam were totally Guam's to control. Ironically, that is not the case in the area of political self-determination. I say ironically because when we look at the changes that have swept and continue to sweep through Eastern Europe, we see example after example of the people wresting political power from foreign hands or the pawns of foreign hands and taking it for themselves. This is not what Guam wants. We are not seeking separation but are looking instead to form a closer bond. And to accomplish this we must come to a mutually acceptable agreement with the administering authority of the country with which to form a closer tie—which in this case is the United States.

What is astonishing is the tremendous amount of misinformation that our fellow citizens in the various States have about Guam. They are continuously surprised to learn that the full rights of the Constitution do not apply to the Territory. Even our closest friends are astounded that we do not vote for the President and that the delegate from Guam cannot vote on the floor of this House. They do not comprehend that a newly arrived immigrant in the United States will within a few short years possess more political rights than someone on Guam who has been an American citizen all his life. With such a basic lack of knowledge then, it is not surprising that our fellow countrymen do not understand Guam's need to achieve a new political relationship or the process involved.

The people of Guam have set in motion the mechanism for achieving that new relationship. But having begun the operation, they must leave its final success to other hands.

Those hands are the two Houses of this Congress, this House of the American people. But where the judgments of other courts can be appealed, the decision of the Congress will be final. In a very real sense then, you here and our colleagues in the Senate are Guam's Court of Last Resort. If you do not hear our plea, there will be no appeal for the kind of political relationship we are seeking except to leave the family, which is an option we neither seek nor want.

Guam's quest for a new political status is, of course, a two-edged sword. The burden falls heavily on Guam to prove itself worthy of guiding its own political future. But the burden also falls heavily on the United States to do what it must to extend to the people of Guam what it champions for the Baltic nations and the countries of Eastern Europe. The responsibility belongs to the United States to extend to its fellow Americans on Guam the same generosity of spirit that it bestows on all who come to America's shores seeking to be fully incorporated into the American family.

It is indeed a mark of the magnitude of a malady in our system when the full rights of citizenship are not determined by who you are—an American—but by where you reside. Consider this, an American citizen who chooses to live in a foreign country can still vote for his President by absentee ballot. But an American living on Guam cannot.

With no one to take up the gauntlet for us, we have done so ourselves. In the absence of any effort to change our status, we have assumed the initiative. We have weighed the options and have chosen commonwealth. Now is not the time for this Congress to add even a day to those 470 years of stony silence to the people of Guam. Rather, it is time for you to say, "Yes, we hear you. We know what you want."

The West discovered Guam 470 years ago. Unbeknownst to the West, however, a second discovery has taken place. Collectively and spontaneously, the people of Guam have come to realize that true discovery only occurs when you discover yourself.

We the people of Guam, have discovered ourselves. And in doing so, we have discovered a unique people with a unique culture and a unique language. We have discovered that in a world that homogenizes away cultural distinctions, we must make special efforts and take special care to keep our uniqueness intact. To do otherwise would betray not only those who have gone before but those who will come after. This generation has chosen to pursue a new political status with the United States. But this generation is also the meeting point between the generations who were and those still to come, between what was and what will be. In looking to change our political status when, we are seeking not only an extension of rights but the preservation of our people and culture.

PROSPERITY AND PROPER TREATMENT OF CREDIT UNIONS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. PETRI. Mr. Speaker, recently I had the privilege of speaking to a group of credit union members in my district. My remarks dealt with the prospects and proper treatment of credit unions as we consider financial institutions reform measures. In case they may be of interest to a wider audience, I ask that these remarks be reprinted in the RECORD at this point.

REMARKS OF HON. THOMAS E. PETRI

I'm happy to be here today.

You, as members of Wisconsin Axle Credit Union, have much to be thankful for. A quick glance at your annual report tells me this meeting promises to be a happy occasion, because you've had a very good year.

I congratulate Wisconsin Axle and I wish you continued success.

Since I myself am a member of a credit union, I know full well the benefits of belonging, and I am a strong supporter of credit unions.

During my first days in Congress twelve years ago, I supported allowing Credit Unions to offer checking account services, which was an important advance at that time.

I have been a supporter of credit unions for a number of reasons.

Credit unions add to the diversity and the strength of our country's financial services overall.

Our economic system works best when there are a variety of competitors in any given marketplace.

In a diversified market, some entities become generally competitive, and some become extremely successful in various niches of the market.

Some entities just struggle along, and some fall by the wayside.

But we are all better off, because the competition gives us a chance to keep on discovering better ways of doing things.

It's particularly valuable to have Wisconsin Axle and other credit unions competing in the financial services markets because your basic organizing principle, the cooperative principle, is so different from that of your competitors.

This unique organizational feature adds to the diversity from which comes strength.

The cooperative idea is, in and of itself, a most appealing one. It is rooted in the democratic concept of people with like interests and objectives freely coming together to form an enterprise whose benefits accrue to all its members.

That, of course, is the basis of this whole cooperative movement, of which you are just one part, and which has a long and honorable history in Wisconsin.

The cooperative principle is only threatening if people try to cooperate to gain a monopoly in some area, because then it can be used to deny opportunity to others.

But that has never been a goal, or even a remote possibility, for credit unions.

In fact, Wisconsin Axle and other credit unions continue to be one of the best examples of the cooperative principle at work.

While you operate in only a small corner of the whole financial services industry, you have been vastly successful in that corner.

Among all the types of cooperatives, taken as a group, credit unions have an excellent record of achievement.

And, at a time when American financial institutions are undergoing intense scrutiny, credit unions as a whole are emerging from this thorough examination with a clean bill of health.

Wisconsin Axle's experience here in Oshkosh is, fortunately, not unique. Credit unions have been doing well all over.

Reserves and capital are very high, loan portfolios are strong, and your insurance fund, the National Credit Union Share Insurance Fund, is in excellent shape.

It faces none of the problems of the savings and loan insurance fund or the Bank's insurance fund, the Federal Deposit Insurance Corporation.

These other depository institutions and their insurance funds are experiencing major problems. But credit unions are not.

It's fair to say that credit unions have not been part of the problem, and they should not be forced to be part of the solution.

Any attempt to merge your insurance fund with the FDIC would amount to a raid on your money to benefit someone else.

Even worse, it's a raid on the small to benefit the more powerful. I don't think it's justified.

The democratic chairman of the House Banking Committee, Henry Gonzalez of Texas, has in fact introduced a banking reform bill that would merge your deposit insurance with the FDIC.

His bill would also create a single regulatory agency for depository institutions. When the chairman of the committee puts in a bill like that, one has to be at least a little concerned.

I wouldn't be TOO concerned, however . . . for several reasons.

For one thing, the Bush Administration's banking reform plan does NOT contain either a merging of insurance funds OR a single regulatory agency.

The Administration will have substantial power to block anything it does not want in this area.

Moreover, two days ago the FDIC came out with a plan for bolstering the bank insurance fund that made no mention of credit unions.

Meanwhile, credit union members themselves are making their views well known to members of congress.

Through thousands of letters—even a few valentines—petitions, rallies and office visit, you are sending a very loud no thanks to Capitol Hill.

In fact, the mail campaign on this issue is one of the biggest I've seen in my twelve years in Congress.

Believe me, members of Congress will hear the message.

And when all is said and done, my best judgment is that you have little to fear.

The case on its merits is weak . . . either for merging insurance funds or for creating a single regulatory agency.

And . . . with little support and much opposition, I don't think either is going to happen.

There are two proposals affecting credit unions in the administration's banking reform plan. One is to put a Treasury official on the board of your regulatory agency, and the other is to phase in over 15 years an accounting change that would stop counting your insurance fund deposits as capital on your books. I think it's fair to say that even though credit unions might oppose these two proposals, they are far less threatening to credit unions than a merging of deposit insurance funds. At the same time, I really can't predict what will happen to them.

In any event, while you must remain vigilant, I believe credit unions have little to fear from the current discussion over deposit insurance reform.

You meet real needs and you have done a good job satisfying those needs.

As a result, today, strong credit unions like Wisconsin Axle face more opportunities than ever before.

Congratulations on another successful year!

Thank you very much.

THE CLEAN VESSEL ACT OF 1991

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing legislation, along with 14 of my colleagues, which will provide funds to coastal States for the construction, renovation, and maintenance of shoreside pumpout stations for marine sanitation devices of MSD's for you landlubbers, an MSD is a boat toilet.

Sewage discharged from vessels is a significant contributor to the degradation of water quality in many U.S. bodies of water. Vessel sewage discharges impact water quality in three ways. First, the sewage may contain human pathogens which can cause hepatitis, gastroenteritis, and cholera. Obviously, this poses human health problems for swimmers who come in contact with contaminated water or shellfish lovers who consume shellfish harvested from contaminated waters. Second, the decomposition of the organic matter in sewage removes dissolved oxygen from coastal waters. Without an adequate supply of oxygen, aquatic organisms can not survive. Finally, vessel sewage contains nutrients which can trigger algae blooms. These blooms are often offensive to the eyes and the nose, but more importantly, when these dense populations of algae die, their decompostion will rob the water of life giving oxygen.

In many U.S. waters, vessels are prohibited from discharging sewage pursuant to Federal or State law. In fact, a recent survey by the Boat Owners Association of the United States found that 63 percent of recreational boaters operate on no discharge waters. That same survey found that 67 percent of the respondents indicated that there are not enough shoreside pumpout stations for MSD's. In my own State of North Carolina only 21 of 104 coastal marinas have MSD pumpout stations. This is a classic "catch 22." Vessel operators are prohibited from discharging their MSD's into our coastal waters, but there is no place for them to properly dispose of the sewage. What are boaters supposed to do?

The legislation I am introducing today attempts to address this problem by earmarking a portion of a coastal State's Wallop-Breaux annual apportionment for the construction, renovation, and maintenance of shoreside pumpout stations for MSD's. The Wallop-Breaux trust fund is financed entirely through excise taxes on fishing rods and reels, tackle, electric trolling motors, and the portion of the gasoline excise tax attributable to use in motorboats. Moneys in the Wallop-Breaux trust fund are available for State sport fish restoration projects, boating safety programs, boating access projects, and wetlands enhancement and creation projects. Payments into the trust fund will go up as a result of the gasoline excise tax increase contained in the Omnibus Budget Reconciliation Act of 1990. The Wallop-Breaux trust fund will receive a windfall of $37 million in fiscal 1992. My proposed legislation will take a small portion of that windfall, $7.3 million, and use it for MSD construction, renovation, and maintenance for the next 5 years. This will translate into coastal State expenditures for MSD pumpout stations in fiscal 1992 that will range form $36,557 for territories to $548,355 for large States.

I am confident that my proposal will be supported by the boating and sport fishing public for several reasons. First, the large increase in the Wallop-Breaux trust fund is due to an increase in the gas tax which is paid by the operators of motorboats. Since many motorboats have MSD's, my proposal will direct that a portion of the gas tax moneys be used for projects that directly benefit them. Second, since the Wallop-Breaux program is significantly increasing in size, my proposed legislation will not adversely impact current funding levels for State sport fish restoration programs. In fact, nearly $30 million in new money will be available for new sport fishing projects. Third, the proposed legislation is flexible. A Governor may petition the U.S. Fish and Wildlife Service for a reduction or waiver of the mandatory 5-percent expenditure for pumpouts if there are not problems with vessel sewage discharges in the State or there are enough pumpouts in the State. Finally, if my bill leads to cleaner and healthier recreation waters, all boaters and fishermen will benefit.

I urge my colleagues to help clean up our fragile coastal waters by supporting the Clean Vessel Act of 1991.

THE AFTERMATH OF BATTLE: WHAT HAPPENS NEXT IN THE MIDDLE EAST?

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. ANDERSON. Mr. Speaker, peace has returned in the Middle East. United States and allied forces have decisively crushed the Iraqi army, once the fourth largest in the world. Saddam Hussein has been effectively rendered impotent. His boasts of regional domination have been exposed as only so many empty words. Saddam promised the "mother of all battles" while U.S. forces fought the "mother of all routs." Iraq started this war and made the use of force to free Kuwait necessary. Saddam's folly and intransigence devastated Kuwait, ravaged his own country, and caused thousands upon thousands of needless deaths. The "rivers of blood" he threatened did flow, but it was the blood of his own soldiers, sacrificed needlessly in a cause they obviously did not believe in.

Now that the guns of battle have fallen silent, the task of peace is at hand. In this post-war period, I think it is important to ask ourselves, what is the role of the United States in the Persian Gulf? How do we treat a defeated Iraq? As part of the question, how do we ensure that this peace is a stable and lasting one? The answers to these questions will determine whether or not the peace we construct will stand the test of time. I believe the guiding principle in our post-war efforts is that of cooperation. In large measure it was the unity of the world against Saddam's aggression that was reponsible for victory. From the initial days of Iraq's invasion of Kuwait, the United States and our partners worked through the United Nations to shape our policy and then to maintain cohesion of action, both in Operations Desert Shield and Desert Storm. Even though this struggle was clearly led by the United States, it was won and will be paid for by many. As there was no American-imposed solution in war, there must be no American-imposed solution in peace. To lay too heavy a hand upon the region now would be to largely undo much of the good will we have built up on the last few months. Peace must be the creation of many, not dictated by a few.

Our highest initial priority, beyond the quick return of American prisoners of war, must be getting our troops home. From a logistics standpoint, this will not be an easy task. Months were needed to build up our forces; months will be required for packing up and shipping the vast amount of equipment home. Our men and women have withstood the isolated, often primitive, conditions of the desert for months now. They should not be forced to endure this once necessary lifestyle any longer than is absolutely necessary. Their families, their loved ones are here and eagerly await their return. Let's get them home!

This does not mean all armed forces can be sent home. The region will continue to suffer unrest as we deal with the aftermath of the war. But continued peacekeeping efforts must be a United Nations effort, and be largely composed of Arab forces. I simply can see no long-term military need requiring United States ground troops in either Kuwait or Saudi Arabia. The forces of these two nations, along with our other Arab allies, are sufficient to maintain the peace. To be a force under the flag of the United Nations, non-Arab representatives' involvement will also be necessary. But the American involvement must be minimal. Otherwise, we invite resentment and fears of the "colonial occupation" type. This U.N.-sponsored coalition concept will work as well in peace as it did in war. It only seems logical that largely Arab forces, with the full sanction and under the flag of the United Nations, should be melded into a permanent peacekeeping force.

The withdrawal of U.S. troops and the establishment of a peacekeeping force does not obviate the need for the United States to be prepared for any long-term threats. This region is too important to the United States to turn our back on it now. Militarily, I think there are four things we can do to strenthen the U.S. posture in the region. First, build the fast sealift ships and cargo aircraft we desperately need to move men and equipment into a hostile area. Second, reinforce and expand our fleet of prepositioned ships, full of all the equipment a Marine or Army division needs to fight for 30 days. These prepositioned ships were the first to deliver armored vehicles to Saudi Arabia in the tension-filled days following the Iraqi invasion of Kuwait, when Iraq seemed poised to continue their invasion south. Third, maintain a strong, over-the-horizon naval presence that has the capability to show the flag if needed. Finally, it should be noted just how vital to the success of Operation Desert Storm the Saudi military infrastructure was. Airfields, hangers, port facilities, and communication centers all stood ready to receive American combat elements. We should continue to stress this type of infrastructure, so that American forces may remain at home, but retain the capability to return if the dire need should rise again.

I have stressed that Operation Desert Storm was so overwhelmingly successful because it was a world-wide effort. Still, the United States bore the lion's share of the military burden and, therefore, the cost of the struggle.

The American people supported this effort in large part because they were assured our allies would pay for their fair share of that financial burden. Those foreign commitments must not prove false. Any shortfall in foreign contributions would be intolerable. More importantly, a shortfall would undermine the support of the American public for a future conflict that we may have to become involved in. In this long-run, it is the support of the American people that wins wars. The taxpayers must not be forced to shoulder these costs alone.

After World War I, the victors sought to exact their revenge upon a defeated Germany, leaving a deep bitterness among the German people that was instrumental to the rise of Adolf Hitler. While we must be wary about repeating this type of mistake, we also can rightfully expect Iraq to pay dearly, in monetary terms, for its aggression. Iraq must reap what it has sown. Reparations to those who bore the brunt of Iraq's aggression, primarily Kuwait, will be paid. The systematic destruction of that nation's oil-producing capability and basic infrastructure is almost complete. Iraq should also help in the effort to pay for Operation Desert Storm. I understand these reparation payments will be difficult for Iraq to deliver on. Saddam Hussein had already put his country deeply in debt before the invasion of Kuwait because of his war against Iran. But there is tremendous wealth beneath the Iraqi desert. It is this wealth that the victims of Saddam Hussein have a right to.

The reports of atrocities now coming out of Kuwait are truly beyond my ability to comprehend. Summary executions, brutal torture, and rape were Saddam's means to subjugate the Kuwaiti people. Saddam Hussein and his troops violated all basic norms of humanity. Coalition forces in Kuwait have been attempting to find those responsible. Each individual should be held accountable for his actions and tried in a Kuwaiti court of law. Saddam Hussein must also be held personally liable. Not only did he condone these atrocities, but he purposely attacked civilian targets with his Scuds, he willingly opened oil pipelines into the waters of the Persian Gulf, and, when his defeat was readily apparent, he blew up Kuwaiti oil wells. These are material crimes against a nation and against the environment for which he must atone. For crimes against humanity he should be tried in an international court of law.

Lastly, we must turn our efforts to promoting a regional peace in the Middle East. The Middle East has been a powderkeg waiting to explode for years now. Not only have Arabs fought Israel, but Arabs have fought and hated each other. A future peace must recognize that no single man or country must be allowed to terrorize the region again, especially with weapons of mass destruction at his disposal.

Clearly, Iraq cannot be allowed to rearm. Sadddam Hussein's weapons were more multinational than our coalition against him. The Chinese, the South Africans, the French, the British, the Soviets, the North Koreans, the Brazilians, and even Americans all generously sold military equipment to Saddam. This must not be repeated. Even more importantly, the widespread and unrestricted supply of high-tech weapons to the region, especially to fanatics, has to stop. This will require a coordination heretoforce unknown among the major arms exporters. The Middle East is among the most militarized regions of the world. Oil profits have not gone to social programs but to the wholesale buying of the weapons of war. Clearly, this arms race has spiraled upward and set off a search for ever larger weapons systems. We stand at a precipice, facing a near-term scenario where nations hold ballistic missiles at the ready, topped with chemical or even nuclear warheads. I support every effort to cap the transfer of these technologies. Even if the nations of the world can agree to this fundamental need, we will have to be ever vigilant about those small companies who will do anything to make money. Those firms who break this embargo must be subject to economic and criminal sanctions.

The fears of an Arab groundswell in support of Saddam Hussein never materialized. But this fear was the result of Saddam's claim that he fought for the cause of the Palestinians. We know that he only fought for his own ends, but the fact remains the Palestinian problem is a central and fundamental cause of unrest in the region. It is a central problem, but does not stand alone. Before it can be settled, the Arab nations must end their hostile stance against Israel by recognizing Israel's right to exist and ending their formal state of war. Even Saudi Arabia still is formally at war with Israel. Once this step is taken, we must convince Israel that its best interests lie in humanely treating the Palestinian people and offering them self-determination and self-dignity. The Palestinian people does not mean the PLO. This terrorist organization has shown its true stripes by supporting and cheering Saddam Hussein. No more attempts should be made to negotiate with the PLO on the behalf of the Palestinian people. But negotiations with the Palestinians must take place. The United States, as Israel's closest ally and stronger supporter, is obliged to convince hard-liners in Israel that the path to peace lies not through the use of force but in the basic recognition of a people's right to be free and to determine their own future. This was an underlying principle in our fight to liberate Kuwait. It must continue to stand as the guiding light of our foreign policy in the Middle East.

The example of Saddam Hussein should vividly prove that a leader must be accountable to this or her people. For if that leader is not, he will be free to imperil his nation in the reckless pursuit of his own fantasies. Americans went to war against Iraq only after the President came before Congress to receive this body's approval. After long debate and much soul-searching, the use of force was authorized by Congress. Democracy worked. The people of this Nation stood solidly behind our troops and our Commander in Chief. Meanwhile, the Iraqi people reaped the bitter fruits of their refusal to restraint their "President." So, too, did the German people eventually pay for blindly supporting a madman. In both cases, the world first had to pay dearly for these dictator's aggression. The lesson is clear. Unless we make every effort to promote democracy in the Middle East, a true peace will escape us.

PRESIDENT BUSH AND HIS HANDLING OF THE PERSIAN GULF CRISIS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. SMITH of New Jersey. Mr. Speaker, all across the country and around the world people are rightfully paying tribute to President Bush and his handling of the Persian Gulf crisis. I join the 91 percent of Americans who today approve of the job President Bush is doing. His courageous leadership and decisive courses of action over the past few months have renewed America's pride in itself. Likewise, other countries now have tremendous respect for our President and his leadership of the coalition that proved so successful in the gulf.

Today, I would like to submit into the RECORD a letter written by a constituent of mine, Mr. Bart Richards, to President Bush praising him for his courage and leadership during time of crisis. I believe that Mr. Richards' sentiments are comparable to the vast majority of Americans' feelings toward President Bush, the liberation of Kuwait and its people, and the opportunity for peace in an area of the world which has experienced much violence for many years.

MARCH 3, 1991.

Hon. GEORGE BUSH,
President of the United States, White House, Washington, DC.

DEAR PRESIDENT BUSH: Congratulations on a job well done. It is very heartwarming to know the Congress is acknowledging your leadership this Wednesday evening, and in doing so, honoring all those who participated in the gulf theater of operations. The nation came together under your leadership and we can all be proud, Republicans and Democrats alike, of the role this country played in freeing the Kuwaiti people.

During the conflict one battlefield scene keeps coming back to me as a reminder of the human element present in every war. It was an Iraqi soldier coming out of a dugout with his hands in the air crying for mercy. The tears were pouring from his cheeks and you could see he was ill equipped, cold and obviously starving. He cried to his God for help and kissed the hand of a young marine. His fears were eliminated when the marine gently patted him on the head and instructed the Iraqi soldier to kneel in the desert. It was a pathetic sight and for a brief moment the war showed great restraint and humanity. For here in the desert two men unable to speak a common language managed by hand signals to communicate a message of understanding. It was a very touching scene and left an indelible mark in the minds of those who witnessed it on television.

Now that the guns are silent it is my sincere hope that you, and all the other world leaders, will strive to bring this world a measure of peace. The same energy and planning that brought us victory in the desert must be mobilized for a new world order. A world which we can somehow live without the weapons of awesome destruction. It will not be easy but we must make every effort to achieve this goal.

At another time and place in the history of this great country I remember a speech delivered by President Dwight David Eisenhower to the American Society of Newspaper Editors on April 16, 1953. It was a very telling message. He spoke with great passion about the perpetual fear and tension that could result from a possible atomic war. He went to great lengths to outline the burden an arms race would cost the world and how it would drain the wealth and labor of all peoples. Then he added up the price with these words: "Every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed." He said, "This is not a way of life at all, in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron."

The message Eisenhower delivered in 1953 is still relevant today. No matter how moral, no matter how just, no matter how necessary military action is in a time of crisis, it is only a temporary solution. We have been witness to continuous wars throughout this century and peace has been an elusive goal. Somehow we must marshal the same energies and confidence exhibited in war and strive diligently to bring more order to a troubled world. I have every confidence that you as our President will lead us in this direction. The nation will be listening very carefully to your words to the Congress and the American people on Wednesday night. May a grateful people hear a message of reconciliation and hope.

Again, congratulations to you and the leadership that brought us such a great victory. May history prove kind to your presidency and continue to bring you success in the future. With great pride in our nation, I remain

Respectfully yours,

BART RICHARDS.

TRIBUTE TO JOHN A. HANNAH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. FASCELL. Mr. Speaker, I rise today to speak in tribute to John A. Hannah, one of our country's great educators and civic leaders, who died on Saturday, February 23. Mr. Hannah served as president of Michigan State University for 28 years, and for 12 of those years also served as chairman of the U.S. Commission on Civil Rights.

Those of us who are old-timers on the Committee on Foreign Affairs, however, remember John Hannah principally as one of the outstanding Administrators of the Agency for International Development, a position which he held from 1969 to 1973. In 1973, the Congress approved a rewrite of foreign assistance legislation known as "New Directions," orienting our Nation's development assistance toward helping poor people in some of the poorest countries around the world. We take credit for this revision as a congressionally instigated reform. In fact, John Hannah was personally involved in formulating the ideas that led to that legislation, and it is to his credit that he was never concerned about taking credit for his role. We can call him a "modest manipulator," for by taking a back seat, John Hannah made the Foreign Affairs Committee and the Congress much more responsible and ensured more active oversight than we might have assumed for an executive branch initiative.

Following his years at the Agency for International Development, Mr. Hannah served as cochair of the 1974 World Food Conference and subsequently was executive director of the World Food Council from 1975 to 1978. At the World Food Council, he was instrumental in generating support for the International Fund for Agricultural Development, whose mandate is to focus its resources on the poorest groups in the least developed countries and in other low-income food deficit countries.

John Hannah also worked throughout his life to increase the international involvement of Michigan State and other land-grant universities, recognizing that the universities and the United States, as well as developing countries, would benefit from building an international university-based agricultural research system. His work led in 1975 to the passage of the Food Prevention and Freedom from Hunger Program, generally known as title XII, which links U.S. universities with U.S. foreign assistance programs.

My wife Jeanne-Marie joins me in saluting John Hannah for his many contributions to a more equitable society and for his efforts to end world hunger. We offer our sympathies to his family.

THE INTERNATIONAL FAMILY PLANNING ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Ms. SNOWE. Mr. Speaker, today I join my colleague, Representative CHET ATKINS, in support of the International Family Planning Act, H.R. 1179. This legislation would overturn the 1985 Mexico City policy.

In theory, preventing abortion was the goal of the Mexico City policy when established in 1985, by ensuring that United States funds would not go to provide abortions. Yet that essentially has been a matter of U.S. policy since adoption of the Helms amendment back in 1973. No new policy or legislation was necessary to draw that line between U.S. funding and abortion activities.

And, apparently, that old policy was working: No organization receiving U.S. funding was ever cited for violating the prohibition on abortion—none. At a 1989 hearing, I asked a State Department official for any evidence of violations of that policy—and he had none. The much-needed family planning assistance was being distributed without running afoul of abortions restrictions.

What has happened, then, since the Mexico City policy was instituted? All available evidence shows that abortions around the world have at least remained level, or actually increased.

We still see, according to the World Health Organization, some 200,000 women die annually due to complications from illegal abortions. In one Nairobi hospital, up to 60 women each day are treated for abortion complications—a fivefold increase in the past 10 years.

Overall, a lack of public information—due to the Mexico City policy—has led to a rise in illegal abortions around the world.

All of these things have occurred in the wake of a policy designed to curtail abortion. Thus experience since 1985 shows one thing plainly and clearly: The Mexico policy has been an abject failure in achieving its only plausible goal—it is a demonstrably failed policy. This policy was a bad idea trying to solve a problem that did not exist, and only served to make the family planning situation worse.

With the International Family Planning Act, we can eliminate the single largest obstacle to effective, compassionate international family planning assistance. Such assistance is a national goal of the United States; let us then take the step necessary to have our policy lead us toward that goal.

I strongly urge my colleagues to support this legislation.

THE FISHING SAFETY AND ENVIRONMENTAL COMPLIANCE ACT OF 1991

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. MILLER of Washington. Mr. Speaker, today I'm introducing the Fishing Vessel Safety and Environmental Compliance Act of 1991. The identical provisions in this bill passed the House last year as an amendment to the Magnuson Fisheries Conservation and Management Act. Unfortunately, the Senate Finance Committee objected because they did not have time for a hearing and my amendment wasn't included in the final version of the Magnuson Act which passed Congress.

Mr. Speaker, this bill makes it easier for those who own fishing vessels and have established tax deferred capital construction fund accounts to comply with fishing vessel safety regulations, environmental regulations and upgrade their processing equipment to enhance the quality of the seafood they catch. It allows vessel owners the flexibility to use their capital construction funds for these safety and environmental improvements.

The seafood industry contributes over $3 billion a year to Washington State's economy. And it's an industry, much of which is based in my congressional district. Since the seafood industry continues to develop and change, it's important that these companies are able to make needed safety and environmental changes as soon as possible.

Mr. Speaker, passing the Fishing Vessel Safety and Environmental Compliance Act of 1991 allows these companies to buy new, modern safety equipment and make needed structural changes to their vessels. Both of which will help companies comply with environmental protection laws, safety laws and improve the quality of the fish they catch. This bill also ensures that fishing companies do everything they can to maintain the quality of the waters in which they operate.

I encourage my colleagues to join me in supporting this important legislation.

INTRODUCTION OF H.R. 1283, TO AMEND THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. GIBBONS. Mr. Speaker, today, I am introducing H.R. 1283, a bill to amend the Caribbean Basin Economic Recovery Act to repeal the provisions exempting certain articles from duty-free treatment under the act.

This bill would eliminate all of the existing product-specific exemption that currently preclude textiles and apparel, footware, handbags, luggage, flat goods, work gloves, leather wearing apparel, canned tuna, petroleum and petroleum products, and watches and watch parts containing components from Communist countries, which are produced in the Caribbean beneficiary country, from receiving duty-free treatment in the United States under the act.

The Caribbean Basin Economic Recovery Act was enacted in 1983 with strong bipartisan support in order to enhance the economic development of this important region. Unfortunately, because of strong protectionist forces in the United States, a number of compromises were made during the legislative process, including the exemption of a number of so-called import-sensitive products from eligibility for duty-free treatment under the program. As a consequence of these exemptions, the program was less than an overwhelming success during its early years of operation.

Last year, the Congress passed the Caribbean Basin Economic Recovery Act of 1990 to expand and improve the original program. Unfortunately, once again domestic political pressures resulted in a number of compromises which diminished the potential effectiveness of the program.

I believe the time has come for Members to recognize that it is in the best interests of the United States to maximize the effectiveness of the Caribbean Basin Program. Economic stability in this vital region will likely lead to political stability. Further, allowing duty-free treatment for these articles is not likely to have a noticeable adverse impact on domestic industries producing such articles. Even with duty-free treatment, the volume of imports of such products is likely to be negligible with little noticeable effect on U.S. production.

This is important legislation not only for the Caribbean region but for the United States. I urge my colleagues to support it.

THE TIME FOR BALTIC FREEDOM IS NOW

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. SCHAEFER. Mr. Speaker, on August 11, 1920, Vladimir Lenin, founder of the Soviet state, signed a peace treaty recognizing Latvian independence and "renouncing forever all claims to sovereignty over any part of the former Russian empire now belonging to independent Latvia." Similar treaties were signed with the other two Baltic nations of Estonia and Lithuania.

"Forever" for the brutal Soviet dictator Josef Stalin lasted all of two decades, for in 1940 Soviet rule was imposed upon all three Baltic nations on the bayonets of Soviet troops. After sham elections orchestrated and rigged by Stalin, these sovereign nations become Soviet Socialist Republics and spent the next 50 years in sullen subjugation to Moscow.

In 1990, to his credit, Soviet President Mikhail Gorbachev sponsored democratic local elections throughout the Soviet Union, including the Baltics. Non-Communist governments committed to national independence swept to power in all three Baltic nations. For the first time in a half century, Estonia, Latvia, and Lithuania had legitimate, popularly elected governments.

Lithuania's new democratic government seized the opportunity and declared Lithuania's independence on March 11, 1990. But then, democratization in the Soviet Union hit a sudden roadblock. The Soviet Central Government steadfastly refused to acknowledge the rights of Baltic nations to national independence. Gorbachev decided he would rather hold together the Soviet empire with heavy handed authoritarianism that allow the Baltic Republics to regain their independence.

Events came to a tragic head in January of this year when coup attempts in Lithuania and Latvia resulted in bloodshed. The shadowy anti-independence national salvation committees which fomented the coups were tacitly supported by Moscow and are reported to have direct ties with the hard-line Soviet KGB.

The continued presence of Soviet black beret troops in the Baltics intimidates local citizens, but does not diminish their desire for freedom. These shock troops have succeeded only in aggravating tensions in the Baltic Republics in the evident hopes that violence will legitimize forceful and overt Soviet intervention.

The United States has never recognized the forceful incorporation of the Baltic States into the Soviet Union. As we approach the first anniversary of Lithuania's restoration of independence, I call upon President Bush to use every available opportunity to press the cause of Baltic independence with Mikhail Gorbachev and the Soviet Central Government.

Similarly, I call upon President Gorbachev to recognize the legitimate national aspirations of Estonia, Latvia, and Lithuania. The 1990 Nobel Peace Prize laureate will make the world, including the Soviet Union, a better place when he lets those nations become truly free once again.

TRIBUTE TO THE FAMILY SERVICE ASSOCIATION OF STEUBENVILLE, OH

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. APPLEGATE. Mr. Speaker, I rise today to pay tribute to the Family Service Association of Steubenville, for 80 years of dedicated service to the families of the Upper Ohio Valley. The anniversary will be celebrated at the annual meeting of the board of directors on March 14, 1991.

The Family Service Association was founded in 1911 by a group of Steubenville citizens, known then as Associated Charities, whose purpose it was to assure that no needy family went uncared for. They were incorporated in 1913 under the name of the Social Service Union of Steubenville. The original signers of the articles of incorporation were George H. Miller, Louis W. May, Gertrude W. Mendel, Henry F. Lawler, and William E. Pollen.

In its early stages, the agency was completely self-sufficient. They raised all of their own funds through charitable contributions and the sale of used newspapers. They provided invaluable programs to the community such as child welfare, transportation, and employment services. They created Mother's Pension, which was a predecessor to the Aid to Dependent Children Program, a tuberculosis seal campaign to help cover the costs of nurses who cared for those stricken with the disease, and also served as a source of food and coal for needy families.

From 1921 to 1930, the group assumed responsibility for maintaining the vital statistics for Steubenville and were also responsible for the administration of the city's poor fund and Mears relief fund. With the help of the Kiwanis Club the agency established the Visiting Nurses Program for Handicapped Children. This program continued until 1962, when it was taken over by the city health department. Due to the increased demand for agency services the Rotary Club took over the job of raising and managing agency moneys. In 1931, the Community Chest was established and became a major source of funding. In 1939, the agency began providing professional counseling services, as well as foster care and adoption services. From 1963 to 1967, the first staff members with masters degrees in social work were hired and family casework counseling became the basic agency function.

In 1980, under the direction of the late Janet Sullivan, the agency was certified as an outpatient mental health center and consumer credit counseling began. The agency was also expanded to include hearing-impaired services. They were instrumental in the creation of ALIVE, Inc., an abused women's shelter.

Today, under the direction of Michael S. Davis, the agency continues to provide counseling to families and addicts, adoption services, employees' assistance programs, consumer credit counseling services, and advocacy for families.

Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me in acclamation of the Family Service Association for the Services they have provided over the last 80 years to the citizens of the Upper Ohio Valley.

STRIDES IN MINORITY EDUCATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. MAZZOLI. Mr. Speaker, I rise today to call attention to a special minority education program, the Educational Opportunity Scholarship Fund, which has begun activities in my congressional district.

Last year a scholarship fund of over $250,000 was established by a group of anonymous local donors to provide for the education of children in the Louisville and Jefferson County area. Specially targeted are minority youngsters who are deemed to be at high risk of not finishing school.

The program is being administered by the Louisville Community Foundation Inc. Darrell Murphy is the director of the foundation, while Michael Bowles administers the scholarship fund. The Lincoln Foundation Inc. aids the Community Foundation in selecting and reviewing candidates.

The unique aspect of the Educational Opportunity Scholarship Fund Program, Mr. Speaker, is that the all-expenses-paid education begins in preschool and continues through to the completion of college studies. Tuition, books, room and board all are part of the financial package.

In the program, the emphasis in high school is on a curriculum designed to prepare the student for college level studies. Maintenance of good grades and strict classroom attendance are also demanded of the student.

Mr. Speaker, I feel the Educational Opportunity Scholarship Fund proves an important point in the field of education and community relations: That there are creative ways to provide educational opportunities to disadvantaged families in America.

I commend Louisville Community Foundation for spearheading the Educational Opportunity Scholarship Fund Program. I have every confidence the program has a bright future and will serve the best interests of our young people.

THE 50TH WEDDING ANNIVERSARY OF ROSE AND HERBERT RUBIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today to call the attention of the House to the upcoming wedding anniversary of Rose and Herbert Rubin.

Mr. and Mrs. Herbert Rubin were united in marriage on July 6, 1941. They are the proud parents of Barbara Rubin Brown Cooper, Caroline Rubin Temlock, and Dr. Donald L. Rubin, and have six grandchildren.

Rose and Herbert Rubin are, and have been, a tower of strength, support, understanding and limitless love for their family. Their love, devotion, caring, sensitivity, and responsiveness to their family, friends, and all who know them are their hallmark and tradition.

The dedication and commitment inherent in their personal natures are reflected in the extremely successful professional careers of both Herbert and Rose Rubin. Both graduates of New York University Law School, they were admitted to the New York State Bar Association in 1942. At that point in their lives, they took on a relentless dedication to civic, political, and altruistic endeavors which grew with the passage of time.

Herbert Rubin joined the Signal Corps Reserve, was inducted into active duty and was sent to Camp Crowder, MO. He was later reassigned to Fort Monmouth, NJ, for Officers Candidate School. He made lieutenant and accepting the first of several teaching positions in his career, he taught law at Officers Candidate School. Upon leaving the service, in the years that followed, he accepted teaching positions at Monmouth College, New York University Law School, Fashion Institute of Technology, and Rutgers Law School.

Herbert Rubin's practice of law had its early beginnings as an attorney with the judge advocate general. His association with Walter Herzfeld and Angelo Sereni led to a move to Wall Street. At that point in his career Herbert Rubin joined the Jewish War Veterans, the Laurelton Jewish Center, the Federation of Jewish Philanthropics, the Queens Bar Association, and the Democratic Club.

The legal career of Herbert Rubin continually flourished. In 1960, the firm of Sereni, Herzfeld & Rubin was changed to Herzfeld & Rubin upon the departure of Angelo Sereni. Herbert Rubin argued his first case in the court of appeals, and ran in a primary election for Congress. Further highlights of his impressive career include:

Candidate in primary election for New York State Assembly seat, 1965.

Queens Bar President, New York State Bar Association House of Delegates, Judiciary Committee of Association of the Bar, 1970.

Appointed to New York State Judicial Screening Committee. Chairman, Liberal Party Law Committee and Counsel to Liberal Party, 1970.

Appointed to Senator MOYNIHAN's Judicial Screening Committee; 1977.

Traveled with Mrs. Rubin to Paris and Israel with U.J.A. Rosenwald mission, 1979.

Traveled with Mrs. Rubin to London, Israel, Egypt, and Austria with second Rosenwald mission, 1981.

Donated Justice Rose Rubin and Herbert Rubin International Law Library, New York University Law School; 1986.

The life and legal career of Justice of the Supreme Court of the State of New York, Rose Luttan Rubin's is equally impressive and distinguished. She was admitted to the bar; appellate division, first department, New York, 1942; U.S. Supreme Court; and southern and eastern districts, U.S. District Courts of New York.

Her extensive law practice includes affiliations with the following: Herzfeld and Rubin, P.C. and predecessor firms, 1952–65, 1968–73; New York State Labor Relations Board, review attorney, 1942–44; staff attorney, office of judge advocate general, Fort Monmouth, NJ, 1945–46; assistant district attorney, Queens County, 1966; assistant corporation counsel, New York City Law Department, 1967–68; hearing examiner (per diem), parking violations bureau, New York City Transporation Administration, 1971–73.

Rose Rubin's judicial experience includes: justice, supreme court, New York State, 1983 to present; judge, Court of Claims, New York State, and acting justice, supreme court, New York State, 19073–82.

The public and related service history of Rose Rubin reads as follows: president, New York University Law Review Alumni Association, 1987–91; New York University Law School International Law Library named in honor of Herbert Rubin and Justice Rose Luttan Rubin International Law Library; president, New York State Association of Women Judges, 1982–84; regional director, the Women National Association of Women Judges, 1982–84; director, the Women Judges Fund for Justice, 1990 to present; recipient of the distinguished Jurist Award—Jewish Lawyers Guild, 1991; recipient of the distinguished Alumnus Award—New York University School of Law Alumni Association; member, Council on the Future of Law School—New York University School of Law; chairman, New York City Local School Board District 29, Queens, 1965–69; vice chairman, secretary and member, New York City School Board District 50, Queens, 1957–70; candidate, Representative to Congress, Ninth Congressional District, 1968; justice of the New York Supreme Court, Eleventh Judicial District, Liberal Party, 1970, 1971, 1973; Republican, conservative and liberal parties, 1977 and 1980; named to the Hunter College Hall of Fame; vice president and director, Association of Court of Claims Judges; secretary, National Conference of Special Court Judges; secretary, National Conference of Special Court Judges, American Bar Association, 1976–77; recipient, National Conference of Christians and Jews Award, Queens division; honoree, lawyers division, Israel Bonds; treasurer, Confederation of Local School Boards of the City of New York, 1964–68; director, Conservative Synagogue of Fifth Avenue; listed in "Who's Who of American Women," "The World Who's Who of Women." "Dictionary of International Biography," and bicentennial memorial edition of "Community Leaders and Noteworthy Americans"; chairman, Committee on Judicial Sabbaticals, New York State Association of Supreme Court Justices, Council of Judicial Associations of the New York Bar Association, ABA Conference of State Trial Judges; director, New York Women's Bar Association, 1976–79; director, Queens Child Guidance Center; director, Jewish Lawyers Guild; treasurer, Association of Supreme Court Justices, First Judicial Department; director, Mental Health Association; member, National Association of Women Judges Task Force on Gender Bias; and New York State chairperson, International Community Outreach Committee 1989 to present.

Rose Rubin is an active member of the following organizations: American Bar Association; New York State Trial Lawyers Association; New York State Bar Association; Queens County Bar Association; Queens County Women's Bar Association; National Association of Women Lawyers—former chair, committee on judicial administration; National Association of Women Judges—former chair, finance committee and former district director; Association of Assistant District Attorneys of Queens County; American Jewish Congress; American Jewish Committee; Hunter College Alumni Association; Gallatin Associates of New York University; Weinfeld Associates of New York University School of Law; and the American Judicature Society; Institute of Judicial Administration.

Herbert and Rose Rubin have lived and continue to live their lives with great dignity and genuine grace, always demonstrating a deep and continuing concern for human values and ideals, and in doing so, have inspired others to do the same. Their 50th wedding anniversary is an event of personal triumph and joy; a result of the love, hard work and spirit that this couple has invested in their marriage. These same values have been passed on to their loved ones, producing a family that is close-knit and supportive of its individual members, public minded in its relations to the community, and committed to the ideals of citizenship upon which this Nation was founded. They have touched the lives of their family and many friends through the shining example of their marriage which has stood as evidence of the devotion and admiration which they possess for one another.

The longevity of this enduring marriage does truly mark a milestone in life's progression; an event of personal triumph and joy. Mr. Speaker, I ask my colleagues to join me in wishing Mr. and Mrs. Rubin a joyous 50th wedding anniversary.

RECOGNITION OF THE HAWAII COUNTY CIVIL DEFENSE AGENCY

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mrs. MINK. Mr. Speaker, I rise today with great honor and pride at the achievements of the Civil Defense Agency of the County of Hawaii in my district, which has been selected to receive an Outstanding Public Service Award from the Federal Emergency Management Agency [FEMA]. I extend my heartfelt congratulations to Mr. Harry Kim, who serves with distinction as director of Hawaii County Civil Defense on the volcano island. Throughout the years, this still young and growing island has experienced disastrous tidal waves, devastating floods and rainstorms, as well as the awesome yet destructive volcanic eruptions, for which the island is famous.

Mayor Lorraine Rodero Inouye has been invited by FEMA to receive the award on behalf of the County of Hawaii, at the director's annual awards ceremony on March 7 at the Health and Human Services Building. I wish to take this opportunity to welcome Mayor Inouye on her first official visit to Washington as mayor of Hawaii County.

The Hawaii County Civil Defense Agency has contributed so much to the well-being of the citizens of the county. This award it is receiving is a much deserved recognition of the tireless efforts of Hawaii's civil defense workers. In particular FEMA pointed to Hawaii County's exemplary response to the eruptions of Kilauea Volcano which has been ongoing since 1983 at the cost of almost 200 homes and millions upon millions of dollars. In a letter to Mayor Inouye, Associate Director Grant C. Peterson stated that:

> Hawaii County's vigilant watch over the situation, ensuring that residents are provided with advisories and recommendations on protective actions, is a model for long-term, ongoing emergency situations.

These accolades pay just tribute to public service above and beyond the call. But this is certainly no surprise to the residents of Hawaii County, who have benefited from the high standards of performance of its civil defense under the leadership of Mr. Kim.

I congratulate Mayor Inouye as well as Civil Defense Director Kim and their outstanding team of agency workers, on their record of excellence, and on their recognition by FEMA as a leader in public service.

TRIBUTE TO ED HARVEY

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. TRAXLER. Mr. Speaker, I rise to honor Ed Harvey, head football coach who is retiring from coaching this year from Garber High School in Essexville, MI which is located in my congressional district. He is also a very popular teacher whose dedication and devotion to his students and players has made him a legend at Garber High School. While he will continue to teach, we will remember him as a distinguished coach.

As the newest member of the High School Football Coaches Hall of Fame, Ed was also well liked and respected among his fellow coaches. With a career total of 137 wins, 80 losses and 2 ties, Ed enjoyed a winning record in 19 of his 25 years as head coach. With his spark, Garber High School has made four playoff appearances, had two back-to-back undefeated teams, and won 11 Tri-Valley conference championships. This six-time winner of the Region II "Coach of the Year" will be sorely missed by all.

I've especially heard a great deal about this man from Don Hare, Ed's friend and my chief of staff in Saginaw. Ed is both a wonderful husband to his wife, Sandy, and a beloved father to his three daughters, Jennifer, Tina, and Susan, and to his grandson, Jason. Ed received his bachelor of arts degree from Central Michigan University and his master's degree from the Unversity of Michigan.

Ed's teaching and coaching career began in 1963 at St. Francis High School in Traverse City where he taught social studies and was assistant football coach. Two years later, he moved on to Garber High School where he continued to teach social studies and took over the position as head football coach. While at Garber, he also took over the varsity softball program for 3 years in which he led them to 151 wins, 9 losses, and a trip to the State semifinals in 1980.

Ed's star rose as head football coach at Garber. He is a household name in the Essexville area, and has been a major influence on both his students and former players. Please join me in wishing Ed Harvey the very best luck in his new season following his retirement as head football coach from Garber High School.

ROSWELL PAPER 100 YEARS OLD

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. RICHARDSON. Mr. Speaker, it gives me great pleasure today to honor one of New Mexico's most outstanding newspapers. The Roswell Daily Record is celebrating its centennial. The Roswell Daily Record, serving southeastern New Mexico, was founded this very day back in 1891.

The Daily Record started as a weekly newspaper on March 6, 1891, as the first Democratic newspaper in New Mexico. It became a daily newspaper on March 3, 1903, and has been an exceptional independent newspaper ever since.

Over the years, the Daily Record has absorbed three newspapers—the Roswell Journal in July 1903, the Roswell Evening News in June 1925, and the Roswell Morning Dispatch in April 1950.

The paper was founded by E.O. Creighton who served as publisher and editor. Today, the paper and the community are ably served by current publisher R. Cory Beck and editor Jerry R. McCormack. Publisher Beck and editor McCormack have a most competent and devoted staff who help make the Daily Record a highly respected publication throughout New Mexico. The paper has received numerous awards and citations over the years.

I am pleased to report that the Roswell Daily Record is the seventh New Mexico paper to hit the century mark. The other Century Club dailies are the Santa Fe New Mexican which is 142 years old, the Carlsbad Current-Argus, 112; the Albuquerque Journal, 111; the Las Vegas Optic, 111; The Las Cruces News-Sun, 110; and the Farmington Times, 103.

Mr. Speaker, I urge my colleagues to join me in congratulating the Roswell Daily Record for joining the Century Club. This honor is well deserved. I wish the paper continued success in its second century of serving the public good.

INTRODUCTION OF THE ADMINISTRATION FINANCING REFORM ACT OF 1991

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. PEASE. Mr. Speaker, last Thursday my colleague Mr. LEVIN and I introduced the Unemployment Insurance Administrative Financing Reform Act of 1991. This legislation is desperately needed in order to assure that adequate funding is provided to administer the unemployment insurance [UI] system.

The current recession has focused a great deal of attention on the UI program. Our bill focuses on one of the most distressing problems facing the system today; the lack of funds to administer the program. Last year, due to increasing unemployment claims administrative funds ran short and supplemental funding was needed for the States to continue to process claims for benefits. Again this year, there is a shortfall in funding which the Department of Labor has estimated to be $200 million.

The problem is not the result of a lack of money. The Federal unemployment tax [FUTA] is dedicated specifically for this purpose. Furthermore, the trust fund which holds the FUTA tax receipts is overflowing.

There is a structural problem with the UI program. While benefits are automatically provided to all those meeting the eligibility requirements, funds to administer the program are subject to annual appropriations. Over the past several years the President has underestimated the level of unemployment in order to minimize funding for the administration of the program. Why? Because the surpluses in these trust funds mask the true extent of our Federal deficits.

This lack of administrative funding has resulted in claimants having to wait in long lines in order to apply for benefits. Then having waited in these lines, they often are forced to wait several weeks in order to receive their first benefits check.

Our bill makes the administrative funding of the UI system mandatory. The funding includes two components: First, base operating funds which represent the minimum funding necessary to sustain the UI system, and second, additional funds to administer the anticipated additional workload based on the economic assumptions included in the President's budget. This allows the funding for the administration of the program to fluctuate proportionately with the workload. The bill establishes a formula that will be used to automatically calculate the additional administrative funding based on the anticipated level of unemployment.

Our bill also establishes a mechanism to provide additional funds, during the year, if unemployment exceeds the level anticipated at the beginning of the year. Under this mechanism, additional funding is automatically made available when the unemployment experienced by the States exceeds the level anticipated at the begining of the year.

I urge my colleagues to join Mr. LEVIN and myself and cosponsor the Unemployment Insurance Administrative Financing Reform Act of 1991.

SUPPORT BETTER TRAINING FOR INDUSTRIAL TRUCK OPERATORS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. MURPHY. Mr. Speaker, today I have introduced a concurrent resolution which calls on the Occupational Safety and Health Administration [OSHA] of the Department of Labor to act on an important and long neglected matter. As you may be aware, a petition was filed in March 1988 with OSHA to amend existing Federal regulations requring formal training and certification for operators of powered industrial trucks. This petition sought a clarification of the current regulations by specifically outlining the elements of an adequate training program for operators of these vehicles. OSHA responded to this petition by launching into a lengthy 1-year study.

Last year, I introduced a resolution similar to this proposal, because I believed then as I do now that the time to study this measure has already elapsed. In Autumn of last year, OSHA formally began proceedings to implement these regulatory proposals. While I laud OSHA for their recent action, I feel it is necessary to continue to encourage the agency in the direction of progress. For this reason, I am reintroducing a resolution calling on OSHA to continue their momentum.

The President has stated repeatedly that better training and education of the American work force is a priority during his tenure in office. This petition provides him with an excellent opportunity to implement this public policy goal.

The value of a thorough training program cannot be underestimated. A properly trained employee will contribute to the reduction of job related accidents, and in the end make the workplace safer and more productive for everyone. I believe that my resolution provides benefits both to operators as well as those ultimately charged with the costs of job site accidents.

For these reasons I have introduced this concurrent resolution. I ask that you join with me today and support this measure because ignoring proper work training puts present and future workers at risk.

A MOTHER'S PRAYER

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. DARDEN. Mr. Speaker, today I would like to share with my colleagues a poem which truly expresses what the mother of a soldier must feel when our Nation is at war.

Mrs. James E. Cline of Mableton, GA, wrote and dedicated this work to her son, Sgt. James E. Cline, who at the time was serving our country as part of Operation Desert Storm. In "A Mother's Prayer," Mrs. Cline expresses love for her child, pride for her country, and faith in God that he will protect her son and bring him home safely. Mr. Speaker, I am certain every mother whose child served in the Persian Gulf war experienced similar feelings. Accordingly, I would like to recognize my constituent's efforts, and share with you her poetic tribute to her son.

Mrs. Cline's poem follows:

A MOTHER'S PRAYER

(By Mrs. James E. Cline)

Lord I ask be with my son today
Please God keep him safe while he is away
Standing guard upon strange land
Just to be sure that our freedom stands

His duty calls, his head held high
While keeping watch over all the sky
Dreaded missiles full of destruction
Heading toward Earth to cause reduction

Mother's crys can be heard for miles
While lifting their arms
To shield their small child
Dreaded gas afraid to breathe
Please Lord, put our hearts at ease
Bring an end to this war soon
Protect my boy by the shining moon

Lord be with him and give him strength
To weather this storm Saddam has sent
Guide him through the darkness of night
Be with him throughout 'til morning light

I ask this Lord in thy great name
Have him come home safe not lame
Don't let him loose his life I pray
Bring him home to me today

POSITIVE EFFECTS OF MUSIC AND OTHER ART EDUCATION

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. MCGRATH. Mr. Speaker, during the 1980's, educational reform made it onto the front pages of American newspapers for the first time in decades. But when the discussion turned to making sure every child receives an education in music and the other arts, there has been silence. Ignoring music and other arts in children's education denies our children the opportunity to develop their human potential.

Every child should be encouraged to participate in music and the other arts to enhance their aesthetic, historical, and cultural values. Music education fosters creativity, teaches effective communications, provides basic tools for a critical assessment of the world around us, and instills the abiding values of self-discipline and commitment.

The efforts of the Music Educators National Conference, the National Association of Music Merchants, and the National Academy of Arts and Sciences, Inc. are commended for their national campaign to achieve national recognition for the value of music and the other arts in education. Local communities must be encouraged to participate in their 1991–92 grassroots campaign.

Let us call upon all parents, educators, school board members, and administrators to work together to promote the positive effects of music and other art education.

FUNDS FOR KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mrs. MINK. Mr. Speaker, today I have introduced a bill to provide $400,000 for the Kaloko-Honokohau National Historical Park in Kona, HI. These funds would provide for the preparation of a general management plan for the park, to conduct necessary archeological, geological, and water studies, and to provide for the interim use of the park.

Once an ancient Hawaiian dwelling place, the area known as Kaloko-Honokohau is an important part of Hawaiian history and culture. Rich with the evidence of a once thriving culture, Kaloko-Honokohau is perhaps the only site left in Hawaii where we can truly see how the native Hawaiians built their homes, provided food for their families through the cultivation of fishponds, lived their lives, and honored their dead.

In 1978 the Congress recognized its importance and established the Kaloko-Honokohau National Historical Park to preserve and protect for future generations this natural monument to the way of life in old Hawaii. The Congress was specific in its intent for this important piece of living history, and called for a center for the preservation, interpretation, and perpetuation of traditional native Hawaiian activities and culture as outlined by a commission of native Hawaiian representatives.

Now, over 10 years later, the vision of the Congress and the people of Hawaii for Kaloko-Honokohau has yet to be realized. The park continues to lie dormant, virtually unknown and inaccessible to the public. This bill, Mr. Speaker, would provide the necessary resources for the National Park Service to prepare a general management plan and allow the people of Hawaii, and visitors as well, to enjoy the park even before full implementation of the plan.

It has been over 20 years since I first began efforts to preserve and protect Kaloko-Honokohau. Hawaii cannot wait another 10 years, 5 years, or even 1 year to be able to use this precious resource for the education of our children. Everyday that this park is allowed to languish, is a day that we allow history to waste away. Mr. Speaker, it is important to the people of Hawaii and the Nation that we provide the necessary resources to make the vision of Kaloko-Honokohau a reality.

THE PRESENTATION OF A NATIONAL SYMBOL OF SUPPORT FOR U.S. TROOPS STATIONED IN THE PERSIAN GULF

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. DUNCAN. Mr. Speaker, I would like to commend one of my constitutents, Mrs. Ann Lamon, for the action she has taken to support our brave men and women who are stationed in the Middle East.

In a recent letter Mrs. Lamon expressed to me her pride in our American troops, her prayerful hopes for peace in all the world, and her confidence in a victorious homecoming for the U.S. forces stationed in the Persian Gulf. Because of these feelings she has been inspired to design a flag that encompasses her sentiments, and perhaps those of all Americans who take pride in the principles of democracy and justice that our great country champions in the Middle East today. As Mrs. Lamon explains, "Our troops need the inspiration of a unified backing of the American people. They need to know that they will not be forgotten."

I am fortunate to have been one of the first recipients of this inspiring standard. Mrs. Lamon has offered her banner to me, to present to you today, as a national symbol of support for our troops. The flag design in red, white, blue, and yellow has a star for each State, a dove for peace, and a yellow ribbon representing our hopes for the speedy and safe return of our troops.

Mr. Speaker, and my colleagues in the House, join me today in applauding Mrs. Ann Lamon for her active role in support of our troops, and in recognizing Mrs. Lamon's flag as a national symbol of support for our American forces in the Middle East. Mrs. Lamon's sincere patriotism is to be commended and held up as an example for all to admire and strive to emulate.

REMEMBER OUR PRISONERS OF WAR, BOTH PAST AND PRESENT, SUPPORT THE GENERAL MIHAILOVICH MEMORIAL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. CRANE. Mr. Speaker, no one can forget the chilling image of the first U.S. prisoners of war who were paraded across Iraqi television. Their faces brought Americans painfully aware of the fear and uncertainty that all of our POW's, both past and present, confronted under enemy hands.

Over 45 years ago in another war against another dictator whose ruthlessness eclipses even that of Saddam Hussein's, nearly 500 U.S. servicemen were faced with the same situation as our POW's in Iraq. In World War II, after their planes crashed over Yugoslavia on their return from bombing raids, 500 American airmen were confronted with the threat of being captured by the Germans who were notorious for their inhumane treatment of POW's.

Fortunately, these men never faced their enemy as have our servicemen in Iraq due to the courage and commitment of one man who risked his life to save others. This man was Gen. Draza Mihailovich, honored by President Truman and bestowed the Legion of Honor posthumously for his valor. Surprisingly, however, when the men he rescued petitioned to erect a monument to the general—who not only saved their lives but stood as an ally to the United States—they were stunned to find opposition where they thought they would find assistance.

I am once again introducing legislation to recognize the debt America owes to General Mihailovich. This bill authorizes the National Commission of American Airmen rescued by General Mihailovich to establish a public monument to honor the general for his role in saving the lives of our airmen. The commission has agreed to finance the entire construction and maintenance of the monument. They are simply requesting land on which to build it.

As time is of the essence for our POW's remaining in Iraq, so too is it for the men rescued by General Mihailovich. Many have already died without realizing their dream and obligation to General Mihailovich. Let us not stand in their way any longer.

Although our Nation stands again in peace, we should never forget the faces of war that make our peace possible. Please show your support for our prisoners of war by saluting the man who, 45 years ago, saved our men and served our country.

A SALUTE TO MICHAEL D. DICICCO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. FOGLIETTA. Mr. Speaker, I would like to take this opportunity to recognize the achievements of UNICO labor honoree Michael D. DiCicco. As always this "Salute to Labor" honoree is a respected union leader, but in Michael's case, he has also been chosen for his special contributions to humanity.

Mike was born and raised in Philadelphia and is a second generation Boilermaker, following in Mike, Sr.'s, footsteps. He joined Boilermaker's Lodge No. 13 as a young man after serving his country through 6 years of active reserve in the Pennsylvania Army National Guard. Twenty-one years ago he began his ascent through the ranks. Elected recording secretary in 1978, he was appointed business agent in 1980, and since 1984 has been business manager. In addition to his daily activities with the Boilermakers Lodge No. 13, which has jurisdiction of 41 counties in eastern Pennsylvania and New Castle County, DE, he also serves as vice president of three councils; the Pennsylvania State Building Trades, the Philadelphia Building Trades, and the Mechanical Trades.

Mike's concern for the welfare of his membership is evident in his being instrumental, as chairman of negotiations, in securing permanent funding for Local 13's special funds for scholarships, sick and distressed members and retirees. His union also contributes through its general fund to many charities, as well as participation through their international to the City of Hope. Concern for individuals is also displayed by his union's support to families of people with leukemia and his personal membership in Lodge #2603, the Order of the Sons of Italy.

A family man, happily married to Susan for 23 years, they have two grown children, Krista and James. Mike DiCicco is an individual who truly espouses quality union leadership, civic endeavors, and family harmony—an example of a man who fits the UNICO motto, "Service Above Self."

TRIBUTE TO JUDGE GEORGE J. LONG

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1991

Mr. BUNNING. Mr. Speaker, I would like to announce the retirement of the Honorable George J. Long, Chief U.S. Magistrate Judge for the Western District of Kentucky and Special Magistrate Judge of the United States.

Judge Long has given a long and distinguished service to his country. He graduated from St. Xavier High School in Louisville, KY. With the advent of World War II he entered the Army Air Force where he rose to the rank of sergeant. Following the war, he completed his bachelor of arts at the University of Louisville in 1948 and in 1950 earned his juris doctorate from the University of Louisville School of Law.

After graduation, Judge Long began private practice in Louisville until the beginning of the Korean conflict. At this time he was recalled to active service and rose to the rank of captain. He continued as an Air Force reservist before retiring in 1967 as major.

After returning from Korea, Judge Long engaged in private practice and served as the Jefferson County Trial Commissioner from 1961 until 1970. In 1970, President Nixon appointed Judge Long as the U.S. Attorney for the Western District of Kentucky. During his tenure, Judge Long was and still is considered by many to have been the best U.S. attorney in the country. Following his resignation in 1977, Judge Long returned to private practice before being appointed to the bench on October 13, 1978.

Judge Long has distinguished himself as an articulate and scholarly jurist. Rarely does the appellate court disagree with his decisions. Judge Long is normally affirmed for the reasons set forth in his opinions. In 1988, the American Bar Association recognized Judge Long as the Special Magistrate Judge of the United States.

Judge Long is a member of the Kentucky Bar Association, Federal Bar Association, Louisville Bar Association, and American Bar Association. His retirement is a great loss not only to Kentucky but also to the people of the United States. We wish him well.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 7, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 8

9:00 a.m.

Veterans' Affairs

Business meeting, to mark up the proposed budget for fiscal year 1992 for Veterans programs.

SR-418

9:30 a.m.

Joint Economic

To hold hearings on the employment-unemployment situation for February.

SD-628

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, General Sales Manager, and the Soil Conservation Service.

SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of the Secretary of the Senate, Office of the Sergeant at Arms of the Senate, and the Congressional Budget Office.
SD-116

Finance
Social Security and Family Policy Subcommittee
To resume hearings to examine child poverty and welfare dependency, focusing on measurement of increases and decreases.
SD-215

Judiciary
Constitution Subcommittee
Business meeting, to mark up S.J. Res. 18, proposing an amendment to the U.S. Constitution relating to a Federal balanced budget, and S. Con. Res. 12, to express the sense of the Congress that the civil rights and civil liberties of all Americans, including Arab Americans, should be protected at all times, and particularly during times of international conflict of war.
SD-226

10:30 a.m.
Joint Economic
To hold hearings to examine the financial and international factors that may affect the length and depth of a recession, and the economic outlook.
SD-628

MARCH 11

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for military construction programs, focusing on base closure and NATO infrastructure.
SD-138

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title VII provisions relating to the Strategic Petroleum Reserve, and Title VIII provisions relating to the Outer Continental Shelf.
SD-366

MARCH 12

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Defense, focusing on Navy posture and Marine Corps posture.
SD-138

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title IX provisions which authorize a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge in Alaska (ANWR).
SD-366

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control.
SD-192

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of State.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on financial modernization of the banking industry, focusing on deposit insurance reform.
SD-538

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Humans Services, focusing on the Alcohol Drug Abuse and Mental Health Administration, the Health Resources and Services Administration, and the National Council on Disability.
SD-192

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for foreign relations.
SD-419

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on development assistance programs.
SD-138

MARCH 13

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on municipal finance.
SD-538

Rules and Administration
To resume hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.
SR-301

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Transportation.
SD-138

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings to examine and evaluate global warming and other environmental consequences of energy strategies.
SD-406

Judiciary
To hold hearings to examine violence against women, focusing on hate crimes.
SD-226

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-138

2:00 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992-1997 future year defense plan.
SR-222

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Motor Carrier Safety Assistance Program.
SR-253

2:30 p.m.
Judiciary
To hold hearings on the nominations of Richard W. Goldberg, of North Dakota, to be a Judge of the United States Court of International Trade, Oliver W. Wanger, to be a United States District Judge for the Eastern District of California, and Robin J. Cauthron, to be a United States District Judge for the Western District of Oklahoma.
SD-226

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MARCH 14

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Antitrust, Monopolies and Business Rights on the marketing of infant formula, focusing on pricing and advertising.
SD-226

Environment and Public Works
To hold hearings on the nomination of William H. Kennoy, of Kentucky, to be a Member of the Board of Directors, Tennessee Valley Authority.
SD-406

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold joint hearings with the Committee on Agriculture, Nutrition, and Forestry on the marketing of infant formula, focusing on pricing and advertising.
SD-226

Rules and Administration
To continue hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.
SR-301

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, Heart, Lung and Blood Institute, the National Dental Institute, Allergy and Infectious Diseases, Diabetes, Digestive, and Kidney, Child Health and Human Development, Environmental Health, and the Fogarty International Center.
SD-192

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Justice.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of the Treasury.
SD-116

Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).
SD-366

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold oversight hearings on public building service and to examine how to provide excellence in public building design.
SD-406

1:30 p.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis Musculoskeletal and Skin, Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.
SD-192

2:00 p.m.

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 12, to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

Energy and Natural Resources
To continue hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).
SD-366

MARCH 15

10:00 a.m.

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for mass transit.
SD-538

MARCH 18

2:00 p.m.

Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title V provisions relating to coal and the applicability of new source review to existing electric steam generating units (WEPCo).
SD-366

MARCH 19

9:30 a.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.
SD-192

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on the financial and programmatic management of the Nuclear Regulatory Commission.
SD-406

10:00 a.m.

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Small Business Administration, and the Economic Development Administration and the Minority Business Development Agency of the Department of Commerce.
S-146, Capitol

Judiciary
To hold hearings on the nomination of Kenneth L. Ryskamp, of Florida, to be United States Circuit Judge for the Eleventh Circuit.
SD-226

2:00 p.m.

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration, and the United States Postal Service.
SD-116

2:30 p.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Africa.
SD-138

MARCH 20

9:30 a.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspector General, and the National Credit Union Administration.
SD-116

Rules and Administration
Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.
SR-301

10:00 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

2:00 p.m.

Energy and Natural Resources
To resume hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XI provisions relating to transportation issues, and on the Administration's proposal contained in the National Energy Strategy relating to alternative-fuel fleets.
SD-366

MARCH 21

9:30 a.m.

Energy and Natural Resources
To hold hearings to review the status of implementation of the Department of Energy's civilian nuclear waste program mandated by the Nuclear Waste Policy Act of 1982 and its 1987 revisions.
SD-366

Rules and Administration
To hold hearings on S. 250, to establish national voter registration procedures for Federal elections.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the proposed Soldiers' and Sailors Civil Relief Act.
334 Cannon Building

10:00 a.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for ACTION, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Internal Revenue Service, and Financial Crimes Enforcement Network, Department of the Treasury.
SD-116

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Highway Traffic Safety Administration.
SR-253

2:00 p.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to

Prevent Infant Mortality, and the Soldiers' and Airmen's Home.

SD-192

MARCH 22

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

Finance

International Trade Subcommittee

To hold hearings on the renewal of the U.S.-Japan Semiconductor Trade Agreement.

SD-215

APRIL 9

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology of the Department of Commerce.

S-146, Capitol

1:00 p.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.

SD-138

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Latin America.

SD-192

APRIL 10

9:30 a.m.

Environment and Public Works

Superfund, Ocean and Water Protection Subcommittee

To hold hearings to examine lender liability as related to Superfund.

SD-406

Rules and Administration

To resume hearings on S. 250, to establish national voter registration procedures for Federal elections.

SR-301

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Farmers Home Administration, the Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD-138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the White House residence, and the Office of Personnel Management.

SD-116

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.

SD-124

APRIL 11

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Research and Special Programs Administration of the Department of Transportation, and the National Transportation Safety Board.

SD-138

APRIL 16

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of the U.S. Trade Representative, and the International Trade Administration of the Department of Commerce.

S-146, Capitol

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on aid to Eastern Europe.

SD-138

APRIL 17

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.

345 Cannon Building

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Management and Budget, and the Executive Office of the President.

SD-116

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Affairs, and the Department of Veterans Affairs.

SD-138

APRIL 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Information Agency and the Board for International Broadcasting.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Highway Administration, Department of Transportation.

SD-138

APRIL 19

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.

SD-138

APRIL 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine the science education programs of various Federal agencies.

SD-138

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-1902

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice.

S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security in the post-cold war era.
SD-138

APRIL 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.
SD-124

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of National Drug Control Policy.
SD-116

APRIL 26

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.
SD-138

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.
SD-192

MAY 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.
SD-138

MAY 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD-138

MAY 14

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

MAY 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
SD-138

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 21

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
SD-138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
SD-138

MAY 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.
SD-138

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

CANCELLATIONS

MARCH 13

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the Department of Veterans Affairs and Department of Defense emergency preparedness plan.
334 Cannon Building

MARCH 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education, and the Office of Inspector General.
SD-192

SENATE—*Thursday, March 7, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we honor the Lord of Lords and King of Kings, the Chaplain will lead the Senate in prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed are the poor in spirit: for theirs is the kingdom of heaven. * * * *Blessed are the meek: for they shall inherit the earth. Blessed are they which do hunger and thirst after righteousness: for they shall be filled.*—Matthew 5:3,5,6.

Gracious Father in Heaven, these simple, familiar words sound so irrelevant in our secular culture and in a place of power and prestige like this. But their opposites help us to see their wisdom in the context of a just and equitable social order.

Arrogance, the opposite of poor in spirit, pride, the opposite of meekness, evil, the opposite of righteousness, certainly are not desirable. We thank Thee for this simple formula for a blessed life or a happy life. Grant that those who are powerful, laboring in an environment of power, may see themselves in the light of this simple truth. Help us to remember that leaders are first of all servants who ought to be dedicated to a life of service. May the atmosphere in which we labor daily be that of service and servanthood, never forgetting our mandate from the people.

We pray in His name who was the Servant of servants. Amen.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. Under the previous order, the leadership time has been reserved. There will be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak therein. The time between this moment and 10:30 a.m. is to be under the control of the minority leader or his designee, and the time between 10:30 a.m. and 11:30 a.m. is to be under the control of the majority leader or his designee.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to be designated as the representative for the minority leader.

The PRESIDENT pro tempore. Without objection, it is so ordered.

GULF SALUTE

Mr. DOLE. Mr. President, President Bush said it best last night. "We're coming home now. Proud. Confident. Heads held high."

There are, indeed, many men and women who can hold their heads high for the role they played in the great success of Operation Desert Storm.

First, of course, there's the President. Time and again during the gulf crisis, President Bush was called upon to make some of the toughest calls of our times. And at every turn, he made the right call. There is no doubt that the President has more than earned the thunderous ovation given him by Congress, the American people, and the world community.

And no President has ever been better served by the leadership of America's military. Defense Secretary Cheney, General Powell, and General Schwarzkopf have justifiably received the most attention, but they'll be the first to tell you that they couldn't have done it without countless other commanders, generals, and admirals.

As General Powell said the other day:

> It was a textbook joint operation. No service parochialism. No logrolling. Each service doing what it does best to ensure victory. It was a great team effort.

And we will always remember that a great part of that team were the coalition members of Operation Desert Storm. They, too, can return to their homelands with their heads held high.

There are so many others who should share the spotlight for this victory—the men and women on the assembly lines where our weapons were made, President Reagan, who rescued both the military's budget and their sense of pride, the families of our soldiers, who waited out the war with courage and pride.

But there are two groups who I believe deserve the biggest round of applause from the American people.

And the first group the American people can thank is themselves. Before the war started, pundits and pessimists predicted that the war would tear America apart. Instead, it brought us together. In the past few weeks, you could see them in Kansas and across America—yellow ribbons, American flags, signs, and banners. All offering silent testimony that Americans were behind their soldiers, and behind their President.

And, Mr. President, I've saved the best for last—the men and women who left their homes, their families, and America's shores, to take part in Operation Desert Storm.

During World War II, someone once asked Gen. George Marshall if the United States had a secret weapon, and if so, what was it? And General Marshall replied that "our secret weapon is just the best blankety-blank kids in the world."

Operation Desert Storm made it crystal clear that we've still got that secret weapon. The kids came from the plains of Kansas and the streets of Brooklyn. They spoke with a western twang and a southern drawl. They came from every ethnic and racial background. And they prevailed. And they, more than anyone else, have the right to return proud, confident, and with their heads held high.

RECOGNITION OF SENATOR WARNER

Mr. NICKLES. Mr. President, I wish to recognize my friend and colleague, Senator WARNER, from Virginia, for 8 minutes.

Mr. WARNER. I thank the distinguished acting Republican leader.

The PRESIDENT pro tempore. The Senator from Virginia [Mr. WARNER] is recognized for not to exceed 8 minutes.

APPRECIATION OF PRESIDENT PRO TEMPORE

Mr. WARNER. Mr. President, I wish to acknowledge my special appreciation to the President pro tempore, the Presiding Officer, who has set precedent in many respects, in many ways, in this institution. Not the least of these precedents is the opening of the Senate on each of its days in session. That could be burdensome, but I am sure the President pro tempore looks upon that as a privilege.

SUCCESS OF OPERATION DESERT STORM

Mr. WARNER. Mr. President, I rise today to join with a number of my Republican colleagues to pay tribute to those responsible for the overwhelming success of Operation Desert Shield and Operation Desert Storm. I do so with a great, deep sense of humility.

Last night in the joint session of the Congress of the United States, our President came before and addressed the Congress and the American people.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It was his night. Each of us was prepared for him to take, with his usual humility, his rightful place as the leader of this epochal period of America's history and world history.

But it was clear after his opening remarks, that this was a night the President wanted to reserve, not for himself, but for those who had borne the brunt of war, for those who gave their lives, for those who suffered the injuries, and for their families and loved ones here at home.

As a former military person and a modest student of military history, I had many thoughts last night as the Chamber rose more than 20 times in standing ovations in tribute to our President and to those our President designated as equal partners, the men and women of the Armed Forces. I thought of the military actions that took place and how the closing days of this battle involved the heavy mechanized equipment, the tanks. I thought that in all likelihood Generals Patton and Montgomery were looking down and saying to themselves that this was the finest hour of a successive generation.

In my research I found a quote by Gen. George Patton, a man not known for his modesty, but a man recognized for his leadership. General Patton said:

> Wars may be fought with weapons, but they are won by men. It is the spirit of the men who follow and of the man who leads that gains the victory.

Were General Patton alive today, he most assuredly would have included the women who were side-by-side with the men in this military action.

In the last 7 months, we have seen the American spirit at its best, both from those who lead and those who follow. As is the case in every historic undertaking, there are those who because of their wisdom, courage and steadfastness merit our very special recognition. In this case, all Americans are grateful we have as our President today, as our Commander in Chief, George Bush.

Mr. President, our President and Commander in Chief has taken his rightful place in history beside those who are chronicled as our finest Presidents. At each step, he has been both wise and courageous. From his immediate and unwavering reaction to the Iraqi invasion of August; to his policy of working through the United Nations to coalesce world opinion; to his decision to commit adequate military forces to this endeavor; to his steadfast refusal to accept no less than our clearly stated policy objectives as an outcome; to his willingness to hear the voices of the American people through its Congress; to his decision to use military force when all other acceptable options were no longer viable; to his compassion, his feeling as a former service person himself, for those who must bear the brunt of the coming battle, and his love and sensitivity to their families and loved ones here at home; to his understanding that the execution of military operations is best left not to the politicians but to the field commanders, those who have trained throughout their lifetime as military professionals; to his commitment to end hostilities when our clearly stated objectives have been obtained; and, to his continued commitment to ensuring this conflict be fully exploited in an attempt to bring about peace and stability to a long troubled region of this world; at each step history has shown him to be right.

Our President—I repeat, our President has shown leadership and mature judgment at every decision point in this epochal chapter of history.

This President, likewise, has set a precedent with the Congress of the United States. No other President in a time of crisis has consulted more with Members of this Congress than President George Bush. Time after time, at his invitation—not at our insistence, but at his invitation—the leadership of this institution went to the White House, and there the President listened. He listened carefully to the collective advice, to the diversity of opinion, to that strength of our democratic system—the diversity of opinion—and took our advice into consideration as he proceeded in his decisionmaking. For this he, too, deserves our thanks and gratitude.

There were those who could not believe the President would risk his Presidency over a small piece of ground on the sands of the Arabian Peninsula. The President may well have risked his Presidency, but for far more important reasons. His Presidency stands for the rule of law, for the role of the United States as a leader in the new world order, for the justness of our cause against a brutal dictator's unjustified use of force against a small neighbor, for the protection of the interests of our Nation and those of our allies, and for peace and stability in the Middle East. We thank the President for taking that risk and for ensuring that the United States prevailed.

Secretary of Defense Dick Cheney and Secretary of State Jim Baker are also due our gratitude. In their respective roles, they showed themselves to be thoughtful, patient men upon whom the President and the Nation could depend. We thank them for the roles they played and for their continuing contributions to our national well-being.

Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff, and Gen. Norman Schwarzkopf, the commander in chief of the U.S. Central Command have strengthened our Nation's trust, admiration and confidence in the Armed Forces of the United States. They have shown the American people that our military is led by competent, caring, and compassionate leaders. They have shown that we have a military, from generals down to lance corporals and privates who are willing to fight, not for glory, but for freedom. I hope that Congress will act favorably on the two pending bills authorizing the presentation to Generals Powell and Schwarzkopf of Congressional Gold Medals, medals which the Nation would present to them, but which they would receive, not only for themselves, but for each and every man and woman in uniform under their command.

Mr. President, I am thankful that we have these great civilian and military leaders. But, at the same time, we must remember that our leaders had at their disposal some of the world's best technology. That technology is the direct and tangible result of the dollars American taxpayers have committed to rebuilding our military over the last decade.

Just 2 weeks ago, I had the opportunity to tour the Persian Gulf region and talk to American soldiers, sailors, airmen, and marines who were being asked to place their lives on the line. I had an opportunity to talk to the pilots of the Stealth fighter-bomber, the 117-A, who were asked to fly directly over Baghdad the first night of the war. They know the value of our technology. Our troops know that our modern technology saved many of their lives, saved the lives of innocent civilians, and may well have saved lives of some Iraqi military personnel by bringing about an early, decisive end to the war.

But in the end, Mr. President, even with outstanding leadership and the best technology in the world, it all comes down to individual men and women working together. From the military forces—officer and enlisted, men and women—arrayed on the front; to those over the skies of Kuwait and Iraq; to the sailors and marines afloat in the Persian Gulf; to the forces at the support bases in the Persian Gulf and Europe; to the forces here in the United States providing logistics, training, and support; to our defense civilian employees here and overseas; to our contract employees; and to the employees of our defense industries. We say to you that each of you is an American hero. You have my thanks and gratitude and that of our Nation.

Mr. President, there are many lessons to be learned from Operation Desert Storm—lessons which, in some cases, may take years to digest and accommodate into our military doctrine and force structure. But, Mr. President, there is one lesson which came through loud and clear—and for which we need no more time to reach a decision. That lesson is that we should never send our men and women in uniform into a hostile situation without providing, or at the very least trying to provide, them with the very best possible defense from ballistic missiles—a defense not shackled by some of the outdated and outmoded constraints of the ABM Treaty of 1972.

Mr. President, the sight of our military personnel in Saudi Arabia and the innocent civilian population of Israel coming under attack by the Scud, not a military weapon, but a lowly, cowardly instrument of terrorism, has convinced me that neither we nor our allies can wait any longer to begin to develop and test the most modern and effective defense systems against ballistic missiles.

In this historic Persian Gulf operation, our air elements employed every known tactic, with considerable success, to detect and destroy the illusive mobile Scud and its launchers. But we cannot continue to rely solely on interdiction alone. We cannot continue to rely upon destroying missile launchers only after their missiles have been fired. We must develop a defense capable of destroying missiles early in their flight.

The world is thankful that we had the Patriot, an example of what Americans can do. But Mr. President, the Patriot can be no match for the more advanced ballistic missiles proliferating throughout the world. The Patriot was able to provide us some defense against the crude 1950's technology of the Scud, but no longer can we limit ourselves to outdated defensive technology. We must unleash the American genius to develop more advanced defenses.

For these reasons, I have introduced, along with seven of my colleagues on the Armed Services Committee, a bill, S. 564, the Missile Defense Act of 1991, directing the Secretary of Defense to undertake the immediate development and testing of systems designed to defend the United States and its forces from ballistic missiles.

Mr. President, there comes a time when the American people must be given an equal opportunity to participate, to speak through its Congress about the need to defend our land, and our forces abroad, even though we may be now negotiating that very issue with the Soviet Union. Those negotiations appear to be stalled; let the American people not be likewise stalled. The time to act is now.

I believe the American people now want our National Government to move forward and determine if we can build effective defenses against ballistic missiles. A subsequent Congress can decide the issue of what defenses should be deployed, an issue which would remain under the limitations of the ABM Treaty. No longer are the American people willing to wait for the Soviet Union to decide whether or not we can proceed to determine the full range of our capabilities to defend ourselves. The American people do not want to again see missiles rain down on our near-defenseless forces and our allies. This is no longer just a United States and Soviet issue. It is time to unleash the American mind and American technology to ensure that we never lose another life because we refuse to explore every opportunity to defend ourselves. I ask my colleagues to join in this effort.

Mr. President, in closing, let me say a final word of thanks to the families and loved ones of those who serve this Nation in uniform. We have had an opportunity to learn of the courage and dedication of those who remain behind. We now better understand the nature of our military personnel and their families.

Now, let us join together to welcome home our soldiers, sailors, airmen, and marines with the biggest celebrations this Nation has seen since 1945.

The PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES] is recognized for 5 minutes.

GEORGE BUSH DESERVES A LOT OF ACCOLADES

Mr. NICKLES. I wish to thank my friend and colleague, Senator WARNER from Virginia, for his speech this morning, but also for his leadership on this issue. I had the pleasure of traveling with Senator WARNER and Senator DOLE to the Persian Gulf in August when the deployment of troops had just begun.

Mr. President, I also wish to congratulate and compliment the President of the United States for his address to the Nation last night. The President rightfully congratulated the men and women in the Armed Forces and the leadership in the Armed Forces. But I felt he was rather modest in complimenting himself as Commander in Chief, because he did an outstanding job.

I appreciate the Speaker's compliment of the President for the outstanding work he has done. I also wish to thank Ronald Reagan for his contributions in rebuilding the defense of our country.

Mr. President, the Commander in Chief, George Bush, deserves a lot of accolades. It was his leadership that built the international coalition, a coalition of up to 30 countries that actually participated in repelling the aggression of Saddam Hussein and the Iraqi Army.

It was George Bush and his leadership team that built the coalition in the United Nations that passed 12 resolutions and actually enforced those resolutions—unprecedented in U.N. history. It was George Bush and his leadership team that was able to get the Soviet Union and the People's Republic of China not to veto the United Nations resolutions, and maybe even more important, not to be our adversary's arms supplier. They were successful in keeping the Soviet Union and the People's Republic of China from supplying Iraq with arms, which they have done in the past.

Certainly, if we look at past wars we have been involved with in Korea, and also in Vietnam, we find that the Soviet Union and the People's Republic of China were the primary arms suppliers to our adversaries.

I think the President deserves great accolades for his outstanding leadership. He was successful in passing through the United Nations a resolution authorizing the use of force to repel the Iraqi aggression. He was successful in passing through both Houses of Congress an authorization for the use of force.

But that was easier said than done. It was not easy. We had opposition from, basically, almost all the Democratic leadership. In the vote on January 12, 82 percent of the Democrats voted against authorizing the use of force to enforce the U.N. resolutions; 98 percent of the Republicans in the Senate voted in favor of the resolution.

Many in the Senate at that time said, well, let us give sanctions a chance. Mr. President, if we had given sanctions a chance, they would not have worked. As a matter of fact, if we had continued with sanctions, the crisis would be continuing today.

If we had continued with sanctions, Saddam Hussein would still be threatening to unleash Scud missiles to terrorize civilians in Israel, and innocents in Saudi Arabia.

If we had continued with sanctions, we would have greatly undercut the United Nations, and the coalition which the President built could have begun to crumble.

Mr. President, if we had continued the sanctions, in my opinion, it would have been a great victory for Saddam Hussein, and he certainly would still be in Kuwait today, still pillaging, murdering, plundering, and raping innocent civilians. And if we had continued with sanctions, American men and women would not be coming home victorious today.

I wish to compliment the Democrats in the Senate who did support this resolution, because without their support we would not have achieved the 52 votes. I also wish to compliment the President for his wisdom in allowing the military leaders to lead and run the war.

In previous wars, whether we are talking about Vietnam and Korea or other episodes, other Presidents became too involved with micromanaging the military. This President allowed General Schwarzkopf, Secretary Cheney, and the Chairman of the Joint Chiefs, Colin Powell, to run the war, and they did an outstanding job.

I also wish to congratulate the President and Secretary Baker for persuading our allies to pick up the bulk of the cost, the majority of the cost. I think that is an enormous accomplishment, and I compliment them for it.

If we add this allied effort up, it has been a remarkable success. It did liberate Kuwait. It did repel the naked aggression of Saddam Hussein. It did eliminate his military arsenal and his ability to wreak havoc among his neighbors—

Mr. President, I yield myself 1 additional minute.

The PRESIDENT pro tempore. The Senator is recognized for 1 additional minute.

Mr. NICKLES. Because of this leadership of the President, George Bush, and the team he put together, we successfully repelled aggression; we defeated the aggressor; and we rebuilt pride and patriotism throughout this country. We have eliminated the so-called Vietnam syndrome, where a lot of people thought that we were not the world leaders we used to be at the conclusion of World War II. I think we have established the pride, the patriotism, and the successful can do nature of Americans.

I am very proud to call myself an American. I am very proud of our Commander in Chief, George Bush.

Mr. President, I yield the Senator from Wyoming 5 minutes.

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WALLOP] is recognized for 5 minutes.

VICTORY IN THE GULF

Mr. WALLOP. Mr. President, I thank the Chair, and I thank the Senator from Oklahoma.

Mr. President, I, to, want to add my voice to those who praise the President for his speech last night. But in particular, I want to add my voice to his in praise of the men and women who served this country so well, whose judgments were so profoundly correct, and whose courage and discipline and humanity made a very trying episode in our history one in which all Americans, regardless of where they were on January 11, are rightfully and correctly proud.

I would also say that in any speech that any of us make about who did or did not vote in favor of the President, it is really never a question of patriotism. It should not be, and it is not, so far as this Senator or any of my friends are concerned. But it is, and legitimately is, a question about judgment.

Had the vote been 80–20, or some such figure like that, it would never, probably, have risen to a level of politics. But when some have said that we should resist politics in this moment, I would suggest to them that politics do exist, they should exist, and that they are the heart of democracy.

And I would also suggest that it was not the Republicans who first entered politics into this debate. I suggest it was the majority leader himself who, on January 12, made the following statement:

> Those Senators who vote for the resolution are voting to authorize war immediately. * * * I understand the argument of those who support that resolution, that they hope its passage prevents war. But the reality is that if that hope is not realized, if immediate war does occur, passage of that resolution will have been an essential prerequisite for that war under our Constitution and democratic system.
>
> The essence of democracy is accountability and if immediate war occurs, that resolution and those who voted for it must share that accountability.

Now presumably if that were the case, the reverse is also true—that those who voted against it must share that accountability. It is a question, Mr. President, not of patriotism, but of judgment.

I think, for example, that it is quite interesting that of those on the Intelligence Committee or those on the Armed Services Committee, all but two Democrats, Senators SHELBY and GORE, voted against this resolution. These are the people, more than any other Senators, who should have had the foresight to have made a correct decision. Accountability is a perfectly legitimate political dialog in the arena of American politics and it should not be usurped by those who voted in either direction.

But one of the things that has been interesting is that, as this debate has been waged, we continue to hear such things as, "I was always for the use of force, just not at that moment in time." The problem with that argument, Mr. President, is that the moment in time of which they would have been for the use of force has never been clear and was never made clear in advance. Those who called for letting sanctions work were never willing to detail under what circumstances they would have declared the success or failure of sanctions.

What were the benchmarks to be passed or to have failed to have been reached before the use of force would have been declared necessary? Were the benchmarks, benchmarks of time? Were they benchmarks of events? Were they benchmarks of further cruelty? Were they benchmarks of further threat to the region? It was clear that this was a slogan to avoid responsibility, to avoid coming to moments of decision. That is all right. It is every Senator's privilege to exercise his personal right and view. The personal rights and views of plainly passivist people, such as the Senator from Oregon, have been consistent throughout time, and it was not he who said let the sanctions work.

There is no doubt in this Senator's mind that had the war gone differently, the Democrats would have been quick to point fingers and say, "we told you so."

Mr. President, I am sure that all of us remember the theme following the debate that led to Congress' authorization of the use of force. It went something like this: While certain Members of Congress did not support the war in the gulf, they supported the troops. They appeared to be influenced by the antiwar protestors in the streets who claimed, "No blood for oil." But this conflict was not just about oil, but about power and, in this instance, an evil manifestation of power.

I remember their long speeches detailing the new orders of body bags from U.S. factories, the huge numbers of body bags we would see returning from the gulf, the carnage, the unbearable length of the fighting and the inordinate number of casualties. One Member from the other side of the aisle went so far as to predict that "The war will be brutal and costly. It will take weeks, even months and will quickly turn from an air war into a ground war with thousands perhaps even tens of thousands of American casualties."

And finally, we heard Members of this body wax ad infinitum on the unjust cause for which Americans were being forced to put their lives on the line. And after all this talk, Mr. President, they again made sure to emphasize that, all their criticism notwithstanding, they supported our troops.

Their reasoning holds no water. They cannot have it both ways—to say, on the one hand, they supported the troops, but, on the other, did not support what those troops were doing in the gulf. Mr. President, it is the job of our Armed Forces stand ready to defend the Nation and the interests of this Nation. Our military is not a sinister monolith that has brought young men and women under its purview by force. Our Armed Forces are made up of individuals, each of whom by his or her own conscience, has enrolled him or herself to the service and defense of the Nation. If then, one concedes that the job of our Armed Forces is to defend, and if one concedes that our All-Volunteer Force is made up of able-minded as well as able-bodied men and women, then one cannot say that he supports those men and women, but does not support what they, in good conscience, have signed up to do. It just does not make sense.

An integral part of the argument put forth by some Members of Congress and people like Jesse Jackson is the supposed disproportionate representation of black men and women in our military. They argue that these men and women are in the Armed Forces because they have no other choice—no comparable paying job was available in the civilian sector. While they joined for the pay and benefits—having no other option, of course—they were shocked to find out that the possibility of fighting a war was part of the bargain.

These protestors and Members of Congress conclude then that they are showing compassion for these military members who fought not for reasons of pride or patriotism, but simply because society forced them to.

But this kind of logic is neither supportive nor compassionate—it is patronizing and demeaning. To contest that they can support our troops—because they did not actively choose the military and by association what the military stands for—implies strongly that these men and women, for lack of a better word, are a bunch of losers. What an arrogant outrage. It is tantamount to saying that we should feel pity for these poor misguided souls who did not know what they were getting themselves into. Such condescendence insults the excellence of America's military. Why else would U.S. military personnel react so negatively to the protest movement in the first place—no matter how the protestors tried to sugarcoat their protest, it was a demeaning put down to our troops.

If the support that the protestors felt for the troops was real and not just an attempt to curry favor or avoid criticism, then the protestors would acknowledge that the troops are risking their lives to execute a difficult job that America's civilian and political leaders agreed must be done—a choice supported by about 90 percent of the American people.

Several weeks ago, Jesse Jackson, issuing a similar preemptive strike before launching a highly rhetorical attack on the gulf war in a speech to a group of Democrats said, "How can it be that those of us who want to bring them home safe and walking in their shoes and not in body bags support them less than those who do?" Such attack is not only unsubstantiated—everyone wants to see as little loss of American lives as possible. But those of us who saw a principle worth defending who believed that Saddam Hussein must be opposed, believe that this Nation should offer a sense of valor to those who were willing and able to go forward in that fight. Efforts to further one's own personal or political agenda require a mere fraction of the courage that it takes to stand tall, to wave our flag proudly, to respond assertively when our values and interests are threatened. Our Armed Forces displayed this steadfastness and resolve when the stakes where the highest, we at home should strive not to sit safely on the fence should something go asunder, but should strive to be worthy of half their courage.

Mr. President, I ask unanimous consent to print in the RECORD a column by David Border from the March 6 Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THINK AGAIN, DEMOCRATS

(By David S. Broder)

The Democrats reacted with understanding anger last week when Sen. Phil Gramm (R-Texas), the chairman of the Republican Senatorial Campaign Committee, charged that their votes in January against authorizing the use of force in the Persian Gulf "showed the nation once again that Democrats cannot be trusted to define the destiny of America."

Rep. Vic Fazio (D-Calif.), the chairman of the Democratic Congressional Campaign Committee, predicted there would be "a backlash" against Gramm's effort "to wring partisan advantage out of an issue which was debated with great conscientiousness. . . ."

But Gramm was not impressed. "Saying it was 'a matter of conscience,'" he told me, "just makes it more important in judging where Democrats would lead the country. On the most important foreign policy vote in years, the entire leadership and the vast majority of the membership on the Democratic side voted to deny the president his request for authority to use force against Saddam Hussein. That is something they have to explain."

Gramm has a point. The Democratic opposition to this war was deep and passionate. It was rooted in conscience and in conviction. It was not simply political. In the week of the congressional vote last January, a Washington Post-ABC News Poll showed 63 percent of those interviewed favored going to war with Iraq once the Jan. 15 deadline for withdrawal from Kuwait had passed, and 68 percent wanted Congress "more actively supporting" President Bush's policy, against 20 percent who wanted it to show more opposition.

Nonetheless, even in the face of public opinion and the president's request, 45 of 55 Democratic senators voted against the use of force, as did 179 of 265 Democrats in the House. So much has happened since that Jan. 13 vote that we forget the passion with which the anti-war position was argued.

Senate Majority Leader George Mitchell (D-Maine) for example, saw nothing but risks—"spending billions of dollars; a greatly disrupted oil supply and oil price increases; a war widened to include Israel, Turkey or other allies; the long-term American occupation of Iraq; increased instability in the Persian Gulf region; long-standing Arab enmity against the United States; a return to isolationism at home. All of those risks are there."

Those were not idle words, any more than this was a routine vote. Constitutents will ultimately judge for themselves the weight they give to this particular vote against all the rest of their representative's or senator's service. But there are at least two good reasons why the Democrats need to revisit this issue now, rather than sweep it under the rug or try to shift the focus immediately to domestic policy, as so many of them are doing.

The first reason has to do with their credibility and their capacity to govern. It is historical fact—not partisan rhetoric—that the Vietnam War sundered the Democratic Party and rendered it incapable of governing for close to 20 years. It drove Lyndon Johnson from the White House in 1968 and so divided the party that—with one exception—no Democrat since has been able to win the presidency. Jimmy Carter, their only winner in a quarter-century, was an Annapolis graduate and former Navy office from the pro-defense state of Georgia, who had personally supported the Vietnam War. But he added to the Democrats' reputation for weakness by his inability to end the Iranian hostage crisis.

Five years ago, many Democrats recognized the need to come to terms with the legacy of Vietnam. Leading congressional figures—notably Sens. Sam Nunn (D-Ga.) and Lloyd Bentsen (D-Texas) and Rep. Dick Gephardt (D-Mo.)—formed the Democratic Leadership as a voice for Democrats who favored a strong defense and an active U.S. involvement in the world.

But in the Gulf crisis, those Democratic leaders—and many others—opposed the president when he said the time had come to use force. At a minimum, those in that camp—and they include the top leaders of the Senate and the House—need to reexamine their own thinkings and explain to the public what they have learned from the war.

They can be led in that reevaluation by those whose judgment has been vindicated—by the chairmen of the House Foreign Affairs and Armed Services committees, Reps. Dante Fascell (D-Fla.) and Les Aspin (D-Wis.) and by such Senators as Albert Gore (D-Tenn.), Bob Graham (D-Fla.) and Charles Robb (D-Va.). It may be that they grasp some things their colleagues need to understand.

The second—and more important—reason Democrats need that kind of public exercise is that the nation faces terribly important decisions between now and the 1992 election on its role in what Bush calls the "New World Order." And that debate should not be left to Republicans alone.

The concerns many Democrats expressed in the Gulf debate may have been misplaced, but they are relevant to other situations in other parts of the world. The question of whether, when and how the United States should intervene remains a critical decision. The Democrats were wrong on the Gulf. They need to think again—and then rejoin the national debate.

Mr. NICKLES. Mr. President, I yield the Senator from New Hampshire [Mr. SMITH] 5 minutes.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. SMITH] is recognized for 5 minutes.

THE WAR IN THE PERSIAN GULF

Mr. SMITH. I thank the Senator from Oklahoma for yielding. Mr. President, the victory in the Persian Gulf is particularly gratifying because, by some accounts, this was a war which could not be won, fought with weapons which would never work.

The pundits were wrong. As recently as February 14, Ellen Goodman was bemoaning in the Boston Globe:

> The public fear and abhorrence of a ground war in which vast numbers of American soldiers could die.

On the same page, Globe columnist David Nyhand intoned:

> The world cannot live in any normal fruitful pattern till this dreadful war is over. Who can celebrate Valentine's Day with this going on? Is Kuwait worth this? * * * [President Bush] has got to be persuaded to stop it—sooner rather than later.

On the opposite page, the Globe was calling for a curtailment of bombing, arguing that "with a patient siege, the dreaded invasion of Kuwait, likely to be so costly to soldiers on both sides, need never take place."

These armchair antigenerals, who have spent such a considerable portion of their careers berating the military, were simply wrong. The inaccuracy of their statements can hardly be made more palatable by the sanctimony with which they were pronounced.

While any American death is a tragedy, particularly to the friends and family of the fallen soldiers, it is hard to imagine a scenario in which Saddam's threat to the world could have been blunted with fewer American casualties.

The victory in the Persian Gulf was a great victory for both the United States and the brave men and women who fought for it. And it was also a victory for the weapons systems which stood between these courageous Americans and harm's way.

Ironically, there is hardly a weapons system which played a major role in concluding the war and safeguarding American troops which was not slated for termination by some self-appointed antimilitary genius.

The M-1 Abrams tank, which was appropriately lauded as the centerpiece of our ground effort, was, at the time of its purchase, attacked by one Congressman as vulnerable and a questionable buy. The same Congressman also charged that the F-15 Eagles were gold plated.

American aircraft carriers served as the platforms for the air strikes which blinded the Iraqi cyclops. Yet, as recently as the beginning of the 1980's, congressional critics were attacking these systems as obsolete.

The Patriot missile served as the shield which protected Jerusalem, Tel Aviv, and Riyadh. Yet, in April 19, 1984, the House Armed Services Committee voted to slash funding to modify the Patriot into a missile interceptor from President Reagan's request of $9.2 million to only $15 million. As recently as April 15, 1987, the House Armed Services Committee voted to delete all funds for testing the Patriot as an antimissile system.

Had the House provisions prevailed, the Patriot would have remained nothing more than an antiaircraft weapon—useless against missiles such as the Iraqi Scuds.

Ironically, many of those who sought to prevent the Patriot from being developed into an antimissile system are attempting do the same with respect to the strategic defense initiative.

The list goes right on down the line. At one time, the F-111, the cruise missile, the Apache helicopter, and the Bradley fighting vehicle—not to mention adequate levels of troop strength, training, and military funding—all were subject to the tart tongues of these dubious prophets.

Fortunately, the Nation rejected their arguments, allowing these programs to go forward.

One of Patriot's greatest defenders was the Senator—now Vice President—DAN QUAYLE, whose tireless sponsorship of programs to protect our population and our troops from ballistic missile attack can be credited with saving thousands of lives in the Persian Gulf conflict. Had he not been active on this issue, thousands more Israeli, Saudi, and American men, women, and children could have been the victims of Saddam Hussein's Scud attacks.

Mr. President, our victory in the Persian Gulf was due to three factors: the best troops, the best training, and the best weapons. Our weapons systems were superior because, frankly, we as a nation ignored the harping critics and proceeded to develop a military technological superiority.

We now must make a choice as to whether we intend to maintain that superiority.

Mr. President, we all make mistakes, even in contexts in which a great many American lives hang in the balance. But it is important to learn from those mistakes.

The argument that we do not have the technological capacity to build an antiballistic missile system has been proven wrong. The argument that we will never confront a madman willing to hurl ballistic missiles at our population, irrespective of the consequences, has been proven wrong. The argument that such a madman could never acquire a nuclear or ballistic missile capacity clings to life only because of a 1981 Israeli preemptive strike against Iraqi nuclear facilities.

Mr. President, the war in the Persian Gulf is an important victory, but also an important lesson. Let us not forget that lesson.

Mr. NICKLES. Mr. President, I am happy to yield to my colleague and friend, the Senator from Vermont, 4 minutes.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. JEFFORDS] is recognized for 4 minutes.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 585 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NICKLES. Mr. President, I yield to my friend, the Senator from Missouri [Mr. BOND] 6 minutes.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. BOND] is recognized for 6 minutes.

Mr. BOND. I thank my good friend from Oklahoma and I thank the Chair for the opportunity to address the subject that we heard the President address last night at the joint session of Congress.

THE LEADERSHIP OF PRESIDENT BUSH

Mr. BOND. Mr. President, last night Congress gathered to honor President Bush on his unfaltering leadership throughout the past 7 months of the gulf crisis, to express our gratitude to our brave men and women for their selfless service to their country, to offer our thanks for such a quick victory, to offer our condolences to those who lost loved ones, and to express our prayers that all of our troops will return safely and soon to their families.

The President was interrupted a dozen times with standing ovations for his moving words. And as Speaker TOM FOLEY noted in introducing him, he deserved our congratulations for his brilliant victory in the gulf.

The President truly deserves the thanks of this Nation and of all the nations of the free world. When Saddam Hussein invaded Kuwait, President Bush saw immediately the potential consequences of that action and he set out—with a determination that is too seldom seen among politicians—to remove Saddam from Kuwait and to make clear to the world that the days of Wild West lawlessness—of large countries absorbing small neighbors without consequence—are gone. He said to Saddam and to all other would be despots and want-to-be dictators, "We will not allow you to rise to power with your foot on the neck of your neighbor."

The President laid out for the world the steps that Saddam would have to take and he never waivered from those conditions. He then went about assembling a worldwide coalition the likes of which the world has never seen; through deft political maneuvering he kept the coalition together despite several incidents that the pundits and many in this body predicted would rip it apart. The President, as the leader of this coalition, set specific dates by which Saddam would have to meet the coalition's demands and he stuck by them each time.

If anyone doubted that the United States means what it says, they can no more.

If anyone doubted that the United States is serious about our commitment to freedom, they can no more.

If anyone doubted that the U.S. military is the most efficient and capable in the history of the world, they can no more.

President Bush rose to this challenge and he dealt with it masterfully. He did not shrink from the responsibility and he did not follow public opinion polls—instead he did what needed to be done and he led public opinion. It is truly frightening to think what the world situation might be today if the American people had made a different choice in the election of 1988.

We also owe our thanks to our outstanding military leaders. Secretary of Defense Dick Cheney and Chairman of the Joint Chiefs of Staff Colin Powell were determined that United States troops would never again face a situation like Vietnam where our fighting men and women were not given the military tools or the political backing necessary for a decisive victory. President Bush knew that he had assembled the most capable team the Pentagon has seen in decades and he turned over control of the military operation to that team rather than trying to micromanage the battle from the White House as so many of his predecessors tried to do without success.

We must also pay tribute to Gen. H. Norman Schwarzkopf—a true American hero. A reluctant warrior who is beloved by his troops because he cares for them as if they were his own children, General Schwarzkopf also learned firsthand the lessons of Vietnam and he planned and executed an operation—the largest since World War II—with one overriding factor in mind, minimal loss of life. And as we all know, he succeeded beyond anyone's wildest expectations.

The success that these men have achieved will restore to the military the respect and admiration they deserve and have for too long been denied.

And finally, and most importantly, we owe our thanks to the brave men and women who make up our military forces. Today's soldiers are the finest that have ever served in the U.S. military. They are better educated, better trained and better equipped. And, as we all saw in hundreds of television interviews over the past 7 months, they were determined to do the best possible job at a task that none of them relished, but all understood was critical. As President Bush told us last night, they fought with honor and valor.

I believe this war will prove to be a watershed event in our Nation's history. Our actions over the past 7 months have exploded the myth of the "Can't Do America" that has been so popular with many pundits, scholars and even some of my colleagues in this body. It has made clear to the world that the United States is the preeminent power in the world, and that we intend to use that power to fight for freedom, democracy, and world order. And, it has strengthened our alliances with our allies and increased trust between us, and has reinforced in their minds the fact that the United States can be counted on to follow through on its commitments.

I believe the war has had many positive effects on our country and I believe it has opened up many opportunities for us.

I have been impressed over the past few months by the tremendous showing of patriotism, the outpouring of support for our country and for our troops. Patriotism is back in style, and I am hopeful that it will remain in style long after our troops have returned safely home.

Mr. President, before closing, I want to turn to a subject that is being talked about a lot in this city, the debate about whether Members of Congress should be held accountable for their votes on our gulf policy. I find it strange that there would even be a question about that.

I voted for what I believed was the best policy for the United States. A lot of people in Washington, some at home, told me that if our policy went wrong, my vote would cost me my Senate seat. What is more important, if we did the wrong thing, it would cost this country and it would cost the world a lot more. That was the driving consideration.

I voted for what I believed was right, to support the President. I did not jump on the bandwagon when it had already rolled down hill. We do not know for certain what would have happened had we not given the President the go-ahead to support the U.N. resolution but, personally, from what I have seen about the ability of the Iraqis to withstand the pressure of economic sanctions and a war, I believe that we would be bogged down in a morass that would continue to drag on and on and on and we would lose the ability that we exercised so quickly and so effectively.

The vote in January showed that there are very basic differences in philosophy about how our Nation should conduct its foreign policy. Does this mean a person's philosophy should be used to question his patriotism? Absolutely not. This body came together in strong support of the President after the decision was made. There is no question about it. But the debate is about what we are willing to do and how we see the role of this country in the world. It is a fundamental decision, not only about the direction we took in 1991 but the kinds of directions we should take in the future.

This I think is a legitimate source of debate and will continue to be debated as we look to the future of this Nation in foreign policy. I hope we can put aside any questions of patriotism, but I think we must, in this body and in the next years, continue to debate what is the role of American defense, what should be the role of the military.

I for one am very proud to have supported the President, and our fighting men and women. I believe that we must continue to do so learning from what we developed in the Persian Gulf.

Mr. NICKLES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I yield myself 3 minutes.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES] is recognized for 3 minutes.

Mr. NICKLES. Mr. President, I first compliment my colleague and friend from Missouri for his outstanding statement.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 587 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NICKLES. Mr. President, I ask unanimous consent that my friend and colleague, Senator SIMPSON, be in charge of the minority time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH addressed the Chair.

The PRESIDENT pro tempore. Who yields time?

Mr. SIMPSON. Mr. President, I yield 5 minutes to my friend from Delaware.

The PRESIDENT pro tempore. The Senator from Delaware [Mr. ROTH] is allotted 5 minutes.

A NEW SPIRIT OF OPTIMISM

Mr. ROTH. Mr. President, the mood of America is changing. People are sensing a new spirit of optimism in this country. I say it is about time. The men and women who fought so brilliantly, so spendidly, have helped restore a faith in ourselves that many had forgotten, or lost, or put aside. Some called it the Vietnam syndrome. Others called it accepting America as second best. Others called it the decline of a great nation. But we are fortunate today that half a million young American soldiers thought differently. They believed in this country—in the crisp red, white, and blue of our banner and in the clear principles of our freedom. They believed in the burdens as well as the blessings of leadership. They believed in the compacts of civilized nations and in the consideration of human decency. These Americans—from the highest ranking general to the lowest ranking private—believed in their mission, and thanks to them, the men, women, and children of Kuwait have now reclaimed their nation and their destiny.

I think, quite honestly, over the last several weeks, that many Americans witnessed a nation working with immense skill and prudence to carry out a sensitive and very difficult purpose. We saw the consummate craft of our President and our Secretary of State, who patiently and resolutely built the most successful international peacekeeping coalition in history. We heard the cool and balanced assessments of our Secretary of Defense, who always spoke cogently and credibly. We were impressed with the intelligence and professionalism of the commander in the field, Norman Schwarzkopf, who brought the details of war to us with refreshing candor and humor. And we were inspired by the assurance, confidence, and obvious mastery of our Chairman of the Joint Chiefs, Colin Powell, who became, throughout the course of this war, the very model of our American military.

We saw the care by our President—his steady hand, his clear-eyed conviction, and the evident concern he felt for each and every soldier. We were moved by the resolve of the men and women in the field, dressed in their desert camouflage fatigues—the pilots hoisting themselves into their planes, the infantry members maneuvering their tanks. We saw the competence, the training, the grace under pressure demonstrated by these men and women. And somehow, all of it seemed familiar. We had seen it before, in this country—that confidence, that cando philosophy, that readiness. It was what we had always admired about America, and about ourselves. We had seen it before, and now we were seeing it again, in the faces of 19- and 20-year-old Americans who knew instinctively what they believed in.

Mr. President, this surge of pride and optimism is not another fashion or fad, it is postwar euphoria, it is not hubris, it is not arrogance, it is not wishful thinking. No one has forgotten the gravity of war, no one has suddenly wiped away the horrors of conflict. No one is suggesting that we rush to battle to resolve our problems. And no one will forget the beloved memories of those 115 men and women who gave their lives for peace and stability. But today, thanks to all of them, we move forward with a new belief in what America means, not only to us, but to the men and women of Kuwait, and to peace-loving nations everywhere.

Mr. President, last week one of our fine Delaware columnists, an editor and writer with the Delaware News-Journal, Norman Lockman, published a column about many of the sentiments I have expressed here. With great wit and frankness, he explores the reasons why so many Americans first doubted the success of our mission, and why so many worried that—and I quote—"America simply wasn't up to world class challenges." He explains why the doubters were wrong. And he perceives, as I do, a new spirit of accomplishment and pride. The media has taken its share of heat during this war—but in my mind Mr. Lockman represents the best of journalism with this honest rendering. His column clearly shows—as I have always said—that America's best days are not behind us. We invested in smart weapons in the 1980's, and the result has been the ability to win this war quickly and decisively, while protecting a great many American lives. We invested in a voluntary army, and the result has been a superbly skilled and flexible military force. We also invested in the 1980's in lower taxes, job creation, and a series of pro-growth steps for our economy—and in the end I believe those decisions will be proven right as well. Investing in America and in America's future—especially those investments which align with our principles of resourcefulness, initiative, free enterprise, and technology innovation—will give us the opportunities and the options that we need for the next century. I ask unanimous consent that Mr. Lockman's column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY WERE SO MANY SO WRONG?

(By Norman A. Lockman)

Somewhere, there must be a person who will admit that he or she was wrong about the plague of terrible things that would befall America if we were stupid enough to stumble into a ground war in the Arabian Desert. I haven't found one so I'll bite the bullet and do it myself.

I was wrong.

Now, your turn.

The question is, why were so many of us so profoundly mistaken about the prowess of the American military, the finesse of American diplomats who managed to wire together a fantastically implausible war coalition, the skill of U.S. generals, the resoluteness of the president, the worthiness of American troops, the fabled strength of the Iraqi army, the restraint of the Israelis, the will of Americans in the face of adversity?

Where have we been?

What did we miss?

Was there some kind of sea change in America while we were off preening?

If anything has taken a worse beating than the Iraqis in the last month and a half, it is Conventional Wisdom.

In every one of the categories mentioned above, many of us who thought we knew what we were talking about, because we talked to people who thought they knew what they were talking about, put our money on the wrong set of ponies.

If we had been at the track, we would have had to hitchhike home.

Whenever that many people use equations that have been accepted without proofing for so long and come up with wrong answers it is time to go to the blackboard and examine the underlying assumptions.

It's pretty simple if you stop and think about it. We missed the possibilities because we had stopped believing that Americans are more than marginally competent.

We have been living with signs of declining competence long enough to have begun to distrust ourselves.

American cars seem second rate. Overpriced new houses have shoddy workmanship. Your favorite politician turns out to be sleazy. Thieves ran off with a fat portion of the American banking system. The last few years have not been a confidence building experience.

Then on a clear morning in August, a man who prizes war over brains drives his tanks into Kuwait and our president, whom we still haven't forgiven for picking Daniel the Spaniel as vice president, starts to talk tough.

Looking back at the congressional debate on war powers, I realize that a lot of the arguments against doing anything drastic were based on the firm belief that America simply wasn't up to world class challenges.

A whole generation of politicians had learned to settle for second rate solutions and cloak that vice in noble proclamations about saving humanity from warmongers. And don't fool yourself, there were plenty more Republican congressmen who, if they could have done it secretly, would have tried to duck this war.

One of the most amusing spectacles upcoming will be congressmen who voted for assuming the fetal position trying to lay claim to their share of the postwar glory for voting to support the "blood for oil" war after it became Desert Storm on Jan. 17.

The rest of us are going to have to come to grips with some simple truths. President Bush's strategy worked better than we thought it would. (Probably, better than he thought it would, too). And because of that, the nation and world have changed in ways we don't quite recognize yet.

One profound change is the way Americans are likely to see themselves in the future. My block has flags on every porch day and night with porch lights ablaze to keep the protocol. I didn't even know some of those people owned flags.

My younger children are unhappy if we don't fly one, too. My 20-year-old daughter, who helped occupy the college president's office for a month and determinedly got arrested during a street demonstration on behalf of striking faculty at Temple University in early October, thinks most people demonstrating against the Gulf war are "ill informed."

Something is happening here. I think part of it is that a lot of Americans got worn down at being told that: they were second rate. They were ripe for this war. It scared the hell out of them, but it taught them that fear can be a fortifying experience if enduring it makes you feel first rate again. It became a national rite of passage.

And the naysayers, with their somewhat discredited conventional wisdom, suddenly don't own as much territory anymore in the fields where Correct Approaches grow.

Mr. ROTH. Mr. President, I yield the remainder of my time.

Mr. SIMPSON. Mr. President, I thank the Senator, and now I yield to the Senator from South Dakota 5 minutes.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PRESSLER] has been allotted 5 minutes.

TRIBUTE TO OUR BRAVE MEN AND WOMEN IN OPERATION DESERT STORM

Mr. PRESSLER. Mr. President, it is with a great sense of pride that I rise today to pay tribute to our brave men and women who have served in Operation Desert Storm.

The President's speech last night brought to my mind many thoughts as I sat in the House Chamber. Democrats, Republicans, and all Americans joined together in what was the beginning of a celebration of the victory in Operation Desert Shield. I am sure it will culminate on the Fourth of July with parades and welcome home events around our country.

I thought back to the time when I checked out of the Army, and it was quite a different atmosphere in 1968. I was returning from service in Vietnam as an Army lieutenant. In those days when you came back from Vietnam, you were processed out of the Army in Oakland, CA. Most people were given the option of wearing their uniforms to their homes but most people did not because service in Vietnam was not highly regarded by many segments of our population in 1968. Indeed, we were advised informally that it was much better to travel in civilian clothes. That was the welcome home Vietnam veterans received.

It did not particularly bother me, personally, because I had my own beliefs and was going on to law school with a full plate of things to do. But many of our Vietnam veterans, many of whom were drafted, were seriously bothered by this unwelcome home. The situation was quite different back then.

So it was wonderful last night to see the evolution of our thinking. President Bush's speech last night was the culmination of our thinking regarding veterans. I hope that Vietnam veterans are included in the welcome home celebrations the Desert Shield veterans will receive.

Mr. President, a great war has been won; a dictator has been crushed, and a captive country has been liberated. Now it is time to say a prayer of thanks for our quick and decisive victory, a time to salute our returning war heroes for their selfless service, and a time to console those who mourn for loved ones lost in battle.

Mr. President, we all share pride and appreciation for our troops who have served our country so valiantly in Operation Desert Storm. I am extremely proud of the performance of South Dakota National Guard and Reserve personnel. South Dakotans have always been ready to answer their country's call to duty, and Operation Desert Storm was no exception. Their outstanding service to our Nation will not be forgotten.

As we all know, many of our country's military leaders emerged from the heat of battle as heroes in Operation Desert Storm. President Bush, in particular, provided to the world an example of American leadership at its best.

Let me pay a personal tribute to President Bush. I think his many years of experience and service in public administration, private business, and the various jobs he has held culminated in his excellent performance as Chief Executive in the war effort. It was masterfully done. Both he and Vice President QUAYLE did an excellent job of leading this effort.

The President's deft handling of Desert Storm produced an overwhelming victory for the cause of freedom and peace. The world will long remember his inspiring performance as our Commander in Chief, his great statesmanship and his great speech last night. He did a great job.

Secretary of Defense Dick Cheney, Joint Chiefs of Staff Chairman Colin Powell, and Gen. Norman Schwarzkopf also deserve special commendation for a job well done. They courageously led our forces to one of the greatest military victories of all time.

By their words and actions, they have instilled in our Nation a renewed sense of pride and confidence. We are forever indebted to them for their effective leadership.

Our highest praise, of course, is reserved for the individual soldiers, sailors, airmen, marines, and Coast Guard personnel who defeated the enemy. As General Schwarzkopf said, these brave men and women "provided the thunder and lightning of Operation Desert Storm."

By answering their country's call, they unselfishly left behind families and friends to make the world safe from aggression. Their courage sends a strong message to the world that the forces of good can, and will, win out over evil.

Mr. President, when Saddam Hussein invaded Kuwait, he believed that the world would stand idly by and accept his outrageous act of aggression. However, he made one very big mistake—he underestimated the strength and resolve of the American people. When President Bush drew a line in the sand, the American people stood firmly behind him.

Mr. President, history has taught us that brutal aggression demands a quick and decisive response. When America spoke of peace, Saddam Hussein wouldn't listen. But when America acted, Saddam Hussein finally heard the voice of reason loud and clear. We told Iraq and the rest of the world that the United States would oppose barbaric aggression.

Nearly everyone agreed with the basic objective of liberating Kuwait. But not everyone was willing to do what was required to achieve that objective. Some countries flinched when asked to pitch in their fair share. Some Members of Congress also misjudged the diplomatic situation when our President and troops needed them most.

Mr. President, our vote in January to give President Bush the authority to oust Iraq from Kuwait clearly was the correct decision. At the time, it was not a very popluar vote. Some wanted to wait longer. In fact, some groups protested in my field offices against my vote to support the President. They misread the situation and Saddam Hussein.

American lives and the principle of nonaggression were on the line. President Bush and our troops looked to Congress for support. I am proud that a majority of us gave them that support.

Operation Desert Storm was characterized by promptness and decisiveness. We now must display equal resolve in bringing our troops home. Some units have been in Saudi Arabia since August. We have won the war. Our troops have done their duty. It is time to start bringing them home.

Mr. President, we have learned many lessons from our country's involvement in the Vietnam war. Not the least of these is the importance of properly welcoming and rewarding our veterans when they return home. Each of us holds a special place in our hearts for our brave service men and women. We must clearly show them how much we appreciate their great service and sacrifices for our country and the principles of freedom. I, for one, plan to personally congratulate and thank as many of our servicemembers as possible. All Americans should do the same.

Mr. President, now that the fighting in the Persian Gulf has ended, we feel as sense of relief and accomplishment. Operation Desert Storm was a war that had to be fought. As the book of Ecclesiastes tells us, "To every thing there is a season * * * a time of war, and a time of peace." We have had our time of war—let us now enjoy our time of peace.

Mr. SIMPSON. Mr. President, I yield 5 minutes to our newest Member, our colleague from California [Mr. SEYMOUR].

The PRESIDENT pro tempore. Mr. SEYMOUR is recognized for not to exceed 5 minutes.

PRESIDENT BUSH'S VICTORY SPEECH

Mr. SEYMOUR. Mr. President, last night, Congress heard the President of the United States report a victory—not just for one man or one country, but for the world; and not really against one army or one government, but against a new brand of international aggression.

For in the quiet eye of the hurricane that we knew as Operation Deseert Storm, the principles of sovereignty, order, and self-determination rested. And now that the hurricane has swirled away, these principles have yet another opportunity to bloom in the harsh deserts of the Middle East.

The face of America and its President in this enterprise was neither ugly nor imperial, as so many skeptics, many of whom we have heard in the past, insisted. With the end of this crisis, the President has scared away a gallery of ghosts that have haunted U.S. foreign policy and our ability to defend our allies for more than 45 years.

The first and most important of these ghosts, of course, is isolationism. How many times, both yesterday and today, have our leaders faced the argument that America has no business engaging itself in distant regions of the world?

If we accepted this view, then the adventures of Saddam Hussein would have continued. The Arabian Peninsula would have been bulldozed by the Republican Guards, its people tortured and exiled, its oil wealth held hostage to the designs of a man who killed his first person at the age of 14.

The disappearance of this ghost took a second one with it. The second ghost, actually a phantom, told us that the United States became involved overseas only in futile attempts to impose its culture on other people.

How many times did President Bush tell the American people that he wanted to Americanize Kuwait and Saudi Arabia? None. How many times did he say his objective was to make the societies of the Middle East more like us? None. How many times did he say that

Americans would stay behind as occupying forces in Kuwait? None.

He did not say any of these statements because they did not reflect our goals. Just ask the Governments of Kuwait, Saudi Arabia, Egypt, Israel, Morocco, France, Britain, or any of our other coalition partners. Would 28 countries under the banner of the United Nations have conspired to make the Middle East safe for American culture?

The final ghost that President Bush chased away was the one that emerged from the shadows of the Vietnam war. This ghost reminded us with deadpan regularity that the commitment of U.S. troops to faraway places would be too difficult, too long, and too costly.

The ghost in this case, Mr. President, actually had a point, but he expressed it incorrectly. What he really meant to say was that we would lose in the absence of the will to win with a clearly defined objective.

And the history of our will to win did not just begin last summer as the first American forces arrived in Saudi Arabia. Rather, it started about one decade ago when we heard a voice warning that America had unjustly deprived itself of the technology and the means to defend our allies and secure a lasting peace. That voice belonged to a man named Ronald Reagan.

Today, Mr. President, this voice is that of George Bush, who firmly told us that aggression "would not stand." It is that of Gen. Colin Powell, who, armed with his doctrine of invincible force, calmly told us that the U.N. coalition would "cut off and kill" the lethal power of Saddam Hussein.

It is the voice of the medic who had enough helicopters to transport the war wounded to hospitals.

It is the voice, Mr. President, of the Air Force pilot who told us time and again of the missile that took out a nuclear weapons complex but left the suburban neighborhood right next to it undisturbed.

It is the voice of the fire control officers, protected in their high-technology tanks, who penetrated enemy lines and wound up with 60,000 prisoners instead of in body bags.

And it is the voice of the Navy and Marine forces, hovering off the coast of Kuwait, making Saddam look in one direction while we attacked him from another.

President Bush, then, with the legacy of Ronald Reagan, has taught us that great powers must shoulder equally great responsibilities, that these responsibilities are neither immoral nor unjustified, and that our military skill can be used not to conquer, but to preserve the integrity of small, defenseless nations.

The New World Order, then, has as much to do with our perception of ourselves as it does with the changing system of international relations.

And thanks to the President, that perception has invigorated America with a clearer sense of purpose.

Mr. SIMPSON. Mr. President, I now yield 5 minutes to the Senator from Alaska [Mr. MURKOWSKI].

The PRESIDENT pro tempore. The Senator from Alaska.

UNQUALIFIED SUCCESS IN THE PERSIAN GULF

Mr. MURKOWSKI. I thank the Chair and I thank the floor manager.

Mr. President, I wish you a good morning and I rise today to add my voice to those offering congratulations and thanks for our President on his unqualified success in the Persian Gulf. His resolve to end this crisis quickly, decisively, and without compromise has been borne out. Kuwait has been liberated, and our troops have already started to return home.

I think this is a great tribute to our leader. The President indeed is a very modest man. It is difficult for him, obviously, to recognize and accept the tremendous tribute that we have because he is a modest man. But he put the team together. As a leader he showed vision; he showed the ability to make decisions and to take extreme risks.

The President is not alone in deserving our praise. Secretary Cheney and Chairman Powell, along with General Schwarzkopf, staged the greatest military deployment witnessed in decades. Allowing our field commanders to determine the strategy and shape of our deployment is yet another testiment to the President's leadership throughout the crisis.

Saddam Hussein's battle-hardened, million-man army—formidable to any foe—surrendered by the thousands or retreated hastily from battle. Americans will likely never forget the scenes of Iraqi prisoners-of-war kissing the hands of their so-called captors, and chanting the name of President Bush while they clapped. As was repeated again and again by the United States military, we had no quarrel with the Iraqi's themselves, only with their leader's action against Kuwait. The lack of will for battle showed that these troops did not share the goals of Saddam Hussein either. Even the much talked about Republican Guards thought discretion was the better part of valor.

Some suggested that the sanctions should be given more time; they were simply a matter of timing. I think if we look back we will recognize the sanctions did what they were designed to do. They were designed specifically to cut off Saddam Hussein's supply of oil, and they were effective in that regard. They were designed to cut off his cash flow, the cash flow of about $60 million a day. So the inability to move 3 million barrels a day and not have a cash flow in reality meant the sanctions themselves were very effective.

But what they did not do, after 5½ months they did not cause the withdrawal of Saddam Hussein's forces from Iraq.

I venture to say, Mr. President, had we not taken the action which the majority of this body approved, clearly the sanctions themselves would have been threatened, the coalition would have been under great pressure and Saddam Hussein would have said, "I have stood up to the Congress of the United States, the President of the United States, and the United Nations."

Since the invasion of Kuwait last August, critics of President Bush have claimed that diplomacy was abandoned and negotiating was avoided as a peaceful means to end this war. Mr. President, there could not be a more hollow criticism. Within 24 hours of the invasion Secretary Baker and Ambassador Pickering had rounded up the support of our allies and the first U.N. resolution condemning Iraq's actions was passed.

In August the United States began its negotiations. All the nations of the world negotiated together, under the auspices of the United Nations, to determine what conditions Iraq would have to meet to restore the peace. The greatet multilateral diplomacy since the creation of the United Nations was conducted in order to resume stability in the gulf. Unlikely allies joined together in the coalition, and the coalition never split apart despite all predictions that it was doomed to fail.

Mr. President, the United Nations passed 12 resolutions making demands on Iraq between August and October. In the Iraqi desert last week, General Schwarzkopf accepted the Iraqi military's decision to abide by all 12 United Nations resolutions, in full and without condition.

ISRAEL'S CONTRIBUTION

Israel too deserves sincere praise. A part of the war despite the fact that they were not members of the coalition, innocent Israeli civilians were the victims of vicious Scud missile attacks. Desperately trying to break the coalition against him, Saddam Hussein claimed that the real reason he invaded Kuwait was to solve the Israeli-Palestinian conflict. Throughout all this, the Israeli Government exercised extreme restraint and refused to allow Saddam's cruel hoax validity. Indeed, during one of his early attempts at a qualified withdrawal, Hussein dropped the Palestinian cause completely and forever.

It is useful to reflect at this time back to 1981 when Israel launched a preemptive strike against Iraq's developing nuclear capability. Had Israel not taken this action, the coalition forces could have faced not only the threat of chemical and biological weapons, but a nuclear threat as well. Israel deserves our thanks for having the courage to take this bold action. It very well may have saved the lives of thousands of U.S. and allied service men and women.

I might add, Mr. President, that very shortly I intend to introduce a resolution which commends Israel for this preemptive strike back in 1981 and calling for the revocation of U.N. Resolution 487 which criticizes Israel for that attack. I hope my colleagues will join me on this resolution.

NEED FOR STRONG DEFENSE DEPARTMENT

General Schwarzkopf, in praising his troops, claimed that the military maneuvers conducted in the Persian Gulf were textbook cases and would be studied for generations. The performance our troops were able to give depended in a large part on the equipment and training they had to work with. We must all be thankful that some of our Democratic friends in the House did not carry the day when they decided to attack the Defense Department with random cutbacks and systems cancellations.

The U.S. military escaped this war with miraculously low casualties but only because a majority in Congress, consisting mostly of those supporting the President, rejected the irresponsible budget cuts that would have put our soldiers at great risk. The lucky aim of a single Scud missile was responsible for more than a quarter of all U.S. losses. Imagine the losses we would have suffered if we did not have the Patriot missile to protect ourselves, the coalition forces, and the innocent civilians in Israel.

While we all share in mourning the lives which were taken in this conflict, we also know that these young men and women did not die in vain. Our cause was just, and we must show our troops the support that many returning from Vietnam did not receive. Our debt of gratitude to these young heroes and their families can never be fully paid. But we can and must welcome back the returning troops with the brimming pride and glory which caused so many Americans to march in support of President Bush's policy, and to fly the flag from every front porch.

ALASKAN CONTRIBUTIONS

Mr. President, as the junior Senator from Alaska, I take this opportunity to honor the men and women from my State who bravely contributed to the effort in the gulf. Alaskans sent an Army CH-47 platoon from the 6th Light Infantry Division at Fort Wainwright, 40 heavy truck drivers from various units also stationed at Wainwright, as well as more than 20 individuals with special skills from throughout the State.

Alaskans also lost one of their own in the war. Sgt. David Q. Douthit, of the 134th Armored Detachment was killed in action during the last hours of the ground war. We can never fully express our gratitude to David and his family; his wife is expecting a baby momentarily. But I believe his good friend, James Rusk of Soldotna, AK, put it very well. James said of David, "He should be recognized as a hero. He gave the ultimate sacrifice to his country. I'm sure he fought hard."

There are numerous other Alaskans who served in the gulf or in support units stationed around the country and abroad who were deployed from their stations outside the State. I thank these units and individuals and wish them a speedy return home to their families. We are all anxious to welcome them home.

I yield the floor.

Mr. SIMPSON. Mr. President, I now yield 5 minutes to the Senator from Colorado [Mr. BROWN].

The PRESIDENT pro tempore. The Senator from Colorado [Mr. BROWN] is recognized for 5 minutes.

THE PERSIAN GULF BATTLEFIELD

Mr. BROWN. Mr. President, let me express my gratitude to the Senator from Wyoming for putting this special order together today and yielding the time.

Mr. President, the victory that all Americans achieved in the battlefield in the Persian Gulf is one this body, as well as every citizen of this Nation, can take great pride in. It is almost unparalleled in the history of mankind.

To find a comparable example one would have to look back to the Spanish-American War, when the American Navy annihilated the Spanish Navy with only a few injured. Perhaps even the battle of Agincourt in 1400 is one, if one must go back to find a comparable battle and victory. It was almost beyond belief of the imagination.

While the records are not complete, it appears that the losses may be 1,000 to 1 or even greater. There may be more than 1,000 Iraqis lost in the conflict for every American who lost his or her life in this effort. That is a result that is a great testimony to the leadership of this Nation and the preparedness of this Nation, as well as the motivation of the fine men and women who served our country.

When you look at the results on the battlefield you find that more than 100 Iraqi aircraft were lost in air-to-air combat and yet not one American aircraft was down in the process of air-to-air combat. We lost a few aircraft. They were primarily lost on bombing and low-level operations, but not in air-to-air combat. Not one loss, and more than 100 of the enemy fell.

The figures are not all in yet but it appears almost 4,000 Iraqi tanks were destroyed. Yet the reports we have thus far indicate not a single American tank was destroyed by enemy tank fire. There may be some losses because of other activity but not because of enemy tank fire; not one.

Those odds, those comparisons, say more than any speech could about the incredible capability, motivation, and preparedness our troops had in that field of operation.

I believe we not only owe a great debt of gratitude to the men and women and leadership, but I also think it is appropriate for us to note what this war has done to the American psyche. We hold deep reverence and thankfulness to the brave men and women who served there, but also this combat has removed a scar from the American heart.

Our experience as a nation in Vietnam, I believe brought on by the lack of adequate political leadership, the blame for that conflict was put on the men and women who served us in that Vietnam conflict. They do not deserve that blame, but they shared it and they received it nonetheless. It has left a scar on this Nation because brave men and women who served us before in combat were blamed for losses which were not theirs. I believe what happened in the Persian Gulf has removed that scar and brought new light to this whole question.

There were not many movies ever made that were sympathetic to the men and women who served America in Vietnam. One, though, did and had a closing line I think worth noting. The colonel turned to the hero of that movie and asked, "John, what is it you want?" John looked him in the eye and he said, "Colonel, I want what every man and woman who served this country in Vietnam wants; I want this country to love us as much as we love our country."

I believe today the American people understand what John wanted and I believe today in spades they have shown their love and devotion to those men and women who served this Nation in combat. I think the scar that was left across this land with regard to Vietnam has finally been erased by another generation just as dedicated and just as motivated toward freedom.

Mr. President, I conclude my remarks with a new resolution. It is my hope other Members of this body will join me in this resolution. It calls for the maintaining of economic sanctions against Iraq until there is a full accounting for all missing in action and until all the POW's are returned, including the Kuwaitis who were taken from their land.

I hope other Members of the body will join me in this. I will be submitting it today.

I hope this day goes down as one of great joy for all Americans, both Democrats and Republicans, but particularly tribute to those men and women veterans to this combat. They set an example for us all.

I yield back the remainder of our time, Mr. President.

Mr. SIMPSON. Mr. President, I yield 5 minutes to the Senator from Idaho [Mr. CRAIG].

The PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG] is recognized for 5 minutes.

COVERAGE AND LEADERSHIP

Mr. CRAIG. I thank my colleague for yielding, Mr. President. I thank him for taking out this time today to discuss this most important issue and event in our country's history.

I will be brief today, Mr. President, because the actions of our President and America's young men and women in uniform speak so much more eloquently and will be longer remembered than anything I might say here today.

But I think it is important that we draw attention to what this country and the allied forces that worked with it have just accomplished.

Saddam Hussein has been defeated and, now, people of that region and the world can live free of the fear created by that tyrant and his war machine.

You know, it is difficult to describe how proud I felt last night when our President—now perhaps the most popular in history—received the praise and credit he deserves for an accomplishment of major importance.

With extreme foresight, a steady hand, and the courage of his convictions, George Bush has led this Nation through dangerous times and allowed Saddam Hussein to assume his true identity—one of history's biggest losers.

This accomplishment may appear easy in retrospect because of the short duration of the war. But that simply is not the case. Our young men and women in the gulf have defeated the world's fourth largest military in record time. And they deserve to be proud.

And some of them—thank God, only a few—paid the extreme price. Sgt. Nels Andrew Moller, of Paul, ID, was one of these few, brave young soldiers, and we join his family in their grief, and in their pride.

True acts of statesmanship—and this was certainly one of them—are always difficult, and that is probably why there are few statesmen in our Nation's history.

George Bush will probably go down in history as one of America's more important Presidents and he has now become a prime mover in world affairs for this Nation.

But not only has our President led the world in a decisive moral and military victory over Saddam Hussein—he has ushered in a new birth of world freedom:

Freedom from tyranny for the abused people of Kuwait;

Freedom from fear for much of the world community; and

Freedom in this Nation from the defeatism and malaise that has characterized much of our foreign policy thinking since the 1960's.

Today, in a region of the world where little over a decade ago Americans were held hostage by another Middle Eastern madman, America is now the leader and chief liberator.

We are now talking about a lasting and real peace in that region, and this all did not happen by accident.

After a decade of rebuilding our defenses, America is riding high and, in the words of another President whose leadership helped make this possible—Ronald Reagan—"You ain't seen nothin' yet!"

I am proud and happy to have played a small role in America's rebirth during the decade of the 1980's. And I am also very proud to have made that important vote to give our President the support he needed to pursue Desert Storm.

There were plenty of reasons offered by the liberals in Congress why we could not possibly prevail—and that we would be defeated or at least fail to some degree.

But George Bush saw through the defeatism. It was not a decision anyone took lightly. But it was a decision that had to be made.

Americans have never been warlike. We are not expansionistic—we have continually stood for freedom, justice, and peace.

In the end, it is the job of the Commander in Chief to make war—Congress only declares it. So one of our biggest contributions as Members of Congress was to give our troops and their leader the support they needed to move forward.

It was not just an easy decision. It did not come lightly.

But it was a necessary and an important one. Whether we are people of great foresight or whether we merely judge from the hindsight that actions provide us, what is always important to recognize is the responsibility at hand and the way our Founding Fathers set forth this Government, that we do in fact have a Commander in Chief, and that that Commander in Chief is, for very important reasons, a civilian. And given the authority that we can give him, he must act in responsible and prudent way. I think history will say that this Commander in Chief did that, and that this Congress stood by him in an hour of national and international need.

Today, now more than ever, America is perceived as a world leader. We must assume this mantle, and I urge those who did not support the President during that critical vote to think and think again.

What has emerged as the official explanation for those who did not stand with the President when he needed them most goes seems to go as follows:

"We, too, would have fought a war. But we had more patience and would have waited longer."

What do they mean by patience?

Patience while our troops sat exposed to attack in the gulf?

Patience while a nation and its people were being ransacked and tortured?

Patience while a tyrant ignored sanctions and continued to fortify his position?

Patience to give Saddam Hussein time to move his dreaded chemical and biological weapons from their storage spaces north of the Euphrates River and bring them to bear on our troops and the citizens of Saudi Arabia and Israel?

Sanctions affect people, not armies. Sanctions alone could have lost the war, causing more casualties and suffering for everyone.

Whatever the intent, sometimes waiting is not the answer.

The United Nations and most of the world had already made up their minds. Why did Congress waver?

I would never question the patriotism or the intentions of a fellow legislator. But intentions are not enough. What this Nation needs is courage and leadership—the kind offered by our President, Dick Cheney, Colin Powell, and General Schwarzkopf.

As a result of their foresight and steadfast purpose, the world is today a much better place than it was before.

Perhaps there are some lessons to be learned.

I once again thank my leader for providing this time.

Mr. SIMPSON. Mr. President, I yield 5 minutes to the Senator from Mississippi [Mr. COCHRAN].

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. COCHRAN] has been allocated 5 minutes, and he is so recognized.

THE VOTE ON THE WAR IN THE PERSIAN GULF

Mr. COCHRAN. Mr. President I thank the distinguished Senator from Wyoming for yielding me this time.

This morning, the discussion has centered primarily on the success of the Persian Gulf war, and some of the debate that has surrounded that event, both preceding the vote to authorize the use of military force and following it, in terms of whether or not there ought to be a degree of accountability for having cast a vote one way or another.

In that connection, I was asked by one of the news reporters who covers the proceedings here in the Senate for one of the newspapers in the mid-South what my reaction was to the remarks of my good friend and distinguished colleague, Senator GORE, yesterday on the floor of the Senate on that subject.

I had not heard the remarks, so I asked for some time to read his speech, and I read most of it this morning.

Again, it centers on whether or not there ought to be some political benefit one way or another as a result of the vote on authorizing the President to use force in the gulf. In it, there is a comment about some Republican operatives manipulating the vote, which the Senator described as a vote of conscience, for partisan political gain.

Well, I did not know that there was anybody manipulating the vote. I certainly would not approve of manipulating any vote for any purpose. But I think it is very clear that those who were trying to say that the vote was not important in a political context were wrong, and I think that those who argue that are suggesting that the American people just ought to forget about it, forget about the vote, and that is wrong, too.

But these are decisions not for us to make, Mr. President. I think that is the point I would make this morning. We can talk about it here and debate it, but really the decision rests with the American public. The people in the country will decide whether it is a vote that ought to be of such significance that someone should be held accountable in terms of whether they are sanctioned, whether they are reelected, whether they are chastised, or whether they just get a letter from a friend or a constituent expressing disagreement. We all know that there are differences in reactions among different members of the public.

I can remember as a new Member of the House one of the first big, high-profile, very serious looking votes that I saw coming along was a vote on whether to impeach President Nixon. I was in my first term in the other body. And I thought that, since President Nixon was so popular, very popular, in my State at that time, if I voted to impeach him, I probably would not be reelected. But I came to a decision—and I recall the feelings and the seriousness that I brought to that process—that I was about to cast a vote that really could end my political career just as it was beginning. But I decided to cast a vote based on what I thought was right under the facts and circumstances, whether I was reelected or not. And I am sure Senators came to this vote the other day with the same kind of approach, that to them it was the most serious, for many, vote they had ever cast, in political terms.

So what we say now does not change that. I think the political facts are not going to be influenced by what some party operatives may do or say. These are things that are going to be decided by American citizens, based on their notions of fairness and right and wrong and the kind of leadership they want to have in this country. These are personal decisions that voters will make. so I leave it to their good judgment, Mr. President, as to the weight to be given to these votes in reelection contests and in terms of the support that elected representatives are given by their constituents.

I think we do need to go beyond the political context, to try to determine what we should now do as an institution of Government to build upon the opportunity that has been created for our country by the success of the Persian Gulf war. I challenge the Senate to put partisanship aside as we approach the issues of creating an arms control regime in the Persian Gulf; looking at how we are going to keep another Saddam Hussein from emerging in that region to threaten neighbors, to kill innocent citizens.

As the debate begins within the Coordinating Committee for Multilateral Export Controls meeting in Paris on modifying the list of technologies and goods and systems that can be sold in the international marketplace, the question arises whether or not we should consider expanding it to include the Middle East region. Maybe we should try to enlist our friends and allies around the world in developing a new agreement with new enforcement provisions that would prevent the sale of goods that could be used to develop nuclear weapons, chemical weapons, or delivery systems that would threaten neighboring countries so those goods could not come into the hands of another, or a new, Saddam Hussein. I hope that is the kind of lesson we can learn here in the Senate, so we can focus our energies now on building on those successes and helping to ensure a more stable and secure world and region.

Mr. SIMPSON. Mr. President, I yield 3 minutes to the Senator from Idaho [Mr. SYMMS].

The PRESIDENT pro tempore. The Senator from Idaho [Mr. SYMMS] is recognized for 3 minutes.

THE PERSIAN GULF

Mr. SYMMS. I thank the Republican whip for yielding me 3 minutes. I know we are very short of time, there are so many Senators who wish to speak on this issue.

Mr. President, this last week I happened to see one of my colleagues in the other body from my State being quite critical of this Senator for what he considered to be my view of what happened and where we were and what would have happened. He said I probably would not have said those things on the Senate floor. But I believe they were said in the debate on the floor, in the debate before we started Operation Desert Storm, when the President was trying to get our support.

When I think back on it, I want to say again I thank all those Members in the majority who did give their support to the President after he had the whole world behind his effort. I made the comment on the floor, I think then and I will say it again now, it appears that the President was able to negotiate with everyone in the world except for the Speaker of the House, the majority leader of the Senate, and Saddam Hussein. Thank heavens there was enough bipartisan support that he got the vote so the Congress of the United States did not put itself on record to the left of the United Nations.

If we look at what would have happened had we not moved when Desert Storm started and think of the terrible scenario we would have been in, with Israel dragged into the conflict, the possibility of the Arab States that were part of the coalition dropping out of it, we would have had a calamity that in 3 to 5 years there could have been millions of people killed in that area, had Israel and Iraq gone into a full-scale war and used the weapons of mass destruction that were available to both countries.

So, America, thank God, did not have to face that. We have seen the event that happened last night, to have the Congress united behind the President, giving thanks to the troops that served so well in the field, to the leadership of the President, the leadership of the chairman of the JCS, the leadership of the Secretary of Defense, and others who have served this country so ably.

Of course, I have to think it did not come without a price. I will be asked Saturday to speak at a funeral service in Idaho to a family who have been very good friends of mine for the last 30 years because young Nels Andrew Moller gave the last full measure of his devotion when the 2d Armored Cavalry were in their barracks during that 100-hour battle.

Mr. President, today America stands tall and strong.

We have met our challenges and defeated Saddam Hussein. We have conquered aggression to promote peace and freedom. And, we have liberated a nation shackled to the confines of tyranny and despotism. Within the 100 hours of Operation Desert Storm, the Middle East has overcome a significant obstacle in securing a more just and lasting peace.

In his excellent speech last night, the President outlined the successes of our battles. But I want to reemphasize the importance the men and women serving in the gulf, the sophisticated weaponry, and the overwhelming support of Americans for our President and his policies played in this victory.

The standing ovations Congress gave to our men and women in the military was but a small gesture of our appreciation. America owes a debt of gratitude to the military leadership of Secretary Cheney, General Powell and General Schwarzkopf as well. These individuals—the privates, sergeants, captains and majors, all the way up to the generals and Secretary of Defense—planned and executed a mission with brilliance and skill.

Mr. President, our actions—our victory—can be assessed in different ways. We all agree that our fighting force is second to none, that our men and women in military uniform are the best trained, equipped and highly motivated force this world has ever known.

But to me it comes down to one very simple point: leadership.

Leadership starts at the top. Leadership can determine—despite the odds—the outcome of any event, whether in war or politics.

Our victory in the sands of Kuwait and Iraq is an example of outstanding leadership. President Bush clearly and concisely defined the issues, laid out the objectives, and set forth our actions to achieve success.

The same quality of leadership is proven in our military in Secretary Cheney and Generals Powell and Schwarzkopf.

Today we stand at a crossroad similar to our vote to use force—to back our President and our military. President Bush has proven his leadership in returning Kuwait to the Kuwaiti people. Through President Bush, Kuwait's future is much brighter than it was several months ago. Now, as our service men and women return to America victorious, we must choose whether we will support him in securing and strengthening America's future. The choice is ours to make.

I spoke earlier of our sophisiticated weaponry. The money and time we, as a nation, have invested in stealth fighters and smart weapons, we must invest—now more than ever—in a single and very simple policy. Through the Patriot missile system, we have proven the ability to defend against ballistic missiles. The technology is available and the policy is sound. Though the Patriot is a limited defense system, through invigorated research and development, we can deploy a system to protect not just a city, but an entire nation—our Nation. Today, the citizens of Israel and Saudi Arabia are thankful for our Patriot system. I hope that in the days ahead American's will be thankful we invested in our own protection. While I pray the day will never come in which we must defend our cities and States against such an attack, can we be so blind as not to recognize the need for such?

President Bush is requesting we allocate more resources to the Strategic Defense Initiative Organization. Once again, we must choose whether or not we back our leadership. I believe it is imperative we support the policy. Let us ensure our future from a potential missile attack just as we were ensured the future of thousands in Israel and Saudi Arabia.

Mr. President, last night President Bush talked of "the march we've all been waiting for." Of course, he was referring to our troops victorious arrival home.

As many of you know, in January I organized Operation Homefront. This is a grassroots organization to support our troops and their families here at home and to plan the "welcome home" events upon their return home.

The Senate has passed unanimously a resolution supporting Operation Homefront, and I thank all of you for your support. I was also pleased to learn an identical bill has been introduced by Congressman ROD CHANDLER in the House, and may soon be considered by that body.

Though started in Idaho, Operation Homefront has become a national effort. My friends, Senators DOLE, BURNS, and LOTT, have been enthusiastic and early supporters of Operation Homefront. Through their efforts, and with the help of energetic and patriotic volunteers, task forces have been organized in their States, and I am aware of Operation Homefront activities are taking place in numerous States including Virginia and Texas.

On Tuesday individuals and organizations of all kinds will meet in my office to plan a national homecoming and hero's welcome for our courageous service men and women to take place here in Washington. I will continue to report to the Senate of our actions.

President Bush speaks of a thousand "Points of Light." I would say to my colleagues Operation Homefront is a perfect example. Just as it is the individual volunteers who make up our tremendous military force, it is the individual volunteers here at home who are the measure and proof of our place as the greatest Nation on the Earth.

Our brave troops' arrival home is eagerly awaited, by their mothers, fathers, wives, husbands, and children. Let us show all of them the gratitude and appreciation that only we, as proud Americans, can truly give.

Mr. President, as I painted this scenario of what might have happened, that was bad. Now I think we should look to what might happen that could be good for the region.

It is my opinion that because of the strong leadership of President George Bush this country now has the credibility in the arena of world affairs to truly exert some positive influence in that region of the world. I will predict that in view of the President's statement last night and the rousing support that he appears to have from the American people, that he will be able to be successful through his diplomatic corps and through the Arab States in the gulf region. I would hope that we will see within a very short period of time, that we will see Kuwait, Saudi Arabia, the other gulf states, hopefully Syria, will recognize Israel's right to exist.

Once that step is made, then I think it will just be a matter of time until arrangements will be made and worked out so that the Palestinian question can be settled. That will set the stage for peace and stability in that region for many years to come.

I think the American people need to be constantly reminded that when we Americans stand together and focus our attention on a position like this, we can in fact be successful. If one harkens back to 25 years ago during the last major conflict in which the United States was engaged, where there was so much indecision at home and indecision in the White House over how we should carry out the conduct of the affairs of this Nation, we never reached a resolute ending, never reached any kind of conclusion, and it was on again off again, on again off again.

I saw Adm. Ulysses S. Grant Sharp interviewed on television the day after General Schwarzkopf had given his briefing on what had happened with the 100-hour ground war of Desert Storm and Ulysses S. Grant Sharp made the comment how he wished when he was commander of OFM Pac in the early sixties, 1966, 1967, he would have had the resolute support of the American public that General Schwarzkopf enjoyed.

He made the observation that, oh, how he has looked back at that moment and thought if we would have had the ability in 1966 to stand together he could have given a briefing very similar to the briefing General Schwarzkopf gave in 1991.

Now, it may not have worked out quite that way, but it is another time, another era, another part of the world, and a different set of circumstances, I realize. But I hope that this country and this Congress can learn from this experience and that we can accept the challenge that the Commander in Chief gave us last night, to take some of these issues that are very difficult, very knotty for us to handle in the Congress and try to untie those knots, reach some agreements, get on with our business, get this economy moving, and follow the course of action that our President by his example set down as leader.

I have always said that leadership starts at the top. Our leader has demonstrated that he is just that, a leader. And now if we get on with the business of the affairs of state here at home, I think we could do our work and hopefully do it in 100 days and adjourn this Congress and go back home to the people we represent.

I yield the floor. I thank the indulgence of the Chair.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I might proceed for 4 minutes as if in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Wyoming [Mr. SIMPSON] is recognized for 4 minutes.

Mr. SIMPSON. I thank my colleagues for this opportunity to speak during this special order and particularly thank Senator DON NICKLES for his assistance. I thank our President for his inspirational remarks last night. I thank all of those who participated in such extraordinary and brilliant ways—that was the phrase used last night by a Member of the Democrat Party. I think that is very apt.

That was a tough evening for the President. It may have seemed to some that he sought that type of adulation. I can assure you, he is not that kind of man. This was not an ego-driven activity of our President. In fact, I think it was a little embarrassing for him at times, to receive all of that adulation. I think we could all sense that.

He is surely a special man, a man of extraordinarily loyalty, kindness, and goodness. When he reflected last night, with some feeling, about the unforgettable scene of the Iraqi soldiers surrendering to our forces, he said, "It says a lot about America. It says a lot about who we are. Americans are a caring people. We are a good people, a generous people. Let us always be caring and good and generous in all that we do." Indeed, that is so.

Let me here also pay tribute to one fallen GI from my State, Sp4c. Manuel Davila, of Gillette, WY, of the 2d Armored Division. That was my old outfit—"Hell on Wheels." Specialist Davila gave the full measure of devotion to his country, and his services will be held soon in my native State. God bless his supreme sacrifice on behalf of a proud and thankful state and nation, and our deepest condolence to his family.

It will be quite a July 4. And we will have quite a celebration, as the President said last night. It is my hope, too, that as those in the armed services return, and move down the streets in the communities and towns and cities of the United States, that from the sidelines along the parade route there will come to join them, hand in hand, the Vietnam veterans from out of the crowd. I hope these Vietnam veterans and veterans of all our wars will walk side by side with the Persian Gulf troops so we may pay them all the proper tribute they have so well deserved and which is so long overdue.

Mr. President, all of us in Congress today are extremely proud of our combat troops in the Persian Gulf and the support forces in Europe and at home. We in the United States are so very fortunate to have such a professional Army, Navy, Marines, Air Force, and Coast Guard—an All-Volunteer Force of some very dedicated people who have done their duty in such in exemplary manner. We are all so very fortunate that military personnel have functioned so efficiently and with the unqualified and caring support of their families and the American people.

I am also extremely proud of the U.S. command structure—from President George Bush, Gen. Colin Powell, my old and dear friend from Wyoming, Secretary of Defense Dick Cheney, the courageous Gen. Norman Schwarzkopf, Secretary Jim Baker, the steady Brent Scowcroft—on down through the ranks. All of these men have demonstrated a great measure of competence, confidence and brilliance as they have planned and carried out the critically important military operations in the Persian Gulf. Their performance has exceeded all expectations and their steady hands have reassured us during these past months of crisis.

The extraordinary military planning and maneuvering has resulted in a relatively low number of U.S. casualties—while any human loss or injury is sorrowful—but we went to the gulf so that the coalition forces could accomplish all of our stated objectives. They did. The result of this extremely intelligent and savvy leadership is not only the removal of some barbaric Iraqi troops from Kuwait, but also an opportunity to construct a new and more stable Middle East.

I find it most interesting that prior to the beginning of Operation Desert Storm there were a number of Senators who expressed their lack of faith in George Bush and his advisers by arguing against any military action to free Kuwait. Some in this Chamber wanted to keep United States troops out of the gulf "no matter what the purpose of their deployment."

While others wanted to perpetuate sanctions for a year or more in the sad and mistaken belief that sanctions alone would cause Iraq to leave Kuwait. The advocates of that strategy would have given Saddam ever greater opportunities to develop nuclear weapons of destruction, which I do not believe he would have ever hesitated to use, given the chance.

Today, we should celebrate the end of the defeatist attitude which has permeated this country since Vietnam. I sat on this floor and listened to the stirring debate on whether to authorize force. Speaker after speaker—most from the other side of the aisle talked of the dramatic Government orders for body bags. It was as if that was part of their generic talking points for the speeches. I found such rhetoric to be exaggerated, distasteful, and defeatist—intended only to incite fear and loathing. Can you imagine how parents, spouses, or children of our brave men and women deployed to the gulf must have felt when their representatives in Congress spoke such defeatist language during the debate? I pray that once and for all that type of attitude is part of our past in America. Long past.

I trust we have seen the end of the nagging naysayers, hand-wringers, and detractors who have usually only been interested in relegating America to some secondary position in the world because of a lack of their own confidence in the potential of the American people and in the leadership of this country.

Some of the folks who stood up and declared that taking decisive action was only gambling with our future and that engaging in military action would only spell defeat for America are now rushing—head over heels—to get into line in order to state that they supported the President and our troops unequivocally, and want to hail them to the high heavens.

The readiness, skill, and superior technology demonstrated by our troops were a result of intelligent defense policy strongly advocated by past Republican administrations. President Ronald Reagan deserves a tremendous share of the credit here. He held tough with head high. He stood tall, particularly in the face of strong Democratic opposition from the other body—and Republicans have always historically stood firmly for a strong national defense.

We are all so well aware that peace and stability have been most elusive in the Middle East in this century. Because of President Bush's Extraordinary leadership we now have another window of opportunity to pursue these goals in a spirited and vigorous fashion. I look forward to the military cooperation we have witnessed being followed up by similar cooperation in the pursuit of a more stable order in the Middle East and the final resolution of conflicts that have simmered on in the world for so long.

I do believe the United Nations has been richly strengthened by the participation of its members in the efforts to halt and reverse the illegal and immoral aggression in Kuwait. Of course our United States took a leading role in forging a consensus and a coalition that could act decisively to lead to the liberation of Kuwait. President Bush and Secretary Baker deserve so much of the credit for the role they played in working closely through the United Nations to forge such a strong and lasting alliance. It is vitally important that those who would contemplate unlawful aggression or acts of provocation in the future understand that a united world community simply will not tolerate such barbarism and destructive actions.

The American people also deserve such a great deal of credit for their role in this great action. Never have I seen such solid support for U.S. troops. The many acts of support ranged from schoolchildren sending valentines and cookies to our troops, to businesses providing goods and services to our men and women in uniform, contributions to the USO, and the thoughtful and loving support of those family members left behind. We will all remember the beautiful signals of this support—the standing ovations our President received last night, the many flags flying, and the yellow ribbons which were all constant reminders of those Americans serving overseas. This country has been totally unified in heart and in mind and in spirit. It has been a most gratifying experience to observe it and to be a part of it. President Bush summed it up best when he noted that this is a time for Americans to feel "fiercely proud"—and boy we do.

To George Bush, our fine President: God bless you, sir, for putting an end to the attitude of negativism and defeatism in this country. You are a very good and caring and loving and loyal man.

Mr. President, I thank the President pro tempore of the Senate for his extraordinary courtesies to us this morning. His accommodation is very important to us.

Obviously, there will be things we feel must be said about this operation just as there will be things that must be said by those on the other side of the aisle. That is the essence of this place. No one knows the essence or spirit of this place more than the occupant of the chair. There is no one in the United States of America who knows the Senate and the way it works its will better than the occupant of the chair. I believe if we went back through the record of the President pro tempore's tenure in this body, the phrase "letting the Senate work its will" would have probably, in my mind in my 12 years of observance, been the phrase most frequently uttered by the occupant of the chair. We thank him for that.

Let me flesh out my earlier remarks in a moment more of debate.

There was something that came up constantly during the course of the war that was rather startling to me. It was the phrase issued by some, not in this body, that there was really "no difference" between the censorship of the news media in Baghdad and the censorship of the pool reporters in Saudi Arabia. That is a statement which, I must say, nearly drained the blood out of my toes. There was obviously a tremendous difference. The difference is very clear and so simple that it hardly merits discussion.

The sole and singular purpose of our activities in shielding our Desert Storm forces was only to protect their lives and to save them from injury and harm's way. No other purpose. That was the sole purpose. Did it work? We leave that to history's records. It worked; a 6 weeks' war and 105 casualties—that is how it worked.

On the other side, the sole purpose of the Butcher of Baghdad, as he has been referred to, was to inflame the Arab world. It worked quite well for a time. This is the man who purposefully fired Scud missiles into residential areas; a man who turned the cocks and valves in the fields of Kuwait and who tried to ruin an entire marine ecosystem; that is who we speak of, a man who murdered in hideous ways the people of Kuwait—not just immediately after his attack on that country, but also even as Kuwait's liberation was imminent.

I ask people again to read the extraordinary chronicle of those hideous atrocities in the Amnesty International report. Is there a difference? What a question it is. Yes, indeed, there is. We ought to lay that old canard to rest as soon as possible, without any further debate on what was done, or whether it was censorship, and all the extraordinary posturing that went on with regard to trying to make that bizarre distinction—which fell flat every time it was presented.

Mr. President, I think that pretty well states my views on this issue, but let me now share with you and with my colleagues this quote of John Stuart Mill, founder of the utilitarian movement. It is about war. I thought about it in connection with the early protests against this war. Again, I am not speaking of those Senators opposed to the resolution authorizing force. I am speaking of those people who in good conscience, at least in those early days, protested this war. Most of it was extraordinarily appropriate; some was not. But that is America. That is what makes us unique. But here is his quote:

> War is an ugly thing, but not the ugliest of things: the decayed and degraded state of moral and patriotic feeling which thinks nothing is worth a war, is worse. When a people are used as mere human instruments for firing cannon or thrusting bayonets, in the service of and for the selfish purposes of a master, such war degrades a people. A war to protect other human beings against tyrannical injustice; a war to give victory to their own ideas of right and good, and which is their own war, carried on for an honest purpose by their free choice, is often the means of their regeneration. A man who has nothing which he is willing to fight for, nothing which he cares more about than he does about his personal safety, is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself. As long as justice and injustice have not terminated their ever-renewing fight for ascendancy in the affairs of mankind, human beings must be willing, when need is, to do battle for the one against the other.

I think John Stuart Mill's quote is one of the most accurate assessments of war and peace and protest.

I thank again the occupant of the chair, the President pro tempore, for his courtesies.

The PRESIDENT pro tempore. The remainder of the period for morning business is under the control of the majority leader or his designee.

The Senator from Nebraska [Mr. KERREY] is recognized.

Mr. DOMENICI addressed the Chair.

The PRESIDENT pro tempore. The time of the minority has expired. Without objection, the time of the minority is extended for an additional 5 minutes. The Senator from New Mexico is recognized.

A PROUD AMERICA

Mr. DOMENICI. Thank you very much, Mr. President.

Mr. President, let me first say to my colleagues that while it seems like only a few years, in January I began my 19th year in the Senate. I have been to some very special joint sessions, but I must say that never have I been to a joint session that was as thrilling as last night's. In fact, I talked afterward with Secretary of State Baker and I garnered from him the notion that joint sessions just do not get any better, and I think that is right.

Why? I think it was such a magnificent event for this Senator because I personally was filled with confidence about our country.

Earlier, from time to time, I have been besieged by people who are worried about America and America's problems, and I begin to wonder if it is the great country that I feel so strongly about. It is a night like last night—and an event in our history like Desert Storm—that revitalizes the energies of those who love this great land. Those people know what a magnificent leader the United States has been since she has been around in this world.

There are a lot of things that have happened that we must be thankful for: Leadership. This country has always, when things were really tough, found leadership. Even though our great President is not comfortable with these kinds of compliments—he would rather say, "It was my job."—I must say, he stood tall last night. In fact, considering the events that just happened and the events that are ahead of us, as we lead a troubled world into what, indeed, may be an era of peace, President Bush may end up with a reputation in history that is as good as his reputation today, and that is among the best.

OUR MILITARY MAKES US PROUD

Having said that, I think we owe a debt of gratitude to our all-volunteer military, to Congress and the American people who funded the military adequately with modern equipment, technology, and training. It all showed up in Desert Storm.

We clearly owe a debt to their military leaders who are probably the best we have ever had. They were the best we ever had because they are committed, dedicated, and intelligent. They learned from some experiences that were not so good for us in Vietnam. Their big commitment was to not let Americans die. We see what happened when we gave them the reins. Every single American who died was too many, but the military leaders saw to it that there were very few.

Mr. President, I watched all those air sorties on television, and I wondered why they did not have accidents. More Americans ran into each other on the highways than these airplanes landing out in the desert and in the ocean. Very few did anything other than do it right. That came from practice, practice, practice, and the kind of resources we gave them.

So all of that makes me proud to be a Senator whose parents were born in a foreign country and privileged to be born myself in New Mexico. I have always known that our country was a caring country. But when the President talked about our soldiers and their caring attitudes, and then talked about America and Kuwait, it almost brought tears. We went over there to take care of a problem with a little tiny country. We do not ask them for anything. We did our job.

HELPING KUWAIT HELPED AMERICA

While I am at it, might I say we did not ask Kuwait for anything, but how good it makes Americans feel that the Kuwaitis are being good to us. We have helped countries and they forget about us. The little country of Kuwait is going to buy automobiles from our manufacturers, is going to have our contractors work on rebuilding. They are not bashful about saying because it is because we were good to them.

I think there will be a kinship of very, very interesting proportions. In fact, it may last a long time between that little country and our big country. As a matter of fact, that little country may be the catalyst for bringing peace to the Middle East. Is that not interesting? They called the PLO for what they are. Kuwait said, let us get on with peace; it seems to be talking about working with Israel. So from a little country that a big country risked much to help, there might come very, very large positive things for America and for the world.

I want to say to my fellow Senators and New Mexicans, something else came out of that war and it is this: America can do things. Some people still sit around and talk about what we have not done or what we cannot do. I am very, very hopeful that, again, a little part of America, our military through a victory in the Middle East, might teach us that we can do whatever we set our heads to do.

Mr. President, I yield the floor. I thank the Chair.

The PRESIDENT pro tempore. Without objection, the time of the minority is extended for an additional 5 minutes.

Mr. KERREY. Mr. President, I ask unanimous consent that I be given 10 minutes of the majority leader's time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRIDE IN VICTORY

Mr. KERREY. Mr. President, I listened with great interest to the last statement of the distinguished Senator from Wyoming citing the need and the time to rise against injustice and indeed the time to rise against injustice with sacrifice of one's own life, if necessary, to combat.

The tide, it seems to me, has risen of late. It has carried the President along with it. The feeling I have personally reminds me of a story once told me by a friend of mine, Gary Parrott. His dog, Walrus, had a similar experience to the one that I am having right now.

Gary, who lives on the salt marsh of Hood Canal near Seattle, gave Walrus the command "stay" and set off to chase a drifting boat cut loose by a heavy wind. When he returned an hour later, he could only see Walrus' nose sucking air frantically above the flowing water of the Puget Sound. Walrus had stayed put as the tide rose around him, too.

Although I sincerely believe historians will view America's smashing militray victory much differently than it is currently, I live in the here and now. And here and now I can feel the gnashing maws of GRAMM and GINGRICH chomping on me for having voted on the losing side. I feel like a member of the Cratchett family at Christmas; I am on the outside of a very big party, the mother of all parties as one American soldier predicted.

I made the case for an alternative strategy of military containment and economic sanctions. Not only did I fail to persuade a majority of the Congress, I did not persuade a majority of Nebraskans. And though I take some pride that President Bush stopped justifying our response to aggression in economic terms, assisting our arrival at higher moral ground is not altogether satisfying.

Let me make it clear that I believe victory goes to President Bush, the man who was in charge of this operation from day one of Iraq's invasion of Kuwait. All speculation about what might have been is quibbling. I simply will not be reduced to being a tired old grumbler crying into a beer which only I will drink.

While I can never wear the boastful button of my Republican colleagues that proclaims "I voted with the President" and am thus doomed to the ignominy of the sidelines, my nature will not allow me to be overwhelmed with self doubt. Instead, I choose to participate in the prideful sense that America has just done something good even if I am not invited by the Republican National Committee to do so.

We stopped aggression. We rose up against the outrage of human rights abuse. If we follow through as the President has suggested, we could contribute to a more stable and peaceful Middle East.

General Schwarzkopf is my hero, too. He made me proud to be an American even as I pray we guard against an arrogant application of our newly demonstrated power.

It felt good to be a part of an alliance of Arab and Western Nations joined against a terrible enemy: Saddam Hussein. I am grateful for the low number of allied casualties and deeply impressed with our military's training and technological success.

The coolness of Secretary of Defense Cheney and Gen. Colin Powell impressed me deeply as well. They restored much confidence lost in years past.

Finally, the victory celebration at last night's joint session of Congress was a richly deserved congratulations to President Bush, America's Commander in Chief. The burden of sending men and women into combat assumed by him these past 7 months can for the moment at least be laid down. I applaud his resolve, respect his conviction, and give him full credit for the success of Desert Storm.

Most moving to me was the moment last night when President Bush himself was filled with emotion as he described a scene of four Iraqi soldiers surrendering to an American soldier. The President saw American compassion, raw and unchecked by the need to look tough. This brave willingness to sacrifice self for a stranger is still a powerful, largely untapped American desire.

The smashing 42-day victory has caused those who have worried about the ghosts of Vietnam to declare that we have exorcised this demon as well. These observers of the American psyche who have been worrying about the Vietnam syndrome for the past 15 years hope we have slimed this evil spirit with the blast of Desert Storm.

In some ways I am certain that Desert Storm has accomplished this. I am certain the professional military, many of whom have lived with the memory of Vietnam for the past 15 years, feels vindicated. I am certain Americans feel a tremendous sense of accomplishment; our attitude toward the effectiveness and capability of our military forces has changed dramatically.

The comparison to Vietnam is natural. The size of the American force and the distance traveled to meet the enemy was eerily similar. The officers in charge were veterans of the Vietnam war and insisted that nonincrementalization—their lesson from the earlier war—be accepted by the political leaders who defined the objective: Iraqi withdrawal from Kuwait.

The battle plan accomplished this objective in impressive fashion. In 40 days of air bombardment and 100 hours of a ground campaign American forces led an allied cause to a successful conclusion. General Schwarzkopf got the job done. We finished what we started. We did what we said we were going to do: Not allow the Iraqi invasion to stand.

The Vietnam camparison, while valid in some ways, misses the mark in others. Most importantly the Vietnam war was fought for the freedom of the Vietnamese people. Our concern for them derived from our knowledge of the terror of Communist dictatorship. Like

World War II we were not just fighting an army we were fighting the idea of repression, tyranny, and abuse of human rights.

Desert Storm will not have achieved a very lasting peace nor will we have made certain the high moral purpose is maintained if we do not follow this battle with political and diplomatic efforts on behalf of individual freedom and liberty and justice for the people of Iraq and Kuwait. If all we do is make certain we get our fair share of construction contracts, a low price for Arab oil, and new markets for weapons sales, the sweet taste of victory could become as bitter as the defeat of Vietnam.

For me the syndrome of skepticism about the wisdom and efficacy of American intervention in the internal affairs of other nations had been fading rapidly long before this success. When the Berlin Wall came down and the people of Eastern Europe rushed to embrace freedom, I saw our patient cold war much differently than I had before. When the people of East Germany, Czechoslovakia, Hungary, Romania, and Bulgaria, rose up against the force of their military dictatorships, freedom suddenly took on new meaning for me.

When Nelson Mandela, Vaclav Havel, and Lech Walesa addressed joint sessions of Congress to thank Americans for their willingness to fight for their freedom, I knew I had been wrong to doubt the moral cause of Vietnam. And when I returned to Vietnam and Cambodia last year, I got a further reminder that freedom is not an abstract concept for those who are denied it.

Thus, as proud as I am of our victory and as moved as I am by America's willingness to send a military force to the Persian Gulf to turn back the aggression of Saddam Hussein, my attention is directed elsewhere. My attention is on the 280 million Soviet citizens who are struggling toward political and economic freedom. My attention is on the new democracies of Eastern Europe which are too fragile still for us to be confident of their permanence. My attention is on South Africa and the entire postcolonial continent where hope has still been frustrated and dashed by the cruel events of the past 20 years.

As a follower of the teachings of Jesus Christ I have been taught: "Peace is not simply the absence of conflict, but rather the presence of justice, reconciliation, fullness of life, health, and well being for all people."

My attention is upon the people of Central and South America whose economic and political troubles cannot be solved with operations like Desert Storm. And, my attention is on the people of Asia where a great victory—particularly for the people of China and Southeast Asia—still awaits us.

My attention is also here at home—in Nebraska and all of America—where the same selfless concern demonstrated by that American soldier to the hopelessness of defeat is needed if we are to help a growing number of Americans who are trapped by a life of poverty. Courage may be most difficult when I am asked to fight the selfishness of friends.

My hope is that the tide which carries President Bush's boat will carry America higher as well. My hope is for an America that will be more confident in facing other dangers. Desert Storm has taught us that we can do more than we had thought possible. Let us now come together to do those impossible things we see all around us.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. DASCHLE] is recognized as a manager designee.

Mr. DASCHLE. Mr. President, would you inform the Senate as to the time remaining?

The PRESIDENT pro tempore. There are 30 minutes.

Mr. DASCHLE. I yield 20 minutes to the Senator from Ohio [Mr. GLENN].

Mr. GLENN. Mr. President, before I make my own remarks, I associate myself with the remarks of the Senator from Nebraska. He speaks with authority on this subject, having been a victim himself of having gone into that cauldron of war in Vietnam and having received the very highest accolade the country can ever give in the form of the Congressional Medal of Honor.

The Senator from Nebraska does not mention that; he does not get up here on the floor and say "I won a Congressional Medal of Honor, so you better listen to me, because I know a little bit about what war is all about." But when somebody like the Senator from Nebraska gets up and speaks on this floor, he speaks from the heart and from experience; he knows what it is like to be in combat; he knows what it is like to lead troops in combat, and what it is like to see those fall beside him, and to have parts of his own body shot away. So when he speaks of how he feels and what the ending of the war means, he speaks with authority. The rest of us can listen.

I am proud to associate myself with his remarks.

ADDITIONAL BENEFITS FOR MILITARY PERSONNEL

Mr. GLENN. Mr. President, at the request of the majority leader, I chaired a task force over the past several weeks, a task force of Democratic Senators, to make recommendations on certain personnel benefits for our men and women in uniform who have done such a superlative job during the Persian Gulf conflict, and for their families.

On the other side of the aisle, my good friend from Arizona, Senator JOHN MCCAIN, chaired a similar group of Republican Senators to do the same thing. We have both concluded our work and reported to our respective leaders.

I believe the two task forces have generally similar packages. It is my hope that we can see the results in the form of law in the near future, so these things, some of which should have been taken up a long time ago, in part to correct inequities, can be addressed now that they have been brought to our attention by Desert Storm.

Mr. President, in Desert Shield/Desert Storm we have had the largest deployment of military personnel since the Vietnam war. Right now, we have about 541,000 people deployed in the Persian Gulf area of operation, and some of them are starting home today, even as I speak here on the Senate floor.

We also have had the largest callup of Reserve and National Guard personnel since the Korean war. Thus far, 225,000 Reserve and National Guard personnel have been activated in connection with the Persian Gulf conflict. So, we have called on our military in a very large way to carry out our national security objectives, including combat, not only to address our own concerns but also the security concerns of nations that have joined us from all around the world.

Mr. President, I salute our brave men and women in uniform for their sacrifices. I know that there has been considerable family turbulence and anxiety. Our troops were sent in with very little notice. Normal family life was disrupted. The uncertainty of whether or not there would be fighting, and how long the deployment would last, had to weigh heavily on our troops and their families. And when the fighting started, even more so.

In the flush of the overwhelming success of the military in the Persian Gulf conflict, I hope we do not forget these sacrifices, because they were real, and some paid in blood when the shooting started. Our troops are still there, and they are still exposed to danger even though the shooting has stopped. It obviously will take some time, but I earnestly hope that we can get them home as soon as possible.

I make these points because I believe we have a responsibility to keep faith with our military personnel and their families in providing for them. I am not talking about heaping benefit upon benefit upon them, but making sure we treat them as they deserve to be treated—fairly and compassionately.

It was on this basis that the task force that I chaired reviewed and made recommendations on the various Desert Storm benefits bills that have been introduced.

The proposals that we recommended for favorable consideration came from a great number of Senators, not just from one or two. They generally fall into the following four categories:

First, to update certain elements of military compensation, such as imminent danger pay, death gratuity pay, and the servicemen's group life insurance plan so that the values of these pays are adjusted to account for inflation and for other changes since the existing pay levels were established.

Next, to provide for the equitable treatment of activated reservists and National Guardsmen by ensuring that they receive the compensation and benefits available to active component personnel, such as medical special pays, GI bill benefits, and transition medical coverage.

Third, to provide financial assistance to family support and child care programs in areas significantly affected by the Persian Gulf military deployment and the activation of reservists and National Guardsmen.

And, last, to provide a safety net for military personnel who are released from active duty at the end of the Persian Gulf conflict, such as ensuring equitable unemployment compensation, and better access to veterans benefits.

Mr. President, I have not gone into the details of all of the proposals that we have recommended because it would take some time, but I do want to include a brief summary of the recommendations of the task force in the RECORD immediately following my remarks, and I ask unanimous consent that it be included.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. Mr. President, I want to make it clear that, in making its recommendations, the task force had no intention of superceding the jurisdictions of the appropriate committees over these proposals. By its recommendations, the task force intended to communicate to the appropriate committees its views for consideration. Obviously, the appropriate committees of jurisdiction consider all relevant information, and make decisions accordingly. For example, the Armed Services Committee marked up several bills under its jurisdiction on March 6, 1991, and reported favorably on the following:

S. 237, introduced by Senator NUNN and others, would increase the monthly rate of hostile fire or imminent danger pay for military personnel from $110 per month to $150 per month, retroactive to August 1, 1990. The CBO cost estimate for this proposal is $187 million for fiscal year 1991, although this is dependent on how much longer U.S. forces remain in the Persian Gulf theater, and the speed of the drawdown.

S. 204, which I introduced, which would authorize the Secretaries of the military departments to recall military personnel to active duty, in connection with Operation Desert Storm, in the highest grade held satisfactorily while on previous active duty. This authority would apply retroactively to the start of Operation Desert Shield/Operation Desert Storm. The CBO cost estimate for this proposal is negligible.

S. 331, a measure previously reported by the committee, which would ensure that survivors of military members are entitled to the payment for unused accrued leave if the member dies on active duty. This authority would apply retroactively to the start of Operatioin Desert Shield/Operation Desert Storm. The CBO cost estimate is negligible.

S. 221, a measure previously reported by the committee, which would exempt military members who are in a missing status from the $10,000 annual cap on the amount that individuals may save under the savings plan implemented by DOD for military personnel deployed to the Persian Gulf in Operation Desert Storm. The CBO cost estimate is negligible.

S. 334, introduced by Senator KENNEDY and others, would authorize $20 million for the Secretary of Defense to provide child care assistance to military personnel serving on active duty, and also would authorize 60 days of transitional medical benefits from the Defense Department upon separation for reservists called to active duty for Operation Desert Shield/Desert Storm and also for certain active-duty personnel involuntarily retained on active duty who otherwise would have retired during this period. The CBO cost estimate for fiscal 1991 is $20 million.

S. 281, introduced by Senator KENNEDY and others, would authorize $30 million for the Secretary of Defense to provide for education and family support services to families of military personnel serving on active duty. The CBO cost estimate for fiscal year 1991 is $30 million.

S. 384, introduced by Senator MCCAIN and others, would delay the effective date of the reduction in CHAMPUS mental health benefits required by section 703 of the National Defense Authorization Act for fiscal year 1991 from February 15, 1991 to February 15, 1992. The CBO cost estimate for fiscal year 1991 is $50 million.

A provision which would authorize reserve component medical personnel activated for Operation Desert Shield/Desert Storm to receive the same special and incentive pays as their active duty counterparts. The CBO cost estimate for fiscal year 1991 is $19 million.

This is another one—very important, I feel. A provision which, I introduced which would increase the death gratuity from $3,000 to $6,000 for survivors of military members who died as a result of service during the period of Operation Desert Shield/Desert Storm. The CBO cost estimate for fiscal year 1991 is $5 million.

I point to this last one in particular because you know most families, perhaps, have a little savings account, and if a member is killed, they want to bring family members in from all over the country, or whatever, for the funeral. They may have some little resources to do that, but many people do not have those resources immediately available.

The death gratuity is something that comes to the family immediately after someone makes the long walk, knocks on the front door, and tells them a family member is not coming home. Within 24 or 48 hours of that visit, there is a follow-up visit to bring the gratuity check that helps in that time when the people may feel the most alone and left out and helpless with regard to getting family members together. The current $3,000 limit on this payment has been in effect since 1957, and is long overdue to be updated. We would update this to $6,000 to give families a little better support in that very difficult time.

Mr. President, another provision would identify the costs of the proposals, $311 million in the aggregate for fiscal year 1991, as incremental costs to be covered by appropriations for the defense cooperation account since it recognizes the unique circumstances that would not have been confronted by our men and women in uniform and their families but for Operation Desert Shield and Desert Storm.

Mr. President, I am pleased to note that the Armed Services Committee accepted, with certain refining amendments, almost all of the recommendations of the task force. I trust the other committees of jurisdiction are on the same track.

Mr. President, we hope to expedite these pieces of legislation through all the various committees of jurisdiction; Governmental Affairs, Finance, Veterans' Affairs and Armed Services, I believe, are the committees most involved in this.

We hope that they can take priority action to act on these proposals, so that, as was originally intended, the Senate may be able shortly to schedule a time period on the floor of 2 or 3 days, and take up all proposals at one time, rather than having them piecemealed out over many weeks of this session of the Congress.

In closing, I thank all of the members of the task force: Senator ADAMS, Senator BENTSEN, Senator BIDEN, Senator BINGAMAN, Senator BRYAN, Senator BUMPERS, Senator CRANSTON, Senator DASCHLE, Senator KENNEDY, Senator KOHL, Senator LAUTENBERG, Senator MIKULSKI, Senator NUNN, Senator SANFORD, and Senator WELLSTONE, and their able staffers, for their hard work.

I also want to pay credit, on my own personal staff, to Phil Upschulte, who did a lot of work in this area; and in particular, to the person who is our chief staff member on the Manpower Subcommittee of the Armed Services Committee, the subcommittee that I chair that works these manpower and benefits issues, who did yeoman work on this, I want to pay him tribute here today, because he really has done a terrific job on this, Fred Pang, whom I have asked to be with me on the Senate floor this morning.

I hope, Mr. President, we will see this work come to fruition in law soon. To our men and women in uniform and their families, who have served the Nation so bravely during the difficult time we celebrated, along with the President, last evening in a special session, we owe them no less than this. And that is the reason we want to put these items through as expeditiously as we possibly can.

I thank the distinguished floor manager for yielding me this much time this morning. I believe these programs are extremely important. The task force has made its report, now I hope all staffs of Senators, will bring this report to the attention of their individual Senators, so that when he goes to a committee consideration of these issues, he will know exactly what we are looking at here, and also what we are going to be wanting votes for shortly on the floor.

In closing I note that Desert Storm was so successful so fast, that we do not have as much time to get legislation passed as we thought we would before people start coming back. Now we want to get this package of well deserved benefits done and through as rapidly as we can reasonably do it. I thank the distinguished Senator DASCHLE for yielding me sufficient time this morning to address these issues.

I yield back the remainder of my time.

EXHIBIT 1

OPERATION DESERT STORM—MILITARY PERSONNEL BENEFITS

COMMITTEE OF JURISDICTION

Armed Services

(Bill, Sponsor, and Subject)

S. 204: Senator Glenn, Grade of Recalled Retired Military Personnel.

Provides authority for retired military personnel who are recalled to active duty to be recalled in the highest grade they held satisfactorily while on previous active duty.

Cost: Negligible.

Recommendation: Approve (SASC has favorably reported).

S. 221: Senator Glenn, Savings Plan.

Requires DOD to implement a savings plan authorized last year for military personnel deployed to the Persian Gulf at an interest rate of up to 10%.

Updates the law to exclude MIAs from the $10,000 per year limit per individual.

Cost: Negligible.

Recommendation: Approve (SACS has favorably reported).

S. 232: Senator Warner, Servicemen's Group Life Insurance (SGLI).

Increases SGLI from $50,000 to $100,000 and requires the VA to pay a death gratuity to survivors of military personnel who die between August 1, 1990 and the date of enactment of this bill in an amount equal to the SGLI coverage of the deceased at the time of death.

Cost: $50M.

Recommendation: Approve (SASC has favorably reported).

Sequentially referred to Veterans Affairs Committee. The Veterans Affairs Committee favorably reported S. 232.

S. 237: Senator Nunn, Imminent Danger/Hostile Fire Pay.

Increases imminent danger and hostile fire pay from $110.00 per month to $150.00 per month effective August 1, 1990.

Cost: $219M.

Recommendation: Approve (SASC has favorably reported).

S. 281: Senator Kennedy, Grants for Family Support.

Authorizes $10M for DOD to use in providing grants to school-based counseling services.

Authorizes $20M for DOD to use in providing grants to nonprofit family support organizations, such as the Red Cross and YMCA.

Allows activated reservists to retain private medical insurance coverage for their dependents in lieu of military medical coverage with individual premium contributions to be paid for by the government.

Cost: $48M.

Recommendation: Approve (refine process language on delivery of benefits).

S. 283: Senator Kohl, Assignment of Sole Parent and Members Married to Members with Children.

Requires DOD to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available.

Requires DOD to provide assistance to such members in developing alternative plans for care of their dependents when they are absent on deployment.

Cost: Negligible.

Recommendation: Approve subject to modification in language consistent with language approved in S. 320.

S. 334: Senator Kennedy, Child Care for Desert Storm Families and other benefits.

Authorizes $20M for DOD to use in providing child care services for families of military personnel.

Requires DOD to provide grants to qualified child care providers, enter into contracts with qualified child care providers, and issue vouchers to qualified family members for child care services.

Provides 60 days of transition medical benefits to reservists who are deactivated.

Delays effective date of the reduction of certain CHAMPUS mental health benefits to one year following the termination of the Persian Gulf conflict.

Cost: $119M.

Recommendation: Approve subject to deferral of CHAMPUS mental health portion for consideration in FY1992/1993 authorization.

Added Recommendation: Payment of Unused Accrued Leave to survivors of Military personnel. Cost: $3M.

Finance

(Bill, Sponsor, and Subject)

S. 82: Senator Shelby, Withdrawals from Retirement Plans.

Allows penalty free withdrawals from retirement plans by individuals activated for duty in the Persian Gulf.

Cost: Negligible.

Recommendation: Approve.

S. 199: Senator Glenn, Exemption of Military Income from Federal Income Tax.

Exempts military income earned by military personnel while deployed in the Persian Gulf from federal income tax and raises the monthly amount that may be excluded from income tax for officers from $500.00 to $2,000.00 (all pay for enlisted would be excluded).

Cost: $34M in revenues for 1991.

Recommendation: Approve.

S. 205: Senator Glenn, Unemployment Compensation.

Equalizes unemployment compensation for separating military pesonnel to the same entitlement applicable to civilian personnel.

Similar to S. 160 introduced by Senator McCain and referred to the Armed Services Committee.

Cost: $61M.

Recommendation: Approve.

Labor

(Bill, Sponsor, and Subject)

S. 335: Senator Kennedy, Deferment of Government Student Loan Repayments and Augmentation of Military Medical Support.

Provides for deferment on repayment of government student loans for military personnel activated for service in Operation Desert Storm.

Requires educational institutions to refund or give credit to military personnel who are not able to complete a course of instruction because of activation for service in Operation Desert Storm.

Authorizes $50M to HHS for grants to nonprofit medical institutions to assist in replacing military medical personnel activated for Operation Desert Storm.

Cost: $50M.

Recommendation: Approve subject to refinement of language on administration of HHS portion.

S. 382: Senator Sanford, Community Assistance.

Provides supplemental funds to military communities adversely affected by the Persian Gulf conflict for emergency food and shelter programs.

Cost: $20M.

Recommendation: Approve.

Veterans Affairs

(Bill, Sponsor, and Subject)

S. 337: Senator Simon, Montgomery G.I. Bill.

Provides Montgomery G.I. Bill benefits to certain activated reservists.

Cost: Negligible.

Recommendation: Approve subject to language providing for proration of the benefit on the basis of time served on active duty.

S. 330: Senator Cranston, Soldiers' and Sailors' Civil Relief Act.

Increases from $150 to $1,200 the maximum rental amount of a residence from which the family of a servicemember who has been ordered to active duty may not be evicted.

Expands authority under the SSCRA for automatic extension of a power-of-attorney of a servicemember who is missing in action that otherwise would have expired after July 31, 1990.

Provides that the professional liability insurance for physicians and members of other professions who are ordered to active duty would be suspended upon written request to the insurance carrier for the period of the individual's active duty.

Provides for reinstatement of health insurance, without waiting periods or exclusion of coverage for pre-existing conditions, for a servicemember who is ordered to active duty and his or her family.

Provides for the stay of any judicial action or proceeding (other than criminal proceeding) involving a member of the Armed Forces until after June 1991, if that member applies for the stay and is on active duty and serving outside the State in which the court having jurisdiction over the action or proceeding is located.

Provides that a servicemember may not be discriminated against in terms of creditworthiness and certain other contexts by reason of the exercise of rights under the SSCRA.

Clarifies existing reemployment rights for reservists called to active duty for periods of 90 days or longer.

Cost: Negligible.

Recommendation: Approve (VA Committee has favorably reported).

S. 336: Senator Kennedy, Reemployment Rights.

Provides reemployment rights for activated reservists who were temporary employees and improves reemployment rights for disabled veterans.

Cost: Negligible.

Recommendation: Approve.

S. 500: Senator Daschle, Medical Care for Veterans.

Requires the Secretary of Veterans Affairs to ensure there is no reduction in health care for veterans because of the use of VA resources to care for active duty personnel who are casualties of the Persian Gulf conflict.

Requires the Secretary of Veterans Affairs to contract for replacement resources.

Cost: TBD by CBO.

Recommendation: Approve.

Small Business

(Bill, Sponsor, and Subject)

S. 360: Senator Bumpers, SBA Loans.

Allows activated reservists to defer payments on SBA loans until six months after deactivation, and allows the SBA to make or guarantee disaster loans to small businesses that are adversely affected by the activation of reservists.

Cost: $121M.

Recommendation: Approve subject to modification of language to ensure benefit targets reservists-owners.

Governmental Affairs

(Bill, Sponsor, and Subject)

S. 482: Senator Sasser, Transfer of Accured Leave.

Provides for the voluntary transfer of accured leave by federal civilian personnel to other federal civilian personnel who are impacted by Operation Desert Storm.

Negligible.

Recommendation: Approve.

OTHER PROPOSALS RECOMMENDED BY THE TASK FORCE—NOT IN SENATE BILL FORM

Increase death gratuity benefit from $3,000 to $6,000 (a House proposal).

Cost: $5M.

Waive certification requirement for proficiency pay for foreign language specialists deployed to the Persian Gulf (a House proposal).

Cost: Negligible.

Extend to activated medical personnel the same medical special pays (other than accession and retention bonuses) to which active component personnel are entitled, subject to the same professional qualifications (a House proposal).

Cost: TBD by CBO.

Allow temporary waiver of board certification requirements for board certification pay for medical residents who are unable to complete required training due to assignments required by Operation Desert Storm (a House proposal).

Cost: TBD by CBO.

Allow the Secretary of Veterans Affairs to contract with private facilities to ensure current veterans are not denied health care services in the event VA medical resources are required for Persian Gulf casualties.

Cost: TB by CBO.

Require the Department of Defense to make available to National Guardsmen and Reservists, and recalled retired personnel activated in support of Operation Desert Storm the dental insurance plan for dependents available to active duty members.

Cost: TBD by CBO.

Mr. KENNEDY. Mr. President, I want to commend Senator GLENN on his leadership in chairing a task force of Democratic Senators to assemble a package of needed personnel benefits for the men and women of our Armed Forces who served this Nation so superbly in the war against Saddam's aggression.

I strongly support the package of benefits that Senator GLENN has described here today. I know that Senator McCAIN is chairing a similar task force on the other side of the aisle. I hope that we will receive the results of that work soon and that we could then move quickly to take up and pass a bipartisan package of reforms. Such reforms are crucial to ensuring that we treat our military personnel equitably and compassionately.

Over the 2 weeks since the smashing victory in the 100-hour war against Saddam Hussein, the men and women who fought on the front lines have received much well-deserved praise. But it is important that we extend this recognition to military families.

In response to Saddam's invasion of Kuwait, nearly one-fourth of our active duty military personnel were deployed to the Persian Gulf. And more than 200,000 reservists were called upon to leave their civilian lives and take up their military commitments to their country.

These troops have performed superbly. But crucial to their performance has been the support of their families here at home. These families have had to make enormous sacrifices. I have witnessed these hardships firsthand as I traveled to military bases in Massachusetts over the past several months.

As a result of the gulf deployment, military families have faced financial hardships, inadequate family assistance services, insufficient child care, and burdensome health care adjustments. These families are the unsung heroes of Desert Storm.

Therefore, it is appropriate that the military personnel package recommended by the Glenn task force includes important benefits to allay some of the hardships borne by military families.

That package includes four provisions that the Senate Armed Services Committee has reported favorably this week. The first provision would authorize $30 million for the Department of Defense to provide additional counseling for military children and enhanced support services for military families. The second provision would provide $20 million for supplementary child care services at overloaded military child care centers. These bolstered family support activities are vital to relieving the burdens of military families.

The third provision would offer returning reservists and their families 60 days of coverage under the military health care system, if they have no private health insurance. It is a national tragedy that so many Americans lack adequate health insurance. Persian Gulf veterans and their families deserve this stop-gap coverage as they return to private life.

The fourth Armed Services Committee-approved provision would delay reductions planned in military mental health benefits. We should not pull the rug out from under military families just when they may be most in need of these benefits.

Finally, the package recommended by Senator GLENN's task force includes two other bills supporting service personnel and their families. S. 335, which the Labor Committee has reported favorably, would defer student loan requirements for personnel serving in the gulf and require colleges and universities to give a tuition refund or credit to military personnel who had to interrupt their education because of the gulf conflict.

S. 336 would update the Veterans' Reemployment Rights Act that protects reservists returning to civilian life at the end of their active duty service. The act's coverage would be expanded to include temporary, as well as permanent, employees. And employers would also be required to provide reasonable retraining for returning reservists and make reasonable accommodations for those who are disabled.

Many wartime hardships are unavoidable, but we should make every effort to address the practical concerns of our troops and particularly the families they left behind. I urge the Senate to act quickly to adopt the package proposed by Senator GLENN's task force.

Mr. DASCHLE. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCAIN] is recognized for 5 minutes.

DESERT STORM TASK FORCE RECOMMENDATIONS

Mr. McCAIN. I thank my colleague from South Dakota; I thank my colleagues on the other side of the aisle for their indulgence. I realize this is the time of the majority and I appreciate their allowing me this 5 minutes.

Mr. President, I rise today to formally submit the Desert Storm Task Force legislative recommendations, along with my friend and colleague, Senator GLENN of Ohio.

I thank the minority leader, Senator DOLE, for the strong leadership he provided members of our task force. With his guidance my colleagues and I were able to move swiftly, but carefully, in our review of all the many legislative initiatives offered on behalf of our American service men and women.

I would also like to thank other members of the task force, Senators BOND, DOMENICI, SPECTER, SYMMS, COATS, COHEN, CRAIG, GORTON, HATCH, MACK, PACKWOOD, RUDMAN, SEYMOUR, STEVENS and WARNER.

Mr. President, 64 bills related to Operation Desert Storm have been offered thus far in the 102d Congress, spanning the jurisdiction of 10 committees. As you can see, the scope of legislation under our review was vast and diverse. However, the task force was charged by the leadership to employ simple, focused standards to our evaluation of legislation.

Our first standard required that legislation must truly benefit the brave men and women of Operation Desert Storm. Second, for legislation that is not directly related to Operation Desert Storm, the legislation should be of sufficient merit that we would recommend its adoption regardless of events in the Persian Gulf. Third, there should be a degree of urgency related to the legislation requiring immediate congressional action.

The task force has determined that not all these bills provide a direct benefit to the men and women of Operation Desert Shield. Numerous other proposals containing varying degrees of merit failed to meet the criteria of immediacy. Legislation in these two categories were not further considered by the task force, thus narrowing our decisionmaking process.

The legislative recommendations I submit to the Senate today have been determined by the task force to directly benefit Americans who served in the Persian Gulf theater of operations and are composed of initiatives that are both meritorious and meet the criteria of immediacy.

Those recommendations:

Grant unemployment compensation to military personnel involuntarily leaving the service that is equivalent to that received by civilians;

Exclude from income taxation all enlisted pay and $2,000 per month of officers pay for those who served in a combat zone;

Authorize the recall of retired military personnel at their highest rank prior to their retirement;

Exempt MIA's from the cap on contributions to the military savings program;

Increase servicemen's group life insurance [SGLI] from $50,000 to $100,000;

Increase imminent danger and hostile fire pay from $110 to $150 per month, effective August 1, 1990;

Ensure that accrued leave benefits be paid to the survivors of military personnel who perished in Desert Storm/Desert Shield;

Defer student loan payments for activated personnel; refund or credit the tuition lost by called-up personnel;

Defer Small Business Administration loan payments of active duty personnel and reservists adversely affected by their activation;

Delay reduction in military mental health benefits;

Protect Social Security income for children whose parents were activated; and

Waive limitations on income for Social Security and Medicare disability beneficiaries whose income has increased due to Desert Storm related work.

Mr. President, I wish to thank my good friend, the distinguished Senator from Ohio [Mr. GLENN]. As chairman of the Democratic Task Force, his expertise and dedication helped all task force members to discharge our responsibilities quickly and without partisan rancor.

Mr. President, while not all Americans agreed on the wisdom of going to war, we are all united in our support for the men and women who served their countries with distinction in this crisis.

While not all Americans agree about the conduct of the war, we all agree that our service men and women performed with great skill and great courage. We will now build on this common ground to enact legislation that serves no other purpose than to treat the men and women of Operation Desert Storm with the fairness and distinction they deserve. That is the sole objective of the task force's proposals.

As we turn from war to peace, let us make this goal Congress' top priority. Let our endeavors justly recognize the great service that America's Armed Forces performed for America and the world.

I yield back the remainder of my time.

Mr. DASCHLE. Mr. President, how much time remains?

The PRESIDING OFFICER. Approximately 11 minutes are left.

Mr. DASCHLE. I yield the remainder of my time to the President pro tempore.

TRIBUTE TO THE PRESIDENT OF THE UNITED STATES

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, the apostle Paul in his Epistle to the Romans said "Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor."

Mr. President, I want to render a tribute where tribute is due. I want to render tribute to the President of the United States. Last night was his finest hour, and I believe that it was his finest speech. I give tribute to the President of the United States for the courage he demonstrated when courage was needed, for the firmness that he displayed when firmness was required, and for the magnanimity that he showed to the vanquished when it was honorable to show such magnanimity.

The President is entitled to a great deal of credit, and I have no hesitancy in paying honor where honor is due.

Mr. President, to our troops in the Middle East, for their courage, for their discipline, and for their attention to duty, we owe our thanks.

Pericles, who lived in the fifth century before Christ, said to the Athenians, "Fix your eyes upon the greatness of your country and remember that here greatness was won by men with courage, with knowledge of their duty, and with a sense of honor in action."

Our American fighting men and women demonstrated that kind of courage. They probably did not think it was such a great idea to be over there in the 120-degree heat and in the sands of the desert, but they had a knowledge of their duty. They did not complain.

Time after time we heard them on television saying, "This is what we signed up for. This is what we trained for. It is our duty." So they demonstrated that knowledge of their duty, and that sense of honor in action, as the President called attention last night to that vivid, memorable scene that will always be etched upon our memories of those poor humble emaciated, hungry, thirsty Iraqis who thought they might be killed as they sought mercy and as an American serviceman showed them mercy. What a scene.

Mr. President, the President has earned for himself great credibility, and the challenge ahead in the Middle East is as great if not greater than was the challenge that was met with Desert Shield and Desert Storm.

I hope the President will give to the utmost his attention, his strength, his popularity, and his credibility in responding to the challenges in the Middle East, because the challenge of winning the peace there may be far more important to the future of this country and the future of the Middle East than was even the winning of Desert Storm.

To win the peace there now may save thousands of American lives in the future. Now is the time when the President must take advantage of favorable circumstances and bend himself to that task.

The opposing factions in the Middle East must understand that no one can completely have his own way. The answer to the thorny problems in the Middle East will require that each give up something in the interest of all.

Here on the home front, Mr. President, our own country needs attention: the education of our young people, to which Senator SIMON just addressed his remarks; the rebuilding of our infrastructure. We must remember the needs of our own people, such as roads, mass transit, bridges, and education.

We are told by the National Science Foundation that by the year 2006, this country will need to graduate 24,000 to 25,000 Ph.D.'s in science and engineering annually. But at the rate we are going, we will produce half that many. So we have much to do here at home.

I want to do everything that I possibly can, as chairman of the Appropriations Committee, to build this country's infrastructure, to build our rivers and harbors, our waterways, our airports, our highways, our bridges, and to provide for the education of our young people.

Mr. President, coming from my State of West Virginia, coming from the background that was mine, and with all of the years which have been mine, and for which I thank God, as I said some time ago, I have a strong feeling of patriotism that comes out of that background. It comes out of the recollection of years gone by; it appreciates the sacrifices that have been made by our countrymen. It is rooted in the mining communities, and the hillsides, and the hollows where our little farms are located.

I have been grateful and pleased, therefore, to witness a recrudescence of patriotism that has come out of this time of trial, that has come out of Desert Shield, with people waving their flags proudly, hearing the marching bands, seeing a resurgence of the national spirit that made this country great.

I think that is one of the real pluses that has resulted from this effort behind which the American people have been remarkably unified. That is something which I hope will last.

I am encouraged by this revival of the love for the American flag, the love for America, the support for our fighting men and women, a new belief in America.

Mr. President, I thank God for His having answered the prayers of the families of our fighting men and women, most of whom will be able to welcome home their sons and daughters, their husbands, their fathers. God has answered many prayers, and we ought not forget that.

So as I think back upon the years of the heroic past, for which we can all be grateful as Americans, I also look ahead, believing that that spirit of America, the land of the free and the home of the brave, has been resuscitated.

I close with the poem of Henry Van Dyke, which bespeaks the pride that we have in this great country, in this hour.

'Tis fine to see the Old World, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumbly castles and the statues of the kings,
But now I think I've had enough of antiquated things.
So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.
Oh, London is a man's town, there's power in the air,
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study Rome,
But when it comes to living, there is no place like home.
I have seen the German fir-woods, in green battalions drilled;
I have seen the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and ramble for a day
In the friendly western woodlands where Nature has her way!
I know that Europe's wonderful, yet something seems to lack!
The Past is too much with her, and the people looking back.
But the glory of the Present is to make the Future free,
We love our land for what she is and what she is to be.
Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed Land of Room Enough beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

SAVOR THIS GREAT MOMENT IN OUR NATION'S HISTORY

Mr. WIRTH. Mr. President, the Congress and the American people joined with the President last night to celebrate an American victory. This event uniquely unites us as a country and we should savor this great moment in our Nation's history.

By every measure, the gulf war was a brilliant military success. We owe a tremendous debt of gratitude not only to President Bush, but also to General Powell, General Schwarzkopf, and our fighting forces. Americans are proud of the performance of our troops, men and women, active and Reserve. We are also rightly proud of the many others who played such a vital role behind the scenes—the planners, the logisticians, defense manufacturers, and so many others. For example, the North American Air Defense Command in Colorado Springs played a key role in tracking Scud launches, passing this information to the theater commanders and in turn to the Patriot batteries.

I am deeply proud of the way America has conducted this war, abroad and at home. The President came to Congress for the authority to commit our Nation to war. The constitutional process worked here at home, even as we faced an international crisis. That is a testimony to our strength as a nation. There were differing views in congressional debate, but once that vote was taken Congress pulled together in unanimous support of our forces and the President.

That vote was a vote of conscious. President Bush himself noted in the State of the Union that there could be differences of opinion about the means to an objective we all shared. That vote was about the means, not the end; not whether Iraq's aggression should be reversed, but how; not whether we might use force, but when.

It would be a tragedy to trivialize this triumph through partisan sniping. Such an effort, after all, cuts both ways. If the Republicans want to politicize this, they can—as some already have—challenge the patriotism of Democratic votes on sanctions versus force. If the Democrats want to politicize this, we could pound away at the pro-Iraqi tilt of the Republican administration in the 1980's: Sharing United States intelligence with Saddam in the war with Iran; selling helicopters to Saddam's regime in 1983; providing billions in agricultural loans in the late 1980's; vetoing sanctions against Iraq last July; and refusing last July to take a hard line when Baghdad began to make noises about invading Kuwait. But that is not what the American people want to get into now as we celebrate the triumph of the American-led effort in the gulf.

This victory is a victory for the whole Nation—not one region, or one party, or one class. This outstanding military achievement shows what the American people are capable of doing when we share a common goal and have the resources to do the job.

The challenge before us now is to harness the unity of purpose, the common effort, the national energy and focus that we shared during the war effort to meet future international challenges and to tackle real problems here at home. George Bush today has enormous political credit in the bank, and this puts him in a unique position to really lead this Nation, to take on the critical challenges for America in the 1990's and beyond.

AMERICA MADE THE RIGHT CHOICES

Mr. KASTEN. Mr. President, we are celebrating today a truly historic military victory by the U.S. Armed Forces. It is important for our national future that we understand the sources of our success.

In the 1980's, many people severely criticized the Reagan-Weinberger restructuring of our national defense. They looked at the costs—and assuredly the costs were high—but they turned a blind eye to the benefits. Some even suggested we should call the Pentagon the Department of Procurement instead of the Department of Defense.

How wrong they were, and how thankful our returning soldiers can be today that these views did not prevail.

Because of the preparations we made throughout the last decade, America was ready for this war.

And because our soldiers were ready, they turned "the mother of all battles" into the "mother of all U.S. victories."

So I am especially glad that we should be spending some time today on a discussion of the causes of our victory.

Last night, President Bush was modest. He said this victory belonged to the troops. That's true, but it's not the whole story.

We ought to remember the role of George Bush throughout the 1980's in defending those Reagan policies. In the 1980's, he was in the background, working to enact the military reforms that were necessary to make America strong again. He did this not because he believed in something called defense, but because he believed in what we were defending.

That is how his strong beliefs helped lay the groundwork for the stunning military success of the Persian Gulf war.

So when we talk about defense spending, let's remember what exactly we are defending. Against tyranny, we are defending liberty. Against naked aggression, we are defending peace. And against the brutal bullying of petty dictators, we are defending the little guy.

In short, what we are defending is our national character. We are defending our right to be known worldwide as the good guys.

I am not saying we are the world's policeman. No country has ever been strong enough to right all wrongs, and defend all innocent victims.

But the bottom line is this: If we can make a difference for the better, we ought to. That is the American spirit.

And thanks to our wise choices in the 1980's, that American spirit of courage and self-sacrifice is today being celebrated with tears of joy in Kuwait City.

TRIBUTE TO JOHN DOHERTY

Mr. DURENBERGER. Mr. President, I rise today to salute the memory of a Minnesotian who will be missed by his family, friends, and community. Before his untimely death, John Doherty exemplified all that is great about grassroots involvement in the American system of politics. He and his wife, Marie, were active in the Independent-Republican Party in Minnesota. They dropped literature and were fundraisers. He was a candidate on the city, State and national levels. His friends say he served the party in ways too many to mention and always cheerfully.

Mr. President, I ask unanimous consent that the full text of John Doherty's obituary which appeared in the Star Tribune be entered into the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

JOHN DOHERTY, 77; HE OFTEN WENT AFTER PUBLIC OFFICE

John Doherty, 77, a frequent candidate for public office, died Tuesday in an auto accident on Highway 55 in Medina.

An independent Republican, he ran unsuccessfully for the Minneapolis City Council in 1973, 1975, 1977 and 1979; for the State senate in 1975 and 1976, and for the House of Representatives in 1974 and 1980. His last race was for the Minneapolis Board of Estimate and Taxation in 1981.

Doherty seldom spent more for his campaigns than the filing fee. He often had no volunteers and no signs and campaigned only by telephone.

"His mother was a staunch Republican and she instilled the values of that party in her children," said his wife, Marie.

Doherty, of north Minneapolis, was born and raised in Brighton, Massachusetts. After finishing high school he moved to Washington, D.C., to work as a page for Representative Robert Luce and Senator Henry Cabot Lodge, Jr. At the age of 27 he ran for the state Senate in Massachusetts, losing by only three or four votes, his wife said.

He attended Harvard University, the University of Pittsburgh, and Pennsylvania State College and served in the Army for 3 years during World War II. He moved to Minneapolis when he was discharged in 1945.

He was an industrial auditor in the Twin Cities for 35 years before he retired at age 65. He had been commander of the Disabled American Veterans Post I and American Legion Post I. He was a life member of the Knights of Columbus Council 435 and a member of the Blue Goose Insurance Auditors.

Besides his wife, survivors include a brother, Paul of Braintree, Massachusetts, and a sister, Rita Hornyak of Oakton, VA.

TRIBUTE TO VIOLA HYMES

Mr. DURENBERGER. Mr. President, I rise today to honor the memory of a Minnesota woman who made great contributions to her community and who was, for 25 years, my friend. Viola Hymes died recently, and she will be missed. I ask that the text of David Chanen's article about Viola Hymes, which appeared in the Star Tribune, be entered into the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIOLA HYMES, LEADER ON EDUCATION, AGING

Viola Hymes always seemed to be one step ahead of her time.

In the 1940s, she was an outspoken advocate for women's rights. As a Minneapolis school board member and frequent appointee to local and national committees, she helped mold public education policies during the 1960s. And in the 1970s, she lobbied for a growing and often ignored sector of the population—the elderly.

Hymes, 84, of St. Louis Park, died of a stroke Friday, March 1, at Methodist Hospital in St. Louis Park.

As a member of the Minneapolis school board from 1963 to 1969, she became one of the city's leaders in educational issues and funding. She was appointed by former Minnesota Governor Orville Freeman to a White House Conference on Education in 1955 and was a delegate to the White House Conference on Children and Youth in 1960.

"The schools must provide education for scientists, poets and good skilled workers," she was quoted as saying in a 1963 newspaper article. "We can't teach uniformly anymore. We'd defeat our ends."

She was a charter member and later chairwoman of the Minneapolis Citizens Committee on Public Education. She also was a member of the Superintendent's Advisory Committee on Personnel Practices for the Minneapolis public schools and the Minnesota State Board of Education's Advisory Committee on Curriculum in the Language Arts during the 1960s.

For her work in public education, she received the Woman of Distinction Award from the American Association of University Women, the state's Outstanding Achievement Award, the Mayor's Award for Meritorious Service to the City and special citation from former Governor Harold Levander.

In 1973, she was named chairwoman of the first Metropolitan Advisory Committee on the Aging. She brought a greater public awareness of issues affecting the elderly, such as health care, economic status and retirement. She retired from the position in 1980.

In 1984, she spoke at a celebration of Eleanor Roosevelt's centennial birthday. She had met Roosevelt when they were appointed by then-President John Kennedy to serve on the President's Commission on the Status of Women.

She also was president of the Minneapolis section of the National Council of Jewish Women from 1938 to 1942. She held various positions on the national level before she was elected the group's president and international vice president in 1959. During her term, the organization raised $1.2 million to build a teacher training school at the Hebrew University school of education in Jerusalem. She received the council's highest honor, the Hannah G. Solomon Award in 1975.

She was born in Chicago, graduated from the former Minneapolis West High School and earned a degree in education from the University of Minnesota. She taught English and speech in Superior, Wisconsin, and East Chicago, Indiana.

She is survived by two sons, Alan, of Burlington, Washington, and Richard, Edina.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

STRENGTHENING AMERICA: THE DEMOCRATIC AGENDA

Mr. DASCHLE. Let me commend the Senator from Ohio for providing the kind of leadership commitment that he has. Certainly he has taken what has been an immense task in providing the comprehensive response expected of the Senate as we continue to demonstrate our commitment to those who have performed so ably in carrying out the responsibilities of Desert Storm.

I ask unanimous consent that the time for morning business, under the control of the majority leader or his designee, be extended until 12 noon; and that the remaining time on the Specter amendment to the RTC bill be utilized when the Senate resumes consideration of that bill following the disposition of Congressman MADIGAN's nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The period for morning business is extended until 12 noon.

Mr. DASCHLE. Mr. President, there are a number of people who will be speaking in the next 40 minutes. In order to accommodate all of them and their contributions to this special request for time, let me be brief this morning.

I rise, first, to commend the President for his speech last evening, and the leadership which he has shown with regard to the Persian Gulf. Last night was a euphoric moment, a moment of celebration and a moment when Democrats and Republicans alike stood with pride and a great deal of satisfaction in a job well done.

The President called upon the country to recognize the commitment made by our Joint Chiefs of Staff, by those who were in leadership positions in the Persian Gulf, and certainly the commitment made by the troops themselves. So, too, must we especially give thanks for the ultimate sacrifice made by those who have lost their sons, husbands, and brothers in the gulf, who come home recognized as the heroes they were in giving their life for their country.

Democrats and Republicans, this morning, recognize especially that sacrifice, and share in the sorrow for those lives we lost and in the gratitude the President so capably articulated last night, as we consider this special moment in American history.

The President challenged the Congress and the American people, now that the war is over, to draw upon the same unity that we have demonstrated in the Persian Gulf as we turn now to domestic concerns. He was right to do so, to express his desire to maintain the kind of rare cohesion exhibited in the gulf as we address the many issues that we as a nation now must face with the legislative agenda in the 102d Congress.

We share his expressed determination in that regard. We rise this morning to talk about the agenda and some of its components in particular that are of great concern to us. As we examine the many needs that we as a nation face, as we consider the challenges that we must address in the coming months, we come to the conclusion that there is as much of a need here at home to demonstrate our commitment to real national strength as there was such a need in the gulf.

We understand, as we look to the agenda in the 102d Congress, the importance of rebuilding that strength. As we consider each of the parts of our agenda, as we look to the domestic challenges we face, evidence of need for new strength returns again and again. Democrats believe that America must demonstrate a resolve, a cohesion, a commitment to rebuilding that strength within our people—our children, our families, our businesses and our institutions.

For the first month or so of this year, Democrats took under careful examination the number of challenges facing and undermining America's strength today. Obviously, at first it was an America at war, an America that saw the resources, the talent and virtually the entire attention of a nation focused on the challenges that we faced in the Persian Gulf. Now, as we have seen an end, a successful end, to that challenge our attention turns to caring for the troops as they come home, to caring for their families, recognizing the continued role, the responsibility, that we have as a great nation to meet their needs entirely. We also understand the need to resolve the outstanding issues in the Persian Gulf. And, indeed, we as Democrats fully intend to work hand in glove with the administration in continuing to press forward on those matters and other international issues in the coming months.

But we also must now recognize the domestic agenda and the need to continue to enhance our strength here at home. We see real American opportunity in strengthening our economic base by enhancing the components needed for a healthy and viable economy at home and by fortifying competitiveness abroad. America is in a recession. We recognize that more than a million Americans who had jobs last year are out of work today. We recognize that bankruptcies are rising. We recognize that American manufacturers' share of the world consumer electronics market has shrunk from 70 percent to 5 percent in the last 20 years and that people are concerned about their economic future. So providing American opportunity must be an important part of rebuilding American strength.

We recognize, in working as we are right now to enhance the Resolution Trust Corporation, the need to rebuild our financial structure, the importance of finance and the rebuilding of a financial system that responds to the needs of the American people yet is more competitive in the international marketplace. We must continue to face the S&L debacle, as we are this very day. The U.S. banking system is now in need of attention, and we understand that urgent action is required to strengthen that system and make some fundamental reforms.

Finally, we see American opportunity in the challenge posed in creating fairness in budgeting and taxation that does not exist in many respects today. We oppose further tax breaks for the rich and insist that the wealthiest and most powerful Americans bear their fair share. This issue will be revisited in many ways in the coming years, as we address the agenda for the 102d Congress. It will be an important part of reestablishing American opportunity and in so doing establishing newfound American strength.

As we look to American strength perhaps the most fundamental aspects of that strength may be those we address today in health, education and in regard to our children. The distinguished Senators from West Virginia and Illinois will address those components, so I will not elaborate right now. Needless to say, we need the kind of national leadership shown so capably in the Persian Gulf as we address fundamental reform in both health and education today especially as they pertain to our children and families.

America's strength is also undermined today by some of the problems which beset our own democracy. We need to return citizen influence to politics through a limit to total political spending in Federal elections, by providing reforms and through limitations on the influence of special interests. We will be doing that later on this year by addressing campaign finance reform once again. There is no higher legislative priority within our caucus than the need to address campaign finance reform effectively.

Finally, if we are to enhance real American strength, Democrats recognize the urgent need to reduce the evidence of crime that we have in this country today by ensuring that our police and prosecutors have the tools they need to bring criminals to justice, by seeking even better ways to prevent crime, by providing that crime victims are treated fairly, and by educating our young about the dangers of drug abuse. The distinguished Senator from Florida, Senator GRAHAM, will address this concern in greater detail this morning.

We also must address American resources, Mr. President. We understand that American resources are critical to the determination of American strength. It is critical in determining energy policy that we understand the importance of developing our own resources under proper environmental constraints. We recognize that environmental balance is critical to the development of energy supplies within our own country. But we recognize, too, the importance of real energy independence. This country has not had an energy policy for the last 10 years by design. This administration and the last—have failed to produce one.

Democrats recognize that we can wait no longer. We recognize that important elements within energy policy involve real energy conservation, and the importance of energy alternatives in addition to the successful development of our own resources. American resources are an important element of American strength, and we need to utilize them in a far more intelligent and comprehensive way.

This country has made significant environmental advancements in the last couple of years. Yet so much more needs to be accomplished. EPA has missed most of the deadlines under the Superfund law. We have lost more than 500,000 acres of wetlands every year; 50 percent of the operating landfills will be shut down in the next 5 years. Thirty percent of our Nation's lakes, rivers, and estuaries cannot support uses such as swimming or fishing. There can be no argument about the importance environmental policy must play in conserving natural resources and in recognizing the relevance of the environment to American strength today.

Mr. President, we are pleased to propose the Democratic agenda today. We propose it as the blueprint for action for the next 21 months. We recognize the importance of sharing this agenda with the country and certainly with our Republican colleagues as we emphasize our desire to work together while demonstrating the consequences of unity and the importance of focus, the importance of leadership, and the importance of resolve.

I ask unanimous consent that the entire agenda be printed in the RECORD.

There being no objection, the agenda was ordered to be printed in the RECORD, as follows:

STRENGTHENING AMERICA: THE DEMOCRATIC AGENDA

(Legislative Agenda of the Senate Democratic Conference for the 102d Congress, February 6, 1991)

America is now at war abroad and we must work to see that it is swift and decisive with the least possible loss of life. We have a grave responsibility to half a million of our fellow citizens who bear the burden of battle—to support them now and respect them when they return.

There is nothing a democratic society can do that is more difficult than to ask a few to risk everything in behalf of the many who risk nothing. We've done that. Our troops deserve our full support and we are determined to see that they receive it.

As critical as the Gulf conflict is, we must also address the urgent problems here at home. Our responsibility is not only to support the men and women serving in the Persian Gulf, but to build an America worthy of them for their families and their children. We must put our own house in order.

It is strength at home that enables us to project strength abroad—and it is strength at home that determines the quality of life of our people now and in the future.

America today has serious problems at home—problems that cannot wait—and Democrats in Congress are determined to face these home front problems now—and to push ahead with the strengthening of America and the creation of more and better jobs for our people.

Today our economy is in recession—and in the months ahead Senate Democrats will put forward economic policy and stabilization initiatives designed to end the recession and put America back on a path of widely shared economic growth.

A central and guiding goal of our efforts will be to double the annual rate of U.S. productivity growth with new emphasis on:

Increased investment in the education and training of our national workforce.

Greater investment in research and development and technology advancement.

Major new efforts at rebuilding America's deteriorating infrastructure—our roadways, water systems, and the new kind of infrastructure America needs to compete in the information age, including a national network of "information superhighways."

Increased savings, capital formation, and capital investment.

Many times our solutions lie not with the creation of new programs but with the proper oversight and administration of programs which already exist. Through careful examination of federal spending priorities and a commitment to make certain that each dollar is spent prudently, Senate Democrats will set as a high priority an aggressive effort to scrutinize all federal activities.

Our legislative agenda in the 102nd Congress will include the following ten key priorities that will help rebuild and strengthen America.

AMERICA AT WAR

In the world . . . support for our troops in the Gulf; more equitable burdensharing in a more stable world; redoubled effort at arms control and non-proliferation; a commitment to American values in American foreign policy; sustainable development; and economic security for America.

Senate Democrats stand behind our fighting men and women in the field and when they come home. We give highest priority to supporting the troops engaged in Operation Desert Storm through initiatives to provide deserved benefit programs to active duty and reserve military personnel in the Gulf. We recognize the courage of one nation, Israel, which has done much by its brave refusal to be provoked. The crisis has given us powerful new proof of Israel's friendship.

Senate Democrats also are committed to providing our veterans and their families with the very best medical care, compensation benefits, and services.

The U.S. will remain the pre-eminent power in world affairs, but we can no longer afford to take on sole responsibility for world police actions. Collective security requires collective action. America's allies must shoulder their fair share of the burden of collective security. We also are dedicated to strengthening international institutions, such as the United Nations and regional organizations, to help build and sustain a world of peaceful diversity.

At the top of this new international agenda must be a genuine effort to control proliferation of weapons of mass destruction—nuclear, chemical and biological—and the means to deliver those weapons.

The awesome destructive capacity of "conventional" weaponry and the negative impact of certain past United States arms sales obliges us to assert new leadership to provide for effective international control of the world arms trade.

American foreign policy must reflect American values. Our commitment to democracy, development, and human rights must not become victim to cynical power politics. We cannot oppose repression in one place and overlook it in another.

As we seek to prevent the spread of weaponry in the Third World, we must also rededicate ourselves to the unfinished business of nuclear arms control with the Soviet Union. The ominous political trends in the Soviet Union make nuclear arms reductions more urgent than ever.

AMERICAN OPPORTUNITY

Most importantly, in strengthening the American economic base . . . by enhancing the components needed for a healthy and viable economy at home and fortified competitiveness abroad.

We are in a recession. More than a million Americans who had jobs last year are out of work today. Bankruptcies are rising. American manufacturer's share of the world consumer electronics market has shrunk from seventy percent to five percent. People are concerned about their economic future.

We can strengthen the American economy by reducing the federal budget deficit to reduce the demand for foreign capital and free up domestic funds for long term investments.

We must strengthen the economy as well and renew our commitment to Civil Rights by ending discrimination in the workplace and insuring that all Americans have an equal opportunity to find and hold a job.

Senate Democrats also will offer a technology policy to improve our ability to commercialize critical technologies, to improve manufacturing, and to maintain our scientific edge. We also support a capital formation policy to address the real problem of high capital costs through a number of policy changes including incentives for savings through retention of Individual Retirement Accounts, new mechanisms for funding start-up firms, and accounting changes to reduce speculation and promote long term investment, especially for small business. We understand that increased investments in education, workforce training, bridges and highways, telecommunications, and industrial research and development will reap economic benefits by improving the productivity of American workers and industry.

Our country's enormous trade deficit, particularly with imported oil and manufacturing products, continues to be a major, unaddressed economic problem. Abroad, this country must work with our trading partners to expand and open markets. The U.S. should continue to aggressively pursue multi-lateral agreements that allow for increased free trade. A more open trading system can only benefit our economy and those of our partners. However, we also recognize that free trade must be fair as well. There is a need for continued bi-lateral discussions with our trading partners to eliminate unfair trade practices and open closed markets. In some cases, other nations' professed allegiance to "free trade" is more rhetoric than substance. Senate Democrats believe in free trade but also believe that we and our economic competitors should play by the same rules on a level field and will take legislative action to achieve fair trade and a level playing field.

One way to improve our competitiveness is to liberalize our outdated export laws to allow for increased opportunities for American businesses. In recent years, our manufacturers' success in exports has been a bright spot in the trade picture. But Senate

Democrats want to open more opportunities and help American firms do better still. Prompt passage of the Export Administration Act Amendments pocket-vetoed by the President last fall will remove many of the obsolete obstacles that hamper American firms' efforts to compete with manufacturers in Europe and Japan.

Finally, we also recognize that agriculture, in all its varied components, is a vital part of our economic base. Agriculture has been, and remains, the largest positive contribution in our fight for a positive trade balance. We will ensure that agriculture is strong at home, with a level playing field in international markets.

In finance . . . by rebuilding a financial system that responds to the needs of the American people and is more competitive in the international marketplace.

Coming after the S&L debacle, the U.S. banking industry is now in deep trouble. With major failures like the Bank of New England, the Congressional Budget Office now predicts the federal insurance fund will go broke by year end—requiring another taxpayer bailout. Urgent action is needed to strengthen the banking system.

This year, Senate Democrats will work to modernize the laws that govern our financial institutions to help ensure that our banks are strong both here at home and in international markets. Rebuilding the Bank Insurance Fund (BIF) and a complete overhaul of the deposit insurance system should be the heart of any financial reform package. Nothing will do more to protect American savings and help ensure that an S&L crisis never happens again.

When reforming deposit insurance, it is absolutely imperative that we work to limit taxpayer exposure. But this must and can be accomplished without undermining confidence in our financial system and without bankrupting the industry.

Beyond these two important reforms, we must look to streamline the regulation of our depository institutions and open new areas of investment that are both safe and profitable. The current regulatory system is plainly inefficient and can work to encourage risk taking.

Banks and S&L's are not the only part of the financial system in need of attention. The financial markets, including the stock markets, are viewed by many as a casino which rewards short term speculation rather than long term investment.

Senate Democrats will promote an open debate and reexamination of the way in which we make investments. Productive long term investments are the foundation of economic growth. However, our financial system seems geared more to speculation and the creation of paper wealth. Our initiatives will lengthen the time horizon of investors and reduce the current bias in the financial markets toward short sighted speculation. Unless we adapt our time horizon, more productive investment and long term economic growth will continue to fall beyond our grasp.

With honesty and fairness in budgeting and taxation . . . by opposing further tax breaks for the rich and by insisting that the wealthiest and most powerful Americans bear their fair share.

The past ten years have changed this nation into one in which the richest twenty percent of all Americans earn more than all of the rest of our people combined. While the disparity between the rich and the rest of America continues to grow, average family income has declined.

The Congress has already passed legislation easing tax-filing requirements for Americans serving as part of Desert Shield. One of our our highest additional priorities will be to demand greater fairness for everyone else in our tax system. Building upon our efforts in the 101st Congress, Senate Democrats intend to lessen the tax burden on working families while asking those with the ability to pay to bear a greater share of the income and social security tax responsibilities.

Honesty in budgeting remains a subject of interest to Senate Democrats. Congress last year produced a budget agreement which requires the Administration to include in their yearly budget submission the annual increase in debt subject to limit as a measurement of the deficit. The Omnibus Budget Reconciliation Act of 1990 also requires that the Administration's budget list the balances of all trust funds. And Social Security trust fund revenues and outlays no longer are included in deficit figures. Senate Democrats will continue to press that the letter of the law be followed to make certain all Americans receive a fair and honest assessment of their partnership with the federal government.

AMERICAN STRENGTH

In health and education . . . by addressing costs, access, and quality.

We cannot rebuild America unless we invest in the health and education on the American people.

We spend more on health care than any other country. We receive the best care—but only for those who can afford it. A lot of Americans are left out. As many as thirty-seven million do not have health insurance. And we don't have any policy on what will be the crisis of this decade: Long-term care for the elderly.

Efforts to expand access to high quality, affordable health care for all uninsured Americans will have high priority for Senate Democrats in the 102nd Congress. Special emphasis will be placed upon providing those expectant mothers in need with access to adequate prenatal care. We will place special emphasis on prevention strategies in areas such as food safety, drug treatment and AIDS.

The representation of women in medical research has not always been what it should be—diseases that exact a disproportionate toll on the female population are frequently underrepresented in medical research. This will no longer be the case—the Women's Health Equity Act will upgrade research, services and prevention for women's health. In addition, Senate Democrats are committed to maintaining reproductive options for women and their families.

Building upon our efforts in the last Congress, it is our intention to review reforms in both Medicare and Medicaid payment systems, as well as affordable and adequate health insurance coverage for all Americans, including individuals, families and small business.

Finally, we will continue to address the urgent need for long term care for both elderly and disabled Americans during the two sessions of this Congress.

We can provide better health care at less cost. We must learn to do more with less.

Nearly 30 million Americans cannot read, write and compute at an eight grade level. Within the next 10 years, nearly thirty percent of today's jobs will disappear, and a large percentage will not require four years of higher eduction. Reform and accountability in our nation's schools is imperative, as is the greater accountability of television in the public interest.

Early childhood health and education initiatives, such as nutrition and literacy, are critical to improved American strength. We must ensure that American students receive a high quality education and that the skyrocketing cost of higher eduction and the burden this imposes on middle income families will be addressed so that our country can compete in the global economy.

In its determination to set education as one of its highest priorities in the Congress, Senate Democrats intend to insure that educational goals are defined and that an honest assessment of our deficiencies and our programs toward meeting those goals is provided to the people. It is also our intent to clarify and monitor the standards by which these goals are measured.

We know that merely throwing money at this problem will not work. Government needs to support, not obstruct, efforts of parents, teachers, and community leaders who are struggling at local restructuring efforts.

Of the many goals to be addressed, one which will receive special priority will be the long term elimination of illiteracy. Much more must be done to prepare students for school, and help them stay there. We must challenge our educational system to involve parents more pro-actively in their children's education, both at school and in the home.

Access to both vocational and higher education will receive special attention in the 102nd Congress. The reauthorization and enhancement of current federal efforts in both areas will receive both careful scrutiny and significant support.

Finally, special attention needs to be given to establishing a youth apprenticeship system in our schools which specifically addresses the needs of those high school students who do not go to college in order to properly prepare them to meet the demand for skilled labor markets.

For children and families—by understanding the impending social calamity, by responding with the full utilization of the policy tools available, and by searching for new ones.

There are some sixty-four million children in the United States. At current dependency rates, sixteen million, or one-quarter, will be on welfare before they have reached the age of eighteen. For minorities, the proportion will be one-half. Children now make up the largest proportion of poor persons in the United States. There is no equivalent in our history to such a number or such a proportion.

Much of this is new. This circumstance was not as recognized during the era of the New Deal, a half century ago, nor during the era of the Great Society, a quarter century ago. It marks the emergence of a new issue in social policy. The issue of dependency. It is necesary to force ourselves to recognize just how suddenly this has come upon us. The defining criterion of dependency is family structure.

These are the signs that many of America's children and our nation's very future are at risk. Moreover, all but the most affluent families in America have experienced significant economic pressures since the mid-1970's. Stagnation in wages for working parents, the rise in single-parent households, and the escalating costs of living have all made it more difficult for families to raise their children.

Poverty is by no means the only "culprit" in the problems of children. Drugs, depression, poor educational performance, inadequate health care, and other dangers affect children throughout our society, they are the result of many factors in and out of the home.

Actions must be taken to support children by helping families to become economically secure. Leadership and resources must be invested in giving all children an opportunity to obtain the education, health care, support, and values they need to become fully productive citizens and workers.

The Family Support Act of 1988 introduced a wholly new concept to address the changing family structure-based on a new social contract. Dependent mothers were to exchange effort for assistance. They must be enabled to work and expected to work. Most married mothers of young children are now in the work force. Absent fathers must be required to provide child support. Child health services—Medicaid—must be allowed to continue in place while mothers make the transition to the world of work.

To grow up successfully, children need attention and support at every stage of development. Parents hold the first and foremost responsibility for children; government, employers, the media, and the community also have a critical role to play. All working families in America should have access to safe and affordable child care in the setting of their choice. Working parents should be assisted in their efforts to balance work and family responsibilities. For example, a reasonable period of job protection must be available to care for a newborn or a child who is ill.

Adequate prenatal care and special emphasis upon the need to provide all children access to adequate nutrition, full immunization against childhood diseases and necessary health care must be secured. Finally, greater access to proven concepts such as WIC and Headstart, deserve strong support.

It is now the task of the national, state, and local governments and private agencies throughout the land to make this effort work. We pledge to do just that. We understand that a social calamity which has taken a near generation to come about will take a near generation to remedy. We have shown this endurance in the past; we will now.

We also serve the children and families of America by ensuring that they have decent, safe, adequate housing. Ignoring the need for public housing, and failing to encourage private housing development have been a disservice to both our nation's children and their families.

There are millions of children on our streets today who have been terribly hurt by this social convulsion and must be helped. The first task of any society is to create citizens. We are not doing that today for a quarter of our children.

In democracy . . . by returning citizen influence to politics through a limit on total political spending, ethics reforms, and limitations on special interests.

A Senator must raise over fifty thousand dollars per month every month of his or her six year term just to meet the average cost of re-election. In just over one decade (1976-88) political action committee contributions soared from fifteen percent to thirty-three percent of all contributions in congressional campaigns. Since 1956, broadcasting costs have jumped from six percent to eighty percent of the cost of contested campaigns.

In the 102nd Congress, Senate Democrats have proposed tough, practical laws to create comprehensive campaign reform. The only way to get at the core problem in campaign finance is by setting a limit on total spending. Such a limit is the central feature of our campaign reform plan and must be a major component of any serious reform proposal adopted by the Senate.

Broadcast costs are by far the biggest outlay in every serious campaign. Through vouchers and/or reduced cost time, we propose both to ease these costs and to encourage compliance with the spending limits which lie at the core of our plan.

Political action committees, though initially proposed as a way to limit the influence of large donors, have at times been too dominant an influence in the process. Senate Democrats will continue to seek the elimination of undue influence from both large donors as well as political action committees in the 102nd Congress.

In the fight against crime . . . by ensuring that our police and prosecutors have the tools they need to bring criminals to justice, by seeking ways to prevent crime, by providing that crime victims are treated fairly, and by educating our young about the dangers of drug abuse.

The plague of crime remains one of our Nation's major problems. Every nineteen seconds, another violent crime takes place. Every three seconds, there is another property crime. The number of murders in our nation's cities is increasing dramatically. And the plague of drug abuse continues to infest our entire country.

The crime statistics are appalling, but to some they fail to convey the very real human misery behind the numbers. Real people are getting killed around our country. Each has a history; most have family and loved ones left behind.

The fight against crime and drug abuse must be a top national priority. And the men and women who wage that fight should know that their calling is as noble as any in our society. Just like our brave soldiers abroad, police officers put their lives on the line for their community. They deserve the nation's support.

To assist local police in the fight against crime, Senate Democrats will provide financial and other support for state and local law enforcement, increase the number of FBI and DEA drugfighting agents, develop innovative approaches to law enforcement and crime prevention, advocate tough enforcement of federal laws, ensure that victims get adequate assistance, and set an example of leadership for the rest of the nation. Senate Democrats support continuing strong, anticrime and anti-drug legislation which deals with the ever pressing drug use, including education, rehabilitation, and enforcement. Along this line, the Democrats support all or major portions of the Biden Anti-Crime and Drug Control Act of 1991, the Outlaw Street and Motorcycle Gang Control Act of 1991, and the Violence Against Women Act of 1991.

Finally, this year's reauthorization of the Family Violence Prevention and Services Act will provide an opportunity for a disciplined, coordinated response on the part of federal, state and local governments to the growing scourge of domestic violence against women and children.

AMERICAN RESOURCES

In energy . . . by building a comprehensive policy to end dependence on foreign oil and by conserving our precious resources.

For ten years we have had no energy policy. As a result, our nation is more dependent on foreign sources than at any time in its history. Japan and West Germany both now produce about twice as much GNP per unit of energy as we do. Our reliance upon oil from the Persian Gulf has been given by the Administration as one of the main reasons for the war with Iraq.

During the 102nd Congress, Senate Democrats will forge a comprehensive energy strategy, including the development of domestic resources, aggressive efforts to encourage viable energy alternatives, and a national plan to conserve effectively the energy we use today. Our strategy also will reduce environmentally harmful emissions, such as greenhouse gases, acid rain precursors and local air pollutants.

The importance of new conservation efforts must and will be underscored as the cornerstone of the Democratic Conference's energy policy. The federal government must first set an example and then set a policy to promote, and in some cases, mandate, tough new conservation and energy efficient initiatives in transportation, utility, and building sectors.

Environmentally sound exploration and production of both domestic oil and natural gas will be strongly supported. Continued use of coal will be enhanced through the development of clean coal technologies.

Finally, we believe that continued efforts to pursue alternative energy development is critical to a national plan. Through the utilization of new technology and research, financial incentives, and nationally coordinated plans, renewable energy policy can and will play an increasingly important role. This energy strategy will emphasize cost-shared demonstration of the most promising technologies in solar, wind, geothermal and biomass energy, as well as research on hydrogen and other future energy sources.

And in the environment . . . by building upon the achievements of the past two years.

EPA has missed most of the deadlines under the Superfund law. We lose more than 500,000 acres of wetlands every year. Fifty percent of the operating landfills will be shut down in the next five years. Thirty percent of our nation's lakes, rivers and estuaries cannot support uses such as swimming or fishing.

A major legislative goal will be to reauthorize and strengthen existing laws to protect our water, ensuring our water is safe and free from contaminants. It is also our intent to examine carefully current efforts to address our solid waste problem. Every attempt must be made to coordinate the effort at every level of government with special emphasis in providing local authorities ample assistance in meeting our national goals. We intend to move aggressively on the cleanup of hazardous waste sites at federal facilities.

Senate Democrats will also work to make the U.S. a leader in the efforts of the international community to combat global warming and ozone depletion, to protect the world's oceans, and to promote the conservation of rainforests and other areas important to the earth's biological diversity, to the conservation of wildlife, and to the maintenance of a healthy and functional global environment.

Recognizing the linkage between global environmental degradation and population growth, we will work to rebuild America's legacy of leadership in international family planning programs and the effort to provide universal access to voluntary family planning services by the year 2000.

Mr. DASCHLE. With that, Mr. President, I yield 10 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. ROCKE-

FELLER] is recognized for up to 10 minutes.

HEALTH CARE

Mr. ROCKEFELLER. I thank the Chair, and I thank the distinguished Senator from South Dakota.

In Mason County, WV, Mr. President, there is an older couple who live by themselves. The husband, who is in his early sixties, has had three heart attacks. Every single bone and muscle in his body is immobilized, with the exception of his tongue. But he cannot use his tongue to talk, in that his throat does not work. His wife, Millie, cares for him and has been doing so for the last 7 years. There is no long-term care policy available to that man to help him and to help his wife who is being financially, psychologically, and physically devastated by the experience, loving though it is, of taking care of her husband 24 hours a day.

There is a definite need for long-term care policy in this country.

I am also reminded of a couple that we talked with in Minnesota during the course of the Pepper Commission. The woman was pregnant, felt labor pains coming, went to her local hospital with her husband to deliver her child. She did not, however, have any health insurance and therefore had no health insurance card. She was turned away. They told her to drive 85 miles down the road to a public hospital where she would be able to deliver her baby.

She and her husband did that, but the baby was born on the way during the trip. Because of lack of oxygen and lack of care; the baby died.

If you were to hear that woman or her husband talk about the need for access to health care in this country, Mr. President, you would get an answer of extraordinary strength and anger.

I was grateful to hear the President last night "call on the Congress to move forward aggressively on our domestic front." I could not agree more.

The question, of course, is what should our domestic agenda be? What are the greatest threats within our own borders? What are our priorities?

The Democrats in Congress have a very clear vision for America, and are ready to work with our colleagues on the other side of the aisle and the President to tackle the problems facing our country.

Of the many challenges facing our future, the health care crisis looms as one of the most serious and urgent of all. Health care costs are rising to intolerable levels. Crushing America's families, businesses, and government at all levels. Gaps are widening, resulting in over 33 million Americans without any health insurance. One of the greatest tragedies is that over 8 million of our Nation's children have no health coverage. These are children who don't go to the doctor when they develop an earache or high temperature.

Democrats have been urging action for a long time to take on these problems, and want to solve them decisively and now.

While the Reagan and then Bush administrations have focused their energies on cutting Medicare, the National Health Service Corps, community health centers, and other vital programs, the Democrats have stood up time and time again and said "no"—these are the programs that care for our people and give our families, elderly, and children access to basic health care.

While the White House continues to hide behind task force after task force, but still refuses to offer any proposals for major health care reform, Democrats are working on real and meaningful steps to expand access and long-term care protection to our people.

Example: The Democrats led the charge last year, and we succeeded in passing landmark measures to expand Medicaid to cover every poor child in America—a vital investment in our Nation's future; to provide desperately needed home care to some of our most deserving seniors; and to put an end to abuses in Medigap policies that were robbing our elderly blind.

With deep pride, I chaired the Pepper Commission, that has spelled out a comprehensive blueprint for action to bring about universal health care and long-term care protection for all of our citizens.

When the President's budget arrived last month, once again, the ax was aimed at Medicare. But still, after 2 years of being in office, this administration has yet to lay out any plan, any blueprint, any specific agenda to respond to the health care crisis. No plan to cut costs, to expand access, to build a long-term care system.

Health care reform is America's agenda, and that is precisely why it is the Democrats' agenda. So, when the President says, let's move aggressively on the domestic front, we the Democrats, say—yes, we are ready. There are no easy solutions or answers, and you won't see us hide behind slogans or excuses for real solutions for Americans. There are tough choices to make to solve the health care problems before us. Leadership from the Oval Office is needed, and we welcome it. But if we continue to hear the sounds of silence, I can assure the American people that Democrats are marching forward to build the support and offer the legislation that will solve the health care crisis. We are moving aggressively, and are absolutely determined to enter the 21st century as a nation that provides access to affordable health care to all of our people.

Mr. DASCHLE. Mr. President, I yield 5 minutes to the distinguished Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for up to 5 minutes.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 590 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DASCHLE. Mr. President, I yield 5 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for up to 5 minutes.

CRIME CONTROL: A DOMESTIC AGENDA PRIORITY

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, in his address last night to a joint session of Congress, President Bush described his domestic agenda priorities. All Americans share in the pride the President evinced last night and the great victory we have won in the Persian Gulf. We have demonstrated the strength and courage of America to resist aggression. Now the President has indicated that he will commit a portion of the great popularity and political strength brought to his office toward the meeting of an equally challenging agenda of concerns here in America.

The President outlined an ambitious schedule for consideration of major legislative items. I was pleased that one of those goals he prioritized, a goal that he called to be met within the next 100 days, was passage of an effective set of crime control measures.

The plague of crime continues to be one of our Nation's major problems. Every 19 seconds in this Nation, Mr. President, another violent crime takes place. The number of murders in our Nation's cities is increasing dramatically. The plague of drug abuse continues to infest our entire country, from the board rooms to the classrooms, from the smallest to the largest of our communities.

The Democratic congressional leadership has recognized the need to deal with the root causes of crime, such as economic stagnation, discrimination, and isolation, as well as holding individuals responsible for their actions. Democrats will not be permissive on either the causes or the effects of crime.

Under the Democratic leadership of both the House and the Senate, we have passed sweeping crime control bills. These measures address some of the most controversial issues that Members of Congress must consider: the death penalty, habeas corpus reform, the exclusionary rule, and assault weapons.

The 100th Congress authorized the use of the military in the war on drugs. I recently had an opportunity to visit Task Force 4 based on Key West, FL, which is responsible for coordinating military involvement in the war on drugs in the Caribbean and northern Latin America.

Mr. President, I am pleased to report success just as the President reported on success and victory last night in the Persian Gulf. I am not able to say that we have achieved victory in our war against drugs from the use of the military, but I will say that the effective use of military personnel and capacities has had a substantial beneficial effect in reducing the flow of drugs from that part of the world through the Caribbean into the United States.

Mr. President, now is the time for some of the resources which contributed to that success and which were removed from the region in order to supplement our strength in the Persian Gulf to be returned to the protection of our borders.

Unfortunately, the 101st session came to a close before the House and Senate conferees could reconcile all the provisions in their respective crime control measures. However, we will not let the close of one session and the beginning of another stop the momentum toward a consensus on these critical issues. With the President's good faith cooperation, Congress can enact a tough crime control program which supports and compliments the efforts of State and local law enforcement.

As demonstrated by the House and Senate last year, Democrats are committed to ending frivolous and repetitive appeals of prisoners sentenced to death. I hope that Congress will reconsider the recommendations of the panel appointed by Chief Justice Rehnquist, chaired by former Justice Lewis Powell, which has given us a clear path toward the resolution of this difficult issue, an issue which has undercut many citizens' basic regard for our judicial process.

Democrats are committed to imposing the toughest penalties to murderers, drug dealers, rapist, and child abusers. They are committed to the goals of the Outlaw Street and Motorcycle Gang Act of 1991, the Violence Against Women Act of 1991, and the tenets of a Biden Anti-Crime and Drug Control Act of 1991.

Democrats are committed to enacting laws to end money laundering crimes. Senator JOHN KERRY has reintroduced his bill allowing regulators to put banks out of business under circumstances if they are convicted of money-laundering crimes. Effective, tough, diplomatic negotiations by the administration will be required to implement the international initiatives required under money laundering and other international criminal activities.

Democrats are committed to giving the courts the resources they need to handle drug-related crimes clogging our court system. Last session, the House and the Senate enacted legislation providing 85 additional seats on the Federal bench to deal with the backlog of criminal cases.

I regret to report, Mr. President, that too many of those positions continue to be unfilled. In my own State of Florida, with a major challenge in terms of drug-related crime, we have 31 Federal district judgeships. Of those 31 judgeships, 9, or over 29 percent, are vacant today.

The fight against crime and drug abuse must be a top national priority. The men and women who wage that fight must know that their calling is as noble as any in our society. Just like the brave soldiers in the Middle East and other foreign countries police officers put their lives on the line for their communities. They deserve the Nation's support. The Democratic leadership and membership of Congress will assure that they receive that support.

I thank the Chair.

MILITARY AID TO EL SALVADOR

Mr. KENNEDY. Mr. President, I join Senator ADAMS and others in calling for the termination of all military assistance to the Government of El Salvador unless and until that country undertakes significant human rights reforms and commits itself in good faith to genuine efforts to end its long and brutal civil war.

The events of the past year underscore the importance of this legislation, and I commend Senator ADAMS for his initiative.

United States support for the Salvadoran military during the past 10 years has strengthened the Armed Forces, but done nothing to end the continuing abuses of human rights by the government.

In the past decade, more than 72,000 Salvadoran civilians have been victims of political killings. Many of these individuals died as a result of rebel attacks. Two American servicemen were killed by the rebels this past January in a particularly vicious crime.

None of us condones these rebel atrocities, but we are not giving U.S. aid to the rebels. We have given aid to the government, $4.4 billion during the course of the past 11 years. Throughout that period the Government-backed death squads have continued to flourish. It is time to say enough.

The death squads' war on civilians has changed very little during the past decade, and the U.S. Government's response to death squad atrocities has also changed little.

In 1980, Archbishop Romero was assassinated while celebrating Mass. The Government of El Salvador promised a thorough investigation of the killing, and the United States Government issued a harsh warning against further murders of civilians. Nonetheless, 12,000 civilians were murdered that year in political violence. No one was ever convicted of the Romero—or any other—murder.

In the following years, El Salvador became increasingly militarized. With funding from the United States, its armed forces grew from 12,000 to 56,000 troops. As the military undertook counterinsurgency measures to root our subversives, the death toll of civilians continued to mount.

Today, after a decade of bloodshed and U.S. aid, political killings of civilians continue unabated. Yet, not one military officer has been convicted of a human rights violation. Death squad structures remain intact and military rule remains the law of the land, despite the tying of human rights conditions to military aid, threats of reduced aid, and numerous warnings from the administration.

The Salvadoran military has actively obstructed the investigation of the 1989 murder of the Jesuit priests. It is increasingly unlikely that there will be a just resolution of that case or any of the other human rights cases pending in the Salvadoran judicial system.

Only days after President Bush recently announced his intention to restore the suspended military aid, 15 Salvadoran peasants in the El Zapote district were brutally murdered for allegedly collaborating with the rebels. The independent newspaper El Diario Latino was burned to the ground, and the offices of a political party were bombed.

Each of these incidents is believed to have been carried out by the military or by private right wing groups with the acquiescence of the military. United States Ambassador William Walker has expressed his deep concern over these incidents to the Government of El Salvador.

Last week, the administration indicated that it was sending the Salvadoran military a strong signal in connection with the prosecution of the Jesuit case and other extra judicial killings. Yet, accompanying that signal, was a promise to release $42.5 million in military aid. Some signal.

The United States has been sending the Salvadoran military this kind of mixed signal for too long. It is time for America to stop sending blood money to a government that is brutally abusing the fundamental rights of its citizens. The United States must stop funding military killers who are beyond civilian control, above the law, and ungoverned by El Salvador's own government.

The measure we are introducing today would suspend all military assistance to El Salvador for fiscal years 1992 and 1993, unless the President reports to Congress that certain conditions had been met and Congress enacts a resolution releasing the funds.

For aid to be restored, the Salvadoran Government would be required to:

Bring to justice those responsible for ordering and carrying out the murders of the Jesuit priests;

Pursue all legal avenues to bring to trial those responsible for the 1980 assassination of Archibishop Romero, the 1980 murder of U.S. land reform consultants Michael Hammer and Mark Pearlman, and the 1989 bombing of the Fenestras headquarters;

Place the Salvadoran military under the control of the elected civilian government;

Negotiate in good faith to achieve a cease-fire and a final political settlement of the conflict;

Extend internationally recognized rights to Salvadoran workers; and

End the assassinations and kidnapings of civilians.

In determining whether to restore military aid, Congress would also be required to take into account whether the rebels had observed internationally recognized human rights and pursued good-faith negotiations with the government.

This legislation would, at long last, end United States complicity in Government sponsored bloodshed and political violence in El Salvador. I urge the Senate to approve it.

ABSENCE OF SENATOR STROM THURMOND

Mr. SIMPSON. Mr. President, Senator THURMOND is necessarily absent from the Senate today, Thursday, March 7, 1991, in order to attend the funeral of Mrs. Charles E. Simons, the wife of his closest friend, Judge Charles E. Simons. During his service in the Senate, Senator THURMOND has always taken his duty to represent the people of South Carolina seriously and has been absent from Senate business only when absolutely necessary. He is absent today because of his strong commitment to a close personal friend.

BRUCE S. HOLLAND OFFERS HELP TO FAMILIES DISRUPTED BY WAR

Mr. PELL. Mr. President, I would like to share with my colleagues the inspiring story of a Rhode Island businessman who saw the needs of Rhode Island families whose lives were disrupted by the war in the Persian Gulf.

Bruce S. Holland, president of American Chemical Works in Providence, saw a "Today Show" segment several weeks ago about a military man notifying a family that a loved one had died. He was deeply touched.

He thought of his own family, safe at home, and of the need to help local families whose lives have been disrupted by the war. At this point, where many would have shrugged and dismissed the plight of others as "not my problem," Bruce acted.

He and his wife formed Rhode Islanders Assisting Rhode Islanders [RIARI], a nonprofit group to help local families disrupted by the war. His wife, Betsy, is vice president of RIARI. The group already has raised $60,000 and is working to provide money for housing, food, and medical assistance.

Holland noted that, even though the war is over, Rhode Island military personnel may not be home for some time and their families continue to need help.

Once the troops leave the gulf, he said, RIARI will turn its attention to another task: "Giving them an unforgettable welcome home."

We in Rhode Island are proud of Bruce and Betsy's work and want to share their inspiring example. I ask unanimous consent that a story from today's Providence Journal, "Families of Troops Offered a Hand," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAMILIES OF TROOPS OFFERED A HAND

(By S. Robert Chiappinelli)

PROVIDENCE.—Several weeks ago Bruce S. Holland, president of American Chemical Works on Charles Street, saw a Today TV show segment about a military man notifying a family that a loved one had died.

While Holland watched the program, his two sons, Jeffrey, 10, and Matthew, 7, slept in their home at 21 Glen Drive on Providence's East Side.

Their father stole in, looked at them, thought of the scene he had just watched and said to himself: "My God, what if that was one of my kids?"

Out of that moment grew Rhode Islanders Assisting Rhode Islanders, a nonprofit group formed to help local families disrupted by the war in the Persian Gulf.

At a press conference yesterday at the Armory of Mounted Commands on North Main Street, Holland invited families who have loved ones in the Gulf region and are in need to call 454–5188 for assistance.

RIARI has raised $60,000 and will provide money for housing, food and medical assistance. It will also serve as a conduit for other services. Calls will be confidential, Holland said, and no repayment will be expected.

The group is assisting a woman who had to move out of her apartment because she couldn't afford the rent after her husband was sent to the Gulf and her monthly income dropped $1,000, Holland said.

Even though the war is over, Rhode Island military personnel may not be home for some time, Holland said, and their families continue to need help.

Holland's wife, Betsy, is vice president of RIARI. Fran Z. Slustky is secretary and Cynthia R. Schwartz is treasurer.

Yesterday Holland mentioned that he had read letters from those serving in the Persian Gulf and that a constant theme was concern for families here.

He praised the way those left behind have carried on.

One of his employees, Janet Fiebich of Riverside, has a son, Steven Laird, who is a pilot on the aircraft carrier Kennedy in the Gulf.

The press conference drew a number of dignitaries.

Lt. Gov. Roger N. Begin said the organization's goal to help other Rhode Islanders is typical of the small state. "We really are like a family," he said.

"It is a fine and noble thing that is taking place here today," said Secretary of State Kathleen S. Connell. Her son has been serving in the Persian Gulf since Dec. 4.

Gen. Treas. Anthony J. Solomon and Maj. Gen. N. Andre Trudeau, commander of the Rhode Island National Guard, also praised the new organization.

Holland is the son of Marvin Holland, a prominent businessman, and the nephew of Maj. Gen. Leonard Holland, who headed the Rhode Island National Guard for years.

Both his father and uncle will join him, Citizens Bank president George Graboys, and others on a selection committee that will meet at least weekly to chose recipients, Holland said.

Applications will be available in Spanish and Portuguese as well as English, he said, and RIARI is still raising money to answer needs.

Once the troops leave the Gulf, Holland said, RIARI will turn its attention to another front: giving them an unforgettable welcome home.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that morning business be extended until 12:15 under my control, and that the time for debate on the Madigan nomination be reduced to 15 minutes; that the previous unanimous-consent agreement commence at 12:15 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, the time for morning business is extended to 12:15 and the period allocated to the nomination of Mr. MADIGAN will be reduced to 15 minutes.

Mr. LEAHY. Mr. President, if I may make a parliamentary inquiry, does that mean the vote on the Madigan nomination will be at 12:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair.

Mr. DASCHLE. I yield 7 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Mr. SIMON] for up to 7 minutes.

THE EDUCATION BATTLE

Mr. SIMON. Mr. President, I thank my colleague from South Dakota not only for yielding to me but for his leadership, and that of Senator MITCHELL.

We are starting at least some dialog on some of the important issues—health care, crime, and others. I think that is extremely important.

Last night we sensed, as we all sat in the House of Representatives, the pride Americans have in the military victory that our forces joining with other nations were able to achieve in the Middle East. I wish I could tell you now, Mr. President, that we are also winning the battle on the education front but you know that is not correct, our colleagues in the Senate know that is not correct, and the American people know that is not correct.

While the President's speech last night understandably was preoccupied with foreign affairs, there was only one passing reference to education, on the controversial issue of choice. We have to have more than passing references to education if we are going to do what we ought to do as a nation.

President John F. Kennedy said, "Our progress as a nation can be no swifter than our progress in education. The human mind is our fundamental resource."

I do not know of anyone who challenges that. Yet, when we read the 1985 study of 8th graders in 20 countries, the study found U.S. students 10th in arithmetic, 12th in algebra, 16th in geometry, 18th in measurements, 9th in physics, 11th in chemistry, last in biology, and I would add last in foreign language study. In every other country on the face of the Earth that I know of, all elementary students study foreign languages. In the United States, fewer than 1 percent of our students study foreign languages.

Senator KENNEDY, who chairs our Labor and Human Resources Committee, has introduced Senate bill 2 which sets up some goals and takes some immediate steps. I commend him for his leadership on education, as well Senator PELL, and the ranking Republican on the committee, Senator KASSEBAUM.

We have to do better as a nation. We are slipping. In fiscal year 1949, we spent 9 percent of our Federal budget on education. Today, we are spending 3 percent of our Federal budget on education. No one can suggest our needs have diminished.

I happened to be in the chair, Mr. President, when Senator BYRD spoke about what was happening over a 10-year period to our appropriations. I will never forget that speech. It showed we are not making the kind of priorities we ought to be making.

Some people say, well, we are No. 1 in education expenditures in the world. That is because we have done so well in the field of higher education, but we are slipping even in that area. In the last 10 years, the average cost—if you take out the inflation factor—of going to an independent 4-year college has gone up 52 percent; going to a 4-year public school, like the University of South Dakota, the University of West Virginia, has gone up an average of 44 percent. Two-year schools have gone up an average of 18 percent. Student aid has gone down an average of 3 percent.

But when you take higher education away from the expenditures, the United States slips down to 14 among the nations of the world in what we spend on education. Senator KENNEDY has included in Senate bill 2, a proposal I authored that says we ought to do something on literacy. The evidence is just overwhelming: 23 million American citizens, adults, are functionally illiterate; 4 million of them cannot read their names in block print. And they are all around us.

I had the experience of holding hearings on the problem of adult illiteracy, and one of the witnesses was Dexter Manley, and he got a lot of television coverage in this area. And a woman working in this Capitol who all of us see—if not every day, almost every day—came up to me and said, "You think someone could help me?" I said, "I am sure someone can."

I asked a member of my staff to work with her and then every once in a while I would see her, and she said, "I am working on it."

One day as I was walking through the Capitol I saw her about 30 feet away. I waved and she waved back and smiled. Then she did something else. Only she and I knew how significant it was. She held up a book. I will never forget that.

We have to give that opportunity to her and to others. Let me tell you that was a thrill to hold up that book.

We have to do better.

The President called a summit meeting of Governors to do something about education. The President basically said to the Governors, "You do something about education." Now they have set up some goals. The President spoke to us last year in the State of the Union, and said by the year 2000 we want to be No. 1 in arithmetic, and he went down that list saying this is where I want American students to be.

But let me tell you where we are headed unless something happens. We are not only not going to be No. 1; we are going to slip further behind. That is where we are headed.

If we can have a summit meeting of Governors on education, why can't we have a summit meeting right here in Washington of Democrats, Republicans, the President, and the Secretary of Education and let us get an agenda right here at the national level on education. We can do better, my friends.

The goals that have been established by the Governors, I applaud. But there is a committee that is going to review our progress toward those goals, and it is unfortunately controlled by the President of the United States. The committee is going to come in in September or October 1992 and give us a report. And we know what that report is going to say.

Senator BINGAMAN, as part of Senate bill 2, has said let us get an independent group to look at this. If we want to change the date for the report, as far as I am concerned that is fine. I do not speak for Senator BINGAMAN who is certainly a thoughtful addition to our Education Subcommittee here in the Senate.

Mr. President, the reality is we are slipping in the Nation in the field of education. If we are slipping in education, we are slipping as a nation. We can do better and we have to do better.

Mr. President, I yield my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF EDWARD R. MADIGAN TO BE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed in executive session to consider the nomination of EDWARD R. MADIGAN to be the Secretary of Agriculture.

The clerk will report the nomination.

The bill clerk read the nomination of EDWARD R. MADIGAN of Illinois to be Secretary of Agriculture.

The PRESIDING OFFICER. The time for debate between now and 12:30 is equally divided and controlled by the Senator from Vermont [Mr. LEAHY] and the Senator from Indiana [Mr. LUGAR].

Mr. LEAHY. Mr. President, I understand that because of the extra time taken by the Senator from West Virginia and others, the managers and I will no longer have a half an hour. We have about 9 minutes; is that correct?

The PRESIDING OFFICER (Mr. KOHL). The Senator is correct.

Mr. LEAHY. I yield myself 2 minutes of that 9 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. LEAHY. Mr. President, I have worked with ED MADIGAN on farm policy for many years and I know he is a tough but fair and openminded legislator. We have met several times in the past few weeks, and although I am convinced he is well qualified to be the next Secretary of Agriculture, I also know there will be issues on which we will disagree.

As I mentioned to Mr. MADIGAN at his confirmation hearing just 2 days ago, there are several issues I am particularly concerned about.

First, dairy farmers are now facing a crisis today. In the past 6 months, farmers in the Northeast have seen a 20-percent drop in milk prices. If this is not reversed, we may lose many of our family farms. The solution is a long-term supply management program, which according to the farm bill, USDA must develop with Congress. I told Mr. MADIGAN it is vital to the entire dairy industry that we work together to enact a supply management program that provides farmers with a decent income and consumers with an adequate supply of milk.

Second, on GATT, I have been briefed by the President and Ambassador Hills on the future of the GATT negotiations. The President told us that he will request an extension of the fast-track authority for GATT. I see no reason, at this time, to support fast track until the administration is willing firmly to commit to provide income protection to American farmers hurt by GATT. I will continue to push Mr. Madigan and the administration to provide that much-needed protection.

Third, on a number of programs created in the farm bill—including "farms for the future" and organic certification—I am concerned that USDA is moving too slowly in developing regulations mandated by the 1990 farm bill—regulations we both worked hard to enact. I trust that with new leadership at the Department of Agriculture, these new initiatives will move forward more quickly.

Finally, I told Mr. Madigan that I view this change in leadership at USDA as a rare opportunity to take stock in its accomplishments, but also to assess plans and goals for the future—a future that concerns all of us.

In 1985, when the farm bill was under consideration, those involved in the debate—or even interested in its outcome—were largely members of traditional agricultural groups. Today, Americans are now paying closer attention to agriculture. Consumers are concerned about the safety of their food and the protection of their environment and about the nutrition of those in their community.

All of us want Ed Madigan's USDA to live up to the promise of the 1990 farm bill—that sound agricultural and environmental policy can be combined in a way that makes sense for farmers and the American public.

I retain the remainder of my time and yield to the Senator from Indiana.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. LUGAR. Mr. President, how much time does our side have in this debate?

The PRESIDING OFFICER. Five minutes.

Mr. LUGAR. Mr. President, it is a pleasure to recommend to my colleagues the confirmation of Ed Madigan as Secretary of Agriculture. Ed is a fellow midwesterner, a successful businessman, an outstanding legislattor, and a prime architect of U.S. agricultural policy.

Few Members of Congress have done more than Ed Madigan to make American farm policy responsive to changing world markets, while maintaining reasonable income supports. His leadership of House Republicans in the 1985 and 1990 farm bills was thoughtful, professional, and articulate. These same adjectives also describe the dealings we in the Senate have always had with Ed.

Ed Madigan has run the Yellow-Lincoln Taxi Co. and served in the Illinois House of Representatives, and was elected to the Congress in 1972. He has been a distinguished member of the House Energy and Commerce Committee in addition to his service on the Agriculture Committee.

To the office to which President Bush has nominated him, Ed brings several qualities that are invaluable to any Secretary of Agriculture: The ability to seek consensus without sacrificing principle; the quality of calm judgment in the midst of competing and insistent interests; a detailed knowledge of U.S. agriculture and the Government's role therein; an appreciation of the increasingly globalized market in which U.S. farmers and agribusinessmen must operate.

The President has made an outstanding choice for Secretary of Agriculture. The Committee on Agriculture, Nutrition, and Forestry agreed, reporting the nomination favorably yesterday by unanimous voice vote. I strongly support this nomination, and urge all my colleagues to do likewise.

Mr. DOLE. Mr. President, I am pleased to provide my vote of confidence in supporting Ed Madigan as the President's nominee to be Secretary of Agriculture. Having known and worked with Ed for many years, I know the qualifications that he brings to the job. He will undoubtedly put his extensive knowledge of agricultural policy to work as a pragmatic and hard-working leader for American agriculture. And from listening to the comments made by my colleagues while Ed was before the committee, there is widespread appreciation of his qualifications and capabilities.

I have had the opportunity to work with Ed on many pieces of legislation and on several farm bills. He has an unblemished reputation for knowing the issues, listening, and working with conflicting parties in order to find a workable compromise. I'm sure those attributes will come into play as the administration and the Congress work together on the implementation of the 1990 farm bill, the consideration of an agreement in the General Agreement of Tariffs and Trade, and other important issues.

Representing an agricultural district in east-central Illinois, Ed has been a long-time voice for agriculture as the ranking minority member on the House Agriculture Committee. Though not a farmer by trade, as many past Secretaries have been, there can be no arguing that he knows what agriculture does and doesn't need as much as anyone. The very real needs of American farmers, rural communities, and rural lives have long been a priority to Ed, and he also recognizes the role of agriculture in a rapidly developing global economy. These ideals, and the recognition that fiscal constraints will play an important role in shaping the direction of future policies, make Ed a natural choice for the Secretary of Agriculture.

I would close by urging my colleagues to join me, and the unanimous support of the Senate Agriculture Committee, in supporting Ed as the next Secretary of Agriculture. He will provide invaluable leadership and insight for agriculture during his tenure, and I commend President Bush for selecting such a distinguished colleague for the nomination.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DIXON. I ask the distinguished chairman how much time remains.

Mr. LEAHY. How much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes, 18 seconds.

Mr. DIXON. May I have a minute and whatever time my colleague from Illinois wants?

Mr. LEAHY. Whatever anybody wants is OK by me.

Mr. DIXON. Mr. President, it is with great pleasure that I support the President's nominee for Secretary of the Department of Agriculture, Edward R. Madigan.

I have known and worked with Ed Madigan for almost 30 years. Throughout his career, first as a State legislator, beginning in 1966, and then, since 1972, as a Member of the U.S. House of Representatives, Ed has distinguished himself as an intelligent, industrious, and effective leader. I have every confidence that he will provide this same outstanding service for the citizens of our Nation as he has provided for his constituents in Illinois over the years.

Ed is an honest, hardworking, and talented individual whose personal integrity is beyond reproach. While his loyalty to the President is unquestioned, he has proven himself to be one who will contribute his own opinions and beliefs in matters of policy.

Ed Madigan has been a major architect of agriculture and food policy. He brings to the position of Secretary of the Department of Agriculture a tremendous base of knowledge. He has a comprehensive understanding of the needs and concerns of farmers and rural America. His leadership and skill at bringing different viewpoints to the negotiating table and finding a solution acceptable to all sides is well-known and respected.

Mr. President, Ed's contributions and accomplishments on behalf of American agriculture speaks for itself, as does his excellent reputation among both the agricultural community and the U.S. Congress.

Ed is an outstanding choice for this extremely important position. I commend the President for his good judgment in making this nomination.

I thank my colleagues, and I urge them to support this well qualified and worthy candidate for Secretary of Agriculture.

Mr. President, I have known ED for over a quarter of a century. We came to know each other in the Illinois Legislature. He served with great distinction for 20 years in the U.S. Congress, as ranking member on the Agriculture Committee in the House, a very fine man who will bring to the Department of Agriculture outstanding leadership. I am delighted to endorse him; I am delighted to support him, and I congratulate the President on this excellent selection.

I yield the floor to my colleague from Illinois and urge my colleagues to vote yes for ED MADIGAN for Secretary of Agriculture.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, I join the enthusiastic response to the nomination of ED MADIGAN. Senator DIXON and I became acquainted with ED at the same time, on his election, in 1966, to the Illinois General Assembly. He is a class-quality person who will provide the kind of leadership that is important to the farmers of this Nation and to the Nation as a whole. He will bring honor to the President by the way he conducts himself in the post of Secretary of Agriculture. I am very, very pleased to join in paying tribute to ED MADIGAN and enthusiastically endorsing his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield 1 minute to the distinguished Senator from Iowa [Mr. GRASSLEY].

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise today in support of the nomination of Congressman EDWARD R. MADIGAN to be the Secretary of Agriculture. President Bush has picked a good friend of agriculture and one with great knowledge of agricultural policy.

While it was clear from his testimony before the Senate Agriculture Committee that he has a fundamental grasp of agricultural policy—and also the deep respect of his colleagues from both sides of the aisle—during the hearing what really came through was his willingness to listen: to both Congress and farmers. ED MADIGAN showed that he has spent his career talking to real family farmers with real concerns. He has, over his 18 years in Congress, incorporated those concerns into the policies and programs which have emanated from Congress.

I expect that he will continue to listen as we move to tackle the challenges that face agriculture in the 1990's and beyond. Listening is an important ability for all Members of government at all levels. Farmers are especially sensitive to the perception of having Government officials who will listen to them because the programs created in Washington directly affect our farmers' incomes. Farmers need advocates at the highest levels, and that includes the Cabinet room. We need to address the distortions caused by foreign governments who flood the world market with their surplus production, thus stealing our markets. The problem of worldwide agricultural reform is being addressed in a multilateral context through the GATT. Carla Hills, as USTR, is our main negotiator and I am sure that she has a competent agricultural staff. However, our farmers, and we in Congress, will expect EDWARD MADIGAN to play an extremely important role: We will need him to be involved with the negotiations and to make it clear to our competitors that we will not accept a bad deal, one which would leave our farmers exposed to their unfair trade practices. ED MADIGAN will need to keep the heat on the USTR and on our competitors to strike a deal that allows our farmers to exploit their competitive advantage as the world's most productive agricultural producers. If such a deal cannot be made, then the Secretary of Agriculture, must be willing to tell the U.S. negotiators to walk away from the negotiations.

From the responses to the questions my colleagues and I raised with Mr. MADIGAN, I am satisfied that ED will not hesitate to walk away from a bad deal for America's farmers and because of this willingness, may provide the best reason yet for those of us who are interested in agricultural policy to support extension of the administration's fast-track authority. The issues facing agriculture go beyond trade and income questions, and ED MADIGAN will be able to rely on his congressional experience to join the debate on a host of environmental and public policy concerns. His seat on the House Energy and Commerce Committee has put him in the middle of debates on subjects as far ranging as food safety, pesticide usage, water quality, and clean air.

This Congress will be dealing with the reauthorization of the Clean Water Act and the Resource Conservation and Recovery Act, to cite two such policy issues. These reauthorizations will definitely affect agriculture and our farmers' ability to produce the world's most abundant and healthiest food supply. The Department will need a strong leader on these issues, and because of Mr. MADIGAN's experience, I expect him to play an active role.

Mr. President, I look forward to working with Mr. MADIGAN in his role as one of the Nation's top advocates for farmers, second only to myself. Thank you.

Mr. LUGAR. Mr. President, I yield 30 seconds to the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague for yielding. It is with pleasure that I stand in support of ED MADIGAN to become our new Secretary of Agriculture. Having worked 10 years with him in the House, he not only brings the knowledge of agriculture, he also brings a concern that is important in my State and that is the concern of proper management of the U.S. Forest Service. Those are two key and important issues that this Congress must deal with in the coming months and years in implementation of the farm bill, proper management of our forests and lands. I am pleased the President made this wise choice. ED MADIGAN will be an excellent Secretary of Agriculture.

Mr. LUGAR. Mr. President, I yield 2 minutes to the Senator from Montana [Mr. BURNS].

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS] is recognized.

Mr. BURNS. Mr. President, I rise in support of the nomination of ED MADIGAN to be the next Secretary of Agriculture.

We need a Secretary who will be a strong supporter within the administration—and on the Hill—of our Nation's farmers and ranchers. I believe that ED MADIGAN will be that strong supporter.

Mr. President, I voted against final passage of the 1990 farm bill when it was before the Senate last year. I do not think that it meets the needs of Montana producers, or for that matter the needs of many of our Nation's farmers. For us the 15-percent triple base option is just another 15 percent unpaid land diversion.

Although ED MADIGAN comes from corn and soybean country—from land that is soil rich, generally gets just the right amount of rainfall, has a long growing season, and is close to multiple transportation systems—I believe the ED MADIGAN will move beyond the needs and concerns of the Corn Belt and will address the needs and concerns of the rest of agriculture.

And those needs and concerns are many Mr. President. In Montana, some producers are facing yet another year of a devastating drought. My producers are a tough breed—used to hard conditions and inclement weather—but even the toughest are beginning to show signs of weariness.

Montanans need an adequate Federal Crop Insurance Program, one that does not abandon them. They need a strong Export Enhancement Program that levels an unfair international playing field. Most of all, Mr. President, they need a Secretary of Agriculture who will listen to them. A Secretary who will go the extra mile to ensure that the greatest agricultural production system in the world does not fail because our Government has failed the farmer and rancher. Mr. President, I believe that ED MADIGAN will be that kind of Secretary and I urge my colleagues to support him.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, I yield 30 seconds to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, U.S. agriculture will face considerable challenges in the coming years. ED MADIGAN, with his experience and outstanding leadership qualities, will be a very positive and constructive force in dealing with these challenges.

I enthusiastically endorse the selection of Congressman MADIGAN as Secretary of Agriculture and encourage my colleagues in the Senate to support his confirmation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I look forward to working with Mr. MADIGAN, but I do speak with a sense of history. Family farmers in rural communities, as we speak today on the floor of the Senate, are struggling for their economic survival. I was at the wrestling tournament in Minnesota last weekend with people from across the State, and many farmers talked to me about their plight. The dairy farmer cannot make it on 10-10 per hundred weight.

I want to say loudly and clearly on the floor that the health and vitality of rural America is not based on the number of acres farmed or the number of animals, but on the number of family farmers who are able to live in the communities and be able to support themselves and their families.

I hope, Mr. President, that we will move strongly for a fair price at the marketplace and support family farmers, and that Mr. MADIGAN will work toward those goals.

Mr. KASTEN. Mr. President, I rise today to cast a vote of strong support for EDWARD MADIGAN as Secretary of the U.S. Department of Agriculture.

Mr. President, I know that the new Secretary will have to confront a full agenda of agricultural concerns. In light of the recent plummenting of milk prices, dairy reform is a critical isssue to Wisconsin farmers. I am hopeful that we can work together in creating a management plan for dairy, and instituting a long overdue reform of the Federal milk marketing orders and price series.

Wisconsin farmers need real change. It is estimated that 4,000 farmers in Wisconsin will go out of business in 1991. I will work with Secretary MADIGAN to prevent this estimate from becoming a reality.

I am confident that Secretary MADIGAN is more than capable of the difficult tasks that lie ahead. I look forward to working with the new leader of the Agriculture Department.

Mr. SIMPSON. Mr. President, I rise in support of this extraordinary nominee for Secretary of Agriculture. I have known EDWARD MADIGAN for many years. He is a steady and thoughtful man. He is a great leader who hails from the triple "I"—Illinois, Indiana, Iowa—the breadbasket of this great Nation. I deeply admire his devotion to the agricultural sector of this fine country.

EDWARD MADIGAN has never been one to run away from a good challenge or a scrap. He certainly will be facing the challenge of a lifetime when he assumes our Nation's leadership role for the food and fiber industry. He will assume his responsibilities at a time when the U.S. Department of Agriculture estimates that U.S. agricultural exports will take a $3 billion plunge in the next year and also at a time of a record national debt.

I believe that together we can actually construct a sensible farm policy to lead our Nation out of the present economic turmoil. Agriculture can be a powerful engine to fuel necessary economic growth. Many opportunities presently exist for agriculture—specifically the Uruguay round of the General Agreement on Tariffs and Trade [GATT], the North American Free Trade Agreement, and the Enterprise for the Americas Initiative. I am convinced that EDWARD MADIGAN's absolute integrity, sincerity, and consummate good sense will guide U.S. agriculture successfully through both current and future global trade negotiations.

EDWARD MADIGAN has spent the last 16 years of his career battling barriers to U.S. agricultural exports while a member of the House Agriculture Committee—8 of those years as the ranking Republican on that committee. The agricultural policies EDWARD MADIGAN has supported have had positive, far reaching impacts on the people of this country—from food stamps and commodity distribution programs to the Farmers Home Administration and the Rural Electrification Administration. He was instrumental in rewriting both the 1985 and 1990 farm bills and was a strong advocate for protecting farm income and expanding export markets.

If ED MADIGAN approaches the trials and tribulations of agriculture with the same fervor and passion that he has approached his duties and responsibilities to his constituents in his State and the Nation, then agriculture will undoubtedly face unbounded successes throughout the 1990's.

He is surely the right man for the job and I look forward to working with my friend to achieve the necessary ends. My wife Ann and his wife Evelyn enjoy their association together in one of the fine international neighbors clubs. A great group. They even invited ED and I from time to time. So I wish ED and his lovely and talented wife, Evelyn, the very best in this new and important endeavor for our country.

Mr. CONRAD. Mr. President, I want to take this opportunity to express my support for the confirmation of EDWARD MADIGAN as the new Secretary of Agriculture.

I have known and worked with ED MADIGAN only a very short time compared to many of my colleagues, but I have come to know him as a hard working, serious, concerned man who cares about rural Americans and agriculture.

Upon his confirmation he will face one of the most difficult tasks of any Secretary in the history of the Department of Agriculture. He will head the Department charged with rural development and the management of far reaching and complex farm programs, nutrition programs, research efforts, and environmental regulations.

He will face a rural America that lost income, lost jobs, and lost people relative to the rest of the country, and a farm community that endured the deepest recession since the 1930's. Grain farmers suffered a sharp drop in income as the U.S. dollar increased in value by nearly 75 percent, pricing our farm produce out of world markets.

In trade, the new Secretary will face an intransigent European Economic Community which has greatly expanded agricultural production and exports in response to extraordinarily high support levels. In a 15-year period, the European Community has gone from the world's largest food importer to one of the world's major exporters.

While some parts of agriculture and some parts of the country have recovered from the farm recession of the 1980's, much of agriculture still faces a very difficult future. In particular, dairy, wheat, and oilseed producers face low prices and reduced incomes.

Recent studies by Farm Credit Administration economists indicate that wheat producers income will drop about 20 percent in 1991, the first year of the 1990 farm bill. Feed grains producers' income is predicted to fall about 15 percent this year. FCA studies are confirmed by economists at North Dakota State University's Department of Agricultural Economics. They estimate that 35 percent of grain farmers outside of the Red River Valley in my State will not be able to cash flow this year. All of the much heralded flexibility in the 1990 farm bill is worthless if market prices are too low for farmers to make a decent living.

Two factors account for the low expected income of farmers in the 1990's. First, budget pressure will keep Federal support of agriculture extremely low relative to historical levels. Second, the 1985 farm bill and its successor, the 1990 farm bill, has been managed to keep market prices low. As a consequence, farmers' cash receipts from the market have plummeted 45 percent for wheat; 42 percent for corn; and 36 percent for oilseeds between the 1975 through 1985 period and the 1986 through 1990 period. USDA predicts market receipts to drop for oilseeds and wheat in 1991 and rise slightly for corn.

The new Secretary will face many such statistics, but for the grain producers of North Dakota and other states they translate into cold, hard facts that mean the loss of income and in many cases the loss of a farm that has been in the family for generations.

The huge income and population shifts of the 1980's verify rural America's difficulties in the past decade.

We need a Secretary who will work with Congress to make sure the 1990's are better than the 1980's for rural America.

Some of the new Secretary's first critical decisions will concern the management of the 1990 farm bill. If farmers receive less Federal support, then they must receive more from the market if they are to survive. However, grain producers are faced with the scenario of reduced Federal support and reduced market income.

This need not happen, the 1985 and 1990 farm bills provide the Secretary of Agriculture with a large number of management tools to raise market income for producers without increasing Government outlays.

The issue facing the new Secretary will be how to exercise his authority to have a positive effect on farm income through management of the farm program. I would ask that Secretary MADIGAN review his management options under the 1990 farm bill with an eye toward increasing farm income.

Just as important will be the role of the Secretary in the GATT negotiations. As head of a large agency with extensive expertise and resources, the Secretary can play a critical role in making sure that U.S. agriculture benefits from the trade agreement. Our farmers can compete with anyone on a level playing field, but that does not appear to be the direction of the negotiations. I would ask the new Secretary to take a careful look at the various negotiating options in order to assess the best possible outcome for U.S. agriculture. It is my belief that the form that the negotiations have taken to this point will result in little or no reduction in trade distorting, subsidized output by the European Community.

The new Secretary will face a daunting task in getting the Europeans to move on agriculture.

The new Secretary will be in charge of rural development at the Department of Agriculture. It is my belief that one key element of rural development is the commercialization of "new uses"—new industrial products made from agricultural inputs such as biodegradeable corn starch plastics, soybean oil ink, and paper from kenaf.

I know Mr. MADIGAN shares my enthusiasm and the enthusiasm of the committee for an active USDA role in the development of new uses. One of the major success stories of the 1990 farm bill was the inclusion of the Alternative Agricultural Research and Commercialization Act [AARC]. Properly implemented, AARC will provide new businesses and jobs in rural areas, higher demand for agricultural commodities, and higher income for farmers. I urge the new Secretary to push very hard to get AARC implemented quickly and effectively.

In closing, I want to note that I just came from a Farmers Union rally next to the Capital. They are giving away loaves of bread to emphasize how little our farmers receive of the consumer food dollar. At current wheat prices, the farmer get a little less than 4 cents for a one pound loaf of bread. The farmer's share of the food dollar is at an all time low.

That is part of the reason that 35 percent of the grain farmers in my state, outside of the Red River Valley, will not cash flow this crop year—they will not be able to earn enough from their crops to pay interest on their machinery and land debt, to plant and harvest their crops, and to support their families.

The new Secretary has stated that wheat and dairy producers in particular are in serious economic difficulties. ED MADIGAN has taken on one of the most difficult, thankless jobs in America. I wish him well and look forward to working with him to solve these problems.

• Mr. THURMOND. Mr. President, I rise today in support of the nomination of Illinois Representative EDWARD R. MADIGAN for Secretary of Agriculture. Mr. MADIGAN possesses excellent qualifications for this position.

Mr. MADIGAN was educated in the local schools of Lincoln, IL, and graduated from Lincoln College in 1955. After college he started working in the taxi company owned by his father. In 1967, he was elected to the Illinois State House of Representatives and served until 1972.

Mr. MADIGAN was elected to the U.S. House of Representatives in 1972 and has served on the House Agriculture Committee for 16 of the 18 years of his congressional service. For eight years of his service on the Agriculture Committee, he has been the ranking Republican member. During the 97th Congress, Mr. MADIGAN took a leave of absence from the House Agriculture Committee to serve in the House leadership as chairman of the House Republican Planning and Research Committee.

Mr. President, Mr. MADIGAN will be the first Secretary of Agriculture who was not born into farming or agribusiness since Orville Freeman who served under Presidents Kennedy and Johnson. Mr. MADIGAN has though worked extremely hard for the agriculture interests of his constituents. It is my understanding that the 15th District in Illinois has some of the most productive farmland in the country, so he knows the importance of agriculture.

Another important factor that contributes to the qualifications of Mr. MADIGAN for this position is the experience that he brings to this office as a result of his service on the House Committee on Energy and Commerce. This committee has jurisdiction over such issues as public health, food and drugs, as well as environmental protection. With these issues becoming more important, his leadership and understanding will be a great asset in dealing with these matters as Secretary of Agriculture.

Mr. President, Mr. MADIGAN has exhibited those traits of character and intellect which will serve him well as Secretary of Agriculture. I am certain, in this post, as in all of the others that he has held, he will serve the country and the President with the utmost distinction.

Accordingly, Mr. President, I urge my colleagues to support his confirmation to be the 24th Secretary of Agriculture.•

Mr. MCCONNELL. Mr. President, agriculture is an extremely important industry to my home State of Kentucky. With more than 92,000 farms we rank fourth in the United States in the total number of farms, trailing only Texas, Missouri, and Iowa. Therefore, you can see, Mr. President, that selecting the right person to head the Department of Agriculture is of tremendous importance to the people of Kentucky.

The nomination of Representative EDWARD R. MADIGAN to the position of U.S. Secretary of Agriculture is an excellent choice. ED brings to his new job more than 18 years of congressional experience, with nearly one-half of that time serving as the ranking member of the House Agriculture Committee.

He has helped write five farm bills, each one written with different goals and purposes due to the complexity of agricultural issues and variable nature of the farm economy. I am not sure any individual could offer more direct policy experience than ED and, therefore, I enthusiastically support his nomination as the 24th Secretary of Agriculture.

As a Member of the House, Congressman MADIGAN represented farmers oriented toward a different type of agriculture from that found in Kentucky. However, during his confirmation hearing before the Senate Committee on Agriculture, Nutrition, and Forestry, I came to see that he has genuine interest in all types of agriculture. Whether it is the eastern Kentucky tobacco farm, the central Kentucky dairy or beef farms, or the western Kentucky grain or hog farm, this man will be a strong advocate of all farmers.

These are complex times in agriculture. If a farmer today is to remain in business for the next 10 years, he must be able to understand the importance of international trade, science and technology, finance, labor, marketing, and promotion. For those of us not afforded the opportunity to grow up on a farm, we often have a difficult time truly comprehending the difficulties these hard working men and women face daily. Since coming to the U.S. Senate in 1985 I have made the extra effort to work with my State's farmers and understand their problems and promise to never take them for granted. I believe that ED MADIGAN follows the same philosophy and I look forward to the relationship which we will develop over the next several years.

Many people long for the good ol' days when a farmer could survive with two milk cows and a team of horses on 40 acres, but the world does not operate this way anymore. The price of soybeans in Rotterdam is just as important as the price of soybeans in Ownesboro, KY. The weather in Brazil is almost as important as the weather in Hopkinsville, KY, and when the European Community unfairly bans United States beef imports, my Barren County cattle farmers become very upset.

Because American farmers have adapted to the changing world, we remain the undisputed world leader in agriculture today. Farmers account for only 2 percent of this Nation's population, yet each one of these farmers produces enough food and fiber for 92 of their city neighbors and 22 more neighbors overseas. Our farmers are more productive, more efficient, and more concerned about the land which they are stewards of than any other farmers in the world.

ED MADIGAN will provide the type of leadership which will keep American agriculture as the world leader. He is the type of man who will be able to sit down at a table with agriculture leaders from all over the world and negotiate trade agreements which will help U.S. farmers and then travel to Shelbyville, KY, sit down in a coffee shop and explain to a group of farmers how they can benefit from new world markets.

He is the right man in the right job. I look forward to working with ED on a wide variety of subjects and I enthusiastically support his nomination for U.S. Secretary of Agriculture.

ED MADIGAN: A FRIEND OF THE AMERICAN FARMER

Mr. COATS. Mr. President, it is with great pride today that I give my strongest support to my former colleague in the House of Representatives ED MADIGAN for his confirmation as the Secretary of Agriculture.

ED MADIGAN is truly a friend to the American farmer. Having served 18 years in the U.S. Congress, he not only knows agriculture but the legislative process as well. This combination will provide leadership, understanding, and a commonsense approach to formulating and implementing American farm policy. He is a diplomat who will hear all sides of the argument and provide the leadership for compromise instead of conflict. ED MADIGAN will give American farmers a compassionate ear and a strong voice.

We in the Midwest seem to have deep ties to our rich and fertile soil. It was this soil which gave our ancestors the seeds of hope and the fulfillment of dreams. ED MADIGAN knows and understands these humble beginnings. He knows the struggles our farmers have faced and the inventiveness with which we have overcome adversities. It is because of his understanding of our past, that Indiana farmers know that ED MADIGAN will serve our needs in the future.

As we enter the 1990's, we will see continuing struggles for American farmers. We must be more competitive in world agricultural markets while battling unfair trade practices abroad and increasing restrictions at home. I am confident that ED MADIGAN will continue to seek fairness for American farmers—the most efficient and effective in the world. We must ensure that the American agriculture products that we enjoy on our tables can be used to better the quality of life around the world. I am also confident that he will give a voice to the needs of farmers in an atmosphere of Government overregulation and misunderstanding.

There is no greater industry than that of American agriculture. We need leaders, such as ED MADIGAN, who will promote and propagate that industry.

Mr. DURENBERGER. Mr. President, I rise to express my enthusiastic support for Ed Madigan as Secretary of Agriculture. For nearly a decade, I have had the privilege of working with Ed Madigan on a number of agricultural and environmental issues. Ed and I have frequently been conferees on major environmental legislation conference committees. Just last year, we worked together to enable America's farmers to have an opportunity to play a major role in providing the clean fuels needed to reduce auto emission. From this experience and others, I know that Ed shares my belief that American agriculture can help and be helped through the expanded utilization of agricultural products for nonfeed and nonfiber uses.

One of the first tasks facing Secretary Madigan will be final implementation of the 1990 farm bill. Since Ed was the House's ranking conferee for this legislation, he will be able to personally attest to what the conferees' intentions were on a number of 1990 farm bill provisions. Implementing a bill the size of last year's farm bill is truly a herculean effort and I am confident that Secretary Madigan will continue the fine work of his predecessor on this matter.

A second agricultural item which will demand Secretary Madigan's prompt attention will be alleviating the current dairy crisis. Last summer, upper Midwest milk prices were 40 percent higher than today. At that time, the Senate and the House chose to defer making major changes in the dairy program. However, the 1990 farm bill did give the Secretary of Agriculture considerable contingent authority to make changes in the dairy program if the supply-utilizatiion condition warranted. I am hopeful that Secretary Madigan will be amenable to making changes in the dairy program that will bolster milk prices and that he will carry out the ongoing reform in the Federal milk marketing orders and price series.

A third major task which Secretary Madigan will immediately face is a continuation of the Uruguay round of GATT negotiations. His predecessor was a major force in pushing for greater access for U.S. agricultural exports. The district which he represented in the House is a leading corn and soybean producing area. Hence, he knows firsthand the importance of foreign markets to American farmers. In the upcoming weeks, the Senate will grapple with the tough decision of extending fast-track authority for GATT. I believe that Secretary Madigan's experience of representing his congressional district has properly prepared him for this detailed and difficult task.

Mr. President, our Nation now finds itself on the threshold of a new millennium. It has been said, that the 20th century is the American century. The critical components to our Nation's international preeminence, unrivaled economic growth, and democratic development was this country's wealth of ingenuity, vision, and strong leadership. I believe that Ed Madigan exemplifies these traits. I think he shares my belief that the umatched productivity of American farmers is not a burden which must be shackled, but is an enormous opportunity which must be more fully utilized to solve vexing urban and environmental problems.

In closing, I am excited with the prospect of working with a close friend of mine on agricultural issues. I am confident that he will swiftly respond to agriculture's current problems and spearhead long-term efforts to lay the foundation for rejuvenating rural America.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VOTE

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of EDWARD R. MADIGAN, of Illinois, to be Secretary of Agriculture.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "yea."

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 24 Ex.]

YEAS—99

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Wallop
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—1

Thurmond

So the nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

RESOLUTION TRUST CORPORATION FUNDING ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 419, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

The Senate resumed consideration of the bill.

Pending:

D'Amato amendment No. 13, to protect tenants from unnecessary eviction by the Resolution Trust Corporation.

Specter modified amendment No. 27, relating to the establishment of an International Military Tribunal to try and punish individuals involved in war crimes during the Persian Gulf war.

AMENDMENT NO. 27

The PRESIDING OFFICER. The pending business is amendment No. 27 offered by the Senator from Pennsylvania, on which there is 30 minutes of debate equally divided and controlled by the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Michigan [Mr. RIEGLE].

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I ask unanimous consent that 3 minutes from the time of the Senator from Pennsylvania [Mr. SPECTER] be yielded to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I rise to briefly issue a statement in support of the amendment of the Senator from Pennsylvania, the sense-of-the-Senate resolution, urging the President to establish an international criminal Court to try Iraqis on charges of war crimes.

The question of war crimes could not be clearer. We should pursue the prosecution of war crimes for the same reason we confronted the aggression in Kuwait in the very first place. We should not bring criminals to justice merely for the sake of revenge. What is at stake here, however, is a much higher principle: That aggression should not go unconfronted and that the rule of law should guide human relations not only within States but between them as well.

We have a growing body of evidence, Mr. President, of crimes that certainly deserve trial. We have evidence, obviously, of the unprovoked aggression of Iraq against Kuwait; of unprovoked aggression against a nation which was not engaged in this conflict, the nation of Israel, by missile attacks aimed not even at military targets but simply aimed in the genral direction of that nation, and which brought destruction to civilian targets and injuries to civilians.

Certainly we have a growing list of violations of well-recognized international codes of conduct toward POW's, some used as human shields; environmental degradation greater than the world has ever seen, and more specifically, the atrocities committed in Kuwait by many of the Iraqi soldiers, the wanton destruction of that nation; the torture of those who were kidnaped; killings, rapes. Literally that country was devastated in ways that went far beyond conventional rules of war.

Mr. President, at a minimum, an international tribunal ought to be convened. As we did in defeating Iraq's aggression, we must now send a signal that war crimes will not go unpunished. Not only must we inform the world that aggression does not pay, we must also seek to enforce the notion that when war is unavoidable, laws of war do exist and violations will be dealt with severely.

We must enforce these laws today so future heads of state, generals, and soldiers, will respect them in the future.

Not only does justice demand we try Saddam Hussein and his generals for the atrocities committed, that go far beyond any recognized rules of conduct or laws of warfare, but also for the purpose of deterrence to future Saddam Husseins, leaders and others who find themselves in situations where the choice is between following well-recognized conduct in the conduct of war or committing atrocities. We want to send a very strong signal that these will not go unpunished, that these will not be rewarded.

Mr. President, I appreciate the Senator's initiative in this regard and I am happy to add my name to this sense-of-the-Senate resolution and trust the Senate will forthwith adopt it. I yield back my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, the quorum call will be charged equally. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Parliamentary inquiry: How much time remains on the pending amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania has 17 minutes, 14 seconds; the Senator from Michigan has 11 minutes and 15 seconds.

Mr. SPECTER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Further parliamentary inquiry: My understanding is correct that the vote has been deferred on this amendment until the conclusion of the proceedings on the bill, and that would be right before final passage?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I thank the Chair.

Mr. President, there has been a considerable amount of discussion on this amendment. Let me restate it very briefly. It provides for negotiations by the President with our allies to establish an international criminal court to try Iraqi war criminals, including President Saddam Hussein.

The basic thrust is that we should build upon the precedent of Nuremberg after World War II, where the international community tried war criminals, and that that process should proceed because of the present quantum evidence of war crimes perpetrated by Saddam Hussein and by other Iraqis.

In this context, Mr. President, I articulate the information which is present in terms of the potential evidence for an accusation to establish a prima facie case. Of course, the proof will require appropriate evidentiary standards at such a trial, but the analog would be Nuremberg.

Mr. President, I emphasize at the outset that this is not a fad at the moment to respond to what has happened in the gulf war, but it is an approach which is based upon considerable analysis by the Congress of the United States as something that this Senator has worked on for the past 6 years.

In 1986, I offered a resolution which would call for an international criminal court to try terrorists. It was adopted by the Congress in 1987, and the thrust of that effort was to provide an international body because of the difficulty of bringing terrorists to trial within the jurisdiction where the offense was committed.

Illustrative of that was the hijacking of the *Achille Lauro*, where Mr. Klinghoffer was brutally murdered. One of the alleged perpetrators, Abu Abbas, fled in an Egyptian aircraft and was forced down by United States planes in Italy.

At that point, there was a standoff between United States and Italian authorities, and eventually Italy took custody of Abu Abbas and refused to turn him over to the United States, and turned him over to Yugoslavia, instead.

There was controversy between the United States and Yugoslavia. Yugoslavia, in turn, refused to turn him over to the United States. He was tried in absentia in Italy and sentenced to 30 years in prison, which was never carried out. The thought was it would be much easier to have someone like Abu Abbas turned over to an international court because of the sovereignty concerns of Italy, and the sovereignty concerns of Yugoslavia.

Another effort was made by this Senator in 1988 in a resolution to establish an international criminal court to try drug dealers. One of the reasons was the incident involving Mata, who was turned over to the United States by Honduran authorities, and caused a near riot in front of the United States Embassy.

Again, the thought was how much easier it would have been from the point of view of Honduras national sovereignty to turn Mata over to an international criminal court, as opposed to the United States.

The same thought was advanced with respect to Colombia. On a recent visit by the President of Colombia to the United States 2 weeks ago, in meetings, the Colombian President stated his support for an international criminal court to try drug dealers, something which he had addressed in his speech after his inauguration as the President of Colombia.

So that there has been a considerable movement in the direction of an international criminal court for a number of purposes.

Last year on the foreign aid bill, there was a direction by the Congress that the President report by October 1 on the progress for an international court, both as to terrorists and drug dealers.

And the Judicial Conference of the United States similarly was asked for a report by October 1, 1991. I met with Judge Broderick, who is representing the U.S. Judicial Conference and is working on this subject.

So there has been very considerable thought given by the Congress and by the administration to establishing an international criminal court, with that thought coming into play when we are dealing with the specifics, where we are facing now the desirability of a trial for war crimes against those who are guilty of such war crimes arising out of the gulf war.

Mr. President, yesterday in the speech to the joint session of Congress, President Bush said, among other things, "* * * I promise you: For all that Saddam has done to his own people, to the Kuwaitis, and to the entire world—Saddam and those around him are accountable."

I think that is an invitation for further action, Mr. President, to establish an international criminal court for war crimes. The President does not say that. Secretary of State Baker is on his way to meet in the Mideast. It is my suggestion that Secretary of State Baker be armed with a very considerable political mandate, by a strong vote by the Senate today, to establish such an international court.

Mr. President, we were not able to bring the gulf war to a conclusion to the extent of taking Saddam Hussein into custody or other Iraqis from their high command who may appropriately be chargeable with war crimes. It is my hope that they will depose SaddamHussein, and that there may be a way to obtain custody of him and others so that a trial might take place in the context of the Nuremberg war crimes trials. Even if that cannot be done, Mr. President, I suggest that there is considerable value to having a trial in absentia, even in the absence of the defendants, for which there is precedent under the Nuremberg war crimes trials, and there is precedent under U.S. law to try someone in absentia.

There have been reports, Mr. President, that are really appalling. With the limited amount of time available, I refer to just a few:

The Philadelphia Inquirer of March 4, 1991, which contained this report, referring to Shakir Mohammed, the caretaker of the cemetery in Kuwait:

> He brought out a weathered folder filled with gruesome evidence—pictures of mangled bodies, of jaws ripped askew, faces beaten until hardly human, of heads split open and caved in * * *.
>
> Since the August 2 Iraqi invasion, Mohammed said he has buried 2,750 people. Only 400 of them died of natural causes.

According to another report from the Philadelphia Inquirer, dated March 3, 1991:

> About 11,000 Kuwaitis are believed to remain in jails in Iraq, and virtually every one has a grim tale of relatives and friends tortured or mutilated, of fingers and ears cut off, of women raped and left to die in cages at the Kuwaiti Zoo, of Iraqi medics draining the blood out of Kuwaiti men to give transfusions to their own wounded soldiers.

A report in the Washington Post on March 6, 1991, recounted the circumstance of Lieutenant Zaun, who was paraded as a prisoner of war before television cameras. There were reports of Lieutenant Zaun's forced appearance before the TV cameras, which outraged many Americans, and coalition leaders denounced it as a war crime, in violation of the Geneva Convention. For his entire captivity, Lieutenant Zaun was held in a site about a 15-minute drive from Baghdad where he became dangerously close to being bombed by allied planes, apparently, presumably, as Saddam Hussein had threatened, to use POW's as human shields, and he said he would put them at strategic sites, which is apparently what happened to Lieutenant Zaun.

Taking up only one other news report, but I think it has some value, the CBS crew telling of their violent treatment at the hands of the Iraqis, the Washington Post, dated March 5, 1991. They had undergone "40 days of terror, hunger, and occasional beatings." They said they spent their first night in "a military installation, probably in the southern Iraqi city of Basra, where they were beaten," in what Simon called a "classic violent interrogation." Referring further, "24 days of solitary confinement at military intelligence headquarters in Baghdad," where they were subjected to more interrogation and occasional beatings.

Mr. President, I suggest that if someone like the CBS television crew, who had as much power to tell the world about this kind of violence received that kind of treatment, it is easy to conclude that those less powerful were subjected to even greater violence, the kind which had been described in the previous articles.

Mr. President, I think it worthwhile to put into the RECORD the full text of the Inquirer reports of March 4, 1991, and March 3, 1991. I ask unanimous consent they be printed at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered .

(See exhibit 1.)

Mr. SPECTER. Mr. President, earlier, I had put into the RECORD the specifics on the Scud missile attacks by Iraq against Israel and a summary showing some 39 such attacks, two Israeli citizens directly killed by the attacks, 12 additional deaths resulting from the use of gas masks, heart attacks from fear of choking, more than 200 injured, some 1,644 families evacuated from Tel Aviv and Ramat Gan as a result of Scud attacks, a classical illustration of the most heinous of war crimes, Mr. President, where there were the firing of Scuds into major civilian cities, civilian populations, with absolutely, positively no conceivable military purpose.

Mr. President, I ask unanimous consent that Senator DIXON, Senator COATS, and Senator KERREY, of Nebraska, be listed as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I think that is a summation of the issue which will confront the Senate on this resolution. Given the atrocities involved, the atrocious allegations which are contained in the news media, given the precedent of the Nuremberg war trials, the failure to act in the face of this kind of an evidentiary base would certainly be condoning of this kind of conduct. I submit that it would be very useful for the U.S. Senate to give a rounding endorsement to this resolution, to state emphatically that it is the will of this body that our President move forward, in consultation with our allies, to consider the setting up of an international criminal court as an institution, or perhaps one modeled after the Nuremberg war trails, to see to it that justice is done on this very important matter.

I yield the floor.

EXHIBIT 1

[From the Philadelphia Inquirer, Mar. 3, 1991]

FOR KUWAITIS, FREEDOM IS A MIX OF CHEERS AND TEARS

(By Juan O. Tamayo)

KUWAIT CITY.—When Kuwait resistance leader Shukri al-Hashem learned that his country had been liberated by the allies, he celebrated in a traditional Arab manner, by slaughtering a cow.

But before he slit the animal's throat, he covered its body with a poster of Saddam Hussein.

And then he wept for his wantonly brutalized nation.

So it is for Kuwaitis as they emerge from seven months of Iraqi occupation. They blow kisses to the liberating Americans and Arabs, even as they weep at the sight of their ravaged country. They smile at being free, even as they relate tales of horrible torture.

"I was never so happy," said al-Hashem a former Kuwait Airlines pilot. "And then I thought of all my friends dead, all the destruction, the pain and suffering, the women raped, the little babies killed."

Kuwait City suffered only minimal damage from allied bombing. But the vandalism of the Iraqis more than made up for that.

Before retreating north, they executed scores of prisoners and blew up oil facilities, electricity turbines, water storage tanks and telephone facilities.

They left the city's downtown shopping section trashed and looted. Its streets littered with glass shards and twisted metal, its palaces charred and ruined and its finest buildings crumpled masses of concrete and steel.

"The Iraqis were not soldiers. They were thieves," said police Maj. Fahd Abdel Rahman.

In the final days of the war, Iraq soldiers firebombed three of the capital's four luxury hotels and at least seven schools. They sabotaged electricity plants, torched refineries and disabled water pumps, according to Kuwait police officials.

They left the capital with no running water or electricity and with few working telephones. Up to 200 people at a time stand in line at gas stations to fill 5-gallon jugs. Food is in short supply, the price of a dozen eggs is up from $1 to $5.

Hospitals are critically short of medicines and ambulances—looted by the Iraqis—and of doctors—kidnapped. There are growing fears of epidemics if water and electricity to pump it are not restored soon.

About 11,000 Kuwaitis are believed to remain in jails in Iraq, and virtually everyone has a grim tale of relatives and friends tortured or mutilated, of fingers and ears cut off, of women raped and left to die in cages at the Kuwait Zoo, of Iraqi medics draining the blood out of Kuwaiti men to give transfusions to their own wounded soldiers.

Friends and relatives, separated for months by the fear of going outside and being picked up by Iraqi security agents, are reuniting now. Young women, who stayed close to home for fear of being raped, take delight now in riding around town, blowing kisses at allied troops and giggling in sheer joy.

Rumors abound of Iraq and pro-Iraq Palestinian snipers holed up in the city, although the only wounded reported in the last few days have been people hit by bullets fired into the air in joyful celebration of Kuwaits liberation.

The beaches are seeded with buried land mines, put there to deter an allied amphibious landing that never came. Unexploded tank and military shells, as well as rockets and hand grenades, lie abandoned in schools and government offices that had been used by the Iraqis as encampments.

Allied ordnance teams began removing or detonating some of these explosives yesterday, but the job is likely to take "a very long time," Sheik Nawaf, the defense minister, said.

Kuwait army troops began taking control of the capital's streets yesterday, Nawaf said, to search for Iraqi stragglers and begin rounding up the thousands of Iraqi weapons picked up by Kiwaitis.

Kuwait officials estimate it will take $20 billion to $25 billion to rebuild the country, but the citizens seen undaunted by the task.

"So what? We keep building all the time. That is the nature of the human," said Ahmad al-Hindl, 39, a city policeman who was a resistance fighter during the occupation.

Joyful Kuwaitis and soldiers cruise constantly up and down the capital's seaside corniche firing guns into the air. At last 10 spent bullets have landed in a hotel swimming pool across the street from the U.S. Embassy, a favorite spot for celebrations.

Knowing their nation might be devastated when the allies launched their attack to liberate Kuwait, many Kuwaiti families had stockpiled supplies in the typically lavish fashion of this oil-rich emirate.

Salch al-Hashem said that until the power went out and their refrigerators quit working, his family feasted on smoked salmon and cavier bought from a store looted by "Iraqi soldiers who knew nothing of good things. They took only the champagne."

Osaibi, 57, said he had stockpiled several month's worth of food on his roof—Iraqi soldiers invaribly searched basements first—for his family and their two Asian maids.

"The problem is drinking water," he said, explaining that a well in his back yard provided enough salty water for washing, but that his 6,000 gallon cistern for potable water buried next to the well was getting dangerously low.

"For baths, we do it the old way." he said with a grin, referring to the quick scrubs with fire-warmed water the Kuwaiti's ancestors used to take before oil was discovered here in the late 1930's.

But the sorrow of the Kuwaitis is nothing compared with their joy and gratitude at being freed.

Shukri al-Hashem, the man who slaughtered the cow, said, "When I killed that cow, there was an American soldier there, and I told him. "Please don't feel strange here 'This is your home'."

"When he looked at me kind of strange, I said, "No no. I really mean it. You're now in the 51st state."

[From the Philadelphia Inquirer, Mar. 4, 1991]

IN KUWAIT, A TESTAMENT TO TORTURE

(By Larry Copeland)

KUWAIT CITY.—At Rigga Cemetery, the narrow mounds of dull gray dirt stretch solemnly toward a row of windswept evergreens. In the background, four thick plumes of burning oil darken the azure morning sky.

This is Saddam Hussein's legacy to Kuwait, the resting place for many victims of his ruthless seven-month rule of this tiny country.

But these are not the graves of faceless victims.

Shakir Mohammed saw to that.

For months, the cemetery caretaker kept a Polaroid camera hidden in a light fixture. As each battered body was delivered through his gates, Mohammed slipped out his camera and took a picture.

Yesterday he brought out a weathered folder filled with the gruesome evidence—pictures of mangled bodies of jaws ripped askew, or faces beaten until hardly human, of heads split open and caved in.

These were the victims of Saddam Hussein's secret police, delivered to Rigga Cemetery from nearby Al-Adaan Hospital after doctors could not repair work done in torture chambers.

Mohammed stood amid the rows of simple graves yesterday, pointing first to graves that occupied one-third of the cemetery.

"From here back," he said, "is before Aug. 10."

He turned and made a sweeping gesture with his right hand, taking in the rest of the cemetery.

"From here to the trees," he said, "these are people who were brought here since Aug. 10."

Since the Aug. 2 Iraqi invasion, Mohammed said, he has buried 2,750 people. Only 400 of them died of natural causes.

And, he is quick to point out, Rigga is one of many cemeteries in Kuwait.

Every fresh mound in Rigga tells a story. Mohammed tells those stories in calm, reasonable tones as he walks among the graves.

Here, near the front of a section reserved for children, is a mass grave 23 paces long. It contains the remains of 37 babies, including infants who died at Al-Adaan Hospital after their incubators were disconnected, Mohammed said.

Most of the tiny bodies, now covered by a foot-high mound of fine gray dirt, were brought to him Sept. 4 and 5, he said.

"Many of them had been left in the hospital for about a month," he said. "And when they came here, they came rotten. They stayed in the freezer at the hospital for over a month."

Mohammed said he also had buried more than 50 children since Aug. 10.

A few steps away, there is a shorter mass grave, covered by freshly turned, tan dirt.

It is the grave of six children who were crushed by Iraqi tanks and trucks last week as the trucks rushed to flee Kuwait, he said.

"Some of them, you just have parts of the body there," he said. "There is a leg of a girl that was cut off by a tank."

Across a narrow access road, two rows contain 20 mass graves. Each grave holds the remains of four to seven Kuwaitis, Mohammed said.

Some of the graves contain the remains of Kuwaiti national guardsmen who fought to protect the Ministry of Defense headquarters during the invasion, he said.

Though accounts of alleged Iraqi atrocities slipped out of occupied Kuwait, there is no independent confirmation of the stories or those told by Mohammed.

Short of exhumation, the world may never know for sure what is contained in the shallow trenches here.

The minister of state for cabinet affairs says that 25,000 Kuwaitis were killed, detained or simply diappeared from Aug. 2 to Feb. 20. An additional 8,000 people were kidnapped from Feb. 21 to 23 as the fleeing Iraqi soldiers tried to strengthen their flimsy bargaining position.

"The minister, Abdul Rahman al-Awadi, said the estimates were conservative.

Rigga Cemetery is about 18 miles south of Kuwait City in the flat, barren desert. Rows of hardy trees divide the cemetery into sections. Nearby there is a line of red and white high-voltage towers, and in the distance there are oil fields and a few houses.

The toll of the gruesome work on Mohammed is apparent. He is 29, but the grim duty has lined his face and turned his hair prematurely gray. Thick-bearded, heavy-set, he looks like a 50 year old.

Mohammed is an Interior Ministry employee who took over at the cemetery after the regular caretaker left last year.

In the adult section, graves dug since the occupation have a crude concrete marker at each end. "When the Iraqis were here, you could not get a hold of proper materials for Kuwaitis," Mohammed said.

Some of the victims' names are hand-painted in Arabic letters on the front of the gray markers—each roughly the size of a city telephone directory.

On top of each marker, in the same blood-red paint, is a single word: "Martyr."

Some families have left identifying markers on graves—an empty soda bottle, a balloon, a piece of pink pipe.

A few feet away from the graves is a simple box used to carry bodies. It is seven feet long, two feet wide, about a foot deep, with handles on either end. On the polished aluminum bottom lies a burial cloth, its bright red, green, yellow and purple stripes somehow incongruous in this place.

Beside that stands a small wheelbarrow, filled with four headstones.

And over there, under another fresh mound, rest two brothers, ages 5 and 8, from the Kuwait City suburb of Umm al-Hiamen. Their graves serve as reminder that the Iraqis may be gone, but their legacy of death is not over.

The boys' family was forced out of its home by soldiers who wanted the house for a neighborhood base of operations.

The family returned Friday. The boys found a mine left by the Iraqis.

"This is what happened," Mohammed said.

About 100 yards away, there's another grave, freshly dug. Five Iraqi soldiers, killed by members of the Kuwaiti resistance as they tried to leave the city, are buried there.

But the largest grave at Rigga Cemetery, a huge trench 10 feet wide, four feet deep and 60 yards long, is—mercifully—empty.

And it will stay that way.

It was dug for Kuwaiti soldiers killed in the ground war.

Mr. GARN. Mr. President, I was happy to yield the time to the distinguished Senator from Pennsylvania because, as I mentioned yesterday, I have no disagreement with what he is attempting to do. He is right, and I do believe that Saddam Hussein ought to be tried for war crimes. I think there is overwhelming evidence that this is true.

My only objection is that, as I outlined yesterday, and I wish to repeat today so that everybody totally and completely understands my position, I would enthusiastically vote for this amendment if it were on another bill where it was germane, or if it were a freestanding amendment. What the distinguished chairman of the Banking Committee and I have been attempting to do for the last week or more is to approve emergency funding for the Resolution Trust Corporation, because we are adding $7 to $9 million per day of additional costs to the taxpayers by not passing the $30 billion of funding, so that the brain dead S&L's can be closed to stop the hemorrhaging and additional losses to the taxpayers. So, while this is a very good amendment, and the timing is certainly correct, it is in the wrong place, and I am afraid that it would delay the passage of this necessary funding and, therefore, cause additional costs to the taxpayers.

So once again I want to make it very clear, I agree with the Senator from Pennsylvania. It is a good amendment. I wish I could vote for it on a different piece of legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I discussed this issue yesterday briefly with my distinguished colleague from Utah. I will endeavor to have discussions with the leadership, the majority leader, to see if it might be severed for purposes of voting as a freestanding resolution.

That, frankly, would not be my preference, because I think it has a better chance of being enacted if it is on this bill. But I understand the considerations which my colleague from Utah has articulated.

Mr. GARN. Mr. President, I only suggest to my colleague if he knew how the House of Representatives behaved on this particular matter, he may not be so convinced it is going to be enacted into law. We passed this legislation in a smaller amount last October. The House of Representatives killed it and have yet to pass it. It may not be as good a horse as the Senator from Pennsylvania thinks it is.

Mr. SPECTER. Mr. President, it is difficult for this Senator to evaluate the quality of horses that have to run all the way from here to the other Chamber. But I would seek to be accommodating to have it as a freestanding resolution and, if that is unsuccessful, I would only hope that my colleague from Utah would know that the exception proves the rule and support this resolution even though it would be contrary to the general rule under which he operates.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, if I may join this discussion, I want to say to the Senator from Pennsylvania that I, too, very much respect the effort he is making here and the issues he raises. I read the Senator's amendment and I see the care with which it has been written. I think these are important issues to be raised.

We obviously have, as a practical matter, an issue of germaneness on this particular piece of legislation. Obviously it is not germane as such to this particular bill that is before us now.

As it has been discussed before by the Senator from Utah, we have undertaken in discussions with a number of colleagues who have had amendments, all of which were germane, to indicate that in order to expedite the passage of this emergency funding request we would not be willing to accept amendments to this bill. I am sure the Senator knows on all previous instances on which we voted here, the votes have been on tabling motions and that really had not been an expression of prejudice against in each and every case to ideas that were being raised. It was a question as to whether this was the time and this was the vehicle on which those issues should be dealt with.

That question becomes even more complicated in terms of the subject matter that the Senator raises because, as the Senator has acknowledged an indicated willingness to have it severed and stand separately if that is feasible, this is clearly a matter that is outside the scope of this bill, but nevertheless, in the Senator's mind and the minds of many an item that needs to be addressed on a timely basis and acted upon in some manner by the Senate as a whole.

So, my view would be that I am very sympathetic to what the Senator from Pennsylvania has in mind here. I think there does have to be a formal accounting for war crimes that I think clearly were committed here. I am not sure I see a means available to us right now that would accord a treatment for the Senator's amendment different than that which has been accorded other amendments that have come before.

So maybe a discussion should ensue on the question of whether or not this would be a matter that could be taken up in its own right after disposition of this bill.

Obviously the debate has been had. So if others want to engage in the debate who have not been heard from, presumably there would not be a long period of time needed for that, but I cannot presume to speak for the leadership on either side with respect to the calendar generally, or what they may have in mind.

I have great respect for the Senator from Pennsylvania as he knows, and I have respect for the work that has been done to prepare this. So my reservation—and I put it that way as opposed to objection—my reservation is that it ought not to go on this bill at this time for reasons that I have already cited.

At this point I am not sure much more can be said about it, so I will yield the floor now.

Mr. McCAIN. Mr. President, I wish to make a few remarks about the amendment offered by the Senator from Pennsylvania. I want to say that I approve of the substance and purposes of the Senator's amendment. Indeed, there are at least three other legislative intitiatives already introduced that seek to accomplish the same things, two of which I cosponsored and one which I sponsored. Obviously, I am happy to support any initiative that may have the effect of hastening the day when Saddam Hussein, and the other political and military leaders of Iraq receive their just desserts for their crimes against humanity.

Senator COCHRAN introduced a resolution expressing the sense of the Congress that a war crimes tribunal should be convened. Senator MCCONNELL introduced S. 253, directing the President to coordinate the convening of a war crimes tribunal. As I understand it, Senator MCCONNELL'S bill is presently awaiting hearings by the Foreign Relations Committee. I enthusiastically support both these intitiatives.

I appreciate Senator SPECTER'S amendment also. However, given the urgency of the bill which the Senator seeks to amend, I wonder if it might not be more appropriate for the Senate to consider one or more of the intitiatives that are already pending on this question.

Additionally, I felt it important that any legislation on this question include language that makes reference to the crimes against humanity that Saddam Hussein committed when he ordered millions of gallons of oil to be dumped into the Persian Gulf and when he directed the entire oil production infrastructure of Kuwait be destroyed. None of the other worthy legislation introduced thus far identified those crimes as war crimes.

Thus, I felt compelled to introduce Senate Resolution 69, which cites Iraq's violation of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, to which it is a signatory. I felt it was important that the Iraqi leadership be held accountable for their environmental terrorism, as well as all their other war crimes.

I commend the Senator from Pennsylvania, as well as the Senators from Mississippi and Kentucky, for attempting to put the Senate on record supporting not only peace, but justice in the Persian Gulf. I support all the provisions of their legislation, but hope that the Senate will recognize environmental terrorism as a war crime as well.

The PRESIDING OFFICER. The Chair will advise all time has expired on the discussion of the amendment.

Mr. RIEGLE. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will withhold, the Chair will also indicate that under the order, the amendment will be now laid aside until all amendments that have been proposed to the bill are disposed of.

Mr. RIEGLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I rise to speak on the upcoming vote on the bill that is pending before the Senate, the Resolution Trust Corporation Funding Act of 1991. I guess I would say it probably will be about as unpleasant a vote as any Senator will have to cast this year.

I am sure that my colleague from Michigan and my colleague from Utah have not found this the most pleasant task that they have had to go through, because every Senator can come in and find something that he or she would rather see $30 billion spent on—how much closer we might come to a cure for cancer; how much better we could fund education, or what kind of a blow could be delivered in the drug war; all kinds of things that everyone could name. Given the great success of the Patriot missile against the Iraqi Scuds, what strides we could make toward building a shield to protect us against future nuclear strikes from some adversary.

But yet, in my opinion, the distinguished Senator from Utah and the distinguished Senator from Michigan have made the case very well. There is no choice except to vote for the Resolution Trust Corporation with the funding it needs to carry out the job.

If we fail to provide the funding, if it protected the taxpayers, then I think we could say maybe we should not vote for it. But I do not think that is the case. It would be just the opposite. The effect will be that the S&L's that are currently losing money, many of which will soon have significant negative net worth, will continue to lose money. They will go deeper in the red. They will cost the taxpayer even more when those thrifts are finally put out of their misery.

According to the Department of Treasury, if Congress delays for 3 months, the cost to the taxpayer will increase another $750 million. So delay is not in the taxpayer's interest.

Some have argued that the RTC ought to look for alternatives, including selling off some of its stockpiled assets. I think that is a great idea. The inventory of assets is alarming. And the longer RTC holds the assets, the more they deteriorate, the more they devalue, the more they depress the local real estate market.

On the other hand, under current market conditions, it is hard to see how putting these properties up on a fire sale helps the taxpayers. Perhaps there is something the Congress can do with some form of a tax incentive which would help the RTC move these properties more quickly. I think that is something we should look into at the appropriate time and on the appropriate committee. I hope we will do that on the Senate Finance Committee this year.

I think one of the best things we could do to reduce the liability of the taxpayers would be to reduce the rate of taxation on capital gains, because it would build the asset value of many of these fire-sale-priced assets today.

But, having said that, Mr. President, I do not think we should hold the

RTC's resolution operations hostage while we are looking at the alternatives.

There is one other thing I think needs to be said because I am sure all Senators have this problem. When they go home people say: Why are you bailing out the S&L's? This funding does not go to underwrite what people have referred to, the current activities of the poorly run S&L operations. It goes to protect the depositors who relied on the guarantee of the Federal deposit insurance in making those deposits. In a broader sense, this funding also goes to pay a bill that was incurred on the taxpayers' behalf years ago.

Everyone has their favorite list, Mr. President, of the causes of the S&L mess. Mine includes the archaic regulatory structure the President has proposed to reform, extremely lax supervision, the interference by Congress when the regulators tried to act, the 1986 Tax Reform Act which whipsawed the asset base of the thrift industry—real estate—by replacing far too generous tax provisions with downright punitive provisions and did so on a retroactive basis.

I can remember when the distinguished Presiding Officer and I were in our first year here in the Congress we really sweetened up the real estate taxes. I remember at the time that happened, in 1981, a very good CPA who I knew, who had worked with some people I am very close with in my State, a small town CPA, called me up and said, "What are you guys doing tampering with the real estate depreciation provisions in the tax law? They are fine the way they are. Do not tamper with them. Just lower the rates."

I can remember how clearly he argued. He said, "Steve, lower the rates on taxation but do not loosen up and make more generous, encourage people to invest money in real estate just because you sweetened up the tax deal."

But we did it anyway because we were in a bidding contest at the time, back in 1981, with the House of Representatives. Republicans were in the control of the Senate and the Democrats were in control of the other body. We wanted to all be sure we showed the taxpayer who was the most generous. So those real estate loans or real estate investments were sweetened up and a lot of money went into real estate.

Then in 1982 and 1984, and finally in 1986 a lot of that was taken back out of the system and they were like someone who had been hooked on heroin and then withdrawn from the heroin. That is exactly what happened. So that has compounded the problem of the S&L's.

That is why I want to say again that these Senators who have worked on this bill, I believe, have made a very good case. I hope all my colleagues on both sides of the aisle do what I am going to do. It is not particularly a pleasant vote. But I think we should bite the bullet, we should hold our noses, if that is what it takes, and vote for the bill. Because any alternative, and every day we stand here, it costs our constituents more money. It slows things down.

I want to take this opportunity to commend Senators on the Banking Committee for bringing this bill forward, taking the heat—that is what we get paid to do. Let us get this vote over with, get this bill passed, get this behind us so the taxpayers will not have to bleed any longer because of the situation.

Once we have done that, then we can address each of our favorite reasons, why this all happened and try to make those corrections so it will not happen again to the taxpayers, on the Federal deposit insurance or any other federally insured program.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business, I advise the distinguished Senator from New York, is his own amendment.

AMENDMENT NO. 13

Mr. D'AMATO. Mr. President, I am going to ask unanimous consent shortly that the amendment I have submitted be withdrawn.

Before I do that let me, if I might, just state the purpose of the amendment. I believe we have been able to reach a salutary compromise.

My amendment was intended to see to it that working middle-class families, particularly those who live in high-cost areas—and I note the President would have constituents in Illinois who would be affected—certainly those in our metropolitan regions would be affected as a result of the RTC's foreclosures on certain properties.

Under the RTC's current policy, such people with leases, such people who are in rent control apartments would find themselves without protection. Indeed, the RTC could literally evict them for the purpose of moving and disposing of this property.

I do not think the RTC's interests are served and I do not think it is in the interest of this Nation to take working middle-class families, to displace them, to put them out on the street—particularly in areas where there are limited housing opportunities available.

The RTC, in an effort to resolve this matter and to deal with that, has proposed and, indeed, has adopted a resolution which states that the RTC will not evict families who earn up to 115 percent of area median income.

But, Mr. President, a working couple that earns $35,000 to $45,000 may not be covered by this policy. I submit to my colleagues that if you took a sanitation worker whose wife works as a clerk in another area, they are not protected by that 115-percent cap of median income. If they earn $1 above, they are out on the street. They have to try to find an apartment, a place to live overnight or for a longer period of time. They are displaced, through no fault of their own. Even though they are paying their rent, the RTC will evict them.

In the State of New York, litigation has been brought. I am very fearful that litigation will not be successful. But, in addition, our job is not to protect the wealthy. What about the people in the rent control apartment making $100,000, $150,000? Indeed, there are situations—they may not be numerous—there are situations, indeed, where there are apartments that are valued at $1 million and more where people are paying $500 a month, $600 a month, $700 a month, that have incomes far in excess, into 6 figures. That should not be permitted. The taxpayers of the United States should not subsidize that.

So what I had proposed in my amendment is to raise that limit to 175 percent of area median income. That would then be $65,000 in New York. Certainly working families who earn up to $65,000 should not be considered to be wealthy. But for those over and above that amount, they will hopefully be in a position to find affordable, suitable housing. So it was with that idea that we offered this amendment.

I have been advised by the Parliamentarian and by both distinguished managers of the bill that, withstanding that there is no direct financial implication of my amendment that, indeed, under the strict interpretation of the Budget Act a point of order could be raised that would jeopardize the entire bill.

There is no doubt that someone might raise such a point of order, someone who is not in favor of the pending legislation. And I think, without getting into a debate about the merits of the legislation, no one wants to provide more. But at some point in time we have to do the business of the people. To delay I think will cost the American public and taxpayer more money.

So I am not going to jeopardize this bill, nor do I think we would adopt this amendment. It would be defeated not on the merits but on the fact that it would endanger the passage of the legislation.

I have been in communication with the Resolution Trust Corporation, and indeed with Chairman Seidman, indeed with David Cooke; indeed I have even spoken to Director Ryan. They have indicated to me—and I am going to ask unanimous consent that this letter be printed in the RECORD—that they are very hopeful the board will adopt, and they have indicated to me they will adopt language that will raise the limit from 115 to 175 percent of median income.

What have we done? To boil it all down, we are protecting those working middle-class families who have incomes of $65,000 or less. They cannot be evicted, put out on the street through no fault of their own, and placed in a situation where they then have to go out and look for housing that may or may not exist in that area and that they may or may not be able to afford. It seems to me that the policy I am suggesting is something that makes sense.

We are not looking to empower the wealthy to stay in ad infinitum at the expense of the taxpayers.

I am very appreciative of the efforts of the Resolution Trust Corporation and its people to work out a salutary decision.

I ask unanimous consent to print in the RECORD the March 6, 1991 letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RESOLUTION TRUST CORPORATION,
Washington, DC, March 6, 1991.
Hon. ALFONSE M. D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: I am writing to confirm that, at the request of Director Ryan, the Board of Directors of the Resolution Trust Corporation will pursue your suggestion that we increase the exemption from repudiation of rent-regulated apartment leases from 115 percent to 175 percent of median income of the area.

I hope this information is of assistance to you. Please let me know if you have any questions.

Sincerely,
DAVID C. COOKE,
Executive Director.

Mr. D'AMATO. Mr. President, I do hope this matter, which the Resolution Trust Corporation has indicated they will be reviewing this Tuesday, will be a great relief for thousands of tenants throughout this country who face a troubling situation and a very real potential hardship through no making of their own. I do hope that the RTC will adopt this policy and I have every reason to believe the RTC will do so after speaking with Mr. Ryan and after speaking with Mr. Seidman, the Chairman of the Board.

With that, Mr. President, I ask unanimous consent that I may be permitted to withdraw the amendment I have submitted.

The PRESIDING OFFICER. Without objection, that amendment is withdrawn.

The amendment (No. 13) was withdrawn.

Mr. D'AMATO. I thank the President, and I thank my distinguished colleagues and managers of the bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I rise to thank my colleague from New York on his willingness to work this out and not hold up this bill in any way. I think he recognizes the importance of passing this funding measure, and by working this out and not bringing it to a vote on the floor, helping us to keep a clean bill, I want to thank him for that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I would like to congratulate my able friend and colleague, the junior Senator, for the amendment he has offered but which, prudently and I think wisely, he has chosen to withdraw with the prospect that the Board of the Resolution Trust Corporation will consider this matter at a meeting in the near future. The amendment by my colleague would have increased the number of people who would be protected from an unjust policy that the RTC announced last week, and so it had my support. However, this policy assumes that Congress gave RTC the authority to evict people in rent stabilized apartments in order to increase the apartment's resale value, even though RTC would be disaffirming State and local law in the process. While I support this amendment, I in no way concede that RTC has this power.

I wrote Mr. Seidman last October to protest the threat of such evictions. After months of study, the RTC announced on February 22 that it would not evict those tenants whose income does not exceed "115 percent of the median income in the area involved." In New York City, 115 percent of the median income for a family of four is $33,925. Although it has made a final policy announcement, RTC cannot even tell me how many families in its New York City apartments fall above this threshold.

The D'Amato amendment would have raised the threshold in New York City to $51,625, by my calculation, which sounds like a lot to many of my colleagues, but I assure you that in New York it is not. Those families with greater incomes will be subject to eviction, and every eviction will have been accomplished by usurping State or local law.

Mr. President, Congress did not intend that RTC should have such authority. Disavowing State and local law is an action that must be taken only in the most serious of circumstances. Evicting people from their homes in order to increase the resale price is not such a circumstance. RTC has no right to the windfall profit that would result. It is free to sell these apartments for the same price that the failed savings and loan institution could have. Its return would be the same.

Let me read the language we passed in FIRREA, title 12, United States Code, section 1821(e)(1), from which RTC claims to derive this authority:

> In addition to any other rights a conservator or receiver may have, the conservator or receiver for any insured depository institution may disaffirm or repudiate any contract or lease—
>
> (A) to which such institution is a party;
>
> (B) the performance of which the conservator or receiver, in the conservator's or receiver's discretion, determines to be burdensome; and
>
> (c) the disaffirmance or repudiation of which the conservator determines * * * will promote the orderly administration of the institution's affairs.

This is a long way from a grant of authority to override State and local law. RTC is wrong to interpret it to do so. Senator D'AMATO's amendment would have increased the number of people protected from this unjustified interpretation.

The 115-percent threshold is too low. And the 175-percent thereshold is too low. But the real question is whether Congress ever meant to grant such autority to RTC in the first place. No one should be forced from his or her home on this basis, and I suggest that regardless of the outcome of this vote, we have not heard the last of the matter.

Seeing no other Senator seeking recognition, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The distinguished senior Senator from New York suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask the managers of the bill if they have any objection if I would proceed in morning business for just a few minutes. I could tailor my remarks to the length of the period they have available.

If the Senators wish to move on to something very quickly, I can certainly make my remarks short.

Mr. GARN. Mr. President, we are simply in a waiting mode at this time, trying to finish the bill, but have no one available to speak. So the Senator can proceed as he wishes. I doubt we would have to interrupt. I expect he would be through before we are ready for the next amendment.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for so much time as he needs to proceed as if in morning business.

Mr. CHAFEE. Mr. President, I thank the managers. If somebody should appear wishing to present an amendment, if they will let me know, I will put the remainder of my statement in the RECORD.

FIVE CORPORATE CHIEF EXECUTIVE OFFICERS TESTIFY REGARDING THE WIC PROGRAM

Mr. CHAFEE. Mr. President, I would like to take a moment this afternoon to draw my colleagues' attention to significant testimony that was heard yesterday in the House Budget Committee and which was referred to in this morning's Washington Post in an editorial. The testimony was that of five chief executive officers of major corporations in support of the special supplemental feeding program for women, also known as WIC.

The chief executives who testified were Mr. Robert Allen of AT&T, John Clendenin of BellSouth, James Renier of Honeywell, Robert Winters of Prudential Insurance, Co., and William Woodside of Sky Chefs, Inc.

As my colleagues know, the WIC Program provides food vouchers for milk, infant formula, juices, cheese, fruit, and cereals to low-income, pregnant women, with infants, and women with children under 5 who are at risk of serious nutritional deficiencies. It also offers prenatal care and health and nutritional counseling.

Unfortunately, Mr. President, I think that in Congress we have a tendency to look at programs, programs that spend appropriations, and these programs generally are looked at as money losers rather than money savers.

I think it is fair to say that few of us would make an immediate association between the concerns of the business community and domestic nutritional policy. What do they have to do with each other—the business community over here, trying to produce products, make profits, have jobs for Americans and, on the other hand, domestic nutritional policy.

It would seem that these roads would never meet. Many would assume that they have about as much in common as apples and fiber optics. Both of these assumptions are false, however.

First, WIC is an exemplary money saver. It is easily one of the Federal Government's best and most cost-effective programs. It is a simple concept—making sure that mothers and children receive good, basic, nutritious foods and avoid nutritional deficiencies.

It is remarkably effective in achieving these goals. Study after study has shown that, for every dollar invested in WIC, there is a savings of about $3 in long-term health care costs and developmental problems.

One persuasive study to this effect was released by the U.S. Department of Agriculture about 7 months ago, on October 1, 1990. The report revealed that for every dollar spent on the prenatal WIC Program, the associated savings in Medicaid costs—Medicaid, of course, paid by the Government; half by the Federal Government, half by the State government—the savings in Medicaid during the first 60 days after birth range from $1.77 to $3.13 for every single individual served.

For each pregnant woman who participated in WIC, the Government thus saves itself between $200 and $600 in Medicaid costs in the first 60 days after birth, as opposed to those pregnant women who did not participate in the program; the answer being, of course, that those pregnant women who did not participate in the program had to avail themselves of Medicaid services for a far longer time.

WIC's success should not be characterized solely in terms of money saved. Equally important is that WIC reaches infants and children at what is widely considered the most important point in their physical and mental development—early on. The earlier the better that we can provide good nutrition, good health care for infants and, of course, in the prenatal period as well. At that true critical stage, the prenatal period, or in their early days and weeks of life, lack of crucial nourishment can mean impairment of cognitive functions and other developmental problems.

That kind of disadvantage is permanent. It does not go away. It is permanent. It is severe. It is a heavy and unfair burden for a child who has not even begun kindergarten. Participation in WIC has proven not only to help reduce risks of childhood anemia, low birth weight, and infant mortality, but to actually make a difference in the child's ability to function well at school.

That is exactly where the second assumption comes in, that business concerns and nutrition concerns are unrelated. That is the automatic assumption in America. What do they have in common? Here is where that assumption falls flat on its face. Better nutrition, better preventive health care, lower financial costs, and in the end better prepared youngsters for school and life beyond is exactly what is important to corporate America.

As the business world tries to gauge future U.S. competitiveness and economic growth, it is recognized that, without investments in worthy programs such as WIC, we are denying a significant amount of human potential for our society—and thus a significant resource to our economy, and to all of our well-being.

I believe it will become increasingly obvious that America's ability to ensure the health and well-being of its citizens and America's ability to compete in a tough economic market are inexorably linked. That goes double for children, and I cannot emphasize that enough. We simply must pay more attention to our children and their well-being if we want them and our Nation as a whole to thrive.

In conclusion, I would like to quote the five chief executive officers who testified yesterday. This is what their agreed-upon statement said: "WIC is the health care equivalent of a AAA-rated investment." That is the end of the quote. May I say WIC is not a win-lose game. It is a win-win game for everyone. Simply put, whether you count yourself as prochildren or probusiness—and I think most Americans are pro both—you end up being pro-WIC. That is pro-America.

I ask unanimous consent, Mr. President, that today's Washington Post editorials on WIC and corporate America be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 7, 1991]

HUNGRY CHILDREN AND THE CEO'S

Failures of social policy sometimes have astonishingly deep consequences. Businesses complain increasingly about the poor preparation of the average young American coming into the labor force. That has led many business people to take a sharp interest in the school systems that are producing their employees. Going farther, some of these employers have discovered that the schools often get children too late to have much effect on their development. That's why the heads of five large corporations appeared before the House Budget Committee yesterday to press for the full funding of WIC—the federal program that pays for supplemental food and nutritional guidance for pregnant women, infants and small children up to the age of 5.

The general condition of the country's least fortunate children—the one-fifth whose families have the lowest incomes and the least access to medical care—is not only wretched but clearly getting worse. The traditional social welfare lobbies and their friends in Congress haven't been able to do much about a deteriorating trend over the past decade.

But it's possible that the rising concern among business leaders can make a difference in social politics. The five who testified before the Budget Committee were all chairmen of their companies—Robert E. Allen of AT&T, John L. Clendenin of BellSouth, James J. Renier of Honeywell, Robert C. Winters of Prudential Insurance and William S. Woodside of Sky Chefs. A week earlier, an influential business organization, the Committee for Economic Development, published its report on child development and education making a similar case. Honeywell's Mr. Renier was head of the task force that wrote it.

In their testimony, the five pointed out that WIC money reaches slightly over half of the impoverished women and children eligible for it. Next year more than 3 million will be left out and hungry. Malnutrition among pregnant women means high rates of illness and other handicaps among their babies. One federal study suggested that every dollar spent on WIC saves between two and three dollars in Medicaid payments in the first 60 days alone of an infant's life. The country complains bitterly about the soaring costs of Medicaid, but has trouble finding the money for the simplest kind of prevention.

The five corporation chairmen emphasized the implications for the competitiveness of the American economy. It would cost about $2 billion a year to extend WIC to all the women and children eligible—"an excellent investment," they agreed, "in our nation's children, its economy and its overall future."

[From the Washington Post, Mar. 7, 1991]

CORPORATE CHIEFS PROMOTE INFANT CARE

(By Paul Taylor)

The five witnesses who paraded before the House Budget Committee yesterday to call for a near doubling of the Supplemental Food Program for Women, Infants and Children—commonly known as WIC—said all the predictable things.

They talked of the "communal blindness" of a society that allows babies to go hungry. They talked of the growing gap between the haves and have-nots.

They talked of how "profoundly worried" they are about the state of the nation's children and families. One witness even had the flair to quote Winston Churchill: "There is no finer investment for any community than putting milk into babies."

Who were these bleeding hearts?

Social workers? Welfare mothers? Children's advocates?

None of the above. They were chairmen and chief executive officers of some of the nation's best-known corporations: AT&T, Prudential Insurance, BellSouth, Honeywell and Sky Chefs Inc.

Their appearance on Capitol Hill yesterday was evidence of the new attention the corporate community is paying to the plight of young children—a concern that appears to grow out of frustration with the slow pace of educational improvement despite the investment of billions of public and private dollars over the past decade.

"The initial response of the business community with regard to education was to look at it and say, 'Gee, we need more math courses and we need more science courses and all of that," James J. Renier, chairman and CEO of Honeywell, told the committee. "But in looking at it we began to understand also that we have a giant social agenda that * * * is diluting the ability of the educational system to deliver the academic agenda. One of the major factors is what has happened to little kids. And so going down that logic tree, one of the best things you can do to help solve the educational crisis in the United States today is to work on the problems that affect little kids from minus nine months to the time they get to kindergarten."

John L. Clendenin, chairman and CEO of BellSouth, said nine out of 10 high school graduates flunk his company's job entrance exam, even though it is pitched to 10th graders. "The problems of how to get a trainable work force are really looming larger for all of us," he said. "Our initial conclusion was that we really needed to fix the school curriculum. * * * But when we started to look at it we suddenly realized that we had loaded onto the schools a whole host of society's problems, everything from teenage pregnancy to drug problems to the breakup of families, and the school can't handle the overload."

Robert C. Winters, chairman and CEO of Prudential, said the "money withheld from children today will be spent in far greater sums on emergency rooms, drug counselors and prison tomorrow." He cited a recent Agriculture Department study showing that for every WIC dollar the government spends on prenatal care for a pregnant mother it saves between $1.77 and $3.13 in Medicaid costs in the first 60 days of her baby's life.

Robert E. Allen, chairman and CEO of AT&T, said, "Like the cobbler raising barefoot children, we seem more intent on outfitting the world for freedom than fulfilling our obligations at home."

William Woodside, chairman of Sky Chefs, an airline caterer, said: "I'm a firm believer in reducing the deficit * * * but the poor children whose lives may be altered by the WIC program are not responsible for the deficit."

The $2.4 billion WIC program provides milk, cheese, infant formula, eggs, cereal, juice and peanut butter, along with health and nutrition counseling, to low-income mothers, infants and children under age 5. At present, only 54 percent of the participants eligible under federal guidelines receive the service. The corporate executives called for full funding by 1995.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 593 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

COMMENDING AND THANKING FORMER PRIME MINISTER THATCHER

Mr. MITCHELL. Mr. President, on behalf of myself, Senator DOLE, and Senator SIMPSON, I send a resolution to the desk and I ask that it be stated and immediately considered.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 75) commending and thanking former Prime Minister Thatcher.

Resolved, That the Senate of the United States expresses its deep admiration for the remarkable leadership that former British Prime Minister Margaret Thatcher has provided to her nation and to the cause of freedom in the world; and that the Senate reaffirms the appreciation of all Americans for the friendship she and her nation have shown to the United States during her years of leadership of the British Government.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, I call the attention of the Members of the Senate to the presence on the Senate floor of former Prime Minister Margaret Thatcher, and I welcome Mrs. Thatcher on behalf of all of the Members of the U.S. Senate and all of the American people.

[Applause, Senators rising.]

Mr. MITCHELL. I am pleased to join Senator DOLE in the resolution commending Mrs. Thatcher on her tenure as the head of the government of the United Kingdom.

As Prime Minister, Mrs. Thatcher led Britain during an important period in Trans-Atlantic relations and history. She supported the successful NATO deployment of INF missiles in NATO countries, including her own, a deployment which led to the success of negotiations to eliminate those missiles on both sides of the cold war.

Her term in office spanned the dramatic events surrounding the collapse of the Warsaw Pact and the beginning of the end of communism as a force in Central European affairs, events which will change our world more dramatically with each passing year.

Prime Minister Thatcher was a steadfast supporter of U.S. and NATO alliance goals. She strengthened the historically close relationship between Great Britain and the United States, a relationship which was furthered during the recent Persian Gulf crisis.

In so doing, she helped reinvigorate that "special relationship" between our two countries. Her visit to the United States provides an opportunity for all Americans to reaffirm and be thankful for that special relationship and to thank the very gracious woman who helped maintain it for so many years.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I really cannot add much to what has been said by the majority leader, but, being a Senator, I will. [Laughter.]

As the majority leader indicated, we had an opportunity to meet with Prime Minister Thatcher just before coming on the floor, and we expressed to her our personal admiration for the many contributions she has made in her own country, in United States-British relations, and around the world.

Obviously, many of my colleagues have already welcomed Prime Minister Thatcher. The welcome she has received indicates that all members of the Senate share a deep admiration for her.

Having been in politics nearly three decades, I have a special appreciation for the political leadership she has provided throughout her career.

President John Kennedy wrote a Pulitzer Prize winning book of leadership, titled "Profiles in Courage." If that kind of book was written today about international diplomacy, there would be a chapter on Margaret Thatcher.

So I join in this recognition of a great leader of Britain, a great friend of the United States, and a statesperson of world class.

Mr. MITCHELL. Mr. President, I ask that the resolution be agreed to.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 75) was agreed to.

[Applause, Senators rising.]

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I will momentarily ask for a brief recess and I ask all Members of the Senate present and those who can do so to come to the floor to extend their personal greetings and best wishes to former Prime Minister Thatcher.

RECESS UNTIL 3:05 P.M.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess until the hour of 3:05 p.m.

There being no objection, the Senate, at 2:52 p.m., recessed until 3:05 p.m., when called to order by the presiding officer [Mr. LIEBERMAN].

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. HELMS].

PRIME MINISTER MARGARET THATCHER

Mr. HELMS. Mr. President, I thank the Chair very much. We have had the pleasure of meeting an old friend—let me correct that—a young friend who has been long in service to her country and to the free world, Prime Minister Margaret Thatcher.

I remember a song I learned many years ago from a lady who had served in the Red Cross in France. She had spent some years in London and she loved England. She taught us how to sing:

There'll always be an England.
  And England shall be free,
As long as England means as much to you,
  As England means to me.

I will say, as a postscript to that, there will always be a Prime Minister Margaret Thatcher in the hearts and minds of the free world.

I would further observe that history will record these past two decades as having produced at least three great leaders in the West: Margaret Thatcher, Ronald Reagan, and George Bush. Of these three, Prime Minister Thatcher was the first. It was, in fact, Mrs. Thatcher who was the first to remind the West of its vision of a free society: Strong, self-reliant, sure of purpose, and determined to restore freedom.

Then came Ronald Reagan. We all remember that Mrs. Thatcher was a special inspiration to President Reagan in his efforts to get the Government out of the way of a free people.

The task which she had faced upon acceding to the position of Prime Minister of Great Britain was a formidable one. Her nation had become mired in socialism and had lost its global reach. Mrs. Thatcher acted surely and swiftly to reverse what some had called the inevitable tide of decline.

President Reagan took her cue and restored America's sense of trust and confidence.

Then President Bush took America's new-found confidence abroad and showed the world the meaning of U.S. strength and power. In this action he was encouraged and strongly supported by Prime Minister Margaret Thatcher. Her sense of destiny, her belief in Britain's forward role in the world, and her willingness to put British arms, diplomacy, and military personnel at the disposal of the coalition was an essential element in the President's ability to act.

That coalition's success was celebrated last night in the joint meeting of Congress.

So, Mr. President, it was entirely appropriate that the U.S. Senate go on record, as it did this afternoon, to congratulate Mrs. Thatcher for the brilliant career which she has pursued up to this moment, and is continuing to pursue, in Parliament. I, for one, and I think I must speak for all Senators—we are indeed grateful to Margaret Thatcher for her work, her support, and her affection for the United States.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I ask unanimous consent I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WINNING THE PEACE IN THE GULF

Mr. PELL. Mr. President, as America rejoices in the stunning success of President Bush's brilliant diplomatic and military leadership in the Persian Gulf war, we must not forget that there is still a peace to be secured and lessons from the conflict to be applied.

While American military might and skill reversed Saddam Hussein's aggression against Kuwait, it should not be forgotten that United States diplomacy prior to the war was flawed. We coddled Saddam for years, even declaring to him just before he invaded Kuwait that the United States took no position on Iraq's dispute with its small neighbor. Taken together, American acts of tolerance toward Iraq very likely led Saddam Hussein to conclude that he could get away with naked aggression.

We are rightfully appalled by the Iraqi atrocities that have been uncovered during the liberation of Kuwait, but why were congressional efforts to punish Saddam Hussein for his genocidal gassing of thousands of Kurds in his own country in 1988 opposed by both the Bush and Reagan administrations?

Just as British and French appeasement of Hitler led to an inevitable war against Nazi Germany, so also did our appeasement of Saddam lead to a conflict that might have been prevented. The lesson of this war, I would submit, is not only that we avoided the military mistakes of gradualism in Vietnam but even more important, we forgot the older political lesson that pampering dictators encourages aggression. We must never make that mistake again.

Just as American leadership was critical in winning the war against Iraq, so also must we play a leading role in shaping a regional order designed to diminish the likelihood of future conflicts threatening United States interests in the area. We should begin by pursuing a policy of encouraging a fundamental change in the Government of Iraq. It is not enough to urge, as does the administration, the removal of Saddam; we should not be content to see one of his Ba'ath Party lieutenants take the reins of a still repressive regime harboring irredentist dreams of avenging a humiliating defeat.

If the unrest in Basra is any indication, the people of Iraq are sick and tired not only of Saddam but also of the entire police state he constructed. The United States should be supportive of efforts by Iraqis, including the Kurds, to create a democratic Iraq. Arab nations, such as Egypt and Algeria, which themselves have made progress toward democracy and which were active diplomatically in the effort to avert a gulf war, could credibly participate in this effort. Saudi Arabia could play a helpful role by holding out the prospect of reconstruction aid to a friendlier government in Baghdad.

In the meantime, key sanctions against Iraq should be maintained, particularly the arms embargo and the ban against providing Iraq with militarily useful technology and equipment. It is essential, in this regard, that we attach high priority to securing the cooperation of the Soviet Union and our European allies. We cannot revert to business as usual with a Ba'athist Iraq. Eventually, there should be a weapons limitation regime for the region as a whole, but preventing the rearming of Iraq is the most urgent priority.

We should also make it clear to the other repressive Ba'athist state in the area, Syria, that our appreciation for that country's support against Iraq does not diminish our insistence that it stop occupying Lebanese territory and end its support for terrorism.

Recent reports that Syria played a role in preventing terrorist acts during the gulf crisis are encouraging, but Syria must make antiterrorism a permanent policy before normal relations are possible with the United States, and its forces must leave Lebanon. Having stood for the rule of law against Iraq, we cannot afford to demand less of Syria.

This is the approach we should be taking with Syria's Assad instead of treating him as the friend and ally he is not. We should not deal with Assad, as we did with Saddam Hussein, on the basis that the enemy of my enemy is my friend.

Finally, the end to the war with Iraq offers a golden opportunity to advance the cause of Arab-Israeli peace. The gulf conflict should have made it clear to our Arab friends that it is not Israel but the fellow Arab nation that threatens their security, and that only Israel's staunchest ally, the United States, can guarantee their continued security.

It is reasonable, therefore, to expect that the Arab beneficiaries of American defensive help should take steps to eliminate the one cause of regional instability that they have nurtured: The refusal to accept the existence and security of Israel.

Since the end of the 1967 6-day war, American diplomacy has focused on a series of initiatives to persuade Israel to make an accommodation to Palestinian aspirations in the occupied territories. In light of the Palestinians' support for Iraq, that approach is no longer feasible. Only an initiative from Arab governments to make peace with Israel will give the Jewish state the sense of security required to come to terms with the Palestinians. If the professed concern of Saudi Arabia and others for the Palestinians is more than cynical rhetoric, they will take such an initiative, and it should be the object of American diplomacy to encourage it.

These are some of the messages that, I believe, Secretary Baker should be conveying during his forthcoming trip. The proposals I have outlined do not constitute a complete agenda for U.S. policy in the Middle East, but they do represent the most urgent issues that need to be addressed to ensure that we win the peace as well as the war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask unanimous consent that I proceed for not more than 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JASON YUAN DEPARTURE

Mr. SYMMS. Mr. President, I share the views that my dear friend, Senator HELMS from North Carolina, just expressed on the floor with reference to former Prime Minister Thatcher of Great Britain. She has, as Senator HELMS pointed out, been a true friend of freedom throughout her tenure and leadership of her native land, Great Britain.

Another good friend of freedom, who has been a good friend of America and a good firend of his homeland, will soon be returning to Taipei. Of course, I am referring to Jason Yuan, who will be assuming the post as Director of North American Affairs in the Republic of China's Foreign Ministry.

This is a very important post. Jason Yuan will be responsible for maintaining and strengthening Taiwan's good relations with the United States, and I am confident that he will do an excellent job, judging from his stellar performance as Taiwan's chief congressional liaison on the Hill for the past 11 years. On March 5, 1991, 19 of my Senate colleagues and 36 House Members said goodbye to Jason and his wife Maggie at a farewell reception filled with genuine warmth and affection for the Yuans. My colleagues and I will miss Jason, but we wish him well. We have known him as a friend for many years, and I have always appreciated his wit, his intelligence, his golf skills, and his unfailing good humor.

In fact, I recall that last year, Senator WALLOP, myself, Congressman DAN BURTON, and former Secretary of Interior Tom Kleppe were in Taipei, along with Congressman JOHN PAUL HAMMERSCHMIDT from Arkansas. We were there for the inauguration of President Lee, who is, incidentally, the first native Taiwanese to be elected President of the Republic of China.

That day there was a typhoon in the area and it was raining so hard that I wished we could transfer some of that rain to the Boise Basin or the Snake River Plain or to California, where it is desperately needed because of the current drought.

But Jason insisted on taking us out to his favorite golf course so he could demonstrate his skills of submarine golf. It was raining to the point where you almost needed scuba gear. How well I remember that day; how wet we were and how difficult it was. But Jason somehow had the skill to play golf in that submerged level of atmosphere, and I have to admit that he is quite skilled at it.

I also remember well when he and Maggie, along with Ambassador Ding and his wife, visited my family in Idaho. My brother and his wife hosted a lovely dinner. It was a beautiful evening, with the sunset outlining the Owyhee Mountains, and the Snake River moving lazily in the foreground. As usual, Jason was a live wire at that event.

So I look forward now, Mr. President, to the opportunity in the future to visit Taiwan again, and I know the people of the Republic of China will be well served by Jason in the future. We will miss him here in Washington, but wish him a fond farewell. I hope he comes back to visit us.

JASON YUAN APPOINTED TO KEY POST IN TAIWAN

Mr. SIMPSON. Mr. President, my friend, Mr. Jason C. Yuan, a seasoned diplomat, will soon be returning to his home country—the Republic of China on Taiwan—and will be assuming his new post as Taiwan's Director of North American Affairs in the foreign ministry. This is an important post which directly affects the working relationship between Taiwan and the United States.

Although our Government does not have an "official" relationship with the Republic of China on Taiwan, in recent years there has been a strong ongoing relationship between our two countries. The American people, including Members of Congress, all have a favorable impression of Taiwan. This is directly attributable to personal efforts made by officials such as Jason and his colleagues. Jason, in his role as Director of Congressional Relations for his Government, has been so very patient in explaining to us the differences between the cultures of the East and West, his Government's efforts in reducing its huge trade surplus with the United States and his people's deep affection and regard for the American people. Officials such as Jason are so very instrumental in strengthening the relationship between our countries.

My colleagues and I look forward to continuing our productive association with Jason in the future. Meanwhile, we are confident that the strong relationship we have established with Taiwan's coordination council will be maintained and strengthened in the person of Mr. Larry Yu-Yuan Wang, the new Director of CCNA's Congressional Relations Division. I would like to take this opportunity to wish Jason all of the best in his new position, and to tell him how much I have enjoyed his personal friendship. He is one fine human being. I shall miss him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 597 and S. 600 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION TRUST CORPORATION FUNDING ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I think we are near the end of this matter. We have been working for some hours, and over the last 2 or 3 days, to clarify one part of the existing law, and so that it is clear, in light of the circumstances that exist at the moment, and I think in discussions with the Treasury Department, the RTC, and the Senators involved here on the floor, we have a clarification dealing with a renegotiation of these savings and loan packages that were done in the past. What has been worked out is acceptable language all around, and it is a clarification of existing authority. It does not expand or contract present law. So it is something that the committee on both sides is prepared to accept.

The Senator from Ohio will shortly comment on that, because this is in response to issues that he had raised, in areas where the Senator from Ohio is given the principal leadership on this issue.

Just to give a sense as to what will follow, once we have had that discussion and that particular technical amendment is accepted, we will then move to the disposition of the Specter amendment, which is pending, and then it would be my hope that we would move immediately to final passage of this bill and be able to accomplish that in fairly swift order.

Having said that, it is very difficult to anticipate the unforeseen, but I know a number of Senators have indicated that they intend to be present for the ceremony for Mrs. Thatcher which is occurring down at the White House shortly, and other Members have other pressing commitments, as they have indicated to me.

And so I do have the language before me, and I think we will be ready to proceed at such time as the Senator from Ohio is ready to raise this issue.

I also, by this means, advise the Senator from Pennsylvania [Mr. SPECTER] that once we have disposed of this matter—which I hope will be quickly—we will be ready then to dispose of his amendment.

Mr. President, I yield the floor.

FINANCIAL ASSISTANCE TO INSTITUTIONS REFORM

Mr. CHAFEE. Mr. President, I would like to inform the ranking member of the Banking Committee that I am interested in offering my bill, the Financial Assistance to Institutions Reform Act, as an amendment to the pending legislation. The recent collapse of Rhode Island's private deposit insurance fund has underlined the fragility of the Nation's nonfederally backed insurance funds. My amendment would help ease the short-term financial strain placed upon States in which such a collapse has occurred.

Mr. GARN. I understand the importance of my distinguished colleague's amendment, and I recognize the heavy financial hardship that the people of Rhode Island have been forced to endure due to insolvency of the State's private insurer. Perhaps the Senate Banking Committee should look into the Rhode Island situation as well as situations in other States similarly affected by the collapse of a private insurer.

The RTC bill, however, is not the appropriate vehicle for an amendment of this nature. This is an emergency bill. The Resolution Trust Corporation needs $30 billion to avoid a shutdown that would have devastating consequences for the Nation's financial institutions and depositors. Every day that this funding is delayed the American taxpayer loses at least $7 million. So while I appreciate Senator CHAFEE's interest in offering his amendment today, I would have to oppose it at this time.

Mr. CHAFEE. I thank the manager for his interest in my amendment. I think it is a good amendment that should be passed along with the RTC bill. But I understand the manager's effort not to further delay passage of this emergency measure. The FAIR bill has been referred to the Banking Committee for consideration, and I hope that my distinguished colleague from Utah will give this matter his close attention at the appropriate time.

Again, I thank the manager, and I yield the floor.

RTC MOVES OKLAHOMA TO NORTH CENTRAL REGION

Mr. NICKLES. I would like to make some remarks to the distinguished ranking member on the Committee on Banking, Housing, and Urban Affairs. I had intended to offer an amendment requiring the RTC to provide justification for its recent decision to move Oklahoma from the southwest region to the north central region. However, you and the distinguished chairman have made a policy of opposing all amendments and thus far, no amendment has succeeded.

As you know, on January 16, 1991, the Resolution Trust Corporation announced the moving of Oklahoma from the Corporation's southwest region to the north central region. I wrote to the RTC requesting an explanation for this move. On February 25, 1991, the RTC responded that this organizational change was made to "better position the RTC to take on a growing workload. * * *" This was not a satisfactory response. As part of the southwest region, Oklahoma was only one of two States, the other being Texas, serviced by the southwest region office. Now, as part of the north central region, Oklahoma is 1 of 23 States serviced by the newly formed north central region office.

I would ask that the distinguished ranking member assist me in holding the RTC accountable for this action which appears to have little justification.

Mr. GARN. I am aware of the situation and am also concerned with the reorganization of the southwest region and promise to work with the Senator from Oklahoma and the RTC to resolve these concerns.

Mr. NICKLES. I thank my colleague from Utah for his help. As a result of this change in regions, Oklahoma will be lumped with many States that have no similarity to our economy. Thus, it is much less likely that the regional headquarters staff, working hard to oversee their operations in 23 States, will have the opportunity to be sensitive to local market conditions in Oklahoma. Furthermore, while it is yet unclear how the RTC Oversight Board will restructure its regional advisory board, it is extremely unlikely that Oklahoma will have 40 percent of the members of the new board, like we do today in the southwest region.

Mr. GARN. I appreciate the Senator from Oklahoma's concerns and will work with the Senator to ask the RTC to reconsider this regional change.

Mr. NICKLES. I thank the distinguished ranking minority member for his assistance.

Mr. CHAFEE. Mr. President, I would like to make a few remarks regarding the pending legislation, the Resolution Trust Corporation Funding Act.

This bill has one essential purpose: to provide the RTC with an additional $30 billion for working capital purposes. Working capital is the funding that allows the Corporation to acquire assets from failed thrift institutions and to locate purchasers for those assets.

The RTC was created in the summer of 1989 when Congress approved the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA]. Today, nearly 2 years into its mission, the Corporation is in the process of liquidating more than $144 billion in assets.

I have some reservations about approving an additional $30 billion for the RTC. $30 billion is a tremendous amount of money. I would far prefer to channel this supplemental funding to more deserving recipients. The successful Head Start Program, for one, could benefit tremendously from such a large capital infusion.

It is no secret that the RTC has some serious problems that it must address. Both the chairman and the ranking member of the Senate Banking Committee believe that the administration of the RTC must be restructured. The Corporation has been slow in disposing of assets from failed thrift institutions. To make matters worse, a slumping real estate market has depreciated the value of certain properties by millions of dollars.

Despite my reservations, I plan to vote in favor of this legislation. Why? The Federal Government has made a promise to insured depositors that it would back their accounts up to $100,000. If the RTC is denied this supplemental emergency funding the cost of closing down these failed thrift institutions will only rise higher. The chairman of the Banking Committee has told me that each day that the RTC funding is delayed, the taxpayer is billed between $7 and $9 million.

We should not delay passage of this legislation. The sooner this bill is enacted, the sooner the RTC will put the S&L debacle behind us.

Now Mr. President, a number of good amendments have been offered to this legislation. Just yesterday, for example, I attempted to attach my amendment, the Financial Institutions Fraud Prosecution amendment, to the bill. Although my amendment was clearly meritorious and had gained the favor of a number of Senators, I reluctantly withdrew it at the behest of the bill managers who demanded that the Senate approve a clean bill.

Several other amendments have been offered this week that might have made valuable contributions to the operation of the RTC. Nevertheless, I have agreed to join with the bill managers in opposing all amendments to this bill, regardless of the amendments nature.

It seems to me that the Senate's responsibility is to provide the RTC with the resources it needs to complete the job that it set out to do in August 1989. We need to monitor carefully every taxpayer dollar that is distributed to the Corporation to ensure that the funding is used wisely and efficiently. But further delay at this time will only raise the ultimate cost of the S&L bailout.

I look forward to seeing this bill enacted today. I look forward to working with my colleagues on both sides of the aisle to ensure that the RTC is operating in as efficient a manner as possible.

Mr. DOLE. Mr. President, I want to take a few moments to express my support for S. 419, the Resolution Trust Corporation Funding Act of 1991.

Before discussing the substantive merits of this bill, I want to commend the leadership of Secretary of the Treasury Nicholas Brady, who has consistently reminded Congress that delay in passing this bill means more cost to the taxpayer and less protection for the average thrift depositor.

I also want to commend the leadership of my distinguished colleagues, Senators JAKE GARN and DON RIEGLE, who have ably shepherded this bill through the Senate Banking Committee and through the debate here on the floor. Managing this bill has not been one of the plum assignments in the Senate, but both Senators have performed this task with a great sense of responsibility and without complaint.

Mr. President, this bill makes sense for a very simply reason: Additional funding now for the Resolution Trust Corporation—the RTC—means less funding later and, ultimately, a lower total cost for the taxpayer.

It is that simple.

Last October, Congress had the opportunity to provide additional funding for the RTC. This funding was desperately needed, and it was requested by the RTC and the Treasury Department.

But when faced with a tough decision, Congress chose what it often chooses—the easy way out: It dropped back 5 yards and proceeded to punt.

Congress' failure to take action last October has cost the taxpayers somewhere between $250 and $300 million. And it has slowed down the pace of thrift resolutions by almost 100 percent.

Needless to say, the cost of further delays is equally staggering. The Treasury Department, for example, estimates that each day of delay means an additional $8 million on the taxpayer's bill. That is nearly $250 million for each month of further delay, and almost $1 billion if Congress were to fail to take action by the end of June.

So, Mr. President, $30 billion in additional funding may sound like a lot of money. And it is.

But failure to pass this bill, and give the RTC the funds it needs to do its job, a job mandated by Congress, will only exacerbate an already bad situation, and will increase the ultimate cost to the taxpayer.

Last week, I received a letter from Secretary Brady outlining the extraordinary costs associated with delay. I will ask unanimous consent that the full text of Secretary Brady's letter be inserted in the RECORD immediately after my remarks.

Mr. President, before I conclude, I cannot help but challenge two of the myths that some of my more creative colleagues have passed along to the American public during this week's floor debate.

Myth one: The RTC funding bill means throwing money down a "rathole."

Truth: The RTC funding bill is about protecting existing thrift depositors. It is not about giving the RTC carte blanche to spend money on whatever purpose it chooses.

When Congress passed the so-called FIRREA bill in 1989, we provided two types of funding for the RTC: First, working capital; and second, loss funds.

To get working capital, the RTC was given the authority to borrow from the Federal Financing Bank those funds which are necessary to acquire the assets of failed thrifts. The sales of these assets are then used to repay the RTC's debt to the Federal Financing Bank.

Loss funds, on the other hand, are funds appropriated by Congress to make up the difference between the asset value of a failed thrift and its insured deposit accounts. In this way, loss funds are used to protect the insured deposits of a failed institution.

I repeat: Loss funds are used to protect the insured deposits of a failed institution.

The $30 billion authorized by S. 419 is $30 billion in loss funds, not working capital.

So, Mr. President, contrary to what some of my colleagues may believe, this bill is designed to protect depositors. It is not designed to give the RTC more money to spend recklessly on building a real estate empire.

Simply put, we need this bill if the RTC is to continue funding existing deposit insurance guarantees during fiscal year 1991.

It is the interests of depositors that are at stake, not the interests of the RTC.

Myth two: The RTC is dragging its feet in resolving failed institutions.

Truth: On this score, the hard facts tell a completely different story.

From its creation on August 9, 1989, and through December 31, 1990, a period of only 16 months, the RTC has taken over 531 troubled thrifts, resolved 352 of these thrifts, and maintained control over the remaining 179 institutions in its conservatorship program. During this same period, the RTC has sold and collected approximately $128 billion in assets and sold 2,728 single-family affordable housing properties.

Not a bad track record for an organization that 17 months ago did not have a name, a charter, an office, or a single employee.

The RTC has also been a key player in the fight against those former savings and loan executives and other insiders who have ripped off the American taxpayers to the tune of billions and billions of dollars. During its first 16 months, the RTC has forwarded 1,320 complaints of criminal wrongdoing to the Justice Department from 276 institutions under RTC control. The Justice Department has acted on these referrals, obtaining 403 S&L convictions with cumulative prison sentences of 768 years, and court-ordered fines and restitution totaling more than $236 million.

But, most importantly, Mr. President, the RTC has protected insured deposits of $114 billion in nearly 11 million deposit accounts. These accounts are not held by the Fortune 500, or by people with a fancy Rodeo Drive or Upper East Side address. These accounts are held by the average citizen, the middle-income citizen, the citizens of my home State, the State of Kansas.

Mr. President, the RTC may not be all things to all people. It may have institutional problems that need to be remedied. I don't deny that. And I intend to make every effort to work with the administration in remedying these problems in the days ahead.

But the RTC is not the black hole that some of my colleagues have made it out to be.

Let us face it: It is easy to criticize, to point fingers. And you can bet that it is even easier to forget the incredible blunders that Congress itself made when the S&L problem was simply that, a problem, and not the disaster that it has become today.

Congress dragged its feet in 1986 and 1988, when it was presented with golden opportunities to stop the savings and loan hemorrhaging by recapitalizing FSLIC. And Congress, not the RTC, will be dragging its feet if it fails to approve this bill today.

Mr. President, at this time and under these circumstances, the RTC funding bill makes sense, common sense. And I urge my colleagues to support the bill when it comes time to vote.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OVERSIGHT BOARD,
RESOLUTION TRUST CORPORATION,
Washington, DC, February 26, 1991.

Hon. ROBERT J. DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR LEADER: As Chairman of the Oversight Board of the Resolution Trust Corporation (RTC), I am writing to emphasize that unless Congress promptly provides adequate funding to the RTC, the RTC will be forced to further curtail its efforts to close bankrupt savings and loans. Already, the delay in authorizing additional funds has slowed case activity and cost the American taxpayer at least $250 to $300 million.

The Oversight Board has testified that full funding to permit the RTC to complete the thrift clean-up would be preferable to interim funding. However, the $30 billion of loss funds that is provided by the Senate bill will permit the RTC to continue operating through the remainder of the fiscal year.

I am afraid that if any less than $30 billion is provided, the result will be a start and stop cleanup process that produces further delays, substantial additional costs to taxpayers, and confusion and fear in the minds of depositors.

Accordingly, I repeat the Administration's urgent request that the Senate provide adequate funds to the RTC without controversial amendments that would delay the provision of funds and add to taxpayer's costs.

Sincerely,

NICHOLAS F. BRADY.

Mr. METZENBAUM. Mr. President, I am aware of the fact that a number of my colleagues have been anxious to bring this debate to a conclusion, and I, too, would like to see it brought to a conclusion. But for the last several days, we have been in negotiations with the RTC and, more recently, today with the IRS, concerning what kind of amendment could be made and what kind of action could be achieved.

I think most Members of this body are aware of the fact that the Internal Revenue Service did come forward with a ruling that moves us in a major way forward, not as far as we would like to go, but under FIRREA and one of the amendments that we had put in at that time, there was an instruction to have certain studies made as to what could be done. There evolved out of that the fact that the IRS has now come forward with a ruling, which is publicized in today's paper, having to do with the so-called double-dipping aspects of the 1988 deals, which allegedly made it possible for those who have received those deals to get the Government assistance, and at the same time, take tax deductions, which were quite inconsistent. While money was being received, they were getting the advantage of taking tax deductions, which almost was a contradiction in terms. That is allegedly what they felt they were able to do, and some of them still claim they have that right.

We are not talking about $100 or $1,000 or $1 million; we are talking about billions of dollars, and I think the latest estimate is that the Treasury's ruling will rebound to the benefit of the Government to the extent of $2½ billion to $3½ billion. I am frank to say that, under that Government ruling, the Treasury indicated that there was some question as to whether or not their holding would hold up, and that they expected to be challenged.

I had hoped that we could provide additional legislative language which would clarify that fact and reinforce their position. I believe their ruling is 100 percent accurate. I do not have any reservation about that at all. But I thought that if we could pass legislation to reinforce their position while this bill was pending, it would make a lot of sense to do so.

However, we all know the question, and that is the merit of originating legislation having to do with revenue production, which must come from the House, or else the House will not consider it. I have spoken with the very distinguished chairman of the House Ways and Means Committee, Congressman ROSTENKOWSKI, and he is very much aware of the problem. My opinion is that if the Treasury feels they need assistance, they will receive every possible consideration from the chairman of the House Ways and Means Committee, who certainly is one of the very astute members of that body.

Having said that, there are still aspects of the 1988 deals that have concerned this Senator, and concern me much, to the extent that we conducted a hearing having to do with the Blue Bonnet Savings and Loan, an instance in which we felt at the conclusion of the hearing that there was more than enough basis to rescind or force the renegotiation of that deal, but there was very little action taken.

As a matter of fact, as previously stated, we in Congress had given the RTC authority in connection with the renegotiation, restructuring, or rescinding of these 1988 deals, both in the FIRREA act with an amendment of mine, and then with an additional amendment of mine on Senator MIKULSKI's appropriations bill that was passed at the conclusion of the last session. But, notwithstanding that, we were not able to get much action from the RTC, and there were continued studies.

We have had some rather strong meetings with the RTC, and friendly, but both sides stating their position I think in the best possible way. I am now satisfied the RTC will take a more aggressive approach and has indicated a willingness to consider the proposal I made to them some many months ago to turn over the contracts to lawyers on a contingent fee basis if dollars could be saved.

The RTC has pointed out to me some problems with respect to doing that because, as they are restructuring the deal, and those restructures are within the terms of the language of the deals themselves, their concern is where do you start, what is the baseline if you are to have a contigent fee contract. There will be further discussion between the leadership of the RTC and ourselves as we move down the line. But I do believe there is a different attitude at the RTC and I think there is more willingness to cooperate in connection with that matter as well as others.

Then there was a question about their restructuring of the deal. Restructuring really means the contracts provide certain payments may be made by the Federal Government. I think we provided $22 billion to them for the purpose of restructuring at an earlier point. The restructuring would occur within the terms of the contract, not changing the terms, but actually exercising some of the options that the Government has. They now say they are going to be moving forward very promptly with that.

For 18 months there has been very little action. I do not mean to suggest any action or any discussion that has taken place on the floor has had anything to do with their movement in connection with restructuring, because I do believe they were planning and do hope to move forward rather promptly in that effort. I am told that first payments should be made within the next several months and that at least is some progress as far as saving the American taxpayers substantial dollars.

In the amendments we made at the conclusion of the last session, we provided that the RTC was to report to the Congress on a monthly basis what they were doing with respect to restructuring and renegotiating these contracts and do so as pertains to each particular contract.

I am frank to say they did not do that, and that is irrefutable. As a matter of fact, I put up on the board the other day one short paragraph they gave us alluding to their entire response on that subject. They have now assured us they will report on a monthly basis, as they are obligated to do under the amendment to the Mikulski Act, and I am satisfied that at least is moving in the proper direction.

There is another part of this restructuring or renegotiating to which I would like now to address myself. The RTC has felt it has been constrained in the renegotiation or restructuring of these contracts, that they could deal with the specific terms in the contracts but they could not deal beyond those specific terms and renegotiate part of the contract; and, furthermore, they could do nothing, absolutely nothing, with respect to the tax aspects of the contract.

Well, it is no secret the tax aspects involved literally billions of dollars. So we concluded it would be very helpful to the RTC if they had the authority to put on the table in those negotiations the question of the tax benefits, a right they do not have at the moment, or at least they feel they do not have. We discussed this with Mr. Seidman, and he indicated a complete willingness to have that included as a part of their right but was not certain that the IRS would agree.

Well, I am happy to report to my colleagues there have been extensive negotiations that have gone on last night and all day today. At an appropriate time, the Senator from Ohio will offer an amendment which will provide as follows, and I will read only the pertinent language:

> The corporation, in modifying, renegotiating, or restructuring the insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation between Janaury 1, 1988, and the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall carry out its responsibilities under section 519(a) of Public Law 101-507—

Now we come to the relevant point—

> and shall, consistent with achieving the greatest overall financial savings to the Federal Government, pursue all legal means by which the corporation can reduce both the direct outlays and the tax benefits associated with such cases, including, but not limited to, restructuring to eliminate the tax free interest payments and renegotiating to capture a larger portion of the tax benefits for the Corporation.

I consider this amendment a major step forward because, when the RTC is in those negotiations—whether or not they are using lawyers on a contingent basis or their own house counsel or outside counsel, whatever the case may be—they can now put on the table the question of the tax benefits, the tax assistance.

I am very pleased the RTC has seen fit to accept that additional responsibility; that the IRS has recognized that in no way does that detract from its responsibilities which are totally separate and apart; and that indeed it can possibly result in savings of millions if not billions of dollars to the Federal Government.

So I will offer that amendment at an appropriate time. It is my understanding the managers of the bill are prepared to accept it.

Let me speak now about a couple of other items.

With respect to the subject of directors' and officers' liability, I think my colleagues know we conducted a hearing severals weeks ago having to do with the Southwest Federal Savings and Loan. The issue there was why the Government had not seen fit to pursue actively their rights against the directors and officers of that organization, particularly in view of the fact there was tremendous collectibility.

The Government is losing about $250 million. The principal owner of that institution is reputed to be one of the world's wealthiest men. He had agreed in writing to indemnify any of the officers and directors who might be held responsible as far as directors' and officers' liability is concerned.

This is the matter in which at our hearing two officials of the Government, two employees of the Government, had indicated they were told not to proceed forward with the investigation but to sit on it.

They had indicated that there was some political involvement, and that they should not be moving forward. As a matter of fact, the Government did not move forward and, as a matter of fact, one of the people who told these employees not to move forward subsequently wound up now in a position of major responsibility with the RTC.

I urge upon the RTC that they really reevaluate that situation, in view of that particular individual's failure to proceed in the Southwest case, and his having told those who were doing the investigating, who wanted to proceed forward, to sit on it and not to move forward.

I am happy to say we received a letter today indicating that actions are indeed being taken with respect to the Southwest Federal Savings and Loan matter, and I am satisfied, on the basis of the information provided in that letter, that if there is any liability on the part of those officers and directors, that within the next couple of months—not nearly as rapidly as I think it should have occurred—but within the next several months, those officers and directors will be brought to justice, whether through the courts or by negotiation.

If there is no responsibility at all, at least that determination will be made. But this Senator has the feeling that there is some justifiable basis for proceeding.

There is another matter with respect to the previous policies of the RTC to which I would like to address myself. There was a memorandum that went out to the Director from one of the legal counsel of the RTC indicating that no officers and directors were to be sued unless there was a net worth of at least $5 million on the part of the officers and directors.

First of all, I do not know how anybody would make that determination. Second, I do not know why they would look for a $5 million figure in order to proceed forward.

As I have said previously on the floor, there are many officers and directors who may have several million of that $5 million—$3.5 million; $4 million—and certainly if there is an opportunity to recover some money for the taxpayers of the country, they ought to be proceeded against if there is some wrongdoing. The fact is, taxpayers who owe the Government just a few hundred dollars find their Government is very aggressive in moving forward against them.

So the RTC has now sent out a new directive clarifying the situation with respect to that matter and indicating that there is no $5 million minimum; that the matter will be evaluated on the basis of whether or not it makes sense to proceed.

Let me comment on one other point. The manager of the bill, the distinguished chairman of the Banking Committee, indicated that the GAO reported that the conduct of the RTC has been quite good. Frankly, I read that report in a somewhat different manner and concluded that it was not nearly that good. In fact, they enunciated many of the inadequacies and failures of the RTC.

Suffice it to say that I think and I hope they are getting their act together. It was not easy to do all of this in a short period of time. I do feel, with respect to some of the concerns that we have indicated that we have with the RTC's conduct, that we have their assurances and commitment that they will cooperate, and I feel certain we will be getting that kind of cooperation in the future.

AMENDMENT NO. 28

(Purpose: To amend section 21A of the Federal Home Loan Bank Act)

Mr. METZENBAUM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 28.

Mr. METZENBAUM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . CLARIFICATION OF REVIEW OF PRIOR CASES.

Section 21A of the Federal Home Loan Bank Act is amended by inserting at the end of section 501(b)(11) the following language:

"The Corporation, in modifying, renegotiating, or restructuring the insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation between January 1, 1988, and the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall carry out its responsibilities under section 519(a) of Public Law 101-507, and shall, consistent with achieving the greatest overall financial savings to the Federal Government, pursue all legal means by which the Corporation can reduce both the direct outlays and the tax benefits associated with such cases, including, but not limited to, restructuring to eliminate tax free interest payments and renegotiating to capture a larger portion of the tax benefits for the Corporation."

The PRESIDING OFFICER. The Senator from Michigan, the manager of the bill.

Mr. RIEGLE. Madam President, let me say first of all I want to compliment the Senator from Ohio for his leadership on this issue, extending back now actually many years.

I might say he and I both had a concern about this, and tried to do something about this at the tail end of 1988. We were not successful at that time.

In any event, I will not extend my remarks now except to say that I consider this a technical clarification of the existing practice as it is now understood to exist within the agencies.

So I find this, from the point of view of our bill here and the committee's jurisdiction, an acceptable restatement of policy in this area that does clarify it. I think it does make it clear. I have no objection on my side.

I yield to my colleague from Utah for his response from the other side.

Mr. GARN. It is acceptable.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, I appreciate that both managers are willing to accept the amendment, but I am not willing to have it accepted without making it clear it is much more than a technical amendment, because the substantive issue involved relates to the fact that the RTC told us in unequivocal terms they did not have the authority to negotiate or to deal with the tax questions. This amendment gives them that right.

So I do not often disagree with my friend from Michigan, but I want to say to him I think describing this as technical would be inappropriate. I just make that point.

Mr. RIEGLE. Madam President, I will accept that point. I guess what I want to say is, in discussions with the RTC and the Treasury Department, they accept this language. So, in effect, this is an acknowledgment of this as being a policy that they fully intend to carry out, under the interpretation of the law as it now stands.

So I view it as a clarification in that respect.

Mr. METZENBAUM. I thank the manager of the bill. I am prepared to proceed.

Mr. RIEGLE. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 28) was agreed to.

Mr. RIEGLE. Madam President, I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Madam President, I do have an amendment that is technical in nature, modifying section 5, incidental powers.

AMENDMENT NO. 29

Mr. GARN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The Senate will now consider the amendment of the Senator from Utah.

The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. GARN] proposes an amendment numbered 29.

Mr. GARN. Madam President, I ask unaminous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Delete section 5 Incidental Powers, and insert in lieu thereof:

"SEC. 5. INCIDENTAL POWERS.

"(a) RESOLUTION TRUST CORPORATION. Section 21A(b)(10)(N) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(10)(N) is amended by adding at the end thereof the following: "The Resolution Trust Corporation may indemnify the directors, officers and employees of the Corporation on such terms as the Corporation deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. For purposes of this section, the terms 'officers' and 'employees' include officers and employees of the Federal Deposit Insurance Corporation or of other agencies who perform services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections."

"(b) OVERSIGHT BOARD.—Section 21A(a)(5)(J) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(5)(J)) shall be amended by adding at the end the following: "The Oversight Board, from funds made available to it by the Corporation, may indemnify the members, officers and employees of the Oversight Board on such terms as the Oversight deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections.".

Mr. RIEGLE. Madam President, we have examined this on our side. This is a technical clarification. It is cleared on our side.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 29) was agreed to.

Mr. GARN. Madam President, I move to reconsider the vote.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 27, AS MODIFIED

Mr. RIEGLE. Madam President, as I understand it, the next and final order of business is the Specter amendment which has been pending, which of course is nongermane to this bill but has been discussed at some length beforehand.

That is the final matter awaiting disposition prior to a final passage vote on this issue.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Madam President, I move to table the Specter amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. On the motion to table the amendment——

Mr. GARN. Madam President, we withhold the tabling motion for just a moment.

The PRESIDING OFFICER. Without objection, we will withhold.

Mr. GARN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Madam President, though I have only been in the Senate for a little over 2 years, I feel like I already have a long—even too long—history with RTC funding measures. Last year, I, along with every other Senator, watched with horror as the administration's estimates of the final costs of the bailout went up and up and up. Last fall, I sympathized with the Banking Committee as it tried to pass an emergency funding measure for the RTC—while the administration was unwilling to come to the Hill to testify in support of their funding request. And on the last day of session, I agonized over whether to hold up the midnight legislation that authorized additional funding for the RTC.

At the time, I said in a floor statement: "I sincerely hope that next year we will take our responsibilities for managing the S&L bailout more seriously. I hope we will do enough oversight of the RTC, consider enough legislation reforming FIRREA and our deposit insurance system, and spend our S&L bailout money wisely enough that, next year, we will be able to state our policy on the RTC and the S&L's openly and publicly."

Well, Madam President, we have not done any of this. And we certainly are not in a position to state our policy on the RTC and S&L's openly and publicly. In fact, the only difference between this year's debate and last year's is that this year, we are passing our no-strings-attached funding measure in the morning rather than at midnight. History is repeating itself. Unfortunately, in the case of RTC funding, each repetition is more costly.

The U.S. Government is obligated to provide money to protect depositors in failed S&L's. But the Congress is not obligated to appropriate such funds without question and without the certainty that they are being well spent. Our obligation is to depositors and taxpayers. To depositors, to make their insured savings whole. To taxpayers, to do so in the manner that costs them the least. Providing $30 billion fulfills our obligations to depositors. But providing $30 billion—with no strings attached, with no reforms in RTC required, and with no guarantee that we will revisit this issue until next fiscal year—ignores our obligation to taxpayers.

Senator HARKIN and I offered an amendment that would have been fair to depositors and taxpayers. It would have provided half the funding for the RTC and required this body to return to the issue in 2 months. As distasteful as voting on S&L bailout money is to all of us, if it takes multiple votes to force proper oversight of RTC, then that is what we should have committed to.

Unfortunately, the majority of my colleagues did not agree with that assessment. The Harkin-Kohl amendment was defeated. And because it was, in my opinion, the only responsible course open to us on RTC funding, I will vote against final passage of this funding measure. I cannot support a $30 billion appropriation that comes to us without adequate justification from the administration or scrutiny by the Congress.

I do not want to be on the Senate floor this September making this same speech—the same speech I made last autumn. I am embarrassed to have to beg for administration participation in RTC funding decisions, beg for RTC accountability, beg for any information that would let us assess how well the RTC is doing its job. So, I urge my colleagues to defeat this bill. Let us come back, next week if necessary, and do this appropriation right. Let us not let the scandal and waste of the S&L bailout turn into the scandal and waste of the RTC.

Mr. SANFORD. Madam President, I resent the fact that the Senate Banking Committee had to vote for $30 billion in additional taxpayer funds, with more yet to be required, as another payment for the administration's failure to regulate adequately the savings and loan industry. The savings and loan business failed because it was improperly regulated and wandered away from its traditional function of providing home mortgage lending. Moreover, it was allowed and encouraged by the Federal Government to wander.

Thrifts were caught in an interest rate squeeze, with lots of long-term lending at low interest rates at a time when short-term rates were quite high. In order to get out of this fix, many institutions ventured into risky activities, with which they had little experience, and more importantly, that their regulator had no ability to supervise. Meanwhile, the administration was busy cutting back on funds to hire more supervisors and examiners and generally taking the position that "deregulation" implies "desupervision."

Now, Members of Congress face a difficult choice over whether or not to provide funds for the RTC. The losses in these institutions have already occurred. They began years ago, before I arrived in the Senate, and rightly or wrongly, many years ago, the Government made a commitment to depositors all across the country that their funds, up to $100,000, invested in federally insured thrifts or banks would be insured. Now those insurance bills have come due, and we in Congress must recognize our promise to the American people.

However, we must balance this promise against our likewise serious commitment to see that the RTC responsibly uses the funds we provide to pay depositors. We have an obligation to control how efficiently the RTC manages the property it has. Because of this, I supported several amendments during the course of debate on this bill which I believe would have made positive changes in the operation of the RTC and the entire savings and loan bailout process.

First, I supported Senator HARKIN'S amendment which would have cut RTC funding by $15 billion and included important requests for analysis of reforms to the structure and funding of the RTC. I believe this proposal could have reduced the taxpayers' bill by giving Congress time to develop a better RTC and by forcing the President to propose options to raise revenues in order to limit borrowing to pay for RTC funds.

In addition, I voted for Senator KERREY'S amendment which would have established a better administrative structure for the RTC. Clearly, the current RTC structure has proven unworkable, and this proposal would have made changes to allow the RTC to perform its tasks more quickly and effectively.

I am disappointed that neither of these amendments passed the Senate. I believe they both were thoughtful, intelligent proposals which would have begun the process of reforming the RTC to make it more efficient and accountable to the taxpayers.

However, the Senate did not accept these amendments. And thus, I can not accept providing $30 billion in additional funding to the RTC when I do not feel Congress has met its obligation to the American people to ensure the RTC is using the taxpayers' money responsibly. Before we give away $30 billion, we must find and accept solid proposals aimed at concrete reform.

I have a proposal to turn the RTC into a "vulture" fund. The vultures circling the S&L ship looking for good buys are not necessarily the bad guys. They are making the S&L bailout work—to the slight degree that it is working at all—and it is working only because it is constantly shored up by taxpayers' dollars.

However, the only real vultures out there are those who have enough money to purchase large blocks of properties or entire office buildings, or who happen to want a particular house in a particular location. I think all taxpayers ought to have the opportunity to become the vultures who can buy some of this distressed property. We should not allow only the real estate moguls and corporate raiders to be the only ones who can take advantage of these RTC properties.

There are vulture mutual funds and vulture syndicates working for good deals that will, rightfully, make any profit that is to be made from the S&L debacle. I find no fault with them. I want the Government and the taxpayers to invade their territory. Both the Government and the taxpayers who have borne the brunt of the S&L crisis should have the opportunity to realize any upside potential from real estate gains that may be there over the long haul.

As such, I am proposing that the GAO immediately study the feasibility of setting up such a fund for the sale of RTC assets and that before we take further action this concept, if the study shows it to be viable, be included in any future reforms of the RTC.

Moreover, there is a widespread perception the RTC is not well run and that the structure of the RTC, with an Oversight Board and a separate RTC Board which involve the Secretary of the Treasury, the Secretary of the Department of Housing and Urban Affairs, the Chairman of the Federal Reserve, the head of the FDIC and so on, is simply too cumbersome to result in quick, effective decisions. The structure, because it leaves no one clearly in charge, also provides too little accountability. Changes in the structure are warranted. Thus, we must also take the steps necessary to ensure that we have an efficiently run organization before any additional funds are provided.

In closing, let me just say again that I can not in good conscience vote to hand over another $30 billion until a more rational approach is devised. We must avoid spending more taxpayers' money on an organization that simply is not performing its job, and we must develop a better system of managing and disposing of RTC assets before we vote for any additional funding. Thus, I have no choice but to vote against this legislation.

Mr. GRASSLEY. Madam President, it is with great reluctance that I vote in favor of this bill today. I was opposed to final passage of the Financial Institutions Reform and Recovery Act when it was before the Senate 18 months ago. At that time I felt that the savings and loan cleanup legislation was flawed. Those flaws are still all too evident today as we witness continual delay in the resolution of failed thrifts, and even more delay in the disposition of those assets.

I know that RTC's monumental task requires time and patience. I have heard the excuses that RTC was just created a year and a half ago and its responsibilities have grown exponentially in that time. I know that the management challenge is enormous.

But I also know that, as time goes by, American taxpayers have to dole out more and more money to this mess. I have grave reservations about committing more funds to RTC. It is a bitter irony, therefore, that I vote for this bill. Unfortunately, to oppose it would only further postpone the resolution of this debacle, ultimately increasing the expense to be borne by the taxpayer.

I have supported and will continue to support efforts to reform and amend FIRREA. That is why I supported the amendment by my colleague from Iowa earlier today. Senator HARKIN's amendment would have enabled the RTC to close those thrifts cases now pending and are ready to move. The amendment would also have given Congress and the administration impetus to develop RTC reform measures to improve and accelerate resolution.

Reform of the process is indeed necessary. I have received dozens of letters, as I am sure have most Members, from angry constituents who have fallen victim to the inefficiency of the Resolution Trust Corporation. I would like to read excerpts from a letter I have received which describes experiences with the RTC. I am sure that this constituent's experiences are not unusual.

> There are numerous cases where solvent institutions are thrust into partnership with the RTC through previous participation or joint venture arrangements with now defunct institutions, as is our plight on two properties in Texas. Our participants are now a part of the RTC program. The bureaucracy of the RTC is critically impeding the total recovery and solution of our institution's real estate own problems. * * * The RTC solution to at least these partnership holdings is not satisfactory.

Realistically, I doubt that much-needed reform legislation could be passed and adopted in the next few weeks. As complex and political as FIRREA is, it is highly unlikely that such reform legislation could be approved before the end of the fiscal year, at which time RTC will have to come back to Congress for more funding any way.

As the distinguished Senator from Utah stated in his opening comments last week, the issue here is whether we will meet our obligation to American depositors as quickly and expeditiously, and I add—as cheaply, as the Government can.

The RTC must move forward with getting the savings and loan mess well behind us.

Mr. DODD. Madam President, I will vote in favor of final passage of S. 419, the Resolution Trust Corporation Funding Act of 1991—not because I like voting to spend $30 billion more to clear up the S&L mess, but because it will cost American taxpayers even more money if we fail to adopt this legislation promptly.

I think it is important to understand where this money will go, and where it won't. It will be used to close bankrupt S&L's or to assist in their acquisition by other institutions, whichever method is least costly to the taxpayer. In essence, the money will be used to fulfill the U.S. Government's contract with depositors to insure their deposits up to $100,000.

It will not be used to pay off crooked management or shareholders. The crooked managers are gone and we have provided substantial sums for their prosecution. And the stockholders' equity has been taken to pay off some of the debts of failed S&L's.

In short, we have no choice but to vote for this bill. Not to do so would be to renege on our obligation to depositors—and risk a financial panic that would make the present cost of cleaning up failed S&L's look like nothing.

Moreover, every day we delay adopting this legislation costs the taxpayer $8 million, because the FDIC presently lacks sufficient funds to close down failed S&L's and those institutions are losing money daily. Keeping underwater S&L's open is how we got into this mess in the first place. It would be absurd to repeat the problem in the name of fiscal responsibility.

However, my vote for this bill should not be interpreted as an endorsement of the efforts of the Resolution Trust Corporation to clear up this mess. While its task is truly herculean, I am deeply concerned that the RTC is not moving as efficiently as the public deserves. I believe this is in substantial part because of an unduly bureaucratic structure for decisionmaking.

Unfortunately, because the RTC is presently broke, we cannot afford to delay passage of this bill until we have figured out the best possible way to speed up the RTC's process. However, as a member of the Banking Committee, let me assure you that I will do everything in my power to make sure the banking reform legislation we will move over the next few months will contain RTC reform provisions that will assure taxpayers the most cost efficient system possible of disposing of failed S&L's.

Mr. BRADLEY. Madam President, this is not the first time the Senate has voted to give the Resolution Trust Corporation a staggering amount of money, and it won't be the last.

In August 1989, we provided the RTC with $50 billion. At the time, I said that while I recognized the serious time constraints that the Banking Committee was under in drafting this legislation, I could not vote for a bill that left so many fundamental questions unanswered: What will the role of S&L's be? How will this new bureaucracy behave and impact the economy? Do regulators have sufficient powers to deal with future problems?

That was almost 2 years ago. In those 2 years, the RTC has grown into the biggest owner and manager of assets in the free world—$144 billion by their estimation. The costs of the bailout have continued to escalate. The $50 billion we originally provided is gone. The $30 billion which we are considering today will be gone in September, and then the RTC will come back for more. The administration says it will be an additional $50 billion; CBO says more like $75 billion. And this does not include the further hundreds of billions of working capital which the RTC thinks will be repaid, but which might end up being covered by the taxpayer as well.

I recognize the need to close institutions that are bleeding capital quickly. However, we cannot let these costs continue to escalate without congressional oversight, without sending the RTC and the administration a message. This burden on the economy and future generations cannot continue its unchecked growth.

I supported amendments to this bill that cut the funding and changed the RTC's organization, revenue sources, and incentives to sell assets. I cannot support a request for $30 billion to continue the mistakes of the last 2 years.

Mr. CONRAD. Madam President, I rise today to indicate that I will vote against the Resolution Trust Corporation [RTC] Funding Act of 1991.

I clearly understand the need for the funding. This legislation will provide the RTC with an additional $30 billion, to allow the RTC to pay off depositors and to continue to resolve financially troubled thrifts. When the Congress passed and the President signed the Financial Institutions Reform, Recovery and Enforcement Act in 1989 [FIRREA], we agreed to honor the commitment that deposits in insolvent savings and loan institutions were guaranteed by the full faith and credit of the Government. We cannot allow blameless depositors to lose their life savings because of the savings and loan disaster.

Despite these concerns, I cannot support an additional $30 billion in funding. As my colleagues know, I was one of only eight Senators to vote against final passage of the original Senate version of FIRREA in the 101st Congress, and I strongly opposed the passage of the conference version by voice vote in August 1989. The bailout bill did not sufficiently minimize the cost to the taxpayer. The compromise which was finally brought before the Senate included part of the original proposal by the administration to fund the bailout through an off-budget agency. This proposal was an attempt to avoid the budgetary process and hide the true costs of the cleanup of the savings and loans. Because such an off-budget agency would not get the benefit of Treasury borrowing, it would drive up the costs to the taxpayer in the form of higher interest costs.

And the costs continue to escalate. The bailout legislation which was passed in the last Congress provided long-term financing of $50 billion for the RTC. It has been apparent for almost a year that this amount was inadequate. The RTC has requested another $30 billion for fiscal year 1991. But even this sum will not be enough. There is a general consensus that the RTC will require another $30 to $50 billion in the next fiscal year.

And these figures do not include the large amounts borrowed for working capital. As of January 31, 1991, the RTC had spent $57 billion for working capital purposes, according to the Senate Banking Committee. This working capital must all be repaid. But, according to Comptroller General Charles Bowsher in recent testimony before the House Banking Committee, "We're not going to really know until we get further down the road how much of that working capital can be repaid." I am profoundly concerned about the additional losses which could be incurred if the RTC is unable to repay all of its working capital debt.

About a year ago I met with some of the most respected leaders of major financial organizations in this country. They told me that this bail out will ultimately cost between $300 and $500 billion. The General Accounting Office has also put the total cost, including interest, at as high as $500 billion. Congress—and the public—should not tolerate ineffective procedures and methods for disposing of assets which are driving up the ultimate price tag of the cleanup.

In my view, the process now in place is blatantly inefficient. The procedures of the RTC are simply not capable of handling such a massive problem and limiting the costs of taxpayers. The performance of the RTC to date only reinforces my view that the bureaucracy and conflicting lines of authority which were created by FIRREA were a mistake from the start.

In my view, the establishment of the RTC within the Treasury Department, as mandated by FIRREA, created a new bureaucracy under Government control which required its own personnel, procedures, lines of authority, and policy guildelines. Without a doubt, the cleanup was delayed—and costs increased—while a large new organization was created. But the problems with RTC did not cease once the massive startup was complete. Problems with the dual structure of the oversight boards have led to policy paralysis, and more delays. Over a year and a half after FIRREA was signed into law by the President, problems continue to surface, and the cost to the Nation's taxpayers continues to escalate. Faced with these enormous costs, we must demand greater accountability on the part of the RTC before we authorize billions of dollars more for the cleanup.

When Comptroller General Bowsher testified before the House Banking Committee in February, he faulted many aspects of RTC's performance to date. I would like to focus on just one issue here—the failure of the RTC to dispose of assets from resolved thrifts.

According to GAO, the RTC still controls more than half of the assets from all resolved thrifts. This is an incredible statistic. Time and again, red tape, policy indecision, and ineffective procedures are slowing down the process. I know first hand that the longer it takes to dispose of assets, the more the asset depreciates. And the problem is even worse when we look at real estate assets. Admittedly, real estate markets are poor. But the RTC was unable to move these assets, even when the market was stronger. GAO found that the RTC did not even begin executing its policies for disposition of real estate assets until August 1990, 1 year after the enactment of FIRREA. This record is simply unacceptable.

I opposed the original legislation to bail out the S&L industry, and since that time I have only grown more sure of that position. I cannot justify providing an additional $30 billion to the RTC in light of its performance to date, and I intend to vote against this measure.

Mr. DASCHLE. Madam President, I would like to express my deep concerns about the action we are being asked to take today—commiting $30 billion more in taxpayer dollars to bailing out savings and loans.

I do not doubt that the Resolution Trust Corporation needs additional funds. And I would not for a moment suggest that the Federal Government should not make good on its guarantee to depositors. But I do feel very uncomfortable approving the expenditure of an additional $30 billion when there are so many concerns about the RTC's operations that have not been addressed.

I will wager that, when the Deposit Insurance Program was established in the 1930's and again when the amount of the guarantee was increased in 1980, taxpayers had no idea it would turn out like this.

We know that Congress' primary intent in establishing deposit insurance was to prevent runs on banks and savings and loans and to promote stability in the banking industry. But, if you asked any average American taxpayer what he or she thought Congress had in mind, my guess is they would say that Congress intended to assure low- and middle-income Americans that their savings would be safe. After all, it was fear on the part of the American public that their savings were not safe that caused runs on banks in the first place.

That average taxpayer would also say that he or she did not anticipate ever having to pay to bail out banks or savings and loans. Their understanding was that these financial institutions would pay premiums into the insurance fund and thereby finance any necessary bailouts in the first instance.

Today, the Deposit Insurance Program has strayed from the American public's expectations.

Fraudulent savings and loan officials succeeded in looting depositors' dollars, assisted in part by the existence of the guarantee. Savvy brokers were able to take advantage of the guarantee by splitting up large funds into accounts of less than $100,000 each. The existence of the deposit insurance guarantee encouraged regulators to refrain from closing savings and loans that were in poor condition.

Most importantly, the Resolution Trust Corporation, charged with resolving current savings and loan institution failures, has received $68 billion in funds for its cleanup efforts. It has been estimated that, over the next three decades, taxpayers will be responsible for hundreds of billions of dollars in servicing the debt that was issued to raise these funds and in covering the principal on bonds that the RTC is unable to repay.

Much of what has happened in the past is water under the bridge. But as the administration returns time and again to request more and more taxpayer funds for cleaning up this mess, it is incumbent upon us—the Congress—to monitor the cleanup process closely. If taxpayers are going to fund the cleanup, we have a duty to see that they get their money's worth before handing over $1 more.

There are a number of concerns about the cleanup program that have not been adequately addressed.

We are told that each day that we delay in passing this funding request, it will cost taxpayers another $7 to $9 million. But, what about the $144 billion tied up in assets held by the RTC in conservatorship and receivership? There are substantial asset management costs associated with the holding of these assets. Isn't there any chance we could liquidate at least some of these assets to help fund the cleanup and reduce management costs? So far, the RTC's efforts in this regard have been sluggish and ineffective.

What about the efficiency of RTC's operations? While I respect the commitment of RTC officials and employees, there is evidence that decisions are not being made. I refer to the amendment offered by my colleague from Nebraska, Senator KERREY, and his description of actions proposed then withdrawn at the last minute. Should we be filling the purse of an organization which everyone agrees needs to be restructured?

Who is benefiting from the billions upon billions of dollars being funneled to the RTC? We know that among the over $40 billion of deposits that have been covered are substantial amounts of brokered funds, as well as uninsured amounts above the $100,000 guarantee. But how much? Taxpayers have a right to know who's benefiting from the guarantee, particularly since, over the past decade, wealthier individuals have seen their tax burden decrease substantially as a percentage of their income, while lower-income people have faced an effective tax increase. Who's paying what to whom?

I would reiterate that I am not suggesting the Federal Government should not fulfill its deposit insurance promise, or that it should cut back on the guarantee in the future, but we should know to what extent the RTC is covering deposits outside the guarantee and to whom these amounts are being paid.

Finally, what about the deals that were struck between regulators and purchasers of failing thrifts back in 1988. We were led to believe that billions could be saved by restructuring those deals. In the 1989 thrift bailout bill, Congress authorized the RTC to renegotiate those deals. To date, more than 18 months later, not one of those deals has been renegotiated.

Perhaps there are legitimate responses to these concerns. I don't know. But, the answers could be vital to restructuring the cleanup in a fashion that will give taxpayers more bang for the buck. They could also lead to a more equitable means of financing the cleanup effort.

Without addressing these concerns, I cannot in good conscience support the RTC funding request before us today.

Mr. KERREY. Madam President, today we are being asked to authorize the expenditure of an additional $30 billion to pay for the continuing cleanup of the savings and loan industry—specifically, to give this money to the Resolution Trust Corporation [RTC], a Federal agency created in 1989 to manage and dispose of the assets from insolvent savings and loans.

I am voting against this measure because I believe we do not have a mechanism in place that guarantees accountability, openness, and trust in the operation of the RTC. Quite simply, most Americans no longer trust Congress or the administration on this issue, and if we asked them, they do not want us to spend another dollar.

There is good reason to be skeptical of the RTC's record thus far. The RTC has been in operation 18 months and is in trouble as indicated by a number of recent reports, including recent GAO testimony. Here are some examples:

The RTC has been unable to securitize its huge mortgage and junk bond portfolio. This not only prevents the RTC from moving these items off its books, but distorts the market and drives down the value of all similar securities.

The RTC claims it made great strides in resolving 352 institutions under its control between August 1989 and January 1991; but as the dust settles it is apparent what resolution means. The RTC did not sell a single whole institution; rather buyers cherrypicked the deposits and left the assets with the RTC.

The RTC was unable to carry out a planned national auction of commercial properties last November; the auctioneer even contemplated a suit against the RTC.

The RTC has had trouble settling on a consistent course of action for dealing with its inventory of environmentally significant properties.

This is a poor record for an agency that has hired around 5,000 staff members, created a large nationwide network of offices and has already spent more than $50 billion. Angry anecdotal stories of incompetent decisions have been told to every member of Congress. It is clear that the RTC is lacking a strong hands-on leader.

The Washington Post's March 4 editorial accused Congress of posturing because many members have attempted to amend the bill authorizing the new $30 billion. That misses the point. The parade of amendments brought up in the Senate and House are a symptom of the RTC's inability to make policy decisions itself. And their paralysis is the direct consequence of an oversight structure that fails to provide the leadership political support needed for bold action.

Yesterday, I unsuccessfully offered an amendment to restructure the RTC's oversight structure. My proposal would have pared back the RTC's dual oversight structure to one single board of governors. The RTC's two boards represent entirely different perspectives, with one composed of policymakers and the other composed of regulators. The policymakers include three of Washington's busiest people—Treasury Secretary Brady, HUD Secretary Kemp, and Federal Reserve Chairman Greenspan—which leaves oversight more in the hands of staff than board members. The dual structure dilutes accountability and compromises the management of an operation that currently oversees $140 billion in assets.

I had proposed that we replace this confusing and awkward oversight structure with a single board composed of four public and five non-Government members. Under this proposal the President could have appointed a strong, full-time Chair hired from the private sector who can communicate with the American people, the President, and the Congress in a way that restores confidence.

The American people deserve to have a full-time board that brings together top private sector talent and top public officials to solve one of the most complex problems our country has ever faced. That may be why this kind of change in the oversight structure topped Fortune magazine's list of ways to protect taxpayers' money in the savings and loan bailout, and why the Consumer Federation listed the idea as one of ten key proconsumer proposals.

We need a board that will not be afraid to make tough policy decisions, one that will be insulated from the everyday political pressures that come from the administration and Congress. We need private sector leaders, and particularly a strong chairman, who will begin immediately to make the American people confident that their tax dollars are not being wasted again.

We need a board which is so obviously qualified that Americans will trust their recommendations. Last year, Postmaster General Tony Frank testified before the Senate Banking Committee in support of a proposal of this kind. He offered a telling suggestion as a guide for selecting a Chair of this board: Find someone who does not want the job.

That is exactly what we need. Not someone who will tell us what we want to hear and leave us to discover the bad news later. Not someone who is looking to establish his or her credentials for a lucrative private sector career. But someone who is so good they neither want nor seek one of the most difficult and important things our President could ask a citizen to do.

At this point, I simply cannot go to my constituents and tell them that I feel comfortable with how this additional $30 billion will be used by the RTC. Frankly, it is difficult for me and other Senators to understand exactly what the RTC is doing. It is even difficult to get the administration to come to Congress and give a detailed accounting of how the RTC has used the $50 billion we have already given them—as witnessed by Secretary Brady's refusal to come before Congress—and how they will use the additional $30 billion we are now being asked to give.

Thirty billion dollars is more than we spent last year on education at the Federal level. It is just under what we spent during the entire 1980's on chapter one funding for disadvantaged students. Without a guarantee of greater accountability I simply cannot in good conscience vote for an additional $30 billion at this time.

Mr. KERRY. Madam President, the vote before this body on whether to authorize an additional $30 billion for the savings and loan bailout is not an easy one. As you know I opposed the administration's request last fall for an additional $40 billion. I must again oppose their request.

Last fall I felt that the administration had not adequately explained why they needed the money, how they planned to use the money or where they thought they could find the money. At the time I felt that the Congress should have provided the RTC $10 billion until a specific plan was laid before the Congress.

Last month Secretary Brady and the Oversight Board appeared before the Banking Committee. While they did answer some questions, they also left many questions unanswered. For example, I do not believe that the Oversight Board adequately explained how it arrived at a $30 billion figure. While Secretary Brady's prepared statement made reference to a cash flow model as the means for determining permanent losses, the Secretary did not elaborate on the assumptions on which the model is based. While we know the bailout is going to cost billions, we still don't really know if the $30 billion figure is appropriate. I do not think we should operate on the basis of blind faith that such a large figure is appropriate.

This is my opinion is why there were so many amendments which reduced the amount of money authorized for the bailout. I supported those amendments because I believe that we need more accountability in the process. We need to better understand what kind of a job the RTC is doing before we authorize $30 billion.

I also believe that the Congress must look much more closely than it has heretofore at the issues of equity and fairness concerning the funding of the bailout. These are issues that I raised last summer and which I know are shared by a number of my colleagues. For instance, the question arises why ordinary citizens should foot the bill for a crisis they neither caused nor benefited from. In theory, any losses to depositors should have been covered by the insurance fund which was capitalized by contributions from member institutions. As we now know, that fund was woefully undercapitalized and now the taxpayers are being asked to foot the bill.

It has also been suggested, by myself and others, that it is not altogether fair to have taxpayers in New England paying for a savings and loan crisis that is by and large concentrated in a few states not in the region.

Finally, I think everyone has questions about whether or not this bailout should not be paid now as opposed to later—leaving future generations to foot the bill.

So my hope is that the chairman of this committee will agree to hold hearings on the issue of fairness and equity surrounding the funding of the thrift bailout.

We are 18 months into the FIRREA process, we have spent billions of dollars and I believe we must begin to reevaluate our approach to this bailout.

For these reasons, Madam President, I cannot support the authorization of additional funds for the RTC.

The PRESIDING OFFICER. If the Senator will withhold, the Chair would like to advise the Senate of the parliamentary situation. There is an amendment pending. The yeas and nays have been ordered. The regular order would be to call the roll. Does the Senator wish to offer a unanimous-consent request?

Mr. GRAHAM. Madam President, I appreciate the status of the Senate. I ask unanimous consent to speak for up to 5 minutes to make a statement on final passage of the legislation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RIEGLE. Will the Senator yield for a moment? Will the Senator indulge me? We have a situation, which we discussed a minute ago, where it is agreeable to put aside the Specter amendment and take that up separately after this bill has been handled. It will require a rollcall vote, and the understanding is that it will be taken up on that basis, immediately following the disposition of this bill.

We have no other amendments pending. We have Senators who have urgent requirements to try to meet that will take them away from the floor. If the Senator from Florida will be kind enough to do so, and I realize this is an imposition on him, if we can go ahead and move to third reading and the vote so that Senators who need to vote and leave can do so, we can continue the discussion. I will remain and others will also so that the remarks which the Senator from Florida wants to make, which I want to hear, can be made and we can still accommodate other Senators. I wonder if that might be possible.

Mr. GRAHAM. Madam President, I will be pleased to defer to the request of the chairman of the committee. The purpose of my requesting 5 minutes is to state the basis upon why I am going to vote no. Since I believe most people's minds have been made up at this point, I doubt that many will be changed by my remarks. I will be pleased, however, to place on the record the basis of my vote at the conclusion of the vote.

Mr. RIEGLE. I thank the Senator from Florida for his courtesy.

Madam President, I urge third reading of the bill.

Mr. SPECTER. Parliamentary inquiry.

UNANIMOUS-CONSENT AGREEMENT

Mr. RIEGLE. Let me amend that. I ask unanimous consent that the Specter amendment be withdrawn and that the yeas and nays be vitiated; that immediately following the disposition of the final passage of S. 419, the Senate then proceed to vote on or in relationship to the Specter resolution without any intervening action or debate and that no amendments to the resolution be in order.

Mr. SPECTER. Reserving the right to object, Madam President, as an addendum to the unanimous-consent request, I ask that my amendment be changed to a resolution, that it be a sense-of-the-Senate resolution.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. RIEGLE. I have no objection.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from Michigan? Is there an objection to the request of the Senator from Florida to have his statement in the RECORD? Observing none, without objection, all of these are agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. RIEGLE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays, 30, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—69

Bentsen
Biden
Bingaman
Bond
Boren
Breaux
Bryan
Bumpers
Burdick
Chafee
Coats
Cochran
Cohen
Cranston
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Ford
Fowler
Garn
Glenn
Gore
Gorton
Gramm
Grassley
Hatch
Hatfield
Heflin
Heinz
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Roth
Rudman
Sarbanes
Sasser
Seymour
Simon
Simpson
Stevens
Symms
Wallop
Warner

NAYS—30

Adams
Akaka
Baucus
Bradley
Brown
Burns
Byrd
Conrad
Craig
Daschle
DeConcini
Exon
Graham
Harkin
Helms
Hollings
Kasten
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Pryor
Rockefeller
Sanford
Shelby
Smith
Specter
Wellstone
Wirth

NOT VOTING—1

Thurmond

The bill (S. 419) as amended, was passed, as follows:

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Funding Act of 1991".

SEC. 2. RESOLUTION TRUST CORPORATION AUTHORIZATION RELATING TO PERMANENT LOSSES.

Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding at the end the following:

"(15) ADDITIONAL FUNDING TO COVER LOSSES IN RESOLVING THRIFT INSTITUTIONS.—

"(A) IN GENERAL.—In addition to the sums authorized by paragraph (14), the Secretary of the Treasury shall make available to the Corporation $30,000,000,000 from monies not otherwise appropiated.

"(B) LIMITATION.—No sums appropriated by subparagraph (A) may be obligated after September 30, 1991, except in the case of a resolution transaction with respect to which a bidder has been selected as of such date.".

SEC. 3. REPORTS.

(a) IN GENERAL.—Section 21A(k) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "The" and inserting "Notwithstanding section 9105 of title 31, United States Code, the"; and

(B) by striking everything after "standards" the first place it appears and inserting ". The audited statements shall be transmitted to the Congress by the Oversight Board not later than 180 days after the end of the Corporation's fiscal year to which those statements apply.";

(2) in paragraph (1)(B), by striking ", or by an independent certified public accountant retained to audit the Corporation's financial statement,"; and

(3) by adding at the end the following:

"(8) OPERATING PLANS.—

"(A) IN GENERAL.—Before the beginning of each calendar quarter, the Oversight Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a detailed financial operating plan covering the remaining quarters of the Corporation's fiscal year in which that quarter occurs.

"(B) CONTENTS.—At a minimum, a detailed financial operating plan shall include—

"(i) estimates of the aggregate assets of institutions that are projected to be resolved in each quarter,

"(ii) the estimated aggregate cost of resolutions in each quarter,

"(iii) the estimated aggregate asset sales and principal collections in each quarter, and

"(iv) the Corporation's summary pro forma financial statement at the end of each quarter.

"(9) REPORTS ON SEVERELY TROUBLED INSTITUTIONS.—The Director of the Office of Thrift Supervision shall deliver on a quarterly basis to the Oversight Board a list of savings associations for which the Director has determined grounds exist, or are likely to exist in the current fiscal year of the Corporation and in the next following fiscal year of the Corporation, for the appointment of a conservator or receiver under the Home Owners' Loan Act. The Oversight Board shall report the aggregate number and assets of such savings associations to Congress with 60 days after the end of each calendar quarter."

(b) FIRST REQUIRED PLAN.—The first plan described in section 21A(k)(8) of the Federal Home Loan Bank Act, as amended by subsection (a), is due not later than 10 days after the date of enactment of this Act.

(c) TIMELINESS OF REPORTS.—

(1) IN GENERAL.—At any time when an agency is delinquent is providing information to Congress or any of its committees as required by paragraph (1), (4), (5), (6), (8), or (9) of section 21A(k) of the Federal Home Loan Bank Act or by subsection (b) of this section, the President of the Oversight Board, and the head of any agency responsible for such delinquency shall, within 15 days of such delinquency, in testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives—

(A) explain the causes of such delinquency; and

(B) describe what steps are being taken to correct it and prevent its recurrence.

Testimony shall not be required pursuant to the preceding sentence before either Committee if the Chairman and Ranking Member of such Committee agree that such testimony is not necessary. For purposes of this paragraph, the term "head of an agency" means the Chairman of the Resolution Trust Corporation with respect to reports to be filed by such Corporation, the Director of the Office of Thrift Supervision with respect to reports to be filed by such Office, and the Comptroller General with respect to audits to be conducted by the General Accounting Office.

(2) TRANSITION RULE.—Any information described in paragraph (1) of this subsection that is delinquent on the date of enactment of this Act shall be provided to the approriate committees of Congress not later than 30 days following enactment of this Act. Failure to provide such information as required by this paragraph shall be considered as a delinquency under the provisions of paragraph (1).

(3) ENFORCEMENT.—Any officer, director, or employee of the Oversight Board or agency who is directly responsible for providing a report or information that is more than 15 days delinquent shall not be eligible for any bonus, merit service award, or other similar monetary reward until such delinquency is cured.

SEC. 4. STATUS OF EMPLOYEES.

(a) RESOLUTION TRUST CORPORATION.—Section 21A of the Federal Home Loan Bank Act

(12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(q) STATUS OF EMPLOYEES.—

"(1) LIABILITY.—A director, member, officer or employee of the Corporation or of the Oversight Board has no liability under the Securities Act of 1933 with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation.

"(2) DEFINITION.—For purposes of this subsection, the term 'employee of the Corporation or of the Oversight Board' includes—

"(A) any employee of the Office of the Comptroller of the Currency or of the Office of Thrift Supervision who serves as a deputy or assistant to a member of the Board of Directors of the Corporation; and

"(B) any officer or employee of the Federal Deposit Insurance Corporation who performs services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager.

"(3) EFFECT ON OTHER LAW.—This subsection does not affect—

"(A) any other immunities and protections that may be available under applicable law with respect to such transactions, or

"(B) any other right or remedy against the Corporation itself or against the United States under applicable law.".

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended by adding at the end the following new subsection:

"(f) STATUS OF EMPLOYEES.—

"(1) IN GENERAL.—A director, member, officer, or employee of the Corporation has no liability under the Securities Act of 1933 with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation.

"(2) DEFINITION.—For purposes of this subsection, the term 'employee of the Corporation' includes any employee of the Office of the Comptroller of the Currency or of the Office of Thrift Supervision who serves as a deputy or assistant to a member of the Board of Directors of the Corporation in connection with activities of the Corporation.

"(3) EFFECT ON OTHER LAW.—This subsection does not affect—

"(A) any other immunities and protections that may be available to such person under applicable law with respect to such transactions, or

"(B) any other right or remedy against the Corporation itself or against the United States under applicable law.".

SEC. 5. INCIDENTAL POWERS.

(a) RESOLUTION TRUST CORPORATION.—Section 21A(b)(10)(N) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(10)(N)) is amended by adding at the end thereof the following: "The Resolution Trust Corporation may indemnify the directors, officers and employees of the Corporation on such terms as the Corporation deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. For purposes of this section, the terms 'officers' and 'employees' include officers and employees of the Federal Deposit Insurance Corporation or of other agencies who perform services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections.".

(b) OVERSIGHT BOARD.—Section 21A(a)(5)(J) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(5)(J)) shall be amended by adding at the end the following: "The Oversight Board, from funds made available to it by the Corporation, may indemnify the members, officers and employees of the Oversight Board on such terms as the Oversight Board deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections.".

SEC. 6. CLARIFICATION OF REVIEW OF PRIOR CASES.

Section 21A of the Federal Home Loan Bank Act is amended by inserting at the end of section 501(b)(11) the following language: "The Corporation, in modifying, renegotiating, or restructuring the insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation between January 1, 1988, and the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall carry out its responsibilities under section 519(a) of Public Law 101-507, and shall, consistent with achieving the greatest overall financial savings to the Federal Government, pursue all legal means by which the Corporation can reduce both the direct outlays and the tax benefits associated with such cases, including, but not limited to, restructuring to eliminate tax free interest payments and renegotiating to capture a larger portion of the tax benefits for the Corporation.".

Mr. RIEGLE. Madam President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOMENICI. I move to lay that motion on the table=.

The motion to lay on the table was agreed to.

Mr. RIEGLE. I want to take a minute to thank all colleagues who participated in the debate, the members of the Banking Committee, for their work, and the staff that has been involved in it. It is a difficult issue, and it is not a happy vote for anyone, but it is an important vote. I appreciate the fact that we have been able to pass this measure requested by the administration and to be in a position to send it over to the House of Representatives.

I want to say, as well, with reference to an amendment that has been set aside, a nongermane amendment by the Senator from Pennsylvania [Mr. SPECTER]—and he may wish to address that in a moment—that issue was set aside with that understanding.

Madam President, I want to make one other comment, and I will move to vitiate the previous order on the Specter amendment. The Senator from Pennsylvania was gracious enough to accede to a request to put his amendment off until a later time for a vote. That time will be determined later. But that was done, both in the first instance, as we started down through that discussion when the majority leader, who was gracious enough to assist in trying to work that out, and then the Senator from Pennsylvania was willing to make that change. In any event, that issue will be taken up at a later time, and I know the Senator from Pennsylvania wants to say something about it.

I will, as a matter of course and procedure, move to vitiate the unanimous-consent request that is presently there, but I will withhold that request if the Senator from Pennsylvania wishes to speak.

Mr. SPECTER. Madam President, so that the record will be clear and people will understand what is happening, there had been considerable discussion with the managers of the bill about their interest in moving to table my amendment, because the managers had resisted any amendment to the bill. I think it is fair to say that both managers expressed their interest in supporting my resolution, which calls for the creation of an international criminal court to try Iraqi war criminals. So we worked out an arrangement where the amendment would be formulated as a freestanding, sense-of-the-Senate resolution.

A previous unanimous-consent agreement calls for a rollcall vote either before final passage of the pending legislation, or after. So the Senate is confronted with the necessity for two votes. The pending Metzenbaum amendment took longer on the debate than had been anticipated before it was accepted.

In order to accommodate the schedule of one of our colleagues, I agreed to defer a vote on the war crimes trial issue until next week. I would have preferred it today.

We then had some concern as to the scheduling next week. The matter was finally resolved that the vote would occur on my freestanding, sense-of-the-Senate resolution on a war crimes trial immediately following the first scheduled vote next week. That is the reason we have proceeded as we have. I regret that it has caused some confusion among my colleagues who expected to have the vote today.

I ask my distinguished colleague from Michigan that when he vitiates the unanimous-consent request, he articulate it in the form such that this vote would occur immediately following the first record vote next week.

Mr. RIEGLE. I am informed that it would probably be best that we withhold that for the time being. The majority leader, when he makes his unanimous-consent request for next week, will incorporate that in that request at that time, and I think that is probably best. My understanding is, as has been described here, that the Senator was kind enough to forego the vote today and have it take place next week. The majority leader should be the one to incorporate that into the unanimous-consent request.

Mr. SPECTER. I certainly find that acceptable.

Several Senators addressed the Chair.

Mr. RIEGLE. Might I say, before yielding the floor, in the order of things, and without any discourtesy to any Senator seeking recognition, we had a situation where the Senator from Florida was kind enough to forego, at my request, his statement on the bill, stating his opposition to the bill prior to the vote as an accommodation to other Senators, and so I think, by rights, the Senator from Florida ought to be first recognized.

Mr. HEINZ. I have no objection whatsoever. I hope the Chair will turn to the right and recognize the Senator from Florida.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Florida has the floor.

Mr. RIEGLE. If the Senator will yield for a unanimous-consent request, because it is necessary to clear the docket so that the Senator can appropriately speak at this point.

I ask unanimous-consent that the Specter amendment be vitiated pending the reinstituting of it along the lines of our understanding of a moment ago.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that there be a period for routine morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I voted no on the final passage of the legislation to provide for refunding of the Resolution Trust Corporation. I recognize the seriousness of this matter, and I feel that is is appropriate to place on record the rationale for my taking that position.

I am also aware of the allegation that has been made that we are back in mid-1980's with the savings and loan insurance fund.

The statement is made I think with considerable accuracy that one of the contributions to the extent of the savings and loan debacle was the failure of Congress to timely provide a sufficient amount of funds to the savings and loan insurance fund. The consequence of that failure was the insurance fund managers were unable to close down institutions on a timely basis.

Those institutions being allowed to continue to operate constituted a hemorrhaging of the fund and therefore added to the ultimate cost of the resolution of the savings and loan industry.

That is the allegation that will be resurfaced now for those of us who voted "no" today on refunding the Resolution Trust Corporation.

I would like to undertake the argument that those analogies are misplaced.

First, the Resolution Trust Corporation, in March of 1991, is not the Federal savings and loan insurance fund of the mid-1980's. The Federal savings and loan insurance fund, or FSLIC, was broke. It was without resources. It was unable to act.

In contrast, we are dealing with an institution today that has, as of the last reported statistics to the Senate, $143.9 billion of assets. I repeat, $143.9 billion of assets. We have been asked to provide an additional cash infusion of $30 billion to an institution with $143.9 billion.

There is no similarity between the economic circumstances of FSLIC of 6 years ago and the Resolution Trust Corporation of today.

Second, the consequence of continuing to provide additional cash resources to the Resolution Trust Corporation is to create a positive disincentive to the disposition of assets. An institution which does not have to look to the liquidating of its assets in order to secure the funds necessary for its ongoing operations has no incentive to liquidate assets. That is exactly what is happening with the Resolution Trust Corporation.

Mr. President, on July 31, 1990, RTC reported it had in its receivership account—this is the account after institutions have gone through the conservatorship phase in which RTC essentially stands in the place of the previous management of the privately controlled firm, and is running the organization, after it has closed the institution down and has moved the assets it was unable to sell into conservatorship, into receivership—as of July 31, RTC had $40.2 billion in that receivership account.

Five months later, on December 31, 1990, supposedly after a good-faith, vigorous, organized effort to dispose of assets, RTC had in its receivership account $58.1 billion. So it had added $17.9 billion to its accounts over a 5-month period.

I do not consider that to be a sufficiently aggressive effort to dispose of assets. I believe the ability of RTC to continue to look to the Congress to provide cash resources has been a significant retarding influence in terms of its level of urgency to dispose of its assets.

Third, continuing to provide the cash flow of periodic infusions from the Congress will add to the ultimate costs of the resolution of the savings and loan debacle.

Mr. President, when we voted on FIRREA in 1989, I voted "no" on that day as well, and I made a prediction. The statement had been made that the total cost of this bailout would be $50 billion, that we would not be asked to provide taxpayer funds beyond $50 billion, that the rest of this bailout would be financed through borrowings against the assets that would come into the Resolution Trust Corporation.

When I voted "no" I said I thought that $50 billion figure was egregiously too low, was almost an affront to the intelligence of the taxpayers of America, and that we would be back soon providing substantially more funds. We are now up to $80 billion in the loss fund payout.

I will make another prediction today, and I would be pleased to look back a few years from now to see if that holds up as well as that earlier one. My prediction is that one of the largest installments and no doubt the least appreciated installment of the payout of the S&L's will occur when we have to make a final payment to the Federal financing bank representing the difference between the value that will be received from the assets sold by the Resolution Trust Corporation and the amount the RTC has borrowed against those assets.

Theoretically, this plan is supposed to be structured so that the RTC's borrowing against assets will be at fair market recoverable valuations, that is, that there will be no gap between the value received upon sale of these assets and the amount that has been borrowed.

I predict one of the largest installments and one of the least appreciated by the American taxpayer will be the amount we will have to pay at the end of this process in order to close the gap between the value placed on assets and the amount that has been borrowed against those assets.

I suggest one of the fundamental reasons why that gap is going to be so great is that we have tolerated a set of incentives that have allowed RTC—more than allowed—positively encouraged RTC to be laggard in the disposition of those assets and therefore to see those assets dwindle in their ultimate value recovery contribution toward the cost of the savings and loan debacle.

I would only give one statistic. We have sold thus far $5 billion of real estate; $5 billion in terms of the book value carried by RTC. We have realized—the actual cash returned of that $5 billion of sales was $3.9 billion. That is, we have over a 20-percent gap to date on some of the precious and assumedly most of the best preferred real estate RTC offers.

What kind of loss are we going to be sustaining when we deal with the older, more aged, and less desirable real estate held by RTC?

Mr. President, I do not think it is appropriate to make these comments without also assuming the burden of some constructive suggestions of what we ought to do. I would offer this as my list of constructive recommendations.

First, the Congress should receive more timely and more meaningful financial information from the Resolution Trust Corporation. As I indicated, the latest data we are working with is dated December 31, 1990, information which is now some 65 to 70 days out of date. I do not consider that to be timely information for the scale of the decisions we are called upon to make.

Second, much of the information one would want to have in order to make quality judgments is not available. For instance, information was not available to the Senate Banking Committee, nor has it been made available to the General Accounting Office, that indicates the age of the assets held by the Resoluton Trust Corporation.

There is clearly a difference in the projected difference between book value and fair market value for those assets that RTC has held for a considerable period of time as opposed to those it has just taken freshly into inventory.

We do not have that kind of aging information in order to be able to make good judgments as to just what is the quality of the assets RTC is holding.

So first we need to receive more timely and more meaningful financial information. Second, RTC needs to accelerate the disposition of its assets.

I have cited the fact that in the period from the end of July to the end of December that RTC in its receivership account not only did not accelerate disposition but actually added almost $18 billion to its portfolio.

Third, RTC should promptly identify any constraints it has on the disposition of assets and make recommendations for legislative change if such is called for.

We have a situation, Mr. President, in which the Secretary of the Treasury came before the Banking Committee on the 23d of January, and on page 6 of a long report, in his role as chairman of the Oversight Board, rather casually stated: "And, incidentally, Senators, we are not selling any assets." Why? Because they have the legal opinion that said that they, the members of the Oversight Board, members of the RTC, might be subject to personal liability if they sold assets and did not make adequate disclosure. So the response to that was: We will not sell any assets.

In my judgment, an issue as important as that ought to be brought immediately to the attention of the Congress so that if it is within our power, we can deal with it.

In fact, Mr. President, one of the items in the bill that we just voted for, and it pained me for not being able to vote for that item, was to ameliorate the issue of personal liability as it relates to oversight and RTC board members, and therefore, assumedly, restart the disposition process.

Any other constraints need to be brought to us with a sense of immediacy so that we can assure that any roadblocks to effective disposition are removed.

Finally, on a longer-term basis, I believe that we need to rethink the whole financial flow of the Resolution Trust Corporation. Presently, what we are doing is providing general revenue funds, the $30 billion voted today, in the lost fund account for conservatorship. I believe that we ought to reconsider as to whether it would not be more appropriate for us to be providing general revenue funds for filling this hole that is being created between the borrowings by the RTC and their ability to make repayments to the Federal financing bank.

Now, that may sound very esoteric and technical, and I guess it is. But the practical effect of that difference is whether you are going to create a very positive incentive to move these assets.

If the way in which the RTC can secure cash proceeds in order to continue to close institutions is by selling assets as opposed to looking to Congress, as it did today, for general revenue appropriations, I suggest that there will be an entirely different mindset, attitude, culture, and sense of the imperativeness and importance of disposing of these assets, and that that new attitude of urgency will be very beneficial to this process of savings and loan closure and to the ultimate costs to the American taxpayer. That would probably be the most significant step that we in Congress could take to reduce the ultimate burden on the American taxpayer.

So, Mr. President, I make those remarks in order to establish for the record why I voted as I did, and to outline what I think would be a constructive agenda, hopefully an agenda that will have been addressed by the time that we are next called upon to make clearly what will be an unavoidable further contribution of taxpayer funds toward the resolution of the savings and loan debacle.

I thank the Chair.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I yield gladly to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague.

INTERNATIONAL MILITARY TRIBUNAL

Mr. SPECTER. Mr. President, I send a resolution to the desk pursuant to the previous unanimous-consent order and ask that it be held at the desk pending further disposition to be determined by the majority leader.

In English, this means this is a document which is a sense-of-the-Senate resolution on the international criminal court for war crimes.

I thank my colleague, Senator HEINZ, and I yield the floor.

The PRESIDING OFFICER. The resolution will be held at the desk.

(The resolution (S. Res. 176) is printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. I thank my colleague, Senator HEINZ, and I yield the floor.

Mr. HEINZ. Mr. President, I commend the Senator from Pennsylvania on his excellent legislative initiative. And I hope that the Senate will take it up, and take it up rapidly and favorably, when we next turn to such matters.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 606 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNITED STATES-MEXICO FREE TRADE AGREEMENT

Mr. HEINZ. Mr. President, I wish to speak on one additional subject today. It has to do with a quite critical, important decision that Congress faces within the next several months. And that is whether to extend the so-called fast-track process for consideration of trade agreements. That process, which expires on June 1, 1991, provides for accelerated congressional action on legislation implementing trade agreements. Most significant to us in this body, no amendments to the implementing bill may be considered once it is introduced, and floor debate is also limited under this fast track process.

While there may be reasons to extend fast track authority, the argument that it is essential to the negotiations, in my judgment, is not one of them. In fact, we did not begin to make progress with the European Community on agricultural negotiations until the oppportunity for the administration to use fast track authority had, for all practical purposes, expired. And other arguments about the essentiality of fast track are weakened by the fact that all agreements that have benefited from it have passed overwhelmingly. It is my view that, with good management, a good product can pass with normal legislative procedures. It is more work and hard work, but it can be done. What we should all fear is use of the fast track in lieu of good management on behalf of a mediocre product. That serves no one's interest.

Mr. President, I will discuss the fast track and the Uruguay round in greater detail on another occasion. Today I want to make some comments about the other issue directly related to the fast-track debate, the United States-Mexico Free-Trade Agreement.

As we are all aware, the President has notified the Congress of his intention to enter into negotiatons with Mexico, and neither the Ways and Means Committee nor the Finance Committee opposed his intention within the requisite 60-day period. As a result, the talks will go forward. Since they cannot possibly conclude by March 1—no surprise there—an extension of the fast track will also be necessary for this agreement if it is to be covered by that procedure.

The opponents of a United States-Mexico Free-Trade Agreement—and I believe they are many, certainly at this point—have chosen to focus their opposition on the fast track extension, which, were we to grant it, would open a fast track window not only for the Uruguay round, but for any United States-Mexico-Free-Trade Agreement. And, of course, the vote that we will ultimately cast on any fast track legislation gets tremendously more important. It gains in added significance.

Having said that, let me make a few comments about some of the arguments by those who oppose the United States-Mexico Free-Trade Agreement. I want to state for the record that I have not made a final decision on how I am going to vote on this matter, but I do want to indicate my sympathy for the following points and my belief that, if the following points cannot be satisfactorily addressed, it will be difficult—indeed, I think it will be impossible—to obtain congressional support for any fast track extension.

Turning down fast track extension would not only torpedo, of course, any United States-Mexico Free-Trade Agreement, but it would also require the administration to submit any implementing legislation for the Uruguay round to the normal legislative process.

Returning to the United States-Mexico Free-Trade Agreement, the first issue that is of concern is procedural and it is a replay of the same minuet we always see in trade negotiations. Ambassador Hills came recently before the Finance Committee—I might add she has done it elsewhere—to state and argue that, once negotiations are begun, they must be concluded because to torpedo them in midstream, as it were, would cause severe damage to United States-Mexican relations.

Of course, the next step in that dance is that, once the negotiations are completed, whatever agreement is reached must be approved, regardless of its merits, because to reject it would also severely damage United States-Mexican relations. By that logic the only proper way to oppose the agreement is to prevent the talks from ever beginning. Attempting to do that would, I believe, subject one to the argument that to block talks before they even begin and before they have any results that can be evaluated is to put the cart before the horse and to condemn a proposal before there is anything to condemn.

By that logic, therefore, once the administration makes up its mind to have negotiations, there is no point at which it is responsible to stop it. And that, of course, not only makes no sense, it renders the Congress absolutely irrelevant to the consideration of trade agreements and in the making of trade policy, which, in turn, ignores, at a minimum, the commerce clause of the Constitution.

Such an argument also ignores any consideration of the U.S. economic interest, which one would think ought to be a factor in any decision on a free-trade agreement. I know that Senators are too smart to be taken in by this line of argument, but the administration has actually made it on at least one occasion, and they should be smart enough to stop making it.

Turning to the substance of the agreement, three issues have been raised that cause me considerable concern. The first concerns the regulatory environment in Mexico generally and environmental regulation in Mexico in particular. While Mexico's laws are generally regarded as adequate, the informed consensus is that the enforcement of such laws leaves much to be desired. There is great concern here, by environmentalists, that a United States-Mexico Free Trade Agreement will lead to further environmental degradation in Mexico, and, by economists, that it will encourage American companies to relocate in Mexico to take advantage of what might loosely be called a more benign regulatory environment.

It is worth noting that Mexico would be the first developing country ever to enter into a free-trade agreement with a developed country and that the political system in Mexico, as in other developing nations, has been and is a one-party system with a one-party bureaucracy and a one-party judicial system. There are too many reasons to believe that a system with such a monopoly on power tends to serve itself first and other considerations second.

Thus far, the administration has not provided convincing assurances that it is on top of this problem. Ambassador Hills has stated on at least one occasion that environmental issues will not be on the table during the FTA negotiations. Subsequently, there has been some indication that perhaps these matters can be addressed in separate talks.

In that regard I suggest that the venue is less important than the commitment to deal with the problem. The administration can help its cause immeasurably by making that commitment loud and clear and making it now. To date it has failed to do so.

The second substantive issue relates to adjustment and worker retraining. There is no question that there will be victims of a United States-Mexico free-trade agreement in the United States. The huge wage differential between our two countries makes it certain that Mexican exports to the United States of labor-intensive goods will increase at the expense of those industries here. Jobs are going to disappear in the United States as a result of such a free trade agreement. But the people who held those jobs are not going to disappear. They will still be here, wondering what their Government has done to them.

The constructive solution to this problem is a proactive and aggressive adjustment policy that includes expanded retraining programs to assist the victims of our trade policy. As far as I know, the administration has not yet seen fit to make even a statement on this subject. It does, however, have, unfortunately, a record we can review. As Senators know, there are currently in existence trade adjustment assistance programs for both workers and firms impacted by imports. Those programs were significantly scaled back in 1981 as part of the spending reductions of the Reagan administration, and the programs have been little more than a blip in the budget ever since. The program for firms, for example, amounts to less than $11 million for actual assistance.

Unfortunately, despite their budgetary insignificance, the Reagan and Bush administrations have proposed their total elimination in every budget they have submitted. The Congress, to its credit, has resisted those proposals just as strenuously, with the results that thousands of workers and hundreds of firms have been able to acquire new skills and have been able to survive otherwise devastating import competition. But we can draw some conclusions about the administration's commitment to helping the victims of its trade policy from its regular proposals to eliminate these programs.

Thus, the second commitment we ought to expect from the administration is to expand and improve existing trade adjustment assistance programs and dislocated worker retraining programs as well.

A third substantive problem is whether this agreement will be crafted in such a way as to ensure that it helps Mexico to become a developed country that is more like Italy or France or the United States than a Third World country which is exploited for its cheap labor and lacks regulatory requirements.

If Mexican rules of origin require too low a threshold of Mexican value added, then other developed countries will only set up the bare minimum in the way of a "screwdriver" or assembly plant and will forego the transfer of technology and know-how that will substantially raise both Mexican value-added and the Mexican standard of living. Such a standard should not only be set at an appropriately high level, but it must be rigorously enforced with safeguards available to prejudiced U.S. commercial interests if it is not.

Such a standard, if enforced, is a reassurance to U.S. manufacturers and workers that they will not be forced out of business or required by economic necessity to relocate across the border simply because of cheaper wage for largely manual work and workers. So far, the administration seems to believe that this issue—the standard, the counting rules to be used, the consistency of its application and enforcement by a one-party bureaucracy—is not a problem worth anything but the most superficial and cursory consideration. Persisting in this attitude could be a serious administration miscalculation that might undermine United States-Mexico negotiations very early on.

Mr. President, these are not the only problems with a potential United States-Mexico FTA, but they are the ones that stand out in my mind. For better or worse it appears that the critical early vote on the free trade will be not only soon, but will encompass both the Mexican agreement and the Uruguay round. That vote, of course, will be influenced by Senators' views on the fast track generally, as I discussed initially, and on Senators' views on the Uruguay round, which would also be covered by the same fast track extension. That will make it something of a watershed vote on U.S. trade policy, if only because it will be some 3 years since we last had a major vote on that subject. I will have more to say on that larger subject at another time. Today my purpose is to raise concerns about a United States-Mexico FTA that many Senators share and to express the hope that the administration will move quickly to address them in some meaningful fashion. Otherwise, I fear this agreement, and any request for fast-track authority, is in for very rough weather.

KANSAS SALUTES ITS FALLEN HEROES; FORT RILEY MEMORIAL TO BIG RED ONE SOLDIERS

Mr. DOLE. Mr. President, at Fort Riley, KS, today, hundreds of Kansans gathered at a special memorial service to pay their respects to 18 heroes of Operation Desert Storm—18 valiant troops of the Army's famed 1st Infantry Division who lost their lives in the Persian Gulf war.

Fort Riley has always been a special part of Kansas—and when you talk about Fort Riley, and the Big Red One, you are talking about family.

That is why Kansans pause today to remember their friends and neighbors who have sacrificed so much for their country.

America is proud of the allied victory in the Persian Gulf. But we are even prouder of the courageous men and women who got the job done, who put their lives on the line, who made the ultimate sacrifice.

To our fallen heroes, and to their families, we share your sorrow, and our thoughts and prayers are with you.

Abraham Lincoln put it best at Gettysburg when he said that "when brave men die, it is their deeds, not our words, that should be remembered."

We will remember. We will never forget them:

IN MEMORIAM

Spc. Melford R. Collins, Headquarters and Headquarters Company 5th Battalion, 16th Infantry.

Spc. Kenneth J. Perry, 12th Chemical Company.

Pfc. Robert L. Daugherty, Headquarters and Headquarters Company. 5th Battalion, 16th Infantry.

Spc. Steven Trautman, Company E, 4th Battalion, 1st Aviation.

Pfc. Mark Miller, Headquarters and Headquarters Company, 5th Battalion, 16th Infantry.

Sgt. David Douthit, Headquarters and Headquarters Company, 1st Battalion, 34th Armor.

Sgt. Cheryl L. O'Brien, Service Company, 4th Battalion, 1st Aviation.

WO John K. Morgan, Company D, 4th Battalion, 1st Aviation.

WO George Swartzendruber, Company E, 4th Battalion, 1st Aviation.

1st Lt. Donald P. Tillar, Company D, 4th Battalion, 1st Aviation.

Sgt. Lee Belas, Company D, 4th Battalion, 1st Aviation.

Spc. Gary E. Streeter, Headquarters and Headquarters Company, 4th Battalion, 1st Aviation.

Spc. Jason C. Carr, Company D, 4th Battalion, 1st Aviation.

Ssgt. Jonathan H. Kamm Company D, 4th Battalion, 1st Aviation.

Pfc. Rueben G. Kirk, Battery D, 25th Field Artillery.

Spc. Roy T. Damian, HHC, 121st Signal Battalion.

WO David G. Plasch CO E, 4th Battalion, 1st Aviation Regiment.

Spc. Troy M. Wedwood, CO E. 1st Aviation Battalion.

SALUTE TO THE TENNESSEE GUARD AND RESERVES AND TO THE 101ST AIRBORNE

Mr. SASSER. Mr. President, I rise to pay tribute to the men and women of the great Volunteer State of Tennessee who have served selflessly and courageously to defeat the forces of tyranny in Iraq, the brave Tennesseans who were the thunder and lightning of Desert Storm.

I am proud of their valor, grateful for their devotion, and greatly impressed by their extraordinary performance in battle.

In all, Tennessee sent 64 Guard and Reserve units to the Persian Gulf. Very few States, if any, can match that level of service. Engineers, pilots, surgeons, tradesmen, lawyers, clergymen and law enforcement officials all answered the call.

Service in time of need is the great tradition of the Volunteer State—a tradition that goes back to the War of 1812 when volunteer soldiers from Tennessee, under Gen. Andrew Jackson, fought with distinction and superior valor at the battle of New Orleans.

Now 179 years later, the citizen-soldiers of Tennessee continue to uphold our State's proud legacy.

Mr. President, I would like to submit for the record the full register of Tennessee's Guard and Reserve units serving in the Persian Gulf—each deserves special mention, each is a vital link in the unbroken chain of victory.

And, Mr. President, these brave men and women of the Tennessee Guard and Reserve are not alone in fulfilling the promise of the Volunteer spirit. There are those in our State who have chosen to defend their country every day, whose devotion to the Nation's service never sleeps. I am talking about the soldiers of the 101st Airborne of Fort Campbell in Tennessee and Kentucky.

Without doubt, the Screaming Eagles of the 101st made their cry heard in Iraq, and the flash of talons brought swift victory.

This has been their heritage for 50 years.

When outnumbered by heavy German armor at Bastogne and commanded to surrender, Gen. Anthony McAuliffe gave a one word answer, "Nuts."

The 101st evoked that same unyielding resolve last week. It employed skilled force in the name of justice, decisive action in pursuit of lasting peace.

By all accounts, in the Middle East the 101st Airborne Division launched the largest helicopter assault in military history.

A fleet of hundreds of helicopters and an initial surge of 2,000 troops moved deep into Iraq. The soldiers then secured an Iraqi airfield so transport planes could fly in heavy guns, ammunition, and light tanks. And in keeping with this historic maneuver, women piloted many of the helicopters—the first time in our history they have done so under combat conditions.

General Schwarzkopf described this flanking of Iraq's Republican Guard as a "Hail Mary Pass, a pass that was gracefully completed due to the flawless execution of the 101st.

The goal was to draw out the two toughest divisions of the Republican Guard—the Hamarabi and the Madina—both heavily entrenched in northern Kuwait and southern Iraq.

The assault was nothing short of a master stroke.

The Guard came out of deep hiding, and, once exposed, were open to air attack by Apache helicopters of the 101st and fighter bombers. As the Iraqi's raced northeast to try to escape through Basra, the 101st made a sharp right turn at the Euphrates and took off after them. Reconnaissance planes reported that not a single tank made it to the city.

This was the core of Saddam Hussein's army, the big stick with which he threatened his neighbors and the world. The speed and thunder of the attack turned that stick to sawdust. And once those divisions were crippled, the war was effectively over.

It is a remarkable victory. But then the 101st Airborne Division is a remarkable outfit. Their history is among the proudest and most distinguished of any military unit in the world.

Wherever they have fought, they have revolutionized the strategy and tactics of warfare. They pioneered the use of airborne troops in battle, of strategic gliders in World War II, and of assault helicopters today. As a division, they embody the spirit of innovation, intelligence, and superior skill.

When activated in 1942, Maj. Gen. William C. Lee told the men of the first 101st, "we have a rendezous with destiny * * * we shall habitually go into action when the need is immediate and extreme."

That code has been the standard for service in the Screaming Eagles ever since. For 50 years, the 101st has been at the fore of the most difficult, dangerous, and vital battles our Nation has fought.

On D-day, they braved the heavy flak of German guns to land on Utah Beach and make way for the invasion of Normandy.

At the Battle of the Bulge, they beat back strong German armor and infantry in their historic defense of Bastogne. For that stand, the entire division received the Distinguished Unit Citation, the first time in the history of our Army that a whole division received the award.

And in Vietnam, the 101st performed with honor and courage in that difficult war. They won every battle they fought. They were the last U.S. Army division to leave the combat zone. And soldiers of the 101st received 17 Congressional Medals of Honor for their gallantry in the field.

Ironically and sadly, this division that has known so much victory in war, suffered its biggest loss in the service of peace. Returning for Christmas in 1985 from peacekeeping duties in the Sinai, 248 members of the 101st perished in the air crash in Gander, Newfoundland. In all its battles in World War II, Vietnam, and now Iraq, the 101st has had no comparable single-day loss of life.

And today, the men and women of the 101st have risked their lives for peace in the same troubled land.

I believe their superb performance stands as a tribute to all who have served the cause of justice and peace, past and present, a tribute to those who have made great sacrifices for America and the world, a tribute to the values that we love and defend, a tribute to an America that is as strong as it is free.

This is a proud hour for the Screaming Eagles, for our guardsmen and reservists, for the sons and daughters of Tennessee.

Homecoming is near, our celebration is a celebration of our pride in you, a celebration of what it means to live in freedom. You have given everything so that we may enjoy this day in the light of freedom.

Few Americans are ever asked to make the sacrifices you've made. But as we look toward peace today, I am moved to remember that the citizens and soldiers from the Volunteer State have been asked many times and you have always come through.

For that, we are all deeply grateful.

There being no objection, the register was ordered to be printed in the RECORD, as follows:

TENNESSEE RESERVE UNITS ACTIVATED DURING DESERT SHIELD

ARMY

5th Special Forces Group of Fort Campbell

ARMY GUARD

Detachment of Headquarters Company, 213 Medical of Symrna
568th Adjutant General Company of Nashville
118th Public Affairs Detachment of Nashville
269th Military Police Company of Dyersburg
181st Field Artillery Battalion of Chattanooga
Headquarters, 196th Field Artillery of Chattanooga
663rd Medical Detachment of Nashville
155th Engineer Company of Waverly
775th Engineer Detachment of Camden
300th Medical Hospital of Smyrna
130th Combat Support Center of Smyrna
176th Combat Support Det. of Johnson City
776th Combat Support Co. of Elizabethton
251st Combat Support Co. of Lewisburg
1175th Quartermaster Co. of Carthage
212th Engineer Co. of Tracy City
1174th Transport Company of Dresden
663rd Medical Det. of Nashville
268th Military Police Co. of Ripley

ARMY RESERVE

188th Judge Advocate General Det. of Memphis
978th Adjutant General Detachment of Oakridge
346th Military Police Detachment of Nashville
498th Military Police Detachment of Nashville
378th Medical Detachment of Memphis
489th Civil Affairs Company of Knoxville
912th Medical Hospital of Johnson City
401st Military Police Company of Nashville
306th Medical Company of Nashville
3397th USA Garrison of Chattanooga
360th Quartermaster Det. of Memphis
382nd Medical Detachment of Nashville
212th Transport Company of Chattanooga
639th Transport Company of Kingsport
332nd Medical Company of Nashville
678th Adjutant General Co. of Nashville
844th Engineer Battalion of Knoxville
912th Medical Hospital of Johnson City
861st Quartermaster Co. of Nashville
418th Quartermaster Det. of Knoxville
324th Quartermaster Det. of Memphis
2369th Signal Det. of Chattanooga
489th Civil Affairs Co. of Knoxville

NAVY RESERVE

MEFREL 109 of Knoxville
FH COMMZ 14 DET B of Chattanooga
PERSMOBTM 1309 of Memphis
FH COMMZ 11 DET P0952A of Nashville
NDMS TM 109 of Memphis
MOBASCONTGRP 0906 of Kingsport
MOBASCONTGRP 0907 of Knoxville
FH 500 COMMZ-11 of Memphis
WPNSTA EARLE 1509 of Nashville
ABFC A3 HQ SPT LG 109 of Nashville
CARGO HDBN 12 DET C 109 of Memphis
NAS Chase Field MED 0179 of Millington
CINCLANT/USCINCLANT 0209 of Millington
FIRSTEURLANT 1379 of Millington
NBR DEN CLINIC 179 of Millington
4 MARDIV 3/24 DET I of Nashville
4 MARDIV 3/24 DET H of Kingsport
4 MARDIV 3/23 DET G of Memphis

AIR GUARD

164th Civil Engineer Squadron of Memphis
134th Air Refueling Group of Knoxville
164th Mobile Aerial Port and Squad of Memphis

MARINE RESERVE

Company D, 4th Combat Engineer Battalion (160) of Knoxville

Mr. DOLE. Mr. President, events in Yugoslavia over the past week are cause for great concern to those of us who wish to see peaceful and democratic change in that country. In addition, these events raise serious questions about the Yugoslav central government's role in the coercion and repression of democratic movements. As time goes on, it increasingly seems that the central government is acting as an accomplice or even, as a perpetrator in repression.

A look at some recent incidents suggests that the hardline Government of the Republic of Serbia is not acting alone, but in coordination with the central government.

Last week, following a trip to several European countries, Dr. Rugova, the leader of the Democratic Alliance of Kosova, returned to Yugoslavia. He landed at the Skopje Airport and was met by friends who were going to drive him to Pristina. On the relative short ride back—Skopje is only about 90 kilometers from Pristina—Dr. Rugova was stopped by Serbian police and badly harassed. But, the intimidation did not stop with harassment—the police threatened to kill him. Earlier this week, I sent a cable to our Ambassador in Belgrade to let him know that I was alarmed about this incident. And, yesterday, United States Embassy officials raised the matter with Yugoslav Government officials noting my concern. United States Embassy staff also indicated that the United States Government is concerned, not only about the harassment of Dr. Rugova, but also about the situation in Kosova.

Indeed, the Rugova incident is of even greater concern if considered in the context of the overall human rights situation in the province of Kosova—a situation which is steadily worsening as Serbian authorities tighten the screws on the 2 million Albanians who live there. The extent of the police state in Kosova is well-documented by the State Department, Helsinki Watch, and other human rights groups, such as the New York City Bar Association's Human Rights Committee.

Who is to blame for the repression in Kosova? Obviously the hardline Serbian Government. But, the blame does not rest solely at President Milosevic's feet. The Yugoslav Government is also to blame. After all, the Yugoslav Government is a signatory of the Helsinki accords. Nevertheless, it not only tolerates, but supports the actions the Serbian Government has taken to crush the Albanian people in Kosova. Clearly, the Yugoslav central government is an accomplice to the crimes of Kosova.

But, Mr. President there is no doubt that the Yugoslav central government, in other parts of Yugoslavia—areas that are further away from the control of the Serbian Government—is more than just an accomplice, it is a perpetrator of attacks against democratic movements.

One example I would like to raise: Last week, Yugoslav President Jovic accused the democratically elected President of Croatia of treason. What would lead to such a serious charge? A letter—written by the Croatian President to President Bush. Apparently, in January, when the non-Communist government of the Republic of Croatia was threatened with a military crackdown, ordered by the central government, the President of Croatia made an appeal to President Bush. He wrote, asking that the United States communicate its support for democracy, as well as its opposition to the use of force against the democratically elected non-Communist Republic governments and its citizens.

Well, the United States did send such a message to the President of Yugoslavia, through our ambassador. And, as a result of such United States pressure and pressure from other European countries, the Yugoslav President and central government backed off.

Unfortunately, the Yugoslav Government is up to its old tricks once again—trying to see how much it can get away with. We are watching closely—we hear the threats being made by the Yugoslav Government, and by the Yugoslav Army and we see federal troops movements and deployments to parts of Croatia and Slovenia.

Mr. President, in my view, recent events show that there is an escalating war against democracy in Yugoslavia—and the hardliners in the Serbian Government and the Yugoslav central government are waging it together.

Mr. President, let us keep the pressure on the Yugoslav Government and on the Serbian Government. The Congress has already made it clear, in its fiscal year 1991 foreign operations appropriations legislation, that we will not do business as usual with either government if the human rights tragedy in Kosova continues. Moreover, we will react decisively if there is a crackdown against any of the non-Communist Republic governments.

HONORING JACK LIETHEN

Mr. KASTEN. Mr. President, at a time when all of us are bursting with pride at the accomplishments of our brave soldiers in the Persian Gulf, we ought to take a moment to thank some of those who served by staying at home.

I have in mind in particular the terrific job that has been done in Wisconsin by the seven National Guard family assistance centers. The men and women at these seven facilities are on hand to help soldiers' families with some of the most trying problems of daily life—legal difficulties, late paychecks, trying to get health benefits.

Most important of all—when a loved one is far away and in danger—these men and women are there to listen. They have fielded nearly 10,000 calls since the war effort began.

I rise today to pay my respect to one person who I am told has been a real star in this whole effort—Col. Jack Liethen. He has made a huge difference in the lives of some of these families—so to him and all his colleagues at the family assistance centers of Wisconsin, I ask my colleagues to join me in sending our heartfelt thanks.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,182d day that Terry Anderson has been held captive in Lebanon.

Last night we heard the President. Today, Mr. President, I commend the wisdom of a most important announcement. He told us: "I have asked Secretary Baker to go to the Middle East to begin the [peace] process. * * * [and] to raise the plight of the hostages held in Lebanon." He says, "We have not forgotten them. We will not forget them." Indeed, Secretary Baker has much work to do. But his mission is clear. We must bring the hostages home.

Today, there is an editorial in the Wall Street Journal on this subject. I ask unanimous consent that it be printed in the RECORD at this time.

There being no objection, the editorial ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 7, 1991]

NEXT, TERRY ANDERSON

In his address to Congress last night, President Bush gave Secretary of State Baker, who heads for the Middle East today, an explicit mission: Raise the issue of the remaining U.S. hostages in Lebanon. Mr. Baker will meet first with Syrian President Hafez Assad, a probationary candidate for membership in the civilized world. Mr. Assad was last seen throwing in with the country that controls the Tomahawks and Stealth airplanes. Now he wants to talk to Mr. Baker about a role in rebuilding a better Middle East. We have a better idea for Mr. Assad: Deliver Terry Anderson to freedom.

Terry Anderson is the Associated Press reporter who was kidnapped in Beirut on March 16, 1985. Terry Anderson, of course, is not alone. Five other Americans also live as hostages in Lebanon (assuming none has been tortured to death like former CIA officer William Buckley), along with Terry Waite and three other Britons, two Germans and an Italian.

The hostages' nominal captors, the Iranian-backed Hezbollah, said in Beirut yesterday it will not "help" in release of the hostages. But Hezbollah does not run Lebanon; Mr. Assad took advantage of the Gulf war to wipe out the last resistance to his military control there. As proprietor of the territory, it is up to him to ensure the safety of U.S. citizens and other foreign nationals. Now is the time for Hafez Assad, the lord of Lebanon, to revisit the kidnappers' cells and clean them out.

In the wake of the Iraq war, even the pretext for holding these hostages has vanished (unless, of course, Mr. Assad plans to use them as a bargaining chip in his discussions with Secretary Baker). In recent years, the hostages' kidnappers argued that they'd be released if the Kuwait government freed 15 Shiite terrorists imprisoned for car bombings there. But those 15 Shiites fled jail when the Iraqis overran Kuwait City.

For years we have been expected to believe that the hostages were pawns in a complex political calculus involving Lebanese Shiites, Iranian mullahs, Palestinians, the Syrians, and various feuding clans. But all that was the status quo in a byzantine world dominated by such nonproductive personalities as Ayatollah Khomeini, Yasser Arafat and Saddam Hussein. Today, Khomeini is dead, Arafat is discredited and Saddam is ruined. A new Middle East order in the Arab world is about to develop, whose primary regional actors are likely to be the Saudis, Hosni Mubarak of Egypt and Turgut Ozal of Turkey.

Beyond them, there is another tier of claimants. Iran and its president, Hashemi Rafsanjani, want to participate in the process. Mr. Assad already thinks he's in the game. And as always there is something called "the Palestinian issue." A case can be made, on various grounds, that all three of these ought to be party in some fashion to the evolving order. But how can any of them be treated as credible partners so long as Terry Anderson and the others languish in southern Lebanon, their presence serving as a monument to terror and political nihilism—the same destructive values that a Western-Arab coalition just fought to defeat?

Even now, the much wept-over Palestinians sit in Lebanon firing Katyusha rockets into Israel. Lebanon's Syrian-backed president, Elias Hrawi, said of the Palestinians this week, "Those we had received with open arms and treated as equals to the Lebanese are the ones spreading trouble in the south. They must realize that the liberation of their homeland cannot be attained by firing Katyushas from our land."

The Assads and Rafsanjanis of the Middle East ought to take those words to heart. This war wasn't fought to see the resumption of politics-by-hostage, to let the Middle East slip back into its familiar neuroses. If indeed there is any prospect now of settling such matters as the tragedies of Lebanon or the Palestinians, men such as Hafez Assad will have to be seen ending the launching of Katyusha rockets, ensuring that serious Palestinian politicians aren't murdered by the PLO and letting Terry Anderson and his colleagues go home. And surely if President Bush's "new world order" means anything at all, it ought to mean that the country that controls the Tomahawks and the Stealth airplanes will not hesitate to use its new influence to ensure the safety of its citizens in the trouble spots of the world.

RESOLUTION TRUST CORPORATION

Mr. BIDEN. Mr. President, in today's vote on funding for the Resolution Trust Corporation [RTC] the Senate faced a difficult dilemma. Everyone wishes it were not necessary to spend more money on savings and loan problems, but failure to do so today would only have cost taxpayers more in the long run and mocked the Government's commitment to protect depositors.

The level of spending required as a result of the crisis in the savings and loan industry is as frustrating to me as it is to the American public. But it must be made clear that the money is committed for a single purpose: To honor the Government's commitment to protect the life savings of insured depositors. We simply cannot go back on this promise. The money does not go to the shareholders of failed institutions or to the savings and loan executives who swindled or mismanaged them.

When the RTC was created, it was instructed to resolve failed savings and loans at the lowest possible cost to the American taxpayers. This mandate cannot be carried out effectively and efficiently if the agency is starved of funds or subject to stop-and-go funding. In his assessment of the RTC's performance, dated February 20, 1991, Charles A. Bowsher, the respected head of the General Accounting Office, testified that slowdowns due to funding constraints "simply add to the eventual cost of resolution by allowing failed institutions to continue operating and incurring losses." According to the RTC, a failure to provide the agency with funds at this point will cost taxpayers $750 to $850 million per quarter. Some experts believe the actual figure could be much higher.

As much as we would like to, Congress and the administration cannot undo the consequences of a decade of criminal mismanagement and regulatory neglect, a decade whose bills have come due. At the least, however, Congress can provide adequate funding now to keep inaction and delay from adding unnecessarily to these costs.

During the debate over S. 419, several of my colleagues registered criticisms of various aspects of the RTC's operations. These criticisms echo points made by Mr. Bowsher in his assessment of the RTC's performance. I am sorely disappointed that the RTC, 18 months into its existence, is still dogged by internal problems. For this reason, I would have opposed funding in excess of the levels provided in S. 419, as the administration had requested. The administration's request for a blank check would have eliminated congressional leverage over the RTC, lessening the chance that reforms will be made. Like any other Federal agency, the RTC must continue to be held accountable to the public and to the Congress.

The Senate Banking Committee plans to hold a hearing in April to evaluate these and other proposals with the intent of drafting legislation to make needed reforms to the operations of the RTC. I was willing to support S. 419 with the expectation that RTC reforms will be forthcoming. It is my hope and intention that the Senate and the Congress will move quickly on the needed reforms so that taxpayers will be protected from unnecessary exposure to further costs associated with savings and loan failures.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathan, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AGREEMENT BETWEEN THE UNITED STATES AND AUSTRIA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 25

The PRESIDING OFFICER laid before the Senate the message from the President of the United States, together with accompanying papers, which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216; 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Republic of Austria on Social Security, which consists of two separate instruments—a principal agreement and an administrative arrangement. The Agreement was signed at Vienna on July 13, 1990.

The United States-Austria Agreement is similar in objective to the social security agreements already in force with Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreement and provides data on the number of persons affected by the Agreement and the effect on social security financing as required by the same provision of the Social Security Act. I note that the Department of State and the Department of Health and Human Services have recommended the Agreement and related documents to me.

I commend the United States-Austria Social Security Agreement and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *March 7, 1991.*

MESSAGES FROM THE HOUSE

At 9:52 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendments Act of 1990.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 707. An act to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes.

At 11:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1284. An act to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict.

The message also announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints as members of the Joint Economic Committee the following Members on the part of the House: Mr. HAMILTON, Mr. OBEY, Mr. SCHEUER, Mr. STARK, Mr. SOLARZ, Mr. MFUME, Mr. ARMEY, Mr. WYLIE, Ms. SNOWE, and Mr. FISH.

The message further announced that pursuant to the provisions of 19 U.S.C. 2211, the Speaker has selected the following members of the Committee on Energy and Commerce to be accredited by the President as additional official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements: Mr. DINGELL, Mrs. COLLINS of Illinois, and Mr. LENT.

The message also announced that pursuant to the provisions of section 411(a)(2) of Public Law 101–650, the Speaker appoints the following as members of the National Commission on Judicial Discipline and Removal on the part of the House: Mr. FISH; and from private life: Mr. Robert W. Kastenmeier of Arlington, VA, and Mr. Stephen B. Burbank of Philadelphia, PA.

At 12:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 991. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 707. An act to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 153. An act to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes; to the Committee on Veterans' Affairs.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 7, 1991, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council on approving the Schedule of Heights Amendment Act of 1990.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–681. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for recovery of costs associated with furnishing tobacco statistics or estimates and other marketing information to tobacco growers; to the Committee on Agriculture, Nutrition, and Forestry.

EC–682. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report on two violations of regulations involving an overobligation of appropriations; to the Committee on Appropriations.

EC–683. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on violations of regulations involving an overobligation of appropriations; to the Committee on Appropriations.

EC–684. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's second special impoundment message for fiscal year 1991; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Foreign Relations.

EC–685. A communication from the Chairman of the Board and the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1990; to the Committee on Labor and Human Resources.

EC–686. A communication from the Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, notice of a delay in the submission of recommendations for National Defense Stockpile requirements and plans for implementing those recommendations; to the Committee on Armed Services.

EC–687. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the consolidation of the Military Departments' fiscal year 1990 unit exchange of training and related support between the United States and foreign countries; to the Committee on Armed Services.

EC–688. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, the Defense Manpower Requirements Report for Fiscal Year 1992; to the Committee on Armed Services.

EC–689. A communication from the Deputy Assistant Secretary of the Air Force (Communications, Computers, and Logistics), transmitting, pursuant to law, a report on a study with respect to converting the Weather Support Service function at Selfridge Air National Guard Base, MI, to performance under contract; to the Committee on Armed Services.

EC–690. A communication from the Deputy Assistant Secretary of the Air Force (Communications, Computers, and Logistics), transmitting, pursuant to law, a report on the study with respect to converting the Weather Support Service function at Dobbins Air Force Base, GA, to performance under contract; to the Committee on Armed Services.

EC–691. A communication from the Associate Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the study with respect to converting the Weather Support Service function at Buckley Air National Guard Base, CO, to performance under contract; to the Committee on Armed Services.

EC–692. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a multiyear defense program entitled "Future Years Defense Program" and associated annexes; to the Committee on Armed Services.

EC–693. A communication from the Assistant Secretary of the Air Force (Acquisition), transmitting, pursuant to law, notice of the cost comparison study of the base operating support function at Avon Park Bomb and Gunnery Range, FL; to the Committee on Armed Services.

EC–694. A communication from the Comptroller of the Currency for the Administrator of National Banks, transmitting, pursuant to law, the annual report on Enforcement Actions; to the Committee on Banking, Housing, and Urban Affairs.

EC-695. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a statement on the transaction involving a working capital guarantee to support United States exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-696. A communication from the Administrator of the Federal Aviation Administration of the U.S. Department of Transportation, transmitting pursuant to law, the new aviation system capital investment plan; to the Committee on Commerce, Science, and Transportation.

EC-697. A communication from the Secretary of Transportation, transmitting, pursuant to law, the National Plan of Integrated Airport Systems, 1990-99; to the Committee on Commerce, Science, and Transportation.

EC-698. A communication from the Secretary of Energy, transmitting, pursuant to law, the Ninth Annual Revision of the Comprehensive Program Management Plan of the Federal Ocean Thermal Energy Conversion Program; to the Committee on Energy and Natural Resources.

EC-699. A communication from the Assistant Secretary of Land and Minerals Management of the U.S. Department of Interior, transmitting, pursuant to law, a notice of leasing systems for the Central Gulf of Mexico scheduled for March 1991; to the Committee on Energy and Natural Resources.

EC-700. A communication from the Secretary of Energy, transmitting, pursuant to law, a copy of the Clean Coal Technology Demonstration Program: Program Update 1990; to the Committee on Energy and Natural Resources.

EC-701. A communication from the Deputy Associate Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-702. A communication from the Deputy Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-703. A communication from the Deputy Associate Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-704. A communication from the Deputy Associate Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-705. A communication from the Deputy Associate Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-706. A communication from the Secretary of Agriculture, transmitting, pursuant to law, revisions to the test of the Alaska Pulp Corporation long-term timber sale contract; to the Committee on Energy and Natural Resources.

EC-707. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the 1991-95 revisions to the Environmental Protection Agency's Long Range Research Agenda; to the Committee on Environment and Public Works.

EC-708. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report on progress in conducting environmental remedial action at federally owned facilities; to the Committee on Environment and Public Works.

EC-709. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the number of children in foster care pursuant to voluntary placement agreements; to the Committee on Finance.

EC-710. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to provide incentives for research and energy production, and for other purposes; to the Committee on Finance.

EC-711. A communication from the Director of the U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for the U.S. Information Agency, and for other purposes; to the Committee on Foreign Relations.

EC-712. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the twenty-second 90-day report on the investigation into the death of Enrique Camerena, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico; to the Committee on Foreign Relations.

EC-713. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to February 28, 1991; to the Committee on Foreign Relations.

EC-714. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-715. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report describing the number of appeals submitted to the Board, the number processed to completion, and the number not completed by the announced date for fiscal year 1990; to the Committee on Governmental Affairs.

EC-716. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the audited financial statements of the Commission for fiscal year 1990; to the Committee on Governmental Affairs.

EC-717. A communication from the Comptroller General of the United States, transmitting, puruant to law, a list of reports issued by the General Accounting Office during January 1991; to the Committee on Governmental Affairs.

EC-718. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-345 adopted by the Council on February 5, 1991; to the Committee on Governmental Affairs.

EC-719. A communication from the Acting Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-720. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-721. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Administration under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-722. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the Administration under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-723. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

EC-724. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, a report on statutory maximum penalties; to the Committee on the Judiciary.

EC-725. A communication from the President of the Oversight Board, Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-726. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-727. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of Health and Human Service under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-728. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act of calendar year 1990; to the Committee on the Judiciary.

EC-729. A communication from the Vice President and general counsel of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-730. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-731. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes; to the Committee on Finance.

EC-732. A communication from the Freedom of Information Officer of the Environmental Protection Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-733. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-734. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Bank under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-735. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-736. A communication from the Chairman of the Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-737. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-738. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report of the National Archives and Records Administration under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-739. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-740. A communication from the Attorney General of the United States, transmitting, pursuant to law, a notice of proposed rulemaking to implement title III of the Americans With Disabilities Act; to the Committee on Labor and Human Resources.

EC-741. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title XX of the Public Health Service Act to authorize appropriations for the adolescent family life program; to the Committee on Labor and Human Resources.

EC-742. A communication from the Acting Secretary of Education, transmitting, pursuant to law, a report on colleges and universities that enroll a significant number of Black American, Hispanic, Native American, Asian American, or Native Hawaiian students that have requested and received a waiver of the low average educational and general expenditures criterion in order to be designated as eligible to receive grants under the Strengthening Institutions and Endowment Challenge Grant programs; to the Committee on Labor and Human Resources.

EC-743. A communication from the Chairman of the National Commission for Employment Policy, transmitting, pursuant to law, a report entitled "Employer Strategies for a Changing Labor Force: A Primer on Innovative Programs and Policies"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 213. A bill to amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boys & Girls of America.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 594. An original bill to provide supplemental authorization of appropriations for fiscal year 1991 for the Department of State for certain emergency costs associated with the Persian Gulf conflict.

S. 595. An original bill to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By M. BIDEN, from the Committee on the Judiciary:

James Edward Denny, of Maryland, to be an Assistant Commissioner of Patents and Trademarks;

Maurice Owens Ellsworth, of Idaho, to be U.S. Attorney for the District of Idaho for the term of 4 years;

E. Montgomery Tucker, of Virginia, to be U.S. Attorney for the Western District of Virginia, for the term of 4 years; and

Ronald G. Woods, of Texas, to be U.S. Attorney for the Southern District of Texas for the term of 4 years.

By Mr. PELL, from the Committee on Foreign Relations:

William A. Geoghegan, of Maryland, to be a member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 1992;

Kenneth Y. Tomlinson, of New York, to be a member of the Board for International Broadcasting for a term expiring April 28, 1993;

Jon David Glassman, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador of Extraordinary and Plenipotentiary of the United States to the Republic of Paraguay.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Jon David Glassman.

Post: Ambassador to Paraguay.

Contributions and amount:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, Amanda Glassman and James Decherd, none.

4. Parents, names, Jack Glassman and Dorothy Glassman, none.

5. Grandparents names, deceased.

6. Brothers and spouses names, Alan Glassman and Genevieve Glassman, none.

7. Sisters and spouses names, none.

(The above nominations were reported with the recommendation that it be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably four nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of January 4 and 23, 1991, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEFFORDS:

S. 585. A bill to provide eligible students with a comprehensive program of incentives and support to enable students to remain in school; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (by request):

S. 586. A bill to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NICKLES:

S. 587. A bill to amend chapter 19 of title 38, United States Code, to provide an additional amount of Servicemen's Group Life Insurance for death in combat, to direct the Secretary of Veterans Affairs to pay a death gratutity to certain survivors of members of the uniformed services who die in the Persian Gulf combat zone, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MITCHELL (for himself, Mr. DURENBERGER, and Mr. DOLE):

S. 588. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations; to the Committee on Finance.

By Mr. BREAUX:

S. 589. A bill to amend Public Law 93-371 to eliminate the requirement that a mobile office of a Senator have an inscription identifying the mobile office as the office of a United States Senator for security purposes; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 590. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act; to the Committee on Labor and Human Resources.

By Mr. BRYAN (for himself, Mr. DANFORTH, Mr. GORTON, and Mr. ADAMS):

S. 591. A bill to require airbags for certain newly manufactured vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. THURMOND and Mr. HOLLINGS):

S. 592. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. AKAKA, Mr. COHEN, Mr. INOUYE, Mr. JEFFORDS, Mr. LEAHY, Mr. METZENBAUM, Mr. PELL and Mr. WIRTH):

S. 593. A bill to amend title 23, United States Code, to control billboard advertising adjacent to Interstate Federal-aid primary highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PELL from the Committee on Foreign Relations:

S. 594. An original bill to provide supplemental authorization of appropriations for fiscal year 1991 for the Department of State for certain emergency costs associocted with the Persian Gulf conflict; placed on the calendar.

S. 595. An original bill to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. MITCHELL (for himself, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BURDICK, Mr. REID, Mr. HARKIN, Mr. PELL, Mr. LEVIN, Mr. SARBANES, Mr. LIEBERMAN, Mr. SPECTER, Mr. DECONCINI, Mr. BRYAN, Mr. ADAMS, Mr. BUMPERS, Mr. COHEN, Ms. MIKULSKI, Mr. WIRTH, Mr. WELLSTONE, Mr. GRAHAM, Mr. AKAKA, Mr. METZENBAUM, Mr. KERRY, and Mr. SANFORD):

S. 596. A bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. ADAMS, Mr. DASCHLE, Mr. AKAKA, Mr. DECONCINI, and Mr. WELLSTONE):

S. 597. A bill to amend the Public Health Service Act to establish and expand grant programs for evaluation and treatment of parents who are abusers and children of substance abusers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LOTT:

S. 598. A bill for the relief of Richard K. Hall; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 599. A bill for the relief of Maria Elena Rodriguez-Huitzil and Maria Leticia Rodriguez-Huitzil; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. DODD, and Mr. KENNEDY):

S. 600. A bill to amend the Fair Labor Standards Act of 1938 to improve enforcement of the child labor provisions of such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ADAMS (for himself, Mr. HARKIN, Mr. KERRY, Mr. KENNEDY, Ms. MIKULSKI, Mr. WELLSTONE, Mr. CRANSTON, and Mr. SIMON):

S. 601. A bill to withhold United States military assistance for El Salvador, subject to certain conditions; to the Committee on Foreign Relations.

By Mr. SASSER (for himself, Mr. LEAHY, Mr. SIMON, Mr. FOWLER, Mr. WIRTH, Mr. SANFORD, Mr. DODD, Mr. CONRAD, Mr. KERREY, and Mr. HARKIN):

S. 602. A bill to improve the food stamp and nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GLENN (for himself, Mr. D'AMATO, Mr. DIXON, Mr. INOUYE, Mr. BURNS, Mr. BUMPERS, Mr. PRYOR, Mr. LOTT, Mr. BOREN, Mr. GRASSLEY, Mr. HATCH, Mr. KASTEN, Mr. BOND, Mr. WALLOP, Mr. AKAKA, Mr. DASCHLE, Mr. NICKLES, Mr. COATS, and Mr. SIMON):

S. 603. A bill to require the Administrator of General Services to establish procurement criteria for plastic products containing recycled material; to establish an interagency task force on plastic container coding to coordinate the expertise, responsibilities, and initiatives of Federal agencies to facilitate use of degradable plastics, without adversely affecting recycling of nondegradable plastic products, to require coding of plastic containers to facilitate separation of degradable plastic containers from nondegradable plastic containers and sorting of nondegradable plastic containers by resin type to promote recycling containers, and for other purposes; to the Committee on Governmental Affairs.

By Ms. MIKULSKI (for herself, and Mr. SARBANES):

S. 604. A bill to provide for a graduated interim geographic pay adjustment for Federal employees based on relative proximity to metropolitan statistical areas, to provide for an adjustment in rates of basic pay for Federal employees within the District of Columbia and Baltimore, Maryland consolidated metropolitan statistical areas, and for other purposes; to the Committee on Governmental Affairs.

S. 605. A bill to provide for the payment of a special pay differential to a Federal employee serving on active duty as a member of a reserve component of the Armed Forces during the Persian Gulf Conflict to compensate for any decrease in pay experienced during the period of that military service; to the Committee on Governmental Affairs.

By Mr. HEINZ:

S. 606. A bill to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. MOYNIHAN, Mr. HEINZ, Mr. BRADLEY, and Mr. SEYMOUR):

S. 607. A bill to require a modification of the criteria applicable to the selection of military installations for closure and realignment under the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

By Mr. CRANSTON:

S. 608. A bill to reorganize the agencies of the United States involved in migration affairs into a new Agency for Migration Affairs; to the Committee on Governmental Affairs.

S. 609. A bill to provide an 8 percent pay increase for General Schedule employees within the San Diego, California Metropolitan Statistical Area; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. SYMMS, and Mr. DANFORTH) (by request):

S. 610. A bill to authorize funds for construction of highways, for highway safety programs, for mass transportation programs, and for other purposes; to the Committee on Finance.

By Mr. BROWN:

S.J. Res. 87. Joint resolution relative to the liberation of Kuwait; to the Committee on Foreign Relations.

By Mr. SIMON (for himself, Mr. ADAMS, Mr. AKAKA, Mr. CONRAD, Mr. DODD, Mr. GRAHAM, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. PELL, Mr. SARBANES, Mr. KOHL, Mr. SANFORD, Mr. DIXON, Mr. INOUYE, Mr. CRANSTON, Mr. BRADLEY, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DECONCINI, Mr. DOLE, Mr. DURENBERGER, Mr. JEFFORDS, Mr. MACK, Mr. SPECTER, Mr. HATCH, Mr. DOMENICI, and Mr. MURKOWSKI):

S.J. Res. 88. A joint resolution to designate the week of October 7, 1991, through October 13, 1991, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

By Mr. DECONCINI:

S.J. Res. 89. Joint resolution expanding United States support for the Baltic States; to the Committee on Foreign Relations.

By Mr. CRANSTON:

S.J. Res. 90. Joint resolution to establish a national policy for the taking of predatory or scavenging mammals and birds on public lands, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. DOLE, and Mr. SIMPSON):

S. Res. 75. A resolution commending and thanking former Prime Minister Thatcher; considered and agreed to.

By Mr. SPECTER (for himself and Mr. PACKWOOD):

S. Res. 76. Resolution to encourage the President of the United States to confer with the sovereign state of Kuwait, countries of the coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals, including President Saddam Hussein, involved in the planning or execution of crimes against peace, war crimes, and crimes against humanity as defined under international law; ordered held at the desk.

By Mr. MACK (for himself, Mr. ROBB, Mr. D'AMATO, and Mr. LAUTENBERG):

S. Con. Res. 16. Concurrent resolution urging Arab states to recognize, and end the state of belligerency with, Israel; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS:

S. 585. A bill to provide eligible students with a comprehensive program of incentives and support to enable students to remain in school; to the Committee on Labor and Human Resources.

EARLY INTERVENTION INCENTIVES

Mr. JEFFORDS. Mr. President, I rise to talk about a subject that is related to the productivity of the country and some of the problems that we are having in ensuring as we go to the future we will be able to meet the needs of our skilled work force. Mr. President, if this country hopes to remain competitive and to curb the tide of discouraged youth, dropouts, and unskilled labor, it had better invest now time, interest, and money in its next generation.

Today, I introduce legislation to encourage comprehensive early intervention programs, a bill to provide disadvantaged students with the opportunities and support they need to stay in school and further their education.

It's clear that this Nation is at a unique junction in time. While events in the Persian Gulf have consumed us all, we must remember that the war being waged in the Middle East is not our only struggle. Here at home, of course, the war of the haves and the have-nots continues.

Education is one of the best means to bridge the gap. Education can open doors to the future through training and skills aquisition. Trained employees learn, grow, and perform on the job bringing quality products to the marketplace, spurring economic growth, improving productivity, and providing self-sufficiency for themselves and their families.

Employers are ready and anxious to hire those who can acquire the education and skills needed. Yet, skills shortages occur and large numbers of people are at risk of economic disadvantage because they lack the combination of education and skills needed to work in today's technological environment.

According to GAO in 1988, 45 percent of young white students had completed a year of college, while only 33 percent of blacks in the same age group had done so. About 25 percent of young whites had completed 4 years of college, but only 13 percent of blacks in the same age group had done so.

Differences by income are also dramatic: Students from families with low incomes were 20 to 25 percent less likely than their wealthier classmates to attend college. Thus, as GAO concluded, to some people higher education seems far out of reach. They also may lack role models knowing few who went that far in school; they may be poorly prepared academically; and they may be uncertain about how to finance higher education.

With current statistics pointing to the abysmal state of the American work force and of America's competitive edge, education must play a dominant role. To date, however, few education programs exist which specifically focus on providing comprehensive support for students from elementary school to the beginning of postsecondary education.

And yet, it is clear that such programs can work. At risk students who do receive some form of counseling and support intervention are markedly less likely to drop out of school than those who do not.

My bill will encourage such programs. Through a system of Federal, State, and local partnerships, disadvantaged students will be targeted beginning as early as kindergarten and provided with comprehensive support until they graduate from high school. Eligible providers would include schools, community-based organizations, institutions of higher learning, and TRIO service providers.

Let me outline for you in a little more detail how this legislation works. Economically disadvantaged students would be eligible to receive services through the early intervention program. States will be given the flexibility to establish the type of program that best suits their needs.

Early intervention programs are designed to provide students with mentoring, with before and after school tutoring, with summer job training, and with financial and academic counseling. Many students are without role models, parents, or acquaintances who have continued beyond high school to postsecondary education. This program will provide the support that should have come through those sources and the promise that financial assistance is also available.

Participants in the program must sign a contract and agree to achieve certain academic milestones. They must, for instance, finish a proscribed set of courses, must demonstrate satisfactory academic achievement, and must graduate from high school.

In return for this commitment, students will be provided with significant financial assistance upon entering college. States are encouraged to establish a trust fund, with contributions from State, Federal, and private money, to help pay tuitions.

My bill authorizes $85 million for the program, but mandates that State and private contributions make up at least 50 percent of the costs. Early intervention is successful only when all parties—from the Federal Government to the State and local government as well as private individuals and institutions—commit time, energy, and financial assistance.

To sum up, my bill provides a program of comprehensive support. A program where children are targeted, at an early age, for hope, advice, support, and counseling.

Each of those components is imperative to the well-being of a child. Early intervention programs continue through the elementary and secondary school what Head Start begins. And they promise not to forget that child after secondary school ends.

For the good of our children, the America of tomorrow, I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EARLY INTERVENTION PROGRAM.

Subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended by adding at the end thereof the following new section:

"SEC. 415F. EARLY INTERVENTION PROGRAM.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—The Congress finds that at-risk students who do not receive some form of intervention early in their educational careers (in most cases by junior high school) are more likely to drop out of school and not pursue gainful educational or employment opportunities as adults.

"(2) STATEMENT OF PURPOSE.—It is the purpose of this section to make incentive grants to States to enable States to conduct early intervention programs that—

"(A) raise the awareness of eligible students about the advantages of obtaining a post-secondary education; and

"(B) provide eligible students with tuition assistance.

"(b) EARLY INTERVENTION PROGRAM ESTABLISHED.—

"(1) PROGRAM ESTABLISHED.—From amounts appropriated pursuant to the authority of subsection (g), the Secretary shall make allotments to States in accordance with paragraph (2) to pay the Federal share of the costs of the activities described in subsection (d).

"(2) ALLOTMENT.—Except as provided in paragraph 3, for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sums as the number of eligible students in such State bears to the total number of eligible students in all the States.

"(3) MINIMUM ALLOTMENT.—No State shall receive an allotment under paragraph (2) in any fiscal year which is less than $500,000.

"(4) REALLOTMENT.—The amount of any State's allotment under paragraph (2) or (3) for any fiscal year which the Secretary determines will not be required for such fiscal year for the early intervention program of that State shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under such paragraphs for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use such year for carrying out the State plan. The total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this paragraph during a year from funds appropriated pursuant to subsection (g) shall be deemed part of its allotment under such paragraphs for such year.

"(5) ALLOTMENT SUBJECT TO CONTINUING COMPLIANCE.—The Secretary shall make payments for early intervention programs only to States which continue to meet the requirements of subsection (c).

"(6) DEFINITIONS.—For the purpose of this section—

"(A) the term 'eligible institution' has the same meaning provided such term in section 435(a); and

"(B) the term 'eligible student' means a student eligible—

"(i) to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965;

"(ii) for assistance pursuant to the National School Lunch Act; or

"(iii) for assistance pursuant to part A of title IV of the Social Security Act (Aid to Families with Dependent Children).

"(c) Use of Allotments.—

"(1) In general.—A State shall use payments received under this section to conduct an early intervention program that—

"(A) provide eligible students in any of the grades pre-school through 12 with a continuing system of mentoring and advising that—

"(i) is coordinated with the Federal and State community service initiatives;

"(ii) may include such support services as after school and summer tutoring, assistance in obtaining summer jobs, and academic counseling; and

"(iii) may be provided by service providers such as community based organizations, schools, eligible institutions, and public and private agencies, particularly institutions and agencies sponsoring programs authorized under subpart 4;

"(B) requires each student to enter into an agreement with the State under which the student agrees to achieve certain academic milestones, such as completing a prescribed set of courses and maintaining satisfactory academic progress as described in section 484(c), in exchange for receiving not more than 5 years of tuition assistance;

"(C) establishes a trust fund for the tuition assistance described in subparagraph (B) which may include contributions from Federal, State and private sources;

"(D) contains an incentive system to encourage greater collaboration between elementary and secondary schools and institutions of higher education through the creation of new linkage structures and programs; and

"(E) contains an evaluation component that allows service providers to track eligible student progress during the period such students are participating in the program assisted under this section and which is consistent with the standards developed by the Secretary pursuant to paragraph (3).

"(2) Tuition assistance.—

"(A) Definition.—For the purposes of this section the term 'tuition assistance' includes the costs of tuition, room and board, books, and required fees, if any.

"(B) Eligible institutions; portability.—In order to receive an allotment under this section each State shall ensure that tuition assistance provided pursuant to the provisions of paragraph (1)(B) is available to an eligible student for use at any eligible institution.

"(C) Reservation for tuition assistance.—Each State receiving an allotment under this section shall use not less than 50 percent of such allotment to provide eligible students with tuition assistance in accordance with the provisions of this section.

"(D) Special rule.—Each eligible student participating for at least 1 year in an early intervention program assisted under this section shall be eligible to receive tuition assistance pursuant to this section.

"(E) Relation to other assistance.—Notwithstanding any other provision of law, tuition assistance provided under this section shall not be considered income for the purpose of awarding Federal student financial aid.

"(3) Evaluation standards.—The Secretary shall prescribe standards for the evaluation described in paragraph (1)(E). Such standards shall—

"(A) provide for input from States and service providers; and

"(B) ensure that data protocols and procedures are consistent and uniform.

"(d) State Plan.—

"(1) In general.—Each State desiring an allotment under this section shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Contents.—Each State plan submitted pursuant to paragraph (1) shall—

"(A) describe the activities for which assistance under this section is sought; and

"(B) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this section.

"(3) Approval.—The Secretary shall approve a State plan submitted pursuant to paragraph (1) within 6 months of receipt of the plan unless the plan fails to comply with the provisions of this section.

"(e) Payments; Federal Share.—

"(1) Payments.—The Secretary shall pay to each State having a State plan approved under subsection (d) the Federal share of the cost of the activities described in the State plan.

"(2) Federal share.—The Federal share shall be 50 percent.

"(f) Evaluation and Report.—

"(1) Evaluation.—Each State receiving an allotment under this section shall annually evaluate the early intervention program assisted under this section in accordance with the standards described in subsection (c)(3) and shall submit to the Secretary a copy of such evaluation.

"(2) Report.—The Secretary shall annually report to the Congress on the activities assisted under this section and the evaluations conducted pursuant to paragraph (1).

"(g) Authorization of Appropriations.—There are authorized to be appropriated $85,000,000 for fiscal year 1992 and each succeeding fiscal year thereafter to carry out the provisions of this section.".

SEC. 2. CONFORMING AMENDMENT.

Section 415A(a) of the Higher Education Act of 1965 (20 U.S.C. 1070(a)) is amended by adding the following new sentence at the end thereof: "It is also the purpose of this part to make allotments to States to enable States to conduct early intervention programs described in section 415F.".

By Mr. BRADLEY (by request):

S. 586. A bill to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and for other purposes; to the Committee on Energy and Natural Resources.

RECLAMATION DROUGHT ACT

• Mr. BRADLEY. Mr. President, in my capacity as chairman of the Subcommittee on Water and Power, I am introducing legislation today recommended by the administration which is designed to grant the Secretary of the Interior permanent authority to deal with drought-related water shortages in the Western States.

In general, I support the intent and substance of this bill. The authorities it would grant should be helpful in planning for future droughts and mitigating the impacts of the current drought now affecting California, Nevada, Oregon, and other Western States. I am particularly pleased that the Secretary's legislation makes provision for aiding fish and wildlife, which are often the first and most severely affected victims of drought.

I am hopeful that this legislation will be moved quickly through the Committee on Energy and Natural Resources and passed by the Senate.

A summary of the bill prepared by the administration is included with this statement.

I ask unanimous consent that the text of the bill and the summary be inserted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Reclamation Drought Act of 1991".

SEC. 2. GENERAL AUTHORITY.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), acting under the authorities of the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof), and other appropriate authorities, is authorized to—

(a) perform studies to identify opportunities to augment, make use of, or conserve water supplies available to Federal reclamation projects and Indian water resource developments, and for fish and wildlife habitat, maintenance and enhancement;

(b) consistent with existing contractual arrangements and applicable State and Federal law, undertake management and conservation activities that will reduce or can be expected to reduce the impacts of temporary drought conditions;

(c) provide information or technical assistance to willing buyers in their purchase of available water supplies from willing sellers and the delivery of such water consistent with applicable State and Federal law; and

(d) prepare drought contingency plans for Federal reclamation projects, which shall incorporate water conservation measures in the operations of non-Federal recipients of water from Federal reclamation projects, and enter into agreements with other Federal agencies, States, local governments, Indian Tribes, and such other public and private entities and individuals as may be necessary for the purpose of carrying out the provisions of this Act.

SEC. 3. AVAILABILITY OF WATER AND FACILITIES ON A TEMPORARY BASIS.

(a) Contractual Authority.—For the purpose of reducing impacts of temporary drought conditions, the Secretary may make available, by contract, water, and the use of facilities at Federal reclamation projects for the storage or conveyance of project or nonproject water, for use both within and outside an authorized project service area.

(b) Contractual Requirements.—Any contract signed under this Act shall provide that—

(1) the price of such water or for the use of facilities shall be at least sufficient to recover all Federal operation and maintenance and administrative costs, and an appropriate share of capital costs, including interest on project irrigation and municipal and industrial water, except that, for project water delivered to non-project landholdings in excess of 960 acres, the price shall be full cost (as defined in subsection 202(3)(a) of Public Law 97-293, 96 Stat. 1263; 41 U.S.C. §§390bb): *Provided*, That, the interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs shall be at a rate to be determined by the Secretary of the Treasury based on average market yields on outstanding marketable obligations of the United States with remaining periods to maturity of one year occurring during the last month of the fiscal year preceding the date of execution of the temporary contract;

(2) the lands not now subject to Federal reclamation laws that receive temporary irrigation water supplies under this section shall not become subject to the acreage limitations of Federal reclamation laws because of the delivery of such temporary water supplies; and

(3) the lands that are subject to the acreage limitations of Federal reclamation laws shall not be exempted from those limitations because of the delivery of such temporary water supplies.

(c) TREATMENT OF CONTRACTS.—

(1) No contract entered into by the Secretary pursuant to this Act shall be a "contract" as that term is used in sections 203(a) and 220 of the Reclamation Reform Act of 1982 (Public Law 97-293), as amended, and sections 105 and 106 of Public Law 99-546.

(2) Any existing contract that is amended by mutual agreement to allow a contractor to carry out the provisions of this section shall be a temporary amendment only, not to exceed one year from date of execution. Any such amendment shall not be considered a new and supplemental benefit for purposes of the Reclamation Reform Act, or affect any pre-existing rights.

(d) DURATION OF CONTRACTS.—Contracts entered into by the Secretary pursuant to this section shall terminate one year from the date of execution or upon a determination by the Secretary that water supply conditions no longer warrant that such contracts remain in effect, whichever occurs first.

(e) FISH AND WILDLIFE.—The Secretary may make available, on a temporary basis, water for the purpose of reducing impacts to fish and wildlife resources caused by temporary drought conditions.

SEC. 4. REPORT.

The Secretary shall submit an annual report to the President and Congress on expenditures and accomplishments under this Act.

SEC. 5. IMPLEMENTATION OF DROUGHT RELATED ASSISTANCE.

The Secretary, after consultation with the Governor or Governors of the affected State or States, may implement the authorities granted herein for reducing impacts of temporary drought conditions only after a determination by the Secretary that such actions are merited.

SEC. 6. ADMINISTRATIVE PROVISIONS.

The Secretary is hereby authorized to promulgate such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act.

SEC. 7. FEDERAL RECLAMATION LAWS.

This Act shall constitute a supplement to the Federal reclamation laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 9. SAVINGS CLAUSE.

Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or—

(a) as affecting in any way any law governing appropriation or use of, or Federal right to, water on Federal lands, or the right of any Indian Tribe to use its water for whatever purpose it deems appropriate, including fish and wildlife purposes, or the right of a Tribe to buy or sell water, or to affect any right enjoyed under license, lease or other authorization from an Indian Tribe;

(b) as expanding or diminishing Federal, Tribal or State jurisdiction, responsibility, interests, or rights in water resource development or control;

(c) as displacing, superceding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or two States and the Federal Government;

(d) as affecting in any way the applicability of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), or the Endangered Species Act (16 U.S.C. 1531 et seq.), or as otherwise superceding, modifying, or repealing, except as specifically set forth in this Act, existing law applicable to the various Federal agencies; or

(e) as affecting the water rights of any Indian Tribe or Tribal licensee, permittee, or lessee, or diminishing the Indian trust responsibility of the United States.

SECTION-BY-SECTION ANALYSIS OF THE RECLAMATION DROUGHT ACT OF 1991

SECTION 1. SHORT TITLE

This section is self-explanatory.

SECTION 2. GENERAL AUTHORITY

The first paragraph invokes the authorities contained in the body of Federal reclamation laws and other appropriate authorities available to the Secretary, and authorizes the Secretary to undertake certain activities listed in the following subsections. (Note: The paragraph is similar to the language used in the 1977 "Emergency Drought Act" (P.L. 95-18) and almost identical to the preparatory paragraph of the "Reclamation States Drought Assistance Act of 1988" (P.L. 100-387)).

Subsection 2(a) provides study authority to identify opportunities to augment, make use of, or conserve water supplies available to Federal reclamation projects, Indian water resource developments, and for fish and wildlife habitat, maintenance and enhancement. (Note: This language is similar to existing authority vested in the Secretary; however, the use of the term "conserve" in describing the nature of the studies to be undertaken is significant in the context of the Federal reclamation laws. Similar authority was included in the 1977 Act and the language is identical to that of the 1988 Act except for the lack of a date by which studies must be completed, and the expansion of study scope to include "fish and wildlife habitat, maintenance and enhancement".)

Subsection 2(b) authorizes the Secretary to undertake management and conservation activities to reduce the impacts of temporary drought conditions. (Note: Similar authorities were included in the 1977 Act. The 1988 Act had identical language but included "construction" as an authorized activity. Under the proposed bill, the caveat that such activities are for "temporary drought conditions" is significant. In addition, language has been added clarifying that the Secretary's activities must be consistent with and guided by applicable Federal, as well as State, law. This avoids a construction that inconsistent State law controls over Federal law, including environmental statutes, the law of reserved Federal and Indian water rights, and statutes and judicial decrees governing water management and conservation on specific reclamation projects.)

Subsection 2(c) allows the Secretary to provide information and technical assistance to willing buyers in the purchase of available water supplies from willing sellers and the delivery of such water in accordance with applicable State and Federal law. (Note: Similar authority was included in both the 1977 and 1988 Acts. Reclamation, because of its central role in water resources, can serve as a "clearinghouse" to bring water sellers and buyers together and help in the delivery of such water supplies. No purchase of water by the Secretary of financial aid to would-be buyers is authorized by this subsection. Language has been added, as in subsection 2(b), clarifying the applicability and force of Federal law).

Subsection 2(d) allows the Secretary to prepare drought contingency plans for Federal reclamation projects, which shall incorporate water conservation measures in the operations of non-Federal recipients of water from Federal reclamation projects, and to enter into agreements with "Federal agencies, States, local governments, Indian Tribes, and such other public and private entities and individuals" for the purposes of carrying out the provisions of the act. (Note: Although the Secretary has adequate planning authority under existing law, the use of the term "drought contingency plans" focuses planning efforts. Neither the 1977 nor the 1988 Acts were specific as to authorizing the Secretary to enter into agreements, as such authority is vested in the Secretary under Federal reclamation laws. However, it is appropriate that such authority be repeated in this bill; particularly as to the broad definition of with whom he may enter into such agreements. This authority is not premised on the existence of temporary drought conditions. The objective is to allow the Secretary to enter into agreements and prepare such drought conditions. The objective is to allow the Secretary to enter into agreements and prepare such drought contingency plans in anticipation of drought conditions.)

SECTION 3. AVAILABILITY OF WATER AND FACILITIES ON A TEMPORARY BASIS

Subsection 3(a) is the most important authority vested in the Secretary by the bill. The authority granted by this paragraph is essential if water and facilities are to be used to their fullest capability in alleviating the adverse impacts of temporary drought conditions both within and outside authorized project service areas. The flexibility in water and facility management contained in this broad authorization allows the Secretary to become a "good neighbor" in times of drought and assist non-project water users in overcoming temporary drought conditions. This flexibility also allows water and facilities to be used for a much broader range of purposes than is normally associated with a Federal reclamation project and facilitates the temporary transfer of water from one use to another as dictated by drought conditions. (Note: The 1988 Act contained almost identical authority.)

Subsection 3(b)(1) requires that any contract signed under this Act shall provide that the price of such water or for the use of facilities (pursuant to section 3(a)) shall be at least sufficient to recover all federal operation and maintenance and aministrative costs, plus an appropriate share of capital costs, including interest on project irrigation and municipal and industrial water, except that, for project water delivered to nonproject landholdings in excess of 960 acres, the price shall be at full cost as defined in subsection 202(3)(a) of the Reclamation Reform Act of 1982.

Subsections 3(b)(2) and (3) are self-explanatory. (Note: Similar language was contained in the 1988 Drought Act.)

Subsection 3(c)(1) ensures that the restrictions of the Reclamation Reform Act of 1982 (P.L. 97-293), as amended, are not imposed on water users receiving either water or the temporary use of reclamation facilities pursuant to a contract entered into under the provisions of this Act. This subsection also exempts such contracts from the requirements contained in P.L. 99-546 relating to contracting from the Central Valley Project (CVP). P.L. 99-546 requires that all new or amended contracts for water supplies from the CVP contain provisions for the automatic adjustment of rates and an authorization for the Secretary to adjust determinations of ability to pay at five-year intervals. Inasmuch as the contracts under this bill are for only a one-year period, the restrictions of P.L. 99-546 are inappropriate. (Note: Similar language was contained in the 1988 Act.)

Subsection 3(d) is self-explanatory.

Subsection 3(e) authorizes the Secretary to make water available for the purpose of reducing impacts to fish and wildlife resources caused by temporary drought conditions.

SECTION 4. REPORT

This section is self-explanatory. (Note: Both the 1977 and 1988 Acts contained reporting requirements.)

SECTION 5. IMPLEMENTATION OF DROUGHT RELATED ASSISTANCE

This section is self-explanatory. (Note: Implementation of the 1988 Act was conditioned upon the declaration of a drought emergency by the Governor of the affected State and that the area was declared eligible for Federal disaster relief assistance under applicable rules and regulations promulgated by the U.S. Department of Agriculture. The 1977 Act contained no such conditions. The Secretary has the responsibility under Federal reclamation laws to operate projects in such a manner as to protect the Federal investment, to fulfill authorized project purposes, and to meet contractual commitments. These are authorizes and responsibilities that should not be subjugated to the judgment of any other official. In turn, droughts do not recognize project boundaries and, if the Secretary determines that Federal facilities can be used to assist non-project water users, the Secretary should be in a position to help. Consultation in such circumstances with the Governor(s) is appropriate and mandated by this section.)

SECTION 6. ADMINISTRATIVE PROVISIONS

This section is self-explanatory.

SECTION 7. FEDERAL RECLAMATION LAWS

This section is self-explanatory.

SECTION 8. AUTHORIZATION OF APPROPRIATIONS

Except for the possibility of providing nonreimbursable water for fish and wildlife purposes, there are no out-of-pocket costs that would not be entirely reimbursed.

SECTION 9. SAVINGS CLAUSE.

Subsections 9(a), 9(b), and 9(c) are self-explanatory "boiler plate" language similar to the 1977 and 1988 Acts. Subsections 9(d) and 9(e) ensure that nothing in the Act shall affect the applicability of the National Environmental Policy Act or the Endangered Species Act, or the water rights of any Indian Tribe or Tribal licensee, permittees, or lessee, or diminish the Indian trust responsibility of the United States, respectively.●

By Mr. NICKLES:

S. 587. A bill to amend chapter 19 of title 38, United States Code, to provide an additional amount of Servicemen's Group Life Insurance for death in combat, to direct the Secretary of Veterans Affairs to pay a death gratuity to certain survivors of members of the uniformed services who die in the Persian Gulf combat zone; to the Committee on Veterans' Affairs.

BENEFITS FOR PERSIAN GULF MILITARY PERSONNEL

Mr. NICKLES. Mr. President, I rise today to introduce an important piece of legislation to provide needed benefits for our military personnel stationed in the Persian Gulf.

My legislation does two things. First, it provides a supplemental life insurance program to cover military deaths in combat, and second, it pays a death gratuity to the survivors of military personnel killed in the Persian Gulf combat zone during Operation Desert Storm.

Current law provides all military service personnel with an option to participate in a life insurance program called Servicemen's Group Life Insurance [SGLI]. Under SGLI the maximum life insurance benefit is $50,000 and the Senate Armed Services Committee has reported legislation to increase the maximum coverage to $100,000. I strongly support the Armed Services Committee's proposal but I believe that even higher life insurance benefits should be made available, particularly for deaths incurred in a combat zone.

In 1965 when the SGLI Program was first authorized with a maximum benefit of $10,000 the majority of military personnel were young, single draftees. Today, military personnel are increasingly older and more likely to have a spouse and a family. For those military personnel with several dependents $50,000 or even $100,000 in life insurance coverage is not much. It certainly is not enough to ensure that the surviving family members will be able to maintain a comfortable living, to continue making mortgage payments on the family home, or to ensure that their children will receive a college education.

The legislation I am introducing today would establish a separate optional program within the existing SGLI Program to provide supplemental life insurance up to $200,000, which would provide benefits for any death incurred in combat.

This optional program would operate just as the current program does and would be paid for by deductions from the participating service members military pay. Coverage would be automatic, but just as with SGLI, service members could elect not to receive the supplemental coverage or to participate in an amount less than $200,000 in multiples of $10,000. The total amount of regular SGLI coverage combined with the supplemental combat coverage could not exceed $200,000.

The cost of SGLI Programs is shared by the service member participants and the Federal Government, but premium deductions from service member paychecks pick up the full cost of the program up to an actuarially established number of deaths not attributed to the extra hazards of military service. In other words as long as the number of military personnel who die in a given year does not exceed the average number of deaths in the 3 previous years, there is no cost to the Federal Government for the program. In fact, according to officials of the Department of Veterans Affairs, the SGLI Program has been fully self-supporting since 1974.

The Congressional Budget Office estimates that the provisions of the bill passed by the Armed Services Committee regarding the SGLI increase only would involve no increased cost to the Federal Government. Similarly, the optional combat SGLI coverage should not involve any cost to the Federal Government as long as the number of deaths of military service members does not exceed the actuarial baseline.

The second part of my bill would provide a death gratuity of up to $200,000 to the survivors of military service members killed as a result of their participation in Operation Desert Storm. The amount of the gratuity would be reduced by any amount payable under existing SGLI coverage.

The Armed Services Committee bill provides a $50,000 gratuity to the survivors of all SGLI participants who die between August 1, 1990, and the date of enactment of that bill, regardless of where they are serving. My proposal is to provide a large gratuity, but only to the survivors of those who have died in the Persian Gulf combat zone.

According to the Department of Veterans Affairs, approximately 250 military service members die each month and are eligible for SGLI death payments. Thus, since August 1, 1990, until today approximately 1,750 service members have died, and the Armed Services Committee bill would provide a $50,000 gratuity to their survivors.

In contrast, the Pentagon has advised me that in the Persian Gulf war there have been 104 combat related deaths and 68 nonhostile deaths. My bill would provide a maximum gratuity of $200,000 to the survivors of those service members who have died in the Persian Gulf.

While a $200,000 gratuity may sound like a substantial amount of money to some of my colleagues, it really is not when the cost of providing for the survivors of those who have made the ultimate sacrifice for their country is considered. And it is not very substantial when compared to the costs of many of the weapons involved in Desert Storm. Following are some representative hardware costs of Desert Storm:

One Apache AH-64 helicopter, $12 million.

One Hellfire antitank missile, $40,000 each.

One Patriot missile, $1.1 million.

One Tomahawk cruise missile, $1.35 million.

One GBU-15 glide bomb, $200,000.

One HARM antiradiation missile, $250,000.

One M1A1 tank, $2.5 million-$4 million.

One Bradley Fighting Vehicle, $1.5 million.

Flying 1,000 air sorties per day, $25 million per day.

Compared to the costs of this hardware, I think $200,000 to be provided to the families to those who have died in Desert Storm is a necessary, but very reasonable cost. Compared to the total estimated cost of Desert Storm of $68 billion with a U.S. share of $15 billion, the cost of providing a death gratuity to the families of those who have died strikes me as very reasonable—and is the very least that we in Congress can do for those who have given their life so far away from home defending freedom.

Mr. President, I believe that the provision of a death gratuity to the survivors of those killed in the Persian Gulf is directly related to the purpose of responding to the needs of service members participating in Operation Desert Storm and their families. I urge all of my colleagues to support the bill and I look forward to working with the Armed Services Committee to enact this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE OF SGLI FOR MEMBERS OF THE ARMED FORCES WHO DIE IN COMBAT.

(a) INCREASED AMOUNT.—Section 767 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Any policy of insurance purchased by the Secretary under section 766 of this title shall automatically insure against the death in combat of any member of a uniformed service on active duty. The insurance shall be effective on the first day of active duty of such member.

"(2) The amount of the death insurance provided for a member of a uniformed service under paragraph (1) shall be $200,000 unless such member elects in writing (A) not to be insured under this subsection, or (B) to be insured under this subsection in an amount less than $200,000 that is evenly divisible by $10,000.

"(3) The amount of the insurance coverage provided for a member under this subsection shall be in addition to the amount of any insurance coverage provided for the member under subsection (a) of this section, except that no member may be insured under such subsections for a total amount in excess of $200,000.

"(4) For the purpose of this subsection, the term 'death in combat' means death that occurs (A) in any area designated by the President by Executive order as an area in which members of the Armed Forces are or have engaged in combat, and (B) during a period designated in that order as a period of combatant activities.".

(b) CONFORMING AMENDMENT.—Section 777(a) of title 38, United States Code, is amended—

(1) in the third sentence, by inserting "under section 767(a) of this title" after "Servicemen's Group Life Insurance"; and

(2) in the fifth sentence—

(A) by striking out "for less than $50,000 under Servicemen's Group Life Insurance" and inserting in lieu thereof "under Servicemen's Group Life Insurance for less than $50,000 under section 767(a) of this title"; and

(B) by inserting "under such section 767(a)" after "payable".

(c) TRANSITION PROVISION.—The Secretary of Veterans Affairs, in consultation with the Secretary concerned, shall take such action as is necessary to ensure that each person referred to in paragraph (1) of section 767(e) of title 38, United States Code, as added by subsection (a), is notified of the increased insurance coverage provided under such section and is afforded the opportunity to make an election under such section within 120 days after the date of the enactment of this Act.

SEC. 2. DEATH GRATUITY FOR MEMBERS OF THE ARMED FORCES WHO DIE IN THE PERSIAN GULF COMBAT ZONE DURING THE PERSIAN GULF CONFLICT.

(a) PAYMENT OF DEATH GRATUITY.—(1) Subject to subsection (b), the Secretary of Veterans Affairs shall pay, out of any sums in the Treasury not otherwise appropriated, a death gratuity in the amount provided in paragraph (2) to the beneficiary of each member of the Armed Forces of the United States who dies as a result of illness or injuries incurred or aggravated in the Persian Gulf combat zone during the Persian Gulf War.

(2) The amount of a death gratuity payable to a member under paragraph (1) shall be $200,000 less the total amount of insurance, if any, payable in the case of such member under sections 767(a) and 777(a) of title 38, United States Code.

(b) APPLICATION FOR GRATUITY REQUIRED.—A death gratuity shall be paid to a beneficiary of a member referred to in subsection (a) if application therefor is received by the Secretary of Veterans Affairs within one year of the date of the death of the member.

(c) DEFINITIONS.—In this section:

(1) The term "beneficiary" means, in the case of a member of the Armed Forces of the United States referred to in subsection (a), the person to whom any amount of insurance in force on such member would be paid or payable under section 770(a) of title 38, United States Code.

(2) The term "Persian Gulf combat zone" means the geographic area given such denomination in Executive Order No. 12744, dated January 21, 1991.

(3) The term "Persian Gulf War" means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

By Mr. MITCHELL:

S. 588. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations; to the Committee on Finance.

COMMON FUND FOR PRIVATE FOUNDATIONS AND COMMUNITY FOUNDATIONS

Mr. MITCHELL. Mr. President, I am introducing legislation today, along with Senator DURENBERGER, which would amend the Internal Revenue Code to permit private foundations and community foundations to establish common funds for investment purposes. This bill is substantially identical to legislation I introduced in 1989, S. 1515. Nine Senators joined me in sponsoring that legislation.

Under the current law, section 501(f), educational institutions are permitted to organize a tax-exempt fund for purposes of pooling their investment assets. This enables educational institutions, without the resources to hire money managers, to obtain more sophisticated investment advice that improve their investment performance.

In response to this legislation, which was enacted in 1974, colleges and universities banded together to form the common fund to invest their endowment assets. Today, over 900 educational institutions invest more than $10 billion in assets through the common fund.

This pooling arrangement is not available to other nonprofit organizations, such as private foundations and community foundations. Instead, they must invest their assets individually. Smaller foundations, without the substantial assets that justify sophisticated investment advice, have had difficulty earning competitive rates of return on their assets.

Legislation enacted in 1969 requires foundations to distribute each year either all of their asset earnings or a certain portion of investment assets. This creates a tension between the payout rules and the long-term operations of foundations that make specialized investment necessary.

The legislation I am introducing today would permit foundations to accumulate their assets for investment purposes so that their specialized investment needs can be more professionally managed. This is particularly important for smaller foundations because their total investment returns lag substantially behind those of many larger foundations. By pooling their resources, as permitted by this bill, smaller foundations would have the same investment abilities of educational institutions. The bill will require that a common fund have at least 20 participating foundations, with no private foundation having in interest in excess of 10 percent. These, and other provisions, will ensure that such a common investment fund will not be used to avoid the special restrictions on private foundations.

I invite Senators to cosponsor this bill. The cost is quite modest, less than $10 million a year and I hope we can get these changes enacted into law this year.

I ask unanimous consent that a copy of the bill be printed in the Congressional Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COOPERATIVE SERVICE ORGANIZATIONS FOR CERTAIN FOUNDATIONS.

(a) In General.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Cooperative Service Organizations for Certain Foundations.—

"(1) In General.—For purposes of this title, if an organization—

"(A) is organized and operated exclusively for purposes referred to in subsection (f)(1),

"(B) is comprised exclusively of members which are exempt from taxation under subsection (a) and are—

"(i) private foundations, or

"(ii) community foundations as to which section 170(b)(1)(A)(vi) applies,

"(C) has at least 20 members,

"(D) does not at any time after the second taxable year beginning after the date of its organization have a member which holds more than 10 percent (by value) of the interests in the organization,

"(E) is not controlled by any one member and does not have a member which controls another member of the organization, and

"(F) permits members of the organization to dismiss the organization's investment advisor, following reasonable notice, upon a vote of the members holding a majority of interest in the organization,

then such organization shall be treated as an organization organized and operated exclusively for charitable purposes.

"(2) Treatment of Income of Members.—If any member of an organization described in paragraph (1) is a private foundation (other than an exempt operating foundation, as defined in section 4940(d)), such private foundation's proportionate share of the net income of the organization (including capital gains) for any taxable year of the organization shall be treated, for purposes of section 4940, as net investment income of such private foundation (whether or not distributed to such foundation) for the taxable year of such private foundation with or within which the taxable year of the organization described in paragraph (1) ends.

"(3) Applicable Excise Taxes.—Subchapter A of chapter 42 (other than sections 4940 and 4942) shall apply to any organization described in paragraph (1)."

"(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1990.

By Mr. AKAKA (for himself and Mr. Inouye):

S. 590. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act; to the Committee on Labor and Human Resources.

ERISA AND THE HAWAII PREPAID HEALTH CARE ACT

Mr. AKAKA. Mr. President, I rise today to introduce legislation on behalf of myself and the senior Senator from Hawaii that would exclude the Hawaii Prepaid Health Care Act from the Employee Retirement Income Security Act of 1974 [ERISA].

In recognition of Hawaii's goal of providing universal health care for all employees, my bill would exempt the State's Prepaid Health Care Act from restrictions contained in ERISA. Such an exemption would give Hawaii greater flexibility to improve both the quality and scope of health coverage to her working men and women. It would also allow the State to address inconsistencies in its innovative approach to health care.

Hawaii has long led the Nation in ensuring that basic health care is available to all its people. This system delivers high-quality care at relatively low cost, despite an otherwise high cost of living in the State. Hawaii will soon be the first State in the Nation to achieve universal health care coverage.

Mr. President, my State has achieved this unique status by building on the success of the Hawaii Prepaid Health Care Act of 1974, which covers 88 percent of the population. There are two other components of this three-pronged approach. One is the State's Medicaid Program, which uses Federal and State funds to guarantee access to care for the medically and economically needy—about 7 percent of the population. The other part is the new State Health Insurance Program [SHIP], which seeks to enroll the remaining 5 percent ineligible for either employer-provided coverage or Medicaid.

Since 1974, Hawaii has had a mandated employer health benefits program, the first and only one of its kind in the United States. The Prepaid Health Care Act was enacted after many years of study and debate in an environment of already strong employment-based coverage. Nearly all of Hawaii's employers are required to provide employee health insurance, with the employee paying up to half the premium cost, but no more than 1.5 percent of monthly wages and the employer providing the balance. Dependent care is optional.

Eligible employees must work at least 20 hours a week and earn a minimum amount per month. Employers may offer one of two basic plans—a fee-for-service plan or a designated health maintenance plan.

Hawaii has also been expanding eligibility for Medicaid to the maximum allowed under Federal options and recently implemented SHIP, its subsidized insurance program covering those left in the gap between the employer provided insurance and Medicaid.

Launched in April 1990, SHIP provides a State-subsidized, basic insurance plan to those in the gap group—mainly the unemployed, dependents of low-income workers who are mostly children, and part-time workers unable to afford coverage. An estimated 30,000 to 35,000 individuals are in the gap group. To date, over 7,000 members have enrolled.

Mr. President, the road to universal health care coverage is often rocky, and the Federal Government has sometimes erected barriers rather than removed constraints to achieving maximum coverage. A case in point is the State's experience with the Hawaii Prepaid Health Care Act and ERISA.

In 1980, the Ninth Circuit Court of Appeals held that the preemption clause in ERISA prevented the State from enacting minimum health care requirements for employers governed by ERISA. The court determined that in the absence of an expressed exemption for the Hawaii statute, Federal law governs. The U.S. Supreme Court affirmed the lower court ruling, and concluded that relief could come only from Congress.

Soon thereafter, I sponsored legislation to grant an exemption for the Hawaii statute. After considerable congressional debate, a limited ERISA exemption was signed into law on January 14, 1983. However, the exemption was not prospective and only permitted the State to require the specific benefits set forth in its 1974 statute.

An unfortunate consequence is that the Hawaii Prepaid Health Care Act has been "frozen in time," with no amendments or changes allowed other than those that would enhance "effective administration."

Mr. President, there is an urgent need to bring the State statute up to date, inasmuch as 17 years have passed since its enactment. We need to allow a State that has been at the forefront of innovative approaches to health care to make changes which better reflect the needs of today's population and their employers. Hawaii should not have to resort to back-door approaches in order to ensure basic health care to its citizens. My legislation will permit the State to address these issues and upgrade its successful health care programs for the 1990's.

Today, Hawaii has one of the lowest infant mortality rates and one of the highest life expectancy rates in the Nation. Although the incidence of chronic diseases, such as cancer and heart disease among adults is similar to that of other States, the death rates from these diseases are lower. The substantial investment Hawaii has made in the prepaid health care law has clearly paid off. Once granted the flexibility that my bill would provide, the Hawaii statute will serve as a model for other States and the Federal Government.

Mr. President, I urge my colleagues to support this bill, and I ask unanimous concent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREEMPTION OF HAWAII PREPAID HEALTH CARE ACT.

Section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)) is amended to read as follows:

"(5)(A) Except as provided in subparagraph (B), subsection (a) shall not apply to the Hawaii Prepaid Health Care Act (Haw. Rev. Stat. §§393-1 through 393-51).

"(B) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any State tax law relating to employee benefit plans."

By Mr. BRYAN (for himself, Mr. DANFORTH, Mr. GORTON, and Mr. ADAMS):

S. 591. A bill to require airbags for certain newly manufactured vehicles; to the Committee on Commerce, Science, and Transportation.

HIGHWAY FATALITY AND INJURY REDUCTION ACT

Mr. BRYAN. Mr. President, together with my Commerce Committee colleagues, Senators DANFORTH and GORTON, and with Senator ADAMS, I am pleased to introduce today a bill that will save thousands of lives each year by ensuring that consumers who buy passenger vehicles will have airbags in their vehicles. It is rare that we have that opportunity to literally save many lives through a simple legislative measure. The National Highway Traffic Safety Administration has estimated that up to 12,000 lives each year can be saved if all cars have driver- and passenger-side airbags.

Airbags provide an important example of the potential for enhancing safety through technology, and a lesson in how difficult it can be to get that technology to the consumer. Everyone agrees that people are safer in cars that have airbags. And we have dramatic examples of more and more people who literally owe their lives to airbags.

However, the law is lagging behind technology. Current law requires at most that cars have either automatic seatbelts or airbags in the front seat of the vehicle. Other passenger vehicles—including the minivans used by many families, small pickup trucks, and jeeps—are not required to have either safety device, although a rulemaking to consider such a requirement is ongoing.

We know that automatic seatbelts are not as effective as airbags in protecting people in front-end crashes. We also know that many automatic seatbelts are so poorly designed that they are often disconnected. Airbag-equipped cars are unquestionably safer.

Moreover, even though automakers seem to have become believers in airbags, without mandatory standards the vehicles that get airbags often are only the luxury models which are not affordable for many people. It is indefensible that a proven safety technology as effective as airbags would be available only if you can pay more for your car.

The bill we are introducing today will correct this problem. It will require that cars manufactured after September 1, 1995, have airbags in the driver and passenger front seats. It also will require that vehicles such as jeeps, minivans, and small pickups have airbags in the driver's side after September 1, 1996, and that they have driver- and passenger-side airbags after September 1, 1997.

Even though carmakers have said they will soon have airbags in most of their cars without this legislation, the bill is careful to give them several years lead time in case some of them need to change some product plans. And the bill will ensure that the current laudable plans to provide airbags are actually carried out in a timely fashion. With respect to pickups, minivans, and jeeps, the bill covers the same vehicles addressed in NHTSA's proposed rule to require automatic seatbelts or airbags, and uses the same timetable. NHTSA's rule was proposed over 1 year ago, but is not final, and would not ensure that airbags are in these vehicles. Yet we know that the families that use these vehicles would be safer if they had those airbags.

The time has come to provide consumers with the safety benefits available through airbags. For evidence of this we need look no further than the auto industry itself, which now bases major advertising campaigns on its willingness to provide airbags. We must ensure that the positive move toward airbags continues at a reasonable pace, and this legislation will do that. I urge my colleagues to join me in giving consumers the safety they want and need.

Mr. DANFORTH. Mr. President, today I am joining Senator RICHARD BRYAN and others in introducing the Highway Fatality and Injury Reduction Act of 1991, legislation to require the installation of airbags in all passenger cars and light trucks. Each year, 45,000 Americans die in highway crashes and another 520,000 are hospitalized with serious injuries. According to the Department of Transportation [DOT], highway crashes cost the U.S. economy $75 billion annually.

The single most important vehicle improvement we can make to reduce these fatalities and injuries is to require airbags in all cars and light trucks, which include minivans, four-wheel drives, and pickups. Under DOT's 1984 passive restraint rule, a car must be equipped with either airbags or automatic seatbelts. Although either option is available to manufacturers, statistics prove that airbags provide superior protection. So-called automatic seatbelts have not substantially increased belt use rates. These automatic belts can be either manually operated or, in some cases, may have motorized shoulder harnesses. A 1989 Insurance Institute for Highway Safety study on nonmotorized automatic belts found that the automatic feature had been disabled on one or more belts in 95 percent of the new cars it surveyed in dealer showrooms. Motorized automatic belts provided an automatic shoulder harness, but require the driver or passenger to bucklet the lapbelt. A report by the Highway Safety Research Center of the University of North Carolina found that less than 30 percent of the occupants of cars with motorized belts connected their lap belts.

Even when a seatbelt is worn, it is not as effective as an airbag. A German study assessed the effectiveness of automatic belts on more than 600 passengers involved in frontal collisions. The study found that, even with automatic belts, 30.4 percent of the drivers suffered a head impact and 10.6 percent suffered skull-brain trauma. The study also found that 28.6 percent of the drivers sustained chest injuries.

In light of this overwhelming evidence, safety experts agree that seatbelts cannot provide the protection that airbags provide in a severe crash. Even the Automotive News, in an editorial entitled "Most 'Passive' Belts Are Actively Foolish; Bring on the Bags," has recognized that:

> A not very funny thing happened on the way to getting airbags in cars: a new generation of ever-worse seatbelts. * * * The long-term solution is air bags and normal three-point belts. Fortunately, buyers now want bags. * * * Everybody should hurry it up. The sham-passive belts will be a short-lived, unfortunate footnote in the history of car safety.

In contrast to automatic belts, airbags have been a great success. State Farm Insurance Co. has been tracking the experience of its policyholders with airbag-equipped cars. In all but 3 out of 2,199 accidents in which the airbag deployed, the drivers survived. In Missouri alone, 90 State Farm policyholders have been saved from death or more serious injuries by airbags.

Examples of crashes of vehicles equipped with airbags eliminate any doubt regarding their lifesaving value. On August 31, 1990, an air-bag-equipped Chevrolet Camaro slammed into a tree in Meridian, MS. The driver walked away from the accident, even though police said the car was traveling 50 mph when it hit the tree. On March 12, 1990, two air-bag-equipped Chrysler Lebarons collided head on in Culpeper County, VA. The vehicles were destroyed, but the drivers walked away with minor bruises. In the summer of 1989, in Lancaster County, VA, the driver of a Chrysler Lebaron convertible with an airbag survived a head-on, 80-mph closing speed crash with a full-sized station wagon. In another accident 2 years ago, an 18-year old driver from Lee, NH, survived a 50-mph crash into a large tree stump because he was driving an air-bag-equipped Dodge Daytona. In July of 1989, in the mountains outside of Boise, ID, the Lincoln Continental driven by the parents of newswoman Kathleen Sullivan flew off the road. The car flew 58 feet in the air before landing on its roof. Local police and DOT officials said the couple survived the crash because their Continental had driver- and passenger-side airbags.

DOT has estimated that the general availability of airbags in passenger cars could prevent 8,000 fatalities annually. About 40 percent of all 1991 model cars will have driver-side airbags. Unfortunately, to date, very few small cars have been equipped with airbags. This omission means that the already existing difference in fatality rates between small and large cars will expand. Moreover, only a few light truck models have airbags.

Our legislation would eliminate some of these safety gaps. It requires all passenger cars manufactured on or after September 1, 1995, to have both driver- and passenger-side airbags. In addition, family vehicles, such as minivans, four-wheel drives, and small pickups manufactured after September 1, 1996, must have driver-side airbags, and those manufactured after September 1, 1997, must have both driver- and passenger-side airbags.

For many years, Lee Iacocca opposed airbags. Iacocca now says, "Some things you wait for. Some things you don't. Minivans with airbags. You don't wait." I agree. I think the American public has waited long enough for airbags in minivans and every other type of passenger vehicle. It is time we had them. I urge my colleagues to join me in supporting this lifesaving legislation.

Mr. GORTON. Mr. President, I am pleased to join with my good friends and colleagues, Senator BRYAN and Senator DANFORTH, in introducing a bill to mandate airbags in all new cars sold in the United States. I have been a longtime proponent of airbags having coauthored a bill with Senator DANFORTH in 1981 and 1983 which would have given tax incentives to manufacturers to equip cars with airbags.

The bill that we are introducing today would mandate that by September 1, 1995, all new passenger cars sold in the United States would be equipped with airbags in both the driver's and passenger's sides. It would also require all new light trucks, jeeps, and minivans to have driver's side airbags by September 1, 1996, and both passenger- and driver's-side airbags a year later.

Present rules require automobile manufacturers to install airbags or another passive restraint system to protect the driver in the event of a head-on collision. Approximately 40 percent of all new cars have airbags. Some manufacturers, such as Chrysler, made a decision to provide driver-side airbags as standard equipment in all their new 1990 cars. Other manufacturers chose to comply with the law by using either motorized or nonmotorized seatbelts. While data on the new passive restraint systems is still being compiled, the preliminary results are overwhelming. Airbags are enormously effective in saving lives and reducing serious injuries. Unfortunately, the other passive systems are not very effective. The vast majority of motorized and nonmotorized seat belts are either disconnected or are being used improperly. Many people who have purchased cars with the new motorized shoulder belts are failing to connect the lapbelt. Automatic belts seems to give passengers a false sense of security resulting in serious injuries when people slide under the shoulder belts because their lapbelt is unbuckled.

In 1984, in the passive restraint rule, the Department of Transportation estimated that if airbags were generally available in all cars, 8,000 lives a year would be saved. Thousands of others would be saved from serious injuries.

Some of us in the Congress fought long and hard during the early 1980's to get airbags in cars. I regret that we were only partially successful. Today, I hope the fight will be easier. Consumers are hearing about terrible accidents in which cars are demolished, yet the driver walks away virtually unscathed. Some of the auto manufacturers have already recognized that more and more people are making buying decisions based upon the availability of life-saving airbags. Many of them have already decided to put airbags in cars more rapidly than the mandated targets of our bill. I compliment those companies and challenge the other auto manufacturers, as well as the light truck manufacturers, to get on board and support this worthy goal.

Mr. ADAMS. Mr. President, I am proud to join Senators BRYAN, DANFORTH, and GORTON in introducing today the Highway Fatality and Injury Reduction Act of 1991. I believe strongly in the effectiveness of airbags as a means of reducing the millions of traffic injuries and fatalities that occur on our roads and highways each year.

One of my first priorities as Secretary of Transportation was to require the mandatory installation of airbags in private automobiles by 1981. Unfortunately, President Reagan revoked that standard, before it could be implemented.

With this legislation, we have come full circle back to my original position. I am proud to stand here today as a cosponsor of this bill, which will mandate this lifesaving technology in all passenger as well as other types of vehicles.

As I turn on my TV and see Lee Iacocca using airbags to sell cars, I can't help but smile as I recall the arguments against mandatory airbag installation made by the auto industry at that crucial moment back in the 1970's.

The industry argued that safety wouldn't sell automobiles. They argued that the airbag technology simply couldn't work. And they argued that the costs of the airbags would drive consumers away from the market.

Today we know these arguments are baseless, and I'm grateful that in 1977, when I was under pressure to reverse my ruling, the Senate backed my position. At that crucial moment, the Senate voted in favor of airbags.

Today, the Senate is taking the lead in building upon the record I initiated more than a decade ago as Secretary of Transportation. The Highway Fatality and Injury Reduction Act of 1991 requires driver and passenger side airbags in all passenger cars by September 1995. The bill also requires driver side airbags in vans, small pickups and Jeeps manufactured after September 1996, and driver and passenger side airbags for these vehicles after September 1997.

The National Highway Traffic Safety Administration estimates that up to 12,000 lives could be saved each year by implementing this law. The approximately $200 per car it will cost to inlcude airbags is a small price when compared to the savings in human life this legislation will bring about. The auto industry is finally on the right track. It's long past time for this legislation.

By Mr. SHELBY (for himself, Mr. THURMOND, and Mr. HOLLINGS):

S. 592. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

HAZARDOUS AND SOLID WASTE MANAGEMENT ACT

• Mr. SHELBY. Mr. President, I rise today to introduce legislation that would greatly enhance the State's ability to address substantively and responsibly its hazardous and solid waste problem. I introduced similar legislation during the 101st Congress because I realized that Congress must take the initiative in granting to States the authority to manage hazardous and solid waste. The disposal of hazardous and solid waste is one of the Nation's most pressing environmental issues of the 1990's, and it should be obvious to all of us that what we are doing now is not working.

States must have a say in determining what hazardous and solid wastes come into their boundaries—we want to be able to regulate and control the flow of waste that is transported on our highways and railways to be treated, stored, or disposed of in our States. My bill is designed to give States a voice in determining these important matters.

I have come before this body several times in the past 2½ years to express my concerns regarding hazardous waste. Each year, the volume of hazardous waste grows as disposal capacity shrinks. The most recent Federal data available indicate that 270 million tons of hazardous waste is generated in the United States each year. Industries dispose of hazardous waste wherever they can find an approved facility and that often is in another State. You end up having roughly 700 million pounds of hazardous waste traveling between States. The potential for accidents and spills is simply too great.

The Superfund Removal Program has approved 23 sites across the country for the disposal of hazardous waste. The most recent statistics available from the EPA to determine the total hazardous waste disposed of in the removal program are through March 1, 1989.

Between 1984 and March 1, 1989, 94,868 tons of hazardous waste have been disposed of nationwide through the Superfund Removal Program. During this period, 38,163 tons of this hazardous waste have been sent to the chem waste management facility in Emelle, AL. That represents 40 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 when the program began, and March 1, 1989.

Another 17 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 and March 1, 1989, has been sent to the GSX facility in Pinewood, SC. This means that 57 percent of all hazardous waste nationwide processed through the Superfund Removal Program during this period went to two facilities in region IV—Emelle in Alabama and GSX in South Carolina.

These two facilities are obviously receiving a disproportionate amount of the Nation's hazardous waste. For the record, EPA Region IV is comprised of eight States—Alabama, Georgia, Florida, Mississippi, Kentucky, North Carolina, South Carolina, and Tennessee. Consequently, if only two facilities in region IV received 57 percent of all the hazardous waste nationwide processed through the Superfund Removal Program, it simply means that hazardous waste has been coming from great distances to be disposed of in region IV.

Mr. President, I say that it is not fair that two facilities in region IV should bear the brunt of actions of generations of consuming Americans. We have all benefited from various industrial processes—the byproducts of which are polluting our water, contaminating our soil, and poisoning our air.

It is even more unfair that a few facilities should receive such large amounts of hazardous waste when you consider that many of the exporting States are not in compliance with the 1986 Superfund law. This Federal law requires each State to assure that it has sufficient disposal capacity for its hazardous waste for 20 years. If a State fails to meet the capacity assurance requirements, EPA is to withhold all Superfund cleanup money from the State.

Clearly, the purpose of the Superfund law is to encourage States to site their own hazardous waste facilities. The law is not working, however, because EPA has failed to invoke sanctions against noncomplying States. It is my understanding that the EPA is considering drafting milder penalties for States failing to develop hazardous waste disposal facilities because the agency believes the law is too harsh. Obviously, the Superfund law is becoming a farce while States like Alabama and South Carolina continue to import other States' hazardous waste, disproportionately. Congress must do something to correct this situation.

Although I have not been as vocal on solid waste issues, I am equally concerned. As landfills across the country fill to capacity, States must find a way to handle their garbage. A recent Environmental Protection Agency [EPA] study indicates that there is a direct correlation between growth in population and growth in the amount of solid waste generated: 180 million tons of solid waste is produced annually; each individual in the U.S. produces about 4 pounds of trash daily; and by the year 2000, it is estimated that the amount of solid waste generated will increase to more than 192 million tons a year.

Presently, the U.S. disposes of most of its solid waste in landfills—only about 11 percent is recycled and approximately 13 percent is incinerated. It is increasingly difficult to find new sites for landfills because of public opposition and environmental risks associated with such landfills. Due to this not-in-my-backyard syndrome, the disposal of solid waste, which was once thought to be only a local concern, has become a national crisis.

Because of the scarcity of landfill space, many States have sought to solve their solid waste problem by shipping their waste to other States. Recent Congressional Research Service [CRS] data indicate that the following States export their garbage to other States: New Jersey exports 5,250,000 tons, New York exports 2,000,000 tons, Pennsylvania exports 1,500,000 tons, Missouri exports 1,500,000 tons, District of Columbia exports 700,000 tons, Massachusetts exports 600,000 tons, and California exports 200,000 tons.

In testimony before the Senate Environment Committee in July 1989, the National Waste Management Association reported that about 15 million tons of solid waste moved in Interstate Commerce in 1989. Forty-three States participated in Interstate Commerce of solid waste.

I am sure that you remember the 3-month journey of the New York barge during the spring of 1987 that could not find a place to unload its garbage. I think that the New York garbage barge going from port to port seeking a disposal site vividly depicts the magnitude of the problem that we are addressing.

In addition to the not-in-my-backyard attitude causing problems in the disposal of solid waste, there is yet another, even greater dilemma. Pending EPA regulations on solid waste landfills will result in substantial increases in the cost of construction and operation of such facilities and could result in the closing of many existing landfills. The closing of these facilities obviously will make a bad situation worse when you consider that approximately 70 percent of all solid waste is disposed in landfills.

The legislation that I am introducing today will be beneficial in solving the hazardous and solid waste disposal problem. The bill would require that States take responsibility for the solid and hazardous waste generated within their borders, either individually or in regional compacts by demonstrating the capacity to handle such waste for 20 years. In addition, the bill would allow States to impose differential fees on imports of hazardous and solid waste to provide economic incentives to accept waste. Finally, when a State has developed a 20-year management plan to handle its hazardous and solid waste, the State would be able to place limitations on the amount of hazardous and solid waste transported into the State for disposal purposes.

I urge all of my colleagues to support this legislation. Each State must be responsible for the waste it generates. When a State has accepted its responsibility and developed a 20-year plan to handle its waste, the State's plan must not be rendered useless because of encroachment by out-of-State waste.

My bill focuses the attention needed for the safe and effective management of hazardous and solid waste. Congress must take the initiative in resolving the Nation's waste disposal problem realistically to prevent future threats to human health and the environment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazardous and Solid Waste Management Act of 1991".

SEC. 2. INTERSTATE TRANSPORTATION AND DISPOSAL OF HAZARDOUS WASTE.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following new section:

"SEC. 3021. INTERSTATE TRANSPORTATION AND TREATMENT, STORAGE, AND DISPOSAL OF HAZARDOUS WASTE.

"Any State that has entered into a contract or cooperative agreement with the President pursuant to section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(9)) may impose a fee on, or place limitations on the amount of, hazardous waste that is transported into the State for purposes of treatment, storage, or disposal, including—

"(1) a prohibition on the transportation into such State of all hazardous waste originating from other States;

"(2) a prohibition on particular types of hazardous waste; and

"(3) the levying of fees on hazardous waste or transporters of hazardous waste that differentiate rates or other aspects of payment on the basis of waste origin.".

"(b) TECHNICAL AMENDMENT.—The table of contents for subtitle C (contained in section 1001) is amended by adding at the end the following new item:

"Sec. 3021. Interstate transportation and treatment, storage, and disposal of hazardous waste.".

SEC. 3. INTERSTATE TRANSPORTATION AND DISPOSAL OF SOLID WASTE.

"(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND TREATMENT, STORAGE AND DISPOSAL OF SOLID WASTE.

"(a) STATE PLAN.—(1) Each State shall prepare a plan in accordance with this section for the management in the State of all solid waste generated in the State. The plan shall cover a 20-year period and shall provide that the State, either by itself or in cooperation with other States in a compact—

"(A) shall identify the amount of solid waste by waste type that is reasonably expected to be generated in the State or accepted from another State for treatment, storage, or disposal in the State during the next 20 years;

"(B) shall establish a process to assure the availability of facilities with adequate capacity to treat (through recycling or other treatment), store, or dispose of such amount of solid waste in a manner that is protective of human health and the environment; and

"(C) shall identify the volumes of waste planned to be reduced through source reduction and recycling.

"(2) The plan may include provisions for treatment, storage or disposal outside the State of solid waste generated in the State only if the State determines that the State does not have, and cannot develop within a reasonable period of time, the landfill or other capacity to handle the treatment, storage, or disposal of such waste in the State. If such out-of-State waste treatment, storage, or disposal is included in the plan, the plan shall provide for the establishment of such enforcement mechanisms as may be necessary to prevent the out-of-State treatment, storage, or disposal of waste in amounts that are in excess of the amounts provided for in the plan.

"(3) Not later than 12 months after the date of the enactment of this section, the Administrator shall promulgate regulations to carry out this section. Such regulations shall include such criteria for approval of plans as the Administrator considers necessary.

"(4) Not later than 12 months after regulations are promulgated to carry out this section, each State shall prepare a plan as required under paragraph (1) and submit such plan to the Administrator for approval.

"(b) APPROVAL OF PLAN.—Upon receipt of a plan from a State under subsection (a), the Administrator shall evaluate the plan and shall approve or disapprove the plan.

"(c) PROHIBITION ON ACTIONS NOT IN ACCORDANCE WITH PLAN.—Upon approval of a plan for a State, treatment, storage, or disposal of solid waste in the State in a manner other than in accordance with the approved plan is prohibited.

"(d) STATE PERMITS.—Upon approval of a plan for a State, the State shall establish a permit program under which the State shall issue permits to facilities in the State that comply with all applicable requirements of the approved plan (including protection of human health and the environment) and with all applicable requirements of State law. After the establishment of such a permit program in a State, the transportation of solid waste for treatment (including recycling and incineration), storage, or disposal, or arranging for such transportation, treatment, storage, or disposal, at any facility that has not been issued a permit is prohibited.

"(e) STATE AUTHORITY TO RESTRICT ACCEPTANCE OF SOLID WASTE ORIGINATING IN OTHER STATES.—(1) Subject to paragraph (2), any State that has an approved plan under this section may impose a fee on, or place limitations on the amount of, solid waste that is transported into the State for purposes of treatment, storage, or disposal, including—

"(A) a prohibition on the transportation into such State of all solid waste originating from other States;

"(B) a prohibition on certain types of waste, such as medical waste; and

"(C) the levying of fees on solid waste or transporters of solid waste that differentiate rates or other aspects of payment on the basis of waste origin.

"(2) The authority under paragraph (1) may be used only if the plan of the State justifies the imposition of such a limitation or prohibition on the basis of lack of capacity in such State to handle the treatment, storage, or disposal of solid waste generated in such State.

"(f) RECORDKEEPING REQUIREMENTS.—(1) Any person who transports any quantity of solid waste in excess of 100 pounds from one State to another State for purposes of treatment, storage, or disposal in the other State shall register with both the Administrator and with the State in which the solid waste will be treated, stored, or disposed of.

"(2) Each shipment of waste described in paragraph (1) may be transported only to a facility with a permit under a State permit program established under subsection (d).

"(3) Each shipment of waste described in paragraph (1) shall be accompanied by a manifest form. At a minimum, the manifest form shall include the following information:

"(A) The name and address of the transporter.

"(B) The name and address of the generator of the waste being transported.

"(C) A description of the type of solid waste being transported.

"(D) The quantity of waste being transported, including the number and type of containers.

"(E) The name and address of the facility designated to receive the waste.

"(F) Such other information as the Administrator or the State may require by regulation.

"(4) The manifest form shall be kept at the facility at which the solid waste is received. Such forms shall be available for inspection pursuant to subsection (g).

"(g) AUTHORITY TO INSPECT.—(1) For purposes of enforcing the provisions of this section, any person who generates, transports, treats, stores, disposes of, or otherwise handles solid waste shall, upon request of any officer, employee or representative of the Environmental Protection Agency or of a State—

"(A) furnish information relating to such waste; and

"(B) permit such officer, employee, or representative to have access to, and to copy, all records of such person relating to such waste.

"(2) For purposes of implementing the authority of this subsection, such officers, employees, and representatives may enter at reasonable times any establishment or other place where solid waste is or may have been treated, stored, disposed of, or otherwise handled and to inspect and obtain samples from any person of any such waste or of any container or label for such waste.

"(h) ENFORCEMENT.—A State that fails to submit a plan under subsection (a), or fails to have such plan approved by the Administrator, shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each such violation. Each day such a violation continues shall constitute a separate violation.

"(i) SUBTITLE C HAZARDOUS WASTE.—Nothing in this section shall apply to any hazardous waste subject to the provisions of subtitle C of this Act.".

(b) TECHNICAL AMENDMENT.—Section 1001 of the Solid Waste Disposal Act is amended in the table of contents by inserting after the item relating to section 2008 the following new item:

"Sec. 4010. Interstate transportation and treatment, storage, and disposal of solid waste.". •

Mr. HOLLINGS Mr. President, today I join with my distinguished friend from Alabama, Senator SHELBY, and my colleague from South Carolina, Senator THURMOND, in introducing the Hazardous and Solid Waste Management Act of 1991. This legislation, Mr. President, will give States the authority they need to address in a responsible manner their hazardous waste and solid waste problems.

Mr. President, we took a first stab at addressing the problem of hazardous waste management with passage of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This law required each State to submit and gain approval for a capacity assurance plan with regard to its hazardous waste. These plans were to demonstrate each State's ability to adequately treat and dispose of all hazardous waste generated within its borders over a 20-year period. States could enter into agreements with other States. An enforcement provision was included in the law which allowed EPA to cut off Superfund money to States which failed to submit a capacity assurance plan.

On paper, this law appeared to have teeth because States surely would not risk losing funds for hazardous waste cleanup by refusing to provide a capacity assurance plan. However, Mr. President, a law is only as strong as its enforcement, and EPA has refused to enforce Federal law by means of terminating Superfund grants to delinquent States.

Complying States have tried to address this issue at the State level by refusing to receive hazardous waste from noncomplying States. The Federal courts, however, have ruled that this is in violation of the Interstate Commerce clause. Basically, what is happening, Mr. President, is that on the one hand, EPA refuses to do its job, and on the other hand, the Federal courts will not allow individual States to do the job that EPA should be doing. This bill addresses this catch-22 bind in which complying States find themselves.

The management of nonhazardous solid waste likewise is a difficult problem facing most States today. Again most States are making a good faith effort to address this problem responsibly, while other States have responded by shipping their solid waste to other States. Out of sight, out of mind.

We must do better than this haphazard, inefficient, inconsistent approach to the problem of waste management. The legislation we are introducing today, requires States to take responsibility for the hazardous and solid waste generated within their borders. They may tackle the problem individually or by forming federally recognized regional compacts. Each State or regional compact must demonstrate a capacity to handle its waste for 20 years. Once a State has an approved 20-year plan, then it will be legally entitled to place limitations and/or fees on hazardous and solid waste transported into the State.

Mr. President, this bill accomplishes three things. First, it requires, once again, that every State address its waste problems. Since EPA has refused to enforce current law, many States just haven't gotten serious about developing management plans. Second, the fee structure, which allows complying States to charge noncomplying States for the treatment, handling, or disposal of the latter's waste, adds a means of enforcement less severe than cutting off Superfund money, but nonetheless strong enough to ensure compliance. Most importantly, this bill allows the complying State which has acted responsibly to refuse to be taken advantage of by States that refuse to do their part.

Mr. President, in closing, let me say that South Carolina and Alabama have borne more than their fair share of the burden in dealing with hazardous waste. Of the waste that has been disposed of nationwide 57 percent as a result of the Superfund waste removal program ended up in our two States, largely because EPA has refused to force other States to comply. It is EPA's view that cutting off Superfund money would be detrimental to the environment. Well, Mr. President, just as detrimental to the environment are the tons of waste being transported great distances on our highways and railways with the ongoing risks of accident.

It is high time for States to begin to address hazardous and solid waste in a serious, responsible fashion. This bill will require them to do just that.

Mr. DOLE submitted the following statement on behalf of Mr. THURMOND:

• Mr. THURMOND. Mr. President, I am pleased to join today as an original cosponsor of the Hazardous and Solid Waste Management Act of 1991. This legislation is extremely important to the citizens of every State in this great Nation. The time has come to make a responsible decision concerning the treatment, storage, and disposal of solid and hazardous waste. Waste management is becoming an enormous burden throughout this country and the legislation before us today will take the first necessary step toward solving this problem.

Mr. President, one of the most difficult problems encountered by States which have hazardous waste disposal facilities, such as my home State of South Carolina, is the lack of control over the importation of waste generated by States which have no facilities or plans for their own waste management. It simply does not make sense to expect other States or regions to become the dumping ground for those who choose not to take responsibility for the waste they generate. This problem will not go away or take care of itself, but will surely grow as the amount of waste grows. In 1989, South Carolina and Alabama received more than 57 percent of all hazardous waste processed through the Superfund removal program. It is unreasonable to expect two States to carry such a large burden.

With regard to hazardous waste, current law provides that States may enter into agreements with other States and form regional agreements for the purpose of treatment, storage, and disposal of such waste. The law further requires all States to provide assurances to the Environmental Protection Agency that they have adequate capacity to manage hazardous waste generated in their States over the next 20 years. If States do not comply with the terms of the Superfund laws, the Environmental Protection Agency is required to withhold all Superfund money from such States. This complete cut off of funds is the only remedy available today.

This bill strengthens current law by authorizing States, which have complied with the Superfund law requirements, to impose restrictions involving waste that is transported into the State for treatment, storage, or disposal including: First a prohibition on the transportation into such State of all hazardous waste originating from other States; second, a prohibition on particular types of waste; and third, the levying of fees on hazardous waste or transporters of hazardous waste that differentiate rates or other aspects of payments on the basis of waste origin. This enforcement mechanism would be a valuable tool to States in dealing with hazardous waste and is not as drastic a remedy as the current complete cut off of funding.

This bill also provides for a new program for dealing with solid waste which is the same as the current hazardous waste program and also includes the new authority to deny access or charge fees for waste from noncomplying States. This will be a great step forward in solving the growing problem of solid waste and overflowing landfills.

Mr. President, I urge my colleagues to support this important measure.•

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. AKAKA, Mr. COHEN, Mr. INOUYE, Mr. JEFFORDS, Mr. LEAHY, Mr. METZENBAUM, Mr. PELL, and Mr. WIRTH):

S. 593. A bill to amend title 23, United States Code, to control billboard advertising adjacent to Interstate Federal-aid primary highways, and for other purposes; to the Committee on Environment and Public Works.

VISUAL POLLUTION CONTROL ACT

Mr. CHAFEE. Mr. President, today I am introducing the Visual Pollution Control Act of 1991. Mind you, visual pollution control—what are we talking about? We are talking billboards. That is what we are talking about. We are trying to control billboards. Joining me in introducing this legislation, which would help control billboards, are Senators MOYNIHAN, AKAKA, BENTSEN, COHEN, INOUYE, JEFFORDS, LEAHY, METZENBAUM, PELL, and WIRTH. We have room for more sponsors.

This legislation accomplishes two major goals. First, it returns control over existing billboards to States and to localities. That is where the control belongs. States and localities have always regulated and removed billboards and other nonconforming users. They have done this through land use laws derived from their constitutional police power. This authority has been repeatedly upheld by Federal and State courts.

In 1978, the federally imposed requirement for cash compensation as a Federal aid highway grant condition stymied billboard removal efforts by hundreds of localities. That is a long phrase, Mr. President. What does it mean? It means that in 1978 we in the Congress, in connection with the highway bill, imposed the requirement that for the localities to remove a billboard they had to pay cash. They could not remove it in connection with their police powers. "They" being the States and localities. They could not say to a billboard company, "You invested $10,000 in this billboard. You are going to get a return of $1,000 a month. So, therefore, at the end of 10 or 11 months you have amortized your cost, and down comes the billboard; we have a right to take it down at the end of that time." That is a police power that is recognized by the courts that the States and localities had.

However, the Federal Government, through the highway bill, took it away. We said to the locality, you cannot take a billboard down unless you pay cash for it to the billboard company. The trouble was the Federal Government, through the highway bill, did not put up any cash to take these billboards down. Although we had promised to pay 75 percent of the cost, we did not appropriate the money, and the local communities did not have the cash to pay for it. So the result is that no billboards were taken down.

What my legislation does, on which I have had the splendid support of those Senators that I listed—by the way, we will bring this up in connection with the highway bill—this legislation would permit the States and localities to make a decision. They can provide cash contribution compensation if they wish. They can remove nonconforming billboards through the use of amortization, which I just described. Or they can choose, if they so choose, to leave existing nonconforming billboards standing. They can leave them there with no threat of a Federal penalty.

The second major feature of this legislation is a moratorium on new billboards along interstate or primary highways. The original intent, Mr. President, of the Highway Beautification Act was to reduce the number of billboards along the interstate and primary systems and particularly to maintain the scenic beauty along the Interstate System which was just being commenced at the time this billboard beautification legislation passed. I think we all remember that this was a special concern of Mrs. Lyndon Johnson.

Unfortunately, as I previously mentioned, subsequent amendments and changes in the interpretation of the billboard law created loopholes which permitted a growing number of billboards along our interstate and primary highways.

Along with the moratorium that is provided in this legislation, States and localities are asked to update an accurate inventory of billboards. It is important to know what is there in order to provide effective regulation. It is difficult to find good data on how many billboards there are now, but there is evidence that the numbers are increasing.

The Highway Beautification Act in its current form is not carrying out its original intent to regulate the number of billboards. The General Accounting Office, in review of the program entitled "The Outdoor Advertising Control Program Needs To Be Reassessed," found that new billboards are going up at a much faster rate than nonconforming billboards are being removed. For example, they found, in 1983, 2,235 nonconforming billboards came down. At the same time 13,000 new ones were erected. That is a losing race if I have ever seen one, 13,000 up, 2,000 down.

Similarly, the Congressional Research Service, in January of this year, in a report to Congress, found that while no accurate inventory exists as to the total number of billboards available, data from the Federal Highway Administration shows a growth rate, or an increase in the number of conforming and nonconforming so-called grandfather billboards, of 241,000 signs in 1985, and it went up to 256,000 in 1986, in that report that came in January of this year.

The bill prohibits the cutting of trees or vegetation along interstate and primary highway rights-of-way solely to make billboards visible.

Many States do extensive landscaping along interstate and primary highways. Valuable trees and vegetation paid for by taxpayer dollars have been cut down for the sole purpose of making billboards more visible.

How is that for ridiculousness? With one hand we pay to beautify our highways with vegetation, trees, and growth, and then we let the billboard owner come along and cut it down.

We have tried to change that in the legislation that President Bush and Secretary Skinner have submitted to us.

I am very pleased that in the House of Representatives, similar regulation is going to be introduced. I have some accompanying materials to go with my statement: The text of the bill, a section-by-section analysis, a list of the organizations supporting it, a congressional research study, and report to Congress dated in January of this year, a GAO review of amortization case law, the Department of Transportation general counsel opinion, and a digest of the GAO report that the outdoor advertising and control program needs to be reassessed.

Mr. President, in conclusion, I will read off the list of organizations that are supporting this. I might say to my colleagues, and all who might be watching and listening, that what this legislation tries to do is give Americans who pay for their highways, and travel on them with their families—and I am talking about the interstate and the primary roads—the chance to see the beauties that are out there, a chance to see what is best about America, scenically, and not have their views obstructed by these massive billboards that really are, as the title of the legislation indicates, visual pollution.

So I will touch on some of the organizations: Scenic America, U.S. Conference of Mayors, American Institute of Architects. These are organizations that are supporting this legislation. The Sierra Club, Isaac Walton League of America—obviously a group dealing with fishermen and their interests—American Farmland Trust, American Rivers, American Forestry Association, Defenders of Wildlife, Friends of the Earth, American Society of Landscape Architects, Environmental Defense Fund, Preservation Action, American Hiking Society, Bicycle Federation of America, National Parks and Conservation Association, National League of Cities, Garden Clubs of America, Worldwide Life Fund, Land Trust Alliance, American Planning Association, National Association of Railroad Passengers—they want to see beauty, too—League of California Cities, Natural Resources Defense Council, Wilderness Society, Clean Water Action, League of American Wheelmen, Federation of Western Outdoor Clubs, Environmental Action, National Recreation Parks Association, One Thousand Friends of Oregon, Michigan United Conservation Clubs, National Audubon Society, just a few.

Mr. President, it is our hope that we can work on this legislation in connection with the highway bill that will be considered by the committee, which I have the privilege of serving on, one of the committees of the Environment and Public Works Committee. We will be reporting a bill out of that committee shortly after the August recess, and

I have high hopes that this fine legislation can be enacted.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD following my statement:

The text of the bill;

A section-by-section analysis and summary of the bill;

A list of the organizations supporting the bill;

The CRS report for Congress dated January 28, 1991;

The GAO review of amortization case law;

The DOT General Counsel opinion; and

The Digest of the GAO reports, "The Outdoor Advertising Control Program Needs To Be Reassessed."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Visual Pollution Control Act of 1991".

SEC. 2. (a) Section 131 of title 23, United States Code, is amended as follows—

(1) in subsection (b)

(A) by striking "shall be reduced" and inserting in lieu thereof "may be reduced"; and

(B) by striking the words "equal to 10" in the second to last sentence, by inserting in lieu thereof "up to 5", and by striking the last sentence;

(2) in subsection (c)

(A) by striking "(c)" and inserting in lieu thereof "(c)(1)" and redesignating clauses 1 through 5 as clauses A through E;

(B) by inserting at the end thereof the following new paragraphs—

"(2) As part of effective control, each State shall maintain an annual inventory of all outdoor advertising signs, displays, and devices required to be controlled pursuant to this section. Such inventory shall identify all such signs as either illegal, nonconforming, or conforming under State law.

"(3) As part of effective control, each State shall assure that signs, displays, and devices required to be removed by this section shall be removed within ninety days of (A) the date upon which they become unlawful or if not unlawful the date upon which they must be removed pursuant to State or local law, or (B, if eligible to receive cash compensation pursuant to this section or to be amortized, the date upon which cash compensation is paid, or the State or local amortization period ends.

"(4) As part of effective control, no State may allow or undertake any vegetation removal or other alteration of the highway right-of-way with the purpose of improving the visibility of any outdoor advertising sign, display or device located outside of the right-of-way.

"(5) As part of effective control, no State may permit any person to modify any outdoor advertising sign, display, or device which does not conform to subsection (c) or (d) of this section to improve its visibility or to prolong its useful life.".

(3) in subsection (d), by inserting in lieu thereof "(d)(1)", and by adding at the end of the subsection the following:

"(2) After October 1, 1991, no new signs, displays or devices may be erected under the authority of this subsection. Any sign, display or device lawfully erected under State law after October 1, 1991, and prior to the effective date of this section shall be treated as nonconforming.";

(4) in subsection (e) by amending subsection (e) as follows:

"(e) The Secretary shall not require a State to remove any lawfully erected sign, display, or device which does not conform to this section and is lawfully in existence on the date which this section becomes effective. Nothing in this subsection shall prevent a State from removing any sign, display or device.";

(5) in subsection (g) by amending subsection (g) to read as follows:

"(g)(1) The Secretary may participate in the costs incurred by the State for the following:

"(A) physically removing signs, displays, or devices that are located in areas required to be effectively controlled by this section and are illegal under State law or that are required by this section to be removed and that were lawfully erected and have been lawfully maintained under State law.

"(B) Acquiring signs, displays, or devices that are required by this section to be removed and that were lawfully erected and have been lawfully maintained under State law; and

"(2) Payments made to a State by the Secretary may be made for the removal or acquisition of signs, displays, and devices located in areas adjacent to the Federal-aid primary system and the Interstate System from funds apportioned to such State under section 104(b)(1) and 104(b)(5) of this title. For the removal or acquisition of signs, displays, or devices, the Federal share of any costs participated in under this subsection shall not exceed that set forth in section 120(a) for those adjacent to the Federal-aid primary system and that set forth in section 120(c) for those adjacent to the Interstate System.

"(3) After September 30, 1991, a State may use to carry out this section in any fiscal year not to exceed 3 per centum of funds apportioned in such fiscal year to such State for the Federal-aid Interstate and Primary System.

"(4) A sign, display, or device acquired with funds made available pursuant to this section may be disposed of by sale or other means to a private party only if the State receives satisfactory written assurances that the material will not be used to construct or reconstruct an outdoor advertising sign, display, or device.";

(6) in subsection (b) by striking "(h)", by inserting in lieu thereof "(h)(1)", and by adding at the end the following new paragraph:

"(2) No outdoor advertising sign, display, or device shall be permitted by any Federal agency on all public lands or reservations, excluding Indian lands and reservations, owned or controlled by the United States, unless such sign, display, or device conforms to regulations issued by the Federal agency with jurisdiction over, or responsibility for, such land. Such regulations shall be at least as stringent as the requirements of this section and the requirements of the State in which the land is located. The regulations required by this subsection shall be developed in consultation with the Secretary of Transportation and shall be promulgated within twelve months of the effective date of this Act.";

(7) in subsection (k) by striking the words "Subject to compliance with subsection (g) of this section for the payments of just compensation, nothing" and inserting in place thereof the word "Nothing"; and

(8) by repealing subsections (n) and (p).

(b) On a date no later than one year from the date of enactment of this Act, the Department of Transportation shall promulgate uniform national regulations to implement all sections of this Act.

(c) The amendments made by this section shall be effective upon the date of enactment of this Act: *Provided*, That any amendment which a State cannot implement without legislation shall be effective upon the date of enactment of this Act or the end of the first regular legislative session in such State which is commenced after the date of enactment of this section, whichever is later.

SUMMARY OF PROVISIONS: "VISUAL POLLUTION CONTROL ACT OF 1991"

1. Restores to the States and localities the ability to use either cash or amortization in compensating the billboards which are removed. Permits States to decide whether to remove nonconforming billboards by paying cash or using amortization, or not to remove the billboards.

2. Places a moratorium on the construction of new billboards along the Interstate and Primary Highway Systems.

3. Permits States and localities to use up to three percent of their regular Federal-aid highway Interstate and Primary System apportionments for providing the Federal share of cash payments for the removal of nonconforming billboards.

4. Prohibits the cutting of trees and vegetation on Interstate and Primary highway rights-of-way solely to improve the visibility of billboards.

5. Changes the mandatory 10 percent penalty to a discretionary 0-5 percent penalty for noncompliance with the Highway Beautification Act.

6. Asks that each State have an accurate inventory of billboards along the Interstate and Primary Systems.

7. Requires the removal of illegal signs and compensated nonconforming signs within 90 days of identification or compensation.

8. Prevents the reuse of billboards for which a State or locality has paid cash to remove, or which were removed because they are illegal.

9. Prevents the owners of illegal or nonconforming billboards to make improvements which extend the billboards' useful life or increase their value.

10. Clarifies the requirement of Federal land owning or land controlling agencies to issue proper control regulation for billboards.

SECTION-BY-SECTION ANALYSIS: "VISUAL POLLUTION CONTROL ACT OF 1991"

Section 1 is the short title of the bill.

Section 2 amends section 131 of title 23 as follows:

(a)(1) amends section 131(b) by making the penalty sanction discretionary rather than mandatory and reduces it from 10 percent to a maximum of 5 percent.

(a)(2) creates four new subsections as follows: New subsection 131(c)(2) requires that each State has an accurate inventory of billboards along Interstate and Primary highways. The inventory must promptly identify unlawful signs for removal, and identify each sign as either illegal, nonconforming, or conforming under State law.

New section 131(c)(3) requires States to remove signs (A) within ninety days after the State law allows their removal, or (B) if eligible for compensation or allowed to remain for a period of amortization, the date on which cash compensation is paid, or the amortization period ends.

New subsection 131(c)(4) requires as part of effective control that the States do not undertake or allow any vegetation clearance or alteration of the highway right-of-way for the purpose of improving visibility of outdoor advertising signs outside the right-of-way.

New subsection 131(c)(5) requires the States to prohibit any modification of nonconforming signs that would extend the useful life of such a sign or improve its visibility.

(a)(3) creates new subsection 131(d)(2) which requires that after October 1, 1991, no new signs, displays and devices may be erected in the zoned and unzoned industrial and commercial areas subject to control by agreement under section 131 (a)(1). Any signs lawfully erected under State law after the date shall be treated as nonconforming.

(a)(4) amends section 131(e) and permits States to remove nonconforming signs but does not require them to do so.

(a)(5) creates a new subsection 131(g)(1) which provides that federal funds may be used to reimburse costs incurred by the State (a) for physically removing illegal signs, displays or devices, and for signs required by this section to be removed although they were lawfully erected and maintained under State law, and (B) for acquiring signs, displays and devices required by this section to be removed and that were lawfully erected and have been lawfully maintained under State law. This subsection authorizes participation of Federal funds in the costs of removing illegal and other prohibited signs and permits participation in costs of sign acquisition.

New subsection 131(g)(2) provides that the source of funding for the payments authorized by 131(g)(1) is section 104(b)(1) and (b)(5) of this chapter. This would allow States to use their Federal-aid Interstate and Primary highway funds, subject to the limitations imposed by sections 120(a) and 120(c), in addition to funds appropriated under section 131.

New subsection 131(g)(3) permits States to use up to three percent each year of their Federal-aid Interstate and Primary apportionments to carry out this section.

New subsection 131(g)(4) limit the use of salvage material from signs removed with cash compensation to prevent re-erection.

(a)(6) amends section 131(h) by clarifying the responsibility for control of outdoor advertising in accordance with this section on all public lands or reservations owned or controlled by the United States, excluding Indian lands and reservations. The control responsibility shall be with the Federal agency having jurisdiction over such lands or reservations. It requires the respective Federal agencies to promulgate regulations implementing this section which are as restrictive as this section and of the State in which the land is located. The regulations are to be developed in consultation with the Secretary and shall be promulgated within 12 months of the effective date of this Act.

(a)(7) amends section 131(g) to restore the choice to the State of providing just compensation either through cash compensation or amortization.

(a)(8) repeals subsections (n) and (p) which are no longer needed.

Subsection (b) requires the Department of Transportation to promulgate uniform regulations to implement this Act no later than one year from the date of enactment.

Subsection (c) provides that the effective date of these amendments shall be the date of enactment of this Act, except where a State cannot implement an amendment without legislation, the effective date will be the date of this Act or the end of the first regular legislative session in the State which begins after the date of this Act, whichever is later.

Organizations Which Endorse the Visual Pollution Control Act

Scenic America.
National Wildlife Federation.
U.S. Conference of Mayors.
American Institute of Architects.
Action on Smoking and Health.
Center for Science in the Public Interest.
Sierra Club.
Izaak Walton League of America.
American Farmland Trust.
American Rivers.
American Forestry Association.
Defenders of Wildlife.
Friends of the Earth.
American Society of Landscape Architects.
Environmental Defense Fund.
Preservation Action.
American Hiking Society.
Bicycle Federation of America.
National Parks and Conservation Association.
National Conference of State Historic Preservation Officers.
National League of Cities.
The Garden Club of America.
Rails to Trails Conservancy.
Renew America.
World Wildlife Fund/The Conservation Foundation.
Land Trust Alliance.
American Planning Association.
National Association of Railroad Passengers.
Human Environment Center.
League of California Cities.
Natural Resources Defense Council.
National People's Action.
The Wilderness Society.
Clean Water Action.
National Trust for Historic Preservation.
League of American Wheelman.
Federation of Western Outdoor Clubs.
Environmental Action.
National Recreation and Park Association.
National Council of State Garden Clubs.
Southern Environmental Law Center.
1000 Friends of Oregon.
Michigan United Conservation Clubs.
National Audubon Society.

[CRS Reports for Congress Jan. 28, 1991]

Billboards Along Interstate and Federal-aid Primary Highways: Why No Reliable Estimates of Their Number Exist

(By Bruce K. Mulock, Specialist in Business/Government Relations, Economics Division)

SUMMARY

This report examines the question of how many billboards currently exist alongside the Nation's major highways. More specifically, this report discusses the data limitations and other problems associated with developing an estimate of the current number of billsboards situated in proximity to Interstate and Federal-aid Primary Highways.

Notwithstanding data limitations and other problems, however, information from the Federal Highway Administration—coupled with the judgments of knowledgeable industry source—suggest that an estimate of roughly 425,000 to 450,000 billboards may be reasonable.

BACKGROUND

For the sake of clarity, it may be helpful to define several industry terms. Billboards are a part of what has historically been termed "outdoor advertising."[1] The outdoor industry has three principal categories of structures: poster panels, painted bulletins, and one-of-a-kind spectaculars. "Posters" are what most people think of when they talk about a typical highway billboard. Posters come in several sizes. The standard size is about 300 square feet or approximately 12′×24′.[2] "Printed bulletins" are considerably larger, measuring 642 square feet or approximately 14′ by 48′. So such signs are individually designed and painted. Signs in the third category are called "Spectaculars." Spectaculars are custom-built displays. They are typically much larger than painted bulletins and they often use extensive lighting and intricate designs.

ESTIMATED NUMBER OF BILLBOARDS

How many billboards are there in the United States on the country's Interstate and Federal-aid primary highways? Neither industry nor government data provide a reliable answer to this question. In the private sector, data collection associated with the outdoor advertising industry is fragmented, and the types of data collected are for purposes unrelated to answering this question; thus, such data are generally not helpful in developing a reliable estimate. Similarly, statistics developed by the 50 States and compiled by the Federal Government do not address the question. As a result, it appears that no accurate inventory exists as to the total universe of billboards in the United States or to the number of billboards on any particular type of highway.

The problems of data collection within the industry are, perhaps, best illustrated by examining the operations of the Traffic Audit Bureau for Media Measurement (TAB), the principal firm in the United States which verifies circulation figures for companies that pay to advertise on billboards.[3] TAB, by its own estimates, audits 60 to 65 percent of bulletins in major markets. Overall, it has data on some 210,000 posters and 50,000 painted bulletins. The data, however, is categorized in terms of "poster or bulletin" and "illuminated or not illuminated." They have no reason to collect and, therefore, do not collect data which would indicate the kinds of highways (e.g., interstate, primary Federal-aid) on which the signs are located. A spokesman for TAB said that such data exists only to the extent that in some markets some people could look at TAB's records and say, for example, that a particular sign is located on Highway 21, which is a Federal-aid highway.

Aggregate national figures concerning billboards are compiled by the Federal Highway

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[1] Increasingly in recent years, outdoor advertising has come to be viewed as part of a more comprehensive segment of the advertising industry termed "out-of-home media." In addition to the kinds of structures listed above, out-of-home media includes such things as freestanding displays in shopping malls and ads on trash containers as well as a host of transit-associated advertising.

[2] There are also several (considerably) smaller-size posters available in some markets, but they are most often used for pedestrian traffic or secondary roads.

[3] The current TAB is a restructured organization resulting from the merging in early 1990 of the Traffic Audit Bureau and the Out-of-Home Measurement Bureau. Prior to the merger, TAB was for many years the industry auditing service for the so-called big boards; the Out-of-Home Measurement Bureau, an auditing service of more recent origin, focused on the smaller "8-sheet boards."

Administration (FHWA), based on numbers reported by the 50 States (as well as the District of Columbia and Puerto Rico). The interests of the State highway departments and FHWA in billboard-related data, however, is strictly limited: fulfilling their responsibilities as mandated by the Highway Beautification Act. Under the Act, they are only required to maintain statistics on "nonconforming" and "illegal" signs. Determining the number of signs that conform with the Act (as well as the number of "grandfathered nonconforming signs") is not part of their regular data collection process.

Further, it must be noted that the quality of the data FHWA does collect is, according to several sources, suspect. The General Accounting Office (GAO), for one, expressed concerns about the agency's data. In a 1985 report on the effectiveness of the outdoor advertising control program, GAO said it "relied on these FHWA data because they are the only available comprehensive figures on the status of outdoor advertising control. As previously mentioned, however, we are concerned about the reliability of FHWA data. . . "[4]

To reiterate, no conclusive figure exists as to the total number of billboards on Interstate and Federal-aid primary highways; nevertheless, available data from FHWA—coupled with the judgments of knowledgeable industry sources—supports an estimate that there are a minimum of 425,000 to 450,000 such signs. Table 1 shows the number of signs by various categories for selected years from 1966 through 1988. Assuming the number of "Conforming & NC Grand" (i.e., "conforming" and "non-conforming grandfather") increased during 1987 and 1988 at the same rate (6.18 percent) that is did between 1985 and 1986 (the last two years for which data was collected in this category), the figure for 1988 would be 289,227. When this figure is added to the 138,011 in the "Nonconforming to be removed" and "Illegal" categories, the estimated total number of signs for 1988 would be 427,238.

TABLE 1.—CONFORMING, NONCONFORMING AND ILLEGAL SIGNS

Fiscal year	Conforming and nonconforming grandfathered (a)	Nonconforming to be removed (b)	Illegal (c)	Nonconforming to be removed and illegal (b and c)	Total (d)
1966	260,659			839,361	1,100,020
1979		186,720	92,839	279,579	
1980	195,873	149,825	64,509	[214,334	410,207
1981		138,122	54,330	192,452	
1982		128,558	50,032	178,590	
1983		123,827	47,752	171,579	
1984		120,636	47,204	167,840	
1985	241,608	115,488	43,753	159,241	400,849
1986	256,539	109,183	36,340	145,523	402,062
1987	[1] 272,393	104,984	33,431	138,415	[1] 410,808
1988	[1] 289,227	104,674	33,337	138,011	[1] 427,238

[1] Projected estimates based on an assumed growth of 6.18 percent for 1987 and 1988 in number of "Conforming & NC Grand" signs. The 6.18 percent change represents the increase in the number of "Conforming & NC Grand" signs from 1985 to 1986 (1986 being the most recent year for which data is available). The projected figures for 1987 and 1988 assume that the rates of increase for those years held constant at 6.18 percent. Also note:

Conforming and Nonconforming Grandfathered Signs are not subject to removal;

Nonconforming Grandfathered Signs are subject to the maintenance and continuance rules for conforming signs;

Nonconforming Signs are subject to removal with payment of just compensation;

Illegal Signs are subject to removal without payment of just compensation.

Source: Federal Highway Administration and CRS.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, February 6, 1991.

Hon. JOHN H. CHAFEE,
U.S. Senate.

DEAR SENATOR CHAFEE: This is in response to your letter of March 5, 1990, requesting that the General Accounting Office (GAO) review and analyze existing case law with regard to the constitutionality of the use of amortization in the removal of billboards. Amortization in this context is the permission for continued use of a billboard for a specified period of time in lieu of monetary compensation for the immediate removal of the billboard. As a result of meetings with your staff, it was agreed that GAO would (1) review the existing case law to determine if a majority of the cases hold that amortization in the removal of billboards is constitutional; (2) indicate timeframes that courts have determined to be constitutional; (3) provide a representative list of citations for the cases; and (4) review some cases involving the amortization of other nonconforming uses.

Our review indicates that a vast majority of the cases hold that billboard amortization is a reasonable exercise of the police power of a state and not violative of the constitution. Our analysis of the issues raised by the various cases is set forth in Enclosure I. Enclosure II contains a representative listing of those federal and state cases and includes for each the length of the amortization period involved. Enclosure III contains a list of cases where amortization was held constitutional for other nonconforming uses, together with the nature of the respective nonconforming use.

We hope that these comments are useful to you. In accordance with our usual procedures, this opinion will be available to the public 30 days from its date.

Sincerely yours,
MILTON J. SOCOLAR,
Acting Comptroller General
of the United States.

ENCLOSURE I

ANALYSIS OF BILLBOARD AMORTIZATION CASE LAW

STATEMENT OF ISSUES

The question presented is whether a majority of the courts have found amortization to be just compensation for a taking within the meaning of the constitution. The fifth amendment of the U.S. Constitution provides in part that no person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." The fourteenth amendment applied this restriction to the states when it provided "nor shall any state deprive any person of life, liberty, or property, without due process of law." Just compensation is measured by the value of the interest taken from the owner.

Our review disclosed that a majority of federal and state billboard amortization cases have held the amortization process to be constitutional. For example, the Fourth Circuit Court of Appeals stated in 1988: "A majority of courts that have considered amortization periods of various lengths have approved them as a means of enabling an owner to recoup or minimize his loss." *Naegele Outdoor Advertising, Inc. v. City of Durham,* 844 F.2d 172 at 177 (4th Cir. 1988).

Our analysis of the billboard amortization cases indicated that the appellate courts believe that two constitutional principles must be considered.[1] One principle, which is now well established, is that under the police power of the state, the use of private property may be reasonably regulated and restricted through the use of zoning as long as the regulation and restriction bears a substantial relationship to the public good or general welfare of the community. *Village of Euclid v. Ambler Realty Co.,* 272 U.S. 365 (1926).[2] A second principle is the protection explicitly afforded by the fifth amendment of the U.S. Constitution, as applied to the states under the fourteenth amendment, that a person shall not be deprived of property rights without due process of law and payment of just compensation. *See Chicago, Burlington and Quincy Railroad Co. v. Chicago,* 166 U.S. 226 (1897).

Amortization has been accepted by most courts as a form of compensation when private property is taken by a governmental entity for the public good. Under the amortization concept, no money is paid. Instead, it is a procedure under which a billboard owner is put on notice by an ordinance that he has a specified time period in which to remove his sign. The sign is considered nonconforming at the end of the prescribed time period and may be removed without monetary reimbursement to the owner. *Art Neon Co. v. City and County of Denver,* 488 F.2d 118 (10th Cir. 1973), *cert. denied* 417 U.S. 932 (1974).

Billboard owners claim that the affected property interest is the loss of the land's value because it has no other commercial use, or the value of the sign itself because it is economically impractical to move it. Therefore, judicial review occurs when they challenge the constitutionality of the zoning ordinance which they believe is "taking" their property without payment of monetary compensation.

STANDARD OF REVIEW

A majority of the cases that we reviewed hold that zoning provisions which utilize amortization to eliminate nonconforming uses are not facially unconstitutional as long as they represent a valid exercise of police power *and* are reasonable as applied to the specific facts of the case. In other words, not only must the ordinance requiring the termination of a nonconforming use by reasonably in furtherance of public health, safety, or welfare, it must also be reasonable as applied to the particular property owner, *i.e.,* long enough to allow the sign owner to recoup his investment, thereby constituting an alternative to paying monetary compensation for the sign's removal.

The cases that we reviewed discussed the need for a range of factual inquiries in an effort to strike a balance between the fifth amendment's protection of the individual's property rights with a state's right to regulate that property pursuant to its police powers.[3] The following list, provided by the Fourth Circuit in the *Naegele* case when it remanded and directed the trial court to "make findings pertaining to every aspect of (the billboard owner's) business that will be affected by the ordinance," is representative of those factual inquiries:

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[4] U.S. General Accounting Office. The Outdoor Advertising Control Program Needs to Be Reassessed. Report to the Congress by the Comptroller General of the United States. GAO/RCED-85-34, January 3, 1985, p. 14.

[1] Some of the cases also addressed first amendment free speech constitutional challenges. However, since a plurality of the court in *Metromedia, Inc.* v. *San Diego,* 453 U.S. 490 (1981) recognized that an ordinance prohibiting off-premise commercial billboard advertising would not have offended the first amendment if it had not preferred commercial over noncommercial advertising, ordinances that do not make that distinction are generally upheld as constitutional. Moreover, since compensation is not an issue in such first amendment challenges, we were advised that we did not need to address first amendment issues in our review.

[2] The U.S. Supreme Court ruled in *Euclid* that before the provisions of a land use ordinance passed under the police powers of a state could be declared facially unconstitutional, "it must be said * * * that such provisions are clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare." 272 U.S. at 395.

(1) number of billboards that can be economically used for advertising;

(2) number of billboards that are economically useless;

(3) terms of the owner's lease for billboard locations;

(4) value of billboard owner's land;

(5) other uses the billboard owner can make of the land;

(6) value of billboards that cannot be used;

(7) amount of depreciation taken on the billboards that cannot be moved;

(8) actual life expectancy of billboards that cannot be moved;

(9) amount of income expected during the amortization period;

(10) salvage value of the billboards that cannot be used;

(11) amount of shared revenue that will be lost;

(12) the percentage of the owner's total signs that the affected signs represent;

(13) relative value between the affected signs and remaining signs;

(14) any other facts presented by the parties that the court deems relevant; and

(15) reasonableness of the length of the amortization period.

AMORTIZATION PERIOD

The amortization period is the primary factor that courts consider in deciding the reasonableness of the zoning ordinance. Some courts give particular emphasis to the length of the amortization period in relation to the investment. Others place importance on the relationship between the length of the amortization period and the nature of the nonconforming use. However, courts almost uniformly decline to designate one specific amortization period that they would consider reasonable for every factual situation.

The Fourth Circuit stated that it considered *Modjeska Sign Studios, Inc. v. Berle*, 373 N.E. 2d 255 (1977), *appeal dismissed*, 439 U.S. 809 (1978) "perhaps the leading case on (amortization)." *Naegle*, 844 F.2d at 177. According to the Fourth Circuit: "The court (in *Modjeska*) recognized that the reasonableness of the amortization period could not be decided on summary judgment, and it remanded the case for an evidentiary hearing to determine whether the loss that the owner of the billboards suffered was substantial." *Naegele*, 844 F.2d at 177.

The Fourth Circuit recently framed what it believed to be problems in declaring any amortization period *per se* constitutional. That court was attempting, for a second time, to provide guidance to a trial court for determining the reasonableness of a Waynesville, North Carolina, ordinance which provided for a 4 year amortization period when it opined: "[I]n rare cases even the briefest amortization period would not be unreasonable. Conversely, because an ordinance could accomplish a taking after the expiration of a very long amortization period, in other rare cases an amortization provision would not be reasonable. Therefore, amortization periods cannot be viewed in isolation." *Georgia Outdoor Advertising, Inc. v. City of Waynesville*, 900 F.2d 783 at 786 (4th Cir. 1990).

A state appellate court described the issue this way: "It could hardly be said that a zoning ordinance in a metropolitan area declaring any building in excess of five stories to be a nonconforming use and setting a thirty-year 'amortization' period would be a reasonable zoning ordinance in this day and age. While the time period might well be reasonable, since the building could be fully depreciated within the time limit, absent more, the simple designation of all buildings over five stories as a nonconforming use by the zoning body would certainly be unreasonable." *Rives v. City of Clarksville*, 618 S.W.2d 502, at 510 (Tenn. App. 1981).

While courts generally appear unwilling to declare a specific amortization time period *per se* constitutional, several courts have given great deference to whether the billboards will have been fully depreciated for federal Internal Revenue Service (IRS) purposes.[4] Courts accept IRS depreciation periods[5] as persuasive evidence that the billboard owner will not suffer an economic loss and that, therefore, his fifth amendment rights have not been violated. The basis for this view is well stated by the Maryland Supreme Court. That court concluded: "A corporation that has regularly, year by year, acted in its financial affairs, under the oath of its authorized offices (and penalty of perjury), on the premises that the full useful life of its billboards is five years is handicapped seriously in arguing persuasively that legislative reliance on that same premise has done it a constitutional wrong—has taken from it substantial property without compensation—by banning further use of those billboards." *Grant v. Mayor and City Council of Baltimore*, 129 A.2d 363, at 372 (Md. 1957).

ENCLOSURE II

CASES HOLDING THAT THE AMORTIZATION OF NONCONFORMING SIGNS WITHOUT COMPENSATION IS CONSTITUTIONAL

Amortization period	Remand	Federal cases
4 yr	(1)	Georgia Outdoor Advertising, Inc. v. City of Waynesville, 900 F.2d 783 (4th Cir. 1990).
5½ yr	(1)	Naegele Outdoor Advertising, Inc. v. City of Durham, 844 F.2d 172 (4th Cir. 1988).
5½ yr		Major Media of the Southeast, Inc. v. City of Raleigh, 792 F.2d 1269 (4th Cir. 1986).
5 yr		E.B. Elliott Adv. Co. v. Metropolitan Dade County, 425 F.2d 1141 (5th Cir. 1970).
5 yr		Art Neon Co. v. City & County of Denver, 488 F.2d 118 (10th Cir. 973) cert. denied, 417 U.S. 932 (1974).
		State Cases
4 yr		Donrey Communications Co. v. City of Fayetteville, 660 S.W.2d 900 (Ark. 1983), cert. denied, 466 U.S. 959 (1984).
1 yr		National Advertising Company v. County of Monterey, 464 P.2d 33 (Cal. 1970), cert. denied, 398 U.S. 946 (1970).
1–4 yr (depending upon value).		Metromedia, Inc. v. City of San Diego, 610 P.2d 407 (Cal. 1980), rev'd on other grounds, 453 U.S. 490 (1981).

ENCLOSURE II—CONTINUED

CASES HOLDING THAT THE AMORTIZATION OF NONCONFORMING SIGNS WITHOUT COMPENSATION IS CONSTITUTIONAL

Amortization period	Remand	Federal cases
2 yr		Murphy, Inc. v. Board of Zoning Appeals of Witton, 161 A.2d 185 (Conn. 1960).
3 yr	(1)	Mayor & Council v. Rollings Outdoor Advertising Co., 475 A.2d 355 (Del. 1984).
10 yr		Lamar Advertising Assocs. of East Florida, Ltd. v. City of Daytona Beach, 450 So.2d 1145 (Fla. App. 1984).
2 yr		City of Doraville v. Turner Communications Corp, 223 S.E.2d 798 (Ga. 1976).
7 yr		Village of Skokie v. Walton on Demptser, Inc., 456 N.E.2d 293 (Ill. App. 1983).
5 yr		Grant v. Mayor & City Council, 129 A.2d 363 (Md. 1957).
3 yr		Naegele Outdoor Adveitising Co. v. Village of Minnetonka, 162 N.W.2d 206 (Minn. 1968).
3 yr		University City v. Dively Auto Body, 417 S.W.2d 107 (Mo. 1967).
		Beals v. County of Douglas, 560 P.2d 1373 (Nev. 1977).
6½ yr	(1)	Modjeska Sign Studios, Inc. v. Berle, 373 N.E.3d 255 (N.Y. 1977), appeal dismissed, 439 U.S. 809 (1978).
5 yr	(1)	Temple Baptist Church, Inc. v. City of Albuquerque, 646 P.2d 565 (N.M. 1982).
5½ yr		R.O. Givens, Inc. v. Town of Nags Head, 294 S.E.2d 388 (N.C. App.), cert. denied & appeal dismissed, 297 S.E.2d 400 (N.C. 1982).
5 yr		Newman Signs, Inc. v. Hjelle, 268 N.W.2d 741 (N.D. 1978), appeal dismissed, 439 U.S. 808 (1979).
6½ yr		Lubbock Poster Co. v. City of Lubbock, 569 S.W.2D 935 (Tex. App. 1978), cert. denied, 444 U.S. 833 (1979).
3 yr		Markham Advertising Co. v. State, 439 P.2d 248 (Wash. 1968), appeal dismissed, 393 U.S. 316 (1969).

[1] Cases remanded to the trial court for an evidentiary hearing on the reasonableness of the muncipality's exercise of its police power (health, safety, and welfare of the public) versus the sign owner's potential business loss due to the sign's removal without compensation.

ENCLOSURE III

CASES HOLDING THAT AMORTIZATION OF OTHER NONCONFORMING LAND USES WITHOUT COMPENSATION IS CONSTITUTIONAL

Amortization period	Remand	Use	State cases
2 yr		Junkyard	Spurgeon v. Board of Comm'rs, 317 P.2d 798 (Kan. 1957).
2 yr		Trailer Park	Gates v. Jaravis, Cornette & Payton, 465 S.W.2d 278 (Ky. 1971).
1 yr		Grocery Store	State ex rel. Dema Realty Co. v. McDonald, 121 So. 613 (La. 1929).
7 yr		Dog Kennels	Wolf v. City of Omaha, 129 N.W.2d 501 (Neb. 1964).
5 yr		Trash Baler	Sullivan v. Zoning Bd. of Adjustment, 478 A.2d 912 (Pa. Cmwlth. 1984).
5 yr		Auto Storage	Collings v. City of Spartanburg, 314 S.E.2d 332 (S.C. 1984).
2 yr (residential), 5 yr (nonresidential).	(1)	Junkyard	Rives v. City of Clarksville, 618 S.W. 2d 502 (Tenn. App. 1981).

[1] Cases remanded to the trial court for an evidentiary hearing on the reasonableness of the municipality's exercise of its police powers (health, safety, and welfare of the public) versus the sign owner's potential business loss due to the sign's removal without compensation.

[Opinion of the General Counsel, Department of Transportation]

WHETHER A PROVISION ALLOWING STATES TO PERMIT NONCONFORMING SIGN REMOVAL BY AMORTIZATION RATHER THAN MONETARY COMPENSATION IS CONSTITUTIONAL

QUESTION

Whether an amendment to title 23, United States Code, to permit States and localities to remove highway signs by means of amortization and without monetary compensation raises constitutional problems on Fifth Amendment "taking" or equal protection grounds.

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[3] Generally, an appellate court examines the trial record and stipulated facts in order to decide whether it has sufficient facts about the need for the zoning provision and economic factors concerning the owner's business upon which to render a decision, or whether it should remand the case to the trial court to develop those facts.

[4] Income tax depreciation was the deciding factor in *National Advertising Company v. County of Monterey*, 464 P.2d 33 (Cal. 1970), *cert. denied*, 389 U.S. 946 (1970) where a 1 year amortization period had been challenged. The court declared the 1 year period constitutional only with respect to the fully depreciated billboards.

[5] The IRS depreciation period most commonly referenced by the courts is 5 years.

ANSWER

Based on the following discussion, I conclude that a provision allowing nonconforming highway signs to be removed through amortization is not constitutionally vulnerable.

DISCUSSION

I. Background and presentation of issues

The Highway Beautification Act of 1965, Pub. L. No. 89-285, 79 Stat. 1028, as amended (codified at 23 U.S.C. §§131, 136 and 319), established a scheme for control by the States of the erectic a intenance of outdoor advertising signs adjacent to the Interstate and primary highways. A State's failure to provide for "effective control," within the meaning of 23 U.S.C. §131(c), of such signs may result in a ten percent reduction in its annual apportionment of Federal-aid highway funds. 23 U.S.C. §131(b).

In general, the Highway Beautification Act does not require States to remove all existing signs or prohibit the erection of all new ones. Classes of signs not subject to the States' "effective control" include on-premises signs, directional and official signs and notices and signs in zoned and unzoned industrial and commercial areas that meet State requirements as to size, lighting and space. With regard to nonexempted signs, States are required to remove existing ones and prohibit the erection of new ones. Under 23 U.S.C. §131(g), sign and site owners must be paid compensation for the removal of "nonconforming"[1] signs that do not comply with State laws passed for purposes of complying with the Highway Beautification Act. An extended discussion of the compensation provisions of the Highway Beautification Act is included below.

Since the Supreme Court decision approving the validity of zoning ordinances, *Euclid* v. *Ambler Realty Co.*, 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926), the elimination of nonconforming uses through amortization[2] has been the subject of frequent judicial scrutiny in the face of constitutional challenges to such practices. Such challenges typically attack amortization schemes on the grounds that they constitute a taking under the Fifth and Fourteenth Amendments of the United States Constitution[3] or violate the equal protection clause of the Fourteenth Amendment, at least in those instances where the owner of a nonconforming use can point to another Federal, State or local requirement that classifies another owner in such a manner so that the latter is entitled to compensation.

It is well-established that the Highway Beautification Act does not provide a private right of action for just compensation. See, e.g., *National Advertising Co.* v. *City of Ashland, Ore.*, 678 F.2d 106, 109, (9th Cir. 1982); *State* v. *National Advertising Co.*, 409 A.2d 1277, 1280 (Me. 1979); *R.O. Givens* v. *Town of Nags Head*, 58 N.C. App. 697, 294 S.E.2d 388, 391-92 (1982), cert. denied, 307 N.C. 127, 297 S.E.2d 400. Thus, assuming an amendment to the Highway Beautification Act to allow amortization, a particular challenge to an amortization scheme must attack directly the State statute or local ordinance establishing the scheme rather than the Highway Beautification Act itself.

While there could be wide variation in the substance or application of such State or local amortization provisions, nonetheless sufficient insight can be gleaned from the numerous cases in which plaintiffs have challenged the uncompensated removal of their signs. Also, the issue of compensation was an important one to the Congress in considering legislation culminating in the Highway Beautification Act of 1965 and subsequent amendments in 1978. Thus, the structure of the Act itself, relevant legislative history, and subsequent case law shed important light on the constitutional aspects of the compensation vs. amortization issue.

II. The Highway Beautification Act

A. The 1965 Act

The Administration's bill (S. 2084), as originally introduced in May 1965, did not require compensation but rather authorized the use of States' police power to control billboards.[4] The Senate Public Works Committee rejected this approach and then added a compensation provision. Evident in the reports on the legislation was strong Congressional sentiment in favor of compensation. Thus, the House Public Works Committee indicated that it: "feels strongly that in all equity and fairness, compensation must be paid to those individuals who will lose their signs."

H.R. Rep. No. 1084, 89th Cong., 1st Sess. 7 (1965).

The Senate Public Works Committee also stated unequivocally its views with respect to States' use of their police power to remove nonconforming uses by amortization:

"The committee emphatically and unanimously rejects the use of police power in acquiring these rights, and has provided for the use of Federal funds for paying the Federal pro rata share of the acquisition costs . . . . Such payment is mandatory, not permissive on the States."

S. Rep. No. 709, 89th Cong., 1st Sess. 7 (1965) (emphasis added).

In addition, during floor debate in the Senate, Senator Dirksen was successful in adding an amendment for the purpose of making it clear that it was the congressional policy to require the payment of compensation rather than to permit the States to rely on their police power to exercise "effective control" over nonconforming billboards.[5] The amendment, as enacted, read:

"Nothing in this Act or the amendments made by the Act shall be construed to authorize private property to be taken or the reasonable and existing use restricted by such taking without just compensation as provided in this Act."

Highway Beautification Act of 1965, Pub. L. No. 89-285, tit. IV, §401, 79 Stat. 1033.

In introducing the amendment, Senator Dirksen offered the view that the proposed section ". . . is a restatement of the principles laid down in article V of the Bill of Rights in the Constitution."[6]

Although the above pronouncements appear to suggest that States are prohibited from exercising their police power to remove billboards but must provide compensation, there is significant support, as discussed below, for the view that the prohibition should not be construed in constitutional terms.

B. 1966 Attorney General's Opinion

In response to a request from the Secretary of Commerce (who enforced the Highway Beautification Act's provisions prior to the establishment of the Department of Transportation), the Attorney General addressed the question whether "the words 'just compensation' and 'taking' in section 131(g) are to be read as words of art referring to the payments required of the Federal and State governments by the Fifth or Fourteenth Amendments when private property is taken for public use."[7]

The Attorney General concluded that "Congress did not have strict constitutional usage in mind when it enacted section 131(g).[8] Rather, section 131(g) was designed to "insure payment in each case of a billboard abatement covered by that section, whether or not compelled by the Constitution. It obviously employed the term 'just compensation' to set the standard for ascertaining the amount of payment."[9]

Thus, even though a State could rely on the police power to implement the Highway Beautification Act, section 131(g) requires it to provide compensation in order to receive a full allocation of highway funds.[10] The Attorney General also saw no constitutional problems with the Federal government's providing an "inducement"[11] to the States to provide for compensation of persons. The opinion reviewed Supreme Court decisions on grants-in-aid,[12] which have consistently upheld statutes setting conditions upon the States incident to receiving grants.[13] These precedents provided adequate grounds for the Attorney General to conclude that the Federal government may require a State to comply with certain conditions in order to obtain funds that the Federal government grants to the States.[14]

A leading commentator[15] on the Highway Beautification Act has also construed section 131(g) as not going so far as to require States to compensate as a matter of constitutional principle. In examining the legislative history, he concluded that the compensation requirement is mandatory on the States only if they seek to avoid the ten percent penalty.[16]

There is nothing in the hearings to indicate that the subcommittee members [considering the proposed Highway Beautification legislation] intended to forbid absolutely the use of any state's police power to eliminate highway advertising signs, although it was clearly assumed that few, if any, states would be willing to suffer the ten percent penalty in order to avoid payment of just compensation to sign owners and landowners. Consequently, the statement in the Senate committee report that '[s]uch payment is mandatory, not permissive, on the States'[17] and the statement in the House committee report that 'compensation must be paid to those individuals who will lose their signs'[18] must both be read as meaning that payment of just compensation is mandatory if, and only if, a state wishes to receive its full share of federal funds.[19]

The commentator also concluded that the floor amendment by Senator Dirksen that became section 401 of the Highway Beautification Act was added for the express purpose of making it absolutely clear that it was *congressional policy* to encourage the payment of compensation rather than to enable the States to rely on their police power to remove nonconforming signs[20] (emphasis added). He also concluded that Senator Dirksen's statement (at 111 Cong. Rec. 24126 (1965), quoted above) should not be given much weight.[21]

The view that the Highway Beautification Act's compensation requirement is not mandated by the Constitution has received extensive case law support, as will be discussed below.

C. The 1978 Amendments

In response to billboard industry concerns over an interpretation of the Highway Beautification Act by the Federal Highway Administration (FHWA), the Congress amended the Act's "just compensation" provision in the Surface Transportation Assistance Act

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Footnotes at end of article.

of 1978 (STAA), PUb. L. No. 95-599, 92 Stat. 2701, §122.

An FHWA legal opinion, dated March 12, 1976, concluded that section 313(g)'s "just compensation" provision did not reach billboard removals where such removals were unrelated to the Federal Act. Thus, a State could not be penalized for failure to comply with the requirements of the Highway Beautification Act where a locality, by legal zoning ordinances, provides for the removal of lawfully erected signs by means of amortization.

Partially in response to this reading of the Highway Beautification Act, the Congress amended section 131(g) to require that compensation be paid upon removal of a legally erected sign adjacent to a Federal-aid primary or Interstate highway, even though the removal may be for a purpose unrelated to State beautification laws or 23 U.S.C. §131. Although the proposed legislation was enacted without the benefit of any hearings and with little discussion during mark-up, the House report on the proposed STAA[22] makes clear that the revised language in section 131(g) was to "clarify existing law."[23] In addition, the limited floor debate on the "just compensation" amendment[24] is cast in terms of Congressional intent in originally enacting the 1965 Highway Beautification Act and does not reach the constitutional dimensions of the issue.

D. Case Law

In the billboard regulation area, a sign or site owner's property rights are established under State law. As noted earlier, there is extensive case law support for the view that the Constitution does not require payment of compensation to a billboard or site owner. In general, a State or locality may exercise authority over private property by means of regulation of the use of land pursuant to its police power or a "taking" of property pursuant to its power of eminent domain. *Modjeska Sign Studio, Inc.* v. *Berle*, 43 N.Y. 2d 468, 473–74, 402 N.Y.S.2d 359, 363, 373 N.E.2d 255, 258 (1977), appeal dismissed, 429 U.S. 809, 99 S.Ct. 66, 58 L.Ed.2d 101 (1978). The Supreme Court has addressed the issue on several occasions and has not required compensation even where the regulations result in a diminution in the value of particular property so long as the restriction advances legitimate State interests. See, *Agins* v. *City of Tiburon*, 447 U.S. 255, 261–62, 100 S.Ct. 2138, 2141–42, 65 L.Ed. 2d 106, 112–13 (1980); *Penn Central Transportation Co.* v. *City of New York*, 438 U.S. 104. 138 n.36, 98 S.Ct. 2646, 2666, 57 LEd.2d 631, 657 (1978).

An early court opinion rejected the view that the Constitution mandates payment of compensation to property owners upon removal of billboards and indicated that the purpose of the Highway Beautification Act of 1965 was clearly to induce States to act and should not be considered as mandatory. *Markham Advertising Co.* v. *Washington*, 73 Wash. 2d 405, 439 P.2d 248 (1968), appeal dismissed for want of a substantial Federal question, 393 U.S. 316, 89 S. Ct. 553, 21 L. Ed. 2d 512,[25] reh'g denied, 393 U.S. 1112, 89 S. Ct. 854, 21 L. Ed. 2d 813 (1969). The *Markham* court reasoned that if the Congress had intended the provisions of 23 U.S.C. §131 to be mandatory on the States, there would have been no need for it to establish a monetary penalty for noncompliance. 439 P. 2d at 257. See also, *South Dakota* v. *Volpe*, 353 F. Supp. 335, 337 (D.S.D. 1973); *National Advertising Co.* v. *City of Ashland, Ore.*, supra, 678 F.2d at 106, 108 (9th Cir. 1982); *Vermont* v. *Brinegar*, 379 F. Supp. 606 (D. Vt. 1974); *South Dakota* v. *Adams*, 506 F. Supp. at 50, 58 (D.S.D. 1980) aff'd sub. nom. *South Dakota* v. *Goldschmidt*, 635 F.2d 698 (8th Cir.), cert. denied, 451 U.S. 984, 101 S. Ct. 2316, 68 L. Ed. 2d 841 (1981); *Modjeska Sign Studios, Inc.* v. *Berle*, 55 A.D. 2d 340. 390 N.Y.S. 2d 945, 947 (1977).

In general, the court decisions view amortization provisions applied to particular sign and site owners as constitutionally valid if they meet the test of reasonableness.[26] Courts have rejected constitutional challenges to amortization schemes if the period is "reasonably long enough to allow the sign owner to recoup his investment . . . ." *Lamar Advertising Associates of East Florida, Ltd.* v. *City of Daytona Beach*, 450 So. 2d 1145, 1150 (Fla. Dist. App. 1984). Accord, *Fischer Buick, Inc.* v. *City of Fayetteville*, 286 Ark. 49, 689 S.W. 2d 350, 351 (1985); *Mayor and Council of New Castle* v. *Rollins Outdoor Advertising*, 475 A. 2d 355, 358–59 (Del. 1984); *Major Media of Southeast, Inc.* v. *City of Raleigh*, 621 F. Supp. 1446, 1452–53 (D.N.C. 1985). Factors that courts have relied upon in reviewing the reasonableness of amortization periods include: the cost of the billboard, its depreciation value and remaining useful life, the length and remaining term of the lease under which the sign is maintained and the harm to the public if the structure remains standing beyond the prescribed period. *Metromedia, Inc.* v. *City of San Diego*, 26 Cal. 3d 848, 164 Cal. Rptr. 510, 610 P. 2d 407, 428 (1980),[27] rev'd on other grounds, 453 U.S. 490, 101 S. Ct. 2882, 69 L. Ed. 2d 800 (1981). See also, *Art Neon Co.* v. *City and County of Denver*, 488 F. 2d 118 (10th Cir. 1973), cert denied, 417 U.S. 932, 94 S. Ct. 2644, 41 L. Ed. 2d 236 (1974).

Where a sign owner can show that the loss he suffers is so substantial that it outweighs the public benefit associated with removal of the nonconforming use, then the amortization provision must be viewed as unreasonable. *Modjeska Sign Studio, Inc.* v. *Berle*, supra, 43 N.Y. 2d at 480, 402, N.Y. S. 2d at 367, 373 N.E. 2d at 262; *Inhabitants, Town of Boothbay* v. *National Advertising Co.*, 347 A. 2d 419, 424 (Me. 1975).

Thus, a one-year amortization period for removal of nonconforming uses was rejected as unreasonable as applied to billboards which had not yet been fully amortized under Internal Revenue Service rules. *National Advertising Co.* v. *County of Monterrey*, 1 Cal. 3d 875, 83 Cal. Rptr. 577, 464 P. 2d 33 (1970). Similarly, portions of a local ordinance providing different periods of amortization based on replacement value of the nonconforming sign were held invalid. *Art Neon* v. *Denver*, supra, 488 F. 2d 118. But see *Metromedia, Inc.* v. *City of San Diego*, 23 Cal. 3d 762, 154 Cal. Rpt. 212, 592 P. 2d 728, 747 (1979), vacated, 26 Cal. 3d 848, 164 Cal. Rptr. 510, 610, P. 2d 407 (1980), supra, cert. denied, 453 U.S. 922, 101 S. Ct 3158, 69 L. Ed. 2d 1004 (1981), holding that varying amortization periods in a local ordinance which ranged from one to four years, depending upon the depreciated value of the sign, was not unreasonable on its face.

In a handful of cases, plaintiffs have also attacked amortization provisions on the grounds that they unconstitutionally impair the obligation of contracts in violation of Article I, §10 of the Constitution. However, the case law does not reveal any amortization provisions invalidated on this basis. Rather, where a particular provision is viewed as a legitimate exercise of a State's or locality's police power, the fact that the performance of existing contracts may be frustrated is not constitutionally significant. See, *Temple Baptist Church* v. *City of Albuquerque*, 98 N.M. 138, 646 P. 2d 565, 575 (1982); *Art Neon* v. *City and County of Denver*, supra, 488 F. 2d at 123, quoting *Home Building and Loan Ass'n* v. *Blaisdell*, 290 U.S. 398, 54 S. Ct. 231, 78 L. Ed. 413 (1934); *Sign Supplies of Texas, Inc.* v. *McConn*, 517 F. Supp. 778, 784–85 (S.D. Texas 1980); *Hav-A-Tampa Cigar Co.* v. *Johnson*, 149 Fla. 148, 5 So. 2d 433 (1941).

Although not all of the above cases dealt with local or State regulations of outdoor advertising also falling within the scope of Highway Beautification Act, it is clear that the decisions specifically addressing the issue have failed to reject the amortization approach. See, e.g., *Modjeska Sign Studio, Inc.* v. *Berle*, supra, 390 N.Y. S. 2d 945 (1977); *Newman Signs, Inc.* v. *Hjelle*, 268 N.W. 2d 741, 758 (N.D. 1978), appeal dismissed, 440 U.S. 901, 99 S. Ct. 1205, 59 L. Ed. 2d 449 (1979). Other cases, relying on 23 U.S.C. §131(o),[28] have upheld States' and localities' decisions not to require compensation when amortization programs were initiated in the absence of Federal removal funds. See *Metromedia, Inc.* v. *City of San Diego*, supra, 610 P. 2d at 426; *State* v. *National Advertising Co.*, supra, 409 A. 2d 1277 (Me. 1979).

Even those cases decided after the enactment of the 1978 amendments to the Highway Beautification Act have refused to read section 131(g), as amended, as requiring a municipality to pay compensation where a reasonable amortization period is provided in the removal ordinance. See, e.g., *Suffolk Outdoor Advertising* v. *Southampton*, 60 N.Y.2d 70, 468 N.Y.S.2d 450, 455 N.E.2d 1245 (1982), reargument denied, 61 N.Y.2d 670, 472 N.Y.S.2d 1028, 460 N.E.2d 232 (1983). Thus, the decision whether to require payment of compensation or accept a penalty raises statutory issues without constitutional overtones.

Although it may be difficult to envision with any degree of precision the exact contours of particular State or local regulation of outdoor signs that may give rise to an equal protection argument on the part of sign or site owners, a number of cases have addressed the issue under existing billboard control schemes. Typically, plaintiffs have made challenges on equal protection grounds where a State or locality has: 1. classified nonconforming signs as compensable or noncompensable solely on the basis of the availability of Federal funds;[29] 2. determined that certain owners of signs or sites would not be entitled to compensation upon removal of the signs while other sign owners would be compensated (*i.e.*, signs not subject to "effective control" under the Highway Beautification Act and implementing State statutes);[30] or 3. permitted on-premises signs while controlling other commercial advertising.[31]

Under a straightforward equal protection analysis, a classification or distinction created by operation of a statute or ordinance will be sustained unless it engenders "invidious discrimination." *Williamson* v. *Lee Optical Co.*, 348 U.S. 483, 489, 75 S.Ct. 461, 465, 99 L.Ed. 563, 573 (1955).

At issue in billboard control is economic regulation as opposed to one involving a "suspect" classification or "fundmental" right. *Metromedia, Inc.* v. *City of San Diego*, supra, 592 P.2d at 745. The courts have placed reliance on the rules set out in *Lindsley* v. *Natural Carbonic Gas Co.*, 220 U.S. 61, 31 S.Ct. 337, 55 L.Ed. 369 (1911), in determining whether such economic regulation invites permissible or invidious discrimination. As indicated there—

"The rules by which this contention must be tested, as shown by repeated decisions of this court, are these: 1. The equal-protection clause of the 14th Amendment does not take from the state the power to classify in the adoption of police laws, but admits of the exercise of a wide scope of discretion in that regard, and avoids what is done only when it is without any reasonable basis, and therefore is purely arbitrary. 2. A classification having some reasonable basis does not offend against that clause merely because it is not made with mathematical nicety, or because in practice it results in some inequality. 3. When the classification in such a law is called in question, if any state of facts reasonably can be conceived that would sustain it, the existence of that state of facts at the time the law was enacted must be assumed. 4. One who assails the classification in such a law must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary." 220 U.S. at 78–79, 31 S.Ct. at 340, 55 L.Ed. at 369.

Courts considering equal protection challenges to State and local billboard controls have had little difficulty in positing a set of circumstances justifying the particular regulation, finding the classification non-arbitrary and, therefore, sustaining the controls.[32]

In light of the legislative history of the Highway Beautification Act and the case law on the subject, it is clear that an amortization provision viewed as reasonable under the particular circumstances is constitutionally valid.

[1] Under zoning principles, a "nonconforming use" is one which lawfully existed prior to the enactment of a zoning or land use restriction and which may be maintained after the effective date of the restriction although it does not comply with the restriction. 82 Am. Jur. 2d *Zoning and Planning* §178 (1976).

[2] Amortization provisions are those which require the termination of nonconforming uses at the expiration of a predetermined period of time. Annot. 22 A.L.R.3d 1134, 1137 n.3 (1968). These provisions, typically, apply to classes of uses. In effect, the owner of the nonconforming use is granted a monopoly position during the amortization period to enable him at least theoretically to recoup his investment in the use. *City of Fayetteville* v. *McIlroy Bank and Trust Co.*, 278 Ark. 500, 647 S.W.2d 439. 441 (1983). In contrast to compensation provisions, which seek to eliminate a nonconforming use pursuant to a States' power of eminent domain, amortization provisions are invoked pursuant to the police power to remove such a use. *Donrey Communications Company, Inc.* v. *City of Fayetteville*, 280 Ark. 408, 660 S.W.2d 900. 905 (1983), cert. denied 466 U.S. 959, 104 S.Ct. 2172, 80 L.Ed.2d 555 (1984). For further discussion of the breadth of States' police power, see discussion in Section II. D. of text, infra.

[3] The Fifth Amendment provides that "private property" shall not "be taken for public use, without just compensation." Also, the Fifth Amendment has been incorporated into the Fourteenth Amendment and is, therefore, binding on State and local governments. *Penn Central Transportation Co.* v. *City of New York*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed. 2d 631 (1978).

[4] 111 Cong. Rec. 22949 (daily ed. Sept. 14, 1965) (statement of Sen. Cooper). *See also* 42 Op. Att'y Gen. 331, 333 (1966).

[5] Cunningham, "Billboard Control Under the Highway Beautification Act of 1965," 71 Mich. L. Rev. 1296, 1311–12 (1973).

[6] 111 Cong. Rec. 24126 (1965).

[7] 42 Op. Att'y Gen., supra note 4, at 331.

[8] Id.

[9] Id.

[10] Id.

[11] Id. at 45.

[12] *Massachusetts* v. *Mellon*, 262 U.S. 447, 43 S.Ct. 597, 67 L. Ed. 1078 (1923); *Oklahoma* v. *United States Civil Service Comm'n*, 330 U.S. 127, 67 S.Ct. 554, 91 L.Ed. 794 (1947); *United States* v. *Darby*, 312 U.S. 100, 124, 61 S.Ct. 451, 462; 85 L.Ed. 609, 622–23 (1941).

[13] The Supreme Court has upheld requirements imposed by grant-in-aid statutes where considered an appropriate means and plainly adapted to the permitted end and not arbitrary. *See* cases cited in previous note.

[14] For an articulation of these principles in the billboard regulation area, see *South Dakota* v. *Adams*, 506 F. Supp. 50, 54 (D.S.D. 1980), aff'd sub. non, *South Dakota* v. *Goldschmidt*, 635 F. 2d 698 (8th Cir.), cert. denied, 451 U.S. 984, 101 S.Ct. 2316, 68 L.Ed.2d 841 (1981).

[15] Cunningham, *supra* note 5.

[16] Id. at 1317.

[17] S. Rep. No. 709, 89th Cong., 1st Sess. 7 (1965).

[18] H.R. Rep. No. 1084, 89th Cong., 1st Sess. 7 (1965).

[19] Cunningham, supra note 5 at 1317.

[20] Id. at 1311–12.

[21] Id. at 1313 n.68.

[22] H.R. Rep. No. 1485, 95th Cong., 2d Sess. 14–17 (1978).

[23] Id. at 14.

[24] 124 Cong. Rec. 31063–31066 (1978).

[25] The dismissal of an appeal by the Supreme Court is a ruling on the merits affirming the court below. *Hicks* v. *Miranda*, 422 U.S. 332, 343–44, 95 S.Ct. 2281, 2289, 45 L.Ed.2d 223, 235–36 (1975).

[26] Annot., 22 A.L.R.3d, *supra* note 2 at 1139.

[27] Under California law, "a city seeking to eliminate nonconforming uses *may pursue two constitutionally equivalent alternatives: compensation or amortization*. 610 P.2d at 426 (emphasis added).

[28] "No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment."

[29] *State* v. *National Advertising Co.*, 387 A.2d 745, 749 (1978); *Metromedia, Inc.* v. *City of San Diego*, supra, 610 P.2d at 426.

[30] Ackerley Communications v. *City of Seattle*, 92 Wash.2d 905, 602, P.2d 1177, 1187 (1979), appeal dismissed, 449 U.S. 804, 101 S.Ct. 49, 66 L.Ed.2d 7 (1980); *State* v. *Yard Birds, Inc.*, 9 Wash. App. 514, 513 P.2d 1030, 1035 (1973).

[31] *E.B. Elliott Advertising Co.* v. *Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1979), cert. denied, 400 U.S. 805, 91 S.Ct. 12, 27 L.Ed.2d 35 (1980); *Newman Signs, Inc.* v. *Hjelle*, 268 N.W.2d 741, 758–59 (N.D. 1978), appeal dismissed, 440 U.S. 901, 99 S.Ct. 1205, 59 L.Ed.2d 449 (1979); *Donnelly Advertising Corp.* v. *City of Baltimore*, 279 Md. 660, 370 A.2d 1127, 1133 (Md. App. 1975).

[32] See cases cited in notes 29–31, supra.

Date: June 26, 1986.

JIM J. MARQUEZ,
General Counsel.

[Comptroller General's Report to the Committee On Environment And Public Works, U.S. Senate]

THE OUTDOOR ADVERTISING CONTROL PROGRAM NEEDS TO BE REASSESSED

The Highway Beautification Act of 1965 required that states control outdoor advertising along federally funded interstate and primary highways. Since the enactment of the act, thousands of outdoor advertising signs have been removed to enhance the natural beauty of the nation's highways. However, many prohibited signs are still standing and are likely to remain so because federal funds are not being appropriated to compensate sign owners for their removal, as required by the act.

Accomplishing the goal of the Highway Beautification Act will require either additional federal funding or a change in the compensation requirement of the act, as amended. GAO recommends that the Congress reassess the outdoor advertising control program. In making this reassessment the Congress will need to weigh the program's goal and requirements against program costs.

DIGEST

The Highway Beautification Act of 1965 established a national policy and program for the control of outdoor advertising along federally funded interstate and primary highways. The purpose of control is to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty. Each state is required to develop and administer its own sign-control program consistent with the national policy and program. The Department of Transportation, through its Federal Highway Administration (FHWA), oversees the states' programs. The Secretary of Transportation is authorized to withold 10 percent of the annual federal highway funds of any state that has not established and maintained an effective sign-control program.

The act and implementing regulations require states to remove "nonconforming" and "illegal" signs and restrict the construction of new signs. Nonconforming signs, as defined by the regulations, are those that were legally erected before the program's requirements became effective. Owners of these signs and their sites must be compensated for their removal. The federal government pays 75 percent of the cost of compensation and the states are responsible for 25 percent. Illegal signs are those that were erected after the act's requirements became effective. These signs must be removed expeditiously and removing them does not require the payment of compensation to sign and site owners.

A 1978 amendment broadened the Highway Beautification Act's compensation provision by requiring that monetary compensation be paid to sign and site owners for signs that are removed because they do not conform to local laws or ordinances. Prior to the amendment, localities could remove signs that did not conform to local laws or ordinances without providing monetary compensation.

While over $200 million has been spent on the program since 1965, annual federal program expenditures have declined from about $27 million in fiscal year 1976 to about $2 million in fiscal year 1984. As of September 30, 1984, about $15 million in program funds have been obligated and remain to be spent by the states. Current funding authority for the program expires at the end of fiscal year 1985.

The Administration has not requested new program funds in its budgets since fiscal year 1982, explaining that the program was being reassessed. The Congress appropriated no new funds to the program for fiscal year 1984. States cannot be required to remove non-conforming signs if no federal funds are available for paying compensation but they must continue to remove illegal signs and restrict new signs.

In a July 1, 1983, letter, the Chairman, Senate Committee on Environment and Public Works, asked GAO to obtain information on the effectiveness of the outdoor advertising control program. On the basis of that letter and discussions with the Chairman's office, GAO focused its work on:

How many illegal and nonconforming signs remain standing and what will it cost to remove them?

How effective are state sign-control programs and how effective is federal oversight of such programs?

How has the 1978 amendment to the act affected sign control?

As requested by the Chairman, GAO also addressed other specific questions regarding program status and sign-control policies, procedures, and practices.

In carrying out its work, GAO reviewed seven states' outdoor advertising control programs and conducted a questionnaire survey of the 50 states.

Status of sign removal

Although about 587,000 signs have been removed since the program began in 1965, about 172,000[1] nonconforming and illegal signs remained standing along our nation's interstate and primary highways as of September 30, 1983, according to FHWA data. Of the remaining signs, about 124,000 are nonconforming and about 48,000 are illegal. These were the most recent comprehensive data available at the time of the GAO review. GAO is concerned, however, about the reliability of some of these data. GAO found the data on remaining illegal signs to be unreliable for three of the seven states it reviewed.

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[1] Not including signs affected by the 1978 amendment.

The removal of nonconforming signs has declined about 78 percent since 1979 as federal program expenditures have decreased. It is unlikely that the remaining nonconforming signs will be removed in the near future since FHWA estimates that about $427 million in federal funds would be required to remove the 124,000 such signs that remain standing.

The removal of illegal signs has also declined in recent years. Seventy-three percent fewer signs were removed in 1983 than in 1980. This decline is not, however, attributable to the reduction in federal funds, since removing illegal signs does not require the payment of compensation. Rather, limited state resources, state procedures which slow sign removals, and lack of program support have contributed to the slow removal of illegal signs, based on GAO's review of programs in seven states.

Federal oversight and State program problems

Although federal law requires states to remove illegal signs and restrict new ones irrespective of federal funding, FHWA's overall oversight of state sign-control programs declined as federal funding decreased. FHWA deemphasized the program and, in one FHWA regional administrator's view, states may have taken advantage of this relaxed approach. A 1983 FHWA review of state programs identified or restated problems with state programs and suggested that some states were not effectively controlling outdoor advertising. For example, the review indicated that Arizona, Kentucky, and Louisiana were not removing illegal signs expeditiously. While the Secretary of Transportation has not penalized any state for a program infraction since 1977, FHWA has worked with some states to resolve problems with their programs. (See p. 17.)

In June 1983, FHWA presented to the Office of the Secretary of Transportation a proposal for revising the outdoor advertising control program which calls for:

Limiting outdoor advertising control to rural interstate routes,

Eliminating the mandatory compensation requirement for the removal of nonconforming signs,

Removing nonconforming signs within 5 years with discretionary federal highway funds, and

Replacing the 10-percent funding penalty with a more flexible enforcement provision.

As of October 1984, the proposal was still being considered by the Office of the Secretary.

Effects of the 1978 amendment

The 1978 amendment increased the cost of outdoor advertising control by increasing the number of signs that cannot be removed without compensation. FHWA estimates that 38,000 additional signs that did not conform to local laws or ordinances became eligible for monetary compensation because of this amendment and that their removal will require an additional $334 million in federal funds. The amendment has hindered sign removal in some localities that had planned to remove signs without paying monetary compensation. In lieu of monetary compensation, these localities would have allowed sign owners to retain their signs for a specified period of time in order to recoup their investment.

Views on the 1978 amendment and its effects vary. In response to the GAO questionnaire survey, 32 states indicated that the amendment had no effect on their states' sign-control program and 17 states indicated that the amendment made it more difficult to remove signs. One state did not respond to this question. Nine of the 17 affected states indicated that the amendment prevented them from removing signs without paying monetary compensation. Twenty-seven states greatly or somewhat favored repealing the amendment.

Several national organizations, such as the Garden Clubs of America, the Sierra Club, and the National League of Cities, also favored repealing the amendment. However, advertising and business organizations generally opposed repeal; one such organization stated that the 1978 compensation amendment closed a "loop-hole" in the act that allowed localities to remove signs without paying compensation.

The Department of Transportation also opposed the 1978 amendment. In a letter included in the congressional record, the Secretary of Transportation stated that the broadened compensation requirement represented a federal intrusion into local land-use control prerogatives and would undermine sign-control efforts.

Recommendation to the Secretary of Transportation

FHWA has completed a review of the outdoor advertising control program and has proposed program changes to the Office of the Secretary of Transportation, which would require legislation. GAO recommends, therefore, that the Secretary of Transportation complete the review of the FHWA proposal, develop the Department's position on the program, and present that position to the Congress.

Recommendation to the Congress

GAO's review shows that without additional federal funding or a change in the compensation requirement of the Highway Beautification Act, as amended, the 1965 act's goal—to control outdoor advertising along federally funded interstate and primary highways—will not be accomplished. GAO recommends, therefore, that the Congress reassess the outdoor advertising control program. In making this reassessment, the Congress will need to weigh the program's goal and requirements against program costs and, if warranted, consider changes to the goal and requirements which reflect an appropriate level of funding. (See p. 43.)

Agency Comments

GAO did not request agency comments on this report. However, GAO did discuss the report's contents with officials from the Department of Transportation and the states it reviewed.•

• Mr. COHEN. Mr. President, I am very pleased to join Senator CHAFEE and several other colleagues in introducing the Visual Pollution Control Act. I commend Senator CHAFEE for his dedication to the issue of billboard removal and control and for his leadership in bringing this legislation before the Senate.

In the 101st Congress, similar legislation was reported out by the Environment Committee but Congress adjourned before the bill could be brought to the Senate floor. I hope that the Senate will seize on the momentum and consider this important legislation in the very near future.

My strong support for this legislation is based on the extremely positive experience Maine has had with billboard removal. Maine began removing billboards over 30 years ago, and the last one came down in 1984. The State law used the tool of amortization as a means of providing compensation to billboard owners for sign removal. When the amortization period was over, the billboards came down.

Contrary to what many opponents claimed then, as they do now, Maine's important tourism industry and small businesses suffered no economic harm because of the removal of billboards. To the contrary, tourism industry revenues grew by $100 million from 1984 to 1985.

A second point I would like to make is that the removal of billboards in Maine has put small businesses on an equal footing with much larger businesses that can better afford to rent large billboards. Maine's uniform roadside off-premise directional signs allow a store like the Puffin' Pig, in Whiting, ME, the same opportunity to attract customers as L.L. Bean. The roadside signs are far more affordable to smaller businesses and have created a more level playing field on which they can compete.

Finally, Mr. President, I want to relay to my colleagues the sentiments expressed by Maine's many visitors. Time after time, year after year, these vacationers remark upon Maine's pristine beauty and its clean highways. While native Mainers do not need to be convinced about the remarkable beauty of our State, we do know that it is enhanced by the clear view afforded the traveler on our interstate and rural roads. And one very important reason for that is the absence of billboards.

In my view, the benefits of billboard removal far outweigh any that might accrue from their large presence on our highways. The Federal law governing billboard removal is riddled with loopholes, and it needs to be improved so that its real intent—billboard removal—can be achieved.

Senator CHAFEE's bill will restore to States and local governments the authority to determine billboard removal requirements. In addition, it places a moratorium on the construction of new billboards along Federal interstate and primary highways and prohibits the destruction of trees along public rights-of-way for the sole purpose of improving billboard visibility. This is an important bill that will restore some sanity to the billboard removal process that was originally envisioned in the Highway Beautification Act of 1965. Certainly that law did not envision that more billboards would be erected than removed, which is the case now. According to the Congressional Research Service, from 1986 to 1988 only 1,216 nonconforming billboards were removed while 47,519 new billboards were put up. At this rate, we will be forced to rename the 1965 law.

I hope that my colleagues will look at Maine's experience and realize that tourism can remain a viable industry even without billboards—perhaps because there are no billboards to destroy the serenity of an ocean view or a mountain vista.

I look forward to the enactment of this bill and again commend Senator CHAFEE for his hard work in moving this bill forward.●

By Mr. MITCHELL (for himself, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BURDICK, Mr. REID, Mr. HARKIN, Mr. PELL, Mr. LEVIN, Mr. SARBANES, Mr. LIEBERMAN, Mr. SPECTER, Mr. DECONCINI, Mr. BRYAN, Mr. ADAMS, Mr. BUMPERS, Mr. COHEN, Ms. MIKULSKI, Mr. WIRTH, Mr. WELLSTONE, Mr. GRAHAM, Mr. AKAKA, Mr. METZENBAUM, Mr. KERRY, and Mr. SANFORD):

S. 596. A bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements; to the Committee on Environment and Public Works.

FEDERAL FACILITY COMPLIANCE ACT

Mr. MITCHELL. Mr. President, today I am introducing the Federal Facilities Compliance Act of 1991. This legislation is identical to legislation that was unanimously reported by the Senate Environment and Public Works Committee late last year. It is similar to legislation that has been passed by the House of Representatives twice by overwhelming margins.

The premise of the legislation is simple: Federal agencies must comply with our Nation's hazardous waste control laws. State agencies and municipalities are required to comply. Private industry is required to comply.

Hazardous waste laws are designed to protect the public health and the environment. We cannot afford to exempt violators. As then-candidate Bush said in 1988:

> Unfortunately, some of our worst offenders are our own Federal facilities. As President, I will insist that in the future Federal agencies should meet or exceed environmental standards. The government should live within the laws it imposes on others.

I agree with this statement. However, Federal facilities continue to be a major part of our hazardous waste problem.

In February of this year, the Office of Technology Assessment released a report entitled "Complex Cleanup: The Environmental Legacy of Nuclear Weapons Production." That report stated:

> Today, it is evident that the vast network of weapons facilities, located on thousands of square miles of Federal reservations in 13 States, has produced widespread contamination of the environment with toxic chemicals and radionuclides. Serious questions have been raised about the potential human health threats posed by such contamination. * * *
>
> The past 45 years of nuclear weapons production have resulted in the release of vast quantities of hazardous chemicals and radionuclides to the environment. There is evidence that air, groundwater, surface water, sediments, and soil, as well as vegetation and wildlife, have been contaminated at most, if not all, of the Department of Energy (DOE) weapons sites. (OTA report, p. 3.)

Among the key findings of that report were the following:

> The waste and contamination problems at the DOE Weapons Complex are serious and complicated, and many public concerns about potential health and environmental impacts have not yet been addressed.
>
> Despite DOE statements about the lack of imminent off-site health threats due to the contamination, possible public health effects have not been investigated adequately. The current regulatory process is not sufficient to effectively identify urgent health-based remediation needs or to comprehensively evaluate possible public health impacts.
>
> Without knowledge of the cleanup levels to be achieved by the end of 30 years [DOE's cleanup goal], or the technologies required to achieve such levels, DOE cannot develop reliable cost estimates for the total cleanup. (OTA report, p. 7.)

In other words, OTA found that DOE may be placing the public health at risk, the environment is threatened, and we do not know how much it will cost to clean up these facilities.

Many Department of Defense facilities across the country also present risks to the public health and the environment.

These risks were preventable.

But what went wrong at our Federal facilities that the Federal Government threatens, rather than protects, the public health?

What went wrong that DOE emitted over 300,000 pounds of radioactive uranium particles into the air at the Feed Materials Production Center at Fernald, OH—and that the agency knew of pollution at that site since 1951?

What went wrong that, according to a 1986 General Accounting Office report, almost half of the Federal hazardous waste handlers inspected by EPA were found to be in violation, some for more than 3 years? Four years later, GAO found cleanup had not begun at 600 of the most contaminated sites.

What went wrong in Oak Ridge, TN that we could have the following situation, as described by OTA:

> [M]ercury, a known neurotoxin, was used in separating lithium isotopes * * * in Oak Ridge, TN. More than a million pounds of mercury is unaccounted for; a large portion of this has been deposited in the sediment of a creek that traverses the city of Oak Ridge and was used as fill for the local civic center." (OTA report, p. 80.)

What went wrong is that the Federal agencies involved were not held accountable and did not believe they would ever be held accountable by the American Public.

But in 1976, Congress amended the Solid Waste Disposal Act. In section 6001 of that act, Congress clearly stated that Federal agencies were required to comply with Federal, State, and local requirements, including any provisions for injunctive relief. The law also requires Federal agencies to comply with requirements "in the same manner and to the same extent, as any person".

This is the policy of the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. Our hazardous waste laws should be no exception.

While I believe the intent of Congress was clear, the Federal courts are divided on this issue. To avoid perpetuating the gross violations of law documented by OTA and GAO, I am again introducing the Federal Facilities Compliance Act.

The key to compliance is enforcement. Unfortunately, the administration has adopted a policy that disables EPA's enforcement authority so that EPA is hindered from bringing an enforcement action against another agency.

Out of frustration due to repeated noncompliance, EPA is attempting to assess fines of nearly $300,000 on DOE at the Fernald, OH, facility due to that agency's intransigence. Unfortunately, DOE is claiming that EPA has no authority to assess penalties against another Federal agency.

In Hanford, WA, DOE unilaterally extended deadlines in a triparty agreement among DOE, EPA, and the State of Washington. This is contrary to the specific terms of the agreement and demonstrates that DOE continues to view compliance as optional.

These situations, and the dozens like them across the country, will change only when it is incontrovertible that the Federal Government must comply with the law. The legislation I am introducing today clarifies that EPA has administrative enforcement authority against other Federal agencies and that States are authorized to take enforcement action against Federal agencies.

Without this legislation, the public health would continue to be unprotected. Some argue that we should not add new burdens to these agencies, that we should continue with the apparent "voluntary compliance" policy.

But this policy has demonstrably not worked. The agencies will not comply without the risk of enforcement actions and penalties that would come out of their budgets. We understand that enforcement is essential to assure compliance by private industry or State and local government.

That this approach is necessary was acknowledged by EPA Administrator William Reilly in a June 13, 1989 letter to Richard Darman, head of the Office of Management and Budget, about similar legislation under consideration before the House Energy and Commerce Committee. Reilly wrote:

> EPA supports the bill as adopted by the Subcommittee, and recommends that the Administration endorse the legislation. * * * [The legislation] contains many useful provisions which we believe will improve Federal facilities' compliance with the Resource Conservation and Recovery Act.

The administration unfortunately opposes this legislation. One of the concerns is that it will have an adverse impact on the budget. It is true that cleanup costs are high.

But the Congressional Budget Office found in 1989 regarding compliance costs under similar legislation that:

> Federal agencies such as the Departments of Defense and Energy are planning to spend billions of dollars to comply with hazardous waste regulations, which they are already required to do under existing laws * * * Total federal compliance costs over time cannot be estimated, but are unlikely to change significantly as a result of this bill. CBO letter to Chairman Dingell of July 11, 1989, emphasis added).

CBO added that, regarding penalties assessed by EPA and State or local regulators that:

> Generally, amounts assessed have not been great * * * and assessments at similar levels in the future would not increase federal outlays significantly. * * * Penalties imposed by the EPA * * * would have no net budget impact. (Ibid.)

Delay will only increase cleanup costs. Federal agencies will have an incentive to postpone making difficult and costly decisions until another budget cycle, as DOE apparently did regarding the Hanford site earlier this year, unless there is an equally powerful disincentive to delay. The risk of fines and penalties is one such disincentive.

There is concern that the States will run amuck with all this power and will skew cleanup priorities. This argument is wrong.

First, in States where they have had enforcement authority against Federal agencies there is no evidence that they have sought excessive fines or penalties. In fact, a report to EPA indicates that each State has limits on the fines and penalties the State may assess against violators.

Second, State attorneys general only bring cases referred to them by health or environment departments. They do not conduct scavenger hunts for Federal violators.

Third, States do not have enough resources to go after any but the most serious offenders. Litigation against the Federal Government is time-consuming and drains their limited resources.

Fourth, there is no national priority-setting process. No legislation is necessary to put one in place. EPA has been asking other Federal agencies to engage in such a process for some time, without success. If the administration were serious about establishing a prioritization process, it could do so at any time. I hope the agencies agree to initiate this process and that they will involve the State governments in such discussions.

We cannot afford a double standard. The Federal Government should be protecting the public health, not placing it at risk. Without adequate enforcement, the public is unnecessarily at risk. The Federal Government can and should be a model of environmental compliance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Facility Compliance Act of 1991"

FACILITY ENVIRONMENTAL ASSESSMENTS

SEC. 2. (a) Each department, agency, and instrumentality of the United States shall perform an assessment of the releases of hazardous substances (including hazardous constituents thereof) from each solid waste management unit at each hazardous substance treatment, storage, or disposal facility owned or operated by the department, agency, or instrumentality after November 19, 1980. Such assessments shall be completed within twelve months after the enactment of this section and shall indicate whether such facility and department, agency, or instrumentality is in compliance with applicable requirements of the Solid Waste Disposal Act, the Comprehensive Emergency Response, Compensation, and Liability Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Toxic Substances Control Act. Such assessments shall be provided to the Environmental Protection Agency and to the State in which the facility is located.

(b) FACILITY INSPECTIONS.—The Administrator of the Environmental Protection Agency shall undertake a thorough inspection annually of each facility owned or operated by a department, agency, or instrumentality of the United States that is subject to the Solid Waste Disposal Act, the Comprehensive Emergency Response, Compensation, and Liability Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Toxic Substances Control Act to enforce compliance with these Acts. Each annual inspection shall include an analysis of comprehensive groundwater monitoring. The records of such inspections shall be available to the public in the same manner as provided in section 3007(b) of the Solid Waste Disposal Act. The department, agency, or instrumentality owning or operating each such facility shall reimburse the Environmental Protection Agency for the costs of the inspection of the facility.

APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES

SEC. 3. (a) IN GENERAL.—Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended—

(1) by inserting "(a) IN GENERAL.—" after "6001.";

(2) in the first sentence, by inserting "and management" before "in the same manner";

(3) by inserting after the first sentence the following: "The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines."; and

(4) by inserting after the second sentence the following: "For purposes of enforcing any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administrative penalty or fine) against any such department, agency, or instrumentality, the United States hereby expressly waives any immunity otherwise applicable to the United States. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal or State solid or hazardous waste law with respect to any act or omission within the scope of his official duties. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.".

Federal agencies are authorized, at the discretion of the Secretary of the head of the Federal department or agency concerned, to:

(1) in State criminal proceedings, represent or expend funds to represent an employee in a case in which he or she is sued, subpoenaed or charged in his or her individual capacity, when the actions for which representation is requested reasonably appear to have been performed within the scope of the employee's employment and providing representation would otherwise be in the interest of the United States;

(2) in Federal criminal proceedings, reimburse an employee for reasonable defense costs, if no indictment is brought, for actions performed within the scope of the employee's employment.

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—Such section is further amended by adding at the end the following new subsection—

"(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.".

DEFINITION

SEC. 4. (a) PERSON.—Section 1004(15) is amended by adding the following before the period: "and shall include each department, agency, and instrumentality of the United States.".

Mr. LAUTENBERG. Mr. President, today I join our distinguished majority leader in introducing the Federal Facilities Compliance Act of 1991.

The bill answers a very simple question. Does a town with a contaminated water supply care whether the polluter was a private corporation or Federal installation? Or does that town really care about getting that water cleaned up?

The answer is fairly obvious. People expect our environmental laws to guarantee protection and cleanup, regardless of who the polluter is.

That's what Congress intended back in 1976 when we passed the Resource Conservation and Recovery Act. We intended that States could use the same enforcement tools against Federal facilities as they use against private parties.

And the Federal court in Maine has properly interpreted the law's intent. So why are we introducing this bill? Because some misguided courts and the administration have concluded that the law creates a double standard. They've suggested that States can obtain fines and penalties against private parties that violate RCRA, but not against Federal agencies.

I think the law is clear on this point. But to assure that courts universally follow the law's original intent, this bill clarifies the principle.

The key is for States to have all the enforcement tools in their arsenal. The need is obvious. DOD and DOE together annually generate about 20 million tons of hazardous or mixed hazardous and radioactive waste. Last year EPA reported that it classified 52 Federal installations as being in significant noncompliance with RCRA.

Double standards for enforcement may be contributing to double standards for compliance. In fiscal year 1989, 63 percent of inspected Federal facilities had RCRA violations. That's compared to 38 percent for private facilities.

Mr. President, we may hear some arguments against clarifying State enforcement powers. Some may argue that States will abuse fines and penalties. Some may argue that States will interfere with cleanup priorities.

But without any evidence that States will abuse enforcement powers, some suggest that we have to be careful when it comes to Federal facilities.

The American people won't buy this argument. The public doesn't want to protect Federal polluters from environmental laws. They want environmental laws that protect them from Federal polluters.

I'm not worried about State environmental enforcers harming the Pentagon. I'm worried about the Pentagon exposing citizens to health risks from contaminated groundwater.

Our mission must be to assure compliance with our laws by everyone, whether it's the Defense Department or a private company.

Mr. President, that's what this bill is all about, and that's why I look forward to working with majority leader for its swift passage.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. ADAMS, Mr. DASCHLE, Mr. AKAKA, Mr. DECONCINI, and Mr. WELLSTONE):

S. 597. A bill to amend the Public Health Service Act to establish and expand grant programs for evaluation and treatment of parents who are substance abusers and children of substance abusers, and for other purposes; to the Committee on Labor and Human Resources.

CHILDREN OF SUBSTANCE ABUSERS

Mr. DODD. Mr. President, I rise today to introduce the Children of Substance Abusers Act, which will help address one of the most critical problems threatening the stability of many families today. I am joined in this effort by the distinguished chairman of the Labor Committee, Senator KENNEDY, as well as by Senators ADAMS, DASCHLE, AKAKA, DECONCINI, and WELLSTONE, all of whom have shown great dedication to addressing the problems of these children and families.

During this Congress, the Subcommittee on Children, Family, Drugs, and Alcoholism, which I chair, will focus on policies to strengthen families and ensure a nurturing environment for children. We see many families besieged by problems such as poverty, homelessness, and the struggle to make ends meet. Alcohol and drug abuse poses a different threat, one that destroys from within. Substance abuse cuts across income levels. But when it encounters the first set of problems I mentioned, it can push a family right over the edge.

Addiction threatens the family in several ways. It can deprive the child of the parent's attention and concern, as the parent becomes preoccupied with the addiction. It can deprive the family of its means of subsistence, as financial resources go to feeding the addiction. It can threaten the physical and emotional well-being of the children, who are at increased risk for abuse and neglect. For children severely affected by exposure to alcohol or other drugs before birth, it can rob them of their future. And it can threaten the family's ability to stay together, as child after child is placed in foster care because of parental substance abuse.

Much has been said about the crack cocaine epidemic being unusual in its involvement of women and, therefore, in its greater impact on children. The National Institute on Drug Abuse estimates that almost 1 in 10 women of childbearing age use at least one illicit drug. When these women seek treatment, however, they often find insurmountable barriers to obtaining it.

The basic problem is that most treatment programs lack the kinds of services that make treatment appropriate for women who have a range of problems extending far beyond addiction. Many were physically or sexually abused as children. Substance abuse often is found in their family backgrounds. They lack parenting skills and skills to make them employable. Most important, they have children who need care. In short, they need a lot of support before treatment becomes feasible for them.

What of the children in these families for whom there is nowhere to turn? We become aware of them when they suffer negative consequences of their parents' addiction. We see them in neonatal intensive care units—they take up almost one-third of the beds in this unit at New York's Metropolitan Hospital, which I visited last year. We see them when the police raid crack houses. We see them when we look at swelling foster care placements. And we will see them fighting their own addictions. But we do not see them when we might prevent some of this from happening.

The Children of Substance Abusers Act, or COSA bill, will give these families somewhere to turn. The heart of the bill is the COSA Grant Program, which will provide $100 million for comprehensive services to support children and families where substance abuse is present. A major goal of these grants is to reach out to and preserve families. But the key to the program's approach is the children. Therefore, children living with foster or adoptive parents or relatives also would be eligible for services.

Moreover, the program's services are not confined to children exposed to alcohol or other drugs before birth and their siblings. Rather, the bill ensures that all children whose parents abuse alcohol or other drugs can enter the program, receive a thorough assessment, and receive a range of services. It is this feature that makes the COSA grants unique.

The COSA bill also addresses a critical need noted by witness after witness at our hearings. Professionals, such as doctors, nurses, child welfare workers, and teachers, all perform work that brings them into contact with these children and families. The bill provides $20 million for curriculum development and training for these professionals on how to identify and address the effects of familial substance abuse.

It is not enough, however, to react to the problems facing families when they have reached a critical point. We must begin to build a continuum of services based on the concept that vulnerable families need early, preventive services if they are to become strong families. Therefore, the COSA bill includes $50 million for grants to develop home visiting programs, an approach repeatedly shown to improve maternal and child health.

Home visitors provide help ranging from parenting information to a ride to the doctor's office for prenatal care. It is not a new idea, but we don't seem to get the message. I hope this time home visiting is truly, as one evaluation wryly noted, an idea whose time has come—again.

Mr. President, we have talked about this problem literally for years. We have all trooped through the crack baby wards. We have all seen the television reports on children abused and neglected because their parents were on drugs. We have all listened to the experts. We should never stop trying to learn. But at some point we have to start doing something.

The COSA program is an important statement that we recognize that these families need help and support. I urge my colleagues to support this legislation and give these children and their families somewhere to turn.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. I further ask unanimous consent that several letters endorsing the bill be printed in the RECORD.

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children of Substance Abusers Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an estimated 375,000 infants each year are exposed to drugs before birth and an estimated 5,000 infants have documented cases of Fetal Alcohol Syndrome which result in a distinct cluster of congenital birth defects;

(2) there are an estimated 28,600,000 children of alcoholics in the United States, of whom 6,600,000 are under the age of 18, and an estimated total of 9,000,000 to 10,000,000 children under the age of 18 are affected by a type of parental substance abuse;

(3) children of alcoholics and other drug abusers are at risk of developing a range of physical, psychological, emotional, and developmental problems, and of becoming substance abusers themselves;

(4) alcohol and other drugs are a factor in an increasing number of child abuse and neglect cases, and placements in foster care have risen almost 30 percent since 1986, resulting in the disruption of families;

(5) pregnant women often have difficulty in obtaining drug or alcohol treatment because of the risks their pregnancies pose, and women in general are underrepresented in drug and alcohol treatment programs;

(6) parents, particularly women, often have a range of additional problems that must be addressed, including their own physical or sexual abuse, chemical dependency in their family backgrounds, lack of job skills, and high levels of family conflict and violence;

(7) effective treatment must be comprehensive and address the needs of the entire family, and where possible, be directed at preserving the family;

(8) children whose parents are substance abusers must have access to services regardless of the participation of their parents, and caretakers other than parents also need supportive services;

(9) earlier intervention with vulnerable families is needed to strengthen families and prevent crises from developing, including those stemming from parental substance abuse; and

(10) home visiting has been proven to contribute to healthy births, the healthy development of children, and the development of better parenting skills and social support networks.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase the ability of mothers and fathers who are substance abusers to participate in alcohol and drug treatment;

(2) to ensure that the physical, emotional, and psychological needs of children of substance abusers, including children exposed to drugs or alcohol before birth, are identified, assessed, and addressed;

(3) to promote the economic and social well-being of families in which a parent is a substance abuser by providing comprehensive services directed at the entire family;

(4) to develop a service delivery system to provide family intervention based on a case management approach;

(5) to promote early intervention through the use of home visiting to families with children at risk of health or developmental complications; and

(6) to promote the healthy development of children and preserve families by improving parenting skills and providing support systems of social services.

TITLE I—SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS

SEC. 101. SERVICES.

Title III of the Public Health Service Act (42 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new part:

"Part M—Services for Children of Substance Abusers

"SEC. 399D. DEFINITIONS.

"As used in this part:

"(1) CARETAKER OF A CHILD OF A SUBSTANCE ABUSER.—The term 'caretaker of a child of a substance abuser' means a birth parent, foster parent, adoptive parent, relative of a child of a substance abuser, or other individual acting in a parental role.

"(2) CHILD OF A SUBSTANCE ABUSER.—The term 'child of a substance abuser' means any child of a substance abuser, including a child born to a mother who abused alcohol or other drugs during pregnancy or any child living in a household with an individual acting in a parental role who is a substance abuser.

"(3) COMMUNITY OUTREACH SERVICES.—The term 'community outreach services' means services provided by a public health nurse, social worker, or similar professional, or by a trained volunteer supervised by a professional, to—

"(A) accomplish early identification of families where substance abuse is present;

"(B) accomplish early identification of children affected by parental substance abuse;

"(C) provide counseling to substance abusers on the benefits and availability of substance abuse treatment services and services for children of substance abusers;

"(D) assist substance abusers in obtaining and using substance abuse treatment services and services for children of substance abusers; and

"(E) visit and provide support to substance abusers, especially pregnant women, who are receiving substance abuse treatment services or services for children of substance abusers.

"(4) RELATED SERVICES.—The term 'related services' means services provided by—

"(A) education and special education programs;

"(B) Head Start programs established under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) other early childhood programs;

"(D) employment and training programs;

"(E) public assistance programs provided by Federal, State, or local governments; and

"(F) programs offered by vocational rehabilitation agencies, recreation departments, and housing agencies.

"(5) SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.—The term 'services for children of substance abusers' includes—

"(A) in the case of children of substance abusers—

"(i) periodic evaluation of children for developmental, psychological, and medical problems;

"(ii) primary pediatric care, consistent with early and periodic screening, diagnostic, and treatment services described in section 1905(r) of the Social Security Act (42 U.S.C. 1396d(r));

"(iii) other necessary and mental health services;

"(iv) therapeutic intervention services for children, including provision of therapeutic child care;

"(v) preventive counseling services;

"(vi) referral to related services, and assistance in establishing eligibility for related services; and

"(vii) additional developmental services that are consistent with the definition of 'early intervention services' in Part H of title VI of the Individuals with Disability Education Act (20 U.S.C. 1471 et seq.);

"(B) in the case of substance abusers—

"(i) assessment of adult roles other than parenting, including periodic evaluation of social status, economic status, educational level, psychological condition, and skill level;

"(ii) primary health care and mental health services, including prenatal and post partum care for pregnant women;

"(iii) consultation and referral regarding subsequent pregnancies and life options, including education and career planning;

"(iv) where appropriate counseling regarding family conflict and violence;

"(v) remedial education services; and

"(vi) referral to related services, and assistance in establishing eligibility for related services; and

"(C) in the case of substance abusers, spouses of substance abusers, extended family members of substance abusers, caretakers of children of substance abusers, and other people significantly involved in the lives of substance abusers or the children of substance abusers—

"(i) an assessment of the strengths and service needs of the family and the assignment of a case manager;

"(ii) therapeutic intervention services, such as parental counseling, joint counseling sessions for families and children, and family therapy;

"(iii) child care and respite care services;

"(iv) parenting education services and parent support groups;

"(v) support services, including, where appropriate, transportation services;

"(vi) where appropriate, referral of other family members to related services such as job training; and

"(vii) aftercare services, including continued support through parent groups and home visits.

"(6) SUBSTANCE ABUSE.—The term 'substance abuse' means the abuse of alcohol or other drugs.

"(7) SUBSTANCE ABUSER.—The term 'substance abuser' means a pregnant woman, mother, father, or other individual acting in a parental role who abuses alcohol or other drugs.

"Subpart I—Grants for Services for Children of Substance Abusers

"SEC. 399E. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to eligible entities to pay for the Federal share of the costs of establishing programs to provide community outreach services and services for children of substance abusers.

"(b) USE OF FUNDS.—

"(1) SERVICES PROVIDED.—An eligible entity shall use grants made under subsection (a) to provide, either directly or by contract or agreement—

"(A) the services described in section 399D(5)(A) and community outreach services to the children of substance abusers, including children not living with their parents;

"(B) the services described in section 399D(5)(B) and community outreach services to substance abusers; and

"(C) the services described in section 399D(5)(C) to substance abusers, spouses of substance abusers, extended family members of substance abusers, caretakers of children of substance abusers, and other people significantly involved in the lives of substance abusers or the children of substance abusers.

"(2) SERVICE CHARACTERISTICS.—A program established through a grant made under this section shall—

"(A) provide comprehensive services directed at the needs of the entire family, including caretakers of children of substance abusers;

"(B) be accessible to recipients of community outreach services and services for children of substance abusers;

"(C) maintain the confidentiality of information about substance abusers with respect to substance abuse treatment or receipt of community outreach services, services for children of substance abusing, or related services;

"(D) coordinate the referral and provision of services with other services for children of substance abusers, substance abuse treatment services, and related services;

"(E) use service providers from a variety of disciplines;

"(F) provide long-term services; and

"(G) provide a range of services corresponding to the varying needs of recipients of community outreach services and services for children of substance abusers.

"(c) GRANT AWARDS.—In making grants under subsection (a), the Secretary shall ensure that the grants are—

"(1) reasonably distributed among the three types of eligible entities described in subsection (e);

"(2) distributed to an adequate number of eligible entities that—

"(A) provide residential treatment to substance abusers and provide appropriate therapeutic services to meet the needs of children of substance abusers while they reside with their parents during treatment;

"(B) provide in-home and community-based services on an out-patient basis; or

"(C) provide residential care for the parent with the child participating in the provision of such care while residing with a caretaker, and provide outreach, supportive, and therapeutic services for the child and the caretaker;

"(3) distributed to give priority to areas with a high incidence of poverty and a high incidence of children of substance abusers, infant mortality, infant morbidity, or child abuse; and

"(4) distributed to ensure that entities serving Native American and Hawaiian communities are represented among the grantees.

"(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require. At a minimum, each application shall contain—

"(1) a description of the services to be provided, which shall meet the requirements of subsection (b)(2);

"(2) information demonstrating an ongoing mechanism to involve the local public agencies responsible for health, mental health, child welfare, education, juvenile justice, developmental disabilities, and substance abuse treatment programs in planning and providing community outreach services, services for children of substance abusers, and substance abuse treatment services as well as evidence that the proposal contained in the application has been coordinated with the State agencies responsible for administering those programs and the State agency responsible for administering public maternal and child health services;

"(3) information demonstrating that the applicant has established a relationship with child welfare agencies and child protective services that will enable the applicant, where appropriate, to—

"(A) provide advocacy on behalf of substance abusers and the children of substance abusers in child protective services cases;

"(B) provide services to help prevent the unnecessary placement of children in substitute care; and

"(C) promote reunification of families or permanent plans for the placement of the child;

"(4) an assurance that the applicant will coordinate with the State lead agency and Interagency Coordinating Council as defined in Part H of title VI of the Individuals with Disability Education Act (20 U.S.C. 1476 and 20 U.S.C. 1482);

"(5) an assurance that the applicant will obtain at least 10 percent of the costs of providing services for community outreach services and services for children of substance abusers from non-Federal funds;

"(6) an assurance that nonresidential programs, if any, will incorporate home-based services;

"(7) an assurance that the applicant will initiate and maintain efforts to enter substance abusers to whom they provide services into appropriate substance abuse treatment programs;

"(8) baseline information (including health status information) regarding the population to be targeted and the service characteristics of the community; and

"(9) an assurance that the applicant will submit to the Secretary an annual report containing—

"(A) a description of specific services and activities provided under the grant;

"(B) information concerning the extent of use of services provided under the grant, including number of referrals to related services;

"(C) information concerning the extent to which parents were able to access treatment for alcohol and drug abuse and sustain participation in treatment and the extent to which parents re-enter treatment after the successful or unsuccessful termination of treatment;

"(D) information concerning the costs of the services provided;

"(E) information concerning—

"(i) the number and characteristics of families, parents, and children served, including a description of the type and severity of childhood disabilities, and an analysis of the number of children served by age;

"(ii) the number of children served who remained with their parents during the period in which entities provided services under this section;

"(iii) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

"(iv) the number of children described in clause (iii) who were reunited with their families; and

"(v) the number of children described in clause (iii) for whom a permanent plan has not been made or for whom the permanent plan is other than family reunification; and

"(F) such other information as the Secretary determines to be appropriate.

"(e) ELIGIBILITY.—Entities eligible to receive a grant under this section shall include—

"(1) alcohol and drug treatment programs, especially those providing treatment to pregnant women and mothers and their children;

"(2) public or private nonprofit entities that provide health or social services to disadvantaged populations, including community-based organizations, local public health departments, community action agencies, hospitals, community health centers, child welfare agencies, developmental disabilities service providers, and family resource and support programs, and that have—

"(A) expertise in applying the services to the particular problems of substance abusers and the children of substance abusers; and

"(B) an affiliation or contractual relationship with one or more substance abuse treatment programs; and

"(3) consortia of public or private nonprofit entities that include at least one substance abuse treatment program.

"(f) FEDERAL SHARE.—The Federal share of grants provided under this section shall be 90 percent. The Secretary shall accept the value of in-kind contributions made by the grant recipient as a part or all of the non-Federal share of grants.

"(g) EVALUATION.—The Secretary shall periodically conduct evaluations to determine the effectiveness of programs supported under subsection (a)—

"(1) in reducing the incidence of alcohol and drug abuse among substance abusers participating in the programs;

"(2) in preventing adverse health conditions in children of substance abusers;

"(3) in improving the health, developmental, and psychological status of children receiving services under the program;

"(4) in improving parental and family functioning;

"(5) in reducing the incidence of out-of-home placement for children whose parents receive services under the program; and

"(6) in facilitating the reunification of families after children have been placed in out-of-home care.

"(h) REPORT.—The Secretary shall annually prepare and submit to appropriate committees of Congress a report that contains a description of programs carried out under this section. At a minimum, the report shall contain—

"(1) information concerning the number and type of programs receiving grants;

"(2) information concerning the type and use of services offered;

"(3) information concerning—

"(A) the number and characteristics of families, parents, and children served;

"(B) the number of children served who remained with their parents during or after the period in which entities provided services under this section;

"(C) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

"(D) the number of children described in subparagraph (C) who were reunited with their families; and

"(E) the number of children described in subparagraph (D) who were permanently placed in out-of-home care;

analyzed by the type of eligible entity described in subsection (e) that provided services;

"(4) an analysis of the access provided to, and use of, related services and alcohol and drug treatment through programs carried out under this section; and

"(5) a comparison of the costs of providing services through each of the types of eligible entities described in subsection (e).

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for each of the 1992 and subsequent fiscal years.

"SEC. 399F. COORDINATION AND INFORMATION.

"(a) COORDINATION.—In carrying out the provisions of this subpart the Secretary shall ensure that the activities and services assisted provided under this subpart are coordinated with the activities and services assisted under section 509F, and shall ensure coordination with and consultation regarding expanding and improving services for parents who are substance abusers and their children, among—

"(1) the Administrator of the Health Resources and Services Administration;

"(2) the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration;

"(3) the Commissioner of the Administration for Children, Youth, and Families;

"(4) the Commissioner of the Administration on Developmental Disabilities; and

"(5) other appropriate officials within the Department of Education.

"(b) STUDY.—Not later than 1 year after the date of enactment of this part, the Secretary shall conduct a study and prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a report concerning—

"(1) the various efforts within the Department of Health and Human Services to address the needs of parents who are substance abusers and the needs of the children of such parents; and

"(2) the ways in which—

"(A) coordination among the efforts described in paragraph (1) can be improved; and

"(B) duplication of the efforts described in paragraph (1), if any, can be reduced.

"(c) DATA COLLECTION.—The Secretary shall periodically collect and report on information concerning the numbers of children in substance abusing families, including information on the age, gender and ethnicity of the children and the composition and income of the family.

"Subpart II—Grants for Training on
Substance Abuse in Families

"SEC. 399G. GRANTS FOR TRAINING ON SUBSTANCE ABUSE IN FAMILIES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants for the training of professionals and other staff who provide services to, or come in contact with, children and families of substance abusers.

"(b) TRAINING STRATEGY.—Not later than 6 months after the date of enactment of this part, the Administrator of the Health Resources and Services Administration shall identify the training needs of professionals and other staff who provide services to, or come in contact with, children and families of substance abusers and develop a strategy for the establishment and implementation of curriculum to satisfy such training needs. In developing such strategy, the Administrator shall collaborate with—

"(1) the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration;

"(2) the Commissioner of the Administration on Children, Youth, and Families;

"(3) the Commissioner of the Administration on Developmental Disabilities;

"(4) relevant officials in the Department of Education; and

"(5) representatives of State agencies responsible for administering health programs including maternal and child health, mental health, substance abuse treatment, child welfare, education, juvenile justice, and developmental disabilities programs.

"(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity shall—

"(1) be a public or private nonprofit entity with expertise in providing training or services involving substance abuse or children of substance abusers; and

"(2) be an entity that provide services to, or comes into contact with, substance abusers and children and families of substance abusers, including those entities that provide community outreach services and services for children of substance abusers as described in section 399E.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including—

"(1) a description of the training to be provided or purchased with the assistance provided under the grant;

"(2) a description of the qualifications of the entity providing the training;

"(3) in cases where the training provider is the entity applying for the grant, information indicating the commitment of entities that will be recipients of the training to participate in the training program;

"(4) in the case of applications for grants that will be used to provide the services described in subsection (e)(4), assurances that the agencies that are the training recipients will continue to use the approach to service delivery that is the subject of such training to address cases involving children of substance abusers; and

"(5) any other information determined appropriate by the Secretary.

"(e) USE OF FUNDS.—An entity that receives a grant under subsection (a) shall use the grant proceeds—

"(1) to develop and disseminate interdisciplinary curricula for training professionals and other staff who provide services to children and families of substance abusers, including community outreach services, or who provide services that bring the professionals into contact with substance abusers, children and families of substance abusers, or caretakers of children of substance abusers;

"(2) to provide or purchase training for staff or volunteers in programs specifically designed to provide community outreach services and services for children of substance abusers, as defined in section 399D;

"(3) to provide or purchase training for professionals and other staff whose regular duties involve the provision of services to children and families of substance abusers or to caretakers of children of substance abusers, except that such training—

"(A) shall cover topics including identification, referral, and evaluation of substance abusers, family members affected by substance abuse, and caretakers of children of substance abusers, and, where appropriate, specialized techniques for providing services to these families; and

"(B) shall be attended by representatives from at least one and, to the maximum extent practicable, two or more of agencies responsible for the provision of child protective and child welfare services, health care, developmental services, education, including school administrators, social workers, and teachers, mental health, judiciary, public health, and social services; and

"(4) to provide or purchase training, case support, and consultation to interdisciplinary teams of personnel from child protective service or child welfare agencies and personnel from public health, mental health, developmental service providers, or social services agencies or from entities providing those services, in order for such teams to provide support to, and arrange services for, caretakers of children of substance abusers, except that such training shall—

"(A) include instruction on the effects of prenatal substance abuse, the implications of such substance abuse for infant care, health, and development, and methods of providing instruction and support for caretakers of children of substance abusers;

"(B) support an approach to service delivery that is interagency, interdisciplinary, comprehensive, oriented toward case management, and focused on improving the health and development of the child;

"(C) be provided in sessions that include participants from all agencies contributing members to the team; and

"(D) be provided in classroom, home-based, and clinical settings.

"(f) GRANT AWARDS.—In awarding grants under subsection (a), the Secretary shall—

"(1) consult with the Administrator of the Alcohol, Drug Abuse and Mental Health Administration, the Commissioner of the Administration on Children, Youth, and Families and the Commissioner of the Administration on Developmental Disabilities;

"(2) ensure that grants are awarded in a manner consistent with the training strategy developed under subsection (b); and

"(3) be reasonably distributed among the grantee types described in subsection (c).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 1992 and for each such subsequent fiscal year.".

TITLE II—HOME-VISITING SERVICES FOR AT-RISK FAMILIES

SEC. 201. HOME-VISITING SERVICES.

Part L of title III of the Public Health Service Act is amended—

(1) by redesignating sections 399 and 399A (42 U.S.C. 280c-4 and 280c-5) as sections 398A and 398B, respectively; and

(2) by adding at the end thereof the following new subpart:

"Subpart III–Grants for Home-visiting Services for At-risk Families

"SEC. 398E. DEFINITIONS.

"As used in this subpart:

"(1) ELIGIBLE FAMILY.—The term 'eligible family' means a family that includes—

"(A) a pregnant woman who is at risk of delivering an infant with a health or developmental complication; or

"(B) a child below the age of 3 who has experienced or is at risk for a health or developmental complication.

"(2) HEALTH OR DEVELOPMENTAL COMPLICATION.—The term 'health or developmental complication' means—

"(A) low birthweight;

"(B) a physical or developmental disability; or

"(C) exposure to parental substance abuse.

"(3) HOME VISITING SERVICES.—The term 'home visiting services' means services that provide—

"(A) assistance in obtaining health care, including continuous prenatal and pediatric care;

"(B) education on pregnancy, infant care, parenting, child development, and child abuse prevention;

"(C) assistance in developing support networks, including relationships with mentors and other female or maternal models;

"(D) assistance in obtaining necessary health, mental health, developmental, and social services, including services offered by maternal and child health programs, the special supplemental food program for women, infants, and children, authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and early and periodic screening, diagnostic, and treatment services, as described in section 1905(r) of the Social Security Act (42 U.S.C. 1396d(r));

"(E) respite services;

"(F) consultation and referral regarding subsequent pregnancies and life options, including education and career planning; and

"(G) initial developmental assessments and service follow up.

"(4) HOME VISITOR.—The term 'home visitor' means a person who provides home visiting services.

"SEC. 398F. HOME-VISITING SERVICES.

"(a) ESTABLISHMENT.—The Secretary shall make competitive grants to eligible entities to pay for the Federal share of the costs of providing home visiting services to eligible families. The Secretary shall award grants for periods of at least 3 years, but no more than 5 years.

"(b) PURPOSES.—The purposes of this section are—

"(1) to increase the use of prenatal care;

"(2) to reduce the incidence of infants born prematurely, with low birthweight, or with other impairments associated with maternal substance abuse;

"(3) to assist pregnant women and mothers of children below the age of 3 whose children have experienced, or are at risk of experiencing, a health or developmental complication in obtaining health and social services necessary to meet the special needs of the women and their children;

"(4) to identify, where possible, women who are pregnant or have young children and are abusing alcohol or other drugs and to assist them in obtaining appropriate treatment;

"(5) to reduce the incidence of child abuse and neglect; and

"(6) to promote other measures to encourage appropriate growth and development of children.

"(c) GRANT AWARDS.—In awarding grants under this section, the Secretary shall—

"(1) give priority to entities that—

"(A) have experience in providing outreach services and preventive public health services to at-risk populations;

"(B) have demonstrated a commitment to serving low income and uninsured individuals and families; and

"(C) where appropriate for the proposed target population, have experience in providing outreach and preventive public health services to families with alcohol and drug problems; and

"(2) ensure that entities targeting families where substance abuse is present and entities serving Native American communities are represented among the grantees.

"(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary by regulation requires. At a minimum, each application shall contain—

"(1) a description of the population to be targeted for home visiting services;

"(2) a description of the objectives to be met through the provision of the services by the entity, and a plan for measuring the progress made toward achieving such objectives;

"(3) a description of the services to be provided by the entity and the means the entity will use to provide outreach to eligible families;

"(4) information demonstrating the existence of adequate health and social services in the community and the ability of the applicant to obtain access to the services for eligible families;

"(5) assurances that the entity will provide case planning for eligible families that incorporates an interdisciplinary approach and, to the extent practicable, interagency involvement;

"(6) a description of the types and qualifications of home visitors used by the entity, including assurances that to meet the objectives of the program, the home visitors will, where appropriate, receive training in recognizing and addressing, on making referrals to address, parental substance abuse and its effects on children;

"(7) a description of the process by which the entity will provide continuing training, adequate supervision, and sufficient support to home visitors to ensure that home visitors are competent to render effective home visiting services;

"(8) assurances that the entity will provide home visiting services conducted by—

"(A) public health nurses, social workers, child welfare professionals, or other health or mental health professionals including developmental service providers who are trained or have experience in home visiting services; or

"(B) teams of home visitors, which shall include at least one individual described in subparagraph (A) and which may include workers recruited from the community and trained in home visiting services;

"(9) assurances that the entity will provide home visiting services with reasonable frequency—

"(A) to families with pregnant women, as early in the pregnancy as is practicable, and until the infant reaches at least 1 year of age;

"(B) to other eligible families, for at least 1 year;

"(10) assurances that the entity will deliver home visiting services in a manner that accords proper respect to the cultural traditions of the eligible families;

"(11) information demonstrating that the applicant is familiar with the socioeconomic and cultural groups who will receive home visiting services from the entity;

"(12) an assurance that the applicant will obtain at least 10 percent of the costs of providing home visiting services from non-Federal funds;

"(13) an assurance that the applicant will spend not more than 10 percent of the Federal funds received under this subpart on other administrative costs, exclusive of training;

"(14) an assurance that the applicant will submit the report required by subsection (g), and

"(15) evidence that the development of the proposal has been coordinated with the State agencies responsible for maternal and child health and child welfare as well as evidence of the existence of a mechanism to ensure continuing collaboration and consultation with these agencies.

"(e) ELIGIBILITY.—Entities eligible to receive a grant under this section shall include public and private nonprofit entities that provide health or other social services to disadvantaged populations, including community-based organizations, hospitals, local health departments, community health centers, developmental service providers, child welfare agencies, and family resource and support programs.

"(f) FEDERAL SHARE.—The Federal share of grants provided under this section shall be 90 percent. No more than 10 percent of Federal funds provided under this subpart may be used for other administrative costs, exclusive of training.

"(g) REPORT AND EVALUATION.—

"(1) REPORT.—To be eligible to receive a grant under this section, an entity shall agree to submit an annual report on the services provided under this section to the Secretary in such manner and containing such information as the Secretary by regulation requires. At a minimum, the entity shall report information concerning eligible families, including—

"(A) the characteristics of the families and children receiving services under this section;

"(B) the use, type, and location of the provider of preventive health services, including prenatal, primary infant, and child health care;

"(C) the incidence of low birthweight and premature infants;

"(D) the length of hospital stays for post partum women and their children;

"(E) the incidence of substantiated child abuse and neglect for all children within participating families;

"(F) the number of emergency room visits for routine health care;

"(G) the number and type of referrals made for other social services; and

"(H) the incidence of developmental disabilities.

"(2) EVALUATION.—The Secretary shall periodically conduct evaluations to determine the impact of programs supported under subsection (a) on the criteria specified in paragraph (1).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for the 1992 fiscal year and such sums as may be necessary for subsequent fiscal years.".

TITLE III—TREATMENT

SEC. 301. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICE BLOCK GRANTS.

Section 1916 of the Public Health Service Act (42 U.S.C. 300x-4) is amended—

(1) in subsection (c)(14), by striking "10 percent" and inserting "20 percent";

(2) in subsection (c), by adding at the end the following new paragraph:

"(22) The State agrees—

"(A) to ensure that treatment services for the abuse of alcohol and drugs that comply with minimum standards established by the State are available to each woman in the State who—

"(i) is pregnant;

"(ii) seeks or is referred to treatment services; and

"(iii) would benefit from treatment services;

"(B) in carrying out subparagraph (A)—

"(i) with respect to programs in the State that provide treatment services for the abuse of alcohol and drugs to women described in subparagraph (A), to—

"(I) identify the programs;

"(II) publicize the availability of treatment services from the programs; and

"(III) provide to the Secretary a list of the programs and an assessment of the capability of the programs to meet the treatment needs of women described in subparagraph (A); and

"(ii) to require that, in the event that a treatment program has insufficient capacity to treat a woman described in subparagraph (A), the program shall refer the woman to the State for referral to a program with the capacity to provide treatment services; and

"(C) if the State or the Secretary determines that the capacity of treatment programs in the State is insufficient to comply with subparagraph (B)(ii), that the State will establish quantitative goals and develop and implement a program, approved by the Secretary, for the provision of adequate treatment capacity to meet the needs of each woman described in subparagraph (A) in the State."; and

(3) in subsection (f), by striking the second sentence and inserting the following new sentence: "The report shall include—

"(1) a detailed description of the programs and services;

"(2) an assessment of the adequacy of the programs and services in meeting—

"(A) the alcohol and drug abuse treatment needs of women; and

"(B) the mental health needs of severely disturbed children and adolescents;

"(3) with respect to programs and services provided in accordance with subsection (c)(14)—

"(A) a description of the process used to award funds to the programs and services;

"(B) a description of the programs and services provided by the State that constitute—

"(i) services for children of substance abusers, as defined in section 399(5);

"(ii) services that provide substance abuse and other treatment both to substance abusers who are mothers and to their children;

"(iii) outpatient services that provide treatment both to substance abusers who are mothers and to their children; and

"(iv) residential treatment services that provide treatment to substance abusers who are mothers and allow their children to reside with the mothers during treatment;

"(C) information concerning the number of spaces available for pregnant women, mothers, infants, and children in each of the types of services described in clauses (i) through (iv) of subparagraph (B); and

"(D) an evaluation of the extent to which the programs and services increase the availability of spaces for pregnant women, mothers, infants, and children in the services described in clauses (i) through (iv) of subparagraph (B); and

"(4) such other information, including legislative and administrative recommendations, as the Secretary determines to be appropriate.".

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, February 25, 1991.

Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: On behalf of the Academy, whose 40,000 members are dedicated to the promotion of maternal and child health, I want to inform you of our strong support for your proposed amendment to the Public Health Service Act establishing and expanding grant programs for evaluation and treatment of parents who are substance abusers, and children of substance abusers.

This important new measure, the Children of Substance Abusers Act, would help increase the availability of treatment for parents, particularly mothers, who are substance abusers. I would help ensure that the physical, emotional and psychological needs of children of substance abusers, including children exposed to drugs or alcohol before birth, are identified, assessed and addressed. The economic and social well-being of families in which a parent is a substance abuser would be enhanced. By providing comprehensive services directed at the entire family, it would help prevent child abuse by improving parenting skills and providing support systems of social services.

Under your leadership, it is our hope that the Senate will act expeditiously in support of this legislation during the current Congress.

Sincerely,

ANTOINETTE PARISI EATON, M.D.,
President.

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
Washington, DC, February 22, 1991.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The Child Welfare League of America and its 650 member agencies throughout the country appreciate your outstanding leadership on behalf of children. We strongly support your plans to reintroduce the "Children of Substance Abusers Act" in the 102nd Congress.

Child Welfare agencies and pediatric health care providers throughout the country are seeing the alarming impact of the maternal use of alcohol and drugs on infants and children. These families are in need of a broad range of health and social services if they are to overcome the detrimental consequences of alcohol and other drugs. The Children of Substance Abusers Act (COSA) provides essential services to children of substance abusers to address their multiple and often complex physical, psychological and developmental needs. It also provides for critically needed home visiting services as an effective intervention into the seriously dysfunctional patterns that characterize substance abusing families.

Of equal importance are the provisions in COSA for training on substance abuse for professionals and staff. Child welfare agencies, as well as other service providers, urgently need access to training resources to enable them to effectively respond to the needs of substance abusing families and their children. In addition to these provisions, COSA significantly strengthens the ADAMHA Block Grant for women and, consequently, for their children by increasing the funding set-aside for treatment services for women to 20% and by placing greater emphasis on the responsibilities of states for responding to the drug treatment needs of women.

The Child Welfare League of America strongly supports COSA and thanks you for your dedication and commitment to children. We look foward to working with you toward the enactment of COSA.

Sincerely,

DAVID S. LIEDERMAN,
Executive Director.

CHILDREN'S DEFENSE FUND,
Washington, DC, March 6, 1991.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The Children's Defense Fund is pleased to offer its support for the Children of Substance Abusers Act—another example of your strong commitment to improving the lives of our nation's children. The Act recognizes the critical need for a significantly expanded response to children and families whose lives are being ravaged by alcohol and drug abuse.

Your measure would strengthen existing health, mental health, substance abuse treatment and child welfare systems so that they are able to protect children more adequately and address families' needs for comprehensive treatment and services. We are pleased that the Act not only encourages interdisciplinary service programs, but also recognizes the need for joint efforts across child-serving systems.

The Act's provisions will ensure children and their families a full range of health, mental health, substance abuse treatment, and social services. The Act also takes additional steps which we believe are extremely important. It provides for enhanced outreach, through home visitor programs, to ensure that families actually receive these services and also encourages the development of community and extended family supports and after care services to help sustain the benefits which families receive from treatment and services. The provisions for staff training also help maximize the benefits of these new services.

We are pleased that the Act addresses the special needs of pregnant women who abuse subtances and children born exposed to substances, and also recognizes the ongoing supports needed by these women, their infants, other children, and extended family members. The comprehensive services and supports you propose will help promote more positive birth outcomes, minimize impairments to children from parental substance abuse, and protect children from abuse and neglect in the future.

The Children of Substance Abusers Act represents an important step forward in protecting our next generation and our nation's future. My staff and I look forward to working with you toward its enactment.

Sincerely yours,

MARIAN WRIGHT EDELMAN.

CHILDREN OF ALCOHOLICS
FOUNDATION, INC.,
New York, NY, February 25, 1991.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: The Children of Alcoholics Foundation supports your efforts to expand services to children of alcoholics and other drug abusers through the Children of Substance Abusers Act of 1991.

There are 28 million children of alcoholics in the United States, 7 million of whom are under the age of 18. Because alcoholism runs in families, children of alcoholics are three to four times more likely to become alcoholics than other children. They are also at greater risk to abuse other drugs, drop out of school and attempt suicide. The physical, mental and emotional problems caused by parental drinking affect children without regard for their ethnic background or socioeconomic status.

The Children of Substance Abusers Act correctly recognize that it is not necessarily enough to help a parent who is abusing alcohol or other drugs. Children need and deserve help for themselves if they are to learn to cope and to avoid the tragic cycle of family alcoholism and drug abuse. This bill also provides for training in parenting skills, an important service, especially for those parents who themselves may come from families plagued with alcoholism and drug abuse.

Passage of the Children of Substance Abusers Act would offer hope and help to the millions of Americans who live in the shadow of alcohol and drug abuse. We applaud your leadership in proposing this legislation.

Sincerely,

MIGS WOODSIDE,
President.

THE NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS AND RELATED INSTITUTIONS, INC.,
Alexandria, VA, February 26, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Subcommittee on Children, Family, Drugs and Alcoholism, U.S. Senate, Washington, DC.

DEAR SENATOR DODD: NACHRI, the only national, voluntary association of children's hospitals, commends your efforts to address the needs of children and families impacted by drug abuse. Your legislation, the "Children of Substance Abusers Act," is the first to provide comprehensive, coordinated health and supportive services for children and families to meet the long-term needs of the tragic victims of substance abuse.

Children's hospitals around the country are now seeing children with both immediate and long-term health problems resulting from their perinatal drug exposure. An informal survey of selected children's hospitals indicates that these hospitals are caring for an increasing number of newborns and infants who have been exposed to cocaine, crack, alcohol and other drugs. Their care needs are complex and require multi-disciplinary services which go far beyond their clinical care to include intensive family interventions plus long-term developmental and rehabilitative services. In the face of this escalating problem, children's hospital staff are learning quickly how to identify these babies, how to develop multi-disciplinary approaches to their care, and how to coordinate community-based services for them and their mother after they leave the hospital. However, their work is hampered by the lack of drug treatment programs which will treat women, particularly women with young children; by the lack of available family support services in the community; and by an extremely over-burdened child welfare system.

NACHRI is gratified that your bill would create, for the first time, a coordinated and comprehensive approach to the multi-disciplinary health needs of children of substance abusers and their families. It recognizes the social supports required to preserve the family unit and the dire need for this Nation to come to grips with the crisis it faces in drug treatment programs. The growing, tragic problem of perinatal substance abuse does not begin or end when the baby is born. Your bill acknowledges this fact by increasing the funds available to provide drug treatment to all women, by creating a preventive home visitors program for identified high-risk pregnant women and their children, by providing a wide range of long-term coordinated services for those families impacted by perinatal substance abuse, and by creating training programs to equip our health, education, justice, and social service professionals to provide the necessary services to these families. We recognize the immediate need for the services provided for in the "Children of Substance Abusers Act."

Sincerely,

ROBERT H. SWEENEY,
President.

THE ASSOCIATION OF JUNIOR
LEAGUES INTERNATIONAL INC.,
New York, NY, February 25, 1991.

Hon. CHRISTOPHER DODD,
Chairman, Subcommittee on Children, Family, Drugs and Alcoholism, 639 Hart Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The Association of Junior Leagues International [AJLI], applauds your continuing efforts on behalf of our Nation's children and families. Your tremendous concern for families struggling with substance abuse and addiction is reflected in your prompt reintroduction, this Congress, of legislation to create a comprehensive, community-based approach to services for families where substance abuse is present. AJLI believes that this measure, the Children of Substance Abusers Act [COSA], is a key step in providing substance abusers and their children with adequate health and social services.

Junior Leagues throughout the United States have a history of almost 90 years of trained volunteer community service, much of which is directed to serving the needs of children, youth, women and families. Some Junior League programs currently in operation include those that provide home-visits to pregnant women and first-time mothers to improve maternal and child health; programs that provide parenting skills training for new parents to help reduce child abuse and neglect; and additional programs addressing the needs of drug-addicted pregnant women and their children.

As an organization that actively supported S. 2820, the COSA bill of the 101st Congress, you may be assured of our continued support for this legislation throughout the 102d Congress. Please feel free to contact our Washington office if we may be of any assistance to you or your staff on this issue.

Sincerely,

BREDA M. BOVA,
Policy Chair for Government Affairs.
KAREN M. HENDRICKS,
Director,
Department of Government Affairs.

ASSOCIATION OF MATERNAL AND
CHILD HEALTH PROGRAMS,
February 25, 1991.

Hon. CHRISTOPHER J. DODD,
Chair, Senate Subcommittee on Children, Family, Drugs & Alcoholism, 627 Hart Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The Association of Maternal and Child Health Programs [AMCHP] is pleased to support the "Children of Substance Abusers" Act. We believe that this proposed legislation represents a critical step in assuring appropriate and coordinated services to children and families affected by substance abuse. The Association will remain available to assist you in assuring its passage.

The legislation's provisions for coordination of grantee applications and services with State and local public maternal and child health agencies; incorporation of consultation and referral services regarding pregnancy planning; and for coordination with early intervention services available under Part H of P.L. 99-457 will enhance service delivery design and comprehensiveness. AMCHP believes that linking the COSA community grant service programs with the core public health, social service and education service system structure will diminish duplication of services, facilitate client service coordination and enhance the potential for ongoing State level support and resources.

The AMCHP congratulates you on this bill which provides a programmatically sound framework for comprehensive and coordinated services for children of substance abusers and their families. Please feel free to call upon the Association should we be able to assist you further in seeing this proposal to fruition.

Sincerely,

RICHARD P. NELSON, M.D.,
President.

AMERICAN ASSOCIATION OF UNIVERSITY AFFILIATED PROGRAMS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES,
February 26, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Senate Subcommittee on Children, Family, Drugs and Alcoholism, SH-639 Hart Senate Office Bldg., Washington, DC.

DEAR CHAIRMAN DODD: On behalf of the American Association of University Affiliated Programs for Persons with Developmental Disabilities [AAUAP], I am writing to express our strong support for the Children of Substance Abusers Act of 1991 [COSA]. You should be commended for the leadership role you have taken in assuring appropriate family support, primary health care and drug abuse treatment for women and children who are victims of our Nation's drug crisis.

AAUAP is concerned about children of substance abusers because of the often severe developmental consequences of maternal drug abuse. Of course, Fetal Alcohol Syndrome [FAS] and Fetal Alcohol Effect [FAE] are both long standing problems that appear to have worsened in the past 5 to 10 years—particularly on Native American reservations and in major metropolitan centers around the United States. A more recent phenomenon has been the emergency of so-called "crack babies", infants who have been compromised due to maternal ingestion of crack cocaine during pregnancy. While research is ongoing in this area, it appears from initial studies that approximately 20% of these children experience severe developmental disabilities including mental retardation, cerebral palsy and severe congenital abnormalities. Other youngsters experience more subtle cognitive impairments that are not manifest until school-age, including learning disabilities and attention deficit and hyperactivity disorder.

I believe that COSA deals with both of these pressing issues in a very practical fashion. By emphasizing the role of existing community-based service providers, the legislation is cost-efficient and effective. We stand ready to assist you.

Sincerely,

WILLIAM E. JONES, PH.D.,
Executive Director.

NAPH,
February 28, 1991.

Hon. CHRISTOPHER J. DODD,
United States Senate, SR-444 Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the 90 urban "safety net" hospitals that comprise the membership of the National Association of Public Hospitals [NAPH], I am writing to express our support for your legislation, the "Children of Substance Abusers Act", which would establish and expend grant programs for the evaluation and treatment of children of substance abusers and their parents. NAPH, representing over 90 "safety net" hospitals throughout the country, is keenly aware of the social costs of substance abuse.

The implications of the growing number of children born to drug-abusing mothers are substantial. There is evidence that drug-exposed children have higher hospital costs, and present a variety of physical and developmental impairments which may result in increased health and social service costs throughout the child's lifetime. Many of these costs will be borne by public hospitals.

The National Association of Public Hospitals applauds your efforts to increase access to services for families in need of assistance and we are pleased to support this important legislation.

Sincerely,

LARRY S. GAGE,
President.

THE NATIONAL PTA,
February 26, 1991.

Hon. SENATOR DODD,
Chair, Subcommittee on Children, Youth, Families, Alcoholism and Drugs, Hart Building, Washington, DC.

DEAR SENATOR DODD: The 6.8 million member National PTA, extends its support for the Children of Substance Abuse Act [COSA]. This much needed legislation will help provide services to children and their families that are dysfunctional due to alcohol and/or other substance abuse.

Recent data documents the need for the COSA legislation. For example, the 1990 report, issued by the United States General Accounting Office [GAO], entitled Drug-exposed Infants: A Generation at Risk, outlined that as expected drug-exposed infants suffer from a greater number of medical problems than those babies not exposed. While the long-term health effects of these children is not known, the expectation is that extensive care and family support services will be required. COSA would help communities to coordinate comprehensive services for infants and their families.

Equally important, COSA would enable women to gain access to treatment programs which often have long waiting lists or have been allowed to deny pregnant women services. Increasing the availability of treatment services may prevent countless numbers of babies from being born addicted to drugs.

Provisions in the bill that allow for home visitations, professional development in treating abuse, as well as coordination among various agencies will serve to strengthen families and improve the lives of children.

The National PTA thanks you for introducing the COSA bill and will help to quickly enact this legislation.

Sincerely,

ARLENE ZIELKE,
Vice President for Legislative Activity.

By Mr. METZENBAUM (for himself, Mr. DODD, and Mr. KENNEDY):

S. 600. A bill to amend the Fair Labor Standards Act of 1938 to improve enforcement of the child labor provisions of such Act, and for other purposes; to the Committee on Labor and Human Resources.

CHILD LABOR AMENDMENTS OF 1991

Mr. METZENBAUM. Mr. President, I rise to introduce the Child Labor Amendments of 1991. Congress passed a historic law 50 years ago that promised to end oppressive child labor in this country. But tragically, the disgrace of illegal child labor continues to haunt our Nation.

One reason that the number and seriousness of child labor violations has steadily increased in the last decade is that millions of children and their parents have no knowledge about even the most basic child labor laws. Frankly, it is almost unbelievable to me how, in 1991, hundreds of children in this great country are being exploited: They work at too young an age, for too many hours, and in unsafe environments. This exploitation results in children who are robbed of their education, their limbs, and even their lives.

Today, along with my distinguished colleague, Senator DODD, I am introducing legislation that will help to educate children, parents and employers about Federal child labor laws. Mr. President, the Child Labor Amendments of 1991 also will strengthen the enforcement scheme for child labor violations. The bill sends a clear message that employers who willfully murder or mutilate child workers will do hard time in prison. The bill also closes loopholes in enforcement by adding to the list of hazardous occupations; barring willful and repeated violators from receiving Federal grants, loans, and contracts; and requiring the publication of the names of violators and the nature of their violations.

In addition, the bill specifies that employers may employ minors under the age of 18 who do not have a high school diploma only if those minors have obtained a valid certificate of employment. Forty-six States already have certificate systems in place. Our legislation utilizes these existing systems and thereby avoids duplication or burdensome paperwork. Under our bill, the State-issued certificate must indicate restrictions on the times of day and maximum number of hours the minor may be employed, and on the employment of minors in federally identified hazardous occupations. Moreover, as part of the certification process, materials describing Federal child labor laws will be made available to the minor.

We need reliable data about the number of children working in our Nation and about any loss of life or limb that they may be suffering. Accordingly, the bill requires employers of minors to provide the State with written notice of the name and occupation of the minor. If a child in the course of employment suffers death or an injury resulting in lost work time of at least 1 working day, the employer must provide the State with a written description of the death or injury.

Another problem this legislation seeks to correct is the terrible exploitation of children under age 14 who work as migrant and seasonal farmworkers. Children aged 12, 10, 8, and even 6 years old are working with hazardous pesticides or performing backbreaking "stoop labor" in the fields. These children must be protected.

Let me make clear that I fully understand the political, social, and economic reasons for exempting children working on family farms from child labor laws. Our bill will not affect that exemption in any way. However, these reasons do not apply to children outside the family farm, who are under age 14 and work as migrant and seasonal farmworkers. These children come from a population that, regrettably, has been among our most vulnerable and most exploited in recent decades. They deserve the basic protections guaranteed in the FLSA.

Finally, the Child Labor Amendments of 1991 do not seek to put an end to all child labor. Indeed, I applaud our young people who work because of economic necessity or the learning experience or both. Education, however, should be every child's first priority. I believe that this legislation will help children and their parents to establish, maintain, and live to enjoy the results of such a priority.

I urge all my colleagues to support this legislation. I ask unanimous consent that the bill and a summary of the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Labor Amendments of 1991".

SEC. 2. CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

(a) WILLFUL VIOLATIONS THAT CAUSE INJURY OR DEATH.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following new subsection:

"(f) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, shall, on conviction be punished—

"(1) in the case of a willful violation that causes serious bodily injury to an employee described in section 3(l) but does not cause death to the employee, by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 10 years, or by both; or

"(2) in the case of a willful violation that causes death to an employee described in section 3(l), by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 10 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 20 years, or by both.".

(b) NO PRIOR OFFENSE PREREQUISITE FOR CHILD LABOR VIOLATION.—The second sentence of section 16(a) of such Act is amended by inserting before the period at the end the following: ", except that this sentence shall not apply to a violation of section 12".

SEC. 3. CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" after the subsection designation;

(3) by adding at the end the following new paragraphs:

"(2) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, on more than one occasion, shall, on such additional violation, be ineligible—

"(A) for any grant, contract, or loan provided by an agency of the United States or by appropriated funds of the United States, for 5 years after the date of such additional violation; or

"(B) to pay the training wage authorized by section 6 of Fair Labor Standards Amendments of 1989 (29 U.S.C. 206 note).

"(3) The Secretary shall make available to affected school districts for posting and distribution the name of each employer who violates the provisions of section 12, relating to child labor, or any regulation issued under such section, together with a description of the location and nature of the violation.".

SEC. 4. CERTIFICATES OF EMPLOYMENT.

Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following new subsection:

"(e)(1) As used in this subsection:

"(A) The term 'minor' means an individual who is under the age of 18 and who has not received a high school diploma or its equivalent.

"(B) The term 'parent' means a biological parent of a minor or other individual standing in loco parentis to a minor.

"(2) No employer shall employ a minor unless the minor possesses a valid certificate of employment issued in accordance with this subsection.

"(3) The Governor of a State shall designate a State agency to issue certificates of employment to minors in the State. The agency shall make available, on request, a form for the application described in paragraph (4) and shall make available, as part of the certification process, materials describing applicable Federal requirements governing the employment of minors.

"(4) To be eligible to receive a certificate of employment, a minor must submit to the appropriate State agency an application that contains—

"(A) the name and address of the minor;

"(B) proof of age of the minor; and

"(C) if the minor is under the age of 16—

"(i) a written statement by a parent of the minor that the parent grants consent for employment of the minor; and

"(ii) written verification from the minor's school that the minor is meeting at least the minimum school attendance requirements established by the State.

"(5) On receipt of an application under paragraph (4), a State agency shall issue to the minor—

"(A) a certificate of employment, if the requirements of paragraph (4) are met; or

"(B) a statement of the denial of a certificate of employment (including the reasons for the denial), if the requirements of paragraph (4) are not met.

"(6) A certificate of employment issued to a minor under this subsection shall expire 1 year after the date of issuance of the certificate.

"(7) A certificate of employment issued to a minor under this subsection shall indicate—

"(A) the name, address, and date of birth of the minor;

"(B) restrictions on the times of day and maximum number of hours the minor may be employed and on the employment of the minor in hazardous occupations; and

"(C) the name, address, and telephone number of the State agency that may be contacted for additional information concerning applicable Federal requirements governing the employment of minors.

"(8) The State agency shall provide a copy of a certificate of employment issued to a minor under the age of 16 to the parent of the minor who granted consent pursuant to paragraph (4).

"(9) If an employer employs a minor, not later than 14 days after the date of the commencement of employment of the minor, the employer shall provide to the State agency written notice of the name and occupation of the minor and the number of the certificate of employment issued to the minor.

"(10) A State agency shall report annually to the Secretary concerning certificates of employment issued under this subsection. The agency shall include such information as the Secretary requires (including information on the number of deaths and injuries of minors reported pursuant to subsection (f)).".

SEC. 5. INFORMATION ON DEATHS AND INJURIES INVOLVING MINORS; INFORMATION DESCRIBING PROVISIONS OF FEDERAL CHILD LABOR LAW.

Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) (as amended by section 4 of this Act) is further amended by adding at the end the following new subsections:

"(f) If a minor in the course of employment suffers death, or an injury resulting in lost work time of at least 1 working day, not later than 5 days after the death or injury, the employer of the minor shall provide to the State agency a written description of the death or injury.

"(g) The Secretary shall prepare and distribute to State employment agencies written materials (suitable for posting and mass distribution) that describe the provisions of Federal law and regulations governing the employment of minors.".

SEC. 6. HAZARDOUS CHILD LABOR OCCUPATIONS.

Section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) is amended by adding at the end the following new sentence: "The Secretary shall find and by order declare that poultry processing, fish and seafood processing, and pesticide handling (among other occupations declared by the Secretary) are occupations that are particularly hazardous for the employment of children between the ages of 16 and 18 for purposes of this subsection.".

SEC. 7. PROTECTION OF MINORS WHO ARE MIGRANT OR SEASONAL AGRICULTURAL WORKERS.

(a) DEFINITION OF OPPRESSIVE CHILD LABOR.—The first sentence of section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) is amended—

(1) by striking "or" before "(2)"; and

(2) by inserting before the semicolon the following: ", or (3) any employee under the age of 14 years is employed by an employer as a migrant agricultural worker (as defined in section 3(8) of the Migrant and Seasonal Agricultural Protection Act (29 U.S.C. 1802(8)) or seasonal agricultural worker (as defined in section 3(10) of such Act)".

(b) EXEMPTIONS.—Section 13 of such Act (29 U.S.C. 213) is amended—

(1) in subsection (a)(6), by inserting before the semicolon at the end the following: ", except that this paragraph shall not apply to an employee described in section 3(l)(3)"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "Except as provided in paragraph (2) or (4)" and inserting "Except as provided in paragraph (2), (4), or (5)"; and

(B) by adding at the end the following new paragraph:

"(5) The provisions of section 12 relating to child labor shall apply to an employee described in section 3(l)(3).".

SEC. 8. REPORTS.

Not later than 1, 2, and 3 years after the date of enactment of this Act, the Secretary of Labor shall provide to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on actions taken to carry out, and the effect of, this Act and the amendments made by this Act, including national and State-by-State information on—

(1) certificates of employment issued to minors under section 12(e) of the Fair Labor Standards Act of 1938 (as added by section 4 of this Act); and

(2) deaths and injuries of minors occurring in the course of employment that are reported under section 12(f) of the Fair Labor

Standards Act of 1938 (as added by section 5 of this Act).

SEC. 9. REGULATIONS.

The Secretary of Labor shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

SUMMARY OF THE CHILD LABOR AMENDMENTS OF 1991—S. 600

(Introduced by Senators Howard M. Metzenbaum and Christopher J. Dodd)

Will strengthen the enforcement scheme for child labor law violations and also provide basic data on child labor practices.

Specifically, the bill:

Establishes criminal sanctions for willful violations of child labor laws that result in the death of a child (maximum 10 years in prison); and willful violations that result in serious bodily injury to a child (maximum 5 years in prison);

Provides that willful and repeated violators of child labor laws are ineligible for federal grants, loans, or contracts for 5 years, and also are ineligible to pay the subminimum youth training wage;

Requires the Department of Labor to compile and make available to school districts the names and addresses of child labor law violators and the exact nature of the violation;

Requires certificates of employment for minors under the age of 18 who do not have a high school diploma; this will set minimum standards for protecting children in the workplace, educate parents, children, and employers about child labor laws, and provide basic data on child labor in the United States;

Provides protection for minors under the age of 14 who are migrant or seasonal agriculture workers; the bill does not affect in any way the current provision exempting children who work on family farms;

Expands the list of hazardous occupations for teenagers to include poultry processing, fish and seafood processing, and pesticide handling.

For additional information on S. 600, contact the Senate Subcommittee on Labor at (202) 224-5546 or the Senate Subcommittee on Children, Family, Drugs, and Alcoholism at (202) 224-5630.

Mr. DODD. Mr. President, I rise today to join with my colleague, Senator METZENBAUM, in introducing legislation to better protect young people in the workplace. I want to commend my colleague from Ohio for his determination to ensure fairness and safety for all workers, and especially for teenagers.

The Child Labor Amendments of 1991 reflect our deep concern that young people make their way into the world of work without risking their health, their success in school, their futures. Thankfully, most teenagers do well in their part-time and summer jobs. It is an American tradition we can be proud of.

But there is another more troubling part of the picture. We think of sweatshops and children operating hazardous equipment and falling asleep in school as long-banished horrors. Yet for many children, these horrors persist in 1991.

At a hearing conducted last year by the Subcommittee on Children, Family, Drugs and Alcoholism and the Subcommittee on Labor, witnesses documented the modern-day problem of child labor. Detected violations of child labor laws have soared recently. According to the General Accounting Office, the number of children found to be illegally employed reached 22,500 in 1989, up from 9,200 in 1983. When the Labor Department conducted a nationwide sweep last year, they found that almost half of the businesses investigated were breaking the law. The American Academy of Pediatrics estimates that more than 100,000 children under the age of 18 are injured on the job every year.

Clearly our current law and current enforcement don't provide the necessary protection. The Department of Labor has turned greater attention to child labor, an effort which I applaud. But we need more. Here is how our bill would strengthen the law on child labor.

First, it would toughen penalties for violation of child labor laws. Current sanctions for violators amount to a slap on the wrist—the average fine is $170, easily absorbed as a routine cost of doing business. Last year we succeeded in raising the maximum civil penalty from $1,000 to $10,000. In this bill we seek to deter employers from breaking the law through criminal penalties for extreme violations and through new penalties of debarment from Federal grants and from the benefit of the youth subminimum wage.

Second, the bill would increase public awareness of child labor laws through more extensive use of employment certificates. One of the problems in this area is that many parents, children, educators, and even employers simply are not aware of the law. They do not know the age limitations for different types of work, the hours limitations, and the hazardous occupations that are completely off limits. I believe these provisions for greater public education will help avoid injuries and illegal employment.

Third, the bill would better protect farmworker children in migrant agriculture. Migrant and seasonal agriculture places children at particularly high risk, due to exposure to toxic pesticides and disruption of school attendance. Yet current law has multiple exemptions that permit young children to work in this setting. This legislation would apply the same prohibition against work for children under 14 years of age that now applies in nonagricultural settings. I should add that the prohibition would not apply to the family farm which I know has been a concern of many of our colleagues.

Senator METZENBAUM and I will be examining the issues associated with this bill at a joint hearing later this month of the Subcommittee on Children, Family, Drugs and Alcoholism and the Subcommittee on Labor, both of the Committee on Labor and Human Resources.

Entering the work force is a true crossroads in a young person's life. Successful entry into the world of work enhances the child's chances for success as a productive member of society. On the other hand, if the child is among the 100,000 minors injured on the job every year, or if the child works so many hours that school performance plummets, chances for success suffer tremendously. When one-fifth of children fail to complete high school on time, we must do everything possible to help teenagers strike the right balance between work and school. I believe this measure helps to strike that balance, and I urge my colleagues to support this legislation.

By Mr. ADAMS (for himself, Mr. HARKIN, Mr. KERRY, Mr. KENNEDY, Ms. MIKULSKI, Mr. WELLSTONE, Mr. CRANSTON, and Mr. SIMON):

S. 601. A bill to withhold United States military assistance for El Salvador, subject to certain conditions; to the Committee on Foreign Relations.

PEACE, DEMOCRACY, AND DEVELOPMENT IN EL SALVADOR

• Mr. ADAMS. Mr. President, for the past decade, the United States has armed, trained, and financed an army responsible for abducting, torturing, and killing thousands of Salvadorans. A decade and 70,000 deaths later, it's time to bring the new world order to El Salvador and change the course of United States policy toward that country.

Unfortunately, the Bush administration isn't prepared to do this. In January, the President announced his intention to release $42.5 million in military aid for El Salvador by March 15, even though no progress has been made to prosecute those responsible for the murder of six Jesuit priests last November. The administration's action violates the spirit of the law Congress passed last year conditioning aid to El Salvador.

Four billion United States taxpayers dollars later, in El Salvador the men who stand behind the men who pull the trigger and murder the innocent are still never brought to justice.

Ten years ago this January, Mark Pearlman of Washington State, and his colleagues Mark Hammer, and Rudolfo Viera were murdered in cold blood while dining at the Sheraton Hotel in San Salvador. The two triggerman were imprisoned but later released. The higher officials in the Salvadoran military who ordered the murders have never spent a single day in prison.

After waiting a decade for a sign that democracy would come to El Salvador, the time has come for the United States to stop sending military aid to that war torn country. After waiting 10 years for justice in the case of Mark

Pearlman and his associates, the time has come to stop subsidizing a military that shields murderers from their day in court.

Now is the time to change U.S. policy. Otherwise, 10 years after the murder of the Jesuit Fathers, we will still be wasting United States tax dollars in El Salvador.

For this reason, Congressman MCDERMOTT and I, along with our colleagues here, are introducing today the Peace, Democracy, and Development in El Salvador Act.

This bill would withhold all military aid to the Government of El Salvador, withdraw all United States military advisers, ban all covert aid, establish a demobilization, transition, and reconstruction fund, and direct that United States economic aid be used only for humanitarian purposes.

I am proud to join with Senators HARKIN, KERRY, KENNEDY, MIKULSKI, WELLSTONE, CRANSTON, and SIMON in introducing the Peace, Democracy, and Development in El Salvador Act. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATEMENT OF POLICY.

(a) IN GENERAL.—The principal foreign policy objectives of United States assistance to the Republic of El Salvador shall be—

(1) to promote a cease-fire and permanent settlement of the conflict in El Salvador, with the Secretary General of the United Nations or his designated representative serving as an active mediator between the opposing parties;

(2) to foster greater respect for basic human rights and the rule of law; and

(3) to advance political accommodation, national reconciliation, and demilitarization in El Salvador.

(b) ROLE OF DIPLOMACY.—It is the sense of the Congress that the United States should use diplomacy to encourage both the Government of the Republic of El Salvador and the Farabundo Marti National Liberation Front (FMLN) to—

(1) participate in good faith negotiations designed to achieve a cease-fire and permanent settlement of the conflict in El Salvador;

(2) adhere to the terms of the agreements signed by them in Geneva, Switzerland, on April 4, 1990, in Caracas, Venezuela, on May 21, 1990, and in San Jose, Costa Rica, on July 26, 1990; and

(3) encourage and support the active role of the Secretary General of the United Nations or his designated representative in advancing proposals on the outstanding issues defined by the Caracas accords, in order to help resolve the conflict.

(c) INSTITUTIONS AND RIGHTS IN EL SALVADOR.—Recognizing that the terms of the agreements reached between the Government of the Republic of El Salvador and the FMLN must be the work of the parties themselves, the Congress affirms its support for an outcome that promotes democratic institutions and practices in El Salvador and enhances respect for internationally recognized basic human rights, including an outcome that provides for social and political liberties, a functioning and independent judicial system, a system of labor relations in which internationally recognized workers' rights are respected, free and fair elections in which all individuals and parties in Salvadoran society may participate, and the subordination of military power to civilian authority.

(d) ADMINISTRATION OF JUSTICE.—Cognizant of the murders at the University of Central America on November 16, 1989, and of the murder of United States military personnel in eastern El Salvador on January 2, 1991, the Congress views the full and effective resolution of the investigation, prosecution, and trial of those responsible for participating in, ordering, or protecting those involved in these murders as an important objective of United States policy, and as one of crucial measure of the willingness of the parties to the conflict to take needed steps to protect basic human rights in El Salvador.

(e) ROLE OF UNITED STATES ECONOMIC ASSISTANCE.—It shall also be the policy of the United States to provide economic assistance which supports reconstruction, economic development, and social justice in El Salvador.

SEC. 2. PROHIBITION ON MILITARY ASSISTANCE TO EL SALVADOR.

(a) WITHHOLDING UNITED STATES MILITARY ASSISTANCE.—Notwithstanding any other provision of law, United States military assistance allocated for El Salvador for fiscal year 1991 and prior fiscal years which has not been obligated, expended, or otherwise made available to the Government of El Salvador as of the date of enactment of this Act, and all United States military assistance allocated for El Salvador for fiscal years 1992 and 1993, shall be withheld from obligation or expenditure, unless—

(1) the President determines and reports in writing to the Congress that the conditions in subsection (c) are met; and

(2) the Congress enacts a joint resolution authorizing provision of that assistance.

In considering whether to enact a joint resolution under paragraph (2), the Congress shall take into account whether or not the stated commitments of the FMLN to observe internationally recognized human rights and to pursue good faith negotiations for a peaceful settlement to the conflict leading to a cessation of hostilities, have been fulfilled.

(b) DEFINITION.—For purposes of subsection (a), the term "United States military assistance" means—

(1) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and

(2) assistance to carry out section 23 of the Arms Export Control Act.

(c) CONDITIONS.—The conditions referred to in subsection (a)(1) are that—

(1) all those responsible for ordering and carrying out, or obstructing the investigation into, the November 16, 1989, murders of Father Ignacio Ellacuria; Father Ignacio Martin-Baro; Father Segundo Montes; Father Armando Lopez; Father Joaquin Lopez y Lopez; Father Juan Ramon Moreno; Julia Elba Ramos; and Celina Ramos have been apprehended and brought to justice;

(2) internationally recognized workers' rights have been extended to Salvadoran workers;

(3) the Government of El Salvador has pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out—

(A) the March 25, 1980 assassination of Archbishop Oscar Romero;

(B) the January 1981 murders of two United States land reform consultants, Michael Hammer and Mark Pearlman, and the Salvadoran Land Reform Institute Director Jose Rudolfo Viera; and

(C) the October 1989 bombings of the FENASTRAS headquarters in which ten trade unionists were killed; and

(4) the Government of El Salvador is complying with international standards of respect for humanitarian and medical workers (as defined by the 1949 Geneva Conventions and the 1977 Protocols to the Geneva Conventions);

(5) while the negotiations process for a final settlement continues, steps have been taken to place the Salvadoran military under the control of the elected civilian government, including the separation of all police functions from the command and control of the Armed Forces of El Salvador and the reconstitution of the police force directly responsible to, and under the control of, a civilian authority;

(6) the Government of El Salvador is negotiating in good faith to achieve a cease-fire and a final political settlement of the conflict in the Republic of El Salvador;

(7) the Government of El Salvador has not rejected a plan for the settlement of the conflict which has been put forth by the Secretary General of the United Nations or his designated representative in accordance with the terms and procedures in the April 4, 1990 Geneva Communique and the May 21, 1990 Caracas Accord between the Government of El Salvador and the FMLN; and

(8) the Government of El Salvador has not, through its military and security forces, assassinated or abducted civilian noncombatants, not engaged in other acts of violence directed at civilian targets, and not failed to control such activities by elements subject to the control of those forces.

(d) EXCEPTION.—Notwithstanding subsection (a), United States military assistance funds may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds.

SEC. 3. WITHDRAWAL OF MILITARY ADVISORS FROM EL SALVADOR.

None of the funds authorized to be appropriated under any provision of law may be obligated or expended for the stationing of United States military personnel in El Salvador as either trainers or advisors to the Armed Forces of the Republic of El Salvador.

SEC. 4. COVERT OPERATIONS.

None of the funds authorized to be appropriated under any provision of law may be obligated or expended to finance covert operations in El Salvador or to provide covert military assistance to the Government of the Republic of El Salvador.

SEC. 5. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, TRANSITION TO PEACE, AND RECONSTRUCTION.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to assist with the cost of monitoring a permanent settlement of the conflict, including a cease-fire, the demobilization of combatants in the conflict of El Salvador and their transition to peaceful pursuits, and reconstruction of the country, which shall be known as the "Demobilization, Transition, and Reconstruction Fund" (hereafter in this section referred to as the "Fund"). Amounts in this Fund shall be available for obligation and expenditure only upon notification by the President to Congress that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement to the conflict, including an agreement on an end to hostilities.

(b) Transfer of Certain Military Assistance Funds.—Upon notification of the Congress of a permanent settlement of the conflict, including an agreement on an end to hostilities, or on September 30, 1992, if no such notification has occurred prior to that date, the President shall transfer any United States military assistance withheld pursuant to section 2 of this Act to the Fund.

(c) Use of the Fund.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and re-employment in civilian pursuits of former combatants in the conflict in El Salvador, of the monitoring of a permanent settlement and an end to hostilities, and of assistance to help meet the reconstruction and development needs of civilian populations, including the resettlement of persons displaced within, and of refugees returning to, El Salvador.

(d) Duration of Availability of Funds.—Notwithstanding any other provision of law, amounts in the Fund shall remain available until expended.

SEC. 6. ADDRESSING THE ROOT CAUSES OF WAR IN EL SALVADOR.

(a) Prohibition.—None of the funds appropriated pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) may be obligated or expended as balance-of-payments assistance or cash assistance for El Salvador.

(b) Allocation of Funds for Certain Projects.—All of the funds appropriated pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for El Salvador shall be available only for projects for child nutrition, health, clean water, basic education, agrarian reform (including research, credit, and physical inputs), resettling refugees, and other basic human needs of the people of El Salvador. Such assistance shall be provided, wherever practicable, through private and voluntary organizations or other non-governmental organizations.

(c) Conditions Regarding Administration of Funds.—Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 for El Salvador shall be used only for programs and projects which are independent of military operations, which are planned and administered by civilian agencies or organizations, and which are implemented solely by civilian agencies and organizations.

(d) Assistance for Nongovernmental and Intergovernmental Organizations.—(1) Not less than 10 percent of the funds available for El Salvador under chapter 4 of part II of the Foreign Assistance Act of 1961 shall be provided through independent private and voluntary organizations, organizations affiliated with the churches in El Salvador, and intergovernmental organizations such as the United Nations Childrens' Fund, the United Nations Development Program, and the Pan American Health Organization. Priority shall be given to independent, nonpolitical, private, and voluntary organizations with a demonstrated ability to conduct programs that benefit the poorest segments of Salvadoran society.

(2) For purposes of this subsection, the term "churches" means the Roman Catholic, Lutheran, Episcopal, Baptist, and Mennonite Churches.

(e) Quarterly Reports.—Every three months, the Administrator of the Agency for International Development shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the obligation, disbursement, and use of the funds for programs authorized by this section.

SEC. 7. CONGRESSIONAL REVIEW.

Funds available for El Salvador under section 5 or under chapter 4 of part II of the Foreign Assistance Act of 1961 may only be obligated or expended subject to the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.•

• Mr. HARKIN. Mr. President, the wave of freedom that swept over Eastern Europe in 1989 and ushered forth renewed hopes for world peace has been met by a sobering reality. The euphoria that greeted the first months of 1990 was tempered by the painstaking efforts needed to build a community of nations based on democratic principles. In 1991 we found the world at war, pitted against a man who in the past murdered thousands of his own citizens. Months prior to Iraq's invasion of Kuwait, Congress introduced numerous pieces of legislation aimed at hindering Saddam Hussein's ability to become a menace to freedom and displaying our outrage over the slaughter of the Kurdish people. Our failure to take a tough stand and send a clear signal to Saddam Hussein in the aftermath of the March 17, 1988, murder of over 5,000 Kurds must never be repeated. The United States must never again fail to take strong action against a government which has consistently violated the rights of its citizens and disregarded the norms of internationally accepted behavior. Unfortunately, Mr. President, the administration has not learned this lesson and is embarked on a course of action in El Salvador that would do precisely the opposite of what I have just stated.

The war in El Salvador now spans three decades at a cost of 73,000 lives. Successive governments in El Salvador have been unable to place that nation's security forces under civilian control and bring to justice those responsible for the murder of thousands of innocent civilians. Nor have those governments been able to forever eliminate the specter of death squads from haunting that nation's future. Despite the provision of more than $4.5 billion in foreign assistance since 1980—$1 billion in military aid—the situation in El Salvador has not improved substantially, nor will it improve unless there is a peaceful resolution to the conflict. For this reason, I believe that the Bush administration's decision to release an additional $42 million in military aid is a serious mistake. The $90 million in military aid that the administration has decided to release since December will only prolong the war and undermine any prospects for a negotiated settlement.

Mr. President, it is time that the United States establishes a coherent policy toward El Salvador and stops sending mixed messages. The administration says it favors a negotiated settlement and at the same time announces that it is releasing $90 million in military aid. The administration says it favors a negotiated settlement and on January 29, 1991, delivers three A-37 jet fighter-bombers and six attack helicopters to El Salvador. The administration says that it supports a negotiated settlement yet on February 1, 1991, we read in the New York Times senior administration officials undermining the efforts of the U.N. Secretary General's special representative to those negotiations. It is time to put the money where our mouth is and stop sending mixed messages.

Only 5 months ago the Congress passed the Dodd-Leahy bill. The bill—which I supported—provided incentives for both sides to reach an agreement under the auspice of the United Nations. Now, with the release of the aid, no incentives exist. Neither the Government of El Salvador nor the FMLN has any incentive to continue on a path toward peace. The release of this aid sends the wrong signal, at the wrong time, to the wrong people.

A FAIR READING

In a January 8 editorial, the Washington Post said that "enough evidence is available to justify restoration—of aid—under any fair reading of the law." The contrary is probably closer to the truth. Enough evidence is available to justify the complete cut off of aid under any fair reading of the law. There has been no substantive progress in the Jesuit case. If anything, the investigation into the November 16, 1989 murder of six Jesuit priests at the Catholic University has been a process of "one step forward and two steps back." The January 7, 1991 report by the House Speaker's task force, also known as the Moakley task force, says that "Chairman Moakley's statement in August alleging obstructionism on the part of the military remains current." I should also note, that two prosecutors of the case resigned on January 9 saying that the army is standing in the way of the investigation, protecting those who plotted the murders. After their resignation Archbishop Rivera y Damas commented "If there has been little credibility to the process so far, this wounds its credibility even more."

The law states all military assistance to El Salvador is prohibited if "the Government of El Salvador has failed to conduct a thorough and professional investigation into, and prosecution of those responsible for the eight murders at the University of Central America on November 16, 1989; etc. * * *" Well, any fair reading of the case would conclude that the Government is at the very least failing to conduct the type of investigation stipulated in the law, not to mention prosecuting anyone to date. But have they failed? Perhaps, we should rephrase the question, to discover that point in time when something that is obviously failing has finally failed. The question therefore is, given the current status and conduct of the investigation, does anyone realistically believe that the Salvadoran judicial system can succeed in prosecuting this case? I say no. As the Moakley report aptly points out, * * * a competition between the Salvadoran Armed Forces and the Salvadoran judicial system—is comparable to—a basketball game between the NCAA champions and a high school junior varsity—the winner is not in doubt, only the point spread."

Now we know the law, we have read Chairman Moakley's report, and we have witnessed the conduct of the investigation into the murder of the Jesuit priests and their two housekeepers, the charade is over. The will of this body and that of the entire Congress has been expressed, and I will not permit it to be held in contempt by a bunch of hoodlums in El Salvador who think they can pull a cutie with the United States Congress. I am not satisfied with the progress in the Jesuit case and will not be satisfied as long as the shadow of a coverup looms over the investigation. The Congress demands a thorough and professional investigation; no half measures, no token gestures, no sacrificial lambs, no never, no more. To ask the U.S. Senate anything less than a complete disclosure is both repulsive and an insult to this great body.

Our insistence on a satisfactory resolution to this one case must not obscure our deep concern for the thousands of women and children, and all the innocent people that have been brutalized by the security forces of El Salvador over the years. This Congress has a strong desire to see a democratic society flourish in El Salvador. Yet the seeds of liberty will never blossom into flowers of freedom while those suspected of past involvement in death squad killings remain at large and the human rights situation continues to be serious.

The President, in his January 15 report to Congress, says the human rights situation in El Salvador continues to be serious. Yet, as if to suggest that human rights violations can be reduced to a numbers game or the Salvadoran Armed Forces now have a greater respect for human rights, the administration asserts "there were fewer human rights violations in 1990 than 1989. * * *" Human rights violations, however, cannot be reduced to a numbers game, especially not while members of the death squads roam freely in El Salvador. No one would dare suggest that the Medellin cartel now has a greater respect for human rights since the bombings of Bogota have ceased or because the extraditables killed fewer people in the latter half of 1990. No one would suggest such a thing because like the Armed Forces of El Salvador, criminals remain at liberty, free of prosecution, while business continues as usual.

According to the Human Rights Office of the archdiocese of San Salvador, Tutela Legal, there were 29 disappearances, 30 death squad killings and 34 deaths of civilians by the armed forces or civil defense units. Although the number of human rights abuses declined in the latter half of 1990, the welcome trend has been reversed in 1991. Also in 1990, there was a major setback in the San Sebastian case involving the Army's murder of 10 peasants in 1988. The case was originally portrayed as another key test for the Salvadoran judicial system. It was a key test and the Salvadoran judicial system failed that test. In February 1990 charges were dismissed against seven of the nine defendents. After further judicial proceedings only Major Beltran remains in detention.

The Armed Forces of El Salvador need to be purged of human rights violators and restructured. The impunity of military chiefs must be overcome. The National Intelligence Office should be abolished and the Salvadoran military subjected to civilian control. To insinuate that the Armed Forces of El Salvador can be transformed without a complete revamping of that organization, or suggest that they are the guardians of liberty simply because they have committed fewer human rights violations this year, is like putting lipstick on a pig; you have dressed it up a bit but you have not changed the nature of the beast. In the words of the late Father Ignacio Ellacuria, rector of the University of Central America, "There will not be democracy without democratization of the Armed Forces." (March 1989.)

PUBLIC LAW 101-513

There are those that would say that Public Law 101-513 has failed since only a few weeks after the law was enacted, the FMLN mounted an offensive. I should remind such people that we were not so naive when we voted on this legislation. The law clearly supported the negotiation process, which included previous agreements between the Government of El Salvador and the FMLN. Offensive action by the FMLN and counterinsurgency activities by the Salvadoran Government were fully contemplated in the May 1990 Caracas accord when both parties agreed that a cease-fire would be the culmination of a negotiation process that examined the underlying causes of the social unrest. I should also remind my colleagues that only 1 week after President Bush announced his decision to release an additional $42.5 million in military assistance there was a massacre in El Zapote, on January 21, 1991. It was a massacre that smacks of death squad involvement. In his Sunday homily on February 3, Archbishop Rivera y Damas said that the killing of the 15 peasants in El Zapote pointed "exclusively to the responsibility of members of the 1st Brigade in this crime, which was committed with total impunity and also has the characteristics of the death squads." Incidents such as the massacre at El Zapote, is precisely why I stated earlier that the release of the aid sent the wrong signal, at the wrong time, to the wrong people.

THE PRESIDENT'S REPORT

In his January 15 report to Congress, the President determined that:

First, proof exists that the FMLN is continuing to acquire or receive significant shipments of military assistance from outside El Salvador; and

Second, the FMLN is engaging in acts of violence directed at civilian targets.

Now I submit that proof does exist that the FMLN received sophisticated SAM's from outside El Salvador. The question, however, is one of timing. When did they receive such weapons? According to reports, the SAM's were delivered in October and therefore prior to the enactment of the Public Law 101-513. The administration does not claim that the SAM 14's were obtained by the FMLN after November 5, 1990. Rather, it claims that the FMLN has continued to receive seaborne deliveries from Nicaragua since the bill became law. The evidence was shared with Congress on January 8. I for one am not convinced that the administration has met the burden of proof.

The FMLN did violate the law however by engaging in acts of violence directed at civilian targets—banks, powerplants et cetera. These actions also violated an earlier pledge—March 1990—to refrain from such operations.

Mr. President, as I have stated in the past, right here on the Senate floor, November 29, 1989, I am not unaware of the role that the FMLN has played in escalating the level of violence in El Salvador. During the 6-week offensive, we once again witnessed rebel forces use the shield of innocent civilians to protect themselves. Further, I was horrified to read that two United States servicemen were murdered after their helicopter was shot down on January 2 in El Salvador. Like all Americans, I deplore the execution of our servicemen by the FMLN. Nonetheless, I welcome the FMLN's decision to investigate the matter and arrest two of its members on suspicion of murder. Those responsible for this grave human rights violation must be punished. Further, I will not be satisfied only with the punishment of those responsible. I call for a trial in accordance with the Geneva Conventions' common article 3 and article 6 of protocol II. The FMLN would be woefully mistaken if they believe that world opinion would be satisfied by dragging two of its members out back to be executed. Again, no half measures, no token gestures, no sacrificial lambs, no never, no more. Justice and the Salvadoran people's yearning for peace cannot be placated by anything less than complete conformity, by all parties to the conflict in El Salvador, to the principles and standards of international law.

The outrageous, flagrant and frequent human rights abuses that have been committed by the security forces of El Salvador do not excuse the FMLN from fulfilling its obligations under the San Jose Agreement on Human Rights—July 1990—and international law. The atrocities that have been committed by the right and the left in El Salvador must end and negotiations continue if there is ever to be peace in this war-torn nation.

VIOLATIONS OF THE LAW

The question, Mr. President, is not whether the FMLN violated the law more than the Government of El Salvador or vice versa. The question is, where do we go from here? The President has decided to release over $90 million since December 1990. Although the President has said that he will refrain from obligating the funds that had been withheld by Congress for a period of 60 days in the interests of promoting peace, it has also been reported that the Salvadoran Government has not even spent the funds provided in December. Also, I am afraid that the President's decision will have the opposite affect than that which was intended. There are elements in the Salvadoran military who will attempt to drag out the negotiations for another 60 days. As long as they put on a good show, they know they will get their money. There are also elements in the FMLN that will now argue for a larger offensive. Again, releasing the aid sends the wrong message, at the wrong time, to the wrong people.

Not only does the President's decision to release the aid misplace incentives or a peaceful solution, and is therefore counterproductive, it is also an exercise in futility. To what avail do we release these funds? The Government escalated the air war in 1983–84 with the strafing and bombing of villages. Thousands of people were dislocated from their homes and refugees streamed across the Salvadoran borders. The FMLN countered by changing tactics, fighting in smaller units, and 6 years later neutralizes the Salvadoran Air Force with the use of SAM 14's. What happens next? We provide more funds so the Salvadoran military can buy more helicopters only to be shot down by SAM 14's? No. We have come to far to retreat to the early 1980's. The answer is not to provide more military funding to El Salvador.

CONGRESS TIRED OF FUNDING

The Congress and the American people are tired of funding the war in El Salvador. For too long we have tried to buy democracy in El Salvador. Democracy, however, cannot be bought, it must be built. Democracy is a way of life, not a procedural game that is played out every so often. It is a relationship between those who have been charged with the responsibility of governing and those who choose how and by whom they are to be represented. It is a dream for impoverished and oppressed people around the world, especially in El Savador. Now is not the time for additional military aid, it is a time for new diplomatic initiatives. It is a time to reduce all military forces in Central America, not a time to maintain them. It is a time to stop the endless cycle of violence and a time to bring peace to a troubled land.

The Secretary General's report to the Security Council, January 7, 1991, says: "* * * while significant progress has been accomplished to date * * * it is fair to say that considerable problems have been encountered in reaching agreement on armed forces. * * * I am persuaded that, given the necessary political will, coupled with support from outside powers in a position to assist me in my efforts, the goal of peace in El Salvador can be achieved in the not too distant future." The question therefore, is whether or not the Congress of the United States will assist the efforts of the Secretary General by voting in favor of the Peace, Development and Democracy in El Salvador Act, or will we vote to prolong the war and undermine "the last best chance for peace."•

• Mr. SIMON. Mr. President, I am pleased to join Senator ADAMS in cosponsoring legislation to prohibit military assistance to El Salvador. The bill also prohibits funding for United States military advisers in El Salvador and prohibits funds for covert operations. Most importantly, the bill will support efforts for peace in El Salvador.

Last fall, Congress took a significant step in restricting military aid to El Salvador. That was an important positive shift in a policy that, for many years, relied upon a military solution to El Salvador's problems. We wanted to see progress on human rights and on the peace process. The administration, however, decided to take a step back when it announced some weeks ago that it would release the restricted assistance. I strongly oppose that move and believe that Congress must take the initiative once again in getting the United States on a more sound and effective course in El Salvador.•

• Mr. WELLSTONE. Mr. President, for more than a decade, the people of El Salvador have struggled under the weight of a brutal and ruthless military that has engaged in widespread human rights abuses against the Salvadoran people, including brutal torture and frequent extrajudicial executions. During the past decade, well over 70,000 people have been killed, including tens of thousands of innocent civilians.

The Peace, Development and Democracy in El Salvador Act of 1991, introduced today by my colleague from Washington, Senator ADAMS, sets a new course for United States policy in that country. I am happy to join as an original cosponsor of that legislation, and hope that the grassroots support the bill has begun to generate will be noted by the administration.

Last year, Congress broke important ground by voting to cut military aid to El Salvador by 50 percent and imposing stringent conditions on restoration of military aid. But today we stand in essentially the same place as last year: We are still sending over $80 million annually in military aid to the Government of El Salvador and the violence and bloodshed continues unabated.

Now the President has indicated his willingness to resume military aid to El Salvador on March 15. I believe this decision will send a clear signal to the Salvadoran military to resume business as usual, unfettered by the human rights requirements that have conditioned United States aid there for years. If what's past is prolog, Mr. President, this decision will only perpetuate this tragic war. At this crucial time in negotiations, that must not be allowed to happen.

I hope the administration will reconsider this unwise and unnecessary change in policy. It is time to reverse our policy on military aid to El Salvador, not reaffirm it.

I recently joined a large group of my Senate colleagues in a letter urging the President to reconsider this decision. I ask that the text of that letter appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR MR. PRESIDENT: We are writing to you concerning the report you submitted to Congress on January 15 regarding U.S. military aid to El Salvador. After reviewing your report and other relevant information, we respectfully urge that you continue to withhold fifty percent of the military assistance approved for El Salvador for fiscal year 1991 subject to the provisions of section 531 (d)(1) of Public Law 101-513.

We make this request because we are concerned that your decision to release the additional military aid after the March 15 deadline cited in your report, may serve to undermine the negotiating process and re-invigorate those on both sides of the civil war who seek a final solution on the battlefield, not at the bargaining table.

As you know, the law now governing military aid to El Salvador was approved by wide margins in both Houses of Congress. The statute was specifically designed to promote the United Nations-sponsored negotiations between the Government of El Salvador and the opposition FMLN. To achieve this objective, the legislation offered incentives and disincentives to both sides in the conflict, while providing a great deal of flexibility to you and your administration in interpreting and applying the terms of the law.

Unfortunately, we believe that the report you submitted on January 15 does not reflect a balanced interpretation of the law. In judging the conditionality applicable to the FMLN, you employ a very strict standard and thereby justify the restoration of full military aid. However, in judging the conditionality applicable to the government and armed forces, you employ a very lax standard and thereby avoid any restriction on further aid.

More specifically, according to your finding, the FMLN violated the conditions relating to (1) the acquisition of "significant" shipments of lethal military assistance from outside El Salvador" and (2) "acts of violence directed at civilian targets." Alternatively, the Salvadoran government, in your judgment, is apparently meeting the condition that it conduct "a thorough and professional investigation into the prosecution of those responsible for the eight murders [the six Jesuits, their housekeeper and her daughter] at the University of Central America on November 16, 1989."

We think it is plain that neither side has met fully the criteria spelled out in the law. However, we believe it would be far better to maintain the legal incentives for both sides to comply with those criteria in the future than to make a final determination—especially a one-sided final determination—at this time.

Our belief is based not only on our interpretation of the law, but on our continued desire to encourage serious negotiations for peace. Although we believe both sides should be displaying a stronger commitment to the negotiations, we also believe that important progress towards peace is being made. We note, for example, the recent statement of Alvero de Soto, the U.N. Secretary General's representative in the talks, that "I can report (without breaching confidentiality) that the talks are on track and proceeding apace—but quietly out of the limelights, as befits serious negotiations. There is no doubt in my mind that this effort can lead to success."

We agree that negotiations can succeed and we believe that Public Law 101-513, if implemented in a balanced way, can serve to advance this process. For this reason, we request that you continue to withhold the second half of this year's military aid for El Salvador; that you maintain the incentives and disincentives applicable to both sides; and that you apply the letter and spirit of that law in an even-handed manner. Such a policy, we believe, will encourage both sides to seek peace and to do everything else possible to bring about a just and rapid conclusion to this tragic war.

Sincerely,

——— ———.

Mr. WELLSTONE. Mr. President, the people of El Salvador deserve a chance for peace. Restoring military aid now could well scuttle any hope for peace in the region. The legislation introduced today sends a strong signal that there is a large and growing number of Members of Congress on both sides of the aisle unpersuaded of the need for further military aid of any kind to El Salvador. I urge its prompt consideration by this body.●

By Mr. SASSER (for himself, Mr. LEAHY, Mr. SIMON, Mr. FOWLER, Mr. WIRTH, Mr. SANFORD, Mr. DODD, Mr. CONRAD, Mr. KERREY, and Mr. HARKIN):

S. 602. A bill to improve the food stamp and nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CHILDHOOD HUNGER PREVENTION ACT

Mr. SASSER. Mr. President, I rise today to introduce the Childhood Hunger Prevention Act of 1991. I am joined by Senators LEAHY, SIMON, FOWLER, WIRTH, SANFORD, DODD, CONRAD, KERREY, and HARKIN in offering this legislation.

This legislation confronts one of the most compelling issues of the day—the condition of children in America.

Right now the picture is a grim one.

Children comprise the poorest segment of our Nation's population. One-fifth of our children live in poverty. One out of every 12 children, perhaps as many as 8 to 9 million children, are hungry or at serious risk of being hungry.

Yet, despite our knowledge of this crisis, life for too many American children is getting worse, not better. Since 1979 the percentage of our children living in proverty has jumped from 16 to 20 percent. If that trend holds, more than 25 percent of all American children will have slipped below the proverty level by the year 2000.

And make no mistake about it; childhood hunger occurs in every part of the country.

The most comprehensive ongoing survey of hunger, the Community Childhood Hunger Identification Project, or CCHIP, has been at work on this subject for nearly 2 years now.

Currently, they have conducted comprehensive surveys of children under 12 in sites in 8 States.

And the survey results from many sites are most disturbing. In Pontiac, MI, children in 28 percent of the low-income families surveyed were found to have been hungry at some point in the preceding year. In Seattle, 42 percent of the families experienced hunger. Similar findings occurred in Hartford, CT, Hennepin County, MN, Sumter County, AL and Polk County, FL.

What is the byproduct of child hunger? Kids that are hungry suffer up to twice the rate of unwanted weight loss, fatigue, headaches, frequent colds, irritability, and inability to concentrate.

These children face a daily struggle to get enough nutritious food to eat. It is little wonder that they do not do well in their education and are often absent from school. They fall behind in life at a very early age.

How does this legislation deal with the problem of child hunger?

The key child nutrition features of this legislation are as follows:

First, food assistance to homeless preschoolers would be increased. Although desperately in need of nutritional assistance, young homeless children often fall between the cracks of Federal Nutrition Programs.

Second, funding for the Women, Infant, and Children Food Program [WIC] would be increased by $250 million in 1992. This funding increase would allow over 400,000 additional low-income women, infants, and children to participate in WIC.

Third, Federal meal subsidies would be extended to children at for-profit child care centers serving large numbers of low-income children. Current program rules prevent many low-income children at for-profit centers from receiving the subsidized nutritious meals available to other low-income children.

Fourth, more schools would be able to serve nutritious snacks at after-school child care, hopefully encouraging more schools to offer after-school care.

The Food Stamp Program is the Nation's largest child nutrition program. Of total benefits, 82 percent go to poor families with children. For these needy families, adequate food stamp benefits means the difference between going hungry and having food to put on the table. Changes in the Food Stamp Program include:

First, more food stamp benefits are directed to families with excessively high housing costs. Three out of ten poor households pay more than 70 percent of their income on housing costs. Currently these high housing costs substantially reduce benefits to many needy families.

Second, basic food stamp benefits would be raised to reflect the actual cost of food, and thereby prevent benefits from running out before the end of every month.

Third, low-income rural households would not be penalized as much for their automobiles, thereby gaining more benefits. Right now many households in rural areas cannot receive food stamps because they own a vehicle that is essential for transportation to and from work, shopping, and medical facilities.

Fourth, families would be encouraged to better pursue child support payments owed them by absent parents. Right now, households receiving child support payments have their food stamp benefits reduced.

Mr. President, this legislation passed the House by an overwhelming vote last year. Yet, unfortunately, it was not included as part of the 1990 budget summit.

As chairman of the Budget Committee, I am mindful of the need to maintain the fiscal constraint in the summit agreement. But I am committed to working with my colleagues to overcome these difficulties and to find room for this crucial initiative.

We must understand that rampant hunger and poverty among American children is not the road to a brighter future for this country. Children are our investment in the future. Healthy, well-fed, physically and emotionally well-adjusted children are this Nation's guarantee for future prosperity. This legislation, S. 602 helps us meet that goal.

Mr. President, I ask unanimous consent that a summary of the Childhood Hunger Prevention Act of 1991 be included immediately following my remarks as well as the full text of S. 602, the Childhood Hunger Prevention Act of 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Childhood Hunger Prevention Act of 1991".

TITLE I—FOOD STAMP PROGRAM

SEC. 101. INCREASE IN BASIC BENEFIT LEVEL.

The second sentence of section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended—

(1) by striking ", and (11) on October 1, 1990, and each October 1 thereafter," and inserting "(11) on October 1, 1990,"; and

(2) by inserting before the period at the end the following: "(11) on October 1, 1991, adjust the cost of such diet to reflect 103 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (12) on October 1, 1992, adjust the cost of such diet to reflect 103½ percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (13) on October 1, 1993, adjust the cost of such diet to reflect 104 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (14) on October 1, 1994, adjust the cost of such diet to reflect 104.5 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, and (15) on October 1, 1995, and each October 1 thereafter, adjust the cost of such diet to reflect 105 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, except that each adjustment made under clause (11) through this clause shall be made without regard to any previous adjustment made under clause (9) through this clause".

SEC. 102. EXCLUSION OF CHILD SUPPORT PAYMENTS FROM INCOME.

(a) IN GENERAL.—Section 5(d)(13) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(13)) is amended by striking "at the option of a State agency and subject to subsection (m),".

(b) CONFORMING AMENDMENT.—Section 5 of such Act (7 U.S.C. 2014) is amended by striking subsection (m).

SEC. 103. ELIMINATION OF CAP ON EXCESS SHELTER DEDUCTION.

The fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking ": *Provided*, That" and all that follows through "June 30".

SEC. 104. VALUE OF VEHICLES EXCLUDED FROM ALLOWABLE FINANCIAL RESOURCES.

Section 5(g)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(2)) (as designated by section 1719(1)(A) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624)) is amended by striking "$4,500" and inserting "$5,500 (adjusted on October 1, 1992, and each October 1 thereafter, to reflect changes in the index determined by the Secretary to be most reasonable, for the 12 months ending on the preceding June 30 of the year)".

SEC. 105. BARRIERS IN RURAL AREAS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) (as amended by section 1759 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624)) is further amended by adding at the end the following new subsection:

"(k)(1) The Secretary shall conduct, and may permit States, on their initiative, to conduct, pilot projects that test changes in, and new, food stamp program administrative and eligibility determination procedures designed to increase participation in rural areas.

"(2) Projects under paragraph (1) shall be carried out over not less than a 2-year period and shall test changes in administrative and eligibility determination procedures suggested by research on barriers to participation in rural areas and State agency experience, including—

"(A) conducting certification activities that would otherwise be conducted in offices of the State agency, by mail, by telephone, or at other locations;

"(B) increased flexibility in office hours and more accessible sites for eligibility certification and benefit issuance;

"(C) expanded provision of program information;

"(D) outstationing of State agency staff;

"(E) State agency processing of social security numbers;

"(F) reduced verification and reporting requirements;

"(G) changes in the rules governing how household assets are counted in eligibility determinations; and

"(H) coordination with and use of personnel administering the expanded food and nutrition education program conducted under section 3(d) of the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343(d)) and section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3125), community action agencies, and other local resources in providing program information, screening and advising applicants, and providing transportation.

"(3) In carrying out pilot projects under this subsection, the Secretary shall give priority to projects encompassing more than one substantial change in administrative and eligibility determination procedures and may pay up to 60 percent of the administrative costs related to implementation of pilot projects authorized under this subsection.".

SEC. 106. HOMELESS PARTICIPATIONS PROJECTS.

Section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) is amended by adding at the end the following new subsection:

"(g) Of amounts appropriated pursuant to this section, not to exceed $1,000,000 in any fiscal year may be used by the Secretary to make grants to public or private nonprofit organizations or agencies, in one or more areas of the United States, for projects designed to improve the effectiveness of the food stamp program in delivering food assistance to homeless individuals.".

TITLE II—NUTRITION PROGRAMS

SEC. 201. PARTICIPATION OF PRIVATE RESIDENTIAL DAY CARE ORGANIZATIONS IN CHILD AND ADULT CARE FOOD PROGRAM.

(a) IN GENERAL.—Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended—

(1) in the last sentence—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the first through sixth sentences as paragraphs (1) through (6), respectively; and

(3) in paragraph (2) (as so designated)—

(A) by inserting "(A)" after the paragraph designation;

(B) by striking "; and such term" and all that follows through the period at the end and inserting a period; and

(C) by adding at the end the following new subparagraph:

"(B) For purposes of this section, the term 'institution' shall also mean any other private organization providing nonresidential day care services if—

"(i) at least 25 percent of the children served by the organization meet the income eligibility criteria established under section 9(b) for free or reduced price meals; and

"(ii) as a result of the participation of the organization in the program established under this section—

"(I) the nutritional content or quality of meals and snacks served to children under the care of the organization will be improved; or

"(II) fees charged by the organization for the care of the children described in clause (i) will be lowered.".

(b) CONFORMING AMENDMENTS.—Section 17 of such Act is amended—

(1) in subsection (d)(2)(B), by striking "subsection (a)(1)" and inserting "subsection (a)(6)(A)"; and

(2) by striking subsection (p).

SEC. 202. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

Section 17A(a)(2) of the National School Lunch Act (42 U.S.C. 1766a(a)(2)(C)) is amended—

(1) by inserting "and" after the semicolon at the end of subparagraph (A);

(2) by striking "; and" at the end of subparagraph (B) and inserting a period; and

(3) by striking subparagraph (C).

SEC. 203. ASSISTANCE TO HOMELESS PRESCHOOL CHILDREN.

Section 18(c)(5)(A) of the National School Lunch Act (42 U.S.C. 1769(c)(5)(A)) is amended by striking the first sentence and inserting the following new sentence: "Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection, from amounts appropriated to carry out this Act, not less than $2,000,000 in fiscal year 1992, not less than $2,000,000 in fiscal year

1993, and not less than $3,000,000 in fiscal year 1994, in addition to any amounts made available under section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)), except that not more than $5,000,000 shall be expended for the program authorized by this subsection in any fiscal year.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC).

The first sentence of section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)) is amended by striking "and such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, and 1994" and inserting "such sums as may be necessary for fiscal year 1991, $2,700,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994".

TITLE III—EFFECTIVE DATES

SEC. 301. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective on January 1, 1992.

(b) MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.—The amendments made by section 202 shall become effective on July 1, 1991.

THE CHILDHOOD HUNGER PREVENTION ACT OF 1991

CHILD NUTRITION/WIC

1. Food service for homeless pre-schoolers. Homeless children under age six do not have ready access to the government's nutrition programs for children. They are too young for subsidized school meals and often lack access to Child Care Food Program. Further, due to the lack of storage and cooking facilities, Food Stamps and WIC usually cannot provide assistance to these children. A 1989 law established a pilot project in Philadelphia which provides year-round food service to homeless children under age 6 in emergency shelters. This provision would provide increased funding to enough similar projects in other cities, and would simplify the complicated funding mechanism set up in the earlier law. $2 million would be available in 1992 and 1993, and $3 million in 1994.

2. Increase low-income participation in the Child Care Food program. Currently, for-profit child care centers can only participate in the Child Care Food Program if over 25 percent of attending children receive Title XX funding. Many for-profit centers, however, serve substantial numbers of low-income children without the benefit of Title XX funding. Growing numbers of low income children, for example, attend such centers through JOBS or the Child Care and Development Block Grant. Expanding program eligibility to for-profits which serve more than 25 percent low income (below 185 percent of poverty) children would enable many needy children to receive the nutritional meals that low income children at non-profit centers already receive.

3. Snacks at after-school child care. Schools that operate after-hours child care programs must qualify as child care centers in order to receive federal snack subsidies. Many schools do not participate because of the complications of having to operate the child care program separately from their lunch programs. Allowing schools to participate through their lunch programs will encourage more schools to offer nutritious snacks to children in their after-school care. Further, many child care advocates believe that the change could also encourage more schools to offer after-school child care, hence providing more children with a safe and healthy after-school environment.

4. Set WIC authorization $250 million above baseline for 1992. The Women, Infants, and Children Food program (WIC) is extremely effective at improving the nutritional and health status of low income women, infants, and children. A recent USDA study concluded that every dollar spent on a WIC mother or infant saves between $1.77 and $3.13 in Medicaid costs. Prenatal WIC participation also results in higher birthweight. Despite its documented effectiveness, insufficient funding allows WIC to serve just over half of the low-income women, infants, and children eligible for benefits. The $250 million funding increase would enable over 400,000 additional low income women, infants, and children to receive WIC benefits in 1992.

FOOD STAMPS

1. Eliminate cap on shelter deduction. A household's food stamp benefits are based on household income. In determining monthly income, households can deduct housing expenses that exceed 50% of their income. The maximum amount that non-elderly and non-disabled households can deduct is $186 per month. This provision would allow all households to deduct the full amount of their excess shelter costs for income determinations. CBO estimates this provision would affect over one million households per month, with the prime beneficiaries being families with children, a group likely to have high housing costs.

2. Raise maximum allotment from 103% to 105% of Thrifty Food Plan by 1995. Food stamp benefits are based on the costs of the Thrifty Food Plan, an estimate of how much money a family of four would need monthly to provide meals meeting minimum nutritional requirements. One study has found that actual food costs have been an average of 5% higher than Thrifty projections. This provision would increase basic benefits (currently at 103% of the Thrifty) by one-half percent of the value of the Thrifty each year through 1995, starting in 1992. On average, this increase should allow participants to purchase at least two additional meals per month.

3. Raise vehicle asset limit to $5,500, and index thereafter. Currently food stamp participants cannot own motor vehicles worth more than $4,500. This ceiling was established in 1977 and has never been indexed, although automobile prices have increased by over 120%. The President's Task Force on Food Assistance recommended raising the vehicle limit to $5,500 several years ago. The cap hurts low-income households in rural areas who need cars to travel for work, shopping, and medical services.

4. Disregard first $50 of child support for families receiving AFDC. Under current law, families receiving AFDC benefits receive the first $50 per month in childhood support payments without having their benefits reduced. The provision is designed to give families more incentive to help state agencies find absent parents. However, these same families would have their food stamp benefits reduced because, under food stamp law, their income would be increasing by $50. This provision would permit AFDC families to collect $50 in child support without a reduction in their food stamp benefits.

5. Demonstration projects on barriers to participation in rural areas and by the homeless. The legislation would fund modest demonstration projects to study barriers to participation in rural areas and ways to improve the program's service to homeless individuals.

Mr. LEAHY. Mr. President, I am pleased to join Senator SASSER in introducing the Childhood Hunger Prevention Act of 1991. This bill focuses much-needed help on a resource too often overlooked by this Nation—children. Hunger jeopardizes the future of our entire Nation.

Every teacher knows that a hungry child does not learn. If our Nation's children are not learning, our Nation's future is seriously at risk.

I would like to note Senator SASSER's commitment to this issue. At our hearing on hunger at this time last year, the Committee on Agriculture, Nutrition, and Forestry was honored to have JIM SASSER as a leadoff witness.

He vividly described the need for significant nutrition legislation. As the chairman of the Senate Budget Committee, his support is crucial to the success of this effort.

The Childhood Hunger Prevention Act sets forth a blueprint for a child nutrition initiative I strongly endorse.

This bill expands and improves child nutrition programs on several fronts, including a homeless children's feeding program, the Child Care Food Program, after-school child care, and WIC—the Supplemental Feeding Program for Women, Infants, and Children.

The Childhood Hunger Prevention Act also makes important improvements in the Food Stamp Program. Eighty percent of food stamp recipients are families with children.

Let's look at the hard facts—nearly half of those living in poverty spend 70 percent of their family income on housing. Many of these families must often choose between feeding their children and keeping the roof over their heads.

In the richest country in the world, this is a disgrace.

This bill adjusts shelter cost estimates to more accurately reflect actual costs and provide necessary food stamp benefits. Since 80 percent of food stamp recipients are families with children, this is an important step to reduce hunger.

This bill also raises the vehicle asset limit, which food stamp recipients deduct from their income when calculating benefit levels. The current limit of $4,500 was set over a decade ago and has never been adjusted for inflation. The bill recognizes that vehicle prices have risen over 120 percent by increasing the vehicle assets limit to $5,500 and indexing that amount to inflation.

It is time for this country to cultivate its most precious resource—children. The Childhood Hunger Prevention Act will do this by turning children's attention from their stomachs to their future. Their future is the future of the Nation.

By Mr. GLENN (for himself, Mr. D'AMATO, Mr. DIXON, Mr. INOUYE, Mr. BURNS, Mr. BUMPERS, Mr. PRYOR, Mr. LOTT, Mr. BOREN, Mr. GRASSLEY, Mr. HATCH, Mr. KASTEN, Mr. BOND, Mr. WALLOP, Mr. AKAKA, Mr. DASCHLE, Mr. NICKLES, Mr. COATS, and Mr. SIMON):

S. 603. A bill to require the Administrator of General Services to establish procurement criteria for plastic products containing recycled material; to establish an interagency task force on plastic container coding to coordinate the expertise, responsibilities, and initiatives of Federal agencies to facilitate use of degradable plastics, without adversely affecting recycling of nondegradable plastic products, to require coding of plastic containers to facilitate separation of degradable plastic containers from nondegradable plastic containers and sorting of nondegradable plastic containers by resin type to promote recycling containers, and for other purposes; to the Committee on Governmental Affairs.

CODING OF PLASTIC CONTAINERS

Mr. GLENN. Mr. President, I rise today to introduce legislation to require coding of plastic containers to facilitate recycling. Senators D'AMATO, DIXON, INOUYE, BURNS, BUMPERS, PRYOR, LOTT, BOREN, GRASSLEY, HATCH, KASTEN, BOND, WALLOP, AKAKA, DASCHLE, NICKLES, COATS, and SIMON join me as original cosponsors of this bill. I have always been a supporter of a clean environment, and this legislation can play a role in our effort to reduce the amount of plastic waste that is accumulating in our landfills.

The accumulation of solid waste in our municipal landfills is one of the most urgent and fundamental environmental problems facing Federal, State, and local officials today. Plastic is now estimated to account for 7 percent of the 150 million tons of solid waste produced in this country each year. By the year 2000 this figure is expected to rise to 10 percent. The solution to the solid waste problem will be multifaceted. Science is providing us with agricultural commodity-based plastic products which will degrade in months or years rather than centuries. Recycling of plastics, which is in its infancy, also offers great promise. Both recycling of plastic and use of degradable plastics will play a role in easing the burden of solid waste.

Mr. President, this legislation addresses the need to be able to identify the type of resin used in plastic containers in order to promote recycling and use of degradable plastics. Currently only two types of plastic resins are readily recyclable. These are the resins used in milk jugs and soda bottles that can be recognized by the containers themselves. Other resins that are recycled are generally processed together into a junk plastic with limited applications. A labeling system would make it possible to recycle more plastic resins into more products.

The bill also modifies the existing coding system to add a symbol for degradable plastics. This symbol will facilitate initial separation of degradable plastic from recyclable, nondegradable plastic and help assure that expanded use of degradable plastics does not compromise recycling of other plastics.

Expansion of plastic recycling can be expanded by Federal actions which promote development of markets for products made from plastic containing recycled material. The bill will direct the Administrator of the General Services Administration to develop standards in order to facilitate procurement of products by Federal agencies.

Lastly, this legislation addresses the need to coordinate the overlapping responsibilities within the Federal Government with respect to plastic recycling and degradable plastics. The bill deals with this problem by creating an interagency task force to assist in development of a system for coding of plastic containers designed to facilitate use of degradable plastics without adversely affecting recycling of nondegradable plastics.

This legislation is supported by a wide range of interest. It is supported by the corn growers, the plastics industry, and the plastic resin manufacturers. This bill is a significant step in advancing efforts to recycle a larger volume of plastics, to use a larger volume of recycled plastic, and to develop larger markets for products containing recycled material. I urge my colleagues to join me in cosponsoring this important bill.

I ask unanimous consent for the bill to be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) reduction of solid waste through recycling of plastics can help to reduce solid waste, conserve resources, and save money;

(2) no national standards presently exist for coding of plastic products to distinguish resin type and whether the product is degradable;

(3) national standards for coding plastic containers by resin type and degradability will facilitate separation of disposed plastic containers, promote recycling, and assure that use of degradable plastic products does not adversely affect plastic recycling;

(4) the Federal Government should promote plastics recycling and assure that use of degradable plastic products does not adversely affect plastic recycling;

(5) no Federal criteria presently exist for Federal procurement purposes to identify plastic products as manufactured from plastic containing recycled material;

(6) procurement by Federal agencies of products manufactured from plastic containing recycled material could contribute to establishment of markets for products manufactured from plastic containing recycled material and thereby promote recycling of plastic;

(7) the lack of criteria for identifying products manufactured from plastic containing recycled material for Federal procurement purposes is hampering the ability of Federal agencies to procure such products;

(8) establishment of Federal procurement standards and criteria by the General Services Administration for products manufactured from plastic containing recycled material and identification of particular products that satisfy such criteria in Federal procurement materials will contribute to the establishment of markets for products manufactured from plastic containing recycled material, and thereby promote plastic recycling, by facilitating procurement of such products by Federal agencies;

(9) the ability of the Federal Government to promote plastics recycling and assure that use of degradable plastic products does not adversely affect recycling is hampered by the division of responsibilities among several agencies;

(10) the Environmental Protection Agency is generally responsible for municipal solid waste and recycling policies;

(11) the Federal Trade Commission is generally responsible for regulation of consumer product labeling;

(12) the Food and Drug Administration is responsible for labeling of food containers;

(13) the Department of Agriculture is responsible for promotion of agricultural products, including additives which promote degradability of plastics;

(14) the Administrator of General Services is responsible for Federal procurement policies, including criteria for products manufactured from plastic containing recycled material;

(15) the Department of Commerce is responsible for standards which promote commerce and trade; and

(16) a Federal interagency task force is needed to coordinate the expertise, responsibilities, and initiatives of these agencies to facilitate the use of degradable plastics, without adversely affecting recycling of nondegradable plastic products, by coding of plastic containers to facilitate separation of degradable plastic containers from nondegradable plastic containers and sorting of nondegradable plastic containers by resin type to promote recycling of such containers.

(b) PURPOSE.—The purposes of this Act are—

(1) to require the General Services Administration to establish Federal procurement criteria for products manufactured from plastic containing recycled material;

(2) to create an interagency task force to coordinate the efforts of the Federal Government in implementing the requirements of this Act and to assure attainment of the objectives of this Act; and

(3) to establish a uniform national standard for coding of plastic containers by resin type and by degradability to assure that use of degradable plastic products is consistent with recycling of nondegradable plastic products.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) PLASTIC CONTAINER.—(A) Except as provided in subparagraph (B), the term "plastic container" means—

(i) a rigid or semirigid vessel, including bottles, made of plastic with a capacity of 8 fluid ounces or more and less than 5 gallons, designed to hold some commodity; and

(ii) flexible garden and leaf bags made of plastic.

(B) Such term shall not apply to vessels manufactured for use in medical or laboratory processes or procedures.

(2) Degradable.—The term "degradable" means the ability of a material to be reduced, by exposure to microorganisms, light or chemicals, to environmentally benign subunits within the shortest period of time consistent with the material's intended use, but in no event greater than a 5-year period.

(3) Plastic.—The term "plastic" means a material that contains as an essential ingredient one or more organic polymeric substances of large molecular weight, and that at some stage in the manufacture or processing into finished articles can be shaped by flow.

SEC. 3. GENERAL SERVICES ADMINISTRATION PROCUREMENT STANDARDS.

(a) Recycled Plastic Procurement Standards.—The Administrator of General Services shall—

(1) establish criteria for plastic products to qualify as manufactured from plastic containing recycled material for Federal procurement purposes under this section;

(2) evaluate the performance characteristics of plastics containing recycled material meeting the criteria established under paragraph (1);

(3) determine the suitability of plastics containing recycled material meeting the criteria established under paragraph (1) for particular products and applications for Federal procurement purposes; and

(4) identify products made from plastics containing recycled material for which the Administrator of General Services has determined under paragraph (3) that such plastic is suitable.

(b) Purchasing Catalogue.—The Administrator of General Services shall make available in the standard General Services government purchasing catalogue products identified in subsection (a)(4) that satisfy all other applicable General Services Administration criteria and identify such products as meeting General Services Administration criteria for plastic products containing recycled material.

(c) Identification of Plastic Products.—Only plastic products containing recycled material that satisfy the criteria established by the Administrator of General Services under subsection (a)(1) and which are identified by such Administrator under subsection (a)(4) may be identified by the manufacturer or distributor of such product, through advertising or labeling, as meeting such criteria and as so identified.

SEC. 4. INTERAGENCY TASK FORCE.

(a) Establishment.—There is established an Interagency Task Force on Plastic Container Coding. The Task Force shall coordinate activities under this Act to assure that use of degradable plastic products does not adversely affect recycling of nondegradable plastic products.

(b) Members.—The members of the Task Force established under subsection (a) shall be—

(1) the Administrator of the Environmental Protection Agency, or his designee;

(2) the Director of the Bureau of Consumer Protection of the Federal Trade Commission;

(3) the Commissioner of the Food and Drug Administration, or his designee;

(4) the Secretary of Agriculture, or his designee;

(5) the Administrator of the General Services Administration, or his designee; and

(6) the Secretary of Commerce, or his designee, who shall act as Chair of the Task Force.

(c) Consultation.—In carrying out its duties, the Task Force shall seek the participation, through consultation and cooperation, of other public and private organizations which have a significant interest in use of degradable and nondegradable plastics and recycling of plastics.

SEC. 5. CODING.

(a) Identification of Plastic Resin.—Within the 12-month period following the date of the enactment of this Act, the Secretary of Commerce, after consultation with the Interagency Task Force on Plastic Container Coding, shall issue regulations to require manufacturers of plastic containers manufactured or offered for sale in the United States to encode such containers to identify the principal plastic resin used in their manufacturer in accordance with this Act. Such regulations shall apply to plastic containers manufactured on or after the later of January 1, 1993, or 90 days after the date such regulation is published in the Federal Register.

(b) Symbol.—The code required under subsection (a) shall consist of—

(1) a symbol—

(A) in the case of all plastic resins other than those identified in paragraph (2)(H), triangular in shape, comprised of 3 equal-length arrows, such arrows being curved at the apexes of the triangular-shaped symbol with the heads of the arrows pointing in a clockwise direction, and

(B) in the case of plastic resins identified in paragraph (2)(H), diamond in shape, comprised of 4 equal sides and rounded at the corners; and

(2) a specific number within the symbol and a series of letters immediately below the base of the symbol identifying the principal type of plastic resin from which the container was produced in accordance with the following schedule:

(A) The number "1" and the letters "PETE" for polyethylene terephthalate.

(B) The number "2" and the letters "HDPE" for high density polyethylene.

(C) The number "3" and the letter "V" for vinyl.

(D) The number "4" and the letters "LDPE" for low density polyethylene.

(E) The number "5" and the letters "PP" for polypropylene.

(F) The number "6" and the letters "PS" for polystyrene.

(G) The number "7" and the word "OTHER" for other resins or multiple resins.

(H) The number "8" and the letters "DEGR" for degradable resins.

(3) The Secretary may, by rule, from time-to-time, add to or otherwise revise the designation of resins referred to in paragraph (2).

(c) Coding Uniformity.—No State or political subdivision thereof may enforce any requirement of State or local law applicable to the coding of any plastic container unless such requirement is the same as the provisions of this Act. No State or political subdivision thereof may enforce any ban under State or local law on manufacture, sale, distribution, or use of any plastic container if such container is coded in conformance with the requirements of this Act unless such ban is equally applicable to containers made from other materials.

SEC. 6. PENALTY.

(a) Civil Penalty.—Any person or entity which violates this Act shall be subject to a civil penalty assessed by the Secretary of Commerce of not more than $5,000 for each offense.

(b) Criminal Penalty.—Any person or entity which knowingly violates this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than $10,000, imprisoned for not more than 1 year, or both, for each offense.

SEC. 7. MONITORING.

The Secretary of Commerce shall, by regulation, establish and implement a system for monitoring compliance with, and enforcement of, the provisions of this Act.

SEC. 8. STUDY AND REPORTS.

(a) Report.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Interagency Task Force on Plastic Container Coding shall prepare and submit, to the Committee on Governmental Affairs of the Senate and the Committee on Energy and Commerce of the House of Representatives, a progress report that contains—

(1) information on enforcement of and compliance with the provisions of this Act;

(2) information as to the problems, if any, incurred in the administration of the provisions of this Act;

(3) statistics on the number and type of violations detected and prosecuted by the Federal Government and by the States; and

(4) a summary of personnel and financial resources required to implement this Act.

(b) Study.—The Interagency Task Force on Plastic Containers Coding shall study technology which may be applied to facilitate the automated sorting of plastic containers in municipal solid waste to separate recyclable plastic containers from nonrecyclable plastic and to separate further recyclable plastic containers by resin type. Such study shall include identification of current and potential technology for automated separation of plastics by resin type. The Task Force shall report to Congress on the results of such study, including any recommendations for further legislation to facilitate expanded recycling of plastics, or for authorization of funding of research, development or demonstration projects which offer the potential for development and application of innovative technology to facilitate expanded recycling of plastics.

SEC. 9. AUTHORIZATION.

There is authorized to be appropriated such sum as may be necessary to carry out this Act.

By Ms. MIKULSKI (for herself and Mr. Sarbanes):

S. 604. A bill to provide for a graduated interim geographical pay adjustment for Federal employees based on relative proximity to metropolitan statistician areas, to provide for an adjustment in rates of basic pay for Federal employees within the District of Columbia and Baltimore, MD, consolidated metropolitan statistical areas, and for other purposes; to the Committee on Governmental Affairs.

GEOGRAPHIC PAY ADJUSTMENT FOR FEDERAL EMPLOYEES

• Ms. MIKULSKI. Mr. President, I rise today to introduce legislation which will help the Federal Government recruit and retain smart, qualified people; recognize the day-to-day needs of employees in the Baltimore-Washington corridor; and remove an unfortunate inequity from the Federal ledger. I'm pleased to introduce this bill today on behalf of myself and my colleague from Maryland, Senator SARBANES.

One hundred and thirty thousand Federal GS employees in the Baltimore-Washington area pay some of the highest food, housing, and tax costs in the country.

Our Federal employees—the professionals who work hard every day to get the Social Security checks out, keep our parks open, make sure our troops abroad get bullets and bandages—deal with that reality every month, when they pay their bills. They know that private employers recognize those realities, paying 20 percent more on average than the Federal Government.

And they know that when President Bush issued an Executive order last year providing an 8-percent raise only to Federal workers in the metropolitan statistical areas of New York, San Francisco, and Los Angeles, he addressed only part of the problem. He did not recognize the tough day-to-day realities faced by Federal employees in Baltimore and Washington—the largest block of Federal employees in the country. New York and California are not the only places in America where the cost of living far exceeds the national average.

Perhaps the Members of this body recall their first experience with Washington prices—the shock many of us felt when we compared the cost of a new home or even a rented apartment to what we would pay back home.

Mr. President, in addition to providing an immediate 8-percent pay raise for Federal employees in the Baltimore and Washington areas, my bill would change the formula for calculating these pay increases to ensure fair geographic adjustments.

This bill recognizes that the cost of living doesn't increase or decrease on the whim of OMB-designated statistical areas or arbitrary political boundaries; that they change gradually over distance. The price of housing, tuition or groceries doesn't just tumble downward because you move across a county line, into a different standard metropolitan area. A gallon of gas or a loaf of bread cost the same in Calvert County, MD, and St. Mary's County, even though Calvert County is in the Washington metro area and St. Mary's County isn't.

And the men and women at Pax River Naval Air Station in St. Mary's County are trying just as hard to do a good job and take home a decent living as their counterparts at the Pentagon.

That's why my bill gradually phases in the pay adjustment, giving smaller raises to jurisdictions located near high-cost metropolitan statistical areas, but not within those areas.

This is accomplished by providing that an employee who works within a 25-mile radius of the geographic center of the metropolitan statistical area receives 100 percent of the pay adjustment; an employee who works beyond a 25-mile radius and within a 50-mile radius of the center of the area receives 50 percent of the pay adjustment; and an employee who works beyond a 50-mile radius and within a 75-mile radius of the center of the area shall receive 25 percent of the pay adjustment.

This section of the bill would not only help my constituents in Maryland. Under the arbitrary boundaries drawn by the President's Executive order last year, four military facilities in New Jersey and California were divided, resulting in different salaries for employees who may sit at different desks in the very same office.

Federal employees are charged with turning the laws we pass into action—transforming dry legislative prose into medical research, Head Start programs, and college educations. I'd like to give them a chance to turn that prose into a fair and decent living for themselves and their families. I believe this bill will help to do just that.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERIM GEOGRAPHIC PAY ADJUSTMENTS GRADUATED ON PROXIMITY TO METROPOLITAN STATISTICAL AREAS.

(a) PAY ADJUSTMENTS.—Section 302 of the Federal Employees Pay Comparability Act of 1990 is amended—

(1) in subsection (a) by striking out "(A) DEFINITIONS.—" and inserting in lieu thereof "(a) DEFINITIONS.—";

(2) in subsection (a)(1)—

(A) by inserting "the area including any location within a 75 mile radius from the center of" after "means"; and

(B) by striking out "5,000" and inserting in lieu thereof "4,000"; and

(3) in subsection (b)—

(A) in paragraph (1) by striking out "The President" and inserting in lieu thereof "Subject to the provisions of paragraph (3), the President"; and

(B) by adding at the end thereof the following new paragraph:

"(3)(A) A pay adjustment established for an area under paragraph (1) shall provide that an employee whose duty station is—

"(i) within a 25 mile radius of the center of the area shall receive 100 percent of the pay adjustment;

"(ii) beyond a 25 mile radius and within a 50 mile radius of the center of the area shall receive 50 percent of the pay adjustment; and

"(iii) beyond a 50 mile radius and within a 75 mile radius of the center of the area shall receive 25 percent of the pay adjustment.

"(B) In the administration of the provisions of this subsection—

"(i) the President shall make a determination of the center of an area; and

"(ii) an employee whose duty station is located in more than one area shall receive a single pay adjustment for the area which results in the highest increase in the basic pay of such employee.".

(b) RULES OF CONSTRUCTION.—The amendment made by subsection (a)—

(1) shall not be construed to reduce any pay adjustment made under section 302 of the Federal Employees Pay Comparability Act of 1990 before the date of the enactmenty of this Act; and

(2) shall apply to any area in which a pay adjustment became effective under section 302 of such Act before the date of the enactment of this Act.

SEC. 2. PAY ADJUSTMENT FOR DISTRICT OF COLUMBIA AND BALTIMORE, MARYLAND LOCALITY.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "statutory pay system" has the meaning given such term by section 5302(1) of title 5, United States Code (and includes the pay system under chapter 54 of such title); and

(2) the term "consolidated metropolitan statistical area" means the area including any location within a 75 mile radius from the center of a consolidated metropolitan statistical area, as established by the Office of Management and Budget as of the date of enactment of this section.

(b) PAY ADJUSTMENT.—Subject to the provisions of subsections (c) and (d), effective on the first day of the first applicable pay period beginning on or after the date of the enactment of this section the rate of basic pay for any employee under a statutory pay system who is employed within a consolidated metropolitan statistical area which includes the District of Columbia (or any portion thereof) or a consolidated metropolitan statistical area which includes the city of Baltimore, Maryland (or any portion thereof) shall be equal to 108 percent of the rate of basic pay which would otherwise apply.

(c) PORTION NONATTRIBUTABLE IN COMPUTATION.—No portion of the rate of basic pay attributable to a pay adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990 shall be used in computing the adjustment made under subsection (b).

(d) GRADUATED PAY ADJUSTMENTS.—(1) A pay adjustment made under subsection (b) shall provide that an employee whose duty station is—

(A) within a 25 mile radius of the center of an area shall receive 100 percent of the pay adjustment;

(B) beyond a 25 mile radius and within a 50 mile radius of the center of an area shall receive 50 percent of the pay adjustment; and

(C) beyond a 50 mile radius and within a 75 mile radius of the center of an area shall receive 25 percent of the pay adjustment.

(2) In the administration of the provisions of this subsection—

(A)(i) any determination of the center of an area made under section 302(b)(3)(B)(i) of the Federal Employees Pay Comparability Act of 1990 shall apply; and

(ii) if there is no determination under such Act, the Office of Personnel Management shall make a determination of the center of an area; and

(B) an employee whose duty station is located in more than one area shall receive a single pay adjustment for the area which results in the highest increase in the basic pay of such employee.

(e) APPLICATION TO EMPLOYEES WITH CHANGE OF POSITION.—For purposes of applying subchapter VI of chapter 53 of title 5, United States Code, to an employee who changes from a position which is subject to this section to a position which is not, a rate of basic pay payable to such employee, as of any time before the change, shall be determined as if this section had never been enacted.

(f) REGULATIONS.—The Office of Personnel Management shall prescribe regulations necessary for the administration of this section, including regulations for determining the duty station of an employee.

(g) CONSIDERATION OF ADJUSTMENT IN SUBSEQUENT ADJUSTMENTS.—For purposes of section 5303 of title 5, United States Code, rates of pay established under this subsection may be taken into account to such extent as the President (or the Office of Personnel Management or other agency, as applicable) considers appropriate.

(h) SUBSEQUENT ADJUSTMENTS.—Any rate of pay in effect under this section on the date as of which this section ceases to be effective shall remain in effect until adjusted by or in accordance with law.•

• Mr. SARBANES. Mr. President, I rise today to join Senator Mikulski in introducing legislation which will provide for an interim geographic pay adjustment for Federal employees within the Baltimore/Washington metropolitan statistical area. The bill would also create a graduated interim geographic pay adjustment for Federal employees based on relative proximity to a metropolitan statistical area.

Last year, the Congress passed the Federal Employees Pay Comparability Act of 1990. This legislation allows the President to authorize geographic pay differentials of up to 8 percent for employees in geographic areas which meet certain criteria. The current rules governing determination of the interim pay adjustments require that areas contain at lest 5,000 General Schedule employees, are experiencing significant pay disparities, and are experiencing widespread recruitment and retention problems.

The Baltimore/Washington area, with over 130,000 General Schedule employees, meets all of these requirements. As my colleagues are well aware, the cost of living in the Baltimore/Washington area is about 8 percent above the national average. In addition, data developed by the Government Accounting Office shows that public sector employees in the Baltimore/Washington area earn 20 percent less than private sector employees in comparable jobs.

Mr. President, the purpose of the Federal Employees Pay Comparability Act of 1990 was to make Government service more affordable and more attractive, and there is no place where it is more important to recruit and retain top quality employees than in our Nation's Capital. It is time we recognize that Federal employees are an important and integral part of our national work force. The Baltimore/Washington area far exceeds the requirements set out in the law, and I urge the President to grant a geographic pay adjustment for Federal employees working in this critical area. I want to commend Senator MIKULSKI on her efforts in this regard and urge my colleagues to support this important legislation.•

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 605. A bill to provide for the payment of a special pay differential to a Federal employee serving on active duty as a member of a reserve component of the Armed Forces during the Persian Gulf conflict to compensate for any decrease in pay experienced during the period of military service; to the Committee on Governmental Affairs.

FULL FEDERAL PAY FOR MILITARY RESERVISTS

• Ms. MIKULSKI. Mr. President, 10,000 Federal employees in the military reserves traded their ID's for dog tags and left their desks for Operation Desert Storm. Unfortunately, these reservists have lost thousands of dollars in pay they would have received in their civilian jobs.

These brave and dedicated Federal employees are now on their way back to the United States. But many will return home to find a pile of bills and overdue notices stacked next to the yellow ribbons.

The Federal Government should be a leader in recognizing the sacrifices made by these reservists. But instead, we've failed to follow the example of innumerable States, localities and private employers that have decided to make up the difference between civilian salary and active duty pay.

Today, I'm introducing legislation to change that. This legislation would provide a special pay differential to any Federal employee on active duty in the military reserve during the Persian Gulf conflict. This pay differential would compensate for the difference between the employee's reserve salary and his or her regular civilian salary.

Mr. President, the next few months should be a time of triumph for these brave men and women—not a time of hardship. The skill and professionalism of our reservists was a critical factor in our swift victory. Hundreds of lives and billions of dollars may have been saved because of the outstanding, effective way they came through for us. Let's take some of those savings and turn them around. Let's follow the lead of other employers nationwide, and come through for our reservists by passing this bill.

I ask unanimous consent that the bill appear in the CONGRESSIONAL RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL PAY DIFFERENTIAL.

(a) COVERAGE.—This Act applies to any individual who—

(1) under authority of chapter 39 of title 10, United States Code, is ordered to active duty (other than for training), or retained thereon, for duty during the Persian Gulf Conflict as a member of a reserve component of the Armed Forces; and

(2) left Federal employment in order to enter on active duty.

(b) DIFFERENTIAL.—(1) An individual described in subsection (a) shall be entitled, while serving as such a member during the Persian Gulf Conflict, to receive a special pay differential.

(2) Such differential—

(A) shall be payable on a monthly basis; and

(B) shall, for any month, be equal to the amount by which the individual's final civilian monthly rate of pay exceeds such individual's monthly military compensation (if at all).

(c) SOURCE.—Any such differential shall be paid by the agency which last employed the individual involved out of appropriations otherwise available for salaries and expenses.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term "Federal employee" means an individual employed by an agency on a permanent basis;

(3) the term "active duty" has the meaning given that term in section 101(22) of title 10, United States Code;

(4) the term "Persian Gulf Conflict" means the period beginning on August 2, 1990, and ending on the date prescribed by Presidential proclamation or by law;

(5) the term "reserve component" has the meaning given that term in section 101(24) of title 37, United States Code;

(6) the term "final civilian monthly rate of pay" means—

(A) for an individual who was last paid as a Federal employee on a monthly basis, such individual's final monthly rate of pay as such an employee; and

(B) for an individual who was last paid as a Federal employee on any other basis, the monthly equivalent of such individual's final rate of pay as such an employee (determined under regulations under section 3); and

(7) the term "monthly military compensation" means the amount of regular compensation (as defined in section 101(25) of title 37, United States Code), special and incentive pays, and allowances paid under that title to the individual involved for a month.

SEC. 3. REGULATIONS.

The Director of the Office of Personnel Management, in consultation with Secretary of Defense, shall prescribe regulations to carry out this Act.

SEC. 4. EFFECTIVE DATE.

This Act shall be effective as of August 2, 1990.•

By Mr. HEINZ:

S. 606. A bill to amend the Wild and Scenic Rivers Act by designating certain seqments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and National Resources.

ALLEGHENY NATIONAL RECREATIONAL RIVER ACT

Mr. HEINZ. Mr. President, I rise today to introduce legislation to designate 85 miles of the Allegheny River in Pennsylvania as a national recreation river under the Federal Wild and Scenic River System.

Twenty-two years ago, Congress enacted the Wild and Scenic River Act of set the policy of the United States of protecting and preserving certain rivers in the United States that possess remarkable scenic, geologic, historic, cultural, or recreational attributes.

In 1978, Congress directed the Forest Service to study 128 miles of the Allegheny River. The Allegheny River is located in northwestern Pennsylvania in the majestic Appalachian Plateau Region. It flows from its origins in Potter County, PA, northwest through a small portion of New York State, and then swings southwest through Pennsylvania, converging with the Monongahela River at Pittsburgh to form the Ohio River. The study focused on a segment of the river from Kinzua Dam to East Brady, PA. It was completed earlier this year by the Forest Service personnel of the Allegheny National Forest who concluded that 85 milies of the river contained outstandingly remarkable values.

Mr. President, this finding is no surprise to those of us familiar with this pristine area of Pennsylvania. Approximately 30 percent of the 85 mile river segment winds through the Allegheny National Forest, which is truly one of our National treasures; the remaining portion moves through both public and private lands.

Because no section of the Allegheny River was remote enough or free enough of development to be classified as a wild river area, the 85 miles of the river will be designated as a recreational river.

To ensure that the local citizenry has maximum input into a U.S. Forest Service Management Plan, this legislation creates two citizen advisory groups to give advice on the establishment of final boundaries and the management of the river. In addition, this bill authorizes the Secretary of Agriculture to implement interim protection measures to protect the river's remarkable values prior to full implementation of the management plan.

Let me take a moment and explain why protection of this river is important to the rich historical and environmental characteristics of northwestern Pennsylvania.

Various cultures and groups have used the Allegheny River for more than 12,000 years. From prehistoric times to the period of Euro-American settlement, the Allegheny River has been the principal travel route linking the Mississippi and Ohio River area with the Great Lakes. The Seneca Indians used to canoe the beautiful waters of the Allegheny 300 years ago. Among the Indian artifacts on the river is the so-called Indian God Rock which is listed in the National Register of Historic Places. Early colonists explored and settled along this natural river corridor before the United States was formed. The region was a major strategic objective during the French and Indian wars. Needless to say, during the ebb and flow of human activity, each group of people left its mark; consequently leaving a rich lode of archaeological and cultural artifacts for modern man.

Despite its attractiveness to settlers over the years, the river corridor remains a relatively sparsely populated and naturally forested area. It is habitat for a rich diversity of animal, fish and plant life. For example, the Pennsylvania Fish and Wildlife Database lists 394 species of mammals, birds, amphibians, reptiles, and fish that are likely to be found in the river corridor. Of these species, 34 are designated as State threatened, endangered, or of special concern. Providing additional protections to the river will also provide additional protections to the species who live there. I would mention, Mr. President, that the bald eagle is the only federally listed endangered species known to occur in the corridor. And we are hopeful to foster a resurgence of our national symbol in the Allegheny Forest region with this bill.

Mr. President, this legislation is supported by the entire Pennsylvania congressional delegation. My good friend, BILL CLINGER introduced the companion bill in the House of Representatives and has been the driving force behind protecting and preserving this national treasure for the benefit of future Pennsylvanians and all Americans.

Mr. President, I urge all of my colleagues to support this important legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ALLEGHENY RIVER.

In order to preserve and protect for present and future generations the outstanding scenic, natural, recreational, scientific, historic, and ecological values of the Allegheny River in the Commonwealth of Pennsylvania, and to assist in the protection, preservation, and enhancement of the fisheries resources associated with such river, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) ALLEGHENY, PENNSYLVANIA.—The segment from Kinzua Dam downstream approximately 7 miles to the United States Route 6 Bridge, and the segment from Buckaloons Recreation Area at Irvine, Pennsylvania, downstream approximately 47 miles to the southern end of Alcorn Island at Oil City, to be administered by the Secretary of Agriculture as a recreational river through a cooperative agreement with the Commonwealth of Pennsylvania and the counties of Warren, Forest, and Venango, as provided under section 10(e) of this Act; and the segment from the sewage treatment plant at Franklin downstream approximately 31 miles to the refinery at Emlenton, Pennsylvania, to be administered by the Secretary of Agriculture as a recreational river through a cooperative agreement with the Commonwealth of Pennsylvania and Venango County, as provided under section 10(e) of this Act.".

SEC. 2. ADVISORY COUNCILS FOR THE ALLEGHENY NATIONAL RECREATIONAL RIVER.

"(a) ESTABLISHMENT.—The Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall establish within 120 days after the date of enactment of this Act 2 advisory councils to advise him on the establishment of final boundaries and the management of the river segments designated by section 1 of this Act (hereinafter referred to as the "Allegheny National Recreation River"), as follows:

(1) The Northern Advisory Council, to provide advice for the management of the segments of the Allegheny National Recreation River between Kinzua Dam and Alcorn Island; and

(2) The Southern Advisory Council, to provide advice for the management of the segment of the Allegheny National Recreation River between Franklin and Emlenton.

"(b) NORTHERN ADVISORY COUNCIL.—(1) The Northern Advisory Council shall be composed of 9 members appointed by the Secretary" as follows:

(A) The Forest Supervisor of the Allegheny National Forest, or his designee, who shall serve as chair of the Council and be a nonvoting member.

(B) The Secretary of the Department of Environmental Resources of the Commonwealth of Pennsylvania, or his designee.

(C) 6 members, 2 from each county from recommendations submitted by the County Commissioners of Warren, Forest, and Venango Counties, of which no fewer than 2 such members shall be riparian property owners along the Allegheny National Recreation River.

(D) One member from a nonprofit conservation organization concerned with the protection of natural resources from recommendations submitted by the Governor of the Commonwealth of Pennsylvania.

(2) Members appointed under subparagraphs (C) and (D) of paragraph (1) shall be appointed for terms of 3 years. A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(3) Members of the Northern Advisory Council shall serve without pay as such and members who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission. Each member shall be entitled to reimbursement for expenses reasonably incurred in carrying out their responsibilities under this Act.

(4) The Northern Advisory Council shall cease to exist 10 years after the date on which the Secretary approves the management plan for the Allegheny National Recreation River.

(c) SOUTHERN ADVISORY COUNCIL.—The Southern Advisory Council shall be composed of 7 members appointed by the Secretary as follows:

(A) The Forest Supervisor of the Allegheny National Forest, or his designee, who shall serve as a nonvoting member.

(B) The Secretary of the Department of Environmental Resources of the Commonwealth of Pennsylvania, or his designee, who shall serve as chairman.

(C) 4 members from recommendations submitted by the County Commissioners of Venango County, of which at least one shall be a riparian property owner along the Allegheny National Recreation River.

(D) One member from a nonprofit conservation organization concerned with the protection of natural resources, from recommendations submitted by the Governor of the Commonwealth of Pennsylvania.

(2) Members appointed under subparagraphs (C) and (D) of paragraph (1) shall be appointed for terms of 3 years. A vacancy of the county representatives on the Council shall be filled in the manner in which the original appointment was made.

(3) Members of the Southern Advisory Council shall serve without pay as such and members who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission. Each member shall be entitled to reimbursement for expenses reasonably incurred in carrying out their responsibilities under this Act.

(4) The Southern Advisory Council shall cease to exist 10 years after the date on which the Secretary approves the management plan for the Allegheny National Recreation River.

SEC. 3. ADMINISTRATION OF ALLEGHENY NATIONAL RECREATION RIVER.

(a) BOUNDARIES.—After consultation with the State of Pennsylvania, advisory councils, local governments, and the public, and within 18 months after the enactment of this Act, the Secretary shall take such action with respect to the segments of the Allegheny River designated under section 1 of this Act as is required under section 3(b) of the Wild and Scenic Rivers Act.

(b) INTERIM MEASURES.—As soon as practicable after enactment of this Act, the Secretary, shall issue interim land and water use control measures for the Allegheny National River to be developed and implemented by the appropriate officials, until final guidelines are developed and approved by the Secretary for such river. The interim land use measures shall have the objective of protecting the outstandingly remarkable values, as defined by the Secretary, of the Allegheny National Recreation River by recommending development guidelines for new commercial or industrial uses.

(c) ADMINISTRATION OF CERTAIN SEGMENTS.—(1) Land and mineral rights acquired by the Secretary for the purpose of managing the Allegheny National Recreation River segments located between Kinzua Dam and Alcorn Island shall be added to and become part of the Allegheny National Forest.

(2) Land and mineral rights acquired by the Secretary for the purpose of managing the Allegheny National Recreation River segment located between Franklin and Emlenton may be managed under a cooperative agreement with the Commonwealth of Pennsylvania.

(d) ACQUISITION OF LAND AND MINERAL RIGHTS.—The authority of the Secretary to acquire lands and mineral rights outside the boundary of the Alleghney National Forest for purposes of managing the Allegheny National Recreation River is limited to acquisition by donation or with the consent of the landowner. The Secretary may acquire scenic easements for the purposes of managing the river.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this act.

By Mr. LAUTENBERG (for himself, Mr. MOYNIHAN, Mr. HEINZ, Mr. BRADLEY, and Mr. SEYMOUR):

S. 607. A bill to require a modification of the criteria applicable to the selection of military installations for closure and realignment under the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

BASE CLOSURE AND REALIGNMENT SELECTION CRITERIA

• Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation, along with my colleagues, Senator MOYNIHAN, Senator HEINZ, Senator BRADLEY, and Mr. SEYMOUR, to amend the Department of Defense's "Selection Criteria for Closing and Realigning U.S. Military Installations." We introduce this legislation because of our concern that economic burdens of base closures and realignments be spread equitably throughout the Nation.

On February 15 the Department of Defense published eight criteria to guide both the Secretary of Defense's proposals for base closings and realignments and the Base Closing Commission's review of those proposals. The Pentagon published the criteria pursuant to the new base closing process established in the Fiscal Year 1991 Defense Authorization Act. The criteria are subject to congressional disapproval until March 15.

Rather than disapprove the criteria in their entirety, our bill would amend them to include the critical factor of regional economic equity. Consideration of the regional economic impact of base closures and realignments is appropriate and consistent with the other criteria already published.

Mr. President, my State is already bearing a large share of the economic burden of the base closures and realignments ordered by the last Base Closing Commission. As a result of judgments based on errors confirmed by the GAO, Fort Dix is being phased down.

Of course, in selecting bases to close or realign, great weight must be given—as the Pentagon proposes—to a base's military value, as is seen in the context of the Department of Defense's overall force structure and needs. Other criteria relate to the extent and timing of budgetary savings.

Yet, the Pentagon itself proposes to apply certain important criteria even though they are unrelated to military mission or the budget. These criteria include consideration of the environmental impact of a closure or realignment and the "economic impact on a community" of a base closure or realignment.

If the Department of Defense considers the local economic impact of closures, which it should, then it also should consider the regional economic impact of closures as well. Our bill would explicitly require the Secretary of Defense and the new Base Closing Commission to consider regional economic impact to ensure that all regions of the country—to the extent possible—bear their fair share of the economic burden of closing or realigning our defense installations.

The fact is that in the last round of base closures and realignments, the Northeast and Midwest States bore a disproportionate share of the economic burden. While my region accounted for roughly 21 percent of total military salary wages, it bore 54 percent of the personnel reductions ordered by the Commission.

Mr. President, I have discussed these issues with Army Secretary Stone. Many have acknowledged that the cost savings projected for the closing of Fort Dix and other bases will not come to pass. Also, as a businessman, I know that things can look very net on paper but bear fruit in reality.

Reportedly, draft internal Army documents suggest, in the name of cost savings and efficiency, the closing of Fort Monmouth and Picatinny Army Armament, Research, Development, and Engineering Center in New Jersey and consolidating their functions at Army facilities in Huntsville, AL. Mr. President, Picatinny has played a indispensable role in the design and development of weapons, including many weapons used in Desert Storm, as well as serving as a "life cycle support center" which involved supporting and trouble shooting for these weapons once deployed.

Fort Monmouth has been engaged in important research and development work in communications and electronics that helped maximize the effectiveness of United States fighting forces, including those deployed in the war with Iraq.

Mr. President, we all marveled at the technological superiority of our fighting forces in the gulf. Technology is the product of these two facilities and their work force. Among their strongest assets is the skill, training, and dedication of their work force. If these bases are closed and their functions are moved, it is not all clear that the work force will move as well; and the loss may be the Army's—in lost innovation that is difficult to quantify.

Mr. President, the Secretary of Defense should give full consideration to spreading equitably the burden of any recommendations he makes for base closing and realignments. I urge my colleagues to support this amendment to the criteria, to assure a fairer base closure and realignment process.

I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BASE CLOSURE AND REALIGNMENT SELECTION CRITERIA

The criteria applicable to the selection of military installations for closure and realignment under the Defense Base Closure and Realignment Act of 1990 (title XXIX of the National Defense Authorization Act for Fiscal Year 1991; 104 Stat. 1808 et seq.; 10 U.S.C. 2687) shall include the extent to which a proposed closure or realignment of a particular military installation is consistent with a fair allocation of the economic burden of base closures and realignments across the United States, considering all military installations proposed for closure or realignment under the Defense Base Closure and Realignment Act of 1990 and all military installations selected for closure or realignment under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (102 Stat. 2627; 10 U.S.C. 2687 note).•

By Mr. CRANSTON:

S. 608. A bill to reorganize the agencies of the United States involved in migration affairs into a new Agency for Migration Affairs; to the Committee on Governmental Affairs.

MIGRATION AFFAIRS REORGANIZATION ACT

Mr. CRANSTON. Mr. President, last year, a very important report was presented to Congress by the Commission for the Study of International Migration and Cooperative Economic Development. As some of my colleagues may recall, Congress established this bipartisan Commission under the auspices of the Immigration Reform and Control Act of 1986 [IRCA] to investigate the "push factors" that cause persons to flee their own countries and immigrate into the United States without proper documentation. The report, entitled "Unauthorized Migration: An Economic Development Response," is the culmination of a 3-year study of these push factors.

Mr. President, the Commission's conclusions make excellent sense. Stemming undocumented immigration to this country will never be a reality if we rely solely on border controls and the continued enforcement of the failed employer sanctions program. Rather, an effective solution will require a combination of strategies, both at home and abroad.

One Commission idea in particular merits the serious consideration of the Congress—the establishment of an independent agency with jurisdiction over immigration and refugee matters. I am today reintroducing legislation to establish an Agency for Migration Affairs, which would consolidate most of the immigration and refugee functions that are currently being handled or mishandled by a myriad of Federal bureaus. At present, there are at least five agencies that have jurisdiction over some area of migration policy. These agencies and their various bureaus are often not working in coordination with each other; in fact, they sometimes duplicate each others functions.

Presently, the Immigration and Naturalization Service [INS] has the primary responsibility for shaping and implementing the Nation's immigration policy. In January 1991, the General Accounting Office [GAO] released a report which documented the failure of the INS to carry out their duties effectively. Specifically, the report found that the INS lacked leadership and budget accountability and is highly fragmented with complicated lines of authority and communications. The GAO made a number of recommendations but concluded that acting on their recommendations alone will not solve the trouble-striken agency "Something more fundamental must occur."

Mr. President, I represent a State with the single largest immigrant and refugee populations in the Nation. California is home to over 6 million legal immigrants, an estimated 500,000 refugees, and, though it is difficult to calculate, 500,000 undocumented immigrants. I have endured with my constituents the frustrations of dealing with a patchwork of ineffective Federal bureaucracies in resolving extremely complex problems—some of which are life threatening. I have also witnessed the inexplicable separation of our domestic and foreign policies with respect to migration consequences. In my view this is shortsighted and contrary to common sense.

The legislation I introduced today would elevate immigration and refugee policy to a national policy by reorganizing the currently fragmented Government structure into one cohesive entity. An independent Agency for Migration Affairs would infuse this area of policymaking with the direction and leadership that are lacking at present. My bill would also promote the coordination of U.S. domestic and foreign policy agendas—a major concern for the Commission. It is time the administration and Congress consider the potential migration consequences of major decisions in the areas of trade, developments and foreign relations when formulating those policies.

Mr. President, once again I applaud the Commission for its excellent report and look forward to working with my colleagues in the Senate in implementing this and other recommendations made by the Commission.

I ask for unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Migration Affairs Reorganization Act of 1991".

SEC. 2. PURPOSES.

It is the purpose of this Act—

(1) to ensure that migration be given a high priority on the United States domestic and foreign policy agendas;

(2) to make sure that migration consequences are carefully considered by policymakers involved in trade, development, and international economic matters;

(3) to ensure an efficient, rapid, and coordinated response to any migration emergency that occurs in the future; and

(4) to place the responsibility for formulating and implementing United States immigration policy in a single, high-level official, reporting directly to the President.

SEC. 3. ESTABLISHMENT OF THE AGENCY FOR MIGRATION AFFAIRS.

(a) There is established the Agency for Migration Affairs (hereafter in this Act referred to as the "Agency").

(b)(1) The Agency shall be headed by the Commissioner for Migration Affairs (hereafter in this Act referred to as the "Commissioner") who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Section 5315 of title 5, United States Code, is amended by striking out "Commissioner of Immigration and Naturalization, Department of Justice" and inserting in lieu thereof "Commissioner for Migration Affairs".

SEC. 4. DUTIES OF THE AGENCY.

The Agency shall—

(1) provide overall leadership and direction for United States immigration policy;

(2) assess the potential impact on migration of major United States policy decisions, including a review of formal policy statements to be required from appropriate Federal offices;

(3) carry out a comprehensive review of current immigration and refugee laws and policies in an effort to ensure that such laws and policies reflect current migration patterns, needs, and realities; and

(4) develop data bases and analyses which will enable the Agency to project future trends in international migration, to monitor migration developments, and to prepare appropriate contingency plans for migration emergencies that may occur.

SEC. 5. TRANSFER OF FUNCTIONS.

There are transferred to the Commissioner all functions carried out on the day before the effective date of this Act by the Attorney General or the Commissioner of Immigration and Naturalization with respect to immigration laws of the United States and by the Secretary of State with respect to section 104(a) of the Immigration and Nationality Act and the following components of the Department of State: the Bureau of Consular Affairs (except for such functions as relate to assistance for Americans abroad), the Bureau of Refugee Programs, and the asylum unit of the Bureau of Human Rights and Humanitarian Affairs.

SEC. 6. TRANSFER OF PERSONNEL AND ASSETS.

(a) The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions transferred by section 5, subject to section 202 of the Budget and Accounting Procedures Act of 1950, are transferred to the Commissioner for appropriate allocation.

(b) The transfer pursuant to this Act of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer or after the effective day of this Act, whichever is later.

(c) Any person who, on the day before the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position for the duration of the service of such person in such new position.

SEC. 7. INCIDENTAL DISPOSITIONS.

(a) The Director of the Office of Management and Budget, at such time or times as such Commissioner shall provide, is authorized and directed to make such derminations as may be necessary with regard to the transfer of functions which relate to or are utilized by an officer, office, commission or other body, or component thereof, affected by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions transferred by this Act, as may be necessary to carry out the provisions of this Act.

(b) After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized, at such time as the Director of the Office of Management and Budget provides, to make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with functions and offices transferred by this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Commissioner, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with the law by the President, the Commissioner, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The provision of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the governmental units described in section 5. Such proceedings and applications shall be continued before the Commissioner. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Commissioner, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Commissioner is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the governmental units described in section 2 shall abate by reason of the enactment of this Act. No cause of action by or against the governmental units described in section 5 or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, the governmental units described in section 5, or any officer thereof in the official capacity of such office, is a party to an action, such action shall be continued with the Agency or other appropriate official of the Agency substituted or added as a party.

(f) Orders and actions of the Commissioner in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the head of the appropriate governmental unit described in section 5 or his delegate exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearing, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Director.

SEC. 9. REFERENCES IN FEDERAL LAW.

With respect to any functions transferred by this Act and exercised after the effective date of this Act, any reference in any other Federal law to the governmental units described in section 5 or any head thereof shall be deemed to refer to the Agency or the Commissioner, respectively.

SEC. 10. ABOLISHMENT OF PRIOR OFFICES.

(a) The Immigration and Naturalization Service and the office of the Commissioner of Immigration and Naturalization are abolished.

(b) Sections 103(b) and 104(b) of the Immigration and Nationality Act are repealed.

SEC. 11. EFFECTIVE DATE.

The provisions of this Act shall take effect 180 days after the date of enactment.

By Mr. CRANSTON:

S. 609. A bill to provide an 8-percent pay increase for General Schedule employees within the San Diego, CA, Metropolitan Statistical Area; to the Committee on Governmental Affairs.

SAN DIEGO GENERAL SCHEDULE PAY INCREASE

Mr. CRANSTON. Mr. President, today I am introducing legislation that will serve to alleviate an inequality in levels of pay for Federal employees.

When President Bush, under the authority of the Federal Employees Pay Comparability Act of 1990, ordered 8-percent pay increases for General Schedule employees in the New York, San Francisco, and Los Angeles consolidated metropolitan statistical areas [CMSA's], he neglected to include employees in San Diego County.

I certainly favor the 8-percent increases for General Schedule employees in the New York, San Francisco, and Los Angeles areas. These three localities have high costs of living and difficulty retaining Federal employees. But San Diego has these same problems.

In looking at San Diego County in relation to the counties that make up the Los Angeles Area—Los Angeles, Orange, Riverside, San Bernardino, and Ventura—it is clear that comparable situations exist. First of all, it should be noted that San Diego County is adjacent to the Los Angeles consolidated metropolitan statistical area. The fact that San Diego County falls outside of a statistically defined area should not be a reason to exclude its employees, who work a mere few miles away from their Orange and Riverside County neighbors. Surely we can look at problems with more care than depending on geographical statistical definitions that do not necessarily bear on problems faced by Federal employees.

Numerous objective criteria demonstrate the inequity of excluding San Diego Federal employees from the benefits of the 8-percent pay adjustment. For example, according to the San Diego Federal Executive Association, when the pay increase order was put into effect, San Diego County had more special salary rates than four of the five counties in the Los Angeles CMSA. The existence of special salary rates generally indicates problems in attracting personnel.

Regarding the cost of living, the American Chamber of Commerce Researchers Association [ACCRA] conducted a survey for the third quarter of 1990 that found that San Diego has a higher relative cost of living than Orange County, Ventura County, and Riverside among many other areas in California.

A look at housing prices—a major contributing factor to the cost of living—is also instructive. The median sales price for houses in San Diego County is below the prices in Los Angeles and Orange Counties. According to the California Association of Realtors, however, the Riverside-San Bernardino area had a median home sales price of

$132,410 in December 1990, while the San Diego County median price was $181,720.

I would also note that the per diem rate schedule for reimbursing Federal employees during travel supports the conclusion that San Diego is comparable to other areas in California that did receive pay increases. The maximum per diem rate for stays in San Diego is $110. Los Angeles and San Francisco, of course, surpass this figure with per diem rates of $124 and $122 respectively. Most of the other California localities that received increases, however, fall slightly below the San Diego figure. For instance, Riverside County at $106, Oakland at $100, San Jose at $97, and San Bernardino County at $79. Based on these figures, it would appear that at least on one level, the Federal Government has assigned a cost of living to San Diego that exceeds that assigned to some areas that did receive 8-percent pay adjustments.

Mr. President, my intent in introducing this piece of legislation today is to remedy an inequity in the way some of my constituents in southern California are being treated. It is difficult to make comparisons between cities and counties, but it is clear that the cost of living in the San Diego area is comparable to that in areas that did receive 8 percent increases. Thus in order to deal fairly with the approximately 20,000 San Diego County Federal employees affected by this bill, we must include them in the recent pay adjustment. Federal employees work long and hard in the service of this country. We can best show that we appreciate their dedication by paying them adequately and fairly.

I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAY INCREASE.

(a) IN GENERAL.—Effective as of the first pay period beginning on or after the date of the enactment of this Act, pay for employees described in subsection (b) shall be determined as if the President had provided for an 8 percent increase with respect to such employees under section 302 of the Federal Employees Pay Comparability Act of 1990 (hereafter in this Act referred to as "FEPCA").

(b) APPLICABILITY.—Subsection (a) applies with respect to any General Schedule employee (including an employee covered by the performance management and recognition system under chapter 54 of title 5, United States Code) whose duty station is within the San Diego, California Metropolitan Statistical Area.

(c) ADMINISTRATION, REDUCTION, AND TERMINATION RULES.—The pay increase provided by subsection (a) shall be administered, subject to reduction or termination, and otherwise treated, as if it had been provided for under section 302 of FEPCA.

(d) APPLICABILITY OF OTHER RULES.—The provisions of subsections (a)(1)(D) and (d), respectively, of section 302 of FEPCA shall apply with respect to the pay increase provided by subsection (a).

(e) NO DOUBLE INCREASES.—Any pay increase provided by or under this Act for any employees within the area described in subsection (a) shall be in lieu of any increase otherwise allowable under section 302 of FEPCA with respect to those employees. Nothing in this subsection applies with respect to pay for service performed before the effective date set forth in subsection (a).

By Mr. BROWN:

S.J. Res. 87. Joint resolution relative to the liberation of Kuwait; to the Committee on Foreign Relations.

LIBERATION OF KUWAIT

• Mr. BROWN. Mr. President, this morning I join with my Republican colleagues in marking the great victory of the multinational coalition in liberating Kuwait.

It was truly phenomenal, by any measure.

Two months ago, two of the largest standing armies assembled in decades faced one across the Kuwaiti border: more than a million men, half stood for freedom and liberty, for individual rights and for international law. Uprooted from homes and families, from normal lives and everyday occupations, these men and women bravely shouldered the challenge, knowing full well that true freedom requires sacrifice.

The other half of this great fighting force had little about them that could be considered ennobling. There not so much to achieve a great purpose, many of these hapless Iraqis served only out of fear, facing certain death had they refused to do their leaders' bidding. At their Government's order, they had invaded a much smaller nation whose wealth their dictator coveted. And, while Saddam used the international media to hurl jeers and catcalls at our troops challenging their bravery and even their honor, the Iraqi armies committed atrocities we are only now learning the magnitude of. They looted Kuwait, hauling back to Baghdad everything from TV's to cosmetics; they raped, murdered, and tortured innocent Kuwaiti civilians, often in ways to horrid to mention, and systematically destroyed the wealth and resources of this helpless nation.

That's where we stood 2 months ago and the outlook was grim. Experts predicted thousands of casualties on both sides, and a war that was certain to last for months—if not years. Making the situation even worse was a Congress divided in its support for the President and reluctant to authorize the use of any force to drive this dictator from power. The Congress had dillied and dallied for months, never bold enough to take actions authorizing the use of force if necessary. Barely bold enough to bring themselves to follow the lead of the international community and authorize the use of "all necessary means" to drive Saddam from Kuwait. In fact 2 months ago today, there was a real question about whether the Congress had the guts to do anything at all!

In the face of these grim realities, George Bush truly persevered and deserves our praise and thanks. It was his efforts, and those of his administration, that held together a fragile international coalition through the "New World Order" of telephone diplomacy. It was the efforts of a dedicated administration that carefully answered the public's concerns and pulled together domestic support in spite of the very partisan rancor that attempted to sabotage their efforts. It was the President as Commander in Chief, and Dick Cheney and Gen. Colin Powell who put some of the best commanders in the world in the field, gave them enough trust and support to run an effective campaign, and resisted the temptation to micromanage their every decision.

Together with their Commander in Chief, our fighting men and women won a great victory in a few short weeks. At war's end, U.S. Central Command under the direction of Gen. Norman Schwarzkopf, announced that allied forces held more than 60,000 prisoners of war, most taken within the short space of 100 hours. The Iraqis held less than 50. During the aerial bombardment and subsequent ground campaign, the coalition forces had destroyed 3,300 of Saddam's 4,200 tanks—one of the world's largest tank armies. They had destroyed 2,100 other armored vehicles and 2,200 artillery pieces. Most importantly, our great victory was accomplished while sustaining losses that would be considered minimal in any conflict; unheard of in one of this magnitude.

We are celebrating a great victory. That is as it should be. But we cannot put this conflict completely behind us until we are certain we have had a full-accounting for all those missing in action, and of the thousands of Kuwaiti civilians deported to Iraq. More than a week ago, I introduced a joint resolution whose effect would be to keep economic sanctions in place until all prisoners of war are returned and those missing in action are fully accounted for.

It appears that, at least with respect to prisoners of war, the Iraqis are making genuine progress in returning them. But thousands of innocent Kuwaitis remain in Baghdad. Lifting economic sanctions before their release, and before all of those missing in action are fully accounted for seems premature. Today, I am introducing an updated version of my earlier joint resolution. This one keeps economic sanctions in place until all prisoners of war are returned, until all those missing in action are fully accounted for including the thousands of Kuwaitis captured by the Iraqis and deported during the occupation of Kuwait.

I commend the President, the Secretary of Defense, the Secretary of State, Gen. Colin Powell, and General Schwarzkopf for a job well done, their staffs and the brave troops that did the tough, courageous work in Iraq and Kuwait. I urge all of my colleagues to join me in this joint resolution to ensure we do not let the Government of Iraq off the hook, and I thank all of those who have already done so.•

By Mr. SIMON (for himself, Mr. ADAMS, Mr. AKAKA, Mr. CONRAD, Mr. DODD, Mr. GRAHAM, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. PELL, Mr. SARBANES, Mr. KOHL, Mr. SANFORD, Mr. DIXON, Mr. INOUYE, Mr. CRANSTON, Mr. BRADLEY, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DECONCINI, Mr. DOLE, Mr. DURENBERGER, Mr. JEFFORDS, Mr. MACK, Mr. SPECTER, Mr. HATCH, Mr. DOMENICI, and Mr. MURKOWSKI):

S.J. Res. 88. Joint resolution to designate the week of October 7, 1991, through October 13, 1991, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

MENTAL ILLNESS AWARENESS WEEK

• Mr. SIMON. Mr. President, I rise today, along with 28 of my distinguished colleagues to introduce a joint resolution designating the week of October 7, 1991, through October 13, 1991, as "Mental Illness Awareness Week."

Congress has for the past 8 years designated this week as Mental Illness Awareness Week. The goal of this resolution is to educate the American public about the stigma surrounding mental illness. Two groups that have led the efforts to educate the American public have been the American Psychiatric Association and the National Alliance for the Mentally Ill.

According to a recent report published in the "Archives of General Psychiatry," one in five Americans suffer from a psychiatric problem. A closer examination of various subgroups reveals that 15 to 25 percent of the elderly suffer from significant symptoms of mental illness, approximately 12 million children under the age of 18 suffer from serious mental disorders, and 15 percent of all Americans will suffer a major depressive disorder during their lifetime.

Although the great majority of homeless individuals do not suffer from psychiatric problems, almost one third of homeless individuals, many of whom have been discharged from hospitals and receive inadequate followup services, suffer from psychiatric disorders.

The prevalence of psychiatric disorders has a massive effect upon our society. The direct treatment costs and indirect costs from lost productivity associated with mental illness are in the billions of dollars. Our total Federal expenditure on research into the causes and treatment of mental illness is less than $400 million. The treatment and prevention of mental disorders require greater research in this area.

On a per-patient basis, we spend fewer dollars on research into schizophrenia and depression than we do on muscular dystrophy and multiple sclerosis. That is not to say that we should spend less in these areas, but rather that we must allocate greater funds in all the health areas. I believe we can do better.

The human tragedies associated with mental illness are revealed each day in the newspaper, television, or films. Yet we do not really grasp the severity of the problem until it affects someone close to us. It is at this point that the stigma attached to mental illness becomes a reality.

This resolution attempts to educate our citizens and to eliminate the myths associated with mental illness. People struggling with mental illness are not evil persons nor are they individuals who do not possess the fortitude to survive in society. Public apathy surrounding the seriousness of mental illness must be overcome if we are to solve this problem.

I ask my colleagues to join in this effort by cosponsoring this joint resolution.•

By Mr. DECONCINI:

S.J. Res. 89. Joint resolution expanding U.S. support for the Baltic States; to the Committee on Foreign Relations.

EXPANDED SUPPORT FOR THE BALTIC STATES

• Mr. DECONCINI. Mr. President, today I am introducing a joint resolution which seeks to expand U.S. support for the Baltic States.

We have witnessed a remarkable change in the nature of the Soviet Union over the course of the past several years. That change, brought about by the reforms introduced by Mikhail Gorbachev, created a political atmosphere in which the Baltic States could translate into action their firmly held aspirations to reassert their national independence. Their actions have resulted in three democratically elected parliaments, all of which have expressed their desire to make actual the de jure independence they have had since 1918 and which the United States has never ceased to recognize. Furthermore, plebiscites have recently been held in all three States which demonstrate that there is overwhelming popular support for independence, and not just among ethnic Balts. The Soviet response to these aspirations has included an economic boycott and armed violence.

Mr. President, it is time for the United States to go beyond pious words of support and to act on the legitimate demand for independence in the Baltics. This resolution calls for the first steps in such active support. The resolution calls for the United States to do four things: To establish a presence in each of the Baltic States; to channel United States Government and private aid directly to the Baltics; to establish and maintain contact with the Parliaments of Lithuania, Latvia, and Estonia as the only legitimate legislative bodies having authority on Baltic soil; and, finally, to propose and to seek support for observer status for the Baltics in the Conference for Security and Cooperation in Europe. I urge my colleagues to cosponsor this resolution and to register once again U.S. commitment to support the aspirations of freedom loving people throughout the world. Congressman HOYER, chairman of the Helsinki Commission, has introduced a companion resolution in the House of Representatives.•

By Mr. CRANSTON:

S.J. Res. 90. Joint resolution to establish a national policy for the taking of predatory or scavenging mammals and birds on public lands, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL PREDATOR ON PREDATORS

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish a national policy for the taking of scavenging mammals and birds on public lands, and for other purposes.

Mr. President, the history of our environmental crisis is a story of relationships gone wrong. The human race has presumed a superiority over other creatures that has led to a mindless wasting of entire species—should they come in the way of progress, as we define the term. Over and over again, we demonstrate our lack of understanding of the interdependence of all species. We fail to comprehend, in John Muir's words, that "everything in the universe is hitched to everything else."

To understand our self-made predicament we have no further to look than wildlife management in our country. Here, our desire for dominion has exceeded nature's bounds.

When I first introduced a bill to require Federal policy to take seriously the relationship between predator and prey species, the issue seemed arcane to many. But I believe this bill will be taken more seriously now. For we are discovering, however painfully, that this is more than a mechanistic world that we can shape to our own ends. We are learning that costs are paid when human hands tip the scales of ecological balance.

The bill I introduce today—as in previous Congresses—addresses three critical issues in national wildlife management, especially management policies as they relate to predators and prey. One is the need to establish, within the broad parameters of wildlife management policies, a clear understanding and recognition of the interdependency of predator and prey; a second is the need to establish a national policy to protect predator or scavenger populations—mammals or birds—on public lands, a policy that reflects a thorough understanding of three interdependent relationships; and a third is the need to set forth a series of clear, statutory procedures to limit the taking of predators on public lands. These procedures must be responsive to the right of all Americans to know how wildlife management policies relevant to predators are being carried out on lands that are owned by the public and managed in the national interest.

Predators and scavengers in the environment are indispensable. Every ecosystem has predatory forms of life. Few animal species, except larger predators themselves, are completely free from predation.

We are beginning, through studies in ecology and evolutionary biology, to understand just how important predators are in the ecosystem. We are learning to see predators not just as obstacles to the flourishing of life, but as vital components in the chain of life that includes man. In fact, in this chain, predators have a niche every bit as important to the survival of the Earth's species as any other part of that chain.

Just as the introduction of exotic species can adversely affect the balance of an ecosystem, so can the removal of predators. Predators are known to be vital to keeping plant-eating animal populations from overgrazing and consequently disrupting the food chain within an ecosystem. Without predators, prey populations tend to expand beyond the ability of an ecosystem to sustain that population. Predator populations themselves are kept in check by a system of natural controls, including the size of the prey population.

Predators, too, are powerful evolutionary forces on their prey. In fact, as naturalist Stephen Jay Gould points out, natural history to a large extent is a tale of different adaptations to avoid predation.

It's not unusual, for example, to see a squirrel dart almost purposefully in front of a car, often with fatal results for the animal. In its moment of panic, the squirrel holds its bushy tail over its back and zigzags wildly on the road. Actually, the animal is responding the same way it does when fleeing a predator, and while the technique is faulty for escaping cars, a pursuing hawk is likely to either miss the squirrel entirely or grasp only the tail fur instead of the animal.

The mourning dove is one of the commonest bird species in North America. The dove also knows the value of dodging when attempting an escape, and doves play tricks with their tails, too. The mourning dove is quite drab in coloration, except that each tail feather is tipped in white. As the bird flees, its outspread tail presents a vibrant semicircle of white spots—a target, in effect, to catch a predators's eye. But to grasp a dove's tail is to receive a loose bunch of feathers instead of a struggling dove.

But escape is not the only way species deal with predation. Another ploy is the phenomenon of predator satiation, where a species will flourish with such speed and in such numbers that the predators' ability to deplete an entire species is simply overwhelmed. Such species expansions occur in relatively short bursts, and then subside, and the theme of nature—balance—reigns once more.

The point is, if predators were suddenly taken from the environment, one very powerful factor would be removed from the ecological balance which nurtures animal and plant life on Earth. Animal species became adapted to survival through all kinds of environmental factors, including natural populations of predators which themselves are continually refining their own adaptations through this same process of evolution. This system accounts for what we see and revere as life on Earth. It is a system that is remarkably effective, and with which we tamper at our peril.

This is not to say that individual predators cannot be removed from the environment. They can be, and sometimes they must be. But the wholesale slaughter of predator species carries with it the long-range threat of impeding the survival-by-adaptation of significant animal species. By implication, we impede human progress. Animal species, of which man is one, are interdependent.

Wildlife managers often attempt to duplicate the quantitative impact of predation through establishing hunting seasons geared to remove the harvestable surplus of an animal population. However, wildlife managers cannot duplicate the qualitative impact of predation in any practical sense. For example, a tiger may attempt 30 kills before finally succeeding. Likewise, a falcon may pursue two dozen quarry before making a kill. Each unsuccessful attempt means the adaptations of the prey were sufficient to keep it alive. Each successful kill represents a prey individual that was carrying some fatal disadvantage—physical incapability, age, injury, disease, or some unknown quality which might be generalized as bad luck. Thus, predators exert consistent pressures on the prey that are beneficial to the health of the prey population. Wildlife professionals are increasingly sensitive to the indispensable presence of natural predator populations.

Mythology about predators still persists. Some people still swear that wolves, cougars, or other predators are capable of obliterating, for example, the deer population in a given region or State. Such assertions are simply not supported by the facts. Predator-prey systems have persisted throughout the millenia, and both predators and prey species have evolved mechanisms which tend to keep the whole system operating as long as favorable environmental conditions persist.

Fluctuations in prey populations can actually be reduced by the presence of predators. As a case in point, the moose population on Isle Royale National Park, an island ecosystem in Lake Superior, persisted, unevenly, for many years in the absence of wolves. The population was observed to rise steeply for a time and then crash abruptly when available browse was exhausted. This cycle was observed at least twice in the early 20th century. Wolves eventually colonized the island by crossing the winter ice. What researchers later observed was that both predator and prey populations steadied themselves through their interactions: The moose population neither rose as high nor fell as low in the presense of the wolves, and the wolf population itself held relatively steady year after year.

For the wolf, pack structure is the key to balance between predator and environment. If prey species decline, the wolf pack feels the stress of limited food supplies. Stress is reflected in increased friction between pack members. Eventually, some pack members may be ejected from the pack to face uncertain survival odds on their own. Even in the best of conditions, the social order of the pack permits only the dominant male and dominant female to mate; each pack produces only one litter of pups in a season. In times of stress, however, the pups are the first to die, thus maximizing the chances for survival of the adult pack unit upon which the wolves depend so heavily. The pack structure is best interpreted as an adaptation which enables the wolf to take prey larger and stronger than a single wolf, which maximizes the survivability of each pack member, and which keeps the wolf from out-eating the available prey.

Many other predators and scavengers show adaptations as sophisticated as those of the wolf. There are predators capable of exploiting almost every form of life. Ospreys dive after fish; black-footed ferrets—now critically endangered—prey on burrowing prairie dogs beneath the Earth; the pine martin races after squirrels in the trees. In every case, the predator is an important component of the ecosystem, and every effort should be made to understand and protect this natural order.

The policies of the Federal Government regarding predators must be viewed in this context.

The Federal Government is charged with stewardship over our 450 million acre public domain heritage. The land is held in trust for all Americans, and is properly administered under multiple-use guidelines.

The traditional framework for wildlife management involving resident species, or most wildlife other than migratory birds, involves State fish and wildlife agencies operating under cooperative agreements with the Bureau of Land Management. Eagles and other raptors, wild horses and burros, and marine mammals are administered under Federal law on both State and Federal land.

The State-Federal cooperative agreements have created an acceptable and proper basis for wildlife management activities. The States have done a good job of organizing their wildlife departments and administering wildlife restoration projects, hunting seasons, and research programs.

Where public lands are involved, the Federal Government has the responsibility to respect and uphold the public interest. Public land managers and wildlife managers operating on public land must not lose sight of this fundamental tenet. Further, decisions involving major public land programs must be evaluated in light of the impact of public values. Such an evaluation must involve both the Federal Government and the public.

The bill I introduce today provides an adequate system for review and decision on national predator policies and action. I believe it will provide a comprehensive examination of Federal policy with regard to predators, and that such an examination will help us avoid costly, nonproductive management mistakes—mistakes that derive susbstantially from a continuing failure to comprehend the essential relationship between predator and prey.

Mr. President, I ask unanimous consent that the text of my resolution and a section-by-section analysis be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 90

Whereas article IV, section 3, clause 2 of the Constitution vests authority in the Federal Government to "make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States," and

Whereas predators and scavengers are indispensable to the health and stability of natural ecosystems and to prey species in particular, and

Whereas the extermination of predators has resulted in dramatic instability of prey populations and attendant habitat deterioration, and

Whereas there is no evidence that nonhuman predation alone is a cause of extinction of prey, and

Whereas organisms tend to be closely adapted to their environment by evolution, whereby their survival ability is greatest, and

Whereas evolution occurs in response to changing environmental parameters, including the living and nonliving components of the ecosystem, and

Whereas a thorough understanding of the interdependent relationship between predator and prey is essential to sound wildlife and land use planning at all levels of government, and furthermore,

Whereas the Convention on International Trade in Endangered Species of Wild Fauna and Flora, as ratified by the United States Senate, stipulates that native species of wildlife should be maintained throughout their range at a level consistent with their role in the ecosystems in which they occur: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all taking of predators or scavengers naturally occurring on public lands for all or part of their life cycles is hereby prohibited unless such taking is approved according to the requirements of sections 3 or 4 of this joint resolution.

SEC. 2. For the purposes of this Act, the following definitions apply:

"Predators" include individuals of any species of bird or mammal that regularly capture or consume other vertebrate species.

"Wildlife" includes all species of the animal kingdom (persisting for all or part of their life cycles on ecosystems of the United States, its coastal waters, or adjacent islands) which are covered by the provisions of this Act.

"Public lands" means any lands belonging to the United States of America on which regulations regarding taking of wildlife covered by this Act are or may become less restrictive than those herein provided.

"Species" includes any species of wildlife covered by this Act and any other group of wildlife covered by this Act of the same species or smaller taxa in common special arrangement that intebreed when mature.

"Person" means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct, for any purpose, any wolf, predator, or other form of wildlife covered by this Act, excluding taking for subsistence purposes.

"Scavengers" include individuals of any species of bird or mammal that naturally feed upon the remains of dead vertebrate species.

An "ecosystem" is the basic ecological unit including the living organisms, the nonliving environment, and the interactions between individual organisms, between species, and between organisms and the environment.

A "secretary" is the head of a Federal agency having land management responsibilities, including the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the head of the Tennessee Valley Authority, and others.

SEC. 3. Proposed actions by any person involving the taking of predators or scavengers naturally occurring on public lands of the United States may be carried out (unless prohibited by other statute or regulation) even though the taking can be reasonably expected to have significant impacts on the specific wildlife covered by this Act, other species of wildlife covered by this Act, or the ecosystems of which the wildlife is a part, if proposals for such actions—

(a) are submitted to the Secretary having primary jurisdiction over the public land on which the taking will occur at least one hundred and twenty days prior to the date such taking is to commence; and

(b) are described by notice in the Federal Register, allowing at least sixty days for public comment; and

(c) will, if carried out, maintain that species at a level consistent with its role in the ecosystem in which taking is to occur, protecting and maintaining the indispensable relationship between predator and prey species and the ecosystem, and be in overall public interest; and

(d) are approved in writing by the Secretary after consideration of public comment and consultation with the President's Council on Environmental Quality and with the Director of the United States Fish and Wildlife Service before any taking is carried out.

SEC. 4. The Secretary shall enforce the provisions of this Act and shall, in consultation with the President's Council on Environmental Quality, promulgate such regulations as he deems necessary and appropriate to carry out the provisions, including enforcement, of this Act: *Provided,* That all mammals or birds shot or captured contrary to the provisions of this section, or of any regulation issued hereunder, and all guns, aircraft, and other equipment used to aid in the shooting, attempting to shoot, capturing, or harassing of any mammal or bird in violation of this section or of any regulation issued hereunder shall be subject to forfeiture to the United States: *And provided further,* That the Secretary or head of any Federal agency who has issued a lease, license, permit, or other agreement to any person who is convicted of a violation of this Act or of any regulation issued hereunder may immediately cancel each such lease, license, permit, or other agreement. The United States shall not be liable for the payment of any compensation, reimbursement, or damages in connection with the cancellation of any lease, license, permit, or other agreement pursuant to this section.

SEC. 5. Nothing herein shall be construed in any way to amend or otherwise alter the requirements of the National Environmental Policy Act of 1969, the Marine Mammal Protection Act of 1972, or the Endangered Species Act of 1973, as amended.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. PREAMBLE

Section 1 of the bill states the intent of the resolution is to establish a national policy for the taking of predatory or scavenging mammals and birds on public lands; set forth findings; and prohibits the taking of predators or scavengers unless pursuant to specified requirements.

SECTION 2. DEFINITIONS

Section 2 of the bill defines the terms used in the Act, including Predators, Scavengers, and Take.

SECTION 3. REQUIREMENTS FOR PERMISSIBLE TAKINGS

Section 3 of the bill sets forth procedures under which the taking of predators or scavengers may be carried out.

SECTION 4. ENFORCEMENT AND REGULATORS

Section 4 calls upon the Secretary of the appropriate Department to promulgate regulations and enforce requirements. Sets forth penalties for violations of the Act.

SECTION 5. RELATION OF THE ACT TO EXISTING LAW

Section 5 of the Act is specified not to amend or alter the National Environmental Policy Act of 1969, the Marine Mammal Protection Act of 1972, or the Endangered Species Act of 1973, as amended.

SECTION 6. AUTHORIZATION

Section 6 provides such sums as may be necessary to carry out the provisions of the Act.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. SYMMS, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 83

At the request of Mr. SYMMS, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 83, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures.

S. 90

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 90, a bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs.

S. 127

At the request of Mr. CRANSTON, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 127, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health-care, education, housing, and insurance programs; and for other purposes.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

Mr. GRAHAM. Mr. President, on the first day of the session I introduced legislation which would permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such a veteran. Inadvertently, the distinguished Senator from Arizona [Mr. DECONCINI] was not listed as an original sponsor of this legislation. Senator DECONCINI has supported this measure since its original introduction by the late Senator Spark M. Matsunaga. I ask unanimous consent that the Senator's name now be added as a cosponsor to S. 190.

S. 232

At the request of Mr. WARNER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 232, a bill to amend title 38, United States Code, to increase the maximum amount of coverage under servicemen's group life insurance; and to direct the Secretary of Veterans Affairs to pay a death gratuity to certain survivors of members of the uniformed services who died after August 1, 1990, and before the effective date of such increase.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 250

At the request of Mr. FORD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 341

At the request of Mr. JOHNSTON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 341, a bill to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation and for other purposes.

S. 360

At the request of Mr. BUMPERS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

S. 413

At the request of Mr. KENNEDY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 413, a bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia.

S. 420

At the request of Mr. SARBANES, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 420, a bill to increase to $50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act.

S. 448

At the request of Mr. SYMMS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 487

At the request of Mr. GLENN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 487, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program.

S. 488

At the request of Mr. GRASSLEY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 488, a bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders, and for other purposes.

S. 564

At the request of Mr. SYMMS, his name, and the name of the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 564, a bill to direct the Secretary of Defense to undertake the development and testing of systems designed to defend the United States and its armed forces from ballistic missiles.

S. 565

At the request of Mr. WARNER, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 565, a bill to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 581

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 583

At the request of Mr. ROTH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 583, a bill to amend the Internal Revenue Code of 1986 to require the recapture of certain losses of savings and loan associations, to clarify the treatment of certain Federal financial assistance to savings and loan associations, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. JOHNSTON, the names of the Senator from New Jersey [Mr. LAUTENBERG and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 6, a joint resolution to designate the year 1992 as the "Year of the Wetlands."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 85

At the request of Mr. KASTEN, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 85, a joint resolution authorizing and requesting the President to appoint Gen. Colin L. Powell and Gen. H. Norman Schwarzkopf, Jr., U.S. Army, to the permanent grade of General of the Army.

SENATE JOINT RESOLUTION 86

At the request of Mr. LEVIN, his name was added as a cosponsor of S.J. Res. 86, a joint resolution designating April 21 through April 27, 1991 and April 19 through April 25, 1992 as "National Organ and Tissue Donor Awareness Week."

SENATE RESOLUTION 71

At the request of Mr. SPECTER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Nebraska [Mr. KERREY], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Resolution 71, a resolution to encourage the President of the United States to confer with the sovereign state of Kuwait, countries of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals, including President Saddam Hussein, involved in the planning or execution of crimes against peace, war crimes, and crimes against humanity as defined under international law.

AMENDMENT NO. 27

At the request of Mr. SPECTER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Nebraska [Mr. KERREY], the Senator from Illinois [Mr. DIXON], the Senator from Indiana [Mr. COATS], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of amendment No. 27 proposed to S. 419, an original bill to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

SENATE CONCURRENT RESOLUTION 16—URGING ARAB STATES TO RECOGNIZE AND END THE STATE OF BELLIGERENCE WITH ISRAEL

Mr. MACK (for himself, Mr. ROBB, Mr. D'AMATO, and Mr. LAUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 16

Whereas the state of Israel declared its independence on May 14, 1948;

Whereas the armies of six Arab nations, Egypt, Syria, Jordan, Saudi Arabia, Lebanon, and Iraq, invaded Israel immediately after its declaration of independence with the intention of destroying Israel as a nation;

Whereas Israel has fought additional wars against several Arab nations which have continued to seek its elimination and destruction;

Whereas United Nations Security Council resolutions 242 and 338 have addressed the Arab-Israeli conflict, calling for a just, lasting, and durable peace for all states in the area;

Whereas Israel and Egypt entered into direct negotiations culminating in a peace treaty signed on March 26, 1979;

Whereas all other Arab states continue to maintain a state of belligerency with Israel, refusing to recognize Israel's right to exist;

Whereas Israel suffered some 39 SCUD missile attacks fired by Iraq during the Persian Gulf War;

Whereas the United States was allied with numerous Arab states in the diplomatic and military effort to eject Iraq from Kuwait; and

Whereas the continued state of belligerency between the Arab states and Israel threaten all peoples of the Middle East: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) all Arab nations which have refused to recognize Israel and have maintained a state of belligerency with the state of Israel should recognize Israel, end the economic boycott against Israel, end the state of belligerency with Israel, and enter into direct negotiations with Israel for the purpose of concluding peace treaties and establishing full diplomatic relations; and

(2) the United States should use all available means to influence and encourage the Arab states which were allied with the United States in the Persian Gulf War to achieve the objectives under paragraph (1).

• Mr. MACK. Mr. President, on August 2, 1990, Iraq shocked the world by obliterating by force the sovereign state of Kuwait, a member of the United Nations and of the Arab League. Saddam Hussein swiftly annexed Kuwait and declared it to be the 19th province of Iraq. Suddenly the world was provided with a graphic lesson of what it means when one nation does not recognize another and seeks to end its very existence.

Even as Kuwait's sovereignty and independence is restored, there is one nation in the Middle East that remains in the precarious state of nonrecognition that Kuwait was in—the State of Israel. Israel's existence has not been recognized by any Arab nation, except Egypt, since her founding in 1948.

Israel is the Kuwait of the Arab-Israeli conflict. If you buy a map in Syria, Jordan, Saudi Arabia, or many other Arab countries, Israel won't even be on it. For the Arab nations that remain at war with Israel, this is not a question of borders—like most conflicts between nations—but of existence.

All Israel has ever asked since declaring her independence in 1948 is to exist in peace. But in 1948, 1956, 1967, and 1973 Israel was forced to fight multiple Arab armies to prevent her elimination as a sovereign nation. Only Israel's valiant army prevented her from succumbing to the horrible fate that befell Kuwait.

Only good fortune and American Patriot missiles prevented many more Israeli civilians from dying in the 39 Scud missile attacks by Iraq against Israeli cities during this war.

The Arab-Israeli conflict is in fact a misnomer. There is an Arab war to eliminate Israel, as Kuwait was almost eliminated. And there is an Israeli resistance to being eliminated. So long as Israel is not recognized by the Arab world—except Egypt—Israel cannot resolve the Arab-Israeli conflict short of ceasing to exist.

It is the Arab world that has the ability and the duty to unilaterally end the conflict with Israel by recognizing and ending the state of belligerency with Israel. Once the state of war is ended, the Arab-Israeli conflict becomes a conventional border conflict. As the Camp David accords demonstrated, Israel can be very flexible in resolving a border conflict, once her existence is accepted and recognized.

Ironically, one of the greatest beneficiaries of the Arab States ending their war against Israel's existence would be the Palestinian Arabs. Israel's ability to increase the self-rule and sovereignty of Palestinians on the West Bank and in Gaza is directly related to the threat by Arab States against Israel. Clearly, Israel cannot afford to create a Palestinian state if that state is allied with an Arab world that is at war with Israel. That would be like making peace with the hand of an attacker whose whole body was still rushing at you.

Mr. President, the United States Congress has never gone on record urging that the Arab States at war with Israel end that state of war and the economic boycott associated with it.

Today I join with my colleagues Senators ROBB, D'AMATO, and LAUTENBERG in introducing a concurrent resolution expressing the sense of Congress urging Arab States to recognize, end the state of belligerency, negotiate peace treaties, and open diplomatic relations with, Israel.

Mr. President, the sight of Israeli families in gas masks huddling in their sealed rooms while Scud missiles fell on their cities horrified every American. It is time that the United States Congress send the strongest message possible to the rest of the Arab world to join Egypt in making peace with Israel. At no time has American influence in the region been greater. Now is the time to say to Syria, Saudi Arabia, Kuwait, and even Jordan that item No. 1 on the agenda with the United States is for them to end the war of destruction against Israel.•

• Mr. LAUTENBERG. Mr. President, today I join in submitting a concurrent resolution calling on the Arab nations to end their state of war with Israel, enter into direct negotiations, and conclude peace treaties with Israel.

In his address to the Congress last night, President Bush talked about closing the gap between Israel and the Arab States. He talked about establishing a lasting peace in the Middle East and I fully agree with his quest. A constructive first step however toward achieving that peace would be for our Arab coalition partners—like Saudi Arabia, Syria, and Kuwait—to enter direct negotiations with Israel, recognize Israel's right to exist, and to start the peace process with that country.

Secretary Baker is departing for the Middle East today on an important mission. He will be visiting countries that owe a tremendous amount of gratitude to the United States for leading the effort to diminish the threat that Saddam Hussein posed for the entire region. As he visits our Arab coalition partners, Secretary Baker will have a historic opportunity to encourage them to talk directly to Israel and work toward establishing peace with Israel. He should not miss this opportunity.

Mr. President, the gulf war has taught the world a valuable lesson about the Middle East. Its a complex region. The Palestinian issue is just one of many that call for a solution. There are conflicts among Arab States. There are conflicts involving the Sunnis, and the Shiites, and the Kurds, and Christians. It's not simple. Achieving peace will not be easy.

But it will be impossible if Arab countries refuse to recognize that Israel's there to stay and it's time to accommodate that reality. If they refuse to set aside their belligerency, peace will never be obtained. The Arab States are the only ones that can change that. They must agree to peace with Israel.

The war to get Saddam Hussein out of Iraq demonstrates beyond doubt to the Arab world that Israel is not a threat to stability in the Middle East. That Israel is not a hostile aggressor. That Israel can be trusted and is totally committed to comply with any agreements she makes.

In his upcoming meetings, Secretary Baker must impress upon our Arab coalition partners the critical need to make peace with Israel. He must make them understand that there can be no regional peace unless Israel is included in any understandings.

Israel was a strong, silent coalition partner in the war to get Saddam Hussein out of Kuwait. In the face of 39 Scud missile attacks fired by Saddam Hussein, Israel demonstrated remarkable restraint. Israel demonstrated that she is a friend who can always be counted upon.

The Arab countries in the Middle East must begin to recognize this too. Now is the time for them to recognize Israel's existence and to end their state of war with Israel. They should follow the path paved by Egypt which has worked well for both countries and conclude peace agreements with Israel which will also work for themselves.

I hope this Senate resolution and Secretary Baker's visit will help move them in that direction. I urge my colleagues to join me in supporting this resolution.•

SENATE RESOLUTION 75—COMMENDING AND THANKING FORMER PRIME MINISTER THATCHER

Mr. MITCHELL (for himself, Mr. DOLE, and Mr. SIMPSON) submitted the following resolution; which was considered and agreed to:

S. RES. 75

Resolved, That the Senate of the United States expresses its deep admiration for the remarkable leadership that former British Prime Minister Margaret Thatcher has provided to her nation and to the cause of freedom in the world; and that the Senate reaffirms the appreciation of all Americans for the friendship she and her nation have shown to the United States during her years of leadership of the British Government.

SENATE RESOLUTION 76—RELATIVE TO AN INTERNATIONAL MILITARY TRIBUNAL TO TRY WAR CRIMES

Mr. SPECTER (for himself and Mr. PACKWOOD) submitted the following resolution; which was ordered held at the desk:

S. RES. 76

Whereas the International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole";

Whereas on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the charter of the United Nations imposed on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent state, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas the public testimony of victims and witnesses has indicated that Iraqi officials violated article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population, including women;

Whereas the public testimony of victims and witnesses has indicated that Iraqi officials violated articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering, and extermination in order to obtain information;

Whereas article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas "grave breaches" are defined to include: "willful killing, torture, or inhuman treatment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity";

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas on several occasions the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians violative of international law;

Whereas in resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait";

Whereas in resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces of Kuwaiti nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas in resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas the Geneva Convention Relative to the Treatment of Prisoners of War (the Third Geneva or POW Convention) sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities;

Whereas Iraq is a party to the POW Convention;

Whereas there is evidence and testimony that Iraq violated articles of the POW Convention by its physicial and psychological abuse of military and civilian POWs including members of the international press;

Whereas there is evidence and testimony that Iraq violated articles of the POW Convention by placing POWs in solitary confinement, failing to shelter POWs against air bombardment and denying POWs contact with the outside world;

Whereas in resolution 667, adopted on September 16, 1990, the Security Council expressed "outrage" at Iraq's abduction of several persons from diplomatic premises in violation of the Vienna Conventions on Diplomatic and Consular Relations;

Whereas in violation of the Fourth Geneva Convention, Iraq did fire missiles on Israel with the intent of making it a party to war with the intent of killing or injuring innocent civilians;

Whereas Iraq has inflicted grave risk to the health and well-being of innocent civilians in the region by its willful setting on fire of Kuwaiti oil wells and its willful spilling of oil into the Persian Gulf, resulting in the mass pollution of air and water;

Whereas for all of the above incidents, it is not a defense that an individual in committing such heinous acts acted under orders of higher government officials (International Military Tribunal (Nuremberg) Judgment and Sentences, 41 A.J.I.L. 172 (1946)) ("That a soldier was ordered to kill or torture in violation of international law of war has never been recognized as defense to such acts of brutality.");

Whereas the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should confer with Kuwait, other member nations of the coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals involved in the planning or execution of the above referenced crimes, including Saddam Hussein.

AMENDMENTS SUBMITTED

RESOLUTION TRUST CORPORATION FUNDING ACT

METZENBAUM AMENDMENT NO. 28

Mr. METZENBAUM proposed an amendment to the bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means, as follows:

At the appropriate place in the bill, add the following new Section:

SEC. . CLARIFICATION OF REVIEW OF PRIOR CASES.

Section 21A of the Federal Home Loan Bank Act is amended by inserting at the end of Section 501(b)(11) the following language:

"The Corporation, in modifying, renegotiating, or restructuring the insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation between January 1, 1988, and the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall carry out its responsibilities under section 519(a) of Public Law 101-507, and shall, consistent with achieving the greatest overall financial savings to the federal government, pursue all legal means by which the Corporation can reduce both the direct outlays and the tax benefits associated with such cases, including, but not limited to, restructuring to eliminate tax free interest payments and renegotiating to capture a larger portion of the tax benefits for the Corporation."

GARN AMENDMENT NO. 29

Mr. GARN proposed an amendment to the bill S. 419, supra, as follows:

Delete section 5, Incidental Powers, and insert in lieu thereof:

"SEC. 5. INCIDENTAL POWERS.

"(a) RESOLUTION TRUST CORPORATION.—Section 21A(b)(10)(N) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(10)(N) is amended by adding at the end thereof the following: "The Resolution Trust Corporation may indemnify the directors, officers, and employees of the Corporation on such terms as the Corporation deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. For purposes of this section, the terms 'officers' and 'employees' include officers and employees of the Federal Deposit Insurance Corporation or of other agencies who perform services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections."

"(b) OVERSIGHT BOARD.—Section 21A(a)(5)(J) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(5)(J)) shall be amended by adding at the end the following: "The Oversight Board, from funds made available to it by the Corporation, may indemnify the members, officers and employees of the Oversight Board on such terms as the Oversight Board deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections.".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND THE SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a joint hearing with the Subcommittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary. The hearing concerns the pricing and promotion of infant formula, including issues related to procurement of infant formula for the Women, Infants, and Children [WIC] Program. The hearing is scheduled for March 14, 1991, at 9:30 a.m. in SD-226.

For further information, please contact Ed Barron of the Agriculture Committee staff at 224-2035, or Kelly Signs of the Antitrust Subcommittee staff at 224-5701.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m. March 7, 1991, to receive testimony on S. 210, the Comprehensive Uranium Act of 1991, to establish a wholly owned Government corporation to run the Federal Uranium Enrichment Enterprise.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, March 7, beginning at 9:30 a.m., to conduct a hearing on the Environmental Protection Agency's fiscal year 1992 proposed budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 7, from 2 p.m.-2:35 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics, and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 7, at 9:30 a.m. to hold a hearing on the Foreign Relations Authorization Act for fiscal year 1992 and 1993 and Persian Gulf Conflict Emergency Supplemental Authorization Act, fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 7, 1991, at 10 a.m., for a hearing on "National Testing."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, March 7, 1991, at 9:30 a.m., on the subject: The purchase and use of counterfeit and substandard parts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, March 7, 1991, at 2 p.m. to consider the nominations of James A. Courter, to be Chairman of the Defense Base Closure and Realignment Commission; Howard H. (Bo) Callaway and Dr. James C. Smith II to be members of the Defense Base Closure and Realignment Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session during the session of the Senate on Thursday, March 7, 1991, at 9 a.m. to receive testimony on NATO security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, March 7, 1991 at 10 a.m. to conduct a hearing on the GAO's analysis of the administration's financial modernization recommendations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. March 7, 1991, to receive testimony on S. 341, the National Energy Security Act of 1991, title X pertaining to natural gas regulatory issues; and sections 6003 and 6004 pertaining to natural gas research, development, demonstration and commercialization activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WOMEN'S HISTORY MONTH

• Mr. HATCH. Mr. President, recently, legislation proclaiming the month of March 1991 and 1992 as Women's History Month was passed by the Senate. I was pleased to be the sponsor of this bill, Senate Joint Resolution 62, and appreciate the bipartisan support it received.

The commemoration of Women's History Month provides an opportunity for citizens, historians, teachers, and Members of Congress to educate the public about the contributions women have made in various aspects of society throughout history. I believe it is increasingly important to educate our children about the achievements of women, and the significance these contributions have on their own lives. The accomplishments of these women provide numerable role models for the young people of our Nation to emulate. Such achievements are to be honored and recognized during Women's History Month.

The theme for National Women's History Month 1991, "Nurturing Tradition, Fostering Change," honors women at the interactive crossroads between the public and private spheres. Women who, while preserving their traditional roles within the private sphere, have become involved in the public arena to address social and political injustices which affect our quality of life. I believe this theme is most appropriate at this time as servicewomen are making significant contributions to Operation Desert Storm. Mothers, teachers, nurses, and other professional women left their current roles in society to participate in the United States stand against the aggression and brutality of Saddam Hussein. These women, and all others who have made a significant contribution to society, deserve to be recognized for their efforts and achievements.

I was proud to sponsor such outstanding legislation and hope it will be instrumental in informing the public of the many achievements made by women throughout history.•

COMMENDING THE HAWAII COUNTY CIVIL DEFENSE AGENCY ON RECEIVING FEMA'S OUTSTANDING PUBLIC SERVICE AWARD

• Mr. AKAKA. Mr. President, today, the Honorable Lorraine Inouye, Mayor of the County of Hawaii, will accept the Federal Emergency Management Agency's [FEMA] outstanding public service award in behalf of the Hawaii County Civil Defense Agency. This award is given annually to those individuals or organizations outside of the Federal agency who best help further FEMA's mission. I am proud to say that the Hawaii County Civil Defense Agency was the only local civil defense organization to be selected among this year's 12 award recipients.

The small, but excellent staff of the big island's civil defense office, which is responsible for directing and coordinating all disaster and emergency activities on the largest, most geographically diverse island in my State, amply deserves this award. Over the years, in coordination with Federal, State, and local agencies, and in response to every conceivable type of emergency, from earthquakes and fires to Tsunami and hurricanes, the county agency has prevented injury to or death for perhaps thousands of big island residents, and saved countless homes, farms, businesses, and important natural resources from damage or destruction.

Most recently, the Civil Defense Agency directed and coordinated disaster relief efforts for the ongoing Kilauea volcano disaster in the Kalapana region of Hawaii. Last August, when I chaired a Senate Governmental Affairs Committee hearing to investigate how well various relief agencies had responded to the emergency in the wake of the President's May 1990 disaster declaration, I discovered that praise for the Civil Defense Agency, and particularly its administrator, Harry Kim, was universal. While public officials commended Mr. Kim for the effectiveness with which he and his staff of five directed emergency activities, local residents spoke warmly of the long hours Mr. Kim and his employees spent, and continue to spend, in assisting lava victims.

I was also particularly struck by how often these residents spoke of Mr. Kim's attention to the spiritual and psychological needs of the stricken Kalapana community. It was apparent to the committee that Mr. Kim, who himself has roots in the area, was intensely sensitive to the fact that many of the families that were forced to relocate because of the lava flows had lived in the area for hundreds of years, and thus maintained a special attachment to the land. In deference to their needs, Mr. Kim therefore made it a policy to allow those whose homes were in the path of the lava flows to visit their former residences as often and as long as possible without endangering themselves or relief workers, despite the extra burden this placed on the agency. He also did his best to shield them from the intrusions of the media and the general public, who were naturally curious about the awesome spectacle presented by the lava flows.

Mr. President, more than anything else, more than the efficiency of the agency's relief operations, which is studied as a model by civil defense experts from other States and foreign nations, it is this ability to balance the often competing needs of disaster victims against the demands of public safety that truly sets Harry Kim and the Hawaii County Civil Defense Agency apart. For while it is one thing to be efficient, it is quite another to understand the human dimension of tragedy.

If I have only one criticism of Harry Kim and his staff—Bruce Butts, Wendell Hatada, Lanny Nakano, Audrey Kualii, and Dorothy, Yanagisawa—it is that they are not in Washington today to receive this award. I infer from their absence that they are too busy to be away from their jobs. This speaks well of them, though it precludes the rest of us from having the proper opportunity to honor them as heroes. For that is what the men and women of the Hawaii County Civil Defense Agency are, Mr. President, heroes. In behalf of the people of Hawaii, I thank them for a job well done and look to them and Mayor Inouye for continued outstanding performance.•

NATIONAL FOREIGN LANGUAGE WEEK

• Mr. LEAHY. Mr. President, this is National Foreign Language Week, a significant event for all those who promote the benefits of foreign language study.

The theme for National Foreign Language Week this year, "Peace Through Understanding," is particularly appropriate because of expanding Soviet-American relations. Dramatic changes in Eastern Europe have also opened up new opportunities for international understanding.

There is great new potential for the United States to pursue business ventures, educational exchanges, and cultural relations.

But our lack of understanding of foreign languages hinders this potential. We lag far behind other developed countries who often begin foreign language instruction in elementary school.

Many States have expanded language courses in elementary schools and high schools over the last decade, but even today there is no State which requires high school graduates to learn a foreign language.

The Soviet Union has made it a national priority for a majority of its citizens to become proficient in English. According to the American Council of Teachers of Russian, there are far more teachers of English in the Soviet Union than there are students of Russian in the United States.

I am concerned that this disparity will hinder our ability to communicate with the Soviet Government and its citizens.

In Vermont, an institution of higher education is making a real difference in addressing this disparity. Norwich University's Russian School is internationally recognized. Now more than ever, people are turning to the Russian school as opportunities for business ventures and exchanges grow. Students, business executives, military officers, and government officials are all taking advantage of the Russian school's offerings.

The Joint National Committee for Languages issued a statement which underlines my point: "The dramatic changes sweeping the world indicate that those without language skills will soon find themselves at a considerable disadvantage. Communication in multiple languages fosters a sense of humanity and friendship and prepares students for a world in which nations and peoples are increasingly interdependent."

Mr. President, I believe international understanding can best be achieved by expanding the breadth and scope of foreign language instruction and cultural experiences at all levels.•

NATIONAL YOUTH SPORTS PROGRAM

• Mr. PRYOR. Mr. President, I rise today to pay tribute to an organization, the National Youth Sports Program, which has made and continues to make tremendous strides toward helping disadvantaged youth.

The National Youth Sports Program provides over 65,000 economically disadvantaged boys and girls, ages 10 to 16, the chance to participate in a sports instruction program on 150 college campuses all across the country. In addition to providing nutritious meals and free medical exams, the program provides counseling on drug-abuse prevention, higher education and career opportunities, study skills, and health and nutrition.

Every summer, the NYSP brings children from proverty areas onto college campuses and gives them motivation to better their opportunities for the future. It is programs like the NYSP that give children hope and the realization that they can make a difference.

Mr. President, I am particularly pleased to make mention of the NYSP programs in my home State of Arkansas. Three college campuses currently participate in the program—the University of Arkansas at Fayetteville, Philander Smith College in Little Rock, and the University of Arkansas at Pine Bluff. The Arkansas NYSP programs have over 1,300 children enrolled and provide nearly 30,000 free meals a year, as well as raising approximately $2.22 for each federally funded dollar.

The NYSP Program at the University of Arkansas at Fayetteville was recently recognized for its outstanding achievement. The National Collegiate Athletic Association awarded the program the Silvio O. Conte Award of Excellence. Out of 150 programs in the country, the Fayetteville program was one of only three to be selected as exemplary in status. They not only met all Federal guidelines, they surpassed them. The success that the programs in Arkansas have had are a testament to the program nationwide.

We, as legislators, take pride in seeing organizations such as the NYSP succeed, especially when it is in our own back yard.

I want to commend Craig Edmonston of Fayetteville, the State director for the Arkansas NYSP and the project administrator for the Fayetteville chapter of NYSP. The outstanding successes that the Arkansas NYSP programs have enjoyed are no doubt a result of Craig's enthusiastic and charismatic leadership. With Craig's guidance, children from disadvantaged homes and neighborhoods in Arkansas are being shown that there is another world out there—a world of promise, a world of opportunity, and a world of hope.

Mr. President, and colleagues, I am proud to be able to recognize the National Youth Sports Program and the National Youth Sports Programs of Arkansas and the goals they have achieved.•

ANDEAN DRUG REPORT ISSUED

• Mr. CRANSTON. Mr. President, last year I authored an amendment to the Defense authorization bill which required the administration to prepare a report on the effects of involving military forces of the Andean countries in counter-drug-enforcement activities.

A nonclassified portion of the report was recently made available to my office. I subsequently asked both America's Watch and the Washington Office on Latin America, two of Washington's most important human rights organizations, to comment on the report. Dr. Eduardo Gamarra, a drug specialist from Florida International University, was also asked for his comments.

I ask for the report to be reprinted in the RECORD, as well as statements by America's Watch and the Washington Office on Latin America, the Gamarra letter and several other pieces of relevant correspondence and an article which appeared in the Washington Post.

The material follows:

ANDEAN ANTI-DRUG EFFORTS: A REPORT TO THE CONGRESS

This report is submitted by the Departments of Defense and State, in consultation with the Office of National Drug Control Policy, in compliance with Section 1009 of the FY 1991 Defense Authorization Act. As required, the report outlines current United States policies and details anti-narcotics enforcement activities and associated training programs in the Andean region. The report also addresses Congressional findings pertaining to Andean anti-drug efforts.

The report is structured as follows:

I. Background;
II. Roles and Missions;
III. Coordination with Host Governments;
IV. End Use Monitoring;
V. Training;
VI. Conclusion.

Since some of the information requested can not be addressed in an unclassified report, a classified annex is attached.

I. BACKGROUND

The Andean Strategy is a multi-faceted approach to controlling the complex problem of cocaine production and trafficking. The

Strategy is a comprehensive plan to work with the Andean governments to disrupt and destroy the growing, processing and transportation of coca and coca products within the source countries, in order to reduce the supply of cocaine entering the United States. In September 1989, the President's National Drug Control Strategy directed that a five-year $2.2 billion counter-narcotics effort begin in FY 1990 to augment law enforcement, military, and economic programs in Colombia, Bolivia, and Peru. After detailed negotiations between the United States and each of the individual cooperating governments, a regional implementation plan was prepared to ensure the effective use of U.S. assistance.

The Andean Strategy has four major objectives. First, through concerted action and bilateral assistance, it is the Administration's goal to strengthen the political will and institutional capability of the three Andean governments to enable them to attack the cocaine trade. This objective entails a broad range of diplomatic, professional, and training contacts with the host countries in order to bolster the national, institutional, and political will of the host nations to conduct a vigorous counter-narcotics campaign.

Second, the United States will work with the Andean governments to increase the effectiveness of the intelligence law enforcement and military activities against the cocaine trade in the three source countries, particularly by providing mobility for both police and military forces and ensuring they are well-equipped, trained and cooperate in an integrated strategy. It has become clear that the Andean nations can conduct more effective counter-narcotics operations with the involvement of the armed forces; this is especially true where the traffickers and the insurgents have joined forces. Specific strategic objectives include efforts to isolate key coca growing areas, block the shipment of precursor chemicals, identify and destroy existing labs and processing centers, control key air corridors, and reduce net production of coca through eradication programs.

The third goal is to inflict significant damage on the trafficking organizations which operate within the three source countries by working with host governments to dismantle the operations and elements that are of greatest value to the trafficking organizations. By strengthening ties between police and military units and creating major violator task forces to identify key organizations, bilateral law enforcement and military assistance will enable host government forces to target the leaders of the major cocaine trafficking organizations, impede the transfer of drug-generated funds, and seize their assets within the United States and in those foreign nations in which they operate.

The fourth goal is the incorporation of expanded economic assistance beginning in FY 1991 that is directed toward offsetting the negative economic dislocations that will occur as a result of effective counter-narcotics programs. For this reason, the Andean Initiative projects that approximately half of all resources provided during the $2.2 billion five-year plan will consist of economic assistance. This assistance will, in turn, strengthen the political commitment of the three Andean nations to execute effective counter-narcotics programs. U.S. narcotics-related economic assistance is conditioned upon successful counter-narcotics performance, sound economic policies, and respect for human rights. In harmony with the views of the three Andean governments, U.S. direct economic assistance and other initiatives support economic alternatives for those directly involved in the cultivation of and trade in coca. Examples of such assistance include crop substitution and other alternative development activities, drug awareness, administration of justice, balance of payments support and export promotion. The assistance reflects our agreement with the Andean presidents, incorporated in the Declaration of Cartagena, that a comprehensive intensified counter-narcotics strategy must include understandings regarding economic cooperation, alternative development and the encouragement of trade and investment. When the Andean Presidents requested increased trade opportunities for the region's legitimate products, President Bush quickly responded with two ambitious trade packages to create economic alternatives to drug trafficking. In October 1990, the President also announced a hemispheric initiative, the "Enterprise for the Americas Initiative", to help promote long-term economic growth in Latin America. Legislation to enact this initiative was sent to Congress in October 1990.

The Andean Strategy does not seek to impose law enforcement, military or economic assistance on these countries. These programs require bilateral cooperation and mutual agreement. The Administration's intensive dialogue with the Andean nations is redefining the understanding of what is needed and what is possible, for both sides, to carry out a strategy that we believe will achieve a reduction in the supply of cocaine.

Fiscal Year 1990: The Year in Review

After the first year of this five-year strategy, there have been notable achievements in many areas. New, democratically-elected governments in each of the three Andean nations have repeatedly voiced their commitments to the counter-narcotics struggle. Together with the Andean nations, the Administration has worked to use intelligence as a means of focusing U.S. efforts on trafficker organizations and infrastructure, moving away from a prior focus on eradication programs and low-level interdiction efforts. The United States has supported the internal programs of the three nations to improve the operational capabilities of their law enforcement and military forces engaged in the drug war. These programs have resulted in increased pressure on the trafficking organizations. The Administration has involved the U.S. military to provide detection and monitoring in the approaches to the U.S., forcing the traffickers to disrupt their illicit activities. There have been increased seizures, arrests, confiscation of assets, and signs of disarray within many trafficking organizations.

The Administration has helped to improve counter-narcotics cooperation with the police in the Andean countries. We have assisted armed forces of Colombia to assume a more vigorous role, as have elements in the Bolivian Air Force and Navy, which have produced dramatic seizures in recent years. This combined law enforcement and military effort reduces duplication of logistics, maintenance and other key support elements essential for effective counter-narcotics operations.

Furthermore, the Declaration of Cartagena, signed on February 15, 1990 by President Bush and the presidents of Colombia, Bolivia, and Peru, contains a number of general and specific commitments for the four countries party to the agreement. The U.S. has implemented its commitments through a comprehensive international strategy which comprises bilateral and multilateral contacts with producer, consumer and transit countries. These efforts have focused on the need for international and multilateral support for Andean efforts to combat drug trafficking and production.

The intent of this cooperative effort, based on a continuing assessment of the performance of the Andean states, is to carry forward the progress we have made and address identified shortcomings. Knowing that the U.S. must sustain a vigorous progam, the Administration is determined to pursue those efforts that have produced results, reassess those that have not, and seek new approaches that will enhance our chances for success.

Counter-Narcotics versus Counter-Insurgency

The effort of the U.S. to help these countries deal with "narco-insurgents" has raised the specter of counter-insurgency: specifically, whether the U.S. should engage in supporting Andean militaries, some with poor human rights records, in waging a struggle against insurgent groups which are clearly involved in many aspects of narcotics trafficking. We cannot gloss over past abuses in some countries. The U.S. opposes these abuses as a matter of national policy and always will. But, we should not succumb to the notion that organizations like the Sendero Luminoso of Peru or the FARC in Colombia are champions of human rights. These groups are profiting from the narcotics industry, and are continuing their indiscriminate attacks on civilian targets. This insurgent violence, in conjunction with the traffickers, threatens to undermine democratic institutions.

The focus of the U.S. effort is counter-narcotics, not counter-insurgency, but we cannot lose sight of the fact that in Colombia and Peru the insurgents are involved in narcotics and, along with the traffickers, have created a militarized situation. It is a mistake to assume that economic development is possible without provision of a secure environment in which to work. No social or economic approach to the drug dilemma can survive in the environment of intimidation and violence that now prevails in these countries and is the result of individuals and groups who use violence in order to achieve their ends.

Military Assistance and Democracy

Current projected levels of U.S. assistance to the Andean militaries will not undermine the authority and control of civilian governments nor weaken democracy. On the contrary, U.S. assistance will help to strengthen democracy for the following reasons: 1) U.S. security assistance details are developed through military-to-military contacts, but the policy outlines, negotiation and approval is through civilian government authorities; 2) an impoverished, poorly trained, and equipped military, unable to feed its troops, is far more susceptible to corruption and human rights abuses; 3) the military is far more likely to take a constructive approach if actively engaged in the drug war, as opposed to being left to criticize civilian efforts from the sidelines; 4) the involvement of the military, as in the U.S., can bring a significant resource in the war against drugs if properly coordinated and directed by civilian authorities; and 5) democracy cannot survive without the sound economic development which can only exist in a secure environment.

II. ROLES AND MISSIONS

Counter-narcotics operations remain a law enforcement mission with the military operating in support of police forces. The specific role of host country armed and police forces differs according to the ministry they report to and their mission as defined by their constitution. In the case of Colombia, Peru, and Bolivia, the armed forces are accorded the general role of protecting national sovereignty and geographical borders. Each of these governments has determined that counter-narcotics is primarily an internal law enforcement function.

However, the Andean governments have come to the realization that narcotics trafficking has moved beyond the scope of routine law enforcement, displacing legitimate local and central government control and developing ties with insurgent groups in outlying areas. The United States Government, in cooperation with the Andean governments, believes that the Andean militaries can and do play an essential role in counter-narcotics operations to restore legitimate government control and support law enforcement operations in narcotics trafficking areas.

Although the separation of military and civilian law enforcement functions has been an element in strengthening democracy, the support of the military could be critical in maintaining the stability of Andean democracies against the pressure of narcotics traffickers and insurgents.

The Role of Law Enforcement

Narcotics control in the Andes is a law enforcement mission, despite the complicating factor of narcotics-related insurgencies. Law enforcement agencies in the Andean countries constitute the local security authority with the appropriate arrest and detention mandate necessary to channel narcotics traffickers into the civilian judicial system. Moreover, Andean counter-narcotics law enforcement agencies have a para-military cast, more akin to the U.S. National Guard, than to local law enforcement.

Host nation law enforcement agencies provide counter narcotics coverage at ports of entry, develop and act on intelligence on narcotics trafficking organizations, trace illicit narcotics money flows, precursor chemical routes and continue to interdict and seize narcotics in the air, on the rivers, roads and airstrips.

DEA and other U.S. law enforcement agencies, such as the United States Coast Guard, provide training advisors, and in some cases (such as DEA's Operation Snowcap in Peru and Bolivia) accompany host nation law enforcement units in the field. These agencies assist in developing intelligence, planning, and supporting operations conducted by host nation law enforcement personnel. U.S. upgraded law enforcement interdiction bases have been established in Peru, Bolivia, and Colombia to provide for a continuous law enforcement presence in the field. The U.S. also considers advanced training for law enforcement units as a high priority, and does not consider military involvement to be substitute for these para-military law enforcement units in the field.

The Role of the Military

A great deal has been said about the role of U.S. military support and the involvement of local militaries in support of the President's Andean Strategy. U.S. military assistance is only part of the total effort. Furthermore, the Administration does not contemplate large levels of U.S. military presence in the Andes. The U.S. has not maintained such a presence and the strategy includes, as one of its tenets, the determination not to "Americanize" the effort to work with local governments. To the contrary, the Administration is extending to the Andean countries the capability to help themselves.

While we believe the militaries of the Andean states can play a constructive role in counter-drug efforts, we never have, nor will we, force military assistance on these countries. The Administration has held discussions with the Andean nations on the need for comprehensive efforts to combat the threat. The United States has also conditioned its narcotics-related assistance on host nation performance, as was endorsed by all parties at the Cartagena Summit.

The assistance the U.S. is providing is not of a nature to create large, new para-military forces in the region. We are developing the specialized skills of both police and military units required to conduct or support effective counter-narcotics operations, not creating major combat units. Military assistance provided under the Andean Initiative is designed to support law enforcement activities aimed at combatting the growing threat of narcotics production and trafficking. U.S. policy stipulates that assistance provided for counter-narcotics activities must be used for counter-narcotics purposes and not diverted to other unrelated programs.

It is important to remember the large size of these countries and the remoteness of growing areas and processing centers. Narcotics law enforcement units have neither the resources to cope with the scale of the problem nor are they equipped or trained to address its increasingly paramilitary nature. For these reasons, participation by the host country militaries is a critical element.

This is not a conclusion that the Administration has come to abruptly or one that reflects a desire to become engaged in these areas militarily. It is based on an analysis of the problem and what is now required to deal with it. As the case of existing Bolivian military involvement in counter-narcotics demonstrates, military support can be an effective way to avoid duplicating a parallel military capability within police narcotics enforcement agencies. This strategy reflects our sensitivity to host nation concerns that police and military forces not become too powerful to challenge the government.

The financial resources of the narcotics traffickers, such as those in Colombia, enable them to hire private armies and terrorists on a national and international scale. Their ability to buy manpower and equipment surpasses the police capability and, in some cases, calls into question even the military's ability to respond effectively. These capabilities permit the narco-traffickers to challenge the sovereignty of local governments in a way unprecedented in our experience.

U.S. counter-narcotics policy, therefore, is not an attempt to "militarize" the effort, but rather one that seeks to provide legitimate governments with the tools and assistance to defend their political sovereignty and fight the drug trafficking organizations and their allies who seek to undermine the legitimate civil authority.

III. COORDINATION WITH HOST GOVERNMENTS

The Declaration of Cartagena is predicated on civilian formulation, implementation and control of all counter-narcotics policies and activities in the Andean Region. Based on the principles of the Declaration, counter-narcotics agreements covering interdiction, reduction of narcotics supply, and alternative development are bilateral in nature, requiring the participation of several civilian host government authorities in the development and approval of U.S. funding and supports for counter-narcotics activities.

The three major participants in the implementation of these bilateral agreements are the Ministries of Foreign Affairs, Defense, and Interior. In activities involving training roles for U.S. forces in counter-narcotics activities, these ministries are usually the requesting agencies for this type of assistance. Host civilian governments are, therefore, fully informed and involved in the use of U.S. personnel for specific and limited narcotics and support roles.

The U.S. Ambassador in each country discusses the proposed counter-narcotics assistance program in general terms with the president of each country. The detailed composition of military equipment sent for counter-narcotics activities, whether under FMF, 506(a)(2) or EDA authority, is developed as a joint process between the Embassy and the host country Ministries of Defense and Interior (in cases where the equipment directly affects law enforcement operations). Training initiatives that require U.S. counter-narcotics trainers to instruct at host country military and police bases are discussed thoroughly at the ministerial and at the field command level in order to ensure that political sensitivities, rules of conduct and type of instruction are agreed upon in advance. During the actual training sessions, these contracts are carefully maintained to ensure that all parties are aware of the progress of the training initiative. Planning of strike operations and other activities related to host country field operations often have the planning support of U.S. personnel. However, DoD personnel are not authorized to accompany host nation forces on actual operations or engage in activities where hostilities are imminent. Host country military and law enforcement personnel have the lead in all such activities, and U.S. assistance in the preparation or development of these activities is performed in full coordination with the appropriate ministerial and host nation law enforcement personnel.

For example, the following civilian institutions formulate counter-narcotics policy in their country and request and approve U.S. assistance:

Colombia

Counter-narcotics policy is developed by the Council on Dangerous Drugs. This largely civilian council is comprised of the Ministers of Agriculture, Communications, Health, Justice, National Defense, National Education, the Director of the Department of Administrative Services, the Attorney General, the Chief of Customs, and the Chief of the National Police. Counter-narcotics policy is implemented largely through the Directorate for Anti-Narcotics (DAN), an element of the Colombian National Police (CNP). The CNP, a branch of the Ministry of Defense (MOD), is the principal law enforcement agency for CN matters. The MOD is consulted with and concurs on all counter-narcotics deployments.

Bolivia

The National Council Against Drug Abuse and Illegal Drug Trafficking develops Bolivia's policy guidance. Counter-narcotics programs are directly managed by the Minister of Agriculture (eradication) and the Minister of the Interior (interdiction). The Special Force for the Fight Against Narcotics Trafficking (SFFANT), a multi-agency counter-narcotics task force, is a subordinate agency of the National Council and reports to the council through the Minister of the Interior.

The SFFANT is comprised of elements of the Bolivian Air Force, Navy, and the National Police's Rural Mobile Police Patrol Units (UMOPAR). Either the head of the SFFANT or the Bolivian Minister of Defense approve host country counter-narcotics deployments.

Peru

The DIPOD, the anti-narcotics division of the Peruvian National Police (PNP), is the lead agency for counter-narcotics in Peru. It is supported by an air wing (DIPA). The military has a supporting role; although, past military support has been minimal. The Minister of the Interior concurs on PNP activities, and the MOD concurs on all military matters. President Fujimori is briefed on counter-narcotics related activities by both ministers. President Fujimori is currently creating a new civilian organization that would have control over most counter-narcotics activities in the country.

IV. END USE MONITORING

Funding support and assistance provided by the United States for Andean counter-narcotics programs is obligated through bilateral agreements with the host country that specifies that the assistance will be used for counter-narcotics purposes. End Use Monitoring (EUM) by U.S. personnel of training and equipment provided under the bilateral agreement is also specified and inspection of host country operations is performed when necessary.

The Administration is taking steps to ensure that equipment and training provided for counter-narcotics is being used for the purposes intended. In coordination with the appropriate U.S. embassies, concepts for tracking and monitoring equipment and training provided for counter-narcotics are being developed. The EUM programs will track and monitor equipment, training and funds provided to law enforcement agencies under State INM funds, as well as equipment, training and other material provided to law enforcement and military forces under FMF or drawdown of defense stocks under Section 506(a)(2) of the Foreign Assistance Act of 1961, as amended. Additionally, agreements between the United States and recipient countries include provisions which specify that assistance is being provided for counter-narcotics purposes.

V. TRAINING

U.S. civilian personnel, primarily DEA agents and U.S. private contractors (pilots, mechanics, and field advisors) jointly plan and accompany host nation law enforcement personnel on counter-narcotics operations. DoD personnel, however, do not accompany host nation personnel on actual field operations and limit their involvement to planning, training, and analysis of narcotics operations. DoD has strictly an operational support role. The rules of engagement for DoD personnel in the field restrict them from engaging in any operational counter-narcotics missions in the Andes. These rules are based on the principles of self-defense, necessity, and proportionality. Regarding the potential for corruption of U.S. forces, MTT trainers are governed by the same standards of professional conduct that apply to all DoD personnel, regardless of assignment, and they are expected to abide by those standards.

The impact of U.S. military assistance and training has had a salutary impact on the Andean militaries and police forces, since U.S. military trainers emphasize to host country counterparts the importance of respecting internationally recognized conduct for human rights. These countries have previously received military training from sources other than the U.S., and considerable effort is required to modify practices acquired as a result of the prior training. U.S. military personnel stress that beyond being good policy, U.S. law (Sec. 502B of the Foreign Assistance Act of 1961, as amended) contains a provision for termination of security assistance for gross human rights violations.

Special Forces MTTs are required to teach respect for human rights. The instruction is presented in both formal classroom lectures/discussions and in practical hands-on instruction. The percentage of human rights training presented is dependent upon the total number of tasks/hours within a given program of instruction. Instruction covers such items as the Geneva Convention, what constitutes a violation and examples of human rights violations. Hands-on instruction covers such items as the importance of sanitation, hygiene, trauma and preventive medicine for both the students and the local populace; responsibilities of leaders to the local populace, chain of command and violation reporting responsibilities; fire discipline, selective targeting, handling of prisoners, disposition of those killed in action, and collateral damage; medical treatment of civilians, evacuation of wounded and protection of outlaying communities. Students are taught the constructive benefits from positive civic actions, such as providing medical treatment to civilians and simple repairs to buildings.

VI. CONCLUSION

We have made progress in countering the narcotics traffickers, but there remains much to be done. Although there have been fluctuations in both the price and purity levels of cocaine during the past year, overall, prices for cocaine on the street are up, purity is down, and the price of coca leaf at the farmgate is depressed. In 1990, record seizures were made abroad. For example, in Colombia alone, a total of 51 metric tons of cocaine base/HCL and 300 cocaine laboratories were confiscated.

The Administration has embarked on a new, multi-year, coordinated program and has sought to engage other governments in an unprecedented level of activity. Despite some disappointments, we must not lose sight of the gains made in building cooperation and in preparing for future actions. The Administration has moved forward, but we can only achieve success by working cooperatively here at home and with our allies overseas. The United States must continue its commitment and sustain its resolve.

"REPORT TO THE CONGRESS": A CRITIQUE BY THE WASHINGTON OFFICE ON LATIN AMERICA MARCH 4, 1991

Section 1009 of the FY 1991 Defense Authorization Act requires the administration to issue a report to the Congress regarding the impact of U.S. antinarcotics policy on democratic institutions in the Andean region. That report, recently issued jointly by the Departments of Defense and State as a "Report to Congress," contains significant weaknesses.

The report (the unclassified portion) recognizes that strengthening democratic institutions and promoting human rights are important U.S interests. The Washington Office on Latin America shares the concerns for strengthening democratic institutions expressed by the Congress in Section 1009 and by the report itself. We are encouraged that the report recognizes that Andean leaders are concerned about the potential challenge to civilian rule posed by military and security forces in the context of anti-drug programs.

However, the policies reflected in the report could seriously undermine U.S. efforts to promote human rights, democratic institutions and peace in the Andes as well as to curb cocaine consumption in this country. Based on the points below, the Washington Office on Latin America (WOLA) urges the Congress to:

(a) cut military assistance to Colombia and Peru until conditions on human rights performance and civilian control of Andean militaries can be legitimately met;

(b) require further assurances from the administration, including better end use monitoring, that counternarcotics funds and assistance will not be used in counterinsurgency activities.

1. The report fails to mention the crucial alliances maintained by drug trafficking organizations with paramilitary groups in Colombia and with the police and militaries of Peru, Bolivia, and Colombia.

While the report details the alliance in Colombia between certain insurgent groups and drug trafficking organizations, it completely omits reference to the most important Colombian allies of drug traffickers—paramilitary organizations that have largely been armed and organized by drug traffickers. Many of these paramilitary squads, which international human rights groups say account for the bulk of political violence in Colombia, operate in conjunction with the armed forces of that country.

Furthermore, the report fails to mention the extensive ties between drug traffickers and police and military officials of Peru and Bolivia. In PERU's Upper Huallaga Valley, the military receives payments for permitting aircraft to land and load coca products in areas under their responsibility. The Peruvian armed forces impede police access to drug producing areas, and certain elements have fired on U.S.-owned anti-drug aircraft.

In BOLIVIA, corruption is rampant among anti-drug police and within the military. Last week, the recently appointed chief of the country's anti-drug police resigned after the U.S. protested his appointment due to evidence that he collaborated with cocaine traffickers when he was chief of military intelligence.

2. While the report describes human rights violations by non-governmental groups and acknowledges past human rights abuses by Andean governmental forces, it omits reference to present serious violations of human rights by government forces in all three Andean Initiative countries. This omission converges with the historical tendency of successive U.S. administrations to deflect attention away from human rights violations by recipients of U.S. assistance.

The gross violations of human rights by Andean governmental forces, especially in Colombia and Peru, are well documented in recent reports by non-governmental organizations such as WOLA, Americas Watch, and Amnesty International, as well as the U.S. State Department's recent Country Reports on Human Rights Practices for 1990.

3. Although the report commendably describes the efforts taken by U.S. military trainers to incorporate human rights into training curriculum, there is no evidence that those efforts are any different from those utilized in the past decade in places like El Salvador. Throughout Latin America, U.S. military training, even with human rights training components, has not prevented military institutions from engaging in systematic violations of human rights sanctioned at the highest command levels.

4. The activities described in the report for strengthening the political will of Andean governmental institutions (listed as a main objective of the administration's Andean Strategy) are patently insufficient to ensure

commitment to counternarcotics activities. As a result, U.S. security assistance, training, and equipment given to Andean militaries seem likely to be used for the highest priority of those institutions: in Colombia and Peru, counterinsurgency campaigns characterized by gross violations of human rights.

The only activity described in the report for strengthening Andean governments' political will is the provision of economic assistance. However, the history of AID's Office of Public Safety and of security assistance in El Salvador have shown that it is much more difficult to shape institutional will than it is to enhance military or law enforcement capabilities. Indeed, the administration has yet to detail program activities which can reasonably be expected to shape Andean political will regarding counternarcotics. As a result;

Colombia's Army Chief of Staff, according to a House Government Operations Committee report, stated that $38.5 million of the $40.3 million counternarcotics military aid package for FY1990 would be used for counterinsurgency in a region not known for drug trafficking.

Peru has yet to accede to U.S. attempts to get the armed forces involved in counternarcotics, and Peruvian army commanders have continued to stress the primacy of counterinsurgency over police counternarcotics efforts.

Bolivia's army announced that it would use anti-drug aid for environmental activities.

5. The report fails to specify any steps aimed at strengthening Andean civilian institutions in the face of increasing military involvement in the counternarcotics mission. The Colombian police remain under the authority of the Ministry of Defense, and President Alberto Fujimori of Peru recently appointed an active-duty military officer to head the Ministry of the Interior, which oversees anti-drug police forces. In Bolivia, a military regime heavily involved in the cocaine industry only recently left power, and the recently-resigned head of the antinarcotics police was an Army colonel.

The report justifies the introduction of the military into law enforcement functions as necessary to defend democracy from drug traffickers and insurgents. However, the report fails to mention any steps which will be taken to strengthen civilian authorities in the face of the expanded prerogatives of Andean militaries. By justifying the blurring of the line between military functions and law enforcement functions, current policy may well endanger civilian control in regimes that, in Bolivia and Peru, were only recently turned over to civilian rule by the military.

6. The report blurs the distinction between counterinsurgency activities and the counternarcotics mission, preparing the groundwork for the deepening of present U.S. support for counterinsurgency operations in Colombia and Peru. Congress has repeatedly stressed its concern about the separation of counternarcotics and counterinsurgency activities, of which a central means of accountability is end use monitoring. The report states that the administration is taking steps to improve end use monitoring. However, if the administration blurs the distinction between counternarcotics and counterinsurgency and they become two parts of the same effort, then Congress loses the ability to ensure that counternarcotics aid does not go to counterinsurgency activities. U.S. support for counterinsurgency is particularly alarming because of its potential effects on human rights and the strength of democracy in the Andes, and on the level and dangers of U.S. involvement.

Current U.S. antinarcotics strategy endangers democracy in the Andean region, rather than strenthening it as the report claims. Based on the information in the report, the Washington Office on Latin America is concerned that administration anti-drug policy is aggravating government human rights abuses and weakening the control exercised over the military by fragile civilian governments. The report gives no indication that the administration is capable of creating the political will necessary to ensure that counternarcotics assistance is not used to undermine stated U.S. interests in human rights and democratization. Furthermore, the policies outlined in the report could well intensify official drug-related corruption, especially within Andean militaries.

[From the Human Rights Watch]

COMMENTS ON ANDEAN ANTI-DRUG EFFORTS: A REPORT TO THE CONGRESS

We have several criticisms of this report.

In the Background section, four major objectives are stated for the Andean Strategy. These objectives seem to have changed since 1989 when one of the three major objectives was to "strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking." Do the authors of the report think that the widespread human rights abuses in the recipient countries are no longer a serious problem?

The section on Counter-Narcotics vs. Counter-Insurgency does nothing to clarify the Bush administration's position on military assistance that may be used for counter-insurgency, rather than counter-narcotics, purposes. Since the law stipulates that this aid should be used only for counternarcotics purposes, the authors of the report should be asked to re-write this section and clarify their position on U.S. involvement in counter-insurgency efforts in the Andean countries. The vague descriptions by the Administration continued during a briefing on March 4, when Assistant Secretary of State for International Narcotics Matters Melvyn Levitsky stated that, regarding military assistance to Colombia, "Every penny of it is for counter narcotics purposes." Yet he went on to admit that the U.S. is unable or unwilling to control how the recipient countries will use the aid.

This report reiterates the Bush administration's charge that insurgency groups and narco-traffickers are one and the same, or work together closely. While Sendero and the FARC are known to tax growers and processors in their areas of control, there is more confrontation between insurgency groups and narco-traffickers than collaboration. Americas Watch is concerned that the administration is presenting these two distinct problems as one big problem so that the U.S. will be forced to accede to the wishes of the Andean military forces—that is, to fight the insurgencies. Unfortunately, by fighting the insurgencies, the U.S. will be sponsoring these militaries in carrying out their "dirty wars" against suspected subversives.

The report states that U.S. aid to Andean militaries has raised questions about whether the U.S. military aid is being used to fight insurgencies in addition to narcotraffickers, or as the report states, "whether the U.S. should engage in supporting Andean militaries, some with poor human rights records, in waging a struggle against insurgent groups which are clearly involved in many aspects of narcotics trafficking." A better question would have been a shorter one—i.e., whether the U.S. should engage in supporting Andean militaries, some with poor human rights records. The International Narcotics Control Act of 1990, and Sec. 502B of the Foreign Assistance Act state plainly that human rights violators should not receive military aid from the U.S., regardless of the purposes of the aid.

The report goes on to state that "The U.S. opposes these abuses as a matter of national policy and always will." If it is our national policy to oppose human rights abuses, why do we continue to fund these militaries. A suspension or termination of military aid to these human rights violators would appear to be the most obvious way to convey our concern and opposition to these practices.

The authors of the report should be aware that human rights monitoring groups and Members of Congress who are concerned about human rights violations by the Colombian military and police do not believe "that organizations like the Sendero Lumimoso of Peru or the FARC of Colombia are champions of human rights." Human rights groups like Americas Watch have been quick to criticize abuses by both the militaries and the insurgencies in these two countries. Nonetheless, the U.S. is not arming and assisting the Sendero Luminoso or the FARC so the human rights conditions for aid recipient countries do not apply. Since we are assisting the militaries and police of Peru and Colombia, the U.S. government has an obligation to make sure that human rights conditions in the International Narcotics Control Act of 1990 and other applicable laws are met.

The report states that "[T]he impact of U.S. military assistance and training has had a salutary impact on the Andean militaries and police forces, since U.S. military trainers emphasize to host country counterparts the importance of respecting internationally recognized conduct for human rights." This sentence does not really say anything at all. Later in the paragraph the report's author seems to blame human rights violations on bad training by "sources other than the U.S." To whom is the report referring?

FLORIDA INTERNATIONAL UNIVERSITY,
Miami, FL, March 4, 1991.
Senator ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: I would like to take this opportunity to thank you for sharing with me the recent report submitted to Congress on the Andean Anti-Drug Efforts. Let me take this opportunity to thank you for also sharing with me your previous concerns about current efforts to militarize the anti-narcotics campaign in Bolivia. I would like to congratulate you for authoring Section 1009 of the Defense Authorization Act and for insisting to the administration that more caution be exercised prior to the ordering of the Andean armed forces into the drug war.

After a careful reading of the administration's report to Congress, it is apparent to me that few of the twelve points you raised in your letter of November 22 to Secretary of State Baker have been addressed in any detail. The report repeats many of the same broad and general themes delivered publicly by Mr. Melvin Levitsky of the Office of International Narcotics Matters. I would urge you to compare this report with Mr. Levitsky's statement June 20, 1990 statement before the House of Representatives' Subcommittee on Western Hemisphere Affairs.

If the objective of Section 1009 was to mandate a broad and general descriptive outline of current United States policies, then this report meets the requirement. I believe, however, that it falls short of detailing the range and scope of anti-narcotics activities and related training programs, which is the wording found in Section 1009. In short, the brief listing of the activities of United States and Andean agencies has done little to clarify my understanding of current United States policy toward the three targeted Andean nations.

In my opinion the report does little to distinguish between military and civilian law enforcement efforts. If my interpretation of the policy is correct, then it appears that the objective is to combine both forces to carry out the war on narcotics traffickers. Moreover, it is apparent that the police is also destined to become the subordinate player in what is becoming increasingly a counter-insurgency strategy. The thrust of the policy, measured by the amount of assistance earmarked for the Bolivian military, is to strengthen the armed forces without serious consideration being given to the long-range impact their strengthening may have on Bolivia's incipient democracy.

My impression is that United States policy continues to be formulated with little consultation with civilian leaders in Bolivia. As you are aware, Bolivia is a democratic nation with an elected Congress; yet, beyond consultation with a few members of the ruling parties no members of the opposition have had any say in the acceptance of U.S. government policies.

In fact, the policy adopted by the current government, as outlined by the administration's report, has sparked controversy and has eroded public confidence in democratic procedures. The most outstanding example was the insistence on the part of the Paz Zamora government of keeping Annex III from the Bolivian public and opposition parties even though it was not considered a secret document. Furthermore, the current mood surrounding the formulation of antinarcotics policy in Bolivia has been intolerant of opposing or dissident voices. Opposition to current policies, especially the ordering of the military into the Chapare, has been labelled as cooperation with narcotics traffickers. It is my opinion that this attitude has been encouraged by the United States mission in La Paz. This attitude has hindered any opposition efforts to develop a coherent and viable alternative policy to the one now being implemented. Moreover, while public support for Bolivian democracy is high, these attitudes and policies have undermined public support for the current government.

Let me conclude by noting the shortcomings of the reports conclusion. The conclusion is vague and does not adequately assess whether the policies described have been effective in achieving the objectives outlined in the first pages. As a result, the report reveals little about each specific national case. In the Bolivian case, for example, it is still unclear what agencies are performing which functions where, how, and why.

I would be delighted to expand my comments about the report in the future. Again, I thank you and your staff for your assistance so far and for listening to my input about the Bolivian case.

Respectfully,

EDUARDO A. GAMARRA, Ph.D.,
Assistant Professor.

U.S. SENATE,
Washington, DC, November 22, 1990.

Hon. JAMES BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR JIM: As you know, in the last Congress I authored what became "Section 1009. Andean Drug Efforts," of the Defense Authorization legislation for FY91.

This section specifies that—no later than 90 days after being signed into law on November 5—your office, together with that of the Secretary of Defense and in consultation with the Director of the Office of National Drug Control Policy, must submit to Congress a report detailing current United States policies with respect to the Andean countries and associated training programs of the United States in such countries in particular.

This report requirement, which was supported by both the majority and the minority in Congress, specifies further that included in it should be an analysis of the impact that the involvement of the military forces of the Andean countries in counter-drug enforcement activities has a democratic institutions of those countries. It also must report on how civilian institutions of those countries might be strengthened in order to assure the successful pursuit of a counter-drug strategy.

In fulfilling the requisites of this report, I would like to draw your attention to two of the most important findings on this issue made by Congress in Section 1009.

First, that the separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world, including the United States.

Second, that there is a need to determine whether the current policies of the United States unduly emphasize military assistance to Andean countries rather than aid to civilian law enforcement entities in carrying out anti-drug efforts in those countries., And as a corollary to this, whether such policies might tend to undermine the dual long-term U.S. policy goals of stopping the traffic of drugs at their source and the preservation of civilian control over the newly-established democracies of the Andean countries.

In order to help establish a general framework by which the report can fully and adequately meet the requirements set down by law, I respectfully suggest that the following questions should be answered:

1. To what degree are host country civilian leaders consulted in the formulation and implementation of antinarcotics activities involving U.S. anti-narcotics forces? In particular, which host country civilians are consulted in

a) determining the composition of military equipment sent for antinarcotics activities, such as emergency stocks "drawn down" by the administration?

b) placing U.S. anti-narcotics personnel in training mission bases in Colombia, Peru and Bolivia?

c) assigning the areas in which training missions take place?

d) planning of operations and targeting of sites in interdiction and eradication activities in any phase of which U.S. personnel are involved?

2. How many host country personnel have been trained under the antinarcotics program by Department of Defense personnel in Colombia, Peru and Bolivia? How many have been trained by U.S. law enforcement agencies? Please break down by year since the training began; by agency/service branch of trainee, and by country. Please estimate the number of trainees expected in FY 1991–FY 1994, i.e., the remainder of the Andean initiative.

3. How many mobile training teams have operated in each of the three countries, by year, since 1986? How many are projected each year, through 1994? What is the purpose of their training?

4. How does the role of host country militaries differ from that of police forces in regard to narcotics enforcement? What efforts are being made to help host countries where the military is involved in anti-narcotics efforts make a transition to civilian law enforcement, given the fact that—as noted by Congress—the separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world?

5. What is the impact of U.S. military training and U.S. military assistance on the propensity of host country governments to investigate and prosecute violations of human rights by government forces? To what degree have officers of host country security forces, widely accused of human rights violations in Peru and Colombia, been punished for their crimes by competent government authorities?

6. What changes in size or structure of host country forces (military or security forces or police) have U.S. military assistance prompted or encouraged, or might it prompt or encourage? What are the specific changes that have been prompted or encouraged by military advisers in Colombia? In Peru? In Bolivia?

7. In what ways are host country police forces unable to address specific changes that have been prompted by narcotics production and trafficking in each country?

8. What kinds and amounts of police and military assistance are being offered to the governments of Peru, Colombia and Bolivia by third countries to help fight narcotics production and trafficking? In what ways does the U.S. government coordinate its efforts with the efforts of these other countries?

9. To what degree are human rights incorporated in training programs and curriculum of the Special Forces in the Andes? Please give specifics: time spent on the issue relative to total training time, content of human rights education, and training of Department of Defense personnel in human rights preparation for training activities?

10. To what degree do U.S. personnel collaborate with host country forces in the planning and execution of antinarcotics operations? What are the specific "rules of engagement" that govern Department of Defense activity in the planning and execution of such operations? What activities are U.S. personnel specifically prohibited from engaging in?

11. What guarantees does the Department of State require to ensure that U.S. material is used to further U.S. antinarcotics goals, as distinguished from host country counterinsurgency goals? What is the Department of State's assessment of the relationship between antinarcotics and counterinsurgency activities as carried out by the militaries in Peru and Colombia?

12. Given the danger of corruption among military personnel involved in narcotics enforcement, what measures will be taken by the Department of Defense to ensure that corruption does not occur among U.S. personnel?

I realize these twelve categories are rather extensive, but so to is our ever-deepening commitment to the anti-drug fight in the Andean region. I would hope that the report can be reproduced and distributed on a non-classified basis; however, if that is not possible, that particular information should be included in a classified annex.

I look forward to reading your report and also look forward to the continuing dialogue and debate I am sure it will generate.

With best wishes,

Sincerely,

ALAN CRANSTON.

U.S. SENATE,
Washington, DC, December 18, 1990.

Hon. JAMES BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR JIM: From my perspective on the Senate Foreign Relations Committee, I have become very concerned about the impact on democratic institutions of involving military forces of the Andean countries in counter-drug enforcement activities.

Last month, I wrote to you concerning the report requirement on this subject contained in "Section 1009. Andean Drug Efforts," of the Defense Authorization legislation for FY91. I look forward to reading the report which is required under this law to be submitted in early February—90 days after the date of enactment.

In the meantime, I would like to share with you some of my concerns about what U.S. encouragement of military involvement in the drug war has meant in one country—Bolivia.

Early this month, Martin Edwin Andersen, my legislative assistant for defense and foreign policy, traveled to Bolivia as part of a Congressional staff delegation sponsored by the Bolivian-American Chamber of Commerce. While the group looked into other issues, such as alternative economic development and cultural survival questions, they focused on the strategy and implementation of U.S.-Bolivian anti-narcotics efforts.

Consultation with a broad spectrum of Bolivian political leaders, policymakers, law enforcement officials, peasant leaders and heads of non-governmental organizations resulted in a disturbing critique of the direction of part of current anti-narcotics efforts. Of special concern was the nearly unanimously held idea that the U.S. was putting great pressure on the Bolivian government to involve its army in anti-narcotics activity.

There appear to be two main reasons given by U.S. policymakers as to why the Bolivian army should become involved.

First, future anti-narcotics efforts will require large infusions of personnel, and the army has manpower to spare.

And second, the army is jealous of the fact that the navy and the air force, which are already involved in logistical support functions, are receiving U.S. financial and material support. This rivalry also reportedly exists with the police, particularly since members of the UMOPAR—the elite anti-narcotics unit—are receiving light infantry and commando training at U.S. military institutions. Thus, the reasoning runs, it is important to involve the army so as not to upset the delicate inter-service relationship that is the bedrock of healthy civil-military relations.

I am advised that the eventual involvement of the Bolivian army would not include patrolling in the Chapare, the tropical zone where coca is grown. Instead, the military units would be used in special operations against targets such as landing fields and labs; joint operations where significantly enhanced capabilities are needed; in occupying populations centers, and in controlling precursor chemicals.

Enthusiasm for involving the army is, I believe, greatly misplaced. Given the fragile social, economic and political balance in Bolivia today, I am afraid it could easily lead to a disaster, ensuring neither the effective control of narcotics trafficking nor the permanence of democratic institutions and practices.

Let me share my reason for these fears.

First, as you know, barely a decade ago the Bolivian army overthrew a civilian government and installed the vicious narco-terrorist regime of Gen. Garcia Meza and Col. Arce Gomez. The trauma of that experience on military professionals in Bolivia is only now being put to rest. Yet not a few fear that, by putting the army into an essentially law enforcement role, the proximity alone to the drug business is an open invitation to becoming submerged once again in corruption and illegality.

It is also worth pointing out that the role foreseen for the army is significantly different than that being carried out by the air force and the navy which, in the case of the first is limited to logistics, and in the second, mostly riverine patrols. While the two branches are, to some extent, being given internal security rather than national defense missions, their role is nonetheless primarily one of support. This would not be the case if the army intervenes.

Secondly, the use of the military in law enforcement is likely to lead to a corruption of both the army's national defense functions and the public safety role of the Bolivian police. Plans to use the army in anti-narcotics campaigns include their fulfilling "civic action" or nation-building tasks. As you know, for nearly two decades, beginning with the now-famous 1970 RAND Corporation study, it has been shown that involving the Latin military in nation-building efforts tends to politicize them and make them compete with civilian authorities for scarce public funds. And lest anyone forget, the best Latin military pupil of our civic action programs was Panama's Manuel Noriega.

Even worse is the potential impact on Bolivian law enforcement of involvement by the army. As you know, the separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world, including the United States. Part of the gains in newly-emerging democracies such as Argentina, for example, has been the restoring of top law enforcement posts to police officers, rather than their being occupied by military men, as was the case in many dictatorships. Returning the top police posts to law enforcement officers has served to stimulate greater professionalism among officers who can now aspire to occupy the top ranks of their own profession. It also gives credibility to efforts by those at the top who seek to reform and modernize their own institutions.

As a result of a Bolivian law—reportedly passed after U.S. pressure—which calls for joint military-police and anti-drug efforts, the head of UMOPAR must be, and is, a retired military officer. Middle-ranking UMOPAR officers the staff delegation met said that this is a source of great professional worry. Not only are police professionals precluded from reaching the top of their own institution, a cause of demoralization; they also say their own chief does not know how to communicate with them—"talk cop," so to speak. According to one officer, this problem was particularly noticeable at an international police conference where, after the Bolivian delegation made an initial presentation, it was largely disregarded by other police professionals because of its heavy military coloration.

The involvement of the army would only exacerbate the problem. If and when the army is involved in anti-drug efforts, a joint command will be set up of the four services—the army, the air force, the navy and the police. In other words, in what is essentially a law enforcement problem, the majority of those at the table will be military officers.

What will happen once 1,000 army troops—just five percent of the total in that service—are given better weapons, boots, uniforms and food as a result of their participation in the anti-drug fight—while many thousands more are kept out of the action? Has anyone calculated the impact on intra-service relations such inequalities would create?

Finally, there seems to be a dangerous element of wishful thinking in the attitudes of some U.S. officials, who appear to believe that opposition to army involvement is driven either by people on the payroll of the drug traffickers or people who have Marxist-Leninist ideologies. I have no doubt both play a role in stirring up the pot. But the opposition to army involvement heard by the staff delegation was broad-based and deep. And their objections seem eminently reasonable given recent Bolivian history.

Bolivia has only recently returned to civilian rule. Present U.S. policy is reinforcing attitudes that the military can better maintain public order than civilian institutions, which may in fact undermine the very democratic institutions the U.S. government should be supporting. Furthermore, popular opposition to army involvement in antinarcotics activities is generating significant unrest in the Chapare and may be the spark that ignites widespread, violent social protest, further threatening the stability of the Bolivian government.

I can't help but think that the way this "war" is being undertaken is in many ways an extension of the national security doctrine used to fight leftist insurgencies in the 1960s and 1970s. Now, as then, the military is being pushed into taking a leading role in what is essentially an internal security problem. The quantity of laboratories taken down and the number of small-time traffickers arrested have replaced "body counts" as the measure of success. However, the most rapid solutions to this problem are not necessarily the best nor most enduring ones. Support for democracy is essential in the fight against international narcotics trafficking. There are no quick fixes.

I hope that the issues I am raising are to be included in the report mandated by the defense authorization language. Specifically, I hope it will address the issue of why the Administration believes that a dollar spent on training army troops is better spent than one whose expenditure is meant to make Bolivia's police more professional. But beyond that, I hope this letter will serve to spark continuing dialogue on this important subject.

Perhaps now is the time Congress and the Administration can reexamine prohibitions on international police training, with a view towards promoting community-based policing that has respect for human rights as a cornerstone. Perhaps the Administration will want to suggest a specific initiative designed to help modernize the Bolivian military, while keeping its focus on national defense rather than internal security.

Surely these issues need further study and debate before we make decisions, or ask others to make them, which might lead down roads I know you do not want us to travel. I'm willing to do my part.

Sincerely,

ALAN CRANSTON.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 1, 1991.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: Thank you for your letter to Secretary Baker on December 18, regarding involvement of Andean military forces in counter-narcotics activities.

I would like to reassure you that we are not forcing military assistance on any of the Andean governments nor, by implication, is the President's strategy seeking to militarize the drug effort. Assistant Secretary Melvyn Levitsky from our International Narcotics Matters Bureau and representatives from the Office of National Drug Control Policy have briefed members of Congress and testified on this point and Assistant Secretary Levitsky is prepared to discuss the elements of the President's strategy with you in greater detail.

The central features of the international component of our Andean counter-narcotics strategy are to strengthen host country resolve to address the drug issue, develop the capabilities to enforce that resolve, and to dismantle the major drug trafficking organizations. We realized early on that none of these would be easy.

It is clear that many law enforcement and local institutions are inadequate to meet the challenge of a more vigorous and effective counter-narcotics effort. Judicial, financial, legal, and military institutions have been ill-prepared and in some cases unwilling to respond to the type of challenge to the whole fabric of social and political life that could result from trafficking activities. Our strategy seeks to strengthen these institutions in order to provide substance to a meaningful counter-narcotics program. This effort did not focus on military support as the sole means in our approach, but as an element to strengthen and complement law enforcement.

We recognized that any realistic counter-narcotics effort that addressed the problem, and that did not just throw words and money at it, needed to be a comprehensive one. We are aware, however, of the historical dilemma associated with trying to engage local militaries in support of civilian government. That is why we have put great stress on human rights, subordination of the military to civilian rule, and efforts to strengthen civilian law enforcement institutions.

In the last several years, we have seen a wave of democracy sweep the world, including Latin America, in no small way as a result of just such U.S. attention and support. We also recognize that if that democratization is to succeed it must continue to receive our support, particularly where it is threatened by the subversion and corruption inherent in the drug threat. We share your concern that fragile political, social, and economic institutions in Bolivia and elsewhere be given a chance to grow strong. We, too, want to guard against steps that will militarize our counter-narcotics effort or create further imbalances in institutional development.

We understand that involvement of local militaries is not a panacea for the drug problem. We, too, are troubled by the corruption issue, whether in the military or elsewhere; but a military left out of the drug war is not immune to corruption or insulated from the influences of trafficking organizations.

Unfortunately, local police forces are not able, alone, to protect the national sovereignty of countries with large territories and a wide variety of difficult and inaccessable terrain peopled by well-armed groups involved directly or indirectly in drug trafficking. The Presidents of the Andean states, in their meeting at Cartagena with President Bush, agreed to the concept of the need for a suitable role for the military. We appreciate, and Cartagena endorsed the idea, that the militaries have resources to provide support to police forces in dealing with this type of problem. We believe that a commitment by the military to engage in such support can, if properly conducted, improve cooperation and coordination, and strengthen ties, rather than reinforce isolation, separatism, and rivalry.

While it is our policy not to force military assistance on anyone, by the same token, we do not intend to provide counter-narcotics assistance to militaries when it is not used for counter-narcotics purposes. Further, since all of our assistance in major drug countries is linked, by policy and law, to a country's overall performance, we do expect, as part of the comprehensive program that we know is essential to success, that cooperation will include appropriate military involvement.

It is important to note that our assistance is also linked to respect for human rights, civilian rule, and democratic principle. Nevertheless, it is essential that we remember that in some countries the traffickers and their allies are doing violence to these very principles, and are creating an environment of threat and intimidation that is hostile to social and political stability and contributes to the erosion of civil order.

Violence abroad and at home is the hallmark of drugs and drug trafficking. We cannot ignore this in our efforts to deal with the problem. We must work in tandem with our friends and allies not only to secure the rights and privileges of democracy but to protect them from direct attack and from subversion.

We welcome your concern for the need to continue examining our efforts, and we hope to continue a dialogue on an issue of such importance. We also welcome your interest in reexamining prohibitions on international police training.

We are also concerned with the issues you raised in your earlier letter and we are presently preparing detailed responses to these issues in the report required by Section 1009 of the Defense Authorization Act.

In the meantime, if you so desire, Assistant Secretary Levitsky would be most happy to discuss with you the concerns you have raised. If you would like a personal briefing, please have your staff contact me to arrange an appointment.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

[From the Washington Post, Feb. 24, 1991]

MEANWHILE, WHAT ABOUT THE DRUG WAR?

(By Douglas Farah)

BOGOTA, COLOMBIA.—Officials here say they realized how far down the list of U.S. priorities the drug war had fallen when two portable radar units, used to track small, cocaine-running airplanes here, were abruptly dismantled and sent to the Persian Gulf.

"They say they will be brought back after the war, but it shows how attitudes have shifted," said one Colombian official monitoring the drug war. "Last year the radars were a big deal, a key to our interdiction efforts, but now we are seen as expendable. It's hard to believe they couldn't find other radars."

A year after President Bush stood with the leaders of Bolivia, Peru and Colombia in Cartagena and promised the war on cocaine would be his top long-term priority, the feeling that the United States has abandoned the drug war is growing in the Andes. Especially embittering is the perception that when, as in the Persian Gulf war, the United States is truly serious about achieving its goals, it is both ready and able to provide its allies with the resources needed. The contrast with the drug war is striking.

The war is not being won. Today the Cartagena agreements, hailed as a major victory in the drug war, are hampered by rising cocaine production, by unkept promises, by unease over the growing role of the military and by conflicting goals between the United States and the South Americans and among the South American nations.

While Andean leaders understand the gulf war will remain at the top of the agenda for some time, many are angered that in the past year, agreements with the United States regarding free trade have not been passed but gulf allies find their needs met instantly.

"Less than 20 Israelis were killed by the Scud missiles, and yet they will probably get another $13 billion in U.S. aid," said one Colombian close to President Cesar Gaviria. Egypt gets $7 billion in debt forgiven. We lose a thousand people here, and can't get $200 million in trade concessions."

In part to help get the drug war back on the national agenda, Bush invited Gaviria to the United States this week for an official visit, in which trade concessions and agreements on judicial cooperation will be discussed. The trip is interpreted here as a reward for Colombia for maintaining a high-profile counter-narcotics policy, in contrast to the other Andean nations.

The frustration among Andean leaders is compounded because the principal goal of the agreements—to reduce cocaine production—has failed. U.S., European and Latin American experts agree that in the year since the agreements were signed, Andean cocaine production increased, by some estimates, up to a third.

The DEA estimates that cocaine production in South America rose from about 361 metric tons in 1988 to 695 metric tons in 1989 and to about 900 metric tons in 1990. While Colombian production was disrupted by the crackdown begun in mid-1989 and the pressure there continues to be greater than in other countries, production has jumped in neighboring countries less equipped and less willing to confront the traffickers.

Agreements to limit the export of automatic weapons from the United States, to open U.S. markets to Andean products and to cooperate on controlling money-laundering all languish unsigned. The Andean nations insist that, instead of economic aid, they need access to world markets. Despite promises in Cartagena, the agreements on free trade have not yet been approved.

In contrast, the European Economic Community is praised because, while giving little monetary aid, in November it opened its markets to most Andean goods. For four years the goods will not be taxed, and there is no limit on the quantity.

"If Europeans can do that, despite opposition from Dutch flower growers and other powerful groups, and do it quickly, there is no excuse for the U.S. foot-dragging," said one Colombian official.

This does not mean things are unchanged. The cocaine barons, armed with their fortunes and firm believers in supply and demand, have decentralized their operations, diversified their markets and watched profits grow.

Shipments to the United States have stabilized as demand appears to have peaked. But Europe is a booming market, and shipments grew to an estimated 200 metric tons last year, Japan is just beginning to open up, and in Latin American, Brazilian consumers are reportedly now a major target.

Because of the Colombian crackdown, the traditional cartels have moved refining and shipping operations to Bolivia, Ecuador, Peru, Brazil, and Venezuela, where controls are fewer and police untrained in dealing with the threat.

While attention has focused on the Medellin cocaine cartel and Pablo Escobar, a new breed of white-collar trafficker—content to make money quietly without challenging the state—has risen to the top of many of the operations in Colombia and elsewhere.

In addition to the Cali cartel, which set the example in Colombia, international authorities estimate there are at least six loose-knit Colombian groups, whose leaders are largely unidentified by police, that are growing while the Medellin cartel declines.

Other countries have developed their own, separate organizations. Bolivia, until last year largely a coca leaf and paste producer, now produces about 100 metric tons of cocaine, with operations that bypass Colombia completely, according to U.S. narcotics experts. Ecuador and Venezuela have developed similar, smaller operations, according to Interpol.

The failure to stem the flow of cocaine can be traced in part to the conflicting political agendas in each country.

For Bolivia and Peru, the Bush administrations push for greater military involvement in fighting trafficking caused serious political problems.

While the United States views cocaine trafficking as a law enforcement issue, in Bolivia it is viewed primarily as a social and economic phenomenon. So while the United States conditioned aid on military—especially army—participation in fighting traffickers, Bolivians want economic development to be put first.

Eduardo Gamarra, a Bolivian political scientist who teaches at Florida International University, warns the Bush administration's approach of militarizing the conflict could turn Bolivia, relatively untouched by political violence, into "another Peru or Colombia." This could happen if supporters of radical peasant unions are driven into armed conflict with the state.

To obtain U.S. aid, Gamarra said, President Jaime Paz Zamora has been forced to push the military into the conflict—while publicly denying the aciton to maintain political support.

In Peru, where the vicious Shining Path insurgency protects coca growers, former president Alan Garcia signed the Cartagena agreements. But President Alberto Fujimori in September announced he would not accept $36 million in U.S. military aid because it would commit Peru to an emphasis on repression rather than economic development.

In Colombia, considered the key to success in the Andean drug war, former president Virgilio Barco and the United States shared a common goal—the military defeat of the traffickers, who were openly bidding to coerce the state into concessions through assassinations and terrorist attacks. Extradition was a main tool in that war and the Medellin cartel the main target.

The overriding goal was to defeat terrorism, with reducing production only secondary, an emphasis demonstrated by the efforts made against the Medellin cartel while leaders of the Cali cartel still live almost openly.

So while the terrorist threat to the state has lessened, cocaine production under the leadership of the Cali cartel is about 80 percent of its mid-1989 levels, according to DEA and Interpol estimates.

President Gaviria, who took office in August, felt the political cost of maintaining the all-out war was too high and tried to end narco-terrorism by offering traffickers a deal. Those that turned themselves in would not be extradited and would receive reduced sentences.

Under the policy, three top leaders of the Medellin cartel—brothers Fabio, Jorge Luis and Juan David Ochoa—have turned themselves in, providing a political victory for Gaviria. But law enforcement officials say it is not yet clear how much of an impact the surrenders will have on production because none of the three turned over laboratories or other production facilities.

Two judicial events outside Latin America helped convince the Andean region that the rest of the world was simply not willing to pay the cost they demanded South Americans pay.

The first was the widely publicized trial of Marion Barry, who escaped heavy punishment for the use of crack cocaine. True, Barry was convicted on only one count of cocaine use and has never been accused of selling drugs, much less involvement in organized international trade, but the visibility of his position made him a natural target for resentment. The second was the light sentence given in Israel to Yair Klein, a retired Israeli officer Colombia accuses of training hit men for the Medellin cartel in the use of explosives and strategy, greatly enhancing their terrorist capability. Klein was given a one-year suspended sentence and fined $75,000 for his actions.

Foreign Minister Luis Fernando Jaramillo expressed the bitterness of many in the Andean region over the drug war when he said after the Kelin verdict: "We are seeing how the judicial systems of other countries are quite tolerant of actions which flagrantly violate international law and even the laws of those countries . . . . It is once again disappointing to see how justice operates in the rest of the world."●

WORLD MEDICAL ASSOCIATION

● Mr. SYMMS. Mr. President, last fall the World Medical Association convened the 42d World Medical Assembly in Ranco Mirage, CA.

The World Medical Association, a prestigious group whose members comprise over 40 National Medical Associations representing millions of physicians from around the world, was organized shortly after the end of World War II. This organization has, throughout its history, been in the forefront of matters affecting physician responsibility.

One of the issues addressed by the World Medical Association at Rancho Mirage was the question of therapeutic substitution of prescription drugs. Therapeutic substitution is the practice of a pharmacist substituting a totally different chemical for the medicine prescribed by an individual's physician. The World Medical Association strongly opposes that practice and reaffirmed the responsibility of the physician for diagnosing a patient's condition and for developing a treatment plan.

I ask that a copy of the World Medical Association resolution on therapeutic substitution, adopted by the 42d World Medical Assembly, be included in the RECORD at this point.

The resolution follows:

WORLD MEDICAL ASSOCIATION RESOLUTION ON THERAPEUTIC SUBSTITUTION

Whereas Therapeutic Substitution is one form of drug substitution. Therapeutic substitution occurs when a phramacist substitutes a chemically different drug for the drug that the physician actually prescribed. The drug substituted by the pharmacist belongs to the same pharmacologic class and or to the same therapeutic class. However since the two drugs have different chemical structures, potentially adverse outcomes for the patient can occur.

Whereas generic substitution is entirely different from therapeutic substitution. In general substitution, a generic drug is substituted for a brand name drug. However, both drugs have the same active chemical ingredient, same dosage strength, and same dosage form.

Whereas the prescription of a drug represents the culmination of a careful deliberative process between physician and patient aimed at the prevention, amelioration or cure of a disease or problem. This deliberative process requires that the physician evaluate a variety of scientific and psychological data including costs and make an individualized choice of therapy for the patient.

Whereas physicians have the responsibility for diagnosing the patient's condition and for the development of a treatment plan, including the prescribing of appropriate drugs and medications.

Be it resolved that the World Medical Association supports:

1. Individualization of therapy for patients based on a complete clinical database compiled from a comprehensive history, current physical findings, all relevant laboratory data, and psychosocial factors.
2. Maintaining the prescription authority of the physician so that the patient will receive organized, effective care.
3. Requiring the pharmacist to dispense the exact chemical, dose, and dosage form prescribed by the physician.

Be it further resolved that the World Medical Association opposes:

1. The concept of therapeutic substitution because it results in prescribing based on incomplete information and, thus may be harmful to patient welfare.
2. Any governmental law or regulation that permits therapeutic substitution.●

KURDS, TURKS, AND CYPRIOTS: A NEW WORLD ORDER FOR WHOM?

• Mr. CRANSTON. Mr. President, for those of us who opposed Saddam Hussein both before his August 2 invasion of Kuwait and after, the plight of Iraq's 3 million Kurds has been of special interest.

Few peoples in modern history have received such systematic mistreatment and neglect. In the mid-1970's Henry Kissinger's State Department and the Shah of Iran cut a deal that effectively turned our backs on our former Kurdish allies, paving the way for their bloody suppression.

In recent years, tens of thousands of Kurds have been imprisoned, tortured and murdered by Saddam and his brutal forces. Half a million have been expelled from their ancestral mountain homelands in Kurdistan.

In this morning's Washington Post, former foreign service officer, David A. Korn, wrote a compelling account of the plight of these people. The title of his article was "Don't Ignore Iraq's Kurds—It's Wrong, and It's Shortsighted Policy."

That such an article needed to be written at all is particularly disquieting. Yet, according to Korn:

> When Kurdish leader Jalal Talabani visited Washington recently, no official of the State Department or the White House would receive him. The administration would not even talk with Talabani about human rights; the assistant secretary for human rights wouldn't see him. Other Kurdish representatives sit in Washington anxiously waiting to learn whether they can get a hearing even at a junior level in the State Department.

In Korn's view, an opinion I share, the administration's standoffishness has a lot to do with our relationship with Turkey, which has waged its own campaign of repression against its Kurdish population. As Korn states:

> The Turkish Government would be deeply apprehensive if the United States were to be seen to be doing anything to help Iraq's Kurds gain the kind of autonomy that it denies its own Kurdish citizens.

Mr. President, no one denies Turkey's importance as a member of NATO; or its contribution during the recent gulf war.

However, I question just how close a relationship we should have given the Turkish Government's well-documented record of human rights abuse. And as even greater proof of the folly of this course, I would draw attention to the continued occupation by Turkey of part of Cyprus.

Victory in the Persian Gulf was an important triumph for international law. Yet, just as the United Nations spoke with one voice against Iraqi aggression against Kuwait, so too has the Security Council issued many resolutions calling on the Turks to withdraw from Cyprus.

The world awaits the time Turkish troops leave the island, and Cyprus' sovereignty, independence, and territorial integrity are respected.

Mr. President, I call on the administration to stay the course in establishing the international rule of law. I urge that it give the Kurds a fair shake, while telling Turkey the world awaits a just solution for Cyprus.

Mr. President, I ask for the Washington Post article to be reprinted in the RECORD, as well as a recent speech given by Senate Foreign Relations Committee staffer Peter Galbraith on the plight of the Kurds.

The material follows:

REMARKS BY PETER GALBRAITH

To day the world focuses on Saddam Hussein's latest victim, the people of Kuwait. The Kurds, however, were his first and longest suffering victim. Sadly, much of what the kurds endured occurred in places inaccessible for political and geographic reasons to the world media. I had a brief window on some of what has happened to the 3 million people of Iraqi Kurdistan and this is the focus of my remarks today.

In connection with Senate Foreign Relations Committee assessments of the Iran-Iraq war, I twice had occasion to visit Iraqi Kurdistan, in 1984 and 1987. Between those visits I was able to witness the sharp deterioration in the treatment of the Kurdish population by the Iraqi government.

In 1988 the plight of the Iraqi Kurds burst onto the international consciousness, first with the graphic reports of a poison gas attack on the Kurdish city of Halabja and then with the massive outflow of refugees from northern Iraq in September, bringing with them tales of a broad chemical weapons offensive by the Iraqi army.

In connection with legislation that Senator Pell introduced to sanction Iraq for this use of chemical weapons against the Kurds, the Senate Foreign Relations Committee asked me to lead a mission to report on and document the use of chemical weapons.

First, to restate the principal conclusions of our fact-finding mission, we found overwhelming evidence that Iraq did use chemical weapons on Kurdish civilians in northern Iraq in a major offensive that began August 25, 1988. The offensive was intended to break the Kurdish insurgency and accomplished that objective.

These chemical weapons attacks were part of the Iraqi military policy intended to depopulate large parts of Iraqi Kurdistan. Elements of the policy include: (1) the destruction of Villages and towns throughout Kurdistan; (2) the relocation of the Kurdish population into concentrated new settlements where military control can be exercised; (3) the deportation of Kurds to areas outside of Kurdistan; and (4) the use of terror tactics, including lethal poison gas to drive civilians out of the areas to be depopulated.

The policy has been carried out with great brutality and with a cynical disregard for world opinion and international law. Our fact-finding mission documented chemical weapons attacks on 49 villages; we believe the actual total to be much higher. The chemical weapons attacks were followed by military operations in which many survivors who chose to remain in Iraq (or could not reach Turkish sanctuary) were massacred. Drawing on interviews, we estimated that the total cumulative civilian casualties from the chemical weapons attacks and the follow-on military operations were in the thousands. However, our information comes from only that part of Iraq where Kurds had access to refuge in Turkey. If the same kinds of military operations took place deeper in Iraqi Kurdistan as took place in the border areas, the Kurdish death toll could have been in the tens or hundreds of thousands.

We do not know the total casualties. We do not know with any degree of certainty what has happened in Iraqi Kurdistan since 1988. Iraqi soldiers sealed the border with Turkey at the beginning of September 1988, a deadly silence has descended on Iraqi Kurdistan.

In the last week of August and the first week of September, 1988, some 65 thousand people came unexpectedly across the Iraq-Turkey border. Although they came from many different villages spread over a very mountainous terrain, they described essentially the same pattern of attacks. Let me say a word about what these attacks were like.

Beginning around dawn on August 25, Iraqi warplanes and helicopters dropped bombs containing chemical weapons on villages in the Dihok, Zakho and Amadiyah regions of Iraq. The aircraft would drop four to eight bombs each. The bombs, often described as green cannisters, created a weak sound as they detonated, and then a cloud spread out from the center of the explosion. The cloud was alternatively described as white or yellowish. The air then filled with the smell of bad garlic, rotten onions, bad apples, or rotten parsley.

Those exposed to the gas dropped dead instantly or very quickly. The bodies, according to some, appeared frozen and, in some cases, turned blue or black. Living or dying was often determined by where one was standing and or on the direction of the wind. On one occasion I heard from a mother whose children had perished 20 yards away while she emerged physically unscathed.

According to the survivors, livestock died and birds fell out of the sky. Later, troops wearing protective clothes entered the villages. In some places, such as the village of Baze, Iraqi forces opened fire with machine guns on the survivors and then bulldozed the bodies into mass graves.

This general description is a synthesis of hundreds of interviews conducted by my team with survivors in all the principal camps and gathering areas. The interviews took place within two weeks of the events described and included all sorts of people: Kurdish insurgents (the Pesh Merga), civilian men, women, and children. We had no trouble finding witnesses; indeed, I would estimate that one-half to three-fourths of the refugee population were eye-witnesses to the events I described.

Under our system of law, eye-witness accounts are usually considered the best evidence. However, there was also physical evidence of the attacks. A team of American doctors examined wounded survivors and found symptoms consistent with the use of chemical weapons. A British television crew, led by Gwynne Roberts whose film we will see later, entered Iraq and unearthed bomb fragments containing traces of mustard gas. When on September 8, 1988, Secretary Shultz denounced Iraq's use of chemical weapons he did so, according to the press, on the basis of technical information available to him.

Indeed, while the issue of an appropriate response to Iraq's chemical weapons attack was hotly contested between the Senate which favored tough sanctions and the Reagan Administration which favored no action at all, there was never any disagreement about the facts of Iraq's use of chemical weapons.

Let me make two further points about Iraq's use of poison gas against its Kurdish minority. First, these attacks began August 25, 1988—that is to say five days after a ceasefire went into effect in the Iran-Iraq war. Second, the targets of the attacks were not the Kurdish insurgents. The insurgents were located in bases in the mountains in the northern part of Iraq. It is a treeless and barren terrain and presumably the insurgent camps were visible from the air. However, the Iraqi regime chose to attack the villages in the valleys. Thus, the victims were overwhelmingly women, children, and non-combatant men.

Iraq's chemical weapons attacks were gratuitous. The Kurdish insurgency could have been supressed without the use of chemical weapons and without massacring innocent civilians. Instead Iraq chose to punish a population it saw as disloyal by the most brutal and most inhumane means possible.

Poison gas was only one part of Iraq's Kurdish policy. During my September 1987 trip, on the road from Baghdad to Jalawla to Darbandikhan to Sulamanyeh to Kirkuk, I counted more than forty Kurdish villages that had been destroyed recently. This part of Kurdistan presented an eerie landscape where utility poles, graveyards, and abandoned orchards were the main reminders of recent human habitation.

These villages were not in remote areas. They were on the principal roads of Iraqi Kurdistan. As such, there was no military rationale for the destruction of the villages. Rather, it was another example of a punitive policy aimed at innocent civilians.

Kurdish leaders have documented 3,897 villages that have been destroyed along with thousands of schools and hundreds of ancient churches and mosques. The population has been relocated to the handful of surviving cities, to new townships that are in effect concentration camps under the supervision of the Iraqi military, and in some cases, to new settlements in the southern desert, far from mountainous Kurdistan. It is impossible for me to estimate the death toll of such a policy, but one can reasonably conclude it must be high. The depopulation program was certainly cruel and destructive of an ancient and rich culture.

Finally, I would note that the Kurds have been particularly victims of the kinds of human rights abuses that have afflicted all Iraqis. This includes summary execution, torture, detention without trial, and denial of basic freedoms. A particular Iraqi innovation is the torture and murder of children as a means of punishing or pressuring their parents. Amnesty International has documented cases where parents have been obliged to pay money for the return of the mutilated corpses of their young children.

In the case of the Kurds, Iraq quite literally got away with murder. By and large, the world community has reacted to the destruction of Iraqi Kurdistan, and even to the use of poison gas against innocent civilians, with silence. As many of you know, in 1988, immediately after receiving the reports of the massive chemical weapons attacks on the Kurds, Senators Pell and Helms introduced legislation to impose comprehensive financial and economic sanctions against Iraq. That legislation, "The Prevention of Genocide Act of 1988" passed the Senate one day after its introduction, a speed of action almost unprecedented for this body. Sadly, however, "The Prevention of Genocide Act" did not become law. It was opposed by every special interest that did, or wanted to do, business with Iraq. It was vehemently opposed by the Reagan Administration, and failed due to parliamentary maneuvering on the final day of the 100th Congress.

"The Prevention of Genocide Act" was the only attempt any place in the world to respond concretely to Iraq's appalling violation of Kurdish human rights and of international law. Few other countries went even as far as the United States, which through Secretary Shultz at least condemned the poison gas attacks.

When Saddam Hussein invaded Kuwait, he clearly believed the world would not respond in a forceful manner. Perhaps our failure to act when he gassed his own people contributed to that belief.

As Kuwait's independence is restored, I hope we will not forget Saddam Hussein's first and longest suffering victims, the Kurds. It is improbable that Kurdish rights can be accommodated within an Iraq headed by authoritarian regimes. Kurdish cultural survival, and indeed the physical survival of the Kurds, depends on enduring arrangements for Kurdish autonomy. Autonomy was guaranteed to the Kurds by the instruments that ended World War I and by the League of Nations when it terminated the mandate over Iraq. The world community, however, was neither willing nor able to enforce those guarantees. Perhaps in the context of the broader post-war settlement more binding international arrangements can be found to protect the Kurdish minority in Iraq.

More fundamentally, Kurdish rights are best protected in an Iraq that respects the human and political rights of all its citizens. The usually fragmented Iraqi opposition including the major Kurdish parties has come together with the outlines of a democratic political program in a post-Saddam Iraq. I believe this initiative is promising. I certainly believe the United States and its coalition partners should do what we can to encourage a democratic alternative in Iraq. Such an alternative provides the best hope for the Kurds.

I grew up in the aftermath of the holocaust and as we learned about these terrible events, I remember well the resolution of my generation: never again. By this we meant that such evil events should never again go unnoticed and unopposed.

No one can encounter a tragedy of the magnitude of that which occurred in September of 1988 and remain unmoved. I have many images of the five days I spent along the Iraq-Turkey border: in a high mountain valley a women seated atop a small bundle constituting all her possessions waiting for a very uncertain future; donkeys with gaily woven saddlebags wandering aimlessly after being abandoned by their refugee owners; and old man crying as he told of the deaths of his children and grandchildren. These are images that will remain with me as long as I live. And I hope that we will never again let such suffering go unnoticed and unopposed.

[From the Washington Post, Mar. 7, 1991]

DON'T IGNORE IRAQ'S KURDS—IT'S WRONG, AND IT'S SHORTSIGHTED POLICY

(By David A. Korn)

While it basks in the afterglow of victory, the Bush administration is on the verge of committing a great injustice and—worse still, some will say—making a great political mistake. In its plans for the new order for the Middle East, it is deliberately ignoring Iraq's 3 million or so Kurds.

The administration wants to bring down Saddam Hussein and see Iraq under democratic rule, but it doesn't want to deal with Iraq's Kurds, the element of that country's population that has suffered the most from Saddam's dictatorship. The horrors inflicted by the Iraqi Baath regime on the Kurds far surpass those to which Kuwaitis were subjected. Saddam gassed Iraq's Kurds not only in March 1988 in the town of Halaabja where some 5,000 died but in many other instances in 1987 and 1988. Over the years he has imprisoned, tortured and murdered them by the tens of thousands, and he has expelled half a million of them from their ancestral homelands in the mountains of Iraqi Kurdistan and forcibly resettled them in "new towns" in the lowlands that bear an eerie resemblance to concentration camps.

Yet when Kurdish leader Jalal Talabani visited Washington recently, no official of the State Department or the White House would receive him. The administration would not even talk with Talabani about human rights; the assistant secretary for human rights wouldn't see him. Other Kurdish representatives sit in Washington anxiously waiting to learn whether they can get a hearing even at a junior level in the State Department.

Ever since the British artificially pieced together a state called Iraq in the aftermath of World War I, the Kurds have been protesting their arbitrary inclusion in it. They rose in revolt against the Baghdad government in the 1920s, the 1930s and the 1940s, and again in the 1960s, the 1970s and the 1980s. The cycle of Kurdish revolt and Iraqi Arab repression has been a major source of instability in Iraq. The failure of earlier Iraqi regimes to reach a settlement with the Kurds was one of the things that opened the way for the Baath takeover in Baghdad in 1968.

Today Iraq's Kurds recognize that independence for their people is beyond their reach. They no longer aspire to break away from Baghdad and from their own state. They will settle for autonomy, but it must be genuine autonomy, not the Potemkin village variety staged by Saddam in Iraqi Kurdistan.

Today Iraq's Kurds are elated over Kuwait's liberation and Saddam's defeat but deeply worried that the United States and its coalition partners will leave them at the mercy of dictatorial regimes that will continue to persecute them. The Kurds themselves have paid dearly for the liberation of Kuwait. Tens of thousands of Kurdish young men were forcibly conscripted and sent to the Kuwait front to serve as cannon fodder for Saddam Hussein's generals. Many eagerly surrendered at the first opportunity, but many also died under allied bombing of military installations that the Iraqis deliberately placed in or near major Kurdish cities, or camps where Kurds were forcibly resettled.

After all that they have suffered at the hands of Saddam and of the coalition, Iraq's Kurds have a right to have their views heard. The reason the administration is so reluctant to do so is because Turkey, a NATO partner and a key player in the blockade of Iraq and indirectly in the war against it, has a large Kurdish population that it has perennially sought to repress. The Turkish government would be deeply apprehensive if the United States were to be seen to be doing anything to help Iraq's Kurds gain the kind of autonomy that it denies its own Kurdish citizens.

But ignoring Iraq's Kurds is a shortsighted policy, whether on the part of the Turkish government or of the Bush administration. If there is to be any real hope for peace in that part of the Middle East, Washington is going to have to talk with Iraq's Kurdish leaders. It is going to have to try to find ways to redress Kurdish grievances against the Baghdad government and structure a genuine autonomy for Kurds in Iraq.

An Iraq that continues to be wracked by Kurdish resentment and revolt will never be a stable, democratic Iraq. It will forever be a breeding ground for more dictators, more upheaval and ultimately for more war.•

CLARIFICATION OF THE TAX TREATMENT IN THE FEDERAL HOME LOAN BANK BOARD'S 1988 AND 1989 SAVINGS AND LOAN DEALS

• Mrs. KASSEBAUM. Mr. President, I rise to cosponsor S. 583 clarifying the tax treatment of the 1988 and 1989 savings and loan deals. I am pleased the Department of the Treasury yesterday announced it would deny the highly unusual tax deduction being claimed as part of the now-defunct Federal Home Loan Bank Board's 1988 and 1989 savings and loan deals. Investors in these deals are deducting losses—even though the loss is fully compensated by the Federal Government.

For example, if the investor's savings and loan disposes of an asset originally valued at $100 for $70, it receives a $30 compensation check from the Federal Government. Despite the Government's compensation, the S&Ls are nevertheless claiming a $30 loss as a deduction against the investor's outside income. In short, for the same loss, the investors' S&Ls are getting both a compensation check and claiming a deduction.

There is no statutory authority or Internal Revenue Service ruling permitting this sweetheart arrangement. These claims are based on a nonbinding IRS technical advice memorandum drafted 2 years prior to the deals.

In the lack of a clear statutory authority, the general course of action is to seek a private-letter ruling. It is my understanding no such rulings were sought by the investors.

The investors in the 1988 and 1989 S&L deals are among the Nation's most sophisticated financiers. They, no doubt, knew the risk of claiming such an unusual deduction without either clear statutory authority or a private-letter ruling. As the Department of the Treasury stated, "The American people should not bear the burden of exculpating those taxpayers from this risk."

Prior to the Treasury announcement, Congressman FRANK GUARINI introduced legislation on this matter. Although I am confident the Treasury can resolve this matter through the normal audit and collection process, I believe the magnitude of these deductions is such that Senator ROTH'S bill is most appropriate if for no other reason than to reaffirm our congressional support for the Treasury's decision to pursue this matter. •

SUMMIT ON VIOLENT CRIME

• Mr. DECONCINI. Mr. President, this week, Attorney General Thornburgh conducted a summit on violent crime. I applaud this important step wholeheartedly and welcome the initiatives of the President and the Attorney.

The war on drugs is a real shooting war in many of our communities. All such wars, with vital American interests at stake, deserve the full bipartisan support of all Members of this body. The Attorney General has proposed the establishment of violent crime task forces and increased penalties for the use of firearms in crime.

It is our good fortune that leading up to this summit, Congress has acted to put in place most of the resources and tools which will be required to carry out the strategies that are being developed.

Since 1984, the Congress has enacted a series of laws which give no mercy to the armed career criminal and the armed drug trafficker. We have put in place sentencing guidelines which ensure equitable and stern treatment of convicted offenders. We have doubled the basic penalty for Federal firearm violations.

We have strengthened the primary Federal law enforcement agency charged with pursuing the violent criminal and his supply of munitions, namely, the Bureau of Alcohol, Tobacco and Firearms. In fiscal year 1990, we directed the Bureau of Alcohol, Tobacco and Firearms to establish eight Project Achilles task forces in high-crime cities around the country. In fiscal year 1991, we added funding for an additional eight task forces. ATF participates in 105 violent criminal and gang task forces around the country.

In fiscal year 1990, as chairman of the Appropriations Treasury, Postal Service and General Government Subcommittee, this Senator provided funding for Project Achilles which takes the laws we have created for mandatory sentences, and applies them to the recidivist, the armed drug trafficker and the gang member. ATF aims to make its weapons the Achilles heel by which these criminals are brought down.

To date, ATF investigations under this program have led to the conviction of 1,619 individuals. In addition, these individuals have received mandatory sentences totalling 15,445 years, not including 9 life sentences.

Phoenix is one of the ATF task force cities where I have observed ATF working hand-in-hand with the local police to capture the gang members who are holding neighbors hostage to their criminal behavior. For these people, the revolving door has jammed. Their criminal careers are over.

AFT has spearheaded joint efforts to attack the emerging criminal gangs which spawn so many of these offenders and which promote so much of the violence that this summit seeks to address. They have had a continuing program, since the 1970's, to track the outlaw motorcycle gangs which control methamphetamine distribution. They have been designated the lead Federal agency in attacking the Jamaican posses, and they have been in the forefront of efforts to stem the spread of the Crips and the Bloods street gangs.

Just this past weekend, four ATF undercover agents and their partner, a Volusia County, FL deputy sheriff, surfaced from their penetration of the Warlocks motorcycle gang. Twenty-two Federal and twenty-three State warrants have been or are being served as a result of this probe.

I know that AFT's efforts are a major focus of the crime summit. Its efforts are also the basis of antigang legislation that I was proud to introduce earlier this year. That legislation entitled, the "Outlaw Street and Motorcycle Gang Control Act of 1991," has the active support of the Fraternal Order of Police, the largest organization representing rank and file law enforcement officers in the world.

I earnestly hope that the violent crime summit will recognize, as has this Congress, the wisdom of building on success.

I also hope, Mr. President, that heartfelt concerns about the weapons these criminals have obtained does not cause us to overlook a basic truth. Armed criminals must be rooted out. There is no magic wand that will cause their stockpiles to disappear. That hard, dangerous business is a first, not a last priority. Fortunately, it is a priority with support across the spectrum and one which we can all agree to continue to vigorously pursue.•

ABORTIONS IN GERMANY: WHAT MIGHT HAPPEN IF ROE VERSUS WADE IS OVERTURNED

• Mr. CRANSTON. Mr. President, an article appeared in this morning's edition of the Washington Post which describes the humiliation and harassment that women living in West Germany are experiencing under that country's restrictive abortion law. The article describes situations where women returning to Germany after having legal abortions in neighboring countries have been forced by border guards to submit to physical examinations to determine whether they had an abortion. West German women who have abortions face up to a year in jail, whether they have the procedure performed in Germany or in another country, according to the Post article. A border police spokesman is also quoted in the article as saying that "if we have certain suspicions, we are bound by law to pursue them."

Mr. President, last year we learned of similar activities taking place in Ceausescu's Romania where most abor-

tions were outlawed. At the hearing held on March 27, 1990, in the Senate Labor and Human Resources Committee, on legislation which I and a bipartisan group of Senators have introduced, the Freedom of Choice Act, Gabriella Bocec, a Romanian nurse testified about the way that the Ceausescu regime enforced its antiabortion policy. Romanian women, like West German women, were subjected to forced examinations to determine whether they were pregnant or whether they had had an abortion. Ms. Bocec testitifed, "If you are going to have such a law—antiabortion—you have to enforce it. In Romania, we realized this by periodic examinations done by doctors sent to factories * * *."

Some of those opposed to freedom of choice have claimed that antiabortion laws which would arise should Roe versus Wade be overturned would not be aimed at putting women in jail, but rather would be focused upon health professionals who provide outlawed abortion services. The lessons of West Germany and Romania suggest precisely the opposite outcome is possible. As the officials of those countries have articulated, if you are going to have a policy against abortion, you need to enforce it. I hope that the day will never come when women in this country are forced to cross State lines to obtain legal abortions, only to find border police awaiting them on their return to subject them to forced physical examinations. The best way to avoid such an outcome is to make sure that the right to freedom of choice remains alive throughout this country.

I ask that the article describing the West German situation from the March 7, 1991, issue of the Washington Post be printed in the RECORD.

The article is as follows:

GERMANY'S ABORTION ORDEAL: IN WEST, SUSPECTS FACE FORCED MEDICAL EXAMS

(By Marc Fisher)

BONN.—Driving with her husband from Holland back home to Germany a few weeks ago, the woman now known to all Germany as Kathrin K. was stopped by border police.

First, they searched the car for drugs. They didn't find any.

What they found instead—a plastic bag containing a nightgown, towels and sanitary napkins—convinced them nonetheless that she had committed a crime. Accusing her of having left the country to undergo an abortion—she denied it—they took her to a nearby hospital, where she was forced to have a vaginal examination.

Formally charged, Kathrin went on television this week to admit her abortion but decry the ordeal she had suffered. Her story became a sensation, intensifying the bitter division in Germany over abortion—a division so deep that abortion is legal in the country's east but not in the west.

For residents of the west, abortion is a crime even if it is performed outside the country.

Leaders of virtually every political party and citizens group in Germany, whatever their stands on abortion, seem in agreement that what happened to Kathrin K. is an outrage.

The Dutch Justice Ministry, spurred on by parliamentarians who say the German practice violates European Community guarantees of freedom of movement, today asked Germany to explain what its police have been doing.

German officials say the policy of compelling physical exams in cases of suspected abortions is rarely used; the Bonn Interior Ministry issued a statement saying that "in the last 10 years, there have been about 10 cases."

But abortion rights activists and their opponents alike say even one forced examination is too many. "The Interior Ministry's denial can only be understood as a confirmation of this criminal practice," said Heide Ruehle of the environment-oriented Greens party.

Among the thousands of legal and social issues that had to be resolved when the two Germanys merged last fall, only a handful were considered so hot that the two countries agreed to postpone any decision, and abortion was the most divisive of the bunch.

The two approaches to the problem have brought the debate in Germany to a powerful boil. The country has committed itself to finding a common solution by the end of next year.

"It was so degrading," Kathrin told a television interviewer. The 22-year-old from southern Germany was eight weeks pregnant when she went with her husband to a clinic in Holland, less than an hour from the German border, to avoid the "bureaucratic war" that faces German women seeking to end a pregnancy.

Western German women who have abortions face up to a year in jail, whether they have the procedure done at home or in another country. Women in western Germany may have abortions legally only if a panel of doctors decides it is medically or socially necessary—a process that varies enormously in its strictness, depending largely on whether the woman lives in the conservative Catholic south or in the more liberal Protestant north.

In the former East Germany, abortion remains completely legal, without questions from the government.

Kathrin had already had one child after a difficult pregnancy. "I didn't want another so quickly," she said. So she went to Holland, where the procedure was done on an outpatient basis for $300. Then she and her husband started the drive home.

At the border at Gronau, police pulled them over. When they found the bag and accused Kathrin, she said she had her period. But police took her to the prosecutor's office and then to a hospital, where, according to German press reports, one physician refused to conduct the examination. A second doctor agreed to do it.

In another forced examination case, police said they found a bill from an abortion clinic in a car being searched at the border. And in a third case, police said they sought the medical examination after a woman suffering bleeding after an abortion asked them for help.

"If we have certain suspicious, we are bound by law to pursue them," border police spokesman Walter Musholt told the newsmagazine Der Spiegel.

Several women have been brought to trial for having illegal abortions recently, and some doctors who have approved abortions say they no longer keep records of those cases out of fear that police might seek to confiscate them.

Gerhard Ettinger, a public health physician, told the Bild am Sonntag newspaper that police use at least three hospitals for forced examinations of women returning from Amsterdam who are suspected of having had an abortion.

"We want to protect the unborn," said former German interior minister Gerhart Daum of the Free Democrats, the junior partner in Chancellor Helmut Kohl's center-right government. "But to hunt on the border for women who've had abortions is pure persecution. The border police should have something more useful to do."

Across party lines, many politicians are calling for an amnesty for women who have had abortions. And Minister for Women and Youth Angela Merkel, one of three former East Germans whom Kohl gave a place in his new cabinet, said the forced exams "show that we need new laws. In emergency situations, help, not punishment, is appropriate."

But Merkel, a 36-year-old physicist who was an early leader of the 1989 East German revolution, has adopted the strict antiabortion position of Kohl's Christian Democratic Union. She argues that abortion should not be permitted to become the routine method of birth control that it was in communist East Germany, and also should be a crime punishable by imprisonment, as it is in the western part of the country.

"My goal is to clearly reduce the number of abortions," Merkel told reporters. "We have seen that this will not be achieved by [just] threatening punishment. Society has a duty to make it easier for women to say yes to childbearing. There is no black or white in this question."

Merkel rejects a proposal from liberal legislators to make first-trimester abortions legal, preferring government-required counseling for women who seek abortions.

"Germany is simply split," said Christa Meves, a psychotherapist who has written extensively on family issues. "There is no majority anymore for the conservative position and the law will eventually be weakened."

But that doesn't help Kathrin K. with the humiliation she carries with her from her border encounter, or with the irony of her experience. Kathrin is a relative newcomer to western Germany and its restrictive law. She moved from East Germany in 1988, when the trip was still an adventure beyond the Iron Curtain. Now that Germany is one again, she could have simply gone home to Jena, where her abortion would have been legal.•

Mr. FORD. Mr. President, I understand that all of the requests I am about to present to the Chair have been cleared by the Republican side of the aisle.

THE VETERANS EDUCATION, EMPLOYMENT, AND TRAINING AMENDMENTS OF 1991

Mr. FORD. Mr. President, I ask unanimous consent that the Veterans Committee be discharged from further consideration of H.R. 180, regarding veterans' education and employment programs, and that the Senate then proceed to its immediate consideration; that the bill be deemed read a third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 180) was deemed read a third time and passed.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am very pleased that the Senate has taken final action on this bill, H.R. 180, which contains a number of provisions, carried over from the 101st Congress, to improve and, in some cases extend, various education, employment, and training programs administered by the Departments of Veterans Affairs and Labor. This measure represents a compromise between various provisions in S. 2100 as reported by our committee on July 19, 1990, H.R. 4088 as passed by the House on June 12, 1990, and H.R. 4087 and H.R. 4089 as passed by the House on July 10, 1990.

Mr. President, prior to the end of the last Congress, I made great efforts to have the Senate consider S. 2100, the proposed Veterans Benefits and Health Care Amendments of 1990, an omnibus veterans bill which contained a number of provisions related to veterans' education and employment programs. Unfortunately, as my colleagues are aware, objection was raised to agent orange and certain other provisions of that bill. Because of those objections, Senate consideration of S. 2100 was precluded.

Mr. President, the House passed H.R. 180, the compromise measure, by a unanimous vote on February 5, and the Senate, I am hopeful, will do the same today. These provisions, I believe, will make significant improvements in veterans' programs. Because the provisions of this measure are described in detail in an explanatory statement—developed jointly by the House and Senate Veterans' Affairs Committee—which I will ask to be printed in the RECORD at the conclusion of my remarks, I will not go into further detail at this point except to make particular mention of three of them.

EXTENSION OF DISABLED VETERANS' OUTREACH PROGRAM FUNDING FORMULA

Section 1 of the pending measure would extend through 1992 the inclusion of Vietnam-era veterans in the statutory formula for determining the number of disabled veterans' outreach program specialists, known as "DVOP's," required to be funded by the Federal Government.

The DVOP program was established to provide intensive employment and training services to service-disabled veterans and other veterans in need of job search and placement assistance. DVOP's also provide other related employment, counseling, and rehabilitation services and are integral to the success of the veterans' employment programs.

Under section 2003A of title 38, United States Code, the Secretary of Labor is required annually to make available for use in each State sufficient funds to support the appointment of one DVOP for every 5,300 veterans of the Vietnam era and disabled veterans residing in the State. However, under current section 2011(2), Vietnam-era veterans will not be counted for purposes of this formula after December 31, 1991. Unless funding for DVOP's is maintained in accordance with the current statutory formula, the DVOP allocation for fiscal years 1992 and beyond could be drastically reduced.

Mr. President, Federal support of DVOP's is critical to the Federal Government's effort to ensure that those whose service has kept our Nation free and strong are provided every opportunity to participate in the economic system that their sacrifices have preserved. We must also be ready to meet the demand for employment and training services from Persian Gulf war veterans when they return.

EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING

Section 7 of H.R. 180 would extend flight training benefits to participants in the Post-Vietnam Era Veterans' Educational Assistance Program [VEAP] who fulfill the same eligibility and other requirements as are applied to Montgomery GI bill [MGIB] participants.

Mr. President, in 1989 I supported a provision, enacted in Public Law 101-237, which authorized the use of MGIB benefits for the pursuit of flight training. Because I also believe that veterans receiving VEAP benefits deserve an equal chance to use their VA educational assistance benefits to help them compete for the thousands of professional pilot positions that will be opening in the coming decade, I cosponsored S. 2537, a bill introduced by my good friend from South Dakota, Mr. DASCHLE, on April 27, 1990, which would authorize flight training pursuit for VEAP participants. This provision was included in S. 2100 as reported by our committee, and I am pleased that the pending legislation today contains a flight-training provision derived from S. 2100.

EXTENSION AND EXPANSION OF THE VETERANS' READJUSTMENT APPOINTMENT (VRA) AUTHORITY

The VRA authority was established by executive order in 1970 and first codified in legislation in 1973. It was created—as its name implies—to assist certain veterans and disabled veterans of the Vietnam era in their readjustment to postservice employment by making it possible for them to be hired noncompetitively into the Federal Civil Service and to develop additional skills through a program combining education and training with the opportunity for a regular career appointment. Following the end of the Vietnam era in 1975, Congress on five occasions—in 1978, 1981, 1984, 1986, and 1989—extended the program for Vietnam-era veterans in light of the ongoing readjustment needs of those veterans in the years following the end of that conflict.

The most recent extension of the VRA authority, enacted as section 407 of Public Law 101-237 on December 18, 1989, provided for an extension of eligibility for Vietnam-era veterans who either have service-connected disabilities or served in the Vietnam theater, but not for Vietnam-era veterans generally. This limited extension reflected the prevailing view that the general objective underlying the creation of the VRA in 1970—helping Vietnam-era veterans readjust to postwar life—no longer justified an across-the-board extension for such veterans nearly 15 years after the close of the Vietnam-era.

Section 9 of H.R. 180, which is derived from H.R. 4088 with changes agreed to by the two committees, would amend the VRA law to: First, eliminate the December 31, 1993, termination date and thus make the authority permanent; second, remove the 16-year education-level restriction for eligible veterans who have no service-connected disabilities; third, require that preference be given in VRA's to service-disabled veterans; fourth, increase to GS-11 the highest general schedule grade level position to which eligible veterans may be appointed with a VRA; fifth, limit the period during which a particular appointment may be made to: First, the end of the 10-year period following separation from active duty, or December 31, 1993, whichever is later, for a Vietnam-era veteran, and, second, the end of the 10-year period following separation or December 18, 1989, whichever is later, for a post-Vietnam-era veteran; sixth, provide that a veteran with a service-connected disability rated at 30 percent or more would be eligible for a VRA appointment without any time limitation; and seventh, replace the current 2-year waiting period for conversion to competitive status with a provision specifying that any veteran receiving a VRA would acquire competitive status upon successful completion of any prescribed probationary period established by the employing agency.

Mr. President, this legislation reflects a continuing commitment to assisting certain veterans to readjust to civilian life, as well as a recognition that veterans' needs change over time.

CONCLUSION

Mr. President, in closing, I express my deep appreciation to the distinguished chairman and ranking minority members of the House Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. STUMP, as well as the former ranking minority member of the Senate Committee, Mr. MURKOWSKI, and the current ranking minority member, Mr. SPECTER, for their cooperation on and contributions to this measure.

Mr. President, it has been a pleasure to work with all the members of the

Senate Committee in the development of this legislation. I also note the efforts of, and express my deep gratitude to, the committee staff members who have worked on this legislation: on the minority staff, Todd Mullins and Chris Yoder, who recently left the committee staff; and, on the majority staff, Shannon Phillips, Chuck Lee, Bill Brew, and Ed Scott.

I also note the fine work, as always, of the staff of the House Committee on Veterans' Affairs: Jill Cochran, Kingston Smith, Pat Ryan, and Mack Fleming.

• Mr. THURMOND. Mr. President, I rise today in support of H.R. 180, the Veterans Education, Employment, and Training Amendments of 1991. The legislation represents a reasonable compromise and I am pleased that it is before the Senate today.

This measure includes the following provisions which will provide veterans more access to counseling, training, and placement services: First, extends the definition of Vietnam-era veterans through December 31, 1994, which will give the Vietnam veteran an additional 3 years to take advantage of education and employment benefits; second, authorizes up to $5 million for readjustment counseling; third, eliminates the 1993 termination date for the Veterans Readjustment Appointment authority and makes it permanent; fourth, provides that the GI bill may be used for commercial flight training; and fifth, extends the 10-year eligibility period for Veterans Education Assistance Program by 1 year.

Mr. President, this legislation is necessary to strengthen the existing veterans education and employment programs. It is through these vital programs that our veterans are able to become more productive citizens and make the transition from military service to civilian life.

I urge my colleagues to support this important measure.•

Mr. SIMPSON. Mr. President, I wish to note my concerns with one particular provision of H.R. 180. While the bill does address some veterans' education and employment matters which should be cleared up, it also contains one provision which is entirely unnecessary and insupportable.

That provision is the extension of a pilot program of flight training eligibility to Post-Vietnam Era Veterans' Educational Assistance [VEAP] participants.

PROGRAM

Under the existing pilot program, Montgomery GI bill participants are able to use their educational benefits to receive dual instruction flight training. H.R. 180 would expand that pilot program to enable participants in the Post-Vietnam Era Veterans' Educational Assistance Program [VEAP] to use those benefits for flight training.

There is no justification for even the pilot program, and certainly no justification for extending it even further.

Flight training was eliminated at the end of the 1970's when it became obvious that the program was subject to widespread abuse. The General Accounting Office [GAO] issued a report in 1979 that recommended elimination of GI bill benefits for flight and correspondence training.

The report found that:

> Hundreds of millions of dollars in VA educational assistance has been paid to veterans enrolled in flight training programs since the current GI bill was amended in 1967 to include such training. However, GAO's review of a random sample of veterans who completed their flight training from 1972 through 1976 disclosed that only about 16 percent had full-time jobs directly related to this training.

The report also found that the number of veterans who had received flight training under the GI bill exceeded the number of pilot jobs expected to be available.

It has been Congressional policy that those receiving educational benefits designed to lead to vocational objectives should be enrolled in courses that adequately prepare the trainee for employment in the specific vocational area. In other words, those seeking flight training should be doing so in order to become commercial pilots.

Generally, VA-funded vocational-technical courses must meet a 50-percent job placement requirement. Obviously, the 16-percent job placement figure reached by those who used GI bill benefits for flight training did not come anywhere near that 50-percent threshold.

In spite of the record of past abuses, and over the objections of the Department of Veterans Affairs, Congress in 1989 approved a 4-year pilot program, authorizing Montgomery GI bill participants to use their benefits for dual instruction flight training.

H.R. 180 would now extend a pilot program which has barely begun.

The Department of Veterans Affairs testified against this provision when hearings were held last year. The reasoning set out in that testimony is persuasive, and I would like to read a portion of the testimony of Deputy Chief Benefits Director Ray Avent into the RECORD at this point:

> Consistent with our long-standing objections to inclusion of flight training under our ongoing education benefit programs, VA is opposed to the addition of vocational flight training under chapter 32. As we have on many occasions advised the Congress, our objection is based on our administrative experience and the well-documented history of the flight training program under the Vietnam-era GI bill (chapter 34) which reflected that the training did not lead to jobs for the majority of trainees and the courses tended to serve avocational, recreational, and/or personal enrichment goals rather than basic employment objectives.
>
> We believe that Congress clearly was mindful of such history when it enacted section 422 of Public Law 101-237, authorizing flight training assistance under the MGIB as a 4-year test program, with somewhat more restrictive provisions than under the predecessor Chapter 34 GI Bill Program. We think it imprudent and premature to abandon this commendably cautious legislative approach by introducing flight training into the chapter 32 program * * *.
>
> In addition, vocational flight training plainly is expensive. Obtaining a commercial pilots license would cost more than the total entitlement for an individual who contributed to chapter 32 and is entitled to matching funds (twice the participant's contributions). A veteran's total entitlement would be exhausted before he or she had sufficient time to complete just that one phase of training. This would result in a substantial number of veterans not realizing their employment objectives.

Mr. President, it should be amply clear that this provision is unnecessary and unwise. The pilot program is barely under way, giving the VA 4 years to document how well or how poorly the program works whether it is still subject to the same or similar abuses. We are making a grave mistake to expand a program which has been subject to such abuse in the past before we have had the opportunity to judge how well the pilot program will work.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the digest of the Comptroller General's 1979 report on the Flight Training Program.

I shall not make any effort to impede the progress of this bill, for it does contain some provisions worthy of support. I did however, want to be certain that my objections to the flight training provisions were noted for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Comptroller General's Report to the Senate Committee on Veterans' Affairs]

GI BILL BENEFITS FOR FLIGHT AND CORRESPONDENCE TRAINING SHOULD BE DISCONTINUED

DIGEST

The Chairman, Senate Committee on Veterans' Affairs, asked GAO to survey a representative sample of GI bill trainees who had completed flight training or correspondence courses within the last 5 years to determine whether their full-time occupations were related to the training they had received.

The request was prompted by proposed legislation submitted by the Veterans Administration (VA) to the Congress to terminate GI bill benefits for flight and correspondence training programs. VA believes that, because these two programs have not achieved their intended purpose—they did not lead to continuing substantial employment for most trainees—and because of the potential for abuse within the programs, they should be terminated. (See ch. 1.)

Hundreds of millions of dollars in VA educational assistance has been paid to veterans enrolled in flight training programs since the current GI bill was amended in 1967 to include such training. However, GAO's review of a random sample of veterans who completed their flight training from 1972 through 1976 disclosed that only about 16 percent had full-time jobs directly related to this training. This is based on occupational data on 1977 Federal income tax returns (the latest year accessible at the time of GAO's fieldwork) and Federal Aviation Administration records as of June 1979.

In addition, the number of veterans who have already received flight training under the GI bill substantially exceeds the number of pilot jobs presently available through 1985. (See ch. 2.)

VA has also paid hundreds of millions of dollars for correspondence training for veterans since the current GI bill was enacted in 1966. However, GAO's review of a random sample of veterans who completed six selected correspondence courses from 1972 through 1976 showed that only about 34 percent had full-time jobs directly related to the training, based on occupational data on 1977 Federal income tax returns. In addition, the overall completion rate for correspondence courses is less than 50 percent. (See ch. 3.)

Congressional concern that vocational objective courses may not always be of adequate quality and intensity to prepare the trainee for employment in the chosen occupation led to the establishment of a 50-percent job placement requirement for VA-funded vocational/technical courses. Employment survey reports submitted to VA by vocational/technical schools indicate that in general over 50 percent of flight and correspondence course completers obtain training-related employment.

However, these employment survey reports do not show whether most veterans obtained training-related employment or to what extent such employment represents the veteran's primary vocational pursuit and major source of occupational income. This is because (1) the reports cover all students, and most students do not appear to be veterans, (2) related employment is not limited to full-time jobs, and (3) only a small percentage of students beginning correspondence courses are actually included in the computation of the employment rate, primarily because of low completion rates. (See ch. 4.)

In summary, GAO's review supported with VA's assertions that flight and correspondence training programs have not achieved their intended purpose of providing continuing substantial employment for most trainees.

RECOMMENDATIONS TO THE CONGRESS

The Congress should adopt VA's legislative proposal to terminate GI bill benefits for flight and correspondence training. However, if these programs are not eliminated, other legislative action should be taken to modify and clarify the 50-percent job placement rule to

include a minimum acceptable completion rate for vocational objective courses,

require that 50 percent of the veterans and other eligible persons who complete vocational objective courses obtain employment in the occupational category for which training was received, and

require that such employment constitute the veteran's primary vocational pursuit and major source of occupational income. (See ch. 5.)

(VA officials responsible for these programs reviewed this report and generally concurred with it.)

SUPPLEMENTAL AUTHORIZATION FOR THE DOD

Mr. FORD. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed at any time to the consideration of Calendar No. 28, S. 578, a supplemental authorization for the Department of Defense for Operation Desert Storm, notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 14 and Calendar No. 15.

I ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Edson G. Case, of Maryland, to be a member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 1995. (Reappointment.)

SELECTIVE SERVICE SYSTEM

Robert William Gambino, of Virginia, to be Director of Selective Service.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEFENSE PRODUCTION ACT AUTHORIZATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideraton of H.R. 991, the Defense Production Act authorization bill received today from the House; that all after the enacting clause be stricken and that the text of S. 468, as passed by the Senate on February 21, be inserted in lieu thereof; that the bill be deemed read three times, passed, and a motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 991), as amended, was deemed read a third time and passed.

EDUCATION DAY USA

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 104, a joint resolution to designate March 26, 1991, as "Education Day, USA" just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 104) to designate March 26, 1991, as "Education Day, U.S.A."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 104) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote, and I move to lay that on the table.

The motion to lay on the table was agreed to.

DESIGNATING JUNE 14, 1991, AND JUNE 14, 1992, AS "BALTIC FREEDOM DAY"

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 167, a joint resolution to designate June 14, 1991, and June 14, 1992, as "Baltic Freedom Day" just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 167) designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 167) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote, and I move to lay that on the table.

The motion to lay on the table was agreed to.

NATIONAL SCHOOL BREAKFAST WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 98, a joint resolution to designate March 4, through March 10, 1991, as "National School Breakfast Week," just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 98) designating March 4 through 10, 1991, as "National School Breakfast Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 98) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

VOTE ON SENATE RESOLUTION 76

Mr. FORD. Mr. President, I ask unanimous consent that the vote on adoption of Senator SPECTER'S resolution, Senate Resolution 76 occur without any intervening action or debate immediately following the next rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate, when it completes its business today, stand in recess until 10 a.m. on Friday next, March 8; that on Friday, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 2:30 p.m., Tuesday, March 12; that on Tuesday, following the time reserved for the two leaders, there be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Mr. President, if there be no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as under the previous order until 10 a.m., Friday, March 8, 1991.

There being no objection, the Senate, at 6:05 p.m., recessed until Friday, March 8, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 7, 1991:

PEACE CORPS NATIONAL ADVISORY COUNCIL

TOM G. KESSINGER, OF PENNSYLVANIA, TO BE A MEMBER OF THE PEACE CORPS NATIONAL ADVISORY COUNCIL FOR A TERM EXPIRING OCTOBER 6, 1991, VICE ROBERT W. HAZLETT.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PETER DECOURNCY HERO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 1994, VICE KEVIN ROCHE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 8034:

To be general

To be Vice Chief of Staff, U.S. Air Force

LT. GEN. MICHAEL P.C. CARNS, [redacted] U.S. AIR FORCE.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 1991:

DEPARTMENT OF AGRICULTURE

EDWARD R. MADIGAN, OF ILLINOIS, TO BE SECRETARY OF AGRICULTURE.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

EDSON G. CASE, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 1995.

SELECTIVE SERVICE SYSTEM

ROBERT WILLIAM GAMBINO, OF VIRGINIA, TO BE DIRECTOR OF SELECTIVE SERVICE.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Thursday, March 7, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day our hearts and minds go out to all people who have any kind of need. We especially pray, O God, for the hostages from several nations who do not experience the fullness of life and who do not share the devotion and warmth of those they love. We earnestly pray that at this special time the bonds that have held them will be broken and the darkness of isolation will be illumined by the brightness of a new freedom. May they be supported by our prayers and encouraged each day by the presence of Your spirit. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentlewoman from Ohio [Ms. OAKAR] to lead us in the Pledge of Allegiance.

Ms. OAKAR led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE TODAY

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be permitted to sit today for the consideration of H.R. 26, the money laundering enforcement amendments of 1991, and two bills providing funding for the RTC, while the House is sitting for amendments under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 1-minute requests. The Chair will limit 1-minute requests to 10 on each side.

BANKS MUST BE ENCOURAGED TO LOAN MONEY

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, the Small Business Committee held hearings this week on the so-called credit crunch. The testimony provided a great deal of insight into this problem which many people believe is the primary reason for the current recession.

Some bankers contend that the lack of credit is due to overbearing regulators who are forcing banks to set aside large amounts of money to cover potential losses. These loan losses are the result of overvalued real estate and highly leveraged transactions among other things.

Mr. Speaker, we all support proper and stringent regulation of banks, but we need to strike a balance which will keep banks making good, quality loans. Toward this end, I want to commend the plan put forward by the banking regulators which would alter the way they judge a bank's problem loans. I am hopeful these changes will increase the amount of money available for good loans to creditworthy borrowers.

Mr. Speaker, it is essential for us to encourage banks to loan money for business expansions and new business. Without it, I am fearful that this recession will be much worse than it would be otherwise.

BRING FORWARD CLEAN RESOLUTION TRUST BILL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the President last night reminded us that Desert Storm's ground operations took 100 hours, and he challenged the Congress to pass some bills in 100 days. As we look at the Resolution Trust Corporation's funding problem, we can appreciate why he may doubt the ability of Congress to act.

As of today, we have thrown away $56 million, totally wasted money, because Congress still has not passed the Resolution Trust Corporation funding.

Mr. Speaker, I want to say on behalf of the Republicans, we would extend the hand of bipartisan effort to the Democratic leadership. If you would schedule a clean bill, we would be glad to help pass it. But to waste $8 million a day, every day, just strikes us as a true waste of the taxpayers' money. Surely the Congress can do better.

So I say to the Democratic leaders, please bring forward a clean Resolution Trust bill.

PALESTINIANS NEED A TRUE MODERATE LEADER

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, President Bush in his fine address last night rightly stressed the importance of achieving some kind of consensus between the Israelis and the Palestinians. But if by that he or anybody else means that the PLO should play a lead role in that, it makes the future disturbingly murky.

The immediate images conjured up by the PLO are its worldwide terrorist network, bombing airports, hijacking airplanes, murdering Olympic athletes, throwing tourists from boats into the sea, commando attacks against families spending the day at the beach, and riddling buses full of women and children with bullets. Modern Palestinian history, especially that inspired by the present PLO leadership, is mired in calls for Islamic jihad, or holy war, and drenched in the blood of the Intifada. Let us not forget, that the Intifada was created to foment the violent return of the Palestinian state, founded on top of the bodies of the people of Israel. Yet, Mr. Speaker, the Intifada has killed many more Palestinians in the last year than it has Israelis.

Astonishingly, the Palestinian leadership continues to be dominated by world class terrorists. Of course, the Palestinians themselves are not a violent people. They do not carry guns, they do not throw stones. So many Palestinians on the West Bank and Gaza and around the world are doctors, lawyers, academics, teachers, and scientists. The vast majority have never committed any act of violence. Yet, as a group, they continue to let themselves be led by terrorists controlled and bankrolled by the Arab extremists from their mansions in Tunis.

If only the Palestinians could have leadership that faced the realities of the world as it exists. Yet each time a moderate Arab steps forward, and there are many of them in the West Bank and Gaza, willing to negotiate with Is-

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□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rael, willing to establish peace in that region, he is shot down by his own people, literally and figuratively.

Mr. Speaker, until the Palestinians rise up in support of a true moderate leader, to be found in amplitude on the West Bank, and not a fake moderate, like King Hussein or Yasser Arafat, until then, a lasting Arab-Israeli peace will remain forever beyond anybody's grasp.

APPOINTMENT AS MEMBERS OF JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 United States Code 1024(a), the Chair appoints as members of the Joint Economic Committee the following Members on the part of the House:

Mr. HAMILTON of Indiana;
Mr. OBEY of Wisconsin;
Mr. SCHEUER of New York;
Mr. STARK of California;
Mr. SOLARZ of New York;
Mr. MFUME of Maryland;
Mr. ARMEY of Texas;
Mr. WYLIE of Ohio;
Ms. SNOWE of Maine; and
Mr. FISH of New York.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

The SPEAKER. Pursuant to the provisions of section 411(a)(2) of Public Law 101-650, the Chair appoints the following members to the National Commission on Judicial Discipline and Removal on the part of the House:

Mr. HAMILTON FISH, JR., of New York;
Mr. ROBERT W. KASTENMEIER of Arlington, VA; and
Mr. STEPHEN B. BURBANK of Philadelphia, PA.

SELECTION OF MEMBERS AS ADDITIONAL OFFICIAL ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of 19 U.S.C. 2211, the Chair has selected the following members of the Committee on Energy and Commerce to be accredited by the President as additional official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements: Mr. DINGELL of Michigan, Mrs. COLLINS of Illinois, and Mr. LENT of New York.

EMERGENCY SUPPLEMENTAL ASSISTANCE TO ISRAEL

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, last night, the President challenged the Congress—as well as the various parties in the region—to work for a comprehensive peace in the Middle East.

The President said that such a peace must be based on U.N. Security Council Resolutions 242 and 338 and on the principle of territory for peace. He said:

> This principle must be elaborated to provide for Israel's security and recognition, and at the same time for legitimate Palestinian political rights. Anything else would fail the twin tests of fairness and security.

Mr. Speaker, I stand here today as a cosponsor of legislation authorizing $650 million in aid to Israel. No one who witnessed the courageous restraint shown by the people of Israel in the face of numerous Iraqi missile attacks can honestly question whether Israel deserves our help today.

Now I call on my friends in Israel to bring the same courage to the quest for peace—to work, in good faith, for political solutions which promise to end generations of conflict because they are fair to all parties. We in Congress must do all that we can to help Israel down the path of peace.

□ 1010

WINNING THE WAR ON DOMESTIC ISSUES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, thank God we have won the battle in the desert, but we cannot afford to lose the war in America.

Infant mortality rates and poverty rates of children are higher in America than most Third World nations. Our high school dropout rate is the highest of all industrialized nations. To boot, we have 700,000 high school graduates that cannot read.

In a world survey of 13-year-olds, American kids finished dead last in math. Our teenage pregnancy rate is one of the world's highest. We lead the world in murder. Our savings and loans have already collapsed. Pensions are underfunded, banks are teetering.

I say it is a shame, Mr. Speaker, that Congress can find money for smart bombs but we cannot seem to ever find money to develop smart kids.

Thank God the war is over. But let us get now at the battle that looms in the streets of America.

REQUIRING THE DISPLAY OF POW-MIA FLAGS AT FEDERAL BUILDINGS

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise today to encourage Members to join me as a cosponsor of House Joint Resolution 164, which I introduced on February 29, 1991. This resolution would require the display of the POW-MIA flag at Federal buildings.

In this time of jubilation about the liberation of Kuwait and the relief that the fighting has stopped, we cannot forget our POW-MIA's and the torment that they have undergone. Certainly, we are thankful for the release of the POW's from the Persian Gulf war and pray that the remaining 29 MIA's will someday be able to come home to their families.

In addition, we can never forget those POW-MIA's of previous conflicts, especially those held in Southeast Asia. While we continue to pray for the safety of these soldiers and civilians, we should take action here at home to show that these POW-MIA's are not forgotten.

House Joint Resolution 164 would require the display of the POW-MIA's flag at Federal buildings until such time that a satisfactory accounting has been made of all members of the Armed Forces of the United States and civilians who are known to have become prisioners of war or who are missing in action in Southeast Asia and the Persian Gulf.

Please join me in recognizing the noble sacrifices made by these men and women of the United States who have served our country so bravely. We pray for their safe return.

Mr. Speaker, I urge my colleagues to join me in cosponsoring this legislation.

FIGHTING THE DOMESTIC BATTLE

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, last night the President addressed an ebullient joint session. The success of Operation Desert Storm has brought a new sense of unity and pride to this Nation.

As President Bush noted, it is time to seize that moment. Surely what has been done so successfully thousands of miles away can be our model for confronting tough issues at home. Think of the investing of $50 billion, committing half a million people, launching the greatest movement of materiel since World War II all in a matter of months. What an example.

So Mr. Speaker, I say we can take the initiative at home. Following the war, there is a nation that has one-half of its roads substandard, 40 percent of its bridges deficient, all of its major airports clogged. Is it Iraq? No, it is the United States of America, and it is time to have a transportation policy that gets us moving.

So let us have a Schwarzkopf approach to transportation.

For a nation where over 25 percent of our children never graduate from high school, where children finish school and cannot read, bring on Colin Powell and the overwhelming concept of overwhelming force to conquer our lack of competitiveness.

Mr. Speaker, a broad cross-section of half a million Americans working under sterling leadership amazed the world. Let us bring that spirit now home to the United States.

OUR RIGHT TO DEBATE THE ISSUES

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I count among my friends here in the House of Representatives people on both sides of the aisle from very diverse political philosophies. But I am greatly concerned over what appears to be developing in this town, a debate over whether or not we can debate.

In particular, I am concerned about those who are now suggesting that we as Members of Congress on both sides of the issue on both sides of the political aisle somehow ought not be allowed to defend our vote on the decision to authorize the use of force.

To those who suggest that we cannot conduct that debate, I would ask this: If the war had bogged down and if there had been thousands of casualties on our side, is there any doubt in anybody's mind that those who stood up to the use of force and authorized it would not have been held politically accountable? I was told in a town meeting in my district shortly before that vote of January 12 that I would be held politically accountable for my vote, and I said that is fair, and frankly it is the least of my worries. The decision as to whether or not it is right and the decision as to how it will be paid for in the lives of people is much more important to me than political ramifications.

But for those who suggest we cannot conduct this debate, I only ask: If the outcome had been different, would you not have conducted the debate you now want shut off?

COOKING THE BOOKS ON UNEMPLOYMENT TRUST FUNDS

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, I want to draw attention to the $200 million in the supplemental for the continued operation of the unemployment program.

Everybody outside of Washington must be wondering "Why didn't Congress and the administration release these funds earlier?" After all, employers and employees paid into the Unemployment Trust Fund. After all, the fund contains a huge surplus.

The answer is simple. Congress and the administration play accounting tricks with the books and use employment trust funds to meet budget targets. The end result is that unemployment funds have to jump through hoops in order to get released.

While the books are being cooked, unemployed American workers wait for hours at unemployment offices and then wait for weeks to get their checks.

It is my hope that we will act on unemployment insurance legislation soon, and, when we do, I ask my colleagues to remember this day and support comprehensive budget reform of the unemployment insurance program.

LEGISLATION DESIGNATING PORTIONS OF ALLEGHENY RIVER AS A NATIONAL RECREATION RIVER

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, I rise today to introduce legislation that will continue to protect an important part of northwestern Pennsylvania's environmental heritage. This bill seeks to include 85 miles of the Allegheny River as a national recreation river under the Federal Wild and Scenic Rivers System.

During the 101st Congress, this body unanimously passed a version of this bill, but unfortunately, the Senate did not act before that Congress adjourned. Hopefully, during this Congress, both the House and the Senate will be able to act quickly.

In 1978, Congress directed the Forest Service to study 128 miles of the Allegheny River from the Kinzua Dam to East Brady, PA, to determine if the river was eligible for protection under the Federal Wild and Scenic Rivers System. Early last year, they reported that 85 miles of the river contained outstandingly remarkable values.

While no section of the Allegheny River was remote enough or free enough of development to be classified as a wild river area, the 85 miles that this bill would designate are a national treasure worthy of the additional protection of a recreational river designation.

Approximately 30 percent of the 85-mile river segment winds through the Allegheny National Forest with the remaining portion moving through State and private lands. The national recreation river designation will add additional protection to the many islands of the Allegheny River, including those designated as wilderness in the 1984 Pennsylvania Wilderness Act.

This bill creates two citizen advisory councils to ensure the maximum input by local governments and private citizens into a U.S. Forest Service management plan. Additionally, the Secretary of Agriculture is authorized to implement interim protection measures to protect the river's remarkable values prior to the full implementation of the management plan.

The Allegheny River is a wonderful natural asset for both the people of northwestern Pennsylvania and the people of the entire Nation. A brief excerpt from Frederick Way's 1942 book, "The Allegheny," still sums up the natural beauty of this area nicely:

> * * * Strange and untamed and little explored. Curious that such a place should exist so close to civilization and still be untouched. Miles and miles of pioneer river * * * the Allegheny is a breed of its own, and it should remain so!

There is also great support for this bill in Pennsylvania. After the House passed this legislation in 1990, a major western Pennsylvania newspaper, the Erie Times-News, had this to say about the bill:

> With the U.S. and world population continuing to climb, wilderness areas will be even more prized in the future. The Allegheny Forest and the national recreation river status of the Allegheny River will become even greater assets as time goes on * * *. The federal action * * * not only means that future generations will be enriched—it also offers a lift to today's residents, those who love the area and are proud to serve as hosts to admiring visitors.

Mr. Speaker, passage of this bill would give much deserved protection to this pristine river and I urge the House of Representatives to consider this legislation as early as possible.

□ 1020

INTRODUCTION OF RESOLUTION CHANNELING U.S. AID DIRECTLY TO BALTIC REPUBLICS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, we proclaim in our Declaration of Independence that all men are endowed by their Creator with certain unalienable rights. Amongst these are the right to life, liberty, and the pursuit of happiness.

Mr. Speaker, I rise today in support of the unalienable rights of the people of the Baltic Republics of Latvia, Lithuania, and Estonia, people who have been forcibly annexed into the Soviet Empire since 1940 and who desire very much to be free.

Last weekend in Latvia, 74 percent of the people voted to be free of the Soviet Empire. In Estonia it was 78 percent. Several weeks ago Lithuania, by an astounding 90 percent of the people, indicated they wish to be free.

The people in these Baltic Republics do not enjoy unalienable rights. They have been brutally repressed, tortured, and murdered, and other terrible forms of repression have been commonplace. Recently the press, the newspaper, in Latvia was taken over. Freedom of the press was eliminated, and in Lithuania Soviet troops stormed a TV and radio station killing 14 and injuring 150 innocent civilians.

I have cosponsored with the gentleman from California [Mr. ROHRABACHER] a resolution that channels U.S. aid directly to the republics, bypassing the central government. The United States, with its concepts of unalienable rights, must not be party to this repression but must raise its voice in defense of these innocent people who seek their freedom.

NATIONAL CEMETERY SYSTEM LACKS ADEQUATE CARE

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, later today the House is to vote on a supplemental appropriations bill. The additional appropriations are needed to help get back some of the funding so vital to keep our veterans hospitals operational, fully fund compensation to service-connected veterans, as well as a variety of other needs. One of these needs not addressed is our national cemetery system.

Today I take the floor as chairman of the Housing and Memorial Affairs Subcommittee to complain about the lack of adequate care for the national cemetery system. Last year, the House Veterans' Affairs Committee asked for more money for the care of our national cemeteries. I should note that from 1984 to 1992, burials and gravesite maintenance increased 36.1 percent and 24.8 percent respectively while staffing has decreased 5.4 percent.

The national cemetery system is quickly becoming a disgrace. As this House jumps at the chance to show our veterans how much we support them, we are failing miserably in providing a decent final resting place for America's veterans. This system literally is out of money to buy or fix a backhoe, to water the grounds, to open the new national cemetery in California or even to fertilize the grass.

Perhaps nothing says more about who we are as a nation than the way we treat our dead. As we consider a supplemental appropriation to cover a variety of matters, let us remember that many of those brave veterans who died in Saudi Arabia will be buried in a national cemetery system that is inadequate as their final resting place.

SUPPORT KENNEDY-SLATTERY AMENDMENT FOR S&L BAILOUT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, there seems to be some question as to whether the RTC has money to continue to do business. An earlier speaker today indicated that we have somehow squandered $56 million, because we have not passed the RTC legislation, the reauthorization bill. That is absolutely incorrect.

Based on information the Committee on Banking, Finance and Urban Affairs obtained from the RTC, it is clear the RTC has enough money to continue to do business. Last year the Congress approved $18.8 billion in additional borrowing authority for the RTC. The RTC currently has $8 billion to $10 billion which they have left from the $18 billion that we appropriated and made available last year. So any suggestion that by delaying this legislation we are costing the taxpayers some $8 million a day is absolutely inaccurate.

For those who are concerned about reducing the cost of the savings and loan bailout, I would urge them to support the Kennedy-Slattery amendment, which will save $121 billion of taxpayers' money by requiring a pay-as-you-go payment mechanism for the S&L bailout.

CONGRESS SHOULD TAKE A HARD LOOK AT HEALTH CARE IN THE UNITED STATES

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, as I traveled throughout the Third District of Indiana last year, I met many fine people, but today one special mother of three stands out in my mind.

This woman told me she had a terrible fear that one of her young children might get sick. All loving parents hope for health for their children and at times all share a fear of illnesses striking young ones.

But, Mr. Speaker, this woman's anxiety was deeper because her family literally cannot afford sickness.

She, like 37 million other Americans, does not have health insurance.

Is she lazy? This woman has worked hard and done her best to save all her life. But when the bills are paid at the end of the month, there's no money left for health insurance.

And no wonder.

Today in Indiana the average yearly cost of health care—per person—was $2,201.

In the 1980's, out-of-pocket health care costs for families rose 157 percent, outpacing spending in the general economy. In 1989, national health expenditures exceeded $604 billion, accounting for almost 12 percent of the gross national budget in this country.

By the year 2000, the average cost of health care for each person in Indiana will be over $5,000.

That trend means more and more working men and women in Indiana and all over this Nation will be joining the ranks of America's uninsured.

Mr. Speaker, I believe that is wrong. We can do better, and in this 102d Congress, it is my hope that we will.

PAY-AS-YOU-GO AMENDMENT WOULD RAISE TAXES

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, over the last couple of days we have had an interesting debate over the question of the RTC and whether or not money is being wasted by not going ahead and passing a clean bill to refund the RTC.

We had a gentleman here a moment ago who suggested that doing something other than having a clean bill, adding an amendment to it that he calls a pay-as-you-go amendment, would, in fact, save the taxpayers money.

Because of the way the Democratic leadership structured last year's budget plan, the S&L account is a separate item within the budget. It is not part of the general revenue. If you had pay as you go, the only way that you could have a pay-as-you-go plan would be to raise taxes on someone.

We are not talking about saving taxpayers' money. We are talking about charging taxpayers additional taxes in order to fund the pay-as-you-go plan.

I suggest that many taxpayers will find it a little bit hard to understand why Congress could not get its work done, proved itself to be incompetent in terms of scheduling, proved itself to be incompetent in terms of developing a budget, and then passes the bill along to them in terms of higher taxes. That is not what the American taxpayers are looking for from this Congress.

□ 1030

COMMITMENT TO POSTWAR CHALLENGES

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, last night the President summarized the mood of the American people and of the Congress.

This is a time to celebrate, to commemorate and to commit ourselves to meet the challenges that are ahead.

We celebrate our tremendous American military victory over Saddam Hussein's unprovoked brutality and aggression.

We commemorate the outstanding effort of American troops, including the

115th, 118th, and 119th Military Police Companies of the Rhode Island National Guard who served their country so well. And we commit ourselves to meeting postwar challenges, at home and abroad.

Abroad we must now turn to securing peace in the Middle East.

Here at home, we face domestic challenges that require the same energy and commitment we focused on Operation Desert Storm.

As we bring our troops home and prepare for a new generation of veterans, let everyone thank them with health care, education, and jobs.

These are true American heroes who deserve a hero's welcome. But when the parades stop, let everyone not forget the men and women who made these sacrifices for us. Let Members repay them with the promise of a bright future.

INTRODUCTION OF SPOILS OF WAR ACT

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, most of us have seen the pictures of American troops destroying captured Iraqi arms. What we have not seen is what is happening to those weapons not destroyed.

We have captured enough military equipment to enable some countries to wage a major war. Next week I will introduce the Spoils of War Act to ensure that captured military equipment be subject to the Arms Export Control Act so that none of these weapons are given away without congressional approval. This spells out in no uncertain terms the guidelines laid out under article 1 section 8 of the Constitution which states, "Congress shall have the power to * * * make rules concerning captures on land and water."

Furthermore, my bill will ensure that captured war materiel will not, under any circumstances, be transferred to a country on the State Department's list of terrorist nations—such as Syria. These countries are on the list for a reason. They continue to participate in state sponsored terrorism and give safe haven to terrorists.

All too often in the past, Mr. Speaker, arms delivered to the Middle East have ended up in wrong hands. Now that we have come into possession of a large store of Iraqi arms through the brilliant actions of our troops, let's not make the dumb mistake of transferring these weapons to dangerous states in the region and, thereby, contribute to their rearmament.

Yet, I am very concerned that this could happen, and I want to make absolutely sure it won't.

We must make sure that all our actions and the heroism of our troops do not go to waste.

I urge my colleagues to support the Spoils of War Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). For our guests in the gallery, they are reminded that they should not respond to the statements on the floor.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 1281, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 103, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 103

Resolved, That all points of order for failure to comply with the provisions of sections 302(f) and 311(a) of the Congressional Budget Act of 1974 and with clause 2(1)(6) of rule XI and clause 7 of rule XXI are hereby waived against consideration of the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Storm/Desert Shield, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes. During consideration of the bill, all points of order against provisions in the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are heareby waived, except against the provisions beginning on page 24, line 17 through page 25, line 10; beginning on page 28, lines 14 through 21; and beginning on page 32, lines 15 through 22. It shall be in order to consider the following amendments printed in the report of the Committee on Rules accompanying this resolution: (1) the amendment to be offered by Representative Slattery of Kansas, said amendment shall be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; (2) the amendment to be offered by Representative Chapman of Texas, said amendment to be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are hereby waived; and (3) the amendments to be offered by Representative Kolbe of Arizona, said amendments shall be consdered en bloc, shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendments en bloc for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are hereby waived.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for the purposes of dedate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 103 waives certain points of order against the consideration of H.R. 1281, and against certian provisions of the bill. H.R. 1281 makes dire emergency supplemental appropriations for some of the consequences of Operation Desert Storm/Desert Shield, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for fiscal year 1991.

The rule waives two provisons of the Budget Act against consideration of the bill: Section 302(f) which prohibits consideration of measures which would cause the appropriate committee allocation to be exceeded; and section 311(a) which prohibits the consideration of legislation which causes the budget authority or outlay ceilings to be exceeded or the revenue floor to be breached. The Committee on Rules has recommended these waivers in the rule in order that the dire emergency supplemental can be considered by the House.

The bill provides $1.503 billion in new budget authority which is $159 million above the Appropriations Committee 302(a) allocation for fiscal year 1991. This amount does not include those portions of the bill which have been designated as emergency for purposes of the Balance Budget and Emergency Deficit Control Act and are therefore not subject to its provisions.

House Joint Resolution 157, the Technical Corrections Appropriations Act, which has been passed by the House, would reduce $403.5 million from the appropriations made to foreign operations for fiscal year 1991, thus bringing the Appropriations Committee below its 302(a) allocation for the current fiscal year. Once the Technical Corrections Act has been passed by the Senate and signed by the President, the need for the section 302(f) waiver as well as the need for a waiver of section 311 of the Budget Act will be obviated. However, until the Senate and the President act on House Joint Resolution 157, the waiver of section 302(f) and 311 will be required in order for the House to consider H.R. 1281.

The rule also waives clause 2(L)(6) of rule XXI, which requires that a bill lay over for 3 days prior to consideration, and clause 7, rule XXI, which requires relevant printed hearings and report to be available for 3 days prior to consideration of a general appropriation bill, against consideration of H.R. 1281. The Committee on Rules has recommended these waivers in order to expedite the consideration of H.R. 1281 and to move these important appropriations quickly to the President's desk for his signature.

House Resolution 103 also waives two provisions of the Rules of the House against all but three specific provisions of the bill. The rule waives clause 2 and 6 of rule XXI against all provisions of the bill except one provision transferring funds relating to storage and warehouse facilities for the Library of Congress, one provision relating to the obligation of funds for construction of the Northern Virginia Naval Systems Command Headquarters, and one provision relating to section 310(c) of the Department of Transportation and Related Agencies Appropriation Act for which the Committee on Public Works requested that no waiver be provided.

Clause 2 of rule XXI prohibits the inclusion of unauthorized appropriations or legislative provisions in general appropriations bills. Because H.R. 1281 contains many instances of unauthorized appropriations and legislation, including funds for additional missile procurement, including additional Patriot missiles, the Committee on Rules recommends this waiver. Clause 6 of rule XXI prohibits reappropriations in a general appropriations bill or transfer of funds outside the same department or agency. Because H.R. 1281 transfers funds for missile procurement from the Defense Cooperation Account, which was established last year to accept foreign contributions to the gulf war effort, this is one reason the Committee on Rules also recommends this waiver of the Rules of the House.

House Resolution 103 makes in order the consideration of three amendments which are printed in the report accompanying the resolution and waives clause 2 of rules XXI against those amendments.

The first amendment, to be offered by Mr. SLATTERY of Kansas, prohibits the use of any funds in the Rural Development, Agriculture, and Related Agencies Appropriation Act for fiscal year 1991 for the restoration of the birthplace of Lawrence Welk. The rule provides that the Slattery amendment shall be debated for 30 minutes, the time to be equally divided and controlled by the proponent and a Member opposed to the amendment.

The second amendment, to be offered by Mr. CHAPMAN of Texas, is a sense of the Congress amendment which urges those nations who have pledged funds to help meet the costs of the coalition effort during the gulf war to comply substantially with those pledges or to reach an agreed upon payment schedule no later than April 15 of this year. The rule also waives the provisions of clause 7 of rule XVI, which prohibits the consideration of nongermane amendments, against the Chapman amendment and provides that the amendment shall be debatable for 30 minutes with the time to be equally divided and controlled.

Finally, the rule makes in order the consideration of en bloc amendments to be offered by Mr. KOLBE of Arizona. The Kolbe amendment seeks to transfer funds from various programs within the Department of Housing and Urban Development to fund Hope grants, the Home Program and the Shelter Plus Care Program which were created by the National Affordable Housing Act. The rule also waives clause 7 of rule XVI against the Kolbe amendment and provides that the amendment shall be debatable for 1 hour with the time to be equally divided and controlled.

Mr. Speaker, H.R. 1281 provides funds to offset the extraordinary expenses of the U.S. Government associated with Operation Desert Shield as well as funds for food stamps for the remainder of this fiscal year, funds for veterans compensation and pensions, funds for SSI and CHAMPUS medical care, unemployment compensation administration and funds for Israel and the District of Columbia. I urge my colleagues to support this rule in order that the House may proceed to the consideration of this most important supplemental appropriation.

□ 1040

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this could have been a highly controversial rule, but because the Democrats on the Rules Committee were willing to work with Republicans on that committee, I think we have a product which will be acceptable to a majority on both sides of the aisle; and I hope we will get a unanimous vote on it.

I am particularly pleased that the rule provides for consideration of an amendment to be offered by the able gentleman from Arizona [Mr. KOLBE]. The Kolbe amendment will transfer funds to the Hope, Home, and Shelter Care Plus Programs that are so vitally needed today. These three programs represent innovative approaches—in coordination with State, local and nonprofit sectors—to provide affordable housing for low income citizens and to deal with the deep and persistent problems of the homeless throughout our country.

These programs were authorized in the Cranston-Gonzalez National Affordable Housing Act and are supported by the administration. We need to fund them now, not in the next fiscal year, and not 2 years from now. I commend the gentleman from Arizona for his persistence in pushing for this much needed step forward on the domestic front.

A second provision I am glad to see in this rule makes in order an amendment sponsored by the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Ohio [Mr. KASICH]. This amendment will rescind the funds to restore the birthplace of Lawrence Welk.

Mr. Speaker, in a time when we are having to borrow enormous sums to pay the necessary bills of this government, we should be very careful to spend the taxpayers money as prudently as we possibly can.

Lawrence Welk's birthplace is doubtless an interesting spot, but if it is to be restored, it should be restored with private funds, not government funds. We ought to set this example here today, and keep that in mind for future legislation.

This rule makes in order a third amendment to be offered by the gentleman from Texas [Mr. CHAPMAN]. It is designed to put the Congress on record in favor of the proposition that those Nations which have pledged contributions to help pay for Operation Desert Shield and Operation Desert Storm should pay up by April 15. This is certainly a reasonable concept and I support it. April 15 is a day when taxpayers, you and me and all Americans, have to shell out our taxes, and certainly we should expect no less from our allies overseas.

Mr. Speaker, the bill made in order by this rule has several provisions dealing with veterans benefits. As the former ranking Republican member of the Committee on Veterans' Affairs, the welfare of veterans is a leading concern of mine, as it is of every Member of this House. We will soon be welcoming back into this country over half a million victorious military men and women who have served their Nation so bravely in its time of need.

It is up to us, it is up to this Congress, to look out for the survivors of those who died, to provide proper care for those who were injured, and to provide readjustment assistance to those who need it. A few weeks ago this Congress passed and the President signed into law a 5.4-percent inccrease in the rates of veterans disability and dependency and indemnity compensation.

This bill today, this dire supplemental that the committee chairman, the gentleman from Mississippi [Mr. WHITTEN] and the ranking member, the gentleman from Pennsylvania [Mr. MCDADE] are bringing to the floor provides the funding for that cost-of-living adjustment. It is another reason why we should all be voting for it.

In addition, because of the extra expenses which will result from Operations Desert Shield and Desert Storm, this bill includes a supplemental appropriation of $46 million for medical care and an additional $12 million for operating expenses of the Department of Veterans Affairs. The veterans of the Persian Gulf conflict deserve our whole-hearted support.

I am strongly in favor of the provisions of this bill which are a way for us to show our returning military people that we appreciate what they have done for their country.

Mr. Speaker, this rule contains a number of waivers of points of order. These have been explained by the gentleman from Texas [Mr. FROST], and I will not repeat them.

However, I would like to make the point that the two waivers of the budget act included in this rule were supported by the chairman and ranking Republican member of the Appropriations Committee, the gentleman from Mississippi [Mr. WHITTEN], and the gentleman from Pennsylvania [Mr. MCDADE], because these budget waivers are technical and not substantive; they do not bust the budget. I think everybody listening back in their offices ought to keep that in mind. Let me tell you, if I thought for 1 minute they were going to bust this budget in any way, this Member of Congress would not be standing here asking you to vote for this rule today.

The chairman and the ranking Republican member of the Budget Committee, the gentleman from California [Mr. PANETTA], and the gentleman from Ohio [Mr. GRADISON], concur in the conclusion that I just drew here on the floor.

Mr. Speaker, I support this rule so that the House may proceed to act promptly on the supplemental appropriation I urge every Member, when you come to the floor, to support the rule and get on with the supplemental.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I will have a series of amendments; one would reduce the aid in the dire supplemental of $650 million to $400 million to Israel. It is pretty much a buzz word that the administration's original request for funds were in that particular neighborhood. Feeling that there might be an expansion of that count to $1 billion, there was a figure settled on of $650 million.

I would also like to say that there was money not in here for some housing programs, HOPE and HOME, that will be addressed by Representative KOLBE, which I will support. It would be nice to see if we could have some money available that could deal with that.

Let me just say this. I am not so sure that this aid to Israel should be considered under an emergency condition in the first place, and second of all, I believe that this money should be counted against the strict budgetary limitations that were passed in the last session. We were up here late at night worrying about the Congress shutting down and our country and our Goverment shutting down.

So I will have a series of amendments. If the $250 million amendment will fail, I will return with another amendment, and I would hope that if we are going to find some money for the gentleman from Arizona [Mr. KOLBE] that we would take a look at some of our own problems and maybe we could cut some funds from this particular account.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

□ 1050

Mr. KASICH. I thank the gentleman for yielding. I will only take a moment.

Mr. Speaker, I will be able to discuss the amendment more fully when the appropriate time arrives, but what I really wanted to do is to thank the members of the Committee on Rules for giving Mr. SLATTERY and me an opportunity to have a chance to offer this amendment today.

I think this is kind of a breakthrough. In some respects it is unprecedented because in the 9 years that I have been here I have never seen an opportunity to have a freestanding vote on an issue like this.

I think, in the process, some people are going to get aggravated that we have had a chance to do this, but I want to make clear that our fight on this is not a fight on just the project itself, it is not directed at any Member of the Congress, either the House or the Senate. What we are attempting to do is to have a shot across the bow and to say that it is very appropriate for the Congress to begin the careful review of the kinds of projects that are put in these budgets or in these appropriations bills and that it is very appropriate for people to stand up on a bipartisan basis on both sides of the aisle and make sure that very late at night things are not going to be added that clearly are not going to reflect the will of the majority.

So this is not something that we want to use today to beat our chests and crow about how bad a particular project is, but rather we look at this as the beginning of a very constructive effort to do a more thorough job in the Congress.

So I want to rise for two reasons: One, to praise JIM SLATTERY, who has decided, and decided sometime ago, that the issue of pork is something that needed to be discussed and needed to be addressed, and I want to really praise him for his courage and his energy in focusing on a project like this; but, more important, the overall effort designed to make the Congress more thorough in the way in which it does its budgeting.

Second, I really want to thank the Committee on Rules for giving us an opportunity to offer this. Hopefully, it is a new spirit of some bipartisanship when it comes to this.

Mr. Speaker, I again thank the gentleman for yielding.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, Members of the House, let me thank the gentleman from New York for yielding to me.

I know not yet how I am going to vote on the rule. I should vote "no" as a protest because of the failure of the Committee on Rules to see the wisdom of the amendment that I wanted to make in order.

Mr. Speaker, I predict that the Congress of the United States will fail to meet its budget deadline created by the Congress for the control of the Congress, for the benefit of the Congress and the American people, to be completed by September 30 of each fiscal year so that the next day, October 1, we can begin with a new budget and a new wave of freedom for the American people to be able to express their wills and desires through the budget process. But, no, year after year on September 30 we begin the process of indulging in temporary stopgap resolutions, the continuing resolutions that carry us for 30 days or 40 days and then another one for 15 days. Meanwhile a lot of mischief is done by Members of Congress, special interests get involved, no one knows what is in the budget, and on midnight or 3 o'clock in the morning on New Year's Eve, in a drastic, last-minute session, we pass an overwhelming budget. The people want us to stop that kind of chicanery.

My proposition, the one I offered to the Committee on Rules yesterday, is a simple one which would say that on September 30, if a budget has not been completed by the Congress of the United States, then the next day automatically last year's budget will go into effect as a continuing resolution until the Congress should act.

That will end the shutdown of Government or the threat of a shutdown of the Government forever, and it is one—a proposition which almost every Member of Congress says we should have but simply will not, they will not buckle down to the job that I offered them that can be done through the adoption of this way of doing things.

The Republican rules package that was offered on the first day of the session had in it a proposition that would allow for such a rule, that would say that a CR would come into effect on October 1 if, on September 30, we have not done our collective job in preparing an appropriation.

That was a good step forward. This proposition is backed by the chamber of commerce, by the small businessmen, by taxpayers unions, by all kinds of organizations who see it as a good-government entity to allow such a proposition to take hold in our budget process.

Mr. Speaker, I urge Members, I know we cannot do it and I probably will support the dire emergency appropriations, but I urge the Members to keep it in mind. I intend to go before the Committee on Rules on every conceivable fiscal matter that comes up before them to press this point and ask for some future help from the members of the Committee on Rules and other Members on this proposition.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I am here to lament that the Committee on Appropriations, on which I serve, chose not to include an incredibly fantastic program in this bill. They chose to continue our public housing programs like they are and like they have been in the past, keeping them in a welfare culture and not empowering the people who live in public housing to pull themselves out of this culture.

We have an amendment that will be offered today, by Congressman KOLBE and Congressman MORAN of Virginia, that would provide for $500 million to the new HOME Housing Block Grant Program to expand housing assistance to more than 35,000 needy Americans; $165 million for the HOPE Program, the Home Ownereship and Opportunity for People Everywhere Program, to promote home ownership opportunities for low-income residents in public and assisted housing; and $122 million for the Shelter-Plus Care Program for service-supported housing for the homeless.

This is a budget-neutral amendment because it is shifting money from other categories with HUD to this program. This legislation transfers funds from the public housing new construction, and programs slated to be terminated under the National Affordable Housing Act.

With public housing already experiencing a 27,000-unit backlog, with new construction of public housing taking almost 5 years to complete and costing twice as much as other forms of housing assistance, and with merely 100,000 units of vacant public housing, it is reasonable and justifiable to transfer these funds to the HOME block grant, which would provide immediate assistance to the poor, and a predictable flow of funds to nearly 300 States, cities, and towns.

What we are trying to do here is empower people to have the dignity that comes from owning their own home or being a part of a tenant-management system managing their own housing projects.

We have proven this through the pilot projects all across this country. If you give people home ownership, the chance to manage their own housing, that housing is cheaper and they are kept up. These people have more dignity and pride in what they are and who they are and pull themselves out of the ghetto.

This bill does not fund these programs. We are interested in people, not buildings or programs. We want to empower people to have their own homes and to manage their own housing projects, to pull themselves out of the gutter.

So if you believe in people, my colleagues, then you will vote for the Kolbe-Moran amendment when it is offered.

□ 1100

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me.

Mr. Speaker, I want to address basically the same subject as the previous speaker in the well, the gentleman from Texas [Mr. DELAY], and I want to begin by extending a real heartfelt thanks to the Committee on Rules for making the Kolbe-Moran amendment in order today.

As a member of the Committee on Appropriations, I understand that we usually try to bring these bills to the floor with a minimum of amendments in order. I generally, frankly, support that approach, but in this case I think that the Committee on Rules has done a great service to the Congress and the country by allowing the gentleman from Arizona [Mr. KOLBE] and the gentleman from Virginia [Mr. MORAN] to offer an amendment to the HUD-independent agencies bill.

The gentleman from Texas [Mr. DELAY] made some important points about the substance of the amendment. Other Members this afternoon in the debate will elaborate on that. I am going to be fairly brief on my remarks. I just want to make a couple of points.

First of all, the approach that Secretary Kemp and President Bush have asked us for in housing is a bipartisan approach. No one in this House should feel as if one party is trying to beat out the other on this issue. Basically the HOPE and the HOME innovations were passed in the Cranston-Gonzalez legislation by overwhelming bipartisan majorities. The Congress has addressed itself to this issue, and they have said, "We want to go in this direction. We want to go in the direction of innovation of private ownership and management of public housing facilities."

The committee report in and of itself is not critical of HOPE and HOME. The committee report says that the committee has not included funding for any new housing initiatives. This action was taken without prejudice. There is really not any opposition to the substance of the proposals that have been voiced, and the Committee on Rules and the Committee on Appropriations are, frankly, to any significant extent in the full Congress. Why then do we not have any funding at all in the HUD-independent agencies bill for these important initiatives?

Mr. Speaker, it really comes down to a question of timing. The members of the HUD-Independent Agencies Subcommittee basically have argued to us that they are supportive of the programs. They intend to take a hard look at them next year. But there is not room in this year's bill for them.

Mr. Speaker, my colleagues, I say we have an opportunity today. We all sat and listened to the President last night talk to us and challenge us as a Congress about the next 100 days, and he listed a large number of initiatives. This is an initiative where the Congress can claim genuine partnership with the President, and we ought to be able to say we can do something right now, not within 100 days, but literally within 24 hours of the President coming to us. We can say that we have funded a major new housing initiative in the Congress of the United States with excellent opportunities for funding on the Senate side. I do not think that we ought to allow questions of timing to prevent us from acting forthrightly today. The regulations by the Department of Housing and Urban Development have been promulgated. The States are already inquiring of the Department about their ability to participate in this program. The President has challenged us to act.

Mr. Speaker, this Congress has already said it wants to go down this path. Let us not delay any longer. Let us take up that challenge and pass the Kolbe-Moran amendment today.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to a distinguished member of the Committee on Appropriations, the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank my colleague, the gentleman from New York [Mr. SOLOMON], for yielding, and I take this opportunity to say I will support this rule.

However, Mr. Speaker, I am disappointed in this rule. The Subcommittee on Energy and Water Appropriations took $140,500,000 out of the request, the supplemental request, last week, and immediately after the markup started hearing from the Secretary of Defense, the Secretary of Energy, the President's Mr. Scowcroft, all saying this was the wrong thing, to reduce this account which was a cleanup for Rocky Flats, CO. I appeared yesterday before the Committee on Rules asking for the opportunity to reverse, take the money back out of one account, and put it back in for the cleanup of Rocky

Flats, CO, where there is an environmental threat and safety threat.

Mr. Speaker, the work has to be done. The Committee on Rules did not allow that, but fortunately we have been able to work out a compromise this morning where that work will continue.

This is once again where we in Congress try to micromanage the Department of Defense. It was done for years, but thank goodness the President last night spoke very proudly about the accomplishments of the United States and the success of the Persian Gulf war and a proud nation, a grateful nation, watched, as did an appreciative world. It was a success because we had provided the military with the finest equipment available and the best training, and the young people fighting over there did not have their hands tied by Washington, as has happened in the past. It was not micromanaged, or we probably would still be fighting.

But I am disappointed. Congress is once again trying to micromanage the Defense Department, but fortunately I think we do have a compromise worked out where we now can clean up Rocky Flats, CO, resume the timely plutonium operations, and keep production that is very vitally needed.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. McEwen], a member of the Committee on Rules.

Mr. McEWEN. Mr. Speaker, I rise, too, in support of this rule and just to add additional comments that were mentioned earlier by the gentleman from Minnesota [Mr. Weber] and others. That has to do with the question as to the timing of the importance of the HOPE Program in allowing the privatization of many of our housing projects across the Nation.

We are all fully aware that this has been around the Congress for many, many years. This is a pattern on the privatization program of Margaret Thatcher, which at one time nearly 60 percent of all the housing apartments in the city of London were controlled by the Government, and what she suggested was to those, rather than being held into that position of not being able to purchase a home, to allow them to purchase that privately, and then suddenly a very interesting thing began to happen, that those housing projects where the screen doors were torn off and where the windows were broken, that, as they began to purchase them, suddenly, not only did they come off the Government subsidy roll, but they went back on the private tax rolls, and then those people that instead of waiting for some Government repairman to come and repair the screen door, they began to repair them themselves with private ownership, and suddenly flowers began to appear in the boxes in the window, and indeed the whole complexion of London began to change. Now the Socialist Labor Party was strongly opposed, and they said:

> This is terrible that these people that are trapped into these homes should be left there for generation, after generation, after generation, and the idea that they would own their own property and have a piece of opportunity themselves was certainly anathema to what the Socialist Labor Party believed in.

And yet, as those homes began to be marketed, and as the money began to flow into the treasury, and the subsidy rolls began to drop off, and the property taxes began to come up, and the value of the property began to rise, the political activities were such that more than half of those homes were sold to private ownership, and the Socialist Labor Party in their 1987 conference said that, if they were to get power again in Britain, that they would continue the privatization program because it had been so popular.

And in this country we understand about the America pie. We understand about private ownership of property. We understand about the hope of individuals having the opportunity to themselves own a home, and indeed where it has been allowed to work on a pilot basis; Kimi Gray, right here at the Kenilworth project, and so many others across the country, where those people that were previously trapped into poverty, unable to own a home, unable to have their own private investment of their own capital stock worth, discovered that when they were able to control it themselves so that rather than depending upon some government agencies to come back 5, 6, 7, 8 months later and repair the windows, or to repair the toilet that was stopped, or repair the damage in the hallways, but when they themselves owned it and when they themselves began to have an interest and a personal concern, how much better their standard of living was and how much better their life style was, and, indeed, how much better America was because of these improvements.

Now that program was debated extensively. It has been heard in the Housing and Urban Affairs Committee. It has been heard in the Committee on Banking, Finance and Urban Affairs. It was debated at great length on the floor. As my colleagues know, it has been discussed on the floor for many, many years, and in fact it was debated extensively during the last Congress, and under the leadership of Mr. Cranston in the Senate, and under the leadership of Chairman Gonzalez in the House. The Cranston-Gonzalez bill was crafted, and indeed this program is ready to move forward.

The question is: How do you get money for this kind of thing, and so, rather than asking for more money or more taxes, the Secretary of Housing and Urban Development said:

> Here's what I'll do. I will take some funds that I have over here, and I'll move them to get this program off the ground, to get it moving for the benefit of those that are trapped in poverty in the inner city. Congress has approved it, the President has signed it, the debate has been taking place. Let me supply my own funds.

Under this amendment that will be heard today under the gentleman from Arizona [Mr. Kolbe], very simple it says:

> No new dollars from any taxpayer. It will be within the Department of Housing and Urban Development where their priorities are matching those of the 101st Congress so that in the 102d Congress we can move forward.

There will be a certain amount of debate by those that lost on the floor here last year. For those who lost the debate on its merits will now want to say we can now trap it and constrain the Congress even though it was overwhelmingly approved in both the House and the Senate and signed by the President.

□ 1110

If we can just control the moneys, then nothing will never happen.

This morning on channel 5, you may have seen the Secretary of Housing and Urban Development discussing this very activity. He said as a former member of the Committee on Appropriations, he was pleading with his friends to not use this tactic to deny the will of the Congress. So I would encourage all Members in the House to act as they acted last year, to join that vote with the money, not from new taxes, not from new spending, but allowing the priority shaper of the Department of Housing and Urban Development, the Secretary himself, to make those allocations, to get this program moving, for the benefit of the poor, for the benefit of those trapped in the inner city, for the benefit of those who pray every day that someone will come and turn the heat on in those housing developments, and will clean up the broken down cars in the parking lots, will do the things, because they do not own it, they do not have the authority. They are under the mercy of this housing authority. And we want to move beyond that.

I urge Members to support the Kolbe amendment.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. McGrath], a member of the Committee on Ways and Means.

Mr. McGRATH. Mr. Speaker, I rise today in full support of H.R. 1281, providing supplemental appropriations for fiscal year 1991 and that which will follow.

I am especially pleased that the Appropriations Committee included language that directs the administration to spend previously appropriated fiscal year 1991 funds for the remanufacture of 12 F-14 fighter aircraft. For months now, the Grumman Corp. has teetered on the edge of collapse, left in limbo by the Department of Defense who refused to relinquish congressionally approved funding for the F-14 remanufacturer program.

Mr. Speaker, my arguments in favor of the F-14 are the same as when I first came to Congress in 1981. In my mind, there is no better first line of defense against enemy air attack than the F-14. It has distinguished itself in Operation Desert Storm, and during several other periods of heightened alert of U.S. Naval Forces. In short, the F-14 is a proven fighter—an asset in the defense of this country, and a genuine deterrent to those who attempt to penetrate our carrier battle groups.

My concern at this time, is with the Grumman Corp. Plain and simple: If no funds are included for the F-14 in fiscal year 1991, Grumman will be out of the aircraft business. When the A-12 program was terminated, steps were taken to preserve the industrial base of General Dynamics, and McDonnell Douglas, even after these companies were cited for poor performance in the research and development of the A-12. Now, Grumman is facing a situation where it will be forced to shutdown all of its defense production lines, marking an end of a era—a glorious era, of Grumman naval aircraft.

Without the legislation that is before us today, Grumman will be out of the prime aircraft manufacturing business in a matter of a few months. Despite many studies performed by the Navy that verify that the F-14 is the most capable aircraft to perform future Navy missions, despite a rich history of performance, the F-14, as we know it, will no longer exist.

We all know that slicing the DOD pie becomes even more difficult, especially with a pie that keeps shrinking every year. Yet, as systems and programs are cancelled, we cannot lead entire corporations through the gauntlet of shutdowns and bankruptcy.

In closing, I want to thank the members of the Appropriations Committee who voted to support the F-14. Now, I am urging all Members to vote to keep the F-14 a viable option for the Navy, and this country's overall defense scheme. Eliminating the F-14 will have wide repercussions beyond this fiscal year—it will lead to the shut down of one of America's premier defense contractors.

Mr. FROST. Mr. Speaker, might I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Texas [Mr. FROST] has 22 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 3 minutes remaining.

Mr. FROST. Mr. Speaker, we have no additional speakers on our side.

Mr. SOLOMON. Mr. Speaker, if I might, I wanted to yield 3 minutes to the gentleman from California [Mr. DREIER], and close with 1 minute myself.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER of California. Mr. Speaker, I have to begin by extending my appreciation. I would like to think of the 3 minutes I am going to be taking here, that 1 of those 3 minutes has come from the Democratic side. I appreciate that. The distinguished ranking member of our committee, the gentleman from New York [Mr. SOLOMON], thinks that possibly there was an addition error made up at the Chair. I am not going to pass judgment on that.

□ 1115

Mr. Speaker, I simply want to say that I am very pleased with the rule which has come forward. This has not been the first provision that I have had as a new member of the Rules Committee, but it is among the first ones, and I hope that it is the beginning of a trend which will move us away from restrictive rules which we have seen in the past several years.

It is my hope that as we look at some of the issues before us that we are able to put together bipartisan support for some of these amendments. I think one of the most important ones is the amendment to be offered by my friend, the gentleman from Arizona [Mr. KOLBE].

I served on the Committee on Banking, Finance and Urban Affairs for many years until I got the appointment to the Rules Committee, Mr. Speaker, and during the last authorization bill on the housing issue we were able to get support for the HOPE Program, the HOME Block Grant Program, and the Shelter Plus Care Program. There was concern raised when we got into the appropriations process by the chairman of the Appropriations Committee on housing, the gentleman from Michigan [Mr. TRAXLER], that the regulations dealing specifically with these programs had not yet been promulgated by the Department of Housing and Urban Development. He indicated at that time that when those regulations would be forthcoming, we would make the change that is necessary so that we could transfer from some of these antiquated boondoggle housing programs of the past which have been proven failures to this more innovative approach which President Bush talked about last night and has been talking about in his domestic issues package.

Mr. Speaker, this amendment is one which is worthy of the support of every Member of this House. As we look at these programs, I am convinced that we have the potential to benefit four, maybe as many as five times as many people who are in need of assistance through this innovative approach, and I think that it is crucial for us to recognize that our goal is to help those who are truly in need. And the regulations have to come forward.

Some say why is it that we are dealing with this in a dire emergency supplemental appropriation bill? The reason is that it is not going to cost a nickel. We are simply transferring funds from the outdated programs to these new innovative programs.

Several other amendments in here are worthy of consideration.

Mr. Speaker, I have to say again that it is a privilege to work under the leadership of the gentleman from New York [Mr. SOLOMON] and to be working with the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Texas [Mr. FROST], the gentleman from South Carolina [Mr. DERRICK], and the other members of the Rules Committee who have very generously welcomed me upstairs, and I look forward to dealing with a wide range of rules. I hope that the rest of them are as open to consideration for all of our colleagues for their provisions as this one is.

Mr. Speaker, I want to thank Chairman MOAKLEY and the ranking Republican on the Rules Committee, Mr. SOLOMON, for their leadership in constructing a reasonable rule for such a complex piece of legislation. I'm disappointed, of course, that the rule does not make in order a couple of Republican amendments. But I am hopeful that this is the beginning of a trend away from the use of restrictive rules that deny Members, particularly on this side of the aisle, the opportunity to improve substantive legislation.

As a result of this rule, we will have the chance to vote on an amendment by my colleague from Arizona [Mr. KOLBE], to fund the administration's HOPE, HOME, and Shelter Plus Care Programs. Over the past several months, in light of the President's proven ability to address national emergencies abroad, many of my colleagues on the other side of the aisle have challenged the President to come up with programs to address domestic emergencies. With the help of Secretary Kemp, the President has done just that.

HOPE, HOME, and Shelter Plus Care offer innovative solutions to the problems of homelessness and housing affordability for low-income Americans. For the same $500 million, the HOME Block Grant Program will serve 30,000 more families than new public housing, which itself will require billions more in the future to protect tenants from drug dealers and gang violence.

Over the past 2 years, these programs were debated thoroughly and were enacted as part of last year's housing bill. Secretary Kemp has jumped through hoops to address all of the concerns raised in this Chamber. Implementing regulations are in place, and there's no longer justification to hold up funding.

This rule will also deny sanctuary for those who want to reduce badly needed and already obligated transportation funds for several

States, including California. It will also make in order an amendment by my colleague from Kansas [Mr. SLATTERY], to rescind the $500,000 in Federal funds for the proposed Lawrence Welk Museum. While I appreciate the contributions Lawrence Welk made to American entertainment, I plan to support the Slattery amendment because turning Welk's North Dakota home into a museum is not a taxpayer priority.

Finally, I strongly support Mr. STENHOLM'S motion to strike language that would prohibit the Labor Department from implementing regulations to permit contractors on federally funded construction projects to use semiskilled helpers. This provision will cost the taxpayers $500 million, money that could be spent for more urgent needs.

Again, I want to congratulate Chairman MOAKLEY and Mr. SOLOMON, and urge support of this rule.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for his cogent remarks.

Mr. Speaker, I would like to apologize to you. I was going to give you an adding machine for St. Patrick's Day to honor your Irish heritage. But I found out that the error is with my staff, so I will give the adding machine to them.

Let me just close by urging all Members to support this rule. I want to again thank Chairman MOAKLEY and the gentleman from Texas [Mr. FROST] and the majority for their fairness in producing this rule, which is a fair rule.

Again, the budget waivers, for those who might be concerned about them, are technical in nature. That is verified by both Chairman WHITTEN and the Appropriations Committee Republicans as well as by the Budget Committee. I would urge support for the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 1282, SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS FOR OPERATION DESERT SHIELD/DESERT STORM FOR FISCAL YEAR 1991

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 104 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 104

Resolved, That all points of order for failure to comply with the provisions of clause 2(l)(6) of rule XI and clause 7 of rule XXI are hereby waived against consideration of the bill (H.R. 1282) making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes. During consideration of the bill, all points of order against provisions in the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 104 waives points of order against certain provisions of H.R. 1282, Operation Desert Shield-Desert Storm Supplemental Appropriations Act of 1991. This rule does not provide for the bill's consideration since general appropriation bills are privileged under the rules of the House. This rule, therefore, does not contain any provisions relating to time for general debate. Customarily, general debate will be limited by a unanimous-consent request by the floor manager when the bill is considered.

House Resolution 104 waives clause 2(l)(6) of rule 11 which requires a 3- day layover of committee reports prior to their consideration as well as clause 7 of rule 21 which requires the relevant printed hearings and report to be available prior to consideration of a general appropriation bill.

The rule also waives against provisions in the bill, clause 2 of rule 21, which prohibits unauthorized appropriations and legislative provisions in general appropriations bills. Finally, the rule waives provisions of rule 21, clause 6, which prohibits reappropriations or transfers in general appropriation bills, against provisions in the bill.

Mr. Speaker, H.R. 1282 establishes a Persian Gulf regional defense fund in the Treasury to pay for the incremental costs of Operation Desert Shield-Desert Storm. This bill appropriates $15 billion from the Treasury to the defense fund and also appropriates to the defense fund such sums as necessary for current and future balances in the defense cooperation account. Foreign countries have so far pledged $53.5 billion in cash and in-kind assistance. At the present time $12 billion in cash and $2.7 billion of in-kind assistance has been received. The bill transfers up to $42.588 billion from the defense fund to specific accounts including: $7.9 billion for military personnel; $25 billion to cover operation and maintenance costs; $2.9 billion for procurement; and $6.3 billion to cover the estimated costs of actual combat operations.

Mr. Speaker, I would just like to take this opportunity to say how proud I am of all of our American troops who serve in the Persian Gulf. Their bravery and skills are to be commended.

As a South Carolinian, I am especially proud a large number of those serving in the Persian Gulf are from units based in South Carolina. Military units from my congressional district serving in the Persian Gulf include the Aiken-based 450th Ordnance Division Army Reserve Unit, to the Army National Guard's 265th Quartermaster Detachment in Allendale, and the Army Reserve's 371st Chemical Unit based in Greenwood.

I am always proud to be an American, but I have never been prouder than today. Our country, and the men and women who serve in the Armed Forces, demonstrated that freedom is not simply a motivator, it is the essential ingredient to the human spirit.

Mr. Speaker, the measure before us is one of great significance. This rule will allow for its expeditious consideration and I urge its adoption.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to join with the gentleman from South Carolina in urging all of our Members to support the rule. I also urge all Members to support the bill that this rule makes in order.

I must be quite candid and say that this rule is of the kind that I usually must oppose because of the numerous waivers that it contains. The waivers include the 3-day layover, the requirement for hearings to be printed, and prohibitions against reappropriations, unauthorized appropriations, and legislative language. All of what I normally would stand on this floor and fight against.

But Mr. Speaker, if a rule such as this is something I would ordinarily criticize, let me also say this: Within the context of all of the events we have witnessed during the past 8 weeks, this rule makes sense. So I urge the Members to support the rule.

The rule will facilitate the consideration of H.R. 1282, making supplemental appropriations for Operation Desert Storm-Desert Shield.

Mr. Speaker, it was only 8 short weeks ago today that the House began its historic debate that culminated in the passage of a resolution that authorized President Bush to use force in support of the U.N. resolutions calling for the eviction of Iraq from Kuwait.

The swift and overwhelming success of Operation Desert Storm marked a very decisive turning point in our own history as a Nation, and I trust in the history of the entire world—especially in the troubled, volatile Mideast area.

Mr. Speaker, the bill we will consider today appropriates $15 billion for a new account called the Persian Gulf regional defense fund. The bill allows for the appropriation and transfer of funds to this new account from another new entity known as the defense cooperation account. This is the account that contains the money that our coalition partners and other allies are contributing to Operation Desert Shield and, then, Operation Desert Storm.

The bill sets a cap on the incremental costs of Operation Desert Shield-Desert Storm at approximately $42.6 billion.

Mr. Speaker, H.R. 1282 is a necessary and appropriate step to take at this time. The swift completion of Operation Desert Storm would seem to assure that the entire cost of our military operations in the Persian Gulf will stay within the overall limit set by this bill.

In concluding my remarks, Mr. Speaker, I would like to read the preamble of the Appropriations Committee's report on this bill which we will be considering in a few minutes. These words from the Appropriations Committee speak I am sure for all Americans. I quote:

> The committee takes this opportunity to express its pride in the outstanding valor, professionalism, commitment, and tenacity of the men and women who served in Operation Desert Shield/Desert Storm.
>
> The sacrifices they endured, the skill with which they carried out their duties, the courage which they displayed in conducting operations, and the totality and swiftness of their victory is a source of enormous pride to all Americans. The Middle East and the world will be safer and more peaceful because of their sacrifices.

Mr. Speaker, no one could have said it better, I would say to Chairman WHITTEN. I would certainly urge all Members of this House to support this rule and the bill to follow.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1130

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1281, a bill making dire emergency supplemental appropriations for fiscal year 1991 and for other purposes, and that I be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT SHIELD-DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield-Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. MCDADE] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Ohio [Mr. ECKART] as chairman of the Committee of the Whole, and requests the gentleman from South Carolina [Mr. DERRICK] to assume the chair temporarily.

□ 1131

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1281, with Mr. DERRICK (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, it was a real pleasure to join with you in the tremendous show of appreciation to our President, our military leaders, and our troops last night.

I believe this meant more to me than to many. I became a member of the Appropriations Committee and a member of the Subcommittee on Naval Appropriations 14 months after I came to Congress. In World War II, as a member of the Appropriations Subcommittee for Navy, I was around the world in practically all theaters of the war with top naval officials. I was on Guam and the Philippines with General MacArthur; in China with Gen. Pat Hurley, flying over the hump to get there. I was with our troops in Iwo Jima 10 days after the flag raising on Mt. Surabachi. We were in Europe, Asia, and Africa, and our group was in Frankfurt, Germany, when our troops were to have gone into Berlin, but stayed out by agreement with Russia.

In 1956, I toured Russia—we rode their highways, their railways, and their airlines, and visited factories and the University of Moscow; and my trip report was determined invaluable by the Secretary of Navy. We were in Poland for the Poznan trials, and have made many trips to our military in Europe and Asia since then.

I served on the Appropriations Subcommittee for Defense during the no win wars in Korea and Vietnam where our leaders said "we hoped to win by proving to them that they can't win."

Thus, it meant so much for our President to take his stand and I join with you in the praise he has received.

Today, serving my seventh term as chairman of the Committee on Appropriations, and continuing to serve on the Subcommittee on Defense, I have the duty and obligation to point out to you and the country what we must face up to on the homefront now that the fighting is over.

To those who lost loved ones we extend our deepest sympathy. Because of their sacrifice we are able, I hope, to plan for real peace.

We are here today to provide funds to meet the costs of Operation Desert Shield and Desert Storm, with foreign contributions to be used before U.S. funds are used.

However, our first order of business is to see that here at home we take such action as will keep our Government operating and prevent the present recession from going into a real depression.

Title I of the bill before you includes $151,113,000 for 16 agencies whose activities have been directly affected by Operation Desert Shield/Desert Storm. These include activities of the FBI, the Immigration and Naturalization Service, the Department of State, the Department of Commerce, the legislative branch, the Department of Veterans Affairs, the Bureau of Alcohol, Tobacco, and Firearms, the Secret Service, and the District of Columbia that have required additional overtime, extra security, counterterrorism, and the like.

It provides, by transfer from the defense cooperation account, $333,600,000 for procurement of missiles and ammunition as replacement of stocks. This is not an incremental cost of Operation Desert Shield/Desert Storm, but a consequence of that operation. In addition, $650,000,000 is included, at the request of the Administration, to assist Israel with costs that have been incurred in the Persian Gulf conflict.

Title II, the non Operation Desert Shield/Desert Storm emergency portion of the bill provides funds for several important programs including:

The sum of $270,000,000 for CHAMPUS costs due to relocation of military providers overseas;

The sum of $200,000,000 to reduce the backlog for rehabilitation of military equipment—trucks, tanks, aircraft;

The sum of $58,000,000 for development of a quick response program for the Patriot missile;

A $100,000,000 increase in the Federal payment to the District of Columbia;

The sum of $30,000,000 to the Bureau of Reclamation for California drought relief initiatives;

The sum of $482,500,000 for atomic energy defense activities;

The sum of $200,000,000 to process and pay unemployment compensation claims;

The sum of $25,000,000 to start the targeted initiative to reduce high infant mortality rates in urban and rural areas of the country;

A $232,000,000 increase in the limitation on Social Security Administration costs to implement the court decision on children's disability claims;

The sum of $100,000,000 is released from the Social Security Administration contingency fund to handle additional workload;

The sum of $1,500,000,000 for food stamps of which $1,300,000,000 is available only upon the receipt of an official budget request for a specific dollar amount;

The sum of $303,084,000 for veterans compensation and pensions for the comparability increase contained in Public Law 102-3 which was approved February 6, 1991.

The sum of $75,000,000 for public housing operating subsidy.

The committee also directs each department and agency to provide information that will be needed if we are to proceed with legislation to help work our way out of the recession. Information on activities that would lead to productive jobs in creating national assets that will have a long-term value such as highways, bridges, dams, flood control facilities, water resource development facilities, aviation facilities and equipment, housing, sewer and water facilities, educational facilities, and public buildings, as well as programs to offset the effect of natural disasters resulting from droughts, freezes, floods, and other catastrophes. This information will be available for any further legislation or appropriations.

Today we consider two supplemental appropriations bills—at a time when our national debt is estimated to exceed $4 trillion by October 1992, and thousands and thousands of our people are receiving notice that their job has been eliminated and they are unemployed.

At this time, I call attention to the fact that our Committee on Appropriations, with the support of the Congress, has held the total of appropriations $180 billion below the recommendations of our Presidents since 1945.

Our financial problems come from the passage of entitlements and entering into binding contracts which we have to pay and from allowing tremendous imports to compete with our domestic industry, plus the Tax Act of 1981.

With a debt of that size, I am convinced that the only way to meet it is to produce more than we need at home, move the surplus into world trade as we did for 48 years, and apply it on the debt, and return to using the Commodity Credit Corporation for the purpose for which it was created.

Instead of that, we seem to be headed the other way, giving up our domestic markets to foreign producers or American gone foreign depriving American labor of jobs.

We pay our farmers half price not to produce while the people of much of the world go hungry.

Lands lie idle, towns and villages are drying up, more and more people are moving into our cities to add to city problems, housing and homeless, drugs and law enforcement.

As thousands upon thousands receive notice that they are out of a job in practically all areas of the Nation, this appears the first step in preventing the present recession from becoming an all-out depression.

Thus, in this bill and report we call on departments and agencies to supply information to the committee for sound investments in national assets which will lead to productive jobs in the area over which such departments and agencies have jurisdiction.

Mr. Chairman, this is a good bill and I urge it be adopted.

At this time I call attention to the fact that, again, we on the Committee on Appropriations have held the line, but, unfortunately, much spending goes around our committee with entitlements and binding contracts which have to be paid. This leaves at this time, the amount of money in our total budget that is available for discretionary spending by the Congress on our recommendations at only about 16 percent of the total budget.

Mr. Chairman, we need to pass this bill and help prevent the recession from going deeper.

Mr. Chairman, I reserve the balance of my time.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1281.

This is the first of two supplemental funding bills that we will consider today. The one to follow is the single-purpose supplemental to deal with the military costs of Operation Desert Storm, authorizing expenditures in the order of $43 billion from allied and U.S. contributions.

The supplemental we are dealing with right now is much smaller, about $4.1 billion, covering a number of areas, with three purposes. It is intended, first, to deal with nondefense Desert Storm-related expenses. Second, it is to take on the annual task of addressing funding shortfalls and problems in the programs funded under the 13 appropriation bills that we passed last fall. Third, it is to meet shortfalls in entitlement programs, where spending is determined by demand for benefits, and last fall's estimates proved mistaken.

□ 1140

In another sense, this supplemental is about bigger issues. It is the first test as to whether Congress can live within the spending caps and budget enforcement rules that were passed as part of last fall's budget agreement. And it is about how Congress will acquit itself with respect to loopholes built into the caps, the two being the Desert Storm exception and the dire emergency exception. Many eyes are rightly upon the Congress to see how we live up to these tests.

As the chairman said, this is a $4.1 billion bill, about $600 million more than the administration requested. In title I, the administration requested $89.7 million in nondenfese discretionary spending: money for agencies like the State Department, AID, the FBI, and indeed all the the way down to the Capitol Police and others for increased cost of security and antiterrorism during the war. These are designated as emergency requirements, and under last fall's budget agreement, are exempt from spending caps.

The administration and Congress reached an accord with Israel to provide $650 million for its extra war costs, and just before the full committee markup on Tuesday, indeed at the very last second, that was offered on a bipartisan basis and included in the bill.

The committee endorsed most of these requests, but then it went on to add $58 million for the Veterans' Administration and $8 million for the Department of Commerce. The Office of Management and Budget, after taking a preliminary look at those particular add-ons said that only $12 million in the VA is acceptable to them as an additional expense arising from a true emergency under Desert Shield-Desert Storm.

That means that the remaining $54 million, in combination with the funding in title II, could put the bill over the spending caps, and, under the terms of the Federal budget agreement, result in an automatic across-the-board sequestration on all discretionary programs to bring the spending back within the caps.

Lesson No. 1, the spending caps meant to enforce restraint are holding. Lesson No. 2, as the bill moves to the conference with the Senate, and into conference committee, Congress will have to decide whether to reduce these accounts or let that sequestration fall across the domestic discretionary accounts.

Title II contains the usual catchall discretionary supplementals, as we examine what we did last year in all the 13 appropriation bills and discover problems or find shortfalls.

Under the budget agreement, these have to fit within the 1991 spending caps. And we had some room: about $500 million in domestic programs, and about $1 billion in defense programs.

The administration requested $930 million in additional funding for things like $100 million for unemployment insurance; $232 million needed for a Supreme Court decision on disability benefits to children; $75 million for the Judiciary; and $155 million for expiring section 8 housing contracts.

Predictably, the committee has increased those requests up to the limit of about $1.5 billion, and the increases are for things like an additional $100 million for unemployment insurance; $100 million in additional Federal payment for the District of Columbia; $75 million for public housing subsidies to cover higher energy costs; $30 million for the Bureau of Reclamation to cover the drought around the country; $25 million for infant mortality initiatives; and $500 million for defense programs such as CHAMPUS, the military health program, and depot maintenance.

The committee also decreased some requests, notably in committee, $140 million was cut out in funding for the resumption of plutonium production at Rocky Flats in Colorado. I am advised, as we meet on the floor, that our colleague, the gentleman from Indiana [Mr. MYERS] has been working with that issue, and we can expect to see a compromise amendment, which will add back some monies into the Rocky Flats program as the bill proceeds, and we will therefore make a corresponding effort to stay within the caps. I commend my friend, the gentleman from Indiana, for his forthright and diligent work in achieving that compromise.

Second, the administration and our friend and former colleague, Secretary Kemp, failed to get any funding on new housing initiatives authorized in last year's housing bill, and requested by Secretary Kemp. There will be amendments, I believe, to address that issue as we go along.

But overall, with a possible exception of that amount of money for the VA that I described, the funding is within the fiscal year 1991 spending caps, and the caps are holding.

Finally, the bill provides $1.8 billion in new entitlement spending: $300 million for veterans COLA's that we passed earlier this year; and $1.5 billion under the Food Stamp Program. Those are mandatory items.

Mr. Chairman, while this bill is not perfect, it is a reasonable effort, in my judgment, to meet existing needs within the confines of last year's spending restraint mandated by the budget agreement that we all worked so hard to achieve. There will be attempts to perfect this bill through the amendment process as we go along, and there will be the opportunity to work out some disagreements over what constitutes an emergency, as the bill goes through the process. I am prepared, Mr. Chairman, to support it, and I ask my colleagues to do likewise.

Mr. Chairman, on the issue of what the emergency needs of the VA are with respect to Desert Storm, I just received a letter from the Secretary of Veterans Affairs, which I will include for the RECORD.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, March 7, 1991.

Hon. JOSEPH M. MCDADE,
Ranking Minority Member, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. MCDADE: The Desert Storm war has generated much discussion about how to cover immediate costs of the war. Well-intentioned proposals affecting many Federal programs are surfacing everywhere. This is not only understandable but is absolutely appropriate. Department of Veterans Affairs programs are a natural focus of activity, and we expect logic and caution will guide the rush to legislate. VA does not seek money we can't spend, and we are even less interested in authorizations that set up false hopes we can't meet.

As we proceed in this post-war period, VA won't be blind to the need for practical adjustments here and there, but the fact is, veterans' benefits are in place and available to these newest veterans; there is no need for a new body of laws to repay them. Where U.S. veterans really need Congress's help is in implementing the progressive adjustments needed to fine-tune the present system, to clean up inconsistencies and ensure fairness. If we do that, and reduce the micromanagement that adds to costs and detracts from fairness, we will have accomplished a great deal.

For the record, we want to offer a factual explanation of VA's needs as a result of the war. In all honesty, VA's only truly immediate need is for additional resources so we can gear up for a large and sudden influx of new veterans seeking benefits. We got caught short after Vietnam, and we have no intention of allowing that to happen again. We estimate that $12 million will cover what we need to do in terms of staffing and support for our benefits offices. This, plus authority to transfer funds to our cemetery system, will fill the bill.

Our medical system absorbed about $3 million in costs preparing for potential casualties. Up to this point, we have received fewer than a dozen patients from the Gulf. Even if we receive more in coming weeks, we can absorb any further costs in our $12 billion medical budget. We have submitted legislation to make Gulf War veterans eligible for readjustment counseling at Vet Centers, and would recommend our proposal over any other that would expand eligibility for counseling.

Our big job now is to make sure we can deliver existing benefits and services quickly and effectively over the next weeks and months. You may be assured of our commitment to do just that.

Sincerely yours,
EDWARD J. DERWINSKI.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I rise in support of this legislation, H.R. 1281, the Dire Emergency Supplemental Appropriations Act of 1991.

I would especially like to thank my good friend from Alabama, the chairman of the Subcommittee on Energy and Water Development, Mr. BEVILL, and my California colleague, Mr. FAZIO, for their assistance in securing a provision in this legislation to permit the U.S. Army Corps of Engineers to utilize funds appropriated in fiscal year 1991 for preconstruction engineering and design of the Los Angeles-Long Beach Harbors project for completion of the feasibility study for this project.

Our subcommittee chairman will recall, Mr. Chairman, that when we passed the 1991 energy and water development appropriations bill, he included $250,000 to complete the Corps of Engineers' feasibility study of phase 1 of the Los Angeles-Long Beach 2020 expansion plan. However, the Environmental Protection Agency [EPA], in the normal process of reviewing the project's environmental impact statement [EIS], required the Corps of Engineers to proceed with additional, and unanticipated, work with the EIS which exceeded the $250,000 appropriation for 1991. Because of this additional work to respond to the EPA's concerns, the corps now estimates that it will take an additional 6 months and $900,000 to complete this study once and for all.

Today's House action will simply enable the Corps of Engineers to use already appropriated funds for the initiation of preconstruction engineering and design for the Los Angeles-Long Beach Harbors project for the completion of the feasibility study. And, as I have already said, the corps will need approximately $900,000 to complete its work.

Again, Mr. Chairman, I thank the subcommittee chairman and his fine staff, for all their assistance with this matter.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I rise to commend the members of the Committee on Appropriations for the expedited consideration given to the President's request for emergency funding for the Desert Storm-related activities.

I want to remind Members, however, that the bill contains certain items which the President has not designated as emergencies. According to preliminary administration estimates, the additional nonemergency funding would cause the domestic discretionary budget authority limits, set last fall, to be exceeded by roughly $53 million.

Thus, if enacted, the bill would cause a $53 billion sequester in fiscal year 1991 domestic discretionary programs.

The President has also expressed concerns about several items in the nonemergency section of the bill. In lieu of the unrequested $75 million for public housing operating subsidies, the administration would prefer adoption of its proposal to reprogram housing funds for the HOPE, HOME and Shelter Plus Care Programs.

I certainly intend to support the gentleman from Arizona, Mr. KOLBE's, amendment that will implement the President's housing initiative. These programs represent new innovative approaches to address the affordable housing needs for low-income residents, agreed to by Congress last year in the Cranston-Gonzalez Affordable Housing Act.

These new programs should, of course, now we funded.

Finally, the President has additional concerns with inrequested defense spending in a nonemergency title and with several language provisions. I support the measure today so that we can move the process along quickly. I hope, however, that the administration's concerns will be addressed in the amendment process and in the conference with the other body. Let Members learn a lesson from this experience. We abuse language so much here that we tend to forget that the word emergency has a specific legislative meaning.

□ 1150

Let us not have that word "emergency" fall victim to semantic inflation.

I thank the gentleman for giving the leader the opportunity to make these few comments relative to clarifying the position of the administration, and I applaud the gentleman and his committee again for what they have done.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I want to express how pleased I am to be in the well following my good friend, the gentleman from Illinois [Mr. MICHEL], and to echo his sentiments and to commend the chairman of the Committee on Appropriations for the expeditious manner in which the committee has conducted itself. It is getting more frequent that I am joining with my colleague, the gentleman from Illinois [Mr. MICHEL] in pointing out some of the harmony that exists now with respect to working our legislative will.

I truly want to commend the distinguished chairman of the Appropriations Committee along with members of his committee for their swift action providing critical administrative funding for the Unemployment Compensation and Social Security Programs. With growing caseloads resulting from a major Supreme Court decision and rising unemployment, these appropriations come at a critical time for the Nation's unemployed workers, the aged, blind, and disabled, and in particular for disabled children.

As unemployment has risen during the recession, long lines of claimants have formed at unemployment insurance offices and benefit checks have been delayed. The additional $200 million appropriated for administration of the unemployment insurance system should help ease the burden of increased caseloads and delays in the system.

In addition, the committee appropriated $232 million to implement the Zebley Supreme Court decision, which requires liberalized criteria for assessing children's disabilities under the Supplemental Security Income Program. Given these children's urgent needs and the lead time required to train disability examiners, the committee's rapid response will facilitate timely action by the Social Security Administration on this very important issue.

Finally, the Social Security system is burdened by critical problems in three areas. First, SSA's backlog of unprocessed disability claims is rising. As a result, the agency is now holding more than 60,000 applications in boxes and on shelves across the country on which no action whatsoever has been taken. Second, SSA is experiencing busy rates in excess of 50 percent on its 800 telephone number for beneficiary assistance. Third, the agency's general funding crisis has left it short of basic supplies such as applications, forms, and Xerox paper, and unable to make repairs in office equipment. By releasing $100 million from the contingency reserve, this dire emergency appropriation will equip SSA to deal with their critical needs.

Again, I commend Chairman WHITTEN and the Appropriations Committee for moving so swiftly in providing the requisite administrative funds for these critical programs so that those who need help will receive it in a timely and efficient manner.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague and good friend, the gentleman from Pennsylvania, for yielding me this time. I will be as brief as possible.

I spoke earlier about the confusion in part of the bill, the defense section. Something that most people do not realize is that the Department of Energy is responsible for the construction, testing, and manufacturing of nuclear weapons for the Defense Department, as well as nuclear reactors for the Navy.

The administration, in a supplemental request, requested $283 million for cleanup of Rocky Flats, CO, which is just west of Denver. The old Atomic Energy Commission established Rocky Flats as a place to fabricate plutonium, uranium, beryllium, some stainless steel alloys into components for nuclear weapons and also for waste management and the reprocessing of nuclear weapons.

Nuclear weapons have what we call a half life. The effect of the weapon each year reduces it in half, so necessarily just for the effectiveness of the weapon they have to be reprocessed on a regular basis, and also they are very unsafe to handle because of the instability of nuclear fuel. So a facility was created in Rocky Flats to do this kind of job. This was back in 1952. It has gone on for almost 40 years.

In late 1989 it was found that the Rocky Flats installation of about seven buildings had a high concentration of plutonium in the duct work and elsewhere that had to be cleaned up. It was unsafe to continue operations there for the people who had to work in the plant, as well as the surrounding community and the environment. It was decided by the Department of Energy that no more plutonium would be manufactured there or reprocessed there until the cleanup could be accomplished; so during 1990 the cleanup work was started. It has been progressing since that time, but there comes a critical time right now when the Defense Department is needing plutonium for many reasons. Plutonium is used, of course, in nuclear weapons. Plutonium was also used in the highly effective Persian Gulf operations in the 30 millimeter Gatling gun used in the Warthog that penetrates tanks; so plutonium is needed badly at this time, the Defense Department calls them the Pits. The media calls it the trigger, that goes in the nuclear weapon.

I know some people are opposed to nuclear weapons, but we will never know what effectiveness the fact that we have nuclear weapons, not as large as those 20 years ago, but a more modern, cleaner, and effective nuclear arsenal, what effect it may have had on the fact that Iraq did not use the chemicals that they had, the nerve agents, and so forth; the fact that we have the nuclear weapons, I think, is a deterrent.

Nevertheless, it is required under the defense stockpile memorandum that we do modernize these weapons, and we are unable to fulfill this obligation unless we get Rocky Flats on line.

Rocky Flats, unfortunately, is the only place in the United States where this processing can be done; so it has been the intent and the hope of our Subcommittee on Energy and Water Development that we would continue the progress in making this a safe place to work and safe for the environment and to effectively start reproducing and reprocessing the weapons and coming on with the badly needed plutonium.

The administration did request $283 million. Our subcommittee reduced that to $142,500,000. Immediately following that, the Secretary of Energy, the Secretary of Defense, Mr. Scowcroft and many others have called and said, "You did the wrong thing. We cannot continue the cleanup. We can't do the job that is a mandate unless we have that money."

The rule prohibits us from doing the job that is required, so the only effective way we can do that is to take back part of that $140 million that we had given to the Defense Committee that was put over into a different Department. What has happened in this bill, the $140,500,000 that we had turned back was picked up by the Defense Subcommittee and put into depot maintenance.

The amendments I will be offering later in the bill will take $120.5 million of the money that we gave back to the committee for continuing this cleanup job at Rocky Flats, and the money remaining will stay in the depot maintenance account. Depot maintenance is needed, no question about that, but a higher priority is the job at Rocky Flats. It just absolutely has to be done.

So the amendment this afternoon and, I hope it will not be necessary to have a vote, contains no new money. The vote will be an environmental vote because we have to clean up the environment. It certainly is a national security vote.

The tragedy is that if we in Congress do not do this, we will go back to the old process where we in the Congress try to micromanage the Defense Department. The great success in the Persian Gulf that our troops experienced, one of which, of course, was the fine equipment that we were able to give them, the other is that they were the best trained. We had the finest troops, but even probably more important, the administration gave a free hand to the military to conduct the military operations.

□ 1200

It would be wrong for us today in Congress to tell the military, "You can't do the job we have given you, we are going to tell you how to do it."

So we will be offering an amendment to reverse this and put some money back in for the cleanup of Rocky Flats. Mr. Chairman, I urge everyone to support that, and thank my colleague for yielding me the time.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, I would like to take this opportunity to give my good wishes to the new ranking minority member of the committee, who has big shoes to fill, and he will fill them.

I commend the committee, the chairman, for releasing part of the contingency fund for the Social Security Program. They are pretty hard up for help over there right now. Some people who wonder where their benefits are, why their checks have not arrived, it is because they have not had enough administrative personnel.

On September 30, 1989, the Social Security System disconnected 2,500 local telephone lines. That is a list of them right there.

Last year we passed a law that required the Social Security Administration to reconnect them, in effect, by saying that the access to those local offices had to be restored to the level it was on September 30, 1989.

I hope that the administration will pay heed to this statute, recognize the $100 million that the committee has been, in its wisdom, good enough to release from the contingency fund, and that we can get on with letting the people who pay their Social Security taxes get what they pay for.

Justice delayed is justice denied; benefits delayed are benefits that you go to the bank and borrow money on and pay interest.

And I thank the gentleman for yielding.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Chairman, I rise today in strong support of the supplemental appropriations bill and would first like to thank the distinguished chairman of the Appropriations Committee for yielding me this time.

To the credit of the Appropriations Committee and its Subcommittee on VA, HUD and Independent Agencies, and Chairmen WHITTEN and TRAXLER, the supplemental appropriations bill we are considering today contains $4 million for the establishment of eight new inpatient units in VA medical centers for the treatment of post-traumatic stress disorder [PTSD]. The bill also includes $1.4 million to provide for readjustment counseling services for veterans returning from the Persian Gulf. This is proposed in Persian Gulf veterans' benefits legislation authored by the chairman of the House Veterans' Affairs Committee, the Honorable G.V. MONTGOMERY. Both the inpatient and the readjustment provisions are included in H.R. 841, legislation I introduced to expand the VA's PTSD treatment and readjustment counseling programs.

Mr. Chairman, our troops from the Persian Gulf will be returning home soon. They will be welcomed with parades and other homecoming celebrations, and their honor and bravery will be remembered.

Fortunately, a large number of our Armed Forces have been spared exposure to intense combat. But a significant number were in battle, and to each and every one of them, those scenes will not be soon forgotten. It may take years before we know the extent to which their combat experience will affect their readjustment to civilian life.

The CHAIRMAN. The gentleman from Indiana [Mr. JONTZ] will suspend.

The Chair takes note of a disturbance in the gallery. It is in contravention of the law and the rules of the House.

The Chair will remind the doorkeepers and the sergeant at arms to maintain the order of the gallery. He will also remind our guests that they are welcome to be here to observe the procedures of the House. Public demonstrations, expressions of opinions and the like are not permitted under the rules or under the appropriate laws of the United States.

The gentleman from Indiana [Mr. JONTZ] is recognized.

Mr. JONTZ. Mr. Chairman, PTSD still affects 1 of every 7 Vietnam veterans. It is a normal response, in normal people, to a situation outside the realm of normal experience, such as combat, natural disaster, or violent crime. PTSD can manifest itself in many different ways, including depression, insomnia, withdrawl from interpersonal relationships, chronic unemployability, an increased "startle response" to noises similar to combat, and substance abuse.

The VA does have good programs to treat PTSD, but they lack the resources to meet even a portion of the needs which exist. For the past 7 years the VA's own special committee on PTSD has recommended the establishment of an inpatient unit for each State, but only 20 are currently in operation. That is why this funding to establish eight new units is so important.

Veterans of the Vietnam war had to wait 10 years before our Government even recognized PTSD, and longer for treatment. Our Persian Gulf veterans shouldn't be asked to endure such delays. Approving these funds for additional treatment and counseling services will help to ensure that we meet our obligation to our Persian Gulf veterans who may be suffering from PTSD in a timely and compassionate manner.

Mr. Chairman, I urge my colleagues' support for this funding and for passage of the supplemental appropriations bill.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I appreciate the time from the distinguished chairman.

A few minutes ago the distinguished gentleman from Indiana [Mr. MYERS] addressed the House with regard to the underlying premises for the dispute about the money for the Rocky Flats plant in my district in Colorado.

The House needs to understand that, contrary to the gentleman's assertion, this dispute has virtually nothing to do with the cleanup of the Rocky Flats site. The moneys for cleanup were fully funded in the bill as reported and remain so.

I would urge the House not to consider this a question of micromanagement. The Department of Energy, for decades, while this body largely defaulted in its responsibilities to superintend the proper management of the taxpayers' money, succeeded in running up a bill for the environmental devastation of nuclear weapons sites around this country that will make the savings-and-loan bill pale by comparison.

We need to get straight what we are about here. This is not a question of micromanagement. It is very much a question of Congress meeting its most profound responsibilities to see that the taxpayers' money is well spent for purposes that are truly in the national interest.

I, for one, am not about to back off of that responsibility.

Mr. GEPHARDT. Mr. Chairman, I rise in support of the supplemental appropriations bills before us today and commend Chairman WHITTEN and the members of the Appropriations Committee for the speed with which they brought these bills to the House floor today. These measures contain necessary provisions which address needs which were not anticipated when the fiscal year 1991 spending bills were passed last fall.

The committee has done a yeoman's job of balancing requests for funding for many pressing matters, both foreign and domestic, which are worthy of consideration. Unfortunately, we have limited resources to allocate and very strict budgetary disciplines which we must adhere to and therefore were not able to accommodate every request.

I commend the committee's decision to provide emergency funding for the Veterans' Administration medical services of $58 million to counter the burden placed on the VA by costs of Operation Desert Storm. Without this additional money the VA might face reductions in veterans' medical care. At this time, more than ever in recent memory, Congress has an obligation to support the men and women who serve in America's Armed Forces, both during their service for their country and after they have left active duty.

Because of the outstanding sacrifices made by our allies in Israel during the gulf war, we provided an additional $650 million to help them defray the enormous costs incurred in defending their people. The Israelis played a pivotal role in the U.S. gulf war strategy by respecting our desire that they remain in a defensive position throughout the conflict rather than engaging Iraqi forces.

The House is also acting today to provide the District of Columbia with needed resources to help it during its fiscal crisis. Without these funds, the Mayor assures Congress that the District government would not be able to provide vital services for its citizens, and may ultimately become insolvent. The Mayor has done an excellent job with the challenges facing her and her administration, and successfully convinced the members of the committee that an equitable increase in Federal funding was needed.

And finally, I would be remiss in not mentioning the money Congress is appropriating in the Desert Storm supplemental, at the President's request for incremental costs incurred through military operations in the Persian Gulf. This bill, by requiring that foreign contributions be used prior to U.S. funds, sends a clear message that Operation Desert Storm was not a coalition effort in name alone—the members of the coalition who now share in the glow of victory, must share in the cost of the battle, as well.

Mr. LENT. Mr. Chairman, I rise in strong support of this dire emergency supplemental and want to call special attention to the item in the Department of Defense section concerning the F–14 fighter program.

First, Mr. Chairman, I want to express my deep appreciation to the two gentlemen from Pennsylvania, Mr. MURTHA and Mr. McDADE, for their strong support in this matter. My Long Island constituents who build the F–14 for Grumman are grateful as well. They are justifiably proud of their work on the F–14 and want to continue to build naval aircraft if that is the will of the Congress.

And that—the will of the Congress—is a big part of what is at stake in this bill. As the House knows, this bill specifically requires that the Pentagon obligate $987.9 million appropriated by the Congress for fiscal year 1991 for the remanufacture of 12 F–14 fighters produced by Grumman Corp. for the Navy.

This language is in the bill because of the need to jog the memory of our friends in the Defense Department and remind them that the F–14 question was decided by the Congress last year and that our directives in this matter must be followed. So far this year, the Pentagon has acted unilaterally to financially starve the Grumman Corp. and cause its possible elimination as a competitor for Navy aircraft projects. The Congress decided to authorize the remanufacture of 12 F–14's and we appropriated money for that purpose. The President signed these bills into law. Moreover, the Pentagon has said that the future of naval aviation will be decided this year in the context of the debate on the fiscal year 1992 defense budget. But if Grumman is eliminated as a competitor, it is going to be a very one-sided debate.

Furthermore, at a time when the defense budget is shrinking overall and when we must maximize the bang for the buck, it strikes me as sheer folly to put all our eggs in the basket of one defense contractor. That will be the clear result of what DOD is doing in the case of Grumman and the F–14. Every Member of this House has expressed concern and outrage about the business practices of certain defense contractors and the tens of millions of taxpayer dollars that have been wasted on programs that have spun out of control. Some of these excuses may be checked by tighter internal control on the part of DOD. But the only sure way to deal with the problem is through competition, and the knowledge on the part of a contractor that if they do not perform according to plan, we will award the business to another company that will. If we learned any lesson from the scandals of recent years that should be it. And I am frankly disappointed that the Pentagon has such a short memory in this case.

Mr. Chairman, in conclusion it is important to note that the F–14 is a truly remarkable aircraft that has proved to be the master of the sky over and over again in recent years. With proper modification, it can continue to play this critical role for the Navy into the next century. The future of naval aviation will be a key part in the defense debate this year and Congress must safeguard its voice in that debate. We can only do this if we compel the Pentagon to release these funds for the F–14 remanufacture. Without this infusion of money, Grumman Corp. will drop out of the aircraft manufacturing business and an important part of our industrial base for defense will be gone. This is a key institutional issue for this Congress and a matter of plain commonsense when it comes to future defense policy. I urge the adoption of this bill and the support of this House for the F–14.

Mr. MONTGOMERY. Mr. Chairman, the Congress can be proud of its record on the Persian Gulf conflict. We can take pride not only in the caliber of our debate regarding a U.S. role in the gulf, but also in our response to the aftermath of the fighting. This supplemental funding measure recognizes that the costs of war include more than weaponry. For the Department of Veterans Affairs, war has a profound impact. This conflict was brief. But behind the scenes, our VA hospitals were gearing up to play a major support role in the event we sustained heavy casualties. At the same time, those hospitals lost several thousand staff members to reserve and national guard mobilization. As a result, those facilities incurred substantial costs in overtime pay and contracting for replacement staff. Finally, the immediate costs of benefits and services for returning combatants will take a heavy toll.

When our young men and women return from the gulf, and are released from service with service-connected disabilities, we must be prepared to provide timely health care. In addition, the VA must do a better job of processing all of its claims and the $12 million for the Veterans Benefits Administration will help somewhat.

Mr. Chairman, in light of this situation, I'm very pleased that the Appropriations Committee has included in this supplemental $46 million for veterans medical care and $12 million for the Veterans Benefits Administration. Four million dollars of the medical care funds are earmarked for additional Post Traumatic Stress Disorder [PTSD] units. I regret the administration did not request these funds in that they are sorely needed. The needs are greater than the amounts contained in the bill; however, if enacted, this supplemental will provide some relief to VA's current staffing problems.

Mr. Chairman, I regret that the $10 million I recommended for our national cemetery system is not included in the supplemental. With the upsurge in visits to national cemeteries, the funds would have been very useful to make the cemeteries more attractive. Some of our cemeteries are in deplorable condition and something has to be done to bring them up to the standard we in the Congress expect.

I appreciate the leadership's help with this package. It provides much needed support for a VA transition assistance program to assure timely benefits assistance to our Desert Storm veterans. It also provides monies for immediately identifiable health needs we know some of these veterans will have. The lessons of earlier wars have helped those who planned this effort. They could anticipate not only injuries but psychological trauma. This supplemental funding measure appropriately includes money for readjustment counseling and for the treatment of PTSD. We know that in the area of PTSD treatment, VA's specialized treatment programs have had difficulty even meeting the needs of sevice-connected veterans—both for inpatient and outpatient treatment. Clearly additional funding is needed to set up additional capacity to treat returning combatants who have this problem. The addition of new outpatient teams and inpatient units will provide the needed continuum of care for our veterans.

Reactions to the experience of war affect us all differently. Everyone is not scarred psychologically. Yet many veterans may have significant problems readjusting after returning home. With this concern in mind, I have sponsored legislation to make veterans of this conflict eligible for readjustment counseling services. This measure would expressly authorize VA to provide that counseling in any VA facility. Let me note that while this provision aims to extend to Persian Gulf veterans the kind of counseling support made available to Vietnam-era veterans, I do not envision that those services would necessarily be provided exclusively or even primarily in so-called Vet Centers. Vet Centers were established to assist veterans of a war which did not enjoy the same popular support as this one. Many Vietnam veterans expressed hostility to the VA, and we set up a program operated out of storefronts to respond to their unique needs. This was clearly a different war, and we must address the needs of its veterans.

Mr. Chairman, in closing, I want to thank the distinguished Chairman of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from Michigan, Mr. TRAXLER, and the ranking minority member of the subcommittee, the gentleman from New York, Mr. GREEN, for their work on this measure in behalf of veterans.

I also want to thank the Chairman of the Committee, the gentleman from Mississippi, Mr. WHITTEN, and the ranking minority member, the gentleman from Pennsylvania, Mr. MCDADE, for making certain that these funds are included in the supplemental.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in support of request for $650 million in supplemental aid to the State of Israel.

As we rejoice in the successful victory over Iraqi aggression, we cannot forget the sacrifices made by the Israeli people during the last 6 weeks.

When President Bush put together this magnificent and unprecedented coalition of forces in the Persian Gulf, there were many concerns that Iraq would incite Israel into joining the conflict.

Once Israel became involved, Iraq hoped to fragment the coalition, and instigate a holy war against the Jewish state.

And with that holy war, the Iraqis hoped to fulfill their desire to push Israel into the sea and thereby dominate that troubled region.

Well, that didn't happen.

Instead, the Jewish people rallied, they withstood the terror of missile attacks, never knowing if one of those missiles were loaded with deadly gas.

Children learned how to do their homework in sealed rooms while nervous parents wondered if these cowardly acts by the Iraqis would tragically alter their lives forever.

Through it all, Israel remained firm in its commitment to this country and the coalition that it would not respond to the wanton attacks by Iraq.

Due to the actions of the State of Israel, the coalition held and produced a swift, complete victory.

The Israelis showed how patience is a virtue.

But these actions carried a price for the people of Israel. By keeping their powder dry, Israelis were killed and property was damaged.

More importantly, Israel made a commitment to this country and the alliance, and kept it.

Mr. Chairman, we should, in turn, show that we are ready to assist Israel in rebuilding its losses and standing ready to work with her to build a lasting peace in the Middle East.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the bill H.R. 1281, making dire emergency supplemental appropriations for fiscal year 1991 and for other purposes. This bill provides urgently needed funds to meet a variety of critical needs from food stamps and unemployment assistance to veterans compensation and pension programs.

In addition, the bill includes $30 million to help the Bureau of Reclamation to meet Federal obligations to help respond to the emergency drought conditions which currently exist throughout a variety of areas in the West.

Most of the 17 reclamation States have suffered from extreme drought conditions over the last 5 years. Key water storage reservoirs in a number of States are at record low levels, resulting in sharp reductions in water deliveries to agricultural, municipal, and industrial water customers.

In California, which is also experiencing its 5th year of drought and its 4th critically dry year, reservoir storage statewide is less than one-half of its historical average. As a result, the Bureau of Reclamation has advised its agricultural and urban customers that deliveries of water from the Federal Central Valley project [CVP] will be cut by up to 75 percent of normal supplies.

In response to these emergency drought conditions, the bill provides $30 million for the Bureau of Reclamation to launch a number of drought-response initiatives. Examples of such initiatives include drilling wells and purchasing and delivering water for wildlife refuges, making authorized project modifications to assure water deliveries at low reservoir levels, providing alternate sources of water to municipal and industrial users and to increase fish and wildlife survival rates, and constructing temporary saltwater intrusion barriers, particularly in the Sacramento-San Joaquin Delta, to protect water quality and thereby increase availability of project water.

Only authorized activities are to be undertaken using the funds provided in the bill. This provision does not authorize any new activities that are expected to be included in the drought bill under consideration by the House Committee on the Interior and Insular Affairs. Moreover, this measure can in no way substitute for the important drought-relief bill the House Interior Committee intends to markup next week. That bill is essential to an effective Federal response to the drought.

Mr. Chairman, this is not a bailout for the California or any other drought stricken area. This appropriation simply enables the Federal Government to do its part to help lessen the economic and environmental consequences of the worst drought on record. The State of California intends to put more than $100 million into drought relief activities—nearly three-quarters of which will complement work in California financed by this appropriation.

Finally, Mr. Chairman, none of the funds in this appropriation will be used for drought-impacted, crop loss assistance. This appropriation will simply help the Bureau mitigate against future losses to fish and wildlife habitat, help provide additional water supplies to municipal and industrial users and help limit future crop damage by funding a variety of measures that will help make the most of the limited water supplies currently available.

Mr. Chairman, I greatly appreciate the cooperation and leadership of the chairman of the full Appropriations Committee, Mr. WHITTEN, as well as the support and cooperation of the chairman of the Appropriations Subcommittee on Energy and Water Development, Mr. BEVILL, and the ranking minority member, Mr. MYERS. Without their assistance, this drought emergency assistance would not be possible.

Mr. Chairman, this is a good bill, and I urge its adoption.

Mr. PANETTA. Mr. Chairman, I rise to discuss budget issues related to H.R. 1281, the dire emergency supplemental appropriation for fiscal year 1991, and H.R. 1282, the Desert Shield supplemental for fiscal year 1991.

H.R. 1282, the Desert Shield bill, provides that all of the funds made available in the bill are considered to be incremental costs for Operation Desert Shield/Desert Storm. It is our understanding that the funding provided in the bill is consistent with the administration's request. Under the Budget Enforcement Act, incremental costs for Operation Desert Shield are exempt from the defense spending limits. In this case, where there is agreement between Congress and the President that these funds are incremental Desert Shield costs, these costs will not be subject to the defense spending limits and will not cause a sequester. In addition, the Budget Enforcement Act provides that the costs of emergency provisions, including Desert Shield costs, are not to be counted for purposes of determinations under points of order under sections 302, 303, and 311 of the Budget Act. These costs therefore will not be scored against the committee's allocation or its subdivisions and will not be scored against the total spending levels in the budget resolution. In our view, therefore, the bill does not violate the Budget Act.

H.R. 1281, however, required two Budget Act waivers. Enactment of the bill as reported would cause the bill to exceed the committee's allocation and would cause total outlays in the budget resolution to be exceeded. However, it is important to note that House Joint Resolution 157, a technical corrections bill passed by the House on February 28, 1991, by voice vote, is pending in the Senate and may be cleared at any time. That bill, if enacted, would reduce the level of budget authority provided in the fiscal year 1991 foreign operations bill by $403.5 million. If that bill had been enacted prior to consideration of H.R. 1281, the Committee on Appropriations would have been within its overall committee allocation and, because of the provisions of the Fazio exemption, there would have been no need for a waiver of section 311. Because some individual subcommittees would still be over their subdivisions, there would still be a need for a waiver of section 302(f), notwithstanding the fact that the committee was within its overall allocation.

Having addressed the issue of the budget waivers for the bill, however, I would also like to discuss the treatment of some of the emergency costs in title I of H.R. 1281. Title I provides that the funds in the title are designated "emergency requirements" for all purposes of Gramm-Rudman. As discussed above, it is clear that provisions which the President and Congress both designate as emergencies are exempt from the applicable discretionary spending limit, or from the pay-as-you-go scorecard, in the case of direct spending and receipts legislation. The committee bill reflects the President's emergency request and designation except for two matters: $46 million for veterans medical care and $8 million for the Department of Commerce and the USIA.

If there is no agreement between the President and Congress on those items by the time of enactment, the President could insist that these items be scored against the domestic discretionary spending limits. The costs of the bill, other than the costs related to the issues in title I, would bring us to within approximately $23 million of the domestic budget authority cap for fiscal year 1991. If provisions discussed above were not ultimately agreed to be emergencies, their enactment could cause a sequester of all the accounts in the domestic category 15 days after enactment of this bill.

While I expect that these issues will be resolved by the time the conference report is agreed to, I feel obligated to alert the House to the possibility of a small breach in the domestic budget authority caps.

The questions related to the emergency provisions in the Budget Enforcement Act are clearly new for all of us. Those provisions are intended to ensure that real emergencies do not cause sequesters of other accounts. There are not intended, obviously, as loopholes in the budget agreement. Determining an appropriate standard for the use of the emergency provisions and addressing the timing issues related to the role of the President in designating emergencies are tough questions. For this reason, I have asked my staff, on a bipartisan basis, to work with the Office of Management and Budget to explore these questions.

Regardless of whether that effort is successful, however, it is my intention to continue to review issues related to use of the emergency provisions and, where appropriate, to oppose unjustified use of those provisions.

I also want to commend the chairman of the Defense Subcommittee for the design of the Persian Gulf regional defense fund. The $15 billion of taxpayer funds will be spent for Operation Desert Storm only if no funds are available from the defense cooperation account, which is where the allied contributions are maintained. Furthermore, if any portion of the $15 billion of taxpayer money is spent then it will be restored from available allied contributions. I believe this process will maintain the maximum amount of pressure on our allies to make good on their total pledges of $53.5 billion. In fact, if these pledges are realized the taxpayer funds used for Operation Desert Storm could be minimal.

The following are two factsheets prepared by the Budget Committee on the two appropriations bills:

Fact Sheet: Operation Desert Shield/Desert Storm Supplemental Appropriations Act 1991—H.R. 1282

H.R. 1282, the Desert Shield/Storm Supplemental for fiscal year 1991 will be considered by the House on Thursday, March 7, 1991. A related bill, H.R. 1821, the Dire Emergency Supplemental Appropriations which also includes Defense funding is discussed in a separate fact sheet. H.R. 1282 provides funding for the incremental costs of Operation Desert Shield/Storm by appropriating $15 billion in new budget authority to a newly-created Persian Gulf Regional Defense Fund and allows and appropriates the transfer of funds from the Defense Cooperation Account (DCA). The total amount available to finance the incremental costs of Operation Desert Shield/Storm is limited to $42.6 billion.

	Billions
Noncombat costs Oct. 1, 1990 to Mar. 31, 1991	$21.2
Post combat phase-down	7.0
Return of personnel and equipment	5.2
Near-term investment costs	2.9
Additional costs of combat	6.3
Total	42.6

Section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, provides that the costs for Operation Desert Shield are not subject to the defense spending limits. The bill:

Directs that foreign contributions received for Operation Desert Shield/Storm will be obligated prior to the obligation of any U.S. Funds (the $15 billion).

Directs that any of the $15 billion in new budget obligational authority provided in the bill, which is not expended, will be returned to the Treasury.

Allocates the funds by appropriation account as opposed to the approach of unallocated funding proposed in the Administration's supplemental request.

Prohibits the use of any funding in this bill to be used for defense expenses unrelated to Operation Desert Shield/Storm.

Foreign countries have pledged a total of $53.5 billion to support Operation Desert Shield/Storm. To date, the U.S. has received $14.8 billion in cash and in-kind assistance. If the remaining foreign pledges are forthcoming, it is possible that none or not all of the $15 billion in new budget authority provided in the bill will have to be expended.

Fact Sheet: H.R. 1281, Dire Emergency Supplemental Appropriations for the Consequences of Operation Desert Storm/Desert Shield, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and for Other Urgent Needs For Fiscal Year 1991

(H. Rept. 102–9)

The House Appropriations Committee filed H.R. 1281, the Fiscal Year 1991 supplemental appropriations, on Monday, March 5,1991.

H.R. 1281 is scheduled to be considered Thursday, May 7, 1991, subject to a rule being adopted. The rule as reported waives all Budget Act points of order.

The current level for Fiscal Year 1991 budget (filed in the Congressional Record on March 6) shows that the Appropriations Committee is under its 302(a) allocation by $1,344 million in discretionary budget authority and that one subcommittee is over its 302(b) subdivision. This bill provides $1,503 million in non-emergency discretionary budget authority more than the available room; therefore, this appropriations measure would be subject to two Budget Act points of order: 302(f) and 311(a).

It should be noted that the House passed H.J. Res. 157 on Feb. 28, 1991, correcting the technical error in the Foreign Assistance Appropriations bill and reducing budget authority by $404 million. If that bill had cleared the Senate by now (as had been expected), the supplemental now under consideration would *not* have violated the total Appropriations 302(a) allocation.

The bill provides, for fiscal year 1991 in Title I, as estimated by CBO, $1,135 million in discretionary budget authority and $814 million in outlays for programs requiring Desert Shield/Storm emergency related expenditures. Title II provides $3,335 million in budget authority and $1,498 million in outlays for supplemental funding requirements. The bill is below the fiscal year 1991 defense, international and domestic discretionary spending caps established in the BEA (Budget Enforcement Act of 1990) as of the start of this session.

The following table shows CBO's scoring of the bill as reported for selected programs:

[CBO estimates in millions of dollars, by subcommittee within title]

	Budget authority	Outlays
Emergency related Desert Shield/Storm:		
State Department	49	39
Defense procurement	334	34
Aid to Israel	650	650
Veterans medical care	46	40
Other supplementals (including mandatory payments):		
Judiciary and related activities	97	97
Defense operations and maintenance	500	366
Defense research and development	58	32
Rocky flats plutonium operations	483	67
Supplemental security income (SSI)	232	94
Infant mortality	25	15
Food stamps	1,500	....
Veterans compensation and pensions	303	303

Ms. PELOSI. Mr. Chairman, I rise in support of the dire emergency supplemental appropriations bill and I commend Appropriations Committee Chairman JAMIE WHITTEN and his staff for quickly bringing this legislation to the floor. With our Nation's attention focused on the Persian Gulf, I am pleased that this bill addresses some of the pressing problems we face here at home.

One of the most important provisions of this legislation is the inclusion of $25 million to combat infant mortality in areas with unusually high infant mortality rates. These funds will provide grants to localities to link and coordinate the activities of health departments, community health centers, State maternal and child health administrators and community residents in a focused effort to reduce our inexcusable infant mortality rate. Unlike the President's request to cut the maternal and child health block grant and reallocate funds from vital community health centers to pay for this important initiative, this legislation provides additional funds so that we do not make the grave mistake of sacrificing one important program for another.

Another important item in this legislation is the $30 million included for drought assistance, which is so vital to my home State of California, now in the fifth year of a drought. The funds provided in this bill will enable us to address some of the critical consumer, industrial and environmental needs brought on by the severe drought.

This supplemental appropriations bill also realistically addresses the strain on our states resulting from increased unemployment due to the recession by providing $200 million for the costs of administering the Unemployment Insurance Program. For many individuals and families who are dependent on unemployment benefits for their income, this supplemental appropriation will ensure that they receive these essential benefits, to which they are entitled, in a timely fashion.

This legislation also includes $303 million to cover the cost-of-living adjustment for service-connected veterans who were denied their COLA earlier this year. This provision brings equity to our Nation's veterans program.

Finally, I am pleased that this legislation acknowledges our Federal responsibility to maintain our nation's infrastructure. Now is the time to turn our attention to investment in our citizens and the valuable programs and projects which strengthen our Nation. I urge my colleagues to support this legislation.

Ms. OAKAR. Mr. Chairman, I rise in support of H.R. 1281, the urgent supplemental appropriations bill for fiscal year 1991. I would like to commend the chairman of the Subcommittee on Legislative branch appropriations, the Honorable VIC FAZIO, and his esteemed ranking minority member, the Honorable JERRY LEWIS, for their outstanding and conscientious understanding of the needs of the U.S. Capitol Police force—which comprises one aspect of this supplemental legislation.

Mr. Chairman, allow me to take the opportunity to say that the men and women who constitute the U.S. Capitol Police are highly skilled, competent and accomplished individuals. They are charged with the important task of protecting the Capitol of the United States, Members of Congress and their staff, foreign dignitaries, and millions of tourists who visit the Capitol every year.

Because of Operation Desert Storm, the Capitol Police force is in need of a supplemental appropriation. In order to provide the level of security necessary for the protection of the congressional community, the U.S. Capitol Police has nearly exhausted all of its overtime funds appropriated for fiscal year 1991. At their current rate of expenditures, the force only has enough overtime funds remaining for approximately 2 more weeks.

The supplemental request slated for the Capitol Police totals approximately $7,152,000. Broken down, this figure represents approximately $6 million in overtime, $63,000 to hire five freight handlers, and $978,000 in supplies and equipment.

Mr. Chairman, we all depend on the members of the U.S. Capitol Police force for our security and overall well being in these recent times of apprehension. I urge my colleagues to support this supplemental appropriation to ensure that this sense of security on Capitol Hill is maintained.

Mr. GREEN of New York. Mr. Chairman, I rise in strong support of the dire emergency supplemental appropriations bill which is necessary to fund special government expenses due to the consequences of Operation Desert Shield/Storm. I should like to comment briefly on one provision of this bill which is immensely important, and that is the emergency assistance the legislation provides for Israel to offset that Nation's costs because of the Persian Gulf war.

For weeks throughout the war, the world watched in horror as the Israeli population suffered night after night of malicious Iraqi Scud missile attacks. In all, Israel absorbed 39 missile attacks which were, in most cases, aimed at civilian population centers such as Tel Aviv. Fortunately, the Patriot system ultimately proved effective in protecting Israel's citizens against the Scuds, but loss of life did occur, as well as significant destruction of property. Those senseless attacks resulted in more damage and casualties per capita than any other frontline state.

The legislation we are considering today provides $650 million in emergency economic assistance to Israel to help that nation cover increased military and civil defense costs incurred throughout the crisis. Israel has incurred over $1 billion in direct military costs since August 2, and I hope that this new assistance will provide some relief from the financial burden that nation is experiencing.

As you know, in addition to expending substantial funds due to the gulf crisis, Israel is simultaneously providing refuge from hundreds of thousands of Soviet Jews who are leaving the Soviet Union to live in Israel. In 1990, over 200,000 Soviet Jews immigrated to Israel, and in 1991 that figure may be 300,000. The financial burden is great, and I am pleased that the United States is able to assist Israel at this time.

In short, I urge my colleagues to vote in support of this important bill, and I commend both Representative OBEY, chairman of the Foreign Operations Subcommittee, and the administration, for their leadership and support of this emergency assistance to Israel. As the newest member of Representative OBEY's Foreign Operations subcommittee, I look forward to working with him in the coming months.

Mrs. LOWEY of New York. Mr. Chairman, I rise in support of H.R. 1281, the supplemental appropriations bill. This legislation includes a number of critical items of which I am very supportive. However, at this point I want to commend the committee for including strong report language against diverting funds away from community and migrant health centers.

It is a travesty that the United States ranks behind 21 other industrialized nations in the rate of infant mortality. Here we have programs that provide health care services to one out of every ten low-income pregnant women in this country. These centers are already having to turn away people in critical need of care, and they are now confronted with a proposal for multimillion dollar cuts. That will clearly not solve the problem.

Today, I am sending a letter to Secretary Sullivan, signed by 73 of my colleagues, calling on the administration not to use community and migrant health center grants to finance the infant mortality pilot program. In the letter, we assert that the United States cannot afford to take funds away from a program that has been proven effective in reducing infant deaths.

The Community and Migrant Health Center Program is broad and far-reaching. Two thousand centers serve nearly 6 million people in every State of the Union. Virtually all health center clients have incomes below or near the poverty level and have no other access to medical care. Half of health center patients live in isolated rural areas, and the other half live in economically depressed inner cities. Most are without insurance from any source.

Community and migrant health centers have a proven track record on infant mortality. They care for more than 10 percent of all low-income pregnant women, and they improve the quality and comprehensiveness of care for more than 200,000 pregnant women and infants each year. In fact, infant mortality rates in communities with health centers are significantly lower than in communities not served by health centers.

Reducing community health centers' funding will be counterproductive because it will limit their ability to provide the prenatal, obstetric and gynecological services required to prevent infant deaths and improve women and children's health. I commend the Appropriations Committee for recognizing that diverting funds from these valuable programs would be imprudent.

Despite their ability to provide high quality care, health centers report that for every 10 people served, 3 must be placed on waiting lists. In my district, the Mount Vernon Community Health Center reports a severe lack of funding for responding to women in need of obstetric and gynecological care. In order to continue to build on this program's record of success, we should seek additional funds for these programs in the upcoming fiscal year so that we can further reduce our infant mortality rates and expand access to health care.

Again, I thank my colleagues on the Appropriations Committee for their wise statement against the diversion of funds from the Community and Migrant Health Center Program. As we move forward to fiscal 1992 appropriations, I am hopeful that we will be able not only to protect, but also to expand, funding for this vital program which reduces infant mortality and provides a full range of health care services to our most at-risk populations.

Mr. SWETT. Mr. Chairman, I rise in support of the legislation before the House (H.R. 1281) making dire emergency supplemental appropriations.

This bill contains many critical provisions, but one has a particular interest for me. The legislation disapproves redirecting existing funds for the administration's "target cities" initiative on infant mortality. The administration's program would take resources targeted to combat infant mortality in rural areas in some States, including New Hampshire, and redirect those funds to 10 major cities.

It is important, Mr. Chairman, to deal with infant mortality in these 10 major cities, but it is equally important to confront infant mortality in rural areas and smaller communities. We cannot deal with urgent health care problems by taking funds from one area and giving to another, it is essential that funds be fairly distributed. Unfortunately, preventable infant mortality is not limited to 10 major cities. Our rural areas face unique health care problems that contribute to infant mortality, and Federal MCH and community health granting programs are needed to address these questions.

Mr. Chairman, I commend the distinguished chairman of the Appropriations Committee, Mr. WHITTEN, and the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education, Mr. NATCHER, for their outstanding leadership and support in disapproving redirection of funds for the administration's target cities initiative, and I urge my colleagues to support this bill.

Mr. GRADISON. Mr. Chairman, we are considering two spending bills that share an important relationship to the Budget Enforcement Act of 1990. One, H.R. 1282, makes appropriations to cover the financial costs of our military involvement in Operation Desert Shield. The other, H.R. 1281, makes supplemental appropriations for the nonmilitary consequence of Operation Desert Shield/Desert Storm, plus provisions for food stamps, unemployment compensation, administration, veterans compensation and other urgent needs.

Last fall, we enacted a new system of deficit controls that switched the focus away from the enforcement of arbitrary deficit limits to a system concerned with limiting net spending increases. These spending measures break new ground for the new budget process.

As part of that budget reform effort, we enacted ceilings on domestic, international, and military discretionary spending. We also provided ourselves with an escape hatch if emergency circumstances warranted.

The new budget process explicitly exempts the costs of Operation Desert Shield from the defense spending cap. At the time the Budget Enforcement Act was adopted, there was no way to predict the cost of the war, or even know if there would be a war. Likewise, the drafters of the budget enforcement bill knew that from time to time emergency circumstances might warrant additional discretionary spending that could be accommodated under the spending ceilings. They provided that if both Congress and the White House agreed that an emergency necessitated an expenditure, then new spending for that emergency would not violate the spending caps.

These supplementals mark the first time under the 1990 Budget Enforcement Act that the House has tested its ability to demonstrate fiscal restraint on discretionary spending. Frankly, the results are mixed.

The Desert Shield supplemental, H.R. 1282, appears to meet fully the Budget Enforcement Act criteria. It includes only incremental expenses associated with the operation. Moreover, the costs of Desert Shield will be paid for largely by contributions made by the governments of Kuwait, Saudi Arabia, Japan, and Germany to the defense cooperation account. When the final costs of the war are known, and all expenses have been paid, any U.S. funds remaining in the Persian Gulf regional defense fund will be returned to the Treasury.

The other supplemental, H.R. 1281, contains some problematic provisions.

Title I of this so-called dire emergency supplemental consists of expenses designated as "emergency" requirements. Unfortunately, not all of the items in title I merit emergency status. From the perspective of the budget agreement and the new budget process, there are several unacceptable provisions.

During the markup on this bill, an amendment was adopted to appropriate $8.336 million for the International Trade Administration, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the U.S. Information Agency. The administration has not recognized these provisions as emergencies. In a March 6, 1991 statement of administration policy, OMB stated,

> These proposals are not directly related to Operation Desert Shield/Desert Storm and are not emergencies. In several cases, the costs either could be reimbursed by other agencies or could be absorbed within these agencies fiscal year 1991 budget allotments.

Additionally, only part of the veterans initiatives included in title I, chapter VIII will be designated by the administration as emergency spending. The bill proposes $46 million for veterans medical care and $12 million for general VA operating expenses. OMB has reviewed the VA provisions and concurs with the committee's designation of the $12 million operating expense as an emergency because of the need to provide information and process the claims of returning reserve and active duty military personnel. However, the administration has reviewed the $46 million for VA medical care and does not believe it qualifies as an emergency.

Under the Budget Enforcement Act, both Congress and the White House must agree to an emergency designation in order for spending on it to be exempt from the spending caps. Since both do not agree, $54.3 million of the so-called emergency expenses in title I will now be subject to the discretionary spending cap.

Not counting this $54.3 million brings us within $25 million of the domestic discretionary budget authority cap for fiscal year 1991. But when the $54.3 million is counted as nonemergency provisions, spending exceeds the domestic cap by about $29 million and will trigger a sequester of all accounts in the domestic category 15 days after the enactment of this bill.

Mr. Chairman, the questions and problems related to the emergency provisions in the Budget Enforcement Act are new for all of us. Those provisions are intended to ensure that real emergencies do not cause sequesters of unrelated accounts. They were not intended as loopholes in the budget agreement. Determining an appropriate standard for the use of emergency provisions and addressing the timing issues related to the role of the President and the Congress in designating emergencies are tough questions.

Mr. Chairman, I fully support H.R. 1282, the Desert Shield supplemental, but I cannot support H.R. 1281, the dire emergency and other purposes supplemental. I have already mentioned the problems the bill has from a budget process perspective.

These alone force me to vote against this bill, but they are not the only reasons I oppose it. I do not believe this supplemental appropriations bill is the proper place to fund $650 million in aid to Israel, $100 million for the District of Columbia, or $224 million in additional procurement of the Patriot missile. While each of these items may be defensible on its own merits, they are not emergencies, in the context of the budget process, and they all set a terrible budget process precedent.

If we allow an exception for aid to Israel without requiring that it be fully offset with savings in other accounts, how can we ever hope to control future requests for domestic spending that many argue is of dire necessity?

Likewise, with the war essentially over, I see no reason to procure on an emergency basis more Patriot missiles than we need to replace the ones actually used in the war. If the promoters of the Patriot missile provisions believe it is necessary to acquire these additional missiles, then they should also propose an offset in title II of the bill to pay for them.

I also do not believe the District of Columbia should be singled out for special treatment. Every other city in America, my own Cincinnati included, could make equally compelling arguments on why we should give them the money instead. The only fair way to determine to whom Federal funds should go is through the give and take of the regular appropriations process.

Mr. Chairman, since it was agreed to change the budget process last fall, we are now committed to play by a new set of rules. Under these new rules, these items should not qualify as emergency expenses. They could and should all be handled through the regular appropriations process where they can be weighed against other competing needs.

Mr. HOUGHTON. Mr. Chairman, I rise in opposition to the dire emergency supplemental bill, H.R. 1281.

After all of the blood and sweat that was expended during the budget summit last year, ultimately we passed a budget that starts us on the road to fiscal responsibility. I had problems with the agreement, but I supported it because it put strict limits on spending. At the end of the fiscal year, the agreement is only as good as the Members of this body want it to be. So the issue today is, will we live up to the agreement we signed last year? Maybe, maybe not. Let me explain.

We violated the Budget Enforcement Act right first thing out of the box by moving scoring responsibility from the Office of Management and Budget to the Congressional Budget Office. And here, in the first spending bill we hitch more cars to the train than it can haul. Some might call this a "Christmas tree" bill.

The President sent a request to Congress for $2.8 billion in supplemental spending—$89 million of it would be emergency spending for the purposes of the Budget Enforcement Act. So what do we do? We send back a bill for $4.1 billion—$801 million in emergency spending—exceeding the cap for domestic discretionary spending, a cap we swore on a stack of budget agreements to live with.

I have no problem with the priorities of this bill. It is merely how much we're spending. If we don't stand firm at the beginning, how are we going to judge ourselves at the end?

Mr. GILMAN. Mr. Chairman, I rise to express strong support for H.R. 1281, a bill to appropriate supplemental assistance for certain emergency costs associated with the Persian Gulf war, and I would like to commend the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN] for his outstanding and expeditious handling of this critically important measure.

This measure is important because it augments the State Department's ability to meet its increased demands in several specific areas: First, the Department has taken extraordinary actions to enhance its ability to protect life and property in response to terrorist threats at several worldwide posts, at some of our domestic facilities, and in response to threats against foreign dignitaries in the United States.

Another component of this bill will enable the State Department to expand secure voice communication capabilities in the Persian Gulf, as well as to improve other means of communication which is so essential when our Cabinet members travel throughout the world.

This bill will provide funding for crisis operations, emergency travel support, and evacuation claims costs resulting from this crisis. Each of these is legitimate and each of these are necessary to improve the day-to-day capabilities of our Government to perform its diplomatic function.

This measure also provides $650 million in dire emergency supplementary assistance to the State of Israel, a nation that suffered tremendously throughout the gulf crisis.

Mr. Chairman, this is a needed measure. It is necessary. Accordingly, I strongly urge its wholehearted adoption by this body.

Mr. LEVIN of Michigan. Mr. Chairman, I rise today to commend the Appropriations Committee for sending to us a responsible and much-needed supplemental appropriations bill. I recognize the many pressing needs the committee had to address in this bill, and for that reason, I am particularly gratified to see that the committee included $200 million to take care of the shortfall in administrative funding for our unemployment insurance [UI] program.

We are all too familiar with the administrative funding crisis facing our UI program. As the recession has deepened, too many unemployed workers in my home State of Michigan have been left stranded by a UI program woefully unequipped to handle the increased demands placed on it. Six-hour waits in unemployment lines and 5 week delays in receiving benefit checks are common. That experience has unfortunately been replicated around the country.

Why is our UI program failing the very workers it was intended to help? Because the Federal Government has shirked its responsibility to provide to the States administrative funding for the program.

Though UI is an entitlement program paid for through a dedicated tax, and though the administrative account in the UI trust fund has more than adequate resources to cover any shortfalls, the States have not been given the administrative funding they need. Why? Because the need for these funds has been consistently underestimated in the past so as not to draw down the trust fund and increase the budget deficit.

A group of us in Congress have been trying to bring this unjust situation to the attention of the Bush administration and our fellow Members. When we first discovered there would be a large shortfall in UI administrative funds, 60 of us wrote President Bush asking that he request the necessary supplemental funds, declare the request an emergency, and propose a contingency reserve fund to take care of any more unanticipated increases in unemployment.

Our reply came the very next week, in the President's budget. Though the Labor Department's budget estimated the administrative funding shortfall at $200 million, the President requested only $100 million in supplemental funding for fiscal year 1991. Moreover, the request wasn't designated as an emergency, raising concerns that it might contribute to exceeding the domestic cap and triggering a sequester. Finally, despite the fact that we've faced shortfalls for 2 years running, and subjected workers to unnecessary and unfair delays in receiving UI benefits, the administration proposed no long-term solution to the problem.

As is so often true, the administration dropped the ball, leaving it to Congress to remedy this tragic situation. Over the past several weeks, a number of Members, including myself, spoke to the distinguished chairman of the Appropriations Subcommittee on Labor-HHS about this, urging him to provide the full $200 million and take steps to establish a contingency reserve fund. We were pleased, then, to see that the subcommittee included the full $200 million during its markup, and 50 of us sent a letter to Chairman WHITTEN urging the full committee to do the same.

Thanks to the Appropriations Committee, our efforts have finally met with success. The supplemental moneys in this bill will allow the States to get on with their basic and vital task of providing timely benefit checks to UI claimants. The long waits in unemployment lines and the disruption of the lives of American workers and their families should diminish, and a measure of credibility restored to our UI program.

Mr. Chairman, our work on the UI program is not finished. We still must find a long-term solution to administrative financing, so that the UI program can respond quickly and efficiently to jumps in the unemployment rate. I believe we must put UI on the same basis as other State-administered entitlement programs, and for that reason, DON PEASE and I have introduced legislation to change UI administrative funding from a discretionary to a mandatory spending program.

But we should take a moment to thank those responsible for relieving the current funding shortage, and apologize to American workers and their families for this unfortunate situation.

Mr. SHAW. Mr. Chairman, I rise today in support of H.R. 1281, the emergency dire supplemental appropriation for Operation Desert Shield/Desert Storm.

There is one provision in the bill, however, that I find particularly noteworthy—the one relating to mothers in the military.

Mr. Chairman, under current Pentagon policy, pregnant women are exempt from being sent into imminent danger areas. However, only weeks after these women give birth, the Pentagon can send them anywhere it feels necessary.

This policy does not make sense to me. That is why I am glad that langauge like that found in H.R. 1025, the Military Family Relief Act of 1991 which I introduced on February 20, has been included to change this Defense Department policy.

Under this provision in the supplemental, women in the armed services with a child under the age of 6 months may not be called to active duty without prior consent. And, these women may not be assigned to locations that do not have facilities for these infants, either.

While it is never easy to leave a child, it is especially difficult in the first 6 months of life. By passing this bill, we are providing mothers in the military with a little compassion during a special time in their lives and a special time in their baby's lives.

As a father and a grandfather, I could not imagine my wife or daughter being forced apart from their newborn baby. We should not expect our military mothers to do this.

This provision would not place a major burden on our military, either. Out of the hundreds of thousands of women in our military, only 15,000 give birth each year.

Mr. Chairman, this is an important measure and I am glad that it has been added to the bill. I urge its adoption.

Mr. OWENS of Utah. Mr. Chairman, I rise in strong support of H.R. 1281, the dire emergency supplemental for costs associated with

Operation Desert Storm. The war in the Persian Gulf has taken a heavy economic toll on many of our friends and allies around the world, but none more so than Turkey, Syria, Egypt, Jordan, and Israel—the frontline states. Each of them, with the exception of Israel, has received substantial compensation—more than $20 billion to date—from the Gulf Crisis Coordinating Council. Mr. Chairman, it is altogether appropriate that in this measure we provide urgently needed and well deserved compensation to Israel.

Mr. Chairman, 3½ weeks ago while on a factfinding visit for the Foreign Affairs Committee, I witnessed firsthand a Scud attack and the effectiveness of our Patriot missiles. I experienced for a moment a feeling of profound vulnerability; one shared, I think, by all Israelis who huddled in sealed rooms day after day throughout this crisis. I was struck then by the depth and importance of our relationship as well as the true value of Israel's restraint to the war effort.

Throughout the course of this conflict, in which 39 Scud missiles were directed at civilian population centers, Israel has maintained the highest state of defensive readiness. This means that the Israeli Air Force, on increased alert, has been continuously patrolling and training around the clock. Reserve units were mobilized, 4 million gas masks were distributed, and a nationwide civil defense network responded to the threat of chemical and conventional attack. For a country that spends one-third of its budget on defense, this additional expense has been an enormous burden.

Mr. Chairman, the $650 million provided for in this bill will be of tremendous assistance in repairing the 8,000 homes and apartments destroyed in Scud missile attacks, and in restoring a degree of calm and confidence in the aftermath of the war.

Mr. OWENS of New York. Mr. Chairman, last October this Congress adopted a budget resolution which mandates a pay-as-you-go funding mechanism for spending increases. Yet, here we are exceeding the defense budget cap, increasing the deficit, when there are ample savings to be found elsewhere in the defense budget. Why are we not applying that same pay-as-you-go funding mechanism to the $15 billion U.S. share of the cost of Operation Desert Storm? So early in this session we should not initiate changes which violate the spirit of the budget agreement.

Almost half a million military personnel were transferred from the United States to the Persian Gulf for Operation Desert Storm. We should find savings to pay for that operation by cutting what we spend in other U.S. bases in foreign countries around the world.

Prior to the gulf buildup, 435,000 U.S. troops were stationed at 395 major military bases in 35 foreign countries; 168,000 civilian Pentagon employees accompanied them. Another 47,000 U.S. Navy and Marine Corps personnel were stationed aboard ships in foreign waters. During the course of Operation Desert Storm, the number of troops stationed abroad rose to 900,000.

According to a recent publication of the Center for Defense Information, every year during the 1980's, the United States spent approximately $160 to $170 billion to defend countries in Europe, $30 to $40 billion to defend countries in Asia, and $20 to $40 billion to protect U.S. access to Persian Gulf oil. That's a total of $210 to $250 billion.

Surely there are $15 billion in savings that can be found within this vast sea of expenditures we already spend on defending other countries. We could cut just 6 percent of what we currently spend in those 395 bases in 35 countries and be able to finance Operation Desert Storm without increasing the deficit by 1 cent.

We are in a time of great budgetary distress. We must examine every detail of spending increases that cost as little as a few million dollars and search for something in the budget that can be cut to finance them.

We must do the same thing for this $15 billion supplemental appropriation for Operation Desert Storm. We must look to the current defense budget to find savings to finance the war.

Last year we talked frequently in this body about the feasibility of bringing the troops stationed in Germany, Japan, the Philippines, and select other countries home. This movement gained strength at the time because of the gains democracy had made in Eastern Europe and because of public realization that while the United States makes massive and expensive efforts to protect the Japanese, their economy continues to gain in strength while competing with our economy.

At that time we wanted to see the savings from such force reductions incorporated in a peace dividend that could be applied to demestic social programs for the disadvantaged, children, and elderly. Many of these programs have seen their budgets cut drastically over the last decade to benefit the military buildup of the Reagan era.

Now the savings would be used, not to fund desperate social programs, not to provide a peace dividend, but to fund another military operation. This funding mechanism which I propose is precisely of the spirit which imbued the budget agreement reached last October. From now on we must find savings in one function of the budget to fund a new program in that same function. Let us begin this brilliantly conceived process right now—tonight.

Mr. Chairman, this is the only fair and equitable way to proceed with finding funds for Operation Desert Storm.

In the next few years we will have to find cuts in education programs to fund needed increases in other education programs.

We are going to have to find cuts in nutrition programs to fund needed increases in other nutrition programs.

We must find cuts in housing programs to fund increases in other housing programs.

Mr. Chairman, we must find cuts in our defense budget to pay for Operatrion Desert Storm. It is only fair. It is definitely doable if we lay aside our business as usual attitude. Cut the bases in Germany and Japan now, Save $15 billion and transfer the funds to pay for Operation Desert Storm.

I urge my colleagues to vote no on this violation of the budget agreement.

Mr. MCDADE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate on this bill has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

All funds provided under this title are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

POINTS OF ORDER

Mr. ROE. Mr. Chairman, I have three points of order to paragraphs not protected by the rule, and I ask unanimous consent that the paragraphs beginning on page 24, line 17, through page 25, line 10; page 28, lines 14 through 21; and page 32, lines 15 through 22, be considered at this time so I can exercise my rights under the rule.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. MCDADE. Mr. Chairman, reserving the right to object, I am not intending to offer any objection. The gentleman from New Jersey [Mr. ROE] has been kind enough to discuss this with me. I simply want to protect the rights of my friend, the gentleman from Virginia [Mr. WOLF] to know that he will be recognized in accordance with our prior discussion.

Mr. ROE. I agree with the gentleman.

Mr. MCDADE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Pursuant to the unanimous-consent order, the Clerk will report the first paragraph against which the gentleman from New Jersey may raise a point of order.

The Clerk read as follows:

ARCHITECT OF THE CAPITOL

ADMINISTRATIVE PROVISION

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law and subject to approval by the Joint Committee on the Library, the Architect of the Capitol is authorized (1) to procure, through a rental, lease, or other agreement, not more than 25,000 square feet of temporary storage and warehouse space outside the Capitol Grounds for use by the Library of Congress during fiscal year 1991, and (2) to incur incidental expenses in connection with such use. Subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts for the purposes of the preceding sentence may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care". Amounts so transferred shall be available for expenditure upon vouchers approved by the Architect of the Capitol.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. ROE] have a point of order on this paragraph?

Mr. ROE. Yes, Mr. Chairman.

Mr. Chairman, I raise a point of order against the provision in title II, chapter VI, entitled "Architect of the Capitol," beginning on page 24, line 17 through page 25, line 10. That provision violates clause 2 of rule XXI because it is legislation in an appropriation bill.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I would hope the gentleman would not insist on his point of order. This is only a small amount of space that the Library of Congress wants to lease temporarily—about twice the size of the room we are standing in.

And the lease authority is for fiscal year 1991 only. That will give your committee ample time to look into the authorization question. Let me explain:

Due to an emergency, the bill contains language which authorizes the Architect of the Capitol to lease 25,000 square feet of warehouse space needed by the Library of Congress for book storage for fiscal 1991.

The Library has run out of space to catalog and store their collections. Last year, we found out that 40 percent of their collections have not been fully processed or cataloged.

We gave them funds to hire the staff to begin working down this vast arrearage.

Now they tell us they need more space immediately to process the special collections: For example, the special collection of 695,000 pieces in the NAACP archives, the collections of the leadership Conference on Civil Rights, the League of Women Voters, and the National Council of Jewish Women, Look Magazine, the Urban League collection, and literally millions of other items in special collections.

The library had estimated a cost of about $13 to $17 per square foot to lease this space through their current GSA arrangement.

That is about three times the current local rate for comparable space. And we have heard of instances where it has taken GSA a year or more to locate and negotiate space.

Since this is legislative branch space, and an emergency need for the Library of Congress, the bill authorizes the Architect of the Capitol to locate the necessary space, just for the current fiscal year. The Architect has been providing space maintenance for the Library of Congress for years. This only furthers that relationship.

Both the Librarian and Architect strongly support this authority.

In the meantime, it would be helpful if the Committee on Public Works provided permanent authority to the Architect of the Capitol to lease space for the Library of Congress. It is unnecessary to have GSA do that for us. It is an anachronism from an earlier time when the legislative branch did not have the necessary expertise.

Mr. Chairman, this is only 25,000 square feet. It is for fiscal year 1991 only. We are trying to save the taxpayers some money here—maybe $200,000. In the meantime, it gives the authorizing committee sufficient time to review the entire situation.

But we want the Library to proceed to clear up these arrearages. It will get the NAACP archives on the shelf much sooner—and the Urban League material—and the tens of thousands of other material that require space now to be processed.

The language merely authorizes a transfer of funds from current appropriations. There is no new money here.

That is another point I want to make. If this language fails and you do come along later with an authorization, the funds will not be there. This same provision provides transfer authority from the Library to the Architect for the lease costs.

If the gentleman persists in his point of order, we would have to concede this is legislation and violates clause 2 of rule 21.

I would hope the gentleman would withdraw the point of order. This is such a small and urgently needed portion of warehouse space. The merit of proceeding seems overwhelming.

□ 1210

The CHAIRMAN. Does any other Member wish to be heard on the point of order raised by the gentleman from New Jersey [Mr. ROE]?

Mr. HAMMERSCHMIDT. Mr. Chairman, I would like to be heard.

Mr. Chairman, I want to strongly support the chairman of the committee, the gentleman from New Jersey [Mr. ROE], for his insistence on the point of order. Obviously it is authorization on an appropriation bill, and we should follow the rules of the House. I strongly support it for all the good reasons previously stated by our distinguished chairman.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ROE. Mr. Chairman, may I be heard further?

I almost feel like an ogre. There is nobody I have higher regard for in this House than the distinguished gentleman from Florida [Mr. SMITH], but may I call to the attention of the Members of the House that we got a letter 4 days ago finally asking the Committee on Public Works and Transportation, which has total jurisdiction in this issue, for our advice and review.

Now it seems to me that this problem did not happen overnight, and all these good folks have to do is come to the Committee on Public Works and Transportation, and we will process the matter with the greatest dispatch.

In addition, I call to the gentleman's attention that it is not that simple. They also want to transfer all of the authority from General Services Administration to the Architect of the Capitol. Now that is rather a large order, and there will be no delay, I can tell the Members of this House, on these issues whatsoever. In fact it will probably get done quicker, and, therefore, with the greatest respect to the distinguished gentleman from Florida [Mr. SMITH] I must insist upon my point of order.

The CHAIRMAN (Mr. ECKART). The Chair is prepared to rule.

Based on the reasons asserting by the gentleman from New Jersey [Mr. ROE], the point of order is sustained, and the paragraph is stricken.

The Clerk will report the next paragraph in dispute. The Clerk read as follows:

Page 28, beginning on line 13,

CHAPTER X

GENERAL SERVICES ADMINISTRATION

None of the funds made available by this or any other Act with respect to any fiscal year may be used by the General Services Administration to obligate or expend any funds for the award of contracts for the construction of the Northern Virginia Naval Systems Command Headquarters project without advance approval in writing of the House Committee on Appropriations.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. ROE] wish to be heard on his point of order?

Mr. ROE. Yes, Mr. Chairman, I reserve a point of order against the provision of title II, chapter X, entitled "General Services Administration" beginning on page 28, lines 14 through 21. That provision violates clause 2 of rule XXI because it again is recommending legislation in an appropriations bill.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the provision entitled "General Services Administration" be modified by inserting in line 21, after the word "the," the words, "House Committee on Public Works and Transportation and the."

If I may explain, the reason for this is there has been a discrepancy with regard to the cost of this building. GSA came in at one figure, and then the Senate came in at another figure, and in the closing hours there was not any time to go back and look at it. I sent a letter to the GSA and asked them, based on the specification of the Navy and the GSA, how much would it cost for the building to be built? They are now analyzing that. That report is expected maybe as early as tomorrow.

Second, because there were conflicting statements and wild swings in figures, I have asked GSA to again look at the figures. They have gone back and have contracted out with an expert to look at the specifications of the Navy to see what those costs would be.

Third, I have asked the inspector general of the GSA to look at all the data and make an analysis.

Lastly, I have written today, or will be sending a letter out by the end of the day; I am writing the inspector general of the Department of the Navy asking them to look at this, whereby the Congress will have the ability to look at GAO's figures, GAO's experts, the IG from the GSA, GAO's figures and the IG from Navy, and then the Congress and the American people can be confident that whatever figure is appropriated is the appropriate figure.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 1990.

Mr. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am writing to request that you perform an accounting review of the request by the General Services Administration (GSA) for appropriated funds to consolidate the Naval Systems Commands (NSC) of the Department of the Navy.

As a member of the House Treasury, Postal Service, and General Government subcommittee, I have serious concerns about the discrepancies between dollar figures for the request, which consists of the first million square feet of a two million square foot project. Since the Administration first sought $821,548,000 for a three million square foot NSC project in a budget amendment transmitted to Congress on March 29, 1990, there have been conflicting statements about the actual dollar amount needed to complete the project.

The Senate Committee on Environment and Public Works has expressed interest in the project, and officials at the GSA and the Navy have offered cost estimates for the project that have varied by tens of millions of dollars, with swings in estimates of $60 million overnight. The conference committee on H.R. 5241 appropriated the amount necessary to complete the first of the two million square feet, relying on the information provided by the career federal employees—and I emphasize career federal employees who are immune from political pressure—that have worked on the consolidation project over the last several years. The committee provided a level of funding intended to avoid future cost overruns.

My concern is that the legitimacy of the competitive procurement process for the NSC project be preserved, in order to ensure that the federal funds are obligated in a manner that reflects the best interests of the American people. I would therefore request that the audit focus on the amount of money needed to deliver the first of two million square feet under the terms of the current procurement.

I also firmly believe that the Congress and the American people should be able to rely on the appropriateness and accuracy of the dollar figures provided by executive agencies in appropriations requests. There were too many discrepancies in the figures provided, where good government demanded that there be clarity and fairness.

I have sent a letter to the Administrator of General Services requesting that he not obligate the funds for the project prior to your investigation of this matter. I would therefore respectfully request that you investigate the matter and report back to the House and Senate Appropriations Committees within 60 days of your receipt of this letter.

Sincerely,

FRANK R. WOLF,
Member of Congress.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] seeks unanimous consent to modify the language subject to the reservation of the point of order of the gentleman from New Jersey [Mr. ROE].

Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of chapter X, as modified, is as follows:

CHAPTER X

GENERAL SERVICES ADMINISTRATION

None of the funds made available by this or any other Act with respect to any fiscal year may be used by the General Services Administration to obligate or expend any funds for the award of contracts for the construction of the Northern Virginia Naval Systems Command Headquarters project without advance approval in writing of the House Committee on Public Works and Transportation and the House Committee on Appropriations.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. ROE] insist on his point of order?

Mr. ROE. No, I do not, Mr. Chairman. I withdraw my point of order.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] has a third point of order. The Clerk will report the paragraph.

The clerk read as follows:

SEC. 302. Section 310(c) of the Department of Transportation and Related Agencies Appropriations Act, 1991, is amended as follows: In section 310(c) delete the word "shall" after the word "Secretary"; in section 310(c)(1), insert the word "shall" before the word "provide"; in section 310(c)(2), insert the word "may" after "August 1, 1991"; and in section 310(c)(3), insert the word "shall" before "not distribute".

Mr. ROE. Mr. Chairman, I raise a point of order against section 302 of the bill, beginning on page 32, line 15 through line 22. That provision violates clause 2 of rule XXI because it is legislation in an appropriation bill.

This is a monumental change. This is not a slight item here that we are dealing with. It would absolutely change the whole authorization and process in the law that we have on the transportation legislation, and for that reason it is more than making law. If my colleagues like an appropriation bill, it is literally taking away the authority of the Committee on Public Works and Transportation.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. HAMMERSCHMIDT. Mr. Chairman, I want to support the chairman, the gentleman from New Jersey [Mr. ROE], certainly in his request, and I want to notify the House that I will be putting in a table, which is an estimate of how States might be affected if section 302 of the emergency supplemental appropriation were adopted.

Mr. Chairman, I want to support our distinguished chairman in his request.

Mr. Chairman, the following table is an estimate of how States might be affected if section 302 of the dire emergency supplemental appropriations, as reported by the committee, were adopted. This provision would permit the Secretary of Transportation to hold back a redistribution of obligation authority on August 1, 1991, to States that have highway projects that are ready to go. This redistribution is now required by law. It is estimated that $1 billion will be available for redistribution this August 1.

The following table is based on how much each State would lose if that $1 billion were withheld, based on the relative portion of each State's redistribution in 1989. It is important to note that the formula for redistribution changes each year because priority is given to States having large unobligated balances of apportioned funds, and funds are only redistributed to States that have projects ready to go.

It is also important to emphasize that the States from which this authority is redistributed will not lose anything, since this is authority that they will not be able to use during this fiscal year.

	In thousands
Alabama	$6,467
Alaska	13,500
Arizona	17,339
Arkansas	13,347
California	54,864
Colorado	8,906
Connecticut	6,453
Delaware	5,076
Florida	38,052
Georgia	19,467
Idaho	8,037
Illinois	64,611
Indiana	27,104
Iowa	29,453
Kansas	17,564
Kentucky	28,634
Louisiana	66,267
Maine	6,971
Maryland	12,798
Michigan	29,966
Minnesota	40,086
Mississippi	12,312
Missouri	26,303
Montana	12,785
Nebraska	8,033
Nevada	15,606
New Hampshire	11,043
New Jersey	7,718
New Mexico	29,165
New York	11,898
North Carolina	18,333

	In thousands
North Dakota	$7,038
Ohio	22,091
Oklahoma	13,631
Oregon	10,949
Pennsylvania	33,624
Rhode Island	9,536
South Carolina	20,858
South Dakota	6,818
Tennessee	29,700
Texas	43,353
Utah	16,484
Vermont[1]	
Virginia	50,535
Washington	18,041
West Virginia[1]	
Wisconsin	8,717
Wyoming	11,903
Guam	207
Puerto Rico	8,190
Northern Marianas	27

[1] These states did not receive redistribution in 1989, but would be eligible in 1991.

Mr. MINETA. Mr. Chairman, I rise today in the support of the point of order raised by the gentleman from New Jersey.

I have grave concerns with the provision in H.R. 1281 that would make the August redistribution of unused obligational authority discretionary rather than mandatory.

Current law provides that the Secretary of Transportation shall redistribute unused obligational authority to the States that have projects ready to go on August 1 of each fiscal year.

This is an important provision—one that this Congress has consistently supported—and on which the States have come to rely.

The August redistribution means that States can continue to advance critical and high cost projects. Additionally, this provision enables States to reduce high unobligated balances of funds.

Changing this policy—especially at this juncture—is a mistake. The Committee on Public Works and Transportation is currently in the process of drafting legislation to reauthorize the surface transportation programs which will expire on September 30 of this year.

Further, it would cause the unspent balances in the highway trust fund to rise significantly in 1 year. This erodes our position for expansion of the program and our justification for higher spending levels if States are not able to spend the authority granted them because of these types of artifical budgetary constraints.

Mr. Chairman, I strongly concur with the gentleman from New Jersey's point of order and I urge the Chair to support it.

The CHAIRMAN (Mr. ECKART). Are there any Members who wish to be heard on the point of order?

If not, the point of order is sustained for the reasons advanced by the gentleman from New Jersey [Mr. ROE], and that paragraph is stricken.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to at this time explain the reason that I included the provision that was just deleted by a point of order.

Mr. Chairman, our committee has been very supporting of the highway program. In fact, the $14.5 billion fiscal year 1991 obligation level which our committee recommended and the Congress enacted represented a $2.3 billion increase—almost 20 percent—over last year. The States will receive increased funding as a result of our action.

So, why did we include this provision? The provision was included as requested by the President to permit the Secretary to make the August 1, 1991, redistribution based upon the fiscal and programmatic situation as of that date. Nobody knows in advance what that situation is going to be. It may turn out that by reducing the program a small amount this year, we could increase it by a larger amount next year. It may turn out that the States would be able to obligate the entire $14.5 billion. Their obligation rate is running 10-percent below last year's rates. It may turn out that the entire $14.5 billion can and should be obligated. That is why we required the Secretary to consult with the committee prior to making any changes as a result of the language contained in the bill.

□ 1220

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $2,951,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATION, RESEARCH, AND FACILITIES

For an additional amount for "Operations research, and facilities" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $2,775,000, to remain available until expended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $1,610,000, to remain available until expended.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Desert Storm, $4,633,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Desert Storm, $3,103,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $39,700,000, of which $10,000,000 shall be available notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in diplomatic and consular service" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $9,300,000, to remain available until expended, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended.

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $6,800,000, of which $1,400,000 is to be derived by transfer from unobligated balances in "Radio Construction" subject to the Department of Defense waiving reimbursement for transportation, personnel, and related costs for establishing a temporary medium-wave broadcast facility for the Voice of America in Bahrain.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY OPERATION DESERT SHIELD/DESERT STORM

ADDITIONAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

For incremental costs of Operation Desert Shield/Desert storm, $338,600,000 is appropriated for transfer from the Defense Cooperation Account to the following accounts in not to exceed the following amounts:

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not have an amendment to offer at this point, but I just wanted to put in some kind of framework what we are doing here, because very often when we spend this amount of money, it is a little unclear to the American people about how that amount of spending will affect them. I think it is fascination to take a look at what each million or billion in spending actually means to the individual taxpayer and maybe reduce it to the bills we are presently considering.

This particular bill is $4.1 billion. Most people in my district have no idea what a billion dollars means. Most people on this floor have no idea what a billion dollars really means. We talk about it a lot, but we do not really know. The fact is that $4.1 billion means that every taxpayer is going to be charged something on the order of $45 for this particular bill, so that every taxpaying family in the country is being charged $45 for what we are doing here today.

I point that out only to assure that the priorities are such that the average family would think about that $45 in the same terms they think about spending at the local store. For most families in my district, a $45 expenditure is not a minor item. It is something that impacts heavily on their weekly budget. Before they go out and spend $45 in one expenditure, they probably think a good deal about it.

They also ought to be thinking about the way in which we spend money here, because today, as we enact this bill, we are spending $45 of their money. I think that that makes it far clearer to the average family about what it is that we do, and I would hope that most Americans will take a look at this particular bill and try to decide whether or not the $45 that is being spent on their behalf is spent on high priorities, items they would consider in what their budget should be. My guess is that they would find a number of items down in this bill that they do not regard as high priority items or that they do not regard as being worth their $45. In other cases they would find items here that they would find very, very important and would think they are worthwhile.

In those terms, though, maybe we can begin to decide whether or not our spending is, in fact, justifiable; and I simply point that out because I think it is important for us to determine what we do, not only on the basis of the budgets we have in the Congress but on the basis of the budgets of the American families that these budgets impact.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROCUREMENT

(TRANSFER OF FUNDS)

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", $269,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of ammunition, Army", $29,600,000.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $34,700,000.

GENERAL PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) The transfer authority provided in the foregoing paragraphs is secondary to the authority provided in the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991."

(b) The authority provided in this Act to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

(c) Amounts transferred from the Defense Cooperation Account in this Act shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $3,565,000, to remain available until expended.

CHAPTER IV

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the Agency for International Development" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm $6,000,000 to remain available until September 30, 1991, which shall be made available only for the costs of evacuating United States Government employees and Personal Services Contractors, their dependents, and for subsistence allowance payments: *Provided*, That such funds may be obligated and expended notwithstanding section 10 of Public Law 91-672.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $650,000,000, to provide for additional costs resulting from the conflict in the Persian Gulf, which shall be made available only for Israel: *Provided*, That such sum shall be made available on a grant basis as a cash transfer and shall remain available for obligation until September 30, 1991. *Provided further*, That such sum may be used by Israel for incremental costs associated with the conflict in the Persian Gulf, notwithstanding section 513(e) of the Foreign Assistance Act of 1961: *Provided further*, That such funds may be obligated and expended notwithstanding section 10 of Public Law 91-672.

AMENDMENT OFFERED BY MR. VALENTINE

Mr. VALENTINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VALENTINE: Page 7, strike line 9 and all that follows through line 21.

Mr. VALENTINE. Mr. Chairman, I rise today to offer an amendment to strike a portion of the dire emergency supplemental appropriations bill that would provide $650 million to the State of Israel by creating an economic support fund.

On paper, Mr. Chairman, my amendment seems insignificant in its brevity, but its effect is very significant to the taxpayers who will be forced to pay the bills that we run up here today.

Mr. Chairman, I do not believe that the majority of Americans share the wish of this Congress to grant to the Israeli Government an additional appropriation of funds at a time when we are struggling under the weight of a recession and the first estimates of the huge cost of Desert Shield and Operation Desert Storm.

Let me make it clear, Mr. Chairman, that I believe that the Israeli nation is one of our best friends in the Middle East and in the world, and I value this important relationship. I have been and will continue to be a vigorous supporter of Israel. Few people have suffered as the Israelis have, and no one has achieved the success from such hardscrabble beginnings that they have.

They have made the desert bloom, and they have created a democracy unique in the Middle East. The Nation of Israel is a shinning example of the power of democracy, and it deserves our continued support.

However, I cannot understand how this Nation can afford to be so forthcoming with funds that we do not have. We simply cannot afford to continue to support the economies of other nations when our own economy is stagnant.

The primary target of this amendment is not Israel; it is a foreign aid policy that is hurting Americans. The task of reducing and streamlining the Foreign Aid Program is long overdue. This proposed aid to Israel offers an excellent opportunity to begin the process.

I do not want to be misunderstood. Our record clearly demonstrates that America is a generous Nation and that Americans recognize their responsibilities to the world. I am not suggesting that we turn our backs on those nations that need help; I am just suggesting that we inject some realism into our policies.

As stewards of the ship of state, we owe it to the citizens of this great Nation to remain ever vigilant with their money. By continuing to provide outrageously large amounts of foreign aid, we sacrifice our own future economic well-being and our ability to control our already enormous budget deficit. We must, Mr. Chairman, draw the line somehow and somewhere.

☐ 1230

The unspeakable must be spoken. Mr. Chairman, this is that time, this is that place, and this is that opportunity.

Mr. Chairman, I do not delude myself. I do not know how many votes we will get for this proposition. I might leave the floor myself on a stretcher, figuratively speaking. But many Members of this House know in their heart that I am right

I urge Members in the House to support the hard-working, taxpaying citizens who elected them, by supporting this amendment.

Mr. Chairman, foreign aid is completely out of control, and an overwelming majority of Americans are disgusted.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, one of the reasons that this country feels so good right now about what has happened in the Persian Gulf is that after the country debated, and after the Congress debated, we came together. We supported the decision that was made, and so we came out of the war together, because we went into it together, and we prosecuted it together.

At the time of the vote in the House I gave a speech, and I said roughly the following. I said, do not vote to strike up the band today, unless you are willing to face the music afterwards.

Ladies and gentlemen, this is part of the music. The fact is that we have incurred in that war substantial financial obligations. We will have an obligation to support veterans benefits, and we will have an obligation to support war-related foreign assistance requests that come to us from the administration, assuming we think they are rational.

Mr. Chairman, I am going to be very frank and very blunt about this issue before us today. After the war was over there was a lot of talk in this town about whether or not there was going to be additional aid for Israel. The Israeli Government made an official request of the administration to provide $910 million in additional assistance, which represented Israel's estimate of costs that they had incurred during the war with Iraq.

I told the administration, I told Secretary Baker, I thought those numbers were outlandish. I told the administration that I thought they ought to scrub those numbers.

I told the administration that if the administration concluded that we ought to have a reduced number, I would support that number, and if they concluded that we ought to provide no additional funding, I would support that decision also.

The administration negotiated with Israel on what should be provided, and they concluded that because Israel had undergone some 39 Scud attacks and had incurred a signficiant amount of additional expenditures, they concluded that because Turkey, Egypt, and, yes, even Jordan, had received some $20 billion in outside help to deal with the costs of the war, that Israel should be compensated partially for the costs that they had incurred.

So they agreed to a package which contained two pieces. The administration agreed to a package which would provide $650 million in assistance to Israel in this bill, and they also signed onto a package which indicated that there would be no additional attempts by anyone to provide any additional aid to Israel until after Labor Day.

Now, why is that important? It is important because there is another potential request pending for aid. That request is expected to come from the Israeli Government to the tune of $10 billion in loan guarantees to support costs of absorbing the exodus of Soviet Jews from the Soviet Union to the State of Israel. That would amount to about $2 billion a year in loan guarantee costs to Uncle Sam, if we were to undertake that obligation.

Now, in my view we have an obligation to try to help every Soviet Jew who wants to leave the Soviet Union, because of the past history of that society. But I also think that the State of Israel has an obligation to us. I think the entire Middle East has an obligation to us.

Right now, very frankly, I do not think we owe any party in the Middle East a dime. I think that every country in the Middle East owes us one whale of a lot. I think from the Arab world, we have a right to know that the Arab world is going to engage in conduct which will make tomorrow different than yesterday in the Middle East. I think that means that the Arab States have an obligation to recognize the necessity to deal directly with Israel on the appropriate issues at hand.

I think we also have a right to expect that the oil rich Arab States will provide an aid program in their own region for the poorest countries in their own region, to address the difference between the haves and the have nots in that part of the world. I think that is an Arab responsibility, not an American responsibility.

I think that Israel has an obligation to the United States to do two things.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 4 additional minutes.)

Mr. OBEY. Mr. Speaker, I think Israel has an obligation, first of all, to make clear that they are willing to deal, and deal generously on the issue of the Palestinians. Because in my judgment, until that issue is dealt with, there will be no peace in the Middle East, and until that issue is dealt with, we will not have guaranteed that Americans will not again have to shed blood in the Middle East.

The second thing I think Israel has an obligation to do is to see to it that every Soviet Jew that is resettled in Israel, is resettled in an area which does not inflame the region. By that I mean I do not believe those additional refugees ought to be settled in what is now referred to as the occupied territories in the West Bank and Gaza.

Mr. Chairman, I say that, because so long as they are resettled in that area, any Arab radical in the region can use that issue to prevent us from finally sealing the opportunity that we have now to finally achieve some kind of peaceful resolution in the Middle East.

I think, therefore, that the administration request here today ought to be supported, because the agreement reached makes quite clear that there will be no additional requests that the Congress will consider—and that the administration will consider—until the administration has had sufficient time to put together its own approach for dealing with the Middle Eastern peace process and to put together its own approach to dealing with Middle Eastern security arrangements.

That is the way it ought to be. Everybody ought to stay off the administration's back while they try to put together this package. That means they need to know that there will be no end runs in the Congress to try to appropriate money for any party in the Middle East until the administration has an opportunity to put together its peace package.

Therefore, I think what we ought to do is stay united this afternoon on this issue. The administration has submitted a formal budget request, which I now have in my hand. I have a letter from the President of the United States asking Congress to consider this a dire emergency and to support the amount contained in the bill. We are going to have to have the Congress and the administration walking together for a long time on the approach to the Middle East if we are to achieve peace in that region and to guarantee that Americans who died there did not die in vain.

Mr. Chairman, this is part of the price we have to pay for the actions that took place over the past month. We need to stay together with the administration. We also need to see to it that in the future there will be a policy of arms denial to the entire region, so that we do not have a situation like this ever develop again.

□ 1240

So I would urge Members to support this request by the administration. It was agreed to unanimously in the Appropriations Committee on a bipartisan basis.

If Members want to argue about what aid levels we ought to have for the Middle East, argue about it when the regular appropriation bill comes up. But this request deserves our unanimous support, and I urge Members to give it just that.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has again expired.

(On request of Mr. KLECZKA and by unanimous consent Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. KLECZKA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Chairman, could the gentleman from Wisconsin share with the House the precise Israeli costs which we will be reimbursing with this $650 million?

Mr. OBEY. I do not understand the gentleman's question.

Mr. KLECZKA. We are appropriating today $650 million. What are we reimbursing Israel for? Is this for gas masks, for building damage? What is it to be used for?

Mr. OBEY. I would not describe it as reimbursing Israel. What we are doing, what the administration is doing is recognizing that every state in the region incurred large expenses associated with the effort to contain and roll back Saddam Hussein, and that Israel felt that they were entitled to receive aid from the outside world of approximately $910 million.

The administration felt that a more accurate assessment of their needs was $650 million.

Mr. KLECZKA. If the gentleman will yield further, are we buying armaments? Is this additional tanks, or Patriots, or what?

Mr. OBEY. No, we are not buying additional arms. We are simply helping Israel to pay for the costs associated with the necessity for them to stand in a constant state of readiness for well over a month as they were preparing for and then enduring the Scud attacks which came from Iraq.

Mr. KLECZKA. I thank the gentleman.

Mr. MCDADE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

Mr. Chairman, I think we need to look closely at what we are talking about here today. As we know, the bill provides dire emergency funds for events related to Desert Storm, and surely Israel, while not originally considered a front line state, became a front line state. Israel suffered the dire consequences of this war as keenly as any state in the engagement.

All of us heard the wailing sirens over Israel as the Scud attacks occurred, 30 of them. There were 200 casualties in the cities of Israel, thousands of homes were destroyed, and scores of people were left homeless.

The nation was forced to engage in an immediate civil defense activity to try to supply gas masks to each citizen, all of whom expected to experience a Scud attack with a chemical warhead attached in those terrorist attacks over the nation of Israel.

This is a formal request of the President of the United States, negotiated, as my friend from Wisconsin has said, between the Members on both sides of the aisle of the Appropriations Committee. It was adopted in a bipartisan, may I say unanimous, vote in the Appropriations Committee. And it ought to be adopted on that basis alone.

But we ought not to forget that the entire purpose of Saddam Hussein's attacks on the State of Israel was to try to draw Israel into a confrontation. He hoped this would upset the normal relationship existing in the area and inure to his benefit by breaking up the coalition which the President, the Secretary of State, and others in the world had so carefully crafted.

Mr. Chairman, in my judgment, this is an appropriate amount that has been worked out by the administration and by the Congress, and I hope it will be adopted. I oppose the amendment offered by the gentleman from North Carolina to strike these funds from the bill.

Mr. SMITH of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me rise in opposition to this amendment and support what my chairman, Mr. OBEY, had to say, and the ranking member on the Republican side, Mr. MCDADE, who has explained in some detail what this is.

Let me also just suggest to Members that there has always been a cost associated with our trying to defend peace and freedom around the world. That has never been free to us. There has always been a cost, a price to pay.

We have a democracy in that region, one that has free elections, one that has representative government, one that cooperates with us on hundreds and hundreds of issues of common importance to the strategic interests of the United States, to the economic interests of the United States, to the social and cultural interests of the United States. We have a shared background, a shared religious belief, and there is no reason to misunderstand why the administration has requested this money.

They believe, as many of us on the Appropriations Committee obviously believed, and the President himself, having sent that letter to the Congress believes, that the cost that Israel has incurred as a result of our Desert Storm/Desert Shield operation is a cost that would not have been incurred otherwise and, therefore should be reimbursable.

If Members look at some of the other front line states, and one in particular, Jordan, which was not only involved in this war but took the side of Iraq and Saddam Hussein, they have been compensated. Over $7 billion in cash has been paid out from a coordinated fund that the United States helps administer, funded by other countries, and that in fact has gone to pay Turkey over $2 billion and Jordan over $2 billion or close to $3 billion, and to Syria between $2 billion and $3 billion, Syria, a state which just until recently we considered a haven for terrorists, which is still on our State Department's list of states that sponsor terrorism, a country which we still embargo arms to. And Jordan, a country who has now spit in our face while accepting our money. They have been reimbursed, and now we are here fighting over the one democracy, the country that stands beside us consistently, votes with us at the U.N. more than any other country in the world, supports our policies, and is one of the few hopes that we really have to bring peace in this region. Now somebody says they are not entitled to anything.

Let me tell Members, the gentleman from Wisconsin asked a valid question about what the money is for, and since we started this campaign and the war began, that country has had to mobilize their military. It is only a little over 4 million people. That means people in everyday walks of life, just like Americans, have had to go into the military. But when you have 250 million people your economy does not feel it the same way as when you have less than 4 million. So the military mobilization has cost them a great deal.

In addition, they have had flying all of their Air Force, 24 hours a day, patrolling all parts of that country.

They have had to distribute gas masks to the total population.

All of these are military costs that are associated with what we were doing in that region, and it is only fair that we should help bear the cost. We are not bearing the full cost. Israel submitted a request and with documented evidence of over $1 billion worth of costs, and this is not going to compensate them all the way. And perhaps we should not. They have an obligation for their own defense, and they have picked up that obligation considerably.

In the matter of fairness, in the matter of the importance of Israel to the strategic and best interests of the United States, this is something that we need to do.

And remember something else. Our Secretary of State, to his credit, for the first time is on his way to Israel to discuss with the Israelis, under a new approach that the State Department is taking, what they call parallelism, or what we might call a two-track approach to discuss not only the Palestinian issue, but how they can get the Arab States and Israel to sit down and finally try to work on some lasting peace arrangements.

Is there any more logical time than now for Saudi Arabia to undeclare, to revoke its declared war with Israel that has existed since 1967?

□ 1250

Is there a better time than this to try to get Syria, which has been in the coalition with us, to do the same? I think not.

All of our actions now and what we are doing here are calculated to try to make that work by keeping especially Israel an ally, strong and capable militarily of standing guard and holding to its line.

I urge the Members to defeat this amendment and any other amendment that will cut this money.

Mr. HUBBARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate this opportunity to speak on the Valentine amendment, which would strike from the supplemental appropriation bill the amount of $650 million for additional assistance for Israel.

First, let me say that as a Christian, as a Baptist preacher's son, I was brought up to love, adore, appreciate, and admire Israel, the Holy Land. In my office in the Rayburn Building, some of the favorite pictures in my office are pictures of my father, Dr. Carroll Hubbard, a Baptist minister for 51 years, and his preaching at the Mount of Olives, in Bethlehem, in Jerusalem. My father visited Israel on five different occasions during his lifetime.

We in the United States Congress already appropriate $3 billion a year for Israel. I repeat, we in the Congress of the United States appropriate $3 billion a year for Israel.

My colleague, the gentleman from Florida [Mr. SMITH] was talking about why we need to give money to Israel, because we give aid to Syria and to Jordan.

Well, the great majority of my constituents in Kentucky are not for foreign aid to go to Syria and Jordan, and they have asked me during these 17 years I have served in Congress to vote no on money to countries such as Syria and Jordan. There are more "Noes" on the appropriation bills for foreign aid than there would be, because we include countries like Syria and Jordan.

I represent Fort Campbell, KY; 20,500 soldiers from the 101st Airborne Division at Fort Campbell are over in the Persian Gulf area right now. Think of the loss to Oak Grove and Hopkinsville, KY, the loss to Clarksville, TN, and the other towns near Fort Campbell during the many months that 20,500 soldiers have been in Operation Desert Shield and Desert Storm. The businesses in that area have suffered substantially because of the war and the fact that 20,500 soldiers from Fort Campbell are in the Middle East. Some of the area businesses have gone bankrupt. Many are closed at this point.

We should be considering a supplemental appropriation today for the businesses close to Fort Knox, KY, or Fort Campbell, KY, or Fort Stewart, GA, or the other places where our military has gone from.

What we have accomplished for Israel and the countries we work with and consider allies in the Middle East is that we have knocked out Iraq. We have defeated Iraq. We have caused Iraq to no longer be a threat to Israel.

Mr. Chairman, ladies and gentlemen of the House, as the gentleman from North Carolina [Mr. VALENTINE], the author of this amendment, said, he probably is in the minority on this issue, but there should be some who say today in this House of Representatives that we do not have the money to give another country an additional $650 million.

Where are we going to get the money to pay for all of the successful operations in the Persian Gulf area as we have wiped out Iraq in a matter of weeks? We are still hoping Japan and Germany and other countries will come through with their financial commitments, but we cannot be certain each of these financial promises will be fulfilled.

The taxpayers of this country are going to be paying for a long time for Operation Desert Shield and Desert Storm, and now we are being asked to give a country to which we give $3 billion a year an additional $650 million because of some of the sufferings and happenings there.

Indeed, our military, I am proud to say, has been in Israel seeing to it that we lessened the damage to that wonderful country. There is no way to guess how much damage would have been inflicted upon Israel by the madman dictator Saddam Hussein if it had not been for American soldiers and American weaponry, equipment, and Patriot missiles.

How can the Members of Congress go home this weekend and tell their mayors and county judges of their cities, towns, and counties that we do not have money for Federal revenue sharing for the cities, towns, and counties of the United States of America, but we do have an additional $650 million for a country to which we are now sending $3 billion a year?

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HUBBARD] has expired.

(By unanimous consent, Mr. HUBBARD was allowed to proceed for 1 additional minute.)

Mr. HUBBARD. Mr. Chairman, I would ask my colleagues before they vote yes or no on the Valentine amendment, to remember how much our national debt is, how much our continued Federal spending is, how much we are out of balance budgetwise.

Someone will ask: "Where is the money coming from for this extra $650 million?" The answer: "Oh, just the same limitless, endless well from which we spend everything else as our Nation goes deeper, deeper in debt."

I close by saying that my constituents appreciate Israel. Most of my constituents consider it the Holy Land, but we also love the United States of America, and we know we are in deep financial trouble. As much as we have done for Israel and the Middle East by being in Operation Desert Shield and Desert Storm, my constituents would say to the Members, "We think $3 billion in annual aid to Israel from the United States is enough."

Mr. ZIMMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is times like this when it is important to remember who your friends are.

The war in the gulf has shown us that nations that were purporting to be our friends turned out to be sympathetic to our adversaries. Nations that were our adversaries temporarily and for their own reasons became our friends, and our allies who kept us at arm's length and would not allow our troops within their borders allowed us to station our troops there when their very existence was at stake.

Mr. Chairman, there was only one nation before, during, and after this crisis in the Middle East that was a staunch ally of the United States, and that is the State of Israel. That is the reason that we should be supporting this appropriation.

The gentleman from Kentucky indicates that the motivation for this appropriation is a sense of altruism or a nostalgic appreciation of Israel as the Holy Land. That is not it at all.

What we are talking about is the national self-interest of the United States. It was not in the interests of the State of Israel to refrain from striking back at Iraq when Iraq rained it with Scuds. It was in the interests of Israel to maintain its reputation as a fierce defender of its sovereignty, to exercise the right, which every sovereign nation has the right, of self-defense.

It was in the interests of Israel to retain its credibility as a strong country that would defend itself with its own arms.

It was in our interests, the interests of the United States, for Israel to refrain from striking back, and it was our interests that were served while they stood by and accepted the punishment that rained down on them from the State of Iraq.

I do believe it is in our interest to preserve and to sustain this country which is our only reliable ally in the region. As we have said many times, if we are fighting for freedom in the Middle East, if that is what our troops went there for, we should recall that it is Israel which is the only country which exercises political freedom in the sense that we understand it. It is the only nation in that region which is a model of democracy and civil liberties which this country stands for.

□ 1300

It is not out of a sense of obligation to another nation for altruistic reasons, but rather it is out of our own self-interest that this appropriation should be supported and this amendment should be defeated.

Mrs. LOWEY of New York. Mr. Chairman, I rise in opposition to this amendment. I rise in strong opposition to this amendment and to all other amendments to this bill which contemplate cutting aid to our closest Middle East ally, Israel.

Israel, remember, was a frontline state during the gulf war. She suffered 39 devastating attacks by Iraqi-Scud missiles. These attacks resulted in more than 200 casualties, including several deaths. They also resulted in the destruction of over 8,000 homes, leaving nearly 1,700 families homeless. During the war Israeli forces were forced to remain on the highest state of alert, resulting in huge costs to the Israeli defense forces.

My colleague asked before, where is this money going to go. It is going to go to ground force, air force, spare parts, stockpiling of weapons, ammunition, civil defense measures. There were enormous costs associated with civil defense preparedness, including the distribution of 4 million gas masks to citizens of Israel. Further, the Israeli economy suffered substantial losses at a time when the burden of coping with huge numbers of Soviet refugees is already causing severe problems.

The simple fact is that the defense budget of our closest ally has been stretched to the limit in seeking to cope with the costs of the Persian Gulf war, and to defend against the ongoing threat from Arab States, which continue to reject Israel's right to exist.

Other frontline nations, including Turkey, Syria, Egypt, even Jordan, have received foreign assistance amounting to more than $20 billion as a result of the war. On the other hand, Israel must look primarily to the United States for much needed assistance and aid.

Today, we are debating providing Israel with $650 million in emergency assistance, less than 4 percent of the total pledges made by coalition members for postwar rebuilding. More than that, we are debating the importance of standing by one of our closest allies, the only democracy in the Middle East, in her time of urgent need.

Mr. Chairman, if not now, when? If not the United States, who? A strong and secure Israel is in our Nation's best interests. We must defeat this and other amendments to threaten Israel's security.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words, and to rise in opposition to the amendment.

I have to say very simply what I watched when the Scuds started hitting Israel, and I saw some of the damage and the effects on the population in Israel, and I was amazed over the next few weeks, and I guess months in this case, to see the amazing amount of restraint that the Israelis and the Israeli Government exercised in not immediately attacking, and in cooperating with the United States. There was a tremendous amount of public outpouring on the part of Americans because of what they saw with the Scud attacks, and because of the restraint that the Israeli Government exercised.

There is no question in my mind that this additional $650 million is needed. We know what the costs have been to Israel. It is estimated that in terms of their military operations since the war began, that they have probably spent close to $1 billion. They cannot afford it. I was in Israel about 18 months ago, and it was quite clear to me the amount of money, the amount of preparedness they spend for their defenses. Their economy is in particularly tough shape right now because of increased immigration and the housing and the other benefits that they have to provide to the new arrivals.

It seems to me this is the minimum that we can do to one of our greatest friends, to one of the few democracies in the Middle East in that part of the world, and to a country that has consistently sided with the United States. I think this amendment is wrongly placed today. I am very much opposed to it, and I hope the rest of the Members of the House will also agree that we should support the supplemental appropriation.

Mr. PAXON. Mr. Chairman, I move to strike the requisite number of words, and to rise in opposition to the amendment.

Mr. Chairman, during the past 8 weeks the world has witnessed the kind of terror that Israelis live with each and every day. During the past 8 weeks we in this body have watched from the safety and security of half a world away as Iraqi Scud missiles have rained down on innocent civilians in Israel.

Today still, half a world away, we are debating the price tag on our friendship with our only ally, our only true ally in that turbulent region, a friendship that has withstood the test of time.

Israel has played a pivotal role in the unique coalition against Saddam. She showed patient restraint. Her steely resolve spoiled Saddam's plans to tear the coalition apart. The world doubted neither the right nor the ability of Israel to defend herself against Saddam's attacks, yet Israel responded with great courage and valor and foresight.

However, the costs of her restraint were high. Saddam launched 39 Scuds toward Israel, causing over 200 casualties. Tragically, 14 deaths. Over 8,000 homes and apartments were destroyed, leaving 1,700 Israeli families homeless. Moreover, Israeli defense forces have been on 24-hour alert since Iraq first invaded Kuwait last August. Not only was the military mobilized, but Israel's civil defenses were activated as well, and 4 million gas masks were distributed.

Meanwhile, Jordan has received over $500 million in assistance from Japan and Europe; Syria over $200 million from Saudi Arabia and the Gulf States; and Egypt has received $19 billion, including $7 billion in debt forgiveness from the United States. Israel undoubtedly deserves these funds we propose today, as other nations on the front line have received funding. However, some in this body have already forgotten our debt of gratitude to the brave people of Israel.

I ask my colleagues, let Members not forget so quickly, the other heroes of the war in the Persian Gulf. Let Members not forget Israel.

Mr. SCHUMER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

Many of the points have already been made and been made very well. Let Members remember that today's New York Times documented this, that during the war Israel was very eager to respond on her own and eliminate the threats of Scuds. As the newspaper articles revealed today, she had a plan. The plan was to bring in helicopters and commandos, and with soldiers on the ground, chase down these Scud launchers and destroy them. No doubt, they would be destroyed had Israel done that. No doubt Israel would have suffered casualties, and that always is what Israel has been willing to do.

The Israelis do not want America to fight for them. The Israelis simply want the wherewithal to defend themselves, as the rest of the world turns against them, as the rest of the world will sell whatever it takes to Iraq and to Syria and to so many other countries. However, this time was indeed different because the United States, our country, asked Israel not to respond, not to respond so that the coalition between the United States and Arab nations including Syria, Saudi Arabia, the Gulf States, all of those states in a war with Israel, they are, right now, in a permanent state of war with Israel. Also, they might not leave the coalition. Israel would have preferred to go in on her own, unlike my good friend, the gentleman from Kentucky said. Israel did not want the United States to make this fight. However, the United States asked to.

What an irony it would be, ladies and gentlemen, if Israel's forebearance, her forebearance for her ally and friend, the United States of America, kept the coalition together that then proceeded to try and dismember the State of Israel. That, in my opinion, ladies and gentlemen, was the fallacy of the President's remarks last night. We are not going to be able to move to a quick settlement in the Middle East until one thing is done: until Saudi Arabia and Kuwait and all the Syrias and all the Arab States, once and for all, end their state of war with Israel, and recognize her right to exist. Administration after administration has tried to get them to do that, but Our President and our country have untold leverage to do it now.

□ 1310

That ought to be the first step to peace, but until that happens, then we must, it is in our own interests as well as what is right and what is moral and what is humanitarian, to give Israel the aid she needs.

Syria, Israel's mortal enemy, has gotten $2 billion in aid for being an ally. Syria did not suffer the damages Israel did. Syria did not play much of a role in the fighting, and yet she has gotten $2 billion.

Jordan, the state of Jordan, King Hussein who was Saddam Hussein's ally, also on Israel's border in a state of war with Israel, has gotten $500 million in aid from Japan and the European community, and Israel who has suffered damage, the destruction in Tel Aviv would be proportionate to losing a city in America the size of Cleveland, has not gotten any help. Her economy was shut down by the war. Citrus could not be picked. Tourism was gone. People had to stay in their houses, all because our country asked Israel not to respond, to keep the alliance together.

It is only fair, it is only right, it is only in America's interest to repay that debt of gratitude and do what is right and what is in our own interest, and that is to support the $650 million that the Appropriations Committee in a bipartisan way has wisely added to this emergency appropriation and to defeat both the Valentine and the subsequent Traficant amendments.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree with the chairman of the entire committee. I agree with Chairman OBEY. I agree with the gentleman from New York [Mr. SCHUMER], the gentlewoman from New York [Mrs. LOWEY], and I agree with everybody who has risen today and said that Israel has a legitimate claim. They certainly do, and it should be sent to the United Nations.

Mr. Chairman, if Iraq is going to make reparations to Kuwait, Iraq should be held to make reparations to Israel.

Now, we are going to be questioned here today about micromanagement. Mr. Chairman, when you find in my opinion mismanagement, it is appropriate to have some micromanagement.

Let us talk a little business. I say that today Israel is in a lot better shape than they were a year ago. Their major threat in the region, Saddam Hussein, has been destroyed. He has been dismantled. In fact, if America has a great concern, there will be a power vacuum filled by some fundamentalists from Iran that may be more troublesome for us than for anybody else.

While you evaluate this, at the end of the last Congress there was $400 million in housing guarantees for Israel. It was widely reported that Israel wanted $1 billion for damages due to the attacks from Scud missiles.

It was also widely reported that the administration was trying to settle on a figure of $400 million, but they were concerned that if they did not come to an agreement of $650 million, that figure could even be higher.

So as a result now we have an appropriation that was not budgeted for at the end of last year, even though we almost shut this Government down. We bring this appropriation as emergency spending, and I do not think it is emergency spending.

What are we going to do next, Mr. Chairman, to accomplish goals? Will we take the deficit and the debt off budget?

Now, $3.1 billion on a regular basis, $400 million in housing guarantees last year, the President, a conservative Republican, asked this Congress in a dire supplemental to give him about $600,000 for housing and programs for housing and for poor people, people who never owned a home. Now, we may not totally agree with all the elements of that policy, but I give the President a lot of credit. I do not know of anybody who will say it, but will somebody, some day, say that maybe Congress found the money and the time to consider supplemental aid for Israel, but did not take the time nor find the money to provide any supplemental aid for the homeless, for the poor in our own country.

Now, let us tell it like it is. It has gotten to the point when it comes down to a vote on Isreal, everybody gets concerned. The dear gentleman from South Carolina [Mr. VALENTINE] said that he does not know if he is going to be carried out on a stretcher, but he is going to ask for a vote. Now, why would he be concerned about being carried out on a stretcher? When you talk about votes for Israel, there are those reporters who say that there exists in this Congress an Amen Corner. I say here today to the Congress, if there is such a thing as an Amen Corner, then it is time for Congress to say Amen.

Now, I am not an enemy or opponent of Israel, but $3.5 billion last year, while we were raising premiums on Medicare for mom and dad, raising taxes, makes no sound management to me at all.

Now, I am going to support the gentleman's amendment and I would hope before it is over that we would at least consider finding some money within this pool that maybe the gentleman from Arizona [Mr. KOLBE] and the gentleman from Virginia [Mr. MORAN] might be able to have some little funds to have their measure appropriated for some money for housing in our country.

We responded with a coalition. That coalition is well now after it is over and faces a financial responsibility. Everybody should be coming up with a piece of that money. I do not deny Israel's claims. Let them send them to the United Nations.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to rise in strong opposition to the Valentine amendment striking the $650 million supplemental appropiration to AID's economic support fund that has been earmarked for Israel, and in opposition to the Traficant amendment cutting $250 million from the fund.

The entire world, and most of all our allies in the coalition, all lauded Israel's restraint when as a noncombatant nation it was ruthlessly attacked by Iraqi missiles, inflicting severe casualties and wreaking havoc on Israel's residential area. This AID funding is only a token payment, a token payment try to help the State of Israel reconstruct its damaged cities and to assist the Israeli economy in recovering from its significant losses that resulted from the Persian Gulf hostilities.

Mr. Chairman, I urge my colleagues to support the funding and to defeat both the Valentine and the Traficant amendments.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I have stood on this floor and argued vigorously for reductions in foreign aid in the past. I have worked to cut aid to specific countries and to reduce foreign aid dollars in general, and I will continue to do that when that aid does not further our own national interests.

There are ambassadors from countries all over the world and more than a few people in our own State Department who will tell you that MICKEY EDWARDS is not a great friend of foreign aid, but this amendment, this attempt to bash foreign aid when it is being offered to help ensure our own security is really a very, very serious mistake.

We are all delighted by our success in putting together a coalition which included a number of Arab States. It was a great step forward, both in enhancing American influence and in moving toward the basis for peace in the Middle East, but the world has not yet changed. Israel remains our constant ally in a part of the world which is bristling with weapons and still unfortunately harbors great hostilities. Some countries in that region continue to be armed by the Soviets. Most countries in that region remain in a state of war with Israel. Israel's security, Israel's strength, are essential to peace in the Middle East.

□ 1320

This attempt to cut foreign aid may look good at home, but we are elected to protect the interests and security of America and its essential allies. Both this amendment and the one to be offered by the gentleman from Ohio are serious, serious mistakes, and a Congress which is dedicated to insuring peace in the Middle East should reject these amendments and reject them very soundly.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I should like to associate myself with the remarks of the gentleman from Oklahoma. I think he has made a very eloquent persuasive speech.

Mr. Chairman, the administration supports this appropriation. The administration is very much aware of the contribution that Israel made in helping keep the coalition intact during the hectic and bloody days of the war. I think the administration is to be commended for having provided the funds to Israel to compensate in measure for the great damage that was done to Israel in restraining itself from having participated in the war.

I join the gentleman in his statement and I urge that the following amendment be defeated.

Mr. EDWARDS of Oklahoma. I thank the gentleman for his remarks.

I say not only does the President realize the contribution that Israel made but, I think, all the Americans who were glued to their television sets watching Scud missiles tear up housing developments in Tel Aviv realized what a sacrifice the Israelis made by not responding to that.

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe no one who takes this well—I am sure no one who take this well—today in the debate has anything but the utmost respect for Israel as a nation and for the Israeli people as a people. They have shown, as has been said often, admirable and quite remarkable restraint in the face of the attacks by Scud missiles against them in this recent war. The people have shown courage and resourcefulness that are really examples for all the world.

So any discussion on the amendment offered by the gentleman from North Carolina and the other amendment offered by the gentleman from Ohio is not meant in any way to be disrespectful to the people of that land.

But while I rise in opposition to the gentleman's amendment, the amendment offered by my friend from North Carolina [Mr. VALENTINE], I think he is to be commended, as is the gentleman from Ohio, in bringing up the subject, the subject of foreign aid which could be another round of rearmament in an area of the world which has already suffered for so many years because of the ratcheting-up of the arms race.

Also, I commend my friend for bringing up this issue because it does deal with the question of how much money should go into foreign aid, however apparently needful, when we have so many domestic problems, housing problems, homelessness problems, food service problems, health care problems, that we are not nearly meeting.

I think, in bringing up this issue and in our talking about it today, we are opening up a new era of debate on these questions. The debate, again, is on the extent of foreign aid and the nature of it.

I was not on the floor when my friend, the gentleman from Wisconsin Mr. OBEY spoke, but I am told he made a very eloquent statement on what he sees to be the future of the foreign aid program. As chairman of the Subcommittee on Foreign Assistance, he is in a position to have an influence on that.

I believe that my friend in his remarks said, to the general effect, that this $650 million allocation for Israel, since requested by the administration and spoken to just last night by the President in a spot just behind me, is going to be supported by him, but it may well be the last support such aid receives until there is some evidence that there is a peace, or some movement toward peace, in that area.

Secretary Baker is soon, perhaps today, to be leaving on that mission to seek a lasting peace. It would be awkward, at best, were he to go into the area to try to pursue a peace and sue for a peace and find that somehow he does not have the tools at his disposal to accomplish the mission.

So I do intend to support the $650 million allocation which is in the bill before us, offered by the distinguished chairman from Mississippi. But I think we have to take into consideration carefully what this really means. If I understand from talking with staff, this money, the $650 million, could very well be used by Israel to purchase weapons. It may not be, it probably won't be, but it could be.

There is, so far as I know, no limitation on the use of these moneys, which brings me to something that I said in this House earlier this week referencing an article in the Wall Street Journal about the U.S. arms manufacturers which already are salivating over the prospect of selling the very newest weapons technology to nations in the Middle East, the very technology that allowed us to win this war so readily and with so few casualties on our side.

So it seems to me we have reached the point where we have to give very careful consideration to moving away from rearmament of that area. I, therefore, will support the current allocation, the current request before us, but I am happy that my friend from Wisconsin, the gentleman from Wisconsin [Mr. OBEY], is going to move this House into debate and discussion of issues affecting the Middle East; where we go, how we get there, what opportunities we have of securing a lasting peace. We do need to move back from this arms race which has led us to nothing but turmoil in the area.

I would say one last thing: Last night the President showed, I think, rare courage in discussing what he called "territory for peace." I am not sure any American President has ever uttered this phrase in such a public setting. But I believe that is the key element of finding peace in the Middle East.

I earnestly hope that the President can pursue peace and does see that to a conclusion.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to this amendment that would strike $650 million in aid to Israel to help cover its costs during the Persian Gulf war.

Israel was indeed a front line state in the war. In spite of its willingness at the request of the United States to remain directly out of the crisis, it was drawn into the conflict through dozens of Scud missile attacks. The Israeli Government should be praised for the restraint it showed in the face of these vicious attacks on their civilian population.

The economy of Israel has been burdened severely by the war. The already strained housing supply in Israel has been further reduced. Gas masks had to be issued to every person in Israel. Fortunately, the effectiveness of these masks were never tested by a chemical or biological attack by the Iraqi Government. The Israeli army was forced to remain at a high state of readiness throughout the course of both Desert Shield and Desert Storm. These are tremendous costs for the economy of a small nation such as Israel to bear.

Let us not forget that Israel is our strongest democratic ally in the region. They have a freely elected government. They support our policies in the Middle East. They have stood strong with the United States and the rest of our allies in the face of the defeated threat from Saddam Hussein.

Again, I commend this emergency appropriation of $650 million to the Government of Israel to pay for only a portion of the total costs they bore during the war. This aid is desperately needed by Israel to maintain its economic and military strength. The emergency appropriation of $650 million is clearly in the interest of the United States.

☐ 1330

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

I have studied various religious beliefs of the Middle East region since August, mostly because I have always been interested in history and wanted to better understand the area. I feared from the start that this war might become a religious war and a very long-term war like the one between the folks in Ireland and England. This did not occur.

The President made a wonderful presentation last night, and I was glad everybody appreciated it. He deserves a world of credit, but we should not forget that this war will cost 40 or 50 billions of dollars.

After the war an agreement has been reached with Israel. This is an agreement between the executive branch of this Government and Israel. I am afraid that this situation could still spread to more issues and countries. It has not. We better be wary of that for the next month or two, if not for the next year or two.

So this is not foreign aid in the true sense of the word. It is a special agreement. Like my colleagues, I have thought for so many years now, that if we quit paying premiums to somebody for exporting things and premiums to those who receive it, we might hold our trade problems in line. But this agreement is far more than that. This is a commitment that has been made by our Government with the Israel Government at a time when the whole Middle East region is in turmoil.

Mr. Chairman, I say, "It's highly risky to take any action at this time that is inconsistent with the executive branch agreement."

The bill we have before us reflects the results of what the State Department may have promised and agreed to. We don't know the details that Mr. Baker may have said to these groups that have had big differences for thousands of years. He brought them together. Until I know what those details are, I am not going to take a step that might stir up this whole situation again.

They say history repeats itself, and I think that the complete history of this conflict has not been written as of now. The fighting is over for the moment. Let us not do anything now that upsets the agreement that our President has made. I have no knowledge of any details, but the presentation made to us was that the damages were around a billion dollars and that this is an agreement for far less than that.

An agreement has been made and we need to underwrite it.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman from Mississippi very much for yielding. I want to associate myself completely with his remarks.

Mr. Chairman, I was in Israel a week and a half ago, and I can tell the very distinguished chairman of the committee and our colleagues in the House that in fact Israel has incurred additional expenditures because of the war in the gulf.

As a result of Saddam Hussein's unprovoked and vicious Scud attacks, Israel suffered extensive property damage, as thousands of homes were ruined. The virtual shutdown of business activity in the country's large cities inflicted serious financial damage to an already overburdened economy. The red-alert status of the Israeli Defense Forces, which included 24-hour Air Force flights, constituted another major drain on the country's financial resources. But of course, while all of these costs in treasure were significant, it is impossible to put a price on the Israeli blood that was shed during a war that they valiantly chose not to enter. I am convinced that if Israel had not shown such admirable restraint, the coalition might have fractured and it would have been much more difficult to achieve such a dramatic and decisive victory over Iraq in the war.

As much as I respect the author of this amendment, I must say that it is a perfectly dreadful proposal. This is a very bad idea for two reasons. First, because Israel desperately needs this money to help make up for what was lost in the war. But second, this proposal comes at the very moment when we are asking Israel to make compromises and concessions in the effort to get a resolution of the conflict between Israel and the Arabs. I don't see how the United States can credibly ask Israel to take steps which some Israelis believe might jeopardize their security and at the same time pull the plug on an emergency appropriation of funds. The adoption of this amendment would enormously complicate our efforts to move toward a just and lasting peace in the region.

If I could, Mr. Chairman, I would like to conclude with a personal observation. While in Israel, I was present for four Scud attacks. During one of them I was awakened at 4:30 in the morning in the King David Hotel in Jerusalem. I proceeded to the sealed room in the hotel, put on my gas mask, and sat there for several hours together with a number of others, including elderly people and a baby in a plastic-enclosed crib. It struck me then, as it does now, that it is a moral obscenity that the people of Israel, of all people, must be forced to sit in darkened rooms worried about a gas attack. That the people who lost 6 million of their own in our lifetime—many to gas—should endure such a trauma at the hands of Saddam Hussein is almost inconceivable.

This emergency appropriation will help Israel recover from the damage inflicted during the war. Removing these funds with this amendment, however, may deprive Israel of what it really needs—the opportunity to finally live in peace.

So, Mr. Chairman, I want to thank the gentleman from Mississippi for yielding, and I want to indicate my strong opposition to this amendment.

Mr. WHITTEN. Mr. Chairman, I close with this observation:

Our troops have not been brought home as yet. This area is in turmoil. We better not do anything to stir it up further.

Mrs. BOXER. Mr. Chairman, Israel deserves support for injuries suffered during the Persian Gulf war.

Her restraint under incredible pressure was truly remarkable; her people were brave and innocent.

Saddam Hussein's cynical attempt to bring Israel into the war failed miserably because Israel understood how important it was to remain outside the conflict.

Peace is a noble goal and let us work for a just and lasting peace for Israel and the entire region.

Ms. DELAURO. Mr. Chairman, less than 24 hours ago we sat in this Chamber and applauded the American people, our troops and ourselves for the magnificant job we did in winning the war against Iraq.

And we had a right to be proud.

We pulled together, we worked together, we supported each other, and we supported our friends in need.

Israel is one of those friends. Israel is one of our closest allies and was a frontline state in a war it did not start and in a war it did not enter.

Most of us sat by our television screens and watched as Scud after Scud slammed into Israel's cities. We watched as children were forced to put on gas masks, as infants were sealed in gas proof tents, and as the elderly were made homeless.

And we also watched as Israel's leaders anguished, daily, over whether or not to retaliate to unprovoked attacks on civilian neighborhoods.

Israel trusted us during this crisis to guard its safety. She was prepared to defend herself, but we persuaded her not to retaliate not to risk breaking up the coalition. We sent Patriot missiles to protect Israel and that no doubt saved many lives. But lives were lost, injuries were caused, and damage was done.

The Israeli public was for a policy of restraint, confident that our promises to them would be kept. They were against retaliating for the missile attacks, foregoing a policy Israel has always—without fail—used to guarantee its security, because we asked them not to.

Can we say now that their very real sacrifices, their living in constant fear of the crash of Scuds, is not worth us helping them recover from this war?

Israel has been asked to make very real sacrifices and we have a very real responsibility to help her recover from her losses.

Mr. KYL. Mr. Chairman, I rise in strong opposition to the pending amendment which seeks to eliminate $650 million in aid for Israel.

The gulf crisis took a toll on Israel. It deprived Israel of tourist dollars and required it to maintain a high state of military readiness. Further, and most importantly, Israel, in not responding to Iraqi Scud attacks, demonstrated unprecedented restraint in this conflict and sacrificed many of its immediate security concerns for the sake of the allied position.

For these reasons, I support the provision of additional aid to Israel. I also extend to the Israeli people my admiration for their bravery and fortitude during the Persian Gulf crisis.

Mr. SWETT. Mr. Chairman, I strongly oppose the Valentine amendment to eliminate the $650 million in aid to Israel as provided in H.R. 1281.

Israel is our strongest ally in the Middle East. It is the only true democracy in a sea of totalitarian dictatorships. It is the only country in the region that has a free press. It is the only country in the region with an independent judiciary. While we welcome the new efforts at cooperation between the United States and Arab countries in the Middle East, we must not lose sight of the fact that Israel has been our only consistent democratic ally in that region for over four decades.

It is important for us to remember how much the people of Israel have suffered during the war. Although not a member of the coalition against Iraq, Israel was directly attacked with 39 Iraqi Scud missiles, which resulted in numerous injuries and even the loss of life and created an atmosphere of terror among Israeli citizens. The property damage from these unprovoked attacks has been horrendous—over 8,000 homes and apartments have been damaged or destroyed, leaving some 1,700 Israeli families homeless.

Israel has also incurred tremendous additional financial burdens because of this war. Military and civil defense expenditures have risen to cover costs associated with the necessary heightened state of readiness. The entire economy of Israel has suffered because of the loss of economic output, the rise in energy prices, and the cost of rebuilding communities and the infrastructure.

Throughout this nightmare, Israel has displayed remarkable restraint. At the urging of the United States, Israel did not respond to Iraq's vicious attacks against its civilian population. Israel has been a true friend.

Now it is time for us to show our gratitude. I strongly urge my colleagues to defeat this amendment and to authorize for Israel the $650 million requested by President Bush and supported unanimously by the Appropriations Committee. It is small help for the great debt our country owes to Israel.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VALENTINE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 24, noes 397, not voting 12, as follows:

[Roll No. 30]

AYES—24

Armey
Bryant
Combest
DeLay
Dymally
Gradison
Hancock
Hansen
Hayes (IL)
Hubbard
Kleczka
Perkins
Petri
Roberts
Savage
Sensenbrenner
Stenholm
Stump
Taylor (MS)
Traficant
Valentine
Walker
Washington
Williams

NOES—397

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews (ME)
Donnelly
Goodling
Hunter
Kolter
Levine (CA)
Madigan
McDermott
Miller (OH)
Sangmeister
Udall
Wilson

☐ 1354

Mr. GONZALEZ and Mr. RINALDO changed their vote from "aye" to "no."

Mr. PERKINS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I ask to have entered into the RECORD a statement explaining the fact that I inadvertently missed rollcall No. 30, and I would have voted "no." I ask that this be entered into the RECORD after the rollcall vote.

PERSONAL EXPLANATION

Mr. ANDREWS of Maine. Mr. Speaker, during rollcall vote No. 30 on the Valentine amendment on H.R. 1281 I was unavoidably detained. Had I been present I would have voted "no."

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 7, line 11, strike "$650,000,000" and insert "$400,000,000".

Mr. TRAFICANT. Mr. Chairman, the previous amendment offered by the gentleman from North Carolina [Mr. VALENTINE] would have struck all the money in the dire supplemental for Israel. Let me say that again: The previous amendment would have struck all of the money in the account for Israel, some $650 million. I think every Member in the House knew that that had absolutely no shot.

Now, while maybe someone might pay some attention, I think that is exactly what is wrong with the country. We are willing not to really pay much attention to matters like this. We are just willing to go ahead and put in our little card, that real expensive credit card, because you do not want any complications from this vote.

□ 1400

Nobody in politics wants any complications. But I think if this vote was cast on a secret ballot it would have a real good shot.

But here is why I am bringing the amendment. I did not bring an amendment to cut it all because I believe Israel is a friend and they took some undue punishment and hardship, and they showed restraint, and America appreciates that restraint. It converted into saving the lives of many of our young people, and we can be proud of that.

But what I do want to address, Mr. Chairman, is that my amendment leaves $400 million in this dire supplemental that really is outside of our budget that was passed at the end of the last session, and has come in here under the guise of emergency spending. My amendment still leaves in that appropriation account $400 million.

Let me say this, it was not just Uncle Sam that took on the cause of freedom. There was an allied force, and that allied force should be subject to some of the costs instrumental to this Operation Desert Storm.

In addition, ladies and gentlemen of the Congress, if it is prudent to hold Iraq accountable for reparations to Kuwait and Saudi Arabia, why is it that our Government should not be a part of a U.N. resolution holding Iraq accountable for damages perpetrated against Israel, but it is coming up under a dire emergency basis?

For those of us who are tired of hearing it, I would like to place it on the record. We had 727,000 individual bankruptcies in America last year, the biggest year for such a record in America's history. Last year we had a record corporation bankruptcies. We have a higher infant mortality rate in Cleveland than in Ethiopia.

That is what I think the problem is with the Congress. We find ways to spend money everywhere where there is some steam behind it.

The word is that Israel wants $10 billion. They asked for $1 billion and the President said $400 million originally, concerned that that account might be as high as $1 billion, and the administration did request $650 million. I think it is prudent for the Congress in looking at this matter and understanding the problems that we face in our own country to reduce that appropriated account by $250 million, which still leaves $400 million for Israel.

Let me say one last thing, ladies and gentlemen. I have had a lot of Members come up to me and say, "You're not going to ask for a vote, are you, because I would really like to vote for it? Don't ask for a vote."

I have several amendments after this and I will be asking for a vote on this issue.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take very long. Let me simply make two points.

We are voting on this issue today, we are voting to provide this money because the President of the United States has concluded that it is necessary to do so. If he had not done so, I would not be supporting the appropriation of the money.

This country made a decision. It decided to go to war. It now has an obligation to pay the cost associated with that war and this is one of those costs.

Right now as we talk, Secretary Baker is preparing to go to the Middle East to discuss the future of that region with a lot of countries, including Israel. Israel needs to know, as does every other country in the region, that Secretary Baker speaks not just for the administration but for the entire Government. Every country in that region needs to know that if the administration supports funding they will get it, and if the administration does not support funding they will not get it. If they do not have that understanding, the administration will not have the leverage necessary to try to bring peace in the Middle East.

So it seems to me it is important for us to stick together and pay for this cost today.

I would make one additional point. For Members who feel as I do that we do not owe any country in the region anything at this point, that contrary to that they owe us, and owe us quite a bit—for those who feel that way and want to draw a line and say: No More, let me suggest that this is the wrong place to do that. Let me tell you where I think you ought to start.

Mr. Chairman, this is the last of the cleanup costs which we are expected to pay, on the first round, to deal with the immediate costs of the war. Our subcommittee held hearings last week on what ought to happen next in the region. Every single witness, all 10 of them, regardless of their political or philosophical view, made the point that we needed to start in our future dealings with the region with arms limitations and in fact arms denial. And they traced the history of arms sales to the region, arms deliveries to the region, and they made the case that if we want tomorrow to be different than yesterday in the Middle East that we have to have a policy of arms denial.

If you really want to be constructive, if you want to see to it that the sacrifices made by Americans were not in vain in that region, then you need to use your personal influence to help bring about arms limitation in the region. And I would suggest, frankly, that we ought to start with Egypt. Members will remember just a few months ago the administration asked Congress to approve—and they pushed through the Congress—a proposal to provide debt relief for Egypt. The administration then proceeded to forgive Egypt's remaining military debts to the United States.

But we are now in the process of beginning to put each of those countries right back into the debt hole, because the administration is sending down to us a request that we approve a large number of F-16's for sale to Egypt. The fact is Egypt does not have the money to pay for those airplanes. We are going to have to appropriate money to Egypt before they can repay us for those airplanes.

□ 1410

If this new sale is approved, and I expect it will be, if this new sale is approved, it will mean that we will be locked in for 5 years in terms of our inability to reduce what we provide to Egypt, because they will need that much money to pay us back.

We will see numerous requests from countries in the region, Israel, Egypt, Saudi Arabia, you name it, for arms sales and foreign aid to facilitate arms deliveries to the region.

If you want to be constructive in contrast to this amendment today, if you want to be constructive, that is where you will draw the line. You will insist that the administration has a plan to deal with the region in a way that prevents tomorrow from being like yesterday. You will use your influence to see to it that we start with arms limitation in the region.

The money in this bill today does not provide any military aid to Israel. It simply helps to reimburse them for the cost that they incurred in enduring the Scud attacks and in remaining at a constant state of readiness. That is a legitimate cost.

I would suggest you draw the line here, support the President in this request today, and then ask for a higher standard of performance from every country in the region before we provide any additional funding.

I would urge that we vote down the amendment.

Mr. VALENTINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment, and I do not intend to take but a fraction of the time if the Members will listen to me.

I have no desire to assume, as we say, to flog a dead mule. I do not expect this vote to be that much different from the one that has preceded it.

Mr. Chairman, I would simply say to my brothers and sisters here that the House and the Senate, the other body, and the President will have to come to grips sooner or later, and I believe sooner, with the absurd situation, the ridiculous condition of giving away overseas millions and billions of dollars that we do not have.

If Members want to look around and think of something that causes this institution to rank somewhere down close to, and, well, I will not name anybody, but way down the line in institutions that have the respect of the American people, it is because that the Congress year after year closes its eyes and its ears to the attitudes of the American people on the question of foreign aid.

I respect and admire that state of Israel. I do not want to do anything here that would cause them any difficulty, but the State of Israel needs to come to a time when it can stand alone.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will repeat what I said awhile ago. Traditional foreign aid is open to real question. Traditional foreign aid involves our serious trade problems.

If we did something about the profits of those who export and the profits of those who receive, we could handle it and get more support for foreign aid, but involved here is a different issue.

This whole area of the Middle East is in turmoil—tremendous turmoil. The question, as I see it, is: Are we going to support the agreement that has been reached by the executive branch? Right now we have got all sorts of potential troubles over there that could spread.

I still do not see how, if one studies history, the Secretary of State and others were able to bring together so many folks with thousands of years of differences, religious and otherwise, but they did.

I think, by all means, we need to go along with this agreement at this time. Traditional foreign aid is a different thing. This agreement is not that type of situation.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not repeat the speech that I gave a few minutes ago, but I just want to say to my colleagues that the issue that is before us in the Traficant amendment is the same issue that we just disposed of in the Valentine amendment.

This is not an issue of just giving money away for foreign aid. I have repeatedly sought to cut foreign aid on this floor, but this is an issue that really goes to the heart of our national security and of maintaining peace in the Middle East.

It would be a very, very serious mistake to vote for this amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think it ought to be pointed out that in the last 5 years the foreign aid budget for the United States has been cut by approximately 30 percent under our committee, and in the last 4 years we have moved $6 billion in administration requests for foreign aid out of foreign aid into domestic budgets for education, health, rural development, and other items here at home.

Mr. EDWARDS of Oklahoma. Mr. Chairman, the gentleman is absolutely correct, and that is why for those people who really want to bash foreign aid, they are going to get many, many chances to do it, but this is not the place. This really hurts American security, and I urge my colleagues to vote no.

Mr. SAVAGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to raise some questions about some strange logic that I just heard spotted on this floor. It was said that we need to support the administration so that when it pledges funds or does not pledge funds, his word will be accepted in the Middle East.

Since when should Democrats abdicate their right to differ with the President?

Second, when it was suggested that we need arms limitation, and I agree with that, but it was also said that we should start with Egypt. Strange. Why Egypt? Why not start with Israel?

We give Israel $1.8 billion a year for military assistance. That is more than we give anywhere else in the world combined. So why not start where we put the money? We give $1.8 billion, as we did last year, to Israel, and the year before, and if we want an arms limitation, start there. Let us start banning the arms. After all, the most armed nation in the Middle East is Israel. The only one suspected of having nuclear capacity for arms is Israel.

It was said that we cut foreign aid 30 percent. Well, why not tell the whole story? We did not cut Israel one dime. We gave Israel $3 billion of the $14 billion that we give in foreign aid all over the world, and as I said, $1.8 billion of that $3 billion was military assistance.

More than that, the best way to cut foreign aid, and I can tell you how you can have some reduction in arms, if you do not give Israel this $650 million and they take it out of the $1.8 billion that we gave them for military aid, they would have the $650 million they need to repair the damages and would reduce arms at the same time.

So if you want to reduce foreign aid, if you want to limit arms, do not give them an extra $650 million. Tell them to take it out of the $1.8 billion that we already gave them.

Mr. Chairman, I say this in conclusion: This amendment is not even suggesting that we take it all. This is just saying that we cut it back to a level that the President even considers acceptable to $400 million.

After all, a few months ago in addition to the $3 billion, we also gave a $400 million housing loan guarantee on the presumption or the implied agreement, or perhaps an actual agreement, from Israel that it would not use this money to build housing in the occupied territories, the West Bank, and the Gaza strip. Yet, that promise has not been kept.

One of the reasons for the problems in the Middle East is the lack of credibility of our Nation's foreign policy, because it has not been evenhanded.

□ 1420

We must not tie our foreign policy completely to every request from Israel or any other nation. We need to think what is best, and what is the need in our country.

I can tell Members, rather than $650 million to go to Israel, we need that in the State of Illinois and the city of Chicago, and the Second Congressional District. Let Members start at home with our generosity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was rejected.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 7, line 11, strike "$650,000,000" and insert "$600,000,000."

Mr. TRAFICANT. Mr. Chairman, this would cut $50 million and leave $600 million in an account for a nation that is technically in chapter 11, and we are presiding as trustees over it.

I do not know if we can even get a recorded vote because no Member wants to put their little ticket here, their little credit card on this issue. Therefore, I probably will not be able to get a vote, and I did not hassle Members, but I am dramatizing the point. If we took as much time as a bulldog to tenaciously look after the interests of America as we do Israel, we would be a hell of a lot stronger today.

I have gone through it. I have nothing against the State of Israel. But please tell me, we had a conservative Republican President that asked for $600 million for housing in this dire supplemental, and we did not give them a dime. However, Members, we had, in fact, a bill brought to the floor that found $650 million for Israel.

Now listen: Israel is in better shape today than they were a year ago. Their major threat has been dismantled. Now, we tried to cut this account.

There is an amendment coming on this floor that will ask for some money for housing. Where the hell are we going to get it? Are we to imply from the basis of our actions here today that we are more willing to make sure that the housing in Israel is absolutely up to date, and the housing for poor people in America is not as important?

I keep listening to this rap about "This isn't the time." I agree with Members, I agree with Members on foreign aid and some points, but this is not the time. Let me tell Members, there is no time in this House because there is not enough guts to face the issue, because every Member is more worried about reelection than they are running this damn country.

Now, I certainly do not get a whole lot of money, and I don't expect to get any, but this amendment would cut $50 million. I would leave $600 million, and I would like for Members to give me a vote when it is over.

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Illinois.

Mr. SAVAGE. Mr. Chairman, I was only going to ask my dear colleague, and I think the gentleman just answered my question, but let me ask it anyway so that he can repeat his answer. Does the gentleman think the American people should know where Members of Congress stand on this issue; and does the gentleman plan to ask for a recorded vote in this matter at this point?

Mr. TRAFICANT. Reclaiming my time, Members of Congress want to get away with a voice vote so they do not have to face this issue.

Mr. SAVAGE. But will the gentleman ask for a recorded vote?

Mr. TRAFICANT. I will ask for a recorded vote on this particular bill.

I will say this: The allies were a part of this. Uncle Sam seems to be the one carrying the tab again. There is nothing wrong with this.

If the Committee on Appropriations could conjure up a program and promulgate a policy to let Iraq come up with some money, and let Iraq make these reparations. Dammit, they illegally attacked Israel. They should be held accountable for that.

Second of all, what about the United Nations and all the other countries? This would leave $600 million in addition to $3.1 billion last year, another $400 million, $3.1 billion coming in about 3 months, and they are going to be asking for $10 billion. Meanwhile, New York and Philadelphia are under threat of maybe bankruptcy. Chicago, Los Angeles and my town, hell, a person in my hometown cannot even buy rustproof paint. I want someone on the Committee on Appropriations to find some money for America this year. Everything else seems to be nongermane.

I would like a vote. I would appreciate if Members would at least give me the courtesy of a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 7, line 11, strike "$650,000,000" and insert "$637,000,000."

Mr. TRAFICANT. Mr. Chairman, this amendment would leave $637 million in the account for Israel, and it would cut $13 million of that account, leaving 98 percent of the account in there.

The reason I bring it up is basically one reason: When we have an issue that is dealing basically with a foreign account, and the Congress becomes so impassive, it does bring cause perhaps to question that.

In a Washington Post article it was reported that the American-Israeli Public Affairs Committee told Members of the other body that if they tampered with the amount of money that they wanted, they would not support their campaigns. Now listen to this: We have a lobby representing the interests of a foreign nation that told the upper body in the U.S. Congress that if they tampered at all with this aid, or questioned it, they would cut back on their political contributions.

Are we that afraid of this issue? Any wonder why we have $4.1 trillion debt, and we keep hearing about the small comparison, the GNP? Members, remember what we did. We took $3 billion in revenue sharing funds, that my cities and my hometown were paying for police protection and fire protection, and in the gentleman from Ohio [Mr. APPLEGATE's] community as well, in Chicago, Philadelphia, Los Angeles, but Members know what was said, that $3 billion was too much. Three billion was just too much, that we had to stop that, although it was returning American taxpayers' dollars to the cities where it originated, and the counties where it originated, who were getting their butts tore up.

Now, Members come to the floor, cut $13 million, and just $13 million of that might go toward a homeless program. Just $13 million.

□ 1430

Israel would still get 98 percent, $637 million, after $3.5 billion last year and $3.1 billion in the cooker.

It says to me that anybody or anyone can reach in and influence the potential outcome of a vote in the Congress, that makes me question my national security more than any damn Scud missile, knowing that you probably will not even get a vote on this, but this would be more embarrassing if you went home with this one, if you voted no to this cut, what an embarrassment that would be.

So I am going to come before the Appropriations Committee, Mr. Chairman. I do not know about anybody else, but I want help for my district that has been bombed by economic policies for 20 years, and I keep getting the runaround; so I am asking the committee nice, and I would like some Members in the House who feel this way to maybe join forces so that we could get something for our own communities.

Mr. RAVENEL. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from South Carolina.

Mr. RAVENEL. Mr. Chairman, I say to the gentleman, now, sir, we had a vote and the vote was pretty lopsided. The gentleman saw me stand and give the gentleman a vote.

Mr. TRAFICANT. I appreciate it.

Mr. RAVENEL. Because I would vote against the gentleman, that is why I wanted the vote.

The gentleman and I are friends, we are old buddies and we get along fine. We disagree on a lot of things, but we are friends.

But does the gentleman not think that given the lopsidedness of the original vote, does the gentleman not think that maybe the American people through their Congress, 435 of us, or whoever is left here, it must be pretty close to that, that they want to give the State of Israel $650 million?

Mr. TRAFICANT. Reclaiming my time, I believe the American people may have supported the Congress when all $650 million was being stricken, but when a measure comes before this House that might leave $50 million or just $13 million for some housing, I think the American people would vote yes on this amendment overwhelmingly.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. TRAFICANT was allowed to proceed for 3 additional minutes.)

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from South Carolina.

Mr. RAVENEL. Mr. Chairman, the gentleman probably got a letter from our former colleague, Mr. Kemp, asking us to support an amendment for additional housing, which I fully intend to support; so I mean, should not this relatively small amount of money for the State of Israel to help them defray the damages that they suffered, the actual damages they suffered, is not this kind of a salute to them from the American people for exercising the great restraint that they exercised? I think that is a small amount of money, and I think the gentleman ought to kind of take a look at the vote that was cast as an indication of what the American people through their Congress want.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, I will say the only area where I disagree, and I think the gentleman from South Carolina is a great gentleman and I respect the gentleman, but no, I cannot reconcile many of the votes in here with the American people, to be quite honest. I think there are a lot of votes that the American people would cast differently, personally.

Let me say this. I support the amendments of the gentleman from Arizona [Mr. KOLBE] and the gentleman from Virginia [Mr. MORAN].

I am glad to see that the Secretary has tried at least to get some money in this bill for some housing, and hopefully the Congress will vote for that amendment to provide some housing for areas like ours who have been devasted and need a little bit of help.

In closing, Mr. Chairman, to the Members of the body, I think we have got to be loyal to but one master, and when any lobby can start taking names and license plate numbers, it is not a good sign for Old Glory.

What I am talking about now is not money. I am talking about the fibers of our freedom which made America what it really is.

This is no big drama speech. I do not make them.

We have got to keep our eyes on the prize and that is America. I think we get taken off the prize a little bit around here, and I think one of the areas we do is when it develops around Israel, and that is a shame, because I think aid pacts are going to end up hurting Israel, and the American people are getting fed up and I am fed up.

Ms. MOLINARI. Mr. Chairman, I rise today in opposition to the amendments to strike the funding to Israel.

There is a price we pay as Americans for being the world's premier democracy. We have paid heavy prices in wars passed around the world throughout our history. Our men and women have traveled across the globe to fight for what is right and just. And today the idea of democracy stands as strong as it ever has.

One thing I think many Members in this body may be taking for granted is that we are surrounded by water on two sides, and friendly allies on two other sides. Our borders are secure. We are in an ideal location to promote the ideals of democracy.

Now take a look at Israel. Like us they have fought to preserve democracy and their right to exist. There is a slight difference. They are surrounded by nations that have been in a constant state of war with them for over 40 years. Do we not have an interest, even an obligation to support our only democractic ally in the very crucial region of the Mideast.

Another comment I heard today was with regard to the front lines, and who was on them. When dozens and dozens of deadly Scud missiles come crashing into your neighborhood on a nightly basis, certainly I think that can be considered the front lines. And for Israel to hold back and restrain from striking back at Iraq, because we asked them to, that took a strength and resolve that not many nations could muster.

The fact that the nations of Syria and Jordan are receiving $2½ billion in aid for their involvement in Desert Storm I think only should strengthen our resolve in assisting our ally Israel.

I agree with Mr. TRAFICANT that Iraq should pay for damage done to Israel. But until that time comes it is in our best national interest to help out our friends in Israel as they once again try to pay the price for living on the front lines in a war zone.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SAVAGE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and three Members are present, a quorum.

The pending business is the demand of the gentleman from Illinois [Mr. SAVAGE] for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER V

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For an additional amount for "Capitol Police Board, Salaries", to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $6,164,000, of which $3,130,000 is appropriated to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $3,034,000 is appropriated to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate.

GENERAL EXPENSES

For an additional amount for "Capitol Police Board, General expenses", to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $978,000, to be disbursed by the Clerk of the House.

CHAPTER VI

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

The fiscal year 1991 obligation limitation on non-administrative and capital programs, as set forth in Public Law 101-516, is increased by $60,000,000 to meet the unexpectedly high traffic from disruptions in world markets caused by the Middle East crisis.

CHAPTER VII

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $2,028,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $4,906,000.

CHAPTER VIII

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" to provide for unbudgeted medical expenses resulting from Operation Desert Shield/Operation Desert Storm, $46,000,000.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses" to provide for unbudgeted Veterans Benefits Administration costs associated with Operation Desert Shield/Operation Desert Storm, $12,000,000.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", $1,000,000, to be derived by transfer from Periodic Censuses and Programs.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $9,600,000 are rescinded.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", $1,500,000, to remain available until expended.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(BY TRANSFER)

For an additional amount for "Salaries and expenses, General Legal Activities", $3,180,000, to be derived by transfer from Federal Prison System, Salaries and Expenses.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

(BY TRANSFER)

For an additional amount for "Salaries and expenses, United States Attorneys", $1,903,000, to be derived by transfer from Salaries and Expenses, General Legal Activities.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(BY TRANSFER)

For an additional amount for "Salaries and expenses, United States Marshals Service", $1,025,000, to be derived by transfer from Federal Prison System, Salaries and Expenses.

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", $9,203,000.

DEPARTMENT OF JUSTICE—GENERAL PROVISIONS

SEC. 101. Section 524(c)(9) of title 28, United States Code, is amended by adding the following new subsection:

"(E) Subject to the notification procedures contained in section 606 of Public Law 101-515, any unobligated balances in excess of $15,000,000 remaining in the Fund on September 30, 1991, and on September 30, 1992, may be transferred by the Attorney General, to remain available until expended, as follows—

"(i) the first $25,000,000 of such unobligated balances to the Office of Justice Programs for grants authorized by section 515(a)(1) of chapter B of subpart 2 of part E of title I of the Omnibus Crime and Safe Streets Act of 1968, as amended (42 U.S.C. 3760 et seq.), and

"(ii) such sums as are available to the Salaries and Expenses appropriations of the Drug Enforcement Administration and the Federal Bureau of Investigation to enhance training and to procure vehicles and equipment.".

SEC. 102. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1991 or any prior fiscal year shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness pursuant to a writ of habeas corpus ad testificandum in a court of the United States, as defined in paragraph (a)(2) of section 1821, 28 United States Code: *Provided*, That the one exception to the preceding prohibition is the fact witness fee decided in United States Supreme Court case No. 89-5916, Richard Demarest, Petitioner v. James Manspeaker et al. on January 8, 1991.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Funds made available under this heading in Public Law 101-515 shall be available to procure special purpose motor vehicles without regard to any price limitation established by law.

INTERNATIONAL COMMISSIONS

INTERNATIONAL FISHERIES COMMISSIONS

For an additional amount for "International fisheries commissions", $100,000, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. MILLER of California) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1440

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991

The CHAIRMAN. The committee resumed its sitting.

The Clerk will read.

The Clerk read as follows:

THE JUDICIARY

SUPREME COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $54,000.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $51,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $36,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $69,520,000, of which $48,520,000 shall remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $5,600,000, to remain available until expended.

COURT SECURITY

For an additional amount for "Court security", $530,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,450,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,633,000.

Related agencies

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For an additional amount for "Grants and expenses", as authorized by 22 U.S.C. 2877, $8,000,000 to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation", $1,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000. In addition, any offsetting receipts deposited into the general fund of the Treasury under section 6(b) of the Securities Act of 1933 between October 1, 1990, and the November 5, 1990, enactment date of Public Law 101-515 shall be recorded as an offsetting collection and be available for obligation and expenditure by the Securities and Exchange Commission in accordance with the provisions governing the obligation and expenditure of offsetting collections under the above heading in Public Law 101-515.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", $1,500,000, to be derived by transfer from the Disaster Loan Fund.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $110,400,000.

AMENDMENTS OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Chairman, I offer several amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. MYERS of Indiana: On page 17 of the bill:

On line 12, strike "$110,400,000" and insert in lieu thereof "$95,220,000";

On line 15, strike "$240,600,000" and insert in lieu thereof "$173,880,000";

On line 18, strike "$4,200,000" and insert in lieu thereof "$4,000,000";

On line 21, strike "$114,800,000" and insert in lieu thereof "$76,400,000".

On page 22 of the bill:

On line 4, strike "$482,500,000" and insert in lieu thereof "$603,000,000".

Mr. MYERS. of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana that the amendments be considered en bloc?

Mr. SKAGGS. Mr. Chairman, reserving the right to object, and I do not intend to object, I want to inquire of the maker of the motion with regard to the amendments that would be offered en bloc. If I may inquire of the distinguished ranking member of the Subcommittee on Energy and Water, the gentleman from Indiana [Mr. MYERS], and I believe I am prepared to support his amendment, I want to be certain about the effect of the amendments. It is my understanding this amendment would provide some $263 million for the Rocky Flats plant, an increase of $120.5 million over the committee's recommendation and a reduction of $20 million from the administration's request of $283 million. The $263 million would be provided for the Rocky Flats plant for the purpose of performing essential weapons programs and production support, environment, safety and health, safeguards and security, plant engineering, utilities and maintenance, and management and administration activities in fiscal year 1991 and 1992.

I further understand that these funds would provide for activities to be performed in preparation for resumption of operations in buildings 559 and 707 and for those limited operations in other buildings, including building 771, specifically needed in support of activities in buildings 559 and 707. These funds also provide for essential activities, such as plant-wide health and safety activities and removal of plutonium from ducts, that need to be undertaken in other buildings whether or not operations in those buildings resume.

By not providing the $20 million that the administration had requested, the amendment would not be providing any additional funds for activities in buildings 776, 777, 779, and 371, other than, first, essential activities that needs to be undertaken whether or not production operations in those buildings are to resume, and, second, activities essential to support preparation of resumption of activities in buildings 559 to 707. The reason for this decision is to allow the committee and the Congress to review, during their deliberations of the fiscal year 1992 appropriations bill, the need for resumption of production activities in buildings other than 559 and 707.

I would like to inquire of Mr. MYERS if this is his understanding as well.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Colorado has provided a colloquy, and it is my understanding that what he has provided here is essentially what the committee is attempting to do, to keep work going on there. It is very vital to the gentleman's area. We all realize it is in his congressional district, and this committee has always made every attempt to help a Member in his district and to abide by those rules. However, this is a national facility which is 40 years old. Much of the problem was created long before the gentleman ever came to Congress. So I think we can have agreement with what the gentleman is discussing here.

Mr. SKAGGS. Continuing my reservation of objection, and I certainly want to express my appreciation to the gentleman for his willingness to reach an understanding about this matter; I wonder if I might also yield to the distinguished gentleman from Alabama [Mr. BEVILL], the chairman of our subcommittee, as to the chairman's understanding as well.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, I move to strike the last word. I agree with the statements that have been made by each of these gentlemen.

Mr. SKAGGS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana that the amendments be considered en bloc?

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I further ask unanimous consent that the question not be subject to a division.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I think it is unnecessary to debate this any further. We have discussed this on several occasions. I think the membership is well aware that there has been an ongoing problem for a long time. The Department of Energy is trying to do some work there that is absolutely essential. So I think everyone fully understands it. It is a matter of taking money that the committee did give to the Defense Committee and reappropriate it for this purpose. I think it does not need any further debate. I urge all Members to support this amendment.

The letter referred to follows:

THE SECRETARY OF ENERGY,
Washington, DC, March 4, 1991.

Hon. JOHN T. MYERS,
Ranking Minority Member, Subcommittee on Energy and Water Development, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MYERS: I am writing to express my deep concern with the action taken by the Subcommittee on Energy and Water Development, Committee on Appropriations, House of Representatives, to reduce the supplemental appropriation we had requested for resumption of safe operations at the Rocky Flats Plant.

Specifically, after careful deliberation by the Administration on possible sources of funds in light of the Deficit Reduction Act, the President requested a supplemental appropriation of $283 million to provide for efforts to address nuclear safety issues and facility safety and health upgrades for buildings necessary to resume plutonium pit fabrication at the Rocky Flats Plant. The action by the House Appropriations Subcommittee, taken on February 28, 1991, reduces the requested funding level by $140.5 million to a recommended level of $142.5 million. Without the restoration of these monies, it will not be possible to bring Rocky Flats into compliance with Federal, State, and local laws and regulations in a timely manner. Further, without the restoration of these dollars, we will not be able to meet nuclear weapons stockpile requirements in Fiscal Year 1992. Some may argue that we can await action on the Fiscal Year 1992 budget for restoration of these dollars. I do not agree. A deficit reduction precedent stemming from last year's budget agreement makes it highly unlikely that additional funds will be able to be dedicated for the necessary Rocky Flats safety upgrades and production mission.

This reduction in requested funding will require the Department of Energy to severely curtail operations later this year and result in substantial layoffs of personnel at the Rocky Flats Plant (estimated at about 2,000 people), inability to produce plutonium components for nuclear weapons in FY 1992, and failure to meet the President's requirements for delivery of nuclear weapons to the Department of Defense. This curtailment is also likely to prevent our meeting nuclear weapons requirements in FY 1993 and beyond as well.

I should point out that the Rocky Flats Plant is the only production facility available which will enable us to meet these weapons requirements. I need to emphasize that the long neglect of this plant, including the training of personnel, the development of satisfactory safety documentation and procedures, and the upgrading of facilities and necessary plant maintenance, has resulted in this substantial need for funding so that I can be assured of safe and secure operations at Rocky Flats in order to meet the Nation's national security requirements.

Accordingly, because of the national security implications of this potential failure to provide the necessary funding, I request your urgent attention to this matter so that the Department of Energy can move to fulfill its obligations for weapons deliveries while, at the same time, assure the health and safety of our workers and the public and protection of the environment.

I would be most appreciative of your early action on this urgent matter.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

THE WHITE HOUSE,
Washington, March 6, 1991.

Hon. JOSEPH M. MCDADE,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCDADE: The President's supplemental budget request included $283 million for the Department of Energy's facility at Rocky Flats, Colorado. Unfortunately, the House Appropriations Committee reduced this request by $140.5 million.

It is essential that these funds be reinstated and the full $283 million appropriated. Rocky Flats is the only facility which can produce particular components needed to meet our nuclear weapons requirements. Failure to appropriate the full DOE supplemental request will make it impossible for necessary health and safety improvements at Rocky Flats to be completed on schedule, and for the department to meet its important national security obligations.

I appreciate your consideration of this important issue.

Sincerely,

BRENT SCOWCROFT.

THE SECRETARY OF DEFENSE,
Washington, DC, March 7, 1991.

Hon. JOHN T. MYERS,
House Appropriations Committee, Subcommittee on Energy and Water Development, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MYERS: I strongly support funding the Department of Energy FY 1991 Supplemental Appropriation as requested by the President. The $283 million supplemental is urgently needed to ensure that the Rocky Flats Plant can once again produce the plutonium pits necessary for modern, safe nuclear weapons for our nuclear deterrent forces.

Sincerely,

DICK CHENEY.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word and to be heard on the amendment.

I thank the chairman.

As the distinguished gentleman from Indiana has indicated, we have reached agreement on this. But I think it is important to recognize, nonetheless, the fundamental issue involved here. As originally proposed to Congress by the administration, the supplemental request would have set us on course for some decisions about the resumption of production at the Rocky Flats plant that we are, in my opinion, simply not in a position to make yet, particularly with regard to the future of some of the buildings at the plant.

Those are decisions that would ultimately cost this country some hundreds of millions of dollars, and which Congress should examine closely.

By adopting this amendment with the constraints that I've twisted on and which have been agreed to, we basically reserve judgment on those issues until the full committee and subcommittee have had an opportunity to examine them with greater care in the context of the fiscal year 1992 appropriations bill.

The funding that is provided allows us to meet national defense needs. It is quite sufficient to fund activities needed to resume operations in the 559 laboratory building and the 707 fabrication building, needed to resume warhead safety improvements and for production of W88 warheads for Trident II missiles. The funding is also more than sufficient to proceed with safety, health, security, and environmental improvement required plant-wide, regardless of whether operations in some buildings ever resume.

At the same time, the restrictions prevent DOE from starting down the path toward spending hundreds of millions of tax dollars on buildings at the plant that may never again be needed for defense.

Mr. Chairman, it is astonishing to me that some have called these restrictions micromanagement. In fact, the opposite is true. What I've tried to do is reserve for Congress some say in setting policy for the future of Rocky Flats and the nuclear weapons complex; to reserve some say for Congress on basic decisions about defense, health and safety, and environmental needs. That's hardly micromanagement—that's a fundamental congressional responsibility. Given the size of our Federal deficit, it's also wise fiscal management.

Simply opening the Federal wallet and handing over the $283 million that DOE requested would commit us to a course of action at Rocky Flats and elsewhere that could cost the taxpayer many hundreds of millions of dollars. Under DOE's current plans, huge sums could be squandered on facilities at Rocky Flats that DOE's own studies confirm may never be needed or used.

For example, DOE's February 1991 reconfiguration study admits that buildings 771 and 776 at Rocky Flats may never be needed for defense work. At the same time, DOE plans to spend tens of millions of dollars to restart operations at these two buildings alone. That's why the restrictions I've insisted on—and which this amendment adopts—are so vital. They address DOE's costly policy contradictions. Clearly, Congress should not abdicate its vital oversight role here.

We should take a moment to remind ourselves of the consequences when Congress failed to provide adequate oversight of the nuclear weapons complex in the past. The bequest to the Nation from DOE and its predecessor agencies in managing Rocky Flats and other sites is a $150 billion cleanup bill. The awful legacy of most of the last 40 years—when Congress deferred too readily when the words "national security" were incanted, and a curtain of secrecy descended to conceal rampant mismanagement—is a set of facilities that were run into the ground and largely shut down for safety failings. Congress then defaulted too quickly in its responsibility. Now we're paying the bills. We should learn from these multibillion-dollar mistakes, not repeat them.

Even under the current leadership of the very able Secretary of Energy, James Watkins, who has made real improvements in operations at the Department, Congress still has a vital responsibility to oversee and provide guidance on these programs. There are broad policy issues Congress must address—such as how big a nuclear weapons arsenal, and how large a nuclear weapons production complex is needed to deter a rapidly changing Soviet Union. And since the Department continues to suffer from bad management in particular areas, it's vital that Congress review large spending requests very closely.

This spending request for Rocky Flats should be no exception. Hourly and salaried workers at the plant have told me extremely troubling stories of waste associated with restart efforts to date. Last winter and spring, millions of dollars were probably wasted on poor quality safety and training programs and on operations procedures that simply didn't work.

Part of the reason for that waste was that DOE pushed the contractor to rush to restart as quickly as possible. In the end, DOE realized its mistake, called off the rush, and then rebuked the contractor for poor quality control systems. Today, DOE is again asking its contractor at Rocky Flats for an aggressive restart program. Given past wasteful spending, it's clear we shouldn't stop our strict oversight today. And I certainly don't plan to.

During the February 1, 1991, meeting of the Secretary's Advisory Committee on Nuclear Facility Safety, members questioned the need to pump so much money into Rocky Flats restart when other options exist. One member stated, "There is conceivably a much better alternative to spending another half billion or $800 million to keep a facility that is not likely to be as safe as several others that already exist and are operational."

This amendment, while it doesn't do everything I'd like, does offer us a chance to look at these alternatives before we go too far or spend too much. And so I am supporting it.

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Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I will not try to extend this any longer. I agree with the gentleman on the oversight issue. Those of us in Colorado cannot be aggressive enough, I think, in oversight because of the long track record.

Mr. Chairman, I rise in opposition to the Myers amendment which seeks to provide $263 million in supplemental appropriations for the Rocky Flats nuclear weapons plant, 15 miles uphill and upwind from the center of Denver. This money was requested to expedite restart of plutonium processing operations at Rocky Flats; such operations have been halted for nearly a year and a half.

I had a lot of trouble supporting the committee reported level of $142.5 million either. I wanted to oppose any supplemental for Rocky Flats for three reasons:

First, we should not restart the plant. Rocky Flats is a sorry mess. There are pounds of plutonium in the ducts, which the Department of Energy [DOE] hasn't figured how to move. The machinery is old and unsafe. Many of the buildings are firetraps. There is a new contractor, EG&G, which is changing many of the operating procedures: indeed not all of the new procedures have been written. And, the staff has not yet been adequately trained on these new procedures. It is not safe to restart Rocky Flats now or anytime in the next few years, regardless of how much money we throw at it.

Second, we should be forcing DOE to move the plutonium processing activity out of a metropolitan area promptly. The recently released reconfiguration study documented the need to move Rocky Flats. But the final version deleted any reference to a date. It DOE restarts Rocky Flats, any urgency to move will be eliminated. Our first priority should be to move the plutonium processing function out of Rocky Flats.

Third, national security will not be harmed if Rocky Flats is not restarted. Rocky Flats produces plutonium pits, which serve as the triggers for nuclear weapons. These pits don't wear out. We have plenty of nukes which have to be retired, some because of arms control agreements, others because they are obsolete. It would be a simple matter to design new warheads to use old pits. In that way, we could recycle pits, save the taxpayer money, and not restart a terribly dangerous plant. I suppose this is too simple for DOE.

The workers at Rocky Flats are a highly skilled and hard working group. We need them kept on the payroll and trained to decontaminate and decommission the plant. Environmental restoration at Rocky Flats will involve new science and new technology. The talented Rocky Flats work force are who should do that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to commend the gentleman for working out this agreement with the gentleman from Indiana [Mr. MYERS]. I understand his sensitivity. We in the State of Washington have Hanford. We have had our problems in terms of oversight. We share his concern about appropriate cleanup, and we understand the magnitude of the costs.

However, Mr. Chairman, I also would suggest to my good friend, the gentleman from Colorado [Mr. SKAGGS] that he is right in his other comment that there are some very crucial defense and national security programs at stake here, including the triggers and pits required for our Trident submarine warheads, and we are in a situation where we are going to have the submarines built and the body of the missile built, but not have the warheads.

So, trying to work out compromises here, trying to get the plants fixed and safe to operate is really crucially important, and I commend the gentleman from Colorado [Mr. SKAGGS] for the approach that he is taking to this problem.

Mr. SKAGGS. Mr. Chairman, I appreciate the comments of the gentleman from Washington [Mr. DICKS] and, as he knows, we have, I think, preserved the capability to deal particularly with the W-88 Trident program in the approach that is being taken.

Mr. BEVILL. Mr. Chairman, I rise in support of the amendments offered by the gentleman from Indiana [Mr. MYERS].

Mr. Chairman, I rise in support of this amendment.

During deliberations on the fiscal year 1991 supplemental, the subcommittee considered the request from the Department of Energy for $283,000,000 for the resumption of operations at the Rocky Flats plant in Colorado. On the basis of information showing that only a portion of the funds could be fully utilized in fiscal year 1991, the subcommittee provided $142,500,000 for this activity, a decrease of $140,500,000 from the administration's request.

Further discussions with the administration have shown a need for additional funding in fiscal year 1991 to meet the urgent national security needs of the country. A total of $263,000,000 could be used to continue to address nuclear safety issues and facility safety and health upgrades for buildings necessary to resume activities at the Rocky Flats plant.

Based on assurances from the administration that these additional funds are essential to the national security in fiscal year 1991, I am supporting the effort by my good friend from Indiana, JOHN MYERS, to provide this funding.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Indiana [Mr. MYERS].

The amendments were agreed to.

The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $240,600,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $4,200,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $114,800,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $58,000,000 for development of a Patriot Missile Quick Response Program, to remain available until September 30, 1992.

GENERAL PROVISIONS

SEC. 201. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for 1991 shall not apply in the case of flag or general officers serving as practicing physicians.

SEC. 202. Of the funds appropriated for fiscal year 1991 for the account "Aircraft Procurement, Navy", the amount of $987,936,000 provided for the F-14 remanufactured program shall be obligated for the twelve F-14 aircraft not later than thirty days after the enactment of this Act.

SEC. 203. None of the funds available to the Department of Defense may be used for advance procurement of material and other efforts associated with the industrial availability of the U.S.S. Kennedy other than the service life extension program for the U.S.S. Kennedy at the Philadelphia Naval Shipyard.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: on page 18, line 21, strike lines 21 and all that follows through line 2 on page 19 and renumber the sections accordingly.

Mr. BURTON of Indiana. Mr. Chairman, we are all concerned about the deficit which could approach $315 to $350 billion this year, and toward that end this amendment, which I am proposing, will save somewhere between $310 million and $700 million.

Last year I understand the Defense Department asked that the U.S.S. *Kennedy* undergo what is called service life extension program or a complete overhaul of that ship which would cost at that time $810 million. This year they estimate the cost to be $1.2 billion. But the Defense Department, the Department of the Navy, as I understand it, has revised their view of this situation, and they want to have a different kind of overhaul, which is called a regular overhaul, which would cost only $500 million.

Mr. Chairman, I do not understand why the language is in section 203 as it is because what it means, this language, is that we are going to have to have the service life extension overhaul, which is $1.2 billion, when the Navy is only requesting a regular overhaul, which would cost $500 million.

So, the amendment I propose will save $700 million, and I think it is something that everybody in this body ought to embrace.

I do not understand, and maybe the people who support this section of the bill, maybe they can explain why they want to have the service life extension program on the U.S.S. *Kennedy* rather than the regular overhaul, and, if somebody is there that can explain it to me, I would appreciate it.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, when we thought about this particular program, one of the problems is the Navy, in trying to avoid short-term costs, is going to increase long-term costs substantially. For instance, a SLEP will cost around $1 billion. But it will extend the life of the U.S.S. *Kennedy* by 15 years. If you put the normal overhaul into place, you only get 5 years out of it. You would have to have major overhauls every 5 years and the ship could be out of action three times as long.

So, Mr. Chairman, we think it is really not cost effective to save money in the short term in order to get by for a couple years when we would be so much better off doing the complete SLEP up front.

So, what do they do in a SLEP? They completely rework the entire inside of the ship. It is an entirely different procedure for a SLEP versus an overhaul. An overhaul is kind of a temporary thing that takes about 9 or 10 months.

Mr. BURTON of Indiana. Mr. Chairman, I would like to engage the gentleman from Pennsylvania [Mr. MURTHA] in a colloquy.

Mr. Chairman, can the gentleman from Pennsylvania explain to me why the Department of the Navy is only asking for a regular overhaul? They are obviously aware of the same situation he is and the same circumstances.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we run into that problem all the time. In order to get by for a couple of years they ask for less money, and we think that is a mistake in this case. We try not to micromanage their business, but in this case we believe the overhaul will cost substantially more money in the long run and the Navy will get less use out of that ship.

So, we are saying to them, "SLEP this ship, which means the ship systems will last longer, three times as long, the ship will be out of service a lot less time and the ship will be more capable."

We have had a lot of experience in dealing with the Navy, and they come in with short-term budgets, they try to fit as much as they can into that budget. It is more important than ever for us to make sure that we get our money's worth, even if we have to spend a little bit more in the short term.

Mr. BURTON of Indiana. Reclaiming my time, Mr. Chairman, I understand the gentleman's position, but it is in fact micromanaging the issue, and the Navy Department has only requested $500 million for a regular overhaul. The Defense Department is under severe budgetary constraints, as is this whole government, and it seems to me that we ought to try to work with the Navy as much as possible in keeping the defense budget under control while providing for the best possible defense for this Nation, and the Defense Department has asked for $500 million for a regular overhaul, and I submit to my colleagues that we should not try to micromanage to this degree, thus costing us about $700 million more at a time when we can ill afford to do it.

Mr. Chairman, this country this year is going to face at least a $315 billion deficit, and for my colleague, the gentleman from Pennsylvania [Mr. MURTHA], who I am sure has a very great interest in this project, to suggest that we should spend an extra $700 million for a project when the Navy is only requesting less than half that much I think is fiscally irresponsible. So, with all due respect to my colleague, I think that we should cut this section out of the bill and do what the Navy has requested, and that is only spend $500 million for a regular overhaul.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Indiana [Mr. BURTON].

Mr. Chairman, let me just reiterate the position that the committee takes on this particular issue. We believe that in this particular instance that even though the Navy in the short run would avoid a certain cost, not save money, but avoid the cost of the SLEP. In the long run it is going to cost them a lot more money, and it is not only going to cost them a lot more money for the normal overhaul but the ship will be out of action for a longer period of time. We believe it is extremely important for them to spend the money up front and get the maximum use of that money for a one-time SLEP and put this ship back into action as quickly as we can. We do not think it is good, effective cost management to spend less money now, and then down the road have to spend substantially more money.

When they first asked for this SLEP they estimated it would cost $810 million. Now it has gone up, and my colleagues can bet that when they run into an overhaul, sometimes those things are double the cost they expect. So, the best way to do it is to do it right the first time. A SLEP is the right way to do it.

Mr. Chairman, I would urge the Member of this Committee to vote this amendment down.

☐ 1500

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will reduce to 5 minutes the time for a recorded vote, if ordered, after the presence of a quorum is established.

Since the Chair had already announced the absence of a quorum, the first action will be to establish a quorum, and the second vote, reduced to 5 minutes, will be on the question of the gentleman's amendment.

The Chair cannot vacate the announcement of the absence of a quorum even by unanimous consent.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 31]

Abercrombie
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease

Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1521

The CHAIRMAN. Four hundred and eleven Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana [Mr. BURTON] for a recorded vote.

Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 315, not voting 13, as follows:

[Roll No. 32]

AYES—105

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bilirakis
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Combest
Condit
Cooper
Cox (CA)
Crane
Dannemeyer
Dickinson
Dreier
Duncan
Early
Fawell
Fields
Gallegly
Gekas
Gillmor
Gilman
Glickman
Goodling
Goss
Gradison
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Holloway
Hopkins
Hubbard
Hyde
Inhofe
Jacobs
James
Kasich
Kyl
Lagomarsino
Leach
Lewis (FL)
Luken
Marlenee
Martin
Martinez
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (WA)
Morella
Nussle
Oxley
Patterson
Paxon
Petri
Porter
Ramstad
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Schaefer
Sensenbrenner
Sharp
Shaw
Shays
Slattery
Smith (OR)
Spence
Stearns
Stenholm
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Visclosky
Walker
Walsh
Washington
Wylie
Zimmer

NOES—315

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gingrich
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Ireland
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Volkmer
Vucanovich
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff

NOT VOTING—13

Ackerman
Bartlett
Dingell
Donnelly
Levine (CA)
Madigan
Miller (OH)
Murphy
Riggs
Sangmeister
Udall
Weiss
Wilson

□ 1530

Messrs. ENGLISH, SKEEN, and TANNER changed their vote from "aye" to "no."

Mr. BATEMAN, Mr. LEWIS of Florida, and Mrs. ROUKEMA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 204. Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 100–463) for fiscal year 1989 under the heading, "Aircraft Procurement, Navy", $200,000,000 shall be made available to the Department of the Navy and shall be obligated for the V–22 Osprey tilt rotor aircraft program: *Provided*, That notwithstanding any other provision of law, these funds shall remain available until such time as they are expended for the V–22 Osprey tilt rotor program.

(TRANSFER OF FUNDS)

SEC. 205. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period of the appropriation from which transferred: *Provided, further*, That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995";

AOE combat support ship program, $237,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991";

AOE combat support ship program, $77,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993";

AOE combat support ship program, $79,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994";

AOE combat support ship program, $81,000,000.

CHAPTER III
DISTRICT OF COLUMBIA
FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential public safety, health and other municipal services in the face of a severe financial crisis, $100,000,000, to remain available until expended.

Ms. HORN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to enter into a colloquy with the distinguished gentleman from Pennsylvania [Mr. MURTHA], and I appreciate the willingness of the gentleman to discuss this matter with me.

Mr. Chairman, the thousands of sorties flown in Operation Desert Storm have demonstrated the importance of a strong naval air program. This legislation makes available approximately $897 million for the upgrading of 12 Navy F-14A fighters to the D configuration.

The F-14 provided valuable fighter escort for the ground-attack missions performed by our A-6's and A-7's.

Mr. Chairman, the F/A-18 aircraft, built by McDonnell Douglas Corp., made a significant contribution to the Desert Storm victory.

The President's budget request includes funds for upgrading further the F/A-18's capability to perform the ground attack role of the aging A-6. In making funds available for the F-14 in this supplemental, it is my understanding that it is the Congress' intent to upgrade our navy's fighter program. It is also my understanding that this funding does not suggest in any way that the effort to upgrade the F/A-18 will be altered, compromised or assigned to another program, or that funding of the F-14 will prejudice in any way that of the F/A-18.

Is that the understanding of the Chairman?

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. HORN. I am happy to yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, as a matter of fact, we visited the Marine F/A-18 squadrons in Bahrain. Each of the marine pilots had flown about 50 missions, and they had not lost 1 airplane, one of the most modern airplanes in the world and doing an outstanding job in Desert Storm. So we intend to fund it fully at the Navy request. It is a good airplane, and the F-14 funding would not affect it at all.

Ms. HORN. Mr. Chairman, I thank the chairman.

Mr. BLILEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the time. I rise in strong support of the appropriation for the District of Columbia.

Mr. Speaker, I rise in support of the supplemental appropriation for the District of Columbia that is part of the package under consideration here today.

The District of Columbia is facing a budget shortfall of $316 million—a shortfall that threatens the city's ability to provide basic services to the Federal Government and to our 18 million constituents who will visit the city this year. This budget deficit is in no small measure the result of past neglect in city management. However, I firmly believe that the current leadership of the District is taking the appropriate steps to correct the problems of the city.

Mayor Dixon and Chairman Wilson deserve not only the credit for taking responsibility for resolving the city's fiscal problems, but also our support. Mayor Dixon is eliminating two-thirds of the budget deficit through fiscal discipline: the budget cuts which she is implementing include an across-the-board cut of $137 million, elimination of over 2,000 full-time positions, furloughs for school teachers and staff, and rejection of $63 million in pay raises for city employees. The Mayor has also proposed managerial and programatic reform based upon the recommendations of the Rivlin Commission. If the new administration is to succeed in these efforts, it will require the cooperation of the Congress in overcoming the immediate budget crisis.

The District's budget problems have been intensified, in part, by developments that were neither foreseeable nor controllable by the city or its leadership. While I strongly support President Bush and the leadership he provided in Operations Desert Shield and Desert Storm, one result of those operations was an increase of public demonstrations here in the District—demonstrations which required the expenditure of substantial District resources for public safety. Because the District is the Federal City, it frequently bears the financial burden of the exercise of freedom of speech and assembly. It should not be left to bear the cost alone.

In this respect, it should also be noted that the District bears many costs associated with being the seat of the Federal Government. Last night, when the President came to speak in this Chamber, additional costs were passed on to the city. Every time the President, Vice President, and visiting heads of state make a move, there are additional costs to the city. So too, the resolution which I supported and which was passed by this House yesterday disapproving a District Council Act authorizing a building project in excess of Federal height limitations points-up one of the many restraints that the Federal Government imposes on the District's ability to raise revenue.

This supplemental appropriation will in part make up for the failure of the Congress to make any significant increase in the Federal payment to the District since 1985, even though the cost of the services which the District provides to the Federal Government have increased in that time.

Mr. Chairman, I urge my colleagues to vote in favor this appropriation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER IV
DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
GENERAL INVESTIGATIONS

Funds appropriated for "General investigations" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, for the initiation of preconstruction engineering and design for the Los Angeles-Long Beach Harbors, California, project may be used for completion of the feasibility study for that project: *Provided*, That within funds appropriated for "General investigations" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, not less than $5,800,000 shall be available only for the Passaic River Mainstem, New Jersey, project.

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CONSTRUCTION PROGRAM

For an additional amount for "Construction program" to meet the emergency needs for areas stricken by drought, $30,000,000, to remain available until expended.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I sought this time for the purposes of entering into a colloquy with the gentleman from California [Mr. FAZIO].

Mr. Chairman, this will not take long, but I would like to ask the gentleman from California [Mr. FAZIO] a couple of questions.

Mr. Chairman, I wish to clarify one point about drought-related activities to be funded by this legislation. Is it the gentleman's intention that only those activities previously authorized by law be undertaken?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from California.

Mr. FAZIO. Yes. The report to accompany this legislation states that "only authorized activities are to be undertaken." It is our intention that the Department shall not undertake any activity with these funds that are not already authorized.

Mr. MILLER of California. The committee report accompanying this bill indicates that the Bureau may undertake project modifications to assure water deliveries as one example of the activities that might be undertaken with these funds. I just want to make sure that we are not authorizing the Bureau to undertake new construction projects. What construction activities do you anticipate the Bureau will undertake?

Mr. FAZIO. Only those project modifications which are presently authorized will be undertaken. If Congress authorizes additional activities in separate legislation, these activities would be eligible for these funds, but only after drought legislation is enacted into law.

Mr. MILLER of California. Is it the understanding of the gentleman that drilling wells and purchasing water for wildlife refuges is an authorized activity and may be undertaken right away?

Mr. FAZIO. That is my understanding.

Mr. MILLER of California. The Interior Committee will markup emergency drought legislation on March 13. This bill will contain additional authorities for the Department of the Interior to respond to the drought. In your view, does this appropriations legislation authorize the Bureau to implement the provisions of the drought bill now under consideration by the Interior Committee?

Mr. FAZIO. No; the Department may not undertake any activities not already authorized. This measure can in no way substitute for the important bill the gentlemen's committee is about to mark up. That bill is essential to an effective Federal response to the dire drought conditions facing much of the West. I commend the gentleman for his leadership on this issue and for his commitment to expeditiously bring before his committee and this House a comprehensive drought authorization bill.

Mr. MILLER of California. I thank the gentleman for his cooperation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

For an additional amount for "Atomic energy defense activities", $482,500,000, to remain available until expended.

INDEPENDENT AGENCIES

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $39,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $39,000.

CHAPTER V

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", $200,000,000, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund activities under title III of the Social Security Act, as amended (42 U.S.C. 502–504).

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

In the appropriations language under this heading in the Department of Labor Appropriations Act, 1991, delete the word "contractual" and the words "for legal and financial services".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PROGRAM OPERATIONS

For an additional amount for "Program operations" for a targeted initiative to combat infant mortality, $25,000,000.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

For an additional amount for the "Supplemental Security Income Program", $232,000,000, for payment to the Social Security trust funds for administrative expenses, to remain available until September 30, 1993.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", $232,000,000 from any one or all of the Social Security trust funds as authorized by section 201(g)(1) of the Social Security Act, to remain available until September 30, 1993: *Provided*, That Public Law 101–517 is amended under this heading by striking "$150,000,000" and inserting in its place "$47,530,000".

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

Funds appropriated in Public Law 101–517 for grants to tribally controlled postsecondary vocational institutions shall become available for obligation on April 1, 1991.

CHAPTER VI

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Corinne L. Conte, widow of Silvio O. Conte, late a Representative from the State of Massachusetts, $125,100.

LIBRARY OF CONGRESS

ADMINISTRATIVE PROVISION

Previously obligated funds appropriated to the account "Library of Congress, Books for the blind and physically handicapped, Salaries and expenses" in Legislative Branch Appropriations Acts for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of section 1405 (b)(4) and (b)(6) of Public Law 101–510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated, in amounts as follows:

From amounts appropriated for fiscal year 1978 in Public Law 95–94, $223,000.

From amounts appropriated for fiscal year 1980 in Public Law 96–86, $393,000.

From amounts appropriated for fiscal year 1981 in Public Law 96–536, $4,905,426.

From amounts appropriated for fiscal year 1982 in Public Law 97–51, $1,960,000.

From amounts appropriated for fiscal year 1985 in Public Law 98–367, $2,226,243.

From amounts appropriated for fiscal year 1989 in Public Law 100–458, $1,391,280.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(DISAPPROVAL OF DEFERRALS)

Effective April 16, 1991, in order to provide for urgently needed military construction and family housing, the Congress disapproves the deferrals relating to the Department of Defense as set forth in the messages from the Comptroller General transmitted to the Congress on June 28, 1990 (H. Doc. 101–210), and February 5, 1991 (H. Doc. 102–40): *Provided*, That this section may not apply to projects at installations recommended for closure or realignment by the Secretary of Defense pursuant to title XXIX of Public Law 101–510: *Provided further*, That the budget authority subject to the deferrals disapproved herein shall be made available for obligation effective April 16, 1991.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and expenses", not to exceed $13,000,000, to be derived from the Agricultural Quarantine Inspection User Fee Account, to be available to carry out inspection, quarantine, and regulatory activities.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inpection Act, as amended, $8,000,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $46,900,000.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For an additional amount for making benefit payments to individuals under the Food Stamp Act, for unanticipated costs incurred for the current fiscal year, $200,000,000, and in addition up to $1,300,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That funds provided herein shall remain available until September 30, 1992.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION

COAST GUARD

RETIRED PAY

For an additional amount for "Retired pay", $14,500,000.

CHAPTER X

GENERAL SERVICES ADMINISTRATION

None of the funds made available by this or any other Act with respect to any fiscal year may be used by the General Services Administration to obligate or expend any funds for the award of contracts for the construction of the Northern Virginia Naval Systems Command Headquarters project without advance approval in writing of the House Committee on Public Works and Transportation and the House Committee on Appropriations.

CHAPTER XI

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $303,084,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this head in prior years for projects to be developed for the elderly and handicapped under section 202 of the United States Housing Act of 1959, as amended, $275,815,000 are rescinded.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

For an additional amount for "Assistance for the renewal of expiring section 8 subsidy contracts", $155,815,000, to remain available until expended: *Provided*, That of the $7,734,985,400 provided for use in connection with section 8 expiring contracts in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101–507), is increased by the foregoing appropriation to $7,890,800,400, of which $4,234,500,400 shall be for existing certificates, $671,300,000 shall be for housing vouchers, and $2,985,000,000 shall be for loan management and other project-based section 8 contracts.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for operation of low-income housing projects", $75,000,000, to remain available until September 30, 1992: *Provided*, That these funds shall be used by the Secretary for fiscal year 1991 requirements in accordance with section 9(a), notwithstanding section 9(d) of the United States Housing Act of 1937, as amended.

RENTAL REHABILITATION GRANTS

Notwithstanding section 289(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), the unexpended balances of the Rental rehabilitation grants program (account symbols 86/0182 and 86/0164), and any amounts recaptured under account symbol 86/0182 for such program, shall be added to and merged with the Revolving Fund (liquidating programs), established pursuant to title II of the Independent Offices Appropriation Act, 1955, as amended (12 U.S.C. 1701g–5), effective October 1, 1991.

REHABILITATION LOAN FUND

Notwithstanding section 289(c) of the Crantson-Gonzalez National Affordable Housing Act (Public Law 101–625), the assets and liabilities of the revolving fund established by section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), and any collections, including repayments or recaptured amounts, of such fund shall be transferred to and merged with the Revolving Fund (liquidating programs), established pursuant to title II of the Independent Offices Apprropriation Act, 1955, as amended (12 U.S.C. 1701g–5), effective October 1, 1991.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Of the amount made available under this head in Public Law 101–507, $500,000 shall be made available for the National Commisson on Manufactured Housing as authorized by section 943 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625).

ADMINISTRATIVE PROVISIONS

SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—Section 811(k)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(4)) is amended by striking "20 persons with disabilities" and inserting "24 persons with disabilities (or such higher number of persons as permitted under criteria that the Secretary shall prescribe)".

PREVIOUSLY OBLIGATED FUNDS

All previously obligated funds appropriated to the Department of Housing and Urban Development under the head "Urban development action grants" for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of section 1405 (b)(4) and (b)(6) of Public Law 101–510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II through page 32, line 10, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KOLBE. Mr. Chairman, did I understand that all the remaining part of title II is open for amendment?

The gentleman from Arizona is correct.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE: Page 32, after line 10, insert the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Public and Indian Housing

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Proposed Rescission (R91–20) Fiscal Year 1991

Of the funds made available under this head in Public Law 101–507, $535,000,000, together with all uncommitted balances remaining in the Nehemiah Housing Opportunity revolving fund, are rescinded: *Provided*, That $233,760,000 shall be inserted in lieu of $733,760,000 for the development and acquisition cost of public housing: *Provided further*, That no funding shall be available for assistance under the Nehemiah housing opportunity program.

Housing

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

For the Homeownership and Opportunity for People Everywhere Programs, as authorized under Title III of the United States House Act of 1937, and subtitles B and C of Title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), and the Hope for Elderly Independence demonstration program as authorized under section 803(k) of such Act, $165,000,000, to remain available until expended.

SHELTER PLUS CARE: SECTION 202 RENTAL ASSISTANCE

For the Shelter Plus Care: Section 202 rental assistance program, as authorized under subtitle F, part IV, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $18,000,000 to remain available until expended.

SHELTER PLUS CARE: SECTION 8 MODERATE REHABILITATION, SINGLE ROOM OCCUPANCY

For the Shelter Plus Care: Section 8 moderate rehabilitation, single room occupancy program, as authorized under subtitle F, part III, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $24,000,000, to be derived by transfer from the Section 8 moderate rehabilitation single room occupancy program, to remain available until expended.

CONGREGATE SERVICES

All of the funds made available under this head in P.L. 101–507 are rescinded.

Community Planning and Development

HOME INVESTMENT PARTNERSHIP GRANT PROGRAM

For the HOME investment partnership program as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625). $500,000,000 to remain available until expanded *Provided*, That for the purposes of the foregoing amount, such Act shall be construed as providing the following in section 216(3)(A), "$750,000" both places it appears shall be "$375,000" in section 217(b)(2)(A), "$3,000,000" both places it appears shall be "$750,000" in section 217(b)(2)(B), "$500,000" both places it appears shall be "$125,000" and in section 217(b)(3), "$500,000" shall be "$250,000".

SHELTER PLUS CARE: HOMELESS RENTAL HOUSING ASSISTANCE

For the Shelter Plus Care: Homeless Rental Housing Assistance program, as authorized under subtitle F, part II, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $80,000,000 to remain available until expended.

URBAN DEVELOPMENT ACTION GRANTS

Proposed Rescission (R91–23) Fiscal Year 1991

Available funds under this head (including amounts deobligated in fiscal year 1991), except such amounts as may be necessary to comply with court orders of United States Courts which direct the Secretary of Housing and Urban Development to set aside funds for possible future approval of grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended are rescinded.

RENTAL REHABILITATION GRANTS

Proposed Rescission (R91–24) Fiscal Year 1991

All of the funds made available under this head in P.L. 101–507 are rescinded.

REHABILITATION LOAN FUND

Proposed Rescission (R91–26) Fiscal Year 1991

Amounts made available for commitments for loans under this head in Public Law 101–507, other than amounts necessary for operating costs and the capitalization of delinquent interest on delinquent or defaulted loans, are rescinded.

URBAN HOMESTEADING

Proposed Rescission (R91–25) Fiscal Year 1991

All of the funds made available under this head in Public Law 101–507, together with available balances (including amounts deobligated in fiscal year 1991), are rescinded.

MANAGEMENT AND ADMINISTRATION—ADMINISTRATIVE PROVISIONS

ADMINISTRATION OF THE HOME PROGRAM

Section 204 of the Cranston-Gonzalez National Affordable Housing Act (Public Law (101–625) is amended by deleting "through the Office of the Assistant Secretary for Housing FHA Commissioner of the Department of Housing and Urban Development,".

Implementation of the HOME Program in Fiscal Year 1991 with Interim Regulations

Section 206 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended to read as follows.

"Sec. 206. Regulations.—Not later than 180 days after the date of enactment of this act, the Secretary shall issue interim regulations to be effective on publication to implement the provisions of this title. The Secretary shall issue final regulations to implement the provisions of this title by October 1, 1991.".

Streamlined Certification Under the HOME Program

Section 218(d) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended to read as follows.

"(d) Certification—A participating jurisdiction shall provide to the Secretary, at such times and in such form as the Secretary shall determine certification that the jurisdiction shall use the funds made available under this title pursuant to the participating jurisdiction's approved housing strategy and in compliance with all requirements of this title.".

Timing of Submission of Comprehensive Housing Affordability Strategy

Notwithstanding Section 216(5) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), for fiscal year 1991, each jurisdiction that intends to participate under Title II of such Act shall submit to the Secretary its comprehensive housing affordability strategy in accordance with section 105 of such Act no later than 90 days after the date of publication in the Federal Register of the rule that specifies the requirements for the strategy.

HOME Repayments to Non-Participating Jurisdictions

Subsection (a) and (b) of section 219 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) are respectively amended by deleting "reallocated in accordance with section 217(d)" and inserting in lieu thereof "retained and invested by the jurisdiction for uses eligible under section 212(a)(1)".

Timing Requirements on Local Match

Section 220(a) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by striking out ", throughout a fiscal year,"; and by striking out "in that fiscal year" in paragraphs (1), (2), and (3), respectively.

Environmental Review Amendments

Section 288 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by striking out "participating" in subsections (a), (b), and (c) thereof, and inserting in subsection (d) thereof immediately after "In the case of assistance to" the following: "units of general local government from".

Title III of the United States Housing Act of 1937 (42 U.S.C. 1437aa) is amended by adding the following new section at the end thereof:

"Section 310. Environmental review.—The provisions and requirements of section 288 of the Cranston-Gonzalez National Affordable Housing Act shall also apply to States and units of general local government that receive assistance under this title.".

The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by adding immediately after section 431 the following new section:

"Section 432. Environmental Review.—The provisions and requirements of section 288 of the Cranston-Gonzalez National Affordable Housing Act shall also apply to States and units of general local government that receive assistance under this subtitle.".

The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by adding immediately after section 448 the following new section:

"Section 449. Environmental review.—The provisions and requirements of section 288 of the Cranston-Gonzalez National Affordable Housing Act shall also apply to States and units of general local government that receive assistance under this subtitle.".

HOPE for Elderly Independence Demonstration Period

Section 803(a) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by striking out the second sentence.

Timing of Operating Subsidy Regulations Changes

Section 9(a)(3)(A) of the United States Housing Act of 1937 is amended in the second sentence by inserting "and" immediately after "public housing agencies and their associations," and by deleting "prior to the start of any fiscal year to which it applies, and remain in effect for the duration of any such fiscal year without change."

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

□ 1540

The CHAIRMAN. Pursuant to the rule, the gentleman from Arizona [Mr. KOLBE] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. TRAXLER] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that 15 minutes of my time be given to the gentleman from Virginia [Mr. MORAN] and that he may be entitled to yield time from that 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] has 15 minutes, the gentleman from Michigan [Mr. TRAXLER] has 30 minutes, and the gentleman from Virginia [Mr. MORAN] has 15 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume. I rise today to offer an amendment to H.R. 1281, the dire emergency supplemental appropriations for fiscal year 1991.

The amendment would provide funds for the New Hope and the New Home Program as well as the Shelter-Plus Care Programs, all of which were authorized last year by the National Affordable Housing Act which this body adopted.

I would also like to take time to commend the gentleman from Virginia [Mr. MORAN] for lending his support to this important initiative. At the same time, I also want to commend the chairman of the subcommittee, the gentleman from Michigan [Mr. TRAXLER] for the hard work that he and his subcommittee have done on these programs in the past, and I know the consideration that they are going to be giving to them in the future. I would also like to pay the same tribute to the ranking Republican, the gentleman from New York [Mr. GREEN].

Let me get to the point. Last session, this body overwhelmingly passed the Cranston-Gonzalez National Affordable Housing Act, by a vote of 378 to 43. The legislation authorized new and innovative approaches to expand home ownership and resident management, to expand housing assistance to the large numbers of unassisted households, and to begin an innovative new service-supported housing program for those homeless and most in need. What my amendment does today is very simple: It gets these three programs started. These programs were authorized late, too late to get any funding in fiscal year 1991, but HUD has worked very rapidly since last fall to write the regulations for those programs. The HOPE regulations were promulgated on February 4 of this year.

The HOME Program regulations, along with the forms, were given to Congress on February 28 of this year. So these programs are now ready to go. The Secretary and his team are ready to go. So why are we waiting?

The second point that I would make is that this amendment is revenue neutral. It does not add any dollars. It comes under the caps; it comes under the budget summit agreement. It takes money from the existing appropriation for new construction to begin the funding for these vital programs. If we were to fund these programs for the rehabilitation of housing units, we would lose about 6,500 units or roughly 6,500 new units over the next 5 years. In its place we would get in the next 1 or 2 years, 37,000 new units for those who need shelter in this country. And we do this as I suggested, with $500 million reduction in public housing new construction.

Further funding would come from $263 million in savings that come from consolidating five small categorical programs in 1991. These programs such as the Nehemiah grants, rental rehabilitation grants, urban home setting, all of these would be eligible for funding under the HOME Program which is the block grant program. So, no community can say that we are taking away those dollars. We are not going to be able to have those programs because all of them could be funded under that.

Let me make one final point. There has been some misinformation with regard to Indian Programs, that they would be adversely affected by this amendment. That is not true. The set-aside for Indian Programs is still there. The 3,000 Indian housing units in fiscal year 1991 are not touched by this amendment. Voting to support this amendment is a vote to increase funding for the Indian areas because of the set-aside that would be in there as well.

All in all, Mr. Chairman, I think this amendment simply recognizes and says to the American people, says to those who need housing, Let's get on with the programs we said last fall were good programs. Let's get on with funding these programs. Let's get started. I hope that the Members of this body will do just that.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the distinguished gentleman for yielding. As a member of the Subcommittee on Housing and Community Development, I want to commend the gentleman for his initiative. I support it. The gentleman has anticipated my question regarding Indian housing, and I thank him very much for that assurance.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan is entitled to 30 minutes under the rule.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. GREEN], the ranking member of the subcommittee.

Mr. GREEN of New York. Mr. Chairman, I rise to oppose the amendment. Let me make it very clear that in rejecting the request for the rescission of the existing program funds in order to transfer the funds to new programs, the subcommittee and the full Committee on Appropriations did so without any prejudice to the funding of those new programs for fiscal year 1992. That is explicitly stated on page 44 of the report that accompanies this bill. I want to assure the gentleman that those programs will get every consideration as we look at the fiscal year 1992 funding cycle. We recognize that the Committee on Banking, Finance and Urban Affairs put an enormous amount of work into this bill. It is probably the most complicated new bill in the housing field since at least 1974, maybe since 1968.

We understand that the bill represents a mammoth amount of work on the part of the Committee on Banking, Finance and Urban Affairs, and we appreciate and express our thanks to the members of the Committee on Banking, Finance and Urban Affairs for what they have done.

Let me also say that our decision not to fund these programs in fiscal year 1991 is no criticism of the Department of Housing and Urban Development. I think the energy with which the Department drew up the regulations, the fact that it was able to complete them so quickly, shows the kind of leadership that our former colleague, Secretary Kemp, has been providing at HUD, and I want to pay tribute here and now to the very important job that Secretary Kemp is doing in that formerly troubled agency.

However, having said that, I still hope my colleagues will vote against this amendment. Let me explain why. If there is one basic theme that runs through the 1990 Housing Act, it is the devolution of responsibilities that previously rested with HUD upon State government, upon local government, upon nonprofit organizations throughout the country, which get increased responsibilities for operating many of the programs of which HUD was a direct operator in the past. While HUD has certainly done its part of the job in getting the regulations out quickly, the fact of the matter is, as the gentleman was candid enough to admit, one part of the regulations came out only a month ago. Another part was published in the Federal Register on a basis which gave State and local governments only 8 days to comment before the regulations took effect. The fact of the matter is that most of the communities that are going to have to operate these programs simply want more time to address the issues and to learn how the programs function. If they are to make these new programs work, I think they are entitled to have the time to do it.

That is why fully 44 agencies or groups representing those who are going to have to make these programs work at the State and local level are opposed to this amendment. They include groups like the American Federation of State, County and Municipal Employees; the Evangelical Lutheran Church in America; the Mortgage Bankers Association; the National Association of Counties; the National Association of Home Builders; the National Association of Realtors; the National Council of Senior Citizens; the National League of Cities; the National Puerto Rican Coalition; the National Urban League; the Union of American Hebrew Congregations; the United Church of Christ; the U.S. Conference of Mayors; and the United Way of America. There is another list equally long that I could go through if time permitted.

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In short, it is very clear that the members of the user community simply want more time to digest these massive regulations and these massive new programs that they are going to have to operate. I think they are entitled to that time.

Let me just give one instance where I think there are still a lot of problems to be worked out. Unlike the programs which HUD has been operating since 1974, most of which have not required local matches or matches by nonprofit sponsors in order to get the money from HUD, these programs generally require State, local or nonprofit organization matches.

Now, it is clear that the match does not have to be a cash match, but it is far from clear at this point what counts and what does not count as a match that entitles a city for example, to get its funds from HUD.

Thus it is expected that many cities may contribute a physical facility or a piece of land as their local match; however, there are real issues under this law as to whether, if that facility or if that land was acquired by a municipality through the use of federally tax exempt bonds, that facility or that land qualifies under the new law for the local match. As we all know, State and local governments by and large around this country are facing very severe fiscal problems. The issue of whether they are going to have to come up with fresh resources in order to meet the local matching requirements or whether there is some way that HUD can find to get around those problems is an absolutely critical one in terms of the ability of State and local governments to take on the additional fiscal load that is imposed on them under this legislation.

I suggest that we ought to have the opportunity to explore that issue in the course of our hearings on the fiscal year 1992 appropriations. There are authorizations for all these programs for fiscal year 1992 in the housing bill that we passed last year, so there is absolutely nothing prejudicial to those programs by our not acting at the present time.

In conclusion, I should like to point out that this is an emergency supplemental. We have dealt with the one true emergency that the Secretary sent up to us. The Secretary was concerned that HUD would not have adequate funds to deal with expiring section 8 subsidies. That would have meant people would be out on the street because HUD was unable to continue the funding that is enabling them to rent their apartments.

We put up the money that HUD requested for that purpose. What is being requested by HUD in the Kolbe-Moran amendment is not an emergency. There is time to wait until October 1 to fund these programs. They are authorized in fiscal year 1992, and I think it behooves all of us to give ourselves, and to give the State and local governments and the nonprofit organizations that are going to have to run these programs and that are asking us for more time, the additional time that they request so that they can make these programs work.

Mr. MORAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are certain things that a freshman is not supposed to do, and certainly one of those is to question the judgment of the Appropriations Committee, not because they are all-powerful necessarily, but because the distinguished members that subcommittee chairs, such as the gentleman from Michigan [Mr. TRAXLER], the reason we do not question the judgment of the Appropriations Committee normally is primarily because the members work so conscientiously to reflect the will of their colleagues and the best interests of the American people.

I served as a staff member of the Senate Appropriations Committee under Senator Magnuson before being elected to office 12 years ago. I know the respect that the Appropriations Committee chairman ought to be accorded; but Mr. Chairman, my first duty is to my constituents and to my conscience. Both compel me to ask my colleagues to modify this supplemental appropriations request. The modification we propose would provide more than five times the number of housing units, over 36,000 units assisted versus the appropriations request. More than $600 million in new and carryover funds would be preserved to continue the public housing construction program.

HUD reports that an $18 billion backlog exists in public housing new construction funds from previous years, not counting the 10,000 new units appropriated for the present fiscal year.

HUD construction reports show that it takes more than 5 years to outlay new public housing construction, while the programs that we are suggesting be initiated this year generally can be implemented in less than 2 years.

Mr. Speaker, we are asking that $500 million be made available to States and localities to implement the innovative ideas that we all agree make sense.

This amendment is undoubtedly going to fail, and one of the reasons is because it is being characterized as a Republican attempt to gut public housing. It is not.

The National Affordable Housing Act passed last year overwhelmingly, and all this does is to say that if it was a good idea last year to fund, it is still a good idea, and if it is a good idea to fund next year, as everyone has agreed it will be, it is a better idea to fund it this year. That is all we are talking about.

There is no ideological issue at stake here. We have agreed that the HOME Program makes sense, that the HOPE Program makes sense. All we are talking about is the timing.

We have a lot of public housing construction that has already been authorized and in fact appropriated for, but we have not appropriated money for these new initiatives, and they deserve a chance.

I have a number of constitutents from Alexandria, and it is right across the river; if you do not believe me we will give you the addresses and you can ask them; they are residents of public housing; they believe that this can help them.

Alexandria had more public housing in 1940 than any jurisdiction in any suburb in the country on a per capita basis. In fact, we have maintained that commitment for 50 years, but public housing is not fulfilling the intent that it was authorized for 50 years to accomplish and that was not to give people permanent shelter. It was to give people the means to become more self-sufficient. It is not accomplishing that. These ideas will go further toward accomplishing that goal, particularly in the HOPE Program.

We are only talking about $165 million. It deserves a chance to see if it is going to work.

The $500 million simply funds the ideas that were authorized in the Authorization Act last year, but what it does is to give more discretion to States and localities to fashion the money according to their needs and based upon their existing resources. It gets more bang for the buck. I think we ought to support it.

I appreciate the amendment that the gentleman from Arizona [Mr. KOLBE] has offered and I certainly appreciate all the time and judgment and leadership that Chairman TRAXLER has provided in the housing area.

Mr. TRAXLER. Madam Chairman, I rise in opposition to the amendment and I yield myself such time as I may consume.

Madam Chairman, it is with some reluctance that I rise in opposition to the amendment. The makers of the amendment, the gentleman from Arizona [Mr. KOLBE], a distinguished member of the Appropriations Committee, and the gentleman from Virginia [Mr. MORAN], a former mayor and promising freshman of this body, certainly bring, I think, intelligence and rationality to a difficult issue. It is with some appreciation, indeed I even thank them for allowing us to discuss this important issue affecting so many of America's poor.

Having said this, obviously it is with some pain that I therefore rise in opposition to the Kolbe-Moran amendment. These amendments purport to shift approximately $800 million for existing HUD programs and use it as an offset to finance new programs authorized in the 1990 Housing Act.

In addition, the amendment contains 10 administrative provisions, all except one modifying the National Affordable Housing Act of 1990.

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Now, these administrative provisions are legislative matters which are, in my judgment, within the jurisdiction of and ought to be considered by the full Committee on Banking, Finance and Urban Affairs, not on the House floor and not as an amendment to an appropriations bill.

Now, the Subcommittee on VA, HUD, and Independent Agencies, which I have had the great honor of chairing, did not include funding for any new housing initiatives in its recommendations.

Now, this action, as Mr. GREEN has said, is taken without prejudice. We have not passed judgment on the relative merits of the provisions of the National Affordable Housing Act of 1990.

We will unquestionably fund some of those programs in the fiscal year 1992 appropriations bill of the Subcommittee on VA, HUD, and Independent Agencies. That bill will be coming before this body, hopefully, sometime in May or perhaps early June of this year.

Now, why did we not agree with these proposals? In our judgment, we ought not to be starting programs in the 1991 supplemental that we may not be able to fund again in the 1992 bill, the one we are going to be doing in just a matter of a few months.

On a comparable basis, there is over—and get this, it is very important—there is over $4 billion more authorized in the 1992 Housing Act than we appropriated in the 1991 housing bill. So if we did the things that we did in 1991, we would need $4 billion more to fully fund the 1990 National Affordable Housing Act.

I can tell you in all honesty and candor, as the gentleman from New York [Mr. GREEN] did, that we do not believe, and I do not think anybody in this body believes, that the subcommittee will get that kind of a 602(b) allocation. I would be delighted if we did; I would be thrilled if that would happen. We would then be able to do many of the things that you have asked us to do.

Unfortunately, because of the financial situation of this Nation and because of the budget summit agreement of last fall and the domestic limitations under which we all have to live, that is not a possible scenario. I regret to advise you of that. And no one is more pained by that than I am.

Therefore, in our judgment, it would be premature to initiate funding for selected few housing programs and make those kinds of thrusts.

Now, in addition to that, I must tell you that we could not agree to any of the proposed rescissions. Therefore, if we could not agree to the rescissions of funds in the 1991 bill, we could not agree to the new initiatives that are proposed here, since that is where the money would come from.

The subcommittee will fund, I can assure you, such portions of the new housing initiatives as our 602(b) allocation will permit us to do. That is a great mystery and a great unknown out there, as I just explained just a moment ago. We will do that after we have had time to thoroughly review the smorgasbord of new programs that are in the 1990 National Affordable Housing Act. Candidly, and this is not meant as a criticism—I understand how the legislation came together, and I would have been doing the same things—candidly, we now have an exceptional number of programs in housing, and we will be unable, I can assure you again, to fund all in the 1992 bill. It is going to require very, very difficult choices. The committee would prefer not to be selecting among such a great number of programs. We wish that the legislation had focused on perhaps a fewer number of new initiatives. We appreciate the making of that stew and we know why it came out in the fashion it did. We will do our very best, in consultation with the Committee on Banking, Finance, and Urban Affairs, to do what is right by way of these new housing programs.

The judgment of the committee is that now is not the time to begin these initiatives.

I might just add something on the public housing pipeline: You will recall there have been some comments on the floor and also in a letter from the Secretary on that subject. Let me say that the Secretary is a dear friend of mine, a graduate of the full Committee on Appropriations, where he served with great distinction and honor for a number of years. It is with some sadness that the committee took this action, certainly not out of disrespect for the Secretary of HUD, the gentleman from New York, Mr. Kemp.

We have assured him that this is done with no prejudice and that we will revisit this area in the 1992 bill.

Now, speaking to the pipeline question, the Department, I must say, though, has some responsibility for the pipeline backlog and jam.

The 1990 public housing units—and this is 1990, now—some 5,700 units are not yet committed because of the Agency's inaction.

Furthermore, the Department is withholding, not committing the funds for the 10,000 units that were provided for in 1991. The balance of the units represents, in my judgment, the normal pipeline backlog because this is a construction program.

Bearing that in mind, I urge my colleagues to say no to the amendment and vote it down.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank my distinguished chairman of the subcommittee for yielding this time to me.

Mr. Chairman, I rise in opposition to the Kolbe amendment. I am very concerned about the fact that the largest chunk of the money that would be required to fund the new initiative would come out of the public housing development fund, a rather extensive sum of $500 million, in order to fund one of these new initiatives.

I think it is important for us as we scrutinize the amendment here to recognize the fact that the compromise on the 1990 Housing Act, which was adopted overwhelmingly in the last Congress, is that the new HOPE and HOME Programs would be funded in fiscal year 1992. The compromise did not include funding these new programs in fiscal year 1991 at the expense of the public housing programs which were funded in the 1991 Appropriations Act at 10,000 units.

I think it is also important for us to recognize a couple of other things: One, that while the HOME Program may provide a predictable stream of funds to more than 300 cities and States, it cannot provide the deeply subsidized housing that those who are eligible for public housing so desperately need in this country.

The HOME Program is only a gap-financing program; it restricts the ability of a community to undertake new production.

Thirdly, the proposed definition of matching funds for HOME will preclude most localities from raising sufficient match to in fact take advantage of the HOME Program this year.

I appreciate the fact that the distinguished chairman of the subcommittee on which I sit has made it very clear that the subcommittee will fund some of these new housing initiatives in 1992. But we simply ought to have the opportunity to conduct some hearings and be able to review these programs, get the input of the members of the subcommittee along with the other Members and then be able to ascertain which of these programs should have a priority.

This is simply not the time to just initiate funding for these newly authorized programs. I would hope the Members of the House would give us the opportunity on the subcommittee to scrutinize carefully these programs and be able to ascertain the proper priorities and then fund them properly. But not to do this at the expense of the current public housing development program.

For that reason I urge the Members to vote "no" on the Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to my good friend and colleague, the gentleman from Pennsylvania [Mr. MCDADE], the distinguished ranking member of the Committee on Appropriations.

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Mr. MCDADE. Mr. Chairman, I have the very highest regard for the gentleman from Michigan [Mr. TRAXLER] and the gentleman from New York [Mr. GREEN]. They do an excellent job in carrying out their responsibilities in this body and on their subcommittee. So it is with reluctance that I must disagree with the position they have taken today. I do so because I simply do not know of Members of this body who get out and look around as my friend, the gentleman from Virginia [Mr. MORAN], the newest Member from Alexandria, does at the public housing situation in this country and conclude that the well-intentioned, but inefficient, programs of HUD are adequately meeting the public housing needs in this country. That is exactly why the Congress struggled, and labored, and sweated over an omnibus housing bill that was signed into law last year. That new initative is enthusiastically supported by Members on both sides of the aisle, as evidenced in the vote on that bill. It is supported by the administration, and it makes an effort to chart a bold new course for housing policy in the United States.

In addition, it creates multiple opportunities for new innovation. The HOME Program empowers States and localities to address their particularly low housing needs with maximum flexibility. The HOPE Program empowers the poor to become home owners in their own right.

Mr. Chairman, as I said, the bill passed both bodies as close to unanimously as could be. The gentleman from New York [Mr. GREEN], my friend, rightly pointed out, as did the gentleman from Michigan [Mr. TRAXLER], my friend, that the Secretary of Housing and Urban Development has bent over backwards to get out the rules and regulations to cut through the bureaucracy to try to get these programs going.

My colleagues, it comes down to this for me. We have worked too long and too hard to establish a new policy for this country's housing. No more delays. No more reviews. No more rewrites. The Congress has spoken. The course has been charted. Now is the time to provide the funding.

I urge my colleagues to support the Kolbe-Moran amendment.

Mr. MORAN. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona [Mr. KOLBE].

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] now has a total of 18 minutes remaining, and the gentleman from Michigan [Mr. TRAXLER] has 12 minutes remaining.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. My colleagues, most Members of this House are very familiar with pockets of poverty in their own communities. We know precisely where low-income families live and struggle and have been living and struggling for decades in our communities. We also know in our heart of hearts that many of these public housing units are monuments, permanent monuments, and reminders that at one time we fashioned some well-intentioned social policies that have not worked. They have failed to address the needs of the people who live in them.

Mr. Chairman, I cannot help but think, if we all take a mental walk through most of those communities and housing projects, we would all conclude that we must continue to provide housing opportunities for the underprivileged and the low-income among us, but that we must do so in an entirely different way.

So, let us not talk about programs. Let us talk about people. Does public housing, new construction, and that is the primary source of these dollars which will be shifted to some of the new initiatives included in this amendment, do they help more people quicker, which is the best way in a time of fiscal restraint, budgetary considerations, to use the finite number of resources we have available? What is the best way?

In my judgment the best way is to allocate those resources to those programs that will house the greatest number of people in the quickest period of time.

Now let us take a look at the major component of this and specifically the transfer of the $500 million from the public housing development program to the HOME block grant. I say to my colleagues, "If you care about people who are desperate for housing, if you care more about people than you do for preserving programs, then in my judgment you would approve of this transfer of funds because it would help 6 times as many households, and probably as many as 100 to 120,000 more people."

What is the best way, or in this comparison what is the better way, to use $500 million? And I might add to those of my colleagues who are concerned therefore about the remaining dollars available for new construction that it does nothing to the 25,000 units of public housing new construction that are in the pipeline and takes years and years to build.

So, Mr. Chairman, I say to my colleagues, "If you care about people and not programs, if you want to maximize the number of shelters, or homes or opportunities that people in desperation and in need should have, then I would support the Kolbe-Moran amendment."

There is another very critical component to this particular amendment, and it is the transfer of funds to another program, another initiative, and it is not a demonstration initiative. I cannot help but comment with regard to the transfer of some of these dollars into the HOME Program. This program has been out there for 3 or 4 years. The whole approach has been used in communities all across this country. It is not an experiment. It has been going on in our communities for over 3 years, and it works.

Let me just conclude with a quote from Robert Woodson, president of the National Center for Neighborhood Enterprise, talking about the HOPE tour in St. Louis:

> We saw tenant power transform the reception and reality of public housing from blighted crime-ridden projects to attractive resident-managed developments poised for resident ownership and revitalized by aggressive economic development programs. We learned first-hand what extraordinary results can be achieved by ordinary people when given the financial support and technical assistance to take control of their lives. The challenge is not to do more with more. The challenge is to do more with the same amount of resources.

Mr. Chairman, I say to my colleagues, "Please support, if you are interested in people and not programs, the Kolbe-Moran amendment."

Mr. TRAXLER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Arizona [Mr. KOLBE] and in support of the position advocated by the gentleman from Michigan [Mr. TRAXLER].

Mr. Chairman, I was very proud last year, in 1990, to vote for the housing bill and to support within it each of these components: the HOME Program, which allows local government to provide affordable housing to its people; the HOPE Program, which allows people to have an opportunity to acquire a home; and then the Shelter-Plus, which allows homeless people to have treatment if they have mental illness or drug abuse problems. I support those programs, and I support generous funding for them. However, Mr. Chairman, I do not support funding them today and in this way.

I have heard from the administrator of our housing programs in Louisville as recently as today, from Ms. Andrea Duncan, who has been the long-time director of the Louisville Housing Authority who feels that shifting these monies at this time from the critical programs of public housing in Louisville, and other cities like it, would be a very serious mistake. So, I hope we listen to the wisdom and advice offered by the gentleman from Michigan [Mr. TRAXLER], my friend, and the gentleman from New York [Mr. GREEN], my friend, who say that there will be funding, that these programs will not be forgotten, that they will receive careful attention, but in due course, not now, not today, not in this way. If we act today, we will be making a mistake.

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So, Mr. Chairman, let us save public housing today and move forward on HOPE, HOME, and Shelter-Plus tomorrow.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] has 14 minutes remaining, and the gentleman from Michigan [Mr. TRAXLER] has 10 minutes remaining. The Chair would remind the gentleman from Michigan that he retains the right to close debate on this amendment.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I yield three minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking member of the Subcommittee on Housing and Community Development.

Mrs. ROUKEMA. Mr. Chairman, I rise today as the ranking member of the Housing Subcommittee to express my concern for the failure of the fiscal year 1991 supplemental appropriation to grant any funding for several new initiatives created in the Cranston-Gonzalez National Affordable Housing Act enacted last year. And I might add, this can and should be done without zeroing out new construction!

Throughout the entire process of the formulation of this legislation, there had been a concerted effort to raise the profile and urgency of housing as a Federal priority and to pass a major housing initiative.

As one of the leaders in the effort to produce a housing bill, I felt S. 566 represented the most significant change in the direction of national housing policy since 1974. The changes enacted ligitimately represented a new horizon for housing. It also represents the first housing conference report that the Banking Committee has been able to bring to the House since 1987.

S. 566 reversed a period of retrenchment in Federal housing attitudes and established a clear direction for national housing policy, including the introduction of several promising housing initiatives.

One of the most significant of these new horizons was the HOME initiative which is intended to provide new innovations and new directions in housing policy which would result in magnified benefits.

HOME would streamline housing assistance and maximize State and local flexibility. As a block grant, this type of assistance would promote homeownership or improve rental assistance by providing States and localities with money to acquire, construct, or rehabilitate real property. All funds would be contingent upon a comparative match from the local entities. Its greatest merit, however, is that it gives wide latitude to meet local needs whether by means of new construction, rehabilitation or rental assistance tailored to local requirements.

The HOME approach begins to move us away from narrow, inflexible, categorical housing programs which, by their very nature, cannot respond adequately to local housing requirements, which vary greatly from region to region. The HOME Program recognizes that what is needed in one section of the country may not be a priority in another, and it encourages local experimentation and innovation which are the genius of our federal system.

As one of the earliest proponents of this concept and coauthor of the Roukema-Rangle House version of the initiative, I felt such a program would provide a bold new approach to meeting the housing needs of our citizens.

HOPE

In addition to the important HOME initiative, one of the cornerstones of this legislation is the emphasis we placed on the principle of homeownership for all. This concept is embodied in title III of the new bill, Secretary Kemp's HOPE proposals.

I did not share the total commitment and dedication to this initiative as the Secretary, and felt that the housing needs of our population would be better served through HOME. Nevertheless, I do believe that public housing residents should have the opportunity to become homeowners although I support a more gradual, than Secretary Kemp's incremental funding of HOPE which would allow the Congress to evaluate its success and to assess its cost effectiveness.

In sum, the renewed commitment to housing embodied in our bill addressed the plight of both the low-income renter and the first-time home buyer. The housing bill was a step in the right direction.

I am distressed to know that the Appropriations Committee is suggesting that they may not be willing to fund these programs in fiscal year 1992. This is wrong-headed and short sighted.

I recognize the committee's problem with the fiscal year 1991 supplemental request. Perhaps I, too, cannot agree to all of HUD's recommendations for the supplemental. And I do not agree with this amendment in the dramatic infusion of funds. A more incremental funding could have been supported. However, I would have hoped that some funds would have been made available for HOME and that the committee would support that initiative.

Mr. Chairman, I want to urge the Appropriations Subcommittee on HUD and VA, not to close the door on HOME, HOPE or Shelter-Plus Care, so early in the process and I urge the subcommittee to provide some funding for these programs which the Housing Subcommittee found to be so important.

Mr. TRAXLER. Mr. Chairman, I yield two minutes to the distinguished gentleman from North Carolina [Mr. PRICE], a member of the Committee on Appropriations and a former member of the Committee on Banking, Finance and Urban Affairs.

Mr. PRICE. Mr. Chairman, I rise today in opposition to the Kolbe amendment. I do so not because I am opposed to the programs contained in the Kolbe amendment; in fact I strongly support these programs, especially the HOME initiative. But this amendment is an ill-timed attempt to shift funds in midstream. It threatens the balance and the explicit agreements reached last year in the Cranston-Gonzalez affordable housing bill.

As a member of the House Banking Committee last year, I worked hard to help create innovative programs that effectively leverage public and private dollars to reverse the decline of home ownership in this country. But I also worked hard to make certain that public housing was put on a more solid basis, by ensuring a greater economic and social mix in public housing. In both these efforts, I was joined by a strong bipartisan group of members and these measures prevailed.

I pushed these amendments because I believe the housing needs in this country require a multifaceted approach. Of course we must expand home ownership opportunities whenever we can, but we must also recognize that this is not an all-sufficient answer. In some areas and for many people, public housing and rental assistance offer the only hope for decent housing.

The bill that was passed by large majorities of both parties last year clearly recognized that fact. It authorized HOME, including my provision for soft second mortgage support which, when funded, will help many people achieve home ownership. But it also recognized the need to selectively expand and improve the supply of public housing. It is this balance we must continue to strive for in next year's appropriation bill, when we can look at these programs in a comprehensive, not piecemeal, fashion.

I urge my colleagues to not make this a partisan issue. It will do us no good. We have Chairman TRAXLER's commitment that he will work to fund these new initiatives. We should take him at his word and work with him to achieve this balance in the fiscal year 1992 VA-HUD appropriations bill.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Chairman, I find myself drawn to the floor to speak in opposition to these supplemental appropriation bills, H.R. 1281 and H.R. 1282.

I am opposed to the precedent set by this legislation. If signed into law, this would be the first application of the provision in last fall's budget agreement which allows dire emergency spending requests to be moved off budget. Because this is the first instance, I believe we must all personally answer some questions that I have been asking around Capitol Hill and back in my district.

First, is every single item in this bill dire emergency or is this a way to circumvent the pay-as-you-go rules and provide for pork barrel items?

In my judgment, the spending contained in these appropriations are not all emergency spending situations. That is not to say that there are not many fine programs within these measures. I could support many of these measures if presented in a responsible manner. But, I cannot support off-budget spending that circumvents my pay-as-you-go principles.

Second, what is the difference between on budget and off budget?

The only difference I can find is that on budget we pay for and off budget is paid for by our children and grandchildren.

Third, when do we pay for off-budget items?

And last, who pays for off-budget items?

I am the proud father of a new baby boy and a beautiful little girl. Are we going to continue to put off paying for off-budget items until they are taxpayers?

This morning I met with the National Young Leaders Council here on the floor of this House. I saw hope in the eyes of these 350 high school students, hope that one day they will be able to take our places here and lead this country. Unfortunately, it we don't take the responsibility of paying for these items, on budget, today, it will be our children—yours and mine, and tomorrow's leaders who will be answering my questions.

If we are willing to support spending then let us be equally willing to support the way we are to pay for that spending and not sweep it under the rug for another day.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I rise first of all to compliment my colleagues, the distinguished gentleman from Virginia [Mr. MORAN] and the distinguished gentleman from Arizona [Mr. KOLBE] for their leadership initiative on this most important and urgent initiative.

I find it somewhat ironic that we address this bill today within the context of a dire emergency supplemental appropriation. As one who comes directly to Congress from the private sector, one who has been very active in the field of housing development and who has served as board president of Habitat for Humanity of Sonoma County, let me say that in my home county I can fully attest to the fact that in fact there is a dire emergency in America today. There is a wide range of unmet housing needs in this country, and it is time that this Congress got on with the job of providing for those needs.

It appears to me that this is not just an appropriations bill. It is a policy bill. In fact, it is an endorsement of a new philosophy and a new direction at HUD and certainly one which I believe will extend to other programs in the administration as well. Now that Secretary Kemp has so ably rooted out the systemic problem of contract fraud at HUD, he is bringing to us a balanced housing opportunity program to meet the needs of indigent and low-income Americans, including the working poor.

It is a program that provides opportunities across the entire housing spectrum: the Shelter-Plus Program, which acknowledges for the first time that those who are homeless face multiple barriers to finding productive employment and decent shelter in our society. The Shelter-Plus Program would also implement the holistic homeless concept, and the HOME Program would provide funds from the most innovative programs on the local level, programs conducted by local nonprofit builders and local government in a very flexible manner to meet the needs of those local communities in providing permanent low-cost rental and purchased units in communities across America. And lastly there is the HOPE Program, which would allow for the conversion of public housing units to tenant-owned and makes possible for the first time in the history of this country the American dream of home ownership for the working poor who have been living in slums and barrios across the country.

Mr. Chairman, I strongly urge the passage of the Kolbe-Moran amendment here and now today to address the dire emergency of unmet housing needs in this country.

Mr. TRAXLER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. GRAY], a distinguished member of the committee and the distinguished minority whip.

Mr. GRAY. Mr. Chairman, I thank the gentleman for this time.

Mr. Chairman, I would like to join with many of my colleagues who have expressed the desire to reexamine all of the housing programs of our Nation. I come from an urban district where there is an extensive number of public housing units.

□ 1630

I want to join with all Members who are concerned that in the 1990's we have to look at public housing in a new way. I want to commend the Secretary Mr. Kemp, who used to serve with me on the Committee on the Budget and on the Committee on Appropriations, for the programs he is talking about, the $500 million for HOME, and also the HOPE Program that will get tenants involved in management and ownership. Those are ideas that I have been talking about for 20 years, because I was the founder of five nonprofit housing corporations.

We do need to get tenants involved in management. We do need to produce home ownership. Yes, I believe the HOPE Program is the way to go. However, after saying that, the question that I have got to face, coming from a district with literally thousands of public housing units, many of which need rehabilitation, is whether or not I should rob Peter to pay Paul; whether I should take money out of the rehabilitation part in this supplemental and transfer it to a new program, which would mean a delay in some of the housing units that need rehabilitation right now.

Therefore, I would like to urge the chairman of the committee and the committee to include these programs in next year's agenda, because I think they can work, but not to take them out of rehabilitation money and other low-income housing money, because that will not serve the needs of the poor.

I am not tied to a program; I am tied to people. I believe that the Secretary is going the right way. However, I think what we have got to do is not take it out of existing rehabilitation money, but we have to come up with additional resources, which I believe we can do.

So I want to commend the gentleman from Virginia [Mr. MORAN] and also the gentleman from Arizona [Mr. KOLBE] on their efforts here. I support them. However, I think the time and the place is in next year's appropriation bill. Therefore, we would have the additional money, and not take it from the rehabilitation dollars.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], a member of the Committee on Appropriations.

Mr. DELAY. Mr. Chairman, there are so many arguments here, but it all kind of boils down to two, as I see it. The gentleman that spoke previously from Kentucky, who was saying the administrators from housing projects are opposed to this amendment, of course they are opposed. They want to keep us into housing projects. They want to keep us at status quo. They want to keep housing projects. I will address keeping housing projects in a minute.

To the distinguished whip, the gentleman from Pennsylvania [Mr. GRAY], who says we are taking moneys from rehabilitation, that is not the case at all. The moneys are not coming from rehabilitation, the moneys are coming from new construction. New construction. The moneys, $500 million, are coming from public housing, new construction, leaving still 8,900 units in new construction. And we have a backup, a pipeline, of over 20,000 units to be built. So new construction cannot happen now. They cannot build them fast enough now.

The whole issue that has been argued here right now is that this is too early, that we should not do it now, that we should go through the process. Well, let me tell Members something: if you are for this sort of program, and over 300 Members said you were, because you voted for the authorization of these programs, if you are for these programs, then now is the only time to do it, because the bill that you voted for is only a 2-year authorization. It is only a 2-year authorization. So if you wait for the process to go forward, if you wait to fund this program for 1992, then you might as well say you are against this sort of program, because you are only going to fund 1 year of it. Now you can fund 2 years of it and see it go through. You can see it happen. You can see people empowered with owning their own housing.

Mr. Chairman, vote for the Kolbe-Moran amendment.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to the distinguished Member from Minnesota [Mr. VENTO], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to this amendment which represents a reversal of the administration's position, an unwillingness to abide by its commitments with regard to the agreements reached during the conference committee on the National Affordable Housing Act of 1990. A conference on which I served in the past Congress.

This request to eradicate currently functioning successful housing programs to initiate funding for untried sound-good programs—arbitrarily or purposefully—was roundly rejected and justifiably rejected by the Appropriations Committee, and indeed, was not supported by over 45 organizations representing the various housing constituencies from the Mortgage Bankers to the National Coalition for the Homeless.

This House would not be responsible if we signed off on the destruction of programs like the Congregate Housing Services Program or public housing development now, when in fact the Banking, Finance and Urban Affairs Committee purposefully maintained these programs in the comprehensive bill passed and signed into law just 3 short months ago.

This amendment is apparently just the start of the dog-eat-dog activity that may prevail in this House if we accept such logic. I would ask that my colleagues look deeper than the surface language presented here. For example, the Congregate Housing Services Program does end in 1992. What is not mentioned, is that the National Affordable Housing Act actually expanded this program that currently assists thousands of seniors in over 30 States across the country to all federally assisted housing and that the new authorization is in place through fiscal year 1992. What is not mentioned is that this is effectively spiriting away these funds, leaving seniors without such services and with the real prospect of forcing them into more expensive care and nursing home care facilities for the frail elderly. All the programs that the Kolbe amendment de-funds are authorized most in the same Housing Act that was passed in 1990.

So I ask my colleagues to look at this amendment for what it is—basically a reneging on agreements between this Congress and the administration and between this Congress and people being served by the programs the administration chooses to cut midstream. These new programs, HOPE, HOME, and Shelter Plus, will have an opportunity to receive funding based on their merits in the 1992 appropriations process. The real problem is that the administration is suggesting that we not expand the size of the resources available, but simply rob from Peter to pay Paul.

Surely when Congress reauthorized and authorized new programs, we are endorsing the existing programs and some different approaches. We expected that more dollars would be available, not a short changing of housing overall that is even providing less for housing. At the very least we expected an orderly transition of funding rather than a slam dunk of programs that affect low income housing needs, and people.

Mr. Chairman, I urge my colleagues to vote "no" on the Kolbe-Moran amendment.

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I want to clear up this notion of us cutting rehabilitation monies. We are not cutting rehabilitation moneys. The $500 million that is coming from public housing new construction is new construction because, under the National Affordable Housing Act, you can continue, if the States choose, to continue with the rehabilitation. They will have moneys for rehabilitation. So we are not taking moneys from rehabilitation, we are taking moneys from construction that cannot possibly be spent right now.

Mr. TRAXLER. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in opposition to the Kolbe-Moran amendment. I rise in opposition, first of all, because I think we should respect the work of the Committee on Appropriations. Our esteemed chairman, the gentleman from Michigan [Mr. TRAXLER], has given considerable thought and put many hours into trying to allocate the meager resources of the Committee on Appropriations to the programs that are needed in this country.

Mr. Chairman, we cannot fund everything. We must not rob Peter to pay Paul. We must not undo the existing programs for these new ideas that are untried and untrue.

Mr. Chairman, I know Mr. Jack Kemp. He is a friend of mine. I have the highest respect for some of his ideas and his desire to revolutionize the way we deal with housing for the poor. However, I was not here for the debate and the vote on the comprehensive housing bill. I would have tried to create more debate, especially about the HOPE program.

In my district I have over eight public housing developments. Some of them you have heard about in the news. Those public housing developments are not ready for home ownership. Mr. Kemp knows this. Many Members who have experienced public housing developments know that people are not prepared to own those units.

Mr. Chairman, I would ask Members to vote no on this amendment, even if they are prepared to support it at a later date. This is not the time.

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the amendment. Last year we passed a remarkable housing bill. It allows creative responses to today's problems.

All this bill does is to recognize the astounding leadership of Jack Kemp. He wrote the regulations fast. We ought to reward that kind of leadership, because this gives us the opportunity to take construction money that could not be spent, construction money that would go for very high costs, because we know the costs of building are very high today, and reuses that money to provide many, many more units.

Mr. Chairman, this is not robbing Peter to pay Paul; this is robbing Peter to pay Paul, all his brothers and sisters, all his aunts and uncles, and all his cousins and nieces. In my district this would allow sweat equity projects, that with a very little bit of money and people's own labor, we can create. We can rehabilitate housing for low affordable rents and ownership.

□ 1640

It is fantastic how much better we can spend the construction money and create tens of thousands of more units than we could create through new construction.

The time is now. Let us not let another day pass. Set new priorities like we did in the housing bill. Honor good executive branch leadership that wrote the regulations in a hurry. Let us carry through on the policies that we set last year. Let us recognize Jack's leadership, and let us get on with it so that we have a year and a half to look at when we come back rather than just a few months.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] has 4 minutes remaining, and the gentleman from Michigan [Mr. TRAXLER] has 4 minutes remaining. The gentleman from Michigan has the right to close debate.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER], a member of the authorizing committee and the Housing Subcommittee.

Mr. DREIER of California. Mr. Chairman, it was the day before Saddam Hussein invaded Kuwait that this House passed the authorizing bill last summer, and in that bill we had this great compromise. And just in the last several hours, at this moment, the Rules Committee is continuing to debate the RTC funding measure where there is a great deal of dissension among members of the Committee on Banking, Finance and Urban Affairs. That August 1 agreement saw the distinguished chairman of the Appropriations Subcommittee on Housing indicate that if we were to have the regulations put forward from the Department of Housing and Urban Development that yes, we would proceed with funding for the HOPE Program, the HOME Block Grant Program, the Shelter Plus Program. We acknowledged through our authorization that it will play a major role in expanding the opportunities for us to meet that important goal of ensuring opportunities for those who are less advantaged than we.

That agreement was made. Some say this is a dire emergency supplemental and for that reason it should not be incorporated in here.

Mr. Chairman, we know full well that this will not cost an additional nickel. This is simply a transfer from those old, outdated, wasteful programs of the past to the kind of creative approach that President Bush was talking about as he stood right here last night. Let us not take this domestic reform agenda that the President desperately wants us to implement and, at the first chance to address it, the day after his speech, throw down the drain that great opportunity.

I am convinced that the chance to help those in need is before us. I hope that we will join in passage of this amendment.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, as a member of the housing subcommittee, I rise today in adamant opposition to this amendment and would urge my colleagues not to support it.

We agreed last year that programs such as urban homesteading and Nehemiah would be phased out, but not until some later date. The Kolbe amendment to the supplemental, however, proposes to phase these programs out prior to that date.

Someone said earlier this is not new construction, this is rehab and vice versa. I do not care where it comes from. It is taking money that has been appropriated to help people out of one category and sticking it another. It is not really a commitment. So this cannot be a situation of robbing Peter to pay Paul. This cannot be a shell game where through a sleight of hand we are going to do something mysterious.

If we are serious about housing in this country, we will start doing it with leadership and appropriating the moneys that ought to be appropriated. And we do not just need HOME and HOPE, we need help and we need help now on this issue by those Members who have expressed a desire to help the people of this country to own homes.

Mr. TRAXLER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Mr. Chairman, I speak not as a member of the Housing Committee or the Appropriations Committee, but as someone who has worked in public housing and with community block grant funds and low-income housing for many years. I worked for the St. Louis Housing Authority.

Let me just bring to everyone's attention one fact that has not come out during this debate. What we are doing is not only taking from one program and putting to another, regardless of what programs, but what happens when these kinds of programs are affected is the very lowest income people are hurt. What happened in St. Louis is that the very lowest income people were forced out of public housing, and people live in public housing that now is tenant managed and who have more money and who can afford to do that.

Mr. TRAXLER. Mr. Chairman, I reserve the balance of our time to close debate.

Mr. KOLBE. Mr. Chairman, for purposes of closing our debate, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the minority whip.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 2 minutes.

Mr. GINGRICH. Mr. Chairman, let me say I strongly urge a "yes" vote for this amendment. I would ask those who intend to vote "no" to really search their conscience.

It does not do a lot of good to have Secretary Kemp go across the country, arouse hope, encourage people to believe they are going to have greater control over their lives, encourage local communities to believe they are going to have greater opportunity, and then have the Congress strangle the program.

Let me just address two concerns. First of all in rehabilitation. There is $2.5 billion in the budget for rehabilitation. Rehabilitation is not the issue here. The $500 million from construction would go to local option, and consider what the people who are against the amendment are saying. They are saying that they do not trust the local communities to decide which program works best. They are saying on the one hand that we in the House have decided what you will do, and we do not trust you to decide whether or not what we have told you to do is good enough.

All Secretary Kemp has been asking for is permission to allow the local communities to choose between construction, rehabilitation and vouchers.

We had the gentlewoman from Missouri who just rose, and she is from St. Louis, Bertha Gilkey of St. Louis is in many ways the mother of the whole proposition of tenant ownership and tenant management.

The fact is this is a fight between the bureaucracies of the housing authority and the people who live in public housing, and I think it would be tragic for this House today to say to Secretary Kemp: You can make all of the speeches you want, but we are going to strangle your program so it has no reality in the real world.

I urge everyone to give this new approach and this new program some hope. Give it a chance to be tried out. Do not kill it here on the floor of the House.

How can Members turn the President down when last night he came here and said please, give us a chance to be as effective here at home as we have been overseas?

I urge Members to vote "yes."

PREFERENTIAL MOTION OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. BARTLETT moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Texas [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT. Mr. Chairman, I take this extraordinarily privileged motion and apologize to my colleagues for doing so. This will be the last time I speak in the well of the House, and I was detained for a few moments for closing arguments.

I leave the House this evening. My resignation will be effective on Monday. And I leave on this amendment in many ways as I began withmany of you 8½ years ago advocating a housing policy that would directly empower individuals and families to obtain better housing, safer housing and housing in which individuals are allowed to make their own choices.

Housing policies have changed in the 1990's, and this is one of those changes. It seems to me on the amendment that was before the House that the choice is clear, a choice between the old status quo of involving only 6,800 units that may be built 5 years from now versus assisting directly some 37,000 families, effective immediately, assisting those families to live where they want to live, to live in better conditions, in garden apartments or high rises or single family homes, or live in those ways in which they choose in desegregated, better, more choices and with home ownership opportunities.

□ 1650

I want to say to my colleagues as I leave the well that I feel some enormous gratitude for each one of you for the opportunity to have served with you in the last 8½ years.

It has been well reported that I plan to seek the mayor's job in Dallas and to implement many of the policies that you and I have talked about and worked on legislatively together in the last 8½ years.

I have an enormous amount of respect for every Member here, for the ability that this body has to form coalitions, to develop consensus of legislation in public policies as we move forward to try to empower people to control their own lives. I have a great deal of respect for the center aisle, but I have to say that that center aisle is not a barrier, and it should not be treated as a barrier. The center aisle between Republican and Democrat is a walkway. It is an opportunity to build that coalition.

I appreciate the support and the opportunity from my constituents, from a network of people all over the Nation who have volunteered information and assistance to me in developing this legislation, and I must say, to my own congressional staff, one of the most productive and professional staffs I have ever seen.

Mr. Chairman, as I leave, I would leave on a note that was given to me in terms of a lesson for Members of Congress by John Erlenborn, who had been in Congress for some 18 years before I got here. He sat down when I first got here and gave me a lesson which I have never forgotten. Succinctly, it would say get there early and stay late, do your homework, know more about the subject than anyone else, follow the rules including the written rules and the rules of courtesy and decency, and then if you believe you are right, never, ever, ever give up, and you can make a difference.

I thank each one of you for letting me be here to make that kind of a difference with you.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, may I say to the gentleman that in the course of these last several years, it has been a pleasure to have been associated with him, and that his arguments and his presentations have always been on the very highest level. He has raised the level of debate in this institution significantly, and whatever the future may hold for him, I wish to extend him on behalf of my side of the aisle the very best wishes.

Mr. BARTLETT. I thank the gentleman for his kind words and his, also, high level of debate.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I want my friend and colleague to know that he will be sorely missed in this House, as a Member who has added to the debate no matter which side he was on. Let me say if you were debating an issue in the well of the House, you always wanted the gentleman from Texas to be an ally, because he did know his subject. He did work through the complicated issues. He was always trying to form coalitions and hit the center.

We wish the gentleman all the success. We know he will be running a great city. We wish him great success. We will sorely miss your presence.

Mr. GREEN of New York. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from New York.

Mr. GREEN of New York. Mr. Chairman, I want to join my colleagues in wishing our friend all the best. I have had occasions when I have been debating on the same side as my colleague. Thus, I shall always remember his successful efforts to allow market forces to set FHA interest rates instead of having them set by administrative fiat which never worked, when I joined him in that effort.

We have been on opposite sides, too, as we are today, but the gentleman in the well has always been a gentleman and has always worked hard, and it has always been great to join the debate with him whether on the same side or on different sides. I wish him well.

Mr. BARTLETT. I thank the gentleman.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, it is not often that a gentleman gets to stand down there and take compliments for himself. But I also want to join with my colleagues in saying how much we are going to miss you. You have been one of my good friends, truly one of my closest friends in the House of Representatives, and a great deal of what I have learned in this body I learned from the gentleman: Courtesy, working to forge coalitions, finding solutions that are compromises and working with others.

We wish the gentleman well.

Mr. BARTLETT. I thank the gentleman.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I would like to commend the gentleman from Texas who, as he well knows, has agreed with me about as often with my particular philosophy, about as often as I have agreed with him, very rarely. But I can truly say he has been a gentleman. He has, indeed, raised the level of debate. He has always had a kind heart. He has known his issues. He is well-intentioned. I am sure that he is going to be an excellent product for the races and events he is going to face in this future, and certainly all of us here who have worked with him wish him nothing but the best in the future.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman.

The secret of good public policy is to build those coalitions, to respect the views and the diversity of views, from all parts of this body and all parts of the country.

I thank those who have spoken.

The CHAIRMAN. Does the gentleman from Michigan [Mr. TRAXLER] seek 5 minutes to speak in opposition to the preferential motion?

Mr. TRAXLER. Mr. Chairman, I do.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I share in the plaudits to the gentleman from Texas who is very often perceptive, and the exception of today should not ruin his record.

I agree with him that the center aisle should be a walkway. I just do not want it to be a one-way street. This amendment today is kind of a one-way deal.

I do think that when we get to a full year in 1992, the HOPE Program should get some funding, and I will work on that, but to do it now in this way would be a very great mistake.

People ought to wonder that if this is such an empowerment of tenants why so few tenants are demanding to be empowered. This is not something that has had their overwhelming support.

In fact, those who want to sell public housing today ought to be very glad that there was nobody like them years ago that kept public housing from being built in the first place so they would have it to sell to anybody. What we are trying to do is keep a stream going. Yes, we want choices, but saying that we will not again build any or, and this is very important, acquire any, is a mistake.

We are now in a real estate slump in much of the country. The Committee on Appropriations bill tracking the Committee on Banking, Finance and Urban Affairs bill this House passed would empower authorities not simply to have new construction but to buy units. There are great buys out there now. It is not a case of waiting 5 years.

If we pass this amendment, we debar housing authorities all over the country, and local entities all over the country, from being able to go into one of the great bargain markets, buying some very good housing, cheap housing, housing that is vacant, housing that banks would like to get rid of, housing that realtors would like to see taken off the overhang. This is not the time to tell the housing authorities of this country not to acquire any housing.

When we get to 1992, yes, I would like to see some housing sold, and I would like to see some of that housing replaced so we do not have it all dwindle away.

The right way to deal with this very new program by funding it is not in a supplemental but to give it the serious consideration with all the safeguards that we can, and to pass the amendment now and to remove from housing authorities all over this country the right to acquire additional housing at a time when we can get bargains and the real estate market could use that infusion would be a mistake.

Mr. TRAXLER. Mr. Chairman, would the Chair tell me how much of the 5 minutes remains?

The CHAIRMAN. There are 2 minutes remaining of the gentleman's 5 minutes, and 2 minutes remaining of his regular time.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Mr. Chairman, I found out how short a time 30 seconds is.

Mr. Chairman, in the 1930's, this great country of ours made a commitment for safe and decent housing for all persons. Funding since then has very sporadic and inadequate in various ways.

In the last decade, funding has been terrifically slashed. We have authorized money which we have not approved. We have appropriated money that was not spent.

I just want to again, in these few seconds that remain to me, to remind everyone what we are doing, We are allowing those who are the lower middle income people, higher poor people, to own the housing at the expense of those who most need it who have the greatest needs, and the least ability to be able to own or take care of a home, if they own one, and the least ability to be able to fix it up, furnish it, go out and make any of those repairs.

The funding for all of these programs is inadequate.

I support those who would look to the next funding year to put more funds into all of these programs.

Mr. TRAXLER. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I will not speak to the substance of the privileged motion.

I will take this time, however, to come before the body and to wish my friend, the gentleman from Texas, well in his endeavors. We have served well together on the Committee on Banking, Finance and Urban Affairs. We have not always agreed, but we have always had the concern of housing and the concern of people who live in that housing as paramount.

□ 1700

It has been a privilege serving here. I try to bring to this well the same kind of pride and passion that I learned from Sil Conte when it comes to waging a debate. It has been good over these last 5 years serving with the gentleman from Texas [Mr. BARTLETT] on both sides of the debate, and I wish him well in his endeavor.

Mr. BARTLETT. Will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Texas.

Mr. BARTLETT. I have a great deal of admiration for the gentleman in the well and have enjoyed serving with him.

Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas.

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. TRAXLER] is recognized for 2½ minutes for the purpose of closing debate.

Mr. TRAXLER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New York [Mr. GREEN], the ranking minority member of the subcommittee.

Mr. GREEN of New York. Mr. Chairman, first let me get some facts straight. We are talking about rescinding rehabilitation money. The fact of the matter is that since the fiscal year 1987 appropriation bill of this subcommittee, public housing development funds that we have appropriated are indeed available for substantial rehabilitation as well as for new construction. Though this subcommittee did fund a substantial modernization appropriation, $2.5 billion—and that sounds like a lot until we learn that there is about a $20 billion backlog of rehabilitation to be done in public housing—when you know that $2.5 billion does not sound like quite so much.

The rescissions in this amendment would also rescind the rental rehabiliation grants, the rehabilitation loan fund and urban homesteading, all of which are rehabilitation programs.

Mr. Chairman, as I close debate, I should like to return to the point that I made before. The distinguished minority whip told Members that we should trust the local communities. He gave that as the reason for voting for the amendment. I give it as the reason for voting against the amendment, because all the local communities are telling Members that they want more time to get their acts together in order to run these programs right. That is why the National Association of Counties is opposing this amendment, the National League of Cities, the Conference of Mayors. The other players who have to make these programs function are also asking more time, including to home builders, the realtors, the mortgage bankers, the people who have to be sponsors like senior citizen organizations in the person of the National Council of Senior Citizens. They are opposing this amendment. They are not ready to go under the new program.

Mr. Chairman, the basic problem we face is that we have a situation where Jack Kemp, the quarterback, has dropped back in the pocket, he has the ball and he is ready to throw it down field. The only problem is that the people who have to be down field to catch it, the cities, the counties, the nonprofit groups, are not there to make the catch. They are still on the sidelines saying "Teach me the plays before you ask me to execute them. It just does not make a lot of sense to start these programs off on the wrong foot by trying to force feed them when the people who have the big responsibilities under these programs, the State governments, the local governments, the nonprofit organizations, are not ready to handle them. It just makes no sense to move these programs before the people who have to catch that ball are out there ready to catch it. When they are out there ready to catch it, and I know they will be soon, we shall be ready to see that the Secretary has the ball to throw them.

Ms. PELOSI. Mr. Chairman, I rise today in opposition to the Kolbe amendment, which violates an agreement made last year between Congress and the administration during the consideration and passage of the Cranston-Gonzalez National Affordable Housing Act.

Last year, as a member of the authorizing committee, I was party to the discussions which ended in an agreement by the administration and Congress to support both public housing construction and the Secretary's HOPE Program. This year, as a member of the Appropriations Committee, I am disappointed to see that the administration's first housing-related action is a violation of the carefully crafted agreement which has part of the accord facilitating the passage of last year's housing bill.

I would like to express my further disappointment in the administration's approach to housing in general. Last night, as the President publicly announced his domestic agenda, the major issues of health and housing were conspicuously absent from his list. Now, with today's amendment, we see that he is more interested in maneuvering on his political agenda than he is on truly addressing the housing needs of the people of this Nation.

We all agree that every effort must and should be made to empower low- and moderate-income Americans. Everyone should have a chance to fulfill his or her own American dream, through education, through civil rights, through access to health care, through access to decent and affordable housing.

Like gimmicks contained in the President's fiscal year 1992 budget, however, the Kolbe amendment would make programmatic changes at the expense of already much needed programs. At a time when we are already facing a serious shortage in the stock of affordable housing, it makes no sense to take money away from a fund to construct new public housing. These housing units remain in the housing stock. What the administration proposes as an alternative to public housing, for those who opt not to purchase, is a soft, short-term subsidy, which they could effectively defund at any time.

The administration argues that new housing construction takes 4½ years to be developed, while their proposal would have more immediate effects. However, this argument ignores that cutting public housing construction also cuts money for the rehabilitation of existing units. The San Francisco Housing Authority informs me that rehabilitation funding provided through public housing construction, the major reconstruction of obsolete projects program, is one of the only mechanisms for the major rehabilitation of dilapidated housing.

Many of our public housing units are vacant. In fact, a HUD-commissioned study found that there is 18 to 22 billion dollars' worth of repair work necessary to bring public housing units nationwide up to standards. Why is the administration proposing to cut a program which facilitates not only construction, but also needed reconstruction and rehabilitation of already existing public housing? Isn't it more efficient and less expensive to encourage repair?

Mr. Chairman, Secretary Kemp and the administration had a congressional commitment for serious consideration of their funding request for home and hope for fiscal year 1992. There are indeed some aspects of their proposals which, when combined with our already proven housing programs, make sense. It does not make sense, however, to implement the recissions proposed in the Kolbe amendment. This amendment violates the spirit of the agreement developed last year. It also signals that the administration is continuing politics as usual at the expense of really placing housing on the domestic agenda, where it belongs. I urge my colleagues to oppose the Kolbe amendment.

Mr. FRANKS of Connecticut. Mr. Chairman I rise in strong support of the Moran-Kolbe amendment to H.R. 1281, a budget neutral amendment which will begin the long anticipated process of making home ownership for America's neediest families—a national priority.

I have long admired and supported Secretary Kemp's novel and businesslike initiatives, both while he was a distinguished Member of this body and as a dynamic visionary HUD Secretary.

It is high time we begin to put resources into programs that are successful, dollars where they work, and we begin to reward programs that are tried and proven—programs on the local level, programs that will help families in our cities and towns break the cycle of poverty. We have learned many lessons from the past.

Perhaps, the most valuable lesson is that public/private partnerships that focus on individual initiative, and restoring dignity and responsibility to the poor—work.

I believe in Project HOPE, I believe in the theme of empowerment, which this amendment embodies and supports.

As a local legislator, I have worked with nonprofit housing partnerships, in conjunction with the State and local governments and private sector forces.

We have built quality structures at below market rates, in blighted city neighborhoods, that have stood as anchors of stability and restored neighborhood pride—and most importantly given decent, American families a start at a new, dignified life.

The facts speak for themselves: Public housing is already experiencing a 27,000-unit backlog, new construction of public housing takes up to 5 years to complete and costs twice as much as other forms of housing assistance, and there are nearly 100,000 units of vacant public housing.

The days of warehousing our poor in large, impersonal projects is over.

I believe that it is time to put to work those most willing and capable of getting the job done right—our States, our cities, the nonprofit sector and resident management groups. It is time to act with immediacy—it is time to put Federal dollars to work at the local level.

We need new approaches, we need the courage to back new initiatives and I firmly believe that we need this amendment to begin to fight a real war on poverty. We can take valuable Federal resources and attack the root causes of the problems we see everyday on our streets and in our inner city neighborhoods.

This three-pronged concept of funding the HOME Housing Block Grant Program to expand housing assistance, coupled with Project HOPE to promote home ownership for low-income residents and the Shelter Plus Care Program will begin to end the institutionalization of human beings that deserve better.

This holistic approach puts real weight behind the themes of empowerment and opportunity and I believe gives up a tangible goals to reach for and achieve.

This funding is integral, and I want to thank both the honorable gentlemen; Congressmen MORAN and KOLBE for offering this important amendment.

I urge my colleagues to support home ownership and opportunity for people everywhere and vote in favor of this amendment.

The CHAIRMAN. All time under the rule for this debate has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE]

The question was taken; the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KOLBE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 177, noes 240, not voting 16, as follows:

[Roll No. 33]

AYES—177

Allard
Andrews (NJ)
Annunzio
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
English
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hyde
Inhofe
James
Johnson (CT)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
Martinez
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Miller (WA)
Molinari
Moorhead
Moran
Morrison
Murphy
Myers
Nichols
Nussle
Oxley
Packard
Pallone
Paxon
Payne (VA)
Penny
Petri
Porter
Pursell
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Saxton
Schaefer
Schiff
Schulze
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—240

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Orton
Owens (NY)
Owens (UT)
Panetta
Parker
Patterson
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—16

Crane
Donnelly
Ford (TN)
Ireland
Levine (CA)
Lloyd
Madigan
Michel
Miller (OH)
Ortiz
Roybal
Sangmeister
Sensenbrenner
Udall
Weiss
Wilson

☐ 1723

The Clerk announced the following pair:

On this vote:

Mr. Ireland for, with Mr. Weiss against.

Mr. KANJORSKI and Mr. GUARINI changed their vote from "aye" to "no."

Messrs. CALLAHAN, HAYES of Louisiana, MORRISON, ENGLISH, and RINALDO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CHANDLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I note with approval the inclusion of $200 million in this bill to assist States in handling the increased workload in processing unemployment insurance benefit claims.

Mr. Chairman, it is imperative that workers who have lost their jobs, through no fault of their own, are provided with a helping hand while they strive to reenter the work force.

I am particularly concerned that this assistance be made available, without delay, to displaced workers struggling to provide for their families.

I am hopeful that the current system for projecting unemployment and appropriating the necessary administrative funds can be improved so that we might avoid an annual shortfall of this magnitude and the need to revisit this recurring problem.

In the meantime, I wish to compliment the efforts of Washington State Employment Security Commissioner Vernon Stoner—and those of his agency—in responding to the needs of Washington's displaced workers despite a $4 million shortfall in administrative funds.

The challenge confronting us in my home State of Washington is made even more difficult by the mounting loss of timber-related jobs—jobs lost to a reduced timber supply on the one hand and a sluggish home construction industry on the other.

As we in Congress work on a solution to regional unemployment problems, such as ours in the Pacific Northwest, and look forward to a strengthening economy nationally, I am thankful for the unemployment insurance program and the assistance it offers those most severely effected: displaced workers and their families.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to state my support for the $25 million to combat infant mortality.

Mr. Chairman, as cochairman of the Congressional Sun Belt Caucus Infant Mortality Task Force and a new member of the Select Committee on Children, Youth and Families, I strongly support the infant mortality initiative contained within the legislation before us today.

The appropriations bill allocates $25 million in new money and it is anticipated that Federal funding for community and migrant health centers will remain untouched in 1991 and that funds from those programs will not be jeopardized.

The proposal also recognizes that infant mortality is just as serious in rural areas as it is in urban areas. Last year, members of the Infant Mortality Task Force met with Health and Human Services Secretary Louis Sullivan to discuss the problems in the southern region where infant mortality statistics are higher than any other region of the country. I have been pleased with the deep interest the administration and the House have taken in lowering our Nation's infant mortality rates, however, targeting 10 areas with high occurrence of infant mortality is only the tip of the iceberg.

Proposals as the one before us today are a good start but we must learn from these initiatives and use the knowledge gained to reach out to all areas that are suffering from high infant mortality.

Although there are areas in this supplemental that I disagree with, I support this funding for innocent young infants with problems not of their own making.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to register my support for the $46 million supplemental funds for the Veterans' Administration.

Mr. Chairman, I am pleased that this legislation includes $46 million in supplemental funds for veterans medical care. The Department of Veterans Affairs has indicated that these additional funds would be used for dental care for new veterans, readjustment counseling, the establishment of eight post-traumatic stress disorder treatment units, and to cover replacement costs for VA staff employees who may have been reservists or National Guard members who were deployed to the Persian Gulf as part of Operation Desert Storm.

The coverage of replacement costs for VA medical and support staff who have been deployed to the Middle East is an especially important priority given the fact that many VA medical facilities, including the new VA hospital in the Twin Cities, are understaffed. This problem has led VA hospitals and clinics to turn away some prospective patients whose medical problems or disabilities are not service connected. There simply are not enough doctors, nurses, radiologists, physical therapists, dieticians, and other health care professionals to properly meet the demands placed upon them within the VA medical system. This problem is going to demand more of our attention in the future as our aging population of World War II and Korean war veterans require more medical care in future years.

The CHAIRMAN. Are there any further amendments to title II of the bill? If not, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 1991 is amended to delete the period at the end of the section and insert in lieu thereof the following: *Provided further*, That for the purposes of this section, funds appropriated in this Act may be used to initiate a multiyear contract for the Medium Range Recovery Helicopter (HH-60J) program.

SEC. 303. Notwithstanding any other provision of law, no funds shall be expended by the Secretary of Labor to implement or administer the regulations published at 54 Federal Register 4234–44 (January 27, 1989) to be codified at 1.7(d), 5.2(n)(4), 5.5(a)(1)(ii)(A) and 5.5(a)(4)(iv) of title 29 of the Code of Federal Regulations or to implement or administer any other regulation that would have the same or similar effect. No funds shall be expended by the Secretary of Labor to implement or administer revisions to part 29 of title 29 of the Code of Federal Regulations published at 55 Federal Register 34868–34876 (August 24, 1990) to the extent such revisions affect apprenticeship programs in the construction industry.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM: page 33, strike out lines 6 through 19.

Mr. STENHOLM. Mr. Chairman, the first point I would like to make is I apologize to my colleagues for being here today; we should not be here. We should not be here taking the House's time at this particular moment.

You know, it is rather ironic because over the last 8 years I have been in this well time and time and time again asking and trying to reform the Davis-Bacon Act. We tried to do it on appropriations bills, and we have been held out of order becasue you should not legislate on appropriations bills. We have constantly held to that rule, at least the House has held me to that rule. But now we find that in an appropriations bill the Committee on Appropriations is legislating in an appropriations bill. They should not be doing that.

A little history of why we are here: In September 1982 there was an effort made to change the rules and regulations as they pertain to helpers in Federal contracts. There was an injunction filed in 1982 against this action, and it was held up in the courts until just recently when a judge finally made the proper decision in saying this should not be stopped, that the Department of Labor should be allowed to do as the Davis-Bacon Act, which was passed in 1931 and has not been amended by that body since 1935, that the Department of Labor should be able to promulgate regulations to administer the act as it was originally intended in 1931.

Now, lo and behold, we look at the appropriation bill and we find language that has been inserted that says, "No, the Department of Labor may not do that which the Davis-Bacon Act allows them to do."

□ 1730

Now the House is going to get a chance to vote on this. I do not want to take a lot of time because we ought not to be discussing this on an appropriation bill. I agree with the chairman and others who have constantly begged us not to do it, but, when members of the appropriation bill do it, then we got to take a little time.

Now we are talking money today, folks. We are talking real dollars. If this amendment is allowed to stand, or if I lose on this amendment, it will cost us $600 million a year every year for the next umpteen years, as it has been costing us in the past. That is the bottom line.

Mr. Chairman, I ask my colleagues to support my amendment. Do as we have constantly said, and maybe we will get a little honesty from all of us. Let us not legislate on appropriation bills. Let us allow the Department of Labor to do the job they are supposed to do. Let us allow the consultation that has been going on between labor and the Department of Labor that is this close to an agreement. Let us allow that to happen.

Please join me in striking this. Support my amendment today that strikes this. It will save $600 million a year for the next however many years until we bring this up. And to the appropriate committee, the Committee on Education and Labor, I say, "Please bring a bill out on the floor of the House soon so we may deal with this legislation in the proper way."

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I thank the gentleman from Texas [Mr. STENHOLM], my colleague, for yielding.

I was looking at the merits of this. I am not on the Committee on Appropriations, so I am not here speaking on the procedure by which the gentleman makes the complaint about it being there, however the provision which he wants to strike, I think I am not sure if he realizes it does violence to some fledgling programs we have down in Texas by which individuals who otherwise would not be able to get apprenticeship training have been able to do it, and get training and move up to help with jobs that help our Federal responsive projects, and, if I understand his amendment correctly, if this motion to strike is adopted, then the DOE regulation, the Department of Labor regulation, go into effect, and that would prevent that from happening.

Is that right?

Mr. STENHOLM. The gentleman from Texas [Mr. WASHINGTON] is not correct, and this is one of the basic points of disagreement between some other information that is floating around. I am talking about letting the Department of Labor process continue on. I am talking about letting them promulgate the regulations. Nothing has been done as yet. What we are saying is, "Let the process of the law, as it was intended in 1931, proceed. Let the regulations be written. If it turns out that it is as negative as my colleagues suggest that it is, I suggest then that the committtee bring legislation back to the floor and correct it legally and legislatively on this floor."

Mr. Chairman, it is not the intent of this author to do harm to any State rules and regulations. I have never intended that, and that is not the intent of my amendment.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has expired.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 1 additional minute.)

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I want to make sure I have this straight now.

As I understand, unless this amendment stays in, the Department of Labor regulation that has already been promulgated and already been printed in the Code of Federal Regulations will go into effect, and the only way to prevent that is by this provision of section 304.

Am I incorrect?

Mr. STENHOLM. If in fact it has absolutely totally been determined that these regulations, which it is my understanding they have not been finally decided, it is my understanding that it is still in the negotiating stages, and we are not nearly as far apart as it is being suggested today. If my amendment should lose, I can guarantee my colleagues, based on this language, that nothing will happen regarding Davis-Bacon, and we will spend $600 million more this year in this area than we would have if my amendment passes.

Mr. WASHINGTON. Mr. Chairman, I thank the gentleman from Texas [Mr. STENHOLM] for yielding.

Mr. PETRI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be brief, but I would just like to say that, as the ranking member of the Labor Standards Subcommittee of the Committee on Education and Labor, that I oppose the Committee on Appropriations essentially legislating within the Committee on Education and Labor's jurisdiction. This dire emergency supplemental appropriation bill is not the appropriate vehicle for reversing regulatory policy, and, furthermore, the Labor Standards Subcommittee has not held any hearings on this issue, and to my knowledge this provision was adopted without consulting the chairman of the Labor Standards Subcommittee. I think this is an important policy issue here in this House of Representatives, especially for those of us who do serve on authorizing committees, and, if we do feel that we want an opportunity to do our job, we should be allowed the opportunity to do that rather than see the Committee on Appropriations usurp jurisdiction allegedly because there is some last-minute emergency.

Mr. Chairman, there is in fact not an emergency in this case. Labor unions, members of the Labor Department, have been working and have reached agreement on many of the issues that are supposed to be dealt with by this amendment, and, if they do not reach agreement and there is a problem, why we will have plenty of time to deal with it and in an appropriate fashion in the committee of jurisdiction.

So, I ask my colleagues to support the amendment of the gentleman from Texas [Mr. STENHOLM] so that we can practice good government here in the House and preserve the jurisdiction of the authorizing committee, the Committee on Education and Labor, and other authorizing committees in this body.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Texas [Mr. STENHOLM]. I rise as the ranking member on the House Committee on Armed Services that has fought for years to try to let defense dollars go for defense purposes, which this would tend to do.

While we tend to, in the past have tended to, decrease defense spending, what I am trying to do is say that those dollars that are intended for defense purposes should go for defense purposes.

This amendment would save $600 million a year out of the defense budget. It will in fact be in favor of increased Federal contracting opportunities for small and minority business and in favor of allowing the Department of Labor to do, by regulation, what the courts have said for 5 years that it has the power to do in administering its own rules.

In rising in support of all these things, Mr. Chairman, I am asking my colleagues to strike out a portion of this supplemental appropriation that ought not to have been inserted in the first place. It has no business here.

Now some of our colleagues have expressed doubts that this domestic supplemental appropriation really is an emergency bill, and there are portions of it that should not be considered as emergency. But without a doubt the provisions in the Department of Labor's implementation of its final Davis-Bacon helper regulation does not belong on this floor today.

This provision is no emergency—except to the handful of large contractors and their work forces who specialize in following Davis-Bacon contracts around the country.

This provision is no emergency—except to the privileged few who benefit from $600 million in excess, wasteful, construction spending every year.

This ban on Davis-Bacon helpers is no emergency, has no place in an appropriation, and is no good for the Federal budget.

If it had not been granted a waiver, it would be subject to a point of order because it does not belong here and is not good for the Federal budget. After 9 years of court cases and rewriting, the Department of Labor finally has issued a helper regulation that would wind up saving the $600 million I am talking about when fully implemented. On top of spending the money in this bill, are we going to tell the Labor Department not to save money?

This is the wrong provision and the wrong bill, and certainly this is the wrong time, and I would urge a yes vote on the amendment of the gentleman from Texas [Mr. STENHOLM] to strike this provision that has absolutely no validity in this bill.

Mr. PURSELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are very supportive of the amendment on this side of the aisle. The Stenholm amendment will delete from the bill the amendment introduced by the gentleman from Pennsylvania [Mr. MURTHA] and which did not go through our Appropriations Subcommittee on Labor, Health and Human Services, and it has bypassed the authorizing committee.

□ 1740

Mr. Chairman, if the Murtha language is not removed, the taxpayers will lose approximately $600 million. We think that the process is inappropriate and we recommend that the Members support the amendment offered by the gentleman from Texas [Mr. STENHOLM].

Mr. Chairman, our new Secretary of Labor, former Congresswoman Lynn Martin, has written a letter to the chairman of the Rules Committee opposing the Murtha amendment, and I submit that for inclusion in the RECORD at this point, as follows:

DEPARTMENT OF LABOR,
Washington, DC, March 6, 1991.

Hon. JOSEPH MOAKLEY,
Chairman, House Rules Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the Rules Committee will be meeting this afternoon to consider the nature of the rule governing House debate on H.R. 1281, the "Dire Emergency Supplemental." This letter is to express the Administration's strong objection to a Murtha amendment which was accepted yesterday by the House Appropriations Committee in its consideration of H.R. 1281. The Murtha amendment would prohibit the Department of Labor from expending funds to administer regulations governing the use of semi-skilled helpers on federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts (DBRA). (These regulations went into effect on February 4, 1991.) It would also enjoin the Department from promulgating final regulations pertaining to revisions to the apprenticeship programs in the construction industry.

I oppose this amendment and its purposes. I also oppose legislating substantive labor policy in an appropriations bill. An appropriations bill is not the appropriate vehicle for introducing significant reversals in established governmental policies. For these reasons, I am asking that the Committee agree to a rule that provides for an "up or down" consideration of the Murtha language on the House floor.

The issues underlying the DBRA regulations have been examined extensively over the past decade, and the Department's authority to implement them has been sustained through the courts. The objections to these regulations were considered in the courts and were rejected. The helper regulations reflect a longstanding position of the Executive Branch over the last decade.

These regulations set no government-imposed constraints or conditions on construction contractors or construction workers. The employment of helpers is permitted *only* when their use is the prevailing practice in an area. The regulations do place limits on the ratio of helpers to journeymen to prevent abuses—their use is limited to two for every three journeymen.

Permitting the use of helpers, according to local industry practices, will:

Provide increased job opportunities for semi-skilled workers and encourage their use in a manner which provides training;

Update outmoded practices under Davis-Bacon to more accurately reflect widespread industry practices thereby enhancing private sector competition on Federal construction projects;

Save the Federal government a substantial amount in construction *labor costs* (estimates to be at least $500 million in FY 1992).

The proposed revisions to the regulations governing the Department's registration of traditional apprenticeship programs were published after two years of research, review, and discussion in an open and public debate on the issues. The purpose was to steamline and update these regulations as part of an overall Departmental program to expand apprenticeship to additional occupations and industries and to maintain and improve the quality of *all* apprenticeship programs. These regulations would require State Apprenticeship Councils to promptly advise a sponsor of a proposed apprenticeship program of a decision on the sponsor's requests and furnish an explanation of the decision in the event of a denial. In addition, there would be the right of appeal to the Department of Labor if the request was denied.

The changes proposed in the revised regulations are intended to reduce subjectivity and the opportunity for bias in determining conditions for program registration and in the monitoring of programs. Background information on the helper regulations is enclosed.

When put in place, these revised regulations will:

Ensure that all registered programs meet consistent, *high quality standards*;

Ensure that all potential programs sponsors are treated fairly by setting up a Departmental appeal process;

Establish a uniform Federal standard for registering apprenticeship programs, with allowances for State flexibility for specific State purposes.

In addition, I would point out that these regulations are still in proposed form. We will keep the Congress informed as the rulemaking proceeds.

For the foregoing reasons, the Administration asks that the Rules Committee would grant a rule which allows for the "up or down" consideration of the Murtha amendment.

The office of Management and Budget advises that there is no objection to the transmittal of this letter from the standpoint of the President's program.

Sincerely,

LYNN MARTIN,
Secretary of Labor.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM].

Mr. Chairman, the Stenholm amendment would delete from the pending supplemental appropriations bill the Murtha amendment, which prohibits the Secretary of Labor from implementing two sets of regulations threatening to undermine important standards for the protection of workers in the building and construction trades throughout the Nation.

These prohibited regulations are, first, the newly effective Davis-Bacon regulations regarding helpers and, second, the proposed regulations making changes in the operation in the National Apprenticeship Program affecting the construction industry. Neither of these regulations, which the Murtha amendment as adopted by the Appropriations Committee would hold in abeyance, has been properly considered and approved in the legislative process.

As chairman of the Education and Labor Committee, I am strongly opposed to the administration's unilateral promulgation of such major regulations in the absence of legislation authorizing substantive changes in these programs.

The Davis-Bacon regulation, which took effect on February 4 of this year, would allow contractors carrying out federally assisted public works and construction projects subject to the Davis-Bacon Act to assign work previously performed by journeymen or laborers to a lower-wage classification of "helpers".

Collective bargaining agreements usually include within the classification of laborers those workers who perform helping or tending duties. Like other laborers, they receive prevailing wage rates and fringe benefits. The Labor Department's new regulations will allow prevailing wage determinations to be made separately for a newly recognized classification of helpers, who would not be covered by the prevailing wage rate and fringe benefit protections available to laborers.

The expanded helper regulation will have the effect of eliminating the longstanding requirement that has permitted Davis-Bacon contractors to pay reduced wages to unskilled workers only if they are registered as apprentices in a Federal apprenticeship and training program or an approved State apprenticeship program. Under the new regulations, helpers would not be assured of the training that they need to enhance safety and productivity on the work site.

The new Davis-Bacon regulations recognize a category of helpers who are not journeymen mechanics or laborers, and who are not apprentices or trainees, the classifications for which Davis-Bacon determinations have been made for half a century.

Under these regulations, contractors who employ workers in the helper category at lower wages and benefits, but do not register them as apprentices, will reduce their costs to the detriment of these workers and thereby have an unfair advantage in bidding for federally assisted public works and construction projects.

This kind of fundamental change in the program's framework should be addressed only in the context of Davis-Bacon authorization legislation.

The Education and Labor Committee reported out legislation in the 100th Congress which addressed a variety of Davis-Bacon issues, including the definition of helpers. That legislation was adopted on the House floor as a part of the Defense authorization bill. No Davis-Bacon amendments were finally agreed upon in the joint House-Senate conference.

Congress should insist that the administration recognize that authorizing legislation is the only appropriate vehicle for dealing with fundamental changes in the operation of the Davis-Bacon Act. I support the Murtha amendment because it protects the legislative prerogative in this important area.

The proposed regulations regarding programs under the National Apprenticeship Act are still under review in the administration, after an extensive public comment period. Nearly 60,000 comments opposing the regulations were received by the Department.

Although the Labor Department has not settled upon the final contents or an effective date for these regulations, there are disturbing provisions in the proposed regulations, which have been brought to the attention of many Members of Congress.

The major controversy concerns the Labor Department's proposal to provide interstate portability of apprenticeship program registration. The approval of an apprenticeship program in a State would automatically permit a sponsor to operate in another State for up to 6 months without obtaining approval from the second State where it would like to operate.

Employers with programs meeting lower standards in one State would be encouraged to operate in States where they would not meet higher apprenticeship standards. The need for this portability proposal is not clear, in view of the experience that many multi-State contractors are now meeting standards in each State in which they operate.

The construction industry apprenticeship program in this country has generally been highly effective, a model for the world. The Murtha amendment would simply prohibit the implementation of the proposed apprenticeship regulations as they affect the construction industry.

It is my position that those who advocate changes in the National Apprenticeship Program should demonstrate the need and justification for major operational changes in the proper legislative forum. The administration has not submitted a legislative proposal to the Education and Labor Committee. I believe that regulations arousing the controversy that these apprenticeship regulations have stimulated should be withdrawn.

I support the Murtha amendment in this bill because it would assure that these Davis-Bacon and apprenticeship regulations will not be permitted to take or remain in effect, in the absence of the proper approval in the course of legislative consideration.

For these reasons, I ask that the Stenholm amendment be defeated and that the Murtha amendment be retained in this supplemental appropriations bill.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that we all want to vote and we want to end the day and end the week and go home, but I think we have to understand exactly what is going on here this afternoon.

We have two sets of regulations. One set of regulations deals with Davis-Bacon, and the other set of regulations deals with apprenticeship. The Davis-Bacon regulations have been litigated in courts, and the courts have ruled that every one of those regulations is valid. I cannot help it if you do not like the ruling of the courts, but that is what has happened.

On the apprenticeship regulations, they have been in negotiation, and the fact is that last week organized labor in this country resolved almost every bit of the differences in the proposed regulations with the Department of Labor. We are all well aware that this week the Department of Labor has been up here meeting with congressional staff to further discuss those proposed regulations.

These are only proposed. This is the first phase, the public hearing phase, as the distinguished chairman of the Committee on Education and Labor said, and this is the time for comment. But are we all going to decide here today that we are not going to allow the normal rulemaking process to go forward if there is by chance the possibility that there is something in those regulations that maybe we do not like? Is that the way we are going to legislate? Are we going to legislate that way in an appropriations bill?

This is the wrong provision. This amendment is in the wrong bill. It does not belong in an appropriations bill. If there are problems with Davis-Bacon and problems with the apprenticeship rules, then we should bring legislation up here to deal with them. But it is the wrong time. It is the wrong time because the regulations process is not complete. It is the wrong time because the Department of Labor has been bargaining in good faith with organized labor to resolve this, and now we are going to come in here and cut them off at the knees.

The fact is that we have regulations in here that are 17 years old. They have not been changed for 17 years. The process of updating and modernizing those regulations makes all the sense in the world, and are we going to take a dire supplemental appropriations bill and use that as a tool because we know that train must go? Are we going to do something like this? That is not good public policy, and worse than that, it is not a good legislative process.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to respond to the statement of the chairman of the Committee on Education and Labor of a moment ago and again remind my colleagues that we are here today because these regulations that were proposed in 1982 were stopped by an injunction. The individuals who differ with whether the regulations ought to be written or not written today have had a judge look at them, and let me read what the judge has said regarding the Davis-Bacon item:

Vacating the injunction, Judge Harold H. Green stressed that the Davis-Bacon Act gives the Secretary of Labor authority to determine prevailing wages in the broadest terms imaginable. Accordingly, the court said a review of the Secretary's decisions should be only to ensure that regulations are consistent with the purpose of the statute and are not arbitrary.

The arguments the chairman was making have already been looked at by a judge, and it was said that the original intent of the act that has not been amended since 1935 is in fact still being carried out, but there are still protections if in fact these regulations are arbitrary. And that is not anything my amendment is getting into.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

Mr. FORD of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin be granted 3 additional minutes, and I will ask him to yield to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. McDADE. Mr. Chairman, reserving the right to object, I am not going to object, but I would just like to try to see at this point if we can get a sense of how many more speakers there are on this issue and see whether or not we can agree on a limitation.

Mr. FORD of Michigan. Mr. Chairman, if the gentleman will yield, my sense is that we are at the end.

Mr. McDADE. I am sorry, I did not hear the gentleman.

Mr. FORD of Michigan. Mr. Chairman, the reason I am doing this is that my sense is that we are at the end of it.

Mr. McDADE. Are there more speakers?

Mr. FORD of Michigan. If the gentleman pops up with one, one will pop up over here, but after that I think we are through.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. VALENTINE. Mr. Chairman, I would just like to make a request by unanimous consent. I rise in support of the amendment.

The CHAIRMAN. There is already one unanimous-consent request pending, that request being for the gentleman from Wisconsin to be granted 3 additional minutes.

Mr. McDADE. Mr. Chairman, further reserving the right to object, may I suggest, if we are close to a vote, that we get unanimous consent that all debate close in 5 minutes.

The CHAIRMAN. Does the gentleman from Michigan [Mr. FORD] withdraw his first unanimous-consent request?

Mr. FORD of Michigan. No, Mr. Chairman, I asked to get 3 additional minutes for the gentleman from Wisconsin.

The CHAIRMAN. Then the Chair will put the question again.

Is there objection to the request of the gentleman from Michigan that the gentleman from Wisconsin [Mr. GUNDERSON] be granted 3 additional minutes?

There was no objection.

□ 1750

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I will be happy to yield to the gentleman from Michigan.

Mr. FORD of Michigan. The actual history the gentleman partially reported to Members is in 1981 the Reagan administration proposed the same regulation we are talking about here. The U.S. court held that that was an illegal attempt to, by regulation, amend the Davis-Bacon Act.

In 1982, the district court held that the helper rule violated the Davis-Bacon Act, and sent it back in 1983 to the Labor Department and said, go back to the drawing board and recognize the existence of the definitions in the act as we have interpreted them in the past, and rewrite it.

In 1987 the Labor Department issued a second proposed helper regulation. In 1989 the helper regulation was published as final and submitted to the U.S. district court for approval. In 1990, the U.S. district court lifted its injunction, that had been there ever since 1981, clearing the way for the Labor Department to implement the helper rule. However, that case is on appeal.

Now, I do not know if you want to have these things go to the courts, and then let the executive branch go forward. It does not show good faith to me on the part of the people over at the Labor Department. I have not had a chance to talk to the Secretary about this. I do not think she will approve of it.

Mr. GUNDERSON. Mr. Chairman, reclaiming my time, two things: First of all, if you are concerned about regulations going to the courts, if you are concerned about the outcome of the courts, then let us take a good look next week at the civil rights bill, where we are opening up civil rights laws to the courts for the first time in the history of the country.

Second, and this is the argument that every Member on this floor, Republican or Democrat, ought to understand. Lynn Martin has been the Secretary of Labor for 1 week. One week. Now, do you think it is fair and proper conduct for this House of Representatives to come here and to undercut her ability to review these regulations and to propose final regulations, with only 1 week on the job? We are all fairer than that. We all apply to a higher standard of conduct than that.

Support the amendment of the gentleman from Texas [Mr. STENHOLM].

Mr. McDADE. Mr. Chairman, I want to make sure we are closing debate. If not, I want to renew my unanimous consent that all debate end now.

Mr. VENTO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Stenholm amendment, which would eliminate the provision of the bill added in the Appropriations Committee by Mr. MURTHA, which prohibits the Department of Labor from expending any funds to implement proposed new regulations which would permit the expanded use of helpers on federally funded or federally assisted construction projects.

On August 24, 1990, the Labor Department published proposed new regulations which would lower the standards of all apprenticeship programs, including those in the construction industry. The Labor Department justifies these proposed new rules on the basis that they are intended to promote the development of apprenticeship programs in nontraditional industries and to serve the needs of apprentices. A closer reading of the proposed new rules, however, reveals that, in fact, they would serve wholly the convenience and benefit of contractors and not the apprentices enrolled in the program.

For example, the portability provision in the Department's proposed rules would allow a contractor from one State who meets the new proposed Federal standards to automatic certification in any other State for up to 6 months. While this change would obviously give contractors greater flexibility in moving apprentices across State lines, it does not necessarily serve the interests of the apprentices in training since there is no requirement that a contractor hire any local apprentices in another State which he enters and since there is no requirement that he retain those apprentices from his own State who he brings into work in another State.

Furthermore, the portability changes proposed in the new rules run roughshod over State apprenticeship programs in Minnesota and many other States thus circumventing State efforts across the Nation. The proposed new rules will effectively preempt the ability of State apprenticeship agencies to establish program standards that are higher or are in any way different than a set of minimum Federal standards.

In Minnesota, we know from firsthand experience what can happen when an out-of-State contractor comes in from another State with very different labor standards and practices and runs roughshod over local workers and apprentices.

The proposed new rules also eliminate journeymen-to-apprentice ratios. This change will undoubtedly reduce the quality of the job-training component of all apprenticeship programs and will also adversely affect job safety.

The proposed elimination of the minimum 144 hours of annual instruction in the proposed rule will reduce construction program quality in the building trades and will also lower the level of training provided to apprentices in nonconstruction apprenticeship programs. Simply increasing the minimum term of an apprenticeship to 2 years, except for competency based programs where the term may be an even shorter duration of only 18 months doesn't suffice for the lost training requirements. How do such changes work to the benefit of apprentices who are promised a quality training experience? The answer is that they do not.

On October 19, 1990, I wrote to then-Secretary of Labor Elizabeth Dole, and was joined by 105 other Members of the House, expressing our opposition to these proposed changes and requesting that the proposed regulations be withdrawn. Indeed, it is my understanding that the Department of Labor has received thousands of comments criticizing these proposed new rules since they were first published in the Federal Register in August 1990.

On March 1, I hosted a congressional briefing at which Mr. Jim Van Erden, Administrator of the Office of Work-Based Learning, and Mr. Tony Swope, Director of the Bureau of Apprenticeship and Training, responded to some of our concerns regarding these proposed regulations. At that time, these Labor Department officials indicated that they were aware of many of the concerns which have been expressed and that they were working with interested parties to revise the proposed rules. That being the case, there should be little objection to the provision included in committee by the gentleman from Pennsylvania [Mr. MURTHA] which simply prohibits the Department from expending any funds to implement these regulations, which the Department concedes are flawed.

I hope that my colleagues will join me in rejecting the Stenholm amendment to delete the Murtha provision from the bill.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I insert the following letter from the AFL–CIO:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS, *Washington, DC, March 7, 1991.*

Hon. JOHN P. MURTHA,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MURTHA: The AFL-CIO supports your amendment to H.R. 2181, the Dire Emergency Supplemental Appropriations bill for FY 1991 which forbids the Labor Department from expending funds to implement helper and apprenticeship regulations which adversely affect workers. For almost ten years, both the Congress and the courts have stood fast against these proposed regulations.

As you know, the Labor Department in 1981 proposed a new category of "helpers" designed to create a class of workers who, unlike laborers, would work with no formal training and no hope of advancement within the construction industry. The Davis-Bacon Act requires prevailing wages for "laborers and mechanics" on federal and federally-funded construction projects; "mechanics" are journeymen.

Under the regulations, "helpers" will receive no formal training and will become a permanent underclass of workers at very low wages. The result would be to severely reduce the level of employment for laborers, who are in large part minority workers. If the regulations were implemented, fully 40% of the Davis-Bacon work force would be eliminated just as the numbers of minorities and women are increasing in the industry, their wages would be slashed or their jobs eliminated.

In 1983, the U.S. Court of Appeals struck down the 1981 helper regulation, ruling in part that it undermined the Davis-Bacon purpose that Federal projects mirror local practices, and the court enjoined enforcement of the regulation.

The changes being brought about by the regulations are those that the Congress has repeatedly rejected. Moreover, Congress has both repeatedly extended the Davis-Bacon Act and refused to repeal or "water down" the statute.

The Labor Department has also proposed a regulation to disrupt the long-standing operation of apprenticeship programs. The regulation would abolish state apprenticeship councils of employer and employee groups which exist in 26 states and the District of Columbia.

Furthermore, the regulation would abolish ratio requirements of apprentices to journeymen, leaving an unenforceable apprenticeship system. The Labor Department cannot enforce every employer's apprenticeship program without an established ratio.

The regulation would also allow out-of-state contractors to disrupt local apprenticeship training programs by bringing in an unlimited number of out-of-state apprentices.

The AFL-CIO strongly supports your Amendment and we urge you and your colleagues to vote down any motion to strike it from the Supplemental Appropriation.

Sincerely,
ROBERT M. MCGLOTTEN,
Director, Department of Legislation.

Mr. VALENTINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. STENHOLM]. He and I, and many others in this House, have long pushed for real reform of the outdated, obsolete Davis-Bacon Act. It is not fair to those of us who have invested much time and study in Davis-Bacon to be surprised by the revelation that a significant, nongermane legislative provision was slipped in this appropriation bill in committee.

Despite previous consideration of Davis-Bacon in this House, this provision has never been openly debated. And every other significant Davis-Bacon provision to come to the floor in the last decade—whether already in a committee bill or in a floor amendment—and whether proposed by Davis-Bacon reformers or apologists—has come with an opportunity for full debate and an opportunity for the other side to offer an alternative.

This is a Davis-Bacon stealth attack Mr. Chairman. It has been carried out this way because some supporters of the old Davis-Bacon regime do not trust the outcome of this debate to the democratic process.

In 1988, we came within six votes of passing a Stenholm-Dickinson amendment significantly stronger than the Department of Labor regulation this bill blocks. In 1989 we lost by only 22 votes an attempt to defeat an expansion bill.

This is a close issue in the House, and I am disappointed that a few persons would rather attach a rider to a supplemental appropriation than revisit the issue in an open, deliberative manner.

I want to revisit the issue again, but I want to do it when we also have a chance to vote on repeal or reform of the archaic Davis-Bacon Act of 1931. I do not think it is fair, with virtually no notice, to be forced to fight a defensive action against a sneak attack to protect a regulation the Secretary of Labor has had every right to issue.

For these reasons, I ask that we adopt the Stenholm amendment today and set the stage for a real Davis-Bacon debate later in this Congress.

Mr. RAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my friend from Texas, Mr. STENHOLM.

The House has openly debated the issue of Davis-Bacon reform in the last few years, usually as a part of the Department of Defense authorization bill. The debate has been thoughtful and the votes have been close. I believe it is proper to consider Davis-Bacon reform in the context of an authorization bill.

Unfortunately, this issue is now being debated because the Appropriations Committee attached a rider to the supplemental appropriations bill which would prevent the Department of Labor from implementing their modest regulations regarding construction helpers. The courts have held that the Department of Labor has the power to issue regulations which allow the use of semiskilled helpers on Federal construction projects. These regulations are consistent with the Davis-Bacon Act.

Mr. Chairman, these regulations do not need to be addressed through this rider on a supplemental appropriations bill. I encourage my colleagues to support the Stenholm amendment and delete the language in the bill.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Stenholm Davis-Bacon amendment.

This proposal simply strikes a paragraph in the emergency supplemental that should not be there—a nongermane legislative provision in an appropriation bill that prevents the Department of Labor from proceeding with the new Davis-Bacon helper rule.

The House has debated Davis-Bacon issues several times over the last few years, resulting in several very close votes. Now, an attack has been launched, with a paragraph secretly attached to this appropriation bill that is actually substantial legislation.

The Department of Labor began the process of writing a Davis-Bacon helper rule in 1981. While none in Congress attempted to block it, labor took it to court in 1982. Our legal system cleared the way for a revised regulation in 1985. The Department has further refined the helper rule.

The helper rule has been tested in Federal court every step of the way, including a final determination about a month ago. There is no conceivable reason to hold it up.

There is another reason to support the Stenholm amendment. Simply put, this amendment saves the Federal Government $600 million in wasteful spending. With the Federal deficit topping $300 billion, it's about time we start cutting spending rather than looking for ways to spend more.

The helper ban in this bill amounts to a major and expensive rewrite of the Davis-Bacon Act. Tucking it away almost out of sight, hoping no one will notice, is not a responsible way—nor a fair way—to legislate.

I'm perfectly willing to debate all the issues surrounding the Davis-Bacon Act; unfortunately, this is not the time or the place. Join me in supporting the Stenholm amendment.

Mr. WASHINGTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the construction industry currently has a recognized category of workers who perform helper or tending duties. These are construction laborers. The so-called helper that the gentleman from Texas claims should now be utilized on Federal construction is nothing more and nothing less than a construction laborer—except that the new helper is untrained and receives no fringe benefits such as health care or pension contributions. The economics of replacing trained laborers who currently receive health benefits and a decent wage are quite questionable.

But let me also point out that construction laborers are the largely minority and female component of the construction work force. So if the new helper class is now used, what is the impact on the minority and female portion of the construction work force? It is simple. Their wages are cut and they lose health care coverage.

In 1989, the recognized and formal training programs of construction laborers were composed of 40 percent minority and female workers. The rate at which laborers are currently being trained demonstrates the manner in which the helper regulation will have a particular and immediate adverse impact on the employment of minority and female laborers. Under the auspices of the Laborers-Associated General Contractors education and training fund, a jointly sponsored labor management training fund, there were 31,913 construction laborers who received formal training in 1989 from 73 local training funds throughout the United States. Forty percent of these laborer trainees were minorities and women.

It is these very workers who face a reduction in wages and fringe benefits if the helper rule goes into effect.

If contractors can now simply reclassify these minority and female laborers as helpers and cut their wages and eliminate their fringe benefits, what can possibly be gained from an economic point of view. Also, the social costs will be enormous. It is wrong headed and I urge you to vote against the motion to strike.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to be sure that Members understand how you save money under this regulation. There is no doubt you save it. You save it by the hundreds of thousands of dollars very quickly, and you save it one way. You reduce the wages of American workers. That is the only way that there is any money saved here.

Mr. Chairman, if you vote for the Stenholm amendment, you are voting to reduce the wages of American workers. Yes, that is a savings.

Now, there are other ways to get savings in this country besides reducing the standard of living of American workers. A vote for the Stenholm amendment reduces the standard of living for American workers building plants and equipment and designing material for the Government of the United States. A vote against the Stenholm amendment at least attempts to keep the standard of living for American workers where it is now.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words, and rise in support of the amendment.

Mr. Chairman, it seems to me we ought to understand that for about 8 years now the Department of Labor has been trying as best they can to implement what all of the construction trades and private industry recognize, and that is when you have the classification of helper, you can (once in a while) pick up a tool, for instance, without having to be paid as though you were a journeyman. It is just that simple aspect that we really are talking about.

Mr. Chairman, as far as minorities are concerned, they wish to be able to get into the construction trades. The way to do that is to emulate the private sector. You come in as a helper. You help a carpenter or you help in painting, and you are able to pick up a hammer once in a while. You are paid a fairly good rate there as a laborer, but not as a journeyman.

Anyway, we are not even settling that issue here. We are saying to the Secretary of Labor, you can continue on this particular course. If some people have objections, they can file the objections. I suppose we can have litigation for another 8 years. But the people of this country are recognizing that we are just blowing away $600 million because we are not able to utilize the regulation process.

It makes no sense for this Congress to continue to be indifferent about saving money especially when you have Federal construction projects that can be operated on the prevailing wage rate in the locality and within the prevailing job classifications in the locality. That is what the Davis-Bacon Act is all about—to guarantee that the prevailing wage rate and the prevailing job classifications will prevail. Here we are fighting and fighting, so that we cannot intelligently address it, and we tell the new Secretary of Labor that she cannot continue on what has been an 8-year march. I think that is ridiculous.

Once again, the whole country is watching us as we are indifferent. We are not cutting wages. We are trying to open up the trades so that young people and minorities and others can learn the trades and learn how to be a plumber or a painter. We are not taking money out of peoples' mouths, we are giving them opportunities.

So I support the Stenholm amendment. It is common sense. The Secretary of Labor and the regulatory process hopefully someday will come to an end.

Mr. Chairman, I cannot understand why in the world we cannot have a job classification recognized by Davis-Bacon, if it is a prevailing job classification in a locality where the construction is taking place. That is all we are talking about. A few unions do not like it. They want everybody who comes in, even if they are going to do helpers' work, to get paid as much as a plumber or a painter. That means any construction job which is federally funded or assisted with Federal funds, including local projects which are assisted with Federal funds, will cost millions and millions of dollars more.

Mr. Chairman, that is wasting the money of the taxpayer. I apprise Members once again the deficit this year will be $318 billion, not counting what we borrow from trust funds.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

I apologize to Members for speaking. I know the hour is late and we all want to move on. I cannot let myself let that last speech go unanswered.

Mr. Chairman, I am chairman of the subcommittee that has jurisdiction over the Apprenticeship Program. The Helper Program is in another area. I can truthfully say that this is a change in a policy that has basically controlled this program for 44 years. This is being done by the backdoor of regulation. It is not going through the appropriate channels. All that the gentleman from Pennsylvania [Mr. MURTHA] is attempting to do with this particular amendment is maintain the status quo. That status quo has given us an Apprenticeship Program that has a proper ratio of journeymen to apprentices of 2 to 1, that has a portability provision that prevents people from transferring from one section of the country to another and giving credit, despite the training they have received, that allows States to basically run their own programs, as 26 States have standards this will do away with.

□ 1800

So I seriously think that before Members are too misguided about what is going on today, they should realize that this is a change that is going through the back door, and what we are asking today is for a full and fair hearing through the appropriate jurisdiction, the Education and Labor Committee, to actually produce some sort of policy decision.

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I was trying to get my friend from Illinois to yield and I think he forgot and sat down, but am I correct, like down in the State of Texas, specifically in Houston where I am from, we have had a hard time getting certain individuals to participate, to be able to get into these apprenticeship programs, and what I want to do, and the reason I oppose the Stenholm amendment, is the way I read it and the way I read what the regulations do is that they would allow companies from out of State to come in and circumvent the process we have set up by which 40 percent of the apprenticeship jobs are now being held by women and minorities, and bring in people from other States. Am I correct or incorrect?

Mr. PERKINS. I think the gentleman is absolutely correct. Women and minorities would be deeply affected under this proposal.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman yielding for two reasons. I want to comment both to your statement and that of the gentleman from Texas.

It is our understanding that the proposed regulation will make it easier, not harder, but easier to enter the apprenticeship program. I think that we ought to review and understand that before we make this kind of a legislative change.

But I want to ask the gentleman from Kentucky, am I not correct that last week organized labor met in Baltimore with the Department of Labor and came to a general consensus on the regulations for the apprenticeship program?

Mr. PERKINS. I am not familiar with any sort of action that has taken place along those lines, so I truly cannot comment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I am pleased to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as late as last Friday we had a meeting, I did, under the auspices of Chairman FORD with the Department of Labor and various staff. One hundred Members last year signed a letter, as the gentleman maybe knows, against the proposed regulations, and the Department of Labor representatives that were there, and the Labor people at that meeting gave no indication that there was any agreement at this time. There was agreement on some points, but the major provisions that were pointed out here with regard to portability and with regard to the number of apprentices for journeymen, there is no agreement.

The only way I believe, and that is why I oppose the Stenholm amendment and support the Murtha amendment, the only way we are going to get that issue resolved is if we prevent these from going into effect. I think while there may be general agreement down the road, I do not think we want it with a hammer at our head.

Mr. PERKINS. Reclaiming my time, that of course was my understanding as well. I was not familiar with any changes.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman yielding.

First of all, let everybody understand they are proposed regulations, they are not final, and they are in the public hearings process.

Second, it is still our understanding and the Department of Labor's understanding that there was an agreement in Baltimore on those regulations, and that is why I think many people are very upset with this section happening in this bill at this time when there has been negotiation in good faith, and it is the Department's understanding they have reached an agreement. If they have not over a couple of items, then we ought to go back and deal with that. If that all fails, legislatively we solve it later. But do not prevent the normal process from working, and that is what is happening this after-noon.

Mr. PERKINS. Reclaiming my time, as I say, I am not familiar with any agreement, nor as the gentleman from Minnesota indicated has our side understood there is such an agreement.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to correct something that was said just in the last debate and discussion. One would have thought that if the regulations go into effect, somehow minorities are going to be hurt by that. The opposite is positively true.

At the present time you can be denied an apprenticeship if they do not like the way you comb your hair, if they do not like the color of your skin, if they do not like anything about you and you cannot, you cannot appeal that decision. That is final.

The regulations would give them the opportunity, as a matter of fact, to appeal the decision that was made, which was probably a discriminatory decision in the first place.

Mr. KOLTER. Mr. Chairman, I rise in strong support of the full provisions of the Davis-Bacon Act of 1931. This famous act requires that the minimum wage rates paid to each separate classification of worker, on federally financed construction, repair, and alteration contracts, be those determined to be locally prevailing by the Department of Labor.

As my colleague, Mr. STENHOLM, has indicated, the Davis-Bacon Act was, indeed, a much needed response to unscrupulous, fly-by-night contractors, hauling gangs of itinerant, cheap, bootleg labor around the country to undercut local firms on Federal public works projects at a time when there was little other new construction.

But if we weaken Davis-Bacon now, surely these terrible past practices will return.

Mr. Chairman, we are currently in a precarious time of little or no new construction. We are again in a dismal time of limited employment opportunities and limited business opportunities. If we harm the Davis-Bacon Act now, we will without a doubt return to the same unscrupulous fly-by-night gang labor that needed stopped by Davis-Bacon in 1931.

Today, make no mistake, we have hard, uncertain economic times throughout America and the world. Any weakening now in the labor laws will invite all manner of ruthless new hiring practices.

For example, one problem might be created because immigrant labor is anxious to obtain employment on our shores. Many desperate peoples of the world, whose labor has been shackled in their own lands, would understandably be more than willing to earn a few dollars in this free nation where they have been told the streets are lined with gold. We know through hard experience, that there are—unfortunately—exploiters here on our own shores, who will not hesitate to reshackle these new American workers.

Therefore we cannot allow the slow and systematic destruction of our labor laws and the hard-earned wages of this Nation's labor. The great social contribution of the 20th century has been a fair wage for a full day's work, with a definite and legislated minimum.

We must not be prepared to throw this hard-won legislation to the wind. We must fight here in the Halls of Congress and stand behind the American worker by opposing the amendment of the gentleman from Texas [Mr. STENHOLM] and by supporting the amendment of the gentleman from Pennsylvaina [Mr. MURTHA].

The Stenholm amendment would allow the Labor Department to implement new regulations to expand the practice of hiring helpers. These helpers will receive no formal training and, in time, will become a permanent underclass of workers at very low wages. In addition, a radical change in the spirit of Davis-Bacon—such as the Stenholm amendment—should not be decided by Labor Department regulation.

Mr. Chairman, we recently witnessed another example of the plan to create an underclass of workers when we witnessed the forced agreement on a subminimum wage in the compromise version of the fair labor standards amendments in the last Congress. But this Member of Congress will not idly stand by and allow yet another attempt to gut this Nation's cherished labor protection laws go unchallenged.

The apprenticeship program we must protect today has a long and proud history of training men and women to become skilled journeymen in the construction industry. Allowing the expanded use of helpers on Federal projects would only upset the working relationship between journeymen and apprentices and drive down the wages of all workers at these construction sites.

I urge my colleagues to join me in opposing the Stenholm amendment and supporting a better standard of living for all workers on Federal or federally funded construction projects.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 244, not voting 16, as follows:

[Roll No. 34]

AYES—173

Allard
Andrews (TX)
Anthony
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Byron
Callahan
Camp
Campbell (CA)
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Cooper
Cox (CA)
Cunningham
Dannemeyer
Darden
de la Garza
DeLay
Derrick
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Hopkins
Huckaby
Hunter
Hutto
Hyde
Inhofe
James
Jenkins
Johnson (CT)
Jones (NC)
Kasich
Klug
Kolbe
Kyl
Lagomarsino

Lancaster
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Madigan
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
Meyers
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Myers
Neal (NC)
Nichols
Nussle
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Petri
Pickle
Porter
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Rhodes
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Slaughter (VA)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Whitten
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOES—244

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Burton
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Davis
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morrison
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Rahall
Rangel
Reed
Regula
Richardson
Ridge
Rinaldo
Roe
Roemer
Rostenkowski
Roukema
Russo
Sabo
Sanders
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—16

Crane
Donnelly
Ford (TN)
Ireland
Levine (CA)
McDade
Michel
Miller (OH)
Mrazek
Murphy
Ortiz
Roybal
Sangmeister
Solomon
Udall
Wilson

☐ 1826

Mrs. ROUKEMA and Mr. DICKS changed their vote from "aye" to "no".

The Clerk announced the following pair:

On this vote:

Mr. Ireland for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the recommendation of the Appropriations Committee for $100 million in supplemental funds for the District of Columbia comes before this body with strong and gratifying bipartisan support. For more than 5 years, there has been no increase in the Federal payment to the District of Columbia. As a result, the residents of the District have endured palpable hardship. Already the most heavily taxed city in the United States, already burdened by a shrinking business and resident tax base, Washingtonians increasingly have taken on the Federal share of the burden as well as their own. By way of analogy, there is probably no State in the country whose State capital has been held at level funding for so long a period of time as has the Nation's Capital.

In January, a complete turnover in the leadership of District government occurred. Mayor Sharon Pratt Dixon, Council Chairman John Wilson, and I met and resolved to work cooperatively, together as a team on District affairs. Both of my colleagues have shown themselves to be leaders of great courage and prudence, unflinchingly taking on a daunting budget deficit. We are enormously grateful to have the support of the full Appropriations Committee, under the strong and able leadership of Chairman WHITTEN with the energetic and intelligent support of Chairman DIXON of the D.C. Appropriations Committee.

While we knew that we had to be prepared to take tough steps to eradicate a daunting deficit, none of us expected that it would assume truly crisis proportions, necessitating emergency action to avoid the crisis of insolvency.

Mayor Dixon has courageously risen to the occasion. She has moved to confront the budget deficit in ways that distinguish her among mayors in the United States. Of the more than $300 million deficit she inherited, she took on two-thirds of the deficit herself. She has made cuts in every operation of the D.C. government beginning with cuts in her own office, and the city council has done likewise.

Further, Mayor Dixon's budget has undergone tough cross-examination in the city council, where Chairman Wilson, who has encyclopedic knowledge of the finances and operations of the D.C. government, has been satisfied that the cuts are both deep and real.

Having taken on the lion's share of the budget deficit ourselves, the District now seeks to renew its partnership with the Congress beginning with this supplemental request. We strongly urge your support.

☐ 1830

AMENDMENT OFFERED BY MR. CHAPMAN

Mr. CHAPMAN. Mr. Chairman, I offer an amendment made in order under the rule.

The Clerk read as follows:

Amendment offered by Mr. CHAPMAN: Page 33, after line 19, insert the following:

SEC. . (a) The Congress finds that—

(1) United States and coalition armed forces devoted enormous human and financial resources to the successful effort to free Kuwait from illegal Iraqi occupations, enforce United Nations resolutions, and preserve the territorial integrity of the Gulf States;

(2) Americans take great pride in the troops who won this historic victory and honor those who gave their lives to liberate Kuwait and turn back aggression;

(3) major trading nations of the world will benefit substantially and directly from the coalition victory in this strategic area;

(4) six nations have pledged $53,500,000,000 in contributions to help meet the costs of the coalition effort;

(5) some nations have been slow to honor those commitments for 1990; and

(6) the 1991 commitments are agreed to be due on March 31, 1991.

(b) Having appropriated significant supplemental funding for the United States armed forces in the Gulf region in a time of recession and budget deficits, it is the sense of the Congress that—

(1) these pledges of financial support from the allied nations are appreciated;

(2) nations that have made such pledges are urged to comply with them at the earliest possible time, with substantial compliance or an agreed upon payment schedule no later than April 15, 1991;

(3) these commitments shall be upheld; and

(4) if these commitments are not met the Congress may consider appropriate action.

Mr. CHAPMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. CHAPMAN] will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for 15 minutes.

Who seeks to claim the time in opposition to the amendment?

Mr. WHITTEN. Mr. Chairman, I reserve the 15 minutes in opposition.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 15 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I yield one-half of my 15 minutes to the cosponsor of the amendment, the gentleman from Michigan [Mr. PURSELL], and yield myself such time as I might consume.

Last night this body and the American people shared a great victory as the President of the United States addressed the Congress of the United States. The cost of that victory in both human and financial terms has been great. Americans have paid with their lives and a commitment that has been truly remarkable, but in economic terms as well the cost of Operation Desert Storm is approaching $70 billion.

Through the hard work and negotiations of our Secretary of State and the Executive, we have received substantial commitments to defray that cost. In fact, some $54 billion has now been pledged by our coalition partners to offset the cost of Operation Desert Storm. Our allies have a moral obligation to pay their share of the cost of this war. The American people have already paid with their lives, their troops, their will and their military commitment.

I wholeheartedly agree with this proposition and so do the American people, as I suspect you, my colleagues, have heard back home in your districts.

Today my resolution puts the Congress on record as well with this proposition.

Mr. Chairman, the major trading nations of the world will benefit by this great victory that we as a coalition of forces and as the United States enjoyed in the victory of Operation Desert Storm. Six nations have now pledged nearly $54 billion to help meet the costs of the coalition effort; however, some nations have been a little bit slow in honoring their commitments. I know that the Executive is working hard on this and I do not with this resolution want to do anything to interfere with their efforts and the good work they have already accomplished in securing these commitments and the payments so far that have been made; but today we appropriate tens of billions of dollars for the costs of Operation Desert Storm, costs that will cost the American taxpayers since this is financed outside the budget agreement.

Mr. Chairman, in a time of deficits and recession, the American taxpayer will pay upward of $8 million a day in interest to finance the supplemental appropriation bill that we will pass today. It is time that our allied partners pay their commitments. This resolution simply asks that they do that very thing and lets them know that should they not do so, the Congress will be watching and this Congress does have the ability, the authority, and the will to act.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I call to the attention of my colleagues, those of you who may enjoy a brain teaser, a new brain teaser. I ask you the question, when is $9 billion not $9 billion? And the answer is when Japan makes a commitment.

In concert with the resolution of the gentleman from Texas [Mr. CHAPMAN] I would like to call the attention of my colleagues and the American people to one thing. The Japanese Diet has just recently concluded their debate and decided to contribute. They are going to contribute yen, to be exact Y1.17 trillion. At the present exchange rate, that comes to $8.6 billion, not $9 billion.

But more importantly, they will be contributing this $8.6 billion to the Gulf Peace Fund, not to the United States. Japan has used the Gulf Peace Fund before.

Back in September, Japan promised $2 billion for the war effort. Of that, the United States is slated to receive $1.7 billion; to date we have only received $1.3 billion. Only $860 million of this money has been cash, with $450 million in kind.

The mechanism the Japanese have opted to use to distribute the money, both in September and now, is the Gulf Peace Fund. The decisionmaking process of Gulf Peace Fund is conducted by two individuals, the Japanese Ambassador to Saudi Arabia and a representative of a group known as the Gulf Cooperation Council which represents six Gulf State nations. These two individuals parcel out the money.

Monitoring statements by the Japanese Embassy and watching the publicity, one would think that the United States has a commitment for $9 billion. In reality, not a chance. To begin with, Japan is only contributing $8.6 billion. Furthermore, of the $2 billion promised in September, we have received less than 85 percent. Indications are that because the war is now over and because there is a need for reconstruction in the gulf region, there will be pressure to commit a good portion of the $8.6 billion to reconstruction in the Middle East.

I do not want to suggest that we should take any action today, but tomorrow the decision of the Gulf Peace Fund as to how that money will be distributed is going to be made. I would suggest that my colleagues here in this House, as well as the American people, monitor this situation very carefully. If the nation of Japan does not make its commitment or instead says that the check is in the mail, but we addressed it to the wrong party, that we take strong action to test who our allies and friends really are.

Mr. Chairman, I support the resolution of the gentleman from Texas [Mr. CHAPMAN]. I think the Secretary of State has done an excellent job in getting promises, but I am growing skeptical about the intentions of some of our allies to keep those promises.

Mr. PURSELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the Chapman-Pursell compromise. We discussed this at great length in the full Appropriations Committee and we have worked out a compromise which is permissive in its approach, not mandatory.

There is no question that Operation Desert Storm was such a success because of the historic efforts of President Bush to bring together a diverse coalition of countries who opposed aggression. At no time in our Nation's history has a President been able to organize worldwide action in response to such brutality.

Except for the citizens of Kuwait, however, no country has done more in this effort than the United States. As a veteran of the U.S. Army, the Army Reserve, and as an American, I have never been more proud of our military forces and the spirit that made it all possible.

But the United States cannot bear the burden of leadership alone. While American lives have been lost for the cause of freedom and justice in the Persian Gulf, the American taxpayer must not be left holding the check for the entire operation.

Mr. Speaker, this amendment recognizes the financial pledges of our allies and it expresses our great appreciation. But this amendment also puts the Congress solidly behind the taxpayers by stating that we will make every effort to collect the generous contributions of our friends.

April 15 is a significant day in the life of every American. This amendment ensures that April 15 will have the same significance for our allies.

Mr. Chairman, I congratulate the gentleman from Texas [Mr. CHAPMAN] for offering the amendment in the full Committee on Appropriations on Tuesday.

I ask the House to support the amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I certainly am willing to follow the gentleman's judgment on this issue, although I am somewhat concerned about the language. But I think it is somewhat interesting that some people in this House seem to be willing to be tougher on your allies than they were willing to be on the Iraqis.

I thank the gentleman for yielding.

Mr. PURSELL. Mr. Chairman, as you know, I supported the President here. I should say that the Japanese Government yesterday in their legislature adopted the $9 billion commitment that they have made to this contributing fund.

So I think the allies are paying up, and we just hope that they fulfill their obligations and continue their responsibilities to match our taxpayer dollars and help pay for the gulf war.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. DINGELL TO THE AMENDMENT OFFERED BY MR. CHAPMAN

Mr. DINGELL. Mr. Chairman, I offer a minor technical perfecting amendment to the amendment offered by the gentleman from Texas [Mr. CHAPMAN].

The Clerk read as follows:

> Amendment offered by Mr. DINGELL to the amendment offered by Mr. CHAPMAN: In the matter proposed by the amendment, on Page 2, line 13, strike "upheld," and insert in lieu thereof, "fulfilled."

Mr. DINGELL. Mr. Chairman, I rise in strong support of a minor technical perfecting amendment to the excellent amendment offered by our dear friend from Texas [Mr. CHAPMAN]. The amendment would simply change the word "upheld" in the amendment to "fulfilled", which would indicate that it is the intent of the Congress that the beneficiaries of the action which was so gallantly taken by the Armed Forces of the United States and our friends and allies would be taken care of by fulfilling the commitments made by other nations which are the beneficiaries.

I would remind my good friends here that it is important that those commitments do be fulfilled. I would remind everybody that the payment of the doctor bills usually does not occur if they are not done before the recovery has been complete.

I would also remind my dear friends and colleagues about the situation which followed World War I. We are still looking for repayment of the obligations achieved during World War I.

I believe it is fair to say that there are certain nations, and I do not think it would be appropriate for me to mention them here, who contributed absolutely nothing to the Operation Desert Shield and Desert Storm and who are 100 percent dependent upon imported oil and who are much more heavily dependent upon imported oil and imported oil from the Persian Gulf than is the United States.

It is not too much for this body to expect that they would carry out their responsibilities and their commitments, and it is not unwise to suspect that in the orderly passage of time they might say: "Ahh so, we are still having difficulties selling that to the Diet."

It is my hope that this amendment will help trigger the kind of proper, forthcoming response by friends and allies like that that this country really deserves.

Our soldiers have performed gallantly, our commanders have performed brilliantly, our people have sacrificed. The cost of this undertaking is going to exceed $70 billion. The cost for a day without war is $75 million. The cost of a day's war is in excess of half a billion to a billion dollars. The cost will continue to go on.

Now, we can look to the attitudes of the people we serve. They clearly expect that having sacrificed already not only in terms of the lives and well-being of our young people and the times committed not only by our regular forces but by 200,000 Reservists who have given up their family life and given up their peacetime occupations to go and serve in the gulf, that other countries which have contributed nothing to this undertaking in terms of military activity and manpower and blood and tears and sweat and sacrifice should now come forward.

Beyond that it is not too much to expect that when these soldiers, and sailors, and marines, and airmen, men and women, return to the country that they love and that they have served so well and effectively, that they should be able to expect that they are not going to be told, "Welcome home, welcome home, we are delighted you are here. We have a little bill for the cost of Operation Desert Shield and Desert Storm because some of our friends and allies are not going to pay up their fair share."

The United States has budgetary problems which we have been debating during this discussion. They are enormous. They will be worse before the year is out.

It is not too much to expect that in dealing with those, we will not have to deal with the recalcitrance of friends and allies who are beneficiaries of the actions of this country and who in fact should be paying for the enormous benefit that has been achieved, not only in terms of guaranteeing their oil supply but in terms of seeing to it that Saddam Hussein did not achieve control of 70 percent of the oil in the world, which would have made him the dominant economic, political, and military factor not only in the Persian Gulf, not only in the Middle East, but all throughout the world.

This language is permissive. I personally think it should be stronger. But it does tell everyone, including the President of the United States, and the State Department, which is not as diligent in these matters as they could be, that the Congress expects full payment and that if it is not forthcoming, that stronger action will be seen in this body.

I urge my colleagues to vote both for my amendment and the fine amendment offered by the gentleman from Texas [Mr. CHAPMAN].

Mr. Chairman, I rise today to offer a technical amendment to the amendment offered by the gentleman from Texas [Mr. CHAPMAN]. I would like to take a moment to commend the gentleman from Texas for his excellent amendment. With all due respect to the gentleman, this minor change, which substitutes the word "fulfilled" for "upheld", more accurately describes what the Congress is really trying to do here. And that is to make certain that our allies fulfill their obligations to make good on their commitments.

Mr. CHAPMAN's amendment, as modified by my amendment, sends a clear message to our allies that the Congress expects them to make good on their commitment to share the financial costs of Operation Desert Storm. The price of our victory and the ensuing peace must be paid by those who benefit from the fruits of this region.

Today we will later vote to contribute $15 billion additional to Operation Desert Storm. As a veteran of World War II, I cannot praise highly enough the performance of our service men and women, whose dedication, skill, and professionalism made possible one of the most brilliant military campaigns in history.

While war is never a preferred alternative, our forces contained Saddam Hussein's heavily armed Republican Guard with little loss of American blood—a truly extraordinary accomplishment. We cannot burden our returning veterans—and the American people—with paying for a war we did not cause.

With current estimates showing the war costing almost $70 billion, our allies have commendably promised to pick up 79 percent of the tab. It should be the sense of this Congress that these pledges be paid by April 15.

Unfortunately, despite the best diplomatic efforts of our administration, almost two-thirds of these pledges remain unpaid. With the war over, I fear that we might start hearing that old excuse, "check's in the mail," from some of our allies.

At the beginning of this Congress, I reintroduced H.R. 317, the Desert Shield Burden Sharing Act. This bill allows the President to determine whether a country delinquent in paying its pledges should be subject to an additional duty of 20 percent on all goods shipped to this country for sale to the American taxpayer. Given the sense of the Congress that the pledges must be paid, we must be ready to use all available means to ensure payment.

DESERT STORM BURDEN SHARING ALLIED CONTRIBUTIONS AND PAYMENTS

[In millions of dollars]

Country	Promised	Delivered	Still due
Saudi Arabia	$16,839	$6,023	$10,816
Kuwait	16,006	3,510	12,496
United Arab Emirates	3,000	1,010	1,990
Germany	6,572	2,963	3,609
Japan	10,740	1,323	9,417
South Korea	385	71	314
Others	3	3	0
Total	53,545	14,903	38,642

Source: Congressional Quarterly March 2, 1991.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan, [Mr. DINGELL] to the amendment offered by the gentleman form Texas [Mr. CHAPMAN].

The amendment to the amendment was agreed to.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH], a member of the committee.

Mr. SMITH of Iowa. I thank the chairman for yielding.

Mr. Chairman, this sounds like one of those macho amendments that everybody ought to just vote for and put out a press release and say, "How strong I am."

But let me tell you a couple of things about it. First of all it is a mere sense-of-Congress resolution, it is a political statement. We should not be having sense-of-Congress resolutions on appropriation bills, or anywhere else for that matter. All they are is opinions.

Second, the promises that were secured were about twice what any Member of this body thought could be gotten, just about twice, which is unbelievable, really.

What this resolution does is say:

> You who promised to pay twice as much as we thought that you might give must pay up within 6 weeks or we are going to do something to you.

How insulting can you be to those who promised to pay more than we thought they would pay? It does nothing to anybody that did not promise to pay anything, just those that are going to pay about twice what we thought they would pay.

Is this the way you treat our allies and people who are helping you? It is like if you were soliciting for your church and somebody says:

> Even though you didn't ask me for $50, I am going to give you $100, but I don't have it today. I will give it to you in about 2 months from now when I get my finances arranged.

And just before you leave, you say:

> You had better pay every penny that you said you were going to pay, and you had better pay it within 6 weeks.

Now, that is the kind of amendment we have here on the floor. That is not the way we ought to be dealing with this subject in this House.

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

May I say to my colleagues and the cosponsors of this amendment, we worked together on many, many things but I must oppose this amendment.

This is a matter of how you go about things. These promises by foreign governments to help pay for our war costs that we read about have usually been made by their executive branches. In most cases these governments have to get an appropriation from their legislative branches.

□ 1850

Mr. Chairman, I have been in the business a long time, and I have always gotten further by persuasion than by threats. If these governments turn us down, what are we going to do? Are we going to call Congress in session here, and issue an edict, and send troops over there?

Based on my own experience I have gotten mighty little out of threats. I think it would be much better to ask them to contribute because in most cases the fellow that made the promise was not in a position to commit his country. He has to go back and get an appropriation. I think this amendment is ill timed, and it is bad. The good intentions of our colleagues are unquestioned. If these commitments are not met, then Congress may consider appropriate action.

Mr. Chairman, I do not know any appropriate action we can do now except to write and ask them to please pay up.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Texas [Mr. CHAPMAN] for yielding, and I really want people to support his amendment, and let me try and respond to my two good friends, the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Iowa [Mr. SMITH]. I hear what they are saying about the sense-of-Congress resolution, and normally I would agree with them.

However, Mr. Chairman, let me say that we here have a very difficult problem. We have the executive branch who collects the pledges, but are also trying to hold together this coalition, which is very fragile, and I think it is very important that it is in this bill because one of the things we are hoping to do in this supplemental is hold down our debt and communicate this.

Now I do not think we have done this before, and the State Department has a lot of trouble being too tough on this issue because they have got to do a lot of other things with these countries. I think it is our job to try and be tough.

Mr. Chairman, I chair the burden-sharing panel of the Committee on Armed Services. Let me tell my colleagues that we just visited some countries, talking to them about their pledge, and they said, "One of the burdens of leadership is, if you get on the roof and people remove the ladder." That is the burden.

Mr. Chairman, I do not think the American taxpayer really wants to be left on the roof with all the money outstanding, and so, therefore, I really think here the sense-of-Congress resolution makes sense.

If my colleagues will remember, many of these countries we had experience with in 1987 during the Kuwaiti reflagging, and a lot of those things were not corrected. I know because my committee wrote a report giving everybody credit for what they pledged, and then I had people coming in and saying to me that was wrong, that money did not come, and we were embarrassed to have to back off.

So, I think it is important we say, "We intend to have people keep their pledges." We think that is very important. It is a sense-of-the-Congress resolution, but it helps the administration to collect them, too, by saying, "Here we are pushing that."

Mr. SMITH of Iowa. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, we are 1½ years behind in arrears on our pledges to the United Nations. What if one of these countries said or they passed a resolution in their diet or whatever it is and said, "Either you pay up that in the next 6 weeks, or we're going to make you sorry?" Do my colleagues think that is going to make us do any more?

Mrs. SCHROEDER. I think we should pay those, too, and I think that is part of the new world order.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Chairman, I will try not to use all that time. I hope this amendment would be roundly defeated. It is the most ill-timed and ill-considered amendment I have seen on this floor in a long time.

At a moment of unprecedented international cooperation that we witnessed last night, when we have a coalition melded together by the free nations of the world to stop aggression, we suddenly want to say with some kind of a sense of Congress, as the gentleman from Iowa [Mr. SMITH] points out, resolution, "You pay up or else in this body."

My colleagues, the coalition has been together. We have repelled aggression. We saw the diplomatic corps here last night and recognized the ambassador from Kuwait. We liberated a nation because all of us stayed together. We have been together.

The way to solve this problem is through diplomatic channels. That is the way the coalition was created. That is the way the commitments were made. They are not behind. They are being paid in. There is about $16 billion in right now.

Let us stick with this coalition, this unprecedented international cooperation, and vote this amendment down.

Mr. WHITTEN. Mr. Chairman, I yield myself 1 minute.

What if we went outside and saw in the newspaper that Japan had lied and then we came back and said, "If you folks don't pay, you'll wish you had"?

This is not the way to legislate. Let us turn this down, and not threaten these countries.

Mr. CHAPMAN. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, in response to the gentleman on the other side of the aisle, Japan is 70 percent dependent on oil from the Persian Gulf. Germany is 50 percent dependent. The United States is about 10 percent dependent upon oil from the Persian Gulf. Yet we fulfilled our pledges, our promise, to repeal Iraqi aggression and free Kuwait 100 percent. Now it is time to make certain that Japan, Germany, and the others honor theirs.

The last thing I want to do as we prepare to welcome home our troops, the young men and women who served in the gulf and won the war, is to hand them a bill for the war they just fought. So, if my colleagues think that the first welcome-home present should be a bill, then do not vote for this resolution. If my colleagues want to ask our allies to share the burden and to pay up for once, like they never do in international trade when they sign these agreements and do not live up to them, then vote for this resolution.

Mr. CHAPMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I really believe that the allies have not paid their fair share. I would not be on the floor today. We liberated Kuwait because of the naked aggression of Saddam Hussein and because of the oil dependence of the world in that region. Two-thirds of the reserves are in the Persian Gulf area. Yet the United States—let us be honest about it—the United States provided the lion's share of the brave men and women in the armed forces, and our taxpayers essentially picked up the tab.

Now it is true that we are dependent on that region. But our European allies as a whole are 40 percent dependent on that region, and Japan is more than 65 percent dependent on that region, and yet our allies are not paying their fair share, and they are not paying in cash essentially. They are paying in services and trickling in with equipment, and this was not just America against Iraq and Saddam. This was the world against Saddam.

Mr. Chairman, every member of this coalition ought to pay their fair share, and I support the amendment of the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I simply want to say that on April 15, the American taxpayers will write a check. This resolution provides that our allies should do nothing more than make their commitments and arrange a payment schedule by that same time. There are no direct threats here, but, if the American people fought this war, and we did, paid with our lives, our equipment, our soldiers, the least we can do is ask our allies to live up to their commitments.

Mr. Chairman, I urge the adoption of this resolution and yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I wish my colleagues would rely on the words in the committee report. This language just asks them to pay. That is what I believe. We would have more money if we did not threaten them.

Mr. Chairman, I hope my colleagues turn this down. I agree with everything that my colleagues have said about the desire, the need, and the obligation. I just figure we get more money if we do not threaten.

Mr. Chairman, I yield back the balance of my time.

Mr. PURSELL. Mr. Chairman, I yield back the balance of my time.

Mr. CARR. Mr. Chairman, this war with Iraq has cost the United States the lives of almost 100 brave Americans and almost $70 billion.

Today we are asked to pay $15 billion of that cost, while our allies argue over who will pay what, and how we can spend the money they do give us.

The allies were quick to make their financial commitments, just as America was quick to commit the lives of our soldiers. Together, they have pledged over $53 billion.

Among those pledges are:

Saudi Arabia: $16.8 billion.

Kuwait: $16 billion.

United Arab Emirates: $4 billion.

Germany: $6.5 billion.

Japan: $10.7 billion.

They were quick to promise, just as we were quick to put American lives on the line in the Iraqi desert.

But the allies have not been quick to fulfill their commitments.

I understand why the Kuwaitis, which just recovered control of their country, have paid only one-fourth of their commitment.

But I do not understand why nations such as Japan and Germany, nations which did not send troops, have paid too little.

Germany has paid only $3 billion of their promised $6.5 billion—less than half.

Japan has paid just over $1 billion out of the more than $10 billion they pledged, and to that they have attached conditions about how we can spend it.

There are Members who proposed more drastic action to compel our allies to meet their commitments. I support such legislation, if it proves necessary.

It is my hope that we will adopt this sense-of-the-Congress resolution, and that our allies will take notice, and pay what they owe.

When the United Nations made in effect a declaration of war, committing American troops to combat, the Security Council did not debate the cost of this war to the Government of the United States;

They did not debate how the financial cost would be shared, and they did not ask for an appropriation from the Congress of the United States.

But this Congress did not shrink from supporting the coalition, and granted to the President the authority he needed to make war.

I hope our allies will not shrink from their responsibilities, and will agree to honor their commitments by April 15, the day on which the American people will be asked to make their contribution to the cost of this war.

Please support the Chapman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. CHAPMAN], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CHAPMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment, as amended, was agreed to.

□ 1900

AMENDMENT OFFERED BY MR. SLATTERY

Mr. SLATTERY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SLATTERY: Page 33, after line 19, insert the following:

SEC. . Notwithstanding any provision of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, none of the funds appropriated or otherwise made available by that Act or by any other Act may be used for the restoration of the birthplace of Lawrence Welk.

The CHAIRMAN. Pursuant to the rule, the gentleman from Kansas [Mr. SLATTERY] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. WHITTEN. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] claims the time in opposition.

The Chair recognizes the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know that my colleagues are anxious to get out of here this evening, and so am I. I will be very brief.

First of all, I would like to thank my friend and colleague, the gentleman from Ohio [Mr. KASICH], for his tireless work in helping me advance the effort to repeal this $500,000 appropriation.

Let me just remind my colleagues that we are talking about a very simple amendment. We are talking about deleting $500,000 that was included in the Agriculture, rural development, and related agencies appropriations bill that was passed last year. This money, as the Members may recall, was included in a conference committee report in the late hours of the session. It did not receive any review by the House committee, by a subcommittee, or by a State committee or subcommittee meeting by itself.

Furthermore, Mr. Speaker, I would just point out that at the time this amendment was added to the bill that I just referred to, the rest of the Congress was working literally day and night trying to find enough money to reduce the deficit and come to an agreement on a very important deficit reduction package. I hope that with the passage, Mr. Chairman, of this amendment this body will send a very important message, and that is that we would like to change the way we do business in the late hours of a session around here.

I would just point out that the National Taxpayers Union, the Citizens for a Sound Economy, and over 100 of my colleagues have joined in cosponsoring this legislation.

Mr. Chairman, I yield two minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise today in strong support of Congressman SLATTERY's amendment and Congressman KASICH's amendment to eliminate funds to restore the birthplace of Lawrence Welk.

Now that the war in the Persian Gulf is over, we must concentrate our energies and resources on controlling our Nation's budget. We no longer can afford projects that have little or no merit. With our national debt hovering above $3 trillion, we only have funds for programs that are absolutely essential, not only desirable.

Can anyone in this body argue seriously that restoring the birthplace of Lawrence Welk is absolutely essential to our Nation?

The average taxpayer will labor 125 days, from January 1 to May 5, to satisfy all Federal, State, and local tax obligations.

I'm sorry, but few people in central Florida would want to work a week to restore the birthplace of Lawrence Welk.

The time is now to redeem promises once made to the American people by a Presidential candidate early in this century. He said:

> * * * For three long years I have been going up and down this country preaching that government—Federal, State, and local—costs too much. I shall not stop that preaching. As an immediate program of action.* * * we must eliminate unnecessary functions of government. * * *.
>
> * * * We must consolidate subdivisions of government and, like the private citizen, give up luxuries which we can no longer afford.

Those were Franklin D. Roosevelt's words as he accepted the Democratic nomination for President in 1932.

With the unity and national spirit brought about by the end of the war, now is the time for Congress to seize the initiative. We need to put our Nation's fiscal house in order and restore consumer confidence.

This amendment is a tremendous opportunity to make a statement about unnecessary spending. It is a statement consumers want to hear and our economy needs to hear.

I encourage all of my colleagues to support the Slattery amendment.

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, may I say that there is some misinformation here. These grants are authorized by law. This item was added by the Senate subcommittees and approved by their full committee, and the full Senate. I chaired the conference committee and this was considered in the conference. I chaired the conference, so it is a mistake to say it was added in the conference.

May I say that we have a national program in which we have tried to help communities throughout the country. I have some mighty good friends from North Dakota, folks that I have served with, Mr. DORGAN and others. They are the best ones to decide how they wish to do those things.

I know that my friend, the gentleman from Kansas, means well. Now, this committee received this letter on March 5, from the gentleman. He wants us to add $5 million for a project in Kansas for—what is it? What is the word here? Oh, this is for the hall of fame in Kansas. But he is against this rural development project in North Dakota. I just cannot understand his position.

Mr. SLATTERY. Mr. Chairman, will the chairman of the committee yield to me?

Mr. WHITTEN. Yes; I yield to the gentleman from Kansas.

Mr. SLATTERY. I would like to have an opportunity to respond to that. The point I would make here is that the problem we have is that we are talking about going into a conference committee where we do not go through the whole legislative process to give Members an opportunity to be heard at the committee level. Yes, I will tell the chairman that I certainly have made requests, and I will continue to make requests, but I expect to go to the gentleman's subcommittees and go through the complete process to be heard. I expect I will have difficulty also in getting some of my requests responded to.

Mr. WHITTEN. I will not list the many things we have put in our bill for Kansas, but I could. It is quite a large number, and I do not say that to be complaining.

I want to say to my colleagues that since we started meeting local needs with Federal programs, the wealth of this country has increased 41 times. I am for looking after each of the States. They are all part of the country. The people in the States and the people of the Nation, are the same people. I just say that I treat folks from North Dakota like they wish to be treated, and I will tell the gentleman he will be treated fairly, whatever happens here.

Mr. SLATTERY. Mr. Chairman, I know the chairman of the committee has already treated me fairly, and for that I am always grateful.

Mr. WHITTEN. We mean to do that. As I mentioned before, these grants are authorized by law. The grant was added by the Senate subcommittee, it was approved by their full committee and by the full Senate. It was approved by the conference committee. The grant was considered in the normal legislative process. I would also point out that $5 million for a hall of fame in Kansas is a whole lot more than $500,000 for North Dakota, and I think the Senators from North Dakota are the best judges of what they want in North Dakota. I think they are better judges of that than I am.

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I want to compliment my colleague, the gentleman form Kansas [Mr. SLATTERY].

No issue caused us as much grief in the country last year as this issue of the money for the Lawrence Welk home. It may be a valued project, but what was concerning me was that the process was never publicly debated at all, and the fact is that at least from the American people, as we were going through this budget debacle last year, we took the blame for almost all the economic travails of this country because of this particular project.

I understand the concerns that the gentleman from Mississippi has. I just say that this caused us so much grief that I think it ought to go through the normal reauthorization process.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, the gentleman was not in the conference, but this was certainly in the subcommittee and was accepted by the full committee. It was in the conference, and we went along with the fact that they were the best judges of how to spend this money. We did as we have always done for various States.

Mr. GLICKMAN. Mr. Chairman, I under the gentleman's position, but this did cause us a lot of unnecessary embarrassment, and I just think the gentleman is correct in his statement.

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Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, this amendment by Mr. SLATTERY is an attempt to use one provision out of a mountain of similar provisions in last year's appropriations bills to try to demonstrate that the appropriations process doesn't provide for careful hearings, and for considered judgment on some of the individual projects that are funded. They maintain and I agree that some Federal spending is wasteful.

Last year, I stood on the floor here in Congress and said that even though some $80 million was scheduled to be spent in my congressional district on the MX Rail Garrison Program, I felt the program was a waste of money, and it should not be built. It was not built, and that money was not spent in North Dakota.

I think I have demonstrated a willingness to take the right medicine when it comes to dealing with funding for programs and projects that are inappropriate even those in my home State. On the specific project referred to in Mr. SLATTERY'S amendment, there was report language last year seeking $500,000 for that project. I indicated last year publicly that I had supported some seed money for that project of $75,000, but that I thought $500,000 was excessive. I reiterate that position today. I would support an amendment that would restrict to $75,000, the money used for that project, and I intend to offer that as an amendment to the Slattery amendment.

I would like to make a couple of other observations, however. The Slattery amendment, if left unchanged, not only prohibits the use of any money designated for this project last year. But, it says that none of the funds appropriated by the act last year, or by any other act may be used for this project. It would in effect say to the people who are involved in this project, you are not eligible to apply for any grant or any opportunity that might be used to advance your project. I think that puts this project at a disadvantage to every other project in the country. I don't think that is what the gentleman from Kansas should intend to do.

This project has been referred to as the Lawrence Welk birthplace project. In fact, the project in south central North Dakota is a project that is a German/Russian heritage interpretive center project that is being completed with enormous effort and commitment of funds from the local area. And is one that is being constructed in the part of North Dakota that has been economically devastated by drought in the past several years.

I wanted to point that out because I think to refer to this as simply Lawrence Welk's birthplace project is not describing for our colleagues the inaccurate picture of what this project is to south central North Dakota.

The project is not to restore the Welk home. That has been done with private funds. This project, as part of a rural development project establishes a German/Russian interpretive center in that part of North Dakota. The bulk of the money will be used for that purpose.

Again, having said all of that, I want the gentleman from Kansas to understand that I have demonstrated on a number of occasions, last year on the MX rail garrison project as I referred to earlier, and also more recently on this specific project a willingness to take the medicine to reduce spending where I felt it was appropriate. I will once again state I felt $75,000 was appropriate for this project as seed money for what I felt was a worthy project.

I would like to offer a proposition to the House of Representatives. If you intend to proceed with this action on projects of this type, I want to offer an amendment today to add to the list of projects for proposed funding cuts. I present the following five projects to be added to the proposal as an amendment.

First, a $590,000 appropriation in the interior bill for a new visitor center at the Fort Larnad National Historic Sight in Larnad, KS. The National Park Service rejected the new center in its long-term plans having concluded that the existing facility was adequate, and the money was added last year in the Senate.

Second, $150,000 for a study to determine the feasibility of a Pony Express Vistor Center for the Maryville or Hollenberg, KS.

Third, $100,000 for a feasibility study for Wilson Lake, KS.

Fourth, $516,000 for the restoration of the McKinley Home in Ohio which was actually owned by former President McKinley's in-laws.

Fifth, $3.731 million in 1991 for the Throck Morton Plant Science Center at Kansas State University. Funding for this facility was provided even after the feasibility study conducted in 1987 by the USDA concluded that "funding for the proposed plant science center is the responsibility of the State of Kansas, and should not require an appropriation of Federal funds."

It seems to me entirely inconsistent that those who profess to be interested in cutting unnecessary Federal spending are interested only in limiting that to a single project in a State that has only a single vote here in Congress. They have now demonstrated an unwillingness to consider cutting other projects that were added in exactly the same manner to appropriations bills last year—some of which have been recommended not to be funded by the executive agencies and all of which have had no hearings, and no serious discussion. I can only conclude by the unwillingness to add these projects to this amendment that the action today is not a serious attempt to respond to waste, and not even a first step. It is more likely to generate a little press than a little progress.

In its current form, I must vote against the gentleman's amendment because it would not only take the $500,000 away but it would prohibit this project from applying for any Federal funding or Federal grants from any source, and I think that is unfortunate.

Mr. Chairman, it is somewhat incongruous to see my friends from Kansas both speak, and the chairman indicated that the Committee on Appropriations has a letter asking for a one-time appropriation of $5 million for an expansion of a National Agricultural Hall of Fame located in Bonner Springs, KS. That is 10 times the amount of money we are talking about here. I do not have the foggiest idea whether this is a good project or it is not a good project.

But this notion that what is in your district is waste, and what is in my district is fine, is a notion that we ought to explore in some depth, it seems to me. I would like to at least illuminate a few facts.

First of all, we are not talking about money to restore Lawrence Welk's home. That has been done. It has been done with local money. What they are talking about in the south central portion of North Dakota is a German-Russian interpretive center designed to attract and develop tourism and jobs in the area of the State that has been devastated for 4 years by drought. It is the single biggest area of the State that has been devastated economically by drought.

Nobody needs to talk to me about waste. Last year I stood up here early in the year and opposed $80 million in funding in my State for the MX Rail Garrison Program, and took a fair amount of flack back in North Dakota for opposing that $80 million. It was not spent in my State, because the MX Program was scrapped.

On this particular project last year, I indicated that I supported a sum less than the money that was ultimately appropriated, much to the consternation of people in my district as well. I said that publicly and in my district when the money was put in the bill.

So I do not have to be lectured about waste. I have spoken what I have spoken in my district.

But this amendment goes far beyond that. This amendment says that this project shall not accept these funds or be eligible for any other appropriated funds under any other act. That is far beyond the pale, it seems to me.

Let me just demonstrate the problem with this approach. I would like to offer an amendment that demonstrates the problem, if I might, an amendment that will do the following five things.

I would ask that we add as an amendment, and I will make that in order, move the amendment, the following five projects: a $590,000 appropriation in the Interior bill for a new visitors center at Fort Larned National Historic Site in Larned, KS, one the Park Service rejected, saying the existing facility center was adequate; $150,000 to determine the feasibility of a Pony Express visitors center in Marysville or Hollenberg, KS; $100,000 for a feasibility study for Wilson Lake, KS; $516,000 for restoration of the McKinley home in Ohio, which was actually owned by former President McKinley's in-laws; and, finally, $3,731,000 for the Throckmorton Plant Science Center at Kansas State University, funding for which as a result of the feasibility study should have been, according to the study, the responsibility of the State of Kansas.

I simply offer these as a demonstration of the trouble we get into in evaluating these projects, and I ask the amendment be considered by the House as an addition to the Slattery amendment.

Mr. Chairman, I offer the amendment that I have just described.

The CHAIRMAN. There is an amendment pending by the gentleman from Kansas [Mr. SLATTERY].

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA TO THE AMENDMENT OFFERED BY MR. SLATTERY

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota to the amendment offered by Mr. SLATTERY:

At the end of the amendment, insert the following.

(RESCISSIONS)

SEC. 305. (a) Of the funds provided in the Department of the Interior and Related Agencies Appropriations Act, 1991, the following funds are hereby rescinded from the following accounts in the following amounts:

Department of the Interior, National Park Service, Construction, $590,000 that was to be used for a visitor center at Fort Larned National Historic Site, Kansas; and

Department of the Interior, National Park Service, Operation of the National Park System, $150,000 that was to used for general management plans for Pony Express; $125,000 that was to be used for general management plans for Wilson Lake, Kansas; and $516,000 that was to be used for Statutory and Contractual Aid for the William McKinley Memorial.

(b) Of the funds provided in the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, the following funds are hereby rescinded:

Agricultural Programs, Cooperative State Research Service, Buildings and Facilities, $3,731,000 that was to be used for the Throckmorton Plant Science Center, Kansas State University, Kansas.

Mr. DORGAN of North Dakota (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

POINTS OF ORDER

Mr. SLATTERY. Mr Chairman, I make a point of order.

The CHAIRMAN. The gentleman from Kansas [Mr. SLATTERY] will state his point of order.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I will be happy to yield to my friend, the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, let me just observe that if the gentleman from Kansas [Mr. SLATTERY] insists on a point of order, he is insisting on a point of order on projects that are identical to the projects that he is bringing to the floor under a waiver of a point of order he sought in the Committee on Rules in order to get it here in the first place. The waiver of the point of order necessary to get it here was requested of the Rules Committee, and he is asserting a point of order against the same kind of projects now.

Mr. SLATTERY. Mr. Chairman, reclaiming my time, my point of order, Mr. Chairman, is that the amendment by the gentleman from North Dakota [Mr. DORGAN] is out of order. Let me just further respond by saying that none of the projects that the gentleman mentioned, none of them, save the Throckmorton project, is anything I had anything to do with. The Throckmorton project is something that, as far as I am concerned, has gone through the process.

All I am saying is that in the future, projects should be considered on their own merit. Everything that I have done around here, that I have been personally involved with, has gone completely through the process.

That is the thing that I am objecting to, is the fact that the process is sometimes circumvented. I would just point out to my friend, the gentleman from North Dakota [Mr. DORGAN], that if people over on the other side, in the other body, want to do things that in my opinion are not being done properly, that is a matter that the gentleman can deal with. If the gentleman would like to introduce legislation to deal with some of these projects, I would be happy to visit with him about that.

Mr. WHITTEN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Mississippi will state his point of order.

Mr. WHITTEN. Mr. Chairman, I would make the point of order on the point of order that has been reserved, that this would be legislation on appropriation bills, and for that reason would be subject to a point of order.

The CHAIRMAN. The Chair understands that. Does the gentleman from Ohio [Mr. KASICH] wish to be heard on the point of order as well?

Mr. KASICH. Mr. Chairman, I would like to make a point of order that I would be delighted to consider an additional number of pork barrel projects, including any that you have in Ohio, that get done this way. I understand the objection. We are probably going to lose this amendment based on a parliamentary technique. But I want to tell the gentleman, that if he wants to join us in our effort to include more projects like this, I encourage him to do it. I welcome it. I am not here to preserve any of these projects. I think that if we took votes on these in this House, one after another, including bicycle paths that cost money, and trips down canals in Florida, I welcome it.

Mr. SLATTERY. Mr. Chairman, I just want to say to my friend, the gentleman from North Dakota [Mr. DORGAN], I welcome his involvement also.

The CHAIRMAN. The Chair controls the debate on questions of point of order. The Chair is prepared to rule.

It is clear to the Chair that the amendment offered by the gentleman from North Dakota [Mr. DORGAN] is legislation on an appropriations bill, and therefore the point of order against its consideration is sustained.

Mr. SLATTERY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I want to make it clear with this effort tonight, that there is some confusion about what our intent here is. The intent of the gentleman from Kansas and myself has never been just to zero in on the Lawrence Welk home. Our intent was to establish a precedent, a shot across the bow, as I said earlier today, that these projects that end up being paid for by taxpayers, inserted in the last moment, not going through the normal legislative procedure, are something we object to.

I want to say to my friend, the gentleman from North Dakota [Mr. DORGAN], I do not take issue with him or his project. What I am suggesting is that this procedure is very bad. I think the Congress overall does not want these kinds of projects to be approved.

Now, why did we pick on Lawrence Welk? I will be very clear about it. Because it was the one that got the visibility, where we felt we would have the greatest chance of success here.

But this is not the end of it, as far as I am concerned. I would like to continue to work with the gentleman from Kansas, along with other Members of this House, to look at all these different projects. But we wanted to be politically smart, and that is to come to the floor with a chance of success.

I have been here for 9 years now, and I have never seen a vote on an individual project like this. I think the Committee on Rules should be commended for their bipartisan decision to let us have a chance to vote on this thing. I would hope that we could get a band together of Republicans and Democrats alike who want to send the message that these kinds of spending programs do not make sense.

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Some of my colleagues have said this is an important thing. The issue here is not just Lawrence Welk. It is a variety of programs and projects, and I hope we can expand the list.

Mr. BROOMFIELD. Mr. Chairman, last fall we told the American people that every effort had been made to slice fat from the budget. Yet, after all of our assurances that we were on a fat-free diet, Congress couldn't resist voting for half a million dollars to renovate the birthplace of Lawrence Welk. It is no wonder that we have a credibility problem here on Capitol Hill.

The Lawrence Welk appropriation and other equally shameful pork barrel projects confirm that fiscal responsibility is needed now more than ever. Today, thanks to Mr. SLATTERY's amendment to the supplemental appropriations bill, we have an opportunity to restore taxpayer confidence in our pork-cutting abilities. Mr. SLATTERY's amendment would repeal the half a million dollar appropriation for refurbishing Lawrence Welk's home.

Nothing against Lawrence Welk but it is time to draw the line. I strongly support Mr. SLATTERY's amendment and urge my colleagues to do the same.

Let's show the American people that the days of cheating on our diet are past. Surely, it is time.

Mr. KLECZKA. Mr. Chairman, Congress is conducting its Lawrence Welk encore, and I am hopeful that reviews for our sequel performance will be more flattering than those we received for the original.

I rise in support of my colleague, Congressman SLATTERY, and his amendment to prohibit expending the $500,000 included in the 1991 agriculture appropriations bill to renovate Lawrence Welk's North Dakota birthplace.

Many of us in this body, and many of our constituents, were rightly outraged last year when the Senate added a half-million dollars for this dubious project.

I have nothing against Mr. Welk. In fact, my sister, Mary Ann Flaggs, religiously watches the reruns every Saturday night. However, a $500,000 appropriation to restore his birthplace cannot be justified—especially during this time of recession and severe budget constraints. Further, it's reported that Mr. Welk's family did not ask for the money, and is embarrassed by the controversy surrounding it.

I urge my colleagues to join in supporting this amendment. And to this waste of precious and scarce Federal money I say "good night, sleep tight, and pleasant dreams to you."

Mr. RAY. Mr. Chairman, I rise today to urge support for the amendment being offered by the gentleman from Kansas [Mr. SLATTERY].

I have just come from a meeting between several of my colleagues and senior officials of Farmers Home Administration. During this meeting we discussed the utter devastation that many of our farmers have faced because of the severe droughts, and inclement weather conditions across the South.

We also discussed the prospects for a supplemental appropriations bill which would include funding for disaster assistance.

Mr. Chairman, we are having to fight tooth and nail to fund programs which individuals desperately need, and yet $500,000 was included in the fiscal 1991 Agricultural Appropriations Act to restore the home of an entertainer, Mr. Lawrence Welk.

Mr. Chairman, I would ask the Members of this body to give careful consideration to what they consider national priorities.

I urge my colleagues to support Mr. SLATTERY's amendment and rescind this inappropriate spending measure.

Mr. FAWELL. Mr. Chairman, I rise to express my strong support for the Slattery amendment rescinding $500,000 appropriated for establishing a museum and tourist center at Lawrence Welk's birthplace.

The arguments for eliminating funding for this project have been well articulated by my colleagues, and are well known to the American people. Many of my constituents have contacted me asking that no Federal funding go toward this project.

What has received less attention, however, is that for every appropriation like this one that is rescinded, there are dozens of others that are just as egregious that get funded, such as the $19 million grant studying flatulent cows' effects on global warming, A $3 million fish farm, and countless others.

I note that these kinds of expenditures have strikingly similar beginnings: They are often born in the dark of night, behind closed doors, in a 2,000-page unprinted omnibus bill no one has seen—let alone read—in the waning hours of the Congressional session. Appearences suggest the projects cannot stand the light of day; they are added without hearings, without authorization, without administration request, without competition and peer review, and without floor debate. They are usually at the request of an individual member.

In relation to the Government's massive deficit and near quarter of a trillion debt, an amendment cutting $500,000 may seem insignificant. But, it is significant to the 122 American families who worked an entire year to pay $500,000 in Federal taxes. Moreover, this amendment is very significant in that it is a beginning. A beginning of the end of business as usual with the way Congress spends taxpayers' money. A beginning of an effort to rescind billions of dollars in pork-barrel expenditures. As Senator Everett Dirksen said, "a billion here and a billion there and pretty soon you're talking about real money."

Mr. SLATTERY. Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. SLATTERY].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 71, noes 11.

Mr. WALKER. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred Members are present, a quorum.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991".

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. ECKART, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that the quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 43, not voting 25, as follows:

[Roll No. 35]

YEAS—365

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barrett
Bartlett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo

Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Sabo
Sanders
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—43

Allard
Archer
Armey
Ballenger
Barton
Bunning
Burton
Coble
Combest
Dannemeyer
Dellums
Dickinson
Duncan
Goodling
Grandy
Hancock
Hansen
Hayes (LA)
Hefley
Houghton
Hubbard
Huckaby
Kolbe
Lewis (FL)
Moorhead
Nussle
Oxley
Panetta
Penny
Petri
Roberts
Roth
Russo
Santorum
Savage
Sensenbrenner
Shuster
Smith (OR)
Stenholm
Stump
Thomas (WY)
Upton
Walker

NOT VOTING—25

Baker
Callahan
Crane
Donnelly
Durbin
Dwyer
Dymally
Ford (TN)
Gradison
Henry
Ireland
Levine (CA)
Madigan
McCrery
Miller (OH)
Mrazek
Murphy
Ortiz
Porter
Pursell
Roybal
Sangmeister
Udall
Weiss
Wilson

□ 1942

Mr. COBLE changed his vote from "yea" to "nay."

Mr. HERTEL and Mr. BEILENSON changed their vote from "nay" to "yea."

The Clerk announced the following pairs:

On this vote:

Mr. Weiss for, with Mr. Henry against.
Mr. Ireland for, with Mr. Pursell against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolutions of the House of the following titles:

H.R. 180. An act to amend title 38, United States Code, with respect to veterans education and employment program, and for other purposes;

H.J. Res. 98. Joint resolution designating March 4 through 10, 1991, as "National School Breakfast Week";

H.J. Res. 104. Joint resolution to designate March 26, 1991, as "Education Day, U.S.A."; and

H.J. Res. 167. Joint resolution designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day".

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1315, RESOLUTION TRUST CORPORATION FUNDING ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–13) on the resolution (H. Res. 105) providing for the consideration of the bill (H.R. 1315) to provide additional funding for the Resolution Trust Corporation, which was referred to the House Calendar and ordered to be printed.

NOTIFICATION TO MEMBERS ON OFFERING AMENDMENTS TO H.R. 1175, NATIONAL DEFENSE SUPPLEMENTAL AUTHORIZATION ACT FOR FISCAL YEAR 1991

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to notify members of the Rules Committee's plans with respect to H.R. 1175, the National Defense Supplemental Authorization Act for Fiscal Year 1991.

The committee plans to meet next Tuesday, March 12, to take testimony on the bill. To assure fair and timely consideration, the committee is considering a rule that may structure the offering of amendments.

Mr. Speaker, any Member who contemplates offering an amendment to the bill should submit 35 copies of the amendment and a brief explanation by 5 p.m. on this Monday, March 11. The committee offices are in H-312 in the Capitol.

Mr. Speaker, I have sent a "Dear Colleague" letter to all offices explaining our intentions on this bill. We appreciate the cooperation of all Members in our effort to be fair and orderly in granting a rule.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, I asked that the vote be held so that I could get over here. Just as I walked through the door, the machines were closed. Had I been able to vote, I would have voted "yea" on the last vote.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include therein tabular and extraneous material on the bill, H.R. 1282, making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for fiscal year 1991.

The SPEAKER pro tempore (Mr. FASCELL). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

OPERATION DESERT SHIELD/DESERT STORM SUPPLEMENTAL APPROPRIATIONS ACT, 1991

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1282) making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes;

and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. McDADE] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1282, with Mr. GLICKMAN in the chair.

□ 1950

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. WHITTEN. Mr. Chairman, in last year's act making the first supplemental appropriation for Operation Desert Shield we included authority to establish an account—the defense cooperation account—into which foreign governments and others could make contributions to offset the U.S. cost of the Persian Gulf operation. We required that any funds deposited in that account be made available only in a subsequent appropriation bill.

The request now before the committee from the executive branch is to establish a working capital fund with a $15,000,000,000 appropriation from the general fund which would then be available for transfer to any DOD appropriation account by the Secretary of Defense, with the approval of OMB. The request also proposes to amend the law establishing the defense cooperation account to permit the Secretary of Defense, with the approval of OMB, to transfer funds from that account to any DOD appropriation account.

The bill before the committee today does establish a new account—the Persian Gulf regional defense fund—into which not less than $27,588,372,000 is transferred from the defense cooperation account and $15,000,000,000 is appropriated from the general fund of the Treasury. The bill requires defense cooperation account moneys to be used before the U.S. appropriation can be used.

Appropriations are then, by transfer, made to 18 separate accounts to pay the incremental costs of the Department of Defense and the Coast Guard associated with the war in the Persian Gulf.

Thus, the committee and the Congress retain the normal prerogatives over appropriations.

Mr. Chairman, this is a good bill, and I urge it be adopted.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. McDADE. Mr. Chairman, I rise in strong support of the supplemental for Desert Storm. And I want to pay special tribute to the chairman of the Defense Subcommittee, my colleague from Pennsylvania, the Honorable JACK MURTHA.

My friend and colleague's leadership and foresight on defense issues over the years contributed markedly to the readiness and quality of the forces we sent to the gulf.

And then, over the past 7 critical decision months, the gentleman from Pennsylvania [Mr. MURTHA] played a crucial role in forging support in the Congress for the President's remarkable policy, which has liberated Kuwait and brought Saddam Hussein to heel.

The gentleman from Pennsylvania has done us all proud.

Mr. Chairman, anyone who was in this Chamber last night, anyone who watched President Bush's address, could not help but be moved, moved to the very marrow of their bones, as we watched the President and his First Lady, Barbara, report to the Nation on their stewardship of the Persian Gulf crisis.

Watching them, I could not help but reflect on the countless solitary decisions they have confronted at this critical juncture of world history—decisions made alone; decisions made correctly.

And I do not mean to imply that this President was acting in a solitary, sequestered fashion.

In the 29 years that I have served in this body I have not seen any Chief Executive reach out as this one did—to the Congress, to the country, to the world—in forging a coalition unparalleled in history and which led to the overwhelming rout of Saddam Hussein.

This President has, indeed, set the stage for a new world order. And in so doing, he has taught us all lessons regarding Presidential leadership in times of great peril, which will be studied by historians for decades to come.

As will the firm, calm leadership of our Secretary of Defense, Dick Cheney, Chairman of the Joint Chiefs Gen. Colin Powell, and Gen. Norman Schwarzkopf. And the bravery, skill, and patriotism of the men and women of our all-volunteer military.

Let me focus now on the legislation before us—the Desert Storm supplemental.

Mr. Chairman, even as our military was displaying new and novel ways of combat in the Middle East, events have conspired to create an equally novel situation with respect to the financing of the operation.

We have seen an unprecedented degree of allied burdensharing. Not only did 31 nations send military forces to the coalition against Iraq, many countries have also joined together to pledge their help in defraying the costs of Operation Desert Shield/Desert Storm.

As of today the United States has received over $16 billion in cash and in-kind support from our allies. Over $14 billion in cash contributions have been received by our Government—$2 billion since this past Friday.

And just yesterday, the Japanese Diet, the parliament, gave final approval to its Government's pledge of $9 billion to the operation.

In all, we have had commitments of nearly $54 billion. This is a remarkable effort which underscores the solidarity of the international coalition forged so skillfully by the President and the Secretary of State.

We have pored over the estimates provided by the Pentagon and, by and large, found them to be sound.

The administration estimated all costs short of actual combat to come in at—$40 billion to cover the costs of calling up, deploying, supporting, and bringing the force home.

After review we have shaved this amount by some $3.5 billion.

In addition we have put in the lowest estimate available to cover the additional costs of combat—some $6.2 billion.

As a result, in total, we provide specific appropriations to cover $42.6 billion.

And to give you a feel for how this is broken out—where the actual costs were incurred, and how we allocate this money:

Some $25 billion is for the operations and maintenance accounts—the added training time, flying and steaming hours, repair and maintenance of the air, land, and sea armada that went to the gulf.

An additional $270 million is for spare and repair parts.

Nearly $8 billion is for added personnel costs, the bulk being the callup of over 200,000 Guard and Reserves.

And less than $3 billion is for actual weapons procurement.

The administration had originally asked for $6.4 million in the procurement accounts, to replenish the stocks of smart weapons, of ammunition, of Patriot missiles. They didn't ask for major items like tanks and planes, but expendables—bombs and ammunition.

They asked for $6.4 billion, but because the war was so brief, we were able to pare this amount for weapons, cut it by more than half, to $2.9 billion, based on the best information available going into our subcommittee markup last Thursday.

In short, I think we have produced a solid, lean bill which will meet our military's requirements.

And under the mechanism the chairman described, we have tried to ensure that to the largest degree possible the foreign contributions will cover these costs.

If a U.S. dollar is spent, as soon as a foreign dollar comes in, the U.S. dollar goes back to the fund.

I am confident that our allies will meet their pledges. And in the end, when they do, and if the costs don't change, and we do not think they will change much, under the mechanism we have created the $15 billion we appropriate here today will revert to the U.S. Treasury.

Mr. Chairman, this bill has been reviewed by the administration and has its approval; it meets the valid needs resulting from Operation Desert Storm; and it must be passed with dispatch.

I urge your overwhelming support.

However, I would like to close with a look to the future.

Over the past 7 months since the invasion of Kuwait, our Nation and indeed the world has seen quite a display. And regardless of all the twists and turns, the emotional highs and lows associated with this crisis, without question one shining, bright constant has been the bravery, the skill, and, yes, the leadership and wisdom that the military forces of the United States of America have shown to the world.

The Congress and the American public have been given every reason to be proud of the men and women who've volunteered to serve the Nation in the Armed Forces. They have every right to be proud and I would add—vindicated.

During the 1980's, there were many bruising debates and arguments—many in this very Chamber—over the size and makeup of the defense budget. These were not idle discussions—they were debates made with great passion and conviction.

But the bottom line is that as a Nation we moved to strengthen the military, to improve their hardware and equipment, to support the costs of an All Volunteer Force.

I do not want to make much more of this. But while we pause to praise the performance of our Armed Forces—I think it is more than appropriate to note that even as our forces were dazzling the world, and routing Saddam Hussein's legions—this Pentagon and this President have gone forward with their plans to dramatically cut the military by over 25 percent by 1995.

We are not debating that builddown today—but I must remind all of you that the same military force we are so proud of at this juncture took over a decade to build and hone.

And if we fail to exercise care and restraint in the months and years ahead, we may well tear the fabric of this force apart.

So in the weeks and months ahead, when we move on beyond this supplemental and rejoin the arduous process of building down our defense posture, the Congress needs to break out its precision tools, and not the buzz saw, as we reshape our military in what is without question still a dangerous and uncertain world.

MURTHA PROVISION IN H.R. 1281 CONCERNING THE DEPARTMENT OF LABOR'S HELPER REGULATIONS

H.R. 1281 contains a limitation provision, added by Rep. Murtha, that forbids the Department of Labor from implementing regulations that would change the way helpers (unskilled workers) are treated under the Davis-Bacon Act;

The Davis-Bacon Act was enacted in 1931 to insure that laborers receive a prevailing wage for their work;

Critics say that Davis-Bacon is costly and imposes Federal regulations on local job markets;

For that reason there have been many attempts to overturn or alter the Davis-Bacon Act since its enactment. The most recent attempt to alter the Act began in 1982 and involves a set of DoL regulations that would permit the use of semi-skilled construction workers or "helpers" on federally-funded or assisted construction projects;

The helper regulations, published by DoL in 1982, permitted wider use of semi-skilled, lower paid helpers under the Act. It said lower paid helpers could be used on Federal projects under a broad definition of duties and in a maximum ratio of two helpers for three journeymen if the helper classification was "identifiable" in an area;

The regulations were enjoined in litigation with the Building and Construction Trades Department, AFL-CIO, and a number of other unions in 1982. Subsequently DoL and the unions have spent most of the past eight years waging legal battles over the "helper" issue in the courts;

Last September 24 the District Court lifted the injunction against the DoL helper regulations, saying that the ". . . plaintiffs have failed to show that the regulations are irrational or contrary to the language or purpose of the Davis-Bacon Act. . .". The plaintiffs filed a notice of appeal to the Court of Appeals on October 5, 1990.

The Senate report accompanying H.R. 5257, the FY 91 L/HHS/Ed Appropriations Bill, contained language asking DoL to postpone implementation of the regulation until adequate steps were taken to protect the job opportunities, wages, and fringe benefits of laborers nationwide. On October 31, 1990 Senator Byrd sent a letter to Secretary Dole referencing the Senate language and urging her to postpone implementation of the regulations;

On November 30, 1990 Acting Labor Secretary Roderick DeArment signed the final rule designed to implement the "helper" regulations;

During her confirmation hearing Secretary designate Lynn Martin received requests from several Senators that she postpone implementation of the regulation until the union's appeal was resolved. She stated her intent was to move forward with implementation;

The Administration and DoL have voiced their opposition to the Murtha provision in H.R. 1281 because there is no legal reason why the regulations should not be implemented. A letter from Secretary Martin to Rep. Moakley opposing Murtha's action is attached, as is a copy of the Statement of Administration Policy which also voices opposition to the provision;

During the full committee mark-up Rep. Carl Pursell reserved the right to oppose the provision on the floor;

Rep. Stenholm spoke against Murtha's provision in the Rules Committee and requested an amendment striking it from the bill. Rep. Petri submitted a written statement supporting Stenholm's position;

According to OMB the helper regulation is expected to save about $550 million in budget authority and $178 million in outlays in FY 92. After the regulations are fully implemented, federal construction costs would be reduced by almost $600 million per year in both BA and outlays;

The unions support Rep. Murtha's provision in H.R. 1281;

Previous attempts to weaken the Davis-Bacon Act in the way DoL proposes have met with overwhelming defeat on the House floor;

Arguments in favor of retaining Murtha's provision include:

The unions want the provision retained;

Congress, not DoL, should be the only group to make changes in the Davis-Bacon Act;

The full effect of the proposed DoL regulations have not yet been explored, more time is needed; and

Skilled laborers would be placed at-risk of losing their jobs to less skilled workers willing to work for a lower (less than prevailing) wage.

Arguments in favor of deleting Murtha's provision include:

Secretary Martin and the rest of the Administration want to implement the regulations;

Nine years is enough time for the helper regulations to be debated, if DoL has met the standards of the Courts and has made a good faith effort to work out disagreements with the unions then DoL should be allowed to implement their regulations;

If implemented the regulation could save the federal government $500 million in construction contract costs;

A supplemental appropriations bill is the wrong place for this type of provision.

U.S. DEPARTMENT OF LABOR,
Washington, DC, March 6, 1991.

Hon. JOSEPH MOAKLEY,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the Rules Committee will be meeting this afternoon to consider the nature of the rule governing House debate on H.R. 1281, the "Dire Emergency Supplemental." This letter is to express the Administration's strong objection to a Murtha amendment which was accepted yesterday by the House Appropriations Committee in its consideration of H.R. 1281. The Murtha amendment would prohibit the Department of Labor from expending funds to administer regulations governing the use of semi-skilled helpers on federal-financed and assisted construction contracts subject to the Davis-

Bacon and Related Acts (DBRA). (These regulations went into effect on February 4, 1991.) It would also enjoin the Department from promulgating final regulations pertaining to revisions to the apprenticeship programs in the construction industry.

I oppose this amendment and its purposes. I also oppose legislating substantive labor policy in an appropriations bill. An appropriations bill is not the appropriate vehicle for introducing significant reversals in established governmental policies. For these reasons, I am asking that the Committee agree to a rule that provides for an "up or down" consideration of the Murtha language on the House floor.

The issues underlying the DBRA regulations have been examined extensively over the past decade, and the Department's authority to implement them has been sustained through the courts. The objections to these regulations were considered in the courts and were rejected. The helper regulations reflect a longstanding position of the Executive Branch over the last decade.

These regulations set no government-imposed constraints or conditions on construction contractors or construction workers. The employment of helpers is permitted only when their use is the prevailing practice in an area. The regulations do place limits on the ratio of helpers to journeymen to prevent abuses—their use is limited to two for every three journeymen.

Permitting the use of helpers, according to local industry practices, will:

Provide increased job opportunities for semi-skilled workers and encourage their use in a manner which provides training;

Update outmoded practices under Davis-Bacon to more accurately reflect widespread industry practices thereby enhancing private sector competition on Federal construction projects;

Save the Federal government a substantial amount in construction labor costs (estimated to be at least $500 million in FY 1992).

The proposed revisions to the regulations governing the Department's registration of traditional apprenticeship programs were published after two years of research, review, and discussion in an open and public debate on the issues. The purpose was to streamline and update these regulations as part of an overall Departmental program to expand apprenticeship to additional occupations and industries and to maintain and improve the quality of *all* apprenticeship programs. These regulations would require State Apprenticeship Councils to promptly advise a sponsor of a proposed apprenticeship program of a decision on the sponsor's request and furnish an explanation of the decision in the event of a denial. In addition, there would be the right of appeal to the Department of Labor if the request was denied.

The changes proposed in the revised regulations are intended to reduce subjectivity and the opportunity for bias in determining conditions for program registration and in the monitoring of programs. Background information on the helper regulations is enclosed.

When put in place, these revised regulations will:

Ensure that all registered programs meet consistent, high quality standards;

Ensure that all potential program sponsors are treated fairly by setting up a Departmental appeal process;

Establish a uniform Federal standard for registering apprenticeship programs, with allowances for State flexibility for specific State purposes.

In addition, I would point out that these regulations are still in proposed form. We will keep the Congress informed as the rulemaking proceeds.

For the foregoing reasons, the Administration asks that the Rules Committee would grant a rule which allows for the "up or down" consideration of the Murtha amendment.

The Office of Management and Budget advises that there is no objection to the transmittal of this letter from the standpoint of the President's program.

Sincerely,

LYNN MARTIN.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Pennsylvania [Mr. MURTHA], the chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. MURTHA. Mr. Chairman, currently before you is the supplemental bill for Desert Shield/Desert Storm, fiscal year 1991.

Before I explain to the House the contents of this supplemental bill, I would like to make a few comments.

First of all Mr. Chairman, we must never forget that despite the great military success of Desert Shield and the remarkably low number of allied casualties, there were a number of Americans who paid the ultimate price. I am sad to say, Mr. Chairman, that probably no congressional district suffered more casualties than my district, the 12th District of Pennsylvania.

Five soldiers from families in my district were killed in Desert Storm. Four of them died in the SCUD attack that hit the barrack in Dhahran.

I would like to place in the RECORD the names of those five soldiers:

Sgt. John Boxler;

Spec. Frank S. Keough;

Spec. Richard V. Wolverton;

Spec. Stephen Siko; and

Lance Cpl. James E. Waldron.

Second, Mr. Chairman, I would like to salute all of the brave men and women who served in the Persian Gulf. As we say in our supplemental report: The sacrifices they endured; the skill with which they carried out their duties; the courage with which they conducted operations; and the swiftness and totality of their victory is a source of enormous pride to all Americans.

Also, Mr. Chariman, I would like to congratulate the American defense industry for the development and manufacturing of the vast array of equipment that worked so well in Desert Storm. The preciseness of the new generations of weapons enabled us to achieve a rapid decisive victory, while simultaneously minimizing casualties and collateral damage.

Finally, Mr. Chairman, I would like to congratulate the Congress.

There was a vigorous but civil debate.

During the debate, the distinguished Speaker, Mr. FOLEY, delivered one of the most eloquent speeches that has ever been given in this Chamber.

I would like to thank the distinguished minority leader, Mr. MICHEL and the gentleman from New York, Mr. SOLARZ, for the leadership they provided in the passage of the MICHEL—SOLARZ resolution which gave congressional support to the United States resolutions on Kuwait.

Once the majority in Congress had spoken in passage of that resolution, almost everyone who serves in this body rallied around the flag and supported the will of the majority.

SUPPLEMENTAL BILL

With regard to the specifies of this supplemental bill, I will be brief.

It places a ceiling of $42.6 billion on the total funds that can be used to pay the incremental costs of Operation Desert Shield/Desert Storm and allocates these funds by appropriation account.

It appropriates $15 billion in new budget authority to the newly created Persian Gulf regional defense fund.

It places the following restrictions on this fund:

First, the new budget authority can be obligated only after the gift fund money is exhausted;

Second, any balances of new budget authority remaining in the fund unexpended after all expenses have been paid will be returned to the treasury.

Third, as gift fund money is received, the defense fund balance is restored to the $15 billion level.

Fourth, requires that the fuel price increase apply only to fuel consumed in direct support of Operation Desert Shield/Desert Storm.

Also the committee reduced the category of near-term investment costs by $3.5 billion and provided combat costs at the lowest per day rate estimated by the Defense Department, $150 million per day for 42 days

I urge support for this supplemental.

Mr. WHITTEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

PERSIAN GULF REGIONAL DEFENSE FUND

(INCLUDING TRANSFERS OF FUNDS)

For incremental costs of the Department of Defense and the Department of Transportation associated with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), $15,000,000,000 is appropriated to the Persian Gulf Regional Defense Fund, which is hereby established in the Treasury of the United States, and in addition such sums as necessary are appropriated to such Fund by transfer from current and future balances in the Defense Cooperation Account, such sums so appropriated to the Persian Gulf Regional Defense Fund to be available only for transfer in a total amount not to exceed $42,588,372,000 to the following chapters and accounts in not to exceed the following amounts:

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $4,863,700,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy," $797,400,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $983,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,278,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $16,393,750,000, of which $350,000 shall be available only for the 1991 Memorial Day Celebration.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $3,009,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,330,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $4,080,000,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and Maintenance, Defense Agencies", $236,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $16,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $55,000,000.

PROCUREMENT

(TRANSFER OF FUNDS)

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft procurement, Army", $7,100,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", $311,900,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of weapons and tracked combat vehicles, Army", $26,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of ammunition, Army", $437,000,000.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other procurement, Army", $30,300,000.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft procurement, Navy", $16,000,000.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons procurement, Navy", $1,065,100,000.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other procurement, Navy", $34,600,000.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $68,000,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", $101,200,000.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile procurement, Air Force", $400,000,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", $419,100,000.

PROCUREMENT, DEFENSE AGENCIES

For an additional amount for "Procurement, Defense Agencies", $2,700,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $1,200,000.

REVOLVING AND MANAGEMENT FUNDS

(TRANSFER OF FUNDS)

ARMY STOCK FUND

For an additional amount for "Army Stock Fund", $57,000,000.

AIR FORCE STOCK FUND

For an additional amount for "Air Force Stock Fund", $214,000,000.

COMBAT COSTS OF OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary to finance the estimated partial costs of combat and other related costs of Operation Desert Shield/Desert Storm in the following additional amounts: for Operation and maintenance, $5,000,000,000; for Procurement, $1,300,000,000; In all: $6,300,000,000.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) In administering the Persian Gulf Regional Defense Fund, the Secretary of Defense shall use the corpus of the Fund only to the extent that amounts transferred to the Fund from the Defense Cooperation Account established under section 2608 of title 10, United States Code, are not currently available.

(b) If the balance of the corpus of the Persian Gulf Regional Defense Fund is less than $15,000,000,000, the Secretary shall transfer amounts from the Defense Cooperation Account to the Persian Gulf Regional Defense Fund, to the extent that amounts are available in that Account, to restore the balance in the corpus of the Fund to $15,000,000,000.

(c) For purposes of this section, the term "corpus of the Fund" means the amount of $15,000,000,000 appropriated by this Act to the Persian Gulf Regional Defense Fund from the general fund of the Treasury, as such amount is restored from time to time by transfers from the Defense Cooperation Account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 102. (a) The authority provided in this Act to transfer funds from the Persian Gulf Regional Defense Fund is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

(b) Amounts transferred from the Persian Gulf Regional Defense Fund shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) Amounts appropriated to the Persian Gulf Regional Defense Fund shall remain available until transferred.

(d)(1) Upon payment of all incremental costs associated with the purpose for which the Persian Gulf Regional Defense Fund is established, the Fund shall be terminated.

(2) If the balance in the Fund at the time of the termination is $15,000,000,000 or less, the balance shall revert to the general fund of the Treasury. If the balance in the Fund at the time of the termination is in excess of $15,000,000,000, the amount of $15,000,000,000 shall revert to the general fund of the Treasury and the remaining amount shall revert to the Defense Cooperation Account.

(TRANSFER OF FUNDS)

SEC. 103. (a) For the purpose of adjusting amounts appropriated to the Department of Defense for fiscal year 1991 to reflect changes in expenses due to the order to active duty (other than for training) of members of the National Guard and Reserves in connection with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), the Secretary of Defense may during fiscal year 1991 transfer not to exceed $446,000,000 among the fiscal year 1991 Military Personnel appropriation accounts of the Department of Defense.

(b) Amounts transferred under subsection (a) shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) A transfer of funds under subsection (a) is subject to regular congressional reprogramming notification requirements.

(d) The transfer authority in subsection (a) is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

SEC. 104. Of the funds appropriated or made available in this Act, the amount for fuel price increases shall be allocated only to the fuel consumed in direct support of Operation Desert Shield/Desert Storm.

SEC. 105. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) medical provider may voluntarily waive the patient co-payment for medical services provided from August 2, 1990, until the termination of Operation Desert Shield/Desert Storm for dependents of active duty personnel: *Provided*, That the government's share of medical services is not increased during the specified time period.

SEC. 106. Mitchel Field Health Care Facility in the State of New York shall only be funded from the Operation and Maintenance, Navy, appropriation and shall not be funded or included within the congressionally imposed ceiling of the Uniformed Services Treatment Facility account.

CHAPTER II

MILITARY CONSTRUCTION

(TRANSFER OF FUNDS)

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $35,000,000, to remain available for obligation until September 30, 1994.

CHAPTER III

DEPARTMENT OF TRANSPORTATION

(TRANSFER OF FUNDS)

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $18,922,000.

This Act may be cited as the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991".

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 11, line 10, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any amendments to the bill?

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore. [Mr. FASCELL] having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1282) making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. MURTHA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 19, not voting 34, as follows:

[Roll No. 36]

YEAS—380

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dickinson
Dicks
Dingell
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—19

Clay
Collins (IL)
Conyers
Dellums
Flake
Gonzalez
Hayes (IL)
Lewis (GA)
Mfume
Nussle
Owens (NY)
Payne (NJ)
Rangel
Savage
Serrano
Stokes
Towns
Washington
Waters

NOT VOTING—34

Baker
Callahan
Crane
DeLay
Dixon
Donnelly
Dreier
Dwyer
Dymally
Ford (TN)
Gradison
Henry
Ireland
Johnson (CT)
Levine (CA)
Madigan
Martin
McCrery
Miller (OH)
Moakley
Mrazek
Murphy
Ortiz
Parker
Porter
Pursell
Quillen
Roybal
Sangmeister
Staggers
Torricelli
Udall
Williams
Wilson

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So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I was unavoidably detained and was not present on the House floor for rollcall No. 35 and rollcall No. 36.

Had I been present, I would have voted "yea" on both votes.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I asked for this 1-minute for the purpose of inquiring of the distinguished majority leader the program for the balance of this week and, more important, the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the majority leader, the gentleman from Missouri [Mr. GEPHARDT], my distinguished friend.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL] for yielding.

Obviously our business is finished for today. There will not be legislative business on tomorrow.

On Monday, March 11, the House will meet at noon, but there will not be legislative business.

On Tuesday, March 12, the House will meet at noon to consider House Concurrent Resolution 45, permitting the use of the rotunda of the Capitol for a ceremony to commemorate the Days of Remembrance of Victims of the Holocaust and H.R. 1315, the Resolution Trust Corporation funding, modified closed rule, 1 hour of debate.

Wednesday, March 13, the House will meet at 2 p.m. to consider under suspension H.R. 751, the National Literacy Act of 1991, and H.R. 1175, the Desert Storm emergency authorization, subject to a rule.

On Thursday, March 14, the House will meet at 11 a.m., but there will not be legislative business, nor will there be votes.

On Friday, March 15, the House will not be in session.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from Missouri [Mr. GEPHARDT].

ADJOURNMENT TO MONDAY, MARCH 11, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, March 7, 1991, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. FASCELL). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MAKING IN ORDER ON WEDNESDAY, MARCH 13, 1991, CONSIDERATION OF MOTION ON H.R. 751, THE NATIONAL LITERACY ACT OF 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, March 13, to consider a motion pursuant to clause 1 of rule XXVII on H.R. 751, the National Literacy Act of 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, during rollcall vote No. 29 on H.R. 991 I was unavoidably detained. Had I been present, I would have voted "aye." I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 29, in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

□ 2020

AGREEMENT BETWEEN UNITED STATES AND AUSTRIA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. OWENS of New York) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216; 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Republic of Austria on Social Security, which consists of two separate instruments—a principal agreement and an administrative arrangement. The Agreement was signed at Vienna on July 13, 1990.

The United States-Austria Agreement is similar in objective to the social security agreements already in force with Belgium, Canada, France, Germany, Italy, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreement and provides data on the number of persons affected by the Agreement and the effect on social security financing as required by the same provision of the Social Security Act. I note that the Department of State and the Department of Health and Human Services have recommended the Agreement and related documents to me.

I commend the United States-Austria Social Security Agreement and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *March 7, 1991.*

NATIONAL AMERICAN INDIAN HERITAGE MONTH

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to announce that I am introducing legislation which will designate November as National American Indian Heritage Month.

Last year, the Congress passed and the President signed into law, for the first time, legislation setting aside a full month for our Nation to recognize and celebrate the American Indians' proud heritage. This year I hope to find support in the Halls of this great Chamber to make the month of November, National American Indian Heritage Month on a permanent basis. I know there is support in both the House and Senate for this step, and I can see as a most appropriate time as we approach 500 years since the arrival of Christopher Columbus in the Western Hemisphere.

This year's legislation gives special recognition to the American Indians' contributions to the United States; the American Indians have also contributed substantially to the entire world in the areas of agriculture, medicine, government organization, linguistics and the arts.

Mr. Speaker, native American culture has been known since prehistoric times for its philosophy of unity of human life, animal life, water, and land. I hope that now, 499 years after the arrival of the culture that so decimated the Indians, and 100 years after our own battles with this culture and people, we can find it only proper to give permanent recognition to the original inhabitants of our great Nation and throughout the Western Hemisphere.

H.J. RES. —

Whereas American Indians were the original inhabitants of the lands that now constitute the United States of America;

Whereas American Indians have made an essential and unique contribution to our Nation, not the least of which is contribution of most of the land which now comprises these United States;

Whereas American Indians have made essential contributions to the world, including prehistoric cultivation and harvesting of corn, squash, peppers, beans, and sweet potatoes, all of which have become mainstays of the American diet;

Whereas the people of the United States should be reminded of the assistance given to the early European visitors to North America by the ancestors of today's American Indians, including knowledge and training provided to the pilgrims in how to plant, fertilize, and cultivate corn, beans, squash, and tobacco; how and where to fish and hunt; how and where to tap maple syrup; and the location of the best routes west.

Whereas the people and Government of the United States should be reminded of the assistance given to this country's Founding Fathers by the ancestors of today's American Indians including the support the original inhabitants provided to George Washington and his troops during the winter of 1777–1778, which they spent in Valley Forge;

Whereas the people and Government of the United States should be reminded that certain concepts such as freedom of speech, the separation of powers in government, and the balance of power within government, all of which were found in the political systems of various American Indian nations, influenced the formulation of the Government of the United States of America;

Whereas the people and Government of the United States should be reminded of the advanced medicines used by American Indians prior to the arrival of Europeans, many of which are still in use today, including quinine for the cure of many ailments; hemlock and pine leaves as a source of vitamine C to cure scurvy; coca leaves to reduce hunger, drowsiness, and thirst; curare, from the vine Chondodendron, as a fast-acting poison for arrow tips (now used as a muscle relaxant and for treating tetanus); and ipecac, from the root of Cephalailis ipecacuanha, to treat dysentery.

Whereas the people and Government of the United States should be reminded of the many words in the English language still in use today, including hickory, moose, raccoon, caucus, tamarack, caribou, maize, canoe, chocolate, chili, pecan, coyote, hurricane, and possibly the expression O.K. (from the Choctaw "okeh");

Whereas the people and Government of the United States should be reminded of prominent American Indian performers, artisans and scholars, including Will Rogers, Jr., actor; Buffy Sainte-Marie, musician; Louis Ballard, composer; Black Elk, philosopher; and Vine Deloria, Jr., author.

Whereas the people and Government of the United States should be reminded of the benefits of conservation and reverence for the earth and life practiced by American Indians for centuries and yet still disregarded by many of us living today;

Whereas the Members of the Senate and House of Representatives believe that a resolution and proclamation of the nature requested in this resolution can encourage self-esteem, pride and self-awareness to young American Indians;

Whereas the approaching 500th anniversary of the arrival of Christopher Columbus to the Western Hemisphere provides an opportunity for the people of the United States to consider and reflect on our Nation's current relationship with today's American Indians; and

Whereas the month of November concluded the traditional harvest season of the American Indians and was generally a time of celebration and giving thanks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That beginning in 1991 and thereafter, the month of November is designated as "National American Indian Heritage Month", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

SPACE SHUTTLE BELONGS TO AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, isn't it strange that the more things change the more they remain the same. Whenever I pick up a paper, it seems there's an article about a foreign company buying or wanting to buy or rent something of value developed by Americans.

Recently, I read that Nippon Television Network has announced its intentions at whatever it costs to rent our valuable national space treasures for a commercial celebration for the Japanese network's 40th anniversary. Nippon Television wants to obtain the shuttle *Enterprise*, an Apollo capsule, a rocket, a spacesuit, and moon conveyor vehicle for a year.

Nippon has hustled Smithsonian officials in a series of meetings over the last year and, claims it is a done deal. But a Smithsonian official stated "the Japanese company is counting its spacecraft before they've been launched." I second that remark. Why should they have our national space treasures? Nippon TV is not in the space business—or is it?

Japan is engaged in an aggressive space program and intends in the next year to at least launch satellites and rockets. With its H-2 rocket, Japan through a joint venture of 75 companies, is making a real bid for international satellite launchings and, is competing with the United States.

Regardless of what Japan wants to pursue, America's national space treasures belong with the Smithsonian. Nippon Television should not have an Apollo capsule for any reason, particularly for a commercial event for the company.

The American people paid for the United States' space effort with our tax dollars. Japanese television may covet our space treasures, but they should have to wait for the cow to jump over the Moon before they rent our Moon conveyor vehicle, an Apollo capsule.

The Japanese network has more than a passing commercial interest in space. Last year the sale of TV sets fitted for satellite reception increased by 409 percent from the previous year. This year an official of the television network announced the need for an international news network as an answer to America's CNN.

A network official recently flew in space with the Russians at a cost of $30 million. Now the television network is willing to spend another $30 million for the space shuttle. Why are they willing to spend millions and go to the effort of a fast hustle of the Smithsonian officials for something that rightfully belongs to the American people? It certainly isn't for public relations.

The space treasures of America would serve only as a public relations event for the network and highlight a strategic aim of the Japanese Government in space.

The fact Japan wants to buy or rent the best of America is nothing new, whether it is in space, on the ground, our patents or the entertainment industry. Anything we do well, they want to buy.

Japanese companies recently bought our flagship properties, the Rockefeller Center and Pebble Beach and several more spectacular golf courses. Dai-Ichi Corp. of Myrtle Beach, SC is marketing 75 of our golf courses to Japanese buyers.

In addition Japanese companies have purchased 40 percent of our movie studios. What makes this such a poor deal for the United States is it places Japan squarely in the market to attack aggressively our electronics industry.

The National Journal reports that the prosperity of the American economy is increasingly tied to Hollywood's well-being. It reports that television and movie businesses now annually generate a $4.5 billion trade surplus, second only to the aerospace industry for the United States.

This latest effort by Nippon Television looks like one more coordinated governmental attack on another American industry. What will be the slogan for Japan's space program? Instead of Neal Armstrong's "One small step for man, one giant step for mankind," will it be "one small step for man and one large step for Japan?"

TRIBUTE TO THE "ORANGE RIBBON LADY," ELLEN LAMBING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. LUKEN] is recognized for 5 minutes.

Mr. LUKEN. Mr. Speaker, over the last week, we have heard about the heroic and victorious American men and women who fought in the Middle East as part of Operation Desert Storm.

And what a remarkable joy they have done. These men and women deserve every bit of praise they have received, they will receive, and even more.

Throughout America there have been thousands who have served by standing in waiting for our troops. Their energy and enthusiasm has been a testament to the support all of America shares for our men and women in the Persian Gulf. Their work has been selfless and their support for the families and friends of our Armed Forces has had an immeasurable benefit for our Nation.

I would like to draw your attention to a woman in my district who has made an indelible difference in countless peoples' lives. Known to many people as the Orange Ribbon Lady, Ellen Lambing is the founder of the military support group, Operation Orange Ribbon.

Words cannot express the gratitude greater Cincinnati feels toward Ellen today for all of her unselfish and generous work on behalf of our troops who served so valiantly in the Persian Gulf. She has been there for every family in need during the Persian Gulf conflict.

I know by now you are all familiar with the orange ribbons flying throughout our Nation. We have one woman to thank for that, Ellen Lambing. Ellen's idea to tie on an orange ribbon to show support for U.S. troops in the Persian Gulf has caught on nationwide. Even Barbara Bush took a giant orange bow from Ellen for the White House.

Ellen founded Operation Orange Ribbon on August 2, the day Iraqi President Saddam Hussein invaded Kuwait. This group has grown from what she originally thought would be a group of about 10 or 15 people in her living room to a nonprofit corporation complete with a board of directors serving thousands in our area.

The heart of the organization is the thousands of volunteers both in Cincinnati and throughout the country who spend countless hours working for the support group. Their leader and inspiration is Ellen Lambing.

Ellen has been described as magnetic, energetic, and tireless. She kept busy with her full days volunteering for Operation Orange Ribbon, but everbody knows she will continue her efforts until all troops have come home to American soil. I suspect she'll continue supporting veterans of the Persian Gulf long into the future. She loves her troops that much.

Thank you, Ellen Lambing, for all you have done for our Nation and for our troops. You are an inspiration to us all.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank my good friend from the neighboring district in Cincinnati. I, too, want to commend the troops, our men, and women who fought so bravely representing the United States and the allied coalition in the Middle East. The support that was given by the families and the people throughout America is commendable. Certainly the efforts of Ellen Lambing from nearby Cincinnati played a great role in helping to stir that activity, certainly in Cincinnati, and throughout even my district.

Mr. Speaker, it was not long after the troops were in the Middle East that orange ribbons began to show up all through the district. I know on a number of occasions over the last few months I spent time with Ellen Lambing. As a matter of fact, my wife even today was at a junior high school in my neighborhood with Ellen, where this large group of junior high students honored Ellen for her activity throughout Ohio and throughout our country in getting solid support for the troops in the Middle East.

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I want to take this moment to thank Ellen Lambing for her bravery, thank her for her efforts on behalf of the men and women who have supported us in the Middle East, and on behalf of all of the families that have loved ones there.

Mr. LUKEN. Mr. Speaker, I yield back the balance of my time.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1991

The SPEAKER pro tempore (Mr. OWENS of New York). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1991. This is the second report of the first session of the 102d Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the conference report to accompany the budget resolution for fiscal year 1991, House Concurrent Resolution 310. The 302(a) allocations to House committees made pursuant to the conference report were printed in the CONGRESSIONAL RECORD on October 10, 1990, page H9280.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that meausre would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its appropriate allocation of discretionary spending made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985, House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99–177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 106, on May 18, 1989. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee

has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 6, 1991.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under H. Con. Res. 310, the Concurrent Resolution on the Budget for fiscal year 1991.

In the House of Representatives, the procedural situation for fiscal year 1991 with regard to the spending ceilings (total new budget authority and total outlays) and the revenue floor is affected by Section 311 of the Congressional Budget Act of 1974, as amended by P.L. 99–177. Section 311(a) prohibits the consideration of a spending or revenue measure which would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause total revenues to be less than the appropriate level set in the budget resolution. Section 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of new discretionary budget authority or new entitlement authority under Section 302(a) of the Budget Act.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—new discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 310 were printed in the Congressional Record on October 10, 1990, page H. 9280.

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1991 budget resolution, H. Con. Res. 310.

Sincerely,
LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1991 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 310

REFLECTING COMPLETED ACTION AS OF MAR. 5, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,485,600	1,236,900	1,172,900
Current level	1,481,536	1,236,224	1,176,177
Amount under ceilings	4,064	676	
Amount over floor			3,277

BUDGET AUTHORITY

Any measure which provides budget or entitlement authority and which is not included in the current level estimate and that exceeds $4,064 million in budget authority for fiscal year 1991, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 310 to be exceeded.

OUTLAYS

Any measure which increases outlays and which is not included in the current level estimate and that exceeds $676 million for fiscal 1991, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 310 to be exceeded.

Any measure that would result in a revenue loss which is not included in the current level revenue estimate and that exceeds $3,277 million in revenues for fiscal year 1991, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 310.

FISCAL YEAR 1991 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

	Current level budget authority
House committee:	
Agriculture	−742
Appropriations[1]	−1,344
Armed Services	+57
Banking, Finance, and Urban Affairs	−32
District of Columbia	
Education and Labor	
Energy and Commerce	−14
Foreign Affairs	
Government Operations	
House Administration	
Interior and Insular Affairs	+74
Judiciary	+3
Merchant Marine and Fisheries	−5
Post Office and Civil Service	+869
Public Works and Transportation	
Science and Technology	+1
Small Business	
Veterans' Affairs	−94
Ways and Means	−2,354
Unassigned (Sequestration)	−389

[1] See next table for detail.

Note.—Committees are over (+) or under (−) their 302(a) allocation for "discretionary action."

FISCAL YEAR 1991 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority	Direct loans	Primary loan guarantees
House Appropriations Subcommittee:			
Commerce, State, Justice	−7	−11	−184
Defense	−54		
District of Columbia	−2		
Energy and Water	−775		
Foreign Operations	+404	−17	−1
Interior			
Labor, HHS, Education	−624		
Legislative Branch	−63		
Military Construction	−136		
Rural Development and Agriculture	−6	−112	−49
Transportation	−1		
Treasury, Postal Service	−4		
VA/HUD/Independent Agencies	−76	−198	
Total	−1,344	−338	−234

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions for "discretionary action."

FISCAL YEAR 1991 ALLOCATION OF NEW ENTITLEMENT AUTHORITY [NEA] PURSUANT TO SEC. 302

[In millions of dollars]

Committee	Allocation	Reported[1]	Enacted[2]	Enacted over(+)/under (−) allocation
Agriculture	+53	+1,309	−566	−619
Appropriations		+2,253	+2,253	+2,253
Armed Services		+2,209	+2,270	+2,270
Education and Labor	−120		+1	+121
Energy and Commerce	+305		+1	−304
Judiciary		+2	+2	+2
Post Office and Civil Service	−1,230		−1,390	−160
Veterans' Affairs	−65		+180	+245
Ways and Means	−4,200		−3,182	+1,018

[1] These figures are used for 401(b)(2) of the Budget Act.

[2] These figures are used for 302(f) points of order.

Note.—The figures for the Armed Services and Appropriations Committee represent the full costs of the January 4.1-percent pay raise for Federal military and civilian personnel respectively. The pay raise was assumed in the budget resolution, but the New Entitlement Authority [NEA] was not allocated to any committee because the budget resolution assumed that the pay raise would be achieved through administrative actions.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 6, 1991.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the 1991 Concurrent Resolution on the Budget (H.Con.Res. 310). This report, for fiscal year 1991, is tabulated as of close of business March 5, 1991. A summary of this tabulation follows:

[In millions of dollars]

	Current level	Budget resolution H. Con. Res. 310	Current level +/− resolution
Budget authority	1,481,536	1,485,600	−94,064
Outlays	1,236,224	1,236,900	−676
Revenues	1,176,177	1,172,900	3,277
Direct loan obligations	20,607	21,000	−393
Guaranteed loan commitments	106,940	106,800	140

Since my last report, dated February 6, 1991, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 102D CONG., 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSIENSS MAR. 5, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,176,178
Permanent appropriations and trust funds	1,066,350	801,618	
Other legislation	664,057	676,371	
Offsetting receipts	−243,564	−242,564	
Total enacted in previous sessions	1,487,843	1,235,425	1,176,178
II. Enacted this session: Extending IRS Deadline for Desert Storm Troops (Public Law 102–2)			1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution	−6,307	799	
Total current level[1]	1,481,536	1,236,224	1,176,177
1991 budget resolution (H. Con. Res. 310)	1,485,600	1,236,900	1,172,900
Amount remaining:			
Over budget resolution			3,277
Under budget resolution	4,064	676	

[1] In accordance with section 606(D)(2) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508) current level excludes $1,335 in budget authority and $1,562 in outlays for Operation Desert Shield, Debt Forgiveness for Egypt and Poland and Internal Revenue Service funding above the June 1990 baseline level. In addition, current level outlays include a savings of $1,100 million for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508) and revenues include the Office of Management and Budget's estimate of $3,037 million for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101–509).

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

TRIBUTE TO SENATOR JENNINGS RANDOLPH ON HIS 89TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, tomorrow marks the birthday of an extraordinary West Virginian and American, because tomorrow is the day when Senator Jennings Randolph turns 89 years young.

When Jennings Randolph was born on March 8, 1902, in Salem, WV, who could have predicted that here was a man who would serve his State and Nation in the U.S. Congress in a career that would span nine Presidencies. And throughout 14 years in the House and 26 years in the Senate, never did Jennings Randolph lose sight of his overriding goal—to make life better for working men and women.

To add personal dimension to the scope of his career, Jennings Randolph was elected to the House nearly 20 years before I was born, and when he retired from the Senate, I was serving as the Congressman from his former congressional district. And since his retirement, Senator Randolph has graciously served as my campaign treasurer.

March 9 is a day that we all should stop for a moment to reflect on the improvements in the quality of our life due to the efforts of Jennings Randolph, but especially 18-year-old Americans. Senator Randolph authored and shepherded the 26th amendment to the U.S. Constitution into being, giving 18-year-olds the right to vote.

Jennings Randolph served with an undying confidence in our young people, and I believe that the accomplishments of our troops in the gulf is an excellent reflection that his trust was not misplaced.

And if there are tourists in town tomorrow, they may want to take a moment to remember that Senator Randolph authored the legislation that led to the creation of the Air and Space Museum.

To the man who helped conceive and foster the New Deal, to the man who led the fight to develop our Interstate Highway System, to the man who helped write the National Labor Relations Act and so much more, I say happy birthday, Jennings. Thank you for all you have given your Nation, and thank you for allowing us to be a part of your incredible life.

Mr. Speaker, I yield to the dean of our delegation, Mr. NICK RAHALL.

Mr. RAHALL. Mr. Speaker, it is with a great sense of history and pride that I rise today to pay tribute to Jennings Randolph, former U.S. Senator from West Virginia, who will be 89 years young tomorrow.

Happy Birthday Senator, with warmest wishes to you for many, many more to come.

Mr. Speaker, I had the honor to work closely with Jennings Randolph, from my first day as a Member of the House more than 14 years ago, and before that as an employee of the U.S. Senate in the Democratic Cloakroom under Senator ROBERT C. BYRD. The experience that was mine, with Jennings Randolph and ROBERT BYRD as my early mentors, has been the most rewarding aspect of my service in Congress. I am proud to say at this point that I still work closely with Senator ROBERT BYRD, a great American.

Jennings Randolph first arrived in Washington 58 years ago, in 1933. He was sworn in as one of the new Members of the House of Representatives, and became part of President Franklin Roosevelt's historic first 100 days. Jennings Randolph was present at the creation of the New Deal programs, most of which are still in existence today. Programs that serve the human needs of individuals and families to which Jennings Randolph pledged his entire career.

Jennings Randolph served in the House of Representatives from 1933 to 1947; he returned as a U.S. Senator in 1958, where he served until he retired in 1984. During that span of time, which represents a quarter of the life of this Republic, Jennings Randolph never stood still.

As we pay tribute to him on this, his 89th birthday, let me first express my great respect for this senior, and much beloved public servant from the great State of West Virginia, and to thank him for what he did for our State, and for this Nation, during his half-century of service.

Today, with the advent of the war in the gulf and the accompanying rhetoric we hear about how it is time to establish a national energy policy in the United States, and how it is time to reduce or eliminate our dependence on foreign oil, it is appropriate and timely to make part of this tribute a reference to Jennings Randolph's 1942 action to introduce legislation known as the Synthetic Liquid Fuels Act, which created ways in which to transform coal and its products into other useful energy forms. Not content with introducing legislation, Jennings Randolph followed up by copiloting a plane from Morgantown, WV, to Washington, DC, using fuel made from coal. If that could be done in 1942, it surely can be done today with all the technology at our disposal.

Jennings Randolph was a visionary. His early actions included the Randolph-Sheppard Act for the blind; later he originated and chaired the first Subcommittee on the Handicapped in the Senate, and he kept that chair until 1981 when the Senate majority went to the Republicans. Today, America has Jennings Randolph to thank for ushering into existence the first-ever Education for all Handicapped Act, the Rehabilitation Act of 1973, and the Developmental Disabilities Act.

As the chairman of the Senate Public Works Committee for 14 years, it was Jennings Randolph who guided to enactment the National Interstate Highway System signed into law by President Dwight Eisenhower. It was Jennings Randolph who fought against impoundment of interstate highway funds under President Nixon, when billions of dollars appropriated by Congress for highways were not being spent.

As ranking Democrat on the Senate Labor and Human Resources Committee, Jennings Randolph was a champion of education, health care services and facilities, and labor standards such as the enactment of the first black lung compensation act for coal miners suffering and dying from that occupational respiratory disease.

His chairmanship of the Public Works Committee saw enactment of this Nation's first Clean Air and Clean Water Acts, the Superfund Program to clean up toxic wastes, and the Solid Waste Disposal Act.

Jennings Randolph, who was well-known for his love and his understanding and trust in the younger generation, authored the 26th amendment to the Constitution calling for the 18-year-old's right to vote.

Mr. Speaker, my time is short, but finally I call to mind the Jennings Randolph who was, above all else, a gentleman.

Jennings Randolph was known for his courtly manners at all times in the conduct of official business with his House and Senate colleagues. His constituents found him to be warm, and always receptive, always available to them, when they made the trip to Washington to plead their causes.

Jennings also set an example for all Members of Congress in the strict observance of the codes of conduct unique to both bodies. He made it unnecessary for senior Members and freshmen alike to seek out a book of etiquette to instruct them in the correct management of relations between and among Members. While there was no such publication to be had, Jennings taught them by example the subtle ways of representative government.

Jennings is a leader who led by example, as well as through the whispered confidence, the silent gesture, the humorous anecdote, or a gentle rebuke. Mostly, he used the welcome plaudit, always giving credit where credit was due to other Members of Congress for their achievements in the service of their States and congressional districts.

Above all, Mr. Speaker, we pay tribute to the man who is the embodiment of the characteristic wit and wisdom of a gentleman, who imposed and followed the finest traditions of the House and the Senate, and those of our great country.

From all of West Virginia, happy birthday Senator Jennings Randolph. God willing, may you have many, many more.

Our thoughts and prayers are with you always.

Mr. STAGGERS. Mr. Speaker, tomorrow I am going to call Jennings Randolph and I am sure he is going to have two or three people that need some help, and he is going to tell me about them. He is that type of person. He cared about West Virginia and the Nation when he served, and he still cares about West Virgina and the Nation, and I want to wish him a happy birthday.

Mr. MOLLOHAN. Mr. Speaker. During its distinguished history, this U.S. Congress has been blessed with some truly exceptional leaders; men and women who, by virtue of their knowledge, foresight, and compassion, have left a mark which time cannot erase.

I am honored to join today with my colleagues in the West Virginia delegation in paying tribute to such a man, former Senator Jennings Randolph, on the occasion of his 89th birthday.

Senator Randolph has devoted a lifetime of service to the people of his State and his Nation. His long and honorable career in Congress began 58 years ago, when he became a member of this House in the same year that Franklin Delano Roosevelt began his presidency. The first vote that he cast as a Member of Congress, in fact, helped pass the Emergency Banking Act of 1933.

Without question, Senator Randolph served our Nation during some of its most trying times: times of depression, and times of war. Yet through it all, he served with a gracious effectiveness that earned him the respect and the admiration of his constituents in West Virginia and his colleagues here in Washington.

The Senator's legislative legacy reflects his many interests and accomplishments. He championed the rights of blind and handicapped Americans. He introduced legislation that initiated the creation of the Economic Development Administration and the Appalachian Regional Commission. He authored the legislation which evolved into the National System of Interstate and Defense Highways. And he worked tirelessly to develop the very first congressional initiative of new coal technologies.

Those are, of course, just a few items from Senator Randolph's list of accomplishments. The whole list is much too long for me to recount here, but rest assured that it is most impressive.

Perhaps the best testament to his distinguished career can be found in a statement made by former Senate Majority Leader Howard Baker of Tennessee, who also retired from Congress in 1985.

Baker said at the time, "Many individuals have wondered why I have decided to join Jennings in retirement from the Senate. The reason is quite simple. I can't imagine and don't want to be in a Congress that doesn't include Jennings Randolph."

Mr. Speaker, I know we can all appreciate that sentiment. But thankfully, Senator Randolph remains very much a part of this Congress through the continuation of programs he initiated during his 40 years of service.

On behalf of the people of West Virginia's First Congressional District, I wish Senator Randolph a "Happy Birthday" and a heartfelt "Thank You."

MEETING THE PRESIDENT'S CHALLENGE FOR THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I will not take nearly my full time, but I did want to rise tonight to say that I thought the House's performance today was very sad considering President Bush's speech last night. The President came up and pointed out that by applying modern thinking, by applying modern approaches that we had had remarkable success in the Persian Gulf, that in 100 hours we had been able to defeat the Iraqis in a ground war because we had the right kind of equipment, the right kind of training, the right kind of people, and they had formed a team that worked. And he challenged the Congress to reform and renew America, to bring America into the 21st century.

Yet, today, in the first of a series of votes that I am afraid we are going to see in the Congress, what we got was just the opposite. The efforts of Secretary Kemp to develop new ideas and new approaches in housing, to give people a chance to own their own homes, to give people a chance to have more control over their lives, to truly help the poor, that was knocked down by the Democrats here in the House today in a vote that was frankly very surprising and very one-sided. I think it was in many ways a reactionary vote, a vote propping up a decaying past, protecting Democrats and not helping the poor, but just protecting those interest groups that are already out there.

Later in the day we had another vote on an effort to allow the Federal Government to spend its money more intelligently, to apply a better standard to the Davis-Bacon Act, which is a 1931 law that involves how much we pay workers. Everybody knows this is wasteful. Every report the General Accounting Office ever made says that this is wasteful. But it is an example of union power, and it is an example of propping up an old and obsolete provision that no longer makes sense and that costs extra money. And once again, the Democrats overwhelmingly voted on the reactionary side, propping up the past, costing extra money and not getting anything for it, the exact opposite of what President Bush asked for last night.

Furthermore, as I said earlier today when I did an initial 1-minute speech, we are wasting $8 million a day every day that we fail to pass continued funding for the Resolution Trust Corporation. The Resolution Trust Corporation pays the depositors insurance for every depositor who had money in a savings and loan. Everyone knows the Congress is going to pay it. There is no question it is going to be paid. So every day we fail to pay it, we add $8 million in additional interest that does not do any good to anyone, just an additional $8 million that the taxpayer loses.

Everyone in America can understand that. It is like having a credit card outstanding or having a loan outstanding. The longer you wait, the more you are going to have to pay.

We do not get anything for the money, and yet the Democratic leadership again today failed to bring up a bill, although that means we already owed $56 million to date, and it is going to go to $64 million on Friday, it is going to go to $72 million on Saturday, $80 million on Sunday, $88 million on Monday, and by the time we do any serious legislative business on Tuesday, we are going to be back to $96 million, and that still will not have gotten the bill to conference with the Senate, passed, and down to the President.

So the Democratic leadership, by its failure to respond in a timely way, is going to throw away over $100 million in absolute, pure waste, money that we do not have any reason to have spent on the Resolution Trust Corporation.

Finally, I am very concerned that the President issued a challenge to the Congress which is not going to be taken up. The President challenged the Congress to pass the highway transportation bill and to pass crime legislation. When we recognize that the crime legislation is vitally needed, that drugs and violent crime are an enormous problem in America, that in fact more Americans were killed in the United States during the 100 hours of ground combat than were killed in the ground operations in Desert Storm, it is obvious we need to pass a much stronger crime bill.

The President first sent up his crime proposals back in June of 1989. Now he is challenging the Congress to pass them, as he said, not in 100 hours, which was how long it took Desert Storm, but in 100 days. Yet today our first indications were that the Democratic leadership is not going to pass the crime bill on time, that in fact it is going to find excuses to delay the process, and so I want to repeat tonight the challenge.

I would hope the Democrats would decide to pass a clean Resolution Trust funding so we can get it through, get it signed and get it to the White House, and that will save the taxpayers money. I would hope the Democrats would reconsider the kind of votes they cast today. We really need a lot of reform in America if we are going to have a successful country.

□ 2040

We need to have a 21st century America, not just a 21st century Army. I think that is going to take a lot of changes.

Automatically taking the reactionary position of voting against new ideas, voting against new reforms, voting against new proposals, that only is not good for the Democratic Party, it is very bad for America. It weakens our ability to get into the future the way we ought to.

On all of those grounds, Mr. Speaker, I hope that the Democratic leadership will reconsider where it is going, that it will decide to cooperate with President Bush.

I can assure you that we on the Republican side would reach out a bipartisan hand to work with you if we could find a way to set up a schedule for hearings, for markup, and for legislation on the crime bill, for hearings, for markup, and for legislation on the highway bill, and move forward, for example, as the President has asked for a civil rights bill that does not have quotas, to move forward and have the kind of reforms that we badly need in education, to move forward and have the kind of housing reforms Secretary Kemp has been working for.

There is much we can do, but I think we need to get busy and work together to do it.

THE S&L BAIL-OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 30 minutes.

Mr. LAFALCE. Mr. Speaker, in recent days, there has been a great deal of criticism leveled at those in the Congress who are reluctant to provide additional funding to the RTC to continue the thrift bailout. I believe that criticism is unwarranted. In fact, I believe such hesitation is called for, and is in the interest of the American taxpayer. It is time we stopped to think about what we are doing. In my view, the approach we are taking is maximizing the cost to the American taxpayer and the damage to the industry.

Just over a year ago, the administration asked the Congress to authorize $50 billion to handle the problems of failed and failing thrifts, and Congress obliged. The administration is now asking for $30 billion more in loss funds. And projections suggest that next year the Congress will be asked for still another $50 billion. It would be unconscionable if, before we approve over twice the sum originally requested, the Congress did not insist on knowing what the American taxpayer was being asked to pay for and why. Yet the administration is insisting on a blank check and blaming the Congress for not providing it.

This is not a partisan issue. Votes taken in the House Banking Committee indicate that there is sentiment on both sides of the aisle that the resolution process is not proceeding as anticipated and requires reform. Yet we are being pressured to pour apparently limitless funds into the RTC without exercising any control as to its use.

I belive the FIRREA approach was fundamentally flawed from its inception. It represented a misdiagnosis of the problem, and a misprescription as to the proper solution, and we now see continuing malpractice in its implementation. As such, FIRREA has become, not the solution to the thrift crisis, but a major contributor in its own right to its ever vaster proportions.

Let me review the problems with the FIRREA legislation itself and the continuing problems I see with its implementation.

I. FIRREA LEGISLATION

I voted against and argued against final passage of the FIRREA for several reasons including: First, the approach to funding; second, the precipitous application of new standards; and third, the structure and functioning of the RTC.

A. FUNDING

First of all, it was clear from the very beginning that the funding the administration requested was grossly inadequate, minimizing the scope of the problem and making it easier to lay what appeared a more limited burden at the taxpayers' door. I stated at the time that "the administration's projections regarding the overall level of funding required and the source of that funding are based on a series of overly optimistic and implausible assumptions * * *. Each time any of these implausible assumptions proves incorrect, it is the taxpayers' potential liability that increases." Unfortunately, that judgment has proved only too correct. The cost estimates continue to mount, and the ever-larger bill is indeed being placed at the taxpayers' door.

The approach to funding was also fundamentally flawed. When FIRREA was being considered, far too much attention was directed to the debate regarding on-budget versus off-budget financing. That was never a key issue. Certainly, if we are to borrow, we should borrow at cheapest cost, Treasury borrowing rather than a convoluted and costly bonding program. But in the context of the thrift crisis there was absolutely no justification for borrowing. The only rationale given was the continuing reluctance to come to grips with the grave implications of deficit financing for the health of our economy, and that is no rationale at all.

Any responsible business manager will tell you one borrows for capital improvements. One does not borrow for current expenditures and certainly never for past expenditures. Yet we chose to borrow to fund past losses and forced future generations—our children and grandchildren—to pay the costs. That is a profound generational inequity. As I noted during consideration of the legislation, "borrowing in any form is a much higher cost solution than a direct infusion of funds * * *. We are foisting higher costs than would otherwise be necessary on to future generations. That is unjust."

There is recognition in the Congress as to that inequity. A floor amendment I advanced during consideration of FIRREA that would have placed the funding on Gramm-Rudman and insisted we pay as we go garnered 171 votes on the House floor, despite Presidential and congressional industry opposition. In a recent House Banking markup, an amendment of a somewhat similar nature passed with bipartisan support.

The generational inequity was compounded by an approach that maximized the cost to Federal taxpayers for mistakes made largely at the State level. It's generally estimated that approximately half of the costs of the bailout are attributable to State-chartered institutions, operating in many cases under lax State supervision and regulation, with powers far in excess of those available under the Federal charter. Yet the States have borne none of the financial responsibility. We have a dual banking system, which carries responsibilities as well as rights. While the full House has never had an opportunity to vote on this important issue, many increasingly share my view that some reasonable State contribution to the costs of the bailout are in order.

B. APPLICATION OF NEW STANDARDS

FIRREA saw the imposition of significantly higher tangible capital standards for thrift institutions and the elimination of accounting techniques previously agreed upon between the regulators and thrift institutions. The changes were largely appropriate. Capital is the chief protection for the insurance fund and the taxpayer, and adequate capital standards are crucial.

But the precipitous application of those standards wreaked further havoc in an industry already reeling from systemic problems, and destabilized weakened but viable institutions that might have otherwise survived the crisis. As I have argued before, FIRREA itself became "the largest shock to the system. New capital requirements were essential, but the precipitous application of new requirements in some cases can create more problems than it will solve * * * meaning distinctions needed to be drawn between basket case institutions that have no hope of recovery * * * and other weakened institutions who * * * are in a position to gradually increase their tangible capital position. To treat these institutions alike was to unnecessarily increase taxpayer liability."

In addition, FIRREA changed regulatory accounting standards that had been negotiated as elements of existing contracts between the regulators and thrift institutions, particularly those institutions which had previously purchased failing institutions as part of an effort to address industry problems. Some of those standards may have been ill-conceived and paved the way for institutions to operate solely with phony capital, endangering the insurance fund. But immediate changes in those contracts may have put even institutions that were profitable and capable of improving their tangible capital at risk, and left potential acquirers with a reluctance that continues to this day to deal with the Government.

I predicted at the time that the Government could not blithely break contracts with private parties and expect to escape unscathed. Since that time, court actions undertaken by thrifts accusing the Government of breaking contracts have been extremely successful—increasing yet again the cost to the taxpayer—and the pool of potential acquirors has diminished considerably.

C. THE RTC

Finally, the Congress was forced to vote on the FIRREA legislation with little or no understanding of the nature and function of the agency which would be responsible for carrying out the implementation of the program, the RTC. As I noted at the time, "the responsibilities confronting the RTC are massive and unprecedented * * *. Yet the structure of the organization is ill-defined, its policies and procedures are left to its own devising, and its accountablity to the public is negligible."

At one point, an administration representative characterized the RTC as a small oversight organization, with 100 or fewer employees, largely engaged in overseeing private sector action. Today we have an organization with over 5,000 employees that is the largest asset disposition organization in the history of the world. No entity could be less fit than a Government agency to play that role, and no entity could play it at greater cost.

II. THE IMPLEMENTATION OF FIRREA

Since FIRREA was passed, matters have simply gone from bad to worse.

A. NEW FUNDING NEEDS

Estimates of the cost of the bailout continue to mount. The administration is now asking for an additional $30 billion, but even that is not the end. Projections suggest as much as another $50 billion will be required next year. What is more, we are still borrowing to finance this bailout, piling ever greater interest expenses on the basic bailout cost that is already mind-boggling. If we continue on this path we will be committing hundreds of billions of dollars in future revenues to paying the interest on the Federal debt that could otherwise be used productively. And to what end?

Unless we stop this endless cycle of deficit finance, we will be placing burdens on our economy and on future generations of taxpayers that are incalculable. These interest costs will not remain forever invisible. As they come due, they may well have to be funded by cuts in education, health care, Social Security, day care, and other social programs on which our citizens rely. The result could be a decline in this Nation's standard of living beyond what we can even begin to imagine. The only way to avoid that result is to make some hard choices now.

B. IMPLEMENTATION OF FIRREA

First. The current liquidation philosophy.—Some of those choices concern the basic approach that is being used. If FIRREA was flawed in its conception, it is equally flawed in its implementation. We must move away from the liquidation philosophy that has dominated the administration's and most of the Congress' thinking on this issue from the very beginning toward a reconstruction philosophy. We are now liquidating an industry, some of which remains viable, at taxpayer expense and—whether we are willing to acknowledge it in budget calculations or not—expanding our budget deficit in order to do so. The effect of the current philosophy is only to maximize taxpayer cost and to place enormous burdens on our economy years into the future.

But it is not only the future burden on our economy which should concern us. The severe credit crunch we continue to see is no coincidence. The vast accumulation of assets by the RTC has created an enormous overhang on the real estate market, depressing values. The worst case scenarios that regulators have brought to the assessment of asset portfolios of banks as well as thrifts may have forced unnecessary writedowns and created additional stress on the capital positions of our lending institutions. The result should have been easy enough to predict—less and less lending, even to creditworthy borrowers.

In my view, the administration is being inordinately purist about the problems we face. It seems intent on purging from the thrift industry, through mounting deficit finance, every marginally problematical institution.

We can do that, and we could then turn to the banking industry and do the same. But the costs would be incalculable, and the burden on the American taxpayer, unjustifiable. Granted, we would achieve some very necessary industry consolidation, but I cannot think of a more extravagant and shortsighted way to do it. We cannot wring every weak institution out of the economy at taxpayer expense through deficit finance without doing irreparable damage to our economy.

2. The need for a change in approach.—It is time to move away from the liquidation philosophy that now dominates both the OTS and the RTC and move toward a reconstruction philosophy. A comparison of the current effort of the RTC to the approach undertaken by the Reconstruction Finance Corporation [RFC] earlier in this century is enlightening. The RFC, like the RTC, bore responsibility for liquidating incurable banks. But it did not make the assumption that all problem institutions were untreatable. Much of the RFC's energies were focused on restoring capital in solvent but weak banks and restructuring weak but curable institutions.

In contrast, the OTS and RTC are currently watching the condition of the wounded slowly and painfully deteriorate while focusing all their energies on burying the dead. Hundreds more thrift institutions have now been neatly categorized in terms of the level of risk they present. But the Government is neither providing assistance nor marketing their franchise while it still has worth. Instead, bureaucrats are simply spending time calculating their dwindling prospects under alternative theoretical economic scenarios. The necessary effect of this wait and see attitude is to maximize taxpayer cost.

I do not quarrel with the fact that there was an array of basket case institutions in the thrift industry that were operating without a meaningful portfolio of earning assets, steadily losing money, and paying above market rates solely to draw in funds to pay interest on deposits. Such institutions held out no prospect of long-term viability and were only accruing additional losses for which the taxpayer would eventually be responsible. They required quick and decisive action.

But many, perhaps most, of those institutions have already been resolved. Unfortunately, they were not the only institutions put on the road to conservatorship. Others immediately tagged capital deficient have been in decline ever since.

We are now at or at least close to the point where we are considering placing in Government hands institutions which have some reasonable level of tangible net worth and/or are profitable—institutions whose condition has nevertheless been allowed to deteriorate as the administration has focused its energies elsewhere. Certainly, some of them are weak and are not in compliance with the new, much tougher, capital requirements. But if effecting a complete purge of all weaker institutions from the system will cost the American taxpayer yet another $50 billion in short-term, it is worth inquiring whether so dramatic a purge is necessary. It may be worth taking the risk that some of them can be turned around or the problem can be resolved more efficiently and at less cost through inducement of private sector action.

This is particularly the case since any significant improvement in our general economic outlook will alone be of assistance. The fate of many thrifts and banks depends on when and by how much the real estate market comes back. Yet we are doing everything possible to depress that market and continue the drag on our economy by moving endless assets into the public sector.

There are two clear advantages to moving toward a program focused on maximizing the potential of the private sector to handle the problem, with Government assistance if necessary. First of all, any financial institution is worth far more as an operating institution than it will ever be worth in Government hands. If an institution must be resolved, it should be resolved while it has some inherent worth, reducing taxpayer cost. Second, as Felix Rohatyn has pointed out in recent commentary on the situation in the banking industry, a Federal dollar invested in the equity capital of a still solvent institution will support from 15 to 25 times as much credit liquidity as a Federal dollar used after a failure to reimburse an insured depositor or to dispose of a growing inventory of failed institutions and depreciating assets.

Weak institutions not taken directly into Government hands need not and should not be left to their own devices. As the law provides, any institution that does not meet capital standards should operate under a supervisory agreement and capital plan developed and overseen by the regulators which will stem the flow of loss and place the institution under tight managerial controls in an effort to put it back on its feet.

Ultimately, many such institutions may not be able to survive as independent institutions. But it is far preferable to market such institutions as operating entities rather than rush them headlong into conservatorship status. However little an institution might be worth, it is worth more as an operating entity than it is worth in Government hands. Once the Government takes an institution, its franchise and its assets decline precipitously in value. An emphasis on a liquidation philosophy eliminates any intangible value inherent in the franchise of an operating institution, maximizing the ultimate disposal costs to the Government and the taxpayer.

Let us recognize what happens. When the Government takes an institution, it must one way or another infuse funds sufficient to "fill the hole" which represents the difference between the institution's assets and liabilities. In doing so, it must value those assets at current market value, in an environment where real estate is at an all-time low, a problem to which the liquidation approach further contributes, in an endless downward spiral. The effect is to freeze-frame the institution's losses at their maximum and then impose those losses on the taxpayer.

In most cases, the RTC is ultimately left with the responsibility to dispose of the assets on an already depressed market, thus driving down the value of all similar assets even farther. Moreover, this is a responsibility it is ill-equipped to fill because it is ill-equipped to respond to market signals. Instead, it must try to respond to ever-shifting political imperatives, called upon one moment not to dump assets, at another to sell them quickly to reduce the need for additional loss funds. No private asset disposition agency would even pretend to be able to maximize returns on such a short leash.

I would prefer that the Government move in early, while the institution still has some tangible net worth, and direct its resources to keeping the institution and its assets in the private sector. Certainly, money should not simply be allocated in a futile effort to keep weak institutions operating independently. But funds could be used constructively to restructure institutions with potential and provide incentives to private acquirors.

I believe the Accelerated Resolution Program [ARP], a cooperative effort between the OTS and RTC which attempts to market weakened institutions while they still have franchise value, is an important step in the right direction. But it has gotten too little attention and too few resources.

The purpose of the program, as described by the Office of Thrift Supervision, is to lower the ultimate cost of thrift resolutions by accelerating the marketing and sale of troubled institutions, thereby reducing the deterioration in franchise value and core deposits that can result from placing an institution into RTC conservatorship.

It is the right goal. It should have been the goal all along. Instead we have this minimalist pilot program, begun quite belatedly and involving only nine institutions. How much money might have been saved if a serious effort of this nature had begun right from the start? We have spent too much money and attention on "resolving" the basket cases and not enough on marketing the salvageable.

If effecting a private sector merger or acquisition requires Government financial incentives, so be it. We must accept a fundamental fact of our market economy: private acquirors are interested in moneymaking propositions not charitable contributions, and the Government cannot force them to acquire weak institutions in whole or in part, if they have no hope of a reasonable return. At least the projected costs of Government incentives are somewhat calculable, as opposed to the incalculable and ever-mounting cost to the community, the real estate market, and the taxpayer of having the Government control and manage the largest asset disposition project in history.

In some cases, it may well be more economical to sell separately various parts of a franchise to maximize value. Under certain circumstances, it might also be appropriate for the Government to take some form of equity interest in the surviving institution. That too should be considered. The ultimate arbiter should be what reduces taxpayer cost the most.

There is an equity issue here and I am cognizant of it. Healthy institutions can rightfully argue that they are the losers if weak institutions headed for insolvency are resurrected by a Government infusion of funds, potentially heightening the competition they must face in an industry already experiencing significant overcapacity. They make a legitimate point. But at this point, I am forced to conclude that the inequity to the taxpayer is far greater. We must strike a balance, and I would strike it in the taxpayers' favor. Moreover, funneling assets endlessly into RTC hands under the current approach is only further depressing real estate markets, to everyone's disadvantage. That very clearly includes the banking industry—to which the problem has now spread—and the businesses throughout this country which rely on that industry for finance. As I indicated before, the causes of the current crunch are easy enough to trace.

Third. The need for structural change.—The change in emphasis I am proposing cannot work unless other structural changes are effected. There continue to be arbitrary restrictions on what kinds of firms can purchase financial institutions, in what geographic location, what use can ultimately be made of the franchise acquired, and what array of products financial institutions can provide. If we are to maximize the degree to which the problem can be solved in the private sector and effect necessary consolidation industrywide, we must remove artificial geographic, product, and ownership and cross-marketing restrictions and move toward a standardized charter and harmonized regulatory structure.

Before we purify the industry totally at taxpayer expense, we should cleanse and rationalize it through private sector efforts. The best way to do that is to improve the franchise value of existing institutions, remove arbitrary restrictions on acquisitions and investment, and see what level of industry rationalization might occur through private sector efforts. A change in attitude is also imperative. To date, we have done as much as possible to alienate potential acquirers. That strategy is self-defeating and must change.

It is interesting to note something of a change in perspective that has occurred as we have shifted our attention to the commercial banking industry. In the banking context, the administration is not following a liquidation strategy but rethinking its regulatory posture and advocating structural reform.

In fact, it is only the recognition of the horrendous financial burden we would incur if we applied FIRREA logic to banking industry problems and the serious credit crunch which has ensued as a very predictable result of the approach taken in FIRREA that has led to some reassessment.

Capital deficiencies in the banking industry and the resulting credit crunch have encouraged the regulators to reassess their approach to evaluating real estate portfolios. The new posture would steer examiners away from a worst-case liquidation mode in assessing the worth of real estate portfolios, and new pending regulations would moderate the terms of loan write-downs. While tighter examination standards have clearly been in order, there has been absolutely no point to bringing a worst case scenario to every assessment. The effect is only to deliver the maximum level of loss on the taxpayer in the shortest possible timeframe.

This new approach stands in stark contrast to the attitude struck in the thrift context. While we have not introduced market to market accounting in the thrift industry, the preoccupation with a liquidation approach and the conservatorship program has forced a focus on liquidation values. In the currently depressed real estate market, such a focus necessarily maximizes taxpayer cost.

Had the newer standards been brought to bear in regard to thrift real estate portfolios, it is likely that fewer institutions would as readily have become candidates for conservatorship. It is anomalous indeed that these new standards, if adopted, will be applied to thrifts going forward, and will hopefully help preclude institutions' unnecessarily being thrust into conservatorship. But we might have saved billions had we been more temperate in our approach from the beginning.

Moreover, the banking industry, in putting forward its proposal to recapitalize the BIF, included provisions that would channel Government funds into weakened institutions in order to try to turn them around and to provide necessary assistance to potential acquirers. Open bank assistance is now being considered by the FDIC in attempting to resolve bank problems in New England. This has been an approach largely frowned upon by the administration in the context of the thrift crisis. Yet it is an approach that could save taxpayer dollars. While the RTC has the authority to provide such assistance, it has largely chosen not to do so.

CONCLUSION

I opposed the FIRREA legislation and I cannot now in conscience vote additional taxpayer dollars that should more properly be spent on education, on health care, on other vital social needs, on a program that has spread what was essentially a sectoral problem throughout our economy and has maximized taxpayer cost—particularly when this program is not our only option. It is unfortunate that the administration and the Congress have spent so much time and energy on the process by which we would procure more funding for the RTC program that we have had no time to consider the merit of the program itself, and the alternatives to it.

There is a way to solve financial industry problems temperately and responsibly. It will require greater cooperation between the public and private sector. It will require public policymakers to rethink our compartmentalized and fragmented financial services structure. It will require portions of the industry to move their thinking beyond concerns about the fate of their own little portion of the financial universe. It may not effect the liquidation of the thrift industry on which the administration seems so bent, or a sweeping purification of the banking industry at taxpayer expense which could follow if the same philosophy prevails.

This different approach might take longer. It might not immediately eliminate every struggling institution. It may be more complicated and involve less immediate certitude. It may ultimately be less pure. But it will be much more responsible, more realistic, more measured, and much less expensive for the American taxpayer, and that is good enough.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. BRUCE] is recognized for 60 minutes.

Mr. BRUCE. Mr. Speaker, this Nation is facing tremendous problems in dealing with solid waste disposal. Today, I am joined by my distinguished colleague from Virginia [Mr. BLILEY] in introducing legislation which will help us reduce solid waste disposal in an economical manner.

The Plastic Recycling Assistance Act of 1991 will aid those entrepreneurs willing to invest in our environment by providing a national standard for identifying plastic resins.

With 18 percent of the Nation's waste volume coming from plastics, much can be done to make sure plastic products play a more environmentally responsible role in our society. Recycling has the potential to play a significant role in reducing the need for landfills or other disposal methods for the Nation's solid waste. To be economically recycled, plastics items must be separated by their resin content.

This process is being made easier through the voluntary efforts of some in industry who are already printing codes which specify the type of resin used in the product. The Plastics Recycling Assistance Act would require all plastic product manufacturers to code their packages using a national identification system.

While assisting in recycling efforts, the bill also promotes the use of degradable plastics while addressing environmental concerns that degradable plastics interfere with some recycling efforts. By requiring that degradables be coded with a distinguishable symbol unless they have been demonstated not to interfere with recycling efforts, recyclers will be able to separate degradables as quickly as they separate vinyl from high density polyethylene.

Biodegradable plastics using a corn starch mix play a needed role in waste reduction efforts, including acting as a vital component of a yard waste composting program at Urbana, IL, in my district. Photodegradable plastics are produced by the ITW hi-cone facility in Charleston of my congressional district to minimize the environmental problems which could be caused by six-pack rings and other plastic bindings.

Degradables are not the complete answer to solid waste problems, but they do have a role to play which must not be stifled.

Finally, the plastics recycling assistance act looks to the future. It requires the environmental protection agency to do a thorough study of the prospects of using advanced technologies for recycling separation of all solid waste materials.

As America looks ahead in fighting the crisis which continues to develop in solid waste disposal, we must recognize that we will not maximize recycling by asking every citizen to maintain separate waste disposal bins for each recyclable commodity. Along with helping promote recyclable product markets, a workable system of waste separation which makes recycling more economical must be developed.

I would like to thank the original cosponsors of this legislation for their support and applaud them for backing a better environment.

H.R. 1318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Plastic Recycling Assistance Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) reduction of solid waste through recycling of plastics can help to reduce solid waste, conserve resources and save money;

(2) no national standards presently exist for coding of plastic products to distinguish resin type and whether the product is degradable;

(3) national standards for coding plastic containers by resin type and degradability will facilitate separation of disposed plastic containers, promote recycling and assure that use of degradable plastic products does not adversely affect plastic recycling; and

(4) the Federal Government should promote plastics recycling and assure that use of degradable plastic products does not adversely affect plastic recycling.

(b) Purpose.—The purpose of this Act is to establish a uniform national standard for coding of plastic containers by resin type and by degradability to assure that use of degradable plastic products does not adversely affect recycling of nondegradable plastic products.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) Plastic container.—(A) Except as provided in subparagraph (B), the term "plastic container" means—

(i) a rigid or semirigid vessel, including bottles, made of plastic with a capacity of 8 fluid ounces or more and less than five gallons, designed to hold some commodity; and

(ii) flexible garden and leaf bags made of plastic.

(B) Such term shall not apply to vessels manufactured for use in medical or laboratory processes or procedures.

(2) Degradable.—The term "degradable" means the ability of a material to be reduced, by exposure to microorganisms, light or chemicals, to environmentally benign subunits within the shortest period of time consistent with the material's intended used, but in no event greater than a 5-year period.

(3) Plastic.—The term "plastic" means a material that contains as an essential ingredient one or more organic polymeric substances of large molecular weight, and that at some stage in the manufacture or processing into finished articles can be shaped by flow.

SEC. 4. CODING.

(a) Identification of Plastic Resin.—Within the 12-month period following the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall issue regulations to require manufacturers of plastic containers manufactured or offered for sale in the United States to encode such containers to identify the principal plastic resin used in their manufacturer in accordance with this Act. Such regulations shall apply to plastic containers manufactured on or after the later of Januray 1, 1993 or 90 days after the date such regulation is published in the Federal Register.

(b) Symbol.—The code required under subsection (a) shall consist of—

(1) a symbol—

(A) in the case of all plastic resins other than those identified in paragraph (2)(H), triangular in shape, comprised of three equal-length arrows, such arrows being curved at the apexes of the triangular-shaped symbol with the heads of the arrows pointing in a clockwise direction, and

(B) in the case of plastic resins identified in paragraph (2)(H), diamond in shape, comprised of four equal sides and rounded at the corners; and

(2) a specific number within the symbol and a series of letters immediately below the base of the symbol identifying the principal type of plastic resin from which the container was produced in accordance with the following schedule:

(A) The number "1" and the letters "PETE" for polyethylene terephthalate.

(B) The number "2" and the letters "HDPE" for high density polyethylene.

(C) The number "3" and the letter "V" for vinyl.

(D) The number "4" and the letters "LDPE" for low density polyethylene.

(E) The number "5" and the letters "PP" for polypropylene.

(F) The number "6" and the letters "PS" for polystyrene.

(G) The number "7" and the word "OTHER" for other resins or multiple resins.

(H) The number "8" and the letters "DEGR" for degradable resins.

(3) The Administrator may, by rule, from time-to-time, add to or otherwise revise the designation of resins referred to in paragraph (2).

(4) The Administrator shall, by rule or order, permit containers manufactured from degradable plastic resin to bear a resin code other than that for degradable resins if the Administrator determines that the degradable plastic resin from which such container is manufactured is demonstrated to be recyclable and that mixture of such degradable plastic resin with such nondegradable resin will not reduce the value of the mixture, will not interfere with the recycling of such mixture, will not adversely affect the performance characteristics of recycled material containing such degradable plastic as compared to recycled material lacking such degradable plastic, and will not adversely affect the performance characteristics of any product manufactured from such mixed recycled material.

(c) Coding Uniformity.—No State or political subdivision thereof may enforce any requirement of State or local law applicable to the coding of any plastic container unless such requirement is the same as the provisions of this Act. No State or political subdivision thereof may enforce any ban under State or local law on manufacture, sale, distribution, or use of any plastic container if such container is coded in conformance with the requirements of this Act unless such ban is equally applicable to containers made from other materials.

SEC. 5. PENALTY.

(a) Civil Penalty.—Any person or entity which violates this Act shall be subject to a civil penalty assessed by the Administrator of the Environmental Protection Agency of not more than $5,000 for each offense.

(b) Criminal Penalty.—Any person or entity which knowingly violates this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than $10,000, imprisoned for not more than one year, or both, for each offense.

SEC. 6. MONITORING.

The Administrator of the Environmental Protection Agency shall, by regulation, establish and implement a system for monitoring compliance with, and enforcement of, the provisions of this Act.

SEC. 7. STUDY AND REPORTS.

(a) Report.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Administrator of the Environmental Protection Agency shall prepare and submit, to the Committee on Governmental Affairs of the Senate and the Committee on Energy and Commerce of the House of Representatives, a progress report that contains:

(1) information on enforcement of and compliance with the provisions of this Act;

(2) information as to the problems, if any, incurred in the administration of the provisions of this Act;

(3) statistics on the number and type of violations detected and prosecuted by the Federal Government and by the States; and

(4) a summary of personnel and financial resources required to implement this Act.

(b) Study.—The Administrator of the Environmental Protection Agency shall study technology which may be applied to facilitate the automated sorting of plastic containers in municipal solid waste to separate recyclable plastic containers from non-recyclable plastic and to separate further recyclable plastic containers by resin type. Such study shall include identification of current and potential technology for automated separation of plastics by resin type. The Administrator shall report to Congress on the results of each study, including any recommendations for further legislation or for authorization of funding of research, development, or demonstration projects which offer the potential for development and application of innovative technology to facilitate expanded recycling of plastics.

SEC. 8. AUTHORIZATION.

There is authorized to be appropriated such sum as may be necessary to carry out this Act.

RULES OF PROCEDURE FOR THE COMMITTEE ON SMALL BUSINESS FOR THE 102d CONGRESS

(Mr. LaFALCE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LaFALCE. Mr. Speaker, I submit for printing in the Congressional Record the Rules of Procedure adopted at the organizational meeting of the Committee on Small Business on March 7, 1991, as follows:

RULES OF PROCEDURES OF THE COMMITTEE ON SMALL BUSINESS HOUSE OF REPRESENTATIVES, 102ND CONGRESS

1. GENERAL PROVISIONS

The Rules of the House, and in particular the committee rules enumerated in clause 2 of rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees. Each subcommittee of the Committee on Small Business (hereinafter referred to as the "committee") is a part of the committee and is subject to the authority and direction of the committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIRMAN

Unless retained for consideration by the full committee, all legislation and other matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement thereon.

3. DATE OF MEETING

The regular meeting date of the Committee on Small Business shall be the first Tuesday of every month when the House is in session. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of rule XI of the House of Representatives.

At least three days' notice of such additional meeting shall be given unless the chairman determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the chairman subject to clause 2(c) of rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least three days' notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the chairman, or the committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place, and subject matter of any hearing to be conducted by the committee at least one week before the commencement of that hearing.

5. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings

Each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however*, That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

(B) Hearings

Each hearing conducted by the committee or its subcommittees shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however*, That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

No member may be excluded from nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall be majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated for closing hearings to the public.

6. WITNESSES

(A) Interrogation of Witness

The right to interrogate witnesses before the committee or any of its subcommittees shall alternate between the majority members and the minority members. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority and minority party members present and may recognize two majority party members for each minority party member recognized. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member of the committee who so desires has had an opportunity to question the witness.

(B) Statement of Witnesses

Each witness shall file with the committee, 48 hours in advance of his appearance, 100 copies of his proposed testimony and shall make a brief oral summary of his views.

7. SUBPENAS

A subpoena may be authorized and issued by the chairman of the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as he deems necessary. The ranking minority member shall be promptly notified of the issuance of such a subpoena.

Such a subpoena may be authorized and issued by the chairman of a subcommittee with the approval of a majority of the members of the subcommittee and the approval of the chairman of the committee or a majority of the members of the committee.

8. QUORUM

No measure or recommendation shall be reported unless a majority of the committee is actually present; for purposes of taking testimony or receiving evidence, two members shall constitute a quorum; and for all other purposes one-third of the members shall consitute a quorum.

9. AMENDMENTS DURING COMMITTEE MARKUP

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

10. PROXIES

A vote by any member of the committee or any of its subcommittees by proxy is permitted, provided that such proxy shall be in writing, and delivered to the clerk of the committee, shall assert that the member so voting by proxy is absent on official business or is otherwise unable to be present at the meeting of the committee or its subcommittee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

11. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There will be six subcommittees as follows:

SBA, the General Economy, and Minority Enterprise Development (nine Democrats and six Republicans)

Procurement, Tourism, and Rural Development (six Democrats and four Republicans)

Regulation, Business Opportunities, and Energy (seven Democrats and four Republicans)

Antitrust, Impact of Deregulation and Ecology (five Democrats and three Republicans)

Exports, Tax Policy and Special Problems (seven Democrats and four Republicans)

Environment and Employment (four Democrats and two Republicans)

During the 102d Congress, the chairman and ranking minority members shall be ex officio members of all subcommittees, without vote, and the full committee shall conduct oversight of all areas of the committee's jurisdiction.

In addition to conducting oversight in the area of their respective jurisdictions, each subcommittee shall have the following jurisdiction:

SBA, The General Economy, and Minority Enterprise Development

SBA program authorizations.

General economic problems.

Access to capital.

Programs to promote minority enterprise development.

Promotion of women-owned business.

Job creation.

Procurement, Tourism and Rural Development

Participation of small business in Federal procurement, generally.

Small Business Innovation Development Act.

Travel and tourism.

Telecommunications.

Agriculture and rural development.

Regulation, Business Opportunities, and Energy

Responsibility for, and investigative authority over, the regulatory policies of Federal departments and agencies.

General promotion of business opportunities.

Energy issues in general.

Antitrust, Impact of Deregulation and Ecology

Anticompetitive and unfair activities affecting small business.

Antitrust and monopolies.

Ecological issues.

Impact of deregulation of common carriers and other industries.

Securities, acquisitions, and mergers.

Exports, Tax Policy, and Special Problems

Export opportunities.

Foreign business practices.

Impact of tax policies.

Special problems not elsewhere assigned.

Environment and Employment

Employment issues in general.

Environmental and hazardous waste.

12. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairman shall set meeting dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible. Meetings of subcommittees shall not be scheduled to occur simultaneously with meetings of the full committee.

13. SUBCOMMITTEE REPORTS

(A) Investigative Hearings

The report of any subcommittee on a matter which was the topic of a study or investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed report shall first be approved by a majority of the subcommittee members. After such approval has been secured, the proposed report shall be sent to each member of the full committee for his supplemental, minority or additional views.

Any such views shall be in writing and signed by the member and filed with the clerk of the committee within 5 calendar days (excluding Saturdays, Sundays, and legal holidays) from the date of the transmittal of the proposed report to the members.

After the expiration of such 5 calendar days, the report may be filed as a House report.

(B) End of Congress

Each subcommittee, not later than November 15th of each even-numbered year, shall submit to the Committee a report on the activities of the subcommittee during the Congress.

14. COMMITTEE STAFF

The staff of the Committee on Small Business shall be as follows:

(A) The professional and clerical employees of the committee, except those assigned to the minority or to a subcommittee chairman or ranking minority members as provided below, shall be appointed and assigned, and may be removed, by the chairman. Their remuneration shall be fixed by the chairman, and they shall be under the general supervision and direction of the chairman.

(B) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority members of the committee shall determine; *Provided, however*, That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall be under the general supervision and direction of the minority members of the committee who may delegate such authority as they deem appropriate.

(C) Each subcommittee chairperson and each ranking minority member on not more than six subcommittees shall have the right to appoint and assign one person to work on subcommittee business at a salary commensurate with the responsibilities prescribed but at a rate not to exceed 75 percent of the maximum established rate for the employees on the professional staff of the committee. Such staff members shall perform services in facilities assigned to the committee and to the extent that they are not occupied during regular working hours with tasks assigned by the subcommittee chairperson or ranking minority member who appointed them, they shall perform other tasks as assigned by the chairman or the appropriate staff director.

15. RECORDS

The committee shall keep a complete record of all actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each subcommittee rollcall vote, together with a description of the matter voted upon, shall be promptly made available to the full committee and such votes shall be available for inspection by the public at reasonable times in the offices of the committee.

The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule XXXVI of the rules of the House, except that the committee authorizes use of any record to which clause 3(b)(4) would otherwise apply after such record has been in existence for 20 years. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

16. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to members, and to members of the committee staff and stenographic reporters who have appropriate security clearance when the chairman determines that such access or such attendance is essential to the functioning of the committee.

The procedure to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified intelligence information or information deemed by a subcommittee to be sensitive shall be as follows:

(a) Only Members of the House of Representatives may have access to such information.

(b) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee or the subcommittee possessing the materials.

(c) The clerk will maintain an accurate access log which identifies without revealing the material examined, the staff member involved, and the time of arrival and departure of all members having access to the information.

(d) If the material desired is material which the committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, Members of the House will be required to identify the information they desire to read and sign an access information sheet acknowledging such access and that the Member has read these procedures.

(e) Such material shall not be removed from the room.

(f) A staff representative shall insure that the documents used by the Member are returned to the proper custodian or to original safekeeping as appropriate.

(g) No notes, reproductions or recordings may be made of any portion of such information.

(h) The contents of such information shall not be divulged to any person in any way, form, shape, or manner and shall not be discussed with any person who has not received the information in an authorized manner either under these rules or the laws or rules in effect for officials and employees of the executive branch.

(i) When not being examined in the manner described herein, such information will be kept in secure safes in the committee rooms.

(j) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(k) If a Member believes the material should not be classified or considered restricted as to dissemination or use, the Member may ask the committee or subcommittee to so rule; however, as far as materials and information in the custody of the Small Business Committee is concerned, the classification of materials as determined by the executive branch shall pervail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(l) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee and its subcommittees.

17. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Upon approval by the committee or its subcommittees, all committee and subcommittee hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography or by any such methods of coverage.

The chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees, respectively, whether hearings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise.

Permission for such coverage shall be granted only under the following conditions;

(1) Live coverage by radio or television shall be without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras to be permitted in the room. The allocation among the television media of the positions of television cameras permitted by a committee or subcommittee chairman in the

room shall be in accordance with fair and equitable procedures as devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Television and radio media equipment shall not be installed in, or removed from, the room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used, except that the television media may install additional lighting in the room, without cost to the Government, in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage at the then current state of the art.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International News-pictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage by the other media.

(11) Television and radio media personnel shall be then currently accredited to the Radio and Television Correspondents' Gallaries.

(12) Still photography personnel shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

18. OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

The committee may not be committed to any expense whatever without the prior approval of the chairman of the full committee.

19. AMENDMENTS TO COMMITTEE RULES

The rules of the committee may be modified, amended, or repealed by a majority vote of its members, but only if written notice of the proposed change has been provided to each such member at least 48 hours before the time of the meeting at which the vote on the change occurs.

APPENDIX

RULE XI—RULES OF PROCEDURE FOR COMMITTEES

IN GENERAL

1. (a)(1) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

(2) Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules so far as applicable.

(b) Each committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X, and (subject to the adoption of expense resolutions as required by clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) Each committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of a committee shall be paid from the contingent fund of the House.

(d) Each committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and Rule X during the Congress ending at noon on January 3 of such year.

COMMITTEE RULES

Adoption of written rules

2. (a) Each standing committee of the House shall adopt written rules governing its procedure. Such rules—

(1) shall be adopted in a meeting which is open to the public unless the committee in open session and with a quorum present, determined by rollcall vote that all or part of the meeting on that day is to be closed to the public;

(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(3) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

Each committee's rules specifying its regular meeting days, and any other rules of a committee which are in addition to the provisions of this clause, shall be published in the Congressional Record not later than thirty days after the committee is elected in each odd-numbered year. Each select or joint committee shall comply with the provisions of this paragraph unless specifically prohibited by law.

Regular meeting days

(b) Each standing committee of the House shall adopt regular meeting days, which shall be not less frequent than monthly, for the conduct of its business. Each such committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of other committee business, on all regular meeting days fixed by the committee, unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The Chairman of each standing committee may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(2) If at least three members of any standing committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

Vice chairman or ranking majority Member to preside in absence of chairman.

(d) The member of the majority party on any standing committee or subcommittee thereof ranking immediately after the chairman shall be vice chairman of the committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking meeting of the majority party who is present shall preside at that meeting.

Committee records

(e)(1) Each committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(2) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any Member, officer, or employee of the House, no Member of the House (other than a member of such committee) shall have access thereto without the specific, prior approval of the committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule XXXVI. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule XXXVI, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

Proxies

(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy unless such committee, by written rule adopted by the committee, permits voting by proxy and requires that the proxy authorization shall be writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto: except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. *Provided, however*, That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by each committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony,

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause 2(k)(5) of rule XI; or

(B) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, with the exception of the Committee on Standards of Official Conduct, unless the House of Representatives shall by a majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however*, That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence and the subcommittees therein may, by the same procedure, vote to close up to five additional consecutive days of hearings.

(3) Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

(4) Each committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

(5) No point of order shall lie with respect to any measure reported by any committee on the ground that hearings on such measure were not conducted in accordance with the provisions of this clause; except that a point of order on that ground may be made by any member of the committee which reported the measure if, in the committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(6) The preceding provisions of this paragraph do not apply to the committee hearings which are provided for by clause 4(a)(1) of Rule X.

Quorum for taking testimony and certain other action

(h)(1) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence which shall be not less than two.

(2) Each committee (except the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation which shall be not less than one-third of the members.

Prohibition against committee meetings during five-minute rule and during joint sessions and joint meetings

(i)(1) No committee of the House (except the Committee on Appropriations, the Committee on the Budget, the Committee on Rules, the Committee on Standards of Official Conduct, and the Committee on Ways and Means) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule. For purposes of this subparagraph, special leave will be granted unless 10 or more Members object.

(2) No committee of the House may sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and interrogation of witnesses

(j)(1) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(2) Each committee shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of request to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Committee procedures for reporting bills and resolutions

(l)(1)(A) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of any committee on a measure which has been approved by the committee shall be filed within seven calendar days (executive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subdivision does not apply to the reporting of a regular appropriation bill by the Committee on Appropriations prior to compliance with subdivision (C) and does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(2)(A) No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.

(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(3) The report of any committee on a measure which has been approved by the committee (A) shall include the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X separately set out and clearly identified; (B) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee, and (D) a summary of the oversight findings and recommendations made by the Committee on Government operations under clause 4(c)(2) of Rule X separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(4) Each report of a committee on each bill or joint resolution of a public character reported by such committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(5) If, at the time of approval of any measure or matter by any committee, other than the Committee on Rules, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(B) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of subparagraph (3)) are included as part of the report. This subparagraph does not preclude—

(i) the immediate filing or printing of a committee report unless timely requests for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(ii) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(6) A measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business), shall not be considered in the House until the third calendar day, excluding Saturdays, Sundays, and legal holidays, on which the report of that committee upon that measure or matter has been available to the Members of the House or as provided by section 305(a)(1) of the Congressional Budget Act of 1974 in the case of a concurrent resolution on the budget: *Provided however*, That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b), Rule XI, a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter, shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(B) any decision, determination, or action by a Government agency which would become or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

For the proposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(7) If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, any member of the committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and Rule X (including any matter referred to it under clause 5 of Rule X), any committee, or any subcommittee thereof, is authorized (subject to subparagraph (2)(A) of this paragraph)—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) to require, by subpoena—or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents

as it deems necessary. The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(2)(A) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(B) Compliance with any subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

Use of committee funds for travel

(n)(1) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities: however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds, including those authorized under clause 5, shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(A) No member or employee of the committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the member or employee during that day.

(B) Each member or employee of the committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than sixty days following the completion of travel with the chairman of the committee for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(2) In carrying out the committee's activities outside of the United States in any country where local currencies are unavailable, a member or employee of the committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the member or employee during any day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the member or employee has actually paid for the transportation.

(4) The restrictions respecting travel outside of the United States set forth in subparagraphs (2) and (3) shall also apply to travel outside of the United States by Members, officers, and employees of the House authorized under clause 8 of Rule I, clause 1(b) of this rule, or any other provision of these Rules of the House of Representatives.

(5) No local currencies owned by the United States may be made available under this paragraph for the use outside of the United States for defraying the expenses of a member of any committee after—

(A) the date of the general election of Members in which the Member has not been elected to the succeeding Congress; or

(B) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

BROADCASTING OF COMMITTEE HEARINGS

3. (a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objectives and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(b) cast discredit or dishonor on the House, the committee, or any Member or being in the House, the committee, or any Member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause: *Provided, however*, Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(f) The written rules which may be adopted by a committee under paragraph (e) of this cluase shall contain provisions to the following effect:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of this rule, relating to the protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International News pictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

PRIVILEGED REPORTS AND AMENDMENTS

4. (a) The following committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Appropriations—on general appropriation bills and on joint resolutions continuing appropriations for a fiscal year if reported after September 15 preceding the beginning of such fiscal year; the Committee on the Budget—on the matters required to be reported by such committee under Titles III and IV of the Congressional Budget Act of 1974; the Committee on House Administration—on enrolled bills, contested election, and all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the contingent fund of the House and on all matters relating to preservation and availability of noncurrent records of the House under Rule XXXVI; the Committee on Rules—on rules, joint rules, and the order of business; and the Committee on Standards of Official Conduct—on resolutions recommending action by the House of Representatives with respect to an individual Member, officer, or employee of the House of Representatives as a result of any investigation by the committee relating to the official conduct of such Member, officer, or employee of the House of Representatives.

(b) It shall always be in order to call up for consideration a report from the Committee on Rules on a rule, joint rule, or the order of business (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session), and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced the Speaker shall not entertain any other dilatory motion until the report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which provides that business under clause 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of Rule XVI.

(c) The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when the bill or resolution involved is ordered reported by the committee. If any such rule or order is not considered immediately, it shall be referred to the calendar and, if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a question of privilege (but only on the day after the calendar day on which such Member announces to the House his intention to do so) and the Speaker shall recognize any member of the Rules Committee seeking recognition for that purpose. If the Committee on Rules makes an adverse report on any resolution pending before the committee, providing for an order of business for the consideration by the House of any public bill or joint resolution, on days when it shall be in order to call up motions to discharge committees it shall be in order for any Member of the House to call up for consideration by the House such adverse report, and it shall be in order to move the adoption by the House of such resolution and adversely reported notwithstanding the adverse report of the Committee on Rules, and the Speaker shall recognize the Member seeking recognition for that purpose as a question of the highest privilege.

(d) Whenever the Committee on Rules reports a resolution repealing or amending any of the Rules of the House of Representatives or part thereof it shall include in its report or in an accompanying document—

(1) the text of any part of the Rules of the House of Representatives which is proposed to be repealed; and

(2) a comparative print of any part of the resolution making such an amendment and any part of the Rules of the House of Representatives to be amended, showing by an appropriate typographical device the omissions and insertions proposed to be made.

COMMITTEE EXPENSES

5. (a) Whenever any committee, commission or other entity (except the Committee on Appropriations and the Committee on the Budget) is to be granted authorization for the payment, from the contingent fund of the House, of its expenses in any year, other than those expenses to be paid from appropriations provided by statute, such authorization initially shall be procured by one primary expense resolution for the committee, commission or other entity providing funds for the payment of the expenses of the committee, commission or other entity for that year from the contingent fund of the House. Any such primary expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been made available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

(1) state the total amount of the funds to be provided to the committee, commission or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission or other entity as may be appropriate to provide the House with basic estimates with respect to the expenditure generally of the funds to be provided to the committee, commission or other entity under the primary expense resolution.

(b) After the date of adoption by the House of any such primary expense resolution for any such committee, commission or other entity for any year, authorization for the payment from the contingent fund of additional expenses of such committee, commission or other entity in that year, other than those expenses to be paid from appropriations provided by statute, may be procured by one or more supplemental expense resolutions for that committee, commission or other entity as necessary. Any such supplemental expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been made available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

(1) state the total amount of additional funds to be provided to the committee, commission or other entity under the supplemental expense resolution and the purpose or purposes for which those additional funds are to be used by the committee, commission or other entity; and

(2) state the reason or reasons for the failure to procure the additional funds for the committee, commission or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) any resolution providing for the payment from the contingent fund of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, any committee, commission or other entity at any time from and after the beginning of any year and before the date of adoption by the House of the primary expense resolution providing funds to pay the expenses of that committee, commission or other entity for that year; or

(2) any resolution providing in any Congress, for all of the standing committees of the House, additional office equipment, airmail and special delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from the contingent fund of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions—

(1) the chairman of each standing subcommittee of a standing committee of the House is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) the ranking minority party member of each standing subcommittee on each standing committee of the House is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) the staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 or (B) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(4) for the purpose of this paragraph, (A) there shall be no more than six standing subcommittees of each standing committee of the House, except for the Committee on Appropriations, and (B) no member shall appoint more than one person pursuant to the above provisions.

(5) the staff positions made available to the subcommittee chairman and ranking minority party members pursuant to subparagraphs (1) and (2) of this paragraph shall be made available from the staff positions provided under clause 6 of Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(e) No primary expense resolution or additional expense resolution of a committee may provide for the payment or reimbursement of expenses incurred by any member of the committee for travel by the member after the date of the general election of Members in which the Member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

(f)(1) For continuance of necessary investigations and studies by—

(A) each standing committee and select committee established by these rules; and

(B) except as provided in subparagraph (2), each select committee established by resolution;

there shall be paid out of the contingent fund of the House such amounts as may be necessary for the period beginning at noon on January 3 and ending at midnight on March 31 of each year.

(2) In the case of the first session of a Congress, amounts shall be made available under this paragraph for a select committee established by resolution in the preceding Congress only if—

(A) a reestablishing resolution for such select committee is introduced in the present Congress; and

(B) no resolution of the preceding Congress provided for termination of funding of investigations and studies by such select committee at or before the end of the preceding Congress.

(3) Each committee receiving amounts under this paragraph shall be entitled, for each month in the period specified in subparagraph (1), to 9 per centum (or such lesser per centum as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(4) Payments under this paragraph shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, except as provided in subparagraph (5), and approved by the Committee on House Administration.

(5) Nothwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress, until the election by the House of the committee involved in that Congress, payments under this paragraph shall be made on vouchers signed by—

(A) the chairman of such committee as constituted at the close of the preceding Congress; or

(B) if such chairman is not a Member in the present Congress, the ranking majority party member of such committee as constituted at the close of the preceding Congress who is a Member in the present Congress.

(6)(A) The authority of a committee to incur expenses under this paragraph shall expire upon agreement by the House to a primary expense resolution for such committee.

(B) Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(C) The provisions of this paragraph shall be effective only insofar as not inconsistent with any resolution, reported by the Committtee on House Administration and adopted after the date of adoption of these rules.

COMMITTEE STAFFS

6. (a)(1) Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, each standing committee may appoint, by majority vote of the committee, not more than eighteen professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority party member of such committee, as the committee considers advisable.

(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence) so request, not more than six persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by subparagraph (1) of this paragraph. The committeee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(3) The professional staff members of each standing committee—

(A) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(B) shall not engage in any work other than committee business; and

(C) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff members of each standing committee may be terminated by majority vote of the committee.

(5) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations and to the Committee on the Budget and the provisions of subparagraphs (3) (B) and (C) do not apply to the Committee on Rules.

(b)(1) The clerical staff of each standing committee shall consist of not more than twelve clerks, to be attached to the office of the chairman, to the ranking minority party members, and to the professional staff, as the committee considers advisable. Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, the clerical staff shall be appointed by majority vote of the committee, without regard to race, creed, sex, or age. Except as provided by subparagraph (2) of this paragraph the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and for the chairman and the ranking minority party member on matters related to committee work.

(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence) so request, four persons may be selected, by majority vote of the minority party members, for appointment by the committee to positions on the clerical staff from among the number of clerks authorized by subparagraph (1) of this paragraph. The committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members, may select other persons for appointment by the committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the committee and for any members of the professional staff appointed under subparagraph (2) of paragraph (a) of this clause on matters related to committee work.

(3) Services of the clerical staff members of each standing committee may be terminated by majority vote of the committee.

(4) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations and the Committee on the Budget.

(c) Each employee on the professional, clerical and investigating staff of each standing committee shall be entitled to pay at a single gross per annum rate, to be fixed by the chairman which does not exceed the maximum rate of pay, as in effect from time to time, under applicable provisions of law.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations and the Committee on the Budget may appoint such staff, in addition to the clerk thereof and assistants for the minority, as it determines by majority vote to be necessary, such personnel, other than minority assistants, to possess such qualifications as the committee may prescribe.

(e) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a), or a minority clerical staff member under paragraph (b), is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (a) or paragraph (b), as applicable, the person selected by the minority and acceptable to the committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a) or (b) of this clause, and each staff member appointed to assist minority party members of a committee pursuant to an expense resolution described in paragraph (a) or (b) of clause 5, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(h) Paragraphs (a) and (b) of this clause shall not be construed to authorize the appointment of additional professional or clerical staff members of a committee pursuant to a request under either of such paragraphs by the minority party members of that committee if six or more professional staff members or four or more clerical staff members, provided for in paragraph (a)(1) or paragraph (b)(1) of this clause, as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragraphs (a)(2) and (b)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the members of the majority party and a majority of the members of the minority party.

RULES OF PROCEDURE FOR THE COMMITTEE ON APPROPRIATIONS FOR THE 102D CONGRESS

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the Committee on Appropriations for the 102d Congress as approved by the committee on March 5, 1991:

RULES OF THE COMMITTEE ON APPROPRIATIONS

[Adopted for the 102d Congress on March 5, 1991]

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundred First Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred Second Congress.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any member designated by the Committee.

(d) Compliance with any subpoenas issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority; Provided, however, That party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman is authorized to sit as a member of any subcommittee and to participate in its work.

SEC. 3: COMMITTEE STAFF

(a) The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) The chairman of each subcommittee may select and designate a staff member who shall serve at the pleasure of the subcommittee chairman. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(c) The ranking minority member of each subcommittee may select and designate a staff member who shall serve at the pleasure of the ranking minority member. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(d) The Chairman, and the Ranking Minority Member with the approval of the Chairman, may each select and designate a staff member at an annual gross salary of not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives and may each select and designate one additional staff member.

(e) Each Member not mentioned in subsections (a), (b), (c), or (d) of this section may selet and designate a staff member who shall serve at the pleasure of that Member. Such staff member shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to subsections (a), (b), (c), (d), or (e); Provided further, That Members designating a staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(f) In addition to any staff members appointed pursuant to any other subsection of this section, each Member may select and designate one additional staff member who shall serve at the pleasure of that Member. Such staff member shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to this subsection; Provided further, That Members designating an additional staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day

The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Vice Chairman or Ranking Majority Member To Preside in Absence of Chairman

The member of the majority party on the Committee or subcommittee thereof ranking immediately after the chairman shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

(d) Business Meetings

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(e) Committee Records

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule XXXVI of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3(b)(4) of Rule XXXVI of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3(b)(3) or Clause 4(b) of Rule XXXVI of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings

Overall budget hearings by the Committee, including the hearing required by Section 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of the Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) Other Hearings

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony

The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such times as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings

(1) The Chairman is authorized to determine the extent and nature of broadcasting and photographic coverage for the overall budget hearing and full Committee meetings and hearings, subject to the guidelines for such coverage set forth in Section 116(b) of the Legislative Reorganization Act of 1970 and Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(2) Unless approved by the Chairman and concurred in by a majority of the subcommittee, no subcommittee hearings or meetings shall be recorded by electronic device or broadcast by radio or television.

(3) Unless approved by the subcommittee chairman and concurred in by a majority of the subcommittee, no subcommittee hearing or meeting or subcommittee room shall be photographed.

(4) Broadcasting and photographic coverage of subcommittee hearings and meetings authorized under the provisions of (2) and (3) above shall be subject to the guidelines for such coverage set forth in Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(f) Subcommittee Meetings

No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings

The Chairman is authorized and directed to make public announcements of the date, place, and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees, as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make that announcement at the earliest possible date.

SEC. 6. PROCEDURES OF REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement

(1) It shall be the duty of the Chairman, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority

No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes

With respect to each roll call vote on a motion to report any bill or resolution, the total number of votes cast for, and the total number of votes cast against, the reporting of such a bill or resolution shall be included in the Committee report.

(d) Compliance With Congressional Budget Act

A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement

Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law

Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers

Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Supplemental or Minority Views

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(i) Availability of Reports

A copy of each bill, resolution, or report shall be made available to each Member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and Section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country as a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, and as promulgated from time to time by the Chairman.

SEC. 10: ELIGIBILITY OF COMMITTEE MEMBER SERVING AS BUDGET COMMITTEE CHAIRMAN FOR APPROPRIATIONS SUBCOMMITTEE CHAIRMANSHIP

If the Chairman of the Budget Committee of the House of Representatives is chairman of a subcommittee on the Appropriations Committee when he becomes Budget Committee Chairman, or would be eligible to become chairman of an Appropriations subcommittee under the Rules of the Majority Caucus of the House of Representatives during his tenure as Budget Committee Chairman, the Appropriations Committee may nominate such Member to serve as chairman of such subcommittee, subject to the approval of the Majority Caucus. But, if so elected and confirmed, the Member shall take a leave of absence while Chairman of the Budget Committee, and the responsibilities of the subcommittee chairmanship shall devolve onto a temporary chairman as determined by the Appropriations Committee and the Majority Caucus of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS (at his own request), for March 20, 21, and 22, on account of stork.

Mr. ORTIZ (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. SENSENBRENNER (at the request of Mr. MICHEL), for between 3:45 and 6 p.m. today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on March 12, 13, 19, and 20.

Mr. RIGGS, for 60 minutes, on March 11.

(The following Members (at the request of Mr. STAGGERS) to revise and extend their remarks and include extraneous material:)

Mr. LUKEN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. LAFALCE, for 30 minutes, today.

Mr. BRUCE, for 60 minutes, today.

Ms. SLAUGHTER of New York, for 60 minutes each day, on April 10 and 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Ms. SNOWE.
Mr. DREIER of California.
Mr. FISH.
Mr. BLAZ.
Mr. BLILEY.
Mr. RINALDO.
Mr. COBLE.
Mr. DUNCAN.
Mr. SANTORUM.
Mr. WELDON.
Mr. BALLENGER.
Mr. GRADISON.
Mr. CRANE.
Ms. ROS-LEHTINEN.
Mr. CAMPBELL of California.
Mr. GILMAN.
Mr. BEREUTER.
Mr. SCHULZE.
Mr. GREEN of New York.

Mr. YOUNG of Florida.

Mr. SHAW.

Mrs. BENTLEY.

(The following Members (at the request of Mr. STAGGERS) to revise and extend their remarks and to include extraneous matter:)

Mr. DOWNEY.

Mr. SMITH of Florida.

Mr. TRAFICANT in two instances.

Mr. JACOBS.

Mr. GUARINI.

Mr. DERRICK.

Mr. HOCHBRUECKNER.

Mr. BACCHUS.

Mr. HAMILTON.

Mr. SCHEUER.

Mr. MAZZOLI in two instances.

Mr. CLEMENT.

Mr. MATSUI.

Mr. OBERSTAR.

Mr. WILLIAMS in three instances.

Mr. MCDERMOTT.

Mr. FUSTER.

Mr. DWYER of New Jersey.

Mr. DE LUGO.

Mrs. SCHROEDER.

Mr. TOWNS.

Mr. BROWN.

Ms. PELOSI.

Mr. ANDREWS of Texas.

Mr. DORGAN of North Dakota.

Mrs. LOWEY of New York.

Mr. HUBBARD.

Mr. SWETT in two instances.

BILL PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On March 6, 1991:

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, March 11, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

800. A communication from the President of the United States, transmitting a request for a dire emergency supplemental appropriation for fiscal year 1991 for International Security Assistance, pursuant to 31 U.S.C. 1107 (Doc. No. 102-53) to the Committee on Appropriations and ordered to be printed.

801. A letter from the Secretary, Department of Defense, transmitting the 1991 joint military net assessment, pursuant to 10 U.S.C. 113(j); to the Committee on Armed Services.

802. A letter from the Secretary of Defense, transmitting the Defense Reserve Forces Policy Board's annual report for fiscal year 1990, pursuant to 10 U.S.C. 115(a); to the Committee on Armed Services.

803. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially (Transmittal No. DTC-14-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

804. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Brazil (Transmittal No. 6-91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

805. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Taiwan (Transmittal No. DTC-16-91), pursuant to 22 U.S.C. 2776a(d); to the Committee on Foreign Affairs.

806. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 22d 90-day report of progress of case on the investigation into the death of Enrique Camarena, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

807. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Turkey that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

808. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

809. A letter from the Deputy Secretary of Defense, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

810. A letter from the Environmental Protection Agency, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

811. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

812. A letter from the Director, Office of Legislative and Public Affairs, National Science Foundation, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

813. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

814. A letter from the Chairman, Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal years 1992 and 1993 for the operation and maintenance of the Panama Canal and for other purposes; to the Committee on Merchant Marine and Fisheries.

815. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978 to authorize an extension of time for filing financial disclosure reports required by such act for persons serving in a designated combat zone for up to 180 days after the person returns from such combat zone; jointly, to the Committees on Armed Services and Post Office and Civil Service.

816. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide reemployment assistance to persons after service in the uniformed services, to encourage affiliation with and active participation in traning programs of the Reserve components, and for other purposes; jointly, to the Committees on Veterans' Affairs and Post Office and Civil Service.

817. A letter from the Secretary of the Energy, transmitting a copy of the report "Clean Coal Technology Demonstration Program: Program Update 1990"; jointly, to the Committee on Appropriations, Science, Space, and Technology, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules: House Resolution 105. A resolution providing for the consideration of H.R. 1315 to provide additional funding for the Resolution Trust Corporation (Rept. 102-13). Referred to the House Calendar.

Mr. DINGELL: Committee on Education and Labor. Report on the subdivision of budget totals for fical year 1991 (Rept. 102-14). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN: Committee on Science, Space and Technology. Report on the subdivision of budget totals for fiscal year 1991 (Rept. 102-15). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 1175, a bill to authorize supplemental appropriations for fiscal year 1991 in connection with operations in and around the Persian Gulf presently known as Operation Desert Shield/Storm, and for other purposes with amendments; referred to the Committee on Appropriations for a period not to exceed 15 legislative days, with instructions to report back to the House as provided in section 401(b) of Public Law 93-344 (Rept. 102-16, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYLIE:

H.R. 1315. A bill to provide funding for the Resolution Trust Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ACKERMAN:

H.R. 1316. A bill to amend chapter 54 of title 5, United States Code, to extend and improve the performance management and recognition system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON (for himself, Mr. Condit, Mr. Combest, Mr. Tanner, Mr. Traficant, Mr. Frank of Massachusetts, Mr. McNulty, and Mr. McGrath):

H.R. 1317. A bill to restrict U.S. economic and military assistance to Jordan; jointly, to the Committee on Foreign Affairs, Agriculture, Banking, Finance and Urban Affairs, Intelligence (Permanent Select), and Ways and Means.

By Mr. BRUCE (for himself, Mr. Bliley, Mr. Tauzin, Mr. Rowland, Mr. Fields, Mr. Bilirakis, Mr. Slattery, Mr. Harris, Mr. Schaefer, Mr. Barton of Texas, Mr. McMillen of Maryland, Mr. McMillan of North Carolina, Mr. Dreier of California, Ms. Kaptur, Mr. Jontz, Mr. Sangmeister, Mr. Costello, Mr. Lipinski, Mr. Walsh, Mrs. Meyers of Kansas, Mr. Neal of North Carolina, Mr. Lancaster, Mr. Hughes, Mr. Callahan, Mr. Mfume, and Mr. Zimmer):

H.R. 1318. A bill to facilitate use of degradable plastics, without adversely affecting recycling of nondegradable plastic products, by requiring coding of plastic containers to facilitate separation of degradable plastic containers from nondegradable plastic containers and sorting of nondegradable plastic containers by resin type to promote recycling of such containers; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mr. Lantos, Mr. Panetta, Mr. Lewis of Florida, Mr. Bennett, and Mr. Ravenel):

H.R. 1319. A bill to amend the Outer Continental Shelf Lands Act to allow State disapproval of Federal offshore leasing decisions; to the Committee on Interior and Insular Affairs.

By Mr. JONES of North Carolina (for himself, Mr. Davis, Mr. Tauzin, Mr. Anderson, Mr. Dingell, and Mr. Laughlin):

H.R. 1320. A bill relating to the enhancement of the Nation's fish and wildlife resources, the National Wildlife Refuge System, and for other purposes; jointly, to the Committee on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. CAMPBELL of Colorado:

H.R. 1321. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to create the Black Canyon of the Gunnison National Conservation Area, to include the Gunnison River in the Nation's Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1322. A bill to authorize services for the prevention, intervention, treatment, and aftercare of American Indian and Alaskan Native children and their families at risk for fetal alcohol syndrome (FAS) and fetal alcohol effect (FAE); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. CLINGER (for himself and Mr. Kostmayer):

H.R. 1323. A bill to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DERRICK:

H.R. 1324. A bill to amend the Internal Revenue Code of 1986, the Federal Election Campaign Act of 1971, and the Communications Act of 1934 to reform financing of congressional elections, and for other purposes; jointly, to the Committees on Ways and Means, House Administration, and Energy and Commerce.

By Mr. UPTON:

H.R. 1325. A bill to amend the Urban Mass Transportation Act of 1964 to increase the percentage of funds allocated to rural areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DORGAN of North Dakota:

H.R. 1326. A bill to clarify that Federal assistance provided with respect to domestic building and loan associations shall be treated as compensation for purposes of determining the deduction for losses, and for other purposes; to the Committee on Ways and Means.

By Mr. DOWNEY:

H.R. 1327. A bill to amend the Older Americans Act of 1965 to require the Commissioner to publish annually a report regarding projects completed under title IV of such act; to the Committee on Education and Labor.

By Mr. FLAKE (for himself and Mr. Mfume):

H.R. 1328. A bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts:

H.R. 1329. A bill to exclude foreign reparation payments from considerations as income in determining eligibility and benefits under Federal housing assistance programs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAYES of Louisiana (for himself, Mr. Ridge, Mr. Tauzin, Mr. Young of Alaska, Mr. Anthony, Mr. LaFalce, Mr. Hammerschmidt, Mr. Brooks, Mr. Clinger, Mr. Shuster, Mr. Valentine, Mr. McCrery, Mr. Slattery, Mr. Callahan, Mr. Sisisky, Mr. Montgomery, Mr. Pickett, Mr. Livingston, Mr. Baker, Mr. Bateman, Mr. Fields, Mr. Huckaby, Mrs. Vucanovich, Mr. Hansen, Mr. Thomas of Wyoming, Mr. Laughlin, Mr. Chapman, Mr. Emerson, Mr. Paxon, Mr. Wilson, Mr. Inhofe, Mr. Blaz, Mr. Pease, Mr. DeLay, Mr. Hancock, Mr. Lewis of California, Mr. Herger, Mr. Olin, Mr. McEwen, Mr. Rogers, Mr. Barnard, Mr. Lancaster, Mr. Payne of Virginia, Mr. Murphy, Mr. Ritter, Mr. Tallon, Mr. Harris, Mr. Hefner, Mr. Parker, Mr. Brewster, Mr. Holloway, Mr. Rhodes, Mr. Combest, and Mr. Kyl):

H.R. 1330. A bill to amend the Federal Water Pollution Control Act to establish a comprehensive program for conserving and managing wetlands in the United States, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. FRANK of Massachusetts:

H.R. 1331. A bill to impose quantitative restrictions on the importantion of Chinese textiles until the Government of the People's Republic of China grants internationally recognized worker rights; to the Committee on Ways and Means.

H.R. 1332. A bill to amend the Internal Revenue Code of 1986 to provide that an unmarried individual who maintains a household shall be considered a head of household, without regard to whether the individual has a dependent who is a member of the household; to the Committee on Ways and Means.

H.R. 1333. A bill to amend the Internal Revenue Code of 1986 to provide that a married individual who maintains a separate household shall be treated as unmarried: to the Committee on Ways and Means.

H.R. 1334. A bill to amend titles II and XVIII of the Social Security Act to eliminate the 5-month waiting period required in order for an individual to be eligible for benefits based on disability or for the disability freeze and to eliminate the 24-month waiting period for disabled individuals to become eligible for Medicare benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 1335. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. GEKAS:

H.R. 1336. A bill to direct the appointment of an independent counsel to investigate whether offenses against the United States or the law of nations by Iraq or its leaders took place during the recent military occupation of Kuwait, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 1337. A bill to amend the National Housing Act to provide mortgage assistance payments to avoid foreclosure on mortgages of members of the Armed Forces who are killed or seriously injured while on active duty; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GUARINI (for himself and Mr. Moody):

H.R. 1338. A bill to clarify the treatment of certain Federal financial assistance provided to saving and loan institutions; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 1339. A bill to require Presidential general election candidates who receive amounts from the Presidential Election Campaign Fund to make public presentations of their views on policy issues of national importance; to the Committee on House Administration.

By Mr. HUGHES (for himself and Mr. Andrews of New Jersey):

H.R. 1340. A bill to authorize the Secretary of Education to make a grant to Glassboro State College for the construction of library facilities; to the Committee on Education and Labor.

By Mr. KANJORSKI:

H.R. 1341. A bill to amend title 5, United States Code, to require that a Federal employee be given at least 60 days written notice before being released due to a reduction in force; to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself, Mrs. SCHROEDER, Mr. FRANK of Massachusetts, Mr. MARTINEZ, Ms. PELOSI, Mr. OWENS of New York, and Mr. WEISS):

H.R. 1342. A bill to modify the authority of the Equal Opportunity Commission to investigate and determine discrimination claims made by Federal employees against the Federal Government, and for other purposes; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. LEVINE of California (for himself, Mr. BERMAN, Mr. KOSTMAYER, and Mr. GILMAN):

H.R. 1343. A bill to encourage arms control in the Middle East, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself, Mr. SHAW, Mr. BOEHLERT, Mr. BROWN of California, Mr. ANDREWS of Texas, Mr. UDALL, Mr. WOLF, Ms. PELOSI, Mr. DURBIN, Mr. PAYNE of New Jersey, Mr. BEILENSON, Mr. HUGHES, Mr. MILLER of California, Mr. HORTON, Mr. IRELAND, Mr. DELLUMS, Mr. MCDERMOTT, Mr. MACHTLEY, Mr. KENNEDY, Mr. SOLARZ, Mr. BENNETT, Mr. GILMAN, Mrs. MORELLA, Mr. CONYERS, Mr. MFUME, Mr. REED, Mr. HYDE, Mr. FALEOMAVAEGA, and Mr. STUDDS):

H.R. 1344. A bill to amend title 23, United States Code, to limit outdoor advertising adjacent to Interstate and Federal-aid primary highways; to the Committee on Public Works and Transportation.

By Mr. McCOLLUM (for himself and Mr. STENHOLM):

H.R. 1345. A bill to improve certain requirements with respect to funds provided by the Legal Services Corporation; to the Committee on the Judiciary.

By Mr. McDERMOTT (for himself, Ms. PELOSI, Mr. ABERCROMBIE, Mr. ANNUNZIO, Mr. ATKINS, Mr. BEILENSON, Mr. BOUCHER, Mrs. BOXER, Mrs. COLLINS of Illinois, Mr. DEFAZIO, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mr. HAYES of Illinois, Mr. JONTZ, Mr. KENNEDY, Mr. MATSUI, Mr. MFUME, Mr. MILLER of California, Mr. MOODY, Mr. OLIN, Mr. PANETTA, Mr. RICHARDSON, Mr. RUSSO, Mr. SANDERS, Mr. SIKORSKI, Ms. SLAUGHTER of New York, Mr. SWIFT, Mrs. UNSOELD, Mr. WILLIAMS, Mr. WYDEN, and Mr. YATES):

H.R. 1346. A bill to withhold United States military assistance for El Salvador, subject to certain conditions; jointly, to the Committees on Foreign Affairs and Intelligence (Permanent Select).

By Mr. MARKEY:

H.R. 1347. A bill to provide regulatory incentives to promote national treatment by foreign countries to U.S. providers of certain financial and communications services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATSUI (for himself, Mr. PICKLE, Mr. GIBBONS, Mr. ARCHER, Mr. STARK, Mr. ANDREWS of Texas, Mr. VANDER JAGT, Mr. JACOBS, Mr. GRADISON, Mr. JENKINS, Mr. THOMAS of California, Mr. DOWNEY, Mr. MCGRATH, Mr. GUARINI, Mr. SHAW, Mr. ANTHONY, Mr. DORGAN of North Dakota, Mrs. JOHNSON of Connecticut, Mr. DONNELLY, Mr. COYNE, Mr. MOODY, Mr. DURBIN, Mr. COSTELLO, Mr. LIPINSKI, Mr. MAVROULES, Mr. WASHINGTON, Mr. BARTLETT, Mr. KYL, Mr. POSHARD, Mr. FEIGHAN, Mr. NEAL of Massachusetts, Mr. FROST, Mr. DORNAN of California, Mr. PERKINS, Mr. BRUCE, Mr. DYMALLY, Mr. FRANK of Massachusetts, Mr. YOUNG of Alaska, Mr. HERTEL, Mr. KOLTER, Mr. HOAGLAND, Mr. BILBRAY, Mr. KILDEE, Mr. WYDEN, Mr. LEVINE of California, Mr. ANNUNZIO, Mr. ORTIZ, Mr. COLEMAN of Texas, Mrs. LOWEY of New York, Mr. PALLONE, and Mr. FAZIO):

H.R. 1348. A bill entitled, "the Public Pension Equity Restoration Act of 1991"; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 1349. A bill to provide for partial public funding and broadcast media cost incentives for House of Representatives general election candidates who agree to limit their total expenditures and the proportion of contributions accepted from multicandidate political committees and certain other sources, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Energy and Commerce.

By Mr. PAXON:

H.R. 1350. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for residential lead abatement expenses; to the Committee on Ways and Means.

By Mr. ROE (for himself (by request), Mr. MINETA, Mr. HAMMERSCHMIDT, and Mr. SHUSTER):

H.R. 1351. A bill to authorize funds for construction of highways, for highway safety programs, for mass transportation programs, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mrs. ROUKEMA:

H.R. 1352. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement plans for the acquisition of a first home; to the Committee on Ways and Means.

By Mr. SANDERS:

H.R. 1353. A bill entitled the "Taconic Mountains Protection Act of 1991"; to the Committee on Agriculture.

By Mr. SCHEUER (for himself, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. AUCOIN, Mr. BEILENSON, Mr. BILBRAY, Mr. BONIOR, Mr. BROWN, Mr. CHANDLER, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GIBBONS, Mr. GOSS, Mr. GREEN, Mr. GUARINI, Mr. HAYES of Illinois, Mr. HUGHES, Mr. HYDE, Mr. JACOBS, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LIPINSKI, Mr. MACHTLEY, Mr. MATSUI, Mr. MCCOLLUM, Mr. MCMILLEN of Maryland, Mr. MFUME, Mr. MINETA, Mr. MOORHEAD, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PORTER, Mr. RINALDO, Mr. SCHUMER, Mr. SHAW, Mr. SHAYS, Mr. STARK, Mr. TOWNS, Mr. TRAFICANT, Mr. VALENTINE, Mr. VENTO, Mr. WAXMAN, Mr. YATES, Mr. WHEAT, Mr. FAWELL, Mr. TORRES, Mr. MARTINEZ, Mr. DORNAN of California, Mr. MAVROULES, Mr. LEVINE of California, Mr. BENNETT, Mr. ABERCROMBIE, Mr. MILLER of California, Mr. CLAY, and Mrs. BOXER):

H.R. 1354. A bill to end the use of steel jaw leghold traps on animals in the United States; to the Committee on Energy and Commerce;

By Mr. SCHULZE:

H.R. 1355. A bill to amend the Internal Revenue Code of 1986 to deny tax-exempt status for rural electric cooperatives having gross receipts exceeding a certain amount; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself, Mr. RANGEL, Mr. COUGHLIN, Mr. HYDE, Mr. SENSENBRENNER, Mr. BENNETT, Mr. DELAY, Mr. ARMEY, Mr. OXLEY, Mr. LIPINSKI, Mr. PORTER, Mr. HANSEN, Mr. STUMP, Mr. LIVINGSTON, Mr. HOCHBRUECKNER, Mr. EMERSON, Mr. HENRY, Mr. DANNEMEYER, Mr. BARTON of Texas, and Mr. HASTERT):

H.R. 1356. A bill to require certain Federal monetary awards payable to persons who provide information leading to the arrest and conviction of individuals for the unlawful sale, or possession for sale, of a controlled substance or controlled substance analog; and to provide for incentive awards to States payable from certain funds arising from forfeitures under Federal drug laws; to the Committee on the Judiciary.

By Mr. SHARP:

H.R. 1357. A bill to exempt section 721 of the Defense Production Act of 1950 from termination; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. SHAW (for himself and Mr. BACCHUS):

H.R. 1358. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Ways and Means.

By Ms. SNOWE:

H.R. 1359. A bill to to provide for the applicability of combat-related tax benefits to reservists and National Guard members deployed overseas in connection with the Persian Gulf conflict; to the Committee on Ways and Means.

By Ms. SNOWE (for herself, Mrs. SCHROEDER, Mr. OBERSTAR, Mr. BUSTAMANTE, Ms. OAKAR, Mr. WEISS, Ms. PELOSI, Mr. MFUME, Mr. TOWNS, Mr. EVANS, Mr. FRANK of Massachusetts, Mrs. UNSOELD, Mr. MCDERMOTT, Mr. ROYBAL, Mr. ESPY, Mr. BERMAN, Mr. EDWARDS of California, Mr. LEHMAN of Florida, Mr. OWENS of New York, Mr. AUCOIN, Mr. BORSKI, Mr. MURPHY, Mr. MOODY, Mr. DEFAZIO, Mr. RANGEL, Mr. LANTOS, Mr. DE LUGO, Mr. TRAXLER, Mr. DORGAN of North Dakota, Mr. DELLUMS, Mr. TRAFICANT, Mr. APPLEGATE, Mr. OLIN, Mr. PENNY, Mr. RUSSO, Mr. SIKORSKI, Mr. YATES, Mr. RICHARDSON, Mr. BOUCHER, Mr. GREEN, Mr. RAMSTAD, Mr. WILLIAMS, Mr. OWENS of Utah, Mr. PANETTA, Mr. SERRANO, Mr. SCHAEFER, Mr. HALL of Ohio, and Mr. ATKINS):

H.R. 1360. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Affairs.

By Mr. STAGGERS (for himself, Mr. MORAN, Mr. STARK, Mr. CAMPBELL of Colorado, Mr. TOWNS, Mr. MRAZEK, Mr. DWYER of New Jersey, Mr. KOLTER, and Mr. ECKART):

H.R. 1361. A bill to provide law enforcement authority for criminal investigators of the Offices of Inspectors General, and for other purposes; jointly, to the Committees on Government Operations and the Judiciary.

By Mr. SWIFT:

H.R. 1362. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1992; to the Committee on House Administration.

By Mr. SWIFT (for himself Mr. YOUNG of Alaska, Mr. DICKS, and Mrs. UNSOELD);

H.R. 1363. A bill to amend the Internal Revenue Code of 1986 to allow a deduction against self-employment income for amounts deposited into a capitial construction fund; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 1364. A bill to amend the Job Corps provisions of the Job Training Partnership Act; to the Committee on Education and Labor.

H.R. 1365. A bill to amend the Job Training Partnership Act to provide for disaster relief employment assistance; to the Committee on Education and Labor.

By Mr. WILLIAMS (for himself and Mr. DORGAN of North Dakota):

H.R. 1366. A bill to clarify that the inspection of meat and poultry products offered for import into the United States is to be conducted by U.S. personnel, and for other purposes; to the Committee on Agriculture.

By Mr. FALEOMAVAEGA (for himself, Mr. CAMPBELL of Colorado, Mr. MILLER of California, Mr. RHODES, Mr. RICHARDSON, Mr. CLEMENT, Mr. HARRIS, Mr. HORTON, Ms. LONG, Mr. POSHARD, Mr. SLATTERY, and Mr. STOKES):

H.J. Res. 182. Joint resolution to authorize and request the President to proclaim the month of November 1991, and thereafter as "National American Indian Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. TOWNS, Mr. HEFNER, Mr. ROYBAL, Mr. TALLON, Mr. MATSUI, Mr. ALEXANDER, Ms. LONG, Mr. GORDON, Mr. ESPY, Mr. HAMILTON, Mr. SCHEUER, Mr. SOLARZ, Mr. FEIGHAN, Mr. CLEMENT, Mr. HOCHBRUECKNER, Mr. BILIRAKIS, Mr. LAFALCE, Ms. OAKAR, Mr. RAHALL, Mr. MCMILLEN of Maryland, Mr. DWYER of New Jersey, Mr. WOLF, Mr. LEHMAN of Florida, Mr. MFUME, Mr. VALENTINE, Mr. ERDREICH, Ms. NORTON, Mr. GINGRICH, Mr. PAYNE of New Jersey, Mrs. MINK, Mr. WOLPE, Mr. MACHTLEY, Mr. GUARINI, Mr. ROE, Mr. BILBRAY, Mr. HARRIS, Mrs. PATTERSON, Mr. ACKERMAN, Mr. DE LA GARZA, Mr. LEVIN of Michigan, Mr. LANCASTER, Mr. BROWN of California, Mr. KOPETSKI, Mr. WHEAT, Mr. JONTZ, Mr. WEISS, Mr. HAYES of Illinois, Mr. LAGOMARSINO, Mr. SWETT, Mr. JEFFERSON, Mr. FRANK of Massachusetts, Mr. GEKAS, Mr. SPRATT, Mr. EVANS, Mr. TRAXLER, Mr. GILCHREST, Mrs. BYRON, Mr. WALSH, Ms. PELOSI, Mr. OWENS of Utah, Mr. CRAMER, Mr. SANDERS, Mrs. BOXER, Mr. POSHARD, Mr. VENTO, Mr. LIPINSKI, Mr. MRAZEK, Mr. KLUG, Mr. JENKINS, Mr. MCNULTY, and Mr. HORTON):

H.J. Res. 183. Joint resolution to designate the second Sunday in October of 1991 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H.J. Res. 184. Joint resolution proposing an amendment to the Constitution of the United States to provide for staggered 4-year terms for Representatives, to permit the Congress to regulate expenditures in elections for Federal office, and to require a Representative who becomes a candidate for the office of Senator to vacate his seat in the House of Representatives; to the Committee on the Judiciary.

By Mr. WELDON:

H.J. Res. 185. Joint resolution to designate May 27, 1991, as "National Hero Remembrance Day"; to the Committee on Post Office and Civil Service.

By Mr. BONIOR:

H. Con. Res. 93. Concurrent resolution relating to peace in the Middle East following the Persian Gulf conflict; to the Committee on Foreign Affairs.

By Mr. CAMPBELL of California:

H. Con. Res. 94. Concurrent resolution concerning United States foreign policy toward Israel and Syria; to the Committee on Foreign Affairs.

By Mr. ECKART (for himself, Mr. SISISKY, Mr. LAFALCE, Mr. IRELAND, Mr. SKELTON, Mr. WYDEN, Mr. OLIN, Mr. MCDADE, Mr. MAVROULES, Mr. LANCASTER, Mr. SLAUGHTER of Virginia, Mr. COMBEST, Mrs. MEYERS of Kansas, Mr. BAKER, Mr. SARPALIUS, Mr. RAMSTAD, Mr. MAZZOLI, Mr. BROOMFIELD, Mr. HANCOCK, Mr. FRANKS of Connecticut, Mr. TORRES, Mr. RAY, Mr. NEAL of Massachusetts, Mr. MFUME, Mr. BILBRAY, Mr. CAMP, Mr. HATCHER, Mr. PAYNE of New Jersey, Mr. UPTON, Mr. SAVAGE, Mr. BOEHNER, Mr. ENGEL, Mr. ANDREWS of Maine, Mr. ANDREWS of New Jersey, Mr. DOOLEY, Mr. CONYERS, Mr. SERRANO, Mr. ORTON, Mr. FLAKE, and Mr. MACHTLEY):

H. Con. Res. 95. Concurrent resolution expressing the sense of Congress that the Federal Government should assist United States small businesses seeking to become involved in the rebuilding of Kuwait, and for other purposes; jointly, to the Committee on Foreign Affairs, Small Business, Armed Services, and Banking, Finance and Urban Affairs.

By Mr. SMITH of Texas (for himself, Mr. PENNY, Mr. THOMAS of Wyoming, Mr. HOLLOWAY, Mr. RAVENEL, Mr. DUNCAN, Mr. SAXTON, Mr. BALLENGER, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. ZIMMER, Mr. INHOFE, Mr. VALENTINE, Mr. GOSS, Mr. KYL, Mr. COBLE, Mr. HEFLEY, Mr. YATRON, Mr. PETRI, Mr. DICKINSON, Mr. KOLBE, Mr. HUCKABY, Mr. HUNTER, Mr. IRELAND, Mr. RHODES, Mr. DANNEMEYER, Mr. STENHOLM, Mr. HENRY, Mr. ROTH, Mr. SENSENBRENNER, Mr. HOUGHTON, Mr. ZELIFF, Mr. PACKARD, Mr. HAMMERSCHMIDT, Mr. NEAL of North Carolina, Mrs. LOWEY of New York, Mr. ARCHER, Mr. DELAY, Mr. ARMEY, Mr. BARTON of Texas, Mr. FIELDS, and Mr. COMBEST):

H. Con Res. 96. Concurrent resolution to provide a sense of the Congress that the legislative and executive branches should better control Federal overhead expenditures and that it is the policy of the United States to reduce its fiscal year 1992 overhead expenditures by 10 percent; jointly, to the Committees on Government Operations and House Administration.

By Mr. BROWN of California:

H. Res. 106. Resolution expressing the sense of the House of Representatives that the Government of Kuwait should encourage the maximum feasible use of American workers, American firms, American products in the reconstruction of Kuwait; to the Committee on Foreign Affairs.

By Mr. SHAYS (for himself, Mr. WELDON and Mr. THOMAS of Wyoming):

H. Res. 107. Resolution to urge the President to instruct the Attorney General to appoint an independent counsel to investigate the involvement of officials of the Federal Government in the savings and loan scandal; to the Committee on the Judiciary.

By Mr. WELDON (for himself, Mr. BALLENGER, Mr. BARTLETT, Mr. BENNETT, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. COBLE, Mr. COMBEST, Mr. DANNEMEYER, Mr. DEFAZIO, Mr. FAWELL, Mr. GILMAN, Mr. GUNDERSON, Mr. HERGER, Mr. HORTON, Mr. HYDE, Mr. KOLTER, Mr. KOSTMAYER, Mr. KYL, Mr. LEWIS of Florida, Mr. MACHTLEY, Mrs. MORELLA, Mr. PACKARD, Mr. PAXON, Mr. RAVENEL, Mr. RITTER, Mr. ROTH, Mr. SANTORUM, Mr. SHAYS, Mr. SPENCE, Mr. UPTON, Mr. VALENTINE, Mr. WALKER, Mr. WALSH, and Mr. ZELIFF):

H. Res. 108. Resolution to amend the Rules of the House of Representatives to require the Committee on Ways and Means to include in committee reports the identity, sponsor, and revenue cost of single-taxpayer relief provisions contained in reported bills; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. FORD of Michigan, Mr. CLAY, Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. ESPY, Mr. FLAKE, Mr. FORD of Tennessee, Mr. HAYES of Illinois, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. MFUME, Ms. NORTON, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. SAVAGE, Mr. STOKES, Mr. WASHINGTON, Ms. WATERS, Mr. WHEAT, Mr. ABERCROMBIE, Mr. ANDREWS of Texas, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. ATKINS, Mr. AUCOIN, Mr. BACCHUS, Mr. BERMAN, Mr. BILBRAY, Mrs. BOXER, Mr. BROWN of California, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CARPER, Mr. COLEMAN of Texas, Mr. CONDIT, Mr. COYNE, Mr. DE LUGO, Mr. DEFAZIO, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOWNEY, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. FUSTER, Mr. GEJDENSON, Mr. GIBBONS, Mr. GLICKMAN, Mr. GREEN, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HOAGLAND, Ms. HORN, Mr. JACOBS, Mr. JOHNSON of South Dakota, Mr. JONTZ, Ms. KAPTUR, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mrs. LOWEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MAVROULES, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MILLER of California, Mrs. MINK, Mr. MOODY, Mrs. MORELLA, Mr. MRAZEK, Mr. MURPHY, Mr. NAGLE, Mr. NEAL of Massachusetts, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of Utah, Mr. PALLONE, Mr. PANETTA, Mr. PEASE, Ms. PELOSI, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. PETERSON of Florida, Mr. POSHARD, Mr. PRICE, Mr. RAHALL, Mr. REED, Mr. RICHARDSON, Mr. ROYBAL, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SCHEUER, Mr. SCHUMER, Mr. SERRANO, Mr. SHARP, Mr. SHAYS, Mr. SIKORSKI, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. STARK, Mr. STUDDS, Mr. SWIFT, Mr. TALLON, Mr. TORRES, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAX-

LER, Mr. UDALL, Mr. VENTO, Mr. VISCLOSKY, Mr. WAXMAN, Mr. WEISS, Mr. WILLIAMS, Mr. WOLPE, Mr. WYDEN, and Mr. YATES.

H.R. 2: Mr. COX of Illinois, Mr. COYNE, Mr. CARDIN, Mr. ANDREWS of Maine, Mr. SYNAR, and Mr. PEASE.

H.R. 5: Mr. GAYDOS, Mr. GRAY, Mr. REED, Mr. BUSTAMANTE, Mr. ANDERSON, Mr. BROOKS, and Mr. YATRON.

H.R. 35: Mr. RAY, Mr. PRICE, Mr. BROWN of California, Mrs. MEYERS of Kansas, Mr. COBLE, and Mr. HEFNER.

H.R. 73: Mr. WILSON, Mr. CHAPMAN, Mr. STARK, Mr. KLECZKA, Mr. DICKS, Mr. HORTON, Mr. GORDON, Mr. TOWNS, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. HAMMERSCHMIDT, Mr. MFUME, Mr. DIXON, Mr. SLATTERY, Mrs. LLOYD, Mr. DOOLITTLE, Mr. JENKINS, Mr. MURTHA, Mr. TRAFICANT, Mr. FISH, Mrs. PATTERSON, Mr. RUSSO, Mr. JONES of Georgia, Mr. GEJDENSON, Mr. DWYER of New Jersey, Mr. KOPETSKI, Mr. NEAL of North Carolina, Mr. HEFNER, Mr. McCLOSKEY, Mr. JOHNSTON of Florida, Mr. HUBBARD, Mr. RAVENEL, Mr. HALL of Texas, Mr. VOLKMER.

H.R. 82: Mr. FISH.

H.R. 87: Mr. CARPER, Mr. DWYER of New Jersey, Mr. FEIGHAN, Mr. JEFFERSON, Mr. HERTEL, Mr. McNULTY, Mr. MANTON, Mr. TORRICELLI, Mr. WALSH, and Mr. WAXMAN.

H.R. 127: Mr. CUNNINGHAM, Mr. LOWERY of California, Mr. SAWYER, Mr. TORRES, Mr. MAZZOLI, Mr. BILIRAKIS, Mr. SLATTERY, Mr. STUDDS, Mr. BORSKI, Mr. HANCOCK, Mr. LEWIS of Georgia, Mr. NEAL of North Carolina, Mr. TORRICELLI, Mr. ARMEY, and Mr. RINALDO.

H.R. 134: Mr. JEFFERSON, Mr. MACHTLEY, Mr. INHOFE, Mr. PETERSON of Florida, Mr. PACKARD, Mr. SOLOMON, Mr. WISE, and Ms. HORN.

H.R. 179: Mr. KOPETSKI and Mr. BLILEY.

H.R. 193: Mr. SLAUGHTER of Virginia.

H.R. 233: Mr. TORRICELLI.

H.R. 258: Mr. LAGOMARSINO, MR. SANDERS, and Mr. GINGRICH.

H.R. 303: Mr. HUCKABY, Mr. SYNAR, Mrs. UNSOELD, Mr. SANDERS, Mr. KLECZKA, Mr. DERRICK, Mr. HERGER, Mr. KOPETSKI, and Mr. JAMES.

H.R. 317: Ms. LONG.

H.R. 325: Ms. OAKAR, Mr. HAYES of Illinois, and Mr. BONIOR.

H.R. 327: Ms. KAPTUR.

H.R. 328: Mr. TRAFICANT, and Mr. NEAL of North Carolina.

H.R. 375: Mr. PENNY.

H.R. 391: Mr. COOPER.

H.R. 414: Mr. MILLER of Washington.

H.R. 467: Mr. LEWIS of Florida, Mr. KOLBE, Mr. COSTELLO, Mr. ECKART, and Mr. MFUME.

H.R. 519: Mr. TORRICELLI and Mr. ZIMMER.

H.R. 520: Mr. SERRANO.

H.R. 524: Mr. PACKARD.

H.R. 537: Mr. WEISS and Mr. COSTELLO.

H.R. 542: Mr. BONIOR, Mrs. MEYERS of Kansas, and Mr. MARTINEZ.

H.R. 544: Mr. ACKERMAN, Mr. BACCHUS, Mr. BOUCHER, Mrs. BOXER, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. de LUGO, Mr. DIXON, Mr. DWYER of New Jersey, Mr. ESPY, Mr. EVANS, Mr. FORD of Tennessee, Mr. FROST, Mr. FUSTER, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HYDE, Ms. KAPTUR, Mr. KENNEDY, Mr. McDERMOTT, Mr. MFUME, Mr. MOODY, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. ROE, Mr. SANDERS, Mr. SERRANO, Mr. TOWNS, Mrs. UNSOELD, and Mr. WHEAT.

H.R. 553: Mr. THOMAS of California, Mr. HORTON, and Mr. UDALL.

H.R. 572: Mr. ANDREWS of New Jersey.

H.R. 583: Mr. STOKES.

H.R. 596: Mr. DOOLITTLE, Mr. GALLEGLY, and Mr. HASTERT.

H.R. 601: Mr. NEAL of North Carolina.

H.R. 642: Mr. PAYNE of Virginia and Mr. FISH.

H.R. 643: Mr. NOWAK, Mr. LIVINGSTON, Mr. THOMAS of Georgia, Mr. WISE, Mr. BEREUTER, Mr. NEAL of North Carolina, and Mr. MYERS of Indiana.

H.R. 644: Mr. KOPETSKI.

H.R. 658: Mr. WISE, Mr. PALLONE, and Mr. SHAYS.

H.R. 661: Mr. HORTON, Mr. DANNEMEYER, Mr. RAHALL, Mr. McGRATH, Ms. NORTON, and Mr. LaFALCE.

H.R. 672: Mrs. LOWEY of New York.

H.R. 688: Mr. FISH.

H.R. 696: Mr. CHAPMAN, Mr. FEIGHAN, Mr. HERTEL, and Mr. JOHNSON of South Dakota.

H.R. 706: Mr. BRYANT, Mr. COMBEST, Mr. LAUGHLIN, Mr. STENHOLM, Mr. HALL of Texas, and Mr. ENGLISH.

H.R. 713: Mr. RAVENEL, Mr. INHOFE, Mr. VALENTINE, and Mr. GILMAN.

H.R. 730: Mr. WOLPE and Mr. HOAGLAND.

H.R. 731: Mr. RAVENEL, Mr. LAGOMARSINO, Mr. UPTON, Mr. SKEEN, Mr. PALLONE, and Mr. GILMAN.

H.R. 738: Mrs. LOWEY of New York.

H.R. 751: Mr. PENNY, Mr. RAVENEL, Mr. PRICE, Mr. MFUME, Mrs. LLOYD, Mr. DELLUMS, Mr. GUARINI, Mr. ACKERMAN, Mr. VALENTINE, Mr. COLEMAN of Missouri, Mr. MOLLOHAN, Mr. SOLOMON, Mr. ROE, Mr. FROST, Mr. DREIER of California, Mr. JONTZ, Mr. LIPINSKI, Mr. NEAL of North Carolina, Mr. HUCKABY, Mr. ECKART, Mr. UDALL, Mr. RIDGE, Mr. BOUCHER, and Mr. BALLENGER.

H.R. 766: Mr. MARKEY and Mr. MARTINEZ.

H.R. 772: Mr. HENRY, Mr. DeFAZIO, Mr. GILCHREST, Mr. HUNTER, Mr. NEAL of North Carolina, Mr. GLICKMAN, Mr. BOEHLERT, Mr. HUBBARD, Mr. LEACH of Iowa, Mr. KLUG, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. CRANE, Mr. BILIRAKIS, Mr. LaROCCO, Mrs. LLOYD, Mr. McCURDY, Mrs. BYRON, Mr. GRANDY, Mr. HEFLEY, and Mr. GRADISON.

H.R. 789: Mr. HAMILTON, Mr. VISCLOSKY, Mr. LEWIS of Georgia, Mr. WHEAT, Mr. BILBRAY, Mr. NEAL of North Carolina, and Mr. LaFALCE.

H.R. 793: Mr. BONIOR, Mr. COLEMAN of Missouri, Mr. COSTELLO, Mr. CUNNINGHAM, Mr. HERTEL, Mr. IRELAND, Mr. KOSTMAYER, Mr. LaFALCE, Mr. LANCASTER, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LEWIS of Florida, Mrs. LOWEY of New York, Mr. McNULTY, Mr. PERKINS, Mr. SLATTERY, and Mr. THOMAS of Georgia.

H.R. 797: Mr. BRYANT and Mr. McMILLEN of Maryland.

H.R. 811: Mr. MILLER of Washington and Mr. UPTON.

H.R. 821: Mr. ENGEL, Mr. UPTON, Mr. FROST, Mr. HERTEL, Mr. MARTINEZ, Mrs. MINK, Mr. HUGHES, Mr. KOPETSKI, and Mr. COSTELLO.

H.R. 824: Mr. BONIOR, Mr. ECKART, Mr. HAYES of Illinois, Mr. HERTEL, Mr. RAHALL, Mr. LIPINSKI, and Mr. JONTZ.

H.R. 827: Ms. ROS-LEHTINEN, Mr. CHAPMAN, Mr. STEARNS, and Mr. GAYDOS.

H.R. 828: Mr. EDWARDS of California, Mr. FISH, Mr. FRANK of Massachusetts, Mr. KOSTMAYER, Mrs. LLOYD, Mr. McDERMOTT, Mr. NEAL of North Carolina, Mr. PAYNE of Virginia, Mr. RAVENEL, and Mr. SCHEUER.

H.R. 830: Mr. ECKART, Mr. LEHMAN of Florida, and Mr. MRAZEK.

H.R. 841: Mr. BOUCHER, Mr. ECKART, Mr. ENGEL, Mr. HAYES of Illinois, Ms. KAPTUR, Mr. KOPETSKI, Mr. LaFALCE, Mr. LENT, Mr. LIPINSKI, Mr. MARKEY, Mr. MAVROULES, Mr. MOODY, Mr. MURTHA, Mr. NEAL of Massachusetts, Ms. PELOSI, Mrs. SCHROEDER, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, Mr. WALSH, Mr. WEISS, and Mr. WOLPE.

H.R. 858: Mr. JACOBS and Mr. BURTON of Indiana.

H.R. 862: Mr. PENNY and Mr. RAMSTAD.

H.R. 865: Mr. SANDERS and Mr. FISH.

H.R. 866: Mr. DeFAZIO.

H.R. 867: Mr. STARK.

H.R. 888: Mr. JACOBS, Mr. FOGLIETTA, and Mr. KOPETSKI.

H.R. 905: Mr. CARR and Mr. DERRICK.

H.R. 908: Mr. MFUME, Mrs. PATTERSON, Mr. GILMAN, Mr. KOPETSKI, and Mr. KENNEDY.

H.R. 915: Mr. LIPINSKI.

H.R. 916: Mr. BUSTAMANTE and Mrs. LLOYD.

H.R. 919: Mr. JEFFERSON and Mr. TAUZIN.

H.R. 951: Mr. ANTHONY, Mr. JEFFERSON, Mr. STEARNS, Mr. HUBBARD, and Mr. RAVENEL.

H.R. 960: Mr. SMITH of Texas, Mr. HASTERT, and Mr. CRANE.

H.R. 999: Mrs. LLOYD.

H.R. 1004: Mr. LIPINSKI.

H.R. 1007: Mr. COYNE, Mrs. JOHNSON of Connecticut, Mr. MURPHY, Mr. BEREUTER, Mr. KOSTMAYER, Mr. SMITH of Florida, Mr. TOWNS, Mr. RAVENEL, Mrs. UNSOELD, Mr. ZELIFF, Ms. PELOSI, Mr. MAVROULES, Mr. SANDERS, Mr. EVANS, Mr. FAZIO, Mr. DWYER of New Jersey, Mr. SCHEUER, Ms. KAPTUR, Mr. GORDON, and Mr. MFUME.

H.R. 1013: Mr. COSTELLO, Mr. NEAL of North Carolina, Mr. ALLARD, Mr. LIPINSKI, and Mr. STUMP.

H.R. 1016: Mr. NEAL of North Carolina, Mr. JAMES, and Mr. SHAW.

H.R. 1025: Mr. HYDE, Mr. PACKARD, Mr. GOSS, and Mr. LANCASTER.

H.R. 1052: Mr. HUBBARD, Mr. LENT, Mr. DERRICK, Mrs. VUCANOVICH, and Mr. JEFFERSON.

H.R. 1059: Mrs. BOXER, Mr. ROYBAL, Mr. KENNEDY, Mr. ANDERSON, Mr. BOUCHER, Mr. DELLUMS, Mr. MARKEY, Mr. MFUME, and Ms. KAPTUR.

H.R. 1063: Mr. LEHMAN of Florida, Mr. OLIN, Mr. OBERSTAR, Mr. SERRANO, and Ms. KAPTUR.

H.R. 1067: Mr. TORRICELLI, Mr. JEFFERSON, Mr. NEAL of North Carolina, Mr. LENT, Mr. SLAUGHTER of Virginia, Mr. SANDERS, Mr. COUGHLIN, Mr. WHITTEN, Mr. ZELIFF, Mr. ESPY, Mr. KOPETSKI, Mr. ROE, Mr. MAVROULES, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mrs. VUCANOVICH, Mr. DWYER of New Jersey, Ms. KAPTUR, Mr. JONTZ, Mr. BOUCHER, Mr. ECKART, Mr. GEJDENSON, Mr. DAVIS, Mr. HUBBARD, Mr. GALLO, Mr. MARTIN of New York, Mr. SERRANO, and Mr. KOLTER.

H.R. 1074: Mr. LIPINSKI, Mr. EVANS, Mr. DANNEMEYER, Mr. ECKART, Mr. LANCASTER, Mr. JEFFERSON, and Mr. REED.

H.R. 1088: Mr. PERKINS, Mr. SANDERS, Mr. BOEHLERT, and Mr. KOPETSKI.

H.R. 1093: Mr. KOLBE, Mr. HENRY, Mr. RAVENEL, Mr. LAGOMARSINO, Mr. HORTON, Mr. JACOBS, Mr. GALLO, and Mr. WOLPE.

H.R. 1107: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. BACCHUS, Mr. BONIOR, Mr. BREWSTER, Mr. BROOKS, Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mr. COX of Illinois, Mr. CRAMER, Mr. CUNNINGHAM, Ms. DeLAURO, Mr. de LUGO, Mr. DICKS, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GORDON, Mr. GRAY, Mr. GUARINI, Mr. HAMILTON, Mr. HARRIS, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Ms. HORN, Mr. HORTON, Mr. HUBBARD, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. KLECZKA, Mr. KOLTER, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LAUGHLIN, Mr. LIPINSKI, Ms. LONG, Mr. LUKEN, Mr. McCURDY, Mr. McDERMOTT, Mr. McNULTY, Mr. MARKEY, Mr. MAZZOLI, Mr.

MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MORAN, Mr. MORRISON of Washington, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OBEY, Mr. PARKER, Mrs. PATTERSON, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Florida, Mr. RAHALL, Mr. RAMSTAD, Mr. REED, Mr. RIGGS, Mr. ROEMER, Mr. ROWLAND, Mr. SANGMEISTER, Mr. SCHUMER, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. STALLINGS, Mr. STENHOLM, Mr. SWETT, Mr. SWIFT, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. THORNTON, Mr. TORRES, Mr. UDALL, Mrs. UNSOELD, Mr. VENTO, Mr. WAXMAN, Ms. WATERS, Mr. WILLIAMS, Mr. WYDEN, Mr. DORNAN of California, and Mr. AUCOIN.

H.R. 1135: Mr. MCMILLEN of Maryland, Mr. HUGHES, Mr. SABO, Mr. PRICE, Mrs. LLOYD, Mr. DELLUMS, and Mr. KOSTMAYER.

H.R. 1149: Mr. BLAZ and Mr. MCGRATH.

H.R. 1156: Mr. ARMEY and Mr. LIPINSKI.

H.R. 1163: Mr. KLECZKA, Mr. LIPINSKI, Mr. MCNULTY, and Mr. FROST.

H.R. 1164: Mr. KLECZKA, Mr. LIPINSKI, Mr. MCNULTY, Mr. LOWERY of California, and Mr. FROST.

H.R. 1171: Mr. CAMP.

H.R. 1184: Mr. OLIN and Mr. TAYLOR of North Carolina.

H.R. 1190: Mr. PALLONE, Mr. ANDREWS of New Jersey, and Mr. PERKINS.

H.R. 1197: Mr. BOUCHER, Mr. GEJDENSON, Mr. LEVIN of Michigan, Mr. MARKEY, and Mr. YATRON.

H.R. 1218: Mr. HERTEL, Mr. BRYANT, Mrs. PATTERSON, Mr. BEILENSON, Mr. WYDEN, Mrs. UNSOELD, Mr. TRAFICANT, Mr. WHEAT, Mrs. BOXER, Mr. OBERSTAR, Mr. HAMILTON, Mr. GLICKMAN, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. MINETA, Mr. SABO, Mr. MRAZEK, Mr. SERRANO, Mr. TORRICELLI, Mr. SMITH of Florida, and Mr. MARTINEZ.

H.R. 1240: Mr. EVANS, Mr. TORRICELLI, Ms. KAPTUR, and Mr. DELLUMS.

H.R. 1250: Mr. KLECZKA.

H.R. 1263: Mr. LEVIN of Michigan, Mr. EVANS, Mr. GILMAN, Mr. MFUME, Mrs. LOWEY of New York, Mr. SERRANO, and Mr. BROWN of California.

H.R. 1264: Mr. LEVIN of Michigan, Mr. EVANS, Mr. GILMAN, Mr. MFUME, Mrs. LOWEY of New York, Mr. SERRANO, and Mr. BROWN of California.

H.R. 1285: Mr. STARK, Mr. MCCLOSKEY, Mr. HENRY, Mr. PENNY, Mr. HORTON, Mr. GAYDOS, and Mr. RAHALL.

H.R. 1292: Mr. THOMAS of Wyoming.

H.R. 1296: Mr. MONTGOMERY, Mr. MCCURDY, Mr. DICKINSON, Mrs. BYRON, Mr. STENHOLM, Mr. ORTIZ, Mr. HARRIS, Mr. PAYNE of Virginia, Mr. TAYLOR of Mississippi, Mr. ROWLAND, Mr. KILDEE, Mr. MCCOLLUM, Mr. BLAZ, Mr. COBLE, Mr. BREWSTER, Mr. OLIN, Mr. REED, Mr. HENRY, Mr. MCHUGH, Mr. LIVINGSTON, Mr. HOBSON, Mr. APPLEGATE, Mr. DIXON, Mr. COUGHLIN, Mr. HALL of Ohio, Mr. FAZIO, Mr. CHAPMAN, Mr. EVANS, Mr. LUKEN, Mr. MACHTLEY, Mr. DELAY, Mr. JONES of Georgia, Mr. GEREN, Mr. WAXMAN, Mr. TANNER, Mr. LAUGHLIN, Mr. ROGERS, Mr. BUNNING, Mr. STUMP, Mr. VALENTINE, Mr. STAGGERS, Mr. PICKETT, Mr. MFUME, Mr. EMERSON, Mr. BACCHUS, Mr. COSTELLO, Mr. HORTON, Mr. LENT, Mr. DAVIS, Mr. SCHUMER, Mr. SHAW, Mr. IRELAND, Mr. CALLAHAN, Mr. SUNDQUIST, Mr. LAGOMARSINO, Mr. ENGLISH, Mr. HALL of Texas, Mr. WALSH, Mrs. PATTERSON, Mrs. BENTLEY, Mr. CONDIT, Mr. COOPER, Mr. BEREUTER, Mr. HOPKINS, Mr. HUCKABY, Mr. PETRI, Mr. LAFALCE, Mr. MORRISON of Washington, Mr. ROE, Mr. SAXTON, Mr. ARMEY, Mr. MCNULTY, Mr. TAUZIN, Mr. BROWDER, Mr. DOOLITTLE, and Mr. LEWIS of Florida.

H.R. 1302: Mr. FORD of Michigan, Mr. VISCLOSKY, and Mr. HAYES of Illinois.

H.J. Res. 56: Mr. MCDERMOTT, Mr. WOLF, Mr. TALLON, Mr. CLEMENT, Mr. ROBERTS, Mr. MOORHEAD, Mr. ROE, Mr. SANDERS, Mr. MILLER of California, Mr. ACKERMAN, Ms. KAPTUR, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. JEFFERSON, Mr. GUARINI, Mr. FORD of Tennessee, Mrs. BOXER, Mr. VENTO, Mr. MCHUGH, Mr. BILBRAY, Mrs. BENTLEY, Mr. WYDEN, Mr. HORTON, Mr. TOWNS, Mr. WALSH, Mr. MCNULTY, Mr. BUSTAMANTE, Mr. ERDREICH, Mr. MATSUI, Mr. MCGRATH, Mr. MURPHY, Mr. MFUME, Mrs. MINK, Mr. NATCHER, Mr. LAGOMARSINO, Mr. BOEHLERT, Mr. HERTEL, Mr. MCDADE, Mr. SPRATT, Mr. MANTON, Mr. BILIRAKIS, Mr. MCCOLLUM, Mr. GORDON, Mr. RAMSTAD, Ms. PELOSI, Mr. HUGHES, Mr. MAZZOLI, Mr. DWYER of New Jersey, Mr. CARR, Mr. LANTOS, Mr. LEHMAN of Forida, Ms. NORTON, Mr. PALLONE, Mr. KENNEDY, Mr. COYNE, Mr. STARK, Mr. HAMMERSCHMIDT, Mr. RAVENEL, Mr. DARDEN, Mr. GREEN, Mr. SMITH of Florida, Mr. RHODES, Mr. FROST, Mr. LUKEN, Mr. KLECZKA, Mr. SPENCE, Mr. ROEMER, and Mr. PICKLE.

H.J. Res. 58: Mr. FOGLIETTA, Mr. GAYDOS, Mr. SCHIFF, Mr. GALLO, Mr. ANDREWS of Maine, Mr. VANDER JAGT, Mr. HOCHBRUECKNER, Mr. LEHMAN of Florida, Mr. SAWYER, Mr. HEFNER, Mr. MURPHY, Mr. HAMILTON, Mr. ATKINS, Mr. CARDIN, Mr. PRICE, Mr. PURSELL, Mr. SAVAGE, Mr. TAUZIN, and Mr. HOYER.

H.J. Res. 87: Mr. COBLE, Mr. SOLARZ, Mr. SANGMEISTER, Mr. BLAZ, Mr. HERGER, Mr. SCHIFF, Mr. BROWDER, Mr. DICKINSON, Mr. SAWYER, Mr. LEWIS of California, Mr. HARRIS, Mr. SPRATT, Mr. KOPETSKI, Mr. RINALDO, Mr. ROWLAND, Mr. SKEEN, Mr. BEVILL, Mr. KILDEE, Mr. RAMSTAD, Mr. MOAKLEY, Mr. BONIOR, Mr. HEFNER, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. FISH, Mr. WHEAT, Mr. ENGEL, Mr. ANDREWS of Maine, Mr. ASPIN, Mr. SHAYS, Mr. MAVROULES, Mr. CALLAHAN, Mr. JONES of North Carolina, Mr. WALSH, Mr. FASCELL, Mrs. KENNELLY, Mr. HANCOCK, Mr. YOUNG of Alaska, Mr. NEAL of North Carolina, Mr. MCCRERY, Mr. DEFAZIO, Mr. SHUSTER, and Mrs. BOXER.

H.J. Res. 88: Mr. HANCOCK, Mr. HUTTO, Mr. MCNULTY, and Mr. PENNY.

H.J. Res. 91: Mr. OWENS, of New York, Mr. MCDERMOTT, Mr. ROE, Mr. WASHINGTON, Ms. KAPTUR, Mr. FRANK of Massachusetts, Mr. MINETA, and Mr. HYDE.

H.J. Res. 92: Ms. KAPTUR, Mr. SABO, Mr. PERKINS, and Ms. LONG.

H.J. Res. 95: Mr. ERDREICH, Mr. MCGRATH, Mr. MCNULTY, and Mr. SMITH of Florida.

H.J. Res. 109: Mr. BATEMAN, Mr. BOEHLERT, Mrs. BYRON, Mr. DOWNEY, Mr. GILCHREST, Mr. GILMAN, Mr. GEJDENSON, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HUBBARD, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. MCNULTY, Mr. MACHTLEY, Mr. MATSUI, Ms. OAKAR, Mr. PAXON, Mr. PRICE, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STALLINGS, Mr. TALLON, Mr. TAUZIN, Mr. VENTO, Mr. WALSH, Mr. WEISS, Mr. YATRON, and Mr. ZIMMER.

H.J. Res. 123: Mr. WEISS, Mr. SPRATT, Mr. FROST, Mr. BATEMAN, Mr. COSTELLO, Mr. JEFFERSON, Mr. JONTZ, and Mr. KOPETSKI.

H.J. Res. 128: Mr. LANCASTER, Mr. SKEEN, Mrs. BYRON, and Mr. BEREUTER.

H.J. Res. 130: Ms. DELAURO, Mr. DE LUGO, Mr. MAZZOLI, Mr. DIXON, Mr. MCMILLEN of Maryland, Mr. LEWIS of California, Mr. ROYBAL, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. COSTELLO, Mr. ANNUNZIO, Mr. HAMMERSCHMIDT, Mr. HUBBARD, Mr. COYNE, Mr. MICHEL, Mr. BENNETT, Mr. FALEOMAVAEGA, Mr. HARRIS, Ms. NORTON, Mr. HAYES of Illinois, Mr. FASCELL, Mr. BLAZ, Mr. EMERSON, Mr. YOUNG of Florida, Mr. RICHARDSON, Mr. RAHALL, Mr. TAUZIN, Mr. NEAL of Massachusetts, and Mrs. VUCANOVICH.

H.J. Res. 141: Mr. MCDERMOTT, Mrs. JOHNSON of Connecticut, Mr. HARRIS, Mr. POSHARD, Mr. LIPINSKI, Mr. SPRATT, Mr. MACHTLEY, Mr. HERTEL, Mr. FRANK of Massachusetts, Mr. CALLAHAN, Mr. COSTELLO, Mr. CLEMENT, Mr. JONTZ, Mr. ERDREICH, Mrs. BOXER, Mr. HAYES of Illinois, Mr. LAFALCE, Mr. MCGRATH, Mr. HALL of Ohio, Mr. GORDON, Mr. HOCHBRUECKNER, Mr. MCNULTY, Mr. SCHUMER, Ms. KAPTUR, Mr. DARDEN, Mr. BILBRAY, Mr. DEFAZIO, Mr. OWENS of Utah, Mrs. MORELLA, Mr. STUDDS, Mr. ROYBAL, Mr. STAGGERS, Mr. WISE, Mr. LENT, Mr. DUNCAN, Mr. SCHEUER, Mr. MANTON, Mrs. UNSOELD, Mr. ENGEL, Mr. TOWNS, Mr. WALSH, and Mr. LANTOS.

H. Con. Res. 16: Mr. GEPHARDT, Mr. LEACH of Iowa, Mr. WAXMAN, Mr. KOSTMAYER, Mrs. LOWEY of New York, Mr. DWYER of New Jersey, Mr. KOPETSKI, Mr. ECKART, Mr. STOKES, Mr. SANDERS, Mr. COX of Illinois, Ms. SLAUGHTER of New York, and Mr. LEWIS of Georgia.

H. Con. Res. 50: Mr. JONTZ and Mr. LANCASTER.

H. Con. Res. 52: Mr. PERKINS, Mr. RAVENEL, Ms. MOLINARI, Mr. KOPETSKI, Mr. BEILENSON, Mrs. LLOYD, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. HARRIS, Mr. HORTON, Mr. LEWIS of Florida, Mr. DELLUMS, Mr. LANCASTER, Ms. KAPTUR, and Mr. MFUME.

H. Con. Res. 57: Mr. HANCOCK, Mr. RAMSTAD, Mr. RITTER, and Mr. BROOMFIELD.

H. Con. Res. 66: Mr. STOKES and Mr. HOAGLAND.

H. Con. Res. 67: Mr. JONTZ.

H. Con. Res. 70: Mr. FALEOMAVAEGA, Mr. CAMP, and Mr. WASHINGTON.

H. Con. Res. 85: Mrs. VUCANOVICH, Mr. BURTON of Indiana, and Mr. APPLEGATE.

H. Res. 42: Mr. RITTER, Mr. NEAL of North Carolina, Mr. STEARNS, Mr. UPTON, Mr. TAYLOR of Mississippi, and Mr. LANCASTER.

H. Res. 99: Ms. LONG, Mr. CLINGER, Mr. SPENCE, Mr. ESPY, Mr. BUNNING, Mr. SMITH of Florida, Mr. HORTON, Mr. GOSS, and Mr. HEFLEY.

EXTENSIONS OF REMARKS

THE GODFATHER OF BAGHDAD

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CRANE. Mr. Speaker, it would be difficult to envision a greater success story than that which we have witnessed on our television sets over the past several weeks. The outcome of the Persian Gulf war was nothing short of spectacular, and our service members deserve every ounce of gratitude and respect Americans will no doubt heap upon them when they return home.

As the conflict winds down and the celebrations begin, we must not forget that the man who was responsible for the devastation has yet to be held accountable for his actions. However, given the unspeakable horrors which Saddam Hussein has inflicted upon his own people, justice will no doubt be best served by leaving his punishment in the hands of those who suffered most egregiously.

While Americans have only recently been exposed to Saddam's cruelty, his countrymen have been long-time observers of his monstrous behavior. I have recently come across an excellent article, in the form of a book review, which chronicles a number of repugnant activities which Saddam Hussein has spearheaded throughout his career in the Ba'ath Party. After reading the following account, I am sure my colleagues will be confident, as I am, that the Iraqi citizenry will not rest until Saddam Hussein is brought to justice:

THE GODFATHER OF BAGHDAD

(By William Doino, Jr.)

("Saddam Hussein and the Crisis in the Gulf," By Judith Miller and Laurie Mylroie)

("Republic of Fear: The Inside Story of Saddam's Iraq," By Samir al-Khalil)

As the crisis in the Persian Gulf mounts, and a war between America and Iraq becomes more likely. Americans should be interested in knowing more about the man who may yet trigger a conflagration in the Mideast.

Two books have just been published which document Saddam Hussein's grisly rise to power and examine his psychotic personality and future plans.

The books are *Saddam Hussein and the Crisis in the Gulf* by Judith Miller, a *New York Times* reporter, and Laurie Mylroie, a Middle East scholar at Harvard: and *Republic of Fear: The Inside Story of Saddam's Iraq* by Samir al-Khalil, an expatriate Iraqi scholar.

PROFOUNDLY RACIST

As both books make clear, in order to understand the present crisis in the gulf, one must know about Iraq's ruling Arab Baath Socialist Party, and how Saddam Hussein came to control it. Formed in the 1940s as a response to Arab despair over the emergence of Israel, the Baath (or Renaissance) Party is a militant political movement dedicated to the creation of a single, united Arab nation. This goal—known as "pan-Arabism"—is essentially utopian in that it naively believes that the separate Arab states can erase their borders, ignore their profound cultural distinctions, and smoothly merge into a single Arab nation. Pan-Arabism has existed since the turn of the century, and there are many versions of it.

What makes Baathist Pan-Arabism unique is that it is profoundly racist (despising foreigners, especially Jews), socialist (deriving its economic outlook from Marx and Lenin), totalitarian (following methods laid down by Stalin), and willing to use violence to achieve its ends. Michel Aflaq (1910–1989), a French-educated Syrian who was the principal founder and ideologue of the Baath Party, was "full of enthusiasm for Hitler and other German fascists," according to Miller and Mylroie. "Aflaq saw in Nazi Germany a model for his ideas of a synthesis between nationalism and socialism."

As a young man, Saddam Hussein became attracted to Aflaq's fascist vision of pan-Arabism, and joined the Baath Party in 1957. He immediately established himself by committing his first important political act: the assassination of a prominent Baathist opponent. That the victim happened to be his own brother-in-law did not faze Saddam one bit. The party leadership subsequently rewarded Hussein by selecting him to be a member of a hit team that intended to assassinate General Abdel Karim Quassim, Iraq's leader at the time. (Quassim, a popular army officer, had overthrown Iraq's pro-British monarch, King Faisal II, in 1958; but Quassim's regime was equally opposed to Baathism, seeing it as a new form of tyranny.)

Though the assassination attempt failed. Hussein—who immediately fled Iraq after the aborted scheme—became a hero among Baathists for his "bravery and sacrifice" in support of their cause.

NEW EMPLOYMENT

In exile first in Syria and then in Egypt, Hussein quickly climbed the ranks of the Baath Party. In early 1963, after a group of Baathists had succeeded in ousting and killing General Quassim, Hussein hurried back to Baghdad (Iraq's capital) to assume his part in the new regime. He immediately found work, though not of the ordinary kind. As Miller and Mylroie reveal:

"Saddam quickly found his place in the new regime. He became an interrogator and torturer in the Qasr-al-Nihayyah, or 'Palace of the End,' so called because it was where King Faisal and his family were gunned down in 1958. Under the Baath the palace was used as a torture chamber.

"Few in the West are aware of Saddam's activities there. But an Iraqi arrested and accused of plotting against the Baath has told of his own torture at the palace by Saddam himself: 'My arms and legs were bound by rope. I was hung on the rope to a hook on the ceiling and I was repeatedly beaten with rubber hoses filled with stones.' He managed to survive his ordeal; others were not so lucky. When the Baath, riven by internal splits, was ousted nine months later in November, 1963 by the army, a grisly discovery was made. 'In the cellars of al-Nihayyah Palace,' according to Hanna Batatu, whose account is based on official government sources, 'were found all sorts of loathsome instruments of torture, including electric wires with pincers, pointed iron stakes on which prisoners were made to sit, and a machine which still bore traces of chopped-off fingers. Small heaps of bloodied clothing were scattered about, and there were pools on the floor and stains over the walls."

After the Baath lost power in November, 1963, Hussein had to (temporarily) end his job as state torturer, and was forced underground. Revealing himself to be a genius for subversion. Saddam became the party's principal organizer; he forged the Baath into a powerful, clandestine apparatus capable of staging a military coup and holding power thereafter.

Throughout the 1960s, Baathist rebels created great instability inside Iraq and attempted to seize power numerous times. They finally succeeded—for good—on July 17th, 1968. A Baathist general, Ahmad Hasan al-Bakr, became head of state; Saddam Hussein was appointed his deputy; and Adnan Khairallah, Hussein's brother-in-law, became minister of defense.

ENEMIES OF THE STATE

Immediately after assuming power, the Baathist regime outlawed opposition to their rule, thus destroying whatever remained of political pluralism inside Iraq. To consolidate their regime—and terrify the population into submission—the Baath Party proceeded to round up supposed "enemies of the state" whose punishment served as a warning to the regime's critics.

The first people to be purged were Jews, a favorite target of totalitarian regimes. In the fall of 1968, dozens of Iraqi Jews were suddenly arrested, accused of being "Zionist spies," subjected to humiliating show trials, and finally hanged. The executions were carried out in public, with great fanfare. The Baathist regime gathered 500,000 Iraqis to witness the proceedings. As the Jewish corpses dangled in the wind, from their respective nooses, the crowd listened to fiery anti-Jewish speeches for an incredible 24 hours.

Among the speakers was Salah Umar al-Ali, the minister of guidance, who told the chanting, hysterical crowd:

"Great People of Iraq! The Iraq of today shall no more tolerate any traitor, spy, agent, or fifth columnist! You foundling Israel, you imperialist Americans, and you Zionists, hear me! We will discover all your dirty tricks! We will punish your agents! We will punish your agents! We will hang all your spies, even if there are thousands of them! . . . Great Iraqi people! This is only the beginning! The great and immortal squares of Iraq shall be filled with the corpses of traitors and spies! Just wait!" (Quoted by al-Khalil in *Republic of Fear.*)

Al-Ali was right: this was only the beginning of the Baathist reign of terror. Conspiracy and spy trials became the rage over the next few years. And as they did, the ranks of the persecuted reached all segments of Iraqi society. As al-Khalil notes, "The victims now were Muslim or Christian Iraqis with

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the occasional Jew thrown in for good measure."

As deputy to President al-Bakr, Saddam Hussein played a major role in the Baath Party's gruesome reign during the 1960s and 1970s. But being second-in-command did not satisfy Hussein: He wanted to be the sole leader of Iraq. That way he would be free to eliminate his own "enemies of the state" without consulting any superior. And that meant purging al-Bakr.

By 1979, Hussein had gathered enough support within the Baathist army to stage a dramatic coup. It was carried out with flawless efficiency. As al-Khalil describes it:

"Hussein purged President Ahmad Hasan al-Bakr sometime in June, and took over the presidency. For a month he held hostage the families of one-third of the members of the Revolutionary Command Council (the Baathist Party leadership) while those officials continued to sign papers and make appearances. In the meantime, he purged hundreds of their cronies, and finally executed the lot, including some of the families, following a dramatic extraordinary session of the Arab Baath Socialist Party leadership on July 20th.

"Reports put the number of executions of high-ranking Baathists at around 500 by August 1st, 1979. However, the full scale of killings and lesser degrees of terror at all levels of the party must be considered still unknown today."

Hussein found these purges so exhilarating that he decided to record them on camera. Videocassettes, distributed throughout the Arab world, show Hussein reading off the names of the supposed traitors, slowly and theatrically pausing occasionally to light his cigar. Everyone in the audience sweats, as the condemned are led away one by one.

Once he had introduced Iraq's governing institution to rubber stamps. Hussein filled key posts with longtime associates and family members. Today he rules Iraq through this small clique.

THE GODFATHER

Among the few to survive Hussein's purges was Adnan Khairallah, the Iraqi minister of defense and brother-in-law of Saddam. Yet when Khairallah sided against Hussein after a family despute involving Hussein's mistress, Khairallah met a sudden and mysterious death. This was the second time that Hussein had murdered a brother-in-law of his. Like Michael Corleone in the Godfather (which, suitably, is Saddam's favorite movie). Hussein believes that even relatives cannot be spared should they cross the Godfather's path.

Hussein's adulterous liaisons (which have become public knowledge even in Iraq) reveal his essentially pagan personality and put a lie to the notion that he is a devout Muslim, beloved by the Islamic world. In fact, Hussein is a secular humanist who uses the language and rituals of Islam only to manipulate the masses for his worldly purposes. Saddam is vigilant about enforcing the people's loyalty to him; not to God.

Under Hussein, Iraq has become the most secular Arab state in the world. Islamic laws which are strictly obeyed in other Arab countries are openly flouted in Iraq. (For example, Hussein has legalized gambling—a grave sin, according to Islam.)

Genuine Muslims who have protested this secularization have been swiftly arrested and jailed. They have not been see again.

AN ASSAULT ON THE FAMILY

Nowhere is Hussein's secularism more apparent than in his attempt to subordinate the traditional family structure to Baathist fascism. Under strict orders from Hussein, every Iraqi schoolchild is indoctrinated in the principles of Baathism. They are instructed to serve as spies for their own country and to report on anyone who shows signs of "backwardness" (that is, anyone who criticizes the Baath Party—including their own parents.

This totalitarian policy has naturally provoked resistance among Iraqi parents: the resistance is particularly strong among Iraq's Christian Assyrians and Islamic Kurds. Two minority groups with fierce traditional beliefs. Hussein has punished these rebellious minorities by burning the villages of the Assyrian Christians forcing them into exile, and by conducting virtual genocide against the Kurds.

One of Saddam's favorite punishments for anti-Baathist parents is to torture and mutilate their children. Miller and Mylroie quote the testimony of an Iraqi woman who told Amnesty International how she discovered her son:

"I looked around and saw nine bodies stretched out on the floor with him. . . but my son was in a chair form. . . that is sitting form, not sleeping or stretched. He had blood all over him and his body was very eaten away and bleeding. I looked at the others stretched out on the floor alongside him . . . all burnt . . . I don't know with what . . . another's body carried the marks of a hot domestic iron all over his head to his feet.

"At the mortuary the bodies were on the floor . . . one of them had his chest cut lengthwise into three sections . . . from the neck to the bottom of the chest was slit with what must have been a knife and the flesh looked white and roasted as if cooked. . . . another had his legs axed with an ax . . . his arms were also axed. One of them had his eyes gouged out and his nose and ears cut off.. . . One of them looked hanged . . . his neck was long . . . his tongue was hanging out and the fresh blood was oozing out of his mouth."

LOSS OF IDENTITY

Faced with such unvarnished horror, the Iraqi population has become paralyzed with fear. In such a state, the inner moral defenses of Iraqis have collapsed, and they have become unable to think or act in a rational way. As al-Khalil writes, describing Hussein's corrosive impact upon ordinary Iraqi citizens:

"Such men are feared, not loved; above all they command enormous respect in a populace to whom strength of character is invariably associated with the ability to both sustain and inflict pain. The madness inherent in the elevation of raw violence to such a status in the affairs of human beings appears as such only from the outside; from within, respect, no matter how grudgingly bestowed, eventually gives way to awe. Promoted by the organizational omnipotence of the party and the preeminence of fear in people's lives, such awe accentuates utter helplessness and worthlessness. The size of the gap between awe and worthlessness is a measure of the leader's infallibility in the eyes of his followers, a perception that follows from their loss of identity and defenselessness brought on by the dissolution of all moral norms that are not those of the Baath. The public's ability to judge what is right and wrong about its affairs, what is real as opposed to mere illusion, has broken down completely."

It is frightening to think that a man of Saddam Hussein's ferocity has at his disposal weapons of mass destruction. Yet that is the bitter truth. In a chapter entitled "The Manufacture of Death," Miller and Mylroie document Hussein's enormous arsenal, which includes chemical agents (which slowly kill people, after horribly burning and blistering them) that he has already used.

An equally revolting fact concerns Hussein's research on and development of biological weapons. Although Iraq has denied that it is trying to develop such weapons, Miller and Mylroie show that major Iraqi warfare research facilities exist. Iraqi scientists are now investigating several excruciating diseases—typhoid, cholera, and encephalitis, among others—which they hope to "weaponize." That is, they want to find the military means to deliver these diseases to targeted populations.

The most dangerous program of all, however, is Iraq's project to develop nuclear weapons. Iraqi scientists, at the urging of Hussein, are now feverishly trying to construct a nuclear bomb. How soon they will have one is a matter of debate—some say months, others years. But one thing is certain: If and when Hussein acquires nuclear weapons, he will likely use them. As President Bush has said: "Saddam Hussein has never had a weapon that he did not use."

THE KINGS OF BABYLON

Like Hitler, Hussein is a truly deluded man who has messianic visions of grandeur. He believes it is his destiny to control the lucrative, vital resources of the Middle East, and have the world grovel at his feet. To this end, he has compared himself to the legendary Kings of Babylon, and promised to reproduce their conquests. As Miller and Mylroie comment:

"Saddam's campaign to enroll the past in the service of future glory is obsessive. He has embarked on a giant project to reconstruct a version of ancient Babylon. Millions of bricks have been baked, many of them inscribed: 'The Babylon of Nebuchadnezzar was reconstructed in the era of Saddam Hussein.' Saddam is widely portrayed as a latter-day Nebuchadnezzar, the sixth century B.C. Babylonian ruler, whose memory the Old Testament has preserved as the conquerer of Jerusalem, the leader who carried the Hebrews into captivity.

"During one official nighttime celebration, diplomats and invited guests were asked to cast their eyes upward into the black desert sky. There above them hung twin portraits of Saddam and Nebuchadnezzar etched against the night by laser beams. Saddam's features were rendered unusually sharp and hard in order more closely to resemble the ancient carved images of Nebuchadnezzar."

Given Saddam Hussein's psychosis, it is not surprising that he spent eight years fighting an insane war against Iran, which resulted in a stalemate and a million deaths. Nor is it surprising to find Hussein invading and terrorizing Kuwait—and believing that he can get away with it.

What *is* surprising is the large number of intelligent people, including a number of conservatives, who, looking at the available evidence, conclude that the United States and the world community need not oppose Iraq.

Before such people inherit the throne of Neville Chamberlain, and suffer the condemnation of history, they would do well to pay heed to al-Khalil's warning:

"When Saddam Hussein tells the world that if it were within his power he would start World War III before ever relinquishing office voluntarily . . . he means exactly that. With people like this, distinguishing between a genuine intention and a propagandistic flourish is inherently difficult. On the whole, however, they tend to believe their own utterances, and however monstrous a proposition might seem from the standpoint of our normality, it is essential never to indulge in the ostrich-like tendency to shy away from its insanity."

DISASTER RELIEF EMPLOYMENT ASSISTANCE ACT OF 1991

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WILLIAMS. Mr. Speaker, I rise today to reintroduce the Disaster Relief Assistance Act of 1991. I introduced this legislation in the 101st Congress and was joined by 43 cosponsors. This bill was incorporated into the Job Training Partnership Act Amendments of 1990 which passed the House by a vote of 416 to 1.

In reviewing this legislation, the Education and Labor Committee found that under the Secretary of Labor's discretionary authority in title III, section 302(a)(2) of this act, Secretary Dole spent approximately 40 percent of those funds or $23 million under current authority of sections 323(b) and 324 on disasters—$5 million went to South Carolina, $5 million to San Francisco, $3 million to Texas, $2 million to Puerto Rico, $2 million to the Virgin Islands, $800,000 to Florida, $750,000 to Alabama, $300,000 to Colorado, $300,000 to American Samoa, and $68,000 to North Carolina—$20 million of the $23 million was spent under the job creation authority under section 324(a)(4).

Public service employment was ended by the Reconciliation Act of 1981 and was reintroduced by Secretary Dole who chose to fund job creation in excess of the 10 percent minimum for all of section 324(a).

The authority for demonstration programs, including job creation, under section 324 of the Job Training Partnership Act expires at the end of fiscal year 1991. This authorization was for 3 years—fiscal year 1989–91.

Last year the House of Representatives agreed that a permanent authorization is needed to be able to respond to disasters within the framework of the Job Training Partnership Act and that the authority should be placed in title IV and not in title III, so that the Secretary will spend title III discretionary funds on plant closings.

Disaster relief under this legislation is triggered when there is a determination by the President that an emergency or major disaster has occurred under (42 U.S.C. 5122 (1) and (2)) FEMA. The trigger for this program is far more limited than the current one in section 323 which just requires an agreement between the Secretary and the Governor that an emergency exists.

INTRODUCTION OF LEGISLATION TO PREVENT FETAL ALCOHOL SYNDROME AMONG AMERICAN INDIANS

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, today I am introducing legislation to address a tragic problem that is growing at an alarming rate in Indian country, where alcoholism is a prevalent problem. My bill focuses attention and Federal efforts on children born afflicted with fetal alcohol syndrome, commonly referred to as FAS. FAS occurs when pregnant women abuse alcohol as the fetus is developing, causing irreversible damage.

The effects of FAS can be horrible—ranging from mild to moderate retardation, lower IQ, hyperactivity, and organ dysfunction. While this tragic disease cuts across all race and socioeconomic lines, it strikes American Indian children at a much-higher rate. The National Institute on Alcohol Abuse and Alcoholism estimates that one out of every six women of childbearing age may drink enough to threaten their unborn baby. The Indian Health Service estimates that the rate of FAS for Indians is 30 times the rate for white babies. On the Pine Ridge Reservation in South Dakota one in four children are born to mothers who drink while pregnant.

Little is known about FAS, but interest in research is spreading amongst scientists and other segments of the community to find out exactly how FAS affects a person and about the irreversible damage it causes.

As a Congressman, I am alarmed that we are not doing enough to prevent FAS and educate people about this tragedy. As an American Indian, it causes me great anguish that FAS is taking such a huge toll in Indian country. And simply as a human, I'm concerned for the welfare of all these innocent children. This is a preventable disease, and we must do all we can to educate women to the dangers of abusing alcohol while they are pregnant, and provide treatment for those who are addicted to drugs and alcohol.

Toward that goal, earlier today I was joined at a press conference by one of my distinguished colleagues from the Senate, Senator TOM DASCHLE and Rodney Grant, a young American Indian actor who appears in "Dances With Wolves," and has personally felt the harsh effects of alcoholism. We announced the kickoff of a new foundation, the National Organization for Fetal Alcohol Syndrome, of which Senator DASCHLE and I are board members, and for which Mr. Grant has agreed to be the national spokesperson.

The legislation I am introducing today authorizes several programs to allow tribes to set up community education and prevention programs, provides for alcohol and substance abuse treatment for women, authorizes programs for research programs, and establishes an interagency task force to coordinate Federal efforts to combat FAS. Finally, the bill requires the Secretary of Health and Human Services to make an annual report to Congress on efforts to combat FAS/E. Senator DASCHLE intends to introduce similar legislation in the near future, and I look forward to working with my House and Senate colleagues to pass this important legislation addressing this devastating disease.

AUTOMOBILE DEALERSHIP AWARD

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, it is my great pleasure to rise today to commend an outstanding individual and a Long Island friend and constituent of mine, Bart J. McCarville, president of McCarville Ford, Inc.

McCarville Ford, located in Centereach, NY, was recently recognized as a recipient of the Time Magazine Quality Dealer Award [TMQDA]. The TMQDA Program is sponsored by Time magazine in cooperation with the National Automobile Dealers Association [NADA]. Dealers are given this award for "exceptional performance in their dealerships combined with distinguished community service." Mr. McCarville is one of only 66 dealers nationwide to receive this distinction.

Mr. McCarville's commitment to his business and the automobile industry, as a member of the NADA, the New York State Automobile Dealers Association, and the Ford Dealer Council, is outstanding. Moreover, his community service record is unequaled. Mr. McCarville's community efforts include membership in the Smithtown Cooperative Eduction Association, the Smithtown Planning Board, and he is a past president of the Smithtown School Board. Mr. McCarville is also a member of the St. James Civic Association and the Centereach Chamber of Commerce.

Mr. Speaker, I cannot imagine a more appropriate individual to be honored with the TMQDA. It is my personal privilege to recognize Bart McCarville for his achievements and for his outstanding commitment to the entire Long Island community. I am proud to call him my friend.

H.R. 1209

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SERRANO. Mr. Speaker, on Thursday, February 28, I introduced a bill, H.R. 1209, to provide and restore certain education benefits to certain individuals serving in the Persian Gulf. We all have followed closely the developments in the gulf. As I hoped and prayed for a speedy end to the conflict, I realized that we have been depending on the men and women who make up the United States volunteer force deployed in the gulf to bring about this ending. And as all Americans here at home have depended on the troops, so the troops are depending upon us to facilitate their return.

This bill would ensure that our military personnel will not have to face difficulties in securing veterans educational assistance, or interrupt their education needlessly. Any individual who discontinued a course of study or failed to receive credit or training time toward completion of an educational professional or vocational objective, as a result of involvement in the Persian Gulf war, would remain entitled to receive any educational assistance expended on the uncompleted course. Our veterans would not be made to give up the educational assistance to which they are, by law, entitled, as a result of having been ordered to serve on active duty, to a new duty location or assignment, or to perform an increased amount of work.

In addition, H.R. 1209 would provide that veterans will not lose their valuable education time spent on active duty in connection with the gulf war. That is to say, any period of service on active duty would not be considered a part of the 10-year period during which veterans are eligible for educational assistance. Neither would it be considered a separation from the selected Reserve. So our returning military personnel will be able to pick up where they left off; they will not lose eligibility for benefits as a result of their time spent on active duty.

Finally, this legislation states that any member of the Armed Forces called or ordered to active duty in connection with the gulf war shall be eligible to defer repayment of any loan made under the Higher Education Act of 1965. During the time spent on active duty, military personnel will not have to make loan payments. This period of deferment would not be counted against the grace period preceding the start of repayment. So members of the Armed Forces with outstanding student loans would be able to resume a loan repayment schedule at the end of the conflict.

Many men and women from my south Bronx district and throughout the Nation enlist in the Armed Forces to enhance their opportunities for education. Hundreds of thousands of these citizens have lived up to their part of the bargain by serving in the gulf war. Now we must ensure that the U. S. Government fulfills its obligation to them.

As operations in the Persian Gulf come to an end, it is important that we acknowledge our debt to the men and women who have volunteered and served the United States so effectively. Let us help them to return to their homes, families, and educational pursuits as easily as possible. The text of the bill follows:

H.R. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF VETERANS EDUCATIONAL ASSISTANCE.

(a) CHAPTER 30 PROGRAM.—Section 1413 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in paragraph (2) of this subsection shall not—

"(A) be charged against the entitlement of any individual under this chapter; or

"(B) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(2) The payment of the educational assistance allowance referred to in paragraph (1) of this subsection is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter with respect to the period described in paragraph (3) of this subsection if the Secretary finds that the individual—

"(A) in the case of a member of the Selected Reserve, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672, 673, 673b, or 675 of title 10; or

"(B) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(C) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A) or (B) of this paragraph, his or her course pursuit.

"(3) The period of course pursuit referred to in paragraph (2) of this subsection is the period beginning on the effective date of the award of an educational assistance allowance under this chapter to the individual for the period of enrollment during which the individual discontinued course pursuit as described in paragraph (2) of this subsection and ending on the date of such discontinuance; except that in no case may such period exceed the portion of the period of enrollment with respect to which the individual failed to receive credit or training time, as determined under paragraph (2)(C) of this subsection.".

(b) CHAPTER 32 PROGRAM.—(1) Section 1631(a) of such title is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph—

"(i) shall not be charged against the entitlement of any eligible veteran under this chapter; and

"(ii) shall not be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of an educational assistance allowance referred to in subparagraph (A) of this paragraph is any payment of a monthly benefit under this chapter to an eligible veteran for pursuit of a course or courses under this chapter during the period described in subparagraph (C) of this subsection if the Secretary finds that the eligible veteran—

"(i) in the case of a member of the Selected Reserve, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672, 673, 673b, or 675 of title 10; or

"(ii) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(iii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) or (ii) of this subparagraph, his or her course pursuit.

"(C) The period of course pursuit referred to in subparagraph (B) of this paragraph is the period beginning on the effective date of the award of an educational assistance allowance under this chapter to the veteran for the period of enrollment during which the veteran discontinued course pursuit as described in subparagraph (B) of this paragraph and ending on the date of such discontinuance; except that in no case may such period exceed the portion of the period of enrollment with respect to which the individual failed to receive credit or training time, as determined under subparagraph (B)(iii) of this paragraph.

"(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

"(E) The formula provided in paragraph (2) of this subsection shall be implemented as if—

"(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph; and

"(ii) any payment described in subparagraph (B) of this paragraph that was paid out of the fund,

had not been made or paid.".

(2) Section 1631(a)(2) of such title is amended by inserting "in paragraph (5)(E) of this subsection and" after "Except as provided".

(c) CHAPTER 35 PROGRAM.—Section 1711(a) of such title is amended—

(1) by striking out "Each" and inserting in lieu thereof "(1) Each"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter with respect to the period described in subparagraph (C) of this paragraph if the Secretary finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672, 673, 673b, or 675 of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period of course pursuit referred to in subparagraph (B) of this paragraph is the period beginning on the effective date of the award of an educational assistance allowance under this chapter to the individual for the period of enrollment during which the individual discontinued course pursuit as described in subparagraph (B) of this paragraph and ending on the date of such discontinuance; except that in no case may such period exceed the portion of the period of enrollment with respect to which the individual failed to receive credit or training time, as determined under subparagraph (B)(ii) of this paragraph.".

(d) SELECTED RESERVE PROGRAM.—Section 2131(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Notwithstanding any other provision of this chapter or chapter 36 of title 38, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of title 38 limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this chapter with respect to the period described in subparagraph (C) of this paragraph if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672, 673, 673b, or 675 of this title; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period of course pursuit referred to in subparagraph (B) of this paragraph is the period beginning on the effective date of the award of an educational assistance allowance under this chapter to the individual for the period of enrollment during which the individual discontinued course pursuit as described in subparagraph (B) of this paragraph and ending on the date of such discontinuance; except that in no case may such period exceed the portion of the period of enrollment with respect to which the individual failed to receive credit or training time, as determined under subparagraph (B)(ii) of this paragraph.".

(e) DEFINITION.—Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(33) The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 2. EXTENSION OF DELIMITING DATE.

Section 2133(b) of title 10, United States Code, is amended by adding at the end the following:

"(4) Any period of service on active duty served by a person ordered to such active duty under section 672, 673, 673b, 674, or 675 in connection with the Persian Gulf War shall not be considered, for purposes of subsection (a), to be—

"(A) a part of the 10-year period referred to in clause (1) of such subsection; or

"(B) a separation from the Selected Reserve referred to in clause (2) of such subsection.".

SEC. 3. STUDENT LOAN DEFERMENTS.

(a) RETENTION OF GRACE PERIOD.—Repayment of any loan made under part B or E of title IV of the Higher Education Act of 1965 to an individual who is a member of the Armed Forces called or ordered to active duty in connection with operations in the Persian Gulf region shall be eligible for deferment under section 428(b)(1)(M)(ii) or 464(c)(2)(A)(ii), respectively, of the Higher Education Act of 1965, during the continuance of such duty. Such period of deferment shall not be counted against the grace period (preceding the commencement of repayment) that is available to any such individual with respect to any such loan under section 428(b)(1)(E) or 464(c)(1)(A), respectively, of such Act.

(b) OPERATIONS IN THE PERSIAN GULF REGION DEFINED.—For purposes of subsection (a), the term "operations in the Persian Gulf region" means United States military activities conducted as a consequence of the invasion of Kuwait by Iraq on August 2, 1990, including United States military activities conducted under the name Operation Desert Shield or Operation Desert Storm.

A TRIBUTE TO CPL. DAVID TATUM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DUNCAN. Mr. Speaker, the tragic death or injury of many American soldiers occurred just as victory in the Middle East was at hand.

Saddam Hussein launched a final Scud missile at Dhahran, Saudi Arabia, in the final week of the Persian Gulf war. As you know, that Scud hit a building where U.S. Army personnel were staying.

One of the fine soldiers who lost his life at that time was from my district—Cpl. David Tatum of Riceville, TN.

David was only 22 years old. He had enlisted in the Army after he graduated from high school and served for 3 years until 1990.

He was one of the many reservists called back into active duty in the wake of this conflict. David responded faithfully and without question when his country asked him to serve again.

Mr. Speaker, I am grateful for David's willingness to answer the call of duty. It is the dedication and selflessness of many unsung heroes such as David Tatum that have made America the great Nation that it is.

It is sad that it often takes a tragedy like this to bring to our attention the uncommon valor of individual Americans. However, as long as we remember the sacrifices made by the David Tatums and their families, their lives are not given in vain.

My deepest condolences go to the family of Cpl. David Tatum and to all the families of those who lost loved ones in the Persian Gulf war. I applaud the devotion to our great country represented in the service of all our military personnel who went to the Middle East.

Our prayers are with them all, as are the inadequate thanks of a grateful nation.

I ask that an article about David Tatum that appeared in the Knoxville News-Sentinel be printed in the RECORD.

[From the Knoxville News-Sentinel, Mar. 2, 1991]

SLAIN CORPORAL LEFT MESSAGE—DISCARDED PAPER BECOMES TREASURE

(By Randy Kenner)

RICEVILLE, TN.—Cpl. David Tatum was a quiet man who kept his emotions to himself.

But words that he never planned on anyone seeing speak volumes about his feelings in the days before he went to the Persian Gulf.

"I hope what lies ahead for me will be God's will and he will look over me and my family during this time of twelve months," Tatum wrote in late January after being called up to serve with the U.S. Army.

A little more than a month later Cpl. James David Tatum was dead.

The 22-year-old McMinn Countian was killed when a Scud missile slammed into a U.S. Army barracks in Dhahran, Saudi Arabia, on Monday.

His family discovered the writing, which is in the form of a journal entry, after Tatum had left home.

"We didn't know it was written," said Gordon Swallows, Tatum's stepbrother. "After he was gone they were taking out the trash, saw what looked to be a wadded up letter in the garbage."

"We got it," Swallows, 25, said Friday morning in a voice strained with emotion. "This is how David felt."

Tatum's family broke three days of near silence Friday when they met with reporters on the lawn of their home just off Riceville Road in McMinn County.

A flag flew at half-staff from the porch of the small home, tucked into a quiet hillside. A picture of Tatum sat on the steps for photographers.

Swallows said the family believed it was time to speak publicly after an initial reluctance to discuss his death.

"We felt like it was our duty," Swallows said. "He was ours but he was the nation's."

The family, he said, is holding up. Swallows was the spokesman for the family Friday.

"They're doing good now. Of course, the initial news was * * * heartbreaking," he said. "It's still tough * * * to talk about some things. The hard part's still to come, when the body actually gets here."

Tatum's parents, Ray Neal Tatum and Carol Tatum, listened quietly while Swallows read a prepared statement. By the time Swallows reached the end the trio had their arms around one another. They drew especially close when Swallows, who has been trying to shield his parents during the ordeal, faltered toward the end.

"Our sorrow in this time of loss is tempered by the notion that, in God's world, everything has a purpose and a meaning," he said, struggling to keep from breaking down. "God bless you, David. * * * We love you * * * and will all miss you very much."

Both parents had little to say.

"All I know is that Jesus Christ right now has his arms around him. He's in a better place," Ray Neal Tatum said.

Carol Tatum, speaking with Swallows at her arm, said, "I'm just his stepmother, but I was his momma in his heart. I had him for 10 years and he couldn't have been closer to me than this one (her son, Swallows) that's on my right right now."

Swallows said the family is grateful they found Tatum's writings.

He wouldn't have been able to say what he wrote.

"Nothing emotional like that would he have said out loud, even though he felt it," Swallows said.

Before he left for the Persian Gulf, Tatum "went to people individually. It wasn't a very emotional goodbye. He was saying it the best way that he could," Swallows said.

Tatum joined the Army after graduating from high school and served a three-year hitch before getting out in 1990. He was working as a mechanic's helper on heavy equipment when he was called back into the service.

Swallows said his brother might have had a premonition something was going to happen to him. He telephoned home often until he reached Saudi Arabia and the war heated up.

"I feel he did. He was going to (see) everyone and he kept calling home," Swallows said. "He called home practically every day, sometimes two or three or four times a day, just to talk to people, to his family, to let them know he did love them."

Plea for God's Will To Be Done Among Last Words Written by McMinn Soldier

Daniel Tatum wrote the following words shortly before he left McMinn County for Fort Lee, Va., in late January. He died earlier this week in Saudi Arabia in Monday's Scud missile attack on Dhahran. The Scud hit a large barracks.

"Day 1 I found out at 6:30 a.m. that I was to report to Ft. Lee, Va., on Jan. 31, 1991, for the regular army. I was expecting this ever since the crisis in the Middle East started. It was a day of mixed emotions. I was glad I finally found out if I was going to be activated or not. On the other side of all this I feel bad about all the sorrow that everyone is going thru.

"Last night before leaving I went and said goodbye once again to I hope all the people that know me around the Athens and Riceville area. If did not maybe they will understand.

"I hope what lies ahead for me will be God's will and he will look over me and my family during this time of twelve months.

"What is happening in the Middle East (no war is right) but if that is God's will then I will do all I can for the cause but if it's not the Lord's will then I hope he will forgive me and all that is being and going to be done over in the Middle East.

"That will be it for tonight until tomorrow may God be with all the troops in the Middle East (All of them)."

HONORING MARY ANN ARTY FOR HER CONTRIBUTIONS TO PUBLIC HEALTH

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WELDON. Mr. Speaker, I rise today to pay special tribute to a close friend of mine, Mary Ann Arty. Last week, the American Medical Association presented her with the Dr. Nathan Davis Award for outstanding public service.

To the residents of Delaware County, PA, Mary Ann Arty is known to all. A former nurse and State representative, she now serves as chairwoman of Delaware County Council. Mary Ann began her career in medicine after her graduation from the Medical College of Pennsylvania School of Nursing in 1947. After serving as a public health nurse in Springfield Township for more than a decade, she was elected to the Pennsylvania House of Representatives in 1979. Mary Ann Arty served her constituents and the State with distinction until 1988, when she joined Delaware County Council. She now chairs that very important organization.

The AMA has recognized Mary Ann Arty for her outstanding work to promote the science of medicine. I would like to mention some of her most outstanding accomplishments. Mary Ann served on the Delaware County Commissioners Council on Drug Abuse, was a member of the Governor's council for human services, was a delegate to the White House Conference on Children in 1970 and the White House Conference on Families a decade later, and she serves on the advisory boards of numerous educational and health care groups in the Commonwealth of Pennsylvania.

Mary Ann Arty is a public servant in the greatest sense of the word. She has used her position as an elected official to continue her work on behalf of the sick. She is a great leader and a true friend. I know that my colleagues join me in commending her on her receipt of this prestigious award.

A TIME FOR LABOR-MANAGEMENT UNITY

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SANTORUM. Mr. Speaker, I want to take a moment to commend the many people in western Pennsylvania who will be gathering together for the 12th international labor-management prayer breakfast. As we enter a time of international peace and accord, we need more than ever to see this spirit of reconciliation operating here between labor and management. The principles of love, dignity, and respect must be operative in the work environment. Our Nation has been built and sustained by the hard work of those in labor and management. When we work together, nothing can stop us. Our recent successes abroad attest to this. But when we are divided, our ability to compete and perform is severely impaired. Therefore, Congress applauds the efforts of those involved in the labor-management prayer breakfast. Their vision and willingness to work together is what our Nation needs as we enter a new century. So to those attending, thank you for your prayer and your fellowship to bring reconciliation to the workplace.

TRIBUTE TO CHIEF WARRANT OFFICER 2 HAL HOOPER REICHLE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to CWO 2 Hal Hooper Reichle of my 17th Congressional District of Ohio, who was killed in action on February 20, 1991, in Saudi Arabia while returning from a recon combat mission. Mr. Reichle served as a helicopter pilot of an OH–58 Scout to the 1/24 Aviation Regiment, 24th Infantry Division based in Savannah, GA.

Hal Reichle spent his childhood in both Youngstown and Warren, OH, and is a graduate of Kinston High School. Following high school, he attended Hiram College in Hiram, OH, and served the community as both a volunteer fireman and dispatcher for the Hiram Police Department. Mr. Reichle graduated from Hiram College in 1986.

Mr. Reichle continued his service by enlisting with the U.S. Marine Reserves. After 5 years of service, he was transferred to the U.S. Army where he underwent extensive training for helicopter duty. After the completion of his training, CWO 2 Hal Reichle served in Korea, California, Texas, Georgia, and in the Middle East since August 1990.

Hal Reichle was a very skilled and competent pilot who was well liked and respected by all who knew him. Mr. Reichle was a Christian and a humanitarian, always serving and lending a hand where he was needed. It was these characteristics which led Mr. Reichle to become a scout and not a combatant, and often expressed his humanitarianism and love of country by stating:

> God forgive me if I am ever responsible for anyone's death and I do hope that the American people appreciate what we are doing over here.

Mr. Reichle is survived by his wife, Arricca Elin Sansone Reichle of Youngstown, OH, who is the daughter of Mr. and Mrs. A.E. Vea of Liberty Township, and by his parents Barbara Reichle of Bedford, OH, and Mr. Wayne Reichle of Marietta, GA. CWO 2 Hal Reichle was buried in the National Cemetery in Marietta, GA, with full military honors on March 1, 1991. The Hal Hooper Reichle Memorial Scholarship Fund has been established in his honor, open to all those in need.

Mr. Speaker, I would like to take this opportunity to recognize CWO 2 Hal Hooper Reichle for his outstanding service to our country. I am proud and honored to have represented this upstanding, respected individual.

THE DOMESTIC MEAT PRODUCERS AND CONSUMERS PROTECTION ACT OF 1991

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WILLIAMS. Mr. Speaker, today I am introducing the Domestic Meat Producers and Consumers Protection Act to maintain the quality of the American meat and poultry supply.

Because of a frankly ill-advised and shortsighted Department of Agriculture plan to end all Federal inspections of imported Canadian meat and poultry, both American consumers and producers will be denied the assurance that our domestic food supply is safe.

The legislation I am introducing along with my colleague Congressman DORGAN of North Dakota is simple and straightforward. Our bill would protect the public's confidence in our meat and poultry by requiring the continued inspection by the Department of Agriculture of imported Canadian meat and poultry.

The plan by the USDA to abandon all imported meat inspections is part of an experiment prompted by the new United States-Canada Free-Trade Agreement. Prior to the ratification of the trade agreement, all trucks shipping meat into the United States from Canada were required to stop for inspection at one of a handful of American inspection stations along our border with Canada.

In recent months the Department of Agriculture has implemented a so-called streamlined inspection system that now requires only a certain, limited number of trucks which are computer preselected by Canada to stop at our border for inspection.

Incredibly, the next and final step, the USDA wants to take is to eliminate inspections altogether, including even the checks under the so-called limited system.

Mr. Speaker, American consumers have benefited perhaps more significantly than those from any other corner of the world from a long and hard won effort in this Nation that stretches back to the turn of the century to assure and maintain a safe and healthy food supply. We ought not let this new effort to abandon inspections be the thread that starts the slow and dangerous unraveling of the confidence which took so long to establish.

The streamlined system now in effect has serious problems of its own. It directly diminishes confidence in our domestic meat supply by handing over to a foreign nation the responsibility and authority for deciding which meat import will be inspected and which will not. It is the proverbial fox guarding the chicken coop.

But on the other hand, the anticipated plan which USDA is now on the verge of implementing of no inspections at all is a clear threat to the health of the American people.

USDA statistics record that 703 million pounds of meat from Canada entered my State of Montana in 1989. Given Canada's status as the No. 1 foreign exporter of meat to the United States and the fact that it has the worst rate of meat rejected for entry into our domestic market, there is considerable reason for wanting to maintain our current USDA-conducted border meat inspections. That is precisely what the bill Congressman DORGAN and myself are introducing would do.

CONGRATULATIONS SMITHTOWN HIGH SCHOOL EAST

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I am honored to have the opportunity to extend congratulations to the advanced placement government class of Mr. Alan McKeeman at Smithtown High School East in my district, on Long Island. Mr. McKeeman's class finished first in the overall standings in the New York State finals of the national bicentennial competition on the Constitution and Bill of Rights simulated congressional hearings.

The national bicentennial competition is the most extensive program in the country designed to educate young people about the history and principles of the Constitution and Bill of Rights. There are 2 million students at the elementary, middle, and high school levels who will participate in the program during the academic year. The students must participate in an intensive 6-week course of instruction where they address critical issues such as constitutionalism, checks and balances, due process, and human rights. Mr. McKeeman's class demonstrated their exceptional knowledge of these and other important constitutional issues in the simulated congressional hearings in the New York State finals. I am proud to announce that the following students from Smithtown High School East in Saint James, NY, will be representing New York State in the national finals held here in Washington, DC, in late April: Lorraine Adams, Heather Anderson, Andrea Bertone, Victor Chiu, Rocco DeBonis, Leza DiBella, Kelly Diffily, Daniel Edelbaum, Jonathan Fields, Sean Flynn, Robert Gabriele, Paul Gadue, Kevin Gleason, Melinda Hough, Tamarra Matthews, Nicole McGraime, James Nyberg, Jeffrey Pettit, Jocelyn Pletz, David Podwall, Hiraku Shimoda, Kimberly Smith, and Stephen Smith.

I am proud today to honor Mr. Alan McKeeman and these students from Smithtown High School East. I wish them the best of luck as they represent my State of New York in the national bicentennial competition of the Constitution and Bill of Rights next month. They are shining examples of a new generation of leadership for our Nation. I want to commend these outstanding students for their accomplishments and for their commitment to contribute to our Nation.

TRIBUTE TO DR. ROSCOE C. BROWN, JR.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SERRANO. Mr. Speaker, each February, the Nation pauses to observe Black History Month in tribute to those citizens who have enriched this country with their contributions to culture, to science, to education, and to public service. On February 23, 1991, I presented an award in honor and recognition of extraordinary public service. I rise today to praise the recipient of this award, Dr. Roscoe C. Brown, Jr., a man whose contribution to education, to the African-American community, and to the city of New York, has earned him a wide reputation as a distinguished and accomplished public citizen.

Mr. Speaker, my friend Roscoe C. Brown, Jr., is an exceptionally capable and talented individual. Time and again, he has demonstrated keen ability and commitment that have characterized his life of dedication to equal opportunity and civil rights for all Americans. He has performed each job with skill and professionalism, always offering tremendous contributions to each activity. His list of credentials is most impressive.

A native of Washington, DC, Dr. Brown attended Dunbar High School and received his bachelor's degree from Springfield College, MA. He holds a doctorate from NYU and served as a faculty member at West Virginia State College and as a full professor at NYU's School of Education. He was formally director of the Institute of Afro-American Affairs at New York University. Dr. Brown currently serves as president of Bronx Community College of the City University of New York.

Dr. Brown served his country in a military capacity as well. He belonged to a heroic group of patriotic young men—the Tuskegee Airmen—who sought to join the U.S. military as the first black pilots in the Army Air Force. It was an epic struggle that required the intercession of many prominent people including an appeal from Eleanor Roosevelt to grant them the opportunity to prove their skill and mettle as flyers. Dr. Brown and his fellow airmen had to battle segregation and racism in America before they were allowed to do battle against fascism in Europe. They trained at the Army Air Base at Tuskegee Institution and flew many missions as fighter escorts on bombing raids over Europe. As an Army Air Force Captain who commanded the 100th Fighter Squadron, Dr. Brown was awarded the Distinguished Flying Cross and Air Medal with eight Oak Leaf Clusters. He earned the Air Medal after becoming the first American pilot to successfully shoot down a Nazi jet fighter aircraft.

Dr. Brown's publications include the widely read reference work, The Negro Almanac; Classical Studies in Physical Activity, with Gerald Kenyon; New Perspectives of Man In Action, with B.J. Cratty; The Black Experience, and more than 60 articles which appeared in such scholarly journals as Annals of Political and Social Science, Journal of American Dental Association, The Journal of Negro Education, and Negro Digest. He prepared the very popular "Black Culture Quiz," of which over 200,000 copies have been distributed.

Mr. Speaker, I would describe Dr. Brown's dedication to community service as nothing less than exemplary. Dr. Brown serves as chairman of the New York City Regional Education Center for Economic Development, the Negro Ensemble Company, and the Greater Harlem Nursing Home. He is a member of the National Boards of the American Council on Education and the Boys Clubs of America. He also serves on the boards of the Public Education Association, the Metropolitan YMCA, the Fund for the city of New York, the New York Botanical Garden, the New York City Partnership, the New York Academy for Public Education, and the City Parks Foundation. In addition, Dr. Brown serves on the board of directors of the American Association of University Administrators, the New York State Human Rights Advisory Council, the ACE Commission on Minorities in Higher Education, and the AACJC Urban Community College Commission. Dr. Brown is president of One Hundred Black Men, Inc., an influential group of civic-minded Black New Yorkers.

In addition to service organizations, Dr. Brown has taken an active role in promoting African-American culture in the field of the arts. Dr. Brown has hosted numerous television programs, including "Black Letters" (WCBS-TV), "Bicentennial: A Black Perspective" (WNBC-TV), "Freedom's Word" (WNBC-TV), and "Black Arts" (WCBS-TV) for which he received the coveted Emmy Award. He also hosted a weekly radio program, "Soul of Reason," (WNBC-NY) and a weekly television news segment, "Black Viewpoint," (WNYC/Channel 31).

Dr. Brown has received numerous awards and honors for scholarly and community activities, among them the Rosenwald Fellowship, NYU Distinguished Alumnus Award, and the National Distinguished Community Service Award from the National Urban Coalition. He was recently inducted into the National Association for Sports and Physical Education Hall of Fame.

Mr. Speaker, those who are fortunate enough to know Dr. Brown, know him as a man of integrity and vision. His compassion toward all Americans is evident by his extensive participation in so many activities. He is a devoted and proud father of four children. It is my hope that as we join to honor this exemplary man, a true role model for his peers and for generations of young adults and children, we may learn from his devoted community service, and recognize his achievements as a Black American. It is with true pleasure that I offer my heartfelt congratulations to Dr. Brown.

COMMENDING U.S. FORCES IN DESERT STORM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DUNCAN. Mr. Speaker, when Iraq and its leader, Saddam Hussein, risked the relative stability of the Middle East last August, American troops once again found themselves called to action. Hussein's aggression against Kuwait put United States security interests at risk.

I strongly supported the President's quick and decisive response to this aggression and am proud of all our troops who have been sent to the Middle East.

Whenever duty has called, Americans—and Tennesseans in particular—have always responded faithfully. We hold duty, honor, and country in highest regard. And rightfully so, because these are among the greatest of basic American values.

The impressive performance and decisive success of our troops in Operation Desert Storm clearly show that our military forces are ready, willing, and able to respond whenever necessary.

I am very proud of the members of our Armed Forces—regulars, reservists, and the National Guard—who responded so ably to the call of duty to the Persian Gulf region. Their success in Operation Desert Storm bears witness to their dedication, professionalism, excellent training, and the quality of their leadership in the field.

While we cannot adequately express our thanks to the families of those who lost their lives for the sacrifices they made, I thank God for the love and devotion that has been shown in their selflessness. These patriots put the needs of their country above their own needs or personal convenience.

The whole Nation's prayers and thoughts have continuously been with our brave troops so far away and with their families here at home. I thank the One who hears these prayers for bringing about a quick resolution to the crisis in the Middle East and for His protection over the lives of the personnel involved.

Mr. Speaker, it is appropriate that the Congress commend the success of our troops and allies in Operation Desert Storm on their military success. I was very pleased to join my colleagues in this effort by supporting House Resolution 95.

INTRODUCTION OF THE BLACK CANYON NATIONAL CONSERVATION ACT

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, today I am proud to reintroduce the Black Canyon of the Gunnison National Conservation Act.

After years of intense discussion, study and anticipation, I have decided that redesigning the monument as a national park, establishing a national conservation area and adding the Gunnison River to a growing list of nationally recognized wild and scenic rivers may finally resolve the land use, water, and tourism-related issues that have kept the area controversial.

A southwest parks and monuments booklet begins by stating:

> Few words adequately describe the splendor of the Black Canyon of the Gunnison . . . far too many people pass by it. A relative unknown, it ranks among the deepest and narrowest canyons in North America, dwarfting such popular chasms as the Royal Gorge and Bryce Canyon.

Truly, its sheer walls, shadowed depths, and the intense colors produced by canyon sunsets awe every visitor.

The Utes were very superstitious about the canyon, believing that no man could enter it and return alive. While drafting the bill, I was very mindful of these superstitions, because attempting to sort out the demands of every user group and the needs of the communities in the area has been a difficult task.

I believe this bill accomplishes several things. First, it redesignates the monument as a national park without expanding the park boundaries. This preserves existing multiple uses within the area that are so important to off-road enthusiasts, hunters and fishers, and local cattlemen who have grazing permits on adjacent lands. It also fulfills the demands of local business people who have long felt that only a park could entice new tourists to pass by this way. That designation, however, does not and cannot come without cost. National environmental groups, who will be our strongest allies or our fiercest opponents, will not accept a mere label. Nor should they.

With increased use must come increased protection for the canyon's resources. A national park is a lot like a living museum. It is designed to interpret and protect, for all Americans and all generations, an area that Congress has set aside because of its unique and diverse resources. I am particularly excited about the wild and scenic river proposal. The Utes called the Gunnison River Tomichi, meaning the river of high cliffs and plenty water.

The canyon by itself cannot become a park. With the establishment of a new national conservation area, one of only a handful of special areas run by the Bureau of Land Management, and the establishment of only the second wild and scenic river in our State, I feel I can successfully convince my colleagues that Colorado deserves another national park and stands ready to accept the responsibility that comes with it.

I certainly stand ready to push forward at the earliest opportunity to resolve any remaining issues. I hope I can count on your support.

TRIBUTE TO THE NATIONAL ITALIAN-AMERICAN SPORTS HALL OF FAME

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the National Italian-American Sports Hall of Fame [NIASHF] being held in Chicago on March 10, 1991. The purpose of NIASHF is to honor the commitment for which it was founded by annually inducting Italian-Americans on the basis of their achievements and contributions to international sports, and providing scholarships to worthy students regardless of race, color, sex, and creed for their academic and athletic accomplishments.

The inducted sports figures will be permanently enshrined as visible examples to all who visit the Hall of Fame. It is the hope of NIASHF that young people will be reminded of the value of persistance and dedication required to achieve success in life. The following sports figures are to be honored at this year's induction ceremony: Edward J. DeBartolo, Jr.—a constituent of mine who is also owner of the San Francisco 49ers—Sportsman of the Year; Joe Montana, Athlete of the Decade; Chris Corchiani—North Carolina State—College Athlete of the Year; and Tim Colicchio—Cathedral Prepratory, Erie, PA—High School Athlete of the Year.

NIASHF also serves as a national learning center by providing interactive educational exhibits relating to family unity, sportsmanship, health, drug abuse, and other topics contributing to the development of positive lifestyles among all people. Many prominent sports figures have been rallied not only to serve as role models, but to become involved in the program as teachers and as coaches.

The commitment on which NIASHF was founded will additionally be served by the Edward DeBartolo Center, upon its completion. The DeBartolo Center will serve as a facility complete with all sports programs. Through its different facilities, NIASHF and its chapter will develop and plan: Tournaments in which all chapters can participate, clinics in all of the major fields of athletics to enhance the expertise of potential sports champions, educational seminars in which young people can learn first hand from prominent sports figures, and national events open to young people throughout the country.

Mr. Speaker, I would like to take this opportunity to recognize the National Italian-American Sports Hall of Fame for its dedication and commitment to the education of young people. NIASHF has built the futures of many up and coming champions, and I commend all those in its service.

JOB CORPS AMENDMENTS OF 1991

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce amendments to the Job Corps Program which are designed to improve services to the many young Americans who participate in Job Corps each year. I introduced this legislation—H.R. 2665—in the 101st Congress and was joined by 106 cosponsors. This bill was incorporated into the Job Training Act Amendments of 1990 which passed the House by a vote of 416 to 1.

These amendments would: First, increase the upper age limit in the program from 22 to 25; second, clarify the authority to permit concurrent or subsequent participation in Job Corps and JTPA for the benefit of the individual; third, increase the limitation on nonresidential participation in Job Corps from 10 to 20 percent nationally; fourth, provide child care for children of enrollees; fifth, provide alcohol and drug abuse counseling; sixth, establish limits on administrative changes at civilian conservation centers; and seventh, establish uniform treatment of Job Corps contractors.

My amendments are primarily the result of the research and demonstration findings conducted by the Department of Labor.

INTRODUCTION OF THE FAIR TRADE IN SERVICES ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. MARKEY. Mr. Speaker, today I am introducing the Fair Trade in Services Act of 1991. The purpose of this legislation is to promote national treatment by foreign countries for U.S. providers of certain financial and communications services.

President Bush recently stated that "Our trade policy is to open markets worldwide for U.S. goods and services." While I share the administration's goal, the fact is that we have lost valuable time and must run even faster to achieve the elusive goal of a more fair global trade system.

The objective of an open worldwide market is particularly important to the telecommunications and finance sectors of the U.S. economy. As chairman of the Subcommittee on Telecommunications and Finance, I find myself increasingly concerned about the open discrimination and unnecessary trade barriers faced by U.S. providers of financial services and telecommunications equipment and services. Given the increasingly globalized nature of these critical industries, open markets and free and fair trade are essential to their continued ability to lead the world in sophistication and innovation.

According to the Commerce Department, telecommunications equipment and services—including related computer services—constitutes about 5 percent of America's gross national product. The U.S. telecommunications market is the most open and competitive in the world, and its future competitiveness is vital to our hopes for American technological supremacy in the 21st century. And yet today our country faces a trade deficit in telecommunications. An August 1990 report by the Commerce Department indicates that the overall U.S. telecommunications equipment trade balance has moved from a surplus of $1.1 billion in 1978 to a deficit of $1.9 billion in 1989. In addition, the Commerce Department reports that the U.S. telecommunications services deficit was $2 billion in 1989.

America's financial services industry faces similar problems entering markets abroad. According to data compiled by the Securities and Exchange Commission [SEC], at the end of 1989 there were approximately 130 broker-dealers operating in the United States in which foreign persons or companies had an equity interest of 25 percent or more. In addition, approximately 200 foreign investment companies are registered with the SEC. By contrast, U.S. financial services providers face a wide array of barriers to competition in the major financial markets of Europe and Asia.

I am introducing the Fair Trade in Services Act of 1991 to provide America with stronger tools to break down foreign barriers to U.S. telecommunications and financial services providers. This bill provides the kind of tough regulatory sanctions needed to convince our foreign trading partners that America is serious about opening up foreign telecommunications and securities markets.

FINANCIAL SERVICES

In the financial services area, the bill would establish a fair and transparent process whereby the Department of the Treasury, in conjunction with the SEC would have the authority to apply a reciprocal national treatment standard to encourage the fair treatment of U.S. securities brokers/dealers and investment advisers.

The 1990 national treatment study conducted by the Treasury Department provides numerous examples of why the United States needs to adopt regulatory sanctions to compel our trading partners to accord national treatment to U.S. securities firms.

The study notes some improvement with regard to Canada and some European Community [EC] member states, but it also indicates that progress in the newly industrialized countries has been modest and in certain Latin American nations a disappointment. Despite intensified negotiating efforts by the Treasury, Japan's market has remained strictly limited for most United States securities firms. For instance, while Japan has allowed United States mutual funds to be sold in their market, United States brokers are still prohibited from establishing and therefore selling those funds in the $400 billion Japanese market.

Within the securities industry, some countries, such as Brazil, have actually pulled back from providing market access and national treatment commitments. The Treasury investigation of Brazil's market determined that a significant new denial of national treatment has been enacted and old ones continue.

The Korean financial markets also remain closed to American firms. As stated in the national treatment study:

> The [Korean] government's steps toward liberalization have been aimed at allowing Korean financial institutions greater freedom to exploit opportunities in the United States.

This liberalization has not been directed toward easing domestic barriers to entry to accommodate U.S. securities firms. Taiwan is similarly defensive when it comes to affording United States securities firms equal opportunities to establish, operate, and compete.

The bottom line is that our trading partners are maintaining discriminatory and protectionist trade policies. We can either sit back idly and allow this to continue, or we can take resolute action to force the world's financial markets to open up to U.S. providers. Legislation seeking to accomplish similar objectives was introduced by Senators RIEGLE and GARN during the last Congress and has been reintroduced this Congress by those Senators. In hearings on their legislation, they compiled an extensive record supporting the need to open markets in the financial services arena. The Fair Trade in Services Act provides for:

A series of reporting requirements to identify countries that have failed to accord national treatment to U.S. securities firms—for example, broker-dealers and investment advisers;

The initiation of negotiations with any foreign countries identified in the report as having failed to accord national treatment in order to remove such barriers; and

Regulatory sanctions imposed by the SEC against foreign securities firms if no agreement is reached to eliminate foreign barriers to national treatment of such firms.

We must bolster U.S. trade laws to gain national treatment for U.S. securities brokers/dealers and investment advisers.

TELECOMMUNICATIONS SERVICES AND PRODUCTS

Since the breakup of AT&T in 1984, the United States has strived to maintain its $170 billion telecommunications products and services industry as one of the most open and fair markets for world trade. Unfortunately, while the United States unilaterally opened its telecommunications market to competition, most foreign telecommunications markets remain closed.

Under the Telecommunications Trade Act of 1988, which the Subcommittee on Telecommunications and Finance played a key role in drafting, the U.S. Trade Representative [USTR] is required to identify priority foreign countries which deny U.S. telecommunications companies with mutually advantageous market opportunities. The USTR is then required by law to negotiate with these countries to eliminate these barriers, and a variety of sanctions are provided for if no agreement is reached or if a foreign country violates the terms of a telecommunications trade agreement.

Pursuant to this legislation, the United States has negotiated a telecommunications agreement with Japan and is currently negotiating with the European Community and Korea to reduce barriers to telecommunications trade.

The USTR has already indicated that "there is much work to be done," with regard to the state of the EC's telecommunications products and services market. The Korean telecommunications market has even farther to go before it becomes a level playing field. Both the EC and Korea maintain outstanding trade barriers in every aspect of telecommunications—government procurement, testing and certification, leased lines and value-added services, standards, and other areas.

We need to send these countries—and others—the message that the United States does not intend to allow continued free access to the U.S. market without obtaining similar national treatment commitments on their part. Title II of the Fair Trade in Services Act of 1991 would effectively send such a message to free riders such as the EC and Korea by potentially denying them the privilege of national treatment in the United States telecommunications market.

The legislation builds upon existing telecommunications trade laws to provide the Federal Communications Commission [FCC] with the authority to deny applications filed by persons or companies of a foreign country that has either violated a telecommunications trade agreement or has been identified as a priority foreign country and failed to conclude an agreement with the United States to reduce its telecommunications trade barriers.

In the past, the USTR repeatedly has found Japan in violation of key telecommunications trade agreements. On April 28, 1989, for example, the USTR cited Japan for not complying with the market oriented sector selective [MOSS] telecommunications agreement in the areas of cellular telephones and third-party radio. As a result of Japan's discrimination, the American firm of Motorola experienced a significant loss of competitive market advantage and incurred significant opportunity costs.

In March 1990, the USTR undertook negotiations with Japan to implement an agreed upon commitment to liberalize network channel terminal equipment [NCTE] and international value-added network services [IVANS]. The Japanese had devised an exclusive bid process for NCTE which blocked United States providers from a $750 million market. In IVANS, AT&T was withheld from the Japanese market for 18 months due to a lengthy and discriminatory application process in Japan's telecommunications business law.

In both cases, the time it took to eliminate these trade barriers reduced the competitive advantage held by United States companies—allowing Japanese competitors time to catch up. In the dynamic world of telecommunications, time is of the essence to maintain competitive advantage. I remain deeply troubled that the Japanese have continued to demonstrate a lax attitude toward compliance with trade agreements as strategy to buy time for their domestic industry. Title II of the Fair Trade in Services Act of 1991 would provide the authority to the FCC to undertake regulatory sanctions against violators of telecommunications trade agreements in the future, an action I believe may be necessary to ensure prompt conclusion and full compliance with telecommunications trade agreements.

Similarly, the threat of retaliatory sanctions may be necessary to secure agreement from the EC and Korea to liberalize their telecommunications market. We are now in the final year of negotiations with the EC and Korea permitted under the Telecommunications Trade Act. Yet, there are still substantial areas of disagreement between the United States and these countries, such as the treatment of telecommunications in the General Agreement on Tariffs and Trade [GATT] government procurement code and standards code, the GATT coverage of basic and enhanced telecommunications services, and a number of important bilateral issues, such as leased lines and value-added services.

CONCLUSION

In today's global marketplace, the U.S. telecommunications and securities industries should be well-positioned to compete effectively. The Fair Trade in Services Act of 1991 is intended to assist in the opening of foreign markets by raising the prospect of regulatory sanctions against those countries that continue to deny national treatment to U.S. telecommunications providers and securities firms. I strongly urge my colleagues to support this important legislation.

SECTION-BY-SECTION ANALYSIS OF THE FAIR TRADE IN SERVICES ACT OF 1991

A Bill to provide regulatory incentives to promote national treatment by foreign countries to United States providers of certain financial and communications services, and for other purposes.

Section 1

Section 1 sets forth the short title of the Bill, the "Fair Trade in Services Act of 1991."

TITLE I—FINANCIAL SERVICES

Section 101

Sec. 101 adds a new section to the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) which is intended to encourage foreign countries to accord national treatment to U.S. brokers/dealers that operate or seek to operate in those countries, and thereby end discrimination against U.S. brokers/dealers.

National Treatment

This section provides that the Secretary of the Treasury shall:

Submit a report to Congress (not later than December 1, 1992, and thereafter on a biennial basis) identifying any country that does not accord national treatment to U.S. brokers/dealers;

Determine and publish notice in the Federal Register that a foreign country does not accord national treatment to U.S. broker dealers;

Initiate negotiations with any foreign country identified either in the biennial report or in any published determination that a foreign country has failed to accord national treatment to U.S. brokers/dealers, and;

Allows the requirement for negotiations with a foreign country to be waived in the event that the Secretary determines that such negotiations would be fruitless or would impair national economic interests and if the Secretary gives written notice of the decision not to negotiate to the Congress.

Sanctions

This section directs the Secretary of the Treasury to publish notice of foreign countries that continue to withhold national treatment from U.S. brokers/dealers after negotiations have failed. If further authorizes the Securities and Exchange Commission (SEC) to deny any application filed by a person of a foreign country which has failed to accord national treatment to U.S. brokers/dealers and to prohibit the acquisition for which a notice is required by a person of such foreign country. This prohibition shall include any direct or indirect effort to acquire control of any registered U.S. broker/dealer, unless the SEC has been given notice 60 days in advance of the acquisition and has not prohibited the acquisition.

National Treatment

This section defines national treatment for U.S. brokers/dealers by a foreign country as offering them the same competitive opportunities and market access as are available to its domestic brokers and dealers.

Definitions

This section defines: Person of a foreign country as a company that is organized under the laws of that country, has its principal place of business in that country, in the case of an individual, is a citizen of that country or domiciled in that country, or is directly or indirectly controlled by one of the aforementioned persons.

This section also provides that the Secretary of the Treasury and the SEC shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress.

Section 102

Sec. 102 adds a new section to the Investment Advisers Act of 1940 (12 U.S.C. 80b-1 et seq.) which is intended to encourage foreign countries to accord national treatment to U.S. investment advisers that operate or seek to operate in those countries, and thereby end discrimination against U.S. investment advisers.

National Treatment

This section provides that the Secretary of the Treasury shall:

Submit a report to Congress (not later than December 1, 1992, and thereafter on a biennial basis) identifying any country that does not accord national treatment to U.S. investment advisers;

Determine and publish notice in the Federal Register that a foreign country does not accord national treatment to U.S. investment advisers;

Initiate negotiations with any foreign country identified either in the biennial report or in any published determination that a foreign country has failed to accord national treatment to U.S. investment advisers, and;

Allows the requirement for negotiations with a foreign country to be waived in the event that the Secretary determines that such negotiations would be fruitless or would impair national economic interests and if the Secretary gives written notice of the decision not to negotiate to the Congress.

Sanctions

This section directs the Secretary of the Treasury to publish notice of foreign countries that continue to withhold national treatment from U.S. investment advisers after negotiations have failed. It further authorizes the SEC to deny any application filed by a person of a foreign country which has failed to accord national treatment to U.S. investment advisers and to prohibit the acquisition for which a notice is required by a person of such foreign country. This prohibition shall include any direct or indirect effort to acquire control of any registered U.S. investment adviser unless the SEC has been given notice 60 days in advance of the acquisition and has not prohibited the acquisition.

National Treatment

This section defines national treatment for U.S. investment advisers by a foreign country as offering them the same competitive opportunities and market access as are available to its domestic investment advisers.

Definitions

This section defines: Person of a foreign country as a company that is organized under the laws of that country, has its principal place of business in that country, in the case of an individual, is a citizen of that country or domiciled in that country, or is directly or indirectly controlled by one of the aforementioned persons.

This section also provides that the Secretary of the Treasury and the SEC shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress.

Section 103. Financial Interdependence Study

This section provides for the SEC, in consultation and coordination with the Secretary of the Treasury, and any other appropriate Federal agency or department to be designated by the SEC, to conduct an investigation to determine the extent of the interdependence of the securities industry and related financial services sector of the United States and foreign countries, and the economic, strategic, and other consequences of that interdependence for the United States. This report shall be transmitted to the President, the Congress, the Secretary of the Treasury, and any other appropriate Federal agency or department within 2 years.

TITLE II—TELECOMMUNICATIONS PRODUCTS AND SERVICES

Section 201

Sec. 201 adds a new section to the Communications Act of 1934 (47 U.S.C. 151 et seq.) which is intended to encourage foreign countries to accord national treatment to United States providers of telecommunications products and services that operate or seek to operate in those countries, and thereby end discrimination against United States providers of telecommunications products and services.

Notice

If after the USTR has complied with the appropriate measures as directed under the telecommunications title of the Omnibus Trade and Competitiveness Act of 1988, the USTR shall publish in the Federal Register a notice identifying countries that have failed to reach a telecommunications trade agreement with the United States or have violated an existing U.S. telecommunications trade agreement.

Actions by Commission

This section authorizes the Federal Communications Commission (FCC) to deny any application filed by a person of a foreign country which has been published in the Federal Register by the USTR. Unless the FCC in consultation with the USTR has determined the denial of applications is contrary to public interest.

Applications Subject to Evaluation

This section establishes that the FCC may with regard to services deny any license or other application, request for authorization, notice, tariff, or other document required to be filed for approval by the FCC under the Communications Act of 1934 or may deny any equipment subject to type acceptance or type approval, any certification or other document required to be submitted to the FCC. Additional criteria for denial to be supplied.

Review

This section provides that the USTR may, at any time, and shall, annually, review any country identified in the Federal Register to determine whether that country has remedied the offensive act, practice, policy or violation of a telecommunications trade agreement which does not accord U.S. telecommunications equipment or service provider national treatment.

Definitions

This section defines: Person of a foreign country as a company that is organized under the laws of that country, has its principal place of business in that country, in the case of an individual, is a citizen of that country or domiciled in that country, or is directly or indirectly controlled by one of the aforementioned persons.

SUPPORTING RESERVISTS WHEN THEY RETURN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following editorial from the February 11, 1991, Business First, a business journal serving the Greater Louisville area.

The editorial stresses the importance of supporting our troops when they return home, both in their communities and in their workplaces.

YELLOW RIBBONS DON'T PAY RESERVISTS' BILLS

Unlike during the Vietnam War, the American public has rallied around our troops serving in the Persian Gulf. But flag waving, rallies and yellow ribbons are meaningless if we don't give our service people the kind of tangible support they need.

A case in point is the various ways businesses are paying (or not paying) their employees who have been activated to serve in the war. Some pay nothing; others compensate employees for a limited period of time. Very few companies will pay workers for the entire time they are at war.

Americans putting their life on the line for their country should not have to worry about how they or their families are going to pay their bills. Likewise, family members back in the states have enough to worry about without also contending with a loss of income as a result of their loved ones being called to active duty.

Many companies argue they can't afford to supplement their employees' military pay. But some farsighted and compassionate employers, like General Electric Co., have recognized the hardships their employees' families must endure and have taken steps to ease the burden by supplementing military salaries.

Even some small business owners—without the vast financial reserves of giant corporations—are bearing such expenses at a time when the economy is not at its best.

Then there are those companies who have embarked on expensive advertising campaigns to demonstrate their support for the allied forces, but refuse to make any monetary concessions to their own employees entrenched in the sands of Saudi Arabia.

Waving the flag is easy. Making a sacrifice is something else.

Business should not be expected to bear all the sacrifice, however. Government also should be playing a greater role.

And who is government? It is the people. That means we the people must bear the expense of this and any other armed conflict.

Remember Vietnam and the horror stories of how soldiers were treated by their government and fellow citizens upon their return?

We all swear it won't happen again, but it can.

So far, we have been reassured that there is no need to raise taxes to pay for our Persian Gulf expenses. But what about when the soldiers return home?

There will be parades in their honor, but what will happen when the cheering stops?

Will those of us who claim our undying support for our military forces be willing then to pay the cost of the intense medical and/or psychological care some will need?

What will we say when we hear that there isn't enough money in the budget to fund job training or educational programs for those soldiers whose battle wounds preclude them from returning to their previous jobs?

Will we be waving flags then or will we step up and prove that we, too, are willing to pay the price of freedom?

EXPOSE SWEETHEART TAX DEALS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WELDON. Mr. Speaker, I wonder how many of my colleagues can tell me how much the following 73 words from the 1986 Tax Reform Act cost American taxpayers.

(5) SPECIAL RULES FOR PROPERTY INCLUDED IN MASTER PLANS OF INTEGRATED PROJECTS.—The amendments made by section 201 shall not apply to any property placed in service pursuant to a master plan which is clearly identifiable as of March 1, 1986, for any projects described in any of the following subparagraphs.

(i) such project involves a port terminal and oil pipeline extending generally from the area of Los Angeles, California to the area of Midland, Texas.

The answer, Mr. Speaker, is $500 million or approximately $6.8 million per word. This language provided a lucrative tax break to the Pacific & Texas Pipeline & Transportation Co. President Cecil R. Owens owns 46 percent of the company's stock. Unfortunately, such carefully crafted tax breaks are all too common in tax legislation which we pass.

Today, with broad bipartisan support, I am reintroducing the Targeted Tax Relief Disclosure Act of 1991. This legislation is intended to provide some fairness to the American taxpayers by requiring the sponsor, beneficiary, and cost of each such narrow provision to be publicly disclosed.

A TRIBUTE TO THE RIGHT REVEREND MONSIGNOR OSCAR CALVO

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BLAZ. Mr. Speaker, April 5, 1991, marks the 50th anniversary of the ministry to the people of Guam by the Right Reverend Monsignor Oscar Calvo. He is a most remarkable individual. On this date in 1941, Monsignor Calvo was ordained to the priesthood at the Dulce Nombre de Maria Cathedral in Agana, GU. He did not know it at the time, but Monsignor Calvo's years of service to his people would coincide with the most important era in the recent history of the territory—its development into a modern, multiethnic society.

As we know, any period of vast change is a time of great strain and anxiety for the people who must live through it. It is in these times that people are most in need of spiritual support and guidance to keep their ideals intact, their courses true.

Monsignor Calvo was there for his people.

He was there for them in time of war. Scant months after pledging his life to God through service to His people, Monsignor Calvo saw those people pinned under the heel of a ferocious enemy. Murdered, raped, imprisoned in concentration camps, forced to labor for the enemy, a lesser people might have been broken, but the people of Guam were not, and they were not because they held the sources of the inner strength—their faith in their God and in their country—inviolate. It was men like Monsignor Calvo who helped them maintain their strength and their faith. He buried the dead. He ministered to those broken in body. And he buoyed the souls of those who might despair.

With the coming of peace, Guam found itself forever changed. As much as some would have liked, the territory could not return to its tranquil past.

The farmers and fishermen who labored so unrelentingly for their families during the war, now found themselves toiling in new areas, becoming the businessmen, political leaders, and entrepreneurs who would rebuild Guam.

Again, there was much change. Peace did not necessarily bring tranquility.

But again, Monsignor Calvo was there for his people.

The simple faith that abounded before and during the war was challenged now by the complexities of modern life. Guam's people began to take control of their political and economic destinies. In such circumstances, it would have been easy for the old values to have been lost, for the people to have embraced everything that seemed new simply for its novelty while forsaking the values that had maintained them for centuries.

But the spiritual leaders, like Monsignor Calvo, preserved the best of the past. Monsignor Calvo taught through word and deed that wealth of spirit is a worthier goal than easy material gains. He showed that political maturity is only possible when it is directed toward the good of all the people. And he taught that love of one's fellow man, regardless of who he is, is what marks a great people. And it was from him and the leaders like him that the people learned and held firmly in their souls, that the common thread that links the businessman in his imported car today to his grandfather tilling a field behind a carabao is their unique heritage.

Mr. Speaker, I commend Monsignor Calvo not only to our own people but to people everywhere, for it is from him and men and women like him that we can all learn that the worth of our lives is not in what we bank but in what we give away.

In the tradition of our people, Monsignor Calvo, I kiss your hand in mangnigni for a half century of service to God, to our country, and to our beloved people of Guam.

FREEDOM'S CALL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. FISH. Mr. Speaker, in the past 7 months, millions of Americans have expressed their appreciation and support to our brave young service members in the Persian Gulf. And now that Kuwait has been liberated, our gratitude is strong as ever.

Recently, I received an example of this appreciation in the form of a poem from one of my constituents, Gerald M. Delaney of Wappingers Falls, NY. The poem, entitled "Freedom's Call" salutes America's soldiers of previous wars as well as those in the Persian Gulf. I am pleased to share it with my colleagues.

FREEDOM'S CALL

(By Jerry Delaney)

In hallowed ground in Arlington,
lie the spirits of brave men.
Called upon to keep us free,
they fought on to the end.

These men, unknown, but loved by all
for a job they did, so well.
They gave their lives to keep us free,
and for freedom, went through hell.

Now our Country, calls again,
to protect the rights of all.
And with the spirits of these men,
we will answer freedom's call.

It matters not, where you come from,
or if you're a woman, or a man.
You fight on again, for freedom's sake,
and united you all stand.

The United Nations sends out a call,
to bring aggression to its knees.
And restore the right of all mankind,
to enjoy peace, and liberty.

As the battle rages day by day,
again in foreign lands.
We face a foe, that would take away,
the rights of every man.

This Country like, its people stands,
for freedom, peace and love.
Our cause is just! and we will win!
with the help, from God above.

WHEN MOTHERS CHOOSE TO REMAIN IN THE MILITARY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. JACOBS. Mr. Speaker, as usual, Joan Beck of the Chicago Tribune has written wisdom.

WHEN MOTHERS CHOOSE TO REMAIN IN THE MILITARY

(By Joan Beck)

CHICAGO.—The issue—thank God—should soon lose its heartbreaking immediacy.

But while the pictures of mothers handing their babies and small children over to others while they go off to war are still seared into our minds, the nation needs to rethink the policies that have led to such family distress.

The issues don't sort out easily. And no completely fair solution may be possible.

What is absolutely clear is that babies and young children need to be with their mothers—and, as much as possible, their fathers—without long periods of separation. The reasons are written deep in human biology and confirmed in human experience for eons. No child care experts, no educators, no psychologists argue to the contrary.

But this biological imperative—which is mirrored in mothers' need for closeness with their babies and young children—collides with the innate right of women to participate freely and equally in all aspects of adult life, to be, in the words of Army hype, all that they can be.

There is no doubt women have earned the right to serve in the armed forces. They can hold their own in the vigorous programs of the military academies. They are acquitting themselves well in the Persian Gulf. Despite still-existing rules about not engaging in combat, service women have come hair-splittingly close to actual fighting and done it honorably and creditably.

Gender shouldn't bar women who can qualify from the service academies, with their high-quality, free education and career prospects. Nor should it make women ineligible to volunteer for the armed forces, the reserves and the National Guard, with their opportunities for training and benefits.

How can this country balance these rights with the innate need of mothers and young children not to be separated by war and half a world of time zones—and do it in a way that's fair to men as well?

Several members of Congress have introduced bills to prevent the enforced separation of mothers from their young children for combat-zone service. At least one measure also would exempt single fathers or one of a military couple from wartime duty overseas.

But it's not certain whether Congress will take any action soon, buck the issue over to the Pentagon or hope it will fade away with the end of the war. Nor is there any consensus among legislators as to what a compassionate, workable policy should be.

It isn't fair for women to sign up for military training and service and then use motherhood to opt out when they are about to be sent into harm's way. The possibility of war, after all, is the purpose of the training for which they are being paid.

But mothers should have the option of bailing out of their commitment at some specific time before orders come for combat or overseas duty. Two such windows should be provided—when a woman first learns she is pregnant and at the conclusion of maternity leave, when she has a better understanding of the emotions and responsibilities motherhood involves.

Mothers who choose to remain in the service should be required to put on file their plans for child care in case they are suddenly sent overseas—after they have had counseling about the effects of such a separation on them and on their vulnerable offsprings.

The same choice to opt out should also be available to single fathers—at the time they first assume the sole responsibility.

Mothers and single fathers who don't use these windows of choice to leave the armed forces should be held to their original enlistments, children or not.

The flaws in these proposals are big and obvious.

Some mothers and single fathers will gamble that the United States won't get involved in a shooting war for years to come and not take a discharge for reasons of children. In the event of another war, their tearful farewells to their fearful youngsters will make it obvious this proposal isn't enough.

Another objection is that allowing women to opt out because of motherhood would let them unfairly chuck an obligation to duty they undertook as equals to men—inviting all the old assumptions about women used for millennia to keep them in their unequal place. An opt-out for single fathers might even encourage divorce or a de jure-only split for men who wanted to wiggle out of combat.

But these proposals do give babies and young children of service personnel more protection from damaging separation stresses and temporary—or permanent—orphaning than they have now. They make it clear that the decisions involved must be those of individual women and single fathers—not blanket rules by the Pentagon or Congress.

And such rules would not keep women who want a service stint or a service career from having it because of well-intended regulations intended to protect children they may never have.

CONCERN FOR SOVIET REFUSENIK EVGENY PISAREVSKY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SWETT. Mr. Speaker, I rise today to draw attention to the case of Evgeny Pisarevsky, a Jew who has been denied permission to leave the Soviet Union. On March 8, Mr. Pisarevsky is staging a special protest to call attention to the Soviet Government's refusal to allow him the freedom to leave the Soviet Union. He has been denied permission to leave on the basis of the "Poor Relative" article, which prohibits persons from leaving the country without a financial waiver from their parents and, in applicable cases, from any former spouse of those seeking to emigrate with children. Many times the relatives who need to give permission are intimidated and threatened, thus discouraging them from signing the necessary papers.

Mr. Pisarevsky's case began in 1978, when he and his family decided to leave the U.S.S.R. because of the oppressive anti-Semitism of the Soviet regime. He left his job in 1978 in preparation for their eventual application to emigrate to the United States. For 10 years they were unable to apply for a visa due to their parents refusal to sign the financial waiver. In 1988, the Pisarevsky family applied for the visa, but was rejected on the 25th of January of that year based on the fact that he had had a secret job 11 years before. This refusal was also extended to his wife and son. Since then, he has applied again to the General Machine-Building Ministry and to the Commission on the Questions of Citizenship of the Supreme Soviet of the U.S.S.R. On the 11th of April he was refused once again.

Evgeny is presently working as a manager in a domestic tourist agency, waiting for the day when he will be permitted to leave. His wife has become an active member in the Jewish Women Against Refusal Group that has been relentless in its efforts to free Soviet Jews.

Although the Soviet Union is a signatory to the Universal Declaration of Human Rights which states, "Everyone has the right to leave any country, including his own, and to return to his own country," they have paid no heed to this document.

Secret jobs require a 10-year waiting period before consideration for emigration. This time period has expired, but Evgeny still remains a prisoner in his own land. Mr. Speaker, I wish to express my feelings of solidarity with the Pisarevskys and ask that my colleagues join me in urging the Soviet Union to allow free emigration for all those citizens they continue to hold captive.

PROUD OF SHENANDOAH ELEMENTARY SCHOOL IN CENTRAL FLORIDA

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BACCHUS. Mr. Speaker, like all Americans, I am very proud of our courageous troops and deeply grateful that the war was waged successfully, quickly, and with few American casualties. Now that we have won the war, we must endeavor to win the peace. That includes bringing our troops home quickly and treating them with the respect and dignity they deserve.

I commend the students at the Shenandoah Elementary School in central Florida, who have already shown great pride in our country and in our soldiers through their class presentation. Mr. Speaker, it gives me great pleasure to call the attention of the House to the following remarks made by these bright students.

SHENANDOAH ELEMENTARY SCHOOL PRIDE IN OUR COUNTRY PARADE, FEBRUARY 15, 1991

Transcript of presentation by the classes of Mrs. Kathyrn Anderson and Mrs. Sylvia Ellis (grades 1–5).

INTRODUCTION

During the summer of 1787, 55 delegates met at Philadelphia and wrote a remarkable plan of government, our United States Constitution. The Constitution made the United States a nation. It is the shield of democracy under which Americans governed themselves as free people. Today, we respect the Constitution and our great country—America.—JEFF BRIMMER.

INDIVIDUAL STUDENT REMARKS

A.J. Palumbo (4th grade): I am proud to be an American because we have a Constitution that says that we have free speech.

Matthew Crofut (4th grade): I am proud to be an American. We are a great country because we are led by God.

Charles Willetts (3rd grade): I am glad to be free because I'm an American and I hope our men do well in the war.

Jeff Brimmer (4th grade): I'm proud to be an American because I have the right to choose my religion, school and church.

Roy Deaton (3rd grade): The thing I love most about being an American is that you can pick if you want to be in the Armed Forces. I want to be in the Air Force so I can take care of America.

Daniel Petty (3rd grade): The thing I love the most about being an American is our freedom and the way the National Anthem makes me feel.

Tray Hurn (2nd grade): The thing I love most about being an American is the freedom to go wherever I want to go and to just be me.

Lee Herman (2nd grade): The thing I love most about being an American is how beautiful our country is.

Willie May Collier (4th grade): I am proud to be an American because I am free to help others.

Hector Jimenez (5th grade): I am proud to be an American because I can go to school and learn.

Destin Stark (3rd grade): The thing I love about being an American is our President. He really loves us and I know I'm safe here.

Tim Wilson (2nd grade): The thing I love most about being an American is the American people because they are so nice to each other.

Delorise Hogan (5th grade): I am proud to be in America because I am free to dance and sing.

Chris Bidwell (1st grade): The thing I love most about being an American is that I can run and play with all kind of kids.

Brian Davis (5th grade): I am proud to be an American because I am allowed to go to my own school.

Glenn Brimmer (5th grade): In my country, we have freedom and liberty and I am proud to be an American.

Ronnie George (1st grade): The thing I love most about being an American is the Army. I like the Army. They keep me out of war.

Brian Sherron (3rd grade): The thing I love most about being an American is the Pledge of Allegiance and having choices.

Robert Burgos (2nd grade): The thing I love most about being an American is having all kinds of people in one country—even Spanish, like me.

Rick Hawkins (4th grade): I am proud to be an American because I am able to travel to many places.

Jennifer Johnson (4th grade): I am proud to be an American because I am free to become whatever I want to be.

LeAnne Ramsdell (3rd grade): The thing I love most about being an American is that I am treated equally to everyone else.

Eric Hester (1st grade): The thing I love most about being an American is our schools. Being an American makes me proud.

Tammy Graham (4th grade): I am proud to be an American. We have good men fighting for us.

Nicholas Prather (5th grade): Living in my country means we have the right to read, write, draw, say and go anywhere. This means freedom to me.

Angela Weekly (3rd grade): The thing I love most about being an American is that I have freedom and rights.

Closing: To all men and women fighting in the Middle East, you are heroes—you are the Wind Beneath Our Wings.

INTRODUCTION OF THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT OF 1991

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to join my colleagues Mr. HAYES, Mr. RIDGE, Mr. TAUZIN, and Mr. ANTHONY in the introduction of the Comprehensive Wetlands Conservation and Management Act of 1991. We are introducing this legislation to provide a framework for resolution of the complex issues related to wetlands conservation and management. While there are aspects of this legislation that I am not entirely comfortable with, it is a compromise that may resolve the enormous failings of the section 404 program in the last several years.

This legislation is a complete overhaul of the 404 program. It starts by expanding the activities that require permits, while protecting traditional exemptions such as farming, ranching, and silviculture. It also recognizes that all wetlands are not of equal value and should not be treated the same. It divides wetlands into three classifications, with varying requirements based on the habitat, water quality characteristics, and flood control qualities of each wetland. This will overcome a significant shortcoming in the existing program by allowing greater protections for those high value wetlands while still allowing for economic growth in this Nation.

This legislation also recognizes that any wetlands program must respect the rights of private property owners. Since a large majority of the wetlands in the United States are privately owned, or have significant private property rights associated with them, it is important to recognize that if we protect a valuable wetland because the national interest is further, the Nation must be prepared to compensate the owner for the taking of private property interests.

The program also allows for States to set up statewide mitigation banking programs which will allow for improvement in overall wetlands values. This mitigation banking program allows credit be given for Federal land in protective status, if the State has less than 10 percent of the State's wetland resources. The bill also allows the States to take over management of the permitting process and to develop their own wetlands enhancement programs.

Mr. Speaker, this is far from a perfect bill, it will have to go through some significant changes as it moves through the committee process. However, this legislation is a much more complete and polished legislation than was H.R. 5968 in the last Congress. My colleagues and I have received literally hundreds of comments from all over the country. We have incorporated a number of improvements in this legislation as a result of those comments and would look forward continuing input as the legislation progresses. While I do not entirely endorse all aspects of the legislation that my colleagues and I are putting forward today, I hope it will facilitate a dialog that will allow us to move forward early in this Congress to address this critical problem.

A SPECIAL SALUTE TO PAUL MOULTON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. STOKES. Mr. Speaker, I am proud to rise today and salute Mr. Paul Moulton, who is retiring after 16 years of service with Storer Communications and the Gillett News Bureau. His outstanding efforts and dedication has been a valuable asset for Members of this body, our constituents, and the Nation. I am pleased to share with my colleagues a brief highlight of Paul's career.

Since the 95th Congress, Paul Moulton has been the chief cameraman for Storer-Gillett covering countless committee hearings and press conferences of the Hill. As a veteran cameraman, Paul has covered such monumentous events as the inaugurations of Presidents Carter, Reagan, and Bush. Through his expertise, viewers have learned of the events surrounding both the Democrat and Republican Conventions of 1980, 1984, and 1988.

From the Department of Agriculture to the Department of Veterans Affairs, Paul has been there camera in tow to present the real picture. Dozen of mayors and Governors have been in front of his lens during visits to Washington. From games at Robert F. Kennedy Stadium to ethnic festivals on the Mall, to solemn ceremonies at Arlington National Cemetery, there is little he has missed.

In addition to these outstanding achievements, Mr. Moulton was a pioneer in utilizing daily satellite feeds from Washington and he was among the first cameramen to make the transition from film to videotape.

Prior to his work in commercial television, Paul Moulton had a most distinguished military career. He served his country in both the Korean and Vietnam conflicts. As an army photographer, Paul Moulton traveled the world documenting historic military events, including the Korean truce signing and the TET offensive in Vietnam. The Defense Department archives are replete with Mr. Moulton's still pictures and films of military events from 1947 to 1970.

Mr. Speaker, I have enjoyed a close friendship with Paul over the years. His warm smile and friendly personality have won him countless friends. He is an outstanding gentleman, a talented cameraman, and a hard-working and dedicated individual. Those of us who represent districts and States served by the Storer-Gillett television stations owe a debt of gratitude to Paul Moulton. From early in the morning to late at night, he made it possible to communicate with our constituents. We will miss Paul and his skillful camera.

Mr. Speaker, I hope my colleagues will join me in wishing Paul the best of luck upon his retirement, and in the future.

NEW YORK TIMES LAMENTS FAILURE ON PUERTO RICO VOTE

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. FUSTER. Mr. Speaker, after 26 months of hard work by the three major political parties in Puerto Rico and by several committees in the House and the Senate, it appears that the process to bring about a congressionally sanctioned political status plebiscite in Puerto Rico has come to a halt. This is unfortunate and lamentable, because expectations among the people of Puerto Rico had been high to exercise their right to self-determination.

As such, Mr. Speaker, I want to share with my colleagues some wise words on this subject which appeared as an editorial in today's edition of the New York Times.

[From the New York Times, Mar. 7, 1991]

A REPUBLICAN BLOW AT PUERTO RICO

A preoccupied President Bush can be excused for ignoring the Senate's failure to heed a request for self-determination by the people of Puerto Rico. It is harder to forgive Republican members of the Senate Energy Committee whose obstinacy may well deny islanders an opportunity to vote this year on whether to seek statehood, continued commonwealth status or independence.

Seven Republicans joined with three Democrats last week to shelve legislation whose purposes have long been championed in Republican platforms and especially by Mr. Bush.

The obvious explanation is crassly political: many Republicans fear a Puerto Rican state would vote overwhelmingly for Democrats. But some members of both parties sounded an uglier note, questioning whether a Hispanic people would "blend in" if they became full citizens in a new state. This meanly slighted more than 15,000 Puerto Ricans who fought in Desert Storm.

To the hurt of insult is added the injury of cynicism. Opponents of the Senate bill say that Puerto Ricans can hold their own referendum, as long as Congress is free to ignore the results. A House bill passed in the last session, for example, would authorize a purely advisory plebiscite giving Puerto Ricans a choice between options whose meaning would later be defined by Congress.

Senator J. Bennett Johnston of Louisiana has labored diligently on a bill that would assure a meaningful vote. Doing so would honor a commitment to self-determination made to the United Nations by every President since Harry Truman.

Ignoring that pledge is the surest way of arousing latent nationalism among resentful islanders. In a warning signal, Puerto Rico's Senate voted Monday to make Spanish the island's sole official language, a largely symbolic portent. By giving Puerto Rico backburner treatment, Congress risks a frontburner mess.

THE CHALLENGES AHEAD

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DWYER of New Jersey. Mr. Speaker, I would like to share an article written by Dr. Charles Covino, chairman and CEO of General Magnaplate Corp., of Linden, NJ. The article, which appeared in USA Today in January, follows:

THE CHALLENGES AHEAD

(By Charles P. Covino)

As we witness the sudden decline of communism, several questions arise. Have we oversold and exported capitalism too fast? Are we entering a period of political and economic freedom that will benefit all mankind, or will we see the Earth's dwindling supply of mineral resources consumed at a catastrophic rate as materialism becomes the goal of the people who once embraced communism?

The post-World War II years have been filled with global social and economic change. The doctrines of opposing ideologies have been promoted to or forced upon smaller, more vulnerable countries. We in the U.S. attempted to spread our democratic beliefs and pursue our economic goals. Meanwhile, the communists did everything imaginable to impose their ideology on those same nations.

At the same time, a profound communications revolution overtook the world, spurred on by the NASA space programs. With the launching and successful deployment of new telecommunications satellites, global communications became a reality. Television signals from the West, relayed via satellites, now are received in the Eastern Bloc and China. Where radio signals once had been jammed, people are being exposed, unhindered, to the ways of life in the West.

New communications technologies have done what all the Cold War efforts could not—turned Eastern Europe away from communism. Politically, these nations have opted for democracy. However, it appears that it is not capitalism per se that has attracted them. Rather, they have seen the things that capitalism makes possible—material goods. They want the cars, bicycles, stylish clothes, food varieties, and all the consumer goods they view on television. They, too, wish to participate in the Western world's "supermarkets syndrome," where they can purchase endless quantities of everything.

Technology suddenly has catapulted almost the entire world into the 21st century! Seeing is believing. This is what less privileged, subjugated peoples are experiencing. Events and luxuries they previously only had heard about are happening before their eyes.

Seeing also is desiring. The result is a new "global materialism" that has been a major contributor to the collapse of the Eastern Bloc.

Yet, most of us never have taken the time to comprehend the potential realistic cost this emerging freedom to export our way of life. The price of freedom ultimately will be a shortage of food and raw materials—a damaging wound that will scar all the nations on this planet. Our children will have to pay the price for our reckless use of such irreplaceable mineral and material resources as primary metals (iron, copper, aluminum); strategic metals (chromium, cobalt, manganese); energy sources (oil, coal, natural gas); wood and wood by-products (lumber, paper); and hydrocarbon feedstocks (used to make plastics).

Both the Soviet Union and the U.S. have challenged each other throughout the world in a power struggle based primarily on ideology. In so doing, they have expended many of these irreplaceable minerals on battleships, submarines, aircraft, guns, and munitions—products that do not contribute any real benefit to mankind. Billions of dollars have been spent that should have created housing, clothing, transportation infrastructure, or a cure for cancer. Vital, irreplaceable materials and foodstuffs are wasted through overfarming and poor soil conservation. Meanwhile, we have not learned how to deal with mounting accumulations of garbage and toxic waste.

Now is the time for the capitalists and communists to assess the real damage they have done. They have shortened the timetable for a series of new, and probably irreversible, global problems, including depletion of mineral and metal sources; overfarming for food production; soil erosion and loss of timber and oxygen-producing forest; over-fishing the oceans and rivers; and a complete disregard for the environmental and social implications this rapid technological growth has induced.

MATERIALISTIC DEMOCRACY

The world rapidly is reshaping into a new form of society that can be termed "materialistic democracy." Spurred on by the choice of high-tech lifestyles, the people will, for a period of time, have the freedom to reshape their governing ideologies. Each newly formed political structure gradually will transform into a system that conforms to local needs and demands.

The end result, though, is clear and inevitable. While we finally have exported capitalistic freedom and convinced the world that we enjoy the best form of political structure, the real price to be paid will be the depletion of material resources. In addition, burdensome monetary needs will arise as the newly formed capitalistic nations start to produce more consumer products and food. The shift from socialism to materialistic democracy will take time, money, and a major effort to solve the problems brought about by this new society.

There is much to do. For example, the Earth has only so much chromium for use in hardening iron and steel, and our major resources are in South Africa and the Soviet Union. Another important basic metal used in hardening steel is cobalt, the major resources of which are in Africa, Canada, and the Soviet Union. Tantalum, manganese, vanadium, and many other rare earths are not found anywhere on the globe in large deposits.

Mankind has a limited supply of all forms of minerals as well as arable soil. The Earth's crust is not capable of creating more. If we waste and deplete these vital metals, minerals, and soils, how will our children be able to enjoy the luxurious lifestyles of today?

Factor into this problem the reality that we will be adding some 2,000,000,000 more people into the equation over the next 20 years. We then will consume at a pace even faster than today such goods as television sets, cameras, appliances, refrigerators, fast foods, cars, bicycles, basic food production machinery, paper, and plastic products. The supply challenge will be insurmountable. Yet, unless these demands are met, we will face the real possibility of wars and global unrest.

The message is unmistakable. We all will have to do our part to help avoid these dire predictions. In the long run, we must find and develop non-polluting sources of limitless energy that can enable us to defeat waste by recycling. Conservation of scarce materials is a necessity for mankind to survive in the 21st century.

The corporate world can and must play a vital role in handling the consequences of global materialism. International organizations such as Exxon, Shell, Mitsubishi, Ford, General Motors, Phillips, and Sony are forming new joint ventures. Through the combined research efforts of these large-scale global companies, new components will have to be generated in order to help stabilize the supply and demand for strategic materials in the new capitalistic consumer nations.

This is a mission we can not afford to ignore, for, in the rush to improve their lifestyles, people of the emerging nations will demand the luxuries we enjoy, no matter the cost to the planet's resources. We can not blame them, since we are responsible for exporting the freedom and capitalism that have made these luxuries possible.

A TRIBUTE TO SGT. ALAN CRAVER

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SANTORUM. Mr. Speaker, I rise to pay respect to the life of Sgt. Alan Craver, of Penn Hills, PA. Sergeant Craver was among the members of the 14th Quartermaster Detachment killed by the tragic Iraqi Scud missile attack on Saudi Arabia last week.

An avid outdoorsman known to many of his friends as Mer—a shortened version of that famous outdoorsman Elmer Fudd—Sergeant Craver was also a well-liked reliable serviceman who thrived on competiton, aimed for excellence, and loved his work. As a chemical operations specialist, Sergeant Craver carried one of the most essential and high pressure assignments in this conflict, since his responsibilities included preparing his unit for the threat of a chemical weapons attack.

Sergeant Craver served with the same diligence and professionalism in his civilian duties, which most recently entailed safety supervision at one of the Pittsburgh area's most important building projects, the construction of a new terminal at Greater Pittsburgh International Airport.

A charter member of his unit since its establishment in 1988, Alan Craver exemplifies the dedication without which our Nation could not defend the cause of freedom. His life and his death have reminded me of the costly commitments that go hand in hand with the privilege of being Americans. May we who govern this Nation act in the same spirit as those, like Alan, who were ready to give their lives on its behalf.

INTERNATIONAL WOMEN'S DAY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SWETT. Mr. Speaker, tomorrow we will celebrate International Women's Day, the origins of which date back to March 8, 1857. While celebrating the great strides that women have made over the last century, we must also remember that those advances primarily have been limited to the Western World. Many hurdles still remain to be overcome. Sex discrimination is prevalent worldwide—most countries do not grant women what we in the United States regard as basic human rights. In many countries, women are denied the right to own property and, in several instances, are prohibited from being able to divorce. They are refused services such as child support and, perhaps most importantly, the right to vote.

On this day, however, it is important to not only pass judgment on the outside world, but also to examine ourselves domestically, and to recognize that many injustices to women are occurring right here at home. In 1958, Eleanor Roosevelt stated:

> Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world * * * Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

As women continue to receive less pay than their male counterparts for comparable work, and with sex discrimination still very much a fact of life in the workplace, today's American woman continues to fight for equality.

Mr. Speaker, I am pleased to note that some international organizations such as AID are beginning to realize that women's programs must receive more attention. Because women and children comprise 90 percent of all refugees, it is crucial to develop programs which are tailored specifically to help them. However, it will not be sufficient to simply include women in these programs—we must also promote qualified women, who already hold positions in such organizations.

Mr. Speaker, last year we recognized the Year of the Girl Child. In recognizing the importance of the girl child, we cannot ignore and must confront the barriers that block the full integration of women into today's modern world. We must not accept the argument that local variations in culture and teachings around the world can be allowed to prevent the universal advancement of women.

If education were to become a higher priority, some of the barriers to women would gradually crumble. As we look toward the next generation, education must be placed higher on our list of priorities—in our own country, we must promote the education of all U.S. citizens.

Mr. Speaker, International Women's Day provides us with an opportunity to note the outstanding progress that women have made, as well as to emphasize the enormous barriers to women's progress which still must be torn down. I urge my colleagues to continue to fight for international integration and equality for all women.

IMPROVING THE FLOW OF INFORMATION FROM OLDER AMERICANS ACT GRANTS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DOWNEY. Mr. Speaker, today, I am introducing legislation to improve the operation of title IV of the Older Americans Act: Training, Research and Discretionary Projects and Programs. Just last September, the Subcommittee on Human Services of the House Select Committee on Aging, of which I am chairman, held a hearing to evaluate the extent to which the Older Americans Act was meeting its goal of expanding the Nation's knowledge and understanding of aging.

Title IV has a central role in supporting training, research and demonstration efforts under the Older Americans Act. Authority for training and research under the act has existed since passage of the original legislation in 1965. The 1969 amendments added authority to conduct demonstration projects under title III of the act. Over the years, this authority has been incorporated into title IV and expanded, outlining additional areas to assist victims and families of Alzheimer's disease, national legal assistance support projects, health education, consumer protection, and many others.

The awarding of discretionary grants is one of the main ways individuals and organizations outside the formal aging network have access to the Administration on Aging and can influence program practice. The Commissioner on Aging is authorized to award funds to support projects that would demonstrate innovative methods to expand or improve supportive or nutrition services to the elderly or otherwise promote their well being.

Until the hearing last September, it had been almost two decades since any specific attention was paid to the accomplishments of title IV. In calling this hearing, Mr. Speaker, I hoped to highlight this important program and determine whether any issues ought to be raised when Congress reauthorizes the Older Americans Act later this year.

At the request of the Subcommittee, the U.S. General Accounting Office conducted a study of the dissemination of research and demonstration results undertaken under Title IV of the Older Americans Act. The results of the GAO study were very interesting: First, the U.S. Administration on Aging does not currently systematically disseminate research information, or monitor its dissemination; second, State agencies on aging learn of research and demonstration results from a variety of sources; third, States believe better dissemination efforts by the U.S. Administration on Aging would help to improve State aging program operations; fourth, State agencies report that they frequently use program results in adapting their own programs.

I think everyone would agree with the statement of Mr. Joseph Delfico, Director of Income Security Issues, Human Resources Division of GAO, when he said, "The results of title IV projects are of little use if agencies serving the elderly do not have access to them in a readily usable form."

The legislation which I am introducing today would require the Commissioner on Aging to issue an annual report providing information on projects completed under title IV. In addition to an abstract of project results and a bibliography of any published material resulting from individual grants, the report would provide information on who carried out the research and where additional information could be obtained.

Mr. Speaker, I am mindful of the budgetary constraints facing us this year, and I am confident that this is a low-cost and cost-effective way to start to improve the dissemination of research relating to social services and older Americans. I urge my colleagues to support this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Section 433 of the Older Americans Act of 1965 (42 U.S.C. 3037b) is amended by adding at the end the following:

"(c)(1) In addition to satisfying the requirement specified in subsection (b), the Commissioner shall prepare and publish for each fiscal year a report describing each project—

"(A) for which funds were provided under this title; and

"(B) that was completed in the fiscal year for which such report is prepared.

"(2) Such report shall include—

"(A) identification of such project by its name or descriptive title;

"(B) the name and address of the person or governmental entity that conducted such project;

"(C) specification of the period throughout which such project was conducted;

"(D) identification of each source of funds expended to carry out such project and the amount of funds provided by each such source;

"(E) an abstract describing the nature and operation of such project; and

"(F) a bibliography identifying all published information relating to such project.".

SEC. 2. EFFECTIVE DATE.

This Act and the amendment made by section 1 shall take effect on October 1, 1991.

JOHN SHERMAN COOPER: THE GENTLEMAN FROM KENTUCKY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. MAZZOLI. Mr. Speaker, Kentucky, the Nation, and the entire world suffered a loss with the death of the Honorable John Sherman Cooper of Kentucky.

I was honored to have taken part in the special order held in the House on March 5, 1991.

Following are the remarks I delivered in Senator Cooper's behalf during the special

order and articles from the Louisville Courier-Journal which portray in rich detail the remarkable and productive career of this "Gentleman from Kentucky."

[From the CONGRESSIONAL RECORD]

Mr. MAZZOLI. Mr. Speaker, I want to thank my friend from the Fifth District, HAL ROGERS, for yielding this time and for also accommodation all of us to the peculiarities of our schedules. Certainly we all rise in memory of one of the greatest Kentuckians of all time and one of its greatest political figures, John Sherman Cooper.

Just a moment ago my friend from the Fifth District said it is hard to find the words because there are so many different words that could be used to describe Senator Cooper. Let me try these few on for size: the gentleman from Kentucky.

If there were even a human being who was more a gentleman in every connotation of that word, it was John Sherman Cooper.

He was tall, he was elegant, he was quiet, he was well spoken, he was very thoughtful, and he was very decent as a human being.

He always cared about the other people. It was not his own welfare but everyone else's that motivated him, really.

And as I told my friend from Kentucky at other times, the particular vignette that I would like to leave—and I hope to come back to the later part of this special order—but in 1971, when I first was sworn in as a Member of this body over at room 2237 in the Rayburn Building, where we had our swearing-in reception, my friends were there, my family was there, my mother-in-law was there, among other people. Through this doorway walked this distinguished, dignified figure, John Sherman Cooper. Not of the same party, a person for whom the world was a stage. I was, you know, a person just from a very small area of our commonwealth. He was a person who had been Ambassador, had been Senator, had been delegate to various conventions on behalf of this Nation.

Into this reception came John Sherman Cooper. And I to this day—and it has been over 20 years ago—have never been able to forget that, and I never want to forget it because it reflected in one capsule the kind of human being that John Sherman Cooper was.

He was thoughtful, decent, he cared about all members of the delegation regardless of our political affiliation. But his love of Kentucky and his gentleness, which meant that in fact he was able to represent Kentucky whether he represented Kentucky in Pulaski County, which was his own county, or whether he was representing Kentucky in Berlin when he was Ambassador or whether he represented Kentucky in New Delhi when he was Ambassador to India or whether he represented, right here on Capitol Hill, John Sherman Cooper was the quintessential "gentleman from Kentucky."

So I want to thank the gentleman from Kentucky, my friend Hal Rogers, who represented the other gentleman from Kentucky for so many years; he was his representative for years as well as his friend and confidant.

In that setting, he probably more than any member of our delegation has been closest to him. All of us share the grief and the sorrow that Kentucky and the country experience in the loss of this great human being.

I want to thank my friend for having this special order. I hope to be able to return to perhaps engage in more reminiscences, but suffice it to say, sorrowfully enough, we have to say there has been in history and there will be in history but one John Sherman Cooper.

My formal remarks about the Honorable John Sherman Cooper are as follows:

JOHN SHERMAN COOPER: THE GENTLEMAN FROM KENTUCKY

"The gentleman from Kentucky"—is the terminology we use here in the Chamber when we debate among ourselves. But, it is an appellation most appropriately attached to the late Senator from Kentucky, John Sherman Cooper.

I am proud to join with my colleagues in celebrating the life and career of a man whose more than 40 years in public service to his State and country were exemplary and a shining example of public service at its finest.

Citizen, soldier, Senator, Ambassador, statesman—John Sherman Cooper was all of these and more. He was also a kind, gentle, thoughtful and decent man.

His way was never to draw attention and accolades to himself despite his many accomplishments in many roles. His way was simplicity, self-effacement, understatement and humility. He was a rare and gracious man.

John Sherman Cooper began his career in public service in the Kentucky House of Representatives representing his hometown of Somerset in Pulaski County. He then served two terms as county judge of Pulaski County. He enlisted as a private in the Army during World War II, and was discharged a captain. His first experience in international diplomacy was a legal adviser restructuring postwar Germany's judicial system.

Senator Cooper's service in the U.S. Senate may be unique. He was twice elected to complete unexpired Senate terms, only to be defeated in reelection bids. While out of the Senate and before he began his two consecutive full terms there—1960 to 1972—Senator Cooper was a delegate to the United Nations and United States Ambassador to India.

Two years after his retirement from the Senate in 1972, Senator Cooper became our Nation's first Ambassador to the German Democratic Republic—the former East Germany. Our Nation's prestige could not have been more ably served nor protected than in the diplomatic service of John Sherman Cooper, the gentleman from Kentucky.

Senator Cooper was a highly principled, independent thinker. He often took positions that were at odds with the majority of his party. He was one of the first to openly criticize Senator Joseph McCarthy's anti-Communist crusade. And, during the late 1960's, with the Vietnam war tearing at the very fabric of this Nation, Senator Cooper was an architect of legislation to limit combat activities of the U.S. military in Southeast Asia.

I remember, too, how gracious and courteous Senator Cooper was to me when I arrived here in the House of Representatives in 1971. He honored me by attending my reception in 2237 Rayburn Building on the day of my swearing in. My family and I were all thunderstruck—pleasantly so, of course—when through the door walked that tall, distinguished figure so well-known back home and around the world.

He talked to me, my family and my friends with the same genuineness and attention that, no doubt, characterized his contacts with the high and mighty of the Nation and the world. I could never—and will never—forget this great favor to my family and me.

John Sherman Cooper lived a full life—full of achievements and full of its inevitable disappointments. He remained to the very end of his life vitally engaged in efforts to help the less fortunate and to build a better world.

Senator Cooper would often admit that his oratorical skills were not outstanding. But, his clarity of thought, the depth of his conviction, and the absolute sincerity of the man were, indeed, outstanding. These attributes and these characteristics earned John Sherman Cooper the great respect and admiration he enjoyed in the Commonwealth and all over the world.

John Sherman Cooper's life and career in Government service, are models for all in public office to emulate.

In honoring Senator Cooper at the time of his retirement one of his fellow legislators said:

"John Sherman Cooper is the only man I have known who has traveled the spectrum of social and political life and left only dignity, honor and respect wherever he walked."

All Kentuckians feel a special sadness over the loss of this great man and great servant of the people. I join my colleagues in expressing deepest condolences and sympathies to Senator Cooper's brother, Richard, and to the Cooper family.

[From the Courier-Journal, Feb. 23, 1991]

STATESMAN RENOWNED FOR HIS INTEGRITY IS DEAD AT 89

(By Bob Johnson)

Former U.S. Sen. John Sherman Cooper, the most popular and respected Kentucky Republican of the post-World War II era, died Thursday in Washington. He was 89.

Cooper died "naturally and quietly in his sleep" at 4:30 p.m., said his physician, Dr. Jerry M. Earil. Earil listed the cause on the death certificate as cardiac arrest. In an interview, Earil said Cooper was not ill and essentially died of old age.

Cooper, a veteran of World War II, will be buried next to his wife, Lorraine, in Arlington National Cemetery. The funeral will be at 11 a.m. Wednesday at the cemetery chapel. Visitation will be 6 to 8 p.m. Tuesday at DeVol Funeral Home, 2222 Wisconsin Ave., in Washington.

Former President Gerald Ford praised Cooper yesterday, saying through an aide that he "was one of America's outstanding legislators and diplomats in the post-World War II period."

Cooper, who served as U.S. ambassador to India and East Germany, served 20 years in the Senate, where he established himself as one of its most influential members, especially on foreign affairs.

Soft-spoken and gentle, reflective and sometimes given to mumbling, Cooper was not a great orator. Colleagues said his persuasive powers stemmed from his reputation for integrity and sound judgment.

"I've tried to vote my own convictions," Cooper once said. "Of course, that's what everyone says. I don't say you don't slide back now and then."

Cooper's reputation was such that he was named to the Warren Commission, which investigated the assassination of President John F. Kennedy. Although doubts multiplied about the commission's findings that accused assassin Lee Harvey Oswald acted alone, Cooper concluded there was no point in reopening the investigation. He said the commission's findings were correct, although he acknowledged the investigation had not been as thorough as it should have been.

During their years in the Senate, Cooper and Kennedy were close friends. Kennedy and his wife, Jacqueline, frequently dined with the Coopers at their Georgetown home. Shortly after Kennedy won the presidency, Cooper quietly undertook a fact-finding mission for him in the Soviet Union.

In Washington, Cooper was as popular as he was respected. His wife, Lorraine Rowan Shelvin, whom Cooper married in 1955, was one of Washington's social leaders. Their names appeared regularly in the social columns. Lorraine Cooper, who died in 1985, wrote a column about life in Washington that ran in about 50 Kentucky papers.

A political moderate, Cooper supported such presidential hopefuls as Pennsylvania's Gov. William Scranton in 1964, when Arizona Sen. Barry Goldwater was nominated, and Sen. Howard Baker of Tennessee in 1980, when Ronald Reagan emerged as the nominee. Cooper served several times as chairman of the Kentucky delegation to GOP national conventions.

During most of his Senate career, Cooper was teamed with two other Kentucky Republican senators—Thruston B. Morton and Marlow W. Cook, both of Louisville. It was an era of unusual political strength for Kentucky Republicans. They carried Kentucky in four or five presidential races, won six consecutive races for the Senate and held the governor's chair for four years under Louie Nunn.

Although Kentucky is heavily Democratic state, Cooper proved to be one of the state's most popular political figures.

He was born Aug. 23, 1901, to a politically prominent family in Somerset. His father, for whom he was named, was a lawyer and farmer who served as Pulaski County judge, a position Cooper himself would hold.

Cooper attended Centre College and then Yale, from which he graduated in 1923. He graduated from Harvard Law School in 1925.

After a term in the Kentucky House of Representatives and two terms as Pulaski County judge, Cooper ran for governor in 1939 but was defeated in the GOP primary by King Swope, who had been the party's nominee in 1935.

World War II interrupted Cooper's political career. He enlisted as an army private in 1942 and was commissioned a second lieutenant in 1943. He rode with Gen. George Patton's Third Army, seeing action in five campaigns and winning the Bronze Star.

During the war, Cooper married Evelyn Pfaff, an army nurse from Portland, Ore. They divorced several years later.

After the war, Cooper stayed in Germany as a legal adviser to the military government. He received a citation for reorganizing Bavaria's courts and helping to repatriate thousands of displaced persons.

Discharged a captain in February 1946, Cooper returned to Pulaski County, where he was elected circuit judge. Later that year he won a special election to the Senate to fill out the term of Democrat A.B. "Happy" Chandler, who had resigned to become baseball commissioner.

EARLY STRUGGLES

Cooper's Democratic opponent in the 1946 election was John Y. Brown Sr., whom he defeated by just over 40,000 votes. But Cooper, who faced a decade-long struggle to establish himself in state politics, was unable to hold the seat. In the race for a full term in 1948, he lost to Democrat Virgil Chapman by just under 25,000 votes.

Chapman died in office two years later. Cooper ran in 1952 to fill the vacancy, defeating Democrat Tom Underwood of Lexington, who had been appointed to the seat by Gov. Lawrence Wetherby.

Again, Cooper was unable to hold the seat. In 1954, former Vice President Alben Barkley, who had served in the Senate for 20 years before his election as vice president, reclaimed his seat, defeating Cooper by nearly 70,000 votes.

The defeat was Cooper's worst; it would also be his last.

After serving as President Dwight Eisenhower's ambassador to India, his first diplomatic post, Cooper returned to Kentucky in 1956 to make another bid for the Senate, running again for a partial term.

Barkley had died that spring, and Wetherby, having completed his term as governor, sought to succeed him. There was another election that year: U.S. Sen. Earle Clements, a former Democratic governor, was seeking a second term.

But the combination of Eisenhower's coattails and the quiet support of Democrats aligned with Chandler, who was serving his second term as governor, produced GOP victories in both Senate races.

Cooper defeated Wetherby by more than 65,000 votes, while Morton won his first term in the Senate by beating Clements, a powerful figure in the Democratic leadership, by just under 7,000 votes in what was the closest election in the nation that year.

The victory gave Cooper that seat he held until he retired in 1972. He disposed of former Gov. Keen Johnson in 1960 by nearly 200,000 votes, and in his last campaign six years later, Cooper won re-election to the Senate by 217,000 votes.

When Cooper retired in 1972, Nunn sought to hold the seat for the Repubicans but lost to Democrat Walter "Dee" Huddleston.

As they did throughout his career, Kentucky Republicans hoped Cooper would run again for governor, but he declined.

The Watergate scandal was beginning to erupt around President Richard Nixon at the time of Cooper's retirement. Cooper, who described himself as "depressed and worried" about it, called the scandal "criminal, immoral and stupid."

But he predicted the disclosures and the resulting prosecutions could lead to healthy changes.

Cooper's interest in foreign affairs was whetted when, after World War II, President Harry Truman named him a delegate to the United Nations' General Assembly in 1949. In addition to his service in India, Cooper was the country's first ambassador to East Germany. He was appointed to the post by President Ford in 1974. Cooper had served on the Foreign Relations Committee in the Senate.

AN INDEPENDENT STREAK

One of the early opponents of expanding the Vietnam War, Cooper led the successful fight for passage of the Cooper-Church Amendment in 1970, which limited U.S. involvement in Cambodia. He also spoke frequently of the need to limit the spread of nuclear weapons and supported the 1969 nuclear non-proliferation treaty.

Cooper had an independent streak and was more liberal than many Kentuckians. As a judge in Pulaski County he insisted that black residents serve on juries, and he was an early opponent of discriminatory laws.

Cooper's positions were frequently ahead of public opinion in Kentucky. When first elected to the Senate, he supported federal aid to education, although it wasn't enacted until 1965. He also supported Medicaid and Medicare in the face of strong opposition from Kentucky politicians.

In a 1983 interview, Cooper said he "got away with some things" because he was a Republican. If he had been a Democrat, he said, there would have been more pressure to go along with the pack.

While not much of a speaker, Cooper frequently related anecdotes about himself that revealed a gentle, self-deprecating sense of humor. One story told the problems he had starting a law practice after graduation from Harvard.

As Cooper told it, a long-time friend came to him with word that someone had backed into his car.

"'He's got insurance and admits he was at fault,'" Cooper recalled the man saying. Cooper said he immediately envisioned an open-and-shut case, with fee attached.

"'Now, John,'" he said the man concluded, "'we've been friends a long time and I want you to be honest with me—where can I get myself a good lawyer?'"

Cooper lived in Washington after his retirement, where he was associated with the law firm of Covington and Burling, one of Washington's largest. He returned to Kentucky from time to time to make political appearances, including several at the annual Fancy Farm political picnic. In October 1987 he was honored at a Frankfort ceremony when his bust was placed in the Capitol.

Trudy Musson, a former Louisvillian who was a longtime aide to Cooper, said he had gone for a car ride Thursday morning and died during an afternoon nap at his apartment in a Washington retirement home.

While frail and hard of hearing, Cooper remained active until the end, she said. Wednesday morning he attended a Senate prayer breakfast on Capitol Hill, and last Sunday evening visited Washington Post board chairman Katharine Graham, Musson said. In November he went to Somerset. "He was going around seeing people and doing things," Musson said.

Cooper had no children. Of his four sisters and two brothers, only Richard E. Cooper of Somerset survives.

[From the Courier-Journal, Feb. 28, 1991]

COOPER CELEBRATED IN SIMPLE SERVICE AS SHOWING "TRUE MARKS OF GREATNESS"

(By Mike Brown)

WASHINGTON.—The life of former Sen. John Sherman Cooper was celebrated yesterday in a simple funeral that he himself helped plan, complete with instructions that there be no long eulogy.

More than 300 people, from former Senate colleagues to former helpers in his Washington home, crowded into an Army chapel next to Arlington National Cemetery to offer thanksgiving for the soft-spoken, self-effacing man who, said the Rev. Canon Sanford Garner, "left the world a richer and more humane place."

Cooper, a Kentucky Republican who gained national respect during a long career as a senator and as ambassador to India and East Germany, died Thursday at age 89 in a retirement home in Washington's Georgetown neighborhood.

After the half-hour funeral, which included the singing of "My Old Kentucky Home" and "America the Beautiful," Cooper's flag-draped coffin was taken by horse-drawn caisson to a burial plot near the Tomb of Unknowns in the national cemetery overlooking the Potomac River and Washington.

There, with a full military honor guard, Cooper's body was laid to rest next to that of his wife, Lorraine, who died in 1985. The tombstone notes his home state and his World War II service as an Army captain but none of his government positions.

In the chapel at Fort Myer, which adjoins the cemetery, Garner said the "senator was, as you know, a very particular and determined man," and had left detailed instructions about his funeral—where it was to be held, what was to be read, friends whom he wished to attend, and what he wanted from Garner: "a short statement, not laudatory."

But Garner, asking Cooper's forgiveness, did not fully comply. "I must add, Sen. Cooper, you demonstrated the true marks of greatness," he said.

"You loved God and His church. You loved your family and your parents. You loved and served your country. You loved and respected and cared for the least and the lowest in God's world," said Garner, who is now interim provost of the Washington National Cathedral but used to be rector of the Episcopal church in Washington that Cooper frequently attended.

Cooper, however, was a Baptist and always remained a member of the First Baptist Church in his hometown of Somerset, a fact that its pastor, Dr. Robert Browning, said the senator had wanted noted at his funeral.

Browning told the congregation that Cooper visited him in the fall of 1988 to talk about his funeral, and that the conversation stretched into a discussion of Cooper's public career. From their talk, Browning said, he distilled these points:

1. Always vote your convictions and be willing to pay the price.
2. Above all, the honorable.
3. Answer criticism, if it is constructive.
4. Constructive criticism will keep you humble.
5. Earn the trust of people by letting them know you want the best for them.
6. Work hard. You will always wish you had done more.
7. Cultivate a sense of humor.
8. Spiritual matters are the most important matters. They're permanent.

Cooper, Browning said, was the best example of "a faithful steward of influence and power. Truly, he made power a healthy word."

At Cooper's request, Browning recited lines from the hymn "Amazing Grace," which was sung at the funeral of Cooper's father.

Garner read two of Lorraine Cooper's favorite Bible passages: John 15, verses 12 and 13 ("This is my commandment, that you love one another as I have loved you. . . .") and Romans 12, verses 9–13 ("Let love be genuine; hate what is evil, hold fast to what is good. . . .").

The third speaker, the Rev. William Hague, former assistant rector of Christ Episcopal Church, which Cooper attended in Washington, read another of the senator's requests, Lord Tennyson's "Crossing the Bar."

The poet ask that there be no sadness at his death and ends with "I hope to see my Pilot face to face/When I have crossed the bar."

Hague said, "I believe that John Sherman Cooper will see his Pilot."

Among those attending the service were former Sens. Howard Baker, R-Tenn.; Mike Mansfied, D-Mont.; Charles Percy, R-Ill.; and Charles Mathias, R-Md.

In addition to the state's congressional delegation, other current lawmakers present included Sens. Ted Stevens, R-Alaska; John Chafee, R-R.I.; Edward Kennedy, D-Mass.; Strom Thurmond, R-S.C.; Larry Pressler, R-S.D.; and Daniel Patrick Moynihan, D-N.Y.—who, like Cooper, is a former ambassador to India.

Gov. Wallace Wilkinson, who appeared before a House appropriations subcommittee earlier in the day to urge continued funding of the Appalachian Regional Commission, was there, as were former Govs. Louie Nunn and Edward Breathitt.

Numerous people who had worked for Cooper in the Senate were there, including Sue Lewis, Bailey Guard and U.S. District Judge Ronald Meredith. Longtime aide and friend Trudy Musson, who helped arrange the service, sat at the front of the church with the senator's brother, Richard Cooper, his wife, Cornelia and other members of the Cooper family.

SUPPLEMENTAL ASSISTANCE TO ISRAEL

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WEISS. Mr. Speaker, I rise in strong opposition to all amendments that would reduce the $650 million in emergency assistance to Israel to help meet the substantial security costs it has incurred during the Persian Gulf crisis. This assistance is crucial if Israel is to strengthen its defenses so it can protect itself. As Saddam Hussein's brutal aggression has shown, the threat against Israel is real and immediate.

During the course of the gulf war, Iraq launched 39 Scud missiles at populated Israeli civilian centers, resulting in over 200 casualties and 2 deaths, not counting the 12 people who died from heart attacks and suffocation associated with the missile attacks. Additionally, nearly 700 people were treated for shock and mistaken atrophine injection, an antidote for chemical weapons.

Iraqi missiles damaged or destroyed over 8,000 homes and apartments, leaving nearly 1,700 Israeli familes homeless. Further, random Iraqi missile attacks caused the closure of schools, lost business production, and an exodus away from Israel's populated coastal region.

In addition to suffering more damage and casualties per capita than any other front line state in the gulf war, Israel has incurred billions of dollars in increased defense costs as a result of the heightened state of alert her defense forces have been under since August 2. Israel's Air Force, civil defense, ground units, and reserve military units have been mobilized, activated and deployed, and vital intelligence activities have intensified. Four million gas masks have been distributed to every Israeli citizen.

Israel's economy has been stretched to the limit in an effort to meet its defense needs as it simultaneously grapples with what many expect to be a $42 billion cost of absorbing close to 1 million Soviet Jews. Since August 2, Israel has passed two supplemental appropriations bills totaling almost $400 million and raised its already high tax rates significantly to meet increased defense and immigration absorption needs.

Israel has made a vital contribution to the coalition efforts in the gulf by showing restraint in the face of Iraqi attacks. Like the other front line states, including Turkey, Egypt, and even Jordan, who have received more than $20 billion in assistance from the international community, Israel deserved supplemental aid.

Although Israel has received financial and in-kind support from Germany, this assistance falls far short of what Israel needs to keep its defenses strong enough to defend itself sufficiently. Because Israel depends on its friend and ally the United States for financial aid, it is imperative that we include in this legislation $650 million in emergency supplemental assistance for Israel. I strongly urge my colleagues to defeat any amendments seeking to reduce this assistance.

ISAIAH AVILA: WE HAVE LOST A GREAT MAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, last month, the people of Fall River, MA, suffered a grievous loss. Isaiah Avila, known to almost everybody in the Greater Fall River area as "Minnesota," was an object lesson to all of us in the Greater Fall River area in what it means to be a good man and a good citizen. Isaiah Avila performed more genuine acts of charity in a month than most people perform in their lifetimes, and he did it without an ounce of sanctimony or in any way giving people the appearance that he was conferring some benefit on them. He helped people because he loved people and it seemed never to occur to him that he should be anything but a source of decency, generosity, and warmth to everyone he came in contact with.

People aren't supposed to be perfect, but as far as Minnesota was concerned, editor Bernard Sullivan of the Fall River Herald News spoke for the entire city when he said in a recent column, "last week, Isaiah Availa did the only mean thing he ever did. He died and left us to weep and mourn."

Mayor Daniel Bogan of Fall River was one of many people who mentioned to me how appropriate it would be for me to memorialize this enormously good man in the CONGRESSIONAL RECORD. At a time when many people in this country are lamenting a lack of a sense of community, we who know Fall River can offer the example of Isaiah Avila as one that is well worth emulating.

ISAIAH AVILA: WE HAVE LOST A GREAT MAN

He said his dream was to be a minister, but his sixth-grade education wasn't enough.

He was wrong. Very wrong.

Isaiah Avila's sacerdotal mission had no need of book learning. It rested on the rock-solid and simple admonition that we should love our neighbor with no questions asked and no expectation of any earthly reward in return. Fairly direct. Easy to understand. Not, however, easy to do.

Bertrand Russell said, "So far as I can remember, there is not one word in the Gospels in praise of intelligence."

Ah, but there is much in praise of love.

And the big and generous heart of this little man had the market cornered on that commodity.

Isaiah was perhaps the only true prophet this city has seen for some time. He exemplified the preacher bringing the good news of God's love for all His people. Isaiah was the quintessential priest without portfolio. He was a minister without benefit of ordination, but with a mission that must have come directly from God. He was more important and spiritually successful than many clergymen bedecked in expensive robes and a tiara. Isaiah, however, wore the simple garb of the poor, and his only tiara was a gray cap with the three-line message, "We Love Children," worn above a smile that was both magical and mystical and a magnet for those of us who had the honor of knowing this kind and gentle man.

* * * where he found the sick of body.

He delivered a sermon each time he hugged and kissed a sick child and promised the youngster that God would heal what seemed beyond the power of any doctor to cure.

He preached at the kitchen table of many of the cold-water flats of the city's three-deckers where he sought out the lonely. He shopped for their groceries and shoveled their driveways and brought them to a doctor's appointment when they were too sick or old to drive themselves.

Last week, Isaiah Avila did the only mean thing he ever did. He died and left us to weep and mourn.

I had the honor of speaking at a testimonial for Isaiah in January. It was a singular honor that I will treasure for a lifetime.

Isaiah was living proof that real power and influence comes not from money or a position of worldly influence but from the simple example of selfless love.

He was brought up in a foster home and didn't know of Christmas until he was 15. He lived to bring love to hundreds of the city children and made Christmas a real and moveable feast.

Humans have accumulated knowledge at an amazing rate, but humanity has not been able to use this vast knowledge to improve the world, to bring it peace and boost its quality of life.

This humble man, however, has improved the lives of all he touched with his kind and generous heart. He brought peace to the troubled and made the city more conscious of its obligation to care.

You want a real success story?

Look to this man.

He had nothing in the way of worldly goods. He was a retired millhand, yet he had more influence in this community than any of its millionaires or moguls of the board rooms or power brokers of the political scene.

His beloved Eliza, his wife and companion, has promised to keep up his work of charity and kindness.

City Councilor John Medeiros told me he plans to seek some memorial to the memory of Isaiah in the vicinity of his former home on Eastern Avenue.

But it will be left to the God he served to adequately reward him.

By his life and example, he has, indeed, honored his city and its people.

By his friendship he has honored me.

And I wanted to take this little slab of journalistic real estate to set up my own memorial to the memory of a saint. I wanted, in my own fumbling way, to say goodbye.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an exchanges of letters with the Department of State and the Department of the Treasury regarding the startup of operations by the European Bank for Reconstruction and Development [EBRD].

At the European summit in Strasbourg, in December 1989, the European Community agreed to a French proposal to create a multilateral development bank for East and Central European countries. This bank was envisioned as a major vehicle for promoting change and addressing economic issues in the newly emerging democracies in this region. Negotiations with the United States and other non-EC countries on the charter of such a bank were initiated shortly thereafter. The EBRD charter was agreed upon in principle on April 9, 1990, and the Bank was formally established on May 30, 1990. Jacques Attali, a close confidant of French President Mitterrand, was nominated to be President of the new institution.

Since last spring, the Bank has been slow in getting off the ground. A number of criticisms of the EBRD came to my attention earlier this year and prompted the correspondence that follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, January 17, 1991.

Hon. NICHOLAS F. BRADY,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: I write with respect to the European Bank for Reconstruction and Development (EBRD). I am concerned about the direction the Bank appears to be taking and with the slow pace of its start-up efforts.

A number of criticisms of the EBRD have recently come to my attention:

The EBRD has been unable to define a "lending niche" distinct from that of the World Bank. Instead of complementing the efforts of the World Bank and IMF, the EBRD is in danger of setting itself up as a competing lender which might challenge the conditionality set by these institutions;

EBRD President Jacques Attali is promoting his own and/or President Mitterrand's agenda over the objections of other EBRD donors and Eastern European loan recipients;

Ernest Stern, a respected Senior Vice President at the World Bank, turned down the position of EBRD First Vice President due to fundamental differences with EBRD President Attali;

The EBRD has had problems recruiting staff (despite planned average salaries of $175,000) due to the low reputation of the Bank and its President compared to other international lending institutions; and

The EBRD and East European Governments have had disagreements regarding the Bank's funding priorities.

I would appreciate your answers to the following questions:

Are you pleased with the progress made so far by the EBRD?

Are strategic, managerial, and operational problems, as stated above, hindering the EBRD's ability to carry out its stated objectives?

Have these problems contributed to a slow start-up of the EBRD, or do you see other factors at work?

What steps are you taking to speed the establishment and functioning of the EBRD?

When do you expect the EBRD to begin lending?

I appreciate your consideration of this matter and look forward to your early reply. You should know that a similar letter was sent to the Department of State. I hope that you can coordinate your response.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 25, 1991.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. HAMILTON: I am replying to your letter of January 17 to Secretary Baker expressing your concern with the progress of setting up the European Bank for Reconstruction and Development. I understand that the Treasury Department has responded in detail to the questions you raised.

Creating a new international financial institution has proved to be a complex undertaking, which will necessarily take time. In light of that fact, we are concerned more that the Bank get a strong start than that it start quickly. We expect the Bank to be formally inaugurated in April and to see the first transactions by the summer.

The United States remains fully engaged in the hard work of shaping the EBRD. Our central objective is to create an institution that supports and accelerates the development of prosperous, market-oriented economies in Eastern Europe through direct support for emerging private sectors. This objective has the firm endorsement of the President-designate and all the signatory countries. None of the difficulties we have experienced in setting up the Bank has challenged that central priority.

Much more work remains to be done, however, in order to create an institution that serves our objectives effectively, and which does so in close cooperation with the IMF, World Bank, IFC and bilateral assistance programs. In that regard we have made a number of suggestions for development of a comprehensive lending strategy and prioritization of the Bank's activities. We will be working closely with staff over the next few months as they formulate policies.

Based on discussions with EBRD management on the responsibilities of the First Vice President, we are optimistic that the United States will be able to play a strong role in the Bank's direction.

We very much appreciate your interest in the process of setting up the EBRD and would be glad to discuss it further with you or your staff.

Sincerely,

JANET G. MULLINS,
Assistant Secretary
Legislative Affairs.

DEPARTMENT OF THE TREASURY,
Washington, DC, February 7, 1991.
Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 17 to Secretary Brady, in which you express concerns regarding the start-up of operations by the European Bank for Reconstruction and Development (EBRD), and a follow up to our recent meeting. The U.S. Government shares many of your concerns, and has been working actively with Bank management and other Bank members to obtain the necessary changes in the Bank's organizational structure and operational priorities.

With regard to your specific questions, we would have to say that we are not completely satisfied with the progress made so far by the EBRD. In particular, we had expected that the Bank would have produced a detailed operational strategy by now, setting out a comprehensive and realistic program of operations for the Bank, with sector specific objectives in individual borrowing countries. This has not occurred. The Bank has also been slow in establishing the operational and financial policies which can serve as a guide for the staff responsible for formulating specific project proposals, as well as for potential borrowers.

These problems were the subject of negotiation at the Third Organizational Meeting of the EBRD in London January 28–30. We found that a large number of the other Bank members shared our concerns, and we were able to obtain a commitment from management to give priority to the formulation of a comprehensive and realistic operational strategy for the Bank. We have made clear that this strategy must be completed before the Bank can begin to finance individual operations.

In the operational strategy, we have asked the Bank to undertake a thorough analysis of the priority needs of the borrowing countries, and an analysis of the activities of other multilateral and bilateral donors. Based on this analysis, and keeping in mind the requirement in the Articles of Agreement that the EBRD must allocate at least 60 percent of its funding to the private sector or privatization activities, the Bank must then set up a specific operational plan for each of its borrowing countries. We would expect this plan to be fairly narrow in the beginning, expanding as the EBRD gained knowledge and expertise.

We have suggested that, in the initial stage of operations, the Bank concentrate on privatization, enterprise restructuring, environmental projects and the development of individual private enterprises, including joint ventures with foreign partners. In addition, there is scope for the Bank to be involved in the development of the financial sector in Eastern Europe, and in the financing of infrastructure projects critical for the establishment of a viable private sector, such as telecommunications and energy projects. This is the "lending niche" that you refer to.

We have also asked the Bank to produce detailed policy papers on operational issues (procurement, project evaluation, etc.), financial issues, environmental policy, technical assistance and human rights. We have provided the Bank with our own proposals on these issues, and will be working closely with staff over the next few months as they formulate their policies.

I am less concerned about the overall orientation of the Bank. Bank management and staff are determined to give the Bank a strong private sector orientation. Although there is a tendency to focus on the integration of Eastern Europe into the Western Europen economic network, I believe that we will be able to work through high level U.S. staff and the U.S. Director to ensure that our interests in Eastern Europe are taken into account.

The United States will be able to play a strong role in the Bank through the First Vice President position. Although we were disappointed that Ernie Stern decided not to accept this position, we will soon place another highly qualified individual in this position. In addition, we have had extensive discussions with Bank management regarding the responsibilities of this post, and are now satisfied with the division of responsibilities of the top level management of the EBRD. The U.S. First Vice President will have a broad coordinating role within the Bank by chairing the Bank's internal Operational Committee. The First Vice President will also have the Merchant Banking portfolio of the Bank, a position which will have control over about 70 percent of the Bank's operations, including all private sector operations and all privatization activities.

The various operational and organizational issues which I have outlined above will be discussed again at the next organizational meeting March 25–26, and at the inaugural meeting of the Board of Governors and Board of Directors, tentatively scheduled for April 15–18, 1991. If we and the other members are satisfied with the Bank's strategy and policy proposals, the Bank should be able to begin operations this summer.

I would be pleased to provide you with further information on the EBRD's activities.

Sincerely,

DAVID C. MULFORD,
Under Secretary International Affairs.

SADDAM HUSSEIN MUST BE HELD ACCOUNTABLE FOR HIS CRIMES AGAINST HUMANITY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. YOUNG of Florida. Mr. Speaker, the liberation of Kuwait has been accomplished and the objectives of President Bush and the coalition forces have been achieved. However, as the people of our Nation, those of our allies, and those of liberated Kuwait rejoice in victory, there still hangs a black cloud over Kuwait. That black cloud is caused by the burning oil fields of that nation, set ablaze as part of the scorched earth retreat of Saddam Hussein's forces. What that black cloud has come to symbolize is the horrible atrocities committed by the forces of Iraq during their 7-month occupation. With the occupation over, the world is only now beginning to realize the true extent of Saddam Hussein's reign of terror.

Over the past 7 months we have heard many first-hand reports of the brutality of Hussein's forces. During the occupation of Kuwait, tales of torture, rape, and mass executions leaked out, many too horrifying to believe. But now as the citizens of liberated Kuwait express their gratitude to the coalition forces who have freed their nation, they also share with the world personal accounts of the terror which ensued following the invasion. Family members disappearing only to reappear dead several days later on the front doorstep, their bodies mutilated and riddled with bullets. Mothers forced to watch as their husbands are shot and their daughter raped. One woman, suspected of being with the Kuwaiti resistance, was found with an ax lodged in the back of her head. The atrocities committed by these brutal forces are too numerous to count. However, difficult it may be for the Kuwaiti people to talk of these horrors, they are willing to tell, and the world must now listen and know.

Saddam began his reign of terror by holding thousands of foreign citizens hostage following his August 2 invasion of Kuwait. Many of these hostages were held as "human shields" at strategic sites in the hope that their presence would deter the United States and its allies from any plans to attack. Then, having released these hostages, he resorted to the use of American and allied POW's as human shields, an act which violates not only the Geneva Conventions on the treatment of prisoners of war, but every norm of human decency. Iraqi news accounts bragged that allied air raids resulted in the death and injuries of several American and allied POW's being held as human shields. We warned the Iraqi Government time and time again of its obligations to respect the rights guaranteed to POW's under the Geneva Conventions. Their response was to deny any wrong doing in the treatment of their "guests".

We shall never forget the anger we felt at the sight of our brave yet battered airmen, who were paraded on television as prisoners of war. Slumped in chairs, their faces cut and bruised, they were forced to make coerced statements, in bald violation of the Geneva Conventions. His decision to brutally humiliate these airmen was then followed by an announcement on Baghdad Radio that allied prisoners of war would be tried and treated as war ciminals. Whatever the reason for this propaganda horror, its effects were clear: The American people grew angrier than ever and the allied forces' resolve to stop him hardened.

Baghdad Radio's broadcast that allied prisoners of war would be tried and treated as war criminals, came at the same time that Iraqi prisoners of war held by the allies were praising their treatment in United States and Saudi prisoner of war camps. They receive three meals per day, as opposed to the one meal of rice they received from the Iraqi Government. They receive medical treatment for lesions and lice that were the result of their less than humane lifestyle in the Iraqi military. They receive care for any injuries incurred in battle—care which often times saves their lives. Finally, the United States and Saudi Arabia, as per the Geneva Conventions, have notified the International Red Cross of the names, ranks, and serial numbers of all Iraqi prisoners of war. This information has in turn been relayed by the Red Cross to the Iraqi Government.

The contrast between the Iraqi and allied treatment of prisoners of war is obvious, and was of great concern to all Americans. The list of Saddam's war crimes, however, does not end there. The world watched as almost daily, throughout the 7 weeks of Operation Desert Storm, Saddam Hussein ordered a relentless, unprovoked series of Scud missile attacks against civilian population centers in Israel and Saudi Arabia. While the remarkable technology of United States Patriot missiles managed to destroy most Scud missiles in the air, pieces of the Scuds as they broke up in flight and after being struck by Patriots managed to fall on areas inhabited by innocent civilians, killing nearly a dozen and injuring more than 100.

Certainly no American can forget that 29 Americans lost their lives in a Scud attack on Saudi Arabia in the closing hours of the war. It was the single greatest loss of life and injury by the allies in the entire operation.

Saddam Hussein's reasons for these unprovoked attacks, especially against Israel, were clear. He hoped to bring Israel into the war in an attempt to break the resolve of the allies and disband the coalition. Once again he failed. Reserving the right to defend themselves and their nation, the Israelis demonstrated tremendous restraint in not launching a retaliatory strike. The Congress and our Nation commend them for their restraint and reaffirm our commitment to their freedom and security.

In addition to his continuing campaign of Scud attacks against civilian targets, Saddam Hussein, to the amazement of the world and in a desperate act of ecoterrorism, also undertook a personal war against the Persian Gulf itself. The Iraqi President ordered the opening of oil pumps on the coast of Kuwait, dumping millions of barrels of oil into the gulf, creating an oil slick the size of New York City. In addition, the torching of 600 oil wells in Kuwait is producing one of the world's worst air pollution disasters. This environmental terrorism could destroy the gulf and all the life it supports for decades. With no military advantage to gain from these acts, it is clear that Saddam Hussein was only interested in opening the door to new forms of terror.

As the people of Kuwait return to rebuild their homeland, we are learning even more details of the atrocities committed by Saddam Hussein and his forces during the occupation of Kuwait. In the weeks and months ahead, we no doubt will see the true extent to which he terrorized his small defenseless neighbor.

In just the first week since the cease-fire began, we have seen Saddam Hussein revert to armed force and terror against his own people. Using what military strength he was able to salvage, he has quashed spirited demonstrations and uprisings in a number of Iraqi cities while the people were demanding Saddam Hussein's removal from power. It is the last vestiges of the elite Republican Guard that has taken the lead in these operations as they have opened fire and used brute force against unarmed and defenseless Iraqi citizens.

The manner in which Saddam Hussein ordered and oversaw the murder and torture of thousands of American, Kuwaiti, Israeli, and allied troops over the past 7 months, and his actions within his own country these past 7 days serves as a vivid reminder to the world of what was at stake in the Persian Gulf. Saddam Hussein symbolizes lawlessness and aggression; the defeat of his forces represents an historical milestone for civility and human rights.

Saddam Hussein must answer the calls of the international community and stand trial for his crimes. Our victory in this campaign demonstrates to the world, and to future despots and terrorists, that the international community is fed up with their lack of human decency and their careless disregard for human life. It expresses an unwavering resolve to bring these criminals to justice.

Legislation I drafted in January, after seeing Saddam Hussein parade beaten American and allied POW's before Iraqi television cameras, would have authorized the United States to pay up to $100 million to any individual or individuals providing information or assisting in the capture of Saddam Hussein. Previous Congresses have taken steps to provide the authority for the similar payment of rewards to those who assist in the capture of terrorists and drug kingpins. It was at the request of our administration, which so skillfully held together a diverse coalition of allied forces, that I held off introducing this legislation to avert any disruption in the support of our allied forces, especially those in the Arab community.

Still, I believe our Nation should work with the victorious leaders of our coalition to proceed with the capture of Saddam Hussein so that he can be tried before an international tribunal to demonstrate the world's resolve to punish cowardly crimes of terrorism. His trial would send a message to other potential tyrants and terrorists that the free world is serious about working together to bring to justice international criminals who commit these heinous crimes against humanity.

The U.S. Congress is outraged, the American people are outraged, and the entire free world is outraged at the brutality of Saddam Hussein and his unthinkable acts which violate every norm of human decency. The Congress has voted to condemn his actions, and now we must strive to see that he is held fully accountable for every one of these ruthless acts he ordered committed over the past 7 months.

THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT OF 1991

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HAYES of Louisiana. Mr. Speaker, I rise today to join with my colleagues Mr. RIDGE, Mr. TAUZIN, Mr. YOUNG of Alaska, Mr. ANTHONY, and Mr. HAMMERSCHMIDT, along with many other Members, in the introduction of the Comprehensive Wetlands Conservation and Management Act of 1991.

Mr. Speaker, a few weeks ago on the floor of this Chamber the President of the United States gave his general State of the Union Address. Imagine the public reaction if, at that time, he had reported in his speech that the only item missing in the fulfillment of his vision for America was a national land-use plan. Newspaper headlines across the Nation would have screamed for an explanation and opposition would have erupted overnight. The same would have been true if in the Democratic response, the same idea was proposed.

However, that is exactly the situation we find ourselves in today. Federal wetlands law has now become the land management tool for anyone wanting to dictate development across this country. I believe that situation needs to change.

Mr. Speaker, we have joined together today to offer a solution to the wetland problems we are currently experiencing in each of our home districts. For example, in Eugene, OR, a State known for its environmental sensitivity, a statewide program to map out areas for development has been usurped by Federal law. Consequently, instead of allowing development to occur on marginal wetlands, development must now proceed on prime farmland or prime forest lands. Is that the type of environmental strategy we want to forward?

In Nevada, developments in the midst of cactus and parched earth are now being classified as "wetlands" because standing water can occur for 7 days in a hole dug for a foundation. The fact that such a rain occurs very rarely no longer seems relevant in what was once considered a desert State, but which is now "the Great Wetlands State."

Obviously, Louisiana has its own problems as well. In my area, where precluding man's activities on wetlands ensures their permanent loss, the current Federal policy literally supports ecological damage. In my district I have landowners who are the active stewards of the marshlands fighting to protect wetlands from the geologic processes of subsidence and a rising sea level. Without their marsh management efforts my region will continue to convert to open water, and subsequently, into the Gulf of Mexico. Amazingly, in spite of this scenario these people must wait over 5 years to get a permit to simply repair an eroded levee or water control structure. That does not make sense. It may amuse several of my colleagues that this issue hits at the heart because I am in jeopardy of losing my seat to erosion rather than apportionment.

In the most graphic terms, this country continues to lose over 1,200 acres of wetlands each day. This rate of loss can no longer be tolerated. Concurrently, we have also managed to burden our communities, who must meet their expanding needs, by imposing a regulatory process that prohibits essential growth from occurring, devalues individuals' property, cuts local governments' tax base, and accept as standard operating procedure a process that delays permit decisions for years. Obviously, there are no winners in this scenario.

In response to this crisis, I have crafted a proposal that will establish a new national wetlands program that will conserve our wetland resources, while accommodating the need for continued economic growth and the reasonable protection of private property rights. With the help of many individuals from my State, and from Members and organizations from around the country, this bill has been drafted to create a regulatory scheme that respects the regional nuances that make the wetlands of such places as Louisiana, Alaska, and Pennsylvania so distinctive.

For a quick history lesson on how we got into the mess we are in today, and why we must reform the current system, we must being in 1972 with the passage of the Clean Water Act. In that act, wetlands were barely the focus of congressional attention, receiving less than two paragraphs of legislative language. In short, congressional intent focused strictly on the dredge-and-fill activities of the Corps of Engineers within the navigable waters of the United States, such as for the maintenance of the Mississippi River channel, and was not primarily concerned with the future of all wetlands within the entire United States.

Since that time, without congressional debate or mandate, the promulgation of rules and regulations by various agencies and departments, acting free from the constraints of public comments, has led to the bureaucratic malaise in which we currently find ourselves entangled. Based upon the searing comments each of us hear from our constituencies regarding the impact this egregious system has had upon their lives, it is obvious that the changes promulgated since 1972 have neither protected our wetlands nor respected the property rights of our citizens. Suffice it to say, that a law that never envisioned itself to be the protector of wetlands has not been modified to protect the environment nor legitimate concerns of our communities. Consequently, it is time for a change.

For the first time since the inception of the Clean Water Act in 1972, our bill would establish a true comprehensive national wetlands policy, rather than simply trying to apply an inadequate and inappropriate law to meet that goal. For example, this legislation would finally expand the jurisdiction of wetland protection to cover such currently permissible activities as excavation and drainage, each of which, under present law, may cause severe environmental degradation.

More importantly, however, this legislation would finally recognize that a rational balancing test needs to be incorporated into the Federal decision-making process regarding the permitting of activities in wetlands.

To accomplish this goal our legislation takes a bold new approach by categorizing and classifying wetlands based upon their environmental values and functions for regulatory purposes. Such an approach guarantees that important wetlands receive critical Federal attention and protection while lesser value properties are protected in a way that ensures that their functions and values are not lost to the region while still accommodating essential community growth. Clearly, it is that sort of balanced approach that all of us share as our common goal.

This proposal also makes significant progress in improving the definition of what makes a property a wetland. As each of us knows all too well, the current delineation manual has created a furor over the excessive scope of that directive's definition of what constitutes a jurisdictional wetland. Consequently, through the comments of numerous individuals and groups, we have worked to correct this situation. Under the authority of our new definition we believe that only those properties that provide true wetlands functions and values will now be covered by Federal law.

Furthermore, following upon the heels of several landmark court decisions involving the issue of regulatory takings, our legislation clarifies that the imposition of excessively restrictive permit conditions is, in essence, expropriation. While no one likes to admit that, under current law, we are regularly taking land from property owners, or that the existing Federal wetlands policy costs us millions each year, the time has come for Congress to put its money where its mouth is.

To date, as a Federal Government, we have thought nothing of telling a landowner that he or she is precluded from ever using that property again for any economic use due to the fact that it has now been delineated as a wetland. We do this, of course, under the guise of being in the Nation's best interest. What we have neglected to do however, is recognize that this type of action is clearly not in the individuals best interest and may devastate the financial condition of that owner. Nonetheless, as long as no bill came due to the Federal coffers, there was no need to worry and no need to believe that this action could have a detrimental impact upon our country.

But explain to me the difference between a landowner who is approached by the Department of Transportation to explain that I–10 is going to be built through their property for the national good and a landowner who is told not to build or use their property because it is a nationally significant wetland. I believe that in both cases the individual has lost the use of their property in response to the greater good. However, in one fundamental way the net result is significantly different because the owner in the way of I–10 will not be the one to shoulder the financial burden alone for the national good; he or she will be compensated as an expropriation. The wetlands owner, however, will simply be entitled to hold title to their property which he or she can not extract any economic value from, but will be left to shoulder that burden on behalf of the national good alone, while continuing to pay full value taxes on those lands. That scenario does not make sense and is clearly unfair.

To streamline this process and to protect those wetlands that are of national significance, our bill proposes to guarantee that critically important wetlands are prohibited from being subject to any economic development, but in return, provides landowners with a swift compensation procedure to protect their rights and economic condition.

While some members complain that the cost associated with this type of solution due to takings is too high, I must point out that they never seemed to care before for the individual back in their district who has had to lose their life savings that was tied into their ownership of lands which were later determined to be wetlands through the de facto expropriation of their properties. Furthermore, as cases such a Florida Rock and Loveladies Harbor progress through the courts on the way to the Supreme Court, the issue of whether takings are occurring or not is now moot. The courts are saying that these are takings. Therefore, the issue of whether we as a government with an inflated budget deficit can withstand the effects of takings decisions is no longer avoidable, we are going to have to act.

One short note on that point. Under the accelerated procedure established in our legislation, at least the Federal Government would be able to avoid the penalties and interest costs that they are currently paying in each case where they deny a takings has occurred. For example, in one of two cases I just mentioned, instead of paying over $5 million to the landowner, the Federal Government would only have had to pay a little over $1 million to settle this case. However, due to compounding interest and the snail-pace involved in resolving this issue the Government has had to pay four times its initial and reasonable cost.

Finally, the bill accomplishes two major goals that are consistently mentioned by my constituents. The first is the streamlining of the decisionmaking process so that permits no longer linger years after the initial application awaiting a granting or denial. Secondly, the bill provides an incentive for States to take on an increased role in the management of their own wetlands as well as providing for the complete assumption of the permitting process if they so desire. Individuals have remarked that decisions need to be made by people who know the land and live on or near the land in question, rather than by some bureaucrat located hundreds of miles away who uses aerial photographs to make their decisions. In the course of the nationwide Domestic Policy Council's hearings on wetlands, both of these points were highlighted time and time again as areas that needed reform.

In conclusion, I want to remind my colleagues that this is an extremely complex issue where solutions that are good for Louisiana may not be best for Maine or North Dakota. However, after working with hundreds of people from around the country I believe that this legislation provides the best vehicle for correcting a system that is in dire need of repair.

I remember, on the day John Kennedy was killed, my father and I were hunting in the marshlands south of my home in Louisiana. While the memory of that tragic day is still alive for each of us, what concerns me now is that the very lands he and I walked upon that day are no longer there; they have literally eroded out from under our feet. I worry that my children and their children will not have the same opportunities to enjoy these lands if you and I do not do something today. We can't bring back each and every acre and memory, but we can ensure that the places where dreams are made will be there in the future for our children to use and appreciate.

We can no longer blame the loss of wetlands or the anger of our constituents on geologic processes, Federal ignorance or other grand-scale factors. Wetlands are too critical to our environmental and economic survival not to be addressed now by an enlightened Congress. There is clearly the will here in this Nation to accomplish that task and it is our responsibility to harness that energy. I would commend my fellow colleagues to look at this legislation and to use it as the first step in reforming our wetland laws and in meeting our challenge to better protect and manage this country's natural resources.

THE PEACE, DEMOCRACY AND DEVELOPMENT IN EL SALVADOR ACT

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. MCDERMOTT. Mr. Speaker, today, I am introducing the Peace, Democracy and Development in El Salvador Act. Thirty of my colleagues in the House have joined me as original cosponsors of this legislation, which is also being introduced by Senator BROCK ADAMS in the other body today.

Last year, Congress broke important ground by voting to cut military aid to El Salvador by 50 percent and imposing conditions on the restoration of aid. I commend my colleagues, the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from Pennsylvania [Mr. MURTHA] for their skill and leadership on this issue.

But, for all practical purposes, we stand here today in the same place we were a year ago—we are still sending $85 million to El Salvador in military aid and the violence still goes on. The administration announced on January 15 that the additional $42.5 million in military aid would be released, but not obligated for 60 days, pending a ceasefire. Since negotiations have not yet produced agreements to achieve a ceasefire, it is extremely unlikely that the aid will remain withheld.

The intention of the Moakley-Murtha provisions included in the fiscal year 1991 appropriations bill was to encourage negotiations and respect for human rights by both the Government of El Salvador and the Faribundo Marti National Liberation Front [FMLN]. Specific conditions were laid out which, upon being met, could restore or further cut military aid, thus providing incentives for each side to work for a peaceful settlement to the conflict. But, as many of my colleagues have expressed in a recent letter to President Bush, the President selected certain conditions to cite when restoring aid and neglected others that, if imposed, would have cut aid. One of those conditions required that military aid should be cut further if progress was not made in prosecuting all those responsible for the murder of six Jesuit priests and two others at the University of Central America on November 16, 1989.

Just over a year ago, I returned from a trip to El Salvador with the Moakley task force to investigate the murder of the Jesuits. At that time, it was clear that the investigation was not proceeding swiftly. Today, little progress has been made to prosecute those who pulled the trigger and nothing has been done to identify those who ordered this egregious act. Yet, the President apparently overlooked this fact when he decided to release the additional military aid.

The Peace, Democracy and Development in El Salvador Act avoids this type of unilateral judgment by the President by cutting military aid 100 percent and then requiring that, after the President reports that certain conditions have been met, Congress must vote on the restoration of aid. A thorough analysis of the activities of the Salvadoran Government as well as the FMLN would then be required. Conditions on restoration of aid include: First, the rightful resolution of several human rights cases, including the 1989 assassination of the six Jesuit priests and two others; second, civilian control of the military so that the people of El Salvador can trust their government to provide them with protection rather than terrorism; third, an end to crimes against civilian noncombatants; and fourth, meaningful negotiations toward a permanent settlement. It would also prohibit covert activity, withdraw military advisors, and transfer withheld aid to a fund for postwar reconstruction. In short, it sets a framework for peace.

For too long, we have heard the same rationale from the administration about our policy in El Salvador. Claims are made that our presence in El Salvador has helped instruct the Salvadoran military to respect human rights abuses and that our aid is essential to maintain the fragile democracy that exists and to end the civil war. But when you cut through the rhetoric, one fact remains: Eleven years of military aid have failed to bring peace to El Salvador. Despite the genuine efforts of Salvadoran President Alfredo Cristiani, the military lacks accountability and has failed to end its crimes against civilian noncombatants. The people continue to suffer from war and repression. Death squads continue to execute civilians in the middle of the night. The cycle of violence goes on.

The Salvadoran military and the FMLN are both responsible for abuses of human rights, as we have seen in the Jesuit case and the killing of three United States airmen earlier this year. These atrocities will only abate when a permanent settlement to the conflict has been reached. Withholding aid provides incentives for meaningful compromise at the bargaining table. Until then, neither side is likely to stop the killing.

Our aid affirms the notion that a military solution to this conflict is possible. Until we take the lead in dispelling this notion by ending our own military involvement, the war will continue. This war does not have to rage indefinitely. A framework for peace has already been established. Promising negotiations with the United Nations are taking place, but a resolution of many major issues, including military reform and the prosecution of human rights cases, has yet to occur.

In his announcement of his intention to restore full military aid, President Bush sent a signal to the Salvadoran military that all is well and that business as usual can resume. If history is any indication, this move will only perpetuate the war. It has already been followed by the massacre of 15 civilians, the detention of journalists, and the burning down of the opposition newspaper headquarters.

Today, we intend to send a different signal. It is time to reverse our policy in El Salvador. The war in the Persian Gulf prompted a new and important debate about when to wage war and when to seek peace throughout the world. One of the important lessons of that crisis has been that we cannot allow human rights abuses to go unchecked. Amnesty International has been documenting gross violations of human rights in El Salvador for years, just as it has in Kuwait for the past 6 months. Our failure to address the tyranny and brutality of Saddam Hussein helped lead us to war—fortunately, one that lasted only 42 days. But our failure to address repression in El Salvador has encouraged a persistent war in that country that has lasted 11 years, killed well over 70,000 people, including tens of thousands of civilians, and reduced the entire country to abject poverty.

The United States has been a willing accomplice in this war, providing over $1 billion to the Salvadoran military. At times, we have given the Government of El Salvador over half of its annual budget. United States military aid has been accompanied by a 400 percent increase in the size of the Salvadoran military. Yet, we have not fostered a negotiated settlement. We have not alleviated poverty. We have not presided over peace; instead we have perpetuated and even institutionalized war.

I hope this year Congress and the administration will recognize at last that we cannot repeat the mistakes of the past in El Salvador. It is time for a new policy to promote peace in this country that has suffered so long and so terribly.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace, Democracy and Development in El Salvador Act of 1991".

SEC. 2. STATEMENT OF POLICY.

(a) IN GENERAL.—The principal foreign policy objectives of United States assistance to the Republic of El Salvador shall be—

(1) to promote political agreements leading to a cease-fire and permanent settlement to the conflict in El Salvador, with the Secretary General of the United Nations or his designated representative serving as an active mediator between the opposing parties;

(2) to foster greater respect for basic human rights and the rule of law; and

(3) to advance political accommodation, national reconciliation, and demilitarization in El Salvador.

(b) ROLE OF DIPLOMACY.—It is the sense of Congress that the United States shall use diplomacy to encourage both the Government of the Republic of El Salvador and the Farabundo Marti National Liberation Front (hereinafter in this Act referred to as the FMLN) to:

(1) participate in good faith negotiations designed to achieve a cease-fire and permanent settlement of the conflict in El Salvador;

(2) adhere to the terms of the agreements signed by them in Geneva, Switzerland on April 4, 1990, and in Caracas, Venezuela on May 21, 1990, and in San Jose, Costa Rica on July 26, 1990 and

(3) encourage and support the active role of the Secretary General of the United Nations or his designated representative in advancing proposals on the outstanding issues defined by the Caracas accords, in order to help resolve the conflict.

(c) INSTITUTIONS AND RIGHTS IN EL SALVADOR.—Recognizing that the terms of the agreements reached between the Government of the Republic of El Salvador and the FMLN must be the work of the parties themselves, the Congress affirms its support for an outcome that promotes democratic institutions and practices in El Salvador and enhances respect for internationally recognized human rights. These include social and political liberties, a functioning and independent judicial system, a system of labor relations in which internationally recognized workers rights are respected, free and fair elections in which all individuals and parties in Salvadoran society may participate, and the subordination of military power to civilian authority.

(d) ADMINISTRATION OF JUSTICE.—Cognizant of the murders at the University of Central America on November 16, 1989, and the murder of United States military personnel in eastern El Salvador on January 2, 1991, the Congress views the full and effective resolution of the investigation, prosecution and trial of those responsible for participating in, ordering, or protecting those involved in these murders as an important objective of United States policy, and as one of crucial measure of the willingness of the parties to the conflict to take needed steps to protect basic human rights in El Salvador.

(e) ROLE OF UNITED STATES ECONOMIC ASSISTANCE.—It shall also be the policy of the United States to provide economic assistance which supports reconstruction, economic development, and social justice in El Salvador.

SEC. 3. PROHIBITION ON MILITARY ASSISTANCE TO EL SALVADOR

(a) WITHHOLDING UNITED STATES MILITARY ASSISTANCE.—Notwithstanding any other provision of law, United States military assistance allocated for El Salvador for fiscal year 1991 and prior fiscal years which has not been obligated, expended, or otherwise made available to the Government of El Salvador as of the date of enactment of this Act, and all military assistance allocated for El Salvador for fiscal years 1992 and 1993, shall be withheld from obligation or expenditure, unless—

(1) the President determines and reports in writing to the Congress that the conditions in subsection (c) are met; and

(2) the Congress enacts a joint resolution authorizing provision of that assistance.

In considering whether to enact a joint resolution under paragraph (2), the Congress shall take into account whether or not the stated commitments of the FMLN to observe internationally recognized human rights and to pursue good faith negotiations for a peaceful settlement to the conflict leading to a cessation of hostilities, have been fulfilled.

(b) DEFINITION.—For purposes of subsection (a) the term "United States military assistance" means (1) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and (2) assistance to carry out section 23 of the Arms Export Control Act.

(c) CONDITIONS.—The conditions referred to in subsection (a)(1) are that—

(1) all those responsible for ordering and carrying out, or obstructing the investigation into, the November 16, 1989 murders of Father Ignacio Ellacuria; Father Ignacio Martin-Baro; Father Segundo Montes; Father Armando Lopez; Father Joaquin Lopez y Lopez; Father Juan Ramon Moreno; Julia Elba Ramos; and Celina Ramos have been apprehended and brought to justice;

(2) internationally recognized workers' rights have been extended to Salvadoran workers;

(3) the Government of El Salvador has pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out—

(a) the March 25, 1980 assassination of Archbishop Oscar Romero;

(b) the January 1981 murders of two United States land reform consultants Micheal Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rudofo Viera;

(c) the October 1989 bombings of the FENASTRAS headquarters in which ten trade unionists were killed;

(4) the Government of El Salvador is complying with international standards of respect for humanitarian and medical workers (as defined by the 1949 Geneva Conventions and the 1977 Protocols to the Geneva Conventions);

(5) while the negotiations process for a final settlement continues, steps have been taken to effectively place the Salvadoran military under the control of the elected civilian government, including the separation of all police functions from the command and control of the Armed Forces of El Salvador and the reconstitution of the police force directly responsible to, and under the control of, a civilian authority;

(6) the Government of El Salvador is negotiating in good faith to achieve a cease-fire and a final political settlement of the conflict in the Republic of El Salvador;

(7) the Government of El Salvador has not rejected a plan for the settlement of the conflict which has been put forth by the Secretary General of the United Nations or his designated representative in accordance with the terms and procedures in the April 4, 1990 Geneva Communique and the May 21, 1990 Caracas Accord between the Government of El Salvador and the EMLN;

(8) the Government of El Salvador has not, through its military and security forces, assassinated or abducted civilian noncombatants, has not engaged in other acts of violence directed at civilian targets, and has not failed to control such activities by elements subject to the control of those forces.

(d) EXCEPTION.—Notwithstanding subsection (a), military assistance funds may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds.

SEC. 4. WITHDRAWAL OF MILITARY ADVISORS FROM EL SALVADOR.

None of the funds authorized to be appropriated by this or any other Act may be obligated or expended for the stationing of United States military personnel in El Salvador as either trainers or advisors to the Armed Forces of the Republic of El Salvador.

SEC. 5. COVERT OPERATIONS.

None of the funds authorized to be appropriated under any provision of law may be obligated or expended to finance covert operations in El Salvador or to provide covert military assistance to the Government of the Republic of El Salvador.

SEC. 6. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, TRANSITION TO PEACE, AND RECONSTRUCTION.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to assist with the cost of monitoring a permanent settlement of the conflict, including a cease-fire, the demobilization of combatants in the conflict of El Salvador and their transition to peaceful pursuits, and reconstruction of the country, which shall be known as the "Demobilization, Transition, and Reconstruction Fund" (hereafter referred to as the "Fund"). Amounts in this Fund shall be available for obligation and expenditure only upon notification by the President to the Congress that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement to the conflict, including an agreement on an end to hostilities.

(b) TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.—Upon notification of the Congress of a permanent settlement of the conflict, including an agreement on an end to hostilities, or on September 30, 1992, if no such notification has occurred prior to that date, the President shall transfer any United States military assistance withheld pursuant to Section 3 of this Act to the Fund.

(c) USE OF THE FUND.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and re-employment in civilian pursuits of former combatants in the conflict in El Salvador, of the monitoring of a permanent settlement and an end to hostilities, and of assistance to help meet the reconstruction and development needs of civilian populations, including the resettlement of persons displaced within, and of refugees returning to, El Salvador.

(d) DURATION OF AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts in the Fund shall remain available until expended.

SEC. 7. ADDRESSING THE ROOT CAUSES OF WAR IN EL SALVADOR.

(a) PROHIBITION.—None of the funds appropriated pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to economic support fund) may be obligated or expended as balance-of-payments assistance or cash assistance for El Salvador.

(b) ALLOCATION OF FUNDS FOR CERTAIN PROJECTS.—All of the funds appropriated pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 for El Salvador shall be available only for projects for child nutrition, health, clean water, basic education, agrarian reform (including research, credit, and physical inputs) and other basic human needs of the people of El Salvador. Such assistance shall be provided, wherever practicable, through private and voluntary organizations or other non-governmental organizations.

(c) CONDITIONS REGARDING ADMINISTRATION OF FUNDS.—Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 for El Salvador shall be used only for programs and projects which are independent of military operations, which are planned and administered by civilian agencies or organizations, and which are implemented solely by civilian agencies and organizations.

(d) ASSISTANCE FOR NONGOVERNMENTAL AND INTERGOVERNMENTAL ORGANIZATIONS.—(1) Not less than 10 percent of the funds available for El Salvador under chapter 4 of part II of the Foreign Assistance Act of 1961 shall be provided through independent private and voluntary organizations, organizations affiliated with the churches in El Salvador, and intergovernmental organizations such as the United Nations Childrens' Fund, the United Nations Development Program and the Pan American Health Organization. Priority shall be given to independent, nonpolitical, private, and voluntary organizations with a demonstrated ability to conduct programs that benefit the poorest segments of Salvadoran society.

(2) For purposes of this subsection, the term "churches" means the Roman Catholic, Lutheran, Episcopal, Baptist, and Mennonite Churches.

(e) QUARTERLY REPORTS.—Every three months, the Administrator of the Agency for

International Development shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the obligation, disbursement, and use of the funds for programs authorized by this section.

SEC. 8. CONGRESSIONAL REVIEW.

Funds available for El Salvador under section 6 or under chapter 4 of part II of the Foreign Assistance Act of 1961 may only be obligated or expended subject to the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance act of 1961.

FEDERAL INVESTMENT IN A NEW GLASSBORO STATE COLLEGE LIBRARY FACILITY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HUGHES. Mr. Speaker, I am introducing legislation today on behalf of Congressman ROBERT ANDREWS and myself which authorizes the Secretary of Education to make a grant to Glassboro State College for the construction of a new library facility.

Glassboro State College is a 200-acre campus located in the southern New Jersey countryside in the town of Glassboro. Many of you may be familiar with Glassboro due to its historical significance. Because of its convenient location, halfway between New York and Washington, DC, Glassboro State College was chosen as the site of the historic conference in 1967 between President Johnson and Soviet Premier Kosygin. The town of Glassboro has been named summit city because of that renowned Hollybush Summit Conference.

Glassboro State College opened its doors to 250 students in 1923. Today, there are more than 8,500 full-time and part-time students enrolled at Glassboro State.

The Jerohn J. Savitz Library at Glassboro, named after the first Glassboro State president, is the largest library in southern New Jersey. It contains more than 280,000 volumes and over 38,000 microforms and subscribes to 1,845 periodicals. The college library received Federal depository status in 1963, allowing for public access to Government information. Today, the Federal depository at Glassboro State has a collection of over 107,458 items.

How we access and process this information will be critical to moving our society forward. Such information is becoming our country's most important national resource. As the United States and the world enter the 21st century, we need to invest in programs that will enhance this valuable source of knowledge and bring it to an even greater number of Americans.

Due to Glassboro's tremendous growth, the college has undertaken the ambitious project of constructing a new facility to house its library collection. Over three-quarters of the funds required for completion of the $16 million facility have been raised through tuition receipts and a New Jersey jobs, competitiveness and education bond issue. The college has exhausted all alternative funding sources for the money necessary for the library's completion.

We are seeking Federal funding of the project's remaining balance of $3 million and solicit our colleagues support in this worthwhile endeavor. We hope our colleagues will view this legislation as an opportunity to make a wise Federal investment which will be shared by generations to come.

INTRODUCTION OF H.R. 1320, THE NATIONAL FISH AND WILDLIFE ENHANCEMENT ACT OF 1991

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. JONES of North Carolina. Mr. Speaker, today I have introduced H.R. 1320, the National Fish and Wildlife Enhancement Act of 1991, along with a bipartisan coalition of Members who are deeply committed to both fish and wildlife conservation and the cautious and prudent development of this Nation's energy resources. This bill addresses one of the most hotly debated natural resource issues before Congress—the question of whether oil and gas leasing should be authorized on the coastal plain of the Arctic National Wildlife Refuge [ANWR]. Because of the recent war in the Persian Gulf, this debate has taken on a tone of deadly seriousness.

This is the third consecutive Congress in which I have introduced legislation regarding oil and gas leasing on the coastal plain of ANWR. This issue was the subject of well over 20 hearings in both Houses during the 100th Congress. My own committee, the Committee on Merchant Marine and Fisheries, held seven of these hearings in which we addressed a wide variety of issues ranging from the environmental track record of the oil industry at Prudhoe Bay to the anticipated impact of oil development on the wildlife resources of ANWR. The diversity of these issues has been reflected in the diversity of the bills introduced on this subject. Some of my colleagues would designate the 1.5 million acres of the coastal plain as wilderness, while others would authorize an immediate oil and gas leasing program for the entire area with the revenues primarily going to the State of Alaska.

During the 100th Congress, I and Representatives JOHN DINGELL and LINDSAY THOMAS introduced a bill, H.R. 3601, which attempted to define the middle ground between these opposing positions. The bill as introduced contained a variety of ideas designed to frame key issues and generate spirited debate. By the time my committee went into a markup on ANWR legislation in the spring of 1988, our thinking had evolved considerably, as reflected in an amendment in the nature of a substitute which I offered to my original bill. Ultimately, my substitute language was adopted by the committee and H.R. 3601, as amended, was ordered reported from the committee with majority support from both parties. Although the 100th Congress ended before further action could be taken on H.R. 3601, I felt that we were rapidly closing in on an environmentally sensitive and sensible approach to ANWR that would be acceptable to a majority of the Members in the House.

Last Congress, I and some of my colleagues introduced another ANWR bill, H.R. 1600, which was based in large measure upon our earlier bill, H.R. 3601. The disastrous oil spill in Prince William Sound occurred soon thereafter, however, and elevated the passage of comprehensive oil spill legislation to the top of my legislative agenda. While we were successful in passing such legislation, it did not occur until well into the second session of last Congress, again leaving no time to address the question of oil and gas leasing on ANWR.

The bill I have introduced today, H.R. 1320, is very similar to H.R. 1600 from the 101st Congress and H.R. 3601, as reported out of my committee in 1988. Since today's bill is so similar conceptually to my previous legislative efforts, I would like to reflect for a moment upon some of the key concepts which have been central to all of my ANWR bills.

First, I have asserted that the status of ANWR as a national wildlife refuge requires a higher standard of care than might otherwise be required for oil development on multiple-use public lands. My bills also have highlighted the role of the Director of the U.S. Fish and Wildlife Service and have mandated that the Service remain in complete control of any oil and gas leasing program for ANWR. These bills have addressed this objective by establishing some of the toughest environmental standards ever applied to oil development in this country. By way of example, my bills have consistently banned the past North Slope practice of pumping reserve pit fluids out onto the tundra. I should add that as a result of past controversy surrounding this questionable disposal practice, the two major operators at Prudhoe Bay have begun changing their drilling operations to eliminate this practice altogether. Perhaps our firm legislative position prohibiting reserve pit fluid disposal on the surface area of ANWR contributed in some small way toward facilitating this decision. In any event, it illustrates how the bill has attempted to anticipate and mandate the improvement of waste management practices for oil development on the North Slope of Alaska.

Another consistent key element in all of my ANWR proposals has been the premise that if the natural resources of a national wildlife refuge are to be commercially developed, there ought to be an overall net benefit back into fish and wildlife conservation and the national wildlife refuge system. H.R. 3601 and H.R. 1600 would have accomplished this by dedicating most of the Federal revenues generated by ANWR for wetland and wildlife refuge acquisitions and the establishment of a major new fish and wildlife enhancement trust fund. This would have generated a much needed boost in Federal funding for fish and wildlife conservation activities in this country. While some might object to dedicating Federal revenues for this particular purpose, this approach is consistent with long-standing Federal wildlife policy regarding the use of revenues generated by commercial activities within refuges. Since the 1935 passage of the Refuge Revenue Sharing Act (16 U.S.C. 715(s)), revenues generated by commercial activities within wildlife refuges have been placed within the refuge revenue sharing fund. Moneys in this fund are used to compensate local jurisdictions for lost tax revenues and to acquire additional wildlife refuges. H.R. 3601 and H.R. 1600 were, therefore, consistent with this 55-year-old Federal wildlife policy regarding refuge generated revenues.

While H.R. 1320 alters some of the spending mechanisms found in my past bills, its overall fiscal goals remain the same. My previous proposals would have put most of the Federal revenues from leasing on ANWR into a new fish and wildlife enhancement trust fund. Expenditures from this fund would have been automatic and not subject to further appropriation. Although it would still be my personal preference to dispose of ANWR revenues in this fashion, last year's budget reconciliation agreement and past objections from the Appropriations Committee have required the modification of our revenue proposals. H.R. 1320 would now direct that all Federal oil and gas leasing revenues from ANWR be deposited into a new account at the U.S. Treasury called the national wildlife refuge system enhancement fund. This fund would be somewhat similar in nature to the highly successful land and water conservation fund, although the purposes of the new fund would be focused entirely on improving the status of the Nation's national wildlife refuge system. Revenues placed into the fund from ANWR would remain part of the fund until appropriated by an act of Congress for wildlife refuge enhancement projects. This approach addresses the concerns of the Appropriations Committee but avoids the current situation with the land and water conservation fund where the annual unappropriated balances of the fund disappear into the general revenue stream at the U.S. Treasury. Revenues in the national wildlife refuge system enhancement fund would be available for a variety of refuge enhancement projects ranging from the cleanup and removal of contaminants to the initiation of energy conservation programs for the buildings and vehicles utilized on wildlife refuges. This is a sensible approach, it will benefit the Nation's wildlife refuges, and it does not run afoul of last year's reconciliation budget agreement.

Apart from the question of revenues, another central premise of my ANWR bills has been that neither Congress nor the country gains anything by putting off for 2 or 3 additional years a final decision on oil development of ANWR. Because of our failure to get this Nation's energy house in order, our Armed Forces were engaged in combat in the Persian Gulf. On the home front, our domestic production of oil has been seriously eroded. Drilling rig activity is down 75 percent from its peak level of activity in 1981. Crude oil production nationwide is at its lowest annual level since 1961, with production in the lower 48 States at its lowest level since 1950. These are alarming statistics regardless of what one's views are on the question of oil leasing in ANWR—and while our domestic production declines, our dependence on imported oil continues to climb.

Last year we imported approximately 47 percent of all of the oil consumed in this country. This imported oil added $60.7 billion to the balance of trade deficit for 1990. Moreover, if there is one thing that has been shown to be true in the global oil market these days, it is that the market is highly volatile and capable of unpredictable swings. The crisis in the Persian Gulf has demonstrated most clearly how uncontrollable the roller coaster ride can be when the price for your oil is dictated by events beyond the borders of our country. I am reminded of a letter I received 2 years ago from an environmental group urging me to forego oil development on ANWR because, among other things, they noted that the price of oil was only $13 a barrel. In the past few months we have seen the price of oil skyrocket to almost $40 a barrel. Although the price has dropped back down to under $23 a barrel, these figures reflect how unpredictable the oil market we depend upon can be.

I believe that we will be doing the country a serious disservice if we cast our vote on ANWR based upon past low prices for oil. A much more relevant question is what will be the price of oil in 10 years—the length of time it will take to get the first drop of ANWR oil into the Alaskan pipeline. Given the wild gyrations the global oil market can go through in a few short months—let alone in 10 long years—it is obvious why last summer's oil prices can be a slender reed to lean on in casting one's vote on ANWR. The uncertainty of the world oil market is a primary reason why the twin goals of conservation and enhanced production must be pursued simultaneously and not sequentially.

The above key concepts were central to H.R. 3601 and H.R. 1600 and they are central to H.R. 1320. In providing further information on H.R. 1320 I would like to include in the CONGRESSIONAL RECORD a briefing paper summarizing key parts of the bill. I would also like to note what is not in the bill. First, while H.R. 1320 has deleted H.R. 3601's Manton amendment dealing with labor issues and ANWR, no one should interpret this as an antilabor move on my part. Quite to the contrary, I expect that during mark up the committee will approve some sort of labor provision dealing with ANWR. The current absence of such a provision in my bill merely reflects my desire to give labor and the oil industry more time to reach an agreement on this issue.

Similarly, today's bill deletes a provision added to H.R. 3601 which would have banned the export of oil out of ANWR. This deletion is not due to my opposition to the concept. I support it and intend to vote for it again. I just didn't feel that it was appropriate to attempt to second guess the wishes of my committee on this important matter by including it in my introduced bill.

Finally, although H.R. 1320 does not contain any specific proposals regarding the conservation of energy and oil in this country, those types of initiatives should logically be included in any final energy package sent off to the White House for the President's signature. I must admit to being very disappointed in the administration's unwillingness to include strong energy conservation measures in its long awaited new national energy plan. This is shortsighted and will simply not solve this country's long-term energy problems. I have consistently stated that this country must do two things simultaneously: Conserve more oil and produce more oil to eliminate our addiction to foreign oil supplies. I have not included energy conservation measures in my ANWR bill for the simple reason that it is beyond the jurisdiction and expertise of my committee. However, I am prepared to support the addition of realistic energy conservation amendments to my ANWR bill if offered by a committee with jurisdiction over energy matters. Trying to solve our oil supply problems by focusing exclusively on production—or for that matter, by focusing exclusively on conservation—is like trying to ride a bicycle with only one tire. You need both tires, and you need to use them simultaneously, if you want to make any forward progress. Thus, by opening up ANWR now and by initiating oil conservation measures, we can maximize the effectiveness of a national energy program.

In summary, H.R. 1320 picks up where H.R. 3601 and H.R. 1600 left off and improves their provisions even further. It is a better and stronger bill due to the additional adjustments which have been made since last October. The bill has also benefited from the extensive hearing record generated before various committees of Congress. This record, the result of close to two dozen hearings, brings me to a final point. During the previous Congress, a number of environmental groups petitioned the President and the Secretary of the Interior to redo the section 1002 report with the assistance of the National Academy of Sciences. In their petition, the groups listed various areas in the section 1002 report which they found deficient and cited other reports or studies which were critical of oil industry operations on the North Slope.

With all due respect to the petitioners, halting further congressional consideration of ANWR in order to revise and produce a new section 1002 report ignores completely the voluminous record already generated by Congress. We are now into our fifth year in dealing with this issue. Regardless of what one thinks about the merits or deficiencies of the original section 1002 report, Congress is well beyond that report in its analysis of the various environmental and economic issues associated with ANWR. I am not persuaded that Congress should stop further consideration on ANWR until a better section 1002 report is developed. Whatever the deficiencies in that report, they have been more than adequately compensated for by the hearings which have been held. Congress is no longer an uninformed decisionmaker on this matter. We are rapidly approaching the point where we will have talked this issue to death. The time has arrived to resolve the ANWR debate. I believe that H.R. 1320 takes another important step in that direction. It is a sensible bill that would give back more to the national wildlife refuge system than would be taken. It is tough environmentally, as witnessed by provisions like the protection it offers for the core calving area of the porcupine caribou herd. It is, in short, a consensus bill that should attract the support of a majority of our colleagues. I and the rest of the cosponsors of H.R. 1320 will continue to welcome suggestions for improving the bill even further. Congress has thought about this matter long enough. It is time to put the matter to a vote.

H.R. 1320, KEY CONCEPTS FOR THE NATIONAL FISH AND WILDLIFE ENHANCEMENT ACT OF 1991

1. Authorizes a carefully controlled leasing program for a majority of the 1.5 million acre coastal plain of the Arctic Refuge (ANWR). The initial lease sale is to be held upon issuance of final oil and gas leasing regulations. No more than 300,000 acres of the coastal plain to be offered or leased at any one time, with lease sales held no more frequently than once every two years.

2. Establishes a 260,000 acre "Protective Management Zone" (PMZ) in the coastal plain of the Arctic Refuge (ANWR) which includes approximately 95% of the Porcupine caribou herd's "core calving" area. Would prohibit within the PMZ all surface occupancy and use for oil and gas activities including the granting of rights-of-way for transportation and utility corridors. Restricts surface occupany to "essential" oil facilities within a 1.5 mile buffer zone around the PMZ.

3. Reaffirms existing Federal national wildlife refuge law requiring the Director of the U.S. Fish and Wildlife Service (FWS) to have the ultimate management authority and control over an oil/gas leasing program on ANWR. The Director of FWS would be authorized, however, to enter into cooperative agreements with the Directors of BLM and the Minerals Management Service to gain their assistance in running the technical, geological and financial aspects of an oil/gas leasing program on the coastal plain. All environmental matters associated with such a program would remain under the control of FWS.

4. Overturns the 1981 *Watt* v. *Alaska* Supreme Court decision which barred FWS from receiving the revenue from oil and gas leasing on any national wildlife refuge which was established by the withdrawal of lands from the public domain. Under the holding of *Watt* v. *Alaska* as applied to ANWR, Alaska would get 90%, and the U.S. General Treasury would get 10%, of all oil and gas leasing revenues from the coastal plain; no revenues would go to FWS or be used for wildlife conservation, despite the fact that leasing and production would be taking place within a national wildlife refuge. The National Fish and Wildlife Enhancement Act of 1991 would direct that with the exception of wildlife refuges in Alaska, all future oil and gas leasing revenues from withdrawn or reserved refuges would be placed into the Refuge Revenue Sharing Fund, helping to eliminate the current large deficit in that Fund. Oil and gas leasing royalties and revenues from ANWR and the new Teshekpuk-Utukok National Wildlife Refuge would be divided 50/50 with the State of Alaska. The Federal share of revenues from these two refuges would be used to establish a new account at the U.S. Treasury called the National Wildlife Refuge Enhancement Fund. Monies in this permanent Fund would be expended, subject to appropriations, to promote national wildlife refuge enhancement projects in the following areas: (a) refuge contaminant assessment and cleanup; (b) refuge water rights quantification and acquisition; (c) refuge energy conservation and efficiency improvement programs; (d) fish and wildlife refuge research programs with special emphasis on the effects of development and pollution on fish and wildlife and the habitat needs of refuge nongame species; (e) enhancement of sport fishing programs on national wildlife refuges; (f) acquisition of Native inholdings within Alaskan units of the National Wildlife Refuge System; and (g) other wildlife refuge enhancement projects recommended by the Director.

5. Prohibits leasing of the ANWR coastal plain if the State of Alaska successfully challenges in court the proposed 50/50 split of ANWR oil revenues. Thus, no oil leasing would occur unless the Federal government was assured that 50 percent of the revenues would be placed in the National Wildlife Refuge Enhancement Fund.

6. Protects the coastal marine environment of ANWR by granting the Directors of FWS, the National Marine Fisheries Service and the Alaska Department of Fish and Game new authority to impose mandatory terms and conditions on Federal permits or authorizations for port facilities and offshore causeways abutting the coastal plain of ANWR (this would follow the existing approach in Section 18 and Section 30(c) of the Federal Power Act for the approval of small hydro projects). Allows no more than two port facilities along the entire coastal plain, including lands owned by the Kaktovik Inupiat Corporation, and prohibits marine facility development in the Pokok Bluffs area and other parts of the coastal plain containing concentrated polar bear denning habitat.

7. Establishes a 3-mile wide coastal "insect relief zone" for caribou, with surface occupancy in the first 1.5 miles inland from the coast generally limited to necessary marine facilities and pipelines from offshore causeways. The only exception to this restriction would be that on a case-by-case basis and subject to the approval of the Director of FWS, Federal oil and gas leaseholders and other non-Federal land owners within the insect relief zone may locate development and production wells to within one-half mile of the coast when necessary to gain access to shallow oil and gas deposits that could not otherwise be reached by slant drilling 1.5 miles from the coast. Within the area 1.5 to 3 miles from the coast, allows only "essential" facilities (drilling pads, production facilities, pipelines and roads that are not economically/environmentally feasible if situated outside the 3-mile zone). All "nonessential" oil support facilities are barred from the insect relief zone entirely.

8. Authorizes FWS and Alaska's Departments of Fish and Game and Environmental Conservation to recover from the oil/gas lessees agency planning, monitoring and enforcement costs for regulating oil and gas operations on the coastal plain. Requires as a condition of such reimbursement, that adequate agency personnel be continuously available on the coastal plain to monitor and enforce the environmental provisions of this Act and other Federal law.

9. Creates a new 23.5 million acre Teshekpuk-Utukok National Wildlife Refuge out of the National Petroleum Reserve-Alaska (NPRA) to the west of Prudhoe Bay. Imposes a five-year moratorium on additional oil/gas leasing in the new refuge with any further leasing subject to the requirements of the 1966 National Wildlife Refuge System Administration Act. No additional oil and gas leases to be issued in Teshekpuk Lake area due to the exceptionally high value of the area for migratory waterfowl. [This proposal is consistent with action taken twice by the House in 1978 and 1979 to make NPRA a national wildlife refuge.]

10. Enhances the law enforcement authorities of the Director of FWS and increases the penalties for violation of ANWR oil/gas leasing or wildlife refuge regulations. Authorizes civil penalties of up to $20,000 per such violation, or in the case of pipeline regulation violations, up to $100,000 per violation. In the case of "knowing and willful" violations of ANWR oil/gas leasing or wildlife refuge regulations, or tampering with environmental monitoring devices on the coastal plain, authorizes maximum criminal monetary penalties as high as provided for under Title 18 of the U.S. Code and up to five years in jail. Applies the recently enacted Oil Pollution Act of 1990 to the entire coastal plain as additional liability and cleanup authority for any oil pollution/spills on the coastal plain of ANWR.

11. Requires the preparation of a hazardous waste and oil spill contingency plan, including identification of potential spill substances, proposed response, removal and disposal plans. In addition, requires proposed measures for the immediate protection, rescue and rehabilitation of all fish and wildlife that might be affected. Contingency plans also include personnel training and testing.

12. Establishes exclusive new authority for FWS to grant rights-of-way across the coastal plain (Title XI of ANILCA dealing with transportation and utility corridors in Alaska would not apply). No rights-of-way for pipelines or roads to be granted until the first Federal lease sale has been held for the coastal plain. Similarly, no rights-of-way are to be granted for an oil or gas pipeline unless an adequate reclamation plan has been prepared for the restoration of the right-of-way area, and unless the applicants for the right-of-way have established and will fund a Coastal Plain Reclamation Fund designed to ensure adequate reclamation of the coastal plain upon completion of oil or gas activities. Applies to requests for rights-of-way ANWR from Native and State lands off-refuge, as well as from Federal lands within the coastal plain. Prohibits the granting of any pipeline right-of-way which crosses the Aichilik River and currently designated wilderness areas in ANWR adjacent to the Canadian border.

13. Requires the use of smokeless flares or comparable technology to reduce black smoke emissions, as well as the use of impermeable reserve pits. Prohibits the surface disposal of reserve pit fluids on the roads or the tundra of the coastal plain.

14. Prohibits oil and gas activity near the Sadlerochit Springs are due to its sensitive and unique environment.

15. Prohibits general public access on pipeline service roads and restricts sport hunting and fishing on the coastal plain by oil field crews. Oil lessees would be liable for civil or criminal penalties for hunting or fishing violations by their employees.

16. Authorizes the creation of a Coastal Plain Reclamation Fund by the applicants for any oil or gas pipeline right-of-way across the coastal plain. No right-of-way for an oil pipeline can be granted prior to the creation of the Fund. Fund to be used to ensure adequate cleanup and reclamation of the coastal plain after completion of oil production and transportation activities, should the lessee or right-of-way holder fail to adequately reclaim the land. The specific funding mechanism for creating the Fund would be left up to the rights-of-way applicants as long as it creates the equivalent revenue stream of $.05 per barrel of oil for the Fund.

17. Requires the bonding of oil and gas lessees and rights-of-way holders to ensure that adequate funds will be available for the reclamation of the coastal plain upon completion of development activities and for emergency cleanup responses to spills, fires or other accidential discharges.

18. Adopts the key management standard of "no significant adverse effects" to govern

and control oil and gas leasing on ANWR. Since the potential for a huge oil field significantly increases the likelihood of Congressional approval for oil leasing in ANWR, the traditional management standard for controlling activities in national wildlife refuges (the "compatibility test") was not chosen for ANWR, to avoid creating an inappropriate precedent as to what that standard means for other wildlife refuges.

19. Given the extensive analysis of environmental impacts in the Department of the Interior's Section 1002 Report, directs that no additional environmental analysis needs to be prepared prior to publication of general leasing regulations. However, requires additional NEPA documentation for all subsequent lease sales.

20. Stresses the need to consolidate facilities to the maximum extent possible to avoid unnecessary duplication and needless surface disturbance of the coastal plain. Also mandates the development of an aggressive waste management system focusing on waste reduction and recycling versus simple waste disposal.

21. Requires public review and comment on all proposed Plans of Operations submitted by oil companies for exploratory drilling or for development and production.

22. FWS given authority to suspend or cancel oil leases due to unforeseen environmental hazards.

23. FWS directed to impose siting restrictions and seasonal limitations on oil activities in order to avoid adverse effects to significant wildlife breeding, calving, denning, nesting and staging areas, and to significant fish spawning, over-wintering and rearing habitats.

24. Bars permanent roads in support of exploratory drilling operations; requires the use of helicopters, ice roads, airplanes and, under limited circumstances, certain off-road vehicles.

25. Restricts the removal of water for oil operations from existing streams, lakes and springs, especially in natural fish-bearing water bodies during the winter.

26. Prohibits exploratory drilling on a township of Native-owned land within the coastal plain, until after the first lease sale authorized under the Act. Exploratory drilling allowed for three townships of Native-owned land adjacent to the coastal plain upon date of enactment of this Act but subjects Native operations to environmental controls for rest of coastal plain and requires FWS approval of all plans of operation. Repeals Section 1003 of ANILCA for Native-owned part of original coastal plain simultaneously with the holding of the first Federal lease sale for the coastal plain. For remaining three townships of Native lands adjacent to coastal plain, Section 1003 is repealed as of the date of enactment of the Act.

27. Prohibits the location of permanent oil facilities within three-fourths of a mile from rivers specially designated by the Secretary as having sensitive riparian habitat.

28. Overturns past Federal District Court case which held that the Director of FWS has no regulatory authority over reserved (private) oil and gas activities within national wildlife refuges. Would authorize the Director to impose economically reasonable environmental terms and conditions on such private mineral activities within national wildlife refuges.

29. Amends the National Wildlife Refuge System Administration Act by adding a general statement of purposes for the National Wildlife Refuge System.

30. Authorizes appropriations for "local impact aid" programs to provide financial assistance to six rural subsistence villages and the North Slope Borough government which might be affected by an ANWR oil and gas leasing program.

31. All geological and geophysical field data and drilling information is to be provided to the Secretary, with prescribed regulations to assure confidentiality.

RIVERSIDE COMMUNITY COLLEGE CELEBRATES 75TH ANNIVERSARY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BROWN. Mr. Speaker, I wanted to share with my colleagues the many accomplishments of Riverside Community College, the largest institution of higher learning in my congressional district. Its current enrollment is 22,000. The college was established in 1916, making it one of the oldest community colleges in California. On March 13, 1991, Riverside Community College will celebrate its 75th anniversary.

The college offers associate in arts and associate in science degrees, as well as certificates in more than 40 occupational and applied technology fields. The college is opening two major campuses on the same day—March 13, 1991—in Moreno Valley and Norco. During the past decade, four values have been integral to the college and its expansion to a single-college, multicampus district: Teaching excellence, student centeredness, learning environment, and tradition.

As part of its commitment to students, the college solicits and awards more than $250,000 in scholarships to students each year, and it is presently completing a successful $1 million endowed scholarship campaign.

Riverside Community College is an important resource for our community, but it also has made its mark nationally. In the past year alone, RCC fielded State and national football champions; the RCC Marching Tigers was the first band ever to be chosen as the lead unit in the Hollywood Christmas Parade, the Tournament of Roses Parade in Pasadena, CA, and Macy's Thanksgiving Day Parade; RCC's Forensics Team was ranked third in the Nation; RCC was chosen as a national site for hydrogen energy research and development; and, RCC was one of only six California colleges to be selected as a site for a Center for International Trade Development.

It is with pride that I ask my colleagues to join me in saluting this very special institution on its 75th anniversary.

SUPPORT FOR U.S. FORCES IN THE PERSIAN GULF

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SAWYER. Mr. Speaker, on January 18 this House passed a resolution expressing our unequivocal support for the members of the Armed Forces stationed in the Persian Gulf. This measure, passed without opposition in both Chambers, represented the dedication of Congress to the welfare of our troops abroad. All across the Nation, American citizens joined in strong support of the men and women who served in the Persian Gulf war. As one expression of this common purpose, the city council of Fairlawn, OH, a community in the 14th District of Ohio which I represent, adopted the following resolution on February 18. I would respectfully request that it be included in the RECORD.

A RESOLUTION SUPPORTING ALL MEMBERS OF THE ARMED SERVICES NOW SERVING THE UNITED STATES OF AMERICA IN THE PERSIAN GULF

Whereas, numerous men and women are now serving as members of the Armed Services of the United States of America in the Persian Gulf, and;

Whereas, regardless of personal opinion concerning the war, the United States has made the decision to place armed combat troops in that area of the world, and;

Whereas, the full support and gratitude of the residents of the City of Fairlawn is extended to those who are bravely and proudly serving our country: Now, therefore, be it *Resolved by the Council of the City of Fairlawn, Ohio:*

Section 1: That the Administration and Council hereby express to President George Bush and all members of the Armed Forces of the United States of America their wholehearted support and gratitude in their efforts to liberate Kuwait and end the oppression of the Iraqi government.

Section 2: The Mayor and Council hereby urge all citizens to voice their gratitude and support of each man and woman now serving our country in the Persian Gulf.

Section 3: That it is hereby found and determined that this legislation complies with Section 121.22, O.R.C. regarding notification of meetings and all deliberations of this Council pertaining hereto have been conducted in accordance therewith.

Section 4: That the Clerk be requested to send a copy of this Resolution to President Bush, Senators Metzenbaum and Glenn, and Congressmen from this area.

Section 5: This Resolution shall be in full force and effect from and after its adoption and approval by the Mayor or at the earliest period allowed by law.

RECOGNITION GIVEN TO C. RASEH NAGI OF BROOKLYN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SCHUMER. Mr. Speaker, today I would like to call attention to a highly respected educator in my community, C. Raseh Nagi. Since 1963, Ms. Nagi has served as an outstanding teacher, administrator, and innovator in the field of education. In recognition of her dedication and her outstanding gifts, she has recently left district 22 in Brooklyn to assume the position of superintendent of district 28 in Queens. We are sad to see her go, for she will be sorely missed by the students, parents, and fellow educators of Brooklyn.

Raseh has been a leader throughout her career as an educator. From her first days as a fledgling teacher at Roy H. Mann in I.S. 78, she proved that creativity and dedication on the personal level can have a dramatic impact on the education of our children.

Ms. Nagi has had so many outstanding achievements in her long and distinguished career that there are literally too many to list. Nevertheless, some of her accomplishments are so vital to our community that I cannot pass up this opportunity to mention them. For instance, Raseh developed a foreign language program which received the James E. Allen Distinguished Foreign Language Program Award, and was instrumental in establishing the Center for Intellectually Gifted Students at J.H.S. 240. In her administrative capacity, she personally investigated and wrote proposals which increased the number of competitive grants received by the district by $10 million.

Raseh is also widely respected in our community and throughout the State as an innovative educator of the first degree. For example, she created a student-based computer data bank capable of enabling district 22 to more closely follow the educational progress of pupils from prekindergarten through junior high school. Brooklyn is also extremely proud of the district's Early Identification Learning Disabilities Program, which Ms. Nagi developed and which was the first program of its kind in the State.

Ms. Nagi has been a crusader in education during her career at district 22. The many programs she developed over the years will undoubtedly have a continuing impact on district 22 for years to come. I would like to take this time to commend her for her past accomplishments, to thank her on behalf of the parents and children of Brooklyn, and to encourage her to continue her record of outstanding service in the future as superintendent in district 28.

ST. PATRICK'S DAY 1991

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. GILMAN. Mr. Speaker, I am pleased to rise again this year to call to the attention of our colleagues to the fact that St. Patrick's Day is nearly upon us. This feast is not only the national holiday of the Republic of Ireland, it is also a special day for the Irish and the Irish at heart throughout the world.

Some 1,500 years have gone by since St. Patrick drove out the snakes and converted the Emerald Isle. It is altogether fitting and proper that St. Patrick be remembered on this day, for he has served as a constant inspiration to the Irish for the past 15 centuries.

With the light of democracy and freedom now shining forth from the darkest points, and with the liberation of Kuwait, we are reminded it is inspiration, faith, and perseverance that is so surely needed in Northern Ireland. Tragically, the fundamental divisive problems in Northern Ireland remain the same, despite the overwhelming worldwide changes.

Unemployment in Northern Ireland remains among the highest in all of Western Europe. While changes have been made in the Fair Employment Act, we must make certain that the deep-rooted economic discrimination in Ireland is ended.

For this reason, I continue to heartily support the MacBride principles for American firms doing business in Northern Ireland. These principles of fair employment and antidiscrimination serve as a model for a future generation of employment opportunities.

Further, since American companies provide for over 10 percent of employment in Northern Ireland, we have the opportunity to moral obligation to fight against the discrimination in Northern Ireland.

On a more positive note, we are elated by the imminent release of the Birmingham Six after almost 17 years of imprisonment. During the recent High Court hearing in London, the British Director of Public Prosecutions, Sir Allan Green, stated that the convictions of the six were neither "safe nor satisfactory." However, as you may know, the six defendants have decided to press on with an appeals court hearing in order to fully prove their innocence beyond any doubt.

Regretably, Joe Doherty must continue his struggle for freedom. On several occasions since his imprisonment in 1983, judgment has been rendered in favor of Joe Doherty in court hearings in the United States, yet he still remains in the Metropolitan Correction Center in New York. His case will now be brought before the highest court in the land, our U.S. Supreme Court, in order to settle the question of his right to a hearing on political asylum. It is hoped that the facts will triumph and after 7 years of imprisonment, Joe Doherty will finally be able to seek asylum in the United States.

Mr. Speaker, let us pause on this St. Patrick's Day to reflect on the events that have taken place throughout the world during the past 8 months, and to resolve to work toward a just and longlasting peace for the too-long-embattled island of Ireland so that they too may enjoy the fruits of liberty, justice, and freedom.

THE TIME FOR BILLBOARD REGULATION IS NOW

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. ANDREWS of Texas. Mr. Speaker, upon passage of the Highway Beautification Act in 1965, President Lyndon Johnson said he hoped the bill would "bring the wonders of nature back into our daily lives." At the personal urging of Lady Bird Johnson, Congress passed this landmark legislation and gave a clear mandate for the preservation of the scenic resources along our Nation's roadways. To President Johnson, billboard control was an important step toward improving our quality of life.

Twenty-six years later, many Americans certainly agree. Our country's increasingly large, increasingly numerous billboards are irritating eyesores, ruining the scenery along our highways and detracting from the beauty of our country. They have also become an impediment to attracting new jobs to Houston. Regrettably, our city currently has more billboards than most cities in America. This is an honor we can do without.

While the Highway Beautification Act was initially successful in controlling the number of billboards in this country, the law has been ignored, indeed perverted by a small but powerful group of billboard lobbyists. The sad fact is that every year, five to six times more signs are put up than taken down. A complete distortion of the Highway Beautification Act's original intent.

This distortion was primarily the result of a devastating amendment the billboard industry managed to push through Congress in 1978 which required cash payment for nonconforming signs that were removed. In one crippling stroke, the amendment assured that cities like Houston could simply not afford to require billboard removal, especially since the billboard lobby also worked to cut back Federal matching funds.

Houston, for example, which established size and height criteria for billboards and banned new off-premise signs in 1980, cannot require nonconforming signs along Federal highways to be removed. Even the city's modest efforts to fine owners of illegal signs have been stymied by lawsuits and a successful lobbying blitz in 1985 that severely weakened our city ordinance through State legislation.

While repeated efforts in Congress to rectify this troubling situation and restore the original goal of Lady Bird Johnson have been unsuccessful in the recent past, a new chance to eliminate the billboard blight has arrived.

The Visual Pollution Control Act of 1991 is being introduced today by my colleagues, John Lewis and Clay Shaw. I am proud to be a cosponsor of this important piece of legislation because it represents a significant opportunity for positive change.

The bill has several strong provisions to control billboards. Most importantly, it would restore to State and local governments the ability to use their own land use authority to control or remove existing billboards. It also imposes a moratorium on construction of new billboards along Federal highways. Finally, this measure would prohibit the billboard industry from destroying trees on public lands simply to make the signs more visible. It should also be noted that the bill will not require the removal of any legally erected billboards.

During the original debate over billboard control, President Lyndon Johnson argued that "it is in the best interest of neither the advertising industry nor the Nation to permit a further decrease in our natural beauty." I agree wholeheartedly with President Johnson's sentiments. In these times of devastating pollution and increasing urban erosion, I believe we must be diligent in our efforts to preserve our remaining scenic resources.

Mr. Speaker, the time has come for those of us who want to bring the wonders of nature back into our daily lives to restore the strength of the Highway Beautification Act. I look forward to working with my colleagues in the days ahead toward passage of the Visual Pollution Control Act of 1991.

AMERICAN SMALL BUSINESS—OPPORTUNITY TO HELP REBUILD KUWAIT

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. ECKART. Mr. Speaker, I am introducing a resolution exhorting the Small Business Administration [SBA] and other governmental agencies to provide assistance to American small businesses seeking to aid in the rebuilding of Kuwait.

Mr. SISISKY and I, and others in Congress, as well as the small business community are concerned that large corporations will dominate the contract award process and very competitive small businesses will be shut out.

Small businesses in northeast Ohio and other areas of the country are tremendously competitive, and in large part responsible for keeping our trade deficit from growing even more. But it is very difficult for smaller businesses to gain access to a contract bidding process that occurs half way around the world. Our agencies can help them get that access.

This resolution also urges SBA to conduct a public information campaign to advise small businesses about the opportunities in the gulf.

More than half of the men and women serving in the gulf will return to jobs with small businesses. Those firms deserve to be afforded the same opportunities as other businesses.

Small business owners know that successful international trade is becoming an increasingly important part of our economic vitality. Those who have called my office, those I've spoken to, realize that opportunities are available. They want a chance to participate.

COMMON GROUND: A COMMUNITY RESPONSE TO THE PERSIAN GULF CRISIS

HON. MIKE KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. KOPETSKI. Mr. Speaker, the country stands united in gratitude for the men and women who serve in our Armed Forces and the work they have accomplished. As many observed in this Chamber, this was not a time to allow disagreement over tactics degenerate into partisan bickering.

Recently, I received a letter from a constituent and friend of mine, the Honorable Charles Vars, mayor of Corvallis, OR. On February 12, 1991, citizens representing 12 diverse groups with differing views and opinions on the gulf situation met and formulated an eloquent statement, entitled, "Common Ground: A Community Response to the Persian Gulf Crisis." I am entering this statement, as well as Mayor Vars' promulgating letter, into the RECORD, and I encourage my colleagues to read it and share it with your constituents.

OFFICE OF THE MAYOR,
Corvallis, OR, February 21, 1991.

Hon. MIKE KOPETSKI,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. KOPETSKI: On February 12, 1991, a remarkable event took place in Corvallis. Individuals from more than twelve groups that disagree about the Persian Gulf war reached an agreement that they hope will become the basis for a movement.

The twenty-two individuals who drafted the enclosed statement, "Common Ground: A Community Response to the Persian Gulf Crisis," are affiliated with the American Legion, the Oregon State University Coalition to Stop the War, Veterans of Foreign Wars, Alpine School District, First Presbyterian Church, Beyond War, Corvallis City Council, and many more. They are seeking support from the groups to which they belong and they have asked me to send you their statement and request that you help spread the message of reconciliation.

This group has no agenda other than the one stated in Common Ground. They want everyone to work to assure enmity, harassment, and violence do not occur in this nation within communities and families. They believe we all desire a world without war. Please help spread the message.

Sincerely,

R. CHARLES VARS, Jr.,
Mayor.

COMMON GROUND: A COMMUNITY RESPONSE TO THE PERSIAN GULF CRISIS

We are concerned that the nation, communities, friends, and sometimes families find themselves divided as the Persian Gulf crisis progresses. In some communities, this has led to enmity, harassment, and violence. We are determined to make an effort so that it not happen in our community.

We recognize that we disagree as to what our national policy should be. But we find that there are areas upon which we can agree and which can be stated succinctly and simply:

1. We see a possibility that the emotional trauma of the conflict may lead to over-generalization concerning differences of opinion, religion, or race and lead to suspicion, harassment, discrimination, or violence. We pledge ourselves to work to prevent that from occurring in our community.

2. We deeply respect the sanctity of all human life.

3. There is sometimes a tendency to stereotype and villainize those with whom we disagree. There are people of good will on all sides.

4. We disapprove of wars of aggression.

5. We have disagreements among ourselves about national policies, but we disapprove of the invasion of Kuwait by Iraq.

6. The death, abject misery, pain, and suffering of combatants and civilians alike, along with the destruction and damage to the economic systems, infrastructure, and environment caused by war, defy description. A quick end to fighting in the Middle East could limit the costs.

7. Support for people in the armed services and their families must be rendered by the community and the nation during and after the war.

8. All of us long for a world order under the leadership of a strong international peacekeeping body. We desire a world without war.

TOP GUN AWARD WINNERS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. GIBBONS. Mr. Speaker, once again it is with great pleasure that I rise today to recognize an outstanding group of schools in my community which have been honored for their achievements under chapter 1 of the Education Consolidation Improvement Act.

I am referring to 64 public and private elementary schools in Hillsborough County, FL, which are being honored as "Top Gun" schools. This award recognizes their achievements in scoring at or above the State exemplary level on their reading and mathematics test scores.

As you know, the chapter 1 basic program is part of the largest Federal-aid-to-education program in history. Chapter 1 classes provide remedial reading and math programs over and above what is normally available for all students.

ECIA plays an important role in the battle against illiteracy and is recognized nationwide for its contributions to educational advancement. On Monday, March 11, Hillsborough County Public Schools will hold its third annual awards ceremony and banquet to honor those schools which have worked so diligently to achieve results above and beyond what is normally expected.

Mr. Speaker, for the RECORD, I would like to insert the names of those outstanding schools with my deep appreciation for a job well done.

CHAPTER 1 BASIC "TOP GUN" SCHOOLS

READING

*Anderson
*Apollo Beach
*Ballast Point
**Bellamy
*Broward
*Bryan, Tampa
*Burney-Simmons
*Cahoon
*Chiaramonte
*Christ the King
*Clairmel
*Cleveland
*Cork
*Crestwood
*Dickenson
*Dunbar
*Edison
*Egypt Lake
*Foster
*Grady
*Graham
*Jackson
*Just
*Lanier
*Lee
*Lincoln
*Lockhart
*Lomax
*Mabry
*Mango
*McDonald
*Mendenhall
*Mitchell
*Mt. Calvary
*Oak Park
*Orange Grove
*Pinecrest
*Potter
*Riverhills
*Riverhills Christian
*Riverview
*Robinson
*Roosevelt
*Sacred Heart
*Shaw
*Shore
*St. Joseph
*St. Lawrence
*St. Patrick
*St. Peter Claver
*Sulpher Springs
*Tampa Bay
*Thonotosassa
*Tinker
*Town & Country
*Trapnell
*Twin Lakes
*Villa Madonna
*West Shore
*West Tampa
*Williams
*Wimauma
*Witter

MATHEMATICS

*Broward
*Bryan, Tampa
*Cahoon
*Christ the King
*Clairmel
*Foster
*Grady
*Graham

*Incarnation
*Just
*Lanier
*Lockhart
*McDonald
*Mt. Calvary
*Pinecrest
*Riverhills Christian
*Sacred Heart
*St. Joseph
*St. Lawrence
*St. Patrick
*Sulphur Springs
*Thonotosassa
*Tinker
*Trapnell
*Twin Lakes
*Villa Madonna
*West Tampa
*Wimauma

DR. CARL E. WILLIAMS, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to an outstanding individual in the Brooklyn, NY, religious community, Dr. Carl E. Williams.

Dr. Williams was born in Burgaw, NC, on March 7. He was raised in a steadfast religious environment. As a result of his careful upbringing, he was inspired to preach the word of God.

With his extensive qualifications and background it is clear to discern how he has become the inspirational leader that he is today. He attended Brooklyn College, Gammon Theological Seminary in Atlanta, Shelton College in New York City, and Trinity Hall College and Seminary in Springfield, IL.

Dr. Williams is best known for his ability to serve the community in whatever capacity that he is needed. Many are thankful to him for helping them to overcome various problems that they have endured. For example, he has worked with programs dealing with antipoverty, day care, and juvenile delinquency. He has been instrumental in completing housing units, such as the St. Nicholas Houses in Manhattan and the Institutional Houses in Brooklyn. Also, he has helped to start the New York Christian Academy, a Bible college, a nursing home, and a senior citizens complex.

For many years he has worked with community organizations. For example, he is affiliated with the Ministers Alliance in Brooklyn, the National Council of Churches, and the Brooklyn Protestant Council of Churches. Since its inception, Williams has been very active with the Church of God in Christ International. In 1951, he became the pastor of the Institutional Church of God in Christ, which he and his wife Elvonia founded. Moreover, the church has grown so immensely since that time that it had to relocate to a new facility located at 170 Adelphi Street in Brooklyn, NY.

Within the Church of God in Christ International, he has served in many capacities such as chairman of the board of directors, chairman of Christian Education, and diocesan bishop of New York, Connecticut, and Florida. In 1976, he was appointed vice presiding bishop and chairman of the college of bishops. In 1978 he was elected senior presiding bishop titular head of the church.

It is important to recognize persons such as Dr. Williams who have used their energies to positively effect others. He has been a dedicated worker, as well as an inspiration to the people of Brooklyn. No matter if the need has been for food, shelter, education, or assistance in spiritual development, he has unselfishly stood up as a forerunner for humanity.

TRIBUTE TO WENDELL GIVENS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HUBBARD. Mr. Speaker, Wendell Givens, a highly respected former editor of the Mayfield Messenger, a 6-days-a-week newspaper in my hometown of Mayfield, KY, died last December 10, at age 62 at Mayfield's Community Hospital.

Wendell Givens worked for the Mayfield newspaper for almost 30 years, retiring last October.

Those of us who knew and were friends of Wendell Givens remember him as an outstanding journalist whose integrity, fairness, and efficiency were truly extraordinary.

Givens was hired as a reporter-photographer in June 1963 by the late Ray Edwards, former Messenger publisher.

Prior to being named as its editor, he worked as the paper's sports editor and later spent several years in the paper's graphics department before returning to the news department where he remained until his retirement.

Givens was a 1946 graduate of Mayfield High School, and obtained his degree in journalism from the University of Missouri in 1950.

A veteran of the Korean war, Givens taught English at Symsonia High School and was later employed at the Union Carbide plant near Paducah, prior to joining the staff at the Messenger.

In addition to his work with the newspaper, Givens served with several civic and industrial organizations and/or boards, including the local community development agency and the Optimist Club, among others.

In commenting on his retirement in October, Messenger Editor Mike Turley said:

> Wendell's three decades of service to this community as an articulate, caring and responsible journalist have been invaluable in the day-to-day operations of this newspaper.
>
> His efforts—notably, the detailed series of "Purchase Personality" profiles he's written for scores of interesting individuals from across the area—touched the lives of many. They included not only those about whom he was writing, but also the thousands of readers who were able to share in the enjoyment, entertainment and education—provided by those profiles—through his words.
>
> And, prior to his work as a feature writer, Wendell was recognized by a whole generation of young athletes in this area when he worked as the paper's Sports Editor.
>
> As a reporter and an editor, Wendell probably has more experience in dealing with more officials and administrations in both the city and county governments here than anyone now connected with any local media outlet.

"His experience as a reporter and editor and his talents as a writer will be sorely missed at the paper," Turley added. "But the personal friendship he nurtured among the staff will be missed even more. And, the example he set as a calm, quiet man of character and integrity will be the absence felt most of all."

His survivors include his talented and attractive wife, Joanne, one son of whom he was so proud—Steve Givens, of Carlsbad, NM, and his dear mother, Mrs. Nester J. Givens of Mayfield.

My wife, Carol, and I extend to Joanne, Steve, and Mrs. Nester Givens our sympathy.

EDITH AND DENNIS MEHIEL: FAMILY OF THE YEAR

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mrs. LOWEY of New York. Mr. Speaker, the Young Israel "Family of the Year" is being honored this Sunday. This year's recipients truly merit this lofty distinction. Dennis and Edith Mehiel of Armonk, NY, have set an example of community service that any family would do well to emulate.

Dennis Mehiel is a shining model of individual success. With the help of a small business administration loan, Dennis and his brother, Chris, founded the Four M Corp. in 1966. Thanks to the drive and energy of its founders, Four M has become a packaging powerhouse, employing over 1,400 people in 19 plants nationwide.

Dennis' prodigious talents have not been focused only on his business, however. He has always seen community service as an important part of his life, and has devoted countless hours to a variety of civic and charitable organizations. He is a trustee of the Windward School for children with learning disabilities in White Plains, and a former trustee of the Purnell School in Pottersville, NJ, a unique institution serving girls who have faced difficulties in traditional competitive schools.

He also serves on the American board of overseers of Israel's Bar-Ilan University, and is the first non-Jew to ever serve on the board of governors of Yeshiva University's Wurzweiler School of Social Work. He is a member of the advisory boards of the Mount Vernon Neighborhood Health Centers and the Hellenic American Neighborhood Action Committee. Additionally, he is a former director of Family Services of Westchester and United Way of Northern Westchester.

I would especially like to commend the fine job that he is doing as chairman of our Westchester County Democratic Party, where his efforts have been greatly appreciated.

Edith Mehiel has also made a number of significant contributions to the life of the Westchester community. She is a board member of the Westchester Conservatory of Music, and has lent her abilities to the Northern Westchester Center for the Arts, the Council for the Arts in Westchester, and the March of Dimes. She is also engaged in a variety of worthwhile projects in conjunction with the Church of the Holy Trinity. It is safe to say that Westchester County is truly a more beautiful place thanks to the efforts of Edith Mehiel.

I offer my sincere congratulations to Dennis, Edith, and their five children, as well to Young Israel for having the wisdom to recognize that this truly is the Family of the Year.

REMARKS BY MR. HYMAN BOOKBINDER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. NORTON. Mr. Speaker, Hyman Bookbinder has been one of the great warriors against poverty and inequality in our generation. He has spent his life seeking to bridge misunderstanding and to promote unity of purpose among groups that have been excluded from the full measure of the American promise. With seeming limitless energy, he continues the struggle. No wonder he was honored, along with the distinguished former Chief Judge Spotswood Robinson of the U.S. Court of Appeals for the District of Columbia, at the Martin Luther King, Jr., holiday celebration recently held at the Israeli Embassy. I insert Mr. Bookbinder's remarks into the RECORD:

REMARKS OF HYMAN BOOKBINDER AT KING HOLIDAY SERVICE

I cannot conceive of any ceremony or any personal honor that could be more gratifying than this one. I do not exaggerate when I say this, because in this single event there is blended in the most poignant manner the two central themes and goals of my personal and professional life for half a century. To be honored for my efforts over the years to help make real our nation's commitment to equality—and to do it in the Embassy of the State of Israel—is to dramatize what I have felt all my life and which I have tried to get others to understand. The right of blacks and Hispanics and Native Americans, of every group, of women, to be treated fairly and to be accepted as full partners in our pluralist society is part of the general struggle for freedom that includes the right of my people, the Jewish people, to be treated fairly and to be accepted as full partners in a pluralist world. The struggle for Israel's security is a vital part of that universal struggle for freedom.

Today's ceremony is one more manifestation of Jewish commitment generally, and to Israel's commitment specifically, to the dream for social justice so forcefully and eloquently articulated by Martin Luther King. Only one month ago, I was moved by an example of how this commitment is not theoretical, but one implemented in reality. Riding in a bus from the Tel Aviv airport to Jerusalem, the Israeli guide told us that on that day a record number of immigrants had arrived, over 2000, including some 300 black Jews from Ethiopia. And then, her voice cracking, she told of the scene she had personally witnessed only hours earlier. "I saw two Ethiopian Israelis," she said, "emotionally embracing their two young children from whom they had been separated when they left for Israel seven years earlier."

I feel compelled to ask this question. What other country, white or black, has applied itself so diligently to bring in tens of thousands of black people and make full citizens of them?

That this recognition today should come in connection with the King holiday makes it especially precious. I was an early supporter of the legislation, and I testified several times, emphasizing that such a holiday would not only be honoring a great American, a great black American, but would give all Americans the opportunity to remember the universal message of justice and brotherhood that Reverend King had preached.

I shall never forget that moment when the Senate was about to cast the vote that would mean final passage of the measure. I had been invited to sit in a reserved Senate gallery, and found myself sitting right behind Coretta King. When the overwhelming vote was announced, the Senators looked up and waved at Mrs. King. She smiled back and turned to embrace her two sons seated by her side. She then turned around, embraced me, and said, "This holiday is for you too." She couldn't have said anything more appropriate. That is what I'd been trying to say all along. I could only hope that all my fellow Jews, and all Americans, would see it that way.

I have a final story to tell. It too reminds us that despite differences that do exist between blacks and Jews on particular issues from time to time, we can and do share one another's pain, we can and do unite on common goals. It was ten years ago. Bayard Rustin and I were members of President Carter's Commission on the Holocaust. We were among the 15 Americans who were on a mission to Europe to examine concentration camps and Holocaust memorials, to help us make appropriate recommendations for an American memorial. On the third or fourth day, we were at Birkenau, the murder factory next to Auschwitz. An outdoor memorial service was being held. Elie Wiesel, our chairman, spoke as only he can. A cantor chanted the sacred prayer for the dead. As we were about to depart, Bayard's eyes caught mine. Instinctively, I just said, "Would you?" He nodded, and I asked the group to remain. Bayard spoke no words. Accompanied only by the soft winds of the vast expanse, he started to sing.

Oh, freedom, oh freedom, oh freedom over me;
And before I'd be a slave,
I'd be buried in my grave,
And go home to my Lord and be free.

At that moment, on the spot where millions of Jews had been consumed, tears were being shed in their memory, but also in memory of the millions of blacks robbed of their dignity and their freedom over the years.

At this moment, here, let us once again pledge to try to understand each other's pain—but also to share each other's prayers for peace and freedom for all people.

THE SPACEPORT FINANCING ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SHAW. Mr. Speaker, today I, along with my Florida colleague Mr. BACCHUS, have introduced legislation that will promote and enhance America's ability to compete in the commercial space industry in the 21st century. The U.S. space program is in the process of restructuring in response to foreign competition, new technology needs, and Federal budget limitations. This restructuring process has presented the States with unique opportunities to develop inventive programs aimed at assisting the national space effort, and to develop mutually beneficial partnerships to share the task of maintaining U.S. leadership in space enterprise.

In 1989 the State of Florida created the Nation's first space transportation authority. The Spaceport Florida Authority was created to stimulate the development of a commercial launch facility and related infrastructure at Cape Canaveral and Cape San Blas, FL. The spaceport's mission will assist in the revival of the U.S. aerospace industry in an increasingly competitive international market.

The legislation Mr. BACCHUS and I have introduced today would simply clarify that the interest earned on bonds issued by the Spaceport Florida Authority would be exempt from Federal taxation. We already provide this tax treatment for bonds issued to finance airports, docks and wharves, mass commuting facilities, and high-speed intercity rail facilities. The development of commercial space industry in the United States is no less important.

Finally, let me be careful to note that this legislation, while promoting maximum benefit at minimum cost, will not only benefit Florida, but the entire Nation. It will aid and encourage the development of spaceport infrastructure across the country, and move us into the 21st century. I am submitting along with this statement for inclusion in the record a description of present law and explanation of proposed amendment.

THE SPACEPORT FINANCING ACT

DESCRIPTION OF PRESENT LAW

Present law allows exempt facility bonds to be issued to finance certain transportation facilities, such as airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, and storage or training facilities directly related to the foregoing. Except for high-speed intercity rail facilities, these facilities must be owned by a governmental unit to be eligible for such financing. Exempt facility bonds for airports and docks and wharves are not subject to the private activity bond volume cap. Only 25% of the exempt facility bonds for a high-speed intercity rail facility require private activity bond volume cap.

Airports

Treasury Department regulations provide that airport property eligible for exempt facility bond financing includes facilities that are directly related and essential to servicing aircraft, enabling aircraft to take off and land, and transferring passengers or cargo to or from aircraft, but only if the facilities must be located at, or in close proximity to, the take-off and landing area to perform these functions. (See Treas. Reg. Sec. 1.103-8(e)(2)(ii)(a).) The regulations also provide that airports include other functionally related and subordinate facilities at or adjacent to the airport, such as terminals, hangers, loading facilities, repair shops, maintenance or overhaul facilities, and land-based navigational aids such as radar installations. (See Treas. Reg. Sec. 1.103-8(e)(2)(ii)(b).) Facilities the primary function of which is manufacturing rather than transportation are not eligible or exempt facility bond financing. (See IRC Sec. 142(c)(2)(E); see also Rev. Rul. 77-186, 1977-1, C.B. 22 (facility primarily used for constructing supertankers); Rev. Rul. 77-324, 1977-2, C.B. 37 (facility primarily used by a manufacturer for customizing and structurally modifying new aircraft).)

Public use requirement

Treasury Department regulations provide generally that, in order to qualify as an exempt facility, the facility must serve or be available on a regular basis for general public use, or be a part of a facility so used, as contrasted with similar types of facilities that are constructed for the exclusive use of a limited number of nongovernmental persons in their trades or businesses. (See Treas, Reg. Sec. 1.103-8(a)(2) & 1.103-8(e)(1).) For example, a private dock or wharf leased to and serving only a single manufacturing plant would not qualify as a facility for general public use, but a hangar or repair facility at a municipal airport, or a dock or a wharf, would qualify even if it is leased or permanently assigned to a single nongovernmental person provided that such person directly serves the general public, such as a common passenger carrier or freight carrier. Certain facilities, such as sewage and solid waste disposal facilities, are treated in all events as serving a general public use although they may be part of a nonpublic facility, such as a manufacturing facility used in the trade or business of a single manufacturer.

Federally guaranteed bonds

Bonds directly or indirectly guaranteed by the United States (or any agency or instrumentality thereof) are not tax-exempt. (See IRC Sec. 149(b).) The Treasury Department has not issued regulations interpreting the prohibition of federal guarantees and the scope of the prohibition is unclear.

EXPLANATION OF PROPOSED AMENDMENT

The proposed amendment clarifies that spaceports are eligible for exempt facility bond financing to the same extent as airports. As in the case of airports, the facilities must be owned by a governmental unit to be eligible for such financing.

The term "spaceport" includes facilities directly related and essential to servicing spacecraft, enabling spacecraft to take off or land, and transferring passengers or space cargo to or from spacecraft, but only if the facilities must be located at, or in close proximity to, the launch site to perform these functions. Space cargo includes satellites, scientific experiments, and other property transported into space, whether or not the cargo will return from space. The term "spaceport" also includes other functionally related and subordinate facilities at or adjacent to the spaceport, such as launch control centers, repair shops, maintenance or overhaul facilities, and rocket assembly facilities that must be located at or adjacent to the launch site.

The successful commercial exploitation of space cannot be achieved without the direct support and involvement of the federal government. It is intended that spaceports shall be treated in all events as serving the general public, and that the use of spaceport facilities by the federal government will not render such facilities ineligible for exempt facility bond financing. In addition, it is intended that payments by the federal government of rent, user fees, or other charges for the use of spaceport property will not be taken into account in determining whether bonds for spaceports are federally guaranteed as long as such payments are conditioned on the use of such property and are not payable unconditionally and in all events.

RECOGNITION OF BARNETT AUGUST

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize my constituent and good friend, Barnett August. Barney has been chosen as the Bowling Green Association's honoree for the Lifetime Of Achievement Award in appreciation of his many years of service to the city of New York.

Mr. August has been the honorary executive vice president of the East Side Chamber of Commerce since 1927, and as such, he is currently the longest serving chamber executive in U.S. history. Throughout his tenure, Barney was responsible for several projects which have improved the community. He should be most proud of his efforts to advance the first public housing project in the United States, the Astor Houses in New York City. He also organized many other public housing projects in the area.

In addition to his position on the East Side Chamber of Commerce, Barney August has held several other prestigious posts such as serving on the advisory board of the U.S. Chamber of Commerce, and as past president of the Civic Executive's Conference of Metropolitan New York. The East Side Chamber gives an annual award known as the Barnett August Public Service Award to individuals who have demonstrated their dedication to serve the people of New York City. That alone illustrates the recognition that Barney has received as a proven public servant.

I should like to congratulate Barney upon receiving this important award from such a dignified organization as the Bowling Green Association. It is my hope that he continues his efforts to better the city of New York.

ESTABLISHING A NEW WORLD ORDER REQUIRES TRUE ACHIEVEMENT FOR HUMAN RIGHTS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. ANDREWS of Texas. Mr. Speaker, after defeating tyranny in the Persian Gulf, Americans are proud and thankful that we were able to confront Saddam Hussein's aggression and fight human rights abuses in Kuwait. What we have so far accomplished with our coalition partners is truly the first steps down the path of a new world order.

However, continuing to achieve that new order means addressing old problems, namely the continued human rights abuses in countries like Cuba, China, the Soviet Union and many others.

Eleanor Roosevelt once said "Where do universal human rights begin? In a small place, close to home * * *. They are in the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal dignity without discrimination."

As Americans, we believe that the denial of human rights in a country is not just an internal affair; it is a matter for the world. Our foreign policy has traditionally included concern for the life, liberty, and welfare of the individual citizens of other nations. Therefore, the United States has the responsibility to the improvement of the human rights conditions in the world.

Congress has a long history of trying to improve human rights around the world. Sometimes it is our expression of outrage. Sometimes it is the thousands of letters we have written. Sometimes it is our policies and diplomacy that try to correct inhumane treatment. Very often, Congress is successful. For instance, when anti-Semitism was on the rise in the Soviet Union, subjecting Soviet Jews to tremendous violence, it was our voice and letters that helped them seek their freedom. In South Africa, the continuing changes there have come from American pressure. In Eastern Europe, the reawakening of freedom and democracy came after years of concern and action from this very Chamber.

Communism has long been the greatest threat to the United States, and we have seen those Marxist countries take great strides in implementing democratic and economic reforms. But the human rights conditions in those countries are still the concerns of Congress. The most recent incident is the use of force by Soviet military on January 13, in Lithuania which resulted in at least 14 deaths and more than 100 wounded. A week later in Latvia, 4 died and at least 9 were wounded in a Soviet military assault on the Latvian Interior Ministry. Congress immediately passed a resolution condemning the use of Soviet military force in the Baltic States, indicating that although we were immersed in the Persian Gulf conflict, we were not blinded to human rights abuses elsewhere.

Nearly 2 years ago, China's brutal repression of the thousands of peaceful students and workers in Tiananmen Square was appalling. Congress was able to pass a bill mandating economic measures against China and placing several stringent human rights conditions on the continuation of China's most-favored-nation trading status.

But when the world's attention was focused on the Persian Gulf, the Chinese Government prosecuted and sentenced the pro-democracy activists. Many of those who were prosecuted had been detained for more than 18 months without formal charges. They, as the State Department stated, "were guilty of nothing more than the peaceful advocacy of democracy." There are a lots we need to do in this part of the world.

In Central America, the human rights violations are the greatest concern to the United States. Congress has pressed those countries to improve their human rights conditions, but there are more we need to do. For instance, Guatemala has been referred by human rights monitors as having one of the worst human rights situations in the world. Between 1986 and 1989, Amnesty International documented more than 222 political disappearances and

Guatemala's assistance procurator recorded 243 political killings in the first 7 months of 1990 alone. According to Amnesty International, evidence has come to light that Guatemala city police and private security personnel have harassed, beaten and, in some instances, killed street children. The political violence has reached a disturbing level in recent months.

On January 16, 1991, in his inaugural speech, the newly elected President Serrano pledged to protect human rights in his country. This provides us with an excellent opportunity to urge the new President to make human rights a high priority for his government. We hope that Guatemala under the new president can improve its human rights records.

In El Salvador, we were deeply alarmed with the news that six Jesuit priests, their housekeeper and daughter were brutally executed under circumstances that appear to be related to the activity of the right-wing death squads. The killing of the priests is not only tragic but a moral outrage. I hope that Congress can keep on pressing on this issue.

In Nicaragua, we imposed a trade embargo against that country to improve the deteriorating human rights conditions. I am glad to know that the situation has changed since then. The election of President Violeta Chamorro on February 25, 1990, provided a renewed opportunity for stability and improvement of human rights conditions in Nicaragua. Our action on appropriating $300 million in economic aid to the new government in April 1990 to rebuild the devastating economy and support the country's democracy was a right move. I am eager to see more improvements on human rights in that country.

In India, the human rights abuses including extrajudicial killings by the police, particularly in Punjab raised some concerns. The India authorities in attempting to maintain territorial integrity resorted to aggressive tactics. Most of the victims of the violence are unarmed Sikhs. We hope that this kind of brutal repression will never happen again.

Alexander Hamilton said "The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power."

America's concern for human dignity has always been a central tenet, and we in Congress have the obligation and ability to help improve human rights conditions in the world. We must not turn our heads. We have taken actions in the past and accomplished some achievements. But there is more we need to do to help people pursue their human rights. We must show the politically oppressed that the world knows and cares about their fate.

NORMA JEAN MILLER—A CHAMPION OF CHILDREN AND FAMILIES

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WHEAT. Mr. Speaker, I am proud to bring to the attention of my colleagues in the U.S. House of Representatives the outstanding contributions made by Norma Jean Miller to the welfare of the children and families of Jackson County, MO.

On March 15, 1991, Ms. Miller's friends and coworkers will gather to wish her well as she retires after 35 years of caring and compassionate service to the juvenile division of the Sixteen Judicial Circuit of Missouri.

The hallmark of Ms. Miller's career has been her commitment to the young people who find their way into the Jackson County juvenile justice system. Her specialty has been getting them back on the right track and keeping them there. Her dedication has meant a better hope for the future for countless Jackson County youths.

Ms. Miller has ably served the court and her community since September 6, 1955. In the past 35 years, she has held a variety of positions, ranging from deputy juvenile officer to supervisor of the aftercare unit, the division responsible for reintegrating children into the community.

Despite the long hours and the demanding circumstances of her job, Ms. Miller has maintained a remarkable level of energy and enthusiasm for her work and is viewed by her colleagues as an invaluable source of institutional knowledge about the workings of the juvenile division.

Among her many contributions to the well-being of young people in the community has been Ms. Miller's longstanding support for programs within the judicial system to aid the victims of child abuse. As manager of the Family Attention Center, she effectively worked to bring parents and children who had been divided by a crisis back together again.

She was also instrumental in developing a children's emergency fund in Jackson County to help supplement the services of the court. The fund provides incidental items—such as a new pair of shoes or a high school ring—that can really make a difference in a young person's life.

Throughout her career, Ms. Miller has touched tens of thousands of lives with her own personal brand of commitment. Her dedication and concern for the youth of Jackson County have set the standard against which all persons in her field are measured.

Therefore, it is with great admiration and appreciation that I salute the tremendous contributions made by Ms. Miller to the children and families of our community. I am pleased to join Ms. Miller's friends and colleagues in honoring her 35 years of service to the juvenile division and wishing her many more years of success.

INTRODUCING CAMPAIGN FINANCE REFORM LEGISLATION

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. OWENS of Utah. Mr. Speaker, as all of us know only too well, our collective desire to retain our seats in this august body has created enormous pressures for further and further campaign spending. In a war of words and wallets, we are escalating toward uncontrollable cost proliferation. It is time for a mutually verifiable campaign-spending freeze.

Nearly $3 billion was spent in 1988 on all elections in the United States, more than five times what was spent in 1976. House and Senate races alone cost $450 million in 1990, a fourfold increase since 1976. In my first election for the House in 1972, I raised $130,000. In the last cycle in 1990, I was forced to raise more than $900,000. Like the Federal deficit, campaign costs are spiraling out of control, but unlike the Federal deficit, campaign costs are relatively easy to control, if we simply exercise the collective will to do so.

We need to exercise that will. Public confidence has been eroded by our costly political battles. We waste too much of our legislative time on fundraising. The institution of Congress is exposed to undue influence. Last year, we took some faltering steps toward reform. This Congress, we must do better.

Obviously, money does not influence how we vote, but the constant chase for contributions interferes with our responsibilities as legislators. We are raising too much. We are spending too much. The system now in place is an insurance policy for incumbents, so the effort to enact campaign finance reform represents a leap of faith and fairness. But self-interest and special interest must give way to the public interest.

One of the major obstacles to campaign finance reform has been the Supreme Court's ruling in Buckley versus Valeo in 1976 that the first amendment's guarantee of freedom of speech would be violated by mandatory spending limits on political races. But there are two ways around that prohibition which I am proposing in two pieces of legislation that I am introducing today.

First, I am introducing a constitutional amendment which will:

Give Congress the power to set its own campaign spending limits.

Extend the terms of Members of House of Representatives from 2 to 4 years. Four-year terms would not only cut campaign costs in half, but also allow Congress to legislate without having to divide its concentration on the nearly perpetual campaign. The country needs fulltime legislators, not legislators torn between their duties and their campaigns every second year as autumn rolls around.

Second, I am also introducing legislation which will: establish a system of voluntary incentives and partial public financing for candidates who restrict their total general election spending to $540,000; limit Political Action Committee contributions to $180,000. There is nothing inherently wrong with the concept of

PAC's—that is, the voluntary contributions of individuals with shared goals—but the relative influence of PAC contributions has become too great when compared to other campaign contributions; limit individual contributions to $180,000. But the bill will also encourage small contributions of $100 or less—total—from individuals residing within a congressional district by not counting them against the candidate's total limit for individual contributions.

They provide $180,000 of public financing to those candidates who voluntarily accept spending limitations through a tax checkoff system similar to that used to finance Presidential elections. I have long believed in the merit of public participation in financing congressional campaigns. I first voted during my first term in the House 17 years ago for public financing of congressional campaigns in a bill then offered by Congressman MO UDALL, one of the most accomplished and distinguished members ever to serve in this body. If challengers are to have any chance at all in most districts partial public financing is essential.

They impose significant penalties on candidates who agree to and then violate voluntary spending limits. If a candidate does not accept these voluntary restrictions, an opposing candidate who does accept them will still receive partial public financing and other benefits without being bound by spending limits, a powerful incentive to all candidates to comply.

And they make media incentives available to those candidates who voluntarily accept the spending limit. Radio and television spots of 1 minute or more which feature the candidate—to discourage negative advertising—would be made available for 50 percent of their normal unit cost. Those candidates who do not accept spending limits would be required to pay 150 percent of normal unit cost.

This approach would reduce the influence of PAC's, promote individual contributions, and level the playing field by providing some public financing for qualified challengers. Given the many ideas currently being discussed in Congress on campaign finance reform and the impasse which has developed between the House and the Senate, I hope these proposals will be carefully evaluated. Although I have always lived within the rules of the campaign financing system, I am becoming more and more aware of its serious inadequacies. We can and should provide the electorate with a competitive election and our opponents with a fair opportunity to present their views to the public. We have put this challenge off for far too long.

RESTORE EXON-FLORIO TO PERMANENT LAW

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SHARP. Mr. Speaker, today I introduced legislation, first authored this year in the Senate by J. JAMES EXON, which would make permanent the very important Exon-Florio provision which provides for the review, investigation and blockage of foreign takeovers that could threaten the national security.

It is very unfortunate that the Exon-Florio provision was allowed to expire last year when the House, Senate, and administration could not come to an agreement on reauthorization of the Defense Production Act. It is very clear that Senator EXON, Representative FLORIO, and other Members who were involved in creating this provision in 1988 intended it to be permanent law. We should quickly restore that original intent, and the Exon-Sharp bill will do just that.

Foreign acquisitions of American firms have not come to a standstill during Exon-Florio's lapse, and a few very controversial bids—such as Fanuc's now-abandoned investment in Moore Special Tool Co.—raise questions as to how the administration could legally deal with a foreign takeover which threatened the national security without Exon-Florio having full force of law and regulation. At this time, the Committee on Foreign Investment in the United States [CFIUS] may be investigating yet another foreign takeover which raises national security concerns. And at this time, if the President needed Exon-Florio authority to enjoin that acquisition, he would not have it. By making Exon-Florio permanent, we will not have to face this grave uncertainty again.

Although the administration and Members of Congress may disagree on how Exon-Florio is being interpreted, there is no real debate on its necessity. Since being implemented by President Reagan's Executive order in December 1988, over 500 Exon-Florio filings have been made with the CFIUS regarding a foreign merger with or acquisition of a U.S.-owned firm. While this raw number is not an accurate barometer of how many of those 500-plus takeover actually raised legitimate national security questions, the CFIUS did find reason to believe that 12 of those foreign takeovers warranted an intensive, second-level investigation. We can only postulate why a few of this group of 12 were abandoned or restructured, because the internal workings of the CFIUS are largely secret.

More importantly, when President Bush used Exon-Florio authority last year to order CATIC, a firm owned by the Peoples Republic of China, to divest itself of its purchase of Mamco Manufacturing, the President firmly established both the legitimacy and the necessity of Exon-Florio. That is because Exon-Florio is the last line of defense: its authority is used only when other laws—such as the International Emergency Economic Powers Act, export control laws, or foreign ownership, control and influence [FOC] regulations are inadequate to protect the national security.

We must restore Exon-Florio—our ultimate defense against threatening foreign takeovers—as soon as possible. At this time, the House and Senate still have differences on how the Defense Production Act will be renewed, but the differences are on other issues, such as financial services. In introducing this bill, I would urge the relevant committees of the House and Senate to assure that in the short-term and long-term extensions of the DPA, permanent Exon-Florio authority is included.

Aside from protecting the national security, there are two other reasons why making Exon-Florio permanent makes sense. First, allowing Exon-Florio to lapse weakens the Congress' institutional leverage on the administration's implementation of Exon-Florio. For those of us who have had reservations that the Reagan and Bush administrations were effectively implementing the law on some of the more controversial cases, loss of our institutional leverage to effectively oversee and encourage improvements, in the Exon-Florio process is detrimental to our constitutional system of checks and balances. Second, having a law of this importance come and go creates tremendous ambiguities for the international business community which are also harmful to America's economic interests. Because the majority of foreign investments in the United States create jobs, economic growth, and foster competitive technological improvements which advance our standard of living, having a permanent and predictable statute on the books increases business confidence.

For all these reasons, Exon-Florio is too important a law to be allowed to lapse ever again. Adoption of the Exon-Sharp bill will provide the President with uninterrupted power to investigate and block foreign takeovers which may threaten our national security. I urge the incorporation of the Exon-Sharp bill into the reauthorization of the Defense Production Act.

SUPPORT THE VISUAL POLLUTION CONTROL ACT OF 1991

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SHAW. Mr. Speaker, today I, my good friend JOHN LEWIS of Georgia, and over two dozen of our colleagues will be introducing the Visual Pollution Control Act of 1991, a bill to restore the original intent of the Highway Beautification Act of 1965. I am confident passage of this legislation will finally bring real progress toward controlling the proliferation of billboards.

The Bush administration, recognizing the need for billboard reform, has proposed similar reform of the existing Federal billboard law in its 1991 highway reauthorization proposal. I applaud the President's efforts to make America more scenic.

Additionally, over 40 national environmental, health, conservation, and public sector organizations support reform of the existing billboard law and have endorsed the Visual Pollution Control Act of 1991.

Like last year's bill, the Visual Pollution Control Act will restore to State and local governments the ability to remove billboards using their own land use authority. Our bill will also place a moratorium on new billboard construction along Federal-aid highways. Finally, our legislation would prohibit the billboard industry from destroying trees on public rights-of-way for the sole purpose of improved billboard visibility.

I believe the Visual Pollution Control Act of 1991 is an improvement upon last year's billboard control legislation [H.R. 3389]. Unlike last year's bill, however, the Visual Pollution Control Act will not require the removal of any legally erected billboard.

The Visual Pollution Control Act of 1991 is needed now more than ever. According to Federal Highway Administration statistics, billboard removals have come to a virtual standstill. During 1986–88, only 2,657 billboards were removed along Federal highways nationwide. However, during the same period, over 47,500 new billboards were constructed. Incredibly, the billboard lobby still claims that the original Highway Beautification Act is working perfectly and reform is not needed. Obviously it is working fine for them, but it is working miserably for those of us concerned with billboard proliferation.

The Visual Pollution Control Act of 1991 will restore the spirit of the Highway Beautification Act, which has been gutted by previous Congresses. Given these facts, I am confident this legislation will be successful.

I am pleased Senator JOHN CHAFEE of Rhode Island has introduced his own billboard control in the Senate. Last year, Senator CHAFEE guided through the Senate Environment and Public Works Committee billboard control legislation. I anticipate legislation success again by that body this year.

But not all the action to control billboards has been confined to Washington. States and local communities have been active in passing legislation that regulates billboards. Recently Rhode Island joined Hawaii, Alaska, Vermont and Maine in banning new billboard construction. Overall, in just the past 4 years, more than 500 cities and counties have enacted new regulations to control the proliferation of billboards. On June 20, 1990, the U.S. Conference of Mayors unanimously passed a resolution calling on Congress to restore the authority of local and State governments to use their zoning powers to remove billboards, a right removed by a 1978 amendment to the Highway Beautification Act requiring cash payment to billboard companies.

In my opinion, that 1978 amendment effectively pulled the remaining teeth out of the Highway Beautification Act, and turned that law into a tool for the billboard industry, who are now opposing any attempts to reform that act. Because of that 1978 amendment, it would cost taxpayers over $1 billion to remove nonconforming billboards—an expenditure this Nation cannot now afford.

A better way to deal with this problem would be to amortize the billboards for a reasonable period, rather than pay cash outright. While billboard proponents have said this would violate the fifth amendment, the courts have long held that billboard regulation is not a taking of private property and does not violate the Constitution. This premise is based on the fact that billboards don't derive their value from the private land they stand on, but from the public roads they stand next to. Hence, an industry that inadvertently profits from the public gives communities the right to regulate that industry. This doctrine was first upheld over 70 years ago, in *Churchill and Tait* v. *Rafferty,* 248 U.S. 591 (1918), and continues to be upheld today. Many State courts have also concluded that amortization is an acceptable method for removing nonconforming billboards.

Additionally, the General Accounting Office did a review of the existing case law to determine if a majority of the cases hold that amortization in the removal of billboards is constitutional. Their review indicated that a "vast majority of the cases hold that billboard amortization is a reasonable exercise of the police power of the state and not violative of the Constitution." [GAO Report B–239187, Feb. 6, 1991].

Mr. Speaker, the Visual Pollution Control Act of 1991 is constitutional, proenvironment, and needed if we are to restore Lady Bird Johnson's original goal of highway beautification. I urge all my colleagues to cosponsor this worthy piece of legislation.

DOUBLE DIPPING BY THRIFT INVESTORS TO STOP

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today I'm introducing legislation to stop investors of failed savings and loans in the late 1980's from abusing generous tax breaks given to them by the Federal Government. These investors are trying to cash in on an estimated $3.5 billion of tax deductions for disposed thrift assets after they've already been reimbursed for such losses by Federal assistance payments.

In 1990, Congress was informed of this double dipping by thrift investors who are writing off enormous tax losses on the disposition of thrift assets even though they've suffered no real economic loss. These investors are claiming billions of dollars worth of tax breaks on their Federal income tax returns for losses even though they've been fully reimbursed for such losses by Federal assistance payments.

Last week, several of my colleagues introduced legislation to prevent these inappropriate tax deductions in the future, and I'm supportive of these efforts. However, I feel we shoud also fix the past abuses.

A Treasury Department report released yesterday to Congress clearly demonstrates that no reasonable authority has ever existed for this aggressive, if not absurd, double dipping being taken on the Federal tax returns of many S&L investors and that the IRS stands ready to litigate these cases. Such tax treatment is contrary to well-established tax principles, including the tax rules for computing gain or loss—Internal Revenue Code, section 1001—and the deduction limitation for losses compensated by insurance or otherwise—Internal Revenue Code 165. Nevertheless, many of these investors have already reaped an estimated $1 billion windfall from the combined Federal assistance payments and reduced tax liability. And in my judgment, American taxpayers shouldn't be asked to bear this burden.

My legislation would cover all past and future Federal assistance payments made to investors of failed financial institutions in connection with a disposition or repurchase of any asset of such institution by treating them as compensation for purposes of the loss deduction limitation rules. Congress never intended to allow thrift acquirers to deduct losses when they are reimbursed for such losses by the Government. It's just that simple.

I urge my colleagues to cosponsor my bill to help put an end to the ill-advised and insupportable tax practices that are costing billions of dollars to the Federal Government and the American taxpayer.

A copy of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN FEDERAL ASSISTANCE PROVIDED WITH RESPECT TO DOMESTIC BUILDING AND LOAN ASSOCIATIONS.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1986—

(1) any section 597 payment made with respect to any loss of principal, capital, or similar amount upon the disposition of any asset shall be taken into account as compensation for such loss for purposes of section 165 of such Code, and

(2) any section 597 payment made with respect to any debt shall be taken into account for purposes of section 166, 585, or 593 of such Code in determining whether such debt is worthless (or the extent to which such debt is worthless) and in determining the amount of any addition to a reserve for bad debts arising from the worthlessness or partial worthlessness of such debts.

(b) SECTION 597 PAYMENT.—For purposes of subsection (a), the term "section 597 payment" means any assistance provided after December 31, 1980, if section 597 of the Internal Revenue Code 1986 (as in effect with respect to such assistance) excluded such assistance from gross income. Such term shall not include payments to which the amendments made by section 1401(a)(3) of the Financial Institution Reform, Recovery, and Enforcement Act of 1989 apply.

(c) TREATMENT OF AMOUNTS PAID FOR REPURCHASE OF ASSETS.—Nothing in section 597 of the Internal Revenue Code of 1986 shall be construed to exclude from gross income any amount paid by the Federal Savings and Loan Insurance Corporation, the FSLIC Resolution Fund, the Resolution Trust Corporation, or the Federal Deposit Insurance Corporation for the repurchase of an asset or to exclude such amount in determining gain or loss under section 1001 of such Code.

(d) EFFECTIVE DATE.—This section shall apply to taxable years ending after December 31, 1980.

INTRODUCTION OF THE McDERMOTT-ADAMS PEACE, DEMOCRACY AND DEVELOPMENT IN EL SALVADOR ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. PELOSI. Mr. Speaker, I am honored to join today with my esteemed colleagues in introducing the Peace, Democracy and Development in El Salvador Act. I commend Senator ADAMS and Congressman MCDERMOTT for their work in introducing this important bill, which is the next step in changing United States policy toward El Salvador.

Last year, we passed legislation to promote peace in El Salvador by cutting military aid by 50 percent and imposing conditions on the restoration of aid. This aid cutoff was carefully balanced and designed to promote peace talks. It was working and both sides were at the negotiating table.

Unfortunately, the President chose to disturb this careful balance by releasing the withheld aid with a 60-day holding period. He ignored the fact that no real progress has been made in the Jesuit murders case. He ignored violations of the conditions by the Salvadoran military. His decision places us back at square one with a failed policy.

It is now 11 years since the beginning of the war in El Salvador. In those 11 years, we have spent $5 billion in United States assistance and we have 70,000 deaths to show for it. Clearly we should be capable of a better policy.

The McDermott-Adams bill is a better policy. It prohibits military assistance until certain conditions are met, withdraws military advisers, prohibits covert operations, establishes a fund for reconstruction, and restricts economic support funds for basic human needs.

Those of us on the side of peace and justice in El Salvador believe that the only solution to the civil war there is through negotiations. Negotiations will not work unless the Salvadoran Government can and does get control of the arrogant, omnipotent, and immoral Salvadoran military. Cutting military aid to El Salvador provides needed leverage to the Salvadoran Government to control the military and pursue negotiations.

The bill we are introducing today provides incentives for negotiation, requires respect for human rights, and promotes democratic reform. The McDermott-Adams bill is designed to restore the balance created by last year's legislation which has been disturbed by the President. It will promote a permanent settlement to the tragic civil war in El Salvador. I look forward to working with my colleagues in passing it into law.

CHIEF JUDGE ALEXANDER HARVEY RETIREMENT SPEECH

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mrs. BENTLEY. Mr. Speaker, it is an honor to speak on behalf of Judge Alexander Harvey II, of the U.S. District Court for the District of Maryland, as he steps down as chief judge and takes senior status on the Federal bench.

The judge always has been described as direct, rational, intelligent, and able to provide exceptional advice when consulted by another judge. This is clear and convincing evidence of the high regard and respect with which his peers hold him.

In 1983, the American Lawyer selected Judge Harvey as the best of 42 judges in the fourth circuit. In the article explaining the choice, Judge Harvey was dubbed:

> As brilliant, practical and always prepared. Incredibly well organized. Invariably knowing the case better than the lawyers involved * * * taking proffered instructions, maybe fifty of them, and responding yes to number one, no to number two, and yes to number three. Responding almost like a machine.

His stewardship as chief judge has not been without some controversy. There was the question of the creation of a District Court for the Southern District of Maryland. Congress, in its infinite wisdom and effort to emulate Solomon, decided that the area comprising the U.S. District Court for the District of Maryland needed to be cut in two. There was no question that this decision would provide logistical problems for Federal judges, and constrain further the limited resources of the district court. Yet, Judge Harvey was there to answer questions; and, during the legislative process, his comments and advice were considered and greatly appreciated.

Community service is a family trait extending to the judge's great-grandfather, Washington Curran Whitthorn, who was a U.S. Senator and Congressman from Tennessee.

Another one of the judge's great-grandfathers, Charles Harvey, was a business partner of William T. Walters of the Walters Art Gallery. His father F. Barton Harvey, Sr., was an insurance broker who helped found the firm of Stump, Harvey, & Cook. The judge's two older brothers are both bankers, one the retired managing partner of Alex Brown, the other the retired chairman of Maryland National Bank.

Judge Harvey always has been a leader willing to do his share. During World War II, he saw action as an artillery spotter for the 71st Infantry Division, for which he flew 90 missions in Piper Cubs over enemy gun placements. He then served with Army field artillery and was with General Patton's 3d Army in its push across the Rhineland. He attained the rank of first lieutenant with an Air Medal and Oak Leaf Cluster.

After the war he returned to Yale where he played rugby, won the senior prize for scholarship and character, and graduated Phi Beta Kappa in 1947. After spending 3 years in Columbia Law School where he was a member of the winning moot court team, he passed the Maryland bar and became an associate with the law firm then known as Ober, Williams, Grimes & Stinson. Three years later, he was asked to become a partner, but took a 2-year break to serve as an assistant attorney general of Maryland from 1955 to 1957, returning to the firm where he remained until 1966 when President Johnson appointed him to the district court at age 43.

In conclusion, I would like to say that it is unlikely that Judge Harvey's term as a member of the Federal judiciary could be improved upon. His wit, grace, and guiding leadership will be greatly missed.

GIVE PRAISE WHERE PRAISE IS DUE—GEORGE BUSH

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BEREUTER. Mr. Speaker, on March 6, 1991, a remarkable event took place in this Chamber. The President of the United States appeared before a joint session of Congress to report on the resounding American victory against Iraq. He came to this Chamber as a victorious Commander in Chief, and received standing ovation after standing ovation. It was a rare moment.

True to his usual practice, the President was lavish with his praise. He quite rightly praised the troopers, the airmen, the marines, and the sailors who had gone into combat against the Iraqi Army. He praised the commanders who planned and executed the operation. He praised the American people who displayed their overwhelming support for Operation Desert Storm. He praised the fellow members of the coalition who fought beside the United States. Indeed, the President sought to recognize all who had supported him throughout the crisis.

Despite the sense of satisfaction that has emerged in the wake of Desert Storm, this Member is alarmed at the desire of some to rewrite history. President George Bush did have his detractors, particularly in the days immediately prior to January 16. His actions were roundly condemned by many in this body. The passionate speeches against supporting U.N. Resolution 678 are a matter of record. Some of these same individuals are now quick to wrap themselves in the mantle of victory. Our President was gracious enough not to comment on this fact, but this Member would simply note that they can do so only because of the leadership of George Bush, and because 250 Members of this body and 55 Members of the other body made the politically difficult but right decision to support the President on January 12.

Mr. Speaker, this Member would also include in the RECORD an insightful article from the March 7 edition of the Omaha World-Herald. This editorial, entitled "Bush's January Doubters Scramble for Credibility," explained that the American people may consider support for U.S. policy in the Persian Gulf to be an important indicator of the judgment of their elected representatives.

The article follows:

[From the Omaha World-Herald, Mar. 7, 1991]

BUSH'S JANUARY DOUBTERS SCRAMBLE FOR CREDIBILITY

> Some senators and congressmen are still defending their January votes against the use of force in the Persian Gulf. Democratic leaders in Congress are bristling at the suggestion that the Democratic Party can't be trusted to define the nation's destiny.
>
> But the fact remains that a majority of the Democrats in Congress held back at a time when, as subsequent events demonstrated, decisive action was needed.
>
> Now the war is over. The allies won decisively. Kuwait has been liberated. The parade of horribles that opponents of military action talked about before the vote didn't materialize—allied casualties were minimal, the coalition held together and the public supported the president and the troops.
>
> America is reinvigorated in spirit. Its respect around the world has risen.
>
> Fortunately, sufficient numbers of congressmen and senators had enough faith in President Bush, the armed forces and the righteousness of the cause to cast a vote authorizing military action.
>
> Signs of uneasiness have appeared among some Democrats as the implications of the vote, in the context of the brilliant outcome of Operation Desert Storm, become clear.
>
> House Speaker Tom Foley has begun referring to the Democrats as pro-defense, which

flies in the face of efforts by the party's liberal wing to slash defense spending and defeat major weapons systems over the years. And some Democratic strategies appear to want the public to forget the January vote. They are taking the position that the Persian Gulf will be old news by the 1992 elections.

But some people may not forget. Phil Klinker, a political scientist for the liberal Brookings Institution, said that presidential candidates who voted against the use-of-force resolution would have a tough time winning the nomination.

And well they should. The opponents of the resolution blew it when they took the position that economic embargoes were all that was needed, the coalition would fly apart or the United States would become isolated and bogged down, with heavy casualties, in a long ground war. And they came within a few votes of making the president's task more difficult, giving Iraq more time to proceed with the destruction of Kuwait while waiting for a hot desert summer to sap the spirit of the allied forces.

This isn't to question their patriotism. But certainly their judgment is suspect. And, in any debate over U.S. policy in the Mideast, so is their credibility.

THE BOUNTY HUNTER ACT OF 1991

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SCHULZE. Mr. Speaker, outlaw drug dealers should not ride roughshod over our cities and towns. We should round them up and put them behind bars. Today I am introducing the Bounty Hunter Act of 1991 to help do just that!

Under Bounty Hunter, if you turn in a drug pusher, you get half the value of the pusher's tainted luxuries acquired with illegal profits. I surmise it would be hard to find a person who would not want half the value of a drug lord's mansion or yacht.

I believe we can win the war on drugs by providing the needed incentive for informants to come forward. I want to make it more profitable to end drug trafficking than it is to assist and promote the drug trade. I want to encourage the drug dealer's chauffeur, cook, housekeeper, and henchmen to turn him in—and reap handsome rewards for doing so.

If the bounty is high enough, drug criminals will be caught. Support the Bounty Hunter Act, and let's put the highest possible price on drug dealers.

THE WOMEN IN DEVELOPMENT ACT OF 1991

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. SNOWE. Mr. Speaker, in commemoration of International Women's Day, March 8, I am introducing, along with Representative PAT SCHROEDER, the Women in Development Act of 1991.

This legislation, introduced in the past two Congresses by our friend and former colleague, Representative Mickey Leland, seeks to ensure that women are fully integrated into United States funded development projects.

For the past 2 years Congress has approved key provisions of this legislation in the Multilateral Economic Assistance Act. One required that Agency for International Development [AID] programs be designed to increase the percentage of women participating in developing countries.

A second provision stipulated that the percentage of women participating in development projects, represent the number of women traditionally involved in the targeted activities.

A third provision earmarked $5 million for strengthening Women in International Development [WID] Program initiatives—$2 million for core funding and $3 million for matching grant funds.

Finally, a fourth provision provided $800,000 for the United Nations Development Fund for Women [UNIFEM] and $200,000 for the International Research and Training Institute for the Advancement of Women [INSTRAW].

Though these funding amounts are less than minimum recommended in last year's bill, they represent a partial victory for the legislative intent of the proposal. I am also encouraged by initial reports that AID has shown improvement in integrating women into its development program.

Because I'm concerned about the Peace Corps' commitment to its own WID Program, I have expanded this year's bill to include the Peace Corps in steps to integrate women fully in development assistance programs. Specific directives include: training for professional staff and volunteers that provide guidance on strategies for achieving the goal of integrating women into all Peace Corps programs, the participation of local women's organizations in corps programs, and the establishment of a task force on women in development, made up of senior staff members to oversee the implementation of the legislation.

In addition, this legislation provides $7 million in matching funds to AID for WID activities in field missions, $5 million for core funding to support the staff, training and monitoring needs of AID WID, and $500,000 or 1 percent of the total amount appropriated to Peace Corps for the office of the WID coordinator.

Finally, this bill authorizes a total of $1 million for the United Nations Development Fund for Women [UNIFEM] and $250,000 for the United Nations International Research and Training Institute for the Advancement of Women [INSTRAW]. These U.N. organizations provide essential development assistance and resources for women in developing countries.

Given adequate access to training in health care, sanitation, marketing, agriculture, and full participation in development assistance programs, women in developing nations have the potential to improve dramatically the quality of life for their families. This bill addresses specific methods for AID and the Peace Corps to integrate women fully into development plans.

The reported successes of the past 2 years need to continue and to grow. Unfortunately, incorporating these aims into foreign appropriations legislation on a year-by-year basis will not ensure the fundamental commitment we need. The legislation before us today aims to extend the gains made last year, enlarge upon them, and make them permanent.

I urge my colleagues to give careful attention to this issue and join me in support of its passage.

UNION HOSPITAL FOUNDATION HONORS ZENON AND NADIA MATKIWSKY AS CITIZENS OF THE YEAR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. RINALDO. Mr. Speaker, on May 17, the Union Hospital Foundation of Union, NJ, will honor Zenon and Nadia Matkiwsky as the foundation's 1991 Citizens of the Year.

Dr. and Mrs. Matkiwsky have earned this special tribute for their relentless work in behalf of the victims of the 1986 Chernobyl nuclear reactor accident in the Ukraine. The couple has worked endlessly to provide medical services and collect donations to send food and supplies to these victims in the form of a relief effort called the "Children of Chernobyl Relief Fund.

So personal is their commitment to the relief effort that in February 1990, the Matkiwsky's brought back from Kiev, Ukraine, 6-month-old Maria Kavasiuk and her 37-year-old father, Vasilij. Both had been diagnosed with leukemia after the father was forced to work on the Chernobyl nuclear spill cleanup. The Kavasiuks stayed at the Matkiwsky home while Dr. Matkiwsky, chief surgeon at Union Hospital, treated them. Today, as a result of these unselfish efforts, Maria and her father are doing well.

During the past 2 years, the Matkiwsky family have flown to Ukraine several times bringing supplies to various areas where health care is primitive and supplies are lacking.

I commend Zenon and Nadia Matkiwsky for their compasssion and devotion to the young victims of the Chernobyl nuclear accident. They have helped thousands of children contaminated by the radiation. Dr. and Mrs. Matkiwsky are richly deserving of the title Citizens of the Year for their outstanding contributions to the people of Ukraine as well as their own community.

A BILL TO COMBAT UNINTENDED TEEN PREGNANCY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. TOWNS. Mr. Speaker, teenage pregnancy is not an issue we can afford to evade. Teenage girls are becoming pregnant in increasing and alarming numbers. According to the Alan Guttmacher Institute, about 1 million teenage girls become pregnant every year. If you are the parent of a teenager, this means that 1 in 10 of your daughter's friends will become pregnant this year. What will you do if the "one" is your daughter?

I have again joined Representative NANCY JOHNSON in embarking upon a bipartisan effort to introduce the Mickey Leland Adolescent Pregnancy Prevention and Parenting Act of 1991. The Adolescent Family Life Program is the only Federal program specifically designed to help prevent teenage pregnancies. It was initiated as a demonstration program authorized under title XX of the Public Health Service Act. One-third of the funding for title XX services go to projects that provide prevention services which attempt to reach male and female adolescents before they become sexually active. The remaining two-thirds of the funding goes to projects which provide an array of services to pregnant and parenting adolescents. These services include: primary and preventative health care; family planning services; maternity counseling; nutritional information; education and vocational services and adoption counseling.

Teenage girls who become pregnant are confronted with enormous economic and societal factors which coalesce to preclude them from ever becoming fully participating members of this society. For many young women, the birth of a child is not a source of joy and hope. Instead it is death of a future once filled with possibility and promise. Your past becomes irrelevant, your present is never-ending and your future is over.

The costs of teenage pregnancy do not stop with the inchoate dream-deadening effects on the young mother. Teenage girls who become pregnant face greater overall health risks than mothers in other age groups. In addition to short-term problems, there are long-term social and economic consequences associated with teenage motherhood. Some studies have shown that women who begin childbearing during adolescence never complete high school, have lower incomes, have more children overall, have less stable marriages and rely more heavily on public assistance than their peers. Unfortunately, in this society, women who begin having children in their teens are forever deprived of an opportunity to experience life. They are forced to enter a world of adult restrictions and responsibilities long before they are ready.

Unlike most previous measures, this bill recognizes that teenage boys are part of the teen pregnancy problem. Young men who are at-risk of becoming fathers before becoming husbands must learn to seriously consider the consequences of their actions. They must learn the lesson every young mother soon knows with certainty: A baby is a full-time job and a lifetime commitment. A child cannot be cared for at a part-time job or by part-time parents. There are no children who only require food, clothing, and shelter on a part-time basis. Under this measure, teen fathers would be eligible for counseling on sexuality and family life, including responsible decisionmaking and the responsibilities which accompany parenthood. In addition to educating these young men about responsibility, this bill seeks to take concrete steps toward encouraging responsibility by providing referral services for employment, training, and drug and alcohol abuse.

In essence, the loss of human potential engendered by teenage pregnancy is staggering. This bill seeks to stop this incredible loss by taking a realistic yet hopeful approach to this problem. We are realistic because we know that more is required than lectures on the virtues of chastity. We open our eyes to the world that your young people live in and do not shudder or draw back. We must not allow the incredible gravity of this situation to overwhelm us. We are hopeful that with hard facts and gentle care, these young people will make choices which allow them to recognize and address their responsibilities while they pursue their hopes and dreams. It is in this country's best interest to assure that these young people can become productive and contributing members of society.

CITY OF WEST MIAMI STANDS BEHIND U.S. TROOPS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, last night in the President's speech to a joint session of Congress, he offered well-deserved praise to all Americans saying, "Above all, I thank those whose unfailing love and support sustained our courageous men and women: I thank the American people."

The President's praise surely applies to the good people of West Miami. On February 6, 1991, the city of West Miami passed and adopted resolution No. 91-01 expressing support for the U.S. position in the Middle East. Their heartfelt resolution was the very embodiment of the unfailing love and support our President spoke about.

In the words of resolution No. 91-01, the city of West Miami, FL, passed and adopted on February 6, 1991:

> Whereas, we, as a community, extend complete support to the policies of the American administration and to the brave Allied Forces who are fighting in the Persian Gulf as we pray for peace and the prompt resolution of this crisis. Now, therefore, be it
>
> *Resolved by the City Commission of the City of West Miami, Florida:*
>
> The City of West Miami expresses its complete support for the United States political and military position regarding the Persian Gulf crisis and affirm our solidarity with the members of our United States Armed Forces and their allies who are fighting valiantly to free the nation of Kuwait.

Mr. Speaker, the President's leadership was steadfast and unerring in judgment for many reasons. The President acted with clear and resolute purpose, the liberation of Kuwait and the putting down of aggression; he acted with international support, 12 U.N. resolutions and the military support of 30 nations; and most powerfully, the President acted with the support of the American people.

The city of West Miami and many other communities who in spirit stood shoulder to shoulder with our brave men and women in the gulf should be recognized for their commitment to freedom and justice. In particular, I commend the leadership of West Miami for supporting this resolution: Mayor Pedro Roboredo, Vice Mayor Rebeca Sosa, Commissioner Pedro Busse, Commissioner Valery Hickey-Patton, and Commissioner Vivian Trigo.

COMMENDING U.S. TROOPS AND PRESIDENT BUSH

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BALLENGER. Mr. Speaker, the United States has much to be proud of today. The U.S. Armed Forces have performed brilliantly in the Persian Gulf theater under the outstanding leadership of our President and Commander in Chief George Bush, Secretary of Defense Dick Cheney, Operation Commander General Norman Schwarzkopf, and Chairman of the Joint Chiefs of Staff Gen. Colin Powell. The brave men and women participating in Operation Desert Shield/Storm have demonstrated remarkable bravery and professionalism and deserve our heartfelt thanks and support.

I especially want to pay tribute to the men and women from the 10th District, both in the active forces and reserve units—the 1451st Transportation Company of Boone, the 540th Quartermaster Battalion, and the 1450th Transportation Company, both of Lenoir. You can rest assured that your Congressman and your country have stood solidly behind you since the beginning.

I look forward to the days ahead when our troops return home, and we have an opportunity to welcome and honor our war heroes. This is a victory in which all our veterans can share. We salute each of you.

Yet in our joy, we must remember that war is not without its costs. Of the more than 535,000 U.S. service men and women sent to the gulf, the loss of life was small in number, but not insignificant. Family members in my district are experiencing a deep personal loss for Spec. Bobby McKnight of Dallas, NC, who was a casualty of Operation Desert Storm. Spec. McKnight was deployed to Saudi Arabia with the National Guard's 145th Transportation Company. Spec. McKnight will be remembered as a war hero by all of us.

I am proud of President Bush and the U.S. troops for promoting peace and stability in the Persian Gulf and around the world.

ALLIED BURDENSHARING IN THE GULF

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. COLEMAN of Missouri. Mr. Speaker, while we are all proud of the conduct of the Persian Gulf war, we must address the very serious issue of paying for it.

The administration presented Congress with a payment plan asking for $15 billion in U.S. funds, and for the authority to spend the pledged contributions from our coalition partners and allies in the war. Today we are responding to the President's plan, providing the $15 billion requested, plus the authority to spend foreign contributions up to $43 billion.

The United States has borne the primary burden of supplying armed forces and commanding allied efforts. The President has asked us to appropriate an additional $15 billion in U.S. aid. We should do this. This is not the time for political games or budget grandstanding.

It is, therefore, only appropriate and proper to require our allies to meet their financial obligations for a war we prosecuted. According to OMB today, of the $54.5 billion our allies have now promised as their fair share toward the total costs of the war, barely $16.9 billion in cash and other contributions have been received; $37.6 billion in pledges are still outstanding.

About $24 billion of the unpaid total is to come from Saudi Arabia, Kuwait, and the United Arab Emirates; these nations, all members of the Gulf Cooperation Council, were directly involved in Operation Desert Storm.

Of far more concern is the failure of our noncombatant allies to make good on their pledges of financial support. South Korea is $314 million shy of its pledge of $385 million; Germany still owes $3.6 billion of its promised $6.6 billion; and Japan, which has only just now formally approved $9 billion of its total pledge of $10.7 billion, has paid only $1.3 billion. Japan, whose financial stake in the stability of the gulf region exceeds our own, must step forward and honor its pledge.

This was not just an American war; it was a united effort by a coalition of nations. Every nation participating must meet its obligations—the American taxpayer demands it, the American men and women who have put their lives on the line to achieve the coalition goals deserve it, and Congress must insist on it.

Mr. Speaker, there will be other expenses in this war that undoubtedly will be presented in the weeks ahead. The allies will have an even greater amount to pay. They should keep current on their accounts by paying now what's due now.

Saying the check is in the mail will not be acceptable.

NEW MEXICO'S ENERGY PLAN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. RICHARDSON. Mr. Speaker, there's been much talk in recent months about the need for a national energy policy. Last month, President Bush unveiled his energy plan—a plan that has been sharply criticized by many, including this Member.

I am most pleased to report to my colleagues that my own home State of New Mexico has developed its own energy plan. The Albuquerque Journal recently editorialized against the Bush energy plan and for the New Mexico plan.

The Journal wrote:

> Governor Bruce King * * * has some promising ideas. If the Federal Government can't come up with a comprehensive energy plan—as seems apparent—King is ready to step in. He would stress innovative energy strategies that tap the State's natural gas supplies and solar energy. Recognizing that a barrel of oil saved is a barrel of oil not imported, King, Land Commissioner, Jim Baca, and Natural Resources Secretary Anita Lockwood promise that New Mexico's energy policy will stress renewable resources and conservation. Send 'em to Washington.

It is with great pleasure that I call my colleagues' attention to two documents relating to New Mexico's energy plan. Both are from our State's Land Commissioner, Jim Baca. The first document represents his thoughts on the Bush energy plan and the second document is his plans for New Mexico with respect to energy and other matters of importance to his office.

BACA CRITICIZES ADMINISTRATION ENERGY PLAN, CALLS FOR CONSERVATION ALTERNATIVES

Jim Baca, New Mexico's Commissioner of Public Lands, today expressed his "deep disappointment" in the contents of the Administration's energy plan. "It looks like we in state government—Governor Bruce King, Secretary of Energy and Minerals Anita Lockwood, and myself, the Land Commissioner—are going to have to take the lead," he said. "I pledge to work with them in every way possible."

"I support the idea of developing a comprehensive national energy strategy, it's long overdue," Baca said. "But by focusing on opening wilderness areas for energy exploration and reducing opportunities for nuclear safety review, we're falling into the old trap of fulfilling industry wish lists instead of dealing with real energy problems."

Baca has just returned from Washington, D.C. after meeting with numerous Congressional, industry, and public interest officials on the Administration's energy proposals.

"Any smart energy policy is going to look both at energy usage as well as energy supply. If we save a barrel of oil, it's just like producing one," the Commissioner said. "Conservation has proven to be the most cost-effective and environmentally-friendly way of getting 'new' supplies and should be priority #1 in any energy plan."

"I am deeply disappointed in the Administration's energy plan," Baca said. "We need to take a much more aggressive role in conserving energy and developing clean and renewable energy alternatives."

As Commissioner, Baca administers 13 million acres of state lands, much of which are energy producing. "We're going to do our part," Baca said, "New Mexico has considerable reserves of clean-burning natural gas. We want to encourage much greater use of natural gas as a transportation and utility fuel, both in and out of the state. Since cars, trucks and buses use most of the oil we import, we could win three ways: cleaner air, less imported oil, more revenues to New Mexico."

"Solar energy is much talked-about and under-used," Baca continued. "With the resources we have, New Mexico could be the model state for the nation. By committing to a new effort for utilizing the power of the sun, we could greatly reduce our use of fossil and wood fuels. In partnership with the federal government, New Mexico could host experimental development projects using solar energy, including efforts to produce solar-derived hydrogen transportation fuel."

Baca said that New Mexico could play a pivotal role in providing leadership on the energy issue. "At the state government level, we're going to be working closely together to develop an energy policy for the state. Business-as-usual in Washington just isn't enough," he said.

"We need to be looking to the future, instead of the past," the Commissioner said. "We have tremendous resources here in New Mexico with our gas supplies, the potential for solar and renewable energy development, and the role our National Labs could play."

"At a time when the Labs are coming under budget pressure from declining defense spending, why not tap that energy source? If we put just a minor percentage of the budget for Middle East defense into a Manhattan Project for photovoltaics, we could drastically reduce our use of conventional fuels and increase our national security."

It's important to remember that conservation doesn't have to hurt. We must cut our energy consumption not by sacrificing our way of life but through an aggressive efficiency program. If it's possible to get the same amount of light from 15 watts as we now get with 100 watts, we should make the change. If we can go 100 miles on two gallons of gasoline instead of five, we should make the change."

"The Administration's energy plan and accompanying budget simply fail to address the real problems or provide real solutions. I hope the Congress will take a more serious look at these issues and I intend to be active at the state and national level in encouraging new directions," Baca said.

SETTING THE STAGE

(By Jim Baca, State Land Commissioner, 1991)

During the course of the 1990 election campaign, I traveled more than 35,000 miles, meeting and talking to New Mexicans about their concerns for the future of our state. With revenue-producing trust lands in every corner of New Mexico, the Land Office has tremendous influence on environmental and land use policy in the state.

When I began my campaign, I announced that I would be the environmental candidate, concerned with the proper stewardship of our Trust Lands for future generations. In my view, conservation of our lands and resources makes good business sense. As a fiduciary officer for the beneficiary institutions, I have pledged to take the long view of my trust responsibilities and to chart a course for the year 2000 and beyond.

What follows is a product of the dialogue which took place between concerned citizens, communities, and organizations and myself. It represents an initial framework for the agenda of the Land Office in the second Baca Administration, and will be developed and added to as we move forward in the days ahead.

OIL AND GAS

Oil and gas revenues account for more than 90% of the Land Office's revenue steam, and fund a sizable portion of the state school system budget. We support efforts to encourage greater recovery of oil through secondary and tertiary recovery. I expect to have a cooperative relationship with the industry, who I believe understands the importance of environmental protection and restoration. Assuming that adequate protection for wildlife at drilling sites is given, at present I'm not aware of major conflicts between oil and gas production and important resoure values in the state.

New Mexico's natural gas reserves represent an important and underdeveloped resource. This administration is committed to assisting in the development and marketing of natural gas, particularly from state lands. If successful, we will all benefit—the schools through increased revenues, the public and the environment through reduced air pollution, the nation through reduced dependence upon foreign oil, and even the planet, by curtailing emission of greenhouse gases contributing to global warming.

The Land Office will take a leadership role in working with other branches of state government, the natural gas industry, and other private and public agencies to marshal the resources and creativity necessary to greatly increase the use of natural gas as a transportation fuel and substitute for electric generation. A memorial currently pending before the legislature calls upon the Commissioner of Public Lands to convene a task force to make recommendations concerning commercialization of natural gas technologies.

STATE AND NATIONAL ENERGY POLICY

The absence of a comprehensive energy policy, other than the continuation of the status quo, regardless of the environmental economic or military implications, is shortsighted and unwise. We intend to encourage adoption of policies which in the long run will cost less, import less, pollute less, and require less government subsidization.

Many opportunities for cooperation exist between state and federal government, the National Labs, the energy industry, and New Mexico communities. Our state can take on a pioneering role in developing alternative energy strategies and the Land Office intends to play a constructive role in supporting such efforts. The Trust in particular, and New Mexico in general, is well-positioned to profit from emerging alternative technologies because of our geography and existing infrastructure.

LAND EXCHANGES

This State Land Office administers approximately 9 million acres of surface and 13 million acres of mineral estate. As part of the original grants made by the federal government, the lands are "checkerboarded" throughout New Mexico with private, federal, and Indian lands.

I have pledged to work to consolidate our Trust lands, in order to improve management capabilities, financial return to our beneficiaries, and environmental protection for the State of New Mexico.

The Attorney General has promised a statutory review to determine the proper guidelines for exchange under present law. The U.S. House of Representatives and U.S. Senate have approved changes in New Mexico's enabling act which would authorize land trades with private parties, other governmental entities, and Indian nations. To achieve maximum flexibility for trading with all parties, a referendum approving the House and Senate action must pass voter approval and may be presented on the 1992 ballot.

In the meantime, it is the intention of the Land Office to move full speed ahead in partnership with the federal government for exchanges in support of wilderness designation, commercial opportunities for the state, and federal land acquisition for environmental protection purposes.

WILDERNESS

After a four-year hiatus in State Land Office support of the wilderness process, my administration is committed to an active partnership with the federal government and citizen groups to encourage the designation of new wilderness areas in New Mexico.

Because virtually all potential wilderness areas include sections of state land, which cannot be managed as wilderness, the Land Office would agree to trade lands within wilderness designations for other federal land holdings.

COMMERCIAL OPPORTUNITIES AND PLANNED COMMUNITIES

In exchange for lands designed as wilderness or traded for other reasons with the federal government, the Land Office will seek to acquire properties with development potential. As our oil and gas reserves are depleted, long-term revenue to the beneficiaries will fall unless the Land Office takes a far-sighted approach to future income. One example will be active participation in developing planned communities, such as the prospective Mesa del Sol site near Albuquerque. During my administration, we will do the long-range planning necessary to place existing Trust land in a position to best meet future industrial, commercial, and residential needs, thereby maximizing long-term revenues.

THE GRAY RANCH

Located in the boot heel of the state in southwestern New Mexico, the Gray Ranch represents one of the nation's most biologically significant ecosystems. Formerly under mixed private, state and federal ownership, the private sections have recently been purchased by The Nature Conservancy, a public-interest environmental organization.

As a complete review and inventory of the resources in this environmental treasure trove is made, the Nature Conservancy and the U.S. Fish and Wildlife Service are contemplating future management and land ownership possibilities. As Commissioner and trustee of thousands of acres within the Gray Ranch, I am committed to full partnership and cooperation in protecting those resources and supporting land exchanges where appropriate for consolidating both ownership and protection.

GOOD STEWARD INCENTIVE PROGRAM

I am committed to improving the condition of the range and exploration of a system to reward good stewards of the land. It has never made sense to me that someone who takes good care of a state lease should have to pay the same as someone contributing to the creation of a local Dust Bowl.

We will work with New Mexico's livestock industry, range conservationists, the Soil Conservation Service, and other interested parties in developing a range conservation incentive system which will increase the long-term value of the Trust.

HUNTING AND FISHING ACCESS, RECREATIONAL PERMITS

In my travels throughout the state, few issues draw as much attention or emotion as that of restricted access to public lands for hunting and fishing. The issue of access is a complex one, with many varied circumstances. Nevertheless, I am strongly committed to securing access to trust lands where it is being unfairly or illegally restricted.

At the same time, I am greatly concerned by issues such as poaching and the number of hunters entering certain areas, as well as public safety concerns. I expect to work with Governor King and the Game and Fish Department to bring interested parties to the table to discuss ways to improve the situation and protect the ability of New Mexicans to use our public lands for continued hunting and fishing.

I support the issuance of recreational permits for state lands, allowing hikers, birdwatchers, photographers and others to use our lands as well. This year we will review the present system, investigating the possibility of allowing year-round use and looking at the fees presently charged.

WILDLIFE

Our state Trust lands provide forage and habitat for wildlife as well as livestock. Although not much of that habitat is considered "sensitive" for wildlife, our administration will work to protect wildlife. I have instructed my staff to be on the lookout for possible threatened and endangered species, and to work with the State Game and Fish Department to mitigate against any possible threats to their habitat or survival. As range improvements are made, particularly with fences, I want to assure that state of the art construction is used, to allow safe passage for wildlife.

THE 1872 MINING LAW

Long-outdated federal legislation allowing public land giveaways for mining and speculation remains on the books. A reform effort is underway to end the numerous abuses occurring under the 1872 Mining Law. To protect the financial and environmental interests of the state of New Mexico and our beneficiaries, I will join the campaign for overhaul of this legislation. The laws governing hard rock mining simply must join the 20th Century standard applied to other mining and resource development activities.

SAND AND GRAVEL

Another highly controversial area of local concern in many parts of the state is the operation of sand and gravel mining operations. These can provide needed income to the Trust, but clearly must be handled with increased care. New Mexico State University in Las Cruces is greatly concerned that the dust from mining operations could ruin crucial astronomical research being carried out at the University. I have promised to protect the observatory's experiments and to increase Land Office sensitivity to local concerns about siting, operation, and reclamation on such mines.

A NEW MEXICO BOTTLE BILL

I support adoption of a bottle bill, or deposit legislation for beverage containers. Despite the overwhelming support of the public and successful implementation in numerous other states, such legislation has failed to be adopted in New Mexico. To help get trash off state lands, roadways and parks, I will lobby the legislation in support of this effort.

ENVIRONMENTAL EDUCATION

New Mexico's children should be given high-quality, early exposure to the principles of ecology, conservation, stewardship, and responsibility for protection of our common environment. Despite the many excellent efforts on the part of private individuals and some public institutions, environmental education is not yet an integral part of the public school curriculum.

As Commissioner, I am committed to pooling the resources of the many interested parties into an effective effort to introduce such a curriculum into our schools. Our office will serve as a nexus for this effort, and I will personally meet with the State Board of Education to lobby for the introduction of this important subject. As our population grows and our mineral resources are depleted, the future of the Trust and the quality of New Mexico's environment depends as much on tomorrow's future leaders as on today's.

STATE INVESTMENT COUNCIL

The Commissioner of Public Lands holds a seat on the State Investment Council, the body which oversees the investments and management of the Permanent Fund, the account which receives the Land Office revenues. The vast majority of the investments of the Permanent Fund flow out of state, to Wall Street. As a member of the Investment Council, I want to explore possibilities for increased investments here in the state of New Mexico, while ensuring a diversified portfolio that leads to the long-range health of the fund.

ASSISTANT COMMISSIONER FOR THE ENVIRONMENT

Because protection of our environment is so important to the preservation of the trust, and because environmental issues touch upon so many areas of our responsibilities, I pledged to appoint an assistant commissioner for environmental affairs. I expect our office to have an active and ongoing dialogue with environmental organizations and other groups concerned with conservation issues, as well as with the other constitutional officers of government, including the Governor, the Attorney General, and the Congressional delegation.

CONSERVATION TEAMWORK FOR NEW MEXICO

The year 1990 was the 20th Anniversary of Earth Day, as well as an election year. The candidates who were elected for Governor, Attorney General and Land Commissioner all took strong positions in favor of active government involvement in environmental protection. I believe an important part of our margins of victory was due to voter support for stronger environmental protection. Bruce King, Tom Udall and I ran as a team, who pledged once elected to work together on behalf of New Mexico's present and future environment. I look forward to an era of support and cooperation as we strive to be good stewards of a beautiful land.

TRIBUTE TO ST. JOSEPH'S SCHOOL FOR THE BLIND FOR 100 YEARS OF SERVICE IN NEW JERSEY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. GUARINI. Mr. Speaker, on March 19, 1991, St. Joseph's School for the Blind in Jersey City, NJ, will celebrate its centennial. This nonprofit, nonsectarian school is dedicated to teaching the blind and helping society recognize the needs of the visually impaired.

I would like to call the attention of my distinguished colleagues to the many contributions St. Joseph's has made over the past 100 years in Hudson County, NJ, my congressional district.

Several Sisters of St. Joseph of Peace started the school in 1891, offering courses to blind children and adults in Jersey City. The Sisters of Peace still work at the school and are the sponsoring agency for St. Joseph's.

The school also employs lay personnel. St. Joseph's accepts students of every race, ethnicity, and creed.

Both in 1891 and today, St. Joseph's offered a traditional educational program and an extracurricular program for average and above average, blind or visually impaired students.

In 1927, the school moved to its current home, at 253 Baldwin Avenue, in Jersey City.

St. Joseph's has always worked with other schools, as well as public and private agencies to offer its students a superior education, and the school has strived over the years to meet the changing needs of its students.

St. Joseph's did just that in 1960, when it began serving blind students who were also multiply disabled. No other facility in the United States at the time provided for these students.

Students who are not academically inclined were also brought into St. Joseph's fold through prevocational skills classes.

The education program at the school ranges from courses in traditional academics to music, sensory-motor skills, activities of daily living, and personal skill development.

Students are of all ages and the school offers a residential program 5 days a week. The St. Joseph's School for the Blind community residence helps students learn to live on their own.

While working to ready its students for the outside world, St. Joseph's also tries to ready the world for its students.

The school encourages visits from educators, health care professionals, volunteer groups involving high school students and senior citizens, and general community groups.

By bringing members of the community into contact with blind students, St. Joseph's hopes to break down stereotypes and prejudices.

"We believe the lives of our students are greatly enhanced when the community itself acknowledges their equal rights to respect, dignity and society's essential services," the school states.

Through its efforts, St. Joseph's has provided a superior educational experience to New Jersey's blind residents. The school has helped visually impaired residents prepare for work and life.

Mr. Speaker, I am sure my distinguished colleagues would like to join me in congratulating St. Joseph's faculty, staff, and students on their learning efforts and wish them continued success during the next 100 years.

TECHNOPHORIA: WEAPONS VIDEO VERSUS WEAPONS POLICY

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. RUSSO. Mr. Speaker, I rise today to share with my colleagues a most informative article on U.S. weaponry and the Persian Gulf war. Written by James Fallows and Scott Shuger, this piece appeared in the Washington Post last month.

As the authors so eloquently point out, we are in danger of enthusing over the success of our high technology at the expense of a truly critical analysis of the real effectiveness of our weaponry arsenal. We must still decide, on a case-by-case basis, if a weapon is effective enough.

The point of continuing to think and debate these matters is not to be quarrelsome or divisive, or to detract from the fine work of the officers and troops in the Middle East. The fact remains, billions of dollars are at stake—and more lives in the future. In the first blush of victory, we must be cautious about wholesale acceptance of any complex weapons system that crosses the mind of the defense officials and businesses that supply them.

[From the Washington Post, Feb. 3, 1991]

TECHNOPHORIA: WEAPONS VIDEO VS. WEAPONS POLICY

(By James Fallows and Scott Shuger)

In wartime, we're supposed to pull together—but this shouldn't mean that we forget how to think. Yet as soon as the fighting against Iraq began, much of Washington's opinion-making class let down its critical faculties in a way it would be ashamed of in normal times.

Barely three days after the first strike on Baghdad, talk-shows and op-ed pages rang with the first great "lesson" of the gulf war: "High technology" worked for America's military. From that it followed that the Reagan administration deserved our thanks for increasing military budgets (although the Carter administration could fight for some credit too) and that the "defense reform" movement, which criticized the Pentagon's patterns of spending a procurement, had been proved conclusively wrong.

"This is just an unbelievable validation of what the defense industry has been doing," a Paine Webber analyst named Jack Modzelewski was quoted as saying in the Los Angeles Times. George Will looked upon the Patriot missile and concluded that, since it could shoot down Scuds, it was time to revive SDI. The Scud, of course, has a single warhead, which follows an absolutely predictable path as it falls. Soviet missiles, which SDI is supposed to intercept, have many nuclear warheads, each of which can be maneuvered as it hones in on its target—and which, unlike Scuds, must be destroyed far, far away from the target if lives are to be saved. Distinctions like these would come automatically to Will or most other people in analyzing other subjects. They should be made about "high tech" and "defense reform" as well.

The Patriots have in fact been effective, which tells us something about "point defense" systems. But it proves almost nothing about the Reagan budgets on high-tech weaponry in general. To turn the logic around, the most "advanced" and expensive single weapon of the Reagan years was the B-1 bomber, which has not been sent on a single sortie over Iraq.

The argument about appropriate weaponry is often presented as a simple high-tech versus low-tech choice, as if it were a matter of preferring swords and muskets to laser-guided bombs and night-vision tanks. We should be interested in any level of technology that works; but we should be empiricists, wanting to be convinced case by case, via thorough testing and performance. The defense reform analysis was never about technology per se. It was, above all else, about military effectiveness, which lead to a subsidiary bias against needless complexity in weapons design.

Complexity is not the same thing as high technology: a semiconductor chip is much more technologically advanced than a vacuum tube, yet it is much simpler, more robust and more effective in military or civilian use. By analogy, certain weapons use advanced technology to become more reliable; One example is the A-10 attack plane, which carried out very dangerous low-level missions in the first two weeks of combat without suffering any losses. Jamming devices and anti-radiation missiles, which home in on the enemy's radar, are technologically advanced and yet effective. (That these comparatively low-cost technical edges have not been the main object of the pundits' attention is a tell-tale indication of the true nature of their ardor.)

The problem with complexity is that it introduces more possibilities for failure—within the machine itself, between man and machine and between the machine and the environment in which it's used. Highly complex weapons cost more to build and are harder to maintain, so for the same amount of money there are fewer of them in action. The appropriate level of complexity, then, depends on how effective they are—in realistic tests and in combat.

What the empirical evidence from Persian Gulf combat tells us is * * * almost nothing so far. No one yet knows the most crucial fact about this war: how it will turn out. It seems certain that the U.S. side will prevail, since its material advantages are so overwhelming. (Defense Secretary Richard B. Cheney has emphasized that Iraq spent $50 billion over the past decade to build its vast arsenal. The U.S. military has spent $50 billion since Thanksgiving and over the last decade outspent Iraq about 50 to 1.)

But, despite the spectacular videotapes, we do not yet know how effective our weapons have been in the unpredictable circumstances of real war. Two days into the fighting, U.S. military briefers said they believed that all the fixed-site Scud launchers had been destroyed. The Scuds kept coming and, according to sources in the Pentagon, it now appears that most of the "fixed-site launchers" initially hit were in fact decoys. A Soviet expert told the BBC last week he had advised the Iraqis on techniques of deception such as hiding airplanes in apartment buildings and painting "craters" on runways to deter further bombing runs to keep the U.S. technical advantage from being put to full use. With similar tricks the Iraqi command-and-control system remained at least partly operational under intense attack.

Nor do we know how many of our weapons have slithered through windows and down chimneys, compared to how many have landed in empty fields or on civilian targets. The mistakes too are recorded on tape that is for now, and perhaps forever, unseen. After the bombing raid of Libya in 1986, the Pentagon released a video of a direct hit. That turned out to have been one of the few accurate bombing runs. A GAO analysis of the mission concluded that laser-guided bombs were actually less accurate than old-fashioned unguided bombs.

In the 1989 raid on Panama, a bomb from an F-117 Stealth fighter missed its target by over 300 yards, despite the Pentagon's initial claims of "pinpoint accuracy." In an astonishing interview last week on CNN, John Lehman said off-handedly that when he was secretary of the Navy he used to pay settlements "at least once a month" for damage done when laser-guided bombs hit resort towns in California and Nevada, two or three miles from the target area. Lehman later told Fred Kaplan, of the Boston Globe, that laser-guided weapons were hitting targets in Iraq about 60 percent of the time. This, Lehman said, was "consistent with the test performances"—but quite inconsistent with the ratio suggested by the very few videos the Pentagon has shown.

Similarly, we have been told in briefings that Tomahawk cruise missiles, the only truly new weapon used so far in Iraq, have hit more than 90 percent of their targets. Yet just two days ago CNN ran footage of Tomahawks flying into Baghdad and destroying residential buildings. Cruise missiles may be promising, but we should see more evidence of their performance, especially about their vulnerability even to unguided fire from the ground.

Cost has been the great unmentionable in the "everything works" reaction. Against any enemy except one we outspend 50 to 1, our resources are limited. Choosing to build one weapon means choosing not to build or properly maintain another—in the case of complex weapons, choosing to build one F-117 or B-2 means choosing not to build scores of A-10's or F-16s. During the Vietnam War, about two-thirds of all sorties flown were to drop ordnance. In the gulf, only about half are—the rest are for the increased support these airplanes require. Expensive, delicate weapons have to be not just good, but far better than good, because of the options they foreclose.

Indeed, the wave of excitement about the weapons is itself a sign of trouble. If there were more realistic testing within the Pentagon, there would be less doubt about how the weapons would actually perform. But the system that develops the weapons has a bias against realistic testing; it is not by accident that overpriced fiascos like the B-2 bomber have rarely been tested at all, and then usually fraudulently. Both the Tomahawk and the Stealth fighter were proposed for use in Libya in 1986—and both were turned down, because the Pentagon was afraid they would fail.

The Pentagon procurement system—with its bias against realistic testing and costcutting, with its potential to convert the officer corps into budget-boosters rather than military leaders—is at the heart of the "reform" debate. Almost every outside analysis of the system's incentives and performance concluded that things are severely amiss. Paine Webber's Modzelewski gave the game away with his reaction to the first news from the war: "The real beneficiaries are going to be the big conpanies like General Dynamics, McDonnell Douglas and Lockheed." The weapons that work often emerge in spite of this system rather than because of it—for instance, the Air Force tried to wriggle out of the A-10.

Although it's now a cliche to remark that there is still a long way to go in this war, and that major ground action is increasingly likely many in Washington (in and out of uniform) with and without TV shows) don't seem to have realized that this prospect alone should dampen their technophoria. The consequences of technical failure look much different when we move from the Tomahawk to the Abrams tank or the TOW anti-tank missile. And as defense consultant Pierre Sprey observed "When an air-to-ground missile fails, the pilot still comes home. When an infantryman TOW fails, he does not come home."

The point of these cautions is not to say "nothing works" or to quibble about imperfections. The question we should consider, once we know enough about the gulf war to draw sensible conclusions, is whether our weapons proved effective enough—enough to forestall a grisly land warfare, enough to justify their great cost. We won't always enjoy such a onesided advantage in spending and tactical realities. We must still think, rather than just enthuse, about the way to build our forces.

CONGRATULATIONS TO EVELYN PARINE ON 50 YEARS OF SERVICE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to one of the outstanding citizens of southern Illinois, Mrs. Evelyn Parine of Royalton, IL.

On Sunday, April 7, she celebrates 50 years of playing the piano for the Royalton United Methodist Church, and her church will gather that day to give its thanks to her and to God for bringing her to them.

Music is truly God's gift, meant to bring joy, understanding, and insight into our lives. Some of us He blesses more fully than others, and certainly God blessed Evelyn generously, to provide her with this talent as a musician, and this devotion to her church family. Her constancy is not unlike the Methodist flame which burns as a symbol of God's never ending love for us, and she has helped keep that flame alive in this and other churches in this area in a very special way.

A strong church usually has a strong music program to help accent the fellowship and love found within the body and spirit of the congregation. For Evelyn it has been 50 steady years. Her fellow church members find it hard to remember a time when she has missed a service, from the days she started as a 16 year old to the present. I do understand that her health has caused her to take a little time from the piano bench recently, but Evelyn is still a driving force for this church and in the ministry of music, helping young musicians improve their talents and offering her beautiful alto voice in song as well.

Churches are a vital part of our lives, from providing a stable refuge for our families from the trials of daily life, friends to share our days with, and Jesus Christ in which to find salvation. And for these many years now Evelyn has helped make that experience real with her loving treatment of "What A Day That Will Be" or "I Walk With The King". How many people she has helped understand and believe in the truth of Christ we will probably never know, but they are surely better for it, and know they have been blessed by her efforts.

I am honored to offer my thanks for her service and devotion, and appreciate the opportunity to share the love and respect for her on this important day. Evelyn, we are praying for you, and thank God for bringing you to us to make our voices rise with song and hearts move with the spirit of faith and love.

VIRGIN ISLANDERS AND THE GULF WAR

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DE LUGO. Mr. Speaker, I am extremely proud to rise today to commend the more than 300 Virgin Island's men and women who served so bravely in Operation Desert Storm in the Persian Gulf.

They have brought honor to the Virgin Islands and to the Nation as they stood, shoulder to shoulder, with the allied forces that liberated Kuwait and brought an end to the terror that held the people of the gulf for more than half a year.

Certainly, our President is to be commended for his leadership and resolve, as he marshaled our allies, called the troops to action, and gave the military command the latitude to complete the war in a way that brought the conflict to a quick and necessary conclusion.

Through the generations, Virgin Islanders have answered the call to duty: in World War II, in Korea, and in Vietnam.

Again, Virgin Islanders have proven they have the bravery, the skill, and the determination to stand in harm's way when called, to protect and defend the freedoms of our great Nation.

Again, Virgin Islanders have taken their places beside men and women from throughout the Nation, to show to the world their mettle.

Mr. Speaker, Virgin Islanders may not be able to vote for President, our Commander in Chief. We may not have a vote on this floor. But, as we have proven again in the Persian Gulf, we certainly are more than worthy.

I commend each and every Virgin Island's man and woman for what they have done for this great Nation, and I thank them. They have helped to preserve freedom and justice and show the world what Americans and Virgin Islanders stand for.

LET'S HAVE THE STATES DECIDE OFFSHORE DRILLING

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CAMPBELL of California. Mr. Speaker, today I am introducing legislation that would make the offshore leasing process much more responsive to State and local concerns.

Under current law, the Federal Government has the final decision over whether to drill in areas farther than 3 miles offshore. In recent years, Federal leasing proposals have met with heated opposition from citizens of the affected States, leading Congress to impose leasing moratoriums in the appropriations process each year since 1982. We might expect a similar move in response to the Interior Department's recently released 5-year OCS leasing plan.

Wouldn't a more permanent approach, one that reflects the views of a State's citizens, be preferable? The bill I am introducing today would allow a State affected by offshore leasing to have the final decision over whether such leasing should occur.

Under my approach, the Secretary of the Interior would make the initial leasing decision, but the State would have the right to disapprove the Secretary's decision under appropriate provisions of State law. In some States, disapproval of leasing could be done through a statewide referendum.

Offshore drilling decisions need to be decided by State citizens—those who would enjoy the benefits of drilling but must live with any adverse consequences. My bill would accomplish that, and I recommend it to my colleagues.

THE 100TH ANNIVERSARY OF NORTH CAROLINA A&T—A GREAT UNIVERSITY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. COBLE. Mr. Speaker, 1991 marks the 100th anniversary of a great institution of higher learning in our district—North Carolina Agricultural & Technical State University in Greensboro, NC. For the past century, North Carolina A&T State University has provided a quality education to tens of thousands of students. All of us who are supporters of A&T State look forward to the next 100 years.

For those of you who are not familiar with NC A&T State University, the school is America's largest producer of black engineers. The university has one of only three engineering schools in the University of North Carolina system. NC A&T State University also is a participating institution in the State's microelectronics center. In cooperation with NC State University, NC A&T State University received a 5-year $8.4 million grant to establish a Mars Space Research Center.

These are just a few of the exciting projects being undertaken by NC A&T State University. The school's strength originates with rigorous academic programs operated through its schools of agriculture, business and economics, education, engineering, graduate studies, nursing, and technology, and arts and sciences. The school can boast of famous graduates such as Dr. Ronald McNair, Rev. Jesse Jackson, and Gen. Charles D. Bussey. There is one other graduate I would like to mention, and he is my good friend Mr. George Russell. George, who is the Assistant Chief Clerk of the House, is one of the best ambassadors that NC A&T State University has ever produced. He is a proud alumnus of the school, and he is a fine example of the quality of students produced by NC A&T State University over the last 100 years.

On March 12, 1991, the school will celebrate its centennial "Charter Day" at the Corbett Sports Center. To all of those participating in these activities we offer our congratulations on 100 years of academic excellence. Everyone in the Sixth District of North Carolina looks forward to the next 100 years of quality higher education at North Carolina Agricultural and Technical State University.

LEGISLATION INTRODUCED TO PROVIDE OIG WITH FULL LAW ENFORCEMENT POWERS

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. STAGGERS. Mr. Speaker, I rise today along with eight of our colleagues to introduce legislation that will provide full law enforcement powers to all criminal investigators in the Offices of Inspectors General. This legislation would confer authority to make arrests, execute search warrants, and carry firearms.

This legislation will do much to improve the effectiveness of the dedicated investigators who investigate cases of waste, fraud, and abuse of Government agencies. While this legislation is effective in improving law enforcement, it is very important to note that it will not cost the taxpayers a penny to make this change. As a matter of fact, there are estimates available that show that millions of dollars can be saved if this legislation is passed.

There are nearly 2,000 investigators who are charged under statute with the ability to conduct investigations of programs and operations in their agencies. Let me be very clear, this legislation does nothing to extend the scope of cases these agents can investigate. This legislation simply frees these agents to do the job we hired them to do—get the white collar criminals who are stealing from the American taxpayer.

Special agents in the Offices of Inspectors General [OIG] meet the same training and experience as agents in other Federal agencies that have full law enforcement authority. All OIG agents must pass the criminal investigators course at the Federal law enforcement training center or similar training at the FBI Academy.

More than two-thirds of the special agents have previous employment in traditional law enforcement agencies. According to information I have received nearly 20 percent of the OIG agents hold advanced degrees and nearly 90 percent have college degrees, this compares very favorably with other Federal law enforcement agencies. And these statistics are very enlightening in helping to demonstrate the high caliber of professionals who work in these offices.

Mr. Speaker, let me once again thank those Members who have joined me as original cosponsors of this legislation. I appreciate their assistance and urge other Members to join us and help collar criminals who are abusing the American taxpayers.

BAN THE STEEL-JAW LEGHOLD TRAP

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SCHEUER. Mr. Speaker, today I am introducing a bill to end the use of steel-jaw leghold animal traps in the United States. This essential legislation will put an end to the inhumane treatment that continues to inflict unnecessary pain and injury on upward of 30,000 animals annually in the United States.

The suffering caused by the leghold trap begins with its steel jaws slamming shut on the animal's limb; causing excrutiating pain as the helpless animal attempts in vain to escape. Often the animal will be forced to chew off his own limb in order to extricate itself from this insidious device. Any animal who does in fact manage to escape the deadly clutches of the steel-jaw trap faces illness and death from infection, blood poisoning, loss of blood, and gangrene. The horrifying reality is that these are the fortunate ones. Those unable to escape lie dying, completely helpless to attacks from nearby prey, freezing temperatures, or starvation. These instruments of torture do not discriminate in their carnage, often capturing household pets, livestock, and endangered species; such as, hawks, eagles, and owls. There are several less cruel but equally effective ways to catch animals; such as, cage and box traps, and cable coated legsnares. Animals trapped mistakenly by these alternative traps can be released with little or no injury.

In addition to the animal cruelty involved with the use of the steel-jaw trap, we need this legislation in order to protect and preserve the health of our fur industry. On September 10, 1990, the European Parliament, recognizing the cruelty involved with the steel-jaw leghold trap, recommended a ban on furs from countries that have not outlawed these traps. By not acting immediately to outlaw these traps, we risk losing a major market for our fur industry, namely the European Community.

This vital legislation prohibits the use in interstate and foreign commerce of the traps and forbids the sale of all fur caught with the steel-jaw leghold trap. I implore my distinguished colleagues to join with the various animal rights groups throughout the United States, and the over 60 cosponsors from all over the country and both sides of the aisle in banning these traps; just as the States of Florida, Rhode Island, New Jersey, and more than 50 countries around the world have done. Let's put an end to this atrocious act against all of nature.

HONORING JOHN E. FOSTER—A REMARKABLE YOUNG MAN

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the people's Chamber, to speak in honor of a remarkable young man and citizen of my district, Mr. John E. Foster.

John is a senior at Jackson State University, in Jackson, MS, majoring in physics. He was recently selected as 1 of 20 college undergraduates from across the country to Gannett's USA Today's 1991 All-USA College Academic First Team. The academic first team was chosen by panels of educators from 854 students nominated by their schools. The criteria given most consideration were a student's individual scholarship or intellectual endeavor and leadership roles in activities on and off campus.

John wants to be an astronaut, and according to his professors he probably will be. He has had internships at NASA's Lewis Research Center, the Lawrence Livermore National Laboratory, MIT's Lincoln Lab, and NASA's Space Life Science Training Program. His specialty is space propulsion. He is, in other words, a rocket scientist. He also happens to be a rocket scientist who has never received a grade other than an A. John is a bilingual computer programmer, fluent in Basic and Fortran. He tutors other students in science and math, and helped to devise a program for elementary students at Jackson State observatory.

John is from Natchez, MS. He is the son of Alice and the late Henderson Foster. He will receive a B.S. degree in May as valedictorian of his class. I am confident that he will be in the forefront of this Nation's next generation of leaders.

I commend John on the example he has set for other Mississippians. He is truly a beacon of light and hope.

INTRODUCTION OF H.R. 815

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. OBERSTAR. Mr. Speaker, studies of the management structure of the Federal Aviation Administration have indicated the need for reforms that permit the FAA to more effectively attract experienced air traffic controllers into the managerial and staff ranks of the agency.

I, along with Representatives CLINGER, DE LUGO, DE FAZIO, LIPINSKI, OAKAR, and PENNY have introduced H.R. 815 which will assist the FAA in recruiting and retaining the highest quality of supervisor and managers into our Nation's air traffic control system.

Currently the FAA has difficulty in recruiting exceptionally qualified candidates into second-level supervisory and managerial positions in air traffic control-related operations. This situation is largely due to the disparity in retirement benefits between air traffic control positions and second-level supervisory, managerial, and staff positions for which air traffic control experience is a prerequisite.

Retirement benefits are currently available to air traffic controllers, first-level supervisors, and traffic management coordinators after 25 years of service regardless of age, or 20 years of service at age 50. However, under current law, prospective candidates for secondary positions in air traffic operations are discouraged from seeking or accepting promotions into such positions because time spent in secondary air traffic positions does not qualify for credit for early retirement purposes under current civil service laws.

According to the FAA, approximately 2,900 managerial and staff positions in the air traffic work force are excluded from the early retirement coverage. These positions, for which air traffic control experience is a prerequisite, include management, staff, training specialist, and data systems specialist positions, whether performed in an FAA field facility, its regional offices, or its headquarters in Washington. This exclusion significantly discourages air traffic controllers from seeking or accepting assignments and promotions into the managerial and staff ranks at the FAA.

The legislation I have introduced would provide significant assistance to the FAA in relieving recruitment problems currently associated with management and administrative positions in its air traffic operations by providing credit for time spent in secondary positions toward the 20 or 25 years required for retirement benefits. The bill would assure that civil service laws governing retirement do not penalize air traffic controllers who are promoted in the career ladder into managerial and administrative positions.

In fact, it would bring the treatment of supervisors and managers in the air traffic control profession into line with other stressful occupations such as law enforcement and firefighting. In 1972, Congress recognized the need to provide incentives for promotion into managerial ranks when it extended retirement credit to secondary positions held by law enforcement officers and firefighters. It is now time to recognize the need to extend these retirement benefits to air traffic control secondary positions and remove the disincentive for well qualified people to seek these positions.

Mr. Speaker, this measure will promote and advance the quality of our Nation's air traffic control system. When it is enacted, every air passenger and air carrier will benefit from the management improvements it provides toward assuring that our air traffic system remains the world's best.

I urge our colleagues to join me in cosponsoring this legislation. Members should have their staff call David Bleicken in my office at extension 56211 if they wish to cosponsor H.R. 815.

BELMAR, NJ, ST. PATRICK'S DAY PARADE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. PALLONE. Mr. Speaker, Irish-Americans from a three-State area, as well as many other Americans from a variety of ethnic backgrounds, will be gathering in Belmar, NJ, on Sunday afternoon, March 10, to witness Belmar's 18th Annual St. Patrick's Day Parade, which has become the biggest and best attended St. Patrick's Day Parade in the State of New Jersey.

The parade, from its modest beginning, under the sponsorship of Jerry Lynch Social and Civic Club in 1973, has grown tremendously every year. The 1990 parade attracted a record crowd of 150,000—by police count—who jampacked both sides of Belmar's mile-long Main Street.

This year's parade, which is dedicated to America's men and women in the Persian Gulf, promises to be the best ever. Mr. George McCormack, parade president, and Mr. Jerry Lynch, the parade's founder, are looking forward to another record crowd—not only in the number of spectators, but also in the line of the march.

The bagpipe bands, always a big attraction at Irish events, will number eight. Among them will be the bagpipers from the Friendly Sons of St. Patrick of Old Bridge, NJ, who will march in Belmar this Sunday and in the big New York City St. Patrick's Day Parade, March 16, then fly to Ireland to march in Dublin's St. Patrick Parade the next day, March 17, and the parade in the Irish city of Limerick on March 18. Several years ago, the Old Bridge pipers won first prize among the foreign bands at Dublin.

In addition to the bagpipers, the line of march will include over 2,000 marchers from 125 organizations, and bands from the area's elementary and high schools and other organizations, the beauty queen and her court and some 10 floats.

The parade is the big feature of the St. Patrick weekend in Belmar, but certainly not the only event. On Saturday, March 9, the grand marshal, Mr. John F. Fleming of Point Pleasant, NJ, senior vice president and auditor of the Carteret Savings Bank, and the deputy grand marshal, Mrs. Isabel Ann Smith of Avon, NJ, will be inducted at a special mass at Belmar's St. Rose Church.

The Most Reverend Edward U. Kmiec, auxiliary bishop of the Trenton Diocese, will be the concelebrant, with 15 priests attending. The choir, under the direction of Mrs. JoAnn Roy, will present a special program. Parade founder Mr. Jerry Lynch will sing the "Star-Spangled Banner" and the Soldier's Song, and Ireland's national anthem, which he will do again at the parade site the next day. The mass will be followed by a communion luncheon at September's Restaurant in Neptune, NJ.

It is interesting to note the Irish ancestry of Grand Marshal Fleming and his wife goes back well over 200 years, and Deputy Grand Marshal Mrs. Smith can trace her lineage to Ireland's legendary king, Brian Boru.

Another big event will be the annual St. Patrick's Beauty Pageant scheduled for Friday evening, March 1, at Doolan's Restaurant in Spring Lake Heights, NJ. More than 20 young women from the area will compete for the right to wear the 1991 crown and parade with the queen's court in the annual parade. Lois Gallagher, Joan Grace, and Frances Lynch are members of the committee-in-charge.

To raise funds, the committee sponsored parties at Bar Anticipation in South Belmar, NJ, and September's in Neptune. In addition to Mr. McCormack and Mr. Lynch, the parade committee includes Mr. Andrew J. Gallagher and Mr. Dave Stanley.

Mr. Speaker, I will once again be taking part in the parade on Sunday, as I do every year. The Belmar St. Partick's Day Parade is one of the major events on the Jersey Shore, and I am proud to pay tribute to this great event with my colleagues in this House and in the pages of the CONGRESSIONAL RECORD.

SNOWE SUPPORTS THE GUARD AND RESERVES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to expand the tax relief provided for our troops deployed to Saudi Arabia to the Guard and reservists who were deployed overseas.

Over 206,000 reservists were activated to support Operation Desert Storm and Desert Shield. One of the first reserve units to be activated was the Naval Reserve Unit COMSCMED 201 homeported in Bangor, ME. I visited with these men and women in late August just before they were shipped out. They were given little notice and have been away from their family, their friends, and their businesses for over 6 months.

Since the end of August they have worked throughout Europe to keep the massive sealift operation of supplies, equipment, and troops moving. Their job was an essential ingredient in ensuring the success of Operation Desert Storm.

I have received letters from several members of the outfit recently, expressing concern that their efforts in support of the war have been forgotten. I would like to share with you a portion of one of these letters:

> I am writing this because I am concerned that those of us who have been placed in the support role for what is now Operation Desert Storm have been forgotten. We have just been extended for another six months and I continue to read about all the support being given for our fellow sailors and soldiers in the Gulf and their families. No consideration has been given to the others who have also given up their jobs, their families, and are ready to give up their lives for our country. The recent tax waivers granted by Congress left all the rest of us out. It would have been nice to know that my taxes could have waited to be processed after my return home—whenever that may be.
>
> I and the other members of my unit are proud to be serving our country. We answered the call without question.

The bill I am introducing today would grant members of the 201st and their fellow Guard and reservists who were deployed outside the United States the benefit of a 180-day extension on their tax filing from the date of their return.

While some of our troops will begin the trip home this week, others like the 201st, who work on the transportation of personnel and equipment, may not get home for a while.

Our weekend warriors have performed their jobs with professionalism, with pride, and with honor alongside active duty troops both in the combat zone and throughout the world. Their work, whether it has been in communications, shipping, medical assistance, or equipment operation has played a vital role in the success of the United States and our allies in achieving the objectives of Operation Desert Shield/Desert Storm. They deserve our thanks, our praise, and a 180-day extension on their taxes.

Another reservist from the 201st stated in his letter,

> * * * I again reiterate that I feel that we Reservists who have been recalled to Active Duty in support of Desert Shield/Desert Storm feel like the Few, the Proud, the Forgotten. I ask you please don't forget us.

I urge my colleagues to join me in support of this bill and I hope for its expeditious passage through this body so our reservists and their families know that their hard work and their sacrifice have not been forgotten.

RECOGNIZE OUR SENIOR CITIZENS ON NATIONAL SENIOR CITIZENS DAY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SMITH of Florida. Mr. Speaker, yesterday I introduced legislation to designate Sunday, August 17, 1991, as "National Senior Citizens Day." America's senior citizens deserve our acknowledgement of their continued contributions to our Nation.

Last year, we were able to pass House Joint Resolution 591, Public Law 101–88, which recognized our senior citizens. Please join me again this year so that we can give our senior citizens the same honor.

Our Nation's senior citizens are a wealth of knowledge and history. Since many are no longer working and perhaps retired far away from their families, our seniors are not always surrounded by people who may learn from and appreciate their accomplishments. Our senior citizens are living history, unending sources of warmth, ideas and experience.

Our senior citizen population is growing. In 1989, 21 percent of the population consisted of citizens aged between 55 and 65, while 12 percent of the population were over 65—the figures from the 1990 census are not yet available. This phenomenon is due to a number of factors including advanced medical technology and the coming of age of the post-World War II baby boomers.

To acknowledge the senior citizens in your district and the Nation, please join me in designating Sunday, August 17, 1991, as National Senior Citizens Day.

REDUCING OVERHEAD COSTS OF THE GOVERNMENT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SMITH of Texas. Mr. Speaker, one-fifth of our $1.45 trillion budget consists of overhead, or administrative expenses.

The Government has never made a serious, comprehensive attempt to examine and control these costs.

The Budget Reconciliation Act of 1990 sets spending caps for the next 5 years.

It is now more important than ever to ensure that every tax dollar is used as effectively as possible.

For these reasons, I am introducing a resolution today expressing the sense of Congress that better controls on overhead expenses should be instituted and that it should be the policy of the U.S. Government to reduce overhead costs by 10 percent in fiscal year 1992.

No personnel would be cut, no programs eliminated.

But $27 billion would be saved that could be used for the public good.

SUPPORT FOR HOUSE RESOLUTION 95

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. FOGLIETTA. Mr. Speaker, I would like to take this opportunity to explain my support for House Resolution 95.

This resolution would commend the men and women in the U.S. Armed Forces who participated in the military operation in the Persian Gulf. These men and women deserve our sincere gratitude. They fought hard and valiantly. They made us all proud.

The resolution lauds the soldiers from the other members of the coalition. They, too, deserve our appreciation. That American soldiers fought side by side with the French, the British, the Saudis, the Kuwaitis, the Egyptians, the Italians, and the other allies was vital to the success of this effort.

The resolution expresses the compassion of this body for the families of people who suffered losses during this war. I, too, wish to convey my sympathy and condolences to the families and friends around the world in mourning.

I do not want my support for this resolution, however, to imply that I believe there were no mistakes in judgment during this episode in our history.

There may have been different paths which would have brought about a peaceful resolution to the conflict. Let's not let the euphoria of the moment blind us to the lessons which could be learned not only from our great successes, but our missteps as well.

PUBLIC PENSION EQUITY RESTORATION ACT OF 1991

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce the Public Pension Equity Restoration Act of 1991. This legislation is designed to respond to the unfortunate fact that our pension laws do not reflect the unique characteristics of our State and local governments, their pension plans and beneficiaries.

Specifically, I am referring to section 415 of the Internal Revenue Code, which was initially enacted as part of the Employee Retirement Income Security Act of 1974 [ERISA]. Its purpose is to limit the ability to accumulate retirement income on a tax-deferred basis, particularly through the use of employer-deductible contributions, by capping the amount that can either be contributed to certain plans known as defined contribution plans, or paid out in benefits from other pension plans known as defined benefit plans. Although section 415 has been amended over the years, it continues to impose two basic limits on retirement income provided by defined benefit plans, into which category the vast majority of public employee plans fall. Namely, the retiree's benefits cannot exceed either; first, 100 percent of his or her average income over the 3 consecutive years of highest W–2 compensation, or; second, maximum dollar amount, which may be actuarially reduced in the case of early retirement.

If the benefits of even one employee happen to exceed either of these section 415 limits simply by operation of the regular benefit formula under the plan, the entire plan can lose its qualified—tax-exempts—status. If a plan were disqualified, earnings of a pension plan would be subject to taxation. Furthermore, contributions made by employers would be taxable to the employee in the tax year in which they were made.

Section 415 has been amended in 1976, 1978, 1980, 1981, 1983, 1984, and 1986. The thrust of these amendments was to refine the provision and to lower the cap on amounts that could be set aside for retirement years, which had been permitted to increase with inflation. However, in lowering the cap, Congress was forced to confront the legal quandary in which State and localities found themselves. Their courts or constitutions prohibit a reduction in a benefit promised when a pension participant first becomes covered by the plan. Since these court decisions are based on State and Federal constitutional prohibitions against impairment of contracts, the rulings cannot always be overturned merely by amending State laws or State constitutions.

Recognizing that these legal barriers would force States to violate these lower section 415 limits, Congress decided in 1988 to entice State and local government plans to elect the lower benefit limits. A special rule was provided that enabled a plan to grandfather benefit payments to existing employees and retirees that were in excess of pre-1986 limits if the plan agreed to adopt the lower, post-1986 dollar limits for new employees hired after December 31, 1989.

Thus, we believed we had leveled the playing field. Public plans would have the same benefit limits as private plans without forcing violations of contracts and constitutions in the various States. The 1988 rule would prohibit higher income persons in the public and private sector from developing big retirement windfalls on a tax-deferred basis.

Unfortunately, we were wrong. Even with grandfathering, section 415 limits will still be exceeded by public plans, but not because of a few, highly compensated academics, football coaches, or public safety employees with large amounts of overtime. Thanks to the 100 percent limit, even someone receiving a pension of less than $20,000 a year will violate section 415. Take this real-life example. A local public safety employee was hired in 1981 and retired at age 33 as a result of a disability suffered in the line of duty. This employee's final salary was $24,996, resulting in an unmodified annual retirement allowance—including annuity benefits—of $19,536. Of this allowance, $18,744 is employer provided as defined under section 415. Also, as a result of the employer pickup of contributions and modest use of the employer's section 457 plan—8 percent of pay had been contributed into that plan—this employee had a section 415 percentage of pay limit of $16,788. As a result, the employee would have to suffer a $163 monthly cutback during the first year of disability, or else the entire plan could lose its qualified status, and every employee covered under that plan would be taxed currently on their retirement contributions.

The legislation which I am introducing will give State and local governments needed flexibility, but not at the expense of undermining Federal limits on the amount of money that can be set aside on a tax-deferred basis. My bill will permit public pension plan compliance with section 415 in a manner that acknowledges the technical differences between public and private pension plans and the legal constraints that public plan sponsors face. There are significant differences between public and private pension plans and the Internal Revenue Code should reflect this. Public sector plans already are the subject of intense State and local government regulation and scrutiny. Public employee plans are accountable to voters whose taxes fund the State or local government's contribution to the plan, and to the same taxpayers to whom we in Congress are accountable.

Mr. Speaker, I urge each of my colleagues to cosponsor this needed legislation.

THE PLASTICS RECYCLING ASSISTANCE ACT OF 1991

HON. THOMAS J. BLILEY, Jr.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BLILEY. Mr. Speaker, the Environmental Protection Agency [EPA] estimates that the United States generates 158 million tons of municipal solid waste per year. That equals about 3.5 pounds per person per day. And the task faced by our local governments to find a place to put this solid waste has become daunting. In 1978, there were roughly 14,000 landfills in the United States; today, it is estimated that there are about 5,500; in 2003, only 1,500 landfills are expected to be in operation.

The theme for last year's Earth Day was "Think Globally; Act Locally" and I feel it is a most fitting theme for our solid waste problem. Our solid waste stream will not change unless we in the community start changing some of our personal lifestyle choices. It is as simple as that. Beyond that, our local governments are in the best position to design and manage a voluntary or mandatory recycling program in an efficient manner.

Of course, these actions will not totally solve our problem until this garbage can be properly viewed as a resource. This is the area in which the Federal Government has an appropriate role. Today, approximately 80 percent of plastic refuse is buried in landfills. One of the reasons for this untapped resource being treated as garbage is that recyclers have great difficulty determining the resin content of the multitude of different plastic products. I am pleased to join with my colleague from Illinois, Mr. BRUCE today to introduce the Plastics Recycling Assistance Act of 1991. This bill will take a simple yet important step by establishing a uniform system of symbols to label the resins used in the containers.

This bill is not overburdening regulation or added redtape. This bill is the Federal Government establishing national standards that will allow the private sector and our local governments to meet the solid waste challenge in a more efficient and cost-effective manner. I again want to note the leadership of Mr. BRUCE on this issue and urge my colleagues to support this worthy measure.

CONGRESSIONAL CAMPAIGN FINANCE REFORM

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DERRICK. Mr. Speaker, I am delighted to reintroduce today legislation to reform the way congressional candidates finance their campaigns.

Critics of the current system have charged in recent years that congressional candidates rely too heavily on contributions from political action committees, or PAC's, and too little on contributions from individual voters back home. They have succeeded in planting the idea in many peoples' minds that PAC contributions are inherently evil because PAC's serve only the interests of fatcats at the average citizen's expense.

Although I disagree with the critics' premise, I strongly agree that congressional candidates should shift their fundraising away from PAC's and more toward individual contributors, for several reasons. First is the public's growing perception of PAC's as special interests. Second, increased small contributions would lead candidates to get out and meet more voters face to face. Finally, the overwhelming majority of PAC contributions flow to incumbents, so our current system makes it tough for challengers to raise enough money to mount credible campaigns.

My legislation would reduce the amount PAC's can contribute to congressional candidates from the current $5,000 per election to $2,000. The bill also encourages small donors to contribute by creating a tax deduction of up to $200 for contributions to candidates from a taxpayer's home State. To encourage candidates to solicit such contributions, the bill provides for dollar-for-dollar Federal matching payments for all qualifying contributions. To weed out frivolous candidates, only those who demonstrate broad appeal by raising at least $25,000 in increments of $200 or less would be eligible to receive Federal matching payments.

I also believe candidates rely too much on negative, often vicious campaigns centered around 30-second TV commercials which say relatively little about issues. My bill requires broadcasters to provide their lowest unit charge for congressional campaign ads of 1-minute or longer in duration. If a congressional candidate wants to go negative, he can, but it would cost him significantly less to take the high road.

Mr. Speaker, the American people were disappointed that the 101st Congress failed to enact campaign finance reform. This Congress must act quickly to restore public confidence in our electoral system. The features of this legislation will greatly improve the way we elect our Congress, and I urge Members to support it. I want to thank Dr. Norman Ornstein of the American Enterprise Institute for his assistance in drafting this measure.

THE WOMEN IN DEVELOPMENT ACT OF 1991

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mrs. SCHROEDER. Mr. Speaker, in observance of International Women's Day, March 8, I join my colleague, Representative OLYMPIA SNOWE, in introducing the Women in Development Act of 1991. Our bill will ensure that development agencies—the Agency for International Development and the Peace Corps, do not ignore the vital roles women play in the world's economy.

Women produce, process, and market up to 80 percent of the food in developing countries, run up to 70 percent of all microenterprises, and maintain one-third of all households. Obviously, to successfully promote Third World development women must be included in the process.

Eighteen years ago, with the passage of the Percy amendment to the Foreign Assistance Act, Congress recognized this need by requiring the U.S. bilateral assistance programs pay special attention to development activities that integrate women into the national economies of their countries. To ensure that we integrated women into development projects we must spell out minimum goals for the Agency for International Development and the Peace Corps. Our bill does exactly that.

I ask my colleagues to join us in cosponsoring this important improvement in development priorities.

PRAISE FOR CITY OF CLAREMONT'S ALTERNATIVE FUEL FLEET

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DRIER of California. Mr. Speaker, I rise today to commend the city of Claremont, CA, for its decision to adapt its police cars to use propane fuel, and to remind everyone that we all have a role in improving the quality of the air we breathe.

Claremont is a city which suffers from collected Los Angeles smog as it blows east. In the Los Angeles basin, one or more Federal air quality standards are exceeded over 200 days a year. On-road vehicles in the basin add 43 times as much carbon monoxide [CO] as all the basin's stationary emissions sources.

Switching Claremont's 12 patrol cars from gasoline to propane fuel won't solve Los Angeles' smog problems alone, but it will cut smog emissions from those vehicles by 40 percent, and save the city $900 per month in the process. I was proud to have played a role in the crafting of the Clean Air Act amendments signed by President Bush last year, but air quality in Los Angeles, Claremont, and around the Nation won't improve without everyone doing their small part.

1991 DROUGHT: CALIFORNIA'S CONTINUING WATER BATTLE

HON. GARY CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CONDIT. Mr. Speaker, I rise today to discuss an issue of great importance to my constituents and the entire State of California. As you know, California is facing one of the most severe droughts in years. All sectors of the population have been affected by the drastic water shortages of this year.

The Governor has asked all water districts to prepare contingency plans to deal with a worst case scenario, which would be a continuation of the drought into next year. The State water project has cut all agriculture water deliveries for the year and the Federal Government has cut agriculture water deliveries from 25 to 75 percent depending on existing contracts. There are some who believe that the answer to our drought situation is to suspend all deliveries, except for permanent crops, to California's farmers. I disagree with this suggestion and urge my colleagues to bear in mind the very important economic impact of California agriculture.

The California agriculture industry is an $18 billion a year industry employing over 360,000 people. Each dollar in agricultural sales generates an additional $3.50 in increased economic activity within the State. Nearly 20 percent of the State's work force is involved in an agriculturally related industry.

In addition, California agriculture provides a very important component of U.S. exports—10 percent of the Nation's agricultural exports are from California. The production from one out of every three acres in California ends up in the export market. Clearly, a drop in California agriculture production will have an impact on our Nation's economy.

There are many communities in California that depend on the vital agriculture industry for their survival. Proposals to completely shut down farm operations ignore the economic repercussions that would result in these numerous communities. The issue is not between farmers and city dwellers, but between the continuation of an important industry and the livelihood of a great many Californians. I urge my colleagues to keep these important facts in mind when presented with choices on the current and future uses of water in California.

PRESIDENT BUSH SINGLES OUT NASHVILLE GUARDSMAN'S ACT AS SYMBOL OF COMPASSION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CLEMENT. Mr. Speaker, President Bush last night spoke for all Americans in thanking our Nation's armed services for their tremendous victory in the Persian Gulf war.

This victory, he pointed out, was a victory for every country in the coalition and for the United Nations. It was a victory for unprecedented international cooperation and diplomacy. It was a victory of right over might, justice over injustice, freedom over oppression.

Our fight was an act of selflessness. And, as an example of that selflessness, the President singled out the actions of a member of the Tennessee National Guard, a Nashvillian. These actions, he said, were a symbol of how generous and caring Americans are.

In his speech last night, President Bush spoke of a February 26, CNN clip showing 1st Sgt. Charles Sieberling accepting the surrenders of Iraqi soldiers.

I am proud to inform my colleagues that 1st Sgt. Sieberling is assigned to the Tennessee Army Guard's 212th Engineer Company at Dunlap and has been in Saudi Arabia since November 11. He has been a member of the National Guard since 1975 and served in the Army in Korea and South America. He was a Metro Nashville councilman in 1971–75 and served for a time as a cryptographer for President John F. Kennedy.

"I'm sure many of you saw on television the unforgettable scene of four terrified Iraqi soldiers surrendering," the President said, not mentioning 1st Sgt. Sieberling by name.

"They emerged from their bunker broken, tears streaming from their eyes, fearing the worst. And then there was the American soldier. Remember what he said? He said: 'It's OK. You're all right now. You're all right now.'

"That scene says a lot about America," the President said, "a lot about who we are. Americans are a caring people. We are a good people, a caring people. Let us always be caring and good and generous in all we do."

Like all Americans, I am proud of 1st Sgt. Sieberling's simple act. He confirmed what we all know to be true—that America does not have designs on Iraq, that it does not have a dispute with the Iraqi people, particularly the conscripts Saddam Hussein put on the front lines.

SENATE—*Friday, March 8, 1991*

(Legislative day of Wednesday, February 6, 1991

The Senate met at 10 a.m., and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 8, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY AT 2:30 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:30 p.m., Tuesday, March 12, 1991.

Thereupon, at 10 o'clock and 44 seconds, the Senate recessed, under the order of Thursday, March 7, 1991, until Tuesday, March 12, 1991, at 2:30 p.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, March 11, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts are made glad, O God, by the return of those held in captivity and we share with the families their joy and their happiness. We are grateful that other members of the armed services will return soon and be reunited with those they love.

We specially remember those who have given their lives and whose families experience the loss and anguish of this difficult time. We earnestly pray that Your comforting grace and Your abiding promises will give hope and peace to all who mourn.

Bless all Your people this day, gracious God, and may Your spirit be with us and remain with us always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. RIGGS] come forward and lead the House in the Pledge of Allegiance.

Mr. RIGGS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANTICRIME LEGISLATION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, from this Chamber a week ago the President challenged Congress to pass an anticrime package within the next 100 days. While I certainly do not think we should be slavishly attached to the 100-day limit, I do think that Congress needs to address the issue of crime in an expeditious way.

The President just today in the Rose Garden announced his crime package. It has some good things in it. It does enhance the penalties for those who misuse handguns in the course of committing a criminal act. It does require us to examine again the exclusionary rule and the habeas corpus rule, both of which have at times been difficult to deal with in the sense of controlling crime.

But there are two glaring omissions in the crime package, Mr. Speaker, which I hope this House and the Congress can correct. One is the President does not speak to the Brady bill, the national 7-day waiting period before a handgun can be purchased, and it does not deal with the question of a ban on assault weapons.

I believe we are on the right track toward crime reform, Mr. Speaker, but we need to fill those two omissions. We need to have the Brady bill and we need to have a ban on assault weapons added to it.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, March 8, 1991:

H.J. Res. 98. Joint resolution designating March 4 through 10, 1991, as "National School Breakfast Week."

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 1991.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The Senate confirmed my nomination as Secretary of Agriculture on March 7, 1991. Therefore, I am formally advising you, by this letter, of my resignation from the U.S. House of Representatives at 3:00 p.m. on Friday, March 8, 1991.

I have designated Mark Dungan as the staff member responsible for the management of this office until a new Member is elected. Should you need any further information from me, or assistance from my staff, please do not hesitate to contact us.

This is a bittersweet time for me. I have spent a good portion of my life representing the citizens of Illinois, first as a member of the Illinois State Legislature for six years, then as a Member of Congress for eighteen years. It has been an honor to have served in this House. I want to thank the people of Illinois for placing their trust in me. I hoped I have served them well.

Sincerely,
EDWARD MADIGAN.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 1991.

Hon. JIM EDGAR,
Governor, State Capitol, Springfield, IL.

DEAR GOVERNOR: The Senate confirmed my nomination as Secretary of Agriculture on March 7, 1991. Therefore, I am formally advising you, by this letter, of my resignation from the U.S. House of Representatives at 3:00 p.m. on Friday, March 8, 1991.

The constituents of the 15th Congressional District will continue to be served by the Office of the Clerk of the House until such time as a new member is elected. Several members of my current staff will remain to provide for a smooth transition, and I have designated Mark Dungan as the staff member responsible for the management of this office during that time.

Should you need any further information from me, or assistance from my staff, please do not hesitate to contact us.

This is a bittersweet time for me. I have spent a good portion of my life representing the citizens of Illinois, first as a member of the Illinois State Legislature for six years, then as a Member of Congress for eighteen years. It has been an honor, and I want to thank the people of Illinois for placing their trust in me. I hoped I have served them well.

Over the years, I have had the opportunity to work with and represent some of the finest people in the nation. It has been a privilege.

Sincerely,
EDWARD MADIGAN.

RESIGNATION AS MEMBER OF SELECT COMMITTEE ON AGING

The SPEAKER laid before the House the following resignation as a member of the Select Committee on Aging:

HOUSE OF REPRESENTATIVES,
Washington, DC.

Hon. THOMAS FOLEY,
Speaker of the House, the Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation from the House Select Committee on Aging.

With best regards, I am.

Sincerely yours,
JIM LIGHTFOOT,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION AS MEMBER OF COMMITTEE ON ENERGY AND COMMERCE

Mr. LEWIS of California. Mr. Speaker, I offer a privileged resolution (H. Res. 109) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 109

Resolved, That Representative Upton of Michigan be and he is hereby elected to the Committee on Energy and Commerce.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE RELIEF FOR OLDER WORKERS ACT OF 1991

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, I rise today to introduce the Relief for Older Workers Act of 1991 as I did in the 101st Congress. This measure would enable our senior citizens to continue working without fear of jeopardizing their hard-won benefits, and, in turn, would allow America to continue to profit from the talent and expertise of a class of workers that has made our Nation great. Mr. Speaker, I am asking that Congress repeal the earnings limitation on Social Security recipients.

I don't think I need to tell this body that today's senior citizens are not the infirm elderly of decades past. They are healthier and more vigorous than even before. They deserve the right to continue working if they so choose—and that choice should not be denied them by a law which should have been repealed long ago.

While the Social Security System has provided most senior citizens with a secure financial base, Social Security benefits are often inadequate as a sole source of income. Many Americans eligible to receive Social Security benefits must therefore continue to work. Unfortunately, when they do so, our Government penalizes them for seeking to remain productive members of society.

I am not calling for a drastic revision of the Social Security System. Rather, my bill would provide for a minor modification of the Social Security System that would, I believe, have a major effect on many people's lives by allowing them to continue to pursue their livelihood.

The earnings limitation that I seek to repeal discourages senior citizens from working to supplement their Social Security income. As many of you may know, in 1991, Social Security recipients under age 65 may not earn more than $7,080 without losing their right to full benefits. For every $2 earned above that amount, they lose $1 in benefits. This penalty may result in a marginal tax rate approaching 100 percent in some cases. Workers aged 65–69 may not earn more than $9,720 per year without losing $1 in benefits for every $3 in outside income. Only workers above age 69 are not subjected to a limitation on outside earnings.

Some have argued that a repeal of the earnings limitation will result in the Government losing money. There is much evidence to the contrary. Several extensive studies have concluded that, if the earnings test were repealed, more revenue will be raised from the additional taxes collected from older workers than would be paid out in benefits. Certainly, a repeal of the earnings test limitation will save taxpayers a significant amount of money currently spent in administering the complex and costly test. This measure will in no way endanger the financial stability of the Social Security System.

Mr. Speaker, the time to repeal the earnings limitation is long overdue. We must show our willingness to change the Social Security System to conform to the needs of today's senior citizens. I hope my colleagues will join me in ensuring that older workers will not be forced to choose between working and receiving the benefits they deserve. I hope my colleagues will join me in voting to repeal the earnings limitation.

FDIC'S RECAPITALIZATION PLAN COMES UP SHORT

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, the resources of the bank insurance fund are dwindling, and the FDIC's response to this crisis leaves taxpayers holding the bag.

Last Thursday, the FDIC released its proposal for recapitalizing the bank insurance fund. Surprisingly, the FDIC doesn't recommend raising additional funds from the banking industry to replenish the bank fund, which could face insolvency as soon as this September.

Instead, the FDIC proposes to borrow $25 billion to meet its spending needs, which banks would be expected to repay sometime in the future. This plan gravely concerns me.

First, under the FDIC plan, the bank insurance fund's liabilities would exceed its assets. I believe that to permit an insurance fund to operate with a negative net worth would be detrimental to depositor confidence.

More importantly, the plan assumed that the banks will be able to repay the FDIC's borrowings. But, what happens if the banking industry continues to falter and this assumption proves to be incorrect? Then the credit risk of recapitalizing FDIC through borrowings will have shifted from the banks to the American taxpayers.

Mr. Speaker, we cannot risk another taxpayer bailout. The banks must recapitalize their insurance fund, and they must do it now.

CAPITAL GAINS TAX REDUCTION

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, I just returned to Washington from a weekend trip home to my district in northern California. I am hearing loud and clear from my constituents in Sonoma County and in Del Norte on the northern tip of California that they are concerned regarding the rising Federal budget deficit, the rising Federal spending and the fact that taxes are back where they were before the Reagan tax cuts. I was asked, not by wealthy individuals, but by middle class working individuals what is Congress doing to give us some tax relief. Specifically, people want to know what is the status of the capital gains tax reduction proposal, and I had to tell them that unfortunately, that proposal, which would stimulate investment, create new jobs, stimulate savings and give average working Americans incentives to save, invest and create jobs, was dead on arrival in this House.

□ 1210

The President made a proposal in the State of the Union Address, and he simply said that reasonable people can disagree; there is a difference of opinion between experts as to whether or not capital gains tax reduction would increase or decrease revenues to the Federal Treasury in the long run. But his proposal was to study that and to come back to Congress and the administration with a recommendation and report, a decisive report, as to the impact on revenues of capital gains.

Let us get on with that study. Let us put together that group under the capable leadership of Chairman Greenspan, and let us see if we cannot, as reasonable people, agree to in good faith at least consider capital gains tax reduction relief for the middle-class Americans.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. GIBBONS) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:20 p.m. on Friday, March 8, 1991, and said to contain a message from the President whereby he transmits a notice of his intention to terminate, in whole or in part, no sooner than 15 days after the date of this notice, the sanctions imposed with respect to Kuwait.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

TERMINATING SANCTIONS, IN WHOLE OR IN PART, WITH RESPECT TO KUWAIT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Appropriations and the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby provide notice, consistent with section 586C(c)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513), of my intention to terminate, in whole or in part, no sooner than 15 days after the date of this notice, the sanctions imposed with respect to Kuwait pursuant to Executive Orders Nos. 12723 and 12725.

GEORGE BUSH.

THE WHITE HOUSE, *March 8, 1991.*

ORDER OF BUSINESS

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that my special order precede the special order of the gentleman from California [Mr. RIGGS].

Mr. Speaker, I have talked with the gentleman from California [Mr. RIGGS] about this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONGRESS NEEDS A GO-SLOW APPROACH ON RESOLUTION TRUST CORPORATION FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 10 minutes.

Mr. ANNUNZIO. Mr. Speaker, tomorrow the House will vote on legislation to provide the Resolution Trust Corporation [RTC] with $30 billion. Under the procedure which this legislation is being considered, the House will not only decide whether or not to provide the $30 billion, but under what circumstance it will be provided and the method that will be used to raise the funds.

First and foremost, Mr. Speaker, it must be remembered that the $30 billion being requested tomorrow is not a lifetime funding for the RTC, nor is it even a 2 or 1 year funding request, but rather, it is an amount to carry the agency through September of this year, barely more than 6 months from now. Nor is this the first time that the RTC has been given billions of dollars. When the RTC was first created, less than 2 years ago, it was given an initial funding of $50 billion. Along with direct and indirect funding, the RTC up until now, has been provided with some $100 billion. No other agency in the history of this country has ever been given so much money so quickly.

The $30 billion that will be voted on tomorrow represents a compromise between the Congress and the administration. The administration wanted a blank check appropriation so that it would never have to come back to Congress for new authorizations. Very few in the Congress supported such a concept. Many members felt that the RTC should justify its spending requests and that the requests should be made for shorter periods of time rather than for longer ones.

I am glad to see that Members of this body are expressing deep concern about the operations of the Resolution Trust Corporation. I am glad that Members have insisted on complete hearings on the RTC funding requests and that Members are demanding to know where the RTC funding will come from and how it will be used.

I have the same concerns, Mr. Speaker, and in fact, I have had those concerns since the day the RTC was established. My concerns about the RTC and its operations were so deep that as chairman of the Financial Institutions Subcommittee of the Committee on Banking, Finance and Urban Affairs, I appointed a task force headed by the gentleman from Minnesota [Mr. VENTO] to monitor the activities of the RTC. I felt that that agency had to be watched closely because of its huge budget and the potential for abuse. I have not been impressed with the results produced by the RTC. Virtually every Member of this body has received complaints from their constituents about the actions of the RTC. Such complaints include lack of responses to letters to the agencies, questionable awards of contracts, and numerous other complaints. Of all the speakers you will hear tomorrow, not one will stand before this body and give unqualified praise to the job being done by the RTC. Most will say "I know the agency is not doing a perfect job, but we still have to give it the money." Other speakers will be even less flattering while still supporting the funding requests.

On the final day in late October of the 101st Congress, as this body neared adjournment, an attempt was made to bring a $10 billion funding request to the floor of this House. It was to be considered under a procedure that would have granted a special rule to the funding request that had not been available to any bill before the House in the closing hours of the session. When this request was brought before the House, it was nearly 3:30 a.m., and many Members, under the belief that there would be no further legislative action that day, had left Washington to return to their districts.

When that unusual funding request was brought before this body, I objected to the procedure and the funding request was killed.

Many in the media condemned my action claiming it would cause a problem in the operation of the RTC. Not one news account reported the fact that the $10 billion request was being made under a highly unusual set of legislative circumstances and would probably not have been subject to a recorded vote. Nor did any of the news accounts address the fact that the RTC had more than 140 billion dollars' worth of assets that it could have sold rather than seek additional funding from the taxpayers.

While the news media may have been unhappy with my actions of the final night of the Congress, I can assure you that my constituents were not. I received nothing but praise from the people in my district because I had forced a full and complete discussion of the RTC and its funding. My voters did not want to hand RTC $10 billion or even $10 of taxpayers money without knowing where the money was coming from and how it was going to be spent. My constituents wanted a full and complete discussion of the RTC and its funding request. The voters in my district both Republican and Democrat, gave such overwhelming approval to my actions in blocking the $10 billion RTC giveaway, that my opponent never raised the question in the closing days of the campaign. Since the final day of the Congress, many members have written to me and spoken to me to congratulate me for my actions on that final night. They found that when they went back to their districts, that their voters too, felt that RTC funding should not be rushed through in the dark of night. Following my actions on the final night of the 101st Congress, there were predictions that the RTC would suffer serious consequences because of the lack of funding and that many savings and loans, which needed to be shutdown, would not be shutdown because there were no funds to close the institutions. But just as I predicted on that final evening, nothing bad happened. The RTC was able to continue its operations and every savings and loan that needed to be shutdown was. The RTC found it had additional funds to conduct its operations and it used those funds rather than asking the taxpayers for another handout.

Today we are being told that unless we provide RTC with $30 billion, that the agency will not be able to perform its job and that, once again, sick S&L's will not be closed. If you believe that, then you must also believe Saddam Hussein and Iraq won the Persian Gulf war. RTC does not need additional funding. It has more than $140 billion in assets, and it has become the largest financial institution in the world. I have suggested that before the agency asks Congress for any more taxpayers money, that it first sell a bulk of its assets. Some Members of Congress have expressed a concern that in selling these assets, it would dump thousands of real estate properties on an already depressed market. Let me point out of its entire portfolio, only 12 percent is made up of real estate. The agency has more than $40 billion in cash, performing loans and marketable securities, yet it refused to sell those assets.

Instead of selling its assets, which was the exact job for which the agency was created, the RTC is asking the taxpayers to give it $30 billion more. And will that be the last request? Hardly. In September, it is estimated that RTC will ask Congress for an additional $50 billion and next year, the request may well be $100 billion or more. Who knows when the requests for taxpayers funds will end. And who knows exactly how much will be needed. Time after time officials from the RTC have testified before Congress and refused to estimate how much money will ultimately be needed to clean up the S&L mess. It may well be that no one knows how deep the black hole is, but wouldn't it be better to sell the assets from failed S&L's before seeking any additional taxpayers funds.

In recent days, a formula has been used on this floor to breakdown the cost of various funding bills to show how much they will cost the taxpayers. It has been estimated that for every $1 million of spending, every taxpayer in America will be required to pay 1.1 cents in additional tax money. Certainly, 1.1 cents does not sound like a lot of money and although $30 billion does not sound like a lot of money, it is very difficult to imagine what $30 billion looks like. But let me put it into terms that are understandable. The $30 billion that is being requested tomorrow, will require every taxpayer in America to come up with an additional $330 in extra taxes to pay for the money. That's $330 on top of all the taxes that American taxpayers currently pay. And as I pointed out, just a few minutes earlier, the RTC already has nearly $100 billion either directly or indirectly in taxpayers funds, and in the coming months, will be seeking even more money.

I would suggest to members as they contemplate their votes on this legislation, to ask themselves whether their taxpayers want to hand out another $330 to an agency that is already filled to the brim with assets that could be sold. Perhaps your constituents are so well off that they can afford to hand over $330, but I assure you, that my constituents want more answers.

Tomorrow you will hear that unless we take this action and provide RTC with $30 billion in new funding, that the agency will have to allow sick S&L's to say open and that ultimately, when these institutions are closed, it will cost the taxpayers even more money. You will be told that every day, the S&L's are not closed, it costs an additional $8 million. Such figures are about as reliable as the Iraq Army. I don't know how these figures were obtained. They certainly could not have come from the Resolution Trust Corporation which has, according to GAO, no ability to assemble such information. In fact, the RTC can't even tell you the most basic financial information that any corporation would need in order to run a business. This lack of information is the reason why the General Accounting Office cannot conduct an audit of the RTC. A few weeks ago, the GAO testified before the House Banking Committee about the operations of the RTC, and the report was not very complimentary. In fact, the RTC has so little information, that it has not filed an audited financial statement for any year of its operation. If the RTC was private business, it would have been subject to severe fines by the Securities and Exchange Commission, and might well have been shutdown for this serious lack of auditing.

I have tried for months to find out from the RTC how much it costs the agency to hold on to its assets. In short, I wanted to find out if perhaps the agency was spending more money to hold on to a piece of property than the property was worth. For example, how much does the RTC pay on local real estate taxes on its real estate portfolio? How much does the agency spend in maintenance costs, securities services, and how much is the agency losing in property devaluation? For months I tried to get a reply and finally the agency admitted that it did not have any information to answer my request, except in the most general of terms.

The GAO even suggested that in some cases, it may be cheaper for the RTC to bulldoze down a property than trying to hold on to it. But the GAO said it could not determine which would be cheaper because the RTC did not have enough information about the properties in its portfolio.

Mr. Speaker, at some point in time, the RTC is going to explode into one of the biggest scandals in the history of this country. Every day I receive letters or news stories pointing out potentially dangerous situations in the RTC. The agency has nearly 6,000 employees and according to one source, only 1 out of every 6 people is engaged in selling assets. Can you imagine any other business in this country whose function is to sell that has so few people engaged in sales. Where is it going to end? When will we stop throwing money at an agency that refuses to do its job? I predict that when the RTC does explode in scandal, that those members of the media who are now calling for Congress to hand over the taxpayers money without any questions, will be the first to criticize Congress for not going slow in RTC funding. Where was Congress during all this time, the media will ask, but will not look back and remember those who tried to get to the bottom of the problem.

There has been a great deal of commentary around the fact that the House Banking Committee has engaged in extended debate over the RTC funding. Much has been made of the fact that the committee spent 10 hours marking up an RTC funding bill which it ultimately defeated. There are those who criticized the Banking Committee for its extended discussions, debates, and votes. But rather than criticize the Banking Committee and its members, that committee should be applauded, because it has spotlighted one of the most serious concerns facing the taxpayers today. If we are to give the RTC $30 billion tomorrow, I would rather err on the side of too much discussion than not enough discussion. I would hope that any time a committee of this Congress proposes a funding bill of the magnitude that will be voted on tomorrow, that there will be extended debate, that there will be controversy, that there will be alternative legislative suggestions, and more importantly, that it will be a tough vote for Members.

The taxpayers have benefited and hopefully, the RTC has benefited, by the actions of the Banking Committee. It has brought to the public's attention a serious concern and it has made Members of this House aware of an important problem.

The deep concerns expressed not only in this body, but in the Senate, about RTC funding and the operations of that agency, makes me even prouder today of my actions on the last night of the 101st Congress when I stood and blocked a $10 billion taxpayer giveaway to the RTC in the dead of the night. The light is starting to shine on the activities of the RTC and taxpayers are starting to get a look at how this agency operates. I hope, Mr. Speaker, that never again, will that light be turned out in an attempt to sneak through billions of dollars of funding for an agency that is not doing its job.

□ 1230

RECOGNITION OF CORNERSTONE LAYING FOR BASF BIOMEDICAL RESEARCH DIVISION WORLD HEADQUARTERS IN WORCESTER, MA

(Mr. EARLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EARLY. Mr. Speaker, I am happy to bring to the attention of my colleagues in the Congress a most happy event. We are all aware of the very difficult and trying economic times which currently face our Nation. Far too often we hear or read about more layoffs and increased unemployment, and the tragic hardships which follow such events. Many people in the Northeast and thousands of residents of Massachusetts are experiencing the very real recession which is upon us. It is therefore a great pleasure to share some very significant and positive economic news about a major new employer coming to Massachusetts.

On Monday, March 11, 1991, BASF Corporation placed the cornerstone which marked the commencement of the construction of the new world headquarters for BASF's Biomedical Research Division in Worcester, MA. This new facility, the largest biotech research facility in the Northern Hemisphere, will provide countless construction jobs over a 2½-year period, followed by long-term employment opportunities for more than 1,000 people. In addition, both the construction phase and the subsequent operations of this large facility will mean millions and millions of dollars of purchases of other goods and services from a wide range of suppliers in the central Massachusetts area.

I note another substantial and positive aspect of BASF's decision to locate its biotechnological world headquarters in central Massachusetts. BASF will be spending millions of dollars and countless man-hours in research aimed at finding cures for cancer and diseases of the immune system. The Commonwealth of Massachusetts is known throughout the world as a leader in research relating to a wide range of health related issues. BASF's decision will mean the influx of still more research expertise, which will further build upon the partnership of education, the private sector and Government which is needed to deal with our most pressing health care issues. That decision will surely contribute towards the goal of productive research, with the result that all of mankind can look forward to a better standard of living.

I take this opportunity to congratulate and to formally welcome BASF and their President J. Dieter Stein to Worcester and to the Commonwealth of Massachusetts.

THE PHILOSOPHY OF EMPOWERMENT IN HOUSING PROGRAMS

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House the gentleman from California [Mr. RIGGS] is recognized for 60 minutes.

Mr. RIGGS. Mr. Speaker, I rise today to speak of an exciting concept in government, one that has come into vogue in certain quarters of our society but, unfortunately, not with the society as a whole, and that is the idea of empowerment, specifically empowerment concepts as applied to housing programs.

It is interesting to note the gentleman from Illinois' previous remarks regarding the Resolution Trust Corporation, because this program I am going to tell you a little bit about today involves a property previously owned by the Resolution Trust Corporation and held by the RTC in its portfolio for months before it was purchased by a private, for-profit company and converted into affordable housing for the working poor.

It is also interesting to note, in light of the gentleman's comments, that today's Wall Street Journal has a lengthy feature article regarding public housing in the inner city of Chicago, entitled "The Long Shadow of a Death in the City," that described in some detail the final days in the life of an 18-year-old youth who lived in an inner-city public housing project and the fact that he was not able, although he was a very optimistic youth who had a lot to look forward to in life, he was not able to overcome his circumstances, and his death was ultimately attributable, at least in part, to the hopelessness and despair of the inner city.

Empowerment is an idea, a philosophy which means bringing about a change in our low-income area, not through welfare programs, not through a continuation of the welfare society, but through opportunity and hope for a better future.

Currently, our system is weighted in favor of those who try not to get jobs, who try not to better themselves. The object of the game, with the existing system, is not to work but to work the system.

Meanwhile, this robbing of hope and pride cost the American taxpayers billions of dollars annually.

Empowerment is meant to encourage self-reliance and to provide opportunity to those most in need of that hand up. These people are good people, and they will respond to opportunity with responsibility.

At the same time, the empowerment concept is designed to limit the size and cost of government and it regards individuals as citizens, not clients. It intends to limit the ever-increasing size of our bureaucracy, of service providers whose very existence depends on treating citizens as clients and not as citizens.

The empowerment philosophy believes that if you give individuals the power to better themselves in their situations, they will, in fact, for the most part help themselves.

Empowerment can work if it is put into policy and carried out in programs. The Federal Government must try to foster enterprise zones, assist private companies and other industrious Americans in developing this market.

The empowerment philosophy is at the heart of the HUD housing program known as Home Ownership and Power for Americans, the HOPE Program that this body chose not to fund last week despite the fact—not to approve last week despite the fact that it is a revenue-neutral program. We must be very careful to create insightful legislation that encourages these sorts of activities.

This is a far different philosophy than the philosophy that brought you section 8 housing and welfare transfer payments.

With good intentions, we have destroyed hope in the depressed areas of America with these types of programs.

Now, the critics of the empowerment philosophy say that it cannot work, and I come to you today with a story of Chandler Development Corp., a small company, as I mentioned, the private, for-profit entity that is doing the things we are talking about today. They are operating without any Government support, and they are providing opportunity and helping to empower low-income families in Dallas, TX, to own they own homes in an area known as Southern Oaks Development. I have a few photographs on that development here today.

Empowerment can work, it can help us develop our Nation instead of spending our money on developing other nations.

If there was a Southern Oaks Development in every low-income area in this country, I know that we could begin reclaiming the vast poverty-stricken areas of America.

Now, the area in which Southern Oaks is located in Dallas looks like, a little bit like Beirut, full of vacant buildings, unkempt grounds, and closed stores. Going through these neighborhoods is quite unsettling for most of us, understandably, but many people live there and know it and call it home.

A section 8 low-cost housing development is nearby, almost adjacent to Southern Oaks. Three weeks ago someone rolled down their window, in a drug-related incident, and shot five children. Two of the children later died.

Southern Oaks was abandoned and in the mid-1980's and before being abandoned, it was the lowest level of housing in this country, with very high crime, drugs, pests, vermin, very worn-down, dilapidated housing. In short, a shelter, a haven for poverty and crime.

It was Government-sponsored section 8 housing.

Southern Oaks employees who live on the property and had been involved in the rehabilitation of this property have some insights to the area, to this area that most of us do not have.

They say, and I am quoting just a few of the employees, "Our low-income groups are in areas where they are downwardly mobile; the bad apples are bringing down the standard of living for everyone; drugs and their sale in these areas attract the smart kids because it is the only economic opportunity that is real for them at a very tender age of life; the drugs also, unfortunately, attract violence and crime and steal the hope of the good folks and traps them ultimately into an unthinkable existence."

Now, I want to compare if I can, residents of the adjacent section 8 housing versus the Southern Oaks Development and see what they have to say, the residents of the public housing.

Shirley Taylor, who lives in unit 813 and also works as a salesperson there, says, "There was always loudness and violence over there," here old section 8 residence. "You would always be on the lookout because you didn't know what was going to happen next. I was scared to go out day or night.

"Here," she is speaking of Southern Oaks, she can rest at night.

Baby John, who is a young man you will see here when I get to the photos in just a few minutes, is 4 years old. He used to hear gunshots and see drug deals in a section 8 housing complex. How is that for first impressions in life?

His parents did not like it, but they could not afford to move out. Now they live in a very secure, new home that they own. They are participating in the American dream of homeownership and beginning to build home equity, which is the surest way to financial independence in our country.

Surrounded by neighbors who are also committed to the same ideal.

Now, here in the photos, and I know it is difficult for the audience and the gallery to see, there are articles about the success of this program from the Dallas Morning News and the Dallas Time Herald. It also shows the members of the Chandler development, who are as committed a group of entrepreneurs and small businessmen that I have had the pleasure to encounter in some time.

☐ 1240

On the back side of this poster are, if I can use the term, the "before" photographs showing the dilapidated, extremely dilapidated, interior and exterior of the Southern Oaks development, and, at the very bottom, the renovated exterior of one of the units decorated, beautifully festooned with Christmas decorations, and lights and the holiday cheer, and the sense of pride and maintenance in home ownership that is reflected here is obvious.

The other poster shows more before photos of the interior renovation of one of the units, and at the very bottom is the final product, which is a modern, renovated kitchen with all the necessary appliances for convenient living, and on the back more photos of some of the units. They look very, very enjoyable, and then photographs, several of them, in fact, of Baby John enjoying his new home, and, from the smile on his face and from the flexing of his muscles here, one can see that he feels he is in a secure development.

Chandler development guts and totally rebuilds the units, and they are in the process of renovating the four units that were built in 1954 on 28 acres. They provide many standard features that we think of as being standard in new residential units, such as new appliances with a 5-year home warranty, individual security systems. The homes are totally renovated with new plumbing, and electricity, new walls, floors, and ceilings, and the occupant's choice of new carpet colors, tiles, cabinets, and even floor plan choices they had never had before. Because of its location the homes feature high security features, such as a security system that is directly hooked up to the local police department and security guards who patrol the premises at night. There has never been a crime against a Southern Oaks owners since it has been redeveloped because security and peace of mind are very important, not only to the developers and renovators of the property, but to the homeowners, and probably because, most importantly, they now feel and share a sense of community.

Chandler development has a capable staff. It is a new business owned and operated by a few dedicated individuals, including Paul Jost, a lawyer who attended Harvard Business School and got this wonderful idea to use unused real estate from the S&L crisis; going back to the remarks of the gentleman from Illinois regarding all the property, real property and otherwise, currently in the portfolio of the Resolution Trust Corporation. He got the idea to use these types of properties for homes for sale to low- and mid-income families. Mr. Jost researched and believed he could provide a high quality home for $221 a month or $25,000 for two units, and those are mortgage payments and purchase amounts that are far less than the annual expenditures on rent, and rent in public housing areas.

Southern Oaks is made up of Mr. Jost, Eric Fedewa, John Esposito, Marshall Piercy, all from the College of William and Mary here in Virginia, and a number of the residents include people that I have already mentioned, such as Shirley Taylor and Malcolm Watson. Mr. Fedewa, who is running sales, coordinating construction and presiding over homeowners meetings, also lives on the property, as a demonstration of his commitment to the successful renovation and conversion of Southern Oaks from public housing to, if I might use the term, "empowerment" housing. He says from the beginning we have set out to make a statement. Southern Oaks is a solution. It is at least a partial solution to the affordable housing dilemma in this country, the dilemma of providing affordable purchase and rental housing for the working poor and all those Americans who are just able to hang on by their fingernails. Our homeowners, who have never had a break in their lives, still are finding it hard to believe that there is not a catch to the program. They are taking their future into their own hands, taking control of their own destiny and fate, and that is what empowerment is about.

Another company official who lives on the property says there are a lot of good people, decent people, who just never had a chance to own property. Section 8 housing, such as the project next door, creates slums. That is guaranteeing the landlord he is going to get his money from the Government through the voucher system, and there is no incentive for him to keep the property up.

The other thing that Southern Oaks people are trying to do is they are trying to create, as I previously mentioned, and maintain a sense of community where everyone knows one another and cares about their homes through regular meetings and recreational opportunities involving members of the community. They are helping people, first-time home buyers obviously, begin to understand the responsibilities of home ownership, what it takes to maintain a residential unit, what it takes to find and secure credit, and they are helping these folks on an ongoing basis to begin to understand the responsibilities of home ownership.

The difference between this low- to middle-income development from others are two things: ownership obviously, and, secondly, ownership of a high quality unit. The customers must put money down, about $1,250, for a two-bedroom unit and pay a monthly payment, but they realize this is their house, their mortgage payment, not a rental payment. They must qualify for a loan. There is no handout here. Their mortgage is a 30-year, fixed rate mortgage, so it will never change, giving them the economic power to have more disposable income as they increase their wages. They have a stake in the American dream of home ownership.

Mr. Speaker, the units are high quality places, which is very important because the residents are handed the keys to a new home, a brand-new, spanking clean, made-to-order home that they can have pride in.

Southern Oaks is providing opportunity. The opportunity shows a change in the people who live there. They have meetings often where the residents discuss the security, upkeep and pride of their homes and community, and it fosters a sense of voluntarism.

Owners are very clear on the benefits of low-crime, well-kept; attractive housing. They know they can receive appreciation and equity if they have a community that is in high demand, and, as I mentioned, home equity is the proven, historically proven, way to financial independence and financial security in this country.

The homes provide ownership of new homes with a high degree of quality for less per month than the terrible section 8 units next door. Mr. Fedewa says:

> I was here at Southern Oaks over the Christmas holidays, and, when you finish showing these people these beautiful homes, and you tell them that they can really own them, they react very emotionally.

He says, and I quote:

> I felt like Santa Claus at Christmastime.

There are problems that Southern Oaks has had to overcome to provide their product to their customers. As we have already stated, there has been no Government support of any kind. If anything, the Government has made things harder. The acquisition of property from the Resolution Trust Corporation was very low. It took about 10 months and involved lots of redtape. In order to get investors to co-own the development company doing the project, Chandler could not offer the type of tax benefits that low-cost rental properties used to have. There are, frankly at the present time, no investment incentives for ownership of multifamily properties in our tax codes, and there should be. It was hard to acquire financing for Southern Oaks buyers because they are not people with large bank accounts or significant credit history. They went to many different banks until the North Carolina National Bank mortgage department finally gave the buyers of Southern Oaks a chance. But the FHA and VA approval have eluded Southern Oaks from the very beginning of this project, and that is unfortunate. FHA is important because it can decrease the downpayment from 5 percent or $1,250 to 3 percent. This makes the units even more affordable. Right now they have been taking their downpayments in installments of $50 until the whole amount is received. VA approval is extremely important, especially now because it can insure the opportunity of beautiful homes for men and women in uniform who are returning from Desert Shield.

□ 1250

But the Veterans' Administration people say they "don't do condos."

Southern Oaks has experienced a tremendous response, but unfortunately, due to problems of low-income people raising the money necessary for a downpayment and credit payments and plain old lack of confidence, they have only been able to sell 3 or 4 units out of every 100 inquiries by prospective buyers. This is an outstanding project, and it is just one small example of the type of empowerment housing programs that could literally start up all across this Nation. The idea behind empowerment is to create opportunity for low-income people, and that is fundamental to democracy. Our effort now in promoting this program is to illustrate that through empowerment we can have a more ideal democracy in this country where there is truly social and economic and financial opportunity and empowerment for all people, social and economic democracy for all people.

The Congress will be voting in the next few days on continuing funding for the Resolution Trust Corporation, and it is my hope that we will instruct the Resolution Trust Corporation to streamline the redtape associated with projects such as Southern Oaks, and it is my hope that in the very near future we will revisit the idea of empowerment programs. It is very high on the agenda at HUD. Secretary Kemp has traveled across this country promoting this program, particularly in the inner cities, and the response he has received has been overwhelming.

It frankly strikes me as amazing that during the debate last week there were actually Members of this House who seem willing to defend the way we currently finance and maintain public housing. Public housing, particularly in our inner cities, is a disgrace. It is a national disgrace, and it ranks up there with our other social ills such as illiteracy, poverty, and homelessness. It is time that we abandon the old notion about providing people with housing as something they would simply maintain and use to eke out an existence. Instead, we need to get on with the job of converting these public housing units in America and get on with the job of making the American dream of home ownership more widely available to Americans of all backgrounds, particularly those who are unrepresented in society and who represent the most disadvantaged and needy among us.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RIGGS) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes each day, on March 19, 20, and 21.

(The following Members (at the request of Mr. DARDEN) to revise and extend their remarks and to include extraneous material:)

Mr. ANNUNZIO, for 10 minutes, today.

Mr. ANDREWS of New Jersey, for 5 minutes, on March 13.

Mr. THOMAS of Georgia, for 60 minutes, on March 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DARDEN) and to include extraneous material:)

Mr. ANDERSON, in 10 instances.

Mr. GONZALEZ, in 10 instances.

Mr. BROWN, in 10 instances.

Mr. ANNUNZIO, in six instances.

Mr. MCMILLEN of Maryland.

Mr. MILLER of California.

Mr. SWETT, in two instances.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported than that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 98. Joint resolution designating March 4 through 10, 1991, as "National School Breakfast Week."

ADJOURNMENT

Mr. RIGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 12, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speakers table and referred as follows:

818. A letter from the Chief, Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting a report that a cost-comparison study of the visual information services function at Fort Riley, KS, resulted in a lower in-house cost estimate than that of the private sector, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

819. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports is Israel, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

820. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Israel, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

821. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Finance and Urban Affairs.

822. A letter from the Chairman, Interagency Council on the Homeless, transmitting the 1990 annual report of the Inter-

agency Council on the Homeless, pursuant to Public Law 100–77, section 203(c)(1)(2); to the Committee on Banking, Finance and Urban Affairs.

823. A letter from the Acting Secretary of Education, transmitting a notice of fiscal funding priorities for the Upward Bound and Talent Search Programs for fiscal year 1991, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

824. A letter from the Secretary of Health and Human Services, transmitting a report on correction and reduction plans for intermediate care facilities for the mentally retarded, and the current status of those plans, pursuant to 42 U.S.C. 1396r note; to the Committee on Energy and Commerce.

825. A letter from the Assistant General Counsel, Department of Energy, transmitting a notification of a meeting of the Industry Advisory Board to the International Energy Agency to be held on March 5, 1991, in Paris, France; to the Committee on Energy and Commerce.

826. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Republic of Korea (Transmittal No. DTC–24–90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

827. A communication from the President of the United States, transmitting his determination that continued nuclear cooperation with the European Atomic Energy Community [EURATOM] is needed in order to achieve U.S. nonproliferation objectives and to protect our common defense and security, pursuant to 42 U.S.C. 2155(a)(2) (H. Doc. 102–56); to the Committee on Foreign Affairs and ordered to be printed.

828. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

829. A letter from the Secretary, Commission of Fine Arts, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

830. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

831. A letter from the Acting Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

832. A letter from the Office of Administration, Executive Office of the President, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

833. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

834. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

835. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of actions taken to increase competition for contracts during fiscal year 1990, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

836. A letter from the Postmaster General, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

837. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

838. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior; transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

839. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

840. A letter from the Acting Under Secretary, Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for the period October through December 1990 (fiscal year 1991), pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

841. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting amendments to the Kuwait assets control regulations authorizing U.S. persons to engage in trade and commerce with, and to travel to Kuwait, pursuant to Public Law 101–513, section 586C(c)(1); jointly, to the Committee on Appropriations and Foreign Affairs.

842. A communication from the President of the United States, transmitting his findings that substantial progress has been made in telecommunications trade talks conducted under section 1375 of the Omnibus Trade and Competitiveness Act of 1988, pursuant to Public Law 100–418, section 1376(c)(2)(B) (102 Stat. 1221) (H. Doc. No. 102–57); jointly, to the Committee on Ways and Means and Energy and Commerce, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOWNEY (for himself, Mr. FORD of Tennessee, Mr. LEVIN of Michigan, Mr. PEASE, and Mr. MATSUI):

H.R. 1367. A bill to provide a program of Federal supplemental compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. DARDEN:

H.R. 1368. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. MICHEL:

H. Res. 109. Resolution electing Representative Upton of Michigan to the Committee on Energy and Commerce; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII,

26. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to the Bill of Rights; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 213: Mr. KOPETSKI.

H.R. 357: Mrs. LOWEY of New York.

H.R. 371: Mr. OWENS of Utah.

H.R. 559: Mr. NEAL of North Carolina and Mr. BONIOR.

H.R. 601: Mr. BORSKI, Mr. ANNUNZIO, and Mr. ROE.

H.R. 680: Mr. HORTON, Mr. KYL, Mr. STARK, Mr. HERGER, Mr. LEWIS of California, Mr. GILMAN, Mr. OXLEY, Mr. INHOFE, Mr. PAXON, Mr. LAGOMARSINO, Mr. MARTINEZ, Mr. DICKINSON, Mr. DANNEMEYER, Mr. BOEHNER, Mr. DAVIS, Mr. SOLOMON, Mr. FISH, and Mr. FIELDS.

H.R. 739: Mr. EDWARDS of Oklahoma, Ms. KAPTUR, and Mr. LANCASTER.

H.R. 1177: Mr. SIKORSKI.

H.R. 1285: Mr. COLEMAN of Missouri, Mr. HAYES of Illinois, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. UNSOELD, Mr. WASHINGTON, Mrs. MINK, Mr. KILDEE, Mrs. LOWEY of New York, Mr. SERRANO, Mr. MILLER of California, Mr. GOODLING, Mr. REED, Mr. PERKINS, Mr. PETRI, Mr. BARRETT, and Mr. GORDON.

H.R. 1300: Mr. CONYERS, Mr. SERRANO, Mr. LEWIS of Georgia, and Mr. ABERCROMBIE.

H.J. Res. 66: Mr. BONIOR, Mr. WYDEN, Mr. BURTON of Indiana, Mr. SOLOMON, Mr. BOEHLERT, Mr. FISH, Mrs. MEYERS of Kansas, Mr. LANTOS, Mr. MCMILLEN of Maryland, Mr. MATSUI, Mr. WELDON, Mr. CALLAHAN, Mr. THOMAS of Wyoming, Mr. ANDERSON, Mr. MARTIN, Mr. IRELAND, Mr. MURPHY, Ms. LONG, Mr. JONES of North Carolina, Mr. KLECZKA, Mr. LEWIS of California, Ms. HORN, Mr. PALLONE, Mr. HOYER, Mr. CRAMER, Mr. NEAL of North Carolina, Mr. KASICH, Mr. BREWSTER, Ms. PELOSI, Mr. MAZZOLI, Ms. NORTON, Mr. MCDADE, Mr. BARNARD, Mr. LEWIS of Florida, Mr. RICHARDSON, Mr. FAZIO, Mr. NEAL of Massachusetts, Mrs. JOHNSON of Connecticut, Mr. ESPY, Mr. HAMMERSCHMIDT, Mr. JENKINS, Mr. ROBERTS, Mr. COUGHLIN, Mr. GREEN of New York, Mr. GALLO, Mr. HUBBARD, Mr. GONZALEZ, Mr. COYNE, Mrs. MORELLA, Mr. RAMSTAD, Mr. DARDEN, Mr. JACOBS, Mr. FALEOMAVAEGA, Mr. MCHUGH, Mr. LAROCCO, Mr. MONTGOMERY, Mr. LEVINE of California, Mrs. PATTERSON, Mr. LAFALCE, Mrs. KENNELLY, Mr. PACKARD, and Mr. HUTTO.

H.J. Res. 67: Ms. MOLINARI, Mr. WYDEN, Mr. BURTON of Indiana, Mr. LANTOS, Mr. GONZALEZ, Mr. ERDREICH, Mr. SERRANO, Mrs. MEYERS of Kansas, Ms. SLAUGHTER of New York, Mr. MCMILLEN of Maryland, Mr. ENGEL, Ms. LONG, Mr. GALLO, Mr. MATSUI, Mr. SPENCE, and Mr. HUTTO.

H.J. Res. 152: Mr. HUGHES, Mr. ENGEL, Mrs. COLLINS of Illinois, Mrs. ROUKEMA, Mr. JONTZ, Mrs. LOWEY of New York, Mr. CARDIN, Mr. FALEOMAVAEGA, Mr. COYNE, Mr. DWYER of New Jersey, Mr. KASICH, Mr. WOLF, and Mr. STUDDS.

H.J. Res. 171: Mr. SANGMEISTER, Mr. MCNULTY, Mr. ERDREICH, Ms. PELOSI, Ms. SLAUGHTER of New York, Mr. SPRATT, Mr. HANSEN, Mr. MACHTLEY, Mr. BOUCHER, Mr. MCEWEN, and Mr. ESPY.

H. Con. Res. 38: Mr. ABERCROMBIE, Mr. GONZALEZ, Mr. BONIOR, and Mr. LEWIS of Georgia.

H. Con. Res. 67: Mrs. LOWEY of New York, Mr. OWENS of Utah, and Mr. JOHNSTON of Florida.

EXTENSIONS OF REMARKS

AMERICAN EMPIRE: THE U.S. TERRITORIES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 11, 1991

Mr. FALEOMAVAEGA. Mr. Speaker, last year the Dallas Morning News published an article about the U.S. territories, their political status, and their future. The Honolulu Star Bulletin & Advertiser reprinted the article on September 23, 1990, under the title: "American Empire: The U.S. Territories." The article presents the fundamental problems faced by U.S. territories and describes what many of us from the territories see as a lack of a comprehensive policy with regard to the territories. As the Puerto Rico plebiscite brings the territories issue to the news again, I commend this article to my colleagues.

I submit a copy of the article for insertion in the RECORD.

[From the Honolulu Star Bulletin & Advertiser, Sept. 23, 1990]

AMERICAN EMPIRE: THE U.S. TERRITORIES

(By Doug J. Swanson and Ed Timms)

More than 200 years after it was born in a struggle against colonialism, the United States approaches the 21st century as one of the world's largest colonial powers.

The U.S. flag flies over more than 3.7 million people overseas. They speak at least a dozen different tongues on tiny islands scattered across 14 time zones. America's territorial reach spans the equator and crosses the date line, more than 10,000 miles from end to end.

Some of the United States' island dominion fits the popular image of tropical paradise. And a lot of it comes closer to slum-with-coconut-palms.

Ronald Reagan once referred to the islands as members of "our American family."

Perhaps distant cousins. From the Virgin Islands in the Caribbean to Palau in the Pacific, the residents of the U.S. protectorates are impoverished, economically dependent on Washington and uneasy about their future.

In its role as the foremost practitioner of checkbook diplomacy, the United States has built schools, hospitals, roads and power plants. Billions in federal aid and tax incentives function as a life support system for the islands' sick economies.

But the United States has also pushed people off their homelands so it could test its nuclear weapons. After pledging to protect the islanders, the U.S. military machine has poisoned them with fallout.

If the development of the islands has been well-intentioned, it has also been confused and mishandled. "We in a sense almost made them a welfare state," said former United Nations Ambassador Donald McHenry.

To supporters, the U.S. legacy to the islands has been freedom and a chance for prosperity. To detractors, the United States has left its overseas wards with little more than VD and VCRs.

U.S. administrators describe the protectorates as self-governing beneficiaries of federal largess, not colonies. "Think about what the islands have and about what the U.S. does provide," said Stella Guerra, assistant secretary of the interior. "I don't know of any colonial power that would give people all these rights and benefits."

But for years, Washington judged the islanders, because of their color and culture, too backward to rule themselves.

Belatedly, Congress doled out democracy, money and civil rights in measured portions. It created eight sun-splashed dependencies that move restlessly toward an uncertain destiny:

Puerto Rico. Old Glory could get another star, depending on the outcome of a plebiscite that may be held next year. As President Bush presses for statehood over the objections of the commonwealth government, some pro-independence factions continue to oppose the United States with violence.

Guam. An increasingly bitter territory clamors for more autonomy. "We're second-class citizens," said Gov. Joseph Ada. "America goes around preaching to the world, 'Give your people the opportunity to develop a true democratic government.' And yet right here they have not given us any of that."

Commonwealth of the Northern Mariana Islands. The Marianas also are deeply unhappy with Washington. In 1989, when the commonwealth received $79 million in U.S. aid, island leaders went to the United Nations to accuse the United States of imperialism.

The Trust Territory of Palau. Ratification of semi-independence from the United States has failed seven times in seven years. In the meantime, millions of dollars were squandered by the local government, a Palauan president was assassinated and another committed suicide. All this has happened while the United States was under a U.N. mandate to develop and protect Palau.

American Samoa. The nation's most placid protectorate deperately wants to hold onto its traditional ways. That's not easy in a territory where even the households that have no running water own color televisions.

The Federated States of Micronesia, a quasi-independent republic linked to the United States under a "compact of free association." Forty-three years after a U.S. pledge of economic development, the islands have no significant agricultural or industrial production. Their government will receive more than $1 billion in U.S. aid over the next 12 years.

The Republic of the Marshall Islands. The United States has exploded hydrogen bombs in the Marshalls, left this semi-autonomous nation with no industrial base and helped create one of the foulest slums in the Pacific. "We've been abused many times," said J.B. Kabua, the Marshalls' secretary of foreign affairs, "but we are patient."

The Virgin Islands. Since 1964, four attempts to pass a new territorial constitution have failed. Hurricane Hugo postponed a 1989 vote on the islands' political future. A growing population of weathly and predominantly white immigrants from the mainland has financed a development boom while fueling racial tensions.

The United States gained its tropical empire with guns and money, and its possessions made perfect military sense in the pre-nuclear age. Before the era of ballistic missiles, the Navy needed overseas refueling stations. Before spy satellites, the islands were valuable listening posts.

Now, though more the 12,000 members of the U.S. armed forces are still based on the protectorates, their strategic value may be diminishing.

And their cost remains high. Last year, the islands received about $8 billion in direct aid and entitlements from the federal government.

But the islands are not liabilities that can be written off easily.

"In our democratic system, how do you tell a group of U.S. citizens that we don't want you any more?" said Manase Mansur, minority consultant to the House Interior Subcommittee on Insular and International Affairs.

While the protectorates have often regarded Washington with suspicion, Washington has often regarded the protectorates not at all. Ninty-two years after the United States began assembling its batch of possessions, it is only now formulating a territorial policy.

Now, eight overseas entities classified under four headings find themselves subject to a haphazard collection of laws and regulations. A 1990 guide for business in the Marianas noted, "Even students of the American legal structure will not venture to define what U.S. laws prevail in the islands."

Many federal benefits, such as food stamps, pay less on the islands than on the mainland.

Puerto Rico is not restrained by trade quotas, but Guam is.

Marshallese can join the U.S. military, but Palauans cannot. Guam must use only U.S. ships to import goods, but not the Virgin Islands. Islanders can vote, but not for president.

The Spanish-American War provided a colonial starter kit in 1898. After a fight ostensibly launched to assist Cuba's independence movement, the United States ended up running Cuba, Puerto Rico, Guam and the Philippines.

Others were to follow as the United States became a colonial power without a master plan.

In 1900, to block German expansion in the Pacific and Caribbean, the United States took control of Samoa and bought the Virgin Islands.

In the Marianas, Palau, the Marshalls and the islands that were to become the Federated States of Micronesia, the U.S. flag arrived with invasion fleets attacking Japanese strongholds during World War II.

Previously, the nation had expected that its territories would eventually join the Union. But the promises of citizenship and statehood were not extended to these far-off, culturally dissimilar islands.

And without a territorial blueprint, policy was driven by the conflicting pressures of the military, business interests, independence movements and foreign relations.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Cuba and the Philippines gained independence. The other islands exist in political limbo.

Now as always, they find themselves administered in a bureaucratic stew. The State Department, among others, deals with the Marshall Islands and the Federated States of Micronesia. The Energy Department oversees treatment of Marshallese contaminated by nuclear tests. The Defense Department presence spans the territories.

But it is the Interior Department that has the most wide-ranging role, parking its buffalo symbol where the buffalo never roamed.

The Interior Department, created in 1849, functions as the federal government's miscellaneous drawer. Interior oversees the nation's parks, Indian reservations, territories and wildlife. It is home to the Office of Earthquakes, Volcanoes and Engineering, as well as the Wild Horses and Burros Division.

"The Interior Department is expected to advocate territorial interests and also be a spokesman of the administration," said Dr. Paul M. Leary, a political scientist at the University of the Virgin Islands. "It's always caught in the middle."

Interior's performance in the Marshall Islands is described by Col. Philip Harris, commander of the Army missile range there, as a botched job of historic proportions. Joshua Koshiba, president of the Palauan Senate, said: "They're the worst. They treat use like you treat the buffalo."

Asked whether the United States had anything of which to be ashamed, Guerra, replied: "Absolutely not."

Guerra, who oversees Interior's Office of Territorial and International Affairs, has been writing recommendations for an "insular policy," which Congress mandated in 1986. But it should not be inferred, Guerra said, that Interior has been in need of vision and direction.

"I would not say there has been no policy," she said. "We have had objectives."

The primary goal, she said, has been economic development of the islands. "We have worked . . . to help them diversify."

If that has been the government's policy, many critics say, it has been a colossal failure. On most islands, agriculture has been in decline for decades, waters are fished by outsiders' fleets and new job opportunities have been slow to develop.

"We served them poorly," said McHenry, the former U.N. ambassador. "We educated people to be political scientists and to sit behind a desk, not to grow tropical fruit or fish. . . . We created a dependency."

Guam and the Marianas have a thriving tourism trade, with almost all the tourists and investors from Japan. American Samoa has tuna canneries. Each, however, depends heavily on U.S. subsidies.

Tax incentives that lure companies from the mainland have helped transform Puerto Rico from an agricultural to an industrial economy. Congress periodically threatens to kill the incentives.

Mass emigration to the mainland helps keep Puerto Rico's high unemployment rate down. "Thank God for that," said businessman Teodoro Moscoso. "Otherwise we would have had an explosion."

All the insular areas fall far short of self-sufficiency. A rapidly growing population not only strains the economy but also adds to pollution problems.

The Federated States of Micronesia imports $16 of goods for every $1 it exports. This year, the United States will send it $100 million, providing more than 80 percent of its government revenues.

Palau also receives 80 percent of its revenues from Washington. In the Marshall Islands, 3 of every 4 dollars the island's government spends come from the United States. The local government is the single largest employer in every U.S. protectorate.

Some suspect the United States of deliberately crafting a system of economic vassalage. "I can't fail to think that by design we were made a perpetual dependent of the United States," said Palauan Sen. Minoru Ueki.

The alternative to life with America is not always appealing.

France and Great Britain have been accused of abusing and neglecting their territories in far worse ways than the United States.

When its colonies in the West Indies became too costly, Great Britain "obviously pitched people over the side" to fend for themselves, said Arnold H. Leibowitz, a territorial law expert and author of "Defining Status: A Comprehensive Analysis of United States Territorial Relations."

Angelo Falcon, president of the Institute for Puerto Rican Policy in New York, said: "By U.S. standards, we're poorer than any of the states. But by Latin American and Caribbean standards, Puerto Rico is like a middle-class country—certainly compared to its immediate neighbors of the Dominican Republic and Haiti."

The islands' inclusion in the United States affords them readier access to consumer goods, mainland universities and a number of services not available to others with similar needs.

The U.S. Postal Service handles the mail. On most islands, young people can join the U.S. military. And when hurricanes damage the islands, federal emergency aid helps residents rebuild.

A government loan is financing construction of a new home for John David Roberts Sr., a lab technician on St. Croix in the Virgin Islands. Hurricane Hugo wiped out the house where he lived with his wife and five sons.

"We still have many problems," said Roberts, 40. "But where would we be without the United States?"

Good or bad, the legacy of U.S. rule will probably shape life in the islands for decades to come. In many cases, their political future remains a question mark.

Palau is at a stalemate, unable to ratify a compact of free association that the United States will not renegotiate. The Marianas have made little progress in their bid for more autonomy.

Puerto Rico waits to see whether Congress can agree on a bill to hold a plebiscite on the island's status. Many "independentistas" believe that the Bush administration has preordained statehood for Puerto Rico.

Guam's bid for commonwealth status and enhanced self-rule died this year in Congress. Chamorros, descendants of the original inhabitants, say they will continue to press for self-determination of Guam's political status.

"There's going to be a crisis on Guam," said Peter Rosenblatt, the former territorial ambassador. "I see a potential for violence anywhere people's political passions are aroused, when people feel frustrated and they're not being listened to."

That is exactly what is happening, said Ron Teehan, a Guamanian active in the Chamorro rights movement. "It's like a giant visiting in your home," he said of the United States. "No matter how nice the giant is, he can't help but move around and break something."

"The giant taught us the principles of democracy," Teehan said. "Then one day we went: 'Hey, these principles are pretty good. When do we get to practice them?' "

TRIBUTE TO THIS WOMEN'S CITY CLUB OF NEW YORK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. GREEN of New York. Mr. Speaker, for the past 75 years, the members of the Women's City Club of New York [WCC] have taken an active role in city government. The Women's City Club plans to launch its year-long 75th anniversary celebration with a reception at Hunter College where the club will establish its archives. Also, in commemoration of the anniversary, later this spring, the members of the WCC will be honored at a gala dinner to be held at the United Nations.

Since its inception in 1916 when it consisted of 100 members, the Women's City Club membership has grown to include 800 men and women serving in public office, in social and government agencies and in business. Over the years, some of the club's members have included such notable women as Eleanor Roosevelt, who served as the club's vice president, and former Secretary of Labor Frances Perkins.

Throughout its history, the club has dealt with problems in housing, education and youth, health, labor conditions, transportation, and civil rights. The WCC consistently has recognized the need for current and accurate research material in formulating public policy. For that reason, the club has published at least 90 hard-hitting reports, many of which have influenced the formulation of public policy.

Some of the major achievements of the Women's City Club of New York include: playing an integral role in creating the division of child welfare at the board of education in the 1950's; informing the public of the hazards of drugs and urging better substance abuse education in New York schools in the 1970's, even before the subject was widely discussed; and, more recently, undertaking a major program to assess educational, counseling and outreach programs and services on AIDS. The club is attempting to make the services available to adolescents in high schools as well as community-based organizations in New York City.

It is my hope that the Women's City Club of New York will continue to promote the well-being of the city and its residents. At this time, I should like to thank the members of the club for their efforts and wish them the best of success in future endeavors.

LEGISLATION IS NEEDED TO REFORM THE FEDERAL EMPLOYMENT DISCRIMINATION COMPLAINT—H.R. 1342

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. LANTOS. Mr. Speaker, last week with a number of our distinguished colleagues, I introduced H.R. 1342, a bill to improve Federal employee discrimination complaint procedures. I was joined in introducing this bill by Mr. FRANK of Massachusetts, Mr. MARTINEZ of California, Mr. OWENS of New York, Ms. PELOSI of California, Ms. SCHROEDER of Colorado, and Mr. WEISS of New York.

This bill contains only minor revisions from H.R. 1012, which I introduced in the 101st Congress. Our bill implements recommendations made in the report unanimously adopted by the Committee on Government Operations: "Overhauling the Federal EEO Complaint Processing System: A New Look at a Persistent Problem."

The committee report found that the present system of handling Federal employee complaints of discrimination on the basis of race, sex, religion, or national origin is "an embarrassment to the Federal Government. It is a system that Rube Goldberg would have been proud of. It lacks all appearance of fairness" and "it is unnecessarily complex and inordinately lengthy."

Under the present system of handling discrimination complaints, the Federal agency against which the complaint is made has the responsibility of investigating that complaint and then making a decision about whether the complaint is valid. This means that the agency involved—one of the parties in the dispute—investigates and then judges itself. As our report noted, this is akin to putting the fox in charge of the henhouse.

Our bill will eliminate this built-in conflict of interest caused by agencies investigating themselves and then deciding discrimination charges against themselves. This legislation will transfer the process from the individual Federal agencies to the Equal Employment Opportunity Commission [EEOC], while allowing the employing agencies 45 days of counseling in order to resolve the problem before administrative proceedings begin.

The EEOC is to determine within 90 days whether there is reasonable cause to believe that the charge is true. If so, it will attempt conciliation. If this fails, the complainant may either sue in district court or request adjudication by an administrative law judge [ALJ] of the Commission. The ALJ will hold a hearing with full procedural safeguards under the Administrative Procedures Act. Either the individual or the agency may appeal to the court of appeals for a review of the record. Time limits are established for each stage of the process.

The legislation provides for the issuing of orders, which may include backpay for up to 2 years, attorney's fees and costs with interest, reinstatement or hiring, and other equitable relief. To enforce such an order, the Commission may require that the responsible official not be paid until there is compliance. In case of noncompliance by an agency, the EEOC or the individual may go to district court.

Mr. Speaker, for too many years, employees of the Federal Government have suffered under an employment discrimination complaint processing system in which delay, duplication, and frustration are ubiquitous. I am convinced that this bill represents a careful balancing of the need for a speedier, simpler system for handling discrimination complaints with the need for an equitable system for Federal workers closer to the one in effect for employees in the private sector. In addition it provides an option for administrative processing as an alternative to costlier lawsuits in district courts. I truly believe that it will be a giant step to overcome the frustration and despair voiced by thousands of Federal employees over the years.

I urge my colleagues to join us in supporting this much needed reform of the Federal employee discrimination complaint process.

A TRIBUTE TO MOTHER TERESA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. PORTER. Mr. Speaker, on Tuesday, March 12 my distinguished colleague, Congressman TOM LANTOS of California and I, as cochairmen of the Congressional Human Rights Caucus, will cohost a special event in honor of Mother Teresa and the Missionaries of Charity. I would like to take this opportunity today to pay tribute to her and to this altruistic organization.

Mother Teresa has devoted her life to caring for the forgotten. She sees the poor, the sick, the lonely and the dying of this world as her children, and she attends to each one of them with love and tenderness.

In 1950, this exceptional woman founded a religious order in Calcutta, India, called the Missionaries of Charity. Since its founding, the order has provided food for the hungry, hospitals for the sick, schools and orphanages for needy children and shelters for the dying poor. Mother Teresa has established these similar networks in 30 countries around the world.

In recognition of the extraordinary and fruitful life she has led, Mother Teresa has received innumerable awards and honors: She was given the Pope John XXIII Peace Prize, India's Jawaharlal Nehru Award, and, in 1979, the Nobel Peace Prize.

This week in Tirana, Albania, a country that has long been unyielding in its religious intolerance, Mother Teresa will, at the age of 81, open a chapter of Missionaries of Charities. The significance of this occasion cannot be overstated.

Mother Teresa was born to Albanian parents in what is now Kosovo, Yugoslavia, a region where ethnic Albanians have long been subject to human rights violations by Serbian authorities. it is inspiring that such a compassionate woman could come from this harsh climate.

Mr. Speaker, those who know of this remarkable woman speak of her indomitable spirit and her quiet strength. She represents the potential that lies in the hearts of all men to be kind, caring and loving. It is with a great sense of honor that I rise and pay tribute to her today.

FEED THE CHILDREN HELPS WESTERN PENNSYLVANIA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. MURTHA. Mr. Speaker, on February 25, a remarkable event took place in Johnstown, PA. The three tractor-trailor trucks which had arrived the previous evening were opened, and more than 120,000 pounds of food was distributed to representatives of almost 60 food banks in Somerset, Westmoreland, and Cambria Counties.

The man responsible for this generous gift to the hungry in western Pennsylvania is Larry Jones, founder of the Feed the Children Organization. Feed the Children has been gathering and distributing food to the needy in the United States and throughout the world for over 10 years. Larry Jones has developed a knack for finding excess supplies of food and then taking that food where it is the most needed.

The event which took place in Johnstown was truly outstanding. The food banks in our area have reported that demand for food has gone up 25 to 30 percent over the past year. The 120,000 pounds of food which Larry Jones brought to Johnstown has enabled these food banks to continue their work of helping families who are trying to make ends meet.

My area of western Pennsylvania was extremely fortunate to have Larry Jones and Feed the Children bring those three tractor trailers full of food to our food banks. Too often there is not enough news about people who are helping others. Larry Jones is someone who is doing something right and inspirational, and he deserves a great deal of attention for it. On behalf of the people of area of western Pennsylvania, I would like to thank Larry Jones and Feed the Children for their efforts on behalf of needy families. He is making each day a little brighter for many people all over the world.

IN SUPPORT OF CROATIA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. KOLTER. Mr. Speaker, now that the United States has been successful in liberating occupied Kuwait, our focus must turn to events in Eastern Europe where democracy needs our assistance. The insidious manipulation by the ruling Communists of so-called ethnic rivalries is leading to a crisis situation in Yugoslavia. We must recognize the situation for what it is—the purposeful incitement of ethnic tensions to provide a poorly disguised excuse for the Communist Yugoslav National

Army to then act as a "protector of peace and order."

Last week a city in Croatia, Pacrac, was the scene for such Yugoslav National Army activity. Carl Gustaf Strohm, editor of the Bonn Party paper Die Welt, stated that contrary to the news from Belgrade, there were no deaths in the course of reestablishing order, "Despite this, the Yugoslav Army interfered in order to allegedly calm the situation." Strohm added that "Observers cannot shake the impression that the Army really provoked this situation from the beginning so it could then act as a protector of peace."

Commenting on events in Pakrac, President of Croatia, Dr. Franjo Tudjman said that "Democracy in Croatia has been exposed to various pressures by unitaristic and Bolshevik pressures." President Tudjman stated "Since in today's world, an open battle against a democratically elected government is very unpopular, other manners are being sought. One of the ways is the provoking of interethnic clashes."

Mr. Speaker, it is abhorrent that the Yugoslav National Army along with Communist centrists from the Federal Presidency and Serbia would actively encourage and incite ethnic fears and hostility for their own political purposes. The United States needs to stand firmly against such actions and expose them for what they are.

In the same vein, President Jovic—of the Republic of Serbia—the current President of the rotating Federal Presidency, requested an opinion from the Federal Public Prosecutor, as to the violation of the Yugoslav criminal code by President Tudjman because of President Tudjman's letter to President Bush on January 24, 1991. In his letter President Tudjman asks President Bush for U.S. support for "a special resolution to ensure future stability, respect for internal borders, and cooperation between those nation states."

The Federal Public Prosecutor issued an erroneous opinion that President Tudjman's letter "appealed to a foreign power to resolve the Yugoslav crisis thereby putting Yugoslavia in a subordinate position." The Federal Public Prosecutor concluded that this was a treasonable offense under the Yugoslav criminal code.

Mr. Speaker, seeking a peaceful resolution and support from the United States for a peaceful resolution is in accordance with normal international relations. To think that Mr. Tudjman is potentially subjected to treason charges for communication to the President of the United States should alarm us. The United States should voice its opposition to these continuous activities against the democratic Government of Croatia.

Democracy must be supported. The Croatian democratic Government deserves whatever moral, financial, and political support we can offer.

OUTSTANDING STUDENT ATHLETES IN THE SACRAMENTO VALLEY AREA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to 16 high school and 3 college members of the Sacramento community upon their acceptance as this year's "National Football Foundation Sacramento Valley Chapter's Scholar Athletes of the Year." These outstanding individuals deserve to be recognized for their dedication to the pursuit of excellence not only in their sport but also in their academic undertakings.

Tonight's ceremony is to recognize the achievements of a very elite group of outstanding student athletes in the Sacramento Valley area. The three college students: Pat Aragon, University of the Pacific; Alex Gash, University of California, Davis; Randy Risley, California State University, Sacramento, along with the 16 high school students: Joe Aldrich, Del Campo High School; Greg Bass, Jesuit High School; Jason Bennett, Jesuit High School; Tedy Bruschi, Roseville High School; Chad Griffin, Folsom High School; Richard Gauntlett, Bear River High School; Aaron McClellan, Davis High School; Tony Ramirez, Cordova High School; Brad Rhines, Casa Roble High School; Erik Schneider, Rio Americano High School; Derek Schujahn, Encina High School; Miguel Unzueta, Capital Christian High School; Cornel West, Christian Brothers High School; Avelardo Yanez, Roseville High School; Joe Yribarren, St. Mary's High School; and Peter Later, Davis High School are to be congratulated for their outstanding achievements. It is through their commitment and skill, that these individuals have made significant contributions to the entire Sacramento community.

Mr. Speaker, I commend the 1991 scholar-athletes for their many accomplishments. I am sure that my colleagues join me in saluting these invaluable members of the National Football Foundation and Hall of Fame for their expertise and their sportsmanship. It is through their hard work and sacrifice that these young men have met the challenge of excelling in two different environments head on. I extend my best wishes for their continued success in all their future endeavors.

A SPECIAL SALUTE TO THE ELIZA BRYANT CENTER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. STOKES. Mr. Speaker, I am proud to rise today to salute the Eliza Bryant Center. The center which is located in my congressional district, is 95 years old and a landmark in the Cleveland area.

The Eliza Bryant Center is one of the oldest black institutions in the country, and believed to be the first black charitable organization in the Cleveland area. The center was established in 1896 by Eliza Bryant, a free black woman who moved to Cleveland from North Carolina. Bryant believed that "Up North" was the land of opportunity.

Eliza Bryant soon discovered, however, that nursing homes for the elderly in Cleveland did not admit people of color. Bryant's dedication and determination led her to found the Cleveland Home for Aged Colored People. Today the center which is renamed for its founder has become a Medicaid-certified agency with a 39-member board of trustees and staff of more than 100.

As in the past, the Eliza Bryant Center's foremost goal is to provide a better quality of life for elderly residents of the inner-city. The center boasts a successful day care program which includes field trips, arts and crafts, and midday meals provided by the Stouffer Food Corp. Residents also receive physical and occupational therapy, exercise classes, and music and dance therapy workshops. In the future, the program will also include a wellness clinic. The Eliza Bryant Center also offers a convenient transportation program which carries clients to appointments in the Hough and Glenville areas.

Mr. Speaker, the Eliza Bryant Center benefits from the efforts of three key auxiliaries within the organization. These auxiliaries direct the day-to-day operations of the center, sponsor fundraising activities, and provide a one-on-one personal care and support system for center residents.

I have enjoyed a close affiliation and working relationship with the Eliza Bryant Center over the years. I was proud to participate in the 1984 groundbreaking ceremonies for the center's current home, an impressive 100-bed facility on Wade Park Avenue. The executive director, Harvey Shankman, and his staff ensure that the needs of the elderly are met and the highest quality of care given.

Mr. Speaker, I take pride in saluting the Eliza Bryant Center. I hope that my colleagues will join me in this tribute to a great institution which continues to make a difference in the lives of many.

A TRIBUTE TO STAFF SGT. RONALD MILTON RANDAZZO

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, we have all heard of the heroic deeds of our Armed Forces in the Persian Gulf. During the last 7 months, the men and women in uniform were called on to perform herculean tasks, moving tons of equipment half way around the world, and wage a difficult war against a tenacious and dug-in enemy. This is the big picture that the world saw.

But, to succeed at this great mission it took the individual effort of many servicemen and women—some of who gave the last full measure of devotion for their Nation. One such man was a constituent of mine, a resident of Glen Burnie, MD, S. Sgt. Ronald Milton Randazzo. Ron Rondazzo wanted to spend his life fighting for the protection of others. After he finished his tour in the military, he hoped to return to school, study law enforcement, and eventually join the Federal Bureau of Investigation.

In a lot of ways, he was like many Americans. He liked to camp, hunt, and fish in the woods of Maryland. He aspired to greater things, to serve his Nation, and to simpler things, to raise a family. A family member said of him, "Ron loved to live, he loved his family, and he loved fighting for the American flag and freedom."

S. Sgt. Ron Randazzo, an infantryman with the 5th Regiment of the 1st Cavalry Division, lost his life during a reconnaissance patrol along the Saudi-Kuwait border on February 20, 1991. While we cannot erase the loss of his family and, indeed, our community feels about this tragedy, we know that Ron died for a cause that was just, right, and in the truest sense of the American tradition. We fought this war to protect certain values in this world—that aggression of this kind must not be tolerated by free nations. Ron Randazzo believed in those values and believed in America. He died in defense of those values and to preserve the rule of law in the world.

I ask this House to join me in saluting Ronald Milton Randazzo and extend to his family and friends our condolences. This Nation is grateful for his sacrifice and will never forget the price he paid to protect freedom.

THE CALIFORNIA DROUGHT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. MILLER of California. Mr. Speaker, my State is in the fifth year of critically serious drought. Congress can't make rain, but we certainly can and should take some steps toward reform that might help us avoid repeating this potential catastrophe in the future.

The New York Times of February 27, 1991, carried two articles that discussed different aspects of California's water problems, and water history. Both are excellent, and I commend them to my colleagues.

The first, "Greening California," by Peter Passell, notes with accuracy that California's water system looks as if it "might have been invented by a Soviet bureaucraft on an LSD trip." Beyond that, he notes that Gov. Pete Wilson's drought action plan may hold some potential for real water reform in California.

The second, "California's Liquid Deficit," by Sandra Postel, explains how antiquated Federal laws and policies actually encourage California farmers to waste water rather than conserve it.

Both are must reading.

[From the New York Times, Feb. 27, 1991]

GREENING CALIFORNIA

(By Peter Passell)

Gov. Pete Wilson's first priority in California's water crisis is to keep the troops marching to the same drummer: "North and South, coast and valley, urban and rural, we are in this together, and we are going to have to pull together to overcome this drought."

But Thomas Graff, a lawyer for the Environmental Defense Fund, thinks Mr. Wilson has more in mind than collective sacrifice. A little-noticed part of the Governor's drought action plan, he points out, contains the seeds of a broad reform of the water allocation system—one that would make it possible for California's thirsty cities to meet their long-term needs without ruining the state's water-dependent farmers. The idea is to create a market for water, encouraging farmers to profit by selling it to non-agricultural customers who value it more.

California's water system might have been invented by a Soviet bureaucrat on an LSD trip. Water is gathered by a multibillion-dollar network of dams, then transported hundreds of miles by aqueduct to the state's arid central valleys and the great desert cities beyond. While this infrastructure was built with state and Federal money, the benefits are by tradition (and, hazily, by law) reserved for the private interests who lobbied for its construction.

Water consumers pay, at most, the historic cost of a system largely completed in the days when $1 an hour was a living wage. And in some cases they pay far less: Farmers receiving water from the Central Valley Project are charged only enough to amortize construction costs over 50 years, at zero percent interest. These lucky folks pay about one-third of a cent for a thousand gallons, roughly one-fiftieth the cost of water from new sources.

It should hardly be surprising, then, that much of California's water is used to irrigate rice and cotton—what The Economist magazine calls "monsoon crops." And much of the rest is used to raise fodder for cows, whose tireless production of milk and cheese is an economic embarrassment to Washington and a political headache for the dairy lobby. The alfalfa crop alone consumes more water than the cities of Los Angeles and San Francisco combined.

Nor should it be surprising that the battles over California water have been fought on the ground of fairness: Why, after all, should farmers in the Imperial Valley be able to flood their fields at the touch of a button when homeowners in Riverside must think twice before flushing the toilet?

No reason at all, perhaps. While the farm lobbies have managed to hang on to their rights, the growing urban interests arrayed against them will eventually prevail. But to many water analysts, the fight over equity misses the point.

The current system is so wasted, Mr. Graff argues, that the gains from switching to an efficient market-based mechanism for allocating water would more than offset the costs of bribing farmers to cooperate. Mr. Graff wants to reaffirm the farmers' legal rights to government water, but encourage them to sell the rights for the highest prices the market would bear.

That is where Governor Wilson's plan fits in. He is creating a "water bank" that would buy water this year from rice farmers, then store it in the state's underused reservoirs or sell it to other, needier users. The most likely beneficiaries: orchard owners, who could lose a 20-year investment in a single parched growing season.

But once the bank is a going concern, Mr. Graff believes that it could also serve as a broker for the water needed to keep urban lawns green and pools filled. And with brokered water available at rates below the cost of new dams and aqueducts, the long-term threat to the state's already stressed environment would be reduced.

The water bank proposal, Mr. Graff concedes, is a crude first step toward a competitive market for water in which prices would equate value and cost. Governor Wilson has yet to explain how the state, as the single buyer, will set the price it pays. Ominously, he has directed the Water Resources Department to "monitor prices and report any signs of price-gouging."

Equally troubling, argues Mr. Graff, the state has yet to address the reality that urban water buyers are large public utilities, whose charges to their customers reflect the average cost of the water they buy rather than the much higher cost of tapping new sources. Thus the Metropolitan Water District, which serves millions of Southern California residents, might be expected to outbid even almond growers, whose trees could die this summer for lack of irrigation.

But most economists agree that any step toward matching willing sellers with buyers is a step in the right direction. At the very least, the water bank implicitly acknowledges that bad markets are better than no markets at all.

[From the New York Times, Feb. 27, 1991]

CALIFORNIA'S LIQUID DEFICIT

(By Sandra Postel)

WASHINGTON.—Mother Nature has dealt California a horrible drought. But the unhappy economic and environmental effects—from reduced crops to destroyed fish populations—are largely of human origin. The state not only failed to adapt to its desert climate; it thought it could conquer it.

It is tempting to blame the California good life of swimming pools and lush lawns for its troubles. But as the drought has made well known, the real culprit is agriculture. Farming accounts for 83 percent of total state water use. Irrigation of just two crops, alfalfa and cotton, takes as much water as is annually provided to all 30 million Californians.

But because of antiquated policies and laws, farmers find it cheaper to waste water than conserve it. The Federal Bureau of Reclamation, whose early mission was to provide family farmers with inexpensive resources as inducements to settle the West, supplies water at highly subsidized rates to some of the wealthiest farms in the country. American taxpayers foot most of the bill.

How can this crazy system be fixed, without destroying California's economy? Selling water in more open markets and pricing it closer to its real value would free vast quantities for cities and allow the restoration of rivers, streams and wetlands. Motivated to conserve, perhaps even to switch from monsoon crops like rice to less water-intensive ones, farmers could generate an enormous new supply of water at far less cost economically and environmentally than building more dams. Curbing agricultural demand by only 10 percent would double the amount now delivered for indoor residential use.

As things stand, Central Valley farmers benefiting from a huge Federal project have repaid only 5 percent of its $931 million cost. Most of them pay incredibly low prices for water, 10 to 20 times less than cities. This encourages misuse: Much water seeps through unlined canals, runs off fields and evaporates.

When given incentives, however, farmers will change their ways. Irrigators in northwest Texas, for example, faced with rising water costs and shrinking supplies, have cut their use by 25 to 40 percent in the last decade.

Steering California toward water thrift requires two reforms. First, Congress needs to make the Bureau of Reclamation phase out irrigation subsidies. The opportunity is at hand: Hundreds of long-term water contracts come up for renewal in the next 15 years. Prices need to be raised closer to water's true cost, perhaps over five years to avoid sudden disruptions. Once farmers know that prices will soar in the next contracts, the Government can induce them to renegotiate sooner by offering to help pay for conservation investments undertaken immediately.

Second is the need to make it easier for farmers to sell or lease some of their supplies. Critics of this approach might argue that it's unfair because it allows wealthy farmers to earn big money from a taxpayer-subsidized resource. But this could be corrected and the system would at least give the seller a strong reason to conserve, since cities are willing to pay hefty prices for water. While the Government and many Western states, including California, have endorsed water trades in principle, various obstacles remain.

In a landmark water-trade agreement, the Metropolitan Water District of Southern California, water wholesaler for about half the state's residents, has agreed to finance the lining of canals and other conservation projects in an irrigation district in the Imperial Valley, near the Mexican border. In exchange, the water district will get the water saved. The traded supplies will be enough to meet the needs of 800,000 Californians, yet no cropland is being taken out of production.

This win-win agreement might be replicated many times if officials encouraged water transfers. To prevent farmers from reaping the full profit for Government-provided water, part of the proceeds could go for fish and wildlife restoration to start undoing the damage caused by years of mismanagement. Senator Bill Bradley, chairman of the Senate Water and Power subcommittee, has submitted a bill that would establish provisions for transfers from California's largest Federal water project.

Cheap water isn't beneficial if there's none to be had. Scarce supplies are already forcing severe cutbacks in deliveries to farmers. The drought makes plain that it is now in everyone's interest, farmers included, to inject a strong dose of market reality into California's lifeline.

A TRIBUTE TO NELLIE P. LEWIS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 1991

Mr. CLAY. Mr. Speaker, I would like to insert for the RECORD, an article paying tribute to a longtime St. Louis political and civil rights activist that appeared in the February 12, 1991, edition of the St. Louis Whirl Examiner.

SHE DID IT HER WAY—NELLIE P. LEWIS, 1895-1991

There was no sunset for my mother who found peace in Christ at 12:45 p.m. on Tuesday, February 6, 1991.

Her journey through life started on November 4, 1895 in Clarksville, Tennessee. Her father, Willie Gray Parks was a coal miner. Her mother, Mary Elizabeth Wilcox was a school teacher. Six children were born to this union.

Her maternal grandfather was a Colonel in the Confederate Army.

Mother always did it her way. At six years of age she saw no reason to walk on the colored side of the street because it was unpaved and as she recalled "the school was on the white side of the street." Grandma Parks told Grandpa Parks, "We've got to leave this town because Nellie is going to get lynched before she learns to do her multiplication tables." He sought work further north and the family settled in Hartford, Kentucky. Several years later they went to Louisville, Kentucky where Grandma Parks felt the schools for Colorado were better. Thus she graduated in 1914 from Central High School.

In 1915 she traveled to Tuskegee Institute where she sat in on classes taught by George Washington Carver and Booker T. Washington. Dr. Washington was in a scandal because he had divorced his wife and was about to be remarried. Divorce then was a "no no."

In 1917 she graduated from Louisville City College and her sheepskin diploma reads "Nellie Gray Parks is certified to teach Colorado children in Colorado schools, in Louisville, Kentucky."

Her brief teaching career ended in 1918 when she married my father, James Foster Lewis. Married women could not teach school then.

Daddy was the equivalent of a C.P.A. (Certified Public Accountant) and from 1917 to 1937 was the only Negro employed in the City of Columbia, Ohio, City Hall.

Mother's restless nature wasn't compatible with her peer group's agendas of playing bridge and going to tea parties. Instead she threw herself into the Suffragette Movement, marching and singing their way to voting rights for women.

Then she joined the Housewives League. Their goals included the integration of employment in Kroger Stores that operated in the Negro Community. After two weeks of picketing the store receipts dropped from $4,000 a week to $2,000. We asked wealthy white women who were chauffeured to the store "Just for today please don't shop." At the end of the month the management agreed to employ Negroes and the picketing stopped.

In the mid-thirties her energies turned to the Y.W.C.A. for Colorado girls. She and the late Cora Jordan White led the fight to integrate the Y.W.C.A. I recall my father coming home and in one of the rare arguments they ever had was when he said "Nellie, if you don't stop this project, I might very well lose my job at City Hall." My dad loved steak, chicken and porkchops, but the next day, he was served white bean soup on the exquisite Limoge China and a freshly starched ironed linen tablecloth. "I hate bean soup, why are you serving this"; her reply, "To economize. If we're going to be poor and you're going to lose your job because I'm fighting for justice, we might as well get use to eating like poor folks eat." Daddy's stomach couldn't stand the alternative and needless to say, she returned to the struggle and his reward was freshly baked rolls and pound cake with his pork chops.

During my childhood, Negroes couldn't rent downtown hotel rooms so we frequently kept guests who were speakers at Second Baptist Church. (We lived next door.)

One real famous guest was James Weldon Johnson author of the lyrics of "Lift Every Voice And Sing". In her memories is a program from 1932 that reads, "Mrs. James Foster Lewis" Mistress of Ceremonies presents James Weldon Johnson, poet.

My father's job at City Hall depended upon his getting out the vote in our neighborhood. My mother convinced her neighbors to vote so he could keep his job. Ohio's Governor John Bricker was one of the mourners at his funeral in 1942. At 47 she was an unemployed widow who had been out of the employment arena for over 25 years. She worked as a night custodian in a private medical building until she got a political job with the State. That job ended abruptly when she refused to contribute to a "flower fund."

Mother soon found a challenge in writing insurance for the Atlanta Life Insurance Co. "I got tired of working for white people." she said.

In 1959 she moved to St. Louis to join her daughters and her only grandchild, Walter Lewis Hamilton. The streets of St. Louis were too dangerous to continue with the Atlanta Life Insurance Co. here.

In 1960 she was given a 20th Ward patronage job after successfully managing Leroy Tyus' campaign for Democratic committeeman. "I went back to door knocking and convinced my neighbors that my job depended upon getting out the vote. In 1963 she was among the marchers who protested outside Mayor Raymond Tucker's office because of the incarceration of civil right activists who only wanted equal employments at the banks where the city deposited their tax collections. Mother was out on the picket lines with Bill Bailey, Bill Clay and others. She had more energy at 68 than some of the under 35 crowd.

In 1968 Mom Lewis as she was so fondly named by the late Hugh White, joined again in the demanding, exciting campaign to elect the first Black Congressman from Missouri. "This was just about the greatest thrill a 73-year-old lady could have."

In 1969 she joined the staff at the Human Development Corporation. I hired her and resigned after being charged with nepotism. She worked there until she retired at the age of 84. Harold Antoine, HDC general manager, said at her retirement party, "Mom Lewis has fought in her lifetime for equal voting rights for women; shown great courage in her fight against cancer, been a role model and an inspiration to this staff."

She encouraged the late Dr. Otis Bolden to go back to get his doctorate; she covered for Henry Thomas while he attended day classes, working for his law degree.

One of her research projects was voter registration versus actual turnout (on the northside) was withdrawn from circulation because it pointed out the fact that the Black northside leadership only got out the vote when they were paid by whites to do so. She criticized and publicized those political leaders whom she felt were selling her people out.

When Paula Cater ran for the State Legislature in 1986, Mother and Mr. Otis Bolden were probably the oldest campaigners in the group.

Mother's interest in politics was only surpassed by her love for her church. She never gave up on being a Christian. "I don't approve of certain lifestyles, but if I believe that Jesus died for all of mankind's sins then I can only encourage them to find Christ.

Mother's interests intensified with the reading she did on the disease of AIDS. Arthritis crippled her but, "My mind isn't crippled," she'd say. She read daily.

Seeing her peers in nursing homes, starving for attention and love made her determined to keep moving. She fought the idea of being in a wheelchair, which she discarded for a walker.

Her loss of hearing didn't diminish her love for watching John Thompson's Georgetown basketball team on T.V. "My grandson depends upon me to tell him how the team performs, especially when the games are televised during his work hours." Walter could have been jealous of Thompson because sometimes Mother was convinced that John Thompson was the greatest African-American ever born. She truly resented phone calls or visits while she was watching the NBA playoffs. She consented to riding in a wheelchair when Walter took her to a Georgetown game and she actually saw John Thompson and (Patrick) Ewing play.

That venture excited her more than going to a staff Christmas party at the White House where her grandson worked. She quipped, "Reagan works in the White House with my grandson."

My sister Piercy Flodelle Mandeville probably saw still another side of our mother. My son Walter, her only grandchild could write a book on their escapades, adventures and travels during his childhood.

We often disagreed but we were of one accord when she made us vow never to put her on life support systems. "I want the dignity and the quality of life, not quantity. At 95 I can truly say, "It's not any fun being old." Mother's youngest friends of all races, creeds and colors lingered on every word; fought for her attention, pampered her, indulged her, lavished gifts—she rarely went a month without fresh cut flowers or a blooming plant. This caused her to encourage "No flowers when I die, I've had my share when I could see them. There is nothing more wasteful than mounds of flowers thrown over a gravesite. Instead, give to two of my very favorite charities. The William L. Clay Scholarship and Research Fund and the African American Aids Trust Fund."

She actually turned down her hearing aid when she heard critics of Bill Clay. "How dare they criticize him; he's actually got 29 of our children in college."

She listened to me talk about the disease of AIDS among her church family. She was devastated to find P.L.A.'s (patients living with AIDS).

She listened to her friend Mayor Lottie Williams of Velda Village, talk about AIDS on the radio. She was a strong supporter of Merdean Fielding and Bill Harrison each year that they presented the salute to Dr. Martin Luther King Jr. at the church she loved so dearly, Christ Church Cathedral. Her greatest frustration was ". . . while parishioners don't support Dean Michael Allen's program held annually on Dr. King's birthday at the Cathedral. Mother's private section on the southside front of the Cathedral became known as "Nellie's Corner."

Maybe next month, after the primary I can kneel in the little chapel at Christ Church Cathedral where her ashes are interred and tell her that Paula Cater won the seat as President of the Board of Aldermen; maybe just maybe I can kneel in 1992 and tell her St. Louis has a Black mayor; maybe I can tell her that but more than likely I'll just tell her "Mom, we're still struggling."

When Mother was having lunch with my sister, Piercy, she pushed away her tray and said, "I'm tired." When I saw her several moments later I knew she had found peace. There were no more I.V.'s dangling overhead dripping morphine to ease the pain in her heart; no more oxygen to relieve her labored breathing, no more suffering in her earthly body. She was tired and she had found peace with God.

We, my sister, my son and I; you, her friends are truly blessed to have had her for almost a century.

My Mom was really a legend. Perhaps in writing about her life some will find there is a lesson. She lived with dignity; she died with dignity. She was some lady!

Lovingly submitted.

BLANCHE E. HAMILTON.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 12, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 13

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of the Interior, focusing on the Bureau of Indian Affairs, the Office of Construction Management, and the Indian Gaming Commission.
SD–116

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on municipal finance.
SD–538

Governmental Affairs
To hold hearings to review the National Association of Attorney's General heating fuels report.
SD–342

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Rules and Administration
To resume hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.
SR–301

Select on Indian Affairs
To hold an organizational meeting to consider committee's rules of procedure.
SR–485

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Transportation.
SD–138

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings to examine and evaluate global warming and other environmental consequences of energy strategies.
SD–406

Foreign Relations
To hold hearings to examine post-war issues in the Middle East.
SD–419

Judiciary
To hold hearings to examine violence against women, focusing on hate crimes.
SD–226

Joint Economic
To hold hearings on the economic outlook for 1991.
SH–216

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Environmental Protection Agency.
SD–138

2:00 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992–1997 future year defense plan.
SR–222

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Motor Carrier Safety Assistance Program.
SR–253

2:30 p.m.
Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on overview of U.S. foreign assistance.
SD–419

Judiciary
To hold hearings on the nominations of Richard W. Goldberg, of North Dakota, to be a Judge of the United States Court of International Trade, Oliver W. Wanger, to be a United States District Judge for the Eastern District of California, and Robin J. Cauthron, to be a United States District Judge for the Western District of Oklahoma.
SD–226

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MARCH 14

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Defense, focusing on manpower, personnel, and health.
SD–138

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Antitrust, Monopolies and Business Rights on the marketing of infant formula, focusing on pricing and advertising.
SD–226

Environment and Public Works
To hold hearings on the nomination of William H. Kennoy, of Kentucky, to be

a Member of the Board of Directors, Tennessee Valley Authority.
SD-406

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold joint hearings with the Committee on Agriculture, Nutrition, and Forestry on the marketing of infant formula, focusing on pricing and advertising.
SD-226

Rules and Administration
To continue hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.
SR-301

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, Heart, Lung and Blood Institute, the National Dental Institute, Allergy and Infectious Diseases, Diabetes, Digestive, and Kidney, Child Health and Human Development, Environmental Health, and the Fogarty International Center.
SD-192

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Justice.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of the Treasury.
SD-116

Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).
SH-216

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold oversight hearings on public building service and to examine how to provide excellence in public building design.
SD-406

Finance
To hold hearings on the extension of fast tracks on trade agreements.
SD-215

Labor and Human Resources
To hold hearings on the nomination of Bernadine P. Healy, of Ohio, to be Director of the National Institutes of Health, Department of Health and Human Services.
SD-430

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis Musculoskeletal and Skin, Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.
SD-192

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 12, to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

Energy and Natural Resources
To continue hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).
SH-216

Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on issues relating to a bilateral free trade agreement with Mexico.
SD-419

MARCH 15

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for mass transit.
SD-538

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

Labor and Human Resources
Disability Policy Subcommittee
To hold hearings on proposed legislation authorizing funds for the Individuals with Disabilities Education Act, focusing on part H, relating to early intervention services for infants and toddlers.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for the Older Americans Act, focusing on services to low-income minority elders.
SD-192

MARCH 18

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for military construction programs, focusing on guard reserves and military services.
SD-138

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on section 5101 relating to the applicability of new source review to existing steam electric generating units-WEPCo.
SD-366

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.
SD-192

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on the financial and programmatic management of the Nuclear Regulatory Commission.
SD-406

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Small Business Administration, and the Economic Development Administration and the Minority Business Development Agency of the Department of Commerce.
S-146, Capitol

Judiciary
To hold hearings on the nomination of Kenneth L. Ryskamp, of Florida, to be United States Circuit Judge for the Eleventh Circuit.
SD-226

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration, and the United States Postal Service.
SD-116

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992-1997 future year defense plan.
SR-222

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on subtitle A of Title V relating to coal and coal research.
SD-366

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title III provisions relating to building energy efficiency standards and ratings.
SD-430

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Africa.
SD-138

MARCH 20

9:00 a.m.

Armed Services

To continue hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992–1997 future year defense plan.

SR–222

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspector General, and the National Credit Union Administration.

SD–116

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XI relating to Corporate Average Fuel Economy (CAFE).

SD–366

Rules and Administration

Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.

SR–301

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.

SD–138

2:00 p.m.

Energy and Natural Resources

To resume hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XI provisions relating to transportation issues, and on the Administration's proposal contained in the National Energy Strategy relating to alternative-fuel fleets.

SD–366

MARCH 21

9:30 a.m.

Energy and Natural Resources

To hold hearings to review the status of implementation of the Department of Energy's civilian nuclear waste program mandated by the Nuclear Waste Policy Act of 1982 and its 1987 revisions.

SD–366

Rules and Administration

To hold hearings on S. 250, to establish national voter registration procedures for Federal elections.

SR–301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the proposed Soldiers' and Sailors Civil Relief Act.

334 Cannon Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for ACTION, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD–192

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Internal Revenue Service, and Financial Crimes Enforcement Network, Department of the Treasury.

SD–116

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 591, to increase automobile safety by requiring airbags for certain newly manufactured vehicles.

SR–253

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home.

SD–192

Energy and Natural Resources

Energy Regulation and Conservation Subcommittee

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on subtitle A of Title IV relating to the export of renewable energy and energy efficiency technology.

SD–430

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 292, to expand the boundaries of the Saguaro National Monument, Arizona, S. 363, to authorize the addition of 15 acres to Morristown National Historical Park, New Jersey, S. 545, to authorize the additional use of land in Merced County, California, and S. 549, to designate the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

SD–366

MARCH 22

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD–138

Finance

International Trade Subcommittee

To hold hearings on the renewal of the U.S.-Japan Semiconductor Trade Agreement.

SD–215

APRIL 9

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology of the Department of Commerce.

S–146, Capitol

1:00 p.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.

SD–138

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Latin America.

SD–192

APRIL 10

9:30 a.m.

Environment and Public Works

Superfund, Ocean and Water Protection Subcommittee

To hold hearings to examine lender liability as related to Superfund.

SD–406

Rules and Administration

To resume hearings on S. 250, to establish national voter registration procedures for Federal elections.

SR–301

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Farmers Home Administration, the Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD–138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the White House residence, and the Office of Personnel Management.

SD–116

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.

SD–124

APRIL 11

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Highway Traffic Safety Administration.

SR–253

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Research and Special Programs Administration of the Department of Transportation, and the National Transportation Safety Board.
SD-138

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 343, to provide for continued United States leadership in high performance computing.
SD-366

APRIL 16

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's superconducting super collider program.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of the U.S. Trade Representative, and the International Trade Administration of the Department of Commerce.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on aid to Eastern Europe.
SD-138

APRIL 17

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.
345 Cannon Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Affairs, and the Department of Veterans Affairs.
SD-138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Information Agency and the Board for International Broadcasting.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Highway Administration, Department of Transportation.
SD-138

APRIL 19

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.
SD-138

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine the science education programs of various Federal agencies.
SD-138

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security in the post-cold war era.
SD-138

APRIL 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.
SD-124

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of National Drug Control Policy.
SD-116

APRIL 26

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.
SD-138

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign

assistance, focusing on AIDS management issues and reform efforts.
SD-192

MAY 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.
SD-138

MAY 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD-138

MAY 14

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

MAY 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
SD-138

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 21

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
SD-138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
SD-138

MAY 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.
SD-138

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

CANCELLATIONS

MARCH 13

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the Department of Veterans Affairs and Department of Defense emergency preparedness plan.
334 Cannon Building

MARCH 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education, and the Office of Inspector General.
SD-192

POSTPONEMENTS

MARCH 12

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of State.
S-146, Capitol

SENATE—*Tuesday, March 12, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. KERREY].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Let us come before his presence with thanksgiving, and make a joyful noise unto him with psalms. For the Lord is a great God, and a great King above all gods.—Psalm 95:2,3.

Almighty God, we have much for which to be thankful. As men and women return from the Persian Gulf and are welcomed by their loved ones and all Americans, we rejoice afresh in the brevity of the war and the minimum of casualties. But even as we rejoice at the homecomings we remember those who are brought home in caskets and greeted with deep sorrow by their loved ones, a sorrow that seems almost compounded by the joy of those returning home safely.

Gracious Father, we commend to Your love and comfort and care those who sorrow. We pray for any prisoner of war who has not been returned, for those who are missing in action and for their loved ones. And we pray that, as rapidly as possible, peace and order may be restored.

Midst our thanksgiving, loving Lord, we remember those who have been held hostage for so long: Terry Anderson, Thomas Sutherland, Jesse Turner, Joseph James Cicippio, Edward Austin Tracy, and Alann Steen. Grant that their freedom may soon come to pass.

In the name of the Prince of Peace we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that today, following the time reserved for the two leaders, there be a period for morning business not to extend beyond 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of Senators, under a previous unanimous-consent agreement, I have the authority, following consultation with the Republican leader, to proceed to S. 578, a bill to authorize supplemental appropriations for the Department of Defense for Operation Desert Storm and for other purposes.

The distinguished Republican leader and I met earlier today. We intend to meet again shortly, and it is my hope that we can work out an arrangement whereby we will be able to proceed later today, at 4, if possible, if not, as soon thereafter as possible, to consider this legislation, I hope in a manner that will permit its prompt enactment.

This legislation includes the benefits for the men and women who served in the Desert Storm operation and, of equal importance to them and to all of us, their families. So I hope that we can proceed with that later today. We will be consulting further, and I hope to have an announcement on that shortly.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 611 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for morning business until 4 o'clock. Senators are permitted to speak therein for not to exceed 10 minutes each.

The Senator from Texas.

Mr. BENTSEN. I thank the Chair.

(The remarks of Mr. BENTSEN, Mr. ROTH, and Mr. SEYMOUR pertaining to the introduction of S. 612 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

INTERNATIONAL CRIMINAL COURT TO TRY WAR CRIMES

Mr. SPECTER. Mr. President, I seek recognition to amplify evidence in support of a pending sense-of-the-Senate resolution to establish an international criminal court to try war crimes.

This issue was presented on the floor of the Senate last week, and a vote was deferred on Thursday afternoon because of scheduling difficulties with some Senators who would be necessarily absent; and the schedule was established where the vote would occur this week after another scheduled vote, to make sure that as many Senators were present as were possible. But there have been some intervening events since last week which are worth placing on the RECORD, Mr. President.

A report by the Philadelphia Inquirer specifies:

> The eight U.S. Air Force pilots released last week by the Iraqis were "treated in a very severe fashion, and were physically injured," a ranking Air Force doctor reported yesterday. An initial examination of the airmen at Andrews Air Force Base showed that some had lost as much as 30 pounds during their confinement because of a daily diet of a few slices of pita bread and broth. Brigadier General Robert Pol told the news conference that several had contracted intestinal parasites.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

A report by the Washington Post today specifies Iraqi treatment of pilots as "severe." U.S. officials cite malnutrition, duress, and delayed medical care.

Over the weekend, the New York Times, on Sunday, reported a United States plan to bomb Iraq if poison chemical gas was administered to the internal population of Iraq. One such report, although not cited in this New York Times article, specified that a chemical weapon had been used against the dissidents within Iraq, but that the shell was so old and antiquated that it malfunctioned.

Mr. President, the additional evidence which is coming to light, and increasing acts of barbarousness on the part of Iraq, I submit, underscores the necessity for Iraqi officials, from President Saddam Hussein on down, to be on notice that they will be held responsible for war crimes.

Last week considerable detail was specified about the atrocities against Kuwait, which would warrant war crimes trials in an international court, under an analogy to Nuremberg after World War II. Similarly, there were atrocities against prisoners of war and atrocities against other civilians, and the firing of some 39 Scud missiles into civilian populations in Israel, without any conceivable military objective.

Mr. President, this additional information, I think, underscores the necessity for a very strong vote by the sense of the Senate on our determination to establish an international criminal court to try war crimes. This would be a followup to previous acts by this body. In 1986 a resolution was adopted, on the initiation of this Senator, for an international court to try terrorists; in 1988 a resolution was initiated by this Senator on an international court to try drug dealers; and, last year, there was a provision in the foreign aid bill which calls for a report from the President by October 1, 1991, and a report from the U.S. Judicial Congress.

But the evidence is mounting that the international criminal court to try war crimes is very much needed, and this additional information, I think, will lend an additional evidentiary base.

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

THE NORTH AMERICAN FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, last week the administration requested authority to negotiate a free trade agreement with Mexico and Canada. This agreement builds upon the recently concluded FTA with Canada. The negotiations have been dubbed the North American Free Trade Agreement or NAFTA negotiations.

I feel considerable pride of authorship in the concept of a NAFTA. One of my first major projects when I came to the Senate in 1979 was to include an amendment in the 1979 Trade Act to require the administration to study the NAFTA concept. At the time, the idea was received with great skepticism, but it has slowly gained acceptance over the last 12 years. I ask unanimous consent that the text of the provision in the 1979 Trade Act and a statement I made at the time appear in the RECORD directly following my remarks.

BENEFITS OF A NAFTA

Why attempt to negotiate an FTA with a developing country, like Mexico?

The International Trade Commission attempted to answer that question in their recent study:

> * * * an FTA with Mexico will benefit the U.S. economy overall by expanding trade opportunities, lowering prices, increasing competition, and improving the ability of U.S. firms to exploit economies of scale.

If the United States, Mexico, and Canada were to eliminate internal trade barriers it would create a single market of 360 million consumers—by far the largest in the world. A secure market of this size would create an enormous competitive advantage for U.S. business vis-s-vis their Asian and European competitors.

Further, opening the Mexican market could have enormous commercial benefits for the United States. Mexico is already the United States' third largest trading partner. The Salinas government has undertaken a significant trade liberalization over the past 4 years. Tariffs are down from as high as 100 percent to an average of just over 10 percent, and a number of trade barriers have been dismantled. This unilateral market opening has expanded United States exports to Mexico from $12.4 to $28.4 billion in 4 short years. During that same period, the annual United States trade deficit with Mexico shrunk from $5.7 billion to $1.8 billion.

But Mexican tariffs are still more than twice as high as United States tariffs and import licenses are still required for many products. Further, Mexico's tariffs are not bound at current levels by international agreement. If the Salinas government were to change policy or be replaced, Mexico's tariffs could be raised as high as 50 percent and other barriers reimposed. A free trade agreement with Mexico could break down remaining trade barriers and prevent old ones from being reerected.

Mexico is also the United States' second largest source of oil imports behind Saudi Arabia. An FTA could help assure a reliable supply of oil from Mexico and help to lessen dependence on the Persian Gulf.

CONCERNS ABOUT MEXICO

However, though the potential benefits of an FTA with Mexico are large so are the risks. Negotiating an FTA with Canada was relatively easy. The United States and Canada are at the same level of development. Both maintain similar labor and environmental standards. And both share a common language.

Unfortunately, none of those things are true with regard to Mexico. Mexico remains a developing country with all the accompanying human rights and environmental problems usually found in developing countries.

To link Mexican economy with the United States economy is to build a bridge that spans 100 years of economic development. Such a negotiation raises particular concerns in three areas.

First the wage rate differential between the United States and Mexico is large. Wages in Mexico are only one-quarter to one-fifteenth of United States wages. Under an FTA this would seem to create a tremendous incentive for labor intensive industries in the United States to move to Mexico—causing massive job losses in the United States.

Various economic analysis suggest that this problem may be overstated. Most suggest net gains in U.S. employment. Nonetheless, in a number of U.S. sectors large job losses are likely.

In order to win approval of a United States-Mexican FTA, the administration must develop a comprehensive plan to address these job losses. In some sectors, that will mean tariff snapbacks and special safeguard measures to address import surges. In others, it could mean long transition periods.

The United States Government must also take a hard look at revamping worker adjustment assistance programs to deal with displacements that may result from free trade with Mexico. This administration has been openly hostile to trade adjustment assistance and this year proposed repealing the program. If we are going to sacrifice some low wage jobs in order to create new higher wage jobs, we must create a training ladder to help the displaced workers fill the new jobs. We must work to see to it that those who lose jobs because of an FTA with Mexico, are able to share the benefits of free trade.

Second, Mexico has not vigorously enforced its environmental laws. Most experts concede that Mexico has a fairly sound set of environmental laws on the books, but it doesn't devote sufficient resources to enforcing those laws. If an FTA were concluded under current circumstances, an incentive could be created for United States business to move to Mexico to avoid United States environmental regulations. This could create job losses in the United States and spawn new pollution.

Environmental issues do not fit well into a trade negotiation. But before a trade agreement is approved by the Congress, the United States must ensure that adequate environmental regulations are on the books and enforced in Mexico.

Finally, Mexico does not impose adequate worker's rights standards. As is the case with environmental regulations, an FTA could create an incentive for United States businesses to move to Mexico to exploit the workforce. Clearly, this is intolerable. We cannot allow free trade if it means more child labor and more workers working under unsafe conditions. As is the case with the environment, these issues should be addressed before a trade agreement is approved by Congress.

I have already announced that I intend to support an extension of the administration's fast track negotiating authority. This will allow the administration to begin negotiations with Mexico and Canada aimed at producing a NAFTA.

However, I do have serious concerns about negotiating an FTA that involves Mexico. In the end, I will be taking a hard look at any agreement produced by those negotiations. Such an agreement must be in the United States commercial and economic interest, it cannot simply be disguised foreign aid for Mexico.

Further, before the negotiations begin, Mexico must live up to all the commitments it has made to the United States in previous trade negotiations involving intellectual property protection.

Finally, the concerns that I have just laid out on wage rates, environmental standards, and worker's rights must be addressed either in or concurrently with the FTA negotiations.

Those are high standards. But if the Administration negotiates with these objectives in mind, they are achievable. The United States has great leverage with Mexico in the negotiations. After all, the U.S. market is the most prosperous in the world.

Given my past involvement with this issue, I would deeply regret voting against a North American Free Trade Agreement. But unless such an agreement measures up to these standards, I would have no choice but to vote to reject it.

Mr. President, I ask unanimous consent that material on this subject be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1104. STUDY OF POSSIBLE AGREEMENTS WITH NORTH AMERICAN COUNTRIES.

(a) IN GENERAL.—Section 612 of the Trade Act of 1974 (19 U.S.C. 2486) is amended by inserting "(a)" before "It" and by adding at the end thereof the following:

"(b) The President shall study the desirability of entering into trade agreements with countries in the northern portion of the western hemisphere to promote the economic growth of the United States and such countries and the mutual expansion of market opportunities and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate his findings and conclusions within 2 years after the date of enactment of this Act. The study shall include an examination of competitive opportunities and conditions of competition between such countries and the United States in the agricultural, energy, and other appropriate sectors.".

(b) CLERICAL AMENDMENTS.—

(1) The caption of section 612 of such Act is amended to read as follows:

"SEC. 612. TRADE RELATIONS WITH NORTH AMERICAN COUNTRIES.".

(2) The table of contents of such Act is amended by striking out the item relating to section 612 and inserting in lieu thereof the following new item:

"Sec. 612. Trade relations with North American countries.".

Senator BAUCUS. The hearing of the International Trade Subcommittee will come to order. I want to welcome today all of the witnesses who are here to testify.

Today's hearing is the first of several I plan to conduct during the next few months to examine trade between the United States, Canada, Mexico and other nations in the northern portion of the Western Hemisphere.

To most Americans trade with Mexico and Canada means one thing: oil. Mexico's recent discoveries of vast reserves of oil and natural gas are an attractive alternative to Middle East oil.

At a time when lines at gasoline stations have reappeared and weekend closings are again common, such a large supply of oil on our southern border looks even more tempting.

Canada has in the past been a major supplier of energy to the United States. In my home State of Montana, Canada remains a major source of oil for refineries in Billings.

Several bills have been introduced this year that encourage energy cooperation among the three nations. Several proposals to establish a North American Common Market have come forward. We are a long way from that kind of relationship. Our neighbors are rightfully cautious about such talk and even the mention of common markets and free trade zones legitimately and correctly cause concern.

This Nation's relationship with Canada and Mexico is much more complex than simply oil. The United States conducts more trade with Canada than with any other nation by a wide margin.

In 1977, the United States sold over $25.7 billion worth of products to Canada compared to $10.5 billion to Japan. Americans bought nearly $39 billion worth of imports from Canada compared to $18 billion from Japan.

The value of U.S. trade with Canada in 1978, totaling $62 billion, is more than the amount of U.S. trade with all of the members of the European Common Market.

We are also Mexico's largest trading partner, buying 70 percent of its exports. Last year, trade between the United States and Mexico totaled $12.7 billion, up 34 percent over 1977.

Trade with Mexico and Canada is one-quarter of this Nation's total international trade. Obviously, decisions made here have a dramatic impact in their capitals and upon their people.

Today, I hope we can begin to look beyond the statistics. We should look at the quality of our relationship with these nations.

How is our Government organized to handle North American affairs?

What do Mexico and Canada want in return for selling us their oil and other resources? How willing are American firms to share their research and development with the Canadian and Mexican firms?

How do we reduce and eliminate both tariff and nontariff barriers to trade? How do we provide some organization to the dozens of agreements that now govern trade?

These are some of the questions that I hope we can examine. Also, I am inserting at this point in the record a more complete statement for the record.

[The material referred to follows:]

"The purpose of the hearings we are beginning today is to focus public and Congressional attention on the current status of North American relations in the field of trade and other areas, and to encourage serious thinking—both within and outside of our government—about the future direction of these relations.

"Today's witnesses will address themselves primarily to issues in United States-Canadian and United States-Mexican relations. However, we should at the outset note that a systematic study of the possibilities for greater cooperation among the countries of the northern portion of the Western Hemisphere should also include consideration of the nations of the Caribbean as well.

"We are witnessing an interesting change in American perceptions of our two large neighbors. Traditionally, little attention has been paid to the extensive and varied bond between our country and Canada and Mexico: We have tended to take them for granted.

"Fortunately, this is now changing. This increased American interest is a product of our own domestic needs. As our economy has slowed down and our balance of payments deficit has steadily risen, we have paid increasing attention to international trade. And as the energy crunch has become more acute, we have become more aware as a nation of the foreign sources of our energy. Analysis of where we stand in regard to energy or to trade leads inevitably to a discussion of our relations with our two major neighbors.

"Already the vastness and intricacy of the existing ties are apparent. Canada and the United States are each other's largest trading partner. The total value of U.S. trade with Canada alone ($62 billion in 1978) is slightly more than U.S. trade with all of the members of the European Common Market, and exceeds U.S. trade with the OPEC nations as a group.

"The statistics in relation to United States-Mexican trade are no less impressive. We are Mexico's largest trading partner, taking approximately 70 percent of their exports. Mexico ranks within the top five of the nations with whom we trade. In 1978, trade between the United States and Mexico totaled $12.7 billion, up 34% from $9.5 billion in 1977.

"In the field of energy, Canada's importance as a source of fossil fuel and hydroelectric generation, as well as a conduit for Alaskan oil has loomed large. Similarly, the monumental recent discoveries of oil and gas reserves in Mexico must inevitably enter our calculations about sources of future energy needs. Our interest in Mexican and Canadian energy resources has been matched by a desire in both of those countries to protect their natural resources, and to use them imaginatively and sparingly for the important tasks of their own national development.

"Energy and trade are only two facets of the complex interrelationship. Migration patterns, cultural concerns and questions of national identity make difficult any simple analysis of cross border patterns.

"The simple fact is that our own needs have propelled us to look more closely than ever before at North America as an economic unit, and, not to the surprise of experts, we are discovering the strength of this continent as an economic entity. Without doubt, the United States, Canada and Mexico taken together, form the largest single, and most vital economic trading block in the world. It is the seat of three vibrant democratic nations, and the home of aspiring and energetic populations.

"The opportunities appear almost limitless, but there can be no doubt that there are significant obstacles to greater cooperation.

"The task which confronts us as nations is to develop structures which will allow us to work together to our mutual benefit.

"Legislation has been introduced into this Congress to encourage cooperation among the three nations, especially in the field of energy. Today some witnesses may speak about the proposed legislation and while this would be welcome we should not lose sight of the fact that this hearing and ones which will follow are primarily educational and informational in nature. We are looking for answers, but in fact, we are just beginning to formulate the right questions.

"We must assess the full panoply of the existing relationships. For instance, I believe that there is far more governmental contact at the state and province levels than is commonly realized. These should be adequately catalogued.

"We must know more about our ability as a government to improve existing relations. I am concerned that our relations with the two nations are too often compartmentalized within our own administration with the net result that our right hand does not know what our left is doing.

"We must study further the reactions and sentiments of the people of Canada and Mexico themselves to the possibilities of increased cooperation. No progress is likely if we are insensitive to their views. There is a long legacy in both Canada and Mexico of suspicion of American motives. We must conduct ourselves in such a way to convince our neighbors that we are interested in arrangements that help us all, not just arrangements that help us get all of theirs.

"We must seek out and listen to the views of all important elements of the American economy and pay particular attention to the concerns of this country's working men and women.

"We must honestly ask ourselves whether, given the great differences in economic development between Canada and Mexico, it makes sense to try to deal with the two nations as part of a trilateral entity. Are we better off forgetting about continentalism and focusing on promoting better bilateral relations with each? I frankly do not know the answers to these questions, and I want to have this Committee promote public discussion of them.

"The next decade may see profound change in our relations with our two neighbors, brought about by significant domestic developments in each. Mexico will undergo serious stress as it copes with the important questions that will be raised concerning the internal distribution of its new oil wealth. How this wealth will be used, by whom, and for whom, are likely to be the central issues of Mexican politics in the next decade. It will be a time of profound questioning. Similarly, in Canada, it is likely that the next decade will see a period of continued national self examination. The very unity of Canada is being called into doubt and while this is a question solely for Canadians to decide among themselves, it will be foolish for the United States to remain unaware or unconcerned about possible ramifications for ourselves.

"I am pleased that today we shall hear from not only spokesmen from the Executive Branch, but from individuals from private industry and the academic world, as well as representatives of private opinion in both Mexico and Canada. They will each express to us in their views about the need and possibility for increased hemispheric cooperation. Hopefully, today we shall begin a process—which is likely to be long and arduous—which will lead to greater understanding."

Senator BAUCUS. I hope this hearing will necessarily be the beginning of a very long search into the general question, but also one that is delicate and sensitive to the countries and the people concerned.

We will begin with our first witness, the Honorable Alan Wolff, Deputy Special Representative for Trade Negotiations. Mr. Wolff, you are certainly no stranger to this committee. We are happy to have you here. You may proceed in any manner that you wish.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. I thank the Chair. I realize we all stood seeking recognition. I think so far we have been recognized in the order we arrived, and I appreciate the Chair doing that.

(The remarks of Mr. BIDEN and Mr. SEYMOUR pertaining to the introduction of S. 618 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

THE ADMINISTRATION'S NATIONAL ENERGY STRATEGY

Mr. BAUCUS. Mr. President, with the successful conclusion to the Persian Gulf war, Americans are begining to shift their attention to some of our pressing domestic issues. With 8.2 million workers unemployed last month, pulling the economy out of the recession has to be No. 1 on our agenda.

But close behind it must be development of a national energy strategy. The war has brought home to all of us the fragility of our energy policy. And it should renew our determination to build a comprehensive policy that will help ensure our future.

Two weeks ago, the administration released its long awaited comprehensive national energy strategy. But now that it has been unveiled, it is difficult to see how it could have taken 18 months to develop. It is not new and it is not comprehensive. And it certainly does not look to the future.

In fact, the administration's energy policy continues to suffer from the tunnel vision of the past 10 years. It continues to chase the mirage of cheap oil while it shuns energy conservation and efficiency.

The single-minded pursuit of oil for the past decade has kept American families and businesses vulnerable to oil price shocks. It has reduced our ability to compete with Japan, Germany, and other nations in the world marketplace. And it has contributed to global warming, air pollution, and other environmental problems.

Some have said that his strategy is flawed because it is not balanced with more conservation measures. I disagree. The administration's energy policy is flawed because it has no broader vision for the future.

The administration's policy makes drilling for oil in our offshore waters and in the Arctic refuge's wilderness a panacea. But is this really a sound energy policy?

Mr. President, only about 6.1 billion barrels of oil—some 3 percent of the Nation's total oil reserves—lie within the Arctic refuge and the undeveloped areas of the Outer Continental Shelf. Even if all these protected areas were exploited to full capacity, it would only supply about a year's worth of oil.

Furthermore, the United States has only 4 percent of the world's oil reserves, with much of what is left is inaccessible or expensive to develop. No matter how hard we try—no matter how much of our natural heritage we destroy—we will never be able to produce enough oil to insulate ourselves from oil price shocks.

After all, from virtually the start of the Persian Gulf crisis, Alaskan oil has sold for the same price as oil that was imported from the Persian Gulf. So would any oil from Arctic refuge or the OCS.

Of course, our national energy strategy must not abandon domestic oil production. Our policy should provide economic incentives to put the oil rigs in Montana and elsewhere around the country back to work extracting known oil reserves. It should encourage more thorough exploration and development of the tens of millions of acres already under lease. Strikes in some of these areas already have proven to be far more promising than originally thought.

But, unfortunately, production is not a total panacea. And it never will be. In addition to production, we must also be much more efficient. We must conserve.

Our energy appetite also is costly to the global environment. Energy consumption is the single largest contributor to global warming.

The United States is the leading contributor of greenhouse gases that threaten the Earth's climate. With 5 percent of the world's population, the U.S. accounts for about 20 percent of the world's emissions. U.S. carbon dioxide emissions originate almost exclusively from burning oil and other fossil fuels.

Yet, while most of the developed countries are seeking to stabilize or reduce greenhouse gas emissions, particularly carbon dioxide, the administration comes forward with a plan that calls, not for reductions in use of fossil fuels, but for continued heavy reliance on oil and for increasing carbon dioxide emissions.

Tomorrow, the Environmental Protection Subcommittee will hold a hearing to examine these very issues.

Mr. President, the path laid out by the administration will not secure this Nation's future. Only through increased energy conservation and efficiency can we find enhanced security, a more competitive economy, and a cleaner environment.

The way to protect ourselves from huge, overnight increases in the price of oil—to prepare ourselves now for the future—is to use oil more efficiently and to become less dependent upon it.

Our energy policy should weigh our options and pick the best buys first. Clearly, we must enhance conventional and renewable production. But even more, clearly, energy efficiency is the cheapest and most immediate solution we have to increased oil prices.

The Japanese, German, Swedish, and other foreign competitors already use half as much energy per capita as we do in the United States.

By increasing automobile fuel efficiency by 1.5 miles per gallon per year over 7 years, we could save as much oil as Iraq and Kuwait would have produced. An increase in fuel economy standards to 40 miles per gallon could save as much as 8 billion to 9 billion barrels of oil by 2010.

A sound energy policy is one that plans for the future. It is one that relies primarily on energy conservation and efficiency, along with renewable energy resources, to protect America's environment and its economy. And, yes, its future.

I intend to work closely with the majority leader and my other colleagues to see that the energy bill the Senate considers later this year does just that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 620 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who seeks recognition?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

THE STRENGTH OF THE ECONOMY

Mr. EXON. Mr. President, it is quite obvious why various important matters are being addressed on the floor of the Senate today and the latter part of last week. With the winding down of hostilities in the gulf, at least the wonderful, successful conclusion of that particular exercise and the fact that the Secretary of State is now involved in serious discussions in the region attempting to at least set the groundwork for some long-term peace in that region that we have not seen, it is obvious that the Senate is turning itself to other extremely important domestic matters, including the budget, the crime bill and the 100-day challenge that was presented to the Congress by the President in his recent address to the joint body.

I suspect, though, as we go into these troubled times, we had better have a little better understanding than I think is generally understood about the strength of the economy in the United States of America, or the lack thereof: Where are we going in the future; what are the problems that we have, finally, maybe at long last recognized from the past; what have we learned from those mistakes or actions; and how are we going to use some of the experiences that we have had with regard to charting a successful economic course for the future?

Suffice it to say the ever growing budget deficit is obviously going to continue to mushroom in the future, with the fact we have already passed legislation that in essence authorizes the national debt of the United States to keep soaring on up to about the $5 trillion figure. To put that in perspective for just a moment, Mr. President, I would simply cite that in 1980 we were under $1 trillion in total national debt; it is estimated that within the next couple of years, 12 years later, we are going to hit the $5 trillion national debt figure—an astonishing increase. Nothing like it has occurred in our modern history.

Unless we are wise enough to begin to chart a different course to correct that, then the economy of the United States is going to continue to be run in a state of disrepair.

I am very much concerned about the overall standard of living of the United States of America and am wondering whether or not the current downturn we are seeing may be a signal we are going to begin to pay for the excesses of the past with some hard economic choices in the future.

Nevertheless, there are some options available to us as long as we understand what the situation is and what we face and how we can best, through study and consultation and bipartisanship, move into a new, aggressive future for the United States of America as we approach the beginning of a new century.

In that regard, I have two articles I will be entering into the RECORD in just a few moments by two individual Americans, Prof. Wallace C. Peterson of the University of Nebraska economics department, and Mr. Eliot Janeway. Both of these individuals are friends of mine and I listen very carefully when they speak.

First, I will briefly quote from an article written by Professor Peterson and delivered to the Missouri Valley Economics Association in March of this year. I quote from the first page:

> In this paper I shall argue for a different—and I think a better—measure of recession or depression. This measure is the real income of the average worker or family. Why real income? This is because real income determines material living standards, and our standard of life is the best measure of economic progress.

Jumping then, Mr. President, to page 3 of this same article, I quote:

> From a 1973 peak year of $327.45 in constant (1982–84) dollars, real weekly earnings slipped to $276.95 during the 1982 recession. In the recovery and long expansion of the 1980s they climbed back up to only $270.32. Thus, 16 years after the watershed year of 1973 and in spite of the vaunted prosperity of the Reagan years, the real weekly income of a worker in 1989 was 17.4 percent below the level reached in 1973!

Jumping ahead then once again, Mr. President, to pages 10 and 11 of that article, I quote:

> For example, between 1979 and 1987 the number of jobs in the American economy expanded by nearly 15 million. But of these new jobs, 50.4 percent paid an annual wage below the poverty level ($11,610 in 1987), 37.7 percent paid a wage classified as "middle" ($11,611 to $49,443), and only 11.9 percent could be called "high wage" jobs (over $46,444). Representative of many of the jobs in the broadly-based service sector are wages in retail trade, which is where many workers displaced from manufacturing eventually find themselves. Wages are not only significantly lower than wages in manufacturing, but the gap between the two sectors has worsened. In 1950, for example, weekly wages in retail trade averaged 68.7 percent of weekly earnings in manufacturing. By 1989, the ratio had dropped to 44 percent.

Moving ahead, once again, Mr. President, in that same article to pages 12 and 13, I quote:

Four-fifths of American families saw their average income decline over this period. Only families in the top 20 percent gained.

Continuing on page 13:

Closely related to this is a second factor, the increasing internationalization of the American economy. Workers in routine production activities like manufacturing find themselves competing in the global labor markets, markets in which wages are frequently much lower than in the United States. Because, too, many corporations have become genuine multinational firms, they often find it easier to shift their operations to low wage areas in the Third World rather than attempt to pass high wages on to the consumer in the domestic economy.

Finally from this same article, on pages 16 and 17, I further quote:

And finally, I would ask, where are the economists? In the January 14, 1991 issue of Business Week, the headline over the magazine's story about the ASSA convention in Washington, D.C. between Christmas and New Year's read, "7,000 Economists—And No Answers." This is a sad commentary on the state of the profession. Economists outside the neoclassical mainstream have a long and successful history—from the American institutionalists to John Maynard Keynes—of creating the intellectual capital that nourished liberal Western governments seeking to tame the worst excesses of market capitalism. It is time to get out of the ivory tower and get on with the business of rebuilding this stock.

Mr. President, I ask unanimous consent that following my remarks the entire article by Professor Peterson, with the attachments thereto, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, likewise I am going to quote briefly from an article that appeared in the Atlanta Journal and Constitution by Eliot Janeway of February 27, 1991:

The threat of a Middle Eastern oil war should serve as an invitation for the superpowers to repeat that memorable chapter of aeronautical history in an underground setting. Working together, the two countries can reactivate the Soviet Union's huge oil fields.

The closing paragraph:

The United States is overdue the satisfaction of solving one of its foreign money problems to its advantage. Substantial political and strategic benefits will follow. When they do, perhaps Washington will be emboldened to offer its perennial food surplus in further payment for cheap, good-quality Soviet oil.

Mr. President, I ask unanimous consent that the article by Mr. Janeway be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

THE SILENT DEPRESSION*

(By Wallace C. Peterson)

The words "recession" and "depression" have long been associated with substandard levels of output and employment. As is well-known—even by the lay public—the standard definition of a recession is two quarters marked by a decline in real GNP. By this standard, the nation has experienced nine recessions, including the current downturn, since the end of World War II.

In this paper I shall argue for a different—and I think better—measure of recession or depression. This measure is the real income of the average worker or family. Why real income? This is because real income determines material living standards, and our standard of life is the best measure of economic progress. A recession—or a depression—interrupt progress, so if real income stops growing, it is reasonable to regard the economy as being in a depressed state. Furthermore, this approach leads us directly to the productivity question. In the final analysis, productivity is the ultimate determinant of the economic well-being of individuals, families, and the nation.

Implicit in the argument offered in this paper is that employment as such no longer suffices as a basic measure of the economy's state of health. Since John Maynard Keynes's classic work, "The General Theory of Employment, Interest, and Income," appeared in 1936, the level of employment—or its counterpart, unemployment—has been standard macroeconomic benchmark for measuring prosperity or recession. There were good reasons for this, because over most of the post World War II period there was a strong correlation between jobs and the prosperity of the individual or family. This linkage no longer holds to the extent it once did.

If measures of real income for the worker and the family are accepted as the determining criteria for the economy's state of health, an important, even startling, conclusion follows. The economy has been in a depressed state since 1973—the last 17 years. Hence, the title, "The Silent Depression".

To develop and document this argument, I shall proceed as follows. First, I shall examine the key statistical evidence in support of the thesis. Second, I shall speculate about some of major causes for this condition, especially those causes of an institutional nature. Finally, I shall ponder the question of whether remedies exist for this situation.

THE STATISTICAL EVIDENCE

The statistical evidence for the "Long Depression" thesis rests upon what has happened to real weekly earnings in the private nonagricultural economy since 1947; upon changes in median family income measured in constant dollars in the same period; and upon the path of productivity changes since the end of World War II. These data are shown in both tabular and graphic form in the statistical appendix attached to this paper. They point to the conclusion that 1973 was a watershed year for the American economy, a year in which there was a fundamental change in direction in the trend lines for these key variables. There is no obvious explanation for this change, but it did happen. The fact that this change occurred in the same year as the first oil crisis may be sheer coincidence. Or, perhaps, the oil crisis stemming from the Yom Kippur war was the catalyst that activated other disruptive forces that had been smoldering beneath the surface of economic events. Either view is speculative. The data, however, are not speculative. After we have examined these data, we can search out the causes.

Table 1 (and Figure 1) traces out the path of average weekly earnings in constant dollars in the private nonagricultural sector from 1947 through 1989. The years from 1947 through 1973 were boom years, a time that Sir John Hicks described as the "Age of Keynes." Real weekly earnings grew at a substantial annual average rate of 1.84 percent, a trend that in combination with the increasing participation of women in the labor force put a middle class standard of life within the reach of growing numbers of American.[1] Abruptly after 1973 the rate of growth in real weekly earnings dropped. From a 1973 peak of $327.45 in constant (1982–84) dollars, real weekly earnings slipped to $276.95 during the 1982 recession. In the recovery and long expansion of the 1980s they climbed back to only $270.32. Thus, 16 years after the watershed year of 1973 and in spite of the vaunted prosperity of the Reagan years, the real weekly income of a worker in 1989 was 17.4 percent below the level reached in 1973! During this 16 year period, weekly earnings grew at a negative annual average rate of 1.16 percent. For large numbers of Americans middle class dreams for home ownership, vacations, and college for their children turned sour.

Essentially the same story, though slightly less harsh, is true for median family income measured in constant (1988) dollars. Table 2 (Figure 2) contains median family income data for the years 1947 through 1988. As with real weekly earnings, medium family income in constant dollars grew briskly from 1974 through 1973. The annual average rate of growth was 2.73 percent, a rate which would double family income in roughly a generation (25 to 30 years). It is this experience that is the source of the strengthened belief of the post World War II generation that children ought to do better economically than their parents. The rate of growth for family income between 1947 and 1973 was significantly higher than the rate of growth for real weekly earnings. The difference is accounted for the fact that, increasingly, wives and mothers are entering the work force to supplement the family income. In 1950, for example, families with a working wife had incomes 20 percent greater than those in which only the husband worked. By 1988, however, families in which the wife worked had incomes 57 percent greater than those in which the wife did not work.[2] This growing gap reflects not just the fact that more women in families are working, but also gains in the wages of women relative to those of men.

Again, and as with real weekly earnings, these gains came to an abrupt halt after 1973. Unlike real weekly earnings, however, the rate of growth for median family income did not turn negative. But it slowed to a mere trickle, the rate of increase for the 15 years from 1974 through 1988 being a minuscule 0.15 percent. The continued increase in working wives and mothers was the factor that saved real family income from an actual decline during these years. This near stagnation in family income since 1973 also explains why the generation that has come of age in the last decade doubts that their standard of living will even reach that of their parents, let alone exceed it.

Finally, let us turn to productivity, the most crucial variable of all. Productivity is the key to an improved standard of material life. If there is any one proposition upon which all economists can agree, this is probably it. The data on productivity changes are contained in Table 3 (Figure 3). From 1948 through 1973 productivity as measured by output per hour in the nonfarm business sector grew at an annual average rate of 2.51 percent, a rate that would double real output every 28 years. Then came the 1973 break in this healthy trend, with the overall growth in productivity dropping to 0.93 percent a year. Unlike prior recoveries, the expansion after the 1981–82 recession resulted in only a weak recovery in productivity growth to an annual 1.58 percent rate. At this rate it would take 45 years for output to double. The mystery of the slowdown in the economy's rate of growth in productivity continues.

At this point the question of per capita income may come up. Hasn't per capita income in constant dollars been growing since 1974, and, if so, would not such growth invalidate the "silent depression" thesis? The answer to the first part of this question is yes, but not to the second part. Let us see why.

It is true that real per capita disposable income has continued to grow since the watershed year of 1973. However, there has been a sharp slowdown in the rate at which this measure has been growing. Between 1947 and 1973 real per capita income grew at an annual average rate of 2.94 percent, a rate that would allow disposable income per person to double in 24 years. Between 1974 and 1988 the annual rate of growth for this measure dropped to 1.61 percent, a rate of growth only about half the rate the economy experienced during the "Age of Keynes."[3] Further, at the slower 1974–1988 rate of growth, it would take almost 44 years for real per capita income to double. Thus, this slowdown in the growth rate for real per capita income reinforces the "silent depression" argument, even though the rate remained positive.

The more important issue is this: is growth in real per capita income a satisfactory measure of economic progress? This is the second part of the question previously asked. Even though it is often used for this purpose, it is, nonetheless, a seriously flawed measure. Since it is an arithmetic average, persons in the upper reaches of the income scale exert a disproportionate influence on the overall picture. Using the median rather than the mean gives us a better picture of what is actually taking place in the economy. Further, per capita figures don't capture the effect of recent changes in the distribution of income, an important part of the "silent depression" argument.

CAUSES OF THE SILENT DEPRESSION

Let us now turn to the matter of cause. Is it possible to identify the major economic factors responsible for the decay in economic well-being reflected in the decline in real earnings and family income, as well as the slowdown in productivity growth? The answer is yes, but it is a cautious yes. The reason is that the causal factors are of an institutional nature, wherein we find that cause and effect are often interlined. They are not the relatively simple macroeconomic variables of output and employment normally identified as the source of an economic downturn. The institutional character of the casual factors not only means that it is more difficult to describe them with precision, but complicates the problem of determining what corrective action ought to be taken. Let us now examine these factors, not necessarily in a definitive sense, but from the perspective that this is where economists ought to direct their research if we are to understand what is really happening to the American economy.

High on the list of causal factors is America's institutionalization of "military Keynesianism." Military Keynesianism is the phrase coined by Joan Robinson in her 1971 Ely Lecture to the AEA in which she described the degree to which military spending has come to fill the potential gap between private investment and full employment savings in the American economy.[4] The extent to which President Eisenhower's warning about the dangers inherent in the military-industrial-complex has come true is reflected in the following facts. Between 1947 and 1989 military spending accounted for 76.7 percent of federal outlays for goods and services. Even with the Korean and Vietnam war years removed, this average is above 75 percent.[5] It is not unreasonable, therefore, to describe a society that for 43 years has devoted at least 75 percent of its output of collective goods at the national level to military purposes as one dominated by military Keynesianism.

One facet of this development which bears directly on America's productivity problem is the extent to which a significant portion of the nation's scientific and engineering talent has been involved in military-related research. Lloyd J. Dumas, Professor of Political Economy at the University of Texas at Dallas, estimates that in the 1970s and 1980s nearly 60 percent of federally-funded research and development activity was for "national defense." For the economy overall, Professor Dumas asserts that for at least three decades no less than 30 percent of the America's engineering and scientific personnel have been engaged in military-oriented research.[6] This development might not be so serious if, as the conventional wisdom has it, there were significant "spinoffs" from military to civilian technology. This, as Professor Dumas also shows, has not happened to any significant degree.[7] So America's widespread and continuing "braindrain" of scientific talent into military-related research must be counted as a major factor in the productivity crisis and our increasing inability to compete with Germany and Japan internationally.

In the long view, military Keynesianism and the domination of important sectors of the economy by the military-industrial-complex must be seen in the context of the provocative theory of "imperial overstretch" developed by Professor Paul Kennedy of Yale University.[8] Essentially, Professor Kennedy's argument is two-fold. First, every great power that has the will and determination to expand its domain and influence requires a solid economic base to support the military capability necessary for empire. Second, the cost of sustaining and projecting military power eventually exceeds and undermines the nation's economic base, leading therefore to imperial decline. This fate, Professor Kennedy argues, has overtaken the great empires of the past—from the Muslims to the British—and this, too, is the likely fate of the American empire.

A second causal factor involves significant changes in the output and employment structure of the American economy. From the perspective of the thesis of this paper, the most important development is a relentless decline in employment in manufacturing and goods production generally, plus a somewhat lesser fall in the share of the national output (GNP) originating in manufacturing and goods production. These changes are summarized in Table 4 in the Appendix.

The data can be quickly summarized. Between 1950 and 1989, manufacturing employment as a percent of all nonagricultural employment dropped from 33.7 to 18.1 percent. In the same period manufacturing output as a share of the GNP went from 29.1 to 19.7 percent, a smaller relative decline than for employment, but a decline nonetheless.

Does this matter? Or is it, as many economists maintain, simply a reflection of a "normal" process of growth, one in which the economy moves from agriculture, then to industry, and, ultimately, to knowledge-based services as the dominant form of economic activity? Perhaps. But if we look more critically at what has happened as we move toward a "post-industrial" economy, we might not be quite so sanguine.

The deteriorating state of real weekly earnings documented earlier stems partly from what has happened to productivity. However, it is also linked directly to the above structural changes in both employment and output. As workers are displaced from manufacturing, where do they go? Obviously to the extent that they find jobs elsewhere, those jobs are somewhere within the broad array of activities loosely classified as services. But the shift of workers out of manufacturing into services does not necessarily mean they are moving into the knowledge-based services where high incomes are the norm. More typically, it is the other way around. For example, between 1979 and 1987 the number of jobs in the American economy expanded by nearly 15 million. But of these new jobs, 50.4 percent paid an annual wage below the poverty level ($11,610 in 1987), 37.7 percent paid a wage classified as "middle" ($11,611 to $49,443), and only 11.9 percent could be called "high-wage" jobs (over $46,444).[9] Representative of many of the jobs in the broadly-based service sector are wages in retail trade, which is where many workers displaced from manufacturing eventually find themselves. Wages are not only significantly lower than wages in manufacturing, but the gap between the two sectors has worsened. In 1950, for example, weekly wages in retail trade averaged 68.7 percent of weekly earnings in manufacturing. By 1989, this ratio had dropped to 44.0 percent.[10]

What are knowledge-based service jobs? Professor Robert B. Reich of the John F. Kennedy School of Government at Harvard University, describes jobs that fall into this category as those in which the people involved produce "symbolic-analytic services."[11] By this he means jobs that involve the manipulation of information through data, words, and oral and visual symbols. A broad array of professions and jobs—from professors to lawyers to manipulators of money to scientists writers and artists, to architects and engineers to actors and entertainers—fall into Professor Reich's "symbolic-analytic services" category. This is a heterogenous group of workers, mostly white collar, college educated, highly skilled, and often possessing great mobility. Highly paid, these workers make up roughly 20 percent of the labor force. It is absurd to imagine that many displaced workers from manufacturing can find employment in these activities.

A third development that has an important bearing on the decay in real income involves the distribution of family income. Relevant data are found in Tables 5 and 6 in the paper's appendix. Table 5 shows the share in aggregate family income in quintals (fifths) for all families for selected years since 1950. What these data tell us is that there was a rough stability in income distribution from the end of World War II until the mid-1970s. After that family income became more unequal. By 1988 the share going to the lowest fifth of families had dropped from 5.4 percent in 1975 to 4.6 percent in 1988. This was a 14.8 percent relative decline. At the top of the scale, the highest fifth of families saw their percentage share rise in this same period from 41.1 to 44.0 percent, a 7 percent relative gain. For families in the top 5 percent of the income scale, their share rose from 15.5 percent in 1975 to 17.2 percent in 1988, a 10.9 percent relative gain.

The standard Lorenz curve percentage data contained in Table 5 do not capture the full and dramatic magnitude of the changes in family income distribution that have been taking place in the American economy. For these we need to examine the data in Table 6. These data, also in constant dollars, show average family income arrayed by deciles (tenths). They were developed by the Congressional Budget Office.[12] Four-fifths of American families saw their average income decline over this period. Only families in the top 20 percent gained. For families at the very top, the gains were, indeed, spectacular. Those in the top 5 percent of the income scale had an average gain of $31,473, or 23.4 percent. For the very rich—the top 1 percent of families—the gain averaged $134,513, or 49.8 percent! As Kevin Phillips points out in his provocative book, "The Politics of Rich and Poor," there have been only two prior eras in American history that witnessed such a far-reaching change in the distribution of income and wealth toward families and persons at the top. The first was the Gilded Age of the late 1870s and 1880s, and the second was the 1920s.[13]

What accounts for this upheaval in the pattern of income distribution? Three factors are involved. The first has already been noted, namely the changing structure of employment in the United States. With the decline in employment in manufacturing, many workers have been thrust unwillingly into lower-paying work. Closely related to this is a second factor, the increasing internationalization of the American economy. Workers in routine production activities like manufacturing find themselves competing in global labor markets, markets in which wage levels are frequently much lower than in the United States. Because, too, many American corporations have become genuine multinational firms, they often find it easier to shift their operations to low wage areas in the Third World rather than attempt to pass high wages on to the consumer in the domestic economy. Finally, there are the recent changes in the tax laws, changes which have drastically reduced the degree of progression in the structure for all federal taxes.[14] Table 7 shows the changes in effective tax rates between 1977 and 1988 for all families arrayed by deciles. Families which benefitted most from tax law change in the 1980s are those in the top brackets. Some families in the income ranges below the top 20 percent actually experienced an increase in effective rates between 1977 and 1988. This was because of increases in Social Security taxes, whereas families at the very top—the upper 5 and 1 percent—received the most benefit from changes in the personal income taxes.

Aside from the fact that these well-documented shifts in the distribution of family income have played an important role in the deteriorating income situation for large segments of the population, they reflect another and much more ominous development. David Halberstam expressed fears about this in his recent book, "The Next Century."[15] Reporting on a conversation that he had with Lester Thurow, Professor of Economics and Dean of the Sloan School of Management at MIT, Halberstam said that Professor Thurow raised the disturbing question of whether America has an "establishment" or an "oligarchy." An establishment, Thurow went on to explain, consists of people at the very top—obviously wealthy—who realize that they cannot continue to succeed unless the larger society succeeds. An oligarchy, on the other hand, also involves the very wealthy at the top, but the wealthy in an oligarchy are indifferent to the fate of the rest of the society. In Thurow's view, modern-day Japan is run by an establishment, but many Latin American countries are run by an oligarchy.[16] America, both Halberstam and Thurow fear, is moving toward an oligarchy. This, too, is another consequence of the institutionalization of military Keynesianism.

ARE THERE REMEDIES?

I will conclude with a few brief remarks directed toward what is, perhaps, the toughest question of all. Are there remedies for the economy's silent depression? In principle, the answer is an easy yes. It is surely not beyond the wit of economists not trapped in the mainstream to devise a policy agenda to cope with the decline in our individual strength and international competitiveness; to restore progression in our federal tax system, thus helping reverse the drift toward a bipolar society of rich and poor astride a shrinking middle; and to direct our scarce scientific and engineering talent to those areas dedicated to the enhancement, not the destruction of human life. This is not a task for mainstream economists, who, on the whole, are content with the status quo. Like modern-day Candides they see our contemporary market-based capitalistic structure as the best of all possible economic worlds. If the task is to be done at all, it will be done by those outside the mainstream.

The more question is: will it be done? A realistic answer is probably not—at least not in the foreseeable future. There are several reasons for pessimism. A year ago with the collapse of the Soviet empire in Eastern Europe there was hope that America, too, might pull back from political and military commitments that are outrunning their economic base (imperial overstretch). No longer. Irrespective of the rightness or wrongness of the Gulf war, its legacy will be a greater—not a lesser—commitment to support client states around the globe.

Second, the federal government has neither the energy, the ideas, nor the leadership to turn the nation away from the illusions of empire, and, instead, seek to build a harmonious and just society here at home. Ever since Viet Nam shattered Lyndon Johnson's dream of a "Great Society" our two-party system of national government has been in a state of near paralysis, unable to bring its power and imagination to bear on national problems that cry out for national answers—the pathology of a growing "underclass," the decay within our great cities, the crumbling infrastructure, the crisis in public education, growing chaos in our "system" of medical care, to name only the most pressing.

And finally, I would ask, where are the economists? In the January 14, 1991 issue of Business Week, the headline over the magazine's story about the ASSA convention in Washington, D.C. between Christmas and New Year's read, "7,000 Economists—And No Answers." This is a sad commentary on the state of the profession. Economists outside the neoclassical mainstream have a long and successful history—from the American institutionalists to John Maynard Keynes—of creating the intellectual capital that nourished liberal western governments seeking to tame the worst excesses of market capitalism. It is time to get out of the ivory tower and get on with the business of rebuilding this stock.

FOOTNOTES

*Paper presented at the Missouri Valley Economics Association meeting, Kansas City, MO, February 28—March 2, 1991.

[1] In 1948 only one-third (32.7 percent) of women, married and unmarried, participated in the labor force. By 1973 the labor force participation rate for women had climbed to 44.7 percent. It has continued to rise, reaching 57.4 percent in 1989. See *Economic Report of the President* 1990, p. 335.

[2] U.S. Department of Commerce, Current Population Reports, Series P-60, No. 167, *Trends in Income by Selected Characteristics:* 1947 to 1988, 1990, p. 19.

[3] *Economic Report of the President*, 1990, p. 325.

[4] Joan Robinson, "The Second Crisis on Economc Theory," *The American Economic Review*, May, 1972.

[5] *Economic Report of the President*, 1990, p. 295.

[6] Lloyd Jeffy Dumas, *The Overburdened Economy* (Berkeley, University of California Press, 1986), pp. 208 ff.

[7] Ibid.

[8] Paul Kennedy, *The Rise and Fall of the Great Powers* (New York, Random House, 1987).

[9] United States Senate, Committee on the Budget, *Wages of American Workers in the 1980's* (Washington, D.C., U.S. Government Printing Office, 1988). p. x.

[10] *Economic Report of the President*, 1990, p. 344.

[11] Robert B. Reich, "As the World Turns," *The New Republic*, May 1, 1988.

[12] Congress of the United States, Congressional Budget Office, *The Changing Distribution of Federal Taxes:* 1975–1990, October, 1987.

[13] Kevin Phillips, *The Politics of Rich and Poor: Wealth and the American Electorate in the Reagan Aftermath* (New York, Random House, 1990).

[14] The Suits Index measures the degree of progression in the tax system. It is similar to the Gini coefficient which measures the degree of inequality in the distribution of income. For the Suits Index, an increase in its value means the tax system has become more progressive; a decline, the opposite. According to the Congressional Budget Office, the Suits Index dropped from .1025 in 1977 to .0696 in 1988, a major decline (32.1 percent) in the degree of progression in federal taxes. Congressional Budget Office, op. cit., p. 77.

[15] David Halberstam, *The Next Century* (New York, William Morrow and Company, Inc., 1991).

[16] Ibid., p. 124.

TABLE 1.—*Earnings in constant dollars:*[1] *1947–89*

Year:	*Earnings*
1947	204.37
1948	203.31
1949	211.09
1950	216.31
1951	227.53
1952	228.87
1953	238.80
1954	238.84
1955	252.68
1956	260.07
1957	260.96
1958	259.79
1959	270.72
1960	272.53
1961	279.05
1962	284.47
1963	289.08
1964	294.46
1965	304.02
1966	305.00
1967	304.91
1968	309.56
1969	312.29
1970	308.84
1971	314.35
1972	327.51
1973	327.45
1974	319.43
1975	303.96
1976	308.35
1977	311.88
1978	312.42
1979	302.90
1980	285.32
1981	280.75
1982	276.95
1983	281.83
1984	281.67
1985	277.96
1986	278.14
1987	275.09
1988	272.49
1989	270.32

[1] Current dollars deflated by CPI (1982–84 = 100).

Source: "Economic Report of the President," 1990, pp 344, 359.

TABLE 2.—*Median family income in constant dollars:*[1] *1947–88*

Year:	*Income*
1947	16,079
1948	15,644
1949	15,444
1950	16,292
1951	16,876
1952	17,366
1953	18,795
1954	18,326
1955	19,502
1956	20,789
1957	20,907
1958	20,823
1959	27,022
1960	22,461
1961	22,691
1962	23,331
1963	24,159
1964	25,068
1965	26,127
1966	27,501
1967	28,098
1968	29,344
1969	30,407
1970	30,084
1971	30,042
1972	31,460
1973	32,109
1974	30,960
1975	30,167
1976	31,099
1977	31,252
1978	32,006
1979	31,917
1980	30,182
1981	29,136
1982	30,161
1983	30,688
1984	31,523
1985	32,051
1986	31,796
1987	32,251
1988	33,191
1989	

[1] In 1988 dollars.

Source: Bureau of the Census, Current Population Reports, P–60, No. 167, "Trends in Income by Selected Characteristics: 1947 to 1988," p. 17. (By Mary F. Henson).

TABLE 3.—*Annual average rate of change in productivity:*[1] *1948–89*

[In percent]

Year:	*Rate of change*
1948	3.8
1949	1.6
1950	6.5
1951	3.1
1952	2.2
1953	2.2
1954	1.4
1955	3.0
1956	.6
1957	1.9
1958	2.3
1959	3.2
1960	1.1
1961	3.1
1962	3.3
1963	3.6
1964	3.9
1965	2.6
1966	2.2
1967	2.6
1968	2.9
1969	−.3
1970	.5
1971	2.9
1972	3.0
1973	2.1
1974	−1.9
1975	1.9
1976	2.8
1977	1.7
1978	.9
1979	−1.5
1980	−.3
1981	1.1
1982	−.9
1983	2.9
1984	2.1
1985	1.3
1986	2.0
1987	1.0
1988	2.5
1989	−.7

[1] Output per hour per person in nonfarm business sector.

Source: "Economic Report of the President," 1990, p. 347.

TABLE 4.—OUTPUT AND EMPLOYMENT IN GOODS[1] PRODUCTION AND MANUFACTURING FOR SELECTED YEARS: 1950–89

[In percent]

	Output[2]		Employment[3]	
	Goods	Manufacturing	Goods	Manufacturing
1950	41.5	29.1	40.9	33.7
1955	37.7	29.9	40.5	33.3
1960	35.2	28.0	37.7	31.0
1965	35.0	28.1	36.0	29.7
1970	31.7	24.8	33.3	27.3
1975	29.7	22.4	29.4	23.8
1980	30.2	21.3	28.4	22.4
1985	27.2	19.7	22.9	19.8
1989				18.0

[1] Mining, Construction, and Manufacturing.

[2] As a Percent of the GNP.

[3] As a Percent of Nonagricultural Employment.

Source: "Economics Report of the President," 1990, pp. 306, 342.

TABLE 5.—DISTRIBUTION OF FAMILY INCOME BY QUINTALS FOR SELECTED YEARS: 1950–88

[In percent]

Year	Lowest fifth	Second fifth	Third fifth	Fourth fifth	Highest fifth	Top 5 percent
1950	4.5	12.0	17.4	23.4	42.7	17.3
1955	4.8	12.3	17.8	23.7	41.3	16.4
1960	4.8	12.2	17.8	24.0	41.3	15.9
1965	5.2	12.2	17.8	23.9	40.9	15.5
1970	5.4	12.2	17.6	23.8	40.9	15.6
1975	5.4	11.8	17.6	24.1	41.1	15.5
1980	5.1	11.6	17.5	24.3	41.6	15.3
1985	4.6	10.9	16.9	24.2	43.5	16.7
1988	4.6	10.7	16.7	24.0	44.0	17.2

Source: Bureau of the Census, Current Population Reports P–60, No. 167, "Trends in Income by Selected Characteristics:" 1947–1988, p. 16 (by Mary F. Henson).

TABLE 6.—AVERAGE FAMILY INCOME IN CONSTANT DOLLARS[1] BY DECILES: 1977 AND 1988

Decile	1977	1988	Change	
			In dollars	In percent
1st	4,113	3,504	−609	−14.8
2d	8,334	7,669	−665	−8.0
3d	13,104	12,327	−777	−5.9
4th	18,436	17,220	−1,216	−6.6
5th	23,896	22,389	−1,057	−4.4
6th	29,824	28,205	−1,619	−5.4
7th	36,405	34,828	−1,577	−4.3
8th	44,305	43,507	−798	−1.8
9th	55,487	56,064	577	1.0
10th	102,722	119,635	16,913	16.5
Top 5 percent	134,543	166,016	32,473	23.4
Top 1 percent	270,053	404,566	134,513	49.8

Source: Congress of the United States, Congressional Budget Office, "The Changing Distribution of Federal Taxes: 1975–1990," p. 39.

TABLE 7.—EFFECTIVE FEDERAL TAX RATE FOR ALL FEDERAL TAXES[1] BY DECILES: 1977 AND 1988

[In percent]

Decile	1977	1988	Percentage change
1st	8.0	9.6	20.0
2d	8.7	8.3	−4.6
3d	12.0	13.3	10.8
4th	16.2	16.8	3.7
5th	19.1	19.2	.5
6th	21.0	20.9	−.5
7th	23.0	22.3	−3.0
8th	23.6	23.6	
9th	24.5	24.7	.8
10th	26.7	25.0	−6.4
Top 5 percent	27.5	24.9	−9.5
Top 1 percent	30.9	24.9	−19.4
All deciles	22.8	22.7	−.4

[1] Federal Individual Income, Corporate Income, Social Security, and Excise Taxes.

Source: Congress of the United States, Congressional Budget Office, "The Changing Distribution of Federal Taxes:" 1975–90, p. 48.

EXHIBIT 2

[From the Atlanta Journal and Constitution, Nov. 18, 1990]

HELP FOR UNITED STATES LIES IN SOVIET OILFIELDS

(By Eliot Janeway)

After America rushed to the Soviet Union's defense in World War II, Soviet mechanics developed an impressive knack for repairing rudimentary U.S. aircraft. Teamwork between Soviet mechanics and American pilots relieved the United States of the need to move its own mechanics to the Soviet Union.

The threat of a Middle Eastern oil war should serve as an invitation for the superpowers to repeat that memorable chapter of aeronautical history in an underground setting: Working together, the two countries can reactivate the Soviet Union's huge oil fields.

For lack of U.S. equipment, the Soviet Union has been cutting back oil production when it could profit from an expansion. America, for its part, has missed a rare double opportunity to strengthen its security and its exports. Opportunities for the United States to combine good business with prudent foreign policy are all too rare, and the country's problems are too severe for it to dare ignore such a chance.

Right now the oil world is as inflammable as oil itself. As fast as oil surpluses push oil prices down, war scares reinflate them. The list of "supposes" is at least as lively a source of speculation in the oil market as any hard performance count. It includes sober talk about the possible destruction of part or even all the oil reserves in Saudi Arabia. An order by Saddam Hussein would eliminate all of Kuwait's reserves in a matter of minutes.

Admittedly, loading all the Soviet Union's present oil wells with American oil equipment would not provide instant insurance against the shock of such a disaster. In fact, no one can begin to calculate how much insurance it would provide until lost time is made up in getting American oil equipment into the neglected Soviet oil fields and updating estimates of Soviet reserves.

So far neither superpower has acted to free the price of oil from the manipulation to which the Persian Gulf powers habitually subject it. The United States in particular has always invited the oil world to treat it as weak and gullible. But the simple and profitable ploy of financing and equipping the Soviet Union will quickly repair that long-standing strategic error.

The Arab world would read such joint Soviet-American action as formalizing the two superpowers' recognition of their common interest on the oil front. A long overdue decision by Moscow to stop the small oil allotment it gives to Cuba for re-export would remove any doubt that the Soviet Union means to get serious about using oil to help America balance its oil economy, collecting a price paid in oil equipment.

Habitual mismanagement of resources has transformed the national strength of each superpower into a market weakness. The Soviet Union is the world's largest oil producer; its output has continued to top Saudi Arabia's, despite the recent expansion undertaken by the Saudis. But the obsolescence of the fields the Soviet Union is tapping, and the richness of the fields it is ignoring, defy description. Meanwhile, America remains unchallenged as the world's leading manufacturer of oil-producing equipment—but it is the most conspicuous absentee from the world's export boom.

In fact, the lag in U.S. oil equipment sales to the Soviets goes far to explain the lead that our industrial competitors enjoy in other markets. U.S. manufacturers wait for sales to come to them with hard cash on the table, with no recognition of the key role that government-financed export credits play in securing export sales. When the Soviet Union launched its latest program to expand oil production, Soviet authorities failed to place orders for American equipment, and the United States in turn failed to remind them.

So the Soviet Union has wound up with lots of shut oil wells, while the United States has wound up short of cash and oil but volunteering to protect creditors who are both cash- and oil-rich.

Instead, the United States could anticipate freeing its troops from the hazards of desert life and desert war by the simple and profitable expedient of equipping the Soviet Union with the products that we make best.

Secretary of Commerce Robert A. Mosbacher Sr., like President Bush an alumnus of the American oil industry, has taken steps toward this productive collaboration. He has taken a team from the U.S. oil equipment industry to the Soviet oil fields to identify their needs, as well as the opportunity for America.

The hang-up remains the need of U.S. manufacturers to get paid in dollars. The Soviet oil industry, potentially a huge dollar-earner, is choking because it is out of them. Moreover, thanks to the failure of the takeoff projected for gold prices, the Russian central bank is shorter than ever of dollars.

The Commerce Department could end this frustration without any administrative pioneering. All it need do is invite the oil companies and oil equipment producers to form industry committees, as was done in time of war. If idealogical objections from free marketeers on the right and trust-busters on the left are not allowed to hog-tie them in this emergency, these industry committees could be authorized to buy oil for future delivery from the Soviet Union as fast as the equipment producers supplied and installed equipment there.

As a practical matter, the dollars advanced or guaranteed by the U.S. goverment would never leave the United States. They would go directly to the U.S. equipment producers, and the Soviets would wind up with the equipment and the sales needed to pay for it.

The United States is overdue the satisfaction of solving one of its foreign money problems to its advantage. Substantial political and strategic benefits would follow. When they do, perhaps Washington will be emboldened to offer its perennial food surplus in further payment for cheap, good-quality Soviet oil.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nebraska has suggested the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

EXTENSION OF MORNING BUSINESS

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the period for morning business be extended for an indefinite period of time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair is pleased to recognize the Senator from Kansas for a period of time as outlined in the previous morning business order.

Mrs. KASSEBAUM. I thank the Chair.

(The remarks of Mrs. KASSEBAUM pertaining to the introduction of Senate Joint Resolution 92 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HUGH MORTON: A UNIQUE GUY WHO "GETS INTO EVERYTHING"

Mr. HELMS. Mr. President, well within the parameters of the familiar declaration—"braggin' ain't braggin' if you can prove it"—I intend to brag a little bit today about a fellow named Hugh Morton. Then I shall read into the RECORD some remarks by Hugh Morton, delivered February 24 on the occasion of the 215th anniversary of what is known in North Carolina as the Battle of Moore's Creek.

But first, a few inadequate words about Hugh Morton. I acknowledge up front that Hugh is a longtime friend. He is an extraordinary citizen of my State. Someone inquired of Hugh sometime back about his "line of work." Hugh replied that he is "just a photographer."

Well, Mr. President, Hugh Morton is a photographer—and, like Howard Baker, he is one of the finest in the country. But that's merely one of Hugh's constructive and appealing hobbies. He is a remarkably successful businessman. For example, he owns the beautiful Grandfather's Mountain at Linville, NC, which countless hundreds of thousands of tourists and North Carolinians have enjoyed. But, as Sam Ervin once remarked, "Hugh's into everything that's good for North Carolina."

Senator Ervin had it right: Throughout his life, Hugh Morton has indeed been "into everything"—more often than not the result of creative ideas that occurred to him. The guy loves North Carolina passionately; he loves America fervently—as will be obvious to anyone who reads the text of his remarks back in February to which I alluded at the outset.

Few would have dreamed, back when Hugh was working to get the old U.S.S. *North Carolina* moored permanently at Wilmington, NC, that this battleship would be a top-flight tourist attraction on North Carolina's coast. Today, some of the youngsters who first examined that old battlewagon when it was opened to the public decades ago are now escorting their own grandchildren around the ship.

Hugh Morton is a well-informed, dedicated, and hard-working environmentalist. He is never a pain in the neck about it, but he has worked arduously to persuade officials of State and Federal governments to take a look at the ravages of acid rain and other destructive environmental hazards.

When the historical lighthouse at Cape Hatteras was about to fall into the waters of the Atlantic, there was Hugh Morton, just like Sam Ervin said, "getting into it." He formed a committee consisting of the leaders of North Carolina—and headed by two somewhat adversarial political figures. Hugh figured that every effort should be made to save the lighthouse. Today it still stands, and the efforts to make it permanently secure are still going on.

A few years ago, Hugh Morton teamed up with Ed Rankin to produce an enormous and handsome book containing personality sketches and splendid photographs of dozens of unique North Carolinians. The book is on display today in thousands of homes.

Parenthetically, Mr. President, please allow me a few words about Ed Rankin. His full name is Edward L. Rankin, Jr., and he says he is retired—but like Hugh Morton he is "into everything" also. Ed made several forays into public life because of his many talents. He was a top assistant to U.S. Senator William B. Umstead, he was private secretary of North Carolina's Gov. Luther Hodges, he was director of administration for the State of North Carolina when Gov. Dan K. Moore was chief executive of our State. Each time, it was a case of the job seeking the man—and Ed Rankin was the man. He and Hugh Morton make a good team.

Mr. President, in conclusion let me comment on Hugh Morton's brief address on February 24 on the 215th anniversary of the Battle of Moore's Creek. Bear in mind that February 24 was the first day of the ground war in the Persian Gulf. The White House heard about Hugh's remarks and requested a copy.

Hugh sent the text of his speech, as requested. He also sent a picture he took when he went to the White House to accept the Theodore Roosevelt Conservation Award. During the ceremony Hugh snapped a picture of President Bush at the podium. In a letter to the President, Hugh said he hoped the President would like what he said in his speech.

I can testify that George Bush did indeed like it. He liked the picture, too.

Mr. President, I think you understand why I admire and respect my friend Hugh Morton, and I ask unanimous consent that the text of his February 24 address be printed in the Record at the conclusion of my remarks.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS BY HUGH M. MORTON AT MOORE'S CREEK BATTLEGROUND ANNIVERSARY, FEBRUARY 24, 1991

I am not nearly the historian that many of you are, yet I have taken some pride in being reasonably familiar with the accomplishments of our leaders who have served as President of the United States during the 70 years of my lifetime. I have to admit, however, that I haven't really worked at knowing what President Calvin Coolidge accomplished. If I had not done a little homework to prepare for this occasion, I probably could not have named a thing.

Some of you will remember what may be President Coolidge's most memorable statement: "If you don't say something, you won't be called on to repeat it". Those choice words seem to sum up Calvin Coolidge, and the fact that my hero, Will Rogers, used Silent Cal as the butt of many of his jokes probably reinforced my impression of our most colorless President. Today I know that President Coolidge did accomplish something. He was the President who signed the bill to establish Moore's Creek National Military Park on June 2, 1926, and as long as I live I will think of him fondly for it.

You folks who are my hosts here have given me a great honor. You have invited me to be your speaker at the commemoration of a Revolutionary War conflict that was possibly the most efficiently and brilliantly conducted battle in the history of our great country. Furthermore, your invitation has come in the year when the program is dedicated to the patriotic Americans who are serving in the Persian Gulf in the most efficiently run war in which our nation has ever been a participant. I am extremely proud of the past event, and of the present, and I thank you for this opportunity to say so.

In the battle at Widow Moore's Creek, we know there were good people on both sides, because at least some soldiers on both sides were Scots. You expect a Scot to make a biased statement like that, so I have said it. But cases of some on both sides being Scot did not make them equal in their determination to fight. The Patriot Scots seemed to understand what they were fighting for better than did the Loyalist Scots who had been bribed with land and other benefits to fight in the service of the King. The Patriots were fighting for freedom.

Even taking into account the skillful planning by Patriot Colonels Alexander Lillington, Richard Caswell, and James Moore, the outcome of the battle of Moore's Creek is simply amazing. The Loyalists lost 30 killed and 40 wounded. The Patriots lost one—John Grady of Duplin County, the first North Carolinian to die in the American Revolution. The number of casualties was small, but the casualty percentage between Loyalists and Patriots was overwhelming, and it was a true turning point in America's battle for independence.

If the measure of successful conduct of war is achieving victory while suffering a minimum number of casualties, certainly Moore's Creek stands the test of time as being one of our greatest, both in minimum casualties, and what it accomplished. One Patriot killed, 70 Loyalist casualties, that is still hard to believe. For several days after the conflict the roundup of Loyalists continued until nearly 900 had been captured, including 30 officers. This remarkable battle ended British hope of organizing meaningful Loyalist resistance in North Carolina, even though many Loyalists resided in our state.

While our spotlight today is on Moore's Creek, and on the Persian Gulf, let's go downstream from here a few miles to the U.S.S. North Carolina Battleship Memorial which is a memorial to the 10,000 North Carolinians in all of the United States military services who died in World War II. Think about that 10,000 men and women from this one state killed, not just wounded, in that one terrible war. Does it not give us something to appreciate when we realize that prior to the ground war America has suffered only about 25 dead in the Persian Gulf? We do not know how it will end, but up to now our people in the Persian Gulf have done a masterful job. Each day that passes brings new hope that we may be on the verge of victory, and to have achieved this with only 25 American dead leading into the ground war is absolutely remarkable.

I would not want to start an argument with anyone on what are the most important subjects for students to learn in school. Everyone can benefit from a well rounded education covering many things, and the basic reading, writing, and arithmetic are of course essential. I would like to add history to that essential list, because a knowledge of history allows us to benefit from the mistakes and the successes of those who have gone before us. In the case of the War in the Persian Gulf, I am convinced we have made the right decisions and the right moves up to now, and that our ability to select the right course is strongly influenced by history.

All of us know that a nobody named Adolf Hitler was able to worm his way into power in Germany, and because the world was not willing to stand up to him immediately, he was able to overrun many of his small neighbors before this country and several others recognized it for its seriousness. This experience with having to fight a tremendous war that killed 10,000 service people from North Carolina taught us a lesson. Thankfully the majority of our leaders today have wanted no part of the appeasement that leads to a big war instead of a little one. We are nipping Saddam in the bud, rather than let him gain the strength of Hitler.

Whether we will come out of the Persian Gulf without an extended and expensive ground war remains to be seen. History tells us we want to handle it right the first time, however, because we do not, in a few years, want to fight this one again. There is a further reason for not grabbing the first inadequate peace feelers. The upstart two-bit dictators of the world need to not be tempted. They need to know that they should not pull Saddam-like stunts and expect to get away with it. President George Bush has made all of the right moves up to this point, and I thank him for it.

But the Persian Gulf War is not being run only by President Bush, Secretary Cheney, General Powell, General Schwarzkopf, and General Horner. We have over 500,000 of our people over there, and every one of them is a volunteer. There may be a few who do not understand why they are there, and of course all of them want to be home. The bulk of them know that they are fighting for the freedom of this nation and the world. Most of them are there at extreme personal and family inconvenience and sacrifice. We owe them a lot, all 500,000 of them, and none of us should ever forget it.

So today at Moore's Creek National Military Park we express our thanks to brave men for two events in our nation's history 215 years apart. Both events appear to be among the most efficiently conducted military operations our country has ever seen. Both events called upon our people to make agonizing decisions, and in both instances skillful planning and correct priorities led to the right conclusions. The Patriots in February 1776 knew they were fighting for freedom, and the Patriot missile crews and our other 500,000 patriots in February 1991 are protecting our freedom, too. Let's all of us use every opportunity to say thanks that 215 years apart, level heads have prevailed.

Thank you again for inviting me to speak at this program.

THE FEDERAL TRIANGLE BUILDING

Mr. MOYNIHAN. Mr. President, I would like to call the Senators' attention to an article that appeared in the Washington Post on Saturday, March 9. The article is a review by that most able reporter, Benjamin Forgey, of the new Federal Triangle project design by James Freed of the renowned architecture firm of Pei Cobb Freed & Partners.

As you know, Mr. President, we are dealing with some unfinished business here. With the authority granted by Congress in the Public Buildings Act of 1926, Mr. Andrew Mellon, then-Secretary of the Treasury, commenced a great project of Federal buildings called the Federal Triangle. Some grand buildings resulted from this effort, but with the onset of the Depression, the project just plain stopped. We were left with a parking lot of unsurpassed ugliness. And that parking lot has remained with us for over 60 years.

On August 21, 1987, President Reagan signed the Federal Triangle bill into law. We authorized a grand building nearly two-thirds the space of the Pentagon. But this is not simply a large office building. It assumes a prominent place on Pennsylvania Avenue—America's Main Street.

Too often we have permitted our public buildings to fall far short of excellence. Yet architecture is the one inescapable public art. Our public buildings speak volumes about us, about who we are, and about the dignity or disdain with which we go about this governmental enterprise of ours.

I am pleased that when the construction is done, as Mr. Forgey explains, we will be proud of what this new Federal Triangle Building will say about us. Mr. President, I ask that a copy of the

Washington Post article be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 9, 1991]

THE SHAPE OF THE TRIANGLE'S FUTURE

(By Benjamin Forgey)

The Federal Triangle has shamefacedly remained incomplete for more than half a century, its last piece a surface parking lot—undignified, unsightly and unpleasant. A bold plan to complete the great compound has been stalled for a couple of years in controversy about its cost, its efficacy, its ethics and even its design, by the renowned architecture firm of Pei Cobb Freed & Partners.

Questions persist about some issues, but worries about the architecture worries can cease. Though not without fault, the International Cultural and Trade Center, as the behemoth building is to be called, promises enormous visual enrichment, spatial excitement and design finesse. An immensely complicated enterprise, it'll be a building unlike any other in the Federal Triangle, but it will contribute greatly to the complex and, strangely enough, it will fit in.

In terms of sheer size and number of uses, not to mention the price tag of more than $650 million, the ICTC project is an amazement. More than half a Pentagon big, it encompasses 3.1 million gross square feet, including four levels of underground parking for 2,500 cars. Its facilities include sizable conference rooms, exhibition halls, training centers, information exchanges, a large-screen theater and three small cinemas, a large auditorium for 800 (reduced from 1,500 for cost reasons), a small one for 300, a multimedia "World Globe," a "World Link Atrium," a presidential memorial as part of the Woodrow Wilson Center, stores, bars, restaurants, cafes and a whopping amount of federal office space.

One of the major questions concerning the design after it was first unveiled by the Pennsylvania Avenue Development Corp. as the victor in a developer-architect competition two years ago was, indeed, its compatibility with the classic revival architecture of the buildings that surround the huge, irregular site. (It's bounded by Pennsylvania Avenue NW to the north, the District Building and 14th Street to the west, and elaborate federal buildings to the south and east.)

Such concern was understandable—the Pei firm has never been identified with soft architectural insertions in the cityscape. To the contrary, its stamp ever since its founding by I.M. Pei three decades ago has been strong contrasts, succinct geometries, superb technologies and extraordinary finishes. Witness, for one good instance, Pei's own East Building of the National Gallery of Art.

From the beginning the firm's conception of the ICTC possessed powerful, daring qualities. It proposed a dramatic new public park opening off Pennsylvania Avenue and a stupendous new interior court. But its "dressing"—the elevations presented for the competition—had a parched, asbstemious look. Although the competition rules established certain fundamentals of the context—heights, roof and facade materials, percentages of window openings—one could not handily imagine the new facades cozying up to the neoclassical ambience established by the Beaux-Arts architects of the original buildings.

James Freed, the partner in charge of this design, admitted as much in an interview last winter. "It's hard for me to believe the old rules still apply," he said. "The dilemma is to maintain the dignity of the government and to celebrate the liveliness of the ICTC. One cannot just stand on dignity alone. But to design decorative moldings is something I never thought I would do."

So spoke the lifelong modernist. It's something no observer of the Pei firm ever thought it would do or could do, either. But Freed and company have perhaps surprised even themselves with the work they've done in the ensuing year. The new elevations are thoroughly satisfactory. With rusticated bases, pilastered midsections, a variety of emphatically formed pavilions and entrances, deeply framed windows and forcefully corniced tops, they demonstrate a sound understanding of the neoclassical modus operandi. As intended, they'll stand in contrast to but correspond kindly with their Federal Triangle companions.

To architects more comfortable with revivalist styles—to Washington's Hartman-Cox, for example—this issue of the proper dressing for the new building would not have caused great stress. But to architects such as Freed, insistent upon making "something we can relate to as a part of modern life" even in this unusually circumspect environment, it was a struggle.

Hesitant to take the Federal Triangle itself as a precedent, Freed and his colleagues (there were five younger architects on the original design team) fastened on the nearby northern elevation of Robert Mills's 19th-century Treasury Building, taking lessons from its sober rhythms. From this, they developed an archetypal elevation they called their "Rosetta stone." There's none of Mills's ornamentation (in itself quite minimal) in their facades—Freed didn't actually design any decorative moldings—but there's more variety of form, more depth and more glass.

"This is not a clone," Freed said recently, and it isn't. It is a sophisticated, highly abstracted late-20th-century version of neoclassical architecture. As appropriate for so large and prominent a structure, this one is "designed out" on all sides. Indeed, one of the delights of these facades is their variety within the overriding uniformity of stylistic vocabulary.

On 14th Street there is a graceful, subtly curved facade with end pavilions and a recessed entryway. Pennsylvania Avenue is marked by a tremendous ceremonial cylinder with raised paired columns. Even the less visible elevations (facing the District Building, for instance) are treated with systematic respect. And the eastern facade is a supple piece of work. Designed to frame the new public space, it's a contrapuntal combination of angles and curves, positive and negative spaces, and emphatic, discrete forms. It is with these calculated asymmetries that Freed best attains his risky aim of honoring the classical tradition while defying it, politely but decisively. One can rest assured that the building will respond wonderfully to Washington light.

The long arm of this facade, extending southwest at a 90-degree angle to the diagonal of Pennsylvania Avenue where it meets 13th Street, was one of Freed's bold moves at the very beginning of the design process. Alone among the competitors did he decide to complete the courtyard, framed by the existing federal hemicyle, in a truly celebratory fashion. (Intended as a noble armature for a major public park, the Grand Plaza, the hemicyle became just a forgotten focus for the parking lot.)

This was, in a way, an in-your-face gesture—the conventional approach would have been to shape the space with a mirror-image half-circle—but it is exceedingly promising. Freed's theory clearly was that taut opposites attract—in this case the long, straight diagonal vs. the semicircle. His belief is that the dramatic diagonal will lure people toward the space. His aim is to make this vast open space a densely populated, active zone in the heart of the Federal Triangle.

Whether this dream comes true remains a question, and not strictly an architectural one. But definitely it is possible—this is a place with amazing asthetic and entrepreneurial potential. A lot depends on the success of this institution itself, and so far the specific components of the International Cultural and Trade Center have remained somewhat pie-in-the-sky. But the density is there—close to 10,000 federal workers in the building itself, and untold numbers of tourists and more purposeful visitors. And the infrastructure: The building will connect directly to the Federal Triangle Metro station. The ICTC could become the long-desired break in the "China Wall" of the Federal Triangle, pulling visitors toward downtown from the Mall.

A lot depends as well on continuing refinements to the architecture, particularly to the sketchy furnishings of the plaza. (Like many a modernist diagram, this one does not welcome works of art as integral to the design.) But there is no mistaking that Freed and his talented colleagues have established the groundwork with that great eastern wall. Likewise, landscape architect Peter Walker has done good homework—his plan to a bifurcated space, half paved, half green, complements Freed's concept extremely well.

Another major strength of this design, as of so many products of the Pei firm, is its command of pedestrian circulation, its artfulness and sophistication at getting people to move from here to there. In this respect, of course, the ICTC building is as complex as they come, and the architectural work in both plan and three dimensions is nothing short of dazzling. Access to the principal public areas is clear, and frequently dramatic; corridors are properly placed for maximum efficiency and best views; links between the underground, ground level and mezzanine concourses are many and delightful. And so on. Visiting this building will be a many-faceted treat.

In a way I've saved the best for last, for as good as the exterior architecture is, the principal interior public spaces promise to be even better. Or, one should say, they're of a different kind, and they're superb. "One of the big problems with a building as big as this," Freed has said, "is to know where you are. And you can only do that with architecture. You can't do it with signs and such."

Three cheers for Freed and friends. They've gone the extra mile to shape great spaces inside. The two auditoriums, for instance, stand very nearly free in the Pennsylvania Avenue lobby—they're beautifully designed events in themselves. The World Globe, described as a "scaffold for technologies that haven't been invented yet," will be in its naked state a looming spherical structure of metal trusses—quite a sight.

The World Link Atrium tops them all. Enclosed by a conical, steel-frame glass roof, screened in part by a delicate suspended scrim, supported by an independent system of steel columns, it looks in model to be breathtaking and, even, spellbindingly beautiful. It could become one of the great interior attractions in the world.

TRIBUTE TO LOUIS GREENE

Mr. SHELBY. Mr. President, I rise today to pay homage to a dear friend and influential leader in the State of Alabama. Louis Greene will retire April after 20 years of faithful service as director of the Alabama Legislative Reference Service.

Lou was appointed director of the LRS in 1970. He has also served as secretary to the Legislative Council. As director, he has direct control over a staff of 24, with explicit responsibility for all agency duties and functions. Lou, and the Alabama Legislative Reference Service, have been widely commended during his tenure. As a State senator and chairman of the Legislative Council in the 1970's, I had the privilege of working directly with Lou and watching first hand as he established a legacy of accomplishments that will be a challenge to sustain.

Lou's work at the LRS was the culmination of a long and successful professional career. A native of Birmingham and a Montgomery resident since 1950, Lou is one of Alabama's finest citizens. He is a veteran of World War II where he served in the U.S. Army Air Corps, including combat duty in the Pacific theater. He is a graduate of the University of Alabama and received his law degree in 1950. Lou was engaged in a successful law practice in Montgomery until his appointment to the LRS' top post in 1970.

Lou has been affiliated with many professional, social, and religious organizations including the Trinity Presbyterian Church, the Montgomery Lions Club, the Montgomery Toastmaster's Club, Phi Alpha Delta Law Fraternity, the Montgomery County, AL, and American Bar Associations, and the Jackson Hospital Foundation Board of Directors.

Lou's retirement is well deserved. Now he will be able to enjoy time spent with his wife Linda, their daughter Jane, son-in-law Scott, and grandchildren Mary and Patrick.

Mr. President, it is an honor to share some of Louis Greene's immense accomplishments with my colleagues in the U.S. Senate.

PRESIDENT BUSH SALUTES SISTER MARY FLORITA SPRINGER AS THE 394TH "DAILY POINT OF LIGHT"

Mr. PACKWOOD. Mr. President, it is a pleasure for me to rise today in honor of a remarkable, 81-year-old woman in Pendleton, OR. Her name is Sister Mary Florita Springer, and she has dedicated her life to improving the lives of others. The many contributions she has made to Oregon are best demonstrated by her work helping the elderly residents of the Umatilla Indian Reservation in my State.

Despite having suffered two heart attacks and two surgeries, Sister Florita regularly travels 8 miles to the Umatilla Reservation outside Pendleton to visit 30 homebound elderly individuals. She spends most of her day talking with them, assisting them with chores, and offering them reading materials. After completing her visits, she goes to the senior center on the reservation to pick up hot meals and deliver them to those who are unable to prepare meals for themselves. Sister Florita goes out of her way each day to ensure that all of her friends on the reservation receive a pleasurable meal.

Sister Florita became interested in working with the residents of the Umatilla Indian Reservation after a 45-year career in teaching. For the last 15 years of her teaching career she was the principal at the St. Andrews Catholic School on the reservation. After being forced to retire from teaching because of her health conditions, Sister Florita decided to come back to the reservation as a companion to the elderly who live there. Many of her friends are the grandmothers and grandfathers of the children she used to teach. Each day Sister Florita ensures that the elderly receive the friendship and care that they so deserve.

As recognition for her hard work and dedication to improving the lives of the elderly residents of the Umatilla Reservation in Oregon, President Bush has saluted Sister Florita as the 394th "Daily Point of Light." The Daily Point of Light recognition is intended to call every individual and group in America to claim society's problems as their own by taking direct and consequential action, like the efforts taken by Sister Florita.

On behalf of Oregon, and the many people on the Umatilla Reservation in whose lives you make a difference, many thanks, Sister Florita.

RECOGNITION OF THE CONTRIBUTION OF VERMONTERS IN THE PERSIAN GULF

Mr. JEFFORDS. Mr. President, I rise today to recognize all of the Vermonters who made a contribution to the quest to liberate Kuwait from the grasp of a tyrant. Vermonters serve in all four branches of the military and the reserves. Their tasks range from waging the battle against Iraq, to helping the Kuwaiti's start rebuilding their war-torn country. I wish to commend each and every one of them for a job well done.

Let us not forget to recognize those unsung heroes back home—the families of the soldiers—for they are the motivating factor for our troops. I remember from my days in the U.S. Navy the importance of letters and packages from home. the words of love and support mean more than anything. Husbands, wives, parents, and even children are running the show back at home while their loved ones so bravely serve our country. The families of our service personnel deserve our respect and admiration as well.

Mr. President, I wish to call special attention to several Vermonters who I have learned were injured while serving our country:

Sgt. Michael Devost, of Rutland. Michael suffered a back injury while part of the 131st Engineering Company of the National Guard Reserve unit from Camp Johnson. I know that I join the many folks at the Shelburne Post Office in wishing for his quick recovery. I hope to see him back at home with his wife, Pam, very soon.

Sgt. Daniel D. Foss, of Burlington. Daniel, also a part of the 131st, was injured in a bulldozer accident. I am very happy to have heard recently that he will make a full recovery.

Sgt. Edward L. Gilbert, of Woodford. Edward, who is part of the 3d Armored Division, was injured by shrapnel from a land mine when driving two doctors in a jeep. Edward got an extra boost of support when he was visited by a captain from the 131st National Guard unit who brought Edward a Vermont flag. His wife, Lisa, is patiently awaiting his return home.

Mark M. Jacques, of Barre. Mark injured his back while serving with the 131st. I am very pleased to report that Mark is now at Fort Devens and is feeling much better.

Pfc. John Knapp, Jr., of Pownal. John was injured while on a tank mission to clear mines with other members of the 1st Infantry Division. I wish him a swift and complete recovery so that he may return home soon to his wife, Lisa, who is expecting a child.

Sgt. Michael J. Nauceder, of Bellows Falls. Michael also became disabled while working as a part of the 131st. I am pleased to report that he is now recovering at home with his wife, Julie.

Jeffrey "Mike" Twardy, of Shelburne. Mike was injured when an Iraqi shell hit his Bradley fighting vehicle. He is a part of the 1st Infantry Division. I just learned yesterday that Mike will be coming back to the States on Friday to continue his recovery. I wish he and his wife, Christine, all the best.

Sgt. James Verchereau, of Grand Isle. James is also a member of the 131st who suffered from a back injury. James will be coming back to the States in the next few days, and I hope that soon he will be back in Vermont with his wife, Kathy.

I am very impressed with the actions and the caring spirit of all of those involved in the war effort both in the gulf and back at home in Vermont. We owe our service personnel a debt of gratitude. Thank you for a job well done.

U.S. FORCES: THE PRIDE OF AMERICA

Mr. THURMOND. Mr. President, I recently had the pleasure of reading an excellent editorial entitled, "U.S. Forces: The Pride of America," which appeared in the Charleston News and Courier on Friday, March 1, 1991.

The Charleston News and Courier is a fine newspaper with an outstanding reputation. It is a valuable source of information for people throughout our State and it is the oldest newspaper in South Carolina, having been founded in 1894.

I ask unanimous consent that this editorial be inserted into the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charleston News and Courier, Mar. 1, 1991]

U.S. FORCES: THE PRIDE OF AMERICA

In his televised address to the nation Wednesday night announcing the Persian Gulf cease-fire, President Bush spoke glowingly of the superb performance of America's armed forces. Never before has such a massive buildup of men and material been accomplished in so short a time, and never has victory come as quickly or with such little loss of life.

"This is not a time of euphoria; certainly not a time to gloat," the president said. "But it is a time of pride—pride in our troops, pride in our friends who stood with us during the crisis, pride in our nation and the people whose strength and resolve made victory quick, decisive and just. . . . Let us give thanks to those who have risked their lives. Let us never forget those who gave their lives. May God bless our valiant military forces and their families. . . ."

The American people have just cause for pride in their armed forces. The 100-hour ground war that crushed Saddam Hussein's army would have been the fodder of novelists had it not been for the exacting, thoroughly professional performance of the men and women in uniform. If ever there was a case to be made for the efficacy of the all-volunteer military, this was it. The goals of the campaign were achieved rapidly, expertly and with an absolute minimum of casualties.

Credit for this belongs to Gen. H. Norman Schwarzkopf, the tall and affable bulldog who guided coalition forces as supreme allied commander. Not since Gen. Douglas MacArthur has America had a field commander who could manage combined operations—air, sea and land—with such economy and grace. The seriousness with which he undertook his mission was leavened by compassion and humor, and the dividends his leadership paid were summed up by the nickname his troops bestowed on him: Storm-in' Norman.

About the troops themselves, words are imperfect instruments in acknowledging their courage and professionalism. The damage they inflicted on the Iraqis is only now coming to light, but it was by every measure awesome. Forty of the enemy's 42 divisions in the theater were either eviscerated or knocked out, and the landscape was littered with the wreckage of Iraqi armor. In the final analysis, it was not so much that the Iraqis were poor soldiers who were badly led. They were up against the very best troops in the world. It was no contest from the start.

President Bush is reaping political bouquets for the way in which the White House and the administration handled the war, and the praise is richly deserved—from Defense Secretary Richard Cheney to Joint Chiefs of Staff Chairman Gen. Colin L. Powell and on down the line. It has been said before, but it merits saying again: The campaign would not, could not, have been as successful if the president had not had the self-confidence to leave the fighting to the professionals. The commander-in-chief's hands-off policy was so significant a factor in the allied victory that Gen. Schwarzkopf himself paid tribute to the president's discipline.

Even now, in the exuberance of victory, a grateful nation remembers that 79 of its sons and daughters will not return with their comrades, that 79 American homes and countless hearts are filled with agony. The wings of man's life are plummed with the feathers of death, as Milton wrote, but the loss of even one American life in battle is a terrible price to pay.

The soldiers have done their heroic duty. It is now up to the statesmen to ensure that their sacrifice was not in vain.

SOCIAL SECURITY NOTCH

Mr. REID. Mr. President, I join to correct a problem which plagues a special group of older Americans—those affected by the Social Security notch.

For my colleagues who may not be aware, the Social Security notch causes 10 million Americans born between the years 1917-26 to receive less in Social Security benefits than Americans born outside the notch years due to changes made in the 1977 Social Security benefit formula.

Under the current formula, benefits for retirees born in the years 1917-26 are as much as 20 percent lower than benefits received by those born before 1917.

I have felt compelled over the years to speak out about this issue and the injustice it imposes on millions of Americans. The notch issue has been debated and debated and debated over the last several years, yet no solution to it has been found. Because of this, older Americans must scrimp to afford the most basic of necessities. These are hard-working Americans we are talking about here—people who paid into Social Security year after year, until their retirement, expecting, at age 65, to reap the benefit of years of hard work.

There is no doubt in my mind that Congress and the President had good intentions when it changed Social Security benefits in 1972. Members of Congress had attempted to institutionalize Social Security cost-of-living adjustments which had previously been legislated inconsistently. Unfortunately, it soon became evident that these 1972 amendments were calculated incorrectly. In an attempt to right these formula mistakes, the Social Security notch was born. Benefits were reduced by 10 to 20 percent for all Americans born between 1917 and 1926. These Americans, now known as notch babies, are not deserving of this treatment. They receive hundreds of dollars less in Social Security benefits than their friends and relatives who were just lucky enough to be born a few days outside the Social Security notch.

While my brief synopsis of the notch history reveals well-meaning actions on the part of the Congress to protect America's seniors, we must take responsibility without delay for the fact that to date, the actions have been disastrous. And time is running out. I do not need to tell you that our notch babies are not getting any younger.

The legislation being offered today by Senator SANFORD and me incorporates the best features of many proposals offered during past Congresses to address the notch injustice. Other legislative proposals have been incorporated into what we see before us today—a simple, uncomplicated act which will restore the fair and democratic treatment of millions of our older Americans.

What this legislation does is simple: It creates a 10-year transition formula for persons born in the years 1917 through 1926. That is it. This proposal is affordable as well—another attractive feature—it makes but a small dent in the huge Social Security trust fund surplus. Surely we can see fit to spend Social Security funds on the very people whose money was collected year after year to create them.

My mail tells woeful tales. Jack Gibson of Carson City, NV, writes:

> I am a former Marine attached to the Second Marine Division during the Second World War, seeing action in the Pacific Theater of war.
>
> I am also a second class citizen of the United States.
>
> That is because I was born in 1920, became a working registrant of the Social Security system when it was first started, and have paid into it all my life except when I was in the Marine Corps.
>
> Yes, I am a "Notch" baby, one of the forgotten citizens of this country. Downgraded because I, and thousands before me were born at the wrong time. Unfortunately, those born later or earlier have not had their Social Security payments "docked" due to legislation. * * *

Edward Lilian of Thunder, NV, writes:

> By procrastinating about the repeal of this Act, you and your peers are in fact making the decision to ignore and discriminate against us.

The legislation offered today is a responsible solution to the notch inequity. This bill will not bankrupt the Social Security System. The transition formula extends over 10 years. It increases notch babies' Social Security checks by an estimated $37 to $114 per month. This may not sound like much money to my colleagues who have good steady incomes, but to a senior who lives on a fixed income it is a fortune. This small amount, a fortune to some, can mean the ability to put food on the table. It can mean the ability to purchase a vital prescription drug.

It is time for Congress to return dollars to the hands of those who earned them—Social Security beneficiaries. It is time for my fellow Members of Congress to listen to the Jack Gibsons and Edward Lilians of their respective States. It is time to destroy the Social Security notch. For millions of America's senior citizens, this will be no less than miraculous. For the 102d Congress, this will be no less than miraculous.

TRIBUTE TO NORTH DAKOTA'S WAYNE LUBENOW

Mr. BURDICK. Mr. President, I was saddened to learn last week of the death of Wayne Lubenow, one of my favorite writers and a personal friend. The columns he wrote are like Norman Rockwell paintings which can be enjoyed for generations to come, they so well illustrate the best of American life.

Wayne Lubenow was an eloquent salesman for North Dakota. As a tribute to him, I ask unanimous consent that a column he wrote about the State in 1962 be printed in the RECORD at this point.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA: A BLIND DATE

What it's like, see, is getting stuck with a blind date. You hate to go because you've heard she's a dog.

But you go anyway—you find all the Miss Americas rolled into one beautiful package and you wonder how she ever got that bad image.

That's North Dakota.

She's a beauty beyond your imagination—but you have to see her to believe it.

I know, because I was invited to take a 10-day tour of my State the last week in June, compliments of the North Dakota Travel Association.

I didn't exactly do cartwheels when I was told I could tour North Dakota for 10 days. But it's 10 days off the old grind so why not?

So I went on the blind date, but only because it seemed like a duty. And there, so help me, was the queen that had been right in my backyard all these years and that I never really saw.

Ron Campbell, a member of the tour from the Regina, Sask., *Leader-Post*, had been to North Dakota before. And he told me, "Wayne, this is a new North Dakota."

I agree, but what struck me is that my blind date was twins—two North Dakotas.

First, there is the old gal—the one who has been around a long, long time. She's the breath-taking Badlands and the buttes and the forts and the history and the pioneers and the scenery that puts butterflies where your last meal should be.

She is miles and miles of sheer, untamed beauty and if you look hard into a sunset and let your imagination go, you can see the red men and the cowboys and the flag-waving cavalry.

She is mostly a western North Dakota gal, this old one, for that is where the rough country is. But you can see her, too, in the rivers of Eastern North Dakota—but you'll be looking for sternwheelers hauling people and provisions to Dakota Territory.

Her mirror, of course, is the Theodore Roosevelt National Park with cowtown Medora as her boudoir. From there her territory stretches through the South Unit of the park, up north through the even more fabulous North Unit.

But her charm doesn't end there. It runs to places like Grassy Butte with its sod-built old post office, to the State's three Indian reservations where much of what is old and historic remains as it was.

That's old gal, the old North Dakota—and a queen she is.

But she is being challenged by a princess, a young starlet who can't possibly harm her—but who only adds to North Dakota's luster.

The debutante is the revitalization of her cities, of her commerce, and even of her lands.

Minot and her Air Base bustle; Bismark booms; Dickinson swings; Grand Forks and Fargo grow and grow.

New people, new industry, new growth.

That's what Campbell meant by a "new" North Dakota.

You see it in her new-spawned recreational areas—the Garrison Reservoir where power boats and lunker fish are the order of the day.

You see it in old Medora where private capital is making it possible to sleep in air-conditioned comfort before going out to woo that Old Gal Badlands.

You see it at Rolla in the north where the Bulova firm has established the only industrial jewel plant in all of North America and where they really do business in a small way—like some of the jewels they make are so small it takes a magnifying glass to see them.

You see it in North Dakota's highways where it's tough to find a bad road even if you were looking.

That's this new, young girl of a North Dakota—the one who builds sprawling, powerful new electric plants capable of churning out hundreds of thousands of kilowatts.

But she does it on the old gal's ancient lignite.

The cattle ranches and farms are still here, a legacy from the old days. But the roundups are apt to be with jeeps and the grain fields are filled with machines, not men.

The old people, those who still are in love with the old gal, are still here, too. But so are the new young bloods who go courting the maiden.

And that's North Dakota—two striking women, one with white hair and one with gold, and you'll love them both.

But like I say, you have to try that blind date to really believe it.

IN MEMORY OF SGT. DAVID Q. DOUTHIT OF ALASKA

Mr. MURKOWSKI. Mr. President, today in my home State of Alaska a funeral and burial service is being held for an American hero named David Douthit. This brave young man proudly served our country in the Persian Gulf war and lost his life just hours before the President's cease-fire order went into effect. David's death reminds us all that the price of freedom is not without human cost. It cost us the precious life of one Alaskan.

Our quick and decisive victory over Iraqi forces in Kuwait is a tribute to the men and women of our Armed Forces. Now our Nation rightfully honors these outstanding Americans for their dedication and sacrifice.

David was a 1984 graduate of Soldotna High School and served in the U.S. Army for 6 years. He has been stationed at Fort Lewis, WA, and was sent to the gulf after Christmas. He served there as a crew chief on an M-2 Bradley, armored personnel carrier.

David leaves behind his parents, Harvey and Nita Douthit, and his young wife, Jessica, who is 8 months pregnant with their first child. As one life is taken away, another comes into the world.

Alaskans have rallied around the Douthit family and the unborn child. A scholarship fund has been established and donations have been received from caring Americans throughout the Nation.

I know that David holds a special place in the heart of all Alaskans. He gave the ultimate sacrifice for our Nation and we are proud of him. The prayers of all Americans are with the families of those who were killed during the Persian Gulf war. Today, the prayers of all Alaskans are with David Douthit and his family.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,187th day that Terry Anderson has been held captive in Lebanon.

Today, Associated Press special correspondent Walter Mears offers a tribute to Terry Anderson and the other hostages still held in Lebanon. I ask unanimous consent that it be printed in the RECORD at this time.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

WALTER MEARS: REMEMBERING TERRY ANDERSON AND OTHERS HELD IN LEBANON

(By Walter R. Mears)

WASHINGTON.—In a season of celebration for the freed prisoners and returning veterans of the Persian Gulf War, it's time for another sort of ceremony, a bleak one at the sixth anniversary of Terry Anderson's captivity in Lebanon.

The contrasts are jarring.

So far, America's Middle East victory does not apply to Anderson or to the other five U.S. hostages, reportedly moved by their captors from Beirut to the Baalbeck area in eastern Lebanon.

The war against Iraq was won in 42 days, the ground war in 100 hours. Anderson has been held hostage for 2,187 days.

In the conflict over Kuwait, the one posted demand of his kidnappers was rendered moot. The Muslim extremists who seized Anderson on March 16, 1985, demanded the release of fellow Shiites imprisoned by Kuwait for terrorist bombings there. The last of them was freed when Iraq invaded on Aug. 2.

Syria, which joined the U.S.-led coalition against Iraq, is the dominant force in Lebanon, a position strengthened during the Persian Gulf crisis. The Syrian army controls the region where the hostages are believed held by pro-Iranian Muslim factions grouped together as Hezbollah, or the Party of God. Iran remained officially neutral in the war that drove Iraq from Kuwait.

Despite their power in the region, the Syrians have avoided confrontation with Iranian-backed factions. There are said to be about 3,000 Iranian Revolutionary Guard troops in or near Baalbeck.

Secretary of State James A. Baker III is to visit Damascus later this week, meeting with Syrian President Hafez Assad as part of the postwar quest for a comprehensive peace settlement in the Middle East.

President Bush said Baker would raise the plight of the hostages in Lebanon. "We have not forgotten them," Bush told Congress in his March 6 victory speech. "We will not forget them."

Next day at the White House, Bush's spokesman said there had to be some hope that with all the changes in the Middle East, the captors would see the futility of continuing to hold the hostages.

But on Monday, White House Press Secretary Marlin Fitzwater said the administration had no word on the whereabouts of the hostages, and nothing to indicate that they might soon be freed.

Fitzwater said there are continuing U.S. contacts abroad on the hostage situation. "I assume those are still happening, but I don't have any new breakthroughs to report or anything like that," he said.

And the last word from Hezbollah, on March 6, was that the organization would not force release of the hostages.

Such words of hope, uncertainty and intransigence have been heard again and again since the ordeal of American hostages in Lebanon began in 1983.

Anderson, 43, chief Middle East correspondent of the Associated Press, is now the longest held American hostage. The others are Thomas Sutherland, Joseph Cicippio, Jesse Turner and Alann Steen, all of whom are educators in Beirut, and Edward Austin Tracy, a writer.

There are seven other western hostages, four of them British, two German, one Italian, all believed held by the same Muslim groups.

On Friday, Anderson's family, colleagues and friends, and the families of other hostages will gather for still another anniversary observance, sponsored by an organization called No Greater Love.

This time, there will be words of thanksgiving for the release of other captives the 21 POWs who came home on Sunday, the CBS News crew held captive for six weeks by Iraq, the 40 journalists captured last week near Basra, freed on Saturday.

There also will be demands for the same kind of U.S. and international pressure to gain release of the hostages in Lebanon.

They are fewer in number, less visible, captives of shadow factions, with not even an enemy government to be held accountable for their plight.

But the new, peaceful world order President Bush envisions will be a hollow one unless Anderson and the other hostages are at long last freed to join in it.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTESTS IN SERBIA

Mr. DOLE. Mr. President, for over a year now we have watched as the hardline Communist government of the Republic of Serbia has brutally repressed the Albanian population of Kosova. But, last weekend, the world witnessed the same brutality in Belgrade, as Serbian police—joined by Yugoslav federal troops—tried to disperse a large crowd using the same violent tactics I witnessed in the streets of Pristina last summer—clubs, tear gas, rubber bullets. Opposition leaders were arrested. Two people were killed and many more were injured.

On Saturday, tens of thousands of Serbs—mostly young Serbs—took to the streets of Belgrade to send a message to Serbian President Milosevic. These students, professors, opposition party members, and intellectuals, made their way to Belgrade's main square to say that they were fed up, fed up with communism and its control over the economy, which is in ruins; fed up with TV and radio censorship and one-sided media reporting; and finally, that they were fed up with hardliner Milosevic and his henchmen.

Today, a group of opposition party lawmakers left the Serbian Parliament to join anti-Communist protesters in yet another day of demonstrations against Milosevic's hardline government. And, according to press reports, these demonstrations are spreading to other cities.

Despite Milosevic's finger-pointing, these protesters recognize that the blame for the severe political and economic problems in Serbia does not rest with the oppressed Albanians in Kosova, or with the democratically elected non-Communist Republics of Croatia and Slovenia; they have not been persuaded by the allegations the Serbian President makes in his speeches and repeats through his puppets in the press. These thousands of Serbs realize that Milosevic himself is to blame. They know that Milosevic and his 1950's-style Communist policies are responsible for the lack of basic freedoms and the economic turmoil that has affected the lives of most Serbs.

The Milosevic myth of anti-Serbian forces and enemies of Serbia is melting away and reality is taking its place. The reality is that Milosevic and his supporters who advocate hardline communism are the real enemies of Serbia. Milosevic sent Serbian police to the streets with orders to use violence. Milosevic has strangled the press and wiped out freedom of speech. Milosevic has brought the economy of Serbia to near ruin—despite the fact that he stole $1.3 billion in dinars from the central government, there are still thousands of workers who have not been paid in a month, 2 months, or more.

As these demonstrations have shown to the world, the Serbian people want to get rid of communism. The Serbs want the same freedoms and opportunities that the people in Slovenia and Croatia are creating for themselves in their new democracies and free market economics.

Mr. President, the events of the past few days highlight once again who the enemies of democracy and human rights in Yugoslavia really are: the Communists in the Serbian Government and in the Yugoslav Government. These Communists may have changed their name to Socialists, but their methods and policies remain the same.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAUCUS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 624 and S. 631 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

WELCOMING THE REESTABLISHMENT OF DIPLOMATIC RELATIONS WITH ALBANIA

Mr. PELL. Mr. President, I welcome today's announcement by the State Department that the United States and Albania will reestablish diplomatic relations. Later this week, Albania's Foreign Minister will travel to Washington to formalize the reestablishment of official ties, which were broken off more than 50 years ago.

I believe that now is a particularly opportune moment to reestablish diplomatic relations with Albania. Later this month, Albania will hold elections, and in my view, by reestablishing ties with Albania, the United

States will demonstrate its support for the reform process and for increased attention to human rights issues.

For decades, Albania has lived outside the pale of European civilization. Aside from the Baltic States, Albania is the only European country that is not a member of the Commission on Security and Cooperation in Europe or CSCE. I believe that through the establishment of diplomatic relations, we in the United States have an opportunity to encourage Albania to join in that process and to play a constructive role in the new Europe.

On a personal note, I am particularly pleased by today's developments. My first assignment upon joining the United States Foreign Service shortly after World War II, was supposed to be to Tirana, Albania. Although our legation in Tirana had been closed in 1939, it was expected that with the end of the war, relations would be resumed. Regrettably, ties were not reestablished at that time.

Most would agree that Albania has been one of Europe's most closed societies, and accordingly, we have much to learn about that country, and they about ours. My hope is that our new diplomatic relationship will provide a framework for that process.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on March 11, 1991, during the recess of the Senate, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on March 11, 1991, are printed in today's RECORD at the end of the Senate proceedings.)

TERMINATION OF SANCTIONS WITH RESPECT TO KUWAIT—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby provide notice, consistent with section 586C(c)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513), of my intention to terminate, in whole or in part, no sooner than 15 days after the date of this notice, the sanctions imposed with respect to Kuwait pursuant to Executive Orders Nos. 12723 and 12725.

GEORGE BUSH.

THE WHITE HOUSE, *March 8, 1991.*

COMPREHENSIVE VIOLENT CRIME CONTROL ACT OF 1991—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit this administration's primary legislative initiative addressing the continuing threat of violent crime in this country. This proposal, entitled the "Comprehensive Violent Crime Control Act of 1991," contains a broad spectrum of critically needed reforms to the criminal justice system, as well as new offenses and penalties for various acts of life-threatening criminal behavior. Also transmitted is a section-by-section analysis. I urge that congressional action on this initiative be completed within the next 100 days.

The enormous danger posed by violent criminals in our midst today is totally unacceptable. In 1990, more than 20,000 Americans were murdered. Our citizens are rightly demanding that elected officials act with resolve to reduce substantially the threat violent crime poses to their families and communities. The dramatic victory achieved by our military forces in the Persian Gulf serves as a model for what can be accomplished by leaders and citizens committed to achieving a common goal. It is time for all Americans to work together to take back the streets and liberate our neighborhoods from the tyranny of fear.

This legislative package is designed to address comprehensively the failures of the current criminal justice system. There must be a clear understanding on the streets of America that anyone who threatens the lives of others will be held accountable. To this end, it is essential that we have swift and certain apprehension, prosecution, and incarceration. Too many times, in too many cases, criminals go free because the scales of justice are unfairly loaded against dedicated law enforcement officials.

The core elements of my proposal are:

—*Restoration of the Federal Death Penalty* by establishing constitutionally sound procedures and adequate standards for imposing Federal death penalties that are already on the books (including mail bombing and murder of Federal officials); and authorizing the death penalty for drug kingpins and for certain heinous acts such as terrorist murders of American nationals abroad, killing of hostages, and murder for hire.

—*Habeas Corpus Reform* to stop the often frivolous and repetitive appeals that clog our criminal justice system, and in many cases effectively nullify State death penalties, by limiting the ability of Federal and State prisoners to file repetitive habeas corpus petitions.

—*Exclusionary Rule Reform* to limit the release of violent criminals due to legal technicalities by permitting the use of evidence that has been seized by Federal or State law enforcement officials acting in "good faith," or a firearm seized from dangerous criminals by a Federal law enforcement officer. This proposal also includes a system for punishing Federal officers who violate Fourth Amendment standards, as well as a means for compensating victims of unlawful searches.

—*Increased Firearms Offenses and Penalties* including a 10-year mandatory prison term for the use of a semiautomatic firearm in a drug trafficking offense or violent felony, a 5-year mandatory sentence for possession of a firearm by dangerous felons, new offenses involving theft of firearms and smuggling firearms in furtherance of drug trafficking or violent crimes, and a general ban on gun clips and magazines that enable a firearm to fire more than 15 rounds without reloading.

In addition to these proposals, my initiative contains elements designed to curb terrorism, racial injustice, sexual violence, and juvenile crime, and to support appropriate drug testing as a condition of post-conviction release for Federal prisoners.

I look forward to working with the Congress during the next 100 days on this necessary legislation.

GEORGE BUSH.

THE WHITE HOUSE, *March 11, 1991.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on March 8, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 98. Joint resolution designating March 4 through 10, 1991, as "National School Breakfast Week."

Under the authority of the order of the Senate of January 3, 1991, the enrolled joint resolution was signed on March 8, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 2:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1281. An act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1281. An act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1284. An act to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-744. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal years 1992 and 1993, for the Panama Canal Commission to operate and maintain the Panama Canal, and for other purposes; to the Committee on Armed Services.

EC-745. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report of the Department of Defense dated January 1991; to the Committee on Armed Services.

EC-746. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on funds obligated in the chemical warfare-chemical/biological defense programs during fiscal year 1990; to the Committee on Armed Services.

EC-747. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Israel; to the Committee on Banking, Housing, and Urban Affairs.

EC-748. A communication from the Secretary of Transportation, transmitting, pursuant to law, a biennial report entitled "Public Transportation in the United States: Performance and Condition"; to the Committee on Banking, Housing, and Urban Affairs.

EC-749. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the third annual report for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC-750. A communication from the Secretary of Commerce, transmitting, pursuant to law, a draft of proposed legislation entitled "Spectrum Reallocation and Management Improvement Act of 1991; to the Committee on Commerce, Science, and Transportation.

EC-751. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report to Congress entitled "Alcohol Limits for Drivers: A Report on the Effects of Alcohol, and Expected Institutional Responses to New Limits"; to the Committee on Commerce, Science, and Transportation.

EC-752. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a draft of proposed legislation "to authorize appropriations to the National Aeronautics and Space Administration for research and development; space flight, control and data communications; construction of facilities; research and program management; and Inspector General; and for other purposes," together with a sectional analysis; to the Committee on Commerce, Science, and Transportation.

EC-753. A communication from the Deputy Associate Director for Collection and Disbursement of the United States Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-754. A communication from the Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-755. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to implement the National Energy Strategy, and for other purposes; to the Committee on Energy and Natural Resources.

EC-756. A communication from the Deputy Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and for other purposes; to the Committee on Energy and Natural Resources.

EC-757. A communication from the Assistant Secretary of Energy (Environment, Safety, and Health), transmitting, pursuant to law, notice that the annual report of the Department on progress in implementing the Superfund Amendments and Reauthorization Act will be submitted in April 1991; to the Committee on Environment and Public Works.

EC-758. A communication from the Inspector General of the Department of the Interior, transmitting, pursuant to law, an audit report entitled "Accounting for Reimburseable Expenditures of Environmental Protection Agency Superfund Money. Office of Environmental Affairs, Office of the Secretary"; to the Committee on Environment and Public Works.

EC-759. A communication from the Administrator of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, a report on demonstration projects authorized under the Surface Transportation and Uniform Relocation Assistance Act; to the Committee on Environment and Public Works.

EC-760. A communication from the Assistant Secretary of State (Legislative Affairs) and the Assistant Administrator of the Office of Policy, Planning, and Evaluation of the Environmental Protection Agency, transmitting jointly, pursuant to law, a report entitled "The U.S. Efforts to Address Global Climate Change" and a brochure entitled "America's Climate Change Strategy: An Action Agenda"; to the Committee on Foreign Relations.

EC-761. A communication from the Assistant Administrator of the Small Business Administration (Hearings and Appeals), transmitting, pursuant to law, a report on the Small Business Administration's revised Privacy Act system of records; to the Committee on Governmental Affairs.

EC-762. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-763. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Federal Election Commission for the period ending September 30, 1990; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 483. A bill entitled the "Taconic Mountains Protection Act of 1991" (Rept. No. 102–21).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 207. A bill to amend the Commodity Exchange Act to authorize appropriations for and enhance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the United States financial markets by providing for Federal oversight of margins on stock index futures, clarifying jurisdiction over innovative financial products and providing mechanisms for addressing intermarket issues, and for other purposes (Rept. No. 102–22).

S. 393. A bill to provide for fair treatment for farmers and ranchers who are participating in the Persian Gulf War as active reservists or in any other military capacity, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself, Mr. HATCH, Mr. SIMPSON, Mr. MCCAIN, Mr. STEVENS, Mr. MURKOWSKI, Mr. GARN, Mr. MCCONNELL, and Mr. KASTEN):

S. 611. A bill to amend the Civil Rights Act of 1964 to strengthen protections against discrimination in employment, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BENTSEN (for himself, Mr. ROTH, Mr. MITCHELL, Mr. FORD, Mr. PRYOR, Mr. DASCHLE, Mr. INOUYE, Mr. ROBB, Mr. COCHRAN, Mr. KASTEN, Mr. NICKLES, Mr. LOTT, Mr. BAUCUS, Mr. HEINZ, Mr. BOREN, Mr. SYMMS, Mr. RIEGLE, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BREAUX, Mr. ADAMS, Mr. AKAKA, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mr. BRYAN, Mr. BURDICK, Mr. BURNS, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HELMS, Mr. HOLLINGS, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MACK, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RUDMAN, Mr. SANFORD, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, and Mr. NUNN):

S. 612. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 613. A bill for the relief of Miroslaw Adam Jasinski; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. BURDICK, Mr. CONRAD, Mr. HARKIN, Mr. JOHNSTON, and Mr. INOUYE):

S. 614. A bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, and Mr. LIEBERMAN):

S. 615. A bill entitled the "Environmental Marketing Claims Act of 1991"; to the Committee on Environment and Public Works.

By Mr. PELL (by request):

S. 616. A bill to authorize appropriations for Fiscal Years 1992 and 1993 for the United States Information Agency, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. SPECTER, Mr. SIMPSON, Mr. DOMENICI, Mr. INOUYE, Mr. COCHRAN, Mr. D'AMATO, Mr. MCCAIN, Mr. BOND, and Mr. GORTON):

S. 617. A bill to reauthorize the Commission on Civil Rights; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. DECONCINI):

S. 618. A bill to control and reduce violent crime; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. KENNEDY):

S. 619. A bill to establish a Link-up for Learning demonstration grant program to provide coordinated services to at-risk youth; to the Committee on Labor and Human Resources.

By Mr. GRAHAM (for himself and Mr. BRYAN):

S. 620. A bill to reform habeas corpus procedures; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 621. A bill to establish the Manzanar National Historic Site in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 622. A bill to amend title 18 of the United States Code to require drug testing for released Federal prisoners; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. DECONCINI, and Mr. HOLLINGS):

S. 623. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to maintain the current Federal-State funding ratio for the Justice Assistance Grant Program; to the Committee on the Judiciary.

By Mr. EXON (for himself and Mr. KERREY):

S. 624. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated business of such organization; to the Committee on Finance.

By Mr. REID (for himself and Mr. BROWN):

S. 625. A bill to amend the Trade Act of 1974 in order to require reciprocal responses to foreign acts, policies, and practices that deny national treatment to United States investment; to the Committee on Finance.

By Mr. HEINZ:

S. 626. A bill to increase the literacy skills of commercial drivers; to the Committee on Labor and Human Resources.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 627. A bill to designate the lock and dam 1 on the Red River Waterway in Louisiana as the "Lindy Clairborne Boggs Lock"; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 628. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S. 629. A bill to establish the grade of General of the Army and to authorize the President to appoint Generals Colin L. Powell and H. Norman Schwarzkopf, Jr., to that grade; to the Committee on Armed Services.

By Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. THURMOND, and Mr. COATS):

S. 630. A bill entitled the "Money Laundering Enforcement Act"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EXON (for himself, Mr. DANFORTH, and Mr. KASTEN):

S. 631. A bill to authorize appropriations for the Motor Carrier Safety Assistance Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 632. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of interest paid in connection with certain life insurance contracts; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. DECONCINI, and Mr. AKAKA):

S. 633. A bill to improve basic educational assistance benefits for members of the Armed Forces of the United States under chapter 30 of title 38, United States Code, and under chapter 106 of title 10, United States Code, and for other purposes; to the Committee on Veterans Affairs.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. SIMON, Mr. KERRY, Mr. CRANSTON, Mr. HARKIN, Mr. MOYNIHAN, Mr. GORE, and Mr. LEVIN):

S.J. Res. 91. Joint resolution expressing the sense of the Congress regarding the political and human rights situation in Kenya; to the Committee on Foreign Relations.

By Mrs. KASSEBAUM (for herself, Mr. BOND, Mr. BROWN, Mr. CHAFEE, Mr. D'AMATO, Mr. DOLE, Mr. DURENBERGER, Mr. HATCH, Mr. JEFFORDS, Mr. KASTEN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. COATS, Mr. ADAMS, Mr. BAUCUS, Mr. BRADLEY, Mr. BREAUX, Mr. BURDICK, Mr. CRANSTON, Mr. DECONCINI, Mr. DIXON, Mr. FORD, Mr. FOWLER, Mr. GORE, Mr. HEFLIN, Mr. HOLLINGS, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mr. PELL, Mr. PRYOR, Mr. RIEGLE, Mr. BOREN, Mr. ROBB, and Mr. SARBANES):

S.J. Res. 92. Joint resolution to designate July 28, 1992, as "Buffalo Soldiers Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. HEINZ, Mr. DIXON, Mr. CRANSTON, Mr. CHAFEE, Mr. HATFIELD, Mr. KERRY, Ms. MIKULSKI, Mr. GORTON, Mr. PACKWOOD, Mr. SPECTER, Mr. DODD, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. BOND, and Mr. SEYMOUR):

S. Res. 77. Resolution concerning mass transit programs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. Con. Res. 17. Concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. MITCHELL, Mr. PELL, Mr. MOYNIHAN, Mr. KERRY, Mr. AKAKA, Mr. GORE, Mr. KENNEDY, Mr. ROBB, and Mr. SIMON):

S. Con. Res. 18. Concurrent resolution expressing the concern of the Senate for the ongoing human rights abuses in Burma and for the status of displaced Burmese and Burmese refugees; to the Committee on Foreign Relations.

By Mr. CRANSTON (for himself, Mr. MITCHELL, Mr. PELL, Mr. KERRY, Mr. BIDEN, Mr. DECONCINI, Mr. AKAKA, Mr. GORE, Mr. KENNEDY, Mr. ROBB, Mr. DIXON, and Mr. SIMON):

S. Con. Res. 19. Concurrent resolution condemning the People's Republic of China's continuing violation of universal human rights principles; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. METZENBAUM, Mr. PELL, Mr. MURKOWSKI, and Mr. KASTEN):

S. Con. Res. 20. Concurrent resolution to authorize the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

By Mr. CRANSTON (for himself, Mr. MITCHELL, Mr. PELL, Mr. KERRY, Mr. AKAKA, Mr. GORE, Mr. KENNEDY, Mr. ROBB, Mr. SIMON, Mr. LUGAR, Mr. MOYNIHAN, Mr. PACKWOOD, and Mr. DOLE):

S. Con. Res. 21. Concurrent resolution commending the people of Mongolia on their first multiparty elections; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE, for himself, Mr. HATCH, Mr. SIMPSON, Mr. MCCAIN, Mr. MURKOWSKI, Mr. GARN, Mr. STEVENS, Mr. MCCONNELL, and Mr. KASTEN):

S. 611. A bill to amend the Civil Rights Act of 1964 to strengthen protections against discrimination in employment, and for other purposes; to the Committee on Labor and Human Resources.

CIVIL RIGHTS ACT OF 1991

Mr. DOLE. Mr. President, America today is proudly saluting its Desert Storm heroes. These troops—men and women, black and white, native American, Hispanic, and Asian—risked their lives to rescue a nation from tyranny. This stunning military success can teach us a valuable lesson about the kind of America we all want: An America based on equality of opportunity for all its citizens. Our military got the job done without quotas and without discrimination. If only the rest of our society can make the same claim.

Last year, President Bush stood foursquare on the side of equal opportunity by proposing his own civil rights bill, and then, in an effort to reach a negotiated compromise with the Democratic Congress, the President and his key advisers walked the extra mile, and then some, only to reject a bill that meant more to the American Trial Lawyers Association than to the cause of civil rights.

This year, the President's commitment to civil rights remains as firm as ever. In fact, he indicated this morning in a congressional leadership meeting that he wants to sign a civil rights bill.

During last Wednesday's joint session, the President denounced the scourge of discrimination, promising to draft a bill that confronts discrimination head on. Today, the President has delivered on this promise. I am joining with my distinguished colleague in the House, Republican leader BOB MICHEL, in introducing President Bush's Civil Rights Act of 1991. To his credit, the President has proposed a bill that restores the careful balance of title VII, not one that transforms title VII into a national tort law. The President has proposed a bill that stands for racial justice and equal opportunity, not quota justice and equal results.

Mr. President, the Civil Rights Act of 1991 has plenty of firepower, not only for our Nation's minorities, but for the women of America too.

It overturns the Supreme Court's Patterson decision by expanding the coverage of section 1981 to include racial harassment on the job. It overturns the Supreme Court's decision in Lorance versus AT&T Technologies by allowing an employee to challenge a discriminatory seniority plan at any time after the plan's adoption. It overturns the Supreme Court's Wards Cove decision by shifting the burden of proof to the employer once the plaintiff shows that an employment practice causes a disparate impact. It codifies the Griggs decision by adopting word for word the so-called Griggs definition of "business necessity." And, I would add, most importantly, the Civil Rights Act of 1991 establishes, for the first time in our Nation's history, a Federal monetary remedy of up to $150,000 for the victims of sexual harassment and harassment based on disability.

So we are going to debate these issues. I know it is good to have a nice-sounding labor bill with a "civil rights" label. But the real civil rights bill in this debate is the President's bill.

Several years ago, I stood on this floor and managed on the Republican side the Martin Luther King holiday bill. I provided the key vote in the 25-year extension of the Voting Rights Act. I was a key player in the passage of the Americans With Disabilities Act. So I am not going to be defensive about this issue or any other civil rights issue. I do not think anyone on our side should be defensive either. If the Democrats, or a small group of liberals on the other side of the aisle working with certain civil rights activists, are going to demand we have a quota bill, then they are going to have to provide votes for the quota bill and they are going to have to provide votes to override the President's veto of a quota bill. If they want a civil rights bill, we can pass that next week.

I call upon some of my friends on the other side of the aisle. It was a party-line vote last year. It was politics, not civil rights. Politics. Those who were engaged in the negotiations were playing politics.

The President, as I said as recently as 4 hours ago, indicated to me that he wanted to sign a civil rights bill, wanted to do it this year and would like to do it as quickly as possible.

So, Mr. President, I think we have an opportunity if we want a civil rights bill. Those of us who have spotless records in the civil rights area want to be participants. We do not want to be spectators; we do not want to be run over by those who are out for political gain. We have never had a partisan civil rights bill as long as I have been here, until last year. If we want to repeat that again this year, we are going to do our best to sustain a veto.

I hope that others will be involved in the debate, not just two or three Senators on the other side of the aisle, and that we can have a civil rights bill. There is no doubt in my mind that we all pretty much agree and have pretty much the same objectives. I do not believe many Members on the other side of the aisle really want a quota bill.

So I send the bill to the desk on behalf of myself, Senator HATCH, Senator SIMPSON, Senator MCCAIN, Senator MURKOWSKI, Senator STEVENS, Senator GARN, and Senator MCCONNELL and ask for its appropriate referral.

I also ask unanimous consent that a section-by-section analysis, along with the bill, be printed in the RECORD, as well as letters from the Attorney General and other assorted material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that additional protections and remedies under Federal law are needed to deter unlawful discrimination.

(b) PURPOSE.—The purpose of this Act is to strengthen existing protections and remedies available under Federal civil rights laws.

SEC. 3. DEFINITIONS.

Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended by adding at the end the following new subsections:

"*(l)* The term 'complaining party' means the Commission, the Attorney General, or a person who may bring an action or proceeding under this Title.

"(m) The term 'demonstrates' means meets the burdens of production and persuasion.

"(n) The term 'justified by business necessity' means that the challenged practice has a manifest relationship to the employment in question or that the respondent's legitimate employment goals are significantly served by, even if they do not require, the challenged practice.

"(o) The term 'respondent' means an employer, employment agency, labor organization, joint labor-management committee controlling apprenticeship or other training or retraining programs, including on-the-job training programs, or those Federal entities subject to the provisions of section 717 (or the heads thereof).

"(p)(1) The term 'harass' means, in cases involving discrimination because of race, color, religion, sex, or national origin, the subjection of an individual to conduct that creates a working environment that would be found intimidating, hostile or offensive by a reasonable person.

"(2) The term 'harass' also means, in cases involving discrimination because of sex, (i) making the submission to unwelcome sexual advances by an employer a term or condition of employment of the individual; or (ii) using the rejection of such advances as a basis for employment decisions adversely affecting the individual; or (iii) making unwelcome sexual advances that create a working environment that would be found intimidating, hostile or offensive by a reasonable person.".

SEC. 4. DISPARATE IMPACT CLAIMS.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2) is amended by adding at the end the following new subsection:

"(k) PROOF OF UNLAWFUL EMPLOYMENT PRACTICES IN DISPARATE IMPACT CASES.—Under this Title, an unlawful employment practice based on disparate impact is established only when a complaining party demonstrates that a particular employment practice causes a disparate impact on the basis of race, color, religion, sex, or national origin, and the respondent fails to demonstrate that such practice is justified by business necessity: *Provided, however*, That an unlawful employment practice shall nonetheless be established if the complaining party demonstrates the availability of an alternative employment practice, comparable in cost and equally effective in predicting job performance or achieving the respondent's legitimate employment goals, that will reduce the disparate impact, and the respondent refuses to adopt such alternative."

SEC. 5. FINALITY OF JUDGMENTS OR ORDERS.

For purposes of determining whether a litigated or consent judgment or order resolving a claim of employment discrimination because of race, color, religion, sex, national origin, or disability shall bind only those individuals who were parties to the judgment or order, the Federal Rules of Civil Procedure shall apply in the same manner as they apply with respect to other civil causes of action.

SEC. 6. PROHIBITION AGAINST RACIAL DISCRIMINATION IN THE MAKING AND PERFORMANCE OF CONTRACTS.

Section 1977 of the Revised Statutes of the United States (42 U.S.C. 1981) is amended—

(1) by inserting "(a)" before "All persons within"; and

(2) by adding at the end the following new subsections:

"(b) For purposes of this section, the right to 'make and enforce contracts' shall include the making, performance, modification and termination of contracts, and the enjoyment of all benefits, privileges, terms and conditions of the contract.

"(c) The rights protected by this section are protected against impairment by nongovernmental discrimination as well as against impairment under color of State law.".

SEC. 7. EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS.

Subsection 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following sentence: "For purposes of this section, an alleged unlawful employment practice occurs when a seniority system is adopted, when an individual becomes subject to a seniority system, or when a person aggrieved is injured by the application of a seniority system, or provision thereof, that is alleged to have been adopted for an intentionally discriminatory purpose, in violation of this Title, whether or not that discriminatory purpose is apparent on the face of the seniority provision.".

SEC. 8. PROVIDING FOR ADDITIONAL REMEDIES FOR HARASSMENT IN THE WORKPLACE BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

(a) Subsection 703(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(a)) is amended by deleting the period at the end and inserting in lieu thereof "; or" and by adding at the end the following new paragraph:

"(3) to harass any employee or applicant for employment because of that individual's race, color, religion, sex, or national origin; provided, however, that no such unlawful employment practice shall be found to have occurred if the complaining party failed to avail himself or herself of a procedure, of which the complaining party was or should have been aware, established by the employer for resolving complaints of harassment in an effective fashion within a period not exceeding 90 days."

(b) Section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) is amended by adding at the end the following new subsections:

"*(l)* EMERGENCY RELIEF IN HARASSMENT CASES.—An employee or other complaining party alleging a violation of section 703(a)(3) of this Title may petition the court for temporary or preliminary relief. If the complaining party establishes a substantial probability of success on the merits of such harassment claim, the continued submission to the harassment shall be deemed injury sufficiently irreparable to warrant the entry of temporary or preliminary relief. A court having jurisdiction over a request for temporary or preliminary relief pursuant to this paragraph shall assign the case for hearing at the earliest practicable date and cause such case to be expedited in every way practicable.

"(m) EQUITABLE MONETARY AWARDS IN HARASSMENT CASES.—

"(1) In ordering relief for a violation of section 703(a)(3) of this Title, the court may, in addition to ordering appropriate equitable relief under subsection (g) of this section, exercise its equitable discretion to require the employer to pay the complaining party an amount up to but not exceeding a total of $150,000.00, if the court finds that an additional equitable remedy beyond those available under subsection (g) of this section is justified by the equities, is consistent with the purposes of this Title, and is in the public interest. In weighing the equities and fixing the amount of any award under this paragraph, the court shall give due consideration, along with any other relevant equitable factors, to (i) the nature of compliance programs, if any, established by the employer to ensure that unlawful harassment does not occur in the workplace; (ii) the nature of procedures, if any, established by the employer for resolving complaints of harassment in an effective fashion; (iii) whether the employer took prompt and reasonable corrective action upon becoming aware of the conduct complained of; (iv) the employer's size and the effect of the award on its economic viability; (v) whether the harassment was willful or egregious; and (vi) the need, if any, to provide restitution for the complaining party.

"(2) all issues in cases arising under this Title, including cases arising under section 703(a)(3) of this Title, shall be heard and determined by a judge, as provided in subsection (f) of this section. If, however, the court holds that a monetary award pursuant to paragraph (1) of this subsection is sought by the complaining party and that such an award cannot constitutionally be granted unless a jury determines liability on one or more issues with respect to which such award is sought, a jury may be empaneled to hear and determine such liability issues and no others. In no case arising under this Title shall a jury consider, recommend, or determine the amount of any monetary award sought pursuant to paragraph (1) of this subsection."

(c) Subsection 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) (as amended by section 7 of this Act) is further amended by adding at the end the following sentence: "For purposes of actions involving harassment under section 703(a)(3) of this Title, the period of limitations established under this subsection shall be tolled during the time (not exceeding 90 days) that an employee avails himself or herself of a procedure established by the employer for resolving complaints of harassment."

SEC. 9. ALLOWING THE AWARD OF EXPERT FEES.

Section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)) is amended by inserting "(including reasonable expert fees up to but not exceeding $300 per day)" after "attorney's fee".

SEC. 10. PROVIDING FOR INTEREST, AND EXTENDING THE STATUTE OF LIMITATIONS, IN ACTIONS AGAINST THE FEDERAL GOVERNMENT.

Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended—

(1) in subsection 717(c), by striking out "thirty days" and inserting in lieu thereof "ninety days"; and

(2) in subsection 717(d), by inserting before the period ", and the same interest to compensate for delay in payment shall be available as in cases involving non-public parties".

SEC. 11. PROVIDING CIVIL RIGHTS PROTECTIONS TO CONGRESSIONAL EMPLOYEES.

Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) (as amended by section 10 of this Act) is further amended—

(1) in subsection 717(a), by striking "legislative and judicial branches" and inserting in lieu thereof "judicial branch".

(2) in subsection 717(a), by striking "in the Library of Congress" and inserting in lieu thereof: "in the Congress of the United States, or its Houses, committees, offices or instrumentalities, or the offices of any of its Members".

(3) in subsection 717(b), by striking the last sentence and inserting in lieu thereof: "With respect to the Congress of the United States, its Houses, committees, offices, and instrumentalities, and the offices of its Members, authorities granted in this subsection to the Commission shall be exercised in each House of Congress as determined by that House of Congress, and in offices and instrumentalities not within a House of Congress as determined by the Congress."

(4) in subsection 717(c), by inserting, after "Equal Employment Opportunity Commission" each time it appears, ", or a congressional entity exercising the authorities of the Commission pursuant to subsection (b) of this section,".

SEC. 12. ALTERNATIVE MEANS OF DISPUTE RESOLUTION.

Where knowingly and voluntarily agreed to by the parties, reasonable alternative means of dispute resolution, including binding arbitration, shall be encouraged in place of the judicial resolution of disputes arising under this Act and the Acts amended by this Act.

SEC. 13. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provisions of this Act to other persons and circumstances, shall not be affected thereby.

SEC. 14. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect upon enactment. The amendments made by this Act shall not apply to any claim arising before the effective date of this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

The legislation may be cited as the "Civil Rights Act of 1991."

SECTION 2. FINDINGS AND PURPOSE

The Congress finds that this legislation is necessary to provide additional protections and remedies against unlawful discrimination in employment. The purpose of this Act is to strengthen existing protections and remedies in order to deter discrimination more effectively and provide meaningful relief for victims of discrimination.

SECTION 3. DEFINITIONS

Section 3 adds definitions to those already in Title VII.

The definition of "demonstrates" requires that a party bear the burden of production and persuasion when the statute requires that he or she "demonstrate" a fact.

The definition of the term "justified by business necessity" is meant to codify the meaning of business necessity as used in *Griggs* v. *Duke Power Co.*, 400 U.S. 424, 432 (1971), and subsequent cases including *New York City Transit Authority* v. *Beazer*, 440 U.S. 568, 587 n. 31 (1979). Such a definition was reaffirmed by the Court in *Wards Cove Packing Co., Inc.* v. *Atonio*, 109 S. Ct. 2115, 2125–2126 (1989). Even the dissent in Wards Cove acknowledged that "*Griggs* made it clear that a neutral practice that operates to exclude minorities is nevertheless lawful if it serves a *valid business purpose*." See 109 S. Ct., at 2129 (Stevens, J., dissenting) (emphasis added).

The terms "complaining party" and "respondent" are defined to include those persons and entities listed in the Act. The definition of the term "harass" is explained in the analysis of Section 8 below.

SECTION 4. DISPARATE IMPACT CLAIMS

In *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971), the Supreme Court ruled that Title VII of the Civil Rights Act of 1964 prohibits hiring and promotion practices that unintentionally but disproportionately exclude persons of a particular race, color, religion, sex, or national origin unless these practices are justified by "business necessity." Law suits challenging such practices are called "disparate impact" cases, in contrast to "disparate treatment" cases brought to challenge intentional discrimination.

In a series of cases decided in subsequent years, the Supreme Court refined and clarified the doctrine of disparate impact. In 1988, the Court greatly expanded the scope of the doctrine's coverage by applying it to subjective hiring and promotion practices (the Court had previously applied it only in cases involving objective criteria such as diploma requirements and height-and-weight requirements). Justice O'Connor took this occasion to explain with great care both the reasons for the expansion and the need to be clear about the evidentiary standards that would operate to prevent the expansion of disparate impact, doctrine from leading to quotas. In the course of her discussion, she pointed out:

"[T]he inevitable focus on statistics in disparate impact cases could put undue pressure on employers to adopt inappropriate prophylactic measures. . . . [E]xtending disparate impact analysis to subjective employment practices has the potential to create a Hobson's choice for employers and thus to lead in practice to perverse results. If quotas and preferential treatment become the only cost-effective means of avoiding expensive litigation and potentially catastrophic liability, such measures will be widely adopted. The prudent employer will be careful to ensure that its programs are discussed in euphemistic terms, but will be equally careful to ensure that the quotas are met." *Watson* v. *Fort Worth Bank & Trust Co.*, 108 S. Ct. 2777, 2787–2788 (1988) (plurality opinion).

The following year, in *Wards Cove Packing Co.* v. *Atonio*, 109 S. Ct. 2115, 2126 (1989), the Court considered whether the plaintiff or the defendant had the burden of proof on the issue of business necessity. Resolving an ambiguity in the prior law, the Court placed the burden on the plaintiff.

Under this Act, a complaining party makes out a prima facie case of disparate impact when he or she identifies a particular employment practice and demonstrates that the practice has caused a disparate impact on the basis of race, color, religion, sex, or national origin. The burden of proof then shifts to the respondent to demonstrate that the practice is justified by business necessity. It is then open to the complaining party to rebut that defense by demonstrating the availability of an alternative employment practice, comparable in cost and equally effective in measuring job performance or achieving the respondent's legitimate employment goals, that will reduce the disparate impact, and that the respondent refuses to adopt such alternative.

The burden-of-proof issue that Wards Cove resolved in favor of defendants is resolved by this Act in favor of plaintiffs. Wards Cove is thereby overruled. On all other issues, this Act leaves existing law undisturbed.

As Justice O'Connor emphasized in her Watson opinion, the use of disparate impact analysis creates a very real risk that Title VII will lead to the use of quotas. Indeed, there is evidence that the adoption of disparate impact analysis by the courts has led to the use of quotas, although the extent of this phenomenon is for obvious reasons not measurable. See e.g., Hearings on H.R. 1, "Civil Rights Act of 1991," before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, U.S. House of Representatives, 102d Cong., 1st Sess., February 7, 1991 (testimony of Assistant Attorney General John R. Dunne); Hearings on S. 2104, "Civil Rights Act of 1990," before the Committee on Labor and Human Resources, U.S. Senate, 101st Cong., 2d Sess., February 23, 1990 (testimony of Professor Charles Fried); Joint Hearings on H.R. 4000, "Civil Rights Act of 1990," before the Committee on Education and Labor and the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, U.S. House of Representatives, 101st Cong., 2d Sess., March 20, 1990, vol. 2, pp. 516, 625, 633 (testimony of Glen D. Nager, Esq.); Fortune, March 13, 1989, at 87–88 (reporting a poll of 202 CEOs of Fortune 500 and Service 500 companies, in which 18% of the CEOs admitted that their companies have "specific quotas for hiring and promoting"). The use of quotas, however, represents a perversion of Title VII and of disparate impact law. As the Court noted in Griggs, 401 U.S., at 431: "Discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed."

Because of the serious dangers inherent in the use of disparate impact analysis, any codification of a cause of action under the disparate impact theory must include evidentiary safeguards recognized in Justice O'Connor's Watson opinion and in Justice White's opinion for the Court in Wards Cove. The codification adopted in Sections 3 and 4 of this Act does so, and it is vital that courts and employers construe this Act in a manner that neither makes it possible to defend or justify the use of employment quotas nor encourages their use.

If an ability test, for example, has a disparate impact and the test is not justified by business necessity as defined in Section 3 of this Act, the test should not be used. If business necessity can be shown, then the disparate impact need not be reduced or eliminated unless the complaining party demonstrates the availability of an alternative employment practice as required by Section 4 of this Act and the respondent refuses to adopt such alternative. In neither event is an employer required or permitted to adjust test scores, or to use different cut-offs for members of different groups, or otherwise to use the test scores in a discriminatory manner. Manipulating test results in such a fashion is not an alternative employment practice of the kind that an employer must adopt to avoid liability at the surrebuttal phase of a disparate impact case. On the contrary, such discrimination violates Title VII, whether practiced by an employer, an employment agency, or any other "respondent" as defined in Section 3 of this Act. Similarly, a discriminatory practice could not be defended until Title VII on the ground that the practice was necessary or useful in avoiding the possibility of liability under the disparate impact theory. *CF.* Civil Rights Act of 1964, sec. 703(j), 42 U.S.C. 2000e–2(j).

It should be noted that in identifying the particular employment practice alleged to cause disparate impact, it is not the intention of this Act to require the plaintiff to do the impossible in breaking down an employer's practices to the greatest conceivable degree. Courts will be permitted to hold, for example, that vesting complete hiring discretion in an individual guided only by unknown subjective standards constitutes a single particular employment practice susceptible to challenge.

This approach is consistent with Wards Cove, see 109 S. Ct., at 2125, and has been employed since Wards Cove in *Sledge* v. *J.P. Stevens & Co.*, 52 EPD para. 39,537 (E.D.N.C. Nov. 30, 1989). The Sledge court alluded to the difficulty of "delving into the workings of an employment decisionmaker's mind" and noted that the defendant's peronnel officers reported having no idea of the basis on which they made their employment decisions. The court held that "the identification by the plaintiffs of the uncontrolled, subjective discretion of defendant's employing officials as the source of the discrimination shown by plaintiff's statistics sufficed to satisfy the causation requirements of Wards Cove." This Act contemplates that the use of such uncontrolled and unexplained discretion is properly treated, as it was in the *Sledge* case, as one employment practice that need not be divided by the plaintiff into discrete subparts.

SECTION 5. FINALITY OF JUDGMENTS OR ORDERS

In *Hansberry* v. *Lee*, 311 U.S. 32, 40–41 (1940) (citations omitted), the Supreme Court held:

> It is a principle of general application in Anglo-American jurisprudence that one is not bound by a judgment in personam in which he is not designated as a party or to which he has not been made a party by service of process. . . . A judgment rendered in such circumstances is not entitled to the full faith and credit which the Constitution and statutes of the United States . . . prescribe, . . . and judicial action enforcing it against the person or property of the absent party is not that due process which the Fifth and Fourteenth Amendments require.

In Hansberry, Carl Hansberry and his family, who were black, were seeking to challenge a racial covenant prohibiting the sale of land to blacks. One of the owners who wanted the covenant enforced argued that the Hansberrys could not litigate the validity of the covenant because that question had previously been adjudicated, and the covenant sustained, in an earlier lawsuit, although the Hansberrys were not parties in that lawsuit. The Illinois court had ruled that the Hansberrys' challenge was barred, but the Supreme Court found that this ruling violated due process and allowed the challenge.

In *Martin* v. *Wilks*, 109 S. Ct. 2180 (1989), the Court confronted a similar argument. That case involved a claim by Robert Wilks and other white firefighters that the City of Birmingham had discriminated against them by refusing to promote them because of their race. The City argued that their challenge was barred because the City's promotion process had been sanctioned in a consent decree entered in an earlier case between the City and a class of black plaintiffs, of which Wilks and the white fire-fighters were aware, but in which they were not parties. The Court rejected this argument. Instead, it concluded that the Federal Rules of Civil Procedure required that persons seeking to bind outsiders to the results of litigation have a duty to join them as parties, see Fed. R. Civ. P. 19, unless the court certified a class of defendants adequately represented by a named defendant, see Fed. R. Civ. P. 23. The Court specifically rejected the defendants' argument that a different rule should obtain in civil rights litigation.

This Section codifies that holding. Had the rule advocated by the City of Birmingham in Wilks been adopted in Hansberry, one judicial decree in one case between one plaintiff and one defendant would have prevented an attack on the racial covenant by anyone who had ever heard of the original case. That is not how the Federal Rules of Civil Procedure operate. And there is no reason why a different rule should be devised to prevent civil rights plaintiffs, as opposed to persons bringing all other kinds of cases, from bringing suit.

SECTION 6. PROHIBITION AGAINST RACIAL DISCRIMINATION IN THE MAKING AND PERFORMANCE OF CONTRACTS

Under 42 U.S.C. 1981, persons of all races have the same right "to make and enforce contracts." In *Patterson* v. *McLean Credit Union*, 109 S. Ct. 2363 (1989), the Supreme Court held: "The most obvious feature of the provision is the restriction of its scope to forbidding discrimination in the 'mak[ing] and enforce[ment]' of contracts alone. Where an alleged act of discrimination does not involve the impairment of one of these specific rights, [sec.] 1981 provides no relief."

As written, therefore, section 1981 provides insufficient protection against racial discrimination in the context of contracts. In particular, it provides no relief for discrimination in the performance of contracts (as contrasted with the making and enforcement of contracts). Section 1981, as amended by this Act, will provide a remedy for individuals who are subjected to discriminatory performance of their employment contracts (through racial harassment, for example) or are dismissed or denied promotions because of race. In addition, the discriminatory infringement of contractual rights that do not involve employment will be made actionable under section 1981. This will, for example, create a remedy for a black child who is admitted to a private school as required pursuant to section 1981, but is then subjected to discriminatory treatment in the performance of the contract once he or she is attending the school.

In addition to overruling the Patterson decision, this Section of the Act codifies the holding of *Runyon* v. *McCrary*, 427 U.S. 160 (1976), under which section 1981 prohibits private, as well as governmental, discrimination.

SECTION 7. EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS

Section 7 overrules the holding in *Lorance* v. *AT&T Technologies, Inc.*, 109 St. Ct. 2261 (1989), in which female employees challenged a seniority system pursuant to Title VII, claiming that it was adopted with an intent to discriminate against women. Although the system was facially nondiscriminatory and treated all similarly situated employees alike, it produced demotions for the plaintiffs, who claimed that the employer had adopted the seniority system with the intention of altering their contractual rights. The Supreme Court held that the claim was barred by Title VII's requirement that a charge must be filed within 180 days (or 300 days if the matter can be referred to a state agency) after the alleged discrimination occurred.

The Court held that the time for plaintiffs to file their complaint began to run when the employer adopted the allegedly discriminatory seniority system, since it was the adoption of the system with a discriminatory purpose that allegedly violated their rights. According to the Court, that was the point at which plaintiffs suffered the diminution in employment status about which they complained.

The rule adopted by the Court is contrary to the position that had been taken by the Department of Justice and the EEOC. It shields existing seniority systems from legitimate discrimination claims. The discriminatory reasons for adoption of a seniority system may become apparent only when the system is finally applied to affect the employment status of the employees that it covers. At that time, the controversy between an employer and an employee can be focused more sharply.

In addition, a rule that limits challenges to the period immediately following adoption of a seniority system will promote unnecessary, as well as unfocused, litigation. Employees will be forced either to challenge the system before they have suffered harm or to remain forever silent. Given such a choice, employees who are unlikely ever to suffer harm from the seniority system may nonetheless feel that they must file a charge as a precautionary measure—an especially difficult choice since they may be understandably reluctant to initiate a lawsuit against an employer if they do not have to.

Finally, the Lorance rule will prevent employees who are hired more than 180 (or 300) days after adoption of a seniority system from ever challenging the adverse consequences of that system, regardless of how severe they may be. Such a rule fails to protect sufficiently the important interest in eliminating employment discrimination that is embodied in Title VII.

Likewise, a rule that an employee may sue only within 180 (or 300) days after becoming subject to a seniority system would be unfair to both employers and employees. The rule fails to protect seniority systems from delayed challenge, since so long as employees are being hired someone will be able to sue. And, while this rule would give every employee a theoretical opportunity to challenge a discriminatory seniority system, it would do so, in most instances, before the challenge was sufficiently focused and before it was clear that a challenge was necessary. Finally, most employees would be reluctant to begin their jobs by suing their employers.

This change in the law, therefore, is warranted. Indeed, it is necessary to safeguard the same principles upheld by the Supreme Court in *Martin* v *Wilks*, 109 S. Ct. 2180 (1989), which guarantees civil rights complainants a fair opportunity to present their claims in court.

SECTION 8. PROVIDING FOR ADDITIONAL REMEDIES FOR HARASSMENT IN THE WORKPLACE BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

This provision is designed to redress an anomaly in current law. Title VII prohibits discrimination in employment, but provides inadequate remedies for harassment in the workplace, including sexual harassment, which the Supreme Court has recognized as actionable under Title VII. see, *e.g.*, *Meritor Savings Bank, FSB* v. *Vinson*, 477 U.S. 57 (1986). Such harassment frequently will not be so intolerable that an employee subjected to it immediately leaves. In such circumstances, the only remedy the victim of harassment can obtain under Title VII's remedial scheme as currently drafted is declaratory and injunctive relief against continuation of the harassment.

Such a rule is plainly inequitable. It effectively tells employers that the only consequences of creating an environment so hostile to an employee that he or she is forced to sue to obtain relief is a directive to refrain in the future. This defect must be corrected.

At the same time, Title VII's existing framework, with its emphasis on conciliation and mediation, has served the country well for more than a quarter of a century as a tool for combatting discrimination. It would be most unwise to jettison or rewrite this basic statute in favor of a tort-style approach including compensatory and punitive damages at a time when our tort system is widely recognized to be in crisis. President Bush has made it clear that our civil rights laws "should not be turned into some lawyer's bonanza, encouraging litigation at the expense of conciliation, mediation, or settlement."

Section 8 is designed to meet both of these concerns. It creates a new remedy for on-the-job harassment, allowing courts to make a monetary award in addition to granting declaratory and injunctive relief. The new remedy is available on the same terms for all forms of on-the-job harassment, whether based on race, color, religion, sex, or national origin.

The new remedy created by this Section is capped at $150,000. Courts are directed to make a monetary award when an additional equitable remedy is justified by the equities, is consistent with the purposes of Title VII, and is in the public interest. In weighing the equities and determining the amount of any award, courts are instructed to consider the nature of compliance programs implemented by the employer; the nature of the employer's complaint procedures, if any, used to resolve claims of harassment; whether the employer took prompt and effective remedial action upon learning of the harassment; the employer's size and the effect of the award on its economic viability (so that the maximum award would be available only against very large and financially secure employers); whether the harassment was willful or egregious; and the need, if any, to provide restitution for the complaining party.

This Section allows a court to make a monetary award "up to but not exceeding a total of $150,000." This language is intended to make clear that where there are several related incidents that could arguably be subdivided into distinct unlawful employment practices, the award that can be obtained under this new provision for all of them combined is limited to $150,000. Otherwise, plaintiffs and their lawyers will have incentives to spend resources on hair-splitting litigation over how many unlawful employment practices have occurred. $150,000 is a large enough amount to be an adequate and effective remedy for the type of conduct sought to be prevented, and no good purpose would be served by encouraging lawyers to use their inventiveness to circumvent the limitation of $150,000.

The substantive definition of harassment set out in Section 3 of this Act makes it an offense for an employer or its agents to harass any employee because of race, color, religion, sex, or national origin. The term "harass" encompasses "the subjection of an individual to conduct that creates a working environment that would be found intimidating, hostile or offensive by a reasonable person." The definition also explicitly defines sexual harassment to include certain conduct involving unwelcome sexual advances. The definition is intended to codify current law as stated by the Supreme Court. See *Meritor Savings Bank, supra*, 477 U.S., at 66 ("Since the Guidelines were issued, courts have uniformly held, and we agree, that a plaintiff may establish a violation of Title VII by proving that discrimination based on sex has created a hostile or abusive work environment.").

The new provisions of Title VII established in this Section are designed to deter and provide restitution for harassment, and to encourage employers to adopt meaningful complaint procedures to redress harassment and to encourage employees to use them. The employer will not be found liable if the complaining party failed to avail himself or herself of an effective complaint procedure. In determining the appropriate remedy, moreover, courts will consider whether an employer took prompt and effective remedial action. The effect of these requirements will be to encourage preventive measures and prompt remedial action by employers and to minimize litigation, thus maximizing the speed and efficacy of relief.

This provision of the Act protects employers from liability only when they have established a procedure "for resolving complaints of harassment in an effective fashion within a period not exceeding 90 days." Procedures under which victims of harassment are required to seek relief from the same supervisor who has engaged in the harassing conduct, or under which victims would otherwise reasonably expect their complaints to result in retaliation against them rather than in a fair investigation and effective resolution of their complaint, will not insulate the employer from liability. The new provisions of Title VII allow an employee, moreover, to petition a court for emergency relief, and they provide that the continued suffering of harassment shall be assumed to be sufficient irreparable harm to warrant judicial relief, whether or not the employee has fully exhausted a complaint procedure, so long as the employee has initiated a complaint.

This Section includes a provision reaffirming that Congress intends all issues to be decided by judges, as has always been the case under Title VII. Such a provision is important in avoiding the creation of an inefficient tort-style litigation system that is foreign to the purposes of employment law. Because the courts have relatively limited experience with harassment cases, because particular cases will undoubtedly raise issues requiring clarification, and because employers therefore require the information contained in written judicial opinions to assist them in conforming their conduct with the law, it is particularly important to avoid a profusion of unexplained and inconsistent jury verdicts if possible.

Because the monetary relief authorized in these amendments to Title VII is characterized as equitable, the courts should find that bench trials are consistent with the Seventh Amendment. Because the question of constitutionality is not free from doubt, however, this Section also provides that should a court hold that a jury trial with respect to issues of liability is constitutionally required, it may empanel a jury to hear those issues and no others. This ensures that the additional relief this scheme makes available will not become a dead letter should the courts conclude that the Seventh Amendment requires a jury trial on liability. See *Tull* v. *United States*, 107 S. Ct. 1831 (1987).

SECTION 9. ALLOWING THE AWARD OF EXPERT FEES

Section 9 authorizes the recovery of expert witness fees (up to but not exceeding $300 per day) by prevailing parties according to the same standards that govern awards of attorney fees under Title VII. *Cf. Crawford Fitting Co.* v. *J.T. Gibbons, Inc.*, 482 U.S. 437 (1987). The provision is intended to allow recovery for work done in preparation for trial as well as after trial has begun, with the cap applying to each witness.

SECTION 10. PROVIDING FOR INTEREST AND EXTENDING THE STATUTE OF LIMITATIONS, IN ACTIONS AGAINST THE FEDERAL GOVERNMENT

Section 10 extends the period for filing a complaint against the Federal government pursuant to Title VII from 30 days to 90 days. It also authorizes the payment of interest to compensate for delay in the payment of a judgment according to the same rules that govern such payments in actions against private parties.

SECTION 11. PROVIDING CIVIL RIGHTS PROTECTIONS TO CONGRESSIONAL EMPLOYEES

Section 11 extends the protections of Title VII to congressional employees on the same basis that they extend to Executive branch employees. The Executive branch, like private employers and state and local governments, is forbidden by law to discriminate on the basis of race, color, religion, sex, or national origin. The Congress, however, has exempted itself from the law. President Bush has stated that Congress "should live by the same requirements it prescribes for others" and that Congress "should join the Executive branch in setting an example for these private employers."

In addition to setting a helpful example, and providing congressional employees with the same rights enjoyed by other Americans, coverage under Title VII will provide the Congress with the valuable experience of living under the same rules that it imposes on other employers. This experience should prove useful in encouraging the Congress to give prompt and serious consideration to proposals for improving the law and enabling the Congress to resist ill-considered proposals—like the bill that President Bush vetoed on October 22, 1990—that would undermine the cause of civil rights and impose completely unjustified burdens on the employers of this nation.

It should be emphasized that this Section allows the Congress to create its own internal mechanisms for enforcing Title VII in the legislative branch. Like Executive branch employees, congressional employees would retain the right to judicial relief, but the Executive branch would have absolutely no role in enforcing Title VII against the Congress. For that reason, any objection to this Section on separation-of-powers grounds would not be well-founded.

SECTION 12. ALTERNATIVE MEANS OF DISPUTE RESOLUTION

This provision encourages the use of alternative means of dispute resolution, including binding arbitration, where the parties knowingly and voluntarily elect to use these methods.

In light of the litigation crisis facing this country and the increasing sophistication and reliability of alternatives to litigation, there is no reason to disfavor the use of such forums.

SECTION 13. SEVERABILITY

Section 13 states that if a provision of this Act is found invalid, that finding will not affect the remainder of the Act.

SECTION 14. EFFECTIVE DATE

Section 14 specifies that the Act and the amendments made by the Act take effect upon enactment, and will not apply to cases arising before the effective date of the Act.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, March 1, 1991.
Hon. J. DANFORTH QUAYLE,
President of the Senate,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit a legislative proposal to make several significant improvements in our Nation's employment discrimination laws, along with a section-by-section analysis explaining the proposal. This bill reflects the President's longstanding commitment, recently reaffirmed in his State of the Union Address, to strengthening the legal tools designed to eliminate the intolerable blight of discrimination from our society. This package will accomplish the four major objectives the President set out in his address to civil rights leaders on May 17, 1990.

First, as the President has said, any civil rights bill must "operate to obliterate consideration of factors such as race, color, religion, sex, or national origin from employment decisions." Under this proposal, employers will be encouraged and required to provide equal opportunity for all workers without resorting to quotas or other unfair preferences. The bill codifies a cause of action for "disparate impact," as recognized in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971), which outlawed certain practices that unintentionally but disproportionately exclude individuals from certain jobs because of their race, color, religion, sex, or national origin. With respect to these "disparate impact" cases, the bill places the burden of proof on the employer to demonstrate "business necessity," thereby overruling a contrary ruling in *Wards Cove Packing Co.* v. *Antonio*, 109 S. Ct. 2115 (1989).

The bill greatly expands the prohibition against racial discrimination in the performance of contracts under 42 U.S.C. 1981, and overturns the decision in *Patterson* v. *McLean Credit Union*, 109 S. Ct. 2363 (1989). In addition, this proposal amends Title VII to eliminate a need less and unfair limitation on the time for filing challenges to discriminatory seniority systems, overruling *Lorance* v. *AT&T Technologies, Inc.*, 109 S. Ct. 2261 (1989). Similarly, in the interest of ensuring that legitimate claims can be pursued, the bill extends the time for filing a Title VII claim against the Federal government from 30 to 90 days.

The bill also permits the courts to make awards to prevailing parties for the fees of expert witnesses, and authorizes the award of interest in actions against the Federal government on the same terms on which such awards are available against other parties.

The second requirement established by the President is that a bill must "reflect fundamental principles of fairness that apply throughout our legal system." Accordingly, this bill expressly provides that the Federal Rules of Civil Procedure shall apply in determining who is bound by an employment discrimination decree, must as they apply in other civil causes of action. This provision ensures that the standard rules of joinder and intervention will operate to give all victims of illegal discrimination a fair opportunity to protect their constitutional and civil rights in court.

The third essential element of a civil rights bill is a provision to ensure that Federal law provides an adequate deterrent against sexual harassment in the workplace. Under current law, the only judicial remedy for many cases of such harassment is a directive to refrain from such conduct in the future. This cannot provide adequate deterrence. In order to rectify this shortcoming, the bill makes available new monetary remedies for the victims of illegal harassment under Title VII.

The President has also insisted, however, that our civil rights laws not be "turned into some lawyer's bonanza, encouraging litigation at the expense of conciliation, mediation, or settlement." Accordingly, this proposal for the creation of a new monetary remedy under Title VII provides for bench trials, and it caps the monetary award at $150,000. The bill also includes special incentives for employers to develop and implement meaningful internal complaint procedures for harassment claims, while allowing employees to obtain emergency relief from the courts when employers fail to respond quickly and effectively to complaints of illegal behavior. More generally, the bill encourages the use of alternatives to litigation in resolving disputes under our civil rights laws.

Fourth, the President has said that the Congress should live by the same requirements it prescribes for others. Accordingly, this bill eliminates the congressional exemption from Title VII of the Civil Rights Act of 1964, and gives congressional employees the same fundamental protections that employees of the Executive branch have enjoyed for many years. The bill gives the Executive no role in enforcing the law against the Congress, allowing the Congress to establish its own mechanisms for enforcement. Congressional employees, like employees of the Executive branch, will be able to maintain a private right of action upon exhaustion of their administrative remedies.

Finally, the President has observed that the Congress must also take action in other areas to enhance equal opportunity. The elimination of employment discrimination, which is the aim of this bill, will have little meaning unless jobs are available and individuals have the skills and education needed to fill them. Nor can we expect young people to achieve their full potential if they grow up in neighborhoods and schools permeated by violence, drugs, and hopelessness. The Administration is proposing several initiatives to enable individual Americans to claim control over their own lives and futures. Enactment of those initiatives, along with this bill, will achieve real advances for the cause of equal opportunity.

Very truly yours,

DICK THORNBURGH,
Attorney General.

Mr. HATCH. Mr. President, I am pleased to cosponsor the administration's civil rights bill. We can enact true equal opportunity legislation without creating incentives to hire and promote by quota, without stripping some innocent Americans of their right to a day in court to have their equal protection and statutory civil rights claims heard, and without providing a bonanza for lawyers.

I am pleased that the bill overturns the *Lorance* v. *AT&T Technologies, Inc.*, 109 S.Ct. 2261 (1989) decision and the *Patterson* v. *McLean Credit Union*, 109 S.Ct. 2363 (1989) decision. In Lorance, the Court ruled that an employee challenge to a seniority system pursuant to title VII must be filed within 180 days—or 300 days if the matter can be referred to a State agency—after the alleged discrimination occurred. The Court held that the discrimination occurred at the adoption of a facially neutral seniority system which was allegedly selected for the purpose of discriminating against women. As such, the Court ruled all challenges to that system had to be made within 180 days of its adoption or they would be barred. The administration's bill eliminates this shield against these legitimate discrimination claims. Section 7 of the bill preserved title VII claims in such cases until after the "person aggrieved is injured by the application of the seniority system."

In Patterson, the Court construed section 1981, which bans racial discrimination in contracts, to apply only to the formation and enforcement of contracts, not to racial discrimination in the terms and conditions of the contract, such as racial harassment on the job which does not lead to dismissal. Section 6 of the administration's bill allows section 1981 claims to be based on "the making, performance, modification and termination of contracts." This section protects the employee's "enjoyment of all benefits, privileges, terms and conditions of the contract," thus overturning Patterson and barring, inter alia, racial harassment.

The administration's bill also adds to title VII an effective remedy for sexual and other harassment on the job. Under title VII, in certain circumstances the only remedy available for illegal harassment in the workplace is declaratory and injunctive relief against continuation of the harassment. Section 8 of the administration's bill makes available new monetary remedies for victims of illegal harassment under title VII.

These are very important and worthy provisions which we should enact. I commend the President for pressing for these changes.

With respect to the bill's provisions on the *Wards Cove* v. *Antonio* 109 S.Ct. 2115 (1989) decision, which I believe was correctly decided and is consistent with *Griggs* v. *Duke Power Company*, 401 U.S. 424 (1971), I have one reservation. I do not believe it is appropriate to shift the burden of persuasion to the employer once the plaintiff establishes a prima facie case of disparate impact for the reasons I set forth at length during last year's debate this year.

I do believe, however, this bill contains many worthy features and I want to associate myself with those provisions.

Mr. McCAIN. Mr. President, Congress has a duty, prescribed over 200 years ago by our Founding Fathers, to further the cause of equality in our Nation, and make the American dream equally available to all. I believe that Congress has done an admirable, albeit sometimes inexcusably slow, job in fulfilling this mandate. However, Mr. President, we must do more. We must be tolerated.

This task is not taken lightly, and it is not always popular. However, I believe that Congress must act to advance the concepts of social and economic justice, even when the majority of society may not like them. I have consistently fought hard to maintain that goal, as when I voted to override former President Reagan's veto of the Civil Rights Restoration Act, and when I authored one of the main titles of the Americans With Disabilities Act.

Mr. President, a good example of the difficulties we encounter in trying to resolve these problems legislatively are the employer sanctions provisions included in the last reform of our immigrations laws. I strongly favor repealing employer sanctions. Congress clearly made a mistake when it passed that law. Employer sanctions have resulted in a disparate impact on Hispanics. In my home State of Arizona there is a large population of Hispanic people who reside there legally. The case is clear, however, that employer sanctions have encouraged employers to reject Hispanic job applicants for fear they will be found to be illegal aliens. The unfortunate result is higher unemployment rates among Hispanics, and we in Congress have an obligation to rectify this situation which we created.

The example of employer sanctions serves yet another purpose Mr. President. It graphically demonstrates that our Nation must never give up our fight for equal rights. If we for but 1 minute allow our attention to wane, we will be plagued by new forms of discrimination and inequality. For this reason, I also support modifying some of the recent Supreme Court decisions.

Specifically, the decision of the Court in the Wards Cove case is incorrect. For that reason, I support returning to the standards established in Griggs versus Duke (1971) and reaffirmed in New York City Transit Authority versus Beazer (1979). Additionally, I believe that we must provide remedies for harassment in the workplace due to race, color, religion, sex, disability, or national origin. For this reason, I am proud to cosponsor Senator DOLE's Civil Rights Act of 1991.

I strongly support title VII of the Civil Rights Act of 1964, and this legislation will serve to strengthen that landmark measure. Society must be color blind in its application of law and in its offering of opportunities. Unfortunately, some legislation that has been introduced, specifically H.R. 1, does not further that goal. Nobody should be discriminated against because of race, sex, religion, or ethnic origin, and that is what title VII prohibits. However, H.R. 1, by its authors' own admission to the New York Times, went considerably beyond this, and would have effectively required employers to institute quotas in their hiring practices, and I cannot support that. Mr. President, quotas simply legally sanction certain types of discrimination, and that is wrong.

Justice William O. Douglas made good sense when in commenting on our laws and hiring programs, he said that a university's law school admission system, "cannot be to produce black lawyers for blacks, Polish lawyers for Poles, Jewish lawyers for Jews, Irish lawyers for Irish."

It is unjust to discriminate against a person who is innocent of discrimination to advance another racial or ethnic person who was not discriminated against. When our laws either tolerate or require discrimination of any kind against citizens innocent of discrimination themselves, we are not serving justice, and we invite disrespect of law and tension in our society.

Mr. President, we need new civil rights legislation. We must ensure, however, that we do not repeat the mistakes of the past. To be exact, we need good civil rights legislation—legislation that will truly address the needs of America's diverse population without creating a litany of new problems. Our Nation is only as great as her citizens make her, and Americans have made our country the torchbearer of freedom, a country for all others to hold in esteem. This legislation will further that goal, and I hope for its quick passage.

By Mr. BENTSEN (for himself, Mr. ROTH, Mr. MITCHELL, Mr. FORD, Mr. PRYOR, Mr. DASCHLE, Mr. INOUYE, Mr. ROBB, Mr. COCHRAN, Mr. KASTEN, Mr. NICKLES, Mr. LOTT, Mr. BAUCUS, Mr. HEINZ, Mr. BOREN, Mr. SYMMS, Mr. RIEGLE, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BREAUX, Mr. ADAMS, Mr. AKAKA, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mr. BRYAN, Mr. BURDICK, Mr. BURNS, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HELMS, Mr. HOLLINGS, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MACK, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RUDMAN, Mr. SANFORD, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. 612. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

SAVINGS AND INVESTMENT INCENTIVE ACT OF 1991

Mr. BENTSEN. Mr. President, I rise, along with my distinguished colleague, the Senator from Delaware, Mr. ROTH, and 73 other cosponsors to bring back the individual retirement account—the IRA. We want to bring it back for all Americans. In fact, the bill is going to improve on the traditional retirement IRA. It is going to improve the IRA in a number of ways to make it an even more powerful tool for savings in this country.

The bill will provide every American with the option to choose between tax deductible contributions to a traditional IRA or contributions to a new type of IRA. Contributions to the new type of IRA would not be tax deductible, but all interest that is earned would come back tax free.

The bill also expands on the usefulness of the IRA by letting people use their IRA's, to save for college education, first home purchases, and financially devastating medical expenses.

The new options will give individuals greater flexibility to choose the savings vehicle that best suits their particular needs.

Why do we have to bring back the IRA? First, history shows that the underlying strength of America is the kind of economic growth that creates prosperity and opportunity for all of our people. The key to maintaining that kind of economic growth is savings. And the IRA helps stimulate savings. Today personal savings in this country is at an all time low—the lowest of any of our major economic competitors. In 1990 American consumers saved less than 5 cents out of every dollar earned. Compare that to Japan, where it is 16 cents on the dollar.

Related problem we are facing in this country is a real capital crunch. As we enter the 1990's, you are seeing a difference from the situation which prevailed through most of the last decade. In the 1980's, we were able to finance our debts and our budget deficits by the Japanese and others buying our securities. Now they are seeing serious real estate valuation problems in Japanese banks and problems in the Japanese real estate market generally. There are also problems in the Japanese stock market. In turn, West German capital, is being diverted into East Germany. And then, of course, the devastation that has occurred in the Persian Gulf, and the cost of its repair will also draw capital away from the United States.

So once again we are looking at a situation where there is going to be less capital available to build those new plants, to increase productivity, to lower the trade deficit, and to keep America more competitive in the world economy.

One of the things that can help turn that around is a restoration of the IRA. People understand the IRA. They like it, they will save in it, and they will invest through it.

In 1981, when we put in the full deductibility of the IRA, and expanded its utilization, IRA savings went up 700 percent. In 1987, when the full deductibility of the IRA was cut back, we saw a steep drop in the personal savings rate in this country. Ever since that time we have seen savings rates in this country 25 percent below the levels that prevailed in the early 1980's.

You hear a few economists yet who still say that IRA contributions are a shift of existing savings, but they are looking at old data. New studies by Dr. David Wise of Harvard's Kennedy School, Dr. Steven Venti of Dartmouth, Dr. Jonathan Skinner of University of Virginia, and others show that the IRA worked at increasing savings. Since the IRA was cut back as a part of the 1986 Tax Reform Act, we saw enrollments drop by over 60 percent. We saw contributions drop by close to 70 percent.

In the last Congress at hearings in the Finance Committee, Dr. Lawrence Summers of Harvard testified that the cutbacks in IRA eligibility in 1986 caused many families that still remained eligible for IRA's to stop putting their money in. According to Dr. Summers, we saw a 40-percent decrease in participation by those persons who still remained eligible. I think one of the principal reasons was because you had a great barrage of publicity—advertising that came along around April 15—that had everyone thinking about savings, thinking about IRA's and the $2,000 deduction they would get.

When all of that advertising stopped, you saw people turn their minds to other things. They cut back on the amount they saved for the future.

There is another reason we have to bring back the IRA. Americans are living longer. With longer periods in retirement, they will have to save more money to ensure a financially secure retirement. The Federal Government ought to be encouraging people to save, and the IRA is a proven tool to do it.

In addition, the expanded Bentsen-Roth IRA will encourage savings not only for retirement but also for two of the biggest investments people have to make in their lifetimes: their first home and college education.

Why not let the people make penalty-free withdrawals from their IRA accounts and similar section 401(k) and 403(b) plans for these specific purposes? Encouraging these savings is critical to ensuring that our children can afford to go to college. For a child born today, average college costs are expected to go to $200,000 for 4 years at a private university and $60,000 for public schools. Yet most Americans who expect their children to attend college save little or nothing for that purpose. The Bentsen-Roth bill would help people use the IRA to help save for college and vocational school expenses.

People do try to save for that first home, but they find themselves in a cycle they just cannot break. Housing costs go up faster than their income and many younger Americans can never put aside enough money for the down payment.

The Bentsen-Roth bill would help young couples use the tax advantages of the IRA to open the door to that first home. The bill will also allow parents and grandparents to tap their IRA funds to help their children and grandchildren buy a first home. That makes sense, and I thank my colleague from Michigan, Senator LEVIN, for his consistent support of that proposal.

Finally, health care costs today are almost 2½ times as high as they were at the start of the 1980's. With medical costs rising faster than paychecks, typical Americans find it very difficult to hold onto their health insurance to take care of a catastrophic illness that might come along.

This bill would give people access to their IRA balance in an emergency. I think having that access will also make it more likely they will put that money aside in the first place, thus increasing savings.

There are no easy, painless answers to tough problems like high interest rates, high costs of education, housing and health care. But the newly expanded IRA can help in every instance. It will give Americans a flexible tool to save for a better tomorrow.

I know the key question that has become constant to every new idea in Government is, What will it cost? In the long run, it is going to make profit for America. It is going to build those new plants. It is going to increase income. It will result in more taxes finally being collected. But in the short term, yes, there will be a net cost, and we will pay for it.

As chairman of the Finance Committee, it is my policy to pursue only legislation that will not increase the deficit. So we are in the process of getting precise, credible cost estimates for this bill and we are developing the options to meet those costs without adding to the deficit. It will not be easy; it never is; but we will get it done.

I am pleased that so many of my colleagues on both sides of the aisle have already joined us in supporting the Bentsen-Roth IRA, now three-fourths of the Senate. I am going to call hearings in the Finance Committee very soon because I want to begin work as soon as possible on the job of enacting this important legislation. It is time that we took the IRA out of retirement and put it back to work helping Americans save for the future. The IRA allows people to invest in America's future at the same time they are investing in their own, and that is a gain for all Americans.

Mr. President, both the Senator from Delaware and I have been working on incentives for savings for many a year. I commend my colleague for the work that he has done in the past and am delighted to be working with him today on this important legislation.

I ask unanimous consent that the text of the bill and a brief summary thereof be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Savings and Investment Incentive Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—RETIREMENT SAVINGS INCENTIVES

Subtitle A—Restoration of IRA Deduction

SEC. 101. RESTORATION OF IRA DEDUCTION.

(a) IN GENERAL.—Section 219 (relating to deduction for retirement savings) is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 219 is amended by striking paragraph (7).

(2) Paragraph (5) of section 408(d) is amended by striking the last sentence.

(3) Section 408(o) is amended by adding at the end thereof the following new paragraph:

"(5) TERMINATION.—This subsection shall not apply to any designated nondeductible contribution for any taxable year beginning after December 31, 1990."

(4) Subsection (b) of section 4973 is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 102. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT.

(a) IN GENERAL.—Section 219, as amended by section 101, is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—If this subsection applies to any calendar year, then each applicable dollar amount for any taxable year beginning in the adjustment period for such calendar year shall be equal to the sum of—

"(A) such applicable dollar amount for taxable years beginning in such calendar year, plus

"(B) $500.

"(2) YEARS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to any calendar year if the excess (if any) of—

"(A) $2,000, increased by the cost-of-living adjustment for such calendar year, over

"(B) the applicable dollar amount in effect under subsection (b)(1)(A) for such calendar year, is equal to or greater than $500.

"(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

"(i) the CPI for such calendar year, exceeds

"(ii) the CPI for 1991.

"(B) CPI FOR ANY CALENDAR YEAR.—The CPI for any calendar year shall be determined in the same manner as under section 1(f)(4).

"(4) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection, the term 'applicable dollar amount' means the dollar amount in effect under any of the following provisions:

"(A) Subsection (b)(1)(A).

"(B) Subsection (c)(2)(A)(i).

"(C) The last sentence of subsection (c)(2).

"(5) ADJUSTMENT PERIOD.—For purposes of this subsection, the term 'adjustment period' means, with respect to any calendar year to which this subsection applies, the period—

"(A) beginning on the 1st day of the calendar year following such calendar year, and

"(B) ending on the last day of the next calendar year to which this subsection applies."

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(j) is amended by striking "$2,000".

Subtitle B—Nondeductible Tax-Free IRAs

SEC. 111. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this section, a special individual retirement account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) SPECIAL INDIVIDUAL RETIREMENT ACCOUNT.—For purposes of this title, the term 'special individual retirement account' means an individual retirement plan which is designated at the time of establishment of the plan as a special individual retirement account.

"(c) TREATMENT OF CONTRIBUTIONS.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to a special individual retirement account.

"(2) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all special individual retirement accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

"(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year, over

"(B) the amount so allowed.

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—No rollover contribution may be made to a special individual retirement account unless such contribution consists of a payment or distribution out of another special individual retirement account.

"(B) COORDINATION WITH LIMIT.—A rollover contribution shall not be taken into account for purposes of paragraph (2).

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of a special individual retirement account shall not be included in the gross income of the distributee.

"(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 5 YEARS.—

"(A) IN GENERAL.—Any amount distributed out of a special individual retirement account which consists of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) CROSS REFERENCE.—

"For additional tax for early withdrawal, see section 72(t).

"(C) ORDERING RULE.—

"(i) FIRST-IN, FIRST-OUT RULE.—Distributions from a special individual retirement account shall be treated as having been made—

"(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(II) then from other contributions (and earnings allocable thereto) in the order in which made.

"(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(iv) CONTRIBUTIONS IN SAME YEAR.—Under regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(3) ROLLOVERS.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is transferred to another special individual retirement account.

"(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the special individual retirement account to which any contributions are transferred from another special individual retirement account shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the account from which transferred."

(b) EARLY WITHDRAWAL PENALTY.—Section 72(t), as amended by section 201(c), is amended by adding at the end thereof the following new paragraph:

"(8) RULES RELATING TO SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.—In the case of a special individual retirement account under section 408A—

"(A) this subsection shall only apply to distributions out of such account which consist of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution, and

"(B) paragraph (2)(A)(i) shall not apply to any distribution described in subparagraph (A).

(c) EXCESS CONTRIBUTIONS.—Section 4973(b) is amended by adding at the end thereof the following new sentence: "For purposes of paragraphs (1)(B) and (2)(C), the amount allowable as a deduction under section 219 shall be computed without regard to section 408A.

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Special individual retirement accounts."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

TITLE II—PENALTY-FREE DISTRIBUTIONS

SEC. 201. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES OR TO PAY HIGHER EDUCATION OR FINANCIALLY DEVASTATING MEDICAL EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii)—

"(i) which are qualified first-time homebuyer distributions (as defined in paragraph (6)); or

"(ii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year."

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—Section 72(t)(3)(A) is amended by striking "(B),".

(c) DEFINITIONS.—Section 72(t) is amended by adding at the end thereof the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or the child or grandchild of such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plan to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, the requirements of subparagraph (A) cannot be met,

the amount so paid or distributed may be paid into an individual retirement plan as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135."

(d) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or distributions for qualified higher education expenses (as defined in section 72(t)(7)) are made, and".

(2) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or for the payment of qualified higher education expenses (as defined in section 72(t)(7))."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

BENTSEN-ROTH IRA

MAKE DEDUCTIBLE IRA'S AVAILABLE TO ALL AMERICANS

Under the Bentsen-Roth proposal, all Americans would once again be eligible for fully deductible IRAs.

Under current law, only those who are not covered by any other pension arrangement and those with incomes under $25,000 for individuals and $40,000 for married couples are allowed to fully deduct IRA contributions. Annual IRA contributions cannot exceed $2,000 per individual. The $25,000 and $40,000 income thresholds are not indexed for inflation with the result that fewer and fewer Americans are eligible for IRAs each year.

PROVIDE TAXPAYERS WITH ANOTHER IRA OPTION

Each individual would have the option of contributing $2,000 per year either to a traditional IRA or to a new type of IRA. The individual could contribute the full $2,000 to either type of account or could allocate any portion of the $2,000 limit to the different accounts (*e.g.*, $1,000 to a traditional IRA and $1,000 to the new type of IRA). The $2,000 limit would also be indexed to reflect inflation.

Contributions to the new type of IRA would not be tax deductible, but if the assets remained in the account for at least 5 years all income would be tax-free when it is withdrawn. A 10% penalty would also apply to earnings withdrawn within the first 5 years.

PENALTY-FREE IRA WITHDRAWALS FOR FIRST-TIME HOMEBUYERS, EDUCATION EXPENSES AND FINANCIALLY DEVASTATING MEDICAL EXPENSES

The Bentsen-Roth IRA proposal would provide exemptions from the 10% penalty tax for withdrawals which are used to buy a first home, to pay educational expenses or to defray financially devastating medical expenses.

Under current law, withdrawals from IRAs are generally subject to a 10% penalty if made prior to age 59½. There are no exceptions to this 10% penalty for withdrawals used for first-time home purchases, higher education expenses, or medical expenses.

Young couples, their parents or their grandparents could draw down IRAs to pay for first-time home purchases without paying the 10% penalty tax for early withdrawals.

Parents or grandparents could draw down IRAs without penalty to pay for the education of their child or grandchild. High school students with part-time jobs could put their earnings into a tax-favored IRA and withdraw the money later for college tuition without penalty. An individual wanting to go back to school after a few years in the work force could use the IRA to save for anticipated education expenses.

Individuals with medical expenses (for themselves or their dependents) in excess of 7.5% of their income could make penalty-free withdrawals to help cover those expenses.

PENALTY-FREE WITHDRAWALS FROM 401(K) AND 403(B) PLANS FOR FIRST HOME PURCHASES AND EDUCATIONAL EXPENSES

Under the Bentsen-Roth bill, employees could make penalty-free withdrawals of their own contributions to 401(k) and 403(b) plans to assist with first-home purchase or educational expenses. These rules would be similar to the expanded rules provided for IRAs. Penalty-free withdrawals from 403(b) and 401(k) plans for high medical expenses are already permitted.

Section 401(k) and 403(b) plans are employer-provided retirement plans that allow employees to make tax-free contributions out of their paychecks. Under current law, once an employee makes a contribution to a 401(k) or 403(b) plan, withdrawals are generally subject to a 10% penalty tax similar to that applied to early withdrawals from IRAs.

SUPER IRA

Mr. ROTH. Mr. President, it is, indeed, an honor and a privilege for me to join our distinguished chairman, Senator BENTSEN, today, to announce the introduction of a granddaddy of an IRA plan, with wide bipartisan support, both on the Finance Committee and in the Senate. This is a matter that has been of great interest to both of us down through the years. I think by our bipartisan approach, we have an opportunity to move this country ahead.

Mr. President, as early as the late seventies, throughout the eighties, and now into the nineties, I have realized the tremendous need for the IRA. I promoted it in 1981, tried to save it in 1986 and, indeed, am heartened by the prospect of this legislation. Bentsen-Roth is a bill that we have worked long and hard to achieve, a bill that I believe is extremely well-conceived and one that promotes the two most important concerns facing us today: the family and the future of our economy.

Never have these two concerns been more important than they are right now—at a time when the family is being recognized, once again, as the most valuable unit of our society, and when the global community is redefining the nature of superpowers, not by the strength of their arms, but by the strength of their economies.

It is clear Congress not only understands these changes, and what they represent to the future of our country, but is willing to advance—in a strong bipartisan way—this proposal that addresses the needs of the changing environment.

You see, what sets this bill apart from other efforts in other years to restore the IRA is the fact that almost everyone seems to be working together this time. The fact that 71 Senators, including 13 on the Finance Committee, have joined together makes the passage of this legislation much more likely this year.

I believe this growing consensus demonstrates that Members are in agreement concerning the fact that if America is to compete in the emerging global community—if we are to have jobs and security for our families here at home—Americans must increase their rate of savings.

Congress understands that the issue of savings in this country has reached crisis proportions. The Chairman of the Federal Reserve, Alan Greenspan, recently told the Senate Banking Committee that the single most important long-term economic issue for America is that of national savings.

I believe it is the responsibility of Congress to make the job of saving as attractive as possible for the American family. And I strongly believe that the Tax Code is the best way to increase the national savings trade.

We all know the statistics: The Japanese save at a rate approximately four times that of our countrymen, largely—I believe—because of tax incentives they enjoy that encourage savings.

Japan has the highest personal saving rate among advanced nations. Consequently, that country enjoys ample funds needed to finance capital investment in the best and most productive equipment. That country's businesses and workers have the most advanced tools available in the global marketplace.

Meanwhile, the U.S. Government levies a heavy tax burden on saving and capital. Though the American economy has many strengths, our tax policy hampers our ability to compete with the advantages offered by Japan. Our punitive antisavings and anti-investment Tax Code is crippling our competitiveness at a turning point in economic history.

We must remember that we cannot tax ourselves into prosperity. By suppressing saving and capital investment now, we are crippling our economy for the challenges of the future.

To reverse this process, one of the most important questions we must answer is how to encourage Americans to save more. And frankly, I believe the Bentsen-Roth bill provides a significant part of that answer.

This bill has been crafted not only to encourage those who traditionally save, but to bring new savers into the act.

This bill recognizes that there are other important reasons for Americans to save long term, besides the pressing economic needs of our country and the savers' respective needs for retirement.

For example, our young people today are finding an almost impossible time scraping together a downpayment for that first home. Our families are finding it more difficult to save for their children's college education. And, our older Americans are worrying about their security as retirement approaches, not to mention the escalating costs associated with health care.

Given these basic—but most important—necessities, the best answer to meet our savings needs is a bill that allows Americans to save for what they need most. And that is the approach that Senator BENTSEN and I have taken in drafting this legislation. This legislation allows savers the chance to use the IRA to help them pay for a college education, buy their first home or pay for financially strapping health costs.

Under these three conditions, the IRA savings can be withdrawn penalty free, and the best part is that is multigenerational in approach. In other words, grandparents, parents, and children can use their IRA savings to look after each other. The grandparents can help with the education of grandchildren.

Grandchildren can withdraw penalty free to provide health care for their dependent grandparents.

Parents can help with the first-time home purchases of their children, as well as use their IRA's to pay for college.

By allowing Americans the ability to withdraw IRA savings—savings once reserved for retirement only—for these additional purposes, without a penalty for early withdrawal, we have greatly enhanced the flexibility of the IRA and strongly encouraged Americans to put more savings away.

This is what real "Empowerment" is all about—empowerment for the family—empowerment because once again Americans can save for their own, and their family's own, self-reliance.

As I mentioned earlier, this new IRA offers a renewed opportunity to increase America's competitiveness in the emerging global economy. It is an opportunity borne by the fact that savings equal investment, investment equals jobs, and jobs equal a strong, vibrant economy. It has been estimated that after the first year this legislation is enacted, IRA deposits will increase to as much as $40 billion.

This represents long-awaited capital that the U.S. needs for investment, manufacturing, education, infrastructure, and other important goals.

With a Japanese savings rate of about four times the United States rate, and a cost of capital of about one-fourth that of the United States, it is no wonder that we are lagging behind in the international race to compete in the world.

Added savings of $40 billion and more from increasing annual IRA deposits is likely to be the best solution. And do not forget the benefit to the already weakened financial infrastructure in this country. The estimated deposits in U.S. banks in the first year alone from this legislation would be about $16 billion—money needed to provide productive loans and investment in this country for years to come.

Perhaps with the added savings from IRA's we can further our own investment in the United States rather than U.S. investments by foreign countries.

In fact, in recent years, over half of net domestic investment has been financed by capital from abroad. While this foreign saving has contributed to U.S. economic growth over the years, we are beginning to see why continued reliance on these inflows is not a viable policy.

Over long periods, for advanced countries, the rate of domestic investment tracks closely the supply of domestic saving. Ultimately, the United States must move from a position of current account deficit to surplus and capital outflow, as foreigners receive the returns on their investment in the United States. If that is to happen without a relative reduction in U.S. living standards, U.S. productive capacity must be increased and so must U.S. savings.

It is clear to see why Bentsen-Roth is a bill whose time has come. However—once again—the most important reason to pass it is to meet the needs of the most basic unit of our society. It is time we get back to the family. Only by allowing American families the opportunity—and even the right—to strengthen themselves can we expect society to be strengthened as a whole.

We have tried to work around this elementary truth for years now—some thinking that Government programs can replace the basic family unit.

Fortunately, we have come full circle—back to the understanding that it was family and community values that built a strong America, and it will be those same values that ensure a bright and prosperous future.

Mr. HEINZ. Mr. President, I am pleased to join a majority of my colleagues today in cosponsoring legislation designed not only to reinstate pre-1986 tax treatment of individual retirement accounts [IRA's], but to improve them as well. This bill addresses a problem that has concerned me for some time—the continually declining savings rate in this country.

According to the Department of Commerce Bureau of Economic Analysis—national income' accounts—net private domestic saving in this country, which averaged 8 percent of the gross national product [GNP] between 1960 and 1981, steadily declined in the 1980's, and dropped from 5.3 to 4.2 percent between 1986—when the Congress repealed tax-deferred IRA contribution treatment for many Americans—and 1990.

A recent study conducted by professors Steven F. Venti of Dartmouth and David A. Wise of Harvard concludes that the reinstatement of tax-deductible IRA's would lead to higher personal savings. The study also presents evidence suggesting that the majority of IRA savings from 1982–85 represented "new" savings, not a shift from one form of savings to another, but a reduction in consumption and tax burden.

The low U.S. private savings rate contributes to high real costs of capital and higher trade deficits. Increased savings will lower interest rates, increase domestic investment, reduce Federal borrowing costs, and increase productivity and growth. It is because I believe that it would be irresponsible not to act to correct the pervasive problem of our declining net savings rate, that I have joined with Senators BENTSEN and ROTH in cosponsoring this bill today. However, I believe that this bill is just a first step to achieving the important goals of an increased net savings rate, a competitive net investment rate, and a lower cost of capital in this country. That is why I plan to introduce legislation in the near future that will expand upon this legislation and encompass a plan to achieve these goals.

The initiative which we are introducing today, will reinstate the tax-deductibility of IRA contributions for all Americans, or in the alternative allow tax-free earnings to investors, providing tremendous incentive for Americans to save rather than consume. In addition to providing many with a cushion for retirement, it will allow early penalty-free withdrawal for certain expenses: education; home ownership; and, catastrophic medical costs. All of which will help provide a better quality of life for Americans investing in IRA's.

In addition to providing for an expanded IRA with early withdrawal options for these certain justifiable reasons, the bill I plan to soon introduce will also provide an additional incentive to those who invest their IRA contributions in equities, which should improve the investment rate considerably. My bill will more directly address the "cost of capital" issue as well. It will allow for indexing of one's basis for inflation, so that upon the sale of capital assets individuals will no longer be taxed on illusory or phantom gain attributable solely to inflation.

As we discuss the merits of this IRA bill—and we most certainly will over the coming weeks—I ask that my colleagues keep an open mind and consider expanding the good idea embodied in the Bentsen-Roth bill to meet all the goals I have outlined today. It is only by achieving these goals that we can ensure America's future—both in terms of offering the best quality of life for its citizens and as an economic leader in the new global marketplace; something that is of vital importance to us all.

Mr. LEVIN. Mr. President, I am pleased to join with Senator BENTSEN in introducing this legislation to expand the eligibility for tax deductible contributions to individual retirement accounts. This legislation will help to address the need from both an individual and national perspective to increase savings. In doing so, I will correct a mistake which was made in the Tax Reform Act of 1986 and which, in fact, was one of the reasons why I voted against that bill.

I am particularly gratified to see that the legislation introduced today includes in it a provision which was embodied in legislation I introduced last year dealing with the use of IRA funds by first time home buyers. I believe that IRA funds are an important pool of savings which might make the purchase of a home more affordable. At the same time, I recognize that many first time home buyers have not worked long enough to make significant contributions to their own IRA's. Therefore, last year I introduced S. 2517, which provided that penalty free withdrawals from IRA's for the first time purchase of a home could be made not only by the first time home buyers themselves, but also by their parents and grandparents on their behalf. I believe this provision will provide first time home buyers with an additional option in their efforts to make the American dream of home ownership a reality for them.

Mr. SEYMOUR. Mr. President, I rise today as an original cosponsor of the Super IRA bill introduced by my distinguished colleagues, Senators BENTSEN and ROTH.

As many of my colleagues have explained, this bill allows individuals to withdraw money, penalty-free, from their IRA accounts for first-time home purchases, college education costs, and financially devastating medical expenses. These are three very important basic needs that ensure quality-of-life of all Americans.

Quite simply, housing and education costs have priced too many families out of the American dreams of college and home ownership. And the way the laws are written now, we are, in effect, penalizing young people and middle-income families who want to save money. This bill restores the incentives for Americans to save for some of the most important investments they will ever make.

For example, in California, the Housing Affordability Index for January 1991 indicated that only 21 percent of the households in my State could qualify for a median priced single family home. For first-time home buyers, the median cost of a home is currently $160,000, requiring a downpayment of $24,000.

This measure is designed to provide new mechanisms for the first time home buyer to save for a downpayment. Under this bill, families will be able to tap into their IRA accounts for a downpayment to purchase their first home. Furthermore, parents and grandparents will be able to assist their children without penalty for early withdrawal of their retirement savings.

All Americans, particularly those of us with children, are also concerned that access to higher education remains a reality. It is a proven fact that an educated population provides for a stronger, more powerful economy, creates more jobs, and costs the States far less in welfare rolls. The Federal Government must do all that it can to assist families as they work and save to ensure that our Nation's youth can get a college education.

This year, the Regents of the University of California voted to increase the tuition at their campuses by 40 percent. Over the past decade, the cost of attending a public university in California rose approximately 45 percent, and conservative estimates suggest that costs could increase by as much as 60 percent by the year 2000. At that time, the average total cost of attending a public university in California may reach $80,000 to $100,000.

Mr. President, ensuring that young Americans are not priced out of higher education must be a top priority, and this bill represents a vital step in the right direction.

Another potential burden for families that have worked hard and saved for a home and set aside money for their chidren's education, is the risk that unexpected medical costs can destroy those savings. This bill will give families peace of mind in the knowledge that their IRA funds are available for such emergencies.

This bill is not a panacea to the problems of affordable housing, college education expenses, and catastrophic illness costs, but it does give the working men and women of America an additional tool to provide for these expenses. This measure proactively encourages our young people and their families to save for their futures with the knowledge that the Government isn't going to penalize them for making a sound investment.

Mr. President, in the California Senate, I introduced similar proposals to assist first-time home buyers and parents of college-bound children, and am proud to be a part of this valuable and timely Federal legislation.

Mr. DOMENICI. Mr. President, I am pleased to join Senator BENTSEN, Senator ROTH, and many of my other colleagues in introducing the super IRA legislation.

The bill would give all Americans the right to invest in an individual retirement account. The bill is flexibly designed to meet the needs of every American family by giving them the choice between making a tax deductible contribution to a traditional IRA; a nondeductible contribution to a back-ended IRA; or splitting a contribution between the two types of accounts.

The legislation would restore the universal availability of the pre-1986, traditional IRA. The traditional IRA allows amounts up to $2,000 to be contributed each year. The contribution is tax deductible, but the interest income would be taxed upon withdrawal after age 59½.

Under the back-ended plan, initial contributions would not be tax deductible, but if the contribution remains in the account for at least 5 years, all income would be tax-free when it is withdrawn.

There is also a "Plus" component to either IRA plan. The legislation recognizes the hopes, dreams and expensive reality of buying a first home, paying for college or meeting unexpected medical bills. The legislation allows early, penalty free withdrawals for each of these three good purposes. This is why the proposal is called "IRA Plus."

College costs a lot.

For a child born today, the day this bill is introduced, the average undergraduate college education is expected to exceed $200,000 for private universities and $60,000 for state run universities.

Financing college must be nationally recognized as a partnership among parents, students, institutions of higher education and the Federal Government. Super IRA's are important to that partnership.

Buying a first home costs a lot too.

Individuals age 25 to 34 are the group statisticians call the "principal household-forming section of the population." This is the age group some of us think of as our sons and daughters. Research shows that for these 25 to 34 year-olds the primary impediment to homeownership is saving for the down payment. Super IRA's can remove that impediment. It provides an incentive for young families to save for a first-time home. It allows parents and grandparents to withdraw funds to help with that first-time home purchase too. The proposal recognizes that families like, and need, to help each other.

It doesn't take much of an illness to have a catastrophic impact on the family budget. For this reason Super IRA's would allow penalty free withdrawals to defray financially devastating medical expenses.

IRA's are a simple and effective savings plan. They are easily understood and can be set up with a minimum amount of paperwork and red tape. It is a flexible program enabling IRA participants to exercise their own freedom of investment choice through a variety of financial institutions that offer a broad selection of investment products.

Congress knows that IRA's were popular and widely used by American families prior to 1986.

Savings in the U.S. has been declining and the experts are puzzled as to the reasons why. We do know that as the baby boom generation has matured, we have experienced a national emphasis upon consumption.

One of the baby boomers that I saw recently wore a button, "Immediate gratification is not soon enough." We need to change that attitude. We need to provide better incentives for Americans to save. And since we know that Americans like, understand, and will contribute to IRA's, Super IRA's could be the mechanism to help change the "consume it now" culture.

Changing the attitude toward savings is vital to our economic well being. A country that saves more, prospers more.

Higher rates of savings leads to greater national wealth and a higher standard of living for the future. Higher rates of savings lead to a lower cost of capital that can make us more competitive. Lower costs of capital means that the boss can build that additional factory and provide more and better jobs.

During meetings of the National Economic Commission countless economists testified that increasing America's savings rate was as important as reducing the deficit and that both were the most pressing issues facing the long term economic prosperity of this Nation.

When Americans save, they are really investing in America and our Tax Code should reflect that national priority. Our major trading partners encourage saving in their tax code, and so should we.

When Congress legislates changes in the Tax Code which create initiatives for increasing saving and investment, it unfortunately reduces revenues and results in a higher deficit. We will not increase overall saving in our country if private saving is increased at the expense of government dissaving. Economists tell us the best way to improve saving in the United States is to reduce the Federal deficit—I am not about to abandon that goal.

It's a fact of life and the law of the land that enacting "IRA Plus" would require Congress to "pay as you go." We need to find a revenue offset, and my support of this bill is contingent on finding that offset.

We do not have an estimate for the revenue loss resulting from this proposal yet. But I suspect it will be significant. I commend the Chairman and Senator ROTH for their recognition that an offset must be found before this legislation can be enacted.

I look forward to working with the committee to increase America's saving rate.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUPER IRA LEGISLATION PROVIDES

Each individual would have the option to contribute $2,000 per year to a traditional IRA or a new IRA Plus. The individual could contribute the full $2,000 to either type of account or could allocate any portion of the $2,000 limit to the different types of accounts.

Contributions to the new type of IRA would not be tax deductible, but if the assets remained in the account for at least 5 years all income would be tax-free when it is withdrawn.

A 10% penalty would apply to withdrawals within the first five years.

Provides Penalty-Free IRA Withdrawals for First-Time Homebuyers, Education Expenses and Devastating Medical Expenses.

Singles, young couples, their parents or their grandparents would be allowed to withdraw IRA funds, penalty free to pay for:

First-time home purchases for themselves, for children or grandchildren;

Education for children or grandchildren;

Taxpayers incurring medical expenses for themselves or their dependents in excess of 7.5% of their income could make penalty-free withdrawals to help cover those expenses.

Section 401(k) and 403(b) Plans are employer-provided retirement plans that allow an employee to make tax-free contributions out of their paychecks. Once an employee makes a contribution to a 401(k) or 403(b) plan, withdrawals are generally subject to a 10 percent penalty tax similar to that applied to early withdrawals from IRAs.

Employees would be allowed to make penalty-free withdrawals of their contributions to 401(k) and 403(b) plans for first-time home purchases or educational expenses. Rules would be similar to the expanded rules provided for IRSs. Penalty-free withdrawals from 403(b) and 401(k) plans for medical expenses are already permitted.

CURRENT LAW

All individuals are eligible to make IRA contributions, but only those who are not covered by any other pension plan and those with incomes under $25,000 for individuals or under $40,000 for married couples are allowed to fully deduct their IRA contributions.

Withdrawals are subject to ordinary income tax and a 10 percent penalty if the withdrawal is made prior to age 59½.

Mr. ADAMS. Mr. President, I rise today to support legislation that once again makes IRA's a vital component of our Nation's effort to increase its savings rate. I congratulate the distinguished chairman of the Senate Finance Committee for moving ahead on this issue and introducing his bill at this time.

We all recognize that in order to remain competitive in a rapidly evolving world community, we must improve our national savings rate. Savings provides the necessary capital for public and private investment, increases productivity, keeps interest rates low and enhances our competitive edge.

And yet, the United States has fallen far behind in this key economic indicator. Over the last decade, our national savings rate has been lower than anytime since World War II. In 1989, U.S. consumers saved less than 5 cents of every dollar compared to about 16 cents for the Japanese. This is simply unacceptable.

It is time for America to start saving now so we can reinvest in our future.

As a result of the 1986 Tax Reform Act, participation in an Individual Account was strictly limited. This legislation will bring back universal access to IRA's. Not only does this bill reestablish the incentives to save through an IRA, it also allows penalty free withdrawals for American families to buy their first home, pay for a child's education as well as the devastating effects of a catastrophic illness.

I am pleased that this bill addresses these key issues for middle income America.

Today, American families are being priced out of the real estate market. In Washington State alone, the average price of a home has doubled since 1980. The price has risen so fast that the average family is forced to accumulate a sizable down payment before purchasing their first home. This legislation gives young couples and their families the opportunity to use savings in IRA's to meet those needs.

Over the last 10 years, Federal assistance for students attending college has been significantly reduced. At the same time, the cost of attending a 4 year college or university has nearly doubled. By creating a savings program where a family can plan for the future, we can guarantee the dream of a college education remains a reality.

And finally, this bill enables families to use their IRA's as a security net in the event of a catastrophic illness in the family. No one can adequately prepare emotionally or financially for a catastrophic illness. But by allowing penalty free withdrawal from an IRA, we can help families meet the financial burden placed upon them in times of a health crisis.

Mr. President, the bill before us today is long overdue. We must stop the consumption binge we've been on for the last 10 years. We must create incentives to save and reinvest in our future and our children's future. This bill is a step in the right direction.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. BURDICK, Mr. CONRAD, Mr. HARKIN, Mr. JOHNSTON, and Mr. INOUYE):

S. 614. A bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes; to the Committee on Finance.

COVERAGE OF CERTAIN CHIROPRACTIC SERVICES

• Mr. DASCHLE. Mr. President, I rise today to reintroduce legislation to expand the range of services for which chiropractors can be reimbursed under the Medicare Program. This bill advances a couple of objectives that we all should have for the health care system in the United States. First, it addresses issues of consistency and equity by removing outdated vestiges of still-pronounced discrimination against chiropractic practitioners in the Medicare Program. Second, the bill recognizes the enormous emerging pluralism in the health care field and contributes to improving both access to care and the means for containing health care costs by affording patients greater freedom to choose less expensive forms of diagnosis and treatment.

Existing Medicare law strictly limits reimbursement for chiropractic services to manual manipulation of the spine and only to correct a subluxation. In a dramatic example of twisted logic, the law explicitly requires a diagnostic x ray before chiropractic treatments can be initiated, but denies the chiropractor reimbursement for the x ray itself. Medicare patients must either pay for the x ray out of their own pockets, a cost that many cannot afford, or pass through the "gateway" controlled by other medical providers, whose x rays, typically far more expensive, are reimbursable under the program.

My bill lends some common sense to the Medicare Program. By rectifying the inconsistency in existing law, it ensures that the program's beneficiaries enjoy equitable access to a health care service much in demand, and it permits reimbursement to chiropractors for services for which they are fully licensed throughout the country and that they routinely provide to patients: Diagnostic x rays, diagnostic, physical examinations, and manual manipulation of the spine for a subluxation and other conditions.

I grew up in a community where chiropractors perform a valuable service by providing an alternative to allopathic medicine. The nearly 200 chiropractors in South Dakota serve the State well. In rural States like mine, chiropractors are often an essential source of health care delivery. Sometimes they are the only health providers in a community. In rural States across the country the chiropractic profession plays an integral role in the health care system.

But the issue is even larger than one of correcting inequities in the law and recognizing the contributions of chiropractors alone. We are constantly searching for ways to give more Americans greater access to quality health care, and to facilitate that availability of care in the most cost effective manner. One proven way to make progress toward those goals is to exploit the talent and dedication represented in the diversity of practitioners increasingly involved in the delivery of health care services in the United States. Competition among different kinds of providers and access to less expensive forms of care have to be emphasized, if we are ever to control escalating health care costs. Yet this competition, with the beneficial choices it brings, is virtually impossible when Federal programs like Medicare deny reimbursements for services offered by whole groups of licensed professionals. This shortsighted policy limits freedom of choice for health care consumers, and may force them to settle on more expensive care than is actually required.

At a time when soaring health care costs are threatening both the quality and the economic stability of our national health care delivery system, the cost savings potential of conservative, nonhospital-based chiropractic care should be fully explored. The bill that I am introducing today will help to provide access to quality care at a reasonable cost. Beyond the particulars of Medicare reimbursement for chiropractic services, I hope that it will foster vigorous discussion of alternative health care delivery models. I urge my colleagues in the Senate to support this measure to ensure that Medicare patients have the access they desire to the benefits of chiropractic care.•

By Mr. LAUTENBERG (for himself and Mr. LIEBERMAN):

S. 615. A bill entitled the "Environment Marketing Claims Act of 1991"; to the Committee on Environment and Public Works.

ENVIRONMENTAL MARKETING CLAIMS ACT OF 1991

• Mr. LAUTENBERG. Mr. President, today I am reintroducing the Environmental Marketing Claims Act of 1991. This bill will require the EPA to establish uniform, accurate standards and definitions for environmental marketing claims. In so doing, this bill will give consumers reliable and consistent guidance to help them compare environmental marketing claims. It will prevent the use of fraudulent, deceptive, and misleading environmental marketing claims, and encourage the development of innovative technologies and practices that favor natural resource conservation and environmental protection.

Mr. President, the United States is facing growing environmental problems like global warming, lack of landfill space, and air and water pollution. Today, more than ever, people realize one of the easiest and most effective ways they can help address these problems is through their consumer choices. National surveys have shown that 90 percent of American consumers would look for environmentally preferable products and pay more for them. Surveys also show that over 50 percent of American consumers would switch supermarkets and shop at one that offered environmentally sensitive products and practices.

American businesses realize the growing consumer demand for products that don't harm or are less harmful to the environment. They have responded with a plethora of environmental claims on products and packages. Now, practically everywhere consumers look, they are bombarded with products claiming to be better for the environment. Unfortunately, not all these claims are reliable, and many of them are deceptive and misleading.

Mr. President, instead of environmental consumerism, we are getting environmental confusion. When a product claims it is "environmentally safe," what does that mean? Does that mean that it didn't use harmful materials or processes during manufacturing or that it was made from recycled materials, or that it is biodegradable? Does it mean all of these? Perhaps it means something else altogether.

There are other, more specific claims that have some meaning to consumers and have the potential to let the marketplace help in addressing environmental problems, but these claims are sometimes misused or misleading. A product labeled "biodegradable" for example, must ultimately end up in a place where there is air, water, and microorganisms to break down the material for it to biodegrade. But most of the stuff we throw away in our trash cans never gets a chance to biodegrade because it goes to landfills that lack microorganisms, circulating air, and water necessary for biodegradation to occur.

Mr. President, I commend those manufacturers that honestly want to respond to consumer demand for environmentally preferable products. They, as much as anyone, want to play by a common set of rules. The American people want to see firms invest in equipment or processes that can back up environmental claims. But companies won't want to do it if their competitors can make the same claim without the same commitment.

Without any direction, the good-willed consumer who wants to do something to protect our environment is being confused, misled, and sometimes deceived.

Mr. President, it is a basic role of Government to establish common standards, measures, and definitions by which competition can take place fairly in the free market. A free market depends on it.

A free market also depends on free and accurate information. Information is power. This legislation will empower consumers with the understanding about environmental claims they need to help protect the environment.

Mr. President, the Environmental Marketing Claims Act of 1990 will make sure that consumers are getting the truth about the environmental products they buy. This bill sets up an independent advisory board of environmentalists, consumer and industry representatives to advise the EPA on standards and definitions governing the use of environmental marketing claims.

The bill also sets forth criteria to be considered by the board and the EPA to ensure that environmental claims are based on the best scientific information available and that the same claims meet the same standards. When a manufacturer claims a product is made from recycled materials, consumers have the right to know whether it is made from 10- or 90-percent recycled materials and whether those materials are useful byproducts from manufacturing or whether they are postconsumer materials taken out of the waste stream.

By requiring the EPA to develop regulations based on the best available technology and the most recent scientific knowledge, this legislation will encourage the development of innovative technologies and practices to be adopted by industry in considering the environmental effects when producing products and packaging.

Mr. President, I have worked closely with State attorneys general, environmental groups, and industry representatives in developing this legislation. It builds on a recent resolution by the National Association of Attorneys General that calls on the Federal Government to establish uniform national guidelines for environmental marketing claims. A similar resolution was adopted earlier this year by the National Association of Consumer Agency Administrators. And it has the support of a variety of national environmental organizations.

Industry is ready for regulations governing environmental marketing claims that would allow industry to compete on a level playing field. Consumers are eager to get the information they need to make informed choices according to their environmental preferences. The time for Congress to act is now, before consumers get so disillusioned that they won't believe any environmental claim they see.

I urge my colleagues to support this legislation so that industry and consumers can act consistently and effectively to help protect our environment through the free and "green" marketplace.

I ask unanimous consent that a copy of the bill be printed in the RECORD as well as letters of support of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Environmental Marketing Claims Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the United States is facing growing environmental problems such as global climate change, waste disposal, and air and water pollution;

(2) environmental marketing claims convey information about products and influence purchasing decisions;

(3) national surveys have shown that over 90 percent of American consumers would pay more for environmentally preferable products;

(4) conveying accurate and reliable environmental information in environmental marketing claims will be of great use to the consumers willing to change their purchasing patterns;

(5) environmental marketing claims are largely unregulated and can be deceptive; and

(6) deceptive environmental marketing claims exploit genuine consumer concern and may confuse consumers so as to impede the effectiveness of the use of legitimate environmental marketing claims addressing environmental problems.

(b) PURPOSES.—The purposes of this Act are to—

(1) prevent the use of fraudulent, deceptive, and misleading environmental marketing claims;

(2) empower consumers with reliable and consistent guidance to facilitate value comparisons with respect to environmental marketing claims;

(3) establish uniform, accurate standards and definitions that reflect the best available manufacturing practices, products, and packaging;

(4) encourage the development of innovative technologies and practices to be adapted by manufacturers in considering the environmental effects when producing products and packages; and

(5) encourage both consumers and industry to adopt habits and practices that favor natural resource conservation and environmental protection.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "product" means any commodity, good, or item distributed for promotional use, rent, lease, or sale through retail or wholesale sales agencies or instrumentalities for consumption or use;

(2) the term "package" means the coating, covering, container, or wrapping used during a product life cycle (including any outer container, wrapping, or label used in the retail display of any product);

(3) the term "life cycle" includes the—

(A) extraction;

(B) processing and manufacturing;

(C) transportation and distribution;

(D) use; and

(E) management as waste,

of raw materials used in the manufacture of a product or package, and of the product or package, including the energy consumption associated with the activities described in subparagraphs (A) through (E);

(4) the term "environmental marketing claim" means any symbols or terms that are on a label, package, or product or that are used in promotion or advertising to inform consumers about the environmental impact or environmental attributes of a product or package during any part of its life cycle;

(5) the term "label" means any written, printed, or graphic material affixed to, appearing upon a product or package, or appearing upon a shelf or display area that refers to a product of package;

(6) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(7) the term "end product" means only those items that are designed to be used until disposal; items designed to be used in production of a subsequent item are excluded;

(8) the term "postconsumer material" means only those products or packages generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from solid waste except that such term shall not include wastes generated during the production of an end product;

(9) the term "preconsumer material" means waste generated during production which cannot be returned to the same production process, nor used by another company to make a product similar to the original product, nor used by the same parent company to manufacture a different product, and includes all wastes generated during the intermediate steps in producing an end product by succeeding companies;

(10) the term "secondary material" means any preconsumer material, postconsumer material, or any combination thereof.

SEC. 4. ENVIRONMENTAL LABELING REGULATORY PROGRAM.

The Administrator shall establish by regulation an environmental marketing claims regulatory program. The purpose of such a program shall be to carry out the provisions of this Act.

SEC. 5. INDEPENDENT ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator shall establish by regulation not later than 180 days after the date of enactment of this Act, an Independent Advisory Board (hereafter in this Act referred to as the "Board") to advise and make recommendations to the Administrator, as provided in subsection (c), concerning the regulation of environmental marketing claims.

(b) MEMBERSHIP.—(1) The Board shall consist of 15 members, including 4 ex officio members, who shall be appointed by the Administrator as follows:

(A) Three members who are recognized as consumer advocates, one of which is a recognized expert in marketing or consumer perception.

(B) Five members representative of industry and manufacturing, including—

(i) One retailer;

(ii) One manufacturer;

(iii) One recognized waste management expert in the private sector; and

(iv) One end user of post-consumer materials.

(C) 3 members representative of environmental organizations, of which 1 member is a recognized expert in soil science or environmental toxicology.

(D) Two members who shall serve ex officio who are officers or employees of State government, and of which—

(i) One member is recognized expert in consumer protection; and

(ii) One member who is recognized as a waste management, pollution reduction, or pollution prevention expert.

(E) One member who is an officer or employee of a local government and is engaged in pollution prevention or waste management or a municipal recycling program or consumer protection who shall serve ex officio.

(F) One member who is an officer or employee of the National Institute of Standards and Technology, who shall serve ex officio.

(2) Members of the Board serving ex officio shall have no vote.

(3) The Chairman of the Board shall be designated by the Administrator. The Board shall meet at the call of the Administrator or the Chairman.

(c) ADMINISTRATIVE MATTERS.—(1) The Board shall conduct its business in open meetings (subject to any requirement for privacy in personal matters and review of confidential information under any provision of law), and may hold hearings to seek public comment and participation in formulating recommendations for the definitions and standards described in section 6(a).

(2) Members of the Board who are not otherwise employed by the Federal Government may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(d) ANNUAL REPORT.—Not more than 180 days after the initial meeting of the Board, and annually thereafter, the Chairman of the Board shall submit to the Administrator a report that outlines the activities and recommendations of the Board relating to the items described in section 6. The initial report shall include the recommendations described in section 6(a).

SEC. 6. REGULATION OF ENVIRONMENTAL MARKETING CLAIMS.

(a) RECOMMENDATIONS BY THE BOARD.—Recommendations by the Board to the Administrator, shall include definitions and standards to be used in regulating environmental marketing claims. In making such recommendations, the Board shall consider the requirements for final regulations described in subsections (b) and (c), and shall consider available studies, standards, and other information that the Chairman of the Board determines to be appropriate.

(b) FINAL REGULATIONS.—(1) The Administrator, after considering the recommendations of the Board described in subsection (a), shall, not later than 15 months after the date of enactment of this Act, issue proposed regulations and not later than 18 months after the date of the enactment of this Act, promulgate final regulations governing the use of environmental marketing claims, including statements to the effect that a product or package is—

(A) source reduced;

(B) refillable;

(C) reusable;

(D) recyclable;

(E) has a recycled content;

(F) compostable;

(G) ozone neutral;

(H) nontoxic; or

(I) otherwise related to an environmental impact or attribute.

(2) In promulgating the regulations described in paragraph (1), the Administrator shall ensure that an environmental marketing claim shall be related to a specific environmental impact or attribute in such a manner as to ensure that such environmental marketing claims is not false, misleading, or deceptive and meets the requirements of paragraph (c)(2); except that this shall not preclude the use of general environmental seals of approval if the administrator determines that such seals are awarded according to objective criteria that promote environmentally preferable products and packages.

(3) In promulgating the regulations described in paragraph (1), the Administrator shall ensure that an environmental marketing claim has been substantiated on the basis of the best available scientific information.

(4) In promulgating the regulations described in paragraph (1), the Administrator shall assign a product to a category or subcategory for the purpose of such regulations according to the following criteria:

(A) the composition of the product; and

(B) the packaging of the product.

(5) In establishing product categories for the purposes of the regulations, as described in paragraph (1), the Administrator may establish a category for a specific type of product, or may assign a product to a general category on the basis of the function of the product.

(6) In promulgating the regulations described in paragraph (1), the Administrator shall ensure that environmental marketing claims shall make a clear distinction between the product and any accompanying packaging unless the claim applies to both.

(7) The Administrator shall include the following requirements in the final regulations described in paragraph (1):

(A)(i) An environmental marketing claim relating to "recycled content" shall be used only in connection with a product or package containing postconsumer materials if the percentage of recycled material is specified in the claim and, except as provided in clause (ii), the post-consumer material shall be no less than 25 percent, by weight from the effective date of the regulations until the year 2000 and no less than 50 percent by weight on or after the year 2000.

(ii) Notwithstanding clause (i), an environmental marketing claim relating to "recycled content" may be used in connection with a product or package that contains a percentage of post-consumer materials that is less than the percentage specified in clause (i), if a manufacturer, retailer, or distributor, or other person responsible for the use of such environmental marketing claim includes in such claim a sentence (in which the terms described in the regulation promulgated under section 6 are displayed no more prominently than other words in the sentence) that states the percentage (by weight) of post-consumer and secondary materials used in such product or package and no symbols are used in such claim.

(B) An environmental marketing claim relating to the "recyclable" nature of a product or package shall be used only in connection with a product or package for which a manufacturer, retailer, distributor, or other person responsible for the use of such environmental marketing claim is able to demonstrate, to the satisfaction of the Administrator, that such product or package shall be recycled, at a minimum rate of 25 percent per annum from the effective date of the regulation until the year 2000, and at a minimum rate of 50 percent per annum on or after the year 2000.

(C) An environmental marketing claim relating to the "reusable" or "refillable" nature of a product or package shall be used only in connection with a product or package that is reused for the original purpose of the product or package, an average of 5 times or more.

(D) No environmental marketing claim relating to the "biodegradable", "compostable", "decomposable", "degradable", "photodegradable" nature of a product, package or material, or any like term or terms, shall be used in connection with a product, package or material unless a manufacturer, retailer, distributor or other person responsible for the use of such environmental marketing claim is able to demonstrate, to the satisfaction of the Administrator, that such product, package or material—

(i) will decompose completely and safely in such a waste management system or systems through natural chemical and biological processes into basic natural constituents, containing no synthetic or toxic residues, within an amount of time compatible with such system or systems;

(ii) will not release or produce at any time toxic or synthetic substances that may be harmful to humans, other organisms or natural ecological processes, including during the management process and any subsequent application or use of products or by-products of the process, such as use of the product or by-product of composting as a soil amendment or mulch; and

(iii) shall be managed, at a minimum rate of 25 percent per annum from the effective date of the regulation until the year 2000 and at a minimum rate of 50 percent per annum on or after the year 2000 of all such products, packages or material, in a waste management system or systems which are protective of human health and the environment, and for which the Administrator determines the claim is a relevant and environmentally desirable and significant characteristic.

Any such environmental claim shall clearly specify the applicable management system or systems and specify that such claim applies only to products, packages or material that are managed in such a system or systems.

(8) In promulgating the regulations described in paragraph (1), the Administrator may authorize the use of an environmental marketing claim to be used in a retail outlet through a point-of-purchase display for any package, product, or material for which it can be demonstrated that a recycling, reuse or composting program serves the community in which the retail outlet is located and meets the requirements of paragraph (7) for that claim. Such a claim shall not appear on the package, product or material itself and shall clearly indicate the specific program or programs which meet the requirements of paragraph (7). Such a claim shall not be used

in connection with any package, product or material distributed in commerce in any community not served by a program which meets the requirements of paragraph (7).

(c) Additional Regulations.—(1) The Administrator may, at any time after the date of the promulgation of the regulations required under subsection (b), promulgate such additional regulations or make changes in existing regulations as the Administrator determines, on the basis of the criteria described in subparagraphs (A) and (B) of paragraph (2), to be necessary to carry out the purposes of this Act.

(2) In establishing and reviewing the regulations described in subsection (b), or in any additional regulations promulgated under this subsection, the Administrator shall determine whether the regulations—

(A) reflect the best available use and the best available technology that will encourage higher performance levels in products and packaging in meeting the objectives of reducing negative environmental impacts and improving environmental attributes; and

(B) reflect the most recent scientific and practical knowledge of technological advances and improvements in manufacturing techniques and waste management.

(3) Not later than 3 years after the date of the promulgation of the final regulations described in subsection (b) or any additional regulations promulgated under this subsection, and every 3 years thereafter, the Administrator shall review such regulations.

(4)(A) An interested individual (including a representative of industry, an interested citizen, or a representative of an environmental organization), may petition the Administrator to initiate rulemaking procedures with respect to promulgating additional regulations under this section.

(B) Not later than 60 days after receiving a petition described in subparagraph (A), the Administrator shall determine whether to accept or deny the petition and shall publish the petition in the Federal Register, along with an explanation of the reasons for such determination. If the Administrator issues a decision accepting the petition, the Secretary shall issue a proposed regulation to take the action requested in the petition not later than 90 days after the date of such decision.

(d) Limitations.—An environmental marketing claim:

(1) may be made two years after the enactment of this Act only if the environmental characteristic made in the claim uses terms which are defined by regulations of the Administrator;

(2) may not state the absence of an environmental attribute unless—

(i) the attribute is a usual characteristic of the product or package, or

(ii) the Administrator by regulation permits such a statement on the basis of a finding that such a statement would assist consumers making value comparisons with respect to environmental claims among products and packages and the statement discloses that the environmental attribute is not a usual characteristic of the product or package;

(3) may not be made if the Administrator by regulation prohibits the claim because the claim is misleading in light of another environmental characteristic of the product or package.

SEC. 7. CERTIFICATION.

(a) Filing of a Certification.—Not later than 6 months after the date of the promulgation of any regulation under section 6, any manufacturer or any other person who intends to use an environmental marketing claim for which the Administrator has promulgated a regulation shall first submit a certification to the Administrator that the environmental marketing claim intended to be used meets the requirements of this Act. Such certification shall be in such form as the Administrator shall prescribe by regulation and shall contain such information as the Administrator determines to be appropriate.

(b) Disapproval of Certification.—The Administrator may, at any time, disapprove the certification provided under subsection (a) if the Administrator determines that the environmental marketing claim that the manufacturer or other person intends to use does not meet the requirements of the regulations promulgated under section 6 of this Act.

(c) Recertification.—Any person using an environmental marketing claim shall resubmit a certification to the Administrator that the environmental marketing claim used meets the requirements of the Act if:

(1) changes have been made in the product or package that would affect its ability to meet the regulatory requirements of the environmental marketing claim previously used for such a product or package, or;

(2) new regulations have been promulgated under this Act relating to the environmental claim being used.

Such recertification shall be submitted to the Administrator within 6 months of the occurrence of either event described in paragraphs (1) and (2) of this subsection.

SEC. 8. PROHIBITION.

It shall be unlawful for any person to:

(a) fail or refuse to comply with—

(1) any regulation promulgated under section 6(b) of this Act; or

(2) any order issued by the Administrator to carry out any such regulation;

(b) use an environmental marketing claim for which the Administrator has issued a regulation under section 6 if—

(1) the person has failed to file a certification as required by section 7; or

(2) the Administrator has disapproved a certification under section 7; or

(c) use an environmental marketing claim that is inconsistent with the requirements of section 6(d).

SEC. 9. PENALTIES.

(a) Civil.— (1) Any person who violates a provision of section 8 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day such a violation continues shall, for the purpose of this subsection, constitute a separate violation of section 8 of this Act.

(2)(A) A civil penalty for a violation of section 8 of this Act shall be assessed by the Administrator by an order made on the record after opportunity (provided in accordance with this subparagraph) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Administrator shall give written notice to the person to be assessed a civil penalty under such order of the Administrator's proposal to issue such order and provide such person an opportunity to request, within 15 days of the date the notice is received by such person, such a hearing on the order.

(B) In determining the amount of a civil penalty, the Administrator shall take into account the nature, circumstances, extent, and the gravity of the violation, and with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior related violations, the degree of culpability, and such other matters as the Administrator determines to be appropriate.

(3) Any person who has requested a hearing with respect to the assessment of a civil penalty in accordance with paragraph (2)(A) and who is aggrieved by an order assessing the civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued.

(4) If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (3); or

(B) after a court in an action brought under paragraph (3) has entered a final judgment in favor of the Administrator,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in paragraph (3) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(b) Criminal.—Any person who knowingly or willfully violates any provision of section 8 of this Act, shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) of this section for such violation, be subject, upon conviction, to a fine of not more than $25,000 for each day of violation, or to imprisonment for not more than 1 year, or both.

(c)(1) The authorized fines provided in subsections (a) and (b) shall be adjusted for inflation every 5 years a provided in this subsection.

(2) Not later than December 1, 1993, and December 1 of each fifth calendar year thereafter, the Secretary shall prescribe and publish in the Federal Register a schedule of maximum authorized fines that shall apply for violations that occur after January 1 of the year immediately following such publication.

(3) The schedule of maximum authorized fines shall be prescribed by increasing the amounts in each of the subsections referred to in paragraph (1) by the cost-of-living adjustment for the preceding 5 years. Any increase determined under the preceding sentence shall be rounded to—

(A) in the case of penalties greater than $1,000 but less than or equal to $10,000, the nearest multiple of $1,000;

(B) in the case of penalties greater than $10,000 but less than or equal to $100,000 the nearest multiple of $5,000;

(C) in the case of penalties greater than $100,000 but less than or equal to $200,000, the nearest multiple of $10,000; and

(D) in the case of penalties greater than $200,000 the nearest multiple of $25,000.

(4) For purposes of this subsection:

(A) The term "Consumer Price Index" means the Consumer Price Index for all-urban consumers published by the Department of Labor.

(B) The term "cost-of-living adjustment for the preceding 5 years" means the percentage by which—

(i) the Consumer Price Index for the month of June of the calendar year preceding the adjustment; exceeds

(ii) the Consumer Price Index for the month of June preceding the date on which the maximum authorized fine was last adjusted.

SEC. 10. STATE ENFORCEMENT.

Proceedings for the enforcement, or to restrain violations of section 8 may also be brought in the name of a State in which the product or package that is the subject matter of the proceedings is located. If a State intends to bring such a proceeding, the State shall notify the Administrator at least 30 days before such proceeding is brought.

SEC. 11. CITIZENS SUITS.

(a) In General.—(1) Except as provided in subsection (b), any person may commence a civil action against—

(A) any person who is alleged to be in violation of this Act (including the Government of the United States, to the extent allowable by law); or

(B) the Administrator to compel the Administrator to carry out ministerial duties assigned to the Administrator under this Act.

(2) Any civil action under this subsection shall be brought in the United States district court of the district in which the alleged violation occurred or in which the defendant resides or in which the defendant's principal place of business is located. The district courts of the United States shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties. The district court shall have jurisdiction to order all necessary injunctive relief and to impose any civil penalty.

(b) Limitations.—(1) No civil action may be commenced to restrain any violation of section 8 of this Act—

(A) before the expiration of 60 days after the plaintiff has given notice of such violation to—

(i) the Administrator; and

(ii) to the person who is alleged to have committed such violation;

(B) if the Administrator has commenced a proceeding for the issuance of an order to require compliance with the regulation or requirement and is diligently pursuing such proceeding or has issued an order to carry out the regulation or requirement described in section 8 and is diligently pursuing the enforcement of such order.

(C) if the Attorney General has commenced a civil action in a court of the United States to require compliance with the regulation, requirement, or order described in subparagraph (B) and is diligently prosecuting such civil action.

(2) No civil action may be recommended against the Administrator under subsection (a)(1)(B) before the expiration of a 60-day period after the plaintiff has given notice to the Administrator of the alleged failure of the Administrator to perform an act or duty which is the basis for such action.

(c) Intervention.—(1) If a proceeding or civil action described in subsection (b) is commenced by the Administrator or the Attorney General after the giving of notice by a person (other than the Administrator or Attorney General) described in subsection (a), such person may intervene as a matter of right in such proceeding or action.

(2) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

(d) Notice.—Notice under this section shall be given in such a manner as the Administrator shall prescribe by regulation.

(e) Attorneys Fees and Court Costs.—(1) The court, in issuing any final order in any action brought pursuant to subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such award is appropriate.

(f) Consolidation.—When two or more civil actions brought under subsection (a) involving the same defendant and the same issues or violations are pending in two or more judicial districts, such pending actions may be consolidated and tried in accordance with section 1407 of title 28, United States Code, and the rules promulgated pursuant to such section 1407.

SEC. 12. PUBLIC INFORMATION CAMPAIGN.

The Administrator shall conduct a public information and education campaign, including public service advertising, in order to enable consumers to—

(1) recognize environmental marketing claims regulated under this Act and be able to distinguish them from other environmental marketing claims,

(2) have information about the criteria used by the Administrator in establishing standards and definitions for environmental marketing claims, and

(3) have a better understanding about the effects that products and packages can have on the environment.

SEC. 13. STATUTORY CONSTRUCTION.

(a) Right To Seek Enforcement.—Nothing in section 10 shall restrict any right which any person (or class of persons) may have under any other statute or under common law to seek enforcement of any regulation promulgated under section 6 of this Act.

(b) Actions Against Advertisers.—Nothing in this Act shall be construed so as to alter the right under any other provision of law or under common law of a person or government to commence an action against an advertiser related to the use of false or misleading environmental marketing claims.

(c) Standards.—Nothing in this act shall be construed so as to prohibit a State from enacting and enforcing a standard or requirement with respect to the use of an environmental marketing claim that is more stringent than a standard or requirement relating to an environmental marketing claim established or promulgated under this Act.

SEC. 14. CONFORMING AMENDMENT.

Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) by striking "or" at the end of subsection (b);

(2) by striking the period at the end of subsection (c) and inserting ", or"; and

(3) by adding at the end of the section the following new subsection:

"(d) the Environmental Marketing Claims Act of 1990".

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of carrying out the provisions of this Act, there are authorized to be appropriated $10,000,000 for fiscal years 1992, 1993, and 1994.

State of Minnesota,
Office of the Attorney General,
October 17, 1990.

Re Environmental Marketing Claims Act of 1990.

Hon. Frank R. Lautenberg,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Lautenberg: I am writing on behalf of the Attorneys General of California, Massachusetts, Minnesota, Missouri and Texas to express support for the Environmental Marketing Claims Act of 1990. In December of 1989, we joined with the Attorneys General of several other states to form a Task Force to investigate the most recent marketing trend: the promotion of products as "environmentally friendly." Although we are excited about the potential of the "green revolution" to encourage the manufacture and use of products that are less harmful to the environment, we are concerned about the alarming rise in the number of confusing and misleading environmental claims.

As members of the Task Force, we have strongly advocated uniform national standards for enviornmental marketing claims. In March of this year, we joined with the other members of the Task Force to urge the National Association of Attorneys General to endorse a resolution calling on the Federal Trade Commission and the Environmental Protection Agency to work jointly with the states to develop uniform national guidelines for environmental marketing claims with input from environmental groups, consumer groups and members of the business community. The resolution was adopted unanimously.

Your proposed legislation provides a framework for this national regulation and standardization of environmental claims. We commend you for developing and sponoring this important legislation. By providing for aggressive state and federal enforcement efforts, we believe that this legislation will greatly curtail the exploitation of consumers and the environmental that results from confusing and deceptive environmental marketing claims.

Best regards,

Hubert H. Humphrey III,
Attorney General.

State of New York,
Department of Law,
New York, NY, October 17, 1990.

Re Environmental Marketing Claims Act of 1990.

Hon. Frank R. Lautenberg,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Lautenberg: I am writing to express my support for the Environmental Marketing Claims Act of 1990. Greenmarketing, the selling of the environment, is clearly becoming the marketing craze of the 1990's. As consumers become more conscious and concerned about the environmental impact of the products that they purchase, environmental issues drive their purchasing decisions. Unfortunately, many companies are capitalizing on this genuine consumer concern by marketing products in a deceptive manner.

My office has been actively investigating companies that are engaging in deceptive and misleading environmental advertising. In June I filed suit against Mobil Chemical Corp. for making false claims about the alleged environmental benefits of its Hefty trash bag. Just today I announced a settlement that New York, together with nine other States, reached with the manufacturer of "Bunnies Biodegradable Disposable Diapers". Our agreement will require the company to immediately cease all advertisements which misleadingly claim that the diapers benefit the environment.

It is estimated that disposable diapers comprise as much as 2 percent of all municipal waste disposed of in landfills. Bunnies, by marketing their diapers as biodegradable, tried to exploit the interests of people who want the convenience of disposable diapers but are concerned about the waste problem they create. Although labeled "BIODEGRADABLE", Bunnies diapers, like any organic waste, will take decades to degrade in our nation's landfills. Deceptive environmental claims like this are proliferating.

Consequently, there is clearly a real need for national standards for environmental marketing claims. In March of this year I endorsed a resolution of the National Association of Attorneys General calling on the Federal Trade Commission and the Environmental Protection Agency to work jointly with the States to develop uniform national guidelines for environmental advertising with input from environmental groups, consumer groups and members of the business community. This resolution was adopted unanimously.

Your proposed legislation provides a framework for such national standards. Further, by providing for both State and Federal enforcement, I believe that this legislation can effectively put an end to deceptive environmental marketing.

Very truly yours,

ROBERT ABRAMS,
Attorney General.

ENVIRONMENTAL DEFENSE FUND,
Washington, DC, February 24, 1991.

Hon. FRANK R. LAUTENBERG,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: Consumers have a critical role to play in shifting our industrial production systems toward more environmentally benign processes and products. The resurgence of environmental awareness among American consumers is a trend that product manufacturers cannot afford to ignore.

Unfortunately, many such manufacturers appear all too willing to substitute false or misleading claims for actual environmental improvements in the products they sell. To make matters worse, in the current climate where consumers find it hard to distinguish marketing hype from genuine environmental improvements in products, many responsible manufacturers see little incentive to improve their products or advertise those improvements.

This situation threatens to transform the positive potential of green marketing into little more than another case of consumer confusion and cynicism. This is why the Environmental Defense Fund [EDF] heartily supports your efforts to provide a consistent and sound basis for environmental marketing claims that would provide a level playing field for all manufacturers and a means of accountability to consumers for such claims.

The "Environmental Marketing Claims Act of 1991" which you are introducing would require the Federal Government to develop and enforce measurable standards and definitions for the use of key terms in environmental marketing. These standards and definitions would be technology-forcing in nature, recognizing the need for manufacturers to continually seek improvements in their products and packaging. Equally important, the Act provides for both citizen enforcement and additional efforts on the part of State governments to assure responsible green marketing.

Based on a number of years of experience in this area, EDF has become convinced that only through the establishment and aggressive enforcement of clear regulatory definitions and standards will consumer interests be served and protected—interests that, in our consumer-oriented society, need to be marshalled to support environmental renovation and innovation of the products we all use.

EDF commends your efforts in this area, and hopes that the "Environmental Marketing Claims Act of 1991" will be enacted into law at the earliest possible date.

Sincerely,

RICHARD A. DENISON, Ph.D.,
Senior Scientist.

ENVIRONMENTAL ACTION, INC.,
October, 17, 1990.

Hon. FRANK LAUTENBERG,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: Environmental Action, Inc. is pleased to express its strong support for the Environmental Marketing Claims Act of 1990. This bill represents an effective, timely, and no-nonsense approach to the important issue of environmental marketing and the misuse of misleading environmental claims in advertising.

American consumers are more aware today than ever that they can make a contribution to environmental protection by exercising "environmental choice" at the supermarket check-out stand. Polls consistently find the majority of consumers willing to choose products on the basis of their environmental attributes.

Product manufacturers are racing to tap the buying power of the new American green consumer. But some have been more interested in the "green" of the dollar than the green of the Earth. The past year has seen an explosion of false or misleading environmental claims designed to cash in on this new consumer awareness. Products with negligible levels of recycled material are labeled "recycled," plastic bags are labeled "degradable," and some aerosol products announce that they are "ozone-friendly."

Such terms are meaningless in the absence of standards governing their use. The Environmental Marketing Claims Act of 1990 directs the U.S. Environmental Protection Agency to set such standards at the national level. This bill builds on efforts already underway in States around the country to regulate the use of environmental claims on product labels or in advertising.

Environmental Action, Inc. again congratulates you for taking the lead on this important issue. We strongly support passage of this bill.

Sincerely,

RUTH CAPLAN,
Executive Director.

NATURAL RESOURCES DEFENSE COUNCIL,
New York, NY, October 16, 1990.

Senator FRANK LAUTENBERG,
Senate Hart Office Building, Constitution Avenue and 2nd Street NE, Washington, DC.

DEAR SENATOR LAUTENBERG: As you are well aware, consumer products carrying misleading environmental claims have proliferated as the public interest in a clean environment has mounted. Regrettably, the Federal Government has been slow to respond to this problem. As a consequence, the American consumer has been left in the dark, forced to sort out confusing or misleading statements for him/herself. For at least these reasons, your truth in labelling initiative, the Environmental Marketing Claims Act of 1990, provides an essential tool now missing from the arsenal of consumer protection. The Earth does not benefit from public relations or other symbolic measures. Moreover, upstanding American firms that show a true respect for our environment should not have to compete with unscrupulous marketeers who proffer misleading environmental claims. The passage of this initiative will truly benefit the environment and the economy. You should be applauded for your well thought-out initiative which we strongly endorse.

Best Regards,

ALLEN HERSHKOWITZ, PH.D.
Senior Scientist.

CONSUMERS UNION,
Washington, DC, October 12, 1990.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: Consumers Union would like to thank and congratulate you on the introduction of your bill to establish a national standard for environmental marketing claims.

Increased concern with the environment has brought with it a host of confusing and sometimes misleading claims in the marketplace that products are "green" or environmentally "friendly". It is difficult and often impossible for consumers to sort out and evaluate these claims. Further, there is no official standard by which to judge the honesty and accuracy of environmental marketing claims and no specific charge to any governmental authority to prosecute those that are false, misleading or deceptive.

Your bill sets forth a proposal to establish appropriate standards that can serve both to guide marketers who would make such claims and agencies who would be responsible for preventing deception. We are happy to endorse the principles in your bill and look forward to working with you to see that these principles become law.

Sincerely,

MARK SILBERGELD,
Director,
Washington Office.●

By Mr. PELL (by request):

S. 616. A bill to authorize appropriations for fiscal years 1992 and 1993 for the U.S. Information Agency, and for other purposes; to the Committee on Foreign Relations.

U.S. INFORMATION AGENCY AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for fiscal years 1992 and 1993 for the U.S. Information Agency, and for other purposes.

This proposed legislation has been requested by the U.S. Information Agency, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Director of the U.S. Information Agency, which was received on March 5, 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This title may be cited as the "United States Information Agency Authorization Act, Fiscal Years 1992 and 1993."

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. In addition to amounts otherwise available for such purposes, there are authorized to be appropriated for the United States Information Agency to carry out international information, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, Reorganization Plan No. 2 of 1977, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the Inspector General Act of 1978, as amended, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the National Endowment for Democracy Act, as amended, and for other purposes authorized by law:

(a) For operating and special program accounts including "Salaries and Expenses," "Educational and Cultural Exchange Programs," "Broadcasting to Cuba," "Office of the Inspector General," "East-West Center," and "National Endowment for Democracy," $960,969,000 for the fiscal year 1992 and such sums as may be necessary for the fiscal year 1993 consistent with the Budget Enforcement Act of 1990 (P.L. 101-508) (hereafter "BEA").

(b) For the capital "Radio Construction" account, $98,043,000 for the fiscal year 1992 and such sums as may be necessary for fiscal year 1993 consistent with the BEA.

CHANGES IN ADMINISTRATIVE AUTHORITIES

SEC. 103. Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended—

(1) by deleting subsection (d); and

(2) by redesignating subsection (e) as subsection (d) and amending the latter subsection to read as follows (with new language underlined):

"(d) The provisions of this section shall not apply to or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the United States Information Agency as authorized by law, or appropriations made available under continuing resolutions."

SEC. 104. Section 705 (a)(7) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477s(a)(7)) is amended by replacing "$250,000" with "$500,000."

SEC. 105. Section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended by inserting the words "and television" after the word "radio" in clause (3) of the section.

SEC. 106. Section 804(9) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(9)) is amended to read as follows:

"(9) pay to or for individuals, not United States Government employees, participating in activities conducted under this Act, the costs of emergency medical expenses, preparing and transporting to their former homes the remains of such participants or their dependents who die while away from their homes during such participation, health and accident insurance premiums for participants, per diem in lieu of subsistence at rates prescribed by the Director of the Agency, and such other costs as are necessary for the successful accomplishment of the purposes of this Act;

Provided, That in lieu of purchasing or providing funds for the purchase of health and accident insurance for such participants, provide health and accident insurance benefits for the participants by means of a program of self-insurance."

SEC. 107. Section 247, Part D, Pub. L. 101-246, Television Broadcasting to Cuba Act (22 U.S.C. 1465ee.) is amended by adding the following new subsection (c):

"(c) Amounts appropriated to carry out the purposes of this part are authorized to remain available until expended."

SEC. 108. Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read in relevant part as follows (with new language underlined):

"SEC. 810. USE OF CERTAIN FEES AND PAYMENTS.

"Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and other payments received by or for the use of the United States Information Agency from or in connection with English-teaching and library services, selected advisory services rendered to foreign students regarding study in the United States, * * * are* authorized to be credited each fiscal year * * *."

SEC. 109. Section 204 of Pub. L. 100-204 is hereby repealed.

SEC. 110. It is requested that there be included in the Authorization Act a provision reading substantially as follows: "Notwithstanding the provisions of any other law or limitation of authority, the United States Information Agency and the Ministry of Foreign Affairs, Union of Soviet Socialist Republics, shall be permitted to establish, maintain and operate reciprocal cultural-information centers in Moscow and Washington, D.C., respectively, in accordance with the provisions of the document entitled 'Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on the Establishment of Cultural-Information Centers of the United States of America and the Union of Soviet Socialist Republics,' which was signed in Washington, D.C. on May 31, 1990, by the Director of the United States Information Agency, and Aleksey A. Obukhov, Deputy Foreign Minister of the Union of Soviet Socialist Republics."

SEC. 111. Section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended—

(1) By deleting the word "and" at the end of clause (19);

(2) By replacing the period at the end of clause (20) with a semicolon; and

(3) By adding the following new clauses:

"(21) incur expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

"(22) furnish living quarters as authorized by 5 U.S.C. 5912; and

"(23) provide allowances as authorized by 5 U.S.C. 5921-5928."

SEC. 112. Special Immigrant Status for Certain Employees of the United States Information Agency.

(1) The Immigration and Nationality Act is amended by adding the following new section after Section 216A (8 U.S.C. 1186b).

"Section 216B Conditional permanent resident status for certain USIA employees:

(a) Conditional Basis for Admission: Conditional immigrant visas may be issued to employees of the United States Information Agency beginning fiscal year 1992 in a number not to exceed one hundred per fiscal year. Upon enactment, one hundred fifty additional visas shall be available to present USIA employees. Such employees shall be identified by the Director of USIA, and, if otherwise admissible, shall be admitted conditionally for a period not to exceed four years. Spouses and dependent children of such employees accompanying or following to join the alien employee may also be admitted as conditional permanent residents but shall not be subject to numerical limitation.

(b) Removal of Conditional Basis: Persons admitted under this provision shall be eligible for removal of the conditional basis of their admission for permanent resident status after one year, upon certification by the Director of USIA to the Attorney General; the Attorney General shall remove the conditional basis of his or her admission, if the alien is otherwise admissible, effective as of the date of such certification.

(c) Termination of Status: At any time during such four year period, the Director of USIA may certify to the Attorney General that such conditional status with respect to any alien should be terminated. Upon receipt of such notice, the Attorney General shall terminate such status and the alien and any other family members admitted with such alien shall be subject to deportation proceedings. The conditional status of any alien, admitted under this provision who has not had the conditional basis of his or her admission removed by a date four years after such admission, shall be deemed to have been terminated.

Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by adding the following:

"(K) an immigrant who is employed by the United States Information Agency for service in the United States, and his or her accompanying spouse and children, under conditions set forth in Section 216B of this Act."

(2) Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by inserting the words "or as immigrants under section 101(a)(27)(K) of that Act (8 U.S.C. 1101(a)(27)(K)" immediately after the words "as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15))."

SECTION-BY-SECTION ANALYSIS

AUTHORIZATION OF APPROPRIATIONS

(*Note:* The title "Smith-Mundt Act", as used in this analysis, means the United States Information and Educational Exchange Act of 1948, as amended, and the title "Fulbright-Hays Act" means the Mutual Educational and Cultural Exchange Act of 1961, as amended.)

Section 101—Short Title

This section is self-explanatory.

Section 102—Authorization of Appropriations for the Fiscal Years 1992 and 1993

Section 102(a) of the United States Information Agency Authorization Act, Fiscal Years 1992 and 1993, authorizes the appropriation of $960,969,000 in Fiscal Year 1992 and such sums as may be necessary consistent with the Budget Enforcement Act of 1990 in Fiscal Year 1993 for operating and special program accounts. These amounts are requested to cover Agency operating costs, including Salaries and Expenses, Educational and Cultural Exchange Programs, Broadcasting to Cuba, the Office of the Inspector General, the East-West Center and the National Endowment for Democracy.

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*(Note: The word "are" is substituted for the present word "is" simply as a grammatical correction.)

The following table compares the Agency's 1992 request for authorization with the appropriations enacted for 1991.

Appropriations	1991 estimate	1992 estimate	Increase/ decrease
Salaries and expenses	$652,757	$692,275	$39,518
Educational and cultural exchange programs	163,151	172,500	9.349
Broadcasting to Cuba	31,069	38,988	7,919
Office of the Inspector General	4,023	4,206	183
East-West Center	23,000	23,000	
National Endowment for Democracy	25,000	30,000	5,000
Total, operating and special accounts	899,00	960,969	61,969

For 1993, given the worldwide uncertainties and the need for maximum flexibility, the Agency requests such sums as may be necessary.

CHANGES IN ADMINISTRATIVE AUTHORITIES

Section 103—Continuing Resolutions without Prior Authorization

Congress frequently funds ongoing government operations at the beginning of the fiscal year through short-term Continuing Resolutions (CRs), pending final passage of appropriation acts. Traditionally, Section 701 of the Smith-Mundt Act has been construed to require the prior authorization of any USIA appropriation—including CRs.

Currently, this provision of law must be explicitly waived every time Congress funds USIA under a CR when, as is frequently the case, Congress has not yet enacted authorization legislation for the Agency. The purpose of this proposed amendment is only to eliminate the need for such a waiver. We will still need authorization for regular appropriations, so that no real authorizing committee jurisdiction will be bypassed. Since the amendment will simplify the appropriations process, the appropriations committees should support it. Incidentally, the deletion of present subsection (d) is recommended solely because it has long since been obsolete.

Section 104—Increase in Smith-Mundt Act Reprogramming Threshold

For years, the Agency has had to report any resource shift between elements (reprogramming) in excess of the lesser of $250,000 or 10 percent of an element's resources to the Authorizing and Appropriations Subcommittees. Last year, the Appropriations Subcommittees raised this limit to $500,000. We propose to make the authorization and appropriation requirements uniform by amending section 705(a)(7).

Section 105—Extending Administrative Authorities to the Television Operations at USIA

The purpose of this proposed amendment is to give the Agency the same express authority to purchase, rent, construct, improve, maintain, and operate facilities for television transmission and reception as the Agency now has with respect to radio transmission and reception facilities.

Section 106—Health and Accident Insurance and Related Benefits for Participants in Activities under Smith-Mundt and Fulbright-Hays Acts

Agency American Participant Speakers (AMPARTS) travel under the authority of either the Smith-Mundt or the Fulbright-Hays Act, depending largely on whether the purpose of their trips is to explain government policies or to participate in exchanges of information or ideas. However, because of differing language in the two Acts—i.e., Section 804(9) of Smith-Mundt and Section 104(e)(1) of Fulbright-Hays—AMPARTS traveling under the authority of the Fulbright-Hays Act are entitled to health and accident insurance and related benefits not provided to AMPARTS traveling under Smith-Mundt. This amendment would correct this disparity.

In addition, the amendment would give the Agency flexibility to choose between (1) the purchase of commercial health and accident insurance, the premiums for which have been constantly and sharply increasing or (2) the provision of health and accident insurance as a self insurer. AID has had a similar self-insurance program in effect for over ten years, and the Agency is advised that it has been very satisfactory and cost-effective.

Incidentally, it should be noted that while the amendment expressly authorizes a self-insurance program only for Smith-Mundt AMPARTS, the Agency would also be authorized to establish such a program for Fulbright-Hays AMPARTS because of the derivative authority contained in Section 108(d) of the Fulbright-Hays Act.

Section 107—Television Broadcasting to Cuba Act: Availability of No-year Funds

This is essentially a technical amendment in that the Agency's current appropriations Act (Pub.L. 101-515) already provides that funds appropriated for TV Marti are authorized to remain available until expended—i.e., "no-year" funds. However, this is not specifically authorized by the TV Marti Act itself. The amendment would simply make the authority for TV Marti expressly parallel the authority for Radio Marti appropriations, as well as the no-year funding authority provided under both the Smith-Mundt Act and the Fulbright-Hays Act.

Section 108—Recycling of Fees Received from Selected Educational Advisory Services

Currently, Section 810 of the Smith-Mundt Act permits the Agency to receive and recycle payments received by or for the use of USIA from or in connection with publications, English teaching, library, motion pictures and television programs. This amendment would give the Agency authority to receive and recycle fees for certain selected services relating to advising foreign students about studying in the U.S. Such fees would be used in support of related advisory needs.

We also urge that the words "and other payments" be inserted immediately after the word "fees" in Section 810. The word "payments" had always appeared in the section prior to its amendment by the Authorization Act for FY 90-91 (Pub. L. 101-246), and even in both the House and Senate bills underlying that Act. Inclusion of only the word "fees" is much too restrictive and, for example, might cast doubt on the Agency's right to reuse money received from the sale of publications.

Section 109—Repeal of Section 204 of Pub. L. 100-204 (USIA Posts and Personnel Overseas)

This provision prohibits the closing of overseas posts, except in certain limited circumstances, and prohibits the elimination of American positions overseas until the ratio between USIA American positions in the U.S. and overseas is the same as that existing in 1981. Because of the staff increases in the U.S. that took place in the 1980's related to the modernization of the Voice of America, the expansion of television and exchanges, and the establishment of radio and TV broadcasting to Cuba, compliance with this provision is impossible.

As the world situation changes, we may well decide that certain branch posts may no longer serve a useful purpose. This may become a more pressing alternative as our resource base shrinks. Finally, and perhaps most important, closing or opening overseas posts is—and should remain—an Executive Branch authority.

Section 110—Reciprocal U.S. and Soviet Union Cultural-Information Centers

This provision is essentially self-explanatory. It would, in effect, create an exception to current U.S. legislation that bans the opening of any new Soviet office in this country pending resolution of the problem of the new U.S. Embassy in Moscow. We believe that the matter of allowing the Soviet Union to establish a cultural-information center in the United States should be treated separately from the U.S. Embassy controversy.

Section 111—Additional Basic Authorities under Smith-Mundt Act

These amendments are technical changes urged by Appropriations Committee staffs. At present, the authority to pay certain expenses and allowances covered by the amendments is repeated each year in our appropriation acts. The amendments would make such authority permanent, simplifying the annual appropriations process. The amendments would provide permanent authority for payment of certain allowances and expenses authorized by the Foreign Service Act of 1980 and other legislation.

Section 112—Special Immigrant Status for Certain Employees of United States Information Agency

This special immigrant status would: (1) allow affected employees to travel freely in and outside the United States; (2) allow spouses and children to work, because they are immigrants; (3) allow employees to fulfill residency requirements regarding in-state tuition; (4) allow dependent children to remain in the U.S. after age 21, without changing status; and (5) guarantee retirement coverage for the employees. Furthermore, the Agency would be relieved of the necessity of filing for Third Preference.

The Director of the Agency would be authorized to make certifications and would communicate these certifications to the Attorney General who would remove the conditional status of the visa. The Director would be completely free to make or withhold such certifications.

It should also be noted that if the Agency did not want or need to bring a person into the United States as a special immigrant, it could bring him or her in under the H-visa or, pursuant to a bona fide training program, the J-visa.

U.S. INFORMATION AGENCY,
Washington, DC, March 4, 1991.

Hon. DAN QUAYLE,
President of the Senate.

DEAR MR. PRESIDENT: Pursuant to the United States Information and Educational Exchange Act of 1948, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, Reorganization Plan No. 2 of 1977, the Radio Broadcasting to Cuba Act, the Inspector General Act of 1978, as amended, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the National Endowment for Democracy Act, as amended, I am submitting the enclosed proposed legislation to authorize appropriations for the United States Information Agency for Fiscal Years 1992 and 1993 to enable the Agency to carry out international information and educational and cultural exchange programs. A section-by-section analysis further explaining the proposed legislation is also enclosed.

The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to Congress and that its enactment would be in accord with the program of the President.

Sincerely,

BRUCE S. GELB,
Director.•

By Mr. HATCH (for himself, Mr. SPECTER, Mr. SIMPSON, Mr. DOMENICI, Mr. INOUYE, Mr. COCHRAN, Mr. D'AMATO, Mr. MCCAIN, Mr. BOND, and Mr. GORTON):

S. 617. A bill to reauthorize the Commission on Civil Rights; to the Committee on the Judiciary.

CIVIL RIGHTS COMMISSION REAUTHORIZATION ACT

Mr. HATCH. Mr. President, I, along with nine of my colleagues, am introducing the U.S. Commission on Civil Rights Reauthorization Act of 1991. This bill reauthorizes the U.S. Commission on Civil Rights for 10 years. Presently, the Commission's authorization expires on September 30, 1991.

The Commission was originally established in 1957 and reauthorized for short periods thereafter. In 1983, the Commission was reconstituted, with four members appointed by the President, and two each appointed by the President pro tempore of the Senate and by the Speaker of the House. Senate confirmation is not required (42 U.S.C. 1975 et seq.).

The Commission's general mission has remained the same: to investigate allegations of discriminatory denial of voting rights; to study and collect information concerning legal developments constituting discrimination; appraise Federal laws and policies regarding discrimination, and serve as a national clearinghouse of information on discrimination.

I have not always agreed with the Commission's position on issues over the years, but I believe it has the potential to play a role in the Nation's continuing commitment to eradicate discrimination in American life. In my view, Congress should reauthorize the commission for a lengthy time—10 years—and allow it to do its work unimpeded by periodic fear that it may not be reauthorized.

• Mr. MCCAIN. Mr. President, I am proud to be an original cosponsor of the U.S. Commission on Civil Rights Reauthorization Act of 1991. Quick passage of this measure will help our Nation eliminate all forms of discrimination.

The Commission on Civil Rights has performed a valuable service for our citizens, and the Commission must be allowed to continue its important work. Since its creation in 1957, the Commission on Civil Rights has been tasked to collect and study information on discrimination or denials of equal protection of the laws due to race, color, religion, sex, age, disability, and national origin. The Commission also studies and makes findings of fact on the administration of justice in such areas as voting rights, enforcement of Federal civil rights laws, and equality of opportunity in education, employment, and housing. The Commission then reports its findings to the President and Congress so that the lawmaking and executive branches may act on them.

The job that the Commission on Civil Rights performs is not an easy one, and one that is not always popular. I, myself, have not always agreed with the Commisson's findings on issues. I believe, however, that the Commission has proved extremely important in eradicating discrimination from the American landscape, and that it should be allowed to continue its mission without constant and continual congressional intervention.

Last year the Congress passed—with my strong support—and the President signed, the landmark Americans With Disabilities Act. This year, the Congress will likely debate additional civil rights legislation. The effectiveness of these measures and their successful implementation is not always easy to discern, and the Commission can play a vital role in monitoring the effects of laws enacted by the Congress to promote equal opportunity.

Mr. President, equality of opportunity is one of the cornerstones our Nation was built upon. However, this principle that makes our country so great is also very tenuous. We must be vigilant in our protection of equal opportunity, and the Commission on Civil Rights will help us do exactly that. Mr. President, the Commission should be reauthorized, and I urge my colleagues to support this measure.•

By Mr. BIDEN (for himself and Mr. DECONCINI):

S. 618. A bill to control and reduce violent crime; to the Committee on the Judiciary.

VIOLENT CRIME CONTROL ACT OF 1991

Mr. BIDEN. Mr. President, I rise today to introduce the Violent Crime Control Act of 1991, the most comprehensive anticrime initiative I have ever proposed. It is my belief that this legislation would make tremendous strides toward restoring safety and sanity to our Nation's dangerous streets.

America needs a crime bill and it can have one in 100 days. But it must be a crime bill that is tougher than the one the President proposed yesterday, in at least two important respects:

First, it must ban the killer assault weapons used by drug-dealers and terrorists.

Second, it must do more to add new police officers to the front lines of the war on crime.

If anyone doubts that such action is needed, I urge them to take a look at a report that the Judiciary Committee majority staff is releasing today.

This report, entitled "Fighting Crime in America: An Agenda for the 1990's," contains new data that illustrates how horrible the crime problem has become.

Among the report's findings:

The year 1990 set a national record for murders, a national record for rapes, a national record for assaults, and a national record for robberies. Last year's increase in murder and rape was the largest 1-year jump in more than a decade. And every American—every American—is four times more likely to be victimized by a violent crime today than he or she was in 1960. The fact is this: more Americans were killed on our streets over the past 8 weeks than were killed by enemy soldiers during Operation Desert Storm.

Yet if the report we are releasing today contains some depressing, stark facts, it also contains some rather simple—but important—solutions for meeting this crisis.

And these solutions form the core of the legislation I am proposing today: a bill, I am proud to say, that was endorsed last month by my colleagues in the Senate Democratic Conference.

Before I discuss our bill, I want to say a few things about the President's 100 days.

I have little doubt that Congress can pass a crime bill in 100 days. In fact, we could have passed a crime bill last year had the special interests in the gun lobby not worked to stall, delay, and ultimately kill the bill because of its ban on deadly assault weapons.

Simply put: If the President would join the Congress in banning the murderous weapons that are killing police officers, children and countless innocent bystanders, we could easily pass a crime bill within the next 100 days.

The report we are releasing today makes clear what America must do to end its rapidly rising crime rates:

First, we must get the people who commit crimes out of the community, and we must punish them severely for their actions;

Second, we must stop people from committing crimes before they happen; and

Third, we must get the deadly weapons off the streets.

On the first of these goals, our bill has little difference from the President. We disagree not in what the President proposes—but what he opposes—not in what he includes but in what he excludes.

Like the President's bill, our bill:

Imposes the death penalty for the largest number of offenses in U.S. history—indeed, our bill covers even more capital offenses than does the President's.

It extends the death penalty for drug killers, terrorists, and the murderers of law enforcement officers.

It shortens the appeals process for capital offenders.

And, it increases penalties for criminals who commit gun offenses.

We have no disagreement with the President over whether we must punish criminals severely. On this point, both proposals are in agreement. Our differences with the President start with the second goal, the question of whether more must be done to prevent crimes in the first place.

Here, we think that much more must be done—not just to punish criminals—but also to make our streets safer from mayhem in the first place.

On this point, the findings of our new staff report are worth noting. It shows:

In 1950, America had three police officers per violent crime. Yet today, the ratio is just the reverse—three violent crimes per officer.

After 18 months of the administration's war on drugs, the number of police officers on our streets today is only 1 percent higher than it was when the President's effort was launched.

And the administration's 1992 budget actually proposes a cut in Federal aid sent to local law enforcement agencies.

Our streets are unsafe because our police forces are undermanned and overwhelmed. They can never be safe again until we reverse this imbalance.

That's why our bill, unlike the President's, includes funding for thousands of new police officers, FBI agents, DEA agents, and other law enforcement officers. We don't want to just punish murderers, we want to prevent murders.

And it's why our bill includes three new initiatives that the President's plan ignores: a comprehensive new program to combat juvenile gangs; more help for rural areas that are suffering rising crime rates; and emergency aid to the places hardest hit by drugs.

And it is why we are pushing an important initiative called the Violence Against Women Act, which would tackle the escalating problems of rape, domestic violence, and sexual assault.

The Violence Against Women Act, along with Senator DECONCINI's motorcycle gang bill are further aspects of our anticrime agenda that are not adequately addressed by the President's plan.

Finally, and again, unlike the President's bill, our bill addresses a third goal of any substantial crime legislation; getting killer assault weapons off the streets.

Our bill includes the so-called DeConcini amendment, a measure adopted by the Senate last year to ban the manufacture and sale of 14 deadly assault weapons.

These guns are the weapons of choice for drug dealers and international terrorists. They have no legitimate purpose and they must be controlled before they kill any more of our law-abiding citizens.

Unfortunately, the President's bill is silent in this respect. Instead of controlling assault weapons, the President proposes to increase the penalties on those who use such guns to commit crimes.

Mr. President, I say this in response: We agree that gun criminals should face stiffer punishments, but we also think that we should get the most deadly weapons off the streets before they are used to kill or maim anyone else.

In sum: The President wants to punish crime—and so do we—but we also want to do more to prevent crime, and make our cities and towns safer for all Americans.

Can the Congress meet the challenge to pass a crime bill in 100 days? I am convinced that if the President works with us, this ambitious goal can be achieved.

But for this goal to be a meaningful one, the crime bill we pass must be a meaningful one. Our goal should not be to pass just any crime bill within 100 days, but rather, to enact a comprehensive, valuable piece of crime-fighting legislation in that period.

To achieve that end, the President must help us in two ways: First, he must prevent his allies in the gun lobby from blocking this bill, and indeed, he should join us in coming up with an agreeable proposal to limit these weapons; and second, he must work with us putting aside the rhetoric of partisanship on crime to reach an accord on a bill that we can all support.

None of us here in Congress or at the White House, Republican or Democrat—can afford to wait any longer to start to tackle this crisis.

Hopefully, if we all work together, we can make progress to combat death and violent aggression on this home front as swiftly and decisively as we achieved this same end in the gulf.

I urge my colleagues to review our new majority staff report and join me in supporting the Violent Crime Control Act.

I ask unanimous consent that the full text of my bill, along with a side-by-side comparison of it to the President's bill, and some summary materials, be printed in the RECORD.

Mr. President, I rise today to introduce a voluminous piece of legislation, but I think an important one—I hope my colleagues see it that way—the Violent Crime Control Act of 1991. This is the most comprehensive anticrime initiative I have ever introduced in the 18 years I have been here, and it is my belief that this legislation would make tremendous strides toward restoring safety and sanity to our Nation's streets and neighborhoods.

Mr. President, before I say my little piece here, let me point out that the President announced yesterday that violent crime is going to be his No. 1 domestic initiative. I hope that doesn't mean we are going to back off on the fight against drugs. The President laid out a crime bill, a crime bill all of which we passed last year here in the Senate. It ultimately failed because of a Presidential threat of a veto because we in the Senate included a provision eliminating 14 assault-style weapons—the so-called DeConcini bill.

Mr. President, I want to say at the outset about the death penalty that I do not think many of us in here—I know the Senator from Florida, because he knows so much about this area and has worked so hard in it so long when he was a Governor and since he has been here—disagree. Few of us disagree—at least I do not, nor does the Senator from Florida—on reinstating the death penalty.

Our bill last year provided for the death penalty. And the bill this year provides for a dealth penalty—total of 44 offenses for which you can recieve death as the penalty. That is more than what the President is proposing.

There is also a proposal the President has to change the habeas corpus law. The Senator, as an attorney and former attorney general, knows full well what that means. It means that there are people who have been put on death row, and who are filing frivolous and successive petitions that are taking up the courts' time and everyone's time.

But we can change habeas corpus tomorrow, and it will have no effect on the crime rate; zero. Those folks on death row are not shooting people. Yet, if you listen to some of my colleagues talk, they will tell you: "If we get the death penalty and we get a change in habeas corpus, well, we will change the world. Our streets will be safer."

Now, I support the death penalty. I am going to try to pass it again through this legislation. We passed it here in the Senate, and passed it in the House, and we are going to pass it again. That is not a big problem.

But with the Federal death penalty, Mr. President, if you add up all the potential people who will be put to death and convicted for all the crimes we include, you are not talking about more than a dozen folks a year. Heck, there are far more murders right here in the city of Washington. We are not talking about a lot of people.

The point I wanted to make is this: It is not what the President has proposed in his legislation that I oppose; it is what he does not propose. We will change the habeas corpus law to provide for only one appeal, one bite out of the apple. We have some disagreement among ourselves and with the President over the nuances. We will settle that. And we will pass a death penalty.

As I said, I spoke to a group of attorneys general this morning—and you spoke to them just prior to my speaking to them, Mr. President—Republicans and Democrats alike. And the attorneys general all nodded like you did when I said the following: Assuming what the President proposed on the exclusionary rule is constitutional, which it is not; and assuming we allow people to go in and knock down people's doors without a search warrant, and say: "Golly, I made mistake;" and assuming they can prove they made a mistake, it is all right. Assume that is the case. Add up all the cases where a conviction has been overturned because the evidence was illegally seized, or where the prosecutor did not go forward because the evidence that he had at his disposal or her disposal was tainted because it was illegally seized. Add it all up. What does it add up to? 1 percent, 2 percent, 5 percent; an outrageous 15 percent of all the crimes committed? That would be bizarre, but let us say it is that.

The combination, Mr. President, of habeas corpus, restoration of the death penalty, and exclusionary rule, on the best day, would account for a very small percentage of the violent crime that is committed out there.

Mr. President, I am going to put in the RECORD "Fighting Crime in America; Agenda for the Nineties," a majority staff report. I am proud to say, Mr. President, that every staff report we have put out in the Judiciary Committee in recent years has been met with universal approval by conservatives, liberals, Democrats, Republicans, good guys, and bad guys. No one has disputed thus far, that I am aware of, the credibility of the reports we file.

Mr. President, we do not need, really, more studies and reports. We know the problem. The problem is that the streets are not safe.

There are three pieces to the problem. One, once you convict these folks, what do you do with them? The President and JOE BIDEN are in full agreement: You give death if it is a crime that warrants death. You radically limit the habeas corpus appeals. And you also allow the police some more flexibility relative to seized evidence. So far, so good.

Now, Mr. President, comes the hard part: Doing something about crime. The hard part, now. The hard part is, Mr. President, you have to deal with what this report and every other report shows. The murder rate is the highest it has ever been in the history of America—the highest ever. And although I have been wrong about many things—and if you stick around longer, I will be wrong again—there is one thing I was right about: last year I said that we were going to have the highest murder rate in history and we did. It did not take a genius to figure it out.

We have a higher rate merely because more people are shooting other people. As the head of the Trauma Division at Einstein Medical Center—one of the best trauma hospitals and emergency hospitals in the world—testified before my committee, she said, "Senator, 5, 7, 12, 15 years ago, when my trauma team had somebody, when that little blue light goes on, we had someone with a 22-caliber bullet in the skull somewhere, we had a chance to save them, or there may have been a 22-caliber slug in the shoulder or a Saturday night special in the leg. Senator, we do not get those anymore. When that little blue light goes on—I guess it varies from hospital to hospital what color light—when the light goes on, my trauma team heads down to meet the ambulance. Instead of a 22-caliber bullet lodged in the lung, the lung has been blown out of the body of the person because it is a 38-caliber gun that had done it." Or, "Senator, we don't get one-shot victims anymore. There are shots from their groin to their ears. So I have to worry about saving the leg, the intestines, the heart, and then the brain, all in one patient because they are the victims of semiautomatic weapons. When they fire those things, the bullets just scatter."

It does not take a genius to figure it out. Guns, guns, new guns, powerful guns, nonsporting guns are responsible for these murders. So I reintroduced the DeConcini assault weapon provision in this bill. Now, I tell you, Mr. President, that is not going to stop the murder rate. I am going to hear from my colleagues and the president of the NRA that people kill people, guns do not kill people. Well, let us assume that is true. I accept that. All I want to do, Mr. President, is to make it a little bit harder, a little bit harder for these guns to find their way into the hands of young people, drug lords, nondrug lords, local corner bosses.

I was asked, I say to my friend from Florida, to go to a small dinner with the President of Colombia. I do not often stay in Washington to go to those dinners, but there were six people or eight people invited. I sat with him. Do you know what he said to me? He said, "Can you do anything to help? The Medellin cartel boys fly into Florida, walk into a gun store, and they buy these things."

Now, those who have a second amendment argument, I just say to them, if you think people should not have Abrams tanks in their backyards, you have already crossed the constitutional line. If you can ban any weapon from anyone, you can ban any other weapon. So, Mr. President, we must deal with guns.

The second important thing in this legislation, Mr. President, is the only thing that is going to affect crime: More personnel, more police officers on the street for State and local governments, and the Federal Government. The President does not propose adding any new police officers. I want to fight crime. We need police officers to fight crime. Since the President has been President and his major new effort is under way, there has been a 1 percent increase in the number of police officers on the street. In the year 1960, if my recollection serves me correctly, we had as many police officers. It is a different world. The President proposes nothing for this.

The President also proposed nothing to deal with another obvious crime problem, violence against women. Mr. President, rape and violent assault are growing at record rates. I have introduced an entire crime bill just to address violence against women. The President has refused to support it as if it is not a problem. I know he is concerned. But violent assaults against young men, Mr. President, have decreased 12 percent in the last 15 years, while against women, they are up 50 percent.

Now what is this about? Mr. President, I heard my distinguished friend, the Republican leader, talk about the civil rights bill, asking whether it is politics or not. Well, Mr. President, we can have a crime bill in 15 minutes, 15 days, not 100 days, if the administration is willing to deal with what is not in this bill—assault weapons, more police officers, and violence against women.

Mr. President, when the first drug bill was introduced by the President of the United States, it banned the sale of assault weapons manufactured abroad. The President ultimately backed off his position. He is incredibly popular now. He has political capital that he is spending and he should spend to make his point relative to the Democrats, as he should. By the way, I am not complaining about that; he should use that capital. But I respectfully suggest that he consider using some of that political capital with the NRA. Over 85 percent of the people in this country, Mr. President, think we should do something about those 14 assault weapons—Uzis and Streetsweepers, and I will not go through all of them. Now is the time to expend a little bit of that capital.

So, Mr. President, I stand ready as chairman of the Judiciary Committee, and I am sure all my colleagues in the Senate and the House stand ready, to work with the President today, tomorrow, until it is done, to move on establishing the death penalty and reforming habeas corpus. But we must also provide more police, more protection, fewer assault weapons, and more help to women who are victims of crime.

I thank the Chair.

I ask unanimous consent that, along with the bill, a copy of "Fighting Crime in America, An American Agenda," and also a side-by-side comparison of this bill that I am sending to the desk be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control Act of 1991".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—SAFER STREETS AND NEIGHBORHOODS
Sec. 101. Short title.
Sec. 102. Grants to State and local agencies.

TITLE II—DEATH PENALTY
Sec. 201. Short title.
Sec. 202. Constitutional procedures for the imposition of the sentence of death.
Sec. 203. Specific offenses for which death penalty is authorized.
Sec. 204. Applicability to uniform code of military justice.
Sec. 205. Death penalty for murder by a Federal prisoner.
Sec. 206. Death penalty for civil rights murders.
Sec. 207. Racial Justice Act of 1991.

TITLE III—DEATH PENALTY FOR MURDER OF LAW ENFORCEMENT OFFICER ACT.
Sec. 301. Death penalty for the murder of Federal law enforcement officials.
Sec. 302. Death penalty for the murder of State officials assisting Federal law enforcement officials.

TITLE IV—DEATH PENALTY FOR DRUG CRIMINALS ACT
Sec. 401. Short title.
Sec. 402. Death penalty for certain drug criminals.
Sec. 403. Drug distribution conspiracies.
Sec. 404. Drug import and export conspiracies.
Sec. 405. Drug distribution to minors or by employing minors.
Sec. 406. Export and import of major drug quantities.
Sec. 407. Distribution of major drug quantities.

TITLE V—PREVENTION AND PUNISHMENT OF TERRORIST ACTS
Sec. 501. Short title.

Subtitle A—Punishing Domestic and International Terrorist Acts

Part I—Terrorist Death Penalty Act of 1991
Sec. 511. Short title.
Sec. 512. Terrorist death penalty offense: terrorist acts abroad.

Part II—Terrorist Acts Committed in the United States
Sec. 521. Criminal offense for domestic terrorist acts.

Part III—Increasing Penalties for International Terrorist Acts
Sec. 531. Penalties for international terrorist acts.
Sec. 532. Clerical amendments.

Subtitle B—Preventing Domestic and International Terrorist Acts

Part I—Attacking the Infrastructure of Terrorist Organizations
Sec. 541. Providing material support to terrorists.
Sec. 542. Forfeiture of assets used to support terrorists.

Part II—Electronic Communications
Sec. 545. Cooperation of telecommunications providers with law enforcement.

Part III—Cooperation of Witnesses in Terrorist Investigations
Sec. 551. Short title.
Sec. 552. Alien witness cooperation.
Sec. 553. Conforming amendment.

Subtitle C—Preventing Aviation Terrorism
Sec. 561. Preventing acts of terrorism against civilian aviation.

Subtitle D—Preventing Economic Terrorism
Sec. 571. Counterfeiting U.S. currency abroad.
Sec. 572. Economic Terrorism Task Force.

Subtitle E—Authorizations to Expand Counter-Terrorist Operations by Federal Agencies
Sec. 581. Authorization of appropriations.

TITLE VI—DRIVE-BY-SHOOTING ACT
Sec. 601. Short title.
Sec. 602. New offense for the indiscriminate use of weapons to further drug conspiracies.

TITLE VII—ASSAULT WEAPONS
Sec. 701. Short title.
Sec. 702. Unlawful acts.
Sec. 703. Definitions.
Sec. 704. Secretary to recommend designation as assault weapon.
Sec. 705. Enhanced penalties.
Sec. 706. Disability.
Sec. 707. Study by Attorney General.
Sec. 708. Sunset provision.

TITLE VIII—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT
Sec. 801. Short title.
Sec. 802. Purposes.
Sec. 803. Establishment of office of the police corps and law enforcement education.
Sec. 804. Designation of lead agency and submission of State plan.

Subtitle A—Police Corps Program
Sec. 811. Definitions.
Sec. 812. Scholarship assistance.
Sec. 813. Selection of participants.
Sec. 814. Police corps training.
Sec. 815. Service obligation.
Sec. 816. State plan requirements.
Sec. 817. Authorization of appropriations.

Subtitle B—Law Enforcement Scholarship Program
Sec. 821. Definitions.
Sec. 822. Allotment.
Sec. 823. Program established.
Sec. 824. Scholarships.
Sec. 825. Eligibility.
Sec. 826. State plan requirements.
Sec. 827. Local application.
Sec. 828. Scholarship agreement.
Sec. 829. Authorization of appropriations.

Subtitle C—Reports
Sec. 831. Reports to Congress.

TITLE IX—FEDERAL LAW ENFORCEMENT AGENCIES
Sec. 901. Short title.
Sec. 902. Authorization for Federal law enforcement agencies.

TITLE X—HABEAS CORPUS REFORM ACT
Sec. 1001. Short title.
Sec. 1002. Special habeas corpus procedures in capital cases.
Sec. 1003. Law controlling in Federal habeas corpus proceedings.

TITLE XI—PUNISHMENT OF GUN CRIMINALS
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Sec. 1102. Death penalty for gun murders.
Sec. 1103. Increased penalties for violent gun crimes.
Sec. 1104. Sentencing guidelines for new penalties.
Sec. 1105. Possession of an explosive during the commission of a felony.
Sec. 1106. Increased penalty for knowingly false, material statement in connection with the acquisition of a firearm from a licensed dealer.
Sec. 1107. Clarification of penalty enhancement.
Sec. 1108. Penalties for improper transfer, stealing firearms, or smuggling a firearm in drug-related offense.
Sec. 1109. Theft of firearms and explosives.
Sec. 1110. Bar on sale of firearms and explosives to or possession of firearms and explosives by persons convicted of a violent or serious drug misdemeanor.
Sec. 1111. Permitting consideration of pretrial detention for certain firearms and explosives offenses.
Sec. 1112. Disposition of forfeited firearms.
Sec. 1113. Clarification of "burglary" under the armed career criminal statute.
Sec. 1114. Clarification of definition of conviction.

TITLE XII—PRISON FOR VIOLENT DRUG OFFENDERS
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TITLE XIII—BOOT CAMPS
Sec. 1301. Boot camps.

TITLE XIV—YOUTH VIOLENCE ACT

Subtitle A—Increasing Penalties for Employing Children to Distribute Drugs Near Schools and Playgrounds.
Sec. 1401. Strengthening Federal penalties.

Subtitle B—Anti-gang Grants
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TITLE XV—RURAL CRIME AND DRUG CONTROL ACT

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Sec. 1502. Rural drug enforcement task forces.
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Subtitle C—Rural Drug Prevention and Treatment
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Subtitle D—Rural Land Recovery Act
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Sec. 1532. Assets forfeiture.
Sec. 1533. Prosecution of clandestine laboratory operators.

TITLE XVI—DRUG EMERGENCY AREAS ACT OF 1991
Sec. 1601. Short title.
Sec. 1602. Drug emergency areas.

TITLE XVII—DRUNK DRIVING CHILD PROTECTION ACT
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TITLE XXII—EXCLUSIONARY RULE
Sec. 2201. Searches and seizures pursuant to an invalid warrant.

TITLE XXIII—DRUG TESTING
Sec. 2301. Federal prisoner drug testing.

TITLE I—SAFER STREETS AND NEIGHBORHOODS

SEC. 101. SHORT TITLE.

This title may be cited as the "Safer Streets and Neighborhoods Act of 1991".

SEC. 102. GRANTS TO STATE AND LOCAL AGENCIES.

Paragraph (5) of section 1001(a) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(5) There are authorized to be appropriated $1,000,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 to carry out the programs under parts D and E of this title.".

SEC. 103. CONTINUATION OF FEDERAL STATE FUNDING FORMULA.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 211 of the Department of Justice Appropriations Act, 1990 (Public Law 101-162) and section 601 of the Crime Control Act of 1990 (Public Law 101-647), is amended by striking "1991" and inserting in lieu thereof "1992".

TITLE II—DEATH PENALTY

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1991".

SEC. 202. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) IN GENERAL.—Part II of title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§ 3591. Sentence of death authorized

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381 of this title;

"(2) an offense described in section 1751(c) of this title, if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§ 3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) IMPAIRED CAPACITY.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) FORESEEABILITY.—The defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"(5) YOUTH.—The defendant was youthful, although not under the age of 18.

"(6) NO PRIOR CRIMINAL RECORD.—The defendant did not have a significant prior criminal record.

"(7) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(8) OTHER DEFENDANTS.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(9) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

"(10) OTHER FACTORS.—Other factors in the defendant's background or character that mitigate against imposition of the death sentence.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PRIOR ESPIONAGE OR TREASON OFFENSE.—The defendant has previously been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by law.

"(2) GRAVE RISK TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) GRAVE RISK OF DEATH.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (3), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

"(2) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(3) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(4) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(5) HEINOUS, CRUEL, OR DEPRAVED.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(6) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(7) PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(8) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(9) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or title III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(12) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 405 of such Act.

"(13) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if he is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he is engaged in the performance of his official duties;

"(ii) because of the performance of his official duties; or

"(iii) because of his status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, he shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the government or the defendant, subject to the Federal Rules of Evidence and Federal Rules of Criminal Procedure. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur with the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (2) or (3), an aggravating factor required to be considered under section 3592(c) is found to exist;

the jury, or if there is no jury, the court, shall then consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether a sentence of death shall be imposed rather than some other lesser sentence. The jury or the court, if there is no jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence, and the jury shall be so instructed.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon a finding under section 3593(e) that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without parole.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) other legal error requires reversal of the sentence of death,

the court shall remand the case for reconsideration under section 3593 or impose a sentence other than death. In any other case, the court of appeals shall remand the case for reconsideration under section 3593.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

"(1) cannot understand the nature of the pending proceedings, what such person was tried for, the reason for the punishment, or the nature of the punishment; or

"(2) lacks the capacity to recognize or understand facts which would make the punishment unjust or unlawful, or lacks the ability to convey such information to counsel or to the court.

"§ 3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§ 3598. Special provisions for Indian country

"Notwithstanding sections 1152 and 1153 of this title, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) AMENDMENTS TO CHAPTER ANALYSIS.—The chapter analysis of part II of title 18, United States Code, is amended by adding the following new item after the item relating to chapter 227:

"228. Death sentence .... 3591".

SEC. 203. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as provided in the following sections:

(1) AIRCRAFTS AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(3) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking the words "as provided in section 34 of this title".

(6) MURDER.—(A) The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(B) Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(7) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(8) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(9) PRESIDENTIAL ASSASSINATIONS.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if the conduct constitutes an attempt to kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President.".

(10) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(11) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(12) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(13) RACKETEERING.—(A) Section 1958 of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(B) Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;".

(14) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, a fine of not more than $1,000,000, or imprisonment for life or a sentence of death,".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1473), is amended by striking subsection (c).

SEC. 204. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 205. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of parole.

"(b) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) the term 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death; and

"(3) the term 'murders' means committing first degree or second degree murder as defined by section 1111 of this title.".

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1118. Murder by a Federal prisoner.".

SEC. 206. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

SEC. 207. RACIAL JUSTICE ACT OF 1991.

(a) SHORT TITLE.—This section may be cited as the "Racial Justice Act of 1991".

(b) FINDINGS.—The Congress finds that—

(1) section 5 of the fourteenth amendment of the United States Constitution calls upon Congress to enforce the Constitution's promise of equality under law;

(2) equality under law is tested most profoundly by whether a legal system tolerates race playing a role in the determination of whether and when to administer the ultimate penalty of death;

(3) the death penalty is being administered in a pattern that evidences a significant risk that the race of the defendant, or the race of the victim against whom the crime was committed, influences the likelihood that the defendant will be sentenced to death;

(4) the Constitution's guarantee of equal justice for all is jeopardized when the death penalty is imposed in a pattern in which the likelihood of a death sentence is affected by the race of the perpetrator or of the victim;

(5) the United States Supreme Court has concluded that the Federal judiciary is institutionally unable to eliminate this jeopardy to equal justice in the absence of proof that a legislature, prosecutor, judge, or jury acted with racially invidious and discriminatory motives in the case of a particular defendant;

(6) the interest in ensuring equal justice under law may be harmed, not only by decisions motivated by explicit racial bias, but also by government rules, policies, and practices that operate to reinforce the subordinate status to which racial minorities were relegated in our society;

(7) the institutional need of courts to identify invidiously motivated perpetrators is not shared by Congress, which is empowered by section 5 of the fourteenth amendment to take system-wide, preventive measures not only to eliminate adjudicated instances of official race discrimination but also to eradicate wide-scale patterns and practices that entail an intolerable danger that persons of different races would be treated differently; and

(8) the persistent racial problems pervading the implementation of the death penalty in many parts of this Nation require the Government of the United States to counteract the lingering effects of racial prejudice in order to enforce the constitutional guarantee of equal justice for all Americans.

(c) AMENDMENT TO TITLE 28.—

(1) PROCEDURE.—Part VI of title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 177—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

"Sec.
"2921. Definitions.
"2922. Prohibition on the imposition or execution of the death penalty in a racially discriminatory pattern.
"2923. Data on death penalty cases.
"2924. Enforcement of the chapter.
"2925. Construction of chapter.

"§ 2921. Definitions

"For purposes of the chapter—

"(1) the term 'a racially discriminatory pattern' means a situation in which sentences of death are imposed more frequently—

"(A) upon persons of one race than upon persons of another race; or

"(B) as punishment for crimes against persons of one race than as punishment for crimes against persons of another race,

and the greater frequency is not explained by pertinent nonracial circumstances;

"(2) the term 'death-eligible crime' means a crime for which death is a punishment that is authorized by law to be imposed under any circumstances upon a conviction of that crime;

"(3) the term 'case of death-eligible crime' means a case in which the complaint, indictment, information, or any other initial or subsequent charging paper charges any person with a death-eligible crime; and

"(4) the term 'State or Federal entity' means any State, the District of Columbia, the United States, any territory thereof, and any subdivision or authority of any of these entities that is empowered to provide by law that death be imposed as punishment for crime.

"§ 2922. Prohibition on the imposition or execution of the death penalty in a racially discriminatory pattern

"(a) PROHIBITION.—It is unlawful to impose or execute sentences of death under color of State or Federal law in a racially discriminatory pattern. No person shall be put to death in the execution of a sentence imposed pursuant to any law if that person's death sentence furthers a racially discriminatory pattern.

"(b) ESTABLISHMENT OF A PATTERN.—To establish that a racially discriminatory pattern exists for purposes of this chapter—

"(1) ordinary methods of statistical proof shall suffice; and

"(2) it shall not be necessary to show discriminatory motive, intent, or purpose on the part of any individual or institution.

"(c) PRIMA FACIE SHOWING.—(1) To establish a prima facie showing of a racially discriminatory pattern for purposes of this chapter, it shall suffice that death sentences are being imposed or executed—

"(A) upon persons of one race with a frequency that is disproportionate to their representation among the numbers of persons arrested for, charged with, or convicted of, death-eligible crimes; or

"(B) as punishment for crimes against persons of one race with a frequency that is disproportionate to their representation among persons against whom death-eligible crimes have been committed.

"(2) To rebut a prima facie showing of a racially discriminatory pattern, a State or Federal entity must establish by clear and convincing evidence that identifiable and pertinent nonracial factors persuasively explain the observable racial disparities comprising the pattern.

"§2923. Data on death penalty cases

"(a) DESIGNATION OF AGENCY.—Any State or Federal entity that provides by law for death to be imposed as a punishment for any crime shall designate a central agency to collect and maintain pertinent data on the charging, disposition, and sentencing patterns for all cases of death-eligible crimes.

"(b) RESPONSIBILITIES OF CENTRAL AGENCY.—Each central agency designated pursuant to subsection (a) shall—

"(1) affirmatively monitor compliance with this chapter by local officials and agencies;

"(2) devise and distribute to every local official or agency responsible for the investigation or prosecution of death-eligible crimes a standard form to collect pertinent data;

"(3) maintain all standard forms, compile and index all information contained in the forms, and make both the forms and the compiled information publicly available;

"(4) maintain a centralized, alphabetically indexed file of all police and investigative reports transmitted to it by local officials or agencies in every case of death-eligible crime; and

"(5) allow access to its file of police and investigative reports to the counsel of record for any person charged with any death-eligible crime or sentenced to death who has made or intends to make a claim under section 2922 and it may also allow access to this file to other persons.

"(c) RESPONSIBILITY OF LOCAL OFFICIAL.—(1) Each local official responsible for the investigation or prosecution of death-eligible crimes shall—

"(A) complete the standard form developed pursuant to subsection (b)(2) on every case of death-eligible crime; and

"(B) transmit the standard form to the central agency no later than 3 months after the disposition of each such case whether that disposition is by dismissal of charges, reduction of charges, acceptance of a plea of guilty to the death-eligible crime or to another crime, acquittal, conviction, or any decision not to proceed with prosecution.

"(2) In addition to the standard form, the local official or agency shall transmit to the central agency one copy of all police and investigative reports made in connection with each case of death-eligible crime.

"(d) PERTINENT DATA.—The pertinent data required in the standard form shall be designated by the central agency but shall include, at a minimum, the following information:

"(1) pertinent demographic information on all persons charged with the crime and all victims (including race, sex, age, and national origin);

"(2) information on the principal features of the crime;

"(3) information on the aggravating and mitigating factors of the crime, including the background and character of every person charged with the crime; and

"(4) a narrative summary of the crime.

"§2924. Enforcement of the Chapter

"(a) ACTION UNDER SECTIONS 2241, 2254, OR 2255 OF THIS TITLE.—In any action brought in a court of the United States within the jurisdiction conferred by sections 2241, 2254, or 2255, in which any person raises a claim under section 2922—

"(1) the court shall appoint counsel for any such person who is financially unable to retain counsel; and

"(2) the court shall furnish investigative, expert or other services necessary for the adequate development of the claim to any such person who is financially unable to obtain such services.

"(b) DETERMINATION BY A STATE COURT.—Notwithstanding section 2254, no determination on the merits of a factual issue made by a State court pertinent to any claim under section 2922 shall be presumed to be correct unless—

"(1) the State is in compliance with section 2923;

"(2) the determination was made in a proceeding in a State court in which the person asserting the claim was afforded rights to the appointment of counsel and to the furnishing of investigative, expert and other services necessary for the adequate development of the claim which were substantially equivalent to those provided by subsection (a); and

"(3) the determination is one which is otherwise entitled to be presumed to be correct under the criteria specified in section 2254.

"§2925. Construction of chapter

"Nothing contained in this chapter shall be construed to affect in one way or the other the lawfulness of any sentence of death that does not violate section 2922.".

(2) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters of part VI of title 28, United States Code, is amended by adding at the end thereof the following new item:

"177. Racially Discriminatory Capital Sentencing .... 2921.".

(d) ACTIONS PRIOR TO THE DATE OF ENACTMENT.—No person shall be barred from raising any claim under section 2922 of title 28, United States Code, as added by this section, on the ground of having failed to raise or to prosecute the same or a similar claim prior to enactment of the section nor by reason of any adjudication rendered prior to its enactment.

TITLE III—DEATH PENALTY FOR MURDER OF LAW ENFORCEMENT OFFICER ACT

SEC. 301. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

Section 1114(a) of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of first degree murder, by a sentence of death or life imprisonment as provided under section 1111 of this title, or, in the case of manslaughter, as provided under section 1112 of this title,".

SEC. 302. DEATH PENALTY FOR THE MURDER OF STATE OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§1119. Killing persons aiding Federal investigations

"Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any civilian or witness assisting a Federal criminal investigation, while that assistance is being rendered and because of it; shall be subject to the death penalty under chapter 228 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1119. Killing persons aiding Federal investigations.".

TITLE IV—DEATH PENALTY FOR DRUG CRIMINALS ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Death Penalty for Drug Criminals Act of 1991".

SEC. 402. DEATH PENALTY FOR CERTAIN DRUG CRIMINALS.

The Controlled Substances Act (21 U.S.C. sec. 401 et seq.) is amended by adding after section 408 the following:

"SEC. 409. DEATH PENALTY AUTHORIZED FOR CERTAIN DRUG CRIMINALS."

SEC. 403. DRUG DISTRIBUTION CONSPIRACIES.

Section 409 of the Controlled Substances Act (21 U.S.C.) is amended by adding subsection (a) as follows:

"(a) DRUG DISTRIBUTION CONSPIRACIES.—Whoever, during the course of a conspiracy prohibited by section 406 of the Controlled Substances Act, (21 U.S.C. 846), commits a murder in the first degree, shall be punished according to the terms of section 1111 of title 18, including by sentence of death or by imprisonment for life.".

SEC. 404. DRUG IMPORT AND EXPORT CONSPIRACIES.

Section 409 of the Controlled Substances Act (21 U.S.C.) is amended by adding subsection (b) as follows:

"(b) DRUG IMPORT AND EXPORT CONSPIRACIES.—Whoever, during the course of a conspiracy prohibited by section 1013 of the Controlled Substances Import and Export Act, (21 U.S.C. 963), commits a murder in the first degree, shall be punished according to the terms of section 1111 of title 18, including by sentence of death or by imprisonment for life.".

SEC. 405. DRUG DISTRIBUTION TO MINORS, NEAR SCHOOLS, OR BY EMPLOYING MINORS.

Section 409 of the Controlled Substances Act (21 U.S.C.) is amended by adding subsection (c) as follows:

"(c) DRUG DISTRIBUTION TO MINORS, NEAR SCHOOLS, OR WHILE EMPLOYING PERSONS UNDER 18 YEARS OF AGE.—Whoever, during the course of an offense punishable under section 405 of the Controlled Substances Act (21 U.S.C. 845), section 405A of the Controlled Substances Act (21 U.S.C. 845A), or section 405B of the Controlled Substances Act (21 U.S.C. 845B), commits a murder in the first degree, shall be punished according to the terms of section 1111 of title 18, including by sentence of death or imprisonment for life.".

SEC. 406. EXPORT AND IMPORT OF MAJOR DRUG QUANTITIES.

Section 409 of the Controlled Substances Act (21 U.S.C.) is amended by adding subsection (d) as follows:

"(d) DRUG IMPORT AND EXPORT.—Whoever, during an offense prohibited by section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)), commits a murder in the first degree, shall be punished according to the terms of section 1111 of title 18, including by sentence of death or by imprisonment for life.".

SEC. 407. DISTRIBUTION OF MAJOR DRUG QUANTITIES.

Section 409 of the Controlled Substances Act (21 U.S.C.) is amended by adding subsection (e) as follows:

"(e) DRUG DISTRIBUTION.—Whoever, during the course of an offense punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)), commits a murder in the first degree, shall be punished according to the terms of section 1111 of title 18, including by sentence of death or by imprisonment for life.".

TITLE V—PREVENTION AND PUNISHMENT OF TERRORIST ACTS

SEC. 501. SHORT TITLE.

This Act may be cited as the "Comprehensive Counter-Terrorism Act of 1991".

Subtitle A—Punishing Domestic and International Terrorist Acts

PART I—TERRORIST DEATH PENALTY ACT OF 1991

SEC. 511. SHORT TITLE.

This part may be cited as the "Terrorist Death Penalty Act of 1991".

SEC. 512. TERRORIST DEATH PENALTY OFFENSE: TERRORIST ACTS ABROAD.

Paragraph (1) of subsection 2331(a) of title 18, United States Code, is amended to read as follows:

"(1) if the killing—

"(A) is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title, imprisoned for any term of years or for life, or both;".

PART II—TERRORIST ACTS COMMITTED IN THE UNITED STATES

SEC. 521. CRIMINAL OFFENSE FOR DOMESTIC TERRORIST ACTS.

Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter 113B:

"CHAPTER 113B—TERRORIST ACTS COMMITTED IN THE UNITED STATES

"Sec. 2336. Terrorist acts committed in the United States.

"Sec. 2337. Providing material support to terrorists.

"§ 2336. Terrorist acts committed in the United States

"(a) HOMICIDE.—Whoever, acting as an agent of a foreign power, kills another person, with the intent specified in subsection (d) of this section, shall

"(1) if the killing—

"(A) is a first degree murder as defined in section 1111(a) of this title, be fined under this title, punished by death or imprisonment for any term of years or life, or both; or

"(B) is a murder other than a first degree murder as defined in subsection 1111(a) of this title,

be fined under this title, imprisoned for any term of years or for life, or both;

"(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned for not more than twenty years, or both; and

"(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both.

"(b) ATTEMPT OR CONSPIRACY WITH RESPECT TO HOMICIDE.—Whoever, acting as an agent of a foreign power, with the intent specified in subsection (d) of this section, attempts to kill, or engages in a conspiracy to kill—

"(1) in the case of an attempt to commit a killing that is a murder as defined in section 1111(a) of this title, shall be fined under this title, imprisoned for any term of years or life, or both; and

"(2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, shall be fined under this title or imprisoned for any term of years or for life, or both.

"(c) OTHER VIOLENT TERRORIST ACTS.—Whoever, acting as an agent of a foreign power, with the intent specified in subsection (d) of this section, engages in physical violence that results in serious bodily injury shall be fined under this title or imprisoned for not more than ten years, or both.

"(d) INTENT TO COMMIT TERRORIST ACTS.—For the purposes of this section, a person possesses an intent to commit a terrorist act, if such person intends—

"(1) to intimidate or coerce a civilian population;

"(2) to influence the policy of a government by intimidation or coercion; or

"(3) to affect the conduct of a government by assassination, kidnapping, or other violent act.

"(e) DEFINITION.—For purposes of this section and section 2337 of this title, the term 'agent of a foreign power' shall have the same meaning as in section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)).".

PART III—INCREASING PENALTIES FOR INTERNATIONAL TERRORIST ACTS

SEC. 531. PENALTIES FOR INTERNATIONAL TERRORIST ACTS.

Section 2331 of title 18, United States Code, as amended by subtitle A of this title, is further amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking "ten" and inserting "twenty"; and

(B) in paragraph (3) by striking "three" and inserting "ten".

(2) in subsection (c) by striking "five" and inserting "ten".

SEC. 532. CLERICAL AMENDMENTS.

The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B. Terrorist Acts Committed in the United States .... 2336".

Subtitle B—Preventing Domestic and International Terrorist Acts

PART I—ATTACKING THE INFRASTRUCTURE OF TERRORIST ORGANIZATIONS

SEC. 541. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

Part I of title 18, United States Code, as amended by title I of this Act, is further amended by adding a new section 2337 as follows:

"§ 2337. Providing material support to terrorists

"Whoever knowingly, acting as an agent of a foreign power, with the intent to further a violation of section 1203, 2331, or 2336 of this title—

"(1) provides material support or resources; or

"(2) conceals or disguises the nature, location, source or ownership of material support or resources,

that are used or intended to be used to violate section 1203, 2331, or 2336 of this title shall be fined under this title or imprisoned for not more than ten years, or both. For the purposes of this section, material support or resources shall include, but not be limited to, currency or other financial securities, communications equipment, facilities, weapons, personnel and other physical assets.".

SEC. 542. FORFEITURE OF ASSETS USED TO SUPPORT TERRORISTS.

Chapter 46 of title 18, United States Code, is amended—

(1) in section 981(a)(1) by inserting at the end thereof the following:

"(D) Any property, real or personal, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of section 1203, 2331, 2332, 2336, or 2337 of this title."; and

(2) in section 982(a) by inserting at the end thereof the following:

"(3) Any property, real or personal, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of section 1203, 2331, 2336, or 2337 of this title.".

PART II—ELECTRONIC COMMUNICATIONS

SEC. 545. COOPERATION OF TELECOMMUNICATIONS PROVIDERS WITH LAW ENFORCEMENT.

It is the sense of Congress that providers of electronic communications services and manufacturers of electronic communications service equipment shall ensure that communications systems permit the government to obtain the plain text contents of voice, data, and other communications when appropriately authorized by law.

PART III—COOPERATION OF WITNESSES IN TERRORIST INVESTIGATIONS

SEC. 551. SHORT TITLE.

This part may be cited as the "Alien Witness Cooperation Act of 1991".

SEC. 552. ALIEN WITNESS COOPERATION.

Chapter 224 of title 18, United States Code, is amended by—

(1) redesignating section 3528 as 3529;

(2) adding at the end of section 3529, as redesignated, the following new paragraph:

"As used in section 3528, the terms 'alien' and 'United States' shall have the same meanings given to them in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)."; and

(3) inserting after section 3527 the following new section 3528:

"§ 3528. Aliens; waiver of admission requirements

"(a) IN GENERAL.—Upon authorizing protection to any alien under this chapter, the United States shall provide such alien with appropriate immigration visas and allow such alien to remain in the United States so long as that alien abides by all laws of the United States and guidelines, rules and regulations for protection. The Attorney General may determine that the granting of permanent resident status to such alien is in the public interest and necessary for the safety and protection of such alien without regard to the alien's admissibility under immigration or any other laws and regulations or the failure to comply with such laws and regulations pertaining to admissibility.

"(b) ALIEN WITH FELONY CONVICTIONS.—Notwithstanding any other provisions of this chapter, an alien who would not be excluded because of felony convictions shall be considered for permanent residence on a conditional basis for a period of two years. Upon a showing that the alien is still being provided protection, or such protection remains available to the alien in accordance with provisions of this chapter, or such alien is still cooperating with the government, and has maintained good moral character, the Attorney General shall remove the conditional basis of the status effective as of the second anniversary of the alien's obtaining the status of admission for permanent residence. Permanent resident status shall not be granted to a alien who would be excluded because of felony convictions, unless the Attorney General determines, pursuant to regulations which shall be prescribed by him, that granting permanent residence status to such alien is necessary in the interests of justice, and comports with safety of the community.

"(c) LIMIT ON NUMBER OF ALIENS.—The number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed one hundred persons in any one fiscal year. The decision to grant or deny permanent resident status under this section is at the discretion of the Attorney General and shall not be subject to judicial review.".

SEC. 553. CONFORMING AMENDMENT.

The analysis for chapter 224 of title 18, United States Code, is amended by—

(1) redesignating the item for section 3528 as section 3529; and

(2) adding after the item for section 3527 the following:

"3528. Aliens; waiver of admission requirements.".

Subtitle C—Preventing Aviation Terrorism

SEC. 561. PREVENTING ACTS OF TERRORISM AGAINST CIVILIAN AVIATION.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Violations of Federal aviation security regulations.

"Whoever willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) shall be fined under this title or imprisoned for not more than one year, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"36. Violation of Federal aviation security regulations.

Subtitle D—Preventing Economic Terrorism

SEC. 571. COUNTERFEITING U.S. CURRENCY ABROAD.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new section:

"§ 470. Counterfeit acts committed outside the United States.

"Whoever, outside the United States, engages in the act of—

"(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or

"(2) making, dealing, or possessing any plate, stone, or other thing, or any part thereof, used to counterfeit such obligation or security,

if such act would constitute a violation of section 471, 473, or 474 of this title if committed within the United States, shall be fined under this title, imprisoned for not more than 15 years, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 25 of title 18, United States Code, is amended by adding before section 471 the following:

"471. Counterfeit acts committed outside the United States.".

(c) TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item for chapter 25 and inserting the following:

"25. Counterfeiting and forgery .... 470".

SEC. 572. ECONOMIC TERRORISM TASK FORCE.

(a) ESTABLISHMENT AND PURPOSE.—There is established an Economic Terrorism Task Force to—

(1) assess the threat of terrorist actions directed against the United States economy, including actions directed against the United States government and actions against United States business interests;

(2) assess the adequacy of existing policies and procedures designed to prevent terrorist actions directed against the United States economy; and

(3) recommend administrative and legislative actions to prevent terrorist actions directed against the United States economy.

(b) MEMBERSHIP.—The Economic Terrorism Task Force shall be chaired by the Secretary of State, or his designee, and consist of the following members:

(1) the Director of Central Intelligence;

(2) the Director of the Federal Bureau of Investigation;

(3) the Director of the United States Secret Service;

(4) the Administrator of the Federal Aviation Administration;

(5) the Chairman of the Board of Governors of the Federal Reserve;

(6) the Under Secretary of the Treasury for Finance; and

(7) such other members of the Departments of Defense, Justice, State, Treasury, or any other agency of the United States government, as the Secretary of State may designate.

(c) ADMINISTRATIVE PROVISIONS.—The provisions of the Federal Advisory Committee Act shall not apply with respect to the Economic Terrorism Task Force.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the chairman of the Economic Terrorism Task Force shall submit a report to the President and the Congress detailing the findings and recommendations of the task force. If the report of the task force is classified, an unclassified version shall be prepared for public distribution.

Subtitle E—Authorizations To Expand Counter-Terrorist Operations by Federal Agencies

SEC. 581. AUTHORIZATIONS OF APPROPRIATIONS.

There is authorized to be appropriated in each of the fiscal years 1992, 1993 and 1994, in addition to any other amounts specified in appropriations Acts, for counter-terrorist operations and programs:

(1) for the Federal Bureau of Investigation, $25,000,000;

(2) for the Department of State, $10,000,000;

(3) for the United States Customs Service, $7,500,000;

(4) for the United States Secret Service, $2,500,000;

(5) for the Bureau of Alcohol, Tobacco and Firearms, $2,500,000;

(6) for the Federal Aviation Administration, $2,500,000; and

(7) for grants to State and local law enforcement agencies, to be administered by the Office of Justice Programs in the Department of Justice, in consultation with the Federal Bureau of Investigation, $25,000,000.

TITLE VI—DRIVE-BY-SHOOTING ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Drive-By-Shooting Prevention Act of 1991".

SEC. 602. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Drive-by-shooting

"(a) OFFENSE AND PENALTIES.—

"(1) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons causing grave risk to human life shall be punished by a term of no more than 25 years, or by fine as provided under this title, or both.

"(2) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who kills one of those persons shall be sentenced according to the terms of section 1111 of this title, including a sentence of death or life imprisonment without release.

"(b) MAJOR DRUG OFFENSE DEFINED.—A major drug offense within the meaning of subsection (a) is one of the following:

"(1) a continuing criminal enterprise, punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) or punishable under section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); or

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).".

(b) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"36. Drive-by-shooting.".

TITLE VII—ASSAULT WEAPONS

SEC. 701. SHORT TITLE.

This title may be cited as the "Antidrug, Assault Weapons Limitation Act of 1991".

SEC. 702. UNLAWFUL ACTS.

Section 922 of title 18, United States Code, is amended by adding at the end thereof the following:

"(q)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer, import, transport, ship, receive, or possess any assault weapon.

"(2) This subsection does not apply with respect to—

"(A) transferring, importing, transporting, shipping, and receiving to or by, or possession by or under, authority of the United States or any department or agency thereof, or of any State or any department, agency, or political subdivision thereof, of such an assault weapon, or

"(B) any lawful transferring, transporting, shipping, receiving, or possession of such a weapon that was lawfully possessed before the effective date of this subsection.

"(r)(1) It shall be unlawful for any person to sell, ship, or deliver an assault weapon to any person who does not fill out a form 4473 (pursuant to 27 CFR 178.124), or equivalent, in the purchase of such assault weapon.

"(2) It shall be unlawful for any person to purchase, possess, or accept delivery of an assault weapon unless such person has filled out such a form 4473, or equivalent, in the purchase of such assault weapon.

"(3) If a person purchases an assault weapon from anyone other than a licensed dealer, both the purchaser and the seller shall maintain a record of the sale on the seller's original copy of such form 4473, or equivalent.

"(4) Any current owner of an assault weapon that requires retention of form 4473, or equivalent, pursuant to the provisions of this subsection who, prior to the effective date of this subsection purchased such a weapon, shall, within 90 days after the issuing of regulations by the Secretary pursuant to paragraph (5), request a copy of such form from any licensed dealer, as defined in this title, in accordance with such regulations.

"(5) The Secretary shall, within 90 days after the date of enactment of this subsection, prescribe regulations for the request and delivery of such form 4473, or equivalent.".

SEC. 703. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following:

"(25) The term 'assault weapon' means any firearm designated as an assault weapon in this paragraph, including:

"(A) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models),

"(B) Action Arms Israeli Military Industries UZI and Galil,

"(C) Beretta AR-70 (SC-70),

"(D) Colt AR-15 and CAR-15,

"(E) Fabrique Nationale FN/FAL, FN/LAR, and FNC,

"(F) MAC 10 and MAC 11,

"(G) Steyr AUG,

"(H) INTRATEC TEC-9, and

"(I) Street Sweeper and Striker 12.".

SEC. 704. SECRETARY TO RECOMMEND DESIGNATION AS ASSAULT WEAPON.

Chapter 44 of title 18, United States Code, is amended—

(1) by adding at the end thereof the following new section:

"§ 931. Additional assault weapons

"The Secretary, in consultation with the Attorney General, may, when appropriate, recommend to the Congress the addition or deletion of firearms to be designated as assault weapons."; and

(2) in the table of sections by adding at the end thereof the following new item:

"931. Additional assault weapons.".

SEC. 705. ENHANCED PENALTIES.

Section 924(c) of title 18, United States Code, is amended by inserting "and if the firearm is an assault weapon, to imprisonment for 10 years," after "sentenced to imprisonment for five years,".

SEC. 706. DISABILITY.

Section 922(g)(1) of title 18, United States Code, is amended by inserting before the semicolon at the end thereof the following: "or a violation of section 924(i) of this chapter".

SEC. 707. STUDY BY ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General is authorized and directed to investigate and study the effect of the provisions of this title and the amendments made by this title and any impact therefrom on violent and drug trafficking crime. Such study shall be done over a period of 18 months, commencing 12 months after the date of enactment of this title.

(b) REPORT.—No later than 30 months after the date of enactment of this title, the Attorney General shall prepare and submit to the Senate of the United States, a report setting forth in detail the findings and determinations made pursuant to subsection (a).

SEC. 708. SUNSET PROVISION.

Unless otherwise provided, this title and the amendments made by this title shall become effective 30 days after the date of enactment of this title. This title, except for section 407, shall be effective for a period of 3 years. At the end of such 3-year period this title and the amendments made by this title, except for section 407, shall be repealed.

TITLE VIII—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Police Corps and Law Enforcement Training and Education Act".

SEC. 802. PURPOSES.

The purposes of this title are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 803. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in subtitle A and the Law Enforcement Scholarship program established in subtitle B and shall have authority to promulgate regulations to implement this title.

SEC. 804. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under subtitle A or the Law Enforcement Scholarship program under subtitle B shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this title;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program;

(4) if the State desires to participate in the Police Corps program under subtitle A, meet the requirements of section 816; and

(5) if the State desires to participate in the Law Enforcement Scholarship program under subtitle B, meet the requirements of section 826.

Subtitle A—Police Corps Program

SEC. 811. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to section 813;

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(6) the term "State Police Corps program" means a State police corps program approved under section 816.

SEC. 812. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director is authorized to award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed—

(i) $10,000; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $13,333.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $40,000.

(4) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(5)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director is authorized to make payments to a participant to reimburse such participant for the costs of educational expenses if such student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $10,000; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $13,333.

(C) The total amount of payments made pursuant to subparagraph (A) to any one student shall not exceed $40,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education.

(d) AGREEMENT.—(1) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the participant shall—

(A) after successful completion of a baccalaureate program and training as prescribed in section 814, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study);

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 814; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent in the event that the conditions of subparagraphs (A) and (B) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) In the event that a scholarship recipient is unable to comply with the repayment provision set forth in subparagraph (B) of paragraph (1) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's or dependent child's gross income shall not include any amount paid as scholarship assistance under this section or as a stipend under section 814.

(g) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

(h) DEFINITION.—For the purposes of this section the term "institution of higher education" has the meaning given that term in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 813. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 815(c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this title, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 815, and such a participant shall be subject to the same benefits and obligations under this subtitle as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 815, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this Act that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of racial and ethnic groups whose representation on the police forces within the State is substantially less than in the population of the State as a whole. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education (as described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)))—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 814. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subtitle.

(2) The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces), to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 816 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 815. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 814 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 812, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 812(d)(1)(C) shall not apply.

SEC. 816. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 813;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 817. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $400,000,000 for fiscal year 1992 and such sums as are necessary to carry out the subtitle for fiscal years 1993, 1994, 1995, and 1996.

Subtitle B—Law Enforcement Scholarship Program

SEC. 821. DEFINITIONS.

As used in this subtitle—

(1) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies and related expenses;

(2) the term "institution of higher education" has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(3) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(4) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 822. ALLOTMENT.

From amounts appropriated under the authority of section 829, the Director shall allocate—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State; and

(2) 20 percent of such funds to States on the basis of the State's shortage of law enforcement personnel and the need for assistance under this subtitle.

SEC. 823. PROGRAM ESTABLISHED.

(a) IN GENERAL.—From amounts available pursuant to section 822 each State shall pay the Federal share of the cost of awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education.

(b) FEDERAL SHARE.—(1) The Federal share of the cost of scholarships under this subtitle shall not exceed 60 percent.

(2) The non-Federal share of the cost of scholarships under this subtitle shall be supplied from sources other than the Federal Government.

(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall be responsible for the administration of the program conducted pursuant to this subtitle and shall, in consultation with the Assistant Secretary for Postsecondary Education, promulgate regulations to implement this subtitle.

(d) SPECIAL RULE.—Each State receiving an allotment under section 823 shall ensure that each scholarship recipient under this subtitle be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(e) SUPPLEMENTATION OF FUNDING.—Funds received under this subtitle shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 824. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this subtitle shall be for a period of one academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subtitle may use such scholarship for educational expenses at any accredited institution of higher education.

SEC. 825. ELIGIBILITY.

An individual shall be eligible to receive a scholarship under this subtitle if such individual has been employed in law enforcement for 2 years immediately preceding the date for which assistance is sought.

SEC. 826. STATE PLAN REQUIREMENTS.

A State law enforcement scholarship plan shall—

(1) contain assurances that the State shall make scholarship payments to institutions of higher education on behalf of individuals receiving financial assistance under this subtitle;

(2) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel;

(3) contain assurances that the State shall promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in high schools and community colleges; and

(4) contain assurances that the State shall not expend for administrative expenses more than 8 percent of Federal funds received under section 823.

SEC. 827. LOCAL APPLICATION.

(a) IN GENERAL.—Each individual desiring a scholarship under this subtitle shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require. Each such application shall describe the academic courses for which financial assistance is sought.

(b) PRIORITY.—In awarding scholarships under this subtitle, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State; and

(2) pursuing an undergraduate degree.

SEC. 828. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—Each individual receiving a scholarship under this subtitle shall enter into an agreement with the Director.

(b) CONTENTS.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual shall work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay all of the scholarship assistance awarded under this title in accordance with such terms and conditions as the Director shall prescribe, in the event that the requirements of the agreement under paragraph (1) are not complied with except where the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this subtitle may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this subtitle.

(c) SERVICE OBLIGATION.—(1) Each individual awarded a scholarship under this subtitle shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which financial assistance is received under this subtitle.

(2) For purposes of satisfying the requirement specified in paragraph (1) each individual awarded a scholarship under this Act shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than 6 months nor more than 2 years.

SEC. 829. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $30,000,000 for fiscal year 1992 and such sums as are necessary to carry out the subtitle for fiscal years 1993, 1994, 1995, and 1996.

Subtitle C—Reports

SEC. 831. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—No later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program authorized by subtitle A, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic dispersion of participants in the Police Corps program;

(3) state the number of present and past scholarship recipients under subtitle B, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement;

(4) describe the geographic, racial, and gender dispersion of scholarship recipients under subtitle B; and

(5) describe the progress of the programs authorized by this title and make recommendations for changes in the programs.

(b) SPECIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to Congress containing a plan to expand the assistance provided under subtitle B to Federal law enforcement officers. Such plan shall contain information of the number and type of Federal law enforcement officers eligible for such assistance.

TITLE IX—FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 901. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Act of 1991".

SEC. 902. AUTHORIZATION FOR FEDERAL LAW ENFORCEMENT AGENCIES.

There is authorized to be appropriated for fiscal year 1992, $345,500,000 (which shall be in addition to any other appropriations) to be allocated as follows:

(1) For the Drug Enforcement Administration, $100,500,000, which shall include:

(A) not to exceed $45,000,000 to hire, equip and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas;

(B) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of state and local overtime, equipment and personnel costs; and

(C) not to exceed $5,000,000 to hire, equip and train not less than 50 special agents and necessary support personnel to investigate violations of the Controlled Substances Act relating to anabolic steroids.

(2) For the Federal Bureau of Investigation, $98,000,000, for the hiring of additional agents and support personnel to be dedicated to the investigation of drug trafficking organizations;

(3) For the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(A) $25,000,000 to hire, train and equip no fewer than 500 full-time equivalent Border Patrol officer positions;

(B) $20,000,000, to hire, train and equip no fewer than 400 full-time equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

(4) For the United States attorneys, $45,000,000 to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses;

(5) For the United States Marshals Service, $10,000,000;

(6) For the Bureau of Alcohol, Tobacco and Firearms, $15,000,000 to hire, equip and train not less than 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs;

(7) For the United States courts, $20,000,000 for additional magistrates, probation officers, other personnel and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title; and

(8) For Federal defender services, $12,000,000 for the defense of persons prosecuted for drug trafficking and related crimes.

TITLE X—HABEAS CORPUS REFORM ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1991".

SEC. 1002. SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES.

Part VI of title 28 of the United States Code is amended by inserting following chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2258. Filing of habeas corpus petition; time requirements; tolling rules.
"2259. Evidentiary hearings; scope of Federal review; district court adjudication.
"2260. Certificate of probable cause inapplicable.
"2261. Counsel in capital cases; trial and post-conviction; standards.
"2262. Law controlling in Federal habeas corpus proceedings; retroactivity.

"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 of this title brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable fees and litigation expenses of competent counsel consistent with section 2261 of this title.

"(c)(1) Upon receipt of notice that counsel has been appointed to represent a prisoner under sentence of death after the prisoner's conviction and sentence have been upheld on direct review in a State court of last resort or in the Supreme Court of the United States if application is made to that court, the State court of last resort shall enter an order confirming the appointment and shall direct its clerk to forward the record of the case to the attorney appointed.

"(2) Upon receipt of notice that counsel has been offered to, but declined by, a prisoner described in paragraph (1), the State court of last resort shall direct an appropriate court or judge to hold a hearing, at which the prisoner and the attorney offered to the prisoner shall be present, to determine whether the prisoner is competent to decide whether to accept or reject the appointment of counsel and whether, if competent, the prisoner knowingly and intelligently waives the appointment of counsel. The court or judge shall report its determinations to the State court of last resort, which shall review the determinations for error. If the State court of last resort concludes that the prisoner is incompetent and does not waive counsel, the court shall enter an order confirming the appointment of the attorney assigned to the prisoner by the appointing authority and shall direct the clerk to forward the record to the attorney appointed. If the court concludes that the prisoner is competent and waives counsel, the court shall enter an order that counsel need not be appointed and shall direct the clerk to forward the record to the prisoner.

"(3) Nothing in this section requires the appointment of counsel to a prisoner who is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner in State collateral proceedings shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel appointed under this chapter during State or Federal collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under this chapter or section 2254 of this title. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal post-conviction proceedings.

"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the State court of last resort of an order pursuant to section 2256(c) of this title, a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed pursuant to section 2254 of this title. The application must recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 of this title within the time required in section 2258 of this title;

"(2) upon completion of district court and court of appeals review under section 2254 of this title the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254 of this title.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented by the prisoner in the State or Federal courts, and the failure to raise the claim is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence;

"(2) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the jury's determination of guilt on the offense or offenses for which the death penalty was imposed; or

"(3) a stay and consideration of the requested relief are necessary to prevent a miscarriage of justice.

"§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

"Any petition for habeas corpus relief under section 2254 of this title must be filed in the appropriate district court not later than 365 days after the date of filing in the State court of last resort of an order issued in compliance with section 2256(c) of this title. The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner seeks review of a capital sentence that has been affirmed on direct appeal by the court of last resort of the State or has otherwise become final for State law purposes;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for post-conviction review pending before a State court of competent jurisdiction and if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for post-conviction review until final disposition of the case by the State court of last resort, and further until final disposition of the matter by the Supreme Court of the United States, if a timely petition for review is filed; and

"(3) during an additional period not to exceed 90 days, if counsel for the State prisoner—

"(A) moves for an extension of time in the United States district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254 of this title; and

"(B) makes a showing of good cause for counsel's inability to file the habeas corpus petition within the 365-day period established by this section.

"§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the evidentiary record for habeas corpus review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

Upon the development of a complete evidentiary record under this subsection, the district court shall rule on the merits of the claims properly before it.

"(b)(1) Except as provided in paragraph (2), a district court may refuse to consider a claim under this section if—

"(A) the prisoner previously failed to raise the claim in State court at the time and in the manner prescribed by State law;

"(B) the State courts, for that reason, refused or would refuse to entertain the claim; and

"(C) such refusal would constitute an adequate and independent State law ground that would foreclose direct review of the State court judgment in the United States Supreme Court.

"(2) A district court shall consider a claim under this section if the prisoner shows that the failure to raise the claim in a State court was due to the ignorance or neglect of the prisoner or counsel or if the failure to consider such a claim would result in a miscarriage of justice.

"§2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.

"§2261. Counsel in capital cases; trial and post-conviction; standards

"(a) A mechanism for the provision of counsel services to indigents sufficient to invoke the provisions of this chapter under section 2256(b) of this title shall provide for counsel to—

"(1) indigents charged with offenses for which capital punishment is sought;

"(2) indigents who have been sentenced to death and who seek appellate or collateral review in State court; and

"(3) indigents who have been sentenced to death and who seek certiorari review in the United States Supreme Court.

"(b)(1) In the case of an appointment made before trial, at least one attorney appointed under this chapter must have been admitted to practice in the court in which the prosecution is to be tried for not less than 5 years, and must have had not less than 3 years' experience in the trial of felony prosecutions in that court.

"(2) In the case of an appointment made after trial, at least one attorney appointed under this chapter must have been admitted to practice in the court of last resort of the State for not less than 5 years, and must have had not less than 3 years' experience in the handling of appeals in that State's courts in felony cases.

"(3) Notwithstanding paragraphs (1) and (2) of this subsection, a court, for good cause and upon the defendant's request, may appoint another attorney whose background, knowledge, or experience would otherwise enable the attorney to properly represent the defendant, with due consideration of the seriousness of the possible penalty and the unique and complex nature of the litigation.

"(c) Upon a finding in ex parte proceedings that investigative, expert or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or issues relating to sentence, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment of fees and expenses therefor, under subsection (d). Upon finding that timely procurement of such services could not practicably await prior authorization, the court may authorize the provision of and payment of such services nunc pro tunc.

"(d) Notwithstanding the rates and maximum limits generally applicable to criminal cases and any other provision of law to the contrary, the court shall fix the compensation to be paid to an attorney appointed under this subsection and the fees and expenses to be paid for investigative, expert, and other reasonably necessary services authorized under subsection (c), at such rates or amounts as the court determines to be reasonably necessary to carry out the requirements of this subsection.".

SEC. 1003. LAW APPLICABLE IN CHAPTER 153 PROCEEDINGS.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§2255A. Law applicable

"(a) Except as provided in subsection (b) of this section, each claim under this chapter shall be governed by the law existing on the date the court determines the claim.

"(b) In determining whether to apply a new rule, the court shall consider—

"(1) the purpose to be served by the new rule;

"(2) the extent of the reliance by law enforcement authorities on a different rule; and

"(3) the effect on the administration of justice of the application of the new rule.

"(c) For purposes of this section, the term 'new rule' means a sharp break from precedent announced by the Supreme Court of the United States that explicitly and substantially changes the law from that governing at the time the claimant's sentence became final. A rule is not new merely because, based on precedent existing before the rule's announcement, it was susceptible to debate among reasonable minds.".

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 153 of title 28, United States Code, is amended by adding at the end thereof of the following:

"2255A. Law applicable.".

TITLE XI—PUNISHMENT OF GUN CRIMINALS

SEC. 1101. SHORT TITLE.

This title may be cited as the "Gun Criminals Punishment Act of 1991".

SEC. 1102. DEATH PENALTY FOR GUN MURDERS.

Section 924(c) of title 18, United States Code, is amended by—

(1) inserting "(A)" after "(1)";

(2) designating the second sentence as subparagraph (B);

(3) designating the third and fourth sentences as subparagraph (D); and

(4) inserting before subparagraph (D) the following:

"(C) Whoever violates the terms of subparagraph (A) and, with the intent to kill, discharges a firearm that kills another person, shall be sentenced to death or life imprisonment without release.".

SEC. 1103. INCREASED PENALTIES FOR VIOLENT GUN CRIMES.

(a) IN GENERAL.—Section 924(c)(1) of title 18, United States Code, is amended by—

(1) striking subparagraph (A) and inserting the following:

"(A) Whoever, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States—

"(i) carries, possesses, or discharges a firearm, with the intent to injure another person, shall, in addition to the penalties already provided for such crime of violence or drug trafficking crime, be sentenced to imprisonment for a term from 5 to 10 years;

"(ii) carries, possesses or discharges a firearm that is an assault weapon, shall, in addition to the penalties already provided for such crime of violence or drug trafficking crime, be sentenced to imprisonment for a term from 10 to 15 years; or

"(iii) carries, possesses or discharges a firearm that is a machine gun, an explosive device, or is equipped with a firearm silencer or firearm muffler, shall be sentenced to imprisonment for 30 years."; and

(2) striking subparagraph (B), as designated by section 1102 of this Act, and inserting the following:

"(B) In the case of a second conviction under this subsection, such person shall be sentenced to imprisonment for 20 years and, if the firearm is an assault weapon, a machinegun, an explosive device, or is equipped with a firearm silencer or firearm muffler, to life imprisonment.".

"(b) SENTENCING GUIDELINES FOR NEW PENALTIES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission, shall promulgate guidelines or amend existing guidelines to provide for a sentencing enhancement in accord with the provisions of subsection (c)(1)(A) of section 924 of title 18, United States Code.".

SEC. 1104. POSSESSION OF AN EXPLOSIVE DURING THE COMMISSION OF A FELONY.

(a) POSSESSION OF EXPLOSIVES.—Section 844(h) of title 18, United States Code, is amended by striking "carries an explosive during" and inserting "carries or otherwise possesses an explosive during".

(b) PENALTY.—Section 844(h) of title 18, United States Code, is amended by striking "ten years" and inserting "twenty years".

SEC. 1105. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B), by striking "(a)(6),"; and

(2) in subsection (a)(2), by inserting "(a)(6)," after "subsections".

SEC. 1106. CLARIFICATION OF PENALTY ENHANCEMENT.

Section 924(c)(1)(D) of title 18, United States Code, is amended by striking "convicted of a violation of" and inserting "sentenced pursuant to".

SEC. 1107. PENALTIES FOR IMPROPER TRANSFER, STEALING FIREARMS, OR SMUGGLING A FIREARM IN DRUG-RELATED OFFENSE.

Section 924 of title 18, United States Code, is amended by adding at the end thereof the following:

"(l) Whoever knowingly fails to acquire form 4473, or equivalent (pursuant to 27 CFR 178.124), with respect to the lawful transferring, transporting, shipping, receiving, or possessing of any assault weapon, as required by the provisions of this chapter, shall be fined not more than $1,000 (in accordance with section 3571(e) of this title), imprisoned for not more than 6 months, or both.".

SEC. 1108. THEFT OF FIREARMS AND EXPLOSIVES.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(k) Whoever steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not more than 20 years, or fined under this title, or both.".

SEC. 1109. BAR ON SALE OF FIREARMS AND EXPLOSIVES TO OR POSSESSION OF FIREARMS AND EXPLOSIVES BY PERSONS CONVICTED OF A VIOLENT OR SERIOUS DRUG MISDEMEANOR.

(a) FIREARMS.—Sections 842(d)(2) and 922(d)(1) of title 18, United States Code, are each amended by inserting ", or has been convicted in any court of any crime of violence involving use of a firearm or destructive device or misdemeanor drug or narcotic offense (as defined in section 404(c) of the Controlled Substances Act, 21 U.S.C. 844(c)) for which the penalty imposed was greater than 6 months (it is a bar to a prosecution under this paragraph that the conviction for a misdemeanor drug or narcotic offense occurred prior to the date of enactment of the Violent Crime Control Act of 1991)" after "crime punishable by imprisonment for a term exceeding one year";

(b) EXPLOSIVES.—Sections 842(i)(1) and 922(g)(1) of title 18, United States Code, are each amended by inserting "or has been convicted in any court of any crime of violence involving use of a firearm or destructive device or misdemeanor drug or narcotic offense (as defined in section 404(c) of the Controlled Substances Act, 21 U.S.C. 844(c)) for which the maximum penalty is greater than 6 months (it is a bar to a prosecution under this section that the conviction for a serious misdemeanor drug or narcotic offense occurred prior to the date of enactment of the Violent Crime Control Act of 1991)" after "crime punishable by imprisonment for a term exceeding one year";

SEC. 1110. PERMITTING CONSIDERATION OF PRETRIAL DETENTION FOR CERTAIN FIREARMS AND EXPLOSIVES OFFENSES.

Section 3142(f)(1) of title 18, United States Code, is amended by—

(1) striking "or" after the semicolon in subparagraph (C);

(2) redesignating subparagraph (D) as subparagraph (E); and

(3) inserting after subparagraph (C) the following:

"(D) an offense under section 844(a) that is a violation of subsection (d), (h), or (i) of section 842 or an offense under section 924(a) that is a violation of subsection (d), (g), (h), (i), (j), (o), (q), or (s) of section 922; or".

SEC. 1111. DISPOSITION OF FORFEITED FIREARMS.

Subsection 5872(b) of the Internal Revenue Code of 1986 (26 U.S.C. 5872(b)), is amended to read as follows:

"(b) DISPOSAL.—In the case of the forfeiture of any firearm, where there is no remission or mitigation of forfeiture thereof—

"(1) The Secretary may retain the firearm for official use of the Department of the Treasury or, if not so retained, offer to transfer the weapon without charge to any other executive department or independent establishment of the Government for official use by it and, if the offer is accepted, so transfer the firearm;

"(2) If the firearm is not disposed of pursuant to paragraph (1), is a firearm other than a machinegun or a firearm forfeited for a violation of this chapter, is a firearm that in the opinion of the Secretary is not so defective that its disposition pursuant to this paragraph would create an unreasonable risk of a malfunction likely to result in death or bodily injury, and is a firearm which (in the judgment of the Secretary, taking into consideration evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less) derives a substantial part of its monetary value from the fact that it is novel, rare, or because of its association with some historical figure, period, or event the Secretary may sell such firearm, after public notice, at public sale to a dealer licensed under the provisions of chapter 44 of title 18, United States Code;

"(3) If the firearm has not been disposed of pursuant to paragraphs (1) or (2), the Secretary shall transfer the firearm to the Administrator of General Services, General Services Administration, who shall destroy or provide for the destruction of such firearm; and

"(4) No decision or action of the Secretary pursuant to this subsection shall be subject to judicial review.".

SEC. 1112. CLARIFICATION OF "BURGLARY" UNDER THE ARMED CAREER CRIMINAL STATUTE.

Section 924(e)(2) of title 18, United States Code, is amended by adding at the end thereof the following:

"(D) the term 'burglary' means any crime punishable by a term of imprisonment exceeding one year and consisting of entering or remaining surreptitiously within a building that is the property of another with intent to engage in conduct constituting a Federal or State offense.".

SEC. 1113. CLARIFICATION OF DEFINITION OF CONVICTION.

Section 921(a)(20) of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the previous sentence, if the conviction was for a violent felony involving the threatened or actual use of a firearm or explosive or was for a serious drug offense, as defined in section 924(e) of this title, the person shall be considered convicted for purposes of this chapter irrespective of any pardon, setting aside, or expunction of the original conviction.".

TITLE XII—PRISON FOR VIOLENT DRUG OFFENDERS

SEC. 1201. REGIONAL PRISONS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The total population of Federal, State, and local prisons and jails increased by 84 percent between 1980 and 1988 and currently numbers more than 900,000 people.

(2) More than 60 percent of all prisoners have a history of drug abuse or are regularly using drugs while in prison, but only 11 percent of State prison inmates and 7 percent of Federal prisoners are enrolled in drug treatment programs. Hundreds of thousands of prisoners are not receiving needed drug treatment while incarcerated, and the number of such persons is increasing rapidly.

(3) Drug-abusing prisoners are highly likely to return to crime upon release, but the recidivism rate is much lower for those who successfully complete treatment programs. Providing drug treatment to prisoners during incarceration therefore provides an opportunity to break the cycle of recidivism, reducing the crime rate and future prison overcrowding.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the fiscal year ending September 30, 1991, the following amounts:

(1) $600,000,000 for the construction of 10 regional prisons; and

(2) $100,000,000 for the operation of such regional prisons for one year.

Such amounts shall be in addition to any other amounts authorized to be appropriated to the Bureau of Prisons.

(c) LOCATION AND POPULATION.—The regional prisons authorized by this section shall be located in places chosen by the Director of National Drug Control Policy, after consulting with the Director of the Bureau of Prisons, not less than 6 months after the effective date of this section. Each such facility shall be used to accommodate a population consisting of State and Federal prisoners in proportions of 20 percent Federal and 80 percent State.

(d) ELIGIBILITY OF PRISONERS.—The regional prisons authorized by this section shall be used to incarcerate State and Federal prisoners who have release dates of not more than 2 years from the date of assignment to the prison and who have been found to have substance abuse problems requiring long-term treatment.

(e) STATE RESPONSIBILITIES.—(1) The States shall select prisoners for assignment to the regional prisons who, in addition to satisfying eligibility criteria otherwise specified in this section, have long-term drug abuse problems and serious criminal histories. Selection of such persons is necessary for the regional prison program to have the maximum impact on the crime rate and future prison overcrowding, since such persons are the ones most likely to commit new crimes following release. Prisoners selected for assignment to a regional prison must agree to the assignment.

(2) Any State seeking to refer a State prisoner to a regional prison shall submit to the Director of the Bureau of Prisons (referred to as the "Director") an aftercare plan setting forth the provisions that the State will make for the continued treatment of the prisoner in a therapeutic community following release. The aftercare plan shall also contain provisions for vocational job training where appropriate.

(3) The State referring the prisoner to the regional prison (referred to as the "sending State") shall reimburse the Bureau of Prisons for the full cost of the incarceration and treatment of the prisoner, except that if the prisoner successfully completes the treatment program, the Director shall return to the sending State 25 percent of the amount paid for that prisoner. The total amount returned to each State under this paragraph in each fiscal year shall be used by that State to provide the aftercare treatment required by paragraph (2).

(f) POWERS OF THE DIRECTOR.—(1) The Director shall have the exclusive right to determine whether or not a State or Federal prisoner satisfies the eligibility requirements of this section, and whether the prisoner is to be accepted into the regional prison program. The Director shall have the right to make this determination after the staff of the regional prison has had an opportunity to interview the prisoner in person.

(2) The Director shall have the exclusive right to determine if a prisoner in the regional treatment program is complying with all of the conditions and requirements of the program. The Director shall have the authority to return any prisoner not complying with the conditions and requirements of the program to the sending State at anytime. The Director shall notify the sending State whenever such prisoner is returned that the prisoner has not successfully completed the treatment program.

TITLE XIII—BOOT CAMPS

SEC. 1301. BOOT CAMPS.

(a) IN GENERAL.—Not later than 1 year after the effective date of this section, the Attorney General shall establish within the Bureau of Prisons 10 military-style boot camp prisons (referred to in this title as "boot camps"). The boot camps will be located on closed military installations on sites to be chosen by the Director of National Drug Control Policy, after consultation with the Director of the Bureau of Prisons, and will provide a highly regimented schedule of strict discipline, physical training, work, drill, and ceremony characteristic of military basic training as well as remedial education and treatment for substance abuse.

(b) CAPACITY.—Each boot camp shall be designed to accommodate between 200 and 300 inmates for periods of not less than 90 days and not greater than 120 days. Not more than 20 percent of the inmates shall be Federal prisoners. The remaining inmates shall be State prisoners who are accepted for participation in the boot camp program pursuant to subsection (d).

(c) FEDERAL PRISONERS.—Section 3582 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) BOOT CAMP PRISON AS A SENTENCING ALTERNATIVE.—(1) The court, in imposing sentence in the circumstances described in paragraph (2), may designate the defendant as eligible for placement in a boot camp prison. The Bureau of Prisons shall determine whether a defendant so designated will be assigned to a boot camp prison.

"(2) A defendant may be designated as eligible for placement in boot camp prison if—

"(A) the defendant—

"(i) is under 25 years of age;

"(ii) has no prior conviction for which he or she has served more than 10 days incarceration; and

"(iii) has been convicted of an offense involving a controlled substance punishable under the Controlled Substances Act or the Controlled Substances Export and Import Act, or any other offense if the defendant, at the time of arrest or at any time thereafter, tested positive for the presence of a controlled substance in his or her blood or urine; and

"(B) the sentencing court finds that the defendant's total offense level under the Federal sentencing guidelines is level 9 or less.

"(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate to any other correctional facility in the Federal prison system.

"(4) Successful completion of assignment to a boot camp shall constitute satisfaction of any period of active incarceration, but shall not affect any aspect of a sentence relating to a fine, restitution, or supervised release.".

(d) STATE PRISONERS.—(1) Any person who has been convicted of a criminal offense in any State, or who anticipates entering a plea of guilty of such offense, but who has not yet been sentenced, may apply to be assigned to a boot camp. Such application shall be made to the Bureau of Prisons and shall be in the form designated by the Director of the Bureau of Prisons and shall contain a statement certified by counsel for the applicant that at the time of sentencing the applicant is likely to be eligible for assignment to a boot camp pursuant to paragraph (2). The Bureau of Prisons shall respond to such applications within 14 days so that the sentencing court is aware of the result of the application at the time of sentencing. In responding to such applications, the Bureau of Prisons shall determine, on the basis of the availability of space, whether a defendant who becomes eligible for assignment to a boot camp prison at the time of sentencing will be so assigned.

(2) A person convicted of a State criminal offense shall be eligible for assignment to a boot camp if he or she—

(A) is under 25 years of age;

(B) has no prior conviction for which he or she has served more than 10 days incarceration;

(C) has been sentenced to a term of imprisonment that will be satisfied under the law of the sentencing State if the defendant successfully completes a term of not less than 90 days nor more than 120 days in a boot camp;

(D) has been designated by the sentencing court as eligible for assignment to a boot camp; and

(E) has been convicted of an offense involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or any other offense if the defendant, at the time of arrest or at any time thereafter, tested positive for the presence of a controlled substance in his or her blood or urine.

(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate back to the jurisdiction of the State sentencing court.

(4) Each State that refers a prisoner to a boot camp shall reimburse the Bureau of Prisons for—

(A) 80 percent of the cost incurred by the Bureau of Prisons for incarceration and treatment and other services to such prisoner that successfully completes the program; and

(B) 100 percent of such costs for each prisoner that enters a boot camp but does not successfully complete the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000,000 for fiscal year 1992 of which not more than $12,500,000 shall be used to convert each closed military base to a boot camp prison and not more than $2,500,000 shall be used to operate each boot camp for one fiscal year. Such amounts shall be in addition to any other amounts authorized to be appropriated to the Bureau of Prisons.

TITLE XIV—YOUTH VIOLENCE ACT

Subtitle A—Increasing Penalties for Employing Children to Distribute Drugs Near Schools and Playgrounds

SEC. 1401. STRENGTHENING FEDERAL PENALTIES.

(a) Section 405A of the Controlled Substances Act (21 U.S.C. 845a) is amended as follows:

(1) at the end of subsection (b) by adding the following:

"(c) Notwithstanding any other provision of law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to violate any provision of this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to assist in avoiding detection or apprehension for any offense of this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, or fine, or both, up to triple that authorized by section 841(b) of this title.";

(2) in subsection (c) by—

(A) striking "(c)" and inserting in lieu thereof "(d)";

(B) inserting "or (c)" after "imposed under subsection (b)"; and

(C) inserting "or (c)" after "convicted under subsection (b)";

(3) in subsection (d) by striking "(d)" and inserting in lieu thereof "(e)".

Subtitle B—Anti-gang Grants

SEC. 1411. GRANT PROGRAM.

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended in part B by—

(1) inserting after the heading for such part the following:

"Subpart I—General Grant Programs";

and

(2) adding at the end thereof a new subpart II, as follows:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs including education, prevention, treatment and enforcement programs to reduce—

(1) the formation or continuation of juvenile gangs; and

(2) the use and sale of illegal drugs by juveniles.

"(b) The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

"(3) To develop within the juvenile justice system, including the juvenile corrections system, new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) To reduce juvenile drug and gang-related activity in public housing projects;

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

"(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic or artistic enrichment that also teach that drug and gang involvement are wrong.

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in the drug trafficking, drug use or gang-related activities;

"(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers; and

"(10) To provide education and treatment programs for youth exposed to severe violence in their homes, schools or neighborhoods.

"(c) Of the funds made available to each State under this section (Formula Grants) 50 per centum of the funds made available to each State in any fiscal year shall be used for juvenile drug supply reduction programs and 50 per centum shall be used for juvenile drug demand reduction programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) The purpose of this section is to provide additional Federal assistance and support to identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs. In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(b) The Administrator is authorized to make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231. The Administrator shall have final authority over all funds awarded under this subchapter.

"(c) Of the total amount appropriated for this subchapter, 20 per centum shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 232(a). Grants made under this section may be made for amounts up to 100 per centum of the costs of the programs or projects.

"AUTHORIZATION

"SEC. 233. There is authorized to be appropriated $100,000,000 in fiscal year 1992 and such sums as may be necessary in fiscal year 1993 to carry out the purposes of this subpart.

"ALLOCATION OF FUND

"SEC. 234. Of the total amounts appropriated under this subpart in any fiscal year the amount remaining after setting aside the amounts required to be reserved to carry out section 232 (Discretionary Grants) shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States;

"(2) Of the total funds remaining after the allocation under paragraph (a), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles of such State bears to the population of juveniles of all the States.

"APPLICATION

"SEC. 235. (a) Each State applying for grants under section 231 (Formula Grants) and each public or private entity applying for grants under section 232 (Discretionary Grants) shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) To the extent practical, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the applications required under part I (general juvenile justice formula grant) and part C (special emphasis prevention and treatment grants), including the procedures relating to competition.

"(c) In addition to the requirements prescribed in subsection (b), each State application submitted under section 231 shall include a detailed description of how the funds made available shall be coordinated with Federal assistance provided in parts B and C of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 and by the Bureau of Justice Assistance under the Drug Control and System Improvement Grant program.

"REVIEW AND APPROVAL OF APPLICATIONS

"SEC. 236. The procedures and time limits imposed on the Federal and State Governments under sections 505 and 508, respectively, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.".

SEC. 1412. CONFORMING AMENDMENTS.

(a) TITLE II.—Section 291 of title II of the Juvenile Justice Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(other than part D)";

(B) and by striking paragraph (2) in its entirety; and

(2) in subsection (b) by striking "(other than part D)".

(b) PART D.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 is hereby repealed.

(c) PART E.—Part E of title II of such Act is redesignated as part D.

Subtitle C—Juvenile Penalties

SEC. 1421. TREATMENT OF VIOLENT JUVENILES AS ADULTS.

(a) JURISDICTION OVER CERTAIN FIREARMS OFFENSES.—Section 5032(a) of title 18, United States Code, as so designated by this section, is amended by striking "922(p)" and inserting "924 (b), (g), or (h)".

(b) ADULT STATUS OF JUVENILES WHO COMMIT FIREARMS OFFENSES.—Section 5032(d) of title 18, United States Code, is amended—

(1) by striking "A juvenile" and inserting "(1) Except as provided in paragraphs (2) and (3), a juvenile";

(2) by striking ", except that," and designating the following matter up to the semicolon as paragraph (2);

(3) by striking "however" after the semicolon and designating the remaining matter as paragraph (3); and

(4) by inserting in paragraph (2) "or section 924 (b), (g), or (h) of this title," after "959),".

(c) FACTORS FOR TRANSFERRING A JUVENILE TO ADULT STATUS.—Section 5032(e) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Evidence";

(2) by striking "intellectual development and psychological maturity;" and inserting "level of intellectual development and maturity; and";

(3) by inserting ", such as rehabilitation and substance abuse treatment," after "past treatment efforts";

(4) by striking "; the availability of programs designed to treat the juvenile's behavioral problems"; and

(5) by adding at the end the following:

"(2) In considering the nature of the offense, as required by this subsection, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use and distribution of controlled substances or firearms. Such factors, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of such factors shall not preclude a transfer to adult status.".

SEC. 1422. SERIOUS DRUG OFFENSES BY JUVENILES AS ARMED CAREER CRIMINAL ACT PREDICATES.

(a) ACT OF JUVENILE DELINQUENCY.—Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (i);

(2) by striking out "and" at the end of clause (ii) and inserting in lieu thereof "or"; and

(3) by adding a new clause (iii), as follows:

"(iii) any act of juvenile delinquency that if committed by an adult would be punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)); and".

(b) SERIOUS DRUG OFFENSE.—Section 924(e)(2)(C) of title 18, United States Code, is amended by adding "or serious drug offense" after "violent felony".

TITLE XV—RURAL CRIME AND DRUG CONTROL ACT

Subtitle A—Fighting Drug Trafficking in Rural Areas

SEC. 1501. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new paragraph:

"(7) There are authorized to be appropriated $50,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out part O of this title.".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting in lieu thereof "$250,000".

SEC. 1502. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1503. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General shall cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(5) with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this title.

SEC. 1504. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated

$1,000,000 in each of the fiscal years 1992, 1993 and 1994 to carry out the purposes of subsection (a) of this section.

Subtitle B—Increasing Penalties for Certain Drug Trafficking Offenses

SEC. 1511. SHORT TITLE.

This subtitle may be cited as the "Ice Enforcement Act of 1991".

SEC. 1512. STRENGTHENING FEDERAL PENALTIES.

(a) LARGE AMOUNT.—Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) in clause (vii) by striking "or" at the end thereof;

(2) by inserting "or" at the end of clause (viii); and

(3) by adding a new clause (ix) as follows: "(ix) 25 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is 80 percent pure and crystalline in form.".

(b) SMALLER AMOUNT.—Section 401(b)(1)(B) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)) is amended as follows:

(1) at the end of clause (vii) by striking "or";

(2) by inserting at the end of clause (viii) the word "or"; and

(3) by adding a new clause (ix) as follows: "(ix) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is 80 percent pure and crystalline in form.".

Subtitle C—Rural Drug Prevention and Treatment

SEC. 1521. RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION GRANTS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end thereof the following new section:

"SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.

"(a) IN GENERAL.—The Director of the Office for Treatment Improvement (hereafter referred to in this section as the 'Director') shall establish a program to provide grants to hospitals, community health centers, migrant health centers, health entities of Indian tribes and tribal organizations (as defined in section 1913(b)(5)), and other appropriate entities that serve nonmetropolitan areas to assist such entities in developing and implementing projects that provide, or expand the availability of, substance abuse treatment services.

"(b) REQUIREMENTS.—To receive a grant under this section a hospital, community health center, or treatment facility shall—

"(1) serve a nonmetropolitan area or have a substance abuse treatment program that is designed to serve a nonmetropolitan area;

"(2) operate, or have a plan to operate, an approved substance abuse treatment program;

"(3) agree to coordinate the project assisted under this section with substance abuse treatment activities within the State and local agencies responsible for substance abuse treatment; and

"(4) prepare and submit an application in accordance with subsection (c).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

"(2) COORDINATED APPLICATIONS.—State agencies that are responsible for substance abuse treatment may submit coordinated grant applications on behalf of entities that are eligible for grants pursuant to subsection (b).

"(d) PREVENTION PROGRAMS.—

"(1) IN GENERAL.—Each entity receiving a grant under this section may use a portion of such grant funds to further community-based substance abuse prevention activities.

"(2) REGULATIONS.—The Director, in consultation with the Director of the Office of Substance Abuse Prevention, shall promulgate regulations regarding the activities described in paragraph (1).

"(e) SPECIAL CONSIDERATION.—In awarding grants under this section the Director shall give priority to—

"(1) projects sponsored by rural hospitals that are qualified to receive rural health care transition grants as provided for in section 4005(e) of the Omnibus Budget Reconciliation Act of 1987;

"(2) projects serving nonmetropolitan areas that establish links and coordinate activities between hospitals, community health centers, community mental health centers, and substance abuse treatment centers; and

"(3) projects that are designed to serve areas that have no available existing treatment facilities.

"(f) DURATION.—Grants awarded under subsection (a) shall be for a period not to exceed 3 years, except that the Director may establish a procedure for renewal of grants under subsection (a).

"(g) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, the Director shall provide grants to fund at least one project in each State.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $25,000,000 for each of the fiscal years 1992 and 1993.".

SEC. 1522. CLEARINGHOUSE PROGRAM.

Section 509 of the Public Health Service Act (42 U.S.C. 290aa–7) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period; and

(3) by adding at the end thereof the following new paragraphs—

"(5) to gather information pertaining to rural drug abuse treatment and education projects funded by the Alcohol, Drug Abuse, and Mental Health Administration, as well as other such projects operating throughout the United States; and

"(6) to disseminate such information to rural hospitals, community health centers, community mental health centers, treatment facilities, community organizations, and other interested individuals.".

Subtitle D—Rural Land Recovery Act

SEC. 1531. DIRECTOR OF RURAL LAND RECOVERY.

Each of the task forces established under section 1502(a) shall include one Director of Rural Land Recovery whose duties shall include the coordination of all activities outlined under this subtitle.

SEC. 1532. ASSET FORFEITURE.

(a) The assets seized from rural clandestine methamphetamine and other dangerous drugs laboratory operations and their operators shall be used primarily to fund the decontamination of the property and immediate environment chemically fouled by the operations or operators.

(b) Any assets that remain after the execution of provisions contained in subsection (a) shall be used to decontaminate properties chemically fouled by other such clandestine laboratory operations and operators throughout the jurisdiction of the task force.

SEC. 1533. PROSECUTION OF CLANDESTINE LABORATORY OPERATORS.

(a) State and Federal prosecutors, when bringing charges against the operators of clandestine methamphetamine and other dangerous drug laboratories shall, to the fullest extent possible, include, in addition to drug-related counts, counts involving infringements of the Resource Conservation and Recovery Act or any other environmental protection Act, including—

(1) illegal disposal of hazardous waste; and

(2) knowing endangerment of the environment.

(b) State and Federal prosecutors and private citizens may bring suit against the operators of clandestine methamphetamine and other dangerous drug laboratories for environmental and health related damages caused by the operators in their manufacture of illicit substances.

TITLE XVI—DRUG EMERGENCY AREAS ACT OF 1991

SEC. 1601. SHORT TITLE.

This title may be cited as the "Drug Emergency Areas Act of 1991".

SEC. 1602. DRUG EMERGENCY AREAS.

Subsection (c) of section 1005 of the National Narcotics Leadership Act of 1988 is amended to read as follows:

"(c) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) In the event that a major drug-related emergency exists throughout a State or a part of a State, the President may, in consultation with the Director and other appropriate officials, declare such State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or otherwise authorized by law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

"(2) PROCEDURE FOR DECLARATION.—(A) All requests for a declaration by the President designating an area to be a drug emergency area shall be made, in writing, by the Governor or chief executive officer of any affected State or local government, respectively, and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) Any request made under clause (A) of this paragraph shall be based on a written finding that the major drug-related emergency is of such severity and magnitude that effective response to save lives, and to protect property and public health and safety, that Federal assistance is necessary.

"(C) The President shall not limit declarations made under this subsection to highly-populated centers of drug trafficking, drug use or drug-related violence, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor(s) or chief executive officer(s) shall—

"(i) take appropriate response action under State or local law and furnish such information on the nature and amount of State and local resources which have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining the State and/or local government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (where possible quantitative goals) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review any request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving such application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President is authorized to make grants to State or local governments of up to, in the aggregate for any single major drug-related emergency, $50,000,000.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year. In any case where Federal assistance is provided under this Act, the Governor(s) or chief executive officer(s) may apply to the President, through the Director, for an extension of assistance beyond 1 year. The President, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) Any State or local government receiving Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Not later than 90 days after the enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as may be necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General shall conduct an audit of any Federal assistance (both monetary and nonmonetary) of an amount greater than $100,000 provided to a State or local government under this subsection, including an evaluation of the effectiveness of such assistance based on the goals contained in the application for assistance.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year 1992, 1993, 1994, 1995, and 1996, $300,000,000 to carry out the purposes of this subsection.".

TITLE XVII—DRUNK DRIVING CHILD PROTECTION ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the "Drunk Driving Child Protection Act of 1991".

SEC. 1702. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended by—

(1) striking "For purposes" and inserting "(1) Subject to the provisions of paragraph (2) and for purposes"; and

(2) adding at the end thereof the following:

"(2) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than one year and an additional fine of not more than $1,000, or both, if—

"(A) a non-driving minor was present in the motor vehicle when the offense was committed; and

"(B) the law of the State, territory, possession, or district applicable to the offense does not provide an additional term of imprisonment for an act described in subparagraph (A).".

SEC. 1703. COMMON CARRIERS.

Section 342 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "Whoever"; and

(2) adding at the end thereof the following:

"(b) In addition to any term of imprisonment imposed for an offense under subsection (a), the punishment for such offense shall include an additional term of imprisonment of not more than one year and an additional fine of not more than $1,000, or both, if a non-driving minor was present in the common carrier when the offense was committed.".

TITLE XVIII—COMMISSION ON CRIME AND VIOLENCE

SEC. 1801. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "National Commission on Crime and Violence in America". The Commission shall be composed of 22 members, appointed as follows:

(1) 6 persons by the President;

(2) 8 persons by the Speaker of the House of Representatives, two of whom shall be appointed on the recommendation of the minority leader; and

(3) 8 persons by the President pro tempore of the Senate, six of whom shall be appointed on the recommendation of the Majority Leader of the Senate and two of whom shall be appointed on the recommendation of the Minority Leader of the Senate.

SEC. 1802. PURPOSE.

The purposes of the Commission are as follows:

(1) To develop a comprehensive and effective crime control plan which will serve as a "blueprint" for action in the 1990s. The report shall include an estimated cost for implementing any recommendations made by the commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control plan.

(4) To recommend improvements in the coordination of local, State and Federal crime control efforts.

SEC. 1803. RESPONSIBILITIES OF THE COMMISSION.

The commission shall be responsible for the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes to state and Federal law have had in controlling crime and violence.

(3) Examining the problem of youth gangs and provide recommendations as to how to reduce youth involvement in violent crime.

(4) Examining the extent to which assault weapons and high power firearms have contributed to violence and murder in America.

(5) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate.

(6) Review all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components in developing the crime control plan.

SEC. 1804. COMMISSION MEMBERS.

(a) CHAIRPERSON.—The President shall designate a chairperson from among the members of the Commission.

(b) COMPOSITION OF MEMBERSHIP.—The Commission members will represent a cross-section of professions that include law enforcement, prosecution, judges, corrections, education, medicine, business, religion, military, welfare and social services, sports, entertainment, victims of crime, and elected officials from State, local and Federal Government that equally represent both political parties.

SEC. 1805. ADMINISTRATIVE PROVISIONS.

(a) FEDERAL AGENCY SUPPORT.—All Federal agencies shall provide such support and assistance as may be necessary for the Commission to carry out its functions.

(b) EXECUTIVE DIRECTOR AND STAFF.—The President is authorized to appoint and compensate an executive director. Subject to such regulations as the Commission may prescribe, staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive services and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(c) DETAILED FEDERAL EMPLOYEES.—Upon the request of the chairperson, the heads of executive and military departments are authorized to detail employees to work with the executive director without regard to the provisions of section 3341 of title 5, United States Code.

(d) TEMPORARY AND INTERMITTENT EMPLOYEES.—Subject to rules prescribed by the commission, the chairperson may procure temporary and intermittent services under section 3108(b) of title 5, United States Code, but at a rate of base pay not to exceed the annual rate of base pay for GS-18 of the General Schedule.

SEC. 1806. REPORT.

The Commission shall submit a final report to the President and the Congress not later than one year after the appointment of the Chairperson. The report shall include the findings and recommendations of the Commission as well as proposals for any legislative action necessary to implement such recommendations.

SEC. 1807. TERMINATION.

The Commission shall terminate 30 days after submitting the report required under section 1806.

TITLE XIX—PROTECTION OF CRIME VICTIMS

SEC. 1901. SHORT TITLE.

This title may be cited as the "Victims' Rights and Restitution Act of 1991".

SEC. 1901A. Section 1402 of the Victims of Crime Act of 1984, as amended, is amended—

(a) by striking subsection (c) and redesignating (d), (e), (f) and (g) as subsections (c), (d), (e), and (f), respectively; and

(b) by adding a new subsection (c) to read as follows:

"(c) Availability of funds for expenditure; grant program percentages

"(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this chapter without fiscal year limitation.

"(2) The Fund shall be available as follows

"(A) Of the first $100,000,000 deposited in the Fund in a particular fiscal year—

"(i) 49.5 percent shall be available for grants under section 10602 of this title;

"(ii) 45 percent shall be available for grants under section 10603(a) of this title;

"(iii) 1 percent shall be available for grants under section 10603(c) of this title; and

"(iv) 4.5 percent shall be available for grants provided in section 10603 of this title.

"(B) The next $5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 10603a of this title.

"(D) The next $4,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under subsection 10603(a) of this title.

"(E) The next $2,200,000 deposited in the Fund in a particular fiscal year shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18, United States Code.

"(F) Any deposits in the Fund in a particular fiscal year that remain after the funds are distributed under subparagraphs (A) through (E) shall be available as follows:

"(i) 47.5 percent shall be available for grants under section 10602 of this title;

"(ii) 47.5 percent shall be available for grants under section 10603(a) of this title; and

"(iii) 5 percent shall be available for grants under section 10603(c)(1)(B) of this title.

SEC. 1902. VICTIMS' RIGHTS.

(a) BEST EFFORTS TO ACCORD RIGHTS.—Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that victims of crime are accorded the rights described in subsection (b).

(b) RIGHTS OF CRIME VICTIMS.—A crime victim has the following rights:

(1) The right to be treated with fairness and with respect for the victim's dignity and privacy.

(2) The right to be reasonably protected from the accused offender.

(3) The right to be notified of court proceedings.

(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.

(5) The right to confer with attorney for the Government in the case.

(6) The right to restitution.

(7) The right to information about the conviction, sentencing, imprisonment, and release of the offender.

(c) NO CAUSE OF ACTION OR DEFENSE.—This section does not create a cause of action or defense in favor of any person arising out of the failure to accord to a victim the rights enumerated in subsection (b).

SEC. 1903. SERVICES TO VICTIMS.

(a) DESIGNATION OF RESPONSIBLE OFFICIALS.—The head of each department and agency of the United States engaged in the detection, investigation, or prosecution of crime shall designate by names and office titles the persons who will be responsible for identifying the victims of crime and performing the services described in subsection (c) at each stage of a criminal case.

(b) IDENTIFICATION OF VICTIMS.—At the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation, a responsible official shall—

(1) identify the victim or victims of a crime;

(2) inform the victims of their right to receive, on request, the services described in subsection (c); and

(3) inform each victim of the name, title, and business address and telephone number of the responsible official to whom the victim should address a request for each of the services described in subsection (c).

(c) DESCRIPTION OF SERVICES.—(1) A responsible official shall—

(A) inform a victim of the place where the victim may receive emergency medical and social services;

(B) inform a victim of any restitution or other relief to which the victim may be entitled under this or any other law and manner in which such relief may be obtained;

(C) inform a victim of public and private programs that are available to provide counseling, treatment, and other support to the victim; and

(D) assist a victim in contacting the persons who are responsible for providing the services and relief described in subparagraphs (A), (B), and (C).

(2) A responsible official shall arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender.

(3) During the investigation and prosecution of a crime, a responsible official shall provide a victim the earliest possible notice of—

(A) the status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;

(B) the arrest of a suspected offender;

(C) the filing of charges against a suspected offender;

(D) the scheduling of each court proceeding that the witness is either required to attend or, under section 1902(b)(4), is entitled to attend;

(E) the release or detention status of an offender or suspected offender;

(F) the acceptance of a plea of guilty or nolo contendere or the rendering of a verdict after trial; and

(G) the sentence imposed on an offender, including the date on which the offender will be eligible for parole.

(4) During court proceedings, a responsible official shall ensure that a victim is provided a waiting area removed from and out of the sight and hearing of the defendant and defense witnesses.

(5) After trial, a responsible official shall provide a victim the earliest possible notice of—

(A) the scheduling of a parole hearing for the offender;

(B) the escape, work release, furlough, or any other form of release from custody of the offender; and

(C) the death of the offender, if the offender dies while in custody.

(6) At all times, a responsible official shall ensure that any property of a victim that is being held for evidentiary purposes be maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes.

(7) The Attorney General or the head of another department or agency that conducts an investigation of a sexual assault shall pay, either directly or by reimbursement of payment by the victim, the cost of a physical examination of the victim which an investigating officer determines was necessary or useful for evidentiary purposes.

(8) A responsible official shall provide the victim with general information regarding the corrections process, including information about work release, furlough, probation, and eligibility for each.

(d) NO CAUSE OF ACTION OR DEFENSE.—This section does not create a cause of action or defense in favor of any person arising out of the failure of a responsible person to provide information as required by subsection (b) or (c).

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "responsible official" means a person designated pursuant to subsection (a) to perform the functions of a responsible official under that section; and

(2) the term "victim" means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime, including—

(A) in the case of a victim that is an institutional entity, an authorized representative of the entity; and

(B) in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, one of the following (in order of preference):

(i) a spouse;

(ii) a legal guardian;

(iii) a parent;

(iv) a child;

(v) a sibling;

(vi) another family member; or

(vii) another person designated by the court.

SEC. 1904. AMENDMENT OF RESTITUTION PROVISIONS.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a) by—

(A) striking "(a) The court" and inserting "(a)(1) The court";

(B) striking "may order" and inserting "shall order"; and

(C) adding at the end thereof the following new paragraph:

"(2) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (g), and (h); and

(6) by adding at the end thereof the following new subsections:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(h) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to the clerk of the court for accounting and payment by the clerk in accordance with this subsection;

"(2) the clerk of the court shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(C) disburse money received from an offender so that each of the following obligations is paid in full in the following sequence:

"(i) a penalty assessment under section 3013 of title 18, United States Code;

"(ii) restitution of all victims; and

"(iii) all other fines, penalties, costs, and other payments required under the sentence; and

"(3) the offender shall advise the clerk of the court of any change in the offender's address during the term of the restitution order.

"(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter (B) of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

"(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

SEC. 1905. AMENDMENT OF BANKRUPTCY CODE.

(a) AMENDMENT OF CHAPTER 5.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; or"; and

(3) by adding the following new paragraph at the end thereof:

"(11) to the extent that such debt arises from a proceeding brought by a governmental unit to recover a civil or criminal restitution, or to the extent that such debt arises from an agreed judgment or other agreement by the debtor to pay money or transfer property in settlement of such an action by a governmental unit.".

(b) AMENDMENT OF CHAPTER 13.—Section 1322(a) of title 11, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) provide for the full payment, in deferred cash payments, of all claims that are nondischargeable under section 523(a)(11).".

TITLE XX—CRACK HOUSE EVICTION ACT

SEC. 2001. EVICTION FROM PLACES MAINTAINED FOR MANUFACTURING, DISTRIBUTING, OR USING CONTROLLED SUBSTANCES.

Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end thereof the following:

"(c) The Attorney General may bring a civil action against any person who violates the provisions of this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking place. The court in which such action is brought shall determine the existence of a violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief including injunctions and evictions as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 2002. USE OF CIVIL INJUNCTIVE REMEDIES, FORFEITURE SANCTIONS, AND OTHER REMEDIES AGAINST DRUG OFFENDERS.

The Attorney General shall—

(1) aggressively pursue the use of criminal penalties authorized by section 1963 of title 18, United States Code, civil remedies authorized by section 1964 of title 18, United States Code, and other equitable remedies against drug offenders, including injunctions, stay-away orders, and forfeiture sanctions; and

(2) submit a report to Congress annually on the manner and extent to which such remedies are being used and the effect of such use in curtailing drug trafficking.

TITLE XXI—ORGANIZED CRIME AND DANGEROUS DRUGS DIVISION

Subtitle A—Establishment of an Organized Crime and Dangerous Drugs Division in the Department of Justice

SEC. 2101. SHORT TITLE.

This title may be cited as the "Justice Department Organized Crime and Drug Enforcement Enhancement Act of 1991".

SEC. 2102. FINDINGS.

The Congress finds that—

(1) organized criminal activity contributes significantly to the importation, distribution, and sale of illegal and dangerous drugs;

(2) trends in drug trafficking patterns necessitate a response that gives significant weight to—

(A) the prosecution of drug related crimes; and

(B) the forfeiture and seizure of assets and other civil remedies used to strike at the inherent strength of the drug networks and groups;

(3) the structure of the Department of Justice Criminal Division is inadequate to address such drug-related problems; and

(4) the prosecutorial resources devoted to such problems have been inadequately organized.

SEC. 2103. PURPOSES.

The purposes of this title are to—

(1) establish a new division in the Department of Justice by combining the resources of the Criminal Division and the United States Attorneys offices used for the eradication of organized crime, narcotics, and dangerous drugs with additional resources needed to pursue civil sanctions;

(2) enhance the ability of the Department of Justice to deal with international criminal activity;

(3) enhance the ability of the Department of Justice to maintain a vigorous criminal and equally important civil assault upon organized criminal groups and narcotics traffickers both domestic and international;

(4) enhance the ability of the Department of Justice to attack money laundering activities, both domestic and international; and

(5) maintain the level of effort of the Department of Justice against traditional organized crime activity through the maintenance of independent strike forces.

SEC. 2104. ESTABLISHMENT OF ORGANIZED CRIME AND DANGEROUS DRUGS DIVISION.

(a) ESTABLISHMENT.—There is established within the Department of Justice, the Organized Crime and Dangerous Drugs Division, which shall consist initially of the following units and programs of the Department of Justice as they were organized and were functioning on September 30, 1989:

(1) the Organized Crime and Racketeering Section of the Criminal Division and all subordinate strike forces therein;

(2) the Narcotic and Dangerous Drug Section of the Criminal Division;

(3) the Asset Forfeiture Office of the Criminal Division; and

(4) the Organized Crime Drug Enforcement Task Force Program.

(b) TRANSFER.—(1) There are transferred to the Organized Crime and Dangerous Drugs Division—

(A) all functions of each office and program described under subsection (a) (1), (2), (3), and (4) exercised on September 30, 1989; and

(B) all personnel and available funds of each such office and program.

(2) For the purposes of paragraph (1)(A) the term "functions" means all duties, obligations, powers, authorities, responsibilities, rights, privileges, activities, and programs.

SEC. 2105. ASSISTANT ATTORNEY GENERAL FOR ORGANIZED CRIME AND DANGEROUS DRUGS.

(a) ASSISTANT ATTORNEY GENERAL.—There shall be at the head of the Organized Crime and Dangerous Drugs Division established by this title, an Assistant Attorney General of the Department of Justice for the Organized Crime and Dangerous Drugs Division, who shall—

(1) be appointed by the President, by and with the advice and consent of the Senate;

(2) report directly to the Attorney General of the United States;

(3) coordinate all activities and policies of the Division with the Director of National Drug Control Policy; and

(4) ensure that all investigations and prosecutions are coordinated within the Department of Justice to provide the greatest use of civil proceedings and forfeitures to attack the financial resources of organized criminal and narcotics enterprises.

(b) COMPENSATION.—(1) Section 5315 of title 5, United States Code, is amended by striking out:

"Assistant Attorneys General (10)."

and inserting in lieu thereof:

"Assistant Attorneys General (11).".

(2) The Assistant Attorney General of the Organized Crime and Dangerous Drugs Division shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

SEC. 2106. DEPUTY ASSISTANT ATTORNEY GENERAL.

(a) ESTABLISHMENT.—There is established the position of Deputy Assistant Attorney General of the Organized Crime and Dangerous Drugs Division, who shall report directly and be responsible to the Assistant Attorney General of the Organized Crime and Dangerous Drugs Division.

(b) COMPENSATION.—The Deputy Assistant Attorney General of the Organized Crime and Dangerous Drugs Division shall be paid the rate of basic pay payable for level V of the Executive Schedule.

SEC. 2107. ADMINISTRATIVE ORGANIZATION OF THE DIVISION.

There shall be established within the Organized Crime and Dangerous Drugs Division such sections and offices as the Attorney General shall deem appropriate to maintain or increase the level of enforcement activities in the following areas:

(1) Criminal Racketeering (including of all activities and personnel transferred from the Organized Crime and Racketeering Section dealing with criminal investigation and prosecution of traditional organized crime, other than civil proceedings or forfeiture);

(2) Criminal Narcotics Trafficking (including all activities and personnel transferred from the Criminal Division and the Organized Crime Drug Enforcement Task Force Program dealing with large scale drug trafficking);

(3) Money laundering (including all activities transferred from the Criminal Division and Organized Crime Drug Enforcement Task Force Program dealing with money laundering investigations and the negotiation of international agreements on financial crimes);

(4) Asset Forfeiture (including all activities and personnel transferred from the Criminal Division dealing with asset forfeiture);

(5) International Crime (indicating the activities and functions set forth in Subtitle B of this title); and

(6) Civil Enforcement (including activities and personnel currently engaged in civil enforcement of the drug and racketeering laws and such additional personnel as may be added pursuant to this Act).

SEC. 2108. COORDINATION AND ENHANCEMENT OF FIELD ACTIVITIES.

(a) ORGANIZED CRIME AND DANGEROUS DRUGS DIVISION.—The Attorney General shall establish no fewer than 20 field offices of the Organized Crime and Dangerous Drug Division. All such field offices of the Division shall be known as Organized Crime and Dangerous Drug Strike Forces.

(b) OFFICES IN SAME AREA.—If two or more sections of the Division establish field offices in the same metropolitan area, such offices shall—

(A) be in the same location;

(B) coordinate activities; and

(C) be organized as separate sections of a strike force.

(c) TRANSITION.—(1) Consistent with the provisions of this title—

(A) the Organized Crime and Racketeering Section of the Criminal Division is redesignated as the Criminal Racketeering Section of the Organized Crime and Dangerous Drug Division; and

(B) the Organized Crime Strike Forces are redesignated as the field offices of the Division.

(2) Not later than 180 days after the date of the enactment of this subtitle, the Attorney General shall transfer all attorneys and support staff assigned to the Organized Crime Drug Enforcement Task Forces before such date to the Organized Crime and Dangerous Drug Division and designated the Criminal Narcotics Section. The Assistant Attorney General for such Division shall assign such personnel to the field offices of the Division, with the initial assignments being made to the cities where units of such Task Forces were located before the date of enactment of this subtitle.

(3)(A) Consistent with the provisions of this title, the Asset Forfeiture Office of the Criminal Division is redesignated as the Asset Forfeiture and Civil Enforcement Section of the Organized Crime and Dangerous Drug Division.

(B) Not later than 180 days after the date of the enactment of this subtitle, the Assistant Attorney General shall establish field offices of the Asset Forfeiture and Civil Enforcement Section of the Organized Crime and Dangerous Drug Division which shall include—

(i) agents from the United States Drug Enforcement Administration, the Federal Bureau of Investigation, the Internal Revenue Service, and United States Marshals Office; and

(ii) other individuals experienced, trained and expert in complex financial transactions involving cash, notes, securities, and similar negotiable instruments, with a special expertise in banking matters and business dealings.

(d) DIFFERENT ORGANIZATIONAL STRUCTURE.—Nothing in subsection (c) shall prevent the Attorney General, consistent with the purposes of this title and the provisions of section 2107, from instituting a different organizational structure within the Organized Crime and Dangerous Drug Division as the Attorney General shall deem appropriate following a period of transition.

(e) STRIKE FORCES PLANS.—(1) The agents assigned to the Organized Crime and Dangerous Drug Strike Forces (including all agents assigned to the Organized Crime Drug Enforcement Task Forces program before the date of enactment of this title) shall be dedicated exclusively to and located with the Strike Forces so that the Strike Forces personnel may develop expertise and function as a working unit.

(2) The agents assigned to the Strike Forces from the various participating agencies shall be given credit for the work of the Strike Forces, regardless of the statutory authority used to prosecute Strike Forces cases.

(f) REPORT.—Not later than 1 year after the date of the enactment of this title, the Assistant Attorney General for Organized Crime and Dangerous Drugs in consultation with the Director of National Drug Control Policy, shall report to the Congress on the areas of the United States (especially the southwest border of the United States) that may require increased assistance from the Department of Justice through the establishment of additional strike forces.

(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $45,000,000 for salaries and expenses of the Organized Crime and Dangerous Drug Division of the Department of Justice for fiscal year 1992.

(2) Any appropriation of funds authorized under paragraph (1) shall be—

(A) in addition to any appropriations requested by the President in the 1992 fiscal year budget submitted by the President to the Congress for fiscal year 1992, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1992; and

(B) used to increase the number of field attorneys and related support staff by no fewer than 100 full-time equivalent positions over such personnel levels employed at the Department of Justice on September 30, 1989, assigned to the Organized Crime and Racketeering Section Strike Forces and Organized Crime Drug Task Forces.

Subtitle B—International Prosecution Teams

SEC. 2111. INTERNATIONAL PROSECUTION TEAMS.

(a) FINDINGS.—The Congress finds that—

(1) Drug trafficking, organized crime, and money laundering are problems that are international in scope.

(2) The traditional focus of United States law enforcement agencies on domestic criminal activity has restricted the development of the necessary expertise and coordination to address the international aspects of these problems adequately.

(3) The Justice Department must expand its resources and reorganize its component to engage in new responsibilities and activities involving international crime.

(4) Other agencies, particularly those involved in intelligence gathering, international banking, foreign policy, and national defense, must coordinate their activities with the Justice Department to support its effort to combat international crime.

(b) INTERNATIONAL DRUG ENFORCEMENT TEAMS.—In addition to the components and functions otherwise specified in this chapter, the Organized Crime and Dangerous Drug Division shall include no fewer than 10 International Drug Enforcement Teams devoted exclusively to investigating prosecuting and supporting the investigation and prosecution of international drug cases. Such teams shall be responsible for developing expertise in handling civil and criminal cases involving extradition, money laundering, drug-related corruption, and other complex cases relating to international drug trafficking.

(c) RELATIONSHIP OF TEAM MEMBERS.—Organized Crime and Dangerous Drug Division personnel assigned to the International Drug Enforcement Teams shall work closely with, and where practical be co-located with, agents and liaison personnel of the various law enforcement, diplomatic, intelligence, and military agencies who shall be assigned as necessary to the enforcement teams.

(d) GOALS.—The teams shall be organized to—

(1) increase the expertise of the Department of Justice in matters relating to international law enforcement and foreign policy;

(2) direct intelligence efforts toward gathering information and evidence that can be used by civilian authorities in criminal and civil cases while protecting the assets and methods of United States agencies;

(3) improve coordination among United States and foreign agencies responsible for law enforcement, foreign policy, and international banking;

(4) target resources toward cases with maximum impact on international narcotics trafficking;

(5) gain the cooperation of private entities in the United States and foreign countries whose cooperation in cases involving money laundering and other drug-related financial crimes is essential; and

(6) assist other countries to enact laws and negotiate treaties to assist in the suppression of international money laundering and narcotics trafficking.

TITLE XXII—EXCLUSIONARY RULE

SEC. 2201. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 2237. Evidence obtained by invalid warrant

"Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in reasonable reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless—

"(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

"(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

"(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

"(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.".

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 109 of title 18, United States Code, is amended by adding at the end thereof the following:

"2237. Evidence obtained by invalid warrant.".

TITLE XXIII—DRUG TESTING

SEC. 2301. FEDERAL PRISONER DRUG TESTING.

(a) SHORT TITLE.—This section may be cited as the "Federal Prisoner Drug Testing Act of 1991".

(b) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking out "and";

(2) in paragraph (3), by striking out the period and inserting in lieu thereof "; and";

(3) by adding a new paragraph (4), as follows:

"(4) for a felony, a misdemeanor, or an infraction, that the defendant—

"(A) pass a drug test prior to the imposition of such sentence; and

"(B) refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the court) for use of a controlled substance"; and

(4) by adding at the end thereof the following: "No action may be taken against a defendant pursuant to a drug test administered in accordance with paragraph (4) unless the drug test confirmation is a urine drug test confirmed using gas chromatography techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy.".

(c) CONDITIONS ON SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "The court shall also order, as an explicit condition of supervised release, that the defendant pass a drug test prior to the commencement of service of such sentence and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the court) for use of a controlled substance. No action may be taken against a defendant pursuant to a drug test administered in accordance with the provisions of the preceding sentence unless the drug test confirmation is a urine drug test confirmed using gas chromatography techniques or such test as the Director of the Administrative Office of the United States Court after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy.".

(d) CONDITIONS ON PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "In every case, the Commission shall also impose as a condition of parole that the parolee pass a drug test prior to release and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the Commission) for use of a controlled substance. No action may be taken against a defendant pursuant to a drug test administered in accordance with the provisions of the preceding sentence unless the drug test confirmation is a urine drug test confirmed using gas chromatography techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy.".

FIGHTING CRIME IN AMERICA: AN AGENDA FOR THE 1990's

(A Majority Staff Report Prepared for the Use of the Committee on the Judiciary, U.S. Senate, March 12, 1991)

INTRODUCTION BY SENATOR JOSEPH R. BIDEN, JR., CHAIRMAN, SENATE COMMITTEE ON THE JUDICIARY

A few days ago, Attorney General Dick Thornburgh convened a "Summit on Law Enforcement Responses to Violent Crime: Public Safety in the Nineties," a meeting of federal, state and local law enforcement officials. As the findings in this report dramatically illustrate, the summit could not have come at a more important time. The nation's law enforcement community faces tougher challenges than at any point in our nation's history:

1990 was the bloodiest year in modern U.S. history, with the murder toll jumping to an all-time record of 23,200.

FBI data indicate that in 1990, the nation saw more rapes, more robberies and more assaults than in any year in the nation's history.

Since 1960, the violent crime total grew more than 12 times faster than the U.S. population.

In 1950, the nation had more than three police officers to respond to every one violent crime committed. In 1990, the nation had fewer than one police officer for every three violent crimes.

The number of police officers on the streets of the 10 largest U.S. cities is barely one percent higher than it was when the Administration's first drug strategy was released in September 1989—more than 18 months ago.

The epidemic of violent crime has swept the entire nation. No region, state, city or town has been spared the enormous outbreak. Even those living in rural America, just as those from suburban and urban areas, are seeing the deadly rise of violent crime.

The President has just announced a new crime bill that does not do nearly enough to combat this epidemic. The Administration's proposal does nothing to reverse the fundamental fact that state and local law enforcement officers on the front lines of the fight against violent crime and drug trafficking are increasingly out-gunned, undermanned and ill-equipped for the new challenges of law enforcement in the 1990s.

The Administration's current policies would continue many of these dangerous trends and, in some cases, actually make the problem far worse.

Equipping the nation's law enforcement community to meet the challenges of the 1990s is a daunting task. It will require more than a "Summit" with an agenda dictated by federal officials. Instead, charting an ambitious new course for the law enforcement in the 1990s will require a truly national consensus among federal, state and local officials on the tough issues confronting our nation's police officers.

Politically sensitive issues, such as the deadly flow of military-style assault weapons and inadequate funding for state and local law enforcement agencies, must be confronted directly. And state and local law enforcement officials—the front-line of our defense against violent crime and drug trafficking—must have a meaningful opportunity to present their views on the nature of the problems and their suggestions on how to better structure our attack.

Although a national response to the violent crime and drug trafficking problems will require a comprehensive attack on a wide variety of fronts, any credible response must include a number of fundamental proposals. At a minimum, I believe an effective Law Enforcement Agenda for the 1990s should include:

Banning the manufacture and sale of deadly, military-style assault weapons;

Boosting federal aid to state and local law enforcement agencies to $1 billion for police, prosecutors, and prisons, while rejecting Administration mandates on states that would require state and local agencies to fire thousands of police officers.

Expanding the use of joint federal-state asset forfeiture operations to strike at the underpinnings of drug trafficking rings, reversing Justice Department proposal for 15 percent "tax" on state-local forfeiture proceeds;

Creating a new $100 million initiative to fight violent juvenile gangs;

Easing the state prison crisis by establishing regional prisons for federal and state drug offenders and creating highly-disciplined boot camps on closed military bases.

Reforming federal criminal law by enacting the death penalty, exclusionary rule and habeas corpus provisions passed by the Senate in S. 1970 during the 101st Congress.

No one person or agency has all the answers to solving the violent crime and drug trafficking problems. However, we do know that certain initiatives work, and that with adequate funding and support, we can equip our nation's law enforcement officers with the weapons and tools they need to meet the challenges of the 1990s.

I am releasing this report today in response to the dramatic findings of the majority staff of the Senate Judiciary Committee on the entent of the violent crime problem in America and the wholly inadequate effort we are waging to curtail this crisis. As we focus our attention on the President's bill and our competing proposal, I hope we will take a hard look at the ever-increasing rate of violent crime, the Administration's current response, and the fundamental choices we must make if we are to reverse these deadly trends and end the epidemic of violence gripping this country.

FACTUAL FINDINGS REPORTED IN: FIGHTING CRIME IN AMERICA

1990 was the bloodiest in United States history, with the murder toll jumping to an all time record of 23,200.

FBI data indicate that in 1990 the nation saw more rapes, more robberies, and more assaults than any year in the nation's history.

The 1989-90 murder increase was the largest one-year increase in the murder toll in more than ten years; the 1989-90 rape increase was the largest one-year increase in the rape total since 1978-79.

Every American is more than four times more likely to be the victim of violent crime today than in 1960.

Since 1960, the violent crime total has grown more than 12 times faster than the population.

In 1950, the nation had more than three police officers for every one violent crime. In 1990, the nation had fewer than one police officer for every three violent crimes.

The number of police officers on the streets of the 10 largest U.S. cities is only one percent higher than it was when the Administration's first drug strategy was released in September 1989.

The Administration's 1992 budget proposal actually cuts federal aid to state and local law enforcement.

If the Administration's proposed mandates become law, state and local law enforcement agency would have to fire more than 5,000 police officers to pay for the Administration's programs.

If every dollar in aid to state and local law enforcement proposed by the Administration was used to train and hire police officers, not more than 13,000 officers could be added—only a 2% increase.

CHAPTER I—THE DEADLY RISE OF VIOLENT CRIME

American streets and neighborhoods are under seige. Violent crime has leapt to levels never seen in our nation's history. The record murder toll of 1990 left more than 23,200 Americans killed. The most recent FBI data indicate that 1990 also set bloody records for every other violent crime—rape, robbery and assault. All told, a record total of nearly two million Americans were the victims of a violent crime last year.

The epidemic of violent crime has swept the entire nation—no region, state, city or town has been spared the enormous outbreak. Even those living in rural America, as well as those from suburban and urban areas, are seeing the deadly rise of violent crime.

The rise in violent crime is sped by the rise of new dangerous criminals. First, youths in organized, sophisticated and violent drug trafficking activities: what were once loosely-knit groups of juveniles involved in petty crimes have become powerful, organized gangs intent on killing to gain and keep control over the lucrative drug trade. Second, as FBI experts detailed at a Senate Judiciary Committee hearing this past fall, the rise of new Asian gangs, or "Tongs."

The sudden, shocking rise in violent crime can be blamed on at least three other factors—drugs, deadly weapons, and demographic trends. Drug violence is on the rise, as the quality of cocaine drops and drug gangs battle for turf. Military-style assault weapons are turning many neighborhoods into battlefields. And a boom in the teenaged population makes for record numbers of teen criminals—and teen victims.

1990's record-setting crime totals

A Senate Judiciary Committee majority staff report, "1990 Murder Toll—Initial Projections," first predicted the grim murder record in July. Unfortunately, FBI reports completed in October also noted the record pace of the deadly carnage. And the final tallies from cities and states around the country confirm the worst expectations: more Americans were murdered in 1990 than in any single year in our history.

Today, based on the initial reports from several localities and FBI crime data released in October, it is clear that all other violent crimes—rape, robbery and assault—hit record levels in 1990. This means that more than 1.8 million Americans were murdered, raped, robbed or assaulted in 1990. "This total means that more than 200 Americans were attacked by a violent criminal in every hour of every day of 1990."

Just as the total number of violent crimes committed rose to a new record in 1990, the violent crime rate was the highest the nation has ever suffered. This rate, 715.7 per 100,000 Americans, means that "Americans are more likely than ever before to be the victims of a violent crime." This record rate also means that America's rising crime rate is not merely the result of this country's escalating population.

The FBI's October report indicated a 10% increase in the number of rapes over the first six months of 1989. Final crime tallies provided by several localities and states support the view that the nation suffered a record number of rapes last year.

Last year also saw a record number of robberies—a total of about 630,000. This total, based on FBI information from the first six months of 1990, represents a 9% increase over the 1989 total. And based on the Department of Justice publication, "Criminal Victimization in the United States, 1988," these 630,000 robberies resulted in economic loss totaling more than $1.2 billion. Of course, the dollar loss of a violent crime is only a tiny portion of the losses suffered by the victim.

The only other category of violent crime—aggravated assaults—reached a new record in 1990—nearly 1,050,000. The 10% increase in aggravated assaults sets another grim record: the rate of assaults (413.8 per 100,000 Americans) is now higher than at any time in our nation's history. "This means that we and our loved ones are at greater risk of being beaten by a violent criminal than ever before."

1990's record carnage—The shocking historical context

The increase in 1990's murder toll—1,700 more Americans were murdered in 1990 than in 1989—is the largest one-year increase in more than a decade. Not since 1979, has the nation seen such a sudden and terrifying rise in the number of murders. One also has to look back more than a decade to match the current rise in the number of rapes.

Of course, even 1990's record increases in murders, rapes and all violent crimes represent only an incremental change from the previous year. The horror of the nation's record levels of violent crime is more properly seen when one compares the America of 1990 with the America of 1960. The comparison reveals the brutal changes that the American people are enduring. In those 30 years, violent crime increased more than 12-times faster than the population.[1] Murder grew nearly 4-times faster. Rape grew more than 12-times faster. And assault grew 13-times faster.

These figures plainly show an America that has grown vastly more dangerous in just three decades. Just how much more dangerous? Every American is more than four times more likely to be the victim of a violent crime today than in 1960. And, as noted above, in 1990 every hour saw 200 Americans become the victim of a violent criminal; while in 1960 fewer than 35 Americans were victimized every hour. This is the shocking historical context for 1990's record violence.

America's record violence—the most violent nation

The enormous increases in violent crime in the United States are setting records not just at home, but also abroad. We are the most violent and self-destructive nation on earth.

In 1990, the United States led the world with its murder, rape, and robbery rates.[2] When viewed from the national perspective, these crime rates are sobering. When viewed from the international perspective, they are truly embarrassing.

In 1990, no nation had a higher murder rate than the United States. What is worse, no nation was even close. For example, our murder rate quadrupled Europe's.

In 1990, we doubled (and more) the murder rate in Northern Ireland, which is in the midst of a civil war.

Last year, our murder rate was 11 times that of Japan, nearly nine times that of England, over four times that of Italy, and nine times that of Egypt and Greece.

In 1990, no nation had a higher rape rate than the United States. Worse still, the gap in rape rates is even wider than the gap in murder rates.

Last year, American women were eight times more likely to be raped than European women.

In 1990, the rape rate in the United States was 20 times higher than it was in Portugal, 26 times higher than in Japan, 15 times higher than in England, eight times higher than in France, 23 times higher than in Italy, and 46 times higher than in Greece.

In 1990, no nation had a higher robbery rate than the United States. In fact, the magnitude of difference between our robbery rate and those of other countries is unparalleled.

In 1990, the U.S. robbery rate was nearly 150 times higher than in Japan.

Last year, the robbery rate in the United States was over 10 times higher than in Switzerland, nearly six times higher than in England, over seven times higher than in Italy, 17 times higher than in New Zealand, 47 times higher than in Ireland, and over 100 times higher than in Greece.

These figures are stunning. We expect the United States to lead the world in industrial production, arts and sciences, and standard of living. We do not expect this country to lead the world in violent crime as well. Just think:

If we had England's murder rate, the number of homicides in this country would be around 2,500 instead of 23,200.

If we had Italy's rape rate, the number of women who suffered known sexual assaults in this country would be about 4,500 instead of more than 100,000.

If we had Japan's robbery rate, the number of robberies in this country would be 4,500 instead of 630,000.

The comparisons detailed above give us a new perspective; they help us locate ourselves in world. It is obvious that we cannot like what we see—and that to remedy the situation we will need, among other things, greatly enhanced law enforcement efforts.

New criminal agents—Growing threats

Today, as never before, cities and neighborhoods, even those without long histories of youth gang activity, have been literally overrun by drug-fueled gang violence. In other words, while youth gangs are not new, today's level of youth gang violence, organization and sophistication is unprecedented.

Los Angeles County presents us with one of the best documented cases of the rise of youth gangs and their attendant violence. After several decades of slow growth in gangs and gang activity, Los Angeles County had an estimated 400 gangs and 45,000 gang members in 1985. Five years later, the number of gangs had exploded to 800, with more than 90,000 members.

With a doubling of gang membership, gang-related murders have increased even faster—tripling from 1985 to 1990.

Another startling trend is youth gang activity is its sudden emergence in cities that do not have a long history of gang involvement. Cities and neighborhoods from Washington to Florida—and many states in between—are finding it difficult to cope with the unprecedented and unexpected gang presence.

At a Senate Judiciary Committee hearing convened this fall, FBI agents and experts detailed the recent rise of new Asian gangs, or "Tongs." While the leaders of these gangs are usually young men in their twenties, the rank and file members of the gangs are as young as 14. The new gangs are made more dangerous by the fact that they prey on their fellow immigrants—many of whom are not comfortable with, or unable to communicate with, local law enforcement.

Drugs, deadly weapons and demographic changes—Other causes of the record carnage

Law enforcement officials, medical doctors, and leading academic researchers identified three major causes of the sudden rise of criminal violence at a Senate Judiciary Committee hearing conducted in July. These three major factors—drugs, deadly weapons and demographic changes—signal that, unless action is taken today, 1990 will be only the first of several more record-breaking years.

The DEA's intelligence reports from around the country indicate that cocaine is becoming more scarce—street buys were revealing less pure cocaine selling at higher prices.[3] The Senate Judiciary Committee heard testimony that while this pressure on the cocaine dealers was good news, more violence was also likely to erupt:

As hardcore addicts seek scarcer drugs;

As buyers grow dissatisfied with low-purity cocaine; and

As drug dealers and drug gangs fight over smaller turf.

Another cause of the record-breaking violence is the presence of deadly, highpowered weapons on the streets. Compared to the .22 caliber "Saturday Night Special" once common in the hands of criminals, the military-style assault weapons now found on America's streets cause much greater carnage.

Drug gangs and drug dollars are putting assault weapons in the hands of teen criminals—contributing to a teen murder rate that is rising four times faster than the adult murder rate.[4]

The nation's leading police organizations—including the Fraternal Order of Police, the International Association of Chiefs of Police, and the National Association of Police Organizations—all have called for a ban on military-style assault weapons. Many of the most respected law enforcement professionals have pointed out the deadly violence caused by these weapons and the national need for a ban on military-style assault weapons. Below are two examples:

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[1] According to the U.S. Census Bureau the population grew by about 41 percent from 1960 to 1990. According to the FBI's Uniform Crime Reporting program, the violent crime total grew by about 516 percent from 1960 to 1990.

[2] United States Department of Justice, Bureau of Justice Statistics Special Report, *International Crime Rates*, May 1988. (This section's discussion reports on all four violent crimes except one, assault, because the BJS publication includes data only on murder, rape, and robbery.) The international data is compared to figures described in the FBI's Uniform Crime Reports.

[3] According to the Drug Enforcement Administration, from 1989 to 1990, the purity of retail-level cocaine dropped 20% while the base price for a retail-level gram rose 43%. The purity data compares the 1989 year-end average with the average purity of cocaine through November of 1990. The price data compares the 1989 year-end base price with the base price of the third quarter (July through September) of 1990—the latest data available.

[4] Federal Bureau of Investigation figures show a 16% rise in the murder rate among 15-19 year-olds, compared to a 4% increase in the overall murder rate between 1988 and 1989.

"[L]aw enforcement is suffering because of these guns."—Jack Lawn, Former Administrator, Drug Enforcement Administration.

"It's time we put an end to the carnage and havoc that occurs whenever an assault weapon gets in the hands of the wrong people."—Charles Reynolds, President, International Association of Chiefs of Police.

One other cause of the record surge of violent crime involves demographic trends. Leading researchers have pointed out that the boom in the teenaged population leads to record levels of violent teen criminals, and teen victims.

The boom in violent crime in the 1960's and 1970's—the violent crime rate in 1975 was more than double the rate in 1965[5]—coincided with the baby-boom generation entering the "high-crime" years of their late teens and early adulthood. The dip in violent crime rates in the early 1980's coincides with the decline in the number of Americans in the "high-crime" age group.

Thus, it is ominous that 1990 marks the beginning of a new crime wave, as the children of the baby-boomers enter their "high-crime" years. The so-called "baby-boomerang" may mean that 1990 was just the first of many record-setting years of violent crime.[6]

CHAPTER II—THE CHALLENGES CONFRONTING AMERICA'S "WAR ON CRIME"

The nation's state and local law enforcement officers on the front lines against violent criminals and drug traffickers are outgunned, under-manned and ill-equipped for the new challenges of law enforcement in the 1990's. Indeed, all elements of our criminal justice system are approaching collapse. The backlog of criminal cases before the nation's courts is crippling the nation's ability to fairly and effectively administer justice. And, our nations' prisons and jails are filled well-beyond the capacity they are designed and staffed to handle.

The pending collapse of our nations' criminal justice system sets in motion a disastrous upward spiral of violent crime. Recent increases in violent crime are overwhelming the criminal justice systems ability to arrest, adjudicate and punish violent criminals. This means that each violent criminal faces a lower risk of being arrested, convicted and punished. This may allow violent criminals to actually remain on the street committing ever more heinous crimes, and even give some non-violent offenders the time to become violent criminals—further overwhelming the nation's criminal justice system.

Challenges facing State and local law enforcement

Out-gunned:

The deadly flow of military-style assault weapons onto America's streets and into the hands of violent criminals means that all too frequently the superior firepower belongs to criminals, not law enforcement. The nation's law enforcement officials are unified in their demand to get these deadly weapons off our streets. The nation can no longer afford to allow its law enforcement officials to be outgunned by vicious criminals.

The lethal mixture of drugs, youth gangs and military-style assault weapons is seen in an ever-increasing number of cities and neighborhoods. Drug dollars have brought high-powered weaponry into the hands of teenaged gang members, and the shrinking supply of cocaine pits the drug dealers and drug gangs against each other in deadly combat. In the past year, few law enforcement departments did not see an innocent victim of gang- or drug-related crossfire.

And, just as no citizen is safe, no law enforcement officer is safe when criminals are armed with high-powered weaponry capable of ripping through steel or concrete. The nation's law enforcement officers who daily risk their lives to protect all of us deserve the most protection we can offer them.

Under-manned:

America's law enforcement officials are at a great disadvantage in their battle against crime than ever before. Senator Arlen Specter pointed out just how extreme this disadvantage has become when he cited the research of two Northwestern University criminologists[7]: In 1950, the nation had more than three sworn police officers for every one violent crime. But, in 1990, the nation had fewer than one sworn police officer for every three violent crimes.

This fact illustrates just how much the balance has tipped—from one favoring law enforcement to one favoring violent criminals. This reversal parallels the huge rise of all violent crimes from 1960 to 1990 (as was pointed out above), as well as the fact that, violent crime has increased 12-times faster than the population.

This broad historical trend is confirmed by the disturbing trends in the number of state and local law enforcement official protecting the nation's ten largest cities. Overall, the number of police officers on the streets of the ten largest U.S. cities is only one percent higher than it was when the Administration's first drug strategy was released in September 1989. The state of law enforcement in some of these cities is even more disturbing.

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[5] Federal Bureau of Investigation reports indicate a violent crime rate of 203 per 100,000 Americans in 1965, and a rate of 490.7 per 100,000 Americans in 1975—2.4-times the 1965 rate.

[6] Professor James A. Fox is one of the leading researchers to have noted the impact of demographic trends on crime. His *Forecasting Crime Data* (Lexington, Massachusetts: Lexington Books, D.C. Heath, 1978) is one of the seminal works on the phenomenon.

[7] Herbert Jacob and Robert Lineberry, "Government Response to Crime" (Northwestern University Center for Urban Affairs and Public Policy Research) January, 1982, p. 23.

THE NUMBER OF POLICE OFFICERS IN AMERICA'S 10 LARGEST CITIES

City	1988	1989	1990	Percent 1988-89	Percent 1989-90
New York	26,723	26,858	25,649	−3.24	−.81
Los Angeles	7,553	7,893	8,395	4.50	6.36
Chicago	12,163	11,828	11,975	−2.75	1.24
Houston	4,270	4,088	4,115	−4.26	.66
Philadelphia	6,063	6,263	6,500	3.30	3.87
San Diego	1,783	1,857	1,846	6.85	−.59
Detroit	3,572	4,756	4,562	33.15	−4.08
Phoenix	1,801	1,917	2,019	6.44	5.32
San Antonio	1,415	1,486	1,580	2.41	6.33
Dallas	2,381	2,472	2,649	3.82	7.16
Total	67,715	68,418	69,290	1.04	1.27

It is evident from this table that largest cities all across the country have experienced only minor increases—if they experienced increases at all—in the number of sworn officers on their streets. To expect so few police to keep the peace in increasingly troubled times is simply unreasonable.

These ten largest American cities span the country—from East Coast to West and from North to South. And still, the problem is more widespread than even this chart would lead one to believe. Second tier cities, the ones that round out the "top 20" of America's largest metropolitan areas, experienced similarly slow growth in their police forces while their crime rates soared. To take just two examples: Baltimore and Milwaukee now have fewer sworn police officers than they did when President Bush first announced his national drug strategy.

Something is wrong when troop strength is reduced during a "war." To be sure, police officers are not the only "soldiers" in the "war on drugs." There are the thousands of teachers and health care providers and community leaders and others that are helping America fight the drug epidemic. But putting fewer state and local police on the street—particularly when the bulk of the President's strategy concerns law enforcement programs—is not only unexpected, it is unconscionable.

Obviously, there is a great deal of room for federal law enforcement efforts in the "drug war." Federal agents are productively at work on our country's borders and in our towns, but state and local police remain the "front line troops." It is these people who have the greatest contact with, and influence over, America's citizenry. Again, the way to put the current drug epidemic behind us has little to do with the Administration's current policies of limited direct funding to state and local governments that has helped bring about the current, unfortunate trend toward barely increased—and sometimes decreased—law enforcement presence in America's cities and towns.

Ill-prepared for the new challenges of the 1990s

The national epidemic of violent crime is exacerbated by the new challenges facing the law enforcement officers on the front lines. New criminal elements are growing in every area of the country—the sudden shift of youth gangs into highly organized and violent drug-dealing organizations and the emerging presence of Asian gangs, or "Tongs," as noted by the FBI are but two of new challenges facing law enforcement today.

There are other challenges taxing our already overwhelmed state and local enforcement agencies. One such problem is the recently recognized toll of drugs and crime in rural America. Drugs have indeed infected all areas of the nation, bringing all their attendant crime and, in particular, violent crime to neighborhoods once thought to be safe havens from the crime problem.

Much of the recent outbreak of violent crime in rural America is the direct result of the burgeoning epidemic of methamphetamine, particularly in its highly-addictive smokable form called "ice." For several reasons, while urban areas are the center of the cocaine and heroin distribution networks, rural areas are the center of methamphetamine and "ice" trafficking. The two most important reasons for the spread of "ice" in rural areas are, first, methamphetamine manufacturing is safest in rural areas because the chemical process has such a strong signature odor. And, second, the major distributors of methamphetamine are motorcycle gangs—historically and today most active in rural America.

All these factors have recently come together to yield what may be the origins of an epidemic—not only of "ice," but also of drug-fueled violent crime. Already, local law enforcement agencies are seeing the spread of violent crime into America's rural communities.

Challenges facing prosecutors and judges

The flood of violent crime, as well as that of drug-related crime, is clogging the nation's courtrooms. Prosecutors and judges must make and accept plea bargains with even serious, violent offenders. Criminal cases drag on for years. In sum, these bottlenecks rob the nation of an effective criminal justice system.

Information provided by the Administrative Office of the United States Courts indicates the vast backlog of federal criminal cases and illustrates the problems facing every state and municipal courtroom. The Administrative Office projected a 31 percent increase in the number of criminal drug cases filed in federal District Courts from 1989 to 1990. Thus, even if there was no increase in non-drug criminal cases, the number of criminal case filings in 1990 would have increased nearly 10 percent over 1989 due to the drug crime caseload. And, of course, all criminal filings are increasing, though perhaps not as dramatically as are criminal drug cases.

The impact on state and municipal courtrooms is even more extreme. Indeed, the backlog in the federal criminal justice system has increased the backlog in state courts. In many districts, U.S. attorneys have established formal or informal guidelines that establish minimum thresholds for drug cases—drug traffickers caught with less than these pre-determined minimums are often transferred to already over-burdened state prosecutors.

Another indicator of the backlog in state and local courtrooms is the number of arrests. According to the FBI Crime Reporting Program, the number of arrests for violent crimes increased even faster than the number of violent crimes. The most recent FBI information on arrests exhibits a 9.5 percent increase in the number of arrests for a violent crime between 1988 and 1989. During the same period, violent crime increased by about 5 percent. Because the violent crime total increased by 10 percent from 1989 and 1990, the flood of criminal cases into federal, state and municipal courtrooms will surely increase.

Challenges for the corrections system

The nation's prisons and jails are in crisis. More than any other element of our criminal justice system, the nation's ability to punish violent criminals effectively has been degraded by the epidemic of violent crime. Overcrowding in jails and prisons means that corrections officers can neither treat nor rehabilitate the nation's offenders. The overwhelmed courts have too little time to determine which low-level, non-violent offenders could be given less expensive alternative sanctions. And, the juvenile corrections system is falling apart.

According to the U.S. Department of Justice, the nation's prisons are operating at between 109 percent and 125 percent of capacity.[8] More than 40 states are under court order to reduce prison overcrowding and improve prison conditions. Swift and certain punishment is the only way to keep our streets and neighborhoods safe from America's most violent criminals. Unfortunately, as the Justice Department reports, "many States have provisions for sentence reductions, rollbacks, early releases, and other mechanisms to reduce prison populations."[9] Even if, as is likely, it is only minor offenders who are released, the corrections system is clearly losing chances to stop criminal careers before they progress into violent pathologies.

Unfortunately, most inmates are drug addicts when they enter our corrections system. Almost all inmates will be released to return to our streets and neighborhoods. Thus, it is particularly frightening reality that about six of every seven of these addicts will leave prison or jail without receiving drug treatment. The absolute numbers are even more frightening—for out of the nearly 10 million offenders who enter the nation's prisons or jails in the past year, nearly 3.6 million criminals who entered prison or jail as a drug addict left without having been treated for their addiction.[10]

Prison cells are among the most expensive elements in the criminal justice system. Because they are so expensive, prison cells must be used sparingly—reserved for the violent criminals who present a clear danger to the community. This fact should also guide our criminal justice system to punish nonserious, non-violent offenders with intermediate sanctions. Such intermediate sanctions can, for these non-serious, nonviolent offenders, fulfill the goals of our justice system—punishment, incapacitation, and rehabilitation.

The list of proven intermediate, or alternative, sanctions includes home detention, often monitored with electronic bracelets, and intensive supervision of offenders released on probation or parole. Military-style boot camp prisons have been effective for non-violent and first-time drug offenders. Boot camp prisons require inmates to follow rigorous regime of physical exercise, job training and drug treatment programs.

Juvenile corrections

The nation's juvenile corrections system if falling apart. Juvenile detention centers are vastly overcrowded, and scarce juvenile court resources, and growing caseloads for counselors and social workers have created a "revolving door" juvenile justice system. Serious juvenile offenders are often returned to the streets just days after arrest. First-time offenders are lost in the system, never receiving the counselling and guidance that might reverse the slide towards a violent criminal career. Plainly, the system is nearly bankrupt of promise or punishment.

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[8] U.S. Bureau of Justice Statistics, "BJS Data Report, 1989." December, 1990.

[9] Ibid, page 79.

[10] Prison and jail population, drug use and drug treatment information provided by U.S. Bureau of Prisons, Bureau of Justice Statistics, National Institute of Justice and from the American Jail Association.

Helping victims

The costs of violent crime on victims is staggering. The economic costs alone—in the form of medical bills, lost wages and property loss—reached almost $4 billion in 1987. When non-violent crimes are added, the cost reached almost $15 billion.

Tragically, crime victims receive little assistance in their interaction with the justice system. Only 11 percent of violent crime victims in the United States received any victim advice, assistance or compensation from authorities.

Conclusion

The nation's state and local law enforcement officers—our front lines in the "war" against violent criminals and drug traffickers—are out-gunned, under-manned and ill-equipped for the new challenges of law enforcement in the 1990s. Law enforcement is out-gunned because of the deadly flow of military-style assault weapons to the streets and to vicious criminals. Law enforcement is under-manned—relative to violent crime the nation has fewer law enforcement officers than ever before. And, law enforcement is ill-prepared to meet the new challenges offered by violent youth and drug gangs, as well the challenge of crime in rural America.

Indeed, all elements of the criminal justice system are suffering from the epidemic of violent crime sweeping the nation. Bottlenecks in the nation's state and municipal courtrooms delay the swift and equitable delivery of justice. And, the nation's adult and juvenile corrections systems are plagued by chronic overcrowding of the prisons and jails intended for the most dangerous offenders, and too few intermediate sanctions, such as military-style boot camp prisons, for non-violent offenders. In sum, our criminal justice system is nearing collapse under the strain of the record violent crime totals.

CHAPTER III—AN ALTERNATIVE LAW ENFORCEMENT AGENDA FOR THE 1990S

As the preceding chapters demonstrate, the nation faces greater challenges today to its public safety than at any time in U.S. history. Unfortunately, the Administration's response to these challenges will do little to reverse these dangerous trends. In some cases, the Administration's response will actually make the problems far worse.

The course that the Administration has charted to address these challenges, however, is not the only one available. Numerous sound proposals have been offered to reverse the current trends in violent crime, proposals that the Administration has either ignored or rejected outright. Outlined below are ten critical areas where the Administration's response is inadequate, followed by proposals that should reverse the current trends in violent crime by equipping us with the tools we need to meet the challenges of the 1990s and beyond.

1. The "Thin Blue Line:" State and Local Law Enforcement

State and local law enforcement agencies have been called the "thin blue line" that separates peaceful, law-abiding neighborhoods from the violence-plagued streets of many U.S. cities, much of it drug related. However, despite the Administration's claim that it will make fighting street crime a high priority, America's "thin blue line" is stretched to the breaking point.

The number of police officers on the streets of the ten largest U.S. cities is barely one percent higher today than when this Administration took office.

And, even this meager increase would be reversed under the Department of Justice's proposals. Although the Justice Department has requested $490 million in fiscal 1992 in funding for the state and local law enforcement block grant program—the same amount Congress appropriated last year—several other initiatives will cost state and local agencies millions of dollars in federal aid.

The Department is attempting to cut federal aid to state and local agencies by more than $50 million by requiring that several separate programs—including the RISS projects (regional criminal intelligence systems) and the expansion of the FBI's National Crime Information Center—be funded through these grants.[11]

The Administration has also short-changed state and local agencies by shifting $20 million that Congress had earmarked for state and local drug-fighting agencies to increase the budgets of federal agencies, a move that the Justice Department's Inspector General recently found to be a violation of law.[12]

Finally, the Administration is proposing to cut federal aid to state and local jurisdictions which do not institute costly new criminal justice drug testing programs. These federal mandates will cost at least $250 million according to Administration estimates, a move which could force state and local law enforcement agencies to fire up to 5,000 police officers.[13]

Any effective response to the violent crime problem must provide more police officers to protect our communities and take back our streets. Accordingly, federal aid to state and local law enforcement agencies should be increased to $1 billion—a rough doubling of the existing federal commitment. This additional funding could be used to hire up to 5,000 additional police officers and 5,000 additional prosecutors at the state and local level. These resources could also be used to improve every component of the criminal justice system, including, police, prosecutors, courts and corrections.

Moreover, Congress should reject the Administration's attempts to cut tens of millions of dollars in federal aid to state and local enforcement through costly new mandates, program "consolidations" that—in reality—cut aid to state and lcoal agencies, and budget tricks that seek to augment the budgets of federal agencies at the expense of state and local law enforcment.

2. Killer Assault Weapons

The single most serious challenge facing the nation's law enforcement community is the proliferation of deadly, military-style assault weapons in the hands of violent gangs, drug traffickers and other organized criminal rings. Unfortunately, the Administration's response to this threat has been guided more by special interest politics, than by concern for police officers in the streets.

The Administration has steadfastly opposed a ban on the manufacture and sale of military-style assault weapons. Even when the Administration has attempted to take a strong stand against assault weapons, it has quickly reversed itself:

Despite the Administration's high-profile announcement in early 1989 that banned the importation of several types of assault weapons, the Administration later reversed itself, permitting the importation of seven types of highly dangerous military-style weapons that had previously been banned.

The White House balked at the recommendations of senior officials from the Bureau of Alcohol, Tobacco and Firearms (BATF) to close a loophole in an earlier Administration order that banned the importation of five types of assault rifles. The loophole allowed the importation of 25 other types of assault weapons—five times the number that were banned.

In 1989, the Administration initially announced that it would support a 15-round limit on the ammunition capacity of military-style assault weapons. A year later, the Administration reversed itself.

Congress should pass and the President should sign the DeConcini Assault Weapons Control Act, which passed the Senate in the 101st Congress. This legislation has been endorsed by virtually every major law enforcement organization in the country, including the Fraternal Order of Police, International Association of Chiefs of Police, National Troopers Coalition, National Sheriffs Association, National Association of Police Organizations, National Organization of Black Law Enforcement Executives, Police Executive Research Forum and the Federal Law Enforcement Officers Association.

The DeConcini bill would ban the possession, sale, importation and manufacture of 14 of the most deadly assault weapons. The bill would not apply to weapons owned by private citizens, but it would require recordkeeping for all future transfers of such weapons to assist law enforcement officials in keeping them out of the hands of youths, drug dealers and dangerous criminals.

3. Gang and Drug Violence

The rise of violent gangs has fueled much of the increase in violent crime and homicide recently. What were once loosely-knit groups of juveniles involved in petty crimes have become powerful, organized gangs intent on controlling the lucrative drug trade through intimidation and murder. In addition, FBI agents and other experts have begun to detail the rise of new Asian gangs, including the "Tongs" and "Triads." Many of the leaders of these gangs are young men in their late teens or early twenties, while gang members are as young as 14. Like the violent youth gangs in Los Angeles and other U.S. cities, the emerging Asian gangs are actively engaged in the drug trade.

The Administration's response to these problems would actually increase the dangerous rise in gang violence and drug trafficking. First, the Administration has tried to cripple the federal agency devoted exclusively to reducing juvenile drug, gang and other criminal activity—the Office of Juvenile Justice and Delinquency Prevention. The Administration has targeted the office for an 85 percent cut in funding.

Recently, the Administration unveiled a major "new" initiative to combat organized crime, including emerging juvenile and Asian drug gangs. The centerpiece of the plan is to increase the number of FBI agents and U.S. prosecutors assigned to organized crime cases. More FBI resources are certainly needed: Despite repeated Administration pledges to boost FBI resources devoted to organized crime and drug cases, budget short-falls forced the Bureau to cut 42 agents from its drug enforcement efforts and 16 agents from its commitment to the Organized Crime-Drug Enforcement Task Forces since January 1990.

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[11] The programs targeted for elimination or "consolidation" include: Regional Information Sharing System ($14 million), the FBI's National Crime Information Center ($22 million), National Institute of Corrections Technical Assistance Grants ($3 million); and the State Justice Institute ($12 million).

[12] *Inspection Report I-91-01: Office of Justice Programs*, Office of the Inspector General, Department of Justice, January 1991, pp. 8-11.

[13] Letter to Chairman Joseph R. Biden, Jr., from Joseph H. McHugh, Director of Congressional Relations, Office of National Drug Control Policy, January 18, 1991.

The Administration's new-found interest in a crackdown on organized crime and gang activities is ironic. Less than 12 months ago, the Administration lobbied aggressively against provisions in S. 1972, introduced by Senator Joseph R. Biden, Jr., which would have boosted the drug and organized-crime fighting budgets of the FBI and U.S. Attorneys' offices by $57 million and $24 million, respectively.[14]

The Federal government must adopt an aggressive program to reverse the current trends in violent gang and juvenile drug activities. First, Congress should enact a $100 million initiative to fight violence and drug activities by youth gangs. Since the majority of juvenile gang and drug activities falls within the jurisdiction of state and local agencies, the bulk of this new funding should go directly to state and local police, sheriffs, prosecutors and juvenile enforcement agencies. Second, Congress should boost funding for the FBI by $98 million to add 1,000 new agents to the Bureau's drug and organized crime program.

Finally, Congress should enact a series of legislative proposals to strengthen federal criminal laws relating to gang violence. These proposals include a new federal offense for "drive by shootings" committed in furtherance of drug conspiracies, along with the "Outlaw Street and Motorcycle Gang Control Act of 1991" introduced by Senator DeConcini. The legislation would establish a national tracking system for violent gangs and boost federal firearms penalties, including making it illegal to transfer a firearm if the seller had reason to know that it would be used in drug trafficking or violent crime.

4. Federal-State Forfeiture Operations

Asset forfeiture laws—which empower law enforcement agencies to freeze and seize the profits of drug dealing and other criminal activities—have become a powerful law enforcement weapon in the fight against drug traffickers and organized crime rings. These laws have also become an important avenue for federal-state cooperative investigations. Under the "equitable sharing" provisions of the Comprehensive Crime Control Act of 1984, state agencies that participate in forfeiture operations prosecuted in federal court are entitled to a share of any monies recovered, based on the level of the state or local agencies involvement. More than $177 million was transferred to state and local agencies in 1990 through the equitable sharing law.

Recent Justice Department proposals, however, could reverse the trend toward federal-state cooperative efforts. The department has proposed a 15 percent "tax" on state-local forfeiture cases to cover "administrative expenses" for cases processed in federal courts. The "15-percent off-the-top" proposal, however, ignores the fact that many of these cases are developed, investigated and prepared almost entirely by state and local authorities, with only nominal involvement of federal posecutors.

Congress should reject the 15 percent tax on joint federal-state forfeiture proceeds. In fact, Congress should consider legislation to expand cooperative forfeiture operations, including efforts to end the lengthy delays in the transfer of equitable sharing proceeds to state and local agencies.

5. Addressing the Corrections Crisis

The Administration's response to the overcrowding problem in the federal prison system has been one of its most successful law enforcement initiatives. The Department of Justice has won consistent funding increases to expand the federal prison capacity—a direction supported by Congress at every step.

At the same time, the department has failed to launch any new initiatives to address the prison crisis at the state level. In fact, the department has largely ignored recent congressional directives to ease the state prison crisis by transferring surplus federal property to state corrections agencies for use as prisons and military-style boot camps. Congress conferred the authority to transfer surplus federal property to state agencies in the 1984 Comprehensive Crime Control Act and re-affirmed this mandate in the Anti-Drug Abuse Act of 1986.

However, only one property—a water storage site on the North Bend National Guard Station in Oregon—was selected and conveyed to a state corrections agency in a recent 12-month period.[15]

If the Federal government is serious about reversing the dangerous trends in murder, robbery, rape and other serious crimes, it must address the state prison crisis. Although the Federal government alone cannot solve the problem, it can move forward on a number of promising initiatives to help remedy the situation. First, the Administration can move aggressively to transfer federal properties—including closed military bases—to state corrections agencies—a move that could save state agencies tens of millions of dollars at little or no cost to U.S. taxpayers.

Second, the Administration should launch a major new effort to identify cost-effective "intermediate sanctions" for low-level, nonviolent offenders, particularly drug offenders. Intermediate sanctions—including military-style boot camps, home detention, and supervised drug testing programs—can provide punishments that are more than a slap on the wrist, but less severe and less expensive than lengthy prison terms.

Finally, the federal government should create 10 regional prisons to house federal, state and local drug offenders, as originally proposed by Senator Biden in S. 2650, the National Drug Strategy Act. The recidivism rate for criminals with drug problems can be significantly reduced by providing effective drug treatment to inmates before their release. Such a policy is not based on misguided notions of rehabilitation, but rather on the practical knowledge that even a 50 percent effective treatment rate can reduce repeat criminal behavior, thus decreasing drug-related violent crime and reducing the ever-increasing cost of incarcerating state and federal prisoners.[16]

6. Violent Crime and Drug Trafficking in Rural America

Violent crime and drug trafficking is tearing apart the social fabric in rural America. Admittedly, the bulk of traditional crime and drug activities in rural areas has occurred outside the jurisdiction of federal agencies. However, with the rise of sophisticated regional and interstate drug trafficking networks in rural locales, particularly large-scale methamphetamine operations, rural enforcement agencies have neither the manpower nor the equipment to respond adequately.

By focusing its law enforcement efforts in major cities, the Administration has neglected its responsibilities to the nation's rural communities. In fact, the Department of Justice has consistently fought congressional initiatives that could help reverse the alarming rates of violent crime and drug trafficking in rural areas, including efforts to boost DEA agents in rural areas, increase federal aid to rural law enforcement agencies and expand training opportunities for rural police officers and drug investigators.[17]

The Federal government must undertake an ambitious program to tackle the rural crime and drug problems. First, Congress and the President should provide $50 million in federal aid to boost police, prosecutors and other law enforcement officials in rural areas. Second, federal law enforcement agencies—particularly the Drug Enforcement Administration and the Federal Bureau of Investigation—should increase their presence in rural areas. The Attorney General should coordinate these additional resources through the creation of Rural Drug Enforcement Task Forces in every federal judicial district that includes significant rural areas. These task forces would be headed by the local U.S. attorney and include personnel from the DEA, FBI, U.S. Park Police, Bureau of Land Management, and state and local law enforcement agencies. Fourth, the Federal Law Enforcement Training Center in Glynco, Georgia, should develop a specialized course tailored to the needs and challenges of rural law enforcement officials and expand the number of rural officers that receive training.

7. Protecting the Rights of Crime Victims

All too often, the criminal justice system ignores the rights of crime victims, attaching more importance to the rights of criminals and the need for speedy prosecutions than to the concerns of the victims of crime.

The Administration has devoted much rhetoric to the rights of crime victims, yet it has done little to advance their rights in the form of legislative or executive branch initiatives. As detailed in chapter II, only 11 percent of the victims of violent crimes receive any assistance or advice from victims assistance officials; the number actually receiving compensation is much smaller still.

Congress should take the lead in responding to the needs of crime victims. First, Congress should consider removing the "cap" on the Crime Victims Fund, or at the very least, significantly increasing the amount of the cap. In addition, Congress should enact legislation to require *mandatory* restitution to the victims of federal crimes. A similar provision passed the Senate during the 101st Congress.

8. Federal Criminal Law Reform

The centerpiece of the Administration's violent crime program is the reform of federal criminal law with respect to the death penalty, exclusionary rule and habeas corpus. The Administration's proposals—particularly the death penalty—sound "tough" on crime, but their toughness is more apparent than real.

Since November 1988, the Attorney General has had the authority to seek the death penalty in any case where a drug kingpin commits or orders a murder. During the 28 months the law has been in effect, no drug kingpin has yet been given a death sentence. In fact, there are currently only four cases underway where the Justice Department is seeking the death penalty.

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[14] Letter to Chairman Joseph R. Biden, Jr., from Bruce C. Navarro, Acting Assistant Attorney General, U.S. Department of Justice, March 19, 1990.

[15] *See The President's Drug Strategy: One Year Later*, Staff Report of the Majority Staffs of the Senate Judiciary Committee and International Narcotics Control Caucus, Septembr 1990, pp. 47-8.

[16] Among several studies which make the same point, the Treatment Outcomes Prospectives—the so-called "TOPS" study—confirms that drug treatment reduces criminality significantly.

[17] *See* Letter to Chairman Joseph R. Biden, Jr., from Bruce C. Navarro, Acting Assistant Attorney General, U.S. Department of Justice, March 19, 1990.

Three potential death sentences during a period in which more than 50,000 Americans were killed. This cannot be considered a serious solution to America's crime problem.

The promises of exclusionary rule and habeas corpus reform as the answers to violent crime in America are similarly misleading. The Administration's exclusionary rule proposals would apply only to federal cases. And habeas corpus reform would have little impact on crime in the streets: habeas petitions, by definition, are filed by prisoners who are already incarcerated and who seek review of their state court convictions.

Nonetheless, enactment of the federal death penalty, and reform of the exclusionary rule and habeas corpus procedures, will have some impact. Both Houses of Congress passed legislation in the 101st Congress to accomplish such reform; unfortunately, final language could not be resolved in the final hours of the session.

Congress should expand the federal death penalty, and reform the exclusionary rule and habeas corpus procedures; legislation to accomplish these goals should be enacted in the 102nd Congress.

But the promise of such reform should not be overstated. Severe penalties for the most heinous violent crimes are necessary to deter and punish such acts. But stiff laws on the books are no substitute for catching and prosecuting criminals. Without the necessary resources to put violent criminals behind bars, expanding the federal death penalty amounts to little more than a symbolic gesture that diverts our attention from what we can do effectively to reduce the dangerous trends in violent crime.

9. National Commission on Crime and Violence in America

The Attorney General's law enforcement summit was held amidst the backdrop of the nation's bloodiest year in history, with a record murder toll and sharp increases in the rate of robbery, assault, rape and other violent crimes.

The Attorney General could have seized upon this moment to chart a new direction for the law enforcement community in the 1990s, building a national consensus among federal, state and local elected leaders, law enforcement professionals and other experts on how to reverse the alarming trends in violent crime. Unfortunately, the agenda of the summit was dictated by federal officials, allowing little opportunity for state and local law enforcement officials to offer their suggestions on how to address the violent crime problem. Moreover, the carefully scripted agenda side-stepped the tough issues confronting the nation's law enforcement community, including the deadly flow of assault weapons into the hands of violent criminals and inadequate federal aid to address the crises in our courts and corrections systems.

Many of the current success stories in the fight against crime and drug trafficking can be traced to the President's Commission on Law Enforcement and the Administration of Justice, created by President Lyndon Johnson in the late 1960s. Responding to the rising tide of violent crime in the streets of America, the President's Commission charted an ambitious new course that attacked the crime problem on a number of fronts. For example, the Commission drafted the early versions of the Omnibus Crime Control and Safe Streets Act of 1968, which overhauled federal crime and drug trafficking laws, authorized court-approved wiretaps and committed the federal government to support state and local law enforcement agencies.

The President should convene a National Commission on Crime and Violence in America to chart a course for the nation to respond to the violent crime and drug trafficking problems into the 21st century. The Commission's agenda should not be dictated by federal officials, but rather should be developed by members of the Commission. The membership should include law enforcement officials from federal, state and local agencies, elected officials from all levels of government, and experts from a wide variety of academic and professional disciplines, including the medical, business, military, religious and entertainment fields.

10. The Emerging Threats

Much of the violent crime problem in America is fueled by drug trafficking. To prevent future increases in violent crime, we must respond to the emerging drug threats in this country. In particular, there is substantial evidence that crystalline methamphetamine—commonly called "ice"—and cheap, extremely-pure Southeast Asian heroin, including new forms of smokable heroin, may trigger new drug epidemics in the 1990s, bringing with them an inevitable increase in drug-related violent crime.

The Administration has taken a complacent approach to these emerging drug crises. The January 1991 National Drug Control Strategy dismisses these threats, arguing that "there is no solid evidence that any recent increase in heroin use has occurred" and that "ice continues to be used primarily in Hawaii and the Far West." After downplaying the threat, the strategy simply calls for lengthy studies and research of the problems.

The story of our failure to foresee—and prevent—the crack cocaine epidemic is one of the most significant public policy mistakes in modern history. Though U.S. officials had several years notice that the outbreak was coming, they took little action until it was too late. If we endorse the folly of the Administration's current complacency, history may repeat itself.

Congress must take steps to respond to the emerging threats of methamphetamine and heroin before they reach epidemic proportions. The DEA should increase the number of agents stationed in Pacific Rim countries, where much of the heroin and methamphetamine is produced and transported. Federal laws should be strengthened to better control the sale of ephedrine and other precursor chemicals used to produce methamphetamine. And Federal law enforcement officials should initiate prosecutions of clandestine methamphetamine laboratories under the criminal and civil provisions of federal environmental laws, particularly in cases where there is insufficient evidence to bring criminal charges under traditional drug laws.[18]

APPENDIX I—SUMMARY OF PROPOSALS

Violent Crime Control Act of 1991

Title I. Safer Streets and Neighborhoods Act: Authorizes $1 billion in aid to state and local law enforcement agencies.

Title II. Federal Death Penalty Act: Authorizes the death penalty for 30 offenses (includes the Racial Justice Act).

Title III. Death Penalty for Murder of Law Enforcement Officer Act: Authorizes the death penalty for the murder of federal law enforcement agents and state law enforcement agents working with the federal government.

Title IV. Death Penalty for Drug Criminals Act: Authorizes the death penalty for drug offenders who murder.

Title V. Anti-Terrorist Crime Act: Authorizes the death penalty for terrorist murders committed at home or abroad, boosts penalties, and creates new offenses to counter terrorism.

Title VI. Drive-by-Shooting Act: Increases penalties for drive-by-shootings in furtherance of drug conspiracies; authorizes the death penalty for drive-by-shootings that result in murder.

Title VII. Assault Weapons: Bans the manufacture and assembly of 14 domestic assault weapons (the "DeConcini bill").

Title VIII. Police Corps: Grants college scholarships to students who commit to 4 years service as police officers and provides educational opportunities for in-service police officers (based on the Sasser-Specter-Graham amendment to S. 1970, 101st Congress).

Title IX. Federal Law Enforcement Act: Boosts funding for DEA, FBI, and INS agents.

Title X. Habeas Corpus Reform: Limits death-row prisoners to one habeas corpus petition.

Title XI. Punishment of Gun Criminals: Toughens penalties for use of a firearm during any violent or drug crime.

Title XII. Prison for Violent Drug Offenders Act: 10 regional prisons to treat 8,000 state and federal prisoners addicted to drugs.

Title XIII. Boot Camps: Authorizes the Attorney General to create 10 military style boot camps for young drug offenders.

Title XIV. Youth Violence Act: Provides $100 million in grants to fight juvenile gangs and the use of illegal drugs by juveniles.

Title XV. Rural Crime and Drug Control Act: Provides $50 million and other measures to control the supply of drugs in rural America and $25 million for drug treatment and prevention efforts targeting rural America.

Title XVI. Drug Emergency Areas Act: Provides $300 million in federal aid to those cities and communities hardest hit by the drug crisis (based on Biden-Specter-Kennedy bill).

Title XVII. Drunk Driving Child Protection Act: Boosts penalties for drunk driving when a child is present in the vehicle.

Title XVIII. The Commission on Violence in America: Creates a national commission to establish a plan for combatting violence in American society.

Title XIX. Victims of Crime Act: Creates a victim "bill of rights" and mandates victim restitution.

Title XX. Crack House Eviction Act: Beefs up Attorney General's authority to shut down crack houses (based on Kennedy amendment to S. 1970, 101st Congress).

Title XXI. Organized Crime Division: Establishes an organized crime and dangerous drug division within the Department of Justice.

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[18] For a complete list of initiatives to combat the emerging methamphetamine and heroin problems, see *Fighting Drug Abuse: New Directions for Our National Strategy*, Staff Report by the Majority Staffs of the Senate Judiciary Committee and International Narcotics Control Caucus, February 1991, pp. 126-67.

Title XXII. Exclusionary Rule: Codifies existing law on the exclusionary rule.

Title XXIII. Drug Testing: Requires drug tests for all federal prisoners on parole, probation, or supervised release.

APPENDIX II—COMMISSION ON VIOLENCE IN AMERICA

TITLE —COMMISSION ON CRIME AND VIOLENCE

SEC. 1801. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "National Commission on Crime and Violence in America". The Commission shall be composed of 22 members, appointed as follows:

(1) 6 persons by the President;

(2) 8 persons by the Speaker of the House of Representatives, two of whom shall be appointed on the recommendation of the minority leader; and

(3) 8 persons by the President pro tempore of the Senate, six of whom shall be appointed on the recommendation of the Majority Leader of the Senate and two of whom shall be appointed on the recommendation of the Minority Leader of the Senate.

SEC. 1802. PURPOSE.

The purposes of the Commission are as follows:

(1) To develop a comprehensive and effective crime control plan which will serve as a "blueprint" for action in the 1990s. The report shall include an estimated cost for implementing any recommendations made by the commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control plan.

(4) To recommend improvements in the coordination of local, State and Federal crime control efforts.

SEC. 1803. RESPONSIBILITIES OF THE COMMISSION.

The commission shall be responsible for the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes to state and Federal law have had in controlling crime and violence.

(3) Examining the problem of youth gangs and provide recommendations as to how to reduce youth involvement in violent crime.

(4) Examining the extent to which assault weapons and high power firearms have contributed to violence and murder in America.

(5) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate.

(6) Review all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components in developing the crime control plan.

SEC. 1804. COMMISSION MEMBERS.

(a) CHAIRPERSON.—The President shall designate a chairperson from among the members of the Commission.

(b) COMPOSITION OF MEMBERSHIP.—The Commission members will represent a cross-section of professions that include law enforcement, prosecution, judges, corrections, education, medicine, business, religion, military, welfare and social services, sports, entertainment, victims of crime, and elected officials from State, local and Federal Government that equally represent both political parties.

SEC. 1805. ADMINISTRATIVE PROVISIONS.

(a) FEDERAL AGENCY SUPPORT.—All Federal agencies shall provide such support and assistance as may be necessary for the Commission to carry out its functions.

(b) EXECUTIVE DIRECTOR AND STAFF.—The President is authorized to appoint and compensate an executive director. Subject to such regulations as the Commission may prescribe, staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive services and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(c) DETAILED FEDERAL EMPLOYEES.—Upon the request of the chairperson, the heads of executive and military departments are authorized to detail employees to work with the executive director without regard to the provisions of section 3341 of title 5, United States Code.

(d) TEMPORARY AND INTERMITTENT EMPLOYEES.—Subject to rules prescribed by the Commission, the chairperson may procure temporary and intermittent services under section 3108(b) of title 5, United States Code, but at a rate of base pay not to exceed the annual rate of base pay for GS-18 of the General Schedule.

SEC. 1806. REPORT.

The Commission shall submit a final report to the President and the Congress not later than one year after the appointment of the Chairperson. The report shall include the findings and recommendations of the Commission as well as proposals for any legislative action necessary to implement such recommendations.

SEC. 1807. TERMINATION.

The Commission shall terminate 30 days after submitting the report required under section 1806.

CRIME BILL SIDE-BY-SIDE

Provision	Biden bill	Bush bill
1. Safe Streets.	Authorizes $1 billion in aid to State and local law enforcement agencies.	No provision, and Bush's budget cuts aid to State and local agencies by almost $100 million (down to $450 million).
2. Death Penalty.	Authorizes the death penalty for 30 Federal offenses.	Authorizes the death penalty for 30 Federal offenses.
3. Murder of Law Enforcement Agents.	Authorizes the death penalty for the murder of Federal law enforcement agents and State law agents working with the Federal Government.	Authorizes the death penalty for the murder of Federal law enforcement agents only.
4. Death Penalty (Drug Crimes).	Authorizes the death penalty for murderous drug offenses.	Authorizes the death penalty for "drug kingpins."
5. Anti-Terrorism.	Authorizes the death penalty for murderous terrorist acts and boosts other terrorist-related penalties.	Authorizes the death penalty for murderous terrorist acts.
6. Drive-by-Shooting.	Increases penalties for drug-related drive-by-shootings, including death penalty provisions.	No provision.
7. Assault Weapons.	Bans the manufacture and assembly of 14 domestic assault weapons. (DeConcini bill).	Bans only foreign-made assault weapons.
8. Police Corps.	Grants college scholarships to students who commit to 4 years service as police officers and provides in-service educational opportunities. (Sasser-Specter-Graham Proposal).	No provision.
9. Federal Law Enforcement.	Boosts funding for DEA, FBI, and INS agents.	Proposes modest increases for the DEA, FBI, and other agencies.
10. Habeas Corpus.	Limits death-row prisoners to one habeas corpus petition, if prisoners are given adequate counsel.	Effectively eliminates federal court review of state criminal convictions.
11. Gun-Related Penalties.	Toughens penalties for gun use during any violent or drug-related crime.	Adds to current penalties for gun-related offenses.
12. Violent Drug-Crime Prison.	Establishes 10 regional prisons to treat State and Federal drug-addicted prisoners.	No provision.
13. Boot Camps.	Expands Federal funding for State "boot camp" programs.	Do.
14. Violent Youths.	Provides $100 million to combat juvenile gangs and drug abuse among youths and increases penalties for most serious offenses.	Increases some penalties for serious juvenile offenses.
15. Rural Crime and Drugs.	Provides, for rural areas, $50 million for anti-drug law enforcement and $25 million for drug treatment and prevention.	No provision.
16. Drug Emergency Areas.	Provides $300 million to cities hardest hit by the drug crisis.	Do.
17. Drunk Driving.	Boosts penalties for drunk driving when a child is present in the vehicle.	Do.
18. Anti-Violence Commission.	Creates a national commission to plan against violence in America.	Do.
19. Victims of Crime.	Creates a victim "bill of rights," mandates victim restitution, and removes cap on victim's fund.	Do.
20. Crack House Eviction.	Expands the Attorney General's authority to close crack houses.	Do.
21. Organized Crime Division.	Establishes an Organized Crime and Dangerous Drugs Division within the Department of Justice.	Do.
22. Exclusionary Rule.	Codifies existing law on the exclusionary rule.	Creates a "good faith exception" that even applies in cases when no search warrant is obtained.
23. Drug Testing.	Requires drug tests for all Federal prisoners on parole, probation, and supervised release. (Simon bill).	Similar provision.

Violent Crime Control Act of 1991

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Title V. Anti-terrorist Crime Act: Authorizes the death penalty for terrorist murders committed at home or abroad, boosts penalties, and creates new offenses to counter terrorism.

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Title VII. Assault weapons: Bans the manufacture and assembly of 14 domestic assault weapons (the "DeConcini bill").

Title VIII. Peace Corps: Grants college scholarships to students who commit to 4 years service as police officers and provides educational opportunities for in-service police officers (based on the Sasser-Specter-Graham amendment to S. 1970, 101st Congress).

Title IX. Federal Law Enforcement Act: Boosts funding for DEA, FBI, and INS agents.

Title X. Habeas Corpus reform: Limits death-row prisoners to one habeas corpus petition.

Title XI. Punishment of gun criminals: Toughens penalties for use of a firearm during any violent or drug crime.

Title XII. Prison for Violent Drug Offenders Act: 10 regional prisons to treat 8,000 state and federal prisoners addicted to drugs.

Title XIII. Boot camps: Authorizes the Attorney General to create 10 military style boot camps for young drug offenders.

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Title XXI. Organized Crime Division: Establishes an organized crime and dangerous drug division within the Department of Justice.

Title XXII. Exclusionary Rule: Codifies existing law on the exclusionary rule.

Title XXIII. Drug Testing: Requires drug tests for all federal prisoners on parole, probation, or supervised release.

Detailed Summary of Biden Crime Bill

Title I—Safer Streets and Neighborhoods Act

Title I authorizes $1 billion in aid to state and local law enforcement agencies for fiscal year 1992.

Title II—Federal Death Penalty Act

Title II authorizes the death penalty for the same 30 federal offenses proposed by Senator Thurmond last year in S. 32, and passed by the Senate in S. 1970. Four offenses have been added for civil rights murders. Like S. 1970, Title II bars the execution of persons under the age of 18 and the mentally retarded. This title also includes Senator Kennedy's Racial Justice Act.

Title III—Death Penalty for Murder of Law Enforcement Officer Act

Title III authorizes the death penalty for the murder of federal law enforcement officers. It also creates a new death penalty offense for the murder of state law enforcement officers working with federal agents.

Title IV—Death Penalty for Drug Criminals Act

Title IV authorizes the death penalty for drug criminals who murder, creating 5 new death penalty offenses. These new offenses cover murders committed during drug conspiracies, during the sale of large drug quantities, or during drug sales to minors.

Title V—Anti-Terrorist Crime Act

Title V is a comprehensive anti-terrorism initiative. It allows the FBI to go after criminals who finance and arm terrorist groups; and provides $75 million to significantly boost the number of FBI agents and other federal state and local law enforcement agents devoted to counter-terrrorism efforts.

Title VI—Drive-by-Shooting Act

Title VI attacks the increasing threat posed by drug-related drive-by-shootings. Federal law punishes murders and gun crimes but provides no separate penalties for indiscriminately spraying bullets into a crowded car or playground. This title creates a special offense for drug-related drive-by-shootings, punishable for up to 25 years, and authorizes the death penalty if the shooting results in murder.

Title VII—Assault Weapons

Title VII is the "assault weapon" ban authored by Senator DeConcini and passed last year by the Senate in S. 1970. It bans 14 specific weapons, barring all domestic manufacture and assembly of those 14 weapons.

Title VIII—Police Corps

Title VIII is identical to the Sasser-Specter-Graham "Police Corps" amendment that passed the Senate as part of S. 1970. It contains two major parts: Subtitle A authorizes $400 million to create a "police corps" by funding $10,000/year scholarships for those college students who commit to 4 years' service as police officers; Subtitle B provides $30 million in scholarships for officers already serving in state and local police departments.

Title IX—Federal Law Enforcement Act

Title IX substantially increases the number of federal agents handling drug and violent crime cases. It authorizes funds for 1000 more FBI agents, 400 more DEA agents, 500 more border patrol agents, 400 more INS agents investigating drug crimes, and 350 more federal prosecutors. Additional sums are also provided for public defenders, the marshal's service, and the courts.

Title X—Habeas Corpus Reform

Title X limits death row prisoners to one habeas corpus petition. Prisoners have one year to file that petition. In return, States must provide competent counsel in capital cases. Title X was authored by Senator Biden and introduced last session in S. 1757.

Title XI—Punishment of Gun Criminals

Title XI stiffens penalties for use of a firearm during any violent or drug crime. Possession or discharge of a firearm would yield a penalty up to 10 years; possession or discharge of an assault weapon would yield a penalty up to 15 years. In addition, this title includes several other technical provisions amending current gun laws that were originally proposed last year by the Administration in S. 1225.

Title XII—Prison for Violent Drug Offenders Act

Title XII creates 10 regional prisons, each accommodating 8,000 state and federal prisoners addicted to drugs. These new facilities will ease prison overcrowding and, at the same time, separate prisoners with drug problems from the general prison population. Prisoners will receive in-prison drug treatment and preparation for their eventual return to the community. States will reimburse the Federal Bureau of Prisons for the cost of the program, but will receive partial reimbursement for prisoners who successfully complete the program.

Title XIII—Boot Camps

Title XIII authorizes $150 million for the conversion and operation of 10 closed military bases as boot camps. Each boot camp will accommodate up to 300 inmates under the age of 25, for a 3-4 month program similar to military basic training, including strict discipline, physical training, work, and drills.

Title XIV—Youth Violence Act

Title XIV targets youth offenders and youth gangs. It creates a new $100 million anti-drug anti-gang initiative in the Justice Department to combat drug and gang activitiy by juveniles, funding ten local programs that focus their efforts both on stopping juvenile drug crime and offering better alternatives to youth gangs. In addition, this title provides further protection for youth by stepping up penalties for drug dealers who use young persons to evade current laws restricting the sale of drugs 1000 feet from a school. And, finally, this title expands prosecutors' reach to certain serious juvenile offenders involved in gun offenses.

Title XV—Rural Crime and Drug Control Act

Title XV is a comprehensive rural drug initiative. It focuses federal law enforcement efforts on rural areas by creating rural anti-drug task forces in every area with a significant rural population and provides additional manpower by authorizing the Attorney General to assign hundreds of federal law enforcement agents for use in rural areas. This title also expands drug abuse treatment and prevention efforts for rural America, based on proposals authored by Senators Baucus and Pryor.

Title XVI—Drug Emergency Areas Act

Title XVI creates a new $300 million program to provide emergency assistance to state and local areas beset by intransigent drug and crime problems. Modeled on the federal disaster relief program, it authorizes the President to declare "drug emergency areas" and send aid directly to those areas. A bipartisan alternative to the President's "high intensity" drug trafficking plan, this proposal helps more places with more money and gets the aid directly to those who need it most.

Title XVII—Drunk Driving Child Protection Act

Title XVII increases existing penalties for drunk driving where a child is in the car. Offenders would be subject to an additional year in jail and a $1,000 fine on top of existing penalties if minors were in the vehicle.

Title XVIII—The Commission on Violence in America

Title XVIII creates a national commission to establish a plan for combatting violence in American society. The resulting strategy will help guide law enforcement's fight against crime into the 21st century.

Title XIX—Victims of Crime Act

Title XIX boosts aid to crime victims by eliminating the cap on the crime victims fund. In addition, this title includes a victim "bill of rights" and requires that defendants pay crime victims' expenses. This "mandatory" restitution law, authored by Senator Nickles and passed last year in S. 1970, strengthens current law which leaves victims payments up to judges' discretion.

Title XX—Crack House Eviction Act

Title XX adds one more weapon in the Attorney General's arsenal to shut down crack houses and shooting galleries. Authored by Senator Kennedy and passed as part of S. 1970, it authorizes a new civil remedy to evict drug offenders from crack houses and allows civil penalties of up to $100,000.

Title XXI—Organized Crime Division

Title XXI establishes an organized crime and dangerous drug division within the Department of Justice. The proposal will centralize and expand the federal law enforcement effort against high-level drug traffickers, organized crime, and international drug cartels.

Title XXII—Exclusionary Rule

Title XXII codifies existing law on the exclusionary rule. Taken from the Supreme Court's decision in United States v. Leon, this title provides that evidence will not be excluded from criminal trials if the officer reasonably believed "in good faith" that the warrant he obtained complied with the law.

Title XXIII—Federal Prisoner Drug Testing

Title XXIII requires drug tests for all federal prisoners who have been released from prison but are on parole, probation, or supervised release. This title was authored by Senator Simon and passed by the Senate as part of S. 1970.

Crimes where death penalty would be reinstated

Destruction of aircraft.
Destruction of motor vehicle.
Murder of family member of Federal Official.
Murder of Member of Congress, Cabinet, or Supreme Court.
Espionage.
Transporting explosives with intent to kill.
Arson of Federal property.
Arson of property in Interstate Commerce.
Murder of nuclear regulatory inspector.
Murder in territorial jurisdiction of the U.S.
Murder of Federal official.
Mailing of injurious articles.
Assassination of the President.
Wrecking a train.
Bank robbery.
Treason.
Aircraft hijacking.
Murder of Agriculture Department official.
Murder of Federal witness.
Murder of horse inspector.
Murder of poultry inspector.
Murder of egg products inspector.

New crimes punishable by death (proposed last year)

Genocide.
Murder of foreign official.
Kidnapping.
Hostage taking.
Murder-for-hire.
Murder in aid of racketeering.
Murder by prisoners serving life sentences.

Additional crimes punishable by death (newly proposed)

1. Civil rights conspiracy.
2. Deprivation of rights by States.
3. Deprivation of federal rights.
4. Deprivation of religious rights.
5. Murder of state official assisting federal officials.
6. Drive-by-shooting murder.
7. Terrorist murder abroad.
8. Terrorist murder in this country.
9. Conspiracy to distribute drugs.
10. Conspiracy to import/export drugs.
11. Drug sales to or use of minors.
12. Sale of major drug quantities.
13. Import/export of major drug quantities.
14. Murder by firearm.

Note: In each case, the death penalty would apply only where death results from the criminal act.

By Mr. BRADLEY (for himself and Mr. KENNEDY):

S. 619. A bill to establish a Link-up for Learning demonstration grant program to provide coordinated services to at-risk youth; to the Committee on Labor and Human Resources.

LINK-UP FOR LEARNING DEMONSTRATION GRANT ACT

Mr. BRADLEY. Mr. President, I rise today to introduce the Link-Up for Learning Act. I'm very pleased to announce also that Senator KENNEDY, the able chairman of the Senate Committee on Labor and Human Resources, joins me as a cosponsor of this bill.

Mr. President, the poverty, hunger, illness, and family breakdown that is the tragic condition of too many American children has placed tremendous stresses on our educational system. When we look at the failures of American education, at declining test scores, at the difficulty businesses have in finding young workers with basic skills, we have to face up to the fact that many youngsters come to school unready to learn.

An empty stomach, pregnancy, homelessness, chronic illness, sleepless nights spent listening to a domestic fight in the next room or a gunfight in the street can make it impossible to focus the mind on reading, spelling, and multiplication tables. America's teachers know this, and they work hard to help each student overcome the barriers to learning. In any circumstances, this is a daunting proposition. But with class sizes of 30 students or more, inadequate facilities and stressful classroom settings, this can be a nearly impossible task. The Link-Up for Learning Act will help schools, families and teachers connect students with the social services that will help them come to school ready to learn.

Link-Up for Learning recognizes that in every region of the country, services for children are available from many private and local government agencies. But too often neither parents nor teachers are aware of all the possibilities, so children's needs go unmet. Bringing together families, teachers, school personnel, and community social-service providers will make it possible to see all of a child's needs so that all the adults involved can work together to help that child reach his or her fullest potential.

There is no single model for connecting schools, families and social-service providers. The Link-Up for Learning bill, by establishing a $50 million demonstration grant program in the Department of Education, will help various localities explore what works to meet the learning needs of at-risk kids in their schools. The common thread to all the projects will be that the districts must already be eligible to receive chapter I funds for disadvantaged students.

I expect that some of the projects funded will draw on New Jersey's School Based Youth Services Programs [SBYSP], which offer one of the most successful models for connecting schools with social services. The 29 centers established by this program offers a one-stop approach for students or dropouts between the ages of 13 and 19 who want an opportunity to complete their education or obtain other services. Many new projects will look at other ways to make the whole array of social services available to a particular young person or family.

Other programs, I expect, will link educational programs designed to address or prevent a particular problem with community-based programs in the same area. The Healthy Mothers/Healthy Babies Initiative underway in 10 New Jersey cities offers a good example of this approach. Schools, prenatal care providers, social service agencies, and community and church groups work together to educate young mothers and to keep both mother and infant healthy. A successful program can help the mother complete her schooling and help her child grow up ready to learn, thus preventing two human tragedies.

I mention these models only as examples of how connecting schools, families, and community resources can help save children. The purpose of this bill is to unleash the creativity in our schools and communities to come up with new and better ways to make this connection.

Before closing, I need to acknowledge the enormous contribution made by the Nation's school boards and their National Association to this effort. These community-minded individuals have always been at the forefront of creating an effective school program. Their development and support for this Link-Up for Learning is proof of their commitment, and I thank them for it.

Mr. President, if we fail to educate the children who are poor in America today, we will consign one in five Americans to a future of failure and low productivity. The millions of children who are victims of abuse and neglect each year, the 100,000 who are homeless, the millions who come from single-parent families bring enormous new problems to our schools. Teachers know that if they can find a way to address these problems, the process of learning can begin and succeed. Link-Up for Learning will help those kids find a way out of their problems so they can concentrate on learning and achieving the full potential of their minds and bodies.

I ask unanimous consent that the text of the bill and a brief summary be printed following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Link-up for Learning Demonstration Grant Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) growing numbers of children live in an environment of social and economic conditions that greatly increase the risk of academic failure when such children become students;

(2) more than 20 percent of the Nation's children live in poverty while at the same time the Nation's infrastructure of social support for such children has greatly eroded, for example, 40 percent of eligible children do not receive free or reduced price lunches or benefit from food stamps, 25 percent of such children are not covered by health insurance, and only 20 percent of such children are accommodated in public housing;

(3) many at-risk students suffer the effects of inadequate nutrition and health care, overcrowded and unsafe living conditions and homelessness, family and gang violence, substance abuse, sexual abuse, child abuse, involuntary migration, and limited English proficiency that often create severe barriers to learning the knowledge and skills needed to become literate, independent, and productive citizens;

(4) almost half of all children and youth live in a single parent family for some period of their lives, resulting in greatly reduced parental involvement in their education;

(5) high proportions of disadvantaged and minority children live with never married mothers or teenage mothers who have extremely limited resources available for early childhood development and education;

(6) large numbers of children and youth are recent immigrants or children of recent immigrants with limited English proficiency and significant unmet educational needs;

(7) services for at-risk students are fragmented, expensive, overregulated, often ineffective and duplicative, and focused on narrow problems and not the needs of the whole child and family;

(8) school personnel and other support service providers often lack knowledge of and access to available services for at-risk students and their family in the community, are constrained by bureaucratic obstacles from providing the services most needed, and have few resources or incentives to coordinate services;

(9) service providers for at-risk students such as teachers, social workers, health care givers, juvenile justice workers and others are trained in separate institutions, practice in separate agencies, and pursue separate professional activities that provide little support for coordination and integration of services;

(10) coordination and integration of services for at-risk students emphasizing prevention and early intervention offers a great opportunity to break the cycle of poverty that leads to academic failure, teenage parenthood, leaving school, low skill levels, unemployment, and low income; and

(11) coordination of services is more cost effective for schools and support agencies because it reduces duplication, improves quality of services, and substitutes prevention for expensive crisis intervention.

SEC. 3. PURPOSES.

(a) IN GENERAL.—It is the purpose of this Act to make demonstration grants to eligible entities to improve the educational performance of at-risk students by—

(1) removing barriers to such student's learning;

(2) coordinating and enhancing the effectiveness of educational support services;

(3) replicating and disseminating programs of high quality coordinated support services;

(4) increasing parental educational involvement;

(5) improving the capacity of school and support services personnel to collaborate educational services;

(6) integrating services, regulations, data bases, eligibility procedures and funding sources whenever possible; and

(7) focusing school and community resources on prevention and early intervention strategies to address student needs holistically.

(b) ADDITIONAL PURPOSES.—It is also the purpose of this Act to foster planning, coordination, and collaboration among local, county, State, and Federal educational and other student support service agencies and levels of government, nonprofit organizations, and the private sector to improve the educational performance of at-risk students by—

(1) identifying and removing unnecessary regulations, duplication of services, and obstacles to coordination;

(2) improving communication and information exchange;

(3) creating joint funding pools or resource banks;

(4) providing cross-training of agency personnel; and

(5) increasing parental and community involvement in education.

SEC. 4. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in section 7.

(b) SPECIAL CONSIDERATION.—In awarding grants under this Act, the Secretary shall give special consideration to—

(1) providing an equitable geographic distribution of such grants;

(2) providing grants to eligible recipients serving urban and rural districts with high proportions of at-risk students;

(3) awarding grants for programs involving interagency teams of collaborators providing case management services; and

(4) providing grants to eligible recipients serving areas that experience a significant increase in the number of at-risk students.

(c) DURATION.—Grants made under this Act may be awarded for a period of not more than 3 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in the application submitted pursuant to section 8.

SEC. 5. ELIGIBILITY.

(a) IN GENERAL.—For the purposes of this Act the term "eligible entity" means—

(1) at least one local educational agency in partnership with at least one public agency;

(2) at least one nonprofit organization, institution of higher education, or private enterprise in partnership with at least one local educational agency; or

(3) a local educational agency that is receiving assistance under the Head Start Transition Project Act in partnership with any agency designated as a Head Start agency under the Head Start Act.

(b) SPECIAL RULE.—An eligible entity shall only be eligible for a grant under this Act if at least one local educational agency participating in the partnership is eligible to receive financial assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

SEC. 6. TARGET POPULATION.

In order to receive a grant under this Act, an eligible entity shall serve—

(1) educationally deprived students and their families, students eligible to be counted under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and their families, or students participating in school-wide projects assisted under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and their families; and

(2) any school, grade span, or program area if the program design is of adequate size, scope and quality to achieve program outcomes.

SEC. 7. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—Each eligible entity receiving a grant under this Act may use such grant for programs that—

(1) plan, develop, coordinate, acquire, expand, or improve school-based or community-based education support services through cooperative agreements, contracts for services, or direct employment of staff to strengthen the educational performance of at-risk students, including support services such as child nutrition and nutrition education, health education, screening and referrals, student and family counseling, substance abuse prevention, extended school-day enrichment and remedial programs, before and after school child care, tutoring, mentoring, homework assistance, special curricula, family literacy, and parent education and involvement activities;

(2) plan, develop, and operate with other agencies a coordinated services program for at-risk students to increase the access of such students to community-based social support services including child nutrition, health and mental health services, substance abuse prevention and treatment, foster care and child protective services, child abuse services, welfare services, recreation, juvenile delinquency prevention and court intervention, job training and placement, community-based alternatives to residential placements for students with disabilities, and alternative living arrangements for students with dysfunctional families;

(3) develop effective strategies for coordinated services for at-risk students whose families are highly mobile;

(4) develop effective prevention and early intervention strategies with other agencies to serve at-risk students and their families;

(5) improve interagency communications and information-sharing, including developing local area telecommunications networks, software development, data base integration and management, and other applications of technology that improve coordination of services;

(6) support co-location of support services in schools, cooperating service agencies, community-based centers, public housing sites, or other sites nearby schools, including rental or lease payments, open and lock-up fees, or maintenance and security costs necessary for the delivery of services for at-risk students;

(7) design, implement, and evaluate unified eligibility procedures, integrated data bases, and secure confidentiality procedures that facilitate information-sharing;

(8) provide at-risk students with integrated case planning and case management services through staff support for interagency teams of service providers or hiring school-based support services coordinators;

(9) subsidize the coordination and delivery of education related services to at-risk students outside the school site by entities such as public housing authorities, libraries, senior citizen centers, or community-based organizations;

(10) provide staff development for teachers, guidance counselors, administrators, and public agency support services staff, including cross-agency training in service delivery for at-risk students;

(11) plan and operate one-stop school-based or nearby community-based service centers to provide at-risk students and their families with a wide variety and intensity of support services such as information, referral, expedited eligibility screening and enrollment and direct service delivery; and

(12) support dissemination and replication of a model coordinated educational support services program to other local educational agencies including dissemination and replication of materials and training.

(b) LIMITATIONS.—

(1) PLANNING.—Not more than one-third of each grant received under this Act shall be used for planning a coordinated services program.

(2) DELIVERY OF SERVICES.—Not more than 50 percent of each grant received under this Act shall be used for the delivery of services.

(3) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this Act shall be used to supplement and not supplant the funds that would otherwise be available from non-Federal sources for the activities assisted under this Act.

SEC. 8. APPLICATIONS.

(a) IN GENERAL.—Each eligible entity desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

(1) describe the activities and services for which assistance is sought;

(2) identify the degree of need for a coordinated services plan among the students served by the program;

(3) describe the expected improvement in educational outcomes for at-risk students served by the program;

(4) describe how the eligible entity will assess the educational and other outcomes of support services provided by each public agency participating in the partnership;

(5) contain a description of how the eligible entity will improve the educational achievement of at-risk students through more effective coordination of support services, staff development and cross-agency training, and the educational involvement of parents;

(6) describe how the eligible entity will continue the support services assisted under this Act after the Federal assistance provided under this Act is terminated; and

(7) provide evidence of the capacity of the program to serve as a model program for replication by local educational agencies.

(c) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Each eligible entity desiring a grant under this Act shall establish a coordinated services advisory council to develop the application submitted pursuant to subsection (a).

(2) COMPOSITION.—The advisory council described in paragraph (1) shall consist of the head of each public agency participating in the partnership, a member of the local board of education, and the superintendent of schools, or the designees of such individuals, and the representatives of parents, students, and the private sector.

(d) REVIEW OF APPLICATIONS.—The Secretary shall review applications submitted pursuant to subsection (a) with the Secretary of Health and Human Services and the Secretary of Housing and Urban Development, as appropriate.

SEC. 9. FEDERAL INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT AND COMPOSITION.—There is established a Federal Interagency Task Force (in this section referred to as the "Task Force") consisting of the Secretaries of Education, Housing and Urban Development, and Health and Human Services, and the heads of other Federal agencies as appropriate.

(b) DUTIES.—The Task Force shall identify means to facilitate interagency collaboration at the Federal, State, and local level to improve support services for at-risk students. The Task Force shall—

(1) identify, and to the extent possible, eliminate program regulations or practices that impede coordination and collaboration;

(2) develop and implement whenever possible plans for creating jointly funded programs, unified eligibility and application procedures, and confidentiality regulations that facilitate information-sharing; and

(3) make recommendations to Congress concerning legislative action needed to facilitate coordination of support services.

SEC. 10. STUDY.

(a) STUDY.—The Secretary shall conduct a study of the grants awarded under the Act to identify—

(1) the regulatory and legislative obstacles encountered in developing and implementing coordinated support services programs; and

(2) the innovative procedures and program designs developed pursuant to this Act.

(b) REPORT.—The Secretary shall report the results of the study conducted pursuant to subsection (a) to the Congress with recommendations for further legislative action to facilitate coordinated support services.

SEC. 12. PAYMENTS; FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 8 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—The Federal share shall be 50 percent.

SEC. 13. DEFINITIONS.

For the purpose of this Act—

(1) the term "local educational agency" has the same meaning provided in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary", unless otherwise specified, means the Secretary of Education.

SEC. 14. AUTHORIZATION OF FUNDS.

There are authorized to be appropriated $50,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994 to carry out the provisions of this Act.

SUMMARY OF THE LINK-UP FOR LEARNING DEMONSTRATION GRANT ACT

1. PURPOSE AND TARGET POPULATION

Growing numbers of children live in economic conditions that greatly increase their risk of academic failure when they enter school. The Link-Up for Learning Demonstration Grant bill provides funds to coordinate educational and social support services for at-risk youth in our nation's elementary and secondary schools, and enhances the effectiveness of these services. The legislation targets educationally disadvantaged students and their families.

2. ELIGIBILITY AND AUTHORIZED USES OF FUNDS

A Chapter One eligible school district collaborating with a public agency, a non-profit organization, an institution of higher education, or a Head Start agency may apply for a 3 year grant. Recipients may use funds to coordinate and improve access to school-based or community-based education support services for disadvantaged youngsters. Such services can include nutrition, health screening and referrals, counseling, substance abuse prevention, extended school day programs, tutoring, literacy, parent education and involvement, child abuse services, welfare services, juvenile delinquency, job training and placement and others. Funds may also be used to establish "one-stop shopping" locations for services in schools, community centers, public housing sites or other central locations, to facilitate interagency communication, design unified eligibility procedures, coordinate case management, and train staff across agencies.

3. LIMITATIONS AND APPLICATIONS

Special consideration in awarding grants is given to urban and rural areas with high proportions of at-risk students. Not more than one-third of each grant shall be used for planning a coordinated service program and not more than 50 percent of each grant shall be used for the delivery of services. The federal share of the cost of the activities shall be 50 percent.

4. OTHER PROVISIONS

The bill establishes a Federal Interagency Task Force to facilitate interagency collaboration at the federal, state and local levels. Finally, it directs the Secretary of Education to conduct a study of funded projects and make recommendations to Congress to improve coordination of educational support services.

5. AUTHORIZED APPROPRIATIONS

$50 million is authorized for demonstration grants in Fiscal Year 1992 and such sums as are necessary are authorized in Fiscal Years 1993 and 1994.●

Mr. KENNEDY. Mr. President, I strongly support the Link-Up for Learning bill that Senator BRADLEY is introducing and I am proud to be a sponsor of this important idea in education.

Children are America's most valuable resource. They represent our Nation's future. The ability of the United States to compete successfully in the global marketplace of the 21st century depends directly on the education we provide for all children today.

However, more children are coming to school each year with a multitude of needs including health care, nutrition, and counseling against violence, child abuse, drug abuse, and other impediments to effective learning.

A growing number of today's students live under social, economic and family circumstances that deny them the support needed to become productive citizens in tomorrow's world. Every 8 seconds of the school day, an American child drops out of school. Every 53 minutes, a child dies because of poverty—10,000 a year. Every day. 100,000 children are homeless.

Today schools are being asked to do far more than merely educate our children. These at-risk students require myriad of social services which our schools have neither the financial nor the professional resources to provide by themselves. Other public agencies and nonprofit organizations can provide these services, such as public health agencies, community based organizations, social workers, drug counselors, and many others. But these services are often fragmented, distributed across various agencies and hindered by bureaucratic and jurisdictional constraints. Children and their families are asked to go door to door to obtain the services they need, and not surprisingly, many of them never get there.

A recent report by the Committee for Economic Development, "The Unfinished Agenda: A New Vision for Child Development and Education," urges the Nation "to develop a comprehensive and coordinated strategy of human investment, one that redefines education as a process that begins at birth and encompasses all aspects of children's early development, including their physical, social, emotional, and cognitive growth."

The Link-Up for Learning bill will bring together educational and support services for at-risk students to provide "one-stop shopping" or colocation of services at a school, a community center, or other centralized location. Linking up schools and community support services for the at-risk student population will allow us to reach students efficiently and effectively, so that fewer students fall through the cracks.

Under the link-up for learning bill, a chapter 1 eligible school district collaborating with one or more public service agencies may receive funds to coordinate and improve access to support services for disadvantaged students and their families. These may include services such as nutrition, health screening and referrals, counseling, substance abuse prevention, extended school day programs, tutoring literacy, parent education and involvement, child abuse services, welfare services, juvenile delinquency, job training and placement, and others.

Funds may also be used to facilitate interagency communication, design unified eligibility procedures, coordinate case management, and train staff across agencies. Additionally, the bill establishes a Federal interagency task force to facilitate interagency collaboration at the Federal, State, and local levels.

Finally, the bill directs the Secretary of Education to conduct a study of funded projects and make recommendations to Congress to improve coordination of education support services; $50 million is authorized for learning demonstration grants in fiscal year 1992 and such sums as are necessary are authorized in fiscal year 1993 and 1994. The return of this investment would be vast in terms of the improved educational performance of at-risk students.

Successful collaboration between service agencies and the schools will not be achieved easily. Services have historically been provided within, rather than across, service categories. Each agency, including the school district, is used to its own priorities, eligibility criteria, funding sources, and legislative and regulatory restrictions.

We have been able to bridge these differences in some areas, but we have not made sufficient inroads among the school-age population. However, this link-up for learning initiative, proposed by the National School Board Association, endorses the one-stop shopping approach which is gaining momentum and bringing together parents, educators, and social service providers to deliver services.

The successful education of at-risk students requires coordinated services and an interagency focus on children and their families that is not constrained by jurisdictional and bureaucratic lines. We must begin to approach children as whole individuals, not as a series of isolated problems and needs.

The concept embodied in the link-up for learning bill can serve as a significant first step to improving the educational success of at-risk children.

It is my intention to build on this initiative so that over the next few months we will develop and move a comprehensive support services package for preschool as well as school-age children and their families.

By Mr. GRAHAM (for himself and Mr. BRYAN):

S. 620. A bill to reform habeas corpus procedures; to the Committee on the Judiciary.

HABEAS CORPUS REFORM ACT

Mr. GRAHAM. Mr. President, I rise to introduce legislation on the topic of habeas corpus reform, legislation which is cosponsored by our distinguished colleague, the Senator from Nevada, Senator BRYAN.

We have just heard from the chairman of the Judiciary Committee, Senator BIDEN, as he discussed the broad outlines of a comprehensive anticrime bill that he has introduced. One of the key elements of his proposal, as of the proposal which the President announced yesterday, is reform in our habeas corpus system. The fact that both the chairman of the Judiciary Committee and the President and the House and the Senate collectively in 1990 have recognized the importance of legislation to reduce frivolous and stale habeas corpus claims by inmates who are serving capital punishment sentences is indicative of the growing recognition of the urgency of resolving this issue.

Unfortunately, in 1990, time ran out before the respective measures could be reconciled. We must not let the momentum of 1990 and the consensus behind this issue be lost.

The consensus that reform is needed is clear on both sides of the aisle. A number of proposals have been and will be considered. The most widely publicized recommendations are those by a special commission appointed by Supreme Court Justice William Rehnquist and chaired by former Supreme Court Justice Lewis Powell. This distinguished commission, made up of five Federal judges, pooled their practical experience and sought outside advice on options for habeas corpus reform.

Their proposals, generally referred to as the Powell proposals, establish a new statute of limitations on filing Federal habeas corpus claims.

Our bill does likewise.

Mr. President, currently there is little or no incentive for State inmates serving under sentence of death to file petition for Federal habeas corpus relief until an execution date is set. Unlike most other areas of habeas corpus relief where the inmate has an incentive to file petitions on a timely and urgent basis in order to secure the relief, when a person is serving under a death sentence, the incentives are just the opposite, to use the process in order to delay a final adjudication.

The setting of an execution date usually results in a flurry of chaos from both the defendant's counsel, the prosecutor, and multiple courts. Justice is not well served under this scenario, for the inmate or for the State. This bill, like the Powell proposal, allows inmates 6 months to file Federal habeas petitions, from the time a sentence has been affirmed on direct appeal and collateral representation has been appointed.

Mr. President, there is a second issue and that is the issue of accessibility of competent counsel for indigent defendants facing capital sentences. I applaud the Powell Commission of identifying a critical element in habeas corpus reform. Inadequate representations at trial and on appeal are often the underlying cause for the plurality of claims which slow the finality of a State court judgment. This is not to say that there is not a pool of fine, qualified lawyers available to handle capital cases. However, virtually every witness appearing last year before the Judiciary Committee on this topic lamented the accessibility of good lawyers for indigent inmates.

The State of Florida, by statute, has created public defender offices to provide competent counsel at trial level, an office of capital collateral representative to provide competent counsel for collateral appeals in capital cases.

The bill Senator BRYAN and I are introducing would encourage States to establish competency standards at the trial and appellate level in exchange for the benefits of a 6-months time limit. This bill gives great flexibility to the State in determining the standards of competence.

Third, the various proposals address the concept of successive petitions. The question is, after the 6-months filing limit has passed, under what conditions can an inmate raise an unheard claim in Federal court?

Mr. President, one of the most frequently used and, in my judgment, abused provisions of the Federal habeas corpus process is the successive petition. In a hypothetical but typical case, a person awaiting the execution of the State sentence has been delayed until a death warrant is signed. Shortly before the death warrant is to reach its maturity, a petition is filed in Federal court raising some item of alleged unconstitutional behavior or procedure at the trial level. That matter then is resolved over an extended hearing process and appeal in the Federal judicial system.

Assuming, as is generally the case, that that claim is found to be without merit, then a second death warrant is signed. Again, a matter of days, sometimes hours of the maturity of that death warrant, a second petition is filed raising another alleged constitutional imperfection. These successive petitions and long periods of litigation over each successive petition have had the effect of drawing out the time between original sentence and execution of the sentence by a decade or more.

In my judgment, these successive petitions should be limited only to the most extenuating circumstances. In most cases, the petitioner should be required to bring all of his Federal constitutional claims in his initial petition.

Mr. President, in the legislation which Senator BRYAN and I will file today, we have provided for the following circumstances in which there can be a successive petition. That can occur when it is the result of State action which was in violation of the Constitution of the United States. It can occur as a result of a Supreme Court recognition of a new Federal right that is retroactively applicable. And it can occur when it is based on a factual predicate that could not have been discovered through the exercise of reasonable diligence and time to present the claim for State or Federal post-conviction review. And in all of these cases, the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the jury's determination of guilt in the offense or in the validity of sentence of death. Those would be the extenuating circumstances under which a successive petition could be allowed.

The Powell Commission would allow successive petitions only when the claim raises questions regarding the guilt or innocence of the prisoner. We agreed successive petitions should be allowed in only very limited circumstances. However, successive petitions should be allowed in questions relating to the sentence of death when the facts underlying the claim undermine the court's confidence in the validity of that sentence.

Mr. President, the bill we introduced today incorporates the wisdom of the Powell Commission on almost every item. We have accepted its suggestions on limiting time, on giving States flexibility in assigning competent counsel in these cases, and in limiting successive petitions to truly extenuating circumstances.

Mr. President, this legislation will be a test of the public's confidence in our judicial system and it will be a test of the credibility of the congressional process. There is no aspect of our criminal justice system which has raised greater doubt in the public's mind in the credibility of deterrence and the confidence in justice than has the matter in which habeas corpus has been abused in our Federal judicial system.

Mr. President, there has been no greater test of this Congress' true commitment to criminal justice reform than the way in which it will deal with habeas corpus. It is hard to explain to a citizen, Mr. President, how a proposal which has passed this Senate on multiple occasions and last year passed both the Senate and the House of Representatives and still languishes unenacted.

One of the reasons that has occurred has been because we have fallen into the pattern of only considering anticrime bills against the deadline of a session adjournment. We have passed major crime or drug bills in 1986, in 1988, and in 1990, although in 1990, much of the work of both the House and the Senate vanished in a conference committee.

The President has now challenged us, Mr. President, to pass anticrime legislation within 100 days. I hope that we will accept that challenge with enthusiasm. This bill, Mr. President, demonstrates that we are serious about habeas corpus reform, we are serious about protecting the constitutional rights of defendants, and we are serious about securing order and finality in capital cases.

Mr. President, I ask unanimous consent that a copy of the bill, as submitted, be printed in the RECORD followed by a brief description of the provisions of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Habeas Corpus Reform Act of 1991".

SEC. 2. SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES.

(a) IN GENERAL.—Part IV of title 28, United States Code, is amended by inserting immediately following chapter 153 the following new title:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2256. Application of chapter to prisoners in State custody subject to capital sentence and appointment of counsel
"2257. Mandatory stays of execution and successive petitions
"2258. Filing of habeas corpus petition
"2259. Certificate of probable cause inapplicable
"2260. Counsel in capital cases

"§ 2256. Application of chapter to prisoners in State custody subject to capital sentence and appointment of counsel

"(a) APPLICABILITY OF CHAPTER TO CASES.—This chapter shall apply to cases arising under section 2254 of this title brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if subsection (b) is satisfied.

"(b) APPLICABILITY OF CHAPTER TO STATES.—This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable fees and litigation expenses of competent counsel consistent with section 2260 of this title.

"(c) RULE FOR PREVIOUS COUNSEL.—No counsel appointed pursuant to subsection (b) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(d) INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel appointed under this chapter during State or Federal collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under this chapter or section 2254 of this title. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal post-conviction proceedings.

"§ 2257. Mandatory stays of execution and successive petitions

"(a) IN GENERAL.—Upon the entry in the appropriate State court of record of an order pursuant to section 2260 of this title, a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed pursuant to section 2254 of this title. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) DURATION OF STAY.—A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 of this title within the time required in section 2258 of this title;

"(2) upon completion of district court and court of appeals review under section 2254 of this title the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254 of this title—

"(A) before a court of competent jurisdiction;

"(B) in the presence of counsel; and

"(C) after having been advised of the consequences of his decision.

"(c) SUCCESSIVE PETITIONS.—If one of the conditions provided in subsection (b) is satisfied, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented by the prisoner in State or Federal courts, and the failure to raise the claim is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal post-conviction review; and

"(2) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the jury's determination of guilt of the offense or offenses for which the death penalty was imposed, or in the validity of the sentence of death.

"§ 2258. Filing of habeas corpus petition

"(a) FILING OF PETITIONS.—Any petition for habeas corpus relief under section 2254 of this title must be filed in the appropriate district court not later than 180 days after the date of filing in the appropriate State court of record of an order issued appointing collateral counsel in compliance with section 2260 of this title.

"(b) TIME REQUIREMENTS.—The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner seeks review of a capital sentence that has been affirmed on direct appeal by the court of last resort of the State or has otherwise become final for State law purposes;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for post-conviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for post-conviction review until final disposition of the case by the State court of last resort; and

"(3) during an additional period not to exceed 90 days, if counsel for the State prisoner—

"(A) moves for an extension of time in the United States district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254 of this title; and

"(B) makes a showing of good cause for counsel's inability to file the habeas corpus petition within the 180-day period established by this section.

The tolling rule established by this subsection shall not apply during the pendency of a petition for certiorari before the Supreme Court following such State post-conviction review.

"§ 2259. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.

"§ 2260. Counsel in capital cases

"(a) IN GENERAL.—A mechanism for the provision of counsel services to indigents sufficient to invoke the provisions of this chapter shall—

"(1) provide for counsel to—

"(A) indigents charged with offenses for which capital punishment is sought;

"(B) indigents who have been sentenced to death and who seek appellate or collateral review in State court; and

"(C) indigents who have been sentenced to death and who seek certiorari review in the United States Supreme Court; and

"(2) provide for the entry and filing of an order in an appropriate State court of record appointing one or more counsel to represent the prisoner except upon a judicial determination (after a hearing, if necessary) that—

"(A) the prisoner is not indigent; or

"(B) the prisoner knowingly and intelligently waives the appointment of counsel.

"(b) STANDARDS FOR COUNSEL.—

"(1) IN GENERAL.—(A) Except as provided in paragraph (2), at least one attorney appointed pursuant to this chapter before trial, if applicable, and at least one attorney appointed pursuant to this chapter after trial, if applicable, shall have been certified by a statewide certification authority. The States may elect to create one or more certification authorities (but not more than three such certification authorities) to perform the responsibilities set forth in subparagraph (B).

"(B) The certification authority for counsel at any stage of a capital case shall be—

"(i) a special committee, constituted by the State court of last resort or by State statute, relying on staff attorneys of a defender organization, members of the private bar, or both;

"(ii) a capital litigation resource center, relying on staff attorneys, members of the private bar, or both; or

"(iii) a statewide defender organization, relying on staff attorneys, members of the private bar, or both.

"(C) The certification authority shall—

"(i) certify attorneys qualified to represent persons charged with capital offenses or sentenced to death;

"(ii) draft and annually publish procedures and standards by which attorneys are certified and rosters of certified attorneys; and

"(iii) periodically review the roster of certified attorneys, monitor the performance of all attorneys certified, and withdraw certification from any attorney who fails to meet high performance standards in a case to which the attorney is appointed, or fails otherwise to demonstrate continuing competence to represent prisoners in capital litigation.

"(2) EXCEPTION FOR STATES WITHOUT STATE SYSTEMS.—In a State that has a publicly-funded public defender system that is not organized on a statewide basis, the requirements of paragraph (1) shall be deemed to have been satisfied if at least one attorney appointed pursuant to this chapter before trial shall be employed by a State funded public defender organization, and if the highest court of the State finds on an annual basis that the standards and procedures established and maintained by such organization (which have been filed by such organization and reviewed by such court on an annual basis) insure that the attorneys working for such organization demonstrate continuing competence to represent indigents in capital litigation.

"(c) NONCOMPLYING STATES.—

"(1) BEFORE TRIAL.—If a State has not elected to comply with the provisions of subsection (b), in the case of an appointment made before trial, at least one attorney appointed under this chapter must have been admitted to practice in the court in which the prosecution is to be tried for not less than 5 years, and must have not less than 3 years' experience in the trial of felony prosecutions in that court.

"(2) AFTER TRIAL.—If a State has not elected to comply with the provisions of subsection (b), in the case of an appointment made after trial, at least one attorney appointed under this chapter must have been admitted to practice in the court of last resort of the State for not less than 5 years, and must have had not less than 3 years' experience in the handling of appeals in that State courts in felony cases.

"(d) DIFFERENT ATTORNEY.—Notwithstanding any other provision of this section, a court, for good cause, and upon the defendant's request, may appoint another attorney whose background, knowledge or experience would otherwise enable the attorney to properly represent the defendant, with due consideration of the seriousness of the possible penalty and the unique and complex nature of the litigation.

"(e) PAYMENT FOR ADDITIONAL SERVICES.—Upon a finding in ex parte proceedings that investigative, expert or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or issues relating to sentence, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment of reasonable fees and expenses therefor, under subsection (f). Upon finding that timely procurement of such services could not practically await prior authorization, the court may authorize the provision of any payment of services nunc pro tunc.

"(f) ATTORNEY COMPENSATION.—Notwithstanding the rates and maximum limits generally applicable to criminal cases and any other provision of law to the contrary, the court shall fix the compensation to be paid to an attorney appointed under this subsection (other than State employees) and the fees and expenses to be paid for investigative, expert, and other reasonably necessary services authorized under subsection (c), at such rates or amounts as the court determines to be reasonably necessary to carry out the requirements of this subsection.".

(b) AMENDMENTS TO TABLE OF CHAPTERS.—The table of chapters for part IV of title 28, United States Code, is amended by inserting after the item for chapter 153 the following:

"154. Special habeas corpus procedures in capital cases .... 2256"

HABEAS CORPUS REFORM ACT OF 1991

APPOINTMENT OF COUNSEL

The bill requires states who want to enforce the statute of limitations provided by this bill to provide and set standards for qualified counsel for defendants charged with capital crimes and for habeas corpus petitioners under sentence of death.

STATUTE OF LIMITATIONS

Prisoners would have six months to file a federal habeas petition after the appointment of collateral counsel. The time is tolled during state collateral proceedings, but not during U.S. Supreme Court review after the state post-conviction review.

PROCEDURAL DEFAULT

The bill makes no changes in the current case law limiting the ability of an inmate to raise a procedurally defaulted claim in federal court.

SUCCESSIVE PETITIONS

The bill allows successive petitions only if the failure to raise the claim previously is:

The result of State action in violation of the Constitution or laws of the United States;

The result of the Supreme Court recognition of a new federal right that is retroactively applicable; or

Based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for state or federal post-conviction review;

And if the facts underlying the claim would be sufficient to undermine the court's confidence in the jury's determination of guilt or in the validity of the sentence.

By Mr. CRANSTON:

S. 621. A bill to establish the Manzanar National Historic Site in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

MANZANAR NATIONAL HISTORIC SITE

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish the Manzanar National Historic Site in the State of California. The legislation is identical to H.R. 543 sponsored in the House by Congressmen LEVINE, THOMAS, and MATSUI.

As many of my colleagues will recall, Manzanar was one of the 10 permanent Japanese-American relocation camps used during World War II. Located at the foot of the eastern slope of the Sierra Nevada mountain range approximately 175 miles north of Los Angeles, the Manzanar War Relocation Center was occupied from the spring of 1942 to the end of 1945. The entire Manzanar reservation covered some 6,000 acres, with a 500-acre living area and adjacent agricultural land, a reservoir, airport, cemetery, and sewage treatment plant. Although only the camp auditorium and a few other structures remain, the National Park Service believes that Manzanar offers the best opportunity among the camps for interpretation of the World War II relocation program.

Manzanar already is recognized as historically significant and has been designated a national historic landmark. However, this designation alone is insufficient to protect Manzanar's cultural resources and there have been some instances of vandalism. Additionally, although the Eastern California Museum in Independence has a good collection of Manzanar artifacts, there is no interpretive information at the site itself.

In 1989, as part of a feasibility study of sites associated with the Pacific campaign of World War II, the National Park Service issued a report outlining alternatives for management of Manzanar as a national historic site. This legislation implements the Park Service alternative which protects the most land and provides the greatest opportunities for the visiting public.

The bill designates a 500-acre Manzanar National Historic Site, encompassing the entire living area of the camp, the camp auditorium, and the cemetery. It authorizes the Secretary of the Interior to enter into cooperative agreements with public and private entities for management and interpretative programs and with the State of California for law enforcement and firefighting services. It recognizes existing grazing rights in the area subject to terms and conditions the Secretary may impose to protect the historic and other resources of Manzanar.

The bill also authorizes the Secretary to acquire land and improvements within the site by donation, exchange, or purchase with donated or appropriated funds. The land is entirely owned by the Los Angeles Department of Water and Power. However, no land acquisition is contemplated except for a less-than-fee interest as deemed necessary to manage and protect resources and provide for visitor use. The Park Service is proposing acquisition of the former camp auditorium owned by Inyo County and relocation of the county maintenance facility at an estimated cost of $750,000 to $1 million.

Finally, the bill establishes an advisory commission composed of former internees of the Manzanar relocation camp, local residents, native Americans, and the general public.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—In order to provide for the protection and interpretation of historical and cultural resources associated with the relocation of Japanese-Americans during World War II, there is hereby established the Manzanar National Historical Site (hereinafter in this Act referred to as the "site").

(a) AREA INCLUDED.—The site shall consist of the lands and interests in lands within the area generally depicted as Alternative 3 on map 3, as contained in the Study of Alternatives for Manzanar War Relocation Center, map number 80,002 and dated February 1989. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may from time to time make minor revisions in the boundary of the site.

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the site in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467.).

(b) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(c) COOPERATION AGREEMENTS WITH STATE.—In administering the site, the Secretary is authorized to enter into cooperative agreements with public and private entities for management and interpretive programs with the site and with the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) COOPERATIVE AGREEMENTS WITH OWNERS.—The Secretary may enter into cooperative agreements with the owners of properties of historical or cultural significance as determined by the Secretary, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

(e) With respect to lands acquired by the United States pursuant to this Act, the Secretary shall permit movement of livestock across such lands in order to reach adjacent lands, if the party seeking to make such use of the acquired lands was authorized to make such use as of the date of enactment of this Act; but any such use shall be subject to such terms, conditions, and requirements as the Secretary may impose in order to protect the natural, cultural, historic, and other resources and values of the acquired lands.

SEC. 3. ACQUISITION OF LAND.

The Secretary may acquire land or interests in land, and improvements thereon, within the boundaries of the site by donation, purchase with donated or appropriated funds, or exchange.

SEC. 4. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Manzanar National Historic Site Advisory Commission (hereinafter in this Act referred to as the "Advisory Commission"). The Advisory Commission shall be composed of former internees of the Manzanar relocation camp, local residents, representatives of Native American groups, and the general public appointed by the Secretary to serve for terms of 2 years. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Advisory Commission shall designate one of its members as Chairman.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development, management, and interpretation of the site.

(c) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the site. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) EXPENSES.—Members of the Advisory Commission shall serve without compensation as such, but the Secretary must pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(e) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

(f) TERMINATION.—The Advisory Commission shall terminate on 10 years after the date of enactment of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as necessary to carry out this Act.

By Mr. SIMON:

S. 622. A bill to amend title 18 of the United States Code to require drug testing for released Federal prisoners; to the Committee on the Judiciary.

FEDERAL PRISONER DRUG TESTING ACT OF 1991

• Mr. SIMON. Mr. President, I rise today to introduce legislation to mandate drug testing for Federal prisoners as a condition of probation, parole, or supervised release.

Mr. President, between 1980 and 1987, the number of defendants sentenced to Federal prison for drug offenses almost tripled. This is the fastest growing segment of the Nation's prison population. Nearly 50 percent of those prisoners are serving sentences for drug-related offenses. Many of them were using illegal drugs prior to or during the commission of the crime for which they were imprisoned.

Unfortunately, illegal drug use and drug-related activity does not necessarily cease as a result of incarceration. Surprisingly, many inmates carry out well-organized criminal endeavors with drugs and other contraband smuggled in by staff and visitors.

But currently, there is no requirement for mandatory drug-testing to determine whether a soon-to-be released inmate is using one or more illegal substances. Nor is being drug-free a condition of release.

As a result of this gap in our system, prisoners using drugs are released and returned to our communities. One could predict that a prisoner using drugs would, upon release, commit drug offenses or other crimes either while under the influence of drugs or in order to obtain illegal drugs. A cycle of crime, arrest, prosecution, and incarceration is perpetuated. This is obviously unacceptable. This situation certainly helps to explain a recidivism rate that, according to the Bureau of Prisons, is as high as 43 percent for Federal prisoners.

To break this destructive cycle, we in Congress must act to ensure that inmates using illegal drugs are not eligible for release into our communities.

In furtherance of this goal, my legislation provides that any Federal inmate eligible for supervised release or parole must pass a urinalysis test before release and two tests after release from a Federal correctional facility. Federal probationers must also pass two such tests.

An inmate who fails the first urinalysis test will continue serving the imposed prison sentence until he or she passes a random urinalysis test. Supervised releasees and probationers face revocation of the sentence and return to prison if they test positive for an illegal substance.

Mr. President, the benefits of this legislation to our communities and our criminal justice system are potentially great. I urge the cosponsorship and support of my colleagues.•

By Mr. SIMON (for himself, Mr. DECONCINI, and Mr. HOLLINGS):

S. 623. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to maintain the current Federal-State funding ration for the Justice Assistance Grant Program; to the Committee on the Judiciary.

FUNDING FOR STATE AND LOCAL LAW ENFORCEMENT ANTIDRUG ABUSE AND ANTIDRUG CRIME PROGRAMS

• Mr. SIMON. Mr. President, I rise today to introduce important legislation that will maintain funding for State and local law enforcement programs aimed at combating drug use and related crime.

Our Nation is faced with a terrible public safety and public health crisis. While Government studies and surveys indicate a decrease in the level of casual drug use, evidence also suggests that there are more hardcore cocaine users than ever. The ravaging effects of illegal drug use and drug abuse do not discriminate between young and old, rich and poor, or black and white. We, as a Nation, are all victims.

The drug problem must be approached through a wide variety of prevention, education, treatment, interdiction, and law enforcement initiatives. I have vigorously supported treatment and education along with user accountability as part of an overall effort to reduce demand for drugs. I have also supported law enforcement efforts to thwart the distribution and availability of illegal drugs by supporting law enforcement efforts against dealers and distributors.

The public safety threat posed by the drug problem is national in scope, but it manifests itself differently throughout our communities. State and local law enforcement officers monitor drug use trends in our communities and put themselves at risk every day as they pursue drug dealers and distributors. State and local law enforcement is the backbone of the antidrug criminal justice effort.

The Federal Government is an important source of funding for many State and local law enforcement efforts. The Department of Justice, through the Bureau of Justice Assistance, distributes block grant funds to support many antidrug abuse efforts carried out by State and local law enforcement agencies. States administer the overall programs, distributing the block grant funding to support local law enforcement. Last year, I introduced legislation, which was ultimately passed as part of the Crime Control Act of 1990, to maintain the funding ratio at a 75 to 25 Federal-State cash match formula for fiscal year 1991. That is, local governments must pay 25 percent of the program costs, while the Federal Government pays the remaining 75 percent of the program costs.

The legislation I rise to introduce today will maintain this cash match formula for fiscal year 1992. Without passage of this legislation, States will be required to pay for 50 percent of the costs of this critical law enforcement program. Thus, local governments will be required to pay significantly more to maintain even the current level of antidrug programming.

The Illinois Criminal Justice Information Authority along with representatives from local law enforcement have impressed upon me the importance of the current Federal funding formula to their continued antidrug efforts. Local authorities truly depend on this passthrough aid. Local governments already contribute a significant percentage of their overall criminal justice resources to these programs. If their share of the financial burden is increased, many communities would be forced to end their participation in the State-administered Federal grant program. Given the critical role of local law enforcement in the fight against drug abuse we cannot afford to have that happen.

The President's 1992 budget provides $490 million for this antidrug abuse law enforcement block grant—this is the same level of funding requested in the President's 1991 budget. According to Federal Funds Information for States—a joint service of the National Conference of State Legislatures and the National Governor's Association Center for Policy Research—my home State of Illinois would have access to roughly $16.8 million in fiscal year 1992 Federal funds under the program. Under the current 75 to 25 funding formula Illinois local government payments would total roughly $5.6 million. If the funding formula is changed to 50 to 50, Illinois would have to contribute $16.8 million of its own funds to match the Federal contribution. This is a difference of $11.2 million. This increased cost to the State and local units of government would force many of them to end their participation in the program.

Mr. President, we cannot afford to inhibit local law enforcement's access to this critical Federal aid. My proposal will endure their continued participation in the Block Grant Program. It will allow local law enforcement continued access to the financial and technical assistance they need to improve their criminal justice systems, thereby maximizing the protection of the people of Illinois and in the rest of the Nation from drug-related crime. I strongly urge the cosponsorhip and support of this important criminal justice measure.●

By Mr. EXON (for hmself and Mr. KERREY):

S. 624. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated business of such organization; to the Committee on Finance.

REPEAL TAX ON CERTAIN GAMES OF CHANCE

Mr. EXON. Mr. President, today I am introducing legislation to repeal a tax added in the 1986 tax reform on funds raised of nonprofit organizations through certain games of chance. My colleague from Nebraska, Senator KERREY, is joining me in this bill, which is companion legislation to H.R. 862, recently introduced in the House of Representatives by Representative HOAGLAND and identical to legislation we introduced during the 1990 session of Congress.

The issue arises from the 1986 Tax Reform Act. It had an obscurely worded section which made fundraising proceeds from nonprofit organizations' games of chance subject to the unrelated business income tax, although the 1986 change exempted organizations in North Dakota. The result is the nonprofit groups must pay taxes on those funds at corporate income tax rates. Another part of the problem arises due to many nonprofit groups having no knowledge of the existence of the added tax until last year. My bill would repeal the 1986 tax change retroactive to its effective date.

For example, in my home State of Nebraska, various churches, charities, veterans groups, and other nonprofit organizations use pull-tab lottery cards for fundrasing, known locally as "pickle cards" because traditionally they were often held for sale in old large pickle jars. Pickle card fundraising is limited under state law only to nonprofit organizations, so there is no issue of unfair competition with private business if the proceeds are not taxed. It wasn't until last year that these nonprofit groups learned that the IRS says they owe back taxes to October 22, 1986, with interest and penalty on the funds they raised. Of course, in most cases the nonprofits had no idea they owed the tax and the funds are now long spent for the charitable purposes of the organization. The threat of an IRS seizure of charitable property for unpaid back taxes which the groups had no knowledge they even owed and do not now have the funds to pay is a serious problem.

Of course, the Federal budget deficit problem and the budget agreement enforcement provisions passed last year create a huge barrier for any bill which proposes to reduce Federal tax revenue in any amount, no matter how fair and reasonable. Therefore, I hope that by working with members of the Senate Finance Committee that a way can be found to address the concerns I have outlined through some means as part of a larger legislative package with offsetting budget savings, so as not to increase the Federal deficit in any amount and still achieve fairness in this area.

Mr. President, I ask unanimous consent that a copy of the bill and a copy of a letter dated August 23, 1990, from the Joint Committee on Taxation with a revenue estimate for the changes I am proposing be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE CONDUCTING OF CERTAIN GAMES OF CHANCE NOT TREATED AS UNRELATED TRADE OR BUSINESS.

Section 1834 of the Tax Reform Act of 1986 is repealed for games conducted after October 22, 1986, and subparagraph (A) of section 311(a)(3) of the Tax Reform Act of 1984 shall be applied and administered as if such section 1834 (and the amendments made by such section 1834) had not been enacted.

JOINT COMMITTEE ON TAXATION,
Washington, DC, August 23, 1990.

Hon. J. JAMES EXON,
United States Senate, Washington, DC.

DEAR SENATOR EXON:

This is in response to your request dated March 26, 1990, for a revenue estimate of a proposal to exempt from the unrelated business income tax (UBIT) certain nonprofit organizations running games of chance.

The proposal would exempt from UBIT income from games of chance conducted in States that, as of October 5, 1983, had a law in effect permitting the conduct of such games so long as the activities were run by nonprofit organizations. Two alternatives are proposed. The first alternative would eliminate UBIT liability from October 23, 1986, and thereafter. The second alternative would repeal UBIT liability from October 23, 1986, to December 31, 1989, only.

We estimate that these two alternatives would reduce Federal budget receipts by the following amounts:

[In millions of dollars]

	Fiscal Years—					
	1991	1992	1993	1994	1995	1991–95
Item:						
Repeal UBIT from October 23, 1986 and thereafter ...	−53	−35	−4	....	....	−92
Repeal UBIT from October 23, 1986 through December 31, 1989	−40	−21	....	....	....	−61

I hope this information is helpful to you. If we can provide further assistance, please do not hesitate to let me know.

Sincerely,

RONALD A. PEARLMAN.

Mr. KERREY. Mr. President, I rise today to join my senior colleague from the State of Nebraska, Mr. EXON, in introducing legislation to repeal a Federal tax provision that imposes a serious handicap on the fundraising and operating abilities of charitable organizations, such as churches, baseball teams, labor unions, veterans' groups, and other nonprofit organizations in the State of Nebraska. This legislation is identical to a bill we introduced last March, S. 2308.

This provision, incorporated into the 1986 Tax Reform Act, calls for the collection of Federal income taxes, or unrelated business income tax [UBIT], on the proceeds received by charitable organizations from games of chance. It requires not only the payment of the future tax liability of funds collected, but also the payment of taxes back to 1986. The bill we are introducing today calls for a straightforward repeal of the provision included in the 1986 act and the return of the law to its status prior to passage of the 1986 act.

In Nebraska, many charities perform their fundraising activities by means of a pull-tab lottery system called "pickle cards." Although never mentioned in the 1986 Tax Reform Act's official committee report and not enforced or apparently noticed by the Internal Revenue Service until last year, the collection of taxes on pickle card proceeds will have a devastating effect on the groups reliant on pickle cards for fundraising.

The effect of the collection of these taxes will be felt by a variety of groups performing important functions in the State of Nebraska. For example, a number of parish schools utilize pickle card revenues to finance athletic, transportation, equipment, and tuition programs for students. Others negatively affected by this provision include the Septemberfest Salute to Labor; the Omaha Hearing School; the O'Neill Senior Center; numerous athletic associations, such as the Grover Little League and the Lincoln Swim Club; the Knights of Columbus, along with other fraternal organizations; and other groups providing special services to their communities.

Our colleague from Nebraska, Representative HOAGLAND, has recently introduced identical legislation, H.R. 862, in the House.

In a day when we, as a nation, have been forced to rely more on private and nonprofit resources to provide important and needed support for our communities, we must modify this provision that could wreak financial havoc on those organizations, groups and associations that must make up the shortfall.

I urge that our colleagues give this legislation their consideration and approval.

By Mr. REID (for himself and Mr. BROWN):

S. 625. A bill to amend the Trade Act of 1974 in order to require reciprocal responses to foreign acts, policies, and practices that deny national treatment to U.S. investment; to the Committee on Finance.

FAIR INVESTMENT ACT OF 1991

• Mr. REID. Mr. President, today I am introducing the Fair Investment Act of 1991. This legislation is a companion bill to legislation Congressman TOM CAMPBELL is introducing in the House today.

The Fair Investment Act of 1991 is a direct response to the unfair business practices of Japan, Korea, and other countries.

We all know about the unfair trading practices of Japan and Korea. They slap obscenely high tariffs on American beef and cars so that our products cannot be sold in their countries. Then, they turn around and flood this country with cheap products and consistently undersell us. And they do this at the very time that the American taxpayer is paying for their military defense. We are subsidizing their national security so that they can take advantage of us economically.

The untold story is what the Japanese and Koreans are doing to us through unfair investment practices.

The Japanese are the most extreme in their unfairness. Consider what they think is fair investment in the United States.

The Japanese have penetrated just about every American industry. These incursions have had more than a few big ticket items. In 1989, Sony Corp. paid $3.4 billion for Columbia Pictures. Late in 1990, MCA, another entertainment giant, was bought by the Japanese. Rockefeller Center, the home of NBC and one of the most prestigious addresses in New York City, now has a Japanese landlord. Seventy percent of Honolulu is controlled by Japanese investors.

It's no wonder the Organization for Economic Cooperation and Development calls our economy the most open in the world. If other nations played by our rules, we would be in good shape; but they don't.

In contrast to our free and open markets, Japan is practically off-limits to American investors. For years, many United States manufacturers have tried to sell their goods in Japan—only to face repeated delays and setbacks.

The primary problem is that the Japanese distribution system has not accommodated American goods. For example, Japanese auto dealers often refuse to sell American-made cars. The alternative—establishing an entirely separate distribution system—is prohibitively expensive in most instances. Only a few American companies, such as the Amway Corp., have been able to establish their own, independent distribution systems to achieve market penetration.

Japan may be the worst offender, but it is hardly alone in this international double standard.

South Korea has flooded the American car market with Hyundais during the past several years. They like free trade when they come to America. They hate it on their own door step. And they have proven it in their investment policies, by outlawing foreign investment in 28 lucrative industries, including farming, publishing, and radio and television broadcasting.

This double standard is also practiced by European countries—who also rely on American military power to gain an economic advantage over us.

France will not grant most-favored-nation status to the United States or other countries outside the European Community. Approval to invest in France is sometimes even linked to specific requirements like maintaining a positive balance of trade. Recent cases have demonstrated that U.S. firms have had difficulty in obtaining such approval.

But it remains the Japanese who perpetuate the cruelest hoax on America—talking about free trade and open investment, while closing their borders in an economic move that mortally damages American workers and businesses.

Japan's economy is dominated by a shadow government of business leaders who make many of the decisions affecting that country's industrial, economic and trade policies. This internal cartel of interlocking corporations is known as keiretsu. Because of the keiretsu, economic power in Japan is extremely concentrated, even to the detriment of the vast majority of Japanese citizens.

This tightly knit control group is closed to all newcomers—Japanese as well as foreign. Most Japanese investors cannot penetrate the powerful, secretive keiretsu.

These are the Japanese men who make it almost impossible for American retailers to establish a presence in Japan. They keep restrictive laws on the books in Japan, such as the legal right of small store owners to contest the opening of large department stores in their neighborhoods.

An American retailer can expect to wait 10 years before opening doors for customers. Ten years is a long time to receive any return on an investment. And that's only if the American investor gets past all the Government regulations and potential lawsuits from small store owners.

One of the most egregious examples of discrimination occurs against Americans who merely want to invest in the Japanese capital markets. While the Japanese continue to buy controlling interests in American companies and freely enter our corporate board rooms as voting members of corporate boards of directors, they prohibit Americans from doing the very same thing in their country. They will sell us the stock and take our money, but they won't allow us to vote as stockholders.

Mr. T. Boone Pickens' experiences as a shareholder of Koito Manufacturing Co. are a perfect example of this unfairness.

He is now the company's largest shareholder, but Mr. Pickens cannot even get a look at the company books and records. Representation on the Koito Board is out of the question. The corporate insiders controlling Koito do not want a foreigner to have a look at how their system operates.

This outrageous behavior has even prompted ordinary Japanese citizens to write in support of Pickens' efforts.

Last year, a small businessman from Japan testified anonymously before a House Subcommittee on the anti-competitive behavior of keiretsu. Testifying from behind a cloak so the keiretsu could not retaliate against him, this brave Japanese businessman described how he is forced to accept arbitrary price cuts, hire particular individuals and blacklist suppliers who act independently of the keiretsu.

The Fair Investment Act of 1991 would stop the double standard that allows Japan and other countries to take our money without giving anything in return.

This legislation would use the successful carrot and stick approach. If foreign countries practice fair investment and don't discriminate against us, we won't retaliate against them. But if they discriminate against our businessmen, then they shouldn't expect to get a free ride in this country.

It's a question of fairness, that's all. If they play fair, so will we.

To achieve this reciprocal relationship, the Fair Investment Act amends section 301(c) of the Trade Act of 1974 (19 U.S.C. section 2411(c)) to authorize reciprocal responses to foreign acts, policies and practices that deny national treatment of U.S. investments. My bill merely seeks the creation of the level playing field that has been talked about but has never materialized.

The current administration, like its predecessor, views open investment and free trade as the two policy components to cure our foreign trade ills. Unfortunately, the pursuit of these policies has done nothing to improve our staggering trade deficit. I think I know why. Only our Government has a truly open and free trade policy.

The Japanese Government does everything in its power to preserve, protect, and defend Japanese industry. It's time we in the United States did the same thing for our economy.

We in Congress must pass legislation that encourages a reciprocal trade relationship. The policymakers in the administration must implement fair investment and fair trade policies. Failing to place Japan on the Super 301 list demonstrates they have not yet learned the wisdom of those kind of policies.

Mr. President, Congress is watching the implementation of our trade policies very carefully and it appears Americans keep getting shortchanged in these matters. Therefore, it is time to give our trade negotiators the proper tools. The legislation I am introducing today does just that. It puts a nation's money where its mouth is. If a nation really had free trade laws, then it will receive the benefit of America's open market. If it places restrictions on foreign investment in its economy, then America will place the same restrictions on investments here. This is a reasonable response to a situation that has grown out of control.•

By Mr. HEINZ:

S. 626. A bill to increase the literacy skills of commercial drivers; to the Committee on Labor and Human Resources.

COMMERCIAL DRIVERS LITERACY PROGRAM

• Mr. HEINZ. Mr. President, in 1986 Congress enacted the Commercial Motor Vehicle Safety Act. The law is primarily intended to eliminate the practice of holding multiple driver's licenses which enable unsafe drivers to flimflam law enforcement by handing over whichever license has the fewest violations against it. Now, drivers who don't turn in multiple licenses face fines and possible imprisonment.

Another provision requires all drivers to obtain a commercial driver's license [CDL] by April 1992. Commercial vehicle operators must take both a written and driving skills test. Passing the driving test ought to be comparatively easy. Most drivers on the road today have excellent driving records and years of experience.

For some, however, getting through the written test will be a whole other story. The sample driver's manuals that I've seen are proof positive that it will not be easy for those who do not have sharp literacy skills. Many of the older, experienced drivers have not taken such a written test since high school. They need remedial literacy training. If they do not get it, we could lose the experienced drivers we want in control of the big rigs and vehicles that get our goods to market and our children to school.

For this reason, I am again introducing legislation that would provide financial assistance targeted at programs that would raise the literacy skills of commercial drivers. During the past Congress, this legislation passed both the Senate and the House but in separate legislation and therefore did not become law.

Eligible grantees include colleges and universities, approved apprentice programs, private employers, and unions.

I have received letters from many organizations in support of this effort. I ask unanimous consent that the following letters be printed in the RECORD:

June 30, 1989, from Service Employees;

June 13, 1989, from International Brotherhood of Electrical Workers;

June 5, 1989, from Teamsters.

I also ask unanimous consent that an editorial from the Pittsburgh Press and an article from the Journal of Commerce entitled, "Truck Drivers Get Jitters Over 1992 License Rules" be printed in the RECORD at this point.

Mr. President, we have all heard the regrettable reports concerning this Nation's illiteracy rate. The commercial drivers who need literacy training earn a good living. They are making substantial contributions to the American economy. It is not right for them to lose their jobs or their rigs—for which some have mortgaged their homes—because they could not pass a written test. They want to pass. They want to possess good reading skills.

I urge my colleagues to join me in helping to raise the literacy skills of these hard-working Americans. We can't afford to lose them.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

Part C of the Adult Education Act (20 U.S.C. 1211 et seq.) is amended by inserting at the end thereof the following new section 373:

"SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(b) FEDERAL SHARE.—The Federal share of the costs of the adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

"(c) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

"(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the memberships of which includes commercial drivers.

"(d) REFERRAL PROGRAM.—Grantees shall refer individuals who are identified as having literacy skill problems to appropriate adult education programs as authorized under this Act.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'approved apprentice training programs' has the meaning given such term in the National Apprenticeship Act of 1937.

"(2) The term 'eligible commercial driver' means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 for each of fiscal years 1992 and 1993.".

SERVICE EMPLOYEES
INTERNATIONAL UNION,
Washington, DC, June 30, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: On behalf of the 925,000 members of the Service Employees International Union, I'd like to extend my appreciation for your recent introduction of S. 1098, the bill providing for the remedial training of commercial drivers.

As you are aware, there has been a very direct impact felt by commercial drivers around the country due to the new testing imposed by the Commercial Motor Vehicle Code. Despite years of experience driving school buses and other vehicles, many are ill-prepared to take the written exams required under the new regulations.

We have received numerous inquiries from SEIU members with a confusion shared by many of their employers on the full scope and extent of the new tests. Even if they have spotless driving records, the anxiety of retaining their jobs often masks their true abilities when put to the written test.

Again, thank you for the initiative you have shown in recognizing those drivers who, with minimal guidance and assistance, can continue to move our country's people and goods around safely and effectively. Please let me know if we can be of any assistance to you in making S. 1098 pass swiftly through the Congress.

Sincerely,

JOHN J. SWEENEY,
International President.

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS,
Washington, DC, June 13, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: When Congress passed the Commercial Motor Vehicle Safety Act of 1986, none of us realized at the time that certain provisions of the law would adversely affect those drivers of commercial vehicles who do not possess literacy skills sufficient to pass the written examination to secure a commercial driver's license.

Because the livelihood of our members who fall within this category is in jeopardy, we brought this matter to your attention. Not only did you fully understand the problems of these workers, but you did something about it. You assisted them by introducing S. 1098.

On behalf of the members of the International Brotherhood of Electrical Workers, and all others who you are attempting to help by your efforts, I thank you.

With best wishes, I am,

Sincerely,

J.J. BARRY,
International President.

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,
Washington, DC, June 5, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: The Commercial Motor Vehicle Safety Act of 1986 created a federal standard for the issuance of a commercial driver's license by the states. As you are aware, all commercial drivers must now pass a written and a driving skills test before obtaining this national license. Many states, including Pennsylvania, are rewriting their motor vehicle codes to satisfy the demands of this new federal standard. Some states have already implemented their commercial license programs which include the required testing provisions.

A number of drivers have experienced difficulty in passing the written part of the license test. This failure is based on individual reading abilities and not on the qualifications or driving skills of these drivers. Recently you introduced S. 1098, which would provide for a federal grant program to allow labor organizations to establish and maintain adult education programs to increase the literacy skills of commercial drivers. As General President of the International Brotherhood of Teamsters, which represents thousands of commercial drivers, I fully endorse and support your proposal. Your legislation will allow many drivers, who are competent and capable, to continue as productive and safe operators of commercial vehicles.

On behalf of Teamsters everywhere, I commend you and offer our deep appreciation for your efforts in this area.

Sincerely,

WILLIAM J. MCCARTHY,
General President.

[From the Pittsburgh Press, June 13, 1989]

LITERACY BEHIND THE WHEEL

Over the next few years, it may not be unusual to see a trucker devouring the contents of a training manual along with his meat and potatoes at a truck stop. It's a scope that's sure to materialize as commercial drivers begin studying for an exam they must take to qualify for a national driver's license that the federal government will require by April 1992.

The national license, mandated by Congress two years ago, will be required of all drivers of buses, trucks of more than 28,000 pounds or those that haul hazardous materials. The aim of the national licensing system is to prevent long-haul drivers from holding several state licenses so they can avoid suspensions for traffic citations.

We were pleased with the establishment of a national system and we are even more gratified by a spin-off development: Many truckers will try to improve their reading and writing skills in an attempt to pass the exam.

Test study manuals and the tests themselves, although supposedly written at a sixth or seventh-grade level, are baffling many truckers. In California, where the tests already are being administered, more than a third of the drivers failed on their first try.

The problem is not the drivers' skills behind the wheel but their lack of skills behind a pencil and paper. Their reading and writing levels are not good enough to understand the 100-page manuals, leaving them ill-prepared for the tests.

Responding to the situation, the American Trucking Association and some unions in the industry are urging individual trucking companies to set up literacy and preparation courses for their drivers. And Sen. John Heinz, R-Pa., wants Congress to put some of its money where its laws are.

Senator Heinz has introduced legislation to provide up to $10 million in matching funds over the next two years to help pay for literacy training for the drivers.

Although it would be impossible to quantify, it is beyond doubt that a more literate truck driver would be a safer truck driver. Imagine the danger potential that exists when, say, a trailer truck driver who can't read or who has only minimal reading skills comes upon an unfamiliar direction sign at 55 mph.

We share the notion that trucking companies should help their drivers prepare for tests by improving their literacy skills. And will think Congress should do its part, too, by providing the matching funds Sen. Heinz is seeking.

[From the Journal of Commerce, Nov. 16, 1990]

TRUCK DRIVERS GET JITTERS OVER 1992 LICENSE SALES

(By Tom Belden)

HARRISBURG, Pa.—A new fear is gripping the highways.

Will the nation's 5 million commercial truck and bus drivers meet one of the biggest challenges they will have to face in the next few years?

To keep their jobs, every truck and bus driver in the country will have to take and pass a new commercial driver's license test by April 1, 1992—a test rumored to be so tough that many drivers fear they will fail it.

That's why a group of drivers paused Tuesday in a windblown parking lot at a truck stop on Interstate 81 to hear what they could do about it.

There's a fear out there," said Pete Dannecker, director of safety and recruiting for Jones Motor Group, an irregular route truckload and flatbed carrier in Spring City, Pa. "There are people who've been driving a truck for 20 years, at 100,000 miles a year, many of them without an accident, and they don't know what to expect."

Jones found an innovative way to get drivers' attention at the sprawling Truckstops of America Plaza here. It built an information booth on wheels to teach interested drivers how to pass the test.

A quick, free browse through its Hot Shot InfoExpress—operated by a Jones subsidiary, Hot Shot Express—could be just what a driver needs to pass the test, Jones official said.

Tuesday's stop on I-81 just east of Harrisburg was the first in a 13-state tour of truck stops planned for the next few months.

The InfoExpress is stocked with free information, including copies of the licensing procedure in every state that has established one so far.

The licensing requirement is part of the Federal Commercial Motor Vehicle Safety Act, passed by Congress in 1986. Responding to demands to weed out reckless commercial drivers, the law mandated that each state set up a stricter testing program.

As good as the new system promises to be for highway safety, there is widespread fear among drivers about flunking the test and losing their livelihood, both Jones officials and truckers said.

Many drivers haven't taken a test of any kind since high school, and some also will have trouble passing because of their literacy level, the officials said.

Hermon Jones of Roseland, La., a driver for Bendix Transportation Management, pronounced the InfoExpress "great" as he picked up information Tuesday. "I know I've got to study for it," he said of the test.

"We're talking about it out here and a lot of guys don't think they'll be able to pass it," he added. "A lot of guys are thinking about getting out of trucking because they can't pass it."

In addition to the free information, the InfoExpress will offer 30-minute training sessions conducted by David Derr, a former Jones driver who now is a field recruiter and instructor.

Most of the portable InfoExpress building is set up like a mini-classroom, where Mr. Derr will offer test-taking advice and seminars on study techniques.

"I had to stop here today anyway, but this is an interesting thing to listen to," said Lawrence Moss of Atlanta, a long-haul driver who works for Arthur H. Fulton Inc., a Stephens City, Va., trucking company.

Mr. Moss said truck stops and the CB radio airways are abuzz with drivers' talk about the test. Rumors are rampant about which states have the toughest exams, he said.

He has heard that some states have had trouble getting their programs started and that some will have much tougher tests than others.

"Right now it's confusing to a lot of the drivers," Mr. Moss said. He is hoping that some consideration will be given to experienced and safe drivers such as himself. In 17 years of driving, he hasn't had an accident or a ticket, he said.

As of Monday, Pennsylvania became the 26th state to join a national computer network that eventually will hold the licensing records of all commercial drivers, said Doug Tobin, director of the Pennsylvania Department of Transportation's Bureau of Vehicle Licensing.

The network was developed to deal with one of the biggest problems in trying to get bad truck and bus drivers off the road. It will be used to make sure drivers with multiple violations in one state can't be licensed in another state and continue driving.

"The hope is to reduce the incidence of heavy motor vehicle accidents across the country by standardizing and computerizing records nationally, and by eventually weeding out bad drivers," Mr. Tobin said.•

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 627. A bill to designate the lock and dam 1 on the Red River Waterway in Louisiana as the "Lindy Claiborne Boggs Lock"; to the Committee on Environment and Public Works.

LINDY CLAIBORNE BOGGS LOCK

• Mr. JOHNSTON. Mr. President, I am pleased to submit today legislation designating lock and dam 1 on the Red River Waterway as the "Lindy Claiborne Boggs Lock."

Throughout her distinguished service in the House of Representatives, Lindy had a keen interest in the Red River Waterway, and was a strong and key advocate for it through her membership on the House Appropriations Committee's Subcommittee on Energy and Water Development from 1977 until her retirement last year. Lindy recognized the importance this project has for economic development throughout Louisiana, including the future importance it will have for the Port of New Orleans. Born on Brunswick Plantation in Pointe Coupee Parish, and the daughter of a Point Coupee Levee Board member, she also knew well and fully understood the importance of this project to central Louisiana. Therefore, designating this first lock the "Lindy Claiborne Boggs Lock" is especially fitting, and I urge my colleague to approve this small tribute to this remarkable former member of the Louisiana delegation.•

• Mr. BREAUX. Mr. President, I rise today to cosponsor Senator JOHNSTON's bill which will designate lock and dam 1 of the Red River Waterway in Louisiana as the Lindy Boggs Lock. While serving as a member of the House Appropriations Committee, Congresswoman Boggs was instrumental in providing funding for the Red River Waterway project. Upon completion, the Red River Waterway project is expected to improve economic development in Louisiana by providing greater inland waterway commerce to and from the Mississippi River. Naming the first lock and dam of this mammoth project after her, is a small but fitting tribute.

While I was a Member of the House of Representatives, I had the privilege to work with Congresswoman Boggs for 14 years. Her leadership and outstanding history of public service has provided a fine model for all elected officials. The designation of this lock and dam is just one of several upcoming tributes to thank Mrs. Boggs for her many fine years of service and I urge my colleagues to join me in showing our appreciation to Mrs. Boggs.•

By Mr. BINGAMAN:

S. 628. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico; to the Committee on Energy and Natural Resources.

BOOTS AND SADDLES: HISTORIC NEW MEXICO FORTS STUDY ACT

• Mr. BINGAMAN. Mr. President, I rise today to introduce important legislation, Boots and Saddles: Historic New Mexico Forts Study Act. This bill authorizes the study of seven historic forts occupied during the Civil War and Indian campaigns in New Mexico. I am pleased that my colleague, Senator DOMENICI, is joining me as a cosponsor.

The bill will advance public appreciation and understanding of these forts, which played a key role in the economic development of the American frontier.

The forts are an important relic of our national history, but a relic that is deteriorating because of weathering, unsupervised visits, and the lack of maintenance. There is an urgent need to protect these significant historic properties. A comprehensive study is necessary to find appropriate means for systematic stabilization, restoration, and interpretation.

The bill would authorize a 1-year study of these forts by the Secretary of the Interior. The Secretary, acting through the Bureau of Land Management and the National Park Service, would develop alternative means of preserving and interpreting these forts.

The study would include assessing the feasibility of establishing guided tours which would encompass common themes and link appropriate sites. Visitors may be able to visit the forts by already established highways or could hike or ride horseback along the historical trails that linked the forts.

The territory of New Mexico was crossed by a large number of trails and routes in the 1800's. Numerous forts were located along these travelways. Because of the arid climate and sparse population of the Southwest, the physical evidence of many of these forts remains. A representative sample of these forts, including related sites such as way stations, should be nationally recognized for their historic significance.

Seven significant forts are included in this measure: Fort Bayard, Fort Craig, Fort Cummings, Fort Seldon, Fort Stanton, Fort Sumner, and Fort Union.

Fort Bayard was constructed in 1866 and played a key role in the campaigns against Geronimo. By the late 1870's, the fort housed almost 400 officers, enlisted men, and Navajo scouts.

Fort Craig was the largest Civil War fort in the West. Built in 1854, it guarded the Jornada del Muerto Trail and the Rio Grande Valley. The largest Civil War battle in New Mexico took place just a few miles north of the fort in 1862. This battle contributed to the end of Confederate aspirations in the Southwest.

Fort Cummings protected the Butterfield stage route between San Diego and San Antonio. This fort was a base of operations for the Apache wars against Indian leaders such as Geronimo and Cochise.

Established in 1865, Fort Seldon protected settlers from desperados and Apache raids. The son of the post commander was Douglas MacArthur, who lived at the fort and later became Supreme Commander of the Allied Forces in the Pacific during World War II.

Fort Stanton was founded in 1855 as a military outpost during the Indian Wars. It was abandoned by Union troops in 1861 and occupied by Confederate forces until they retreated into Texas after the Battle of Glorietta. In 1862, Kit Carson reoccupied the fort as a center for his campaign against the Apaches and Navajos.

Fort Sumner represents the U.S. Government's policy of repressing Indian resistance to American expansion through forced settlement on military reservations. Kit Carson invaded the Apache and Navajo homelands and forced many of them onto Fort Sumner, where they remained for 5 years.

The principal quartermaster depot of the Southwest, Fort Union guarded the Santa Fe Trail, which served as the main supply artery for Federal forces.

These forts represent an important period in American history, the study of which will contribute to an understanding of the frontier. Yet, until recently, these forts have been neglected to the point that they have deteriorated. In light of the precarious state of preservation at most of these sites and the urgent need to protect and manage them, increased cooperation between Federal and State agencies and private citizens is necessary for systematic stabilization, restoration and interpretation of these valuable cultural resources.

Interpretive efforts would be improved with cooperation between State and Federal agencies. Financial resources, personnel, and expertise could be shared to increase efficiency. The development of a management plan would guide resource management and protection, visitor use, interpretation, and boundary adjustments.

Such an effort would help preserve and protect an irreplaceable part of our heritage. Tourists in New Mexico often cite the State's cultural resources as their primary reason for visiting. A national study of these forts and related sites would bring more effective interpretation and appreciation of these unique links to the past.

For these reasons, I urge my colleagues to support this important legislation, and I ask unanimous consent that the full text of the bill appears in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Boots and Saddles: Historic New Mexico Forts Study Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the study and interpretation of historic cavalry forts occupied during the Civil War and Indian campaigns in New Mexico could contribute to an understanding of the American frontier;

(2) the forts are deteriorating due to natural weathering, unsupervised human visitation, and lack of maintenance and repair; and

(3) in light of the declining condition of most of these significant historic properties, it is necessary to determine, through a comprehensive study, the appropriate means to stabilize, restore, and interpret these sites.

SEC. 3. STUDY AND REPORT BY THE BUREAU OF LAND MANAGEMENT AND THE NATIONAL PARK SERVICE.

(a) STUDY.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management and the Director of the National Park Service, shall conduct a study of the following historic forts in the State of New Mexico occupied during the Civil War and Indian campaigns:

(1) Fort Stanton;
(2) Fort Union;
(3) Fort Sumner;
(4) Fort Cummings;
(5) Fort Seldon;
(6) Fort Bayard; and
(7) Fort Craig.

(b) REPORT.—Not later than 1 year from the date that funds are made available for the study referred to in subsection (a), the Secretary shall transmit the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(c) STUDY CONTENT.—The study shall develop alternative means of preserving and interpreting the forts referred to in subsection (a) including—

(1) the study of related historic properties;

(2) the feasibility of establishing guided tours which may encompass common themes and link appropriate sites; and

(3) such other information as the Secretary may deem necessary.

SEC. 4. APPROPRIATION AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

By Mr. D'AMATO:

S. 629. A bill to establish the grade of General of the Army and to authorize the President to appoint Generals Colin L. Powell and H. Norman Schwarzkopf, Jr., to that grade; to the Committee on Armed Services.

GENERAL OF THE ARMY

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation establishing the grade of General of the Army, establishing procedures for its award, and authorizing the President to appoint Generals Colin L. Powell and H. Norman Schwarzkopf, Jr., to this grade. My legislation is identical to H.R. 1052, a measure introduced in the House by Representative BILBRAY.

Together, Gen. Colin Powell and Gen. Norman Schwarzkopf planned and led a military campaign that produced a critically important victory for the United States, our coalition partners, Israel, and world peace. They accomplished a task that many said could not be done at all, or could only be done at a prohibitive cost in lives, treasure, and harm to U.S. long-term interests, in a quick, clean, and masterful fashion.

For this achievement, both General Powell and General Schwarzkopf deserve the opportunity, should the President choose to appoint them, to wear the five stars this Nation has accorded to its most successful wartime military leaders. This legislation establishes the rank of General of the Army, provides for Presidential appointment and Senate confirmation, establishes the occupants of the position's precedence and their compensation, and authorizes the President to appoint these two victorious leaders to that grade.

I introduce this measure today to follow up on a letter I wrote to President Bush on February 28, urging him to honor Generals Powell and Schwarzkopf with 5 stars. I urge all of my colleagues to join with me in support of this measure and work for its swift passage.

If appointed and confirmed, General Powell and General Schwarzkopf would join such American heroes as "Black Jack" Pershing, Dwight Eisenhower, Chester W. Nimitz, George Marshall, Hap Arnold, and Douglas MacArthur in the pantheon of those who wore five stars. None of these heroes is still living—Omar Bradley, "the Soldiers' General," was the last to pass away.

Some may say that the accomplishments of General Powell and General Schwarzkopf in Operations Desert Shield and Desert Storm do not measure up to the standards our World War I and World War II leaders had to meet. I disagree. While Saddam Hussein did not bestride the world the way the Kaiser or Hitler did, the very task of holding together and leading a much more diverse coalition in a volatile and dangerous region of the world was made just that much harder.

I call to my colleagues' attention the political aspect of the achievement our victory in Desert Storm represents. The critics claimed we could never hold the coalition together. They claimed that if we could hold it together, it could not be successful in combat.

Just as Dwight Eisenhower held the Allies together against Hitler's Germany, Norman Schwarzkopf held together an even more unusual—indeed, unprecedented—coalition against Saddam Hussein. Just as George Marshall gave Eisenhower, Bradley, MacArthur, and Arnold the tools they needed to win the war, Colin Powell did the same for Norman Schwarzkopf.

Their achievement deserves recognition—more tangible recognition than parades and medals. I ask that you join me in supporting this measure to give the President the opportunity to give them that recognition.●

By Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. THURMOND, and Mr. COATS):

S. 630. A bill entitled the "Money Laundering Enforcement Act"; to the Committee on Banking, Housing, and Urban Affairs.

MONEY LAUNDERING ENFORCEMENT ACT

Mr. D'AMATO. Mr. President, I am pleased to introduce, together with Senators DECONCINI, THURMOND, and COATS, the Money Laundering Enforcement Act. Much of this legislation was contained in S. 2651, which I introduced in the last Congress. Most of that bill was adopted by the Senate Banking Committee last year as part of its comprehensive money laundering bill, S. 3037. Unfortunately, S. 3037 was not passed by the full Congress. That bill has been reintroduced in the current session as S. 305 by Senator KERRY, and cosponsored by myself and Senators RIEGLE, GARN, METZENBAUM, GRAHAM, BRYAN, and DIXON.

The international drug trade grosses $300 billion to $500 billion a year, 80 percent of that money is pure profit that needs to be laundered.

This bill combats the use of so-called money transmitters and other nonbank financial institutions, and the use of the international wire transfer and other fund transfer systems, to launder money.

Illegal money transmitters—illegal storefronts posing as travel agencies, telegraph offices, or other businesses that launder drug money—are an increasingly important part of the worldwide drug trade and the illegal money laundering industry.

In one recent money transmitter case, Treasury agents have identified hundreds of millions of dollars that were laundered.

At a conference on money transmitters sponsored by the Treasury Department's Financial Crimes Enforcement Network [FinCEN] in January, New York State officials discussed another money transmitter case that involved $100 million in laundered drug money.

At the conference, one prosecutor described these money transmitters as "all service providers for drug dealers." Often they have monthly meetings to coordinate their activities, and besides laundering money, they deal in phony immigration and other identification documents.

The battle against illegal money transmitters has barely begun. For the most part, we have left the fight to a handful of State investigators.

As Timothy Mahoney, the director of special investigations for the New York State Banking Department testified before the Senate Banking Committee:

> As banks became more sophisticated in reporting currency transactions, drug dealers became more creative and began to rely increasingly on unlicensed and illegal money transmitters, on check cashers, and on money order vendors, all users and sources of huge amounts of cash * * *. It is primarily the unlicensed money transmitter who provides the best means of laundering money and is most often used to structure illegal transactions.

On November 15, 1989, then-Assistant Treasury Secretary for Enforcement Salvatore R. Martoche testified before the House Banking Committee:

> Investigations by law enforcement authorities show that wire transfers increasingly are becoming the method of choice to launder money.

In an April 28, 1989, submission to the drug czar, the American Bankers Association stated:

> Wire transfers, which are essentially unregulated, have emerged as the primary method by which high volume launderers ply their trade.

A September 25, 1989, article in the New York Times, entitled, "Unassuming Storefronts Believed to Launder Drug Dealers' Profits" quotes State banking regulators as saying that storefront money-transmitting and check-cashing operations are sending billions of dollars to drug dealers in South America and Asia.

Unfortunately, as the House Banking Committee noted in its report (No. 101-446) on its money laundering bill last year: "Certain States have recognized a need for more effective regulation of these businesses, but most States have yet to act. Those who have required some form of licensure usually have little manpower available to properly supervise and monitor the activities of these business establishments."

The Money Laundering Enforcement Act addresses these problems with provisions that:

First, require the Treasury Department to issue regulations directing banks to identify their money transmitter and other nonbank financial institution customers;

Second, require the Treasury Department to share this information with State agencies so the States can investigate whether such institutions are in compliance with State law;

Third, make it a Federal crime to operate a money transmitter business in violation of State law, add that crime to the list of Federal RICO offenses, and provide for the seizure of all the illegal business' property;

Fourth, the Treasury Department already has authority to impose special reporting rules on financial institutions in certain geographic areas—for example, they can be required to report cash transactions of less than $10,000. But if the banks tell their customers these rules are in effect, it defeats the whole purpose. Section 4, therefore, prohibits financial institutions from telling customers they are subject to geographic targeting;

Fifth, section 5 relates to recordkeeping for international fund transfers. It requires the Treasury Department to issue recordkeeping regulations for domestic depository institutions making international fund transfers, and for international fund transfer orders made by money transmitters and check cashers, and by businesses that issue or redeem money orders, travelers' checks, or other similar instruments that have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings;

Sixth, section 6 directs the Department of Treasury, in consultation with the Department of Justice and the Drug Enforcement Administration, to report on the advantages and disadvantages of changing the size, denominations, or color of U.S. currency or of providing that the color of U.S. currency in circulation in foreign countries be of a different color than currency circulating in the United States.

Seventh, section 7 provides that structuring transactions to avoid the $3,000 identification requirement of 31 U.S.C. 5325 is prohibited. This section also contains provisions necessary to bring the financial enforcement program in the United States into conformity with the recommendations of the Financial Action Task Force [FATF] on money laundering. Section 7 authorizes the Treasury Secretary to require by regulation the reporting of suspicious transactions by any financial institution subject to the Bank Secrecy Act. A financial institution, bank or nonbank, would also be prohibited from warning its customer if it made a suspicious transaction report.

Section 7 also authorizes the Treasury Secretary to require financial institutions subject to the Bank Secrecy Act to have antimoney laundering programs which include, at a minimum, development of internal policies, procedures, and controls, designation of a compliance officer, an ongoing employee training program, and an independent audit function to test the program. The procedures would be geared at money laundering generally whether or not a customer dealt in cash;

Eighth, since the inception of the Right to Financial Privacy Act [RFPA], pursuant to an exception in 12 U.S.C. 3404(c), financial institutions have been able to report, in good faith, possible violations of law or regulation to Federal authorities without notice to the suspected customer and free from civil liability under the RFPA. Nevertheless, banks have advised that there are other concerns beyond liability under privacy laws that in some instances complicate their treatment of suspicious transactions. For instance, they fear possible defamation actions or that if they sever relations with a customer, they may risk liability under the Fair Credit Reporting Act, or for breach of contract.

Section 8(a) addresses these concerns by extending the protection of 12 U.S.C. 3404(c) to a financial institution that severs relations with a customer or refuses to do business because of activities underlying a suspicious transaction report, and by specifying that the financial institution that acts in good faith in reporting a suspicious transaction is protected from civil liability to the customer under any theory of State or Federal law.

Section 8(b) is necessary to facilitate the work of Treasury's new Financial Crimes Enforcement Network [FinCEN]. FinCEN plans not only to analyze financial records to facilitate investigations and prosecution by non-Treasury agencies, but to integrate such records with other available records for further analysis to identify new targets for criminal investigation. The amendment provides that an agency can transfer records obtained in accordance with the RFPA to FinCEN for criminal law enforcement purposes without customer notice. FinCEN also would be able to disseminate the results of its analysis, whether based in whole or in part on records obtained subject to the RFPA, to the appropriate agency for criminal investigation without customer notice.

Ninth, section 9 provides for a study by the Secretary of the Treasury to survey methods and technologies that may be used in the production of U.S. currency denominations of $10 or more, to make those notes—including presently circulating currency—traceable by an electronic scanning device, and to assess and evaluate the cost of implementing the methods and technologies surveyed, and the amount of time needed to implement each.

Together, these provisions give our regulatory and law enforcement agencies more ability to combat the multibillion dollar criminal money laundering enterprises operating in league with drug traffickers. When it comes to drug dealers and money launderers, we need the strongest possible laws to put them out of business and behind bars. We need to take everything they have—because right now they are taking everything we have.

Mr. President, I ask unanimous consent that the Money Laundering Enforcement Act be printed in its entirety, together with a section-by-section analysis, and I urge my colleagues to give the Money Laundering Enforcement Act their full support.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act may be cited as "The Money Laundering Enforcement Act.".

SEC. 2. IDENTIFICATION OF FINANCIAL INSTITUTIONS.

(a) A new section 5327 is added to title 31, United States Code, as follows:

"§ 5327. Identification of financial institutions

"By January 1, 1992, the Secretary shall prescribe regulations providing that each depository institution identify its customers which are financial institutions as defined in section 5312(a)(2) (H) through (Y) and the regulations thereunder and which hold accounts with the depository institution. Each depository institution shall report the names of and other information about these financial institution customers to the Secretary at such times and in such manner as the Secretary shall prescribe by regulation. No person shall cause or attempt to cause a depository institution not to file a report required by this section or to file a report containing a material omission or misstatement of fact. The Secretary shall provide these reports to appropriate state financial institution supervisory agencies for supervisory purposes.".

(b) Section 5321 of title 31, United States Code, is amended by adding a new subparagraph (a)(7) as follows:

"(7)(A) The Secretary may impose a civil penalty on any person who willfully violates any provision of section 5327 or a regulation prescribed thereunder.

"(B) The amount of any civil money penalty imposed under subparagraph (A) shall not exceed $10,000 per day for each day a report is not filed or a report containing a material omission or misstatement of fact remains on file with the Secretary.".

SEC. 3. PROHIBITION OF ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) Chapter 95 of title 18, United States Code, is amended by adding the following Section:

"§ 1960. Prohibition of illegal money transmitting businesses

"(a) Whoever intentionally conducts, finances, manages, supervises, directs, or owns all or part of an illegal money transmitting business shall be fined not more than $20,000 or imprisoned not more than five years, or both.

"(b) As used in this section—

"(1) 'illegal money transmitting business' means a money transmitting business which—

"(i) is an intentional violation of the law of a State or political subdivision in which it is conducted;

"(ii) involves one or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

"(iii) has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of $2,000 in a single day;

"(2) 'money transmitting' includes but is not limited to transfering funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile or courier; and

"(3) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(c) If one or more persons conduct, finance, manage, supervise, direct, or own all or part of a money transmitting business and such business operates for two or more successive days, then, for the purpose of obtaining warrants for arrests, interceptions, and other searches and seizures, probable cause that the business receives gross revenue in excess of $2,000 in any single day shall be deemed to have been established.

"(d) Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the United States. All provisions of law relating to the seizure, summary, and judicial forfeiture procedures, and condemnation of vessels, vehicles, merchandise, and baggage for violation of the customs laws; the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from such sale; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section, insofar as applicable and not inconsistent with such provisions. Such duties as are imposed upon the collector of customs or any other person in respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws shall be performed with respect to seizures and forfeitures of property used or intended for use in violation of this section by such officers, agents, or other persons as may be designated for that purpose by the Attorney General.".

(b) The chapter analysis for chapter 95 of title 18, United States Code, is amended by adding at the end the following item: "1960. Prohibition of illegal money transmitting businesses."

(c) Paragraph (1) of Section 1961 of title 18, United States Code, is amended by inserting after "section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire),": "section 1960 (relating to the prohibition of illegal money transmitting businesses),".

SEC. 4. NONDISCLOSURE OF ORDERS.

Section 5326 of title 31, United States Code, is amended by adding at the end the following:

"(c) NONDISCLOSURE OF ORDERS.—No financial institution or officer, director, employee or agent of a financial institution subject to an order under this section may disclose the existence of our terms of the order to any person except as prescribed by the Secretary.".

SEC. 5. PROVISIONS RELATING TO RECORDKEEPING WITH RESPECT TO CERTAIN INTERNATIONAL FUNDS TRANSFERS.

Section 21(b) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(b)) is amended—

(1) by striking "(b) Where" and inserting "(b)(1) Where"; and

(2) by adding at the end the following new paragraph:

"(2) FUNDS TRANSFERS.—

"(A) IN GENERAL.—By October 1, 1991, the Secretary, after consultation with the Board of Governors of the Federal Reserve System and State Banking Departments, shall prescribe such final regulations as may be appropriate to ensure that insured depository institutions, businesses that provide check cashing services, money transmitting businesses, and businesses that issue or redeems money orders, travelers' checks or other similar instruments maintain such records of payment orders which—

"(i) involve international transactions; and

"(ii) direct transfers of funds over wholesale funds transfer systems or on the books of any insured depository institution, or on the books of any business that provides check cashing services, any money transmitting business, and any business that issues or redeems money orders, travelers' checks or similar instruments as will have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

"(B) FACTORS FOR CONSIDERATION.—In prescribing the regulations required under subparagraph (A), the Secretary shall consider—

"(i) the usefulness in criminal, tax, or regulatory investigations or proceedings of any record required to be maintained pursuant to the proposed regulations; and

"(ii) the effect the recordkeeping required pursuant to such proposed regulations will have on the cost and efficiency of the payment system.

"(C) AVAILABILITY OF RECORDS.—Any records required to be maintained pursuant to the regulations prescribed under subparagraph (A) shall be submitted or made available to the Secretary upon request.".

SEC. 6. REPORT ON CURRENCY CHANGES.

The Secretary of the Treasury, in consultation with the Attorney General and the Administrator of Drug Enforcement, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, not later than 90 days after the date of enactment of this Act, on the advantages for money laundering enforcement, and any disadvantages, of—

(1) changing the size, denominations, or color of United States currency; or

(2) providing that the color of United States currency in circulation in countries outside the United States will be of a different color than currency circulating in the United States.

SEC. 7. SUSPICIOUS TRANSACTIONS AND FINANCIAL INSTITUTION ANTI-MONEY LAUNDERING PROGRAMS.

(a) Section 5324 of title 34, United States Code, is amended by adding the words "or section 5325 or the regulations thereunder" after the words "section 5313(a)," each time they appear.

(b) Section 5318 of title 31, United States Code, is amended by adding new subsections (g) and (h), as follows:

"(g)(1) The Secretary may prescribe that financial institutions report suspicious transactions relevant to possible violation of law or regulation.

"(2) A financial institution may not notify any person involved in the transaction that the transaction has been reported.

"(3) The provisions of section 1103(c) of the Right to Financial Privacy Act of 1978 (title XI of Public Law 95-630, as amended, 12 U.S.C. 3403(c)) shall apply to reports of suspicious transactions under this section.

"(h) In order to guard against money laundering through financial institutions, the Secretary may require financial institutions to have anti-money laundering programs, including at a minimum, the development of internal policies, procedures and controls, designation of a compliance officer, an ongoing employee training program, and an independent audit function to test the program. The Secretary may promulgate minimum standards for such procedures."

SEC. 8. AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.

(a) Section 1103(a) of the Right to Financial Privacy Act of 1978, (title XI of Public Law 95-630, as amended, 12 U.S.C. 3403(c)), is amended—

(1) by deleting the words, "in this chapter";

(2) by adding the words, ", as defined in 31 U.S.C. 5312 and the regulations thereunder," after the words "financial institution" in the first sentence; and

(3) by removing the period at the end thereof and adding the following: "or for refusal to do business with any person before or after disclosure of a possible violation of law or regulation made in good faith to a Government authority.".

(b) Section 1112 of the Right to Financial Privacy Act of 1978 (title XI of Public Law 95–630, as amended, 12 U.S.C. 3412) is amended—

(1) in paragraph (f)(1), by adding the words "or Secretary of the Treasury" after words "Attorney General";

(2) in paragraph (f)(1)(A) by adding the words "and in the case of the Secretary of the Treasury, a violation of section 1956 or 1957 of title 18, United States Code" after the word "law";

(3) in paragraph (f)(2) adding the words "Department of the Treasury" after the words "Department of Justice"; and

(4) by adding a new subsection (g) as follows:

"Financial records originally obtained by an agency in accordance with this chapter may be transferred to the Secretary of the Treasury for analysis and use by the Financial Crimes Enforcement Network ("FinCEN") for criminal law enforcement purposes without customer notice."

SEC. 9. ELECTRONIC SCANNING STUDY.

Section 102, Public Law 101–647, is hereby repealed and replaced with the following language:

"ELECTRONIC SCANNING STUDY

"(1) Not more than 30 days after the date of enactment of this section, the Secretary of the Treasury (referred to as the "Secretary") shall initiate an in-house study to—

"(A) survey methods and technologies that may be used in the production of United States currency, issued under section 411 of title 12, United States Code, in denominations of $10 or more, to make those notes (including presently circulating currency) traceable by an electronic scanning device; and

"(B) make an assessment and evaluation of the cost of implementing the methods and technologies surveyed and the amount of time needed to implement each."

SECTION-BY-SECTION ANALYSIS OF THE MONEY LAUNDERING ENFORCEMENT ACT

Section 2 provides for the identification of money transmitters and other non-bank financial institutions by requiring the Treasury Department to issue regulations by January 1, 1992 requiring that depository institutions (banks, saving associations, and credit unions) identify their non-bank financial institution customers: money transmitters, check cashers, foreign exchange dealers, issuers and redeemers of traveller's checks, and casinos. To help state regulators, the bill provides that Treasury will provide the list to state supervisory agencies for supervisory purposes, because, as many witnesses have testified before the Banking Committee, the sharing of information is crucial in the battle against drug dealing and money laundering. Section 2 also authorizes the Treasury Department to impose a civil penalty on any person who willfully violates section 5327 or a regulation prescribed thereunder.

Section 3 makes it a federal crime to operate a money transmitting business in violation of state law, and adds such crime to the list of federal RICO offenses contained in title 18, Section 1961.

Section 4. The Treasury Department already has authority to impose special reporting rules on financial institutions in certain geographic areas. For example, they can be required to report cash transactions of less than $10,000. But if the banks tell their customers these rules are in effect, it defeats the whole purpose. Section 5, therefore, prohibits financial institutions from telling customers they are subject to geographic targeting.

Section 5 relates to record keeping for International Fund Transfers. It requires the Treasury Department to issue record keeping regulations for domestic depository institutions making international fund transfers, and it also requires Treasury to issue record keeping rules for international fund transfer orders made by money transmitters and check cashers, and businesses that issue or redeem money orders, travelers' checks or other similar instruments.

Section 6 directs the Department of Treasury, in consultation with the Department of Justice and Drug Enforcement Administration, to report on the advantages and disadvantages of changing the size, denominations, or color of U.S. currency or of providing that the color of U.S. currency in circulation in foreign countries be of a different color than currency circulating in the U.S. A number of proposals have been suggested in reference to the issue of changing currency. The Drug Enforcement Administration, in a December 12, 1989 letter to the Department of Treasury, asked for consideration of printing two distinct forms of currency, one to serve as legal tender exclusively in the U.S. and the other form for use outside the U.S. Former Secretary of the Treasury Donald Regan, in a September 18, 1989 New York Times article, advocated a similar idea. His suggestion is as follows:

> To get at the cash dealings of drug wholesalers, retailers, street pushers, we should print new $50 and $100 bills—either of a different color, or size, than the current ones. With only a 10-day warning, we should make all $50 and $100 bills obsolete—no longer acceptable as legal tender. Everyone would have to exchange their large bills for new ones. Banks and other financial institutions would have to keep a record of any cash transactions over $1,000. Reports would be furnished to the Comptroller and I.R.S. by name and taxpayer identification.

Section 7(a) is a technical amendment changing the anti-structuring provision of the Bank Secrecy Act, 31 U.S.C. 5324, to specify that structuring transactions to avoid the $300 identification requirement of 31 U.S.C. 5325 is prohibited.

In section 6185(b) of the Anti-Drug Abuse Act of 1988, Congress added section 5325 to guard against the practice of "smurfing" drug proceeds by cash purchases of monetary instruments at amounts below the $10,000 reporting threshold. Section 5325 prohibits the cash purchase of certain monetary instruments—bank checks, cashier's checks, traveler's checks, money orders—in amounts greater than $3000 to non-accountholders unless the financial institution verifies the identification of the purchaser.

Treasury has issued regulations under section 5325, 31 C.F.R. 103.29, which require that financial institutions maintain a log of cash purchases of these instruments over $3000 which included a notation of the identification exacted for non-accountholders.

However, section 5324 only refers to structuring to avoid the Currency Transaction Report requirement. Therefore, the proposed amendment is needed because under the current law it could be argued that customer structuring of transactions or smurfing to avoid the $3000 identification requirement would not be a violation of the Bank Secrecy Act.

Section 7(b). This section contains provisions necessary to bring the financial enforcement program in the United States into conformity with the recommendations of the Financial Action Task Force ("FATF") on money laundering.

The FATF was convened by the 1989 G–7 Summit to study the state of international cooperation on money laundering and measures to improve cooperation in international money laundering cases. The group was composed of fifteen financial center countries and the European Community. After several meetings of experts from law enforcement, justice and finance ministries, and bank supervisory authorities, in April 1990, the group issued a comprehensive report with 40 action recommendations for comprehensive domestic anti-money laundering programs and improved international cooperation in money laundering investigations, prosecutions, and forfeiture actions. The recommendations of the group have become the world model for effective anti-money laundering measures.

President Bush and the other heads of state and government endorsed the report of the Financial Action Task Force at the Houston Economic Summit last summer, and the financial ministries of non–G–7 participants also endorsed the report.

The Houston Summit reconvened the Task Force for another year. The mandate of the reconvened Task Force is to study possible complements to the original recommendations, to assess implementation of the recommendations, and to study how to expand the number of countries that subscribe to the recommendations. The reconvened Task Force is currently meeting. The original members have been joined by six other European countries and Hong Kong and the Gulf Cooperative Council.

By their endorsement, the Task Force members are committed to take necessary legislative and regulatory measures to implement the recommendations. Most of the recommendations reflect measures already in place in the United States, because the United States. Nevertheless, to fully measure up to the recommendations, our anti-money laundering program requires some refinements which the amendments in this section address.

First, the Task Force recommendations (recommendation 9) provide that the same anti-money laundering measures recommended for banks be put in place for non-bank financial institutions, such as the requirement to report suspicious transactions possibly indicative of money laundering (recommendation 16), and to create anti-money laundering programs (recommendation 20).

Experience in the United States and abroad indicates that as banks become more effective in guarding against money laundering, money launderers turn to non-bank financial institutions, such as money transmitters, casas de cambio and telegraph companies.

Many of these institutions are subject to the recordkeeping and reporting requirements of the Bank Secrecy Act, but unlike banks are not required to report suspicious transactions nor to have compliance programs to guard against money laundering. See e.g., 12 CFR 12.11 (relating to reports to suspected crimes by national banks); 12 CFR 21.21 (relating to procedures for monitoring Bank Secrecy Act compliance by national banks).

Proposed section 31 U.S.C. 5318(g) authorizes the Treasury Secretary to require by regulation the reporting of suspicious transactions by any financial institution subject to the Bank Secrecy Act. Also in furtherance of the FATF recommendations, a financial institution, bank or non-bank, would be prohibited from warning its customer if it made a suspicious transaction report (recommendation 17).

Under the Right to Financial Privacy Act ("RFPA"), 12 U.S.C. 3403(c), a financial institution may report a suspicious transaction free from civil liability for not notifying its customer, but is not specifically prohibited from warning the customer.

The FATF concluded that in order for suspicious transactions reporting to be effective there must be a prohibition from notifying the persons involved in the suspicious transaction. Also, as discussed below, in a related amendment, it is proposed to extend the customer liability protection of the RFPA to all financial institutions subject to the Bank Secrecy Act, not just to the banking institutions generally subject to the RFPA.

Proposed section 31 U.S.C. 5318(h), which tracks the language of FATF recommendation 20, would authorize the Secretary to require financial institutions subject to the Bank Secrecy Act to have anti-money laundering programs which include, at a minimum, development of internal policies, procedures, and controls, designation of a compliance officer, an ongoing employee training program, and an independent audit function to test the program. The Secretary would be able to promulgate minimum standards for such procedures.

This recommendation was based on the regulations the U.S. bank regulators have in place pursuant to 12 U.S.C. 1818 to ensure Bank Secrecy Act compliance. See, e.g., 12 CFR 21.21. The Secretary already has authority under 31 U.S.C. 5318 to promulgate procedures to ensure compliance with requirements of the Bank Secrecy Act. This amendment would eliminate the requirement that the procedures be linked to a Bank Secrecy Act requirement, i.e., currency transaction reporting. The procedures would be geared at money laundering generally whether or not a customer dealt in cash. For instance, this authority could be used to require that anti-money laundering programs include "know your customer" procedures.

The Department of the Treasury envisions that the authority of proposed section 5318 (g) and (h) could be used with respect to any institution subject to the Bank Secrecy Act under 31 U.S.C. 5312 whether or not that institution is required to report currency transactions under the Bank Secrecy Act.

Section 8(a). Since the inception of the Right to Financial Privacy Act, pursuant to an exception in section 1103(c), 12 U.S.C. 3404(c), financial institutions have been able to report, in good faith, possible violations of law or regulation to federal authorities without notice to the suspected customer and free from civil liability under the RFPA.

At the Administration's request in the Anti-Drug Abuse Act of 1986 and 1988, Congress further clarified this provision to specify what information a financial institution could give regarding the customer and the suspicious activity, and that the protection preempted any state law requiring notice to the customer. These changes were added to ensure that financial institutions would not be inhibited from reporting suspected violations, especially money laundering and Bank Secrecy Act reporting violations.

Nevertheless, banks have advised that there are other concerns beyond liability under privacy laws that in some instances complicate their treatment of suspicious transactions. For instance, they fear possible defamation actions or that if they sever relations with a customer, they may risk liability under the Fair Credit Reporting Act, 15 U.S.C. 1691, et seq., or for breach of contract. See Ricci V. Key Bancshares of Maine, 768 F.2d 456 (1st Cir. 1985). However, if they continue relations with the customers, they fear that they may be implicated in any illegal activity.

In many cases, after a suspicion has been reported, Federal authorities will encourage financial institutions to continue dealing with a suspicious customer so his activities may be monitored. Unfortunately, there is a question whether, in all cases, law enforcement follow-up with financial institutions on the disposition of suspicious activity reports. In any event, financial institutions should be free to sever relations with the customer based on its suspicions or on information about a customer received from law enforcement.

Section 8(a) addresses these concerns by extending the protection of Section 1103(c) to a financial institution that severs relations with a customer or refuses to do business because of activities underlying a suspicious transaction report and by specifying that the financial institution that acts in good faith in reporting a suspicious transaction is protected from civil liability to the customer under any theory of state or Federal law.

As discussed above, the amendment extends the protection of section 1103(c) to the wide range of bank and non-bank institutions subject to the Bank Secrecy Act, 31 U.S.C. 5312. Currently, the protection may apply to financial institutions as defined in section 1101 of the RFPA, 12 U.S.C. 3401, e.g., banks, credit unions, savings associations. Non-bank financial institutions may similarly be inhibited from reporting suspicious transactions by fear of civil liability for defamation or breach of contract or under financial or consumer privacy laws.

The protection would apply to all institutions enumerated in 31 U.S.C. 5312 (subject to the Bank Secrecy Act) whether or not the Secretary has exercised his regulatory authority to require a type of institution to report currency transactions under the Bank Secrecy Act.

For instance, travel agencies and insurance companies are listed in section 5312 as financial institutions subject to the Bank Secrecy Act, but have not been required to comply with any of the requirements of the Bank Secrecy Act by regulation. Instead, these institutions report cash received in excess of $10,000 to the Internal Revenue Service under section 6050I of the Internal Revenue Code, which establishes the currency reporting regime for trades or businesses not subject to BSA reporting. Nevertheless, under this amendment because travel agencies and insurance companies are within the Bank Secrecy Act definition of financial institution, the RFPA protection of section 1103(c) would extend to them if they report suspicious transactions, in good faith, to a federal authority.

Section 8(b). Section 1112 of the RFPA, 12 U.S.C. 3412, provides that agencies that obtain financial records in accordance with the RFPA (either after customer notice or pursuant to an authorized notice exception) notify a customer if it transfers the records to another agency.

The amendment in section 8(b) is necessary to facilitate the work of Treasury's new Financial Crimes Enforcement Network (FinCEN). FinCEN plans not only to analyze financial records, including records subject to the RFPA, e.g., records received by administrative subpoena, to facilitate investigations and prosecution by non-Treasury agencies, but to integrate such records with other available records for further analysis to identify new targets for criminal investigation. Treasury is concerned that this further use, independent of the needs of the agency that originally received the records in accordance with the RFPA, could be considered as a transfer of the records to Treasury necessitating customer notice under section 1112 of the RFPA.

The amendment adds a new subsection 1112(g) to provide that an agency can transfer records obtained in accordance with the RFPA to FinCEN for criminal law enforcement purposes without customer notice. FinCEN also would be able to disseminate the results of its analysis whether based in whole or in part on records obtained subject to the RFPA to the appropriate agency for criminal investigation without customer notice.

Section 9 provides for a study by the Secretary of the Treasury to survey methods and technologies that may be used in the production of United States currency denominations of $10 or more, to make those notes (including presently circulating currency) traceable by an electronic scanning device, and to assess and evaluate the cost of implementing the methods and technologies surveyed, and the amount of time needed to implement each.

By Mr. EXON (for himself, Mr. DANFORTH, and Mr. KASTEN):

S. 631. A bill to authorize appropriations for the Motor Carrier Safety Assistance Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM REAUTHORIZATION ACT

Mr. EXON. Mr. President, I am pleased today to introduce the Motor Carrier Safety Assistance Program Reauthorization Act of 1991 [MCSAP]. This legislation is a continued effort to improve safety in the heavy truck and bus industry.

Congress created MCSAP in 1982. This program provides grants to States for roadside inspections of commercial vehicles and drivers, as well as safety audits at the terminal of truck and bus companies. MCSAP currently funds 1.15 million roadside inspections, and about 10,000 safety audits annually. This bill would provide funding for MCSAP of $65 million for fiscal year 1992; $70 million for fiscal year 1993; $75 million for fiscal year 1994; $80 million for fiscal year 1995; and $85 million for fiscal year 1996.

Congress has supported safety initiatives in past Congress' to improve the safety of commercial vehicles on our Nation's highways. To continue this effort, I am delighted to work with Senator DANFORTH and Senator KASTEN to introduce the Motor Carrier Safety Assistance Program Reauthorization Act of 1991. This bill will continue the existing program which is widely regarded as a successful Federal/State partnership, by making some modifications intended to better direct the program at the cause of accidents involving commercial motor vehicles.

This bill will include programmatic changes that will require a State to meet the administrative requirements for grant qualifications in order to receive money from MCSAP, such as designating a State lead agency to administer the plan, using uniform forms for recordkeeping and inspections, and participation in data bases on drivers, vehicle inspections, and traffic accidents. The bill will also strengthen the program beginning with fiscal year 1993 by requiring a State to conduct increased enforcement in a number of areas including: drug interdiction; drug and alcohol enforcement; checking the status of drivers' CDL's; traffic safety enforcement in relation to commercial vehicle safety; and hazardous materials efforts.

Other provisions of the .bill will include initiatives designed to penalize those who violate out-of-service orders; establish guidelines that clearly delineate what is a compatible State safety rule regarding interstate-intrastate compatibility; establish a drug-free zone around truck stops by doubling the penalty levels for those persons convicted of selling drugs within 1,000 feet of a truck stop; and also require DOT to conduct a rulemaking on the need to adopt methods for improving truck braking performance. The rulemaking would be comprehensive addressing basic brake problems, such as the compatibility between tractor brakes and trailer brakes, and methods of ensuring effective brake timing.

I am committed to working with my colleagues to ensure passage of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motor Carrier Safety Assistance Program Reauthorization Act of 1991".

SEC. 2. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.

(a) AMENDMENT TO TITLE 23, U.S.C.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

"§411. Motor carrier safety assistance program

"(a) GRANTS—The Secretary is authorized to make grants to eligible States for the development or implementation, or both, of programs for—

"(1) the enforcement of Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety (including vehicle size and weight requirements and commercial motor vehicle alcohol and controlled substances awareness and enforcement, including interdiction of illegal shipments), or compatible State rules, regulations, standards, and orders; and

"(2) effective enforcement of State or local traffic safety laws and regulations designed to promote the safe operation and driving of commercial motor vehicles.

A State shall be elibible to receive grants under this section only if the State has a plan approved by the Secretary under subsection (b).

"(b) STATE PLANS.—

"(1) SUBMISSION.—The Secretary shall formulate procedures for a State to submit annually a plan where the State agrees to adopt, and to assume responsibility for enforcing—

"(A) Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety (including vehicle size and weight requirements and commercial motor vehicle alcohol and controlled substances awareness and enforcement, including interdiction of illegal shipments), or compatible State rules, regulations, standards, and orders; and

"(B) State or local traffic safety laws and regulations designed to promote the safe operation and driving of commercial motor vehicles.

"(2) APPROVAL.—Subject to paragraph (3), a State plan submitted under paragraph (1) shall be approved by the Secretary if, in the Secretary's judgment, the plan is adequate to promote the objectives of this section, and the plan—

"(A) designates the State motor vehicle safety agency responsible for administering the plan;

"(B) ensures that the State motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary for administering the plan;

"(C) ensures that the State will devote adequate funds for administering the plan;

"(D) provides a right of entry and inspection to carry out the plan;

"(E) provides that the State motor vehicle safety agency will adopt uniform reporting requirements and use uniform forms for recordkeeping, inspections, and investigations, as may be established and required by the Secretary;

"(F) provides that all required reports be submitted to the State motor vehicle safety agency and that the agency make the reports available to the Secretary, upon request;

"(G) ensures State participation in motor carrier information systems, including data bases containing data and information on drivers, vehicle inspections, driver operating compliance with applicable traffic safety laws and regulations, vehicle safety and compliance reviews, traffic accidents, and the weighing of vehicles;

"(H) ensures that commercial motor vehicle size and weight inspection activities will not diminish the effectiveness of other safety initiatives;

"(I) gives satisfactory assurances that the State will conduct effective activities—

"(i) to remove impaired commercial motor vehicle drivers from our nation's highways by increasing enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment, and to provide an appropriate level of training to its Motor Carriers Safety assistance Program officers and employees on the recognition of drivers impaired by alcohol or controlled substances;

"(ii) to promote enforcement of the requirements relating to the licensing of commercial motor vehicle drivers, especially including the checking of the status of commercial driver's licenses;

"(iii) to increase enforcement of State or local traffic safety laws and regulations that affect commercial motor vehicle safety; and

"(iv) to improve enforcement of hazardous materials transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspections of the loads of commercial motor vehicles transporting hazardous materials;

"(J) gives satisfactory assurances that the State will promote—

"(i) effective interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and to provide training on appropriate strategies for carrying out such interdiction activities; and

"(ii) effective use of trained and qualified officers and employees of political subdivisions or local governments in the enforcement of regulations affecting commercial motor vehicle safety and hazardous materials transportation safety; and

"(K) ensures that fines imposed and collected by the State will be reasonable and appropriate.

"(3) ADDITIONAL PLAN REQUIREMENTS.—

"(A) SAFETY AND DRUG ENFORCEMENT.—The Secretary shall not approve a State plan unless the plan provides that the estimated aggregate expenditure of funds of the State and its political subdivisions for commercial motor vehicle safety (including commercial motor vehicle alcohol and controlled substances awareness and enforcement, including interdiction of illegal shipments), exclusive of Federal funds and State matching funds required to receive Federal funding, will be maintained at a level that does not fall below the estimated average level of such aggregate expenditure for the State's previous three full fiscal years.

"(B) WEIGHT.—The Secretary shall not approve a State plan unless the plan provides that the estimated aggregate expenditure of funds of the State and its political subdivisions for commercial motor vehicle size and weighing activities, exclusive of Federal funds, will be maintained at a level that does not fall below the estimated average level of such aggregate expenditure for the State's previous three full fiscal years. In order to be authorized to use funds under this section to enforce commercial motor vehicle size and weight requirements, a State in its State plan submitted under this subsection shall certify that such size and weight activities will be coupled with an appropriate form of commercial motor vehicle safety inspection and will be directly related to a specific commercial motor vehicle safety problem in that State, in particular that funds for size and weight enforcement activities will be—

"(i) conducted at locations other than fixed weight facilities;

"(ii) used to measure or weigh vehicles at specific geographical locations (such as steep grades or mountainous terrains), where the weight of a vehicle can significantly affect the safe operation of that vehicle; or "(iii) used at sea ports of entry into and exit from the United States, with a focus on intermodal shipping containers.

"(C) TRAFFIC SAFETY ENFORCEMENT.—The Secretary shall not approve a State plan that provides for funds received under this section to be used to enforce traffic safety regulations applicable to commercial motor vehicles, unless the State certifies in the plan that such traffic safety enforcement will be coupled with an appropriate form of a commercial motor vehicle safety inspection.

"(D) MAINTENANCE OF EFFORT.—The Secretary shall not approve any plan under this section which agency and upon the Secretary's own inspection. A written statement of the evaluation shall be prepared every three years.

"(B) WITHDRAWAL OF APPROVAL.—After providing a State with notice and an opportunity to comment, whenever the Secretary finds that a State plan is not being followed, or has become inadequate to ensure the enforcement of—

"(i) Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety (including vehicle size and weight requirements and commercial motor vehicle alcohol and controlled substances awareness and enforcement, including interdiction of illegal shipments), or compatible State rules, regulations, standards, and orders, and

"(ii) State or local traffic safety laws and regulations applicable to commercial motor vehicles,

the Secretary shall notify the State that approval of the State plan is being withdrawn and shall specify the Secretary's reasons for such withdrawal. The plan shall cease to be an approved plan upon receipt by the State of the notice of withdrawal, and the Secretary shall permit the State to modify and resubmit the plan in accordance with this subsection.

"(C) JUDICIAL REVIEW.—A State may seek judicial review of notice of withdrawal of approval, pursuant to chapter 7 of title 5, United States Code, in the appropriate United States Court of Appeals. The State may retain jurisdiction in any administrative or judicial enforcement proceeding commenced before the withdrawal of the approval of the State plan, if the issues involved do not directly relate to the reasons for the withdrawal of approval.

"(4) COORDINATION OF SAFETY PLANS.—The State motor vehicle safety agency shall coordinate the plan prepared under this subsection, with the highway safety plan developed under section 402 of this title. Such coordination shall include consultation with the Governor's Highway Safety Representative and representatives of affected industries to ensure effective implementation of the purposes of this section.

"(c) FEDERAL SHARE OF COSTS.—By grants authorized under this section, the Secretary shall reimburse a State an amount not to exceed 80 percent of the costs incurred by that State in the development or implementation, or both, of programs as described under subsection (a). In determining such costs incurred by the State, the Secretary shall include in-kind contributions by the State.

"(d) ALLOCATIONS.—

"(1) DEDUCTION FOR ADMINISTRATION.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary may deduct, for administration of this section for that fiscal year, not to exceed one percent of the funds available for that fiscal year. At least one-half of the funds so deducted for administration shall be used for training of non-Federal inspectors to carry out the purposes of this section.

"(2) ALLOCATION CRITERIA.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary, after making the deduction authorized by paragraph (1), shall allocate, among the States with plans approved under subsection (b), the available funds for that fiscal year, pursuant to criteria established by the Secretary.

"(e) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Funds made available to carry out this section shall remain available for obligation by the Secretary until expended. Allocations to a State shall remain available for expenditure in that State for the fiscal year in which they are allocated and one succeeding fiscal year. Funds not expended by a State during those two fiscal years shall be released to the Secretary for reallocation. Funds made available under part A of title IV of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2301 et seq.) which, as of October 1, 1992, were not obligated shall be available for reallocation and obligation under this section.

"(f) OBLIGATION OF FUNDS.—Approval by the Secretary of a grant to a State under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the costs incurred by that State in development or implementation, or both, of programs as described under subsection (a).

"(g) PAYMENTS TO STATES.—The Secretary shall make payments to a State of costs incurred by it under this section, as reflected by vouchers submitted by the State. Payments shall not exceed the Federal share of costs incurred as of the date of the vouchers.

"(h) FUNDING.—

"(1) AVAILABILITY.—To incur obligations to carry out the purposes of this section, there shall be available to the Secretary out of the Highway Trust Fund not to exceed $70,000,000 for fiscal year 1993, $75,000,000 for fiscal year 1994, $80,000,000 for fiscal year 1995, and $85,000,000 for fiscal year 1996.

"(2) ENFORCEMENT.—Of funds made available under this subsection for any fiscal year, not less than $7,500,000 each year shall be used to pay for traffic enforcement activities focused upon commercial motor vehicle drivers, if such activities are coupled with an appropriate type of inspection for compliance with the commerical motor vehicle safety regulations. Of the funds made available under this subsection for each of fiscal years 1993 and 1994, not less than $1,500,000 shall be used to increase enforcement of the licensing requirements of the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.) by Motor Carrier Safety Assistance Program officers and employers, specifically including the cost of purchasing equipment for and conducting inspections to check the current status of licenses issued pursuant to that Act.

"(3) RESEARCH AND DEVELOPMENT.—Not less than $500,000 but not more than $2,000,000 of the funds made available under this subsection for any fiscal year shall be available for research, development, and demonstration of technologies, methodologies, analyses, or information systems designed to promote the purposes of this section and which are beneficial to all jurisdictions. Such funds shall be announced publicly and awarded competitively, whenever practicable, to any of the eligible States for 100 percent of the State costs, or to other persons as determined by the Secretary. The reports required under section 5 of the Motor Carrier Safety Assistance Program Reauthorization Act of 1991 and the development of the model program and procedures required under section 7 of that Act shall be funded under this paragraph.

"(4) PUBLIC EDUCATION.—Not less than $350,000 of the funds made available under this subsection for any of fiscal year shall be available to eligible States to help educate the motoring public on how to share the road safely with commercial motor vehicles.

"(i) DEFINITIONS.—As used in this section, the term—

"(1) 'commerce' means—

"(A) trade, traffic, and transportation within the jurisdiction of the United States between a place in a State and a place outside of such State (including a place outside the United States); and

"(B) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in subparagraph (A).

"(2) 'commercial motor vehicle' means any self-propelled or towed vehicle used on highways in commerce to transport passengers or property—

"(A) if the vehicle has a gross vehicle weight rating of 10,001 or more pounds;

"(B) if the vehicle is designed to transport more than 15 passengers, including the driver; or

"(C) if the vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.) and are transported in a quantity requiring placarding under regulations issued by the Secretary under that Act.

"(3) 'controlled substance' has the meaning such term has under section 102(b) of the Controlled Substances Act (21 U.S.C. 802(b)).

"(4) 'State' means any one of the 50 States, the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, or the Virgin Islands.".

"(b) AMENDMENT TO SURFACE TRANSPORTATION ASSISTANCE ACT of 1982.—

"(1) ELIGIBLE EXPENDITURES.—Section 402 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2302) is amended by adding at the end the following new subsection:

"(e) After the date of enactment of this subsection, a State with a plan approved under subsection (b)(1) of this section may be reimbursed by the Secretary under this part for expenditures in enforcing State or local traffic laws or regulations designed to promote the safe operation and driving of commercial motor vehicles, or for activities described under section 411(b)(2) (I) and (J) of title 23, United States Code, or both.".

"(2) FUNDING.—Section 404(a)(2) of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2304(a)(2) is amended—

"(A) by striking "1988 and" and inserting in lieu thereof "1988,"; and

"(B) by inserting immediately before the period at the end of the following: ", and $65,000,000 per fiscal year for fiscal year 1992".

"(c) CONFORMING AMENDMENT.—The analysis of chapter 4 of title 23, United States Code, is amended by adding at the end the following new item:

"411. Motor carrier safety assistance program.".

SEC. 3. NEW FORMULA FOR ALLOCATION OF MCSAP FUNDS.

Within 6 months after the date of the enactment of this Act, the Secretary of Transportation by regulation shall develop an improved formula and processes for the allocation among eligible States of the funds made available under the Motor Carrier Safety Assistance Program. In conducting such a revision, the Secretary shall take into account ways to provide incentives to States that demonstrate innovative, successfuly, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous materials transportation safety, including traffic safety enforcement and size and weight enforcement activities that are coupled with Motor Carrier Safety Assistance Program inspections; to increase compatibility of State commercial motor vehicle safety and hazardous materials transportation regulations with the Federal safety regulations; and to promote other factors intended to promote effectiveness and efficiency that the Secretary determines appropriate.

SEC. 4. VIOLATIONS OF OUT-OF-SERVICE ORDERS.

Section 12008 of the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2707) is amended by adding at the end the following new subsection:

"(g) VIOLATION OF OUT-OF-SERVICE ORDERS.—

"(1) REGULATIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations of out-of-service orders by persons operating commercial motor vehicles.

"(2) MINIMUM REQUIREMENTS.—Regulations issued under paragraph (1) shall, at a minimum, require that—

"(A) any operator of a commercial motor vehicle who is found to have committed a first violation of an out-of-service order shall be disqualified from operating such a vehicle for a period of not less than 90 days and shall be subject to a civil penalty of not less than $1,000;

"(B) any operator of a commercial motor vehicle who is found to have committed a second violation of an out-of-service order shall be disqualified from operating such a vehicle for a period of not less than 1 year and not more than 5 years and shall be subject to a civil penalty of not less than $1,000; and

"(C) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall be subject to a civil penalty of not more than $10,000.

"(3) DEADLINES.—The regulations required under paragraph (1) shall be developed pursuant to a rulemaking proceeding initiated within 60 days after the date of enactment of this subsection and shall be issued not later than 12 months after such date of enactment.".

SEC. 5. REPORTS.

Within two years after the date of enactment of this Act, the Secretary of Transportation shall submit, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives, reports on—

(1) the effectiveness of the motor carrier inspection decal issued by the Commercial Vehicle Safety Alliance, ways to increase the use of that decal, and an analysis of whether the Federal Highway Administration should require the acceptance of the decal by States participating in the Motor Carrier Safety Assistance Program; and

(2) the effectiveness and acceptance of the uniform financial penalty recommendations of the Commercial Vehicle Safety Alliance, and the need for and practicality and feasibility of the Secretary issuing regulations requiring uniformity (within certain ranges) in the issuance of financial penalties resulting from violations found during inspections sponsored by the Motor Carrier Safety Assistance Program.

SEC. 6. INTRASTATE COMPATIBILITY.

Within 9 months after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety law and regulations under the Motor Carrier Safety Assistance Program. Such guidelines and standards shall, to the extent practicable, allow for maximum flexibility while ensuring the degree of uniformity that will not diminish transportation safety. In the review of State plans and the allocation or granting of funds under section 411 of title 23, United States Code, as added by this Act, the Secretary shall ensure that such guidelines and standards are applied uniformly.

SEC. 7. ENFORCEMENT OF BLOOD ALCOHOL CONCENTRATION LIMITS.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall consult with representatives of law enforcement organizations and affected industries, and if appropriate contract with law enforcement organizations, to develop a model program and procedures for Motor Carrier Safety Assistance Program officers and employees to enforce the .04 percent blood alcohol concentration limit established by regulation pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.).

SEC. 8. FHWA POSITIONS.

To help implement the purposes of this act, the Secretary of Transportation in fiscal year 1992 shall employ and maintain thereafter two additional positions at the headquarters of the Federal Highway Administration in excess of the number of employees authorized for fiscal year 1991 for the Federal Highway Administration.

SEC. 9. DRUG FREE TRUCK STOPS.

(a) SHORT TITLE.—This section may be cited as the "Drug Free Truck Stop Act".

(b) FINDINGS.—The Congress finds that—

(1) the illegal use of controlled substances by operators of commercial motor vehicles represents an enormous threat to the safety of all motorists and their passengers on the Nations roadways; and

(2) as indicated by numerous studies, congressional hearings, and investigations, individuals often use the areas surrounding roadside truckstops and roadside rest areas as sites for the distribution of these controlled substances to the operators of commercial motor vehicles.

(c) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—In light of the findings in subsection (a), part D of the Controlled Substances act (21 U.S.C. 801 et seq.) is amended by inserting immediately after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within one thousand feet of, a truck or safety rest area is (except as provided in subsection (b)) punishable—

"(1) by a term of imprisonment, or fine, or both, up to twice that authorized by section 401(b) of this title; and

"(2) at least twice any term of supervised release authorized by section 401(b) for a first offense.

Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.

"(b) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within one thousand feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is punishable—

"(1) by the greater of (A) a term of imprisonment of not less than three years and not more than life imprisonment or (B) a term of imprisonment of up to three times that authorized by section 401(b) of this title for a first offense, or a fine up to three times that authorized by section 401(b) of this title for a first offense, or both; and

"(2) at least three times any term of supervised release authorized by section 401(b) of this title for a first offense.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under chapter 311 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.

"(d) For purposes of this section—

"(1) the term 'safety rest area' has the meaning given that term in part 752 of title 23, Code of Federal Regulations, as in effect on the date of enactment of this section; and

"(2) the term 'truck stop' means any facility (including any parking lot appurtenant thereto) with the capacity to provide fuel or service, or both, to any commercial motor vehicle as defined under section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986, operating in commerce as defined in section 12019(3) of such Act.".

(2) CONFORMING AMENDMENTS.—

(A) CROSSREFERENCE.—Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by striking "or 405B" each place it appears and inserting in lieu thereof "405B, or 409".

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting, immediately after the item relating to section 408, the following:

"Sec. 409. Transportation safety offenses.".

(d) SENTENCING GUIDELINES.—

(1) PROMULGATION OF GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (c), shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(A) two levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(B) in no event less than level 26.

(2) IMPLEMENTATION BY SENTENCING COMMISSION.—If the sentencing guidelines are amended after the date of enactment of this Act, the Sentencing Commission shall imple-

ment the instruction set forth in paragraph (1) so as to achieve a comparable result.

(3) LIMITATION.—The guidelines referred to in paragraph (2), as promulgated or amended under such paragraph, shall provide that an offense that could be subject to multiple enhancements pursuant to such paragraph is subject to not more than one such enhancement.

SEC. 10. IMPROVED BRAKE SYSTEMS FOR COMMERCIAL MOTOR VEHICLES.

(a) RULEMAKING PROCEEDING.—Section 9107 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (Public Law 199-690, subtitle B of title IX; 102 Stat. 4530) is amended—

(1) by striking "REPORT ON" in the heading;

(2) by inserting "(a) REPORT.—" immediately before "Not later than"; and

(3) by adding at the end the following new subsection:

"(b) RULEMAKING PROCEEDING.—The Secretary shall initiate a rulemaking proceeding not later than July 1, 1991. Such proceeding shall concern the need to adopt methods for improving braking performance standards for commercial motor vehicles and shall include an examination of antilock systems, means of improving brake compatibility, and methods of ensuring effectiveness of brake timing. Any rule which the Secretary determines to issue as a result of such proceeding regarding improved brake performance shall take into account the necessity for effective enforcement of such a rule. The Secretary shall conclude the proceeding required by this subsection not later than April 1, 1992.".

(b) CONFORMING AMENDMENT.—The table of contents contained in section 9101(b) of the Truck and Bus Safety and Regulatory Reform Act of 1988 (102 Stat. 4527) is amended by striking "Report on improved" in the item relating to section 9107 and inserting in lieu thereof "Improved".

SEC. 11. COMPLIANCE REVIEW PRIORITY.

If the Secretary of Transportation identifies a serious pattern of violations of State or local traffic safety laws or regulations, or commercial motor vehicle safety rules, regulations, standards, or orders, among the drivers of commercial motor vehicles employed by a particular motor carrier, the Secretary shall ensure that such motor carrier recieves a high priority for safety reviews, compliance reviews, and other inspection or audit activities.

By Mr. PRYOR:

S. 632. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of interest paid in connection with certain life insurance contracts; to the Committee on Finance.

TAX TREATMENT OF CERTAIN INTEREST

• Mr. PRYOR. Mr. President, today I am introducing a bill to limit certain excessive practices involving business-owned life insurance products. While businesses have traditionally used life insurance policies for sound business purposes, some extreme marketing practices have developed that must be addressed in order to preserve the integrity of business-owned life insurance.

The bill specifically targets two problems. The first issue involves a company's ability to inflate interest rates on insurance policies, thereby allowing loan rates greatly in excess of the current cost of money. To address this problem, the bill sets a limit on deductible policy loan interest so that only that amount of interest that does not exceed the competitive price of money on the open market may be deducted. The limitation is defined in terms of Moody's cost of money index—a standard already used by the insurance industry in other contexts. A related problem also addressed is a company's ability to create much larger dividends with which it can pay premiums on a tax-free basis during the 4 years in which premiums must be paid.

The second issue addressed in the bill involves so-called janitor insurance. Janitor insurance refers to the practice of insuring all or most of a company's employees in order to generate tax-free funds earmarked for benefits limited to senior officers or some other group. Although it is technically possible that such products might be created, after review it seems difficult to find any company that has actually bought such a program.

However, even the possibility of such excessive use of tax benefits raises a problem. Insuring many to benefit a few is inconsistent with widely accepted nondiscrimination concepts and would also circumvent the $50,000 loan interest deduction limitation. To eliminate this potential practice, my proposal would subject business life insurance policies to the following new rules.

First, under this legislation, employees who are to be insured by their company must be notified of the fact, and given the opportunity to decline such coverage. Second, when an employer uses life insurance to legitimately provide for its employees, each and every employee who is covered by a life insurance policy will have to be eligible to receive the benefits of that policy. These rules, however, will not affect insurance arrangements that are not tied to employee benefit programs, such as key man and buy-sell programs.

Mr. President, I firmly believe that business-owned life insurance is a valuable insurance product for business use. Business-owned life insurance policy benefits are an absolute necessity for safeguarding against corporate losses in the event of an untimely death. Businesses have a long history of using insurance policies to supplement employee benefit or compensation programs, and when not excessive, such practices should be allowed to continue.

It is my intention to discourage use of life insurance to facilitate the funding of postretirement or other employee benefits in a way that would violate the principles contained in this legislation, from this day forward. Therefore, I hereby put on notice any prospective purchaser or seller of this type of program that I will attempt to make sure that any program put in place from this day forward which violates the principles of this legislation will be subject to the loss and/or limitation of the interest deduction provisions contained in this legislation.

I welcome any additional comments or suggestions regarding this legislation. With refinement of the rules regarding business-owned life insurance, such as the refinements proposed in this bill, I think we can curb possible excesses relating to such policies and maintain the integrity of business-owned life insurance policies. Mr. President, I ask unanimously consent that the full text of the bill be printed in the RECORD at the appropriate point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF INTEREST PAID IN CONNECTION WITH CERTAIN INSURANCE CONTRACTS.

(1) EXCESS INTEREST.—Subsection (a) of section 264 of the Internal Revenue Code of 1986 (relating to certain amounts paid in connection with insurance contracts) is amended by inserting after paragraph (4) the following:

"(5) Any amount of interest paid or accured on any indebtedness with respect to a life insurance policy, to the extent that the amount of such interest is in excess of the amount computed by use of the highest of the following rates:

"(A) A rate determined in accordance with section 3(a)(i) (or its successor provision) of the Model Policy Loan Interest Rate Bill of the National Association of Insurance Commissioners.

"(B) A rate determined in accordance with sections 3(b)(i) and 3(d) (or their successor provisions) of the Model Policy Loan Interest Rate Bill of the National Association of Insurance Commissioners.

"(C) A rate 1 percent above the lowest rate that is guaranteed to be credited over the life of the policy by the insurer.

For purposes of applying subparagraphs (A) and (B), if at any time there is no Model Policy Loan Interest Rate Bill of the National Association of Insurance Commissioners or if a rate cannot be established under section 3(a)(i) or sections 3(b)(i) and (d) (or their successor provisions) of such Bill, then the rate to be used shall be a substantially similar rate determined under regulations prescribed by the Secretary."

(b) MODIFICATION TO SECTION 264(c)(1).—Subsection (c) of section 264 of such Code is amended by adding at the end the following new sentence: "For purposes of applying paragraph (1), the payment of more than 25 percent of any annual premium on a contract purchased or carried pursuant to a plan referred to in subsection (a)(3) by the direct or indirect application of any dividend, distribution, or surrender proceeds from such contract shall be deemed a payment made by means of indebtedness."

(c) CONSENT OF ELIGIBILITY TEST.—Section 264 of such Code is amended by adding at the end thereof the following new subsection:

"(d) $50,000 EXEMPTION LIMIT OF SUBSECTION (A)(4) NOT TO APPLY TO CERTAIN POLICIES.—

"(1) In General.—In the case of a life insurance policy described in paragraph (2), subsection (a)(4) shall be applied without regard to the provision limiting its application to indebtedness in excess of $50,000.

"(2) Policies to which Paragraph (1) Applies.—A life insurance policy is described in this paragraph if such policy covers the life of any individual—

"(A) who was not afforded the opportunity to decline to be insured under such policy, or

"(B) to the extent that the insurance is purchased or continued pursuant to a funded or unfunded plan of employee compensation or benefits (whether or not the insurance is an asset of the plan, if, at the later of the inception of the policy or the inception of the plan, such individual with respect to such plan

"(i) is not a current participant, or

"(ii) is not a future participant under circumstances in which the employee's future participation is dependent solely upon any one or more of the following:

"(I) the attainment of plan specified service or age,

"(II) the continuation of full-time employment, or

"(III) the attainment of retirement status."

(e) Effective date.—The amendments made by this section shall apply to contracts purchased on or after March 12, 1991.●

By Mr. CRANSTON (for himself, Mr. DeConcini, and Mr. Akaka):

S. 633. A bill to improve basic educational assistance benefits for members of the Armed Forces of the United States under chapter 30 of title 38, United States Code, and under chapter 106 of title 10, United States Code, and for other purposes; to the Committee on Veterans' Affairs.

EDUCATIONAL BENEFITS INCREASE

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce S. 633, the proposed Montgomery GI Bill Amendments of 1991. I am joined in this by my good friends from Arizona [Mr. DeConcini] and Hawaii [Mr. Akaka]. This bill would amend chapter 30 of title 38, United States Code, to increase the monthly rates paid to active duty servicemembers under the All-Volunteer Force Educational Assistance Program. It would also increase rates paid to members of the Selected Reserve who participate in the educational assistance program established in chapter 106 of title 10.

Mr. President, there has been no COLA in the MGIB rates since the program was enacted in 1984. The cost of education at 4-year public colleges has increased by 43.2 percent over the last 6 years and overall inflation as measured by the Consumer Price Index has been 36.5 percent.

Those who have kept our Nation strong and who served in the Persian Gulf certainly deserve to have GI bill benefits that are not so seriously eroded by inflation. To address the diminished purchasing power of MGIB benefits, this bill would provide, effective April 1, 1991, and increase in the MGIB for active duty servicemembers from $300 to $425 a month for full-time pursuit for those serving on active duty for 3 years or more and from $250 to $350 for full-time pursuit for those who serve 2 years on active duty and 4 years in the reserves. For full-time pursuit under chapter 106, my legislation would increase the monthly rate from $140 to $200, from $105 to $150 for three-quarter pursuit, and from $70 to $125 for half-time pursuit. These rates approximate the cost increases for education since 1984.

This bill also contains a provision that would increase the monthly payroll deduction for chapter 30 participants—paid during the first 12 months of their commitment—from $100 to $120, effective October 1, 1991—in keeping with increases in the lower enlisted pay rates.

Mr. President, I urge my colleagues to support this legislation, which would provide for a reasonable increase in the value of the Montgomery GI bill education benefits.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN THE AMOUNT OF MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PAYMENTS.

(a) All-Volunteer Force Educational Assistance Program.—Section 1415 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$300" and inserting in lieu thereof "$425"; and

(2) in subsection (b)(1), by striking out "$250" and inserting in lieu thereof "$350".

(b) Amount of Benefit Payments Under Selected Reserve Program.—Section 2131(b) of the title 10, United States Code, is amended—

(1) by striking out "(b) Except" and inserting in lieu thereof "(b)(1) Except";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), (D), respectively;

(3) in subparagraph (A), as so redesignated, by striking out "$140" and inserting in lieu thereof "$200";

(4) in subparagraph (B), as so redesignated, by striking out "$105" and inserting in lieu thereof "$150"; and

(5) in subparagraph (C), as so redesignated, by striking out "$70" and inserting in lieu thereof "$100".

(c) Effective Date.—The amendments made by this section shall take effect with respect to payments of educational assistance made for an approved program of education pursued on or after April 1, 1991.

SEC. 2. INCREASE IN MONTHLY CONTRIBUTION FOR BASIC EDUCATIONAL ASSISTANCE UNDER CHAPTER 30 OF TITLE 38.

(a) Contribution for Service on Active Duty.—Section 1411(b) of title 38, United States Code, is amended by striking out "$100" and inserting in lieu thereof "$120".

(b) Contribution for Service in Selected Reserve.—Section 1412(c) of such title is amended by striking out "$100" and inserting in lieu thereof "$120".

(c) Effective Date.—The amendments made by this section shall take effect with respect to reductions in pay made on or after October 1, 1991.

By Mr. KENNEDY (for himself, Mrs. Kassebaum, Mr. Simon, Mr. Kerry, Mr. Cranston, Mr. Harkin, Mr. Moynihan, Mr. Gore, and Mr. Levin):

S.J. Res. 91. Joint resolution expressing the sense of the Congress regarding the political and human rights situation in Kenya; to the Committee on Foreign Relations.

POLITICAL AND HUMAN RIGHTS SITUATION IN KENYA

Mr. KENNEDY. Mr. President, last July the administration suspended military aid to Kenya to protest the Moi government's brutal crackdown on citizens seeking democracy in that country. That step brought hope to the people of Kenya and put the United States on the side of freedom and justice in that troubled land.

Unfortunately, the administration has now abandoned the Kenyan people and their struggle for democracy by deciding to restore military aid despite the Government's continuing crackdown.

I am therefore today introducing legislation condemning human and civil rights violations in Kenya and putting the United States once again on the side of freedom. The bill suspends fiscal year 1990 military aid to the Government of Kenya until it restores democratic freedoms and releases persons detained for the peaceful expression of their political views.

Government security forces in Kenya continue to arrest, detain, and assault peaceful advocates of human rights and democratic reforms. This tragic cycle of violence and repression in Kenya is of deep concern to all friends of democracy.

The United States should not be supporting a Government that refuses to recognize its citizens's most basic human and civil rights. America has a heritage of standing with the forces of freedom, not with those who would repress it.

The Kenyan Government became a hallmark of democracy in Africa after its independence from Great Britain in 1963. Its adoption of a constitution that recognizes the basic rights of all citizens ensured the country's political stability for three decades and cemented a strong relationship with the United States. This stability, however, is now threatened by the government's rejection of the constitutional rights of its citizens.

During the past year, the Kenyan Government mounted a campaign against citizens who criticized President Daniel arap Moi, the nation's single party system, and the Government's failure to respect the civil liberties of Kenyan citizens.

President Moi publicly denounced the concept of a pluralistic democracy in Kenya and called for the detention of individuals seeking to create an opposition party. At least 22 peaceful demonstrators were killed by security forces. Hundreds more were arrested, including former Cabinet Ministers Kenneth Matiba and Charles Rubia and leading advocates of multiparty democracy.

This assault on freedom of expression has also been directed against the press and human rights attorneys. In July, security forces arrested Gitobu Imanyara, the editor of the Nairobi Law Monthly, for accusing President Moi of undermining the Kenyan Constitution. The crackdown on human rights attorneys compelled Gibson Kuria, a world-renowned champion of human rights, to flee his country and seek safe refuge in the United States.

In response to the Government crackdown and pressure from Congress, the Bush administration suspended $10 million in military assistance to the Government of Kenya for fiscal year 1990. In addition, the Congress enacted into law legislation suspending military and economic support funds to Kenya for fiscal year 1991 unless and until the Kenyan Government restored democratic freedoms to its citizens.

Since that time, the Government of Kenya has taken several half-steps toward that goal. The secret ballot was reestablished, the arbitrary expulsion of members from Kenya's single party was abolished, and the tenure of judges was restored.

At the same time, however, the Government reaffirmed that Kenya would remain a single-party state, and extended its crackdown on dissidents and proponents of multiparty democracy. Some Cabinet Ministers called upon their supporters to take violent action against Government critics and encouraged extralegal assaults on human rights activists.

The State Department's own "Country Reports on Human Rights Practices for 1990" details extrajudicial killings; cruel, inhuman, and degrading treatment of prisoners and detainers by Kenyan security forces; arbitrary arrests and detentions; denial of fair public trials; and lack of respect for civil liberties.

Former Cabinet Minister Kenneth Matiba, who was arrested on July 4, 1990 for advocating a multiparty system, continues to be detained in solitary confinement without charge. Matiba has been denied proper medical care for so long that his physical condition may be life-threatening.

Despite these continuing abuses of human and civil rights by Government security forces, last month the administration released to the Kenyan Government $5 million of the suspended $10 million in United States military aid for fiscal year 1990.

These funds were released to the Kenyan Government as an expression of United States gratitude for Kenya's support during the gulf war and for its willingness to accept as refugees United States-trained Libyan rebels who had escaped from Chad.

Certainly, the United States is grateful to Kenya for these acts. If the gulf war has taught us anything, though, it is that the United States should not enter into close friendships with brutal dictators and that it should take a strong stand on the side of freedom.

By presenting the Government of Kenya with $5 million in military assistance, the administration has taken a confusing and inappropriate step. Releasing these funds sent precisely the wrong signal to the Moi government regarding the seriousness with which our Government views human rights abuses.

Within days of President Bush's announcement of the release of these funds, the Moi government escalated its crackdown on advocates of multiparty democracy. Gitobu Imanyara, the editor of the "Nairobi Law Monthly," was again arrested by security forces and copies of his magazine were seized from newsstands across the country. Earlier this week, the Moi government announced that Imanyara would be tried on charges of treason.

In addition, security forces detained Luke Obuk, who had been working closely with Oginga Odinga to establish an opposition party in Kenya. Moi has ordered the detention of individuals advocating the establishment of new parties despite the fact that the arrest of persons peacefully expressing their political views violates both Kenya's Constitution and the International Covenant on Civil and Political Rights, to which Kenya is a signatory.

The measure that I am introducing today condemns the Kenyan Government's hostility toward human rights and fundamental freedoms and its arrest and detention of Kenyan citizens for the peaceful expression of their political views.

It calls upon the Kenyan Government to end the intimidation and harassment of citizens who are critical of Government policies and those working for democracy in Kenya, particularly individuals within the church, the press, and the legal and academic communities. In addition, it calls upon the Government to implement safeguards to ensure unrestricted freedom of the press and the independence of the judiciary, and to guarantee due process and other fundamental civil and human rights for individuals imprisoned and detained by the Government.

This legislation would suspend all remaining military assistance to the Government of Kenya for fiscal year 1990 unless and until President Bush reports to Congress that the Government of Kenya has taken steps to:

First, charge and try or release all prisoners, including persons detained for political reasons;

Second, end all physical abuse or mistreatment of prisoners;

Third, restore the independence of the judiciary; and

Fourth, restore freedoms of expression.

No military funds for fiscal year 1990 could be expended for Kenya until 30 days after the administration certifies to Congress that these steps had been taken.

The United States should lose no time in responding to the current situation in Kenya. If we want to build on our long and positive relationship with the Kenyan people, we should make certain that we are supporting progress toward a democratic system that guarantees fundamental rights of freedom and liberty, not a police state of repression and intolerance.

This legislation would ensure the termination of United States support for Government-sponsored human and civil rights violations in Kenya. I urge my colleagues to approve it.

Mrs. KASSEBAUM. Mr. President, I rise today to join with Senators KENNEDY and SIMON in introducing legislation regarding the political and human rights situation in Kenya.

Over the past 2 years, I have become increasingly dismayed by the repressive actions taken by the regime of President Moi in Kenya. At one time, an economically successful and politically open Kenya served as a model for all of Africa.

Yet, President Moi has placed at risk much of the progress achieved in the first two and a half decades of independence by instituting a policy supressing basic human rights. He has seized and detained democratic activists, banned publications, and adopted constitutional changes which bring into question the independence of the judiciary.

Many of us held the hope over the past 2 months that President Moi had begun to change his policies by slowly opening up the political system. For example, at the December conference of the Kenya African National Union, queue-voting was abolished.

Yet, once again, after taking some small steps forward, President Moi seems to be taking several giant steps back. Just last week, the Government seized Mr. Gibotu Imanyara, editor of the highly respected Nairobi Law Monthly. Mr. Imanyara has been charged for sedition because he published an editorial critical of Government policies.

Furthermore, Mr. Luke Obok, a close associate of Mr. Oginga Odinga, was arraigned on charges of sedition last week. Mr. Odinga, a prominent democratic activist, announced on February 13 the formation of a new political party.

We also remain deeply concerned about the three political prisoners held without charge in Kenyan prisons, Mr. Kenneth Matiba, Mr. Charles Rubia, and Mr. Raila Odinga. Amnesty International has alleged that Kenyan officials have seriously mistreated Mr. Matiba, a former cabinet minister.

President Moi argues that he must pursue these policies to maintain stability and curb tribal rivalries. Yet, I believe the contrary is true: President Moi's repressive and paranoid policies put Kenya on the road to political instability and chaos.

Liberia and Somalia stand out as examples where repressive dictatorships—which ignored basic human rights—deteriorated into political anarchy and civil war, where thousands died and millions fled their homes.

Political stability and peaceful change in Kenya will only emerge from permitting freedom of expression—not by choking these freedoms.

Because Kenya is an important United States ally, Washington has a special role to play in promoting human rights in Kenya. The United States traditionally supplies Nairobi with nearly $50 million in aid, one of the largest amounts in all of sub-Saharan Africa.

The legislation we introduce today calls upon the Kenyan Government to end the intimidation and harassment of those critical of Government policies. Furthermore, we call upon the Kenyan Government to implement safeguards to protect the freedom of the press and the independence of the judiciary.

Most importantly, this legislation takes the remaining fiscal year 1990 military funds to Kenya and conditions further release of this money on the Kenyan Government meeting certain human rights conditions. These conditions, outlined in the fiscal year 1991 foreign operations appropriations legislation, include charging or releasing all political prisoners, ceasing mistreatment of prisoners, restoring the independence of the judiciary, and assuring freedom of expression.

Two weeks ago, when the U.S. Government released $5 million of the fiscal year 1990 military funds, several of us were concerned that such an action sent a mixed signal to President Moi, conveying the position that friendly actions outweigh human rights concerns.

This legislation sends a clear and firm message to the Kenyan Government: We are deeply concerned about the future of Kenya, and because of this concern, we cannot ignore the continued suppression of basic human rights and civil liberties in Kenya.

Mr. SIMON. Mr. President, Kenya and the United States have been friends for many years and we want that friendship to continue. But some of us here have been concerned about the deteriorating human rights situation in Kenya. Last summer, in response to the Kenyan Government crackdown on human rights and democracy advocates, I asked the administration to hold $10 million in fiscal year 1990 military aid to Kenya. We were in agreement then that we should send that important signal.

Recently, however, the administration made a unilateral decision to release $5 million of that military aid to Kenya. The administration justification for the decision was that the Kenyans had assisted in evacuating Americans from Mogadishu during the Somalia crisis, that the Kenyans had taken in Libyan rebels from Chad after the change in leadership there, and that the Kenyans had made some modest steps forward on the human rights situation.

I strongly disagree with the administration's decision. That is why I join Senator KENNEDY and Senator KASSEBAUM in introducing legislation to impose on the remaining fiscal year 1990 military funds the same human rights requirements Congress has imposed on the fiscal year 1991 aid to Kenya.

At a time when human rights concerns should have been at the top of our list, it lingered at the bottom. Although the Kenyan Government addressed inequities in voting requirements by scrapping of queu-voting and the 70 percent rule, the Government has yet to address the fundamental human rights problems of freedom of expression, no detention without charge or trial, release of political detainees, freedom of the press, to name a few.

What was the signal we ended up sending to the Kenyan Government? Just last Friday, Gitobu Imanyara, the editor of the Nairobi Law Monthly, was arrested and earlier this week was charged with sedition. The publication has been harassed by the Government for some time. Recently, the Nairobi Law Monthly ran an article on Mr. Oginga Odinga, his new National Democratic Party, and the party platform. This free expression then became a new reason for the Government to target the monthly. In addition, Luke Obok, an associate of Mr. Odinga's, was recently arrested, and Mr. Odinga's son Raila, continues to be held in solidary confinement. And the Scotland Yard report on the mysterious death of Foreign Minister Robert Ouko last February has not yet been released to the public.

Last summer, after active debate on establishing a multiparty system in Kenya, the Government imprisoned former Cabinet Ministers Kenneth Matiba, and Charles Rubia, and riots broke out in Nairobi and neighboring towns; at least 20 people died and 70 were injured. Over 1,000 people were arrested, 100 of which were charged with sedition. Since that time, there has been no meaningful improvement in the human rights situation to warrant release of $5 million in military aid to Kenya. That is why today, I urge my colleagues to support this effort, and recommend the following report of Africa Watch on the situation in Kenya.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AFRICA WATCH OPPOSES RESTORATION OF MILITARY AID TO KENYA

Africa Watch, the human rights monitoring organization affiliated with Human Rights Watch, strongly opposes the Bush Administration's recent announcement of the release of $5 million in military aid to Kenya. The reasons given to the Congress for the release of the aid are said to be Kenya's assistance in the evacuation of US nationals from Mogadishu and Khartoum, Kenya's acceptance of some 200 Libyan rebels who were evacuated from Chad, and alleged improvements in human rights.

Africa Watch views this freeing of military assistance as wholly inconsistent with Section 597 of the Foreign Operations and Related Programs Appropriations Act of 1991, which conditions military assistance and Economic Support Funds (ESF) to Kenya on the Kenyan Government taking steps to charge and try or release all prisoners, cease physical abuse of prisoners, restore the independence of the judiciary, and restore freedoms of expression.

Kenya has not taken the steps necessary to address the conditions of the Act, and in some instances human rights have actually deteriorated. For example, in December, the government-controlled parliament passed a "Nongovernmental Organizations Registration Act," which requires all private organizations to register with the authorities, and restricts direct foreign assistance to nongovernmental groups. Key church officials have announced their intention not to register, and Kenyan human rights advocates fear yet another showdown between President Moi and the Kenyan churches. Kenyan human rights advocates speculate that the purpose of the registration requirement is for the Kenyan government—which is notoriously corrupt—to have access to overseas funds given to private groups for its own purposes.

Africa Watch's evaluation of the Kenyan Government's lack of compliance the Congress's human rights requirements follows.

(1) CHARGE AND TRY OR RELEASE ALL PRISONERS, INCLUDING ANY PERSONS DETAINED FOR POLITICAL REASONS

Despite continued protests by many international human rights groups, the Kenyan government persists in detaining multiparty advocates and others critical of the government. To date, three prominent multiparty advocates remain detained without charge or trial, and four individuals remain in custody while awaiting trial for "sedition". In addition, at least 20 individuals have been released on bail but face charges of possessing seditious publications. Most recently, in October 1990, eight men and women were detained, and six of them presently face charges of treason or concealment of treason. Africa Watch remains concerned not only about the three prominent Kenyans detained without charge, but also fears that other individuals who have been charged with criminal offenses may have been imprisoned and charged solely because of their political beliefs and are unlikely to receive a fair trial.

Detention without charge or trial: Since their arrest in July 1990, prominent multiparty advocates Kenneth Matiba, Charles Rubia and Raila Odinga remain imprisoned under Kenya's Public Security Regulations, which allow for indefinite detention without charge or trial. Matiba and Rubia, both prominent businessmen and ex-government ministers, were arrested on July 4, several days before a planned demonstration in support of political pluralism. Arrested at the same time was Raila Odinga, who is also a prominent advocate of multi-party politics and a former political prionser. It is believed that his detention was designed to silence both him and his father, a former Vice-President and a vocal critic of the present government. The government has not publicly given any precise reason for the detention of Matiba, Rubia and Odinga, and does not appear to be moving towards either charging or releasing the detainees.

Detention on charges of sedition and possessing seditious publications: Equally worrying is the detention on July 11, 1990, of four individuals charged with holding a seditious meeting and possessing seditious or banned publications. They are: George Anyona, a ex-member of parliament and former political prisoner, Ngotho Kariuki, a former Dean at University of Nairobi and a former political prisoner; Edward Oyugi, a professor and a former political prisoner; and Frederick Kathangu, a government official and businessman. Among the allegedly seditious publications in question was an issue of Africa Confidential, a well-known subscription newsletter which had not previously been banned.

Given the past record of the Kenyan security forces and the serious restrictions placed upon Kenya's judiciary, Africa Watch is concerned not only about detainees who are imprisoned without charge, but also fears that individuals who have been charged may not receive fair trials. In past cases, Kenyan security forces have used coercion and torture to extract false confessions or guilty pleas, political detainees have been denied adequate access to defense attorneys, and politically sensitive trials have resulted in questionable verdicts and sentences.

A prominent example of Kenya's flawed judicial system was the sentencing in March 1990, of Reverend Lawford Ndege Imunde to six years in prison for the possession of a "seditious" publication. After his trial and sentencing, Rev. Imunde swore in a signed affidavit that while in incommunicado detention he was kicked and beaten by police officers, denied adequate food and sleep, subjected to a mock execution, and was coerced by the police into signing a false guilty plea. In addition, Rev. Imunde was mislead into believing that he would receive a light sentence, and was denied access to his attorney. The alleged "seditious publication" in Rev. Imunde's possession was his private personal diary, presumably not a publication at all, into which, Rev. Imunde claims the security forces inserted passages criticizing the government.

In addition to the above individuals, many others, at least 20, have been detained, charged with the possession of seditious or prohibited publications, and then released on bail. Given the past history of abuses, Africa Watch is concerned that many of these individuals may have been arrested solely for their peaceful non-violent political activities, and urges the Kenyan government to drop charges against all of these charged with possessing or distributing seditious or prohibited publications.

Detentions of individuals charged with treason and possibly tortured: In October 1990, eight individuals were arrested and charged with treason or concealment of treason. The charges seem to be based on the arrest of self-exiled Kenyan opposition leader Koigi wa Wamwere, and the leveling of treason charges against him. The specific charges alleged that Wamwere, the leader of the Kenyan Patriotic Front (KPF), and six other individuals detained at the same time intended to violently overthrow the Kenyan government.

Arrested at the same time as Wamwere were two prominent lawyers, Rumba Kinuthia and Mirugi Kariuki, and several of Wamwere and Kinuthia's relatives. Government allegations, which themselves have been inconsistent, claim that weapons were found at both lawyers' residences, and they were accomplices to Wamwere's plot. Both allegations have subsequently been refuted by the lawyers' families and by journalists present at the scenes of arrest. Although the two lawyers have been charged with treason, Africa Watch is concerned that they have been targeted because of their activities in support of human rights and multi-party democracy. Mirugi Kariuki was previously detained without charge in 1986, and brought a legal suit against the government alleging that he was tortured while in custody. Since his release, Kariuki has litigated several cases involving land seizures by the government. Rumba Kinuthia has also been involved in defending political prisoners and was among a group of lawyers who accused the government of rigging the elections of the Law Society of Kenya. Africa Watch is concerned that these individuals may have been subjected to torture, and fears that should they come to trial, there is little hope that the trial will be fair and impartial.

Recommendations

Immediately release Kenneth Matiba, Charles Rubia, Raila Odinga, and any other detainees held without charge; drop all charges on individuals charged with possessing "seditious" or prohibited literature;

Insure that Koigi wa Wamwere and all others held and charged with treason receive a fair and impartial trial, with special attention to serious allegations that some of the detainees may have been tortured and coerced into making false statements.

(2) CEASE ANY PHYSICAL ABUSE OR MISTREATMENT OF PRISONERS

Recent statements by several prisoners indicate that the pattern of mistreatment and torture of prisoners, a pattern documented by Amnesty International and Africa Watch, continues today. The most severe mistreatment and torture appears to occur while prisoners are held incommunicado without charge or trial immediately after arrest. Recurring statements indicate that prisoners are often held for extended periods of time in cells flooded with water, are deprived of food and sleep, and are subjected to death threats and degrading psychological intimidation. Conditions for detainees who have been charged or who are held at official prisons are also extremely harsh. Prisoners consistently complain about being made to sleep on concrete floors, being denied adequate food and clothing, and having restricted access to medical care, family visits and reading material. In addition, most recent political detainees have been held at Kamiti Maximum Security Prison, in a wing reserved for psychologically disturbed inmates where conditions have been described by a former detainee as "barbaric."

The case of Kenneth Matiba: Matiba, who was arrested in July 1990, has been held in a special wing at Kamiti Maximum Security Prison designated for the criminally mentally ill and for inmates awaiting execution. Inmates in this wing reportedly cry and sing incessantly, and the constant noise, combined with poor food and inadequate reading material, have raised Mr. Matiba's blood pressure to dangerous levels. Mr. Matiba fears that the government has moved him to this wing, and is denying him adequate medical attention, in order to kill him. During a consultation with his doctor in October, prison authorities did not allow Mr. Matiba's doctor to pass on to him appropriate medicine to control his blood pressure. Instead, they demanded that Mr. Matiba's doctor write a prescription for the drugs and hand it over to the prison doctor, who would then purchase the medicine and deliver it to Mr. Matiba. The doctor complied with this procedure, but the drugs took over three weeks to reach Matiba, and even then were not the drugs specified by his doctor. In addition, during the October consultation Matiba's doctor requested permission for a follow up visit within three weeks. The prison authorities refused to allow another appointment until January 24, 1991, and have refused repeated pleas to move Matiba to a different wing of the prison. Matiba's doctor came away from the January consultation with increased concern about the prisoner's health.

The case of Gitobu Imanyara: Imanyara, the editor of The Nairobi Law Monthly, a journal focusing on constitutional and human rights issues, was arrested most recently on July 5, 1990, and released on bail on July 30. After his release, Imanyara complained of ill treatment while in detention. Imanyara said that he was held incommunicado for six days in a windowless cell in the psychiatric ward of Kamiti Prison. He described conditions as "squalid and degrading." Prisoners were supplied with a single chamber pot, to be used as both a wash basin and a toilet, and were denied toilet paper or tooth brushes. Mentally ill, and sometimes violent inmates also made constant noise, and some screamed throughout the nights.

The case of George Anyona: George Anyona is among a group of prominent Kenyans and former political prisoners who were arrested on July 11, 1990, and charged with sedition and possessing seditious or prohibited literature. Anyona himself was a former Member of Parliament and a former political prisoner detained in 1977 and 1982. During several court appearances in August and September 1990, Anyona described torture and ill-treatment while in detention. Anyona stated that he and three other prisoners were held in cells flooded with water, were kept permanently handcuffed in dimly lit cells, were made to sleep on a cold concrete floor with only two blankets, and were given food "unfit for human consumption" at unusual hours. Sanitation was non-existent. Prisoners could not wash and, according to Anyona, had to "wade through urine and human feces while queuing for the toilet in our bare feet which have sores." In addition, Anyona has been denied adequate access to his lawyer and denied all access to his family. After his initial complaints in court of torture and ill-treatment, Anyona stated that he was later "threatened, harassed and intimidated" by two prison guards.

At Anyona's court appearances, the state counsel, Bernard Chunga, rejected his complaints stating that "prison is not a holiday resort." The Chief Magistrate, instead of ordering an independent investigation or probing the allegations himself, merely directed the prison authorities to investigate Anyona's charges. At the time of this writing, Anyona remains detained at Kamiti Prison.

The case of Koigi wa Wamwere: The recent arrest of Koigi wa Wamwere, a self-exiled critic of the government, has prompted additional allegations of tortue and ill-treatment while in police custody. In an affidavit filed on December 17, 1990, before the High Court in Nairobi, Wamwere testified that he had been tortured in Nyayo House, the headquarters of the security police. Wamwere stated that he was held in a cell whose floor was covered with human feces, was stripped naked and handcuffed, denied food and sleep for days at a time, forced to use his cell as a toilet, and denied medical attention. While under interrogation with his eyes blindfolded Wamwere stated that he was coerced, by death threats and by hearing simulated cries which his interrogators claimed came from his mother, into signing various false statements. These statements were confessions of organizing a group which received guerilla training in Uganda and Libya and was being funded by Scandinavian government and human rights groups such as Africa Watch and Amnesty International. The false statements also said that he transported weapons into Kenya with the purpose of attempting to violently overthrow the government.

Continuing legal suits against the government for practicing torture: In addition to the recent charges of torture and ill-treatment, the Kenyan government has recently imprisoned Mirugi Karivki, a lawyer and former political prisoner who along with two other detainees filed a suit against the government in 1987 alleging torture. Significant government pressure was brought against Kariuki to withdraw his suit, but he refused and remained imprisoned until June 1989. During this time, Gibson Kamau Kuria, a human rights lawyer who filed the torture complaints on behalf of Kariuki, was himself detained and tortured, and subsequently brought his own suit against the government. At present neither Kariuki nor Kamau Kuria's suits have been heard in court, and Kariuki is imprisoned and faces treason charges (which carry a mandatory death penalty) while Kamau Kuria has been forced to flee Kenya and seek political asylum in the United States.

(3) RESTORE THE INDEPENDENCE OF THE JUDICIARY

After heavy criticism from both the local and international communities regarding the human rights situation in Kenya, the Kenyan government decided to move towards restoring the tenure of judges. However, instead of merely revoking the 1988 amendment to the constitution which had removed the security of tenure, the government has proposed the creation of a new commission which would investigate complaints against judges and if necessary, dismiss them. As the constitution is now being interpreted, President Moi individually has the power to appoint and dismiss judges. This new proposal, although it would devolve some of the president's power and influence, would still leave the judiciary extremely vulnerable to the influence of the executive.

Under the new proposal, the president would be vested with the power to create an appointed commission which would enquire into the conduct of judges. The new proposal is similar to provisions in the original constitution (ie. prior to the 1988 amendment which removed the security of tenure) in that the President would appoint members of this judicial commission. However, in the original provision the judges appointed by the president had been from other commonwealth countries (such as India, Canada, and Australia), thus ensuring the judicial commission's independence. Also, as originally envisioned, the Kenyan members of the judicial commission would enjoy the security of tenture and thus also remain independent.

In the recent proposal, however, the president would appoint at least five members of a commission drawn exclusively from Kenyan judges, counsels, and advocates. Without the original security of tenure, these individuals would be vulnerable to influence by the executive or the party. For instance if the president appoints counsels and advocates for the commission, they may not exercise independence since they are not covered by the security of tenure.

The historical record indicates that President Moi might not appoint independent members of the bar to such a judicial commission. During his twelve year rule, Moi has dismissed or retired several judges who delivered judgements independently of the political considerations of the ruling party, KANU. Among the judges who were retired or dismissed were: O'Connor, Chesoni, Scofield, Madan, Simpson, Suchdeva, Mbaya, and Platt.

Experience shows that within the present one-party system, even the restoration of the security of tenure might not ensure the independence of the judiciary. Two cases—Mr. James Wagala vs. John Anguka, civil case No. 727, and High Court case No. 1523 or 1988—illustrate this point. In both cases the court ruled that it did not have any jurisdiction to hear a case involving KANU election disputes, thus signaling its subservience to the single party and the president.

In addition, the simple restoration of the security of tenure without other accompanying moves towards increased respect for human rights and the rule of law, such as restoring the freedoms of expression and association, and freedom from arbitrary arrest and torture, would do little to guarantee either an independent judiciary or the right of all Kenyans to a fair and impartial trial.

The trial and sentencing of Rev. Lawford Ndege Imunde, an outspoken multi-party advocate, is a prominent example of the need to accompany the restoration of judicial tenure with other reforms, especially ensuring that Kenyan security forces stop the practice of holding detainees in incommunicado detention and cease using torture and coercion to extract false statements (see above). The sentencing of Rev. Imunde, and the past trials of many other Kenyans under the vague charges of possessing seditious or prohibited literature or coerced through torture and intimidation into making false statement, indicates that the restoration of tenure, as an isolated step, will do little to free Kenya's judiciary from the influence of the executive and the ruling party.

Recommendations

Immediately restore the security of tenure for all judges through the repeal of the 1988 constitutional amendment (which had revoked the tenure guaranteed in the constitution);

Insure that the mistreatment of all detainees, and especially those held on account of their political opinions, cease immediately.

(4) RESTORE THE FREEDOM OF EXPRESSION

Although President Moi has declared that he supports freedom of expression, and the Kenyan Constitution protects that right, the government has repeatedly taken actions that curtail that freedom. Members of Parliament who have expressed any opposition to the policies of the KANU-led government have been suspended from parliament and have lost their party membership. After suspending members of parliament who criticized the Moi regime, the government then carried out a crackdown against outspoken professors at Nairobi University who voiced their opposition to one-party rule. Student unions were also targeted for harassment and repression. Student demonstrations were met with violent police suppression. Professors and student leaders were detained, and at least one student leader died in prison after reportedly being tortured.

In 1982, the government banned the University Staff Union and detained several of its leaders. The Kenyan Civil Servants Union was also banned. Tribal welfare associations, such as the GEMA, Akamba Union, Abaluya, Luo Union and others were also banned. They remain banned.

Journalist and lawyers who voiced criticisms of the government were also targeted (see above). Three major publications, Beyond, Financial Review, and Development Agenda, were subsequently banned. Beyond, a publication associated with the National Council of Churches of Kenya was banned in March 1988 after questioning the results of the February/March parliamentary elections. Beyond's editor, Bedan Mbugua, was arrested, charged with the technical offense of failing to submit annual sales returns to the Registrar of Books, and was sentenced to nine months in prison. After serving two weeks, Mbugua was released on bail, pending appeal of the sentence. In August 1989, after intense international pressure and extensive court appearances, Mbugua was acquitted by the Court of Appeals. However, the ban on the magazine is still in place.

Financial Review, which also criticized the fairness of the elections, was also banned, and its editor, Peter Kareithi, was arrested and detained for several days. And Development Agenda was banned after publishing only two issues, even though it had published nothing critical of the government. It is believed that the magazine was banned because its publisher was associated with persons who had fallen out of favor with President Moi.

There have been other, brief bannings. After reporting on governmental corruption, the largest-selling daily newspaper, The Daily Nation, was banned from covering parliamentary proceedings, a move probably intended to cripple the paper's circulation. After four months, and soaring sales, the government revoked the ban. And in the summer of 1990, The Nairobi Law Monthly was banned briefly for reporting on human rights abuses and for criticizing one-party rule. In the summer of 1990, the magazine's editor, Gitobu Imanyara, was arrested twice within a week. Imanyara was originally detained in July and held alongside Kenneth Matiba and Charles Rubia without charge. Imanyara was released without charge on July 25, 1990, only to be rearrested the next day, and charged with issuing a seditious publication—namely the April/May edition of the Nairobi Law Monthly—and charged with two other technical offenses relating to the production of the magazine. Though Imanyara was released on bail, his court case has yet to be resolved. Observers believe that the real motivation behind the criminal charges levied against him is to draw Imanyara into a lengthy legal battle and thus silence is magazine.

As noted above, a number of persons have been arrested for merely possessing banned editions of Beyond, and Financial Review, and even for possessing editions of Africa Confidential, a British newsletter which had not previously been banned. In addition, police have invaded press conferences and confiscated cameras and film. On June 21, lawyer Paul Muite held a press conference to recount and protest the harassment and intimidation he and his clients had suffered. Sixteen officers entered the conference and declared it illegal.

In another case of infringement on the right to freedom of expression, 24 people were arrested in Nakuru and Nairobi on July 6 and charged with offenses relating to the production, distribution and possession of popular music cassettes, considered "subversive" by the government.

Outspoken members of the clergy have also faced repression. In August 1990, Rev. Henry Okullu was attacked verbally by KANU's youth wing while he was giving a sermon in Nyaza. According to reports, the youths shouted at the bishop not to preach subversion. It was also reported that the youths were brought to the church in a vehicle belonging to a party official and a member of parliament. President Moi himself has denounced leading church figures, and repeatedly stated that the church should not involve itself in "politics."

Recommendations

The bans on Beyond, Financial Review, and Development Agenda should be lifted immediately;

The government should cease its threats to ban The Nairobi Law Monthly, Finance, or any other publication;

The government must cease its harassment of journalists, including the use of criminal charges to intimidate journalists who are exercising their constitutionally guaranteed right to freedom of expression; and

The government should lift the bans on the University Staff Union, the Kenya Civil Servants Union and all other unions.

By Mrs. KASSEBAUM (for herself, Mr. BOND, Mr. BROWN, Mr. CHAFEE, Mr. D'AMATO, Mr. DOLE, Mr. DURENBERGER, Mr. HATCH, Mr. JEFFORDS, Mr. KASTEN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. SIMPSON, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. COATS, Mr. ADAMS, Mr. BAUCUS, Mr. BRADLEY, Mr. BREAUX, Mr. BURDICK, Mr. CRANSTON, Mr. DECONCINI, Mr. DIXON, Mr. FORD, Mr. FOWLER, Mr. GORE, Mr. HEFLIN, Mr. HOLLINGS, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mr. PELL, Mr. PRYOR, Mr. RIEGLE, Mr. BOREN, Mr. ROBB and Mr. SARBANES):

S.J. Res. 92. Joint resolution to designate July 28, 1992, as "Buffalo Soldiers Day"; to the Committee on the Judiciary.

BUFFALO SOLDIERS DAY

Mrs. KASSEBAUM. Mr. President, in the summer of 1867, an Army cavalry regiment rode west out of Fort Leavenworth. The troops were headed across the Kansas prairie to their new post on the frontier.

They were traveling to Fort Hays, KS, where their first assignment would be to protect the frontier lines of the Kansas-Pacific Railroad. The troops in that newly formed 10th Cavalry Regiment were "green." Few had fought in the Civil War. None had served before it.

Their story is typical of many frontier soldiers. But these men were not typical soldiers. They were African-Americans—the first to serve the U.S. regular Army during peacetime. Congress had voted in 1866 to authorize the Department of War to create six African-American regiments in the regular army—the 9th and 10th Cavalries, and four infantry regiments.

By August, the 10th Cavalry had arrived at Fort Hays. On August 2, a group of Cheyenne warriors attacked F Company while it was on patrol. After the battle, an Army scout overheard the Indians speaking with respect about this first encounter with Black soldiers. The warriors called them "Buffalo Soldiers" because they fought with the fierceness of a cornered buffalo. The name stuck.

For more than eight decades—from their creation in 1866 until the Army was integrated in 1952—the Buffalo Soldiers served the United States with dedication. Words such as "bravery," "discipline," "fearlessness," and "endurance" consistently showed up in official reports about these troops. In campaigns from the American West to Cuba to the Philippines, these soldiers continually earned a place in our Nation's history.

They earned their place, Mr. President, but they have yet to take it. You will not find the story of the Buffalo Soldiers in our history textbooks. You will be hard-pressed to find it at all.

Our popular culture has virtually ignored the role of African-Americans in the Old West. For most Americans, the Wild West is John Wayne, not Henry Flipper. That must change.

I believe these soldiers deserve proper recognition. I share that belief with a dedicated group of Kansans and other people working to build a monument to the Buffalo Soldiers at Fort Leavenworth. At the center of this monument will stand a bronze statue of a Buffalo Soldier atop his mount. The site is a grassy area where Buffalo Soldiers once pitched their tents.

The inspiration for this monument came in 1982 from then-Brig. Gen. Colin Powell, who at the time was the deputy commander at Fort Leavenworth. When General Powell arrived, the only sign that Buffalo Soldiers ever had been stationed there were two small, gravel alleys named for the 9th and 10th Cavalries.

Mr. President, I ask unanimous consent that the letter from General Powell be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC, *February 22, 1991.*

Hon. NANCY LANDON KASSEBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR KASSEBAUM: I am very grateful you invited me to provide a letter expressing my thoughts about the Buffalo Soldiers. I'm also thankful for your efforts on behalf of those soldiers and especially for introducing in the U.S. Senate the Joint Resolution to designate July 28, 1992 as "Buffalo Soldier Day."

When I was a brigadier general and assigned to Fort Leavenworth in 1982, I was jogging around the post one day and noticed a couple of gravel alleys that were named "9th and 10th Cavalry Streets." I wondered if that were all there was to commemorate those great soldiers. I wondered if on one of America's most historic Army posts, a post where the 10th Cavalry spent so much of its garrison life, a post in the center of the region where both the 9th and 10th Cavalry spent so much of their blood, I wondered if those gravel alleyways were all there was to signify their presence, all there was to commemorate their incredible contribution to the settlement of the American West.

And so I looked around some more. And on the entire post all I could find to commemorate two of the greatest regiments in the Army were those two alleys. That was a situation that I believed had to be changed. So a few of us set in motion a project to honor the Buffalo Soldiers. You, Senator, now co-chair the committee that grew from that project. Your committee oversees the construction of a proper monument to those great soldiers—a monument not simply to honor Buffalo Soldiers; instead, to honor all black soldiers who have served this nation over its long history.

Since 1641 there has never been a time in this country when blacks were unwilling to serve and sacrifice for America. From pre-Revolutionary times through the Revolutionary War, through every one of our wars and on up to the present, black men and women have willingly served and died. But it is also a part of our history that for most of that time blacks served without recognition or reward for the contribution they made for our freedom—for the freedom they did not enjoy here in their own beloved native land. The Buffalo Soldiers are a symbol—one chapter in a proud and glorious history.

To remind me of that history I have a painting that hangs on a wall in my office directly across from my desk. From that painting, Colonel Benjamin H. Grierson, 10th Cavalry Regimental Commander, Lieutenant Henry O. Flipper, the first black graduate of West Point, and a troop of Buffalo Soldiers constantly look at me. They remind me of my heritage and of the thousands of African-Americans who went before me and who shed their blood and made their sacrifices so that I could be Chairman of the Joint Chiefs of Staff. They look at me and make sure that I will never forget the courage and the determination of African-Americans who defied all odds to fight for their country, and who wore the uniform of the U.S. Army as proudly and as courageously as any other American who ever wore it.

The legacy of that pride and courage motivates every black soldier, sailor, airmen, Marine and Coast Guardsmen taking part today in Operation Desert Storm, and every black man and woman who helps man the ramparts of freedom around the world from Japan to

> Panama to Germany. It's as if a full century had passed in the blink of an eye and Frederick Douglass' words were suddenly and vividly fulfilled: "Once let the black man get upon his person the brass letters, 'U.S.', let him get an eagle on his button, and a musket on his shoulder and bullets in his pocket, and there is no power on earth which can deny that he has earned the right to citizenship in the United States." Amen.
>
> Sincerely,
>
> COLIN L. POWELL,
> *Chairman, Joint Chiefs of Staff.*

Mrs. KASSEBAUM. General Powell began planning a more fitting monument. He left Fort Leavenworth before construction began, but others took up his cause.

It is proper that we recognize the accomplishments of the Buffalo Soldiers. These troops accomplished more with less than any other fighting men. Most of the first Buffalo Soldiers were freed slaves. They lived in inadequate housing and received the worst food and equipment. They were subjected to racial discrimination by white officers and white troops.

These men were common soldiers. No great generals rode with them. In fact, many people at the time had little respect for them. Gen. George Custer was offered command of the 10th Cavalry but considered them inferior soldiers and declined.

But they were not inferior. They were exemplary.

Their morale remained high and their desertion rate was the lowest in the Army. They repeatedly were cited for heroism and dedication to duty. The Buffalo Soldiers have been honored for their bravery and service more than any other American military unit. Their many honors include: at least 20 Congressional Medal of Honor winners; 4 Campaign Citations in the Indian Wars; Campaign Citations for the Spanish-American War, the Philippine Insurrection and the Mexican Expedition; the French Campaign World War I Citation; 5 Unit Citations from World War II; 10 Unit Citations from the Korean conflict; 3 Presidential Unit Citations; a Navy Unit Commendation; a Philippine Presidential Citation; and 2 Republic of Korea Presidential Citations.

These men participated in many prominent events in our history. In the late 19th century, they fought a series of wars in the West. They rode with Maj. Gen. Philip H. Sheridan in western Kansas and rescued Maj. George A. Forsyth and his scouts from an island in the rising Republican River.

They guarded wagon trains, protected railroads and settlements, surveyed roads and built forts, including what later became Fort Sill, OK. At Fort Sill, Lt. Henry Flipper, the first African-American to graduate from West Point, used his engineering skills to construct a drainage ditch that other officers said could not work. That site now is a national historic landmark.

The soldiers built or renovated dozens of posts and camps and constructed thousands of miles of roads and telegraph lines. Their patrols yielded maps of uncharted wilderness that paved the way for pioneer settlers. They assisted civil authorities in controlling mobs, and pursued outlaws and cattle thieves. In 1916, they accompanied Gen. John J. Pershing into Mexico in pursuit of the outlaw Pancho Villa.

The Buffalo Soldiers fought in the Spanish-American War and served with Maj. Gen. Joseph Wheeler. They charged up San Juan Hill and rescued Teddy Roosevelt and the Rough Riders.

Men from every State became Buffalo Soldiers. Their places of service included Louisiana, Montana, Nebraska, New York, Oklahoma, Texas, Utah, Vermont, and Virginia. They served with Harry Truman in the First World War. They fought and died in the Second World War and in Korea.

Today, I am introducing legislation along with 40 cosponsors, to designate July 28, 1992, Buffalo Soldiers Day and to call upon the President to urge the American people to observe that day with ceremonies and activities. On that day—the 126th anniversary of the act that created the 9th and 10th Cavalries—the Buffalo Soldiers monument at Fort Leavenworth will be dedicated.

I believe it is fitting for this Congress to show its respect for the Buffalo Soldiers through this declaration. My hope is that this declaration and the monument's dedication will represent not the end of our efforts but the beginning of a movement to give the Buffalo Soldiers their proper place in history. They deserve no less.

I believe the Buffalo Soldiers are a fundamental part of the American Story. They are not solely black American heroes—they are American heroes. They represent the ability to achieve despite adversity.

Only one episode of one television western show focused mainly on African-Americans. On November 22, 1968, the episode of the show "The High Chapparal" was titled "The Buffalo Soldiers." The show depicted the soldiers on patrol near the Mexican border early this century. Even that show contained many flaws, but it stands alone to represent the Buffalo Soldiers in Western legend.

I strongly agree with a statement made about these troops in that 1968 episode:

> The Buffalo Soldiers of yesterday were the stuff of which legends are made and hope rekindled * * * all of us can recall and cherish the historic and continuing contribution of the black American to the life and progress of our nation.

Mr. DOLE. Mr. President, I am pleased to join Senator KASSEBAUM in cosponsoring the resolution designating July 28, 1992, as "Buffalo Soldiers Day."

It was 125 years ago when Congress, responding to the courageous Civil War service of black Americans, voted to create six regular Army regiments of black American soldiers.

The most famous of these regiments were the 9th and 10th Cavalries who were stationed at Greenville, LA, and Fort Leavenworth, KS. From these stations, the Buffalo Soldiers—so named because they fought as fiercely as buffaloes—would earn a distinguished place in American history.

It was the Buffalo Soldiers who protected the railroad construction workers, allowing them to succeed in their mission of uniting a nation.

It was the Buffalo Soldiers who, for 20 years, fought to protect those unable to defend themselves in the settling of the West.

The Buffalo Soldiers were with Teddy Roosevelt and the Rough Riders during the Spanish-American War, and they were there when Billy the Kid and Pancho Villa were captured.

It was the Buffalo Soldiers, who, despite being subjected to constant discrimination and receiving the worst equipment and food, still maintained the lowest desertion rate and the highest morale in the Army.

In 1982, Gen. Colin Powell, then serving as deputy commander at Fort Leavenworth, set into motion the effort to construct a monument to these American heroes. This monument will be dedicated in Fort Leavenworth on July 1992.

The monument, along with the designation of July 28 1992, as "Buffalo Soldiers Day" will ensure that the contributions and courage of these Americans are remembered in our history books and in our hearts.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 20

At the request of Mr. ROTH, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Washington [Mr. GORTON], the Senator from Arizona [Mr. MCCAIN], the Senator from New Hampshire [Mr. SMITH], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 20, a bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes.

S. 64

At the request of Mr. BINGAMAN, the name of the Senator from Illinois [Mr.

SIMON] was added as a cosponsors of S. 64, a bill to provide for the establishment of a National Commission on a Longer School Year, and for other purposes.

S. 65

At the request of Mr. NICKLES, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 65, a bill to make the 65 miles-per-hour speed limit demonstration project permanent and available to any State.

S. 102

At the request of Mr. COHEN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 102, a bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs.

S. 104

At the request of Mr. PRESSLER, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 104, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid by a physician as principal and interest on student loans if the physician agrees to practice medicine for 2 years in a rural community.

S. 140

At the request of Mr. DOMENICI, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 167

At the request of Mr. RIEGLE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 250

At the request of Mr. FORD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 257

At the request of Mr. METZENBAUM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 257, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 264

At the request of Mr. COCHRAN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 264, a bill to authorize a grant to the National Writing Project.

S. 284

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 316

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 323

At the request of Mr. CHAFEE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 323, a bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes.

S. 377

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 377, a bill to amend the International Air Transportation Competition Act of 1979.

S. 384

At the request of Mr. MCCAIN, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 384, a bill to delay the effective date of reductions in the CHAMPUS mental health benefit, and for other purposes.

S. 391

At the request of Mr. REID, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 391, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 401

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 420

At the request of Mr. SARBANES, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 420, a bill to increase to $50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act.

S. 463

At the request of Mr. HATFIELD, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 463, a bill to establish within the Department of Education an Office of Community Colleges.

S. 487

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 487, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 523

At the request of Mr. SIMON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 523, a bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution.

S. 534

At the request of Mr. LOTT, the names of the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BURNS], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. GARN], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], the Senator from Arizona [Mr. MCCAIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Michigan

[Mr. RIEGLE], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], the Senator from Colorado [Mr. WIRTH], the Senator from Alaska [Mr. STEVENS], the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Indiana [Mr. LUGAR], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. ROBB], the Senator from Alabama [Mr. SHELBY], the Senator from Wyoming [Mr. WALLOP], the Senator from Nevada [Mr. BRYAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 534, a bill to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 565

At the request of Mr. WARNER, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 565, a bill to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Alabama [Mr. HEFLIN] was added as a consponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927, and related beneficiaries, and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 591

At the request of Mr. BRYAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 591, a bill to require airbags for certain newly manufactured vehicles.

S. 593

At the request of Mr. CHAFEE, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 593, a bill to amend title 23, United States Code, to control billboard advertising adjacent to Interstate Federal-aid primary highways, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the names of the Senator from Nebraska [Mr. KERREY], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

SENATE JOINT RESOLUTION 6

At the request of Mr. JOHNSTON, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Alabama [Mr. SHELBY], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 6, a joint resolution to designate the year 1992 as the "Year of the Wetlands."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Georgia [Mr. FOWLER] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 52

At the request of Mr. DECONCINI, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 69

At the request of Mr. RIEGLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 69, a joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. LIEBERMAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 70, a joint resolution to establish April 15, 1991, as "National Recycling Day."

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. SPECTER, the names of the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. COHEN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 73, a joint resolution designating October 1991 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 79

At the request of Mr. D'AMATO, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 79, a joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 85

At the request of Mr. KASTEN, the names of the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. GORTON], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 85, a joint resolution authorizing and requesting the President to appoint General Colin L. Powell and General H. Norman Schwarzkopf, Jr., United States Army, to the permanent grade of General of the Army.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution requesting the United States Trade Representative to enforce the rights of United States beer exporters against unjustified treatment by Canadian provincial liquor control boards.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. MACK, the names of the Senator from Texas [Mr. GRAMM], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Hawaii [Mr. AKAKA], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution urging Arab states to recognize, and end the state of belligerency with, Israel.

At the request of Mr. ROBB, the names of the Senator from Florida [Mr. GRAHAM], the Senator from New Jersey [Mr. BRADLEY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Kentucky [Mr. FORD], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 16, supra.

SENATE RESOLUTION 41

At the request of Mr. LIEBERMAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Resolution 41, a resolution to establish April 15, 1991, as "National Recycling Day."

SENATE RESOLUTION 71

At the request of Mr. SPECTER, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Resolution 71, a resolution to encourage the President of the United States to confer with the sovereign state of Kuwait, countries of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals, including President Saddam Hussein, involved in the planning or execution of crimes against peace, war crimes, and crimes against humanity as defined under international law.

SENATE RESOLUTION 72

At the request of Mr. KASTEN, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Wisconsin [Mr. KOHL], the Senator from Hawaii [Mr. AKAKA], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. DODD], the Senator from North Dakota [Mr. BURDICK], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from South Dakota [Mr. DASCHLE], the Senator from Maryland [Mr. SARBANES], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Resolution 72, a resolution to express the sense of the Senate that American small businesses should be involved in rebuilding Kuwait.

SENATE CONCURRENT RESOLUTION 17—RELATIVE TO CERTAIN REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Mr. HATCH submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 17

Whereas it is in the public interest to reduce the frequency of workplace accidents and the human and economic costs associated with such injuries;

Whereas workplace accidents involving powered industrial trucks are often the result of operation by poorly trained, untrained, or unauthorized operators;

Whereas Federal regulations promulgated by the Occupational Safety and Health Administration and codified at 29 C.F.R. 1910.178 require that operators of powered industrial trucks be trained and authorized;

Whereas existing regulations lack any guidelines to measure whether operators of powered industrial trucks are in fact trained and authorized;

Whereas operator training programs have been demonstrated to reduce the frequency and severity of workplace accidents involving powered industrial trucks; and

Whereas a petition to amend existing regulations to specify the proper components of a training program for operation of powered industrial trucks has been pending before the Occupational Safety and Health Administration since March 1988: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Occupational Safety and Health Administration is requested to publish, before the expiration of the 102nd Congress, proposed regulations amending 29 C.F.R. 1910.178 that specify the components of an adequate operator program and that only trained employees be authorized to operate powered industrial trucks.

SENATE CONCURRENT RESOLUTION 18—RELATIVE TO HUMAN RIGHTS IN BURMA

Mr. CRANSTON (for himself, Mr. MITCHELL, Mr. PELL, Mr. MOYNIHAN, Mr. KERRY, Mr. AKAKA, Mr. GORE, Mr. KENNEDY, Mr. ROBB, and Mr. SIMON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 18

Whereas since September 1988 the people of Burma have been subject to a military dictatorship which has surpassed massive prodemocracy demonstrations;

Whereas the State Law and Order Restoration Council has not transferred legal authority to a civilian government as required by the results of the May 1990 elections, in which the National League for Democracy received some 60 percent of valid votes cast and over 80 percent of parliamentary seats;

Whereas, on January 31, 1991, the United States Department of State submitted to the Congress its annual Country Reports on Human Rights Practices, and therein reported that Burma's deplorable human rights situation did not improve in 1990, citing torture, disappearances, arbitrary arrests and detentions, unfair trials and compulsory labor, among other violations.

Whereas the State Law and Order Restoration Council has led a campaign to decimate the National League for Democracy (NLD) through press attacks, blocked publications, office raids and the imprisonment of hundreds of NLF officials;

Whereas the Government of Burma has been hostile to outside scrutiny of its human rights record and has been unwilling to provide meaningful access to international and nongovernmental organizations concerned about human rights;

Whereas Burma has not met the certification requirements listed in section 802(b) of the Narcotics Control Trade Act of 1986;

Whereas an estimated 50,000 Burmese have fled to the border between Thailand and Burma and at least 2,000 Burmese students have fled to Bangkok since 1988;

Whereas while Thai authorities have permitted temporary safe haven to thousands of displaced Burmese and Burmese refugees in Thailand, the Government of Thailand has not yet permitted comprehensive United Nations protection and assistance for Burmese in Thailand:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) calls upon the State Law and Order Restoration Council to cede legal authority to a civilian government as mandated by the elections of May 1990;

(2) condemns the arrest and detention of Burmese citizens for the peaceful expression of their political views;

(3) condemns the Government of Burma's disregard of human rights and fundamental freedoms;

(4) urges the President to impose additional economic sanctions upon Burma as specified in section 138 of the Customs and Trade Act of 1990;

(5) calls upon the United Nations Human Rights Commission to seek greater access to Burma for its Expert on human rights in Burma, and to continue and expand its scrutiny over the human rights situation in the country.

(6) urges the United States, through the Secretary of State, to affirm its support for the resettlement of Burmese asylum seekers who are without other safe and reasonable alternatives; and

(7) urges the Government of Thailand to accord all displaced Burmese and Burmese asylum seekers temporary safe haven, protection against return of those who might face persecution or other threats to their lives or freedoms upon return to Burma, and access to procedures for third country resettlement for those Burmese refugees who are without safe and reasonable alternatives.

Mr. CRANSTON. Mr. President, I rise today to submit a concurrent resolution with the support of Senators MITCHELL, PELL, MOYNIHAN, KERRY, AKAKA, GORE, KENNEDY, ROBB, DECONCINI, and SIMON condemning brutal human rights abuses in Burma.

The situation in Burma is deteriorating daily. The military junta in charge—the State Law and Order Restoration Council—has kept most of the world ignorant of developments in that distant land: few tourists are allowed in and even fewer journalists or human rights observers. I was denied a visa to Burma last summer when I applied.

We must do what we can to retract this dark curtain of secrecy that has been drawn across Burma.

Democracy's back is being broken by Burma's military junta. In elections last May the opposition National League for Democracy won an overwhelming victory in the first multiparty elections in 28 years. The progovernment National Unity Party even lost the soldier's vote. Since then, the generals have systematically reasserted their control, forcibly relocating and razing the residences of opposition strongholds, arresting the few remaining opposition leaders not already jailed, and now are trying to intimidate the Buddhist monks who have on September 6, essentially excommunicated the military by refusing to bless or perform religious services for them.

During peaceful demonstrations in 1988, the military killed at least 3,000. The Burmese military reportedly use civilians as "human minesweepers" in their war with ethnic insurgents. The State Department in its 1990 human rights report concluded that "torture, beatings, and mistreatment of political detainees were commonplace." In its 1991 report incidents of torture, disappearances, arbitrary arrests and detentions, unfair trials and compulsory labor are just some of the other human rights violations attributed to the Burmese Government.

Since July 1989, Aung San Suu Kyi, a central opposition leader and daughter of one of Burma's national heroes, has been under house arrest.

The United States claims it has no leverage over Burma, having ended all aid including drug enforcement assistance. But the United States continues to encourage foreign investment and United States public condemnation of human rights conditions have not been sufficiently vehement to discourage our friends in the region—the Thais, Singaporeans, Malaysians, Chinese, and Koreans—from discontinuing their trade and aid including military assistance. In addition, with the exception of humanitarian relief, no aid should be provided by any multilateral agency, including for antidrug programs.

Before the Burmese rejected his nomination, Frederick Vreeland, President Bush's nominee to be ambassador, testified before my subcommittee that it was his opinion that sanctions were "inescapable, at this point."

Now is the time for the President to act.

The resolution I am offering urges the United States to take stricter measures toward the Government of Burma by implementing economic sanctions as required in the Customs and Trade Act of 1990.

With this resolution, the Congress sends a clear signal of our concern over events in Burma. I urge my colleagues to join me in this initiative.

SENATE CONCURRENT RESOLUTION 19—RELATIVE TO HUMAN RIGHTS VIOLATIONS IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. CRANSTON (for himself, Mr. MITCHELL, Mr. PELL, Mr. KERRY, Mr. BIDEN, Mr. DECONCINI, Mr. AKAKA, Mr. GORE, Mr. KENNEDY, Mr. ROBB, Mr. DIXON, and Mr. SIMON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 19

Whereas the President has stated that it is the goal of the United States to seek a new world order in which respect for the rule of law and the fundamental rights of all people are the international standard;

Whereas the People's Republic of China as a member state of the United Nations have assumed an obligation to embrace and uphold international human rights standards embodied in the United Nations Charter and the Universal Declaration of Human Rights;

Whereas the United States Department of State has submitted to the Congress on January 31, 1991, its annual Country Reports on Human Rights Practices, and therein reported that observance of human rights in China fell far short of internationally recognized norms in 1990, citing torture, detention, unfair trials and the restrictions of religious practices among other violations;

Whereas the Amnesty International and Asia Watch have reported that thousands of Chinese citizens have been arrested and detained for prolonged periods without charges for activities related to the pro-democracy movement and the 1989 demonstrations, and that an indeterminate number are still in detention;

Whereas the Government of the People's Republic of China recently convicted and sentenced persons involved in the 1989 prodemocracy movement who the United States Department of State declared had committed no crime other than the peaceful advocacy of democracy, including Chinese student leader Wang Dan, human-rights advocate Ren Wanding, and intellectuals Wang Juntao and Chen Ziming;

Whereas the AFL-CIO and the Hoover Institution for War, Revolution and Peace report that the People's Republic of China continues to export goods produced in forced labor camps to the United States;

Whereas the government of the People's Republic of China continues to provide lethal military assistance to the murderous Khmer Rouge forces in Cambodia;

Whereas the United States Department of State, human, rights organizations including Amnesty International and Asia Watch, and the international press continue to report human rights violations in Tibet, including the use of excessive force on peaceful demonstrations, arbitrary arrest and detention, unfair trials, torture and death from torture, the restriction of religious practices, and systematic pattern of discrimination, among other violations;

Whereas the government of the People's Republic of China continues to imprison Tibetans for the peaceful expression of their political, cultural and religious views, including Tamdin Sithar, Yulo Dawa Tsering, Turing Chungdak, Ngawang Puchung, Tseten Norgye, Lhakpa Tsering, Dawa Dolma, Tenzin Phuntsog, Agyal Tsering and Ngawang Youdon;

Whereas the government of the People's Republic of China maintains a vast penal system in the Qinghai and Xinjiang provinces of china for the purpose of detaining political dissidents and has refused any access by international human rights organizations and the International Committee of the Red Cross to these prisons;

Whereas the government of the People's Republic of China persecutes and unjustly imprisons sectarian religious leaders for attempting to practice their faith;

Whereas the Amnesty International reports that after abbreviated trials at least 50 persons were summarily executed before the opening of the Asian Games as a deterrent against pro-democracy protests during the Games: Now, therefore

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) condemns the government of the People's Republic of China's gross violations of internationally recognized human rights in China, including Tibet;

(2) condemns the arrest and detention of Chinese citizens for the peaceful expression of their political, cultural, and religious views;

(3) calls upon the government of the People's Republic of China to release the number and names of political and religious prisoners in China, including Tibet, the charges laid against them, and the dates scheduled for their trials;

(4) calls upon the Government of China to allow international human rights organizations to observe the trials of political prisoners and the Chinese judicial process, and to allow the International Red Cross to visit detention and reeducation centers and prisons;

(5) calls upon the Government of the People's Republic of China to cease its support of the Khmer Rouge forces in Cambodia; and

(6) urges the President to inform Chinese leaders that the persistance of human rights abuses and continued detention of political prisoners will have a negative effect upon decisions to renew most-favored-nation trade status.

Mr. CRANSTON. Mr. President, today I am submitting a concurrent resolution on behalf of myself and Senators MITCHELL, PELL, KERRY, BIDEN, DECONCINI, AKAKA, GORE, KENNEDY, ROBB, DIXON, and SIMON condemning the continuing abuse of human rights in the People's Republic of China. We must not permit these gross violations of internationally recognized human rights go unnoticed.

Most recently, the Chinese Government exploited the Middle East crisis by accelerating trials of dissidents and intellectuals who had committed no other crime than the peaceful advocacy of democracy, hoping that as the world was preoccupied with reestablishing freedom in the Persian Gulf, no one would notice the continued suppression of freedom in China.

But we did notice.

As the State Department noted in its 1990 human rights report issued last month, in China "observance of human rights fell far short of internationally recognized norms." Incidences of torture, detention, unfair trials, and the restriction of religious practices, are some common human rights violations by the Chinese Government.

Numerous other reports, such as those by Asia Watch and Amnesty International, also document efforts by Chinese authorities to stifle efforts by any citizens to promote democracy.

For the record, Mr. President, I request that a publication of the Lawyers Committee for Human Rights, entitled "People's Republic of China: Trials of Pro-Democracy Activists," be included following my statement. This excellent report details how little respect the Chinese Government has for basic human rights.

In recent testimony before the Foreign Relations Committee, Assistant Secretary Richard Schifter remarked that the United States should "continue to urge governments which deliberately violate the human rights of their citizens to cease and desist."

Mr. President, it is time that the Congress voiced as one its concern over the failure of improvement in China's human rights conditions.

Nor should we forget China's illegal occupation and terrorization of Tibet where China has done its best to not only rob a culture but eradicate one.

We must have a consistent American policy opposing human rights abuses wherever they occur—not finding excuses to ignore them when it is convenient. Unfortunately, the President has already waived several of the 1989 congressionally mandated sanctions, including:

Granting a waiver of the suspension of military sales for the sale of 4 Boeing 757-200 commercial jets with navigation systems that could be converted to military use;

Permitting Chinese military officers to return to work at two United States facilities where they had been assisting American engineers in upgrading China's F-8 fighter with United States avionics;

Allowing high-level meetings between United States and Chinese officials despite an ostensible ban on such meetings, with President Bush meeting most recently the Chinese Foreign Minister in the White House;

Waiving congressionally imposed prohibitions on export licenses for three United States made communications satellites to be launched on Chinese missiles; and

Refusing to impose new restrictions on Eximbank funding for China which Congress enacted in H.R. 2494, the International Development and Finance Act of 1989.

Mr. President, this resolution represents a large step toward correcting the direction of U.S. foreign policy. I intend to hold hearings on China as we approach the time to reconsider renewing China's most-favored-nation status. I believe their human rights conduct should be a key factor in determining whether or not we grant that renewal.

Many of my colleagues have already joined in this resolution. I welcome more.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Lawyers Committee for Human Rights, NEW YORK, NY, *Feb. 12, 1991*]

PEOPLE'S REPUBLIC OF CHINA: TRIALS OF PRO-DEMOCRACY ACTIVISTS

In recent weeks the government of the People's Republic of China (PRC) has tried and convicted more than two dozen students and intellectuals accused of engaging in "counter-revolutionary activities" during the 1989 pro-democracy movement.[1] According to information available to the Lawyers Committee, these trials have not met international fair trial standards such as are found in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These standards include the right of a criminal defendant to a public hearing by competent, independent and impartial tribunal; the right to adequate time and facilities to communicate with counsel of one's own choosing and to prepare a defense; the right to present evidence and witnesses on one's behalf; and the right to have one's case reviewed by a higher tribunal.[2]

On January 5, 1991 the official Xinhua news agency announced that seven political activists were convicted for inciting "subversion against the people's government and the overthrowing of the socialist system during the 1989 turnoil and rebellion."[3] Those convicted included four student leaders on the government's "21 most-wanted" list: Zheng Xuguang, 22, from the Beijing Aerospace and Aeronautics University; Zhang Ming, 23, from Qinghua University; Wang Youcai, 24, a physics graduate from Beijing University; and Ma Shaofang, 26, from Beijing Film Academy. All had leadership positions with the now-banned Beijing Students Autonomous Federation, which played a key role in the spring demonstrations. They received prison terms ranging from two to four years. Two other students convicted of minor offenses had criminal punishment waived.[4]

On January 26, 1991, the government announced a second round of convictions. Six persons received prison terms ranging from two to seven years. Three persons were convicted but exempted from criminal punishment. At least eighteen others were released without trial after authorities found "they committed only minor crimes and have shown repentance and performed meritorious services."[5] Forty-five more persons were released after investigation by the Public Security Bureau (the police) without having been formally arrested.[6] All had been in detention since being apprehended following the June 1989 crackdown.[7]

Among those recently sentenced to prison terms are:

Wang Dan, a 22-year-old history student at Beijing University, headed the government's 21 most-wanted list. Prior to the Tiananmen Square demonstrations, he had promoted campus discussions on political reform. He was among the student leaders who organized student protest marches and was the author of an article in May 1989 that called for political reform.[8] He was arrested on July 2, 1989. According to a notice posted outside the Intermediate People's Court in Beijing, Wang was convicted on charges of "agitating counter-revolutionary propaganda" and sentenced to four years' imprisonment.[9]

Ren Wanding, a 46-year-old factory accountant, is a long-time human rights activist who was imprisoned in 1979–83 for his essays written during the Democracy Wall movement in the late 1970s. One of the few Democracy Wall activists to give speeches in Tiananmen Square, Ren distributed articles he had written calling for respect for the rule of law and freedom of expression. He was arrested in his home on June 9, 1989; in March 1990 his family received a notice that he would be charged with "counter-revolutionary incitement" but the formal charges may not have been filed until November. On January 26, 1991, the official Xinhua news agency reported that Ren "was found guilty of grave crimes and showed no repentance." He was sentenced to a seven-year prison term.

Bao Zunxin, in his fifties, is a philosopher and leading intellectual. Prior to the June 1989 crackdown, Bao had written several petitions to the government calling for reform and the release of political prisoners. He had also attempted to organize intellectuals in support of the student demonstrators. He was arrested on July 7, 1989 and was included in a September 1989 government list of "Major criminals on Ministry of Public Security wanted lists who have now either been caught or have turned themselves in." On January 26, 1991, he was sentenced to five-years' imprisonment for "agitating counter-revolutionary propaganda."[10]

Guo Haifeng, a 24-year-old Beijing University student, was at one time chairperson of the Beijing Students Autonomous Federation. On April 24, 1989, Guo and two other students attempted to petition the government to rehabilitate posthumously former party secretary-general Hu Yaobang. According to official accounts, he was apprehended on June 4, 1989 "by the martial law enforcement troops while he and a gang of ruffians were trying to set fire to an Army unit's armored vehicle."[11] Guo's trial began on January 9, 1991, but his family reportedly was not notified by the court and had to search for a lawyer willing to attend the sentencing and file an appeal. On January 26, 1991, the Beijing Intermediate People's Court sentenced him to four-year's imprisonment for "counter-revolutionary sabotage."[12]

Liu Zihou, a 34-year-old worker at the Beijing Aquatic Products Company, was arrested on June 18, 1989 and accused of being the head of the illegal Capital Workers' Special Picket Corps. He was convicted for "incitement to armed rebellion." Unlike the students and intellectuals convicted, Liu's sentence has not been announced. A court spokesperson told a reporter only that Zihou had received a "relatively lenient sentence of several years in prison."[13]

On February 12, the government announced sentences in the cases of four persons charged with "conspiracy to overthrow the government." Two of the defendants received 13-year prison terms, one a six-year sentence and one was "exempt from criminal punishment." By law, conviction for sedition carries a minimum ten-year prison term but can result in the death penalty if the case is considered "especially serious."[14] Those convicted were:

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[1] The Criminal Law of the PRC, arts. 90 to 104, sets out various "crimes" of counter-revolution," including sedition, organizing a counter-revolutionary group and spreading counter-revolutionary propaganda.

[2] See International Covenant on Civil and Political Rights, art. 14. Although the PRC is not a party to the Covenant, the Covenant provides the fullest expression of basic fair trial rights as they exist under international law.

[3] Xinhua news agency, Jan. 5, 1991, as reported in Foreign Broadcast Information Service, "China: Daily Report" [hereinafter FBIS], Jan. 7, 1991, at 15. A month after the Tiananmen Square crackdown, the Chinese government issued a circular which listed five categories of offenses under which individuals may be detained. These are: (1) "propagating and actively supporting the spread of bourgeois liberalization"; (2) "supporting, organizing and participating in the counter-revolutionary rebellion"; (3) leading illegal organizations formed during the protests in April and May 1989; (4) working with "enemy organizations outside the country"; and (5) committing violent crimes during the demonstrations such as "smashing, burning and killing." Punishment for any of these crimes range "from prison to reform though labor and in extreme cases execution." Circular, July 9, 1989 as reported in Hong Kong Standard, July 11, 1989.

[4] New York Times, Jan. 6, 1991.

[5] Xinhua news agency, as reported in UPI, Jan. 26, 1991.

[6] Xinhua news agency, Jan. 27, 1991.

[7] For detailed descriptions of persons in detention, see Amnesty International, "People's Republic of China: A New Stage of Repression" Dec. 1990; Asia Watch, "Update of Arrests in China," Jan. 30, 1991; Asia Watch, "Rough Justice in Beijing," Jan. 17, 1991.

[8] Wang wrote: "We make no attempt to conceal the aim of the current student movement, which is to exert pressure on the government to promote the progress of democracy. * * * People's yearning for democracy, science, human rights, freedom, reason and equality, which lack a fundamental basis in China, have once again been aroused." Quoted in the UPI, Jan. 23, 1991.

[9] UPI, Jan. 23, 1991.

[10] See Asia Watch, "Update on Arrests in China," Jan. 30, 1991 at 4–5.

[11] Beijing Radio, June 10, 1989.

[12] Asia Watch, "Update on Arrests" in China, Jan. 30, 1991 at 4.

[13] UPI, Feb. 4, 1991.

Economist Chen Ziming, 38, and journalist Wang Juntao, 32, were each sentenced to 13 years' imprisonment. According to the Xinhua news agency, they were found guilty of forming illegal organizations and conducting a "series of activities to subvert the government." They were also found to have organized and directed "the interception of and attacks against the armed forces that were enforcing martial law and helping safeguard public order."[15] Prior to the trial, the government had labeled Chen and Wang as the "black hands" (conspirators) behind the 1989 student movement.[16] In the mid-1980s Chen organized the private Social and Economic Sciences Research Institute, which promoted political and economic reform. Wang was an editor of the Institute's now-banned Economic Studies Weekly, which often criticized government economic policies and reported on the 1989 student demonstrations. In May 1989 Chen and Wang organized an association dedicated to advancing "freedom, democracy, the rule of law and civilization," which the government declared illegal after the June crackdown. Both were arrested in October or November 1989 and have been detained incommunicado in Quincheng prison since that time.[17]

Liu Gang, a 29-year-old physics graduate from Beijing University, received a six-year sentence for "committing serious crimes." This was reported as a "mitigated sentence" because he had shown a willingess to repent.[18] Liu has for several years spoken out for greater respect for human rights in China. He was listed third on the government's 21 most-wanted list and was a prominent member of the Beijing Students Autonomous Federation. In July 1989, the Chinese press accused him of organizing a "democracy salon," whose proceedings were evidence of an attempt "to overthrow the leadership of the Chinese Communist Party and the socialist system."[19]

Chen Xiaoping, 29, a constitutional law scholar at the University of Politics and Law in Beijing and long-time human rights advocate, was exempted from criminal punishment. Xinhua reported that this was because he had surrendered voluntarily to the authorities and had shown repentance.[20] During student demonstrations in 1985, when he was a doctoral candidate in Beijing University's law department, Chen wrote in a wall poster: "China's constitution guarantees freedom of expression and assembly. Yet they tear down posters and arrest peaceful demonstrators. China should either follow its own laws or face up to its actual policies honestly, and delete these bogus rights from the constitution."[21] As a result of his statements, he was denied a prestigious job with the Legal Commission of the Standing Committee on the National People's Congress. In 1989, he played a leading role in organizing the Beijing Citizens Autonomous Union, an activist group that sought to include students, workers and intellectuals. He was arrested shortly after June 4, 1989.[22]

PRINCIPAL LEGAL CONCERNS

The Lawyers Committee believes that the trials of pro-democracy activists have not met international fair trial standards or fair trial provisions under Chinese law. As one journalist wrote about the Chinese criminal justice system, it presents "a facade that provides for strict legal procedures, but in practice permits caprice, secrecy and intimidation. To read the Chinese legal code, one might think that the system is well developed and orderly; in practice, many of the legal guarantees seem meaningless."[23] In crucial respects, including the right to a public trial, access to an attorney, and the opportunity to present a defense, Chinese legal practice is at odds with Chinese and international law. The recent trials of pro-democracy activists is disturbing testimony to the lack of respect for the rule of law in the PRC.

Prolonged Detention Without Charge or Trial

Those recently prosecuted for their participation in the pro-democracy movement have been held in apparent violation of Chinese law. Families of detained pro-democracy activists reported that they received formal notification of arrest only in late November 1990.[24] This notification, coming as long as 18 months after apprehension, far exceeds provisions of the PRC Criminal Procedure Law, which requires that persons detained by the Public Security Bureau be formally arrested within ten days following detention.[25] Moreover, under the procedural law, the maximum period for which the authorities may detain a person before formally deciding to prosecute or granting a release is five and a half months.[26]

Closed Trials

The recent trials of political activists have not been open to the public in contravention of international standards providing for open trials[27] and provisions of Chinese law. The PRC Constitution at article 125 states that "[a]ll cases handled by the people's courts, except for those involving special circumstances as specified by law, shall be heard in public." The Criminal Procedure Law at article 111 provides that the "people's courts shall conduct adjudication of cases in the first instance in public. However, cases involving state secrets or the private affairs of individuals are not to be heard in public. * * * The reasons for not hearing it in public shall be announced in court."[28]

The Chinese government has insisted that the trials of pro-democracy activists have been held in public.[29] The Xinhua news agency reported that 60 people and relatives of some of the defendants attended the first set of trials held in January 1991[30] and that "more than 300 local residents" attended the second set of trials in mid-January.[31] However, the authorities closely controlled admission to the trials and some family members of those being tried were excluded.[32] Wang Dan's family learned about his trial on the morning it took place.[33] The wife of human rights advocate Ren Wanding reported that she was not even notified of the trial of her husband, which began on January 9, 1991.[34] The wives of both men were detained briefly by the authorities after they tried to petition for open trials for their husbands.[35]

On December 22, 1990, the Lawyers Committee made a request to the PRC Ministry of Justice to send a delegation to China to monitor trials of pro-democracy activists; to date the Lawyers Committee has not received a reply. Efforts by foreign news agencies, diplomats in Beijing and international human rights organizations to attend the trials have also been unsuccessful.[36] One court spokesperson said that the ban on foreign observers was based on the court's informal interpretation of an internal Supreme Court regulation.[37] This regulation has not been made public.

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[14] Criminal Code of the PRC, art. 104.

[15] Xinhua news agency, as reported in Reuters, Feb. 12, 1991.

[16] South China Morning Post, June 21, 1990, as reported in FBIS, June 21, 1990 at 8.

[17] See Asia Watch, "Rough Justice in Beijing," Jan. 17, 1991 at 15-25.

[18] Xinhua news agency, as reported in Reuters, Feb. 12, 1991.

[19] Beijing Daily, July 25, 1989, quoted in Amnesty International, Urgent Action, Jan. 25, 1991.

[20] Xinhua news agency, as reported in Reuters, Feb. 12, 1991.

[21] Quoted in Amnesty International, "The People's Republic of China: A New Stage in the Repression," Dec. 1990 at 13.

[22] See Asia Watch, "Update on Arrests in China," Jan. 30, 1991.

[23] WeDunn, "In Murky Trials, China Buries Tiananmen Affair," New York Times, Jan. 20, 1991.

[24] On November 24, 1990, relatives of Wang Juntao, 32, and possibly Chen Ziming, 38, editors of the now banned Economic Studies Weekly, received notices from the Public Security Bureau that indicated the filing of formal charges was imminent.

[25] PRC, Criminal Procedure Law (1980), art. 48. Art. 48 provides that if the Public Security Bureau or the procuratorate does not approve an arrest within ten days of detention, "the detained person or his family has the right to demand release, and the public security organ or the people's procuratorate shall immediately release him."

[26] See Criminal Procedure Law, arts. 92, 93, 97 & 99. Further extension may only occur with the approval of the Standing Committee of the National People's Congress. Asia Watch believes that the pro-democracy activists may have been held under a form of administrative detention called "shelter and investigation" (shourong schencha), which is of questionable legal basis. See Asia Watch, "Rough Justice in Beijing," Jan. 17, 1991 at 4-5. In an interview with the Lawyers Committee, a PRC judge said that "in many cases," criminal and political suspects remain detained beyond the legal limit, even when the procuracy finds "there is not enough evidence [to convict the person]." He added that the procuracy often is "not willing to release the defendant because they think the defendant must have committed a crime, or that maybe they can find evidence later on."

[27] See Universal Declaration, art. 11; International Covenant on Civil and Poitical Rights, art. 14.

[28] Criminal Procedure Law, art. 111.

[29] Xinhua news agency, Jan. 5, 1991, as reported in FBIS, Jan. 7, 1991, at 15; see also statement of Wang Mingdi, deputy director of the Academic Research Committee of Law on Reform through Labor of Chinese Law Society, in South China Morning Post, Dec. 4, 1990.

[30] Xinhua news agency, as reported in China News Digest, Jan. 5, 1991.

[31] Xinhua news agency, as quoted in Washington Post, Jan. 27, 1991.

[32] It is the practice in China for the authorities to issue tickets for entrance to trials. According to a PRC judge, this is done in order to control the number of people attending because courtrooms are usually small and can accommodate only a limited number of people. In ordinary criminal cases, no one is denied admission in court hearings. But the judge conceded that admission tickets for trials of "serious" cases are issued by local Communist Party leaders at their discretion.

[33] New York Times, Jan. 27, 1990.

[34] New York Times, Jan. 20, 1991.

[35] See "Silence in Court," Far Eastern Economic Review, Jan. 31, 1991.

[36] An official of the Beijing High People's Court told journalists that the trial of student leader Wang Dan "is not open to foreigners." A six-member delegatioin from the Hong Kong Federation of Studnets was denied entry to the court to monitor the proceedings against Wang. Twice journalists were asked by security officers to move away from a board where the notice of Wang's trial was posted. Agence France Presse, Jan. 23, 1991, as reported in FBIS, Jan. 23, 1991.

[37] UPI, Jan. 29, 1991. "If there is such an order then we've been given the royal runaround," one diplomat was quoted as saying. "We've been told all day that the trials are open." Associated Press, Jan. 9, 1991.

Limitations on the Right to Counsel and to Present a Defense

Right to counsel during criminal proceedings in the PRC is always limited, but during the recent trials of pro-democracy activists it was even further circumscribed. The PRC Constitution and the Criminal Procedure Law provide that a criminal defendant has a right to defend himself[38] and obtain a lawyer or have one provided for him.[39] By law, defense counsel may meet with the defendant in custody to prepare a case.[40] However, the Criminal Procedure Law stipulates that the defendant may only appoint counsel, or have a lawyer designated by the government to defend him, after the people's court has decided to open the court session and adjudicate the case.[41] As a result, the defendant is not entitled to counsel during the preliminary investigation and may be subjected to repeated interrogations over the course of many months without ever being able to meet with an attorney. Defendants typically do not have access to a lawyer until the prosecution issues a formal indictment and the trial date is set, which may be as few as seven days before the trial.[42] According to friends and family members of Chen Ziming, he began a hunger strike on February 7 in order to delay the start of his trial so that his attorney would have adequate time to prepare his defense.[43]

The government has imposed further restrictions on the right to counsel of detained pro-democracy activists. Foreign news agencies reported that the Ministry of Justice required that lawyers seeking to represent pro-democracy activists receive its approval. Most defendants were represented by lawyers chosen by the Justice Ministry[44] or who were on a list that the Ministry compiled.[45] Wang Dan's lawyer was appointed for him by the government from the Beijing No. 1 Law Office.[46] In an instance of an exception that proves the rule, the Beijing Intermediate People's Court notified Liu Gang before his trial that he could choose his defense lawyer.[47]

Under Chinese law, defense counsel are entitled—in fact have a duty—to protect the legal interests of their clients. Lawyers are responsible for "safeguarding the lawful rights and interests of the defendant"[48] and for presenting "materials and opinions proving that the defendant is innocent, that his crime is minor, or that he should receive a mitigated punishment or be exempted from criminal responsibility."[49] Defense lawyers are also permitted by law to present and question witnesses and evidence during the trial.[50]

In practice the right to present a defense does not meet international fair trial standards.[51] The rights of a criminal defendant in China are sharply undermined by the strong presumption of guilt existing in the criminal justice system. Trials, especially for serious crimes such as "counter-revolutionary activity," are conducted under a procedure openly known in China as "verdict first, trial second." Before a trial commences, the three-member collegial panel of the trial-level People's Court meets and discusses the case based on information provided by the procuracy. The panel then presents its findings to the adjudication committee, a body set up in each court to supervise judicial work. These findings include a discussion of the crime with which the defendant should be charged, the evidence applicable in court, and the sentence to be imposed. The adjudication committee has authority to accept or reject the findings of the collegial panel. Decisions are reported and discussed with the relevant Communist Party political-legal committee, especially in serious cases. According to a PRC judge, "political-legal committees have the right to make the final decision," and in some areas decide almost all cases prior to trial.[52] An article in a Chinese legal magazine in 1987 concluded this "makes the open trial degenerate into a mere formality * * * and inevitably results in false and unjust cases. * * * To put the matter more sharply, the practice of 'deciding on verdicts before trial' amounts simply to a refurbished version of the presumption of guilt."[53]

An additional factor limiting the role of defense attorneys and thus infringing upon the fair trial rights of the accused is the long-held tenet of criminal justice in the PRC of "leniency for those who confess, severity for those who resist."[54] Typically, repentance for one's misdeeds plays a far greater role in determining the court's sentence than the presentation of exculpatory evidence. This was evident in the recent court decisions involving pro-democracy activists. According to the government, Wang Dan, who headed the government's 21 most-wanted list, received a four-year sentence, lenient by PRC standards, because he "committed serious crimes but has shown such repentance as confessing his own crimes and exposing others."[55] Liu Xiaobo, a prominent literary critic and long-time dissident, was convicted but exempted from punishment; the government said that Liu had "committed serious crimes but has acknowledged them, showed repentance and performed some major meritorious services."[56] By contrast, Ren Wanding, who was also charged with counter-revolutionary activities, received a seven-year term. The government stated that he "was found guilty of grave crimes and showed no repentance." Chen Ziming and Wang Juntao, who received 13-year sentences, were reported by the official news agency as having "so far shown no willingness to repent." According to a source quoted by UPI, Chen "did not acknowledge his guilt, and denied all of the charges against him."[57]

Because of the strong presumption of guilt against the defendant and the emphasis on repentance as the basis for determining sentences, defense lawyers typically devote their energies to showing the remorse of their clients and pleading for a lenient sentence.[58] During the recent trials, the government adopted measures that further weaken the defendant's right to prepare a defense. According to the Hong Kong Federation of Students, which conducted a secret trip to the PRC in January, all lawyers representing pro-democracy activists were required to submit their defenses to the Ministry of Justice for prior approval. Not only strategies, but all statements, had to be approved beforehand by the Justice Ministry.[59] Moreover, according to news reports, lawyers were only permitted to present mitigating circumstances on behalf of their clients; pleas of not guilty were forbidden.[60] The Justice Ministry reportedly informed law professors in Beijing that if they represented pro-democracy activists, they would be allowed to file not guilty pleas.[61] According to "an informed source" quoted in the South China Morning Post, "If, out of reasons including sympathy for the accused, the lawyer resorts to unapproved strategies in court, he will be penalized."[62]

LIMITATIONS ON THE RIGHT TO APPEAL

Under Chinese law, appeals must be filed within ten days of judgment,[63] except for appeals of certain capital offenses where the period is only three days.[64] In the past, persons convicted of crimes were deterred from exercising their right to appeal for fear of incurring heavier punishment.[65] The Criminal Procedure Law specifically stipulates that in adjudicating a case appealed by a defendant, the appellate court may not increase the criminal punishment.[66] Should a case be successfully appealed, however, the appellate court may remand the case to the court of first instance,[67] which is not bound by the above provision and hence may increase the sentence. More fundamentally, during the pre-trial discussions in which a verdict is reached, the trial court will frequently consult with the higher court in reaching a decision; as a result, a higher court will be predisposed to a verdict before the case even reaches it on appeal. To the extent that a defendant is faced with constraints and limitations in the full and effective exercise of the right to appeal, there is an effective denial of this right as guaranteed under international fair trial standards.[68]

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[38] PRC Constitution, art. 125.

[39] Criminal Procedure Law, arts. 26 & 27.

[40] Id., art. 29.

[41] Id., art. 110.

[42] See id., art. 110.

[43] AP, Feb. 10, 1991.

[44] UPI, Jan. 29, 1991.

[45] South China Morning Post, Dec. 28, 1990.

[46] New York Times, Jan. 28, 1991.

[47] Hong Kong Standard, Feb. 1, 1991, as reported in FBIS, Feb. 1, 1991 at 18. The Standard considered this to be "an extraordinary concession in the dissident trials."

[48] Criminal Procedure Law, art. 28.

[49] Id.

[50] Id., arts. 114, 115 & 118. To prepare for the defense, the defense counsel is authorized by law to "consult the materials of the case, acquaint himself with the circumstances of the case," and interview and correspond with the defendant if he is held in custody (art 29). At the trial, the defender has the right to put questions to the defendant and the witnesses (arts. 114, 115); to apply for the notification of new witnesses for the obtaining of new material evidence (art. 117); to participate in debate (art. 118); and to appeal the judgment with the agreement of the defendant (art. 129).

[51] The International Covenant on Civil and Political Rights at art. 14 provides, inter alia, that a criminal defendant is entitled "to defend himself in person or through legal assistance of his own choosing"; "to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witness against him"; and "not be compelled to testify against himself or to confess guilt."

[52] Lawyers Committee interviews.

[53] Faxue, Science of Law, 1987 at 15-16, cited in Amnesty Internationa, "People's Republic of China," Aug. 1989 at 40-41.

[54] See Shao-chuan Leng, Justice in Communist China, (Dobbs Ferry, New York: Oceana Publications: 1967) at 162.

[55] Washington Post, Jan 27, 1990. The Post suggests that the government's claim may have been fabricated to discredit Wang among members of the pro-democracy movement.

[56] The "meritorious services" may have referred to his role in trying to persuade student demonstrators to leave Tiananmen Square the night of the military attack.

[57] UPI, Feb. 12, 1991.

[58] See, e.g., Randle Edwards, "Civil and Social Rights; Theory and Practice in Chinese Law Today," in Human Rights in Contemporary China, (New York: Columbia University Press, 1986) at 63-67.

[59] South China Morning Post, Dec. 28, 1990.

[60] New York Times, Jan. 28, 1991; Hong Kong Standard, Jan. 10, 1991.

[61] Washington Post, Jan. 21, 1991.

[62] South China Morning Post, Dec. 28, 1990. These restrictions are not unprecedented. An article in a Chinese legal magazine recently stated: "Lawyers * * * suffer interference in their work from party and government organs, especially from the organs of judicial administration. For example, some justice bureaus have a regulation that if a lawyer wishes to present a defense of "not guilty" in a criminal case, then he must first obtain authorization from the party organization of the justice bureaus of question. Faxue, No. 2, 1988, at 43-45, as quoted in Amnesty International, "People's Republic of China," Aug. 1989 at 43.

[63] Criminal Procedure Law, art. 131.

[64] The shortened appeal period was adopted by the Standing Committee of the National People's Congress during an "anti-crime campaign" in 1983. It applies to crimes of homicide, robbery, rape, causing explosions, arson, spreading poisons, breaching dikes or undermining transportation or electric power equipment and "other activities that seriously threaten public security." See Resolution of September 2, 1983 adopted by the Standing Committee of the National People's Congress Regarding the Procedure for Rapid Adjudication of Cases Involving Criminal Elements Who Seriously Endanger Public Security, reprinted in Civil Law and Criminal Procedure of the PRC, (Beijing: 1984) at 246.

CONCLUSIONS AND RECOMMENDATIONS

The Lawyers Committee urges the PRC government to release all persons who are being detailed for the peaceful exercise of the fundamental rights to expression, association and assembly. Trials conducted should meet fair trial standards as provided under international law. These standards have not been met in the recent trials of pro-democracy activists.

(1) Pro-democracy activists have been detained without charge in contravention of both Chinese and international law. Those who were not promptly charged with a legally-cognizable offense should be released immediately.

(2) The recent trials have denied access to foreign journalists and diplomats, monitors from international human rights organizations, and some family members of the accused. Trials should be fully open to the public.

(3) Cases have apparently been tried under the procedure known as "verdict first, trial second." International law requires trials to be conducted before a tribunal that is fair, independent and impartial.

(4) Chinese law permits detainees to be held without access to an attorney for as long as seven days before trial. As a result, the defendants have insufficient time to prepare a legal defense. International fair trial standards call for adequate time and facilities to prepare a defense. Persons taken into customer should have prompt access to an attorney.

(5) Defendants have been required to pick an attorney from government-provided lists or have had an attorney chosen for them by the government. Defendants must have an opportunity to obtain the counsel of their choice.

(6) Because of the strong presumption of guilt and the emphasis placed on repentance in the Chinese criminal justice system, lawyers are effectively prevented from defending the innocence of their clients in court. During the recent trials, lawyers have reportedly been prevented from filing pleas of not guilty. International fair trial standards require that defendants and their counsel be given the opportunity to present in court all witnesses and evidence in their defense.

(7) The right to appeal a case to a higher tribunal is undermined in China by the involvement of higher courts in the trial court verdict and the fear that an appeal could ultimately result in a higher sentence. To meet the international standard for the right of appeal, the government must permit appeals to a higher court that took no part in the initial decision.

SENATE CONCURRENT RESOLUTION 20—RELATING TO THE USE OF THE ROTUNDA OF THE CAPITOL TO COMMEMORATE THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. LAUTENBERG (for himself, Mr. METZENBAUM, Mr. PELL, Mr. MURKOWSKI, and Mr. KASTEN) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration.

S. CON. RES. 20

Whereas the United States Holocaust Memorial Council, established pursuant to the Act entitled "An Act to establish the United States Holocaust Memorial Council" (36 U.S.C. 1401), has designated April 7 through April 14, 1991, and April 26 through May 3, 1992, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony be held at noon on April 11, 1991, and at noon on April 30, 1992, consisting of speeches, readings, and musical presentations as part of the days of remembrance activities: Now, therefore, be it,

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is hereby authorized to be used on April 11, 1991, from 8 a.m. until 3 p.m. and on April 30, 1992, from 8 a.m. until 3 p.m. for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

• Mr. LAUTENBERG. Mr. President, today I am introducing a resolution to reserve the Capitol rotunda for a ceremony to commemorate the victims of the Holocaust. The commemorative ceremony is a way of remembering the victims of the Holocaust and serves to remind all of the apathy that gave rise to this period of unprecedented evil.

As an original member of the President's Commission on the Holocaust, I supported the initial call to remember the victims of the Holocaust through a week-long series of activities. Among the programs initiated by the Commission was an initial commemorative service held in the Capitol rotunda. This annual ceremony still serves as an example for remembering the victims of the Holocaust.

There is so much we can learn from that unforgettable period. Perhaps the greatest lesson was portrayed by Elie Wiesel, Nobel laureate and chairman of the President's Commission on the Holocaust. He wrote in the original report, "the most vital lesson to be drawn from the Holocaust era is that Auschwitz was possible because the enemy of the Jewish people and of mankind * * * succeeded in dividing, in separating, in splitting human society. * * * And not enough people cared."

If we are going to pass the lessons of the Holocaust era on to future generations, we must publicly remember the evil and suffering that occurred. There is no more fitting place to commit ourselves to this cause than the rotunda of our Capitol, which exemplifies the greatness of the world's largest and strongest democracy.•

SENATE CONCURRENT RESOLUTION 21—COMMENDING THE PEOPLE OF MONGOLIA ON THEIR FIRST MULTIPARTY ELECTIONS

Mr. CRANSTON (for himself, Mr. MITCHELL, Mr. PELL, Mr. KERRY, Mr. AKAKA, Mr. GORE, Mr. KENNEDY, Mr. ROBB, Mr. SIMON, Mr. LUGAR, Mr. MOYNIHAN, Mr. PACKWOOD and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 21

Whereas the people of Mongolia had the first multiparty elections of their seventy year history in July of 1990 and have taken great strides toward a multiparty, pluralistic and democratic government;

Whereas the newly elected government of Mongolia has pledged to continue a peaceful transition to a democratic government and has committed to accept and implement free market and free trade principles;

Whereas the congressional leadership welcomed the President of the newly elected government on his first State visit to the United States in January;

Whereas President Bush has requested the granting of Most Favored Nation status to the Mongolian People's Republic;

Whereas Mongolia has asked for economic assistance to bolster its movement toward democracy and economic reform;

Whereas Mongolia presents the world with an admirable example of the peaceful conversion to free world values and democratic principles: Now, therefore,

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) hereby offers its congratulations to the people of Mongolia for a generally free and fair election process and looks forward to growth and development of United States-Mongolia relations on issues of mutual interest, such as regional stability, trade, and human rights.

(2) commends the political leaders and parties of Mongolia that worked together to achieve the creation of democratic pluralism and free market institutions and urges the United States Government to continue to grant all appropriate economic and technical assistance to Mongolia and its people.

(3) welcome the people of Mongolia into the community of free nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President and requests that he further transmit such copy to the Government of Mongolia.

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[65] "See Jerome Cohen, The Criminal Process in the People's Republic of China, (Cambridge: Harvard Univ. Press, 1968) at 556-63.

[66] Criminal Procedure Law, art. 137. This provision "does not apply to a case where a people's procuratorate presents a protest or a private prosecutor presents an appeal." *Id.*

[67] Id., art. 138.

[68] The International Covenant on Civil and Political Rights at art. 14(4) states that "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.".

SENATE RESOLUTION 77—SUPPORTING MASS TRANSIT

Mr. D'AMATO (for himself, Mr. HEINZ, Mr. DIXON, Mr. CRANSTON, Mr. CHAFEE, Mr. HATFIELD, Mr. KERRY, Ms. MIKULSKI, Mr. GORTON, Mr. PACKWOOD, Mr. SPECTER, Mr. DODD, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. BOND, and Mr. SEYMOUR) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 77

Whereas, the events of the Persian Gulf have brought to the forefront the need to conserve energy and reduce reliance on energy imports.

Whereas, the transportation sector uses 63 percent of the petroleum consumed in the United States. And, automobiles and light trucks account for 40 percent of petroleum consumption.

Whereas, fuel efficiency of mass transit is markedly higher than the average commuter auto.

Whereas, a single person commuting via transit can save 200 gallons of gasoline a year.

Whereas, a subway train can carry up to 34,000 passengers per hour resulting in 30,000 less vehicles on our roads.

Whereas, bus service has the capability to reduce vehicle traffic by 90 cars every time it makes its rounds.

Whereas, the efficient movement of goods, people and services depends on a reliable mass transportation system.

Whereas, chronic congestion of our Nation's highways erodes our ability to meet clean air goals and contributes to lost productivity.

Whereas, last fall Congress increased its commitment to transit infrastructure by increasing revenues into the mass transit account of the highway trust fund.

Whereas, Congress should continue that commitment by allowing those funds to be invested.

Whereas, the Omnibus Budget Reconciliation Act of 1990 provides for increased transportation funding.

Whereas, higher fuel costs, persistent pollution problems, the increasing dependency of elderly citizens on public transportation, the mainstreaming of disabled people and growing congestion of urban corridors will increase the demands on mass transit: Therefore be it

Resolved, it is the Sense of the Senate, That the 1991 reauthorization of mass transit programs be considered as part of the solution to these and many other national problems.

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation that expresses a strong sense of the Senate that a national commitment be made to our mass transit programs. I am pleased to be joined by Senators HEINZ, DIXON, CRANSTON, CHAFEE, HATFIELD, KERRY, MIKULSKI, GORTON, PACKWOOD, SPECTER, DODD, MOYNIHAN, LIEBERMAN, KENNEDY, LAUTENBERG, and BOND.

Mr. President, as ranking member of the Banking Subcommitee on Housing and Urban Affairs, I will be working to reauthorize the transit programs which expire on September 30. Fiscal constraints are staring us right in the face but our infrastructure needs have never been greater. It is a critical time for transit.

No one knows better than our transit authorities that times are tough. It is difficult, if not impossible, just to keep pace. Fiscal pressures are forcing service cuts and fare increases across this Nation. While revenue is falling the responsibilities of our mass transit systems are growing.

In addition to the traditional role of moving people, goods, and services efficiently, our systems are relied upon more and more to reduce congestion and pollution by getting people off the roads. Transit must also meet the needs of the disabled.

I believe the resolution speaks for itself. Now more than ever, mass transit should be looked to as part of a solution to many national problems.

Mr. President, I ask unanimous consent that the text of our resolution be printed in its entirety at the conclusion of my remarks.•

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, March 20, 191, at 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 341, the National Energy Security Act of 1991, title XI concerning corporate average fuel economy.

For further information, please contact Karl Hausker, chief economist, at (202) 224-3329.

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 343, a bill to provide for continued U.S. leadership in high performance computing.

The hearing will take place on Thursday, April 11, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

Mr. FORD. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Department of Energy's Superconducting Super Collider Program.

The hearing will take place on Tuesday, April 16, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public, that the Senate Special Committee on Aging has scheduled a hearing to examine the effectiveness of the evaluation program for health maintenance organizations [HMO's] treating Medicare recipients.

The hearing will take place on Wednesday, March 13, 1991, beginning at 10 a.m. in room 628 of the Dirksen Senate Office Building.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Wednesday, March 13, 1991, beginning at 9:20 a.m., in 485 Russell Senate Office Building to adopt the committee rules.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 12, at 2 p.m. to hold a hearing on the Foreign Relations Authorization Act for fiscal years 1992 and 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. March 12, 1991, to receive testimony on S. 341, the National Energy Security Act of 1991, title IX concerning provisions which authorize a competitive oil and gas leasing program for the coastal plain of the Arctic National Wildlife Refuge in Alaska [ANWR].

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE MYTH OF LINKAGE

• Mr. DECONCINI. Mr. President, on August 12, 1990, Saddam Hussein attempted to cover his bloody aggression against Kuwait by asserting that his withdrawal from the emirate was linked to the resolution of all of the Middle East's ills. The region's problems are legion and were present well before Saddam became a threat to his people, much less the entire world.

As we have seen, the Arab members of the international coalition united against Saddam's aggression saw through Hussein's pretense. The fact that he was using linkage to cover his illegal acts is proven by his abandonment of those Arabs who rallied to his cause—Iraqi, Palestinian, and Jordanian alike. He has callously forgotten his people and the serious issues affecting Middle Eastern peace and security while trying to cover up what his hubris needlessly brought to thousands of his people. But sooner or later his people will learn the truth and Saddam will be exposed before his people as he has exposed himself before the world.

What remains in his wake are shattered lives, destroyed nations, and all of the Middle East's ills which he vainly sought to exploit for his own interests. There is a seed of hope, however, that through regional cooperation these issues may finally be resolved.

Saddam's scheme did not succeed. Egypt remained a strong partner in the coalition, and Syrian troops fought alongside Western forces as Saddam attempted to drag Israel into a fight in which it had no quarrel. What initially was a case of Iraq's Arab belligerence against Kuwait, a peaceful Arab country, Saddam tried—and failed miserably—to turn into a case of the "Arab nation" against Israel, the "Zionist entity."

Saddam Hussein rained Scud missiles on innocent civilians in populated areas and tried to divert the world's attention from his rape of Kuwait. The world would not be diverted. Indeed, sympathy for the plight of the Israeli innocents increased. The Arab coalition partners even grudgingly accepted the reality that Israel had a right to retaliate for Iraq's attacks against a sovereign nation.

By this act, Saddam may have laid the groundwork for a solution which years of shuttle diplomacy had failed to accomplish. The fact that Arab nations—de jure at war against Israel—were able to state that Israel has a right to defend itself against attack may be the necessary turning point which could result in recognition of Israel's right to exist within secure borders.

Egypt had made peace with Israel and, while not a warm and friendly peace, it is one which has endured through many difficult moments. As with any two sovereign nations, differences remain on a number of issues. But these are discussed and ultimately worked through to a resolution. Egypt's example of an honorable peace is one for the rest of the Arab world to emulate.

Other states in the region also have problems with Israel. Syria desires the return of the Golan Heights. Saudi Arabia would like to see real peace in Lebanon. Jordan's problems are too numerous to mention here, but it has its own internal problems which will not be easily resolved. All of these Arab nations have different ideas over what Israel's borders should be. Many other problems separate Arab from Arab. The security of Lebanon and Syria's role in that devastated nation are just the most visible of these questions.

Saddam's war should demonstrate to the Arab States that Israel is a reliable partner which truly desires peace. Now they should acknowledge the importance of secure borders for all nations. If Kuwait and Saudi Arabia deserve them, then so does Israel.

Saddam Hussein's ill-advised attempt at linkage did not help the Palestinians; in fact, it may have hurt their cause. These people have been poorly served by their so-called leaders. By siding with a nation which tried to justify its aggression, their cause was weakened—not only in the West but also among many of their Arab brethren. The Saudis had previously provided enormous financial support for the PLO and its efforts. The Kuwaitis not only quietly gave contributions to the PLO, they also provided many jobs to Palestinians working in Kuwait, enabling these workers to send money back to their families in the West Bank and Jordan.

Iraq's invasion changed all of that. The more Yasser Arafat kissed and embraced Saddam, the less inclined have the Saudis become to continue their support. Some quietly stated they would reevaluate their financial support. The Saudi Ambassador to the United States, Prince Bandar bin Sultan, in an interview with the Los Angeles Times referred to Arafat as a clown. He said the Saudis would "distinguish between Arafat and leadership of the Palestinians, and between the Palestinians and their cause." Also, the Palestinians in Kuwait have become refugees once again. It is difficult to comprehend why they would call Saddam their savior when he only added to their pain and increased their suffering.

Israel remains threatened. Seeing thousands of Palestinians rejoicing when Iraqi Scud missiles landed in Israel did nothing to assuage their sense of insecurity. Arafat's open support of Saddam's efforts has wiped out any hope that the Government of Israel can trust a man and an organization which refuse to condemn acts of terrorism and which so brazenly sided with a man who did everything in his power to incite yet another war against Israel.

It is incumbent upon Israel's neighbors to recognize the reality which Israel faces and also to publicly recognize the reality of Israel. By removing the threat to Israel's existence which is posed by the continuing state of war from its neighbors, Israel can then turn to resolving the issue which has torn at the very fabric of Israeli society—the rights of the Palestinian people. Most Israelis recognize that they have a human rights problem on their hands for their treatment of the Palestinians in the West Bank and Gaza Strip. But, under a state of siege by its neighbors, the Israelis are unable to rationally address this issue. The sooner there is peace with Israel's neighbors, the sooner there will be peace with the Palestinians.

There are many areas of contention in the Middle East which will require the combined effort of all of the states in the region if they are to be resolved. One of the most pressing is that of water and water distribution. From Turkey to Egypt, access to water has the potential for increasing the destabilization of the region. We have only to examine the problems among California, Colorado, and Arizona to understand the importance of this issue. However, resolution of the dispute between Israel and the Arab States other than Egypt must be addressed if we are to witness real progress toward regional security, arms control, and a resolution of the Palestinian issue.

Israel is willing to be a good partner on these issues, if given a chance. It may not happen overnight—longstanding animosities are difficult to overcome—but it can happen if all parties are willing to set aside the rhetoric of generations and sit at the same table. As we awaken from Saddam's nightmare, a new day may be dawning in the Middle East. Let us not miss this opportunity.•

PUBLISHERS PRESS

• Mr. McCONNELL. Mr. President, I rise today to recognize two outstanding Kentucky businessmen for their commitment to family, hard work, and a sense of community. These three elements have been the buildings blocks for their successful, expanding printing business known as Publishers Press in Shepherdsville and Lebanon Junction, KY.

Under the watchful care of fifth generation owners Nick and Michael Simon, the company has grown from a mere 40 employees in 1958 to 1,045 today. Publishers Press now prints 20 million copies of magazines a year. As the largest employer in Bullitt County, it has annual sales of $75 million a year, a $20 million payroll, and a client list that boasts a variety from the Catholic Diocese of Louisville to the late pop artist Andy Warhol.

Beyond responsible fiscal management and an impressive list of clients, the Simons take pride in "[erasing] * * * the line between workers and management," according to Nick Simon. He meets with employees once a month, pays employees a quarterly bonus, and constantly upgrades and expands employee benefits. Training and equipment, too, are part of the emphasis at Publishers. Clients as well as employees spend time learning the company and the business from beginning to end, from printing, to paste-up to binding. And it is a long company tradition to maintain cutting-edge printing equipment. This allows Publishers to nurture existing market niches and capture new ones. It is all these factors, combined with an unshakable commitment to customer service, that have allowed Publishers to maintain a 20-percent annual growth rate.

I salute these Kentuckians for their outstanding achievements, and ask that their inspiring story of dedication be inserted in the RECORD.

The article follows:

[From the Lexington (KY) Herald-Leader, Mar. 11, 1991]

MAGAZINE PUBLISHER PRESSES AHEAD IN BULLITT: PUBLISHERS PRESS KEEPS EXPANDING OPERATIONS

(By Jacalyn Carfagno)

SHEPHERDSVILLE.—Nick Simon trotted into the vast open spaces of the new Publishers Press plant in Lebanon Junction last week, a bag of green apples under his arm.

The apples were for employees who had wondered why Simon, the president of the company, didn't bring more when he came in munching one on his last visit. On this visit, apples aside, Simon was there to see the new magazine binding machine, which was fired up for the first time that day.

The 115,000-square-foot Lebanon Junction plant is the most recent expansion for Publishers. Unseated by freeway construction, Publishers moved in 1958 from Louisville to nearby Shepherdsville with 40 employees.

It grew into a company whose 1,000-plus employees print 20 million copies of magazines a year. Publishers squeezed as much as it could onto 13 acres in Shepherdsville, averaging a building permit every two months for the last several years. Last year, Publishers found a 376-acre site 15 minutes south in Lebanon Junction.

My father would have gotten a kick out of this," said Simon, as he looked around the plant. He and his brother, Michael, are the fifth generation of Simons to run the company.

The binder was the first of the giant machines to run at the new plant. By late spring, Publishers will have two presses humming and soon will have an additional 200 employees at work in Lebanon Junction.

Nick Simon's father, Frank E. Simon, died in May just as construction started at Lebanon Junction. Nick, now 32, and Michael, 31, thought about delaying construction, but decided that was not what Frank would have wanted. "He was always go, go, go, full speed ahead," Nick Simon said.

Frank Simon's drive, combined with risk taking and luck, made Publishers Press the largest employer in Bullitt County. Bolstered by a client list that has stretched from the Catholic Diocese of Louisville to pop artist Andy Warhol, Publishers has grown 15 percent to 20 percent a year in the last decade, over and above inflation.

A little more than 20 years ago, Frank Simon bet the store on high quality and quick turn-around in what the magazine industry calls a short- or medium-range run—10,000 to 100,000 copies.

Interview Magazine, the monthly founded by Warhol, is one of Publishers' largest jobs at 230,000 magazines a month. But the majority of its work is made up of much smaller runs. In January, for instance, Publishers printed 344 titles. Publishers counts itself among the top 10 percent of the short-run magazine publishers.

"We were at the right place at the right time" to capture a share of that market, said Michael Simon, executive vice president. And Publishers provided the goods. "The majority of our growth has come from reputation as opposed to aggressive marketing," he said.

The fast growth has not spoiled Publishers, said Edward Bowen, editor in chief of The Blood-Horse, a client since 1987. "It's amazing that you can have the feeling of a family in a company that large," he said. Bowen said the family feeling went beyond ownership to the Simons' relationship with their employees.

"We try to erase the line between workers and management," Nick Simon said.

Simon works on that through monthly meetings with employees, which were started by his father. With no other managers present, the employees bring their questions and complaints to the top.

This month, questions covered topics ranging from a pothole to the work schedule for the Fourth of July to health insurance for retirees and how the minimum-wage increase would affect salaries.

Publishers' $20 million annual payroll starts with entry-level salaries just above minimum wage and runs up to about $15 an hour for skilled craftsmen, Nick Simon said. None of the employees belongs to a union, he said.

Publishers also pays each employee a quarterly bonus of as much as four or five days' pay. The Simons gradually have increased other benefits to include a retirement fund, general health insurance, and dental and eye care.

Publishers' investment in its employees, and its product, goes beyond wages and benefits to training and equipment. In the mid-'80s, as the Simons explored ways to maintain quality in the face of explosive growth, they set up a training department. Every new employee spends 40 hours learning the company, the business, his job and what comes before and after.

Technical courses prepare people to move up to more skilled jobs. Publishers also pays for about 120 clients a year to come to two-day sessions. They learn everything about printing, from paste-up to binding.

As for keeping up with printing technology, Nick Simon's answer was simple: "We just try to buy the newest gadget if we need it." That follows in the tradition of his father, who "borrowed almost as much as his entire net worth" to buy a web press that would allow him to capture a larger share of the small-run magazine market, Nick Simon said.

"We plow all the money back into the business," he said. "We've never paid a dividend in 125 years." Publishers, for example, has paid $5 million in cash of the $8 million invested in the plant and equipment at Lebanon Junction.

The Blood-Horse is a magazine that requires all the technological capacity and personal service the Simons have brought to bear at Publishers. "We are a problem for printers," said Bowen the editor in chief. The Blood-Horse uses a lot of color inside the magazine and, because it reports on the thoroughbred world on a weekly basis, has a quick turnaround.

"It takes a very good printer" to meet the demand for quality The Blood-Horse requires within a budget it can afford "and to do it lickety-split," Bowen said.

"I never sense that my problem is put behind someone else's. That has to be based on a true concern for their clients," he said.

At Publishers, Michael Simon and five employees make up the marketing staff. In contrast, the customer service department has more than 100 workers. Although Nick Simon described Publishers as "a lean operation," the service staff is not eyed for cuts. "A lot of companies would look at that as overhead and try to carve on that, but we don't," Nick Simon said.

The Simons, with their recent expansion at Lebanon Junction, figure they can keep up the 20 percent annual growth.

Ron Davis, chief economist at Printing Industries of America, agreed that the future is bright for short-run magazine printers who can control costs and maintain quality.

"That's the growth segment," he said. "We're really into an era of micromarketing rather than mass marketing."

Advertisers are eager to buy space in magazines that focus on a particular group while trade and business associations have upgraded to slick magazines with high-quality color.

"We could have another 1,000 people working here," Nick Simon said, looking at the open ground around the new plant.•

ANNIVERSARY OF LITHUANIAN DECLARATION OF INDEPENDENCE

• Mr. SIMON. Mr. President, March 11, 1990, was a historic day for the people of Lithuania. On March 11 of last year, after 40 years of illegal Soviet occupation, the newly elected Lithuanian Parliament declared Lithuania once again to be an independent state. Today, I want to recognize this brave step by a country of 4 million people who want nothing more than to be free.

The Soviet Government has not been serious about Lithuanian and the Baltic States. In Lithuania alone, Moscow has tried an economic blockade, delayed negotiations and even killed people in the Lithuanian capital of Vilnius. Now the Soviets are resorting to disrupting the flow of mail between Lithuania and the United States. We ought to support these brave people who have not lost their desire to be free.

On February 9 of this year, 90 percent of the Lithuanian people voted on a referendum calling for independence. The Soviet Union declared this referendum null and void. Latvia and Estonia held similar votes a few weeks ago, also with positive results for freedom.

These states earned the right to determine their own futures. The Administration has recently made some efforts by supplying the Baltic States with emergency medical aid and delaying loans for American-Soviet joint ventures. The United States needs to go further by internationalizing the negotiations between Lithuania, Latvia, Estonia, and the Soviet Union. We formed a 28-nation coalition to oust Iraq from Kuwait; we can at least bring the topic of the Baltic up at the United Nations.

During our Revolutionary War, the young United States of America would not have survived without the support of France. As a symbol of self-determination, the United States has an obligation to help the democratic forces in Lithuania, Latvia, and Estonia.•

TRIBUTE TO STEPHEN T. BOW

• Mr. McCONNELL. Mr. President, it is my distinct pleasure at this time to recognize the remarkable achievements of Mr. Steve T. Bow, president and chief executive officer of Blue Cross and Blue Shield of Kentucky. Both his work with Blue Cross and Blue Shield and his ongoing work with the State of Kentucky and the city of Louisville have secured his position in the community in the truest meaning of the word "citizen."

Mr. Bow serves as a member of the board of directors of many institutions, including the Kentucky Chamber of Commerce, Berea College, the Greater Louisville Economic Development Council, and the Metro United Way. He has received such honors as Kentucky Citizen of the Year, the United Negro College Fund's Frederick D. Patterson Award, and County Volunteer of the Year. All told, Steve Bow contributes between 75 and 100 hours of work either overseeing nearly every department within the offices of Blue Cross and Blue Shield or volunteering his time to the community.

Since his arrival in May 1989, Bow has piloted Blue Cross and Blue Shield of Kentucky as president and chief executive officer, and during this time, he has turned what many brokers termed "an institution with a uncertain future" into "an aggressive marketing firm with a confident future."

This homegrown product from Burkesville, KY, has proven himself to be a constructive force for the State and its people. He has garnered praise and respect from professional colleagues to basic policyholders, whose interests he must protect. Mr. Bow practices what he preaches, going beyond the basic business concerns to sharing his personal time with others.

At this time, I ask that two articles from the Louisville Courier-Journal on Mr. Bow and the changes within Blue Cross and Blue Shield of Kentucky be printed with this statement in the RECORD.

The articles follow:

[From the Louisville Courier-Journal, Feb. 28, 1991]

BOW INHERITED KNACK FOR FIXING

(By Ben Z. Hershberg)

Stephen T. Bow is a tall, trim man whose youthful style and energy contradict his white hair and the 59 years of age listed on his resume.

His personal, down-to-earth manner and his rural Kentucky accent also contrast with the corporate power and prominence he's gained as president of the state's largest health insurer.

Bow, born in Burkesville, spent his youth on family farms in Kentucky and Indiana. Later, he traveled roads in the South during the summer selling Bibles to pay for his living expenses at Berea College.

Those early experiences seem to have little in common with his career. In recent years he managed regional offices for Metropolitan Life Insurance Co. in San Francisco and Chicago, far away in distance and style from the small farms where he was reared.

Yet Bow finds a common thread running through those experiences.

In much the same way that his father liked to pick up old, run-down farms, shape them up and move on, Bow said, he enjoys the challenge of trimming costs, boosting sales and creating more efficient operations.

For example, during 1984, his first full year in charge of Metropolitan's San Francisco office, Bow said, he cut expenses by $14 million and helped boost productivity and income.

Now, as the top executive overseeing more than 2,000 employees at Blue Cross, he's taking similar steps. A few months after joining the health insurer in May 1989, Bow began cutting its work force and pricing insurance premiums more carefully to improve profitability. He also has tried to improve the company's overall responsiveness to the public—and its own employees.

Sometimes, however, Bow's outgoing style has backfired.

One evening during July 1989, two months after his arrival, recalled J. Hartlage, a claims manager, Bow walked by and complimented him effusively on changes he had made in the department and said he was glad Hartlage was on the team.

At 8 a.m. the next morning, Hartlage was laid off after 21 years with Blue Cross because of the corporate reorganization. Hartlage now works as a claims supervisor for the Prudential Services Co.

Bow, when asked about the incident, said his timing was bad. But he didn't know Hartlage was to be laid off, and he was trying to encourage everyone.

Rhonda Burns, a secretary in the corporate audit department, said Bow's management style is still outgoing. And she thinks it's effective.

"He's been in our area numerous times," always saying hello to employees, Burns said. "He's super, outgoing person."

These days, Bow travels a few days a month for Blue Cross and puts in 70 to 75 hours a week on company business, he said.

However, his schedule of Blue Cross affairs has eased from his first months with the company, so that he can now spend a couple of days a week at the Kentucky Home Mutal Insurance Co. office in downtown Louisville, Bow said.

Blue Cross affiliated with Kentucky Home last year and soon will begin selling group life insurance provided by Kentucky Home with its health insurance, receiving a fee for distributing the life insurance. It used to have a similar arrangement with an out-of-state insurer, but now will have more control of the life insurance policies and premiums, which should help both companies' growth, Bow said.

The insurance, executive still seems more comfortable selling life insurance than health insurance, which is much less predictable and generally less profitable than life policies.

As he explained, with a laugh, "sane people sell life insurance, insane people sell health insurance."

Bow is married and has twin sons who are 15 years old and four daughters ranging in age from 31 to 39. He lives in Anchorage, Ky. His hobbies include reading, painting and golf.

[From the Courier-Journal, Feb. 24, 1991]

STRENGTHENED BLUE CROSS SEES TEST AHEAD

(By Ben Z. Hershberg)

Most of Blue Cross and Blue Shield of Kentucky Inc.'s vital signs are strong today.

But the health insurance industry is entering tougher times, observers say, with the economy weakening, medical costs soaring and competition among insurers heating up to a fever pitch it hasn't reached for the last two years.

Even company President Stephen T. Bow, credited with reviving Blue Cross in recent years, warns that many insurers are offering premiums that seem too low to cover costs. And he thinks many of them are likely to start losing money as the industry dives toward the bottom of a three-year cycle of profitability and losses later this year.

How Blue Cross fares is critical to Kentucky.

The company sets insurance premiums and pays for the medical care of nearly 900,000 people statewide, many of them in rural areas where there are few health-care alternatives.

Its success or failure also will affect most of the state's hospitals, for which Blue Cross is a major source of funds.

In Louisville, as the leader of not-for-profit hospitals' efforts to compete with Humana Inc., Blue Cross' growth or decline will largely determine the number of patients they treat.

Four years ago Blue Cross losses alarmed many.

Buffeted by soaring medical costs and intense competition with Humana and others, the stodgy and once-dominant insurer in Kentucky and Louisville lost nearly $100 million in 1987 and 1988. If losses had continued at that rate, Blue Cross would have been insolvent within three years.

Shaken by the financial threat, Blue Cross management didn't renew many money-losing insurance contracts in 1987 and 1988, including a large health plan for state employees. And it boosted rates sharply on other unprofitable lines.

As a result, the company lost thousands of customers and touched off widespread criticism by state officials and consumers. But the groundwork for its financial improvement in the last two years was laid partly by those controversial steps.

Bow, who had been a Metropolitan Life Insurance Co. executive in San Francisco, stepped into the storm in May 1989, eight months after the resignation of his predecessor, Douglas Sutherland.

By July 1989 Bow had started cutting costs through layoffs and early retirements. By year end 359 people—nearly 16 percent of the work force—had been cut from the payroll.

Bow also brought in or promoted a host of new executives. And he worked to make the company more responsive to the public.

William Davenhall, a Louisville health-care consultant who has observed Blue Cross for many years, called the changes impressive.

"Blue Cross has gone from being an elephant to being a gazelle," he said.

"But they are still in the same jungle."

Continued survival depends on how quickly the company can react to changes in the turbulent health-care environment without slipping too often. Davenhall and other industry observers said. That environment, if anything, is getting more complex and difficult, Davenhall said.

Kevin Russell, a vice president of Hyers & Levy Inc., a nationally prominent Louisville actuarial firm, agreed that Blue Cross's financial condition seems to have improved a great deal.

Like other analysts, he belives the health-insurance industry remains turbulent and seems to follow a three-year cycle. In the first year, companies typically hold down premiums to increase their business. After losing money for a year or two, they raise their prices and profitability. Then they repeat the same cycle.

"The disturbing thing is that losses appear to be getting larger and gains appear to be getting smaller," Russell said.

Bow acknowledges that he can't promise the health insurer will never again report losses. "We're not immune to them," he said, adding that he believes Blue Cross is now prepared to ride out such problems.

Some of the company's vital statistics bear him out.

Through nine months of 1990 Blue Cross made more than twice as much money as it made in all of 1989. The company added $41.7 million of net income to Blue Cross financial reserves in that nine-month period bringing total reserves to $154,962,000.

Insurers use reserves to cover losses in difficult times. The level of Blue Cross reserves at the end of September would last the company for 2.5 months if income were interrupted and claims were incurred at the rate of recent months. The industry likes to maintain reserves that would last for 3 months, a goal, Bow wants to reach and exceed in the next few months.

The company also added more than 44,000 new members, or more than 5 percent, to its health plans in 1990 bringing total enrollment to 871.976 people.

In addition, company expenses in 1990 were equal to about 10.1 percent of the premiums it collected, down from 12.3 percent in 1989 and 11.4 percent in 1988.

A lower ratio of expenses to premiums in the insurance industry indicates a company is more efficient. Bow wants to get expenses below 10 percent, which would be a low level for a health insurer.

Outside observers and some former employees agree that Blue Cross has changed greatly in the last two years. But some of them believe morale is still low within the organization and that some departments are disorganized.

"My impression is, the new leadership is very desirous of creating a high state of responsiveness to physicians and policy holders," said Arnold Belker, president of the Jefferson County Medical Society.

"I'm not sure they've done it."

On occasion his office or patients get told different things by different people in Blue Cross in response to the same questions, Belker said, adding that it takes time to implement fundamental changes in attitude and performance in an organization as large as Blue Cross.

J. Hartlage, a former Blue Cross claims manager who now is an associate claims manager for the Prudential Services Co., said friends still working at Blue Cross often tell him morale is low, with many people fearing their jobs are in jeopardy.

Phil Fister, a unit specialist in Blue Cross's national accounts department, disagreed. The long-time Blue Cross employee said, "You hear rumors about different things, that there might be more cutbacks through attrition. That's what I think's going to happen."

Even with such uncertainties, Fister said he believes Blue Cross workers are more confident about the future than they were two years ago.

Hartlage and others said some appointments also have affected morale within the company, including the hiring last year of Greg Miller as vice president of cost containment. He is the son of former board chairman Joe Miller, who still is a director of Blue Cross.

Bow rejects any suggestion of nepotism in his appointments. Greg Miller had worked in Chicago for the American Medical Association's insurance agency, which sells malpractice and other insurance to doctors, Bow said. So he was well qualified.

Like Fister, many people outside the company also are more confident about its future then they were a few years ago.

Insurance broker Marvin Smith noted that Blue Cross has gone from a service-type organization focused on paying claims quickly to an aggressive marketing firm.

A few years ago, Humana Inc.'s marketing-oriented insurance division "was just doing a number on them," said Smith, whose company, Insuramax Inc., sells both companies' coverage.

Blue Cross traditionally dominated the Louisville health-insurance market, he said. But Humana marketed its insurance plan so aggressively that within a few years it managed to share the Louisville insurance business about equally with Blue Cross—each with about 40 percent. (Another 15 to 20 percent of the insurance customers locally are self-insured or insured through other companies.)

Smith thinks Blue Cross is giving a much better account of itself today than it did a few years ago, marketing more aggressively and effectively than it used to.

However, Blue Cross still has some problems in dealing with outside brokers like himself, Smith said. It sometimes takes longer than he expects to get Blue Cross to quote premiums or provide other information for prospective clients, he said. He also thinks there's a chance for new rate wars in the Louisville insurance business.

Blue Cross is introducing a health plan, Preferred Option, that seems to be modeled on Humana's fast-growing Kentucky Physicians Plan, Smith said. Both health plans tightly control which doctors and hospitals their patients can use in return for lower premiums.

Blue Cross hopes to control premiums for Preferred Option because most of the city's not-for-profit hospitals and a doctors' organization own 49 percent of it. Blue Cross owns the balance.

The hope is that hospitals and doctors will offer lower charges in exchange for a larger share of the health-care market and a share of the profits.

Smith believes Preferred Option will grow rapidly because it will be priced competitively.

What's unknown, both Smith and Davenhall said, is whether it will mostly attract customers from other Blue Cross health plans or from Humana and other insurers.

If it attracts primarily people who already were Blue Cross customers, the insurer could just end up with a smaller share of the profits it might have earned without Preferred Option.

Whether that will cut Blue Cross profits isn't clear. But the company's overall strength will become apparent in the next year or two if the tough competition develops that Bow expects.

Already, Bow said, he sees many insurers, whom he declined to name, pricing their health plans at money-losing levels.

Blue Cross is observing the market and may have to do some "barebones pricing" itself to keep attracting new customers, he said.

That's admittedly risky. But Bow stressed that the company has no intention of putting itself back into the precarious position it was a few years ago, although it won't intentionally set rates so low it loses money.

Blue Cross can succeed, Bow said, by responding to consumer needs even in the most competitive market.

"If you let the customer do what the customer wants," Bow said, "the company comes out fine." •

S. 596—FEDERAL FACILITY COMPLIANCE ACT

• Mr. REID. Mr. President, I am pleased to rise today to express my support for the legislation introduced recently by Majority Leader MITCHELL, the Federal Facilities Compliance Act. This is an important piece of legislation that has far-reaching implications for a number of Federal agencies. When enacted, this legislation will provide a measure of assurance that the Federal Government will comply with the requirements of the Resource Conservation and Recovery Act in the same manner that it must comply with other comprehensive environmental laws. It is time that the Federal Government becomes a responsible neighbor to the public in the vicinity of Federal installations; we should send a clear signal that the public should not be exposed to the health consequences of waste mismanagement by the Federal Government.

Every year Federal facilities generate and dispose of huge quantities of hazardous waste. Such waste includes radioactive materials, heavy metals, acids, and nitrates. All of these can cause major environmental problems if not managed properly. All too frequently, reports of waste mismanagement surface in the press; it is highly likely that major environmental insults still have not been discovered or reported to appropriate authorities. It is one thing when a private corporation abuses the environment, but, in the minds of many, wholly another when the Federal Government is the abuser.

The Federal Government has been notably slow to comply with Federal and State environmental laws. In some instances, regulations are not heeded and facility staff or contractors shy away from reporting abuses; coverups do occur. Recently, the Department of Justice has decided to prosecute the contractors involved with the coverup of a 20,000-gallon spill of jet fuel at the Fallon Naval Air Station in Nevada. The arm of the law cannot stop at the gate of Federal facilities; the public in the vicinity of Federal facilities warrant no less protection than the public in the vicinity of private companies.

I have long been concerned with the failure of those Federal facilities that are located in Nevada to comply with Federal and State environmental laws. In particular, the Department of Energy has been slow to meet environmental regulations at the Nevada test site. Last month, the Office of Technology Assessment released its report "Complex Cleanup" that deals with the environmental problems at the DOE weapons complex sites; it concluded that DOE "has yet to establish the credibility and capability necessary for the massive cleanup" that lies ahead.

It is unfortunate that we cannot rely solely upon the goodwill of the Departments of Energy and Defense to get their house in order. The cleanup efforts that they are undertaking today are still subject to the same priority setting machinations that go on in every agency. The proper management of hazardous waste materials cannot be subject to reactive management.

Mr. President, concern for the environment and the public that lives in the vicinity of Federal installations must be ingrained into the mindset of Federal employees and contractors. Changing the mindset is a slow and arduous process. The Federal Government must set the example for others to follow rather than to ridicule.•

ONE YEAR ANNIVERSARY OF LITHUANIAN INDEPENDENCE

• Mr. D'AMATO. Mr. President, exactly 1 year ago yesterday, a new, democratically elected government of Lithuania declared the restoration of its lost, post-1940 independence. The entire world looked on with total amazement and disbelief as the small state of Lithuania and its people stood up to the giant Soviet bear and reasserted their overwhelming desire for self-determination and freedom.

Much has happened in that year. Lithuania withstood a severe Soviet economic blockade, but suffered as a massive invasion of Soviet military. Interior and black beret troops came rumbling into the country and capital city of Vilnius, resulting in the death of 15 innocent people on "Bloody Sunday."

I recently returned from Lithuania, where I met with President Landsbergis and saw for myself how the Lithuanian Parliament building stood surrounded by rings of barricades awaiting an onslaught of Soviet troops, which lurk quietly on the streets and back lots of Vilnius. I saw for myself how Soviet troops have occupied the Vilnius television tower and broadcast center, and where, to this very day, Soviet troops occupy that facility, while imported Soviet commentators preach KGB propaganda. And I saw for myself how committed the people of Lithuania, both young and old, remain to total independence. It is a commitment which will not go away.

Four weeks ago the people of Lithuania held a national plebescite, one of the oldest concepts of democracy, in which they voted overwhelmingly, over 90 percent, for independence. While over 80 percent of Lithuania's population is Lithuanian, the remaining 20 percent of the population is comprised of various other minorities, primarily Russian and Polish, who also voted in large numbers for independence. It should come as no surprise that freedom and self-determination are concepts that only dictators oppose. Just recently this Nation undertook a heroic battle to restore freedom and fight oppression in the Persian Gulf. While that battle was victorious we must not forget the people of Lithuania, and the other Baltic States, who are held illegally by an ominous empire whose days are numbered.

Mr. President, the people of Lithuania deserve their independence. Perhaps more than any other nation, the people of Lithuania, Latvia, and Estonia have had to endure a daily hell for nearly 50 years. Life in the Soviet Union is not easy, and the yoke of Soviet oppression destroyed the once flourishing democracies of the Baltic countries, and now subjects the people to a standard of living barely above that of a Third World country. The people of the Baltic States need our help and they need our assistance to end their nightmarish occupation by the Soviet Union.

Mr. President, I stand here today and call on my colleagues to continue the battle for the oppressed peoples of Lithuania. For too long, Mr. President, we have given the Soviets a free hand to work their will in the Baltic States. Even in light of our nonrecognition policy, which does not recognize the illegal occupation of Lithuania, Lativa, and Estonia by the Soviet Union, we have done too little for too long.

What is even more outrageous is the fact that even Mr. Gorbachev's own committee of the Supreme Soviet, created to investigate the legality of the Soviet annexation of the Baltic States, found that the Soviet occupation was indeed illegal under the Hitler-Stalin pact; yet, we in the West have failed to take the appropriate steps to recognize Lithuania's independence.

The Lithuanian democratic movement has been peaceful and just. We in the United States must recognize that Lithuania suffered a grave injustice with the outbreak of World War II. This injustice must be addressed so that the last remaining vestige of World War II, the illegal annexation of the Baltic States by the Soviet Union, can finally be put to rest.

Eastern Europe now glows in the reborn spirit of democracy. We in the West must make sure that freedom will not be lost to another generation of Lithuanians. May God bless the people of Lithuania and the hundreds of thousands of American-Lithuanians who continue the drive for the full restoration and recognition of Lithuania's independence on its first-year anniversary.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee has received a request for a determination under rule 35 for Mr. John Barnes, a member of the staff of Senator GRASSLEY to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the U.S.-Asia Institute, from March 25 to April 5, 1991.

The committee has determined that participation by Mr. Barnes in the program in China, at the expense of the Chinese People's Institute of Foreign Affairs and the U.S.-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Dan Berkovitz, a member of the staff of Senator BURDICK, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the U.S.-Asia Institute, from March 23–April 5, 1991.

The committee has determined that participation by Mr. Berkovitz in the program in China, at the expense of the Chinese People's Institute of Foreign Affairs and the U.S.-Asia Institute, is in the interest of the Senate and the United States.●

S. 364, BUSINESS AND EDUCATION PARTNERSHIP ACT

● Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 364, the Business and Education Partnership Act of 1991. I commend my colleague from Connecticut, Senator LIEBERMAN, for his commitment to developing a better educated, more highly skilled work force, and for introducing legislation to help accomplish this goal.

It is clear, Mr. President, that unless we so something to bridge the gap between the poor performance of today's students and the growing demand for a highly educated work force, we will soon find it impossible as a nation to compete effectively in the world market.

The truth of this is not lost on the American business community, which spends roughly $30 billion a year on worker training and education. Citibank is one of a growing number of U.S. companies that have decided it is in their own best interest to invest in the education of tomorrow's workers. Last May, the company said it would invest $20 million over the next 10 years to improve urban schools. Their aim is simple: to ensure that the students they support are prepared either for college or for employment when they complete secondary school.

Mr. President, that is precisely the aim of this legislation. S. 364 provides incentives for the establishment of several types of business/education partnership programs designed to provide training for the college-bound and the noncollege-bound, as well as those in the work force in need of basic skills training or retraining to keep up with advances in technology.

Specifically, S. 364 will authorize the Secretary of Education to make grants to business and education partnerships to establish several high schools of science and mathematics, model technology high schools, and experimental "Governor's Model Schools." The success of the Bronx High School of Science in producing leaders and scholars in the sciences demonstrates the potential of specialized curriculum schools in revitalizing our Nation's command of math and science. I believe that the innovative programs supported by this legislation can be equally successful in producing workers with the technical knowledge needed to compete in our modern economy.

Mr. President, I again commend Senator LIEBERMAN for his leadership in promoting a skilled work force by encouraging partnerships between business and education. I encourage my colleagues to join me as a cosponsor of S. 364, and I urge its prompt passage.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $1.7 billion in budget authority, and under the budget resolution by $1.3 billion in outlays. Current level is $1 million below the revenue target in 1991 and over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $325.7 billion—$1.3 billion below the maximum deficit amount for 1991 of $327 billion.

The report follows:

U.S. CONGRESS,
Congressional Budget Office,
Washington, DC, March 12, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through March 8, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 4, 1991, the Congress has cleared for the President's signature H.R. 180, Veterans' Education, Employment and Training Amendments. This action increases the current level estimates of budget authority and outlays.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., AS OF MAR. 8, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget Authority	1,189.2	1,187.5	−1.7
Outlays	1,132.4	1,131.1	−1.3
Revenues:.			
1991	805.4	805.4	—
1991–95	4,690.3	4,690.3	—
Maximum deficit amount	327.0	325.7	−1.3
Direct loan obligations	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,353.5	−791.5
Off-budget:			
Social Security Outlays:			
1991	234.2	234.2	—
1991–95	1,284.4	1,284.4	—
Social Security revenues:			
1991	303.1	303.1	—
1991–95	1,736.3	1,736.3	—

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508) current level excludes $1.0 billion in budget authority and $1.2 billion in outlays for Operation Desert Shield; $.1 billion in budget authority and $.2 billion in outlays for debt forgiveness for Egypt and Portland; and $.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (P.L. 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (P.L. 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS MAR. 8, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions: Revenues	—	—	834,910
Permanent appropriations and trust funds	725,105	633,016	—
Other legislation	664,057	676,371	—
Offsetting receipts	−210,616	−210,616	—
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session: Extending IRS Deadline for Desert Storm Troops (P.L. 102–2)	—	—	−1
III. Continuing resolution authority	—	—	—
IV. Conference agreements ratified by both Houses: Veterans' education, employment and training amendments (H.R. 180)	2	2	—
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−6,307	799	—
VI. Economic and technical assumption used by Committee for Budget Enforcement Act estimates	15,000	31,300	−29,500
On-budget current level	1,187,484	1,131,115	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining			
Over budget resolution	—	—	—
Under budget resolution	1,731	1,281	1

Note.—Numbers may not add due to rounding.●

COMMENDING CHRISTOPHER J. MANGI

● Mr. D'AMATO. Mr. President, I rise today to congratulate Christopher J. Mangi on being presented with the American Red Cross Certificate of Merit.

This citation is the highest award that is given by the Red Cross to a person who saves or sustains a life by using skills and knowledge learned in a Red Cross course. Mr. Mangi was trained in Red Cross CPR at the Nassau County Chapter. He performed CPR on a victim of an apparent heart attack, Frank N. Rocco, and continued this lifesaving effort until relieved by advanced medical personnel.

The Certificate of Merit, which is signed by President Bush, commends Mr. Mangi for selfless and humane action in saving a human life. I would like to take this opportunity to salute this fine individual for performing such an heroic deed.●

MEASURE PLACED ON THE CALENDAR—H.R. 751

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 751, the National Literacy Act, it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 17. James E. Denny, to be an Assistant Commissioner of Patents and Trademarks; Calendar 18. Maurice O. Ellsworth, to be U.S. attorney for the District of Idaho; Calendar 19. Montgomery Tucker, to be U.S. attorney for the Western District of Virginia; and Calendar 20. Ronald G. Woods, to be U.S. attorney for the Southern District of Texas.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

James Edward Denny, of Maryland, to be an Assistant Commissioner of Patents and Trademarks.

DEPARTMENT OF JUSTICE

Maurice Owens Ellsworth, of Idaho, to be U.S. attorney for the District of Idaho for the term of 4 years.

E. Montgomery Tucker, of Virginia, to be U.S. attorney for the Western District of Virginia for the term of 4 years.

Ronald G. Woods, of Texas, to be U.S. attorney for the Southern District of Texas for the term of 4 years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

EXECUTIVE CALENDAR UNANIMOUS-CONSENT AGREEMENT

NOMINATION OF ROCKWELL A. SCHNABEL

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the Committtee on Commerce, Science, and Transportation be discharged from further consideration of the nomination of Rockwell A. Schnabel to be Deputy Secretary of the Department of Commerce and that the Senate proceed to the immediate consideration of the nomination; that the nomination be confirmed; that the motion to reconsider be tabled; and that the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

COMMENDING THE PEOPLE OF MONGOLIA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 21, commending the people of Mongolia on their first multiparty elections, submitted earlier today by Senators CRANSTON, MITCHELL, PELL, KERRY, AKAKA, GORE, KENNEDY, ROBB, SIMON, LUGAR, MOYNIHAN, and PACKWOOD and now at the desk.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 21) commending the people of Mongolia on their first multi-party elections.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CRANSTON. Mr. President, it is with great pleasure today that I submit a concurrent resolution with the support of Senators MITCHELL, PELL, KERRY, AKAKA, GORE, KENNEDY, ROBB, SIMON, LUGAR, MOYNIHAN, and PACKWOOD commending the people of Mongolia on the first multiparty elections.

I have the honor of being the only United States Senator to have visited Mongolia, and since my 1987 visit, it is with great pride that I have watched the growth of this infant democracy.

In the past year, Mongolia has taken major strides toward completing a peaceful transition to a democratic government and embracing free market and trade principles. At present, elected officials in Mongolia are drafting a new constitution. As the International Human Rights Law Group observed last November, "the electoral process fundamentally changed the landscape of Mongolian politics."

I am pleased to note that United States-Mongolian relations have increased steadily over the last 3 years. Most recently, the congressional leadership welcomed the President of the newly elected government on his first state visit to the United States. During this visit the United States and Mongolia signed a trade agreement, providing most-favored-nation status. Furthermore, the Peace Corps has recently sent its first delegation of volunteers to Mongolia and the Agency for International Development [AID] is beginning a small technical assistance program. These represent small, positive steps toward a close relationship for which the administration is to be commended.

Soviet-Mongolian relations also have changed. The Soviet Union has been removing its troops from Mongolia and has stopped its foreign aid program to Mongolia. Mongolia owes the Soviet Union a billion rubles. Mongolia has therefore asked several members of the international community for economic assistance to bolster its movement toward democracy and economic reform.

Mr. President, during this critical phase of its development Mongolia is in need of support as it finds a place in the New World Order.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 21) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 21

Whereas the people of Mongolia had the first multiparty elections of their seventy year history in July of 1990 and have taken great strides toward a multiparty, pluralistic, and democratic government;

Whereas the newly elected government of Mongolia has pledged to continue a peaceful transition to a democratic government and has committed to accept and implement free market and free trade principles;

Whereas the congressional leadership welcomed the President of the newly elected government on his first state visit to the United States in January;

Whereas President Bush has requested the granting of most-favored-nation status to the Mongolian People's Republic;

Whereas Mongolia has asked for economic assistance to bolster its movement toward democracy and economic reform;

Whereas Mongolia presents the world with an admirable example of the peaceful conversion to free world values and democratic principles: Now, therefore,

Resolved by the Senate (the House of Representatives concurring), That the Congress

(1) hereby offers its congratulations to the people of Mongolia for a generally free and fair election process and looks forward to growth and development of United States-Mongolia relations on issues of mutual inter-

est, such as regional stability, trade and human rights.

(2) commends the political leaders and parties of Mongolia that worked together to achieve the creation of democratic pluralism and free market institutions and urge the United States Government to continue to grant all appropriate economic and technical assistance to Mongolia and its people.

(3) welcomes the people of Mongolia into the community of free nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President and requests that he further transmit such copy to the Government of Mongolia.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. I also ask unanimous consent I be made a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the distinguished Republican leader be recognized to address the Senate and that upon the completion of his remarks, the Senate stand in recess, as under the order, until 9 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

CAMPAIGN FINANCE REFORM

Mr. DOLE. Mr. President, I want to speak about campaign finance reform.

The Senate Rules Committee held its first hearing on the politically contentious issue of campaign finance reform.

Two more hearings are scheduled for later this week.

Once the hearings are completed, the Rules Committee will undoubtedly report out S. 3, the democratic campaign finance reform bill introduced this past January.

At the committee markup, I am afraid it is going to be a strict party-line vote—9 Democrats versus 7 Republicans, no amendments, no compromise, no bipartisanship, and a far cry from the recent recommendations of another committee of the Senate; the Ethics Committee.

ETHICS COMMITTEE RECOMMENDATIONS

In its preliminary report on the so-called Keating five investigation, the Ethics Committee "urges the leadership of both the Senate and the House to work together in a bipartisan manner to address the urgent need for comprehensive campaign finance reform."

That is a direct quote.

It is not my recommendation, nor is it the recommendation of the Republican Policy Committee.

It is a recommendation of the Ethics Committee, and it is one that I fully endorse.

Mr. President, if we are to achieve meaningful reform this session, we must have the commitment to place the national interest above partisan political advantage.

That is why I proposed the appointment last year of a six-member bipartisan panel of campaign finance experts.

That is why I introduced a bill earlier this year, whose provisions are closely modeled after the bipartisan panel's recommendations.

And that's why I have written to the distinguished majority leader.

I want to say that Senator MITCHELL has very graciously and positively responded to my letter and agreed we must continue to search for a compromise solution that will break the partisan deadlock in the Senate.

Mr. President, I planned on testifying before the Rules Committee but because, I think, due to the pro forma nature of the hearings, with a parade of witnesses with a foregone conclusion, that it would probably be in the better interest to try to save that time and use it to negotiate when that bill reaches the floor.

I might add, I have spoken with the distinguished Senator from Oklahoma [Mr. BOREN] who certainly is prepared, as he has been in the past, to sit down and work out a bipartisan compromise. I had a feeling in today's Republican policy luncheon that it was pretty much the same attitude. The White House, represented by Chief of Staff John Sununu also indicated that if there could be some consensus reached, that he thought it might have the backing of the White House, of the President.

Let us face it. There are some basic differences, public financing and expenditure caps. And there may be some way to resolve those. It seems to me there are opportunities we have not explored. It cannot happen unless we have bipartisanship. Maybe it is necessary just to have the pro forma hearings to get something to the floor. I have no particular quarrel with that.

I do not know when the bill is coming out of the committee. I understand there may be some interest in moving to campaign finance reform earlier rather than later. Certainly we have no objection to that. But I wanted to indicate to anybody who had an interest, I am interested in working out a bipartisan campaign finance reform package.

ETHICS COMMITTEE AND SOFT MONEY

Mr. President, I might add—as a footnote—that one of the key issues in the Ethics Committee's investigation centers around the solicitation of funds for so-called tax-exempt, get-out-the-vote organizations.

The facts show that these funds were solicited from Charles Keating and theoretically used for nonpartisan purposes.

No proposal can legitimately bear the name reform if it fails to purge this sewer money from the campaign finance pipeline.

This is the worst kind of money in politics—undisclosed, unregulated, and, in many instances, virtually unlimited.

"CUT-AND-PASTE" VETO STRATEGY

Mr. President, last year, both the Senate and the House each passed partisan campaign finance reform bills.

Both bills, however, were victims of Congress' failure to work out the major differences in conference.

Now, some may suggest that last year's Senate and House bills ought to be passed again, but with a new twist.

Instead of making an effort in conference to draft a comprehensive set of rules for the entire Congress, the theory goes that two different sets of campaign finance rules ought to be established—one for the Senate and a second set of rules for the House.

This strategy would allow the Democratic majorities in both Houses to pass their partisan bills on a fast-track basis, and quickly send the combined product to President Bush for the expected veto.

Mr. President, this cut-and-paste veto strategy may be good politics.

But it makes for lousy policy.

It will be unacceptable to the President, and it will be unacceptable to the American people, who are demanding nothing less than a comprehensive, bipartisan reform package.

I am interested, as is the majority leader, in bipartisanship. I think we demonstrated that last year. I am prepared to do what I can on this side, although I must say my views may not be shared by every Republican, just as the majority leader's views may not be shared by every Democrat.

I guess the point I would make today is let us not have partisan bills unless everything else fails. Then I would certainly agree with anyone on the majority. If the Republicans in this case, the minority, fails to participate and cooperate, whatever, then there is not much left to the majority leader except to pass what he can. We might not appreciate that, might object to it, but we would understand that is the case.

With 1992 coming up, I know there are a lot of Members who must dread getting into fundraising again without some light at the end of the tunnel, without some way to figure out what we are going to be able to do and whether we can do anything with broadcast time, whether we can limit the source of campaign contributions by reduction in PAC contributions, by eliminating the amount we might raise out of State, and the question of how much you can raise in your own State. They are all questions which I believe are crying for answers that can be found if we work together.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be permitted to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank the distinguished Republican leader for his comments and assure him and all Members of the Senate that we really do want to try to achieve a bipartisan consensus on campaign finance reform this year. The legislation that will be reported by the committee is, as the distinguished Republican leader described, a beginning, a first step in a process that we hope will reach passage of a bill that a broad and large majority of the Senate on both sides of the aisle can support.

The distinguished Republican leader and I have been engaged in this discussion now for 2 years, and I must say that although we did not reach agreement finally last year, we surely all learned a lot more and did close the gap significantly.

While, as the Republican leader has pointed out, there still remain substantial and honest differences between the two parties on the best method of achieving reform, there is I think a very widespread consensus on the need for reform and the desirability for reform.

So I just wanted to say that as I responded positively to the Republican leader's letter to me, I also wanted to respond positively to his statement. It is my hope that we can get together very shortly—I have already asked my staff to contact the Republican leader's staff; I believe that has been done—and get perhaps another working group of Senators to see if we cannot go that last step and reach that final agreement but, if not, at least close the gap still further. So that remains my intention.

I do not believe that is inconsistent with action relatively early in this session. This is a high priority, and I do hope to bring it forward as soon as possible. But I certainly do not intend to do that in any way that would foreclose the kind of continuing effort to achieve a bipartisan agreement as has been suggested. So I simply want to assure the Republican leader and all Senators of my hope and intention in that regard.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I think the record should reflect that we have started staff negotiations already, a member of my staff and a member of the majority leader's staff. I know there is interest among other members on the Rules Committee and off the Rules Committee. I have discussed this with the distinguished Senator from Kentucky [Mr. McCONNELL] who has been a leading spokesman on the Republican side. There is no doubt in my mind it is probably going to end up to be the responsibility of the leadership in the final analysis to then see if we can sell it to our colleagues. We may not be able to. I do not know where we come down. But I think we are both prepared to make the effort.

I thank the majority leader.

Mr. MITCHELL. Yes; I want to assure the Republican leader that the distinguished Senator from Oklahoma [Mr. BOREN] who has been, of course, the author of the legislation before us in the last two Congresses, is also very much interested in proceeding with the effort to achieve bipartisan consensus.

SIGNING OF SENATE PROCEEDINGS

Mr. MITCHELL. Mr. President, I ask unanimous consent that on tomorrow, from 9 to 9:30 a.m., a signer for the hearing impaired be permitted to sign during the session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the Senator from Idaho, Mr. CRAIG, to the Commission on Security and Cooperation in Europe, vice the Senator from Idaho, Mr. McClure.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. tomorrow, and that the Journal of proceedings be deemed approved at that time; that the time for the leaders be reserved for their use later in the day; that there be a period for morning business until 11 a.m. with Senators permitted to speak therein, with the hour between 9 a.m. and 10 a.m. to be under the control of the Republican leader and the time between 10 a.m. and 11 a.m. to be under the control of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, for the information of Senators, we had hoped to be able to proceed to S. 578, the authorization bill for the Desert Storm supplemental appropriations bill, and for other purposes, notably including benefits for military personnel and their families, and we made good progress on the matter today. But rather than delaying the Senate further, and to give us more time to complete our preparation for consideration by the Senate of the measure we are going to go out shortly for the evening. It is my expection and intention to proceed to that measure tomorrow morning at or around 11 a.m. following the morning business to which I have just alluded. I will be meeting later this evening with the distinguished Republican leader and possibly with other interested Senators in that regard.

So the Senate should be aware that I expect that we will be on that bill tomorrow throughout the day and into the evening. I apologize for any inconvenience caused to Senators by our inability to complete our discussions on the matter and have it ready for today. I know the distinguished chairman of the Armed Services Committee is ready and anxious to proceed with the bill, and I hope we will be able to do so at or about 11 a.m. tomorrow.

Mr. DOLE. Let me underscore what the distinguished majority leader has indicated. We are hopefully very close to some agreement on the so-called benefits package. We have agreed on, I think, the major outlines of the package. There are one or two issues that remain. I would hope we would reach the agreement. It is a responsible package. It is not one that is wide open, so I think it is a responsible package. I hope we can conclude that this evening; if not, tomorrow morning.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. tomorrow.

Thereupon, at 6:10 p.m., the Senate recessed until Wednesday, March 13, 1991, at 9 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate March 11, 1991, under authority of the Order of the Senate of January 3, 1991:

THE JUDICIARY

WILLIAM HAROLD ALBRITTON III, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF ALABAMA VICE JOEL F. DUBINA, ELEVATED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. EDWARD W. CLEXTON, JR., U.S. NAVY, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

VICTOR H. ACKLEY
ROGER CLINTON ADAMS
JOHN LOUIS AHART
TIMOTHY MICHAEL AHERN
GIDEON WILCOX ALMY, III

JAMES BENJAMIN ANDERSEN
ROBERT EARL ANNIS
KEITH STUART ARMSTRONG
JOHN SCOTT ATKINSON, JR
SIMEON HAILE AUSTIN
KERMIT ARNOLD AYRES
ORDALE PAUL BABIN, JR
WILLIAM BRADLEY BACON
STEWART ROLAND BARNETT, III
GARY ALLEN BARRETT
JOHN MICHAEL BARRY
WILLIAM EDWARD BAUMGARTNER
DON FRANKLIN BEACH
DREW WENTZ BEASLEY
LARRY VERNON BEATTY
CHARLES BARRY BECKMAN
ROBERT DENTON BERGER
RICHARD ALLEN BLACK
JAMES ANDREW BOLCAR
PHIL WARREN BOLIN
MICHAEL OSCAR BORNS
EDWIN HARRY BOUTON, JR
JOHN CHARLES BRANDES
THOMAS LEINBACH BREITINGER
JOHN RICHARD BROWN
RANDALL RAY BROWN
TOMMY RAYMOND BROWN
JAMES BRANTLEY BRYANT
GREGORY CLINTON BUTLER
CYRUS HUGH BUTT, IV
JOHN THOMAS BYRD
EDWARD FRANCIS CAFFREY, JR
CHARLES DANIEL CAREY, III
RODNEY LEN CASEY
LEE WESLEY CHAMPAGNE
JOHN VICTOR CHENEVEY
AUGUSTUS WALTER CLARK, III
JOHN HERBERT COCOWITCH
CHRISTOPHER WARREN COLE
FRED GORDON COLE
ROBERT SAMUEL COLLINS
ROBERT JOSEPH COLUCCI
LARRY EARL COOK
ARTHUR THOMAS COOPER
WARD JOSEPH COOPER
THOMAS CHARLES CORCORAN
KEVIN JOSEPH COSGRIFF
RICHARD ALLEN CROSBY
ROBERT EDWARD CYBORON
CHARLES JOSEPH DALE
THOMAS LEE DANIELS
JOHN RAY DAVIS
CAROLYN FAYE DEAL
WILLIAM NELSON DEAVER, JR
MARGARET SUZANNE DEBIEN
RICHARD HOWARD DEJAEGHER
JOHN PARR DINGER
FRANK JOSEPH DOBRYDNEY
JACK DAVID DODD
JAMES EDWARD DOLLE
LEO G. DOMINIQUE
DALE MARTIN DOORLY
WILLIAM EDWARD DOUD, JR
TERRY SCOTT DOUGLAS
RICHARD ARTHUR DRYDEN
RAYMOND ANDREW DUFFY
DAVID WAYNE DUMA
MICHAEL GORDON DUNCAN
FRANKLIN THOMAS DUNN
PATRICK WILLIAM DUNNE
MANUEL YGNACIO DURAZO, JR
JAMES LEIGHTON DURHAM
DAVID ALAN DUVAL
RONALD JAMES EDINGTON
JOEL MARTIN EDMONDSON
JOHN KARSON ELDRIDGE
DEAN WILLIAM ELLERMAN, JR
DAVID ROY ELLISON
MORRIS EUGENE ELSEN
RICHARD HAROLD ENDERLY
JOSEPH EARL ENRIGHT
DANIEL EDWARD ERNDLE
DAVID ALAN ERSEK
GREGORY WILLIAM ERTEL
EDWARD JOSEPH FAHY, JR
MICHAEL EDWARD FEELEY
TOM STEVEN FELLIN
WILLIAM WOODROW FETZER, JR
MICHAEL PATRICK FINN
CHARLES PARKER FINNEY
CHARLES BAXTER FITCHET
THOMAS JOHN FLAHERTY
PETER ANDREW FLANNERY
DONALD LAMAR FOULK, JR
JOHN WILLI FRANCIS
POWELL ALEXANDER FRASER, JR
THOMAS LEE FREELAND
MICHAEL FRIMENKO, JR
WILSON JOHN FRITCHMAN
THOMAS WILLIAM FROHLICH
VERONICA ZASADNI FROMAN
RICHARD HARRISON FUNKE, III
DANIEL EVANS GABE
DANIEL WEBSTER GABRIEL, JR
MICHAEL GATTRELL GAFFNEY
CHARLES THOMAS GAMBER
CHARLES EUGENE GIGER
CHARLES RODNEY GIRVIN, III
JOE ANDERSON GOODMAN
GARY ANTHONY GRADISNIK
KEVIN PATRICK GREEN
MICHAEL JEFFREY GREEN
BRENTON CLAIR GREENE
EVERETT LEWIS GREENE
CHARLES HENRY GRIFFITHS, JR
LINDA KATHERINE GROVES
FRANCIS BUNYAN GRUBB, JR
STANLEY DOUGLAS GUERTIN
JERRY MICHAEL HAGGERTY
KEITH DENNIS HAHN
GARRY RICHARD HALL
WILLIAM LAWRENCE HAMILTON
SUSAN COLBETH HAMMER
LYNNE ELLEN HANEL
WILLIAM RICHARD HANSELL, JR
GREGORY PAUL HARPER
DAVID THOMAS HART, JR
BRADD CROUCH HAYES
JAMES ALFRED HAYES
KENNETH FLOYD HEIMGARTNER
WILLIAM HELFEN
MARC ARNOLD HELGESON
JOHN WILLIAM HENSON
RONALD EDWARD HEWETT
ROBERT ARTHUR HIGGINS
GEORGE THOMAS HODERMARSKY
GERALD LEE HOEWING
MARK ALLAN HOKE
JAMES WARREN HOLLENBACH
JAMES CURTIS HOLLOWAY
GARRY HOLMSTROM
ROGER KEITH HOPE
DAVID CLAY HULL
ROBERT LEO HUME
JOHN PAUL JARABAK, JR
JOHN PHILLIP JEFFCOAT
WILLIAM FROST JENKINS
CHRISTOPHER HARRY JOHNSON
LARRY CHARLES JOHNSON
DARRELL WAYNE JONES
KENNETH STERLING JORDAN
MELVIN KAAHANUI
MICHAEL HERBERT KACZMAREK
TIMOTHY JOHN KEATING
JAMES DAVID KEEN
MICHAEL JOHN KEHOE
EDWARD WILLIAM KELLY
CURTIS ALLEN KEMP
DAVID CARL KENDALL
JAY ROSS KISTLER, JR
WILLIAM EDWARD KRAYER
WILLIAM ROBERT LARGE, III
DAVID ALLEN LARSON
GREGG DAVID LARSON
LARRY DEAN LARUE
PATRICK HUBERT LAWLESS
JEFFREY ALLEN LEHMAN
BRUCE STUART LEMKIN
GERARD THOMAS LENNON, JR
KIRK THOMAS LEWIS
STANLEY JOHN LICHWALA
BRUCE RICHARD LINDER
JAMES EARL LINQUIST
DONATO ANTHONY LIUZZI
WALTER RICHARD LOHRMANN
MICHAEL WILLIAM LONGWORTH
KEVIN FRANCIS LOVER
ROY ALAN LUNDEEN
DENNIS MICHAEL LUNGHOFER
WILLIAM DANIEL LYNCH
LAWRENCE JOHN MACK, JR
THOMAS LYLE MACKENZIE
JAMES FREDERICK MADER
THOMAS WALTER MADER
STEPHEN LAURANCE MADEY, JR
VAUGHN EUGENE MAHAFFEY
JAMES RAYMOND MARIS
RICHARD BRUCE MARVIN
WALTER BLACK MASSENBURG
MICHAEL GEORGE MATHIS
JOHN DONALD MAXEY
JACK BRIAN MAYBERRY
MICHAEL PATRICK MCBRIDE
MICHAEL J. MCCABE
MICHAEL JAMES MCCAMISH
THEODORE KERSHAW MCCARLEY
FRANKLIN BOYD MCCARTY
JAMES LENUS MCCLANE
BRUCE PATRICK MCCLURE
RYAN JOSEPH MCCOMBIE
MICHAEL PATRICK MCGAHAN
JOHN BURKE MCGILL
JOHN WILLIAM MCGILLVRAY, JR
JOHN CHRISTIAN MCMACKEN
JAMES HENRY MCPHEETERS, JR
GEORGE RANDOLPH MCWILLIAMS
JOHN THOMAS MEISTER
JOSEPH A. MEYERTHOLEN, JR
MICHAEL EDWARD MIDDLETON
DAVID DAMIEN MILLER
DONALD PETER MILLER
DONALD KEEPERS MISKILL, JR
GEORGE LARS MOE
FRANK WILLIAM MONTESANO
GLENN HAROLD MONTGOMERY
RONALD BERTRAM MOORE
JOHN THERRELL MORRIS
JOHN PRESCOTT MORSE
STEPHEN E. MOTOLENICH, JR
GARY STEVE MOWREY
DENNIS GEORGE MURPHY
CRAIG HARLAND MURRAY
ALBERT CLINTON MYERS
LINDA GAIL NEVINS
MICAJAH WILSON NEWMAN
RAYMOND JOHN NICHOLS, JR
WILLIAM JEFFREY NIEDENTHAL
EUGENE KEITH NIELSEN
CHRISTOPHER ALAN NINTZEL
JOHN BYARD NOLL
THOMAS FRANCIS NOONAN
RICHARD DOUGLAS NORRIS
WILLIAM AUGUSTINE NURTHEN
KENNETH LEROY OBANNON
PAUL ODELL, JR
BRENDAN JAMES ODONNELL
RICHARD EARL ONEAL
DALE EVERETT ONYON
RICHARD BERRYMAN ORMSBEE
DWAYNE ARTHUR OSLUND
VERNON HOLMES OVERALL
RUSSELL TILLMAN PALSGROVE
RICHARD JOSEPH PARISH
EDWARD JAMES PARKS
JOHN JAMES PAULSON
ROBERT LEE PAYNE, JR
STEPHEN PELSTRING
THOMAS ARCADE PERKINS, III
JAMES SMITH PERRY
OLIVER HAZARD PERRY, III
MICHAEL EDWARD PERSSON
RONALD RAY PETERMAN
WAYNE ALBERT PETERS
JOHN NOEL PETRIE
STEVEN EARLE PILNICK
DAVID PIERCE POLATTY, III
RICHARD HARLEY PORRITT, JR
GEORGE ALVA POWELL
DAVID WAYNE PRATHER
JESSE ALLEN PRESCOTT, III
HENRY SLATER PREVETTE, JR
DAVID ALAN RANNELLS
DALE ARTHUR RAUCH
FRANK WILLIAM REIFSNYDER, JR
ISAAC EUGENE RICHARDSON, III
KENNETH ALAN RICHARDSON
MICHAEL EUGENE RIORDAN
ROBERT DAVID RISH
JAMES ANDREWS ROBB
WILLIAM HENRY ROBERSON, III
DANA ALAN ROBERTS
TIMOTHY ARTHUR ROCKLEIN
RICHARD LEE RODGERS
SCOTT CRAIG RONNIE
JIM ALLISON ROSS
RONALD ARTHUR ROUTE
ROBERT CHARLES RUBEL
DENNIS LEO RYAN, III
JACK JOSEPH SAMAR, JR
JOHN RUSSELL SANDERS
TERRY LEE SANDIN
JOHN BENJAMIN SANDKNOP
PETER WILLIAM SCHEMPF
JOHN R. SEELEY, JR
PETER JAY SELDE
PAUL SCOTT SEMKO
MARVIN THOMAS SERHAN
DAVID REGINALD SHAW
HAROLD LEO SHEFFIELD
WILBUR FRENCH SHEPHERD
MICHAEL DAVID SHUTT
STEPHEN DOUGLAS SITLER
CHARLES RICHARD SKOLDS
STEVEN GREGORY SLATON
PATRICK JOHN SLATTERY
DOUGLAS ARTHUR SMARTT
AUDREY LORRAINE SMITH
CHARLES HUGHES SMITH
RICHARD MARKLEY SMITH
PHILLIP LEE SOWA
ROBERT GEORGE SPEER
WILLIAM WARREN SPOTTS
THOMAS ALON STARK
CHARLES NEWTON STARNES, JR
PAUL HAROLD STEVENS
FRANK WOOD STEWART
RICHARD MAXWELL STEWART
WILLIAM DAVID STEWART
LARRY RODGER STRATTON
CLIFFORD JOHN STROHOFER, JR
STANLEY ROBERT SZEMBORSKI
KEVIN JAMES TACKETT
RICHARD WILLIAM TALIPSKY
DENZIL DELANE THIES
DOUGLAS SCOTT THOMPSON
ARNE RAYMOND THORGERSON
WILLIAM ROBERT TOWCIMAK, JR
THOMAS LEE TRAVIS
MICHAEL ALBERT TRUDELL
WILLIAM CHARLES TURVILLE, JR
GEORGE EDMUND VOELKER
JAMES BARRY WADDELL
RANDALL DOUGLAS WAGNER
ROBERT CHARLES WAGONER
MARY ANNE WALKER
DAVID KITTS WALLACE
CHRISTOPHER EDWARD WEAVER
CARL EUGENE WEISCOPF
CHRISTOPHER LEE WEISS
DAVID CRAIG WELLING
MARK DONALD WESSMAN
RICHARD ELLIOTT WESTCOTT
DEWEY LALAND WHITMIRE
BRYAN DOUGLAS WIGGINS, JR
RONALD LUTHER WIGGINS, JR
TED SHANNON WILE
ROBERT FREDERICK WILLARD
GARY EUGENE WILLIAMS
THURMAN LAMAR WILLIS
THOMAS MICHAEL WITTKAMP
WILLIAM WARREN WITTMANN
GREGORY CARROLL WOOLDRIDGE
JON ROBERT WRIGHT
JAMES MEREDITH WYLIE, JR
PAUL ANTHONY ZAMBERNARDI
WILLIAM BEIGLER ZELL, JR
THOMAS STEPHEN ZYSK

ENGINEERING DUTY OFFICERS

To be captain

JAMES DEVENS BARRON, JR
JOSEPH ANTHONY CARNEVALE, JR
OSIE V. COMBS, JR
JON RICHARD CUMMINGS
JAMES BRUCE GALLEMORE
MICHAEL THOMAS GEHL
JAMES MAX HADDOCK
WILLIAM LLOYD HATCHER, III
DENNIS DEAN HERGENRETER
DANIEL GEORGE HICKEY
JAMES HARVEY HOFFMAN
PETER JOHN IBERT
ANTHONY WILLIAM LENGERICH
MICHAEL REX MAIXNER
ROBERT STEPHEN MEYETT
HENRY EDWARD MONTGOMERY, JR
VICTOR ADELBERT J. MORTENSON
WILLIAM FREDERICK NOLD
KATHLEEN KOEHLER PAIGE
JEFFERY MARK PERIN
DAVID JAMES REILLY
ALLAN RUTHERFORD
KENNIS LEE SIGMON
CARL NEILSON STRAWBRIDGE
TERENCE JEROME ULASZEWSKI
DANIEL ROY WELCH

AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

To be captain

TERRY PAUL EARGLE
ROBERT NORMAN FREEDMAN
ROBERT WILLIAM JACOBS
JAMES WILLIAM LOISELLE
JOHN HARVEY LONG
PATRICK MICHAEL OCONNELL
DAVID CARLYLE OFFERDAHL
WILLIAM LENARD POSNETT, III
MICHAEL DENNIS REDSHAW
FREDERICK G. SCHOBERT, JR

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

To be captain

WILLIAM PATRICK ENGLEHART
SHARON MCCUE GURKE
STEPHEN CRAIG HEILMAN
MICHAEL CHRISTIAN KIEM
DONALD S. RICE
GALBRAITH DENNY WILLIAMS, JR

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be captain

WILLIAM DAVID HENRY
JOHN PATRICK ONEILL, JR
CHARLES FREDERICK POPIKAS
GEORGE MARKS SCHU
KENNETH ERVIN VERBRUGGE
JERRY EUGENE WALTON

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be captain

MARCIA MATARESE BARKELL
DONALD HALL BARRETT
MICHAEL PATRICK DERUSSO
JACOB FREDERIC KNECHT, JR
WAYNE IRVIN PERRAS
PERRY MICHAEL RATLIFF
DENNIS ALLAN WINTER

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be captain

STEPHEN HARVEY CLAWSON
MARK DICKENS NEUHART

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be captain

ROBERT THOMAS PEARSON
DONALD A. ROMAN
WILLIAM LEROY SHUTT

LIMITED DUTY OFFICERS (LINE)

To be captain

ROBERT SAGELEY ERSKINE
ELMER HEATH MANN
WILLIE J. MEAD
THOMAS JOHN PRUTER
CARL EMORY RHUDY

Executive nominations received by the Senate March 12, 1991:

SMALL BUSINESS ADMINISTRATION

PATRICIA F. SAIKI, OF HAWAII, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE SUSAN S. ENGELEITER, RESIGNED.

THE JUDICIARY

MARILYN L. HUFF, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE WILLIAM B. ENRIGHT, RETIRED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

WELDON W. CASE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1993, VICE CLARENCE J. BROWN.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 12, 1991:

DEPARTMENT OF COMMERCE

JAMES EDWARD DENNY, OF MARYLAND, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS.

ROCKWELL ANTHONY SCHNABEL, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF COMMERCE.

DEPARTMENT OF JUSTICE

MAURICE OWENS ELLSWORTH, OF IDAHO, TO BE U.S. ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF 4 YEARS.

E. MONTGOMERY TUCKER, OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS.

RONALD G. WOODS, OF TEXAS, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS.

HOUSE OF REPRESENTATIVES—*Tuesday, March 12, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 12, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
House of Representatives.

PRAYER

Rev. Edgar Cooper, pastor of the New Hanover Lutheran Church, New Hanover, PA, offered the following prayer:

Almighty God, the power and the glory are Yours. With profound joy we offer praise and thanksgiving that You are righteous and good.

Created to be daughters and sons in Your own image, accept our humble gratitude for the freedom of choice with which You have endowed us. As children resemble their earthly parents, grant that we may accept the gifts of the Spirit which are akin to Your own.

Guide this generation safely through the brief span of time allotted in Your unfolding story of an ongoing creation. Help each one here and throughout our Nation build upon the positive contributions of our forefathers and forge a new link in the chain of blessing.

Surround our lives with Your providence and fatherly care that both individually and as a nation we may honor and respect every rightful authority in acknowledgment of Your benevolent rule through Him who has all power on Earth and in Heaven. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. WEISS] for the purpose of leading the House in the Pledge of Allegiance.

Mr. WEISS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 991. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 419. An act to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

REV. EDGAR COOPER

(Mr. SCHULZE asked and was given permission to address the House for 1 minute.)

Mr. SCHULZE. Mr. Speaker, I rise today to welcome our guest chaplain, Rev. Edgar Cooper, and his guests from New Hanover Township, in the great Commonwealth of Pennsylvania.

I am especially pleased that Reverend Cooper is with us this day to ask God's guidance and blessing upon America and our work in the House of Representatives.

It is fitting, Reverend, that you are with us today because 1991 is the 250th anniversary of the New Hanover Township.

Just as Reverend Cooper, the first Speaker of this House was also the pastor of the New Hanover Lutheran Church. The first Speaker was Frederick Augustus Muhlenberg, the same Muhlenberg who signed the Bill of Rights in 1791.

Mr. Speaker, for these reasons, I am proud to welcome our guest chaplain, Rev. Edgar Cooper.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair advises Members that 1-minute speeches will be limited to 10 per side.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1991.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, H-204 Capitol, Washington, DC.

DEAR MR. SPEAKER: I have announced my decision to resign from Congress in order to run for Mayor of the City of Dallas. I have attached for your records a copy of the formal letter of resignation which I have submitted this date to Texas Governor Ann W. Richards.

Under the guidance of Donnald K. Anderson, Clerk of the House, I will take the necessary steps to facilitate the transition of my office to the Office of the Third District in order to serve the people of the District until the election of my successor.

It has been an honor and a privilege for me to represent the citizens of Texas' Third Congressional District in the House of Representatives for over 8 years, and it has been a pleasure working with you and other Members of Congress during that time. Thank you for your courtesies and assistance during my tenure.

Sincerely,

STEVE BARTLETT.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1991.

Hon. ANN W. RICHARDS,
Governor, State of Texas, Austin, TX.

DEAR GOVERNOR RICHARDS: As you may be aware, I have announced my decision to resign from Congress in order to run for Mayor of the City of Dallas. Accordingly, effective immediately, I hereby resign as a member of the United States House of Representatives for the Third Congressional District of the State of Texas.

I am submitting my resignation to you at this time in order to provide to you ample opportunity to call for a timely and orderly election to fill the vacancy created by my resignation.

Should I be elected Mayor of the City of Dallas, I look forward to working with you on matters of common interest and concern for our city and state.

Sincerely,

STEVE BARTLETT.

WHAT IT MEANS TO BE A CITIZEN OF THE UNITED STATES

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, today marks the 53d anniversary of my arrival in this country with my mother of blessed memory and my sister, Claire. So it was a special honor for me to lead

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the House in the Pledge of Allegiance today.

I will be taking a special order later today to talk about what it has meant to me to be welcomed into the United States, and I will be talking at greater length at that time.

Those of us privileged to be granted American citizenship never forget the gift of life bestowed on us, nor our obligation to defend and protect the Constitution of the United States.

PASSING A CLEAN RESOLUTION TRUST CORPORATION FUNDING BILL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, as the sign to my left indicates, as of today the Democratic leadership has wasted $96 million in pure waste by failing to pass the Resolution Trust Corporation funding to pay for depositors' insurance which we all know we have to pay for.

I understand today there will be two amendments or two substitutes offered. One will be the first straight tax increase vote of this year, mandating $40 billion in tax increases, according to the Treasury. The other will be the first straight quota vote this year, requiring 25 percent quotas according to an analysis.

I would urge the Democratic leadership to help us on a bipartisan basis defeat these two substitutes, keep the Resolution Trust funding clean so that the President will sign it, and end the waste of money which has already reached $96 million so that we can go ahead and pass a bill that is inevitable and must be passed. I would urge every Member to join us in voting for the Wiley base bill and getting a clean funding mechanism through the Congress so that we can end this waste of the taxpayers' money.

□ 1210

IT IS TIME FOR SUCCESS AT HOME

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, America has recently succeeded abroad; it is time for success at home. It is imperative that we now focus our attention on the problem of unemployment which last month reached a 4-year high of 6.5 percent.

During February 208,000 jobs, including 125,000 manufacturing jobs, disappeared in the private sector mostly because of layoffs. Further, since last August, 1.2 million jobs have disappeared, and, with them, more than $52 billion in wages and salaries.

In addition to the rise in unemployment, the most recent Department of Labor statistics indicate that 5.5 million Americans holding part-time jobs would prefer to work full time, if they could find such a job.

But the problem transcends the number of jobs. We must also focus on the quality of jobs available.

Median family income has been stagnant since 1979.

Real average hourly and weekly earnings declined during the decade of the 1980's.

The percentage of young families who can afford to purchase a home continues to erode.

It is time to harness the energy , talent and commitment that we clearly demonstrated in the gulf in order to make every American family secure in their future.

After all, it is tough to be secure in a home you cannot afford.

TRIBUTE TO WYOMING'S LEADERSHIP AND EDUCATION DEVELOPMENT PROGRAM

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.).

Mr. THOMAS of Wyoming. Mr. Speaker, I rise this morning to recognize Wyoming's leadership and education development program.

This year's class is a group of 18 adults who work in Wyoming agriculture, and their two supervisors—one from the University of Wyoming and the other from the Mid-America World Trade Center.

These folks are in Washington this week as part of their participation in a 2 year program that exposes them to local, State, National, and international influences on agriculture, culminating next year in a visit to Romania and Russia.

This is the fourth lead group from Wyoming. They are highly motivated, well informed rural leaders who will act forcefully, serve effectively and speak articulately for agriculture and Wyoming communities.

As part of their trip this week, they will be meeting with officials at USDA, Interior, Congress, the White House, Russian and Romanian embassies, commodity organizations and the World Trade Center.

Mr. Speaker, I am proud of the commitment these people have to the future of agriculture, to our State of Wyoming, and to our country. I am pleased to welcome them today.

DIRECT NATIONAL COMMITMENT TO EDUCATIONAL SYSTEM NEEDED

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute.)

Mr. PETERSON of Florida. Mr. Speaker, in the past weeks, we have had much to be grateful for. But last week's report on unemployment from the Department of Labor was certainly nothing to cheer about.

Unemployment is at a 4-year high. Last month nearly half a million Americans lost their jobs and today over 8 million are out of work.

The numbers are staggering and they are just the tip of the iceberg. In parts of my State nearly 1 out of every 10 Floridians cannot get a job.

We face a tremendous problem. And, yes, there are no simple solutions. But there is a fundamental starting point: Invest in education.

The answer to this job crisis begins in our classrooms. For far too long, we have separated the job market from the world of education.

And now we are paying a costly price. Businesses are feverishly seeking people to come and work for them, but we do not have a trained work force to meet their needs.

When President Bush declared himself the education president, this country was ecstatic. Today we need more than words. We need a direct national commitment to an educational system which looks over the horizon and meets the needs of our emerging industries.

BOLIVIAN CONTRIBUTION TO THE WAR AGAINST DRUGS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise today to note the recent critical events in Bolivia which affect our Nation's war against drugs. On March 1, 1991, President Bush submitted to Congress his international narcotics strategy report which proposes $171.5 million in foreign aid to fund the war against drugs abroad. Proposed direct aid to Bolivia is $15.7 million.

In considering aid to Bolivia, we must not overlook some troubling actions undertaken by the current Bolivian regime. On March 4, 1991, Minister Faustino Rico Toro, under pressure from the United States Government, resigned from his position as head of the antinarcotics force in Bolivia. While we all welcome this man's resignation, the fact that he was ever appointed to that position is very disturbing.

Rico Toro was publicly accused of being involved in narcotics trafficking and in perpetrating human rights abuses, he allegedly worked with Klaus Barbie, the gestapo chief in Lyon, France; and he headed army intelligence for Maj. Gen. Luis Garcia Meza, who is now a fugitive convicted of, among other crimes, genocide. How could the current regime ever consider someone with such a questionable record to head an antinarcotics force?

The Bush administration certified Bolivia as having fully cooperated in an antinarcotics effort. Should Congress, acting in its oversight capacity, choose to approve the Bolivian certification, I urge the administration to continue to carefully evaluate the Bolivian commitment to an antidrug effort and not to hesitate to suspend aid should any other unscrupulous, potentially corrupt individual be given a similar position of authority.

The international anti-drug war cannot afford any weak links.

GIVE THE AMERICAN WORKER A SHOT AT A JOB IN THE DESERT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Kuwait and Saudi Arabia need money to rebuild. As a result, they have decided to cut production of oil, thus raising the price of oil, which means that Americans are going to pay higher fuel prices and basically help to rebuild the gulf.

Now, the White House says, "Do not worry. That is not that bad, because America is going to get the lion's share of the contracts to rebuild those countries." "Not so," says the Washington Post. They say that American companies are going to get the contracts. But, guess what, American companies are going to hire cheap foreign labor, not American workers.

Ladies and gentlemen, now, if it was good enough for Americans to die in the desert, it is good enough for Americans to get a job now over in the desert.

Congress should be telling these big American companies who are making big megabucks to not forget their roots and give the American worker a shot at a job in the desert.

INTRODUCTION OF THE CORN AND GRAIN SORGHUM BASE CLARIFICATION ACT OF 1991

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, my distinguished Nebraska colleague, Mr. BEREUTER, and I have recently introduced H.R. 980, the Corn and Grain Sorghum Base Clarification Act, to expressly provide the Secretary of Agriculture the authority to allow producers to interchange corn and sorghum base acres.

Under the 1985 farm bill, producers could plant corn or grain sorghum on a combined corn and grain sorghum base in a manner that best suited their rotation and production needs. Unfortunately, the 1990 farm bill unintentionally took away that flexibility. The 1990 act separates corn and sorghum base acres and does not allow their interchange—eliminating the farmer's ability to undertake the best management practices in the farm operation.

The loss of this flexibility could have a dramatic impact on Nebraska's economy. The value of our corn and grain sorghum production reaches over $2.2 billion annually, and generated more than $1.8 billion in cash receipts in 1989 for Nebraska farmers. If Secretary of Agriculture Clayton Yeutter had not found a way to provide for the fair and equitable establishment of corn and sorghum bases during the 1991 crop year, we could have seen a decline in farm income.

Mr. Speaker, to permanently correct this unintended effect of the 1990 farm bill, I urge my colleagues to join with me and cosponsor H.R. 980, the Corn and Grain Sorghum Base Clarification Act of 1991, to fully restore a farmer's ability to combine feed grain bases through the 1995 crop year.

MAKE AMERICA AN ECONOMIC SUPERPOWER AGAIN

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, this country is celebrating the return home of our servicemen and women from the Persian Gulf. Their efforts helped to reestablish America as the military superpower we are and our pride in them is overflowing.

But we cannot afford to forget them once the music dies down and the crowds thin. We owe it to them, their children, and the cause they fought for to make America an economic superpower again.

Last Friday's Labor Department statistics told us that over 8 million Americans are out of work. In February 450,000 new registrants applying for unemployment brought the unemployment level to 6.5 percent, the highest in 4 years.

Not only are there no jobs for civilians but there are no jobs for our returning heroes as well.

This administration's tolerance for unemployment is unsettling. Democrats have zero tolerance for joblessness.

Mr. Speaker, there is nothing more wasteful than a person who wants to work, and who can work, but who cannot get a job.

In 1 week the following four things happened:

Chrysler went a week without making a car.

A Saudi Arabian prince bought 15 percent of Citicorp Bank.

Chase Manhattan sold its asset management business to a bank in Switzerland.

Sixty percent of the microchips sold in the American market were foreign made.

These figures do not bode well—they mean that capable people are not working. They mean that the Government is spending millions of dollars taking up the slack, and they mean that the economy is in a recession.

Let us rejoice in the safe return of our veterans to an America with a strong economy where they can get a good job. They need to work in peacetime, too.

HOLD SADDAM HUSSEIN ACCOUNTABLE

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, on Friday, Saddam Hussein announced that those who threatened to, and I quote, "undermine the security" of his nation "will pay." We have a clear indication here that Saddam has endorsed the concept of war reparations and liability for aggression and atrocities. If he threatens his own people with dire consequences for their rebellion, should not we hold him to the same standard? Clearly, the people of Iraq have risen up against his tyranny, his internal repression, and his foreign aggression. While we in no way want to get involved in internal Iraqi politics, should not we lend our moral weight to the struggle of those Iraqis striving to be free from this ruthless dictator? Let us seek justice for the crimes of Saddam Hussein by bringing him before a world court so that he too may pay for his crimes against peace and humanity. It is a standard he has held his own people to. Now let him stand accountable for his actions.

□ 1220

MOVE QUICKLY ON CRIME PACKAGE

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, last week in his address to the joint session of Congress, President Bush said that if our troops in the Persian Gulf war could win the ground war in 100 hours, surely Congress could pass his crime bill in 100 days. I think that is justified.

Yesterday, he submitted his crime bill to Congress which will be introduced today, and I see no reason why this body and the other body cannot pass that crime package in 100 days. Last October, the four key components passed overwhelmingly in this body and in the other body. The votes on the floor of the House to pass the exclusionary rule changes to allow more evidence in more easily was passed 265 to

157. Death penalty restoration, the procedures for restoring the death penalty, passed 271 to 159. The new death penalty for drug kingpins was passed 295 to 133. The reform of habeas corpus laws that would end the endless appeals that death row inmates take through our court systems, passed by a vote of 285 to 146.

The challenge is out there. It behooves all Members to move toward meeting this challenge. One hundred days is not too long to pass a major bill like this. It is too short, in reality. We need to get on with it. We need to pass it. We need to do what we need to do, and let Members not take even 100 days to do it in. Let Members pass the crime bill the President has submitted now.

KENNEDY-SLATTERY SUBSTITUTE

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, today the House considers more funding for the savings and loan bailout. No one relishes the prospect of voting for what may be the country's least popular program. The American people are outraged by this scandal. And rightfully so. Average citizens neither caused nor benefited from the looting of the S&L industry. Yet, now they've got to pay through the nose for the wrongs of a few. And to add insult to injury, they've got to pay with interest. This method of Treasury borrowing triples the cost of the bailout. And it perpetuates an immoral scheme of sending today's bills to tomorrow's taxpayers—our children and their children.

As much as we may not want to act, this is not the time for inaction. The Government must fulfill its obligation to insured depositors. The question is not whether to provide more funds, but how to do so in the cheapest and fairest way possible to the American taxpayer. Today, House Members will have an opportunity to vote for a cheaper, fairer bailout. The Kennedy-Slattery pay-as-you-go substitute will reduce the cost of the bailout by $120 billion in costly interest payments—Treasury. It will cut the budget deficit by $170 billion over 4 years—CBO. It will force the RTC to be more careful about how it spends taxpayer dollars. And most importantly, it will free our children from the shackles of S&L debt, so they can build a better future for themselves and for America.

A vote for Kennedy-Slattery is a vote for fairness and fiscal responsibility. I urge my colleagues to support it.

REPUBLICAN CIVIL RIGHTS LEGISLATION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Bush has taken the lead in proposing dramatic reforms in our employment discrimination laws. The President's bill will be introduced this week by our Republican leaders.

Unlike legislation being advanced by the Democrats, our bill will not force employers to adopt race-based quotas for their hiring and promotion practices; or create a bonanza for trial lawyers through open ended compensatory and punitive damages. It will significantly strengthen employment discrimination laws by providing a new monetary remedy for victims of on-the-job sexual harassment with equitable damages of up to $100,000.

Make clear, also, that the new remedies will be awarded by judges, and not by juries.

I ask my fellow Congress Members to support this legislation.

PAY-AS-YOU-GO PAYMENT PLAN

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, later today this body will consider the Resolution Trust Corporation reauthorization. This will certainly be one of the most important bills that comes before this Congress during this session.

I will be joining my colleague, the gentleman from Massachusetts [Mr. KENNEDY] in offering a pay-as-you-go proposal that proposes to pay for the savings and loan mess for fiscal year 1992 and beyond. We offer this amendment with one principle in mind: We believe that we should pay our bills. We believe it is wrong to pass all the bills for savings and loan mess on to our children and grandchildren.

This borrow-and-spend approach is politically popular and politically easy. We understand that. But it is economically destructive, and more importantly, it is morally wrong.

I urge Members to support the Kennedy-Slattery amendment and to vote for pay-as-you-go funding. It is a vote for financial accountability. Most important, it is a vote that will save the taxpayers $120 billion. The taxpayers in this instance happen to be our children and grandchildren, who will not be here today. They will not be represented in this debate, unless we vote for Kennedy-Slattery, and vote to put the bills on the table, and debate how we will pay for them. I urge your support.

SUPPORT RADIO FREE CHINA

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, last week I introduced legislation to establish Radio Free China, broadcasting designed to beam uncensored news and information to the Chinese people.

Even though blatant persecution of the Chinese people continues unabated, an active underground movement continues in China to struggle for basic human rights.

Authorities are trying to destroy this movement by convicting many innocent people who were involved in Tiananman Square of counterrevolutionary activities.

In addition, the Tibetan people are now being threatened with execution solely for their political beliefs. Last week a Tibetan monk, originally sentenced to 19 years for translating into Tibetan human rights documents including the universal declaration of human rights has had his sentence changed to execution.

The only crime of these innocent people is speaking freely. To convict them, and in some cases to execute them, is absolutely outrageous and unacceptable. Mr. Speaker, if the Chinese people cannot speak the truth, we must speak it for them.

Providing radio broadcasting of uncensored news and information to the Chinese people would help to end this oppression. I urge Members to cosponsor my bill for Radio Free China.

WINNING A WAR FOR HUNGRY CHILDREN

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, while we were busy winning the war, it appears that hungry women and children were being denied food by the Federal Government.

We all read in the paper this morning that nutritionally at-risk women and children in the Washington area are being kicked off the WIC Program.

Last year, higher food prices threatened to push as many as a quarter of a million people off WIC. I introduced a bill that passed that extended the borrowing authority of State WIC programs. I had language in the bill that required a monthly food-cost report by USDA, so that WIC wouldn't get caught in this same bind twice.

But, Mr. Speaker, here we go again. The most recent USDA report says nothing about any problem in the Washington area.

I can't believe that we can win a war half way around the world, and we can't feed hungry kids in our own backyards. There is just no place for malnourished children in a country as strong as America is.

For myself, I'm sick and tired of saying "no" to hungry children. In a few weeks, I'm going to introduce a bill that sets out a schedule for fully funding the WIC Program by 1996. The bill is called the "Freedom From Want Act."

If you believe that hungry children ought to be fed; I urge you to support the Freedom From Want Act.

□ 1230

KEY TO PEACE IN THE MIDDLE EAST

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I am very concerned with the tone of some of the postwar pronouncements. The key to peace in the Mideast is the same as it has always been: Arab recognition of Israel's right to exist. Putting pressure on Israel to make unilateral concessions is not the way to peace. The tragic killings this week of four women in Jerusalem by Palestinian terrorists proves yet again that Israel's enemies are interested only in one thing, its destruction.

Also, why, Mr. Speaker, are we cozying up to Syria? Hafez Assad is no better than Saddam Hussein. Yet the A.P. reported this week that we are considering giving captured Iraqi weapons to Syria. That is the same Syrians who destroyed Lebanon, the same Syrians whose allies continue to hold American hostages in Lebanon, the same Syrians who killed over 20,000 civilians at Hama, the same Syrians who will point their weapons in only one direction, the direction of our ally, Israel.

We made the mistake of coddling Saddam Hussein before he invaded Kuwait. Let us not make the same mistake again with Syria.

MORE TIME FOR DEBATE ON RTC

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Mr. Speaker, today we will be considering legislation which will provide for almost $80 billion in funding for the RTC, authorization for the RTC, $80 billion. The RTC legislation deserves at least a full day's work by the House. At present only about 4 hours is scheduled. We should at least double that amount of time so that every Member of the House who wants to speak on this very important legislation will be allowed a chance to speak.

There is nothing we will do this year which is more important than this piece of legislation. It is important to take this opportunity to review what is happening with the Resolution Trust Corporation. It is important to examine what is happening with prosecutions of people who are criminals in high financial circles. It is important to look at the corruption that is taking place in the RTC itself and decide what to do about that. It is important to have time to consider the impact of an $80 billion bill on the rest of the domestic budget.

Now, $80 billion, that is an average of $10 billion per hour. At least we should take 8 hours to discuss that $80 billion.

I appeal to the leadership of both sides of the House to allow a debate to take place for at least 1 day, 8 hours.

IN SUPPORT OF THE PRESIDENT'S ANTICRIME BILL

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, yesterday when the President announced that he is sending an anticrime package over to this House and to the other body, he made a great contribution in the fight against crime. That contribution was not just in the contents of the President's legislative package, although I support most points the President has made and I look forward to working on that package as a member of the Criminal Justice Subcommittee of the Committee on the Judiciary; but the real contribution is the fact that the President selected the fight against crime for his first specific legislative package following the Persian Gulf war.

We fought a war to protect the security of Americans and of other people against international aggression, but we also have to protect the security of Americans right here on America's streets. Despite winning the war, Americans are not safe if they cannot walk down their streets safely, if they cannot remain in their homes safely.

The President realizes that we cannot hope to solve our other pressing problems, whether they are in the economy or in education or in health care, if we are not safe simply to go about and do our business.

Mr. Speaker, I am very pleased that the President has selected domestic security for his first postwar domestic goal.

BURDEN SHARING NEEDED IN S&L BAILOUT

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, later today we will be taking up the administration's funding bill for the RTC. The administration's bill will provide an additional $30 billion to hold us over until September 30 of this year, even though the administration has told us they will need an additional $50 billion for next year and they do not know the number of billions of dollars they will need in the years thereafter.

Mr. Speaker, 2 weeks ago in the House Banking Committee, I offered a responsible amendment asking for burden sharing from the States whose policies are most responsible for the S&L losses for which we are now paying. Today, even though that amendment passed the committee with a majority on the Republican side and a majority on the Democratic side, even though it was approved 28 to 16, we are being denied by the rule an opportunity to discuss and debate it on this floor.

Mr. Speaker, when 45 percent of the loss of the S&L crisis is the result of the failure of States to properly regulate and administer their State-chartered institutions, and when Federal taxpayers are now asked to bail out the States for their mistakes, it is inexcusable that this Congress will not even address or consider that issue.

Mr. Speaker, I respectfully request that because this rule does not even allow us to debate, much less vote on, this important amendment which passed in committee with broad bipartisan support, that the rule and the bill both receive a no vote until this House has the opportunity to fully discuss the S&L disaster.

THE ADMINISTRATION'S CIVIL RIGHTS BILL

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, today the Republican leadership in both the House and Senate will be introducing the President's Civil Rights Act of 1991. I am pleased to say that I am an original cosponsor of this legislation.

This was not a decision I came to precipitously nor easily. It is, however, the only decision I could reach in good conscience.

The time has come to acknowledge the damaging inequities and painful attitudes confronted by women on a daily basis. The time has come to deal with these acts of prejudice and protectionism resulting in a nation of denied opportunities with a sad history of lost contributions.

The time, my friends, has also come to play straight with the women of this country—not as political pawns—or the minority of the moment.

The Democrats' civill rights bill will unavoidably set quotas by encouraging litigation in the workplace based solely on numbers and percentages.

The President's bill, on the other hand, does not promote "statistical equality," it promotes real equality and real opportunity for all Americans.

Susan B. Anthony once said during her drive for equality, "I shall work for the Republican party and call on all women to join me, precisely * * * for what that party has done and promises to do for women."

Well, Susan B., your time has come and it is once again because of the Republican Party.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore. (Mr. McNULTY) laid before the House the following communication from the Clerk of the House of Representatives:

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 1:36 p.m. on Monday, March 11, 1991, and said to contain a message from the President whereby the transmits proposed legislation entitled the "Comprehensive Violent Crime Control Act of 1991" and a section-by-section analysis.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk House of Representatives.

COMPREHENSIVE VIOLENT CRIME CONTROL ACT OF 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES H. DOC. NO. 102-58

The SPEAKER pro tempore laid before the House the following message from the United States, which was read, and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, the Committee on Ways and Means, the Committee on Public Works and Transportation, the Committee on Energy and Commerce, and the Committee on Banking, Finance and Urban Affairs, and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, March 12, 1991.)

PERMITTING USE OF ROTUNDA FOR HOLOCAUST CEREMONY

Mr. FROST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 45) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust, as amended.

The Clerk read as follows:

H. CON. RES. 45

Whereas the United States Holocaust Memorial Council has designated April 7 through April 14, 1991, and April 26 through May 3, 1992, as "Days of Remembrance of Victims of the Holocaust": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust. The ceremonies shall be conducted on April 11, 1991, from 8 o'clock ante meridiem until 3 o'clock post meridiem and on April 30, 1992, from 8 o'clock ante meridiem until 3 o'clock post meridiem. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. FROST] will be recognized for 20 minutes and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my colleague, Mr. YATES, for introducing this important resolution, and I am honored to manage the measure on the floor today. I also want to thank the U.S. Holocaust Memorial Council for all their efforts in planning the Days of Remembrance.

The resolution authorizes the use of the rotunda of the Capitol for Holocaust commemoration ceremonies on April 11, 1991, and April 30, 1992.

Just 50 years ago, the "final solution" was confirmed. Throughout the year 1941, Hitler laid the groundwork and gave the orders for total destruction. Anyone wearing a yellow tin disc on the sleeve went to the death camps—the German Jews would go, the Russian Jews would go, the Polish Jews would go.

It is painful to remember that half a century ago in January, the Nazi leader was cheered when he talked of the war that "can only bring about the final annihilation of Jewry."

Just 50 years ago today, the Aryanization policy was instituted to confiscate all Jewish property in The Netherlands. Daily, Jews were forced into ghettos in Poland and deported to concentration camps such as Aushwitz.

The year 1941 brought a host of anti-Jewish decrees to all of Europe: The SS ordered Jews to wear yellow badges, sidewalks were off-limits, curfews were imposed, radios and telephones were removed from Jewish homes, and Jewish businesses were shut down. Jews were forbidden to use public transportation, visit parks, theaters or libraries, or attend public schools.

As summer approached, Germany invaded the Soviet Union and occupied the capital of Lithuania. June 27 is known as Red Friday in the town of Bialystok in Poland where several thousand Jews were burned alive in the street. In Hungary, 6,000 Jews were retained as slave laborers while 11,000 were deported to the Ukraine and murdered.

On July 31, the chief of the Reich Security Office was ordered to prepare a "final solution" to the "Jewish question." The Nazis experiment with poisonous gas and searched for methods of mass extermination.

It hurts to recall the cruelty of the Holocaust—the hatred, the racism, the torture that humans can inflict on one another is grueling enough in memory. Yet it is so necessary that we reflect upon this hideous time in world history so that we dare not forget. Five short decades ago, people fell in line behind a sick and clever tyrant, a man who tried to eliminate from the planet all that he did not like.

We can never be sure, especially in the aftermath of the Persian Gulf war, that the dictators are only in the history books. Clearly, they are still in our midst. Clearly, we have a responsibility to keep a watchful eye and prevent the injustices of the past from recurring in our lifetimes.

□ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my privilege today to rise in support of House Concurrent Resolution 45, to permit the use of the U.S. Capitol rotunda for ceremonies of the Days of Remembrance of Victims of the Holocaust.

The U.S. Holocaust Memorial Council was created by Congress in 1980, and charged with perpetuating the memory of the 6 million Jewish victims of the Nazi Holocaust.

The Days of Remembrance of Victims of the Holocaust has become an important part of the Council's continuing effort to remind us of history's darkest chapter. And passage of this resolution will mark the eighth consecutive year that Congress has approved commemorating the event with ceremonies in the rotunda.

The use of the rotunda for this purpose, and the timing of this resolution, are altogether appropriate. In the Halls of the heart of our democracy, it gives us the opportunity to reflect and contemplate an unprecedented tragedy; it is a time for all Americans to mourn, to remember, and to affirm our resolve that history will not be allowed to repeat itself.

A period of indifference and silence led us into the Nazi Holocaust. Remembering that mistake will help us avoid it in the future.

And I find it appropriate to bring this resolution up now, just a few days after we have silenced a Middle East tyrant, who pointed a finger at the Jewish people and again threatened their survival. When the world united against Saddam Hussein's naked aggression in Kuwait, he tried to divide and undermine the determination and resolve of the allied forces by trying to make Israel the issue, and the Jewish people once again the scapegoats of the world's political turmoil. But not again, Mr. Speaker; never again.

I thank my colleague for bringing this resolution to the floor today, and I urge my colleagues to give it their unanimous support.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for bringing my bill to the floor for consideration by the House of Representatives.

As the gentleman from Nebraska [Mr. BARRETT] has pointed out so well, it is very appropriate at this particular time that the bill be brought up and that the ceremony be allowed to take place in the rotunda of the Capitol.

The U.S. Holocaust Council is mandated by the statute which created it to observe days of remembrance for victims of the Holocaust. It is equally appropriate for the U.S. Congress to take such steps as are necessary to permit the ceremony marking or remembering those murdered in the Holocaust to take place in the Capitol of the United States where it has taken place for 8 years preceding this one.

This bill will allow it to take place again this year and the following year.

I want to associate myself with the eloquent statements of both the gentleman from Texas [Mr. FROST], and the gentleman from Nebraska [Mr. BARRETT]. Both gentlemen have pointed out very clearly the traditions, the adherence to the traditions of the United States in celebrating this ceremony.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the remarks of the gentleman.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 45, which authorizes the use of the Capitol rotunda on April 11, 1991 for the commemoration ceremony for the Days of Remembrance of the Victims of the Holocaust. I would like to thank our distinguished colleague, the gentleman from Illinois, Congressman YATES, for introducing this legislation, thereby ensuring this important ceremony. His invaluable service on the Holocaust Memorial Council over the years is appreciated by all of us. The Council's decision to once again conduct the ceremony in our beloved rotunda is indeed appropriate, and I want to take this opportunity to lend my support to this request.

The Days of Remembrance ceremony is an annual event sponsored by the U.S. Holocaust Memorial Council. Each year during the program, six memorial candles are lit. These flames honor the memory of the more than 6 million Jewish men, women, and children who perished at the hands of the Nazis. Though they are no longer among us, their legacy lives on. It is a legacy that reminds us and requires us to be forever vigilant to racism, bigotry, and ignorance.

Though it has always been painful to confront the realities of the Holocaust, the lessons learned are too important to ignore. Each year we become more cognizant of the evils and persecutions which exist in this world. This year the world stood up to another brutal dictator, Saddam Hussein. Yet in 1933, that was not the case. The result was the horrifying brutality of the Holocaust. The Holocaust Memorial Museum, currently under construction, will be a testament to the memory of all those killed during those dark years. Our Congress' Days of Remembrance ceremony to the victims of the Holocaust will remind mankind that we must forever be vigilant in upholding human rights and in fighting intolerance, bigotry, and genocide.

It is said in the Old Testament "to save one life is to save the world."

Mr. YATES. Mr. Speaker, I thank the gentleman from New York for his remarks and commend and compliment him.

Mr. BARRETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank my friend from Texas [Mr. FROST] for yielding the time, and I rise in support of this measure.

Mr. Speaker, I also rise to extend congratulations to my friend from Illinois [Mr. YATES] who is the prime sponsor of this bill, which would, as Congress has done for the last 8 years, provide for a commemoration to be held in the rotunda, which is just a few yards from where we are speaking, to commemorate the Days of the Holocaust.

Again, it has been said by many, this is the perfectly appropriate time to consider this bill in view of what has just recently happened. The gentleman from Nebraska [Mr. BARRETT] said the same thing. This is the appropriate time to bring the bill up even as we are seeing the end of this terrible war in the gulf region involving a person who may well have transgressed the rules of God and man to a degree similar to those transgressions which occurred in the Second World War which we term the Holocaust.

□ 1250

So, Mr. Speaker, let me just salute the gentleman from Texas [Mr. FROST] on bringing this up, and I urge all my colleagues to vote unanimously in favor of this bill.

Mr. CHANDLER. Mr. Speaker, I rise today in support of House Concurrent Resolution 45. It is a fitting use of the Capitol rotunda to remember the millions of victims of the Nazi Holocaust.

In January 1942, Hitler had been in power 9 years—9 years of terror and persecution of the Jewish people. Hitler deputy Reinhard Heydrick spoke of a "final solution." The "experience of history," Heydrick said, called for destroying the Jewish race. Auschwitz, Maidanek, and other concentration camps are sad reminders of Nazi policy.

Yes, Mr. Speaker, we should see the experience of history. We should learn from it and never forget. We must remember the victims of the Holocaust. Remember their suffering.

Mr. SCHEUER. Mr. Speaker, I rise in support of House Concurrent Resolution 45, which permits Holocaust Memorial ceremonies to be held in the Capitol rotunda.

Traditionally, the rotunda is a place where bodies of individuals who have made lasting contributions to civilization lie in state.

Mr. Speaker, 6 million people perished in the Holocaust. In their death we find a lasting contribution to civilization.

We find the lessons that govern our lives today, and will serve as a guide for future generations.

We sent legions to the Persian Gulf partly because we saw in Saddam Hussein a fleeting resemblance to Adolf Hitler.

We decry racists like David Duke and Louis Farakhan, and we confront their abhorrent lies, because we know what happens when you turn the other cheek.

We take responsibility for our own shortcomings, because we know that there are no scapegoats.

And out of the ashes of the Holocaust we find a reinforcement of the justness of the principles this Nation was founded on.

Mr. Speaker, there is no more just a purpose for the Capitol rotunda to serve than to be the sight of ceremonies honoring and commemorating the 6 million.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Texas [Mr. FROST] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 45), as amended.

The question was taken.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 42, as follows:

[Roll No. 37]

YEAS—389

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)

Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barrett
Barton
Beilenson
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Petri
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—42

Archer
Barnard
Bateman
Berman
Bevill
Boxer
Clinger
Cox (IL)
Dickinson
Dorgan (ND)
Dymally
Engel
English
Fields
Fish
Flake
Gingrich
Hammerschmidt
Hefner
Horn
Horton
Houghton
Hunter
Marlenee
Mfume
Miller (OH)
Moody
Mrazek
Nagle
Peterson (MN)
Pickett
Sanders
Sikorski
Stark
Tanner
Torricelli
Traxler
Udall
Volkmer
Waters
Wilson
Wise

☐ 1313

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution permitting the use of the rotunda of the Capitol for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SIKORSKI. Mr. Speaker, during rollcall No. 37 on House Concurrent Resolution 45 I was unavoidably detained. Had I been present I would have voted "yea."

GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, during the week of February 25, 1991, due to personal reasons, I was unavoidably absent from the Capitol during rollcall No. 25 and rollcall No. 26. Had I been present I would have voted "yea" on both rollcalls.

PERSONAL EXPLANATION

Mr. COX of Illinois. Mr. Speaker, during rollcall Vote No. 37 on House Concurrent Resolution 45 I was unavoidably detained. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Ms. HORN. Mr. Speaker, during rollcall Vote No. 37 on House Concurrent Resolution 45 I was unavoidably detained. Had I been present, I would have voted "yea."

RESOLUTION TRUST CORPORATION FUNDING ACT OF 1991

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 105 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 105

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1315) to provide additional funding for the Resolution Trust Corporation, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed sixty minutes, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text printed in part one of the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule and said substitute shall be considered as having been read. No amendment to said substitute shall be in order except the amendments printed in part two of the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report and may be offered only by the Member specified or his designee. Said amendments shall be considered as having been read and which shall be debatable for the time specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment. All points of order against the amendments printed in the report are hereby waived. If more than one of the amendments is adopted, only the final amendment which is adopted shall be considered as fully adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, or recommit with instructions if offered by Representative Michel of Illinois.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 105 is a modified closed rule providing for the consideration of H.R. 1315, the Resolution Trust Corporation Funding Act of 1991. The rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Banking Committee.

The rule makes in order as original text for purposes of amendment the text of H.R. 1315 as ordered reported by the Banking Committee and printed in part 1 of House Report 102-13 accompanying this resolution.

In addition, the rule makes in order three amendments in the nature of substitutes which may be considered in the order specified, shall not be subject to amendment and shall be considered as read. All points of order against the amendments printed in the report are waived. The amendments are as follows:

First, the amendment by Representatives SLATTERY and KENNEDY or their designee, debatable for 1 hour with the time to be equally divided and controlled by the proponent and a Member opposed to the amendment;

Second, the amendment by Representative WYLIE or his designee, debatable for 1 hour with the time to be equally divided and controlled by the proponent and a Member opposed to the amendment and;

Third, the amendment by Representative GONZALEZ or his designee, debatable for 1 hour with the time to be equally divided and controlled by the proponent and a Member opposed to the amendment.

Mr. Speaker, the rule makes more than one substitute in order in what is sometimes referred to as a king-of-the-hill procedure. Under the king-of-the-hill procedure provided in this rule, each of the three substitutes can be considered, even after adoption of a prior substitute. Only the last substitute adopted will be reported back to the House.

Finally, Mr. Speaker, the rule provides one motion to recommit, or recommit with instructions if offered by Mr. MICHEL.

Mr. Speaker, H.R. 1315 provides an additional $30 billion to the Resolution Trust Corporation to cover the losses of savings and loans that are closed, sold, or merged by the Resolution Trust Corporation in fiscal year 1991. House Resolution 105 is a good rule that will allow expeditious consideration of the Resolution Trust Corporation Funding Act of 1991. I urge its adoption.

□ 1320

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 105, providing for the consideration of H.R. 1315, the Resolution Trust Corporation funding bill. This rule is the product of bipartisan consultation, and I want to commend Chairman MOAKLEY and Mr. DERRICK for their willingness to work with those of us in the minority to develop a fair and reasonable rule.

In most circumstances, it would be easy for me to oppose this rule because of its restrictive nature. However, our leadership approves of the rule, and no Republican Member who appeared before the Rules Committee seeking recognition of their amendment was denied an opportunity to offer it. I also believe it is an appropriate rule, given the controversial nature of the issue being addressed, and the time constraints we face.

The RTC has said that, in the next few days, it will run out of funds to continue closing down the more than 180 insolvent savings and loan institutions that remain open. Every day we delay will add more than $8 million to the cost of the cleanup.

Mr. Speaker, before being appointed to the Rules Committee, I served 9 years on the Banking Committee, and I remember very well the difficulties the committee had to overcome to pass legislation to close down insolvent thrifts and recapitalize the savings and loan insurance fund. Thus, when the Banking Committee was asked to come up with the second installment of $30 billion to continue the resolution process, nobody expected the process to be easy.

The rule we are considering today offers a clear-cut choice between a clean funding bill, as requested by the administration, and two other proposals that threaten to bog down the resolution process and add millions—perhaps billions—more to the cost of the cleanup. For example, the Kennedy-Slattery substitute authorizes, but does not appropriate any funds to continue the cleanup of insolvent thrifts. If enacted, it will virtually force the RTC to shut its doors.

The Gonzalez substitute contains onerous mandates on the RTC that will delay the sale of assets by up to 6 months, and will add hundreds of millions of dollars to the RTC's operations. One provision in particular will force the taxpayers to subsidize wealthy tenants in rent-controlled properties. The RTC, for example, owns nine units in a building located in one of Manhattan's most exclusive neighborhoods. The tenants are paying rents as low as $475 a month for 2,100 square foot apartments. If the Gonzalez substitute passes, the RTC will lose over $18,000 a month on those nine properties, and may never be able to sell them.

Mr. Speaker, the RTC must be allowed to retain its authority to abrogate those ludicrous rent control contracts that provide large taxpayer subsidies to the wealthy. Our No. 1 priority is to protect depositors by cleaning up the savings and loan mess with the least amount of cost to the taxpayers. We must not allow the RTC to become embroiled in a maze of costly social welfare regulations.

Again, I want to commend Chairman MOAKLEY and Mr. DERRICK for their bipartisanship in developing this rule. I urge adoption of the rule, and support for a clean RTC funding bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I rise in reluctant but nonetheless very strong opposition to the rule that is before us.

I believe that in my 12 years in Congress, this represents only the third occasion that I have taken to the floor to speak in opposition to a rule. But, Mr. Speaker, I feel that the rule before us is blatantly unfair and must be defeated.

Mr. Speaker, the bill we are about to consider is a result of the most costly financial debacle in American history. The American people are still shocked and outraged by the soaring cost of the savings and loan scandal. However, the rush to sweep this mess under the rug should not prevent us from pursuing a measure of accountability from those most responsible for this financial wreck.

From 1988 through October 1990, the Government has closed 520 insolvent thrifts at an estimated eventual cost of $73.7 billion in net present value terms. Of this amount, almost half, or $32.8 billion, of the cost can be attributed to State-chartered but federally insured thrift institutions.

It turns out that one State alone, the State of Texas, caused 68 percent of the costs associated with the failure of State-chartered thrifts. Because Texans pay only 6 percent of the Nation's taxes, the committee's bill has asked

Texas' taxpayers to pay only $1.5 billion toward the bailout.

Make no mistake about it, this was not the result of a natural disaster. This was a manmade disaster. What we saw in the State of Texas was fraud on a monumental scale We saw a total failure of the regulatory system that was in place in that State, and it is the taxpayers of the rest of the country that are now being asked to pick up that particular tab.

Mr. Speaker, during the first Committee on Banking, Finance and Urban Affairs markup of the bill, an amendment seeking to promote fairness and increase State accountability passed easily, 28 to 16, with overwhelming bipartisan support. The amendment was offered by the gentleman from Pennsylvania [Mr. KANJORSKI] on behalf of the Northeast-Midwest Congressional Coalition.

But this is far more than a regional issue. There are many States scattered throughout our country—including South Carolina, Missouri, Louisiana, and New Mexico—that did not contribute 1 penny to the State-chartered savings and loan problem. They are now being asked to assume a lion's share of the responsibility for this multibillion dollar bailout.

That amendment was identical to H.R. 5323, a bill I introduced in the 101st Congress and that was cosponsored by over 100 Members of this body on both sides of the aisle. However, the rule before us today will not make that amendment in order, and it will deny the full House free debate an issues of fairness and accountability that are central to this bailout.

The amendment simply says that those States that have been home to excessive costs resulting from the failure of their State-chartered thrifts pay a special Federal deposit insurance premium if that State's State-chartered industry is to remain eligible for Federal deposit insurance.

Mr. Speaker, I ask: Why should the House be denied free debate on this central question of fairness and accountability, a question that is fundamental to the health of our dual banking system?

Why should the House be denied the opportunity to consider an amendment that passed the Committee on Banking, Finance and Urban Affairs with strong bipartisan support and which would make passage of this bill much easier to achieve? With the inclusion of the Kanjorski-Wolpe amendment, we could at least make the point to our own constituents that some effort was made to establish a minimum measure of accountability, a minimum measure of fairness.

Why should the House be denied the privilege to decide for itself the best way to prevent this debacle from ever happening again?

The amendment that we want to offer would send a clear message to State legislatures and State regulators that future abuse of the Federal-State partnership will not be without consequence.

In addition, it will reduce the burden on taxpayers in States which have not inordinately contributed to the cost of the bailout due to inadequate regulation at the State level.

The rule before us today does not allow us to accomplish these things, because it does not make that amendment in order. It is a central element of fairness that I am asking the Members of this body to consider. We have every right to have this House debate this issue.

Our friends from Texas have argued that this amendment promotes regionalism over nationalism. If it were passed, the U.S. Government would still be paying 89 percent of the cost of bailing out State-chartered thrifts, even though Texas alone is responsible for 68 percent of that cost. Some of my colleagues mention the Chrysler bailout as an example of the entire country salvaging one local industry. Allow me to remind you that the Federal Government provided loan guarantees to Chrysler; it never appropriated a single dollar of taxpayer money to assist that corporation.

The savings and loan bailout is going to be enormously costly to the Federal taxpayer.

We owe it to our constituents to engage the entire House in full and free debate on issues of fairness and accountability that are so fundamental to the health of our dual banking system. The rule before us today does not permit open debate; the rule before us today does not allow us to speak for our constituents.

Mr. Speaker, I ask my colleagues for a no vote on the rule that is before us.

Mr. DREIER of California. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL], who has been working desperately to bring about a clean RTC funding bill.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to support the rule and also support wholeheartedly the $30 billion in funding for the Resolution Trust Corporation.

Members of the Committee on Banking, Finance and Urban Affairs, on a bipartisan basis, and that was the only way it could be done, worked together to provide and to report from the committee the two RTC funding bills, one by the chairman and one by the ranking member, the gentleman from Ohio [Mr. WYLIE].

□ 1330

Now, a clean bill, make no mistake about it, is what the administration requested. It is essentially what the other body has adopted, and it is the approach the House frankly should adopt today.

Eight million dollars a day of taxpayer's money are disappearing every single day, into the financial equivalent of a black hole in outer space. Tomorrow, tomorrow, and tomorrow, the same terrible avoidable waste will continue unless we do the right thing today.

The specific facts of the three amendments provided for in the rule obviously will be discussed at length during the course of the debate, so I just want to make a couple of general comments. The amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Kansas [Mr. SLATTERY] is clearly contrary to the agreement of last fall declaring the cost of the thrift loan cleanup to be mandatory spending. We went over that. It took several months of deliberations during the deficit reduction budget negotiations. The last thing the House needs is to show lack of resolution by breaking a trust, all in the name of Resolution Trust Corporation.

Another amendment offered by the distinguished chairman contains social goals that will add over $150 million to the costs of resolving this crisis in 1991 alone, with millions more added on in the years ahead.

In my view, only the substitute offered by our friend, the gentleman from Ohio [Mr. WYLIE] gives Members a reasonable and effective compromise. That Wylie substitute provides the $30 billion funding for RTC, but it also includes eight management goals in response to recent GAO criticisms. Included are several very important components: No. 1, reducing the length of time institutions are in the hands of the RTC; No. 2, improving management systems; No. 3, improving the system for tracking RTC's real estate owned assets; and No. 4 the Wylie amendment provides a report on the RTC's implementation and progress on minority contracting provisions of FIRREA.

I know that the chairman feels strongly about the issue of minority contracting and probably wanted something stronger, but in the interest of compromise, I thought the reporting requirements are something everyone can support.

The Wylie approach does not seek to micromanage the RTC or use the RTC as a means to pursuing the social goals not central to the RTC issue.

As we approach the baseball season, it is good to be reminded of a basic rule of doing well: Keep your eye on the ball. We ought to keep our eye on what needs to be done for the taxpayers, and not be distracted by peripheral issues.

Briefly, in conclusion, I frankly cannot imagine that there are not at least half of the Members on our side and half the Members on your side who feel no taint whatsoever from the S&L scandal. I do not, and a good many Members of this body on both sides of the aisle should not have any fear. We did not cause it. We know what has happened out there, and the culprits are being prosecuted by the Department of Justice.

The bulk of the money, frankly, is going to reimburse those who had guaranteed deposits. We have no recourse. There is not any other way out of this crisis.

So to think, I just cannot touch this legislation because it says "S&L bailout" is wrong. I do not have any fear of this bill because I did not get involved in the S&L issue in any derogatory way, and any number of Members in this body on both sides of the aisle are in the same shape.

Therefore, I am saying to Members that they ought to stand up here today, do the right thing, and get on with this thing. It is never going to go away. It will be here, and be here, and be here.

I think it would be tragic if we said to all the depositors, "Hey, Uncle Sam will default completely in the role and responsibility to the depositors." Then we have a real debacle on our hands.

I support the rule. I certainly hope the Wylie amendment will be adopted in the final analysis.

Mr. DERRICK. Mr. Speaker, I would like to associate myself with the remarks of the distinguished minority Member. I think it is rather like going to the bank and cosigning a note and then refusing to make good on your guarantee. The damage has already been done. What we are trying to do is to take care of the depositors.

Mr. Speaker, for the purposes of debate only, I yield 3½ minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I rise today in opposition to the rule. I do so because this rule excludes a very important amendment that originally passed in the Banking Committee with strong bipartisan support. The State chartered thrift deposit insurance premium amendment, or what I'll call the regional equity provisions, deserves the chance to be heard and voted on in the House.

These provisions are needed because the taxpayers of my State of Ohio and the entire Northeast-Midwest region are still being forced to bear too great a share of the Savings and Loan bailout. In essence, they are having billions of their tax dollars diverted to pay for collapsing institutions in other parts of the country. In fact, the 18 States that make up the Northeast-Midwest region are being forced to pay 47 percent of this bailout, about $11.7 billion, even though the entire region has incurred only $1.4 billion in costs associated with state-chartered thrifts. In stark contrast to this, the State of Texas has cost the taxpayers over $22.4 billion, that is over 68 percent of the costs for this bailout, yet Texas is only paying 6 percent of the bill, hardly their fair share.

In light of this disparity, it is important to restore some equity in the funding of this bailout. The State chartered thrift deposit insurance premium provisions would require those States that have incurred such high costs to pay a Federal deposit insurance premium to cover the expense of insuring their State chartered thrifts.

This amendment does not promote regionalism over federalism; it seeks to send a message to State legislatures and regulators that future abuse of the Federal-State partnership will not be without consequence. If this amendment were enacted, the Federal Government would still pay 89 percent of the cost of bailing out State-chartered thrifts, despite the fact that Texas alone is responsible for 68 percent of that cost.

However, this rule will not even allow such an important amendment to be offered for debate, and to restrict the debate in such a way, restricts your ability to legislate. Therefore, I urge you to vote against the motion to order the previous question and give yourselves the chance to debate this amendment thoroughly. The amendment in no way is a killer amendment, rather it acknowledges, the serious regional disparity inherent in the legislature and addresses it forthrightly. Vote no on the rule!

Mr. DREIER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. WYLIE] the distinguished ranking member of the full committee, who, like the minority leader, has been working diligently to try to bring a clean RTC funding bill to this floor.

Mr. WYLIE. Mr. Speaker, I rise in strong support of the rule on H.R. 1315. The rule makes in order legislation to provide more funding for the S&L cleanup. While I traditionally support open rules, I think this rule balances all interests, and gives all interested parties a chance to express themselves and to have the House work its will on differences of opinion as to our role here today.

Mr. Speaker, one does not need to be a genius to figure out that this is not a popular issue in the Congress nor throughout the country, for that matter. To put it in perspective, why we need this legislation, the Washington Post ran an editorial, an excellent editorial, may I say, on Sunday that I think says better than I the need for this bill, and a point which the gentleman from Illinois, our distinguished minority leader, Mr. MICHEL, made very effectively a little while ago.

> Congressmen * * * complain that the government is spending billions that buy nothing. To the contrary, the S&L cleanup money is buying financial and economic stability. It is the first time that the country has gone through a financial collapse on this scale without being dragged into a depression by it. If you think that the S&L cleanup is costly, you might want to consider the cost of a depression. Deposit insurance is one of the reasons why a downward spiral like 1933 has never happened again. All those in favor of maintaining that record ought to be eager to vote to keep the S&L clean up going at full speed.

I believe this editorial is right on point. This is a difficult issue to explain, but there can be no doubt what has to be done. Regrettably, the Congress has been avoiding the issue since last June when it was known that more S&L money would be needed. Now we are at a point where the RTC has completely shut down some operations and will shut down completely some if we do not act. It will cost the American taxpayers more and more and more as time goes on.

Here are a few facts to keep in mind: On June 14, 1990, Secretary Brady told Members that more money would be needed. Now here we are 9 months later, still debating, not so much the issue, but the method of additional funding.

Currently we are losing $8 million a day because RTC does not have the money to pay off the depositors in failed thrifts that need to be shut down. Bill Seidman estimates that by taking over insolvent thrifts now, losses can be cut by 40 percent.

At a recent hearing, we were told the resolution of 95 thrifts had already been delayed because of Congress' failure to authorize funds in October 1990, the end of last fiscal year.

□ 1340

Only through a glitch in the law has the RTC been able to fund itself for operating expenses, and now that money is gone.

Mr. Speaker, finally, with respect to the rule, three substitutes are being made in order. I must urge a vote against both the Slattery-Kennedy and the Gonzalez substitutes.

First, the Slattery-Kennedy substitute specifically violates last year's budget agreement, which exempted deposit insurance funding, and Desert Storm from the pay-as-you-go provisions. The CBO stated this in a letter to Senator RIEGLE on February 7, 1990. No one more than I would like to see this Government balance its budget, pay as you go, if you please; but the problem with the Slattery-Kennedy substitute is that it attempts to require subjective determinations as to what programs will be cut or where the taxes will be increased. That is the reason the budget agreement last year excluded RTC funding from its provisions.

The OMB says that the Gonzalez substitute will increase the cost of the cleanup.

Worse yet, a provision in the Gonzalez substitute will prevent the RTC from breaking leases in upper income rent control buildings which it has taken over, one of which is shown here.

The gentleman from California [Mr. DREIER] referred to this in his opening statement a little while ago.

Right now, the RTC is involved in a case involving an apartment building in the most exclusive neighborhood in Manhattan, "Suttan Place." In fact, one of the apartments in this building is the apartment of clothing designer Bill Blass, and I must say, he designs very nice clothes. I have worn some of his suits myself. In fact, Marilyn Monroe once lived in this building.

This section will cause the American taxpayer to be subsidizing wealthy New York East Siders so they can enjoy relatively low rents and live in luxury. One tenant, for example, is paying only $475 a month for a 2,100 square foot apartment in this building. Bill Blass, may I say, pays the market rent, but currently the RTC is losing almost $19,000 a month on this building. Rather, I should correct my statement and say the American taxpayer is losing about $19,000 a month on this building.

I am informed by the RTC that they have an offer of over $1 million if the buyer could buy it without rent control.

Provisions in title III will force the RTC to keep certain properties off the market for as long as 6 months, while nonprofit groups in the name of environmental protection simply ponder whether they would like to buy them or not. Is this really the least expensive way to go?

Finally, title IV of the Gonzalez substitute requires strict quotas to be met for minority and women contracting, a 25 percent quota. I support minority outreach, and the RTC is doing a good job of this, but to meet a certain quota means that costs of the cleanup will go up.

Finally, the OMB says that the Gonzalez substitute will drastically change the method of resolutions for the RTC, and probably will require more cash payouts.

Mr. Speaker, I think the rule is a fair one, giving all Members an opportunity to be heard on this issue, and I urge adoption of the rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. Speaker, I thank the gentleman for giving me this time.

Mr. Speaker, I rise in opposition to the bill and the rule under which this bill would be considered, as fatally flawed. The greatest financial scandal in the history of the modern world is ongoing and out of control, piling debt on debt, burdening hard-working American taxpayers and their children and grandchildren to pay for someone else's excesses, someone else's theft, and someone else's mistakes.

In 1989, we were told that $50 billion cash and a few hundred million working capital would do the job. Now we are being told, well, another $30 billion cash, offbudget, of course, does not count against the deficit, only comes out of the taxpayers' pockets, and $47 billion in working capital might do the job, but they might have to come back again, and we are going to pay this money without making the basic reforms that need to be made to prevent this problem from recurring.

Where is the regional equity? Where is the burden sharing? Nearly 50 percent of this problem was caused by State-chartered savings and loans, mostly in two States. Let those who created the greatest part of this problem at least carry a little bit more of the burden.

To big to fail? Do the Members of this body really believe that we should not address the issue of some banks are too big to fail, but a few others, perhaps those minority-owned or those in other parts of the country, are not too big to fail?

Multiple insured accounts, brokered off Wall Street, still going on today, moneys seeking the worst place to go, the place that pays the highest rate of return.

Foreign deposits fully insured, pitifully few of the guilty parties behind bars or making restitution.

It is not an issue of basic building blocks and deposit insurance. I believe in that and I know every Member of this body and every American does, but the least cost option should be brought before this body, and we should bring before this body a bill which will make those who are most responsible pay at least an additional part of the price of cleaning up this mess and preventing it from recurring, and this bill does not do that.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, some of my colleagues may think that this proposed rule allows the House to fully debate the key changes needed to reform the troubled S&L rescue, but in truth, it is a gag rule. It prevents debate on the single most important amendment necessary for fairness in paying the $500 billion price tag.

This is the regional cost-sharing amendment, which some of us have worked for since the rescue plan was enacted in 1989. We started as a very small group on the Banking Committee. Now we have more than 100 Members as supporters.

We are ready to offer our amendment, but some do not want to debate this issue. The leadership wants to prevent the House from working its will. We cannot allow that. The House must be allowed to work its will on the single most important amendment that can come before this House.

The leadership wants to railroad through a $30 billion direct appropriation, putting the cost on the taxpayer, without any real reform.

The leadership does not want any discussion of the fact that my taxpayers in my State and the taxpayers in some 36 other States are paying to clean up a mess that they did not create. The truth is that nearly half of the S&L failures were in State-chartered institutions.

Let me repeat that. The truth of the matter is that nearly half of the S&L failures were State-chartered institutions, and most of those failures were a handful of States which did not properly regulate their institutions. Why should our taxpayers have to pay for that? These few State governments fostered a wide-open, anything-goes, frontier-town atmosphere that attracted thousands of crooks, con artists, financial gunslingers, and plain ordinary incompetents. These few States must share the onus for the biggest regulatory failure in American history.

But the leadership of this House wants to stick most of the cleanup bill on the taxpayers in other States, States which did not cause this problem, States which properly regulated their S&L's, like those in my State, and whose citizens pay most of the taxes in this country.

We have an amendment to instill a measure of fairness. Our amendment is based on a simple principle: That those who caused this debacle should pay a share of the cleanup costs, not all the costs, not half the costs, just a portion; but if this rule is adopted, our amendment cannot be offered and the people of Wisconsin and the people in your States will be left with a bill for a problem they did not create.

So I urge my colleagues to defeat this gag rule and allow us to offer our fairness amendment, because without our amendment this bill is a big reward to those State governments which had lax regulations and caused this problem. We must be allowed to offer our fairness amendment. There must be a recorded vote on this issue.

I have been preaching about this concept for several years now. The S&L debacle was a big issue in the last election. It will be a big issue again in this election.

By a vote of 28 to 16, this amendment passed in our committee, in the Banking Committee, but the Rules Committee intercepted the committee will.

Mr. Speaker, let me make a prediction. If the congressional will on this amendment is stymied, one of the substitutes will get a majority vote and the entire day will be one of self-flagellation and futility. The Congress must be allowed an up-or-down vote on this issue.

Mr. Speaker, I ask you to vote "no" on this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, first of all, let me make it very clear that this gentleman understands very clearly that we have a fundamental responsibility to protect depositors. I support that and I hope that everybody in this body understands the need for us to do that, and I believe they do.

The debate today is not over whether we should protect depositors.

□ 1350

The debate is over the question of who should pay the bill for protecting the depositors? More importantly, when should the bill be paid?

Mr. Speaker, I urge my colleagues to take a hard look at the Kennedy/Slattery amendment that is made in order under this rule because under the Kennedy/Slattery proposal we propose to pay the bill now.

I understand that this is going to set the stage for a very painful political debate, it will set the stage for a very divisive debate, but it will also set the stage for us to do what is right, and that is to pay our bills and not to ask our children and grandchildren to pay $120 billion in interest payments.

That figure, my friends, is not disputed by anyone. That is the additional interest payments that will be incurred on the 30-year payment plan that the President and the supporters of a clean bill would have you support.

The other point that I would make in the Slattery-Kennedy proposal is that the $30 billion that the President is asking for this year, will be available. All he will have to do is submit a plan setting forth how he proposes and how he would like for the Congress to pay for any additional costs beyond the $30 billion. And there is even an escape hatch: In the event that the economy is not performing well, then we can deficit-spend as the President is suggesting.

Now, some have said this violates the budget agreement. Well, I find this almost a laughable argument to make. The fact of the matter is I do not believe there is anybody in this body who believes that the budget agreement last year is the end-all debate on that question of fiscal policy.

What this does is merely build upon it, improve upon the budget agreement. It would reduce the deficit by some $170 billion over the next 4 years, $170 billion, that is real progress in dealing with the deficit.

So any suggestion that this is violating the budget agreement last fall is really laughable.

Mr. Speaker, I would conclude by observing that for those who say vote for a clean bill, I would say to them a clean bill in this instance is a dirty deal for the American taxpayers and, more important, Mr. Speaker, it is a dirty deal for our children and grandchildren.

Let us do the right thing; let us vote for pay-as-you-go, and let us set the stage for a tough debate to address this question of how we are going to pay our bills.

Mr. DREIER of California. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank my good friend and colleague, the gentleman from California, for yielding this time to me.

My comments are of the small pond, I guess, variety as compared to the torrent and tide of debate that has been heard to date relative to the roar of the RTC ocean, who got wet and who is going to pay for it.

I had an amendment, and the reason I am taking the time of the House with regard to the debate on the rule is I had hoped my amendment would be made in order. But to get the depositors paid and to move the bill, I decided to hold off on the legislation.

I just want to illustrate one problem with the RTC's operation that must be corrected once we fund this.

In Salina, KS, which is in my district, the People's Heritage Federal Savings & Loan Association fell under the jurisdiction of the RTC. The RTC had the savings and loan's furniture in that building appraised and then transferred it to the RTC's office in Kansas City for its own use. This was pretty expensive furniture, to say the least.

The RTC then credited only $18,000 to the books as recovered. This occurred despite the fact that everybody in Salina, everybody who knew what kind of furniture it was, were willing to add an additional $100,000 to the bids on the building if the furniture was included.

Now, following my inquiry to the RTC asking for a clarification of the RTC's bid policy, the RTC put up the furniture for public auction. They advertised in the local newspapers; great, large advertisements, as you can see from this one column by 2 inch ad on the back pages.

They said, "We are going to put the furniture back up for auction." They received a bid from the First National Bank in Salina and sold the furniture for $82,000. Right there in Salina, KS—one example, thousands of dollars, not billions of dollars but we saved the taxpayers about $62,000.

In addition to opening up the bid and selling the furniture, the RTC issued a new policy with regard to the purchase of furniture. But it does not go far enough, as far as I am concerned.

I intend to introduce legislation that will require the RTC to comply with regular procurement policies within the U.S. Government.

Now, the RTC is a $50 billion agency that was created overnight as the result of the Financial Institutions Reform and Recovery Enforcement Act. The agency oversees assets from over 450 failed thrifts, amounting to over $160 billion, and it is facing great obstacles in disposing of these assets.

Now, managing and disposing of this portfolio is and will continue to be a tremendous task. First and foremost, not only do we have to fund this—and we are talking about billions and billions of dollars in this debate—but we must also sit down and look at how this agency operates and assure that the taxpayers are not billed twice.

Mr. Speaker, in a town where we speak of billions and millions, I know that $62,000 does not sound like much, but it represents an attitude I do not like.

I wonder how many of my colleagues have seen a similar situation where the RTC has latched onto very expensive furniture and has simply gone ahead and said that the value of that furniture was x when, in fact, if it could have been set in an open-bid policy, it could have been much more.

Now I have legislation that will cure this. I am going to introduce it next week. I ask for my colleagues to cosponsor this legislation.

I thank the gentleman again for yielding me this time.

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I rise in reluctant support of the rule. I think it is probably the only thing that we have that is going to move the process forward, and that is probably useful.

But I would like to focus a little bit on the process that is being moved forward by the rule.

If we take a look at what we are doing here today, we find out that this year we are spending $330 in this bill for every taxpayer in the country. Every person who pays taxes is being charged $330 by what we are about to do today, by anybody's measure that comes before us under this rule; $330 is a lot of money for those families. They think long and hard how they are going to spend that kind of money. We today on the floor will decide to spend that much for them.

So it is a process that maybe ought to be examined a little bit because it may not be the right process; because the fact is that we are so intent in Congress on playing political games that we often lose track of the macroeconomic impact of the political games that we play.

For example, in this particular area, there is some question as to whether or not we ought to proceed with the RTC arrangements or whether or not we would not be better off to do what is necessary in order to refinance real estate in this country or recapitalize real estate in this country and then, by recapitalizing real estate, save a lot of the savings-and-loans that otherwise would go under and that the RTC would have to pay for.

Nearly any investment banker, at least many of them, will tell you that if you could recapitalize real estate in the country, most of the S&L's that now exist would not fail. We have gotten rid of most of the bad ones, we have already paid the bill for them.

So what is necessary to be done is to recapitalize real estate.

How do you do that? The best way to do that is to pass the capital gains bill, pass the capital gains tax reduction so you could recapitalize real estate and at the same time save the taxpayers hundreds of billions of dollars of bailing out S&L's.

Now, why don't we do that? Well, because of the political game being played; because it serves the political interests of the majority to beat Republicans over the head about capital gains on rich versus poor. We are not doing what is right; namely, saving the taxpayers some money, cutting taxes so that we can get some things done that are necessary, such as getting the S&L problem solved.

And I think that the American public ought to examine that process; it ought to question why it is we cannot do what is right, what we always do is political.

Now, if we were in fact to proceed on the proper course of action here instead of dealing with billions of dollars of additional taxes—and when the gentleman from Kansas [Mr. SLATTERY] got up and talked, he did not talk about his approach being a tax approach, but if you take it to its logical conclusion, it could very well end up being additional taxes for the American people.

□ 1400

Mr. Speaker, I say to my colleagues, "If you just take this year, it's $330 of additional taxes for every family." Now, if that is the case, it seems to me that we ought to examine the other side, we ought to look at the other side, to see whether or not a tax cut, principally a capital gains tax cut, might not do the same job and do it in a way that would save us having to come back time and time again for the same kind of RTC approach.

But we will not do that because we want to have this argument about fairness, or rich versus poor, so what we are going to do is we are going to tax the American people in the name of fairness. I do not think they regard that as fair, and how are we going to use the taxes?

Mr. Speaker, I say to my colleagues, "If you listen to the gentleman from Ohio, he'll tell you of one of the ways that that tax money is going to get used is to subsidize the rich. The very rich that we keep hearing so much about whenever we're talking capital gains, we're going to end up under at least one of the approaches before us here today, subsidizing those people to the tune of thousands of dollars a month while they live in their luxury apartments in New York City."

I do not think the American people regard that as particularly fair either, so I would plead with my colleagues that maybe we ought to take a look at the larger issues involved in some of these things, stop playing politics with these issues here and do what is right for a change.

What is right in this case would be to recapitalize real estate in this country so that we can, in fact, save savings and loans and not charge the taxpayers.

Mr. SLATTERY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] very much for yielding.

Let me just say to the gentleman that he made some very valid points about this whole question of capital gains with respect to this solving the RTC problem, but let me also point out to the gentleman that we need to recognize that this next year, if it costs $50 billion to deal with the RTC problem, and if we have to cut things or raise some additional revenue to come up with it, that is $50 billion. If we do not deal with it next year, then the taxpayers, I would say to my good friend, we are going to have to come up with $120 billion in additional taxes in outyears to pay for it.

Mr. WALKER. Mr. Speaker, I certainly understood what the gentleman from Kansas [Mr. SLATTERY] had to say in that regard. The point is, however, that a tax increase in the economy right now, in order to do whatever we regard as good, would in fact be a disaster. We already, by raising taxes last fall, helped deepen the recession that we are now in. Every dime of taxes that is coming out, we have now raised the tax burden as a percentage of GNP to 20 percent. That is having a devastating impact on the economy.

Mr. Speaker, one of the reasons why people are out of work, why we cannot have a competitive economy, is because of being dragged down by last year's taxes, and now the gentleman's approach would take us the next step toward possibly additional taxes on top of the problem we already have and drag down the economy even more. That is not an approach that I regard as being a responsible way of handling the present problem.

Mr. SLATTERY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, I would like to work with the gentleman from Pennsylvania [Mr. WALKER] if he has an approach to come up with $50 billion in spending cuts. I would like to see it.

Mr. WALKER. Mr. Speaker, I would say to the gentleman from Kansas [Mr. SLATTERY] that I can probably find $50 billion. I do not think many people on his side would probably vote for it.

In addition, I would also suggest to the gentleman from Kansas that what we need to do right now is cut capital gains taxes.

Mr. DREIER of California. Mr. Speaker, it is costing $8 million a day as we delay this process. What we need to bring forward is a clean funding bill so that we can close down those insolvent institutions. The full faith and credit of the Federal Government is behind those deposits. That is the reason that we are here trying to do this, to ensure the depositors do not lose their investment.

Mr. Speaker, I hope very much that we can support this rule, move ahead with a clean bill without piling it up with all of these multifarious provisions which will only enhance the possibility of a Presidential veto and add further cost to the problem. So, I hope we can move ahead.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, the gentleman who preceded me in the well, the gentleman from Pennsylvania [Mr. WALKER], made an interesting point about recapitalizing real estate so that it is worth more. I think there is some merit in that notion, but the conclusion that he came to, that the capital gains tax cut was the way to do it, is not the conclusion I would draw. It would seem to me far more appropriate for us if we were interested in making real estate more valuable for us to reexamine the depreciation schedules and passive loss rules, changes that we made in the past that wound up depressing real estate values. They would be far more direct in terms of their impact on real estate and far better, in my view, in terms of dealing with this crisis than the scatter gun approach of capital gains reductions.

Mr. Speaker, I rise in strong support of the approach of the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Massachusetts [Mr. KENNEDY]. While we spend a lot of political time trying to blame one party or the other for this S&L debacle, we come away from such a debate with very few endearing truths. The one endearing truth that the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Massachusetts [Mr. KENNEDY] have come up with is that, if we borrow this money or put it off budget, it will cost future generations more money. Off budget borrowing is a unique way to screw middle class and upper middle income kids for the next 30 years. We, as a nation, already do a very bad job in caring for poor children. Now we have figured out a way to pass on the costs of profligacy of this generation to future generations.

Clearly, if we want to save money, if we want to engage in an honest debate about what our priorities should and must be, the approach of the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Massachusetts [Mr. KENNEDY] is the way to do it, to face squarely these costs today, this generation dealing with this generation's problems.

To suggest, as some of my Republican friends have, that taxes today are inimical to the way to deal with this crisis—I would simply say that these tax increases are just being deferred. They are not being forestalled, and they are only being made larger, not smaller, and there is a very heavy price today for a government that borrows money. It robs investment capital for people who want to use that money to invest.

Mr. Speaker, clearly the approach of the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Kansas [Mr. SLATTERY] is the only way for us to honestly face this crisis, and I commend the gentleman from Kansas and the gentleman from Massachusetts for their amendment.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I spoke earlier today on this very question. What we have before us right now is a rule, and it's an interesting thing. To those in the American public who do not known what a rule is, it is how we control debate and how we limit the amendments which can be offered to a bill in this Chamber. The objection that some of us have to this rule is that it is too strict a rule. It is particularly interesting to listen to my friends on the minority side argue that what we need is a closed rule and a clean bill, with few amendments and little or no opportunity for change. It is an interesting phenomenon to listen to the minority on this because for 6 years I have been sitting here listening to rules come before this House, and for 6 years my friends on the minority have said what we really need is open rules and unlimited authority to revise and amend legislation, and to express opinions on the floor. The minority has consistently attacked the majority party when we do not allow open rules and open debate. Now, all of a sudden, the minority would like a very closed piece of legislation to go through without amendment, without changing things, without the opportunity to change the approach. Without ever a reasonable opportunity to debate important issues.

Mr. Speaker, I have criticized the minority leadership and their position. Let me now also criticize the majority leadership in their position. What they have told us is they do not want us to act in any way to change the administration's request or the fundamental underlying law to correct the dissatisfaction of the American people to see that the proper people should pay for the S&L bailout. The way they have accomplished this is by just not allowing us to offer an amendment that would call for burden sharing.

What is burden sharing, it is saying that those people who cause the problems should share in the burden of paying for the problem. Is that unfair? Is that unreasonable? Is that not accountability?

Why should we give a free ride to the State of Texas? A few irresponsible States in years past, in the eighties, passed bills and gave powers to their S&L's, so that they could do almost anything with the money in an S&L, and they caused 45 percent of the loss of the funds in this country, which will amount to hundreds of billions of dollars. All of a sudden those of us from the Northeast Midwest Coalition, a majority of the Republicans on the Committee on Banking, Finance and Urban Affairs, a majority of the Democrats on the Committee on Banking, Finance and Urban Affairs, and more than a hundred Members of this Congress, who cosponsored this amendment as a freestanding bill, are being denied an opportunity to represent our constituents. The leadership or the Democratic side and the Republican side, the Committee leadership on both sides, the administration, they do not want the American people to ever hear the debate on this important issue. They fear a government of the people, for the people, and by the people.

But right now that is the message that goes out to the American people. That there is something unique about the S&L disaster that their legislators should not be entitled to talk to them about and inform them on. If ever I found a wrong principle, this is it. I ask the hundred Members of this Congress who cosponsored the burdensharing, bill, the majority and minority Members that supported my burdensharing amendment in committee, to vote no on this rule, and no on the bill until we are given an opportunity to bring equity and justice to the S&L bailout.

□ 1410

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say this: We can stand here all afternoon and possibly the rest of the week and argue about the S&L situation, which is an abominable situation, probably the worst I have had to deal with since I have been in Congress. However, that has nothing to do with the rule that we are about to vote on here this afternoon.

This is a broad-based rule. Three major substitutes are available to choose from, with a wide range of alternatives about how we want to handle the S&L situation. I frankly do not think that anyone in this body can be responsible and say that we do not have that obligation to handle the S&L situation. I do not like it, no one else likes it, but let me tell the Members that if we say to the American people that we are no longer going to guarantee their bank deposits, we will have the worst financial crisis this country has ever known.

We have already spent the money. We guaranteed the deposits. The note is due, and we have to pay. That is what all this is about. Voting against the rule is not going to have anything to do with it. It is a good rule, it is a broad-based rule. So I say that we have to live up to our responsibilities and vote for this rule.

Mr. MOODY. Mr. Speaker, the vote today is about picking up the pieces of a decade of idealogically driven deregulation combined with declining Federal and State supervision.

But not all States followed this disasterous example: Wisconsin, for instance, never adopted the practice of "forebearance"—a practice akin to the classic shell game played with taxpayers money.

Unlike the a real game, however, most State regulators did not even try to find the prize—real capital. They were content to take the charlatans at their word. These officials' actions to correct their oversights were, to say the least, a day late and a penny short—trillions of pennies short.

In my State of Wisconsin, Mr. Speaker, regulators did not play that game. Our financial institutions are extremely strong: Banks have an average of 9.3 percent capital; S&L have an average of 9.13 percent capital.

I cannot support a bailout package that does not ask more of those who created more of the problem.

Now we are being asked to pay another $30 billion to correct their mistake.

I urge my colleagues to let the House decide the question and defeat this rule.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOLPE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 146, not voting 13, as follows:

[Roll No. 38]

YEAS—272

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (TX)
Anthony
Archer
Armey
Atkins
AuCoin
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehner
Bonior
Boucher
Boxer
Brooks
Broomfield
Browder
Brown
Bunning
Bustamante
Callahan
Campbell (CA)
Cardin
Carper
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Cooper
Cox (IL)
Coyne
Cramer
Cunningham
Darden
de la Garza
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Downey
Dreier
Dwyer
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Fascell
Fawell
Fazio
Feighan
Fields
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Hall (OH)
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Herger
Hoagland
Hobson
Hochbrueckner
Horn
Hoyer
Hubbard
Hyde
Inhofe
Ireland
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kennedy
Kennelly
Kleczka
Kolbe
Kopetski
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (CA)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Lowey (NY)
Luken
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Mineta
Moakley
Molinari
Montgomery
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Neal (MA)
Nichols
Oakar
Olin
Ortiz
Orton
Owens (UT)
Oxley
Pallone
Panetta
Parker
Payne (VA)
Pease
Pelosi
Penny
Peterson (MN)
Pickett
Pickle
Price
Quillen
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Sabo
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Studds
Sundquist
Swett
Synar
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traxler
Unsoeld
Vander Jagt
Visclosky
Volkmer
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—146

Allard
Andrews (NJ)
Annunzio
Applegate
Aspin
Bacchus
Bentley
Bilbray
Boehlert
Borski
Brewster
Bruce
Bryant
Burton
Byron
Camp
Campbell (CO)
Carr
Clay
Clinger
Collins (IL)
Conyers
Costello
Coughlin
Cox (CA)
Crane
Dannemeyer
Davis
DeFazio
DeLauro
Dixon
Dornan (CA)
Duncan
Durbin
Dymally
Eckart
Espy
Evans
Fish
Foglietta
Ford (MI)
Ford (TN)
Gaydos
Gejdenson
Gilman
Glickman
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hancock
Hayes (IL)
Hefley
Hefner
Henry
Hertel
Holloway
Hopkins
Horton
Houghton
Huckaby
Hughes
Hutto
Jacobs
James
Johnson (CT)
Jontz
Kanjorski
Kaptur
Kasich
Kildee
Klug
Kolter
LaFalce
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Long
Machtley
Marlenee
McCloskey
McGrath
McHugh
Miller (CA)
Miller (WA)
Mink
Mollohan
Moody
Moorhead
Moran
Nagle
Neal (NC)
Nowak
Nussle
Oberstar
Obey
Owens (NY)
Packard
Patterson
Paxon
Payne (NJ)
Perkins
Peterson (FL)
Petri
Porter
Poshard
Pursell
Rahall
Ramstad
Rangel
Ridge
Rinaldo
Ritter
Roe
Roemer
Rohrabacher
Roth
Russo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Scheuer
Sensenbrenner
Sharp
Sikorski
Skelton
Smith (IA)
Snowe
Staggers
Stokes
Stump
Swift
Tallon
Tauzin
Taylor (MS)
Towns
Traficant
Upton
Valentine
Vento
Vucanovich
Wolpe

NOT VOTING—13

Alexander
Dorgan (ND)
Flake
Hammerschmidt
Hunter
Jefferson
Miller (OH)
Mrazek
Stark
Tanner
Udall
Washington
Wilson

☐ 1434

Mrs. JOHNSON of Connecticut, Messrs. ROHRABACHER, GAYDOS, GILMAN, MILLER of California, and GEJDENSON, Ms. DELAURO, and Messrs. RITTER, FISH, TOWNS, MOLLOHAN, and DORNAN of California changed their vote from "yea" to "nay."

Mr. EDWARDS of Oklahoma changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 105 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1315.

☐ 1435

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1315) to provide funding for the Resolution Trust Corporation, with Mr. CARDIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. GONZALEZ] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. WYLIE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that the issue or issues before the House are very clear. What Members have been listening to during the debate on the rule was, of course, confusing and not pertinent to the rule, and much that really tended to cloud the issue was uttered. All of the bills, including the substitutes that will be considered under the rule, I want to remind my colleagues, each one of these substitutes provides for 1 hour of debate.

☐ 1440

Each one of these bills and substitutes provide the $30 billion to the Resolution Trust Corp. to pay for savings and loan losses. There is no difference on that point.

PARLIAMENTARY INQUIRY

Mr. WYLIE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WYLIE. Mr. Chairman, I have a resolution here on H.R. 1315. The chairman indicated that there was 1 hour provided for each of the substitutes. In mine it says 1 hour of general debate and then that the amendments will be considered under the 5-minute rule.

Mr. GONZALEZ. Mr. Chairman, I am glad the gentleman is clarifying that.

Mr. WYLIE. Mr. Chairman, it is in the 13th line.

The CHAIRMAN. The rule that was adopted provides for 1 hour maximum debate on each of the substitute amendments, by reference to debate limits stated in the accompanying Rules Committee report.

Mr. WYLIE. The rule that we just adopted?

The CHAIRMAN. That is correct.

Mr. WYLIE. Mr. Chairman, then, that is different from the copy of the rule that I received here.

I thank the Chair.

Mr. GONZALEZ. Mr. Speaker, I thank my colleague for clarifying that point, because there has been some confusion here, and I wanted to make sure that every Member would realize that no matter what his predilection is for the particular substitute he would be for, he should have ample time to be heard.

But at this time, I think much good can be done not only for the Congress but for those we represent if we emphasize that the $30 billion that we are discussing here in this legislation is not for the bailout of any institution, any stockholder, any bondholder, any investor. As the minority leader so eloquently said it, this is what in the technical jargon is called loss funds, that is, $30 billion to resolve the near 200 or better than 200 institutions that the RTC has got to resolve this year alone, and nothing else.

What do we mean "resolve"? It means honoring the commitment that everybody in America takes for granted that if they have up to $100,000 in an insured depository institution that the Government's word is behind that insurance. At this point it cannot be if you do not have the money with which to honor that commitment. So we have no options now. This is something that as distasteful, as politically unpalatable as it is and always has been and will be, we were elected to, and we volunteered to, take the hard cases and make the tough decisions, and then in the environment of free and untrammeled debate make the points.

But I wanted to make that point, that the $30 billion are for lost funds. However, of all of the bills you will have or whatever you want to call them, substitutes, one of them provides what we consider to be true responsible substantive reform for the agency that will be receiving those $30 billion, and that bill is H.R. 1221, the substitute that I will be offering.

The so-called clean bills before the House, meaning clean in the sense that the money is going to come forth, and that is it, no accountability, no way of saying wait awhile, and this has not worked perfectly. It has not been infallible.

This Committee on Banking, Finance and Urban Affairs has had more hearings, comprehensive oversight hearings, in the last Congress and in the beginning stages of this new Congress on RTC than this committee had the total 6 years before. So we think we know that the people are reporting to us and the various responsible agents even within the administration are reporting to us that there are some flaws that at least minimally should be corrected before the $30 billion is given with no questions asked, no conditions, no nothing.

So that these so-called clean bills provide neither reform, limited or even fake reforms. It would be the worst kind of public policy to ask the taxpayers to spend another $30 billion and then refuse to provide the statutory changes necessary to ensure the money is spent prudently and that the RTC operates in a more responsive and less costly manner. Money without reform sends an absolutely wrong message to the bureaucrats at RTC, an agency that clearly has not been able to get its act together.

Sales of hundreds of billions of dollars of assets are moving as fast as wool overcoats in a July overheat.

State agencies like the one in my home State, the Texas Housing Agency and Housing Finance Agency have been willing to put up millions of dollars to buy properties only to find that the RTC is unable to provide basic data on the location and condition of the property. The complaints about arrogance and incompetence at RTC are heavy and growing heavier in offices throughout Capitol Hill. I have a pile of letters from my colleagues.

We have had hearings out in the field not only in Texas but in other areas. We continue to get reports from the Northeast, now, in heavy numbers. Now, these are not partisan complaints. They are not partisan concerns. They come from ordinary citizens, from business people, real estate firms, nonprofit organizations and local governments who are trying to make sense out of RTC's complex and everchanging strategies.

One of the House's senior Republicans, our esteemed colleague, the gentleman from Tennessee [Mr. QUILLEN], a member of the Committee on Rules, summed it up when we were before the Committee on Rules last week, and he summed it up well concerning this growing tide of complaints during the Committee on Rules hearing on this legislation. In his characteristically blunt language, the gentleman from Tennessee [Mr. QUILLEN] described RTC as a fiasco and suggested the agency "ought to clean house and start over again." His comments were on the mark, and echoed voices we are hearing from all over the land.

A vote for reform is not a partisan vote. It should be a bipartism vote if it is going to be for a better and a more economical way of performing the resolutions which must be done if the system is to prevail. it would be sad, indeed, if the House turned its back on the problems and handed the Resolution Trust Corporation a vote of approval in the form of one of the clean or near clean bills pending before us.

My amendment, in substitute, that is, does say that change is needed, and let me say that they are minimal. There were other amendments that I had proposed in the committee, some of them accepted; one of them was not.

□ 1450

I deleted them from the minimal version that is before Members now. However, I want to list them: First, the appropriation of $30 billion for losses; second, requirements for a detailed plan to be submitted by RTC on how additional funds are to be expended. We have never been able to get that. That is why we are so immersed in this swamp now. Third, requirements that RTC use the least costly method in resolving failed savings and loan cases. I notice that one of the speakers on the rule, who is on this make the States pay binge, mentioned that we ought to have a least cost. Well, we have it right here. Members can vote for it. Fourth, improvements that speed up the sales in the affordable housing program by including housing in conservatorship. Now, I remind Members, that means a tremendous real estate inventory, and the elimination of minimum pricing requirements for eligible properties. Protections are included to avoid the arbitrary wipeout of valid residential leases and unnecessary displacement of qualifying families. I was rather surprised that my esteemed colleague, the gentleman from Ohio [Mr. WYLIE] should hand pick an apartment that is not within the contemplated area of action and remedy, to avoid the expulsion and being thrown into the streets, hundreds of families. His site in New York is not at all the main area of concern where we have that problem. We had problems, we have had witnesses, and New York alone is not the only State affected.

Fifth, improvements in the handling, cataloging and sale of properties that have natural, cultural, recreational, or scientific values of special significance. Sixth, improvements in RTC contracting to ensure specific goals for including minority- and women-owned companies they are contracting with. Let me emphasize, these are not quotas. The language here is minimal. I will hope, and I will give the opportunity to our esteemed colleague from California [Mr. TORRES], who is the author of this version. This is no different from what it says in almost every single Federal agency or department now as a matter of statute, but it is not a quota. However, he can explain it better than I.

All of these provisions address specific complaints that have come to the committee's attention in oversight hearings and from Members and from the public, as I have said. There are additional reforms that are needed, and the Committee on Banking, Finance and Urban Affairs is committed to continuation of full oversight of the RTC in this session. We are asking the taxpayers to come up with hundreds of billions of dollars before it is all said. By faltering, we will perhaps contribute to an eventual price tag that could topple $500 billion. We owe it to them to do our very best to make this program operate in the public interest and at the least possible cost, as I am sure my amendment will do under these circumstances at this time here and now.

Mr. Chairman, I reserve the balance of my time.

Mr. WYLIE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1315, legislation to provide funding to continue the operations of the Resolution Trust Corporation. As the original text for consideration, H.R. 1315 is a clean bill which provides $30 billion in funding for the RTC. It does provide what I regard as necessary reporting requirements on the expenditure of funds by the RTC, and I want to commend the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ] for his willingness to work together to keep the process moving. The chairman has some strongly held feelings about affordable housing which I respect. I just do not think that this is the vehicle for low-income housing legislation. May I respectfully suggest to the chairman that my substitute does include budget reforms, which the chairman and I have worked on, and I thought that we had agreed to. I would respectfully suggest that the chairman's substitute does not have those same reforms.

RTC is not kicking out any low-income families. They are not kicking anyone out of these apartments or houses, since they take over if they are within a range of 115 percent of median income. I thought the record should be corrected in that regard.

We have now reached a critical juncture in the continued operation of the RTC and the timely resolution of the S&L crisis. In a letter dated February 28, 1991, the Chairman of the Resolution Trust Corporation, L. William Seidman, stated that:

> If additional funding is not provided, the resolution process will come to a halt * * *. This means that insolvent and unprofitable thrifts that would be shut down if funds were available to close them will continue to operate, piling up losses that will eventually have to be borne by the American taxpayer.

Mr. Seidman's letter of the 28th goes on to say that:

> We estimate that delay costs the taxpayer $250 million to $300 million for the first quarter. An additional quarter's delay would raise the cost by an estimated $750 to $850 million or at least $1 billion in the aggregate. The reason that each quarter's delay is more expensive than the last is that the longer the delay the longer it takes to catch up.

Mr. Chairman, the delay which has already taken place in failing to act expeditiously in adopting an RTC funding bill is costing the American taxpayers an estimated $8 million per day as we speak. We must adopt the RTC funding bill. We have no choice. The only alternative is an abrogation of the Federal Government's commitment to stand behind depositors. This point has been made over and over again and it deserves emphasis by repetition.

If we do not, the unfortunate result will be the loss of confidence in our banking system, and increased losses to the taxpayer.

On March 4, a Wall Street Journal editorial aptly summed up the situation this way:

> The S&L bailout is about recouping money owed to depositors. The depositors are going to be paid because the federal government assured them that they would be.

The consideration of legislation to fund the RTC is not a political issue, I submit. Neither Republicans nor Democrats should seek political advantage from fulfilling the unpleasant job that we all know must be done. Partisan bickering has no place in this process. It only serves to divide the House. We must resist the temptation to overlegislate on what is, in effect, an emergency funding bill. There is no time to debate ad infinitum extraneous matters that will only slow down the process.

While no Member is pleased about having to appropriate more money for the S&L process, I think it is important to bear in mind the progress which has been made thus far by the RTC. In a little more than a year and a half the RTC has seized 557 failed S&L's, and of that number it has resolved 373. Secretary Brady testified in the other body this past June that of the $273 billion in assets which have come under the RTC's control since its inception, the RTC has sold or liquidated 127 billion dollars' worth of assets.

While I realize that everyone would like to see more progress by the RTC, I believe that we must be realistic and we must keep the magnitude of the S&L resolution process in perspective. The RTC became overnight the largest financial institution in the United States, having more assets than Citicorp, and I think that we should keep that in mind.

I support H.R. 1315 which is a clean RTC funding bill. I urge Members to vote against the Slattery-Kennedy amendment and the Gonzalez substitute.

Mr. Chairman, I reserve the balance of my time.

□ 1500

Mr. GONZALEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of this legislation.

Let me say that this is not an easy thing to vote for, but voting against it is not very easy, either.

Where are we? We have the S&L crisis. As has been stated before, the problems that created that crisis are way back in the middle 1980's and late 1980's.

Now we have only one thing left to tell the people who put their $5,000 and $10,000 and $15,000 and $20,000 in their banks, in their thrifts, that Uncle Sam is going to make good on the promise. That is all this legislation does.

Now, if you want to cause real discombobulation in the banking system and in the thrift system, vote this bill down.

There is only one good thing that has happened in the S&L crisis so far, and that is that there have not been runs the way there were runs in the Great Depression. That is because people knew and still know at this point that for all the other problems Uncle Sam has had in this banking and thrift business, that Uncle Sam will make good on the promise that up to $100,000 of your money is safe.

We are simply being asked to make sure we can make good on that promise today, no more, no less, and if we are to start fiddling around with it, we are going to do something that might possibly cause the kind of problems that we will never be able to undo.

For 50 years, Federal deposit insurance has built confidence in this country ever since it was founded. To monkey around with it by not giving the money that is needed could undo that confidence in a week, in a month, in a few months, and we will never get it back. The genie will have been taken out of the bottle and not be put back in the bottle.

So I would say to my colleagues on the bill, it must pass. Whatever one's opinions are on the various amendments, and I will be supporting the Gonzalez amendment, but whatever the opinions are on the various amendments, we must pass a bill, plain and simple. We have no choice.

I tell my colleagues who were here in 1987, money was needed. It was not granted, and it cost the taxpayers not tens of billions of dollars, but hundreds of billions of dollars.

Right now we have only one choice my colleagues; pay a little now or pay even more later. It is not a little, so I would strike that. I would say pay something now or pay even more later, but that is really the only choice.

You can say, "No, I will vote no and hope my colleagues will pass it." That is a time-honored method of voting; but let me tell you, on this legislation if it is not you, there are not going to be many of your colleagues to pass it.

So I hope we will pass this bill. There is nothing wrong with it substantively.

Everyone knows we are right to vote for this bill. Politically, it is tough.

Should the RTC be doing a better job? Sure. You set up a huge organization—I have been a critic of the RTC, but they are beginning to make progress, as the GAO report shows. They have more progress to make.

Simply by giving them no money will not make them do their job any better. It will make them do their job even worse.

So in conclusion, I say to my colleagues, this is really a test in a sense of being a responsible legislator.

It is not one of those easy votes. It is not one of those votes you go home to, but it is the reason really we are all ultimately here.

So I ask my colleagues to think about it, to listen to the debate and then to find it within themselves to do the only thing we can do, to do the right thing, to do the thing that if it is not done today we will have to come back and do it in a week or a month, to vote for this difficult piece of legislation.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Chairman, everybody in America understands that the S&L trauma represents the greatest financial scandal of modern American history. It is Teapot Dome to Abscam times a factor of a hundred.

Everybody in America also understands that this body is responsible in no small part for the hole we have dug. Let us at least agree in responsible comity not to dig a deeper hole, not to allow the system to continue to hemorrhage $8 million every day we bicker and dawdle.

As much as any bill any of us will ever vote on, the observation about there being no such thing as a free lunch is in order.

On the other hand, we must all understand that some meals are more expensive than others.

One amendment before us today is designed to cause more spending, another potentially to raise taxes. These are not nickel and dime issues. They carry extraordinary ramifications.

At issue is a deepening recession if Congress plays political games with amendments. Precipitating more spending or more taxes at this time risks a loss of confidence in the economy, macroeconomic tremors of dangerous proportions.

Worse yet, at issue is a certain depression if we refuse to face up to our responsibilities and walk away from depositor obligations.

What distinguishes the 1990's from the 1930's is the existence of deposit insurance, of a Federal safety net that guarantees when a bank fails, the elderly who have put their life savings in a certificate of deposit will not be financially ruined.

There is something very tantalizing about both the Gonzalez and the Kennedy-Slattery amendments. One compassionately calls for more social programs, the other hard-headedly calls for paying the costs up front. I am frankly respectful of both approaches, particularly the second; but so there is no misunderstanding, each brooks a Presidential veto. Each will cause further delay in resolving the mischief that Congress has wrought.

Is it not time we put ideology and excuse behind and simply grit our teeth and pass a clean bill, a bill the White House will sign, a bill that gives some hope that we can at least say that we have done the honorable thing in the 1990's, after letting the public down so badly in the 1980's.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise today in support of H.R. 1315, the Wylie legislation to appropriate $30 billion for the Resolution Trust Corporation, which will allow the RTC to continue the process of closing down insolvent S&L's—and pay off those depositors which the government insurance program guarantees.

This is an installment on the savings and loan bill [FIRREA] which Congress passed to its credit. It was tough politically to do so and to the credit of all—the President, the Treasury, and the bipartisan leadership in Congress, it was passed with relatively little partisan acrimony.

Now for some inexplicable reason that statesmanship and comity has broken down. We should have passed this bill last October. We did not.

To the credit of the other body and after full debate, they passed a clean bill last week.

But here we are after 2 weeks of wrangling over everybody and their brothers pet projects and parochial interests and after full airing in two lengthy committee markups we are still unable to get a committee endorsed bill to the floor.

Today we have three legislative hurdles to pass before we get to our goal. And, I am told we might not have the votes here today for any appropriation—clean or otherwise.

I would like to urge my colleagues to do the right thing—vote for the Wylie clean $30 billion appropriation. We must understand the basic essential: That delay equates into added costs, upwards of $8 million per day of delay.

Now for those of my colleagues who simply do not support any RTC funding bill, I can only ask what is their alternative? The cost of the cleanup is not something new. We debated this matter at length when we considered the FIIRREA bill 2 years ago. It was clear from the beginning that the S&L cleanup would cost the American taxpayer.

Yes, the S&L debacle was an indictment of a deregulation frenzy that went awry. And yes, it was a sorry commentary on our regulatory process and even on our role as congressional overseers.

However, there is no alternative. As the Washington Post wrote yesterday in its editorial:

> These billions of dollars are buying fairness. Without them, the costs of the S&L failures would fall on depositors. People would lose their savings. Depositors should not bear the cost of public policy errors.

We know the history of this debacle. Now we must face the reality of our commitment to the depositors, not the S&L crooks.

Again, as the Post said, the money we are expending today is buying fairness and is providing financial and economic stability. If we are not prepared to accept this alternative, what is the answer?

Since its inception, the RTC has taken over some 531 troubled thrifts and has sold or liquidated 353 of these. Within the total of thrifts sold or merged, it would have cost the Government almost $38 billion just to pay off the depositors of those failed institutions. But because of RTC actions, this expense was not necessary to a large degree.

On the fraud side, the Justice Department has achieved convictions of over 500 defendents, representing over 700 years of prison sentences and the assessment of nearly $300 million in restitution and fines.

In other words, the RTC works, maybe not as rapidly or as effectively as some would want. But it does work and it does need funding.

Finally, on the amendments we will consider today, I can only suggest that it would be better to stick to a clean funding bill.

The Gonzalez substitute is not reform legislation. It will only serve to slow the process, not make it more efficient.

The Gonzalez substitute will, as a result of its least cost provision, require an immediate cash outlay of an additional $3 to $10 billion and would require additional borrowing of between $10 to $15 billion for the acquisition of additional assets.

This bill will subsidize upper income tenants in rent controlled apartments in the name of tenant protection, will hold certain properties under RTC control off the market for upwards of 6 months, and would require the establishment of a minority quota system for RTC contracts. Clearly, these are not reforms designed to implement efficiency or speed.

Mr. Chairman, this is no time to interject politics and pet policies into such an important piece of legislation as this.

I urge my colleagues to reject these unnecessary provisions and support a simple, straightforward and clean RTC funding bill so we can get on with the job of cleaning up the S&L mess.

Each day that passes makes this a more expensive proposition. Lets call a halt to the partisan games and act as responsible custodians of the public trust.

□ 1510

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, two things: I would like to ask Mr. WYLIE a question in light of the statement he made about Chairman Seidman's letter. But I wanted to say before we go into that, say to our very distinguished gentlewoman from New Jersey [Mrs. ROUKEMA] the ranking member on our committee, with respect to the Subcommittee on Housing, I am not motivated by charitable, social, or ideologic reasons. These are the results of an attempt to be for the people, but I realize that sometimes I have a hard time convincing not only Members on that side but some of mine, which reminds me of Dorothy Parker's little ditty:

> Higgledy piggledy, my little white hen, she lays eggs only for gentlemen. I can't persuade her with pistol or lariat to come across for the proletariat.

Try as I may, I must say this is not for the proletariat, because the proletariat does not have even a thousand dollars in the depository savings institutions.

The average deposit in a bank or an S&L or other depository institutions in the United States is less than $8,750 overall, median average. So the real hard numbers are less than that, I wanted to say that I am not motivated by soft-headed, do-gooder intentions. These are bare minimal requirements that we feel will bring the resolution of these tax-funded institutions, and will continue to be more or less subsidized, closer to the intent that we all express when we want them to serve the greatest overall general public interest.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the chairman for yielding.

Mr. Chairman, I want to be clear, and I am sure my chairman understands this, but I want to be sure my colleagues understand that nothing in my statement was meant to impugn the motives of our chairman. There are honest differences of opinion over how this should be done. I know the Treasury Department and the President are absolutely convinced about the merits of their proposal and feel that it would really be in the best interests of all depositors to see this done.

However, I do understand that although the gentleman from Texas has a heart of gold, he does not make soft-headed decisions.

Mr. GONZALEZ. I thank the gentlewoman.

Mrs. ROUKEMA. I certainly understand that, and that the gentleman is operating out of the best of intentions and the highest motives and he has given very clear and thoughtful consideration to his proposal.

Mr. GONZALEZ. I thank the gentlewoman from New Jersey.

Mr. Chairman, I address this to the gentleman from Ohio [Mr. WYLIE]: In the letter he referred to, as receiving it from Mr. Seidman, was that the one dated March 11?

Mr. WYLIE. If the gentleman will yield, the letter that I referred to was a letter of February 28, and it was addressed to Chairman RIEGLE over in the Senate. But I received another one identical to it dated March 4.

Mr. GONZALEZ. I want to read, not read but refer to the one we received yesterday, on March 11, in which he said that the only complaint he had about my substitute amendment was that it did not apply the least cost test by the RTC to transactions involving failed thrifts as it does not in the case of banks. What he was saying is that he had no complaints about the amendment other than its methodology with respect to the least cost test. He says that he would like the same procedure to be used in the case of the S&L's and the banks, where he does not have a least-cost procedure. What I wanted to clarify was the fact that he is not against the amendment, per se, other than with that one objection. Of course, we are for this method being used in the case of banks and S&L's.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

I understand where the gentleman is coming from. Mr. Chairman, I think maybe he has softened his tone a little bit in this letter of March 11 to the gentleman from Texas. He also sent an identical letter to Mr. MICHEL, may I say, which I just now received a copy of. But back on February 25 he referred to the language in the bill and suggested that we omit section 102(a) of the bill because the proposed methodology would be difficult to apply and would fall short of effectively dealing with the goal of having uninsured depositors share in more of the losses.

Mr. GONZALEZ. All right. I was a little bit——

Mr. WYLIE. As I say, I think he has softened his tone a little bit, but the point I wanted to make is that this still applies; I think we could do it more swiftly with a clean bill and not have confusion in the process with the RTC properties.

Mr. GONZALEZ. Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] has 4½ minutes remaining.

Mr. GONZALEZ. Mr. Chairman, I was going to ask how much time did we consume in this dialog?

The CHAIRMAN. Approximately 5½ minutes.

Mr. GONZALEZ. I was going to ask the gentleman from Ohio [Mr. WYLIE] if he would be willing to share the cost of that dialog.

Mr. WYLIE. Mr. Chairman, I have enough requests to use all of my time, but I would be willing to split the time in order to clear up the record.

Mr. GONZALEZ. If the gentleman has the time.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Chairman, I have a unanimous-consent request. Thus far, every speaker who has gotten up has spoken for the bill. No one has received time who has been in opposition.

I would like to move—I ask unanimous consent that the opposition be given one-half hour.

The CHAIRMAN. Unfortunately, such a request would be out of order in the Committee of the Whole.

Mr. ANNUNZIO. This is a unanimous-consent request I have asked.

The CHAIRMAN. The Committee of the Whole cannot, by unanimous consent or otherwise, modify the special order adopted by the House on the control of general debate.

Mr. ANNUNZIO. Well, you know I have been here a long time. With unanimous consent you can drive an elephant right through this Hall. You know it and I know it. It is just not fair what is being done here today.

The CHAIRMAN. The gentleman's point has been made.

Mr. ANNUNZIO. Mr. Chairman, I renew my request. I ask unanimous consent that the opposition to the legislation be given 15 minutes.

The CHAIRMAN. The Chair rules that that request would not be in order in the Committee of the Whole.

The Chair recognizes the gentleman from California [Mr. TORRES] for such time as he may consume.

Mr. TORRES. Mr. Chairman, I stand here today in support of the legislation, Mr. GONZALEZ' substitute legislation, and I oppose Mr. WYLIE's.

My colleague from New Jersey talked earlier about the collegiality that we have previously to this, the statesmanship that we deployed in the last session when we voted out $50 billion. We are being asked again to vote $30 billion to resolve RTC's program of adjusting S&L losses and the making whole of the American depositors. Yet there is a lot of turmoil this second time around. Why? Simply because there are large inequities in this new request if Members of Congress are to vote out $30 billion. The legislation today seeks to make whole American depositors; to make whole the faith of the American people in their financial institutions, and in this case it is the savings and loans, not the banks.

□ 1520

Mr. Chairman, this is not a banking bill. We are talking about S&L reform, but reform with teeth in it, and the legislation of the gentleman from Texas [Mr. GONZALEZ] does that in a most modest way, by asking for accountability of how $30 billion are to be spent; by asking for management procedures; with reporting procedures. How are these billions of dollars going to be carried out in the cataloging and the sale of properties? How about the safeguarding of environmental sectors of our land, historical, and other cultural properties?

Mr. Chairman, I am opposed to the legislation of the gentleman from Ohio [Mr. WYLIE] because it does nothing in terms of clear accountability of how these funds are to be spent. His amendment does not provide such accountability as the amendment of the gentleman from Texas [Mr. GONZALEZ] does. The amendment of the gentleman from Ohio [Mr. WYLIE] is well intended, but I believe it is a misguided package of changes that appeared to have advanced numerous reforms, but in reality this does very little.

Mr. Chairman, it purports to provide solutions to the many problems that plague the RTC, but it really only glosses over those problems with a few cosmetic changes. It is an amendment that is characterized as a reform package, but it is really little more, little more than a blank check to the administration, and the biggest deception in the amendment, however, involves the minority-contracting provisions.

Mr. Chairman, the supporters of this amendment, the legislation of the gentleman from Texas [Mr. GONZALEZ], have labeled Mr. GONZALEZ' legislation as a quotas bill, a quotas bill. What a time to take advantage of that terminology. This is not a quotas bill. They claim that by voting for the amendment of the gentleman from Texas [Mr. GONZALEZ] that we will be imposing quotas. Nothing could be further from the truth.

Mr. Chairman, I say to my colleagues, first of all, you have to be reassured here, my colleagues, today that however you vote, you're not voting for a quotas bill. There are no quotas in the Gonzalez amendment. The Gonzalez amendment does not mandate that a certain quota of contracts be awarded to minority and to women contractors. Rather it clarifies and expands the RTC's policies regarding minority and women outreach by providing guidelines to increase the diversity in contracting. It provides us guidelines by establishing a modest goal of 25 percent for contracting with minorities and with women.

Mr. Chairman, it is a goal, not a quota, not a quota. These are targets that we hope and expect that the RTC would hope to reach. They are not rigid quotas because they are not quotas. The Gonzalez amendment does not require that a certain percentage of contracts be set aside for women or minorities. It does not mandate that a certain number of contracts be allotted to women or minorities, and I have explained this to the gentleman from Ohio [Mr. WYLIE], and I have told him, and he indicated to me that he understood this.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I said this about three times. I am going to read from the language.

It says:

> An overall goal of not less than 25 percent of all contracting activities to be entered into with minority individuals or women, or companies owned and controlled by minorities or women, including prime contracts, of which not less than 15 percent of such contract dollars shall be allocated to companies owned and controlled by minorities. Not less than 10 percent of all contracts shall be allocated to companies owned and controlled by women.

The corporation "shall." That is mandatory language, "shall." I am a lawyer. It is not discretionary. "May" is discretionary.

"Shall strictly adhere to such goal when evaluating solicitation of services responses." What is that if it is not a quota?

Mr. TORRES. Mr. Chairman, I say to the gentleman from Ohio [Mr. WYLIE], it is a goal, sir. I restate it. It is a goal.

Mr. WYLIE. It is a mandatory goal.

Mr. TORRES. It is not a mandatory goal. It is not that. It does not require that women and minority contractors be given special treatment by evaluating their contract bids.

Mr. WYLIE. Mr. Chairman, will the gentleman yield one more time?

If the gentleman will yield, I will yield 1 minute to the gentleman from California [Mr. TORRES].

Mr. TORRES. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, the second paragraph says, "The goal shall," and again is it s-h-a-l-l, "apply to every type of procurement and every contracting activity, including conservatorships, entered into by the corporation and by the Federal Deposit Insurance Corporation on behalf of the corporation."

Mandatory language establishes quotas.

Mr. TORRES. Mr. Chairman, again I say to the gentleman from Ohio [Mr. WYLIE] that this is a target, this is a goal. This is not a mandate. This is not a quota, as he has so indicated. It simply just asks RTC to reach a couple of modest contracting goals to ensure that all businesses, large and small, have an equal opportunity to bid on such contracts. They are needed because 2 years ago, when we voted out $50 billion, this body passed legislation that included a provision designed to increase RTC contracting with minorities and women, and since that time in our committee we have heard countless witnesses come forth and say that they are simply frustrated at the lack of meaningful opportunity that is available to women and to minorities in this area.

The CHAIRMAN. The 1 minute that was yielded to the gentleman from California [Mr. TORRES] from the gentleman from Ohio [Mr. WYLIE] has now expired.

The gentleman from California [Mr. TORRES] has 4 minutes remaining on the time allotted from the gentleman from Texas [Mr. GONZALEZ], which will be all the time from the gentleman from Texas.

The gentleman from Ohio [Mr. WYLIE] has 15½ minutes remaining.

The Chairman recognizes the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, the FDIC recently reported that of the total fees awarded by RTC to date, as I speak, to date, only 3 percent were awarded to minorities, and for the first quarter of 1990 only 1 percent of the total contract dollars went to women and minority-owned businesses. Quite frankly, quite frankly, this record is appalling.

Mr. Chairman, the only way we are going to improve upon this dismal record is for this body to set some goals, to set some goals by which we can measure the RTC, the RTC's performance. The amendment of the gentleman from Texas [Mr. GONZALEZ] only establishes modest goals, but at least these goals will provide the RTC with a clear expression of how they ought to work at this.

Mr. Chairman, women and minorities played no great role in causing the S&L crisis, but my colleagues can rest assured that they will be paying their share of the bailout, and for this reason alone they should be assured equal access to the economic opportunities that have resulted from this crisis. By simply asking the RTC for progress reports, the amendment of the gentleman from Ohio [Mr. WYLIE] falls short of ensuring such access.

We are not breaking new ground in contracting with the amendment of the gentleman from Texas [Mr. GONZALEZ]. Congress already requires most Federal agencies to try and attain specific contract goals for minority and women owners. The Department of Defense, the Department of Transportation, NASA, the State Department, the Agriculture Department, and the EPA; they all have these goals.

Mr. Chairman and my colleagues, it is time for the RTC to implement the type of contracting procedures that are required of every agency of our Federal Government, and finally, on a final note, as I prepared my remarks today for this debate, I was really overcome by the feeling of sadness that this issue must be a part of a debate.

Mr. Chairman, our country has just witnessed and emerged from an enormous victorious military conflict during which we watched with pride as our men and women stood out valiantly and outstandingly. On CNN every night we saw white, black, Hispanic, Asian, male, female—all working side by side for the common goal, for the good of this country. Will we now tell the minorities, as they return from a job so well done, that we would not vote to ensure them equal economic opportunities at home? I hope not.

□ 1530

Mr. Chairman, I hope that this kind of debate on ethnicity is someday just a footnote in history so we do not have to engage in this kind of discussion again, but until then, I urge my colleagues to defeat the Wylie amendment, support the Gonzalez amendment, and adopt this much-needed piece of legislation.

Mr. WYLIE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I respectfully suggest that the gentleman from California was wrong on another account when he said there is no mechanism for accountability in my original bill.

I have a substitute which will provide for several mechanisms for management reform. In my original bill, I said this:

> Requests for additional funding.—Any request for legislative action to provide new or additional financial resources for the Corporation shall— * * * be submitted in writing to the Committee on Banking, Finance and Urban Affairs * * * and, * * * contain a complete and detailed financial plan for spending such resources and any relevant information described in paragraph (5)(B) and (6)(A).

Which are already contained in the statute.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I was fascinated by the debate here a moment ago between the gentleman and the gentleman from California, in which the gentleman seemed to be reading language which sounded suspiciously to me like it was absolutely mandatory, so, therefore, it would constitute a quota. Now, we are hearing a lot of talk on the whole civil rights bill about the fact that it was not really a quota, but it would just have that effect. Yet it sounds to me as though they are writing a specific quota.

Will the gentleman quote that language for me again? It sounded to me very much like an absolute mandate of a quota.

Mr. WYLIE. I would be glad to quote the language, and the gentleman is absolutely correct. It says this:

> An overall goal of not less than 25 percent of all contracting activities to be entered into with minority individuals or women or with companies owned and controlled by minorities or women * * *.

Mr. WALKER. So it says "not less than." So it means absolutely you would have that many people under every category of contract.

Mr. WYLIE. The gentleman is exactly right. Then it says this:

> The Corporation shall strictly adhere to such goal when evaluating solicitation of services responses (from any source).

Mr. Chairman, I do not see how it could be anything else but a quota.

Mr. WALKER. Mr. Chairman, I thank the gentleman.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. McCANDLESS].

Mr. McCANDLESS. Mr. Chairman, I thank the ranking member for yielding this time to me.

Mr. Chairman, the Federal Government has made a commitment to the people of the United States.

That commitment is that the Federal Government will stand behind those who work and save their money.

The legislation we are considering today is necessary to enable the Government to honor that commitment.

The Resolution Trust Corporation needs money to protect the funds of innocent depositors and to close insolvent savings and loans.

The price tag is very high—but the alternative is far more expensive.

Without deposit insurance, institutions that went broke would simply turn off their lights and lock their doors.

Millions of Americans would lose their life savings. Our economy would collapse, and the Depression of the 1930's would look like the good old days.

That's why I support H.R. 1315 as introduced by the gentleman from Ohio [Mr. WYLIE].

Politically, this is a tough vote.

Those who think it politically expedient to simply vote against what's been called the S&L bailout should hope that their constituents don't figure out that the alternative is the end of deposit insurance, loss of depositor confidence, massive runs on financial institutions, and economic collapse.

We will consider three different options this afternoon.

The Slattery amendment is highly controversial—not to mention, unworkable.

It treats deposit insurance as a discretionary program.

It calls for start-and-stop funding of the RTC, which will do little to instil depositor confidence, and the uncertainty and delay will only cost the taxpayers more money.

The Gonzalez amendment is also highly controversial.

In the name of reform, it subjects the RTC to a host of new social programs and requirements.

That, too, will mean delays and higher costs for the RTC, which will have to be paid by the taxpayers.

The Wylie amendment is a clean, straightforward approach.

In fact, I know of no opposition to the provisions of the Wylie amendment.

Those who oppose the amendment do not object to what is in it. They want additional and controversial provisions added to it.

Time is running out. Unless we get something through the House, through conference, and signed by the President, the RTC will have to cease operations, and the American taxpayers will again have to pay for the inaction of Congress.

For that reason alone, the Wylie substitute is the way to go.

Mr. WYLIE. Mr. Chairman, I yield myself such time as I may consume.

Mr. LAFALCE. Mr. Chairman, will the gentleman yield for a question?

Mr. WYLIE. Yes, I am glad to yield to the gentleman from New York.

Mr. LAFALCE. Mr. Chairman, does the gentleman intend to yield to any Member who wishes to speak in opposition to the bill? I ask the question because no Member from the Democratic side who is in opposition to the bill was allowed to speak.

Mr. WYLIE. Mr. Chairman, will the gentleman give me a little slack on that? I have several requests for time on my side, and if there is any time remaining, I will be glad to yield time to the gentleman.

Mr. LAFALCE. Mr. Chairman, I thank the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I would just like to have a colloquy with the ranking member, the distinguished gentleman from Ohio. I would ask the gentleman if he would explain to me the difference between the main bill and his amendment. I believe some of us are concerned that there is no difference, and I think we should bring out that difference or that distinction from the bill on the floor.

Mr. WYLIE. Mr. Chairman, if the gentleman will yield, H.R. 1315 is the bill which I introduced and which uses the basic bill which is subject to amendment. As I pointed out a little earlier to the gentleman from California, I do have a report in there.

As a matter of fact, I took section 101 of the chairman's bill and inserted it in that. I thought the chairman of the committee had a good point on a report. It was my understanding from the chairman that maybe they did not go far enough, and there may have been a misunderstanding, but I tried to incorporate additional management reforms in the substitute bill which I am going to offer and which I thought was the agreed bill at one time, as agreed with the chairman and with the gentleman from California [Mr. TORRES]. That is having to do with management reforms, and I will get into this a little later on. There are eight of them, including standardized procedures for auditing, goals that no property shall remain in conservatorship for more than 9 months, and to develop and implement an improved information system.

The other thing is that there is a minority contracting reporting provision in there, and it calls for detailed new requirements for RTC semiannual reports on minority and women contracting. There is a 25-percent goal in the provision of the gentleman from California [Mr. TORRES]. RTC tells me they have already reached about a 21-percent limit on minority contracting, so they are not too far off. But they are making note of the fact that some of the contracts ought to be given to minority contractors, and we are asking them for a report as to the extent by which contracts have been awarded to minorities and women in that substitute bill.

Mr. Chairman, I thank the gentleman for asking that question.

Mr. STEARNS. Mr. Chairman, I do have an additional question.

Then in conclusion, the gentleman's amendment has enhanced management techniques in it from the basic bill?

Mr. WYLIE. Yes, it does.

Mr. STEARNS. So when Members are voting for the gentleman's amendment, they are voting for enhanced management provisions and for more accountability?

Mr. WYLIE. Yes, absolutely.

Mr. STEARNS. And, too, the gentleman will have minority provisions in his bill so that it is not devoid of any minority provisions? The gentleman will have them in this amendment that we will be voting on, in addition to that?

Mr. WYLIE. Yes, and we have many reforms, and we have goals to cut the time by which properties can be disposed of. That is one of the criticisms we have heard, too.

Mr. STEARNS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. GILLMOR], and I would inquire of the Chairman how much time I have remaining.

The CHAIRMAN. After this speaker, the gentleman will have 5 minutes remaining.

□ 1540

Mr. GILLMOR. Mr. Chairman, I rise in support of H.R. 1315. I want to associate myself with the remarks of the gentleman from Ohio [Mr. WYLIE] and my fellow members from the Committee on Banking, Finance and Urban Affairs who are speaking today in support of a clean, straightforward appropriation for the RTC.

I think it is evident that the policies of the RTC are in need of review, but this bill is not the means for untimely and complex modifications. While I do not support unlimited appropriations to the RTC, I recognize the need to provide RTC with resolution funds, which are needed now, without undue delay. Delay in these appropriations will only add to the cost of the thrift bailout, a bailout that has cost American taxpayers too much already.

Some Members have argued that the modifications are necessary to correct RTC inefficiencies, but in actuality, many of these reforms are not only reforms, but are proposals which will end up costing taxpayers millions and millions of dollars more, and will further delay the disposition of assets by RTC. It is essential that we minimize the cost of this bailout. We should abstain from extraneous provisions that have not been examined through hearings, and therefore leave us with very little knowledge of their practical effects.

Mr. Chairman, I understand the motivation behind the pay-as-you-go, housing, and asset disposition provisions which are found in the substitutes that we will debate shortly. But let us address those provisions in the proper forum and the proper context, during debate on financial services restructuring this year, and refrain from adopting measures other than a clean funding bill.

The Committee on Banking, Finance and Urban Affairs adopted the Wylie bill on a bipartisan vote with a majority of both Republicans and Democrats, and I would urge the House to do the same.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding the time.

Mr. Chairman, I think at the end of this debate it is appropriate to recapitulate a little bit of where we are as we go into the three major amendments we are going to take up today. I would like to first state that I have not been one who thought RTC in its original version was a very good idea. In fact, I voted against its creation. It is a very complex organization, a huge thing. It is difficult to manage.

But the fact is, it is there; its job is something that Congress desired it to do; we have given it its responsibilities; and now we have the obligation to continue its funding and let it work. Otherwise we have a complete mess out there, and we could not clean up the savings and loan problem.

We have heard today already, and Members will hear much more about it, that we are talking about funding it, hopefully to the tune of $30 billion, for the remainder of this year. It is absolutely essential to pay off the deposits to close the remaining 95 or so savings and loans out there that are now in the state that they are ready to be closed based on the difficulties that are already on the table and that we all know about. It is going to cost $8 million a day. Already $96 million has been cost by the delay in not giving this funding.

Mr. Chairman, Members are going to have three choices today. The simplest and most straightforward choice seems to me to be the obvious one, and that is the Wylie provision as he will amend it, which is simply to plain fund the $30 million, with only a few management changes and suggestions for RTC to improve their accounting.

The other two choices are clearly flawed. The Kennedy-Slattery proposal is going to probably result in a tax increase, and that is not necessary. At the very least it is going to distort the budget process that we have right now and exaggerate the near-term problems that we have and understate the later expenditure problems.

Mr. Chairman, Members are going to hear a lot more about that in debate, but it is a bad proposal, one that is going to fuzz up the process and not help us get on with it.

The Gonzalez proposal that is out here on the floor, Members have heard a lot of debate about. I know quite a bit about that quota question. Believe you me, that language the gentleman from Ohio [Mr. WYLIE] was reading, as much as I respect the gentleman from California, is absolute, it is a "shall," it is mandatory, and it is quotas. Having worked with the civil rights bill, it is worse than the civil rights bill proposal. At least that is subject to some interpretation.

I will say this, too, and it has got to be made clear about the Gonzalez proposal: Presently one-fifth of all the contracts are going to minorities and women, and one-fourth of all of the contract dollars are going that way in RTC contracting right now, under their own provisions. They are holding various conferences with minorities and women. We have been holding their feet to the fire in committee work. Mr. Seidman, the Chairman of the FDIC who was involved in the whole closure process, has urged us by letter, repeated on this floor, and will I am sure again be repeated today, not to clutter up the process, to leave it sit down, not to add all of this extraneous language and requirements that are different from the bank issues when we go to the S&L closings.

Let RTC do its job. Do not pass the burdensome requirements in Gonzalez. Do not force us into a huge budget debate with respect to the Kennedy-Slattery provision. Let us leave it simple, and let us let it go the right way. Vote for the Wylie provisions. Let us fund it properly and get on with closing these S&L's.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Chairman, I rise today in support of the Wylie substitute.

This Congress cannot and must not continue to allow the economic futures of American families to be sacrificed over partisan politics.

Thus far, the refusal by Congress to act on this RTC funding has cost the American taxpayers $96 million, and that figure rises by another $8 million per day.

Every passing day that the RTC goes unfunded, every day the savings and loan debacle is allowed to grow, is another day that the price tag on the S&L cleanup gets bigger and bigger.

The Wylie substitute we consider today provides $30 billion, funding which the President can sign immediately and the RTC can operate with effectively.

And just as importantly, the Wylie substitute includes reforms to speed up asset disposition and further save tax dollars.

In August 1989, asset disposition by the RTC took an average of 25 weeks, today RTC holds assets for an average of 1 full year.

These provisions do not micromanage, they don't add redtape, they don't increase costs;

Instead, they respond to the RTC's shortcomings, so that failed thrifts can be resolved at the lowest possible cost to the American taxpayer.

The Washington Post, in an editorial on Sunday, correctly pointed out that by approving the Wylie substitute and providing RTC funding, we are protecting the American taxpayers, families, farms and small businesses that have deposits in savings and loans.

When I first came to Congress, a little over 2 years ago, I sought a seat on the Banking Committee to help get to the bottom of the savings and loan fiasco.

Is this Congress now saying it was wrong 2 years ago when a majority of this House approved legislation to liquidate failed S&L's and hold harmless those families with funds in S&L's?

If not, then why has this Congress failed to make the commitment the RTC needs to straighten out this mess?

My colleagues, the time to act is now.

Don't load this important measure with additional pet projects, pork-barrel programs and costly congressional strings which will prohibit the RTC from acting in the capacity that Congress originally set forth.

It is vitally important that we act today and approve the Wylie substitute.

Mr. Chairman, I rise in opposition to the RTC funding legislation. The bill before us is one of the most costly measures we will consider during our tenure in Congress. The necessity of bailing out savings and loan institutions that carried Federal deposit insurance is universally accepted as an unquestionable obligation of the U.S. Government. The sanctity of this obligation, however, should not dissuade us from pursing a small measure of accountability from those who bear greatest responsibility.

The Federal Government is clearly responsible for bailing out insolvent thrifts that are federally chartered. However, a sizable portion of the Nation's thrift industry is comprised of State-chartered institutions which are regulated by the States but receive deposit insurance from the Federal Government. This Federal-State partnership has been flagrantly abused in recent years by a few State regulators who have given thrifts free rein to engage in highly speculative activities with funds backed by Federal deposit insurance. When risky loans and investments soured and these State-chartered thrifts plunged in to insolvency, Federal taxpayers across the Nation were left holding the bag for billions of dollars in losses.

Therefore, Representative KANJORSKI and I asked the Rules Committee to make in order an amendment to this bill that would shift a small portion of the burden to States which bear substantial responsibility for excessive costs due to inadequate regulation of State-chartered thrifts. To date, the only State affected by this amendment is Texas. There is nothing in the amendment that treats Texas any differently than any other State; its liability is merely a reflection of its disproportionate contribution to the problem.

From 1989 through October 1990, the Government has closed 520 insolvent thrifts at an estimated eventual cost of $73.7 billion in net present value terms. Of this, $32.8 billion—or 45 percent of the cost—can be attributed to State-chartered, federally insured thrift institutions.

As cochair of the Northeast-Midwest Congressional Coalition, I am particularly concerned about the impact of this bailout on our region. The 18 States of the Northeast-Midwest region are responsible for only $1.4 billion—or 4 percent—of the $32.8 billion in costs that I just mentioned. But because we pay 47 percent of the Nation's taxes, we will be socked with a bill for at least $11.7 billion. Texas, on the other hand, caused $22.4 billion—or 68 percent—of these costs. But because Texans pay only 6 percent of the Nation's taxes, the committee's bill only asks Texas' taxpayers to pay $1.5 billion toward the bailout.

Mr. Speaker, is it really fair to ask those who have caused 4 percent of the problem to pay for 47 percent of the solution, while those who have caused 68 percent of the problem only pay 6 percent of the solution?

But I must emphasize that this is not a regional issue. There are 17 States outside our region—including South Carolina, Missouri, Louisiana, and New Mexico—which have not caused a single dollar in costs to date for State-chartered resolutions.

The issue of State responsibility for State-chartered thrifts is clearly central to the debate before us. Unfortunately, the Rules Committee did not see fit to allow the full House to consider this admittedly controversial, but crucial, issue.

The State accountability amendment was straightforward and reasonable. A State which is responsible for "excessive costs" to bail out State-chartered S&L's would be required to pay 25 percent of such costs if its State-chartered S&L's were to continue to receive Federal deposit insurance.

Our amendment contained three elements to ensure fairness to States which might bear responsibility. First, a State is found to have "excessive costs" only when its percentage share of the total bailout costs of State-chartered institutions is more than double its percentage share of national deposits in State-chartered institutions in 1980. Second, a State will only be held accountable for 25 percent of "excessive costs," with the Federal Government paying the balance. And third, the amendment is voluntary; States only have to pay for excessive costs if they want their State-chartered institutions to continue to receive Federal deposit insurance.

A primary objective of our amendment was fairness. We sought to reduce the cost to Federal taxpayers in States which have not inordinately contributed to the cost of the bailout through irresponsible regulation at the State level. In addition, we have made every effort to be fair to any State with potential liability.

Another objective of our amendment was accountability. We should be sending a clear message to State governments that the Federal Government will not allow future abuse of the Federal-State partnership without consequence.

National polls indicate that the American people are cynical about government in general and outraged by this bailout in particular. A successful effort to introduce a small measure of accountability and fairness into this RTC funding bill would have been a positive step toward dispelling such feelings. Unfortunately, the rule adopted for the consideration of this bill didn't even allow us the opportunity to try. For this reason, I must oppose the bill that is before us.

Mr. LAROCCO. Mr. Chairman, as a new Member of this body, I am uncomfortable with the legislation before us today.

I am not convinced that the RTC is doing a very good job of resolving the savings and loan crisis at the least cost.

I am deeply disturbed by the regulatory inattention of the 1980's that allowed this situation to develop.

I am astonished at the all-or-nothing approach the administration has taken, demanding a bill with no strings attached—when the real bill will go to the American people who have concerns about RTC operations that I believe Congress is both entitled and required to address in this legislation.

Early this year Chairman GONZALEZ asked the General Accounting Office to assess the RTC's performance and we received Comptroller General Bowsher's report on February 20. It seems to me that it would have been appropriate to use this legislation to address some of the serious problems the GAO identified, but this was not acceptable to the administration.

I know that we have to come up with the funds needed to assure that insured savings accounts deposited in now-insolvent institutions are paid off. It's not the fault of the depositors that their S&L's went broke. The Federal Government insured those accounts; we owe the depositors. That's a promise we have to keep.

How expensive it is to keep that promise depends on how well the RTC does its job. Every parking lot, desk, executive jet and repossessed apartment building the RTC sells off at a decent price reduces the bill the taxpayers are stuck with. Every time the RTC doesn't return a phone call from a qualified buyer, every time it can't figure out what it owns or what price it wants, the taxpayers lose. And, according to the GAO and what I hear from my constituents, the RTC is doing an inadequate sales job and a poor job of maintaining the value of the properties it is holding.

Fears have been expressed today about the difficulties the Kennedy-Slattery pay-as-you-go provisions might cause. Some members seem to believe the RTC bill will be somehow easier to pay in the future.

What the GAO pointed out is that paying off the depositors can be made less costly now. The better the RTC works, the less the bill will be. The GAO made a number of suggestions for improving the RTC, including:

Creation of a comprehensive securities portfolio;

Better securitization efforts;

More thorough due diligence;

More and better information to potential purchasers;

Marketing eligible loans through the existing secondary mortgage market;

Establishment of a consistent strategy for real estate inventory sales;

More aggressive marketing and outreach; and

Better information systems and contracting systems.

At the administration's insistence, the so-called clean bill does not adequately address these issues. I will reluctantly support this legislation because I don't believe that the depositors should lose their savings because the RTC and the administration have been less than adequate in dealing with this crisis. We must, however, demand that the administration agree to addressing these problems in the future.

Mr. SYNAR. Mr. Chairman, today we were faced with three different options for funding the Resolution Trust Corporation [RTC]. These three options did not leave much room to protect taxpayers.

My Oklahoma constituents and I are as anxious as anyone to have the savings and loan crisis resolved. I have been unhappy with many actions of the RTC and some of its spending activities and I support the continuing Congressional oversight of the RTC. There is no question that speed in resolving this crisis is of the essence. This does not mean that Congress has to roll over and provide unlimited funds with no questions asked.

I also do not believe that the total cost should be higher purely on the basis of the financing method used by the Government to pay for the ever increasing costs of the bailout. During debate on the original bailout bill in 1989, I supported the many reforms for improving the financial integrity of financial institutions. Despite this support and my desire to have the crisis resolved, on final passage I voted against the bill solely because the financing was carried off-budget.

Last Congress, I supported pay-as-you-go budget reforms. Priorities and choices must be made in the budget process and the means of financing these choices must also be addressed. It is not fair to the taxpayer to avoid these choices by carrying programs off-budget. It is clearly unfair to all taxpayers to carry a program off-budget that increases the cost of the program. This is particularly unwarranted when there is no logical reason for the off-budget financing.

None of the three options I voted on today carried the additional new RTC funding on budget. Although I definitely favor today's funding to be on budget, I supported the Kennedy-Slattery amendment as the only means of forcing the administration to stop the money drain. It would require the administration to come back to Congress having made the hard choice on how to finance any future bailout funding on budget and in a manner least costly to the taxpayer. it is time this was done before any additional costs are incurred.

Mr. GOSS. Mr. Chairman, we are faced today with a Hobson's choice—there simply are no good solutions. The bottom line is that the cleanup process of the savings and loan mess is costing this country billions of dollars. That's a given.

What we are here to discuss today is not whether to finance the Resolution Trust Corporation in its mission—but how and under what conditions. And, perhaps most importantly, how do we ensure that such a disastrous situation is never repeated?

We can't just click our heels together and wish this problem away. Without an additional infusion of funds, the need to make good on Federal guarantees for depositors won't go away. It will just get more expensive—more expensive on an order of about $8 million a day in pure, unadulterated waste.

So we've got to move forward in this process now. But despite this pressure to act, I hope the world understands that we are not going to sign a blank check, underwritten by the American taxpayers.

This Congress is going to require a detailed accounting for how the RTC spends its money—and we're going to be watching for clear signs of improvement in efficiency and effectiveness in the RTC's actions.

To be frank, the RTC has not been getting rave reviews from people in my district. My offices in southwest Florida have received numerous complaints from people who would like to be involved in buying some of this property, but can't because of artificial constraints imposed by the RTC. In addition, we've been hearing about cancelled auctions and a general lack of good information regarding the sell-off process—problems that seem to be basic lapses in management.

Mr. Chairman, I do not underestimate the enormous challenge the RTC has undertaken—this fiasco has left our Nation with some monumental problems and it would be naive to assume that we can tackle them without some glitches along the way. But I am adamant about the need for detailed and frequent accounting by that agency as it pursues its mandate, to ensure that our resources are being put to their best possible use. We are not going to fall into a habit of throwing good money after bad—and the people of southwest Florida expect to see significant improvement in this situation.

Mr. Chairman, I believe H.R. 1315 is a necessary step in laying the groundwork for a resolution of the savings and loan mess—and I urge my colleagues support for a clean bill.

Mr. HOAGLAND. Mr. Chairman, 2 years ago, at the request of the Bush administration, Congress established the Resolution Trust Corporation to take over and then sell or liquidate failed savings and loans. The reason for Government's involvement in this enterprise is to make good on our promise to insure the deposits of average Americans at savings and loan institutions throughout America.

The Bush administration is now asking Congress for authority to borrow an additional $30 billion to cover losses incurred in closing another 225 institutions between now and September 1, 1991, the end of fiscal year 1991.

While this is a difficult decision for all of us, the Bush adminstration and Congress really have no choice. Let me explain why.

First, as Paul Volcker, the former Chairman of the Federal Reserve Board, said at the House Democratic Party's Issues Conference in Leesburg, VA, this last weekend, if we want any semblance of economic stability in our Nation, we must stand by our commitment to insure deposits. If we were, for instance to officially repudiate this obligation tomorrow, we would bring on a deep depression tomorrow, with massive runs our depository institutions and the immediate collapse of hundreds of banks and thrifts throughout the Nation.

You may be saying to yourself: "We don't intend to repudiate the obligation. We just don't want to approve additional funding now—it's too expensive."

I certainly sympathize with that. But there are important reasons for providing the funding today. If we do not provide the funds now, the RTC will be forced to stop closing institutions virtually right away. In other words, it will be forced to practice what we call forbearance, allowing insolvent institutions which are continuing to lose money to remain open when they need to be closed.

Lax regulation and excessive forbearance were two of the fundamental causes of the thrift debacle during the Reagan years. Leaving insolvent institutions open drives up the ultimate costs because they continue to lose money. Secretary Brady testified before the Committee on Banking, Finance and Urban Affairs on January 31 that "forbearance for even one more quarter would cost the American taxpayers $750 to $850 million * * * in addition to the $250 to $300 million already lost due to inaction last fall. This would bring the total cost of delay to over $1 billion."

Many of us have expressed deep reservations about the RTC, its competence, its pace, its ability to sell properties quickly, and its fulfillment of its low-income housing obligations. The fact is we have a right to demand and expect full reporting and accountability from the RTC. But by agreeing to President Bush's request for $30 billion, we will not reduce our ability to obtain that accountability. Our oversight responsibility to maintain close supervision over RTC operations remains.

The General Accounting Office reports that we should get the RTC these funds promptly. We stand to gain nothing by dragging out the problem further by delaying funding or by granting short-term funding that will require that we revisit the subject within a few months.

We need to act today to get the RTC the funds it needs to continue to close insolvent thrifts and to fulfill our Nation's commitment to insure the deposits of the average American.

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise today to comment on the Resolution Trust Corporation [RTC] funding proposals before us today. We are caught here today between a rock and a hard place. We are forced to either give the administration a blank check for the next stage of the savings and loan bailout, or lose $8 million a day by allowing the RTC's funding to lapse. This authorization comes at a critical time, and the necessity of this funding is virtually forcing the Congress to relinquish its oversight responsibilities. This is an unfortunate situation.

I am hesitant to support a funding bill stripped of any requirements or instructions, for there are serious structural problems with the bailout. Congress has a responsibility to the taxpayer to ensure that the $30 billion authorization—with the corresponding $47 billion in working capital—is wisely and effectively utilized. This is more than we spent on war in the Persian Gulf! There must be some accountability here.

In light of these comments, I support the Wylie amendment because it does include some of the management reforms which are sorely needed. It standardizes RTC procedures for auditing conservatorships, ensuring that managing agents for conservatorships comply with RTC policies and procedures, and monitoring agent performance. The amendment will also improve the RTC's information resources, its inventory tracking system, and other necessary changes. These are all needed reforms raised in oversight hearings earlier this year.

I would also like to state my support for the Slattery-Kennedy amendment. At issue is whether or not we want to pay for the S&L bailout now, or pass the bill on to future generations. Supporting this amendment is not only the right thing to do, but it is a sound policy decision. Limiting our reliance on borrowing to cover the loss funds will save significant interest costs over the years. Just as we must face up to our oversight responsibilities, we also need to face up to the funding problems. We must resist the tendency, however, to increase taxes but rather seek the funding from reductions in spending.

Regarding the Gonzalez substitute, I commend the Chairman for his efforts and support his intentions in the substitute amendment. While I am supportive of increasing opportunity, and addressing certain environmental concerns, I am concerned over some of the language in the legislation. It remains unclear whether there are enough qualified minority contractors to handle the 25 percent set-a-side goal. This percentage is far higher than the minority contracting programs in other agencies, which range from 1.5 to 10 percent.

Although some claim that the percentage is just a goal, the language itself appears to be very specific:

> The corporation shall establish policies and procedures consistent with the following guidelines to govern contracts * * * an overall goal of not less than 25 percent of all contracting activities (shall) be entered into with minority individuals * * *. The corporation shall strictly adhere to such (25 percent) goal * * *.

This issue represents a very serious policy initiative, which I am concerned has not had thorough discussion and debate.

Again, there are significant managerial and structural reforms which need to be addressed. However, we should not be quick to pass restrictions and policy guidelines in a hasty fashion which could do more harm than good. It is just not clear that the proposals before us really do justice to the issues raised in the oversight hearings earlier this year. Particularly, I refer to the General Accounting Office's testimony before the House Banking Committee on February 20 of this year, which raised a red flag that we should all pay heed.

I realize the tremendous job which was expected of the RTC when it was first established in 1989, and also how overwhelming the sheer volume of assets is which the RTC is attempting to dispose. However, the GAO's comments as to how the RTC may more effectively perform its function—particularly regarding the disposition of assets—need to be acted upon.

The GAO's testimony provided a mixed review of the RTC's performance since 1989, noting that:

> Where RTC used individuals with the appropriate skills and business knowledge, operations went quite well. However, progress was not nearly as good in other areas where RTC did not have, or turn to, individuals with the needed knowledge and skills.

In other words, as the bailout moved beyond its early stages and began to focus on managing and disposing of assets, where the skills lay in the private sector, it did poorly. The point is that the RTC does not have the expertise to do this job. Furthermore, after 1992, the RTC cannot close any more institutions, and will be solely absorbed with getting rid of what it has.

Although the RTC is mandated by law to utilize the private sector "unless such services are unavailable * * * or utilization of such services is impracticable or inefficient," its record has not been good. As the General Accounting Office [GAO] noted in the February testimony:

> Overall RTC's progress has been disappointing in the contracting area. * * * The RTC developed a loosely defined system which it is using to acquire needed services. However, the existing system does not appear to adequately protect the interests of the Government. RTC could have benefitted from reaching outside the agency early to seek help from individuals in the public and private sector in building its contracting system. It did not.

Admittedly, the RTC has been making progress in this area over the last few months, albeit slowly. I have been informed that there are plans to contract out up to 80 percent of the seized assets to the 45,000 registered contractors. For this I commend Mr. Seidman and the RTC. However, I would like to remind my colleagues who complain of congressional inaction on the funding proposal that it took the RTC a year to establish its contracting system.

Although the RTC has made progress in this area, there remain serious concerns. First, quantity does not mean quality. Contracting out to underqualified contractors is not going to save us anything because the job is not going to get done. Second, as the GAO testimony noted, the mindset of the RTC still "undervalues the significance of contracting in the organization," and that the current contracting system could undermine the ultimate effectiveness of the enormous asset disposition effort.

The present contracting system does not have thorough standards, the contract guidance given to contractors is unclear, and the RTC's monitoring of performance is inadequate. These points open the government up to serious financial risks. Even if the quantity of the contractors increases, this does not ensure that the quality is there.

Without standards to evaluate the proposals, the RTC may not select the best contractor. This leaves the RTC vulnerable to certain risks. Since the fee is fixed, an unqualified contractor who mismanages an asset portfolio will attempt to cover itself either through increased costs or diminished services. Also, without a comprehensive system to monitor the performance of its contractors, the RTC is left paying in full for partial or poorly performed services.

As we move into this next stage of the resolution process, the attention will shift away from solving insolvent thrifts, and will focus more on the management and disposition of assets. This is an area where we can hold down the costs of the bailout. Although there is little that can be done regarding the past obligations created by the deposit insurance laws, what does remain in our control is the ability to limit the costs which we continue to accrue by holding on to seized assets.

The RTC currently controls some $140 billion in seized assets. The only way we are going to see any of the billions of dollars which we are authorizing today is if we effectively and efficiently dispose of the assets currently being accumulated.

The FIRREA originally provided $50 billion for the cleanup. The Administration is now requesting $30 billion for fiscal year 1991, and GAO expects the RTC will need at least another $50 billion in loss funds for fiscal year 1992. These kind of figures demand effective oversight. If we were to go along with the administration and provide permanent funding authority for the RTC, we would be neglecting our responsibility.

Just as we oversee the Department of Defense's expenditures, or any other agency, we will need to hold the RTC's management of funds to the same standards of accountability.

We as Members of Congress, owe it to our constituents to do all we can to limit the costs of the S&L bailout. We cannot write blank checks to the administration. As the GAO pointed out, the RTC should not have open-ended access to the U.S. Treasury. More importantly, before new funding is authorized next year, structural changes and a review of the asset disposition process would be in order. The RTC does not have the manpower, the expertise nor the mandate to adequately complete this last phase of the bailout. The agency itself will cease to exist in 1992. In the final analysis, the effectiveness of the RTC will be judged by its ability to maximize the return on seized assets. It is up to Congress, then, to ensure that the contracting system is effective and the disposition of assets occurs in a fiscally sound and prudent manner so that we may minimize the ultimate costs of the whole S&L bailout.

PARLIAMENTARY INQUIRY

Mr. LaFALCE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LaFALCE. Mr. Chairman, is it correct that after 1 hour of general debate, not one Member of this House who wishes to oppose the bill has been granted even 1 minute to speak in opposition to it?

The CHAIRMAN. The Chair cannot characterize the manner in which Members have been yielded time for debate.

Mr. LaFALCE. Since the proponents of the bill have spoken for 1 hour in support, I ask unanimous consent that opponents of it have an equal period of time to speak in opposition to it.

The CHAIRMAN. As the Chair indicated earlier, that would be a change in the rule that has been adopted by the House. In the Committee of the Whole, it is not in order to modify the rule adopted by the House. Therefore, the request is out of order.

Pursuant to the rule, an amendment in the nature of a substitute printed in part one of House Report 102-13 is considered as an original bill for the purpose of amendment under the 5-minute rule, and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Funding Act of 1991".

TITLE I—RTC RESOLUTION PROCESS AND FUNDING

SEC. 101. THRIFT RESOLUTION FUNDING PROVISIONS.

(a) Requests for Additional Funding Required to Contain Additional Financial Information.—Section 21A(k)(7) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(7)) is amended to read as follows:

"(7) Requests for additional funding.—Any request for legislative action to provide new or additional financial resources for the Corporation shall—

"(A) be submitted in writing to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(B) contain a complete and detailed financial plan for spending such resources and any relevant information described in paragraph (5)(B) and (6)(A).".

(b) Interim Funding.—Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 141a(i)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the left margin of such subparagraphs (as so redesignated) 2 ems to the right;

(2) in the heading, by striking "Borrowing" and inserting "Funding";

(3) by inserting after such heading the following new paragraph designation and heading:

"(1) Borrowing.—"; and

(4) by adding at the end the following new paragraph:

"(2) Interim funding.—The Secretary of the Treasury shall provide the sum of $30,000,000,000 to the Corporation to carry out the purposes of this section.".

The CHAIRMAN. No amendments to said substitute are in order except those amendments printed in part 2 of House Report No. 102-13. Said amendments shall be considered in the order and manner specified, are considered as read, and are not subject to amendment.

If more than one amendment is adopted, only the final amendment adopted shall be considered as finally adopted and reported back to the House.

It is now in order to consider the amendment numbered 1. In part two of House Report No. 102-13.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SLATTERY

Mr. SLATTERY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Slattery: Strike everything after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Funding Act of 1991".

SEC. 2. THRIFT RESOLUTION FUNDING PROVISIONS.

(a) Requests for Additional Funding Required to Contain Additional Financial Information.—Section 21A(k)(7) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(7)) is amended to read as follows:

"(7) Requests for additional funding.—Any request for legislative action to provide new or additional financial resources for the Corporation shall—

"(A) be submitted in writing to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(B) contain a complete and detailed financial plan for spending such resources and any relevant information described in paragraph (5)(B) and (6)(A).".

(b) Interim Funding.—Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the left margin of such subparagraphs (as so redesignated) 2 ems to the right;

(2) in the heading, by striking "Borrowing" and inserting "Funding";

(3) by inserting after such heading the following new paragraph designation and heading:

"(1) Borrowing.—"; and

(4) by adding at the end the following new paragraph:

"(2) Direct funding.—

"(A) General authority.—There is authorized to be appropriated to the Corporation not more than $20,000,000,000 to carry out the purposes of this section.

"(B) Conditional authority.—

"(i) In general.—Subject to clause (ii), and in addition to the sum authorized by subparagraph (A), there is authorized to be appropriated to the Corporation not more than $10,000,000,000 to carry out the purposes of this section.

"(ii) Condition.—No amount is authorized to be appropriated to the Corporation under clause (i) unless the President submits to the Congress a plan which—

"(I) describes in detail how all funding for the Corporation that is in addition to amounts appropriated under this paragraph shall be financed in a deficit neutral manner; and

"(II) is based on technical and economic assumptions acceptable to the Office of Management and Budget and the Congressional Budget Office, or, to the extent technical and economic assumptions determined by those offices for purposes of subclause (I) differ, on the average of the assumptions so determined by those offices.

"(C) Condition on additional appropriations and lending.—

"(i) In general.—Except as provided in clause (ii), no amount is authorized to be appropriated to the Corporation in addition to amounts authorized by this paragraph, and no loan may be made or credit extended by the Secretary of the Treasury to the Corporation (directly or through the Federal Financing Bank), except to the extent such additional appropriations, loan, or credit extension, as applicable, is financed in a deficit neutral manner.

"(ii) Exception to condition.—Clause (i) shall not apply to any appropriation to the Corporation for a fiscal year for which the real growth rate of the economy of the United States is less than 1 percent, as that rate is projected for purposes of the budget submitted to the Congress for that fiscal year under section 1105 of title 31, United States Code.".

The CHAIRMAN. Under the rule, the gentleman from Kansas [Mr. Slat-

TERY] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kansas [Mr. SLATTERY].

□ 1550

Mr. SLATTERY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. KENNEDY] who has worked tirelessly for several years on this measure.

Mr. KENNEDY. Mr. Chairman, I want to thank the gentleman from Kansas [Mr. SLATTERY] for the improvements that he has made to the initial amendment that I offered and which passed in the full Committee on Banking, Finance and Urban Affairs.

Mr. Chairman, the Kennedy-Slattery amendment is a simple one. It authorizes the President to borrow the full $30 billion he has requested in loss funds for the current year. The final $10 billion will be released only after the President submits a plan to Congress and the American people to pay for all future bailout funds in a deficit-neutral manner. Starting in 1992, all bailout funding will have to be on a pay-as-you go basis. An exception will be made if the country is in a recession, defined as growth of less than 1 percent after inflation.

The Kennedy-Slattery substitute takes a giant step toward fiscal responsibility and fairness. First, it will cut the cost of the bailout by a whopping $120 billion, based on Treasury's own estimates. That's $120 billion that our country can use to fight crime, build better roads, provide decent health care and housing, or cut taxes.

Second, it will dramatically reduce the budget deficit. The Congressional Budget Office, responding last week to an inquiry by Mr. MICHEL, said that by paying as we go, the deficit will be cut by $170 billion.

Third, it will force more fiscal discipline on the RTC. If the RTC knows that every dollar it spends will have to be offset by a dollar raised or saved, then it will spend its money more wisely. Maybe it will start to sell more of the $144 billion in assets it now sits on. It's high time we put the RTC on a short string. Government by Gold Card is a bad deal for the taxpayer.

Finally, and most importantly, the Kennedy-Slattery substitute puts an end to the immoral practice of sending today's bills to the taxpayers of tomorrow—our children and grandchildren. They will receive no benefits from this bailout, so it's wrong to saddle them with its burdens.

And make no mistake about it: the working families of today are not getting anything from this bailout, either.

The average family in America has less than $2,600 deposited in a thrift or a bank in this country, and yet 28 percent of all of the deposits in savings and loans are deposits in excess of $100,000. Of the $40 billion that has currently been used to bailout the savings and loans out of the $50 billion that has been appropriated, fully $10 billion has gone for the purposes of bailing out the accounts of over $100,000.

This is clearly a hidden tax, a tax that is already on the American people, a tax on the working people and the poor, and culminates in the largest single transfer of wealth from the poor and the working people to the very rich of any tax that has ever been levied in this country.

Charles Bowsher, the head of the GAO and a Ronald Reagan appointee, strongly supports a pay-as-you-go bailout. Paying up front, he said, will—quote—"Be cheaper, no question about it."

He went on to say that the bailout should "be financed like any other Government program."

One thing for sure is that the bailout is not being financed like other programs now. Instead, it benefits from an outrageous budgetary double standard. Every new dollar spent in areas like farm supports, education, and health must be offset by a dollar raised or saved. But when it comes to finding hundreds of billions for the thrift bailout, the administration has no trouble saying we ought to go deeper into debt to do it. Why is this in America that the rich and powerful in our country get an open hand from Government, but the working people get nothing? It is a system of socialism for the rich and free enterprise for the poor.

Some who oppose this substitute say it will lead to an increase in taxes. Others say it will lead to spending cuts. We say it will require some tough choices. But it will also save taxpayers and the programs they support $120 billion.

Today, we just sweep our debts under the rug and stick them on our kids. By God, interest on the national debt now consumes $300 billion per year. This year, up to a quarter of our bills—$400 billion—will be paid with money we don't have.

It's time to stop this wasteful, irresponsible addiction to deficit spending. It won't be easy. But we weren't elected to make easy choices.

Mr. Chairman, the entire country is looking for us to show courage today. For too long we have hidden our heads in the sand. For too long we have tried to pretend that this problem did not exist. It's time for us to stand up and prove to the American people that we can do what's right for the country. A pay-as-you-go plan will force some painful choices, that's for sure. But it's the right way to go. It will save our constituents $120 billion, and help our children build a better future.

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. WYLIE. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Ohio [Mr. WYLIE] is recognized for 30 minutes.

Mr. WYLIE. Mr. Chairman, I yield 6 minutes to my colleague and friend, the gentleman from Ohio [Mr. GRADISON], ranking member of the Committee on the Budget.

Mr. GRADISON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this substitute. Passage of this provision would require the administration and Congress to offset future outlays of the Resolution Trust Corporation with additional taxes or reduced spending on other programs. It is vital that the House defeat this substitute.

Passage of this provision would commit Congress to a course of action which it cannot maintain. In doing so, it would endanger the process of resolving failures in the savings and loan industry and weaken public confidence in the Government's willingness to guarantee the safety of insured deposits.

The Slattery-Kennedy substitute undoes the treatment accorded to deposit insurance in last fall's budget agreement by making future outlays of the RTC subject to paygo provisions. These outlays, including working capital, are estimated at $116 billion in fiscal years 1991 and 1992. All of us remember with great pain, I might say, the difficulty Congress had in passing last year's budget agreement. It was imperfect, but, after months of negotiation and debate, it represented the best that could be done at the time. Its failures reflect the deep divisions in this Government over how to reduce the deficit. There is no indication that these differences have lessened since last year.

Yet this substitute commits Congress to raising an additional $116 billion over the next 2 years, at a time when the economy is struggling to emerge from a recession. In doing so, it commits us to a goal we cannot hope to achieve.

This substitute is little more than an attempt to force higher taxes or greater spending cuts whenever the RTC needs additional funds. Congress will then find itself in the impossible position of achieving an additional $116 billion in deficit reduction over the next 2 years or denying RTC funds it desperately needs. Either course is ruinous. The inevitable result will be delay, and we have already seen that delay costs money.

I can predict for you what will happen. Very soon after this provision becomes law, if it goes that far, the administration will find that it must submit a huge deficit neutral package if it is to continue to borrow the working capital RTC needs to continue its operations. Immediately we will reenter the impasse we faced last year. There is no reason to think that we will emerge from it any sooner or any easier than we did last year. In the meantime, RTC will cease operations; the losses of failing institutions will continue to mount, and if the process drags on long enough, institutions will fail and the RTC will lack the funds needed to honor its commitment to depositors.

But let us assume that somehow we miraculously overcome the differences which have beset us in the past and manage to achieve the deficit reductions called for in this bill. The cyclical effect of these higher taxes and reduced spending will be just in time to burden an already weak economy. The likely result is slower growth and higher unemployment.

It is easy to propose deficit reduction. We should all have learned by now that it is much more difficult to achieve it. By appearing to promise the American people more than we can achieve and by holding hostage one of the primary Government guarantees backing the public's confidence in the financial institutions, we will only bring this body into further disrepute.

I urge you to reject this attempt to barter long-term financial prosperity and deficit reduction for the illusion of an easy way out.

But maybe I'm missing something, Mr. Chairman. Perhaps $116 billion of deficit reduction can be achieved. I would be happy to yield my remaining time to the gentleman from Kansas or the gentleman from Massachusetts to tell us how they would achieve $116 billion of deficit reduction. Gentlemen, which taxes would you raise and which spending programs would you cut?

□ 1600

Mr. SLATTERY. Mr. Chairman, will the gentleman yield?

Mr. GRADISON. I am happy to yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me just point out to the gentleman, first of all, his $116 billion figure is way off, because the proposal we are talking about does not deal with the $30 billion this year. In addition to that, I think the gentleman is including working capital for fiscal year 1992. We do not address that either.

What we are really talking about is about a $50 billion problem for fiscal year 1992, and I concede to the gentleman that he is absolutely correct. It is going to be enormously difficult to find that kind of deficit reduction, but I submit to the gentleman that it should and must be done.

Mr. GRADISON. The text of the gentleman's amendment is perfectly clear that:

> No loan may be made or credit extended by the Secretary of the Treasury to the corporation, directly or through the Federal Financing Bank, except to the extent such additional appropriations, loan or credit extension, as applicable, is financed in a deficit-neutral manner.

I have had this checked. I have had this point checked over, and my interpretation and the amount which I have used, 116, is agreed to by the Treasury, OMB, and the majority staff of the Committee on Ways and Means. It may be a drafting error on the gentleman's side, but it is 116.

Since my time is limited, let me just point out that the response of the gentleman from Kansas totally avoids the question which I asked: Which taxes would you raise and which spending would you cut to achieve your number if you do not like mine?

Mr. SLATTERY. If the gentleman will yield further, I can certainly tell the gentleman a whole list of spending I would like to see reduced if the gentleman had more time to do that.

Mr. GRADISON. The gentleman has plenty of time on his own to answer the question.

Mr. SLATTERY. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I believe that everyone in this body clearly recognizes that we must honor the commitments that have been made to the depositors in this country. I certainly recognize that, and there should be no question about that.

The question is not whether we pay the bill that we have incurred because of the commitments made to depositors. That is not the question. The question before us today is, Who should pay the bills, and when should the bills be paid?

I say very simply that we should have a debate this year about when they should be paid and who should pay them, and that is what this pay-as-you-go amendment is all about. Let us not confuse it with a lot of other extraneous issues.

The charts before the Members all make this point very clearly and make the point as to why we should pay as you go. I would draw my colleagues' attention to the chart on my far right and keep these figures in mind. If we would pay as you go on the $30 billion for this year, which I am not even asking us to do, but if we would, we would save future years' taxpayers $2.4 billion each year for 30 long years. That adds up to $72.5 billion in interest payments over 30 years. The total cost, instead of being $30 billion to this year's taxpayers, becomes $102 billion over 30 years. Think about it.

The chart to my immediate right deals with the example of $50 billion for fiscal year 1992. I hope we can sell some assets to reduce that amount of money for fiscal year 1992, but, for example, if we paid the $50 billion in 1 year, that would save future year taxpayers $4 billion a year, $120 billion over 30 years. That is real money, folks. It is going to come out of the pockets of American taxpayers in the future, after the next election, and that is what is so fundamentally immoral about this process that we are going through.

Mr. Chairman, I would just conclude this portion of my remarks by asking one fundamental question: How in the world can we look our children and our grandchildren in the eye and ask them to pay for this mess? How can we do it? I do not believe we can, Mr. Chairman, and I suggest we should have a hard and tough and, yes, divisive debate this year with the President about how to solve this problem.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, frankly, I think this is a very healthy debate. I personally am extremely attracted by the concept put forth by the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Kansas [Mr. SLATTERY] and, frankly, would be very inclined to support it if I believed Congress was prepared to respond tomorrow to cut $40 billion from the spending that we have already pretty well put in place so that the $330,000 we are squandering every hour by refusing to come to grips with this S&L mess that can be brought to a halt.

Mr. SLATTERY. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I am happy to yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Chairman, I thank the gentleman, my good friend, for yielding.

Mr. Chairman, let me observe that there is a great discrepancy about whether it is costing us $6 or $8 million a day to delay this. The information I get from the RTC indicates they have enough money to get them through this week for sure and possibly well beyond this week, so we are not running up the cost that some have indicated. At least, that is the best information I have.

Mr. LEACH. I appreciate the gentleman's comments, but let me say that the Treasury has indicated, and these are the people that, quite frankly, are quite honorable and with a good sense for the numbers, that we have already lost $250 million by refusing to come to grips with the issue last fall when they requested we come to grips with it, and that even though it is true that we have money to operate for another week or so, that is partly because the whole process has been slowed down and that they have a whole group of institutions they would like to resolve that they cannot today, because Congress has not acted on a timely basis.

Let me go ahead with my comments, and let me just stress there is no evidence of any nature that I have seen on this floor that the majority party is prepared to exert the kind of discipline for the kind of spending cuts that should be required, and that is why the President has indicated he will veto this bill, if this amendment is adopted, and why this Member thinks we should go with the clean bill even though I would vastly prefer a pay-as-you-go approach.

In this regard, I think it should be clear that the Kennedy-Slattery approach misunderstands the nature of the Constitution. In a way it is kind of a political, and I am exaggerating a bit, cop-out by putting the burden on the President to submit a plan. But what does the Constitution say? The Constitution says it is the U.S. Congress that is obligated to come up with spending authorizations and raise revenue, that is, taxes. If you want to come up with a plan that includes $40 billion in spending cuts, I will look at it. I would like to see it attached to this bill.

Mr. KENNEDY. Will the gentleman yield?

Mr. LEACH. Let me just finish my comments, and then I will be happy to yield to both of the gentlemen.

In any regard, there is no reason that this Congress, as every spending bill comes up, cannot reflect on the burdens of this S&L issue. I speak for this Member, and I am sure virtually everybody in the minority, in saying that we are prepared to cooperate on reducing spending across the board on virtually every program. I, frankly, am very pleased that someone with a liberal background such as the gentleman from Massachusetts has supported this approach, because we look forward to his cooperation as spending bills come up. We assume he will not try to add to them. We assume that when the minority comes up with amendments perhaps to cut 2, 3, 4, 5 percent from various programs, that the gentleman from Massachusetts will support those amendments because of the needs for pay-as-you-go.

All I would say is the proof will be in the pudding of those who support pay-as-you-go, whether they support amendments during this coming year to cut Federal spending so that such amendments can be put in a pay-as-you-go context.

Mr. SLATTERY. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I rise in support of the Kennedy-Slattery pay-as-you-go substitute.

Mr. Chairman, 18 months ago the administration with the help of Congress created a bureaucratic monster called the RTC, gobbling up savings and loan institutions right and left. When the RTC was created, they had an excellent plan to acquire assets, but they had no plan to dispose of those assets.

According to the Government Accounting Office, the RTC still controls more than half of its assets from all resolved thrifts. The GAO also found that the RTC did not even begin executing its policies for disposing of real estate assets until August of last year, 1 full year after enactment of the enabling legislation.

The RTC has grown so monstrous in fact that it can now claim to be the largest owner and manager of assets in the free world. It now controls over $144 billion by its own estimates.

The monster we have created is arrogant, uncooperative, and insensitive.

Let me cite for you as an example, Mr. Chairman, some of the ludicrous bureaucratese the RTC has invented to deal with Members of Congress and their constituents. The most egregious example was my experience when a homeowners' association requested my assistance last year after several unsold units became assets of the RTC after it assumed receivership of a failed savings and loan in Mississippi.

Among its many requests for assistance and information about the RTC's intent and plans, the homeowners' association asked to have a copy of the sales contract by which the RTC finally sold the vacant units. On their behalf, I wrote to the RTC. Two months later, I received a typically bureaucratic response which said that the agency would not provide the information which I had requested. Instead, the RTC said, the homeowners' association should ask the purchaser for a copy of the contract. Should that person not furnish the information, a Freedom of Information Act request would have to be initiated.

Mr. Chairman, I am not sure why it took 2 months to receive such an unresponsive and uncooperative answer. Could it be indicative of the holier-than-thou attitude that often comes with great power and responsibility?

More importantly, and an indication of how insulated from the real world the RTC has become, the response was contrary to the intent of the Financial Institutions Reform, Recovery and Enforcement Act which created the RTC. A legal opinion from the Congressional Research Service held that RTC agreements should be disclosed in response to a request from a Member of Congress and that agency narrowly and rarely construe the public interest exception, which permits such agreements to be withheld.

Another example is when the association asked my assistance in obtaining an answer to two questions: Had a brokerage contract on the RTC-held units been let and how long was the term of that contract?

My staff called the RTC Congressional Affairs Office here in Washington. The Congressional Affairs Office responded to my inquiry by asking whether the constituent was calling for herself or the homeowners' association. My staff member replied that any constituent was secretary of the association. Nonetheless, the Congressional Affairs officer wondered why the president of the association had not called or written or why the RTC's resident property manager was not asked for the information.

Last, this individual said, because a contract was involved, the association would have to write a letter under the Freedom of Information Act requesting the information. Eventually, I was told, it would be publicly released and available in the RTC reading room. But in the meantime, it was only releasable under a Freedom of Information Act request.

Mr. Chairman, as these examples illustrate, the RTC's unwillingness to provide information or to cooperate with individuals and groups adversely affected by failed savings and loans is legendary. If indeed power breeds arrogance and condescension, we have no better example than the RTC.

Mr. Chairman, the American taxpayers know that the savings and loan bailout operation is spiraling out of control and desperately needs reform. Many factors contributed to the creation of this crisis, including: First, deregulation of the industry in the 1980's; second, changes in the 1986 Tax Reform Act which negatively affected the real estate tax provisions; that, RTC's own policies have also contributed the crisis we find ourselves in; and fourth, corruption.

In addition, Mr. Chairman, Tennessee taxpayers will once again be asked to share a disproportionate share of the burden to bailout S&L's which failed mostly in other States. According to the GAO, the total cost of the bailout, including interest, may be as high as $500 billion. That's over $2,000 for every man, woman, and child in the United States.

My constituents are sick and tired of funding a Government agency that is not doing its job. Congress must take the appropriate steps to ensure the American taxpayer that the funds we are appropriating to resolve the savings and loan mess are being spent as efficiently as possible. Simply stated, Mr. Chairman, I do not believe the RTC has spent the money it has already received in a responsible manner.

For these reasons, Mr. Chairman, I urge my colleagues to support the Kennedy-Slattery pay-as-you-go amendment. Not only would it save the taxpayers $120 billion, it will provide the RTC with much needed incentive to sell its stockpile of assets. Congress must face up to its responsibility and show the American people that we will no longer use budgetary gimmicks to hide the costs of the savings and loan cleanup.

ATTACHMENT 1

HOUSE OF REPRESENTATIVES,
Washington, DC, August 23, 1990.
Hon. L. WILLIAM SEIDMAN,
Chairman, Federal Deposit Insurance Corporation, Washington, DC.

DEAR CHAIRMAN SEIDMAN: At the request of the ________ Homeowners' Association of Nashville, Tennessee, I would like a copy of the sales contract between Unifirst Bank for Savings of Jackson, Mississippi, and Mr. ________ the reported purchaser of the Unifirst-held units at ________.

If Mr. ________ is not the purchaser of these units, I would greatly appreciate you identifying who is, and a copy of the sales contract that does exist between Unifirst and the purchaser of these properties.

Thank you for your prompt response to this request. If you or your staff have any questions or need any additional information, please feel free to call me.

Sincerely,

BOB CLEMENT,
Member of Congress.

ATTACHMENT 2

RESOLUTION TRUST CORPORATION,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, October 29, 1990.
Hon. BOB CLEMENT,
House of Representatives,
Washington, DC

DEAR MR. CLEMENT: Chairman Seidman has asked me to thank you for your letter on behalf of the ________ Homeowners' Association of Nashville, Tennessee. The ________ development was an asset of the Unifirst Bank for Savings of Jackson, Mississippi. As you may know, this institution is in receivership with the Resolution Trust Corporation. Please accept our apology for the delay in responding to you.

The RTC, as receiver of the assets of Unifirst Bank, sold various units of the ________ development to ________, a Tennessee Limited Partnership. The ________ representative for that sale is Mr. ________.

Mr. ________ should be contacted to obtain a copy of the sales contract between Unifirst Bank and the ________. Should Mr. ________ not furnish the information, a Freedom of Information Act request may be initiated. The documents releasable under a FOIA request would be determined by the Office of Executive Secretary upon receiving the request.

I hope this information is of assistance to you. If you have any questions, please let me know.

Sincerely,

LOREN T. HOOPER,
Deputy Director.

ATTACHMENT 3

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 5, 1990.
Mr. JOSEPH E. ROSS,
Director, Congressional Research Service, Washington, DC.

DEAR MR. ROSS: I would greatly appreciate obtaining an advisory opinion from your staff regarding the statutes, rules and procedures governing the release of a sales contract and any related sales information between a private party and the Resolution Trust Corporation (RTC).

In particular, I would like to know whether any statute, rule or procedure prohibits the RTC from releasing, in response to a Congressional request, a copy of the contract for the sale of a real estate asset of a bank under the RTC receivership to a limited partnership. For example, is the contract subject to a determination under the Freedom of Information Act or are less cumbersome procedures available. In addition, I would like to know whether the limited partnership, or any private party to a RTC asset sale, has any rights which bar the release of this information or which require that the request first be directed to the private party rather than the RTC.

Thank you for your assistance in answering this inquiry. Should you or your staff have any questions or need any additional background information, please feel free to call me.

Sincerely,

BOB CLEMENT,
Member of Congress.

ATTACHMENT 4

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, December 7, 1990.
To: Hon. Bob Clement.
From: American Law Division.
Subject: Release to Congress of Contracts for Sale of Property Held by the Resolution Trust Corporation and Related Information.

Reference is made to your inquiry relative to the above. Specifically, you ask for a legal opinion as to "whether any statute, rule, or procedure prohibits the RTC from releasing, in response to a Congressional request, a copy of the contract for the sale of a real estate asset of a bank under RTC receivership to a limited partnership." The remainder of this memorandum will consider legal authorities relevant to this issue.

Subject to the general oversight of the simultaneously created Oversight Board, the Resolution Trust Corporation (RTC) was established by the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) "to manage and resolve all cases" involving failed depository institutions insured by the Federal Savings and Loan Insurance Corporation (FSLIC).[1] To this end the RTC is empowered to enter into contracts with public or private persons and entities for disposition of properties over which the Corporation has jurisdiction,[2] and may renegotiate certain agreements pertaining to insolvent thrifts entered by its predecessor agency, the FSLIC.[3]

FIRREA also imposed an elaborate set of "[r]eporting and disclosure obligations" upon the RTC. First, as part of a required annual audit procedure, all Corporation and Board "books, records, accounts, reports, files, and property," must be made available to the Comptroller General.[4] Second, the Act codifies a rule requiring "public disclosure" of "any agreement entered into by the Corporation relating to a transaction for which the Corporation provides assistance" and all earlier agreements reviewed by the Corporation.[5] The only exception to this general disclosure principle is where the Oversight Board determines that "disclosure would be contrary to the public interest."[6] Finally, supplementing the rule on public disclosure is a separate provision governing "[d]isclosure to Congress of transactions."[7] That law mandates disclosure to the respective banking committees of the House and Senate as follows:

"The Corporation shall make available to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate any agreement entered into by the Corporation relating to a transaction for which the Corporation provides assistance pursuant to section 13(c) of the Federal Deposit Insurance Act [12 U.S.C.A. §1823(c)] not later than 25 days after the first meeting of the Oversight Board after such agreement is entered into. The foregoing requirement is in addition to the Corporation's obligation to make such agreement publicly available pursuant to paragraph (2)."

The organic law creating the RTC appears to authorize three levels of congressional access to Corporation agreements with third parties depending, to some extent, on the nature of the agreement and the source of the congressional request. The congressional Banking committees are afforded access to any and all such agreements within the timeframe specified in §144a(k)(3)(A). Under the preceding public disclosure requirement, individual members of Congress and congressional committee sources may also be entitled to access as any other member of the general public. However, while invocation by the Oversight Board of the "public interest" exception to the FIRREA public disclosure requirement may not inhibit congressional committee access to RTC agreements, a more difficult question relates to the status of individual member requests for documents withheld by the agency in the public interest.

Under other public disclosure statutes, including the Freedom of Information Act, some authorities favor broad congressional committee access to documents but treat individual Members of Congress no differently than the general public for purposes of any limitations or exceptions.[8] For example, while Congress made explicit that FOIA defenses do not apply to committee subpoenas,[9] requests for information by individual members of Congress are treated as "any person" requests under the Act's general disclosure provision, and subject to the same defenses.[10] However, when the Congress acts through its committee structure in an official capacity, the FOIA exemptions may not be invoked against it.[11] This distinction is also enshrined in a Department of Justice policy statement advising federal agencies that subsection (c) of FOIA applies only to a "duly authorized request on behalf of Congress through a legislative committee or subcommittee.[12]

Some uncertainty over the question of enhanced rights of individual Members to access to information under the FOIA was created by the opinion in *Murphy* v. *Department of the Army*.[13] There the court held that the Army had not waived its rights to assert a FOIA exemption in response to a FOIA requester because it had previously disclosed the requested information to a Member of Congress. The Court pointing to subsection (c) of the FOIA, held that there was "no basis in the statute or in public policy for distinguishing a single Member acting in an official capacity" and that by virtue of the subsection's recognition of such congressional access the Army had not waived the FOIA exemption by releasing the material to the congressman.

Murphy provided the lever for the D.C. Circuit's later ruling in *FTC* v. *Owens-Corning Fiberglass Corp.*,[14] where a 2 to 1 majority of the appellate panel took a very broad view of the right of individual congressmen to demand trade secret data excepted from public disclosure under the FOIA. Based on the *Murphy* precedent, the court vacated portions of the protective order issued by the lower court to safeguard the requested materials as applied to congressional requests, including those of individual members.

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[1] [Footnotes at end of article.]

"If *Murphy* applies here, the [Federal Trade] Commission could not lawfully withhold information sought by a member of Congress regardless of whether he complied with applicable committee or subcommittee rules, at least where he requests the information pursuant to his legislative duties and not 'in a purely private or personal capacity.'"[15]

A spirited dissent by Judge Wald distinguished *Murphy* as a case involving a "discretionary" restriction on public disclosure rather than "material specifically protected by statute from any disclosure to the public."[16] The dissent relied on another D.C. Circuit ruling, *United States* v. *Exxon Corp.*,[17] for the proposition that:

"No Member of Congress, acting on his own, has yet been judicially declared to have access rights to subpoenaed trade secret material for his own individually-defined legislative purposes, no matter how legitimate his interest."

The specific issue in *Owens-Corning* of individual member access to trade secret information was mooted when Congress amended the FTC Act to make access rights available to committees and subcommittees only.[18]

In sum, whether individual members of Congress are to be treated alike with the general public in regard to operation of the "public interest" limitation on disclosure of RTC agreements or are entitled to some degree of enhanced access is not clearly answered by the statute. Under the FIRREA disclosure provisions, it appears that only the congressional banking committees are explicitly accorded unqualified access to RTC agreements. This may support an inference that all other requests fall within the purview of the "public" disclosure section which is circumscribed by Oversight Board discretion to withhold documents in the public interest. Such a result would be largely consistent with the other federal disclosure provisions which, as administratively and judicially interpreted, have generally recognized a distinction between committee and individual member access. Moreover, while the scope of the Board's discretion to withhold documents is not articulated in the statute, the conference report on the legislation indicates that "[i]t is the intent of the Congress that these agreements be disclosed and that such public interest exception be rarely used and narrowly construed."[19] It thus appears that RTC agreements are to be made generally available for inspection by both the Congress and its members and the public at large.

It is hoped that this is of assistance to you.

CHARLES V. DALE,
Legislative Attorney.

DECEMBER 7, 1990.

FOOTNOTES

[1] 12 U.S.C.A. §1441a(3) (1990 Supp.).

[2] *Id.* at §1441a(b)(11)(A)(i).

[3] *Id.* at §1441a(b)(11)(B).

[4] *Id.* at §1441a(k)(1)(A).

[5] *Id.* at §1441a(k)(2)(A).

[6] *Id.* at §1441a(k)(2)(B).

[7] *Id.* at §1441a(k)(3).

[8] *Cf.*, *Ashland Oil, Inc.* v. *FTC*, 548 F.2d 977, 979 (D.C. Cir. 1979) a case which interpreted a former version of 15 U.S.C. 46(f), barring "public" disclosure of trade secrets by the Federal Trade Commission, as inapplicable to scrutiny by Congress. The Court upheld the congressional subpoena because the company failed to rebut the presumption that Congress would act responsibly and protect its trade secrets:

"No substantial showing was made that the materials in the possession of the FTC will necessarily be "made public" if turned over to Congress. Therefore, we need not decide what application, if any, [the statute] might have if it were evident that Congress intended to "make public" trade secrets. At a minimum, we think it is clear that absent such a showing, [the statute] does not preclude the FTC from transmitting trade secrets to Congress pursuant either to subpoena or public request. . . ."

In *Ashland*, Representative Moss initially requested the data from the FTC "in his capacity as a member of Congress." The agency refused to disclose the information, citing a FOIA exemption which protected confidential business information. Thereafter, Representative Moss requested the information in his official capacity as subcommittee chairman. The FTC, treating the second request as an official request "from Congress," agreed to release the information.

[9] 5 U.S.C. §552(c) states that FOIA "is not an authority to withhold information from Congress." The legislative history of this provision states that "Members of the Congress have all the rights of access guaranteed to 'any person' by [the Act], and the Congress has additional rights of access to all Government information which it deems necessary to carry out its functions." H. Rep. No. 1497, 89th Cong., 2d Sess. 11–12 (1966).

[10] *EPA* v. *Mink*, 410 U.S. 73 (1973); *Stone* v. *Export-Import Bank*, 552 F.2d 132 (5th Cir. 1977), *cert. denied* 434 U.S. 1012 (1978); *Aspin* v. *Department of Defense*, 491 F.2d 24 (D.C. Cir. 1973).

[11] *Aspin*, *supra*, n. 8.

[12] U.S. Department of Justice, Office of Information and Privacy, 5 FOIA Update No. 1 at 3–4 (Winter 1984). The policy states:

"In sum, when an agency receives a FOIA request from a Member of Congress, it should first determine whether it is a duly authorized request on behalf of Congress through a legislative committee or subcommittee. If so, then the request falls within subsection (c) of the FOIA and only a specifically authorized claim of executive privilege could be interposed to justify nondisclosure. Any FOIA request submitted by the chairman of a committee or subcommittee on a subject within its jursidiction should routinely fall into this category. On the other hand, if the request is not an official committee or subcommittee request, then the agency should process it as a request from "any person" under the FOIA, but with particular regard for the consideration of congressional relations, discretionary disclosure and waiver referred to above."

[13] 613 F.2d 1151 (D.C. Cir. 1979).

[14] 626 F.2d 966 (D.C. Cir. 1980).

[15] *Id.* at 613.

[16] *Id.* at 979.

[17] 628 F.2d 70, 77 (D.C. Cir. 1980). In *Exxon*, the appellate court affirmed a district court opinion enforcing a Department of Energy subpoena in which the district court imposed protective conditions upon all requests for access, including those of individual Members of Congress, except those made "pursuant to a request formally authorized by a committee or subcommittee of Congress with jurisdiction over the subject matter of the documents or information request. . ."

[18] 15 U.S.C. §57b–2, as amended by the Federal Trade Commission Improvements Act of 1980, Pub. L. 96–252.

[19] H. Conf. Rep. No. 101–222, 101st Cong. 1st Sess, at p. 415 (1989).

☐ 1610

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, this bill is in the worst of the tradition of Congress. Once again, we passed the buck to the President and retained the prerogatives in Congress, just like the Budget Act of 1974. We say to the President to come up with his plan for taxing or spending, and we will give our criticism.

Mr. Chairman, the President did not have to offer to the Congress last summer that he would enter into a summit with the Congress to help them resolve their dilemma with respect to their failure to produce a budget in accordance with the law. He did not have to do that, and I was one who advised him not to do it. However, he did do it. As a consequence of that, we did, 6½ months after the law required, come up with a budget summit deal. I thought it was a bad deal. The gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Kansas [Mr. SLATTERY] voted for the budget summit deal. I thought it was a bad deal. However, in that budget deal, we put the RTC funding off budget. We kept it outside the pay-go provisions.

Now, when Congress came into session this year, their first act in passing the Democrat House Rules as the majority, was to violate that summit agreement by changing the pay-go scoring from the Office of Management and Budget in the executive branch to the Congressional Budget Office, and after they made that change, their preferred scoring agency, the Congressional Budget Office, which the majority controls in this body, said to put RTC funding under pay-go would violate the summit agreement. Yet, they are willing to do it in violation of the agreement they themselves voted for.

Now on top of that, once they institute the charade of the pay-go provisions in violation of the law, they say the President must make his recommendations of where the taxes will come from to meet the pay-go provisions, or where the spending cuts will come from. The fact of the matter is, the President can only recommend such things to the Congress. We cannot escape the requirements. If we vote for the pay-go requirements of the Slattery-Kennedy amendment, we will have to decide where we will raise the taxes or where we will cut the spending, irrespective of any requirement we impose on the executive branch to make recommendations. We will have to make those decisions. What will happen? As we do that, as we delay the appropriation of the money, as we involve ourselves in the struggle in this great debate, because no person in this body either wants to raise taxes or cut spending. We will lose time, and we will lose money, and we will pass an even greater bill on to our grandchildren.

I say vote no for Kennedy-Slattery.

Mr. SLATTERY. Mr. Chairman, I yield 30 additional seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, first of all, the CBO has indicated in a letter to the chairman saying that, in fact, this amendment does not violate the budget summit agreement. The fact is that what we have here is a moral issue as to whether or not either side of this Congress has the moral will to stand up and say that we should stop sending these bills to our children, that the S&L crisis is a crisis that our generation brought on, and our generation should pay for.

Whether we sweep this under the rug, the issue as to whether or not the President comes up with cuts or not is really immaterial. The President comes up every year with the State of the Union address and tells Members what he wants. That is a plain and simple procedure that we ought to stick with.

Mr. SLATTERY. Mr. Chairman, I yield myself 30 additional seconds to clarify the point which has been raised twice.

I have in my hand a letter that was directed to the minority leader dated March 4, 1991. In this letter, on page 3 at the top of the page, I will read. It says:

> There would be no pay-as-you-go scoring, however, because the Budget Enforcement Act provides that the funding to meet existing deposit insurance liabilities would be exempt from any pay-as-you-go calculations.

The point is simple: We are not amending the Budget Enforcement Act with this particular measure. I would just point out this act would clearly provide that we would have to find some spending reductions and find whatever would be required to fund the RTC in the future.

Mr. WYLIE. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, if I could quote just briefly from a letter by Robert Reischauer, Director of the CBO, to DON RIEGLE in a letter of February 7:

> The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting mandatory spending. Spending necessary to meet the government's existing deposit insurance commitments is excluded from this requirement, and is not limited in any way under the new budget process. Allowing RTC to continue resolving insolvent savings and loans is treated as mandatory spending in recognition of a prior government commitment.

Mr. WYLIE. That is precisely the point I wanted to make, and I was going to read from Robert Reischauer's letter to DON RIEGLE myself. It says it is in violation of the budget agreement.

The same, may I say, if we tried to provide for pay-as-you-go Desert Storm. Last week we passed for Desert Storm. Desert Storm and RTC were excluded from the budget summit agreement.

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, I rise in strong support of this amendment. I ask my colleagues to consider 1 basic question: If pay-as-you-go is good enough for education and housing and military, except for Desert Shield, it is the regime we have adopted in this body for every single spending program, every single one. Why is it not good enough for spending on the S&L bailout?

I have yet to hear a responsible answer to that. The argument that it will lead to taxes, those are the same arguments Members can apply to anything else. We are putting it under the same structure of any other program in Government. Taxes is a red herring unless we apply it to everything else in Government.

The second point I would like to make to my colleagues, and especially to the gentleman from Texas who is an economist, who teached economics back at the university, will agree with me, I hope, that there is one lesson taught to every freshman economics student. While a person can borrow, it is sometimes reasonable to borrow, for an asset that produces a benefit or revenue, it is never legitimate to borrow money for a dead asset that provides no future benefit.

□ 1620

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SLATTERY. Mr. Chairman, I yield 10 additional seconds to the gentleman from Wisconsin.

Mr. MOODY. That is a total aberration of the basic laws of economics, which I know the gentleman respects, as he is an economist.

You must not borrow money for a dead asset. You can borrow money for a live asset that is producing a future benefit.

The question is, do we want to push this off on to future generations or pay for it now?

Mr. SLATTERY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. NEAL], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. NEAL of Massachusetts. Mr. Chairman, less than 2 months ago in this room, President Bush stood before us and in his State of the Union Address he stated: "Though controversial, the budget agreement finally put the Federal Government on a pay-as you-go plan and cut the growth of debt by nearly $500 billion." Right now only two items in the budget are not placed on a pay-as-you-go-plan, Desert Storm and the savings and loan bailout. Desert Storm cannot be compared to the savings and loan bailout. Desert Storm is a one time occurrence and it was a necessary measure to stop the aggression of Saddam Hussein. Desert Storm was an allied operation and the burden of the cost will not just be on the United States.

The cost of the savings and loans bailout is solely the responsibility of the United States. FIRREA was not a perfect piece of legislation but it was a step in the right direction. Now we have the opportunity to improve the method of cost for the bailout.

Just this past Friday, Federal officials approved the sale of branches and deposits of the collapsed Lincoln Savings & Loan Association. The total cost of Lincoln's failure, seizure and liquidation is $2.6 billion, the mostly costly thrift failure. The estimated costs of the bailout keep rising.

It is time to face up to the reality of the costs and pay for the bailout now. We do not want to leave the cost of S&L debacle as a legacy to future generations. The current method is not cost efficient due to the interest created by borrowing. The American people deserve to know the manner in which the bailout is being funded and know how the money is being spent.

Let us take one step further in resolving the savings and loan bailout and support the Kennedy-Slattery amendment. It is time for the bailout to be treated in the same manner as all other expenditures.

Mr. WYLIE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Kennedy-Slattery substitute.

RTC funding is emergency legislation. Now is not the time, I submit, to make a major fiscal policy change which this would require. The Kennedy-Slattery substitute clearly violates, whether we like it or not, last year's budget summit agreement, which specifically exempted deposit insurance funding from pay-as-you-go consideration.

In addition, the substitute would clearly hold depositors hostage to budget cuts or tax increases. The money needed is mandatory, not discretionary spending, to uphold the Government's promise to protect depositors. As such, it like Desert Storm, Social Security benefits and interest on the national debt, have already been budgeted for in the 1990 budget agreement and are explicitly exempted from pay-as-you-go considerations. Just as it would be inexcusable and unimaginable for the Government to cut off funding for our soldiers in the Persian Gulf during the time of war while we debated spending cuts or tax increases, it is irresponsible and unpardonable for Congress not to provide the RTC with the funding needed to protect the small savers of this country. Any delay hurts those who can least afford it.

Pay-as-you-go applies only to new programs or expansion of programs. Deposit insurance is an existing program that represents a prior commitment of our Government.

In addition, it should be noted that the $30 billion for deposit insurance guarantees for fiscal year 1991 has been included in the President's fiscal year 1992 budget.

The Kennedy-Slattery provision calls for the administration to come up with a detailed plan of how future RTC funding will be financed. Does not the President already submit an annual budget? For what other programs must the President provide dedicated revenue sources?

Furthermore, what other programs of this magnitude have dedicated revenue sources?

Both Congress and the administration share responsibility to see the RTC crisis resolved, but only Congress can raise revenues.

If adopted, the Kennedy-Slattery substitute would violate the 1990 budget summit agreement, thereby nullifying the hard-won compromises of the budget summit. If adopted, our 5-year budget——

Mr. SLATTERY. Mr. Chairman, will my friend, the gentleman from Ohio, yield on that point?

Mr. WYLIE. I yield to the gentleman from Kansas on that point.

Mr. SLATTERY. Well, Mr. Chairman, I really thank my friend for yielding to me.

Let me just reemphasize one fundamental point to the gentleman, and that is that this does not amend the Budget Enforcement Act.

I do concede to the gentleman, however, that it will require some changes beyond the agreement last year, and I hope that the gentleman shares my view that in spite of the progress that we made last year in the economic summit agreement, it certainly does not solve this Nation's fiscal problems and it certainly does not lead us to a point where we are going to have a balanced budget.

I am suggesting that we should indeed improve upon that agreement last year. There were provisions in it that I did not like and I am going to be working this year to try to improve upon those provisions. This is certainly one of those examples.

Mr. WYLIE. I understand the gentleman's point. The gentleman did vote for the budget summit agreement, as I have pointed out a little earlier, and now he is talking about making some changes.

Mr. SLATTERY. Absolutely.

Mr. WYLIE. And I do not say there is anything necessarily wrong with it.

Mr. SLATTERY. Well, I thank the gentleman for conceding that.

Mr. WYLIE. But the 5-year budget summit agreement which was passed last year will have only lasted 5 months if this amendment is adopted today.

Clearly, too much time and effort have been invested for this to happen, and I think it is ironic that both gentlemen, as I say, voted for the agreement they are now trying to scuttle.

The Kennedy-Slattery substitute only authorizes $30 billion of lost funds. It does not appropriate those lost funds, and it does not authorize or appropriate any funds for working capital.

I might submit that the original Kennedy proposal would have only provided for $10 billion up front and $20 billion later on. If the President had come up with a proposal either to find the money from some other source or would have provided new taxes, that was not a fight in our committee, and I will say this is slightly better, but not much. The gentleman from Kansas [Mr. SLATTERY] suggests that we come up with $20 billion now and $10 billion later.

Mr. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, I thank the ranking member of our committee for yielding to me.

First of all, I just want to point out that there are several Members on the gentleman's side of the aisle who voted for the amendment that passed.

Mr. WYLIE. That does not necessarily make it right.

Mr. KENNEDY. Well, whatever. That is the gentleman's opinion, but I would also like to point out that in terms of the emergency legislation, the fact is that Mr. Bowsher, who was appointed by Ronald Reagan, has said that this is not emergency legislation. He has said that this will be with us for many, many years to come; so I do not believe that we ought to be saying this is on the same scale as Desert Storm.

The fact is the savings and loan crisis is going to be with us, as the ranking member himself is well aware, for many years down the line.

Mr. WYLIE. May I reclaim my time. Since the gentleman mentioned Mr. Bowsher, Mr. Bowsher said:

> We don't disagree with the Administration's estimate that RTC now needs $30 billion in additional lost funds to continue the Resolution Trust Corporation into 1991. The request should be approved.

He said the $30 billion request should be approved.

Mr. KENNEDY. But is not the next sentence that it ought to be funded like any other program?

Mr. WYLIE. Mr. Chairman, I continue to yield myself such time as I may consume.

The point I would make is that the Kennedy-Slattery substitute would force the RTC to engage in a stop and go resolution process as funding would never be certain. This would hinder the RTC's ability to promptly close and resolve thrifts and aggressively dispose of assets, and I think that is what Mr. Bowsher would say, that the RTC should not be burdened with all these other qualifications.

Funding uncertainties would also severely shake depositors' confidence, and with all the delays many would ask if the Government is still willing to make good on its promise to protect depositors. This could lead to runs on banks and financial instability. The whole purpose of deposit insurance is to prevent this from happening.

Again, this is desperately needed emergency funding. Money must be made available and a prompt settlement of depositors' claims made.

Now is not the time to make major financial fiscal policy changes, and Kennedy-Slattery, as I indicated before, violates the budget summit agreements and holds depositors hostage to a tax increase, a tax increase that I would not be willing to vote for.

Mr. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. I would just like to make the point, first of all, if the appropriations process is good enough for senior citizens, if it is good enough for the space program, if it is good enough for every other program in this country, it seems to me that it is good enough for the savings and loans.

What we are trying to say is that what we are not doing in this country today is coming to grips with the fact that when we have a big bill, all we do is pass it along to our kids.

□ 1630

It took 200 years of American history to run up a single trillion dollars worth of debt. In this current year alone we will run up close to $400 billion of debt. It is wrong, and what we do not have is the guts to come to grips with it. That is what this issue is, that is what this amendment gets to the heart of; whether or not we sweep it under the rug once again or whether we want to cut it out, that is what we have to do.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Chairman, I would like to make a couple of points.

First of all, nobody other than President Roosevelt, perhaps, who did in fact predict the mess we are in now, could have foreseen the enormous financial collapse that we have had with the FSLIC disaster. Perhaps we might be wise to have stood with the position of President Roosevelt in 1933 and revisited accepting that ongoing liability to the depositors by the Federal Government. That is what we did.

The liability is to the depositors. It is on that basis that the RTC funding was exempted from the pay-go provisions by agreement of the leaderships of the House and the Senate. And you will recall when we finally got, last October, to a summit agreement, what we had was a super-summit made up of only the leaders of both parties in both the House and the Senate and the executive branch. A lot of us objected to the exclusion from the pay-go provisions of these mandatory spending programs, including RTC, and we voted against it. The two gentlemen on the other side of the aisle voted for it. Now, what they have said is, "We want the President to have the guts to face up to the vote we made." They did not say, "We want Congress to have the guts." Their amendment says the President should come forward with a plan to raise taxes or increase spending, a plan that the Congress may accept, may reject, but will most certainly ridicule.

You know and I know that this is a prelude to nothing other than political demagoguery of Congress against the President.

Had you been sincere, your bill would have said, your amendment would have said, "The Congress will come up with a pay-go legislation for tax increases or spending reductions."

Mr. WYLIE. Mr. Chairman, may I reclaim my time?

The CHAIRMAN. The gentleman from Ohio controls the time.

Mr. WYLIE. I think the gentleman from Texas feels pretty strongly about the issue; there is one thing about it, he is not uncertain.

Mr. Chairman, a little earlier Mr. Bowsher's name was mentioned. Just to go back there, Mr. Bowsher said in his testimony before us that we should provide $30 billion without restrictions for this fiscal year, and I quote:

> Such slowdowns simply add to the eventual cost of resolution by allowing failed institutions to continue operating and incurring losses. We believe that short-term funding bills covering less than 1 year would prove inefficient and costly.

Therefore, he says, we support $30 billion for this fiscal year.

Mr. Chairman, I submit if Kennedy-Slattery is adopted, the administration will be forced to veto this bill and we will be right back where we started from while resolutions cease and the American taxpayer continues to lose an additional, although preventable, $8 million for every day we delay.

I urge my colleagues to vote "no" on the Kennedy-Slattery bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Ohio [Mr. WYLIE] has 5½ minutes remaining, and the gentleman from Kansas [Mr. SLATTERY] has 16¾ minutes remaining.

The Chair recognizes the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I appreciate the Chair's copious timekeeping today.

Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. I would like to quote Mr. Bowsher's testimony at the same hearing that Mr. WYLIE referred to.

"I have always been a strong believer and have advocated that this program be on budget and financed like any other program."

Mr. SLATTERY. Mr. Chairman, I yield myself 2 minutes to respond to a question raised previously.

Mr. Chairman, I thank my colleague from Massachusetts [Mr. KENNEDY] for hitting the nail right on the head with respect to where Mr. Bowsher is on this point.

I want to talk about whether or not this violates the summit agreement. I have to tell my friends on the other side that to use that as the principal argument in opposition to pay as you go today I find rather humorous, if not laughable.

I would just suggest to my friends on the other side of the aisle that, true, a lot of people reluctantly voted for that agreement last fall. We did so because at the time we recognized it was the best we could do. It was far from perfect. We understand clearly we are going to have to revisit this issue many times in the future. What we are doing today is building upon that agreement.

To suggest that we cannot improve upon it is absolutely ridiculous. What that would do, in effect, is condemn us all to a perpetuation of this ridiculous and immoral fiscal policy that we are practicing in this country today.

So, my friends on the other side of the aisle who take pride in being fiscally conservative, to suggest we have locked ourselves in some kind of concrete as a result of this budget agreement—you know, it reminds me of that great line from the Lincoln-Douglas debate when Mr. Lincoln observed to Mr. Douglas, he said, "That argument is as weak as the soup that you could make from the shadow of a starving sparrow." I would suggest that your argument with respect to the violation of the summit agreement is just as weak.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. COX], a member of the Committee on Banking, Finance, and Urban Affairs, and a distinguished freshman who is making a great contribution to the committee.

Mr. COX of Illinois. I thank the gentleman for yielding.

Mr. Chairman, I come here today to address the House as the first Democrat to represent my district since the Civil War. I bring with me a simple message from the people of northwest Illinois, and that is that the American public will no longer tolerate the fiscal irresponsibility of the Federal Government of the United States. Commitment was what I spoke of on the day I announced my candidacy, that fiscal responsibility was the No. 1 issue I intended to deal with once I arrived here in Washington. And the people responded to that.

I suggest to you that responsible behavior requires the willingness to do the right thing.

Mr. Chairman, all this amendment proposes is that after we commit another $30 billion to the RTC bailout, that we will from that point forward identify where the money will come from to pay that bill.

How, I ask you, how is it possible that proposing a way to pay your bills is a radical idea and one unacceptable to the President of the United States to the point that he would veto that bill?

When I go home, I wish to face my children in the eye and tell them that we had the courage here today to tell them they do not have to pay our bills, we will pay our own.

Mr. Chairman, I urge support of the Kennedy-Slattery amendment.

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, President Bush wants Americans to fork over $77 billion for the second S&L bailout. But the President's plan is a royal scam that will cost taxpayers $120 billion more.

It is a scam because the President will break his own promise to put the budget on a pay-as-you-go basis and it sticks the taxpayer with an inflated bill.

Stanford University estimates that the bailout as currently funded will cost a total of $1.369 trillion, and that most of the cost comes from interest—$913 billion.

For all of the administration's talk about controlling spending, this is a boondoggle. Every other spending increase requires new revenue or offsetting spending cuts. But the President's second S&L bailout plan disregards his own spending caps.

It is a scam because the middle class and the poor will pay for the excesses of the wealthy. Working and middle-class Americans did not benefit from the high interest rates and financial deregulation that led to the S&L disaster. Why should they pay for the cleanup?

We've got to stop sticking it to middle-class Americans and their children. The Kennedy-Slattery plan requires pay-as-you-go financing.

Under the plan:

The RTC receives $30 billion to fund the agency through the fiscal year.

Any future funding requests must be accompanied by a plan to fund the RTC without adding to the Federal deficit.

And we all know the administration will be back here next year asking for $50 billion more.

Stop the scam. Vote for the Kennedy-Slattery amendment.

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to the gentlewoman from South Carolina [Mrs. PATTERSON], a member of the committee.

Mrs. PATTERSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, late last year, Congress approved a budget agreement designed to reduce the deficit over the next 5 years. I voted against that agreement because I did not like many of the proposals included in it. But there was one concept that I found very appealing: pay-as-you-go. The logic behind it is simple. If you can't afford it, don't buy it. That is the logic that my family uses, that the State of South Carolina and many other States use, and it is a concept that the U.S. Government must learn to use now.

Yet, today we are here to consider a proposal to spend yet another $30 billion to shore up our Nation's savings and loans. The costs are to be placed off-budget, shoving these costs to the back burner and further adding to the mounting debt we refuse to face, opting instead to let our children and their children face it.

I recognize that the savings and loan situation must be dealt with. As a member of the House Banking Committee, I have a responsibility to deal with it. But, Mr. Chairman, as a representative of the people, it is also my responsibility to look out for the economic well-being and the future of this country. I cannot add my signature to a $30 billion check with no accountability for where the money will come from. Doing so today means sending the tab to our children tomorrow.

Pay-as-you-go is one of several responsible reforms our Government needs to adopt, but it is one we can adopt here, now, today. That is why I am supporting this amendment. I commend Mr. KENNEDY and Mr. SLATTERY for their hard work and I urge my colleagues to support this amendment.

□ 1640

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. ORTON], a freshman Member who is a member of the Committee on Banking, Finance and Urban Affairs.

Mr. ORTON. Mr. Chairman, I rise in support of the proposal of the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Massachusetts [Mr. KENNEDY] for recapitalization for the RTC.

Mr. Chairman, I was told after that very difficult vote on the Persian Gulf that votes would get easier around here. I am still waiting. There is no easy way out of the S&L crisis.

Mr. Chairman, the time has come for Congress to take a stand for fiscal responsibility.

May I paraphrase the President? The time has come to draw a line in the sand, a line against the continued and seemingly unending cycle of deficit spending.

The reality of the administration's request for the S&L bailout is that it would be paid for through continued borrowing from our future. The consequences of this is that it will cost far more to borrow and spend than it will to fund the RTC on a pay-as-you-go basis. The Treasury Department estimates that it would save the Government $120 billion in interest payments alone.

The CBO estimates that it would cut the deficit by $170 billion over the next 4 years.

Mr. Chairman, the proposal of the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Kansas [Mr. SLATTERY] insists that this cycle of borrow and spend must end and end now.

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN], a member of the Committee on Banking, Finance and Urban Affairs, also a freshman.

Mr. MORAN. Mr. Chairman, Winston Churchill began his five-volume series on World War II by pointing to the failed economic policies that caused it, and he said that of course the Government, at the time had many explanations for such unrealistic policies, but historians must call it madness.

Mr. Chairman, a decade from now there will be Members right here in the well of the House calling the decisions we are making today just that, and there will be just as many Republicans and Democrats reaching that conclusion.

As parents would we ever spend a decade, spending money we did not have, and, when the bills come due, send them to our children? Of course we would not.

The basic argument boils down to why inflict the pain on us today of fiscal responsibility if we could pass it off to some faceless Congress in the future. It is time to be held accountable, to hold ourselves accountable, to the same standards that we conduct our personal business by in our business careers, and so, Mr. Chairman, I urge my colleagues, if it is not us, who will hold ourselves accountable? Who will it be? And if not now, when?

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, the President and the Congress have to begin making the hard choices avoided for so many years that have led to a Federal debt of over $3 trillion. Now we have a chance to put additional RTC funding on the same pay-as-you-go basis as we have put the rest of the Federal budget.

By the Treasury Department's own estimate, if this pay-as-you-go amendment is adopted, taxpayers will save $120 billion in interest payments over 30 years. What is the significance of $120 billion? I suggest that we attempt to calculate a children's impact statement, like we do an environmental impact statement, or a community economic statement, for so many other bills considered here. A children's statement would tell us how this additional Federal borrowing would impact our children's future. An additional $120 billion in long-term interest payments would add almost $2,000 on the tax burden owed by every child in this country. That is in addition to the almost $60,000 that every child will have to pay to retire the existing Federal debt. That is the real impact on our children of this legislation.

Mr. Chairman, let us put this additional RTC funding on a pay-as-you-go basis and take this burden from our children's shoulders.

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to my friend, the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, today I voted for the Slattery-Kennedy amendment which not only provides necessary funding to pay off depositors who have money on deposit in failed savings and loans, but also requires the Bush administration to account for any future costs of the savings and loan bailout on a pay-as-you-go basis instead of engaging in massive Federal borrowing. In my judgment, this approach makes the most sense for a Federal government that's already choking on a debt exceeding $3 trillion.

I'm concerned about the effect of last year's budget deficit agreement which masks the enormous costs of the S&L bailout by moving them out of the public eye—off budget.

We must take responsibility to clean up the S&L mess by ensuring that it's done quickly and at the least possible cost to the American taxpayers. Yet, some continue to try to pass this cost on to the next generation by borrowing massive amounts and charging it to our children. That's just not right.

We need to own up to paying for the S&L crisis now. It's seems to me that pay-as-you-go financing for the bailout is the most responsible way to tackle this problem. It's estimated that a pay-as-you-go system will save taxpayers hundreds of billions of dollars in interest on borrowing expenses alone. That's why I supported the Slattery-Kennedy amendment today.

I also believe that the cost of the S&L bailout must be distributed fairly, and I'm supportive of legislation that needs to be debated by my colleagues in the House. I've cosponsored the State Thrift Deposit Insurance Premium Act of 1991, that would shift a larger share of the S&L bailout's enormous financial cost to those areas of the country that contributed most to the debacle.

The record is now replete with evidence demonstrating that many State-chartered thrifts were driven solely be greed, as investors pursued highly speculative and risky transactions. Some States encouraged this behavior by removing virtually all limitations and prohibitions placed on risky thrift investments. This permitted State-chartered thrifts, in partnership with land developers and other speculators, to gamble with federally insured deposits. The Nation's taxpayers are rightfully angered that they're now being asked to pick up a lion's share of the bailout tab.

That's why I support requiring States with excessive costs due to the resolution of State chartered thrifts to pay a Federal deposit insurance premium if the State's State-chartered thrifts are to remain eligible for Federal deposit insurance.

The bailout of the S&L industry will be enormous, but most of the costs are directed to only a few areas of the country. Current estimates for the S&L bailout range from $150 billion to more than $500 billion.

We need to send a clear message to the State where law regulators and regulations encouraged this unfettered greed and speculation, so that they'll be held accountable for their actions and pay their fair share of the bailout costs.

Mr. Chairman, this is a curious debate in a way. We are told that we have a responsibility to appropriate the money to pay for the S&L failures and restore money to the depositors, and that is our job. We understand that and agree with that. But we not only have a responsibility to do the right thing. We have a responsibility to do it the right way.

Mr. Chairman, I hate to point to the gas gauge, but it is running on empty. We have a $3½ trillion debt. This year the increase in gross debt borrowing will be $411 billion. That is $1 billion a day, every day, 7 days a week, all year long. Now we are told that to meet this responsibility in the S&L bailout we should increase the cost of the bailout by borrowing money and shifting the cost to our kids, and the radical approach proposed by the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Kansas [Mr. SLATTERY] is maybe we ought to assume the responsibility of shouldering some of the burden now ourselves.

Mr. Chairman, that is not radical. That is right. The reason it appears so unusual is that we are finally talking about the requirement of doing the right thing, and I applaud the amendment and will support it.

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise today in support of the Slattery-Kennedy amendment.

It is a national tragedy that while we have so many pressing domestic needs, we must divert scarce resources to pay for the savings and loan bailout. We are not just paying today, however. The current funding mechanism has consequences that reverberate well into our future, as our children and our children's children will be forced to shoulder the burden of paying for the mistakes of the past. This situation is plainly wrong. We should not and cannot be limiting our children's futures in order to cover our costs today.

Placing the RTC funding on a pay-as-you-go basis would mean that we would raise the money for the RTC, rather than borrowing it. Interest payments triple the cost of the bailout. Pay as you go would translate into a savings of $120 billion alone in interest on the $50 billion the RTC says it will need next year.

The savings and loan bailout is one of the largest single costs in the history of this country. Don't we have a responsibility to promote a sound, sensible, and cost-effective financing mechanism to pay for it?

Pay as you go reduces the costs to the American taxpayer, promotes truth in budgeting, and frees our children to meet the challenges of the future, without carrying the burdens of the past. I urge my colleagues to support the Kennedy-Slattery amendment.

□ 1650

Mr. SLATTERY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART], who has worked awfully hard on this, and I appreciate his help.

Mr. ECKART. Mr. Chairman, we are in such a deep hole that down looks like up to us, and what this bill before us today does is simply make the situation worse.

We have written $3 trillion worth of bad checks, and today we are proposing to spend another $30 billion in more bad checks to do the wrong thing once again.

To my colleagues, let me say that this is not a savings and loan bailout; it is a cop out, because it refuses to recognize the responsibility of both the President and the Congress to do what we intended to have done last October, and that is to tell the people of the United States how we wanted to have the priorities of this Nation addressed.

We have 25 million children in this country who cannot read. Let us pass this bill, and I will tell them to go out and learn to read by borrowing money from their local savings and loan.

We will have 100,000 babies born to crack mothers in the United States this year. We do not have the money to help them, but we will bail out the local savings and loan.

Eighty-seven percent of the young children adjudicated of crimes associated with drugs will not be able to go to a treatment center. So we can send them to their savings and loan.

Thirty percent of the children in foster care will not have a warm meal today. So we can send them to their savings and loan.

We are 22d in infant mortality. We do not have a dime to make those children well. So we can send them to their savings and loan.

We don't have money for the real needs of real people, but we will find money for those who have ripped off the taxpayers. We will turn our backs on the States who have fixed their own problems, States like Maryland and Ohio. We will pass the tin cup like Jim Baker has done so well to the nations around the world and say, "You, too, can share in this wealth."

So once again we allow the rich to get righer and the working class to get the taxes because of the inability of this Congress and this President to find ways to pay for the problems created by the S&L schemers.

The Kennedy-Slattery amendment forces the Congress and the President to speak to the Nation's priorities. For me, my priorities are real people, not the get-rich-quick artists.

The CHAIRMAN. The Chair will state that the gentleman from Kansas [Mr. SLATTERY] has 4½ minutes remaining, and the gentleman from Ohio [Mr. WYLIE] has 5½ minutes remaining. The gentleman from Ohio has the right to close the debate.

The Chair recognizes the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Chairman, I would suggest that the gentleman who just spoke is suggesting that the depositors will not get their money back out of these failed institutions.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for the yielding of time, and I rise in opposition to the Kennedy-Slattery amendment. I do it with regret, but I do it with firm conviction.

Mr. Chairman, there are only three choices here: First, that we not give any money at all to the RTC. That holds the innocent depositors to blame for this, although there is plenty of blame to go around.

The second is to actually do what those who started out pushing this amendment wanted to do—raise taxes on the very wealthy to pay for the bailout. That is something that many of us could support, but this amendment does not do it. I do not see anyone proposing a bill to actually raise the taxes.

We all know, Mr. Chairman, that if pay-as-you-go passed, very simply, no one here would raise taxes. Maybe 100 Members would vote to raise taxes, and many more would vote for cuts of social programs for those people who would be hurt the most. And most Members would vote for neither, so then we would be back to solution 1.

Mr. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I cannot yield. On the gentleman's time, I would yield.

Mr. KENNEDY. I am asking the gentleman to yield on his time.

Mr. SCHUMER. Not on my time. I would yield on the gentleman's time.

Mr. Chairman, let me say that if we want to actually do what should be done, I would point out that I have heard a lot of talk about courage and morality. It is not courage and it is not morality to say that a year from now we will decide how to pay for this, when no one has outlined how they will pay for it. And there is no political solution that I am aware of that gets 218 votes to actually pay for it with taxes and cuts. This is the tougher choice.

Let us cut through the rhetoric. The tougher choice is to step up to the plate and say that we are actually going to vote the money, despite all the rhetoric, so that the depositors, those people who put their $5,000, their $10,000, and their $15,000 in the bank will get repaid.

The bottom line, Mr. Chairman, is this: I say to all my colleagues—and they are my friends, I have ultimate respect for them, and we agree on so many things—that what we should have on the floor here is a blueprint of what taxes we would raise and what spending cuts we would make to fund this, not a blank check that says in some future year we are going to do it. And let us not get up and say, "I am courageous because I am saying that in some future year we are going to do it," because the bottom line is that the courageous and the tough choice is, very simply, to say that we are going to fund this now.

Mr. Chairman, if we cannot do it by outlining what taxes we do or if we cannot do it by outlining what cuts we would do, then the better choice is to fund this now, rather than not funding it at all and holding the depositors accountable.

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, I regretfully rise to rebut in part the statement of my good friend, the gentleman from New York, who makes the case that our ongoing irresponsibility is somehow responsible. It is not.

The question that the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Massachusetts [Mr. KENNEDY] have asked today is whether we think that putting the bill to future generations should stop now. The next question which the gentleman from New York [Mr. SCHUMER] correctly addresses to this House is, If we choose that path, would we be better prepared to have the money and have the budget cuts? I agree with that completely, but before we get there we have to stop this profligate behavior, this passing of the bill on, this attempt to mask what is the enormous expense by making it an even larger expense in years to come. That is crazy, and it seems to me if we take the courageous step of forcing ourselves to face this issue, we will be far better off both as an institution and as a Nation.

As far as my colleagues who are concerned about the last budget resolution, let me just simply say that none of us opened our veins and wrote in blood that for the next 5 years our debate will be stifled by the fact that we have had a budget resolution. If we have a better plan to save the future taxpayers of American, money, then I would hope that we would be prepared to accept and utilize it.

Mr. Chairman, the Kennedy-Slattery approach is responsible, and it forces the tough issues. It is the path that we should choose.

Mr. SLATTERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I rise in support of the Kennedy-Slattery amendment.

Mr. SLATTERY. Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The gentleman from Kansas [Mr. SLATTERY] has 3½ minutes remaining.

Mr. SLATTERY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Thomas Jefferson once said that no generation has the right to bind another with debt.

I dare say that every Member of this body has decried the size of the Federal budget deficit. Most of us say that we do not want to mortgage the future of America. Most of us would agree that it is morally wrong to ask our children and our grandchildren to pay our bills. Yet that is exactly what the opponents of pay as you go, the Kennedy-Slattery amendment, advocate here today.

I know that no one wants to talk about the savings and loan mess, especially when the country is so excited about the great victory in the Persian Gulf. I also know that the President and some Members of Congress would like to see this issue just go away, but it will not go away.

□ 1700

Some have said we should pass what they call a clean bill. A clean bill would merely give the President the authority to borrow another $30 billion, and pass the billions on to future generations. I know that this is the politically easy thing to do here today.

If the savings and loan cleanup cost for fiscal year 1992 is paid for over 30 years, the total cost will be $170 billion, including $120 billion in interest. The clean bill is easy for today's politicians, but it is a dirty bill for tomorrow's taxpayers, who happen to be our children and grandchildren.

My colleagues, there is another insidious ripoff in this borrowing scheme. Think with me just for a moment: when the Government needs to borrow money, who does it borrow money from? It borrows money from people who have the money to buy Government bonds. And when the time comes to pay the interest on those bonds, where does that money come from? It comes from the taxpayers in this country, disproportionately the middle class and lower income, because of the regressive tax structure, due primarily to the payroll tax system that we have.

So what we have is a massive shift of money from low and middle income Americans to wealthy bondholders in this country and all over the world.

There is another way to address the savings and loan problem. We can pay as we go. President Bush endorsed this concept last year. He endorsed it again from this well earlier this year in his State of the Union message.

Mr. Chairman, I know it will not be easy to pay as we go with the savings and loan problem, and I understand that pay as you go will cause a hot debate. I will freely admit that I do not know how this problem will ultimately be totally solved, but I do know one thing: we must not duck this debate. If we are to do that, we will become a party to an enormous intergenerational robbery.

In January we debated in this body the age old question of war and peace. We had one of the most honest, sincere, and open debates I have ever witnessed. I contend that we have a moral obligation to have a similar debate at this time on this issue. We have a moral obligation to pay our bills. It is that simple.

So I say to Members on both sides of the aisle, why can we not join hands today, just like we did in January, Republicans and Democrats, liberals and conservatives, and debate this crucial issue? Let us join together and do the right thing. It will not be easy. Nothing good ever is easy. But let us do the right thing.

As leaders of this great country, I plead with Members, today, and when the ultimate debate comes, to show the same kind of courage that our troops in the Persian Gulf have shown. If we do, we will today support the Kennedy-Slattery amendment and save the taxpayers of this country $120 billion over the next 30 years. We owe it to ourselves, and we owe it to our children and grandchildren. I plead with Members to join me in supporting the Kennedy-Slattery amendment.

Mr. WYLIE. Mr. Chairman, I yield my remaining time, 2½ minutes, to the gentleman from Wisconsin [Mr. GUNDERSON], to close debate.

Mr. GUNDERSON. Mr. Chairman, we have the great opportunity this afternoon to decide if we are going to stand here and say something nice, or if we are rather going to act here by doing something necessary and important.

One of my colleagues on the other side said it best when he said, "The time has come for some fiscal responsibility in this place." Do you know what? I could not agree more.

Mr. Chairman, I just could not agree more. Because back in 1987 an amendment was offered, right here on the floor, by the gentleman from Ohio [Mr. WYLIE] and then Mr. St Germain, that would have increased the amount for the FSLIC bailout from $5 billion to $15 billion. It has been said that that would have capped the total cost of the bailout at $26 billion.

Do you know what? Apparently fiscal responsibility did not matter then, because both of the authors of this particular amendment voted no.

Then in 1990 we had a great chance in this House. We came within 7 votes of the two-thirds necessary to pass a constitutional amendment to balance the budget, not now, but forever and ever. We would never again bankrupt the future of this country. Do you know what? The authors of this amendment, both times, in the substitute and in the final passage, voted no.

Then again last year we had budget reconciliation, an agreement that I did not vote for because it increased the deficit too much. But part of that budget agreement said that we will take RTC and put it off budget. Both of the authors of this amendment voted for that budget agreement last year. Now they are standing here on the floor saying the agreement, not even 6 months old, ought to be ignored, disregarded, and we ought to go on our merry way by making nice speeches.

Speaking of nice speeches, you have heard our good friend from Ohio, and he talked about the concerns for education, for drug treatment, for foster care, for infant mortality, and for foreign aid, how we cannot cut those programs, that we have got to increase them.

Well, that means we are not going to cut $10 billion as this amendment suggests. That means, as the gentleman from New York said, probably we ought to look at increasing taxes $10 billion.

How many Members on this floor want to increase taxes $10 billion in the midst of a recession? I will tell you one Member who does not: the Speaker of the House of Representatives, the gentleman from Washington [Mr. FOLEY].

When Speaker FOLEY was asked whether or not we ought to increase taxes to fund the costs of Desert Storm, he said, no not in the midst of a recession do you increase taxes.

Mr. Chairman, we can make nice political speeches here this afternoon. We can say something, or we can do what is necessary and right; we can do something: Vote down the Slattery-Kennedy amendment. Vote yes for what is necessary to get on with solving this problem.

Mr. HUGHES. Mr. Chairman, I rise in support of the Slattery-Kennedy amendment.

During the eighties the Government spent beyond its means, running up the national debt from $1 trillion to over $3 trillion in 10 short years. When we passed the initial savings and loan bailout legislation, we also passed this bill on to our children and grandchildren.

The total cost for closing failed S&L's is expected to reach over $130 billion. However, if we borrow all of it like we borrowed the first $50 billion, then the final bill is going to be more than $500 billion over the next 30 years. So we have a choice: We can pay this installment of $30 billion, or we can force our children and grandchildren to pay roughly $100 billion.

Mr. Chairman, the capital gains tax has been one of the most hotly debated issues in Congress for the past few years. Many have argued that we need a tax incentive to generate a few billion dollars of new capital for private industry.

Without pay-as-you-go, this bill will take away $30 billion in private sector capital in 1 year. No tax incentive will generate that much new capital in 1 year.

I urge your support of the amendment.

Mr. VENTO. Mr. Chairman, I rise in support of the Kennedy-Slattery amendment, really a budget and priority question. This amendment has the potential to save the taxpayer money and put reality, indeed truth in budgeting, back into the S&L bailout.

It is time for the President to admit the growing costs of the bailout. I commended the President when he stepped forward in 1989 and first addressed the need for action to stop the collapse of the S&L industry. I was pleased and proud to work with the administration to pass a tough law that raised capital standards and stemmed the flow of taxpayer dollars for risky S&L adventures.

However, since FIRREA, the size of the bailout has grown to Grand Canyon-size proportions and the administration's policy makers have been replaced by media and political spin control artists. The goal of the administration is not limiting the potential exposure of taxpayer dollars, it is limiting the political exposure of the President. That is why the administration refused to testify about additional funding last fall. That is why the administration opposes even modest reforms in the Gonzalez amendment. And that is why the administration opposes the Kennedy-Slattery amendment.

It is unfortunate that the administration has attempted to 3portray the Kennedy-Slattery amendment in a partisan light. This amendment is not about politics, it is about saving money. Today we are providing $30 billion in funds for the RTC. In October, the administration will be seeking at least another $33 billion plus. There is no discussion of how the Government will pay for that $63 billion; as usual, it will go on the U.S. charge card. Well that charge will carry a heavy price tag for the American taxpayer. According to the Congressional Budget Office, the interest costs of this borrowing through fiscal year 1996 is an astronomical $27 billion. I urge that we engage the public policy debate on the financing of the S&L bailout, and temper the cost to the American taxpayer, which is $27 billion in borrowing cost through 1996 by supporting the Kennedy-Slattery amendment.

Mr. FALOMAVAEGA. Mr. Chairman, I rise today in support of the Kennedy-Slattery substitute to H.R. 1315, the Resolution Trust Corporation Funding Act of 1991, which will put the bulk of the S&L bailout on a pay-as-you-go basis.

Mr. Chairman, the American people are well aware of the first savings and loan scandal, and the collapse of the thrift industry, and S&L mismanagement and dishonesty. Now, the administration has proposed for this year $30 billion as a bailout to be borrowed, with an estimated $50 billion in 1992 with payments to be prorated over a period of as many as 40 years. As a result, the payment will pay only for the interest, and triples the cost of the bailout, and forces our children to pay for our mistakes. Mr. Chairman, I strongly feel that this is outrageously unfair to our taxpayers.

Mr. Chairman, the U.S. Conference of Mayors, representing mayors of cities with populations in excess of 30,000, adopted a policy at their annual meeting in Chicago last year calling on Congress "to guarantee that the savings and loan bailout is funded in such a way that it does not put an undue burden on poor and middle income taxpayers." This amendment is in keeping with policy adotped by the Nation's mayors.

Mr. Chairman, this amendment embodies honest budgeting, fiscal responsibility and real accountability to taxpayers. This approach would dramatically reform the financing of the S&L bailout and strengthen congressional oversight by placing the RTC under the same fiscal discipline that is applied to other Federal program spending.

Mr. Chairman, the Kennedy-Slattery substitute to H.R. 1315 will save the taxpayer $120 billion on a pay-as-you-go plan, and this amendment puts an end to this borrow-and-spend policy.

Mr. Chairman, I urge my colleagues to support the passage of the Kennedy-Slattery amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Kansas [Mr. SLATTERY].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WYLIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 237, not voting 8, as follows:

[Roll No. 39]

AYES—186

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Atkins
AuCoin
Bacchus
Beilenson
Berman
Bilbray
Borski
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Dellums
Derrick
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Evans
Fascell
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gordon
Gray
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)

Hefner
Hertel
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Jacobs
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
LaRocco
Laughlin
Lehman (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott

McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Moody
Moran
Murphy
Nagle
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Olin
Orton
Owens (NY)
Owens (UT)
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Price
Rangel
Ravenel
Ray
Richardson
Ridge
Roe
Rose

Roybal
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Serrano
Sharp
Sikorski
Slattery
Slaughter (NY)
Smith (FL)
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Swift
Synar
Tallon
Torres
Torricelli
Towns
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Wilson
Wolpe
Yates
Yatron

NOES—237

Allard
Andrews (NJ)
Anthony
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Boucher
Broomfield
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dickinson
Dicks
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson

Espy
Fawell
Fazio
Fields
Fish
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hancock
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnston
Kennelly
Klug
Kolbe
Kopetski
Kyl
Lagomarsino
Lantos
Leach
Lehman (FL)
Lent
Levin (MI)

Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Manton
Marlenee
Martin
Matsui
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison
Murtha
Myers
Natcher
Nichols
Nussle
Obey
Ortiz
Oxley
Packard
Pallone
Panetta
Parker
Paxon
Payne (VA)
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Pursell
Quillen
Rahall
Ramstad
Reed
Regula
Rhodes
Riggs
Rinaldo

Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Schumer
Sensenbrenner
Shaw
Shays
Shuster

Sisisky
Skaggs
Skeen
Skelton
Slaughter (VA)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Stenholm
Stump
Sundquist
Swett
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)

Thornton
Traficant
Traxler
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Flake
Goodling
Hammerschmidt

Jefferson
Miller (OH)
Mrazek

Tanner
Udall

☐ 1726

Mr. PALLONE and Mr. APPLEGATE changed their vote from "aye" to "no."

Mr. BROWN and Mr. ROYBAL changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Chairman, I was unavoidably detained in committee and missed a rollcall vote on the Slattery-Kennedy amendment to H.R. 1315. Had I been present, however, I would have voted nay.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. WYLIE: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Funding Act of 1991."

SEC. 101. THRIFT RESOLUTION FUNDING PROVISIONS.

(a) REQUESTS FOR ADDITIONAL FUNDING REQUIRED TO CONTAIN ADDITIONAL FINANCIAL INFORMATION.—Section 21A(k)(7) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(7)) is amended to read as follows:

"(7) REQUESTS FOR ADDITIONAL FUNDING.—Any request for legislative action to provide new or additional financial resources for the Corporation shall—

"(A) be submitted in writing to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(B) contain a complete and detailed financial plan for spending such resources and any relevant information described in paragraph (5)(B) and (6)(A).".

(b) INTERIM FUNDING.—Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(j)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the left margin of such subparagraphs (as so redesignated) 2 ems to the right;

(2) in the heading, by striking "BORROWING" and inserting "FUNDING";

(3) by inserting after such heading the following new paragraph designation and heading:

"(1) BORROWING.—"; and

(4) by adding at the end the following new paragraph:

"(2) INTERIM FUNDING.—The Secretary of the Treasury shall provide the sum of $30,000,000,000 to the Corporation to carry out the purposes of this section.".

SEC. 2. RTC MANAGEMENT REFORMS.

SEC. 201. MANAGEMENT ENHANCEMENT GOALS.—(a) Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end thereof a new subsection (q), to read as follows:

(q) MANAGEMENT ENHANCEMENT GOALS.—

(1) ACTION TO ACHIEVE SPECIFIC GOALS.—The Corporation, upon the enactment of this subsection, shall take action to assure achievement of the management goals specified in this paragraph, as follows:

"(A) MANAGING CONSERVATORSHIPS.—The Corporation shall standardize procedures with respect to its (i) auditing of conservatorships, (ii) ensuring and monitoring of compliance with Corporation policies and procedures by conservatorship managing agents, and (iii) ensuring and monitoring of conservatorship managing agent performance. These procedures shall be developed and implemented no later than September 30, 1991.

"(B) PACE OF RESOLUTIONS.—The Corporation shall take all reasonable and necessary steps to reduce the length of time institutions remain in conservatorship, with the goal that no institutions shall be in conservatorship for more than nine months.

"(C) INFORMATION RESOURCES MANAGEMENT PROGRAM.—The Corporation shall develop and incorporate within its strategic plan for information resources management, (i) a translation of programs goals into the communication computer hardware and software, and staff needed to accomplish those goals, (ii) a systems architecture to ensure that all systems will work together, and (iii) an identification of corporation information and systems needs at all operational levels.

"(D) SECURITIES PORTFOLIO MANAGEMENT SYSTEM.—The Corporation shall develop within its information system.—The Corporation shall develop within its information architecture framework, a centralized system for the management of its portfolio of securities. This system shall be developed and implemented no later than September 30, 1991.

"(E) TRACKING REO.—The Corporation shall develop, within its information architecture, an effective system to track and inventory real-estate-owned assets. This system shall be developed and implemented no later than September 30, 1991.

"(F) ASSET VALUATION.—The Corporation shall develop a process for the quarterly valuation or updating of valuations of the assets it holds in its capacity as receiver (or as a result of such capacity). Such process shall incorporate, to the extent practical, RTC disposition experience. In addition, the necessary information systems shall be developed to track and manage these valuations.

"(G) STANDARDIZATION OF DUE DILIGENCE AND MARKET FORMAT.—The Corporation shall develop a program for performing due diligence on one- to four-family mortgages and for marketing such loans on a pooled basis.

"(H) CONTRACTING.—The Corporation, in order to identify the need for any changes in its contracting process which would enhance the independence, integrity, consistency and effectiveness of that process, shall consult on a regular basis with other agencies and organizations that have large scale contracting and procurement systems, and shall review on a regular basis its organizational structure and relationships. The Corporation shall develop and have in widespread use the following:

"(i) A manual setting forth comprehensive policies and procedures;

"(ii) A revised and expanded directive that clearly and definitely describes the roles and responsibilities of all those involved in the contracting process;

"(iii) A revised and expanded directive that sets forth in detail the standard procedures to be followed in evaluating contractor proposals;

"(iv) A set of standardized solicitation and contract documents for use by all Corporation officers; and

"(v) A series of standardized contracting training modules for use by Corporation personnel and private contractors.

"(2) The Corporation shall, no later than September 30, 1991, file with the Committee on Banking, Housing and Urban Affairs of the Senate, and the Committee on Banking, Finance and Urban Affairs of the House, a report on the progress being made toward full compliance by the agency with subsection (g) as well as a timetable for completing those items not yet completed."

SEC. 3. MINORITY CONTRACTING REPORT.

SEC. 301. MINORITY AND WOMEN BUSINESS POLICY, OUTREACH AND EQUAL OPPORTUNITY REPORTING REQUIREMENT.—Section 21A(k)(5)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(5)(B)) is amended by adding at the end the following new clause:

"(xiii) A complete description of all actions taken by the Corporation pursuant to subsections (a), (b), and (c) of section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 with respect to the employment of and contracting with minorities, women, and businesses owned or controlled by minorities or women and any other activity of the Corporation pursuant to the outreach program of the Corporation for minorities and women. Such description shall specify the steps taken by the Corporation, in its corporate capacity and its capacity as conservator or receiver, to implement the minority and women outreach programs required by section 1216(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and shall set forth information and data showing:

"(a) the extent to which and means by which contract solicitations have been directed to minorities, women, and businesses owned or controlled by minorities or women by the Corporation and by the FDIC on behalf of the Corporation;

"(b) the extent to which prime contracts and subcontracts have been awarded to minorities, women, and businesses owned or controlled by minorities or women, including data with respect to the number of such contracts, the dollar amounts thereof, and the percentage of corporation contracting activity represented thereby (including contracting activity by the FDIC on behalf of the Corporation);

"(c) contracting and outreach activity with respect to joint ventures and other business arrangements in which minorities, women, or businesses owned or controlled by minorities or women have a participation or interest;

"(d) the extent to which the Corporation's minority and women contracting outreach programs have been successful in maximizing opportunities through the outreach policies established by the Corporation for participation of minorities, women, and businesses owned or controlled by minorities or women in the Corporation's contracting activities.".

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. WYLIE] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

□ 1730

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge my colleagues to support this substitute which I am offering in good faith. I believe it represents what I thought was an agreement about 10 days ago to get a bill reported from the House Committee on Banking, Finance and Urban Affairs. At that time it was suggested that we might want to have some additional management tools or improvements in a bill. This includes those suggestions which were made by the distinguished chairman of the House Committee on Banking, Finance and Urban Affairs.

There was some controversy over a minority contracting provision which the gentleman from California [Mr. TORRES] put in. I talked to the chairman. I talked to the gentleman from California [Mr. TORRES], and indicated a willingness to put in some reporting language in substitution of the goals or quotas which are in the bill or in the substitute which will be offered by the gentleman from Texas [Mr. GONZALEZ]. I then talked to the distinguished minority leader from Illinois, Mr. MICHEL, and got agreement from him that we would all support the substitute on our side.

My personal preference is for a clean funding bill, H.R. 1315. However, as I said, this substitute is offered in good faith. I just received a letter from the administration. The administration supports my substitute which provides $30 billion in funding and requires the RTC to make a number of management efficiency and reporting improvements which GAO thought appropriate.

Simply put, my substitute is designed to save the taxpayers money rather than add burdens in the hoops RTC must go through to sell property. My substitute contains goals for RTC to meet, which will cut resolution costs. It also requires them to report back to Members as to what progress is being made on those goals.

Mr. Chairman, on February 20, 1991, the Comptroller General came before our committee and testified that while he supported $30 billion in funding for this additional fiscal year, he thought some positive steps could be taken as far as the performance of the RTC was concerned, and made some recommendations as to needed improvements. My substitute contains those suggestions as to improvements which might be made in RTC's operations.

First, the GAO said that better oversight of conservatorships is needed and they recommended an average length of time that thrifts have a conservatorship be increased from 25 weeks to 51 weeks. My substitute requires standardized procedures of all conservatorships, so it will be uniform all over the United States. The GAO also said that RTC's efforts at information management had been disappointing. My substitute requires RTC to develop a strict plan for information resource management. As the GAO said, clearly the RTC needs a smooth functioning information system to oversee the resolution of thrifts and to dispose of assets.

With respect to selling securities, the GAO noted that RTC lacked a comprehensive securities portfolio management system. Simply put, the RTC needed to know what was in the storage inventory so they could sell it to their customers. My substitute would require the RTC to develop a centralized system for the management of its portfolio securities by September 30. The distinguished minority leader from Illinois, Mr. MICHEL, in his talk a little earlier in the day in support of this, mentioned some of these management improvements, and so to some extent they are repetitive. However, I think they needed to be placed out a little more. My substitute also requires the RTC to develop the process for evaluating its own assets each quarter. The substitute also calls for better due diligence on one to four family mortgages owned by the RTC. GAO stated the RTC could have received higher prices for its mortgages if better due diligence had been performed on them, and if they had been marketed directly to the secondary mortgage market. My substitute would take care of that.

Finally, my substitute calls for better contracting procedures by the RTC. Last, I have a provision in my substitute to address the minority contracting issue, and I think this is very important. As I said a little earlier, I thought an agreement had been worked out on this issue about 10 days ago between the gentleman from Texas [Mr. GONZALEZ], the gentleman from California [Mr. TORRES], the gentleman from Illinois [Mr. MICHEL], and myself. I want to correct some of the misconceptions about the RTC's minority contracting efforts.

Here are some of the facts: The RTC is making a genuine effort to attract and utilize minority and women-owned firms as contractors. As of November 1990, the RTC's contractor list included 3,500 minority-owned firms; 4,500 majority women-owned firms; 900 minority women-owned firms. As of January 24, 1990, 21 percent of all of RTC's contracts, which account for 28 percent of all the contracting dollars, went to minority and women-owned businesses. The RTC has made a concerted effort to conduct seminars throughout the country to inform women and minority-owned business of the many contracting opportunities with RTC, and to explain the registration and bidding process. My substitute also calls for a detailed report on this issue. The Gonzalez amendment which will be offered later calls for goals of 25 minority and women contracts, which are in reality quotas, which we have argued before since the goal must be strictly adhered to according to their language.

□ 1740

I think that that is wrong. Essentially the RTC is being required to look at quantity and not quality. Good quality minority firms are being given a chance, and if more is needed, I support that; but I do not think setting arbitrary numbers is the way to go, and these numbers are arbitrary.

In sum, I would say for those of you who are reluctant to vote for a straight RTC funding resolution, this is the preferred substitute. It would not raise the costs. It could improve RTC operations. It does not take away any of the authority they have. It will speed up sales of thrifts and assets, and I think in the ultimate it will be of benefit to the taxpayers.

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the Wylie substitute.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Chairman, the Wylie substitute looks good, but its beauty is really only skin deep. When you scratch the surface, there is nothing underneath.

Some examples—the Wylie substitute requires the RTC to develop a program for reviewing its one- to four-family mortgages. The RTC currently holds $40.8 billion of such mortgages; it has sold $8.7 billion since its inception. A program for reviewing these mortgages surely must already be in place. Similarly, the substitute requires the RTC to develop a system to track RTC's real estate owned REO's. The RTC had $19.5 billion REO at the end of the year. The Wylie substitute says only that REO must be tracked. Clearly, that is no reform. The Gonzalez substitute says that those homes should be quickly sold to qualifying buyers—that is reform.

In front of me I have the RTC's Conservator manual and the RTC's Asset Management and Disposition manual. These manuals together conservatively comprise about 1,000 pages of internal operating procedures for the management of conservatorships and the disposition of assets. RTC did this all by themselves—with no micromanagement by the Congress.

The gentleman from Ohio [Mr. WYLIE] now says this is what they ought to try to start doing. They have already done it, so that they do not need our micromanagement. They are either doing it. The Wylie amendment is either redundant or tries to reinvent the wheel.

As to procedure—the Banking Committee held 2 days of markup on RTC funding, during which the Wylie substitute was never introduced, discussed, or voted upon. I find it highly objectionable that we are being asked to consider on the floor an amendment that has not been debated or voted on by the committee of jurisdiction, especially when the underlying bill and the other amendments that have been made in order have been debated and passed by the Banking Committee at least once, if not twice.

Mr. Chairman, neither the Congress nor the American public should be fooled by these cosmetic labels. This substitute is a $30 billion check to the RTC with no improvements required. That is not a very good way to do business with one's own money—it would be a crime to do it with the American taxpayers' money.

Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. ANNUNZIO], the ranking majority member of the committee and chairman of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance.

Mr. ANNUNZIO. Mr. Chairman, we have heard a great deal of good comments about the legislation before us today. But I want to ask Members of this body and the American people who are going to have to pay the cost of this bill, if this is such a great bill, why was it that the opponents of the bill were not given 1 second's worth of time during general debate to discuss the bill. Good bills can stand honest debate, bills that are bad for the American people, cannot stand the light of day.

RESOLUTION TRUST CORPORATION FUNDING

Mr. Chairman, we cast hundreds of votes during each Congress, and many of those votes are quickly forgotten. But there are some votes that we cast that are recalled time and time again by both the media and our constituents back home. Many times a vote that we feel is correct at the present time turns out to be an incorrect vote in the minds of our constituent voters months or years later.

Today, as we vote on the Resolution Trust Corporation [RTC] funding, we will be asked to cast a haunting vote. I call it a haunting vote because this is the type of vote that may well come back to haunt you at a later time.

We will be told today that we must approve the $30 billion for RTC funding, and do it immediately. Without this funding, we will be told, a number of failing savings and loans will not be closed because there is no money for their liquidation. And if the thrifts are closed at a later date, it will cost even more money. We will be told that every day that we fail to pass this legislation, the cost of closing these institutions will increase $8 million. But that is not true.

We are being asked today to give $30 billion to the Resolution Trust Corporation, which was established by Congress to liquidate the assets of failed savings and loans. The RTC has done a miserable job. In fact, it holds more assets than it has liquidated. The agency has more than $140 billion in assets, including more than $40 billion in cash; performing loans, loans where payments are being made on time; and marketable securities.

Contrary to what you will be told, the agency has only 12 percent of its holdings in real estate, so there is no threat of dumping additional real estate on an already depressed market. But instead of gettng rid of its non-real estate assets, the RTC is holding on to them. It has, in effect, become a Smithsonian of savings and loan assets.

Instead of selling these assets and doing its job, this agency wants Congress and the American taxpayer to give it another $30 billion.

How much of this money will go to closing failed thrifts—no one knows. But we do know that a lot of the money will go towards other projects. It has been noted that the RTC, in a little more than a year and one half, has already paid more than $1 billion in attorneys fees to outside consultants. And, the agency is rapidly approaching 6,000 employees. Only one out of every six employees, however, is engaged in selling assets. Who knows what the other employees are doing.

Rather than give the RTC $30 billion now, I suggest that the agency be required to sell the assets that it already holds. And Members should be aware that this agency has already received, directly or indirectly, nearly $1 billion in other taxpayer funding. And guess what, in September the RTC will be back before this body asking for perhaps another $50 billion, and it may well seek another $100 billion next year.

Where does it end? When do we require the RTC to use its money rather than the taxpayers?

Let me put in more understandable terms what we are being asked to do today. The $30 billion that RTC seeks will cost every taxpayer in this country $330. And that is just for the money being sought today. That is $330 on top of the money the taxpayers have already paid out to RTC, and will be asked to pay out in the months and years ahead.

How many Members in this body are prepared to put out a press release today announcing to their constituents that they voted to require every taxpayer in the country to come up with $330 to fund an agency that has already received more money in a shorter period of time than any other agency in history.

This vote might be easier to explain to our constituents if the RTC had been doing a good job. But no one today will praise the RTC in an unqualified way. Every one of you, I am certain, has received letters critical of the way the RTC operates, yet today we are being asked to reward the RTC by asking the taxpayers to pay a $330 bill.

The General Accounting Office [GAO] has suggested that the RTC is not doing a good job. And, in fact, the GAO has been able to get so little information from the RTC that it can not perform an audit on the agency which is mandated by law. During the short time the RTC has been in operation, it has never been the subject of a complete audit. If it were a private corporation, such conduct would have brought a huge fine from the Securities and Exchange Commission.

In closing let me point out, if you are willing to saddle every taxpayer in the country with a $330 debt, then vote for the legislation. But let me warn you that the taxpayers will not forget your vote here today.

I suggest that instead of going into the taxpayer's wallets, that we should require the RTC to start selling its assets, and leave the taxpayers alone.

□ 1750

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RIGGS], a new and very valuable member of the Committee on Banking, Finance and Urban Affairs.

Mr. RIGGS. Mr. Chairman, after considerable footdragging and some false starts, the Congress in August 1989, passed FIRREA to deal with the widening S&L problem. Members of Congress knew then what they know now: The initial funding appropriated by FIRREA represented the down, payment, only the first installment on the astronomical cost of the S&L bailout.

Today is a day of financial reckoning. Much the same as we ignored the early warning signals of the S&L fiasco, many Members are prepared to vote against any S&L bill or for amendments which will make the final bill so onerous that it will surely face a Presidential veto, extending this political paralysis and heaping additional interest costs—estimated at nearly $8 million a day—on the back of the taxpayers.

The Kennedy-Slattery amendment is certainly noble in intent and I commend my colleagues for their sentiment. However, this body has shown wisdom and restraint by voting against this measure as it violates last year's budget agreement. Congress must either live by the budget we agreed upon or throw it out and start over again from scratch.

The Wylie amendment, on the other hand implements, the GAO report's management recommendations. In addition, Mr. WYLIE has addressed the need for minority contracting provisions which would allow us to objectively ascertain if any shortcomings are occurring with that program and, if so, we can make modifications to stimulate minority contracting without imposing absolute quota requirements.

Politics, some say, is the art of compromise—the Wylie substitute is a fair, balanced compromise and a responsible piece of legislation which will make good on the faith and guarantee of the U.S. Government.

This bill fulfills the Nation's commitment to S&L depositors and would prevent further chaos in the Nation's thrift industry at a time when we in Government should be striving to promote investment and savings in order to stimulate the economic recovery.

Mr. Chairman, I urge a "yes" vote on the Wylie amendment to enhance the RTC's improvement and its accountability while at the same time insuring long-term confidence in our Nation's financial institutions.

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank the chairman for yielding.

Mr. Chairman, we have just gotten a letter from Secretary of the Treasury Brady, which explains what my friends on the other side have been doing. The Secretary of the Treasury has decided that this is the "how dare you?" bill. How dare Congress tell the RTC, that model of efficiency, compassion and wisdom that we think that maybe there ought to be some affordable housing or some environmental concerns or some serious concern about minority outreach? Or some changes in efficiency?

The gentleman from Ohio, it is true, has made a tactical retreat of a very slight degree.

The original position that my friends on the other side were taking was that the bill should just be $30 billion. In fact, I think that was the original bill, "Here is $30 billion, yours truly." But they decided that might not pass.

Do you know what we have today? $30 billion, two bells, and a whistle. It does not do anything about anything. It was not intended to do anything. If the Treasury Department thought it would do anything, we would get the veto threat.

Then we are told we are being very unreasonable, because "don't we realize how much this is costing us?"

So we then have a very moderate bill brought up by the chairman. What it says is that in a package put together by the minority—the racial and ethnic minority, not the partisan minority Members—that, "Yes, we are going to make a serious effort at including lower income people, racial minorities and women." It says that the low-end housing that they are giving away, effectively, instead of giving it away to speculators, give it away to low-income people.

I have heard a lot from my friends on the other side about low-income home ownership. Let me tell you that in the Gonzalez bill there is a provision, absent from the Wylie bill, that would do more to promote low-income home ownership, cheaper, for more units than anything else we are going to get. That is one that we are being told, "No, you can't see it."

So what do they say? If this bill comes, because it says to pay some attention to the environment, just check it out, pay attention, make the low-income stuff fully available, plug a loophole in making low-end housing available for home ownership and do serious work supported by the Hispanic, black Members, and women Members, do you know what the Treasury says? "I am going to veto it." Well, if he is going to veto it over this, things that CBO said might cost $10 million or $20 million, he is going to veto the bill, then hold it up, and we understand what is at stake here: It is the Treasury Department's prerogative.

I think Mr. Brady has been reading too much of Alexander Hamilton and he has adopted not only the administrative philosophy but its political philosophy: "Do what I tell you; I know better."

That is what is at stake here. The substantive things in the Gonzalez bill are perfectly reasonable. But we are treading on what the Treasury Department considers to be its prerogative.

The RTC does not, it seems to me, seem to be as exercised.

We ought to exercise our rights to do this thing correctly.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. MCMILLEN], a former and very distinguished member of the Committee on Banking, Finance and Urban Affairs. Some of the provisions, may I suggest, in these management reforms were his ideas.

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise in support of the

Wylie substitute because it is the measure that begins to address the structural deficiencies in the RTC, particularly in the area of asset deposition, although it does not go far enough, in my view. I also must say I commend the chairman of the committee, the gentleman from Texas, for his substitute as well, for the social purposes that it is advancing. I support his efforts.

But I believe the most important issue we are facing today is the management of the RTC. Reforms are sorely needed. If the RTC continues to mismanage this process, the taxpayer is going to get bill after bill for this bailout. My colleagues, the GAO, in February, sounded the alarm. The alarm that was sounded was a management indictment of the RTC, particularly in the area of asset disposition.

Changes are necessary. The RTC has $150 billion worth of assets. If these assets are not disposed of efficiently, the bailout bill will grow. That is what the GAO has warned.

The Wylie substitute begins to address some of those concerns.

FIRREA demanded that the RTC utilize the private sector in the disposition of assets. That made good sense; use the expertise in the private sector.

□ 1800

However, Mr. Chairman, I might add that it took a year for the RTC to set up basic contracting-out procedures. We talk about delays. My colleagues are talking about delays, about arbitrating this bill on this floor. How about the delay in setting up a contracting-out process which has cost the taxpayers of this country billions of dollars?

The issue here is what the GAO was talking about. The contracting-out process is disappointing. They are not talking about the quantity of assets that are being contracted out, but the quality of the work.

The GAO goes on to say that the RTC has the wrong mindset for doing this job, that they lack thorough standards, that contract guidance is very unclear, that the monitoring of the performances are inadequate, very few standards are in place.

My colleagues, if this were the Pentagon, we would be screaming bloody murder on this floor. We must hold the RTC accountable for the assets that it is supposed to dispose of, and I might add that it is not just a question of quantity. It is now a question of quality, the quality of their work. If they do not do the job, if we allow sloppy management in this area, as the GAO has warned us, we are going to have to continue to bail out this agency time and time again.

Mr. Chairman, I think the substitute of the gentleman from Ohio [Mr. WYLIE], as I said, addresses this, I urge management reform for the RTC. Billions are at stake. Billions are at stake, my colleagues, that can be used for housing, education and the environment.

We must hold the RTC to the task.

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I rise in opposition to the substitute, but primarily in opposition to the bill.

Unfortunately, Mr. Chairman, we have debated minor little issues in the total scheme of things. We have not debated today, nor did we debate in 1989, when we were considering FIRREA, the fundamental approach of the Resolution Trust Corporation, and it is the fundamental approach of FIRREA, the fundamental approach of the RTC, that I think is flawed and that cries out for reconsideration.

Why do I think it is flawed? First of all, Mr. Chairman, the amount of money that is being spent is probably the maximum that could be spent under any approach. We are maximizing the cost to the taxpayer.

I remember the end of 1988, when an Assistant Secretary of the Treasury came in and said, "No, we don't need anyting more than the $15 billion of recapitalization that we need," and I was trying to advance a bill for $25 billion removing the forbearance provision, removing the limitation on the amount of bonds that could be authorized in any 1 year. A few months later the administration came in and asked for $50 billion. They got the $50 billion. Today they are asking for an additional $30 billion, but we know that by the end of this year, at the very beginning of next year at the very latest, under their present approach they are going to need an additional $50 billion. So, it is $130 billion we virtually know for certain.

Mr. Chairman, that is not taking into consideration working capital. That is not taking into consideration amortization costs over either a 30- or 40-year period. When we start taking all these things into consideration, we are talking in excess of $1 trillion, and we spend our time talking about relative peanuts.

We had an approach that was taken in the mid-1980's by the supervisors, and unfortunately by the President and the Congress, and that was a rather lax approach when we should have been tough, when many were saying we must be tough both with respect to supervision and with respect to the recapitalization of FSLIC. There were those of us who stood here and said that it must be recapitalized, at least to the extent of $15 billion, with no annual cap and no forbearance provision. We lost.

By 1989, though, the problem was not a problem of individual institutions. The problem was systemic in nature, but the administration gave us a misdiagnosis of that problem, and they came up with a misprescription, and we bought it, and we are continuing to buy it, and, therefore, we would be participants in malpractice.

What we are doing is we are talking about the liquidation of an industry when we should be talking about the reconstruction of an industry. We are talking about a Resolution Trust Corporation that freeze-frames the problem at its maximum cost to the taxpayer when we should be talking about saving the industry, saving the economy.

Mr. Chairman, in recent days, there has been a great deal of criticism leveled at those in the Congress who are reluctant to provide additional funding to the RTC to continue the thrift bailout. I believe such hesitation is not only warranted, but should be encouraged because it is in the interest of the American taxpayer. In my view, the approach we have taken under FIRREA is maximizing the cost to the American taxpayer and the damage to the industry.

Just over a year ago, the administration asked the Congress to authorize $50 billion to handle the problems of failed and failing thrifts, and Congress obliged. The administration is now asking for $30 billion more in loss funds. And projections suggest that next year the Congress will be asked for still another $50 billion. It would be unconscionable if, before we approve over twice the sum originally requested, the Congress did not insist on knowing what the American taxpayer was being asked to pay for and why. Yet the administration is insisting on a blank check and blaming the Congress for not providing it.

I believe the FIRREA approach was fundamentally flawed from its inception. FIRREA has become, not the solution to the thrift crisis, but a major contributor in its own right to its ever vaster proportions.

I voted against and argued against final passage of the FIRREA for several reasons, including: First, the approach to funding; second, the precipitous application of new standards; and third, the structure and functioning of the RTC.

Since FIRREA was passed, matters have simply gone from bad to worse. Estimates of the cost of the bailout continue to mount. I will not spend a great deal of time on an issue that has already received much attention—whether we should borrow to pay for this bailout or pay as we go. In my mind, adding hundreds of billions of dollars in interest costs to the already massive price tag on this bailout is a profound generational inequity that cannot be justified. That is why the Kennedy-Slattery amendment, which would create pressure for a pay as you go approach, is such an important step.

As the interest costs related to this bailout come due, they may well have to be funded by cuts in education, health care, Social Security, day care, and other social programs on which our citizens rely. If we are to stop this endless cycle of deficit finance, we must make some hard choices now.

Some of those choices relate to the fundamental approach taken in FIRREA. In my view, we did the wrong thing at the wrong time. The basic approach of the administration, the regulators, the media, and much of the Congress to the bailout is flawed and must be reconsidered.

Throughout the development and implementation of FIRREA, the emphasis has been on being as tough as possible, giving individual problem institutions no quarter in the drive to liquidate any that might be considered marginal. The time to have been as tough as possible was in the early and middle eighties when tough standards, aggressively applied, in conjunction with strong regulation and supervision, could have effectuated a rationalization and consolidation of the industry, without destabilizing the economy.

By 1989, individual thrift problems had spread like a poison throughout the system. By then, we had a systemic problem, with implications not only for individual institutions, but for our economy. You cannot solve a systemic problem with a microprudential approach. Indeed, as events has shown, you may only exacerbate it. In bringing vastly more stringent standards to bear on individual thrift institutions in precipitious fashion, we disregarded the broader impact on the thrift industry, the banking industry, credit flows, and the overall health of our economy. The current credit crunch is one result.

The vast accumulation of assets by the RTC has created an enormous overhang on the real estate market, depressing values. The worst case scenarios that regulators have brought to the assessment of asset portfolios of banks as well as thrifts may have forced unnecessary write-downs and created additional stress on the capital positions of our lending institutions. The result should have been easy enough to predict—less and less lending, even to creditworthy borrowers.

In my view, the administration is being inordinately purist about the problems we face. It seems intent on purging from the thrift industry, through mounting deficit finance, every marginally problematical institution. We can do that, and we could then turn to the banking industry and do the same. But the costs would be incalculable, and the burden on the American taxpayer, unjustifiable. We cannot wring every weak institution out of the economy at taxpayer expense through deficit finance without doing irreparable damage to our economy.

It is time to move away from the liquidation philosophy that has dominated the administration's and most of the Congress' thinking on this issue from the very beginning, and now dominates both the OTS and the RTC, and move toward a reconstruction philosophy. We are now liquidating an industry, some of which remains viable, at taxpayer expense. The primary results of the current liquidation philosophy have been to freeze-frame thrift losses at their maximum, thereby imposing the highest possible costs on the taxpayer, and spread the problem throughout our economy by depressing real estate prices.

A comparison of the current effort of the RTC to the approach undertaken by the Reconstruction Finance Corporation [RFC] earlier in this century is enlightening. The RFC, like the RTC, bore responsibility for liquidating incurable banks. But it did not make the assumption that all problem institutions were untreatable. Much of the RFC's energies were focussed on restoring capital in solvent but weak banks and restructuring weak but curable institutions. In contrast, the OTS and RTC are currently watching the condition of the wounded slowly and painfully deteriorate while focussing all their energies on burying the dead.

We need, not a Resolution Trust Corporation bent on liquidating every problematical thrift but a new Reconstruction Finance Corporation that can work to cure the problems of weakened institutions.

I do not quarrel with the fact that there was an array of "basket case" intitutions in the thrift industry that were operating without a meaningful portfolio of earning assets, steadily losing money, and paying above market rates solely to draw in funds to pay interest on deposits. Such institutions required quick and decisive action.

But many, perhaps most, of those institutions have already been resolved. We are now at or at least close to the point where we are considering placing in Government hands institutions which have some reasonable level of tangible net worth and/or are profitable—institutions whose condition has nevertheless been allowed to deteriorate as the administration has focussed its energies elsewhere. Certainly, some of them are weak and are not in compliance with the new, much tougher, capital requirements. But if effecting a complete purge of all weaker institutions from the system will cost the American taxpayer yet another $50 billion in the short term, it is worth inquiring whether so dramatic a purge is necessary. It may be worth taking the risk that some of them can be turned around or the problem cam be resolved more efficiently and at less cost through inducement of private sector action.

I would prefer that the Government move in early, while the institution still has some tangible net worth, and direct its resources to keeping the institution and its assets in the private sector. Certainly, money should not simply be allocated in a futile effort to keep weak institutions operating independently. But funds could be used constructively to restructure institutions with potential and provide incentives to private acquirers.

There are two clear advantages to moving toward a program focussed on maximizing the potential of the private sector to handle the problem, with Government assistance if necessary. First of all, any financial institution is worth far more as an operating institution than it will ever be worth in Government hands. If an institution must be resolved, it should be resolved while it has some inherent worth, reducing taxpayer cost.

Second, as Felix Rohatyn has pointed out in recent commentary on the situation in the banking industry, a Federal dollar invested in the equity capital of a still solvent institution will support from 15 to 25 times as much credit liquidity as a Federal dollar used after a failure to reimburse an insured depositor or to dispose of a growing inventory of failed institutions and depreciating assets.

The change in emphasis I am proposing cannot work unless other structural changes are effected. There continue to be arbitrary restrictions on what kinds of firms can purchase financial institutions, in what geographic location, what use can ultimately be made of the franchise acquired, and what array of products financial institutions can provide. If we are to maximize the degree to which the problem can be solved in the private sector and effect necessary consolidation industrywide, we must remove artificial geographic, product, and ownership and cross-marketing restrictions and move toward a standardized charter and harmonized regulatory structure.

Before we purify the industry totally at taxpayer expense, we should cleanse and rationalize it through private sector efforts. The best way to do that is to improve the franchise value of existing institutions, remove arbitrary restrictions on acquisitions and investment, and see what level of industry rationalization might occur through private sector efforts.

CONCLUSION

I opposed the FIRREA legislation and I cannot now in conscience vote additional taxpayer dollars that should more properly be spent on education, on health care, on other vital social needs, on a program that has spread a sectoral problem throughout our economy and has maximized taxpayer cost—particularly when this program is not our only option. It is unfortunate that the administration and the Congress have spent so much time and energy on the process by which we would procure more funding for the RTC program that we have had no time to consider the merit of the program itself, and the alternatives to it.

There is a way to solve financial industry problems temperately and responsibly. This different approach might take longer. It might not immediately eliminate every struggling institution. It may be more complicated and involve less immediate certitude. It may ultimately be less pure. But it will be much more responsible, more realistic, more measured, and much less expensive for the American taxpayer, and that is good enough.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman from Ohio [Mr. WYLIE] for yielding.

Mr. Chairman, I do not particularly relish the fact that I am here on the floor today talking about this issue.

Mr. Chairman, when the great Noble laureate, Milton Friedman, wrote his book on the Great Depression of the 1930's, he entitled that book "The Great Contraction," and the book was about the collapse of the financial system, and it was indeed in fact the cause of the Great Depression, and, in order to assure the American people that they could retain confidence in our banking system, Congress created the Federal Deposit Insurance Corporation, and then subsequently, over the protests, I think rightly so, of President Roosevelt the Federal Savings and Loan Deposit Insurance Corporation was to do two things, to assure each and every depositor that their deposits would be secure and, therefore, when in doubt they did not need to engage in a run on the bank or the savings and loan institution, that the full faith and confidence of this Government supported their deposit, and then also to remove those savings and loan associations or those banks that were not prudently run, and then we had the great disaster of the 1980's largely because Congress changed the law.

Congress first regulated, then deregulated. Then Congress passed the tax bill in 1986. Subsequent to those legislative changes, yes, there was malpractice in the industry and carelessness in the industry. We had this threat of another great financial collapse, and because we had made a guarantee to the men and women in this country who put their precious life savings in these institutions, we had to intervene.

Subsequent to that we created the Resolution Trust Corporation for the purpose of taking failing thrifts out of the Nation's thrift industry so we could retain confidence in those that remained and, second, to make good on our promise of guaranteeing the security of the deposits, and we have already seen that time is money in this affair. Delays in the past have made the costs grow larger because the problem grew larger, and now we are at another impasse.

Mr. Chairman, we are asked now to pass a clean bill. What do we mean by that? We mean the same thing my grandfather told me: "DICK, don't use your pliers as a hammer. Each tool has its specific job, and you hurt the tool when you put it to a use for which it is not intended."

Mr. Chairman, the RTC was not intended to impose or even enforce social policy in this country. Its only purpose is to collect the assets of failed thrifts and then dispose of those assets as quickly and surely as possible.

We must act, and we must act now. Give us the $30 billion. Do not lay more social policy mandates on the organization. Let it perform its function and do it now. Vote for the amendment of the gentleman from Ohio [Mr. WYLIE].

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. TORRES].

□ 1810

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise again in opposition to the amendment offered by the gentleman from Ohio [Mr. WYLIE].

We have just heard the recurring theme that we keep hearing: "Give us the $30 billion, and don't ask any questions." I am opposed to this amendment because I simply cannot support additional funding for RTC without requiring a clear accounting of how those funds shall be spent. This amendment does not provide for such accountability.

The Wylie amendment is well intentioned. I have said that, but it is a misguided package of changes that appear to advance numerous reforms, but they simply do not do that. In reality, it does very little. It purports to provide solutions to the many problems that plague the RTC.

I engaged in a debate earlier with the gentleman from Ohio [Mr. WYLIE] about the issue of goals. The gentleman and I talked about quotas, but they are not quotas. It is ludicrous at this time to inject the word "quotas."

The Gonzalez substitute simply talks about goals and targets. We are not breaking new ground. This is done all over the Federal Government by the Department of Defense. They say that the goal of *x* percent shall be the objective of the department. The words are "shall be."

The Federal Aviation Administration and the Federal Highway Administration have the same language. They say, "Shall establish goals." In NASA they say, "shall establish goals." In the Environmental Protection Agency, it is "shall establish goals." In the Small Business Administration, over and over the words are "establish goals."

Even in the legislation of the gentleman from Ohio [Mr. WYLIE] where he talks about managing conservatorships, he says—and I quote—"the Corporation shall take all reasonable and necessary steps to reduce the length of time institutions remain in conservatorship with the goal"—there is the word "goal" again. The word "goal" appears over and over again.

Yet, Mr. Chairman, the gentleman would say we are trying to establish quotas. Nothing could be further from the truth. That is why I oppose his legislation. It does not reform; it does not give us accountability of what RTC must do in order for them to carry out this mission of making and bringing reforms to the S&L's, of giving people, the depositors, the kind of accountability that they want to have, reinstating their deposits and making the American public have faith in their financial institutions.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Chairman, I have two quick questions I wish to pose to the distinguished ranking member of the committee.

In our discussion of the RTC, there are two questions that arise. No. 1, If RTC has all this money and they have closed all these savings and loans and they have $140 billion in assets, why do they need more cash?

No. 2, Why is it they are not going after the crooks? They seem to be the source of the problems.

Mr. Chairman, could the gentleman help me with answers to those two questions?

Mr. WYLIE. Mr. Chairman, if the gentleman will yield, let me say that they need more cash to pay off depositors in institutions which are failing or have already failed. There are some 95 institutions that have already failed and that need to be closed down. We are losing money to the tune of $8 million a day while they stay open.

The gentleman was here a little earlier when the gentleman from Illinois said they have not done anything. I just got a report a little while ago, and we see that in a little more than 1½ years the RTC has seized 557 failed thrifts, and they have resolved 373 of those. According to information provided by them today, of $296 billion in assets which have come under their control since inception, they have sold or liquidated $137 billion. We have to remember that this is the largest financial institution in the United States and it was created just over 1½ years ago. It is even larger than Citbank.

Now, on the issue of why some of the crooks have not gone to jail, that is a very good question. A March 3 editorial which appeared in the Washington Post stated this:

> From October 1988 through last month, federal prosecutors have charged 653 defendants in S&L cases. So far, 460 of them have been convicted and 18 acquitted—not a bad score.

I do not think that is a bad score either.

> Of those sentenced, judges have sent 275—nearly four out of every five—to prison for sentences ranging up to 40 years. Prosecutors and judges are not treating these S&L cases lightly.

We have to remember that the president of Lincoln Savings & Loan just pleaded guility. Ed McBurney was found guilty, and he was sent to jail. Don Dixon has been found guilty and sent to jail, and Charles Keating was just indicted. So I think a lot of progress has been made.

But the issue here today, may I say to my distinguished friend, the gentleman from Ohio, is whether we are going to have the money to continue the progress, whether we are going to have the money to pay off depositors. We have to maintain and restore confidence in our depository institution system, otherwise we are in trouble in this country.

Mr. Chairman, those are two very good questions, and I appreciate the gentleman's asking them.

Mr. MCEWEN. Mr. Chairman, I thank the gentleman from Ohio, and if I could recapitulate what the gentleman said, on the question of the crooks, they have brought 558 charges of malfeasance, of which all but 18 have resulted in convictions. As to the question of the cash, they have taken in nearly $300 billion in assets, of which $140 billion remains. And with this difficulty of cash flow, they need to have additional cash in order to get through this time, and they are rapidly depleting the assets they have acquired. Indeed, they have sold more than half as of this date.

Mr. WYLIE. Mr. Chairman, I would like to reemphasize that this money goes to pay off depositors in our failed institutions.

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I thank the gentleman very much for yielding time to me.

Mr. Chairman, I reluctantly rise in opposition to the amendment offered by my good friend, the author of the amendment, because of his intentions. I know they are all well placed, but I do rise today in vehement opposition to the Wylie substitute because there should be no new funds without some sense of reform.

The reforms encompassed in the substitute that the gentleman from Texas [Mr. GONZALEZ] will be offering and that we will have a chance to take a look at later are minimal, and, therefore, there ought not be any real opposition to them to the degree that I have seen displayed today.

It is astonishing. We are talking about $30 billion, and nobody wants any responsibility in it. Equally offensive is the notion that the Gonzalez substitute, particularly where the issue of minority outreach is concerned, somehow replaces the guidelines that the RTC uses for minority contracting with stronger quotas.

Well, give me a break. There is nothing in this entire package that speaks of quotas. It speaks of goals, and that is a big difference.

The Wylie substitute, Mr. Chairman, purports to take a responsible approach under the guise that reform provisions are delaying the money and also costing taxpayers more and more each day. Well, damn it, it is that blank check that is delaying the process, and it is that blank check that is costing taxpayers money.

They have spoken, and they have spoken clearly. The people do not want this kind of foolishness. They want to see a sense of fairness.

I have in my hand a list, Mr. Chairman, of organization after organization across this country that have called for some sense of fairness:

The National Council of Senior Citizens; ACORN: Public Citizen Congress Watch; National Council of Churches; International Association of Machinists; Communications Workers of America; American Agriculture Movement; Citizens Action; and U.S. Conference of Mayors.

Although the list is endless, my time is not.

I would encourage those who have not made up their minds on this to think on the subject of fairness and then think on behalf of the taxpayers of this country and reject this amendment. Furthermore, the substantive reform that I hear about and see and that the gentleman from Ohio [Mr. WYLIE] claims will require that the RTC report on the steps that it has taken to ensure that women and minorities and others are included is nonexistent, let me tell you that I could stretch from here to east hell the reports we have received from the RTC since August 1989, and they do not mean a thing. They are proposals on proposals, studies on studies, and then there is another plan B for the plan A that failed.

We do not want a clean bill because a clean bill is a dirty bill for the American taxpayer. It has no housing outreach, it has no provisions for women and minorities, and it does not have a sense of fairness for the taxpayers.

You can call off the doctors and disconnect the life support systems, because this is brain dead and should not go through.

Mr. Chairman, I urge the Members of this body to reject the Wylie amendment and give a break back to the taxpayers of this Nation.

□ 1820

The CHAIRMAN. The Chair would advise Members that the gentleman from Ohio [Mr. WYLIE] has 11 minutes remaining, and the gentleman from Texas [Mr. GONZALEZ] has 9 minutes remaining.

Mr. WYLIE. Mr. Chairman, I yield myself 1 minute to engage the gentleman from California [Mr. TORRES] in a colloquy.

The gentleman from California mentioned a little earlier that NASA has an outreach program, as he called it, such as this. Does it have the goals, the language, that the gentleman has in his substitute?

Mr. TORRES. Mr. Chairman, if the gentleman will yield, yes. If I may, I would like to read from it. "The NASA Administrator shall annually establish a goal of at least *x* percent of the"——

Mr. WYLIE. What is the percentage though? That is the point I want to make.

Mr. TORRES. The numbers are different.

Mr. WYLIE. In the testimony of the gentleman, on page 311, he testified that NASA has an 8 percent guideline, DOD has a 5 percent guideline, EPA has an 8 percent guideline, and the State Department has a 10 percent guideline. In here we have a 25 percent guideline. They are already performing up to 21 percent.

Mr. TORRES. Mr. Chairman, that is not my understanding. My understanding, according to RTC's report, is that they have complied with 3 percent outreach to minorities. Three percent, sir.

Mr. WYLIE. That is not the information they gave me.

Mr. TORRES. That is the information they gave us in committee. We have the documentation as of this very date. Three percent.

Mr. WYLIE. Well, I think the point I wanted to make there is that 25 percent seems like a lot, in view of that fact.

Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I thank the gentleman for yielding. First of all, I want to congratulate my good friend, the gentleman from Ohio [Mr. WYLIE], the ranking Republican on this very important committee.

The Marines used to have an expression, "We need a few good men," and it has been changed now to, "We need a few good men and women these days in the Marine Corps."

Clearly as I take a look at Members, Republicans and Democrats alike, as we are working our way through the legislative and political quagmire of RTC reform, or, better yet, the legislative and political minefield, we need a few good men and women there as well.

I know every Member brings enormous good intentions to this very difficult process in the debate today. I think we have to remind Members, particularly those who do not serve on the Committee on Banking, Finance and Urban Affairs, first of all how difficult the birth of FIRREA actually was. It was an enormously complicated and controversial process. We were aided considerably by a chairman who was willing to entertain wide ranges of opinion and debate on a variety of matters that ultimately affected the ability of the RTC and this administration to work through the wide range of problems dealing with the entire thrift crisis.

But we have to remember that we created an institution, the RTC. It did not evolve. We created an institution larger than Citicorps. It did not evolve. Accordingly, since it did not have the maturation that accompanies the normal growth process of any institution, any bank, any corporation, any institution at all, there were and remain quite a few administrative problems and internal problems.

I know of no Member in this Chamber that is going to give the RTC an A. I know of no Member in this Chamber, on either side of the aisle, that is satisfied with its performance today. I do know that just about every member on the Committee on Banking, Finance and Urban Affairs has different ways of trying to go about reforming it.

So let us remember that FIRREA's birth was very, very difficult, it was enormously complicated, and that we are moving toward the addressing of some of the internal problems in its operation. The gentleman from Ohio [Mr. WYLIE] I think has come up with a very good package. He is talking in terms of reform of the conservatorship, he is talking about contracting reforms, he is talking about changing portfolio management, and, more importantly, I think he has taken a first step in trying to address what many of us see are some very real problems in the day to day operation of the RTC.

What we want this entity to do is resolve as many problems as quickly as possible with the least cost to the taxpayer. As the gentleman knows, I did not support in committee on two or three occasions just the extension of $30 billion additional to the RTC. I am joining the gentleman on the floor today, because I think he has made that first very important effort, in what I hope to be a continuing series of efforts, to reform the operation of the RTC, to streamline its operation, and to minimize the cost to the taxpayer.

I know I have asked on several occasions in full committee to those who have come before us for more money, in addition to more money, will you tell us whether or not FIRREA was a perfect piece of legislation? Are there not things we could do to improve and enhance your performance that would help solve the problem at lesser cost to the taxpayer?

Very few people from within have come to the committee with suggestions. The gentleman from Ohio [Mr. WYLIE] in this funding package has brought some fundamental reform to the package. I congratulate the gentleman for that, and encourage Members to support his amendment.

Mr. GONZALEZ. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the Wylie amendment. I do so for several reasons. The Wylie amendment is an incomplete response to the troubles of the Resolution Trust Corporation. It does not adequately address the issue of contracts for women and minority-owned businesses. It does not assist the Affordable Housing Program in selling property. And it does not protect properties of special cultural or environmental significance.

The Wylie amendment guts the women and minority contracting section of the RTC funding bill which was passed during committee consideration. Notably, this section was passed without opposition in committee after considerable discussion. At that time, Democrats and Republicans joined together in supporting a program which would expand the RTC's minority outreach program, which, thus far, has been grossly unsuccessful. In the days following adoption of that program, we were led to believe that Republicans would continue to support that provision. Unfortunately, today we are hearing something different.

So now, as a substitute, the Wylie amendment would ask the RTC to report to Congress on how they are doing. Mr. Chairman, we know how they are doing. We passed our program because we already know how they are doing. They are not doing well. They are not doing enough. For heaven's sake, the provisions in the Wylie amendment amount to nothing more than restating the problem that we all know exists and that we are trying to correct here.

It is worth highlighting why we need an expansion of the RTC's original program of minority outreach. The results speak for themselves.

Of the total nonlegal contracts awarded by the RTC since its inception, over 5,000 in all, less than 400, 7 percent of these, have gone to minority-owned businesses.

Only 2 percent, that is 112 out of over 5,000 of these contracts, have gone to businesses owned by minority women.

The numbers are even worse when the dollar amounts of the contracts are compared.

Under 4 percent of all nonlegal contract dollars awarded by the RTC have gone to minority-owned firms. That is only $12 million out of over $300 million awarded.

Just 2.7 percent of these contract dollars went to businesses owned by minority women.

Astonishingly, only 1 percent of the contract dollars awarded have gone to firms owned by minority men. So, while over 5 percent of the actual contracts are going to firms owned by minority men, a meager 1 percent of the total dollars are going to these firms.

Mr. Chairman, I would ask for a no vote on the Wylie amendment.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS], a new and very valuable member of our committee.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise this afternoon in support of Mr. WYLIE's substitute. It is the best proposal that we have before us today.

I was not a Member of Congress when the troubled savings and loan institutions were first being dealt with. But in one of my very first votes as the Congressman from Wyoming, I voted for the Financial Institutions Reform, Recovery and Enforcement Act. It was not perfect legislation. It dealt with the symptoms within the system, not the disease, but I voted for it. And when I voted for it, I made that very clear.

But it did honor the fundamental commitment we made years ago to depositors in the Nation's savings and loans—that their deposits would be insured by the Federal Government if necessary.

We are in that same position again today. We all know the RTC needs this money now. We knew last year. Without it today, the RTC loses $8 million a day. None of the proposals before us is the cure-all. This authorization will last only until September and then more help will be needed.

Mr. Chairman, let's proceed through this debate quickly and get the necessary legislation passed and signed into law. We're simply honoring the promise we made to those people throughout the country who put their hard-earned savings into these institutions. It's very expensive, but the longer we put it off, the worse the situation will become.

While much time has been spent on rhetoric, little time has been taken to note the 2,235 stable savings and loan institutions. Deposits are made, loans are approved, operations continue, and business continues.

However, recent figures show that deposits to savings and loan institutions are decreasing. According to the Office of Thrift Supervision, during the first quarter of 1990 47 percent of the healthy S&L's had positive deposit inflow. During the third quarter the percent of institutions with positive inflow fell to 30 percent. During this same period $6 billion was withdrawn from all the 2,235 sound savings and loan institutions. A lot of this is attributable to Congress' inaction and the media's sensationalism. I favor harsh treatment of anyone who abused the system and prosecution goes on but let's do the responsible thing with the insured deposits.

Today I stand in support of the clean bill offered by Representative WYLIE, the ranking minority member of the House Banking Committee. Without it we lose millions of dollars a day, the RTC is further delayed in its actions and cannot plan for the future.

I understand the Kennedy-Slattery substitute. No one here would disagree with pay-as-you-go provisions. But applying them to the RTC is dangerous. This would only set up a fire-sale mentality or potential for misuse and abuse by potential buyers. It only creates more delays.

I understand Chairman Gonzalez' substitute. It delves into areas, while important, that simply do not belong in this legislation. Let us remember the mission of the RTC is to resolve the thrift crisis at the least cost. These measures would further tie the RTC's hands and require even more money to be paid.

In the near future we will begin consideration of the administration's reforms in the bank system and insurance fund. We cannot possibly forget what the lack of regulation and abuse of the system has meant to the taxpayers. We also cannot let this situation cloud our view of what is important and what needs to be done. We have wasted enough time. Let us work together and pass the Wylie substitute.

□ 1830

Mr. GONZALEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BACCHUS], a new addition to our Committee on Banking, Finance and Urban Affairs.

Mr. BACCHUS. Mr. Chairman, I came to Congress prepared to make hard choices. Today, I remain ready to make them.

I am ready to provide the money to keep our Government's promise to protect the savings of depositors.

But I will not give the Resolution Trust Corporation a blank check, and I will not be content with an RTC that is not truly accountable to the American taxpayers. The taxpayers would be outraged if they understood the boondoggle that the RTC has become.

The RTC is taking on all the trappings of a permanent fixture in the Federal bureaucracy—while dragging its feet on the vital sale of assets. We lose $5.5 million every day through the depreciation of real estate values caused by the RTC's failure to dispose of its estimated $140 billion in assets aggressively. The taxpayers are not being told of these mounting hidden costs.

The true cost of the savings and loan cleanup has been estimated at $200 billion. We must not say "no" to affordable housing, to childcare, to needy senior citizens, or to new technologies because we needlessly spent our limited resources on a run-away bailout!

In committee, I offered an amendment endorsed by the National Taxpayers Union and by others who want to see more accountability and more fiscal responsibility from the RTC. My amendment would have provided $15 billion immediately, to allow the RTC to continue to do its job, but would have tied any additional funding this year to the RTC's sale of assets. I will continue to work for this approach.

Surely the RTC was not intend to become the largest holder of real estate and junk bonds in the free world. Surely it was not meant to be the largest employer of law firms, accountants and property managers. The RTC is exempt from all Federal procurement laws and the RTC has yet to produce an audited financial statement.

If any one of us were to approach a bank for a loan without the proper documentation, we would be turned away at the door. It is irresponsible to provide the RTC with additional funding without more accountability.

Today's measures simply don't make the hard choices.

Mr. GONZALEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I rise today to urge this body to send a profound and positive message to the working people of this country, to the poor and the elderly.

Mr. Chairman, I urge this body to resoundingly reject this $30 billion appropriation for the savings and loan bailout until the President comes forward and tells us exactly where the money to cover this bailout is going to come from, and who is going to pay for it.

If we simply dump this $30 billion into the deficit, which is what is being proposed, we all know how it will be covered. It will, sooner or later, be paid for by higher taxes on working people, on the middle class, on farmers—and it will be paid for by more and more cutbacks in medicare, in housing, education and a variety of desperately needed programs that help those most vulnerable in our Nation.

Mr. Chairman, let the U.S. Congress today show some courage and not simply put this $30 billion into the deficit—a deficit which is now the largest in our Nation's history. Let us demand that this huge sum of money be paid for by those people in our society that can best afford to pay it—and not those who are already seeing a decline in their standard of living.

Mr. Chairman, in the last 10 years the wealthiest people in our Nation have become much wealthier, while the middle class and the poor have become poorer. Meanwhile, while the wealthiest one percent of the population have seen an 86-percent increase in their real income, the tax burden for the rich has declined. While the middle class and working people have become poorer—their tax burden has increased.

Mr. Chairman. It is absolutely imperative that we fund this 30-billion-dollar bailout on a pay-as-you-go basis, and that the wealthiest citizens in our country—those that have enjoyed huge tax breaks for the last decade—be asked to pay it.

Mr. Chairman. I will be proposing legislation which will ask the wealthiest 5-percent of our population—those who have an average income of $215,000 a year, to pay an extra 2.6 percent of their income in Federal taxes. If we do that, we can raise $30 billion—and that makes a lot more sense to me than taxing the middle class and the poor.

Mr. GONZALEZ. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

> Shielded from salt-laden breezes by a ridge of high, ancient dunes, the 1,400-acre forest is host to a diversity of life nearly unheard of in the harsh environment of a barrier island. Towering oaks, hickories and beeches rise up out of the sand. Otters splash in fresh-water ponds. Rainbow snakes and marbled salamanders breed in the sultry swamps.

Mr. Chairman, this is a description of an isolated stretch of beach in North Carolina that has been seized and is about to be sold off by the Resolution Trust Corporation.

Should Nags' Head Woods, a national natural landmark, be auctioned off to the highest bidder? Should we let the RTC sell this land, and other priceless pieces of the American landscape, without regard to environmental value? Sold, Mr. Chairman, so that they can be converted to malls and parking lots and condominiums?

We should not.

The RTC is already legally required to create a list of these special properties in its portfolio, but the inventories so far have been misleading and incomplete.

Conservation groups that may want to buy the land have no way of knowing what's out there. A majority of the environmentally sensitive properties, including wetlands, endangered species habitats and tracts of centuries-old forestland, are buried in the RTC's residential listings, which are thousands of pages long.

This is not entirely the fault of the RTC, an agency that lacks the skill necessary to catalog properties with natural, cultural, recreational or scientific values of special significance, as they must do under current law.

Provisions of H.R. 901, which I introduced on February 6, and which have been incorporated into this legislation, will streamline the inventory process by requiring that the RTC consult the Fish and Wildlife Service and the National Park Service in creating its inventory.

This legislation also gives environmental groups wishing to buy land in the inventory a right of first refusal. The RTC will be able to devote more of its time to selling off houses and condos, the inventory will be done by people with the resources and the expertise to do the job efficiently, thus allowing conservation groups the opportunity to quickly identify and purchase these precious resources.

Mr. Chairman, if we don't act today to protect Nags' Head Woods and properties like it, soon there will be nothing left to save.

Today we have an opportunity to salvage something of value from this crisis. We can preserve some priceless natural resources that might otherwise be sold to developers of condominiums or shopping malls, and we can do it without slowing down the process.

I urge my colleagues to support this amendment, and I insert the New York Times article from which I read in the RECORD.

[From the New York Times, Feb. 22, 1990]

A GOVERNMENT FIRE SALE . . .

(By Jeffrey Smith)

NAGS HEAD, NC.—Down here on the North Carolina Outer Banks, where salt spray stunts most trees and driving winds twist them into weird, fantastic shapes, Nags Head Woods is an anomaly.

Shielded from salt-laden breezes by a ridge of high, ancient dunes, the 1,400-acre forest is host to a diversity of life nearly unheard of in the harsh environment of a barrier island. Towering oaks, hickories and beeches rise up out of the sand. Otters splash in fresh-water ponds. Rainbow snakes and marbled salamanders breed in the sultry swamps.

So unusual is the forest that in 1974 Congress declared it a National Natural Landmark, a nice-sounding title that affords no legal protection from development. In the years since, the Nature Conservancy and the town of Nags Head have worked to protect it from the headlong rush of coastal development, setting aside more than 700 acres as a nature preserve.

Recently, though, Nags Head Woods has encountered a threat conservationists may be powerless to stop: the Federal Government.

In 1987, a 389-acre block of the forest fell into the hands of two adventuresome real estate speculators operating out of a local savings and loan institution. Fortunately, the bank failed before development could begin, and the area gained a reprieve.

Subsequently the property was taken over by the Resolution Trust Corporation, the agency established to sell off the assets of the nation's failed thrifts. And now, Resolution Trust officials are preparing to market their portion of Nags Head Woods to the highest bidder, which almost certain will be a developer.

If that occurs, the bulldozers will come and the great trees will fall. Eventually, the ponds and swamps will be filled. A chunk of National Natural Landmark will disappear. Similar scenarios could soon be played out across the country.

Most of the property in Resolution Trust's portfolio is commercial or residential. But there are also thousands of acres of undeveloped land, some of which contain rare and endangered species—and some, such as Nags Head Woods, which are endangered ecosystems.

Although Resolution Trust is required to publish a semiannual inventory of all properties with "natural, cultural, recreational or scientific values of special significance," it has yet to comply.

A listing of 30,000 parcels released in January made no mention to these noneconomic "values." Faced with stringent deadlines and conflicting pressures from Capitol Hill and the White House, the agency has shown little interest in the environmental consequences of its actions.

Without access to a comprehensive inventory, the Nature Conservancy and other groups are trying to determine piecemeal how much Resolution Trust real estate could have national ecological significance.

In North Carolina there is Nags Head Woods. In Texas there are marshes along the Gulf of Mexico and an oak woodland that is home to the endangered black-capped vireo. In the Arizona desert there are vanishing stream and river systems that harbor some of our most threatened aquatic species. In other states it's too soon to say.

But even with a complete inventory, these groups will need assistance from Congress.

Specifically, Congress should require Resolution Trust to offer public and private nonprofit agencies the right of first refusal on ecologically significant lands (a requirement already in place for low-income housing). In addition, the agency should be instructed to sell property for conservation purposes at a level below market value or to transfer it to other Federal agencies for conservation management.

Increasingly, we are all realizing that the solution to the savings and loan debacle will be frightfully expensive. But if Resolution Trust is allowed to indiscriminately sell off the nation's natural treasures, the long term cost will be even greater.

Mr. GONZALEZ. Mr. Chairman, I reserve the balance of our time to close debate.

Mr. WYLIE. Mr. Chairman, I yield myself the remainder of our time.

Mr. Chairman, I would just make a couple of points.

Again, much was said about the minority contracting provision in my amendment. This was a conscientious attempt on my part, using the word advisedly, to try to come to some resolution of this issue that could be enacted into law. I respectfully suggest again that the language which is in the Gonzalez substitute, which will be offered a little later on and referred to by the gentleman from California [Mr. TORRES] does amount to quotas.

We went through this a little while ago in a colloquy with the gentleman from Pennsylvlania [Mr. WALKER]. But I would repeat for repetition here that the language says, "An overall goal of not less than 25 percent of all contracting activity is to be entered into with minority individuals." I do not know what the magic is of that figure or entering into such contracts with minority individuals and women whether they are qualified or not, but in any event, it goes on to say, "The corporation shall strictly adhere to such goal when evaluating solicitation of services from any source."

What is that but a quota? I submit that it can only be characterized as a quota.

My amendment simply says that there will be new requirements for the RTC to provide us with a semiannual report on minority and women contracting. As I mentioned a little earlier, the RTC says that 20 percent of their contracts so far meet that criteria.

My amendment says, "To the extent possible, prime contracts and subcontracts shall be awarded to minorities, women and businesses owned or controlled by minorities or women."

□ 1840

Contracting and outreach activity with respect to such joint ventures and other business arrangements shall be entered into by RTC and reported back to us, the Congress, as to what progress is being made.

I think this is a reasonable amendment. I happen to be opposed to quotas and would respectfully suggest that if the Gonzalez substitute is passed, I have a feeling that it will be vetoed by the administration. As a matter of fact, I am pretty certain it will.

The other part of my amendment provides for management reforms. The gentleman from Maryland made a very significant statement. He was on our Committee on Banking, Finance and Urban Affairs. He made some of these suggestions. I picked up on those. I picked up on some which were recommended by Mr. Bowsher, the Comptroller General of the United States, the head of the GAO, and they are reasonable provisions. They are management reforms that can be met by RTC.

I think some improvements can be made in the way RTC handles the acquisition and disposition of the assets which are coming into their hands and they say that they can work with this. They can live with this, and I urge adoption of the substitute which I have offered.

Mr. GONZALEZ. Mr. Chairman, I yield the remainder of my time in this debate to our distinguished Member, the gentleman from Minnesota [Mr. VENTO], who has been the chairman of the task force on oversight of the RTC, and I think very few of us know any more than he does about the RTC.

Mr. VENTO. Mr. Chairman, I thank the chairman for yielding me this time and for his comments.

Mr. Chairman, we have moved, I guess, with the administration, and every administration wants absolute flexibility and all the money they can get; I mean, all of them want that.

It is our job in Congress to hold them accountable here. We had an opportunity with the budget to deal with some really fundamental issues in terms of budget. We did not do that.

Now the Wylie amendment comes before us that was never before offered in committee, and it provides some window dressing, a meek effort, a gift wrap, that does not deal with the substance of what the RTC does.

The Wylie amendment provides lots of reports, studies, standardized forms. At best, the Wylie amendment would clutter up the law with verbiage that is not acceptable. At worst, the Wylie amendment mocks the efforts of those who want to make the RTC and the FIRREA law work.

All this Wylie amendment provides is a fig leaf to suggest that Congress is holding the RTC accountable. This, Mr. Chairman, is not the way that we are going to address the serious shortfalls with minority contracting by raising buzzwords, the specter of quotas on this, and, you know, the fact of the matter is these statistics, at best, are selectively used by the RTC. They do not talk about the attorneys, the real jobs that are dominated by white males. No, this is feel-good rhetoric, not substance.

The Gonzalez amendment, which will follow, is really a change of the conduct of the RTC. The Wylie amendment gives comfort to the RTC. They can revel in the bureaucratic redtape, the RTC rhetoric, but the Wylie amendment does not do anything to change the policy path of the RTC.

To get the RTC back on track, we need at least the provisions of the Gonzalez amendment. We need to shake up the RTC, not to give them comfort as the Wylie amendment does. They are comfortable with the Wylie amendment.

The administration: We need to really shake them up and to give the taxpayers a break that they deserve. The housing, the environmental lands that are sensitive here, all of that can happen without doing great violence.

This amendment masquerades as substance but does little or nothing.

I would say vote no on the Wylie amendment. Mr. Chairman, let us make a difference in this particular bill and vote for the Gonzalez amendment. It should have our support, and it will change the policy path of where we are going.

Mr. MAVROULES. Mr. Chairman, I rise in opposition to the amendment offered by the gentlemen from Ohio. When Congress adopted the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Resolution Trust Corporation was instructed then to develop a minority outreach program. From information to date, it appears that efforts to develop this program has been dramatically unsuccessful.

The amendment included in the Wylie substitute continues business as usual. For this reason, I encourage my colleagues to reject this proposal. Every segment of society should be given an opportunity to participate in the economic fiber of this country. The Department of Transportation, the Department of Defense, the Small Business Administration and numerous other Federal agencies and programs have been encouraged to develop policies to strengthen the participation of minority- and women-owned entreprenuers. These are only goals not mandates. Given the dismal record of the RTC in developing policies in this area I feel that a clarification and enhancement of the agency's goals is appropriate at this time.

Mr. Chairman, I encourage my colleagues to reject the Wylie amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. WYLIE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WYLIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 235, not voting 6, as follows:

[Roll No. 40]

AYES—190

Allard
Anthony
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Boucher
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Dwyer
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hancock
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Leach
Lent
Levine (CA)
Lewis (CA)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Martin
Martinez
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Myers
Nichols
Olin
Oxley
Packard
Panetta
Parker
Paxon
Payne (VA)
Penny
Porter
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Ros-Lehtinen
Roukema
Rowland
Santorum
Saxton
Schaefer
Schiff
Schulze
Schumer
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—235

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hefner
Herger
Hertel
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Jacobs
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Marlenee
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Patterson
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rohrabacher
Rose
Rostenkowski
Roth
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Sensenbrenner
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—6

Flake
Hammerschmidt
Jefferson
Miller (OH)
Mrazek
Udall

☐ 1904

Messrs. SWIFT, ANDERSON, and COYNE changed their vote from "aye" to "no."

Mr. HAYES of Louisiana changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore (Mr. COLEMAN of Texas). The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GONZALEZ: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Funding Act of 1991".

TITLE I—RTC RESOLUTION PROCESS AND FUNDING

SEC. 101. THRIFT RESOLUTION FUNDING PROVISIONS.

(a) REQUESTS FOR ADDITIONAL FUNDING REQUIRED TO CONTAIN ADDITIONAL FINANCIAL INFORMATION.—Section 21A(k)(7) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(K)(7) is amended to read as follows:

"(7) REQUESTS FOR ADDITIONAL FUNDS.—Any request for legislative action to provide new or additional financial resources for the Corporation shall—

"(A) be submitted in writing to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(B) contain a complete and detailed financial plan for spending such resources and any relevant information described in paragraph (5)(B) and (6)(A).".

(b) INTERIM FUNDING.—Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the left margin of such subparagraphs (as so redesignated) 2 ems to the right;

(2) in the heading, by striking "BORROWING" and inserting "FUNDING";

(3) by inserting after such heading the following new paragraph designation and heading;

"(1) BORROWING.—"; and

(4) by adding at the end the following new paragraph:

"(2) INTERIM FUNDING.—The Secretary of the Treasury shall provide the sum of $30,000,000,000 to the Corporation to carry out the purposes of this section.".

SEC. 102. LEAST-COST RESOLUTION.

(a) LEAST-COST RESOLUTION REQUIRED.—

(1) IN GENERAL.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding at the end the following new paragraph:

"(15) LEAST-COST RESOLUTION REQUIRED.—

"(A) IN GENERAL.—Notwithstanding paragraph (4), the Corporation may not exercise any authority under this section with respect to any institution described in paragraph (3)(A) unless—

"(i) the Board of Directors determine that the exercise of such authority is necessary to meet the obligation of the Corporation to provide insurance coverage for the insured deposits in such institution; and

"(ii) the total amount of the expenditures Corporation and obligations incurred by the Corporation (including any immediate and long-term obligation of the Corporation and any direct or contingent liability for future payment by the Corporation) in connection with the exercise of any such authority with respect to such institution is the least costly to the Corporation of all possible methods for meeting the Corporation's obligation under this section.

"(B) DETERMINING LEAST COSTLY APPROACH.—In determining how to satisfy the Corporation's obligations to the insured depositors of an institution described in paragraph (3)(A) at the least possible cost to the Corporation, the Corporation shall comply with the follwing provisions:

"(i) PRESENT-VALUE ANALYSIS; DOCUMENTATION REQUIRED.—The Corporation shall—

"(I) evaluate alternatives on a present-value basis, using a realistic discount rate, and the cash-outlay basis in actual dollars;

"(II) document that evaluation; and

"(III) retain the documentation for not less than 5 years.

"(ii) FOREGONE TAX REVENUES.—Federal tax revenues that the Government would forego as the result of a proposed transaction, to the extent reasonably ascertainable, shall be treated as if they were revenues foregone by the Corporation.

"(C) TIME OF DETERMINATION.—The determination and comparison of the costs of assistance or liquidation required under this subsection for any institution described in paragraph (3)(A) shall be made as of the earliest of—

"(i) the date on which a conservator is appointed for such institution;

"(ii) the date on which a receiver is appointed for such institution; or

"(iii) the date on which the corporation makes the determination to provide any assistance under this section.

"(D) LIQUIDATION COSTS.—In determining the cost of liquidating any institution described in paragraph (3)(A) for purposes of comparing the costs under subparagraph (A) (with respect to such institution), the amount taken into account for such purposes shall not exceed the amount which is equal to the sum of the insured deposits of such institution as of the earliest of the dates described in subparagraph (C), minus the present value of the total amount the Corporation reasonably expects to receive from the disposition of the assets of such institution in connection with such liquidation.".

(2) ANNUAL GAO COMPLIANCE AUDIT.—The Comptroller General of the United States shall annually audit the Resolution Trust Corporation to determine the extent to which the Corporation is complying with section 21A(b)(15) of the Federal Home Loan Bank Act.

"(b) SECURED CLAIMS IN EXCESS OF VALUE OF COLLATERAL.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by inserting after paragraph (15) (as added by subsection (a)(1) of this section) the following new paragraph:

"(16) AUTHORITY TO DISALLOW CLAIMS.—

"(A) IN GENERAL.—In addition to any authority under paragraph (4), the Corporation, as receiver for any institution described in paragraph (3)(A), may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not provided to the satisfaction of the receiver.

"(B) PAYMENTS TO LESS THAN FULY SECURED CREDITORS.—In the case of a claim of a creditor against an institution described in paragraph (3)(A) which is secured by any property or other asset of such instituion, the Corporation as the receiver appointed for the institution—

"(i) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the institution; and

"(ii) may not make any payment with respect to such portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the institution.

"(C) EXCEPTION.—No provision of this paragraph shall apply with respect to—

"(i) any extension of credit from any Federal home loan bank or Federal Reserve bank to any institution described in paragraph (3)(A); or

"(ii) any security interest in the assets of the institution securing any such extension of credit.".

SEC. 103. AMENDMENT TO SEMINANNUAL REPORTING REQUIREMENT.

Section 21A(k)(5)(B)(vii) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(5)(B)(ii)) is amended by inserting ", total estimated fair market value," after "total book value".

TITLE II—RTC DISPOSITION OF AFFORDABLE HOUSING

SEC. 201. AMENDMENTS RELATING TO SCOPE OF PROGRAM.

(a) DEFINITION OF CORPORATION.—

(1) IN GENERAL.—Section 21A(c)(9)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)(C)) is amended by striking "either in its corporate capacity" and all that follows through the period and inserting ", acting in any capacity.".

(2) EXCEPTION FOR CERTAIN ELIGIBLE MULTIFAMILY HOUSING PROPERTIES UNDER CONSERVATORSHIP.—The amendment made by paragraph (1) shall not apply with respect to any eligible multifamily housing property to which the Corporation has acquired title in its capacity as an operating conservator and for which the Corporation receives a written offer for purchase on or before the end of the 90-day period beginning on the date of the enactment of this act.

(b) SALES TO INSURED DEPOSITORY INSTITUTIONS EXCLUDED FROM PROGRAM.—Section 21A(c)(10) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(10)) is amended to read as follows:

"(10) EXEMPTION FOR CERTAIN TRANSACTIONS WITH INSURED DEPOSITORY INSTITUTIONS.—The provisions of this subsection shall not apply with respect to any eligible residential property after the date the Corporation enters into a contract to sell such property to an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act), including any sale in connection with a transfer of all or substantially all of the assets of a closed savings association (including such property) to an insured depository institution.".

SEC. 202. AMENDMENTS RELATING TO SALE PROCEDURES.

Section 21A(c)(6)(A)(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(6)(A)(i)) is amended to read as follows:

"(i) SALE PRICE.—The Corporation may sell eligible residential property to qualifying households, qualifying multifamily purchasers, nonprofit organizations, and public agencies without regard to any minimum purchase price.".

SEC. 203. TENANT PROTECTION.

(a) AVOIDANCE OF DISPLACEMENT OF QUALIFYING HOUSEHOLDS FROM ELIGIBLE SINGLE FAMILY PROPERTY.—Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended by adding at the end the following new paragraph:

"(12) AVOIDANCE OF DISPLACEMENT.—In the case of any eligible single family property which is occupied by a qualifying household at the time the Corporation acquires management, control, or title of such property, the Corporation—

"(A) shall avoid, to the greatest extent practicable, taking any action which would have the effect of displacing the occupants of such property; and

"(B) may provide a priority for the occupants in obtaining financing from the Corporation under paragraph (6)(A)(ii) for the purchase of such property.".

(b) LIMITATION ON RIGHT TO ABROGATE CONTRACTS.—Section 21A(b) is amended by inserting after paragraph (16) (as added by section 102(b) of this Act) the following new paragraph:

"(17) LIMITATION ON AUTHORITY.—Notwithstanding paragraph (4), the Corporation, acting in any capacity, may disaffirm or repudiate any contract involving any residential lease or tenancy or any lease involving any residential lease or tenancy only to the extent permitted under the law of the State and the political subdivision of the State (if any) which is applicable to such contract or lease or any provision of any other Federal law.".

SEC. 204. SCOPE OF APPLICATION.

The amendments made by this title to section 21A of the Federal Home Loan Bank Act shall be effective only during the period beginning on the date of the enactment of this Act and ending at the end of fiscal year 1991 and such section apply after the end of such period as if such amendments had not been made.

TITLE III—ISSUES RELATING TO RTC PROPERTY

SEC. 301. SEPARATE INVENTORY OF PROPERTY WITH SPECIAL SIGNIFICANCE REQUIRED.

Section 21A(b)(12) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(12)) is amended—

(1) in subparagraph (F), by striking the last sentence; and

(2) by adding at the end the following new subparagraph:

"(G) REAL PROPERTY INVENTORY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the inventory of real property assets required to be published under subparagraph (F) shall be updated and republished semi-annually.

"(ii) INVENTORY OF PROPERTY OF SPECIAL SIGNIFICANCE.—In the case of real property assets of institutions subject to the jurisdiction of the Corporation which is property of special significance, the Corporation shall develop and maintain, in accordance with clause (iii), an inventory of such property separately from the inventory required under subparagraph (F) and shall update and republish such inventory at least once during each calendar quarter.

"(iii) CONSULTATION WITH AGENCIES WITH EXPERTISE.—In developing, maintaining, and updating the inventory or property of special significance, the Corporation shall consult with the United States Fish and Wildlife Service, the National Park Service, the Advisory Council on Historic Preservation, and other appropriate agencies or instrumentalities of the United States.

"(iv) PROPERTY OF SPECIAL SIGNIFICANCE DEFINED.—For purposes of this subparagraph, the term 'property of special significance' means real property with natural, cultural, recreational, or scientific values of special significance, including real property which is protected or eligible for protection or special status under any Federal law or Executive order, such as wetlands, floodplains, endangered species habitats, historic sites, archeological sites, natural landmarks, wilderness areas, wild and scenic rivers, and coastal barriers.".

SEC. 302. AMENDMENTS RELATING TO DISPOSITION OF PROPERTY OF SPECIAL SIGNIFICANCE.

(a) IN GENERAL.—Section 21A(b)(12) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(12)) is amended by adding at the end the following new subparagraph:

"(H) LIMITATION ON TRANSFER.—

"(i) NOTICE OF AVAILABILITY.—The Corporation may not sell or otherwise transfer any covered property unless the Corporation causes to be published in the Federal Register a notice of availability of the property for purchase or other transfer that identifies the property and describes the location, characteristics, and size of the property.

"(ii) EXPRESSION OF SERIOUS INTEREST.—During the 90-day period beginning on the date that notice under clause (i) concerning a covered property is first published, any Federal land management agency, governmental agency, or qualified organization may submit to the Corporation a written notice of serious interest for the purchase or other transfer of a particular covered property for which notice has been published. The notice of serious interest shall be in such form and include such information as the Corporation may prescribe.

"(iii) PROHIBITION ON TRANSFER DURING SERIOUS INTEREST NOTIFICATION PERIOD.—During the period under clause (ii), the Corporation may not sell or otherwise transfer any covered property for which notice has been published under clause (i). Upon the expiration of such period, the Corporation may sell or otherwise transfer any covered property for which notice under clause (i) has been published if no notice of serious interest under clause (ii) concerning the property has been timely submitted.

"(iv) PROHIBITION ON TRANSFER AFTER NOTIFICATION PERIOD.—Except as provided in clause (v), if a notice of serious interest in a covered property is timely submitted pursuant to clause (ii), the Corporation may not sell or otherwise transfer such covered property during the 90-day period beginning upon the expiration of the period under clause (ii), unless all notices of serious interest submitted pursuant to clause (ii) have been withdrawn.

"(v) REQUIRED TRANSFERS.—During the 90-day period referred to in clause (iv), the Corporation may sell or otherwise transfer a covered property for which any notice of serious interest has been timely submitted pursuant to clause (ii) only pursuant to notice of serious interest submitted by a Federal land management agency, government agency, or qualified organization for use of the covered property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

"(vi) REVERSIONARY INTEREST.—If any covered property sold or otherwise transferred under clause (v) ceases to be used for the purposes described in such clause, all rights, title, and interest in and to the covered property shall revert to the United States.

"(vii) DEFINITIONS.—For purposes of this subparagraph:

"(I) COVERED PROPERTY.—The term 'covered property' means any property to which the Corporation has acquired title in any capacity and that is identified in the inventory of property of special significance published under subparagraph (G)(ii).

"(II) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means any Federal agency that manages land or structures for use primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resources conservation purposes.

"(III) GOVERNMENTAL AGENCY.—The term 'governmental agency' means any agency or entity of a State or local government that manages land or structures for use primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resources conservation purposes.

"(IV) QUALIFIED ORGANIZATION.—The term 'qualified organization' means such an organization under section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).".

"(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to any covered property held by the Resolution Trust Corporation at any time on or after the date of the enactment of this Act wthout regard to the date on which the Corporation acquired the property or was appointed as conservator or receiver.

SEC. 303. CLARIFICATION OF PROPERTY USED FOR PUBLIC PURPOSES.

Section 21A(a)(14)(B)(xv) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(14)(B)(xv)) is amended by inserting ", including recreational use," after "public purpose".

TITLE IV—MINORITY OUTREACH

SEC. 401. RTC MINORITY BUSINESS POLICY AND GOALS.

Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by inserting after paragraph (17) (as added by section 203(b) of this Act) the following new paragraph:

"(18) MINORITY BUSINESS POLICY AND GOALS.—

"(A) FINDINGS.—The Congress finds the following:

"(i) The involvement of a variety of racial and ethnic groups in the business activities of the Resolution Trust Corporation, which is the largest property management and asset disposition program in the history of the Nation and will have a direct or indirect effect on virtually every such group, is a compelling national interest.

"(ii) Congressional hearings and oversight have shown that the Resolution Trust Corporation has failed to include racial and ethnic groups in the business activities of the Corporation in a significant way to the detriment of the national interest.

"(B) POLICY AND GOALS ESTABLISHED.—In order to clarify and expand the Corporation's policies regarding the implementation of agency programs to ensure the success of minority outreach required under this section and section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Corporation shall establish policies and procedures consistent with the following guidelines to govern contracts with companies owned and controlled by minority individuals or women:

"(i) An overall goal of not less than 25 percent of all contracting activities to be entered into with minority individuals or women or with companies owned and controlled by minorities or women, including prime contracts, subcontracts, and joint ventures, of which not less than 15 percent of all such contract dollars shall be allocated to companies owned and controlled by minorities and not less than 10 percent of all such contract dollars shall be allocated to companies owned and controlled by women.

"(ii) The goal shall apply to every type of procurment and every contracting activity, including conservatorship, entered into by the Corporation and by the Federal Deposit Insurance Corporation on behalf of the Corporation.

"(iii) The Corporation shall strictly adhere to such goal when evaluating solicitation of services responses (from any source).

"(iv) Unless the Corporation finds that the goal established in clause (i) is being met, the Corporation may use restricted competition as a means for achieving such goal.

"(v) In the case of a joint venture, only that percentage of the contract dollars allocable to the joint venture which is equal to that percentage of the total interests in the joint venture which is held by minority individuals or women or companies owned and controlled by minorities or women shall be taken into account for purposes of clause (i).

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) COMPANIES OWNED AND CONTROLLED BY MINORITIES.—The term 'companies owned and controlled by minorities' means any company—

"(I) if privately held, at least 51 percent of which is owned by 1 or more minority individuals; and

"(II) if publicly held, at least 51 percent of all stock in which is owned by 1 or more minority individuals.

"(ii) COMPANIES OWNED AND CONTROLLED BY WOMEN.—The term 'companies owned and controlled by women' means any company—

"(I) if privately held, at least 51 percent of which is owned by 1 or more women;

"(II) if publicly held, at least 51 percent of all stock in which is owned by 1 or more women;

"(III) a majority of the directors on the board of directors of which are women; and

"(IV) a significant percentage of the senior management positions of which are held by women.

"(iii) MINORITY.—The term 'minority' means any Black American, Hispanic American, Native American, Asian American, or Asian Indian American.".

The CHAIRMAN pro tempore. Under the rule, the gentleman from Texas [Mr. GONZALEZ] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

Mr. WYLIE. Mr. Chairman, I am opposed to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. WYLIE] will be recognized for 30 minutes in opposition.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman and fellow Members, the hour is late. I am hoping that we can be brief, succinct, and to the point on this last amendment. What I have to say I have said pretty much already, and I think it would not be wise at this point to be repetitious.

I would just sum up by saying that this is the only version that is a clear signal to the RTC that it has to get itself together. It has to improve and it has to be more responsive than it has been, as difficult as that may be, and less costly.

Mr. Chairman, the substitute before us, H.R. 1221, as reported by the Banking Committee, is the only measure which sends a clear signal to the Resolution Trust Corporation, a signal that says the agency must get its act together and operate in a more responsive and less costly manner.

The bureaucrats at RTC are watching and waiting.

A strong affirmative vote for the Gonzalez substitute will send the bureaucrats back to their desks with a new mandate to make this bailout work in the public interest. The message will go beyond just the language in this bill. It will be a new attitude, a new day—if we adopt this substitute.

A negative vote on this substitute will return RTC to business as usual with little or no change in the pace of the bailout or the arrogant attitude toward people who try to do business with the agency.

The provisions in the Gonzalez substitute are drawn from testimony in oversight hearings, hundreds of complaints from the public and concern expressed by our colleagues in the House. It is a modest package, but absolutely essential if we are to make RTC responsive.

Again, let me emphasize reform is not partisan. The billions going down the drain at RTC are funds contributed by constituents of Republicans as well as Democrats. This should be a bipartisan call for change.

The Gonzalez substitute includes: First, the appropriation of $30 billion for losses; second, requirements for a detailed plan to be submitted by RTC on how additional funds are to be expended; third, requirements that RTC use the least costly method in resolving failed savings and loan cases; fourth, improvements to speed up the sales in the affordable housing program by including housing in conservatorship and the elimination of minimum pricing requirements for eligible properties. Protections are included to avoid the arbitrary wipe-out of valid residential leases and unnecessary displacement of qualifying families; fifth, improvements in the handling, cataloging and sale of properties that have natural, cultural, recreational or scientific values of special significance; and sixth, improvements in RTC contracting to ensure specific goals for including minority- and women-owned companies.

Mr. Chairman, this bailout is a heavy burden on the taxpayers. The least we owe the taxpayers is a valid effort to make the program work at the cheapest possible cost. Funds without real reforms would be a terrible public policy.

□ 1910

Mr. Chairman, I reserve the balance of my time.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Chairman, while the amendment offered by the chairman of the full Banking Commitee gets high marks for good intentions, if fails the test of reality.

We all support least-cost resolution, but the Gonzalez amendment sets out a procedure that inhibits—rather than helps—the RTC in closing insolvent S&L's.

The amendment requires the RTC to predict the future as to what method of resolution will be the least costly on the day that RTC walks through an institutions' doors.

The amendment ignores the fact that it often takes months to accurately determine an institution's assets.

It not only takes time to consider bids for a merger, but there generally are not any bids until the RTC has an institution under its control.

The result will be more delays, and higher cost to the taxpayers.

Instead of expediting the RTC process and saving the taxpayers' money, it makes the process longer and more expensive.

The Gonzalez least cost provision makes a clear distinction between banks and S&L's. That distinction may be enough to push weak S&L's into insolvency.

There have been no hearings on the provision. It should be rejected.

Other parts of the Gonzalez amendment:

Limit the sale of properties currently being held by the RTC;

Protect wealthy tenants in rent controlled apartments;

Strictly limit, if not prohibit, the RTC's ability to sell tenant-occupied properties;

Require the RTC to adhere to mandatory quotas for minorities and women; and

Add 6 months of delays in disposing of properties which may eventually be used for recreational purposes.

Now, I am not opposed to bowling alleys, but I don't think that they should receive special treatment at the taxpayers' expense.

These are highly controversial provisions. They are provisions that are not in the legislation passed by the other body. That means a long conference, and more delays.

At a cost of $8 million a day, we cannot afford delay.

We should reject the Gonzalez amendment and get on with the job of protecting the deposits of hard working Americans.

Mr. GONZALEZ. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the chairman for yielding this time.

Mr. Chairman, I rise in strong support of the Gonzalez amendment and I want to congratulate Chairman GONZALEZ for his hard work to bring this amendment to the floor.

Mr. Chairman, the Gonzalez amendment represents good Government and accountability at its best. However, perhaps more important, the Gonzalez amendment is also the best deal for the taxpayers and the depositors.

As everyone knows, the Resolution Trust Corporation has encountered many difficulties regarding its complex activities, and the result has been slow disposition of RTC-held assets. However, the most important aspect of the thrift cleanup effort is its escalating total cost which, if left unchallenged, will ultimately cost the taxpayers more money. The Gonzalez amendment will address these problems.

For example, as I stated earlier, the most important provision of the Gonzalez amendment will address the need to resolve failed thrifts in the least costly method possible. Currently, this is not a requirement under the FIRREA legislation passed last in 1989. No other amendment before us today contained such a provision. Currently, the RTC will often leave a failed institution in conservatorship for many months forcing the taxpayers to pay the costs of running the thrift and to subsidize big depositors by granting them sufficient time to relocate their deposits out of the failed thrift. This is an intolerable practice which will be stopped by the Gonzalez amendment.

Simply stated, the Gonzalez amendment will require a quicker use of the cost test to devise the cheapest method for resolving RTC-controlled thrifts instead of waiting for months before running the cost test, as the RTC currently prefers. As a result, the taxpayers will not be subsidizing big depositors and the taxpayers won't have to pay to operate a failing S&L while the RTC decides what to do with it. As a result, the Gonzalez amendment will save the taxpayers their hard earned cash. In summary, if you believe we must limit the ultimate cost of the thrift resolution process and still ensure depositor confidence in our deposit insurance system, support the Gonzalez amendment.

A second facet of the Gonzalez amendment which needs to be emphasized is its provision which requires the RTC to conduct an inventory of its properties of special significance which possess special environmental, cultural, recreational or historical qualities. Again, the logic behind the rationale for such a list of properties is obvious—we must preserve our environment and our heritage. President Bush should agree with this amendment since it will help him to keep one of his more important campaign promises—environmental protection. Consequently, an inventory of these significant lands is an excellent start toward keeping the President's promise.

The third reason to support the Gonzalez amendment is that it will enlarge the number of properties eligible for purchase under the affordable Housing Program. Our national housing problem is growing every day. We in the Congress must move quickly to assist homeless and displaced Americans and improving the Affordable Housing Program is one part of the answer to our chronic housing problem. However, none of the other amendments before us today suggested any improvements regarding the Affordable Housing Program. Only the Gonzalez amendment seeks to accomplish this goal.

The final reason to support the Gonzalez amendment is fairness. The RTC contracting process has left minority—and women-controlled and owned firms out in the cold. The Gonzalez amendment will directly address this problem by including language that a majority of members on the Banking Subcommittee supported during committee markup. In particular, the amendment sets a very reasonable goal for the RTC to meet regarding its awarding of contracts to minority- or women-owned or controlled firms. It should be emphasized that no part of the Gonzalez amendment makes it mandatory to meet the goal. This is the only fair method to ensure proper levels of participation in the thrift cleanup process on the part of all of our citizens.

Mr. Chairman, in closing, I want to again urge my colleagues to support the Gonzalez amendment because it represents good Government, accountability, fairness and, most important, it will save the taxpayers money.

Mr. WYLIE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have debated this amendment on several other occasions today, and I am not going to present all the arguments that I thought of a little earlier as to why I should be in opposition. I would say respectfully to the chairman that I cannot in good conscience support this amendment.

First of all, the gentlewoman who just preceded me said it does not amount to quotas. That is language that has to do with minority contracting. I respectfully suggest that it does—and I sometimes repeat for emphasis, and that is what I am doing again—it says an overall goal of not less than 25 percent of all contracting activities to be entered into with minority individuals or women or with companies owned and controlled by minorities or women, including prime contracts, subcontracts and joint ventures of which not less than 50 percent of all such contract dollars shall be allocated to companies owned or controlled by minorities and not less than 10 percent of all such dollars shall be allocated to companies owned or controlled by women.

□ 1920

"Shall" again. Mandatory language.

> The goal shall apply to every type of procurement and every contracting activity, including conservatorship, entered into by the corporation and by the Federal Deposit Insurance Corporation on behalf of the corporation.

Again the corporation "shall" strictly adhere to such goal when evaluating solicitation of services responses from any source.

Mr. Chairman, I am not discussing philosophy necessarily here, and I respect the gentlewoman from Ohio [Ms. OAKAR] for what she believes. I happen to be opposed to quotas, and I think this language amounts to quotas, so that is one of the reasons why I am opposed to this amendment.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. Yes, Mr. Chairman, I am happy to yield to the gentlewoman from Ohio since I mentioned her name.

Ms. OAKAR. This is not mandatory, I say to my real friend from Ohio, and it is no different.

Mr. WYLIE. If the gentlewoman would yield back for just a second, and then I will go back to her, I would say I do not know how it can be more mandatory.

As I said a little earlier, the word "shall" is used five times in three paragraphs here. That is mandatory language, and it says that the goal shall be, shall be, at least 25 percent.

Ms. OAKAR. Mr. Chairman, will the gentleman yield? Would the gentleman let me finish? May I just ask his indulgence for a second?

Mr. WYLIE. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, the issue is that the gentleman from Ohio [Mr. WYLIE] is emphasizing the word "shall." The issue is the goal. It does not say it mandates that this happen. It is no different than goals that we have for the Small Business Administration, goals that we have for NASA in terms of contracting out, goals that we have for Government agencies.

Mr. WYLIE. Reclaiming my time, Mr. Chairman, we mentioned NASA a little earlier.

Ms. OAKAR. It is not a quota. The gentleman from Ohio [Mr. WYLIE] knows that.

Mr. WYLIE. And in the case of NASA it is at 8 percent, but here it is 25 percent. But it says the corporation shall strictly, underline strictly, adhere to such goal in evaluating solicitation of service responses from any source.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Ohio [Mr. WYLIE] for yielding because I think it is important here that we begin to understand what the agenda is.

According to these folks, "If you don't call it a quota, if it doesn't say 'quota,' then it's not a quota." It does not matter that the language specifies a quota.

The gentleman is absolutely right. If my colleagues read this language, it says, "The corporation shall strictly adhere to such goals."

Mr. Chairman, that does not make them at all voluntary. It means that the corporation has to do exactly what it says and——

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. WALKER. It says that it has to have not less than 25 percent of all contracting activities apportioned out in particular ways. That is absolutely a quota.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, we are going to hear, if the gentleman will continue to yield, we are going to hear when we discuss the civil rights here before too long that there is no quota language in it. The fact is that now we find out that we have got the first quota bill before us, and they are going to use the same arguments here that they will use later on, that since it does not say "quota" it is not a quota. Well, this is a quota. It may be called by another name, but this is a quota, pure and simply a quota, and the gentleman from Ohio [Mr. WYLIE] is absolutely right.

I say to my colleagues, "When you put mandatory language in, and you say you have to meet certain guidelines, that's a quota, pure and simple," and I thank the gentleman for yielding.

Ms. OAKAR. Mr. Chairman, would be gentleman yield so I can respond to the gentleman from Pennsylvania [Mr. WALKER]?

Mr. WYLIE. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. WALKER] if he is upset because somehow a few of us believe that, if we have a female-dominated firm, that they should not have a fair crack at getting a contract because that is certainly not—or a minority—is that what the problem is?

Mr. WALKER. No.

Ms. OAKAR. The problem is not having, as my colleagues know, the kinds of contracts spread around a little bit so that, if people apply and have the same type of credentials, that this Congress cannot say, "Be fair."

Mr. Chairman, I ask the gentleman from Pennsylvania, "Is that the problem you have?"

Mr. WYLIE. Mr. Chairman, I had some reporting language in my bill which talked about——

Ms. OAKAR. Mr. Chairman, I just want to have him address this.

I ask, "Do you have a problem with women-dominated firms having a contract?"

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentlewoman from Ohio [Ms. OAKAR] because what I think is that there are a lot of companies owned by women and minorities that are fully qualified to do these jobs and can do them as well or better than any other company, and they ought to get the job based on their qualifications to get the job, not because we set quotas in the Congress. What we are doing is undermining their qualifications by setting these kinds of quotas, and I think it is an embarrassment. I think it is an embarrassment that Congress comes along and puts quotas in place that undermines the qualifications of these people.

Mr. WYLIE. Mr. Chairman, I would like to reclaim my time.

Ms. OAKAR. I think it should be based on qualification.

Mr. WYLIE. I want to make two other points before my time expires here.

One, there is some language on affordable housing which is not all that bad, but I do not think it should be in this bill either. It is in the nature of social welfare legislation. There is some language on protecting the environment in an amendment by the gentleman from Minnesota [Mr. VENTO] which I object to also, but I also want to make one important point on another issue which I feel strongly about, and that is on the issue of rent control.

Mr. Chairman, I have said time, and time and time again that in the areas where we have housing, a lack of housing, it is in rent control areas and that we could increase the housing stock if we could repeal rent control in some of these areas. Washington, DC happens to be one of those cities, but under section 203 of the substitute of the gentleman from Texas [Mr. GONZALEZ] the RTC will be prevented from abrogating rental leases for wealthy tenants in rent controlled apartments. Now the gentleman a little earlier said it would apply also to low income people, but that is not true. Low income people cannot be thrown out under any provision.

The RTC now owns nine units in an exclusive apartment building in Manhattan, which I have depicted here in this photograph, and it is located at 446 East 57th Street, better known as Sutton Place. As I mentioned earlier, the building is the home of the famous fashion designer Bill Blass and was once the home of Marilyn Monroe. One tenant now is paying $475 a month for over 2,000 square feet. Mr. Blass, as I mentioned a little earlier, is paying the market rent. He is paying somewhere in the neighborhood of $1,800 a month, I think, but the fact that under current law RTC cannot override these residential leases is losing the taxpayers $19,000 a month. U.S. taxpayers are subsidizing these wealthy apartments.

Mr. Chairman, I thought the RTC ought to have the opportunity to abrogate those contracts. In the bill they would not be able to do that.

I think I made the two points that I needed to make.

Mr. Chairman, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHEUER] who has been requesting time and has been following our legislation. He is a member of the Committee on Banking, Finance and Urban Affairs.

Mr. SCHEUER. Mr. Chairman, if my friend, the gentleman from Ohio [Mr. WYLIE], and he is my friend, thinks that $36,000 a year describes a wealthy tenant in one of these apartment houses, I would like to take him on a trip through my district in Queens or a trip through those luxurious condos in Manhattan.

□ 1930

I think, after a short trip, he would decide that $36,000 a year and above is an egregiously cruel and unfair and almost masochistic way to look at those tenants. We have had for over half a century in this country the Housing and Community Development Act of 1937. We have had the goal of decent, safe, and affordable housing for every American family. New York State and many other States have supported that goal by building houses and providing protection for tenants in rent-stabilized and rent-regulated apartments. Surely, it was not the intention of Congress in passing this legislation that set up the RTC to enable the RTC to wipe out our rent control laws and supersede statements of decency and concern for moderate income people in States like New York and many other States across the country that passed equivalent laws.

Are these wealthy people with $36,000? Do they mean to tell me that anybody making $36,000 in New York City or New York State is a wealthy person and should have his world shattered by wiping them out of the benefits of rent control or rent stabilization that they bought into in good faith when they moved into those apartments?

I think that is preposterous. It is unfair; it is arbitrary; it is discriminatory, and it is unconscionable, I say to my colleagues.

The problem with the RTC is that the people who headed up the savings and loans used egregiously bad judgment. They were negligent beyond belief in squandering the assets of investors who trusted them. Now are we going to solve that problem on the backs of tenants making $36,000 and supersede rent control laws of New York and other States across the Nation? Are we going to balance the books of the RTC on the backs of the tenants who happen by accident to live in a building they moved into in good faith, in reliance on rent control and rent stabilizaiton, because the mortgages on those buildings were held by savings and loans whose managers were egregiously negligent, stupid, and incredibly incompetent? Do we balance that problem on the backs of the tenants?

Mr. Chairman, that is downright offensive.

Mr. WYLIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Chairman, I rise in opposition to the Gonzalez amendment.

Mr. Chairman, today we are considering a bill that will provide continuation of the funding for the Resolution Trust Corporation. A number of concerns are raised by this bill.

The funding is being treated as off budget. This keeps Congress from truly feeling the enormous burden that we are bearing. If we knew that we had to cut domestic or defense programs to fund the RTC, I believe that we would not be so fast and free with our constituents money.

With the true debt for this year of over $378 billion excluding Social Security, based on OMB figures, we must be vigilant.

The volume of RTC expenditures is very disturbing. According to the RTC's own monthly review, expenditures will remain high for the foreseeable future. They will spend hundreds of billions of dollars over the next few years. Everyone of those dollars will be added to the Federal deficit.

Basic questions raised include: Why can't private enterprise perform many of the tasks that the RTC is performing? We have thousands of well run financial institutions, like the Pittsburgh National Bank in my district, that do what the RTC is doing every day. Why not assign failed institutions to these institutions and save the RTC overhead?

Why is the RTC maintaining performing loans in their portfolio? As of December 31, 1990, the RTC reports that they hold over $67 billion in performing loans in conservatorship and receivership institutions. This includes $36.5 billion in 1 to 4 family mortgages that should be readily salable in the secondary market.

A recent publication by the Center for the Study of American Business at Washington University, St. Louis notes that "the RTC may have lost U.S. taxpayers $40 billion by systematically mismanaging the assets for which it was ultimately responsible." This report goes on to note that the RTC "also has tended to retain failed thrifts' most troubled assets and to undertake every little entrepreneurial activity either to solidify or to improve the value of these assets".

I am convinced that over the next few years the Congress—each of us—will spend hour upon hour reviewing the mistakes, mismanagement, waste, and possibly abuse of the Government trust that has taken place under the RTC.

Let me cite a few examples that were uncovered by the center:

> The RTC has not set a timetable so that potential investors could know well in advance when the various assets the RTC controls are likely to be up for sale." Investors—banks, not for profit housing corporations and others that might have an interest in purchasing assets find it difficult to review and plan purchases.
>
> The Resolution Trust Corporation publishes no economic analysis of the costs and benefits of its decisions to hold or sell different assets.
>
> Better salvage procedures are badly needed at the RTC. Too narrow a universe of bidders is solicited.
>
> The priorities that guide RTC decisions are bureaucratic rather than economic.

Also in talking with individuals involved with the RTC in Pennsylvania and from around the country, I have uncovered additional concerns and observations. These are: Some financial institutions have expressed concern with being RTCized. That is the RTC is getting unnecessarily big, by taking over institutions that have been profitable but may not meet current capital requirements. These institutions have often filed capital compliance plans that will allow them to meet capital requirements by the 1994 "drop dead" date. Some have expressed concern that the RTC may be going too far in rejecting the theory of forbearance. Obviously, forbearance was exercised too broadly in the past, but there should be some middle ground.

Others have found that persons hired to run RTC takeover institutions are little more than order takers. The mode of operation seems to be "Washington knows best." The RTC could use better methods for tracking and controling activity. They have check lists galore. The RTC has gone "lawyer happy." Many hundreds of million dollars have gone to the lawyers. "Be sure and run it by the lawyers in ABC firm" has become the by phase. That it is common for RTC officials to not enforce guidelines, specifically "defalcation."

Some positive comments have been made about the operation of the RTC. These include: Obviously the RTC is in a tough position. They have taken a lot of hits. They are fine tuning. What are the alternatives? This is the best we can do considering the circumstances.

The RTC must focus on: Using better methods managing operations and disposal of assets. Established controls for fees paid to law firms. End the Washington knows best attitude! Institution the latitude to make decisions that make sense for the local area, institution, and the taxpayers. This is not an easy job. Therefore, the RTC should recruit the best proven managers to carry out this mandate. Provide regular reports to Congress detailing the costs and benefits of its actions. End of the fire sale mentality that dramatically reduces the value of its properties. The fire sale mentality in this period of weak real estate demand only exacerbates over supply.

Utilize private firms and healthy financial institutions to actually take over and manage failed institutions. The RTC should be in the oversight and control business, not the management business.

Encourage the downsizing of financial institution by reducing interest rates paid on liability and selling in an orderly manner assets at or near market value.

Develop alternative vehicles that will assist RTC in real estate sales. For instance, special tax incentives applied to RTC properties may be a way to increase sale price while at the same time reducing the need for cash subsidies.

SUMMARY

Immediate attention must be given to straightening out the RTC mess. A floor amendment that will help us to begin this effort is being offered by Mr. WYLIE. I support his effort to require that the RTC develop systems to manage its security portfolio, track and inventory its real-estate-owned assets, and evaluate the assets it holds as a receiver. I support, Mr. WYLIE's amendment which would also require that the RTC develop a program for consummating due diligence on one to four family mortgages and for marketing such loans on a pooled basis. This should have been one of the first order of business for the RTC.

Hopefully, we will be given a chance to vote on an amendment that during the initial Banking Committee markup of this bill, passed 28 to 16, but somehow was not included in the legislation that is before us. This amendment would increase State accountability. It would require that States, with "excessive costs" resulting from State-chartered thrift failures, pay a Federal Deposit Insurance premium. It makes sense that States that do not police their financial institutions well should pay for their negligence.

These amendments are a start in getting a handle on the waste and abuse of the RTC fiasco. Much more needs to be done!

I look forward to the day when the RTC is out of business. When the Federal financial institution regulators can count their yearly failures on one hand. When the American taxpayers can quit subsidizing federally insured financial institutions' "wildly speculative" loan policies. When financial institutions who have performed well are rewarded not penalized by Federal Deposit Insurance agencies. This day must be in the near not the distant future.

Mr. WYLIE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from Ohio [Mr. WYLIE] is exactly right in pointing out that the suggestion of a goal becomes a mandatory quota. He has read right from the words of the Gonzalez amendment.

What was not stated in the colloquy between the gentleman from Ohio [Mr. WYLIE] and the gentlewoman from Ohio [Ms. OAKAR] was that mandatory quotas increase the cost to the Government. There would be no need for a mandatory quota if a minority-owned business had the low bid. If they do not have the low bid and get the contract anyhow, that is going to cost the Government more, and the provision that is contained in the Gonzalez amendment will increase the cost to the taxpayers of the savings and loan bailout, and there is no way of getting around it.

Mr. Chairman, for fiscal reasons alone, I would hope that the Gonzalez amendment will be rejected.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. Mr. Chairman, I have only 1 minute, and if the gentlewoman would like to carry on the discussion, I would ask her to please do it on her own time.

The CHAIRMAN pro tempore (Mr. COLEMAN of Texas). The time of the gentleman from Wisconsin [Mr. SENSENBRENNER] has expired.

Mr. GONZALEZ. Mr. Chairman, it is a privilege to yield 3 minutes to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I thank the chairman of the committee again for yielding time to me.

Let me, if I might, take just a moment to make a few points.

I came to this well less than an hour ago, and I was rather passionate about my position. Let me be a little less passionate for a moment and speak directly to some of the charges that have been leveled by the Members who are opposed to this particular amendment.

We keep hearing that this establishes quotas when we really know that it establishes goals. If we want to look at semantics, quotas mandate and goals suggest. So if we are to look at that, let me read from statuory language from other agencies that talks about goals and talks about the word "shall" in the same statement that constitutes the law of this country.

This is the Department of Defense:

> A goal of 10 percent of the amount described in this subsection shall be the objective.

The Federal Aviation Administration:

> The Secretary shall make sure that funds are expended to small and minority business concerns.

The Nation Aeronautics and Space Administration:

> The Administrator shall annually establish a goal.

I could go on and on, but let us not play games about these two words. If Members do not like the bill because it allows the empowerment of women and minorities, please, let us say that. We are grownups and we can deal with that, but I ask the Members to not give us this game about this establishing quotas, because it does not.

The gentleman from Pennsylvania indicated that there are qualified women and qualified minority business people who would be embarrassed by the suggestion that we establish quotas for them. Let me tell the Members something. I ask them to talk to those minority and women business owners and look at their cash-flow statements. I ask the Members to read their qualifications. Yes, they are embarrassed, and they are hurt also.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I am sorry, but I cannot yield.

They have to go through this nonsense just to be fairly treated on the bailout. Let us put it all on the table. There were no questions of quota on the battlefield 1 month ago in the Middle East. It did not matter that there were disproportionate numbers of women or minorities or anyone else. They wanted to get a job done. So do not tell me that now, all of a sudden, a goal is a quota, and that it ought not apply, because that does not speak, I think, to the American concept, the American dream, and the American ideal. Let us be honest about that. You and I both know that a quota and a goal are two different things. But when we ask people to give up $30 billion of money they do not have, there ought to be some semblance of fairness and some semblance of justice and equality and fair play.

Mr. Chairman, I ask the Members to support the Gonzalez amendment, and put that sense of fairness back into this bill.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, most Americans will not remember what we do here tonight, fortunately, but I think many of our grandchildren will, because many of them in the year 2020 will be sitting down on April 15 and writing out their check to the IRS and kind of questioning, "What is this RTC, after all?"

The action we are about to take in restructuring the process is going to have long-term effects and consequences.

How did we get here? Over a year ago this Congress acted and adopted the RTC. The legislation was over 900 pages. Member after Member has come here to this well tonight and said that we should not make an appropriation without some regulatory responsibility. The fact is that these 900 pages have created such a horror story that the RTC cannot effectively manage its resources.

So what are we faced with tonight? As we sit here, the RTC is the world's largest real estate broker, with 45,000 parcels of real estate. These are not subdivision lots. That is not an individual house, that is not one manufacturing institution. It is subdivisions, it is apartment buildings, it is manufacturing, and it is industrial parks.

Our hope for getting out of this mess is a logical, responsible sale of 45,000 assets to get our money back. We are borrowing against future profits.

So what do we have in the way of a suggestion to help us out of this problem? We have this substitute, and it is indeed interesting. If we simply go to the significant property section and take a quick look at that particular provision, we might understand this. And I understand the intensity of many Members with their environmental concerns, and I share those, but this provision goes far beyond simply environmental consequences. Many Members have come before committees of this House just recently and talked about their concern over the expansive definition of "wetlands" by the Corps of Engineers and all the regulatory precedents that creates for individuals who cannot build a fireplace in their backyard of brick any more because they are wetlands.

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Now, does it make any sense that possible out of 45,000 parcels of real estate, there might be a few wetlands? Perhaps so. Now, that is not a bad thing that we shouuld protect them. But what does 302 provide? That you have to consult at least three more Federal agencies, then publish a list, and then make it available for 90 days to certain specific buyers who might be able to acquire it.

What does that translate into? If you like waiting today, you are going to love waiting after this gets through.

But 302 is not the only concern. Even though the RTC has said that that one provision will cost us $100 million. Now, those concerned about the long-forgotten taxpayer might want to start adding up here.

We then go to section 202, and it is an interesting provision. It provides that certain assets may be sold, if we go to the correct page 9, line 14, without regard to minimum price. Not an auction, not a publicly disclosed figure, a negotiated sale between a governmental bureaucrat and some other party, without regard to taxpayer return. Interesting. No estimate of cost on that provision.

But let us go to the heart of the matter. Let us go to the important section of this whole program. It is the new ironically labeled least-cost provision. You would be amazed to know there is a least-cost provision already in the RTC/FIRREA legislation which outlines as its goal the same thing this provision does. The extraordinary provision is the provision in the law says you cannot be a bad faith operator, you cannot be convicted of insider dealing, speculative business practices. You have got to be a good guy to get open thrift assistance.

This says none of that is necessary. If the cost of resolution than the cost of the assistance, then this provision, is my judgment, will allow those operators to get that help.

The RTC's estimate of cost on that provision is a minimum of $13 billion and a maximum of $25 billion. If you are worried about the taxpayers or your grandkids, do not vote for this. They are going to think about you for a long time.

Mr. GONZALEZ. Mr. Chairman, I yield 6 minutes to our distinguished ranking member, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to ask the gentleman from Ohio [Mr. WYLIE] a question first. On this bill, where the gentleman talks about the pace of resolutions, is the gentleman saying that under no circumstances can an institution remain in conservatorship for longer than 9 months? Do I read that correctly, that 9 months is the absolute limit of a conservatorship?

Mr. WYLIE. Mr. Chairman, if the gentleman will yield, that had to do with the goals. They do not have to be strictly adhered to.

Mr. FRANK of Massachusetts. I thank the gentleman, and reclaim my time. Apparently when the gentleman mentions a goal here for conservatorships, it does not have to be strictly adhered to. It is just a statement of intentions. But when the gentleman from California, the gentlewoman from California there, the gentleman from Maryland, when they say "goals," it becomes absolutely unshakeable. Apparently what is a goal for the Republicans is not a goal for the Democrats.

I would say I asked the gentleman the question, Does this mean they have to have 9 months? He said no, it was just a goal.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I will yield to the gentleman again, to change his mind.

Mr. WYLIE. No. I would like to read:

> The Corporation shall strictly adhere to such goal when evaluating a solicitation of services from any source.

Is that a goal or a quota?

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I asked the gentleman to interpret for me the following, "pace of resolutions." This is on the substitute offered by the gentleman from Ohio.

> The Corporation shall take all reasonable and necessary steps to reduce the length of time institutions remain in conservatorship, with the goal that no institution shall be in conservatorship for more than 9 months.

My point is that if I was going to read this as unreasonably as he has read this bill, that would have been an absolute unbreakable 9 months. So I asked the gentleman, does this mean a goal of 9 months? That it has always got to be unshakeably 9 months? The answer was "No."

I suggest what the gentleman is doing is using two different standards of interpretation. Now, what we heard from another speaker was that this is like the civil rights bill, and I would say to a great extent it is.

I would make this recommendation to Members: vote as you did on the civil rights bill. You have heard from the other side. They said this is like the civil rights bill. They are applying the same kind of interpretation here that they did on the civil rights bill.

But I want to address a couple of other things.

The gentleman from Ohio [Mr. WYLIE] said this has affordable housing in it, and he said he does not mind that. He does not object to that. But it is social welfare legislation.

Horrors. What have we come to? Those bad words, social welfare legislation.

Last week many Members on the other side were on the floor asking that significant taxpayer moneys, far more than we are talking about in this particular provision, be made available for a program that would help low-income people become homeowners.

My point is that the insertion of this provision here would allow low-income people to become homeowners much more cheaply than last week, because we are dealing with very low rent, in the literal sense, properties.

The RTC has been giving away a lot of these properties virtually. The gentleman previously quoted a phrase that said without regard to market price. They have been giving away the properties almost.

What we are saying is, as long as you are giving them away, give them away to poor people. So our provision does interfere with their mandate, that is true. It says you cannot give them away to rich people if there are poor people who can take them.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, I just want to ask two questions, because I am not an attorney and I do not fully understand some of these things sometimes.

First of all, as I understand, on page 18 it says, "The Corporation shall strictly adhere to such goals."

Does the term "strictly adhere" change at all the meaning?

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, not in the context we are talking about, I would say to the gentleman. But he can ask his second question, and I will respond to both.

Mr. GINGRICH. The second question is, assume that you are a bureaucrat and you read this and tried to interpret it, and you had three solicitations before you, one from a male minority, one from a female, and one from a white male, and you said to yourself, what does this term, "strictly adhere to such goal when evaluating," mean?

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I will be glad to respond to the gentleman in two ways. First of all, it means, in general, the same sort of things that gentleman from Ohio meant when he used the words "goal' and "shall."

Mr. Chairman, I did not write the language. I did not ask the gentleman from Ohio [Mr. WYLIE] for the interpretation. He gave it to me.

I would say to the gentleman from Georgia [Mr. GINGRICH], and repeat again, people on the other side have told you, treat this like the civil rights bill. They have told us they are interpreting this with the same clarity and compassion that they showed in the civil rights bill.

I would say if you were in the RTC and you were looking at this, you would interpret this in a general context of legislation. You look at the goal. You understand the difference between a goal and a mandated requirement. "Goal" does mean something different, as the gentleman from Ohio [Mr. WYLIE] said, and "strictly adhered to" means you try very hard to reach those goals. If you cannot reach them, then you have not reached them.

But I do not want it to be only on that. I want to stress again two points. First of all, the Senate has given the Secretary of the Treasury exactly what he wanted. The Senate apparently, while I cannot ascribe motives to the Senate, but those who think that it is lese majeste for the Congress to suggest how the RTC should operate, would be very pleased with the bill that came out of the Senate.

We are saying that we want to deal with affirmative action, we want to deal with the environment, we want to deal with housing. The Senate leaves it alone. Is this language absolutely perfect now? No. Members on this side who sponsored the amendment regarding minority outreach and women have said over and over again they did not mean it to be mandatory.

If the gentleman from Ohio [Mr. WYLIE] wants to read that as he reads his own language, to make it mandatory, we can go to conference, given this united purpose, and we can easily clean it up. But that is not what they want to do. They want to use the word as a stick to beat this to death with, because they want to do what the Treasury has asked, give them $30 billion and shut up about it. Do nothing to improve minority outreach, do nothing to protect the environment, and do not help low income people get housing. That is not going to work.

Mr. WYLIE. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman from Massachusetts [Mr. FRANK].

In my amendment, my amendment says:

> The Corporation shall take all reasonable and necessary steps to reduce the length of time institutions remain in conservatorship.

But the language which is in the bill, and I could not have objected to it quite as much, it says, "shall strictly adhere to such goals."

I submit that "strictly adhere" is far more restrictive language than "all reasonable and necessary steps," when evaluating solicitations of services responses from any source.

Mr. GONZALEZ. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

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Mr. FRANK of Massachusetts. Let me agree with the gentleman in a way.

I would say to the gentleman from Ohio that I am going to try to agree with him, which he will probably resent. I would be prepared as a supporter of this, when we get to conference, and we cannot do it here, to take out the words "strictly adhere to," and use his words, "reasonable and necessary." If the gentleman would agree to that, we could all agree to that, and we would not have an issue left, which is why the gentleman probably will not agree to it.

Mr. WYLIE. I might. As a matter of fact, I made that offer a little earlier, I would say to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent to amend this bill to insert the phrase, "reasonable and necessary," where the phrase, "strictly adhere," applies.

Mr. WYLIE. Mr. Chairman, this is no point to make an amendment. That is beyond the rule.

The CHAIRMAN. The Chair had not recognized the gentleman from Massachusetts. The gentleman from Ohio had the floor.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I am glad to see that the gentleman from Massachusetts is recognizing the problem we have in this particular section of the bill dealing with the terminology that lawyers deal with all of the time. "Strictly adhere" is indeed a definite quota, and that unfortunate language is in the bill now. Maybe we will get an amendment to it in a second.

But that is not all that is wrong with the provisions of the Gonzalez amendment. It is just simply a symptom of what is wrong with these proposals that are here.

What we ought to be doing tonight is clearing the way to make things simpler for the RTC to be able to dispose of the property it has, not adding new burdens to it, not adding new impediments to it. We need to be trying to make it so that the costs are less, not just throwing new language out that says least cost this way, and we direct you to do it that way and so on.

As the gentleman from Louisiana pointed out a few minutes ago, we have already passed 900 pages of law directing them what to do. I happened to think that that was very complicated. I did not vote for that bill, that FIRREA bill back a year or so ago, because I thought it was going to set up a big mess, and in large measure we have. But we are on that train now, and the only issue important to this Congress right now ought to be how to stop the clock from running up $9 million a day that we are losing by wasting time and not providing the $30 billion needed so that they can resolve or get rid of the 95 failed savings and loans that are already out there, the very simple, basic Wylie bill that underlies all of this.

What we ought to be doing instead of getting another amendment, which we do here with all of these additional provisions in it of restrictions on the RTC that the Gonzalez substitute would do, is simply defeat the Gonzalez amendment as we have done the other amendments tonight, and let the freestanding Wylie bill, stripped down, nothing but the $30 billion amount of money, go to RTC to get their job done.

Mr. Seidman, the chairman of the Federal Deposit Insurance Corporation that has to oversee the whole problem of resolving these folks, says that provision in this amendment that Mr. GONZALEZ has offered is going to cost not only more dollars to the RTC and the FDIC, but is going to make their task difficult, and is going to create a disparity between how we resolve failing banks and failing thrifts that may well drive depositors of savings and loans over to banks, and that is going to cost the taxpayers more money. We ought to listen to the chairman of the FDIC. He is a pretty responsible guy.

As to the minority contract provisions, however the debate comes out on that tonight, why do we need to do it? We already know that of the 5,924 contracts awarded by the RTC to date, that 21 percent of those have been awarded to minority- and women-owned firms. They have done that voluntarily, without anybody putting goals or quotas or anything else in here.

In addition to that, of the total dollar value of those contracts, 28 percent, 28 percent have been awarded already to minority- and women-owned firms. So what are we debating that issue over? Why are we putting all these new restrictions in and costly provisions in the law? We ought not to be doing it.

I urge defeat of the Gonzalez amendment, and I urge the final vote in favor of the Wylie bill, stripped down in its naked $30 billion funding form.

Mr. GONZALEZ. Mr. Chairman, may I inquire as to how much time we have remaining on this side?

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] has 12 minutes remaining, and the gentleman from Ohio [Mr. WYLIE] has 9½ minutes remaining.

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. WEISS], a hardworking member of the Committee on Banking, Finance and Urban Affairs.

Mr. WEISS. Mr. Chairman, I very much appreciate the distinguished chairman of the committee yielding time to me.

Mr. Chairman, every Member of Congress is familiar with the horror stories about the Resolution Trust Corporation's ability to sell its real estate assets.

Now it seems that the RTC is not only having difficulty selling its assets, but managing them as well.

As Congress debates giving the Resolution Trust Corporation $30 billion, the RTC is trying to evict tenants out of their homes.

One might ask what the tenants did to be evicted? The answer is: They had the misfortune of holding a valid lease in a building that is owned by the RTC. For that crime, the RTC wants to send them packing.

Mr. Chairman, this is an outrage. In New York City, the RTC has plans to evict nine tenants from a building on East 57th Street, and it has similar plans for at least 900 other apartments in the city. I want to clear up three myths that are clouding the debate on the RTC's actions to abrogate tenant leases.

Myth 1 is that the RTC will save the American taxpayer money by nullifying the leases. This is false. The RTC will not save any money. In fact, unless Congress passes the Gonzalez substitute which contains a limitation on the abrogation of tenant leases, the RTC stands to lose money.

That's because the big savings the RTC expects to reap by breaking the leases will surely be lost in legal fees.

Already, the State of New York and some of the evicted tenants are challenging the RTC in court. Each eviction will cost the RTC about $5,000 in legal fees. If the RTC carries through with its plans with the 900 or so other apartments, its actions could cost the Government $4.5 million or more. What's more, the CBO cost estimate of the entire affordable housing title is less than $1 million. This cost-benefit analysis clearly shows that the RTC stands to lose money, not save it.

The second myth is that the issue of tenant protection is only a big city issue.

As the RTC currently interprets its authority, it can go into any multifamily building in America, decide the rate of return on the building is insufficient, and boot the tenants out. That means that any congressional district that has a multifamily building owned by the RTC is in jeopardy and I would remind my colleagues that the RTC owns a lot of property in a lot of congressional districts.

The fact that this would happen in New York City is obscene given the housing shortage the city is currently experiencing. Where does the RTC expect these people to go? Why doesn't the RTC simply sell the buildings as occupied?

I would also like to point out that the vast majority of the multifamily property the RTC owns in New York City is not in the affluent areas, but in the lower to moderate income areas, like Queens.

The last myth is that the problems with the RTC will go away if Congress gives the RTC $30 billion now and shuts up. If we were to follow this path, we would be saying to our constituents that there is no room for meaningful reform of the largest real estate owner in the Nation.

Nobody believes that. There's plenty wrong with the RTC's activities, and it is Congress's duty to correct it, since there is no leadership coming from the White House on the issue.

My constituents are being asked not only to pay for the savings and loan bailout, but they are being evicted from their homes. In the face of these activities, Congress will not and should not rubber stamp a RTC spending bill that contains no reforms. To do so would be a breach of proper congressional responsibility.

The very reasons I support the tenant protection provisions in the Gonzalez substitute led me to vote against the Slattery proposal. Although I support the principle of putting RTC funding on a pay-as-you-go basis, I voted against the substitute because it did not contain provisions that protect my constituents from the RTC's plans to evict certain tenants from their apartments in New York City. As much as I would have liked to have voted for the Slattery amendment, I could not in good conscience abandon my constituents on such a vital issue as losing their homes.

I want to thank my colleagues, particularly Congressman ENGEL, Congressman SCHUMER, and Chairman GONZALEZ, for their leadership on these reform proposals, particularly the protection of tenant rights. I strongly urge my colleagues to vote for the $30 billion with the modest reforms set forth in the Gonzalez substitute.

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia, [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I thank the distinguished gentleman from Ohio for yielding the time to me.

Mr. Chairman, let me say that the weaknesses of the amendment are illustrated by the fact that one of the supporters wants to ask unanimous consent to amend the amendment in the middle of the legislative process, and frankly that is how we get bad law.

First of all, it was inspirational of our good friend from New York defending the right of wealthy people in New York City to be subsidized by the Federal Government to the tune of $2,000 a month per apartment. I know of his commitment to fairness, but I think $2,000 a month in subsidy by the taxpayers per unit is a little bit ripe.

Second, the drafting is peculiar. I want to again go back because I double-checked with several attorneys who disagree with our good friend from Massachusetts. Where it says on page 18 and 19, "The Corporation shall strictly adhere to such goal when evaluating solicitation of services responses," I went to Webster's Third New International Dictionary. "Strictly" is defined as "in a strict manner, without latitude." "Strict" is defined as "particularly severe in requirement, permitting no evasion." Permitting no evasion.

I would suggest that, just to stay on this one example out of many in this particular amendment, this language would clearly mean to any reasonable civil servant that when faced with three solicitations, one contract offer by a woman who is part of the 10 percent part of the quota, one part offered by a male of a minority which is part of the 15 percent of the quota, and one offered by a white male, a majority male, that that civil servant would have to conclude that their first recourse, before evaluating any other aspect of the solicitation, would be to check and see whether or not the quota had been met.

Now I do not see how any reasonable person looking at this language could reach that conclusion, but I turn to my friend from Massachusetts for an explanation of how a reasonable person could reach that conclusion.

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Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to my friend, the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would rather say, rather than bog down in this argument, because it is going to be a source, but if Members would agree, we could amend it. The gentleman said my willingness to do a unanimous-consent amendment shows poor drafting. I will admit to imperfect drafting in every bill we have ever seen. That is why we had a conference committee.

I think a word is being artificially seized upon to cover up a substantive disagreement, and the way to deal with that is that the chairman could have unanimous consent if the gentleman would all agree that the chairman or somebody else could get unanimous consent to do away with the word "strictly."

Would that change the gentleman's opinion one iota?

Mr. GINGRICH. No. My point was very simple. It seems to be a little difficult for the gentleman from Massachusetts to accept it. My point is we have an entire amendment which on the one hand is subsidizing wealthy apartments in New York City.

Mr. FRANK of Massachusetts. Mr. Chairman, that is not the amendment we are discussing.

Mr. GINGRICH. It is all in the Gonzalez amendment.

Mr. FRANK of Massachusetts. If the gentleman will yield birefly, it is in the overall amendment, but the part that he was talking about had to do with rent control in New York City, not the "strictly" part of it. I was objecting to that. It seemed to me the gentleman was confusing the matter.

Mr. GINGRICH. The entire Gonzalez amendment is filled with these kinds of errors.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Maryland. On which point?

Mr. MFUME. On the question the gentleman first raised about the word "strictly."

Mr. GINGRICH. Mr. Chairman, if I have the time, I will be glad to yield on "strictly."

Mr. MFUME. Mr. Chairman, "strictly" is an adjective that modifies the verb "adhere" that speaks to the noun "goal." And "goal" does not require. It does not mandate. It suggests. So we could get hung up on semantics all day long. It just means that you are going to try to reach the goal.

Mr. GINGRICH. The gentleman is demonstrating the essential reason we have not yet found a way to pass a signable civil rights bill. The fact is that "strictly adhere" interpreted by virtually anybody in this country——

Mr. MFUME. We do not have a civil rights bill because people do not want to pass one.

Mr. GINGRICH. Mr. Chairman, let me say to my friend that "strictly adhere" as interpreted by virtually any attorney except our friend, the gentleman from Massachusetts, and I have asked a number on our side, "strictly adhere," as interpreted by virtually any civil servant, means that if you are a civil servant and you end up with a solicitation, you are going to start by analyzing whether or not you filled your quotas before you evaluated it for any other reason.

Mr. MFUME. You are going to strictly adhere to the goal, not a quota. You are not going to adhere to a goal.

With all due respect to the civil rights bill, I do not know how we can communicate it to you, but I think it did not pass because Members here did not want the civil rights bill.

Mr. GINGRICH. Let me just, if I might, and I think I am going to run out of time for the third time, let me just say that we introduced today a civil rights bill which, if the gentleman would help us pass it, we could get it signed within 60 days. It is a civil rights bill that accomplishes 90 percent of what the gentleman wants to accomplish. I would just suggest to the gentleman that we very much want to pass and sign civil rights bill without quotas.

Mr. MFUME. I would ask the gentleman: What happens to the other 10 percent?

The CHAIRMAN. The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise in support of the Gonzalez substitute being considered today. I want to thank Chairman GONZALEZ for including language based on my bill, the Tenant Protection Act of 1991, in this amendment.

The savings and loan scandal has resulted in a few people getting richer and the rest of America picking up the tab. Now, the RTC wants to make it worse by throwing law abiding tenants out of their homes. This policy is a disgrace and a slap in the face to hard-working Americans. I am pleased that this amendment will put a stop to this horrible and unfair practice.

Specifically, the Gonzalez amendment requires the RTC to act like any other landlord when dealing with occupied residential properties by forcing it to obey State and local tenant protection laws when attempting to abrogate leases. This provision protects tenants around the Nation from wrongful evictions.

The Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] created the Resolution Trust Corporation [RTC] to close insolvent savings and loans and to manage properties previously held by insolvent institutions. The RTC has interrupted FIRREA to allow the agency to cancel all contracts, including residential leases, even if the tenants are paying rent and abiding by State and local laws.

The RTC is currently attempting to cancel existing leases in New York City in order to sell the apartments as co-ops or condominums. The RTC has also been attempting to use the similar practices on people living in section 8 housing. In performing these evictions, the RTC would be overriding existing State and local laws designed to maintain affordable housing and protect tenants from unjust evictions.

The people being affected by the RTC's actions are low and middle income. The RTC currently has taken over 563 properties in the New York City area and 501 of them have an average appraised value of $55,000 per unit. These are not luxury apartments.

These apartments are occupied by hard-working Americans who scrape together the rent every month and try to do the best for their families. Throwing them out of their houses so that the RTC can sell or rent the apartment for a little more money is an outrage. While this is currently occurring in New York, it could happen anywhere because the RTC believes it has the power to cancel anyone's lease at any time under FIRREA.

There is more at stake than just the protection of tenants. If the RTC is allowed to continue with this practice, its actions could have broad implications on the sanctity of State and local laws.

It is amazing that an administration which is constantly stressing States rights and preaching against mandates from the Federal Government is now trying to totally ignore State and local laws. I guess this administration's attitude is to support States rights only when it is to its benefit.

Allowing the RTC to continue its current residential lease abrogation policies is extremely dangerous. It will not only cause innocent people to lose their residences, it could create a situation where the RTC and other Federal agencies are dictating land use policies to States and localities.

Mr. Chairman, it is important for us to uphold the sanctity of State and local laws and to protect law-abiding tenants from arbitrary and wrongful eviction by a government agency. The Gonzalez amendment will accomplish this goal by removing the agency's right to override State or local tenant protection laws. I urge my colleagues to support this important amendment.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, it is obvious that we have gotten in a heck of a mess here with this Resolution Trust Corporation.

I voted for the FIRREA bill when it came up for one simple and basic reason. I wanted to make sure the Federal Government maintained its commitment that those depositors who had up to $100,000 in those accounts would see that the full faith and credit of the Government was behind it and we would not abrogate our responsibilities. That is the reason I voted for that thing.

Mr. Chairman, there were a lot of other provisions in it which concerned me greatly, and as I look at the major complaints which have emanated from those out there looking at acquiring RTC properties, those 45,000 properites that we have heard of, it is apparent that much of what we put in this legislation has played a major role in seriously jeopardizing our goal of speedily moving those properties out into the marketplace.

As we look back at the FIRREA legislation, there are three conflicting measures in there which make it more and more difficult for the RTC to move these properties. No. 1, they are charged with maximizing the recovery of funds for the Government; No. 2, minimizing the negative impacts on local housing markets; and, No. 3, maximizing the preservation of affordable housing.

Mr. Chairman, all of those are very admirable goals, but the fact of the matter is that complying with those constraints has played a major role in delaying the movement of those properties out into the marketplace.

As we look at the Gonzalez substitute, as it is proposed, Mr. Chairman, it seems to me this will simply exacerbate an already serious problem. It is apparent to me that what we need to do is move ahead as quickly as we can.

This thing is costing us $8 million a day. We have got to move ahead quickly, get this stuff out so that the marketplace can run its course, and do not burden it down with all of these onerous provisions.

Mr. GONZALEZ. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman and Members, the RTC has been irresponsibly managed.

Many of us are willing to hold our noses and vote for this $30 billion appropriation, but only if there is some oversight and only if there is some fairness.

They have done a poor job, and you want them to continue to do a poor job. You talk about wanting to protect those savers who thought they were going to be guaranteed that they would be protected by this Government; well, you cannot do that.

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They have done them wrong to begin with, and they will exacerbate the problem if they allow this bill to go through funding the RTC without any oversight. I say to Members, many Members on this floor today will not vote for a bill unless there is oversight, there are protections, and there is some fairness. If the administration wants to fund the RTC, and I know the administration desperately wants to fund RTC, Members will accept the amendment and accept the Gonzalez proposal, and get on with the business of funding it. Otherwise, we are not going to get anywhere and we will not have anything.

Mr. GONZALEZ. Mr. Chairman, I would like to make an inquiry of the gentleman from Ohio [Mr. WYLIE]. As I understand it, the gentleman from Ohio is entitled to close this debate?

The CHAIRMAN. The gentleman from Ohio is entitled to close.

Mr. WYLIE. Since I am in that position, I reserve my time.

Mr. GONZALEZ. Mr. Chairman, it is a privilege to yield 5 minutes to the gentleman from Minnesota [Mr. VENTO]. I am not saying this because I am trying to butter any Member up, but the gentleman that I yield time to for the closing of our side of this debate, the gentleman from Minnesota [Mr. VENTO], has chaired and will continue to chair the task force on RTC. If there is any Member that knows anything about RTC, we will hear from him now.

Mr. VENTO. Mr. Chairman, I want to thank the chairman of the committee for his very generous remarks. The last 18 or 19 months, a lot of Members have been spending a great deal of time on this issue, and I am pleased to have had that opportunity and to serve this House in that way.

Mr. Chairman, I think we are at the point where we need to make our minds up to do something about the way the RTC is functioning. We all recognized the problems in 1989 were serious, and tonight in 1991 they are much more serious. The problem has grown by two or three times what we thought it would be in 1989. It is not a $50 billion problem anymore. It is not a $135 billion problem in just actual losses, but much greater. Most Members do not think about the 1988 deals that are costing money.

The fact is the RTC has a big job, and we find problems with the way the law was written and the way it should function. The Gonzalez amendment goes a long way toward trying to provide some of those answers.

I support that amendment, and I urge my colleagues to do the same. The fact is that if we look at this amendment, and what it is trying to accomplish, we are trying to deal with the basic costs of what the RTC is going to be, what the taxpayer bill for the RTC is going to be.

First of all, we have a least cost amendment which says we will try to work this out in a way that is least costly to the taxpayer. I do not know any Member in this body that can frankly vote against that. I think it represents what the goals are in the RTC. I think everyone in this body should agree with that. That is probably the most important part of this amendment. It deals with the cost of this particular program.

Beyond that, this particular amendment, of course, provides the necessary dollars, the $30 billion. I think all Members recognize it is necessary, but I want to point something out in terms of the brain-dead S&L's still operating. The fact of the matter is that unless we make the RTC work, the problem of those dead bodies is going to remain within the RTC, so we have to make the RTC get rid of the $150 billion of assets that it is sitting on. Members want to give it the ability to do that, resolve the institutions in the least costly way in terms of dollars we spend, and make certain that the assets that were dead on the outside do not remain dead on the inside of the RTC, which is what is happening. That is the outrage that this body feels in terms of the concern with the way the RTC is functioning. If they have some properties that can be useful to the general public, that are only costing money to manage, we ought to move them out.

There are a couple of amendments here, including the affordable housing that address the issue. Why wait until something is in resolution—receivership? This Gonzalez amendment says: Deal with it when it is in conservatorship, in the inception, and move the property out. That is what is costing money to administer. Most of the assets of the RTC are in paper. They are not in property. But when the nonperforming loans continue to nonperform, they can convert themselves into property.

Only 10 percent of the assets of $150 billion are in actual real estate owned. So this amendment says to move it out, sell it. In fact, we are probably better off almost giving it away. The RTC oversight board has suggested as much. If we have some properties that are of environmental concern, that have cultural, historic, or other qualities that are important to the people of this Nation, that are close to conservation units, we should give those agencies at the national level, the State level, the opportunity to incorporate and utilize that property. If there is any silver lining in this, that ought to be it.

One of the issues is the buzzword "quota." We have that down. We think we know how to get a knee-jerk reaction. I say with regard to that issue, as we look at the specific words here; text, without context, is pretext. That is what we have here. We have a buzzword. We have a knee-jerk reaction to something. We have a goal in this, which of course is to provide the opportunity to minorities, for women, to have an opportunity with the biggest corporation that we have created in this Nation in a long time.

I think it is proper. I think it is absolutely essential that we have affirmative action with regard to that type of program. It would be a scandal if we did not make an effort to try and recognize that and incorporate those provisions.

Members, I might say one last thing with regard to the issue dealing with the contracts and rents. The only contracts, it seems to me, that the RTC ought to hold up were the golden parachutes for the executives that were coming out of those failed institutions. Unless they are criminals, the RTC bent over backward to say that a contract is a contract. We have to pay these people half a million dollars a year, and after they have worked for 6, 7 months, they are still on the contract. They were still under the contract getting those types of salaries.

I will tell Members that there are other contracts that are important too, like those that affect someone on a limited income, living in New York City, or some other place across this country, that deserve the opportunity to have a reasonable contract fulfilled in terms of what their rent is. That is all they say. Do not throw people out on the street. We should not put the responsibility for the RTC bailout on their back. They are a low-income person. They do not deserve that responsibility. Put the onus where it belongs, and quit trying to pile it on the poor. Vote aye for the Gonzalez amendment.

Mr. WYLIE. Mr. Chairman, I yield myself the remaining 2 minutes.

I think this is a well-intentioned amendment, but it will raise the cost. It will subsidize wealthy people in New York City in their apartments, and I am surprised that the gentleman from New York came and suggested that it is fair for people who are making $25,000, families who are making $25,000 a year, to subsidize the apartments of millionaires in New York City. Now, I had offered a proposal a little earlier on the issue of minority contracting. There was an attempt made by unanimous consent to change the language which called for strict adherence. I had suggested that we attempt to reach goals on minority contracting. This language in the bill calls for quotas, I submit. I think the substitute is fatally flawed in that regard. I think it is fatally flawed in that there is this subsidization for wealthy tenants.

I had offered some management reforms which were talked about here a little earlier. They were voted down. I think that the debate has been very well stated here. All the various Members have had an opportunity to express themselves. I recommend a no vote on the Gonzalez substitute.

Mr. ACKERMAN. Mr. Chairman, I rise in strong support of provisions contained in the Gonzalez substitute to H.R. 1315, which would prohibit the Resolution Trust Corporation [RTC] from circumventing State and local laws and evicting tenants from property it has obtained title to.

As you know, with the enactment of the Financial Institutions Reform, Recovery and Enforcement Act [FIRREA], Congress charged the RTC with conducting its case resolutions and asset sales in a way that maximizes return to the Government, stabilizes local economies, and gives taxpayers something back for their money. The measure also directed the RTC to administer an affordable housing program and strengthen existing laws against redlining. Unfortunately, the RTC seems to have taken a selective approach to the law.

While one of the broad powers given to regulators allows the RTC to cancel all contracts, including residential leases, the agency is failing to uphold the spirit of FIRREA's affordable housing provisions by evicting long-standing tenants from property it has obtained title to in an attempt to improve sales prospects for the then-vacant apartments. In the case of New York, these evictions would circumvent State and local laws designed to maintain affordable housing and protect tenants from wrongful evictions. The planned evictions would exacerbate an already acute shortage of affordable housing in many communities around the Nation. It makes no sense to try to resolve the savings and loan crisis by adding to the country's acute housing shortage. Surely, we can find better ways to deal with the problem than to undermine the availability of low- and moderate-income rental units.

Under the Gonzalez substitute, the RTC's authority to abrogate residential leases or tenancy will be limited to action permitted under State and local law. By rescinding the RTC's right to preempt State and local laws, this measure will protect tenants from wrongful eviction and help maintain affordable housing around the Nation.

I urge my colleagues to support passage of this important legislation.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in opposition to the Gonzalez substitute amendment. Earlier, my colleague Congressman WYLIE, ranking minority member on the Banking Committee, elaborated on the problems which would result from the adoption of the Gonzalez amendment. At this time, I would like to emphasize a few of his points.

The chairman of the Banking Committee, Mr. GONZALEZ, has put before this body a proposal which would prevent the RTC from handling business in an effective and cost-efficient manner. Instead, it includes provisions which would actually increase the cost to the taxpayers and burden the RTC with additional demands which will prevent them from doing what they set out to do, close failed thrifts and repay the protected depositors.

The chairman's least cost provision creates yet another convoluted resolution procedure through which the RTC must maneuver. The effects of such a change could result in unexpected cash outlays and could cause the unnecessary failure of weak, but currently solvent, thrifts. Additional and unnecessary failures will cause the RTC to ask for an increase in funds.

Changes made in affordable housing rules included in this amendment prompt an additional cost and will cause a violation of last year's budget resolution.

Finally, the Gonzalez amendment proposes minority contracting goal of 25 percent; of which 15 percent is allocated for minorities and 10 percent for women. The RTC is making efforts to attract qualified minority contractors. I support the RTC's efforts in this area and I am in favor of establishing goals, not quotas, for actively seeking out minority and women contractors.

For budgetary reasons, I will vote against the Gonzalez substitute amendment, and in favor of a bill which will allow the RTC to get on with the business of closing down failed thrift institutions and protect depositors.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise today to explain to my colleagues the implications of passing the Gonzalez substitute. Because the House rules were waived on the substitute, the zero cost estimate provided by the Congressional Budget Office is not included in the substitute. However, it has been reported to me that the Office of Management and Budget, who will ultimately determine the substitute's cost, believes that these amendments will increase outlays by approximately $175 million for fiscal years 1991 and 1992.

The implications of the OMB cost estimate is that five programs will be sequestered up to their maximum. The automatic spending increases in the National Wool Act, the Special Milk Program and the vocational rehabilitation programs for fiscal year 1992 will be completely rescinded. In addition, the maximum reduction in the Guaranteed Student Loan Program will be made and all State increases in the Foster Care Maintenance Payment Rate and Adoption Assistance Program will not be matched by the Federal Government. Also, it is likely that all Medicare providers will receive a reduction in their reimbursement through a minisequester next fall.

I think that all Members of the House should be aware that adoption of the Gonzalez substitute could result in a significant sequester by OMB in the Foster Care, Medicare, and other programs.

I wish to commend the Banking Committee on the underlying RTC bill. Clearly, this bill needs to pass. But I strongly believe that the House should follow its rules and, at a minimum, we should have the OMB cost estimates in hand so Members fully understand the implications of their vote today on a sequester next fall of the Medicare and foster care programs.

Mr. STOKES. Mr. Chairman, I rise in support of the Gonzalez substitute to H.R. 1315, a bill to provide funding for the Resolution Trust Corporation [RTC]. I commend my colleague, the distinguished chairman of the Committee on Banking and Urban Affairs, Congressman HENRY GONZALEZ, for his initiative in bringing this intelligent and necessary legislation to the floor. I also would like to commend his colleagues on the Banking Committee, especially Congressman MFUME, Congresswoman WATERS, and Congressman FLAKE, who worked with the chairman to craft his amendment, and bring it to the floor.

No single issue has affected the financial stability of our Nation in recent times as severely as the savings and loan crisis. The Gonzalez substitute recognizes the need for additional funding at this time to meet unexpected costs of resolving insolvent thrifts under the Financial Institutions Reform, Recovery and Enforcement Act [FIRREA]. At the same time, the Gonzalez substitute promotes reforms that will significantly improve RTC operations and benefit the general public.

Mr. Chairman, less than 2 years ago, we passed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, restructuring Federal regulation of the savings and loan industry. The act established new methods to resolve the unprecedented number of insolvent and endangered thrifts, thus protecting the integrity of the federally insured deposits. Under FIRREA, Congress provided $50 billion for the RTC to cover permanent thrift losses. In 1990, the administration revised its estimate of the extent of the savings and loan crisis, increasing its estimate of the number of insolvent and troubled thrifts which will have to be closed, merged, or sold from 500 institutions to over 1,000 thrifts. The estimate of the cost for resolving these institutions jumped from the original estimate of $50 billion to $130 billion—an increase of 160 percent in just 1 year.

As a result of these higher losses, the $50 billion provided by FIRREA has been used much more quickly than expected. In fact, by the end of this week, the RTC will have spent the entire $50 billion originally provided by FIRREA to cover thrift losses, and will be forced to cease covering losses unless it receives additional funding. For these reasons, I believe that Congress must provide the emergency funding to continue RTC operations contained in this legislation.

However, like my colleagues, I do not believe that the RTC should be given a blank check of $30 billion. It is true that there have been tremendous increases in the number of insolvent and troubled thrifts and in the projected costs of liquidating the assets of these thrifts. Yet, numerous problems in RTC operations have become apparent, and these problems demand that a package of reforms of RTC operations be attached to the funding legislation.

The Gonzalez substitute requires the RTC to submit a detailed plan on how these additional funds are to be expended, and requires that RTC use the least costly method in resolving failed thrifts. The Gonzalez substitute also contains improvements in the affordable housing program, which allows nonprofit organizations, public agencies, and low- and moderate-income families to have an exclusive option to buy certain residential properties. These improvements include elimination of minimum pricing requirements for eligible properties, and the inclusion of housing in conservatorship. Currently, only properties under RTC receivership are included in the program.

In addition, the Gonzalez substitute instructs RTC to avoid displacement of tenants from single-family properties to the greatest extent possible, and permits the RTC to abrogate residential leases only in accordance with local and State laws, or applicable Federal laws. The Gonzalez substitute also imposes affirmative requirements on the RTC to consult with other Federal agencies to identify environmentally significant or sensitive properties which come under their control.

I am especially supportive of the provisions in the Gonzalez substitute which address a major problem in RTC operations, the lack of any effective outreach strategy to include minority and women-owned businesses in RTC contracting. This problem is addressed by establishing an overall goal of awarding 25 percent of RTC contracts to companies that are owned and controlled by minorities and women. This 25 percent goal is a combination of a 15 percent goal for minority-owned firms, and a 10-percent goal for women-owned companies. These voluntary goals will be very beneficial in helping the agency become more accountable and responsive to larger public needs.

Mr. Chairman, I support the Gonzalez substitute, and I strongly urge all my colleagues to join in passage of the Gonzalez substitute.

Mr. MOODY. Mr. Chairman, now that we are being asked to bail out more S&L's, it is fair to ask how we have done to date.

The first results on the famous 1988 fire sale deals are in. Some of these thrifts are earning their investors returns of 50 percent or 60 percent. Once again, private profit has come at taxpayer expense.

Now we want to give another $30 billion to keep this process going?

Our more conservative brethren in the House often oppose giveaways. Are they willing to include S&L investors?

Moreover, we seem to have learned no lesson from all of this—just a week or so ago banking regulators have suggested new, more clever ways of offering commercial banks forbearance.

They have the nerve to do this at the same time they are cooking up various schemes to recapitalize the Bank Insurance Fund, all of which try to hide the fact that, in the end, it is another taxpayer bailout.

I hope my colleagues will join me in a bill I plan to introduce which stops banks from paying dividends until their capital is fully up to snuff.

Without a responsible financing package that includes regional equity and avoids unnecessary financing costs, I must oppose further funding for the savings and loan bailout.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the Gonzalez substitute to H.R. 1315, the Resolution Trust Corp. Funding Act.

The principal aim of the bill is to fulfill our obligations by extending an additional $30 billion of funding to help deliver us out of the S&L morass.

But the role of the Federal Government does not end there. It is also our duty to see that the RTC is administered in a cost-effective way that comports to contemporary American needs and policies.

The Gonzalez substitute is our best option for both tiers of Federal responsibility. It provides $30 billion in additional funding to the RTC just as the bill does. Then it picks up where the bill left off.

First, for fiscal year 1991 only, it gives low- and moderate-income families, nonprofit groups, and public agencies the first option to buy RTC homes. The minimum price rules, which are totally inappropriate in these situations, would not apply, so that lower income families could actually end their housing dilemmas by purchasing an affordable bargain. The United States has a crisis in housing and homelessness. It would be foolish to miss the golden opportunity to help alleviate some of those problems.

Second, the protections for tenants that it offers are essential if we are to prevent the RTC from creating more homeless Americans.

Third, the requirement that the RTC use the least costly means of handling properties is a dose of common sense that should have been used a long time ago.

Finally, the goal for 15 percent of the contracting to be done with minority owned businesses and 10 percent with women owned businesses is only fair. Although present law says they should receive their fair share, so far, contracts to these firms have been grossly inadequate. Yet, minorities and women are hurt by the S&L crisis as much as anyone, and maybe more. It is too bad that a provision like this remains necessary in 1991, but the plain truth is that it is.

So, Mr. Chairman, the Gonzalez substitute adeptly handles the two facets of Congress' role in cleaning up the S&L mess, and I urge my colleagues to support it.

Mr. RICHARDSON. Mr. Chairman, I rise today to express my opposition to H.R. 1315, Legislation providing the Resolution Trust Corporation [RTC] with an additional $30 billion for fiscal year 1991.

When Congress created the RTC through the enactment of FIRREA [the Financial Institutions Reform, Recovery and Enforcement Act] in 1989, we provided $50 billion thru 1992, to salvage 500 failing institutions. To date, the RTC has disposed of only 250 out of the then known 489 failed thrifts. Now the RTC is saying that not only is that $50 billion gone, but they need an additional $30 billion just to get through this fiscal year.

We have recently learned that another 600 sick thrifts are still in business. Every day these institutions are kept open, the cost of the bailout increases. If the RTC needs $30 billion more just to get through this year, what is the price tag going to be for fiscal year 1992? Where is all this money going? Why aren't more of the assets held by the RTC being sold to cover some of these costs? And, more importantly, how can we continue to blindly pay for the bungling of this bailout?

Mr. Chairman, the total cost of this salvage operation, as estimated by our illustrious administration, could be as low as $130 billion over the next 30 years or, as Stanford University economists believe, as high as $1.3 trillion over the next 40 years.

I don't know about my colleagues, but I have heard from my constituents and they are tired of paying for this mess, especially when they are struggling to make ends meet and those responsible for the mismanagement and fraud of these institutions are still roaming around the country, living in their lavish homes, and driving their luxury cars.

Mr. Chairman, I cannot, in good conscience, support this legislation and I urge my colleagues to do the same.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. GONZALEZ].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WYLIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 121, noes 303, not voting 7, as follows:

[Roll No. 41]

AYES—121

Ackerman
Alexander
Anderson
Aspin
Atkins
Beilenson
Berman
Bonior
Borski
Boucher
Boxer
Brooks
Brown
Bryant
Carper
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
de la Garza
Dellums
Dingell
Dixon
Donnelly
Downey
Dwyer
Dymally
Early
Edwards (CA)
Engel
Espy
Fascell
Fazio
Feighan
Foglietta
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gray
Green
Hayes (IL)
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Jacobs
Jefferson
Jontz
Kennedy
Kleczka
Kopetski
Kostmayer
Lancaster
LaRocco
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Luken
Manton
Markey
Mavroules
Mazzoli
McDermott
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moody
Moran
Natcher
Neal (MA)
Oakar
Oberstar
Ortiz
Orton
Owens (NY)
Owens (UT)
Payne (NJ)
Pelosi
Pickle
Rangel
Roe
Ros-Lehtinen
Roybal
Sabo
Sanders
Savage
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Smith (FL)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Torres
Towns
Traxler
Unsoeld
Vento
Washington
Waters
Waxman
Weiss
Wheat
Wise
Wolpe
Yates

NOES—303

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Broomfield
Browder
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Evans
Fawell
Fields
Fish
Ford (MI)
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Klug
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lantos
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Marlenee
Martin
Martinez
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Neal (NC)
Nichols
Nowak
Nussle
Obey
Olin
Oxley
Packard
Pallone

Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Traficant
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Williams
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Flake
Hammerschmidt
Matsui
Miller (OH)
Mrazek
Udall
Wilson

☐ 2037

Mr. DAVIS and Mr. McMILLEN of Maryland changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute printed in part one of the report of the Committee on Rules.

The amendment in the nature of a substitute printed in part one of the report of the Committee on Rules was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. HOYER] having assumed the chair, Mr. CARDIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1315) to provide funding for the Resolution Trust Corporation, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 2040

The SPEAKER pro tempore (Mr. HOYER). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WYLIE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 220, answered "present" 1, not voting 9, as follows:

[Roll No. 42]

AYES—201

Alexander
Anderson
Anthony
Archer
Armey
AuCoin
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bereuter
Berman
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Boucher
Brooks
Broomfield
Bunning
Burton
Byron
Callahan
Campbell (CA)
Cardin
Carper
Chandler
Chapman
Clinger
Coleman (MO)
Combest
Cooper
Coughlin
Cox (IL)
Dannemeyer
Darden
Davis
DeLay
Derrick
Dickinson
Dicks
Dingell
Doolittle
Dornan (CA)
Dreier
Durbin
Dwyer
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Fascell
Fawell
Fazio
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hatcher
Hoagland
Hobson
Holloway
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Ireland
Jenkins
Johnson (CT)
Johnston
Klug
Kolbe
Kopetski
Kostmayer
Kyl
Lagomarsino
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lightfoot
Livingston
Lowery (CA)
Martin
McCandless
McCollum
McCrery
McDade
McDermott
McEwen
McHugh
McMillan (NC)
Meyers
Michel
Miller (WA)
Mineta
Molinari
Montgomery
Moorhead
Moran
Morella
Morrison
Murtha
Myers
Nichols
Olin
Orton
Owens (UT)
Oxley
Panetta
Parker
Paxon
Payne (VA)
Pease
Pickett
Pickle
Porter
Price
Ray
Regula
Rhodes
Riggs
Ritter
Roberts
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Sabo
Sarpalius
Saxton
Schiff
Schumer
Shaw
Shays
Sisisky
Skaggs
Skeen
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spratt
Stenholm
Stump
Sundquist
Swett
Swift
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traxler
Unsoeld
Vander Jagt
Vento
Vucanovich
Walker
Walsh
Waxman
Weber
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

NOES—220

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
Bacchus
Bennett
Bentley
Bevill
Bilbray
Borski
Boxer
Brewster
Browder
Brown
Bruce
Bryant
Bustamante
Camp
Campbell (CO)
Carr
Clay
Clement
Coble
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox (CA)
Coyne
Cramer
Crane
Cunningham
de la Garza
DeFazio
DeLauro
Dellums
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Dymally
Early
Eckart
Engel
English
Espy
Evans
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Harris
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hochbrueckner
Hopkins
Horn
Hutto
Inhofe
Jacobs
James
Jefferson
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Moody
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Packard
Pallone
Patterson
Payne (NJ)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Poshard
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Richardson
Ridge
Rinaldo
Roe
Roemer
Rogers
Rohrabacher
Roth
Roybal
Russo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Schaefer
Scheuer
Schroeder
Schulze
Sensenbrenner
Serrano
Sharp
Shuster
Sikorski
Skelton
Slattery
Slaughter (NY)
Smith (OR)
Solarz
Spence
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Towns
Traficant
Upton
Valentine
Visclosky
Volkmer
Washington
Waters
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

ANSWERED "PRESENT"—1

Hayes (LA)

NOT VOTING—9

Flake
Hall (OH)
Hall (TX)
Hammerschmidt
Matsui
Miller (OH)
Mrazek
Udall
Wilson

☐ 2056

Messrs. SLAUGHTER of Virginia, MURTHA, and EDWARDS of Oklahoma changed their vote from "no" to "aye."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1315.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from California?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 328

Mr. GORDON. Mr. Speaker, I ask unanimous consent to withdraw the name of the gentleman from Indiana [Mr. MYERS] as a cosponsor of H.R. 328. The gentleman's name was mistakenly added to the list of cosponsors.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1175, DESERT STORM EMERGENCY AUTHORIZATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–17) on the resolution (H. Res. 111) providing for the consideration of the bill (H.R. 1175) to authorize supplemental appropriations for fiscal year 1991 in connection with operations in and around the Persian Gulf presently known as Operation Desert Shield/Storm, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 2100

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HOYER). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, does the Senate-passed bill on the Resolution Trust Corporation exist at the Speaker's desk; is it something that is on the Speaker's desk, available for action by the House?

The SPEAKER pro tempore. The Chair is informed that the bill is held at the Speaker's table.

Mr. WALKER. It is at the desk, and could the Chair inform us, as a further parliamentary inquiry, by what manner it might be possible to bring that bill to the floor either tomorrow or in the near future?

The SPEAKER pro tempore. The Chair is informed that there is now no privileged procedure to bring it to the floor. But the Chair will tell the gentlemen that that is under active consideration, as to the next steps.

Mr. WALKER. Because of the cost of $8 million a day to the taxpayers, there are a number of Members who believe that this is something that should be done by tomorrow. Is there a process by which this could be brought to the floor by tomorrow?

The SPEAKER pro tempore. The only process that would be available at this present time would be by unanimous consent under the Speaker's announced guidelines.

The Chair would not want to respond further without consulting with the leadership on both sides of the House. The present Chair does not know the posture of the Speaker and the majority leader and the minority leader on this issue. But the answer to the gentleman's question is by unanimous consent.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Speaker. Is it not correct that if we do not do something this evening to take care of this, we could run into the problem then of the two-thirds rule in trying to bring the bill to the floor tomorrow and so, therefore, we could complicate the matter?

The reason for raising the parliamentary inquiry now is to see whether or not there is something that could be done yet this evening that would assure us the ability to bring this bill to the floor in a reasonable fashion tomorrow. Is that under active consideration by the leadership?

The SPEAKER pro tempore. The Chair has no knowledge of efforts being made at this point in time.

Mr. WALKER. I thank the Chairman.

STATUS OF THE RESOLUTION TRUST CORPORATION FUNDING

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. GONZALEZ. Mr. Speaker, I think this is an extraordinary request here. I think the minority, the Republicans have fouled their own nest.

From the very beginning the executive branch has refused any kind of discussions as to some viable compromise. The whole approach has been we are going to have everything our way or nothing, so what has happened here tonight is simply a clear signal that somehow or other the Secretary of Treasury has got to get himself over here and start talking to our side of the leadership and seeing how we can structure a truly bipartisan approach for a solution.

As to the cost scare, they have been scaring us this way for 2 years. The truth of the matter is that that is not the true cost. The true cost is the way the resolutions have been conducted, which have been draining $20 million a day from the Treasury. That is what we wanted to resolve.

So all I can say is that it would be remiss at this point in the night for anybody to try to use some quickie method to try to resurrect a bill that the minority itself killed.

RESOLUTION TRUST CORPORATION FUNDING

(Without objection, Mr. GINGRICH was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, let me first say to the distinguished chairman that there were two opportunities tonight for the chairman and another Democrat to offer alternatives to the Wylie bill. The chairman's bill went down 101 to 303. It was rejected by almost 3 to 1. The other substitute offered by a Democrat went down 186 to 237.

On the Republican side of the aisle we provided by a 3-to-1 margin the votes necessary to stop the loss of $8 million a day, every day. We are prepared, as the chief deputy whip indicated a few minutes ago, we are quite prepared tonight or tomorrow to support an effort to pass the Senate bill, to get this over with, because if we leave tomorrow that is $8 million, if we leave on Thursday it will be $16 million, on Friday it will be $24 million, on Saturday it will be $32 million, on Sunday it will be $40 million, on Monday $48 million, an additional $48 million that we will be losing as a country for no reason.

I would simply suggest that it would not be hard on a bipartisan basis to work together tomorrow morning. With just a little bit of support from the Democratic leadership, I think we could pass this and get it out of the way. Everyone knows we are going to pay for the deposits. So all we are doing right now is wasting $8 million a day while the Democratic leadership tries to get its act together.

RESOLUTION TRUST CORPORATION FUNDING

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, many of us on the Committee on Banking, Finance and Urban Affairs have been trying for some time to get the Treasury Department to talk to us about getting a bill together that could command a majority. No bill had a majority today.

This is a difficult issue. People are prepared to work together.

The Treasury Department had taken the attitude that they will accept nothing that does not give them complete carte blanche. The argument that this is costing $8 million a day, the calculations here have been unusually soft and spongy. The world has ended on this bill about nine times. They are running out of money all of the time, and they keep finding new money.

But we got a letter from the Secretary of the Treasury threatening to veto the bill if it had in it some amendments that nobody thought were of any great magnitude. We think they improved the bill some.

This is not about trying to save $8 million a day. The Treasury does not believe that itself. If they did, they would have accepted the invitation several weeks ago to negotiate a bill, because we always knew that there could be difficulty on this.

The Senate just acted, so we have not held the bill up yet, until today, and we were prepared to begin negotiations. There were the normal efforts of negotiations that could not go forward because the Department was taking a stonewall position.

What we have is the Treasury Department announcing that they are going to get the money that they want, to spend as they wish, and no one is going to be allowed to interpose any kind of concern whatsoever.

□ 2110

That is why a significant number of Republicans voted against the bill today. That is why no bill got a majority, and that is why until and unless the Treasury Department agrees to negotiate on this bill, as is often the case, there will be no legislation, because there is no majority for any particular version right now.

But we could easily get one, and if Treasury really believes its own rhetoric, they would not have been responding as they have.

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. FRANK] be given an additional 1 minute for the purposes of his yielding to me.

The SPEAKER pro tempore (Mr. HOYER). The Chair will recognize another Member. Of course, under the unanimous consent for 1 minute, obviously, one cannot be recognized twice. Another Member could be recognized for the purposes of yielding.

IT IS UP TO US TO DO OUR JOB

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I find some of the arguments we have heard here so far very interesting.

The chairman tells us that the Republicans are responsible for the loss of the bill tonight, and yet the Republicans voted more than 3 to 1 for this bill, while the Democrats voted more than 2 to 1 against the bill. I do not understand how that is Republicans failing to deliver the votes.

It seems to me that the majority party in this body has some responsibility. If you are going to be an overwhelming majority, somewhere along the line you have to take responsibility for giving a certain number of votes, including maybe a majority of your own votes, on issues of this kind. That you did not do. In fact, you could not even deliver a majority of Democratic votes for the chairman's own bill. The bill offered by the chairman, the gentleman from Texas [Mr. GONZALEZ], went down with a majority of Democrats voting against it as well as an overwhelming number of Republicans. So, therefore, you had no approach that was acceptable.

I am also interested in the argument that somehow this is a failure of the administration to negotiate. The administration has no votes on this floor. It is up to us to do our job. If the administration has failed to come up and stroke enough Members, well, that does not give us the right to refuse to do what is necessary and so, therefore, part of the problems that exist here tonight is the fact that this body has failed its duty, and I think we ought to reflect on that and hopefully do something by tomorrow that makes certain that the taxpayers do not continue to bear the burden of $100 million of costs that did not need to be spent.

WE MUST WORK WITH THE LEADERSHIP ON BOTH SIDES OF THE AISLE

(Mr. MFUME asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MFUME. Mr. Speaker, people across this Nation have watched this debate today.

For those of us on the Committee on Banking, Finance and Urban Affairs, it is not a matter of a day but, rather, years that we have been working on this.

I think the last thing that people in their homes and elsewhere watching tonight again would want to hear would be this Democrat versus Republican, "You did it, I didn't do it" sort of thing. I have never during this debate taken that approach. I would ask Members to refrain from it now.

We really have a serious job in front of us. We have honest differences on this. There has been give and take on both sides, and it is clear that there is no consensus.

So in order to build consensus, one must go to the table with that recognition, and I think with a desire to honestly negotiate.

I would ask, because both the gentleman from Texas [Mr. GONZALEZ] and the gentleman from Ohio [Mr. WYLIE], the ranking minority member, have worked so long and hard on this, that the chairman's remarks at least be heeded by those persons on the other side, particularly the distinguished minority whip and the distinguished deputy whip, that they, in fact, get hold of the secretary, Mr. Brady, come back to the committee, work with members of the leadership on both sides of this aisle so that we might be able to resolve basic differences in this democratic process and come away with something we at least can have some semblance represents our own positions on this.

SET PARTISANSHIP ASIDE

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I deeply appreciate both the remarks and the tone of the remarks from the gentleman from Maryland. I only regret that those were not the remarks that began this discussion.

Let us be honest about it, it was the distinguished chairman of the committee who rose to address the floor and to accuse the Republicans of failing to do what was necessary in providing the vote to pass some kind of solution to this problem.

In that regard, I just want to call to the attention of everyone that we have had four votes here over the last few hours on this issue. In the last one, the Democrats voted 177 to 81 against passing the final bill. Before that, on the Gonzalez substitute, the Democrats voted 143 to 118 against the Gonzalez substitute. Before that, we had the Wylie substitute, and on that one the Democrats voted 223 against, only 39 for.

The only option the Democrats have provided the majority of the votes for all night long happened to be the Slattery amendment, where they voted 179 yes, 82 against, and I think everyone clearly understood that that meant 10 billion dollars' worth of taxes in the middle of a recession, something I indicated earlier that not even the Speaker of the House of Representatives believes is wise economic policy at this time.

We are happy to set partisanship aside on this side as long as we receive the same action from Members on the other side.

RTC BILL DID NOT PASS FOR A VARIETY OF REASONS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute.)

Mr. SCHUMER. Mr. Speaker, what I would say is that what we thought all along is probably true, and that is the only way to pass this bill, and we can present a version which gets a large number of Democratic votes, and a small number of Republican votes, and the people from the other side of the aisle can prevent a version which gets a large number of Republican votes and a small number of Democratic votes. That is obvious. That is what today proved. I think we knew it before today.

The only way that we are going to actually pass a bill and meet our responsibilities is by having a bipartisan agreement hammered out in advance, and then having a majority. It does not have to be an overwhelming majority. It could be a narrow majority of votes from each side of the aisle. That did not happen.

There were attempts to do it, but it did not happen for a whole variety of reasons.

But I would say to my colleagues that simply to say a naked bill was the only way to do this, and because a naked bill failed by this amount of votes, that does not solve the problem, nor does it really explain fully what happened today.

A naked bill is not the only way to do it. There are many variations on this theme, and if we want to pass a bill, what we ought to be doing is working together on some kind of compromise that will get a majority of votes on both sides of the aisle.

I just want to, as somebody who cares very much about passing this, who tried to work with people on the other side of the aisle, I do take some umbrage at the fact that people say, "Well, if the naked bill did not pass, that is the only way to pass it," and one side is to blame.

Two other bills did not pass because they did not get votes from that side of the aisle. That is the simple fact of truth, and the only way we are going to pass this is by working together on a bill that is somewhere between some of the bills that were on the floor today.

THE DEPOSITORS OF THIS COUNTRY ARE FRIGHTENED

(Mr. PICKLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I came here to participate in a special order, but I think I will just participate in this little special order.

The majority of the membership on both sides of the aisle cast a political vote tonight, nothing more or less. It was an easy vote to be against RTC.

They can look good. You felt good tonight, but you look bad in the morning. You have refused to follow the leadership of the President, the Secretary of the Treasury and the leaders of the party. You have frightened the depositors of this country, and I think you have cast a tone of astonishment and fear in those RTC people who are trying to do something about this.

I do not know that you can hasten to do anything about it tonight or even tomorrow, and it does little good for both sides to point a finger and say, "We supported more on this bill than you did," or vice versa.

The truth of the matter is, you played politics with this vote tonight, and the country is going to be shocked about it.

We have got serious problems to correct. I think we ought to stop this kind of discussion and try to get to our business.

BRING UP THE SENATE BILL ON RTC

(Mr. WYLIE asked and was given permission to address the House for 1 minute.)

Mr. WYLIE. Mr. Speaker, I want to associate myself with the comments of the gentleman from Texas who has been around here a very long time and is very discerning.

I am not sure that I am the person to do this, but my recommendation, Mr. Speaker, is that the gentleman from Illinois [Mr. MICHEL], our leader on this side, and we have been in communication with him, go to the Speaker either tonight or tomorrow morning and make a suggestion that we bring up the Senate bill which is at the desk and make an attempt to pass that.

□ 2120

Mr. Speaker, I know a lot of members on this committee have worked very hard, and I know the chairman has worked very hard. I was disappointed to see he voted against the bill on final passage here, but I understand some of the dimensions of the problem we have before Members.

As I say, I respectfully suggest that there might be a way out of this, because we are looking bad right now because the RTC needs to be funded. It has to be funded. We have to fund the RTC to pay off the depositors. We cannot have a situation where we might lose confidence in the depository institution system.

RTC HAS MONEY AVAILABLE

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Texas [GONZALEZ].

Mr. GONZALEZ. I wanted to point out again regarding this attempt to scare all Members that the RTC has money, resolution money through this month of March. They have told Members that, plus $8 to $10 billion in borrowing authority. GAO has told Members the RTC has $10 billion on hand as of February 28. That is just 2 weeks ago.

Therefore, I think for Members to be pummeled and browbeaten out of fear that this fictitious alarm seems to be sounding is not productive to a very, very serious and dispassionate bipartisan approach. I think we have to look at this as we have from the beginning. I think every effort was made on the committee level to bring about, since last October, some kind of resolution of the need here for RTC, but I think we ought to know what the facts really are.

These are facts and figures given to Members by the RTC itself and by the GAO.

RTC HAS NO MONEY AVAILABLE

(Mr. DREIER of California asked and was given permission to address the House for 1 minute.)

Mr. DREIER of California. I yield to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, the chairman indicated that there might be some money left until March for the loss of funds. I would respectfully suggest that we have a letter here from L. William Seidman, who is Chairman of the Resolution Trust Corporation, who says that the $18 billion which was made available through a glitch in the law a little earlier, was for operating funds only, that they could not be used to cover losses in failed S&L's. That is from a letter dated February 28, and additional moneys will be needed to provide funds for the Resolution Trust Corporation for loss funds.

They had to use the $18 billion last year because we did not pass a bill last year, and that is gone. There is no more money in the losses fund, as I understand it, from Mr. Seidman.

INTRODUCTION OF THE COLORADO WILDERNESS ACT OF 1991

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, I rise today to inform Members of the House that Congressman DAN SCHAEFER of Colorado and myself have today introduced legislation entitled, "The Colorado Wilderness Act of 1991."

This legislation is critical to the citizens of our State. It will protect the scenic beauty of more than 850,000 acres of Forest Service and Bureau of Land Management land by providing national wilderness protection. At the same time, the bill seeks to address the major obstacle to additional wilderness in our State—the preservation of Colorado's right to control its own water resources.

What many of my colleagues may not realize is that Colorado has a semi-arid climate. In addition, nearly all water in Colorado flows out of the State—there is hardly a stream, large or small which flows into the State.

That is why, in the bill we have introduced today creating vast tracks of wilderness, we have attempted to insure that we do not create a corresponding preemptive, Federal reserve water right, a water right that would precede in seniority all existing water rights.

Mr. Speaker, wilderness designation in the State of Colorado has the potential to cripple Colorado's unique system of water law that took more than 100 years to establish. Even more importantly, it has the potential to devastate the already beleaguered agricultural industry.

I believe, that in the bill which was introduced today that the proper balance has been created between the water users and the wilderness advocates. I hope that Members of the House will study this issue carefully and support this proposal.

VACATION OF SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent to reduce my 60-minute special order for this evening to a 5-minute special order, which would put me first as a Republican, but I would like to defer to my good friend, the gentleman from New York [Mr. WEISS]. I will go second with my 5 minutes.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from California?

There was no objection.

I BELIEVE IN MIRACLES

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, this 1 minute I was unable to deliver this morning, but it turns out to be nothing more than a commercial for my 5-minute special order this evening, which will follow the gentleman from New York [Mr. WEISS].

I have come to this well about three times since February 28 to say that I was unable in my heart, and it is just a personal thing, to feel any sense of the great feeling of victory sweeping the country, any sense of euphoria, because I had given a great part of my adult life, since 1965, to the POW/MIA cause, missing in action in Southeast Asia. I still wear the bracelet of my best friend in the Air Force, Dave Herdlick, a known prisoner for 5 years. He never came home, nor did his cavemate, Charlie Shelton, who was shot down on his 33d birthday, April 29, 1965.

I wear another bracelet for a man who begins 7 years in captivity in Beirut on the 16th of this month, just a few days. But a miracle has happened. Every single POW has been returned from Baghdad and the Basra area, including two we did not know were prisoners from the last fast days of the year. All of the Marine Corps missing in action, every single one of them, including all of the heroic KIA's, have been accounted for. All of the Navy and almost every Air Force and Army person, as I speak. A true miracle has occurred, and I will talk about that during my 5-minute special order.

A SALUTE TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WEISS] is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, as Members who have been here for sometime will probably recall, every year on March 12, if it is possible, I take to this well to commemorate my arrival in this country. Now it is 53 years ago today on March 12, 1938, with my mother of blessed memory, and my sister Claire, as a way of articulating my recognition and appreciation for what this country did in providing me an opportunity to not only flourish and grow but really to survive.

□ 2130

We left Europe and came from Hungary on the very eve of the curtain of horror that Hitler and his Nazism were about to drop over all of Europe, and most of my family was not as fortunate as we were. My grandparents on both sides, countless other relatives, uncles, aunts, cousins, did not survive. We did.

But I think what I would like to talk about just for a minute or two is not just our own personal survival and opportunity to grow and the fact that people historically since the beginning of this country have looked to this Nation, not really for economic opportunities, although economic need was there very often, but for the opportunity to make the most of themselves economically or academically or any way that they wanted. This country indeed provided an open Mecca.

We were and are, I think to this day, the haven for tolerance, for letting people do their own thing so long as they do not harm other people in genuinely and legitimately fulfilling their own needs.

I noted in the newspaper the other day that we are becoming an immigrant nation once again. The most recent census indicates that we have very large numbers now of documented, and some undocumented people who are in the country, 21 percent are other at this point, various groups.

So I think the hope is that with all the tensions in this society that we will again sort of return to our roots, recognize our own diversity and build on the strength that that diversity has given us over the years.

Because the hour is late, Mr. Speaker, I yield back the balance of my time.

RETURNING HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, let me restrain myself from jumping up and down here for joy to discuss this miracle I mentioned a minute ago in my 1-minute speech.

I have held this blowup of the first eight prisoners taken in Iraq, all taken to the Baghdad area, I have held this up on the House floor about six times in the last month.

Now I hold it up to say, quite happily, every single one of these Americans, the Italian, the Kuwaiti, Muhammad Mubarek, and the Italian, and the Italian's front seater, they are all home safely in their respective countries.

I assumed that there would be a whole parcel of Senators and Congressmen out there at Andrews Air Force Base on Sunday to just luxuriate in the return of our 21 American prisoners. One came in alone on a C-141 because he is still on a stretcher. I had the honor of chatting with this fine young Army sergeant who almost gave his life trying to save one of our F-16 pilots. I met 20 of the 21 returned prisoners. The only one I missed, and I must have walked by her three or four times, is young Army Spc. Melisa Rathbun-Nealy. I thought she was one of the young escorts in her desert camouflage fatigues, looking 3 or 4 years younger than her own tender 21 years of age; but I have never met a more exemplary, terrific, solid group of American men and women in my life.

I would take an hour's special order to try and do justice to these 21 heroes tonight, but it is the end of a long day. It is already 9:35 eastern standard time, and tomorrow I am on my way to Kuwait to view the devastation there of the country that they liberated, not a minute too soon; so I will probably put it off until next week, but let me show you some pictures, Mr. Speaker. I will show them to the Chair and then turn it around the other way so the cameras can have a record of it, Mr. Speaker.

Here on the front page is the Army Staff Sergeant that I mentioned before, Daniel Stamaris. He is one of three survivors from a crew of eight on a rescue 860 Black helicopter. The pilot, the co-pilot and three of the enlisted crew members died. The three survivors were all badly injured. Sergeant Stamaris in his wheelchair, the American flag proudly on his chest, what a fine young man. Look at that front page, popping that salute to everybody as he comes off the C–141.

On the other side, the back page of yesterday's Washington Times, here come a typical bunch of American Fighter pilots, a Navy F–14 Rio-Radar interceptor officer at the top, Lt. Randolph Slade. That is followed by one F–16 pilot, Harry Andrews. He was the one that the H–60 was trying to rescue when he was down toward the last days of the war, and 3 A–10 pilots.

This big tall handsome guy at the top here, that is Capt. Richard Storr. I was standing there talking to him with the Chief of Staff of the Air Force. Not every guy coming in from POW captivity gets a four-star Chief of Staff of the Air Force, General McPeak, there to greet him. General McPeak and I were asking him what altitude he bailed out, what hit him.

He said a SAM hit him. That was news to me. I did not think we lost any aircraft to SAM's, and he said, "You could tell by the white plume. I tried to jig around. It got me, a near shot."

And I asked him a very stupid question. I said, "Dick, if you were 10,000 feet, wasn't there any way you could have glided back to Saudi Arabia?"

And he said, "Congressman, when your stick does this"—moving his hand around loose in all directions, meaning his hydraulic controls were shot, he said, "You come to the conclusion very quickly you are going to have to jump out of that airplane."

Well, the same thing happened to me once in pilot training in Arizona. When you lose your controls, the airplane is no longer an aircraft. It is a thing, and he said he bailed out at about 10,000 feet. Coming down he could hear the 37 millimeter cannons firing at him, at his parachute, he thought.

Then I asked another not very swift question. You learn these things as a television host in all the years to ask these bright questions. I said, "When you landed, did they not kill you because they were very impressed with the bombing and that the war would end soon?"

He said, "Sir, they were very impressed and they were also very ticked off." he used a stronger word, and obviously he was beaten, as were most of these prisoners, the severely wounded ones not so much.

What a group of people, and Mr. Speaker, a final salute to the lady doctor, Maj. Rhonda Cornum and her husband, who is also an Air Force flight surgeon doctor, was over there in the theater as a flight surgeon for the 58th Squadron of the 33d Tactical Fighter Wing.

What an all-American family, all their families.

Mr. Speaker, I will do an hour on this next week.

Mr. Speaker, I include the names of all the former POW's that I referred to, as follows:

FORMER POWs

The former U.S. prisoners of war who returned to Andrews Air Force Base yesterday are:

Air Force—Col. David W. Eberly, 43, Brazil, Ind.; Lt. Col. Jeffrey D. Fox, 39, Fall River, Mass.; Maj. Thomas E. Griffith, 34, Goldsboro, N.C.; Maj. Jeffrey S. Tice, 35, Sellersville, Pa.; Capt. William F. Andrews, 32, Syracuse, N.Y.; Capt. Harry M. Roberts, 30, Savannah, Ga.; Capt. Richard D. Storr, 29, Spokane, Wash.; First Lt. Robert J. Sweet, 24, Philadelphia, Pa.

Navy—Lt. Robert Wetzel, 30, Virginia Beach, Va.; Lt. Randolph Slade, 26, Virginia Beach, Va.; Navy Lt. Jeffrey N. Zaun, 28, Cherry Hill, N.J.

Army—Maj. Rhonda L. Cornum, 36, East Aurora, N.Y.; Staff Sgt. Daniel J. Stamaris Jr., 31, Boise, Idaho; Spc. Melissa Rathbun-Nealy, 21, Newaygo, Mich.; Spc. Troy L. Dunlap, 20, Massac, Ill.; Spc. David Lockett, 23, Fort Bliss, Texas.

Marines—Lt. Col. Clifford M. Acree, 39, Seattle; Maj. Joseph J. Small III, 39, Racine, Wis.; Capt. Michael C. Berryman, 28, Cleveland, Okla.; Capt. Russell A.C. Sanborn, 27, DeLand, Fla.; Chief Warrant Officer Guy L. Hunter Jr., 46, Moultrie, Ga.

IMPROVING THE IRA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

Mr. PICKLE. Mr. Speaker, the individual retirement account was a retirement plan once popular with a broad cross-section of Americans. However, in paring back the full tax deductibility of IRAs in 1986, Congress prematurely retired the IRA as an attractive retirement incentive.

At the same time, the extremely low rate of U.S. private national savings has become more and more troubling. Many of our foreign competitors have been increasing their national savings, while Americans have been consuming. In 1989, the average American consumer saved less than 5 cents out of every dollar earned, compared to 16 cents in Japan. This depressed savings rate has become a major contributor to higher interest rates, lower national investment, reduced productivity growth, and higher trade deficits.

The time had come for us to come to grips with this problem and take aggressive action. If we are going to deal with low national savings and all of the problems it creates, we must get all Americans involved in the effort by providing attractive incentives for them to increase their individual savings. With that important priority in mind, I am proud to introduce legislation today to restore the universal availability of the fully tax deductible IRA.

In addition, this measure will improve on the traditional IRA by allowing individuals to choose between tax deductible contributions to traditional IRAs, or contributions to new IRAs from which earnings would not be taxed when they are withdrawn. The bill, which is a companion to legislation introduced in the Senate by Senators LLOYD BENTSEN and WILLIAM ROTH and cosponsored by over 70 Senators, would also allow penalty-free withdrawals from IRAs and 401(k) plans for first-time home purchases, higher education expenses, and devastating medical expenses.

This Super IRA plan will not only restore incentives for individuals to save for retirement, but also for two of the biggest investments that people have to make during their lifetimes—purchasing a home and paying for their children's education. It will also correct the current situation in which a tax penalty is imposed on people who are forced to make withdrawals from their IRA to pay for costly medical expenses for themselves or a family member with a serious illness.

I believe it is critical to address these needs. Encouraging saving for educational expenses is critical to ensuring that no child will be denied the opportunity to attend college due to a lack of financial resources. The average cost of a college education for a child born today is expected to exceed $200,000 at a private university and $60,000 at a State-run university. Yet most Americans who expect their children to attend college are saving little or nothing to pay the bill.

Folks do try to save in order to purchase their first home, but most find themselves trapped in a cycle they can't break. Housing prices often increase faster than their income, and many younger working Americans can never seem to quite set aside enough money for the down payment. Rising housing prices, combined with spiraling interest rates have resulted in a decline in the rate of home ownership in every year since 1980, especially among young families.

The Super IRA proposal I am introducing, along with Congressman BILL THOMAS of California would address both of these needs, allowing all Americans to use the tax advantages of the IRA to help pay for a college education or to purchase that first home.

Finally, the average American is confronted with health care costs that are almost two and a half times as high as they were at the beginning of the 1980's. Faced with medical costs that are increasing more quickly than the paycheck of the typical American, the likelihood of financially devastating medical expenses is increasing every year. Even so, the current tax laws continue to penalize the person who is forced to withdraw money from an IRA to pay large unexpected medical bills for themselves or a family member. That simply isn't fair, and the legislation I and others are introducing would correct that inequity.

While I intend to strive for the adoption of this measure, I continue to believe we should not take action that will increase our Federal budget deficit. I strongly supported the adoption last year of new budget rules which essentially codified that belief by requiring pay-as-you-go financing for any changes in the law. Clearly, any revenue loss which may result from the passage of this measure must be paid for out of other sources. However, if we can get Americans to start saving again, interest rates will go down, the Government will not have to rely so heavily on foreign capital, and our trade deficit will be diminished. In the long term, I believe this legislation will actually save the Treasury money.

Mr. Speaker, I am pleased to be joined by Representative BILL THOMAS of California and others, the gentleman from Pennsylvania [Mr. SCHULZE] the gentleman from Texas [Mr. ANDREWS], and the gentleman from Kentucky [Mr. MAZZOLI] in introducing this measure. I ask that a summary of the major provisions of the Pickle/Thomas IRA proposal be included in the RECORD immediately following my remarks, and I urge my colleagues to review this legislation and support its adoption.

THE PICKLE/THOMAS "SUPER-IRA"

DESCRIPTION OF BILL

Makes Deductible IRAs Available to All Americans.

Under the Pickle/Thomas proposal, all Americans would once again be eligible for fully deductible IRAs.

Under current law, only those who are not covered by any other pension arrangement and those with incomes under $25,000 for individuals and $40,000 for married couples are allowed to fully deduct IRA contributions. Annual IRA contributions cannot exceed $2,000 per individual. The $25,000 and $40,000 income thresholds are not indexed for inflation, with the result that fewer and fewer Americans are eligible for IRAs every year.

After these income thresholds were added in 1986, contributions to IRAs fell by almost 70 percent and even participation by families who continued to be eligible fell by 40 percent.

Provides Taxpayers With Another IRA Option.

Each individual would have the option of contributing $2,000 per year either to a traditional IRA or to a new type of IRA. The individual could contribute the full $2,000 to either type of account or could allocate any portion of the $2,000 limit to the different accounts (e.g., $1,000 to a traditional IRA and $1,000 to the new type of IRA). The $2,000 limit would also be indexed to reflect inflation.

Contributions to the new type of IRA would not be tax deductible, but if the assets remained in the account for at least five years all income would be tax-free when it is withdrawn. A 10-percent penalty would also apply to earnings withdrawn within the first five years.

Penalty-Free IRA Withdrawals for First-Time Homebuyers, Education Expenses and Financially Devastating Medical Expenses.

The Pickle/Thomas IRA proposal would provide exemptions from the 10-percent penalty tax for withdrawals which are used to purchase a first home, to pay for educational expenses, or to defray financially devastating medical expenses.

Under current law, withdrawals from IRAs are generally subject to a 10-percent penalty if made prior to age 59½. There are no exceptions to this 10-percent penalty for withdrawals used for first-time home purchases, higher education expenses, or medical expenses.

The Pickle/Thomas proposal would allow young couples, their parents, or their grandparents could draw down IRAs to pay for first-time home purchases without paying the 10-percent penalty for early withdrawals.

Under the Pickle/Thomas proposal, parents or grandparents could draw down IRAs without penalty to pay for the education of their child or grandchild. High school students with part-time jobs could put their earnings into a tax-favored IRA and withdraw the money later for college tuition without penalty. An individual wanting to go back to school after a few years in the work force could use the IRA to save for anticipated education expenses.

The Pickle/Thomas proposal would also allow individuals with medical expenses for themselves or their dependents in excess of 7.5 percent of their income to make penalty-free withdrawals to help cover those expenses.

Penalty-Free Withdrawals from 401(k) and 403(b) Plans for First Home Purchases and Educational Expenses.

Under the Pickle/Thomas bill, employees could make penalty-free withdrawals of their own contributions to 401(k) and 403(b) plans to assist with first-home purchases or educational expenses. These rules would be similar to the expanded rules provided for IRAs. Penalty-free withdrawals from 403(b) and 401(k) plans for high medical expenses are already permitted.

Section 401(k) and 403(b) plans are employer-provided retirement plans that allow employees to make tax-free contributions out of their paychecks. Under current law, once an employee makes a contribution to a 401(k) or 403(b) plan, withdrawals are generally subject to a 10-percent penalty tax similar to that applied to early withdrawals from IRAs.

Revenue Implications.

Precise revenue estimates of the impact of the proposal are not yet available. Under the terms of the recent budget agreement, any revenue loss resulting from the proposal would have to be offset by other changes in the law to ensure that the Federal budget deficit is not exacerbated.

PROBLEMS THAT THE PICKLE/THOMAS IRA PROPOSAL ADDRESSES

Boosting the low U.S. savings rate will help lower interest rates, increase investment, increase productivity growth, and reduce trade deficits.

The U.S. national savings rate for the past decade has been worse than at any time since World War II.

In 1990, U.S. consumers saved less than 5 cents of every dollar compared to about 16 cents for the Japanese.

U.S. net savings rates are lower than those of all our major economic competitors.

After the IRA was made available to all Americans in 1981, annual contributions to IRAs increased by almost 700 percent. Total current assets held in IRAs have an estimated value of about $500 billion.

Americans need to save more to make sure they can afford higher education costs.

Since 1980, college costs have gone up at a rate twice that of inflation, an increase of over 90 percent. Simultaneously, the Federal government's role in providing student financial aid has been decreasing.

It is estimated that for a child born today it will cost over $200,000 for four years at a private university and $60,000 at a public university.

A Roper Poll showed that only half of the families who expect their children to attend college save anything at all for future college expenses, and of those families that do save, the median annual savings are about $500.

Families are being priced out of the real estate market because housing prices are rising faster than they can save the down payment.

Throughout the 1970s and 1980s, housing prices have consistently risen faster than family incomes.

Home ownership has declined in every year since 1980, declining by more than 13 percent among families headed by those aged 25–34

Nationwide, 2 million more households would own homes today if home ownership rates remained at 1980 levels.

It is not fair to penalize someone who is forced to make withdrawals from the IRA to cover financially devastating medical expenses.

Per capita health care costs have risen from just over $1,000 in 1980 to almost $2,400 in 1989. In other words, health care costs today are about two and a half times what they were just 10 years ago.

If an individual or a member of a family has a serious illness, the medical expenses can equal a substantial portion of the individual's income even if health insurance is available. Withdrawals from IRAs to cover these substantial health costs should not be penalized.

MARCH 12, 1991.

□ 2140

A SAD DAY FOR THIS HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. POSHARD). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, I take the well this evening to vent my frustration over what I think was, tragically, a sad day for this House of Representatives.

Mr. Speaker, I spent 9 years serving on the Committee on Banking, Finance and Urban Affairs, and during that period of time, many people believe those of us on the Banking Committee caused the savings and loan crisis.

Well, the fact of the matter is that in late 1980 the dramatic increase in the guarantee of deposits played a major role in causing the problem that we have. Mr. Speaker, if you look at the fact that that $100,000 guarantee has created a skew in the movement of capital, there is not a single depositor who has to say. "Gosh, do you think I ought to look at the solvency of that institution in which I am about to deposit $100,000?" They do not have to do that, Mr. Speaker, because they say, "The full faith and credit of Uncle Sugar is behind it. So why should I be concerned about whether or not this institution is going to belly-up or not?"

So, we have many people, the flow of brokered deposits, a wide range of other vehicles which saw capital move to very poorly run institutions.

Well, we all know that we had a savings and loan crisis. We know back many, many years ago the Federal Government decided to establish that guarantee on deposits.

I felt when we faced the vote on the FIRREA bill in the past, that the responsible thing for me to do was to vote for that legislation. Why? Simply because the Government made that commitment that the full faith and credit of the U.S. taxpayer was behind those deposits and I had an obligation as a Member of Congress to assure that the Federal Government was not going to abrogate its responsibility.

So I voted for the FIRREA bill for that reason, as I said here earlier when we were debating the Gonzalez substitute.

Mr. Speaker, if you look at what we did today, I think it is a real tragedy. I left the Committee on Banking, Finance and Urban Affairs and went to the Committee on Rules this year. I spent last week, quite a bit of time, looking at the wide range of amendments that we were going to be considering. The goal, of course, was to provide a clean RTC funding bill, I look at it this way: I did not want to vote for that thing that I voted for earlier. I did not want to support the concept. But if you have a leaky faucet, Mr. Speaker, you do not ignore it. And that faucet is leaking to the tune of $8 million a day for every day that we delay this process of recapitalizing with a clean RTC funding bill.

I think it is very tragic that we went through this exercise. We had amendments soundly defeated. The Gonzalez substitute, which would have made it more difficult for the RTC to move those items, those properties, those 45,000 properties out into the marketplace, for them to be sold.

But, unfortunately, when it came down to the bottom line, I think this House did the irresponsible thing. Those Members who voted against the clean funding bill voted to expend an additional $8 million by delaying it, because we know we have to come up with something. The Senate overwhelmingly passed the bill.

We here in the House have been unable to do it. I think it is sad commentary on where we are. We are all heralding this tremendous victory in forcing Saddam Hussein out of Kuwait. I would have loved to have been able to join my colleague, the gentleman from California [Mr. DORNAN] in praising the fact that we have seen these hostages, the POW's, returned from Iraq. I feel very good about it. But I feel very badly about what happened here today in the House, and I hope very much that we will be able to speedily put something together so that the U.S. taxpayer will not have to pay any more than already has to be paid.

H.R. 1177, THE CLEAN AND FAIR ELECTIONS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, last week, Congressman SYNAR and I, along with Representatives LEACH, MCHUGH, GRAY, WISE, PRICE, ECKART, HAMILTON, and MAZZOLI, introduced comprehensive campaign finance legislation. This bill, H.R. 1177, addresses the alienation Americans feel about government by turning the focus of political campaigns away from the special interests and back toward the voters who elect us.

Responsible campaign finance reform is one key to restoring confidence in our government. Our constituents perceive that Members of Congress are more responsive to campaign contributors than to constituents and more accessible to private economic interests than to the folks at home. It is very likely that the Keating Five scandal has provided the ingredient missing thus far from our efforts to reform the financing of political campaigns: public outrage. We need to respond by changing the system that created the scandal.

This legislation contains two components which are essential elements to any serious campaign finance reform: First, voluntary across-the-board spending limits; and second, public financing of Federal campaigns. By including a voucher system of public financing based on a match of instate contributions, this bill reverses the trend toward private ownership of campaigns and moves toward public input. A voucher system is critical to this proposal and to reinvigorating the public's desire to participate in the democratic process.

The spending limit for House elections is $550,000, which is absolutely necessary to end the arms race mentality of running for office. In the case that a candidate receives less than 55 percent of the vote in the primary, the general election limit is raised by $110,000.

The public financing takes the form of vouchers for candidates based on a match of small contributions. The vouchers may be used for communications through television, radio, and print media. This kind of public financing increases voter participation in the campaign process. By including public financing, this bill reverses the trend toward private ownership of campaigns and moves toward public input. The voucher system contained in this bill is critical to our proposal and will reinvigorate the public's desire to participate in the democratic process. In addition, it will force candidates to work the streets and small towns of America and get to know the voters at home.

Critics of such a system often cite the taxpayer costs of such a proposal. However, no one mentions that interest group contributions are primarily meant to influence government policy, usually in the form of increased Federal spending or tax breaks for certain segments of the population. While there is nothing wrong with people banding together to support certain issues, these private efforts often cause the cost of government to rise. I am not against interest groups, because I believe they can and do play a useful role in the political process; I just would like to see the political process reflect the public interest more than it does under the current system.

While there may be increased costs from tax credits and matching funds, we feel these costs are a small price to pay for an election system that will work the way our democracy was intended to work and instill more public confidence in the system. We see the public voucher provision as a public investment in good government. Besides, in the long term, the bill will no doubt save the public millions of dollars in the form of fewer tax breaks, lower appropriations and less onerous regulations.

The bill provides that the contributors of candidates agreeing to spending limits will receive a 100-percent tax credit for contributions up to $100. Small contributions have declined sharply in the past few elections, partially because a tax deduction for campaign contributions was eliminated in 1986. A full tax credit would give a major incentive for average citizens to contribute and get involved in the political process.

The imposition of voluntary spending limits is necessary to restore true competitiveness to Federal campaigns. When I talk to people all over the country, the common thread among the complaints is that "they spend too damn much money to get themselves elected." In addition to imposing voluntary limits on aggregate spending, the bill:

First, reduces the amount PAC's can contribute from $5,000 per election to $1,000 per election.

Second, reduces the maximum amount individuals may contribute from $1,000 per election to $500 per election.

Third, prohibits candidates from accepting more than 20 percent of the general election spending limits in PAC contributions.

The single largest cost of political campaigns is television advertising. Although some people have called for requiring television stations to provide free air time to candidates, our bill addresses this problem in a manner which is fair to all parties involved.

Our bill establishes a new lowest unit rate for candidates who accept spending limits. Further, it entitles participating candidates to an additional 50-percent discount in broadcast rates. The bill also allows for discounted postal rates for eligible candidates.

To stem the flow of independent expenditures, the bill provides additional public funding should an independent expenditure exceed $10,000 in the general election. It also requires broadcasters to make available to the opposing candidate adjacent air time once an independent expenditure is made.

The bill stems the flow of "soft money" into campaigns by prohibiting State and Federal political parties from using soft money on activities which may influence a Federal election, such as get-out-the-vote campaigns, voter registration drives, and maintenance of voter files. It prohibits bundling of contributions by PAC's, lobbyists, corporations, labor unions, and trade associations. The bill sets new reporting requirements for State and national political parties and establishes aggregate PAC limits for national political parties.

The high cost of campaigns in the current system forces incumbents to raise money constantly and virtually shuts out challengers. It reinforces the power of incumbents and locks out competition. This legislation addresses the competitiveness barrier by banning exorbitant spending by candidates and by banning the practice of Members of Congress amassing huge campaign war chests to discourage potential challengers.

We can protect the status quo and permit the people to become increasingly alienated, apathetic, and disenchanted with Congress or we can take decisive steps to change the way congressional elections are conducted. It is time now to move on this issue and enact a meaningful and responsive campaign finance reform bill.

QUITMAN ELEMENTARY STUDENTS BOOST MORALE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues a letter from a national guardsman from my congressional district who is on active duty in Saudi Arabia. His name is Ric Wege and he is assigned to the 786th Transportaion Company out of Quitman, MS.

Ric wanted the students at Quitman Lower Elementary School to know how much he and the other members of the 786th appreciate the gifts these students have sent since the unit has been deployed to Saudi Arabia.

Mr. Speaker, this is just one example of the kind of support our troops have received from people throughout America in Operation Desert Shield and Desert Storm. This has been a big morale booster for the men and women in the Persian Gulf.

Ric's letter follows:

MARCH 12, 1991.

SIR: I am a member of Detachment 1, 786th Transportation Company home stationed in Quitman, Mississippi currently serving in Saudi Arabia.

I am writing to you to bring to your attention a great and continuing act of kindness which deserves special recognition.

The students of Quitman Lower Elementary School in Quitman, MS have sent us hand made Thanksgiving Day cards shortly after we were activated on 17 Nov. 90. Shortly thereafter they forwarded over 300 pounds of personal care items (soap, blades, shampoo, games, books, etc). Today we have received a large pile of valentine cards hand made by these children.

I can not find the words to express to you how very much their thoughtfulness means to each and everyone of us.

Their collective thoughtfulness has lightened our burden, lifted our spirits, and substantially contributed to our morale and welfare.

I do not know the criteria for a Presidential Freedom Medal or even if such an award can be made to an institution but if such a thing is possible would you please see to it that the school is nominated.

In any case would you please see to it that they receive some tangible, permanent form of recognition for their patriotic, loyal support for the American soldier.

Thank you,

RIC WEGE,
SSG MSARNG Training NCO.

THE RECONSTRUCTION OF KUWAIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DYMALLY] is recognized for 60 minutes.

Mr. DYMALLY. Mr. Speaker, I bring to the Members' attention today a matter of concern to thousands, perhaps millions, of Americans all over the world, not just here in the United States. That is the question of the reconstruction of Kuwait.

The Congressional Black Caucus has taken the initiative to gather information, to disseminate that information to the Members of the House and to the public in general, and later on, Mr. Speaker, I wish to enter this information into the RECORD.

But for now I want to recognize a distinguished Member, the distinguished gentlewoman from Detroit, MI, Mrs. BARBARA COLLINS.

Mrs. COLLINS of Michigan. Mr. Speaker, I rise to commend the gentleman from California [Mr. DYMALLY] for arranging this special order and for his diligence in bringing this important issue to the attention of the administration and the Kuwaiti Government.

One of the first men to die in our country's Revolutionary War was Crispus Attucks, a man of African descent. Many other brave Africans fought on the side of what was to become the United States of America. When the dust settled and the fighting ended, the Nation had won its freedom from the British Crown, but millions of Africans and their descendants remained imprisoned in the brutal bondage of slavery.

In every war since, from the War of 1812 to the war in Vietnam, African-Americans have proudly and bravely spilled their blood for the freedom of others in faraway lands, only to face pervasive racism and discrimination upon their return home.

As our African-American veterans return from the Persian Gulf, much attention has rightfully focused on the eloquent voice these brave, patriotic African-American veterans give to the need for enactment of the Civil Rights Act of 1991. But as important as civil rights are, we must also speak out for the economic rights of African Americans and our communities. One way we can do this as a nation, and one way the Kuwaiti Government can express its appreciation to the tens of thousands of minority Americans who fought to keep their country free, is to provide opportunities for minority enterprises to participate in the rebuilding of Kuwait.

As a result of an Iraqi occupation, much of Kuwait's infrastructure has been either destroyed or severely damaged. Some experts have estimated that the cost of reconstructing Kuwait's industrial and economic base could be as high as $100 billion over the next 5 years.

The Kuwaiti ambassador recently announced that countries which contributed most to Operation Desert Storm would receive the bulk of reconstruction contracts. The U.S. Department of Commerce immediately established a Gulf Reconstruction Center and a task force to work on the project. But, despite the fact that more than 120,000 minority Americans were deployed in Desert Storm, representing more than 28 percent of our military presence there, as of the beginning of this week, no minority firms were included in this task force, nor had either the Kuwaiti or American Governments made a clear commitment to seeking strong minority participation in rebuilding Kuwait. Of the $800 million in contracts already given to American firms by the Kuwaiti government, none were minority firms.

Mr. Speaker, it is the policy of Congress to emphasize minority involvement in Government-related contracts and firms doing business with the U.S. Government. In the past, U.S. companies doing business in the Middle East have not seemed to be sensitive to this policy.

The House has already expressed its desire that minority firms be included in the reconstruction of Kuwait. In report language accompanying the Desert Storm authorization and appropriations measures, the House has directed the Secretary of the Army to take steps to maximize minority participation in the rebuilding of Kuwait and to report to Congress on the progress of their efforts. But much more must be done.

Over the past 10 years, minority owned business has grown as a percentage of our Nation's economy, creating badly needed jobs in our communities. In the State of Michigan, alone, there are over 11,000 minority-owned enterprises, generating over $600 million of revenue a year. The owners and employees of these firms do not seek welfare. They do not seek special breaks or special treatment. All they seek is a fair share and a fair chance to compete equally in this society.

Mr. Speaker, our Nation has a normal obligation to do everything possible to make sure that minority businesses have a fair chance to compete for business in Kuwait. And the Kuwaiti Government has a moral obligation to extend opportunities to all Americans who fought bravely so that they might be free.

□ 2150

Mr. DYMALLY. Mr. Speaker, I want to thank the gentlewoman from Detroit, MI, Mrs. COLLINS, for her most eloquent statement and having the patience to wait here at this late hour to deliver her very comprehensive and instructive statement on the question of reconstruction in Kuwait.

Mr. Speaker, now it is my pleasure to yield to the gentleman from New Jersey [Mr. PAYNE], a friend and a colleague with whom I serve on the Committee on Foreign Affairs. He serves on that committee with great distinction.

Mr. PAYNE of New Jersey. Mr. Speaker, let me, first of all, compliment the distinguished gentleman from California [Mr. DYMALLY] for asking for this special order and compliment the gentlewoman from Michigan [Mrs. COLLINS] for her very thorough remarks. As relates to the distinguished career of the gentleman from California [Mr. DYMALLY], he has been in elective office throughout the State of California, including the Vice Governor or Deputy Governor of the State of California, Lieutenant Governor. In our State of New Jersey we do not have that position, but he was the Lieutenant Governor of California, and his tremendous knowledge of the world around us certainly gives me pleasure, and it is a privilege to serve with such a distinguished gentleman from this House.

Mr. Speaker, as the gentlewoman from Michigan [Mrs. COLLINS] indicated, from Crispus Attucks, the first American to shed his blood on the earth of this country back in April of 1770, to many other African-Americans, they served very well in times of war. We saw Peter Salem at the Battle of Bunker Hill who fired the shot that killed Major Pitcairn who led the Boston Massacre at that Battle of Bunker Hill when they said, "Don't fire until you see the whites of their eyes." It was an African-American who was the hero of that particular war.

Mr. Speaker, we can go on. The Rough Riders were well known because they were led by Teddy Roosevelt, a person who became our President, but little is it known that at one point Teddy Roosevelt's Rough Riders were about to be annihilated at San Juan Hill, and it was the Buffalo Soldiers, an African-American group of soldiers, who led the way and reached the top of San Juan Hill to save the Rough Riders. In World War I we saw Nihim Roberts and Private Robinson who singlehandedly, two persons, captured a whole brigade of Germans in the trench warfare where both of them, being wounded, continued to hurl grenades, and Mr. Nihim Roberts was a neighbor of mine and was a World War I hero who was captured.

So, we can go on and on about the many outstanding contributions made by African-Americans during times of wars, however, Mr. Speaker, I would hope that we would now think to the future, and I would like to indicate that I have put in a resolution, and I urge my colleagues here in the House of Representatives to support this very important resolution, that the gentleman from Ohio [Mr. STOKES] and the gentleman from Maryland [Mr. MFUME] and the gentlewoman from Maryland [Mrs. MORELLA] and I have introduced. Our plan will give women and minorities, who played such a vital role in the success of Operation Desert Storm, the opportunity to participate in a meaningful way in the rebuilding of Kuwait.

Throughout history, African-Americans have courageously answered the call to military service to our country. A recent production at Ford's Theater centered around the heroic actions during World War II of the Tuskegee airmen, black fighter pilots who flew over 1,500 combat missions and shot down more than 400 enemy aircraft. In the segregated era in which they served, these war heroes were not able to enjoy the full rights accorded other citizens when they returned home. We can't change history, we can't change the indignities suffered by veterans of past wars, but we can seize the present moment to ensure that in 1991, the doors of opportunity are open to every American.

The war in the Persian Gulf took a painful toll on my neighborhood in Newark, NJ, as one of our fine young men became the youngest casualty of Operation Desert Storm. Pvt. Robert Talley, 18 years of age, who attended the same high school that I did, lost his life in the desert before he had a chance to fulfill his hopes and dreams.

This morning's Washington Post carried a very moving photograph taken at Arlington National Cemetery at the funeral of Army Maj. Marie T. Rossi, a female pilot from Oradell, NJ, who was killed in a helicopter crash in Saudi Arabia.

Mr. Speaker, as we mourn the loss of these promising young people, it is fitting that we honor their memory by working for a better America where everyone has a chance to succeed.

We know from the Department of Labor statistics that we still have a long way to go. African-Americans, who serve in disproportionate numbers in the military, are vastly overrepresented in our national jobless rate. In 1989, the black unemployment rate was 11.4 percent compared to 4.5 percent for whites.

Despite progress, women have not attained economic equality in the American work force. On the average, a woman with a college degree still earns less than a man with a high school diploma. Statistics indicate that women working full-time, year-round, earn only 65 percent of what men make.

As the rebuilding of Kuwait gets underway, contracts will be awarded and jobs will become available. The Government of Kuwait has stated that it will be their policy to give favorable treatment to American companies for the 5-year rebuilding program. The resolution I have introduced along with my colleagues encourages the Government of Kuwait to award a significant number of contracts to women and minority-owned businesses as well as to small and disadvantaged firms. We are also asking the help of President Bush, Secretary of Defense Cheney, the Secretary of the Army, and the heads of several U.S. Government agencies involved in the reconstruction process.

Mr. Speaker, there are many ways to show patriotism and to honor those who have served our country. I believe that one of the best ways is to shape a future that gives all citizens the opportunity to fulfill the American dream. I urge my colleagues in Congress to support our resolution as we move forward to rebuild Kuwait and to reaffirm our own sense of purpose and resolve.

□ 2200

Mr. DYMALLY. Mr. Speaker, the eloquent and relevant remarks of the gentlewoman from Michigan [Mrs. COLLINS] and the gentleman from New Jersey [Mr. PAYNE], makes my task rather easy. Because the hour is late, I shall not elaborate on what they have already stated.

Mr. Speaker, the purpose of our coming here today is to impress upon the United States Government, the public and private sectors, and the Government of Kuwait, the need to use this amount of talents that we have available here in America among the African-American community to help reconstruct Kuwait. We have African-American companies, Mr. Speaker, who worked on the Patriot missile, on the recycling of desert waste water, and a number of areas in construction, highway construction, and buildings.

Mr. Speaker, the Department of State has compiled a list of minority firms which have worked on the construction of embassies overseas. I might add, the Department of State has done an outstanding job in putting this together.

Mr. Speaker, I simply want to enter into the RECORD some relevant information for Members of the House to supply to constituents who have made inquiries. I am told that many of those constituents have been calling incessantly about the opportunities in Kuwait.

Mr. Speaker, first I want to enter into the RECORD information about contacts relevant to the reconstruction of Kuwait. This deals with the general information and business counseling, the Kuwaiti Government Commercial Office, the United States Army Corps of Engineers, the United States Foreign Service, and employment information for individuals.

Mr. Speaker, the Department of Labor suggests an application be filed with the State Employment Office. The number for the local office is listed in the Government pages of the phone book under "Employment" or "Job Service."

Contacts for Information on the Reconstruction of the Gulf

GENERAL INFORMATION AND BUSINESS COUNSELING

Gulf Reconstruction Center, U.S. Department of Commerce, Room 2039, Washington, DC 20230. Telephone: (202) 377–5767.

KUWAIT GOVERNMENT COMMERCIAL OFFICE

Kuwait Coordination and Follow-up Center, 1510 H Street, NW, Washington, DC 20005. Fax: (202) 508–0280. Telephone: (202) 508–0251 or 0250. Dr. A. Al-Awadi, Deputy Director.

U.S. ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers, Middle East Division, P.O. Box 2250, Winchester, Virginia 22601–1450. Telephone: (703) 665–3798/3632/3683.

U.S. AND FOREIGN COMMERCIAL SERVICE

Riyadh, Saudi Arabia: Dirck Teller or Gene Heck. Telephone: 966–1–488–3880 x527. Fax: 966–1–488–3237.

Dhahran, Saudi Arabia: Carmine D'Aloisio. Telephone: 966–3–891–8332. Fax: 9666–3–891–8332.

Jeddah, Saudi Arabia: Mike Frisby. Telephone: 966–2–667–0040. Fax: 966–2–665–8106.

EMPLOYMENT INFORMATION

The Department of Labor suggests an application be filed with the state employment office. The number for the local office is listed in the government pages of the phone book under "employment" or "job services". Through the public employment service, applications will be given employers seeking workers to help with reconstruction in the Gulf region.

TRAVEL ADVISORIES

Telephone: (202) 647–0900.

Mr. Speaker, second, I want to enter some ways for minorities and small business to participate in the reconstruction of Kuwait. I have ways by which they can do that, as well as suggestions for further action in the House.

The Department of Commerce has a Gulf Reconstruction Center which will provide information on reconstruction opportunities in Kuwait. The Minority Business Development Agency last week formed the Kuwait Reconstruction Task Force. The Minority Business Development Centers across the country are listed in the information which I shall enter into the RECORD.

The U.S. Small Business Administration offers financial and procurement assistance, which includes an SBA answer disk, a procurement automated source system, SBA financial assistance, which offers loan guarantees to eligible small businesses for export-related activities in the area of general business loans, export revolving line of credit, and international credit loans.

Then the U.S. Small Business Administration has also put out a fact sheet on gulf reconstruction, which I trust will be very helpful to Members who are anxious to supply this information to their constituents.

OPIC, Overseas Private Investment Corporation, has programs for U.S. companies participating in the reconstruction of Kuwait.

Some Ways for Minority/Small Business To Participate in the Reconstruction of Kuwait

(1) Entering into partnerships with Kuwaiti firms, i.e., joint ventures or entering into Agency agreements with Kuwaiti agencies.

(2) Subcontracting with major U.S. Contractors. The problem here is that minority subcontracting/affirmative action record of these major US firms is very bad.

It is hoped that the Government of Kuwait will also allow direct contracts by Small/Minority businesses through the old practice of splitting a large contract into several components. For example: a 100-House contract would be split into 5 contracts each for 20-housing units.

Suggestions of further action in the House:

(1) To invite Dr. A. Al-Awadi, Deputy Director of the Kuwait Coordination and Follow-up Center to testify before the appropriate Committees or brief members of Congress on the procedures of his office for small and miority businesses.

(2) To invite major contractors like Bechtel and Flour to testify on the plans and procedures to involve minority business enterprises on the subcontract level.

Currently, in response to the demands and initiatives of Members of the Congressional Black Caucus, the U.S. Army Corps of Engineers is developing a data system of small businesses which will be used in subcontracting, if the U.S. Army Corps of Engineers obtains contracts beyond the initial emergency phase.

Department of Commerce:

(1) The Gulf Reconstruction Center: Currently open 7-days a week; tel. (202) 377–5767.

Address: Gulf Reconstruction Center, U.S. Department of Commerce, Room 2039, Washington, DC 20230.

Will provide info. on reconstruction opportunities in Kuwait, and joint ventures with Kuwaiti contractors.

(2) Commerce Offices in Saudi Arabia have business lists which are provided to the Kuwaiti private and public sectors.

(3) Minority Business Development Agency (MBDA): Last week MBDA formed the Kuwait Reconstruction Taskforce. This will gather information on available business opportunities for minority businesses and distribute it daily to its 107 Minority Business Development Centers which are located in every state.

To get the telephone number and address of the Minority Business Development Center Office nearest to you, call the MBDA Regional Office which serves your area. For instance if you live in California then you look up the San Francisco Region in the middle of the page to locate the number of Los Angeles MBDC.

(4) The Trade Promotion Coordinating Committee which includes representatives from 18 Agencies. Apparently, this committee will be organizing four trade missions to Kuwait, under the leadership of Secretary Mosbacher. We nonetheless, hope that Minorities, and African Americans will be included on these trips, unlike on tomorrow's freedom trip.

The Minority Business Development Agency Provides Assistance Through Its Network of Minority Business Development Centers

The core of the Minority Business Development Agency (MBDA) program is its nationwide network of Minority Business Development Centers (MBDCs). These centers provide the services that result in an increase in the formation and expansion of minority-owned businesses, a decrease in the failure rate of minority businesses, and an increase in business opportunities for minority entrepreneurs in U.S. and international markets.

Offering full business assistance services in 36 states, the District of Columbia, the Virgin Islands, and Puerto Rico—MBDCs are operated in large metropolitan areas by business development organizations funded annually by MBDA to assist minority individuals.

MBDCs counsel individuals on accounting, administration, business planning, inventory control, negotiations, referrals, networking, construction contracting and subcontracting, marketing, and on SBA's 8(a) certification to participate in minority set-aside contracting opportunities with the Federal Government. They provide managerial and technical assistance for bonding, bidding, estimating, financing, procurement, international trade, franchising, acquisitions, mergers, joint ventures, and leveraged buyouts.

Atlanta Region

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Carlton Eccles, MBDA Regional Director, 401 W. Peachtree St., N.W., Suite 1930, Atlanta, GA 30308, 404/730–3300, FTS 267–3300.

Rodolfo Suarez, District Officer, MBDA Miami District Office, Federal Office Building, Room 1340, 51 S.W. First Ave., P.O. Box 25, Miami, FL 33130, 305/536–5054, FTS 350–5054.

Atlanta MBDC, 75 Piedmont Ave., N.E., Suite 256, Atlanta, GA 30303, 404/586–0973.

Augusta MBDC, 1208 Laney Walker Blvd., Augusta, GA 30901–2796, 404/722–0994.

Birmingham MBDC, 2100 16th Ave. South, Suite 203, Birmingham, AL 35205, 205/930–9254.

Charleston MBDC, 701 E. Bay St., Suite 1539, Charleston, SC 29403, 803/724–3477.

Cherokee IBDC, Alquoni Rd., Box 1200, Cherokee, NC 28719, 704/497–9335.

Cherokee IBDC, 165 French Broad Ave., Asheville, NC 28801, 704/252–2516.

Columbia MBDC, 2711 Middleburg Drive, Suite 114, Columbia, SC 29204, 803/256–0528.

Columbus MBDC, 1214 First Ave., Suite 430, Columbus, GA 31902–1696, 404/324–4253.

Fayetteville MBDC, 114–1/2 Anderson St., Fayetteville, NC 28302, 919/483–7513.

Greenville/Spartanburg MBDC, 300 University Ridge, Suite 200, Greenville, SC 29601, 803/271–8753.

Jackson MBDC, 5285 Galaxie Drive, Suite A, Jackson, MS 39206, 601/362–2260.

Jacksonville MBDC, 333 N. Laura St., Suite 465, Jacksonville, FL 32202–3508, 904/353–3826.

Louisville MBDC, 611 West Main St., 4th Floor, Louisville, KY 40202, 502/589–7603.

Memphis MBDC, 5 North Third St., Suite 2000, Memphis, TN 38103, 901/527–2298.

Miami/Ft. Lauderdale MBDC, 1200 N.W. 78th Ave., Suite 301, Miami, FL 33126, 305/591–7355.

Mobile MBDC, 801 Executive Park Drive, Suite 102, Mobile, AL 36606, 205/471–5165.

Montgomery MBDC, 770 S. McDonough St., Suite 207, Montgomery, AL 36104, 205/834–7598.

Nashville MBDC, 404 J. Robertson Pkwy., Suite 1920, Nashville, TN 37219, 615/255–0432.

Orlando MBDC, 132 E. Colonial Dr., Suite 211, Orlando, FL 32801, 407/422–6234.

Raleigh/Durham MBDC, 817 New Bern Ave., Suite 8, Raleigh, NC 27601, 919/833–6122.

Savannah MBDC, 31 W. Congress St., Suite 201, Savannah, GA 31401, 912/236–6708.

Tampa/St. Petersburg MBDC, 4601 W. Kennedy Blvd., Suite 200, Tampa, FL 33609, 813/289–8824.

West Palm Beach MBDC, 2001 Broadway, Suite 301, Riveria Beach, FL 33404, 407/393–2530.

Chicago Region

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin.

David Vega, MBDA Regional Director, 55 E. Monroe St., Suite 1440, Chicago, IL 60603, 312/353–0182, FTS 353–0182.

Chicago 1 MBDC, 35 E. Wacker Dr., Suite 790, Chicago, IL 60601, 312/977–9190.

Chicago 2 MBDC, 700 One Prudential Plaza, Chicago, IL 60601, 312/565–4710.

Cincinnati MBDC, 113 W. Fourth St., Suite 600, Cincinnati, OH 45202, 513/381–4770.

Cleveland MBDC, 601 Lakeside, Suite 335, Cleveland, OH 44114, 216/664–4150.

Cleveland MBDC, 6200 Frank Road, N.W., Canton, OH 44720–7299, 216/494–6170.

Columbus MBDC, 37 North High St., Columbus, OH 43215, 614/225–6959.

Gary MBDC, 567 Broadway, Gary, IN 46402, 219/883–5802.

Indianapolis MBDC, 617 Indiana Ave., Suite 319, Indianapolis, IN 46202, 317/685–0055.

Kansas City MBDC, 414 East 12th Street, Kansas City, MO 64106, 816/274–2201.

Milwaukee MBDC, 3929 N. Humboltd Blvd., Milwaukee, WI 53212, 414/332–6268.

Minneapolis MBDC, 2021 E. Hennepin Ave., Suite LL 35, Minneapolis, MN 55413, 612/331–5576.

Minnesota IBDC, 3045 Farr Ave., Cass Lake, MN 56633, 218/335–8583.

St. Louis MBDC, 500 Washington Ave., Suite 1200, St. Louis, MO 63101, 314/621–6232.

Dallas Region

Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming.

Melda Cabrera, MBDC Regional Director, 1100 Commerce St., Room 7B23, Dallas, TX 75242, 214/767–8001, FTS 727–8001.

Albuquerque MBDC, 718 Central S.W., Albuquerque, NM 87102, 505/843–7114.

Austin MBDC, 301 Congress Ave., Suite 1020, Austin, TX 78701, 512/476–9700.

Baton Rouge MBDC, 2036 Woodale Blvd., Suite D, Baton Rouge, LA 70806, 504/924–0186.

Beaumont MBDC, 550 Fannin, Suite 106A, Beaumont, TX 77701, 409/836–1377.

Brownsville MBDC, 2100 Boca Chica, Suite 301, Brownsville, TX 78521–2265, 512/546–3400.

Corpus Christi MBDC, 3649 Leopard, Suite 514, Corpus Christi, TX 78404, 512/887–7961.

Denver MBDC, 303 Arapahow, Suite 202, Denver, CO 80205; 303/296–5590.

El Paso MBDC, 1312–A East Rio Grande St., El Paso, TX 79902; 915/544–2700.

Houston MBDC, 1200 Smith St., Suite 2800, Houston, TX 77002; 713/650–3831.

Laredo MBDC, 777 Calle Del Norte, No. 2, Laredo, TX 78401, 512/725–5177.

Little Rock MBDC, One Riverfront Place, Suite 415, North Little Rock, AR 72114, 501/372–7312.

Lubbock/Midland-Odessa MBDC, 1220 Broadway, Suite 509, Lubbock, TX 79401, 806/762–6232.

McAllen MBDC, 1701 W. Bus., Hwy. 83, Suite 1108, McAllen, TX 78501, 512/687–5224.

New Mexico IBDC, 2401 Twelfth St., N.W., Albuquerque, NM 87197–6507, 505/889–9092.

North Dakota IBDC, 3315 University Dr., Bismarck, ND 58501–7596, 701/255–3225.

Oklahoma City MBDC, 1500 N.E. 4th St., Suite 101, Oklahoma City, OK 73117, 405/235–0430.

Oklahoma IBDC, 5727 Garnett, Suite H, Tulsa, OK 74146, 918/250–5960.

Salt Lake City MBDC, 350 East 500 South, Suite 101, Salt Lake City, UT 84111, 801/328–8181.

San Antonio MBDC, UTSA, Hemisphere Tower, San Antonio, TX 78285, 512/224–1945.

Shreveport MBDC, 820 Jordan St., Suite 105, Shreveport, LA 71101, 318/226–4931.

Tulsa MBDC, 240 East Apache St., Tulsa, OK 74106, 918/592–1995.

New York Region

Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont, Virgin Islands.

John Iglehart, MBDA Regional Director, 26 Federal Plaza, Room 3720, New York, NY 10278, 212/264–3262, FTS 264–3262.

Shelley Schwartz, District Officer, MBDA Boston District Office, 10 Causeway St., Room 418, Boston, MA 02222–1041, 617/565–6850, FTS 835–6850.

Boston MBDC, 985 Commonwealth Ave., Room 201, Boston, MA 02215, 617/353–7060.

BRONX MBDC, 2027 Williamsbridge Road, Bronx, NY 10461, 212/824–1563.

Brooklyn MBDC, 16 Court St., Room 1903, Brooklyn, NY 11201, 718/522–5880.

Buffalo MBDC, 523 Delaware Ave., Buffalo, NY 14202, 716/885–0336.

Connecticut MBDC, 410 Asylum St., Suite 243, Hartford, CT 06103, 203/246–5371.

Harlem MBDC, 2090 Adam Clayton Powell Blvd., Room 604, New York, NY 10027, 212/749–8604.

Manhattan MBDC, 51 Madison Ave., Suite 2212, New York, NY 10010, 212/779–4360.

Mayaguez MBDC, 70 West Mendez Bigo, P.O. Box 3146 Marine Station, Mayaguez PR 00708, 809/833–7783.

Nassau/Suffolk MBDC, 150 Broad Hollow Road, Suite 304, Melville, NY 11747, 516/549–5454.

New Brunswick MBDC, 100 Jersey Ave., Bldg. D, Suite 3, New Brunswick, NJ 08901, 908/249–5511.

Newark MBDC, 60 Park Place, Suite 1404, Newark, NJ 07102, 201/623–7712.

Ponce MBDC, 19 Salud St., Ponce, PR 00731, 809/840–8100.

Queens MBDC, 110–29 Horace Harding Expwy., Corona, NY 11368, 718/699–2400.

Rochester MBDC, 350 North Street, Rochester, NY 14615, 716/232–6120.

San Juan MBDC, 122 Eleanor Roosevelt St., Hato Rey, PR 00918, 809/753–8484.

Virgin Islands MBDC, 81–AB Kronprindsens Gade, P.O. Box 838, St. Thomas, VI 00804, 809/774–7215.

Williamsburg/Brooklyn MBDC, 12 Heywood St., Brooklyn, NY 11211, 718/522–5620.

San Francisco Region

Alaska, America Samoa, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington.

Xavier Mena, MBDA Regional Director, 221 Main St., Room 1280, San Francisco, CA 94105, 415/744–3001, FTS 484–3001.

Joseph Galindo, Rodolfo Guerra, District Officers, MBDA Los Angeles District Officers, 977 North Broadway, Suite 201, Los Angeles, CA 90012 213/894–7157, FTS 798–7157.

Alaska MBDC, 1577 C St. Plaza, Suite 200, Anchorage, AK 99501, 907/274–5400.

Anaheim MBDC, 6 Hutton Centre Dr., Suite 1050, Santa Ana, CA 92707, 714/434–0444.

Arizona IBDC, 2111 East Baseline Road, Suite F–8, Tempe, AZ 85283, 602/831–7524.

Arizona IBDC, 2070 East Southern Ave., Tempe, AZ 85282, 602/946–2635.

Bakersfield MBDC, 218 South H St., Suite 103, Bakersfield, CA 93304, 805/837–0291.

California IBDC, 9650 Flair Dr., Suite 303, El Monte, CA 91731–3008, 818/442–3701.

Fresno MBDC, 2010 N. Fine, Suite 103, Fresno, CA 93727, 209/252–7551.

Honolulu MBDC, 1001 Bishop St., Suite 2900, Honolulu, HI 96813, 808/536–0066.

Las Vegas MBDC, 716 South Sixth St., Las Vegas, NV 89101, 702/384–3293.

Los Angeles 2 MBDC, 3807 Wilshire Blvd., Suite 700, Los Angeles, CA 90010, 213/380–9471.

Oxnard MBDC, 451 W. Fifth St., Oxnard, CA 93030, 805/483–1123.

Phoenix MBDC*, (For information contact the San Francisco Regional Office.)

Portland MBDC, 8959 S.W. Barbur Blvd., Suite 102, Portland, OR 97219, 503/245–9253.

Riverside MBDC, 1060 Cooley Dr., Suite F, Colton, CA 92324, 714/824–9695.

Sacramento MBDC, 530 Bercut Drive, Suite C&D, Sacramento, CA 95814, 916/443–0700.

Salinas MBDC, 14 Maple St., Suite D, Salinas, CA 93901, 408/422–8825.

San Diego MBDC, 6495 Alvarado Court, Suite 106, San Diego, CA 92120, 619/594–3684.

San Francisco/Oakland MBDC, One California St., Suite 2100, San Francisco, CA 94111, 415/989–2920.

San Francisco/Oakland MBDC, 1000 Broadway, Suite 270, Oakland, CA 94607, 415–465–6756.

San Jose MBDC, 150 Almaden Blvd., Suite 600, San Jose, CA 95150, 408/275–9000.

Santa Barbara MBDC, 4141 State St., Suite B–4, Santa Barbara, CA 93110, 805/964–1136.

Seattle MBDC, 156 N.E. 100th Ave., Suite 401, Seattle, WA 98125, 206/525–5617.

Stockton MBDC, 5361 N. Pershing Ave., Suite A–1, Stockton, CA 95207, 209/477–2098.

Tucson MBDC, 181 W. Broadway, Tucson, AZ 85702–0180, 601/629–9744.

Washington Region

Delaware, Maryland, Pennsylvania, Virginia, Washington, D.C., West Virginia.

Georgina Sanchez, MBDC Regional Director, 14th & Const. Ave., NW, Room 6711, Washington, DC 20230, 202/377–8275, FTS 377–8275.

Alphonso Jackson, District Officer, MBDC Philadelphia District Office, Federal Office Bldg., 600 Arch St., Room 10128, Philadelphia, PA 19106, 215/597–9236, FTS 597–9236.

Baltimore MBDC, 2901 Druid Park Drive, Suite 201, Baltimore, MD 21215, 301/383–2214.

Newport News MBDC, 5060 Jefferson Ave., Suite 6016, Newport News, VA 23605, 804/245–8743.

Norfolk MBDC, 355 Crawford Parkway, Suite 608, Portsmouth, VA 23701, 804/399–0888.

Philadelphia MBDC, 125 North 8th St., 4th Floor, Philadelphia, PA 19106, 215/629–9841.

Pittsburgh MBDC, Nine Parkway Center, Suite 250, Pittsburgh, PA 15220, 412/921–1155.

Richmond MBDC, (For information, contact the Washington Regional Office.)

Washington MBDC, 1133–15th St., NW, Suite 1120, Washington, DC 20005, 202/785–2886.

THE U.S. SMALL BUSINESS ADMINISTRATION (SBA)

Offers several financial and procurement assistance which include:

SBA Answer Desk;

The Procurement Automated Source System (PASS);

SBA Financial Assistance which offers loan guarantees to eligible small businesses for export related activities: General Business Loan; Export Revolving Line of Credit; International Trade Loan.

FACT SHEET ON GULF RECONSTRUCTION

The U.S. Small Business Administration (SBA) offers several financial and procurement assistance and business counseling programs that may prove useful to small businesses and individuals interested in Kuwait and Persian Gulf reconstruction opportunities.

SBA ANSWER DESK: 1-800-U-ASK-SBA.

Small business firms and individuals interested in general information about how the SBA can help them take advantage of reconstruction opportunities in Kuwait and the Persian Gulf should call SBA's Answer Desk by dialing 1-800-U-ASK-SBA (1-800-827-5722). The Answer Desk operates from 9:00 a.m. to 5:00 p.m., Monday through Friday.

PASS: (202) 205-6469.

Small businesses interested in subcontracting opportunities relating to the reconstruction of Kuwait should enter their names on the Procurement Automated Source System (PASS). PASS is a computerized directory containing detailed profiles of more than 200,000 small business firms interested in government prime and subcontracts. This automated directory can be used by government agencies and prime contractors to find small business sources and develop bidders lists for Persian Gulf reconstruction projects. There is no cost for listing a small firm in PASS. To receive an application call the SBA Answer Desk. Government agencies and large prime contractors that want direct access to the PASS computer directory or further information on the PASS system should call (202) 205-6469.

SBA FINANCIAL ASSISTANCE

The SBA offers a variety of loan guarantees to eligible small businesses. Among the guarantee programs available for export related activity are:

General Business Loan—Available to finance a wide range of business activity, including purchases of plant and equipment. The SBA's guarantee portion on these loans may not exceed $750,000.

Export Revolving Line of Credit.—A short-term available to provide working capital for export transactions, the Export Revolving Line of Credit is available for up to three years. During the life of the loan, the borrower may draw down on the loan as needed to finance the export activity. SBA's guaranty portion may not exceed $750,000.

International Trade Loan.—The SBA will guarantee loans of up to $1 million to finance purchases of plant and equipment to be used for export purposes. An additional $250,000 guarantee is available for working capital.

Call the SBA Answer Desk for the number of your local SBA district office, where a loan officer will provide additional information on each of these loan programs.

PROCUREMENT ASSISTANCE

The offices of Procurement Assistance and International Trade in SBA Regional Offices can provide the contact points in other government agencies and large private contractors that have procurement opportunities related to the Kuwait/Gulf Reconstruction Project. Call the SBA Answer Desk for the number of the SBA Regional Office nearest you.

EXPORT COUNSELING

Counseling on exporting is available though Small Business Development Centers and the Service Corps of Retired Executives (SCORE). For information on these programs, please call your local SBA district office.

OPIC PROGRAMS FOR UNITED STATES COMPANIES PARTICIPATING IN THE RECONSTRUCTION OF KUWAIT

INVESTOR SERVICES

OPIC is preparing a number of programs designed to inform the U.S. private sector of the contracting and investment opportunities in Kuwait.

Kuwait Seminar.—This will be a one day seminar in Washington with briefings from the government of Kuwait, OPIC, and other U.S. government agencies engaged in the reconstruction process. The purpose of the seminar will be to inform participants of the efforts underway, the opportunities available, and the procedures for getting involved in the Kuwaiti reconstruction process.

Contractors Mission.—Preliminary preparations are already underway to lead a mission of U.S. contractors to Kuwait after the termination of hostilities. This mission, to be organized in cooperation with the U.S. Department of Commerce and the Government of Kuwait, will allow U.S. companies to investigate specific investment and contracting opportunities first hand, as well as provide them with direct access to the public and private sector purchasing agents in Kuwait.

To be placed on the mailing list for these programs please write or phone:

John Hereford, Investment Development Associate, OPIC, 1615 M Street, N.W., Washington, D.C. 20527; (202) 457-8210.

FINANCE

OPIC offers a finance program to assist small business contractors in Kuwait. Small businesses are deemed to be industrial firms having general sales of less than $142 million and nonindustrial firms having a net worth of less than $48 million.

This program is designed to assist small contractors who have difficulty getting a financial institution to issue standby letters of credit or other instruments used as performance and advance payment guaranties for projects in Kuwait.

OPIC will guarantee an eligible bank or other financial institution against all risks for up to 75% of the letter of credit issued on behalf of the contractor in favor of the project owner.

CONTRACTORS INSURANCE

Efforts to rebuild the Kuwaiti economy are well under way. As part of the U.S. Government's effort to assist in this process, OPIC offers political risk insurance coverage to American contractors in Kuwait.

OPIC's Contractors and Exporters insurance program can help minimize the risks associated with doing contractor's business in the Gulf region.

OPIC can insure against wrongful calling of bid, performance or advance payment guaranties, customs bonds, and other guaranties, usually issued in the form of bank standby letters of credit. OPIC also provides suppliers of goods and services with political risk protection against loss of bank accounts and or damage to physical assets due to politically motivated violence, as well as protection against resolved contractual disputes with a foreign buyer.

Insurance offered under this program can protect a wide range of U.S. companies in such service industries as engineering, drilling, hotel and hospital management, construction, and telecommunications.

If you have questions regarding these or any other OPIC programs, please write or phone:

Information Officer, OPIC, 1615 M Street, N.W., Washington, D.C. 20527; Tel: (202) 457-7087.

Mr. Speaker, the chairman of the Congressional Black Caucus, the gentleman from New York [Mr. TOWNS], wishes to enter a statement in the RECORD. I would like to read one or two paragraphs.

The gentleman states:

Mr. Speaker, I would like to commend my colleague from California for providing us with an opportunity to discuss the participation of minority businesses in the reconstruction efforts in Kuwait. The Government of Kuwait is to be commended for awarding the lion's share of its reconstruction contracts to the United States, because of our assistance in liberating their country. It is important, however, that minorities benefit from the economic opportunities which will be made available due to the reconstruction of Kuwait's infrastructure.

To date, of the $28.2 million in awards by the Army Corps of Engineers, none of these funds have gone to minority firms. History has shown that minority Americans are often "the first to fight, but the last to prosper." Unfortunately, history seems to be repeating itself.

Mr. Speaker, the gentleman from New York [Mr. TOWNS] continues, but I shall enter his statement in the RECORD:

STATEMENT OF HON. EDOLPHUS TOWNS

Mr. Speaker, I would like to commend my colleague from California for providing us with an opportunity to discuss the participation of minority business in the reconstruction efforts in Kuwait. The Government of Kuwait is to be commended for awarding the lion's share of its reconstruction contracts to the United States because of our assistance in liberating their country. It is important, however, that minorities benefit from the economic opportunities which will be made available due to the reconstruction of Kuwait's infrastructure. To date of the $28.2 million in awards by the Army Corps of Engineers none of the funds have gone to minority firms. History has shown that minority Americans are often "the first to fight but the last to prosper". Unfortunately, history seems to be repeating itself.

The sacrifices of minority men and women in the Persian Gulf conflict are well-documented. Over 30 percent of the ground troops in the Persian Gulf were minorities. Close to 50 percent of the service women in the conflict were blacks and other minorities. Among some of the first casualties in the gulf were minority servicemen. In fact, news reports indicate that perhaps the youngest American casualty was a young black man from Newark. At age 18, Pvt. Robert Talley joined the Army in December of last year hoping to take advantage of the Army's educational benefits so that he could be a doctor one day. Unfortunately, Private Talley will not be able to fulfill his dream but other young minority men and women should not be denied an opportunity to participate in the economic benefits which will now be available because of his sacrifice and the sacrifices of so many others.

While the House has included language in both the emergency supplemental appropriations bill and the Desert Storm authorization bill urging that minority businesses be included in the reconstruction effort, I am hopeful that the Army Corps of Engineers and the Department of Commerce will develop its own plan of action to ensure a high level of participation for minority businesses. Let me say that the administration should not be caught up in excuses and bureaucratic snags when it comes to including minority businesses. I would also like to encourage the prime contractors who have already received awards from the Army Corps of Engineers to include minorities in their subcontracting operations. Finally, Kuwait's Ambassador to the United States has agreed to meet with the Congressional Black Caucus specifically on this issue. We look forward to discussing these issues with him some time next month. In the interim, I hope that the administration will acknowledge the services of minority Americans in the gulf conflict and ensure that they participate in the economic benefits.

Mr. Speaker, we next have a letter from the Citizens for a Free Kuwait addressed to Gen. Colin Powell. In part the letter reads:

It is especially important at this time of victory that we acknowledge the vast African-American contribution to these efforts on behalf of our liberation and the upholding of international law and order. The participation of such large numbers of African-American men and women, separated from loved ones for many months, who have served with such outstanding distinction, gives us cause for genuine admiration. We are aware that their blood, which has been shed in defense of freedom, liberty, and justice, along with the ultimate sacrifices made by other Americans and members of the allied coalition, makes it all the more imperative that we restore Kuwait in its full commitment to these democratic values.

CITIZENS FOR A FREE KUWAIT,
Falls Church, VA, March 12, 1991.

Gen. COLIN L. POWELL,
Chairman, Joint Chiefs of Staff,
The Pentagon, Washington, DC.

DEAR GENERAL POWELL: Now that the struggle for the restoration of Kuwait's sovereignty has been won and the Iraqi aggression which threatened the very basis of the international order defeated, I wish to take this opportunity not only to renew the cordial personal contacts which I had with you during these past months of trial, but to thank you most sincerely for the magnificent leadership which you have demonstrated.

Personally, and on behalf of our organization, Citizens for a Free Kuwait, I also wish to extend to all of the valiant Armed Forces under your command, the gratitude of Kuwaitis everywhere for their sacrifices.

It is especially important at this time of victory that we acknowledge the vast African-American contribution to these efforts on behalf of our liberation and the upholding of international law and order. The participation of such large numbers of African-American men and women, separated from loved ones for many months, who have served with such outstanding distinction, gives us cause for genuine admiration. We are aware that their blood, which has been shed in defense of freedom, liberty and justice, along with the ultimate sacrifices made by other Americans and members of the Allied Coalition, makes it all the more imperative that we restore Kuwait in its full commitment to these democratic values. I hasten to point out in this context that although Kuwait makes no mention of color or race in its own self definition, that Africa has contributed substantially to the very substance of the Kuwaiti people. Priding ourselves on being a non-racial society we sincerely hope that the common struggle for freedom will redound to the national and ethnic well being of African-Americans as well as our own.

I am taking the liberty, General Powell, of releasing this letter to the press for appropriate public information.

Sincerely,

H.A. AL-EHRAHEEM, Ph.D.,
President.

□ 2110

Mr. Speaker, I wrote Secretary Mosbacher a letter which brought to his attention a press story about the reconstruction of Kuwait, a list of companies which will participate in Kuwait, none of which were from minority communities, and the existence of a task force in the Department of Commerce.

We also, at the suggestion of Gen. Colin Powell, wrote Secretary Michael Stone in the Department of Army about the role of the Corps of Engineers.

Then, to summarize most of these activities, I sent out on March 7 a letter to members of the Congressional Black Caucus in which I pointed out that African-Americans' participation in the gulf war was larger than all of the Western allies together. The total was about 121,800. Britian had 35,000, France had 13,500, a total of 48,000.

Even the Arab partners, Egypt, 40,000; Syria, 40,000, a total of 80,000. So, we see that African-Americans played a significant role in this whole effort.

Finally, Mr. Speaker, I am entering into the RECORD awards by the United States Army Corps of Engineers for the restoration of infrastructure in the state of Kuwait, and listed here are the companies which so far have benefited. I note with some regret, Mr. Speaker, that none of these companies here come from the African-American community.

The material referred to follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, February 21, 1991.

Hon. ROBERT A. MOSBACHER,
Secretary, U.S. Department of Commerce, Washington, DC.

DEAR MR. SECRETARY: My staff has brought to my attention:

1. A press story which reported that a reconstruction effort has begun for post occupation Kuwait.

2. A list of companies which will participate in the Kuwait's reconstruction.

3. The existence of a Task Force in the Department of Commerce working on this project.

I was struck by the absence of any involvement of minority firms in this project.

Given the large number of minority servicemen and women in the Persian Gulf fighting to restore the Government of Kuwait, I am alarmed about the failure of your department to comply with the affirmative action policy and law in your proposal.

This is a very disturbing development and I would like to pursue this issue with the principals in your department working on this project.

I look forward to hearing from you. With very best wishes.

Sincerely,

MERVYN M. DYMALLY,
Chairman, Subcommittee on Africa.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1991.

Secretary MICHAEL P. STONE,
Department of the Army,
The Pentagon, Washington, DC.

DEAR SECRETARY STONE: I am writing you at the recommendation of the Chairman of the Joint Chiefs of Staff, General Colin Powell, regarding ensuring the participation of minority businesses in the reconstruction of Kuwait.

In the spirit of the President's recent statement that the Armed Services are the nation's largest equal opportunity employer, and since minorities account for 28.2% of Operation Desert Storm, many in the U.S. Congress, and certainly around the nation are alarmed about the absence of minority participation in the reconstruction of Kuwait.

I understand that the Department of the Army played and is still playing a significant role in the reconstruction effort both through the Army's Civil Affairs Unit, which is on loan to the Kuwaiti Task Force, and the U.S. Army Corps of Engineers.

Given that minority businesses, according to press reports, are starting out at a disadvantage, I would greatly appreciate hearing from you as soon as possible regarding the following:

(1) What exactly is the role of the Army in the reconstruction effort?

(2) What are the U.S. Army Corps of Engineers' plans to ensure minority business participation?

(3) What has been the participation of minority business in the reconstruction effort?

(4) How does a U.S. business ensure its participation in the reconstruction effort, assuming that a procedure is developed to ensure some uniformity in the bidding process?

(5) Who are the staff persons within both the Army Civil Affairs Unit and the U.S. Army Corps of Engineers, or any other federal government entity, who are playing critical roles in the reconstruction, and who serve as a point of contact for minority business contractors?

Finally, I would appreciate a briefing as soon as possible on the Army's efforts to ensure minority participation in the reconstruction effort. Please feel free to contact me or Marwan Burgan, my Legislative Director, at 225-5425 to arrange a time for the briefing.

Sincerely,

MERVYN M. DYMALLY,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 1991.

DEAR CBC COLLEAGUE:

This is to update you on some initiatives which have been taken regarding the inclusion of minority firms in the reconstruction of Kuwait:

(1) On February 21, 1991, I raised the issue of Minority participation with the Kuwaiti Ambassador during a Foreign Affairs briefing (the Ambassadors of Saudi Arabia and Egypt were both present).

(2) On the same day I sent a letter to Secretary Mosbacher expressing my concern about the absence of minority firms involvement in the Commerce Department task force for the reconstruction of Kuwait. (Two

weeks later, the Secretary of Commerce still has not responded to my letter).

(3) I followed up with the Ambassador of Kuwait by sending him a letter explaining the difference between providing economic opportunity to minorities who disproportionately participated in the liberation of Kuwait, and what he misunderstood as race relations in Kuwait. [African-Americans' (121,795) participation in the Gulf war was larger than all the western allies together (Britain 35,000; France 13,550; total 48,550) or even the major Arab partners (Egypt 40,500; Syria 40,000; total 80,500)].

(4) During the CBC meeting with General Colin Powell on February 26, 1991, I raised the issue of minority inclusion by the US Corps of Engineers.

(5) Based on the recommendation of General Powell, I sent a letter to the Secretary of the Army requesting information on Minority participation in the Corps of Engineers current work in Kuwait.

(6) My staff met with Kuwaiti Embassy personnel dealing with the reconstruction effort, again to explain the need for minority participation.

(7) I have met with the Deputy Chief of Mission of the Embassy of Saudi Arabia again to explain this issue.

(8) Congressman Dixon has introduced report language in the Desert Storm Supplemental Appropriations bill requesting that the U.S. Army Corps of Engineers make every effort to use and encourage the Government of Kuwait to use small, disadvantaged and minority businesses in any contracts and subcontracts, and to include small, disadvantaged, and minority businesses on the list of prequalified companies provided by the Corps of Engineers to the Government of Kuwait, and requesting a report by June 3, 1991 on the extent of minority participation of small and disadvantaged businesses in the reconstruction of Kuwait.

(9) During a Subcommittee on Africa hearing, Congressman Payne announced plans to introduce an initiative to enhance minority participation in Kuwait's reconstruction.

(10) Congressman Stokes is introducing a sense of Congress resolution to encourage the participation of minority businesses in Kuwait.

(11) Congressman Dellums introduced report language in the Desert Storm Authorization requiring that the U.S. Army Corps of Engineers would use section 1207 for guidance in its award of contracts, and expressing concern about the abuse of the surety bond issue which eliminates minority firms from participating in Corps contracts.

(12) At the request of Congresswoman Cardiss Collins, CBC Chairman Ed Towns has requested a meeting for the CBC Members with the Kuwaiti Ambassador.

(13) It is my understanding that other Members have expressed interest in pursuing other initiatives.

(14) There has been some press coverage on our initiatives already.

Finally I would like to suggest having a special order on the House Floor as early as next Tuesday, March 12, 1991 to focus attention on this problem. I am afraid that if we do not wage a fight now to ensure minority participation, then minorities will once again have been "the first to fight but the last to prosper."

I hope that you will join me on the House Floor on Tuesday, March 12, 1991 to let the nation, M.B.E.s, and the Government of Kuwait know our commitment on this issue. Please feel free to call me or Marwan Burgan, my Legislative Director, if you need more information or to confirm your participation, at 225-5425.

Sincerely,

MERVYN M. DYMALLY.

AWARDS BY THE U.S. ARMY CORPS OF ENGINEERS FOR THE RESTORATION OF INFRASTRUCTURE STATE OF KUWAIT

[Dollar amounts in millions]

Date of award	Description	Contractor	Country	Amount
Jan. 31, 1991	Acquisition of airport equipment	Raytheon Service Co., P.O. Box 503, 2 Wayside Road, Burlington, MA 01803. POC: Mr. Duggan, 617/272-9300 x2491.	United States	$5.7
Mar. 31, 1991	Emergency electrical repairs in Kuwait	Blount International, 4520 Executive Park Drive, Montgomery, AL 36116. POC: Mr. Rod Caesar, 205/244-5472.	United States	3.0
Mar. 3, 1991	Temporary repairs to public buildings	Blount International, 4520 Executive Park Drive, Montgomery AL 36116	United States	3.0
Mar. 3, 1991	Expedient survey of Shu'Aibh Port State of Kuwait	American Dredging Co. Beach and Erie Streets, P.O. Box 190, Camden, NJ 08101, POC: Mr. Don Roeder, 609/963-0963.	United States	0.4
Mar. 3, 1991	Repair of roads and airport runways.	Al Harbi Trading & Contracting Co. Ltd., P.O. Box 5750, Riyadh, Saudi Arabia 11432.	Saudi, Arabia	4.5
Mar. 3, 1991	Temporary repairs to public buildings	Brown & Root International, P.O. Box 3, Houston, TX 77001-0003. POC: Mr. W.R. Golson, 713/676-3236.	United States	3.0
Mar. 4, 1991	Temporary repairs to public buildings	Mohamed A. Kharafi,	Kuwait	5.0
Mar. 4, 1991	Repairs to sanitary and water systems	Shand Construction, Ltd. Shand House—Matlock, Derbyshire, England, DE4 3AF.	United Kingdom	2.6
	Repairs to key Government offices	Khudair Group	Saudi Arabia	1.0
	Total			$28.2

Mr. Speaker, I am pleased to yield to my very good friend, the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from California for yielding. I am glad that he brought up this subject of the restoration in Kuwait. I have been working a little bit in that arena because I did introduce a resolution calling upon the State of Kuwait to issue contracts proportionately to those countries which had contributed the most in the freeing of that country.

In a meeting with the Ambassador, he did assure me that he was going to be very fair. I think these initial contracts were done for emergency reasons, things that had to be done very, very quickly. They had to move in getting certain supplies and all of that. This is what he told me, and it will be some time before they really get into the construction contracts. I am sure when they do that they are going to be very, very fair because they fully appreciate all of the effort by the United States of America and all of its citizens in helping them to free their country.

I thank the gentleman for bringing that subject up tonight.

Mr. DYMALLY. Mr. Speaker, I am most grateful to the gentlewoman from Maryland. I have worked with her on a number of issues, especially the whole question of American trade with Japan, and she has always been very supportive of our efforts. I thank her for bringing this to the attention of the Ambassador and look forward to working with her on this issue.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, let me thank the gentleman from California [Mr. DYMALLY], chairman of the Subcommittee on Africa, for yielding that I might be able to add my thoughts and my own reflections on this very important subject, and that I might also thank him for his leadership on this.

Many of us are involved with this now, but the genesis, with all due respect, came from the gentleman from California who recognized early on how important it would be if we are to rebuild Kuwait or anywhere else that there is a semblance of fairness and equity and parity in the process. I want to thank the gentleman for sensitizing this Congress and all of the Members who are in this Congress to the idea and to the notion of fairness as it relates also to the rebuilding of Kuwait.

Let me, if I might, also add to the remarks of not only the gentleman from California, but the gentlewoman from Michigan [Mrs. COLLINS] who spoke earlier and the gentleman from New Jersey [Mr. PAYNE], who also spoke earlier, both of whom bring also a sensitivity to this very important issue. Also to thank the distinguished gentlewoman from Maryland [Mrs. BENTLEY] for being in all respects one of the most fair Members of this body when it comes to the idea of contracting and contracting fairly, and importantly to the citizens of this country. I would just add also that the gentlewoman has distinguished herself in the area of fairness as it relates to the Japanese, but I would urge persons who are watching this colloquy tonight to understand that her remarks are greatly appreciated on this side as it relates to the rebuilding of Kuwait.

This is a very interesting issue, Mr. Speaker, for many of us. Again, it was the gentleman from California [Mr. DYMALLY] who first raised it, and members of the Congressional Black Caucus who embraced it with a great sense of passion and commitment because we adhered to the principle of inclusion.

As you know, it has been estimated that over the next 5 years the Government of Kuwait will spend $100 billion to repair the damages caused by Saddam Hussein's August 1990 invasion. I believe that small businesses and that disadvantaged businesses and that women's businesses and minority-owned businesses should also play a significant role in that effort through the awarding of contracts and subcontracts from the Kuwaitis here in the United States through our Government and through private American firms.

I have received an inordinate amount of telephone inquiries over the last week. I would suspect that the gentleman from California and others have received them also from persons all across this Nation, very much interested and anxious to do business in this new process. I have been encouraged to learn preliminarily of the desire of the Kuwaitis to want to do business with the Nation that really very much supported them during this 7-month occupation.

In our own State of Maryland, our Governor will be traveling tomorrow with pretty much an unprecedented delegation accompanying the Emir of Kuwait back to return to his homeland. I would simply say to all of those who recognize how important this issue is to us, and obviously to our government, to the Governor, and to the gentleman from California and others that they join with us in this particular effort. I have communicated with the Army Corps of Engineers, the Department of Commerce and the Small Business Administration to further go about the business of assisting interested small and disadvantaged and minority-owned firms in participating in this reconstruction effort.

Just today, along with Congressman STOKES, Congressman PAYNE who spoke earlier, and Congresswoman MORELLA of the State of Maryland, we joined in lifting the gentleman from California's idea into the form of a sense of the Congress resolution and introduced that here in this body. If I might take just a few minutes, I will give Members a sense of the resolution, how it was worded and what we hope to do with it.

RESOLUTION

Whereas the men and women of the Armed Forces together with allied forces have successfully liberated Kuwait and the independence and sovereignty of Kuwait have been fully restored;

Whereas much damage has been done to the infrastructure, environment, and industrial capacity of Kuwait and reconstruction of Kuwait's economy is desperately needed;

Whereas small and disadvantaged, minority and women owned businesses have always sought equal access to contracting and subcontracting opportunities that other small business enterprises enjoy;

Whereas the Department of Defense five percent set-a-side goal for small and disadvantaged, minority and women owned businesses have never been met;

Whereas small and disadvantaged, minority and women owned businesses are playing an increasingly important role in the United States economy and international trade;

Whereas small and disadvantaged, minority and women owned businesses have expressed an overwhelming interest in helping in the rebuilding and reconstruction of Kuwait, but face inherent difficulties in competing in foreign markets and in obtaining a share of procurement contracts from foreign governments, particularly those awarded in other parts of the world;

Whereas small and disadvantaged, minority and women owned businesses also must compete against larger better placed American Businesses: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the President, the Administrator of the Small Business Administration, the Secretary of Commerce, the Secretary of Defense, the Secretary of State, the Export-Import Bank, and the Overseas Private Investment Corporation should cooperate in providing assistance to United States small and disadvantaged, minority and women owned enterprises seeking to become involved in the rebuilding of Kuwait.

(2) the Administrator of the Small Business Administration should conduct a public information campaign using its local and national offices and the Director of the Minority Business Development Agency to advise United States small and disadvantaged, minority and women owned enterprises about becoming involved in the rebuilding of Kuwait;

(3) the Administrator of the Small Business Administration and the Director of the Minority Business Development Agency should identify those United States companies that have been awarded contracts pertaining to the rebuilding of Kuwait, and encourage them whenever and wherever possible to subcontract with United States small and disadvantaged, women and minority owned enterprises; and

(4) All small, disadvantaged, minority and women owned businesses that have been awarded contracts in the rebuilding or reconstruction of Kuwait should seek to hire where appropriate veterans of the Armed Forces.

We would hope that the Senate would concur with the wording of this resolution so that we can move swiftly on it here in the House of Representatives and indeed in the full Congress, so that it becomes just what it is meant to be, a very strong sense of this body that it is adhered to, and that it takes into consideration much that the gentleman has talked about here this evening in terms of providing an informational campaign, setting up the sort of processes that are necessary to carry this forward and by providing the leadership, both through the SBA and the Minority Business Development Agency, to carry this out.

□ 2220

So for me it has been a pleasure and honor to be a part of this effort.

I want to thank the gentleman from California, the chairman of the Subcommittee on Africa, for his sensitivity in this issue, for raising it before this body, for allowing us, particularly those of us who are junior Members, to become associated with it.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman from Maryland for his eloquent statement.

The good news is that the ambassador from Kuwait has agreed to meet with the Congressional Black Caucus to discuss this issue.

In conclusion, let me express my deep thanks to some people who have made this session possible and others who are helping us. First, I want to thank the Ambassador from Egypt to the United States for his help in bringing this together. I want the gentlewoman from Maryland [Mrs. BENTLEY] to know that we take very seriously her support. We are going to be looking forward to her to help us communicate the need to involve minorities in this whole project, and we really appreciate her expression of support.

I want to thank the gentlewoman from Michigan [Mrs. COLLINS], the gentleman from New Jersey [Mr. PAYNE], the gentleman from Maryland [Mr. MFUME], the gentleman from Ohio [Mr. STOKES], the gentleman from California [Mr. DELLUMS], the gentleman from California [Mr. DIXON], and the gentleman from New York [Mr. TOWNS], and all of those others who have made it possible for us to come here today to report to the Members.

Mr. STOKES. Mr. Speaker, I want to commend my colleague, Mr. DYMALLY, for reserving time to discuss the issue of small and disadvantaged business involvement in rebuilding Kuwait. With the attention of the world now riveted on efforts to rebuild this war-ravaged country, this issue has become one of the most important concerns facing our Nation.

According to initial reports, the rebuilding of Kuwait promises to be one of the largest construction projects in history, at an estimated cost of up to $100 billion over a five-year period. The government of Kuwait has formally requested U.S. assistance in this endeavor, and has indicated that countries who contributed to Operation Desert Storm will receive the bulk of reconstruction contracts. Thus, American businesses will play a major role in the rebuilding process.

The U.S. Army Corps of Engineers has managed the initial contracts under an agreement with Kuwait covering the first 90 days of reconstruction. The initial contracts were awarded to 8 companies, 5 of which are large U.S. firms with extensive experience working in the Middle East. However, no small and disadvantaged businesses have gotten contracts thus far.

It is time for the United States to use its influence to encourage the government of Kuwait to provide opportunities not only for large U.S. firms, but also for small and disadvantaged, minority and women-owned businesses to participate in the lucrative business development opportunities created by efforts to rebuild Kuwait.

United States troops risked their lives and fought successfully to liberate Kuwait from Iraqi occupation. Moreover, minorities and female U.S. servicemembers made a historic contribution. Almost 30% of the U.S. troops were African-Americans. More than 30,000 women served in the gulf; almost half of the women were African-Americans. Based on their contribution to the war effort, minorities and women deserve to be a part of reconstruction efforts. Furthermore, extending this opportunity to small and disadvantaged businesses would help to ease the slump precipitated by the U.S. recession—a recession which will probably hit small and disadvantaged businesses the hardest. Thus, it is important to ensure that our Nation's small and disadvantaged businesses are not shut out of an important economic opportunity.

Mr. Speaker, the U.S. Government has a major political advantage as it relates to efforts to rebuild Kuwait. Kuwaiti officials have publicly acknowledged their deep gratitude for the sacrifices and support of the American people in liberating their nation. It is now appropriate for the U.S. Government to use that advantage to promote the involvement of small and disadvantaged, minority, and women-owned businesses in the rebuilding of Kuwait.

It is because of my concern regarding minority and women-owned business involvement in restoration of Kuwait, that I introduce today a concurrent resolution urging U.S. Government officials involved in the restoration of Kuwait to solicit these businesses for contract awards, to encourage Kuwait to award contracts to these firms, and to encourage prime contractors to subcontract with them. It would be appropriate for the administration to do so. It would be a boost for our economy, and, most important, it would be good for America's small and disadvantaged, minority and women-owned businesses.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. POSHARD). Is there objection to the request of the gentleman from California?

There was no objection.

JAPANESE BUY NATIONAL TREASURE—PEBBLE BEACH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, Japanese companies are once again on the move—buying trophy American properties. This time they are buying our national treasure golf courses like Pebble Beach.

That is the course where the National Open Golf Tournament is played. Now that it is out of American hands we will have the Japanese able to determine the access and reap the profits off our all American tournament.

This sale is a scandal in several ways. Pebble Beach, a world class course, is included in a four-course sale package which includes Spyglass, Spanish Bay, Del Monte and Peter Hay practice course.

It not only is the inflated cost of the course, but of the memberships and the real estate development in one of the few pristine coasts in America. The 17-mile drive of Pebble Beach properties is one of California's popular tourist attractions.

In addition, we should be concerned that the cost of golf, which is already too high for many Americans is being driven to unbelievably sky-high prices by the Japanese.

An increase in the green fee from $175 to a membership of $750,000 at Pebble Beach is a 428,000 percent increase in fees. Japanese may pay from $900,000 to $2.7 million at their top courses in Japan, but in America this is not so—or at least it was not so until the Japanese bought our golf courses.

The golfers at San Geronimo Valley Golf Course in Martin County, CA, found out just how expensive it was to have the Japanese buy their course. The new owner, C&N Corp., bought the property for $13 million and was considering raising the membership fee to $50,000 plus $400 monthly dues. Currently they sell for $800 a year with $125 monthly dues. Some kind of inflation isn't it?

The company dropped the idea of increasing the fees after protest from the members and community.

At some of the golf courses the new Japanese owners discriminate by charging Japanese members outrageous fees. At the Honolulu International Country Club, resident membership fees are $19,000 but an international membership is $150,000.

This is no small business. According to the Kenneth Leventhal & Co., a real estate accounting firm, the Japanese investment in golf courses was in excess of $1 billion dollars in 1990.

Just how much will the Pebble Beach sale mean to the Japanese? According to Chris Mead of Mead Ventures, the total package should generate $721.2 million exclusive of the funds generated by the sale of high priced memberships in Japan. In addition there are other soft profits from ventures of the course via additional tourists, use of the logo or increased use of the course.

The reason for the Japanese investment was stated in a newspaper article in the Washington Post by Kirstin Downey and it quoted Donald Wizeman, president of Dai-Ichi Corp., a Japanese corporation. He said:

> There is no money in America now * * *. Banks don't have it. Forget the S&Ls (savings and loans institutions). There's no capital for large acquisitions. There isn't any investment money in the United States.

If there is no investment money in the United States, then why are the Japanese companies finding it necessary to run up the price of American properties way beyond their value.

I know funding has been tight in the United States, but if investment money is not available, then why are the Japanese unnecessarily throwing away their money by high prices for properties if funds are not available in the United States.

The prices certainly haven't stopped the Japanese acquisitions. According to Mead Ventures of Phoenix, AZ, there are "160 golf courses in the United States that are owned wholly or partly by Japanese companies or their United States subsidiaries."

In addition to the 160, negotiations now are underway also to buy PGA West, La Quinta and Mission Hills in California and Kiawah Island in South Carolina. Other courses now owned by the Japanese that are household names to golfers are Grand Cypress Resort in Florida and Princeville Makai-Prince Golf Course in Hawaii. If the landmark sale goes through, the Japanese will own an additional 20 golf courses.

The Japanese are currently in golf course developments in the following States according to Mead Ventures Japan Golf Course Investment Report. They include: Hawaii, California, Texas, Oregon, Arizona, Georgia, New York, Florida, Nevada, North Carolina, Washington, South Carolina, Colorado, Illinois, and Mississippi.

I hope the golfers in those States I mentioned are aware of what is going on in their golfing community. They should carefully check the land use plans and if the sale is subject to a Federal regulation for approval.

Mead Ventures also reports that Japanese companies own "nearly all the nonpublic courses in Hawaii." They also report that most of the 40 golf courses now planned or under construction in Hawaii are "being built with Japanese funds or with the expectation of a sale to a Japanese buyer."

In Japan, golf course memberships are traded as securities, according to Chris Mead. He reports the

> Total value of these memberships is about $200 billion, or about $117 million per course in Japan—Non-golfers buy memberships as a form of real estate speculation.

Although Japan has some 15 million Japanese golfers there is no reason for Americans to give up our trophy courses except they are being discriminated against by the high membership fees.

Japan Golf Course Investment Reports Mead Ventures' states:

> A course does not have to have any actual regulations favoring Japanese members to be, in effect, a Japanese-only club. High membership fees and marketing exclusively in Japan or in Japanese companies in the United States virtually assures that a club will be close to 100 percent Japanese.

Chris Read has coined a phrase "golf friction" for the resultant conflict of the Japanese ownership and practices towards memberships for the Americans and the attendant problems of purchase in the surrounding communities.

It is difficult to understand fully what these high costs will mean to American golfers. American owners of the course and golf brokers have made a profit, but the members and the American public are the ones who pay.

There is speculation that we will have to build more golf courses as the Americans are squeezed out of the prime courses in the United States. Where will the Lee Trevinos of the world learn to play golf if our public courses are lost and shut to Americans?

What a shame that American golfers cannot afford to share such beautiful views as Pebble Beach if the Japanese go through with their plans.

In addition, some of the courses, like Pebble Beach will have homes built on the adjoining property to help defray the high purchases price of the course. Naturally, these homes will be expensive and beyond the pocketbook of most Americans.

Disputes also have arisen over the environmental impact of Japanese intentions to use additional land around the courses.

In fact, the Washington Post article reports that "with land at a premium on the tiny island, Japanese builders, or Japanese-backed groups have announced plans to build dozens of the new golf courses.

Now American communities also will pay an environmental cost for Japanese investment, plus we should consider the tax consequences which are generally a local matter. The full fallout from the taxes is not yet known.

I do know though, that if the Japanese sell their golf courses, they will not have to pay capital gains under the agreement made in the SII talks last year—and under the terms of our tax treaty with Japan. That ought to make American investors very happy—since U.S. citizens do pay capital gains.

Something not considered in the sale of the courses is the access the Japanese will have in selling athletic gear, particularly the shoes which is a $11.7 billion a year business in America. Recent stories in the papers report Japanese investment in athletic apparel.

Americans are losing in the sale of our golf courses in a big way. Business is done on the golf course in addition to the recreation and health benefits.

Now Americans are becoming second class citizens in our own country and we no longer will have free access to the trophy golf courses. The Japanese high prices are pushing a class consciousness of the super rich for the better things in American life.

As Keniche Ohmae points out in his book "The Borderless State"—we are now in a period of the increasing "dominance of consumers over companies and countries."

If our golf courses are the true meaning of his book, then I don't believe the American people with their sense of liberty and freedom will accept being locked out of the best golf courses. Nor will they accept the Japanese using park land for access to their golf courses as they are attempting to do in the State of Washington.

The Americans are a fair-minded people but they turn hostile if pushed too far and their options are cut and then we truly have "golf friction."

In spite of the Japanese long assocition with us, they have proven by their actions that they do not understand the American people. Americans golfers will not give up the game to become a nation of checker players.

Mr. Speaker, I am inserting at this point in the RECORD a newspaper article entitled "Teed Off Over Sales of Golf Courses."

[From the Washington Post, Feb. 9, 1991]

TEED OFF OVER SALES OF GOLF COURSES

(By Kirstin Downey)

While Japanese investors are losing interest in buying American office buildings, they are queuing up to buy trophy golf courses in the United States.

In a handful of cases, the purchases are stirring a new controversy that is being called "golf friction."

Indisputably, the pace of golf course sales has accelerated. In the past six months, alone, avid golfers from Japan have purchased such well-known American golf courses as Pebble Beach in Californa, Grand Cypress Resort in Florida and Princeville Makai/Prince Golf Course in Hawaii.

Similarly, a group of Japanese investors is negotiating to buy a package of golf properties that includes PGA West, La Quinta and Mission Hills in California and Kiawah Island in South Carolina. More such purchases are on the way: Dai-Ichi Corp. of Myrtle Beach S.C., is currently marketing about 75 U.S. golf courses to Japanese buyers.

According to a new report by Phoenix/based Mead Ventures, a research and publishing firm, Japanese buyers have bought at least 160 U.S. courses, up from only a handful five years ago. Japanese buyers now own virtually all the non-public golf courses in the state of Hawaii, the report said.

"Japan has a love affair with golf but a shortage of available land," wrote Christopher Mead, founder and president of Mead Ventures. "As a result, many Japanese go overseas to golf or to invest in golf courses. . . . It appears moreover, that Japanese interest in American golf will deepen over the coming decade.

Golf is a relatively new sport in Japan, but many residents there have embraced it with a passion. About 15 million Japanese consider themselves golfers, although the cost is so prohibitive that most enthusiasts are forced to only practice at driving ranges, which operate 24 hours a day. Membership at a golf course is generally out of the question. When a spot is available, memberships at top courses cost at least $900,000 and range up to $2.7 million.

The solution? Golfing vacations, with airfare, hotel accommodations and greens fees offered as part of a tour package.

Consequently, Japanese investment in U.S. golf courses is soaring. According to the real estate accounting firm of Kenneth Leventhal & Co., outlays totaled about $202 million in 1988, doubled in 1989 and more than quadrupled in 1990 to an amount in excess of $1 billion. And 1991 is likely to be much higher: The deal involving the PGA West, La Quinta and Mission Hills, announced in January, is itself worth an estimated $739 million.

In many cases, Japanese buyers are the only bidders on golf courses up for sale in the United States.

"There is no money in America now," said Donald Wizeman, president of Dai-Ichi Corp. "Banks don't have it. Forget the S&Ls [savings and loan institutions]. There's no capital for large acquisitions. There isn't any investment money in the United States."

At the same time, Japanese interest in other sorts of American real estate purchases appears to be diminishing. Overall Japanese investment in U.S. real estate fell for the first time in a decade last year, dropping about 20 percent from 1989's $14.77 billion.

Unlike office buildings and shopping centers, golf course purchases have sometimes generated controversy. In a handful of incidents around the country, "golf friction" has erupted.

"Harsh words on trade are exchanged between national or corporate leaders, while golf acrimony occurs between individuals, some of them standing face-to-face," Mead wrote. "Golf friction, moreover, pits two proud elites against one another: wealthy Japanese versus wealthy Americans."

In particular, the strength of the Japanese yen, and the ability of Japanese tourists to pay more to play the U.S. courses, has sparked fears that the new owners of the courses could eventually raise the fees to a level affordable to Japanese but not American patrons. Across the board, the new buyers have paid prices far in excess of the levels previously paid for similar American courses.

Members of the Tamarack Country Club in Greenwich, Conn., for example, last year received Japanese purchase offers of $50 million and $77 million for their course—double or triple what would have been paid by local purchasers, according to Mead. Tamarack members were enthusiastic at first. Then they learned that under the purchase contract, they would only be allowed to retain their membership for 10 years, after which the new Japanese owners would have the option of kicking them out. They turned down the offers.

Meanwhile, in affluent Marin County, Calif., longtime golfers at the San Geronimo Valley Golf Course were dismayed to learn that the new buyer of their golf club, C&N Corp., another Japanese firm, which bought the property in May 1990 for $13 million, was considering privatizing the course and raising the membership fee to $50,000, with $400 monthly dues. Current memberships sell for $800, with $125 monthly dues, according to Mead.

"It got a rather chilly reception," said local resident William Sherman, who owns a golf course realty company. "The people who bought it didn't use good judgment."

The new owners subsequently changed their thinking and retained the old prices.

In a newsletter commentary, Mead facetiously headlined an item on the dispute as "Worst Fears Coming True Department."

Such fears, however, are unlikely to be realized, according to Wizeman. He said that although the Japanese are paying high prices, they realize that real estate is a long-term investment. Unlike American companies, he said, they are unlikely to jack up prices to obtain short-term profits at the expense of community goodwill.

And in fact, many Americans have been beneficiaries of the purchases. In many cases, the new Japanese owners have improved facilities, raised the pay of employees and shown themselves more attentive to the needs of the club members.

In addition, American golfers often receive a sort of subsidy from the buyers, who are charging higher rates to Japanese nationals than to Americans. At the Honolulu International Country Club on Oahu, for example, resident memberships cost $19,000, while international memberships cost $150,000, according to the Mead report. Such two-tier rates will also be imposed at Minami Country Club, now under construction on Oahu, Mead said.

The thorniest problems, however, arise over environmental questions. In Hawaii, where the Japanese have purchased all the available private courses, the only remaining step is to build new ones. With land at a premium on the tiny islands, Japanese builders or Japanese-backed groups have announced plans to build dozens of new golf courses.

Those proposals trouble environmental activists, who note that in states such as Hawaii and California, already troubled by serious water shortages, a well-maintained 18-hole golf course slurps down 1.5 million gallons of fresh water a day, every day, curtailing what remains for human consumption.

In addition, golf courses are generally built next to waterways or the ocean, which means that pesticides and fertilizers used in maintaining the courses' appearance run off into the water, often harming local vegetation and marine life.

"In Hawaii, where we have a very small land base . . . the proliferation of golf courses can be a serious problem," said Barbara Boyle, Sierra Club regional director for Northern California, Nevada and Hawaii. "The major concern to us is the number of the proposals."

Environmental fears and a backlash against economic colonization by Japanese investors have led Honolulu Mayor Frank Fasi and Hawaii Gov. John Waihee to propose a $100 million impact fee to be levied on each new course. It is unclear whether the proposal is constitutional, or whether it will be enacted.

Environmental disputes have spread to the Pacific Northwest as well. In Washington state, two environmental groups have filed suit against a Japanese-backed venture that offered the state's cash-strapped Parks Commission $1 million to use land designated as a park to provide access to a golf resort.

Such controversies are expected to spread as Japanese purchases of golf courses and golf course development sites grows. Mead projects that by the year 2000, Japanese owners are likely to have purchased between 500 and 1,000 U.S. courses.

Even 1,000 courses, however, would only total about 7 percent of the 15,000 golf courses in the United States.

"Japanese will certainly not take over the American golf business," Mead wrote. "Indeed, they are unlikely ever to buy anything approaching a majority of U.S. courses. But they are going to make a mark on the industry in the coming decade, one that will make their impact in the 1980s seem faint indeed."

□ 1030

THE PRESIDENT'S CIVIL RIGHTS BILL

The SPEAKER pro tempore (Mr. POSHARD). Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 30 minutes.

Mr. MICHEL. Mr. Speaker, today, the House Republican leadership and the Republican Leadership Task Force on Civil Rights, along with many other colleagues, joined to introduce the President's civil rights bill.

This bill will significantly strengthen employment discrimination law, but will not place employers in the position of having to resort to quotas. This is not a quota bill, and it is not a lawyer relief act. It is good, solid civil rights legislation that brings people together, and reemphasizes the necessity of fairness in the workplace.

The bill and a section-by-section analysis of this important civil rights legislation follows:

H.R. 1375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that additional protections and remedies under Federal law are needed to deter unlawful discrimination.

(b) PURPOSE.—The purpose of this Act is to strengthen existing protections and remedies available under Federal civil rights laws.

SEC. 3. DEFINITIONS.

Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended by adding at the end the following new subsections:

"(*l*) The term 'complaining party' means the Commission, the Attorney General, or a person who may bring an action or proceeding under this Title.

"(m) The term 'demonstrates' means meets the burdens of production and persuasion.

"(n) The term 'justified by business necessity' means that the challenged practice has a manifest relationship to the employment in question or that the respondent's legitimate employment goals are significantly served by, even if they do not require, the challenged practice.

"(o) The term 'respondent' means an employer, employment agency, labor organization, joint labor-management committee controlling apprenticeship or other training or retraining programs, including on-the-job training programs, or those Federal entities subject to the provisions of section 717 (or the heads thereof).

"(p)(1) The term 'harass' means, in cases involving discrimination because of race, color, religion, sex, or national origin, the subjection of an individual to conduct that creates a working environment that would be found intimidating, hostile or offensive by a reasonable person.

"(2) The term 'harass' also means, in cases involving discrimination because of sex, (i) making the submission to unwelcome sexual advances by an employer a term or condition of employment of the individual; or (ii) using the rejection of such advances as a basis for employment decisions adversely affecting the individual; or (iii) making unwelcome sexual advances that create a working environment that would be found intimidating, hostile or offensive by a reasonable person.".

SEC. 4. DISPARATE IMPACT CLAIMS.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) is amended by adding at the end the following new subsection:

"(k) PROOF OF UNLAWFUL EMPLOYMENT PRACTICES IN DISPARATE IMPACT CASES.—Under this Title, an unlawful employment practice based on disparate impact is established only when a complaining party demonstrates that a particular employment practice causes a disparate impact on the basis of race, color, religion, sex, or national origin, and the respondent fails to demonstrate that such practice is justified by business necessity; provided, however, that an unlawful employment practice shall nonetheless be established if the complaining party demonstrates the availability of an alternative employment practice, comparable in cost and equally effective in predicting job performance or achieving the respondent's legitimate employment goals, that will reduce the disparate impact, and the respondent refuses to adopt such alternative.".

SEC. 5. FINALITY OF JUDGMENTS OR ORDERS.

For purposes of determining whether a litigated or consent judgment or order resolving a claim of employment discrimination because of race, color, religion, sex, national origin, or disability shall bind only those individuals who were parties to the judgment or order, the Federal Rules of Civil Procedure shall apply in the same manner as they apply with respect to other civil causes of action.

SEC. 6. PROHIBITION AGAINST RACIAL DISCRIMINATION IN THE MAKING AND PERFORMANCE OF CONTRACTS.

Section 1977 of the Revised Statutes of the United States (42 U.S.C. 1981) is amended—

(1) by inserting "(a)" before "All persons within"; and

(2) by adding at the end the following new subsections:

"(b) For purposes of this section, the right to 'make and enforce contracts' shall include the making, performance, modification and termination of contracts, and the enjoyment of all benefits, privileges, terms and conditions of the contract.

"(c) The rights protected by this section are protected against impairment by nongovernmental discrimination as well as against impairment under color of State law.".

SEC. 7. EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS.

Subsection 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following sentence:

"For purposes of this section, an alleged unlawful employment practice occurs when a seniority system is adopted, when an individual becomes subject to a seniority system, or when a person aggrieved is injured by the application of a seniority system, or provision thereof, that is alleged to have been adopted for an intentionally discriminatory purpose, in violation of this Title, whether or not that discriminatory purpose is apparent on the face of the seniority provision.".

SEC. 8. PROVIDING FOR ADDITIONAL REMEDIES FOR HARASSMENT IN THE WORKPLACE BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

(a) Subsection 703(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(a)) is amended by deleting the period at the end and inserting in lieu thereof "; or" and by adding at the end the following new paragraph:

"(3) to harass any employee or applicant for employment because of that individual's race, color, religion, sex, or national origin; provided, however, that no such unlawful employment practice shall be found to have occurred if the complaining party failed to avail himself or herself of a procedure, of which the complaining party was or should have been aware, established by the employer for resolving complaints of harassment in an effective fashion within a period not exceeding 90 days."

(b) Section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended by adding at the end the following new subsections:

"(*l*) EMERGENCY RELIEF IN HARASSMENT CASES.—An employee or other complaining party alleging a violation of section 703(a)(3) of this Title may petition the court for temporary or preliminary relief. If the complaining party establishes a substantial probability of success on the merits of such harassment claim, the continued submission to the harassment shall be deemed injury sufficiently irreparable to warrant the entry of temporary or preliminary relief. A court having jurisdiction over a request for temporary or preliminary relief pursuant to this paragraph shall assign the case for hearing at the earliest practicable date and cause such case to be expedited in every way practicable.

"(m) EQUITABLE MONETARY AWARDS IN HARASSMENT CASES.—

"(1) In ordering relief for a violation of section 703(a)(3) of this Title, the court may, in addition to ordering appropriate equitable relief under subsection (g) of this section, exercise its equitable discretion to require the employer to pay the complaining party an amount up to but not exceeding a total of $150,000.00, if the court finds that an additional equitable remedy beyond those available under subsection (g) of this section is justified by the equities, is consistent with the purposes of this Title, and is in the public interest. In weighing the equities and fixing the amount of any award under this paragraph, the court shall give due consideration, along with any other relevant equitable factors, or (i) the nature of compliance programs, if any, established by the employer to ensure that unlawful harassment does not occur in the workplace; (ii) the nature of procedures, if any, established by the employer for resolving complaints of harassment in an effective fashion; (iii) whether the employer took prompt and reasonable corrective action upon becoming aware of the conduct complained of; (iv) the employer's size and the effect of the award on its economic viability; (v) whether the harassment was willful or egregious; and (vi) the need, if any, to provide restitution for the complaining party.

"(2) All issues in cases arising under this Title, including cases arising under section 703(a)(3) of this Title, shall be heard and determined by a judge, as provided in subsection (f) of this section. If, however, the court holds that a monetary award pursuant to paragraph (1) of this subsection is sought by the complaining party and that such an award cannot constitutionally be granted unless a jury determines liability on one or more issues with respect to which such award is sought, a jury may be empaneled to hear and determine such liability issues and no others. In no case arising under this Title shall a jury consider, recommend, or determine the amount of any monetary award sought pursuant to paragraph (1) of this subsection."

(c) Subsection 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) (as amended by section 7 of this Act) is further amended by adding at the end the following sentence:

"For purposes of actions involving harassment under section 703(a)(3) of this Title, the period of limitations established under this subsection shall be tolled during the time (not exceeding 90 days) that an employee avails himself or herself of a procedure established by the employer for resolving complaints of harassment."

SEC. 9. ALLOWING THE AWARD OF EXPERT FEES.

Section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)) is amended by inserting "(including reasonable expert fees up to but not exceeding $300 per day)" after "attorney's fee".

SEC. 10. PROVIDING FOR INTEREST, AND EXTENDING THE STATUTE OF LIMITATIONS, IN ACTIONS AGAINST THE FEDERAL GOVERNMENT.

Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended—

(1) in subsection 717(c), by striking out "thirty days" and inserting in lieu thereof "ninety days"; and

(2) in subsection 717(d), by inserting before the period ", and the same interest to compensate for delay in payment shall be available as in cases involving non-public parties".

SEC. 11. PROVIDING CIVIL RIGHTS PROTECTIONS TO CONGRESSIONAL EMPLOYEES.

Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) (as amended by section 10 of this Act) is further amended—

(1) in subsection 717(a), by striking "legislative and judicial branches" and inserting in lieu thereof "judicial branch".

(2) in subsection 717(a), by striking "in the Library of Congress" and inserting in lieu thereof:

"in the Congress of the United States, or its Houses, committees, offices or instrumentalities, or the offices of any of its Members".

(3) in subsection 717(b), by striking out the last sentence and inserting in lieu thereof:

"With respect to the Congress of the United States, its Houses, committees, offices, and instrumentalities, and the offices of its Members, authorities granted in this subsection to the Commission shall be exercised in each House of Congress as determined by that House of Congress, and in offices and instrumentalities not within a House of Congress as determined by the Congress."

(4) in subsection 717(c), by inserting, after ", "Equal Employment Opportunity Commission" each time it appears, or a congressional entity exercising the authorities of the Commission pursuant to subsection (b) of this section,".

SEC. 12. ALTERNATIVE MEANS OF DISPUTE RESOLUTION.

Where knowingly and voluntarily agreed to by the parties, reasonable alternative means of dispute resolution, including binding arbitration, shall be encouraged in place of the judicial resolution of disputes arising under this Act and the Acts amended by this Act.

SEC. 13. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provisions of this Act to other persons and circumstances, shall not be affected thereby.

SEC. 14. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect upon enactment. The amendments made by this Act shall not apply to any claim arising before the effective date of this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

The legislation may be cited as the "Civil Rights Act of 1991."

SECTION 2. FINDINGS AND PURPOSE

The Congress finds that this legislation is necessary to provide additional protections and remedies against unlawful discrimination in employment. The purpose of this Act is to strengthen existing protections and remedies in order to deter discrimination more effectively and provide meaningful relief for victims of discrimination.

SECTION 3. DEFINITIONS

Section 3 adds definitions to those already in Title VII.

The definition of "demonstrates" requires that a party bear the burden of production and persuasion when the statute requires that he or she "demonstrate" a fact.

The definition of the term "justified by business necessity" is meant to codify the meaning of business necessity as used in *Griggs* v. *Duke Power Co.*, 401 U.S. 424, 432 (1971), and subsequent cases including *New York City Transit Authority* v. *Beazer*, 440 U.S. 568, 587 n. 31 (1979). Such a definition was reaffirmed by the Court in *Wards Cove Packing Co., Inc.* v. *Atonio*, 109 S. Ct. 2115, 2125–2126 (1989). Even the dissent in *Wards Cove* acknowledged that "*Griggs* made it clear that a neutral practice that operates to exclude minorities is nevertheless lawful if its serves a *valid business purpose*." See 109 S. Ct., at 2129 (Stevens, J., dissenting) (italic added.)

The terms "complaining party" and "respondent" are defined to include those persons and entities listed in the Act. The definition of the term "harass" is explained in the analysis of Section 8 below.

SECTION 4. DISPARATE IMPACT CLAIMS

In *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971), the Supreme Court ruled that Title VII of the Civil Rights Act of 1964 prohibits hiring and promotion practices that unintentionally but disproportionately exclude persons of a particular race, color, religion, sex, or national origin unless these practices are justified by "business necessity." Law suits challenging such practices are called "disparate impact" cases, in contrast to "disparate treatment" cases brought to challenge intentional discrimination.

In a series of cases decided in subsequent years, the Supreme Court refined and clarified the doctrine of disparate impact. In 1988, the Court greatly expanded the scope of the doctrine's coverage by applying it to subjective hiring and promotion practices (the Court had previously applied it only in cases involving objective criteria such as diploma requirements and height-and-weight requirements). Justice O'Connor took this occasion to explain with great care both the reasons for the expansion and the need to be clear about the evidentiary standards that would operate to prevent the expansion of disparate impact doctrine from leading to quotas. In the course of her discussion, she pointed out:

"[T]he inevitable focus on statistics in disparate impact cases could put undue pressure on employers to adopt inappropriate prophylactic measures. . . . [E]xtending disparate impact analysis to subjective employment practices has the potential to create a Hobson's choice for employers and thus to lead in practice to perverse results. If quotas and preferential treatment become the only cost-effective means of avoiding expensive litigation and potentially catastrophic liability, such measures will be widely adopted. The prudent employer will be careful to ensure that its programs are discussed in euphemistic terms, but will be equally careful to ensure that the quotas are met." *Watson* v. *Fort Worth Bank & Trust Co.*, 108 S. Ct. 2777, 2787–2788) (1988) (plurality opinion).

The following year, in *Wards Cove Packing Co.*, v. *Atonio*, 109 S. Ct. 2115, 2126 (1989), the Court considered whether the plaintiff or the defendant has the burden of proof on the issue of business necessity. Resolving an ambiguity in the prior law, the Court placed the burden on the plaintiff.

Under this Act, a complaining party makes out a prima facie case of disparate impact when he or she identifies a particular employment practice and demonstrates that the practice has caused a disparate impact on the basis of race, color, religion, sex, or national origin. The burden of proof then shifts to the respondent to demonstrate that the practice is justified by business necessity. It is then open to the complaining party to rebut that defense by demonstrating the availability of an alternative employment practice, comparable in cost and equally effective in measuring job performance or achieving the respondent's legitimate employment goals, that will reduce the disparate impact, and that the respondent refuses to adopt such alternative.

The burden-of-proof issue that Wards Cove resolved in favor of defendants is resolved by this Act in favor of plaintiffs. Wards Cove is thereby overruled. On all other issues, this Act leaves existing law undisturbed.

As Justice O'Connor emphasized in her Watson opinion, the use of disparate impact analysis creates a very real risk that Title VII will lead to the use of quotas. Indeed, there is evidence that the adoption of disparate impact analysis by the courts has led to the use of quotas, although the extent of this phenomenon is for obvious reasons not measurable. See, e.g., Hearings on H.R. 1, "Civil Rights Act of 1991," before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, U.S. House of Representative, 102d Cong., 1st Sess., February 7, 1991 (testimony of Assistant Attorney General John R. Dunne); Hearings on S. 2104, "Civil Rights Act of 1990," before the Committee on Labor and Human Resources, U.S. Senate, 101st Cong., 2d Sess., February 23, 1990 (testimony of Professor Charles Fried); Joint Hearings on H.R. 4000, "Civil Rights Act of 1990," before the Committee on Education and Labor and the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, U.S. House of Representatives, 101st Cong., 2d Sess., March 20, 1990, vol. 2, pp. 516, 625, 633 (testimony of Glen D. Nager, Esq.); Fortune, March 13, 1989, at 87–88 (reporting a poll of 202 CEOs of Fortune 500 and Service 500 companies, in which 18% of the CEOs admitted that their companies have "specific quotas for hiring and promoting"). The use of quotas, however, represents a perversion of Title VII and of Disparate impact law. As the Court noted in *Griggs*, 401 U.S., at 431: "Discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed."

Because of the serious dangers inherent in the use of disparate impact analysis, any codification of a cause of action under the disparate impact theory must include evidentiary safeguards recognized in Justice O'Connor's Watson opinion and in Justice White's opinion for the Court Wards Cove. The codification adopted in Sections 3 and 4 of this Act does so, and it is vital that courts and employers construe this Act in a manner that neither makes it possible to defend or justify the use of employment quotas nor encourage their use.

If an ability test, for example, has a disparate impact and the test is not justified by business necessity as defined in Section 3 of this Act, the test should not be used. If business necessity can be shown, then the disparate impact need not be reduced or eliminated unless the complaining party demonstrates the availability of an alternative employment practice as required by Section 4 of this Act and the respondent refuses to adopt such alternative. In neither event is an employer required or permitted to adjust test scores, or to use different cut-offs for members of different groups, or otherwise to use the test scores in a discriminatory manner. Manipulating test results in such a fashion is not an alternative employment practice of the kind that an employer must adopt to avoid liability at the surrebuttal phase of a disparate impact case. On the contrary, such discrimination violates Title VII, whether practiced by an employer, an employment agency, or any other "respondent" as defined in Section 3 of this Act. Similarly, a discriminatory practice could not be defended under Title VII on the ground that the practice was necessary or useful in avoiding the possibility of liability under the disparate impact theory. Cf. Civil Rights Act of 1964, sec. 703(j), 42 U.S.C. 200e–2(j).

It should be noted that in identifying the particular employment practice alleged to cause disparate impact, it is not the intention of this Act to require the plaintiff to do the impossible in breaking down an employer's practices to the greatest conceivable degree. Courts will be permitted to hold, for example, that vesting complete hiring discretion in an individual guided only by unknown subjective standards constitutes a single particular employment practice susceptible to challenge.

This approach is consistent with Wards Cove, see 109 S. Ct., at 2125, and has been employed since Wards Cove in *Sledge* v. *J.P. Stevens & Co.*, 52 EPD para. 39,537 (E.D.N.C. Nov. 30, 1989). The Sledge court alluded to the difficulty of "delving into the workings of an employment decisionmaker's mind" and noted that the defendant's personnel officers reported having no idea of the basis on which they made their employment decisions. The court held that "the identification by the plaintiffs of the uncontrolled, subjective discretion of defendant's employing officials as the source of the discrimination shown by plaintiff's statistics sufficed to satisfy the causation requirements of Wards Cove." This Act contemplates that the use of such uncontrolled and unexplained discretion is properly treated, as it was in the Sledge case, as one employment practice that need not be divided by the plaintiff into discrete sub-parts.

SECTION 5. FINALITY OF JUDGMENTS OR ORDERS

In *Hansberry* v. *Lee*, 311 U.S. 32, 40–41 (1940) (citations omitted), the Supreme Court held:

> It is a principle of general application in Anglo-American jurisprudence that one is not bound by a judgment in personam in which he is not designated as a party or to which he has not been made a party by service of process. . . . A judgment rendered in such circumstances is not entitled to the full faith and credit which the Constitution and statutes of the United States . . . prescribe, . . . and judicial action enforcing it against the person or property of the absent party is not that due process which the Fifth and Fourteenth Amendments require.

In Hansberry, Carl Hansberry and his family, who were black, were seeking to challenge a racial covenant prohibiting the sale of land to blacks. One of the owners who wanted the covenant enforced argued that the Hansberrys could not litigate the validity of the covenant because that question had previously been adjudicated, and the covenant sustained, in an earlier lawsuit, although the Hansberrys were not parties in that lawsuit. The Illinois court had ruled that the Hansberrys' challenge was barred, but the Supreme Court found that this ruling violated due process and allowed the challenge.

In *Martin* v. *Wilks*, 109 S. Ct. 2180 (1989), the Court confronted a similar argument. That case involved a claim by Robert Wilks and other white fire fighters that the City of Birmingham had discriminated against them by refusing to promote them because of their race. The City argued that their challenge was barred because the City's promotion process had been sanctioned in a consent decree entered in an earlier case between the City and a class of black plaintiffs, of which Wilks and the white fire fighters were aware, but in which they were not parties. The Court rejected this argument. Instead, it concluded that the Federal Rules of Civil Procedure required that persons seeking to bind outsiders to the results of litigation have a duty to join them as parties, see Fed. R. Civ. P. 19, unless the court certified a class of defendants adequately represented by a named defendant, see Fed. R. Civ. P. 23. The Court specifically rejected the defendants' argument that a different rule should obtain a civil rights litigation.

This Section codifies that holding. Had the rule advocated by the City of Birmingham in Wilks been adopted in Hansberry, one judicial decree in one case between one plaintiff and one defendant would have prevented an attack on the racial covenant by anyone who had ever heard of the original case. That is not how the Federal Rule of Civil Procedure operates. And there is no reason why a different rule should be devised to prevent civil rights plaintiffs, as opposed to persons bringing all other kinds of cases, from bringing suit.

SECTION 6. PROHIBITION AGAINST RACIAL DISCRIMINATION IN THE MAKING AND PERFORMANCE OF CONTRACTS

Under 42 U.S.C. 1981, persons of all races have the same right "to make and enforce contracts." In *Patterson* v. *McLean Credit Union*, 109 S. Ct. 2363 (1989), the Surpeme Court held: "The most obvious feature of the provision is the restriction of its scope to forbidding discrimination in the 'mak[ing] and enforce[ment]' of contracts alone. Where an alleged act of discrimination does not involve the impairment of one of these specific rights, [sec.] 1981 provides no relief."

As written, therefore, section 1981 provides insufficient protection against racial discrimination in the context of contracts. In particular, it provides no relief for discrimination in the performance of contracts (as contrasted with the making and enforcement of contracts). Section 1981, as amended by this Act, will provide a remedy for individuals who are subjected to discriminatory performance of their employment contracts (through racial harassment, for example) or are dismissed or denied promotions because of race. In addition, the discriminatory infringement of contractual rights that do not involve employment will be made actionable under section 1981. This will, for example, create a remedy for a black child who is admitted to a private school as required pursuant to section 1981, but is then subjected to discriminatory treatment in the performance of the contract once he or she is attending the school.

In addition to overruling the Patterson decision, this Section of the Act codifies the holding of *Runyon* v. *McCrary*, 427 U.S. 160 (1976), under which section 1981 prohibits private, as well as governmental, discrimination.

SECTION 7. EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS

Section 7 overrules the holding in *Lorance* v. *AT&T Technologies, Inc.*, 109 S. Ct. 2261 (1989), in which female employees challenged a seniority system pursuant to Title VII, claiming that it was adopted with an intent to discriminate against women. Although the system was facially nondiscriminatory and treated all similarly situated employees alike, it produced demotions for the plaintiffs, who claimed that the employer had adopted the seniority system with the intention of altering their contractual rights. The Supreme Court held that the claim was barred by Title VII's requirement that a charge must be filed within 180 days (or 300 days if the matter can be referred to a state agency) after the alleged discrimination occurred.

The Court held that the time for plaintiffs to file their complaint began to run when the employer adopted the allegedly discriminatory seniority system, since it was the adoption of the system with a discriminatory purpose that allegedly violated their rights. According to the Court, that was the point at which plaintiffs suffered the diminution in employment status about which they complained.

The rule adopted by the Court is contrary to the position that had been taken by the Department of Justice and the EEOC. It shields existing seniority systems from legitimate discrimination claims. The discriminatory reasons for adoption of seniority system may become apparent only when the system is finally applied to affect the employment status of the employees that it covers. At that time, the controversy between an employer and an employee can be focused more sharply.

In addition, a rule that limits challenges to the period immediately following adoption of a seniority system will promote unnecessary, as well as unfocused, litigation. Employees will be forced either to challenge the system before they have suffered harm or to remain forever silent. Given such a choice, employees who are unlikely ever to suffer harm from the seniority system may nonetheless feel that they must file a charge as a precautionary measure—an especially difficult choice since they may be understandably reluctant to initiate a lawsuit against an employer if they do not have to.

Finally, the Lorance rule will prevent employees who are hired more than 180 (or 300) days after adoption of a seniority system from ever challenging the adverse consequences of that system, regardless of how severe they may be. Such a rule fails to protect sufficiently the important interest in eliminating employment discrimination that is embodied in Title VII.

Likewise, a rule that an employee may sue only within 180 (or 300) days after becoming subject to a seniority system would be unfair to both employers and employees. The rule fails to protect seniority systems from delayed challenge, since so long as employees are being hired someone will be able to sue. And, while this rule would give every employee a theoretical opportunity to challenge a discriminatory seniority system, it would do so, in most instances, before the challenge was sufficiently focused and before it was clear that a challenge was necessary. Finally, most employees would be reluctant to begin their jobs by suing their employers.

This change in the law, therefore, is warranted. Indeed, it is necessary to safeguard the same principles upheld by the Supreme Court in *Martin* v. *Wilks*, 109 S. Ct. 2180 (1989), which guarantees civil rights complainants a fair opportunity to present their claims in court.

SECTION 8. PROVIDING FOR ADDITIONAL REMEDIES FOR HARASSMENT IN THE WORKPLACE BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

This provision is designed to redress an anomaly in current law. Title VII prohibits discrimination in employment, but provides inadequate remedies for harassment in the workplace, including sexual harassment, which the Supreme Court has recognized as actionable under Title VII. See, *e.g.*, *Meritor Savings Bank, FSB* v. *Vinson*, 477 U.S. 57 (1986). Such harassment frequently will not be so intolerable that an employee subjected to it immediately leaves. In such circumstances, the only remedy the victim of harassment can obtain under Title VII's remedial scheme as currently drafted is declaratory and injunctive relief against continuation of the harassment.

Such a rule is plainly inequitable. It effectively tells employers that the only consequence of creating an environment so hostile to an employee that he or she is forced to sue to obtain relief is a directive to refrain in the future. This defect must be corrected.

At the same time, Title VII's existing framework, with its emphasis on conciliation and mediation, has served the country well for more than a quarter of a century as a tool for combatting discrimination. It would be most unwise to jettison or rewrite this basic statute in favor of a tort-style approach including compensatory and punitive damages at a time when our tort system is widely recognized to be in crisis. President Bush has made it clear that our civil rights laws "should not be turned into some lawyer's bonanza, encouraging litigation at the expense of conciliation, mediation, or settlement."

Section 8 is designed to meet both of these concerns. It creates a new remedy for on-the-job harassment, allowing courts to make a monetary award in addition to granting declaratory and injunctive relief. The new remedy is available on the same terms for all forms of on-the-job harassment, whether based on race, color, religion, sex, or national origin.

The new remedy created by this Section is capped at $150,000. Courts are directed to make a monetary award when an additional equitable remedy is justified by the equities, is consistent with the purposes Title VII, and is in the public interest. In weighing the equities and determining the amount of any award, courts are instructed to consider the nature of compliance programs implemented by the employer; the nature of the employer's complaint procedures, if any, used to resolve claims of harassment; whether the employer took prompt and effective remedial action upon learning of the harassment; the empoyer's size and the effect of the award on its economic viability (so that the maximum award would be available only against very large and financially secure employers); whether the harassment was willful or egregious; and the need, if any, to provide restitution for the complaining party.

This Section allows a court to make a monetary award "up to but not exceeding a total of $150,000." This language is intended to make clear that where there are several related incidents that could arguably be subdivided into distinct unlawful employment practices, the award that can be obtained under this new provision for all of them combined is limited to $150,000. Otherwise, plaintiffs and their lawyers will have incentives to spend resources on hair-splitting litigation over how many unlawful employment practices have occurred. $150,000 is a large enough amount to be an adequate and effective remedy for the type of conduct sought to be prevented, and no good purpose would be served by encouraging lawyers to use their inventiveness to circumvent the limitation of $150,000.

The substantive definition of harassment set out in Section 3 of this Act makes it an offense for an employer or its agents to harass any employee because of race, color, religion, sex, or national origin. The term "harass" encompasses "the subjection of an individual to conduct that creates a working environment that would be found intimidating, hostile or offensive by a reasonable person." The definition also explicitly defines sexual harassment to include certain conduct involving unwelcome sexual advances. The definition is intended to codify current law as stated by the Supreme Court. See *Meritor Savings Bank*, *supra*, 477 U.S., at 66 ("Since the Guidelines were issued, courts have uniformly held, and we agree, that a plaintiff may establish a violation of Title VII by proving that discrimination based on sex has created a hostile or abusive work environment.").

The new provisions of Title VII established in this Section are designed to deter and provide restitution for harassment, and to encourage employers to adopt meaningful complaint procedures to redress harassment and to encourage employees to use them. The employer will not be found liable if the complaining party failed to avail himself or herself of an effective complaint procedure. In determining the appropriate remedy, moreover, courts will consider whether an employer took prompt and effective remedial action. The effect of these requirements will be to encourage preventive measures and prompt remedial action by employers and to minimize litigation, thus maximizing the speed and efficacy of relief.

This provision of the Act protects employers from liability only when they have established a procedure "for resolving complaints of harassment in an effective fashion within a period not exceeding 90 days." Procedures under which victims of harassment are required to seek relief from the same supervisor who has engaged in the harassing conduct, or under which victims would otherwise reasonably expect their complaints to result in retaliation against them rather than in a fair investigation and effective resolution of their complaint, will not insulate the employer from liability. The new provisions of Title VII allow an employee, moreover, to petition a court for emergency relief, and they provide that the continued suffering of harassment shall be assumed to be sufficient irreparable harm to warrant judicial relief, whether or not the employee has fully exhausted a complaint procedure, so long as the employee has initiated a complaint.

This Section includes a provision reaffirming that Congress intends all issues to be decided by judges, as has always been the case under Title VII. Such a provision is important in avoiding the creation of an inefficient tort-style litigation system that is foreign to the purposes of employment law. Because the courts have relatively limited experience with harassment cases, because particular cases will undoubtedly raise issues requiring clarification, and because employers therefore require the information contained in written judicial opinions to assist them in conforming their conduct with the law, it is particularly important to avoid a profusion of unexplained and inconsistent jury verdicts if possible.

Because the monetary relief authorized in these amendments to Title VII is characterized as equitable, the courts should find that bench trials are consistent with the Seventh Amendment. Because the question of constitutionality is not free from doubt, however, this Section also provides that should a court hold that a jury trial with respect to issues of liability is constitutionally required, it may empanel a jury to hear those issues and no others. This ensures that the additional relief this scheme makes available will not become a dead letter should the courts conclude that the Seventh Amendment requires a jury trial on liability. See *Tull* v. *United States*, 107 S. Ct. 1831 (1987).

SECTION 9. ALLOWING THE AWARD OF EXPERT FEES

Section 9 authorizes the recovery of expert witness fees (up to but not exeeding $300 per day) by prevailing parties according to the same standards that govern awards at attorney fees under Title VII. *Cf. Crawford Fitting Co.* v. *J.T. Gibbons, Inc.*, 482 U.S. 437 (1987). The provision is intended to allow recovery for work done in preparation for trial as well as after trial has begun, with the cap applying to each witness.

SECTION 10. PROVIDING FOR INTEREST AND EXTENDING THE STATUTE OF LIMITATIONS, IN ACTIONS AGAINST THE FEDERAL GOVERNMENT

Section 10 extends the period for filing a complaint against the Federal government pursuant to Title VII from 30 days to 90 days. It also authorizes the payment of interest to compensate for delay in the payment of a judgment according to the same rules that govern such payments in actions against private parties.

SECTION 11. PROVIDING CIVIL RIGHTS PROTECTION TO CONGRESSIONAL EMPLOYEES

Section 11 extends the protections of Title VII to congressional employees of the same basis that they extend to Executive branch employees. The Executive branch, like private employers and state and local govenments, is forbidden by law to discriminate on the basis of race, color, religion, sex, or national origin. The Congress, however, has exempted itself from the law. President Bush has stated that Congress "should live by the same requirements it prescribes for others" and that Congress "should join the Executive branch in setting an example for these private employers."

In addition to setting a helpful example, and providing congressional employees with the same rights enjoyed by other Americans, coverage under Title VII will provide the Congress with the valuable experience of living under the same rules that it imposes on other employers. This experience should prove useful in encouraging the Congress to give prompt and serious consideration to proposals for improving the law and in enabling the Congress to resist ill-considered proposals—like the bill that President Bush vetoed on October 22, 1990—that would undermine the cause of civil rights and impose completely unjustified burdens on the employers of this nation.

It should be emphasized that this Section allows the Congress to create its own internal mechanisms for enforcing Title VII in the legislative branch. Like Executive branch employees, congressional employees would retain the right to judicial relief, but the Executive branch would have absolutely no role in enforcing Title VII against the Congress. For that reason, any objection to this Section on separation-of-powers grounds would not be well-founded.

SECTION 12. ALTERNATIVE MEANS OF DISPUTE RESOLUTION

This provision encourages the use of alternative means of dispute resolution, including binding arbitration, where the parties knowingly and voluntarily elect to use these methods.

In light of the litigation crisis facing this country and the increasing sophistication and reliability of alternatives to litigation, there is no reason to disfavor the use of such forums.

SECTION 13. SEVERABILITY

Section 13 states that if a provision of this Act is found invalid, that finding will not affect the remainder of the Act.

SECTION 14. EFFECTIVE DATE

Section 14 specifies that the Act and the amendments made by the Act take effect upon enactment, and will not apply to cases arising before the effective date of the Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of Ohio (at the request of Mr. MICHEL) for today and Wednesday, March 13, on account of medical reasons.

Mrs. BOXER (at the request of Mr. GEPHARDT) for today, on account of flight delay.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RIGGS) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 30 minutes, today.

Mr. DELAY, for 60 minutes each day, on March 13, and April 15 and 16.

Mr. DORNAN of California, for 60 minutes, today.

Mr. MCEWEN, for 60 minutes each day, today and April 15.

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. PICKLE, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MANTON, for 60 minutes, on April 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RIGGS) and to include extraneous matter:)

Mr. PURSELL.
Mr. CAMPBELL of California in two instances.
Mr. CUNNINGHAM in two instances.
Mr. KOLBE.
Mr. PETRI.
Mr. GEKAS in three instances.
Mr. DORNAN of California.
Ms. SNOWE.
Mr. OXLEY.
Ms. MOLINARI.
Mr. BURTON of Indiana.
Mr. BEREUTER.
Mr. DANNEMEYER in three instances.
Mr. SCHAEFER.
Mr. MCDADE.
Mr. RITTER.
Mr. WOLF.
Mr. GOODLING.
Mr. MICHEL.
Ms. ROS-LEHTINEN in five instances.
Mr. BALLENGER.
Mrs. JOHNSON of Connecticut.
Mr. COX of California.

(The following Members (at the request of MFUME and to include extraneous matter:)

Mr. FOGLIETTA.
Mr. LAFALCE.
Mr. MORAN.
Mr. FALEOMAVAEGA.
Mr. BONIOR.
Mr. KANJORSKI.
Mr. SCHUMER.
Mr. ORTIZ.
Mr. HOYER.
Mr. LIPINSKI in two instances.
Mr. LAROCCO.
Mr. HALL of Ohio.
Mr. SWETT.
Mr. VOLKMER.
Mr. ACKERMAN.
Mr. BARNARD.
Mrs. SCHROEDER.
Mr. LEHMAN of Florida.
Mr. STARK in two instances.
Mr. WISE.
Mr. SIKORSKI.
Mr. MAZZOLI.
Mr. DONNELLY.
Mr. FORD of Tennessee.
Mr. STUDDS.
Mr. MAVROULES.
Mr. STALLINGS.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a Joint Resolution of the House of the following title:

H.J. Res. 98. Joint resolution designating March 4 through 10, 1991, as "National School Breakfast Week."

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 38 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, March 13, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

843. A letter from the Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of March 1, 1991, pursuant to 2 U.S.C. 685(e) (Doc. No. 102–59); to the Committee on Appropriations and ordered to be printed.

844. A communication from the President of the United States, transmitting a report on Antisatellite [ASAT] Arms Control which addresses the desirability of an agreement with the Soviet Union to impose limitations on antisatellite capabilities, pursuant to Public Law 101–189, section 1009(a) (103 Stat. 1545); to the Committee on Armed Services.

845. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Fiscal Year 1990 Promotions—June 1, 1990-September 30, 1990," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

846. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Receipts and Disbursements of the Office of the People's Counsel Agency Trust Fund," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

847. A letter from the Secretary, Department of Health and Human Services, transmitting an interim report on the "Comorbidity of Substance Abuse and Other Psychiatric Disorders: Prevalence, Etiology, and Implications for Course of Illness," pursuant to 42 U.S.C. 290aa; to the Committee on Energy and Commerce.

848. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to establish procedures to improve the allocation and assignment to the electromagnetic spectrum, and for other purposes; to the Committee on Energy and Commerce.

849. A letter from the President, African Development Foundation, transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

850. A letter from the Director, Arms Control and Disarmament Agency, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

851. A letter from the Secretary of Commerce, transmitting a report on foreign policy controls to enhance U.S. efforts to stem the proliferation of chemical weapons; to the Committee on Foreign Affairs.

852. A letter from the Assistant Vice President, Amtrak, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

853. A letter from the Director, Federal Mediation and Conciliation Service, transmitting its report for fiscal year 1990 pursuant to the Inspector General Act Amendments of 1988; to the Committee on Government Operations.

854. A letter from the Board of Governors, Federal Reserve System, transmitting the Board's annual report during the calender year 1990, pursuant to 5 U.S.C. 522b(j); to the Committee on Government Operations.

855. A letter from the Chairman, Copyright Royalty Tribunal, transmitting its annual report for the fiscal year ending September 30, 1990, pursuant to 17 U.S.C. 808; to the Committee on the Judiciary.

856. A letter from the Chairman, Merit Systems Protection Board, transmitting the 12th annual report on the activities of the Board during fiscal year 1990, pursuant to 5 U.S.C. 1209(b); to the Committee on Post Office and Civil Service.

857. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide comprehensive regulatory supervision over stocks and stock derivative instruments, to protect investors and assure the stability of the U.S. capital markets, to enhance innovation and competition in financial products, and for other purposes; jointly, to the Committee on Energy and Commerce and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 111. Resolution providing for the consideration of H.R. 1175, a bill to authorize supplemental appropriations for fiscal year 1991 in connection with operations in and around the Persian Gulf presently known as Operation Desert Shield/Storm, and for other purposes (Rept. 102–17). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLARD (for himself and Mr. SCHAEFER):

H.R. 1369. A bill to designate certain areas in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. HERTEL (for himself, Mr. JONES of North Carolina, Mr. DAVIS, and Mr. BATEMAN):

H.R. 1370. A bill to reauthorize the National Sea Grant College Program, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BILIRAKIS (for himself, Ms. ROS-LEHTINEN, Mr. FROST, Mr. HUNTER, and Mr. HYDE):

H.R. 1371. A bill to amend title II of the Social Security Act to provide increases in primary insurance amounts to account for depressed replacement rates; to the Committee on Ways and Means.

By Mr. BOEHLERT:

H.R. 1372. A bill to amend the Internal Revenue Code of 1986 to provide that, where there is a distress termination of a pension plan, the tax on the failure to meet minimum funding standards shall be waived in certain cases; to the Committee on Ways and Means.

By Mr. CAMPBELL of California (for himself and Mr. WALSH):

H.R. 1373. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder, and to provide for additional financing of the OASDI trust funds based on income taxes payable under existing law by individuals who would therefore continue to earn income after attaining age 62; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 1374. A bill to amend the internal Revenue Code of 1986 to clarify the requirement that hospitals provide certain emergency medical care in order to be exempt from income tax, and for other purposes; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. HYDE, Mr. GINGRICH, Mr. LEWIS of California, Mr. EDWARDS of Oklahoma, Mr. HUNTER, Mr. MCCOLLUM, Mr. WEBER, Mr. VANDER JAGT, Mr. ARCHER, Mr. GRADISON, Mr. SOLOMON, Mr. MCDADE, Mr. GOODLING, Mr. GUNDERSON, Mr. FAWELL, Ms. MOLINARI, Mr. COBLE, Mr. GRANDY, Mr. FRANKS of Connecticut, Mr. WALKER, Mr. IRELAND, Mr. GALLO, Mr. CLINGER, Mr. HASTERT, Mr. LENT, Mr. ZELIFF, Mr. RHODES, Mr. HAMMERSCHMIDT, Mr. GALLEGLY, Mr. KYL, Mr. GEKAS, Mr. SENSENBRENNER, Mr. RAMSTAD, Mr. STEARNS, Mr. GILLMOR, Mr. RIDGE, Mr. INHOFE, Mr. BARRETT, Mr. PORTER, Mr. BOEHNER, Mr. SUNDQUIST, Mr. RAVENEL, Mr. LAGOMARSINO, Mr. THOMAS of Wyoming, Mrs. BENTLEY, Mr. CAMP, Mr. SANTORUM, Mrs. VUCANOVICH, Mr. WELDON, Mr. COUGHLIN, Mr. MCGRATH, Mr. FIELDS, Mr. ROGERS, Mr. MILLER of Washington, Mr. EMERSON, Mr. JAMES, Mr. SHAW, Mr. HANCOCK, Mr. BROOMFIELD, Mr. MCEWEN, Mr. BAKER, Mr. BUNNING, Mr. KOLBE, Mr. MCMILLAN of North Carolina, Mrs. ROUKEMA, Mr. SCHIFF, Mr. MOORHEAD, Mr. SCHAEFER, Mr. UPTON, Mr. BALLENGER, and Mr. LEWIS of Florida):

H.R. 1375. A bill to amend the Civil Rights Act of 1964 to strengthen protections against discrimination in employment, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. FRANK of Massachusetts:

H.R. 1376. A bill to amend the Immigration and Nationality Act to waive the Government knowledge requirement for the naturalization of certain persons over age 50; to the Committee on the Judiciary.

H.R. 1377. A bill to amend title 39, United States Code, to provide free insurance up to the value of $100 on mail items; to the Committee on Post Office and Civil Service.

H.R. 1378. A bill to permit certain Federal employees who retired or became entitled to receive compensation for work injury before December 9, 1980, to elect to resume coverage under the Federal employees' group life insurance program; to the Committee on Post Office and Civil Service.

H.R. 1379. A bill to amend the Internal Revenue Code of 1986 exclude from gross income that portion of a governmental pension which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 1380. A bill to amend title VI of the Civil Rights Act of 1964 to protect the free speech rights of college students; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota:

H.R. 1381. A bill to strengthen the Foreign Agents Registration Act of 1938, as amended; to the Committee on the Judiciary.

H.R. 1382. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers; to the Committee on Ways and Means.

By Mr. KOLBE (for himself, Mr. Kyl, Mr. Rhodes, Mr. Stump, and Mr. Udall):

H.R. 1383. A bill to provide for the appointment of two additional bankruptcy judges for the judicial district of Arizona; to the Committee on the Judiciary.

By Mr. PAYNE of Virginia:

H.R. 1384. A bill to provide for a demonstration program by the Secretary of Veterans Affairs with respect to adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Mr. ROSE (for himself, Mr. Evans, Ms. Slaughter of New York, Mr. Swett, Mr. Mavroules, Mr. Gunderson, Ms. Snowe, Mr. Andrews of Maine, and Mr. Roe):

H.R. 1385. A bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mr. Lehman of Florida, Mr. de Lugo, Mr. Ravenel, Mr. McGrath, Mr. Owens of Utah, Ms. Pelosi, Mr. Frank of Massachusetts, Mr. Matsui, Mrs. Lloyd, Mr. Ramstad, Mr. Horton, Mr. Foglietta, Mrs. Boxer, Mr. Bliley, Mr. Evans, Mr. Hyde, Mr. Kennedy, Mr. Gejdenson, Mr. Inhofe, Mr. Bonior, Mr. Campbell of Colorado, Mr. Serrano, Mr. Dwyer of New Jersey, Mrs. Meyers of Kansas, Mr. Roe, and Mr. Emerson):

H.R. 1386. A bill to amend title 5, United States Code, to provide for the reimbursement of expenses incurred by a Federal employee in the adoption of a child; to the Committee on Post Office and Civil Service.

By Mr. SIKORSKI (for himself, Mr. Miller of California, Mr. Scheuer, Mr. Lipinski, Mr. Hochbrueckner, Mr. Perkins, Mr. Gejdenson, Mr. Owens of Utah, Mrs. Unsoeld, Mr. Abercrombie, and Ms. Pelosi):

H.R. 1387. A bill to amend title 5, United States Code, to allow Federal employees to take parental leave for purposes of participating in or attending certain education-related activities; to the Committee on Post Office and Civil Service.

By Mr. SIKORSKI (for himself, Mr. Miller of California, Mr. Scheuer, Mr. Lipinski, Mr. Hochbrueckner, Mr. Perkins, Mr. Towns, Mr. Gejdenson, Mr. Owens of Utah, Mrs. Unsoeld, Mr. Abercrombie, and Ms. Pelosi):

H.R. 1388. A bill to entitle employees to family leave for attending school activities; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. TORRICELLI (for himself, Mr. Shays, Mr. Oberstar, Mr. Dornan of California, Mr. Dwyer of New Jersey, Ms. Kaptur, Mr. Pease, Mr. Stark, Mr. Jacobs, Mr. Nowak, Mr. Bilbray, Mr. Schumer, Mr. Ravenel, Mr. Mrazek, Mr. McGrath, Mr. Dellums, Mr. Ackerman, Mr. Hughes, Mr. Hyde, Mr. Rinaldo, Mr. Pallone, Mr. Martinez, Mr. Lipinski, Mr. Saxton, Mr. Clay, Mr. Gallo, Mr. Owens of New York, Mr. Mfume, Mr. Mineta, Mr. Gilman, Mr. Payne of New Jersey, Mr. Guarini, and Mr. Lantos):

H.R. 1389. A bill to promote the dissemination of biomedical information through modern methods of science and technology and to prevent the duplication of experiments on live animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON:

H.R. 1390. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, the Canyonlands unit, the Sabine River Blue Elbow unit, and addition to the Lower Neches Corridor unit; to the Committee on Interior and Insular Affairs.

By Mr. WAXMAN (for himself, Mr. Hyde, Mr. Scheuer, Mr. Markey, Mrs. Collins of Illinois, Mr. Synar, Mr. Wyden, Mr. Richardson, Mr. Sikorski, Mr. Boucher, Mr. Bruce, Mr. Towns, Mr. Studds, Mr. Kostmayer, Ms. Pelosi, Mr. McDermott, Mr. Frank of Massachusetts, Mr. Payne of New Jersey, Mr. Levine of California, Mr. Berman, Mr. Rangel, Mr. Durbin, Mr. Beilenson, and Mr. Dwyer of New Jersey):

H.R. 1391. A bill entitled the "Medicaid Infant Mortality Amendments of 1991"; to the Committee on Energy and Commerce.

By Mr. SLATTERY (for himself, Mr. Waxman, Mr. Scheuer, Mr. Markey, Mrs. Collins of Illinois, Mr. Synar, Mr. Wyden, Mr. Richardson, Mr. Sikorski, Mr. Boucher, Mr. Bruce, Mr. Rowland, Mr. Towns, Mr. Studds, Mr. Kostmayer, Ms. Pelosi, Mr. McDermott, Mr. Frank of Massachusetts, Mr. Payne of New Jersey, Mr. Levine of California, Mr. Berman, Mr. Rangel, Mr. Durbin, Mr. Beilenson, and Mr. Dwyer of New Jersey):

H.R. 1392. A bill to amend title XIX of the Social Security Act to improve access to basic health care services for needy children; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mrs. Collins of Illinois, Mrs. Schroeder, Ms. Snowe, Mr. Scheuer, Mr. Markey, Mr. Synar, Mr. Wyden, Mr. Eckart, Mr. Richardson, Mr. Sikorski, Mr. Boucher, Mr. Bruce, Mr. Rowland, Mr. Towns, Mr. Studds, Mr. Kostmayer, Mrs. Boxer, Mrs. Collins of Michigan, Ms. DeLauro, Ms. Kaptur, Mrs. Lloyd, Ms. Long, Mrs. Lowey of New York, Mrs. Mink, Ms. Molinari, Mrs. Morella, Ms. Norton, Ms. Oakar, Mrs. Patterson, Ms. Pelosi, Ms. Slaughter of New York, Mrs. Unsoeld, Ms. Waters, Mr. McDermott, Mr. Frank of Massachusetts, Mr. Payne of New Jersey, Mr. Levine of California, Mr. Berman, Mr. Rangel, Mr. Stokes, Mr. Durbin, Mr. Beilenson, and Mr. Dwyer of New Jersey):

H.R. 1393. A bill entitled the "Medicaid Breast and Cervical Cancer Amendments of 1991"; to the Committee on Energy and Commerce.

By Mr. SCHEUER (for himself, Mr. Waxman, Mr. Markey, Mrs. Collins of Illinois, Mr. Wyden, Mr. Sikorski, Mr. Towns, Mr. Studds, Mr. Kostmayer, Ms. Pelosi, Mr. McDermott, Mr. Frank of Massachusetts, Mr. Payne of New Jersey, Mr. Levine of California, Mr. Stokes, Mr. Rangel, Mr. Beilenson, and Mr. Dwyer of New Jersey):

H.R. 1394. A bill to amend title XIX of the Social Security Act to give States the option of providing for coverage for certain HIV-related services for certain individuals who have been diagnosed as being HIV-positive, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS

H.R. 1395. A bill to amend section 312 of the Immigration and Nationality Act to exempt from the Government knowledge requirement for naturalization persons who are exempt from the English language requirement; to the Committee on the Judiciary.

By Mr. CAMPBELL of California (for himself, Ms. Long, Mr. Jacobs, Mr. Martinez, Mr. Burton of Indiana, Mr. Bilbray, Mr. Rohrabacher, Mr. Hyde, Mr. Inhofe, Mr. Machtley, Mrs. Bentley, Mr. Moorhead, Mr. Horton, Mr. Costello, Mr. Rinaldo, Mr. McDade, Mr. Martin, Mr. Goss, Mr. Bruce, Mr. Solomon, Mr. Lagomarsino, Mr. Gillmor, Mr. Harris, Mr. McCandless, Mr. Thomas of Wyoming, Mr. Jontz, Mr. Sundquist, Mr. Neal of North Carolina, Mr. Johnson of South Dakota, Mr. Jones of Georgia, Ms. Kaptur, Mr. Hancock, Mr. Tallon, Mr. Torricelli, Mr. Roe, and Mr. Combest):

H.R. 1396. A bill to amend the Trade Act of 1974 in order to require reciprocal responses to foreign acts, policies, and practices that deny national treatment to U.S. investment; to the Committee on Ways and Means.

By Mr. DANNEMEYER (for himself, Mr. Barton of Texas, Mr. Holloway, Mr. Bliley, Mr. Schaefer, Mr. Hastert, Mr. Fields, Mr. Ritter, Mr. Dornan of California, Mr. Burton of Indiana, and Mr. Santorum):

H.R. 1397. A bill to amend title X of the Public Health Service Act to establish in the program for family planning projects a requirement relating to parental notifications; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Towns, Mrs. Collins of Illinois, Ms. Norton, Mr. Savage, Mr. Payne of New Jersey, Mr. Horton, Ms. Slaughter of New York, Mrs. Morella, Mrs. Unsoeld, Ms. Pelosi, Mr. Espy, Mr. Owens of New York, Mr. Green of New York, Ms. Molinari, Mr. Moody, Mr. Mfume, Mrs. Mink, Mrs. Kennelly, Mr. Frost, and Mr. Jefferson):

H.R. 1398. A bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEACH:

H.R. 1399. A bill to increase the number of immigrant visa numbers for natives of the Soviet Union and Eastern European countries; to the Committee on the Judiciary.

By Mr. MICHEL (for himself, Mr. Gingrich, Mr. Lewis of California, Mr. Edwards of Oklahoma, Mr. Hunter, Mr. McCollum, Mr. Weber, Mr. Sensenbrenner, Mr. Moorhead, Mr. Gekas, Mr. Smith of Texas, Mr. Schiff, Mr.

RAMSTAD, Mr. LIVINGSTON, and Mr. PORTER):

H.R. 1400. A bill to restore an enforceable Federal death penalty, to curb the abuse of habeas corpus, to reform the exclusionary rule, to combat criminal violence involving firearms, to protect witnesses and other participants in the criminal justice system from violence and intimidation, to address the problem of gangs and serious juvenile offenders, to combat terrorism, to combat sexual violence and child abuse, to provide for drug testing of offenders in the criminal justice process, to secure the right of victims and defendants to equal justice without regard to race or color, to enhance the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

By Mr. LEACH:

H.R. 1401. A bill regarding the establishment of free trade areas between the United States and certain East European countries; to the Committee on Ways and Means.

H.R. 1402. A bill regarding the establishment of a free trade area between the United States and the European Community; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. ABERCROMBIE, Mr. ANNUNZIO, Mr. BONIOR, Mr. BORSKI, Mrs. COLLINS of Illinois, Mr. COSTELLO, Mr. DWYER of New Jersey, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. HAYES of Illinois, Mr. HYDE, Mr. LEWIS of Georgia, Ms. NORTON, Mr. PORTER, Mr. RUSSO, Mr. SANGMEISTER, Mr. SAVAGE, Mr. TOWNS, Mr. TRAFICANT, Mr. VISCLOSKY, and Mr. CLEMENT):

H.R. 1403. A bill to amend title 23, United States Code, to establish a strategic urbanized program for providing additional assistance for the Federal-aid highway systems in urbanized areas with population of 50,000 or more, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MCDADE (for himself, Mr. PENNY, and Mr. MONTGOMERY):

H.R. 1404. A bill to amend the Small Business Act to establish programs and undertake efforts to assist and promote the creation, development, and growth of small business concerns owned and controlled by veterans of service in the Armed Forces, and for other purposes; jointly, to the Committees on Small Business and Veterans' Affairs.

By Mr. PICKETT:

H.R. 1405. A bill to amend the Solid Waste Disposal Act to provide financial and technical assistance to State, regional, and local agencies for the development of markets for recovered resources; to the Committee on Energy and Commerce.

By Mr. PICKLE (for himself, Mr. THOMAS of California, Mr. ANDREWS of Texas, Mr. SCHULZE, and Mr. MAZZOLI):

H.R. 1406. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. RITTER (for himself, Mr. OXLEY, and Mr. TAUZIN):

H.R. 1407. A bill to establish procedures to improve the allocation and assignment to the electromagnetic spectrum, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIKORSKI:

H.R. 1408. A bill to establish a program to regulate environmental marketing claims, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SKELTON:

H.R. 1409. A bill to suspend until January 1, 1995, the duty on Pyrantel Tartrate with Zeolex; to the Committee on Ways and Means.

H.R. 1410. A bill to suspend until January 1, 1995, the duty on oxytetracylcline amphoteric; to the Committee on Ways and Means.

By Mr. SKELTON (for himself, Mr. STENHOLM, Mr. BRUCE, Mr. LANCASTER, Mrs. MORELLA, Mr. PENNY, Mr. BARNARD, Mr. TALLON, Mr. SAXTON, Mr. YATES, Mr. PAXON, Mr. HENRY, Mr. WALSH, Mr. ACKERMAN, Mr. BEREUTER, Mr. SARPALIUS, Mr. CLINGER, Mr. ROGERS, Mr. HOCHBRUECKNER, Mr. BROOMFIELD, Mr. BUNNING, Mr. HORTON, Mr. DYMALLY, Mr. UPTON, Mr. HATCHER, Mr. OLIN, Mr. VENTO, Mr. COLEMAN of Missouri, Mr. COSTELLO, Mr. PORTER, Mrs. UNSOELD, Mr. SOLOMON, Mrs. JOHNSON of Connecticut, Mrs. MEYERS of Kansas, Mr. CHAPMAN, Mr. FIELDS, Mr. FROST, Mr. HAYES of Louisiana, Mr. BLILEY, Mr. FOGLIETTA, Mr. HUGHES, Mr. TAUZIN, Mr. CALLAHAN, Mr. BARTON of Texas, Mr. HASTERT, Mr. OXLEY, Mr. SCHAEFER, Mr. MOODY, Mr. HUCKABY, Mr. FAWELL, Mr. CAMP, Mr. FALEOMAVAEGA, and Mr. BUSTAMANTE):

H.R. 1411. A bill to protect the used oil recycling system, conserve a valuable resource, establish used oil management standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROYBAL:

H.J. Res. 186. Joint resolution directing the President to conduct an initial feasibility study of an Alaska-California under-ocean fresh water pipeline; to the Committee on Public Works and Transportation.

By Mr. RINALDO:

H.J. Res. 187. Joint resolution designating the month of March 1992 as "National Computing Education Month"; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI:

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress that the 1981 Israeli preemptive strike against the Iraqi nuclear reactor at Osirak was a legitimate and justifiable exercise of self-defense, and that the United States should seek the repeal of United Nations Security Council Resolution 487 which condemned that 1981 Israeli preemptive strike; to the Committee on Foreign Affairs.

By Mr. MCDERMOTT:

H. Con. Res. 98. Concurrent resolution requesting the United States Trade Representative to enforce the rights of United States beer exporters against unjustified treatment by Canadian provincial liquor control boards; to the Committee on Ways and Means.

By Mr. STOKES (for himself, Mr. PAYNE of New Jersey, Mrs. MORELLA, and Mr. MFUME);

H. Con. Res. 99. Concurrent resolution expressing the sense of the Congress regarding the award of contracts for the reconstruction of the civil infrastructure of Kuwait; jointly, to the Committees on Small Business, Public Works and Transportation, Foreign Affairs, and Banking, Finance and Urban Affairs.

By Mr. LIGHTFOOT (for himself, Mr. BEREUTER, Mr. HOAGLAND, and Mr. SKELTON):

H. Res. 110. Resolution relating to the role of the Corps of Engineers in the management of the Missouri River System; to the Committee on Public Works and Transportation.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

27. By the SPEAKER: Memorial of the Legislature of the State of California, relative to Iraqi missile attacks on Israel; to the Committee on Foreign Affairs.

28. Also, memorial of the General Assembly of the State of New Jersey, relative to environmental war crimes; to the Committee on Foreign Affairs.

29. Also, memorial of the General Assembly of the State of New Jersey, relative to offshore oil leases and offshore oil drilling; to the Committee on Interior and Insular Affairs.

30. Also, memorial of the Legislature of the State of California relative to American Troops in the Middle East; jointly, to the Committees on Armed Services and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. BOEHLERT, Mr. ALEXANDER, Mr. COOPER, Mr. COYNE, Mr. DAVIS, Mr. DURBIN, Mr. HOAGLAND, Mr. LOWERY of California, Mr. MORRISON, Mr. NEAL of Massachusetts, Mr. PICKLE, Mr. REED, Mr. RINALDO, Mr. ROYBAL, Mr. SABO, Mr. SISISKY, Mr. SPRATT, Mr. SMITH of New Jersey, and Mr. TRAXLER.

H.R. 68: Mr. GOODLING, Mr. MCCRERY, Mr. RUSSO, Mr. UPTON, Mr. VENTO, and Mr. WHEAT.

H.R. 77: Mr. HANCOCK, Mr. JEFFERSON, Mr. CAMP, Mr. DANNEMEYER, Mr. OWENS of Utah, Mr. LAGOMARSINO, Mr. EMERSON, and Mr. PAXON.

H.R. 78: Mr. SHAYS, Mr. NUSSLE, Mr. PACKARD, Mr. LAGOMARSINO, and Mr. EMERSON.

H.R. 81: Mr. AUCOIN, Mrs. UNSOELD, Mr. FRANK of Massachusetts, Mr. DE LUGO, Mr. HYDE, Mr. RANGEL, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. KILDEE, Mr. SYNAR, Mr. EMERSON, Mr. BEREUTER, Mr. LIPINSKI, Mr. SIKORSKI, Mr. PENNY, Mrs. LOWEY of New York, Mr. JEFFERSON, Mr. ABERCROMBIE, and Mr. BROWN.

H.R. 85: Mr. BAKER, and Mr. TAYLOR of North Carolina.

H.R. 86: Mr. NEAL of North Carolina and Mr. RAMSTAD.

H.R. 117: Mr. ANDREWS of New Jersey and Mr. DANNEMEYER.

H.R. 196: Mr. SERRANO.

H.R. 233: Mr. ZELIFF.

H.R. 246: Mr. EMERSON, Mr. FISH, Mr. SANTORUM, Mr. YOUNG of Alaska, Mr. BATEMAN, Mrs. VUCANOVICH, Mr. DREIER of California, Mrs. MEYERS of Kansas, Mr. HASTERT, and Mr. GILMAN.

H.R. 249: Mr. RIGGS, Mr. SOLOMON, Mr. PACKARD, and Mr. FISH.

H.R. 300: Mr. SMITH of New Jersey.

H.R. 317: Mrs. UNSOELD.

H.R. 327: Mrs. ROUKEMA.

H.R. 328: Mrs. MEYERS of Kansas.

H.R. 330: Mr. MINETA.

H.R. 355: Mr. DOOLITTLE.

H.R. 371: Mr. BOEHNER.

H.R. 386: Mr. MFUME, Ms. PELOSI, Mr. JONTZ, Mr. DURBIN, Mrs. MORELLA, Mr. MAVROULES, and Mr. DWYER of New Jersey.

H.R. 392: Mr. ANDREWS of Maine and Mr. PRICE.

H.R. 431: Mr. KYL, Mr. DICKS, Mr. CUNNINGHAM, Mrs. MINK, Mr. HAMMER-

SCHMIDT, Mr. SLATTERY, Mr. TRAFICANT, Mr. HANSEN, Mr. PETERSON of Florida, Mr. THOMAS of California, Mr. PACKARD, Mr. PAXON, Mr. SLAUGHTER of Virginia, Mr. DOOLITTLE, Ms. ROS-LEHTINEN, and Mr. GINGRICH.

H.R. 479: Mr. COLEMAN of Missouri.

H.R. 481: Mr. JONES of Georgia, Mr. KILDEE, Mr. Fish, and Mr. SHAYS.

H.R. 500: Mr. BILIRAKIS, Mrs. BOXER, Mr. BRUCE, Mrs. BYRON, Mr. CARR, Mr. CRANE, Mr. FALEOMAVAEGA, Mr. FISH, Mr. GEKAS, Mr. GEREN, Mr. HOYER, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KOPETSKI, Mr. LANCASTER, Mrs. LOWEY of New York, Mr. MCEWEN, Mr. MILLER of California, Mr. NEAL of North Carolina, Ms. NORTON, Mr. OBERSTAR, Mrs. PATTERSON, Mr. PRICE, Mr. PURSELL, Mr. RIDGE, Mr. ROTH, Mr. RUSSO, Mr. SCHULZE, Ms. SLAUGHTER of New York, Mr. SMITH of Iowa, Mr. SMITH of Oregon, Mr. SPRATT, Mr. STAGGERS, Mr. VOLKMER, and Mr. WEISS.

H.R. 501: Mr. FISH, Mr. HERTEL, Mr. HOAGLAND, and Ms. OAKAR.

H.R. 516: Mr. RAHALL, Mr. SCHEUER, Mr. EDWARDS of California, Mr. BRYANT, Mr. KOLTER, Mr. DAVIS, and Mr. PALLONE.

H.R. 523: Mr. CAMPBELL of Colorado and Mr. KOPETSKI.

H.R. 531: Mrs. COLLINS of Illinois, Mr. SLATTERY, Mr. SIKORSKI, Mr. BRUCE, Mr. TOWNS, Mr. LEHMAN of California, Mr. HARRIS, Mr. AUCOIN, Mr. BILBRAY, Mr. DWYER of New Jersey, Mr. GORDON, Mr. HAMILTON, Mr. HENRY, Mr. JOHNSTON of Florida, Ms. KAPTUR, Mr. LIPINSKI, Mr. NEAL of North Carolina, Mr. RAVENEL, Mr. STARK, Mrs. UNSOELD, Mr. EDWARDS of California, Mr. RAHALL, Mr. FRANK of Massachusetts, and Mr. DELLUMS.

H.R. 560: Mr. BEILENSON, Mr. LANTOS, Mr. MINETA, Mr. FISH, Mr. NEAL of Massachusetts, Ms. HORN, and Mr. RIGGS.

H.R. 585: Mr. HAYES of Louisiana, Mr. KENNEDY, Mr. SIKORSKI, Mr. BILBRAY, and Mr. COOPER.

H.R. 587: Ms. LONG.

H.R. 588: Mr. GALLO.

H.R. 611: Mr. CUNNINGHAM.

H.R. 644: Mr. OWENS of Utah.

H.R. 661: Mr. FASCELL, Mrs. LOWEY of New York, Mr. LANCASTER, Mr. GUARINI, Mr. STOKES, and Mr. JOHNSTON of Florida.

H.R. 667: Mr. SMITH of Florida, Mr. BENNETT, Mr. PANETTA, and Mr. OLIN.

H.R. 676: Mr. TOWNS, Mr. PALLONE, Mr. MURTHA, Mr. KOPETSKI, Mr. HARRIS, Mrs. MEYERS of Kansas, Mr. TAYLOR of Mississippi, Mr. PAYNE of Virginia, Mr. FUSTER, Mr. DORGAN of North Dakota, Mr. DE LUGO, Mr. VALENTINE, Mr. GALLO, Mr. AUCOIN, Mr. MFUME, Mr. LAFALCE, Mr. MURPHY, Mr. HUGHES, Mr. BILBRAY, Mr. ANNUNZIO, Mr. SCHIFF, Mrs. UNSOELD, Mr. GILMAN, Mr. EVANS, Mr. DYMALLY, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. PERKINS, Ms. SNOWE, Mrs. PATTERSON, Mr. MARTINEZ, Mr. ROYBAL, Mr. PETERSON of Minnesota, Mr. BERMAN, Mr. ANDREWS of Maine, Mr. LEVINE of California, Mr. RAVENEL, Mr. TRAFICANT, Mrs. LLOYD, Mr. NEAL of North Carolina, Mr. LANCASTER, Mr. MCGRATH, Mr. SIKORSKI, Mr. JEFFERSON, and Mr. OWENS of Utah.

H.R. 744: Mr. MAVROULES and Mr. RAVENEL.

H.R. 751: Mr. JEFFERSON, Mr. GORDON, Mr. FRANKS of Connecticut, Mr. LANCASTER, Mr. RAMSTAD, Mr. HYDE, Mr. COOPER, Mr. GINGRICH, Mr. GEJDENSON, Mr. EMERSON, Mr. ROEMER, Mr. WHEAT, Ms. SNOWE, Mr. CHAPMAN, and Mr. CONDIT.

H.R. 768: Mr. HORTON, Mr. INHOFE, Mr. RHODES, Mr. PETRI, and Mr. NEAL of North Carolina.

H.R 769: Mr. OWENS of Utah and Mr. SOLOMON.

H.R 774: Mr. MACHTLEY and Mr. PAYNE of Virginia.

H.R 783: Mr. ARMEY, Mrs. LOWEY of New York, Mr. JEFFERSON, Mr. SANTORUM, Mr. HUGHES, Mr. BATEMAN, Mr. LIGHTFOOT, Mr. ECKART, Mr. KOLBE, and Mr. HATCHER.

H.R 785: Mr. SCHUMER and Mr. TOWNS.

H.R 791: Mr. FROST.

H.R 830: Mr. ABERCROMBIE and Mrs. SCHROEDER.

H.R 840: Mr. CAMP, Mr. LEWIS of Georgia, Mr. GUNDERSON, Mr. TRAFICANT, and Mrs. JOHNSON of Connecticut.

H.R 856: Mrs. LOWEY of New York, Mr. MCDADE, and Mr. NEAL of Massachusetts.

H.R 861: Mr. BEILENSON.

H.R 906: Mr. GREEN, Mr. FISH, Mr. UDALL, Mr. GORDON, Mr. JOHNSTON of Florida, Mr. STUDDS, and Mrs. LOWEY of New York.

H.R 907: Mr. DIXON, Mr. THOMAS of California, Mr. PACKARD, Mr. POSHARD, Mr. ROSE, Mr. CUNNINGHAM, Mr. HEFNER, and Mr. WISE.

H.R 908: Mr. BEVILL, Mr. INHOFE, Mr. HYDE, Mr. STOKES, Mr. OWENS of New York, and Mr. GONZALEZ.

H.R 912: Mr. DE LUGO and Mr. OLIN.

H.R 924: Mr. HASTERT, Mr. HANSEN, Mr. HUBBARD, Mr. STUMP, Mr. SLATTERY, Mr. RAMSTAD, Mr. EMERSON, Mr. LIGHTFOOT, and Mr. HORTON.

H.R. 941: Mr. MATSUI.

H.R. 961: Mr. ROHRABACHER, Mr. WALSH, Mr. GOSS, Mr. STEARNS, Mr. HANCOCK, and Mr. PICKLE.

H.R. 963: Mr. MCGRATH, Mr. HERGER, Mr. HORTON, and Mr. FROST.

H.R. 967: Mr. TAYLOR of Mississippi, Mr. BILBRAY, Mr. KOLTER, and Mr. OWENS of New York.

H.R. 980: Mr. COMBEST and Mr. GUNDERSON.

H.R. 993: Mr. LIPINSKI, Mr. OWENS of New York, Mr. SKAGGS, Mr. HAYES of Illinois, Mr. MARTINEZ, Mr. BLILEY, Mr. JEFFERSON, Mr. MFUME, Mr. DARDEN, and Mr. LAGOMARSINO.

H.R. 1013: Mr. BREWSTER, Mr. HEFLEY, Mr. KLUG, Mr. SOLOMON, and Mr. SANTORUM.

H.R. 1016: Mr. TORRICELLI, Mr. ROE, Mr. DOOLITTLE, and Mr. NUSSLE.

H.R. 1052: Mr. HYDE, Mr. CRAMER, Mr. WOLPE, and Mr. GILMAN.

H.R. 1072: Mr. LIPINSKI, Mr. GILMAN, Mr. MFUME, Mrs. BOXER, Mr. DWYER of New Jersey, Mr. TORRES, Mr. WYDEN, Mr. FOGLIETTA, and Mr. MCDERMOTT.

H.R. 1073: Mr. LIPINSKI, Mr. GILMAN, Mr. MFUME, Mrs. BOXER, Mr. DWYER of New Jersey, Mr. TORRES, Mr. WYDEN, Mr. FOGLIETTA, and Mr. MCDERMOTT.

H.R. 1081: Mr. GONZALEZ and Mr. NAGLE.

H.R. 1092: Mr. JACOBS, Mr. BREWSTER, and Mr. SCHIFF.

H.R. 1110: Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. GILMAN, Mr. REED, Mr. KOLBE, Mr. JONES of Georgia, Mr. KOPETSKI, Mr. MCMILLEN of Maryland, Ms. NORTON, Mr. CONYERS, and Mr. NEAL of North Carolina.

H.R. 1116: Mr. KOLTER and Mr. OWENS of Utah.

H.R. 1163: Mr. RANGEL, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. PETRI, Mr. DOOLITTLE, and Mr. LEWIS of California.

H.R. 1164: Mr. RANGEL, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. PETRI, Mr. DOOLITTLE, and Mr. LEWIS of California.

H.R. 1179: Mr. LEVINE of California, Mr. PEASE, Mr. DYMALLY, Mr. GILMAN, Mr. BOEHLERT, Mr. LANCASTER, and Mr. DIXON.

H.R. 1186: Mr. BUSTAMANTE, Mr. ANDREWS of New Jersey, Mr. HOUGHTON, Mr. ANTHONY, Mr. NEAL of North Carolina, Mr. MARKEY, Ms. KAPTUR, Mr. MURTHA, Mr. BORSKI, Ms. OAKAR, Mr. MCGRATH, Mrs. BYRON, Mr. GOODLING, Mr. ESPY, Mr. REED, and Mr. GUNDERSON.

H.R. 1189: Mr. RANGEL, Mr. SERRANO, Mr. TORRES, Mr. WYDEN, Mr. MINETA, Mr. COLEMAN of Texas, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, Mr. KENNEDY, Mr. MFUME, Mr. MARKEY, Mr. FOGLIETTA, Mr. FLAKE, and Mr. MOAKLEY.

H.R. 1230: Mr. LAGOMARSINO and Mr. INHOFE.

H.R. 1234: Mr. LIPINSKI, Mr. RANGEL, Mr. STOKES, Mr. MCNULTY, and Mr. GILMAN.

H.R. 1245: Mr. MINETA, Mr. DREIER of California, Mr. SLATTERY, Mr. TRAFICANT, Mr. HASTERT, Mr. KYL, Mr. PETRI, Mr. WILSON, and Mr. OBERSTAR.

H.R. 1250: Mr. LAGOMARSINO, Mr. YOUNG of Alaska, and Mr. OBEY.

H.R. 1251: Mr. LEHMAN of Florida, Mr. FROST, Mr. LEVIN of Michigan, Mr. WYDEN, Mr. EVANS, Mr. BONIOR, Mr. WASHINGTON, Mrs. LOWEY of New York, Mr. ROE, Mr. KOLTER, Mr. DWYER of New Jersey, and Mr. LAGOMARSINO.

H.R. 1252: Mr. LEHMAN of Florida, Mr. FROST, Mr. LEVIN of Michigan, Mr. WYDEN, Mr. EVANS, Ms. SLAUGHTER of New York, Mr. BONIOR, Mr. WASHINGTON, Mrs. LOWEY of New York, Mr. ROE, Mr. MILLER of California, Mr. KOLTER, and Mr. DWYER of New Jersey.

H.R. 1253: Mr. LEHMAN of Florida, Mr. FROST, Mr. LEVIN of Michigan, Mr. WYDEN, Mr. EVANS, Mr. BONIOR, Mr. WASHINGTON, Mrs. LOWEY of New York, Mr. ROE, Mr. KOLTER, and Mr. DWYER of New Jersey.

H.R. 1259: Mr. HARRIS, Mr. RANGEL, Mrs. BYRON, Mr. MILLER of California, Mr. SANDERS, Mr. ENGLISH, Mr. HUTTO, Mr. PAXON, Mr. RAHALL, Mr. LANCASTER, Mr. PETRI, Mr. GREEN, Mr. BATEMAN, Mr. OWENS of Utah, Mr. MCGRATH, Mr. LEWIS of California, Mr. MCMILLEN of Maryland, Mrs. MEYERS of Kansas, Mr. DORNAN of California, Mr. LAFALCE, and Mr. YATRON.

H.R. 1262: Mr. HORTON.

H.R. 1263: Mrs. MEYERS of Kansas and Mr. LAGOMARSINO.

H.R. 1264: Mrs. MEYERS of Kansas and Mr. LAGOMARSINO.

H.R. 1285: Mr. WILLIAMS, Mr. JEFFERSON, Mr. MARTINEZ, Ms. MOLINARI, Mr. GUNDERSON, Mr. ROEMER, Mr. ERDREICH, Mr. ANDREWS of New Jersey, Mr. MATSUI, Mr. CHAPMAN, Mr. EDWARDS of California, and Mr. ANDREWS of Texas.

H.R. 1296: Mr. YATES, Mr. SOLOMON, Mr. RINALDO, Mrs. MINK, Mr. JACOBS, Mr. ALLARD, Mr. BARTON of Texas, Mr. YOUNG of Florida, Mr. GUARINI, Mr. MARTINEZ, Mr. SCHIFF, Mr. MILLER of Washington, Mr. FRANKS of Connecticut, Mr. JENKINS, Mr. HUBBARD, Mr. GONZALEZ, Mr. MCMILLAN of North Carolina, Mr. FAWELL, Mr. PORTER, Mr. MAZZOLI, Mr. PERKINS, Mr. GREEN, Mr. GOSS, Mr. DORNAN of California, Mr. BALLENGER, Mr. GRANDY, Mr. GUNDERSON, Mr. SLAUGHTER of Virginia, Mr. WOLF, Mr. ROSE, Mr. LAROCCO, Mr. MARKEY, Mr. MURTHA, Mr. UPTON, Mr. KOLTER, Mr. TRAFICANT, Mr. MORAN, Mr. ROEMER, Mr. SMITH of Iowa, Mr. QUILLEN, Mr. WOLPE, Mr. STEARNS, Mr. HYDE, Mr. CUNNINGHAM, Mr. CARPER, Mr. SHARP, Mr. ERDREICH, Mr. RAY, Mr. BARNARD, Mr. SISISKY, Mr. NATCHER, Mr. BROOMFIELD, Mr. GOODLING, Mr. ROHRABACHER, Mr. DREIER of California, Mr. PARKER, Mr. WYLIE, Mr. LIGHTFOOT, Mr. ANDERSON, Mr. THORNTON, Mr. BILIRAKIS, Mr. ROBERTS, Mr. MARTIN, Mr. WYDEN, Mr. CHANDLER, Mr. HOCHBRUECKNER, Mr. ASPIN, Mr. SKAGGS, Mr. RAHALL, Mr. WEISS, Mr. PENNY, Mr. BROOKS, Mr. MINETA, Mr. PICKLE, Mr. ANDREWS of Texas, Mr. SARPALIUS, Mr. VOLKMER, Mr. SKEEN, Mr. RAVENEL, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. HOLLOWAY, Mr. HANCOCK, Mr. YOUNG of Alaska, Mr. SMITH of

New Jersey, Mr. BOEHNER, Mr. BAKER, Mr. MCCRERY, Mr. BURTON of Indiana, Mr. HEFLEY, Mr. SCHAEFER, Mr. NICHOLS, Mr. ANDREWS of New Jersey, Mr. BILBRAY, Mr. SAWYER, Mr. ACKERMAN, Mr. VISCLOSKY, Ms. HORN, Ms. SLAUGHTER of New York, Ms. DELAURO, Mr. KOPETSKI, Mr. FORD of Michigan, Mr. FEIGHAN, Mr. LIPINSKI, Mr. CARR, Mr. KLECZKA, Mr. MCDADE, Mr. SKELTON, Mr. POSHARD, Mr. THOMAS of California, Mr. MCEWEN, Mr. BOEHLERT, Ms. ROS-LEHTINEN, Mr. FIELDS, Mr. HANSEN, Mr. GEKAS, Mr. GILMAN, Mr. SENSENBRENNER, Mr. JAMES, Mr. COLEMAN of Missouri, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. BEVILL, Mr. THOMAS of Wyoming, Mr. SPENCE, Mr. RITTER, Mrs. MORELLA, Mr. MARLENEE, Mr. GILLMOR, Mr. GALLEGLY, Mr. COMBEST, Mr. HAYES of Louisiana, Mr. DICKS, Mr. GIBBONS, Mr. NEAL of Massachusetts, Mr. COYNE, Mr. SLATTERY, Mr. HEFNER, Mr. KYL, Mr. DE LA GARZA, Mr. COX of California, Mr. PURSELL, Mr. CLINGER, Mr. LEHMAN of California, Mr. SANTORUM, Mr. PETERSON of Florida, Mr. ABERCROMBIE, Mr. MCMILLEN of Maryland, and Mr. MCGRATH.

H.R. 1316: Mr. HOYER.

H.R. 1346: Ms. DELAURO, Mr. FOGLIETTA, Mr. TOWNS, Mr. OWENS of Utah, Mr. STARK, Mr. PENNY, Mr. MARKEY, Mr. KLECZKA, AND Mr. KOPETSKI.

H.R. 1360: Mr. JOHNSTON of Florida, Mrs. MORELLA, Mr. BRUCE, Mr. HOCHBRUECKNER, Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, Mr. LANCASTER, and Mr. FOGLIETTA.

H.J. Res. 2: Mr. VANDER JAGT.

H.J. Res. 5: Mr. EMERSON, Mr. GIBBONS, Mr. PACKARD, Mr. DREIER of California, Mr. ZIMMER, Mr. COBLE, Mr. SKEEN, Mr. BALLENGER, Mr. HOUGHTON, Mr. DANNEMEYER, Mr. LAGOMARSINO, Mr. INHOFE, Mr. RITTER, Mr. ROHRABACHER, Mr. ZELIFF, Mr. CUNNINGHAM, Mr. YOUNG of Florida, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. BOEHNER, Mr. DOOLITTLE, Mr. HERGER, Mr. PAXON, Mr. RIGGS, Mr. KOLBE, Mr. COUGHLIN, Mr. FISH, Mr. SANTORUM, Mr. SCHIFF, Mrs. VUCANOVICH, Mr. ARMEY, Mr. SHAW, Mr. HEFLEY, Mr. WILSON, Mr. SLAUGHTER of Virginia, Mr. LOWERY of California, Mr. HUNTER, Mr. MCCOLLUM, and Mr. ROBERTS.

H.J. Res. 23: Mr. ALEXANDER, Mr. BILBRAY, Mr. BROWN, Mr. BRUCE, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CLEMENT, Mr. DARDEN, Mr. DUNCAN, Mr. EMERSON, Mr. GALLO, Mr. GEKAS, Mr. GORDON, Mr. HAMILTON, Mr. HANSEN, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HUBBARD, Mr. HUCKABY, Mr. HYDE, Mr. KOPETSKI, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. LEWIS of California, Mr. LEWIS of Florida, Mrs. LLOYD, Ms. LONG, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCNULTY, Mr. MAVROULES, Mr. MFUME, Mr. MILLER of Ohio, Mr. MURPHY, Ms. OAKAR, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. PAXON, Ms. PELOSI, Mr. PICKETT, Mr. PURSELL, Mr. RAMSTAD, Mr. RANGEL, Mr. RHODES, Mr. ROYBAL, Mr. SCHEUER, Ms. SLAUGHTER of New York, Mr. SPRATT, Mr. TANNER, Mr. VANDER JAGT, Mr. VENTO, Mrs. VUCANOVICH, Mr. WEBER, Mr. WEISS, Mr. WYLIE, and Mr. YOUNG of Alaska.

H.J. Res. 58: Mr. TORRICELLI, Mr. LEWIS of California, Mr. HYDE, Mr. RAHALL, Mr. CAMP, Mr. HANSEN, Mr. LEVINE of California, Mr. GORDON, Mr. HALL of Ohio, Mr. WISE, Mr. BORSKI, Mr. DOOLITTLE, Mr. LANTOS, Mr. ORTIZ, Mr. ABERCROMBIE, Ms. OAKAR, Mr. GOODLING, Mr. NUSSLE, and Mr. RAMSTAD.

H.J. Res. 95: Mr. SKEEN, Mr. GORDON, Mr. CLEMENT, Mr. MCDERMOTT, Mr. DOOLITTLE, Mr. BILBRAY, and Mr. LANCASTER.

H.J. Res. 134: Mr. ACKERMAN, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. BACCHUS, Mr. BERMAN, Mr. BILBRAY, Mr. BOUCHER, Mrs. BOXER, Mr. CAMP, Mr. CARR, Mr. CLEMENT, Mr. COYNE, Mr. DORNAN of California, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. ERDREICH, Mr. FASCELL, Mr. FAWELL, Mr. FISH, Mr. FROST, Mr. FUSTER, Mr. GEJDENSON, Mr. GREEN, Mr. GUARINI, Mr. HARRIS, Mr. HENRY, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOYER, Mr. JONES OF GEORGIA, Mr. JONTZ, Ms. KAPTUR, Mr. KOPETSKI, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVINE of California, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MACHTLEY, Mr. MANTON, Mr. MARTIN, Mr. MATSUI, Mr. MAZZOLI, Ms. MOLINARI, Mr. NOWAK, Mr. OWENS of Utah, Mr. OWENS of New York, Mr. PAXON, Mr. PAYNE of New Jersey, Mr. POSHARD, Mr. RAMSTAD, Mr. RANGEL, Mr. REVENEL, Mr. RAY, Mr. RINALDO, Mr. ROE, Mr. SCHUMER, Mr. SERRANO, Mr. SISISKY, Mr. SMITH of Florida, Mr. STARK, Mr. STOKES, Mr. SWETT, Mr. TOWNS, Mr. TRAXLER, Mr. WAXMAN, Mr. WEBER, Mr. WOLF, and Mr. YATES.

H.J. Res. 144: Mr. ROYBAL, Mr. LEHMAN of Florida, Mr. KILDEE, Mr. YATES, Ms. KAPTUR, Mr. COSTELLO, Mr. FORD of Michigan, Mr. HERTEL, Mr. LUKEN, Mr. LAGOMARSINO, Mr. SKAGGS, Mr. HEFNER, Mr. MAZZOLI, Mrs. MEYERS of Kansas, Mr. FAWELL, Mr. AUCOIN, Ms. SLAUGHTER of New York, Mr. LEVINE of California, Mr. ESPY, Mr. BALLENGER, Mrs. MINK, Mr. LIPINSKI, Mr. MILLER of Washington, Mr. HUGHES, Mr. MARTINEZ, Mr. EVANS, Mr. STUDDS, Mr. SCHEUER, Mr. LAFALCE, Mr. LANCASTER, Mr. GUARINI, Ms. LONG, Mr. ZIMMER, Mr. KOPETSKI, Mr. JEFFERSON, Mr. CAMP, Mr. JONTZ, Mr. MCCRERY, Mr. OWENS of Utah, Mr. FROST, and Mr. SWETT.

H.J. Res. 147: Mr. RANGEL, Mrs. MEYERS of Kansas, and Mr. TAYLOR of Mississippi.

H.J. Res. 154: Mr. LANCASTER, Mr. LEVIN of Michigan, Mr. FISH, Mr. DEFAZIO, Mr. NEAL of Massachusetts, Mr. DE LUGO, Mr. VENTO, Mr. SAWYER, Mr. BARNARD, Mr. SMITH of New Jersey, Mr. EMERSON, Mr. SERRANO, Mr. RAMSTAD, Mr. UPTON, Mr. SPENCE, Mrs. MORELLA, Mr. FROST, Mr. LANTOS, Mr. MURPHY, Mr. MARKEY, and Mrs. MINK.

H.J. Res. 162: Mrs. UNSOELD.

H.J. Res. 169: Mr. COSTELLO, Mr. OWENS of Utah, Mr. CLEMENT, Mr. GILMAN, Mr. HORTON, Mr. UDALL, Mrs. UNSOELD, Mr. MCGRATH, Mr. GILCHREST, Mr. ERDREICH, Mr. MCDERMOTT, Mr. DWYER of New Jersey, Mr. DE LA GARZA, and Mr. PAYNE of New Jersey.

H. Con. Res. 45: Mr. RAMSTAD and Mr. GILMAN.

H. Con. Res. 56: Mr. STOKES, Mr. ROYBAL, and Mr. MAVROULES.

H. Con. Res. 73: Mr. CUNNINGHAM, Mr. HUTTO, and Mr. KYL.

H. Con. Res. 81: Mr. MCCOLLUM, Mr. BOEHNER, Mr. THOMAS of California, Mr. FRANKS of Connecticut, Mr. HANCOCK, Mr. APPLEGATE, Mr. LIVINGSTON, Mr. COX of California, Mr. DORNAN of California, Mr. HANSEN, Mr. NEAL of North Carolina, Mr. FAWELL, Mr. GUNDERSON, Mr. RAHALL, Mr. LAGOMARSINO, Mr. GEREN, Mr. SCHIFF, Mr. SUNDQUIST, and Mr. MACHTLEY.

H. Con. Res. 89: Mr. ROWLAND, Mr. LEHMAN of Florida, Mr. FROST, Mr. LEVIN of Michigan, Mr. WYDEN, Mr. EVANS, Ms. SLAUGHTER of New York, Mrs. BYRON, Mr. BONIOR, Mr. WASHINGTON, Mrs. LOWEY of New York, Mr. ROE, Mr. KOLTER, Mr. DWYER of New Jersey, and Mr. LAGOMARSINO.

H. Res. 26: Mr. BAKER, Mr. BATEMAN, Mr. BLAZ, Mr. CARPER, Mr. EMERSON, Mr. FISH, Mr. GALLEGLY, Mr. GILLMOR, Mr. GINGRICH, Mr. HENRY, Mr. HORTON, Mr. HUGHES, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. KOLBE, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LENT, Mrs. LOWEY of New York, Mr. MARTIN, Mr. MCEWEN, Mr. MCMILLAN of North Carolina, Mr. MOORHEAD, Mrs. MORELLA, Mr. OXLEY, Mr. PENNY, Mr. PORTER, Mr. RAMSTAD, Mr. RANGEL, Mr. RAVENEL, Mr. ROE, Mr. SANTORUM, Mr. SCHIFF, Mr. SLATTERY, Mr. SMITH of New Jersey, and Mr. STOKES.

H. Res. 100: Mr. MCNULTY and Mr. NOWAK.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 328: Mr. Myers of Indiana.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1175

By Mr. MICHEL:

—At the end of the bill add the following new section:

SEC. 503. BUDGET ENFORCEMENT.

To guarantee that the assistance for veterans authorized by Title III of this Act is provided in a manner consistent with the fiscal requirements of the Budget Enforcement Act, notwithstanding any other provision of this Act, this Act (including the amendments made by this Act) shall be implemented for all purposes relating to Federal budget procedures in accordance with the procedures and requirements enacted in the Budget Enforcement Act of 1990 (title XIII of Public Law 101-508).

EXTENSIONS OF REMARKS

FIGHTING HUNGER: A JOB HALFWAY DONE—A CHALLENGE HALFWAY MET

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. HALL of Ohio. Mr. Speaker, I would like to share with my colleagues a paper on fighting hunger which was prepared by the staff of the House Select Committee on Hunger. Forty thousand children die each year before their first birthday, and 20 million Americans depend on food banks or soup kitchens to supplement their diet each month. Americans discovered a tremendous amount of energy and force of will in our war against Iraq. It's time for us to use that energy to fight a war against hunger, poverty, and preventable disease.

The briefing paper, entitled "Fighting Hunger: A Job Halfway Done—A Challenge Halfway Met," is designed to look at America's current antihunger policy, and examine how it fails to adequately address the size and scope of the hunger problem. The paper lists insufficient funding levels and eligibility criteria for domestic food assistance programs such as food stamps and WIC, notes that the U.S. Government currently has no operational definition of hunger that recognizes food insecurity, and has no appropriate mechanism for measuring the extent of food insecurity in American communities.

Regarding international antihunger policy, the paper examines insufficient funding levels for child survival and education programs, and notes that the use of food as a weapon has never been recognized as a specific human rights violation through a U.N. Convention on the Right to Food.

With the fighting in the gulf behind us, it's time to redirect our energies toward a domestic and humanitarian agenda. As this paper makes clear, we have much work to do.

For the benefit of my colleagues, a copy of the briefing paper follows:

FIGHTING HUNGER: A JOB HALFWAY DONE—A CHALLENGE HALFWAY MET

Hunger has plagued humanity since the beginning of time. Food is among the most basic of all human needs. The problem of hunger is, on one level, simple to address: you give food to the hungry. However, solving hunger requires a more complicated and comprehensive approach.

Many current approaches are based on the direct, recurring provision of food. This is necessary for those in extreme need. However, to solve the long-term problem of hunger requires moving beyond responding to daily hunger needs to promoting individual self-reliance and empowerment through programs to reduce poverty.

Hunger has a simple cause: lack of access to food. And a well-understood connection exists between poverty and hunger. At least half a billion people are chronically hungry today; nearly all of them are poor. Nevertheless, the reasons why individuals and their families become unable to obtain food vary widely. In the deserts of Africa, food is scarce because of weather conditions, unsuitable agricultural techniques, and, in many cases, war. In war-torn Angola, people starved because the farmers' fields contained too many land mines to harvest the crop. In some of the poorest countries in Asia, recurring natural disasters restrict food production and transportation. Latin American nations crippled by debt or civil strife have great difficulties in adequately feeding their citizens.

In America, the breadbasket of the world, it is difficult to understand how hunger—how food insecurity, the lack of a consistent access to food from conventional sources—can exist in a country that produces food in such massive quantities. And yet millions of Americans are food insecure: 21 million rely on food stamps, 20 million Americans each month are forced to rely on a food bank or a soup kitchen to supplement their diet.

In a land where food is plentiful, the root cause of food insecurity is once again poverty: 31 million Americans live under the official poverty line; another 13 million live in real poverty (the outdated official poverty measurement adjusted for contemporary economic and societal assumptions). Opportunities to use our vast wealth in resources and in real poverty (the outdated official poverty measurement adjusted for contemporary economic and societal assumptions). Opportunities to use our vast wealth in resources and energy to help the hungry are often ignored: twenty percent of the food produced in the United States—137 million tons—is wasted.

In recent decades, the fight against domestic and international hunger has included efforts to provide basic subsistence—food—to hungry people. Internationally, efforts to promote economic development are supplemented by the provision of emergency assistance to people in famine situations. Not enough is done to support indigenous humanitarian and social service organizations within Third World countries. Across the developing world, much of the humanitarian infrastructure still depends on outside groups and outside resources.

In this country, we have in place an array of programs which address hunger in terms of maintenance: we attempt to give a meal to a hungry person. But in doing so—in addressing the symptom of the hunger without similarly addressing the cause of the hunger—we fail to prevent someone who is hungry today from being hungry again tomorrow. In short, we address the hunger but not the poverty which creates it. This is a policy that breeds dependence.

Hunger can be a potent political force. From Robespierre to Roosevelt, many national leaders have been swept into power by the power—and anger—of hungry people who sought to change their condition. In the early 1930's, this country experienced what became known as the "hunger riots." Destitute World War I veterans and unemployed victims of the Great Depression rallied and protested in cities across the country against their conditions of hunger and poverty. In the political campaign of 1932, Franklin Roosevelt acknowledged their condition and promised to solve it, and was elected President. In 1941, exactly half a century ago, FDR identified a vision for the post-WWII world, embodied in the famous Four Freedoms; Freedom from Fear, Freedom of Expression and Freedom of Religion, and Freedom from Want: Roosevelt understood that freedom from hunger and poverty were fundamental rights of all people.

Fifty years later, Roosevelt's vision remains unfulfilled. In a world where twenty percent of the population is poor, malnourished and diseased; in a country where twenty million people are unable to regularly feed themselves, there is no freedom from want. Current anti-hunger policy fails to give life to Roosevelt's vision, both by inadequately addressing immediate hunger, and by ignoring longer-term solutions.

The purpose of this paper is to identify the problems in current anti-hunger policy, and seek to understand how it fails to address the problem in a long-term, sustainable way.

DOMESTIC HUNGER PROGRAMS

Access to basic assistance programs

The Federal Government sponsors an array of programs to help low-income households access a consistent, nutritious food supply. However, many needy persons suffering from problems these programs were designed to address, receive no—or inadequate—assistance. For example, the Special Supplemental Food Program for Women, Infants and Children (WIC)—a program which offers food, health care access and nutrition education services to low-income women, infants and children who are at health or nutritional risk—currently serves only about half of the eligible population because of inadequate funding. Eligibility restrictions in the Food Stamp Program reflect outdated assumptions about the amount of resources participating households have available to expend on food. Consequently, benefits do not adequately cover the food needs of participants.

Approximately 8.7 million Americans are eligible for the WIC program; but the program is underfunded, only 4.5 million are served. Yet WIC saves money; a recent USDA study showed that every $1 spent on the prenatal component of the WIC Program reduced related infant care Medicaid costs by up to $3.13.

Food Stamp assistance demands recently jumped 400,000 in one month (October 1990). Because the Food Stamp Program operates like an entitlement program, every eligible person should receive benefits. However, asset and resource limitations are kept artificially low, barring participation to millions.

Food purchasing power

Low-income households in poor urban and rural communities face logistical and financial obstacles in their attempts to access an affordable, consistently nutritious food supply. Over the past two decades, supermarkets migrating from inner-city communities have been replaced by convenience stores and independent grocery stores whose prices are up to 30 percent higher than more efficient

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

supermarket chains. In rural areas, recent research finds, on average, the existence of only one supermarket per every 265 square miles. The lack of marketplace competition results not only in higher food prices, but in fewer fresh fruits and vegetables and meats—items which research indicates are lacking in the diets of many low-income persons.

In rural North Dakota, there is a supermarket every 1,276 square miles; in rural Mississippi, there is a supermarket every 134 square miles.

In urban areas, most poor people do not live within walking distance of a supermarket. The smaller convenience stores found in low-income urban areas charge up to 30 percent higher prices for the items they sell.

Most states do not encourage farmer's markets or food co-ops, where fresh, nutritious food is readily available, to become certified to redeem food stamps and WIC vouchers.

Assessing food security

Over the past decade, there has been extensive debate concerning the magnitude and severity of hunger problems in the United States. Difficulty in ascertaining the extent of this problem stems from the fact that there currently exists no universally accepted definition for the non-clinical manifestations of hunger, nor is there a uniform system for assessing household food shortage problems.

The U.S. Department of Agriculture "has no operational definition of 'hunger' in terms of food sufficiency," according to John Bode, Ass't Sec'y Of Agriculture for Food and Consumer Services.

Because of the diversity and number of state and local survey instruments for measuring hunger, it is difficult to make any national comparisons of national food insecurity problems.

Communities making the transition to food secure status

A growing number of national, state and local reports have heightened public awareness about the prevalence of food insecurity problems in the United States. Consequently, community-based organizations and private citizens across the country have begun to mobilize efforts to eradicate this condition. While many such organizations have launched programs and services which respond to the immediate food needs of low-income persons, there is no comprehensive set of goals in place for achieving permanent food security—access by all people at all times through normal food channels to enough nutritionally adequate food for a normal, healthy life.

EMPOWERMENT PROGRAMS

Asset-based welfare policy

Traditional welfare policies in America—which are humane and justifiable—have sustained millions of low-income persons, but rarely have those policies made them strong. As a result, most low-income persons remain in poverty, which is a drain on the nation, a loss of human resources, and an assault on human dignity. Welfare dependency continues and poverty rates remain high, in part, because welfare theory has taken for granted that a certain level of income or consumption is necessary for one's economic well-being. But very few people manage to spend or consume their way out of poverty. Economic well-being does not come through spending and consumption; rather, it is achieved through savings, investment, and accumulation of assets, which provide stability and orient people towards the future. While the Federal Government has offered middle- and upper-income persons incentives to accumulate savings and assets (e.g., home mortgage interest deductions and tax deductions for retirement pension accounts), it has not provided those incentives to low-income persons; indeed, under current welfare policies, poor families must deplete most of their assets before qualifying for public assistance.

Under current welfare policy, billions of dollars are spent promoting consumption (Food Stamps—$19 billion; AFDC—$17.5 billion) while actually prohibiting the asset accumulation that could reduce welfare dependency.

Federal Tax policy will subsidize homeownership by more than $50 billion in 1991.

Micro-enterprise programs for the poor

Self-employment and micro-enterprise activities (business employing five or fewer people, one of whom is the owner) are particularly important to areas where there are few formal job opportunities—such as many rural areas and inner-city urban areas—and to groups of people who have few job options due to lack of formal education and training. Yet the Federal Government has done little to promote self-employment opportunities in these economically depressed areas or for low-income and disadvantaged persons. In fact, Federal programs, while providing critically needed food, cash, and health assistance, actually drastically reduce or terminate benefits of participants who attempt to acquire the capital and assets necessary to launch a self-employment venture. Further, self-employment is usually not included in the definition of "employment" in current employment and training programs. Finally, the Federal Government has not sufficiently explored the potential contributions to general economic development derived from self-employment activities by low-income persons.

Between 1981 and 1985, 88 percent of all net job creation came from companies with fewer than 20 workers.

Self-employment is "counter-cyclical"—that is, it seems to be strong during recessions. Self-employment rates have increased during recessionary periods when wage and salary employment was decreasing.

INFANT DEATH—A PREVENTABLE DISGRACE

Infant mortality

The United States currently ranks last on the list of 21 top industrialized nations in infant mortality. While the U.S. infant mortality rate has dropped from about 20 per 1000 live births in 1960 to about 10 in 1988, most experts attribute the drop to significant advancements in sophisticated medical technology. Yet, these same experts acknowledge that an emphasis on preventing the conditions that influence high rates of infant mortality in this country has been lacking. Thousands of children still die before their first birthday because of a lack of basic pre- and post-natal care. In spite of the proliferation of prenatal care programs serving high-risk women, a significant percentage delay seeking care until their second or third trimester, resulting in a high percentage of low birthweight babies and high infant mortality rates. In addition, high-risk pregnant women often have significant social, economic and psychological problems which impact on the outcome of pregnancy. As important as the need to provide supplemental care to high-risk women, there is a need to develop better mechanisms for disseminating this care, and for evaluating the effectiveness of these mechanisms. Narrowly targeting high-risk pregnant women and infants in a well defined geographical area would enable health and supplemental care providers to adequately identify and treat the at-risk population in a more manageable and effective way.

While the overall U.S. infant mortality rate is about 10, the rate for African Americans is 17.9.

The teen birth rate among African Americans is about 65 percent; infants born to teens are twice as likely to die before their first birthday and three times as likely to be low birthweight.

In rural western Alabama, community-based pre-natal care programs lowered the infant mortality rate from 36 to 5.9 over a five year period.

Breastfeeding

There is a growing body of evidence that suggests that breastfeeding has significant benefits for infants and mothers. However, much of the research generating these claims has focused on populations in developing countries. Current research conducted in the U.S. is divided and has not been done on a wide scale. Much of the debate centers around the notion that significant health benefits from breastfeeding and particularly those that reduce infant mortality and morbidity are the result of the natural and sanitary source of breast milk, as opposed to unsanitary conditions, lack of clean water and a lack of medical care, conditions that predominate in developing countries. However, many of these conditions *do* exist in the U.S., and especially in low-income areas such as the Mississippi Delta, or the "colonias" in the Southwest. There is a need then to determine what benefits exist especially regarding infant mortality and morbidity in this country, and if they do, whether they have particular merit for reducing the high infant mortality and morbidity rates within low-income populations, who generally have low rates of breastfeeding.

Breastfeeding protects infants against a variety of illnesses including respiratory infections and diarrhea.

The WIC program spends $500 million each year on infant formula; nearly $30 million of that could be saved if recipients breastfed for one month instead of using formula.

A recent study showed that the breastfeeding rate among low-income women was below 36 percent.

HUMAN RIGHTS POLICY

Food as a human right

Although food is a basic essential for life, access to food is not recognized as an essential basic human right. Access to food is listed in the Universal Declaration of Human Rights, but it has never been the subject of a specific United Nations Convention, which would have the effect of elevating the issue internationally. In many developing countries, especially countries experiencing civil war or strife, government leaders as well as rebel combatants use food as a weapon to further their military or political aims. While humanitarian relief officials often express their frustration at their inability to feed hungry people, the United Nations and the international community have no recognized device for putting public pressure on those who would use hunger as a weapon.

For example, in Sudan, drought was predicted one year ago by relief workers within the country, and by the U.N. Food and Agriculture Organization (FAO), whose satellite photos showed drought conditions and crop failure. Sudan's President Bashir, however, refused to officially ask for relief, and prevented private voluntary relief organizations from distributing food. As the famine worsened, President Bashir continued to block relief. Current estimates place about 10 million Sudanese people at risk of starvation, due in large part to President Bashir's refusal to acknowledge a disaster which was foreseen and predicted, and which the international and donor community was mobilized to avert.

An international convention on the right to food, similar to international conventions on torture and other human rights abuses, would force governments to respect the right to food. Also, the United Nations currently has no regular mechanism for addressing humanitarian crises, especially those that occur in countries that are in the midst of civil strife.

When a country is accused of systematically violating human rights, such as the right not to be tortured, the UN has a system to evaluate the charge and report on its findings in an effort to stop the criminal violation of rights. No such mechanism exists on a permanent basis for countries accused of not respecting the right to food.

The present UN system has structures to respond to refugee problems and to longterm development needs, but has regular structure set up to respond to humanitarian crises.

INTERNATIONAL HUNGER PROGRAMS

Democracy and hunger

Promoting the expansion and strengthening of democratic systems must be a priority of any efforts to forge a "new world order." In undemocratic states, the government, by definition, does not need to be responsive to the needs of its citizens. This leads to greater disparities of well-being—and acute hunger—in many of these countries. One important way to strengthen democracy is by encouraging the growth and empowerment of local nongovernmental organizations working for the development of the country. The United States needs to design new aid structures to promote democracy by supporting local, grassroots organizations working to end hunger. U.S. foreign aid should be focussed on those countries that are moving towards democratic systems.

Of the 50 countries in the world with the highest child mortality rates, only 10 are now democracies.

Of the 25 countries in the world with the lowest child mortality rates, 24 are democracies.

Many of the poorest countries in the world are in the early stages of efforts to become more democratic.

Children

Every year 14 million children die in the developing world. Ten million of these children die unnecessarily from diseases easily prevented like tetanus, measles, and whooping cough. The World Summit for Children brought more than seventy heads of state together last Fall to work for children. They pledged to intensify their efforts to end this tragedy of unnecessary child death and suffering. Programs to improve programs for child and maternal health and systems of primary education are critical to this process.

Simple, low-cost, easy to administer treatments for such health problems as diarrhea, respiratory infections, measles, and neonatal tetanus save millions of children's lives now.

More than 2½ million children in developing countries die every year because they are not fully immunized.

With sufficient resources, it may be possible to develop a new vaccine, administered once in infancy, which would produce lifelong immunity to a wide range of diseases.

Women in development

Women in developing countries play multiple and vital roles in development, but in many development efforts their roles have been overlooked or ignored. Development projects have often not been designed to target women, who provide the majority of labor for food production in many countries. Research has shown that the full participation of women in the development process is essential to achieving growth, a more equitable distribution of resources and services to meet basic needs, and sustainable development. When women's participation in development is high, project success and sustainability tend to be high; when participation is low, project success and sustainability tend to be low.

In Africa, 77 percent of all farmers are women.

According to the United Nations, in 1980 women, a) were half the world's population, b) performed two-thirds of the world's work hours, c) were recognized for only one-third, d) received ten percent of the world's income (and controlled even less), and e) had one percent of the world's property registered in their name.

In 1991, after a decade of unprecedented economic growth, the situation remains the same.

Refugees

There are an estimated sixteen million refugees worldwide right now. Many of them are ill-housed, undernourished, and left without hope for themselves and their families. They rely on support from U.S. agencies and international agencies like the United Nations High Commissioner for Refugees. Without adequate support for these agencies, not only will many refugees continue to suffer unnecessarily, but opportunities to work for their resettlement and repatriation will be lost.

Between 1984 and 1991, the world refugee population grew from 9 million to 16 million.

Between 1984 and 1990 U.S. Government funding for refugees overseas actually dropped, in real terms, by 22 percent; from $206 million in FY 1984 to $169 million in FY 1990.

Agriculture and the environment

Environmental degradation plays a critical role in exacerbating poverty and hunger in many developing countries. Increasingly, poverty forces rural residents to intensify their use of land and water resources, resulting in a spiral of degradation that reduces their ability to produce food and other basic necessities. An estimated six million hectares of forest land each year are denuded and degraded by shifting cultivation, conventional agriculture, and timber harvesting. Unfortunately current strategies to alleviate hunger by promoting agriculture in the developing world often lack an understanding of the relationship between the environmental, social, political, and cultural context in these countries. This has served to enhance the dangerous cyclical relationship between a lack of food self-reliance and environmental degradation. Developmental projects in the Third World sponsored by AID should promote the principles of sustainable agriculture; farming techniques which foster, rather than deplete, the capacity of farmable land to produce food in a renewable manner.

In Ethiopia, with one of the world's highest soil erosion rates, the loss of over 1 billion tons of topsoil a year has perpetuated a cycle of recurrent famine.

On Madagascar, one of the most eroded places on earth, population growth and severe environmental degradation has led to a 20 percent decline in grain consumption, pushing food intake below the survival level for many.

Debt

The debt burden of developing countries worsens hunger and poverty. Hunger tends to increase in these countries because, in an effort to save money, the government sometimes chooses policies which increase unemployment and underemployment. Without jobs, already severe problems of malnutrition worsen for the affected families. Also, in many instances, these governments decrease funding for basic educational and primary health services. Cuts in government health budgets can lead to increases in child mortality rates, while cuts in education budgets leave children unable to gain the tools to help them break out of this cycle of debt, unemployment, poverty, and hunger.

In total, indebted developing countries spend $50 billion more every year repaying their debts than they receive through foreign aid and investment.

In order to service its foreign debt, AIDS-plagued Nigeria drastically reduced its spending for public health.

Private voluntary organizations

Private voluntary organizations (PVOs) like CARE, Catholic Relief Services, World Vision, and Save the Children have proven themselves to be particularly effective in the delivery of development and humanitarian assistance to those most in need. They tend to be better at getting needed resources to the poorest of the poor—at a lower cost—than the U.S. Government or the host government. Efforts to make every foreign aid dollar stretch as far as possible—and help as many people as possible—require that these groups receive additional resources.

Between 1985 and 1989 the U.S. Government provided nearly $180 million to PVOs to promote child survival in developing countries.

In Peru, CARE and other PVOs are using U.S. Government food to provide locally-organized community kitchens with the supplies they need to meet the nutritional needs of people in the poorest neighborhoods of Lima.

In a poor area of Malawi in southern Africa, World Vision, working with the Government of Malawi, has trained more than 90 percent of the workers responsible for educating mothers on the measures they need to take to promote their children's survival.

Multilateral development banks and the IMF

Increasingly, the World Bank has begun to focus its efforts on poverty alleviation, as illustrated by its "1990 World Development Report," which had poverty as its theme. The World Bank has begun to move towards the goal of poverty reduction by using a strategy of linking their assistance programs to the poverty reduction efforts made by developing countries. Following this trend, the International Monetary Fund (IMF), whose programs can determine a country's macroeconomic situation, has recently begun to acknowledge the importance of addressing problems of poverty in the design of their program. However, the IMF has yet to begin incorporating these policy goals into their planning process and programs.

The World Bank, with 152 member countries, is the largest single source of development assistance.

The World Bank accounts for more than 15 percent of international support for education.

JOHN BZDIL III RECEIVES EAGLE SCOUT AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating a fine young man from Sunbury in my congressional district in Pennsylvania.

On April 7, John Bzdil III will join an elite class of individuals in receiving the award of Eagle Scout, the highest and most prestigious honor in the Boy Scouts of America.

As a Cub Scout, John received the Parvuli—Dei in 1983, and as a Boy Scout he received both the Ad Altare Dei, and the Pope Pius XII Award in 1986 and 1987, respectively.

John became active in school activities early in life. While in the sixth grade at St. Michael School, he was a member of the student council and was selected to the honor roll. At Sunbury Middle School, he was on the National Honor Society and was awarded the American Legion Award for being the outstanding male student in the eighth grade.

His high school years at Shikellamy High School have given John the determination, motivation and self-discipline needed to reach the highest of goals. Not only was he involved in student council, class president, and student representative for the school, but he was also actively involved in three sports: basketball, football and track—receiving a varsity letter in both track and football. John was one of only four to be recently named to the All Star Team for his outstanding performance as safety on the football team. Such diligence and perseverance has given John the extra effort needed to achieve his goals and to strive for future endeavors.

John also devoted his summers to the American Red Cross where he became a lifeguard and taught swimming for a Learn to Swim Program.

For his Eagle Scout project John recruited volunteers to assist him with refurbishing the Keller Street Playground in Sunbury. They cleaned the area of garbage, filled in holes, and refinished and painted all playground equipment and the recreation pavilion. To help pay the expenses, John raised a total of $250, including some of his own money from his summer employment.

Mr. Speaker, as you can see, John is well-deserving of the rank of Eagle Scout. He has worked exceptionally hard, has maintained a fine academic record, and has fully participated in three separate sports. He has represented both his school and his community, and has proven himself to be a fine, upstanding citizen of Sunbury.

I join his family and friends when I say I am proud of his accomplishments, and I wish him luck in all future endeavors.

PROLIFERATION PROFITEERS: PART 1

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. STARK. Mr. Speaker, nuclear proliferation is now the No. 1 national security threat facing the United States. Too many countries have the bomb already. If we don't take steps today, we might soon live in a world in which Iran, Iraq, Libya, and Syria are all nuclear-armed.

In recent years, countries like Iraq and Pakistan have relied on weak and poorly enforced export controls to obtain vital technology for their nuclear weapons programs.

Last week representatives from the major nuclear supplier countries are meeting in London to discuss the current state of nuclear export controls, especially relating to dual-use technology.

I hope these talks will generate substantial results, but if they do not we must be prepared to take steps of our own. If our allies won't clamp down on their firms' nuclear wheeling and dealing then we will have to provide some deterrence for them.

To help address this issue, I recently introduced the Nuclear Non-Proliferation Enforcement Act (H.R. 830). This legislation would punish foreign companies that sell nuclear equipment, materials, technology, and dual-use items without the proper safeguards to countries of proliferation risk.

I have obtained from the emerging nuclear suppliers and nonproliferation project at the Monterey Institute for International Studies 12 case studies of foreign firms found furthering nuclear proliferation. Beginning today, I will, each day, place one of these case studies into the CONGRESSIONAL RECORD to help illustrate the need for more stringent export controls:

TWELVE FOREIGN FIRMS REPORTEDLY ENGAGED IN NUCLEAR WEAPONS-RELATED TRADE WITH IRAQ[1]

FIRM 1: BRAZILIAN AERONAUTICS COMPANY (BRAZIL)

The Brazilian Aeronautics Company (Embraer) is Brazil's state-owned aircraft manufacturing concern. Early in 1989, Embraer became involved in negotiations with two other Brazilian firms. Orbit Aerospace Systems and Specialized Engineers, Inc. (Engesa), that could have led to a wide-ranging scientific and technological cooperation program with Iraq. Embraer has been involved in attempts to acquire a U.S.-manufactured IBM supercomputer for use on the evaluation of aircraft projects. Critics have charged that this equipment could be used to help build a Brazilian nuclear bomb. Embraer has denied accusations that it would supply the means to make nuclear calculations of any kind to anyone. However, the firm has strong connections to Brazil's Aerospace and Technology Center (CTA) which has worked to enrich weapons grade uranium and to enlarge missiles to give them the capacity to carry nuclear warheads. A congressional report alleges "strong evidence" that Embraer personnel have exchanged information with Iraqi weapons experts while another article suggests that Embraer and CTA have together trained Iraqi rocket engineers. President Bush decided in November 1990 that the supercomputer sale would be allowed pending the establishment of sufficient safeguards. The decision was criticized by many nonproliferation experts. In August 1990, Westair Holding Inc. and its airline operating division, United Express, signed a $700 million purchase option to buy up to 60 Embraer aircraft.

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[1] Sources: "Los Angeles Times" 9/15/90 by Douglas Frantz; "O Globo," 3/19/90, p. 46; "O Globo," 8/1/90, p. 19 by Jose Eustaquio; "O Globo" 8/28/90, p. 15 by Marcia Margues; "New York Times," 7/29/90 by Gary Milhollin and David Dantzic; "New York Times," 12/4/90, p. A10; "Wall Street Journal," 8/15/90, p. B8.

INTERNATIONAL OVERSIGHT OF THE PORNOGRAPHY TRADE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. DANNEMEYER. Mr. Speaker, the cruel societal effects of pornography and obscenity on the spirit of this Nation rival the physical effects of illicit drugs. We have international cooperation in attempting to control illicit drugs. We do not have its equivalent regarding pornography and obscenity.

Mr. Speaker, I commend the following speech by Archbishop Roger Mahony to our colleagues. A dialog should begin now on this important matter.

PUBLIC FORUM ON PORNOGRAPHY

(Speech by Archbishop Roger Mahony)

I would like to express my deep gratitude to the Southern California Chapter of the Knights of Columbus and the Archdiocese's Commission on Obscenity and Pornography for inviting me to be with you here today.

It is indeed gratifying to see the Knights present an award to United States Attorney General Richard Thornburgh in recognition of the pro-family position taken by the Justice Department in enforcing the nation's obscenity laws.

It is also gratifying to see the Knights give an award to Dove Video for their efforts to clean up regular motion pictures, which have become an embarrassment to family viewers.

Chris Blatchford of KCBS certainly deserves the award that he is receiving from the Knights for his report that exposed the pornography industry, which is a blot on the good name of Southern California's entertainment industry around the world.

The actions of these award recipients should inspire all of us to increase the pressure on this multinational industry which continually exploits the dignity of the human person.

Today I would like to focus your attention on a new way to pursue our goals. The United Nations is a powerful force in our world that can play a major role in eliminating pornography. As former Chairman of the Committee on International Policy for the United States Catholic Bishops' Conference, I call upon the United Nations to enforce the international pornography laws that have been already agreed upon by treaty.

I urge this distinguished international body of nations to identify and to impose sanctions upon those nations which attack the family of humanity by means of pornography. Pornography is not more acceptable in the new world order than are slavery, apartheid, cocaine smuggling or germ warfare.

My friends, if we are to have true peace in the world, it will require that respect for human rights and human dignity be international in scope. Pope John Paul II has spoken of an emerging, worldwise consensus on human rights. We who believe in God know this must be based on moral values that transcend time and space, and are permanent in nature. I am talking about the Ten Commandments given to all of us on Mount Sinai.

Thirty-five years ago, one of the greatest figures in the history of Hollywood, Cecil B. DeMille, said this at a gathering prior to the New York opening of his epic film, "The Ten Commandments":

"The Ten Commandments are not the laws. They are the law—The Ten Commandments are the principles by which man may live with God and man may live with man. They are the expressions of the mind of God for His creatures. They are the charter and guide of human liberty, for there can be no liberty without the law. . . . In the final analysis, we do not break the Commandments. They break us if we disregard them. They are not rules to obey as a personal favor to God. They are fundamental principles without which mankind cannot live together."

Was there ever a time when we more urgently needed to return to these values than now, when our world is emerging from the most atheistic, and bloodiest, of all centuries?

The 20th century has been ravaged by three major atheistic philosophies which have led to bloodshed on a horrifying scale: fascism, communism and materialism—much of it spawned and spread by the Western nations. I believe it was no coincidence that the Weimar Republic that led directly to German Nazism, and Lenin's USSR, and our post-World War II secularized West, made access to pornography a so-called "right."

This "right" helped to destroy many laws safeguarding true human rights, human dignity and, indeed, life itself: If a society views women as mere commodities to be exploited by pornography, it will view preborn babies, the elderly, and the handicapped as "inconveniences" to be terminated.

The mentality that has divorced itself from the laws of God has helped to destroy countless people in the United States through rape, rape-murder, date rape, child molestation, veneral diseases and the killer disease, AIDS—all the fallout of pornography. Certainly the pornography shops along Hollywood Boulevard, which is just outside the front door of this hotel, are testimony to values gone insane, as were those values that led to slavery and segregation in this country.

When the Supreme Court of California cannot recognize that paying people to "act" in pornographic movies is prostitution, it shows that moral bankruptcy has penetrated the highest levels of our society. We should also recognize that the most dangerous place for pornography is the home, where it teaches susceptible young people that suicidal sex acts are perfectly all right.

But I want to leave you on a hopeful note today. Let us thank God for the efforts of the federal government and many local governments against pornography, and for the great victories won by citizen boycott groups. These victories are largely due to organizations such as the National Coalition Against Pornography, Morality in Media, the American Family Association, the National Family Legal Foundation and the Religious Alliance Against Pornography.

And let us rejoice at the bright prospect of the ancient Christian nations in Eastern Europe that are emerging in our times, thanks to the will of God and the intercession of millions of people praying, especially through the intercession of Mary, Mother of the Redeemer, Mother of the Church. A new Ukraine, Byelorussia and Russia will take their places in the United Nations along with the other states of the world, the great majority of which will represent populations made up of Christian, Moslem and Jewish believers.

As a Catholic, I believe that the God of Abraham, Isaac and Jacob is extending to the world a new graced opportunity for real peace and unity based on His Law.

We Catholics believe God has given to Mary the task of ushering in an era of peace through the triumph of her Immaculate Heart. This will fulfill the great promise made by Our Lady in 1917 at Fatima, a Portuguese town named for the favorite daughter of Mohammed. Allow me to quote from the Koran: O Mary, God has chosen you and purified you. He has chosen you above all the women of the world.

I believe that God, through His humble, gentle and pure Mother, is calling all of His children to unite in determination to protect everyone's human rights through international law.

Yes, both United Nations resolutions dealing with Kuwait and international treaties on pornography must be respected if we are to have true peace. Together, let us seize the moment and unite our world in this first great opportunity to have a world order based on God's plan for peace, love and law.

May God bless you for the difference you are making in helping to shape a society and a world community in which God's plan and design for the human person becomes the norm, not the exception.

FAIRNESS FOR FILIPINOS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. CUNNINGHAM. Mr. Speaker, some 4,000 men and women who fought for America in the gulf—cannot become citizens of America.

They are Filipinos who serve in America's Armed Forces.

This injustice can be corrected.

If President Bush makes a "declaration of hostilities" with respect to the war in the gulf—the Filipino men and women who so heroically served there—will gain eligibility to apply for American citizenship.

Similar Executive orders followed conflicts in Vietnam and Grenada. But Filipinos serving in the battle, for example, in Grenada had to wait 4 years to become eligible for citizenship.

Such a long wait for our Filipino veterans of the gulf is neither fair, nor necessary. My colleague Congressman DUNCAN HUNTER and I have already written one letter to President Bush, asking him to declare a "period of hostilities" promptly.

I encourage all Members of the House to sign a second letter I will send to the President, which should arrive in congressional offices via "Inside Mail" soon.

Mr. Speaker, let's encourage President Bush to declare a "period of hostilities"—so Filipinos who fought for America become eligible to apply for American citizenship.

TRIBUTE FOR THE 60TH ANNIVERSARY OF THE UNITED CREDIT UNION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. LIPINSKI. Mr. Speaker, to all whom these presents shall come:

ORDER OF PROCLAMATION

Whereas, The United Credit Union was founded February 2, 1931.

Whereas, The Sixtieth Anniversary of its founding will be celebrated this month, March 9, 1991.

Whereas, The celebration of this anniversary would not have been possible without the dedicated service of the Directors, Officers, Committee Members and Staff.

Whereas, The membership of United Credit Union has placed full faith and trust in its management with over fifty million dollars of deposits.

Whereas, The democratic control of the United Credit Union is the foundation of the trust of its members.

Whereas, The United Credit Union's recognition that thrift is the wisest use of one's resources and that financial security is the key to personal satisfaction.

Whereas, For over 60 years Howard S. Bechtolt, Edward M. Fitzgerald, Anton A. Schlichte, Gerald O'Connor, John N. Ryan and Ronald J. Nawrocki, Presidents of United Credit Union, served United's membership with enthusiasm and dignity.

Whereas, United Credit Union has adopted as its motto: "People Serving People, not for Profit, but for Service."

Whereas, Consideration and help in the attainment of the financial well-being of its membership has always been the guiding force of the United Credit Union.

I, William O. Lipinski, as Congressman of the 5th District of the State of Illinois; and on behalf of the City of Chicago and of the United States of America, do hereby congratulate the United Credit Union on their sixtieth anniversary and grant this certificate in recognition of the 60 years of dedicated service to its members.

PUERTO RICO SENDA A SIGNAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. BEREUTER. Mr. Speaker, as a cosponsor of legislation to declare English as the official language of the Federal Government of the United States, I noted with much concern the passage by the Puerto Rican Senate of a bill making Spanish the sole official language of Puerto Rico. This Member invites his colleagues to examine the following editorial from the March 11, 1991, edition of the Omaha World Herald which addresses this subject in a most effective and coherent fashion.

[From the Omaha World Herald, Mar. 11, 1991]

PUERTO RICO SENDS A SIGNAL

The Puerto Rican Senate weakened the case for Puerto Rican statehood when it approved a bill making Spanish the sole official language of Puerto Rico.

Some residents want the island commonwealth to become the 51st state, although others want independence or continued commonwealth status. The U.S. House and Senate eventually will take up a bill that would let the islanders decide.

Puerto Rico has a 1902 law designating English and Spanish as the languages of government. Spanish is the first language of most people. But if dealings with Washington had to be conducted in Spanish instead of English, as is currently the case, the symbolism would be potent.

The widespread use of the English language has been a national strength for America since the early days of the republic. Immigrants have poured into this country speaking hundreds of different languages and dialects. The predominance of a single national language, English, has brought them together.

Enclaves of various nationalities have become established in cities of all sizes. But no matter what language was spoken in those enclaves, most learned English to pursue the opportunities of the larger society. English is the language of business, of entertainment and of education. The ability to communicate in English is one of the tickets to success in America.

Ethnic pride and the need to cling to a personal heritage can help people maintain strong roots and preserve moral and ethical values. But in keeping an individual cultural background there is no need to trash the elements that have strengthened the larger society and made it great. Language is one of those elements.

Canada has learned, to its sorrow, what can happen when citizens are divided into different linguistic camps. French-language purists, after several years of trying to suppress the use of English in parts of Quebec, are threatening to pull out of the union, creating a French-speaking entity and fragmenting one of the world's largest nations. The French-English split isn't the only point of disagreement. But it symbolizes the hard feelings, and it has made healing them more difficult.

The official embrace of Spanish by the Puerto Rican Senate seems to suggest that members are not wholeheartedly behind statehood. U.S. leaders officials should consider that message before deciding what to do about the island's political future.

The desire for statehood should imply a willingness to embrace the laws, the customs and the language of America. Advocates of statehood are now being saddled with a situation in which they could have to work much harder to persuade America that the statehood campaign is sincere.

FASCELL AND WAR POWERS: ALIVE AND WELL

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. GEPHARDT. Mr. Speaker, one of the most important lessons of the gulf war is the necessity for Congress to be a partner with the President in the decision to commit U.S. troops into combat.

That fundamental principle, as reflected in article I of the U.S. Constitution and reaffirmed in the War Powers Resolution, is also found in the Authorization To Use Military Force Against Iraq Resolution, Public Law 102–1.

This fact is due more to one Member of Congress than any other—DANTE B. FASCELL, the chairman of the Foreign Affairs Committee and the only original sponsor of the War Powers Resolution still serving in the U.S. Congress.

That reality was captured most astutely in a February 3, 1991, article entitled "Defining Hour for War Powers" by Christopher Matthews, the nationally recognized Washington bureau chief of the San Francisco Examiner. Matthews wrote:

> As Fascell sees it, the Jan. 12 vote unleashing Desert Storm capped a long series of carefully worked precedents stretching from Beirut to Grenada and Panama, then back to the Persian Gulf. They establish the President's duty to inform and consult the legislative branch on foreign military ventures and the Congress' right to approve any sizable, long-term campaign.
>
> "By specific language," Fascell insists, "we authorized the war." In so doing, it defended a concept written into the Constitution: Congress and the President's "shared responsibility" on matters of peace and war.

Matthews then concluded:

> Decades from now, this single Bush decision, which triggered the landmark congressional vote, may be an important as his order, four days later, to attack Iraq.

Notwithstanding White House posturing prior to January 12 on the President's allegedly sole authority to commit troops into combat, the President ultimately did acknowledge the important and necessary role of Congress and formally requested congressional authorization to commit troops into combat. With the two branches of Government acting in concert, the American position was strengthened and contributed to the ultimate success and brevity of the war to liberate Kuwait.

In light of this very important war powers precedent, I request that Chris Matthew February 3 article and Chairman FASCELL's January 22d statement describing the role of the Congress and the President working together in enacting Public Law 102–1 be included in the RECORD. The article and remarks follow:

"DEFINING HOUR" FOR WAR POWERS

(By Christopher Matthews)

WASHINGTON.—The one good thing to come of this harrowing war in the Arabian desert may be the precedent that it has set for future military campaigns. Who in the United States has the right and power to make war? That question, which has dogged this country for decades, has been powerfully dispatched by the events of this young year.

Jan. 12. Mark that date well. It is when the House voted 250 to 183 and the Senate voted 52 to 47 for the United States to "use all necessary means" to get Iraq out of Kuwait.

What will matter, years from now and in a situation wrapped in as much peril as today's Persian Gulf episode, is not the arithmetic but the count itself, not how Congress reacted to the president's call for authority to make limited war against Saddam Hussein, but how the president acted in requesting that authority.

Bush could have gone it alone, but didn't.

"He acknowledged the principle!" the House Foreign Affairs Committee chairman Dante Fascell, D-Fla., exuberantly proclaimed in an interview this past week.

"This is very, very important," he continued. "By specific language, Congress authorized the war!" For the 73-year-old lawmaker, the Congress' formal approval of the Persian Gulf campaign was a landmark achievement.

Fascell and his colleagues have devoted decades to re-asserting the war-declaring powers given Congress in 1789, but eroded through years of compliance with executive branch decision-making.

As Fascell sees it, the Jan. 12 vote unleashing Desert Storm capped a long series of carefully worked precedents stretching from Beirut to Grenada and Panama, then back to the Persian Gulf. They establish the president's duty to inform and consult the legislative branch on foreign military ventures and the Congress' right to approve any sizable, long-term campaign.

The most powerful and enduring of those war-making precedents was set early this year.

"By specific language," Fascell insists, "we authorized the war." In so doing, it defended a concept written into the Constitution: Congress and the president's "shared responsibility" on matters of peace and war.

For Fascell, who came to Congress in 1955, the battle to enshrine the War Powers Act has been longer than President Bush's crusade for a "new world order."

It began with the enactment, over Richard Nixon's veto, of the 1973 War Powers Act. The statute contains two governing requirements: that presidents formally notify Congress whenever U.S. troops are sent "where hostilities might be imminent" and that any long-term troop commitment—beyond 90 days—receives legislative approval.

While the "legislative veto" provision in the 1973 act remains subject to judicial challenge, Fascell is right when he argues that the issue of who in America has the power to make war is, in the end, a "political" question. No matter what the courts decree or what the Founding Fathers wrote, this life-and-death decision lies with those elected officials who must serve and face the people.

Why did President Bush relent to having Congress vote up-or-down on Desert Storm?

Because, as the feisty Fascell puts it, he "got tired of playing the games."

Decades from now, this simple Bush decision, which triggered the landmark congressional vote, may be as important as his order, four days later, to attack Iraq.

STATEMENT BY REPRESENTATIVE DANTE B. FASCELL, JANUARY 22, 1991

"Congress' War Powers Resolution is alive and well. Congress and the President share responsibility for war powers under our democratic constitution. The legislative history of this decision to use force proves that war powers are properly shared by the President and Congress under the constitution and that the War Powers Resolution is alive and well."

Representative Fascell recalled the legislative history:

"Congress received a report from President Bush dated January 18, 1991 which places the military actions taken in the Persian Gulf in compliance with the War Powers Resolution. Specifically, Section 4(a)(1) of the War Powers Resolution requires the President to submit a written report to Congress within 48 hours once United States armed forces are introduced into hostilities in the absence of a formal declaration of war. That report was submitted by President George Bush to the Speaker of the House on Friday, January 18, 1991. The debate and legislative actions taken by the Congress to address the crisis in the Persian Gulf reaffirm Congress' proper constitutional war powers authorities."

The legislation passed by the House on January 12, 1991, H.J. Res. 77, is a statutory authorization of the use of force to implement UN Security Council Resolutions. That legislation is now public law P.L. 102-1. It is consistent with, and an implementation of, the War Powers Resolution. As specified in Sec. 2(c)(2) of P.L. 102-1, that law does not supersede anything in the War Powers Resolution. The legislation is an authorization to use force for purposes of the War Powers Resolution, therefore, the corresponding sections of the War Powers Resolution apply and the President is meeting those requirements by submitting this report.

H.J. Res. 77 authorizes the conditional use of force to implement UN resolutions. In Section 2(c)(1) of H.J. Res. 77, the Congress declares that this conditional authorization of the use of force constitutes the specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution. As a result, U.S. Forces may continue in hostilities beyond 60 days without additional congressional action.

In other words, under H.J. Res. 77, force is authorized by the Congress only after the President determines that the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the twelve United Nations Security Council resolutions and that those efforts have not been and would not be successful in obtaining such compliance. That report was sent by President George Bush to the Speaker of the House on January 16, 1991. Pursuant to the presentation of that determination the President was then authorized to use force to implement the UN resolutions. This procedure established by H.J. Res. 77 is consistent with and meets the requirements of the War Powers Resolution and the U.S. Constitution."

Fascell commented further on war powers: "War powers are shared powers under our constitution. The President is Commander-in-Chief of our armed forces. Congress has the responsibility and authority to declare war.

The strength and wisdom of the War Powers Resolution is that it establishes procedures and a process by which Congress can authorize the use of force in specific settings for limited purposes short of a total state of war. We find ourselves in such a situation today where H.J. Res. 77 authorizes the use of force under the specific conditions cited. It is not an unlimited, unconditional authorization of the use of force, nor is it a formal declaration of war. Therefore, the War Powers Resolution still applies and that is why the President has sent to the Speaker this 4(a)(1) report.

Building on the precedent established in the 1983 Multinational Force in Lebanon Resolution (P.L. 98-119), the Authorization To Use Military Force Against Iraq resolution (P.L. 102-1) represents another example of the President and Congress acting together within the framework of the War Powers Resolution.

Congress is proud of its debate concerning war in the Persian Gulf and its decision to authorize force and meet its responsibilities under the War Powers Resolution. As the Constitution intended, in this case the executive and legislative branches share responsibility for a most solemn foreign policy and national security decision involving the use of our armed forces in hostilities to implement UN Security Council resolutions. I sense the wisdom of our forefathers who wrote the Constitution when I step back and see that the pain and anguish of sharing war powers are natural to a democratic system which must make sure that a democratic majority of its people support this most grave national decision, a decision to use American armed forces in any hostilities or war to deter aggression and seek peace."

PENNSYLVANIA YOUTH HONORED FOR EAGLE SCOUT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing and congratulating a young man from the 17th Congressional District of Pennsylvania.

On April 7, 1991, Michael Bzdil will join an exclusive class of individuals in the United States when he receives the award of Eagle Scout, the most difficult and highest achievement a Boy Scout can earn.

To acquire this award, Michael completed a project in which he volunteered to raise funds for and provide over 100 manhours of work for the Danville State Hospital Summerfest.

The hospital patients credited the success of the festival to Mr. Bzdil, who recruited volunteers to help him paint and refurbish game booths, solicit contributions to pay for refreshments and prizes, and remarkably present a donation—partly financed by his cutting lawns—to the hospital volunteer fund.

Previous to his pursuit of the Eagle Scout Award, Michael has made extracurricular activities one of his lifelong pursuits. As an active altar boy at his church, Michael received the Parvuli Dei and the Ad Altare Dei Religious Awards. He participated in student council in his days at St. Michael School until seventh grade, and then Michael's eighth grade year at the Shikellamy schools found him being one of only two eighth graders to win a spot on the ninth grade football team.

In addition to his Boy Scout activities, Michael has been an avid outdoorsman, teaching Red Cross swimming lessons and acquiring a sponsorship to study at the Cumberland County Junior Conservation School at Camp Tuckahoe in the vicinity of Dillsburg, PA.

Of all his accomplishments, however, Michael considers the Eagle Scout Award to be the pinnacle. He describes the project he undertook to achieve that prize as a "very worthwhile experience" during which he "learned the joys and frustrations of organizing a major event." Michael "also felt enrichment at being able to bring joy and happiness to—hospital—patients who are not able to enjoy the many events that we often take for granted."

I am very proud of Michael for his supreme accomplishment. He has worked very hard for his Eagle Scout Award, and I join with his troop, family, and friends in congratulating Michael for a job well done.

AMERICAN HEROES: THE NAVY AND MARINE CORPS RELIEF SOCIETY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. CUNNINGHAM. Mr. Speaker, the best way we can support our troops in the gulf is to support their families here at home.

Thousands of American families have answered the call to send their fathers, mothers, sons, and daughters to military service in the gulf, and when a service man or woman in the gulf is a family's chief breadwinner, the family left at home endures difficult financial sacrifice.

I know this, not just because I headed a military family for 20 years, but because military families all over San Diego call my office daily to ask for my help.

Where I send them is to the local chapter of the Navy and Marine Corps Relief Society. This worldwide nonprofit organization, staffed by some 3,600 dedicated volunteers, buys groceries for hungry families, clothe children, and pays the rent or the mortgage whenever a military family in need simply asks.

The service men and women who contribute their financial resources to Navy and Marine Corps Relief and the thousands of volunteers who staff their offices at 141 bases and 134 U.S. Navy ships are all unsung American heroes.

But now that nearly a half-million Americans have been called overseas, often on very short notice, the need for Navy and Marine Corps Relief services has never been greater.

Mr. Speaker, I encourage all the Members of this House who represent military men and women to voice their support for the hard-working volunteers at Navy and Marine Corps Relief. Members of Congress can record public service announcements, recruit volunteers, and make sure everyone who needs Navy and Marine Corps Relief knows that they are available.

Let's remember the needs of our military families, and support our American heroes on the home front, the people of the Navy and Marine Corps Relief Society.

Following is a list of Navy and Marine Corps Relief Society offices around the world, which I would like to include in the RECORD at this point.

NAVY-MARINE CORPS RELIEF ACTIVITIES

Albany Auxiliary.

Bermuda Auxiliary.

Camp Lejeune Auxiliary: New River Branch.

Camp Pendleton Auxiliary: Barstow Branch, Bridgeport Office, San Onofre Branch.

Cherry Point Auxiliary.

Connecticut Auxiliary: Windsor Office, Scotia Office.

District of Columbia Auxiliary: Bethesda Branch, Dahlgren Branch, Henderson Hall Branch, Indian Head Office, Patuxent Branch, Sugar Grove Office.

El Toro Auxiliary: Tustin Branch, Yuma Branch.

Great Lakes Auxiliary: Detroit Branch, Glenview Branch.

Guantanamo Bay Auxiliary.

Hampton Roads Auxiliary: Little Creek Branch, Portsmouth Branch, Shipboard Branch, Yorktown Office.

Hawaiian Auxiliary: Australia Office, Bahrain Office, Barbers Point Branch, Barking Sands Office, Christchurch Office, Kaneohe Branch.

Headquarters: Iceland Office, Augsburg Office, Stuttgart Office.

Jacksonville Auxiliary: Cecil Field Branch.

Japan Auxiliary: Atsugi Office, Chinhae Office, Iwakune Office, Misawa Office, Sasebo Office.

Key West Auxiliary.

Lemoore Auxiliary.

London Auxiliary: Brawdy Office, Edzell Office, Holy Loch Office, Lisbon Office, Machrihanish Office, Mildenhall Office, St. Mawgan Office, Thurso Office.

Long Beach Auxiliary: China Lake Branch, Albuquerque Branch.

Mare Island Auxiliary: Concord Branch, Stockton Branch.

Marianas Auxiliary.

Mayport Auxiliary: Kings Bay Branch.

Memphis Auxiliary.

Miramar Auxiliary: El Centro Branch.

Naples Auxiliary: Gaeta Branch, La Madalena Branch, San Vito del Normanni Office.

Naval Academy Auxiliary.

New Hampshire Auxiliary.

New Jersey Auxiliary.

New Orleans Auxiliary.

New York Auxiliary.

Oceana Auxiliary: Dam Neck Office, North West Office.

Okinawa Auxiliary: Camp Hansen Office, Camp Kinser Office.

Orlando Auxiliary.

Parris Island Auxiliary: Beaufort Branch.

Pennsylvania Auxiliary: Earle Branch, Willow Grove Branch.

Pensacola Auxiliary: Gulfport Branch, Meridian Branch, Panama City Office, Pascagoula Branch, Whiting Field Branch.

Philippines Auxiliary: Hong Kong Office.

Port Hueneme-Point Mugu Auxiliary.

Puerto Rican Auxiliary: Sabana Seca Office.

Puget Sound Auxiliary: Bangor Branch.

Quantico Auxiliary.

Rhode Island Auxiliary: Argentia Branch, Brunswick Branch, Cutler Office, South Weymouth Branch, Winter Harbor Office.

San Diego Auxiliary: MCRD Branch, North Island Branch, NTC Branch.

San Francisco Bay Auxiliary: Centerville Office, Fallon Branch, Moffett Field Branch, Monterey Branch, Oakland Naval Hospital, Treasure Island Branch.

Seattle Auxiliary: Idaho Falls Branch.

Sigonella Auxiliary.

South Carolina Auxiliary: Athens Branch, Atlanta Branch, NWS Charleston Branch.

Spain Auxiliary.

Texas Auxiliary: Chase Field Branch, Dallas Branch, Kingsville Branch.

Twentynine Palms Auxiliary.

Whidbey Island Auxiliary: Adak Branch, Anchorage Branch.

TRIBUTE TO GEORGE FURGALA ON HIS 106TH BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to pay tribute to an extraordinary member of the Fifth Congressional District of Illinois, Mr. George Furgala. On March 12, 1990, Mr. Furgala will turn 106 years old, an accomplishment worthy of special recognition.

George Furgala was born in Galicia, Poland, in 1885. In 1920, he migrated to the United States settling in Chicago's Bridgeport neighborhood and later moving to Brighton Park. Mr. Furgala worked for R.R. Donnelley & Sons printing plant for 26 years retiring in 1951. However, he is known for his knowledge of faith and religion which he has shared with others for over 70 years. Mr. Furgala has three children, Josef, Walter, and Rose Kodak, seven grandchildren and five great-grandchildren.

George Furgala's commitment to his community and family is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in expressing congratulations to George Furgala for his many years of selfless dedication, loyalty, professionalism, and priceless contributions to his community. I wish him well on his 106th birthday and hope his life continues to be an adventure full of pleasant memories.

THE SPANISH SPEAKING CITIZEN'S FOUNDATION CELEBRATES ITS 25TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the Spanish Speaking Citizen's Foundation of Oakland, in California's Ninth Congressional District. The Spanish Speaking Citizen's Foundation is a nonprofit, multiservice organization incorporated in 1965. Since its inception, the foundation has worked to improve the social and economic welfare of the disadvantaged. The mission of the foundation is to improve the quality of life of both the community and the individual while preserving and enhancing the cultural heritage of both. All services are provided in both Spanish and English as well as to the deaf and the speech-impaired.

Currently, the foundation provides comprehensive bilingual services in five areas including; employment and career development, educational enrichment, youth and family counseling, recreation and special activities, and information and referral services.

In the areas of employment and career development, the foundation offers such services as testing and appraisal of individual's abilities and interests, job placement and referral, individual and group work with clients and employers, post-placement follow-up with the employer and employee, and, a summer youth employment program for youth aged 14–21. The career development department offers such services as job search techniques, interview and resume writing services, and career and life planning.

The educational enrichment portion of the program offers such services as after-school classes in English as a second language and classes in basic mathematics and English. The foundation also established the East Side Oakland Saturday Institute [ESOSI], a creative learning center open on Saturday mornings during the school year. At the ESOSI, credentialed instructors and trained volunteers teach subjects ranging from reading and writing to mathematics and science for grades one to nine. All volunteers are recruited from local colleges and universities. The ESOSI students also enjoy field trips to places like the Lawrence Hall of Science on Berkeley.

In the area of counseling, the foundation counseling staff members work directly with the community. The counseling staff has formed multiracial rap groups in which local junior high school students are able to discuss their problems. The foundation's counseling component also works with neighborhood gangs and, in one case, has been able to redirect group energy to initiate a neighborhood cleanup campaign.

Each month, the foundation's information and referral service assists at least 300 people by referring clients to service organizations providing emergency food and shelter, medical care, and tax services. This service also assists low-income clients who are experiencing problems with utilities, housing, insurance, immigration, and other social service needs.

The foundation, together with La Raza Athletic Association, also sponsors recreational activities for school-aged youngsters such as volleyball, soccer, softball, basketball, swimming, and bowling. They have also begun, a little people's academy which provides an outlet for children to develop creativity, leadership skills, and self-esteem through drama, music, dance, and arts and crafts.

The foundation has developed ties with other community based organizations, social service providers and other Government agencies—the Social Security Administration, the State Disability Insurance Office, and the Probation Department each have a representative assigned to the center 1 day each week. They have also established partnerships with schools, neighborhood groups, and local businesses to generate employment opportunities for both youth and adults.

Mr. Speaker, the Spanish Speaking Citizen's Foundation has been providing these services to the community for 25 years. I would like to take this opportunity to congratulate the Spanish Speaking Citizen's Foundation on its anniversary and to commend the foundation for its dedication to the community. It is a model program for both the community and the Nation.

A GI FAMILY'S PRAYER

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. DANNEMEYER. Mr. Speaker, I am glad to see that public prayer has regained its stature in America. The President has called on all sectors of the populace to pray for our troops in the Middle East and to pray for peace—that is, all sectors except public school children, who will be offended somehow by such an exercise.

President Bush, like most Americans, has increased his testimony of the efficacy of prayer. The Reverend Robert H. Schuller has known the value of prayer for along time. In fact, the following prayer, written by Reverend Schuller, has been answered for the vast majority of service men and women:

A G.I. FAMILY'S PRAYER

(By Robert H. Schuller, January 1991)

Hear, Lord, my prayer for my G.I.,
so eager to live—too young to die.
Beneath an alien blistering sun,
He faces a dangerous enemy gun.
The storm clouds gather, the horror of war,
my soldier stands bravely guarding the door.
Defending justice, peace, and freedom,
to his Commander-in-Chief give Holy wisdom.
From wars' alarms, bring swift release.
Hasten the day of honorable peace.
On land and sand and sea and air,
I back my soldier with this prayer:
"No matter how far he's forced to roam,
just bring, I pray, my G.I. home." Amen

LORRI S. KELLOGG—1991 "OUTSTANDING CITIZEN" AWARD RECIPIENT

HON. WILLIAM LEHMAN

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I would like to pay tribute today to a special Floridian with an especially big heart. Lorri Kellogg is founder of "Universal Aid for Children," a licensed, nonprofit adoption agency. UAC has located loving families for over 1,000 foreign-born children, both healthy and physically disabled, since 1977. Because of her extensive work, Ms. Kellogg recently was honored by the South Florida and South Dade Councils of B'nai B'rith as an outstanding citizen for 1991. Her good works also have been singled out for praise in such diverse publications as "Working Mother" and "South Florida" magazine.

Lorri Kellogg first came to my attention in the early 1970's when, through her determination to adopt a Korean child and with my help and that of then-Senator Chiles, our immigration law was amended to allow single persons to adopt foreign-born children. Since that time, Ms. Kellogg has worked tirelessly to help adoptive parents benefit from her experience, and now from her expertise. With her assistance and guidance, deserving children and hopeful parents are brought together to create or augment loving, caring families.

I hope that the House will join me in recognizing Ms. Kellogg's contributions, paying tribute to the person as well as to the unselfish ideals which she represents. Also in her honor I would like to insert in the CONGRESSIONAL RECORD the text of the letter nominating her for this well deserved award.

LORRI KELLOGG, NOMINEE, B'NAI B'RITH 1991 OUTSTANDING CITIZEN AWARD

In 1972, life was very full for a busy, community minded Miami real estate executive, Lorri Kellogg, who founded the Vietnam Prisoner of War Missing in Action organization. While relaxing at home one evening, she flipped through the T.V. channels, stopping when she saw the sad little faces of little Korean orphans on a very compelling program presented by Art Linkletter, who was seeking monthly sponsors. He said that $12 a month would make a difference in each child's life.

Lorri was very moved. There was no way she could anticipate that moment's ultimate impact on her relatively quiet life. After the telecast, Lorri placed her check in an envelope, sealed it, and changed her life forever. She was also sealing the fate of the lives of children around the world. It would be a few years later that Lorri would create the internationally respected Universal Aid for Children, this state's first adoption agency licensed to bring together Florida couples seeking adoption of orphans, worldwide.

In the mid 1970's, Lorri Kellogg served on the H.R.S. District 11 (Dade-Monroe) Human Rights Advocacy Committee and Chaired the Subcommittee on Child Nurturing and Growth, where she was a trouble shooter for our community's underprivileged, abused, and orphaned children. During this time, Lorri's devotion grew for little Myung Sook, to whom she faithfully sent her monthly $12 checks for food and clothing. When Lorri discovered the bleakness of Myung Sook's future in Korea, she made inquiries regarding her adoption. Every obstacle was placed in her path, even though Myung, she had learned, was adoptable. The greatest obstacle was that Lorri was a divorced single person. Lorri's determination to rescue Myung from a hopeless life threatening situation heightened. For several years, driven by love, fortitude, and keen intelligence, Lorri Kellogg painstakingly overcame each obstacle and changed the laws when she obtained the backing of Representative William Lehman and then-Senator Lawton Chiles who signed a bill allowing single people to adopt foreign born children. On April 9, 1976, Jaime Susan (Myung Sook) Kellogg, a precious, dazed, and tired little four year old girl arrived in America, giving her overjoyed mother the courage to continue pioneering and reforming the system of international adoption here in Florida as well as worldwide.

Lorri made a major sacrifice at that point in her life. She left her well-paying job to be with Jaime around the clock and opened a day-care program which she knew would not be financially profitable.

In 1977, Lorri Kellogg founded Universal Aid for Children (UAC), which has located loving families for over 1,000 foreign born babies and older children, both healthy and physically disabled.

This past November, Lorri returned from Bucharest, Romania, with five little children who otherwise would have had no hope for survival. These children were placed with loving South Florida families and were subjects of much publicity. As we all know, Romania is festering with a monumental number of orphans crowded into cold, unheated orphanages with inadequate food, no love, and a galloping outbreak of AIDS due to the ineptitude of care takers.

It took months of planning, establishing a network of couriers here and in Canada, and setting up contacts in Bucharest, to accomplish this pioneering feat of opening the doors for the exodus of these otherwise tragically doomed babies. When Lorri left for Bucharest, she was not feeling well, but too much was at stake and she refused to postpone the journey. For seventeen cold days, Lorri and three UAC colleagues stayed in a tiny unheated flat which had cold running water for only three hours each day. Food was very scarce, and conditions, in general, were deplorable. She visited every orphanage. She also visited every church and the one single synagogue left standing in Bucharest. She traveled to neighboring villages to assess the extent of the nightmarish numbers and conditions of the orphanages. Lorri returned to Florida with severe dysentery which weakened her for weeks but did not diminish her plans to return to evacuate more orphans, with her special concern for those with physical disabilities. She is hoping to establish an aid program for the children suffering from cancer who are without treatment and, even worse, without any medicines to relieve intractable pain.

Lorri Kellogg has also lead over 36 expeditions into war-torn El Salvador to bring supplies to and rescue orphans in refugee camps. She mobilized an impressive volunteer team of caring individuals from Dade County, including prominent medical specialists who brought their skills, as well as needed medicines, clothing, toys, wheelchairs, and hope to the children. Scores of children were brought back to Florida where their otherwise hopeless medical conditions were corrected. One child, Sara (now 13 years old), had severe burns as the result of a bombing and has since undergone ten reconstructive operations with several more required to achieve a normal appearance. Sara's last name is now Kellogg, and she is one of Lorri's six children. Also, there is Jillian (now 17 years old), another daughter of Lorri's. Tarabeth, now 15 years old, arrived from Korea thirteen years ago to join her loving mother and sister Jaime, now 19 years old.

This past August, Lorri went from "Godmother" to "Mom", after the tragic and untimely death of Larry Rosenthal, who helped to found the UAC program in the Dominican Republic, and served as Executive Vice Director. The two youngest of his seven adopted sons, Jake (age 13), and Tiger (age 12), have since joined the Kellogg family.

Lorri's capacity for caring and giving is limitless. Her courage is boundless. There are thousands of people in our community whose lives have been miraculously changed because of Lorri . . . people who have become parents, grandparents, American born children who now have new brothers and sisters, and, most important, innocent children who were brought out of the world's worst conditions and given the greatest gifts: hope, improved health, and a loving family they can call their own. In addition, Lorri has enriched our community with her program for unwed pregnant women, encouraging and arranging for good pre- and post-natal care. With her contagious compassion, she has attracted a broad spectrum of Dade County professionals who volunteer in all aspects of UAC programs. She is constantly collecting medicines, food, clothing, shoes, food staples, and other items to better the living conditions of children locally as well as abroad.

Lorri Kellogg exemplifies the truly outstanding individual who enriches our community, our nation, and the world, and is surely worthy of the B'nai B'rith Outstanding Citizen Award for 1991.

PENNSYLVANIA FAMILY HEADS THE PAXTANG LIONS CLUB

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Waltz family from the 17th Congressional District of Pennsylvania.

Richard K. Waltz, Jr., has just been elected president of the Paxtang Lions Club for 1990–91. This position was held by his father, Richard K. Waltz, Sr., in 1969–70. His grandfather, Robert J. Swab, held the same position in 1959–60. This is the first time that three successive generations have held the office of president in the club.

The legacy of the Waltzes has been of interest to many and was recently documented in an article in the Harrisburg Patriot News.

The newly elected president has previously held every major office in the past 14 years. Richard Jr. started helping the club with their pancake breakfasts and other functions when he was 17.

I commend them on their outstanding service to the community. The members of the Lions Club are involved with assisting the blind and the young of the area. The time and energy that the Lions Club puts into working for the community is greatly appreciated by all. The Paxtang Lions Club has a lot to offer the community and if others would just follow their lead, imagine what this Nation could be like.

I am very proud of the Waltz family for their accomplishment and their leadership.

PROTECT DOMESTIC FOOTWEAR FROM TRADE BENEFITS TO CBI NATIONS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Ms. SNOWE. Mr. Speaker, legislation is being introduced today which will correct a provision in the Customs and Trade Act of 1990 that severely damages the ability of our domestic footwear industry to compete. I am proud to be an original cosponsor of this legislation which will remove this serious threat to the American footwear industry.

Section 222 of the Customs and Trade Act of 1990 denies the same protection to the domestic footwear industry from Caribbean Basin Initiative [CBI] nation imports that have already been granted to textile, apparel, and petroleum products. The House-Senate conference committee on the Customs and Trade Act ignored the intent of both the House and Senate to include protections for domestic footwear. During debate on the Customs and Trade Act of 1990, both the House and the Senate defeated amendments which would have reduced duties on footwear from CBI nations by 50 percent. Despite this action, the conference committee chose to adopt the Kerry amendment which allows shoes made of U.S. materials to be treated as duty free regardless of where they were assembled.

The increase in imports from Caribbean basin initiative nations threatens to eliminate our domestic industry, what is left of it. Since 1980, the State of Maine has lost over 7,000 shoe related jobs. This amounts to a 43-percent decline in employment in Maine's shoe industry. We cannot afford to sit here and do nothing.

We must act to counteract unfair foreign imports which are damaging the ability of American companies to remain competitive and costing U.S. workers their jobs. The cost of plant closings, lost jobs, and an increased trade deficit exceed those of whatever consumer cost increases may occur from limited imports.

In the end, I can only ask my colleagues to take a close look at both this legislation and the state of our footwear industry. We have left the industry and workers at the mercy of foreign imports, and they have suffered. It is time for this Congress to demonstrate its concern for American workers and include the protection of domestic footwear in section 222.

TOW MISSILE STARS IN OPERATION DESERT STORM

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. KOLBE. Mr. Speaker, it is with great pride that I recommend the following article that recently appeared in National Defense magazine. The article describes the tremendous success of the TOW Missile Program. TOW missiles are manufactured at the Hughes Aircraft Missiles Systems Group in Tucson, AZ.

The TOW missile is designed to be a highly lethal yet mobile field weapon to counter enemy armor and other ground mobile threats. The weapon has distinguished itself for 20 years and has been upgraded several times to meet new challenges on the modern battlefield. Further, the TOW missile was a key component in the success of Operation Desert Storm. It is indeed the premier antitank missile in the world today and I would again recommend the following article to my colleagues.

[From the National Defense, Feb. 1991]

TOW: AN EXAMPLE OF CONTINUOUS UPGRADE

Weapon systems can serve for more than 40 years, if the basic design is sound and allows for improvement. In air-to-air missiles, the AIM-9 Sidewinder has served for almost 40 years, and the AIM-7 Sparrow has passed the 35-year mark. The TOW missile (BGM-71) seems destined to achieve similar longevity. Sidewinder, Sparrow, and TOW are all performing as designed in Operation Desert Storm, scoring kills daily.

In these times of tight budgets, defense planners worldwide are turning to upgrades to achieve additional capabilities. With that in mind, the TOW's example of continuous improvement can be instructive.

TOW'S FIRST COMBAT

The first TOW missile fired in ground combat was launched on May 22, 1972. Army Sgt. Bill F. Tillman, an advisor with the Vietnamese marines, got the chance to prove TOW (Tubelaunched, Optically-tracked, Wireguided missile) in action against an enemy attack force which included 200 troops and nine tanks. Tillman manned his ground launcher, fired, and directed the missile toward a tank 900 meters away. The missile hit and destroyed the T-54 tank. Two hours later all nine tanks lay in ruins amid 117 enemy dead. The engagement confirmed TOW's lethality and began a successful combat tour in the waning days of the Vietnam War.

In that same spring of 1972, the helicopter-mounted version of TOW also proved itself in fighting around the city of Hue. The TOW was fired 81 times from the UH-1B Huey gunship helicopter over several months, and was credited with 65 direct hits on targets including armored vehicles, howitzers, trucks, guns and 26 tanks. In one battle alone, 10 of 12 tanks and vehicles were destroyed, with the targets engaged at ranges up to 3,000 meters. Few of the missiles malfunctioned. In two decades of serivce since its first use, TOW has earned a reputation as the premier antitank missile in the free world.

BUILDING FOR LONGEVITY

TOW's longevity might not have been foreseen in 1963 when Hughes Aircraft Co. tackled the demands of meeting Army requirements. Challenges included raising the Army's required effective range from 2,000 meters to 3,750, while holding weight gain to two pounds. A system had to be developed for winding and unreeling the guidance wires at speeds up to 1,000 feet per second. The analog computer had to be built out of individual components, because microprocessors did not exist.

Prototype missile firings in 1962 yielded a circular error probable of 1.6 feet and reliability of 74 percent. The Army awarded a production contract to Hughes Aircraft in 1968, and early production versions achieved 91-percent reliability. The project was infused with greater urgency when intelligence estimates forecast the North Vietnamese forces introducing tanks into the conflict. The race came out about even; the TOW was ready for use when the T-54 and other tanks pushed into South Vietnam during the spring offensive of 1972.

The helicopter-mounted version of TOW did not move along as quickly or smoothly as the ground-mounted. But when the enemy tank threat in Vietnam became real, TOW was married with the XM-26 stabilized sight-and-sensor system. The combination was put together in a hurry, first on the UH-1 gunship, then on the AH-1 Cobra. Eventually the improved M-65 airborne system was fitted on Army and Marine Corps Corbas, as well as on other helicopter types.

EVOLUTIONARY IMPROVEMENT

Simplicity was a driving concept behind TOW from the start. Each missile is supplied in a sealed container that also serves as the launch tube. There is never a reason to open it, so TOW does not need the special handling of a sophisticated system. As a so-called "wooden round," a TOW missile can be kept in storage until needed, and a shelf life substantially longer than 20 years has been demonstrated, compared with the original requirement of five.

Since 1980, four TOW upgrades have appeared to counter advances in enemy armor. Improved TOW (ITOW) in 1981 updated the basic design by adding a telescoping probe for standoff detonation, and a more powerful warhead. TOW 2 entered service in 1983 with the probe, plus an even more powerful warhead. When microprocessors became available, digital guidance replaced the original analog version. An accompanying improvement to the guidance unit incorporates a night sight and another guidance link. It also provides better operation through battlefield obscurants such as smoke and dust, and incorporates other countermeasures.

Much of TOW's success stems from the simple design. That provides an evolutionary path to incorporate new technology without radical changes. One result is that all versions of TOW are compatible and can be fired interchangeably from any of the approximately 20,000 launching systems located around the world.

To counteract reactive armor, TOW 2A in 1987 incorporated a small additional warhead in the missile probe. The additional warhead explodes first. This sets off reactive armor, clearing the way for the primary warhead to penetrate the base armor of the tank.

To improve targeting under all conditions, a thermal imaging system was added to helicopter installations in 1989. With it, gunners have better control of the missile through battlefield obscurants and countermeasures.

The next, or fifth, generation of the TOW family is the TOW 2B. It is a flyover weapon. That is, it does not hit the target directly, but instead fires its two warheads downward against the vulnerable top of the enemy tank.

From the basic ground tripod and AH-1 helicopter installation, a broad range of launchers 2,000 been developed. Ground vehicle installations include the Hummer vehicle, the Improved TOW Vehicle, and the Bradley Fighting Vehicle. Among airborne platforms, TOW has been mounted on more than 10 helicopter models besides the Cobra. Helicopters from 13 countries that carry TOW include the Agusta A129 Mangusta from Italy, MBB B0105 from Germany, and the United Kingdom's Westland Lynx.

TOW'S FUTURE

Hughes Aircraft's Missile Systems Group rolled out the 500,000th TOW missile from its Tucson, AZ, production plant in November 1989. Almost half the TOW production has been sold to allies. Under current production contracts, Hughes will build about 1,000 TOW missiles a month through February 1992.

Looking to the future beyond TOW 2B, Army officials see plenty of opportunity for further advances. Already being considered is the use of higher performance thermal-imaging techniques developed for other projects. These enhance the target image sharply and are integrated into the advanced electronics guidance hardware based on new digital processing chips now available.

But even the latest missile versions still require wire guidance. The mechanical limitation of paying out wire keeps missile velocity subsonic. This also exposes the launcher platform for up to 20 seconds as the missile traverses its maximum 3,750-meter range. The next step could be a wireless TOW missile that will attain supersonic speed and reduce the exposure time. A concept using radio-frequency guidance has been tested, and interest in developing it is expected to build further in this decade.

COMMON GROUND: A COMMUNITY RESPONSE TO THE PERSIAN GULF CRISIS

HON. MIKE KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. KOPETSKI. Mr. Speaker, the country stands united in gratitude to the men and women who serve in our Armed Forces and the work they have accomplished. As many have observed in this Chamber, this is not a time to allow disagreement over tactics to degenerate into partisan bickering.

Recently, I received a letter from a constituent and friend of mine, the Honorable Charles Vars, mayor of Corvallis, OR. On February 12, 1991, citizens representing 12 diverse groups with differing views and opinions on the gulf situation met and formulated an eloquent statement, titled, "Common Ground: A Community Response to the Persian Gulf Crisis." I am entering this statement, as well as Mayor Vars promulgating letter, into the RECORD, and I encourage my colleagues to read it and share it with their constituents:

OFFICE OF THE MAYOR,
Corvallis, OR, February 21, 1991.

Hon. MIKE KOPETSKI,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. KOPETSKI: On February 12, 1991, a remarkable event took place in Corvallis. Individuals from more than twelve groups that disagree about the Persian Gulf war reached an agreement that they hope will become the basis for a movement.

The twenty-two individuals who drafted the enclosed statement, "Common Ground: A Community Response to the Persian Gulf Crisis," are affiliated with the American Legion, the Oregon State University Coalition to Stop the War, Veterans of Foreign Wars, Alpine School District, First Presbyterian Church, Beyond War, Corvallis City Council, and many more. They are seeking support from the groups to which they belong and they have asked me to send you their statement and request that you help spread the message of reconciliation.

This group has no agenda other than the one stated in Common Ground. They want everyone to work to assure enmity, harassment, and violence do not occur in this nation within communities and families. They believe we all desire a world without war. Please help spread the message.

Sincerely,

R. CHARLES VARS, Jr.,
Mayor.

COMMON GROUND: A COMMUNITY RESPONSE TO THE PERSIAN GULF CRISIS

We are concerned that the nation, communities, friends, and sometimes families find themselves divided as the Persian Gulf crisis progresses. In some communities, this has led to enmity, harassment, and violence. We are determined to make an effort so that it not happen in our community.

We recognize that we disagree as to what our national policy should be. But we find that there are areas upon which we can agree and which can be stated succinctly and simply:

1. We see a possibility that the emotional trauma of the conflict may lead to over-generalization concerning differences of opinion, religion, or race and lead to suspicion, harassment, discrimination, or violence. We pledge ourselves to work to prevent that from occurring in our community.
2. We deeply respect the sanctity of all human life.
3. There is sometimes a tendency to stereotype and villainize those with whom we disagree. There are people of good will on all sides.
4. We disapprove of wars and aggression.
5. We have disagreements among ourselves about national policies, but we disapprove of the invasion of Kuwait by Iraq.
6. The death, abject misery, pain, and suffering of combatants and civilians alike, along with the destruction and damage to the economic systems, infrastructure, and environment caused by war, defy description. A quick end to fighting in the Middle East could limit the costs.
7. Support for people in the armed services and their families must be rendered by the community and the nation during and after the war.
8. All of us long for a world order under the leadership of a strong international peacekeeping body. We desire a world without war.

ST. JOSEPH FOUNDATION GOOD SAMARITAN AWARD WINNERS

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. BARNARD. Mr. Speaker, Augusta, GA's St. Joseph Foundation Center for Life recognizes annually very special citizens from our local community for their kindness and generosity in serving others.

Next week the foundation will present formal resolutions honoring Brother Luke Driscoll, FMS, Robert P. Stuntz and Rosemary and Peter M. Menk as recipients of this year's Good Samaritan Awards.

I am most proud of St. Joseph's and their program to salute its "Good Samaritans." The resolutions honoring them are as follows:

Whereas: Brother Luke Driscoll, F.M.S., has with, love and devotion, served God and his fellow man in many ways and for many years, it is resolved that he be declared the recipient of the 1991 St. Joseph Foundation Good Samaritan Life Achievement Award.

Whereas: Brother Luke, for more than 50 years, taught at all educational levels, including elementary, every level of high school and at the college level, and is described as "A learned man of English literature, knowledgeable and quite remarkable—an engaging and intellectual companion in the field of English", and is a graduate of Fordham University, with further study at Hunter College, St. John's University and the University of Georgia as well as Marist studies in Lyons, France, Rome and Canada and has taught in Marist novitiates in Massachusetts and Nigeria, and served as principal of Marist schools including Aquinas High School in Augusta, GA from 1965 to 1971, as well as having served as the religious superior for Marist communities in Laredo, Texas and Augusta, Georgia, and as Director of both the Marist International Second Novitiate—program in Fribourg, Switzerland and of the USA Marist novitiate, and as Spirituality Coordinator for the Office of Ministry Formation.

Whereas: In 1987 at the age of normal retirement, Brother Luke Driscoll embarked upon a second career in pastoral counseling at St. Joseph Hospital and has served the many segments of population of the Augusta, Georgia area with compassion and devotion and is loved by all, not only for his good works but his loving nature, for his commitment to Christ. Be it resolved on this the 12th day of March, 1991, and with the cooperation and assistance of Congressman Douglas Barnard, that this Resolution is entered into the Congressional Record of the Congress of the United States.

Whereas: The St. Joseph Foundation annually recognizes three individuals who have greatly contributed volunteer efforts in the categories of Time, Talent and Treasure at the Annual Good Samaritan Recognition Program, it is resolved that on March 19, 1991, that recognition and acclamation be given to the following:

Ruth B. Crawford, Good Samaritan Award for Time.

Whereas: Ruth B. Crawford, Founder and Volunteer Executive Director of the Shiloh Comprehensive Community Center is perhaps best described in an editorial from the Augusta Chronicle. In part, it is said, "In a world filled with examples of man's inhumanity to man, it is spiritually uplifting to witness honors being paid to individuals who give their time and efforts to advance the well-being of others."

Whereas: Ruth B. Crawford working more than 40 hours a week since 1977, is credited with the rejuvenation of a social agency which had been closed for ten years. The Shiloh Comprehensive Community Center, a multifunction agency, which operates in one of Augusta's most disadvantaged areas, serves senior citizens, youths, the handicapped and operates programs of neighborhood development and anti-crime.

Whereas: The Shiloh Comprehensive Community Center's special tutorial school, conducted on week-ends with a volunteer corp of accredited teachers, has received wide praise and Ruth B. Crawford demonstrates leadership in organizations devoted to improving the delivery of human services.

Whereas: Ruth B. Crawford was selected by the Administration on Aging in 1989 for national recognition of her volunteer work, her sensitivity towards people in need and her ability to articulate the concerns of the community are valued by many; be it, therefore,

Resolved, That Ruth B. Crawford, be recognized for her many outstanding accomplishments and endeavors and is named the Good Samaritan Award winner for Time.

Robert P. Stuntz, Good Samaritan Award for Talent.

Whereas: Robert P. Stuntz has unselfishly answered the call of numerous civic and religious organizations in the Augusta community for the past 31 years.

Whereas: It has been said, "Robert P. Stuntz has served in these positions quietly, never allowing attention to be drawn to him, but instead, ensuring that the focus was maintained on the organization and the mission at hand."

Whereas: Numerous organizations have benefitted from Robert P. Stuntz's unique talent of leadership, including: Chairman of the Board and Blood Services Chairman, Augusta Chapter, American Red Cross; President, Greater Augusta Chamber of Commerce; President, Junior Achievement; President, St. Joseph Hospital Development Council; Chairman of the Board, St. Joseph Foundation; organizer of St. Luke Anglican Church and Warden of the Vestry; Member of the Southeastern Diocese Council of Advice for the Anglican Church; United Way Board of Directors; Georgia-Carolina Boy Scouts Executive Board; Gertrude Herbert Art Institute Board of Trustees; and the Human Relations Commission.

Whereas: Robert P. Stuntz's position as an officer in a Fortune 500 Company and his memberships on national and international corporations' boards of directors bring a level of expertise not normally available in the volunteer community, and as a man of conviction who has the knowledge and confidence to make hard decisions, his exceptional service to his community serves as an inspiration and example to all who attempt to make our community a better place to live;

Resolved, That Robert P. Stuntz be recognized for his many outstanding accomplishments and endeavors and is named the Good Samaritan Award winner for Talent.

Rosemary and Peter M. Menk, Good Samaritan Award for Treasure.

Whereas: Rosemary and Peter M. Menk have spent their lives giving to others. Both individually and as a couple, their contributions of time, effort and resources have benefitted countless individuals and organizations. Hours, days and weeks of travel and many personal investments have been made in support of activities in which they believe.

Whereas: Rosemary and Peter M. Menk were among the first members of the St. Joseph Remembrance Society and they are recognized as Humanitarians on the St. Joseph Tree of Life for their most generous financial support of the St. Joseph Foundation.

Whereas: Rosemary Menk, one of the first Presidents of the St. Joseph Hospital Auxiliary, has also served as National President of the Teresians, a society formed to pray for increased vocations to the priesthood and religious life. She has also been an active supporter of Catholic Social Services and Birthright and instrumental in the formation of a Capitol Development Committee and National Resource Council to raise funds for retiring Sisters of St. Joseph of Carondelet.

Whereas: Peter M. Menk has generously supported St. Joseph Hospital for many years as he has served on several Boards, as treasurer of both the St. Joseph Center For Life and the St. Joseph Hospital Development Committee, as Chairman of the St. Joseph Hospital Board and is the current Chairman of St. Joseph Ventures, Inc.

Whereas: Rosemary and Peter M. Menk have shared their gifts of treasure most generously with the St. Joseph Foundation, St. Mary's and Aquinas Schools and the Sisters of St. Joseph of Carondelet; be it, therefore,

Resolved, That Rosemary and Peter M. Menk recognized for their generosity and are hereby named the Good Samaritan winners for Treasure; be it, therefore,

Resolved on this, the 12th day of March, 1991, and with the cooperation and assistance of Congressman D. Douglas Barnard, That this Resolution is entered into the Congressional Record of the Congress of the United States.

THE MILTON LITTMAN MEMORIAL FOUNDATION: IN SUPPORT OF OPPORTUNITY AND EXCELLENCE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. LEHMAN of Florida. Mr. Speaker, back in 1978, my good friend, North Miami Beach Councilman Jule Littman, asked me to join him in establishing a foundation to honor the memory of his brother, Milton.

Milton Littman was a sensitive and decent man who cared deeply about this community and did much to make it a better place in which to live.

Over the years, the Milton Littman Memorial Foundation has attracted to its board a long list of distinguished Dade County and statewide leaders who are committed to the success of this remarkable organization. The foundation has assisted dozens of bright and promising young people in achieving their full potential through higher education. Students can be nominated by their teachers, guidance counselors, or principals, or they can submit their own names for consideration. A key consideration in the approval process is the student's charitable and civic activities.

This week, the Milton Littman Memorial Foundation will hold its 13th annual scholarship breakfast at the Marco Polo Hotel. I look forward to this event and to my continued association with the foundation. It is a fine way to remember and foster the work of one of our outstanding citizens.

INTRODUCTION OF LEGISLATION IMPOSING CHARITY CARE STANDARDS FOR TAX-EXEMPT HOSPITALS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation to impose a series of charity care standards for hospitals to meet if they wish to be exempt from tax under the Internal Revenue Code. The need for this legislation is pressing and clear, and I urge hearings on it, and its enactment, in the 102d Congress.

Mr. Speaker, under current law, hospitals which are exempt from Federal income tax as charitable organizations are not required to provide charity care as a condition of that exemption. In my view, that policy is misguided, and my legislation would correct it.

Since 1969, the Internal Revenue Service has adopted a "community benefits" standard for tax exemption for hospitals. While the IRS policy may have made sense in 1969, it makes little sense today. Four years before the 1969 ruling, Congress had enacted the Medicare and Medicaid Programs, and the need for hospitals to provide charity care seemed to be diminishing. Now, 25 years after the enactment of those programs, the need for hospitals to provide charity care is increasing. Quite frankly, many hospitals which enjoy the benefits of tax exemption have done nothing to fulfill that need.

Mr. Speaker, the fundamental basis under which Congress exempts organizations from taxation is the belief that those organizations will relieve a governmental burden. When a hospital refuses to care for an indigent patient—and the evidence suggests strongly that this happens frequently—the patient often goes to a public hospital. This increases the burden on government.

My legislation, consequently, imposes some realistic requirements on hospitals if they wish to enjoy the generous benefits which the Government provides. Aside from generous Medicare payments, tax-exempt hospitals receive numerous tax benefits. Under my bill, those tax benefits would be conditioned on three charity care standards.

I ask that a technical description of my legislation be printed at this point in the RECORD.

PRESENT LAW

In general

Hospitals may be exempt from tax under section 501 of the Internal Revenue Code as charitable organizations, one of the listed exempt purposes under section 501(c)(3) of the Code. Although no specific provision of section 501(c)(3) lists the provision of health care or hospitals as an exempt purpose or organization, common law and the Courts have long noted that such purposes or entities may be considered charitable in nature.

Prior to 1969, the Courts and the Internal Revenue Service had consistently taken the position that for a hospital to be exempt from tax as a charitable organization, it had to provide some level of charity care to those unable to pay (*see, e.g., Lorain Avenue Clinic* v. *Commissioner*, 31 T.C. 141 (1958); *Sonora Community Hospital* v. *Commissioner*, 46 T.C. 519 (1966); Rev. Rul. 56-185, 1956-1 CB 202). One requirement of Rev. Rul. 56-185 was that a hospital had to be operated, to the extent of its financial ability, for those not able to pay for care, and could not refuse to treat patients who could not pay for care.

In 1969, the IRS modified its position on this issue. In Rev. Rul. 69-545, 1969-2 CB 117, the IRS removed the "financial ability" standard of the 1956 ruling and substituted a "community benefit" standard. The 1969 ruling suggested that the operation of an open emergency room was a required community benefit necessary for a hospital to be exempt from tax as a charitable organization. The open emergency room requirement was modified in 1983 (Rev. Rul. 83-157, 1983-2 CB 94) by permitting a waiver of this requirement if a State had made an independent determination that an emergency room was unnecessary or duplicative.

The Courts have upheld Rev. Rul. 69-545 (*see, e.g., Eastern Kentucky Welfare Rights Organization* v. *Simon*, 370 F. Supp. 325 (D.D.C. 1973), *rev'd.* 506 F. 2d. 1278 (D.C. Cir., 1974), *vacated on other grounds*, 426 U.S. 26 (1976)). Thus, under present law, there is no explicit statutory, regulatory, or judicial requirement that hospitals provide any degree of charity care as a condition of exemption from tax as a charitable organization.[1]

Benefits corresponding to tax exemption

In general, three main benefits accrue to hospitals which are exempt from tax under section 501(c)(3) as charitable organizations. First, the hospital is not subject to the income tax. Second, contributions to the hospital by individuals are deductible as charitable contributions. Third, the hospital may have access to capital financing through tax-exempt bonds.

Relationship with Medicare Program

The Medicare program reimburses most hospitals on the basis of a prospective payment system. Basic PPS payments to these hospitals are subject to several adjustments.

One such adjustment is the disproportionate share adjustment, which is provided to hospitals which treat a large number of low-income individuals. A hospital's disproportionate share adjustment is determined by reference to its disproportionate patient percentage, which is the sum of two fractions. The first fraction compares patient days attributable to Medicare beneficiaries who are receiving a benefit under the Supplemental Security Income (SSI) program to total Medicare patient days. The second fraction compares patient days attributable to Medicaid beneficiaries to total patient days. A similar adjustment is provided under the Medicaid program.

Five classes of hospitals are exempt from reimbursement under the prospective payment system: psychiatric hospitals, pediatric hospitals, long-term hospitals, rehabilitation hospitals, and certain designated cancer hospitals.

Hospitals may be penalized under the Medicare program if they refuse to provide certain services to patients entering the hospital's emergency room. If an emergency medical condition exists, the hospital is prohibited from transferring the patient until the patient's condition has stabilized and unless the patient requests the transfer. Hospitals violating these "anti-dumping" provisions of section 1867 of the Social Security Act may be subject to civil and monetary penalties, as well as exclusion from the Medicare program.

Reporting requirements for exempt organizations

Generally, tax-exempt organizations are required to file information returns with the Secretary. These forms must state items of gross income, expenses, disbursements out of income, accumulation of income, disbursements out of principal, a balance sheet, and the total contributions and gifts received during the year (Treas. Regs. 1.6033-1(a)(4)(i)).

EXPLANATION OF PROPOSAL

In general—basic standards for tax exemption

Under the bill, an organization could be exempt from tax only if no substantial part of its activities consisted of operating a nonqualified hospital. A nonqualified hospital would be any hospital which did not meet any one of the following three requirements.

First, the hospital would be required to operate a full-time emergency room which provided medical services to all members of the community regardless of their ability to pay for those services. An exception to this requirement would be provided for PPS-excluded hospitals which did not operate an emergency room, and for hospitals where an appropriate State health planning agency had made an independent determination that operating an emergency room would be duplicative or unnecessary in the community (*i.e.,* codify Rev. Rul. 83-157). If a hospital's provider agreement is terminated for violation of section 1867 of the Social Security Act, or if the hospital is fined on more than one occasion for violation of those provisions, it would be a conclusive presumption that the hospital is not in compliance with this requirement.[2]

Second, the bill imposes nondiscrimination requirements with respect to Medicaid beneficiaries. The hospital would be required to have a Medicaid provider agreement and would not be considered in compliance with this provision if the hospital consistently engaged in the systematic practice of refusing to furnish covered services to individuals eligible for assistance under the Medicaid program. Under this standard, as under standard one, a hospital which violates section 1867 of the Social Security Act is conclusively presumed to have violated this requirement.

Third, the hospital would be required to meet at least one of the following standards: (1) be a sole community hospital; (2) be receiving the disproportionate share adjustment under either the Medicare or Medicaid programs; (3) have a disproportionate patient percentage within one standard deviation of the mean of the disproportionate patient percentages of all hospitals in the geographic area of the hospital (not including long-term, rehabilitation, or pediatric hospitals); (4) devote at least 5% of its gross revenues to the provision of charity care; or, (5) devote at last 10% of its gross revenues to the provision of other qualified service and benefits.[3]

For purposes of standard (4), charity care would not include bad debt and contractual allowances,[4] but would include contributions to a Statewide charity care pool (regardless of whether the hospital is reimbursed from such a pool). Whether or not care provided is charity care is primarily a question of first impression.[5] For example, if a hospital provides care to an individual and at the time of providing the services had no expectation of receiving payment, the cost of that care could be considered charity care for purposes of the standard. Consequently, the hospital's motives in providing the care are relevant under this standard. Factors which would have sufficient probative value to establish a charitable intent under such a "no expectation" standard would include the income of the patient, whether or not the patient was eligible for a public assistance program, whether or not the hospital billed the patient for the care provided, and how aggressively and over what period of time the hospital sought payment.

For purposes of standard (5), qualified services and benefits include operating health clinics in medically underserved areas of the nation, operating substance abuse clinics in such a medically underserved area, or providing other services defined by the Secretary in regulations.

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[1] The requirement of Rev. Rul. 69-545 that a hospital operate an open emergency room implies, however, that if an indigent patient sought treatment in an emergency room without the means to pay for care, the hospital would be required to provide that treatment.

[2] No interference is intended that this requirement or presumption is a change from present law.

[3] Unlike Rev. Rul. 56-185, the bill does not contain "financial ability" standard. Before further legislative action on the bill, such a standard will be developed, taking into account the lack of uniform accounting principles for hospitals.

[4] Some hospitals have attempted to argue (without success) in State courts that "uncompensated" Medicare or Medicaid costs (or charges) constitute chairty care. Assuming that there is such a thing as "uncompensated" Medicare or Medicaid costs or charges, they are contractual allowances and are emphatically not "charity care" under the bill.

[5] *See, e.g., School District of the City of Erie* vs. *Hamot Medical Center*, No. 138-A-1989 (Pa. Ct. Cm. Pl., Erie County, May 18, 1990): "there is no such thing as *ex post facto* charity. . . . [c]harity should be determined before given, not when deemed uncollectible". At 112.

Effect of loss of tax exemption

If a hospital is treated as not exempt from tax under the legislation, the hospital would be subject to the corporate income tax, contributions to the hospital would be non-deductible to the donor, the basis of the hospital's assets would be reduced for depreciation which would have been claimed had the hospital been a taxable corporation,[6] and the hospital could not benefit from the use of new tax-exempt financing.[7] Finally, under the bill, contributions to a 403(b) plan maintained by the hospital would not be eligible for tax dererral.

Generally, under the bill, a hospital would lose tax exemption (and the corresponding benefits) for the longer of two years or the earliest date on which the hospital was again in compliance with the provisions of the legislation. If a hospital failed to meet the qualified expenditure and benefit test, the hospital could elect to pay a penalty equal to 10% of the excess of the hospital's gross revenues over the cost of charity care actually provided by the hospital in the first taxable year in which the hospital failed the requirements. The penalty would increase to 100% in subsequent years.

New reporting requirements

The bill imposes reporting requirements on hospitals, on the IRS, and on the Secretary of Health and Human Services. Under the bill, hospitals would be required to report to the IRS: (1) the nature and costs of charity care and community benefits provided by the hospital;[8] (2) whether it received the disproportionate share adjustment under the Medicare and Medicaid programs, its geographic area, and its disproportionate patient percentage; (3) its Medicaid utilization rate, and; (4) whether it is exempt from reimbursement under the prospective payment system.

If the Internal Revenue Service revokes the tax exemption of a hospital because of the application of this legislation, the IRS is required to notify the State, county, and local government in which the hospital is located of its actions. Finally, the Secretary of Health and Human Services is required to notify the Internal Revenue Service if it has fined a hospital for violation of section 1867 of the Social Security Act, or has terminated a hospital's provider agreement due to a violation of that section.

EFFECTIVE DATE

The tax exemption requirements of the legislation are generally effective on the earlier of January 1, 1993 or the date on which the hospital is in compliance with those requirements. The reporting requirements are effective for taxable years beginning after December 31, 1991.

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[6] *See*, GCM 39813

[7] Under the bill, interest on outstanding bonds would not become taxable. No inference is intended that this result is consistent with present law.

[8] The General Accounting Office has identified community services most frequently provided by hospitals. *See*, "Nonprofit Hospitals: Better Standards Needed for Tax Exemption", GAO/HRD-90-84, May, 1990, at 51.

NAVY COMMENDATION TO LONG BEACH NAVAL SHIPYARD

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. DORNAN of California. Mr. Speaker, the Secretary of the Navy has awarded the Long Beach Naval Shipyard the Navy's Meritorious Unit Commendation Medal. The citation reads for excellence in the "performance of its missions from 1 May 1988 to 30 April 1990."

I have visited the shipyard on several occasions. Each and every time, I have been impressed by the dedication and commitment to excellence exhibited by the men and women who proudly maintain the world's finest blue water Navy. The shipyard has consistently met or exceeded schedules and has effectively competed with the more aggressive private yards in this era of down-sizing and reorganization of our naval forces.

There are those who suggest that the public yards should go the way of the dinosaurs. These nay-sayers are wrong. The public yards provide a unique service to the U.S. Navy and to the American people. I have found the public yards to be on the cutting edge of shipyard technology and innovative approaches to difficult problems. The Secretary of the Navy, in issuing this award, affirms that the Long Beach Naval Shipyard is a valuable asset and an important part of the U.S. national security team.

Mr. Speaker, I am proud to share the shipyard's citation with my colleagues. Be assured that the shipyard will continue its tradition of excellence as our Navy sails into the 21st century.

NAVY COMMENDATION TO LONG BEACH NAVAL SHIPYARD

The Secretary of the Navy takes pleasure in presenting the Meritorious Unit Commendation to "Long Beach Naval Shipyard" for service as set forth in the following:

CITATION

For meritorious service in the performance of its mission from 1 May 1988 to 30 April 1990. Long Beach Naval Shipyard distinguished itself by excelling in the areas of schedule adherence, financial performance, production management, safety, and customer and community service. The men and women of the Shipyard accomplished these significant achievements while in a unique and difficult environment of direct competition with the private sector ship repair industry and in the midst of a downsizing and reorganization effort that was blazing the trail for the Naval Shipyard Community. The Shipyard's personnel responded in a bold, innovative fashion to the demands of competition. By their superb professionalism, total determination, and impressive dedication to duty, the officers, enlisted personnel, and civilian employees of Long Beach Naval Shipyard reflected credit upon themselves and upheld the highest traditions of the United States Naval Service.

H. LAWRENCE GARRETT, III,
Secretary of the Navy.

THE ENVIRONMENTAL MARKETING CLAIMS ACT OF 1991

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SIKORSKI. Mr. Speaker, today I am introducing the Environmental Marketing Claims Act of 1991, a bill that will protect American consumers from misleading claims about the environmental or green attributes of products and packages. I am pleased to introduce this bill as a companion to a bill introduced today by Senator LAUTENBERG.

We have heard of green thumbs and green mail and Green Giant—and now we are hearing of green marketing. Green means good; good for the environment. And with a recent Gallup Poll revealing that 9 out of 10 of us are willing to pay more for products that do not harm the environment—a lot of companies are into green marketing in a big way. Lots of green puts account ledgers into the black.

A tour of any grocery store will show you terms like "environment friendly," "recyclable," "biodegradable," "ozone neutral," stamped on everything from diapers to dish soap, from cleaners to cosmetics. The words of Dr. Seuss were prophetic: Even eggs and ham are green. In fact, terms like these are being used pretty loosely, and in some cases, deceptively and confusingly. They need clear definition—and Senator LAUTENBERG and I believe that the Environmental Marketing Claims Act will provide that definition.

What we are proposing is not revolutionary. Our trade competitors in Germany, Japan, Canada, and elsewhere have had national environmental labeling programs for some time.

I will submit a summary of the bill into the RECORD, but I would like to emphasize four points.

First, this bill is good for environmentally conscious companies and environmentally conscious consumers. By setting standards and defining the terms used in "green marketing," this legislation enables consumers to make intelligent choices. But this is not a case of overzealous do-gooders versus big, bad corporate America. It protects companies that produce environmentally sound products from unfair competition on the part of scheisters who will make any claim to snag a buck.

Second, it encourages recycling, reusing, reducing—the three R's. All too often products are advertised as "recyclable," "reusable," or "compostable" in places where no program exists to accomplish those things. Clearly no one benefits from products that are good for the environment in theory, yet end up in the local landfill. This bill establishes the minimum rates at which a product or material must be managed in the manner advertised in order for a marketer to make an environmental claim.

Third, this bill prevents marketers from taking credit for things totally irrelevant. For example, in response to the growing demand for environmentally sound products, even manufacturers of electric razors have touted their products as ozone friendly. But such products as electric razors never contributed to ozone completion. Such claims are clearly misleading, and must be stopped.

Finally, the bill will end advertising that promotes one environmental attribute of a product—when the product harms the environment in another way. To use the ozone friendly example again, aerosol deodorants have been advertised as safe for the ozone layer. True, they no longer contain ozone-depleting chemicals—chlorofluorocarbons, or CFC's, have actually been banned in the United States for over a decade. But what the advertisements and slogans don't tell you is that these friendly deodorants replaced CFC's with volatile organic compounds—a major contributor to urban smog.

A cry has gone out—from the local grocery stores of small-town America to the board rooms of Fortune 500 companies. During the past year, industry, consumers, and government officials have looked to the Federal Government for uniform standards for green marketing claims. What they want—and what this bill provides—are measures that are proenvironment, proconsumer, and probusiness.

The Environmental Marketing Claims Act has the support of the Environmental Defense Fund, Environmental Action, the Natural Resources Defense Council, the Consumers Union, and the National Association of Attorneys General's Task Force on Green Marketing, which is led by Attorney General Humphrey III of my own State of Minnesota.

In conclusion, I would like to draw on the words of E.B. White:

> People are beginning to suspect that the greatest freedom is not achieved by sheer irresponibility. The earth is common ground and we are its overloads, whether we hold the title or not. Gradually, the idea is taking form that the land must be held in safe keeping, that one generation is to some extent responsible to the next; and that it is contrary to the public good to allow an individual . . . to destroy almost beyond repair any part of the soil or the water or even the view.

American consumers and American businesses are taking steps to ensure that the world they leave for their children is not degraded beyond recognition. The Environmental Marketing Claims Act will assure that their efforts are not in vain.

ENVIRONMENTAL MARKETING CLAIMS ACT OF 1991 SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

"Environmental Marketing Claims Act of 1991"

SECTION 2. FINDINGS AND PURPOSES

A. Findings: (1) Surveys have shown that over 90 percent of Americans would pay more for environmentally preferable products. (2) Environmental marketing claims are now largely unregulated and can be deceptive.

B. Purposes: (1) Prevent fraudulent or misleading claims. (2) Establish uniform standards for environmental claims about products and packaging. (3) Encourage environmental responsibility by consumers and industry.

SECTION 3. DEFINITIONS

This act defines the following terms: product, package, life cycle, environmental marketing claim, label, Administrator, end product, post-consumer material, pre-consumer material, secondary material.

SECTION 4. ENVIRONMENTAL LABELING REGULATORY PROGRAM

Requires the EPA Administrator to issue regulations, establishing an environmental marketing claims regulatory program.

SECTION 5. INDEPENDENT ADVISORY BOARD

A. Within 180 days of enactment, EPA must establish an independent Advisory Board to make recommendations to the Administrator.

B. The Board must have 15 members (including 4 ex officio members): 3 consumer advocates, 5 industry representatives, 3 environmentalists, 2 state government officials (ex officio), 1 local government official (ex officio), 1 representative of the National Institute of Standards and Technology (ex officio).

C. Meetings of the Board must be open to the public.

D. The Board must issue an annual report on its activities and recommendations.

SECTION 6. REGULATION OF ENVIRONMENTAL MARKETING CLAIMS

A. The Board's recommendations to the Administrator must include definitions and standards used in regulating environmental marketing claims.

B. Within 18 months of enactment, the Administrator must issue final regulations governing the use of environmental claims. The regulation shall include claims that a product is: source reduced, refillable, reusable, recyclable, has a recycled content, compostable, ozone neutral, nontoxic, photodegradable, biodegradable, decomposable, or otherwise related to an environmental impact.

C. This act does not prohibit the use of environmental seals of approval, if the Administrator approves the use of such seals.

D. In regulating claims, EPA must distinguish between the product and the accompanying package unless the claim applies to both.

E. The act establishes requirements for the use of the following terms:

(1) Recycled content: All products and packages must be composed of at least 25 percent (by weight) post-consumer material prior to the year 2000, and 50 percent post-consumer material from 2000 on. Products and packages that do not meet these standards may list the amount of pre-consumer and post-consumer material used, if this claim is included in a sentence in which the term "recycled content" is no more prominent than any other word in the sentence.

(2) Recyclable: The product or package must be recycled at a rate of 25 percent per annum prior to the year 2000 and 50 percent thereafter.

(3) Reusable or refillable: Must be reused for the original purpose an average of five or more times.

(4) Compostable, photodegradable, biodegradable, degradable, or decomposable: The product or package must be safely managed in a composting or other waste maangement system at a minimum rate of 25 percent per annum prior to the year 2000, and 50 percent thereafter.

Retailers may use shelf labels if the above standards are met by the local community, even if they are not met nationwide.

F. The regulations must be reviewed by EPA every 3 years.

G. Anyone may petition the Administrator to issue additional regulations.

H. Limitations:

1. Claims may only be made about environmental attributes defined by EPA regulations.

2. A claim may not be made about the absence of an environmental attribute unless that attribute is a usual characteristic of the product or packaging or EPA has determined that such a claim would assist consumers. For example, a product may not be labeled "ozone friendly" if it never contained ozone-depleting chemicals.

3. An environmental claim may not be made if it is misleading in light of another environmental characteristic of the product or package.

SECTION 7. CERTIFICATION

A. Anyone who intends to make an environmental marketing claim for which a regulation has been issued must certify with EPA that the claim meets the regulatory requirements.

B. Recertification is required whenever changes are made in the product or package that affect the claim, or new regulations are issued.

SECTION 8. PROHIBITION

SECTION 9. PENALTIES

A. Civil: penalties will not exceed $25,000 for each violation.

B. Criminal: violations are punishable by fines specified in title 18 of the U.S. Code, or imprisonment for up to one year, or both.

SECTION 10. STATE ENFORCEMENT

States may enforce provisions of this act, if they notify EPA at least 30 days before initiating any proceeding.

SECTION 11. CITIZENS SUITS

The act allows for citizen suits against any violators or against the EPA Administrator for failure to carry out the duties assigned under the act.

SECTION 12. PUBLIC INFORMATION CAMPAIGN

EPA must carry out a public service advertising campaign to alert/educate consumers.

SECTION 13. STATUTORY CONSTRUCTION

Nothing in this act bars states from enacting or enforcing stricter standards.

SECTION 14. CONFORMING AMENDMENT

SECTION 15. AUTHORIZATION OF APPROPRIATIONS

Authorizes $10 million for FY 1992, 1993, and 1994.

PEACE IN THE MIDDLE EAST IS NOT POSSIBLE IF THE ARMS BAZAAR REOPENS FOR BUSINESS AS USUAL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. MAZZOLI. Mr. Speaker, I call to the attention of my colleagues the following article from the March 4, 1991, Wall Street Journal.

This article describes United States arms makers as almost salivating over the prospects of selling to Middle East nations the selfsame high technology military and electronic equipment which our troops utilized to such devastating advantage in the prosecution of Operation Desert Storm.

This is not only dismaying and disturbing, but it also serves to undercut the efforts of President Bush and Secretary of State Baker who want to mount a major nonproliferation effort in this region of the world.

Mr. Speaker, peace in the Middle East is impossible if arms sales to the region are resumed as if something called Operation Desert Storm never occurred.

Peace in the Middle East is impossible if the arms bazaar reopens for business as usual even before the dust of Desert Storm has settled.

I think my colleagues will find this article interesting—if disquieting—reading.

MIDEAST ARMS OUTLAYS SEEM UNLIKELY TO FACE ANY TOUGH NEW CURBS

(By Walter S. Mossberg and Rick Wartzman)

WASHINGTON.—It could happen again.

The U.S. and its allies smashed Iraq's huge military machine with alacrity. But far more exclusive will be success in preventing the warlike states of the Mideast, including Iraq itself, from building deadlier new arsenals in the future.

The renewed urge to control the spread of arms is running headlong into two powerful forces. One is strong demand: Mideast nations are eager to purchase some of the powerful high-tech gadgetry that won the Persian Gulf war. The other is ample supply: The profit motive remains undiminished by the recent bloodshed.

"People who are talking about limiting arms sales to the Middle East are living in a dream world," says Gregory Fetter, senior defense analyst at Forecast International/DMS, a consulting concern that compiles data on the global weapons business. "It's a shame to have to say it, but it's true. Everybody wants to sell there, and it would take a world-wide, airtight effort to stop that."

AN ISSUE FOR BAKER

Nevertheless, the Bush administration says it is determined to build on its battlefield victory by curbing the proliferation of modern arms, not only to Iraq but to the entire Mideast. Shutting down the arms bazaar will rank among the top issues on the agenda when Secretary of State James Baker flies to the region this week. During the crisis, Mr. Baker promised Congress he would "mount a major nonproliferation effort for this area of the world," calling for "very, very intrusive measures of inspection and verification."

But experts and government officials agree that the most that Mr. Baker can hope for might be a continued arms-sales embargo against Iraq alone for a while, coupled with the start of a vague, drawnout diplomatic quest for a regional arms-control system.

The problem starts with the U.S. itself. The administration is hinting that its approach will be selective: While talking nonproliferation, it will pour arms into the region to help its allies and weapons makers. At a news conference Friday, President Bush declared: "Let's hope that out of all this, there will be less proliferation of all kinds of weapons, not just unconventional weapons." But he added: "I don't think there will be any arms embargo" by the U.S.

A CRUCIAL MARKET

American defense contractors, pinched by Pentagon budget cuts at home and convinced that the war has given them great advertising abroad, are salivating over the prospect of big Mideast sales. The Mideast is a crucial market because, along with the Pacific Rim, it is about the only place where defense budgets are expanding.

In addition, Mideast countries tend to buy weapons off the shelf rather than demanding a role in producing them, as many Asian countries do; as a result, the companies can keep their employment and supplier bases intact.

"American equipment performed so doggone well compared with that of the French and Soviets, there ought to be some very hot prospects" for sales throughout the Mideast, says D. Kenneth Richardson, the president of Hughes Aircraft Co. For his Los Angeles company, a subsidiary of General Motors Corp., Mr. Richardson foresees an opportunity to peddle battlefield navigation systems, radar for F–15 and F/A–18 jet fighters, air-launched Maverick missiles, and night-vision devices and laser range-finders for the M–1 tank.

PATRIOT MISSILE MAKER

Martin Marietta Corp., which produces part of the Patriot missile plus night fighting gear for Apache helicopters and fighter planes, expects its overseas sales to double, with much of that volume going to the Mideast. "If there is a need to step up the defense of countries in the Middle East, Martin Marietta is one of those contractors that would want to be very much involved," a company spokesman says.

But for the moment, many weapons companies are lying low. Most depend on the government to sell their deadliest products in government-to-government deals. They also think that this isn't the time to get too pushy. "If the government decides for us to stay out of the area for a while nobody is going to fight it very hard," says Peter Oram, president of Grumman Corp.'s aircraft division.

However, the companies are vowing to fight any U.S. sales curbs that aren't matched by competing arms-making countries. If the U.S. acts alone, "the Europeans will look at us and say, 'By gosh, you guys are moral. But we're going to see what our Middle Eastern comrades-in-arms need. We're open for business,'" says Joel Johnson, vice president of international activities for the Aerospace Industries Association, a trade group.

A White House aide acknowledges: "The problems are very, very large, and it's not obvious how to solve" them.

Defense Secretary Dick Cheney recently warned Congress that, by the end of this decade, at least 15 developing countries will probably be able to build and deploy ballistic missiles. Even scarier, eight of those countries, he added, "either have or are near to acquiring nuclear capabilities." He also estimated that by then, 30 countries will have chemical weapons, and 10 will have germ weapons.

Right now, Soviet-designed Scud missiles remain in the arsenals of Syria, Egypt, Iran, Libya and Yemen. Even Iraq is believed to have retained scores of Scuds and home-built mobile launchers. The Central Intelligence Agency predicts that by the year 2000 at least six countries will have missiles able to fly nearly 2,000 miles, with three additional nations able to reach targets almost 3,500 miles away. That could put U.S. territory within reach of some Latin American countries, and the Soviet Union in the sights of many Muslim nations.

However, administration officials do expect some incremental progress in controlling proliferation in the Mideast. There's a good chance Iraq can be quarantined, at least for a while. And throughout the region, nuclear-weapons development can be slowed because the technology is so complex and expensive—and thus somewhat controllable.

But further progress will be minimal to nonexistent, many experts say—and the U.S. itself won't be blameless.

Last November, even with the huge U.S. military buildup under way in the Gulf, the White House vetoed a bipartisan bill that would have imposed sanctions on companies exporting chemical-weapons components. The administration contended that the bill lacked a "national security" waiver enabling the President to allow such sales in rare cases.

ADMINISTRATION PROPOSAL

After the veto, the administration drafted its own tough controls on a wide variety of products and technical data that could be used to fabricate these terror weapons, as well as the missiles for delivering them. The program would increase to 50 from 11 the number of "precursor" chemicals subject to export controls. New controls would be imposed on exports of certain equipment and even benign supplies—potentially down to pencils and paper clips—being shipped to suspicious manufacturing plants. U.S. exporters could be subject to criminal penalties.

But business groups have so sharply criticized this program—called the Enhanced Proliferation Control Initiative—that its release has been delayed for more than two weeks. Until other countries adopt similar rules, business groups say, target countries will remain free to buy from other sources.

"Draconian measures without a multilateral approach have never worked out," argues Peter McCloskey, president of the Electronic Industries Association of Manufacturers trade expert, wonders whether such controls could "unilaterally take the U.S. out of markets in Brazil and India."

The Mideast business opportunity, and the political pressure it generates, will severely limit Mr. Baker's effectiveness in putting together a multilateral plan to curb Mideast armaments. In fact, the U.S. will be preaching restraint to other supplier nations just when it is preparing to make some huge arms sales of its own. Kuwait's rulers have already quietly notified the U.S. that they intend to acquire far more military punch than they had when Iraq invaded last August, though details haven't yet been determined.

MANY WISH-LISTS

In addition, according to the administration, Egypt wants Raytheon Co.'s Hawk missiles and General Dynamics Corp. M–60 tank upgrades and F–16 fighter jets. Israel is said to be looking for hand-held battlefield navigation systems, plus upgrades to its McDonnell Douglas Corp. F–15 fighters and its Harsco Corp. M–109 artillery pieces. The United Arab Emirates is interested in General Dynamics' M–1 tanks and Raytheon's Patriot missiles. Bahrain and Turkey are said to be interested in the Patriot.

But the biggest arms-control buster is a pending arms-buying spree by Saudi Arabia. The Arab kingdom is in line for a package of $15 billion worth of the U.S. weapons that won the war. Included are F–15 fighters and McDonnell Douglas Apache helicopters, M–1 tanks, LTV Corp. Multiple Launch Rocket Systems, Patriot missiles and Boeing Co. AWACS radar planes. Also being eyed by Riyadh: United Technologies Corp. Seahawk helicopters, FMC Corp. Bradley Fighting Vehicles, and Maverick infrared missiles.

For some U.S. contractors, Mideast sales may be crucial to even continuing their product lines because the Pentagon is planning to phase out buying numerous systems that starred in the Gulf war. McDonnell Douglas says that, without foreign buyers, it will have to halt F–15 production in May 1993.

Even under the best circumstances, Nathan Higginbotham, director of government program development for McDonnell Douglas's jet-fighter division, doesn't envision a clear administration policy emerging on weapons transfers to the Mideast until later in the year. "The challenge is going to be to bridge the gap," he adds. He notes that the company has already stopped ordering certain long-lead-time items from its F–15 suppliers, some of which could go out of business.

BOEING'S PROBLEMS

Boeing is in a similar bind. C.G. King, executive vice president of its military aircraft division, says that although Saudi Arabia has indicated it wants more AWACS planes, the Seattle company must find more AWACS buyers by the end of the month or it will have to shut down the 707 airframe line that serves as the backbone of the program. "We're getting very close to where it doesn't make economic sense to keep it going." Mr. King says.

Some contractors argue that selling defensive weapons won't spur the Mideast arms race. "That area is too ancient and too tribal not to give countries the ability to defend themselves," asserts Lawrence Skantze, a retired Air Force general and now a board member at Loral Corp., which makes electronic gadgetry.

But others say the visible success of defensive systems such as the Patriot speeds up proliferation. As more nations buy the antimissile system, their enemies will be spurred to seek even more sophisticated offensive weapons that can break through the knockdown systems.

Administration officials insist that Mr. Baker isn't going to the Mideast with any grand arms-control plan in his pocket. But several ideas are floating around Washington and other Western capitals.

There is talk of forming a "suppliers' committee" to cut off or cut back sales to Mideastern states of nuclear, chemical, biological and conventional weapons and weapon components, especially missiles. Officials also are studying a plan to begin gradually by introducing "confidence-building measures" between Israel and its Arab enemies—announcements in advance of military maneuvers, swaps of military data, or an easing of the Arab boycott of the Jewish state.

Italy is proposing that the Mideast nations emulate Europe by forming a "conference on security and cooperation" that might, over the years, bring about arms control. But Europe, unhampered by any states of war, still took 15 years to produce last year's conventional arms treaty.

For Mr. Baker, Israel is also a big arms-control problem. The country is not only one of America's strongest allies in the Mideast but also the best-armed nation in the region, now that Iraq's military machine has been dismantled. It is the region's only nuclear power, with an estimated 100 atomic warheads. And Israel's Jericho II missile is no clumsy, short-range Scud: it can fly 900 miles and is accurate. Israel also has an awesome conventional arsenal and is said to possess chemical weapons.

Thus, to win Arab support, any broad U.S. arms-control plan must somehow scale back Israel's might. Jerusalem has recently hinted that it would favor regional arms control, State Department officials say. But, if controls cut too deeply, tiny Israel, surrounded by 21 Arab lands, isn't likely to want to go along—and neither are Israel's vocal friends in Congress.

FINDING A WAY TO GIVE YOUNG, AS WELL AS OLD, SOCIAL SECURITY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. LAFALCE. Mr. Speaker, the state of America's children is a national tragedy. The figures are devastating: One in five American children is living in poverty; 16 million children lack health insurance, and the United States ranks lower than nearly all other industrialized nations in standard measures of children's health such as infant mortality and child immunization.

In the past several decades, we have done a fine job of improving the care of the elderly population, but we have sorely neglected our children. As cited in a recent Washington Post story, from 1978 to 1987, Federal expenditures on older Americans increased by 52 percent, while spending on children fell by 4 percent. The poverty rate among the elderly has fallen from 24.6 percent in 1970 to 12 percent in 1988, while the rate among children has increased from 14.9 to 19.2 percent during the same period.

Clearly, if we are to remain a superpower in the 21st century, we must focus our energies on children, who truly represent America's future. Improvements in access to health care, child immunization, prenatal and infant care, child nutrition, Head Start, and the quality of public education are critical, and numerous strategies remain to be explored. I respectfully submit the following article, "Finding a Way to Give Young, as Well as Old, Social Security," which I hope can serve as a springboard for action. At stake is nothing less than the fate of this country for generations to come.

[From the Washington Post, Feb. 22, 1991]

FINDING A WAY TO GIVE YOUNG, AS WELL AS OLD, SOCIAL SECURITY

(By Paul Taylor)

Children's advocates celebrated a rare victory last fall when the Bush administration and Congress agreed to a multi-year expansion of the Head Start program for poor preschoolers. But when the administration's budget came out earlier this month, funds to keep the expansion on track weren't in it.

There were no such surprises for Social Security, which needed $18.6 billion in new funds, mainly to pay for cost-of-living adjustments. That increase hadn't been the subject of any budget battle nor the occasion for any celebrating. It was automatic.

The fates of Head Start and Social Security tell a story in microcosm of a nation that treats its two most vulnerable populations—the young and the old—in wildly divergent ways.

A child in the United States is nearly twice as likely to be poor as a senior citizen—in large part because the federal government spends more than four dollars on the elderly for every one it spends on children, studies show. This is novel in the nation's history and unique in the world; no other country has so large an age bias to its poverty rates nor so wide an age tilt in its allocation of resources.

AGE TILT IN ALLOCATING FUNDS

What we've done in this country in the past few decades is socialize the cost of growing old and privatize the cost of childhood," said Sylvia Hewlett, an economist and author of a forthcoming book on the subject. "From an economic perspective, it makes no sense; children are an investment in our future. From the standpoint of compassion, we might have been able to get away with treating children this way in Norman Rockwell times, but not today, when so many families are fragile, brittle and dysfunctional."

The chief source of economic insecurity in America used to be growing old; now it's being born into or raised in a single-parent family," said David Ellwood, a Harvard professor who is an authority on poverty. "If Social Security were being designed today, I suspect it would have taken this new reality into account."

"We should be proud of what we have done for the elderly," said Rep. Thomas J. Downey (D-N.Y.), "and horrified at what we're doing to our children."

Congress made some headway last year, passing a bill that authorized new funds for child-care programs, increased the federal wage supplement for low-income working parents and provided for an expansion of Medicaid benefits to children.

But children's advocates say the response has been no match for the need. "There is a great consensus among experts in the field that we have never seen the plight of America's children as bad as it is today," Dr. Edward F. Zigler, director of the Bush Child Development Center at Yale University, told a congressional subcommittee Wednesday.

Given the growing concern about the social cost of shortchanging children, new ideas are beginning to surface that would address their economic well-being.

A CHILDREN'S TRUST FUND

One proposal, to be introduced next month by Sen. Christopher J. Dodd (D-Conn.), would create a Children's Trust Fund—an earmarked source of public money designed to spare children's programs from having to scramble every year for what Rep. George Miller (D-Calif.) derisively calls the "chump change" in the federal purse.

Another approach, which has support in liberal and conservative think tanks and is being spearheaded by Sen. Dan Coats (R-Ind.), is to double or triple the value of the personal income tax exemption for children, and perhaps make it refundable for those who have incomes so low that they do not pay taxes. This proposal would put money in the pockets of parents, while the Trust Fund would funnel money toward government programs.

Still a third idea is to beef up the child-support enforcement system to force payments from all non-custodial parents, and to guarantee that the federal government would make the payments when parents cannot meet their obligations.

Because these approaches vary, and because the constraints imposed by federal budget deficits are so daunting, no one expects overnight success. "This is not something we're likely to get through in one Congress," said Dodd. "But there's a growing recognition that children are the one constituency we've left behind in the past few decades, and that we have some catching up to do."

DECLINING PUBLIC INVESTMENT

Here are some ways to measure the declining public investment in children:

Eighty-two percent of the elderly who would be poor if there were no such thing as a federal government are lifted out of poverty through government tax and transfer programs, including Social Security and all other cash and non-cash benefits, according to the Census Bureau. Only 32 percent of children who would be poor without the government's help are lifted out of poverty because of its, according to a Census analysis.

From 1978 to 1987, federal expenditures (adjusted for inflation) targeted on the elderly grew by 52 percent while expenditures targeted on children fell by 4 percent, according to an analysis by the Republican staff of the House Budget Committee. In 1987, the federal government spent $259 billion on the elderly and $55 billion on children.

From 1965 to 1986, the share of all social welfare spending (including primary and secondary education, welfare, health programs, food stamps, Social Security, Medicare and Medicaid) by all levels of government—federal, state and local—targeted specifically at children declined from 37 percent to 24 percent, while the share allocated specifically to the elderly rose from 21 to 33 percent, according to recently completed research by University of California at San Francisco professors A.E. Benjamin, Paul W. Newacheck and Hannah Wolfe.

In addition to falling behind relative to the elderly, American children long have been public policy losers in comparison to children in other advanced societies.

U.S. LAGS BEHIND OTHERS

Sixty-seven countries, including every industrialized society in the world except the United States, have some form of universal children's allowances, according to a survey by Sheila B. Kamerman and Alfred J. Kahn of Columbia University. These allowances are generally tax-free and not means-tested; that is, they are awarded to parents without regard to family income.

More than 100 countries also provide additional cash benefits to parents at the time of childbirth, with some nations providing a portion of the income lost from a parent's displacement from the labor force for six months or more following childbirth. A French married mother of three, for example, can stay at home until her youngest is 3 years old and receive the equivalent of the minimum wage. (President Bush last year vetoed a family-leave bill that would have assured 12 weeks of unpaid leave at the time of child bearing.)

In addition, most European countries provide free, full-day public pre-school programs. Ninety-seven percent of all French children age 3 to 6 attend such a program, as do 75 percent of German pre-schoolers and 70 percent of all Italian pre-schoolers.

These programs have their origins in the 19th century social democratic notion that the government should supplement the wages of factory workers with large families. They also reflect a pro-natalist streak among European policymakers, who long have worried that declining birthrates would sap national strength and identity.

The United States, a magnet for immigrants, has never worried about low birthrates, nor has it ever warmed to a social philosophy that treats children as a collective social responsibility. Its political culture is fiercely individualistic and its religious heritage makes most Americans ambivalent about state interference in family life. Moreover, Americans always have been suspicious of welfare programs—and except for public education, the major children's programs in this country are aimed at the poor.

The most successful anti-poverty program in the nation's history isn't a children's program, however—it's Social Security. The political genius of that program has been that, even though it redistributes income from rich to poor and from workers to retirees, it also contains elements of a contribution/earned benefits plan. Thus, it avoids the stigma of welfare.

"We tend to see the elderly as deserving and children—or at least the parents of children—as undeserving," said Hewlett, the economist and author. "And it doesn't help that more children than adults are black and brown."

TAX ADJUSTMENT PROPOSED

Children's advocates say they don't want to get into a war with seniors or take away their benefits. They would just like to initiate some of their successes.

For example, the Dodd proposal for a children's trust—first advanced by Jule Sugarman, one of the founders of Head Start—seeks to create an earmarked source of funding and establish a collective responsibility for children, just as Social Security does for elderly. Dodd has not decided how the funds should be raised.

The proposal to raise the value of the personal exemption in the tax code is crafted to avoid the stigma of welfare, much in the way Social Security does. The exemption is the closest thing this country has to a child allowance, but inflation has eroded about three-quarters of its value in the past four decades.

The plan to step up enforcement and guarantee payments of child support in the case of divorce or out-of-wedlock birth borrows from the social insurance aspect of Social Security. "In many ways this is an analog to Social Security," said David Ellwood, the Harvard professor. "A lot of the beneficiaries would be middle-class people who aren't getting the money owed them by non-custodial parents. But when the non-custodial parents don't have any money, the government serves as the insurer of last resort."

In addition to exploring these new ideas, Congress this year will ake on an old and recurring children's problem—a foster-care system that has nearly doubled in the past five years and is widely acknowledged to be broken.

No one is sure which proposals will fly. "All I know is that there are a lot more people interested in children's issues than there used to be," said Dodd.

PROSPECTS AND PROPER TREATMENT OF CREDIT UNIONS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. PETRI. Mr. Speaker, recently I had the privilege of speaking to a group of credit union members in my district. My remarks dealt with the prospects and proper treatment of credit unions as we consider financial institutions reform measures. In case they may be of interest to a wider audience, I insert these remarks in the RECORD at this point.

REMARKS OF HON. THOMAS E. PETRI

You, as members of Wisconsin Axle Credit Union, have much to be thankful for. A quick glance at your annual report tells me this meeting promises to be a happy occasion, because you've had a very good year.

I congratulate Wisconsin Axle and I wish you continued success.

Since I myself am a member of a credit union, I know full well the benefits of belonging, and I am a strong supporter of credit unions.

During my first days in Congress twelve years ago, I supported allowing credit unions to offer checking account services, which was an important advance at that time.

I have been a supporter of credit unions for a number of reasons.

Credit unions add to the diversity and the strength of our country's financial services overall.

Our economic system works best when there are a variety of competitors in any given marketplace.

In a diversified market, some entities become generally competitive, and some become extremely successful in various niches of the market.

Some entities just struggle along, and some fall by the wayside.

But we are all better off, because the competition gives us a chance to keep on discovering better ways of doing things.

It's particularly valuable to have Wisconsin Axle and other credit unions competing in the financial services markets because your basic organizing principle, the cooperative principle, is so different from that of your competitors.

This unique organizational feature adds to the diversity from which comes strength.

The cooperative idea is, in and of itself, a most appealing one. It is rooted in the democratic concept of people with like interests and objectives freely coming together to form an enterprise whose benefits accrue to all its members.

That, of course, is the basis of this whole cooperative movement, of which you are just one part, and which has a long and honorable history in Wisconsin.

The cooperative principle is only threatening if people try to cooperate to gain a monopoly in some area, because then it can be used to deny opportunity to others.

But that has never been a goal, or even a remote possibility, for credit unions.

In fact, Wisconsin Axle and other credit unions continue to be one of the best examples of the cooperative principle at work.

While you operate in only a small corner of the whole financial services industry, you have been vastly successful in that corner.

Among all the types of cooperatives, taken as a group, credit unions have an excellent record of achievement.

And, at a time when American financial institutions are undergoing intense scrutiny, credit unions as a whole are emerging from this thorough examination with a clean bill of health.

Wisconsin Axle's experience here in Oshkosh is, fortunately, not unique. Credit unions have been doing well all over.

Reserves and capital are very high, loan portfolios are strong, and your insurance fund, the National Credit Union Share Insurance Fund, is in excellent shape.

It faces none of the problems of the savings and loan insurance fund or the Bank's insurance fund, the Federal Deposit Insurance Corporation.

These other depository institutions and their insurance funds are experiencing major problems. But credit unions are not.

It's fair to say that credit unions have not been part of the problem, and they should not be forced to be part of the solution.

Any attempt to merge your insurance fund with the FDIC would amount to a raid on your money to benefit someone else.

Even worse, it's a raid on the small to benefit the more powerful. I don't think it's justified.

The democratic chairman of the House Banking Committee, Henry Gonzalez of Texas, has in fact introduced a banking reform bill that would merge your deposit insurance with the FDIC.

His bill would also create a single regulatory agency for depository institutions. When the chairman of the committee puts in a bill like that, one has to be at least a little concerned.

I wouldn't be too concerned, however * * * for several reasons.

For one thing, the Bush Administration's banking reform plan does not contain either a merging of insurance funds or a single regulatory agency.

The Administration will have substantial power to block anything it does not want in this area.

Moreover, two days ago the FDIC came out with a plan for bolstering the bank insurance fund that made no mention of credit unions.

Meanwhile, credit union members themselves are making their views well known to members of congress.

Through thousands of letters—even a few valentines—petitions, rallies and office visits you are sending a very loud no thanks to capitol hill.

In fact, the mail campaign on this issue is one of the biggest I've seen in my twelve years in Congress.

Believe me, members of Congress will hear the message.

And when all is said and done, my best judgment is that you have little to fear.

The case on its merits is weak * * * either for merging insurance funds or for creating a single regulatory agency.

And * * * with little support and much opposition, I don't think either is going to happen.

There are two proposals affecting credit unions in the administration's banking reform plan. One is to put a Treasury official on the board of your regulatory agency, and the other is to phase in over 15 years an accounting change that would stop counting your insurance fund deposits as capital on your books. I think it's fair to say that even though credit unions might oppose these two proposals they are far less threatening to credit unions than a merging of deposit insurance funds. At the same time, I really can't predict what will happen to them.

In any event, while you must remain vigilant, I believe credit unions have little to fear from the current discussion over deposit insurance reform.

You meet real needs and you have done a good job satisfying those needs.

As a result, today, strong credit unions like Wisconsin Axle face more opportunities than every before.

Congratulations on another successful year!

Thank you very much.

WORDS OF INSPIRATION CONTRIBUTED BY LORI ANN SCHWANDT OF COEUR D'ALENE, ID.

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. LaROCCO. Mr. Speaker, as we are welcoming our troops home from the Middle East, I want to call the attention of all Americans to words of inspiration contributed by Lori Ann Schwandt, a young woman from Coeur d'Alene, ID. Her speech, "Democracy, the Vanguard of Freedom," won first place in the Idaho VFW Voice of Democracy contest this year. I was inspired by her words and I hope that all my colleagues in the House and all our Nation's citizens will find the same inspiration when they consider her words. Mr. Speaker, I ask that Lori's speech be printed in the RECORD and I ask permission to revise and extend my remarks.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Lori Schwandt Idaho VFW, First Place, 1990–91)

A 19th century philosopher, Immanuel Kant, once said, "Freedom . . . is the one sole original, inborn right belonging to every man by virtue of his humanity." Although, without any sort of leadership or written laws for society, criminals would pillage the countryside, and mothers would live in fear for their children's lives. Before history was ever recorded, men realized this and organized himself into societies with laws, in time, these societies become nations and man pondered the question "What is the best way to organize and govern a large body of people?" Over the course of history that question has been answered; let the people govern themselves. By giving the power to the people, they can guarantee their rights and freedoms. We have given this type of government a name, democracy, and it is truly the vanguard of freedom.

Since the ancient Greeks, feudal times and before, man has desired to be free. This desire is impossible to suppress even under severe oppression. In the past many people felt prompted to speak out for their freedoms like Socrates, John Adams, Ghandi and Dr. Martin Luther King Jr. Patrick Henry's famous line "Give me liberty or give me death" epitomizes the strong feelings people have for their freedoms and has been a vanguard for many people's actions. Millions of people have given their lives in the name of democracy and freedom. People in the French Revolution and American Revolution and World War II. James Otis, an advocate for American independence once said, "And some of us will die-so other men can stand up on their feet like men. A great many are going to die for that reason. They have in the past. They will a hundred years from now—two hundred. God grant that there will always be men good enough." People have been struggling for their freedom all the way back to Moses who told Pharaoh "Let my people go."

Unfortunately, sometimes false democracies have been set up to quiet the people. China, the People's Republic, and Russia both have false democracies and so does East Germany who called itself the People's Democratic Republic. In these countries the people are allowed to vote, but they are given little or no choice. Because they can't vote for someone who will really represent them, they can't guarantee their freedoms. Abraham Lincoln once said that the government should be, "of the people by the people and for the people." Only when the people are allowed to govern themselves are they assured of their freedoms. That is why the people in East Germany spoke out and demonstrated until their voices were finally heard last November. The world rejoiced when the wall came down and are encouraging the representative democracy that is being established. Once their democracy is founded and working, the people will be able to ensure their freedoms as they vote for people who have similar ideas and who will work for them.

During the American Revolution, Americans fought for freedom. They were tired of "taxation without representation." And so after their independence was won, they wrote a document called the Constitution which set up a democracy so the people could govern themselves. Included in the Constitution is the Bill of Rights which guarantees Americans their basic freedoms. But the cry for freedom didn't end with the American Revolution. John F. Kennedy once said, ". . . the rights of all men are diminished when the rights of one man are threatened." During the last century blacks, women and other minorities took this message to heart and spoke out and demonstrated for their freedoms. Because America is a democracy where the people have a voice, these freedoms have been granted and ensured, by amendments to the Constitution, for future generations.

As people continue to fight for democracy and freedom in the world, many use the United States of America as an inspiration and example. The Chinese students demonstrating in Tiananmen Square even built a small replica of the Statue of Liberty to symbolize their views. The French patterned their document the Declaration of the Rights of Man after our Declaration of Independence. So, not only is democracy the vanguard of freedom, but so is the United States of America.

In answer to the question "What is the best way to govern?" people for hundreds of years have been crying out democracy. We are lucky to live in a time when the world is moving towards democracy. Thousands of people are rising up and demanding their freedoms. And we are able to witness those cries for democracy being heard and dreams of freedom being realized.

SNOWE SALUTES MAINE'S VOICE OF DEMOCRACY WINNER

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Ms. SNOWE. Mr. Speaker, I rise today to offer my congratulations to Kurt Stiffel of Millinocket, ME, on placing seventh in the national VFW Voice of Democracy broadcast scriptwriting contest with his outstanding essay.

Kurt, a senior at Stearns High School, was the State winner and went on to place seventh in the national competition. He had some stiff competition as over 138,000 students participated in the 44th Voice of Democracy contest. The VFW has awarded Kurt the Daniel Sean Wallace Memorial Scholarship Award which will help him pursue his interest in engineering at the University of Maine at Orono next year.

The theme for this year's contest was "Democracy—The Vanguard of Freedom." The topic and Kurt's winning speech are particularly relevant in light of the events in the Persian Gulf. Therefore, I would like to share Kurt's speech with my colleagues.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Kurt Stiffel, Maine winner of the 1990–91 VFW Voice of Democracy Scholarship Program)

When the original thirteen colonies were finally declared a separate nation from England, a new form of government was conceived. It was known as a democracy and was ruled by the people. This type of government was a conception that far exceeded that of anyone else, and many did not have faith in it. However, democracy has withstood the test of time and thanks to the incredible insight of our forefathers, it still exists today.

In 1871, my great-great-grandfather boarded a ship and came to America. He came to America along with many others in search of a better life for himself and his family. He knew that the democratic society in the states would not only permit him much personal and social freedom but would also help him in his trade. By 1872, he had made a place for himself and had enough funds to send for his wife and seven children. He, like so many other immigrants, thought coming to America was important enough to break up the family for a time.

Our ancestors and others who came before us gave us the privileges that we now enjoy. We cannot become complacent and take these joys for granted. We only have to watch the evening news to see how quickly one's daily routine can undergo unbelievable changes. We see the Soviet mother with tears of joy as she bows to pray in church for the very first time. While at the same time we see the tears of anguish in the eyes of the Kuwaiti mother as she waits in line for water to give to her dehydrated infant. Neither of these women could believe that their lives could be changed so dramatically and in such a short time.

Today, people all over the world are starting to fight for their freedom, and are winning. However, their freedom will never be won until they win the most important freedom of all. The freedom of expression. The freedom of expression is truly the vanguard of democracy. For the basic foundation of democracy is the guarantee of this freedom. Battles for personal freedoms continue to be fought throughout the world. The lives of the individuals in Africa, China, Kuwait, and Vietnam, to name a few, are in turmoil as they attempt to win their freedom from oppression and become free living citizens. These individuals look toward the United States as an example in democracy since it has succeeded so well.

We are unique in our birthright of freedom. We Americans are all created equal. We cannot be taxed without our consent and may delegate power of self government to represent ourselves. We have been given privileges and responsibilities as well. Our largest responsibility is to express our ideals and vote for the candidates whom we feel will best preserve our gifts of the past. For this we have our founding fathers to thank, for they are the ones who created democracy. Let us hope that all Americans, new and old will stand together to protect this unique gift and ensure that future generations of Americans will enjoy the gift of our ancestors.

INTRODUCTION OF THE FAMILY EDUCATION LEAVE ACT, AND THE FEDERAL FAMILY EDUCATION LEAVE ACT

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SIKORSKI. Mr. Speaker, it is not easy being a kid today. Too many of America's children are victims of neglect or malnutrition or drugs. Kids need parental encouragement, advice, and support. But its getting harder for parents to fulfill that role.

Happy Day's Richie Cunningham is probably married with kids by now. And there's both a 50–50 chance that he's divorced and a 50–50 chance if he's not that his wife works outside the home. Richie Cunningham's kids probably don't have mom waiting at home for them after school to push cookies, milk, and home work. Dad may only get the kdis on the weekends, and may never participate in an after school activity.

It's not Happy Days—it's the nineties, where over 81 percent of single mothers work full time to support their children, women make up almost half of the labor force, and a majority of them are mothers. Between 1950 and 1988 the number of divorces increased by at least 150 percent. Richie Cunningham's two-parent household with one parent home fulltime to take care of the children is now the exception. Only 25 percent of American families have one parent at home full time.

Most American parents work to financially support their kids—and they're working harder just to keep above water. Nonfinancial parental support and involvement do, however, make a big difference in a child's life—at the school play, or watching baseball practice, and most of all when they're working with teachers. Kids try harder when they know their parents care.

Today I am introducing two bills to help just a little to make it easier to be a parent, or a kid, or an American business that understands its future is tied to an educated work force and strong American families. The Family Education Leave Act refocuses the nineties American family on education by providing parents with 8 hours of paid leave per school year to participate in school activities of their children. Only employees with a minimum of 1 year's employment would be eligible for the leave, and they would be required to give employers 2 weeks notice of their intent to take a parent day leave. Employers will receive a 10-percent tax credit to help defer the very small cost. The Federal Family Education Leave Act provides the same leave to Federal employees who have served for at least 1 year.

I understand that businesses don't take mandates lightly. In fact, they don't like to take them at all. However, the ultimate result of this proposal is a better educated work force and stronger families, which benefit employers and America directly. The short-term inconvenience will result in long-term benefits for everyone. The Committee for Economic Development, a group of 225 corporate executive officers and university presidents, has stated the need for investing in children in its report, "Children in Need: Investment Strategies for the Economically Disadvantaged":

> This nation cannot continue to compete and prosper in the global arena when more than one-fifth of our children live in poverty and a third grow up in ignorance. And if the nation cannot compete, it cannot lead. If we continue to squander the talents of millions of our children America will become a nation of limited human potential. It would be tragic if we allow this to happen. America must become a land of opportunity—for every child.

Failure to adjust to today's realities and prepare for future challenges jeopardizes the development of America's children, the integrity of our families, and the productivity of our work force. The longer America waits to help develop our children's minds and bodies and souls, the greater the risk America takes at failing a generation of young Richie and Joanie Cunninghams. Enough studies have been completed, more than enough statistics have been compiled—it's time to bring back real happy days for America's kids.

POSITION ON VOTE ON HOUSE RESOLUTION 95

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SERRANO. Mr. Speaker, I would like the Record to reflect that had I been present on March 5, 1991, I would have voted "yes" on House Resolution 95.

I would like to qualify this by saying that, frankly, I have serious reservations about some of the language contained in this resolution. I have a feeling that these reservations were shared by some of my esteemed colleagues who voted against the resolution. So I would like to make my position on this clear.

There is no question in my mind or in my heart, that the American men and women who have served in Desert Shield and Desert Storm have "demonstrated exceptional bravery, dedication and professionalism," as stated in section 2 of the resolution. They have served their country well, and have made us proud. The pride I feel for the courage and performance of our troops is one reason I would have voted for the resolution.

My community lost two marines in Operation Desert Storm. Their families and friends were devastated by this loss, and the community drew together in sympathy, prayer, and again, in pride for these two young men who gave their lives in the service of our country. Had every congressional district lost two people, the death toll would have been considerably higher than it was. And so I feel I must add my voice to the resolution of this body, as we convey our deepest sympathy and condolences to the families and friends of those we have lost in the Operation.

The President has undoubtedly shown himself to be an effective and decisive leader of military operations. Had I written this resolution, I might have acclaimed him for his precise and effective execution of military operations in Operation Desert Storm. My reservations about this resolution stem from the praise for the President's "unerring judgment, and sound decisions with respect to the crisis in the Persian Gulf." The crisis included the November decision to double the troops in the region, the setting of the January 15 deadline, and the decision to commence offensive operations on January 16. I cannot say that I agree with these decisions.

My position throughout the gulf crisis has been that the President must have congressional authorization to take the country to war, and that sanctions should have been given more time to work. The majority of Congress expressed the will of the American people, and the President was authorized to take us to war. I still believe that we could have spared many lives, much devastation, and billions of dollars by allowing enough time for sanctions to achieve the desired results.

I feel very deeply the sentiments expressed in this resolution, in praise of the members of the U.S. Armed Forces, and in sympathy with those who lost loved ones. And so I will not allow my reservations about the scope and language of section 1 of the resolution to keep me from showing my solidarity with the men and women sent to the gulf from the South Bronx, for whom I feel so much pride and admiration, and with those in my community who are grieving for Marine Capt. Manuel Rivera and Marine Cpl. Ismael Cotto.

Thank you, Mr. Speaker, for this opportunity to restate my position.

RECOGNIZING THE 70TH ANNIVERSARY OF NARFE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. WOLF. Mr. Speaker, I rise today to pay tribute to the National Association of Retired Federal Employees [NARFE] on the occasion of its 70th anniversary.

Less than a year after President Woodrow Wilson signed the Civil Service Retirement Act of 1920, 14 newly retired Federal workers met in Washington, DC, and founded NARFE. Today, some 70 years later, the Government's original retirement program has evolved into a complex system of rules and regulations which provide comprehensive retirement and disability income protection for more than 2 million former civil service employees and their survivors. And today, NARFE has grown into a major national organization of approximately half a million members.

The purpose of NARFE at the time of its founding was to insure proper and adequate remuneration for Federal civilian retirees after long and faithful service. After 70 years of change and growth in our society and the workplace, NARFE's mission remains the promotion and preservation of the vested retirement interests of its membership and of the entire Federal community of workers and retirees.

Mr. Speaker, it is a pleasure for me to mark the anniversary of an organization dedicated to making the Federal retirement and benefit laws responsive to the changing social and management needs of the Government, and to the evolving personnel and personal needs of its employees.

I know that all of my colleagues join me in honoring the millions of men and women who have devoted their working lives to serving this great Government. Today I also invite you to join me in congratulating NARFE as it celebrates its 70th birthday and in wishing the organization continued success in the years ahead.

TRIBUTE TO ANDREW AND ANN MORSE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. BONIOR. Mr. Speaker, today I have the distinct privilege of honoring a remarkable couple. Ann and Andy Morse will retire this month after deeply touching the lives of many individuals who ventured to the shores of Lake Huron to stay with them at the Lake Huron Methodist Camp.

Ann and Andy Morse will always be remembered for the quiet dedication, compassion, and above all, decency they brought with them into their relationships with other people.

For example, in 1980, after Andy sold his interest in a thriving construction business, he traveled to Haiti and built a much-needed church which continues to serve the local community to this day. And Ann, through her close involvement with the Muscular Dystrophy Society, has built strong bridges of her own to help people in our community afflicted with this terrible disease.

I personally know of their wonderful spirit because I have worked with them for years with my Congressional Student Leadership Summit. Their gracious hospitality and unceasing cooperation have been deeply appreciated by all of us involved in this annual program.

Mr. Speaker, over the years Ann and Andy Morse have viewed their work as a lifestyle and an extension of their faith. We in the 12th Congressional District in Michigan are, indeed, fortunate to be the beneficiaries of their good graces. I ask that my colleagues join me in saluting Ann and Andy Morse and offer them best wishes and good luck in their future endeavors.

INTRODUCTION OF THE ADMINISTRATION'S EMERGING TELECOMMUNICATIONS TECHNOLOGY ACT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. RITTER. Mr. Speaker, today, my colleague, MIKE OXLEY, and I introduced the administration's version of the Emerging Telecommunications Technology Act of 1991. Our proposal is similar to H.R. 531, of which I am an original cosponsor, with one major exception.

Under the Ritter-Oxley proposal, the FCC will have the authority to assign licenses through a competitive bidding process.

I know that all this talk of spectrum and competitive bidding seems a little bit arcane. However, we are talking about the licensing of a natural resource, not unlike oil and gas. The Government has been successful in using competitive bidding for oil and gas licenses, an idea that seemed unworkable when first proposed. Spectrum is the telecommunications fuel of the 21st century, and the Government has to stop giving the licenses away for free.

My colleagues that are not familiar with current FCC licensing schemes may be shocked to find out the realities of licensing by lottery. The FCC was authorized by Congress to assign licenses for certain telecommunications services, such as cellular telephone, paging, and MMDS—wireless cable—by lottery. The abuses of the lottery system have made many people rich, while the public and the U.S. Treasury got nothing.

In one example, in 1989, a company was 1 of over 900 applicants for a cellular license in Cape Cod, MA. There was a lottery held, and this company held the winning number. The company had no money to build the cellular system, and worse than that, they had no intention of building the system; 79 days later, the company sold the license for more than $30 million and the public got nothing. This scenario has been repeated many times.

Our bill would cut out the middle man. The profits reaped by the lottery winners would instead be reaped by the U.S. Treasury and the American people. The bill does not change any of the other FCC licensing requirements. The same restrictions and qualifications apply to licensees. This just changes the private auction and private sale to the highest bidder into a public competitive bidding process.

It is important to note that the language of our proposal is sufficiently broad to take care of the public interest concerns inherent in communications licensing policy, such as making spectrum available for pioneering technologies and small businesses that would otherwise not have the resources to compete with larger organizations.

I urge my colleagues to join us and not let the FCC lottery fiasco continue. With a public good being licensed, is it better public policy to increase the coffers of the public, the U.S. Treasury, or the coffers of a person holding the matching number to a lucky ping-pong ball? We think the former makes for better public policy and the latter makes for more, perhaps undeserving, millionaires.

V-22 OSPREY IS AWARDED COLLIER TROPHY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. OBERSTAR. Mr. Speaker, this year the National Aeronautics Association awarded the 1990 Collier Trophy to the V-22 Osprey tiltrotor team. The Collier Trophy is among the most significant and coveted awards in the field of aviation. It is awarded annually "* * * for the greatest achievement in aeronautics or astronautics in America."

Our colleagues have become quite familiar with the V-22 Osprey. It is a tiltrotor aircraft which takes off, hovers and lands like a conventional helicopter, but when it tilts its engines forward into a converted propeller position, it flies like a turboprop aircraft, with the speed and efficiency of a turboprop. It is a remarkable machine.

The V-22 aircraft are presently undergoing flight testing. Decisions will soon be made by the Congress on the future of tiltrotor aircraft in carrying out a number of crucial military missions.

My interest in the V-22 Osprey has focused on the potential civilian applications and the promise this technology holds for our Nation's transportation infrastructure. Because of its unique and demonstrated capabilities, tiltrotor aircraft will be able to relieve airport and airway congestion in some of our Nation's busiest air transportation markets. Since tiltrotor aircraft will be able to operate outside of the traditional aviation infrastructure, short range flights of under 300 miles could be off-loaded from congested airports, thereby making room for the growth of air services better suited to longer range markets.

In conclusion, Mr. Speaker, I also bring to our colleagues attention a recently released study sponsored by the Federal Aviation Administration and the National Aeronautics and Space Administration entitled "Civil Tiltrotor Missions and Applications—The Commercial Passenger Market." This excellent report describes in detail the civilian potential of this technology and makes recommendations to government and industry to bring this technology to fruition in the civil sector. Government and industry would do well to follow through on the recommendations in this report.

Again, congratulations to the V-22 Osprey tiltrotor team for being awarded the Collier Trophy and working so hard to earn this well-deserved recognition and honor.

ALEXANDER ADAIRE SCHOOL CELEBRATES 100 YEARS OF SERVICE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. FOGLIETTA. Mr. Speaker, it gives me great pleasure today to honor one of Philadelphia's most outstanding educational institutions. The Alexander Adaire School was founded 100 years ago to serve the children and the Fishtown neighborhood in my district.

The school was named for the father of Alexander Adaire who was born in Kensington on May 7, 1834. Educated in the Philadelphia public schools, he served in the Pennsylvania Legislature for many years and was appointed to the Philadelphia Board of Education in 1874. After founding the school in 1891, he established night sewing classes in the mill district 2 years later, which was a seminal event in the development of a night school system in Philadelphia.

The Adaire School has been and continues to be a neighborhood school where parents and community are an integral part of the school's service to children. Adaire stresses strong fundamental skills in all areas of the curriculum as well as social skills and the democratic process.

I congratulate the many students, teachers, and parents on this occasion and pay tribute to the distinguished principals who have served the school and the community: Sarah Gilbert, 1892–1920; William McLaughlin, 1921–35; Florence Henry, 1935–39; Morris B. Ginsberg, 1939–46; John J. Welsh, 1946–52; Marion Thorpe Price, 1952–69; Edwin H. Gideon, 1969–75; Marvin Goldenberg, 1975–89; and Christopher McGinley, 1989 to present.

Mr. Speaker, I urge my colleagues to join me in paying tribute to the Alexander Adaire School. I wish the school well in its next century of serving the community of Fishtown.

THE FEDERAL EMPLOYEES ADOPTION REIMBURSEMENT ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mrs. SCHROEDER. Mr. Speaker, today I rise to reintroduce the Federal Employees Adoption Reimbursement Act, which is identical to H.R. 2764 which I introduced in the last Congress. The bill is also very similar to a military adoption program former Senator Gordon Humphrey and I initiated in the 100th Congress.

The bill would allow Federal employees to be reimbursed up to $2,000 for the adoption of a child. Reimbursable expenses include legal, agency, and counseling fees, transportation expenses, foster care charges, and medical expenses related to the biological mother, the child, and the adoptive parents.

To many childless couples adoption is the only hope for building a family. The demand for adoption is large—estimated to be as high as one of every six couples of childbearing age. The supply of children who need adoptive homes, however, is relatively small and is not responsive to the demand factors.

In 1988, the National Committee for Adoption [NCFA] estimates that there were 60,000 adoptions of all kinds by U.S. citizens, at home and abroad.

Federal employees constitute less than 2 percent of the total national work force. A generous estimate of the number of total adoptions by Federal employees would be 2 percent of 60,000 or 1,200. We say "generous" because adoption is related to race and ethnicity and persons who are not white are less likely to adopt, for many reasons, than whites. Since the percentage of nonwhites is disproportionately larger among Federal employees than the total work force, using a straight percentage is probably overestimating the potential numbers.

Adoption is very expensive, averaging about $10,000 per child, which may have deterred the less affluent nonwhite workers from adopting children. Yet, over 40 percent of adoptable children are blacks.

Some of the greatest expenses related to adoption, especially special needs adoption, are medical: The health care costs of the birth mother, the child, and the adoptive parents.

For many years the Federal Government has encouraged private employers to provide adoption benefits, yet has provided none to its own work force. This legislation would serve as a model to the private sector.

By enacting this bill, adoption will become less a privilege of the affluent. It will be available to employees of different economic classes. It will encourage minority would-be parents, who have been deterred by the high costs of adoption, to provide homes for black children who constitute over 40 percent of all adoptable children.

I urge you to join me in promoting adoption among Federal employees by supporting this legislation.

A TRIBUTE TO SGT. STANLEY BARTUSIAK

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SANGMEISTER. Mr. Speaker, it is with a heavy heart that I rise today to honor one of the Americans who made the ultimate sacrifice for their Nation last week during the Persian Gulf war.

Army Sgt. Stanley Walter Bartusiak and 27 of his comrades were killed February 25, 1991, when a Scud missile demolished the barracks they shared in Dhahran, Saudi Arabia.

Sergeant Bartusiak who lived in Romulus, MI, was a longtime resident of Calumet City, IL, which is located in my district. His sister, Phyllis Brizic, still lives there and his two sons, Matthew and Edwin, live in nearby Lansing, IL.

As with all the men and women who have died in service to our country in this war and others, Stanley Bartusiak deserves the full gratitude of this Congress and all Americans. While our Nation celebrates the liberation of Kuwait, let us not forget the sacrifices of Sergeant Bartusiak and his comrades in freeing that country. We should also keep in our thoughts and prayers Stanley Bartusiak's loved ones: His sister; his sons; his wife, Diane; his mother, Irene; his father, Walter; his two other sisters and a brother; and the rest of his family.

Mr. Speaker, let us hope that the pain of Sergeant Bartusiak's family and that of all the families of soldiers killed in this conflict is eased by the knowledge that these brave Americans gave their lives so their fellow men and women could live free from tyranny.

EMERGING TELECOMMUNICATIONS TECHNOLOGY ACT OF 1991

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. OXLEY. Mr. Speaker, today, my colleague, Mr. RITTER, and I introduced our version of the Emerging Telecommunications Technology Act of 1991. This is the same as Mr. DINGELL's H.R. 531, with one important difference—it allows the FCC to conduct a competitive bidding procedure in order to award the licenses, as opposed to the present lottery method.

I don't understand why the Federal Government must subsidize private individuals with no apparent disabilities. The Government does this when they hold private lotteries to allocate the spectrum. This bill changes the method to a public auction, the proceeds of which go to the U.S. Treasury. After all, in a free market system, if the consumer wants a product and it belongs to someone else, he must first pay the owner for it. These spectrums now belong to the United States. So let's sell them.

These new spectrums represent billions of dollars that do not come from taxes or other programs. The emancipation of these under utilized airwaves promotes the growth of our telecommunications industries in the 21st century, while simultaneously allowing the Treasury to receive the necessary compensation.

HUMAN RIGHTS ABUSES AGAINST SYRIAN JEWS

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SWETT. Mr. Speaker, recently I had the opportunity to attend the screening of "Shadows," a film depicting the extreme human rights violations toward Jews that are presently occurring in Syria. After viewing this film, my heart went out to those 4,500 Jews who are continuously persecuted by Syrian authorities. The Syrian secret police—Mukhabarat—monitor Syrian Jews by reading their mail and tapping their telephones. Jews are denied Government employment, the right to seek adequate religious education, and they are required to report to the Mukhabarat about virtually every transaction that occurs. Their synagogues have been burned, random acts of violence are common, torture is frequent, arbitrary detention and incarceration are routine, and executions are all too common. When a Jew is fortunate enough to escape from Syria, his property is turned over to the Palestinian refugee agency.

These serious injustices have continued unabated for decades. In 1948, Syria became a prison for the Jewish people because Jews were denied the right to emigrate. In 1956, Jewish homes were marked so that every Jew could be killed, and in 1967, Jews were forced to stay in their homes for 6 months so as to be easily monitored by the Syrian Government. Syrian Jews today are described by the film as "lifelong hostages and convenient scapegoats."

Mr. Speaker, I urge my colleagues to take note of the horrible plight of the Syrian Jews and condemn the Syrian Government for its gross violations of human rights against its Jewish minority.

TRIBUTE TO ARMY INFANTRY SPEC. ANDY ALANIZ KILLED IN DEFENSE OF FREEDOM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a valiant young man from Corpus Christi, TX, who made the ultimate sacrifice for freedom by fighting to liberate Kuwait after Saddam Hussein waged an evil war.

Army Infantry Spec. Andy Alaniz, a graduate of Moody High School in Corpus Christi, TX, has joined the number of brave Americans who have died in defense of freedom around the world.

In a cruel twist of irony, Specialist Alaniz was killed in the final hours of battle, right around the time President Bush declared a cessation of American offensive actions. Alaniz, a freckle-faced, left-handed baseball player is survived by his parents, his new wife, Cathy, and his yet unborn child.,

In a November letter to his own father, Andy wrote of becoming a father and expressing thanks to his father for the outstanding job the senior Alaniz had done. I read from the letter:

> The news from Cathy about the baby has made me sick to even be here. You did everything possible for us and we never even said thank you * * *. All those times you brought us candies in your lunch box and all we did we grab it and run. All those times you came to my ball games and it always made me play better. Thank you for everything you've done for me. I'm maintaining all right so don't worry about me—worry about the others. I love you, Pop, take care.

The family received a second letter from Andy the day before his funeral, dated just a few days prior to his death. He had enclosed photographs of himself, his companions, and the tank in which they operated—probably the same tank in which Andy died. He told them that he had received his sister's Valentine card and anxiously looked forward to coming home.

This young man's message to his family touches my soul. We will miss Andy, and we will always remember him. His gallant spirit will live on in the precious memories of his family and friends.

I ask my colleagues to join me in a commemoration of this brave young man who died on the battlefield, engaging the enemy in a noble cause. Help me to assure his family that they will always have the appreciation of a grateful nation. We love you, Andy.

HOUSE BIDS FAREWELL TO PASQUALE BONANNI, EXECUTIVE CHEF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. HOYER. Mr. Speaker, I want today to ask my colleagues in the House of Representatives to join me in paying tribute to Pasquale Bonanni, who retired on February 15, after 24 years as our own executive chef of the House.

Mr. Bonanni became executive chef of the U.S. House of Representatives in 1966. He has set a standard of excellence and quality service for the Members and staff of the House which will be hard to match.

Born on February 6, 1927, in Ovindali, Italy, Mr. Bonanni left his native land in 1947 to seek his fortune in America. In 1952, he returned to Italy to marry his childhood sweetheart, Anna. They returned to the United States together and took up residence in Washington, DC. For the last 19 years, Pasquale has lived in my congressional district, in Kettering, MD.

Before joining the House as executive chef in 1966, Pasquale was for 14 years the banquet chef at the Statler Hilton.

Over the many years, Pasquale has received numerous awards, including Chef of the Year in 1985.

Pasquale and Anna have two children, Mary and Robert, and have six grandchildren.

Mr. Speaker, I am proud to be able to bring to the attention of the House the accomplishments of our retired executive chef, Pasquale Bonanni. I am sure that all of my colleagues join with me in wishing Pasquale and Anna all the best that retirement has to offer, and to be assured that the U.S. House of Representatives will truly miss him.

THE 16TH ANNUAL BROOKLYN IRISH-AMERICAN PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I commemorate the 16th annual Brooklyn Irish-American Parade, taking place on March 24, 1991. This fine occasion, begun on the year of America's bicentennial celebration, continues as a reminder of the role the Irish freedom fighters played in America's battle for independence.

The parade will highlight the cultural, historical, and educational accomplishments of Brooklyn's Irish-American community and will encourage the appreciation of ancient Irish traditions. Yet the day is more than a tribute to the Irish-Americans of Brooklyn; it is a celebration of Brooklyn's cultural diversity and richness. The parade will take place in the neighborhood of Propsect Park, the historic site of the Battle of Brooklyn, the battle in which Irish freedom fighters gave their lives to secure American independence. The people of Ireland and America have always shared a common heritage in the struggle of free men and women to govern their own affairs and determine their own destiny. It is in this spirit that the Brooklyn Irish-American Parade is held every year. I am very pleased to announce that Bill Burke, senior vice-president at the Bank of Ireland, will be the grand marshal of the 1991 parade.

This year's parade will remember and commemorate the 75th anniversary of the Easter Rising of 1916. From Wolfe Tone, the father of Irish Republicism to Padraic Pearse, the President of the Provisional Government of the Irish Republic which was proclaimed on April 24, 1916, the journey continues for a free and united Irish nation. The stirring opening words of the 1916 proclamation, "Irishmen and Irishwomen, in the name of God and the dead generations from which She receives her old tradition of nationhood, Ireland, through us, summons her children to her flag and strikes for her freedom", capture the spirit of the Irish struggle for freedom. This year the parade will gratefully remember the signers of that Declaration of Irish Independence: Thomas J. Clarke, Sean MacDiarmada, Padraic H.

Pearse, James Connolly, Thomas MacDonagh, Eamonn Ceannt, and Joseph Plunkett.

We can draw important parallels between the Easter Rising of 1916 and Ireland's battle for independence commemorated in this year's Brooklyn Irish-American Parade, and the same struggle America underwent to secure its own freedom over 200 years ago. The role the Irish played in the successful American endeavor for freedom should not be forgotten, even as the Irish struggle carries on.

Mr. Speaker, I urge my colleagues to remember the spirit that the annual Brooklyn Irish-American Parade tries to recapture and the critical role that spirit has played in our own history.

CONDOLENCES TO THE FAMILY OF CPL. BRIAN SIMPSON

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. BURTON of Indiana. Mr. Speaker, I would like to call your attention to Cpl. Brian Simpson, one of the 181 U.S. soldiers who died in Operation Desert Storm. Tragically, Brian was one of those soldiers who died in an Iraqi Scud missile attack on a United States barracks in Saudi Arabia.

Brian enlisted in the U.S. Army in 1986. He was released from active duty early in January. However, he was recalled on January 31, as a refueling specialist for Apache helicopters. Brian had been in Saudi Arabia a mere 5 days before his death.

Last week, I had the opportunity to attend the funeral services for Cpl. Brian Simpson. The death of a soldier takes on a whole different meaning when you meet and see the expressions on the faces of the soldier's loved ones.

Mr. Speaker, I would like to express my heartfelt condolences to Brian's parents, Harold Simpson and Christine Jensen, Brian's wife, Hope Simpson, Brian's brother, Michael Simpson, and Brian's stepfather, James Jensen. The heart of the Nation goes out to you.

THE VETERANS ENTREPRENEURSHIP PROMOTION ACT OF 1991

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. McDADE. Mr. Speaker, today as we celebrate the restoration of freedom and peace in Kuwait, today as East-West relations move away from confrontation toward cooperation, today as we see more nations march toward democracy under the banner of newfound freedom, let us not forget for a moment those who have secured peace and our way of life for this and preceding generations. We should heed the words of Calvin Coolidge who wisely observed: "A nation which forgets its defenders will itself be forgotten." Isn't it ironic, Mr. Speaker, that when we talk about helping Americans, we seldom consider the Americans who have helped us—the men and women who have sacrificed, suffered, and bled for us. Mr. Speaker, these are the people I am here to help. Today, I am reintroducing, along with our colleagues, Mr. MONTGOMERY, chairman of the Committee on Veterans' Affairs, and Mr. PENNY, chairman of the Subcommittee on Education, Training and Employment, legislation to help American veterans become more competitive in the world of business.

The United States has benefited immeasurably from the service of the over 27 million veterans who have made great sacrifices in the defense of freedom, the preservation of democracy, and the protection of our free enterprise system. Our country also has been enriched by nearly 3.5 million veteran-owned businesses which are contributing to the vitality and prosperity of the American economy by providing goods and services, revenues, and job opportunities. Despite this progress and a seemingly high number of veteran-owned firms, research shows that veterans, particularly Vietnam-era veterans, have a low rate of business ownership in comparison to other groups. Ventures owned by veterans tend to be newer, smaller, and less secure financially than nonveteran-owned concerns. Although disabled veterans are nearly twice as likely to be self-employed as veterans who are not disabled, their inability to obtain capital results in low income levels and higher rates of business failure.

The conclusion of the Persian Gulf war will create a new generation of war-time veterans. Some of these veterans will confront the daunting task of reestablishing themselves in the civilian workplace during a recession. For many of these veterans, self-employment will provide an avenue of financial security for themselves and their families. Others will see opportunities in the marketplace and pursue careers as independent owners of small businesses. For these veterans, entrepreneurship offers the challenge of owning and operating their own firms and the rewards of developing and marketing innovative products and services. The United States has responsibility to provide the veterans of the Persian Gulf war, as well as other men and women who choose to serve their country through participation in the all-volunteer force, with the tools necessary to succeed as owners of small business concerns.

During this decade and beyond, hundreds of thousands of other veterans are expected to start small businesses. Many of these new business owners will come from among the over 8 million Vietnam-era veterans who are in that age group which generally produces the majority of new business starts. The veteran population is also expected to grow during this period as a result of global developments which will precipitate a reduction in U.S. military personnel around the world. These actions will also necessitate the closing of many domestic and overseas bases and, ultimately, result in the discharge of hundreds of military personnel. It is expected that, as these new veterans make the transition back to civilian life, many will choose the path of entrepreneurship and start small businesses.

It is in the national interest to remove all obstacles to the development and growth of veteran-owned small businesses. The elimination of such obstacles would enhance the economic vitality of the Nation and expand the number of suppliers of goods and services to the Federal Government.

Veterans have and always will merit the appreciation and special consideration of Americans. Our national policies express this. In May 1983, Supreme Court Justice William H. Rehnquist, in a decision reaffirming the special rights of veterans, said this: "Veterans have been obligated to drop their own affairs and take up the burdens of the Nation, subjecting themselves to the mental and physical hazards as well as the economic and family detriments which are peculiar to military service and which do not exist in normal civil life. Our country has a longstanding policy of compensating veterans for their past contributions by providing them with numerous advantages. This policy has always been deemed to be legitimate." The majority of Federal programs to compensate and assist veterans have been focused primarily in the areas of health care, educational benefits, and housing aid. While the Congress has acted to establish programs to assist veterans in many important areas, it has yet to provide them with something even more fundamental—economic opportunity.

Indeed, the role of government is to provide justice, preserve liberty, safeguard individual freedoms, and defend its citizens against tyranny of any kind. Yet, its duties must be viewed in a larger context. For, where possible, it should provide, not guarantee, opportunities to its citizens. Forrest P. Sherman once said this of opportunity: "No man can make his opportunity. He can only make use of such opportunities as occur." The bill I am reintroducing today provides an opportunity that has eluded veterans until now. Specifically, this legislation would create opportunities for veteran-owned small businesses to become suppliers of needed goods and services to the Federal Government through access to contract award opportunities in the $180 billion Federal market. The purpose of this legislation is to promote and assist the creation, development, and growth of small businesses owned by veterans, including those who are women and minorities.

Mr. Speaker, I have appended to this statement the bill and a section-by-section analysis. However, I believe it important to briefly summarize the main provisions of this legislation for my colleagues. First, it would create the Veterans Business Opportunity and Development Assistance Program, governmentwide procurement program to assist eligible veteran-owned small businesses to receive Federal Government contracts. The bill would establish an annual governmentwide procurement goal for veteran-owned small businesses of 5 percent of the total dollar value of all prime and subcontract awards. Veterans who have served for a specified period of duty and have been honorably discharged and who own and control on a daily basis at least 51 percent of a small business that is at least 1 year old would be eligible to participate in the procurement program. The legislation would empower the U.S. Small Business Administration to enter into contracts with other Federal agencies to perform construction work or to furnish articles or services needed by the Government. In the capacity of prime contractor, the SBA would subcontract the work to be performed to a veteran-owned small business eligible to participate in the program. A firm would participate in the program for up to 5 years, spending not more than three of these in a developmental stage and not more than two in a transitional stage. During each stage, a firm would receive various types of assistance—financial, technical, managerial, and marketing—to help it achieve its business goals and develop competitive skills. A program participant would be required to submit an annual business report detailing his firm's contract performance capabilities. This profile would be distributed to the various purchasing agencies of the Federal Government to assist in identifying contract opportunities for veteran-owned businesses. A veterans business counselor would be assigned to each program participant to aid in meeting business plan targets and goals.

Second, the legislation recognizes that the availability of adequate capital for business start-up and expansion remains an obstacle to the development and growth of veteran-owned small businesses. It addresses this problem by establishing within the SBA a guaranteed loan program for these concerns. The SBA would also be directed to study methods to reduce costs incurred by veteran-owned small businesses in applying for and securing loans and report its findings and recommendations to the President and the Congress.

Third, veteran-owned small concerns would be eligible to participate in all SBA programs which provide entrepreneurial training, counseling, and management assistance. Funds would be authorized for the SBA to make grants to educational institutions, private businesses, nonprofit organizations, and Federal, State, and local agencies to develop and implement outreach programs for veterans. In addition, an interagency working group would be formed to develop a comprehensive outreach program to assist veterans of the Persian Gulf war and current military personnel affected by manpower reductions. This program would offer business training and management assistance, employment and relocation counseling, and provide information on veterans benefits and entitlements and the new procurement program.

Fourth, the measure requires the Department of Veterans Affairs, the Department of Labor, and the U.S. Small Business Administration to collect and report information on the number of veteran-owned sole proprietorships, partnerships, and corporations, and those that are first-time recipients of Federal contracts. Improving data collection on veterans will help establish a reliable statistical picture of veteran-owned businesses in America. It will also help policymakers and lawmakers pinpoint special needs of veterans and identify areas where policy changes and program improvements are needed.

Fifth, the legislation would create a nine-member National Veterans Business Council made up of high-level Federal officials and private sector representatives appointed by the President. The council would review the role of Federal, State, and local government in assisting veteran-owned small businesses as well as compile data relating to all veteran-owned businesses. The council, based upon its review, would develop detailed multiyear plans, with specific goals and timetables, for both public and private sector actions to promote increased business development and ownership by veterans.

Our Government has a responsibility to help the veterans of this Nation because of the sacrifices they have made in the service of their country. Acknowledging the Nation's special debt to these individuals, Theodore Roosevelt said in 1903: "A man who is good enough to shed his blood for the country is good enough to be given a square deal afterwards. More than that no man is entitled to, and less than that no man shall have." We need to recognize the contributions and remember the sacrifices of our men and women in uniform with more than speeches of gratitude and praise. Let us show our gratitude by giving them something they have never had before—an economic opportunity. Mr. Speaker, this bill provides that opportunity, the square deal that they deserve. I strongly urge my colleagues to join me in guaranteeing this opportunity to all veterans by supporting this bill.

A section-by-section summary of the bill follows:

SECTION-BY-SECTION SUMMARY OF THE VETERANS ENTREPRENEURSHIP PROMOTION ACT OF 1991

SECTION 1. SHORT TITLE

This Act may be cited as the "Veterans Entrepreneurship Promotion Act of 1991."

SECTION 2. FINDINGS, PURPOSES, AND DEFINITIONS

Findings

The Congress finds that the United States has benefitted immeasurably from the service of over 27,000,000 veterans who have made great sacrifices in the defense of freedom, the preservation of democracy, and the protection of our free enterprise system. Nearly 3,500,000 veteran-owned businesses contribute to the vitality, strength, and prosperity of the American economy by providing goods and services, revenues, and job opportunities.

Despite this progress, veterans, particularly Vietnam-era veterans, have a low rate of business ownership in comparison to non-veterans. Businesses owned by veterans are newer, smaller, and less secure financially than businesses owned by non-veterans. Although disabled veterans are nearly twice as likely to be self-employed as veterans who are not disabled, their inability to obtain capital results in low income levels and higher rates of business failure.

The conclusion of the Persian Gulf War will create a new generation of war-time veterans. Some of these veterans will confront the daunting task of reestablishing themselves in the civilian workplace during a recession. For many of these veterans, self-employment will provide an avenue of financial security for themselves and their families. Others will see opportunities in the marketplace and pursue careers as independent owners of small businesses. For these veterans, entrepreneurship offers the challenge of owning and operating their own firms and the reward of developing and marketing innovative products and services. The United States has a responsibility to provide the veterans of the Persian Gulf War, as well as other men and women who choose to serve their country through participation in the all-volunteer force, with the tools necessary to succeed as owners of small business concerns.

During the 1990's, hundreds of thousands of other veterans are expected to start small businesses. Many of these new business owners will come from among the other 8,000,000 Vietnam-era veterans, who are generally in the 35–45 age category, the age group producing the majority of new business starts.

In all likelihood, global developments during this decade will precipitate a reduction in U.S. military forces and the closing of bases, causing thousands of men and women to join the existing veteran population. It is expected that many of these veterans will pursue the path of entrepreneurship and start small businesses.

It is in the national interest to remove all obstacles to the development and growth of businesses owned and controlled by veterans. The elimination of such obstacles would enhance the economic vitality of the nation and expand the number of suppliers of goods and services to the federal government.

Purposes

The purposes of this Act are: to foster enhanced entrepreneurship among veterans by providing increased opportunities; vigorously promote the legitimate interests of business concerns owned and controlled by veterans; and ensure that those concerns receive a fair share of purchases made by the federal government.

Definitions

The term "Administration" means the Small Business Administration and the term "Administrator" refers to the Administrator of the SBA. The terms "veteran" and "small business concern owned and controlled by veterans" have the meaning such terms have within the Small Business Act.

SECTION 3. SMALL BUSINESS ACT DEFINITIONS

The term "small business concern owned and controlled by veterans" is defined as a concern that is at least 51 percent owned by one or more veterans, or in the case of a publicly owned business, at least 51 pecent of the stock of which is owned by one or more veterans, and whose management and daily business operations are controlled by such veterans.

The term "veteran" means an individual who received an honorable discharge and was discharged or released (1) for a service-connected disability; (2) from active duty after having served on duty for a period of not less than 2 years; (3) from active duty for the convenience of the federal government; or (4) following either 180 days of continuous active duty or the period of call-up as an activated member of the Selected Reserve during the Persian Gulf War. The term "Persian Gulf War" means the period beginning on August 2, 1990 and ending on the date prescribed by Presidential proclamation or by law.

SECTION 4. PROCUREMENT ASSISTANCE

The Act requires the President to establish annually a government-wide goal that not less than five percent of the total dollar value of all federal prime and subcontract procurement be awarded to veteran-owned small businesses. The annual government-wide goal for participation by small business concerns is increased from not less than 20 percent to not less than 25 percent. The Act also requires the head of each federal agency, after consultation with the Small Business Administration (SBA), to establish annually a goal for procurement from veteran-owned small businesses and to attempt annually to increase participation by such businesses in each industry category in procurement contracts of the agency. The goals should realistically reflect the potential of veteran-owned businesses to perform federal procurement contracts and subcontracts. [Note: The Small Business Act already requires such government-wide and agency goal-setting procedures for small businesses and for small businesses owned and controlled by social and economically disadvantaged individuals.]

SECTION 5. REPORTING.

The bill requires the head of each federal agency to submit to the SBA annual reports on the extent of participation in procurement contracts by veteran-owned businesses and to justify failures to meet the goals. The SBA will analyze these submissions and annually prepare a report to the President detailing the extent of participation in federal procurement contracts by veteran-owned businesses. The President will include this information in each annual report to the Congress on the State of Small Business. [Note: The Small Business Act already requires the President's annual report on the State of Small Business to include data on federal procurement contracts performed by small businesses and by small businesses owned and controlled by socially and economically disadvantaged individuals.]

SECTION 6. SUBCONTRACTING.

The Act makes it the policy of the United States that veteran-owned small businesses shall have the maximum practicable opportunity to participate in the performance of contracts and subcontracts let by any federal agency and that prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with veteran-owned small businesses. To this end, all contracts let by any federal agency, with certain exceptions, will contain a clause requiring prime contractors to agree to carry out this policy in the awarding of subcontracts, to the fullest extent consistent with the efficient performance of the contract. Any procurement contract that exceeds $500,000 (or $1,000,000 in the case of construction contracts) must contain a subcontracting plan that provides the maximum practicable opportunity for veteran-owned businesses to participate in the performance of the contract. Each subcontracting plan must include percentage goals for the utilization of veteran-owned businesses as subcontractors and a description of the efforts the bidder will take to assure that veteran-owned businesses will have an equitable opportunity to compete for subcontracts. If a successful bidder fails to submit an acceptable subcontracting plan within the time limit prescribed in the agency regulations, the bidder will become ineligible to be awarded the contract. [Note: The Small Business Act already contains the same subcontracting requirements for small businesses and for small disadvantaged businesses.]

SECTION 7. INFORMATION COLLECTION.

It will be the responsibility of the SBA during each fiscal year to obtain information concerning the procurement practices and procedures of federal agencies and to disseminate upon request such information to veteran-owned small businesses.

The legislation requires the Secretary of Veterans Affairs, in consultation with the Assistant Secretary of Labor for Veterans' Employment and Training and the Administrator of the SBA, to undertake efforts each fiscal year aimed at identifying veteran-owned small businesses. The Secretary will advise these businesses that information concerning federal procurement is availble from the SBA.

The Secretary of Veterans Affairs is directed to collect procurement data from federal agencies on small business owned and controlled by veterans that, beginning with fiscal year 1991, are first-time recipients of contracts.

This legislation requires the Assistant Secretary of Labor for Veterans' Employment and Training to annually collect and make available information on firms owned and controlled by veterans.

SECTION 8. STATE OF SMALL BUSINESS REPORT.

The Act amends the Small Business and Economic Policy Act of 1980 to require that information on small businesses owned and controlled by veterans—including those owned by disabled veterans—be included in the annual State of Small Business Report.

SECTION 9. LOANS TO VETERANS.

This section of the proposed legislation amends the Small Business Act by adding a new section that authorizes the SBA to enter into agreements with banks or other financial institutions to make loans to small business concerns owned and controlled by veterans—including loans to veterans under the Veterans Business Opportunity and Development Program—with SBA guaranteeing to pay part of any loss sustained by the lender.

To be eligible for program participation, the SBA must determine that the type and amount of assistance requested by the veteran-owned businesses are not otherwise available on reasonable terms from other sources. The SBA must also determine that other general eligibility requirements are satisfied.

The proposed bill increases certain loan-guarantee percentages in connection with SBA guaranteed loans to veteran-owned small businesses. Specifically, the guarantee may not be less than 95 percent for loans of $155,000 or less. For loans that exceed $155,000, the guarantee may not be less than 80 percent nor more than 90 percent. Under 7(a) general business loan program, the current guarantees for loan amounts are as follows: the guarantee may not be less than 90 percent for loans of $155,000 or less. For loans that exceed $155,000, the guarantee may not be less than 70 percent nor more than 85 percent. The federal government exposure may not exceed $750,000.

The Act permits participating lenders to retain one-half of the fee collected on loans to veterans under this section, including loans in excess of $50,000.

The legislation requires that within 90 days of the Act's enactment the Administrator of the SBA issue regulations to ensure that loans made under the Veterans Business Opportunity and Development Program are favorable to veterans in terms of maturity and assessing the borrower's collateral. More specifically, the length of the loans is to be the longest feasible commensurate with ability to repay. Subject to certain exceptions, loan maturities may not exceed 12 years.

The Administrator of the SBA will study ways to reduce the costs to veterans of participating in the program, and will within one year submit to the President and the Congress a report of findings together with legislative and administrative recommendations.

SECTION 10. ENTREPRENEURIAL TRAINING, COUNSELING, AND MANAGEMENT ASSISTANCE.

The Administrator of the SBA will facilitate access of business concerns owned and controlled by veterans to SBA's business development and assistance programs, including the Small Business Development Center, Small Business Institute, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE) programs.

SECTION 11. GRANTS FOR VETERANS OUTREACH PROGRAMS.

The Act would permit the SBA to make grants to and enter into contracts and cooperative agreements with various governmental and private organizations in order to establish outreach programs for veterans.

SECTION 12. OUTREACH PROGRAM FOR VETERANS OF THE PERSIAN GULF WAR AND VETERANS AFFECTED BY REDUCTIONS IN ARMED FORCES PERSONNEL.

The Act directs the SBA Administrator, the Secretary of Veterans Affairs, and the Assistant Secretary of Labor for Veterans' Employment and Training to establish an interagency working group to develop a comprehensive outreach program to assist veterans of the Persian Gulf War and veterans affected by military manpower cuts. The program would offer business training and management assistance, employment and relocation counseling, and provide information on veterans benefits, entitlements, and the new procurement program.

SECTION 13. ASSOCIATE ADMINISTRATOR FOR VETERANS PROGRAMS.

The bill creates within the SBA the positions of Associate Administrator for Veterans Programs and Deputy Associate Administrator for Veterans Programs to formulate and execute policies and programs established by this bill, including the Veterans Business Opportunity and Development Program.

SECTION 14. ESTABLISHMENT OF VETERANS BUSINESS OPPORTUNITY AND DEVELOPMENT PROGRAM.

This section of the proposed legislation amends the Small Business Act by adding a new section that establishes within the SBA a government-wide program—the Veterans Business Opportunity and Development Program—to assist certified veteran-owned small businesses to receive federal procurement contracts.

The Act empowers the SBA to enter into contracts with other federal agencies to perform construction work for the Government or to provide articles, equipment, supplies, services or materials. (The bill sets forth procedures by which the SBA can appeal decisions by agency procurement officers not to make available to the program contracts that the SBA certifies itself competent and responsible to perform.) Acting in the capacity of prime contractor, the SBA will subcontract work to be performed to veteran-owned small businesses that have been certified for participation in the Veterans Business Opportunity and Development Program.

Certified firms will be eligible to receive specific contracts if they have been deemed capable of performing the work and if contract awards would not result in costs to the awarding agency that exceed a fair market price. Contracts will be awarded on the basis of competition restricted to certified firms if there is a reasonable expectation that at least two eligible firms will submit offers at a fair market price. The bill specifies procedures for the determination of fair market prices.

To be eligible for program participation, veteran-owned businesses must meet certification requirements contained in regulations to be issued by the SBA. Such regulations will require that firms certify annually that they are owned and controlled by veterans (a business must be at least 51 percent veteran-owned) and that firms have been in business for a period of not less than one year before the date of application. The Administrator may waive the one-year business operation requirement in appropriate cases. Firms must certify that they have not received and will not assert eligibility to receive procurement contracts under the section 8(a) program of the SBA or the section 1207 program of the Department of Defense.

The SBA will issue regulations establishing a limitation on the personal net worth of program participants. Each program participant will annually submit to the SBA a personal financial statement for each owner upon whom eligibility was based. Whenever the SBA finds that owners have withdrawn excessive amounts of funds or other assets from their firms, to the detriment of the business plans of the firms, the SBA can initiate proceedings to terminate the firms from program participation or require the reinvestment of funds or other assets. The computation of personal net worth of owners will exclude the value of investments that veteran owners have in their firms and the equity they have in their primary personal residences.

Program participants must be able, with contract, financial, technical and management support, to perform contracts that they may be awarded. The SBA cannot apply its regulations and procedures in ways that would inhibit the logical business progression of firms into areas of industrial endeavor not included in their business plans but where they have potential for success.

Program participants have the right to a hearing on the record before the SBA can take certain actions such as denial of program admission or termination of program participation. The bill contains guidelines for the conduct of such hearings.

The SBA is required to develop and implement an outreach program to encourage veteran-owned small businesses to apply for program participation.

To the maximum extent practicable, construction subcontracts are to be awarded within the county or state where the work is to be performed.

The Act requires program participants annually to submit capability statements to the SBA. These statements will be used by the SBA to disseminate information about program participants to appropriate federal procurement officers, who will, in turn, notify relevant veterans business counselors of their contracting opportunities over the succeeding 12-month period.

In the case of contracts for services, program firms must expend at least 50 percent of the cost of contract performance incurred for personnel on their own employees. In the case of contracts for supplies, program firms must perform at least 50 percent of the cost of manufacturing the supplies. Exceptions may be granted under certain circumstances. The SBA will establish similar requirements for construction contracts and contracts for other industry categories not otherwise covered.

Program participants that are primarily engaged in wholesale or retail trade, that are regular dealers of the product to be offered the government, and that agree to supply products domestically produced by small businesses, will not be denied the opportunity to submit bids for procurement contracts solely because they are not the actual manufacturer or processor of the product to be supplied.

The Act prohibits designated SBA employees from engaging in certain activities or transactions with respect to program firms. These prohibitions continue for two years after SBA employment is terminated. Penalties for violations are specified.

SBA employees involved in the program are prohibited from acting on the basis of the political activity or affiliation of any party. Disciplinary actions are spelled out for infractions of this prohibition.

Program participants must report semiannually to their assigned veterans business counselors the names of persons other than employees who have received compensation for assistance in obtaining federal contracts, the amount of compensation received, and a description of the services they provided. Reports that raise suspicions of improper activity will be reported by the Associate Administrator for Veterans Programs to the SBA Inspector General. Failure to submit these reports will be cause for termination from the program.

Contracts awarded to program firms must be performed by the firms that were initially awarded the contracts. This requirement can be waived by the SBA under certain specified circumstances, such as if it is necessary for the owners temporarily to surrender partial control in order to obtain equity financing. Firms performing contracts must notify the SBA immediately upon entering agreements to transfer all or part of ownership interests to other parties.

The Associate Administrator for Veterans Programs will manage the veterans business opportunity and development assistance program. The program will assist certified firms to develop and maintain comprehensive business plans; provide other services such as loan packaging, financial counseling, marketing assistance and management assistance; assist firms to obtain equity and debt financing; regularly monitor firms' compliance with their business plans; analyze and report the causes of success and failure of program firms; and assist firms to obtain surety bonds.

The term of participation in the program is set at five years from date of certification, unless terminated or graduated earlier.

Promptly after certification, program participants will submit business plans for review by their assigned veterans business counselors. The business plans must be approved by the counselors before firms can be awarded contracts. The business plans will analyze firms' prospects for profitable operations during the term of program participation and thereafter, and analyze firms' strengths and weaknesses with particular attention to conditions that might impede firms from being awarded contracts from non-program sources. The business plans must also contain specific targets, objectives and goals for business development during the next and succeeding years, specific management steps to be taken to assure profitable operations after graduation, and estimates of contract awards from the program and other sources that will be required to meet the targets, objectives and goals of the plan.

Program firms will annually review their business plans with their veterans business counselors and modify their plans as necessary. Modified plans must be approved by the counselors. Firms will annually forecast their needs for contract awards under the program for the next year and the succeeding year to establish their "section 28(a) contract support levels," which will be included in the business plans. These forecasts will include the aggregate dollar value of contract support to be sought under the program, the types of contract opportunities being sought, and any other relevant information requested by the counselors.

Certified firms will be denied all program assistance if they voluntarily elect not to continue participation, if their participation exceeds the prescribed time limits, if they are terminated from the program, or if they are graduated from the program. The act specifies actions by firms that would provide good cause for termination, and outlines steps that must be taken to terminate firms.

The terms "graduated" or graduation" mean that firms have successfully completed the program by substantially achieving the targets, objectives and goals contained in their business plans.

The five-year period of program participation is divided into two stages: the developmental stage, which will last no more than three years, and the transitional stage, which will last no more than two years. During the developmental stage, firms will take all reasonable efforts to attain the targets contained in their business plans for the awarding of non-program contracts, referred to in the Act as their "business activity targets."

During the transitional stage, firms will be subject to SBA regulations regarding business activity targets. The Act requires that these regulations establish business activity targets expressed as a percentage of total sales for the award of non-program contracts. Program firms will be required to attain their business activity targets and to certify that they have complied with the regulations regarding business activity targets during the transitional state of program participation. The regulations will require the SBA periodically to review each firm's performance regarding attainment of business activity targets and will authorize the SBA to take appropriate remedial measures in cases where firms have failed to attain their required business activity targets.

Any veteran who is eligible for program participation can assert eligibility for only one firm. Previous program participants cannot be readmitted to the program. Firms that undergo a transfer of ownership and control to other veterans can remain in the program for the duration of the prescribed period of five years.

A Division of Program Certification and Eligibility will be established within SBA's Office of Veterans Programs and will be responsible for receiving, reviewing and evaluating applications for certification; advising each applicant within 15 days after receipt of an application as to the completeness of the application; making recommendations on applications to the Associate Administrator for Veterans Programs; reviewing and evaluating financial statements and other submissions to ascertain continued eligibility of firms to receive subcontracts; making requests for termination or graduation proceedings; deciding protests from firms denied certification; deciding protests regarding whether a firm is owned and controlled by veterans; and implementing policy directives of the Associate Administrator for Veterans Programs.

Applicants cannot be denied admission to the program solely because contract opportunities are unavailable unless the government has never bought and is unlikely to buy the types of products or services offered by the concern, or unless the purchases of such products or services by the federal government will not support all of the program applicants and participants providing the same or similar items or services.

The Director of the Division of Program Certification and Eligibility is required to conduct annual reviews of the firms admitted during the previous year to ascertain the number of entrants, their geographic distribution and industrial classifications. These annual reviews will include estimates of the expected growth of the program during the next fiscal year and the number of additional veterans business counselors required to meet this growth. Based on these reviews, the Associate Administrator will annually issue policy and program directives to solicit applications from underrepresented regions and industry categories, and to allocate program resources to meet program needs. A goal of these annual reviews will be to achieve an equitable geographic distribution of firms and a distribution of concerns across all industry categories, emphasizing areas where federal purchases have been substantial but participation by veteran-owned concerns has been limited.

Subcontracts can be awarded only by small business concerns. If the SBA receives credible information that a program participant is no longer eligible, an eligibility evaluation will be conducted. If the information is found to be true, the SBA will initiate termination proceedings.

The program is divided into two stages: a developmental stage and a transitional stage. The developmental stage is designed to assist firms to access their markets and strengthen their financial and managerial skills. The transitional stage is designed to prepare them for graduation from the program.

Firms in the developmental stage are qualified to receive the following assistance: contract support; financial assistance under the SBA's section 7(a) loan program; and training assistance to help program participants develop principles and strategies to enhance their ability to compete successfully for contracts in the marketplace.

Firms in the transitional stage of program participation are qualified to recieve the following assistance: contract support; financial assistance under the SBA's section 7(a) loan program; joint ventures, leader-follow arrangements and teaming agreements between program participants or with outside firms with respect to contracting opportunities for the research, development, full-scale engineering or production of major systems; and transitional management business planning training and technical assistance.

Program firms will spend not more than three years in the developmental stage and not more than two years in the transitional stage.

The SBA will develop and implement a process for the systematic collection of data on the program. The SBA will submit an annual report to the Congress that will include, among other items specified in the legislation, a breakdown of the personal net worth of program participants, a listing by region, race or ethnicity of such participants, the costs and benefits to the economy from the program, an evaluation of firms that have exited the program during the immediately preceding three years, and a description of resources needed to operate the program over the succeeding two years.

The legislation authorizes the SBA to utilize the services and facilities of federal agencies, States and localities without reimbursement, to accept gifts and bequests for the benefit of the program, to accept voluntary services, and to hire experts and consultants in accordance with the requirements of law.

SECTION 15. NATIONAL VETERANS BUSINESS COUNCIL.

This section creates the National Veterans Business Council. The Council will review the role of federal, state and local governments in assisting veterans-owned small businesses. It will also gather and compile data relating to veteran-owned businesses, veteran-owned small businesses, small businesses owned by disabled veterans, and veteran-owned small disadvantaged businesses. In addition, the Council will provide information on other government initiatives relating to veteran-owned businesses, including those relating to federal procurement. The Council, based upon its reviews, will recommend to the President and the Congress new private sector initiatives to provide management and technical assistance to veteran-owned small businesses, ways to promote greater access to public and private sector financing and procurement opportunities for such businesses, and detailed multiyear plans, with specific goals and timetables, for both public and private sector actions to promote increased business development and ownership by veterans. Such recommendations shall be provided annually.

The Council is composed of nine members, appointed by the President after consultation with the chairman and ranking minority member of each of the Committees on Veterans' Affairs and Small Business of the House of Representatives and the Senate. The Council will have the following exofficio members: the Administrator of the Small Business Administration, the Secretary of Veterans Affairs, the Secretary of Labor, the Secretary of Commerce, the Secretary of Defense, and the Administrator of the General Services Administration.

Appointments from the private sector will be made from among individuals who are specially qualified by virtue of their education, training and experience, who are recognized authorities in the field of business and small business and who are not officers or employees of the federal government or Congress. At least two members appointed by the President must be veterans and at least two members must be small business owners. Appointees will be selected to achieve a balanced geographical representation and will serve for the life of the Council except for those that become officers or employees of the federal government or of the Congress. A vacancy on the Council will be filled in the manner in which the original appointment was made.

Members of the Council will serve without pay, except that they will be entitled to reimbursement for travel, subsistence and other necessary expenses incurred in carrying out the functions of the Council.

Two members of the Council will constitute a quorum for the receipt of testimony and other evidence, and a majority of the Council will constitute a quorum for the approval of recommendations or reports submitted to the President and the Congress. The Chairman and Vice Chairman of the Council and their terms of office will be designated by the President. The Council will meet not less than two times a year at the call of the Chairman.

The Council will have a Director and not more than four additional personnel appointed by the Chairman. The Director and staff of the Council can be appointed outside of the competitive service at rates of pay not to exceed the basic annual rate for GS-18 of the General Schedule. The Council can procure temporary and intermittent services at rates not to exceed the daily equivalent of the maximum annual rate payable for GS-18. The head of any federal department or agency can detail, on a reimbursable basis, personnel to assist the Council upon request of the Chairman.

The Council can meet, hold hearings, take testimony, receive evidence and consider information such as it considers appropriate. The Council can authorize its employees to act on its behalf. The Council is authorized to obtain information from any federal department or agency, except as otherwise prohibited by law, including technical and advisory assistance from the SBA. The Council can use the U.S. mails in the same ways as other federal departments and agencies. The General Services Administration will provide to the Council, on a reimbursable basis, administrative support services.

The Council will transmit to the President and to each House of Congress an annual report on its activities during the preceding fiscal year, its findings and conclusions, and its recommendations for legislative and administrative actions.

The Council will terminate not later than three years after its first meeting.

SECTION 16. AUTHORIZATION OF APPROPRIATIONS.

The legislation authorizes $4,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out the Veterans Business Opportunity and Development Program. In addition to this amount, up to $350,000 is authorized for fiscal year 1992; up to $200,000 for fiscal year 1993; and up to $175,000 for fiscal year 1994 for training and education of personnel in the Office of Veterans Programs and its divisions. For each of fiscal years 1992, 1993, and 1994, up to $1,250,000 per fiscal year would be available for the SBA to carry out veterans outreach activities.

The legislation makes clear the intent of Congress that appropriations authorized by this Act to carry out various programs and activities within various departments and agencies should not raise from current amounts the aggregate appropriations to such department or agency.

JUDGE JAY W. MYERS HONORED FOR 20 YEARS ON THE BENCH

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a fine jurist, Judge Jay Myers, who is retiring from the Court of Common Pleas of the Commonwealth of Pennsylvania after 20 years.

Judge Myers was born in Nescopeck, PA, and graduated from Berwick High School. After serving with the U.S. Marines during World II, Judge Myers graduated from Penn State in 1949 and then completed his J.D. from Duke University Law School in 1952.

Soon thereafter, he entered private practice. Involved in the local community, Judge Myers acted as solicitor for the Bloomsburg Area Industrial Development Corp. from 1963 to 1971. He also served as Columbia County

Public Defender from 1969 to 1971, president of the Columbia-Montour Bar Association and solicitor of the Columbia County Planning Commission from 1965 to 1971.

In 1971, he was elected presiding judge of the Court of Common Pleas of Columbia and Montour Counties, where he has served in that capacity until his retirement.

A devoted husband and father of three, Judge Myers is the past president and honorary member of the Bloomsburg Rotary Club, past president of the Bloomsburg Area Chamber of Commerce, a member of the Pennsylvania Trial Judges Association and was recently inducted into the Berwick High School Academic Hall of Fame.

I would like to take this opportunity to thank Judge Myers for his dedicated service to the people of northeastern Pennsylvania. I know my colleagues join me in wishing him well in his retirement.

MIAMI'S COMMITTEE ON BEAUTIFICATION AND THE ENVIRONMENT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the city of Miami has designated the month of April as "Fight Litter Month." Fighting the problem of solid waste in our cities is an ongoing offensive, but this month is set aside to bring special emphasis to the problem. In addition to shedding light on the problem, "Fight Litter Month" in Miami will show that we can make a difference, that we can reclaim our cities from creeping pollution and decay.

The leadership of E. Albert Pallot, chairman of the city of Miami's Committee on Beautification and the Environment, helped bring about "Fight Litter Month." Also responsible were: First vice chairman, Roger Barreto, and vice chairpersons, Chief Perry Anderson, Hon. Philip Bloom, Margaret Burton, Chief C.H. Duke, Elaine Rheney-Fischer, Kathy Gaubatz, Thelma Gibson, E.R. Gomez, Joseph Ingraham, Alfred Browning Parker, Ralph Renick, Richard Schulman, Betty Waldor, Charles A. Whitcomb, Edna Downey, and Administrator, Morty Freedman.

Much valuable counsel and support for this litter fighting initiative also came from the board of directors, made up of: Marie L. Balban, Pablo Canton, David R. Couch, Peggo Cromer, Clarence Dickson, W. Trent German, Lewis T. Harms, Beverly Harris, Milton Harry, Nancy B. Hogan, Nevin Isenberg, Adan Jimeno, Ruth Kassewitz, Joy Finston-Landy, Joseph C. Lorenzo, Carmen Lunetta, Francis Mayville, Milton Mizell, Delia Muckinhaupt, Van Myers, Rev. John Paul Nagy, Ruth Neinken, Ivan Osorio, Suzanne Pallot, Stephen Pearson, Jorge Pupo, Suzanne Salichs, Guy Sanchez, Marjorie Serrales.

Together, these citizens of Miami have determined to fight the problem of litter head on. Only by taking on the problems of society as our own and solving them courageously will we grow as a society. Mr. Speaker, I commend the city of Miami and in particular the committee on beautification and the environment for their efforts at home to make our Nation a better place to live in with "Fight Litter Month."

On April 19, the committee will be holding an important meeting where the members will discuss the results of their efforts in "assisting Miami to maintain its position as one of the clean cities of America." I commend Chairman Pallot for his valuable leadership on this cleanup effort.

A SALUTE TO CLARENCE E. DEPPE, JR.

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. VOLKMER. Mr. Speaker, I rise today to recognize an individual who has carried on a family tradition by demonstrating true allegiance to his employer. Clarence E. Deppe, Jr., began working at the Harbison-Walker Refractories in Vandalia, MO, on December 17, 1940, following his father, the late Clarence Deppe, Sr., and his brother, Ed Deppe. Together the Deppes have accumulated some 138 years in service at Harbison-Walker.

Just recently, Mr. Speaker, Mr. Deppe was recognized by the company on his 50th anniversary. And equally as important to note here, sir, Mr. Deppe is not retiring. He plans to continue his work in the plant's machine shop section.

I do not know of any other person who can boast of such an accomplishment in my district. In fact, having a company that has continued operations that long is a milestone in Missouri's Ninth District.

Mr. Speaker, I know you join me in congratulating Mr. Deppe for his 50 years of service and Harbison-Walker which just celebrated its anniversary also. It has been in business 125 years.

INTRODUCTION OF THE ALLARD-SCHAEFER COLORADO WILDERNESS BILL

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SCHAEFER. Mr. Speaker, I rise today to make some comments about the bill introduced today by my colleague from Colorado, WAYNE ALLARD, and myself, which would designate over 850,000 acres of public lands as wilderness in the State of Colorado.

Wilderness areas, and the unique recreational opportunities available in them, have been a focal point of attention and controversy in our outdoors-minded State for a number of years. This legislation would designate over 30 new areas as wilderness, but would do it in a careful and responsible manner.

This proposal is a comprehensive approach to the question of wilderness. We have taken the recommendations of land managers with the Bureau of Land Management and the Forest Service, along with the recommendations of thousands of Colorado residents, in crafting a bill which contains carefully scrutinized areas and boundaries. We have combined both the Forest Service and the BLM wilderness recommendations into a single package, taking a holistic approach to wilderness designation.

Close attention was paid to the rights of individual property holders—private lands, water rights, and mineral claims. We have seen in the past how our actions in this body have trampled the rights of individuals for the common good: This bill attempts to minimize these impacts.

The bill also includes language to protect the rights of water owners in our State. Water is the lifeblood of the Western United States, and as our western drought continues, the importance of protecting individual water users becomes even more imperative. This legislation attempts to do that. It protects Colorado water users while still allowing a framework for the Government to obtain water for wilderness areas, hopefully settling the decades-long debate on federally reserved water rights.

In short, this is a responsible bill with manageable boundaries that protects private rights. I look forward to its consideration by the House of Representatives and the people of Colorado.

NEW HAMPSHIRE SALUTES THE EMPLOYEES OF TEST SYSTEMS, INC.

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SWETT. Mr. Speaker, I am extremely proud to call the attention of my distinguished colleagues to the herculean effort made by a small New Hampshire company, Test Systems, Inc., of Hudson, in developing its antifratricide identification system, or friendly fire device, for use in Operation Desert Storm.

The problem of friendly fire—casualties incurred when forces from the same army mistakenly open fire on their own soldiers—has long haunted military campaigns. Several servicemen were killed in the early days of Operation Desert Storm when a coalition helicopter pilot fired into a group of Allied ground forces that he had mistakenly identified as the enemy.

Seeing that there was a desperate need to prevent such casualties, Test Systems, Inc., began working on a practical solution to prevent them.

In a matter of only 21 days, the technicians, researchers, manager, and production people at Test Systems, Inc., took an idea for a device to prevent friendly fire casualties and turned it into reality.

On February 4, 1991, Robert Walleston, an engineering technician at Test Systems, Inc., came up with the idea of mounting infrared beacons on armored vehicles to provide allied aircraft with a means of clearly identifying the equipment as friendly.

Twenty-one days later on February 25, a day after the ground war portion of Operation Desert Storm had begun, the first anti-fratricide devices [AFID] were being delivered to Saudi Arabia for installation on tanks and armored vehicles involved in front-line conflict.

By March 3, Test Systems, Inc., had produced and delivered 196 units to the Persian Gulf. Four days later, a total of 2,000 more units had been produced and were awaiting Department of Defense instructions concerning shipment.

I am very pleased that my office was able to play a role in making the production of the AFID units a reality by helping to put the people at Test Systems, Inc., in touch with the proper officials at the Department of Defense.

Fortunately our forces are no longer fighting in the gulf. However, if we find ourselves in the position of going to war again, our servicemen can feel safer now that these AFID units are being installed on our tanks and armored vehicles.

Mr. Speaker, the fact that this small New Hampshire company was able to move from creation to production of a lifesaving military device in only 21 days is almost unbelievable. And it would be unbelievable, were it not for the tremendous combination of hard work, technological know-how, and gritty determination displayed by the workers of Test Systems, Inc., over an incredibly hectic 21-day period.

Their ability to make this project happen is a shining example of the American spirit at work. In the middle of the Persian Gulf conflict, the employees of Test Systems, Inc., were able to rise to the occasion and deliver these devices to the front-line troops in Operation Desert Storm.

I am proud that Test Systems, Inc., is located in the district that I represent. I like to think that the determiantion and can-do mentality displayed by the employees of Test Systems, Inc., is indicative of the people of New Hampshire.

Mr. Speaker, the Department of Defense was so impressed by the quality of workmanship and speed of the delivery by Test Systems, Inc., that earlier this month it negotiated a new contract with the company for 3,000 more units at a cost of $3.2 million.

In addition, a representative from the Joint Chiefs of Staff recently presented Test Systems, Inc., with a plaque inscribed with the words "Great Effort."

I would like to echo that sentiment and ask that my colleagues join me in paying tribute to this outstanding company, Test Systems, Inc.

NOTCH REFORM

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. BALLENGER. Mr. Speaker, since my election to Congress, the Social Security notch issue has been a point of contention between my senior constituents and me. Time and again I have stated that I would like to have this issue settled once and for all by having an up or down vote on notch reform legislation. In fact, in the 100th and 101st Congress, I signed a discharge petition so that the House would have the opportunity to vote on this issue. As you know, these efforts have been to no avail.

Again in the 102d Congress, notch reform legislation has been introduced, and again, I have been contacted by seniors asking for my support of the bill. This year, Congressman EDWARD ROYBAL (D-NJ) introduced so-called consensus legislation (H.R. 917) that combines the efforts of several Members of Congress in reforming the notch. The proposal attempts to balance several proposals introduced last year by combining provisions.

H.R. 917 would include as its centerpiece a new 10-year transitional formula for persons born between 1917 and 1926. The new formula would add to current benefits a declining percentage of the difference between what would be benefits under the old flawed 1971 formula and the 1977 law's permanent formula.

I maintain the current system is fair, and the most fiscally sound. Proponents of the change argue that this new proposal to fix the notch would only cost $5 billion a year for the first 4 years of enactment; however, with our current budget deficit of $280 billion, spending $5 billion is impossible.

In my view, it would be unwise to place an added burden on the budget in order to initiate a change that does not need to be made—especially when other entitlements are being cut. For example, the Medicare budget has been cut by some $3.7 billion in fiscal year 1991, and the administration is calling for an additional cut of about that much for fiscal year 1992. Doctors, hospitals, and beneficiaries are being adversely affected by these cuts. I cannot support spending $5 billion a year on this legislation when other valuable programs, such as Medicare, continue to be slashed.

While I plan to continue my opposition to proposal to reform the notch, I would like to take this opportunity to urge you Mr. Speaker, and the leadership, to seriously consider bringing this matter to the full House for consideration—once and for all.

DIABETIC RESEARCH INSTITUTE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, diabetes is the leading cause of blindness and a major cause of heart disease, kidney failure, and stroke. In the face of this serious disease, the Diabetes Research Institute of the University of Miami/Jackson Memorial Medical Center remains undaunted in its efforts to provide better care for diabetes patients, to educate the public and the medical community about the disease and ultimately, to find a cure. In January, 1992, the Diabetes Research Institute will open a new building. This important new facility will move the Diabetes Research Institute a great step forward toward its goal of defeating this disease.

When completed, the University of Miami/Jackson Memorial Medical Center will be home to the world's largest and most comprehensive diabetes research, treatment and education facility. While this facility will be located in South Florida, it will have far-reaching impact, not only for the 1 million Floridians with diabetes, but also on the estimated 20 to 30 million diabetics throughout our country. Daniel Mintz, M.D., scientific director of the Diabetes Research Institute and Nobel Prize candidate for his work with diabetes, Ronald B. Goldberg, M.D., chief associate director at the institute, Myron A. Berezin, executive director and Gary Kleinman, director of public affairs should be noted for their efforts to make this research facility a reality.

The successful completion of the new Diabetes Research Institute facility will also be credited to many community and state-wide leaders and a great number of dedicated volunteers, especially with their efforts to support the institute financially. One example is the Dennis Gallagher Memorial Dinner established by Doug, Kevin, Dean and Tom Gallagher in honor of their brother who died from the complications of diabetes. Each year, this event honors individuals who have made outstanding contributions to the Diabetes Research Institute. Also, the DAD's —Dollars Against Diabetes—Program is one of America's top 10 single-day fund raisers. For the past 4 years, thousands of fathers in all 50 States have joined together in a unprecedented grassroots effort to help those afflicted with diabetes. An event which President Bush has called "a shining example of voluntarism in action."

Mr. Speaker, I commend all of those dedicated people involved with the Diabetes Research Institute and its continuing efforts to bring about a cure to the third most deadly disease facing our Nation. We all hope that the new Diabetes Research Institute facility proceeds on schedule to its very promising opening in January 1992.

MINORITY BUSINESS INVOLVEMENT IN THE RECONSTRUCTION OF THE CIVIL INFRASTRUCTURE OF KUWAIT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. FORD of Tennessee. Mr. Speaker, the struggle for the liberation of Kuwait has come to an end. Kuwait awaits recovery and reconstruction efforts and, once again, has requested American assistance. Companies are lining up to aid in reconstructive efforts in the gulf.

African-Americans are disproportionately represented in the Armed Forces; they made up 23 percent of the troops in the gulf. We are, however, underrepresented in the business force. Opportunities for us are more limited than the opportunities available to traditional companies and traditional constituencies.

The rebuilding of Kuwait is a perfect opportunity to grant greater opportunity to African-Americans. Unfortunately, the Kuwait emergency and recovery program does not want to deal with minority-owned companies.

American soldiers were asked—no, begged—by the Government of Kuwait to save their country and to save their freedom. African-American soldiers did not refuse to fight, to die, our soldiers went willingly and readily for the people of Kuwait. They died for the people of Kuwait.

Now, the Kuwaiti Government is saying, "We'll let you die for free on our soil, but you can't have a bit of our oil." The Kuwaiti Government is closing the door to minority participation in the rebuilding of Kuwait, and President Bush is standing idly by.

If this continues, our worst fears will have been realized: That the Persian Gulf war was not a war fought by free men and women to free a friendly nation, but it was just another war fought by poor people to free the oil of rich people.

THOUGHTS FROM THE PERSIAN GULF

HON. ARTHUR RAVENEL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. RAVENEL. Mr. Speaker, these comments were given to me by my constituent, Mr. Wilbur Brown on behalf of his son, Captain Shawn Brown of the South Carolina National Guard 24th field artillery unit. I submit to you this excerpt taken from a letter home:

"* * * Right now, my unit is north near the Iraqi border. That's all I can tell you * * * I am ready to fight. There is no more fear. I think my faith took away all that, faith along with some strong family support. This crisis has made me a better man, I believe. I'm beginning to see something I've never seen before. I've also developed a consciousness for human life. In quoting Martin Luther King, Jr., 'A man who won't die for something is not fit to live.' I don't want y'all to grieve. Mom and Dad, y'all brought me up well, and I couldn't ask for better parents. God is guiding my path in this ordeal. I always pray and talk to him. He eases my anger with love and takes away my sorrow with joy. I have no regrets on how I've lived my life. I did not live for perfection because I'm not perfect. But I do live a happy life. If I am to die, then I can say that I died for what I believe it—duty and commitment. Love, Shawn."

THE MICKEY LELAND ADOLESCENT PREGNANCY PREVENTION AND PARENTHOOD ACT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am pleased to introduce today, along with Congressman ED TOWNS and 18 of our colleagues, the Mickey Leland Adolescent Pregnancy Prevention and Parenthood Act.

The author of this visionary legislation, our late colleague Mickey Leland, considered the eradication of teen pregnancy to be as important to our collective future as a drug free, crime-free, educated America. It is easy to see why. The scope of the problem is enormous. The United States leads all Western countries in teenage pregnancy rates, teen abortions and teen childbearing rates. American girls under 15 years of age are five times more likely to give birth than girls in any other developed country and are at 2½ times greater risk of dying from childbirth complications.

But health risks are not the only troubling aspect of early childbearing. Teen mothers comprise 61 percent of all women receiving AFDC. Of women under age 30 receiving AFDC, 71 percent had their first child as a teenager. And what of the children of these children? The overwhelming majority of them are raised in poverty, unlikely to finish school, likely to be abused and likely to become parents before they reach adulthood.

The Nation desperately needs a comprehensive approach to enable those cities and towns that face this problem to deal with it effectively. We need a national program that discourages the formation of these often problem-plagued families and helps those that develop to become strong emotional and economic units. This is what the Leland Act does. Along with family planning services, counseling, and comprehensive maternal and child health care, the Leland Act plan includes parenting education and other services for teen fathers as well as teen mothers. Both teen girls and boys would be eligible for counseling and referral services for employment, employment training, nutrition, and substance abuse treatment. In addition, the legislative language clearly states that no funds are available for abortion.

Moreover, while this bill is a comprehensive, national policy to deal with teen pregnancy, it does not force communities to create family planning services for teens. It does, however, provide resources for cities that face this problem and want to address it, and allows wide local discretion in tailoring programs to problems.

Helping teenagers avoid pregnancy or develop strong families will significantly affect the approximately $21 billion we spent in 1989 in AFDC payments, food stamps, and Medicaid benefits to assist families begun with a birth to a teenager. Early childbearing bankrupts young lives as well as drains the Treasury. It is time that we said to at-risk teenagers that we care enough to give them the tools to take charge of their lives and replace despair with hope.

Indeed, it is the least we can do for our children who are becoming parents at a rate that boggles the mind and breaks the heart.

HAPPY BIRTHDAY JENNINGS RANDOLPH

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. WISE. Mr. Speaker, I rise today to wish a belated Happy Birthday to a distinguished former Member of this institution, Senator Jennings Randolph. Senator Randolph turned 89 on Friday, March 8.

Significant improvements in our country do not just happen. Change requires the dedication of individuals who are creative enough to see the needs of the country and the needs of its people, individuals with the stamina to pursue their goals and make them a reality. One of these individuals is Senator Jennings Randolph.

The next time you ride down an interstate highway, think of Jennings Randolph, the man who led the fight to develop this modern system of transportation.

The next time you see a handicapped child, think of Jennings Randolph, a man who cared so much for others that he led the way in providing educational and rehabilitation services for these individuals.

The next time you go to the polls, remember that the right to vote is one of the most cherished rights and privileges that goes with living in our great democratic Nation. No one knew this better than Jennings Randolph, who authored the 26th amendment to the Constitution to extend this precious right to our 18-year olds.

Today, in 1991, we hear again and again that it's time to stop America's dependence on foreign oil. Jennings Randolph was already working toward this goal in 1942. He introduced legislation that paved the way for turning coal and its products into energy, and made a flight from Washington DC, to Morgantown, WV, that same year with fuel made from coal.

Jennings Randolph cared about labor standards. He championed the enactment of the first black lung compensation act, helping coal miners dying from this respiratory disease.

Jennings Randolph has left his mark in education, health, energy, labor, the environment, and in so many other ways, both on the Senate floor and off. Throughout his career in government he was a man of integrity, and such a man he continues to be. Above all, Jennings Randolph cares about the individual. He never hesitates to stoop and help another human being in need. We need more citizens in this country with the character, integrity, and vision of Jennings Randolph. We need more citizens who are willing, as Jennings Randolph always has been, to stand up and fight for change.

I wish only the best for Jennings Randolph on his birthday. I thank him for his example and for a life dedicated to public service.

THE CITY OF HIALEAH SUPPORTS THE UNITED STATES PERSIAN GULF POLICY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is unprecedented that so many countries could come together in global unity to speak out against Iraq's brutal aggression. As the President has stated, we have come together with our allies to ensure "peace and security, freedom, and the rule of law" in the Middle East. It truly makes me proud to see the communities of my district voicing their unified support for the United States' political and military position in the Persian Gulf.

The President's praise of the American people in his address last week to a joint session of Congress most surely applies to the city of Hialeah, FL. In January 1991, the city passed resolution 91–05 supporting the decision of President George Bush and Congress to implement Operation Desert Storm:

RESOLUTION

Whereas, the nation of Kuwait, an ally of the United States, was invaded 5 months ago by Iraq under the leadership of Saddam Hussein; and

Whereas, the United Nations, supported by our allies, imposed a January 15th deadline for Iraqi withdrawal from Kuwait; and

Whereas, even after intense negotiations between representatives of the United States and the United Nations with representatives of the Iraqi government, Iraq refused to withdraw its forces from Kuwait; and

Whereas, President Bush, backed by the United States House of Representatives, and Senate, implemented Operation Desert Storm after the January 15th United Nation-imposed deadline for Iraqi withdrawal; now, therefore, be it

Resolved by the Mayor and City Counsel of the City of Hialeah, Florida, That:

Section 1: The Mayor and the City Council of the City of Hialeah, Florida, strongly support the decision of President Bush and Congress to implement Operation Desert Storm.

Section 2: The Mayor and the City Council of the City of Hialeah, Florida, express their support for the brave men and women of the United States and the coalition forces who are running the operation.

Passed and adopted this 22nd day of January, 1991.

The City also expressed its support for the United States political and military position regarding the Persian Gulf crisis, and its solidarity with our members of the United States armed services, the allied troops and the State of Israel by passing resolution 91–08:

RESOLUTION

Whereas, despite months of efforts by the United States to negotiate the amicable withdrawal of Iraqi troops from the Country of Kuwait, the military dictatorship of Iraq, led by Saddam Hussein, defiantly ignored all attempts to end the illegal occupation of the nation he invaded; and

Whereas, in response to the savage and brutal occupation of Kuwait, the United States and the Allied Coalition have refused to allow the dictator of Iraq to continue on a destructive course of global dimensions; and

Whereas, we, as a community, express our heartfelt support and solidarity for our brothers and sisters in Israel and we stand firmly behind the State of Israel and the Allied Coalition; and

Whereas, as a loyal ally of the United States, and the only country in the Middle East who represents the democratic principles of liberty and self-government, Israel has demonstrated tremendous restraint, in spite of the fact that they have the right to retaliate, by not staging a preemptive strike against Iraq; and

Whereas, we are grateful for the further restraint which has been demonstrated by the Israeli government after the attacks by Iraq against Israeli civilians, and we commend the citizens of Israel for their brave and composed respect of the requests made by the United States Administration; and

Whereas, the City of Hialeah, Florida commends President Bush and the men and women of the Armed Forces and the Allied Forces for their courage and the sacrifices they are making for world peace; and

Whereas, the City of Hialeah, Florida extends complete support to the policies of the American Administration and to the brave Allied Forces who are fighting in the Persian Gulf as we pray for peace and the prompt resolution of this crisis; now, therefore, be it

Resolved by the Mayor and the City Council of the City of Hialeah, Florida, That:

Section 1: The City of Hialeah, Florida expresses its complete support for the United States political and military position regarding the Persian Gulf Crisis, condemns the Iraqi government, Saddam Hussein and Iraq's malicious attacks on Israel, and we affirm our solidarity with the State of Israel and the members of the United States Armed Forces who are fighting valiantly to free the nation of Kuwait.

Section 2: That a true copy of this resolution be sent to all members of the Florida Congressional Delegation and the President of the United States.

Passed and adopted this 22nd day of January, 1991.

These resolutions were adopted with the approval of Mayor Julio J. Martinez, and a unanimous vote of the councilmembers: Herman Echevarria, council president, Natacha S. Millan, council vice-president, Salvatore D'Angelo, Evelio Medina, Alex Morales, Paulino A. Nunez, and Roberto "Bob" Ruiz.

In such hard times, we should view Hialeah as an example of strength through unity. The international community has acted in a similar and unprecedented fashion, and in doing so has been able to turn back Iraq's unprovoked and brutal aggression against Kuwait.

INTRODUCTION OF THE FAMILY PLANNING PARENTAL NOTIFICATION ACT OF 1991

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. DANNEMEYER. Mr. Speaker, today I am introducing the Family Planning Parental Notification Act of 1991. This legislation would require the Secretary of Health and Human Services to review all of the services offered by title X grantees and determine whether, with respect to each service offered, a parental notification would:

First, be in the minor's best interests;

Second, strengthen the stability of families;

Third, strengthen the authority and rights of parents in the education, nature, and supervision of their children; or

Fourth, enhance the relationship between adolescent behavior, personal responsibility, and societal norms.

Where a notification is appropriate, one or both parents would have to receive notice from the title X grantee at least 48 hours in advance of the receipt of the service in question. A waiver would be available where the minor faces a life-threatening medical emergency or where a State court determines that such a notification would be inappropriate, that is, where there is a history of parental abuse of the child.

That legislation attempts to address the fundamental question of whether parents should be involved in decisions concerning the sexual development of their children. What happens to a 14-year-old-girl when we allow her to bypass her parents completely and obtain prescription contraceptives or an abortion referral from a federally-funded intermediary?

Data from States with laws requiring parental involvement before a minor can obtain an abortion indicate that these laws have actually reduced the overall level of teenage births and abortions. As the authors of one recent, peer-reviewed study noted:

> Data presented in this study are compatible with the hypothesis that . . . parental notification facilitated pregnancy avoidance in 15–17 year-old Minnesota women. Abortion rates fell markedly in this age group relative to older women . . . One possibility is that when minor women are restricted from abortion without notifying parents or seeking court approval * * * they are more likely to take measure to avoid pregnancy.

Indeed, researchers have concluded that making these services readily available to teenagers with no parental involvement does nothing to reduce the overall teen pregnancy rate and, tragically, results in higher teen abortion rates.

Other researchers have shown a strong correlation between free access to contraceptives and higher rates of teenage pregnancies, out-of-wedlock births, and abortions. As Asta M. Kenney of the Guttmacher Institute acknowledged, "The evidence that sex education leads to a reduction in teen pregnancies is not compelling."

I urge my colleagues to cosponsor this timely and necessary legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Planning Parental Notification Act".

SEC. 2 ESTABLISHMENT OF REQUIREMENT OF PARENTAL NOTIFICATION REGARDING PROGRAM OF VOLUNTARY FAMILY PLANNING SERVICES UNDER TITLE X OF PUBLIC HEALTH SERVICE ACT.

Section 1001 of the Public Health Service Act (42 U.S.C. 300) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) Subject to paragraph (3), in the case of a method or service under subsection (a) that is included on the list established by the Secretary under paragraph (2), an entity receiving a grant or contract under such subsection may not provide the method or service to an unemancipated minor unless—

"(A) the entity notifies 1 or both parents of the minor that the entity has been requested to provide the method or service to the minor;

"(B) the notification specifies the type of method or service involved; and

"(C) not less than 48 hours elapses after making the notification.

"(2)(A) The Secretary shall—

"(i) review the methods and services authorized to be provided with grants and contracts under subsection (a); and

"(ii) on the basis of the extent of applicability of the criteria specified in subparagraph (B), establish a list of the methods and services with respect to which a parental notification is required to be made for purposes of paragraph (1).

"(B) The criteria referred to in subparagraph (A) are that providing parental notifications for purposes of paragraph (1) with respect to a method or service under subsection (a)—

"(i) is in the best interests of unemancipated minors;

"(ii) strengthens the stability of families;

"(iii) strengthens the authority and rights of parents in the education, nurture, and supervision of their children; or

"(iv) enhances the relationship between adolescent behavior, personal responsibility, and societal norms.

"(3)(A) The requirement established in paragraph (1) regarding parental notifications shall not apply if a medical emergency exists in which the life of an unemancipated minor would be endangered by the failure to provide the minor with the method or service involved under subsection (a), and a parental notification for purposes of paragraph (1) is not practicable as a result of the medical emergency.

"(B) The requirement established in paragraph (1) regarding parental notifications shall not apply with respect to an unemancipated minor if a State court of competent jurisdiction certifies to the Secretary that—

"(i) the court has conducted a hearing at which the minor appeared; and

"(ii) the court has determined through the hearing that the criteria specified in paragraph (2)(B) do not sufficiently apply to the circumstances of the minor.

"(4)(A) For purposes of this subsection:

"(i) The term 'minor' means an individual who has not attained the age of majority.

"(ii) The term 'unemancipated' means, with respect to a minor, that the minor is not emancipated.

"(iii) The term 'emancipated', with respect to the legal relationship between a minor and the parents of the minor, means that the rights and duties arising solely as a result of such relationship have in the case of the minor and each parent been terminated.

"(iv) Except in the case of clause (iii), the term 'parent', with respect to a minor, means an individual who has a legal duty to provide support to the minor.

"(B) With respect to making legal determinations that are necessary for applying the definitions provided in each of clauses (i) through (iv) of subparagraph (A), the legal determinations shall be made under the law of the State in which the entity involved under subsection (a) makes available methods or services under such subsection to the individual involved.

"(5) The Secretary shall issue regulations for carrying out this subsection.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

MEDICAID INITIATIVES FOR THE 102D CONGRESS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. WAXMAN. Mr. Speaker, today I am joining colleagues on both sides of the aisle in introducing four initiatives to make modest but essential improvements in Medicaid.

The first of these is the Medicaid Infant Mortality Amendments of 1991, which would implement President Bush's 1988 campaign promise to extend Medicaid coverage to all pregnant women and infants with incomes below 185 percent of the Federal poverty level. I am joining Mr. HYDE and 22 other Members in sponsoring this legislation, which would raise the mandatory eligibility standard for pregnant women and infants from the current 133 percent of poverty to 185 percent of poverty, effective July 1, 1992.

As the National Commission to Prevent Infant Mortality, chaired by Governor Lawton Chiles, concluded several years ago, extending Medicaid coverage for prenatal and maternity care to high-risk pregnant women is among the most cost-effective investments that the Federal Government can make. I am aware that a number of the States feel that they do not have the resources to cover this population at this time. However, we as a nation cannot afford to allow a debate about which level of Government should finance prenatal care to deny access by low-income pregnant women to proven preventive services and technologies that minimize the likelihood of a poor birth outcome. The cost in terms of low birthweight births is simply too high.

To accommodate State fiscal concerns without compromising access to prenatal care, the bill would provide 100 percent Federal financing of the costs of services to pregnant women and infants with incomes between 133 and 185 percent of poverty. This will ease the financial pressure on those States that do not now cover this population as well as those which do.

The second of today's initiatives is the Medicaid Child Health Amendments of 1991, on which I am joining Mr. SLATTERY and 23 other colleagues. The bill would give States the option, at regular Federal matching rates, to extend Medicaid coverage to all children under age 19 with family incomes at or below 185 percent of the Federal poverty level. For the hundreds of thousands of poor and near-poor children with no private health insurance, this option could result in coverage for preventive and acute care services that will improve their health status and their ability to succeed in school.

The third initiative is the Medicaid Breast and Cervical Cancer Amendments of 1991, which I am cosponsoring with Mrs. COLLINS and 42 other Members. It would extend coverage now available to women eligible for Medicare to low-income women eligible for Medicaid. Specifically, it would require the States to offer Medicaid coverage for screening mammography and screening pap smear services, proven technologies that will permit the early detection and treatment of breast and cervical cancer. To ease the financial burden on the States, the bill would provide for Federal assumption of 100 percent of the cost of providing these services, even in those States which now cover them.

The final initiative is the Medicaid AIDS and HIV Amendments of 1991. Sponsored by Mr. SCHEUER, myself, and 16 of our colleagues, this bill would, among other things, give States the option of offering Medicaid coverage for early intervention services to low-income individuals who are infected with the HIV virus and who are at imminent risk of contracting opportunistic infections like pneumonia or developing life-threatening lymphomas or other conditions. Under current law, HIV-infected people generally can't qualify for Medicaid until they have developed AIDS, no matter how poor they are. Of course, by that point, early intervention services to forestall AIDS and its complications are of little use. This bill would end this Catch-22 by allowing States to give immune-compromised people access to the prescription drugs and other services that will delay or prevent altogether the onset of AIDS and its complications. We have spent millions of dollars on research to develop these drugs; surely we can find the resources to make them available to the poor who need them.

Some will ask why, given the fiscal problems which many States are facing, should the Congress continue to expand Medicaid? I would be the first to concede that Medicaid is not the perfect solution to the infant mortality crisis, the HIV epidemic, or the unacceptably high breast and cervical cancer rates among women. Indeed, next month I plan to introduce a broad health care reform bill along the lines of the Pepper Commission recommendations that would respond to the needs of the more than 31 million uninsured Americans by building upon our existing employment-based system. Among other things, this reform initiative would federalize the acute care portion of the Medicaid Program, separating basic health care coverage from the welfare system, upgrading reimbursement, and replacing a strained Federal-State financing arrangement with a purely Federal one. In the long run, I am convinced, this will enable our country to make the necessary investment in material and child health, cancer prevention, and early intervention services.

However, we do not live in the long run. While we debate health care reform, babies will continue to be born, children will continue to grow, people will continue to become infected with the HIV virus, and low-income women will continue to be at high risk of breast and cervical cancer. We simply cannot ignore these problems while we restructure the system. We have to do what we can with the tools we have at hand. The fact is that Medicaid is the only program now in place which can finance these compelling needs when they need to be met: today.

The four bills I am introducing today propose investments targeted to the country's most urgent health care needs. Although they represent only a small fraction of the investment needed to address this Nation's access crisis, it is clear that each of them will increase Federal Medicaid outlays over the next 5 years. I am requesting cost estimates from both the Congressional Budget Office and the Office of Management and Budget. I recognize that under the new "pay-as-you-go" rules, these bills would have to be accompanied by offsetting savings or revenue increases in order to avoid a sequester of non-exempt entitlements. I intend to work with Chairman PANETTA and others to find a solution that will allow enactment of these critical initiatives.

A TRIBUTE TO THE NATIONAL JEWISH COMMUNITY RELATIONS ADVISORY COUNCIL'S 1991 PLENARY SESSION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure to pay tribute to the National Jewish Community Relations Advisory Council [NJCRAC]. As the events of the day unfold, Israel needs our support more and more. There are many groups across the country dedicated to the support of Israel. However, they do need a guiding force to coordinate their efforts toward large-scale goals. NJCRAC complements these constituent organizations through program planning.

On February 17–20, NJCRAC held their 1991 plenary session at the Omni International Hotel, in Miami, FL. There were many dedicated and serious professionals involved in the planning of this event, and their commitment to keep Israel strong and secure helped make the discussions informative and enlightening for the attendees.

The hospitality committee, credited with a job well done, also included Hon. Amy Dean, chair; Charlotte Held and Gertrude Kartzmer, cochairs; Rachel Neuman, Ellen Mandler, and Miriam Zatinsky.

Recognition also must go to Vice President DAN QUAYLE, the Honorable DANTE FASCELL, chair, Foreign Affairs Committee, the Honorable Zalman Shoval, Ambassador of Israel to the United States, and the Honorable Miles Lerman, Chairman, International Relations Committee, United States Holocaust Memorial Council, for their wonderful presentations and speeches.

The community relations committee of the Greater Miami Jewish Federation was involved in various activities of the plenary session. The members were strong advocates of the United States helping Israel, our true democratic ally in the Middle East.

The Jewish community should be proud to be served by such an organization. Many important and timely topics were discussed at the sessions, including international concerns, such as the resettlement of Soviet Jews, the new Germany's obligation to Holocaust survivors, and arms control. The topic of the Middle East peace process was a timely issue, as well as democracy and pluralism in Israel. The church-state relationship in the United States was discussed, and social concerns, such as poverty and health care were key topics of interest.

I congratulate the south Floridians involved in making this event a successful one, especially Donald E. Lefton, NJCRAC southern regional vice chair; Bernice Balter, executive director, Women's League for Conservative Judaism; Alan S. Smith, executive director, Jewish Community Federation of Louisville; and Myra Farr, past chair, CRC, Greater Miami Jewish Federation, and hospitality committee member. Also, Gene Greenzweig, executive director, Central Agency for Jewish Education; Samuel J. Dubbin, chair, CRC, Greater Miami Jewish Federation, and hospitality committee member; Nan Rich, National Council of Jewish Women and cochair, NJCRAC Plenum Program Committee; Abe Resnick, commissioner, city of Miami Beach; and Judy M. Gilbert, NJCRAC Plenum Program Committee and hospitality committee member.

INTERNATIONAL INVESTMENT POLICY MUST BE BASED ON RECIPROCITY

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. CAMPBELL of California. Mr. Speaker, unfair treatment by our trading partners toward our efforts to invest abroad must stop. I am thus reintroducing a bill, the Reciprocity in Foreign Investment Act with 40 of my colleagues. I am also pleased to announce that Senator HARRY REID is reintroducing a companion bill in the Senate. These bills would amend section 301(c) of the Trade Act of 1974 (19 U.S.C. 2411(c)) to authorize reciprocal responses to foreign acts, policies, and practices that deny national treatment to U.S. investment.

Owing to the support that this bill received during the last session of Congress, we are hopeful that it will once again influence the debate on foreign investment. Last session, over 100 of our colleagues cosponsored this bill even though it had been introduced during the waning days of the first session of that Congress. We are particularly encouraged by the fact that the House passed a sense of the Congress resolution, attached to the Export Administration Act, that requests the President to insist on reciprocity in questions of foreign investment during international trade negotiations. Given the support that this bill has received in the past, we think that additional hearings should be held on this measure and that swift action should be taken to sign it into law.

Our legislation would help make the United States more competitive. While our markets have remained open to foreign investment, many countries that freely invest in our country do not give our investors the benefit of similar treatment. For example, in South Korea, where the United States trade deficit is currently $9.9 billion, the Government can use a discretionary case-by-case investment approval process that can delay or place trade-distorting conditions on individual investment projects for periods of 2 months to 3 years. During this investment approval process, unfair trade-related investment measures may be used as an informal condition of approval to accomplish Korea's industrial policy objectives. South Korea prohibits foreign investment in 28 of its industries among which are farming, publishing, and radio and television broadcasting. In addition, foreign investment is restricted in a number of other industries, including engines, optical fibers, autos, and motorcycles, where foreigners can participate only through joint ventures with Korean firms. Foreign investment is also severly restricted in service industries such as banking, insurance, and advertising.

In France, America, and other non-European Community [E.C.] investors receive neither most-favored nation nor national treatment in their investment endeavors. The French Government requires that non-EC investors obtain approval from the French Finance Ministry to acquire firms with at least 10 million French francs in assets. Approval to invest in France is sometimes linked to specific requirements such as maintaining a positive balance of trade. Recent cases have demonstrated that U.S. firms have had difficulty in obtaining such approval.

In Japan, cultural and Government-imposed barriers are major obstacles to our investment efforts. Representatives from Motorola assert that the most frequently encountered cultural barriers to our attempts to buy Japanese firms stem from the requirement that aquisitions must receive 100 percent approval by the targeted firm's board of directors and from the widespread practice of interlocking directorships between many Japanese firms. In addition, the Japanese Government has the authority "to block any investment which might adversely affect Japanese businesses engaged in similar efforts, or which might otherwise disrupt the smooth performance of the Japanese economy". A recent Booz-Allen survey for the American and European chambers of commerce in Japan shows that more than one in four foreign businesses operating in Japan cite Government-imposed discriminatory investment practices as a major concern.

The Commerce Department estimates that total foreign investments in the United States now exceed $1.5 trillion, reflecting a U.S. net debtor international investment position of approximately—$368.2 billion. Inflows of foreign direct investment—ownership or control of 10 percent or more of a U.S. company—to the United States have risen from $19 billion a year in 1985 to $41 billion a year in 1987. Foreign direct holdings in the United States now total over $262 billion. Since 1977, foreign ownership of U.S. factories, banks, businesses, and buildings has more than quadrupled.

Opinion polls show that our citizens fear the increasing level of foreign investment; they believe that it represents one of the greatest threats to our standard of living. According to leading academics, these fears are well-founded. Dr. Pat Choate, a well-known trade expert, has correctly pointed out that foreign ownership comes with a price tag attached—the price of control, something that can only be mitigated by an investment policy that is based on reciprocity.

The opportunity for Americans to invest abroad must be expanded. Foreign investment helps U.S. companies gain market access, expand their market shares, and develop more flexibility to respond to changing international economic conditions. An investment policy that is based on reciprocity would thus help preserve our ability to compete globally by putting our firms on an even playing field with their competitors.

Our bill would direct the U.S. Trade Representative to open our markets in real estate, stocks, manufacturing, banking, agriculture, and so forth, precisely to the degree that our trading partners open their investment markets to us. In effect, access to U.S. markets would be used as a bargaining chip to open foreign markets for U.S. businesses. Our marketplace is one of the few areas of leverage that we have to encourage other nations to end discriminatory practices against U.S. firms.

Our bill would not impose broad, protectionist restrictions on foreign investment. We would continue to provide an open door to countries that, in turn, grant us reciprocal investment opportunities. It is because we support free and fair investment opportunities for all countries that we are introducing this bill.

The one-way street of foreign investment must end. An insistence on reciprocity for direct foreign investments will only enhance our ability to obtain further concessions in our effort to establish truly free and fair trade for all nations. I hope that my colleagues will support this bill and help us create an international investment environment that will enable the world economy to grow at a prodigious rate—a goal that will help all nations, whether rich to poor maximize their economic and social potential.

THE ONE-YEAR ANNIVERSARY OF THE LITHUANIAN REAFFIRMATION OF INDEPENDENCE

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. COX of California. Mr. Speaker, yesterday—Monday, March 11—marked 1 year since the Supreme Council of the Republic of Lithuania declared the resumption of an independent Lithuania. Last month—almost a year after the Parliament's vote—90.5 percent of Lithuanian voters cast a resounding vote reaffirming their independence and in favor of an end to Soviet occupation.

These people are more determined today than ever before to reclaim the God-given freedom that is rightfully theirs. Make no mistake: Lithuania will be free. The United States must continue to stand shoulder to shoulder with the free people of Lithuania. And this anniversary of Lithuania's reaffirmation of independence will be a lesson to America and the world about the struggle for human freedom. When this historic chapter of the world's history is ended, it will be written that the people of Lithuania and the Soviet republics led the world out of darkness by proving that Marxism didn't work, but that freedom does.

The American Society for the Defense of Tradition, Family, and Property—TFP—has conducted a petition drive in support of Lithuania's independence. On December 4, 1990, a TFP delegation presented Lithuania's president Vytautas Landsbergis petitions bearing 5.2 million signatures worldwide. I ask that a copy of TFP's report on the petition drive be printed in the RECORD, and I ask my colleagues to join me in remembering the brave Lithuanian patriots who have died for the restoration of a free nation.

THE FREE WORLD SUPPORTS LITHUANIA—A REPORT OF THE AMERICAN TFP ON HISTORY'S LARGEST PETITION DRIVE

5.2 MILLION SIGNATURES WORLDWIDE IN SUPPORT OF LITHUANIA'S INDEPENDENCE

History's Largest Petition Drive

On December 4, 1990, a delegation from the 15 Societies for the Defense of Tradition, Family and Property (TFP) from Europe, Africa, Oceania and the Americas met with President Vytautas Landsbergis and distinguished members of the Lithuanian parliament in the President's office in Vilnius, they presented Pres. Landsbergis with petitions in support of Lithuanian independence bearing more than 5.2 million signatures (a figure exceeding the population of Lithuania itself). The TFPs collected the largest number of signatories to a single petition in history.[1]

The following United States Senators and Congressmen joined 833,575 of their fellow Americans, from all walks of life, from Main Street to Manhattan, conservatives and liberals alike, in lending their names to this public declaration of solidarity with freedom-loving Lithuanians and of opposition to the barbaric repression of the Soviet regime:

Senator Bill Armstrong (CO), Senator Dan Coats (IN), Senator Alfonse D'Amato (NY), Senator Connie Mack (FL), Senator Steve Symms (ID), and Senator Malcolm Wallop (WY), Rep. Richard Armey (TX), Rep. Thomas Bliley (VA), Rep. Dan Burton (IN), Rep. Tom Campbell (CA), Rep. Jim Courter (NJ), Rep. Christopher Cox (CA), Rep. Larry Craig (ID), Rep. Philip Crane (IL), Rep. William Dannemeyer (CA), Rep. Michael De Wine (OH), Rep. Robert K. Dornan (CA), Rep. John Duncan (TN), Rep. Benjamin Gilman (NY), Rep. Newt Gingrich (GA), Rep. Bill Grant (FL), Rep. Mel Hancock (MO), Rep. Joel Hefley (CO), Rep. Wally Herger (CA), Rep. John Hiler (PA), Rep. Clyde Holloway (LA), Rep. Henry Hyde (IL), Rep. James Inhofe (OK), Rep. Jon Kyl (AZ), Rep. Robert Lagomarsino (CA), Rep. Bob Livingston (LA), Rep. Bill McCollum (FL), Rep. Bob McEwen (OH), Rep. Frank Pallone (NJ), Rep. Don Ritter (PA), Rep. Dana Robrabacher (CA), Rep. Ilena Ros-Lehtinen (FL), Rep. Toby Roth (WI), Rep. Gerald Solomon (NY), Rep. Cliff Stearns (FL), Rep. Guy Vander Jagt (MI), and Rep. Barbara Vucanovich (NV).

The outpouring of gratitude of the Lithuanian people for this visible manifestation of support by the people of the Free World was of the same exceptional caliber as was their courage in the face of communist intimidation.

Expressions of appreciation came from representatives of the Lithuania's independent government and of her patriotic movements, as the following letters received during the TFP campaign reveal:

JUNE 19, 1990.

In was with gratitude that we received your letter of support in name of the TFP organizations. Please convey special thanks to Prof. Plinio Correa de Oliveira, president of the National Council of the Brazilian TFP, on behalf of Mr. V. Landsbergis and myself for his support in our struggle for the independence of Lithuania. Your work is very timely and inspiring for us in this difficult moment for our country.

It has been called to my attention that these same organizations have promoted a petition in support of Lithuanian independence and that more than one million people have already signed it. This is one of the most important initiatives of moral support we have thus far received from Western nations. We thank you also for this action.

Yours sincerely,

ALGIRDAS SAUDARGAS,
Minister of Foreign Affairs.

DECEMBER 10, 1990.

DEAR FELLOW FREEDOM FIGHTERS: On behalf of the people of Lithuania, we wish to express our deep gratitude for your tireless efforts in collecting 5,218,520 signatures in support of Lithuanian's Independence.

You have demonstrated that there is world wide support for the rights of Lithuanians to freedom and democracy.

Please know that this great gift that you have given to the people of Lithuania will always be appreciated and remembered, as will the memory of those[2] whose lives were lost in this great effort.

JUOZAS TUMELIS,
President, The Lithuanian Movement
Sajudis Council.

Launched on May 31, the TFP petition campaign lasted some five months, amassing the equivalent of a million signatures a month. Had the campaign continued, many more people would have signed. But realizing, the urgency of the crisis and in accord with the desires of the government of Lithuania, the petitions were delivered on December 4, 1990, as described above.

Shortly thereafter, Soviet tanks and troops invaded Vilnius butchering unarmed Lithuanian patriots and arresting youths refusing to enlist in the Red Army.

On January 9, Antanas Racas, member of the Foreign Affairs Commission of the Supreme Council of the Republic of Lithuania, sent the following facsimile message to the American TFP: "Military vehicles can be seen in the streets of Vilnius and in front of the Parliament. Mass fascist-soviet provocations are frequently repeated. Lithuania is in danger; the help of the world is needed."

However, Lithuania did not surrender . . .

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. STALLINGS. Mr. Speaker, the Veterans of Foreign Wars recently sponsored the "Voice of Democracy" contest in my State. Entered in that contest was a young man with remarkable ability.

Marcus Mumford is a senior at West Side High School in Dayton, ID. He is an excellent student and a talented athlete. Marc is not only admired for his academic and sports ability, however, but for his courageous fight to accomplish in spite of a speech disability, a problem going back for many years. His great desire to overcome his problem and his courage and tenancity in refusing to let the problem stop his participation in any facet of life are admired by his schoolmates and his teachers. He is an example of courage under pressure and a winning attitude which strengthens all of us who associate with him.

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[1] The 15 TFP's petition drive exceeds the registered world record, 3,107,000 signatures. (Cfr. Guiness Book of World Records, London, pg. 194, ed. 1989.)

[2] Mr. Fred Porfilio and Mr. Daryl Huang, of the American TFP, were killed in an automobile accident in Tennessee on September 3, 1990, while participating in the Lithuanian independence campaign.

Marcus is the son of Ron and Carol Mumford who are justifiably proud of their oldest son. I would like to present his speech for the Voice of Democracy contest which received a special recongnition award from the Veterans of Idaho:

DEMOCRACY—THE VANGUARD OF FREEDOM

CHANGE TO FREEDOM

At last, Immigrant has crossed the border. He inhales the air—the free air. He is finally free of the reasonless guilt deposited on him by his former totalitarian government. His struggle is not over, as he now finds himself part of a nation whose challenge is self control within self-government.

The country he left claimed to be a democracy also. Why? The leaders knew full well their system—to call "democratic" that which is actually despotic. Why do they seek to shadow their intentions under the false title of "Democracy" or "People's Republic?" Freedom of assembly is "permitted," but not at Tianamen Square! "Individual rights" becomes a deception. No matter the degree of repression, in all human beings, race regardless, education irrelevant, there burns an instinctive longing for God-given inalienable rights: to live life, to treasure liberty, to pursue happiness.

Here, in genuine democracy, Immigrant will acquire his equality, his personal dignity this nation strives to provides. The struggle of democratic government is to instill this democratic ideal within its people—within its society. If Immigrant accepts this opportunity and magnifies his new-found potential, he will obtain peace, at least within himself and hopefully with others. This new democracy is his. His to abide by, to encourage, to inspire and embrace, and to change. True freedom is beautiful.

Does democracy achieve perfection? No, for the media will bluntly attack to facilitate the opposite. The citizens of a democracy know this and utilize their democracy's due process to activate change, either temporary or permanent, as they see fit.

Immigrant only now begins to realize the magnitude of what lies before him. He begins to feel himself a part of Woodrow Wilson's quote, "I believe in democracy because it releases the energies of every human being." This new freedom is his. He will partake.

THE COMPREHENSIVE VIOLENT CRIME CONTROL ACT OF 1991

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. MICHEL. Mr. Speaker, today, I am introducing the Comprehensive Violent Crime Control Act of 1991, the President's plan to fight the scourge of crime in America. Mr. Speaker, we have debated these issues before and it is time to act.

Clearly, this legislation is needed by law enforcement officials and desired by the majority of Americans. In fact, the major provisions, habeas corpus reforms, a modified exclusionary rule, and enhanced death penalty procedures, have passed either in the House or Senate by large bipartisan majorities. That is one reason this bill should be considered promptly by the House.

Additional provisions in this package provide a host of other reasons to support this legislation. The equal justice section codifies current case law and assures that discrimination will not occur in each individual case. The firearms section contains various provisions to strengthen Federal firearms laws by enhancing penalties against criminals who violate firearms laws. The gangs and juvenile offenders section broadens the availability of records of serious juvenile offenses, which will help in the prosecution of juvenile offenders. Other sections cover terriorism, sexual violence, and child abuse.

The President's crime bill takes an important step in the fight against crime. It deserves the support of those willing and ready to fight crime in our society.

THE COMPREHENSIVE VIOLENT CRIME CONTROL ACT OF 1991

A SUMMARY

Death Penalty (Title I): Establishes constitutionally sound procedures and adequate standards for imposing federal death penalties that are already on the books (including mail bombing and murder of federal officials); and authorizes the death penalty for drug kingpins and for certain heinous acts such as terrorist murders of American nationals abroad, killing of hostages, and murder for hire.

Almost identical to the 1989 violent crime initiative

Equal Justice Act (Title X): Strengthens assurances of equal justice regardless of race, particularly with regard to the imposition of capital punishment; Includes, *e.g.*, prohibition of racial quotas and other statistical tests for imposing the death penalty or other penalties, safeguards against racial discrimination through examination on voir dire and change of venue, requirement, in federal cases, of jury instructions and certifications guarding against considerations of race in capital sentencing decisions, and makes the capital sentencing option consistently available for racially motivated murders in violation of the federal civil right laws.

Habeas Corpus (Title II): Proposes reforms to curb the abuse of habeas corpus by federal and State prisoners by establishing a one-year time limitation, requiring deference to full and fair State court adjudications, appointment of counsel in state capital cases, and restricting repetitive habeas petitions.

Combines the best of various proposals from last Congress

Exclusionary Rule (Title III): Establishes a "good faith" exception to the exclusionary rule; clarifies that federal law does not require the exclusion of evidence obtained in "good faith" circumstances; and renders the exclusionary rule inapplicable to seizures by federal officers of firearms which are to be used as evidence against dangerous offenders. Alternative safeguards against Fourth Amendment violations are provided involving administrative and legislative oversight and compensation of victims of unlawful searches and seizures.

Firearms (Title IV): Contains various provisions to strengthen federal firearms laws, e.g., ten-year mandatory prison term for using a semiautomatic firearm in a drug trafficking offense or violent felony, five-year mandatory sentence for anyone who possesses a firearm after a conviction for a violent crime or serious drug offense, new offenses of theft of firearms or smuggling firearms in furtherance of drug trafficking or violent crimes, and increased penalties for a materially false statement in connection with a firearm purchase; Also contains general ban on gun clips and magazines that enable a firearm to fire more than fifteen rounds without reloading.

Obstruction of Justice (Title V): Provides increased penalties for serious acts of violence against witnesses, jurors, and court officers in federal proceedings, and explicitly extends federal protection to state and local law enforcement officers assisting federal officers.

Gangs and Juvenile Offenders (Title VI): Broadens availability of records of serious juvenile offenses; broadens adult prosecution of gang leaders and other serious juvenile offenders; and increases penalties for certain violent crimes frequently associated with gang activities.

Terrorism (Title VII): Creates new criminal offenses to implement a Protocol directed against acts of terrorist violence at airports; creates new criminal offenses to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and a Protocol directed against terrorist acts against maritime platforms and contains other provisions strengthening protections against maritime terrorism and violence; provides effective procedures for removing aliens involved in terrorist activities from the United States; and authorizes sharing of electronically intercepted communications with foreign law enforcement agencies.

Sexual Violence and Child Abuse (Title VIII): Provides general rule of admissibility for evidence of commission of other similar crimes by a federal defendant in sexual assault and child molestation cases; and increases penalties for drug distribution to pregnant women, for many sex offenses against victims below the age of sixteen, and for recidivist sex offenders.

Drug Testing (Title IX): Generally requires drug testing for federal offenders released on probation, parole, or post-imprisonment supervised release; and requires drug testing programs in State criminal justice systems as condition of federal justice assistance funding.

HIALEAH OPPOSES ADMINISTRATION'S PLAN TO SHIFT FEDERAL FUNDING FROM CITIES TO STATES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the city of Hialeah, FL, which is in my congressional district, has recently passed a resolution opposing the administration's proposal to shift spending away from cities and to the States by 1992.

Their resolution is in accordance with the U.S. Conference of Mayor's position that the administration's plan would dilute the amount of Federal support to cities. The resolution reads as follows:

RESOLUTION

Whereas, the United States Conference of Mayors has denounced the Bush administration's plan as a dilution of the amount of federal support to cities; now, therefore, be it

Resolved by the Mayor and the city council of Hialeah, Florida, That:

Section 1: The Mayor and the City Council of Hialeah, Florida hereby expresses its opposition to the Bush administration's plan to direct funding of federal programs away from cities, and to the States.

Passed and adopted this 12th day of February, 1991.

The city feels strongly on this issue and is united in its efforts. This resolution was adopted with the approval of Mayor Julio J. Martinez, and a unanimous vote of the councilmembers: Herman Echevarria, council president; Natacha S. Millan, council vice-president; Salvatore D'Angelo, Evelio Medina, Alex Morales, Paulino A. Nunez, and Roberto "Bob" Ruiz.

THE J.R. EWING APPROACH

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. STUDDS. Mr. Speaker, yet another daily newspaper in my district has taken the administration to task for its "produce-more, conserve-little" energy plan. I urge my colleagues to read this editorial, which appeared in the Patriot Ledger on February 22.

[From the Patriot Ledger, Feb. 22, 1991]

WHY WE MUST CONSERVE ENERGY

President Bush's produce-more, conserve-little energy plan falls far short of the policy the United States needs in the 1990s for a more secure energy future.

Here we are, fighting a war in the Persian Gulf, at least in part to keep the region's vast oil resources in friendly hands and supplying the needs of industrial economies. Here we are, in a recession, concerned about keeping energy prices stable. Here we are worried about the damage to the global environment from the use of oil and other fossil fuels.

Yet the White House basically adopts the J.R. Ewing approach: Well, we'll just have to pump a little more oil, won't we?

Bush's supply-side plan won't reduce America's dangerous dependence on foreign oil that now supplies more than 40 percent of our demand. It won't prevent see-sawing oil prices or gasoline lines when someone tampers with the Mideast tap. It won't protect the environment from combustion pollution, or from oil and gas exploration in environmentally delicate areas. And a produce-more policy without a serious conservation effort is self-defeating because it encourages Americans to use up finite oil and gas resources more quickly.

The president's program does include some modest measures to encourage use of alternate energy sources and promote efficiency. They include requiring "cost-effective" energy efficiency standards to be used in new federally assisted construction, and extending a tax credit for investments in solar, geothermal and ocean thermal energy.

But it rejects what should be the centerpiece of a real energy conservation program—increasing the fuel efficiency of automobiles.

Cars and trucks now burn up 40 percent of the oil consumed in this country. Yet instead of exerting presidential leadership to require automakers to raise gas mileage above the present fleet-average federal standard of 27.5 miles per gallon, Bush proposes a measure that could subvert efforts to cut fuel consumption of new cars.

As it is now, in an effort to promote usage of alternate fuels, carmakers are allowed a small exemption from the fuel-economy standard is they build cars that run on fuels other than gasoline. That's a sound policy. However, the president now proposes to abolish the limits on credits manufacturers can earn by building alternate-fuel vehicles. This policy could backfire, though, by encouraging the manufacture of inefficient cars.

Of course there should be some incentives for alternate-fuel vehicles. But as long as the standard fuel is gasoline, stricter fuel-economy requirements should be imposed, too. Last year, the Senate passed a bill that would have raised the standard to about 40 miles a gallon by the beginning of the century. Its sponsor claims it would save 2.8 million barrels of oil a day by 2005—more than a third of the daily amount of petroleum the U.S. is now importing. Even if the savings were half as much, it would be worthwhile.

There are other ways the government should be promoting energy savings—by reinstating tax incentives for industry to invest in cogeneration plants, for example, and for home insulation and weatherization.

New sources of energy take time and technology to develop—and they must be pursued. But nothing can avoid another energy crisis as much as conservation. It is the cheapest source of energy.

INTRODUCTION OF THE USED OIL RECYCLING ACT OF 1991

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SKELTON. Mr. Speaker, once again, I am proposing we take a small step toward energy conservation and reducing our dependence on foreign oil but a very significant step in protecting our environment. Today, I am introducing the Used Oil Recycling Act of 1991 along with 51 of our colleagues who have joined as original cosponsors. The purpose of this bill is very straightforward—it is to establish a national plicy to encourage the proper handling and recycling of used oil so that it will not be disposed of in ways that are harmful to our environment.

Specifically, this bill directs the Environmental Protection Agency [EPA] not to list or identify recycled used oil as a hazardous waste, but without further delay to develop sensible management standards. By sensible I mean management standards that impose sound environmental safeguards without destroying the market for used oil.

Used oil, when properly managed, is a valuable resource. Currently 60 percent of the more than 1.3 billion gallons of used oil generated each year is disposed of properly. Unfortunately, the remaining 400 million gallons of used oil are disposed of in ways that endanger public health and the environment—such as into the sewer, into the trash or into the backyard. Our goal is to bring those remaining 400 million gallons of used oil into the recycling system. However, I am convinced if we list recycled used oil as hazardous, the current recycling system will break down and more midnight dumping will occur.

Small Business Subcommittee hearings, in May 1986, held by our colleague CHARLIE STENHOLM, established that this country's oil recycling systems would be severely undermined if unrecycled oil is listed or identified as a hazardous waste under the Resource Conservation and Recovery Act. Our conclusion was subsequently supported in November 1986, when EPA decided not to list used oil recycled oil as hazardous. One reason given in support of EPA's determination was that listing would impair our ability to recycle used oil which would, in turn harm the environment. In October 1988, the U.S. Court of Appeals for the District of Columbia handed down a ruling holding that while the EPA's decision not to list recycled used oil may well be right for the environment, it is contrary to statute. It was left to Congress to clarify and resolve the priorities between waste management and recycling. Our bill would state specifically the Nation's policy on used oil and intelligently chart a new course.

In the 101st Congress, we introduced the Used Oil Recycling Act of 1989, an effort which was eventually joined by 130 of our colleagues. The subcommittee with jurisdiction over this issue, the Energy and Commerce Subcommittee on Transportation and Hazardous Materials, adopted the concept of our bill and included it in their recommended Resource Conservation and Recovery Act reauthorization package which received a favorable recommendation in September 1990. Likewise, the Senate committee reported out a package that directed the EPA not to list used oil. Unfortunately, time ran out for further action on the proposal, however, as passage of the Clean Air Act absorbed the time and attention of the Energy and Commerce Committee in the waning moments of the 101st Congress.

A key premise of this bill is the need to encourage recycling and educate generators of used oil about proper management practices. The generators' basic duty is to make certain that used oil has not been contaminated by solvents, PCBs, pesticides, gasoline or other hazardous wastes. Once clean used oil is turned over to recyclers who are subject to annual inspections, it becomes the recyclers' obligation to conduct careful testing to be certain that no contamination is present, to make sure that used oil is handled, transported, and stored safely by trained employees, that the recycling facility is fully prepared to handle spills and other emergencies, and in the case of fuel oil, that the product sold only to facilities which EPA determines are qualified to burn used oil fuel.

The promulgation of management standards would have another consequence. It would trigger the Superfund used oil liability exemption. That provision, as most of you know, will provide certain generators of used oil, such as service stations, truck stop operators, automobile dealers, car rental agencies, with an exemption for off-site liability under the Superfund statute if the generator: does not mix used oil with any hazardous substances; provides a collection tank for do-it-yourselfer used oil; transfers the used oil to a legitimate recycler or to a transporter who has an agreement to transfer the used oil to a legitimate recycler; and complies with EPA's management standards.

When this bill is enacted, EPA will be directed to get moving on the development of management standards. Once those standards are in place, the incentives for a large class of generators to handle their own used oil carefully and provide a channel for do-it-yourself used oil would be clearly established. A crucial element of a workable recycling system is the existence of collection centers for the do-it-yourselfers. This crucial service is dependent on the voluntary efforts of service station owners or operators, truck stop operators, and other such facilities to accept used oil from the public. If the service station operator, for example, who is complying with tank requirements and inadvertently accepts contaminated used oil from a do-it-yourselfer and the oil is nonrecyclable, the management standards would require the service station dealer to dispose of the tainted load as a hazardous waste. However, his facility will not become subject to regulation under the hazardous waste provisions under the Resource Conservation and Recovery Act [RCRA].

It should be emphasized that education is a key element in this bill to encourage safe, proper recycling. The public at large, and small businesses across the country, need to have a much better appreciation of the importance of used oil recycling system. After all, virtually everyone generates used oil. It may be a cliche to say that "if you are not part of the solution, you are part of the problem," but it is absolutely true in this case. It is time for a nationwide educational campaign involving the resources of Federal, State, and local governments and the private sector, trade associations, civil organizations, as well as individual businesses. This campaign should stress the harmful effects of indiscriminate disposal and mixing used oil with hazardous wastes and, at the same time, the availability of used oil collection centers.

I would like to mention another factor which I think deserves to be included in this equation, the role of Government as both a generator and a consumer of used oil. If EPA were to list recycled used oil as hazardous waste, it would have to be managed as such and the cost of proper disposal would skyrocket. Since Federal, State, and local governments are of course, major generators of used oil, guess who would pay for the extra cost of management and disposal under RCRA? The taxpayer. In an era of massive budget deficits, does it really make sense to impose on the public an unnecessary multimillion dollar burden of RCRA management? The hazardous waste treatment and disposal system in all probability does not have the capacity at the present time to handle actual hazardous wastes, why impose the additional burden of more than 1 billion gallons a year of used oil, particularly when we can set an example by recycling?

With respect to the Government's role as a consumer of recycled oil, much more needs to be done. EPA has promulgated specifications for lubricants made from recycled oil. Federal agencies are required to give preference to these products wherever possible. These procurement policies should be implemented much more quickly. Also, the policies should not be limited to lubricants. The Federal Government operates numerous high efficiency furnaces and boilers in which used oil can be safely burned. Instead of paying top market dollar for virgin fuel, we should expand the market for used oil fuel and help trim the deficit in the process. This is not a new idea. In fact, in 1986 in the conference report of the Superfund amendments, Congress told EPA to get moving on this project.

Finally, I would point out that while the pressures to recycle waste oil for energy conservation and economic purposes have temporarily eased, our recent actions in the Persian Gulf prove how fragile our foreign oil lifeline can be. Furthermore, the need to dispose of the waste oil safely to protect our environment is ever-growing. Please join me in sponsoring this bill which takes a very significant step in protecting our environment.

These common sense safeguards included in our bill, if enacted and implemented, would go a long way to carrying out Congress' original objectives. It is time to resolve the used oil issue once and for all and to do so in a way that makes sense economically and environmentally.

CONCERN FOR PALESTINIANS

HON. JAMES P. MORAN, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. MORAN. Mr. Speaker, an eye witness writing for the Washington Post reports that 6,000 Palestinians are being held in Kuwait without charges on the authority of the local militia and in conjunction with United States Forces.

I am concerned about the welfare of the Palestinians and other non-Kuwaitis who have been detained in Kuwait by these forces. Although unsubstantiated at this time, I am deeply troubled by the reported violence used against non-Kuwaitis during this time of turmoil. Our forces should not assist in what could be reprisals against people who suffered during the occupation as the Kuwaitis did.

Our State Department must notify the involved governments and our military of this concern. I also want to say to the full House that our Government did not act against one tyrant and his brutal repression of Kuwaiti citizens' human rights to allow Kuwaiti citizens to subject innocent people to violent suppression.

Let the Government of Kuwait be aware that the Congress is watching how it conducts itself as it reestablishes authority.

ADDRESS OF MAJ. GEN. DANIEL SCHROEDER AT THE ARMY ENGINEER CENTER AT FORT LEONARD WOOD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SKELTON. Mr. Speaker, on October 20, 1990, at the Army Engineer Center at Fort Leonard Wood, MO, Maj. Gen. Daniel R. Schroeder addressed the first unit from Fort Leonard Wood, MO, to be deployed in the support of Operation Desert Shield.

I would like to join with General Schroeder in commending these soldiers as they proudly serve the United States of America. The hopes and prayers of Missouri's Fourth Congressional District as well as the rest of the Nation are with them.

These comments were made before the escalation of hostility began. I include his remarks herewith:

FAREWELL TO 5TH ENGINEERS

(Remarks by Maj. Gen. Daniel R. Schroeder)

It's a great day for the Army! A great day for Fort Leonard Wood! A great day to be an engineer!

Men, you look great! Ooh-Rah!

Ladies and gentlemen, today we've gathered to wish Godspeed to the 5th Engineers. They are the first unit from the Fort Leonard Wood family to deploy in our Army's support of Operation Desert Shield.

The Army provides our great Nation with unique rapid-action forces that are versatile in nature and global in scope.

Operation Desert Shield is an example of strategic forces projecting into a troubled part of the world.

Let me remind everyone present that U.S. troops currently serving in Saudi Arabia are not there to drive the Iraquis out of Kuwait; the economic sanctions imposed by the United Nations are designed to accomplish that goal. We are there to deter any further Iraqi aggression.

America does not seek conflict, nor does it seek to chart the destiny of other nations, but America will stand by her friends. Our mission is wholly defensive.

To use the words of Winston Churchill, "We are conscious of the rightness of our cause * * * we are determined that at whatever cost, whatever suffering, we will not fail mankind."

The Fifth Engineers will become only one small segment of an unprecedented joint multi-national force which includes personnel from Saudi Arabia, Great Britain, France, Syria, Egypt and other countries who share a respect for national sovereignty. The force is an international response to threats to worldwide vital interests. The mission of the Fifth Engineers is that of other forces in the region: (1) To set up defensive positions in Saudi Arabia; (2) to train and work with the Saudi forces to improve their military and defensive capabilities; and (3) should deterence fail, to defend Saudi Arabia against attack.

The Fifth Engineers BN (combat) is well suited by tradition and training for this job. During World War II, it was the Fighting Fifth that wrote another valiant chapter in the history of the Engineer Corps. From the Butler Air hangers in Great Britain and the beaches of Normandy, to Ardennes, the

Rhineland and the bridge over the Meuse River in Holland, the Fifth's Warfighters did their duty as they saw it, and never lost faith in their mission or their country.

Today's Fighting Fifth, stands ready to meet any challenge that presents itself. During the past year this unit has demonstrated its combat readiness as a vital member of the combined arms team in exercises at the National Training Center, Pinion Canyon, Fort Chaffee and Fort McCoy.

(To the soldiers): Like the soldiers you'll soon join, you are members of a trained and ready force. I have no doubt that whatever the mission, you will succeed.

However, there is no truth to the rumor that the real purpose of this exercise is to give us an excuse to update your shot records!

Then again we've tested your mettle by making you "go through basic again" at clothing issue.

Don't let anyone here forget that soldiers are human beings fraught with the same concerns of us all. If you're worried about how the wife and the kids are, you won't be able to perform effectively. The Army is committed to meeting your families needs while you are deployed.

You have my personal pledge that your families will get the support back here that they need. I think that the family orientation sessions that you've all been attending are an indication of this post's commitment to taking care of our own.

I am pleased that representatives from our neighboring communities are attending today's review. They represent the support you enjoy from all Americans for your peacekeeping mission.

Two thousand years ago, one far more eloquent than I, described your final reward when he said, "Blessed are the Peacekeepers for Theirs is the Kingdom of Heaven."

Fifth Engineers, you are today's peacekeepers. Be aware of your motto, it summarizes the mettle needed for a successful mission, "Courage, skill and strength."

Be mindful, therefore, of your rich heritage—as Americans and as engineers. Be proud of it, you are the pride of Fort Leonard Wood. You represent the finest combat engineers in the world.

Godspeed. Essayons.

MEDICAID CHILD HEALTH AMENDMENTS OF 1991

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. SLATTERY. Mr. Speaker, access to health care for all citizens is basic to any civilized society and particularly fundamental when it comes to children. Children are every nation's most important resource.

Yet in the United States, the guarantee of basic health care for all children is still a dream deferred, and the burdens of illness, disability, and death fall disproportionately on the Nation's poorest children. Unless we reverse current patterns, countless children will be lost to preventable death and disability.

Investing in children's health also saves money. In a nation with skyrocketing health expenses, denying preventive health care to children is particularly costly. Denying health care to children also hurts our long-term national achievement. Children with poor health have less chance of becoming productive workers. If this country is to compete internationally in the years ahead, every child must grow up healthy and contribute fully to the labor force.

During 1990, I introduced H.R. 3932, the Medicaid Child Health Amendments of 1990. A similar bill was introduced by Senator LLOYD BENTSON of Texas. Both bills were amended and included in Public Law 101–508, the Omnibus Budget Reconciliation Act of 1990.

The result was a very modest victory in an effort to extend basic health care services to poor children in America.

Current Federal law requires all States to provide Medicaid benefits to pregnant women, infants, and children under age 6 with family incomes below 133 percent of the Federal poverty line. However, States have the option of going beyond these mandates and providing Medicaid benefits to pregnant women and infants with family incomes up to 185 percent of the poverty line.

The changes approved by Congress last year provide that, as of July 1, 1991, States will also be required to extend coverage to poor children age 6 and older who were born after September 30, 1983. This requirement will phase in Medicaid coverage over the next 12 years for poor children from the ages of 6 through 18. By October 1, 2002— when this requirement will be fully phased in—virtually all poor children less than 19 years of age will be eligible for Medicaid.

Even with these mandates, however, a substantial number of low-income children will still lack health insurance coverage. These include children age 6 and older whose families have incomes between 100 percent and 185 percent of the poverty line, as well as children below age 6 whose families have incomes between 133 percent and 185 percent of the poverty line.

Mr. Speaker, today I am introducing legislation which I believe will build upon the important progress achieved last year for this country's poorest children and which will give States the option to fill these gaps.

The centerpiece of the Medicaid Child Health Amendments Act of 1991 would give States the option to increase income eligibility limits to provide Medicaid for children with family incomes below 185 percent of the Federal poverty line.

We cannot afford to ignore the urgent health care needs of poor children any longer. Skimping on Medicaid for children is shortsighted public and economic policy. If we don't find a way to pay now, we will pay 3 to 4 times more, later, when many of these children show up in emergency rooms much sicker. I believe Medicaid coverage for children is among our best investments in poverty prevention for adults.

I recognize that as a country we must address a fundamental problem in our health care system regarding access to health care. It is an unfortunate fact that millions of American families and children are forced to go without necessary care because they cannot afford it. Many, especially lower income working families, are not covered by either private or public insurance. The President and Congress must find a workable and economically feasible comprehensive solution to this crisis.

I simply believe we must start with the poorest children first. The children who will benefit from the legislation won't receive "Cadillac" health care services but hopefully they will receive enough basic services and attention to keep them in school, able to learn and grow into healthy, productive, taxpaying adults.

The current Medicaid program should be improved through the following provisions incorporated in the Medicaid Child Health Amendments of 1991:

PROPOSED MEDICAID CHILD HEALTH AMENDMENTS OF 1991

Optional Coverage of Children Up to Age 19 With Incomes Below 185 Percent of the Poverty Level. Under current law, States are required to cover all children born after September 30, 1983, up to age 6, in families with incomes at or below 133 percent of the poverty level. This provision allows States the option of extending Medicaid to children up to age 19 with family incomes at or below 185 percent of the poverty level. Effective January 1, 1992.

Optional Extension of Medicaid Transition Coverage. Allows States, at their option to provide an additional 12 months of Medicaid coverage to families who leave cash welfare due to earnings and who continue to work. (Under current law, States are required to cover these families for 12 months after leaving cash assistance). Also repeals the sunset of this benefit in current law. Effective January 12, 1992.

Payment for Medically Necessary Services in Disproportionate Share Hospitals to Children under 18. Under current law, with respect to children under age 6, receiving medically necessary inpatient hospital services from disproportionate share hospitals, States may not limit the number of medically necessary inpatient hospital days they will cover, and, if they reimburse on a prospective basis, must make outlier adjustments for exceptionally high-cost or long-stay cases. These current law provisions would be extended beyond children under age 6 to all children under 18, effective July 1, 1992.

Required Coverage of Disabled Children in "209 (b)" States. Requires States that apply more restrictive eligibility standards under their Medicaid programs to low-income individuals who receive cash assistance under the Supplemental Security Income (SSI) program to extend Medicaid coverage to disabled children who qualify for SSI. Effective July 1, 1991.

Mandatory Continuation of Coverage for Children Otherwise Qualified for Benefits Until Redetermination. Prohibits States from terminating Medicaid coverage for a child under 18, who, due to a change in family income or resources, is determined to be ineligible, until the State has determined that the child is not eligible for Medicaid on some othe basis. Effective July 1, 1992.

Optional Medicaid Coverage for Foster Children. Allows States, at their option, to offer Medicaid coverage to foster children whose incomes are above State cash assistance levels but below the Federal poverty level. Effective July 1, 1992.

Optional Medicaid Coverage of Migrant Children, Pregnant Women, and Their Families. Allows States to enter into interstate compacts to issue Medicaid cards to low-income migrant children and their families which will be recognized by all of the States that are parties to the compact through which the child and his or her family move during the harvesting season. Effective January 1, 1992.

THE INTRODUCTION OF THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT OF 1991

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1991

Mr. TAUZIN. Mr. Speaker, today, I and 50 of my colleagues introduce the Comprehensive Wetlands Conservation and Management Act of 1991 to address the enormous problems created by a well-meaning but grossly misdirected program enacted not by Congress but by employees of various Federal agencies. This program was greatly expanded last year not through rulemaking under the Federal Administrative Procedures Act, but by guidelines and memoranda of agreement which were adopted without prior public comment. This program is the Section 404 Permit Program under the Clean Water Act.

Section 404 of that act authorizes the Secretary of the Army to issue permits for the discharge of dredged or fill material into the navigable waters of the United States at specified disposal sites. This general authorization to issue permits for the discharge of dredged or fill materials has been expanded by the courts and the Corps of Engineers to include not only navigable waters of the United States but millions of acres of private lands which may be periodically inundated with water but which are otherwise dry. The regulations which cover the conduct of activity on wetlands derive their authority from this short statement requiring permits for the discharge of dredge and fill material.

Congress has not specifically authorized the Federal Government to regulate the use of wetlands. The four Federal agencies which have been regulating wetlands use have gone far beyond the original intent of the statute. It is past time for Congress to speak to this issue and to establish a wetlands policy which accomplishes the laudable goal of protecting our vanishing wetlands, but which recognizes that most wetlands are privately owned. We must undertake to insure that the constitutional protections afforded to the ownership of private property in this country are preserved while seeking to conserve and replenish our wetland treasures.

I want to make it clear that I favor tne protection of true wetlands which serve a valuable wetlands function. However, during the past year we have been shocked by the policies adopted by the Corps of Engineers and EPA, which expand the definition of wetlands to include millions of acres of land which we have historically and practically believed to be dry and usable for many purposes, such as farming, housing, industry, and other commercial uses. In addition to greatly expanding the definition, the corps and EPA adopted a policy requiring mitigation for any land which is used. Both of these far-reaching policies were adopted, unfortunately, without going through the rulemaking procedures provided in the Administrative Procedures Act and without allowing for full and fair public comment.

This mitigation policy allows for certain uses of these lands, but sometimes exacts a high price by requiring the expenditure of funds for mitigation projects. Mitigation projects have included requirements that the landowners purchase and rebuild wetlands in other areas to replace the wetlands being lost.

This sounds at first glance like a laudable goal. However, it fails to consider the economic impact on regions of the country such as Louisiana, which contain millions of acres of land which have recently been reclassified as wetlands. This includes most of south Louisiana which is where the majority of our population lives. Therefore, all economic development in the southern part of our State must factor in the added cost of the permit process and mitigation projects. The Corps of Engineers now proposes to charge exorbitant fees for telling you whether your property is a wetland and then for processing the permit application. This means that individuals and small businesses are priced out of the market for the use of land in our area. It is conceivable that this policy, if carried out, could bring our small business activities to a halt.

This new policy as presently applied will mean the redistribution of wealth and resources from those areas surrounded by wetlands to those areas where no wetlands exist. For my district, this means economic stagnation and the loss of a tax base from which to derive funds for basic public services, such as schools, roads, medical care, and other infrastructure needs. However, the problem is not unique to Louisiana, but now is found in every State in the country.

Therefore, to address this complex and difficult issue, I have in prior Congresses introduced several bills to attempt to bring about a rational approach to wetlands protection. I have been a champion of wetlands protection since the mid-1970's. In an effort to deal with this issue, I and my colleagues, Congressman JIMMY HAYES and Congressman TOM RIDGE, have been working for many months to draft a wetlands protection bill that addresses the issues of wetlands values and private property protections. I believe that if we are to find a satisfactory means of protection of these wetlands, we must involve the owners of these lands in that effort by providing incentives for wetlands protection, while insuring that the constitutional rights of the landowners are also protected.

There are those who oppose this concept of providing compensation to landowners whose lands are set aside as wetlands. The concept of providing compensation for taking property is a cornerstone of our system of government. We presently compensate landowners when their land is taken for roads and other public works projects. A taking for wetlands protection purposes should be treated no differently. Private landowners should not be required to bear all of the cost for this very public purpose. I do not believe that any Member of this Congress would favor allowing our Government to take private property from any individual without just compensation. This bill seeks to address this difficult and complex issue.

This bill is the result of many meetings and discussions among Members of Congress from States with substantial wetlands resources. We are from both parties, we are from north and south, east and west, and we represent districts with many diverse interests. Our one common concern is that all of us wish to protect wetlands. However, we are witnessing the enactment of new, far-reaching wetlands policies by unelected individuals in the Federal bureaucracy without adequate opportunity for the public to participate in the process. We believe that the Congressional role in setting national wetlands policy has been usurped by the bureaucracy with the assistance of the Federal courts. We believe that it is the role of this Congress to set wetlands policy for this country and that is what this bill does.

This bill provides a new strict regulatory program to protect the true wetlands without unduly restricting the use of those lands which have some wetlands characteristics, but which have little or no wetlands values and functions. Wetland values and functions include use of the wetlands for wildlife habitat, fisheries propagation, hurricane protection barriers, water quality management, recreational activities, and flood protection. However, the bill contains new and creative solutions to many of the valid criticisms of the existing wetlands program.

Under our bill, wetlands which meet the scientific and technical criteria for wetlands will then be further classified into wetlands categories. The most valuable wetlands which require the greatest protections and where activities of man should be the most restricted will be classified as type A wetlands. Those wetlands which have many of the same values but which will tolerate some activities as long as mitigation is carried out will be classified as type B wetlands. Those wetlands which have little or no wetland values and which are already highly developed will be classified as type C wetlands. Type C wetlands meet the scientific test for wetlands, but they don't meet what many of us call the commonsense test for wetlands. Therefore, these wetlands will be subject to very little regulation.

One important feature of the legislation will be to provide for advanced mapping showing how land within a given area will be classified. This advanced mapping is tendered to provide notice to potential landowners that they may be purchasing a wetland. It is a tragedy to hear a landowner tell of saving for or borrowing money for the purchase of property to be used for some important project, only to find out that the land cannot be developed or that a wetlands permit is required. The permit process is very time-consuming and expensive and is frequently conditioned upon the construction of expensive wetlands mitigation projects.

One goal of the legislation is to insure a greater role for the general public in the development of wetlands policy. Therefore, the Corps must go through the rulemaking process in developing both the definition of wetlands and the permitting process. Also the public will be given an opportunity to comment on the advanced mapping. I believe a strong public involvement in this process will be one of the significant provisions of the bill.

Another concept of the legislation is to force our Government to come to terms with the impact of wetlands policy on private landowners. If the wetland is so valuable that it is classified as a type A wetlands, the bill gives the owner of the land the option of seeking compensation from the government under the takings clause of the U.S. Constitution. When land is classified as a type A wetland, it will be so well protected that its use will be severely limited. Therefore, the value to the landowner is so diminished that it will constitute a taking of the property. Therefore, we believe that the landowner should, if he desires, be able to receive compensation in return for surrendering title to the land. This is not intended to be used to force landowners to leave their land. However, we must not allow our Government to expropriate lands for use as wetlands without compensating the landowner.

The bill continues those activities presently exempt from section 404, such as farming and continues the present policy of exempting prior converted croplands. It will also allow the delegation of the program to the States.

I urge the members of this body to join in the effort to develop a sensible and compassionate approach to protecting our Nation's wetlands. We believe this concept can achieve that goal.